

JEFFERSON COUNTY

UNIFIED DEVELOPMENT ORDINANCE

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CHAPTER 1: INTRODUCTORY PROVISIONS

A. General Provisions.

1. **Title.** This ordinance shall be formally known as the “Unified Development Ordinance” or the “UDO” for the jurisdiction of Jefferson County Advisory Plan Commission.
2. **Intent.** The intent of the UDO is to promote orderly development while aligning with the vision of the *Jefferson County Comprehensive Plan* to:
 - a. Accomplish the purposes of *IC 36-7-4* Series: Local Planning and Zoning; and further such other purposes as stated hereinafter within specific provisions of this UDO;
 - b. Protect and promote public health, safety, morals, and general welfare of the jurisdiction;
 - c. Guide the orderly, responsible, and sustainable development and redevelopment in accordance with the Jefferson County Comprehensive Plan, including all of the plan components;
 - d. Define the powers and duties of administrative officers and bodies as provided herein, and to establish procedures for the implementation and enforcement of this UDO;
 - e. Establish reasonable standards and procedures for subdivisions in order to further the orderly layout and use of land;
 - f. Protect the character and stability of residential, institutional, business, industrial, farming, and natural areas;
 - g. Encourage compatibility between different land uses and to protect the scale and character of existing development from the encroachment of incompatible uses;
 - h. Facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public facilities; and
 - i. Establish corrective and punitive recourse for violations or noncompliance regarding the provisions of this UDO.
3. **Purpose.** The purpose of this UDO is to combine the County’s Zoning Ordinance and Subdivision Control Regulations into a single document to reduce redundancies, provide a more predictable development review process, and provide a user-friendly document.
 - a. **Zoning Ordinance Provisions.** The regulations established for the administration of a Zoning Ordinance under *IC 36-7-4-600* series are covered specifically in this UDO by *Chapter 2: Zoning Districts*.
 - d. **Subdivision Control Ordinance Provisions.** The regulations established for the administration of a Subdivision Control Ordinance under *IC 36-7-4-700* series are covered specifically in this UDO by *Chapter 5: Subdivision Types, Chapter 6: Subdivision Design Standards, and Chapter 7: Administration & Procedures*.

4. **Defined Terms.** Specific words and terms relative to this UDO are as defined in *Chapter 9: Definitions*. Words or terms used in this UDO that are not defined shall be as defined by a current dictionary.
5. **Severability.** If any provision of the application of any provision of this UDO is held unconstitutional or invalid by the courts, the remainder of the UDO or the application of such provision to other circumstances shall not be affected.
6. **Interpretation.** The provisions of this UDO are the minimum requirements necessary for the protection of the healthy, safety, comfort, morals, and general welfare of the people at large. If two or more provisions within this UDO or applicable standards from other local, state, or federal agencies are in conflict or are inconsistent with one another, the provision which is most restrictive shall apply.
7. **Statutory Changes.** If any Indiana Code cited in this UDO has been amended, this UDO shall be deemed amended in reference to the new or revised code.
8. **Repealer.** The following titles of the participating jurisdictions are hereby repealed and are replaced by the adoption of this UDO and the Official Zoning Map:
 - a. Ordinance Number 2004-10 as amended (Jefferson County Zoning Ordinance) and Ordinance Number 2004-03 as amended (Jefferson County Subdivision Control Ordinance).
9. **Effective Date.** This ordinance shall be in full force and effect upon adoption.

B. Applicability, Authority and Jurisdiction.

1. **Authority.** This UDO is enacted by the County Commissioners pursuant to the authority granted in IC 36-7-4-600 series and other applicable state and federal statutes, as amended.
2. **Jurisdiction.** The UDO shall apply to all land within the jurisdiction of the Jefferson County Advisory Plan Commission that are not subject to the zoning jurisdiction of the governmental units of Madison and Hanover.
3. **Application.** It is not intended by this UDO to interfere with, abrogate or amend any existing easements, covenants, or other agreements between parties, nor is it intended by this UDO to repeal, abrogate, annul or in any way interfere with any existing provision of laws or Ordinances not specifically repealed by this UDO, or any rules, regulations or permits previously adopted or issued pursuant to law relating to the use of buildings or premises. This UDO shall not affect valid private covenants whose standards are above and beyond those of this UDO and which are not enforceable by the Plan Commission.
4. **Other Jurisdictions and Approvals.** Nothing in this ordinance shall eliminate the need for obtaining any other approval or entitlement required by other provisions of the jurisdiction, the State, or Federal Agency.
5. **Administration.** The Administrator shall have the primary responsibility of administering the UDO within the jurisdiction.

C. Transition Policies.

1. **Pending Applications and Permits.**
 - a. **Pending Applications.** Applications that are received prior to the adoption of this UDO shall continue their respective process pursuant to the rules and provisions that were in place at the time of filing. This includes applications before the County Commissioners, the Plan Commission (PC), and the Board of Zoning Appeals (BZA) as well as applications for Improvement Location Permits (ILP).
 - b. **Permits Issued.** A permit for an ILP that was issued prior to the adoption of this UDO shall remain valid for the timeframe and provisions established by the regulations that were in effect at the time of filing. If applicable, a valid permit may be renewed per the provisions established by the regulations that were in effect at the time of filing. Permits that have expired per the provisions established by the regulations that were in effect at the time of filing and need to be resubmitted shall now be subject to the regulations established by this UDO.
2. **Approved Plats / Subdivisions.** Because subdivisions are subject to approval for both the primary plat and secondary plat, the following policies for transition apply:
 - i. **Primary Plat.** Any primary plat that was approved by regulations that were in place prior to the adoption of this UDO, that has not expired, expired per any previous terms or conditions that were in place, and is otherwise still valid under said previous regulations, shall continue its respective process pursuant to the rules and provisions that were in place at the time of filing. If the previous provisions did not identify an expiration for primary plat approval and an application for secondary (all or in part) has not been received and completed within four (4) years after the date of the adoption of this UDO, then said primary plat shall automatically expire four (4) years after the date of the adoption of this UDO.

- ii. **Secondary Plat.** As long as the approved primary plat for a subdivision remains valid and has not expired, the lot standards, structure standards, and utility standards that were in place in the Zoning Ordinance and/or Subdivision Control Ordinance at the time the primary plat was approved shall apply to the secondary plat (all or in part) included in the primary plat approval.
- 3. **Commitments or Conditions.** Commitments or conditions (whether recorded or not) that were made as part of an approval before the County Commissioners, PC, or BZA or as part of an application for an ILP prior to the adoption of this UDO shall remain in full effect regardless of any resulting changes in regulations that are established by this UDO. Commitments or conditions may be modified pursuant to the applicable process outline in *Chapter 7: Administration & Procedures* of this UDO and/or the applicable *PC Rules and Procedures* or *BZA Rules and Procedures*.
- 4. **Disannexation and Property Not Included.**
 - a. **Disannexation.** Property detached from an incorporated city or town subsequent to the effective date of this UDO, upon the effective date of such disannexation, shall be changed to the closest zoning classification in the County that matches the classification from the prior jurisdiction from which the property came, unless otherwise recommended for change by the PC and approved by the County Commissioners.
 - b. **Property not included.** Property that has not been specifically included within a district is hereby declared to be in the General Agriculture (AG) District, except for property designated as limited-access or interstate highway right-of-way.

D.UDO Administration.

1. Administrator.

- a. **Duties.** The Administrator shall be appointed by the PC. The Administrator shall have the following duties:
 - i. Administer and enforce the provisions of this UDO in accordance with its literal terms and shall not have the power to permit any construction or any use or change of use which does not conform to this UDO;
 - ii. Issue ILPs and Certificates of Occupancy;
 - iii. Maintain a permanent file of all permits and applications as public records; and
 - iv. All other duties as outlined in the Administrator's job description.
- b. **Administrative Decisions.** Whenever, in the course of administration and enforcement of this UDO, it is necessary to make an administrative decision which is not clearly governed by standards contained herein, such decision shall be made so that the result will not be contrary to the spirit and purpose of this UDO or injurious to the area affected. Any such decision can be appealed to the BZA per *Chapter 7.6: Appeal Process*.

2. Advisory Plan Commission (PC).

- a. **PC Establishment and Membership.** The PC shall be established in accordance with IC 36-7-4-200 series. The PC shall have membership in accordance with IC 36-7-4-208(a).
- b. **PC Jurisdiction.** The PC shall have zoning jurisdiction over all land covered by the jurisdiction of this UDO. This shall exclude any established extraterritorial jurisdiction that any municipality may have through any interlocal agreements or as allowed by state statute.
- c. **PC Organization.** The PC shall be organized in accordance with IC 36-7-4-300 Series.
 - i. **Quorum.** In accordance with IC 36-7-4-301, a quorum of the PC consists of a majority of the entire membership of the PC.
 - ii. **Official Action.** In accordance with IC 36-7-4-302, action of the PC is not official unless it occurs at a regular or special meeting, by a majority of the entire voting membership of the PC.
 - iii. **President and Vice President.** In accordance with IC 36-7-4-303, at the first regular meeting in each year, the plan commission shall elect a president and a vice president from its members.
 - iv. **Secretary.** In accordance with IC 36-7-4-304, the plan commission shall appoint a secretary at the first regular meeting in each year, who is not required to be a member of the commission.

- d. **PC Meeting and Minutes.**
 - i. **Regular Meetings.** In accordance with IC 36-7-4-306, the PC shall hold regular monthly meetings as necessary, keep minutes of its proceedings, keep records of its examinations and other official acts, and shall record and vote on all actions taken. All minutes and records shall be filed in the office of the Administrator and shall be on public record.
 - ii. **Special Meetings.** In accordance with IC 36-7-4-307, a special meeting of the PC may be called by the president or by two (2) members of the PC upon written request to the Administrator.
- e. **Employees.** In accordance with IC 36-7-4-311, the PC may appoint, prescribe duties, and fix the compensation of employees as necessary for the discharge of the duties of the PC. This compensation must be in conformity with salaries and compensation fixed by the fiscal body of the County. The PC may contract for special or temporary services and professional counsel.
- f. **PC Powers and Duties.** The PC shall have the following powers and duties as authorized in IC 36-7-4-400 series et. seq including the following.
 - i. **Executive Committee.** Per IC 36-7-4-408, the PC may establish an executive committee of not less than three (3) nor more than nine (9) persons appointed by the PC from its membership. The establishment of the executive committee, the naming of its individual members, and the adoption of rules governing its operation requires a two-thirds (2/3) majority vote of the entire membership of the commission. A majority of the executive committee may act on behalf of the commission, but if there are any dissenting votes, a person voting in the minority may appeal the decision of the executive committee to the PC.
 - ii. **Fees.** Per IC 36-7-4-411, the PC may establish a fee schedule to defray the administrative costs associated with PC and BZA petitions, issuing permits, and other permitted actions.
 - iii. **Rules and Procedures.** The PC shall adopt rules for its administration.
 - iv. **Comprehensive Plan.** The PC shall approve and make amendments to the Jefferson County Comprehensive Plan for the consideration by the County Commissioners in accordance with IC 36-7-4-500 series.
 - v. **Development Plans.** The PC shall make decisions regarding development plans or delegate this authority to the Administrator in accordance with *Chapter 7: Development Plans* and IC 36-7-4-1400 series.
 - vi. **Streets and Addresses.** The president of the legislative body shall name or rename streets and assign addresses, however, this responsibility may be delegated to the PC, the Administrator, or other entity (such as Jefferson County 911) by ordinance.
 - vii. **Subdivisions.** The PC shall make decisions regarding plats, replats, and amendments to plats in accordance with *Chapter 7: Administration and Procedures*, the PC Rules and Procedures, and IC 36-7-4-700 series, including:
 - 1) Primary Plat as described in IC 36-7-4-702; and
 - 2) Secondary Plat as described in IC 36-7-4-709. The PC may delegate the authority to approve secondary plats to the Administrator.
 - viii. **Zone Map Changes.** The PC shall make recommendations to the County Commissioners concerning changes to the zoning map in accordance with *Chapter 7: Zone Map Changes & PUD Districts Process* and IC 36-7-4-600 series.

- g. **PC Committees.** The following are established as committees of the Plan Commission as outlined in the PC Rules and Procedures.
 - i. **Checkpoint Agencies.** The Checkpoint Agencies may assist in the review of applications by providing expert advice with regard to technical specifications, adequate capacity, public safety, and/or other specifications.
 - 1) **Membership.** Checkpoint agencies may include, but are not limited to, County Surveyor, County Engineer, Jefferson County Drainage Board, Jefferson County Health Department, Fire District(s), Water Utility(ies), Sewer Utility(ies), and/or public school district(s), as appropriate.
 - 2) **Duties.** Checkpoint agencies may be used on an as needed basis and have the following powers and duties to provide review and comment on:
 - a) Primary and secondary subdivisions;
 - b) Zoning map amendments (rezoning);
 - c) Development plans; and
 - d) Variances and Special Exceptions.

3. Board of Zoning Appeals (BZA).

- a. **BZA Establishment and Membership.** The Advisory BZA shall be established in accordance with IC 36-7-4-900 series. The BZA shall have a membership in accordance with IC 36-7-4-902(a).
- b. **BZA Jurisdiction.** The BZA shall have jurisdiction over all land covered by the jurisdiction of this UDO.
- c. **BZA Organization.** The BZA shall be organized in accordance with IC 36-7-4-900 series.
 - i. **Quorum.** In accordance with IC 36-7-4-910, a quorum of the BZA consists of a majority of the entire membership of the BZA.
 - ii. **Official Action.** In accordance with IC 36-7-4-911, action of the BZA is not official unless it is authorized by a majority of the entire membership of the BZA.
 - iii. **Chair and Vice Chair.** In accordance with IC 36-7-4-912, the BZA shall elect a chair and vice chair from its membership at its first regular meeting each year.
 - iv. **Secretary.** In accordance with IC 36-7-4-913, the BZA shall appoint a secretary at the first regular meeting in each year, who is not required to be a member of the commission.

- v. **Meetings and Minutes.** In accordance with IC 36-7-4-915, the BZA shall keep minutes of its proceedings, keep records of its examinations and other official acts, and shall record and vote on all actions taken by making findings of fact. All minutes and records shall be filed in the office of the Administrator and shall be a public record.
 - 1) **Regular Meetings.** The BZA shall fix the time for holding regular meetings each month or as necessary, keep minutes of its proceedings, keep records of its examinations and other official acts, and shall record and vote on all actions taken. All minutes and records shall be filed in the Office of the Administrator and shall be a public record.
 - 2) **Special Meetings.** A special meeting of the BZA may be called by the chairman or by two (2) members of the BZA upon written request to the secretary.
- d. **BZA Powers and Duties.** The BZA shall have the following powers and duties as authorized in IC 36-7-4-900 series.
 - i. **Rules and Procedures.** The BZA shall adopt rules for its administration in accordance with IC 36-7-4-916.
 - ii. **Appeals.** The BZA shall make decisions regarding appeals in accordance with *Chapter 7: Appeal Process* and IC 36-7-4-918.1.
 - iii. **Special Exception.** The BZA shall make decision regarding special exceptions in accordance with *Chapter 7: Special Exception Process* and IC 36-7-4-918.2.
 - iv. **Variance from Development Standards.** The BZA shall make decisions regarding variances in accordance with *Chapter 7: Variances Process* and IC 36-7-4-918.5.
 - v. **Variance of Use.** The BZA shall make decisions regarding variances of use in accordance with *Chapter 7: Variances Process* and IC 36-7-4-918.4.

CHAPTER 2: ZONING DISTRICTS

A. General Provision.

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

Land Use Category	Name of District	Abbreviation
Agricultural	Agricultural District	AG
Residential	Low-Density Residential District	R1
	Medium-Density Residential District	R2
	High-Density Residential District	R3
Commercial	Neighborhood Business District	NB
	General Business District	GB
Industrial	Light Industrial District	I1
	Heavy Industrial District	I2

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

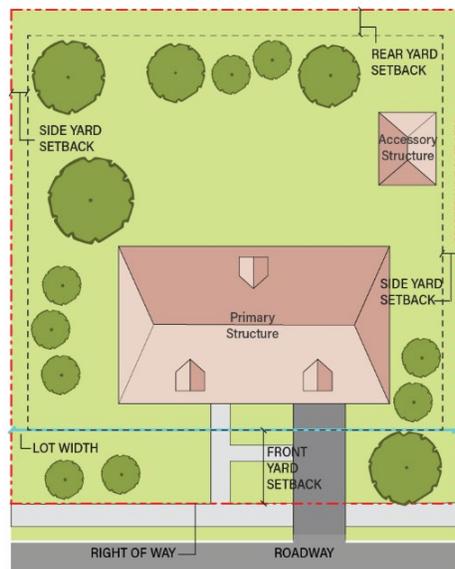
Name of Overlay District	Abbreviation
Flood Hazard Area Overlay	FH
Airport Overlay	AO

- Official Zoning Map.** The Official Zoning Map is a geographic coverage layer that is maintained as part of Jefferson County’s geographic information system (GIS) under the direction of the Administrator. This map shall be revised as changes are approved as permitted by this UDO (such as rezonings) or to correct drafting errors, clerical errors, or omissions on the map.
 - District Boundaries.** The location and boundaries of the zoning districts are hereby established on a map entitled “Official Zoning Map,” as it may be amended from time to time, which accompanies and is hereby incorporated in and made a part of this UDO by reference.
 - Interpretation of Boundaries.** All questions concerning the exact location of zoning district boundary lines shall be determined by the Administrator. An appeal of the Administrator’s interpretation may be filed with the BZA per *Chapter 7: Appeals Process*.
 - Zoning Map Production.** The Administrator may authorize printed copies of the Official Zoning Map to be produced, and shall maintain digital or printed copies of superseded versions of the Official Zoning Map for historical reference.

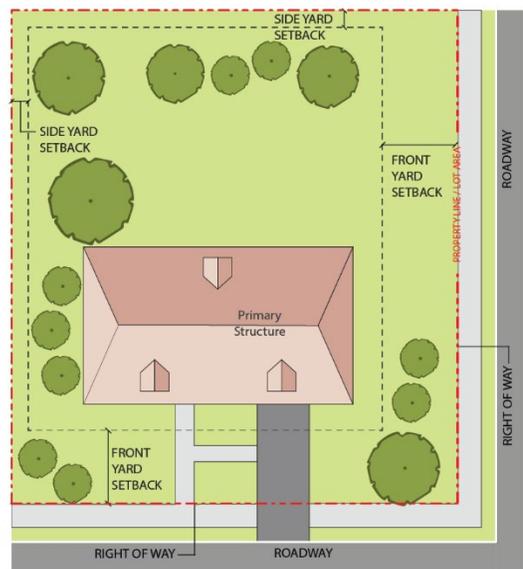
4. Land Uses.

- a. **Land Uses Listed in UDO.** The respective section for each zoning district and overlay district identifies the common land uses that are “permitted” or allowed by “special exception.” Any land use not listed for a particular zoning district (or not deemed sufficiently similar to a listed use by the Administrator as described in the process in *Section A.3.b. Land Uses Not Listed*) shall be prohibited unless a Use Variance is approved by the BZA.
- b. **Land Uses Not Listed in UDO.** For land uses not listed, the Administrator shall determine if the desired land use is similar to a listed land use based on the following:
 - i. **Administrator Decisions for Unlisted Land Uses.**
 - 1) Unlisted Use is Similar to a Listed Use. If the desired land use is determined to be similar to a land use listed in the UDO, the respective process and development standards for the similar use shall be followed.
 - 2) Unlisted Use is Not Similar to a Listed Use. If the Administrator determines that the desired land use is not similar to a listed land use, then the desired land use shall be prohibited unless a Use Variance is approved by the BZA.
 - 3) Uncertainty or Disagreement. In the case of uncertainty or disagreement of classifying a land use, the Administrator may refer the request for land use clarification or classification to the BZA for consideration and final decision.
 - ii. **Criteria for Classifying Unlisted Land Uses.** To determine whether an unlisted land use is similar to a listed use, the Administrator or the BZA shall examine the desired use by the following four (4) criteria:
 - 1) Intensity. Is the unlisted use similar in the amount of activity and type of activity to a listed use?
 - a) Residential, public, and office uses. Intensity levels should compare the number of people using a space.
 - b) Commercial uses. Intensity levels should compare the gross commercial floor area associated with the primary structure as well as the operation of the business, such as hours of operation and anticipated customer volumes.
 - c) Industrial uses. Intensity should compare the amount of noise, noxious exhaust, and public safety hazards generated on the site. In addition, the types of vehicles used, type of storage (indoor or outdoor), and hours of operation should be considered.
 - 2) Character. Does the unlisted use have similar physical characteristics, structures, scale, operational hours, or other features similar to a listed use?
 - 3) Accessory Uses and Structures. Does the unlisted use have similar potential for accessory uses and/or structures to a listed accessory use? Or if it is an accessory use, is it incidental to, necessary, and/or compatible with a permitted primary use?
 - 4) Intent. Is the unlisted use compatible with the purpose of the subject zoning district and consistent with the Comprehensive Plan?

5. **Development Standards Measurement.** The following development standards are interpreted or measured as follows:
- a. **Lot Width.** Lot width is measured at the minimum front yard setback line.
 - b. **Setbacks.** Any property line abutting a public or private street shall be considered a front property line or yard. All edges of a property line that are considered a front property line or yard shall conform with the front yard setback standards of the applicable zoning district.
 - i. **Corner Lots.** A corner lot will have two (2) front yard setbacks and two (2) side yard setbacks; it will not have a rear yard setback.
 - ii. **Minimum Front Yard Setback.** The minimum front yard setback is measured from the edge of the right-of-way or center of road if right-of-way is not dedicated by written, recorded document.
 - iii. **Minimum Side Yard Setback.** The minimum side yard setback is measured from the property line, and the minimum setback is determined by the Development Standards tables for each zoning district.
 - iv. **Minimum Rear Yard Setback.** The minimum rear yard setback is measured from the property line, and the minimum setback is determined by the Development Standards tables for each zoning district.

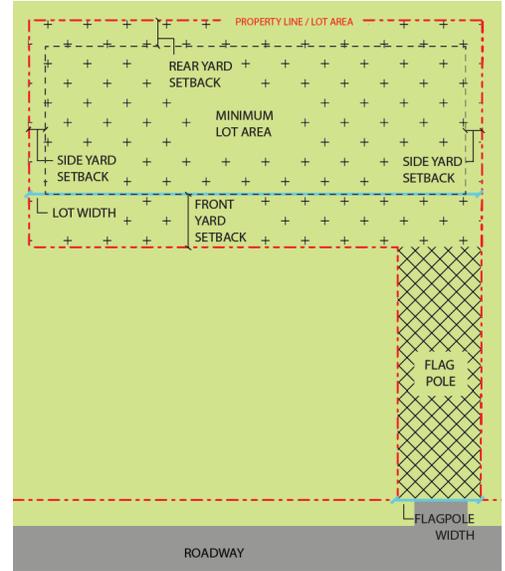


Example of Lot Width & Setback Measurements

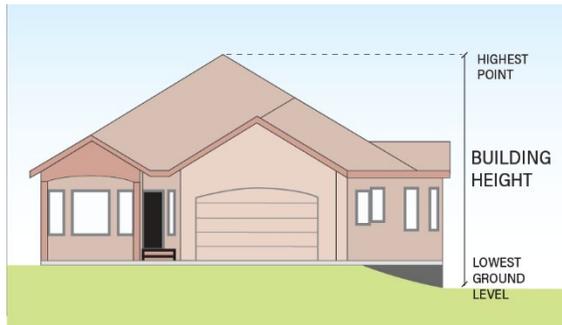


Example of Corner Lot

- c. **Flag Lots.** For flag lots, the flag pole shall not be used in determining the lot area, setbacks, or lot width, however, the flag pole shall have a minimum width of at least sixty (60) feet, measured at the property line or edge of pavement if right-of-way is not dedicated by written, recorded document.
- d. **Building Height.** The vertical distance measured from the lowest ground level adjacent to the building at the front of the structure to the highest point of the structure. Building height does not include antennas, chimneys, steeples, or agricultural/industrial appurtenances.
- e. **Sewage Disposal.** If a use in any zoning district does not require sewage disposal, municipal sewer is not required but a letter from the Health Department shall be provided by the applicant stating the use does not require sewage disposal.



Example of Flag Lot Measurement



Example of Building Height Measurement

B. Zoning and Overlay Districts.

The following permitted and special land uses and development standards for each zoning district shall apply to all development.



1. AGRICULTURAL DISTRICT (AG)

- a. **AG Purpose.** The Agricultural District (“AG”) is intended to preserve and protect prime agricultural land by controlling the indiscriminate infiltration of urban development and incompatible land uses into these agricultural areas.
- b. **AG General Standards.**
 - i. All subdivisions require subdivision approval unless exempt (*See Chapter 5: Exempt Subdivisions*).
 - ii. All new primary structures require Development Plan approval except single-family dwellings, two-family dwellings, and agricultural uses.
 - iii. All development may be subject to Drainage Board approval.
 - iv. One primary use is permitted per parcel.

c. AG Use and Development Standards.

AG Permitted Uses		
<p>ACCESSORY USES</p> <ul style="list-style-type: none"> Battery Energy Storage Systems (BESS), Tier 1 Farmer’s market Hobby Farm *Home Occupation Produce Stand *Solar Energy System, Accessory *Wind Energy Conversion System, Small and Mini 	<p>AGRICULTURAL USES</p> <ul style="list-style-type: none"> Agricultural Product Processing Agricultural Support Services Aquaculture Equestrian Facility, Public Farmer’s Market Livestock, Personal Livestock, Production (not requiring IDEM permit) Livestock, Wholesale Trade Row, Field, Tree, and Nursery Corp Cultivation Timber Processing Wildlife and Nature Preserve 	<p>COMMERCIAL USES</p> <ul style="list-style-type: none"> Farm Chemical Supply and Seed Sales <p>OTHER USES</p> <ul style="list-style-type: none"> Emergency Response Facility Governmental Office Parks, Public and Private (EXCLUDING Amusement Park, Private) <p>RESIDENTIAL USES</p> <ul style="list-style-type: none"> Dwelling, Single-Family Farmstead
AG Special Exception Uses		
<p>ACCESSORY USES</p> <ul style="list-style-type: none"> *Accessory Dwelling *Agritourism Child Care Home (In-Home Childcare) Farm Worker Housing *Home-Based Business <p>AGRICULTURAL USES</p> <ul style="list-style-type: none"> *Animal Feeding Operation (CFO and CAFO) 	<p>COMMERCIAL USES</p> <ul style="list-style-type: none"> Bed and Breakfast *Campground and Recreational Vehicle Park, Public or Private Child Care Center Golf Course and Driving Range Kennel, Public and Private Meat Processing Recreational Facility, Public and Private *Rural Event Venue, Permanent or Temporary Shooting Range and Gun Club *Solar Energy System, Commercial Stadium, Arena, and Race Track *Winery, Brewery, and Distillery (artisan) *Wind Energy Conversion Systems, Large 	<p>OTHER USES</p> <ul style="list-style-type: none"> Airport and Heliport, Public and Private Cemetery, Columbaria, and Mausoleum Church and Place of Worship Crematory Funeral Home and Mortuary Hospital Library School and Preschool Utility Facility, Public and Private *Wireless Communication Facility <p>RESIDENTIAL USES</p> <ul style="list-style-type: none"> Group Home Nursing Home *Short-Term Rental

* Specific Use Development Standards also apply. See Chapter 3: Use Development Standards

 AG Structure Standards			
		Residential Uses	Non-Residential Uses
Maximum height of structure	Primary structure	40 feet	50 feet
	Accessory structure	30 feet	50 feet
Minimum living area		600 sq. ft.	N/A
 AG Lot Standards			
Minimum lot width		200 feet ¹ or 100 feet on cul-de-sac	
Minimum lot area*	With sewer	50,000 sq. ft. (1.15 acres)	
	Without sewer	50,000 sq. ft. (1.15 acres) or larger if required for septic	
Minimum front yard setback		50 feet from right-of-way or 80 feet from center of road if right-of-way is not dedicated by written, recorded document	
Minimum side yard setback	Primary structure	20 feet	
	Accessory structure	5 feet	
Minimum rear yard setback	Primary structure	10 feet	
	Accessory structure	5 feet	
Maximum impervious surface coverage		35%	
 AG Utility Standards			
Municipal water and sewer required		No	
 AG Additional Site Development Standards			
<p>The following site development standards may also apply to development in this district. See <i>Chapter 4: Site Development Standards</i>.</p> <ul style="list-style-type: none"> • Accessory Structure Standards • Bufferyard Separation and Planting Standards • Driveway and Access Management Standards • Lighting Standards • Parking and Loading Standards • Sign Standards • Storage Standards • Structure Standards • Trash and Dumpster Standards 			

1 – Flag lots shall comply with lot width standards as defined by *Chapter 2: Lot Width, Flag Lots*.

* IRREGULARLY SHAPED LOTS: in the case of an irregularly shaped lot which is unable to meet the 250' lot depth, the depth shall be waived provided that said lot contains enough acreage to meet all setback requirements for dwellings or other structures.



2. **LOW-DENSITY RESIDENTIAL DISTRICT (R1).**

- a. **R1 Purpose.** The Low-density Residential District (“R1”) is intended to create, maintain, and promote neighborhoods with moderate lot sizes where the land use is primarily single-family and two-family dwellings. Affiliated recreational uses and utilities are also expected.
- b. **R1 General Standards.**
 - i. All subdivisions require subdivision approval unless exempt (See *Chapter 5: Exempt Subdivisions*).
 - ii. All new primary structures require Development Plan approval except single-family and two-family dwellings.
 - iii. All development may be subject to Drainage Board approval.
 - iv. One primary use is permitted per parcel and one primary structure/dwelling is permitted per parcel.
- c. **R1 Uses and Development Standards.**

R1 Permitted Uses		
ACCESSORY USES	OTHER USES	RESIDENTIAL USES
<ul style="list-style-type: none"> • Battery Energy Storage Systems (BESS), Tier 1 • *Home Occupation • *Solar Energy System, Accessory • *Wind Energy Conversion System, Small and Mini 	<ul style="list-style-type: none"> • Emergency Response Facility • Library • Parks, Public and Private (<u>EXCLUDING</u> Amusement Park) 	<ul style="list-style-type: none"> • Dwelling, Single-Family • Dwelling, Two-Family
R1 Special Exception Uses		
ACCESSORY USES	OTHER USES	RESIDENTIAL USES
<ul style="list-style-type: none"> • *Accessory Dwelling • Child Care Home (In-Home Childcare) • *Home-Based Business 	<ul style="list-style-type: none"> • Auditorium/Assembly • Cemetery, Columbaria, or Mausoleum • Church or Place of Worship • Governmental Office • School and Preschool • Utility Facility, Public • *Wireless Communication Facility 	<ul style="list-style-type: none"> • Group Home • Nursing Home
COMMERCIAL USES		
<ul style="list-style-type: none"> • Adult Day Care Facility • Child Care Center • Golf Course or Driving Range • Short-Term Rental 		

* Specific Use Development Standards also apply. See Chapter 3: Use Development Standards

 R1 Structure Standards			
		Residential Uses	Non-Residential Uses
Maximum height of structure	Primary structure	35 feet	35 feet
	Accessory structure	20 feet ¹	20 feet
Minimum living area		950 sq. ft. per unit	N/A
Minimum width of primary structure		18 feet	N/A
 R1 Lot Standards			
Minimum lot width		100 feet or 50 feet on cul-de-sac but cannot exceed 1:8 width to depth ratio ²	100 feet or 50 feet on cul-de-sac
Minimum lot area		10,000 sq. ft. (0.23 acres)	
Minimum front yard setback		25 feet from right-of-way or 55 feet from center of road if right-of-way is not dedicated by written, recorded document	
Minimum side yard setback	Primary structure	10 feet	20 feet
	Accessory structure	5 feet	10 feet
Minimum rear yard setback	Primary structure	15 feet	20 feet
	Accessory structure	5 feet	10 feet
Maximum impervious surface coverage		50%	50%
 R1 Utility Standards			
Municipal water and sewer required		YES	
 R1 Additional Site Development Standards			
<p>The following site development standards may also apply to development in this district. See <i>Chapter 4: Site Development Standards</i>.</p> <ul style="list-style-type: none"> • Accessory Structure Standards • Bufferyard Separation and Planting Standards • Driveway and Access Management Standards • Lighting Standards • Parking and Loading Standards • Sign Standards • Storage Standards • Structure Standards • Trash and Dumpster Standards 			

1 – Accessory structures shall comply with *Chapter 4: Accessory Structure Standards*, including height and square footage.

2 – Flag lots shall comply with lot width standards as defined by *Chapter 2: Lot Width, Flag Lots*.



3. MEDIUM-DENSITY RESIDENTIAL DISTRICT (R2).

- a. **R2 Purpose.** The Medium-density Residential District (“R2”) is intended to provide for medium-density residential neighborhoods that permit all housing types and to protect these areas from incompatible land uses.
- b. **R2 General Standards.**
 - i. All subdivisions require subdivision approval unless exempt (See *Chapter 5: Exempt Subdivisions*).
 - ii. All new primary structures require Development Plan approval except single-family and two-family dwellings.
 - iii. All development may be subject to Drainage Board approval.
 - iv. One primary use is permitted per parcel and one primary structure/dwelling is permitted per parcel.
- c. **R2 Use and Development Standards.**

R2 Permitted Uses		
ACCESSORY USES	OTHER USES	RESIDENTIAL USES
<ul style="list-style-type: none"> • Battery Energy Storage Systems (BESS), Tier 1 • *Home Occupation • *Solar Energy System, Accessory • *Wind Energy Conversion System, Small and Mini 	<ul style="list-style-type: none"> • Emergency Response Facility • Parks, Public and Private (<u>EXCLUDING</u> Amusement Park) 	<ul style="list-style-type: none"> • Dwelling, Single-Family • Dwelling, Single-Family Attached • Dwelling, Two-Family
R2 Special Exception Uses		
ACCESSORY USES	OTHER USES	RESIDENTIAL USES
<ul style="list-style-type: none"> • *Accessory Dwelling • Child Care Home (In-Home Childcare) • *Home-Based Business 	<ul style="list-style-type: none"> • Auditorium/Assembly • Cemetery, Columbaria, or Mausoleum • Library • Church or Place of Worship • Governmental Office • School and Preschool • Utility Facility, Public • *Wireless Communication Facility 	<ul style="list-style-type: none"> • Group Home • Nursing Home
COMMERCIAL USES		
<ul style="list-style-type: none"> • *Adult Day Care Facility • Child Care Center • Golf Course or Driving Range • *Short-Term Rental 		

* Specific Use Development Standards also apply. See Chapter 3: Use Development Standards

 R2 Structure Standards			
		Single-family and Two-Family Residential Uses	All Other Uses
Maximum height of structure	Primary structure	35 feet	35 feet
	Accessory structure	20 feet ¹	15 feet
Minimum living area		950 sq. ft.	N/A
Minimum width of primary structure		18 feet	N/A
 R2 Lot Standards			
Minimum lot width		Single-Family Detached: 60 feet or 30 feet on cul-de-sac but cannot exceed 1:8 width to depth ratio ² All other: 25 feet	60 feet or 30 feet on cul-de-sac
Minimum lot area		8,000 sq. ft. (0.18 acres) for single-family or 4,000 sq. ft. (0.09 acres) per unit for two-family / attached	10,000 sq. ft. (0.23 acres)
Minimum front yard setback		35 feet or 65 feet from center of road if right-of-way is not dedicated by written, recorded document	
Minimum side yard setback	Primary structure	10 feet or 0 feet if attached	10 feet
	Accessory structure	5 feet	10 feet
Minimum rear yard setback	Primary structure	15 feet	15 feet
	Accessory structure	5 feet	10 feet
Maximum impervious surface coverage		60%	60%
 R2 Utility Standards			
Municipal water and sewer required		YES	
 R2 Additional Site Development Standards			
<p>The following site development standards may also apply to development in this district. See <i>Chapter 4: Site Development Standards</i>.</p> <ul style="list-style-type: none"> • Accessory Structure Standards • Bufferyard Separation and Planting Standards • Driveway and Access Management Standards • Lighting Standards • Parking and Loading Standards • Sign Standards • Storage Standards • Structure Standards • Trash and Dumpster Standards 			

1 – Accessory structures shall comply with *Chapter 4: Accessory Structure Standards*, including height and square footage.

2 – Flag lots shall comply with lot width standards as defined by *Chapter 2: Lot Width, Flag Lots*.



4. HIGH-DENSITY RESIDENTIAL DISTRICT (R3).

- a. **R3 Purpose.** The High-density Residential District (“R3”) is intended to provide for the development of neighborhoods that are in context with existing patterns of development. New residential development should contain a variety of densities and housing types.
- b. **R3 General Standards.**
 - i. All subdivisions require subdivision approval unless exempt (See *Chapter 5: Exempt Subdivisions*).
 - ii. All new primary structures require Development Plan approval except single-family and two-family dwellings.
 - iii. All development may be subject to Drainage Board approval.
 - iv. One primary use is permitted per parcel and one primary structure is permitted per parcel except for multi-family dwellings.
- c. **R3 Use and Development Standards.**

R3 Permitted Uses		
ACCESSORY USES	OTHER USES	RESIDENTIAL USES
<ul style="list-style-type: none"> • Battery Energy Storage Systems (BESS), Tier 1 • *Home Occupation • *Solar Energy System, Accessory • *Wind Energy Conversion System, Small and Mini 	<ul style="list-style-type: none"> • Emergency Response Facility • Parks, Public and Private (<u>EXCLUDING</u> Amusement Park) 	<ul style="list-style-type: none"> • Dwelling, Multi-Family Dwelling, Single-Family • Dwelling, Single-Family Attached • Dwelling, Two-Family
R3 Special Exception Uses		
ACCESSORY USES	OTHER USES	RESIDENTIAL USES
<ul style="list-style-type: none"> • *Accessory Dwelling • Child Care Home (In-Home Childcare) • *Home-Based Business 	<ul style="list-style-type: none"> • Cemetery, Columbaria, and Mausoleum • Governmental Office • Church and Place of Worship • Library • School and Preschool • Utility Facility, Public • *Wireless Communication Facility 	<ul style="list-style-type: none"> • Group home • *Manufactured Home Park • Nursing home
COMMERCIAL USES		
<ul style="list-style-type: none"> • *Adult Day Care Facility • Child Care Center • Golf Course and Driving Range • *Short-Term Rental 		

* Specific Use Development Standards also apply. See Chapter 3: Use Development Standards

 **R3 Structure Standards**

		Single-Family and Two-Family Uses	Multi-Family Residential Uses	All Other Uses
Maximum height of structure	Primary	45 feet	45 feet	45 feet
	Accessory	20 feet ¹	20 feet	20 feet
Minimum living area (per dwelling unit)		950 sq. ft. per unit	1 bedroom: 600 sq. ft. / unit; 2 bedrooms: 700 sq. ft. / unit; 3+ bedrooms: 800 sq. ft. / unit	N/A
Width of primary structure		18 feet Minimum	N/A	N/A

 **R3 Lot Standards**

Minimum lot width		Single-Family Detached: 60 feet or 30 feet on cul-de-sac but cannot exceed 1:8 width to depth ratio ² All other: 25 feet	60 feet or 30 feet on cul-de-sac	100 feet or 50 feet on cul-de-sac
Minimum lot area		Single-Family Detached: 8,000 sq. ft. (0.18 acres) All other: 4,000 sq. ft. (0.09 acres) per unit	4,000 sq. ft. (0.09 acres) + 2,000 sq. ft. for each additional unit over 2 units	10,000 sq. ft. (0.23 acres)
Minimum front yard setback		35 feet or 65 feet from center of road if right-of-way is not dedicated by written, recorded document		
Minimum side yard setback	Primary	10 feet or 0 feet if attached	10 feet	10 feet
	Accessory	5 feet		
Minimum rear yard setback	Primary	15 feet		
	Accessory	5 feet		
Maximum impervious surface coverage		75%		

 **R3 Utility Standards**

Municipal water and sewer required	YES
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 **R3 Additional Site Development Standards**

The following site development standards may also apply to development in this district. See *Chapter 4: Site Development Standards*.

- Accessory Structure Standards
- Bufferyard Separation and Planting Standards
- Driveway and Access Management Standards
- Lighting Standards
- Parking and Loading Standards
- Sign Standards
- Storage Standards
- Structure Standards
- Trash and Dumpster Standards

¹ – Accessory structures shall comply with *Chapter 4: Accessory Structure Standards*, including height and square footage.



5. NEIGHBORHOOD BUSINESS DISTRICT (NB)

- a. **NB Purpose.** The Neighborhood Business District (“NB”) is intended to encourage the establishment of areas for convenience business uses, which tend to meet the daily requirements of the residents of an immediate neighborhood. This district should be very carefully and strategically located.
- b. **NB General Standards.**
 - i. All subdivisions require subdivision approval unless exempt (See *Chapter 5: Exempt Subdivisions*).
 - ii. All new primary structures require Development Plan approval.
 - iii. All development may be subject to Drainage Board approval.
 - iv. All outdoor storage or outdoor display of merchandise shall be within an enclosed building or fully screened with vegetation, berm, masonry wall, fence, or similar so that it is not visible from any street year-round unless items are only displayed during business hours.
 - v. Multiple primary uses and structures are permitted per parcel.

c. NB Use and Development Standards.

NB Permitted Uses		
<p>ACCESSORY USES</p> <ul style="list-style-type: none"> • Battery Energy Storage Systems (BESS), Tier 1 • Farmer’s market • *Home Occupation • *Solar Energy System, Accessory • *Wind Energy Conversion System, Small and Mini 	<p>COMMERCIAL USES (cont.)</p> <ul style="list-style-type: none"> • Parking Garage or Lot (as a primary purpose) • Professional Services and Business Offices • Recreational Facility, Public and Private • Service-Oriented Retail (<u>EXCLUDING</u> Drive-In Theater; <u>EXCLUDING</u> Service and Repair of Automotive, Boat, Equipment, RV, or Similar; <u>EXCLUDING</u> Storage Unit; <u>EXCLUDING</u> Wholesale) 	<p>OTHER USES</p> <ul style="list-style-type: none"> • Church and Place of Worship • Emergency Response Facility • Funeral Home and Mortuary • Governmental Office • Library • Parks, Public and Private (<u>EXCLUDING</u> Amusement Park)
<p>COMMERCIAL USES</p> <ul style="list-style-type: none"> • Bed and Breakfast • Child Care Center • General Retail (<u>EXCLUDING</u> New and Use Automotive Sales; <u>EXCLUDING</u> Sales of Boat, Equipment, Motorcycle, RV, and Similar) • Golf Course and Driving Range • Medical Offices and Outpatient Services 		<p>RESIDENTIAL USES</p> <ul style="list-style-type: none"> • Nursing Home
NB Special Exception Uses		
<p>ACCESSORY USES</p> <ul style="list-style-type: none"> • *Accessory Dwelling • Child Care Home (In-Home Childcare) • *Home-Based Business 	<p>COMMERCIAL USES</p> <ul style="list-style-type: none"> • *Adult Day Care Facility • Farm Chemical Supply and Seed Sales • General Retail, Wholesale • Hotel and Motel • Kennel, Public and Private • *Rural Event Venue, Permanent or Temporary • *Solar Energy System, Commercial (if less than 10 acres with SES fenced area) • *Wind Energy Conversion Systems, Large • *Winery, Brewery, and Distillery (artisan) 	<p>OTHER USES</p> <ul style="list-style-type: none"> • Cemetery, Columbaria, and Mausoleum • Crematory • Hospital • School and Preschool • Utility Facility, Public • *Wireless Communication Facility <p>RESIDENTIAL USES</p> <ul style="list-style-type: none"> • Dwelling, Multi-Family • Group Home • *Manufactured Home Park

* Specific Use Development Standards also apply. See Chapter 3: Use Development Standards

 NB Structure Standards		
Maximum height of structure	Primary structure	35 feet
	Accessory structure	20 feet
Maximum Ground Floor Area (per structure)		10,000 sq. ft.
 NB Lot Standards		
Minimum lot width		100 feet or 50 feet on cul-de-sac
Minimum lot area		21,780 sq. ft. (0.5 acres)
Minimum front yard setback		75 feet from major arterial ¹ 25 feet from all other roads ¹
Minimum side yard setback	Primary structure	10 feet
	Accessory structure	10 feet
Minimum rear yard setback	Primary structure	25 feet
	Accessory structure	10 feet
Maximum impervious surface coverage		75%
 NB Utility Standards		
Municipal water and sewer required		YES
 NB Additional Site Development Standards		
<p>The following site development standards may also apply to development in this district. See <i>Chapter 4: Site Development Standards</i>.</p> <ul style="list-style-type: none"> • Accessory Structure Standards • Bufferyard Separation and Planting Standards • Driveway and Access Management Standards • Lighting Standards • Parking and Loading Standards • Sign Standards • Storage Standards • Structure Standards • Trash and Dumpster Standards 		

¹ – If the right-of-way is not dedicated by written, recorded document, minimum setback shall be increased by 30 feet.



6. GENERAL BUSINESS DISTRICT (GB)

- a. **GB Purpose.** The General Business District (“GB”) is intended to encourage the establishment of areas for general business uses to meet the needs of a regional market area. Activities would include large space uses such as department stores, service stations, specialty stores and the like. Shopping centers are good examples of types of uses in this district. Due to the scale, it is absolutely necessary that this district be located on an arterial or a collector street as classified by the Comprehensive Plan.
- b. **GB General Standards.**
 - i. All subdivisions require subdivision approval unless exempt (See *Chapter 5: Exempt Subdivisions*).
 - ii. All new primary structures require Development Plan approval.
 - iii. All development may be subject to Drainage Board approval.
 - iv. Outdoor storage or outdoor display of merchandise that is visible from a public street is permitted but shall be limited to materials and goods that are immediately available for purchase. All other storage or display of merchandise that are not immediately available for purchase, such as bulk materials or wrecked/inoperable vehicles, shall be within an enclosed building or fully screened with vegetation, berm, masonry wall, fence, or similar so that it is not visible from any street year-round.
 - v. Multiple primary uses and structures are permitted per parcel.

c. GB Use and Development Standards.

GB Permitted Uses		
<p>ACCESSORY USES</p> <ul style="list-style-type: none"> Battery Energy Storage Systems (BESS), Tier 1 Farmer’s market *Solar Energy System, Accessory *Wind Energy Conversion System, Small and Mini 	<p>COMMERCIAL USES (CONT.)</p> <ul style="list-style-type: none"> Medical Offices and Outpatient Services Parking Garage or Lot (as a primary purpose) Professional Services and Business Offices Recreational Facility, Public and Private Service-Oriented Retail Shooting Range and Gun Club, Indoor Stadium, Arena, and Race Track *Winery, Brewery, and Distillery (artisan) 	<p>OTHER USES</p> <ul style="list-style-type: none"> Airport and Heliport, Public and Private Auditorium and Assembly Cemetery, Columbaria and Mausoleum Church and Place of Worship Emergency Response Facility Funeral Home/Mortuary Governmental Office Hospital Library Parks, Public and Private (EXCLUDING Amusement Park) Penal and Correction Facility School and Preschool
<p>COMMERCIAL USES</p> <ul style="list-style-type: none"> *Adult Day Care Facility Bar, Tavern, and Club Bed and Breakfast Child Care Center Farm Chemical Supply and Seed Sales General Retail Golf Course and Driving Range Hotel and Motel Kennel, Public and Private Liquor Store 	<p>INDUSTRIAL USES</p> <ul style="list-style-type: none"> Research and Development 	<p>RESIDENTIAL USES</p> <ul style="list-style-type: none"> Nursing Home
GB Special Exception Uses		
<p>COMMERCIAL USES</p> <ul style="list-style-type: none"> Amusement Park *Campground and Recreational Vehicle Park, Public or Private Drive-In Theater *Rural Event Venue, Permanent or Temporary Shooting Range and Gun Club, Outdoor *Solar Energy System, Commercial (if less than 10 acres with SES fenced area) *Wind Energy Conversion Systems, Large 	<p>OTHER USES</p> <ul style="list-style-type: none"> Crematory Utility Facility, Public *Winery, Brewery, and Distillery (non-artisan) *Wireless Communication Facility 	

* Specific Use Development Standards also apply. See Chapter 3: Use Development Standards

 GB Structure Standards		
Maximum height of structure	Primary structure	60 feet
	Accessory structure	20 feet
Maximum Ground Floor Area (per structure)		N/A
 GB Lot Standards		
Minimum lot width		50 feet or 50 feet on cul-de-sac
Minimum lot area		2 acres
Minimum front yard setback		75 feet from major arterial ¹ 25 feet from all other roads ¹
Minimum side yard setback	Primary structure	10 feet
	Accessory structure	10 feet
Minimum rear yard setback	Primary structure	25 feet
	Accessory structure	10 feet
Maximum impervious surface coverage		75%
 GB Utility Standards		
Municipal water and sewer required		YES
 GB Additional Site Development Standards		
<p>The following site development standards may also apply to development in this district. See <i>Chapter 4: Site Development Standards</i>.</p> <ul style="list-style-type: none"> • Accessory Structure Standards • Bufferyard Separation and Planting Standards • Driveway and Access Management Standards • Lighting Standards • Parking and Loading Standards • Sign Standards • Storage Standards • Structure Standards • Trash and Dumpster Standards 		

¹ – If the right-of-way is not dedicated by written, recorded document, minimum setback shall be increased by 30 feet.



7. LIGHT INDUSTRIAL DISTRICT (I1)

- a. **I1 Purpose.** The Light Industrial District (“I1”) is intended to encourage the development of manufacturing and wholesale business establishments which are clean, quiet, free of hazardous or objectionable elements, operate entirely within enclosed structures and generate little industrial traffic. This district is further designed to act as a transitional use between heavy industrial uses and less intensive uses such as business or residential.
- b. **I1 General Standards.**
 - i. All subdivisions require subdivision approval unless exempt (See *Chapter 5: Exempt Subdivisions*).
 - ii. All new primary structures require Development Plan approval.
 - iii. All development may be subject to Drainage Board approval.
 - iv. Outdoor storage or outdoor display of merchandise that is visible from a public street is permitted but shall be limited to materials and goods that are immediately available for purchase. All other storage or display of merchandise that are not immediately available for purchase, such as bulk materials or wrecked/inoperable vehicles, shall be located behind the front elevation of the primary structure.
 - v. Multiple primary uses and structures are permitted per parcel.

c. I1 Use and Development Standards.

I1 Permitted Uses		
ACCESSORY USES	COMMERCIAL USES	INDUSTRIAL USES
<ul style="list-style-type: none"> Battery Energy Storage Systems (BESS), Tier 1 *Solar Energy System, Accessory *Wind Energy Conversion System, Small and Mini 	<ul style="list-style-type: none"> Golf Course and Driving Range Hotel and Motel Kennel, Public and Private Liquor Store Medical Offices and Outpatient Services Parking Garage or Lot (as a primary purpose) Professional Services and Business Offices Recreational Facility, Public and Private Service-Oriented Retail Shooting Range and Gun Club, Indoor Stadium, Arena, and Race Track *Winery, Brewery, and Distillery (artisan) 	<ul style="list-style-type: none"> Manufacturing, Light Research and Development Storage, Non-Hazardous Warehousing and Distribution
AGRICULTURAL USES		OTHER USES
<ul style="list-style-type: none"> Agricultural Support Services 		<ul style="list-style-type: none"> Airport and Heliport, Public and Private Auditorium and Assembly Cemetery, Columbaria, and Mausoleum Church and Place of Worship Crematory Emergency Response Facility Funeral Home and Mortuary Governmental Office Hospital Library Parks, Public and Private Penal and Correction Facility School and Preschool
COMMERCIAL USES		
<ul style="list-style-type: none"> Adult Day Care Facility Bar, Tavern, and Club Bed and Breakfast *Barrel Warehouse, Non-VOC *Campground and Recreational Vehicle Park, Public or Private Child Care Center Farm Chemical Supply and Seed Sales General Retail 		
I1 Special Exception Uses		
AGRICULTURAL USES	COMMERCIAL USES	OTHER USES
<ul style="list-style-type: none"> Timber Processing 	<ul style="list-style-type: none"> Battery Energy Storage Systems (BESS), Tier 2¹ *Rural Event Venue, Permanent or Temporary *Solar Energy System, Commercial Shooting Range and Gun Club, Outdoor *Wind Energy Conversion Systems, Large *Winery, Brewery, and Distillery (non-artisan) 	<ul style="list-style-type: none"> Utility Facility, Public and Private *Wireless Communication Facility
INDUSTRIAL USES		
<ul style="list-style-type: none"> Trucking Terminal Vehicle Impound Lot Waste Transfer Facility 		

* Specific Use Development Standards also apply. See Chapter 3: Use Development Standards

1 – Tier 2 BESS shall comply with all insurance requirements outlined in Chapter 3.M.4.q.iii.4: Insurance Requirements prior to issuance of a building permit and all BESS structures shall comply with the setback requirements outlined in Chapter 3.M.4.b: Commercial SES Setbacks.

 I1 Structure Standards		
Maximum height of structure	Primary structure	60 feet
	Accessory structure	20 feet
 I1 Lot Standards		
Minimum lot width	100 feet or 50 feet on cul-de-sac	
Minimum lot area	2 acres	
Minimum front yard setback	75 feet from major arterial ¹ 25 feet from all other roads ¹	
Minimum side yard setback	Primary structure	25 feet
	Accessory structure	10 feet
Minimum rear yard setback	Primary structure	40 feet
	Accessory structure	10 feet
Maximum impervious surface coverage	60%	
 I1 Utility Standards		
Municipal water and sewer required	NO	
 I1 Additional Site Development Standards		
<p>The following site development standards may also apply to development in this district. See <i>Chapter 4: Site Development Standards</i>.</p> <ul style="list-style-type: none"> • Accessory Structure Standards • Bufferyard Separation and Planting Standards • Driveway and Access Management Standards • Lighting Standards • Parking and Loading Standards • Sign Standards • Storage Standards • Structure Standards • Trash and Dumpster Standards 		

¹ – If the right-of-way is not dedicated by written, recorded document, minimum setback shall be increased by 30 feet.



8. HEAVY INDUSTRIAL DISTRICT (I2)

- a. **I2 Purpose.** The Heavy Industrial District (“I2”) is intended to encourage the development of all types of major manufacturing, processing, warehousing, and major research and testing operations. These activities require extensive community facilities and direct access to an arterial street. It is also expected that these uses will have extensive open storage and service areas.
- b. **I2 General Standards.**
 - i. All subdivisions require subdivision approval unless exempt (See *Chapter 5: Exempt Subdivisions*).
 - ii. All new primary structures require Development Plan approval.
 - iii. All development may be subject to Drainage Board approval.
 - iv. Outdoor storage or outdoor display of merchandise that is visible from a public street is permitted but shall be limited to materials and goods that are immediately available for purchase. All other storage or display of merchandise that are not immediately available for purchase, such as bulk materials or wrecked/inoperable vehicles, shall be located behind the front elevation of the primary structure.
 - v. Multiple primary uses and structures are permitted per parcel.

c. I2 Use and Development Standards.

I2 Permitted Uses		
<p>ACCESSORY USES</p> <ul style="list-style-type: none"> Battery Energy Storage Systems (BESS), Tier 1 *Solar Energy System, Accessory *Wind Energy Conversion System, Small and Mini <p>AGRICULTURAL USES</p> <ul style="list-style-type: none"> Agricultural Product Processing Agricultural Support Services Meat Processing Timber Processing <p>COMMERCIAL USES</p> <ul style="list-style-type: none"> *Adult Day Care Facility Bar, Tavern, and Club *Barrel Warehouse, Non-VOC Bed and Breakfast *Campground and Recreational Vehicle Park, Public or Private Child Care Center Farm Chemical Supply and Seed Sales 	<p>COMMERCIAL USES</p> <ul style="list-style-type: none"> General Retail Golf Course and Driving Range Hotel and Motel Kennel, Public and Private Liquor Store Medical Offices Mineral Extraction and Processing Outpatient Services Parking Garage or Lot (as a primary purpose) Professional Services and Business Offices Recreational Facility, Public and Private Service-Oriented Retail Shooting Range or Gun Club, Indoor Stadium, Arena, and Race Track *Winery, Brewery, and Distillery (artisan and non-artisan) 	<p>INDUSTRIAL USES</p> <ul style="list-style-type: none"> Chemical Processing *Junkyard and Salvage Landfill, Public or Private Manufacturing, Heavy Manufacturing, Light Recycling, Public or Private Research and Development Storage, Hazardous Storage, Non-Hazardous Trucking Terminal Vehicle Impound Lot Warehousing/Distribution Waste Transfer Facility <p>OTHER USES</p> <ul style="list-style-type: none"> Airport and Heliport, Public and Private Auditorium and Assembly Cemetery, Columbaria, and Mausoleum Church and Place of Worship Crematory Emergency Response Facility Funeral Home and Mortuary Governmental Office Hospital Library Parks, Public and Private Penal and Correction Facility School and Preschool
I2 Special Exception Uses		
<p>COMMERCIAL USES</p> <ul style="list-style-type: none"> Adult Business *Rural Event Venue, Permanent or Temporary Shooting Range or Gun Club, Outdoor 	<p>COMMERCIAL USES</p> <ul style="list-style-type: none"> *Barrel Warehouse, VOC Battery Energy Storage Systems (BESS), Tier 2¹ *Solar Energy System, Commercial *Wind Energy Conversion Systems, Large 	<p>OTHER USES</p> <ul style="list-style-type: none"> Utility Facility, Public and Private *Wireless Communication Facility

* Specific Use Development Standards also apply. See Chapter 3: Use Development Standards
 1 – Tier 2 BESS shall comply with all insurance requirements outlined in Chapter 3.M.4.q.iii.4: Insurance Requirements prior to issuance of a building permit and all BESS structures shall comply with the setback requirements outlined in Chapter 3.M.4.b: Commercial SES Setbacks.

 I2 Structure Standards		
Maximum height of structure	Primary structure	No restriction
	Accessory structure	40 feet
 I2 Lot Standards		
Minimum lot width		100 feet or 50 feet on cul-de-sac
Minimum lot area		2 acres
Minimum front yard setback		75 feet from major arterial ¹ 25 feet from all other roads ¹
Minimum side yard setback	Primary structure	25 feet
	Accessory structure	10 feet
Minimum rear yard setback	Primary structure	40 feet
	Accessory structure	10 feet
Maximum impervious surface coverage		60%
 I2 Utility Standards		
Municipal water and sewer required		NO
 I2 Additional Site Development Standards		
<p>The following site development standards may also apply to development in this district. See <i>Chapter 4: Site Development Standards</i>.</p> <ul style="list-style-type: none"> • Accessory Structure Standards • Bufferyard Separation and Planting Standards • Driveway and Access Management Standards • Lighting Standards • Parking and Loading Standards • Sign Standards • Storage Standards • Structure Standards • Trash and Dumpster Standards 		

1 – If the right-of-way is not dedicated by written, recorded document, minimum setback shall be increased by 30 feet.

9. **FLOOD HAZARD AREA OVERLAY DISTRICT (FH).**

- a. **FH Purpose.** The Flood Hazard Area Overlay District (“FH”) is provided for the purpose of establishing standards for the use of land in those areas designated by federal and state regulators as flood hazard areas.
- b. **FH Boundaries.** The boundaries of this overlay mirror boundaries of all flood hazard areas as shown on the Indiana Floodplain Mapping (“Best Available Data Layer”) of the Indiana Department of Natural Resources (IDNR) / Division of Water and shall be automatically updated as amendments are completed by IDNR.
- c. **FH Permitted and Special Exception Uses.** Uses shall be governed by the underlying zoning district.
- d. **FH Development Standards.** All development within any flood hazard area shall comply with the Jefferson County Floodplain Ordinance. All other development standards shall be governed by the underlying zoning district.

10. **AIRPORT OVERLAY DISTRICT (AO).**

a. **AO Purpose.**

- i. The Airport Overlay District (“AO”) is provided for the purpose of establishing standards for the use of land in those areas that could cause a hazard or public safety concern by interfering with the operations of an airport.
- ii. If a parcel is outside of this overlay, it does not preclude or exempt any use or structure from obtaining all required local, state, and federal permits and approvals.

b. **AO Boundaries.** The boundaries of this overlay shall be six thousand seventy-six (6,076) feet (one nautical mile) in all directions of a runway or seaplane lane that is regulated by the Federal Aviation Administration (FAA) but the noise standards shall only apply to fifteen hundred (1,500) feet on either side of the centerline and six thousand seventy-six (6,076) feet (one nautical mile) from the extended centerline the runway or seaplane lane.

c. **AO Permitted and Special Exception Uses.** Uses shall be governed by the underlying zoning district.

d. **AO Development Standards.**

- i. All development within this overlay shall comply with all state and federal regulations (as amended), including the Federal Aviation Administration (FAA). For all parcels located within the Airport Overlay District, the applicant shall provide documentation of compliance with all current state/federal regulations, approval(s) from state/federal entities (where applicable), and/or approved and valid state/federal permits (where applicable) prior to the issuance of any required local approvals or permits. This includes, but is not limited to, the following:
 - 1) **Building or Structure Height.** A Tall Structures Permit (INDOT Office of Aviation) is required for any structure:
 - a) Within 10,000 feet of a runway that is equal to or less than 3,200 feet at a public-use airport;
 - b) Within 20,000 feet of a runway that is greater than 32,000 feet at a public-use airport;
 - c) Within 5,000 feet of a public-use heliport;
 - d) 200 feet or taller in height, regardless of their proximity to a public -use airport or heliport; or
 - e) As determined or required by INDOT Office of Aviation.

- 2) Noise. Noise Sensitive Permit (INDOT Office of Aviation). This permit is required for construction of a building or structure that is:
 - a) Used as a residence, school, church/place of worship, child care facility, medical facility, retirement home, or nursing home (assisted living); and
 - b) Located within six thousand seventy-six (6,076) feet (one nautical mile) of the ends of a runway or seaplane lane; or
 - c) As determined or required by INDOT Office of Aviation.
- ii. All other development standards not regulated by state and/or federal standards shall be governed by the underlying zoning district.

CHAPTER 3: USE DEVELOPMENT STANDARDS

A. General Provisions.

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

B. Establishment of Development Standards for Specific Uses.

Uses With Additional Development Standards
Accessory Dwelling
Agritourism
Animal Feeding Operation (CFO or CAFO)
Campground and Recreational Vehicle Park
Home-Based Business
Home Occupation
Junkyard and Salvage
Manufactured Home Park
Rural Event Venue (Permanent and Temporary)
Short-Term Rental
Solar Energy Systems (SES)
Wind Energy Conversion Systems (WECS)
Wireless Communication Facilities

C. Accessory Dwelling.

1. Accessory Dwelling Purpose.

- a. It is the purpose of this section to regulate a second residential structure on a parcel where a primary residential structure exists in order to:
 - i. Provide housing options for family members, students, aging residents, in-home health care providers, the disabled, and others;
 - ii. Promote a variety of housing opportunities in the community; and
 - iii. Allow homeowners to benefit from added income and an increased sense of security.

2. Accessory Dwelling Development Standards.

- a. For the purposes of this section, short-term rentals do not qualify as an accessory dwelling.
- b. Any accessory structure that contains a bathroom and kitchen facilities shall be considered an accessory dwelling and be required to meet the requirements of an accessory dwelling unless a “Use Affidavit” is filed with the PC and recorded.

Accessory Dwelling Structure Standards	
Minimum Area	220 sq ft
Maximum Area	800 sq ft or 50% of the primary dwelling unit (whichever is less)
Maximum Height	25 feet or the height of the primary dwelling unit (whichever is less)
Architecture and Building Materials	Architectural style, form, materials, and colors shall match or be compatible with the style and form of the primary dwelling unit
Quantity	Maximum of one (1) accessory dwelling unit per parcel
Permitted Structure Type	Structure must be a lawfully-built structure that meets all state and local building code requirements, including all requirements for a single-family dwelling
Prohibited Structures	<ul style="list-style-type: none"> • A recreational vehicle, travel trailer, or similar structure is prohibited as accessory dwelling • A motor vehicle is prohibited as accessory dwelling • Any structure not intended for permanent human occupancy is prohibited as accessory dwelling
Self-Sufficient	Accessory dwelling shall be an independent and complete dwelling unit with all amenities needed for safe and habitable living, including permanent provisions for sleeping, eating, cooking, and sanitation

Accessory Dwelling Site Development Standards	
Accessory Structures	No accessory structures are permitted for accessory dwelling units
Address	Addresses for properties with an approved accessory dwelling shall be approved by Jefferson County 911
Access	<ul style="list-style-type: none"> • Accessory dwelling shall utilize the existing driveway that serves the primary dwelling • A separate driveway from any public right-of-way shall not be granted
Location	<ul style="list-style-type: none"> • Shall only be allowed on lots where an existing, lawfully constructed, single-family dwelling unit exists and is owner-occupied • May be attached or detached from the primary single-family dwelling unit • Must be located behind the front façade of the primary dwelling unit in either the side yard or the rear yard
Ownership	Accessory dwelling shall be under the same ownership as the primary structure
Parking and Loading	On-site parking is required as outlined in <i>Chapter 4: Parking and Loading Standards</i> but may be shared with the primary dwelling unit
Accessory Dwelling Utility Standards	
Sewage Disposal	<ul style="list-style-type: none"> • Municipal sewer or septic required • Septic (including connections or modifications) must be approved by the Jefferson County Health Department

D. Agritourism.

1. **Agritourism Purpose.** It is the purpose of this section to allow for the celebration of agriculture in Jefferson County, its continued sustainability, and its economic vitality. The regulations set forth in this ordinance allow for and regulate agritourism uses while also taking into consideration the health, safety, and general character of the surrounding neighborhood.
2. **Agritourism Development Standards.**

Agritourism Site Development Standards	
Access	Shall be approved by the Administrator and the Jefferson County Highway Department
Bufferyards and Fencing	Opaque screening, consisting of an earth berm, evergreen screen, or an obscuring wall or fence shall be provided near the primary public activity areas on those sides abutting or adjacent to an existing residential use. The use of natural landscape materials is encouraged. At a written request of the applicant, the Administrator and/or the BZA may grant relief of the screening requirement in specific cases where cause can be shown that the distance between the agritourism and residential use would not require screening
Lighting	Any exterior lighting installed related to an agritourism use or activity shall be appropriately shielded and directed downwards to minimize light pollution
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
Agritourism Operational Standards	
Hours of Operation	<ul style="list-style-type: none"> Hours of operation must be provided in writing by the applicant Administrator and/or BZA may alter the requested hours of operation for the agritourism uses consistent with the character of the land uses in the vicinity and may require additional conditions to ensure adherence to the established hours of operation
Permitted Uses	<ul style="list-style-type: none"> Shall be accessory to an active agricultural use on the same site or adjoining site that is under the same ownership Shall be located, designed, and operated so as not to interfere with normal agricultural practices on and off site. Poor agricultural soils or lands otherwise not suitable for agricultural purposes are recommended for building locations.

<p>Prohibited Uses</p>	<ul style="list-style-type: none"> • Rural Event Venue (See <i>Chapter 4: Rural Event Venue</i>) • Motorized off-road vehicle racing or other similar motor vehicle activities • Camping or overnight accommodations • Winery, brewery, or distillery not accessory to an active agricultural use (use is permitted if accessory to active agricultural use) • Barrel warehouse, VOC • Temporary festivals or other events open to the public • Other uses that the Administrator and/or BZA determines would disturb the general peace and enjoyment of the rural and/or residential character of the surrounding area due to excessive traffic, noise, smoke, odors, visual clutter, or other nuisances
<p>Agritourism Utility Standards</p>	
<p>Sewage Disposal</p>	<ul style="list-style-type: none"> • Public restroom facilities, temporary or permanent, shall be provided on site and with approval of the Jefferson County Health Department if required • Year-round operations shall have permanent public restroom facilities. • Seasonal operations are not required to have permanent public restroom facilities, unless required by the Jefferson County Health Department

3. Agritourism Procedures.

- a. **Development Plan Required.** A development plan is required to construct and/or establish an agritourism operation in order to ensure that it meets all the applicable building codes and regulations. If applicable, a preliminary layout plan shall be submitted at the time of application for special exception approval to demonstrate compliance with the UDO, but this does not constitute development plan approval.
 - i. **Application Narrative.** Prior to the approval of any agritourism activity, a written narrative shall be submitted describing the use in detail, including both agriculturally related and non-agriculturally related products and uses; proposed hours of operation; measures that are to be taken to assure that the operation of the use will take place only in a safe and convenient manner; special events; and other information describing the use and which will assist the Administrator and/or the BZA in determining whether the application meets the requirements.

E. Animal Feeding Operation (CFO and CAFO).

1. **AFO Purpose.** The purpose of regulating animal feeding operations is to encourage the flexibility in the development of land that may be necessary to permit adjustments to changing public and private needs; to foster the ability to provide development patterns which are more compatible with and effective in meeting those needs; to promote the more efficient use of land to preserve and enhance the natural characteristics and unique features of a property; to improve the design, character, and quality of new development; to encourage integrated planning for the economical provision of streets, roads, infrastructures and other utilities to reduce the burden by more efficient development; and to conserve the value of land.
2. **AFO General Standards.**
 - a. Animal feeding operations are defined as those uses constituted as a Confined Feeding Operation (CFO) and Concentrated Animal Feeding Operations (CAFO).
 - b. The regulations in this subsection are in addition to the rules established by the Indiana Department of Environmental Management (IDEM), the Environmental Protection Agency (EPA), or any other agency or board designated at the federal, state, or local level to monitor or regulate animal feeding operations either directly or indirectly. Any revision to the state or federal rules shall be accepted in these regulations, without an amendment and while printed revisions are updated. In the case of conflicting requirements, the more restrictive requirement shall apply.
 - c. Nothing herein shall prohibit the application of fertilizer from waste pits or lagoons by methods approved by the State Department of Environmental Management.
3. **AFO Development Standards.**^{2,3}
 - a. All farms existing as of the effective date of this chapter that expand to a CFO shall only be required to meet the general setbacks for agricultural buildings.
 - b. If proven odor reducing technology is implemented, the permit applicant may apply to the BZA for reduced setback under the same procedure and standards used for a dimensional variance under *Chapter 7: Variance Process*.
 - c. The setback distances from residences for an AFO may be reduced to the minimum allowed by the zoning district during the development plan review if the petitioner has notarized affidavits from all adjacent property owners stating their endorsement of the decrease in setback distance.

Animal Feeding Operation Lot Standards		
Minimum Setback of any AFO Structure or Use ^{1, 2, 3}	Front, side, or rear yard	140 feet ⁴
	Parcel with different zoning classification	1,000 feet
	Existing church or school structure	
	Primary residential dwelling structure (not owned by AFO)	
Minimum Setback from Application of Liquid Animal Waste from a CFO/CAFO as Fertilizer	Public Roads	Ten (10) feet if injected or incorporated within twelve (12) hours or 25 feet if surface applied
	Residential structure (not owned by AFO or occupied by operator)	100 feet if injected or incorporated within twelve (12) hours or 200 feet if surface applied

1 – Setbacks measured from the closest edge of any structure with AFO operations.

2 – Includes any confined feeding operation, CFO, or CAFO with deep pit manure storage and/or any silage storage that is not within an enclosed structure.

3 – Includes any primary and/or accessory structure or improvement utilized in carrying on of the operation, including any lagoon, open manure storage area, deep pit manure storage structure, silage storage area, silage storage building or structure, and deep pit manure storage area. Excludes fences, silos, structures less than 200 sq ft, and vehicle fuel storage tanks/apparatuses.

4 – If any AFO requires an IDEM permit, the front, side, and rear setback shall be a minimum of 1,000 feet.

d. **AFO Odor abatement.**

i. **Odor Abatement for CFO/CAFO Building Permits Required.** Applicants for building permits for a CFO or CAFO must adopt a minimum of one (1) odor abatement strategy. Odor abatement strategies include those listed below. Alternative odor abatement strategies may be approved by the BZA (through special exception approval) and/or PC (through development plan approval).

- 1) Biofiltration or other effective filtration of pit air;
- 2) Vertically directed exhaust (high chimney or fan assist);
- 3) Soybean oil spray for dust control;
- 4) Electrostatic precipitation;
- 5) Ozonation;
- 6) Anaerobic digesters ;
- 7) Diet manipulation ;
- 8) Manure drying methods;
- 9) Aerating the surface of a lagoon;
- 10) Windbreak walls;

- 11) Odor absorbing evergreen trees at least as tall as the exterior wall height and at least two trees deep around the entire perimeter of lagoon or building;
- 12) Chemical treatment of manure to reduce odor; and
- 13) Other proven strategies, designs or technologies that reduce odor.

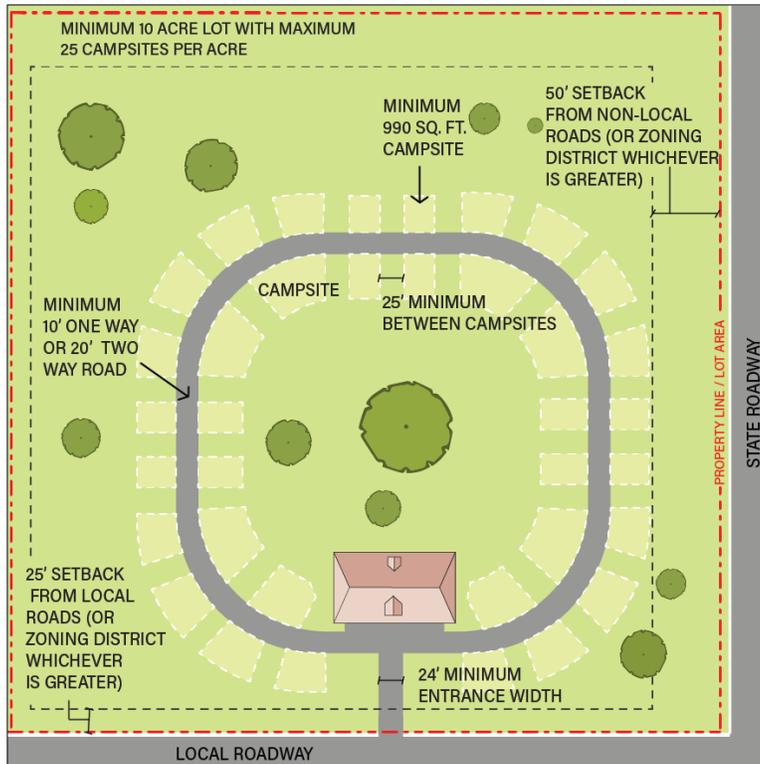
4. AFO Procedures.

- a. **Bonding Required.** The owner or operator a CFO or CAFO shall post a bond of five thousand dollars (\$5,000) conditioned on the faithful performance of the inspections and maintenance required of an AFO under this subsection. If the owner or operator fails to provide for the required maintenance and certification, then the County may arrange for the certification and maintenance by qualified personnel utilizing the bond. The cost of all inspections and certification shall be at the sole expense of the AFO owner or operator.
- b. **Permits Required.**
 - i. All required permits shall be obtained before construction of a CAFO or CFO is commenced.
 - ii. Waste management systems shall be considered structures and shall require an ILP.
- c. **Development Plan Required.** A development plan is required to construct and/or establish an animal feeding operation to ensure that it meets all the applicable building codes and regulations. If applicable, a preliminary layout plan shall be submitted at the time of application for special exception approval to demonstrate compliance with the UDO, but this does not constitute development plan approval.
 - i. Any applicant(s) who has or have had ownership in an animal feeding operation during the past five (5) years shall not have any outstanding unresolved violations with the IDEM or any other corresponding or comparable local, state, or federal regulatory agency. All outstanding violations must be resolved before a permit from the county will be issued. The application shall disclose and list all persons with an ownership interest in the AFO.
 - ii. The applicant shall submit a signed affidavit stating that there are no outstanding violations.

F. Campground & Recreational Vehicle Park.

1. Campground & RV Park Purpose.

- a. The purpose of these regulations is to provide minimum requirements for the protection of the health and safety of the occupants of public and private campgrounds, recreational vehicle parks, their associated recreation areas, and the general public.
- b. In addition to these standards, a facility accommodating ten (10) or more tents, recreational vehicles, or campsites are subject to the regulations established by state standards per 410 IAC 6-7.1.



Example of Campground Requirements

2. Campground & RV Park Development Standards.

Campground Lot Standards	
Minimum Lot Area: Overall Campground	10 acres
Minimum Area: Individual Campsites	990 sq ft / campsite
Minimum Setback	25 ft from local roadways; 50 ft from all other roadways; or the zoning district setback, whichever is greatest
Maximum Density	25 campsites/acre
Minimum Separation of Campsites	25 ft between campsites
Structures on Campsites	No permanent or semi-permanent structures for dwellings or overnight accommodations, such as cabins, lean-tos, or other habitable buildings, shall be erected on a campsite. This does not include a campground facility, such as a bathhouse, that is not located on an individual campsite.
Campground Site Development Standards	
Access	<ul style="list-style-type: none"> • All campgrounds shall have an entrance roadway that is at least twenty-four (24) feet in width • The entrance roadway may be gravel or paved
Internal Circulation	<ul style="list-style-type: none"> • All campsites shall gain access through an internal roadway; campsites shall not gain access from any public road • All internal roads 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 • Internal roads may be gravel or paved • Local Fire and EMS jurisdictions shall approve site plan for adequate accessibility
Drainage	<ul style="list-style-type: none"> • All areas shall be well drained and designed to provide sufficient space for camping activities, vehicles, sanitary facilities, and appurtenant equipment • All development shall comply with the <i>Jefferson County Drainage Ordinance</i>
Location	The campground shall not be located in an area subject to periodic flooding or located in such a manner as to permit contamination of a private or public water supply. Furthermore, campgrounds shall not be located adjacent to swamps, marshes, railroads, stockyards, industrial sites, or other such locations which would constitute a health or safety hazard.
Storage	The storage of unoccupied recreational vehicles shall be prohibited

Community Facility	<ul style="list-style-type: none"> • At least one (1) indoor community facility shall be provided for the campground that provides recreational space for the park occupants as well as a storm shelter that meets the minimum requirements in the ICC 500 standard for occupants during severe weather • The area of the community facility shall be at least two hundred (200) square feet or one percent (1%) of the campground’s gross acreage, whichever is less
Campground Operational Standards	
Duration of Stay	Occupants shall not exceed one hundred and eighty (180) overnight stays within twelve (12) consecutive months. All structures, recreational vehicles, trailers, camping units, tents, and belongings shall be removed from the parcel when the campsite is not occupied.
Campground Utility Standards	
Sanitation	Sanitation facilities are required and shall be designed, constructed, and maintained in compliance with the standards approved by the Jefferson County Health Department, Indiana State Health Department, or the sewer provider as appropriate.
Water Supply	A water supply system is required and shall be designed, constructed, and maintained in compliance with the standards approved by the Indiana State Health Department or the water provider as appropriate.

3. Campground & RV Park Procedures.

- a. **Development Plan Required.** A development plan is required to construct and/or establish a campground in order to ensure that it meets all applicable building codes and zoning regulations. If applicable, a preliminary layout plan shall be submitted at the time of application for special exception approval to demonstrate compliance with the UDO, but this does not constitute development plan approval.

G.Home-Based Business.

1. **Home-Based Business Purpose.** The purpose of regulating limited commercial activities in residential dwellings or on residentially or agriculturally zoned (or used) parcels is to ensure that they are incidental and accessory to a legal dwelling, compatible with surrounding uses, and do not add significant traffic, noise, or other nuisances to the residential or agricultural areas in which they are located.
2. **Home-Based Business Development Standards.**

Home-Based Business Lot Standards	
Location	All business activity must be conducted entirely within the primary dwelling unit or entirely within a permitted accessory structure upon the same premises as the primary dwelling unit
Home-Based Business Site Development Standards	
Access	<ul style="list-style-type: none"> No additional access points and/or driveways shall be permitted Adequate measures shall be taken to maintain safety for trucks entering the public roadway at slower speeds, including but not limited to deceleration/ acceleration lanes or passing blisters
Parking and Outdoor Storage	<ul style="list-style-type: none"> Parking, display/storage of products/goods, or other items necessary for the home-based business shall be located in the rear yard behind the rear elevation of the primary dwelling unit All equipment parking and outdoor storage areas shall have a solid fence or masonry wall on all sides (excluding driveways) that is a minimum of six (6) feet in height and/or a continuous evergreen screen to provide screening from adjacent properties. Fences shall comply with all regulations of this UDO.
Character	There shall be no evidence on the exterior of the premises that the property is used in any way other than for a residential dwelling. All structures shall retain a residential character
Home-Based Business Operational Standards	
Employees	Maximum of six (6) employees shall be allowed on the site per day but no more than two (2) employees may be present on the site at one time in addition to the resident(s)
Clients/Customers	Maximum of ten (10) clients or business-related visitors shall be allowed on site per day, but no more than two (2) clients or business-related visitors shall be present on the site at one time
Hours of Operation	Business hours shall be limited to Monday through Friday from 7:00am to 7:00pm

H.Home Occupation.

1. **Home Occupation Purpose.** The purpose of regulating home occupations in residential dwellings or on residentially or agriculturally zoned (or used) parcels is to ensure these activities are incidental and accessory to a legal dwelling, compatible surrounding uses, and do not add traffic, noise, or other nuisances than would be normally encountered within the districts they are located.
2. **Home Occupation Development Standards.**

Home Occupation Structure Standards	
Location	All business activity must be conducted entirely within the primary dwelling unit or entirely within a permitted accessory structure upon the same premises as the primary dwelling unit
Home Occupation Site Development Standards	
Parking and Storage	Additional parking and/or the display/storage of products/goods or other items necessary for the home occupation shall be prohibited
Character	<ul style="list-style-type: none"> • All primary and/or accessory structures on the parcel shall retain a residential character • No mechanical equipment shall be used that creates any electrical or other interference, noise, or impacts that are not normally associated with a residential use
Signs	No exterior signs or displays shall be permitted, except as allowed for the subject zoning district (see <i>Chapter 2: Zoning Districts</i>)
Home Occupation Operational Standards	
Employees and Clients/Customers	No employee, client, or business-related visitor may be allowed on the site of the home occupation other than the resident(s) of the dwelling

I. Junkyard and Salvage.

1. **Junkyard and Salvage Purpose.** The purpose of the Junkyard standards is to ensure that both the operation and the existing land uses surrounding the operation are protected from the negative impacts that each may cause the other.
2. **Junkyard and Salvage General Standards.**
 - a. Upon receiving an appliance, vehicle, or other material, the battery, lubricants, fluids, coolants, refrigerants, and the similar components and shall be removed and recycled or disposed of same in accordance with all applicable state and federal laws regarding disposal of waste and hazardous materials.
 - b. Combustible material which can be ignited by an ordinary match shall be placed or stored at least ten (10) feet from any fence or structure. No burning of any material shall occur on site.
 - c. No junkyard shall be used as a dump by the public.
 - d. No material shall be placed in any junkyard in such a manner that it is capable of being transferred out of the junkyard by wind, water, or other natural causes. The storing of loose paper and the spilling of flammable or other liquids into the ground, streams, or sewers are prohibited.
3. **Junkyard and Salvage Development Standards.**

Junkyard Structure Standards	
Location	<ul style="list-style-type: none"> No portion of a junkyard, impound lot, or salvage yard shall be located within an area designated as a special flood hazard area No portion of a junkyard used for storage of any materials shall be within five hundred (500) feet of the property line of an existing residential use or parcel platted for residential use
Junkyard Site Development Standards	
Storage	All storage of any junk, materials, or similar activity shall be within an enclosed building or fully screened with vegetation, berm, masonry wall, fence, or similar so it is not visible from any public street or adjacent parcel year-round
Fencing	All fencing shall be securely locked unless being actively supervised for ingress or egress
Access	<ul style="list-style-type: none"> 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 Internal driveways and fire lanes may be paved or gravel

4. Junkyard and Salvage Procedures.

- a. **Development Plan Required.** A development plan is required to construct and/or establish a junkyard in order to ensure that it meets all applicable building codes and regulations. If applicable, a preliminary layout plan shall be submitted at the time of application for special exception approval to demonstrate compliance with the UDO, but this does not constitute development plan approval.

J. Manufactured Home Park.

1. **Manufactured Home Park Purpose.** The purpose of the Manufactured Home Park standards is to provide housing options for residents, ensure a high-quality living environment within a manufactured home park and assist in providing alternative developments for single-family housing. Note that this use standard does not apply to manufactured homes on individual lots; it is intended only for manufactured home parks.
2. **Manufactured Home Park General Standards.** Manufactured home parks are NOT exempt from the Flood Hazard Ordinance, DNR regulations, or FEMA regulations.
3. **Manufactured Home Park Development Standards.**

Manufactured Home Park Structure Standards	
Structures Types	<ul style="list-style-type: none"> Only manufactured homes are permitted as dwellings within a manufactured home park; no recreational vehicles (RVs), travel trailers, or similar vehicles shall be used as dwellings or occupied. No transient or nonpermanent manufactured home or travel trailers shall be located in a licensed manufactured home park (except as all in this section) All manufactured homes shall be properly underpinned and secured with anchors or straps according to manufacturer’s specifications Coin-operated laundries, recreational rooms, and similar amenities may be permitted in manufactured home parks
Structure Standards	<p>All manufactured homes shall comply with the structure standards in <i>Chapter 4: Structure Standards</i></p> <ul style="list-style-type: none"> The minimum residential living area requirement of the underlying zoning district shall NOT apply
Manufactured Home Park Lot Standards	
Minimum Park Lot Width	120 feet or as determined by the zoning district, whichever is greater
Minimum Lot Area	5 acres
Minimum Home Site Area	4,000 sq ft or the Minimum Lot Area for the underlying zoning district, whichever is less
Minimum Separation between Any Structure	10 feet

Manufactured Home Park Site Development Standards	
Location	Manufactured home parks are NOT exempt from the Flood Hazard Ordinance, DNR regulations, or FEMA regulations.
Storage	<ul style="list-style-type: none"> • Wrecked, abandoned (unoccupied for more than 1 year or deemed unsafe by the Building Commissioner), damaged, or dilapidated manufactured homes shall not be kept or stored within the manufactured home park at any time. • An open storage area may be provided within the park to store travel trailers, campers, and other recreational vehicles by residents. If provided, the minimum storage area shall be two hundred (200) square feet per home site and shall be fully screened with a solid fence, wall, and/or gate. Campers shall not be stored on any home site. • Each park shall provide either one or more central storage structures available to all manufactured home sites or a single storage structure for each manufactured home site. Such structures shall be waterproof so they remain relatively unaffected by water and/or weather and are suitable for storage of goods and the usual effects of persons occupying the park.
Bufferyards and Fencing	The perimeter of each manufactured home park shall be fully screened with a solid fence or wall that is a minimum of four (4) feet in height unless the required bufferyard (see <i>Chapter 4: Bufferyards</i>) specifies a higher standard.
Parking and Loading	<ul style="list-style-type: none"> • Two (2) parking spaces shall be provided for each manufactured home site. The spaces shall be provided either in common facilities within one hundred (100) feet of the home site or within the home site. • Visitor parking shall be provided throughout the manufactured home park at a rate of one (1) space per home sites.
Lighting	Each manufactured home park shall provide street lights at the entrance and along internal roads. Maintenance of all lighting and monthly services fees shall be the responsibly of the park owner.
Sidewalks	<ul style="list-style-type: none"> • Sidewalks shall be provided on at least one side of all internal roads, be a minimum of four (4) feet in width, and be paved with a suitable material for use in all weather conditions. • A three (3) foot sidewalk connection shall be provided to each individual home site from the nearest public sidewalk, street, or parking area. All sidewalk connections shall be paved with a suitable material for use in all weather conditions.

Roads	<ul style="list-style-type: none"> • Each manufactured home site shall have direct access to a public or private roadway. • Design of all entrances and internal roads, public or private, shall provide for emergency vehicle access, meet minimum standards for design and construction as required by this UDO, and be approved by the Fire Department and EMS. • All internal roads shall be installed by the applicant and built to the standards outlined in <i>Table 6.2: Minimum Public Road Design Requirements</i>. All private roads shall be maintained by the property owner.
Drainage	All drainage shall comply with the <i>Jefferson County Drainage Ordinance</i> and be approved by the Jefferson County Drainage Board, as required.
Recreational Area	Each park shall provide and maintain a recreational area or areas (such as open space, playground, dry detention areas, etc.) equal in size to at least twenty percent (20%) of the area of the park, generally in a central location. Streets, parking areas, and park service facility areas shall not be included in the calculation of the required recreational area. Maintenance of all recreational and public areas shall be enforced as allowed by this UDO and all applicable property maintenance ordinances.
Manufactured Home Park Operational Standards	
Resident Manager	A resident manager or park manager shall be required to oversee that the ordinances and laws regulating the manufactured home park are observed. The resident manager or park manager shall reside on-site and a designated person shall be accessible to contact twenty-four (24) hours a day/seven (7) days a week for emergencies.
Resident Register	Every manufactured home park shall maintain a current register of all occupants, which shall include, at a minimum, the names of all persons residing in the manufactured home park; the make, type and serial or license number of each manufactured home; and a location of the space occupied. The park owner shall provide the list, and any updates, to the Assessor's Office.
Manufactured Home Park Utility Standards	
Connections to Homesites	Utility connections for water, sewer, electric, and other necessary utilities shall be provided to each manufactured home site. All service connections shall be stubbed and sleeved/wrapped to allow for settlement/movement through a concrete slab that is: at grade level; a minimum of four (4) square feet; minimum of four (4) inches thick; and sloped to drain.
Trash	All trash and refuse must be placed in closed containers or within a central enclosure with a solid fence or solid wall on all sides.

4. **Manufactured Home Park Procedures.**

- a. **Permits Required.** ILPs shall be required for the placement of all individual manufactured homes and their accessory structures.
- b. **Development Plan Required.** A development plan is required to construct and/or establish a manufactured home park in order to ensure that it meets all the applicable building codes and regulations. If applicable, a preliminary layout plan shall be submitted at the time of application for special exception approval to demonstrate compliance with the UDO, but this does not constitute development plan approval.

K. Rural Event Venue (Permanent & Temporary).

1. **Rural Event Venue Purpose.** The purpose of the Rural Event Facility standards is to ensure that the use and establishment of the event facility, either permanent or temporary, remains accessory to the residential or agricultural use of the property and does not have a negative impact on the surrounding agricultural or residential areas and/or uses. Note that the definition of rural event venue (See *Chapter 9: Definitions*) does not include family events or gatherings that are held on their own property.
2. **Rural Event Venue General Standards.**
 - a. **Temporary Venues.** Short-term activities or events that are not reoccurring, do not have permanent or semi-permanent structures, and/or similar temporary operations shall occur no more than three (3) consecutive days and not more than one (1) time per calendar year. Examples of temporary venues include, but are not limited to, fairs, rural races/rides, one-time weddings, etc.
 - b. **Permanent Venues.** Activities or events that are reoccurring and have operations that reflect a permanent business are not limited on the number of consecutive days of operation or number of occurrences per year. Examples of permanent venues include, but are not limited to, wineries, agricultural wedding venues, etc.
3. **Rural Event Venue Development Standards.**

Rural Event Venue Lot Standards	
Minimum Lot Area	3 acres
Minimum Setbacks	Minimum setbacks for the zoning district apply to all permanent and temporary structures, including tents, canopies, stages, dance floors, and similar.
Rural Event Venue Site Development Standards	
Dust Control	<ul style="list-style-type: none"> Dust shall be minimized by reducing vehicle speeds on driveways and parking areas. During dry conditions, the application of water or other approved dust controlling measure is required. Parking areas may be gravel or paved and shall comply with all other standards of <i>Chapter 4: Parking & Loading Standards</i>
Lighting	All outdoor lighting associated with the special event shall be turned off by 10:00pm (weekdays) or 11:00pm (weekends) and conform to <i>Chapter 4: Lighting Standards</i>
Rural Event Venue Operational Standards	
Hours of Operation	All events shall be limited to the hours of 8:00am to 10:00pm (weekdays) or 11:00pm (weekends). All events shall comply with all applicable local nuisance and noise ordinances.

Rural Event Venue Utility Standards	
Sewage Disposal and Water Supply	The facility shall provide a potable domestic water supply and an on-site sewage disposal/storage or sewer service connection necessary to accommodate the special event that is approved by the Jefferson County Health Department

4. Rural Event Venue Procedures.

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

L. Short-Term Rental.

1. **Short-Term Rental Purpose.** The purpose of these short-term rental standards is to comply with the provisions of IC 36-1-24 series as well as set an appropriate balance between the interests of the County’s residents, business owners, visitors to the community, and property owners wishing to engage in short-term rental of dwellings; ensure issues related to fire safety and life safety codes are met; and allow homeowners to benefit from added income.
2. **Short-Term Rental Structure Standards.**

Short-Term Rental Structure Standards	
Structure Requirements	<ul style="list-style-type: none"> Single-family, detached structure (cannot be located in an accessory structure) Lawfully-built structure that meets all local and state building code requirements, Meets all requirements for a single-family dwelling Only 1 short-term rental is permitted on a single parcel
Prohibited Structures	<ul style="list-style-type: none"> Any accessory structure (must be a primary structure) A recreational vehicle, travel trailer, or similar structure is prohibited as short-term rental A motor vehicle is prohibited as a short-term rental Any structure not intended for permanent human occupancy is prohibited as a short-term rental
Short-Term Rental Site Development Standards	
Parking and Loading	1 additional off-street parking space is required
Short-Term Rental Operational Standards	
Occupancy	Maximum overnight occupancy shall be 2 persons per sleeping area, not to exceed 10 people, regardless of the number of sleeping areas.
Notice	<p>A notice shall be prominently posted within the structure that displays:</p> <ul style="list-style-type: none"> Statement that the structure is an approved short-term rental; The address of the property; The approved maximum occupancy; That quiet hours are from 10:00 pm to 7:00 am every day; A 24-hour telephone number where the owner can be reached

3. **Short-Term Rental Procedures.**
 - a. **Enforcement.** Short-term rental owners who do not comply with the regulations may be subject to enforcement consequences including, but not limited to, inspections, citations, and/or revocation of the special exception approval.

M. Solar Energy Systems (SES).

1. **Applicability.** This section applies to all solar energy installations within the jurisdiction of the Jefferson County Advisory Plan Commission.
2. **Purpose.** Jefferson County has adopted this regulation for the following purposes in addition to ensuring impacts to adjacent parcels are properly mitigated and prevent land use conflicts with current and future development.
3. **Accessory Solar Energy Systems (SES).**
 - a. **Accessory SES General Standards.** Ground-Mounted SES shall not count toward the maximum number of accessory structures permitted.
 - b. **Accessory SES Height.**
 - i. Heights of all Accessory SES are measured from the lowest point of the base of the device (or ground elevation if ground or Pole-Mounted) or to the highest point at maximum design tilt.
 - ii. No Accessory SES shall exceed the maximum allowed height of the zoning district in which the parcel is located or the maximum height requirements for building-mounted mechanical devices or equipment, with the least restrictive applying, except for the following:
 - 1) Ground-Mounted SES and Pole-Mounted SES shall not exceed fifteen (15) feet in height.
 - 2) Solar Carports SES in non-residential districts shall not exceed twenty (20) feet in height.
 - c. **Accessory SES Setbacks.**
 - i. **Zoning District Applies.** Accessory SES shall comply with the accessory structure setbacks for the zoning district and primary land use associated with the lot on which the system is located, and subject to certain conditions set forth by this ordinance. All setbacks are measured at maximum design tilt.
 - ii. **Building-Integrated SES and Roof-Mounted SES.**
 - 1) The collector surface and mounting devices for Building-Integrated SES and Roof-Mounted SES shall not extend beyond the exterior perimeter of the building on which the system is mounted or built unless it has been designed by a Professional Engineer licensed to practice in the State of Indiana to safely extend beyond the perimeter, and it complies with all required setbacks.
 - 2) Exterior piping for solar hot water systems may extend beyond the perimeter of the building on a side or rear yard if the minimum setbacks are met.
 - 3) Solar collectors mounted on the sides of buildings and serving as awnings are considered to be Building-Integrated SES and are regulated as awnings under this UDO.
 - iii. **Ground-Mounted SES.** Ground-Mounted SES cannot be located in a front yard and must comply with the side yard and rear setbacks, except as otherwise allowed for building mechanical systems.

- d. **Accessory SES Visibility.** Accessory SES in residential districts shall be designed to minimize visual impacts from the public right-of-way, as described herein, to the extent that it does not affect the cost or efficacy of the system, consistent with IC 36-7-2-8. Visibility standards do not apply to systems in non-residential districts.
 - i. **Building-Integrated Photovoltaic SES.** Building integrated photovoltaic systems shall be allowed regardless of visibility from any public right-of-way, provided the building component in which the system is integrated meets all required setback, land use, and performance standards for the district in which the building is located.
 - ii. **Aesthetic Restrictions.** Roof-Mounted SES and ground-mounted SES shall not be restricted for aesthetic reasons if the system is not visible from a public right-of-way other than an alley or if the system meets the following standards:
 - 1) Roof-Mounted systems on pitched roofs that are visible from a public right-of-way shall have the same finished pitch as the roof and be no more than ten (10) inches above the finished roof.
 - 2) Roof-Mounted systems on flat roofs that are visible from a public right-of-way shall not be more than five (5) feet above the finished roof and are exempt from any rooftop equipment or mechanical system screening requirements.
 - iii. **Reflectors.** All systems using a reflector to enhance solar production shall minimize glare from the reflector affecting adjacent or nearby properties.
- e. **Accessory SES Lot Coverage.** Ground-mounted SES shall meet the maximum lot coverage restrictions for the zoning district in which the parcel is located, except as defined below:
 - i. Ground-mounted SES shall be exempt from and not included in maximum lot coverage or impervious surface calculations if the soil under the collector is maintained with vegetation and not compacted.
 - ii. Solar Carport SES in non-residential districts shall be exempt from and not included in maximum lot coverage calculations.
- f. **Accessory SES Site Plan Required.** All Accessory SES are required to obtain site plan approval and shall provide a site plan for review as part of the building permit process.
 - i. The site plan shall include scaled horizontal and vertical (elevation) drawings. The drawings must show the location of the system on the building, if building-mounted, and location on property, including the property lines.
 - ii. Site plans that meet the design requirements of this ordinance shall be approved administratively by the Administrator as part of the building permit process. Approval of the site plan does not indicate compliance with Building Code or Electric Code.
- g. **Accessory SES Approved Solar Components.** Electric solar energy system components must have an Underwriters Laboratory (UL) or equivalent listing and solar hot water systems must have a Solar Rating & Certification Corporation (SRCC) or equivalent rating.

h. Accessory SES Compliance with Applicable Codes.

- i. **Building Code.** All accessory use solar energy systems shall meet approval of local building code officials, consistent with the State of Indiana Building Code, and solar thermal systems shall comply with HVAC-related requirements of the Energy Code.
 - ii. **State Electric Code.** All photovoltaic systems shall comply with the Indiana State Electric Code.
 - iii. **State Plumbing Code.** Solar thermal systems shall comply with applicable Indiana State Plumbing Code requirements.
- i. **Accessory SES Utility Notification.** It is recommended that the interconnection application be submitted to the utility prior to applying for required permits. Grid-tied solar energy systems shall comply with interconnection requirements of the electric utility, if applicable. Off-grid systems are exempt from this requirement.

4. Commercial Solar Energy Systems (SES).

- a. **Commercial SES Height.** No Commercial SES shall not exceed twenty (20) feet in height as measured at maximum design tilt.
- b. **Commercial SES Setbacks.** All Commercial SES structures, including security/perimeter fences, shall comply with the following setback requirements. These setbacks only apply to the placement and location of CSES structures; they do not apply to non-CSES structures (such as a dwelling) that are built after the construction / installation of a Commercial SES structure. Setback distance shall be measured from the closest edge of the CSES structure to the specified location, which shall include the closest edge of a security/perimeter fence, closest edge of the solar energy system array at maximum design tilt, or closest edge of all other CSES structures. Screening materials used to satisfy requirements of this UDO (such as opaque fencing and/or evergreen trees for CSES screening or bufferyard requirements) do not have to comply with these setbacks.
 - i. **Setback from Participating Parcel.** No minimum setback for CSES structures and security/perimeter fencing is required from a participating landowner’s property line. Note that all non-commercial SES structures on a participating parcel (such as a house on a parcel with CSES) must still meet the zoning district setback requirements.
 - ii. **Setback Non-Participating Parcel.**

Commercial SES Non-Participating Setbacks	
Non-Participating Parcel Type	Minimum Setback for CSES Structures
Parcel <u>with</u> an Existing Single-Family/Two-Family Dwelling, Church, School, or Cemetery within any zoning district	500 feet from the closest edge of the primary structure but at least 200 feet from the property line
Parcel <u>without</u> Existing Dwelling but Platted for Residential (Approved Primary or Secondary Plat) within any zoning district	500 feet from the property line
Parcel <u>without</u> Existing Single-Family/Two-Family Dwelling, Church, School, or Cemetery on a parcel zoned R1, R2, or R3	500 feet from the property line
Parcel <u>without</u> Existing Single-Family/Two-Family Dwelling, Church, School, or Cemetery on a parcel zoned AG, NB, GB, I1, or I2	200 feet from the property line

- iii. **Setback from Right-of-Way.** Setbacks of all Commercial SES structures (including security/perimeter fencing and fencing for screening) from any public road or right-of-way shall be a minimum of fifty (50) feet from the edge of the right-of-way or eight (80) feet from the center of road if right-of-way is not dedicated by written, recorded document.
- iv. **Setback Reductions.** Setbacks to an adjoining parcel may be waived upon mutual agreement of all of the property owners of the adjoining parcel.
- c. **Land Coverage Caps.** A maximum of four thousand (4,000) acres of Commercial SES projects can be approved as a Commercial SES use within all areas of Jefferson County, which shall include the planning jurisdiction of Jefferson County, Madison, and Hanover. Acreage within the fenced areas and tillable acreage and/or pasture land outside of the fenced areas which is taken out of production shall be counted as Commercial SES project cap acreage.
- d. **Commercial SES Screening.** Screening shall be provided along all property lines with Commercial SES structures, excluding security/perimeter fencing and non-commercial SES structures (such as a house on a CSES parcel). A continuous screen shall be located between the CSES structure(s) and the property line for the entire length of the structure(s). Additional screening that complies with this section may be required for a special exception approval by the BZA if there is a clear community interest in maintaining a viewshed.
 - i. **Screening from Right-of-Way.** No screening shall be required along a property line that abuts a right-of-way unless screening is required by this section for a non-participating parcel across the right-of-way.
 - ii. **Screening for Participating Parcel.** No screening shall be required along a participating landowner's property line.
 - iii. **Screening for Non-Participating Parcel.**
 - 1) **Parcels Zoned R1/R2 and Parcels within a Recorded Residential Plat.** A continuous screen (that complies with the screening materials and specifications within this section) shall be provided on CSES parcels that abut a parcel that is zoned R1 or R2 or a parcel that is within a recorded residential subdivision (plat). Screening shall be required along the entire length of the non-participating parcel.
 - 2) **Parcels with an Existing Dwelling.** A continuous screen (that complies with the screening materials and specifications within this section) shall be provided on CSES parcels that abut a parcel with an existing residential dwelling. Screening shall be required along the entire length of the dwelling structure and shall be extended one hundred (100) feet past the edge of the dwelling structure in both directions.
 - 3) **All Other Parcels.** Screening shall not be required on CSES parcels that abut a parcel that do not include an existing dwelling, are not zoned R1 or R2, or are not included within a recorded residential subdivision (plat).

iv. **Screening Materials and Specifications.**

- 1) All required screening shall be located within one hundred and fifty (150) feet of the property line and located on the CSES parcel.
- 2) Screening shall consist of evergreen trees or opaque fencing as outlined below.

a) **Evergreen Trees.**

- i) Evergreen trees that include one or more of the following: American Holly, Arborvitae (green giant or similar stature), Eastern Red Cedar, Virginia Pine, or another evergreen approved with the development plan or by the Administrator.
- ii) Evergreen trees shall be arranged utilizing a triangular spacing pattern with spacing not exceeding 15' between centers unless alternative spacing is necessary due to the species and it is approved of with the development plan or by the Administrator.
- iii) Evergreen trees shall be a minimum of six (6) feet tall at the time of planting and reach a mature height of at least fifteen (15) feet.
- iv) All plantings shall follow the latest American Standard for Nursery Stock standards.

b) **Opaque Fencing.**

- i) Screening fencing shall consist of one of the following opaque materials that does not provide gaps or transparency through the fence: pressure treated wood, cedar, wood composite, commercial grade vinyl, or similar material approved with the development plan or by the Administrator.
- ii) Barbed wire and chain link with privacy slats or fabric are prohibited as a screening fence material.
- iii) All screening fences shall be comprised of commercial grade materials, and all iron or steel components shall be galvanized.
- iv) A security/perimeter fence used to satisfy *Chapter 3.M.g: Commercial SES Fencing* can be used to satisfy required screening if it meets both sets of requirements. If the security/perimeter fence does not meet the screening requirements, both fences shall be provided.
- v) All fences shall be designed with the structural stability necessary to withstand anticipated conditions (such as wind) and shall comply with all structural design requirements outlined in the state building code.

v. **Screening Reductions.** Screening along an adjoining property line may be waived upon mutual agreement of all of the property owners of the adjoining parcel.

vi. **Screening Plan.** A site plan shall be submitted with the development plan application that identifies the type and extent of proposed screening as well as the applicant's plan to maintain the required screening materials over the life of the project.

vii. **Maintenance of Vegetation and Screening.** All required screening, vegetation, and ground cover shall be maintained by the project owner at all times in good condition and free of weeds, dirt, trash, rust, corrosion, and/or debris. All required screening and/or plant material that dies or is damaged must be replaced within three (3) months.

- e. **Commercial SES Ground Cover.** Commercial SES that are mounted on the ground are required to install one of the following alternatives for ground cover. Detailed plans showing compliance with one alternative shall be submitted as part of a Development Plan application.
 - i. **Alternative A: Perennial Ground Cover.** Additional site-specific conditions may be required by the BZA as part of a Special Exception approval in addition to the following:
 - 1) The site around and under solar panels and within all setback or buffer areas shall be planted, established, and maintained for the life of the SES project in perennial ground cover. To the extent feasible for site conditions and height requirements so plantings do not interfere with solar equipment, perennial ground cover shall include a diverse seed mix of native species consistent with guidance specific to the local area provided by the Soil and Water Conservation District office or the Indiana Native Plant Society.
 - 2) The owner/operator shall outline site maintenance practices that are intended to manage and mitigate invasive or noxious plant species, as listed by the Indiana Invasive Species Council, without harming perennial ground cover.
 - ii. **Alternative B: Pollinator Friendly Ground Cover.** Additional site-specific conditions may be required by the BZA as part of a Special Exception approval in addition to the following:
 - 1) The site around and under solar panels and within all setback or buffer areas shall be planted, established, and maintained for the life of the SES project in perennial ground cover that complies with the definition of Pollinator-Friendly Solar Energy.
 - 2) Commercial SES that are mounted on the ground that propose to install, establish, and maintain pollinator-friendly ground cover must demonstrate the quality of the proposed habitat based on guidance from sources such as Purdue University 2020 Indiana Solar Site Pollinator Habitat Planning Scorecard or other third party solar-pollinator scorecards designed for Midwestern eco-systems, soils, and habitat.
 - a) All applicants shall submit a completed pollinator-friendly solar scorecard such as the 2020 Indiana Solar Site Pollinator Habitat Planning Scorecard developed by Purdue University or a similar third-party solar pollinator standard designed for Midwest eco-systems and conditions.
 - b) If the project does not qualify as pollinator-friendly, the applicant shall submit a landscaping plan detailing site conditions that prevent the site from being qualified and alternative means of meeting the water quality and habitat goals of the pollinator-friendly standard.
 - 3) Projects certified and maintained as pollinator-friendly habitats are exempt from any landscaping requirements of the UDO and post-construction stormwater management controls (as stated in the Stormwater and NPDES section below) that may be otherwise required under these development regulations, unless required as a condition by the Plan Commission or BZA.
 - 4) The owner/operator shall outline site maintenance practices that are intended to manage and mitigate invasive or noxious plant species, as listed by the Indiana Invasive Species Council, without harming perennial ground cover.

- f. **Commercial SES Foundations.** A Professional Engineer licensed to practice in the State of Indiana shall certify that the foundation and design of the solar panel racking, foundations, and support is within accepted professional standards, given local soil and climate conditions prior to application for building permits.
- g. **Commercial SES Power and Communication Lines.** All power and communication lines shall be within an easement, parcel, or a right-of-way. If located in a right-of-way, the project owner shall obtain approval from Jefferson County Board of Commissioners, obtain a permit from the Jefferson County Highway Department (as required) and place location markers as required by the Jefferson County Highway Department.
 - i. **Power and Communication Lines Within a SES Fenced Area.** All power and communication lines within a SES fenced area that are 34.5 kilovolts or greater shall be buried underground at a depth of at least thirty-six (36) inches below grade. Other power and communication lines that are less than 34.5 kilovolts, such as module-to-module collection cables and junction boxes, may be located and maintained above ground.
 - ii. **Power and Communication Lines Outside of a SES Fenced Area.** All power and communication lines outside of a SES fenced area shall be buried underground at a depth of at least forty-eight (48) inches below grade with an underground warning tape installed directly over the line at a depth of 12 to 18 inches.
 - iii. **Power and Communication Lines Exemptions.**
 - 1) Exemptions may be granted by the BZA in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines or distance makes undergrounding infeasible. All exceptions that are granted by the BZA (including if lines cannot be buried at the required depth) shall comply with alternative design requirements specified by the Jefferson County Highway Department. If necessary, the PC may use an external engineer of the PC's choice who is licensed to practice in the State of Indiana for alternative design review, and the expense of this review shall be paid for by the applicant.
 - 2) Power and communication lines between the project substation and the point of interconnection with the transmission system can be overhead.
- h. **Commercial SES Perimeter Fencing.** Unless otherwise required by state or federal regulation, the following shall apply to all Commercial SES perimeter fencing.
 - i. All areas with Commercial SES components (excluding enclosed and secured buildings and drainage areas) shall be comply enclosed with perimeter fencing that is at least seven (7) feet in height.
 - ii. Wildlife-friendly fencing designs are prohibited.
 - iii. Barbed wire fences are prohibited except on fencing used to enclose a substation or if barbed wire is required by state or federal law without any alternative design solutions or materials.
 - iv. All fences shall be designed with the structural stability necessary to withstand anticipated conditions (such as wind) and shall comply with all state building code requirements.

- v. All perimeter fences shall be chain link (unless an alternative is approved by the BZA) and shall comply with the following standards:
 - 1) Chain link fence framework, including gate posts, top rail, and gate frame members, shall comply with ASTM F1043 Group 1A or Group 1C: Standard Specification for Strength and Protective Coating on Metal Industrial Chain Link Fence Framework
 - 2) Chain link fence fabric shall comply with ASTM A392, Class 1: Standard Specification for Zinc-Coated Steel Chain-Link Fence Fabric; ASTM A491: Standard Specification for Aluminum-Coated Steel Chain Link Fence Fabric; or ASTM A817, Type II, Class 1: Standard Specification for Metallic-Coated Steel Wire for Chain Link Fence Fabric. If fabric is used, it shall be a consistent color for all sections of fence and gates.
 - 3) Chain link fence installation, including swing gates, shall comply with ASTM F567: Standard Practice for Installation of Chain Link Fence.
 - 4) Chain link fence tension wire shall comply with ASTM A824, Type II, Class 2: Standard Specification for Metallic-Coated Steel Marcellled Tension Wire for Use with Chain Link Fences.
 - 5) Chain link fence fittings shall comply with ASTM F626: Standard Specification for Fence Fittings.
 - 6) Chain link fence swing gates shall comply with ASTM F900: Standard Specification for Industrial and Commercial Swing Gates.
 - 7) Chain link welded joints shall be protected by applying zinc-rich paint in accordance with ASTM A780: Standard Practice for Repair of Damaged and Uncoated Areas of Hot-Dip Galvanized Coatings.
 - 8) Chain link fence shall be grounded as required by state and local building code requirements.
- vi. The project owner and/or operator shall provide and maintain an emergency key box (such as a Knox box or keypad) at all entrances for emergency responders. The location of the key for each emergency key box and/or access code shall be provided to Jefferson County Emergency Management Agency and/or appropriate first responders.
- vii. All fences shall be maintained at all times, be in good repair, and free of rust and corrosion.
- i. **Commercial SES Stormwater and NPDES.**
 - i. Commercial SES projects are subject to Nonpoint Pollution Discharge Elimination System (NPDES) permit requirements as administered by IDEM. All drainage shall comply with the Jefferson County Drainage Ordinance and be approved by the Jefferson County Drainage Board, as required.
 - ii. Solar collectors shall not be considered impervious surfaces if the project complies with ground cover standards as described in this ordinance.
- j. **Commercial SES Applicable Codes.** All Commercial SES projects shall comply with all applicable local, state, and federal regulatory codes, including the State of Indiana Uniform Building Code, as amended; and the National Electric Code, as amended. All solar panels and associated equipment shall be UL Certified.

k. **Commercial SES Glare.**

- i. All Commercial SES shall be designed and constructed to minimize glare on adjacent properties and roadways and to not interfere with vehicular traffic, including air traffic.
- ii. For Commercial SES projects located within five hundred (500) feet of an airport that is regulated by the FAA, within any approach zones of an airport that is regulated by the FAA, or within the Airport Overlay District, the applicant must complete and provide the results of a glare analysis through a qualitative analysis of potential impact, field test demonstration, or geometric analysis of ocular impact in consultation with the Federal Aviation Administration (FAA) Office of Airports, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA.

l. **Commercial SES Signal Interference.** All Commercial SES must be installed in a manner so as to minimize and mitigate impacts to television signals; microwave signals; agricultural global positioning systems; military defense radar; radio reception; and weather and doppler radar.

m. **Commercial SES Sound Level.** All sound attributable to the SES shall not exceed an hourly average sound level of 50 A-weighted decibels, measured at the outer wall of a dwelling located on an adjacent non-participating property. This may be waived upon mutual agreement of all owners of an adjacent non-participating property.

n. **Commercial SES Prohibited Locations.** Commercial SES panels, equipment, and buildings cannot be located in a flood hazard area, wetland, or waterway regulated by Indiana DNR or USACE.

o. **Commercial SES Maintenance, Damage, and Repair.**

i. **Damage to Public Infrastructure.**

- 1) All damages to waterways, drainage ditches, field tiles, or other drainage related infrastructure (including the cost of any required permits and/or review by the county's outside/contracted engineer) caused by the construction, installation, or maintenance of a Commercial SES must be completely repaired by the project owner or remedied with the installation of new drainage infrastructure that is the same or better condition and approved by the Jefferson County Drainage Board. All repairs must be approved by the Jefferson County Drainage Board after installation and completed within a reasonable period of time that is specified by the Jefferson County Drainage Board.
- 2) All damages to public infrastructure (including the cost of any required permits and/or review by the county's outside/contracted engineer), including public roads and rights-of-way, caused by the construction, installation, or maintenance of a Commercial SES must be completely repaired by the project owner to the same or better condition. All repairs must be approved by the Jefferson County Highway Department after installation and completed within a reasonable period of time that is specified by the Jefferson County Highway Department.

ii. **Acts of God, Violence, and Unforeseen Events.** All damage from fire, flood, tornado, natural disasters, acts of God, acts of violence, or events over which a project owner has no control shall be repaired by the project owner within twelve (12) months. If the Commercial SES does not produce power for twelve (12) consecutive months, it shall comply with all requirements of the approved decommissioning plan.

p. **Commercial SES Public Road Use.**

i. **Road Closures.**

- 1) No public road or right-of-way shall be closed for more than ten (10) minutes unless it is approved by the Board of Commissioners (or INDOT if it is a state road) prior to the occurrence.
- 2) The project owner shall notify all property owners within 200 feet of the closed road and all impacted school districts by certificate of mailing at least ten (10) days before the closure, and a public notice shall be placed in the newspaper at least at least ten (10) days before the closure.
- 3) A maintenance of traffic plan must be approved by the Jefferson County Highway Department.

ii. **Public Road Use Agreement.**

- 1) The project owner shall be responsible for obtaining a public road use agreement that is approved by the Jefferson County Highway Department and Board of Commissioners prior to obtaining an improvement location permit/building permit (not required to be submitted with or prior to a special exception application). An updated public road use agreement shall be obtained if the project owner changes.
- 2) The public road use agreement shall be in effect and maintained by the project owner until the system and all components are fully decommissioned .
- 3) The public road use agreement shall include, at a minimum, the following:
 - a) A point of contact from the project owner.
 - b) Identification of all public roads that will be used in the transport of equipment and parts for construction, operation, or maintenance of the Commercial SES.
 - c) Designated roads and routes that can be used by any vehicle weighing more than ten (10) tons.
 - d) Staging or holding areas that will be used for equipment or vehicles waiting to access a site or parcel.
 - e) Process for moving oversized equipment and large numbers of vehicles along public roads to prevent congestion, including communication and coordination of this with Jefferson County.
 - f) Temporary improvements that are necessary and that will be made by the project owner.
 - g) Provisions for dust control on all public roads.
 - h) Obligation to repair all public roads, road drainage infrastructure, and other infrastructure as required by this UDO. This obligation shall include a surety bond for the construction period as determined by the Jefferson County Highway Department.

q. **Commercial SES Decommissioning and Bonding.**

i. **Decommissioning Timeframe.**

- 1) Decommissioning of the system must occur in the event the project does not produce power for twelve (12) consecutive months. If any portion or area of a project does not produce power for twelve (12) consecutive months, that specific portion or area shall be decommissioned. A project owner may petition for an extension of this period upon showing of reasonable circumstances that have caused the delay in the start of decommissioning.
- 2) All requirements within the decommissioning plan shall be completed within three (3) years of the last date the system or a portion/area of the system last produced power. This includes fulfilling all requirements of the decommissioning plan. If all requirements of the decommissioning plan are not completed within this time period, the County may collect on the bond to cover any and all remaining decommissioning requirements.

ii. **Decommissioning Plan.** Except as otherwise allowed by Indiana Code, a decommissioning plan shall be required for all Commercial SES. It shall be approved by the Board of Commissioners and recorded with all applicable deeds at the County Recorder’s office by the project owner prior to issuance of a location improvement permit/building permit or establishment of the use.

iii. **Decommissioning Plan Requirements.** All Commercial SES decommissioning plans shall provide the following items, at a minimum, as part of a decommissioning plan.

- 1) **Site Restoration.** The following shall be required as part of the site restoration:
 - a) All structures and foundations (including above and below ground) shall be removed.
 - b) Soil in all areas that are disturbed shall be restored to a level of productivity that is similar to the soil prior to disturbance. Note soil sample tests are not required prior to BZA decision of a special exception or prior to approval of a development plan but shall be completed prior to issuance of a location improvement permit/building permit. The project owner shall provide (at their expense) soil testing prior to any land disturbance and again as part of site decommissioning that meets the following criteria:
 - i) All testing shall be completed by a third-party that is agreed upon by the Board of Commissioners.
 - ii) Sampling for soil shall be on a one-acre grid using RTK (Real-Time Kinematic) technology (or equivalent technology approved by the Administrator) for positioning/locations. Testing for both soil shall be completed at the same locations. Testing for decommissioning shall be completed at same locations (within three feet) of the pre-site disturbance testing.
 - iii) The soil samples shall be eight (8) inches deep and use the Mehlich-3 method (equivalent method approved by the Administrator) for extracting and measuring plant-available nutrients in the soil.
 - iv) Soil testing shall identify the following, and soils shall be within the identified variation for decommissioning.
 - (1) Organic matter, shall be no more than one percent (1%) less than pre-site disturbance levels for decommissioning
 - (2) Phosphorus, shall be within 15 ppm of pre-site disturbance levels for decommissioning

- (3) Potassium, shall be within 30 ppm of pre-site disturbance levels for decommissioning
 - (4) Magnesium, no requirements for decommissioning
 - (5) Calcium, no requirements for decommissioning
 - (6) Soil water pH, shall be within 1 of pre-site disturbance levels for decommissioning
 - (7) Sulfur, shall be a maximum of 50 ppm for decommissioning
 - (8) Zinc, shall be within 1.5 ppm of pre-site disturbance levels for decommissioning
 - (9) Manganese, shall be within 10 ppm of pre-site disturbance levels for decommissioning
 - (10) Iron, shall be within 10 ppm of pre-site disturbance levels for decommissioning
 - (11) Copper, shall be within 1 ppm of pre-site disturbance levels for decommissioning
 - (12) Boron, shall be within 0.5 ppm of pre-site disturbance levels for decommissioning
 - (13) Sodium, shall be a maximum of 0.4 ppm for decommissioning
 - (14) Soluble salts, shall be a maximum of 0.8 ppm for decommissioning
- c) All existing tillable areas (prior to site disturbance) shall be identified and documented in the decommissioning plan. Soil compaction in all areas that are tillable and that are disturbed shall be restored through deep tillage to a depth of ten to fourteen (10-14) inches deep.
 - d) The project owner shall provide assurances that financial resources will be available to fully decommission and restore the site.
 - e) The project operator or property owner may petition the BZA for a variance from the Site Restoration requirements if the property owner intends to utilize the property for a use permitted in the applicable Zoning District, other than the original use, after the site is decommissioned. The BZA shall consider the intended future use of the property and adjacent properties in addition to the standards of evaluation for a variance outlined by this UDO. This shall then be specified in the Decommissioning Plan that is approved by the Board of Commissioners
- 2) **Decommissioning Cost Estimates.** The project owner shall provide, at their expense, estimated decommissioning costs, including reevaluations of these costs at the timelines outlined below (Required Bond), that are calculated by a third-party licensed or registered engineer (or by another person with suitable experience in the decommissioning of solar energy system) and agreed upon by the project owner and the Board of Commissioners.
 - a) The total estimated decommissioning costs shall not include any estimated salvage value attributable to the solar device(s) at the time of decommissioning, unless the county and the project owner agree to include any such value in the estimated cost.
 - 3) **Required Bond.** A surety bond (or an equivalent means of security acceptable to the Board of Commissioners) shall be provided by the project owner and shall comply with the following. If a bond cannot be secured for any reason, an equivalent means of security, such as depositing funds into an escrow account that is agreed upon by the Board of Commissioners, shall be required.
 - b) The amount shall be equal to 125% of the estimated decommissioning costs. The amount of the bond shall be adjusted, as necessary, every three years after each reevaluation of the cost estimates to ensure it is equal 125% of the reevaluated decommissioning costs.

- c) The bond shall be fully executed and effective within sixty (60) days of the date the Board of Commissioners approves or accepts the cost estimate. This applies to the initial cost estimate and subsequent reevaluations of the cost estimates.
 - d) The term shall be for a minimum of a one (1) year period and shall be renewable until all requirements of the decommissioning plan are completed.
 - e) The bond shall be on a non-cancellable/irrevocable basis with terms that state it shall remain in place / valid until the project has been decommissioned in accordance with the approved Decommissioning Plan or the amount of the bond has been paid to the County.
 - f) Written notice shall be provided to the Administrator, Plan Commission, and Board of Commissioners within sixty (60) days if the surety bond or equivalent is not renewed.
 - g) The bond shall be in place prior to the start of any construction activities or site disturbance.
 - h) The estimated decommissioning costs and amount of the surety bond or equivalent shall be reevaluated every three (3) years from the date the prior surety was accepted or approved by the Board of Commissioners.
- 4) **Insurance Requirements.** The following insurance shall be required to be effective prior to issuance of a building permit and/or construction and shall remain in place until decommissioning is complete. All policies shall be on a per occurrence basis with a general aggregate limit endorsement under the limits of insurance.
- a) **General Liability Policy.** The project owner and operator (if different) of a Commercial SES shall maintain a commercial general liability policy covering death, bodily injury, and property damage, which may be combined with umbrella coverage. This shall include a minimum policy coverage in an amount required by the Board of Commissioners but shall not be less than five million dollars (\$5M) per occurrence and ten million dollar (\$10M) aggregate. The project owner and operator (if different) shall be required to name Jefferson County, Indiana as an additional insured solely to the extent of liabilities arising under this UDO. This policy shall carry dollar amounts for limits per occurrence and aggregate coverage that is satisfactory to the Board of Commissioners, and it shall be non-cancellable without sixty (60) days written notice to the Administrator, Plan Commission, and Board of Commissioners.
 - b) **Environmental Pollution Liability Policy.** The project owner and operator (if different) of a Commercial SES shall maintain an environmental pollution policy, written on an occurrence basis, covering the cleanup of any releases of pollution or other environmental damage that results from the Commercial SES equipment, structures, or operations. This shall include a minimum policy coverage in an amount required by the Board of Commissioners but shall not be less than five million dollars (\$5M) per occurrence.
 - c) **Certificates of Insurance.** Certificate(s) of Insurance must be on file with the County before any construction commences, and provided annually thereafter on a non-cancellable without sixty (60) days written notice to the Administrator, Plan Commission and Board of Commissioners.

- d) **Reevaluation of Insurance Policy Coverage Limits.** The minimum policy coverage for all required insurance policies shall be reevaluated every three (3) years to determine if the limits are still applicable based on current conditions.
- 5) **Affidavit of Responsibility.** A signed and notarized affidavit that is recorded with the Jefferson County Recorder’s Office shall be provided by all property owners acknowledging that the responsibility of decommissioning (including costs to decommission) is ultimately the responsibility of the property owner(s) even if that responsibility and cost is assigned to the operator through a separate agreement. If ownership of a parcel and/or easement related to the project changes, the project owner shall obtain and record a signed and notarized affidavit from the new parcel owner(s).
 - a) If the operator fails to comply with any aspect of the decommissioning plan, the property owner(s) shall be ultimately responsible for all aspects of decommissioning and liable for all penalties for failure to comply.
 - b) If the project owners and/or operator fails to complete decommissioning as required by the decommissioning plan, then the County will apply the bond to the cost of decommissioning and the project owner /property owner will assist in providing necessary access and permission for decommissioning. If the bond is insufficient to cover all costs associated with decommissioning, then the property owner shall be responsible for all additional costs of decommissioning.
- 6) **Binding Agreement.** The written terms of the decommissioning plan shall state that it is binding upon the property owner(s) and operator(s) as well as any of their successors, assignees, or heirs.
- 7) **Recycling and Disposal Commitment.** A written commitment from the project owner and operator of the Commercial SES stating they will recycle or reuse all components, parts, and elements of the panels, supports, and all other components of the Commercial SES when these items can be recycled, or they can reasonably be reused. It shall also include assurances that disposal of structures and/or foundations will meet the provisions of the Jefferson County Solid Waste Ordinance.
- r. **Commercial SES Required Operation Permit.**
 - i. The project owner shall obtain a Commercial SES operation permit that is approved by the PC in order to operate a Commercial SES. The purpose of this permit is to ensure continuity of all required insurance and bonding as well as provide a mechanism to address any pending violations of the UDO. This permit is not intended to be a review the approval of the use and cannot revoke a prior special exception approval.
 - ii. A permit must be obtained prior to receiving a building permit and shall be renewed by the project owner every three (3) years currently with the reevaluation of decommissioning costs.
 - iii. Failure to obtain the permit within one hundred and eighty (180) days of previous expiration date shall require the decommissioning of the project to commence.
 - iv. If necessary, the PC may use an external consultant of the PC’s choice for review of the operation permit and compliance with the UDO, and the expense of this review shall be paid for by the applicant. The third-party who is retained to do the three-year Decommissioning Cost Estimate, if qualified, could also complete the needed review for the permit renewal if desired by the PC.

- v. The application shall, at a minimum, include a current certificate of insurance; current proof of surety bond or approved equivalent; the amount of energy produced in the past year; and all other required application information.
- s. **Commercial SES Development Plan Requirements.** All Commercial SES are required to obtain development plan approval prior to issuance of any building permits (see *Chapter 7.B.5: Development Plan Process*). If necessary, the PC may use an external consultant of the PC's choice for review of the development plan, and the expense of this review shall be paid for by the applicant.
 - i. **Other Permits.** Stormwater permits, drainage permits, and improvement location permits/building permits shall not be obtained prior to development plan approval.
 - ii. **Development Plan Application Contents.** A development plan application shall include, at a minimum, the following:
 - 1) **Detailed Site Plan.** A detailed site plan for each parcel in the application that includes the following existing and proposed conditions:
 - a) Property lines of the subject parcel(s) and rights-of-way
 - b) Zoning and overlay districts of the subject and adjoining properties
 - c) Locations and setbacks of all solar arrays and all other structures/ equipment/ power/communication lines
 - d) Locations of fences, including type of fence/materials and the square footage within the fenced area on each individual parcel
 - e) Locations of any additional screening and ground cover, including planting types and materials
 - f) Driving areas, service roads, and access points within each parcel(s)
 - g) Locations of all floodplains, wetlands, and protected natural resources
 - h) Topographic contours at intervals of two foot if the general slope of the parcel is less than 5% or intervals of one foot if the slope exceeds 5%. Contours shall be referenced to mean sea level elevations.
 - 2) **Compliance Documentation.** Documentation showing compliance with maximum height, glare/aviation protection, signal interference, sound level, provisions for dust control on the site(s), and all other requirements of the UDO.
 - 3) **Other Information.** All other information or characteristics requested by the Administrator or required by the application to determine compliance.
- t. **Commercial SES Special Exception Requirements.** All special exception applications for Commercial SES shall comply with the following. If necessary, the PC and/or BZA may use an external consultant of the PC's choice for review of the special exception application, and the expense of this review shall be paid for by the applicant.

i. Concurrent Applications Required.

- 1) **Development Plan Application Required with Special Exception Application.** A development plan application shall be submitted concurrently with a Commercial SES special exception application in order to provide the detailed information necessary for a BZA decision. Note that development plans are not approved by the BZA (as outlined in *Chapter 7.B.5: Development Plan Process*).
 - a) The development plan application cannot be approved prior to the special exception use being approved by the BZA because the use is not permitted by right. Because of this, the development plan application shall only be considered after the BZA approves a special exception application for a Commercial SES.
 - b) All BZA approvals of a Commercial SES by shall include a written commitment that binds the project owner to the detailed site plan in the development plan application. Any changes to the detailed site plan included in a BZA decision (including any changes to the site plan that result from the development plan application process) shall be approved by the BZA with an amended special exception application (note, the amended special exception application shall only include the change(s) and not consider other factors or a previously approved use that are not changing). Note that any amendments to an approved development plan application shall also be approved as outlined in *Chapter 7.B.5: Development Plan Process*.
- 2) **Decommissioning Plan Information Required with Special Exception Application.** A decommissioning plan is not required to be approved prior to or submitted with a development plan or special exception application. However, the following shall be submitted with any special exception application for a Commercial SES use, and the BZA may, at their discretion, include any portions of these documents as written commitments.
 - a) Site restoration plan
 - b) Commitment letter from a satisfactory bonding entity or financial institution that is able to provide the required surety bond (or equivalent) verifying the project owner's ability to obtain or fund the required surety (or equivalent)
 - c) Affidavit of responsibility
 - d) Binding agreement

- ii. **Consideration of Contiguous Parcels for Special Exception Applications.** A special exception application can include all parcels associated with or used for a single Commercial SES project. However, the BZA shall consider, vote on, and adopt separate findings of fact for each contiguous area of land due to the large scale of a typical project.
 - 1) For the purpose of this requirement, a contiguous area of land shall include all parcels with common parcel boundary or boundaries that touch. If parcel boundaries are separated by a public road, private road, or right-of-way, they shall be considered to have a common parcel boundary and are contiguous.
- iii. **Minimum Time Before Public Hearing.** In order to all for the necessary review of Commercial SES applications for a special exception, the BZA public hearing shall occur a minimum of sixty (60) days after a complete application is received from the applicant.

- u. **Commercial SES Inspections & Permits Required.**
 - i. Development plans that meet the design requirements of this ordinance and have obtained Special Exception approval (as required) prior to the issuance of any building permits. Approval of the development plan does not indicate compliance with Building Code or Electric Code.
 - ii. The applicant shall be responsible for paying for a third-party inspector, who is qualified to inspect solar systems and is approved by the County, to inspect all solar structures prior to the issuance of a Certificate of Occupancy.
 - iii. All Material Safety Data Sheets for the Solar Panels shall be submitted with the building permit application.

- v. **Commercial SES Compliance.** Any person or corporation who shall fail to **comply** with the decommissioning and/or bonding requirements herein shall for each and every violation of non-compliance be liable for civil penalties to the Plan Commission of up to the maximum amount allowed by state law. Each day that the violation exists or continues shall be deemed a separate offense. The Plan Commission's Attorney shall have the right to commence proceedings for an injunction, to restrain a person from violating this Ordinance, and/or for a mandatory injunction requiring that a structure in violation of this Ordinance be removed. The remedies provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedy provided by law.

N. Wind Energy Conversion Systems (WECS).

1. **Applicability.** This section applies to all wind energy installations within the jurisdiction of Jefferson County, Indiana.
2. **Purpose.** The purpose of this ordinance is to create a set of basic standards regulating the development, operation, and decommissioning of wind power devices for both commercial and personal use. The adopted regulations comply with those standards set forth in IC 8-1-41, establishing Jefferson County as a “wind energy ready community.”
3. **Development Standards for All Wind Systems.** The design and construction of all Mini Wind Energy Conversion Systems (MWECS), Small Wind Energy Conversion Systems (SWECS), and Large Wind Energy Conversion Systems (LWECS) and shall meet the following standards:
 - a. All applicants shall construct, operate, maintain, repair, provide for removal of, modify and/or restore the permitted system in strict compliance with all current applicable local, state, and federal technical and safety-related codes, including, but are not limited to, construction, building, electrical, fire, safety, health, and land use codes and regulations. In the event of a conflict between or among any of the preceding, the more restrictive shall apply.
 - b. All applicants shall obtain, at their own expense, all permits and licenses required by applicable laws, rules, regulations, and/or codes, and the applicant must maintain the applicable permits and licenses, in full force and effect, for as long as required by Jefferson County or any other governmental entity or agency having jurisdiction over the applicant.
 - c. All applicants shall notify the Administrator of any intended modification of a Mini WECS, SWECS, or Large WECS and shall make application to modify the height, relocate or rebuild such structure.
 - d. All Wind Energy Conversion Systems shall conform to applicable industry standards of the American National Standards Institute (ANSI) and be approved by a wind certification program recognized by the American Wind Energy Association. All WECS that are over twenty-five (25) feet in height must be designed by a Professional Engineer licensed to practice in the State of Indiana. The engineer must certify that the foundation and tower constructed for the Wind Energy Conversion System is within acceptable code and industry standards—given local soil and climate conditions.

- 4. Development Standards for All Wind Systems.** The following apply to all wind systems:
- a. **Location for All Wind Systems.** Unless waived with written consent from the owner(s) of each impacted nonparticipating property and/or easement, all wind devices shall comply with all of the following minimum setbacks, with setback measured as a straight line from the vertical centerline of the device base and height measured from the ground elevation at the base of the device to the tip of the blade fully extended upward.
 - i. A minimum setback distance of at least 1.3 times the height of the wind power device to the centerline of:
 - 1) any runway located on a public use airport, private use airport, or municipal airport;
 - 2) any public use highway, street, or road; or
 - 3) any railroad, easement, or right-of-way.
 - ii. A minimum setback distance of at least 1.3 times the height of the wind power device to the property line of any nonparticipating property.
 - iii. A minimum setback distance of at least three (3) times the height of the wind power device to the nearest point on the outer wall of a dwelling located on a nonparticipating property.
 - iv. A minimum setback distance of at least 1.3 times the height of the wind power device to the nearest edge of the right-of-way for any utility transmission or distribution line.
 - v. A minimum setback distance of at least two (2) times the height of the wind power device to the property line of any undeveloped land within the county that is zoned or platted for residential use.
 - vi. For only Large WECS, a minimum setback distance of at least one (1) mile to the property line of a state park.
 - vii. For only Large WECS, a minimum setback distance of at least one (1) mile to the corporate boundaries of any municipality within the county. However, a municipality may waive or reduce this minimum distance through written consent.
 - b. **Height for All Wind Systems.** The county, with respect to the permitting, construction, installation, or siting of any wind power device within the county, may not limit the blade tip height, through a wind power regulation or otherwise, that is more restrictive than the standards of the Federal Aviation Administration under 14 CFR Part 77 concerning the safe, efficient use and preservation of the navigable airspace.
- 5. Development Standards for Only Large WECS.** The Large WECS development standards apply to all Large WECS (which are larger, commercial-scale WECS as defined in the *Definitions*) and are in compliance with IC 8-1-41 to establish Jefferson County as a “wind energy ready community.” The Large WECS development standards do not apply to MWECS and SWECS. The applicant must provide plans or the appropriate documents proving the standards in this ordinance have been sufficiently met (see the *Procedures* section).

- a. **Large WECS Shadow Flicker Modeling.**
 - i. Unless waived with written consent from the owner(s) of each impacted nonparticipating property or as otherwise allowed by IC 36-7-4-1109, no wind power devices shall be installed without providing documentation that:
 - 1) The project owner has used shadow flicker computer modeling to estimate the amount of shadow flicker anticipated to be caused by the wind power device; and
 - 2) The wind power device(s) has been designed and documentation using industry standard computer modeling is provided that indicates that any dwelling on a nonparticipating property within the county will not experience more than thirty (30) hours per year of shadow flicker under planned operating conditions for the wind power device(s).
 - ii. After any wind power device is installed or located, the project owner shall work with the property owner of any affected dwelling on a nonparticipating property to mitigate the effects of shadow flicker to the extent reasonably practicable.
- b. **Large WECS Impact on Communication Signals.** All wind power devices must be installed in a manner so as to minimize and mitigate impacts to:
 - i. television signals;
 - ii. microwave signals;
 - iii. agricultural global positioning systems;
 - iv. military defense radar;
 - v. radio reception; and
 - vi. weather and doppler radar.
- c. **Large WECS Noise.** Unless waived with written consent from the owner(s) of each impacted nonparticipating property or as otherwise allowed by IC 36-7-4-1109, no wind power devices shall be installed without providing documentation that all devices will operate in a manner such that the sound attributable to the wind power device(s) will not exceed an hourly average sound level of fifty (50) A-weighted decibels, as modeled at the outer wall of an affected dwelling.
- d. **Large WECS Lighting.**
 - i. As used in this section, "wind turbine light mitigation technology" means any technology used in connection with a wind power device to shield, limit, or otherwise mitigate the amount, intensity, character, or visibility of light emitted from the wind power device.
 - ii. Except as otherwise allowed by IC 36-7-4-1109 after January 1, 2023 or to the extent permissible under federal law or regulations, all wind power devices must be equipped with a wind turbine light mitigation technology, unless:
 - 1) The Federal Aviation Administration denies the project owner's application to use a wind turbine light mitigation technology;
 - 2) The wind turbine light mitigation technology application is pending review by the appropriate federal agencies; or
 - 3) The project owner determines that the use of a wind turbine light mitigation technology is not economically feasible.

- e. **Large WECS Drainage.** For all wind power devices that are constructed or installed after June 30, 2022 or as otherwise allowed by IC 36-7-4-1109, all damages to waterways, drainage ditches, field tiles, or other drainage related infrastructure caused by the construction, installation, or maintenance of a wind power device must be completely repaired by the project owner or remedied with the installation of new drainage infrastructure that does not impede the natural flow of water. All repairs are subject to applicable federal, state, and local drainage laws and regulations, must be completed within a reasonable period of time, and:
 - i. Completed to the satisfaction of the county; and
 - ii. Completed as stated in an applicable lease or another agreement with the landowner.
- f. **Large WECS Decommissioning and Bonding.** Except as otherwise allowed by IC 36-7-4-1109, no wind power devices shall be installed unless the project owner:
 - i. Submits a decommissioning and site restoration plan to the county that adequately outlines how the site would eventually be decommission.
 - ii. Provides estimated decommissioning costs, including reevaluations of these costs at the timelines outlined below, that are calculated by a third party licensed or registered engineer (or by another person with suitable experience in the decommissioning of wind power devices) and agreed upon by the project owner and the County.
 - 1) The total estimated decommissioning costs shall be net of any estimated salvage value attributable to the wind power device(s) at the time of decommissioning, unless the county and the project owner agree to include any such value in the estimated cost.
 - iii. Posts a surety bond or an equivalent means of security acceptable to the County, including a parent company guarantee but excluding cash, in an amount equal to the estimated cost of decommissioning the wind power device(s) in the following increments. The surety shall remain in place for the life of the project. The total amount of the bond or other security posted under this section shall be adjusted due to changes in decommissioning costs after each reevaluation.
 - 1) An amount equal to twenty-five percent (25%) of the total estimated decommissioning costs no later than the start date of the wind power device's full commercial operation. This amount shall be adjusted at the fifth (5th) anniversary and tenth (10th) anniversary of the start date of the wind power device's full commercial operation based on reevaluations.
 - 2) An amount equal to fifty percent (50%) of the total estimated decommissioning costs not later than the fifteenth (15th) anniversary of the start date of the wind power device's full commercial operation.
 - 3) An amount equal to one hundred percent (100%) of the total estimated decommissioning costs not later than the twentieth (20th) anniversary of the start date of the wind power device's full commercial operation. This amount shall be adjusted based on reevaluations at least once every five (5) years after the twentieth (20th) anniversary of the start date of the wind power device's full commercial operation.

- 4) Any person or corporation who shall fail to comply with the decommissioning and/or surety / bonding requirements herein shall for each and every violation of non-compliance be liable for civil penalties to the Plan Commission of up to the maximum amount allowed by state law. Each day that the violation exists or continues shall be deemed a separate offense. The Plan Commission’s Attorney shall have the right to commence proceedings for an injunction, to restrain a person from violating this Ordinance, and/or for a mandatory injunction requiring that a structure in violation of this Ordinance be removed. The remedies provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedy provided by law.

g. Large WECS Signage.

- i. All **Large** WECS and their appurtenant structures shall contain a sign(s) no larger than four (4) square feet each that:
 - 1) Provides the name(s) of the owner(s) and operator(s) of the **Large** WECS as well as emergency phone number(s) that are visible from the access point(s) of the site and not lighted, unless lighting is required by applicable law, rule, or regulation.
 - 2) Provides a warning concerning voltage that is placed at the base of all pad-mounted transformers and substations in a conspicuous location.
- ii. No other signage, including advertising, shall be permitted.

6. Use and Operational Standards for All Wind Systems.

a. Maintenance & Inspections.

- i. The owner or operator of a WECS must submit, on an annual basis, a summary of the operation and maintenance reports to the County. The owner or operator must also furnish such operation and maintenance reports as the County reasonably requests.
- ii. Any physical modification to the WECS that alters the mechanical load, mechanical load path, or major electrical components shall require re-certification by a Professional Engineer licensed in the State of Indiana and shall require the applicant to re-obtain Special Exception approval and all required ILPs.
- iii. The Administrator and Building Commissioner are responsible for contacting all owners or operators of a WECS that do not meet local, State, and/or Federal codes and regulations. Once notified in writing, the owner or operator of a WECS will be required to address any repairs or alterations within thirty (30) days after receiving notice—or within a longer period of time mutually acceptable to both parties. During this time period, the owner or operator of a WECS may retain a third-party Professional Engineer licensed in the State of Indiana who is familiar with WECS systems to prepare and submit a written report to the County which addresses the repairs or alterations required and suggests alternate methods for addressing the concerns or provides evidence that said repairs or alterations are unnecessary. The Administrator and Building Commissioner will consider any such written report and determine whether the repairs or alterations should be made as originally requested or as suggested in the written report.

- b. **Liability Insurance.** The owner or operator of any WECS shall maintain a current general liability policy covering bodily injury and property damage and names Jefferson County as an additional insured. The applicant shall provide proof of liability coverage in a form acceptable to the Jefferson County Attorney that includes dollar amount limits per occurrence, aggregate limits, and deductible amount.

7. Procedures for All Wind Systems.

a. Development Plan Required.

- i. All new MWECS, SWECS, or LWECS, or existing MECS, SWECS, or LWECS that involve a visible modification, are required to obtain:
 - 1) The proper permit(s) and/or approval(s) that are required by this ordinance, including the required approvals as a Permitted Use or Special Exception; and
 - 2) Development Plan approval.
- ii. MWECS or SWECS structures that are established to serve an existing agricultural use do not require Development Plan approval. These structures may not exceed forty-five (45) feet in height and must be situated at least fifty (50) feet from all property lines and overhead utility easements to be exempt from the provisions set forth in this ordinance. Although a Development Plan approval may not be required for MWECS or SWECS and appurtenant structures of this type, a ILP is required and must be applied for and approved prior to any site work.
- iii. Applications for the modification of an existing structure that does not increase the overall height or appearance shall be considered a Permitted Use.
- iv. If it is determined that the application meets the purpose, intent, and standards of this ordinance, the application shall be approved. If it is determined that the application does not meet the purpose, intent, and/or standards of this ordinance, the application shall be denied with the specific reasons detailed.
- v. No wind system of any type shall be installed or constructed until the development plan application is reviewed and approved by the County, and a permit has been issued. The County may at its discretion delegate or designate other official agencies to accept, review, analyze, evaluate, and make recommendations with respect to the approval, or denial, of proposed wind systems.
- vi. Any development plan approval or permit issued for wind system shall not be assigned, transferred, or conveyed without the express prior written notification to the County.

b. Inspections Required.

- i. Development plans that meet the design requirements of this ordinance and have obtained Special Exception approval (as required) prior to the issuance of any building permits. Approval of the development plan does not indicate compliance with Building Code or Electric Code.
- ii. The applicant shall be responsible for paying for a third-party inspector, who is qualified to inspect wind systems and is approved by the County, to inspect all wind structures prior to the issuance of a Certificate of Occupancy.

O. Winery, Brewery, Distillery, and Barrel Warehouse.

1. **Winery, Brewery , Distillery, and Barrel Warehouse Purpose.** The purpose of these standards is to protect both a brewery, winery, or distillery operation that may result in Volatile Organic Compounds (VOC) emissions capable of forming Baudoinia Compniacensis (such as bourbon) as well as the existing land uses surrounding these operations from the negative impacts of each of these uses may cause.
2. **Winery, Brewery , Distillery, and Barrel Warehouse General Standards.**
 - a. **Applicable Building Codes and Laws.** All breweries, wineries, distilleries, and barrel warehouses shall comply with all applicable state building codes, state and federal permitting, and applicable state and federal laws.
3. **Winery, Brewery , Distillery, and Barrel Warehouse Development Standards.**

Operational Standards	
Maximum number of barrels for maturation or storage on a single parcel ³	<ul style="list-style-type: none"> Artisan Brewery/Winery/Distillery: Maximum of 100 barrels that could result in VOC emissions capable of forming Baudoinia Compniacensis and are on-site for more than 7 calendar days Non-Artisan Brewery/Winery/Distillery: Maximum of 10,000 barrels that could result in VOC emissions capable of forming Baudoinia Compniacensis and are on-site for more than 7 calendar days VOC Barrel Warehouse: Maximum of 40,000 barrels that could result in VOC emissions capable of forming Baudoinia Compniacensis and are on-site for more than 7 calendar days Non-VOC Barrel Warehouse: No Limit Any barrels that are on site for 7 days or fewer, any distilled spirits/beverages that are contained within sealed container, and any distilled spirits/beverages that cannot produce VOC emissions capable of forming Baudoinia Compniacensis are exempt from the maximum number of barrels
Structure Development Standards	
Maximum height of structures used to store or mature distilled spirits/beverages (such as a barrel house)	Maximum of one story but shall not exceed the following heights, whichever is less: <ul style="list-style-type: none"> Maximum height permitted by the zoning district; 55 feet for structures without an automatic sprinkler system; 60 feet for rack supported structures with an automatic sprinkler system; or 27 feet for pallet structures with an automatic sprinkler system.
Minimum fire separation distance between structures used to store or mature ANY distilled spirits/beverages	<ul style="list-style-type: none"> 200 feet separation from any other structure (excluding fences) for maturation/storage structures without an automatic sprinkler system 100 feet separation from any other structure (excluding fences) for maturation/storage structures with an automatic sprinkler system

Site Development Standards	
Minimum lot area	<ul style="list-style-type: none"> • Artisan Brewery/Winery/Distillery: N/A • Non-Artisan Brewery/Winery/Distillery: 20 acres • VOC Barrel Warehouse: 50 acres • Non-VOC Barrel Warehouse: 10 acres
Minimum setbacks (excluding fences) ¹	<ul style="list-style-type: none"> • 200 feet from any property line or right-of-way or 230 feet from center of road if right-of-way is not dedicated by written, recorded document • 300 feet for any structure used to mature/store distilled spirits/beverages that do not produce VOC emissions capable of forming Baudoinia Compniacensis • 600 feet² for any structure used to mature/store distilled spirits/beverages for more than 7 calendar days that could result in VOC emissions capable of forming Baudoinia Compniacensis where the total number of barrels on the parcel is between 101 to 10,000 barrels • 1,320 feet² for any structure used to mature/store barrels for more than 7 calendar days that could result in VOC emissions capable of forming Baudoinia Compniacensis (such as bourbon) where the total number of barrels on the parcel is more than 10,000 barrels
Spill Containment	<ul style="list-style-type: none"> • Earthen dykes or containment trenches shall surround each barrel warehouse with more than 100 barrels of spirits • They shall have a minimum volume to contain the total quantity of liquids warehoused plus the anticipated volume of water necessary for fire suppression over a 20 minute time period

1 – Artisan breweries/wineries/distilleries are exempt from these setbacks but must comply with the zoning district minimum setbacks

2 – May be reduced to 300 feet with mutual agreement of all property owners within the required setback distance

3 – For the purposes of this standard, any parcels that are contiguous and/or under the same ownership or operation are considered a single parcel

4. Winery, Brewery, Distillery, and Barrel Warehouse Procedures.

a. Mitigation Plan Required.

- i. The owner shall submit a mitigation plan as part of a special exception application that outlines how the owner will mitigate or remove black fungus (*Baudoinia Compniacensis*), if it occurs, from structures (including accessory structures) within one mile, measured from the closest edge of any structure used to mature/store distilled spirits and/or fermented beverages to the closest edge of all nearby structures. A site plan shall be provided that indicates the general location and distance to all structures included in the mitigation plan.
- ii. This plan shall be maintained by the owner at all times, binding to all future owners of the use, and recorded by the applicant as a condition of the special exception approval.

- b. **Development Plan Required.** A development plan is required to construct and/or establish a barrel warehouse in order to ensure that it meets all applicable building codes and regulations. The development plan application shall be submitted concurrently with a special exception application.

P. Wireless Communication Facility.

1. **Wireless Communication Facility Purpose.** It is the purpose of this section to allow for the appropriate siting of new wireless communication facilities in Jefferson County in compliance with current state statute procedures. The regulations set forth in this ordinance allow for and regulate wireless communication facilities while also taking into consideration the health, safety, and general character of the surrounding neighborhood.
2. **Wireless Communication Facility General Standards.**
 - a. In accordance with IC 8-1-32.3 and notwithstanding IC 36-7-4 or any rules adopted by the BZA, the following provisions apply to all applications submitted under this section:
 - i. **Limitation on Fees.**
 - 1) The Administrator may not require an applicant to pay a fee associated with the submission, review, processing, or approval of an application unless the payment of the same or a similar fee for applications for permits for similar types of commercial or industrial structures within the applicable jurisdiction.
 - 2) If a fee associated with the submission, review, processing, or hearing of an application, including a fee imposed by a third party that provides review, technical, or consulting assistance to the Administrator, the fee must be based on actual, direct, and reasonable costs incurred for the review, processing, and hearing of the application.
 - 3) A fee described in this section may not include:
 - a) Travel expenses incurred by a third party in its review of an application; or
 - b) Direct payment or reimbursement of third-party fees charged on a contingency basis.
 - ii. **Non-discrimination.** The Administrator or the BZA may not discriminate among communications service providers or public utilities with respect to the following:
 - 1) Approving applications, issuing permits, or otherwise establishing terms and conditions for construction of wireless or wireline communications facilities.
 - 2) Authorizing or approving tax incentives for wireless or wireline communications facilities.
 - 3) Providing access to rights-of-way, infrastructure, utility poles, river and bridge crossings, and other physical assets owned or controlled by the applicable jurisdiction.

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

3. Wireless Communication Facility Procedures.

- a. **Permits Required.** Wireless facilities shall not be constructed, erected, placed, modified, or altered until an ILP has been obtained.
- b. **Application Required.** In accordance with IC 8-1-32.3, the following procedures shall apply to the application and approval for construction of a new wireless support structure, substantial modification of a wireless support structure, or collocation of wireless facilities on an existing structure.

- i. **Complete Application.** To be considered complete, the following information must be submitted with an application for a new wireless support structure, a substantially modified wireless support structure, or collocation of a wireless facility:
 - 1) Applicant Information.
 - a) A statement that the applicant is a person that either provides wireless communications service or owns or otherwise makes available infrastructure required for each service; and
 - b) The name, business address, and point of contact for the applicant.
 - 2) Location.
 - a) The location of the proposed or affected wireless support structure or wireless facility; and
 - b) Evidence supporting the choice of the location for the proposed wireless support structure, including a sworn statement from the individual responsible for the choice of location demonstrating that collocation of wireless facilities on an existing wireless support structure was not a viable option because collocation:
 - i.) Would not result in the same wireless service functionality, coverage, and capacity;
 - ii.) Is technically infeasible; or
 - iii.) Is an economic burden to the applicant.
 - 3) Construction Plan. A construction plan that describes the proposed wireless support structure and all equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment.
 - 4) Findings of Fact. For an application that requires a Special Exception, evidence showing that the application complies with the applicable criteria shall be submitted. The criteria for a Special Exception under IC 36-7-4-918.2 shall comply with *Chapter 7: Special Exception Process*.
- ii. **Review of Application.**
 - 1) Prompt Review. Upon receipt of an application for a new or significantly modified wireless support structure, the Administrator shall promptly review it for completeness. Within ten (10) business days of receiving the application, the Administrator shall notify the applicant of whether the application is complete and whether a public hearing will be required.
 - 2) Failure to Notify. If the Administrator fails to notify the applicant within ten (10) business days whether the application is complete shall be considered a non-final zoning decision in accordance with IC 36-7-4-1602(c), with the applicant consequently entitled to expedited judicial review of the non-final zoning decision.

iii. **Public Hearing.**

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

CHAPTER 4: SITE DEVELOPMENT STANDARDS

A. General Provisions.

1. **Intent.** It is the intent of these site development standards is to provide for site development needs while also protecting the health, safety, and welfare of the public.

B. Applicability of Additional Site Development Standards.

1. The following site development standards address specific site components as they relate to each site’s conditions and are detailed in this chapter in alphabetical order and shall apply to all new structures, new land uses, land use changes, structural alterations (including additions, enlargements, remodels, relocations), site alterations, and demolitions that are constructed, created, established, or occur after the effective date of this UDO are subject to all of the development standards of this chapter as listed.
2. The site development standards included in this chapter are intended to be met in addition to all other applicable structure, lot, and/or site standards in other sections of this UDO shall still apply.

Additional Site Development Standards
Accessory Structure Standards
Bufferyard Separation and Planting Standards
Driveway and Access Management Standards
Lighting Standards
Parking and Loading Standards
Sign Standards
Storage Standards
Structure Standards
Trash and Dumpster Standards

C. Accessory Structure Standards.

1. **Purpose.** The purpose of accessory structures standards is to provide safe conditions and orderly development within a site and to protect the health, safety, and welfare of the public.
2. **Applicability.** Accessory structures shall be permitted in all zoning districts provided the following requirements have been met. Additionally, no regulations contained herein shall supersede Indiana Code regarding fences.
3. **Location.**
 - a. An accessory structure shall meet all setback and structure height requirements as listed in *Chapter 2: Zoning Districts*.
 - b. No accessory building shall be built within five (5) feet of another accessory building.
 - c. Accessory structures shall not be constructed within any type of easement, including drainage easements.
 - d. Accessory structures within the R1, R2, and R3 districts that require a permit shall be located at or behind the front building façade of the primary structure unless otherwise stated in this UDO. This does not include fences that comply with this UDO.
 - e. Accessory structures within the R1, R2, and R3 districts that *do not* require a permit are allowed in the front yard except swing sets, trampolines, and similar play structures.
4. **Subordinate in Nature.**
 - a. Accessory structures shall be clearly subordinate in height, area, bulk extent, and purpose to the primary structure except in the AG, I1, and I2 districts.
 - i. The total square footage of all accessory structures cannot exceed seventy-five percent (75%) of the total square footage of the primary structure in the R1, R2, and R3 districts. Fences are not included in this calculation.
 - ii. No more than four (4) accessory structures are permitted on one parcel except in the AG, I1, and I2 districts.
 - b. Accessory structures shall not be erected prior to the primary structure or the establishment of the associated primary use (in the event a primary structure is not applicable) except in the AG district. For accessory structures in the R1, R2, and R3 districts, a building permit may be issued at the discretion of the Administrator for an accessory structure at the same time as the primary structure, provided construction on the primary structure begins within one (1) year of the date of issuance of the accessory structure permit.

5. Permits for Accessory Structures.

- a. **Permits Required for Accessory Structures.** The following accessory structures are permitted in all zoning districts, require an ILP, and shall meet all applicable requirements of the UDO.
 - i. Accessory structures that are greater than two hundred (200) square feet in area unless specifically noted otherwise. This includes but is not limited to pole barns, decks, garages, carports, enclosed patios, bath houses, gazebos, shelter houses, cabanas, greenhouses, solar/wind structures (free standing, co-located, and attached), storage sheds, and stables.
 - ii. Signs as set forth in this ordinance.
 - iii. Temporary storage containers as set forth in this ordinance.
 - iv. Accessory wireless communications facilities both free-standing and those co-located upon an existing or pre-approved wireless communication facility.
 - v. Accessory solar energy systems.
 - vi. Accessory wind energy conversion systems.
 - vii. All other accessory structures not specifically included in *Subsection b* below.
- b. **Permits Not Required for Specific Accessory Structures.** The following accessory structures are permitted in all zoning districts (unless otherwise stated) and may be installed without an ILP. All accessory structures are still required to meet all applicable accessory structure standards and all other requirements of this UDO.
 - i. Above-ground swimming pools and in-ground swimming pools.
 - ii. Landscape vegetation.
 - iii. Fences and retaining walls.
 - iv. Pavement, including slabs/patios, paved sports courts, and walks.
 - v. Swing sets, children's treehouses, and poles for basketball net.
 - vi. Bird baths, bird houses, lamp posts, mailboxes, name plates, and housing for domestic pets (provided it is not larger than two hundred (200) square feet and does not constitute a kennel as defined in *Chapter 9: Definitions*).
 - vii. Utility installation for local/home services (including cable, fiber, and Wi-Fi but excluding solar and wind).
 - viii. Ponds and drainage installations.

6. **Fences and Walls.** The following shall apply to all fences and walls unless otherwise regulated within this UDO. These standards do not apply to retaining walls whose purpose is to provide structural support in grading and elevation changes.
- a. **Placement.**
 - i. No fence or wall shall be constructed or designed so that it creates a traffic hazard or is hazardous or dangerous to persons or animals.
 - ii. Fences and walls shall not be located within any type of easement, including drainage easements.
 - iii. Fences and walls do not need to comply with accessory structure setbacks and may be placed up to the property line or on the property line with written approval from the adjoining property owner(s). All fences must be located at least five (5) feet from any public right-of-way.
 - b. **Design.**
 - i. Razor wire, barbed wire, and electrified fences (excluding underground pet fence systems) are prohibited unless located on a parcel that is agricultural or industrial zoned or a parcel with an agricultural or industrial use.
 - ii. Structural supports for any privacy fence shall face inward. Fences used for agricultural purpose are exempt from this standard.
 - c. **Height.** Fence and wall height in the R1, R2, and R3 districts shall not exceed six (6) feet in all yards. Fences in all other districts cannot exceed the height of the primary structure.

D. Bufferyard Separation & Planting Standards.

1. **Purpose.** Bufferyards, including the physical separation with distance and the visual separation with planting, fences, and/or walls, are designed to minimize or eliminate nuisances between adjacent land uses. Bufferyard units or distances are intended to act as a buffer from nuisances such as includes dirt, litter, noise, glare of lights, odor, signs, danger from fire or explosions, and unsightly building or parking areas.
2. **Applicability.** These standards shall apply to a parcel if any new primary structure is constructed after the initial adoption of this UDO.
3. **General.**
 - a. A landscape plan shall be submitted with each applicable application.
 - b. Each property owner is required to install and maintain a bufferyard, including all requirements, on their parcel with any new development, even if the developer on an adjacent parcel has also installed a bufferyard.
 - i. If an adjacent property has already installed a bufferyard that includes a required wall or fence, then subsequent development shall only install the required plantings along this portion of property line.
 - c. Bufferyard requirements shall be applied to all sides of a parcel (front, side, and rear), including property lines abutting public rights-of-way. Fence and wall requirements shall not apply to front yards.
 - d. Bufferyard widths are not intended to be in addition to required setbacks. If required setbacks, as outlined in *Chapter 2: Zoning Districts*, are greater than the required bufferyard, the required setback shall still apply.
 - e. Any fraction of a bufferyard measurement shall be rounded up to the whole number.
 - f. If a parcel abuts a property outside the jurisdiction of the Jefferson County Plan Commission, the bufferyard requirements shall be based on the zoning district most comparable to that of this UDO and is at the discretion of the Administrator.
 - g. Bufferyards may contain natural water amenities or areas established for drainage, provided that planting requirements are still satisfied. Bufferyards may overlap with drainage and utility easements, but the required plantings and fences/walls must not be placed within the drainage and utility easements themselves.
4. **Determination of Bufferyard Requirements.**
 - a. Bufferyards shall be required according to Table 4.1: Minimum Bufferyard Requirements and Table 4.2: Installation Requirements.

Table 4.1: Minimum Bufferyard Requirements				
Zoning District of Proposed Use / Structure	Zoning District(s) of Adjacent Parcel	Minimum Bufferyard Width Required ^{1, 2}	Minimum Plantings Required Per 100 Linear Feet ³	Minimum Walls or Fences Required
AG, R1, R2, and R3	All Other Districts	N/A	N/A	N/A
NB, GB & HB	R1, R2, R3	20 feet	3 shade trees; 9 ornamental or evergreen trees; and 15 shrubs	N/A
	All Other Districts	N/A	N/A N/A	N/A
I1 & I2	R1, R2, R3	75 feet	10 shade trees; 20 ornamental or evergreen trees; and 50 shrubs	Fence or Wall (must be placed between the plantings and the proposed use/structure)
	All Other Districts	N/A	N/A	N/A

- 1- The bufferyard width is measured from the property line or right-of-way inward. If right-of-way is dedicated by written, recorded document, the width along that portion of the property shall be measured from the edge of pavement.
- 2- All bufferyard areas shall include groundcover (such as grass) or planting beds in all areas unless such ground cover is already established.
- 3- The number of plant units required is stated per 100 linear feet and is measured along the property line (including driveways). Plants listed as invasive species by the Indiana Department of Natural Resources (IDNR) cannot be used to satisfy the minimum planting requirements.

Table 4.2: Installation Requirements	
Type	Minimum Size at Planting
Shade Tree	2" caliper 8-foot height
Ornamental or Evergreen Tree	5-foot height
Shrub	18-inch height
Fence	6-foot height Solid opaque material/design Wood or vinyl
Wall	6-foot height Solid opaque material/design Masonry

5. Substitutions and Modifications.

- a. Any existing plant material which otherwise satisfies the requirements of this section may be counted toward satisfying all such requirements.
- b. If the development on the adjacent use is existing, planned, or deed-restricted for solar access, ornamental or evergreen trees may be substituted for canopy trees in locations where canopy trees would destroy solar access.
- c. The Administrator has discretion to modify the width of the bufferyard and the location of plantings to accommodate rights-of-way, drainage easements, and utility easements. While the width of the bufferyard may include all or a portion of drainage easements, and utility easements, and plantings may be shifted or clustered so that they are not placed in these easements.

6. Maintenance.

- a. All plant material that dies must be replaced within six (6) months so as to maintain the approved bufferyard and landscape plan.
- b. All required elements of a bufferyard, width, plantings, fences, and/or walls must be maintained by the property owner at all times.

7. Use of Bufferyards.

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

8. Ownership of Bufferyards.

Bufferyards may remain in the ownership of the original developer of a parcel, or they may be subjected to deed restrictions and subsequently be freely conveyed, or they may be transferred to any consenting grantees, such as adjoining landowners, a park or forest preserve, or an open space or conservation group, provided that any such conveyance adequately guarantees the protection of the bufferyards for the purposes of this ordinance.

9. Bufferyard Between Like Uses.

When a bufferyard is required, but the proposed use is similar to an existing, adjacent use in terms of land use, size, density, and lot size, the bufferyard may be reduced or omitted at the discretion of the Administrator. For example, a parcel is zoned commercial but the existing use is residential. The Administrator's approval or denial to reduce or omit a bufferyard shall be made in writing, justifying the decision.

E. Driveway & Access Management Standards.

1. **Intent.** The purpose of these standards is to ensure adequate installation of driveways and access to public rights-of-way that prevent and reduce the possibility for vehicular conflict and prevent drainage issues as well as damage to the existing right-of-way.
2. **Applicability.** These standards apply to all zoning districts within the jurisdiction, unless otherwise noted.
3. **Permits and Approvals Required.**
 - a. All new, expanded, or modified driveways or access points onto INDOT roads must obtain a permit from the respective agency and shall coordinate with Jefferson County.
 - b. All driveways must comply with the *Jefferson County Drainage Ordinance*.
 - c. All driveways shall comply with the County standards for design and installation of culverts and mailboxes.
4. **Driveway Separation and Location.** Driveways must be adequately separated from roadway intersections and other driveways and cannot create traffic or safety hazards. Unless approved by the Administrator, the minimum separation between an intersection and any driveway shall comply with the following:

Table 4.3: Driveway Separation	
Road Classification ¹	Minimum Separation of Driveways ^{2, 3}
Local Road/Another Driveway	80 Feet
Major Collector/Minor Collector	120 Feet
Principal Arterial or Minor Arterial	150 Feet

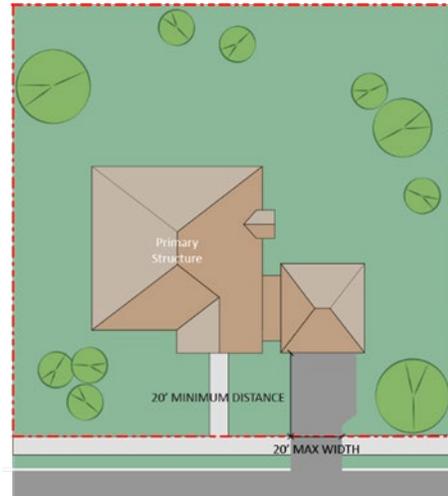
- 1- Roadway classification shall be in accordance with the *Jefferson County Comprehensive Plan*.
- 2- Measured from the intersection of the roadway pavement (or intersection of the back of curb extended if rounded property corner) at the intersection.
- 3- If a driveway cannot meet the separation requirements from an intersection because of the parcel width, one (1) driveway is permitted at the furthest feasible point from the intersection.

5. **Driveways for Agricultural Uses.** Driveways serving agricultural uses, regardless of the zoning district, may be paved, gravel, or other compacted material.
6. **Driveways for Residential Uses.**
 - a. Individual Residential Driveways.
 - i. Driveways serving one (1) single-family or two-family dwelling may be paved, gravel, or other compacted material.
 - b. Shared Residential Driveways. Shared residential driveways may not serve more than two (2) single-family dwellings or two (2) two-family structures. Driveways that serve more than this shall be considered public roads and must be constructed in accordance with the residential road standards as outlined in the *Jefferson County Street Standards*.
 - i. Shared residential driveways may be paved, gravel, or other compacted material.
 - ii. Shared residential driveways serving shall have a thirty (30) foot minimum easement that is recorded and approved by the Administrator.

- c. **Minimum Length.** All residential driveways must be at least twenty feet (20) feet in length between the primary structure and the nearest edge of sidewalk or edge of roadway if a sidewalk does not exist in order to accommodate adequate parking without a vehicle blocking the sidewalk or right-of-way.

7. Driveways for Multi-Family, Commercial, and Industrial Uses.

- a. Multi-Family, commercial, and industrial uses in the AG district shall be graded and surfaced with an all-weather paving material, such as asphalt, concrete, brick pavers, or other material that will provide equivalent protection against potholes, erosion, and dust, for the first forty (40) feet from the right-of-way in order to reduce debris on the public road. Portions of driveways that are more than forty (40) feet from the right-of-way are not required to be paved.
- b. Multi-Family, commercial, and industrial uses in all other districts shall be graded and surfaced with an all-weather paving material, such as asphalt, concrete, or other material that will provide equivalent protection against potholes, erosion, and dust, and must be constructed in accordance with the industrial and commercial road standards as outlined in the Jefferson County Street Standards.
- c. All access easements for multi-family, commercial, and industrial development shall be recorded, grant the general public the right of access, and be approved by the Administrator.
- d. All shared driveways for multi-family, commercial, and industrial uses shall have a written and recorded maintenance agreement with the parcels that access the private driveway and must be reviewed and approved by the Administrator.



Example - Residential Driveway Length & Width

8. Access Standards.

- a. All development shall comply with the Jefferson County Comprehensive Plan.
- b. If a parcel that adjoins or includes an existing public road that does not conform to the minimum right-of-way dimension as established by the Jefferson County Street Standards and/or the Jefferson County Comprehensive Plan, the property shall dedicate additional right-of-way width, regardless of if the parcel is subdivided or not, as required to meet this UDO and/or the Jefferson County Comprehensive Plan during the Development Plan application or Secondary Plat.
- c. The developer may be required to provide deceleration lanes, acceleration lanes, passing blisters, or other improvements to the public road system in order to mitigate impacts from their development when a development connects to an existing public road.
- d. Public and private roads shall align and connect with existing or planned roads and provide for connections with adjacent property. Proposed roads must extend to the boundary line of the parcel to be developed, unless approved by the Administrator, to provide for normal circulation of traffic within the vicinity.
- e. Driveways cannot gain access directly from any Arterial or Collector roadway unless no other access is available.

- f. Developments must provide a vehicular connection between adjacent lots or parcels, or stub connections if adjacent sites are not developed, in order to encourage and facilitate circulation without directly accessing public streets.
- g. Sidewalks shall be installed by the property owner and conform with the standards outlined in *Chapter 6: Subdivision Design Standards* if the following occur:
 - i. If a new primary structure is built within the NB, GB, I1 and I2 districts; or
 - ii. If a new primary structure is built within the R1, R2, or R3 districts on a parcel that is less than one (1) acre.

F. Lighting Standards.

1. **Intent.** The intent of these standards is to minimize the intrusion of lighting across property lines and to avoid disrupting the quality of life of residents.
2. **Applicability.** These standards apply to all zoning districts within the jurisdiction, unless otherwise noted.
3. **Exemptions.** The following are exempt from requirements of this section:
 - a. Lighting used for landscaping, low wattage recessed lighting in eaves, low wattage carriage lights, ceiling mounted porch lights, and dusk-to-dawn lights no more than fifteen (15) feet above grade that are shielded downward.
 - b. All low wattage residential accent and landscape lighting fixtures having a maximum output of 1600 lumens (equal to one 100-watt incandescent light) per fixture.
 - c. All hazard warning lighting required by Federal and State regulatory agencies.
 - d. All temporary emergency lighting required by local law enforcement, emergency service, and utility departments.
 - e. All traffic control and directional lighting.
 - f. All underwater lighting used for the illumination of swimming pools and water features is exempt from the lamp type and shielding standards of this UDO.
 - g. All lighting for temporary festivals and carnivals.
4. **General Lighting Standards.**
 - a. All light fixtures shall be installed in compliance with Indiana Electrical Building Code.
 - b. In any district where provided, permanent outdoor lighting shall be of a design and size that is harmonious with the design of the building, the type of land use, and the type of adjacent land uses. All lighting fixtures within a single development must be consistent in style, design, height, size, and color throughout the development.
 - c. All lighting must be shielded with opaque material to prevent direct lighting on streets, alleys, and adjacent properties. Furthermore, all lighting elements used to cast light on building facades, features of buildings, or signs must have cutoff luminaires with “down lighting.”
 - d. Lighting fixtures for parking lots must all be consistent in color, size, height, and design. Furthermore, fixtures shall not exceed twenty-five (25) feet in height and all lighting elements must have cutoff luminaires with “down lighting.”
 - e. Lighting from a property shall not cause significant illumination beyond the property line of that property.
 - f. Excessive brightness, flashing lights, and brilliant colors are not permitted, excluding seasonal displays.
5. **Lighting Plan Required.** A lighting plan shall be submitted if a development plan is required.

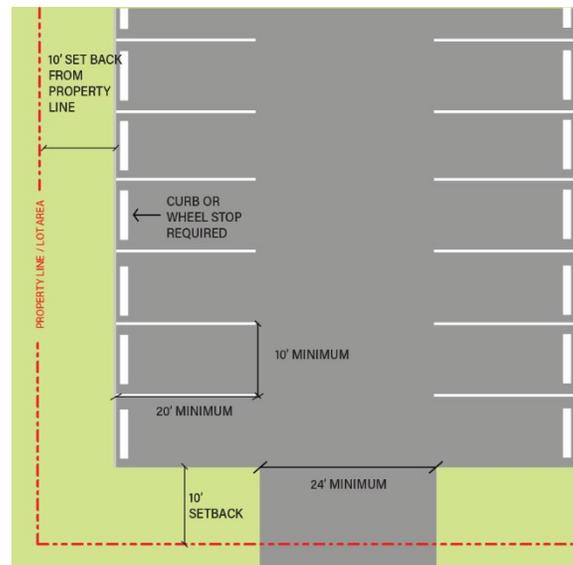
6. **Airport Overlay District Additional Lighting Standards.** In addition to the general lighting standards, the following apply to all development within the Airport Overlay District.
- a. **Airport Overlay Prohibited lighting.**
 - i. The use of laser source light or other similar high-intensity light for outdoor advertising, except when otherwise permitted in conjunction with a permitted sign, when projected above the horizontal.
 - ii. The operation of searchlights and floodlights for advertising purposes.
 - iii. The use of any lighting source on towers except as required by the Federal Aviation Administration.
 - iv. The illumination of signs larger than two hundred (200) square feet.
 - b. **Airport Overlay Color Temperature.** The color temperature of any outdoor light source must not exceed 3500 Kelvin. Outdoor light sources used exclusively for colorful decorative illumination of certain building façade or landscape features are exempt from this requirement.
 - c. **Airport Overlay Non-Residential and Non-Farm Lighting.**
 - i. All light fixtures, must be positioned in such a manner so no light emitting surface is visible from a residential lot or right-of-way when viewed at ground level.
 - ii. Light meter readings cannot exceed 0.2-foot candles at the property lines.
 - iii. All lights on poles, stands, or mounted on a building must have a shield, adjustable reflector, and non-protruding diffuser.
 - iv. All canopy structures must have lights with diffusers that are recessed and cannot extend below the surface of the canopy as measured on a plane parallel with the earth's surface.
 - v. Lighting under awnings and canopies must only illuminate a front building façade, a sign under the canopy, or the sidewalk, but must not illuminate the awning or canopy itself.
 - vi. All parking area lighting for nonresidential uses must be reduced (such as being turned off or dimmed) by a minimum of thirty percent (30%) within thirty (30) minutes of closing of the last business, but no later than 11:00pm.
 - vii. Outdoor sports or recreation facilities cannot be illuminated after 11:00pm., except to conclude a scheduled recreational or sporting event in progress prior to 11:00pm.

G. Parking & Loading Standards.

1. **Intent.** The purpose of these standards is to require minimal parking standards, minimize risk to the natural environment, and minimize pedestrian and vehicular conflict in order to ensure public health, safety, and welfare.
2. **Applicability.** These standards apply to all zoning districts within the jurisdiction, unless otherwise noted. All parking standards (both paved and gravel lots) within this section shall be met if an ILP for a new primary structure is obtained or a new parking lot or loading area is constructed.
3. **Permit Required.** All new parking lots (gravel or paved) or the expansion of existing parking lots (gravel or paved) for commercial and/or industrial uses shall require an ILP.
4. **Required Parking Spaces.**
 - a. The number of spaces required is intended to provide a minimal or low threshold; additional parking is permitted that exceeds these minimums to adequately serve the development and anticipated residents, employees, and/or visitors.
 - b. Any fraction of a required parking space shall be rounded up to the whole number.
 - c. **Commercial, Industrial, and Institutional Uses.** The minimum number of parking spaces required for commercial, industrial, and institutional uses shall be based on one of the following. The applicant shall provide written documentation at with a development plan application or building permit (as applicable).
 - i. Option 1: Calculations showing the minimum number of spaces needed for the specific use by using the most recent version of the Institute of Transportation Engineers (ITE) "Parking Generation."
 - ii. Option 2: Documentation of the required parking for the specific use based on a reliable and reputable source that is approved by the Administrator.
 - d. **Residential Uses.** One (1) parking space per dwelling unit shall be provided on-site for all residential uses.

5. Parking Lot and Loading Design.

- a. All parking areas shall conform to state and federal requirements regarding handicap accessibility and must comply with all applicable ADA requirements.
- b. With the exception of private/individual residential driveways and shared residential driveways from single-family and/or two-family dwellings, parking spaces and loading areas shall be located and constructed to prevent vehicles from maneuvering in the public right-of-way or backing into a public street, access way, or alley (no individual parking spaces shall gain direct access onto a public right-of-way).
- c. All parking spaces and loading areas shall maintain a setback of ten (10) feet from property lines and rights-of-way. Parking spaces and loading area may encroach into the required front, side, and rear yard setbacks.
- d. Parking areas and loading areas may be gravel or paved.
- e. Parking spaces shall be provided with curbing, bumper guards, or wheel stops along the perimeter of the parking area so that no part of a parked vehicle will extend beyond the boundary of the parking area.
- f. Any use which fronts upon and utilizes access to a primary or secondary arterial shall provide and utilize a common frontage or access lane for the purpose of access, parking, and loading where feasible.
- g. All paved parking areas and loading areas shall be striped and channelized as appropriate. Paved parking spaces shall be marked and access lines clearly defined, including directional arrows to guide internal movement and directional signs as necessary. Gravel parking spaces and lots are not required to be striped and channelized but shall provide directional signs to guide internal movement.
- h. All uses that transport goods by truck delivery shall provide loading berth(s) that are a minimum of twelve (12) feet by forty-five (45) feet with a fourteen (14) foot height clearance. Loading and unloading berths must be a minimum distance of one hundred (100) feet from the nearest residential use.
- i. Lighting within parking or loading areas shall be in accordance with *Chapter 4: Lighting Standards*.



Example of Parking Lot Design Standards

6. **Parking Dimensions.** Parking dimensions shall conform with *Table 4.4: Parking Dimensions*.

Table 4.4: Parking Dimensions		
Parking Space Type	Minimum Dimension	
90 Degree Parking Minimum Space Size	10 feet x 20 feet Handicap spaces must conform with state/federal requirements	
Parallel Parking Minimum Space Size	9 feet x 22 feet	
Parking Aisles Minimum Size	0 Degrees	10 feet (One-Way) 18 feet (Two-Way)
	30 Degrees	11 Feet (One-Way) 20 Feet (Two-Way)
	45 Degrees	13 Feet (One-Way) 21 Feet (Two-Way)
	60 Degrees	18 Feet (One-Way) 23 Feet (Two-Way)
	90 Degrees	24 Feet (One-Way or Two-Way)

7. **Shared Parking Lots.**

a. **Shared Parking Permitted.**

- i. Shared parking lots are permitted only for commercial, industrial, and institutional uses.
 - 1) Shared parking may be provided for separate uses that are located on separate parcels, provided the total number of spaces is not less than the minimum number of spaces required for each use.
- ii. Parking for developments with uses that operate at different times may be credited to both uses.

b. **Shared Parking Agreements Required.**

- i. Any development or parcels with shared parking shall have a written and recorded shared parking agreement that is signed by all property owners. The agreement shall be perpetual and outline provisions for easements (if applicable), maintenance, snow removal, ownership, and liability.
- ii. Shared parking agreements must be approved by the Administrator.
- iii. If a shared parking agreement expires or otherwise terminates, each use must provide the minimum require parking on-site or through a new shared parking agreement.

8. **Maintenance.** All parking areas, loading areas, and landscape islands shall be maintained in good condition and free of weeds, dirt, trash, and debris.

H. Sign Standards.

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

7. Abandoned Signs.

- a. A sign shall be considered abandoned if it is located on a parcel with a use that has not been in operation for twelve (12) consecutive months or if the sign has not been adequately maintained or repaired.
- b. All signs, their mountings, and related components shall be removed by the owner or lessee of the premises upon which the signs are located when a business is no longer conducted on the premises. If the owner or lessee fails to remove the sign, the Administrator shall give the owner thirty (30) days written notice to remove it. Upon failure to comply with this notice, the Administrator may remove the sign. Any cost associated with sign removal pursuant to the provisions of this UDO shall be reimbursed by the owner of said sign. Should said sign not be claimed and retrieved within fifteen (15) days of its removal, it may be disposed of in any manner deemed appropriate by the Administrator.

8. Sign Illumination. All sign illumination must meet the standards as specified in the State Electrical Code, as adopted and amended by the State of Indiana. In addition, all illuminated signs shall comply with the following standards:

- a. No sign shall have blinking, flashing, rotating, revolving, or fluttering lights, nor shall any device be utilized which has a changing light intensity, brightness of color, or give such illusion.
- b. All illuminating elements shall be kept in satisfactory working condition and immediately repaired or replaced if damaged or burned out.
- c. All electrical wiring for permanent signs shall be in conduit.
- d. The direct or reflected light from a primary light source shall not create a traffic hazard to operators of motor vehicles on public and/or private roadways.
- e. The light from any illuminated sign shall be so shaded, shielded, or directed such that the light intensity or brightness does not negatively impact the surrounding properties.

9. **Exempt Signs.** The following are exempt from all provisions of the sign standards set forth in this section. If any exempt sign contains components that would otherwise be regulated in this section, they are not considered exempt signs.

Table 4.5: Exempt Signs	
Street Address Signs	Street address sign to provide adequate property identification that does not exceed 2 sq ft in total sign structure size
Flags	Flag of any country, state, unit of local government, institution of higher learning, or similar institutional flags
Building or Site Identification Signs	Name of buildings, date of erection, monumental citations, historical interest, commemorative or memorial tablets, and similar identification when carved into stone, concrete, or similar material or made of bronze, aluminum, or other permanent type construction that are smaller than 2 sq ft in total sign structure size.
Public Notice, Regulatory, & Safety Signs	Information for the public’s interest that are erected by or on the order of a local, state, or federal law or intended to provide a public notice (such as rezoning, government) and regulatory or safety notices (such as no trespassing, directional, ingress/egress, and traffic)) that are smaller than 4 sq ft in total sign structure size
Decorations Signs	Temporary decorations customarily associated with a national, local, or religious holiday and are displayed for not more than 60 consecutive days
Non-Visible Signs	Signs that are not visible from any public or private right-of-way or any adjacent parcel
Utility Signs	Marking utility locations, cables, lines, and similar notices for public and private utilities that are smaller than 2 sq ft in total sign structure size, except if determined to be a hazard by the Administrator

10. **Prohibited Signs.** The following types of signs are expressly prohibited in all Zoning Districts. Any sign that is not expressly permitted in this UDO is also considered prohibited.

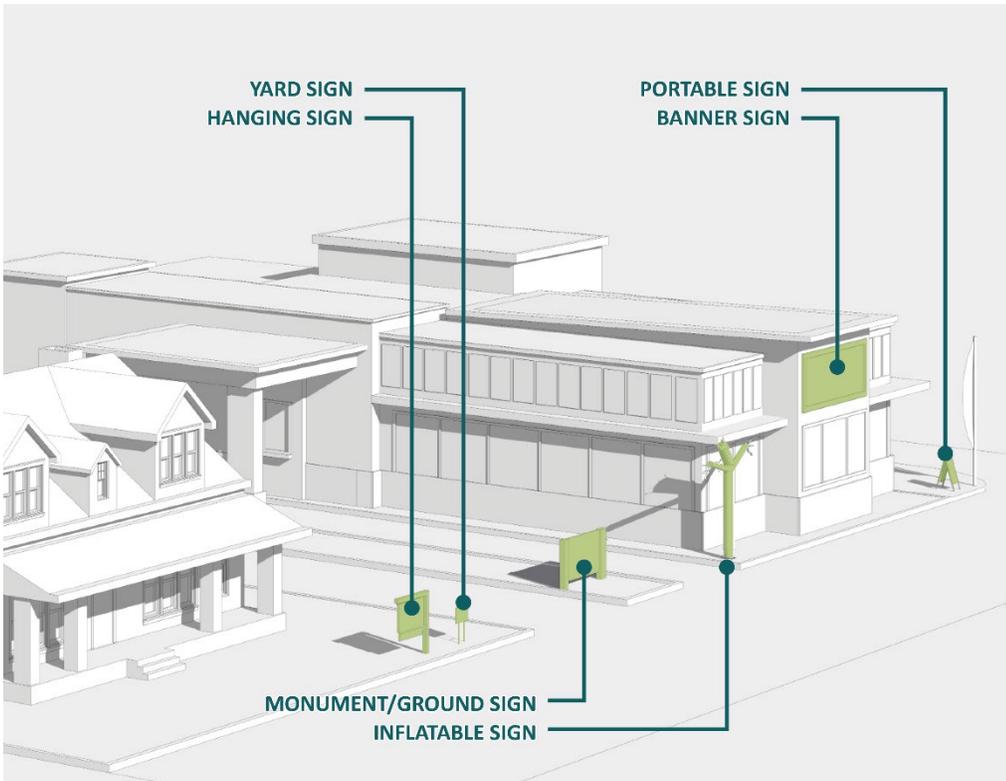
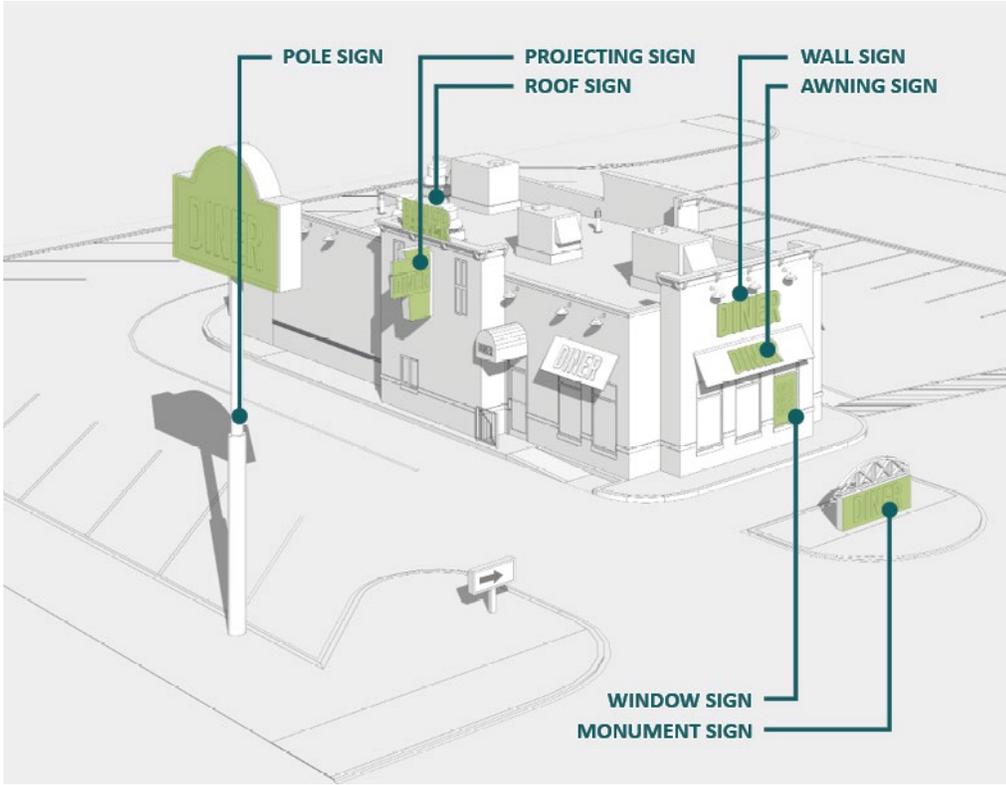
Table 4.6: Prohibited Signs	
Animated Signs	Flashing, blinking, fluttering, or using any motion picture, laser, or visual projection of images or copy or that change light intensity or brightness
Emitting Signs	Emit audible sound, odor, or visible matter
Human Signs	Worn or held by a person, unless located on-premise, outside of the right-of-way, and during business hours
Imitation Signs	Emulate emergency service vehicles, road equipment, or traffic signs (such as Stop, Slow, or Caution)
Obscene Signs	Display or convey obscene matter as defined in <u>IC 35-49-2</u>

11. **Prohibited Sign Locations.** All signs are prohibited within the following locations unless otherwise stated in this UDO.

Table 4.7: Prohibited Sign Locations	
Right-of-Way	Within any right-of-way unless authorized by the Administrator and/or INDOT, including signs located on any traffic control device, street sign, tree, utility pole, or similar location (unless identified as an Exempt Sign)
Obstruction	Obstruct any door, fire escape, stairway, or any opening intended to provide entry or exit from any building or structure or that hide from view any traffic or roadway sign, signal, or device
Vision Clearance	Obstruct a sight clearance or be placed within the sight triangle of any intersection or driveway
Setback	Within 10 feet of any property line. Signs are permitted to be located within a required front, side, or rear yard setback.

12. **Election Period.**

- a. The standards for maximum size and maximum number of signs contained in this chapter do not apply to any sign that does not exceed thirty-two (32) square feet in area during the election period, pursuant to IC 36-1-3-11. The election period is defined as the time period that begins sixty (60) days before an election until the 6th day after an election. Note that the statute applies to any election as defined in IC 3-5-1-2: primary and general elections, municipal elections, school district elections, and any special election as provided by law.
- b. Signs shall not be placed within the right-of-way or within ten (10) feet of the right-of-way. Permission must be obtained from the property owner before a sign is placed on private property.



Example of Sign Types

13. Permitted Temporary Signs.

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

Table 4.8: Permitted Temporary Signs: R1, R2, and R3	
Permitted Types	<ul style="list-style-type: none"> • Hanging • Monument • Yard
Size	<ul style="list-style-type: none"> • Maximum of 16) sq ft of sign face per sign per side
Quantity	<ul style="list-style-type: none"> • Maximum of 2 per parcel but cannot exceed a total 32 sq ft of sign face for all temporary signs
Height	<ul style="list-style-type: none"> • Maximum structure height of 5 feet
Duration	<ul style="list-style-type: none"> • While the property is for sale or lease • While a project is under construction • 30 consecutive days but no more than twice in a calendar year
Additional Standards	<ul style="list-style-type: none"> • EVMS or EVMS components are not permitted • Permit: No ILP is required

Table 4.9: Permitted Temporary Signs: AG, NB, GB, I1, & I2			
Permitted Types	<ul style="list-style-type: none"> • Awning • Banner • Hanging • Inflatable • Monument (Ground) 	<ul style="list-style-type: none"> • Portable (Bench, Sidewalk/Sandwich Board, Vehicle) • Pole 	<ul style="list-style-type: none"> • Projecting • Roof • Wall (Mural) • Window • Yard
Size	<ul style="list-style-type: none"> • Maximum of 16 sq ft of sign face per sign per side 		
Quantity	<ul style="list-style-type: none"> • Maximum of 2 per parcel but cannot exceed a total 32 sq ft of sign face for all temporary signs • For multi-tenant buildings, the number of signs permitted shall be determined by the Administrator 		
Height	<ul style="list-style-type: none"> • Maximum structure height of 15 feet 		
Duration	<ul style="list-style-type: none"> • While the property is for sale or lease • While a project is under construction • 30 consecutive days but no more than twice in a calendar year 		
Additional Standards	<ul style="list-style-type: none"> • EVMS or EVMS components permitted without flashing lights • Permit: No ILP is required 		

14. Permitted Permanent Signs.

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

Table 4.10: Permitted Permanent Signs: R1, R2 & R3	
Permitted Types	<ul style="list-style-type: none"> • Monument (Ground)¹ • Wall
Size	<ul style="list-style-type: none"> • Monument: Maximum of 32 sq ft of sign face per side • Wall: Maximum of 1 sq ft per parcel
Quantity	<ul style="list-style-type: none"> • Monument: Maximum of 2 signs per vehicular entrance to a subdivision or residential complex • Wall: Maximum of 1 sign per parcel
Height	<ul style="list-style-type: none"> • Monument: Maximum structure height of 6 feet
Location	<ul style="list-style-type: none"> • Monument:¹ Only located at vehicular entrance to subdivision or residential complex • Wall: Must be placed on primary structure
Additional Standards	<ul style="list-style-type: none"> • EVMS or EVMS components are not permitted • Wall: No illumination • Permit: ILP is required for Monument Signs; No ILP is required for Wall Signs.

¹ – Monument signs are only permitted at each entrance for a residential development (such as single-family subdivision, townhome development, or apartment complex); monument signs are not permitted for individual dwellings or structures. They must be located in a dedicated easement or common area dedicated to homeowner’s association if located in residential subdivision.

Table 4.11: Permitted Permanent Signs: AG, NB, GB, I1, & I2		
Permitted Types	<ul style="list-style-type: none"> • Awning • Hanging • Monument (Ground) • Pole 	<ul style="list-style-type: none"> • Projecting • Wall (Mural) • Window
Size	<ul style="list-style-type: none"> • AG, NB, and GB: Maximum of 200 sq ft cumulative area per parcel for all signs, but no single sign shall be more than 50sq ft¹ • I1 and I2: Maximum of 400 sq ft cumulative area per parcel for all signs, but no single sign shall be more than 80 sq ft¹ 	
Quantity	<ul style="list-style-type: none"> • AG, NB, and GB: Maximum of 4 per parcel with a maximum of 1 pole sign • I1 and I2: Maximum of 5 per parcel with a maximum of 1pole sign 	
Height	<ul style="list-style-type: none"> • AG, NB, GB, I1, and I2: Maximum structure height of 6 feet except pole and projecting shall be a maximum of 20 feet 	
Placement	<ul style="list-style-type: none"> • Awning, Projecting, Wall, and Window: Must be placed on primary structure 	
Additional Standards	<ul style="list-style-type: none"> • Awning, Projecting, Wall, and Window: EVMS or EVMS components are not permitted • Projecting: <ul style="list-style-type: none"> ○ Lowest point of sign shall be no less than 8.5 feet above grade level except for the supporting building, structure, or column. ○ Sign shall not extend more than 4 feet beyond its supporting structure. ○ Sign shall not extend into the right-of-way unless approved by the Administrator. • Wall: No illumination • Permit: ILP is required except window sign if not illuminated and less than 50% of the window area 	

1 – Maximum cumulative sign face only includes the sign face and excludes the total sign area/sign structure. See Chapter 9: Definitions.

I. Storage Standards.

1. **Intent.** The standards in this section are intended to reduce visual obstruction and nuisance to nearby property owners as well as preventing unsafe conditions to ensure the health, safety, and welfare of residents.
2. **Applicability.** These standards apply to outdoor storage in all zoning districts within the jurisdiction, unless otherwise noted.
3. **Stored Vehicles.**
 - a. **Location.** Stored vehicles, where permitted, shall not encroach on the right-of-way or setbacks and shall not block or impede an access easement.
 - b. **Inoperable.** A maximum of three (3) automotive vehicles, recreational vehicles, or trailers of any type without current license plates or in an inoperable condition are permitted per parcel.
 - c. **Recreational Vehicle (RV) Storage.** See *Chapter 9: Definitions* for vehicles defined as a recreational vehicle.
 - i. Stored recreational vehicles shall not be hooked up to water, sewer/septic, or electricity except for the purpose of prepping the vehicle for use or cleaning the vehicle after use and for no more than seventy-two (72) hours. Stored RVs shall not be occupied for sleeping or living.
 - ii. AG, R1, R2, and R3 Districts. No more than two (2) recreational vehicles per parcel that are visible from any public right-of-way, private road, or adjacent parcel shall be stored outdoors. Additional recreational vehicles may be stored within an enclosed building or in areas that are not visible from the areas previously noted.
 - iii. NB, GB, I1, and I2 Districts. Recreational vehicles shall not be stored unless allowed as a Permitted Use or Special Exception Use as outlined in *Chapter 2: Zoning Districts*.
4. **Temporary Storage Containers.**
 - a. **Applicability.**
 - i. These standards apply to temporary storage containers as defined in *Chapter 9: Definitions*. Any structure or container that is attached or anchored to a permanent foundation in conformance with the appropriate building code(s) and in compliance with manufacture's installation specifications is considered an accessory structure (permanent) and not a temporary storage container.
 - ii. All storage containers that are placed for more than six (6) months shall be considered a permanent accessory structure unless used for active construction on-site, and therefore, shall be attached or anchored to permanent foundation in conformance with the appropriate building code(s) and in compliance with manufacture's installation specifications.

- b. **Permit. An ILP is not required.**
- c. **R-1, R-2, and R-3 Districts.** A maximum of one (1) temporary storage container per parcel is permitted if the following conditions are met.
 - i. On-site for a maximum of sixty (60) consecutive days;
 - ii. Located on the driveway or to the rear or side of the primary structure; and
 - iii. Does not exceed one hundred and sixty (160) square feet in area.
- d. **AG District.**
 - i. The number of temporary storage containers associated with agricultural uses within the AG district are not limited and the duration is not limited, but they must comply with all setbacks in *Chapter 2: Zoning Districts* and *Chapter 3: Use Development Standards*.
- e. **NB, GB, I1, and I2 Districts.**
 - i. A maximum of two (2) temporary storage containers are permitted per parcel.
 - ii. Temporary storage containers are permitted in a front, side, and/or rear yard for no more than six (6) months in a calendar year or during active construction on-site.
 - iii. Each container cannot exceed three hundred and twenty (320) square feet in area.

J. Structure Standards.

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

7. **Manufactured Homes Occupancy.**

- a. **Permanent Occupancy.** Manufactured homes may be permanently occupied when located in any district where a single-family dwelling is permitted provided the following requirements are met:
 - i. The manufactured home is built to the Manufactured Home Construction and Safety Standards (HUD Code) and displays a red certification label on the exterior of each transportable section.
 - ii. The development standards for the respective zoning district, including minimum square footage, are met as established in *Chapter 2: Zoning Districts*.
 - iii. The structure is attached and anchored to a permanent foundation in conformance with the appropriate building code and with manufacturer's installation specifications.
 - iv. The entire area between the floor joists of the structure and the underfloor grade is completely enclosed (skirted) in accordance with the terms of the appropriate building code; the manufacturer's installation specifications; and requirements set forth by the Indiana Administrative Building Council.
 - v. The structure possesses all necessary building, water, and sewage disposal permits prior to placement of the structure upon the lot.
 - vi. The hitches are removed.
 - vii. The front door faces the primary street from which it gains access.
 - viii. The structure is covered with an exterior material and roof material customarily used on site-built structures.

- b. **Temporary Occupancy.** Temporary residential occupancy of a manufactured home is permitted during construction of a single-family dwelling on the same parcel provided the following requirements are met:
 - i. An ILP is obtained for placement of the manufactured home and an ILP for the single-family dwelling to be constructed on the same parcel has also been issued.
 - ii. Temporary occupancy of the manufactured home is limited to one (1) year and may be renewed for up to two (2) additional six (6) month periods if construction of the dwelling has been started but is not completed.
 - iii. The manufactured home is built to the Manufactured Home Construction and Safety Standards (HUD Code) and displays a red certification label on the exterior of each transportable section.
 - iv. The manufactured home is served by the same address, water supply, and sewage facilities serving the dwelling under construction. If the dwelling under construction utilizes a septic system, approval shall be subject to the Jefferson County Health Department.
 - v. The manufactured home shall remain on its wheels and shall not be placed on a permanent foundation.
 - vi. Applicable development standards of the underlying zoning district are met with the exception of minimum living area.
 - vii. Occupancy of the manufactured home is restricted to relatives, persons employed in the care of the property owner (employed on the premises of the property owner), or the owner of the property who is constructing a permanent dwelling.

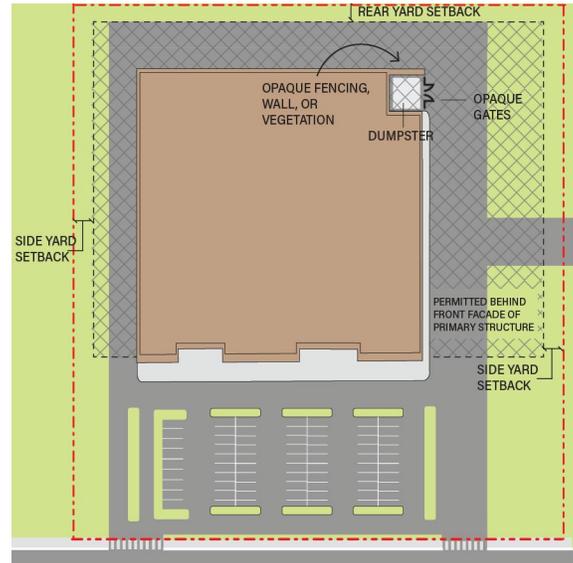
- viii. The manufactured home shall be tied down per the requirements of the Indiana One- and Two-Family dwelling code and the manufacturer's recommendation.
- ix. The manufactured home must be removed from the property within thirty (30) days of the issuance of the primary structure's Certificate of Occupancy.

8. Recreational Vehicle (RV) Occupancy.

- a. **Permanent Occupancy Prohibited.** Recreational vehicles are designed only for recreational use and are not built to HUD manufactured home standards. Therefore, recreational vehicles are not permitted to be used for residential occupancy outside of a campground or an RV park approved by the Indiana State Department of Health (ISDH).
- b. **RV Recreational Occupancy.** A recreational vehicle may only be used for recreational purposes outside of a campground or RV park provided the following conditions are met:
 - i. The RV is occupied for recreational purposes only (no permanent occupancy) and shall not exceed fourteen (14) consecutive days;
 - ii. No more than six (6) RVs may be occupied on a single parcel;
 - iii. All development standards in *Chapter 2: Zoning Districts* are met;
 - iv. The RV cannot be served by permanent utilities;
 - v. No permanent structures are attached to the RV; and
 - vi. The RV is fully licensed and ready for highway use (defined as being on its wheels or jacking system; is attached to the site only by quick disconnect type utilities and security devices; and has no permanently or semi-permanently attached additions or structures).
- c. **RV Storage.** A recreational vehicle may be stored according to *Chapter 4: Storage Standards* but shall not be connected to any utilities (electric, water, sewage, etc.) or occupied at any time while stored.

K. Trash & Dumpster Standards.

1. **Intent.** The purpose of this district is to prevent access to and visibility of trash that is stored outside to ensure the health, safety, and welfare of residents.
2. **Applicability.** Any new outdoor, non-pedestrian trash receptacle, dumpster, compactor, or similar non-pedestrian trash containers placed after the effective date of this UDO shall meet the following standards.
3. **Location.** All outdoor trash containers governed by this section shall:
 - a. Comply with all development standards outlined in *Chapter 2: Zoning Districts*;
 - b. Be located on private property on which they serve and in no case shall be located in the public right-of-way; and
 - c. Be located in a side yard or rear yard (must be behind the front façade of the primary structure).
4. **Screening.** Non-pedestrian outdoor trash receptacles and dumpsters must be completely screened with vegetation, masonry wall, and/or opaque fencing so it is not visible from any public right-of-way or adjacent parcel during any time of the year. Gates must remain closed unless the receptacles are being accessed.
5. **Temporary Trash Receptacles.** Dumpsters associated with demolition or construction shall remain on-site no longer than two (2) weeks prior to construction or demolition and no longer than two (2) weeks following the completion of construction or demolition. Temporary trash receptacles shall meet all setback requirements and development standards of the underlying zoning district but do not require screening.



Example of Dumpster Standards

CHAPTER 5: SUBDIVISION TYPES

A. Intent.

1. The intent of the subdivision types permitted within Jefferson County is to:
 - a. Define, regulate, and control the different ways that land can be subdivided within the jurisdiction;
 - b. Secure equitable handling of all subdivision plans by providing uniform procedures and standards;
 - c. Promote public health, safety, general welfare, and secure the most efficient use of land; and
 - d. Take guidance from the Comprehensive Plan and UDO.

B. Permitted Subdivision Types. The following subdivision types are permitted within the jurisdiction with specific standards applying to each subdivision type.

Permitted Subdivision Types
Commercial and Industrial Subdivision
Major Residential Subdivision
Exempt Subdivisions

C. Commercial and Industrial Subdivision.

1. Intent.

- a. A commercial or industrial subdivision, as defined in *Chapter 9: Definitions*, is intended to provide development for primarily commercial, industrial, and other uses as permitted within the subject zoning district.
- b. The layout shall allow for adequate vehicular, pedestrian, and alternative transportation access as well as connections to adjacent parcels and transportation networks.
- c. Driveway cuts on to arterial streets shall be limited and frontage streets shall be utilized.

2. Process. In order to allow for end-user flexibility, the secondary platting process may be done by full plat, individual lot, individual lot with development plan, or phase/section, as outlined in *Chapter 7: Administration and Procedures*.

3. Development Standards. All commercial and industrial subdivisions shall meet the following standards.

Commercial and Industrial Subdivisions	
Permitted Zoning Districts	NB, GB, I1, I2
Development Standards	All individual lots within the subdivision shall comply with the development standards for the subject zoning district as outlined in <i>Chapter 2: Zoning Districts</i>
Design Standards	All design standards for the subdivision shall comply with applicable sections of <i>Chapter 6: Subdivision Design Standards</i>
Internal Access Roads & Driveways	Internal streets shall be private, have curbs/gutters, and be constructed to the public road design standards outlined in <i>Chapter 6: Subdivision Design Standards</i>
Sidewalks	<ul style="list-style-type: none"> • Required along on both sides of all internal roads and perimeter roads • All sidewalks shall comply with <i>Chapter 6: Subdivision Design Standards</i> • Maintenance of all sidewalks is the responsibility of the abutting property owner(s)

D. Major Residential Subdivision.

1. Intent.

- a. A major residential subdivision, as defined in *Chapter 9: Definitions*, is intended to provide development exclusively for all non-exempt subdivisions of land for residential uses as permitted within the subject zoning district.
- b. Note that this UDO does not include a subdivision type for minor residential subdivisions. If a residential subdivision does not qualify as exempt (see *Chapter 5: Subdivision Types*), it is considered a major residential subdivision.
- c. The layout shall allow for adequate vehicular, pedestrian, and alternative transportation access as well as connections to adjacent parcels and transportation networks.

2. Development Standards. All Major Residential Subdivisions shall meet the following standards.

Major Residential Subdivisions	
Number of Lots	All non-exempt residential subdivisions
Permitted Zoning Districts	AG, R1, R2, R3, PUD
Development Standards	All individual lots within the subdivision shall comply with the development standards for the subject zoning district as outlined in <i>Chapter 2: Zoning Districts</i>
Design Standards	All design standards for the subdivision shall comply with applicable sections of <i>Chapter 6: Subdivision Design Standards</i>
Internal Access Roads & Driveways	<ul style="list-style-type: none"> • All internal streets shall be public, have curbs/gutters, and be constructed to the public road design standards outlined in <i>Chapter 6: Subdivision Design Standards</i> • All individual driveways shall gain access from an internal road; driveway access from public roads is prohibited
Sidewalks	<ul style="list-style-type: none"> • Required along both sides of all internal roads and perimeter roads if the gross density of the development (all phases) is less than 1 acre. Optional if the gross density of the development (all phases) is more than 1 acre • All sidewalks, if constructed, shall also install curb/gutter, and comply with <i>Chapter 6: Subdivision Design Standards</i> • Maintenance of all sidewalks is the responsibility of the abutting property owner(s)
Covenants	Recorded covenants are required in conjunction with the Secondary Plat for all Major Residential Subdivisions in the AG district to prevent nuisances and conflicts

E. Exempt Subdivisions.

1. Intent.

- a. The intent of this section is to establish criteria that allows lot splits to occur that are not otherwise required to go through the other subdivision processes outlined in this UDO.
- b. The exempt subdivision provision shall not be used as a means to bypass the subdivision process outlined in this UDO.

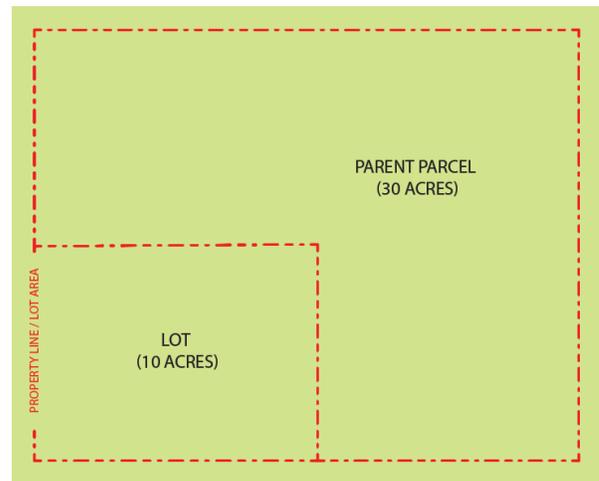
2. Subdivider’s Responsibility. It is the responsibility of the subdivider to verify with the Administrator regarding their subdivision exemption eligibility before recording lot splits/subdivisions. Lots created under this provision (including the remnant or remainder parcel) shall meet all standards of this UDO, including but not limited to *Chapter 2: Zoning Districts*, and shall not create or extend a public or private street to qualify for the issuance of an ILP.

3. Applicability. The following divisions of land are exempt from the subdivision provisions of this UDO but shall comply with all zoning district standards, including (but not limited to) minimum lot size and lot width.

1. A division of land into two (2) tracts once per year (every 365 days). If a parcel is subdivided under subsection “#2” below, it shall still be eligible of subdividing a parcel into two (2) parcels one per year.

2. A division of land that combines or reconstitutes property lines between adjoining parcels such that no new building lots are created and there is not a change in the present land use.

3. An adjustment or shift of lot lines as shown on a recorded plat provided there is no reduction in the area, frontage, width, depth, or building setback lines of each building site that would place it below the minimum requirements of this UDO.



Example of Exempt Subdivision with 2 parcels

4. A division of land for the transfer of a tract(s) to correct errors in an existing legal description or recorded plat, provided that no additional principal use building sites are created by the division.
5. A division of land by the Federal, State, or local government for the acquisition of right-of-way or an easement.
6. A division of land into cemetery plots for the purpose of burial of corpses.
7. A division of land that is government or court ordered.

CHAPTER 6: SUBDIVISION DESIGN STANDARDS

A. Purpose.

The intent of the subdivision types permitted within Jefferson County is to: These subdivision design standards are intended to provide predictability to developers and property owners while ensuring the residents of Jefferson County benefit from quality residential neighborhood designs and commercial/industrial development that promotes the public health, safety, and general welfare and supports the goals of the *Comprehensive Plan*.

B. Permitted Subdivision Types.

1. **Conformance to Applicable Rules and Regulations.** In addition to the requirements established in this chapter, all plats shall comply with the following laws, rules, and regulations. Secondary plat approval may be withheld if a subdivision is not in conformity with these laws, regulations, guidelines, and policies as well as the purposes of this UDO.
 - a. All applicable statutory provisions;
 - b. All requirements of the UDO, Zoning Map, building codes, fire codes, Jefferson County Health Department, and all other applicable laws of the appropriate local, state, and/or federal jurisdictions;
 - c. The regulations of INDOT, if the subdivision or any lot contained therein abuts a state highway or connecting public road;
 - d. The standards and regulations adopted by all Jefferson County boards, commissions, agencies, and officials of the jurisdiction and participating municipalities (if applicable); and
 - e. The *Jefferson County Drainage Ordinance*, *Floodplain Ordinance*, and other plans and ordinances as adopted, including all public roads, drainage systems, and parks (if applicable), at the discretion of the PC.
2. **Extension of Infrastructure.** All public improvements and required easements shall be extended to the boundary lines of the parcel on which new development is proposed. Public roads and easements for water lines, wastewater systems, electric lines, and telecommunications lines shall be constructed to promote the logical extension of public infrastructure to adjacent parcels.
3. **Plats Straddling Municipal Boundaries.** Whenever access to the subdivision is required across land in another local government, the PC may request assurance by affidavit from the subdivider that access is legally established. In general, lot lines should be laid out so as not to cross municipal boundary lines.

4. **Applicable Design Standards.** The site development standards included in this chapter are intended to be met in addition to all other applicable structure, lot, and/or site standards in other sections of this UDO shall still apply.

Table 6.1: Subdivision Design Standards
Access and Connectivity
Blocks and Lots
Covenants
Drainage, Stormwater, Swales, and Erosion Control
Monuments and Markers
Open Space, Public and Private
Roads, Driveways, and Mailboxes
Sidewalks and Trails
Subdivision Name
Utilities

C. Access and Connectivity.

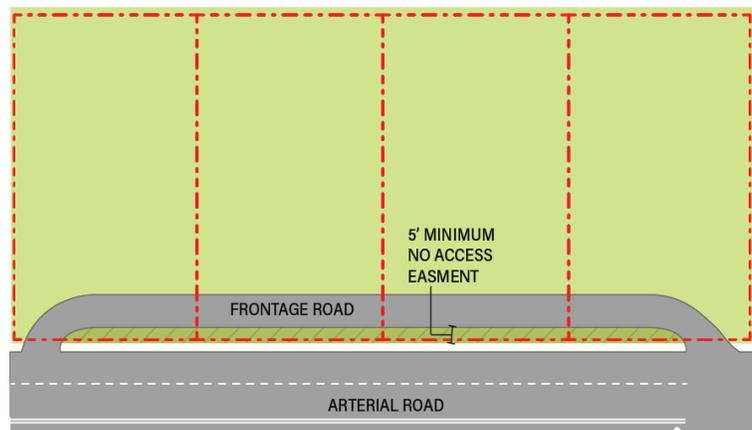
1. General.

- a. All subdivisions of land shall have frontage on and access from an existing public (state, county, or local) road or private driveway as permitted by this UDO.
- b. No subdivision shall deny access from an adjacent property to a public road or create or perpetuate the land-locking of an adjacent parcel.
- c. The PC may require:
 - i. The extension of roads to the exterior boundary of the subdivision or continuation of public roads between adjacent parcels for the effective movement of traffic, extension of utilities, and/or effective fire protection, unless the PC determines that such extension is not feasible due to topography or other physical conditions, or not necessary or desirable for the coordination of the subdivision with the future development of adjacent tracts.
 - ii. A partial right-of-way along an exterior boundary line for adequate right-of-way, including the extension of arterial or collector roads.
- d. An easement providing access to a public road shall be prohibited except where the PC has approved its use, control, and maintenance; exempt subdivisions.

2. Lot Access to All Public Roads.

- a. Unless all lots within the subdivision are at least ten (10) acres or an exempt subdivision, access to individual lots shall be provided by an internal public road rather than lots gaining direct access to any public road.
- b. In addition, the PC may also require one or more of the following based on the recommendation of the PC:

- i. Requiring frontage or service roads that are separated from the arterial or collector by a planting area or grass strip or short loop roads or cul-de-sacs. These roads shall have access at suitable points to the arterial or collector. All frontage or service roads shall be designed to comply with *Table 6.2: Minimum Public Road Design Requirements* of this UDO and dedicated as public roads as required by this UDO.



Example of No-Access Easement and Frontage Road

- ii. Requiring a five (5) foot “no-access easement” along a any public road for parcels that can gain access from a local road adjacent to a side or rear yard and/or a shared driveway with an access easement to a local road.

- iii. Requiring other, similar treatments deemed necessary for the adequate preservation of the public roadway functionality, protection of residential properties, and separation of through and local traffic.

3. Subdivision Entrances.

- a. If the subdivision has twenty-five (25) or more residential units, there shall be two (2) separate entrances on to two (2) separate public roads that comply with *Table 6.2: Minimum Public Road Design Requirements* with the following exceptions:
 - i. If the subdivision only fronts a single public road, the subdivision shall have two (2) entrances onto the public road, provided there is appropriate distance between entrances and other roadways and intersections.
 - ii. If there is not appropriate distance between entrances and other roadways and intersections, then a single entrance with a median divider is allowed. Each lane of the single entrance with a median divider shall be at least sixteen (16) feet wide if roll curbs are used or eighteen (18) feet wide if barrier curbs are used. The median shall be twelve (12) feet in width to accommodate a separate left-turn lane if necessary. The median divider shall extend from the entrance of the intersection to the first crossroad or first intersection within the subdivision.
- b. All public roads must be located above the 100-year FEMA flood elevation unless approved by the Floodplain Manager.
- c. The subdivider shall construct approved traffic mitigation measures to provide adequate roadway capacity and access for the proposed development, such as acceleration or deceleration lanes.

4. Pedestrian Access.

- a. In order to facilitate pedestrian access and connectivity, the PC may require perpetual unobstructed easements, at least twenty (20) feet in width and indicated on the primary and secondary plats, when a subdivision is adjacent to a park, state forest/park, school, or other public community facility.
- b. Where future development includes land that has been identified by the *Comprehensive Plan* as a location for trails, the PC may require the developer to construct the trails within their development, whether or not such trails connect to existing trails outside of the development at the time of construction. All trails shall be a minimum of eight (8) feet wide and constructed in accordance with current AASHTO (American Association of State Highway Transportation Officials) standards.

D. Blocks and Lots.

1. Lot Arrangement.

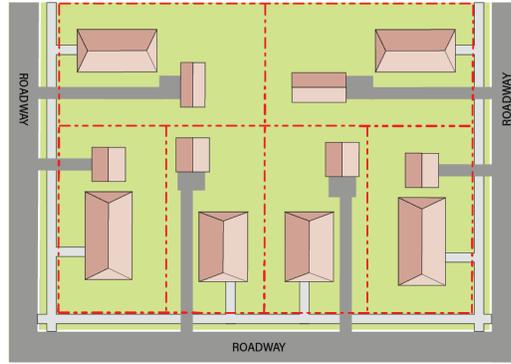
- a. Blocks and cul-de-sacs shall not exceed one thousand three hundred twenty (1,320) feet in length, unless the PC determines that a longer length will not be detrimental to local traffic flow. The PC may require the reservation of an easement through blocks longer than one thousand three hundred twenty (1,320) feet to accommodate utilities, drainage facilities, or pedestrian traffic.
- b. The PC may require pedestrian ways or cross walks through the center of blocks where it is deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation, or other community facilities.
- c. The layout of the lots shall be compatible with the topography and other physical conditions of the land in order to ensure that compliance with the UDO, Building Code, and other local, state, and federal regulations.

2. Lot Dimensions.

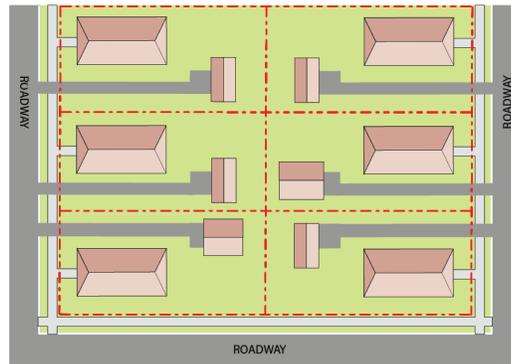
- a. Lot dimensions shall comply with the minimum standards of the UDO and suitable in size and dimensions to the type of development anticipated.
- b. Lots shall not be designed in such a manner that there would be insufficient area remaining to build on after building setback lines are established in accordance with the UDO.
- c. Side lot lines shall generally be at right angles to public road lines (or radial to curving public road lines) unless a variation from this rule will give a better public road or lot plan. Dimensions of corner lots shall be large enough to allow for erection of buildings, observing the minimum front yard setbacks from both public roads.
- d. The depth and width of properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide off-public road parking and loading facilities required for the type of use and development contemplated, as established in the UDO.

3. Lot Orientation.

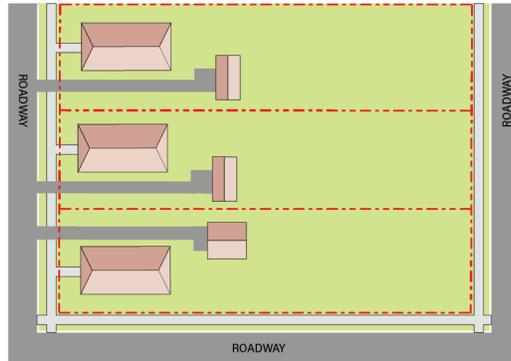
- a. The lot line common to the public road right-of-way shall be the front line. All lots shall face the front line. Wherever feasible, lots shall be arranged so that the rear lot line does not share a lot line with the side lot line of an adjacent lot.
- b. Double frontage and reverse frontage lots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



X
REAR LOT LINES
ABUT SIDE LOT LINES



✓



X
DOUBLE
FRONTAGE

Examples of Lot Orientation

E. Covenants.

1. **Purpose.**
 - a. Covenants generally include restrictions on the use of property and agreeing obligations imposed by the developer on the owner of a property within a subdivision. These restrictions are above and beyond the zoning and subdivision regulations required for the jurisdiction but cannot not supersede, contradict, or replace county, state, or federal regulations.
 - b. The purpose of covenants is to create a more consistent appearance as well as provide control over the activities that take place within the subdivision boundaries in order to protect the 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. All restrictive covenants shall be recorded with the County Recorder.
3. **Enforcement.** Only regulations specifically found in the UDO are enforceable by the PC. Unless otherwise noted and approved by the PC, restrictive covenants will not be enforced by the PC and must be enforced by the Homeowners Association (or the subject property owners) through the civil courts.

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

1. **General.** All drainage shall comply with all state requirements and the Jefferson County Drainage Board. All development is subject to state and local drainage approval and permits.
 - a. Maintenance of drainage facilities shall be the responsibility of the developer until it is turned over to the Homeowners Association (HOA).
 - b. If drainage areas are maintained by a Homeowners Association (HOA) or similar organization and said organization is dissolved, the maintenance and associated costs of any drainage facility shall be shared equally between the property owners within the platted subdivision.
 - c. No secondary plat shall be approved until the drainage plan is approved by the Jefferson County Drainage Board.

G. Monuments and Markers.

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

H. Open Space, Public and Private.

1. General.

- a. Proposed subdivisions may allocate adequate areas for public parks, schools, other public recreation, or open space to support the goals of the *Comprehensive Plan*.
- b. Each reservation shall be of suitable size, dimension, topography, and general character and shall have adequate road and/or pedestrian access to adequately serve the purposes envisioned.
- c. Any open space requirements shall be shown on the primary plat and shall depict the subdivision in full compliance with this UDO and all other applicable health, flood control, and regulations of the jurisdiction as appropriate. All open space shall be set aside as common area
- d. The reserved area shall be shown and labeled accordingly on the primary plat and secondary plat.

2. Ownership and Maintenance.

- a. The PC shall require proof of the ownership and maintenance agreement for the common areas (such as HOA covenants).
- b. Unless approved by the PC and County Commissioners, the jurisdiction as appropriate shall not assume responsibility for the maintenance and safety of common areas.
- c. If areas or land is being dedicated to an entity other than a Homeowners Association, the respective entity accepting the land shall provide written documentation approving the dedication prior to recording the secondary plat.

3. Open Space Design Considerations. If a subdivision incorporates open spaces, the PC shall be guided by the following criteria:

- a. The preservation of existing natural or historic features that would add value to the development or to the jurisdiction as a whole (such as watercourses and falls, historic sites, and similar irreplaceable assets).
- b. The protection of unique topographical features on the site, such as steep slopes.
- c. The preservation of wooded areas and individual, healthy trees that are larger than thirty-six (36) inches in diameter or vegetation that is desirable to preserve wetlands or other environmentally sensitive areas, including the ability to protect vegetation during construction and changes of grade.
- d. The adaptability of the open space for future trails and/or shared-use paths.
- e. The relationship of the open space to neighboring properties.

4. Open Space Design Requirements.

- a. All open space reserved under this UDO shall be accessible with a sidewalk, footpath, or similar connection from a public right-of-way or a dedicated easement. All easements used to provide access shall be a minimum of twenty (20) feet in width.
- b. All open spaces shall be at least twenty (20) feet in width and shall not be located within the public right-of-way unless approved by the County Commissioners.
- c. No open space shall be used as a reserve strip or prevent future access between adjacent properties and an existing or future public right-of-way.

I. Roads, Driveways, and Mailboxes.

1. **Purpose.** The road design requirements are intended to:
 - a. Provide for roads that are suitable in location, width, and improvement to accommodate potential traffic;
 - b. Provide a safe, convenient, and functional system for vehicular, pedestrian, and bicycle circulation;
 - c. Provide adequate access to police, fire fighting, snow removal, sanitation, road-maintenance equipment;
 - d. Create a convenient traffic network;
 - e. Avoid undue hardships to adjoining properties;
 - f. Accommodate for the particular traffic characteristics of each proposed development; and
 - g. Be properly related to the goals of the *Comprehensive Plan*.
2. **General.**
 - a. All private and public roads, culverts, drains, bridges, shoulders, drainage improvements and structures, curbs, turnarounds, and sidewalks shall comply with the standards set forth in this UDO and shall be incorporated into the construction plans required of the developer for plat approval.
 - b. Where a proposed public road is an extension of an existing paved public road which exceeds the minimum dimension set forth herein, the PC may require the developer to taper or match the width of the existing paved public road.
 - c. Roads shall be constructed to grades shown on plans, profiles, and cross-sections prepared by a registered Professional Land Surveyor and/or registered Professional Engineer. Individual projects may warrant additional requirements that are dictated by sound engineering practices as determined by the PC and shall be made conditions of the approval for the primary plat.
 - d. No trees or plantings shall be permitted within the public right-of-way or easements unless approved by the PC.
3. **Dedication of Public Roads.**
 - a. In a subdivision that adjoins or includes an existing public road that does not conform to the minimum right-of-way dimension as established by *Table 6.2: Minimum Public Road Design Requirements*, the subdivider shall dedicate additional right-of-way width as required to meet this UDO.
 - b. All public rights-of-way shall be inspected and approved by the Highway Superintendent prior to being accepted as a public right-of-way by the County Commissioners.
4. **Road Classifications.** All public roads shall be planned to meet the goals of the *Comprehensive Plan*. All roads shall be functionally classified by the Highway Superintendent and/or PC.
5. **Public Road Layout and Site Design.**
 - a. Building sites shall be at or above the grades of the public roads whenever possible.
 - b. Grades of public roads shall not exceed fifteen percent (15%) unless approved by the Highway Superintendent and/or PC. A combination of steep grades and curves shall be avoided.

- c. Local public roads shall be laid out to follow, where possible, the site topography; shall avoid long, straight stretches that encourage high speeds; shall permit efficient drainage and utility systems; and shall minimize the number of public roads necessary to provide convenient and safe access to property.
 - d. The creation of reserve strips shall not be permitted adjacent to a proposed public road if it prevents or denies access from adjacent property to the public road.
 - e. Roads shall be extended to the boundary of the subdivision to provide future connections to adjacent parcels.
6. **Public Road Names.** Proposed public road names shall be indicated on the primary plat. The Administrator shall review and consult the appropriate entities prior to consideration by the PC. Names shall be sufficiently different in sound and spelling from other road names in the jurisdiction and surrounding areas to prevent confusion. A road which is (or is planned as) a continuation of an existing road shall have the same name. The PC shall approve the public road names at the time of primary plat approval.
7. **Public Road Intersections.**
- a. All intersections, including minimum radii, shall adhere to *Table 6.2: Minimum Public Road Design Requirements*.
 - b. Right-angle intersections shall be used wherever practical. When local roads intersect arterial or collector roads, the angle of intersection of the road centerlines shall not be less than seventy-five (75) degrees and the radii required by *Table 6.2: Minimum Public Road Design Requirements* shall be increased at least forty (40) feet.
 - c. Proposed new intersections, wherever practicable, should align with any existing intersections on the opposite side of the public road. Intersections with more than four (4) approaches to the intersection should be avoided. Three-legged intersections may be used wherever appropriate, particularly in residential areas.
 - d. Minimum sight distance at intersections (sight triangles) should be determined by a design professional and approved by the Highway Superintendent and PC as part of the Primary Plat.
 - e. Intersections shall be designed with a relatively flat grade wherever practical. Where the grade exceeds seven percent (7%), a leveling area shall be provided at the intersection approach with a maximum of two percent (2%) slope for a minimum distance of forty (40) feet, measured from the intersection of the centerline.
 - f. No intersection shall create a traffic hazard by limiting visibility.
 - g. At road intersections, property line corners shall be rounded by an arc at fifteen (15) feet in radius or larger.
8. **Regulatory Road Signs.**
- a. The subdivider shall install all required regulatory signs on public roads that comply with the standards established in the *Manual on Uniform Traffic Control Devices (MUTCD)* and shall be approved by the PC.
 - b. The subdivider shall install all required road signs, street signs, and road name signs before the secondary plat is signed.

- c. The PC may approve public road name signs, poles, or hardware outside of the MUTCD (*Manual on Uniform Traffic Control Devices*) regulatory sign standards if decorative signs, poles, and hardware are requested. The County or municipality does not own or maintain decorative signs, poles, or hardware, and all maintenance and/or replacement shall be the responsibility of the homeowners association or all property owners within the subdivision equally if a homeowners association does not exist.
- d. Maintenance of all road signs and street signs is the responsibility of the developer, or the property owners within the development, until the road is dedicated and accepted for maintenance by the County or municipality.

9. Dead-End Public Road.

- a. Permanent Dead-End Public Road. A permanent dead-end public road, if permitted by the PC, shall terminate in a circular right-of-way with a cul-de-sac turn-around, shall comply with *Table 6.2: Minimum Public Road Design Requirements*. The PC may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities.
- b. Temporary Dead-end Public Road. If the adjacent property is undeveloped and the public road must temporarily be a dead-end public road (stub street), the right-of-way shall be extended to the property line and a cul-de-sac or “eyebrow” that conforms with *Table 6.2: Minimum Public Road Design Requirements* shall be provided. A road terminus sign shall be erected by the subdivider that states, “Connection to future development” to make lot owners aware of the future road extension.

10. Public Road Streetlights.

- a. Streetlights are optional and may be install by the subdivider at their own expense in subdivisions. All streetlights shall be shielded to direct light downwards.
- b. The County or municipality does not own or maintain streetlight fixtures. Any and all electric bills or fees shall be paid by the homeowner association or all property owners within the subdivision equally if a homeowners association does not exist.

11. Additional Improvements Required. The subdivider may be required to provide deceleration lanes, acceleration lanes, passing blisters, or other improvements to the public road system when a proposed public road or private road connects to a freeway/expressway, arterial (principal or minor), or collector (major or minor).

12. Bridges and Culverts. As determined by the Highway Superintendent and/or PC, bridges and/or culverts required to accommodate site access and circulation shall be constructed at the full expense of the subdivider without reimbursement from the County or municipalities.

13. Limited Access and Railroads. A buffer strip of an additional twenty-five (25) feet in depth in addition to the setback required in *Chapter 2: Zoning Districts* shall be provided adjacent to the railroad right-of-way or limited access highway. This buffer strip shall be part of the platted lots and shall be designated on the plat: "Reserved as buffer. The placement of structures on this land is prohibited."

14. Private Driveways.

- a. Private driveways may only serve one (1) parcel or two (2) parcels. Access to three (3) or more parcels shall be provided with a public road that meets all County standards for public roads.
- b. All shared private driveways shall have an easement of at least thirty (30) feet in width.
- c. Private driveways may be gravel.

- d. All private driveways shall be at least twenty (20) feet in length between the primary structure and the sidewalk or edge of roadway if a sidewalk does not exist in order to provide adequate space for parking without vehicles blocking sidewalk and/or road access.
- e. All private driveways onto a public road shall obtain a driveway permit and shall comply with all Highway Department standards.

15. Mailboxes.

- a. All mailboxes and approach areas for mailboxes shall comply with the Highway Department standards.

Table 6.2: Minimum Public Road Design Requirements

Local Road Standards		Residential Subdivisions	Non-Residential Subdivisions
Pavement Width & Curb			
Local Public Roads and Cul-de-Sacs	1+ acre gross density of entire subdivision	24 feet plus required curb (barrier or roll)	24 feet or 12-foot travel lanes if more than two lanes are required plus required curb (barrier or roll)
	Less than 1 acre gross density of entire subdivision	24 feet plus 1-foot crushed stone shoulder or optional curb (barrier or roll)	
Alley		20 feet (two-way) or 14 feet (one-way) plus 1-foot crushed stone shoulder or optional curb (barrier or roll)	N/A
Right-Of-Way Width			
Local Roads		60 feet ¹	60 feet ¹
Cul-de-sac		50-foot radius ¹	50-foot radius ¹
Collector or Arterial Roads		As determined by Highway Superintendent	
Pavement Design			
Subgrade Compaction		90% standard proctor	90% standard proctor
Flexible Pavement ³		<ul style="list-style-type: none"> • 10-inch base, dense graded aggregate • 3-inch binder (HAC) • 1.5-inch surface (HAC)² 	<ul style="list-style-type: none"> • 10-inch type-O, #53 compacted aggregate • 3-inch bituminous base #5 • 1.5-inch surface (HAC)
Rigid Concrete Pavement		N/A	<ul style="list-style-type: none"> • 520 lb/cubic yard with water/cement ratio less than or equal to 0.53; • Slump test less than or equal to 4 inches • Joint Spacing following Portland Cement design manual • Opening to traffic: Minimum of 7 days at 3,000 PSI; generally, 28 days at 3,500 PSI • 8.5-inch thickness

1 – Additional right-of-way may be required due to topography in order to provide a maximum earthen slope of 3:1.

2 – Surface shall not be applied until eighty percent (80%) of the homes are built.

3 – Highway Superintendent may require greater standards based on site conditions.

J. Sidewalks and Trails.

1. **Sidewalks Design Requirements.** Sidewalks shall be required for residential, commercial, and industrial subdivisions as outlined below, and if provided, they shall comply with the following design minimum design requirements.

Table 6.3: Sidewalk Standards	
Major Residential Subdivisions	<ul style="list-style-type: none"> • Required along both sides of all internal roads and perimeter roads if the gross density of the development (all phases) is less than 1 acre
Exempt Residential Subdivisions	<ul style="list-style-type: none"> • Optional, but if installed, curb/gutter shall be provided
Commercial and Industrial Subdivisions	<ul style="list-style-type: none"> • Required along both sides of all internal roads and perimeter roads
Design Standards and Materials	
Minimum Setback from Road	<ul style="list-style-type: none"> • Minimum of 4 feet setback from adjacent curb by a strip of grass or landscaped area • No trees shall be planted between the sidewalk and road unless approved by the PC
Minimum Width	<ul style="list-style-type: none"> • 4 feet or the width of connecting sidewalks on adjacent parcels, whichever is greater
Surface	<ul style="list-style-type: none"> • Shall have sufficient slope to drain away from the lot and toward the center of the public road and shall be built to Highway Department standards
Subgrade	<ul style="list-style-type: none"> • Shall be constructed to Highway Department standards
Other Standards	<ul style="list-style-type: none"> • All sidewalks shall comply with all Americans with Disabilities Act (ADA) standards
Maintenance	
	<ul style="list-style-type: none"> • The owners of property abutting sidewalks are required to repair that part of the sidewalk adjoining property belonging to them, at their own expense, by repairing any holes, uneven surfaces, and other defective places therein, by using materials as nearly similar as possible to that of which the sidewalk is constructed. • The owners of property abutting sidewalks are also required to remove snow and ice.

2. **Paths or Trails.** Asphalt paths or sidewalks may be allowed by the PC along arterials and collectors when it is a part of a trail system adopted by the county, municipality, or regional entity, as appropriate. All asphalt paths must be a minimum of eight (8) feet wide and meet the current AASHTO (American Association of State Highway Transportation Officials) standards.

K. Subdivision Name.

1. The proposed name of a subdivision shall not duplicate or too closely sound like the name of any other subdivision within the jurisdiction and surrounding areas.
2. The PC shall have final authority to approve the name of the subdivision, which shall be determined at primary plat approval.

L. Utilities.

1. **Location.** All existing and proposed utility facilities and/or easements within the subdivision shall be shown on the primary plat, including water, sewer, electric, and other utilities.
2. **Sanitary Sewer Facilities.**
 - a. **General.** The subdivider shall install public sanitary sewer facilities or an approved on-site sewage disposal system in accordance with the rules, regulations, and standards of the Jefferson County Health Department, the Indiana Department of Environmental Management, and other appropriate state and federal agencies.
 - b. **Public Sanitary Sewer Requirements.** Where a sanitary sewer system is available within three hundred (300) feet of any boundary of a proposed subdivision and easements and rights-of-way are in place to access said system, the subdivision shall connect to the public sanitary sewerage system unless the sewer district/provider does not accept or approve the connection. The subdivider shall be responsible for installing the required infrastructure to serve each lot to the specifications of the provider, and all sanitary sewerage facilities (including the installation of laterals in the right-of-way) shall be subject to the specifications, rules, regulations, and guidelines of the sewer district/provider, Health Officer, participating jurisdiction, and appropriate state agency.
 - c. **Individual Disposal System Requirements.** If sanitary sewers are not available, the subdivider shall:
 - i. Receive a letter indicating the soils within the subdivision are generally acceptable for the proposed use from the Jefferson County Health Department prior to primary plat approval. Before secondary plat approval, a letter shall be required from the Jefferson County Health Department stating that all lots are viable for individual septic systems; and
 - ii. Comply with minimum lot area requirements of the Jefferson County Health Department and the standards of UDO establishing lot areas for individual sewerage disposal systems, with the greater restriction applying.
3. **Water Facilities.**
 - a. **General.** All habitable buildings and buildable lots shall be connected to an approved water system (public water provider or private well) capable of providing water for health and emergency purposes, including adequate fire protection, where available.
 - b. **Fire Protection.**
 - i. Fire protection shall be installed by the subdivider if the gross density of the development (all phases) is less than one (1) acre, including the installation of hydrants.
 - ii. The local fire authority having jurisdiction over the proposed subdivision shall review and provide comments on any proposed fire hydrants or other fire suppression systems, including their setting, number, and size of outlets.

- c. **Public Water Supply.** When a public water supply is available within three hundred (300) feet of any boundary of a proposed subdivision, the subdivider and/or water company/provider shall construct and install a system of water mains (including fire hydrants) to be connected to the public water supply unless the water district/provider does not accept or approve the connection. Each lot shall be provided with a connection to the water delivery system. The water delivery system shall be designed and constructed in conformance with the standards and specifications of state or local authorities, and in compliance with the rules and regulations of IDEM.
- d. **Private Water Supply.**
 - i. Where a public water supply is not available within three hundred (300) feet of any boundary of the proposed subdivision, the PC determines that the connection thereto would create a hardship for the subdivider, and/or the water company will not supply water, the subdivider shall:
 - a) Provide a community water supply system to each lot within the subdivision in accordance with the minimum requirements of IDEM; or
 - b) Provide an individual water supply for each lot in the subdivision in accordance with the minimum requirements of the Indiana State Board of Health and approved by the Jefferson County Health Department.
- e. **Existing Private Wells.** Any existing homes within the subdivision currently served by a private potable well water supply that will be connected to a new public water supply system shall adhere to the following:
 - i. The existing well and pumping unit shall be abandoned and the well properly plugged, in accordance with the rules and regulations of IDEM and IDNR; or
 - ii. If the homeowner chooses to keep the 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 Jefferson 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.

CHAPTER 7: ADMINISTRATION & PROCEDURES

A. General Provisions.

1. Compliance.

- a. All development shall be carried out in accordance with the UDO in order to achieve orderly, planned, efficient, and responsible growth. The subdivision of land and all development on any parcel are subject to all applicable regulations and procedures of this UDO, including the subject zoning district, and any additional standards that may have been required by the PC as part of other or previous approvals for the property.
- b. No building permit shall be issued for any parcel or plat of land which was created by subdivision after the effective date of, and not in conformity with, the provisions of this UDO.
- c. No owner or agent may sell or lease any lot within a subdivision before such plat has been approved and recorded in the manner prescribed in this UDO.
- d. No public road shall be laid out or constructed until the primary plat and construction documents are approved as outlined in this UDO, except public roads built and maintained by Jefferson County and/or the State of Indiana.
- e. The provisions of this UDO shall be held to be the minimum requirements for the protection of the health, safety, comfort, morals, convenience, and general welfare of the residents of the jurisdiction.
- f. The PC or the Administrator shall not have the authority to approve any subdivision as a buildable lot unless it complies with said UDO or if a variance has been granted by the BZA or waiver has been granted by the PC.
- g. All subdivision and zoning processes and applications shall be subject to all requirements outlined in the applicable application/packet and the *PC Rules and Procedures*, including the meeting dates and submittal deadline calendar.
- h. Uses permitted by special exception as listed in *Chapter 2: Zoning Districts* may be permitted by the BZA in the districts indicated in accordance with the procedures set forth in this section.
- i. The BZA may vary the development standards of the zoning ordinance (*Chapter 2, Chapter 3, and Chapter 4*) or grant a variance of use in accordance with the procedures set forth in this section. The PC may grant a waiver from the subdivision standards (*Chapter 5 and Chapter 6*) in accordance with the procedures set forth in this section.

2. Condominiums Exempt.

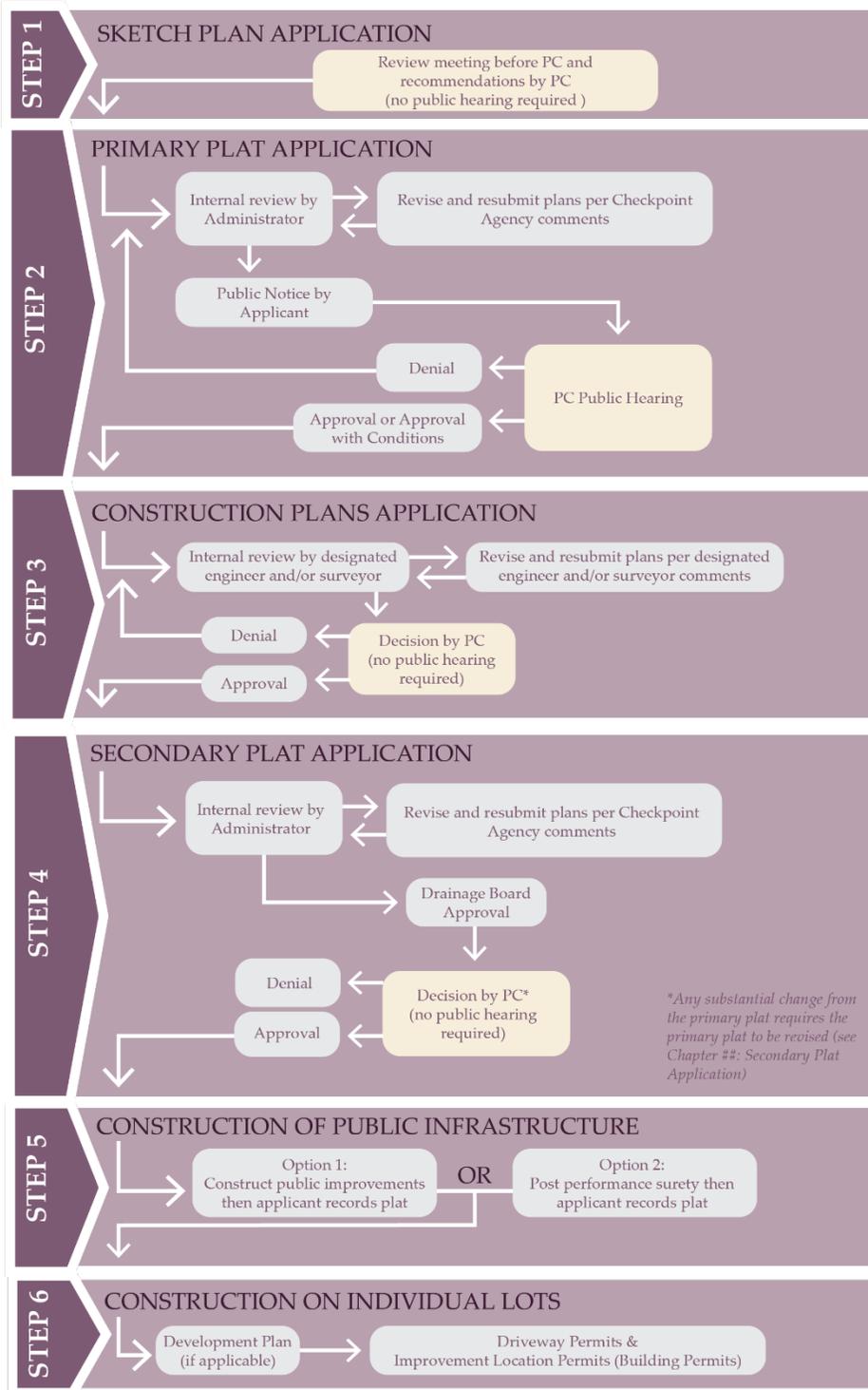
- a. Pursuant to IC 36-7-4-702, condominiums which are regulated by IC 32-35, or as amended, are exempt from the subdivision process.

B. UDO Procedures. All development and subdivisions shall comply with the applicable procedure(s) as outlined in this chapter.

UDO Procedures
Commercial, Industrial, and Major Residential Subdivision Process
Exempt Residential Subdivision Process
Zone Map Changes and PUD Districts Process
Special Exception and Variance Process
Development Plan Process
Appeal Process
Waiver Process

1. COMMERCIAL, INDUSTRIAL, AND MAJOR RESIDENTIAL SUBDIVISION PROCESS.

COMMERCIAL, INDUSTRIAL, AND MAJOR RESIDENTIAL SUBDIVISIONS



a. **STEP 1: SKETCH PLAN APPLICATION.**

- i. **Sketch Plan Application Submission.** An application for sketch plan review is required. The submission shall be in accordance with the requirements of the applicable application and the format outlined in *Chapter 7: Sketch Plan Requirements*. The application shall meet with the Administrator prior to submitting a sketch plan application to discuss the procedures for approval, but a meeting prior to the sketch plan application is not required.
- ii. **Public File and PC Review Meeting Date.** Once the Administrator determines that an application is complete and in proper form, the application shall be assigned a docket number and a public file shall be created. A review meeting with the PC shall occur within thirty (30) days of receiving a complete application.
- iii. **Sketch Plan Review Meeting with the PC.** A meeting before the PC to review the sketch plan is required. This step gives the applicant the opportunity to meet with the PC and review any deficiencies or issues on compliance with the requirements of the UDO, including but not limited to the general layout of streets, reservations of land, street improvements, drainage improvements, and water/sanitary facility requirements. No public notice is required for the sketch plan review and the review meeting is not considered a public hearing.
- iv. **Recommendations by PC.** During a PC meeting, the PC shall discuss the sketch plan. No public hearing or notice is required for a sketch plan. The PC may make recommendations to the applicant on the sketch plan and determine if the sketch plan preliminary meets the minimum requirements of this UDO. The PC does not have a formal approval or denial of the sketch plan. Instead, the recommendations from the PC shall be incorporated into the primary plat application.
 - 1) **Traffic Impact Analysis.** If the PC determines that the impacts to the road network need to be determined and mitigated, the PC may require the applicant to complete a traffic impact analysis at their own cost. The scope and extent of the traffic impact analysis shall be determined by the PC if this analysis is required.

b. **STEP 2: PRIMARY PLAT APPLICATION.**

- i. **Primary Plat Application Submission.** An application for the primary plat is required. The submission shall be in accordance with the requirements of the applicable application and the format outlined in *Chapter 7: Primary Plat Requirements*.
- ii. **Public File and PC Public Hearing Date.** Once the Administrator determines that an application is complete and in proper form, the application shall be assigned a docket number and a public file shall be created. In accordance with *IC 36-7-4-705*, within thirty (30) days of receiving a complete application, the Administrator shall set or announce the tentative date for a hearing before the PC.
- iii. **Internal Review.** The Administrator shall forward the plans to the appropriate checkpoint agencies for technical review and set a date for all comments to allow adequate time for any revisions by the applicant. After comments are received from the checkpoint agencies, the Administrator shall compile a written report to the PC, the applicant, and the public file. The subdivider shall address all of the comments from the checkpoint agencies and submit revised plans (if applicable) per the submission schedule.

- iv. **Public Notice by Applicant.** The applicant is required to complete all forms of notice of the public hearing in accordance with the PC Rules and Procedures. In the event the hearing has been properly noticed, but the plans are not finished per *Section ii: Public File and PC Public Hearing Date* 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 applicant.
- v. **PC Public Hearing.** The PC shall consider the primary plat at a public hearing. The subdivider or their representative shall be in attendance to present the plan and address any questions or concerns of the PC. Public comments are permitted in accordance with the PC Rules and Procedures. Prior to approval, the PC shall determine if the primary plat:
 - 1) Complies with the standards of the UDO;
 - 2) Uses all reasonable efforts to mitigate the impact of the proposed subdivision on public health, safety, and welfare; and
 - 3) Has assurances for adequate water supply and sewage disposal systems that comply with this UDO and all local, state, and federal laws and regulations.
- vi. **Decision by the PC.**
 - 1) Approval. If the PC determines that the primary plat complies with the standards set forth in this UDO, it shall grant primary approval to the plat. Within ten (10) days of the hearing, the Administrator shall notify the subdivider of approval in writing or electronic transmission and itemize any changes or revisions deemed necessary by the PC as a term of its approval.
 - 2) Approval with Conditions. In accordance with IC 36-7-4-702, the PC may introduce changes or revisions to the proposed plans as a condition of primary approval when necessary to facilitate the best interest and general welfare of the community, including, but not limited to:
 - a) The manner in which public ways shall be laid out, graded, and improved; and
 - b) A provision for other services as specified in this UDO.
 - c) Denial. If the PC disapproves a primary plat, it shall make written findings of fact and the Administrator shall notify the subdivider in writing or electronic transmission within ten (10) days of the hearing, stating the specific reasons for disapproval. The petitioner may then resubmit a revised primary plat that addresses the reason for disapproval. The petitioner shall be required to wait one calendar year to resubmit a revised primary plat unless the Administrator determines the application has a substantial change.

- vii. **Primary Plat Expiration.** Approval of a primary plat shall be effective for four (4) years from the date of the PC decision.
 - 1) Any partial secondary plat approval shall automatically extend the primary plat approval another four (4) years.
 - 2) Failure to receive secondary approval for all or part of the plat before this four (4) year period ends shall invalidate the primary plat approval.
 - 3) Once primary approval has expired, a new application for sketch plan and primary plat shall be submitted in conformance with all applicable ordinances in effect at the time the new application is submitted.
 - 4) Upon written request of 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 four (4) additional years without further notice, public hearing, or fees.

c. **STEP 3: CONSTRUCTION PLANS APPLICATION.**

- i. **Construction Plans Application Submission.** An application for construction plans for all public improvements is required before starting construction of any work or improvements and before approval of the secondary plat. The submission shall be in accordance with the requirements of the applicable application and the format outlined in *Chapter 7: Construction Plans Requirements*. If the plat does not include any public improvements, this application is not required.
- ii. **Public File and PC Review Meeting Date.** Once the Administrator determines that an application is complete and in proper form, the application shall be assigned a docket number and a public file shall be created. A review meeting with the PC shall occur within thirty (30) days of receiving a complete application.
- iii. **Internal Review by Designated Engineer/Surveyor.** The Administrator shall forward the construction plans to the designated engineer and/or surveyor of the PC's choice who is licensed to practice in the State of Indiana for review of construction plans. The expense of this review shall be paid for by the applicant. The designated engineer and/or surveyor shall provide a written report stating if the plans conform with the standards of the UDO and all Minimum Standard Design Requirements of the County or if any revisions are required. The Administrator shall forward the written report to the PC and the public file, and comments shall be forwarded to the applicant. The subdivider shall address all of the comments from the designated engineer and/or surveyor and submit revised plans (if applicable).
- iv. **Construction Plans Review Meeting with the PC.** A meeting before the PC to review the construction plans is required. No public notice is required and this review meeting is not considered a public hearing.

- v. **Decision by the PC.** The PC shall either approve or deny the construction plans application during a PC meeting.
 - 1) Approval. If the construction plans application has adequately addressed any comments from the designated engineer and/or surveyor and complies with all applicable regulations of the UDO, the PC shall approve the construction plans.
 - 2) Denial. If the construction plans do not comply with all applicable regulations of the UDO and/or does not adequately address any comments from the designated engineer and/or surveyor, the PC shall deny the construction plans. The applicant may make necessary revisions and submit a new construction plans application (no waiting period required following denial).

- d. **STEP 4: SECONDARY PLAT APPLICATION.**
 - i. **Secondary Plat Application Submission.** An application for the secondary plat is required. The submission shall be in accordance with the requirements of the applicable application and the format outlined in *Chapter 7: Secondary Plat Requirements*.
 - 1) Phases/Sections Permitted.
 - a) 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.
 - b) In addition to phases or sections, the secondary plat for only a commercial or industrial subdivision may also be done through submitting a full plat and later amending only the lot lines. The subdivider may submit the secondary plat for the entire subdivision, then submit a revised secondary plat to be approved by the PC that only amends the lot lines on the necessary as individual site users are defined. This amendment will not constitute an amendment to the primary plat; any other changes will require an amended primary plat.
 - 2) Concurrent Applications Permitted.
 - a) If a major subdivision does not include public infrastructure, the primary plat and secondary plat may be submitted concurrently and both applications may be heard at the same PC meeting consecutively.
 - b) If a development plan is required by this UDO for the use or structure, it may be submitted simultaneously with the secondary plat application.
 - ii. **Public File and PC Meeting Date.** Once the Administrator determines that an application is complete and in proper form, the application shall be assigned a docket number and a public file shall be created. A review meeting with the PC shall occur within thirty (30) days of receiving a complete application.
 - iii. **Internal Review.** The Administrator shall forward the plans to the appropriate checkpoint agencies for technical review and set a date for all comments to allow adequate time for any revisions by the applicant. After comments are received from the checkpoint agencies, the Administrator shall compile a written report for the public file with the information from the checkpoint agencies and comments shall be forwarded to the applicant. The subdivider shall address all of the comments from the checkpoint agencies and submit revised plans (if applicable) per the submission schedule.

- iv. **Drainage Board Approval.** Prior to the approval of a secondary plat, the applicant shall obtain approval from the Jefferson County Drainage Board. This approval shall be provided by the applicant to the Administrator.
- v. **Decision by the PC.** The PC shall consider the secondary plat at a PC meeting. No public hearing or notice is required for a secondary plat.
 - 1) **Approval.** If the secondary plat meets all of the standards of this UDO, conforms with the approved primary plat, and has received all other applicable approvals (including Drainage Board), the PC shall approve the secondary plat. The secondary plat shall not be approved, signed, or executed until the construction of public improvements are approved or performance surety is provided in accordance with *Chapter 7: Step 5: Construction of Public Improvements*.
 - a) **Appeal Period.** Secondary plat approval for a major subdivision that includes public infrastructure may be granted to a plat only after expiration of the thirty (30) day judicial review appeal period of the Primary Plat as provided in IC 36-7-4-1605. This does not apply to secondary plat approval for a major subdivision without public infrastructure.
 - 2) **Denial.** If the PC disapproves the secondary plat, the PC shall make written findings of fact and notify the subdivider in writing or electronic transmission within ten (10) days of the decision stating the specific reasons for disapproval. The subdivider may then resubmit a revised secondary plat that addresses the reason for disapproval (no waiting period required following denial).
- e. **STEP 5: CONSTRUCTION OF PUBLIC INFRASTRUCTURE.**
 - i. **Construct Public Infrastructure or Provide Performance Surety.** Once a secondary plat has been approved, the applicant may either install all public improvements or provide a performance surety for all public improvements.
 - 1) **Option 1: Construct Public Infrastructure then Record Secondary Plat.**
 - a) **Construct Infrastructure.** Infrastructure shall be installed per the approved construction plans except for the final coat of asphalt on the roadways.
 - b) **Inspect Infrastructure.**
 - i.) Once complete, the improvements that will be dedicated to the County shall be inspected by an external engineer of the PC's choice who is licensed to practice in the State of Indiana to ensure that they have been completed in a satisfactory manner. This includes, but is not limited to, roads, curbs, gutters, drainage facilities, utilities, and any other infrastructure as required by this UDO or any other applicable ordinance. The expense of the inspection(s) shall be paid for by the applicant.
 - ii.) The external engineer does not inspect infrastructure not owned or managed by the County (such as water, sewer, fire hydrants, and electric). All infrastructure improvements and/or utilities required by this UDO shall be installed, inspected, and approved prior to recording the plat and any inspections of these should be directly coordinated with the respective local providers.

- c) Provide Surety 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 Administrator. Once approved by the Administrator, the applicant shall pay cash escrow or irrevocable evergreen bond to Jefferson County in an amount equal to one hundred and twenty percent (120%) of the approved estimate amount.
 - d) Record Secondary Plat. Following the construction of public improvements or providing of a performance surety, the secondary plat shall be recorded by the applicant in accordance with *Chapter 7: Recording of Secondary Plat*.
- 2) Option 2: Provide Performance Surety and Record Secondary Plat, then Construct Public Infrastructure.
- a) Execute Performance and Escrow Agreement. The applicant shall submit an executed Performance and Escrow Agreement to the Administrator in a form created by and approved by the County Attorney.
 - b) Cost Estimate for Infrastructure Completion. The applicant shall submit a reliable estimate to the Administrator for review and approval. The estimate shall include the cost estimate of completing all of the required infrastructure including, but not limited to the roads, drainage structures, and all other work or improvements to the subdivision required by this UDO and the Performance and Escrow Agreement.
 - c) Provide Performance Surety. A performance surety shall be paid to the County in the required amount to ensure completion of the subdivision improvements in accordance with the executed Performance and Escrow Agreement and in the amount approved by the Administrator. The escrow shall:
 - i.) Be payable to Jefferson County Board of Commissioners.
 - ii.) Be in a sum which is at least one hundred twenty-five percent (125%) of the amount estimated to complete the improvements.
 - iii.) Be in the form of immediately available cash funds or irrevocable evergreen bond.
 - d) Record Secondary Plat. Following the construction of public improvements or providing of a performance surety, the secondary plat shall be recorded by the applicant in accordance with *Chapter 7: Recording of Secondary Plat*.
 - e) Construct Infrastructure. Infrastructure shall be installed per the approved construction plans except for the final coat of asphalt on the roadways.

- f) Inspect Infrastructure.
 - i.) Once complete, the improvements that will be dedicated to the County shall be inspected by an external engineer of the PC's choice who is licensed to practice in the State of Indiana to ensure that they have been completed in a satisfactory manner. This includes, but is not limited to, roads, curbs, gutters, drainage facilities, and any other utilities as required by this UDO or any other applicable ordinance. The expense of this inspection shall be paid for by the applicant.
 - ii.) The external engineer does not inspect infrastructure not owned or managed by the County (such as water, sewer, fire hydrants, and electric). All infrastructure improvements and/or utilities required by this UDO shall be installed, inspected, and approved prior to recording the plat and any inspections of these should be directly coordinated with the respective local providers.
- ii. **Install Final Coat of Asphalt.** Once development has occurred to the satisfaction of the County and at least eighty percent (80%) of the lots have been developed, the final coat of asphalt for the roadways shall be installed by the applicant. The expense of this inspection shall be paid for by the applicant.
- iii. **Provide Maintenance Surety.**
 - 1) Cost Estimate. The applicant shall submit a reliable estimate for the construction cost of all improvements that will be dedicated, owned, or maintained by the County. This estimate must be to the satisfaction of and approved by the Administrator.
 - 2) Provide Maintenance Surety. A maintenance surety shall be paid to the County in the required amount to ensure maintenance and craftsmanship of the public improvements for a period of two (2) years. It shall be in the amount approved by the Administrator. The escrow shall:
 - a) Be payable to Jefferson County Board of Commissioners.
 - b) Be in a sum which is at least twenty-five percent (25%) of the estimated to complete construction costs of all improvements that will be dedicated to the County.
 - c) Be in the form of immediately available cash funds or irrevocable evergreen bond.
 - d) Guarantee all infrastructure that will be dedicated, owned, or maintained by the county (such as stormwater or drainage facilities, roads, sidewalks, or other) against design defects and/or failures in workmanship for a period of two (2) years. It shall also guarantee that the facilities constructed will be regularly and adequately maintained through the maintenance period.
 - 3) Evaluate Bonded Facilities. Prior to the expiration period, the County will evaluate performance of the bonded facilities and will require the applicant to fix or repair infrastructure not functioning as intended or designed to the satisfaction of the County. If they are not fixed or repaired to the satisfaction of the County, the County has the authority to collect on the bond and repair or maintain the affected infrastructure.

iv. **Dedicate Public Improvements.**

- 1) All public infrastructure dedicated to Jefferson County shall be approved by the County Commissioners with a signed Deed of Dedication in the required format. The County shall only maintain public infrastructure after its dedication unless specified otherwise.
- 2) As-built drawings for all improvements within the public right-of-way shall be provided by the applicant in PDF format and as a GIS layer with locations of all public infrastructure, including but not limited to water and sewer line locations, edge of pavement for public roads, lot lines, and parcel boundaries.

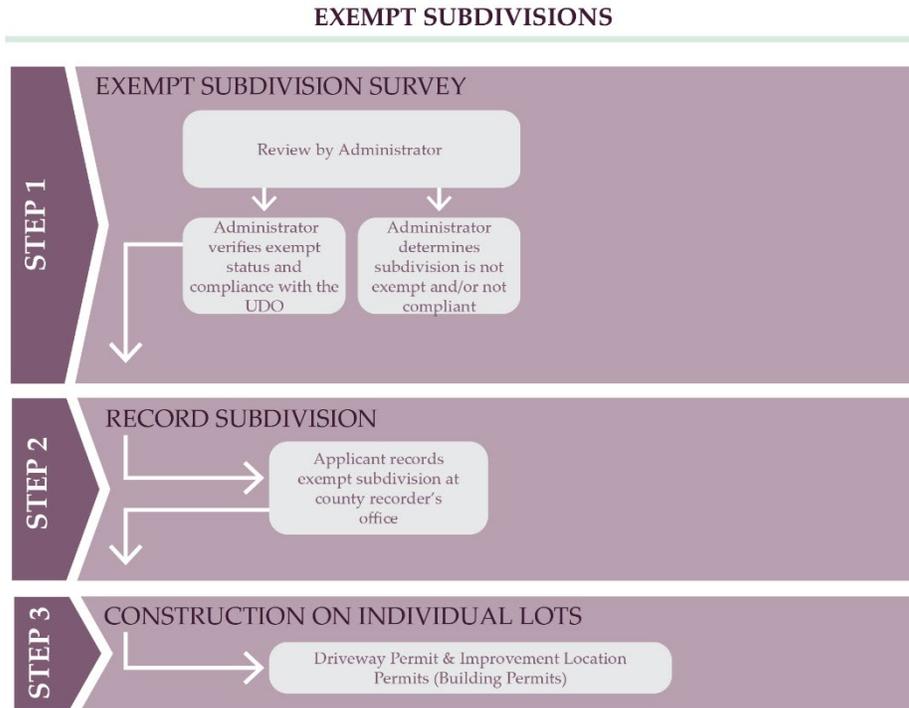
v. **Release of Sureties.**

- 1) Performance Surety for Final Coat of Asphalt. When the final coat of asphalt has been installed on the roadways to the satisfaction of the County and if a maintenance surety was provided under Option 1, the applicant may request the surety for the final coat of asphalt to be released. The County will not release any funds without being requested by the applicant.
- 2) Performance Surety for Public Infrastructure. The Administrator, with the approval of the County Commissioners, shall release all or a portion of the performance surety to the applicant after satisfactory completion of all or a part of the improvements and installations of the subdivision after inspection and approval of the external engineer. Any such release shall occur no more frequently than once a month. The Administrator will not release any funds without being requested by the applicant. The performance surety cannot be released in full before providing a surety for the for final coat of asphalt or installing the final coat of asphalt to the satisfaction of the County.
- 3) Maintenance Surety. Two (2) years after the maintenance surety is posted, the applicant can require that the County release or return the surety. The County will not release any funds or surety without being requested by the applicant.

f. **STEP 6: CONSTRUCTION ON INDIVIDUAL LOTS**

- i. **Development Plan.** If required by this UDO, development plan approval shall be obtained prior to issuance of an improvement location permit/building permit in accordance with *Chapter 7: Development Plans*. Note that development plan approval is not required for single-family and two-family dwellings.
- ii. **Building Permits.** Driveway permits, as required, and improvement location permits/building permits on individual lots shall be obtained for all construction of improvements and structures as required by this UDO in accordance with *Chapter 7: Improvement Location Permits*.

2. EXEMPT SUBDIVISION PROCESS.



a. **STEP 1: EXEMPT SUBDIVISION Survey.**

- i. **Exempt Subdivision Survey.** A survey for an exempt subdivision is required. The submission shall be in accordance with the exempt subdivision requirements (see *Chapter 7: Administration and Procedures*).
- ii. **Internal Review.** The Administrator shall review the survey to determine if the subdivision is exempt and that the resulting parcels (including the parent or remanent parcel) comply with the regulations of this UDO.
 - 1) **Compliance.** If the Administrator determines that the subdivision qualifies as an exempt residential subdivision and verifies that all parcels (including the parent or remanent parcel) comply with the regulations of this UDO, the applicant may proceed with recording the subdivision.
 - 2) **Non-Compliance.** If the Administrator determines that the subdivision does not qualify as an exempt residential subdivision or that all parcels (including the parent or remanent parcel) do not comply with the regulations of this UDO, the applicant shall make necessary revisions (if possible).

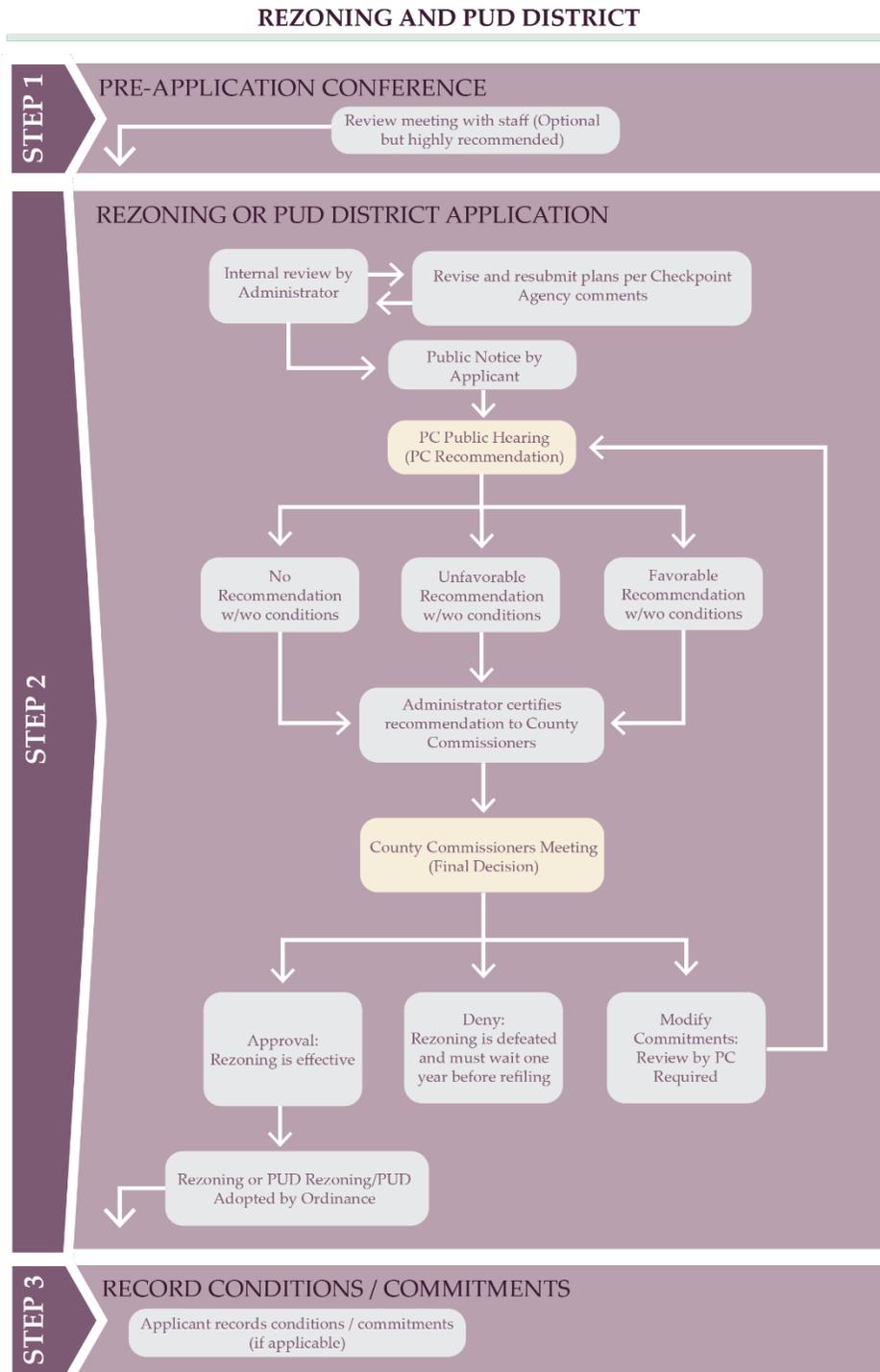
b. **STEP 2: RECORD EXEMPT SUBDIVISION.**

- i. Following the verification of compliance, the exempt subdivision shall be recorded by the applicant in accordance with *Chapter 7: Recording of Secondary Plat.*

c. **STEP 3: CONSTRUCTION ON INDIVIDUAL LOTS.**

- i. Driveway permits, as required, and improvement location permits/building permits on individual lots shall be obtained for all construction of improvements and structures as required by this UDO in accordance with *Chapter 7: Improvement Location Permits.*

3. ZONE MAP CHANGE AND PUD DISTRICT PROCESS.

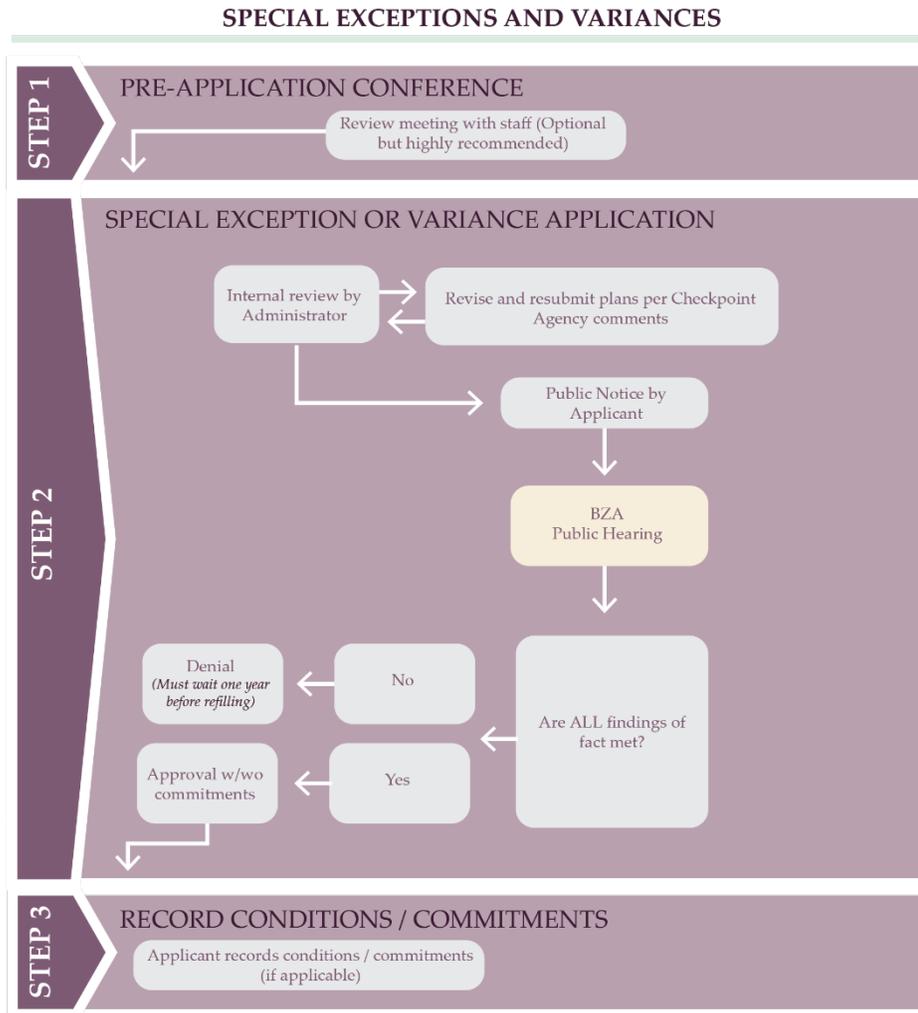


- a. **Applicability.** In accordance with *IC 36-7-4-600* series for zone map changes, *IC 36-7-4-1500* series for PUD Districts and the *PC Rules and Procedures*, the PC shall hear and make recommendations to the County Commissioners regarding zone map changes and zone map changes to a PUD District.
- b. **Initiation.** Zone map changes and zone map changes to a PUD District may be initiated by the PC, legislative body, or by owners of fifty percent (50%) or more of the area involved in the petition.

- c. **STEP 1: PRE-APPLICATION CONFERENCE.**
 - i. The pre-application conference is optional but highly recommended. This meeting gives the applicant the opportunity to discuss the procedures for approval with the Administrator as well as the requirements outlined in the UDO.
- d. **STEP 2: REZONING OR PUD APPLICATION.**
 - i. **Rezoning or PUD Application Submission.** An application for the rezoning or PUD district is required. The submission shall be in accordance with the requirements of the applicable application.
 - 1) **PUD District Applications Only.** A zone change to a PUD district must provide either general terms or detailed terms for all development requirements that apply and the applicant shall submit a PUD District Ordinance in accordance with IC 36-7-4-1509. Procedures and regulations that are not covered in the PUD District Ordinance shall default to the procedures and regulations contained in this UDO as best interpreted by the Administrator.
 - a) **General Terms.** A secondary review and approval of all PUD district ordinances employing general terms must be conducted in accordance with IC 36-7-4-1509.
 - b) **Detailed Terms.** A PUD district ordinance using detailed terms shall specify all development requirements with written text, plan(s), drawing(s), or a combination of these in accordance with IC 36-7-4-1509 and IC 36-7-4-1510.
 - ii. **Public File and PC Public Hearing Date.** Once the Administrator determines that an application is complete and in proper form, the application shall be assigned a docket number and a public file shall be created. A public hearing before the PC shall occur within sixty (60) days of receiving a complete application as required by IC 36-7-4-608.
 - iii. **Internal Review.** The Administrator may forward the plans to the appropriate checkpoint agencies for technical review and set a date for all comments to allow adequate time for any revisions by the applicant. After comments are received from the checkpoint agencies, the Administrator shall compile a written report to the PC, the applicant, and the public file. The applicant shall address all comments from the checkpoint agencies and submit revised plans (if applicable) per the submission schedule.
 - iv. **Public Notice by Applicant.** The applicant is required to complete all forms of notice of the public hearing in accordance with the PC Rules and Procedures. In the event the hearing has been properly noticed, but the plans are not finished per **Section II: Public File and PC Public Hearing Date** 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 applicant.
 - v. **PC Public Hearing.**
 - 1) The PC shall consider the zone map change or zone map change to a PUD District at a public hearing. The subdivider or their representative shall be in attendance to present the plan and address any questions or concerns of the PC. Public comments are permitted in accordance with the PC Rules and Procedures.
 - 2) When considering a zone map change or zone map change to a PUD District, the PC shall pay reasonable regard to:
 - a) The Jefferson County Comprehensive Plan;

- b) Current conditions and the character of current structures and uses in each district;
 - c) The most desirable use for which the land in each district is adapted;
 - d) The conservation of property values throughout the jurisdiction; and
 - e) Responsible development and growth.
- vi. **PC Recommendation.** After consideration, the PC shall make a favorable, unfavorable, or no recommendation to the legislative body (County Commissioners). Any recommendation may include conditions and/or written commitments in accordance with IC 36-7-4-1015 and this UDO.
- 1) Certification of PC Recommendation by Administrator. Within ten (10) business days after the PC determination, the Administrator shall certify on behalf of the PC their recommendation to the legislative body.
- vii. **Decision by County Commissioners.** The legislative body shall vote on the proposed zone map change or zone map change to a PUD District within ninety (90) calendar days of receiving the Certification of PC Recommendation. Final action by the legislative body shall be in accordance with IC 36-7-4-600 series. The legislative body may take one of the following actions:
- 1) Approve. If the proposal is approved by the legislative body, it shall be adopted by ordinance and the PC shall update the zone map accordingly.
 - 2) Deny. If the proposal is denied by the legislative body, the rezoning or PUD District is defeated and the same proposal shall not be considered for again for one year from the date of the date of denial by the legislative body.
 - 3) Modification of Conditions / Commitments. Any modification of a condition or commitment where the commitment is less stringent, the modified commitment shall be referred to the PC for further review as outlined in IC 36-7-4-1015. No more than forty-five (45) days after the referral of the modified commitment, the PC shall:
 - a) Ratify the modified commitment; or
 - b) Certify a recommendation to the legislative body that the commitment be further modified and the legislative body shall then make the final decision on the terms of the modified commitment.
 - 4) Expiration. Approval of a zone map change shall run with the land, unless a condition specifies otherwise.
 - 5) Amendment. Amendment of a zone map change shall be done in accordance with the IC 36-7-4-600 series for zone map changes and the IC 36-7-1500 series for zone map changes to a PUD District. An amendment of an applicable condition or commitment shall be done in accordance with IC 36-7-4-1015 and this UDO.
- e. **STEP 3: RECORD CONDITIONS, COMMITMENTS, AND/OR PUD DISTRICT ORDINANCE.**
- i. **Approval and Recording.** If the approval by the County Commissioners included any conditions or commitments, the applicant shall submit a copy of said conditions or commitments to the Administrator for review and approval prior to recording. After approval, the applicant shall record the conditions or commitments with the Jefferson County Recorder's Office and provide a copy of the recorded document to the Administrator. A PUD District Ordinance shall be recorded as part of the rezoning in the same manner.

4. SPECIAL EXCEPTION, VARIANCE, AND USE VARIANCE PROCESS.

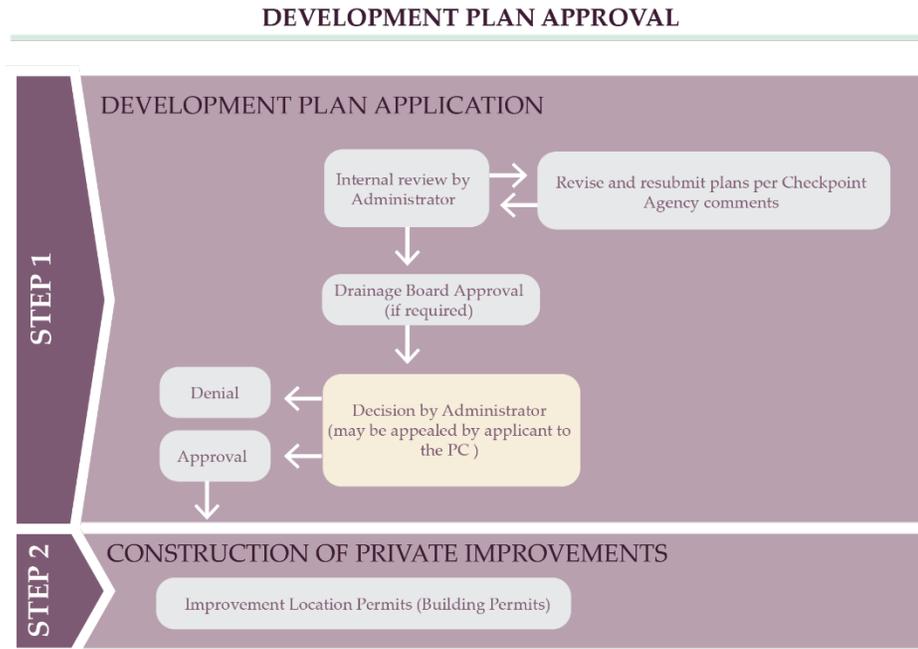


- a. **Applicability.** The BZA may require that impact studies be performed at the expense of the applicant prior to deciding upon said Special Exception, Variance, or Variance of Use.
- b. **STEP 1: PRE-APPLICATION CONFERENCE.**
 - i. The pre-application conference is optional but highly recommended. This meeting gives the applicant the opportunity to discuss the procedures for approval with the Administrator as well as the requirements outlined in the UDO.
- c. **STEP 2: SPECIAL EXCEPTION OR VARIANCE APPLICATION.**
 - i. **Special Exception or Variance Application Submission.** An application for a special exception and/or variance is required. The submission shall be in accordance with the requirements of the applicable application.

- ii. **Public File and BZA Public Hearing Date.** Once the Administrator determines that an application is complete and in proper form, the application shall be assigned a docket number, a public file shall be created, and a public hearing date shall be set.
- iii. **Internal Review.** The Administrator may forward the plans to the appropriate checkpoint agencies for technical review and set a date for all comments to allow adequate time for any revisions by the applicant. After comments are received from the Checkpoint Agencies, the Administrator shall compile a written report to the BZA, the applicant, and the public file. The applicant shall address all of the comments from the checkpoint agencies and submit revised plans (if applicable) per the submission schedule.
- iv. **Public Notice by Applicant.** The applicant is required to complete all forms of notice of the public hearing in accordance with the *BZA Rules and Procedures*. In the event the hearing **has** been properly noticed, but the plans are not finished per *Section ii: Public File and BZA Public Hearing Date* above, then the Administrator may have the BZA continue the petition to their next regular meeting (or a properly noticed special meeting) without requiring additional notice by the applicant.
- v. **BZA Public Hearing.** The BZA shall consider the special exception, variance from development standards, or variance of use at a public hearing. The applicant or his/her representative shall be in attendance to present the plan and address any questions or concerns of the BZA. Public comments are permitted in accordance with the *BZA Rules and Procedures*. Prior to approval, the BZA shall find that ALL of the following standards for the applicable application type have been satisfied.
 - 1) Standards for Evaluating a Special Exception.
 - a) The establishment, maintenance, or operation of the special exception will not be detrimental to or endanger the public health, safety, morals, or general welfare;
 - b) The special exception will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted;
 - c) The establishment of the special exception will not impede or substantially alter the normal and orderly development and improvement of surrounding property for uses permitted in the district;
 - d) Adequate utilities, access road, drainage, and other necessary facilities have been or are being provided;
 - e) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion on the public roadways; and
 - f) The special exception will be located in a district where such use is permitted and all other requirements set forth in this UDO that are applicable to such use will be met.
 - 2) Standards for Evaluating a Variance from Development Standards.
 - a) The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
 - b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and

- c) The strict application of the terms of the ordinance will result in practical difficulties in the use of the property.
 - 3) Standards for Evaluating a Variance of Use.
 - a) The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
 - b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
 - c) The need for the variance arises from some condition peculiar to the property involved;
 - d) The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and
 - e) The approval does not interfere substantially with the Comprehensive Plan.
- vi. **Decision by the BZA.**
 - 1) Approval. If the BZA finds all of the standards have been satisfied for the applicable application type, it shall approve or approve with conditions and/or commitments the request. The BZA approval shall include findings of fact for each standard for evaluation.
 - 2) Approval with Conditions. In accordance with IC 36-7-4-1015, the BZA may introduce changes or revisions to the proposed application as a condition of approval when necessary to facilitate the best interest and general welfare of the community.
 - 3) Denial. If the BZA does not find that all of the standards have been satisfied, it shall deny the request and provide findings specifying the reason(s) for denial. An application for the same request, without substantive change, cannot be heard by the BZA for one (1) year from the date of denial.
 - 4) Expiration. Approval of a special exception, variance from development standards, and/or variance of use shall run with the land, unless a condition specifies otherwise. However, if construction of structures or occupancy of existing structures relevant to the approved special exception or variance has not commenced within twelve (12) months of approval by the BZA, the approval shall be void.
 - 5) Amendment. A special exception or variance may only be amended by the BZA following submission of a revised petition which then proceeds through the same process as a special exception, variance, or variance of use application.
- d. **STEP 3: RECORD CONDITIONS / COMMITMENTS.**
 - i. **Approve and Record Commitments.** If the approval by the BZA included any conditions or commitments, the applicant shall submit a copy of said conditions or commitments to the Administrator for review and approval prior to recording. After approval, the applicant shall record the conditions or commitments with the Jefferson County Recorder's Office and provide a copy of the recorded document to the Administrator.

5. DEVELOPMENT PLAN PROCESS.



a. **Applicability.**

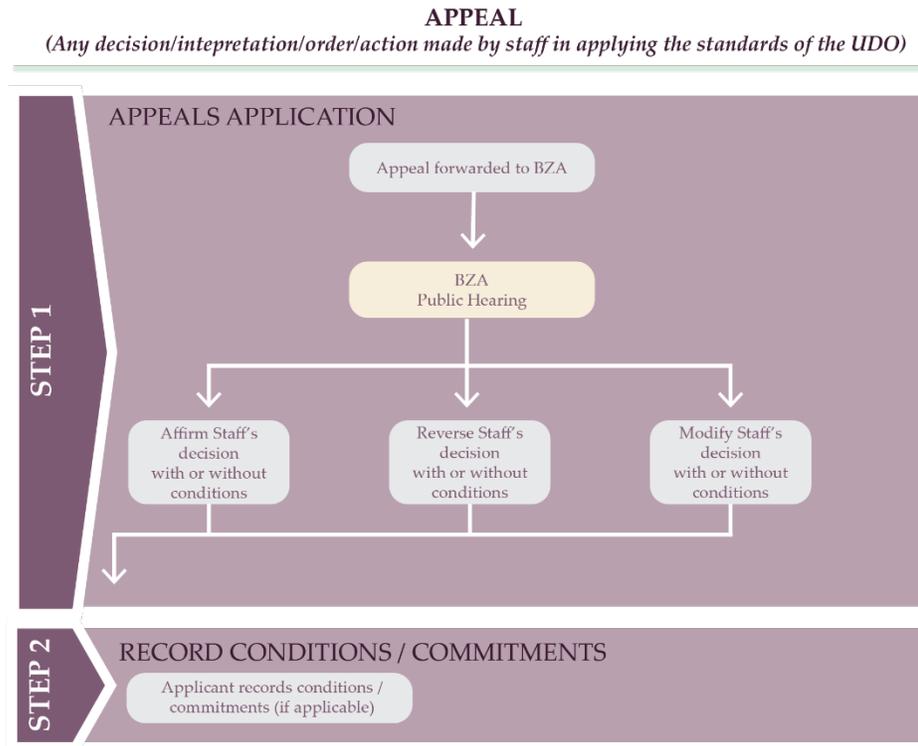
- i. In accordance with the IC 36-7-4-1400 series and the PC Rules and Procedures, the PC has the exclusive authority to make decisions regarding development plans and authorizes the Administrator to review and approve development plans.
- ii. The development or modification of property for uses other than agricultural uses (excluding confined feeding operations), single-family, or two-family residential, requires development plan approval to ensure all regulations and development requirements of this UDO are satisfied.

b. **STEP 1: DEVELOPMENT PLAN APPLICATION.**

- i. **Development Plan Application Submission.** An application for a development plan is required. The submission shall be in accordance with the requirements of the applicable application.
- ii. **Public File.** Once the Administrator determines that an application is complete and in proper form, the application shall be assigned a docket number, and a public file shall be created.
- iii. **Internal Review.** The Administrator shall forward the application to the appropriate checkpoint agencies for technical review and set a date for all comments to allow adequate time for any revisions by the applicant. After comments are received from the checkpoint agencies, the Administrator shall compile a written report for the public file with the information from the checkpoint agencies and comments shall be forwarded to the applicant. The applicant shall address all of the comments from the checkpoint agencies and submit revised plans (if applicable).
- iv. **Drainage Board Approval.** Drainage plans shall be submitted to the Jefferson County Drainage Board, as applicable. Prior to approving a development plan, the Jefferson County Drainage Board must approve the drainage plans.

- v. **Decision by the Administrator.** The Administrator shall determine if the development plan complies with all standards and regulations of the UDO and shall administratively approve or deny the application. At their discretion, the Administrator may forward the application to the PC for a decision rather than approve or deny it administratively. No public hearing or public notice is required for development plans.
 - 1) **Approval.** If the development plan meets all of the standards of this UDO, adequately address the comments from the checkpoint agencies, and has received all other applicable approvals (including drainage board), the Administrator shall approve the development plan application. All development plans that are approved shall be reported to the PC for informational purposes.
 - 2) **Denial.** If the development plan application has not adequately addressed the comments from the checkpoint agencies or does not comply with all of the standards of this UDO, the Administrator may require additional internal review, the resubmittal of revised plans, or disapproval of the development plan application.
 - a) **Appeal to the Plan Commission and Public Meeting Request.** In accordance with IC 36-7-4-1404, if the application was disapproved by the Administrator, the applicant may appeal the decision directly to the PC. The applicant shall request a public hearing in writing along with an explanation of disagreement, and the Administrator shall set a date for a public meeting before the PC. No public notice is required for the development plan review. The applicant shall be in attendance to present their plan and address any questions or concerns of the PC. The PC shall consider the contested comments before making a final decision to approve, approve with conditions, or deny the development plan.
 - vi. **Expiration.** Approval of a development plan shall be valid for two (2) years from the date of approval. If all applicable permits and construction has not commenced within two (2) years of approval, the approval shall be void and new approval shall be obtained through the development plan process.
 - vii. **Amendment.** An amendment to a development plan may be approved administratively by the Administrator after internal review by the checkpoint agencies, as applicable. The Administrator reserves the right to send the requested amendment to a public meeting with the PC for final consideration.
- c. **STEP 2: CONSTRUCTION OF PRIVATE IMPROVEMENTS.**
- i. **Required Permits.** The construction of improvements on individual parcels shall occur in accordance with the procedures set forth in *Chapter 7: Improvement Location Permits (ILP)*.

6. APPEAL PROCESS.



- a. **Applicability.** All appeals shall be made pursuant to *IC 36-7-4-1000 thru 1020* as amended. In accordance with *IC 36-7-4-918.1* and the *BZA Rules and Procedures*, the BZA shall hear and determine appeals from and review the following decisions, which does not include appeal of a development plan (see *Chapter 7: Development Plan Process*):
 - i. Any order, requirement, decision, or determination made by an administrative official, hearing officer, or staff member under the UDO;
 - ii. Any order, requirement, decision, or determination made by an administrative board or other body except the PC in relation to the enforcement of the UDO; or
 - iii. Any order, requirement, decision, or determination made by an administrative board or other body except the PC in relation to the enforcement of an ordinance adopted under this UDO requiring an ILP or Certificate of Occupancy.
- b. **STEP 1: APPEALS APPLICATION.**
 - i. **Appeals Application Submission.** An application for an appeal is required. The submission shall be in accordance with the requirements of the applicable application. The application shall be submitted within thirty (30) days of the decision/interpretation that is the subject of the appeal.

- ii. **Public File.** Once the Administrator determines that an application is complete and in proper form, the application shall be assigned a docket number, and a public file shall be created. Within thirty (30) days of receiving a complete application, the Administrator shall complete all items within this step.
 - iii. **Public Notice by Applicant.** The applicant is required to complete all forms of notice of the public hearing in accordance with the *BZA Rules and Procedures*. In the event the hearing has been properly noticed, but the public file is not finished per *Section ii: Public File* above, then the Administrator may have the BZA continue the petition to their next regular meeting (or a properly noticed special meeting) without requiring additional notice by the applicant.
 - iv. **BZA Public Hearing.** The BZA shall consider the appeal at a public hearing. The applicant or their representative shall be in attendance to present the plan and address any questions or concerns of the BZA.
 - v. **Final Decision by BZA.** The BZA may affirm, reverse, or modify the decision, interpretation, order, or action that is the subject of the appeal. The BZA may also add conditions to their decision.
 - 1) **Appeal.** The decision of the BZA may be appealed to the Circuit or Superior Court of the applicable County.
- c. **STEP 3: RECORD CONDITIONS / COMMITMENTS.**
- i. **Approve and Record Commitments.** If the decision by the BZA included any conditions or commitments, the applicant shall submit a copy of said conditions or commitments to the Administrator for review and approval prior to recording. After approval, the applicant shall record the conditions or commitments with the Jefferson County Recorder's Office and provide a copy of the recorded document to the Administrator.

7. WAIVER PROCESS.

- a. **Applicability.** A waiver may be granted by the PC only for a provision in *Chapter 5: Subdivision Types* and/or *Chapter 6: Subdivision Design Standards* when the subdivider can show that practical difficulties and unnecessary hardship would result if strictly applied. In the opinion of the PC, when topographical or other conditions particular to the site require a departure from the regulations without compromising the intent of such provisions, the PC may authorize a waiver, pursuant to IC 36-7-4-702(c).
- b. **Waiver Request in Conjunction with Plat.** A request for a waiver shall be submitted in writing by the subdivider at the time when the primary plat application or construction plans are filed. The request does not include a separate application. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.
- c. **Basis for Consideration.** The PC shall not approve waivers unless all the following basis for consideration can be met based upon the evidence presented in each specific case.
 - viii. Practical difficulties and extraordinary, unnecessary hardship may result from the strict application of this UDO.
 - ix. The purposes and intent of this UDO may be better served by an alternative proposal.
 - x. The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property.
 - xi. The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property.
 - xii. The relief sought will not contravene the other provisions of the UDO or the intent of the Comprehensive Plan.
 - xiii. If the waiver impacts on the design, construction, or maintenance obligations of public facilities, the respective public agency has reviewed and approved the proposed waiver in writing.
- d. **Written Findings.** The PC shall make written finding of fact on all waiver requests.
- e. **Conditions of Waiver Approval.** The PC may, in approving waivers, require such conditions that will, in the PC's judgment, substantially secure the purposes of the waiver. Such conditions shall be expressly set forth in the order granting the waiver and be in accordance with the PC Rules and Procedures for governing commitments. Violation of any such condition shall be a violation of this UDO and subject to the provisions of *Chapter 7: Enforcement*.

- f. **Waivers Concerning Public Improvements.**
 - i. The PC may defer or waive, at the time of consideration and subject to any appropriate conditions, the provision for any or all, public improvements that in its judgment are:
 - a) Not required in the interests of the public health, safety, and general welfare,
 - b) Inappropriate because of incompatible grades, future planning, inadequate or nonexistent connecting facilities, or
 - c) Inappropriate for other reasons presented to and agreed on by the PC.
 - ii. Any determination to defer or waive the provision of any public improvement must be made in accordance with this section and the reasons for the deferral or waiver shall be expressly made part of the record.
 - iii. Where improvement or installations are deferred to a later date, as herein provided, the subdivider shall provide a separate surety in an amount determined by the County guaranteeing completion of the deferred improvements to the satisfaction of the County.
- g. **Waivers Concerning Exempt Subdivisions.** The PC shall not approve a waiver to the standards for exempt subdivisions, including reducing the lot size requirements for exempt subdivisions or the number of exempt subdivisions permitted per year.

C. Document and Drawing Requirements. The requirements and specifications for the documents and drawings that are required as part of an application or approval process outlined in this UDO are detailed in this section and include the following:

Document and Drawing Requirements
Sketch Plan Requirements
Primary Plat Requirements
Construction Plans Requirements
Secondary Plat Requirements
Exempt Subdivision Requirements

1. **SKETCH PLAN REQUIREMENTS.**

- a. **General.** The sketch plan shall be formatted as 18”x24” and drawn to an accurate and convenient scale.
- b. **Checklist.** The following checklist of items should be provided for a sketch plan on one sheet:

Project Information
1. Name of the project/subdivision
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 if not subdivided)
3. Total acreage within the project and the number of proposed lots
4. Existing zoning of the subject property and all adjacent properties
5. Name and address of the owner, developer, and land surveyor/engineer
6. Notation of any covenants on the parcel(s)
Existing Site Conditions (From Applicable Mapping Data/Readily Available Sources)
1. General location of property boundaries and adjacent tracts of land with owners of record and name of adjoining developments
2. General site topography
3. General location of existing buildings/structures (shown with aerial photo)
4. General location of existing utilities
5. General location of floodplains and water bodies
6. Other general site conditions that may need to be considered
Proposed Development Information
1. General layout of streets, blocks, and lots for the subdivision
2. Identification of general area(s) to be set aside for public facilities or common area
3. Identification of sites and proposed uses
4. General concept for water service, sanitary service, and stormwater drainage
Title Block
1. The proposed legal and common name of the project
2. Date of survey, scale, north point, and revision date(s), if applicable

2. PRIMARY PLAT REQUIREMENTS.

a. General.

- i. The primary plat shall be prepared by a Registered Land Surveyor licensed to practice in the State of Indiana. All sheets shall be formatted as 18"x24" and drawn to a convenient scale. The sheet shall be sealed and signed by the professional preparing it and it shall be tied to state plane coordinates for horizontal controls.
- ii. The applicant is responsible for all title searches, recorded easements, and any other items that may affect development. The applicant shall include a copy of such documents to the PC and also disclose to all buyers.

b. **Checklist.** The following checklist of items should be provided for a primary plat on one sheet:

Project Information	
1.	A location map with north arrow at a scale of 1"=400' or less showing the boundaries of the proposed project and covering the general area within which it is to be located
2.	Boundaries of the tract with accurate dimensions and bearings, as determined by an accurate survey conforming with <u>865 IAC 1-12</u> , in the field which has been balanced and closed, as well as physically located by monumentation
3.	Location and description of all monuments with references by distance to bearings to both ¼ section corners, section corners, grant corners, or recorded subdivisions
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 of the project/subdivision
7.	Name and address of the owner, developer, and land surveyor and/or engineer
8.	If non-residential, a statement of the proposed uses, stating the type of buildings, and the type of business, commercial, or industrial uses so as to reveal the effect of the project on traffic, fire, and population
9.	Total acreage within the project and the number of lots
Existing Site Conditions	
1.	Existing contours based in NAVD 1988 datum with vertical intervals of 2 feet if the general slope of the site is less than two percent (2%) and vertical intervals of 5feet if the general slope is greater than 2%. A benchmark, which is easily accessible and re-locatable, shall be shown. The benchmark shall be determined by use of NAVD 88 datum (vertical), which are based on sea level datum.
2.	Existing buildings/structures and their placement on the lots
3.	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
4.	Location, widths, and type of construction of all existing streets, street names, alleys, or other public ways and easements, street classifications as per the <u>Comprehensive Plan</u> , railroad and utility rights-of-way or easements, parks, wooded areas, trails, cemeteries, watercourses, drainage ditches, designated wetlands, floodplain per FEMA/IDNR 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 100 feet of the proposed project.

5. The water elevation at the date of the survey of lakes, stream flow, or designated wetlands within the project or affecting it
6. The regulatory flood (100-year flood) elevation based on NAVD 1988
Proposed Development Information
1. Basic layout of the proposed project/subdivision showing lot/block lines, lot/block numbers, and streets that show length, width, depth, and area of all lots
2. Building and thoroughfare (if applicable) setback lines, showing dimensions
3. Utility easements and/or proposed locations for all utilities
4. All lots or blocks/outlots intended for sale or lease shall be designated with boundary lines and identified with letters and be in alphabetical order. Lots shall be numbered consecutively within each block.
5. Private areas, common areas, or other excluded parcels shall be designated as such and clearly labeled on the plans
6. Note stating: No buildings, structures, fences, shrubs, or trees shall be placed in the public right-of-way
7. Internal and perimeter sidewalk system/pedestrian circulation plan, if any
8. Other such information as may be deemed necessary for proper review of the Primary Plat by the Administrator or PC
Title Block
1. The proposed legal and common name of the project
2. Date of survey, scale, north point, and revision date(s), if applicable

3. CONSTRUCTION PLANS REQUIREMENTS.

a. General.

- i. As required, the subdivider shall provide a complete set of construction plans that is prepared and signed/sealed by a land surveyor and/or professional engineer licensed to practice in the State of Indiana for all public improvements that will be dedicated, maintained, or owned by the County.
- ii. Construction plans shall be prepared for all required public improvements. Plans shall be drawn on standard twenty-four (24) inch by thirty-six (36) inch sheets at a scale of no more than one (1) inch equals fifty (50) feet.

b. Checklist. The following checklist of items that should be provided:

Site Features
1. Topographic contours at intervals of 1 foot if the general slope of the tract is less than 5% or intervals of 2 feet if the slope exceeds 5%. Contours shall be referenced to mean sea level elevations.
2. Location, size, elevation, and other appropriate description of any other existing physical and natural features or facilities including trees with a diameter of eight inches or more (measured 4 feet above ground level), the points of connection to proposed facilities and utilities, and the approximate high- and low-water elevations of all ponds, lakes, and streams. All elevations shall be referred to the USGS datum plane.
Plans, Profiles, and Design Details
1. Plans and profiles for road and sidewalk improvements including horizontal and vertical alignment data, road and sidewalk widths, rights-of-way, existing and proposed elevations, existing topographic features, profile of the road centerline, all existing and proposed utilities, typical sections, detail sheets for roadway structures and appurtenances and material specifications; and locations of all street lights and street signs.
2. Plans and profiles for storm sewer showing the alignment and size of pipes, the location of manholes, catch basins, drop inlets, headwalls or other appurtenances, easements, other utilities, property lines; detail sheets for all structures, ditch cross sections, and erosion control devices; and material specifications.
3. A site grading and drainage plan showing the proposed development and drainage system, existing and proposed contours, and necessary spot elevations to determine minimum building pad elevations, drainage flow patterns, break points, elevations between building pads.
4. An engineering design report including the design data and calculation results supporting the selection and sizing of all water and sanitary sewer lines, storm sewer and culvert pipes, drainage ditches, and other structures; and other pertinent design information as the Plan Commission may require.
5. Plans and details for any other public improvements that will be dedicated, maintained, or owned by the County.

- c. **IDEM Approval.** If the subdivision disturbs more than one (1) acre, detailed erosion control and sediment control plans, pursuant to 327 IAC 15-5 (currently known as Rule 5), as amended, as administered by IDEM shall be submitted to the Jefferson County Drainage Board.
- d. **Drainage Board Approval.** Drainage plans shall be submitted to the Jefferson County Drainage Board, as applicable. Prior to approving a secondary plat, the Jefferson County Drainage Board must approve the drainage plans.
- e. **As-Builts.** After all public improvements are constructed and inspected, the applicant shall provide as-builts for all improvements within the public right-of-way in PDF format and a GIS layer with locations of all public infrastructure as outlined in *Chapter 7: Dedication of Public Infrastructure*.

4. SECONDARY PLAT REQUIREMENTS.

a. General.

- i. The secondary plat shall be prepared by a Registered Land Surveyor licensed to practice in the State of Indiana. All sheets shall be formatted as required by the PC and drawn to a convenient scale. The sheet shall be sealed and signed by the professional preparing it and it shall be tied to state plane coordinates for horizontal controls.
- ii. 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, substantial change in lot sizes, and/or an increase in the number of buildable lots shall result in a submission of the secondary 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.

b. Covenants and Restrictions.

- i. Covenants and restrictions shall be submitted to the Administrator prior to being recorded.
- ii. Covenants are not enforced by the PC or Jefferson County Government.
- iii. If there are conflicts between the covenants and the Jefferson County Unified Development Ordinance, the more restrictive regulations shall apply.

c. Checklist. The following checklist of items should be provided for a secondary plat on one sheet (if possible):

Proposed Development Information	
1.	Name of the project
2.	Layout of the subdivision showing location and dimensions street and sidewalk (if applicable)
3.	All lots or outlots intended for sale or lease shall be designated with boundary lines, numbered or labeled for identification purposes, and identify length, width, depth, and area of all lots
4.	Private areas, common areas, or other excluded parcels shall be designated as such and clearly labeled on the plat and plans
5.	Monument sign location(s), including dedicated easement or dedicated common area
6.	Easements

Certifications (certifications shall include the following intent but does not need to be verbatim)
<p>1. Surveyor's Certification Surveyor's Subdivision Certification. I, _____, an Indiana Registered Land Surveyor, hereby certify that, to the best of my information, knowledge and belief, this plat represents a subdivision of land in accordance with the County of Jefferson Plan Commission. The perimeter of said subdivision was surveyed in accordance with Indiana Administrative Code 865-1-12 and that all information required by said rule, including surveyor's report, is shown hereon, or is given in a separate boundary survey that has been recorded in the Office of the Recorder of Jefferson County as Instrument Number _____. Further that all monuments required by <u>865 IAC 1-12</u> and this ordinance have been set or will be set prior to the transfer of any lot in this subdivision. Certified this _____ day of _____, 20__. Seal and Signature of Land Surveyor: _____</p>
<p>2. Dedication of Public Infrastructure Certification By the Subdivider(s)/applicant(s) and/or any other owner(s) of record, a notarized statement that said Subdivider(s) and/or other landowner(s) is/are the owner(s) of the lands and the platting of the subdivision is the Subdivider's and/or other owner's voluntary act and deed. The Subdivider(s) and/or owner(s) shall declare in this certificate by description or reference to the plat the purpose of all rights-of-way, easements, and other reservations shown on the plat.</p>
<p>3. Plan Commission Certification Under authority provided by <u>IC-36-7-4</u> enacted by the General Assembly of the State of Indiana, and all acts amendatory thereto, and by an ordinance adopted by the Jefferson County, Indiana, Board of County Commissioners, this plat is hereby approved by the Jefferson County Plan Commission the _____ day of _____, 20__.</p>
Notes
<p>1. Note stating monuments shall be set on all lot corners in accordance with <u>865 IAC</u></p>
<p>2. Notation of any self-imposed restrictions</p>
<p>3. For any plats with private roads or shared driveways, a note stating that roads not built to County standards cannot be dedicated</p>
<p>4. Note stating that no buildings, structures, fences, shrubs, or trees shall be placed in the public right-of-way without prior written approval by the appropriate agency</p>
Title Block
<p>1. Signature of the Administrator, only after secondary plat approval</p>
<p>2. Signature of the external engineer and/or surveyor hired by the PC, only after construction plans approval</p>
<p>3. 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</p>

5. EXEMPT SUBDIVISION REQUIREMENTS.

a. General.

- i. A survey shall be required and prepared by a Registered Land Surveyor licensed to practice in the State of Indiana. The sheet shall be sealed and signed by the professional preparing it and it shall be tied to state plane coordinates for horizontal controls.
- ii. These requirements shall only apply to an exempt subdivision, as allowed by *Chapter 5: Subdivision Types*, where one parcel is divided into two (2) tracts.

b. Checklist. A survey shall include the following checklist of items for an exempt subdivision:

Survey Information and Notes
1. All lots shall be designated with boundary lines and identity length, width, depth, and area of all lots
2. Parcel numbers for all land being subdivided
3. Easements and dedicated right-of-way adjacent to existing public roads (if applicable)
4. Note stating monuments shall be set on all lot corners in accordance with 865 IAC
5. For any exempt subdivisions with private roads or shared driveways, a note stating that roads not built to County standards cannot be dedicated
6. Note stating that no buildings, structures, fences, shrubs, or trees shall be placed in the public right-of-way without prior written approval by the appropriate agency
Certifications (certifications shall include the following intent but does not need to be verbatim)
<p>1. Surveyor’s Certification</p> <p>Surveyor’s Subdivision Certification. I, _____, an Indiana Registered Land Surveyor, hereby certify that, to the best of my information, knowledge and belief, this plat represents a subdivision of land in accordance with the County of Jefferson Plan Commission. The perimeter of said subdivision was surveyed in accordance with Indiana Administrative Code 865-1-12 and that all information required by said rule, including surveyor’s report, is shown hereon, or is given in a separate boundary survey that has been recorded in the Office of the Recorder of Jefferson County as Instrument Number _____. Further that all monuments required by 865 IAC 1-12 and this ordinance have been set or will be set prior to the transfer of any lot in this subdivision.</p> <p>Certified this _____ day of _____, 20__.</p> <p>Seal and Signature of Land Surveyor: _____</p>
<p>2. Owner’s Certification</p> <p>By all owner(s) of record, a notarized statement that said owner(s) is/are the owner(s) of the lands and the subdividing of the property is a voluntary act and deed. The Subdivider(s) and/or owner(s) shall declare in this certificate by description or reference to the survey the purpose of all rights-of-way, easements, and other reservations shown on the survey.</p>
<p>3. Plan Commission Certification</p> <p>Under authority provided by <u>IC-36-7-4</u> enacted by the General Assembly of the State of Indiana, and all acts amendatory thereto, and by an ordinance adopted by the Jefferson County, Indiana, Board of County Commissioners, this exempt subdivision is hereby approved by the Jefferson County Plan Commission the _____ day of _____, 20__.</p>
4. Recorder’s and Auditor’s Certification

D. Other Processes.

1. RECORDING OF SECONDARY PLATS.

- a. **Execute Secondary Plat.** The plat shall be signed by the Administrator and the external engineer before being recorded.
- b. **Recording Secondary Plat.**
 - i. It shall be the responsibility of the subdivider to record the signed secondary plat with the Recorder's Office.
 - ii. Once recorded, the subdivider shall provide the Administrator with the recorded and stamped secondary plat in the format(s) required by the Administrator.
 - iii. A plat or replat of subdivision must be recorded within two (2) years of being executed. Upon written request, the PC may extend the time limitation for two (2) additional years. If the applicant fails to record within this time period, plat shall 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 County Auditor, and the County Recorder may not record it unless it has been granted secondary approval and signed and certified by the Administrator. The filing and recording of the plat is without legal effect unless approved by the Administrator.

2. IMPROVEMENT LOCATION PERMITS (BUILDING PERMITS).

- a. **Authority.** The Administrator, or their designee, shall be responsible for the issuance of ILPs in accordance with the IC 36-7-4-800 series.
- b. **Permit Required.** An ILP, also known as a building permit, shall be required for the erection, alteration, or modification of all structures within the jurisdiction including:
 - i. All primary structures.
 - ii. Accessory buildings and structures, as set forth in *Chapter 4: Permits Required for Accessory Structures*.
 - iii. Signs as set forth in this ordinance.
 - iv. Temporary storage containers as set forth in this ordinance.
 - v. Wireless communication facilities both free-standing and those co-located upon an existing or pre-approved wireless communication facility.
- c. **Temporary ILP.** A Temporary Use or Structure Permit may be granted by the Administrator for the construction and use of a permitted temporary use (such as a construction trailer, mobile sales office, vehicle, tent, booth, or other means). Temporary Use Permits shall not be issued for more than ninety (90) days or the duration of construction, whichever is greater.
- d. **Issuance of ILP.**
 - i. No building or other structure shall be erected, moved, added to, or structurally altered unless the an ILP has been issued. No structural change in use of a building or land shall be made without an ILP. Building permits shall be issued only upon finding that the proposed use complies with the requirements of this UDO or upon written order from the BZA granting a special exception, variance, use variance.
 - ii. All public improvements shall be installed and also inspected by the Administrator (if applicable) in addition to the plat being recorded before an ILP is issued.
 - iii. No ILP shall be issued for a structure that is served by a septic system unless a septic permit has been issued by the Jefferson County Health Department or the Health Officer has authorized an approved system.
 - iv. No ILP shall be issued for any commercial or industrial use without first having obtained any required state agency approvals and/or permits.
- e. **ILP Application.** The applicant shall submit an application for an ILP in accordance with the application and complete it in accordance with the format described therein. The filing fee for an ILP shall be paid in accordance with the adopted Fee Schedule. A public record of each ILP shall be retained in the Office of the Plan Commission Administrator in accordance with the retention rules established by the State Board of Accounts.
- f. **Inspection(s) Required.** All inspection(s) shall be completed for all ILPs that are constructed in compliance with all provisions of the UDO and other applicable codes. No structure shall be occupied or used, in whole or part, for any purpose until a final inspection is completed and approved.

- g. Expiration.**

 - i. An ILP shall be valid for a period of three (3) years from the date of issuance. Work shall commence within twelve (12) months of issuance.
- h. 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.
- i. Certificate of Occupancy.**

 - i. It shall be unlawful to use, occupy, or permit the use, or occupancy of any building, or premises, or both, or part thereof, hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use of structure until a Certificate of Occupancy has been issued by the Administrator. The Certificate of Occupancy shall state that the proposed use of the building or land conforms to the requirements of all applicable codes/ordinances and that the Administrator and/or their designee has inspected the property and attested to that fact.
 - ii. Certificate of Occupancy shall not be issued until any required driveway culverts have been properly installed and then inspected by the Jefferson County Highway Department.
 - iii. No Certificate of Occupancy shall be issued until all work has been completed. No person shall occupy any dwelling without having an approved and installed Sanitary Sewage System that has been inspected by the Jefferson County Health Department.
- j. Prerequisites.**

 - i. One ILP (building permit) may be issued prior to all public improvements being installed. However, before any additional ILPs (building permits) may be issued within the development or subdivision, all required public improvements shall be installed and the secondary plat shall be approved and recorded.
 - ii. A driveway permit shall be obtained, when required, prior to issuance of an ILP (building permit).

3. APPEALS OF PC DECISION.

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

4. PLAT AMENDMENTS AND REPLATS.

- a. **Primary Plat Amendment.** After primary plat approval, the subdivider may request an amendment to the primary plat and the amendment shall follow the same procedures for primary plat approval as outlined in *Chapter 7: Primary Plat Application*. The public hearing on a proposed amendment shall be limited to the merits of the proposed amendment. The subdivider may withdraw the proposed amendment at any time prior to the PC's decision.
- b. **Secondary Plat Amendment (Before Recording Plat).** After the secondary plat is approved, the subdivider may request an amendment to the secondary plat before the plat is recorded. The amendment shall follow the same procedures for secondary plat approval as outlined in *Chapter 7: Secondary Plat Application*. The subdivider may withdraw the proposed amendment at any time prior to the Administrator's decision.
- c. **Replat / Secondary Plat Amendment (After Recording Plat).**
 - i. To amend a secondary plat that has been recorded, all property owners within the area for replat shall provide written consent to the application for replat. Amendments do not include a plat vacation (see *Chapter 7: Plat Vacations*).
 - a) If the amendment does not substantially conform to the primary plat, the amendment shall follow the same procedures required for primary plat approval as outlined in *Chapter 7: Primary Plat Application*.
 - b) If the amendment does substantially conform to the primary plat, the amendment shall follow the same procedures required for secondary plat approval as outlined in *Chapter 7: Secondary Plat Application*.
 - ii. A replat or amendment to a secondary plat that has been recorded may include:
 - a) Any change in any street layout or any other public improvement;
 - b) Any change in any lot line, unless identified as an exception as outlined in this UDO; or
 - c) Any change in the amount of land reserved for public use or the common use of lot owners.

5. PLAT VACATIONS.

- a. **Authority.** Pursuant to IC 36-7-4-711, the PC has exclusive authority over the vacation of plats or parts of plats. Vacations may be pursued under either IC 36-7-4-711 or IC 36-7-3-10. A vacation of the plan does not vacate the covenants.
- b. **Vacation When All Owners Agree.**
 - i. **Applicability.** As provided in IC 36-7-3-10, if all of the owners of land in the plat agree on a proposed vacation of all or part of the plat, the owner(s) must submit the instrument to the PC for approval before recording a written instrument to vacate all or part of the plat.
 - ii. **Public Hearing Not Required.** The PC may consider and rule on the proposed instrument without notice or a public hearing. The PC shall attach its written decision to the instrument before it is submitted for recording.
 - 1) As provided in IC 36-7-3-10, an instrument recorded under this section terminates the effect of the plat or part of the plat declared to be vacated. It also terminates all public rights in the public ways and public places described in the plat or part of the plat. However, a public way that has been improved, or that is part of an improved plat, may be vacated only under IC 37-7-3-12. As provided in IC 36-7-3-16, platted easements may be vacated in this same manner as public ways and places.
 - 2) If the PC denies a vacation request under this section, a vacation cannot be requested without changed relief for two (2) years from the date of the PC's denial, as provided in IC 36-7-3-15.
- c. **Vacations When All Owners Are Not in Agreement.**
 - i. **Applicability.** As provided in IC 36-7-4-711, if all of the owners of land within a plat do not agree on a proposed vacation, one or more of the owners may file with the PC a petition to vacate all of the plat or that part of the plat that pertains to land owned by the petitioner(s).
 - ii. **Public Hearing Required.** At the PC hearing, all other owners of land in the plat shall be allowed to comment on the petition.
 - 1) Approval. The PC may impose reasonable conditions as part of any approval. The PC may approve the petition for vacation only if it finds that:
 - 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.
 - 2) 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, a vacation cannot be requested without changed relief for one (1) year from the date of the PC's denial, as provided by IC 36-7-4-715.

6. ENFORCEMENT.

- a. **Authority.** The PC or its authorized designee is hereby designated to enforce the terms and provisions of this UDO. For the purposes of this UDO, the term PC as used herein and throughout this UDO shall be inclusive of its authorized designee.

- b. **Persons Liable.** The owner, tenant, or occupant of any building or land, or part thereof, and any architect, builder, contractor, agent, or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this UDO may be held responsible for the violation and be subject to the remedies and penalties provided herein and at law.
- c. **Violations.**
 - i. No owner or agent of the owner of any parcel of the land located in a proposed subdivision shall transfer, sell, or convey any part of the parcel before a Secondary Plat of the subdivision has been approved by the PC in accordance with the provisions of these regulations and filed with the Recorder's Office.
 - ii. No ILP or Final Inspection shall be issued for any building, structure, or improvement unless the location of the building, structure, or improvement conforms to this UDO and all other applicable codes and regulations.
 - iii. No building permit, PC approval, and/or BZA approval shall be issued for a parcel if there is an outstanding violation that has been issued on the same parcel (unless the approval remedies the violation).
- d. **Penalties and Fines.** Any person who violates a provision of these regulations shall be guilty of an ordinance violation and shall be fined no more/less than twenty-five hundred dollars (\$2,500.00) per day, per violation or the maximum allowed by state statute. Each day a civil violation remains uncorrected shall be a distinct and separate violation subject to an additional fine. If the jurisdiction is required to institute legal action to enforce this UDO, or to collect a fine thereunder, the violator shall also be responsible for the jurisdiction's reasonable attorney fees and all costs related to the enforcement or collection.
- e. **Nuisance.**
 - i. **Common Nuisance.** In addition, after the effective date of this UDO, any land within the jurisdiction that is subdivided in violation of the terms of this UDO is hereby declared to be a common nuisance, which may be restrained, enjoined, or abated in any appropriate action or proceeding at law.
 - ii. **Other Remedies.** The seeking of a civil penalty under this chapter does not preclude the PC from seeking alternative and additional relief from a court of competent jurisdiction in the same action or from seeking any other relief provided by law in a separate action for the enforcement of this UDO.

7. FEE SCHEDULE.

- a. **Applicability.** Applications and petitions filed pursuant to the provisions of this UDO shall be accompanied by the applicable fee(s) specified in the adopted Fee Schedule. Fees shall be collected by the Administrator and shall be made payable to Jefferson County.
- b. **Collection of Fees.**
 - i. **ILP.** Fees will be calculated during the review process and shall be collected when the ILP is issued. Fees associated with re-inspections and additional inspections shall be collected prior to a final inspection or issuance of a certificate of occupancy as applicable. ILP fees are non-refundable.
 - ii. **PC and BZA Applications.** Fees shall be collected at the time the application is filed. Application fees are non-refundable.

CHAPTER 8: NON-CONFORMING LOTS, STRUCTURES, AND USES

A. General Provisions.

1. **Legal Non-Conforming.** Within the districts established by this UDO or by amendments that may later be adopted, there are legally non-conforming lots; legally non-conforming structures; legally non-conforming uses of land; and/or legally non-conforming zoning districts (individually or in combination) that were lawful before this UDO was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this UDO or future amendments.
 - a. It is the intent of this UDO to permit these legal non-conformities to continue until they are removed but not to encourage their survival.
 - b. It is further the intent of this UDO that non-conformities shall not be enlarged upon, expanded, extended, or intensified, nor be used as grounds for adding other structures or uses which are prohibited elsewhere in the same district.
2. **Illegal Non-Conforming.** Illegal uses existing at the time this UDO is enacted shall not be validated by virtue of its enactment.
3. **Burden of Proof.** The burden of establishing the legality of a non-conformity that is lawfully existing under the provisions of this UDO is upon the property owner of the non-conformity and not upon the jurisdiction.
4. **Incompatible Use.** Non-conforming uses are declared by this UDO to be incompatible with permitted uses in the districts in which such uses are located. A non-conforming use of a structure, a non-conforming use of land, or a non-conforming use of a structure and land in combination shall not be extended or enlarged after passage of this UDO by attachment on a building or premises of additional signs intended to be seen from off the premises or by the addition of other uses of a nature which would be generally prohibited in the district in which such use is located.
5. **Special Exception Uses.** If a use or event was legally established prior to the adoption or amendment of this UDO and is permitted in a district as a special exception, the use shall be considered an approved special exception and regulated as such. If the use is discontinued or abandoned for any reason for more than twelve (12) months, it shall then require special exception approval by the BZA
6. **Current Construction.**
 - a. To avoid undue hardship, nothing in this UDO shall be deemed to require a change in the plans, construction, or designated use of any building or development on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this UDO and upon which actual building construction has been carried on diligently.
 - b. If a permit has been issued, 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.
 - c. Actual construction is hereby defined, at a minimum, as having a valid ILP upon the initial passage of this UDO

B. Non-Conforming Structures.

1. Where a lawful structure(s) exists at the effective date of adoption or amendment of this UDO that could not now be built under the terms of this UDO because of restrictions on area, lot, height, location on the lot, or other requirements concerning the structure, such structure(s) may be continued so long as it remains otherwise lawful, provided that:
 - a. A non-conforming structure may not be enlarged, altered, or added on to in a way that increases its non-conformity unless a variance is obtained from the BZA. However, any structure, or portion thereof, may be altered to decrease its non-conformity.
 - b. If a non-conforming structure or portion of a non-conforming structure is destroyed or damaged by any means, the non-conforming structure or portion of a non-conforming structure may be rebuilt, except as allowed by IC 36-7-4-1019, provided:
 - i. The reconstruction must be completed while under the same ownership as the person(s) who owned the building when the damage occurred.
 - ii. An application for an ILP must be submitted for the reconstruction within twelve (12) months of when the damage occurred or at the discretion of the Administrator if the applicant can provide proof of a burden that necessitates additional time is needed. Note this does not apply to a manufactured home that is located within an approved manufactured home/mobile home park, as allowed by state statute.
 - iii. The structure must not increase the non-conformity of the site or structure. This includes altering the non-conforming structure size and/or location as long as those changes do not increase the non-conformity or create a new non-conformity.
 - iv. The structure shall reduce the non-conformity of the site or structure where this can be done without degrading the purpose or function of the structure. An example includes moving the structure on a large lot further away from the right-of-way or property line if the setback was previously non-conforming.
 - c. Should such structure be moved for any reason, it shall conform to all the regulations for the district in which it is located after it is moved.
 - d. A non-conforming use may be extended throughout any part of an existing structure if the structure was arranged or designed for such use at the time of adoption or amendment of this UDO, but no such use shall be extended to occupy any land outside such building.
 - e. If any non-conforming structure is abandoned for any reason for more than one (1) year, such structure shall be required to conform with all regulations of this UDO unless a variance(s) is obtained from the BZA.

C. Non-Conforming Uses of Land.

1. Where a lawful use(s) of land exists at the effective date of adoption or amendment of this UDO that would not be permitted by the regulations imposed by this UDO, this use(s) may be continued so long as they remain otherwise lawful, provided that:
 - a. A legally non-conforming use may be continued but shall not be extended, expanded, or changed to another non-conforming use unless a use variance is obtained from the BZA.
 - b. A legally non-conforming use shall not be enlarged, increased, intensified, or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this UDO, except as permitted by the BZA.
 - c. A legally non-conforming use shall not be moved, in whole or in part, to any portion of the lot or parcel that was not occupied by such use at the effective date of adoption or amendment of this UDO.
 - d. If any such legally non-conforming use of land is discontinued or abandoned for any reason for more than six (6) months, any subsequent use of such land shall conform to all regulations of this UDO. There shall be no return to the previous non-conforming use after it is discontinued or abandoned for more than six (6) months unless a use variance is granted by the BZA.
 - e. No additional structures shall be erected in connection with a non-conforming use of land that do not conform to all requirements of this UDO.
2. Consistent with IC 36-7-4-616, an agricultural use of land that constitutes an agricultural legally non-conforming use may be changed to another agricultural use of land without losing agricultural non-conforming use status. In addition, an agricultural non-conforming use shall not be restricted or required to obtain a variance or special exception so long as an agricultural legally non-conforming use has been maintained for three (3) years in a five (5) year period.

D. Non-Conforming Lots of Record.

1. Where a lawful lot(s) of record exist at the effective date of adoption or amendment of this UDO that would not be permitted to be created by the regulations imposed by this UDO, the lot may be developed so long as it remains otherwise lawful, provided that:
 - a. The lot must be in separate record with road frontage that is not shared with any existing lot(s) unless an easement exists for this purpose.
 - b. Development conforms with the applicable development standards and other requirements for the zoning district except for:
 - i. Lot area
 - ii. Lot width; and/or
 - iii. Front, side, or rear yard setbacks (must comply where possible).
 - c. All other provisions of this UDO are met or a variance from the BZA is obtained.
 - d. A permit is obtained from the Jefferson County Health Department for on-site sewage disposal before an ILP is issued.

E. Non-Conforming Uses and Structures in Combination.

1. **General Provisions.** Where a lawful structure that was occupied by a lawful use exists at the effective date of adoption or amendment of this UDO, and the lawful structure and/or lawful use, would not be permitted by the regulations imposed by this UDO, this combination of use and/or structure may be continued so long as they both remain otherwise lawful, provided that:
 - a. Where non-conforming status applies to a structure and land use in combination, all provisions of *Chapter 8.C: Non-Conforming Structures* and *Chapter 8.D: Non-Conforming Uses of Land* shall apply respectively.
 - b. Where non-conforming status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the non-conforming status of the use, in which case, both the structure and the use shall be brought into conformance with the provisions of this UDO.

F. Non-Conforming Zoning Districts.

1. **General Provisions.** At the time of adoption or amendment of this UDO, if a previous zoning district(s) is no longer included as a district in this UDO, the previous zoning district(s) will continue to be in effect until the property is rezoned to a conforming zoning district.

CHAPTER 9: DEFINITIONS

A. General Provisions.

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

B. Definitions.

ABANDONED. Abandonment or cessation of the use of the property or structure for a period of twelve (12) consecutive months, by the owner or lessee without any intention of transferring rights to the property to another owner or of resuming the use of the property.

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

ACCESSORY DWELLING. See DWELLING, ACCESSORY.

ACCESSORY USE. See USE, ACCESSORY.

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

ADMINISTRATOR. The legislative body or a person designated by the legislative body to provide staff support to the PC and BZA and to enforce the UDO under the supervision of the PC.

ADULT BUSINESS. See SEXUALLY-ORIENTED BUSINESS.

AGRICULTURAL PRODUCT PROCESSING. The cleaning, sorting, packaging, processing, or transforming of raw or unprocessed agricultural products to prepare them for sale, storage, or transport. The site used for processing must be owned, managed, and/or leased by the same entity that owns, manages, and/or leases the ground where the agricultural product(s) was grown or produced. This definition does not include processing of livestock, animals, or meat products.

AGRICULTURAL SUPPORT SERVICES. This land use includes uses supportive of the farm community that are compatible with agricultural uses and do not adversely affect surrounding properties, groundwater, or infrastructure. Agricultural support services are uses which directly support or which are accessory or incidental to established agricultural uses within the general vicinity. This land use category DOES NOT include agricultural chemicals, fuel and fuel oil, flammable or nonflammable bottled gas, animal waste processing, stockyards, fertilizer, feed lots, and similar uses that may have an impact on adjacent properties. Examples of agricultural support service uses include, but are not limited to:

- 1) Farm machinery equipment and supplies sales/repair;
- 2) Farm produce sales and supply (feed, hay, grain and grain products, fertilizer);
- 3) Feed storage, farm products warehousing and storage (EXCLUDING stockyards);
- 4) Farm products packaging and processing (EXCLUDING meat processing and packaging); and
- 5) Veterinary services for large and small animals, horseshoeing, and similar.

AGRICULTURE. The production, storage, keeping, harvesting, grading, packaging, processing, boarding, or maintenance, for sale, lease, or personal use, of plants, animals useful to humans, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts, and berries; vegetables; nursery, floral, ornamental, and greenhouse products; or lands devoted to a soil conservation or forestry management program.

AGRITOURISM. An accessory activity at a working farm or an agricultural, horticultural, or agribusiness operation where the general public is allowed or invited to visit, participate in, or view, activities for the purposes of enjoyment, education, or active involvement in the activities of the farm or operation. Wineries, breweries, distilleries, and restaurants are not considered Agritourism for the purposes of this UDO.

AGRIVOLTAICS. A solar energy system co-located on the same parcel of land as agricultural production, including crop production, grazing, apiaries, or other agricultural products or services.

ALLEY. A right-of-way other than a street or crosswalk designed to provide a secondary means of access to abutting property and not intended for general traffic circulation.

ALTERATION. Any change or rearrangement in the supporting members of an existing structure, such as bearing walls, columns, beams, girders, or interior partitions, as well as any change in doors, windows, means of ingress or egress, or any enlargement to or diminution of a structure, whether horizontally or vertically, or the moving of a structure from one location to another.

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

ALTERATION, STRUCTURAL. Any change in either the supporting members of a structure, such as bearing walls, columns, beams, and girders, or in the dimensions or configurations of the roof or exterior walls.

AMUSEMENT ARCADE. A primarily outdoor area or open structure, open to the public, that contains coin-operated games, rides, shows, and similar entertainment facilities and devices.

AMUSEMENT DEVICE. Any coin- or token-operated machine or device, whether mechanical, electrical, or electronic, that is ready for play by the insertion of a coin or token and operated by the public for use as a game, entertainment, or amusement.

AMUSEMENT PARK (THEME PARK). A facility, primary outdoors, that may include structures and buildings where there are various activities, including rides, water slides, pools, game booths, shows, dining, souvenir sales, and similar activities. Private and public outdoor pools, splash pads, aquatic centers, and similar facilities are considered a private or public park and not an amusement park or theme park.

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

APPEAL. In accordance with *IC 36-7-4-918.1*, the appeal of an order, requirement, decision, or determination made by the Administrator in the enforcement of this UDO that, upon application, the BZA may reverse or affirm, wholly or partially.

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

AUDITOR. The Auditor for the County.

AUTOMOBILE. A self-propelled, free-moving vehicle, with four (4) wheels, usually used to transport not more than six (6) passengers and licensed by the appropriate state agency as a passenger vehicle.

AUTOMOTIVE REPAIR. Business that provides service or repair to vehicles. All service must occur within an enclosed structure or not be visible from any public right-of-way.

AUTOMOTIVE SALES, NEW. Business that sells new and used vehicles. Must have an indoor repair shop on site.

AUTOMOTIVE SALES, USED. Business that sells used vehicles.

BAR. See TAVERN.

BARREL WAREHOUSE. A structure or area used for the storage of distilled spirits and/or fermented beverages and may include associated utility structures (i.e., pump house, tank). Examples include, but are not limited to, rickhouses, rackhouses, palletized warehouses, and dunnage warehouses. This use is intended solely for the maturation (an associated storing) of spirits/beverages. No visitors (other than employees), production facilities, event facilities, dining/tasting, or tourism activities occur with this use, but this use may be co-located with a brewery, winery, or distillery as permitted by the zoning district. This use is further classified into two categories: VOC Barrel Warehouse and Non-VOC Barrel Warehouse.

BARREL WAREHOUSE, NON-VOC. A barrel warehouse that includes distilled spirits/beverages that cannot result in Volatile Organic Compounds (VOC) emissions capable of forming *Baudouinia Compniacensis* (such as bourbon).

BARREL WAREHOUSE, PALLETIZED. Barrel warehouses where barrels are placed on large pallets (usually wood) and stored vertically, one on top of another and the structural support for the building's roof and walls is independent of the system used to store the barrels.

BARREL WAREHOUSE, RACK SUPPORTED. Barrel warehouse where barrels are stored horizontally on racks where the rack system is the basic structural support for the building's roof and walls. Rickhouses and rackhouses are considered rack supported.

BARREL WAREHOUSE, VOC. A barrel warehouse that includes distilled spirits/beverages that could result in Volatile Organic Compounds (VOC) emissions capable of forming Baudouinia Compniacensis (such as bourbon).

BATTERY ENERGY STORAGE SYSTEMS (BESS). One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle. A battery energy storage system is classified as a Tier 1 or Tier 2 Battery Energy Storage System as follows:

TIER 1 BESS. Have an aggregate energy capacity less than or equal to 600kWh and, if in a room or enclosed area, consist of only a single energy storage system technology. This form of BESS is typically used as on-site backup power for a use or structure.

TIER 2 BESS. Have an aggregate energy capacity greater than 600kWh or are comprised of more than one storage battery technology in a room or enclosed area. This form of BESS typically serve a variety of functions for utility operations (such as at a substation) or are associated with large-scale solar, wind, or other power production. Tier 2 BESS must comply with all applicable National Electric Code, National Fire Code, and state code requirements and National Fire Protection Association (NFPA) standards for equipment testing, installation, and safety.

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

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

BERM. A mound of earth or the act of pushing earth into a mound.

BLOCK. A unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways, or any other barrier to the continuity of development.

BREWERY/WINERY/DISTILLERY. A licensed building or property whose primary purpose is to produce and sell alcoholic beverages for distribution and may include accessory commercial facilities such as a tasting room, retail space, restaurant, and event facilities, as well as support facilities/uses that are directly associated with and necessary for the production operation..

BREWERY/WINERY/DISTILLERY, ARTISAN. A facility that produces no more than 100,000 gallons of distilled spirits or fermented beverages for a distillery or winery or 50,000 barrels of fermented beverages for a brewery per calendar year on site. Alternative terms may also include a micro, craft, or boutique. An artisan brewery/winery/distillery may have very limited on-site maturation and/or storage of distilled spirits/beverages as outlined in Chapter 3.O: Winery, Brewery, Distillery, and Barrel Warehouse Standards.

BREWERY/WINERY/DISTILLERY, NON-ARTISAN. A facility that produces more than 100,000 gallons of distilled spirits or fermented beverages for a distillery or winery or 50,000 barrels of fermented beverages for a brewery per calendar year on site. A non-artisan brewery/winery/distillery may have limited on-site maturation and/or storage of distilled spirits/beverages as outlined in Chapter 3.O: Winery, Brewery, Distillery, and Barrel Warehouse Standards. On-site maturation and/or storage of distilled spirits/beverages that exceeds this limit is considered a Barrel Warehouse.

BUFFERYARD. A unit of yard together with the planting thereon required to separate land uses from each other and mitigate the impact that a use may have on an adjacent use.

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



Example of Building Height Measurement

BUILDING INSPECTOR. The Administrator or their designee who is empowered to review, approve, and inspect BPs, ILPs, and LAPs concerning the enforcement of the applicable building codes and the regulations established by this UDO.

BUILDING LINE. The line that establishes the minimum permitted distance on a parcel between the front line of a structure and the right-of-way line.

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

BUSINESS. The engaging in the purchase, sale, barter, or exchange of goods, wares, merchandise or services, the maintenance or operation of offices, or recreational and amusement enterprises for profit.

BZA. The Board of Zoning Appeals for the jurisdiction. An officially constituted body whose principal duties are to hear appeals and, where appropriate, grant variances from the strict application of the UDO.

CAMPGROUND AND RECREATIONAL VEHICLE PARK. A publicly or privately-owned parcel on which two (2) or more campsites are located, established, or maintained for occupancy by camping units as temporary living quarters for recreation, education, or vacation purposes, whether granted gratuitously or by a rental fee. A campground provides overnight occupancy by the owner or their guests in temporary, non-permanent lodging structures, such as tents, recreational vehicles, camping trailers, or similar means. This definition is not intended to include manufactured home parks. Any site with more than one recreational vehicle that is occupied is considered a campground.

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

CARGO CONTAINER. A container intended for multi-modal transportation via sea-going vessel, train, and truck trailer. These containers are self-contained without axles or wheels. This may also be referred to as a shipping container.

CEMETERY. A parcel used for the burial of the dead (human or animal) and dedicated for cemetery purposes, including columbarium, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundary of such cemetery.

CHECKPOINT AGENCY. A committee that, because of their specialized knowledge and experience in their field of expertise, may review the technical aspects of a project and assist the Administrator, Plan Commission, and BZA by providing technical and expert advice with regard to proposed development within the jurisdiction. Checkpoint agencies include the county surveyor, county highway department, county drainage board, county health department, county EMS, fire district, water utilities, sewer utilities, and public school district(s).

CHILD CARE CENTER. A non-residential structure where at least one (1) child receives child care from a provider while unattended by a parent, legal guardian, or custodian; for regular compensation; and for more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive calendar days per year, excluding intervening Saturdays, Sundays, and holidays. A child care center is not be considered a home occupation. For the purposes of this UDO, a child care center includes both licensed and unlicensed centers as well as child care ministries.

CHILD CARE HOME (IN-HOME CHILD CARE). A residential structure in which at least six (6) children (not including the children for whom the provider is a parent, stepparent, guardian, custodian, or other relative) at any time receive child care from a provider while unattended by a parent, legal guardian, or custodian; for regular compensation; and for more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive calendar days per year, excluding intervening Saturdays, Sundays, and holidays. For the purposes of this UDO, a child care home includes both licensed and unlicensed providers and the operator shall be a resident of the premises.

CHURCH. A structure, together with its accessory structures and uses, where persons regularly assemble for religious purposes and related social events and which structures, together with accessory structures and uses, is maintained, and controlled by a religious body organized to sustain religious ceremonies and purposes.

CLINIC. A structure where patients are admitted for examination and treatment on an outpatient basis by physicians, dentists, other medical personnel, psychologists, or social workers and where such examination and treatment require a stay of less than twenty-four (24) hours.

CLUB. A structure or portion thereof or premises owned or operated by a person or group for a social, literary, political, educational, or recreational purpose primarily for the exclusive use of members and their guests, excluding adult or sexually oriented activities. This does not include any use or activity rendering a service usually and ordinarily carried out as a business including restaurants or food service.

COLLOCATION. The placement or installation of wireless facilities on existing structures that include a wireless facility or wireless support structure, including water towers, and other structures. The term includes the placement, replacement, or modification of wireless facilities within an approved equipment compound.

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

COMMITMENT. A covenant concerning the use or development of a parcel of real property which is made in writing by the owner of that parcel, either voluntarily or in accordance with an order or request of the PC, BZA, or the appropriate legislative body.

COMMON AREA. Land within or related to a development, not individually owned, or dedicated for public use, that is designed and intended for the common use or enjoyment of the residents of the development and their guests and that may include such complementary structures and improvements as are necessary and appropriate.

COMPREHENSIVE CARE FACILITY. See NURSING HOME.

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

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

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

CONDITIONAL USE. See SPECIAL EXCEPTION.

CONDOMINIUM. A structure, or group of structures, in which dwelling units, offices, or floor area are owned individually and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis and subject to IC 32-1-6.

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

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

The term does not include the following:

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

CONFINED FEEDING OPERATION. As defined under IC 13-11-2-40,

- 1) "Any confined feeding of:
 - a. At least three hundred (300) cattle;
 - b. At least six hundred (600) swine or sheep;
 - c. At least thirty thousand (30,000) fowl; or
 - d. At least five hundred (500) horses.
- 2) Any animal feeding operation electing to be subject to IC 13-18-10; or
- 3) Any animal feeding operation that is causing a violation of:
 - a. Water pollution control laws;
 - b. Any rules of the water pollution control board, or
 - c. IC 13-18-10."

COUNTY. Jefferson County, Indiana.

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

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

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

DEED. A legal document conveying ownership of real property.

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

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

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

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

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

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

DISTILLERY. See BREWERY/WINERY/DISTILLERY.

DISTRICT, ZONING. See ZONING DISTRICT.

DRAINAGE BOARD. The Jefferson County Drainage Board, or the Jefferson County Board of Commissioners if a drainage board has not been established by local ordinance.

DRAINAGE PLAN. The proposed drainage system designed to manage the amount and rate of the stormwater runoff from a site as well as the quality of the runoff discharged from the site.

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

DRIVEWAY, COMMERCIAL. A private driveway serving a multi-family, commercial, or industrial use.

DRIVEWAY, INDIVIDUAL RESIDENTIAL. A private driveway serving one (1) single-family or one (1) two-family dwelling unit (duplex) that is located on one (1) parcel.

DRIVEWAY, SHARED RESIDENTIAL. A single, shared private driveway serving two (2) single-family or two (2) two-family dwelling units on two (2) parcels. Access to three (3) or more residential parcels shall be provided with a public road.

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

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

DUPLEX. See DWELLING, TWO-FAMILY.

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

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

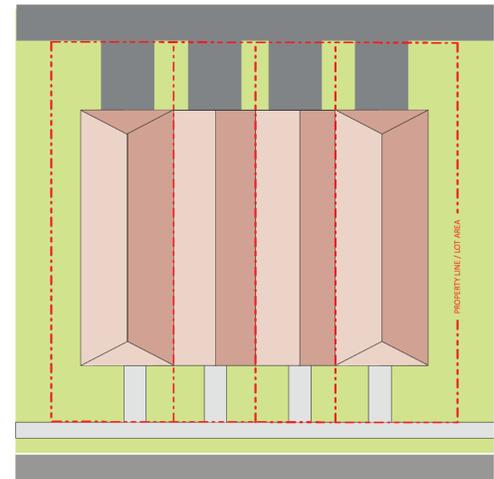
DWELLING, MULTI-FAMILY. A building that is located on a single parcel containing three (3) or more dwelling units, including units that are located on one (1) or more stories.

DWELLING, SINGLE-FAMILY. A dwelling on a single parcel containing one (1) dwelling unit and that is not attached to any other dwelling by any means and is surrounded by open space or yards. This definition does not include attached single-family dwellings.

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

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

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



Example of Single-Family Attached (Townhome / Patio Home)

DWELLING, TWO-FAMILY. A dwelling on a single parcel containing two (2) dwelling units, each of which is totally separated from the other by an unpierced wall extended from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

DWELLING UNIT. A room or group of rooms designed and equipped exclusively for use as living quarters for only one (1) family and its household employees, including provisions for living, eating, sleeping, and cooking. The term shall include manufactured homes but shall not include RVs.

EASEMENT. A grant of one (1) or more of the property rights by the property owner to and/or for use by the public, a corporation, or another person or entity.

EASEMENT, UTILITY. The right-of-way acquired by a utility or governmental agency to locate utilities, including all types of pipelines, telephone and electric cables, and towers.

ESTABLISHMENT OF A BUSINESS. Any of the following:

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

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

FARM. A parcel used for agricultural activities.

FARM, HOBBY. A small farm operated for pleasure or supplemental income rather than for primary income and which does not include the raising of livestock.

FARMSTEAD. A single-family dwelling that is located on the same parcel as a farm.

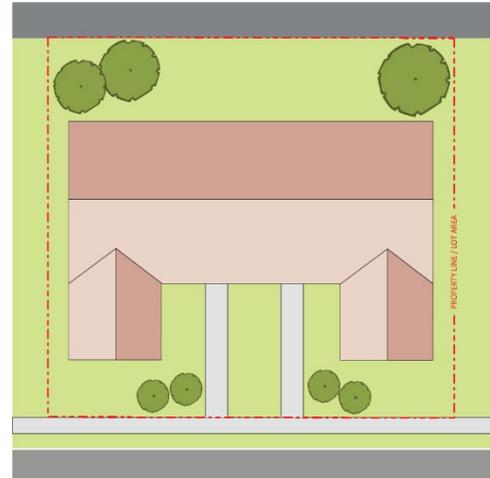
FARM WORKER HOUSING. Housing units that can only be occupied by farm laborers and their immediate family members. Each unit shall be self-contained with sanitation, shower, lavatory facilities, heating and electrical, and a kitchen. Housing shall be maintained to meet the current building codes.

FARMERS MARKET. The seasonal selling or offering for sale at retail of vegetables or produce, animal products, flowers, orchard products, and similar non-animal agricultural products, occurring in a predesignated area, where the vendors are individuals who have raised the vegetables or produce or have taken the same on consignment for retail sale.

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

FENCE, SOLID. A fence constructed of a substantial material, such as wood or vinyl, that prevents viewing from one side to the other. For purposes of this UDO, a chain link fence with slat inserts or a shadowbox fence is not considered a solid fence.

FLAG LOT. See LOT, FLAG.



Example of Two-Family Dwelling (Duplex)

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

FLOOR AREA, GROSS. The sum of the gross horizontal areas of all enclosed floors of a structure, including stairwells, elevator shafts, cellars, basements, mezzanines, penthouses, corridors, and lobbies from the exterior walls, or from the centerline of a common wall separating two (2) buildings, but excluding any space with a floor-to-ceiling height of less than six and a half (6.5) feet.

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

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

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

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

FRONTAGE STREET. A street that is parallel to and adjacent to a thoroughfare and that is designed to provide access to abutting properties so that these properties are somewhat sheltered from the effects of the through traffic on the thoroughfare so that it is not impeded by direct driveway access from a large number of abutting properties.

FUNERAL HOME. A building used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial or cremation.

GARAGE SALE. The sale or offering for sale to the general public of items of personal property by the owner or tenant of an improved residential lot or in a residential district, whether within or outside any building, occurring for no more than three (3) consecutive days and a maximum of four (4) times in a calendar year.

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

GARAGE, PRIVATE. An accessory structure that is incidental to a primary structure and that is used for the parking and storage of vehicles owned and operated by the residents or occupants thereof and that is not a separate commercial enterprise available to the general public.

GENERAL RETAIL. See RETAIL, GENERAL.

GRADE. Defined as:

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

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

GROSS FLOOR AREA. See FLOOR AREA, GROSS.

GROUND FLOOR AREA. See FLOOR AREA, GROUND.

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

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

GUN RANGE. See SHOOTING RANGE.

HARDSHIP. A perceived difficulty with regard to one's ability to improve land stemming from the application of the development standards of this UDO, which may or may not be subject to relief by means of variance. In and of themselves, self-imposed situations and claims based on a perceived reduction of or restriction on economic gain shall not be considered hardships. Self-imposed situations include: the purchase of land with actual or constructive knowledge that, for reasons other than physical characteristics of the property, the development standards herein will inhibit the desired improvement; any improvement initiated in violation of the standards of this UDO; any result of land division requiring variance from the development standards of this UDO in order to render that site buildable.

HAZARDOUS WASTE. A waste or combination of wastes that, because of its quantity; concentration; or physical, chemical, and/or infectious characteristics; may 1) cause or significantly contribute to an increase in mortality or increase in serious irreversible, or incapacitating reversible illness; or 2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

HISTORIC STRUCTURE. Any structure that is:

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

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

HOME-BASED BUSINESS. Any activity carried out for economic gain by a resident and conducted entirely within the resident's dwelling unit or entirely within an accessory structure upon the same premises as the primary dwelling unit where limited clients, guests, customers, or employees (other than the resident(s) of the dwelling) access the premises.

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

HOSPITAL. An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions and including as an integral part of the institution related facilities, such as laboratories, outpatient facilities, training facilities, medical offices, and staff residences.

HOTEL. A facility offering transient lodging accommodations to the general public and which may include additional facilities and services, such as restaurants, meeting rooms, entertainment, personal services, and recreational facilities.

IMPERVIOUS SURFACE. A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. Examples of impervious surfaces include, but are not limited to, buildings, structures, sheds, patios, concrete (including driveways and walks), and asphalt. For the purposes of this UDO, gravel shall be considered an impervious surface.

IMPROVEMENT LOCATION PERMIT (ILP). An improvement location permit which is written permission issued by the Administrator for the construction, repair, alteration, or addition to a structure that complies with the applicable building codes and the regulations established by this UDO.

INDUSTRIAL, HEAVY. Industrial uses that meet the performance standards, bulk controls, and other requirements of this UDO and where said uses are performed either within enclosed structures or outside of enclosed structures.

INDUSTRIAL, LIGHT. Industrial uses that meet the performance standards, bulk controls, and other requirements of this UDO and where said uses are performed entirely within enclosed structures and for which all loading and unloading facilities are enclosed.

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

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

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

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

JUNK. Any scrap, waste, reclaimable material, or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed of, or for other use or disposition. Examples of junk include: unregistered and inoperative vehicles, tires, vehicle parts, equipment, paper, rags, metal, glass, building materials, household appliances, machinery, brush, wood, and lumber.

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

JURISDICTION. The unincorporated areas of Jefferson County.

KENNEL, PRIVATE. The keeping, breeding, raising, showing, or training of four (4) or more dogs over six (6) months of age for personal enjoyment of the owner or occupant of the property. A private kennel does not include the sale of any animals and/or breeding of animals that are sold.

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

LANDFILL. A disposal site in which refuse and earth, or other suitable cover material, are deposited and compacted in alternating layers of specified depth in accordance with an approved plan and regulated by the applicable sections of 40 CFR.

LANDFILL, SANITARY. A solid waste land disposal facility designed to accommodate general types of solid waste as elsewhere defined in this ordinance, excluding waste regulated by 329 IAC 3, and operated by spreading the waste in thin layers, compacting it to the smallest practical volume, and covering it with cover material at the end of each working day. This definition does not include a clean fill site, or a construction/demolition site, which are defined elsewhere in the ordinance.

LEGISLATIVE BODY. The County Commissioners for Jefferson County, Indiana.

LETTER OF CREDIT. A letter issued by a bank permitting the person or agency named in it to draw a certain amount of money from another specified bank, usually accepted in the same manner a cash or bonds to ensure the installation or construction of required improvements.

LIGHTING PLAN. A plan showing the location, height above grade, type of illumination, type of fixture, the source lumens, and the luminous area for each source of light proposed.

LIVESTOCK, PERSONAL. This land use category includes the raising of livestock that is not intended to be consumed by others and/or sold. This definition includes livestock for educational purposes, such as 4-H.

LIVESTOCK, PRODUCTION (NOT REQUIRING IDEM PERMIT). This land use includes animal husbandry activities (breeding and caring for farm animals) for the production of animals and/or animal products that will be consumed by others and/or sold, such as dairies, livestock farming, and similar uses that do not require an IDEM permit. This also includes pastureland and meadows used for livestock rearing.

LIVESTOCK, WHOLESALE TRADE. This land use includes selling of livestock that occur on-site, such as animal auctions. This definition does not include educational activities, such as 4-H auctions.

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

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

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

LOT, CORNER. A lot or parcel of land at the junction of or abutting two (2) or more intersecting streets. Corner lots have two (2) front yard setbacks and two (2) side yard setbacks.

LOT, FLAG. A lot where the major portion of the parcel has access to a public road or street by means of a narrow strip of land called the “flag pole.” See *chapter 2: Zoning Districts* for minimum lot width, easement width, and frontage. The flag pole portion of the lot shall not be used in determining setbacks or in calculating lot size for zoning and building purposes.

LOT, THROUGH. A parcel that fronts on two (2) parallel streets or that fronts on two (2) streets that do not intersect at the boundaries of the parcel.

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

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

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

LOT LINE. A line of record bounding a lot that divides one lot from another lot or from a public or private street or any other public space.

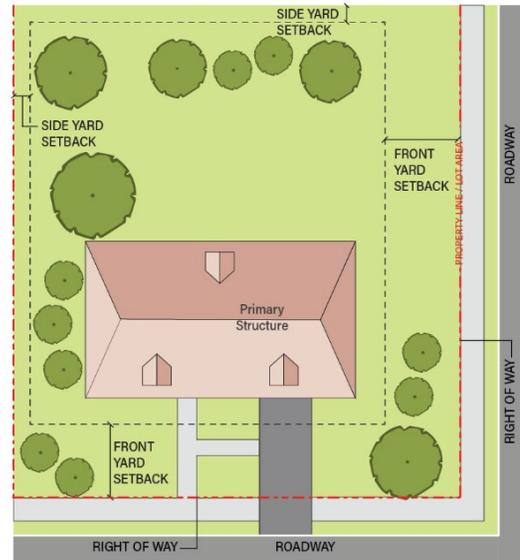
LOT LINE, FRONT. Any property line separating the lot from a street, or on a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained.

LOT LINE, REAR. The lot line opposite and most distant from the front lot line. A lot bounded by only three (3) lot lines will not have a rear lot line.

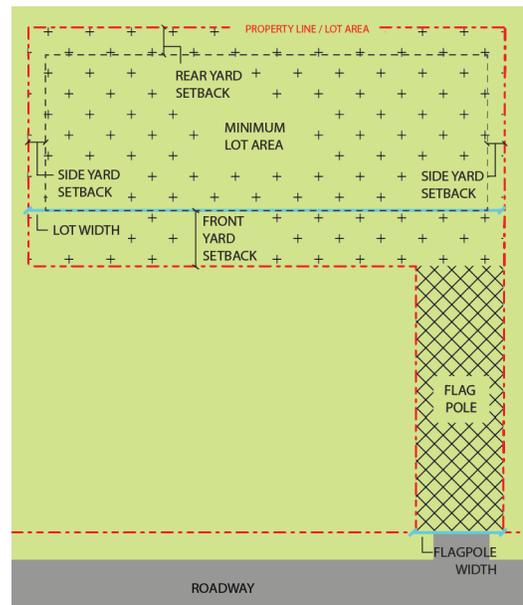
LOT LINE, SIDE. Any lot boundary-line other than a front lot line or rear lot line.

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

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



Example of Corner Lot



Example of Flag Lot

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

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

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

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

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

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

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

MEDICAL OFFICES AND CLINICS. Uses whose primary purpose is to provide diagnosis and treatment for medical, dental, and psychiatric outpatient care (including clinics). Uses include doctor office, dentist office, optician office, and similar uses not defined elsewhere in this UDO. For purposes of this UDO, medical offices and clinics are considered PROFESSIONAL / BUSINESS OFFICES.

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

MOBILE HOME. Now known as a manufactured home, a mobile home was constructed prior to June 15, 1976 and even with modifications, does not meet the HUD standards and cannot be accepted as compliant with the HUD Code. A mobile home is defined in IC 16-41-27-4 as a dwelling, including the equipment sold that is a dwelling, that is:

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

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

NONCONFORMING LOT. A parcel, the area, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of the UDO, but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

NONCONFORMING STRUCTURE. A structure, the size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of the UDO but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the UDO.

NONCONFORMING USE. A use or activity that was lawful prior to the adoption, revision, or amendment of the UDO but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the district.

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

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

OPEN SPACE. Common area that provides light and air and is designed for environmental, scenic, or recreational purposes. Cropland, forested areas, or pastureland qualifies as open space. Open space may include turf areas, decorative plantings, walkways, active and passive recreation areas, playgrounds, and wooded areas. Open space shall comprise Primary Conservation Areas and Secondary Conservation Areas. Open space shall not include areas devoted to public or private streets or rights-of-way.

OUTDOOR STORAGE. The keeping, in an unenclosed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours.

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

PARCEL. See LOT.

PARCEL, PARENT. The parcel of land for which approval is sought to subdivide it into at least two (2) parcels, or other divisions of land for sale, development, or lease.

PARKING AREA. Any public or private area, under or outside of a structure, designed and used for parking and maneuvering motor vehicles including garages, private driveways, and legally designated areas of public streets.

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

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

PC. The Jefferson County Advisory Plan Commission for the jurisdiction.

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

PLACE OF WORSHIP. Defined as:

- 1) A church, synagogue, temple, mosque, or other facility that is used for prayer by persons of similar beliefs;
- 2) A special-purpose building that is architecturally designed and particularly adapted for the primary use of conducting formal religious services on a regular basis.

PLANT NURSERY. Land, structures, or a combination thereof for the storage, cultivation, transplanting of live trees, shrubs, or plants offered for retail or wholesale sale on the premises including products used for gardening and landscaping.

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

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

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

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

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

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

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

PROFESSIONAL SERVICES AND BUSINESS OFFICES. Uses whose primary purpose is to provide professional services or advice that occurs within a business office setting. The majority of people accessing the site are typically employees but can also have customers or clients that access the business. Examples of this use include, but are not limited to, the following but does NOT include Medical Offices and Outpatient Service, Adult Businesses, Service-Oriented Retail, or General Retail.

- 1) Professional service or business offices, such as accounting or advertising, architectural or engineering, attorney or legal, communication or marketing, financial, insurance, investment, professional consulting, real estate, tax, trade association and travel agency services or offices, and similar service or repair that occurs within a business office setting.

PUBLIC AREA. Parks, playgrounds, trails, paths, and other recreational areas and open spaces; scenic and historic sites; schools and other structures; and other places where the public is directly or indirectly invited to visit or permitted to congregate.

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

PUBLIC IMPROVEMENT. Any improvement, facility, or service, together with its associated site or right-of-way, necessary to provide transportation, drainage, utilities, or similar essential services and facilities and that is usually owned and operated by a governmental agency.

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

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

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

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

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

- 1) Designates one (1) or more parcels of real property as a PUD district;
- 2) Specifies uses or range of uses permitted in the PUD district;
- 3) Expresses in detailed terms the development requirements that apply in the PUD district;
- 4) Specifies the plan documentation and supporting information that must be supplied before an ILP or BP may be issued for development of real property in the PUD district;
- 5) Specifies any limitation applicable to a PUD district; and 6) meets the requirements of IC 36-7-4-1503.

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

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

RECREATIONAL VEHICLE (RV). A vehicular-type portable structure without a permanent foundation that can be towed, hauled, or driven and is designed as a temporary living accommodation for recreational and camping purposes. A recreational vehicle shall not be used as a primary residence or for permanent occupancy.

RECREATIONAL VEHICLE PARK. Any parcel upon which two (2) or more sites are located, established, or maintained for occupancy by recreational vehicles for a fee as temporary living quarters for recreation or vacation purposes.

RECYCLING. A process by which materials that would otherwise become solid waste are collected, separated, or processed, and converted into materials or products for reuse or sale.

REDEVELOPMENT. The removal and replacement, rehabilitation, or adaptive reuse of an existing structure or structures, or of land from which previous improvements have been removed.

REGULARLY. The consistent and repeated doing of the act so described.

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

RE-PLAT. Defined as:

- 1) The further division of lots or the relocation of lot lines of any lot or lots within a subdivision previously approved and recorded according to law;
- 2) The alteration of any streets or rights-of-way or the establishment of any new streets or rights-of-way within any subdivision made and approved or recorded according to law, but not including conveyances made so as to combine existing lots by deed or other instrument.

RESEARCH AND DEVELOPMENT. An establishment engaged in testing, research, analysis, and product development that could include limited light assembly or limited production of components. This type use occurs within a building that typically resembles an office and/or laboratory setting.

RESTAURANT. Establishment that provides food service with the majority of sales being food (versus alcohol) and is open to all ages. For the purposes of this UDO, a restaurant is considered Service-Oriented Retail.

RETAIL, GENERAL. Uses whose primary purpose is the sale of goods and merchandise to a consumer. General retail does NOT include Adult Businesses, Professional and Business Offices, Service-Oriented Retail, or Medical Offices and Outpatient Services. Examples of general retail include, but are not limited to the following:

- 1) Department and super stores, such as clothing/apparel/shoes store
- 2) Specialty retail stores, such as antique store, art gallery, art supply store (including framing services), book/stationary/newspaper store or stand, camera and photography supply store, collectible stores (cards, coins, comics, stamps, etc.), electronic/appliance store, fabrics and sewing supply store, floor covering store, furniture store, florist, gift store, greenhouse or nursery, hardware store, hobby shop, jewelry store, luggage and leather goods store, music or musical instrument store, office supply store, optic store (no medical exams), orthopedic supply store, paint store, pet store, sporting goods and recreation equipment store, bicycle and kayak rental/store, religious goods store, toy store, variety store, and video/game store.
- 3) Supermarkets and grocery stores, such as bakery (without dining), candy store, grocery store, and meat or fish market.
- 4) Convenience stores, such as drug store, such as convenience or corner store, drug store, gas station, and pharmacy.
- 5) Discount stores, such as consignment and thrift store.

RETAIL, SERVICE-ORIENTED. Uses whose primary purpose is to provide or sell a service rather than providing goods and merchandise that do not occur within a business office setting. The majority of people accessing the site are typically customers rather than employees. Service-oriented retail does NOT include Bed and Breakfasts, Child Care Center/Home/Daycare, Drive-In Theater, Hotel/Motel, Short-Term Rental, General Retail, Medical Offices and Outpatient Service, Professional and Business Offices, or Adult Businesses. Examples of service-oriented retail use include, but are not limited to, the following

- 1) Hospitality, instructional, and entertainment services, such as art studio, dance, educational support services, employment services, gymnastics or martial arts instruction, movie theater (drive-in or indoor), paintball, travel centers, and banquet/event facilities.
- 2) Food establishments and restaurants (see RESTAURANT), such as quick service and dine-in restaurants.
- 3) Service and repair, such as automotive, boat, equipment, and RV service and repair, computer or phone repair, jewelry repair, oil change or car maintenance, and shoe repair.
- 4) Personal services, such as bank or credit union, beauty or barber shop, dry cleaning or laundry receiving station (storefront only), fitness center or gym, nail or tanning salon, photography studio, print shop or copy shop, storage units (indoor and outdoor), and tailoring or dressmaking laundromat.

REZONE. Approval granted through the PC and the legislative body in accordance with IC 36-7-4-608 to change the zoning classification of a particular parcel.

RIGHT-OF-WAY. Defined as:

- 1) A strip of land acquired by reservation, dedication, prescription, or condemnation and intended to be occupied by a street, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, or other similar uses;
- 2) Generally, the right of one to pass over the property of another.

RIGHT-TO-FARM. As established in IC 32-30-6, public policy designed to protect farmers against private nuisance suits and unnecessary constraints on essential agricultural management practices, if these practices are consistent with federal and state law and are not a threat to the public health and safety.

ROAD CLASSIFICATIONS. Road classifications are determined by the Jefferson County Comprehensive Plan.

ROAD, PRIVATE. A private roadway that serves more one (1) or two (2) residential parcels pursuant to access easements and all requirements of this UDO.

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

- 1) An existing state, county, or municipal roadway;
- 2) Shown upon a plat approved pursuant to law;
- 3) Approved by other official action;
- 4) Shown on a plat duly filed and recorded in the Records Office; or
- 5) Shown on the official map or adopted master plan.

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

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

RURAL EVENT VENUE, PERMANENT OR TEMPORARY. A facility or location where special events are permitted to occur, generally with a use agreement between a private group or individual and the facility owner, in a predominately rural and/or agricultural area. The event and/or facility is accessory to the primary use of the property. For purposes of this definition, a rural event may include a celebration, ceremony, wedding, reception, corporate function, or similar activity for the benefit of someone other than the property owner that takes place on a periodic basis, involving the gathering of individuals assembled for the common purpose of attending a special event. This definition does not include family events or gatherings that are held on their own property.

SCHOOL. Any building or part thereof that is designed, constructed, or used for education or instruction in any branch of knowledge.

SELF STORAGE UNIT. See STORAGE UNIT.

SEPTIC SYSTEM. An underground system with a septic tank used for the decomposition of domestic wastes.

SERVICE-ORIENTED RETAIL. See RETAIL, SERVICE-ORIENTED.

SETBACK. The distance between the foundation of the structure and any lot line. See *Chapter 2: Zoning Districts* for measurements of front, side, and rear yard setback.

SETBACK LINE. The line that is the required minimum distance from any lot line and that establishes the area within which a primary structure or accessory structure may be erected or placed.

SEWAGE TREATMENT PLANT, CENTRALIZED. Any sewage treatment facility that requires an NPDES permit from the Indiana Department of Environmental Management (IDEM) to discharge treated effluent.

SEWER. Any pipe or conduit used to collect and carry away sewage or stormwater runoff from the generating source to treatment plants or receiving water bodies.

SEWER AND WATER SYSTEM, PUBLIC. Any system other than an individual septic tank, tile field, or individual well, that is operated by a municipality, governmental agency, or a public utility for the collection, treatment, and disposal of wastes and the furnishing of potable water.

SEWER, SANITARY. A system of pipes that carry domestic or commercial sanitary sewage and into which storm, surface, and ground waters are not intentionally admitted.

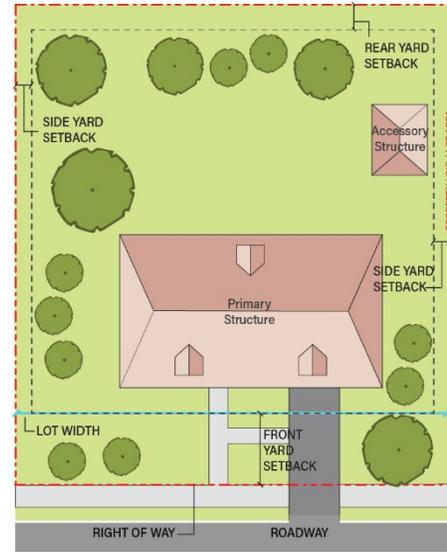
SEXUALLY ORIENTED BUSINESS. An adult entertainment or service business that is part of the sex industry and is a site of erotic performance, erotic paraphernalia sales, and/or other sexually-oriented places. Sexually oriented businesses may include an adult bookstore, adult cabaret, adult mini motion picture theater, adult motion picture theater, adult service establishment, semi-nude model studio, sexual device shop, or a sexual encounter center as defined in this ordinance. The term "sexually oriented business" shall also include adult drive-in theater, adult live entertainment arcade, and adult motion picture arcade.

SHIPPING CONTAINER. See CARGO CONTAINER.

SHOOTING RANGE. Any land, property, premises, place, or facility that is used, designed, intended, or operated on a regular or structured basis for the purpose of the discharge of firearms and/or shooting of archery equipment, whether publicly or privately owned and whether or not operated for profit. "Shooting range" does not include a facility owned or operated by a municipal corporation, county, township police district, or joint police district. "Shooting range" does not include accessory or incidental target practice areas on private property infrequently used by the private property owner.

SHORT-TERM RENTAL. In accordance with IC 36-1-24-6, the rental of a single-family home, an accessory dwelling, a duplex, a multi-family dwelling, or a condominium for terms of less than thirty (30) days at a time through a short-term rental platform.

SHORT-TERM RENTAL PLATFORM. In accordance with IC 36-1-24-7, an entity that provides an online platform through which unaffiliated parties offer to rent a short-term rental to an occupant and collects fees for the rental from the occupant.



Example of Setback Measurement

SIDEWALK. A paved, surfaced, or leveled area, paralleling and usually separated from the traveled way, used as a pedestrian walkway.

SIGHT TRIANGLE. A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

SIGN. Any name, number, symbol, identification, description, display, graphic, or illustration which is affixed to, painted on, or is represented directly or indirectly upon a structure or parcel, visible from any public right-of-way which directs attention to an object, product, place, activity, person, institution, organization, or business. This definition includes backlighted plastic panels or strip lighting affixed to any wall or roof where any such panels or lighting serve to identify a business and attract attention rather than to illuminate space for human activity.

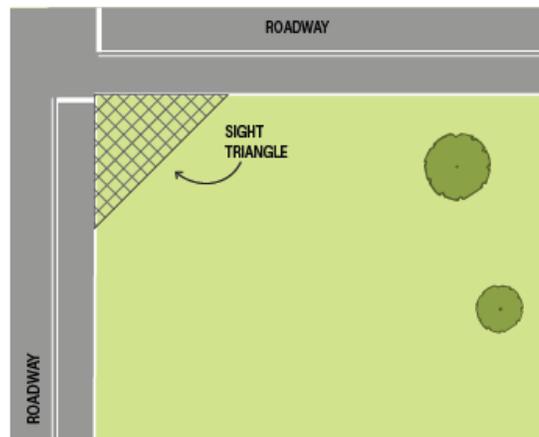
SIGN, ABANDONED. A sign that is:

- 1) Associated with an abandoned use;
- 2) Remains after the termination of the business; and/or
- 3) On its immediate premises but not adequately maintained or repaired.

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

SIGN, ELECTRONIC VARIABLE MESSAGE (EVMS). A sign, or component of a sign, such as an electrically or electronically controlled message center, where the characters, letters, or illustrations can be changed or rearranged either in the field, or from a remote location, without physically altering the face or the surface of the sign.

SIGN, FACE. The surface intended for the display of information on the sign.



Example of Sight Triangle

SIGN, HEIGHT ABOVE GROUND. The vertical measurement from the ground to the top of the sign. The height of all signs shall be measured from the established grade line to the highest point of the sign or its frame/support.

SIGN, ILLUMINATED. Any sign lighted by or exposed to artificial lighting either by light on or in the sign or directed toward the sign.

SIGN, LEGAL NON-CONFORMING. A pre-existing, legally permitted sign, or portion thereof, which was designed, erected, or structurally altered such that it does not conform to the regulations of the zoning district in which it is located.

SIGN, PERMANENT. A sign attached to structure or the ground in a manner that enables the sign to resist environmental loads, such as wind, and precludes ready removal or movement of the sign. The use of anchor bolts, ropes, stakes, chains, glue, or similar anchoring are not methods recognized by this ordinance as a permanent foundation.

SIGN, STRUCTURE. The supporting unit of a sign face, including but not limited to frames, braces cabinets, and poles.

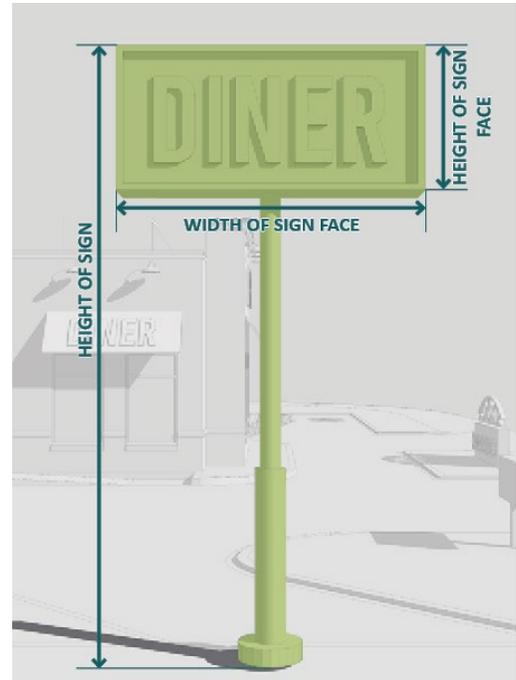
SIGN, TEMPORARY. Any sign that is temporarily used for a specific and shorter duration of time and is not affixed to a permanent foundation or structure. A temporary sign is used for the purpose of conveying information, knowledge, or ideas to the public about activities on the premises. These signs are intended to be on-site for the duration of an event (such as property for sale, special events, grand openings, sales, etc.) or a short period of time.

SIGN TYPES. For the purposes of this UDO, the following sign types are defined:

ANIMATED SIGN. Any sign that uses movement or change of artificial and natural lighting or noise to depict action or create a special effect or scene. This includes any directly or indirectly illuminated sign that exhibits changing natural or artificial light or color effects by any means whatsoever. Different from an “electronic sign,” an animated sign produces the illusion of movement by means of electronic, electrical, or electro-mechanical input and/or illumination capable of simulating movement through using the characteristics of one (1) or both of the following classifications:

- 1) Flashing, animated, or animated portions of a sign where the cyclical period between on-off phases of illumination is less than four (4) seconds;
- 2) Patterned illusionary movement in which animated signs or portions of signs whose illumination is characterized by simulated movement.

AWNING SIGN. A sign that is attached to an awning or other fabric that serves as a structural protective cover over a window or entrance.



Example of Sign Face and Sign Height

BANNER SIGN. A sign made of flexible materials and supported by any combination of staples, tape, wires, ropes, strings, poles, posts or rods or other materials that are not built as a permanent foundation for the sign. Banner Signs include wave banner signs.

HANGING SIGN. A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface, such as a single post or the underside of a ceiling or canopy. Also known as a canopy or swing sign.

INFLATABLE SIGN. Any device which is capable of being expanded by any gas and used on a permanent or temporary basis to attract attention to a product or event. This definition includes both hot and cold-air balloons tethered or otherwise anchored to the ground.

MONUMENT (GROUND) SIGN. A freestanding sign in which the bottom edge of the sign is in contact with or is close to the ground. Also known as a ground, site, or pylon sign.

MURAL SIGN. A picture, scene, diagram, text, artwork, or graphic applied on the exterior of a building, wall, or structure. For the purposes of this UDO, a mural is considered a Wall Sign.

PORTABLE SIGN. Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A or T-frames; benches; menu or sandwich board signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in normal day-to-day operations of the business.

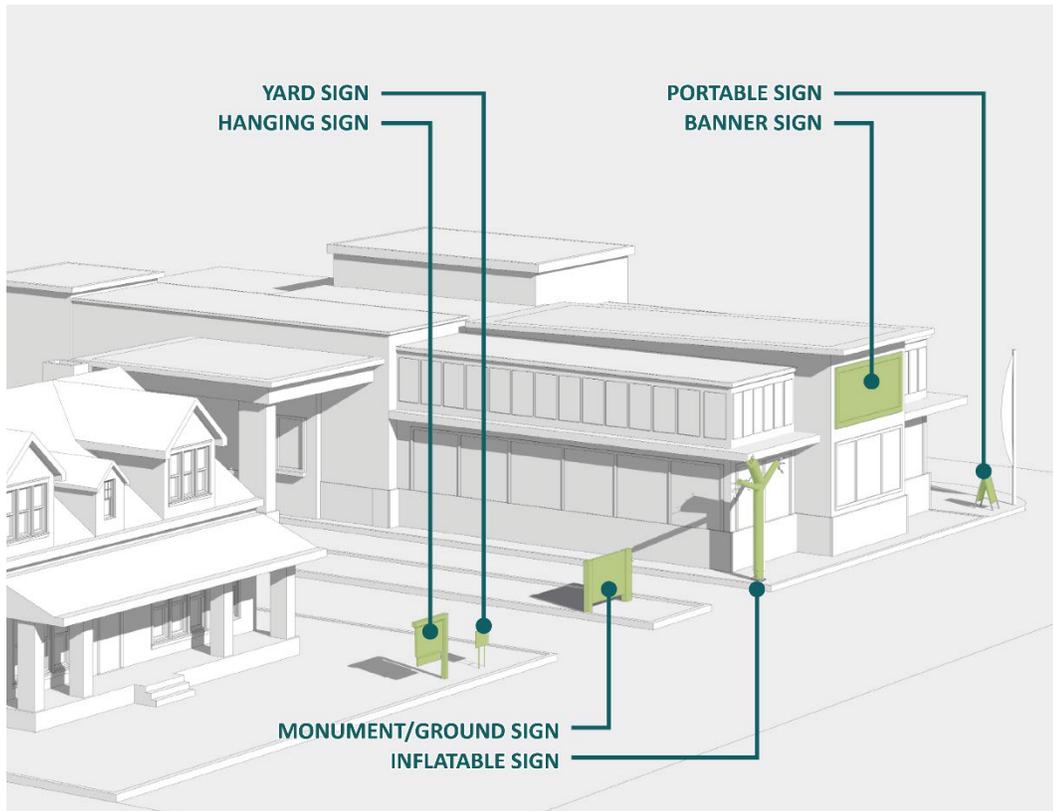
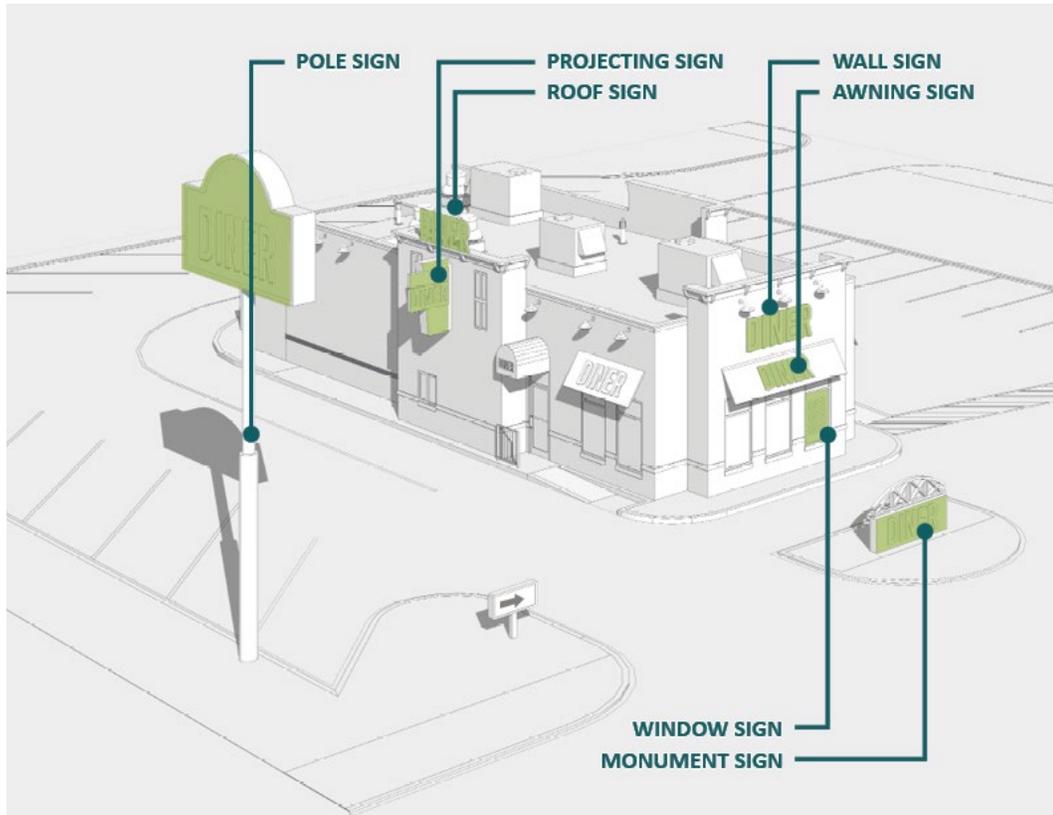
- 1) **BENCH SIGN.** A type of portable sign painted on, located on, or attached to any part of the surface of a bench, seat, or chair.
- 2) **HUMAN SIGN.** A type of portable sign held or worn by a human being for the purposes of advertising or otherwise drawing attention to an individual, business, commodity, service, activity, or product.
- 3) **SIDEWALK / SANDWICH BOARD SIGN.** A type of portable, temporary freestanding display located on the sidewalk or similar area that is typically adjacent to a roadway or storefront.
- 4) **VEHICLE SIGN.** A type of portable sign that is permanently affixed to the body of, an integral part of, or a fixture of a motor vehicle that is parked or left standing so that it is visible from a public street for a period of more than seventy-two (72) continuous hours for the intent of being used as advertisement. For the purpose of this definition, "permanently affixed" shall mean it is painted directly on the body of a vehicle and/or applied as a decal on the body of a vehicle.

POLE SIGN. A sign anchored directly to the ground or supported by one (1) or more posts, columns, or other vertical structures or supports. The sign is not attached to or dependent for support from any building and the sign area is not in close proximity to the ground. Billboards would be considered Pole Signs.

PROJECTING SIGN. A sign that is wholly or partly dependent upon a building for support and that projects more than twelve (12) inches from that building. Also known as a blade sign.

ROOF SIGN. Any sign partially or fully erected on or above the roof line of a structure.

WALL SIGN. Any sign attached to, erected against, or painted on the wall, façade, or exterior of a structure with the exposed display surface of the sign in a plane parallel (or relatively parallel) to the plane of the structure. See also MURAL.



Example of Sign Types

WINDOW SIGN. Any sign directly attached to the window of a structure or erected on the inside or outside of the window, which at the determination of the Administrator, is legible from any part of a public right-of-way or adjacent property. For purposes of this window sign definition, a “window” is defined as an opening in the wall or roof of a structure that is fitted with glass or other transparent material in a frame to admit light or air and to allow people inside to see out. Also known as a façade sign.

YARD SIGN. Small signs, typically under waist height that are usually supported by metal wire or small stakes driven directly into the ground.

SITE PLAN. A plan for one or more parceled on which is shown the existing and proposed conditions of the lot, including topography, vegetation, drainage, floodplains, wetlands, and waterways; landscaping and open spaces; walkways; means of ingress and egress; circulation; utility services; structures; signs and lighting; berms; Bufferyards, and screening devices; surrounding development; and any other information that reasonably may be required in order for an informed decision to be made by the approving authority.

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

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

SOLAR ENERGY EASEMENT. See RENEWABLE ENERGY EASEMENT.

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

ACCESSORY SES. A solar energy system that is an integral part of a primary or accessory building where the energy produced is intended primarily for on-site use. Accessory SES include Building-Integrated SES, Ground-mounted SES, Pole-mounted SES, Roof-Mounted SES, and Solar Carport SES. Battery Energy Storage Systems (BESS) are considered a separate use as defined by this UDO.

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

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

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

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

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

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

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

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

Commercial SES. A solar energy system that is free-standing and serves as the primary land use for the parcel(s) on which it is located and where the energy produced is intended primarily for off-site use. Commercial SES may include solar collector devices, solar related equipment, and other accessory structures and buildings including light reflectors, concentrators, heat exchangers, substations, electrical infrastructure, transmission lines and other structures. Battery Energy Storage Systems (BESS) are considered a separate use as defined by this UDO.

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

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

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

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

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

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

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

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

STATE. The State of Indiana.

STORAGE UNIT. A site or structure that contains separate, semi-enclosed or fully enclosed areas, rooms, or spaces that are primarily intended for the storage of personal property and leased or rented on an individual basis. Typically, site access is fully or partially restricted to only the renters. Storage units do not include any living space(s) or business activity that is conducted within a rented space or area. This definition includes RV storage units.

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

STREET. See ROAD.

STREET CLASSIFICATION. See ROAD CLASSIFICATION.

STRUCTURE. A combination of materials that form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water. Furthermore, any enclosed structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property of any kind.

STRUCTURE, ACCESSORY. A structure detached from a primary structure (not attached to the foundation of the primary structure) located on the same parcel and customarily incidental and subordinate to the primary structure or use. For purposes of this UDO, a fence is considered an accessory structure.

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

STRUCTURE, ATTACHED. A structure which has any part of its exterior or bearing wall in common with another building or which is connected to another building by a roof.

STRUCTURE, DETACHED. A structure having no structural connection with another structure.

STRUCTURE, PORTABLE. Any structure not permanently attached to the ground or other permanent structure that is designed to be moved or transported by means of wheels or other mechanisms that are attached to the structure or the structure is mounted/placed upon.

STRUCTURE, PRIMARY. A structure in which the primary use of the lot or premises on which it is located is conducted, including a structure that is attached to such a structure in a substantial way, such as by a roof. With respect to residential uses, the primary structure shall be the main dwelling.

STRUCTURE, TEMPORARY. A structure that is erected without any foundation or footings and is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased. A temporary use usually does not involve the construction or alteration of any permanent structure, although the authorization of the temporary use does not necessarily preclude such construction.

SUBDIVIDER. Any person having an interest in land that is the subject of an application for subdivision. Also, a person submitting an application for subdivision.

SUBDIVISION. The division of a lot or parcel of land into two (2) or more lots, parcels, or other divisions of land for sale, development, or lease. A subdivision includes the division or development of any land, whether by deed, metes and bounds description, or other recorded instrument. Subdivisions are further classified as commercial or industrial subdivision, major residential subdivision, or exempt subdivision.

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

SUBDIVISION, EXEMPT. Divisions of existing parcels of land that are exempt from this UDO as determined by the Administrator and outlined in *Chapter 5: Subdivision Types*.

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

SUBDIVISION, MINOR RESIDENTIAL. For the purposes of this UDO, all subdivisions that are not exempt subdivisions are considered major residential subdivisions. See SUBDIVISION, MAJOR RESIDENTIAL.

SWIMMING POOL. A self-contained body of water at twenty-four (24) inches in depth used for recreational purposes. Such body of water may exist in a metal tank, plastic lined, or masonry structure located either above-ground or below-ground level. Swimming pools may be either public or private in use. A private pool is considered an accessory structure.

TAVERN. An establishment in which alcoholic beverages are served, primarily by the drink, where food or packaged liquors may also be served or sold.

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

THOROUGHFARE PLAN. The portion of the Comprehensive Plan which identifies the existing and proposed locations of interstate highways, primary arterials, secondary arterials, feeders, local streets, streets, and rights-of-way within the jurisdictional area, as amended from time to time under IC 36-7-4-506.

TRACT. See LOT.

TRUCK TERMINAL. A freight or relay station for the transfer or exchange of cargo from one vehicle, form of transportation, or party to another. This does not include long-term or permanent storage.

UNIFIED DEVELOPMENT ORDINANCE (UDO). A unified development ordinance combines the jurisdiction's zoning and subdivision control ordinances into a single, legal document that is enabled by IC 36-7-4-610 and adopted by the legislative body and which may be amended from time to time.

USE. The specific purpose or activity for which land and/or a structure is designated, arranged, intended, or for which it is or may be occupied or maintained.

USE, ACCESSORY. A use that:

- 1) Is clearly incidental and customarily found in connection with a primary structure or use;
- 2) Is subordinate to and serves the primary use;
- 3) Is subordinate in area, extent, or purpose to the primary use served;
- 4) Contributes to the comfort, convenience, or necessity of occupants, business, or industry of the primary use served; and
- 5) Is located on the same parcel as the primary use served.

USE, PRIMARY. The predominant use of any lot or parcel or as determined by the primary structure.

USE, TEMPORARY. A use established for a limited duration with the intent to discontinue such use upon the expiration of the time period.

UTILITY. Defined as any agency that, under public franchise or ownership, or under certificate of convenience and necessity, or by grant of authority by a governmental agency, provides the public with electricity, gas, heat, steam, communication, transportation, water, sewage collection, or other similar service; and is a closely regulated enterprise with a franchise for providing a needed service.

UTILITY FACILITY, PRIVATE. Any facility or use that is located on an individual parcel (outside of a public right-of-way) operated by a utility that is not under the jurisdiction or regulation of the Indiana Utility Regulatory Commission (IURC) where the use is not defined separately in this UDO (including but not limited to CSES, BESS, and WECS). This definition does not include public utilities regulated by the IURC or the installation of cables, lines, and similar utilities for home or individual service to a parcel (such as internet, cable, phone).

UTILITY FACILITY, PUBLIC. As regulated by IC 8-1-2, every corporation, company, partnership, limited liability company, individual, association of individuals, their lessees, trustees, or receivers appointed by a court, that may own, operate, manage, or control any plant or equipment within the state for the:

- 1) The conveyance of telegraph and telephone messages;
- 2) The production, transmission, delivery, or furnishing of heat, light, water, or power; or
- 3) Collection, treatment, purification, and disposal in a sanitary manner of liquid and solid waste, sewage, night soil, and industrial waste. The term does not include a municipality that may acquire, own, or operate any of the foregoing facilities.

VARIANCE. Permission granted by the BZA in accordance with IC 36-7-4-918.5 to depart from specific development standards for a zoning district within this UDO.

VARIANCE OF USE. Permission granted by the BZA in accordance with IC 36-7-4-918.4 to allow a specific use that is not otherwise permitted in a zoning district.

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

WAIVER. Permission to depart from specific development standards of the subdivision regulations and as specifically identified in the UDO.

WAREHOUSING AND DISTRIBUTION. An establishment engaged in the receipt, storage, and distribution of goods, products, cargo, and materials, including trans-shipment by boat, rail, air, or motor vehicle. Uses typically breakdown large orders from a single source into smaller orders and consolidation of several orders into a single large order for distribution to several recipients. Retail sales (on-site), assembly, or product processing are not considered distribution or warehousing. This does not include truck terminal.

WIND ENERGY CONVERSION SYSTEM (WECS). A wind energy conversion system where the equipment that converts and then stores or transfers energy from the wind into usable forms of energy and includes any base, blade, foundation, generator, nacelle, rotor, wind tower, transformer, turbine, vane, wind farm collection system, wire, or other component used in the system.

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

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

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

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

- 1) The project owner does not seek:
 - a. To install or locate one (1) or more wind power devices or other facilities related to a wind power project (including power lines, temporary or permanent access roads, or other temporary or permanent infrastructure); or
 - b. To otherwise enter into a lease or any other agreement with the owner of the property for use of all or part of the property in connection with a wind power project;
- 2) The owner of the property does not consent:
 - a. To having one (1) or more wind power devices or other facilities related to a wind power project (including power lines, temporary or permanent access roads, or other temporary or permanent infrastructure) installed or located; or
 - b. To otherwise enter into a lease or any other agreement with the project owner for use of all or part of the property in connection with a wind power project.
- 3) The owner of the property does not participate in a wind power project through:
 - a. A neighbor agreement;
 - b. A participation agreement; or
 - c. Another similar arrangement or agreement with a project owner.

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

WIRELESS COMMUNICATION FACILITY. Any towers, poles, antennas, or other structures intended for use in connection with transmission or receipt of radio or television signals, or any other spectrum-based transmissions/receptions.

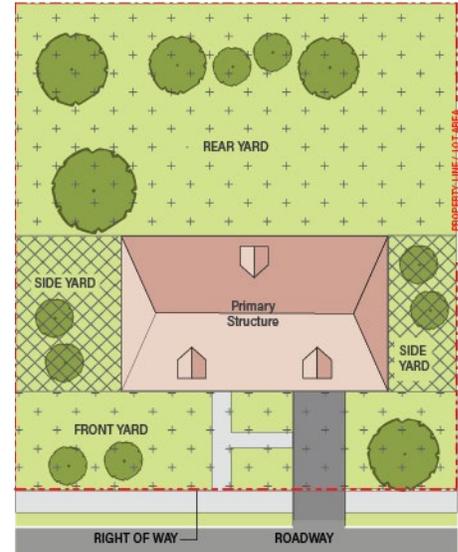
WINERY. See BREWERY/WINERY/DISTILLERY.

YARD. A space on the same parcel as the primary structure that is open, unoccupied, and unobstructed by structures, except as otherwise provided in this ordinance. This area may include more space than the required minimum front, side, or rear yard setback.

YARD, FRONT. A space extending across the full width of the parcel between any structure and the front lot line measured perpendicular to the structure at the closest point to the front lot line.

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

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



Example of Yards

ZONING DISTRICT. A specified zoning district within the jurisdictional area or extended jurisdiction for which uniform regulations governing the use, height, size, and intensity of use of structures and land, and open spaces around structures, are herein established.

ZONING MAP. The map or maps that are a part of the UDO and delineate the boundaries of zoning districts and any amendments thereto of the jurisdictional area of the PC.

JEFFERSON COUNTY UDO AMENDMENTS

* Chapters/Sections are listed as current chapter/section of the UDO document that was in effect at time of amendment. As future amendments are adopted, chapter/section references from previous amendments may not coincide.

Section Reference*	Amendment / Explanation	Amendment Date
Chapter 2.B.1.c: AG Lot Standards	Add * to Minimum lot area: Irregularly Shaped Lots: in the case of an irregularly shaped lot which is unable to meet the 250' lot depth, the depth shall be waived provided that said lot contains enough acreage to meet all setback requirements for dwellings or other structures.	11/16/2023 Ordinance No. 2023-9
Chapter 2.B.2.c: R1 Lot Standards	Changed the minimum front yard setback: 35 feet or 65 <u>25 feet from right-of-way or 55 feet from center of road if right-of-way is not dedicated by written, recorded document.</u>	11/16/2023 Ordinance No. 2023-9
Chapter 2.B.7.c: I1 Permitted Uses and I1 Special Exception Uses	Removed "Wireless Communication Facility" as a I1 permitted use and added "Wireless Communication Facility" as a I1 Special Exception use.	11/16/2023 Ordinance No. 2023-9
Chapter 4.J.7.a.ix Manufactured Home Occupancy, Permanent Occupancy	Removed the standard regulating the age of a manufactured home when it is placed: "The manufactured home is no more than ten (10) years in age when structure is initially placed on the lot."	11/16/2023 Ordinance No. 2023-9
Chapter 9.B: Definitions	Added the following two definitions: "GUN RANGE. See SHOOTING RANGE." "SHOOTING RANGE. Any land, property, premises, place, or facility that is used, designed, intended, or operated on a regular or structured basis for the purpose of the discharge of firearms and/or shooting of archery equipment, whether publicly or privately owned and whether or not operated for profit. "Shooting range" does not include a facility owned or operated by a municipal corporation, county, township police district, or joint police district. "Shooting range" does not include accessory or incidental target practice areas on private property infrequently used by the private property owner."	11/16/2023 Ordinance No. 2023-9

JEFFERSON COUNTY UNIFIED DEVELOPMENT ORDINANCE

Chapter 2: Zoning Districts, Use and Development Standards, Permitted Uses	<p>Amended the following <u>permitted uses</u>:</p> <ul style="list-style-type: none"> • Added Battery Energy Storage System (BESS), Tier 1 in all districts • Added Barrel Warehouse, Non-VOC to I1 and I2 • Removed Wind Energy Conversion System, Large from I1 • Updated Winery, Brewery, Distillery to only include artisan in I1 • Updated Winery, Brewery, Distillery to only include artisan and non-artisan in I2 • Removed Utility Facility, Public and Private from I1 	9/18/2025 Ordinance No. 2025-8
Chapter 2: Zoning Districts, Use and Development Standards, Special Exception Uses	<p>Amended the following <u>special exception uses</u>:</p> <ul style="list-style-type: none"> • Added Utility Facility, Public and Private to AG and I1 • Updated Winery, Brewery, Distillery to only include artisan in AG and NB • Removed Private Utility Facility from R1, R2, R3, NB, GB • Updated CSES to only include less than 10 acres within fenced area in NB and GB • Added Battery Energy Storage System (BESS), Teir 2 to I1 and I2 • Added Winde Energy Conversion System, Large to I1 • Added Winery, Brewery, Distillery (artisan) to I1 • Added Barrel Warehouse, VOC to I2 • Added foot note to I1 and I2 use table for Teir 2 BESS for insurance and setback requirements 	9/18/2025 Ordinance No. 2025-8
Chapter 3.D.2: Agritourism Operational Standards	<ul style="list-style-type: none"> • Updated prohibited uses for “Winery, brewery, or distillery not accessory to an active agricultural use” to include “(use is permitted if accessory to active agricultural use)” • Added Barrel warehouse, VOC as prohibited use 	9/18/2025 Ordinance No. 2025-8
Multiple Chapters/Sections	Updated the term “Primary Solar Energy System” to “Commercial Solar Energy System”	9/18/2025 Ordinance No. 2025-8
Chapter 3.M.4: Commercial Solar Energy Systems (SES)	Amended and added additional use standards for Commercial SES	9/18/2025 Ordinance No. 2025-8
Chapter 3.O: Winery, Brewery, Distillery, and Barrel Warehouse	Added use standards for wineries, breweries, distilleries, and barrel warehouses	9/18/2025 Ordinance No. 2025-8
Chapter 4.C: Accessory Structure Standards for Fences and Walls	Amended the design standards to include agricultural or industrial zoned parcels rather than just for those purposes and uses. Also added “privacy” to the fence type where structural supports must face inward and specified that it does not apply to fences for agricultural purposes.	9/18/2025 Ordinance No. 2025-8
Chapter 7.D6.c.iii: Other Processes, Enforcement	Added a standard that “No building permit, PC approval, and/or BZA approval shall be issued for a parcel if there is an outstanding violation that has been issued on the same parcel (unless the approval remedies the violation).”	9/18/2025 Ordinance No. 2025-8

<p>Chapter 9.B: Definitions</p>	<ul style="list-style-type: none"> • Added definitions for Barrel Warehouse, Barrel Warehouse Non-VOC, Barrel Warehouse Palletized, Barrel Warehouse Rack Supported, and Barrel Warehouse VOC • Added definitions for Battery Energy Storage Systems (BESS), Tier 1 BESS, and Tier 2 BESS • Updated definition for Brewery/Winery/Distillery, Artisan Brewery/Winery/Distillery, and Non-Artisan Brewery/Winery/Distillery, and cross references for Distillery and Winery • Added definition for Drainage Board • Updated definition for Accessory SES and Primary SES. • Removed definitions for Community-Scale SES, Large-Scale SES, and Pollinator-Friendly SES • Added definition for Private Utility Facility and updated definition name for Public Utility 	<p>9/18/2025 Ordinance No. 2025-8</p>
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** Chapters/Sections are listed as current chapter/section of the UDO document that was in effect at time of amendment. As future amendments are adopted, chapter/section references from previous amendments may not coincide.*