

# ELLETTSVILLE, IN

## UNIFIED DEVELOPMENT ORDINANCE

**ADOPTED 9/9/2024**

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# CHAPTER 1: ADMINISTRATION AND GENERAL PROVISIONS

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## 1.1 GENERAL PROVISIONS

- A. **Title.** This ordinance shall be formally known as the “Unified Development Ordinance”, “UDO”, or “Ordinance” for the jurisdiction of the Ellettsville Advisory Plan Commission. It may also be referred to as the “Ordinance.”
- B. **Intent**
1. The intent of the UDO is to promote orderly development while aligning with the vision of the Ellettsville Comprehensive Plan to:
    - a. Accomplish the purposes of IC 36-7-4 Series: Local Planning & 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 Ellettsville Comprehensive Plan and Ellettsville Vision 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, commercial, industrial, and natural areas;
    - g. Encourage compatibility between different land uses and to protect the scale and character of existing development from the encroachment of incompatible uses;
    - h. Facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public facilities; and
    - i. Establish corrective and punitive recourse for violations or noncompliance regarding the provisions of this UDO.
  2. This UDO combines the Town’s Zoning Ordinance and Subdivision Control Ordinance into a single document to reduce redundancies, provide a more predictable development review process, and provide a user-friendly document.
    - a. **Zoning Ordinance Provisions.** The regulations established for the administration of a Zoning Ordinance under IC 36-7-4-600 series are covered specifically in this UDO by Chapters 1, 2, 3, 4, 7, 8, and 9.
    - b. **Subdivision Control Ordinance Provisions.** The regulations established for the administration of a Subdivision Control Ordinance under IC 36-7-4-700 series are covered specifically in this UDO by Chapters 1, 5, 6, 7, 8, and 9.
- C. **Defined Terms.** Specific words and terms relative to this UDO are as defined in Chapter 9.2: Definitions. Words or terms used in this UDO that are not defined shall be as defined by a current dictionary.
- D. **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.
- E. **Interpretation.** The provisions of this Ordinance are the minimum requirements necessary for the protection of the health, safety, comfort, morals, convenience and general welfare of the people at large. The provisions are also designed to establish and maintain reasonable community standards for the physical environment. If two or more provisions within this ordinance are in conflict or are inconsistent with one another, the provision which is most restrictive shall control.
- F. **Minimum Requirements and Conflicts**
1. The provisions of this UDO are the minimum requirements necessary for the protection of the health, safety, comfort, morals, and general welfare of the people at large.
  2. If two or more provisions within this ordinance UDO are in conflict or are inconsistent with one another, or in conflict with other local, state, and federal standards, the provision which is most restrictive shall control.
  3. Graphics, illustrations, and figures are provided for illustrative purposes only and shall not be construed as regulations. Where a conflict may occur between the text and any graphic, illustration, or figure, the text shall control.



4. In some instances, cross-references between chapters, sections, and subsections are provided that include the chapter, section, or subsection number along with the name of the referenced chapter, section, or subsection. Where a conflict may occur between the given cross-reference number and name, the name shall control.
5. A table shall be considered text for the purposes of this code unless specifically identified as a figure.
- G. **Burden of Proof.** The burden of demonstrating that an application, development, structure, use of land, or other element that is subject to this UDO complies with all applicable standards, processes, and regulations is on the applicant and/or property owner. The burden is not on the town or other parties to demonstrate that the standards of this UDO have been met by the applicant and/or property owner.
- H. **Statutory Changes.** If any Indiana Code cited in this UDO has been amended, this UDO shall be deemed amended, in the minimum way necessary, in order to comply with the new or revised Indiana Code.
- I. **Repealer.** All previous ordinances and regulations regarding zoning and subdivision control, including the Subdivision Control Ordinance #03-27 dated 12-22-2003 and all subsequent amendments and Ordinance #03-05 (the Ellettsville Zoning Ordinance) dated 5-27-2003 and all subsequent amendments thereto, within the jurisdiction of the Town of Ellettsville are repealed and replaced by the adoption of this UDO and Official Zoning Map.
- J. **Effective Date.** This ordinance shall be in full force and effect upon adoption.

## 1.2 APPLICABILITY, AUTHORITY, AND JURISDICTION

- A. **Authority.** This UDO is enacted by the Ellettsville Town Council pursuant to the authority granted in IC 36-7-4-600 series and other applicable state and federal statutes, as amended.
- B. **Jurisdiction.** The zoning and subdivision regulations of the UDO shall apply to all land within the jurisdiction of the Ellettsville Advisory Plan Commission.
- C. **Application**
  - 1. 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.
  - 2. This UDO shall not affect valid private covenants whose standards are above and beyond those of this UDO and which are not enforced and/or enforceable by the Plan Commission.
- D. **Other Approvals.** Nothing in this UDO shall eliminate the need for obtaining any other approval or entitlement required by other provisions of the jurisdiction, the State, or Federal Agency.

## 1.3 TRANSITION POLICIES

### A. Pending Applications and Permits

1. **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 Town Council, the Advisory Plan Commission (PC), and the Board of Zoning Appeals (BZA) as well as applications for Improvement Location Permits (ILP) and Building Permits (BP).
2. **Permits Issued.** A permit for an ILP or a BP that was issued prior to the adoption of this UDO shall remain valid for the timeframe and provisions established by the regulations that were in effect at the time of filing. If applicable, a valid permit may be renewed per the provisions established by the regulations that were in effect at the time of filing. Permits that have expired per the provisions established by the regulations that were in effect at the time of filing and need to be resubmitted shall now be subject to the regulations established by this UDO.
3. **Current Construction**
  - a. To avoid undue hardship, nothing in this UDO shall be deemed to require a change in the plans, construction, or designated use of any building or development on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this UDO and upon which actual building construction has been carried on diligently.
  - b. As long as a permit has been issued, where demolition or removal of an existing building has substantially begun prior to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work shall be carried on diligently.
  - c. Actual construction is hereby defined, at a minimum, as having a valid building permit upon the initial passage of this UDO.

### B. Approved Plats/Subdivisions. The following policies for plats shall apply:

1. **Primary Plat**
  - a. Any primary plat that was approved by regulations that were in place prior to the adoption of this UDO shall continue its respective process pursuant to the rules and provisions that were in place at the time of filing provided the approved primary plat has not expired per any previous terms or conditions that were in place and is otherwise still valid under said previous regulations.
  - b. 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 approved within two years after the date of the adoption of this UDO, then said primary plat shall automatically expire two years after the date of the adoption of this UDO.
2. **Secondary Plat**
  - a. Any secondary plat that was approved by regulations that were in place prior to the adoption of this UDO shall continue its respective process pursuant to the rules and provisions that were in place at the time of filing provided the approved secondary plat has not expired per any previous terms or conditions that were in place and is otherwise still valid under said previous regulations.
  - b. **Commitments or Conditions.** Commitments or conditions (whether recorded or not) that were made as part of an approval before the Town Council, PC, or BZA or as part of an BP prior to the adoption of this UDO shall remain in full effect regardless of any resulting changes in regulations that are established by this UDO. Commitments or conditions may be modified pursuant to the applicable process outline in Chapter 1: Administration and General Provisions of this UDO and/or the applicable PC Rules and Procedures or BZA Rules and Procedures.
3. **Property Not Included.** Property that has not been specifically included within a district is hereby declared to be in the Residential (R1), except for property designated as limited-access or interstate highway right-of-way.

## 1.4 UDO ADMINISTRATION: ADMINISTRATOR

- A. **Administration.** The Administrator shall have the primary responsibility of administering the UDO within the jurisdiction.
- B. **Administrator Duties.** The Administrator shall be appointed by the Town Council. The Administrator shall have the following duties:
  - 1. 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;
  - 2. Issue BPs and certificates of occupancy;
  - 3. Maintain a permanent file of all permits and applications as public records; and
  - 4. All other duties as outlined in the Administrator's job description.
- C. **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 administrative decision can be appealed to the BZA per Chapter 7.2: Appeal of Administrative Decision.

## 1.5 UDO ADMINISTRATION: ADVISORY PLAN COMMISSION

- A. **PC Establishment and Membership.** The PC shall be established in accordance with IC 36-7-4-200 series. Because the town has a parks board but does not have a town civil engineer or their designee, the PC shall have membership in accordance with IC 36-7-4-207(b).
- B. **PC Jurisdiction.** The PC shall have jurisdiction over all land covered by the jurisdiction of this UDO.
- C. **PC Organization.** The PC shall be organized in accordance with IC 36-7-4-300 Series.
  - 1. **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.  
**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.
  - 2. **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.
  - 3. **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 PC.
- D. **PC Meeting and Minutes**
  - 1. **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.
  - 2. **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 members of the PC upon written request to the Administrator.
- E. **Employees**
  - 1. 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 Town Council.
  - 2. 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.
  - 1. **Executive Committee**
    - a. Per IC 36-7-4-408, the PC may establish an executive committee of not less than three to nine persons appointed by the PC from its membership.
    - b. The establishment of the executive committee, the naming of its individual members, and the adoption of rules governing its operation requires a two-thirds majority vote of the entire membership of the PC.
    - c. A majority of the executive committee may act on behalf of the PC, but if there are any dissenting votes, a person voting in the minority may appeal the decision of the executive committee to the PC.
  - 2. **Fees.** Per IC 36-7-4-411, the PC may establish a fee schedule to cover the administrative costs associated with PC and BZA petitions, issuing permits, and other permitted actions.
  - 3. **Rules and Procedures.** The PC shall adopt rules for its administration.
  - 4. **Comprehensive Plan.** The PC shall approve and make amendments to the Ellettsville Comprehensive Plan for the consideration by the Town Council in accordance with IC 36-7-4-500 series.
  - 5. **Development Plans.** The PC shall make decisions regarding development plans or delegate this authority to the Administrator in accordance with Chapter 7.3: Development Plan and IC 36-7-4-1400 series.
  - 6. **Planned Unit Developments (PUD).** The PC shall make recommendations to the Town Council concerning the adoption of and amendments to a PUD in accordance with Chapter 7.6: Zone Map Change and PUD District Procedures and IC 36-7-4-1500 series.
  - 7. **Streets and Addresses.** The president of the Town Council shall name or rename streets and assign or reassign street numbers to lots and structures, however, this responsibility may be delegated to the PC, or their designee, by ordinance.

8. **Subdivisions.** The PC shall make decisions regarding plats, replats, and amendments to plats in accordance with Chapter 1: Administration and General Provisions, the PC Rules and Procedures, and IC 36-7-4-700 series, including:
  - a. Primary Plat as described in IC 36-7-4-702; and
  - b. Secondary Plat as described in IC 36-7-4-709. The PC may delegate the authority to approve secondary plats to the Administrator.
9. **Zone Map Changes.** The PC shall make recommendations to the Town Council concerning changes to the zoning map in accordance with Chapter 7.6: Zone Map Change and PUD District Procedures 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.
  1. **Technical Review Committee (TRC).** The TRC may assist in the review of applications by providing expert advice with regard to technical specifications, adequate capacity, public safety, and/or other specifications.
    - a. **Membership.** The TRC may include, but are not limited to, Administrator, Parks Department, Streets Department, Stormwater Department, Fire District(s), Water Utility(ies), Sewer Utility(ies), as appropriate.
    - b. **Duties.** The TRC may be used on an as needed basis and have the following powers and duties to provide review and comment on:
      - 1) Primary and secondary subdivisions;
      - 2) Zoning map amendments (rezoning) and PUD districts;
      - 3) Development plans; and
      - 4) Variances, variances of use, and special exceptions.

## 1.6 UDO ADMINISTRATION: BOARD OF ZONING APPEALS

- 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.
  - 1. **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.
  - 2. **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.
  - 3. **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.
  - 4. **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 BZA.
  - 5. **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.
    - a. **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.
    - b. **Special Meetings.** A special meeting of the BZA may be called by the chairman or by two 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.
  - 1. **Rules and Procedures.** The BZA shall adopt rules for its administration in accordance with IC 36-7-4-916.
  - 2. **Appeals.** The BZA shall make decisions regarding appeals in accordance with Chapter 7.2: Appeal of Administrative Decision and IC 36-7-4-918.1.
  - 3. **Special Exception.** The BZA shall make decision regarding special exceptions in accordance with Chapter 7.7: Special Exception and Variance Procedures and IC 36-7-4-918.2.
  - 4. **Variance from Development Standards.** The BZA shall make decisions regarding variances in accordance with Chapter 7.7: Special Exception and Variance Procedures and IC 36-7-4-918.5.
  - 5. **Variance of Use.** The BZA shall make decisions regarding variances of use in accordance with Chapter 7.7: Special Exception and Variance Procedures and IC 36-7-4-918.4.

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## CHAPTER 2: ZONING DISTRICTS

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## 2.1 GENERAL PROVISIONS

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

LAND USE CATEGORY	NAME OF DISTRICT	ABBREVIATION
Agricultural	Agriculture	AG
Residential	Low Density Residential	R1
	Medium Density Residential	R2
	High Density Residential	R3
Commercial	Downtown	D1
	Neighborhood Commercial	C1
	General Commercial	C2
Industrial	Light Industrial	I1
	Heavy Industrial	I2
Planned Unit Development	Planned Unit Development	PUD

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

NAME OF OVERLAY DISTRICT	ABBREVIATION
Floodplain Overlay	FPOD

- C. **Official Zoning Map.** The Official Zoning Map is a geographic coverage layer that is maintained as part of Ellettsville 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 7.2: Appeal of Administrative Decision.
  - 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.
- D. **Land Uses**
- Land Uses Listed in UDO.** The respective section for each zoning district and overlay district identifies the common land uses that are “permitted” by right or allowed by “special exception.” Any land use not listed for a particular zoning district shall be prohibited unless the unlisted use is deemed similar to a listed use (see Chapter 2.1D.2: Land Uses Not Listed in UDO) or a Use Variance is approved by the BZA.
  - Land Uses Not Listed in UDO**
    - Decisions for Unlisted Land Uses
      - Unlisted Use is Similar to a Listed Use. If the Administrator determines that the unlisted land use is determined to be similar to a land use listed in the UDO based on Chapter 2.1.D.2.b: 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 criteria; the Administrator shall classify it as such and 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 unlisted land use is not similar to a listed land use based on 2.1.D.2.b: 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 criteria: the unlisted 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 an unlisted land use, the Administrator may forward land use classification to the BZA for a final decision based on 2.1.D.2.b: 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 criteria:
- b. **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 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?
- E. **Development Standards.** The measurement and definition of development standards, such as setback measurement, lot width measurement, corner lot, etc., can be found in Chapter 9.2: Definitions.
- F. **General Standards.** The following general standards apply to all parcels within the Town of Ellettsville unless otherwise noted:
1. All subdivisions require subdivision approval unless exempt (See Chapter 5.2: Exempt Subdivisions).
  2. All new primary structures require development plan approval except single-family dwellings and two-family dwellings. Single-family dwellings and two-family dwellings require an engineered drawing (plot plan/site plan) to be approved and any other required documents be submitted prior to issuance of a building permit.
  3. All development may be subject to the requirements of the Ellettsville Stormwater Standards in Chapter 53 and Chapter 152.160-152.177: Stormwater Control.
  4. Only one primary use is permitted on a single parcel in the AG, R1, R2, and R3 districts unless otherwise stated.
  5. More than one primary use is permitted on a single parcel in the D1, C1, C2, I1, I2, and PUD districts unless otherwise stated.
  6. **Lot Conformance.** Every primary structure hereafter erected, except agricultural structures not used for human habitation, shall be located on an individual lot which fronts on a street or private driveway. No building or structure shall hereafter be erected or located on a lot unless such lot conforms with the lot area regulations of the district in which it is located or in accordance with Chapter 8: Non-Conforming Lots, Structures, and Uses.
- G. **Additional Use and Site Standards**
1. Additional site development standards may apply (See Chapter 4: Site Development and Structure Standards).
  2. Additional standards for specific uses may apply (See Chapter 3: Standards for Specific Uses).

- H. **Dedication of Right-of-Way.** The width of all rights-of-way shall comply with the minimum standards outlined in this UDO. If a right-of-way width is less than the minimum required, additional right-of-way shall be dedicated and conveyed to the Town of Ellettsville as required to meet the minimum standards prior to the issuance of a Building Permit (BP) for a new primary structure, even if there is no subdivision of land.

## 2.2 AGRICULTURAL DISTRICT (AG)

- A. **AG Intent.** The intent of the Agricultural (AG) district is to establish areas for agricultural operations and very low-density single-family residential developments. The Agricultural district also allows low-intensity agricultural uses as a primary use or accessory to the primary residential use.
- B. **AG Development Standards and Uses**

AG STRUCTURE AND LOT STANDARDS			
		Single-Family Residential	All Other Uses
<b>Maximum structure height<sup>1</sup></b>	Primary structure	35 feet	50 feet
	Accessory structure	40 feet	50 feet
<b>Minimum structure width</b>		20 feet	N/A
<b>Minimum living area</b>		950 sq ft with at least 650 sq ft on ground floor	N/A
<b>Minimum lot width</b>		150 feet	150 feet
<b>Minimum lot area</b>		2 acres (87,120 sq ft)	2 acres (87,120 sq ft)
<b>Minimum front yard setback</b>		25 feet	25 feet
<b>Minimum side yard setback</b>	Primary structure	10 feet	10 feet
	Accessory structure	5 feet	10 feet
<b>Minimum rear yard setback</b>	Primary structure	20 feet	20 feet
	Accessory structure	10 feet	10 feet
<b>Maximum impervious surface coverage</b>		35%	35%
AG UTILITY STANDARDS			
<b>Municipal water and sewer required</b>		YES	YES

*1 - Accessory Dwelling Units shall not exceed 20 feet or the height of the primary structure, whichever is less.*

AG PERMITTED USES		
Use Type	Uses without Additional Standards	Uses with Additional Standards
Accessory	<ul style="list-style-type: none"> <li>Subdivision Clubhouse</li> <li>Produce Stand</li> <li>Kennel, Personal</li> </ul>	<ul style="list-style-type: none"> <li>Accessory Dwelling Unit</li> <li>Home Occupation</li> <li>Solar Energy System (SES), Accessory</li> <li>Wind Energy System (WECS), Mini, Small</li> </ul>
Agricultural	<ul style="list-style-type: none"> <li>Agricultural Product Processing</li> <li>Agricultural Support Services</li> <li>Farmer's Market</li> </ul>	<ul style="list-style-type: none"> <li>Livestock, Production</li> <li>Row, Field, Tree, and Nursery Crop Cultivation</li> <li>Wildlife and Nature Preserve</li> </ul>
Commercial	<ul style="list-style-type: none"> <li>Golf Course and Driving Range</li> </ul>	<ul style="list-style-type: none"> <li>Funeral Home and Mortuary</li> <li>Veterinarian Services</li> </ul>
Institutional	<ul style="list-style-type: none"> <li>Cultural Institution</li> <li>Emergency Response Facility</li> <li>Governmental Offices</li> </ul>	<ul style="list-style-type: none"> <li>Park (excluding Amusement Park)</li> <li>Place of Worship</li> </ul>
Residential	<ul style="list-style-type: none"> <li>Dwelling, Single-Family Detached</li> </ul>	<ul style="list-style-type: none"> <li>Farmstead</li> </ul>
AG SPECIAL EXCEPTION USES		
Use Type	Uses without Additional Standards	Uses with Additional Standards
Accessory	<ul style="list-style-type: none"> <li>In-Home Childcare (Childcare Home)</li> </ul>	<ul style="list-style-type: none"> <li>Farmer's Market</li> </ul>
Agricultural	<ul style="list-style-type: none"> <li>Agritourism</li> <li>Concentrated Animal Feeding Operation (CAFO) and Confined Feeding Operation (CFO)</li> <li>Equestrian Facility</li> </ul>	<ul style="list-style-type: none"> <li>Livestock, Wholesale Trade</li> <li>Meat Processing</li> <li>Mineral Extraction and Processing</li> <li>Timber Processing</li> </ul>
Commercial	<ul style="list-style-type: none"> <li>Auditorium and Indoor Assembly</li> <li>Bed and Breakfast</li> <li>Day Care Facility</li> <li>Chemical Supply Sales</li> <li>Kennel, Commercial</li> <li>Medical Offices/Outpatient Services (no dispensing of medicine)</li> </ul>	<ul style="list-style-type: none"> <li>Recreational Facility</li> <li>Shooting Range and Gun Club, Indoor<sup>1</sup></li> <li>Shooting Range and Gun Club, Outdoor<sup>2</sup></li> </ul>
Institutional	<ul style="list-style-type: none"> <li>Airport and Heliport</li> <li>Cemetery, Columbaria, and Mausoleum</li> <li>Crematory</li> <li>Hospital</li> </ul>	<ul style="list-style-type: none"> <li>Penal and Correction Facility</li> <li>School and Preschool</li> <li>Utility Facility</li> <li>Waste Transfer Facility</li> </ul>
Residential	<ul style="list-style-type: none"> <li>Group Home</li> </ul>	<ul style="list-style-type: none"> <li>Wireless Communication Facility</li> </ul>

1 - Must have a minimum setback of 2,000 feet from a habitable building, park, or playground (measured from the closest point of the property lines of each use)

2 - Lot area must be a minimum of 20 acres

## 2.3 LOW DENSITY RESIDENTIAL DISTRICT (R1)

- A. **R1 Intent.** The intent of the Low Density Residential (R1) district is to establish areas for low density, single-family residential development served by public utilities. This zoning district should strive to protect from conflicting land uses, such as industrial and large-scale commercial uses.
- B. **R1 Development Standards and Uses**

R1 STRUCTURE AND LOT STANDARDS			
		Single-Family Residential	All Other Uses
<b>Maximum structure height</b>	Primary structure	35 feet	35 feet
	Accessory structure	20 feet <sup>1</sup>	20 feet <sup>1</sup>
<b>Minimum Structure Width</b>		20 feet	N/A
<b>Minimum living area</b>		950 sq ft with at least 650 sq ft on the ground floor <sup>2</sup>	N/A
<b>Minimum lot width</b>		60 feet	80 feet
<b>Minimum lot area</b>		8,000 sq ft	10,000 sq ft
<b>Minimum front yard setback</b>		25 feet	25 feet
<b>Minimum side yard setback</b>	Primary structure	10 feet	15 feet
	Accessory structure	5 feet	10 feet
<b>Minimum rear yard setback</b>	Primary structure	20 feet	20 feet
	Accessory structure	10 feet	15 feet
<b>Maximum impervious surface coverage</b>		40%	40%
R1 UTILITY STANDARDS			
<b>Municipal water and sewer required</b>		YES	YES

<sup>1</sup> - All accessory structures cannot exceed the height of the primary structure

<sup>2</sup> - The total square footage of all accessory structures, excluding fences, cannot exceed the ground floor area of the primary structure

R1 PERMITTED USES		
Use Type	Uses without Additional Standards	Uses with Additional Standards
Accessory	<ul style="list-style-type: none"> <li>Subdivision Clubhouse</li> </ul>	<ul style="list-style-type: none"> <li>Accessory Dwelling Unit</li> <li>Home Occupation</li> <li>Solar Energy System, Accessory</li> <li>Wind Energy System, Small and Mini</li> </ul>
Institutional	<ul style="list-style-type: none"> <li>Cultural Institution</li> <li>Emergency Response Facility</li> <li>Governmental Office</li> </ul>	<ul style="list-style-type: none"> <li>Place of Worship</li> <li>Park (excluding Amusement Park)</li> <li>School and Preschool</li> </ul>
Residential	<ul style="list-style-type: none"> <li>Dwelling, Single-Family Detached</li> </ul>	
R1 SPECIAL EXCEPTION USES		
Use Type	Uses without Additional Standards	Uses with Additional Standards
Accessory	<ul style="list-style-type: none"> <li>In-Home Childcare (Childcare Home)</li> </ul>	<ul style="list-style-type: none"> <li>Home-Based Business</li> </ul>
Commercial	<ul style="list-style-type: none"> <li>Day Care Facility</li> <li>Farmer's Market</li> </ul>	<ul style="list-style-type: none"> <li>Golf Course and Driving Range</li> <li>Short-Term Rental</li> </ul>
Institutional	<ul style="list-style-type: none"> <li>Auditorium and Indoor Assembly</li> <li>Cemetery, Columbaria, And Mausoleum</li> </ul>	<ul style="list-style-type: none"> <li>Utility Facility</li> <li>Wireless Communication Facility</li> </ul>



## 2.4 MEDIUM DENSITY RESIDENTIAL DISTRICT (R2)

- A. **R2 Intent.** The intent of the Medium Density Residential (R2) district is to establish areas for single-family and two-family dwellings. This zoning district should strive to protect from conflicting land uses such as industrial and large-scale commercial uses.
- B. **R2 Development Standards and Uses**

R2 STRUCTURE AND LOT STANDARDS			
		Single-Family and Two-Family Residential	All Other Uses
<b>Maximum structure height</b>	Primary structure	35 feet	35 feet
	Accessory structure	20 feet <sup>1</sup>	20 feet <sup>1</sup>
<b>Minimum Structure Width</b>		20 feet per dwelling unit	N/A
<b>Maximum Structure Width</b>		N/A or 150 feet for Single-Family Attached	N/A
<b>Minimum living area</b>		950 sq ft with at least 650 sq ft on the ground floor <sup>2</sup>	N/A
<b>Minimum lot width</b>		50 feet or 25 feet for Single-Family Attached	75 feet
<b>Minimum lot area</b>		6,000 sq ft or 2,500 sq ft for Single-Family Attached	10,000 sq ft
<b>Minimum front yard setback</b>		25 feet	25 feet
<b>Minimum side yard setback</b>	Primary structure	7 feet or 0 ft for Single-Family Attached	15 feet
	Accessory structure	5 feet	10 feet
<b>Minimum rear yard setback</b>	Primary structure	15 feet	25 feet
	Accessory structure	5 feet	15 feet
<b>Maximum impervious surface coverage</b>		50%	50%
R2 UTILITY STANDARDS			
<b>Municipal water and sewer required</b>		YES	YES

<sup>1</sup> - All accessory structures cannot exceed the height of the primary structure

<sup>2</sup> - The total square footage of all accessory structures, excluding fences, cannot exceed the ground floor area of the primary structure

R2 PERMITTED USES		
Use Type	Uses without Additional Standards	Uses with Additional Standards
Accessory	<ul style="list-style-type: none"> <li>Subdivision Clubhouse</li> </ul>	<ul style="list-style-type: none"> <li>Accessory Dwelling Unit</li> <li>Home Occupation</li> <li>Solar Energy System, Accessory</li> <li>Wind Energy System, Small and Mini</li> </ul>
Institutional	<ul style="list-style-type: none"> <li>Cultural Institution</li> <li>Emergency Response Facility</li> <li>Governmental Office</li> </ul>	<ul style="list-style-type: none"> <li>Place of Worship</li> <li>Park (excluding Amusement Park)</li> <li>School and Preschool</li> </ul>
Residential	<ul style="list-style-type: none"> <li>Dwelling, Single-Family Detached</li> </ul>	<ul style="list-style-type: none"> <li>Dwelling, Two-Family</li> </ul>
R2 SPECIAL EXCEPTION USES		
Use Type	Uses without Additional Standards	Uses with Additional Standards
Accessory	<ul style="list-style-type: none"> <li>In-Home Childcare (Child Care Home)</li> </ul>	<ul style="list-style-type: none"> <li>Home-Based Business</li> </ul>
Commercial	<ul style="list-style-type: none"> <li>Day Care Facility</li> <li>Farmer's Market</li> </ul>	<ul style="list-style-type: none"> <li>Golf Course and Driving Range</li> <li>Short-Term Rental</li> </ul>
Institutional	<ul style="list-style-type: none"> <li>Auditorium and Indoor Assembly</li> <li>Cemetery, Columbaria, And Mausoleum</li> </ul>	<ul style="list-style-type: none"> <li>Utility Facility</li> <li>Wireless Communication Facility</li> </ul>
Residential	<ul style="list-style-type: none"> <li>Dwelling, Single-Family Attached</li> </ul>	<ul style="list-style-type: none"> <li>Manufactured Home Park</li> </ul>

## 2.5 HIGH DENSITY RESIDENTIAL DISTRICT (R3)

- A. **R3 Intent.** The intent of the High Density Residential (R3) district is to establish areas for the highest density residential developments with a variety of housing options.
- B. **R3 Development Standards and Uses**

R3 STRUCTURE AND LOT STANDARDS					
		Single- and Two-Family Residential	Multi-Family Residential	All Other Uses	
<b>Maximum structure height</b>	Primary structure	35 feet	35 feet	35 feet	
	Accessory structure	20 feet <sup>1</sup>	20 feet <sup>1</sup>	20 feet <sup>1</sup>	
<b>Minimum Structure Width</b>		20 feet	N/A	N/A	
<b>Maximum Structure Width</b>		N/A or 150 feet for Single-Family Attached	N/A	N/A	
<b>Minimum living area (per unit)</b>		950 sq ft with at least 650 sq ft on the ground floor <sup>2</sup>	Single-story: 650 sq ft Multi-story: 600 sq ft	N/A	
<b>Minimum lot width</b>		50 feet or 25 feet for Single-Family Attached	75 feet	75 feet	
<b>Minimum lot area</b>		5,000 sq ft or 2,000 sq ft for Single-Family Attached	1,000 sq ft per unit	7,500 sq ft	
<b>Minimum front yard setback</b>		20 feet	25 feet	25 feet	
<b>Minimum side yard setback</b>	Primary structure	5 feet	15 feet	15 feet	
	Accessory structure	5 feet	10 feet	10 feet	
<b>Minimum rear yard setback</b>	Primary structure	15 feet	25 feet	25 feet	
	Accessory structure	5 feet	20 feet	20 feet	
<b>Maximum impervious surface coverage</b>		65%	65%	65%	
R3 UTILITY STANDARDS					
<b>Municipal water and sewer required</b>		YES	YES	YES	

<sup>1</sup> - All accessory structures cannot exceed the height of the primary structure

<sup>2</sup> - The total square footage of all accessory structures, excluding fences, cannot exceed 75% of the ground floor area of the primary structure

R3 PERMITTED USES		
Use Type	Uses without Additional Standards	Uses with Additional Standards
Accessory	<ul style="list-style-type: none"> <li>Subdivision Clubhouse</li> </ul>	<ul style="list-style-type: none"> <li>Accessory Dwelling Unit</li> <li>Home Occupation</li> <li>Solar Energy System, Accessory</li> <li>Wind Energy System, Small and Mini</li> </ul>
Institutional	<ul style="list-style-type: none"> <li>Cultural Institution</li> <li>Emergency Response Facility</li> <li>Governmental Office</li> </ul>	<ul style="list-style-type: none"> <li>Park, Public (excluding Amusement Park)</li> <li>Place of Worship</li> <li>School and Preschool</li> </ul>
Residential	<ul style="list-style-type: none"> <li>Dwelling, Multi-Family</li> <li>Dwelling, Single-Family Attached</li> </ul>	<ul style="list-style-type: none"> <li>Dwelling, Single-Family Detached</li> <li>Dwelling, Two-Family</li> </ul>
R3 SPECIAL EXCEPTION USES		
Use Type	Uses without Additional Standards	Uses with Additional Standards
Accessory	<ul style="list-style-type: none"> <li>In-Home Childcare (Child Care Home)</li> </ul>	<ul style="list-style-type: none"> <li>Home-Based Business</li> </ul>
Commercial	<ul style="list-style-type: none"> <li>Day Care Facility</li> <li>Farmer's Market</li> </ul>	<ul style="list-style-type: none"> <li>Short-Term Rental</li> </ul>
Institutional	<ul style="list-style-type: none"> <li>Auditorium and Indoor Assembly</li> <li>Cemetery, Columbaria, And Mausoleum</li> </ul>	<ul style="list-style-type: none"> <li>Wireless Communication Facility</li> </ul>
Residential		<ul style="list-style-type: none"> <li>Manufactured Home Park</li> </ul>

## 2.6 DOWNTOWN DISTRICT (D1)

- A. **D1 Intent.** The intent of the Downtown District (D1) is to enhance and protect the character of the existing downtown area and to guide new development and redevelopment activities that are compatible with the existing character. A mix of uses is encouraged in this area with a focus on maximizing lot coverage and maintaining a street wall that complements a downtown development pattern of Ellettsville.
- B. **D1 Development Standards and Uses**

D1 STRUCTURE AND LOT STANDARDS	
	All Uses
<b>Maximum structure height<sup>1</sup></b>	No more than 10% taller than the tallest existing primary structure within the district
<b>Minimum living area (per unit)</b>	450 sq ft
<b>Minimum lot width</b>	N/A
<b>Minimum lot area</b>	N/A
<b>Minimum front yard setback</b>	Match front yard setback of primary structure adjacent to parcel, but a maximum of 5 feet
<b>Minimum side yard setback</b>	0 feet
<b>Maximum side yard setback</b>	5 feet
<b>Minimum rear yard setback</b>	0 feet
<b>Maximum rear yard setback</b>	5 feet
<b>Maximum impervious surface coverage</b>	100%
D1 UTILITY STANDARDS	
<b>Municipal water and sewer required</b>	YES

*1 – All accessory structures cannot exceed the height of the primary structure*

D1 PERMITTED USES		
Use Type	Uses without Additional Standards	Uses with Additional Standards
Accessory		<ul style="list-style-type: none"> <li>Solar Energy System, Accessory</li> </ul>
Commercial	<ul style="list-style-type: none"> <li>Bar, Tavern, and Club</li> <li>Day Care Facility</li> <li>Farmer’s Market</li> <li>General Retail (excluding Automotive, Boat, Equipment, Motorcycle, and RV Sales; excluding Gas Stations)</li> <li>Professional Services and Business Offices</li> </ul>	<ul style="list-style-type: none"> <li>Service-Oriented Retail, (excluding Drive-In Theater; excluding Automotive, Boat, Equipment, and RV Service or Repair; and excluding Wholesale)</li> <li>Veterinarian Services</li> <li>Winery, Brewery, or Distillery</li> <li>Bed And Breakfast</li> <li>Short Term Rental</li> </ul>
Institutional	<ul style="list-style-type: none"> <li>Cultural Institution</li> <li>Emergency Response Facility</li> <li>Governmental Office</li> </ul>	<ul style="list-style-type: none"> <li>Park, Public (excluding Amusement Park)</li> <li>Place of Worship</li> <li>School and Preschool</li> </ul>
Residential	<ul style="list-style-type: none"> <li>Dwelling (upper floors only)</li> </ul>	
D1 SPECIAL EXCEPTION USES		
Use Type	Uses without Additional Standards	Uses with Additional Standards
Commercial	<ul style="list-style-type: none"> <li>Hotel and Motel</li> <li>Medical Offices/Outpatient Services (no dispensing of medicine)</li> </ul>	<ul style="list-style-type: none"> <li>Parking Garage or Lot (as a primary use)</li> <li>Recreational Facility</li> </ul>
Institutional	<ul style="list-style-type: none"> <li>Auditorium and Indoor Assembly</li> </ul>	<ul style="list-style-type: none"> <li>Utility Facility</li> <li>Wireless Communication Facility</li> </ul>
Residential	<ul style="list-style-type: none"> <li>Group Home</li> </ul>	

## 2.7 NEIGHBORHOOD COMMERCIAL DISTRICT (C1)

- A. **C1 Intent.** The intent of the Neighborhood Commercial (C1) district is to allow a range of small-scale retail goods and services businesses for the regular or daily convenience of adjacent residential neighborhoods.
- B. **C1 Development Standards and Uses**

C1 STRUCTURE AND LOT STANDARDS		
		All Uses
<b>Maximum structure height</b>	Primary structure	35 feet
	Accessory structure	20 feet <sup>1</sup>
<b>Minimum living area (per unit)</b>		600 sq ft
<b>Maximum ground floor area (per structure)<sup>2</sup></b>		15,000 sq ft per building
<b>Minimum lot width</b>		50 feet
<b>Minimum lot area</b>		2,500 sq ft
<b>Minimum front yard setback</b>		20 feet
<b>Minimum side yard setback</b>	Primary structure	10 feet
	Accessory structure	10 feet
<b>Minimum rear yard setback</b>	Primary structure	15 feet
	Accessory structure	10 feet
<b>Maximum impervious surface coverage</b>		70%
C1 UTILITY STANDARDS		
<b>Municipal water and sewer required</b>		YES

<sup>1</sup> - All accessory structures cannot exceed the height of the primary structure

<sup>2</sup> - The total square footage of all accessory structures, excluding fences, cannot exceed 75% of the ground floor square footage of the primary structure

C1 PERMITTED USES			
Use Type	Uses without Additional Standards		Uses with Additional Standards
Accessory			<ul style="list-style-type: none"> <li>Solar Energy System, Accessory</li> <li>Wind Energy System, Small and Mini</li> </ul>
Commercial	<ul style="list-style-type: none"> <li>Bar, Tavern, and Club</li> <li>Day Care Facility</li> <li>Farmer’s Market</li> <li>Funeral Home and Mortuary</li> <li>General Retail (excluding Automotive, Boat, Equipment, Motorcycle, and RV Sales; excluding Gas Stations)</li> <li>Medical Offices/Outpatient Services (no dispensing of medicine)</li> </ul>	<ul style="list-style-type: none"> <li>Professional Services and Business Offices</li> <li>Service-Oriented Retail, (excluding Drive-In Theater; excluding Automotive, Boat, Equipment, and RV Service or Repair; and excluding Wholesale)</li> <li>Veterinarian Services</li> <li>Winery, Brewery, or Distillery</li> </ul>	<ul style="list-style-type: none"> <li>Bed And Breakfast</li> </ul>
Institutional	<ul style="list-style-type: none"> <li>Cultural Institution</li> <li>Emergency Response Facility</li> <li>Governmental Office</li> </ul>	<ul style="list-style-type: none"> <li>Park, Public (excluding Amusement Park)</li> <li>Place of Worship</li> <li>School and Preschool</li> </ul>	
Residential	<ul style="list-style-type: none"> <li>Dwelling, Multi-Family</li> </ul>		
C1 SPECIAL EXCEPTION USES			
Use Type	Uses without Additional Standards		Uses with Additional Standards
Commercial	<ul style="list-style-type: none"> <li>Golf Course and Driving Range</li> <li>Hotel and Motel</li> <li>Kennel, Commercial</li> </ul>	<ul style="list-style-type: none"> <li>Parking Garage or Lot (as a primary use)</li> <li>Recreational Facility</li> </ul>	<ul style="list-style-type: none"> <li>Short-Term Rental</li> </ul>
Institutional	<ul style="list-style-type: none"> <li>Auditorium and Indoor Assembly</li> <li>Cemetery, Columbaria, and Mausoleum</li> </ul>	<ul style="list-style-type: none"> <li>Utility Facility</li> </ul>	<ul style="list-style-type: none"> <li>Wireless Communication Facility</li> </ul>
Residential	<ul style="list-style-type: none"> <li>Dwelling, Single-Family Detached</li> <li>Dwelling, Single-Family Attached</li> </ul>	<ul style="list-style-type: none"> <li>Dwelling, Two-Family</li> <li>Group Home</li> </ul>	



## 2.8 GENERAL COMMERCIAL DISTRICT (C2)

- A. **C2 Intent.** The intent of the General Commercial (C2) district is to provide for the development of businesses and commercial areas along local roadways and collectors that accommodate a wide range of commercial and service centers. Development should be located in areas that are accessible to the general community through an adequate road network.
- B. **C2 Development Standards and Uses**

C2 STRUCTURE AND LOT STANDARDS		
		All Uses
<b>Maximum structure height</b>	Primary structure	45 feet
	Accessory structure	20 feet
<b>Minimum living area (per unit)</b>		600 sq ft Non-Residential: N/A
<b>Minimum lot width</b>		75 feet
<b>Minimum lot area</b>		Multi-Family: 15,000 sq ft Non-Residential: 2,500 sq ft
<b>Minimum front yard setback</b>		25 feet
<b>Minimum side yard setback</b>	Primary structure	15 feet
	Accessory structure	10 feet
<b>Minimum rear yard setback</b>	Primary structure	20 feet
	Accessory structure	15 feet
<b>Maximum impervious surface coverage</b>		70%
C2 UTILITY STANDARDS		
<b>Municipal water and sewer required</b>		YES

**C2 PERMITTED USES**

Use Type	Uses without Additional Standards	Uses with Additional Standards
Accessory		<ul style="list-style-type: none"> <li>Solar Energy System, Accessory</li> <li>Wind Energy System, Small and Mini</li> </ul>
Commercial	<ul style="list-style-type: none"> <li>Brewery, Winery, and Distillery</li> <li>Bar, Tavern, and Club</li> <li>Day Care Facility</li> <li>Farmer’s Market</li> <li>Funeral Home and Mortuary</li> <li>General Retail<sup>1</sup></li> <li>Golf Course and Driving Range</li> <li>Hospital</li> </ul>	<ul style="list-style-type: none"> <li>Medical Offices/Outpatient Services (no dispensing of medicine)</li> <li>Nursing Home</li> <li>Professional Services and Business Offices</li> <li>Recreational Facility</li> <li>Service-Oriented Retail<sup>1</sup> (excluding Drive-In Theater)</li> <li>Veterinarian Services</li> </ul>
Institutional	<ul style="list-style-type: none"> <li>Cultural Institution</li> <li>Emergency Response Facility</li> </ul>	<ul style="list-style-type: none"> <li>Governmental Office</li> <li>Park</li> <li>Place of Worship</li> <li>School and Preschool</li> </ul>

**C2 SPECIAL EXCEPTION USES**

Use Type	Uses without Additional Standards	Uses with Additional Standards
Commercial	<ul style="list-style-type: none"> <li>Amusement Park</li> <li>Drive-In Theater</li> <li>Hotel and Motel</li> <li>Kennel, Commercial</li> </ul>	<ul style="list-style-type: none"> <li>Parking Garage or Lot (as a primary use)</li> <li>Outdoor Stadium, Racetrack, Arena</li> </ul>
Institutional	<ul style="list-style-type: none"> <li>Auditorium and Indoor Assembly</li> <li>Cemetery, Columbaria, and Mausoleum</li> </ul>	<ul style="list-style-type: none"> <li>Utility Facility</li> <li>Wireless Communication Facility</li> </ul>
Residential	<ul style="list-style-type: none"> <li>Dwelling, Multi-Family</li> </ul>	

<sup>1</sup> - Primary access for automotive, boat, equipment, and RV sales, repair, service, and/or washing as well as gas stations must be from an INDOT designated truck route

## 2.9 LIGHT INDUSTRIAL DISTRICT (I1)

- A. **I1 Intent.** The intent of the Light Industrial (I1) district is to provide for low-intensity, light, and medium intensity industrial activities that are not visible from a public street and are compatible with surrounding zoning districts.
- B. **I1 Development Standards and Uses**

I1 STRUCTURE AND LOT STANDARDS		
		All Uses
<b>Maximum structure height</b>	Primary structure	45 feet
	Accessory structure	40 feet
<b>Minimum lot width</b>		100 feet
<b>Minimum lot area</b>		10,000 sq ft
<b>Minimum front yard setback</b>		25 feet
<b>Minimum side yard setback</b>	Primary structure	20 feet
	Accessory structure	20 feet
<b>Minimum rear yard setback</b>	Primary structure	40 feet
	Accessory structure	15 feet
<b>Maximum impervious surface coverage</b>		70%
I1 UTILITY STANDARDS		
<b>Municipal water and sewer required</b>		YES

I1 PERMITTED USES		
Use Type	Uses without Additional Standards	Uses with Additional Standards
Accessory		<ul style="list-style-type: none"> <li>Solar Energy System, Accessory</li> <li>Wind Energy System, Small and Mini</li> </ul>
Commercial	<ul style="list-style-type: none"> <li>Bar, Tavern, and Club</li> <li>Brewery, Winery, and Distillery</li> <li>Day Care Facility</li> <li>General Retail<sup>1</sup></li> <li>Kennel, Commercial</li> </ul>	<ul style="list-style-type: none"> <li>Professional Services and Business Offices</li> <li>Recreational Facility</li> <li>Service-Oriented Retail<sup>1</sup></li> <li>Veterinarian Services</li> </ul>
Industrial	<ul style="list-style-type: none"> <li>Chemical Processing</li> <li>General Industrial, Light</li> <li>Outdoor Storage, Non-Hazardous</li> </ul>	<ul style="list-style-type: none"> <li>Research and Development</li> <li>Warehousing and Distribution</li> </ul>
Institutional	<ul style="list-style-type: none"> <li>Cemetery, Columbaria, and Mausoleum</li> <li>Cultural Institution</li> <li>Emergency Response Facility</li> </ul>	<ul style="list-style-type: none"> <li>Funeral Home and Mortuary</li> <li>Governmental Office</li> <li>Hospital</li> <li>Park</li> <li>Place of Worship</li> </ul>
I1 SPECIAL EXCEPTION USES		
Use Type	Uses without Additional Standards	Uses with Additional Standards
Commercial	<ul style="list-style-type: none"> <li>Medical Offices/Outpatient Services (w/dispensing of medicine)</li> </ul>	<ul style="list-style-type: none"> <li>Solar Energy Systems, Primary</li> <li>Wind Energy Conversion Systems (WECS), Commercial</li> <li>Storage Units</li> </ul>
Institutional	<ul style="list-style-type: none"> <li>Airport And Heliport</li> <li>Crematory</li> </ul>	<ul style="list-style-type: none"> <li>Penal And Correction Facility</li> <li>Utility Facility</li> <li>Wireless Communication Facility</li> </ul>

<sup>1</sup> – Primary access for automotive, boat, equipment, and RV sales, repair, service, and/or washing as well as gas stations must be from an INDOT designated truck route

## 2.10 HEAVY INDUSTRIAL DISTRICT (I2)

- A. **I2 Intent.** The intent of the Heavy Industrial (I2) district is to provide for employment centers and intense industrial uses such as manufacturing, assembling, wholesale, or storage. These uses may cause odors, dust, noise, and vibrations as well as generate significant amounts of truck and freight traffic.
- B. **I2 Development Standards and Uses**

I2 STRUCTURE AND LOT STANDARDS		
		All Uses
<b>Maximum structure height</b>	Primary structure	60 feet
	Accessory structure	40 feet
<b>Minimum lot width</b>		100 feet
<b>Minimum lot area</b>		10,000 sq ft
<b>Minimum front yard setback</b>		30 feet
<b>Minimum side yard setback</b>	Primary structure	20 feet
	Accessory structure	20 feet
<b>Minimum rear yard setback</b>	Primary structure	40 feet
	Accessory structure	15 feet
<b>Maximum impervious surface coverage</b>		70%
I2 UTILITY STANDARDS		
<b>Municipal water and sewer required</b>		YES

**I2 PERMITTED USES**

Use Type	Uses without Additional Standards	Uses with Additional Standards
Accessory		<ul style="list-style-type: none"> <li>Solar Energy System, Accessory</li> <li>Wind Energy System, Small and Mini</li> </ul>
Agricultural	<ul style="list-style-type: none"> <li>Meat Processing</li> <li>Timber Processing</li> <li>Livestock, Wholesale Trade</li> </ul>	<ul style="list-style-type: none"> <li>Mineral Extraction and Processing</li> </ul>
Commercial	<ul style="list-style-type: none"> <li>Auditorium and Indoor Assembly</li> <li>Bar, Tavern, and Club</li> <li>Brewery, Winery, and Distillery</li> <li>Day Care Facility</li> <li>General Retail<sup>1</sup></li> <li>Kennel, Commercial</li> </ul>	<ul style="list-style-type: none"> <li>Parking Garage or Lot (as a primary use)</li> <li>Professional Services and Business Offices</li> <li>Recreational Facility</li> <li>Service-Oriented Retail<sup>1</sup></li> <li>Veterinarian Services</li> </ul>
Industrial	<ul style="list-style-type: none"> <li>Chemical Processing</li> <li>General Industrial, Light and Heavy</li> <li>Outdoor Storage, Non-Hazardous</li> </ul>	<ul style="list-style-type: none"> <li>Research and Development</li> <li>Trucking Terminal</li> <li>Vehicle Impound Lot</li> <li>Warehousing and Distribution</li> </ul>
Institutional	<ul style="list-style-type: none"> <li>Airport and Heliport</li> <li>Cemetery, Columbaria, and Mausoleum</li> <li>Crematory</li> <li>Emergency Response Facility</li> </ul>	<ul style="list-style-type: none"> <li>Governmental Office</li> <li>Park (excluding Amusement Park)</li> <li>Penal and Correction Facility</li> <li>Place of Worship</li> </ul>

**I2 SPECIAL EXCEPTION USES**

Use Type	Uses without Additional Standards	Uses with Additional Standards
Commercial	<ul style="list-style-type: none"> <li>Shooting Range and Gun Club, Indoor<sup>2</sup></li> <li>Shooting Range and Gun Club, Outdoor<sup>3</sup></li> </ul>	<ul style="list-style-type: none"> <li>Medical Offices/Outpatient Services (w/dispensing of medicine)</li> </ul>
Industrial	<ul style="list-style-type: none"> <li>Landfill</li> <li>Recycling Facility</li> </ul>	<ul style="list-style-type: none"> <li>Storage, Hazardous</li> <li>Waste Transfer Facility</li> </ul>
Institutional	<ul style="list-style-type: none"> <li>Utility Facility</li> </ul>	<ul style="list-style-type: none"> <li>Wireless Communication Facility</li> </ul>

1 - Primary access for automotive, boat, equipment, and RV sales, repair, service, and/or washing as well as gas stations must be from an INDOT designated truck route

2 - Must be a minimum 2,000 feet from a habitable building, park or playground

3 - Lot area must be a minimum of 20 acres

## 2.11 PLANNED UNIT DEVELOPMENT DISTRICT (PUD)

- A. **PUD Intent.** Areas zoned for the Planned Unit Development District (PUD) allow for flexibility in the development of land when it is consistent with the Comprehensive Plan. The PUD district should be encouraged when the proposed development promotes a variety of uses, provides for an economy of shared services and facilities, and/or is compatible with the surrounding areas to foster the creation of an attractive, healthy, efficient, and stable environment for living, shopping, and working. A PUD should not be used to bypass zoning regulations without achieving this intent. PUD's must be developed following an approved site plan and an accompanying district ordinance.
- B. **PUD General Standards**
1. The minimum land area for a PUD shall be 10 acres.
  2. All PUDs shall provide a minimum of 10% open space, and shall meet the standards as outlined in Chapter 6.8: Open Space and Amenities.
  3. Where future development is located within 300 feet of includes land that has been identified by the Comprehensive Plan as a location for trails, the PC may require the subdivider to construct the trails within their development or along the perimeter road instead of a sidewalk, whether or not such trails connect to existing trails outside of the development at the time of construction, as outlined in Chapter 6.10: Sidewalks and Trails.
  4. A PUD may be applied to redevelopment of previously developed property or undeveloped land. It may include one or more parcels that are intended to create a consistent, overall development rather than being applied to a small-scale development as a means of avoiding obtaining variances.
  5. All development standards are governed by the PUD District Ordinance. If a standard is not specified in the PUD ordinance, it shall be governed by the most similar zoning district or zoning regulation as determined by the Administrator.
  6. Because a PUD is a zoning district, the subdivision standards of this UDO still apply unless a waiver is obtained from the Plan Commission. All subdivisions within a PUD must comply with the subdivision regulations of this UDO and require subdivision approval unless exempt (See Chapter 5.2: Exempt Subdivisions).
  7. All new primary structures require Development Plan approval except single-family and two-family residential dwellings.
  8. Public water and sewer are required for all PUDs.
  9. All development may be subject to the requirements of the Ellettsville Stormwater Standards in Chapter 53 and Chapter 152.160-152.177: Stormwater Control. and the Ellettsville Grading and Erosion Control Standards in Chapter 152.140-152.153: Grading and Erosion Control.
  10. All development within a PUD shall comply with all other applicable local, state, and federal regulations.
- C. **PUD Use and Development Standards**
1. **Uses.** All uses are subject to the discretion and approval as part of the PUD ordinance adoption process. All land uses proposed in a PUD must not be in conflict with the vision of the Comprehensive Plan, the surrounding land uses, and surrounding zoning districts.
  2. **Development Standards.** Projects that utilize the PUD process are encouraged to plan for density and standards above and beyond what is traditionally permitted under comparable zoning districts to improve the efficient use of land and environmental quality. A PUD District Ordinance may modify the site development standards and standards for specific uses within this PUD, but if these standards are not specified in the PUD Ordinance, the standards within the UDO shall apply.
- D. **PUD Procedures**
1. All plats within the boundary of a PUD shall note the PUD district and cross-reference the pertinent district ordinance and number.
  2. Processes and procedures for a PUD shall comply with Chapter 7: Procedures.
  3. Unless otherwise stated in the PUD District Ordinance, the Administrator may approve up to a 5% reduction to the minimum lot area as well as a reduction in the overall number of lots or density proposed within a PUD without a public hearing.

- E. **PUD District Ordinance Requirements.** A PUD District Ordinance shall generally follow the chapter outline of this UDO. In order for a PUD District Ordinance to be considered complete, it shall include the following minimum information.
  - 1. A site plan map outlining proposed development areas and proposed construction phasing;
  - 2. A list of permitted uses and special exception uses within each district or area of the PUD;
  - 3. All development standards (lot standards and structure standards);
  - 4. All standards for specific uses that vary from Chapter 3: Standards for Specific Uses; and
  - 5. All site development standards that vary from Chapter 4: Site Development and Structure Standards.
- F. **PUD Site Plan Requirements.** The site plan shall be in general, schematic form, and include at least the following items:
  - 1. Existing topographic character of the land (minimum 10-foot contours) and major natural features;
  - 2. The location, owner, and zoning of adjacent properties, including the location of all buildings within 50 feet of the adjoining property line;
  - 3. Proposed density and types of dwellings, buildings, and uses;
  - 4. Any land proposed to be designated as open space;
  - 5. The phases, if any, of which the PUD is to be constructed;
  - 6. The availability and location of public utilities and public facilities, such as sanitary and storm sewers, water, gas, electricity, streets, schools, and fire protection; and
  - 7. Any other information required by the Administrator and/or PC.
- G. **PUD Additional Site Development Standards.** Unless otherwise addressed in the PUD District Ordinance, all site development standards in Chapter 4: Site Development and Structure Standards apply.



## 2.12 FLOODPLAIN OVERLAY DISTRICT (FPOD)

- A. **Floodplain Intent.** The Floodplain Overlay District (FPOD) 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. **Floodplain 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 approved by IDNR.
- C. **Floodplain General Standards.** All standards of the underlying zoning district apply unless otherwise stated within this overlay district.
- E. **Prohibited Uses.** Permitted and special exception uses shall be governed by the underlying zoning district unless specified as a prohibited use by this overlay district. The uses listed below are prohibited in the Floodplain Overlay District, regardless of the regulations of the underlying zoning district.

FPOD PROHIBITED USES	
Use Type	Listed Uses
Agricultural	<ul style="list-style-type: none"> <li>• Concentrated Animal Feeding Operation (CAFO) and Confined Feeding Operation (CFO)</li> </ul>
Industrial	<ul style="list-style-type: none"> <li>• Chemical Processing</li> <li>• General Industrial, Light and Heavy</li> <li>• Junkyard and Salvage</li> <li>• Landfill</li> <li>• Recycling</li> <li>• Storage, Hazardous</li> <li>• Trucking Terminal</li> <li>• Vehicle Impound Lot</li> <li>• Waste Transfer Facility</li> </ul>
Institutional	<ul style="list-style-type: none"> <li>• Airport And Heliport</li> <li>• Cemetery, Columbaria, and Mausoleum</li> <li>• Crematory</li> </ul>

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## CHAPTER 3: STANDARDS FOR SPECIFIC USES

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### 3.1 GENERAL PROVISIONS

- A. **Applicability.** This chapter shall apply to all parcels of land within the jurisdiction of the Town of Ellettsville Advisory Plan Commission unless otherwise stated herein.
- B. **Zone District and UDO Regulations**
  - 1. The uses listed in this chapter shall meet the respective requirements of this chapter in addition to all regulations of the zoning district and all other regulations of this UDO. If any standard for a specific use outlined in the following chapter conflicts with another standard in this UDO, the more restrictive shall apply.
  - 2. The uses listed in this chapter shall be permitted or allowed with special exception approval as outlined in Chapter 2: Zoning Districts.
- C. **Approval and Compliance**
  - 1. The Administrator and/or BZA shall verify that all uses outlined in this chapter comply with all applicable standards of the UDO prior to establishment of the use, approval of a development plan, or issuance of a building permit.
  - 2. All uses outlined in this chapter shall require development plan approval prior to issuance of any required building permits and/or establishment of the use, regardless of the zoning district where they are located, unless otherwise noted.

### 3.2 ACCESSORY DWELLING UNIT (ADU)

- A. **ADU Intent.** The intent of this section is to provide standards for accessory residential dwellings on a parcel where a primary residential structure exists in order to provide additional housing options and housing opportunities within the community.
- B. **ADU General Standards**
  - 1. **Short-Term Rental Approval Required.** Approval of an accessory dwelling does NOT permit the accessory dwelling to be used as a short-term rental. If an accessory dwelling is used as a short-term rental, the short-term rental use shall comply with all applicable standards of this UDO and be approved as required by this UDO.
- C. **ADU Development Standards**

ADU STANDARDS	
ADU Structure Standards	
Minimum Structure Area	400 sq ft, including all non-living areas such as a garage
Maximum Structure Area	Lesser of: <ul style="list-style-type: none"> <li>• 800 sq ft, including all non-living areas such as a garage</li> <li>• 50% of the primary dwelling unit living area (excluding non-living areas such as garage)</li> </ul>
Maximum Height	As allowed by the zoning district but cannot exceed the height of the primary dwelling
Architecture and Building Materials	Architectural style, form, materials, and colors shall match or be compatible with the style and form of the primary dwelling
Quantity	Maximum of 1 accessory dwelling unit per parcel
Structure Requirements	<ul style="list-style-type: none"> <li>• Detached to the primary dwelling unit</li> <li>• Lawfully-built structure that meets all building code requirements, including all requirements for a single-family dwelling</li> </ul>
Prohibited Structure Type	<ul style="list-style-type: none"> <li>• Cannot be a recreational vehicle, travel trailer, motor vehicle or similar structure</li> <li>• Cannot be any structure not intended for permanent human occupancy</li> <li>• Cannot be any structure that does not meet all building code requirements for a dwelling or does not meet the use standards for an accessory dwelling unit (including layout and components)</li> </ul>

ADU Site Standards	
Address	Addresses for properties with an approved accessory dwelling unit shall be assigned and approved by the addressing entity
Access	<ul style="list-style-type: none"> <li>• ADU shall utilize the existing driveway that serves the primary residential dwelling</li> <li>• A separate driveway from any public right-of-way shall not be permitted</li> </ul>
Location	<ul style="list-style-type: none"> <li>• Only allowed on lots where an existing, lawfully constructed, primary single-family dwelling exists</li> <li>• Must be located in the rear yard of the parcel and comply with all site development standards of the subject zoning district</li> <li>• Must meet the side and rear setbacks for a primary structure</li> <li>• Must be a minimum of 15 feet of separation between the ADU and any other structure, excluding fences</li> </ul>
Layout & Components	<ul style="list-style-type: none"> <li>• An independent and complete dwelling unit with all amenities needed for safe and habitable living, including permanent provisions for sleeping, eating, cooking, sanitation, and ingress/egress (self-sufficient)</li> <li>• Cannot contain more than one bedroom</li> <li>• Cannot have accessory structures</li> </ul>
Ownership	<ul style="list-style-type: none"> <li>• Primary dwelling must be owner-occupied</li> <li>• ADU shall be under the same ownership and on the same parcel as the primary dwelling</li> </ul>
Parking	<ul style="list-style-type: none"> <li>• Minimum number and design of parking spaces shall comply with Chapter 4.7: Parking and Loading Standards</li> <li>• Parking may be shared with the primary dwelling as long as number of spaces complies with Chapter 4.7: Parking and Loading Standards</li> </ul>
ADU Utility Standards	
Water & Sewage Disposal	Shall comply with requirements of the zoning district

- D. **ADU Procedures.** Accessory dwelling units are not required to obtain development plan approval but shall submit an engineered plot plan/site plan for review with any building permit application.

### 3.3 ADULT-ORIENTED BUSINESS

- A. **Adult-Oriented Business Intent.** The intent of the adult-oriented business standards is to provide reasonable opportunities for these businesses to locate within the jurisdiction while also mitigating impacts to adjacent properties. Adult businesses require special supervision from the public safety agencies of the jurisdiction in order to protect and preserve the health, safety, morals, and welfare of the patrons and employees of the businesses as well as the citizens of the community. The minimal regulations of this UDO are a legitimate and reasonable means of accountability to ensure that operators comply with reasonable regulations and ensure that operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation.
- B. **Adult-Oriented Business Development Standards**
  - 1. **Use and District Separation.** A minimum separation of at least 1,320 feet shall be provided between all adult oriented businesses and the uses as specified below. The distance shall be measured with a straight line from the nearest edge of the property line of the adult business to the nearest edge of the property line of the specified use.
    - a. Any parcel used as a school, park, church, or place of worship.
    - b. Any parcel with a residential use, residential zoning, or platted as a residential subdivision.
    - c. Any parcel used as a hotel, motel, transportation depot, or other adult-oriented business.
    - d. Any parcel used as a licensed day care facility.
    - e. Any premise licensed or governed by the alcoholic beverage control regulations of the state.
  - 2. **Screening.** A continuous, evergreen landscape buffer or opaque fencing, with a minimum height of six feet, shall be maintained along the side and rear property lines for the purpose of screening the use from view of adjacent properties.
  - 3. **Exterior Display**
    - a. No adult-oriented business shall be conducted in any manner that permits the observation of any material depicting, describing, or relating to specified sexual activities or specified anatomical areas by display, decoration, sign, show window, or other opening from public view.
    - b. Adult-oriented businesses shall comply with all regulations governing signs under Chapter 4.9: Sign Standards.
- C. **Adult-Oriented Business Procedures.** All adult-oriented businesses shall obtain development plan approval.

### 3.4 BED AND BREAKFAST

- A. **Bed and Breakfast Intent.** The intent of these standards is to allow overnight accommodations to visitors and tourists, to ensure that the use is compatible with surrounding uses, and mitigate impacts of noise or other nuisances to the areas in which they are located.
- B. **Bed and Breakfast Operational and Development Standards**

BED AND BREAKFAST STANDARDS	
Bed and Breakfast Operational Standards	
Occupancy	Owner of the of the bed and breakfast must occupy the residence on a full-time basis
Dining Facilities	<ul style="list-style-type: none"> <li>Breakfast must be provided; other meals may be provided</li> <li>Dining facilities shall not be open to the public and shall be exclusively for the use of the residents and registered guests</li> </ul>
Employees	Only 1 non-resident employee may be on site at a time
Bed and Breakfast Structure Standards	
Minimum Living Area	1,000 square feet for the owner/operator
Number of Sleeping Rooms	Maximum of 2 sleeping rooms may be devoted to the bed and breakfast use (additional rooms are permitted for owner)
Character	No exterior alterations to the structure shall be made which would change the residential appearance of the building

- C. **Bed and Breakfast Procedures.** All bed and breakfasts shall obtain development plan approval.



### 3.5 CAMPGROUND AND RV PARK

- A. **Campground and RV Park Intent.** The intent of these standards is to provide minimum requirements for the protection of the health and safety of the occupants of campgrounds, recreational vehicle parks, associated recreation areas, and the general public.
- B. **Campground & RV Park General Standards.** In addition to these standards, a facility accommodating 10 or more tents, recreational vehicles, or campsites are subject to the regulations established by state standards per 410 IAC 6-7.1.
- C. **Campground and RV Park Development Standards**

CAMPGROUND & RV PARK STANDARDS	
Campground & RV Park Operational Standards	
Duration of Stay	Maximum of 180 overnight stays within 12 consecutive months
Campground & RV Park Structure Standards	
Permitted Structures	<ul style="list-style-type: none"> <li>Temporary, non-permanent lodging structures, such as tents, recreational vehicles (RVs), camping trailers, and similar</li> <li>Permanent shared facilities normally associated with a campground, such as a bathhouse or emergency shelter</li> <li>Permanent structures for operation (such as office), maintenance, or storage facilities used in the campsite operations but not on individual campsites</li> </ul>
Prohibited Structures	<ul style="list-style-type: none"> <li>Permanent or semi-permanent structures used or intended for dwellings or overnight accommodations, such as cabins, lean-tos, etc.</li> <li>Any permanent structure that is located on an individual campsite, excluding fire pits or grilling structures</li> </ul>

Campground & RV Park Site Standards	
Minimum Development Area	10 acres
Minimum Setback	Governed by the subject zoning district but shall be at least 25 feet from local roads and 50 feet from all other roads
Maximum Gross Density	10 campsites per acre
Minimum Separation of Campsites	25 feet between campsites (measured from the closest edges)
Minimum Campsite Area	990 sq ft per campsite
Campground Access	An entrance roadway from a public road shall be provided that is at least 24 feet in width and paved
Internal Circulation	<ul style="list-style-type: none"> <li>All campsites shall gain access through a paved, internal, private roadway; campsites shall not gain access from any public road</li> <li>All internal roads shall be at least 10 feet in width for one-lane roads and at least 20 feet in width for two-lane roads</li> <li>Fire and EMS shall approve the site plan for adequate accessibility prior to establishment of the use</li> </ul>
Drainage	<ul style="list-style-type: none"> <li>All areas shall be well-drained and designed to provide sufficient space for camping activities, vehicles, sanitary facilities, and appurtenant equipment</li> <li>All development shall comply with the Ellettsville Stormwater Standards in Chapter 53 and Chapter 152.160-152.177: Stormwater Control</li> </ul>
Location	<ul style="list-style-type: none"> <li>Campsites cannot be located in a floodplain or an area subject to periodic flooding</li> <li>Campsites cannot be located within 100 feet to railroads, stockyards, industrial sites, or other such locations which would constitute a health or safety hazard</li> </ul>
Open Space	<ul style="list-style-type: none"> <li>A minimum of 5% of the overall development area shall be set aside for open space</li> </ul>
Storage	<ul style="list-style-type: none"> <li>The storage of unoccupied recreational vehicles shall be prohibited</li> <li>All structures, recreational vehicles, trailers, camping units, tents, and belongings shall be removed from the campground when campsite is not occupied</li> </ul>
Storm Shelter	<ul style="list-style-type: none"> <li>At least 1 indoor facility shall be provided for the campground that serves as a storm shelter</li> <li>The facility shall be at least 500 sq ft and meet the minimum requirements in the ICC 500 standard for occupants during severe weather</li> </ul>
Campground & RV Park Utility Standards	
Sewage Disposal	On-site sewage disposal or sewer is required and shall be approved by the Health Department, Indiana State Health Department, and/or the sewer provider, as appropriate
Water	A water supply system is required and shall be approved by the State Health Department or the water provider, as appropriate

D. **Campground & RV Park Procedures.** All campgrounds and RV parks shall obtain development plan approval.

### 3.6 HOME-BASED BUSINESS

- A. **Home-Based Business Intent.** The intent of these standards is to regulate and limit commercial activities in residential dwellings or on residentially-used parcels is to ensure that the use is incidental and accessory to a legal residential dwelling, compatible with surrounding uses, and does not add significant traffic, noise, or other nuisances to the residential areas in which they are located.
- B. **Home-Based Business Development Standards**

HOME-BASED BUSINESS STANDARDS	
Home-Based Business Operational Standards	
Employees	<ul style="list-style-type: none"> <li>Maximum of 2 external employees allowed on site at one time</li> <li>Does not include the resident(s)</li> </ul>
Clients/Customers	<ul style="list-style-type: none"> <li>Maximum of 10 clients/business-related visitors allowed on site per day</li> <li>No more than 2 clients/business-related visitors shall be on the site at one time</li> </ul>
Hours of Operation	Business hours shall be limited to 7:00 am to 7:00 pm unless, specified otherwise with the special exception approval or through an approved variance
Home-Based Business Site Standards	
Location	All business activity must be conducted entirely within the primary dwelling unit and/or entirely within a permitted accessory structure on the same parcel as the primary dwelling unit
Access	<ul style="list-style-type: none"> <li>No additional access points and/or driveways shall be permitted</li> <li>Adequate measures shall be taken to maintain safety for trucks and vehicles entering the public roadway at slower speeds, including but not limited to, deceleration/acceleration lanes or passing blisters</li> </ul>
Outdoor Storage	<ul style="list-style-type: none"> <li>Display of goods or products for sale is prohibited</li> <li>All outdoor storage areas or areas used to park equipment or vehicles shall be:                             <ul style="list-style-type: none"> <li>In the rear yard of the primary dwelling unit; and</li> <li>Within a fully enclosed structure</li> </ul> </li> </ul>
Character	<ul style="list-style-type: none"> <li>There shall be no evidence on the exterior of the premises that the property is used in any way other than for a residential dwelling, and structures shall retain a residential character</li> <li>No mechanical equipment shall be used that creates any electrical or other interference, noise, or impacts that are not normally associated with a residential use</li> </ul>
Parking	Parking shall comply with Chapter 4.7: Parking and Loading Standards
Signs	Signs shall comply with Chapter 4.9: Sign Standards

- C. **Home-Based Business Procedures.** Home-based businesses are not required to obtain development plan approval but shall submit an engineered plot plan/site plan for review with any building permit application for exterior alterations to the primary structure.

### 3.7 HOME OCCUPATION

- A. **Home Occupation Intent.** The intent of these standards is to regulate personal home occupations in residential dwellings is to ensure these activities are incidental and accessory to a legal residential dwelling, compatible with surrounding uses, and do not add traffic, noise, or other nuisances than would be normally encountered within the districts they are located.
- B. **Home Occupation Development Standards**

HOME OCCUPATION STANDARDS	
Home Occupation Operational Standards	
Employees, Clients & Customers	No employee, client, or business-related visitor is allowed on the site of the home occupation other than the resident(s) of the dwelling
Home Occupation Site Standards	
Location	All business activity must be conducted entirely within the primary dwelling unit or entirely within a permitted accessory structure upon the same parcel as the primary dwelling unit
Access	No additional access points and/or driveways shall be permitted
Outdoor Storage	<ul style="list-style-type: none"> <li>• Outdoor storage (including equipment parking, materials, trailers, etc.) or display of goods or products is prohibited</li> <li>• Personal passenger vehicles that are used by the resident(s) are permitted and shall comply with this UDO</li> </ul>
Character	<ul style="list-style-type: none"> <li>• There shall be no evidence on the exterior of the premises that the property is used in any way other than for a residential dwelling. All structures shall retain a residential character.</li> <li>• No mechanical equipment shall be used that creates any electrical or other interference, noise, or impacts that are not normally associated with a residential use</li> </ul>
Parking	Parking shall comply with Chapter 4.7: Parking and Loading Standards
Signs	Signs shall comply with Chapter 4.9: Sign Standards
Deliveries	No deliveries or pick-ups shall be allowed other than from commercial parcel delivery services (e.g., USPS, UPS, FedEx, DHL)

- C. **Home Occupation Procedures.** Home occupations are not required to obtain development plan approval but shall submit an engineered plot plan/site plan for review with any building permit application for exterior alterations to the primary structure.

### 3.8 JUNKYARD AND SALVAGE

- A. **Junkyard/Salvage Intent.** The intent of the junkyard and salvage standards (which includes vehicle impound lots) is to ensure that adequate emergency response can be provided and the existing land uses surrounding the operation are protected from negative impacts.
- B. **Junkyard/Salvage General Standards**
  - 1. Upon receiving any item, 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.
  - 2. Combustible material which can be ignited by an ordinary match shall be placed or stored at least 10 feet from any fence or structure. No burning of any material shall occur on site.
  - 3. No junkyard/salvage yard shall be used as a dump by the public.
  - 4. Loose paper and materials are prohibited. No material or items capable of being transferred out of the junkyard by wind, water, or other natural causes are permitted.
  - 5. The spilling or placing of flammable or other liquids into the ground, streams, or sewers is prohibited.
- C. **Junkyard/Salvage Development Standards**

JUNKYARD/SALVAGE STANDARDS	
Junkyard/Salvage Structure Standards	
Location	No portion of a junkyard, impound lot, or salvage yard shall be located within a flood hazard area
Junkyard/Salvage Development Standards	
Minimum Area	10 acres
Storage and Fencing	<ul style="list-style-type: none"> <li>• All storage of any junk, materials, or similar activity shall not be visible from any public street or adjacent parcel year-round through:                             <ul style="list-style-type: none"> <li>• Being located within an enclosed building; or</li> <li>• Be fully screened with vegetation, berm, masonry wall, fence, or similar</li> </ul> </li> <li>• All fencing shall be securely locked unless being actively supervised for ingress or egress</li> </ul>
Setbacks	<ul style="list-style-type: none"> <li>• No materials or items shall be within 500 feet of the property line of an existing residential structure, residential use, or parcel platted for residential use; other structures that are not used to store junk, materials, or items shall comply with the setbacks of the zoning district</li> <li>• Setbacks from all other uses shall comply with the setbacks of the zoning district</li> </ul>
Access	<ul style="list-style-type: none"> <li>• A fire lane of at least 15 feet in width shall be provided throughout the junkyard, so that no point of the junkyard shall be more than 200 feet from a fire lane</li> <li>• Internal driveways and fire lanes shall be paved</li> </ul>

- D. **Junkyard/Salvage Procedures.** All junkyards and salvage yards shall obtain development plan approval.

### 3.9 MANUFACTURED HOME PARK

- A. **Manufactured Home Park Intent.** The intent of the Manufactured Home Park standards is to provide housing options for residents, ensure a high-quality living environment within a manufactured home park, and assist in providing alternative developments for single-family housing.
- B. **Manufactured Home Park General Standards.** Manufactured home parks are NOT exempt from the Flood Hazard Ordinance, DNR regulations, FEMA regulations, or any other state and/or federal regulation.
- C. **Manufactured Home Park Development Standards**

MANUFACTURED HOME PARK STANDARDS	
<b>Manufactured Home Park Operational Standards</b>	
Resident Manager	<ul style="list-style-type: none"> <li>A resident manager or park manager shall be required to oversee that the ordinances and laws regulating the manufactured home park are observed</li> <li>The resident manager or park manager shall reside on-site, and a designated person shall be accessible to contact 24 hours a day/7 days a week for emergencies</li> </ul>
Register of Residents	<ul style="list-style-type: none"> <li>Every manufactured home park shall maintain a current register of all occupants, which shall include, at a minimum, the names of all persons residing in the manufactured home park; the make, type and serial or license number of each manufactured home; and a location of the space occupied</li> <li>The park owner shall provide the list, and any updates, to the Administrator's office upon request</li> </ul>
<b>Manufactured Home Park Structure Standards</b>	
Structure Types	<ul style="list-style-type: none"> <li>Only manufactured homes are permitted as dwellings within a manufactured home park. No recreational vehicles (RVs), travel trailers, or similar temporary/recreational vehicles shall be used as dwellings.</li> <li>No transient or non-permanent manufactured homes shall be located in a manufactured home park (except as allowed in this section)</li> <li>Coin-operated laundries, recreational rooms, storm shelters, and similar accessory amenities are permitted within manufactured home parks</li> </ul>
Structure Standards	<ul style="list-style-type: none"> <li>All manufactured homes shall comply with the structure standards in Chapter 4.11G: Manufactured Home Occupancy Standards</li> <li>The minimum residential living area requirement of the underlying zoning district shall NOT apply</li> </ul>
<b>Manufactured Home Park Site Standards</b>	
Minimum Lot Width (Overall Park/Site)	120 feet or as determined by the zoning district, whichever is greater
Minimum Lot Area (Overall Park/Site)	10 acres
Minimum Home Site Lot Area	2,000 sq ft or as determined by the zoning district, whichever is less
Minimum Separation between Any Structures	20 feet
Accessory Structures	Accessory structures at individual manufactured home sites are prohibited

Storage	<ul style="list-style-type: none"> <li>Wrecked, abandoned (unoccupied for more than 1 year and/or deemed unsafe by the Administrator), damaged, or dilapidated manufactured homes shall not be kept or stored within the manufactured home park at any time</li> <li>An outdoor storage area(s) may be provided within the park to store travel trailers, campers, and other recreational vehicles by residents. If outdoor storage is provided, it shall be fully screened with a solid fence or wall with a gate that is at least 6 feet in height. Stored campers or recreational vehicles shall not be occupied or stored on any home site or within the park</li> </ul>
Bufferyards and Fencing	<p>The perimeter of each manufactured home park shall be fully screened with a solid fence or wall that is a minimum of 6 feet in height unless the required bufferyard (see Chapter 4.5: Landscaping and Buffer Standards) specifies a higher standard</p>
Parking and Loading	<p>Each home site shall comply with the parking standards for single-family residential dwellings</p>
Lighting	<ul style="list-style-type: none"> <li>Each manufactured home park shall provide streetlights at the entrance and at least every 500 feet along internal roads</li> <li>Maintenance of all lighting and monthly services fees shall be the responsibility of the park owner</li> <li>All lighting shall comply with Chapter 4.6: Lighting Standards</li> </ul>
Sidewalks	<ul style="list-style-type: none"> <li>A minimum of a 5-foot sidewalk shall be provided and maintained on at least one side of all internal roads</li> <li>A minimum of a 5-foot-wide sidewalk shall be provided and maintained to each individual home site from the nearest sidewalk or parking area</li> <li>A walking path shall be provided that is at least ¼ (0.25) mile in length and at least 5 feet in width. (Required sidewalks may account for up to 2% of the required length of the walking path)</li> <li>All sidewalk connections and walking paths shall be paved with a suitable material for use in all weather conditions and comply with all ADA standards</li> </ul>
Roads	<ul style="list-style-type: none"> <li>All internal roads shall remain private</li> <li>Each home site shall have direct access to a private road</li> <li>Design of all entrances and internal roads shall provide for emergency vehicle access and be approved by the Fire Department and EMS</li> <li>All internal roads shall be paved, installed by the applicant, and built to the public road standards outlined in the Town's design standards</li> </ul>

Drainage	All drainage shall comply with the Ellettsville Stormwater Standards in Chapter 53 and Chapter 152.160-152.177: Stormwater Control
Community Facility & Storm Shelter	<ul style="list-style-type: none"> <li>• At least 1 indoor community facility shall be provided for the park that provides recreational space for the park occupants that is at least 200 square feet or 1% of the park's total gross acreage (whichever is greater)</li> <li>• A storm shelter shall be provided within the indoor community facility that meets the minimum design and occupancy requirements of the ICC 500 standard for occupants during severe weather</li> <li>• Each park shall provide and maintain an outdoor recreational area(s) (such as open space, playground, dry detention areas, etc.) equal in size to at least 20% of the area of the park in one or more at central locations.</li> <li>• Maintenance of all community facilities, recreational, and public areas shall be the responsibility of the owner and enforced as allowed by this UDO and all applicable property maintenance ordinances.</li> </ul>

D. **Manufactured Home Park Procedures.** All manufactured home parks shall obtain development plan approval.



### 3.10 SHORT-TERM RENTAL

- A. **Short-Term Rental Intent.** The purpose of the short-term rental standards is to ensure compliance with the provisions of IC 36-1-24 as well as:
  - 1. Set an appropriate balance between the interests of the town’s residents, business owners, visitors to the community, and property owners wishing to engage in short-term rental of dwellings;
  - 2. Ensure issues related to fire safety and life safety codes are met; and
  - 3. Allow homeowners to benefit from added income.
- B. **Short-Term Rental General Standards.** These standards do not apply to owner-occupied short-term rentals as defined by IC 36-1-24.
- C. **Short-Term Rental Development Standards**

SHORT-TERM RENTAL STANDARDS	
Short-Term Rental Operational Standards	
Occupancy	Maximum overnight occupancy shall be 2 persons per sleeping area, but not to exceed 10 people, regardless of the number of sleeping areas
Short-Term Rental Structure Standards	
Permitted Structure Types	<ul style="list-style-type: none"> <li>• Short-term rental units shall be located in lawfully built dwelling unit that meet all applicable building code requirements</li> <li>• A short-term rental may be within a primary dwelling or within an accessory dwelling unit that conforms with Chapter 3.2: Accessory Dwelling Unit (ADU)</li> </ul>
Prohibited Structure Types	<ul style="list-style-type: none"> <li>• Cannot be a recreational vehicle, travel trailer, automobile, shipping container, or similar structure</li> <li>• Cannot be a motor vehicle, or a part of a motor vehicle</li> <li>• Cannot be any structure not intended for permanent human occupancy</li> </ul>
Short-Term Rental Site Standards	
Parking	Each home site shall comply with the parking standards for single-family residential dwellings
Signs	Signs shall comply with Chapter 4.9: Sign Standards

- D. **Short-Term Rental Procedures**
  - 1. **Development Plan.** Short-term rentals are not required to obtain development plan approval but shall submit an engineered plot plan/site plan for review with any building permit application.
  - 2. **Annual Registration Permit.**
    - a. Each short-term rental unit shall be registered individually on an annual basis with the Administrator in accordance with IC 36-1-24-11.
    - b. As part of the annual registration, an inspection may be required to ensure the structure/unit meets all of the applicable building codes and is safe and habitable.
    - c. Short-term rental owners who do not comply with the regulations may be subject to enforcement actions including inspections, citations, and/or revocations of registration.

### 3.11 SOLAR ENERGY SYSTEMS (SES), ACCESSORY

- A. **Accessory SES Intent.** In addition to minimizing impacts on adjacent properties, the purpose of these standards is to allow for energy collection, storage, and distribution that is accessory to another use and intended to be used on-site.
- B. **Accessory SES General Standards**
  - 1. Accessory SES may be ground-mounted, building-integrated, or roof-mounted provided the structure is designed to adequately and safely accommodate the SES.
  - 2. Accessory SES shall not count toward the maximum number of accessory structures permitted.
  - 3. If the total surface of all ground-mounted solar panels of an accessory SES on one parcel, or multiple parcels if it serves the same use, is more than 1 acre, it shall comply with all development standards for Primary SES.
- C. **Accessory SES Development Standards**

ACCESSORY SES STANDARDS	
Accessory SES Structure Standards	
Design	<ul style="list-style-type: none"> <li>• A Professional Engineer licensed to practice in the State of Indiana shall certify that the foundation and design of the solar panel racking, foundations, and support is within accepted professional standards, given local soil and climate conditions prior to application for building permits</li> <li>• Roof-mounted systems on a pitched roof that have the same finished pitch as the roof and are no more than 10 inches above the finished roof do not have to comply with aesthetic standards</li> <li>• Roof-mounted systems on a flat roof that are no more than 5 feet above the finished roof do not have to comply with aesthetic standards</li> <li>• SES components must have an Underwriters Laboratory (UL), or equivalent listing, and solar hot water systems must have a Solar Rating &amp; Certification Corporation (SRCC) or equivalent rating</li> <li>• All accessory use solar energy systems shall meet approval of local building code officials, consistent with the current State of Indiana Building Code and the National Electrical Code (NEC), and solar thermal systems shall comply with HVAC-related requirements of the Energy Code</li> </ul>

Accessory SES Site Standards	
Height	<ul style="list-style-type: none"> <li>• Maximum of 15 feet for ground-mounted SES, measured at maximum design tilt</li> <li>• All non-ground-mounted shall comply with the zoning district</li> </ul>
Setbacks	<ul style="list-style-type: none"> <li>• Ground mounted accessory SES must be located behind the front facade of the primary structure and shall comply with accessory structure setbacks of the zoning district</li> <li>• The collector surface, mounting devices, and equipment for roof-mounted and building integrated accessory SES may only extend beyond the exterior perimeter of the building on which the system is mounted or built unless designed to safely extend beyond the perimeter by a Professional Engineer licensed to practice in the State of Indiana and the minimum setbacks are met</li> </ul>
Glare	<ul style="list-style-type: none"> <li>• Accessory SES in residential districts shall be designed to minimize visual impacts from the public right-of-way consistent with IC 36-7-2-8</li> <li>• If reflectors are used, the glare impacting adjacent properties should be minimized</li> </ul>
Screening & Visibility	<ul style="list-style-type: none"> <li>• If the total surface of all accessory SES on a single parcel is larger than 200 square feet, continuous vegetation, fencing, and/or berms that adequately screens the view of the solar panels and accessory equipment from adjacent parcels year-round is required</li> <li>• Rooftop solar units are exempt from this standard</li> </ul>
Maximum Impervious Surface Coverage	<ul style="list-style-type: none"> <li>• Ground-mounted SES do not count towards the maximum impervious surface coverage if the soil under the collector is maintained in vegetation and not compacted</li> </ul>

- D. **Accessory SES Procedures.** Accessory SES are not required to obtain development plan approval but shall submit an engineered plot plan/site plan for review and obtain all required permits with any building permit application.

### 3.12 SOLAR ENERGY SYSTEMS (SES), PRIMARY

- A. **Primary SES Intent.** In addition to minimizing impacts on adjacent properties the purpose of these standards is to allow for energy collection, storage, and distribution that primarily intended for off-site use while mitigating impacts to adjacent parcels, environment, natural systems, waterways, farmland, and the community.
- B. **Primary SES Development Standards**

PRIMARY SES STANDARDS	
Primary SES Structure Standards	
Foundation Design	<ul style="list-style-type: none"> <li>A Professional Engineer licensed to practice in the State of Indiana shall certify that the foundation and design of the solar panel racking, foundations, and support is within accepted professional standards, given local soil and climate conditions prior to application for building permits</li> <li>SES components must have an Underwriters Laboratory (UL), or equivalent listing, and solar hot water systems must have a Solar Rating &amp; Certification Corporation (SRCC) or equivalent rating</li> <li>All SES shall meet approval of local building code officials, consistent with the current State of Indiana Building Code and the National Electrical Code (NEC), and solar thermal systems shall comply with HVAC-related requirements of the Energy Code</li> </ul>
Primary SES Site Standards	
Prohibited Location	Within the FPOD or FEMA’s current “National Flood Hazard Layer (NFHL)”
Height	Maximum of 20 feet in height, measured at maximum design tilt
Minimum Setbacks (Primary and Accessory)	Measured from the nearest edge of the structure or SES array at maximum design tilt to the property line: <ul style="list-style-type: none"> <li>Minimum of 150 feet from any parcel with a non-participating residential dwelling, residentially zoned parcel, or residentially platted parcel unless waived upon mutual agreement of all property owners</li> <li>Minimum of 50 feet from any non-residential parcel unless waived upon mutual agreement of all property owners</li> <li>Minimum of 50 feet from the edge of any public right-of-way</li> <li>No minimum setback between parcels that are both participating properties</li> <li></li> </ul>
Fencing	<ul style="list-style-type: none"> <li>Perimeter fencing is required for the site.</li> <li>Barbed wire or woven wire fence designs for perimeter fencing are prohibited</li> <li>Wildlife-friendly fencing that includes clearance at the bottom and chain link fences are permitted</li> </ul>

Screening & Visibility	<ul style="list-style-type: none"> <li>• All primary SES shall be fully screened from view year-round, including across any street or right-of-way, from existing residential dwellings, residentially zoned parcels, or parcels platted for residential development</li> <li>• Screening shall not be required along property lines of non-residential parcels</li> <li>• Screening may include continuous vegetation, fencing, and/or berms that fully screens the view of solar panels, battery storage, and accessory equipment year-round</li> <li>• All screening shall comply with all standards of the UDO, including fence height</li> <li>• A landscape plan shall be submitted as part of the development plan approval that identifies the type and extent of proposed buffer and screening</li> <li>• Additional screening may be required by the BZA and/or PC if there is a clear community interest in maintaining a viewshed or to mitigate the impact on an adjacent parcel</li> </ul>
Groundcover	<ul style="list-style-type: none"> <li>• Primary SES that are ground-mounted are required to install perennial ground cover (such as grass, pollinator meadow, or other plant materials) for the site around and under solar panels and within all setback or bufferyard areas. These areas shall be planted, established, and maintained for the life of the project and shall comply with the following standards:             <ul style="list-style-type: none"> <li>• The site shall be planted and maintained to be free of invasive or noxious species, as listed by the Indiana Invasive Species Council.</li> <li>• No insecticide use is permitted on the site. This provision does not apply to insecticide use in on-site buildings, in and around electrical boxes, spot control of noxious weeds, or as otherwise may be deemed necessary to protect public health and safety</li> </ul> </li> </ul>
<b>Primary SES Utility Standards</b>	
Power & Communication Lines	<ul style="list-style-type: none"> <li>• All power and communication lines on the site shall be buried underground. Exemptions may be granted by the BZA in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines or distance makes undergrounding infeasible</li> <li>• Power and communication lines between the project and the point of interconnection with the transmission system can be overhead</li> </ul>

**C. Primary SES Procedures**

1. **Development Plan.** All primary SES shall obtain development plan approval and obtain all required permits.
  - a. **Emergency Response Plan Required.** An emergency response plan shall be provided by the project owner prior to Development Plan Approval. The site layout must accommodate adequate access for all first responders, such as EMS, fire, and police.
  - b. **Glare Study Required**
    - 1) **Other Parcels and Rights-of-Way.** A glare study shall be provided by the project owner prior to development plan approval that shows the Primary SES is situated to eliminate concentrated glare on other parcels and rights-of-way.
    - 2) **Proximity to Airport.** For Primary SES projects located within 500 feet of an airport or within any approach zones of an airport, the applicant must complete and provide the results of a glare analysis through a qualitative analysis of potential impact, field test demonstration, or geometric analysis of ocular impact in consultation with the Federal Aviation Administration (FAA) Office of Airports, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA.
2. **Compliance with Applicable Codes.** All primary SES projects shall comply with all applicable local, state, and federal regulatory codes, including the current State of Indiana Uniform Building Code and the National Electric Code (NEC), Nonpoint Pollution Discharge Elimination System (NPDES), and solar thermal systems shall comply with HVAC-related requirements of the Energy Code.

3. **Decommissioning Plan & Surety Required.** The project owner shall provide a decommissioning plan for all parcels and easements related to the project prior to the issuance of a building permit. The decommissioning plan shall be approved by the Town Council and shall be updated every five years or if the operator or project owner changes. Except as otherwise required by Indiana Code, the decommissioning plan shall include, at a minimum, the following:
  - a. **Affidavit of Responsibility.** A signed and notarized affidavit that is recorded with the County Recorder's Office shall be provided by all property owners acknowledging that the responsibility of decommissioning (including costs to decommission) is ultimately the responsibility of the property owner(s) even if that responsibility and cost is assigned to the operator through a separate agreement. If the operator fails to comply with any aspect of the decommissioning plan, the property owner(s) shall be ultimately responsible for all aspects of decommissioning and liable for all penalties for failure to comply. If a property owner changes, the operator shall obtain an affidavit from all new property owners.
  - b. **Continuity of Decommissioning Plan.** The written terms of the decommissioning plan shall include that the decommissioning plan is binding upon the property owner and operator as well as any of their successors, assignees, or heirs.
  - c. **Commercial Liability Insurance Required.** The owner and operator of a primary SES shall maintain a commercial general liability policy covering death, bodily injury, and property damage, which may be combined with umbrella coverage. The owner and operator shall be required to name the Town of Ellettsville, Indiana as an additional insured solely to the extent of liabilities arising under this UDO. This policy shall carry dollar amounts limits (per occurrence, aggregate coverage, and deductible amounts) satisfactory to the Town Council and agreed upon by the project owner and/or operator. All policies shall be from an insurance carrier licensed or authorized in the State of Indiana that is A Rated or better.
  - d. **Restoration of Site.** This shall outline how the site will be restored to a natural state that includes adequate provisions for removal of all structures and foundations to a depth of 48 inches and restoration of soil and vegetation.
    - 1) Decommissioning of the system, or a component or portion of the system, must be completed within 12 months of the project, or component or portion of the system, not producing energy. An owner may petition for an extension of this period upon showing of reasonable circumstances that have caused the delay in the start of decommissioning.
    - 2) Disposal of structures, materials, waste, and/or foundations (both hazardous and non-hazardous materials) shall meet the provisions of all local, state, and federal ordinances.
  - e. **Estimated Decommissioning Costs.** Decommissioning costs shall be calculated by a third-party licensed or registered engineer (or by another person with suitable experience in the decommissioning of solar energy system) and agreed upon by the project owner and the Department of Public Works or their designee.
    - 1) The total estimated decommissioning costs shall be net of any estimated salvage value attributable to the solar device(s) at the time of decommissioning, unless the Town of Ellettsville and the project owner agree to include any such value in the estimated cost.
    - 2) The estimated decommissioning costs shall be reevaluated and agreed upon by the project owner and the Board of Works or their designee at the timelines outlined for the required surety bond.
  - f. **Surety Bond or Equivalent for Decommissioning.** The project owner shall provide a surety bond or an equivalent means of security acceptable to the Town Engineer or their designee in an amount equal to 125% of the agreed-upon estimated cost of decommissioning the system (as outlined in section (e) above). The total amount of the bond or other security posted under this section shall be provided:
    - 1) Prior to the issuance of a building permit for any structure or component of a Primary SES.
    - 2) Every five years at the anniversary of the approval of the initial decommissioning plan based upon the reevaluated decommissioning cost.
    - 3) If the operator or the project owner changes.

- b **Failure to Comply with Decommissioning Plan.** Any person or corporation who shall fail to comply with the decommissioning and/or bonding requirements herein shall for each, and every violation of non-compliance be liable for civil penalties to the Plan Commission of up to the maximum amount allowed by state law. Each day that the violation exists or continues shall be deemed a separate offense. The Plan Commission's attorney shall have the right to commence proceedings for an injunction, to restrain a person from violating this UDO and/or for a mandatory injunction requiring that a structure in violation of this UDO be removed. The remedies provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedy provided by law.
- c **Annual Compliance Permit.** The project owner shall obtain an annual permit in order to operate a Primary Solar Energy System within Ellettsville. The project owner shall submit a complete application no later than March 15th of each calendar year that includes:
  - 1) The primary SES owner and operator and any changes in ownership or contact information.
  - 2) Updated Certificate of Insurance with the Town of Ellettsville, Indiana listed as additional insured.
  - 3) Proof of surety bond or equivalent.

### 3.13 STORAGE UNITS

- A. **Storage Units Intent.** The intent of the storage unit standards is to establish standards that regulate the use of storage units and self-storage facilities, while ensuring the continued protection of the public health, safety, morals, and general welfare of the community.
- B. **Storage Units General Standards.** Storage units shall comply with all of the following:
  - 1. Commercial uses shall not operate within or from an individual and/or leasable storage unit. This does not include the storage of excess materials for businesses.
  - 2. Sewer and water service shall not be provided to individual storage units. Utilities may be provided to an office used to manage the storage unit facility.
  - 3. The operation of storage units must comply with all other local, state, and federal regulations.
  - 4. Hazardous materials are prohibited from being stored onsite.
  - 5. Storage units shall not be used for human occupancy.
  - 6. All items, materials, and similar items, excluding vehicles, shall be stored within a fully enclosed structure.
  - 7. The burning of trash or other materials is prohibited.



### 3.14 WIND ENERGY SYSTEMS (MINI, SMALL & COMMERCIAL)

- A. **Wind Energy Systems Intent.** The purpose of these regulations is to create a set of basic standards regulating the development, operation, and decommissioning of wind power devices for both commercial and personal use.
- B. **Wind Energy Systems General Standards**
  - 1. Wind energy systems are defined in Chapter 9.2: Definitions, are classified as a mini, small, or commercial wind energy system.
  - 2. The design and construction of all wind energy systems 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 the Town of Ellettsville 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, small, or commercial wind energy system and shall make application to modify the height, relocate or rebuild such structure.
    - d. All wind energy systems shall conform to applicable industry standards of the American National Standards Institute (ANSI) and be approved by a wind certification program recognized by the American Wind Energy Association. All systems that are over 25 feet in height must be designed by a Professional Engineer licensed to practice in the State of Indiana. The engineer must certify that the foundation and tower constructed for all structures is within acceptable code and industry standards—given local soil and climate conditions.
- C. **Wind Energy Systems Development Standards**

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

- D. **Development Standards for Commercial Wind Energy Systems.** These development standards only apply to all commercial wind energy systems (they do not apply to mini or small wind energy systems).
1. **Commercial Wind Energy Systems Shadow Flicker Modeling**
    - a. 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 will not experience more than 30 hours per year of shadow flicker under planned operating conditions for the wind power device(s).
    - b. 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.
  2. **Commercial Wind Energy Systems Impact on Communication Signals.** All wind power devices must be installed in a manner to minimize and mitigate impacts to:
    - a. television signals;
    - b. microwave signals;
    - c. agricultural global positioning systems;
    - d. military defense radar;
    - e. radio reception; and
    - f. weather and doppler radar.
  3. **Commercial Wind Energy Systems 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 50 A-weighted decibels, as modeled at the outer wall of an affected dwelling.
  4. **Commercial Wind Energy Systems Lighting**
    - a. 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.
    - b. 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.
  5. **Commercial Wind Energy Systems 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:
    - a. Completed to the satisfaction of the Administrator; and
    - b. Completed as stated in an applicable lease or another agreement with the landowner.

6. **Commercial Wind Energy Systems Decommissioning and Bonding.** Except as otherwise allowed by IC 36-7-4-1109, no wind power devices shall be installed unless the project owner:
  - a. Submits a decommissioning and site restoration plan to the Administrator that adequately outlines how the site would eventually be decommission.
  - b. Provides estimated decommissioning costs, including reevaluations of these costs at the timelines outlined below, that are calculated by a third party licensed or registered engineer (or by another person with suitable experience in the decommissioning of wind power devices) and agreed upon by the project owner and the permit authority.
    - 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 Administrator and the project owner agree to include any such value in the estimated cost.
    - 2) Posts a surety bond or an equivalent means of security acceptable to the permit authority, including a parent company guarantee or an irrevocable letter of credit but excluding cash, in an amount equal to the estimated cost of decommissioning the wind power device(s) in the following increments. The total amount of the bond or other security posted under this section shall be adjusted due to changes in costs after each reevaluation.
      - a) An amount equal to 25% of the total estimated decommissioning costs no later than the start date of the wind power device's full commercial operation. This amount shall be adjusted at the 5<sup>th</sup> anniversary and 10<sup>th</sup> anniversary of the start date of the wind power device's full commercial operation based on reevaluations.
      - b) An amount equal to 50% of the total estimated decommissioning costs not later than the 15<sup>th</sup> anniversary of the start date of the wind power device's full commercial operation.
      - c) An amount equal to 100% of the total estimated decommissioning costs not later than the 20<sup>th</sup> 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 years after the 20<sup>th</sup> anniversary of the start date of the wind power device's full commercial operation.
      - d) 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.
7. **Commercial Wind Energy Systems Signage**
  - a. All commercial wind energy systems and their appurtenant structures shall contain a sign(s) no larger than four square feet each that:
    - 1) Provides the name(s) of the owner(s) and operator(s) of the commercial wind energy systems as well as emergency phone number(s) that are visible from the access point(s) of the site and not lighted, unless lighting is required by applicable law, rule, or regulation.
    - 2) Provides a warning concerning voltage that is placed at the base of all pad-mounted transformers and substations in a conspicuous location.
  - b. No other signage, including advertising, shall be permitted.
8. **Commercial Wind Energy Systems Maintenance & Inspections**
  - a. The owner or operator of a commercial wind energy systems must submit, on an annual basis, a summary of the operation and maintenance reports to the Administrator. The owner or operator must also furnish such operation and maintenance reports as the Administrator reasonably requests.

- b. Any physical modification to the commercial wind energy systems 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 Building Permits.
  - c. The Administrator and Building Commissioner are responsible for contacting all owners or operators of a commercial wind energy systems that do not meet local, State, and/or Federal codes and regulations. Once notified in writing, the owner or operator of a commercial wind energy system will be required to address any repairs or alterations within 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 commercial wind energy systems may retain a third-party Professional Engineer licensed in the State of Indiana who is familiar with commercial wind energy systems to prepare and submit a written report to the Administrator 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.
9. **Commercial Wind Energy Systems Liability Insurance.** The owner or operator of any commercial wind energy systems shall maintain a current general liability policy covering bodily injury and property damage and names the Town of Ellettsville as an additional insured. The applicant shall provide proof of liability coverage in a form acceptable to the town's Attorney that includes dollar amount limits per occurrence, aggregate limits, and deductible amount.
- E. **Procedures for ALL Wind Systems**
- 1. Mini or small wind energy system are not required to obtain development plan approval but shall submit an engineered plot plan/site plan for review with any building permit application.
  - 2. Commercial wind systems shall be required to obtain development plan approval and all required permits must be obtained.
  - 3. Applications for the modification of an existing structure that does not increase the overall height or appearance shall be considered a permitted use if it was legally permitted and/or approved previously.

### 3.15 WIRELESS COMMUNICATION FACILITY

- A. **Wireless Communication Facility Intent.** It is the purpose of this section to allow for the appropriate siting of new wireless communication facilities in the town in compliance with current state statute procedures, including IC 8-1-32.3. The regulations set forth in this ordinance allow for and regulate wireless communication facilities while also taking into consideration the health, safety, and general character of the surrounding neighborhood.
- B. **Wireless Communication Facility General Standards.** In accordance with IC 8-1-32.3 and notwithstanding IC 36-7-4 or any rules adopted by the BZA, the following provisions apply to all applications submitted under this section:
1. **Limitation on Fees**
    - a. The Administrator may not require an applicant to pay a fee associated with the submission, review, processing, or approval of an application unless the permit authority requires payment of the same or a similar fee for applications for permits for similar types of commercial or industrial structures within the applicable jurisdiction.
    - b. If a fee associated with the submission, review, processing, or hearing of an application, including a fee imposed by a third party that provides review, technical, or consulting assistance to the Administrator, the fee must be based on actual, direct, and reasonable costs incurred for the review, processing, and hearing of the application.
    - c. A fee described in this section may not include:
      - 1) Travel expenses incurred by a third party in its review of an application; or
      - 2) Direct payment or reimbursement of third-party fees charged on a contingency basis.
  2. **Non-discrimination.** The Administrator or the BZA may not discriminate among communications service providers or public utilities with respect to the following:
    - a. Approving applications, issuing permits, or otherwise establishing terms and conditions for construction of wireless or wireline communications facilities.
    - b. Authorizing or approving tax incentives for wireless or wireline communications facilities.
    - c. Providing access to rights-of-way, infrastructure, utility poles, river and bridge crossings, and other physical assets owned or controlled by the applicable jurisdiction.
  3. **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.
  4. **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.
  5. **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.
  6. **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.
  7. **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.

8. **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 Building Permit for the multiple facilities, or for the small cell network, in lieu of issuing multiple permits for each respective facility.
  9. **Conditions for Use of Utility Poles or Towers.** Neither the Administrator nor the BZA may require or impose conditions on an applicant regarding the installation, location, or use of wireless service facilities on utility poles or electrical transmission towers.
- C. **Wireless Communication Facility Procedures**
1. **Application Required for Approval and/or Building Permit.** In accordance with IC 8-1-32.3, the following procedures shall apply to any required application and approval for construction of a new wireless support structure, substantial modification of a wireless support structure, or collocation of wireless facilities on an existing structure.
    - a. **Complete Application.** To be considered complete, the following information must be submitted with an application for a new wireless support structure, a substantially modified wireless support structure, or collocation of a wireless facility:
      - 1) **Applicant Information**
        - e) 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
        - f) 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.
        - c) **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.
        - d) **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 7.7: Special Exception and Variance Procedures.
    - b. **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 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 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.

- c. **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 by this UDO, 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 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 a Building Permit.
    - b) **New Wireless Support Structure.** If the request involves an application for a Building Permit to construct a new wireless support structure, a reasonable period of time is not more than 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 a Building Permit for substantial modification of a wireless support structure, a reasonable period of time is not more than 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.
  - d. **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.
  - e. **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.
  - f. **Permits Required**
    - 1) All permits required by the Town of Ellettsville shall be obtained from the appropriate department.

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# CHAPTER 4: SITE DEVELOPMENT AND STRUCTURE STANDARDS

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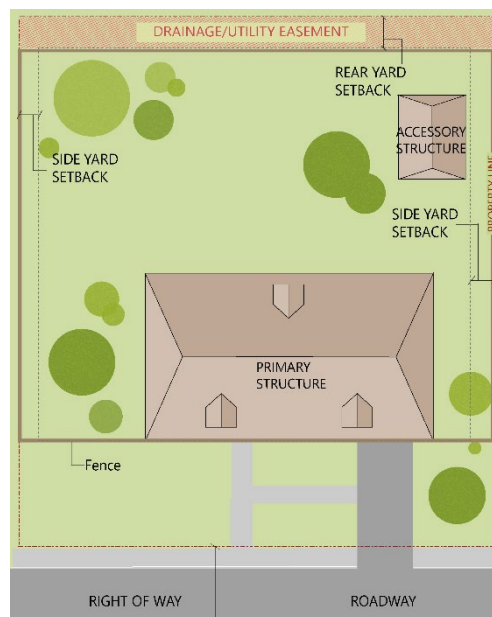
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## 4.1 GENERAL STANDARDS

- A. **Intent.** The intent of these standards is to provide safe and habitable structures and properties; protect the health, safety, and general welfare of the public and require site development and architectural requirements to meet the spirit and intent of the Comprehensive Plan.
- B. **Applicability of Additional Site Development and Structure Standards**
  1. **Applicability.** The site development and structure standards included in this chapter shall apply to all parcels and all zoning districts and are in addition to all other applicable structure, lot, and/or site standards within this UDO.
  2. **Thresholds Requiring Compliance with All Site and Structure Standards.** Unless otherwise stated, a parcel and/or development shall comply with all site development and structure standards within this chapter if any of the following occurs:
    - a. A new primary structure(s) is constructed;
    - b. A new land use(s) is established or a change in land use(s) occurs;
    - c. Exterior structural alteration(s) to the primary structure(s), including additions, enlargements, and relocations. Routine maintenance (such as painting, replacing windows, etc.) and internal remodel/renovations that do not structurally alter the exterior of the structure are not considered exterior structure alterations.
  3. **Thresholds Requiring Compliance with an Individual Site or Structure Standard**
    - a. Unless otherwise stated in this chapter, if a site or structure standard specifically included in this chapter is altered, expanded, removed, constructed, changed, established, or occurs after the effective date of this UDO, the parcel and/or development shall be required to fully comply with all requirements for only that specific site development standard unless the thresholds above are met.
    - b. Regular maintenance does not require compliance with an individual site or structure standard. For example, if a parking area is resurfaced and does not alter the pavement area, layout, or number of spaces, it would be considered regular maintenance. However, if the parking area is expanded or changes are made in traffic circulation, all parking areas on the parcels (existing and new) shall fully comply with the parking standards of this UDO.

## 4.2 ACCESSORY STRUCTURE STANDARDS

- A. **Intent.** The purpose of these accessory structure standards is to provide safe conditions and orderly development within a site to protect the health, safety, and welfare of the occupants and public.
- B. **Permitted Districts.** Unless otherwise stated in this UDO, accessory structures that are incidental to the primary use shall be permitted in all zoning districts if all requirements of this UDO have been met.
- C. **Accessory Structure Location.** An accessory structure shall meet all setback and accessory structure height requirements as required by the applicable zoning district in Chapter 2: Zoning Districts.
1. Unless specifically stated, accessory structures shall not be constructed within any type of easement, including drainage, access, and utility easements. This shall include fences.
  2. Accessory structures that require a permit shall be located in line with or behind the front building façade of the primary structure in all zoning districts unless otherwise stated in this UDO. Fences are permitted in front of the primary structure building façade as outlined in Chapter 4.2H: Fence and Wall Standards.. Concrete and pavement slabs, patios, and parking lots are permitted in front of the primary structure building façade, provided they meet all other standards as outlined in this UDO.
- E. **Subordinate in Nature**
1. An accessory structure shall be ancillary and complementary to the use of the primary structure and primary use.
  2. Accessory structures are not permitted on a lot prior to any primary structure being constructed (or the primary use being established in the event a primary structure is not applicable) unless it is located within the AG zoning district and the accessory structure(s) is being used for agricultural purposes.
  3. Accessory structures shall be subordinate in height, area, bulk, and extent to the primary structure, except within the I1 and I2 industrial districts.
  4. The total cumulative square footage of all accessory structures cannot exceed the footprint of the primary structure(s) except within the AG, I1, and I2 districts. The maximum impervious area standards shall apply and include all accessory structures except fences.
- F. **Maximum Quantity of Accessory Structures**
1. Within the AG zoning district, a maximum of six accessory structures that require a permit, excluding fences, are allowed per parcel.
  2. Within all other zoning districts, a maximum of three accessory structures that require a permit, excluding fences, are allowed per parcel.
- G. **Fence and Wall Standards.** The following shall apply to all fences and walls, unless otherwise regulated within this UDO. These standards do not apply to retaining walls whose purpose is to provide structural support in grading and elevation changes. Additionally, no regulations contained herein shall supersede Indiana Code regarding fences.
1. **Fence and Wall Placement**
    - a. No fence or wall shall be constructed or designed so that it creates a traffic hazard (including being located within a sight triangle) or is hazardous or dangerous to persons or animals.
    - b. No fence or wall shall be allowed to be located within any type of easement, including drainage, access, and utility easements.
    - c. Fences and walls do not need to comply with accessory structure setbacks and may be placed up to the property line with written approval from the adjoining property owner(s). However, they must be at least five feet from any public right-of-way and comply with all other standards of this UDO.



Example of Fence and Wall Placement

2. **Fence and Wall Design**

- a. Razor wire, barbed wire, sharpened top spikes, electrified fences (excluding underground pet fence systems), and any other material not customarily used for fencing (such as pallets) are prohibited, except for agricultural and industrial purposes.
- b. When located in a front yard, fences shall be no more than 80% opaque (e.g., ornamental iron, woven wire, chain link).
- c. Structural supports for any fence type shall face inward.

3. **Fence and Wall Height**

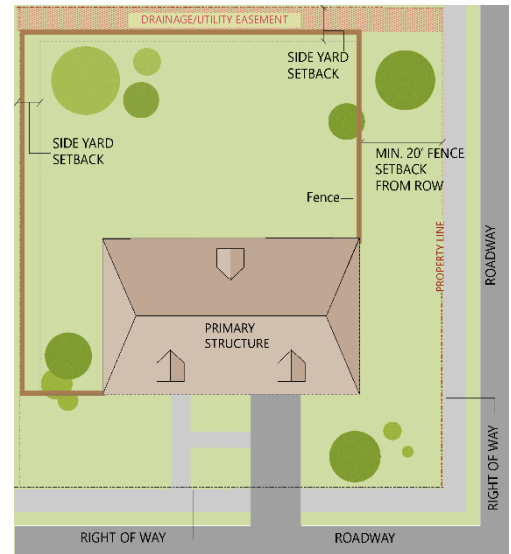
- a. **Height.** Fence and wall height is measured from the lowest ground elevation adjacent to the fence or wall to the top of the fence.
- b. **Industrial Districts.** Fence and wall height shall not exceed eight feet in the side or rear yards and four feet in any front yard.
- c. **All Other Districts.** Fence and wall height shall not exceed six feet in the side or rear yards and four feet in any front yard.
- d. **Exceptions.** Fences located on a corner lot may comply with the maximum side yard fence height and setback if all of the following are met:
  - 1) The parcel abuts a parcel that is also a corner lot and the rears of both primary structures are facing;
  - 2) The fence is located behind the front elevation of the primary structure; and
  - 3) The fence complies with all other standards for fences in side yards.

H. **Swimming Pool Standards**

- 1. Swimming pools, as defined by Chapter 9.2: Definitions, are subject to the setback requirements of the subject zoning district and must be located behind the front façade of the primary structure.
- 2. Swimming pools shall comply with all applicable state requirements and are subject to all requirements of the Indiana Swimming Pool Code as amended (675 IAC 20-4-7).

I. **Mailboxes for Residential Development**

- 1. All mailboxes shall comply with all USPS standards and regulations.
- 2. If centralized mail delivery (such as cluster box units or neighborhood unit centers) are required by the local USPS postmaster or the designated local USPS Growth Manager, all mailbox structures shall comply with Chapter 6.6: Mailboxes for Residential Development.



*Example of Fence/Wall Placement on a corner lot*

## 4.3 ARCHITECTURAL STANDARDS

- A. **Intent.** The intent of these standards is to provide minimum requirements for the design and configuration of development above and beyond the basic guidelines of the underlying zoning district. These standards express the town's expectations for the aesthetics and appearance of new development, including the need to:
1. Allow for creativity in building design;
  2. Improve the long-term value and durability of buildings;
  3. Protect the character of the town;
  4. Increase visual interest, promote quality design, and incorporate pedestrian scale
  5. Foster high-quality, attractive development consistent with the Comprehensive Plan; and
  6. Preserve and protect property values of existing public and private investment.
- B. **Applicability**
1. The architectural and site layout standards shall apply to all uses and zoning districts, except single-family and two-family dwellings and the AG zoning district.
  2. All parcels and developments shall comply based on thresholds outlined in Chapter 4.1B: Applicability of Additional Site Development and Structure Standards.
- C. **Building Orientation.** Front of buildings and the primary entrance shall be oriented towards the street with the highest roadway classification, unless approved by the PC during development plan approval.
- D. **Utilities.** All on-site utilities (outside the public right-of-way) shall be underground unless approved by the PC. All transformers shall be located underground or behind the rear elevation of the primary structure and adequately screened, unless approved by the PC.
- E. **Façade Variations.** All street facades (adjacent to a public road) and facades that are facing a residential district shall include the following elements:
1. **Façade Base.** A defined base or foundation.
  2. **Façade Top.** Cornices, parapets, or similar architectural elements that are appropriately scaled to the building façade and reflect the architectural style of the structure.
  3. **Horizontal Offset.** At least one offset (projecting or recessed) that is at least two feet deep every 90 horizontal feet (i.e., façade width). For industrial buildings, the offsets and projections may be substituted with color variations, material variations, or other techniques that break up massing at the discretion of the Administrator.
- F. **Façade Transparency**
1. All street facades (adjacent to a public road) shall comply with the following.:
    - a. Window and door openings with dimensions and placement that are similar in proportion to the building façade/architectural style and consistent in proportion and pattern with any adjacent and/or historic structures.
    - b. New buildings for commercial uses shall have at least 25% transparency on all street-facing facades.
      - 1) Exception. New buildings for non-residential uses within the D1 zoning district shall have at least 50% transparency on all street facing facades.
    - c. New buildings for multi-family residential uses shall have at least 10% transparency on all street-facing facades.
    - d. Each window for non-residential uses shall be square or vertically-oriented (height must be equal to or more than width). A horizontal window opening may be created when two more vertical windows are grouped together and all windows in the horizontal group are either the same size or no more than two sizes are used.
  2. Transparency calculations include all window and door opening but exclude non-transparent parts of an opening (such as lintels, frames, sills, and mullions) that are larger than one inch.
  3. Signs located in windows are considered non-transparent and shall meet the standards outlined in Chapter 4.9: Sign Standards.

- G. **Exterior Building Materials for Street Facades.** The exterior building materials for all facades facing or adjacent to a public road shall comply with the following:
1. **General**
    - a. A minimum of two building materials shall be used on each façade facing a public road. This excludes doors, windows, and similar openings but may include the cornice, trim elements, and similar accent elements.
    - b. The primary building material shall not change for a minimum of 50 feet horizontally along the street façade.
    - c. The primary building material(s) on any street façade shall continue around the corner of a building for a minimum 30 feet onto the side or rear façade.
  2. **Permitted Building Materials for Street Facades**
    - a. No more than 20% of any street façade may be constructed of the following materials:
      - 1) Metal (excluding ribbed or corrugated),
      - 2) Concrete masonry units (excluding smooth finish),
      - 3) Concrete,
      - 4) Terra cotta,
      - 5) Ceramic,
      - 6) Glass (storefront only),
      - 7) Wood shakes,
      - 8) Vinyl board and batten,
      - 9) Vinyl shakes
      - 10) Stucco (EIFS); and/or
      - 11) Vinyl and aluminum siding (shiplap or clapboard pattern).
    - b. Where horizontal siding is used, it must be shiplap or clapboard siding.
    - c. Structures in the I1 and I2 districts may be constructed entirely of metal if approved by the PC.
  3. **Prohibited Building Materials for Street Facades.** Unfinished concrete (untreated, unstained, unpainted), corrugated or ribbed metal panels, smooth finish concrete masonry units, plastic panels, and unfinished or untreated wood shall be prohibited on all street facades and facades that are adjacent to or facing a residential district.
  4. **Permitted Building Material Color**
    - a. Overly bright, neon, or day-glow colors are not permitted as primary exterior building colors on street facades and facades that are adjacent to or facing a residential district.
    - b. Building trim and accent areas may feature brighter colors, but these colors may not comprise more than 15% on street facades and facades that are adjacent to or facing a residential district.
  5. **Permitted Foundation Materials.** Plain concrete block or exposed concrete may be used as a foundation material if is not revealed more than two feet above the finished grade level adjacent to the foundation wall.
- H. **Roof Design**
1. **Roof Materials.** The materials and finishes for roofs shall complement the materials used for the building.
  2. **Roof Pitch.** Roofs may be pitched, use stepped parapet walls, three-dimensional cornices, dimensioned or integrally-textured materials, or be sloped with overhangs and brackets.
    - a. Parapets shall not exceed more than one-third the height of the supporting wall.
    - b. A sloped roof shall not exceed a pitch of 12:12.
    - c. Roof pitches less than 3:12 and flat roofs shall require a parapet wall on all sides visible from a public road.

**I. Entrances**

1. **Non-Residential Uses.** The primary entrance(s) for the primary structure(s) shall have at least three of the following prominent entryway/architectural features that clearly distinguishes the entrance.
  - a. Change in building material or color.
  - b. Change in paving or walking surface materials.
  - c. Significant architectural feature that extends above the primary roof height.
  - d. Projection or recess of at least five feet beyond the adjacent wall plane.
  - e. Outdoor pedestrian gathering or seating area capable of accommodating at least five people at the same time.
  - f. Canopy, awning, or similar covering that extends outwards from the building wall by at least five feet.
  - g. Glazing that extends upwards for at least 75% of the building's height adjacent to the entrance door(s).
  - h. Architectural detailing around the entryway, such as tilework or integrated moldings.
  - i. Fountains, artwork, or landscaping in raised planters immediately adjacent to the entrance door(s).

**J. Awnings, Canopies, and Porches if Used**

1. Awnings shall be made of professional-grade canvas or fabric.
2. Canopies, if used, shall be integrated into the architectural design of the façade, be shaped to fit the opening, and not contain back lighting.
3. All openings between a porch floor and ground shall be covered with a solid material or lattice.

**K. Accessory Structures**

**1. General Standards**

- a. All non-residential accessory buildings and structures shall be constructed with materials that are similar and compatible with materials used in the primary structure.
- b. All accessory structures on the site (including kiosks, car wash buildings, gas pump islands, canopies, and similar structures) shall be architecturally consistent with the primary structure.
- c. All building elevations of accessory structures that face the street shall be architecturally detailed to avoid the appearance of the "back of the building" (such as black walls) and should contribute a positive presence to the street scene.

**2. Gas Pump Structures**

- a. Gas island canopies shall be built of the same high-quality materials as the convenience store, kiosk, and/or primary structure associated with the gas island. These structures shall be designed to create architectural harmony with the primary structure on the site.
- b. Gas island canopy structural columns shall be covered with the same building materials as the associated primary structure.

## 4.4 ENTRANCE, DRIVE, AND ACCESS MANAGEMENT STANDARDS

- A. **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 conflicts, maintain the integrity of the road system, prevent congestion, and prevent drainage issues, as well as damage to the existing right-of-way.
- B. **Applicability.** The entrance, drive, and access management standards shall apply as outlined in Chapter 4.1B: Applicability of Additional Site Development and Structure Standards.
- C. **Permits Required for Driveways**
  - 1. The location of new, expanded, or modified driveway must be approved by the Administrator or their designee prior to construction.
  - 2. All driveways must comply with the Ellettsville Stormwater Standards in Chapter 53 and Chapter 152.160-152.177: Stormwater Control and comply with town standards for design and installation of culverts and mailboxes.
  - 3. All new, expanded, or modified driveways onto local roads must obtain a permit from the town.
  - 4. All new, expanded, or modified driveways or access points onto INDOT-regulated roads must obtain a permit, as required, from INDOT prior to obtaining a local driveway permit.
- D. **Driveway Location and Minimum Separation.** Excluding platted residential subdivisions, driveways must be adequately separated from roadway intersections and other driveways and cannot create traffic or safety hazards. The minimum separation between an intersection and any new driveway shall comply with Table 4.1: Required Driveway and Intersection Separation unless greater separation is required by an adopted plan. If a driveway cannot meet the separation requirements from Table 4.1: Required Driveway and Intersection Separation because of the parcel width, one driveway is permitted at the furthest feasible point from the intersection or other driveway.

TABLE 4.1: REQUIRED DRIVEWAY AND INTERSECTION SEPARATION	
Separation from Local Road/Other Driveway <sup>1</sup>	80 Feet <sup>2</sup>
Separation from Major Collector/Minor Collector <sup>1</sup>	150 Feet <sup>2</sup>
Separation from Principal Arterial/Minor Arterial <sup>1</sup>	200 Feet <sup>2</sup>

*1 - Roadway classification shall be in accordance with the Bloomington-Monroe County MPO Local Federal Functional Classification Map*

*2 - Measured from the closest edge of road and/or driveway intersection of the roadway*

- E. **General Driveway Standards**
  - 1. All driveways shall be graded and surfaced with an all-weather paving material, such as asphalt, concrete, or other material that will provide equivalent protection against potholes, erosion, and dust.
    - a. Gravel driveways are permitted for single-family detached dwellings located on a parcel that is five acres or larger in size, provided the first 50 feet of driveway from the edge of road pavement or the right-of-way is surfaced with an all-weather paving material such as asphalt or concrete.
  - 2. All shared driveways shall have a written maintenance agreement with the parcels that access the private, shared driveway that is approved by the Administrator and recorded with the Monroe County Recorder’s Office.

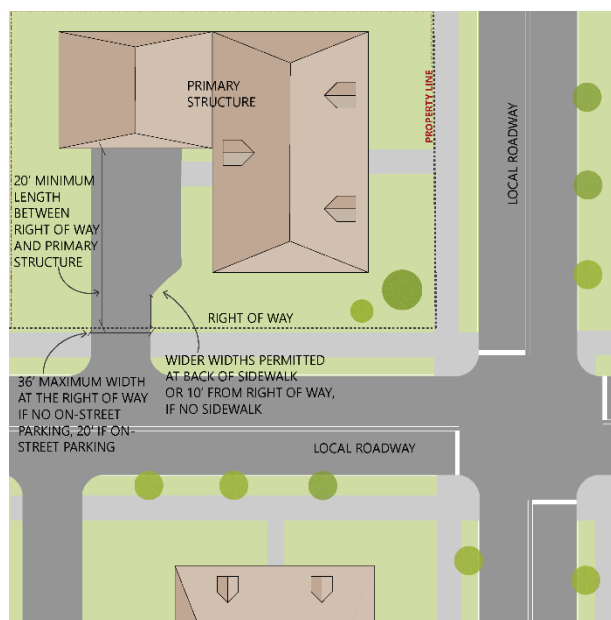


Example of Driveway Separation



**F. Driveways for Single-Family and Two-Family Residential Uses**

1. Single-family and two-family dwelling units shall comply with the following standards.
  - a. The width shall not exceed 36 feet at the right-of-way; however, if on-street parking is available, the maximum width shall not exceed 20 feet at the right-of-way.
  - b. At least 20 feet in length shall be provided between the primary structure and the nearest edge of sidewalk or edge of roadway if a sidewalk does not exist.
  - c. Shared driveways shall have a 20-foot minimum easement that is approved by the Administrator and recorded with the Monroe County Recorder's Office.
  - d. A maximum of three single-family units or three two-family dwelling structures (i.e., three duplex structures) can be served by a single shared driveway.
  - e. Driveways that serve four or more single-family or four or more two-family dwelling structures (i.e., four or more duplex structures) shall be considered public roads and must be constructed in accordance with the residential road standards as outlined in the Town's design standards.



*Example of Driveway Measurements*

2. **All Other Uses (Non-Single-Family and Non-Two-Family Uses)**
  - a. Driveways for all other uses, including multi-family residential must be constructed in accordance with the industrial and commercial road standards as outlined by the Street Standards.

**G. Access Management Standards**

1. If a parcel that adjoins or includes an existing public road that does not conform to the minimum right-of-way dimensions as established by the Street Standards, the property owner shall dedicate additional right-of-way width, regardless if the parcel is subdivided or not, as required to meet this UDO and/or the Comprehensive Plan at the time of the development plan process, the secondary plat process, or building permit process, whichever is appropriate.
2. The developer shall be required to provide deceleration lanes, acceleration lanes, passing blisters, or other improvements to the public road system to mitigate impacts from their development when a development connects to an existing public road.
3. Access points shall be limited and consolidated as determined by the Department of Public Works and/or the Plan Commission.
4. Cross-access connections (and easements if required) for all non-residential development shall be provided between adjacent, compatible developments.
5. New roads and driveways for cross-development access shall align with and connect to existing or planned roads and provide for connections with adjacent property. Proposed roads and driveways for cross-development access must extend to the boundary line of the parcel to be developed to provide for normal circulation of traffic within the vicinity, unless approved by the PC.
6. Individual driveways from platted residential subdivisions cannot gain access directly from any arterial or collector roadway unless no other means of access is available.
7. Development, whether platted or not, must provide a vehicular connection between adjacent lots or parcels, or stub connections if adjacent sites are not developed, to encourage and facilitate circulation without directly accessing public streets.

**H. Sidewalk and Trail Standards**

1. Sidewalks and trails shall be installed by the applicant, at their expense, along public roads as outlined in the Sidewalk and Trail Design Standards Table in Chapter 6.10: Sidewalks and Trails.
2. All required improvements shall be dedicated as public right-of-way and dedicated to the Town of Ellettsville if improvements cannot be located within a previously dedicated or existing public right-of-way.
3. **Use of Sidewalks for Business Activities**
  - a. All business activities, such as outdoor dining, sidewalk retail sales, and similar, that occur on or within a public sidewalk shall be approved by the Department of Public Works prior to the activity commencing or starting.
  - b. An ADA-accessible route shall be maintained at all times.
  - c. Permanent structures that are intended to be used for business activities, such as tables and chairs, shall not be permanently affixed or installed on or within a public sidewalk without approval from the Department of Public Works.

## 4.5 LANDSCAPING AND BUFFER STANDARDS

- A. **Intent.** The intent of these standards is to maintain community character through quality design and visual appearance; minimize conflicts between land uses through buffers and screening higher-intensity land uses from lower-intensity land uses; and minimize potential nuisances such as dirt, noise, glare, and similar impacts between properties.
- B. **Applicability.** The landscape and buffer standards shall apply as outlined in Chapter 4.1B: Applicability of Additional Site Development and Structure Standards.
- C. **Approvals Required.** A landscape plan shall be submitted if development plan approval is required. If development plan approval is not required, a landscape plan shall be submitted with the building permit application.
- D. **Minimum Required Plantings and Bufferyards.** The following landscaping and bufferyards shall be provided for all parcels unless specified otherwise.
  - 1. Table 4.4: Required Front Yard and Foundation Plantings
  - 2. Table 4.5: Bufferyard Width and Bufferyard Plantings
  - 3. Parking Lot Landscaping (see Chapter 4.7M: Parking Lot Landscaping)
- E. **Landscaping Location**
  - 1. Required plantings may be grouped or clustered to provide a more natural appearance, improve site design, accommodate vehicular and pedestrian access, avoid utility infrastructure, and/or loading and maintenance areas.
  - 2. Plantings shall avoid interference with overhead and underground utilities and shall provide a five-foot minimum setback from water and sewer lines.
  - 3. Landscape materials shall not be planted in rights-of-way or easements without permission from the Administrator and the easement holder unless otherwise required by this UDO.
  - 4. Required plantings shall be located within the required bufferyard or planting area.
  - 5. Plantings shall not obstruct driveways or public road sight distance.
- F. **Prohibited Plants.** Plant material included Table 4.2: Prohibited Tree List and Table 4.3: Prohibited Shrub List and/or on the current IDNR list of invasive species cannot be used to satisfy any requirements of this section.

TABLE 4.2: PROHIBITED TREE LIST

Genus	Specific Epithet	Common Name	Reason
Acer	campestre	Hedge Maple/Field Maple	Invasive
Acer	ginnala	Amur Maple	Invasive
Acer	platanoides	Norway Maple	Invasive
Ailanthus	altissima	Tree of Heaven	Invasive
Albizia	julibrissin	Mimosa	Invasive
Alnus	glutinosa	Black Alder	Invasive
Fraxinus	species	Ash	Emerald Ash Borer Insect Susceptibility
Morus	alba	White Mulberry	Invasive
Paulownia	tomentosa	Princess Tree	Invasive
Phellodendron	amurense	Amur Cork Tree	Invasive
Pinus	negra	Austrian Pine	Invasive
Pyrus	calleryana	Callery Pear	Invasive, including 'Bradford' and other hybrids
Quercus	acutissima	Sawtooth Oak	Invasive Potential
Robinia	pseudocacia	Black Locust	Invasive
Triadica	sebifera	Chinese Tallow Tree	Invasive
Ulmus	pumila	Siberian Elm	Invasive

TABLE 4.3: PROHIBITED SHRUB LIST

Genus	Specific Epithet	Common Name	Reason
Berberis	vulgaris	Common Barberry	Invasive Potential
Berberis	thunbergii	Japanese Barberry	Invasive
Celastrus	orbiculatus	Asian Bittersweet	Invasive
Elaeagnus	angustifolia	Russian Olive	Invasive
Elaeagnus	umbellata	Autumn Olive	Invasive
Euonymus	alatus	Burning Bush	Invasive
Euonymus	fortunei	Wintercreeper	Invasive
Fallopia	x bohemica	Bohemian Knotweed	Invasive, including other hybrids
Fallopia	sachalinensis	Giant Knotweed	Invasive
Frangula	alnus	Glossy Buckthorn	Invasive
Hypericum	perforatum	St. John's Wort	Invasive
Ligustrum	amurense	Amur privet	Invasive Potential
Ligustrum	obtusifolium	Blunt Leaved Privet	Invasive
Ligustrum	ovalifolium	California Privet	Invasive Potential
Ligustrum	sinense	Chinese Privet	Invasive Potential
Ligustrum	vulgare	Common Privet	Invasive Potential
Lonicera	japonica	Japanese Honeysuckle	Invasive
Lonicera	maackii	Amur Honeysuckle	Invasive
Lonicera	morrowii	Morrow's Honeysuckle	Invasive
Lonicera	tartarica	Tartarian Honeysuckle	Invasive
Lonicera	x bella	Bell's Honeysuckle	Invasive
Phyllostachys	aurea	Bamboo	Invasive, including other hybrids
Polygonum	cuspidatum	Japanese Knotweed	Invasive
Pueraria	lobata	Kudzu Vine	Invasive
Rhamnus	cathartica	Common Buckthorn	Invasive
Rhamnus	frangula	Tall Buckthorn	Invasive
Rosa	multiflora	Multiflora Rose	Invasive
Rubus	phoenicolasius	Wine Raspberry	Invasive Potential
Spiraea	japonica	Japanese Meadowsweet	Invasive
Viburnum	opulus	European Cranberry	Invasive, including the variety opulus

**G. General Requirements**

1. Groundcover shall be provided in addition to any required plantings.
2. Any fraction of a required tree or shrub shall be rounded up to the whole number.
3. Vegetation Substitutions
  - a. Plant types may be substituted at the discretion of the Administrator to accommodate rights-of-way, drainage easements, and utility easements.
  - b. Evergreen trees may be substituted for shade trees at the discretion of the Administrator.

**H. Parking Lot Landscaping.** Parking lot landscaping shall be provided as outlined in Chapter 4.7M: Parking Lot Landscaping.

**I. Planting Installation Requirements**

1. All plantings must be suitable for Ellettsville's soils, climatic conditions, and the plant's solar exposure.
2. In cases where landscaping cannot be completed prior to building occupancy due to weather or similar conditions, a temporary occupancy permit may be issued with a commitment the landscaping be installed within 120 days of the final inspection.
3. At the time of installation, the minimum plant sizes shall meet the following standards:
  - a. Shade Trees: 2" caliper (DBH) and 8' tall
  - b. Evergreen Trees: 5' tall
  - c. Shrubs: 18" tall

**J. Planting Maintenance**

1. The property owner is responsible for the regular maintenance of all landscaping materials to keep them in good condition. All landscape materials shall be alive, healthy, and free from disease and pests, and all landscaped areas shall be properly drained, regularly maintained, and free of weeds, dirt, trash, and debris.
2. All plant material used to satisfy the requirements of this section that dies must be replaced by the property owner within six months to maintain the approved landscape plan. Failure to maintain compliance with the minimum requirements of this section is a violation of the UDO and subject to the provisions of Chapter 7.12C: Penalties and Fines.

**K. Required Front Yard and Foundation Plantings**

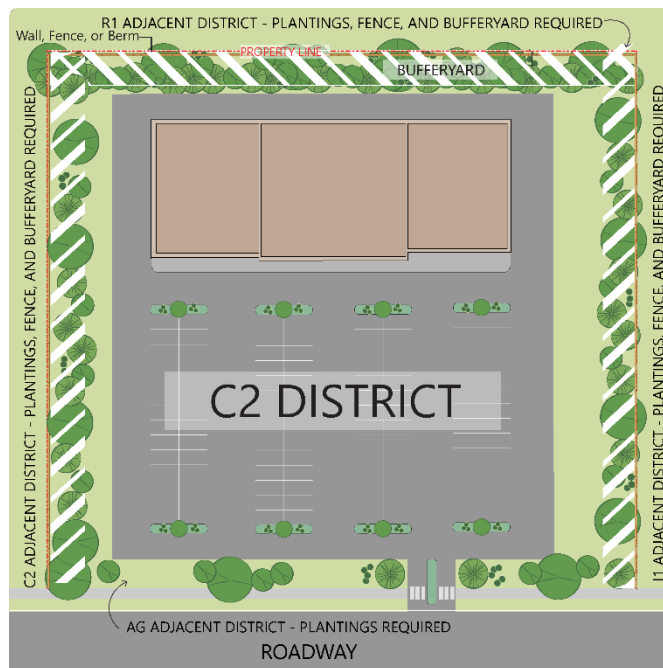
1. Each property owner is required to provide the required landscaping and foundation landscaping outlined in Table 4.4: Required Front Yard and Foundation Plantings.
2. Front yard planting requirements and foundation plantings shall be applied to all front yards.
3. Required front yard plantings shall be located between the front property line and the primary structure.
4. Required foundation plantings shall be located within 15 feet of the building façade and be located in a planting bed that is at least six feet in length and six feet in width.

TABLE 4.4: REQUIRED FRONT YARD AND FOUNDATION PLANTINGS		
Zoning of Subject Property	Minimum Plantings Required per 100 Linear Feet <sup>1</sup>	Minimum Foundation Plantings Required per 100 Linear Feet of Building <sup>2</sup>
AG	N/A	N/A
R1, R2	N/A	N/A
R3	2 canopy trees, 4 evergreen trees, and 6 shrubs or ornamental trees	6 shrubs or ornamental trees
D1	N/A	N/A
C1	2 canopy trees, 4 evergreen trees, and 6 shrubs or ornamental trees	6 shrubs or ornamental trees
C2	2 canopy trees, 4 evergreen trees, and 6 shrubs or ornamental trees	6 shrubs or ornamental trees
I-1 & I-2	4 canopy trees, 6 evergreen trees, and 8 shrubs or ornamental trees	8 shrubs or ornamental trees

1 - Minimum plantings required per 100 linear feet (including driveways) as measured along the front yard of the property line  
 2 - Minimum plantings required per 100 linear feet of the building facade along the front yard only

**L. Required Bufferyard Width and Bufferyard Plantings**

- All development shall install required plantings, walls, and/or fences and provide a bufferyard as outlined by Table 4.5: Required Bufferyard Width and Bufferyard Plantings.
- Each property owner is required to provide the required bufferyard width and required bufferyard plantings and/or fence, wall, or berm on their parcel as it develops, even if an adjacent parcel also has provided a bufferyard and/or plantings.
- Development that requires a fence or wall may be exempt from providing the fence or wall if the adjacent property owner has previously installed a wall or fence that complies with the standards in this section.
- If the development borders a jurisdictional boundary outside that of this UDO, the plantings, wall, fence, and/or bufferyard requirements used shall be based on the zoning district most comparable to that of this UDO at the discretion and approval of the Administrator.
- If the subject property or adjacent zoning district is a PUD, the plantings, wall, fence, and/or bufferyard requirements used shall be based on the zoning district most comparable to that of this UDO at the discretion and approval of the Administrator.
- Planting requirements shall be applied to side yards and rear yards only.
- Required bufferyards width are measured from the property line inward. Bufferyards may be included within the required side or rear setback outlined in Chapter 2: Zoning Districts (bufferyards are not in addition to required setbacks).



Example of Bufferyard Requirements

TABLE 4.5: REQUIRED BUFFERYARD WIDTH AND BUFFERYARD PLANTINGS			
Zoning of Subject Property	Adjacent Zoning District	Minimum Plantings Required per 100 Linear Feet & Required Fence/Wall/Berm	Minimum Bufferyard Width
AG, R1, R2, D1	All Districts	N/A	N/A
R3	A1, R3, D1, C1, C2, I1, I2	N/A	N/A
	R1, R2	4 canopy trees, 6 evergreen trees, and 8 shrubs or ornamental trees	20 feet
C1	AG, D1, C1, C2, I1, I2	N/A	N/A
	R1, R2, R3	4 canopy trees, 6 evergreen trees, and 8 shrubs or ornamental trees	20 feet
C2	AG	N/A	N/A
	R1, R2, R3	6 canopy trees, 8 evergreen trees, and 18 shrubs or ornamental trees Wall, Fence, or Berm <sup>1</sup>	40 feet
	D1, C1, C2, I1, I2	2 canopy trees, 4 evergreen trees, and 6 shrubs or ornamental trees Wall or Fence <sup>1</sup>	20 feet
I1, I2	R1, R2, R3	8 canopy trees, 10 evergreen trees, and 22 shrubs or ornamental trees Wall, Fence, or Berm <sup>1</sup>	100 feet
	AG, D1, C1, C2	6 canopy trees, 8 evergreen trees, and 18 shrubs or ornamental trees Wall, Fence, or Berm <sup>1</sup>	60 feet
	I1, I2	2 canopy trees, 4 evergreen trees, and 6 shrubs or ornamental trees	15 feet

<sup>1</sup> - Fence or wall must be opaque and a minimum of 6 feet in height; Berm must be a minimum 5 feet in height at peak and maximum 3:1 slope that is contained inside the bufferyard



## 4.6 LIGHTING STANDARDS

- A. **Intent.** The purpose of these standards is to minimize the intrusion of lighting across property lines and to avoid disrupting the quality of life of residents.
- B. **Applicability.** The lighting standards shall apply as outlined in Chapter 4.1B: Applicability of Additional Site Development and Structure Standards.
- C. **Approvals Required for Lighting.** A lighting plan shall be submitted if development plan approval is required. If development plan approval is not required, a lighting plan shall be submitted with the building permit application.
- D. **Exempt Lighting.** The following are exempt from requirements of this section:
  - 1. 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 15 feet above grade that are shielded downward.
  - 2. 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.
  - 3. All hazard warning lighting required by local, Federal, and State regulatory agencies.
  - 4. All temporary emergency lighting required by local law enforcement, emergency service, and utility departments.
  - 5. All traffic control and directional lighting.
  - 6. 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.
  - 7. All lighting for temporary events, festivals, and carnivals.
- E. **Development Standards for Lighting**
  - 1. All light fixtures shall be installed in compliance with the latest version of the National Electrical Code (NEC), as amended.
  - 2. If permanent outdoor lighting is provided in any district, it shall be of a design and size that is harmonious with the design of the building, the type of land use, and the type of adjacent land uses. All lighting fixtures within a single development must be consistent in style, design, height, size, and color throughout the development.
  - 3. 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.”
  - 4. Lighting fixtures for parking lots shall not exceed 25 feet in height and all lighting elements must have fully cutoff luminaires with “down lighting.”
  - 5. At property lines with non-residential parcels, lighting from a property shall not exceed 1.0 foot-candle beyond the property line of that property measured at grade at property line.
  - 6. At property lines with residential parcels, lighting from a property shall not exceed 0.5 foot-candle beyond the property line of that property measured at grade at property line.
  - 7. Excessive brightness, flashing lights, and brilliant colors are not permitted, excluding seasonal displays.

## 4.7 PARKING AND LOADING STANDARDS

- A. **Intent.** The purpose of these standards is to require minimal parking standards, minimize risk to the natural environment, and minimize pedestrian and vehicular conflicts to ensure public health, safety, and welfare.
- B. **Applicability.** The landscape and buffer standards shall apply as outlined in Chapter 4.1B: Applicability of Additional Site Development and Structure Standards.
- C. **Permit Required for Parking.** All new parking lots or the expansion of existing parking lots for commercial and/or industrial uses shall require a building permit.
- D. **Minimum Required Parking Spaces**
  - 1. All uses within the D1 zoning district may reduce the minimum parking required by 50%.
  - 2. The location and required minimum number of parking spaces for all uses shall comply with Table 4.6: Minimum Parking Requirements. The number of spaces required is intended to provide a minimal or low threshold; additional parking is permitted that exceeds these minimums.
  - 3. Any fraction of a required parking space shall be rounded up to the whole number.
  - 4. All developments shall comply with the minimum number of handicap spaces required by state and federal regulations. All handicap spaces may count towards the minimum number of required parking spaces.
- E. **Permitted Parking Reductions.** The required minimum number of spaces for all uses except accessory uses shall not be reduced without a variance.
  - 1. For non-residential uses, the Administrator may reduce the minimum number of parking spaces required in Table 4.6: Minimum Parking Requirements if the applicant provides one of the following:
    - a. Calculations showing the minimum number of spaces needed by using the most recent version of the Institute of Transportation Engineers (ITE) “Parking Generation.”
    - b. Documentation based on a reputable source that is approved by the Administrator that the required parking for the specific use exceeds the parking need.

TABLE 4.6: MINIMUM PARKING REQUIREMENTS

Land Use Category	Permitted Location	Minimum Spaces Required
Accessory Uses	On-site	<ul style="list-style-type: none"> <li>• ADU: 1 space. Parking for ADU’s may be shared with the primary dwelling</li> <li>• All other: As determined by the Administrator based on similar uses, similar number of employees, or similar number of guests</li> </ul>
Agricultural Uses	On-Site	<ul style="list-style-type: none"> <li>• 1 space per 3 employees during the largest shift</li> </ul>
Commercial Uses	On-site or Shared Parking	<ul style="list-style-type: none"> <li>• 2.5 spaces per 1,000 sq ft of gross floor area, excluding storage areas;</li> <li>• 1 space per 4 people based on maximum building occupancy; or</li> <li>• 1.5 spaces per employee during largest shift</li> </ul>
Industrial Uses	On-site or Shared Parking	<ul style="list-style-type: none"> <li>• 1 space per 1,000 sq ft of gross floor area; or</li> <li>• 1 space per 3 employees during the largest shift</li> </ul>
Institutional Uses	On-site or Shared Parking	<ul style="list-style-type: none"> <li>• 2.5 spaces per 1,000 sq ft of gross floor area, excluding storage areas;</li> <li>• 1 space per 4 people based on maximum building occupancy;</li> <li>• 1 space per 4 beds / patient rooms; or</li> <li>• 1.5 spaces per employee during largest shift</li> </ul>
Residential Uses	On-site	<ul style="list-style-type: none"> <li>• Single-family and Two-family: 1.0 space per dwelling unit</li> <li>• Multi-family: 1.5 spaces per dwelling unit</li> </ul>

**F. Shared Parking Permitted**

1. Shared parking may be provided for separate uses on separate parcels if the total number of spaces is not less than the minimum number of spaces required for each use as identified in Table 4.6: Minimum Parking Requirements.
2. Parking spaces for developments with uses that operate at different times may be credited to both uses.
3. **Shared Parking Agreements Required**
  - a. 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.
  - b. If shared parking spaces are not located on the same parcel as the use, all parking spaces used to satisfy the minimum number required shall be within 660 feet of the parcel's boundary.
  - c. Shared parking agreements must be approved by the Administrator.
  - d. If a shared parking agreement expires or otherwise terminates, each use must provide the minimum required parking on-site or through a new shared parking agreement.

**G. Parking Access**

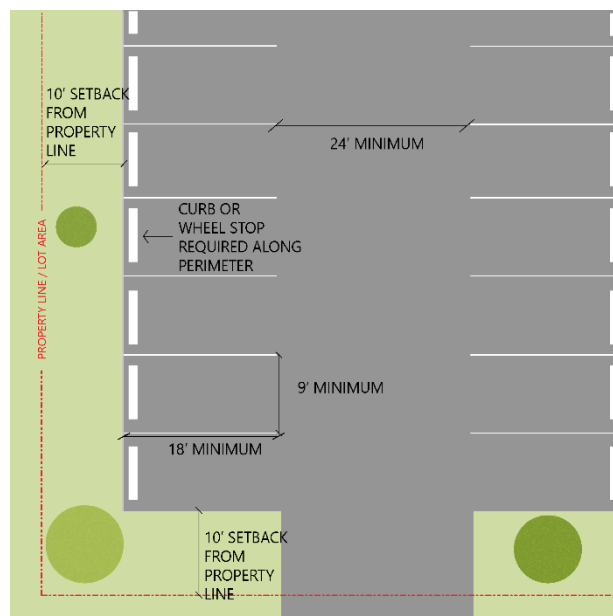
1. No individual parking spaces or loading areas shall gain direct access onto a public right-of-way. Parking spaces and loading areas shall be located and constructed to prevent vehicles from maneuvering in the public right-of-way or backing into a public street, or access way.
2. In order to minimize curb cuts and points of conflict, any use which fronts upon and utilizes access to a primary or secondary arterial road shall provide and utilize a common frontage or access lane for the purpose of access, parking, and loading where feasible.

**H. Parking Location**

1. At least 30% of all parking spaces shall be located behind the front elevation of the primary structure (to the side or rear of the primary structure).
  - a. Exception. Within the D1 zoning district, Off-street parking is prohibited within the front yard. 100% of parking shall be to the side or rear of the front elevation of the primary structure.
2. A parcel and/or development with legally non-conforming parking areas shall comply with the parking location standards only if a new primary structure is constructed or if the site layout permits.
3. All parking spaces, travel aisles, and loading areas shall maintain a setback of 10 feet from property lines and rights-of-way. However, no parking spaces, parking area, or loading areas shall be placed within a setback, planting area, or required bufferyard unless it is a shared parking lot with the adjacent parcel(s) or on-site parking for a single-family or two-family dwelling.

**I. Parking Lot Design**

1. Parking areas, travel aisles, and loading areas (including all driving lanes and parking surfaces for vehicle, boat, RV, or similar use sales and/or storage) shall be graded and surfaced with an all-weather paving material such as asphalt, concrete, or other material that will provide equivalent protection against potholes, erosion, and dust.
  - a. At the written discretion of the Administrator, a gravel surface may be used for a period not exceeding six months after the date of issuing a temporary certificate of occupancy where the ground conditions are not immediately suitable for permanent surfacing as specified in this section.



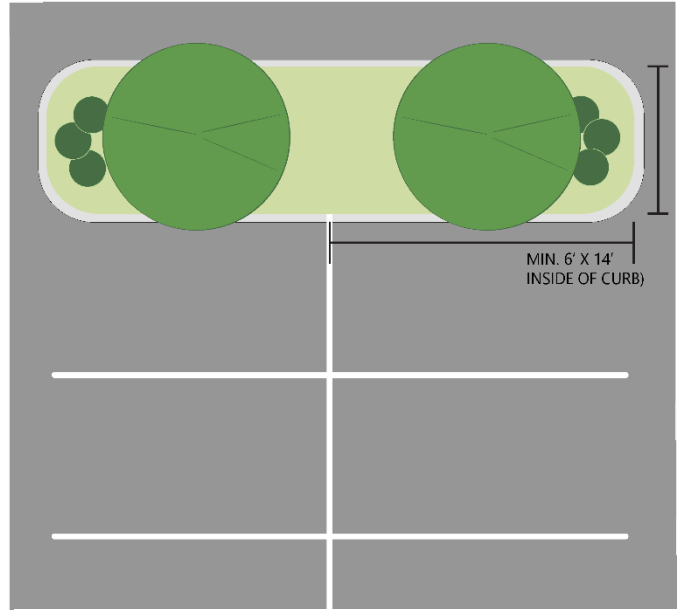
*Example of Parking Lot Design*

- 2. 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.
- 3. 3. All parking areas and loading areas shall be striped and channelized as appropriate. Parking spaces shall be marked, and travel aisles clearly defined, including directional arrows to guide internal movement and directional signs if necessary.
- J. **Loading Berths/Docks.** All uses that transport goods by truck delivery shall provide loading berth(s) that are a minimum of 12 feet by 45 feet with a 14-foot height clearance. Loading and unloading berths shall not be located in the front yard and must be a minimum distance of 100 feet from the nearest residential use (measured from the closest edge of the loading dock to the residential property line.)
- K. **Parking Lot Lighting.** Lighting within parking or loading areas shall be in accordance with Chapter 4.6: Lighting Standards.
- L. **Minimum Parking Dimensions.** Parking spaces and aisles shall comply with the following standards:

TABLE 4.7: MINIMUM PARKING SPACE AND AISLE DIMENSIONS		
Parking Space Type	Parking Space Width	Parking Space Length
Non-Parallel Spaces (0° to 90°)	9 feet	18 feet
Parallel Spaces	9 feet	22 feet
Handicap Spaces	Comply with all state and federal requirements	
Parking Angle	One-Way Traffic Aisle Width	Two-Way Traffic Aisle Width
0 Degrees (Parallel)	10 feet	18 feet
30 Degrees	11 feet	20 feet
45 Degrees	13 feet	21 feet
60 Degrees	18 feet	23 feet
90 Degrees	24 feet	24 feet

**M. Parking Lot Landscaping**

1. Parking lot islands and landscaping shall be provided for all parking lots with 15 or more parking spaces in accordance with Table 4.8: Parking Lot Islands and Landscaping.
2. Parking lot landscaping cannot be used to satisfy planting requirements for any other planting requirements of this UDO, including front yard, foundation, and bufferyard plantings.



*Example of Parking Lot Landscaping*

**TABLE 4.8: PARKING LOT ISLANDS AND LANDSCAPING**

Minimum Island Number and Locations	<ul style="list-style-type: none"> <li>• End of every parking row; and</li> <li>• At least every 15 spaces (no more than 15 spaces in a row without an island)</li> </ul>
Minimum Island Dimensions <sup>1</sup>	<ul style="list-style-type: none"> <li>• 6 feet by 14 feet (inside of curb); and</li> <li>• Bordered by a concrete curb on at least 2 sides</li> </ul>
Minimum Island Landscaping <sup>2</sup>	<ul style="list-style-type: none"> <li>• 1 canopy tree and 3 shrubs per island; and</li> <li>• Ground cover, mulch, or stone</li> </ul>

*1 - Landscape islands that are integrated into a perimeter area shall be considered a landscape island if bordered by parking on at least one side and a concrete curb on at least two sides*

*2 - Plantings located in islands shall not count towards required plantings in Chapter 4.5: Landscaping and Buffer Standards*

- N. Parking and Loading Maintenance.** All parking areas, loading areas, and landscape islands shall be maintained in good condition and free of weeds, dirt, trash, and debris. Vegetation shall be replaced as required to maintain the minimum required landscaping. Sight visibility shall be maintained in all vehicular areas, including in the sight triangle.

## 4.8 PROPERTY MAINTENANCE AND BLIGHT STANDARDS

- A. **Intent.** The intent of this section is to provide standards for the maintenance and upkeep of sites and structures in Ellettsville to further protect the health, safety, and general welfare of the public and members of the community.
- B. **Applicability.** The standards within this section apply to all parcels and all zoning districts within the jurisdiction of the Town of Ellettsville.
- C. **Declaration of Public Nuisance.** Whenever a public nuisance is declared, it shall be abated in accordance with the procedures provided in this UDO. Nothing in this UDO shall be construed to limit the right and duty of any town staff the Administrator, or their designee, to take immediate action to preserve or protect public health or safety. The procedures set forth in this UDO are not exclusive but are cumulative to all other civil and criminal remedies provided by law. The seeking of other remedies shall not preclude the simultaneous commencement of proceedings pursuant to this chapter.
  - 1. The Administrator may declare a public nuisance for reasons specified in Chapter 4.8F: Blight and Public Nuisance Standards. Upon a public nuisance being declared, the Administrator or their designee shall issue a notice and order to abate.
- D. **Service of Notice and Order to Abate.** The notice and order to abate shall be provided for all public nuisance violations in one of the following manners:
  - 1. Personal service;
  - 2. Certified mail, addressed to the property owner, or his or her agent, at the address shown on the last equalized assessment roll or as otherwise known, and addressed to anyone known to the Administrator to be in possession of the property at the street address of the property being possessed. Service shall be deemed to have been completed upon the deposit of said notice and order, postage pre-paid, in the United States mail; or
  - 3. By posting such notice and order to abate conspicuously in front of the property on which, or in front of which, the nuisance exists, or if the property has no frontage upon any street, highway, or road, then upon the portion of the property nearest to a street, highway, or road, or most likely to give actual notice to the owner and any person known by the Administrator to be in possession of the property.
- E. **Abatement – Imminent Danger.** When the Administrator or their designee reasonably believes that any condition of property blight is imminently dangerous to the health, safety, or general welfare of the occupants of the property or to the public, the Administrator or their designee may summarily abate the condition of property blight at the expense of the owner or take necessary action to remedy the situation. Actions taken to abate imminently dangerous conditions may include, but are not limited to:
  - 1. The repair or removal of the condition creating the danger;
  - 2. The restriction from use or occupancy of the property on which the dangerous condition exists; or
  - 3. Any other abatement action determined by the Administrator or their designee to be necessary.

**F. Blight and Public Nuisance Standards**

1. The parking, storing, or maintaining of any one or more of the following items in the front, side, or rear yard areas of any property zoned or used for residential purposes constitutes property blight and shall be prohibited:
  - a. Weeds and vegetation, such as trees, shrubbery, or grass, which is overgrown, dead, decayed, or diseased.
  - b. Any airplane or other aircraft, or any parts thereof;
  - c. Any motor vehicle that has been wrecked, dismantled or disassembled, or any part thereof;
  - d. Any household appliances or items, but not limited to, indoor furniture;
  - e. Construction debris in an area visible from a street or public right-of-way or in an area accessible to the public or any part of any of the above listed items for 72 consecutive hours in an area visible from a street or public right-of-way or in an area accessible to the public.
2. This section does not prohibit the storing or maintaining of furniture designed and used for outdoor activities or any item stored or kept within an enclosed storage structure or unit in compliance with the Town of Ellettsville Municipal Code.

**G. Appeal.** The owner or other person in possession of the property may appeal the Administrator's Public Nuisance Determination and Order to Abate as outlined in Chapter 7.2: Appeal of Administrative Decision.

**H. Compliance**

1. Failure to comply with the determination of the Administrator is a violation of this UDO and subject to the provisions of Chapter 7.12C: Penalties and Fines.
2. If the Ellettsville Board of Zoning Appeals upholds the administrative decision that was appealed, the owner, their agent, or person in possession of the property shall comply with the order within such period of time as may be therein prescribed, and in the absence of any prescribed time, within five business days from the date of final determination.
3. Upon the failure, neglect or refusal to properly comply with the order to abate within the prescribed time period, the Administrator may cause to be done whatever work is necessary to abate the public nuisance. An account of the cost of abatement shall be kept for each separate assessor's parcel involved in the abatement.
4. When the town has completed the work of abatement or has paid for such work, the owner of the property shall pay the costs of abatement to the Town of Ellettsville's Clerk-Treasurer.
5. The Town's Clerk-Treasurer shall produce a certified statement within 10 business days of the actual cost incurred by the town in the abatement process.
6. The statement shall be delivered to the owner of the real estate by certified mail, and the owner shall have not more than 30 days within which to pay the amount to the Clerk-Treasurer.
7. The combined amounts shall be included in a bill and sent by mail to the owner or his or her agent for payment, if not paid prior thereto.
8. The bill shall inform the owner that failure to pay the bill within 30 days from the date of mailing may result in a lien or assessment being placed upon the property.
9. A certified copy of the assessment shall be recorded by the Clerk-Treasurer in the office of the Monroe County Auditor. The amounts and the costs of abatement mentioned in the report as confirmed shall constitute a special assessment against such property, and are a lien on the property for the amount of the respective assessment.
10. In addition to its rights to impose said special assessment, the town shall retain the alternative right to recover its costs by way of civil action against the owner and person in possession or control jointly and severally.

## 4.9 SIGN STANDARDS

- A. **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.
- B. **Applicability**
  - 1. These standards apply to all new, relocated, enlarged signs and/or structural modifications to any sign in all parcels and all zoning districts within the jurisdiction, unless otherwise noted.
  - 2. Sign maintenance (as defined below in Subsection d(2))) or changing of a sign copy shall not be considered modifying a sign for the applicability purposes.
- C. **Permit Required for Signs**
  - 1. A sign permit is required for all permanent signs located, erected, constructed, moved, or structurally altered, unless otherwise stated in this section.
  - 2. Temporary signs require a permit unless otherwise indicated in this section.
  - 3. All signs located along state-owned right-of-way shall obtain all required approvals and permits from INDOT prior to seeking approval for a sign permit.
  - 4. A sign plan should be submitted if development plan approval is required.
- D. **Sign Inspection, Maintenance, and Removal**
  - 1. **Inspection.** Any sign that requires a sign permit may be inspected periodically by the Administrator for compliance with this UDO and other codes of this or other jurisdictions.
  - 2. **Sign Maintenance.** All signs, including the frame, illumination, supporting structures, and all components, shall be professionally installed and be kept in a state of good repair. If failure to maintain a sign is determined by the Administrator, a written notice shall be given to the owner, business operator and/or lessee of the property giving a 30-day notice for repair and compliance. Penalties shall be imposed after the 30-day notice according to Chapter 7.12C: Penalties and Fines.
  - 3. **Removal of Signs.** The Administrator may order the removal of any illegal sign erected or maintained in violation of this UDO or any previous ordinance. Any cost associated with the removal of signage pursuant to the provisions of this UDO shall be reimbursed by the owner of said sign.
    - a. **Removal of Permanent or Temporary Signs.** A 30-day written notice describing the violation and ordering either the removal of the sign or requiring the sign to be brought into compliance shall be given to the owner and/or business operator. The Administrator may remove a permanent sign immediately and without notice if the condition of the sign presents an immediate threat to the safety of the public.
    - b. If illegal signs are not be retrieved from the Administrator within 15 days of its removal, it may be disposed of in any manner deemed appropriate by the Administrator.



**E. Sign Illumination**

1. All permanent signs are permitted to be internally or externally illuminated unless otherwise specified in the UDO; temporary signs shall not be illuminated.
2. All illuminated signs must meet the latest version of the National Electrical Code (NEC), as amended, and all lighting requirements outlined in Chapter 4.6: Lighting Standards in addition to the following standards:
  - a. All illuminated signs shall be located, shaded, or shielded so that the light intensity is not impeding to surrounding properties. Illumination from signs shall not exceed 1.0 foot-candle beyond the property line of that property measured at grade at the property line.
  - b. No sign shall have blinking, flashing, rotating, revolving, or fluttering lights, nor shall any device be utilized which has a changing light intensity, brightness of color, or gives such illusion.
  - c. The direct or reflected light from a primary light source shall not create a traffic hazard to operators of motor vehicles on public and/or private roadways.
  - d. All electrical wiring for permanent signs shall be in conduit.
3. An exempt sign may be illuminated according to the provisions of this chapter and still considered exempt but may not be flashing or animated.

**F. Electronic Variable Message Signs (EVMS).** In addition to the standards for sign illumination, all EVMS shall also comply with the following standards:

1. Messages displayed on the sign must remain unchanged for at least 15 seconds.
2. No sign containing an EVMS as a component shall be located within 150 feet of any signalized intersection and 500 feet from any property line of a parcel with a residential use, residential structure, or a residential zoning district. Automatic light intensity sensors to 500 NITS shall be required from dusk to dawn.
3. EVMS signs are only permitted in C2, I1, and I2 zoning districts.
4. Drive-thru menu boards that utilize EVMS are exempt from the above EVMS standards but shall comply with all other applicable sign standards.



*Example of EVMS Sign*

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

TABLE 4.9: EXEMPT SIGNS	
Address Signs	Street address sign to provide adequate property identification that does not exceed 2 square feet in total sign structure size
Building or Site Identification Signs	Names of buildings, date of erection, monumental citations, historical interest, commemorative or memorial tablets, and similar identification when carved into stone, concrete, or similar material or made of bronze, aluminum, or other permanent type construction that are smaller than 2 square feet in sign structure
Decorations	Temporary decorations customarily associated with a national, local, or religious holiday and are displayed for less than 30 consecutive days
Flags	All flags, unless they meet the definition of “obscene” under IC 35-45-2-2(b)
Non-Visible Signs	Signs that are not visible from any public or private right-of-way or any adjacent parcel
Operational Signs	Operational information such as hours of operations, restroom identification, directional, visitor parking, menus, or similar information and do not exceed 2 square feet in sign structure
Political Signs	Political campaign signs in accordance with IC 36-1-3-11
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 and intended to provide a public notice (such as rezoning, government) and regulatory or safety notices (such as no trespassing, directional, ingress/egress, and traffic)
Signs by Exempt Organizations	Any sign posted by a non-profit, not-for-profit, educational, religious, charitable, or governmental organization, institution, or entity
Utility Signs	Utility locations, cables, lines, and similar notices for public and private utilities that are smaller than 2 square feet in sign structure, except if determined to be a hazard by the Administrator

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

TABLE 4.10: PROHIBITED SIGNS	
Emitting Signs	Emit audible sound, odor, or visible matter
Human Signs	Worn or held by a person, unless located outside of the right-of-way and during business hours
Imitation Signs	Emulate emergency service vehicles, road equipment, or traffic signs (such as Stop, Slow, or Caution)
Moving Signs	Designed to rotate or move in a comparable manner by means of electrical, mechanical, and/or wind power
Obscene Signs	Display or convey obscene matter as defined in IC 35-49-2
Vehicle Signs	Signs placed on vehicles or trailers that are parked on public or private property with the primary purpose of displaying the sign. This does not include vehicles lawfully parked: <ul style="list-style-type: none"> <li>• Overnight during non-business hours at a driver’s residence or business;</li> <li>• While conducting lawful business; and</li> <li>• On a construction site in conjunction with construction operations</li> </ul>

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

TABLE 4.11: PROHIBITED SIGN LOCATIONS	
Right-of-Way	Signs within any right-of-way unless authorized by the town, Administrator and/or INDOT, including signs located on any traffic control device, street sign, tree, utility pole, or similar location
Obstruction	Signs that obstruct any door, fire escape, stairway, or any opening intended to provide entry or exit from any building or structure or that hide from view any traffic or roadway sign, signal, or device
Sight Triangle	Signs that obstruct a sight clearance or be placed within the sight triangle of any intersection or driveway
Property Line	Signs (measured from nearest edge of the sign structure) within 10 feet of any property line. Signs are permitted to be located within a required front, side, or rear yard setback.

J. Permitted Signs. The following temporary and permanent signs shall be permitted, provided the respective development standards in Chapter 2: Zoning Districts are met.

TABLE 4.12: PERMITTED TEMPORARY SIGNS			
Sign Type	Permitted Districts	Maximum Size <sup>1</sup>	Duration (whichever is greatest)
All Districts		<ul style="list-style-type: none"> <li>• Maximum of 2 per parcel</li> <li>• Sign permit is required</li> <li>• EVMS is NOT permitted unless otherwise specified</li> </ul>	
Yard Sign	All Districts	<ul style="list-style-type: none"> <li>• 16 sq ft per sign face</li> <li>• 5 feet in height</li> </ul>	<ul style="list-style-type: none"> <li>• Property is for sale or lease;</li> <li>• Project is under construction; or</li> <li>• 30 consecutive days but no more than four times in a calendar year</li> </ul>
Awning Sign	AG D1, C1, C2 I1, I2	<ul style="list-style-type: none"> <li>• 32 sq ft per sign face except 8 sq ft per sign face (16 sq ft total) in D1</li> <li>• 8 feet in height except 5 feet in height in D1</li> </ul>	<ul style="list-style-type: none"> <li>• Property is for sale or lease;</li> <li>• Project is under construction; or</li> <li>• 30 consecutive days but no more than four times in a calendar year</li> </ul>
Banner Sign			
Ground (Monument) Sign			
Wall Sign			
Sandwich Board Sign	C1, C2 I1, I2	<ul style="list-style-type: none"> <li>• 8 sq ft per sign face</li> <li>• 4 feet in height</li> </ul>	<ul style="list-style-type: none"> <li>• Permitted during business hours</li> </ul>

<sup>1</sup> - A maximum of two sign faces per sign is permitted

**TABLE 4.13: PERMITTED PERMANENT SIGNS**

All Districts	<ul style="list-style-type: none"> <li>A sign permit is required unless otherwise specified</li> <li>EVMS is NOT permitted for permanent signs unless otherwise specified</li> </ul>		
Maximum Cumulative Area of All Sign Faces <sup>1</sup>			
AG	<ul style="list-style-type: none"> <li>1.5 square feet per 1 linear foot of front façade of primary building (100 sq ft maximum)<sup>2</sup></li> </ul>		
R1, R2, R3	<ul style="list-style-type: none"> <li>2 square feet per parcel, except monument signs as permitted below</li> </ul>		
D1, C1	<ul style="list-style-type: none"> <li>1.0 square feet per 1 linear foot of front façade of primary building (50 sq ft maximum)<sup>2</sup></li> </ul>		
C2	<ul style="list-style-type: none"> <li>1.5 square feet per 1 linear foot of front façade of primary building (200 sq ft maximum)<sup>2</sup></li> </ul>		
I1, I2	<ul style="list-style-type: none"> <li>2 square feet per 1 linear foot of front façade of primary building (200 sq ft maximum)<sup>2</sup></li> </ul>		
Sign Type	Permitted Districts	Maximum Size	Maximum Number <sup>4</sup> & Placement
Awning Sign	D1, C1, C2 I1, I2	<ul style="list-style-type: none"> <li>50 sq ft sign face, but cannot exceed 50% of awning area</li> </ul>	<ul style="list-style-type: none"> <li>Must be placed on awning that is attached to primary structure</li> </ul>
Ground (Monument) Sign	R1, R2, R3	<ul style="list-style-type: none"> <li>32 sq ft per sign face</li> <li>6 feet in height</li> </ul>	<ul style="list-style-type: none"> <li>One double-faced sign or 2 single-faced signs per primary vehicular entrance to a residential subdivision or multi-family development</li> </ul>
	AG C1, C2 I1, I2	<ul style="list-style-type: none"> <li>50 sq ft per sign face</li> <li>8 feet in height</li> </ul>	<ul style="list-style-type: none"> <li>EVMS permitted only in C2, I1, and I2</li> </ul>
Mailbox Sign	AG R1, R2, R3	<ul style="list-style-type: none"> <li>1 sq ft per sign face</li> </ul>	<ul style="list-style-type: none"> <li>Must be placed on a mailbox post</li> <li>No sign permit is required</li> </ul>
Projecting Sign	D1, C1, C2 I1, I2	<ul style="list-style-type: none"> <li>12 sq ft per sign face</li> </ul>	<ul style="list-style-type: none"> <li>One per primary structure entrance</li> <li>Must be attached to primary structure</li> <li>Minimum 8.5 feet clearance above grade</li> <li>Maximum extension of 4 feet beyond supporting structure</li> <li>EVMS permitted only in C2, I1, I2</li> </ul>
Wall Sign	R1, R2, R3	<ul style="list-style-type: none"> <li>1 sq ft per sign face</li> </ul>	<ul style="list-style-type: none"> <li>One per parcel</li> <li>Must be placed on primary structure</li> </ul>
	AG, D1, C1, C2 I1, I2	<ul style="list-style-type: none"> <li>50 sq ft per sign face</li> </ul>	<ul style="list-style-type: none"> <li>Must be placed on primary structure</li> </ul>
Window Sign	AG, D1, C1, C2 I1, I2	<ul style="list-style-type: none"> <li>25 sq ft per sign face but cannot exceed 25% of the area of a single window</li> <li>2 sq ft sign face if illuminated</li> </ul>	<ul style="list-style-type: none"> <li>No sign permit is required</li> <li>Must be within window of primary structure</li> </ul>

1 – Maximum cumulative sign face only includes the sign face and excludes the total sign area/sign structure. See Chapter 9.2: Definitions. The maximum is based on all facades facing a front yard

2 – Total square footage is calculated based on the length of the front elevation(s) of the primary structure(s) that face a public road(s)

3 – Must be located in a dedicated easement or common area dedicated to homeowner's association in a residential subdivision

## 4.10 STORAGE STANDARDS

- A. **Intent.** These storage standards are intended to reduce visual obstruction and nuisance to nearby property owners as well as preventing unsafe conditions to ensure the health, safety, and welfare of residents.
- B. **Applicability.** The standards of this section apply to all parcels and all zoning districts within the Jurisdiction of Ellettsville.
- C. **Vehicle Storage**
  - 1. **Location.** Stored vehicles as permitted in Chapter 2: Zoning Districts shall not encroach on the right-of-way or setbacks required by Chapter 2: Zoning Districts. Stored vehicles shall not block or impede an access easement.
  - 2. **Inoperable.** Automotive vehicles or trailers of any type without plates or in an inoperable condition shall be deemed dead storage and shall be stored within an enclosed building or fully screened with vegetation, berm, masonry wall, fence, or similar year-round screening so it is not visible from any public street or adjacent parcel.
- D. **Recreational Vehicle (RV) Storage** (This does not include RV storage associated sales or storage that is a permitted use, (such as retail).
  - 1. **Occupancy.** A recreational vehicle, as defined in Chapter 9.2: Definitions may only be occupied according to Chapter 4.11H: Recreational Vehicle (RV) Occupancy Standards.
  - 2. **Utilities.** No RV shall be connected to any utilities (electric, water, sewage, etc.) or occupied at any time while stored except for the purpose of loading, unloading, or cleaning.
  - 3. **Maximum Number**
    - a. **Agricultural and Residential Districts.** A maximum of one recreational vehicle per parcel that is visible from any public right-of-way or adjacent parcel is permitted to be stored outdoors in the AG, R1, R2, or R3 districts.
    - c. **All Other Districts.** Recreational vehicles shall not be stored in any other zoning district unless allowed per Chapter 2: Zoning Districts.
  - 4. **RV Storage Location.** All recreational vehicles shall be stored in the rear yard or side yard (must be behind front façade of primary structure) on a paved surface, except for temporary parking of the vehicle on a driveway for the purpose of loading, unloading, or cleaning that does not exceed 72 hours.
- E. **Temporary Storage Containers**
  - 1. **R1, R2, and R3 Zoning Districts.** A maximum of one temporary storage container per parcel is permitted if the following conditions are met. No permit is required.
    - a. On-site for a maximum of 14 consecutive days.
    - b. Located on the driveway or to the rear or side of the primary structure and a minimum of two feet from any adjoining parcel.
    - c. A maximum size of 120 square feet per container.
    - d. Temporary storage containers shall not be placed in the right-of-way.
  - 2. **All Other Zoning Districts.** A maximum of five temporary storage containers per parcel will be permitted if the following conditions are met. A building permit is required.
    - a. On-site for no more than 12 consecutive months in a calendar year or the duration of construction, whichever is greater.
    - b. Located in the parking lot or to the rear or side of the primary structure and a minimum of two feet from any adjoining parcel.
    - c. A maximum size of 320 square feet per container.
    - d. Temporary storage containers shall not be placed in the right-of-way.

## 4.11 STRUCTURE STANDARDS

- A. **Intent.** The purpose of these standards is to prevent unsafe conditions while encouraging compatible development to ensure the health, safety, and welfare of the community.
- B. **Permits Required for Structures.** All new structures shall require a building permit, including primary structures, accessory structures, manufactured homes (permanent and temporary occupancy); and temporary structures.
  - 1. All new structures shall be built to conform with all standards set forth in this UDO.
  - 2. All accessory structures greater than 99 square feet.
    - a. This includes, but is not limited to pole barns, decks, garages, carports, enclosed patios, above-ground swimming pools, in-ground swimming pools, bath houses, gazebos, shelter houses, cabanas, greenhouses, accessory solar or wind structures (free standing, co-located, and attached), storage sheds, and stables.
  - 3. Signs as required by Chapter 4.9: Sign Standards.
  - 4. Fences and retaining walls.
  - 5. Temporary storage containers as required by this UDO (Chapter 4.10: Storage Standards).
  - 6. Accessory wireless communications facilities, both free-standing and co-located upon an existing or pre-approved wireless communication facility structure.
  - 7. Pavement areas, slabs, parking lots, and parking areas greater than 99 square feet (cumulative area for the total site).
  - 8. Freestanding Cluster Box Units (CBU) and Neighborhood Unit Centers (NUC), and similar.
  - 9. All other accessory structures not specifically included in Subsection (C) below.
- C. **Permits Not Required for Structures.** The following accessory structures are permitted in all zoning districts (unless otherwise stated in this UDO) and may be installed without a building permit. All accessory structures must also meet all applicable accessory structure standards, setbacks, and all other requirements of this UDO unless otherwise stated.
  - 1. Landscape vegetation.
  - 2. Swing sets, children's treehouses, and poles for basketball net.
  - 3. Utility installation for local/home services (including cable, fiber, and Wi-Fi but excluding solar and wind).
  - 4. Ponds and drainage installations.
  - 5. Small structures 99 square feet or less, such as Bird baths, bird houses, lamp posts, mailboxes (excluding CBU, NUC, and similar), name plates, and housing for domestic pets (excluding commercial kennels).
- D. **Temporary Structure Standards.** Temporary construction trailers or similar structure may be permitted on a project site during the construction period for the use of security, storage, of office space. No permit is required.
- E. **Structure Height Exemptions.** The following structures are exempt from the height standards of the underlying zoning district:
  - 1. Agricultural structures as necessary for its operation;
  - 2. Wind turbines;
  - 3. Spires or church steeples;
  - 4. Cellular towers; and
  - 5. Industrial appurtenances.
- F. **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.

**G. Manufactured Home Occupancy Standards**

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

**H. Recreational Vehicle (RV) Occupancy Standards**

1. **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 permanent residential occupancy outside of a campground or an RV park approved by the Indiana State Department of Health (ISDH).
2. **Temporary Occupancy of RV During Primary Dwelling Construction.** At the discretion of the Administrator or their designee, a recreational vehicle may be used for temporary occupancy only during the construction or remodel of a single-family dwelling on the same parcel provided the following requirements are met:
  - a. A building permit is obtained for placement of the RV and a building permit for the single-family dwelling to be constructed on the same parcel has also been issued.
  - b. Temporary occupancy of the RV is limited to one year and may be renewed once for an additional six-month period if construction of the dwelling has started but is not completed.
  - c. The RV shall be served by the same address, water supply, and sewage facilities serving the single-family dwelling under construction.
  - d. The RV shall not be placed on a permanent foundation and permanent structures may not be attached to the RV;
  - e. All applicable development standards for the underlying zoning district shall be met except for the minimum living area; and
  - f. Occupancy of the RV is restricted to the owner of the property who is constructing the permanent dwelling and shall be discontinued immediately upon completion of the permanent dwelling.
3. **RV Storage.** A recreational vehicle may be stored according to Chapter 4.10: Storage Standards.



## 4.12 MISCELLANEOUS STANDARDS

- A. **Miscellaneous Intent.** The intent of these standards is to provide standards to ensure the health, safety, and welfare of residents.
- B. **Trash Receptacles and Dumpsters**
1. **Location.** All non-pedestrian outdoor trash receptacles and dumpsters governed by this section shall meet the following standards. Single and two-family dwellings are exempt from these standards:
    - 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 in the public right-of-way; and
    - c. Be in a side yard or rear yard (must be behind the front façade of the primary structure).
  2. **Screening.** Non-pedestrian outdoor trash receptacles and dumpsters must be completely screened with a 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. Evergreen plantings are encouraged to be planted in addition to the required wall and/or fencing to further screen the dumpster enclosure from adjacent properties and the public right of way.
  3. **Temporary Trash Receptacles and Dumpsters.** Dumpsters associated with demolition or construction shall remain on-site no longer than one week prior to construction or demolition and no longer than one week following the completion of construction or demolition. Temporary trash receptacles shall meet all setback requirements and development standards of the underlying zoning district but do not require screening.
- C. **Mechanical Equipment and Screening**
1. Parapet walls shall be used to fully screen all roof-top mechanical equipment from view from any public road and shall have decorative cornices or caps.
  2. All ground-mounted and building-mounted mechanical or electrical equipment shall be screened from view from any public road, except for single-family and two-family dwellings. The screen and enclosure shall be treated as an integral element of the building's appearance. Landscaping may be used for this purpose if it provides screening year-round.
- D. **Temporary Uses**
1. Garage/Yard Sales are permitted for a total of 10 times per calendar year, per lot, for a maximum of three days for each calendar year. No permit is required unless the applicant wishes to exceed the permitted duration.
  2. Tents for a private party or event are permitted for a total of seven days per calendar year, per lot. Tents over 100 square feet require a permit.
  3. Outdoor Sales or Events (i.e. tent sale, product specials, seasonal sales, etc.) associated with an existing permanent retailer and involving the erection of tents or other structures are permitted for up to 14 consecutive days, up to two times per calendar year.
  4. Temporary/Seasonal Merchants are permitted for up to three consecutive months up to two times per calendar year, with permission of the property owner.

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## CHAPTER 5: SUBDIVISION TYPES

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## 5.1 GENERAL PROVISIONS

- A. **Intent.** The intent of this chapter is to:
  - 1. Define, regulate, and control the different ways that land can be subdivided for development within the jurisdiction;
  - 2. Secure equitable handling of all subdivision plans by providing uniform procedures and standards;
  - 3. Promote public health, safety, general welfare, and secure the most efficient use of land;
  - 4. Implement Ellettsville's Comprehensive Plan and UDO; and
  - 5. Promote the orderly growth and development to further the orderly division, layout, and use of land by:
    - a. Minimizing congestion and continuation of the local roads, major roadways, highways;
    - b. Facilitating adequate provisions for water, sewerage, and other public utilities; and
    - c. Providing for proper ingress and egress of all types.
- B. **Permitted Subdivision Types.** Only those subdivision types outlined in this chapter shall be permitted within the jurisdiction.
- C. **Subdivision Compliance**
  - 1. Building Permits shall not be issued for any parcel or plat of land that is subdivided after the effective date of this UDO unless the parcel was legally established in accordance with all standards of this UDO.
  - 2. No owner or agent may sell or lease any lot within a subdivision before the plat has been approved and recorded as required by this UDO.
  - 3. No public road shall be laid out or constructed until the primary plat and construction documents are approved as required by this UDO, except public roads built and maintained by the Town of Ellettsville, Monroe County, and/or the State of Indiana.
  - 4. The PC or the Administrator do not have the authority to approve any lot within a subdivision as a buildable lot unless it complies with all standards of this UDO, unless a variance has been granted by the BZA, and/or a waiver has been granted by the PC.
  - 5. The PC may grant a waiver from the subdivision standards of this UDO in accordance with the procedures set forth in Chapter 7.8: Waivers.

## 5.2 EXEMPT SUBDIVISIONS

- A. **Intent.** The intent of this section is to establish criteria that allows lot to be subdivisions (lot splits) to occur that are not otherwise required to go through the subdivision processes outlined in this UDO.
- B. **Subdivider's Responsibility.** It is the responsibility of the person subdividing land to verify with the Administrator that the subdivision exemption eligibility before recording exempt lot subdivisions. Lots created under this provision are not guaranteed to be buildable or guaranteed to qualify for the issuance of building permit.
- C. **Exempt Subdivision Applicability.** The following divisions of land are exempt from the subdivision processes outlined in this UDO.
  - 1. A division of land that is government or court ordered.
  - 2. A division of land for the transfer of a tract(s) to correct errors in an existing legal description, provided that no additional primary use building sites are created by the division.
  - 3. A division of land by the Federal, State, or local government for the acquisition of right-of-way or an easement.
  - 4. A division of land into cemetery plots for the purpose of burial of corpses.
  - 5. An adjustment or shifting of a property line between adjoining parcels (including combining or consolidating of parcels) where all of the following are met:
    - a. No new or additional parcels are created; and
    - b. All parcels meet the minimum standards of this UDO.
  - 6. A division of one parcel into two parcels where all of the following are met:
    - a. Both parcels are at least 20 acres in size
    - b. The parcel has not been previously subdivided as of the effective date of this UDO;
    - c. Both parcels meet all minimum requirements of this UDO; and
    - d. No utility main extensions, public improvements, or public right-of-way is proposed or required.
- D. **Condominiums Exempt from Subdivision Process.** Pursuant to IC 36-7-4-702, condominiums which are regulated by IC 32-35, as amended, are exempt from the subdivision process.

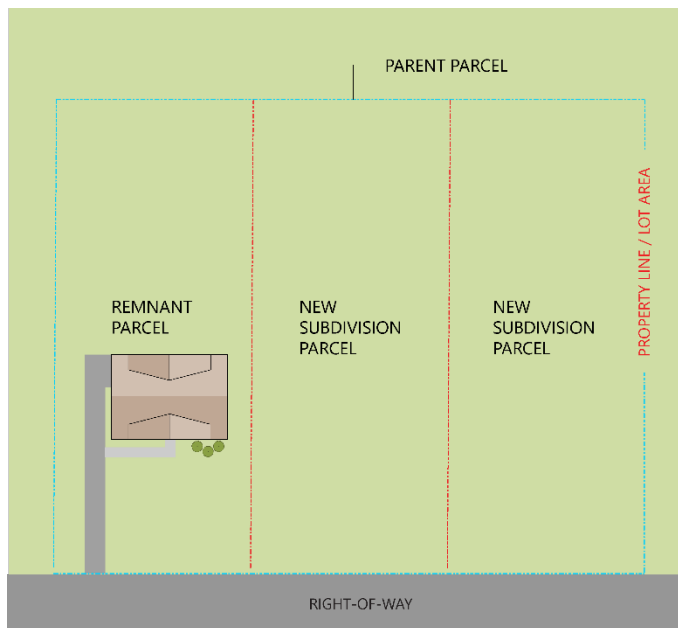
### 5.3 MINOR RESIDENTIAL SUBDIVISIONS (3 OR FEWER LOTS)

**A. Minor Residential Subdivision Intent**

1. A minor residential subdivision, as defined in Chapter 9.2: Definitions, is intended to be an expedited process for subdividing three or fewer lots, including the remnant parcel, exclusively for single-family residential use that does not involve the opening or creation of new public rights-of-way, public infrastructure, or utility main extensions.
2. The layout shall allow for adequate vehicular and pedestrian access and foster connection to adjacent parcels where necessary.

**B. Minor Residential Subdivision General Standards**

1. A subdivision that meets all of the following criteria shall be considered a minor subdivision. If any of the following criteria are not met, it shall be considered a major residential subdivision.
  - a. Results in the creation of three or less lots (including the remnant or parent parcel).
  - b. Does not involve improvements to or new public rights-of-way.
  - c. Conforms to the standards in Chapter 5.3C: Minor Residential Subdivision Development Standards.
  - d. Complies with all other standards of this UDO.
2. A shared driveway may be required by the PC to provide safe access to streets and/or to allow for alternative lot layouts.
3. Parcels may be subdivided through the minor residential subdivision process (minor plat) one time as of the effective date of this UDO. All subsequent requests to subdivide a parcel that is part of a previously approved minor subdivision shall be considered a major subdivision and follow the major platting process and standards.



*Example of Minor Residential Subdivisions*

C. **Minor Residential Subdivision Development Standards**

MINOR RESIDENTIAL SUBDIVISION QUALIFICATIONS AND STANDARDS	
Number of Parcels	1 to 3 parcels, including the remnant parcel
Permitted Districts	AG, R1, R2, R3 for single-family residential use ONLY
Minimum Open Space for Overall Development	N/A
Access and Public Improvements	<ul style="list-style-type: none"> <li>• No public rights-of-way, public improvements, or utility main extensions are proposed or required</li> <li>• If public rights-of-way are proposed, it shall be considered a Major Residential Subdivision and follow the applicable process</li> </ul>
Sidewalks and Trails	<ul style="list-style-type: none"> <li>• All sidewalks and trails are optional, but if provided shall comply with the Town's design standards</li> <li>• If a proposed trail route is located along a public right-of-way within or abutting the subdivision, the PC may require a trail in place of a sidewalk.</li> <li>• Routine maintenance of sidewalks (such as shoveling snow, cutting cut grass, clearing leaves) is the responsibility of the abutting property owners. Structural maintenance (such as replacement, crack repairs) is the responsibility of the Town</li> </ul>
Development Standards for Individual Lots	All individual lots within the subdivision shall comply with the development standards for the subject zoning district as outlined in Chapter 2: Zoning Districts
Design Standards for Subdivisions	All applicable design standards for the subdivision shall comply with Chapter 6: Subdivision Design Standards

## 5.4 MAJOR RESIDENTIAL SUBDIVISIONS

### A. Major Residential Subdivision Intent

1. A major residential subdivision, as defined in Chapter 9.2: Definitions, is intended to provide development exclusively for single-family, two-family, and multi-family residential uses as permitted within the subject zoning district.
2. The layout shall allow for the extension of public infrastructure and utilities as well as adequate vehicular, pedestrian, and alternative transportation access as well as connection to adjacent parcels and transportation networks. A phase/section for a major residential subdivision may include a single lot.



*Example of Major Residential Subdivision*



**B. Major Residential Subdivision Development Standards**

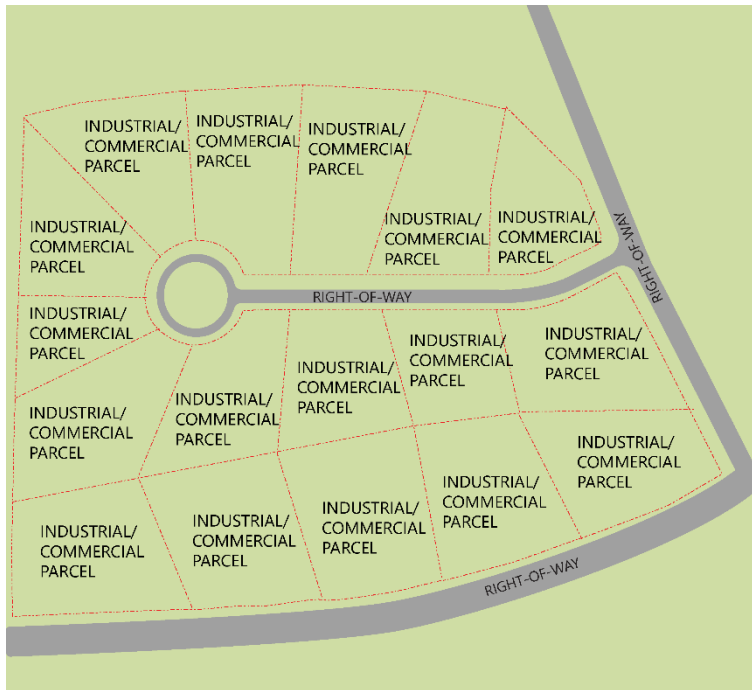
MAJOR RESIDENTIAL SUBDIVISION QUALIFICATIONS AND STANDARDS	
Number of Parcels	4 or more parcels, including the remnant, or if the subdivision does not qualify as a minor or exempt subdivision
Permitted Districts	R1, R2, R3
Minimum Open Space for Overall Development	<ul style="list-style-type: none"> <li>• <b>Open space is NOT required.</b> If at least 25% of the total area within the plat is dedicated as open space, the minimum lot area, lot width, and setbacks as outlined in Chapter 2: Zoning Districts may be reduced by 25%</li> <li>• All open space shall meet standards as outlined in Chapter 6: Subdivision Design Standards</li> </ul>
Access and Public Improvements	<ul style="list-style-type: none"> <li>• All internal streets must be publicly dedicated and be constructed to the applicable street function standards per the Town's design standards</li> <li>• All individual driveways shall gain access from an internal road (no parcels can access a perimeter road)</li> </ul>
Sidewalks and Trails	<ul style="list-style-type: none"> <li>• All sidewalks and trails shall comply with the Town's design standards</li> <li>• Sidewalks are required along both sides of all internal roads and along perimeter roads that are immediately adjacent to the subject property</li> <li>• An alternate internal trail may be substituted for sidewalks on one side of a new street at the discretion of the PC</li> <li>• If a proposed trail route is located along a public right-of-way within or abutting the subdivision, the PC may require a trail in place of a sidewalk</li> <li>• Day to day maintenance of sidewalks (e.g., shoveling snow, clearing cut grass/leaves) is the responsibility of the abutting property owners; structural maintenance (e.g., replacement, crack repairs) is the responsibility of the Town</li> </ul>
Development Standards for Individual Lots	All individual lots within the subdivision shall comply with the development standards for the subject zoning district as outlined in Chapter 2: Zoning Districts
Design Standards for Subdivisions	All applicable design standards for the subdivision shall comply with Chapter 6: Subdivision Design Standards

## 5.5 COMMERCIAL AND INDUSTRIAL SUBDIVISIONS

### A. Commercial and Industrial Subdivision Intent

1. A commercial or industrial subdivision is considered a major subdivision, as defined in Chapter 9.2: Definitions, is intended to provide development for primarily commercial or industrial uses and all other uses that are permitted within the subject zoning district.
2. The layout shall allow for the extension of public infrastructure and utilities as well as adequate vehicular, pedestrian, and alternative transportation access as well foster connection to adjacent parcels and transportation networks.

- ### B. Commercial and Industrial Subdivision Process.
- In order to allow for end-user flexibility, the secondary platting process may be done by phase/section, or as outlined in Chapter 7.4: Major Residential and Commercial/Industrial Subdivision Plat. A phase/section for a commercial and industrial subdivision may include a single lot.



*Example of Commercial/Industrial Subdivisions*

C. Commercial and Industrial Subdivision Development Standards

COMMERCIAL AND INDUSTRIAL SUBDIVISION QUALIFICATIONS AND STANDARDS	
Number of Parcels	All commercial and industrial subdivisions
Permitted Districts	D1, C1, C2, I1, I2
Minimum Open Space for Overall Development	<ul style="list-style-type: none"> <li>• 10% open space required, excluding plats in the D1 district</li> <li>• All open space shall meet standards as outlined in Chapter 6: Subdivision Design Standards</li> </ul>
Access and Public Improvement	<ul style="list-style-type: none"> <li>• Internal roads shall be private, unless the PC deems it necessary for the road to be public. However, if any of the following are met, the road shall be public:                             <ul style="list-style-type: none"> <li>○ The road(s) provides access to residential uses or parcels</li> <li>○ The road(s) provides access to adjacent parcels (outside of the plat)</li> </ul> </li> <li>• All public and private roads shall be constructed to the standards in the Town’s design standards</li> </ul>
Sidewalks and Trails	<ul style="list-style-type: none"> <li>• All sidewalks and trails shall comply with the Town’s design standards</li> <li>• Sidewalks are required along both sides of all internal roads and along perimeter roads that are immediately adjacent to the subject property</li> <li>• An alternate internal trail may be substituted for sidewalks on one side of a new street at the discretion of the PC</li> <li>• If a proposed trail route is located along a public right-of-way within or abutting the subdivision, the PC may require a trail in place of a sidewalk</li> <li>• Day to day maintenance of sidewalks (e.g., shoveling snow, clearing cut grass/leaves) is the responsibility of the abutting property owners. Structural maintenance (e.g., replacement, crack repairs) is the responsibility of the Town</li> </ul>
Development Standards for Individual Lots	All individual lots within the subdivision shall comply with the development standards for the subject zoning district as outlined in Chapter 2: Zoning Districts
Design Standards for Subdivisions	All applicable design standards for the subdivision shall comply with Chapter 6: Subdivision Design Standards

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## CHAPTER 6: SUBDIVISION DESIGN STANDARDS

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## 6.1 GENERAL PROVISIONS

### A. Intent

1. The intent of these subdivision design standards is to provide predictability to subdividers and property owners while ensuring the residents of Ellettsville benefit from quality residential neighborhood designs and commercial/industrial development that promotes the public health, safety, and general welfare and supports the goals of the Comprehensive Plan.
2. It is also the intent of these standards to provide orderly, safe, and efficient layout of public roads, rights-of-way, utilities, and other public improvements.

### B. Conformance to Applicable Rules and Regulations

1. The site development standards included in this chapter shall be met in addition to all other applicable structure, lot, and/or site standards in other chapters of this UDO.
2. All major and minor subdivisions shall comply with the requirements of this chapter and all other applicable laws, rules, and regulations. Primary plat and/or secondary plat approval may be withheld if a subdivision does not comply with all requirements of this UDO and the following requirements:
  - a. All applicable statutory provisions;
  - b. All requirements of the UDO, zoning map, building codes, fire codes, Monroe County health department, and all other applicable laws of the appropriate local, state, and/or federal jurisdictions;
  - c. All regulations of INDOT, if the subdivision or any lot abuts a state highway or connecting public road;
  - d. All standards and regulations adopted by all Ellettsville boards, commissions, agencies, and officials (if applicable); and
  - e. All applicable requirements of the Stormwater Ordinance, Flood Hazard Prevention Ordinance, the Town's design standards, and other adopted or approved plans and ordinances, including all public roads, drainage systems, and parks (if applicable).

### C. Extension of Infrastructure

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

### D. Plats Straddling Municipal Boundaries

1. Whenever access to the subdivision requires crossing a parcel that is in another jurisdiction, the PC may request an affidavit from the subdivider stating that access is legally enabled by the abutting jurisdiction.
2. In general, lot lines shall be laid out so they do not cross jurisdictional and municipal boundary lines.

## 6.2 ACCESS AND CONNECTIVITY

### A. General

1. All subdivisions of land shall have frontage on and access from an existing public (state, county, or local) road. Minor residential subdivisions may gain access to an existing public road from a shared driveway that meets all driveway standards in this UDO.
2. No subdivision shall prevent an adjacent property from accessing a public road (such as using reserve strips) or create or perpetuate the land-locking of an adjacent parcel.
3. The extension of roads to the exterior boundary of the subdivision or continuation of public roads between adjacent parcels for the effective movement of traffic, extension of utilities, and/or effective fire protection shall be required, unless the PC determines that such extension is:
  - a. Not feasible due to topography or other physical conditions; or
  - b. Not necessary or desirable for the coordination of the subdivision based on future development of adjacent tracts.
4. If an existing road along the perimeter or adjacent to the subdivision does not comply with the Town's design standards, half of the required right-of-way width shall be dedicated. If an existing road is within the subdivision, the full required right-of-way width shall be dedicated.
5. The location of all easements and rights-of-way that provide access to a public road shall be in coordination with the Town's design standards.
6. All public roads must be located above the 100-year FEMA flood elevation unless approved by the PC.

### B. Individual Lot Access onto Public Roads.

The PC may limit direct access of individual lots within a commercial, industrial, minor, and major subdivisions onto public roads in order to maintain the safety, capacity, and functionality of these roads through requiring one or more of the following:

1. **Internal Public Roads.** New internal public roads that provide access to individual lots.
2. **Frontage or Service Roads.** Frontage or service roads that are separated from the public road by a planting area or grass strip with access at suitable points. All frontage or service roads shall be designed to comply with the Town's design standards.

### C. Access to Arterial Roads

1. Residential driveway cuts onto arterial streets are prohibited.
2. Driveway cuts for commercial and industrial subdivisions shall be limited and frontage streets shall be utilized.
3. **Shared Driveway.** A shared private driveway with an adjacent parcel(s) that includes an access easement to a local road and complies with Chapter 4.4: Entrance, Drive, and Access Management Standards.
4. **Other Treatments.** Other, similar treatments deemed necessary for the adequate preservation of the public roadway functionality, public safety, protection of residential properties, and separation of through and local traffic.

### D. No-Access Easements

1. The following easements that prevent access shall be provided within all commercial, industrial, minor, and major subdivisions:
  - a. A five foot "no-access easement" shall be provided along the length of lots abut a perimeter road that also have access to a public road within the subdivision.
  - b. A 25-foot "no-access easement" shall be provided adjacent to any railroad right-of-way.
  - c. A 25-foot "no-access easement" shall be provided adjacent to public road that is defined by INDOT as a limited access highway, unless access has been approved by INDOT.
2. The following are prohibited within a no-access easement:
  - a. Parking areas, driving lanes/areas, and similar vehicular areas.
  - b. All structures, except for fences and structures that do not require a building permit.
3. All no-access easements shall be designated on the plat with the following language: "No-Access Easement/Reserved as Buffer. Access and the placement of structures within the easement is restricted."

**E. Vehicular Entrances**

1. **Minimum Number.** All major residential subdivisions shall provide the following minimum number of required entrances onto an existing public road based on the total number of lots in the primary plat.
  - a. **Less than 25 Residential Units.** A minimum of one entrance shall be provided.
  - b. **25 to 125 Residential Units**
    - 1) A minimum of two entrances shall be provided with access onto two separate/different public roads.
    - 2) If the subdivision only abuts one public road, the subdivision shall be required to provide two entrances onto the one public road.
  - c. **More than 125 Residential Units.** The number of entrances required and the location of those entrances shall be determined by the PC.
2. **Phasing of Entrances.** If the subdivision is phased, the construction of entrances shall be proportional to the number of lots within each phase during secondary plat approval unless approved by the PC. The purpose of this is to ensure that adequate access is provided and the construction of required entrances is not delayed until the final or later phases.
3. **Level of Service.** The subdivider shall construct adequate traffic mitigation measures, as required by the PC, to provide adequate roadway capacity and access for the proposed development, such as acceleration lanes, deceleration lanes, turning lanes, or other similar improvements.



## 6.3 BLOCKS AND LOTS

### A. Lot Arrangement

1. Blocks shall not exceed the following dimensions unless the PC determines that a longer length will not be detrimental to local traffic flow.
  - a. Blocks: 2,600 feet in length.
  - b. Cul-de-Sacs: 800 feet in length.
  - c. Temporary Dead-End Streets: 1,000 feet in length.
2. The PC may require pedestrian ways, easements, and/or cross walks through the center of blocks when deemed essential to provide pedestrian circulation, accommodate utilities and drainage facilities, or provide access to schools, playgrounds, shopping centers, transportation, or other community facilities.
3. 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.

### B. Lot Dimensions

1. Lot dimensions shall comply with the minimum standards of the UDO.
2. Lots shall be suitable in size and dimensions for the type of development anticipated and not result in insufficient areas to build on or used in their intended manner after building setback lines are established in accordance with the UDO.
3. 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.
4. Dimensions of corner lots shall be large enough to allow buildings to be constructed, observing that corner lots have two front yards as outlined in this UDO.
5. The depth and width of lots reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide parking and loading facilities on the site as required for the type of use and development.

### C. Lot Orientation

1. The lot line common to the public road right-of-way shall be the front line. All primary structures shall face the front line.
2. Wherever feasible, rear lot lines should not abut the side lot line of an adjacent lot.
3. Double frontage, through lots, and reverse frontage lots shall be avoided except where necessary to accommodate perimeter lots (exterior lots) within a subdivision or to overcome difficulties of topography and orientation.

## 6.4 COVENANTS

- A. **Intent.** The intent of the covenants drafted by the subdivider is typically to create a more consistent appearance as well as provide additional control over the activities that take place within the subdivision boundaries to protect the property values.
- B. **General Standards**
  - 1. Covenants shall be reviewed by the Administrator or their designee prior to secondary plat approval. This review is not a guarantee that the covenants do not conflict with this UDO.
  - 2. Covenants cannot override or supersede any standards in this UDO, but they may provide additional regulations that are more restrictive than this UDO.
- C. **Recording and Documenting Covenants**
  - 1. If a subdivider or property owner places restrictions on any land contained within a subdivision that are more restrictive than those required by this UDO, such restrictions shall be indicated or referenced on the secondary plat.
  - 2. Covenants shall be recorded with the County Recorder, and a copy of the recorded covenants with the appropriate stamp from the County Recorder's office shall be provided to the Administrator.
- D. **Enforcement.** Only regulations specifically found in the UDO are enforceable by the PC and the Administrator. Restrictive covenants will not be enforced by the PC or the Administrator and must be enforced by the Homeowners Association (or the subject property owners) through the civil courts.
- E. **Required Covenant Language.** See Chapter 6.4E: Required Covenant Language. for language that must be in the covenants and on the plat regarding drainage.

## 6.5 DRAINAGE, STORMWATER, AND EROSION CONTROL

### A. General Standards

1. All development is subject to state and local drainage regulations, approval, and permits.
2. Maintenance of drainage facilities shall be the responsibility of the subdivider until it is turned over to the Homeowners Association (HOA).
3. 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.
4. No secondary plat shall be approved until the drainage plan is approved by the Town.

### B. Drainage and Stormwater System

1. All drainage and stormwater facilities, infrastructure, and easements shall comply with the Stormwater Ordinance and the Town's design standards. This includes all required storm drains.
2. All drainage easements shall be indicated on the primary plat and secondary plat.
3. The plans for all drainage facilities, infrastructure, and the installation of a storm drainage system/infrastructure shall be submitted to the Administrator/PC and approved by the Town. This includes all drainage and stormwater analysis and calculations.
4. Upon approval of the drainage and stormwater facilities, infrastructure, and easements, a copy of the approval shall be provided to the Administrator.
5. Electronic as-built plan files shall be provided in the format required by the Town and shall be filed with the Administrator upon the completion of the storm sewer installation.

### C. Required Covenant Language Regarding Drainage.

In order to ensure the maintenance of a properly designed and installed drainage system, the following paragraphs shall be required (verbatim) as a provision of the restrictive covenants for all secondary plats and shall be included in all deeds written relative to said plats. The proposed owner shall submit a copy of this covenant with the secondary plat application, and it shall be recorded prior to secondary plat approval.

1. "No sanitary structures, drainage structures, or water line appurtenances shall be located within driveway limits or sidewalks."
2. "No sump pump drains or other drains shall outlet onto a sidewalk, trail, or street."

## 6.6 MAILBOXES FOR RESIDENTIAL DEVELOPMENT

- A. **Applicability.** In accordance with the United States Postal Service (USPS) National Delivery Planning Guide, all new residential development shall comply with USPS standards for centralized mail delivery (such as cluster box units or neighborhood delivery centers), which shall be at the direction of the local USPS Postmaster or the designated local USPS Growth Manager.
- B. **Design and Placement.** If required by USPS, all related mailbox units, structures, and uses for centralized mail delivery shall comply with the following:
  - 1. Units and their location may be reviewed by the local Postmaster or Growth Manager prior to approval of any secondary plat.
  - 2. Units shall provide for handicap accessibility.
  - 3. Units placed within the right-of-way shall require approval by the Department of Public Works.
  - 4. All units and structures shall require a building permit prior to installation as required by this UDO.
  - 5. Because of their size, visibility, and exposure to the elements, units must be aesthetically appealing, durable, and reflect the character of the overall development.
  - 6. If units are free-standing, they shall be placed in a common area beneath a covered pavilion, a three-sided shelter, or inside a community center.
- C. **Installation and Maintenance.** The Town of Ellettsville and the USPS shall not be responsible for the installation, maintenance, or replacement of any mailboxes, cluster boxes, or delivery centers. All units shall be installed by the subdivider and maintained and repaired by the property owners and/or Homeowners Association.

## 6.7 SURVEY MONUMENTS AND MARKERS

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

## 6.8 OPEN SPACE AND AMENITIES

### A. General Standards

3. Commercial and industrial subdivisions shall provide open space as required by Chapter 5: Subdivision Types.
  - a. No portion of a lot's front, side or rear yards(s), right-of-way, roads, streets, median strips, parking area, and/or sidewalks within a right-of-way can be used to satisfy any open space requirement.
4. No portion of any dedicated open space indicated on a secondary plat may be sold or conveyed without amending the plat.
5. Each open space area shall be of suitable size, dimension, topography, and general character for the intended use and shall have adequate road and/or pedestrian access to adequately serve the purposes envisioned.
6. Any open space shall support the goals of the Comprehensive Plan, comply with all requirements of this UDO, and comply with all other applicable health, flood control, and regulations of the jurisdiction or state, as appropriate.
7. All open spaces shall be dedicated as common area unless otherwise allowed by this UDO. The common area shall be shown and labeled accordingly on the primary plat and secondary plat.
8. The phasing of development and open spaces/amenities is allowed, but the minimum open space required shall be proportional to the developed area.

### B. Ownership and Maintenance

1. The PC shall require proof of the ownership and maintenance agreement for the common areas (such as HOA covenants).
2. Unless approved by the PC and the Town Council, the town shall not assume responsibility for the maintenance and safety of common areas.
3. If areas or land are being dedicated to an entity other than a Homeowners Association, the respective entity accepting the land shall provide written documentation approving the dedication prior to approval of the secondary plat.

### C. Open Space Design Standards. All open spaces shall comply with the following standards, even if provided voluntarily.

#### 1. General Design Standards

- a. All easements used to provide access to an open space shall be a minimum of 30 feet in width and no portion of the open space shall be less than 30 feet in width.
  - b. 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.
  - c. All homeowners within the subdivision must have the right to access all open spaces.
  - d. Natural features should be preserved when possible.
2. **Permitted Open Space Types.** All open space that is required by Chapter 5: Subdivision Types shall comply with one or more of the following types of open space.

TABLE 6.1: QUALIFYING OPEN SPACE TYPES	
Active Recreation	Development provides land and improvements for active recreation, including but not limited to sports court/field, playground, indoor recreation center, clubhouse, swimming pool, or similar.
Drainage and Utility Easements	Open space may be used for drainage, which includes detention and retention basins, and bodies of water such as ponds and lakes, or utility easements as outlined in this section. No more than 50% of open space that is required by Chapter 5: Subdivision Types shall be comprised of drainage and utility easements.
Environmentally Sensitive Area	Development preserves and protects an existing environmentally sensitive area, including but not limited to habitats for endangered or threatened species as defined by IDNR; protected waterways/bodies of water and buffer areas; wetlands; wooded areas; or similar areas.
Historic Structure	Development preserves and maintains a historic homestead and/or historic structure(s) on site. Applicant must provide support letter from Historic Landmarks of Indiana.
Natural Area	Development is left in a natural or undisturbed state or, if previously disturbed or degraded, restored to a natural state. Areas with maintained lawn/landscape elements or manicured detention/retention basins are not considered a natural state. Examples of areas in a natural state include, but are not limited to, wetlands, wooded areas, prairie, and natural or restored waterbody(ies). Drainage facilities can only be counted towards this requirement if restored to a natural state.
Passive Recreation	Development provides land and improvements for passive recreation, including but not limited to pedestrian/bicycle paths, picnic areas, community commons/open field, or similar. This does not include active recreation areas such as playgrounds, sports fields, or similar.
Public Facilities	Development dedicates land for future public structure or facility, including but not limited to fire department, library, etc. This does not include land dedicated for public roads, sidewalks, water, sewer, or other infrastructure/utilities. Land shall be dedicated and conveyed to appropriate governmental entity but applicant is not required to make any improvements to the land. Applicant must provide support letter from appropriate governmental entity regarding the need and intent for a public structure.
Unlisted Activity or Use	An applicant may propose an unlisted activity or use that would improve the quality of place of the development for consideration by the PC.

## 6.9 ROADS AND DRIVEWAYS

- A. **Intent.** The road and driveway standard are intended to:
  - 1. Provide for roads that are suitable in location, width, and improvement to accommodate potential traffic;
  - 2. Provide a safe, convenient, and functional system for vehicular, pedestrian, and bicycle circulation;
  - 3. Provide adequate access to police, fire fighting, snow removal, sanitation, road-maintenance equipment;
  - 4. Create a convenient traffic network;
  - 5. Avoid undue hardships to adjoining properties;
  - 6. Accommodate for the particular traffic characteristics of each proposed development; and
  - 7. Be properly related to the goals of the Comprehensive Plan.
- B. **General Standards**
  - 1. All private and public roads, culverts, drains, shoulders, drainage improvements and structures, curbs, turnarounds, trails, and sidewalks shall comply with the Town's design standards and shall be incorporated into the construction plans required of the subdivider for plat approval.
  - 2. Where a proposed public road is an extension of an existing paved public road which exceeds the minimum dimension required by this UDO, the PC may require the subdivider to taper or match the width of the existing paved public road.
  - 3. Roads shall be constructed to grades shown on plans, profiles, and cross-sections prepared by a registered Professional Land Surveyor and/or registered Professional Engineer that is licensed to practice in the State of Indiana. Individual projects may warrant additional requirements that are dictated by sound engineering practices as determined by the Town and shall be made conditions of the approval for the primary and/or secondary plat.
  - 4. No trees or plantings shall be permitted within the public rights-of-way or easements unless otherwise required by this UDO, required by town ordinance, or approved by the Administrator.
- C. **Dedication of Public Roads and Right-of-Way.** All public rights-of-way shall be inspected and approved by the Department of Public Works prior to being accepted as a public right-of-way by the Town.
- D. **Road Classification.** All public roads shall be planned to meet the goals of the Bloomington-Monroe County MPO Local Federal Functional Classification Map. All roads shall be functionally classified by the Town.
- E. **Public Road Layout and Site Design**
  - 1. All public roads shall comply with Table 6.2: Minimum Public Road Design Requirements.
  - 2. Building sites shall be at or above the grades of the public roads, whenever possible.
  - 3. Grades of public roads shall not exceed 8% or be less than 1% unless approved by the Town. A combination of steep grades and curves shall be avoided.
  - 4. 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.



**F. Public Road Intersections**

1. All intersections, including minimum radii, shall adhere to the Town's design standards.
2. Right-angle intersections shall be used wherever practical.
3. Proposed new intersections, wherever practicable, should align with any existing intersections on the opposite side of the public road. Intersections with more than four approaches to the intersection should be avoided. Three-legged intersections may be used wherever appropriate, particularly in residential areas.
4. No intersection shall create a traffic hazard by limiting visibility. Minimum sight distance at intersections (sight triangles) should be determined by a design professional and approved by the Town and PC as part of the primary plat.
5. Intersections shall be designed with a relatively flat grade wherever practical. Where the grade exceeds 6%, a leveling area shall be provided at the intersection approach with a maximum of 2% slope for a minimum distance of 40 feet, measured from the intersection of the centerline.
6. Property line corners shall be rounded by an arc at 30 feet in radius or larger at road intersections.

**G. Regulatory Road Signs**

1. 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), the Town's design standards, and shall be approved by the Town.
2. The subdivider shall install all required road signs, street signs, and road name signs before the secondary plat is recorded, the issuance of any building permits, or prior to the release of a performance bond.
3. The Town shall 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 Town 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.
4. Maintenance of all road signs and street signs is the responsibility of the subdivider, or the property owners within the development, until the road is dedicated and accepted for maintenance by the town.

**H. Dead-End and Cul-de-Sac Public Roads**

1. **Dead-End Public Roads / Cul-de-Sacs.** All dead-end public roads shall terminate in a cul-de-sac that complies with all standards of this UDO and the Town's design standards. If a public road does not connect to another public road, it shall terminate in a circular right-of-way (cul-de-sac) that complies with the Town's design standards. The PC shall approve the use of cul-de-sacs and may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities.
2. **Temporary Dead-End Public Roads.** If the adjacent property is undeveloped and the public road must temporarily be a dead-end public road (stub street), the right-of-way shall be extended to the property line and a cul-de-sac or "eyebrow" that conforms with the Town's design standards shall be provided. A road terminus sign shall be erected by the subdivider that states, "Connection to Future Development" to make lot owners aware of the future road extension.

- I. **Additional Improvements Required.** The subdivider may be required to provide deceleration lanes, acceleration lanes, passing blisters, or other improvements to the public roads within or adjacent to the subdivision if required by the PC to allow for safe and efficient travel.

- J. **Culverts.** Culverts required to accommodate site access and circulation shall be approved by the Town and installed at the full expense of the subdivider without reimbursement from the town.

- K. **Private Driveways.** Private driveways shall be designed as outlined in Chapter 4.4F: Driveways for Single-Family and Two-Family Residential Uses.

TABLE 6.2: MINIMUM PUBLIC ROAD DESIGN REQUIREMENTS

Pavement Width & Curb	
Local Public Roads	<ul style="list-style-type: none"> <li>• Residential Subdivisions and Uses:               <ul style="list-style-type: none"> <li>○ 12-foot travel lanes</li> <li>○ 2-foot roll curb if gross density is less than 1 lot per acre</li> <li>○ No curb required if gross density is 1 acre or more</li> </ul> </li> <li>• Non-Residential Subdivisions and Uses:               <ul style="list-style-type: none"> <li>○ 12-foot travel lanes</li> <li>○ 2-foot roll curb</li> </ul> </li> </ul>
Public Alley	20 feet travel lane (two-way) or 14 feet travel lane (one-way) plus 1-foot crushed stone shoulder or optional roll curb
Right-Of-Way Width	
Local Roads <sup>1</sup>	60 feet
Local Road Cul-de-sac <sup>1</sup>	50-foot radius
Collector or Arterial Roads	As determined by the Department of Public Works
Local Road Pavement Design	
Subgrade Compaction	95% standard proctor
Flexible Pavement <sup>3</sup>	<ul style="list-style-type: none"> <li>• 7-inch compacted aggregate, #53 stone</li> <li>• 3-inch HMA 25mm Base</li> <li>• 2-inch HMA 9.5mm Surface<sup>2</sup></li> </ul>

*1 - Additional right-of-way may be required due to site conditions in order to provide a maximum earthen slope of 3:1*

*2 - Surface shall not be applied until 80% of the homes are built*

*3 - Department of Public Works may require greater standards based on site conditions and/or additional analysis by the applicant*

## 6.10 SIDEWALKS AND TRAILS

### A. General Standards

1. Sidewalks and/or trails shall be required for residential, commercial, and industrial subdivisions as outlined in Chapter 5: Subdivision Types.
2. Construction shall comply with the Town’s design standards.

### B. Pedestrian Access

1. If a subdivision is adjacent to a park, school, or other public community facility, the PC may require perpetual, unobstructed easements that are at least 20 feet in width in order to facilitate pedestrian access and connectivity. These easements shall be indicated on the primary and secondary plats.
2. Where future development is located within 300 feet of land that has been identified by the Comprehensive Plan as a location for trails, the PC may require the subdivider to construct the trails within their development or along the perimeter road instead of a sidewalk, whether or not such trails connect to existing trails outside of the development at the time of construction. All trails shall be constructed in accordance with the Town’s design standards.

**TABLE 6.3: SIDEWALK AND TRAIL DESIGN STANDARDS**

Minimum Setback	<ul style="list-style-type: none"> <li>• 6-foot setback (minimum) between back of adjacent curb and sidewalk that includes grass or landscaped area</li> <li>• 1-foot setback (minimum) between property line (edge of right-of-way) and sidewalk</li> <li>• No trees shall be planted within the right-of-way unless required by this UDO, required by a Town ordinance, or approved by the Administrator</li> </ul>
Minimum Width	<ul style="list-style-type: none"> <li>• Sidewalk: 5 feet or the width of connecting sidewalks on adjacent parcels, whichever is greater</li> <li>• Trail: As determined by the Town but no less than 8 feet</li> </ul>
Surface and Subgrade	<ul style="list-style-type: none"> <li>• Shall have sufficient slope to drain away from the lot and toward the center of the public road</li> <li>• Shall be constructed to Town standards</li> </ul>
Other Standards	All sidewalks and trails shall comply with all Americans with Disabilities Act (ADA) standards

## 6.11 SUBDIVISION NAMES AND STREET NAMES

### A. **Subdivision Names**

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

### B. **Street Names**

1. Proposed public road names shall be indicated on the primary plat.
2. The Administrator shall review and consult with the appropriate entities prior to consideration by the PC.
3. Names shall be sufficiently different in sound and spelling from other road names in the jurisdiction and surrounding areas to prevent confusion.
4. A road which is (or is planned as) a continuation of an existing road shall have the same name.
5. The PC shall approve the public road names at the time of primary plat approval.

## 6.12 UTILITIES

- A. **Location.** All existing and proposed utility facilities and/or easements within the subdivision shall be shown on the primary and secondary plat, including water, sewer, electric, and other utilities.
- B. **Sanitary Sewer and Sewage Disposal Facilities.** The subdivider shall install public sanitary sewer facilities in accordance with the rules, regulations, and standards of Ellettsville, IDEM, and/or other appropriate state and federal agencies.
  - 1. **Public Sanitary Sewer Requirements.** Where a sanitary sewer system is available within 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. **Water Facilities**
  - 1. **General.** All habitable buildings and buildable lots shall be connected to an approved water system (public water provider or approved private well) capable of providing water for health and emergency purposes, including adequate fire protection, where available.
  - 2. **Public Water Supply.** When a public water supply is available within 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.
  - 3. **Existing Private Wells.** Any existing homes within a subdivision currently served by a private potable well water supply that will be connected to a new public water supply system shall adhere to all requirements and approvals of IDEM, IDNR, and the Monroe County Health Department.
  - 4. **Fire Protection**
    - a. The subdivider shall construct and install fire hydrants or other fire suppression systems as required by the local fire authority.
    - b. The local fire authority having jurisdiction over the proposed subdivision shall review proposed subdivisions and provide comments on any proposed fire hydrants or other fire suppression systems, including their setting, number, separation, and size of outlets.

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## CHAPTER 7: PROCEDURES

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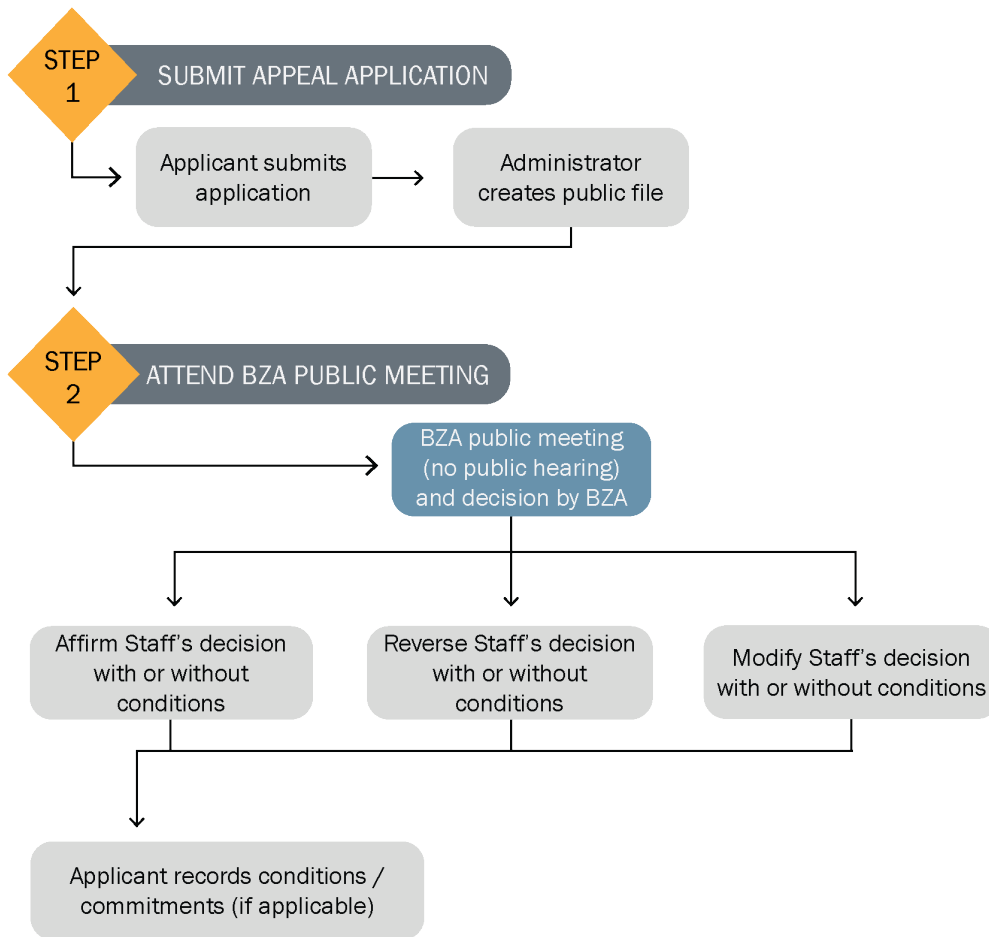
## 7.1 GENERAL PROVISIONS

### A. **Compliance with Procedures and UDO Standards**

1. All development shall be carried out in accordance with the UDO in order to achieve orderly, planned, efficient, and responsible growth.
2. The subdivision of land and development or establishment of any use on a parcel are subject to all applicable regulations and procedures of this UDO, including the subject zoning district and procedures, as well as any additional standards that may have been required by the PC as part of other or previous approvals for the property.
3. 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.
4. All subdivision processes, zoning processes, and all applications shall be subject to the requirements outlined in the applicable application packet(s) and the PC and/or BZA Rules and Procedures, including the meeting dates and submittal deadlines calendar.
5. All approvals by the PC and/or BZA as well as all administrative approvals shall be completed in accordance with this section.



## 7.2 APPEAL OF ADMINISTRATIVE DECISION



**A. Applicability**

1. In accordance with IC 36-7-4-918.1 and the BZA Rules and Procedures, the BZA shall hear and decide on all appeals of the following administrative decisions:
  - a. Any order, requirement, decision, or determination made by an administrative official, hearing officer, or staff member under the UDO;
  - b. 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
  - c. 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 a building permit or occupancy permit.
2. Appeals of administrative decisions shall be made in accordance with the IC 36-7-4-1000 series.
3. Zoning decisions (such as plats and development plans as outlined in IC 36-7-4-1016) and Legislative acts (such as adoption of a PUD or rezoning) cannot be appealed to the BZA. However, these decisions are subject to judicial review by filing a petition in the appropriate court in accordance with the IC 36-7-4-1600 series.

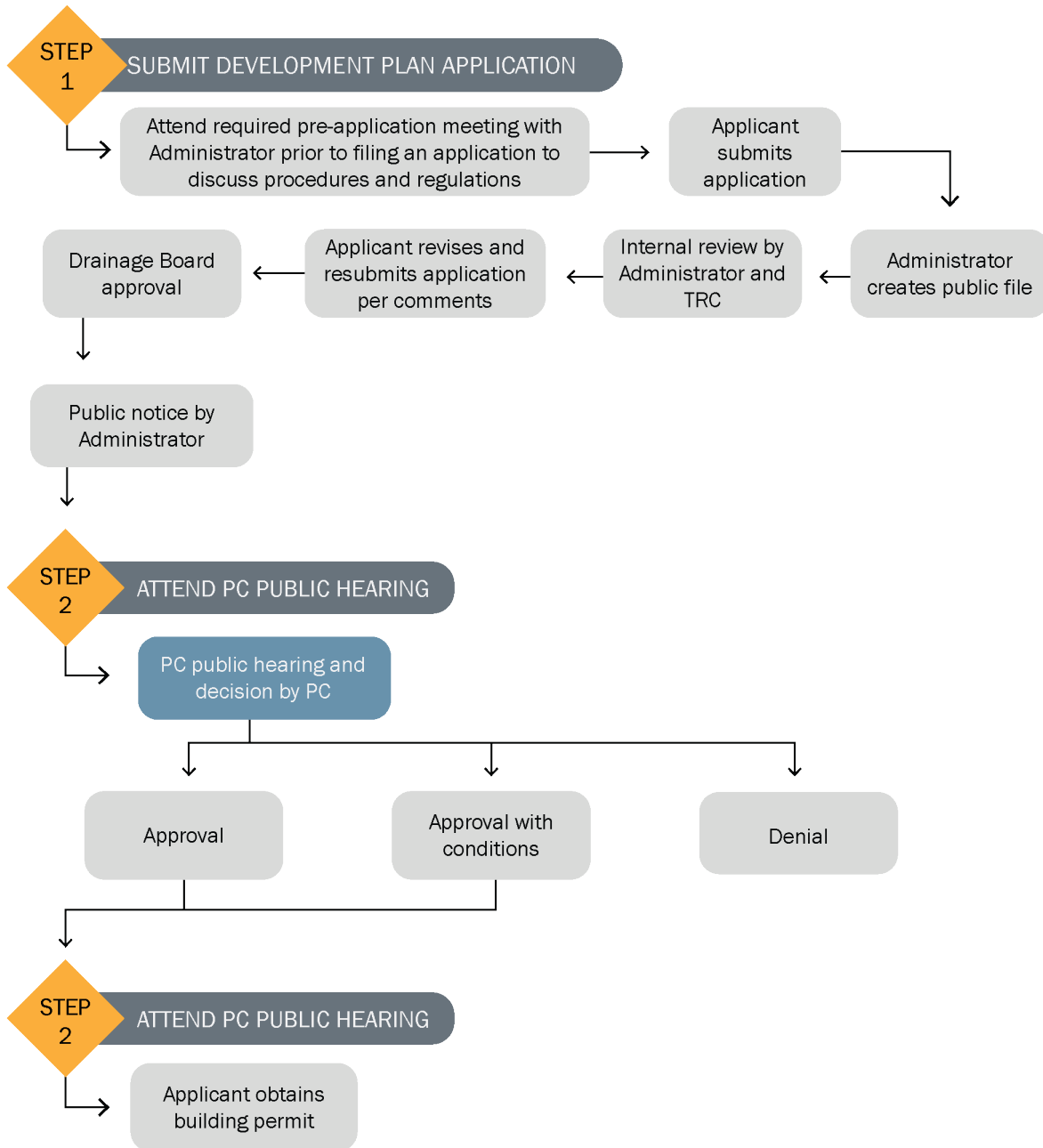
**B. Step 1: Submit Appeal Application**

1. **Application.** The applicant shall submit a complete application for appeal in accordance with the application requirements. The application shall be submitted within 30 days of the decision/interpretation that is being appealed. After 30 days, the decision cannot be appealed.
2. **Public File.** Once the Administrator determines that an application is complete, they shall assign a file number, create a public file, and assign a date for public meeting.
3. **Public Notice.** Public notice is not required for appeals to the BZA.

**C. Step 2: Attend BZA Public Meeting**

1. **BZA Public Meeting.** The BZA shall consider the appeal at a public meeting. The applicant or their representative shall be in attendance to present their appeal and address any questions or concerns of the BZA.
2. **Final Decision by BZA**
  - a. The BZA may affirm, reverse, or modify the decision, interpretation, order, or action that is being appealed. The BZA may also add conditions to their decision.
  - b. The final decision by the BZA may be appealed to the Circuit or Superior Court with jurisdiction.

### 7.3 DEVELOPMENT PLAN



A. **Applicability**

1. In accordance with IC 36-7-4-1400 series and the PC Rules and Procedures, the PC shall hear and make decisions regarding development plans.
2. Development plan approval shall be required prior to the issuance of a building permit and/or establishment of the use if any of the following occur:
  - a. Construction of a new primary structure and/or establishment of a use, excluding single-family, two-family, or agricultural uses (excluding confined feeding operations).
  - b. Modifications to the site that meet the thresholds requiring compliance for an individual or all site standards as outlined in Chapter 4: Site Development and Structure Standards.
  - c. As otherwise required by Chapter 2: Zoning Districts, Chapter 3: Standards for Specific Uses, or other sections of this UDO.

B. **Step 1: Submit Development Plan Application**

1. **Pre-Application Meeting.** Prior to filing an application for development plan, the applicant shall schedule a required pre-application meeting with the Administrator, which may be held in-person, virtually (video conference), or by phone. The intent of this meeting is to discuss the procedures for approval as well as the requirements and regulations for development.
2. **Application.** The applicant shall submit a complete application for a development plan in accordance with the application requirements.
3. **Public File.** Once the Administrator determines that the application is complete, they shall assign a file number, create a public file, and assign a deadline for receiving internal review comments from the TRC.
4. **Internal Review.** The Administrator shall forward the application and plans to the TRC for review. At the discretion of the Administrator, the TRC review can be held in-person, virtually (video conference), by phone, or by email. After comments (if any) are received, the Administrator may compile a written report for the public file with all comments.
5. The Administrator shall forward all valid comments to the applicant. The applicant shall make the necessary modifications to the application to satisfy the Administrator and resubmit the application for review.
6. If a drainage plan is required, it shall be approved by the Department of Public Works prior to development plan approval by the PC.
7. **Public Notice.** The Administrator shall be responsible for completing all required public notices in accordance with the PC Rules and Procedures. In the event the hearing has not been properly noticed, the Administrator may have the PC continue the petition to their next regular meeting (or a properly noticed special meeting) without requiring additional notice by the applicant.

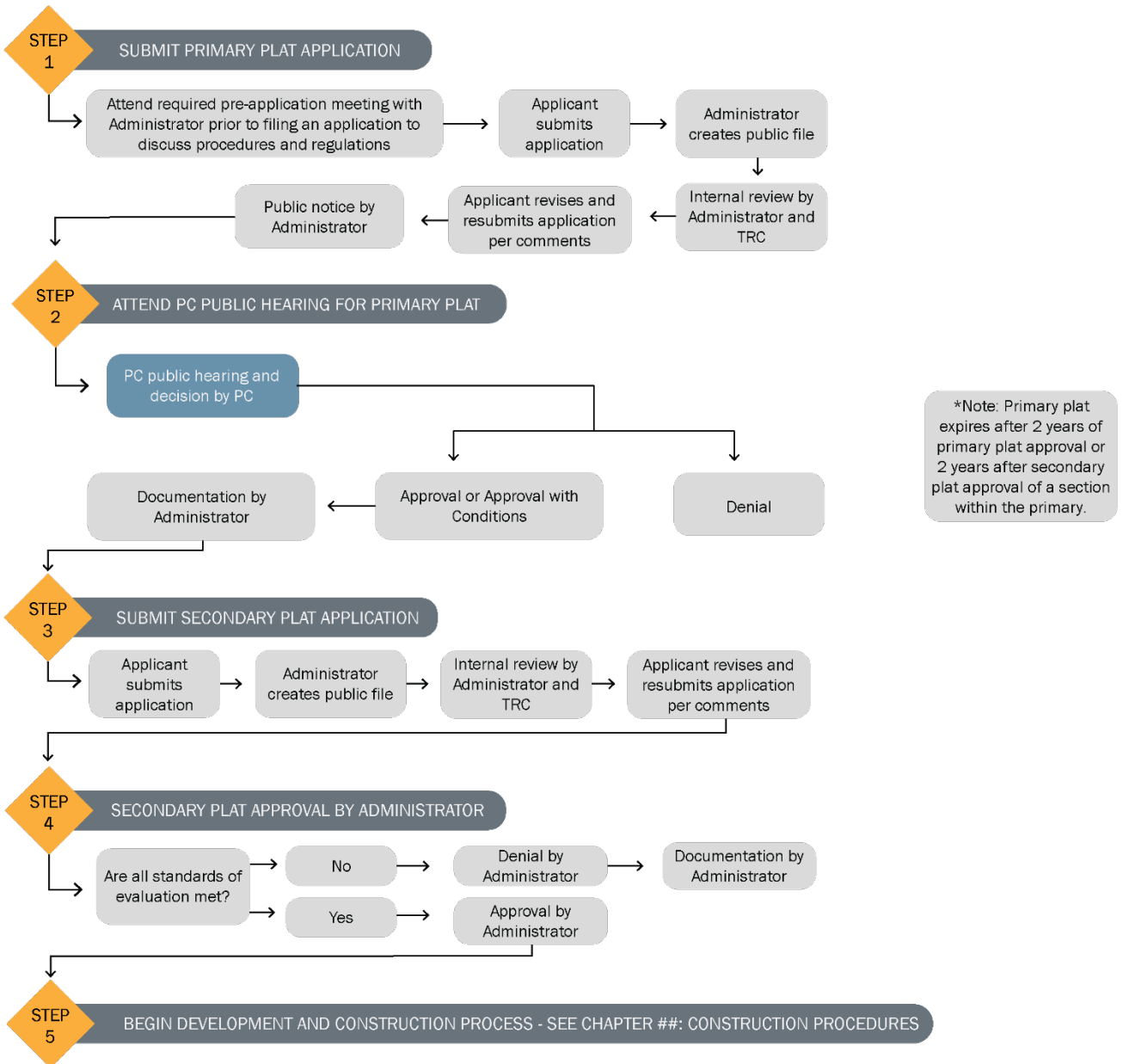
C. **Step 2: Attend a PC Public Hearing for Development Plan**

1. **PC Public Hearing.** The PC shall consider the development plan application at a public hearing. Public comments shall be permitted in accordance with the PC Rules and Procedures. The applicant or their representative shall be in attendance to present the application and address any questions or concerns of the PC.
2. **Final Decision by the PC.** The PC shall consider the development plan application before making a final decision. The PC shall approve, approve with conditions, or deny the development plan.
  - a. **Approval by the PC.** If the PC determines that the development plan complies with the standards of the UDO, it shall grant approval.
  - b. **Approval with Conditions by the PC.** If the applicant has not adequately addressed the valid comments from the TRC and/or PC in order to show compliance with all standards of the UDO, the PC can make the necessary revisions or changes a condition of approval.
  - c. **Denial by the PC.** If the PC determines that the development plan does not comply with the standards of the UDO, it shall deny the application.

D. **Step 3: Begin Development and Construction Process**

1. **Building Permits.** Building permits may be obtained as outlined in Chapter 7.10: Construction Procedures after a development plan is approved.

## 7.4 MAJOR RESIDENTIAL AND COMMERCIAL/INDUSTRIAL SUBDIVISION PLAT



- A. **Applicability.** The following shall apply to all commercial, industrial, and major residential subdivisions, and the approval process includes primary plat approval and secondary plat approval.
- B. **Step 1: Submit Primary Plat Application**
  - 1. **Pre-Application Meeting.** Prior to filing an application for a major subdivision, the applicant shall schedule a required pre-application meeting with the Administrator, which may be held in-person, virtually (video conference), or by phone. The intent of this meeting is to discuss the procedures for approval as well as the requirements and regulations for development.
  - 2. **Application.** The applicant shall submit a complete application for a primary plat in accordance with the application requirements and Chapter 7.9: Document and Drawing Requirements.
  - 3. **Public File**
    - a. Once the Administrator determines that the application is complete, they shall assign a docket number, create a public file, and assign a deadline for receiving internal review comments from the TRC.
    - b. In accordance with IC 36-7-4-705, within 30 days of receiving a complete application, the Administrator shall announce the tentative date for a public hearing before the PC.
  - 4. **Internal Review.** The Administrator shall forward the application and plans to the TRC for review. At the discretion of the Administrator, the TRC review can be held in-person, virtually (video conference), by phone, or by email. After comments (if any) are received, the Administrator may compile a written report for the public file with all comments.
  - 5. **Revise and Resubmit.** The Administrator shall forward all valid comments to the applicant. The applicant shall make the necessary modifications to the application to satisfy the Administrator and resubmit the application within the required timeframe.
  - 6. **Public Notice.** The Administrator shall be responsible for completing all required public notices in accordance with the PC Rules and Procedures. In the event the hearing has not been properly noticed, the Administrator may have the PC continue the petition to their next regular meeting (or a properly noticed special meeting) without requiring additional notice by the applicant.
- C. **Step 2: Attend PC Public Hearing for Primary Plat**
  - 1. **PC Public Hearing.** The PC shall consider the primary plat application at a public hearing. Public comments shall be permitted in accordance with the PC Rules and Procedures. The applicant or their representative shall be in attendance to present the application and address any questions or concerns of the PC.
  - 2. **Primary Plat Standards of Evaluation.** The decision on a primary plat by the PC shall be based on the following standards of evaluation:
    - a. Complies with the standards of this UDO;
    - b. Uses all reasonable efforts to mitigate the impact of the proposed subdivision on public health, safety, and welfare; and
    - c. Provides assurances that water supply, sewage disposal systems, and other applicable utilities that can sufficiently serve the type of proposed subdivision by either the respective utility provider or that such systems will comply with federal, state, and local laws and regulations.

3. **Final Decision of Primary Plat by PC.** The PC shall make the final decision for all primary approval of all plats.
    - a. **Approval by the PC.** If the PC determines that the primary plat complies with the standards of evaluation, it shall grant primary approval to the plat.
    - b. **Denial by the PC.** If the PC determines that the primary plat does not comply with the standards of evaluation, it shall deny the primary plat. Written findings of fact shall be provided and the Administrator shall provide written documentation (mail or email) stating the specific reasons for denial. The applicant may then resubmit a revised primary plat that addresses the reason for denial.
    - c. **Revisions by the PC.** 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 of a plat when necessary to facilitate the best interest and general welfare of the community, including, but not limited to:
      - 1) The manner in which public ways shall be laid out, graded, and improved; and
      - 2) A provision for other services as specified in this UDO.
    - d. **Documentation by Administrator.** Within 10 days of the hearing, the Administrator shall provide written approval (mail or email) and itemize any revisions, if any, and conditions, if any, that were required by the PC as a term of its approval.
  4. **Amendment of a Primary Plat.** All amendments to a plat with primary approval shall be considered a new primary plat application and follow the primary plat process.
  5. **Expiration of Primary Plat**
    - a. Primary approval of a plat shall be effective for two years from the date of the PC decision unless one of the following occurs.
      - 1) **Receive Secondary Plat Approval.** If secondary plat approval is received for a section or phase of the approved primary plat, the expiration date of the primary plat shall automatically be extended for two years from the date the secondary plat was approved. Failure to receive secondary approval for all or a part of the primary plat before this period ends shall invalidate the primary approval of the plat.
      - 2) **Written Request for Extension.** The applicant may submit a written request (mail or email) at least 30 days prior to the expiration date of the primary plat requesting the PC approve an extension of the primary plat expiration. The PC may extend approval of a primary plat at a public meeting for a maximum of one additional year without further public notice, public hearing, or fees.
    - b. Once the primary plat has expired, a new application for primary plat shall be submitted in accordance with all applicable ordinances in effect at the time the new application is submitted.
- D. **Step 3: Submit Secondary Plat Application**
1. **Commercial and Industrial Subdivisions.** The applicant may submit a secondary plat application for a commercial or industrial subdivision for the entire subdivision, a phase or section of lots, or a single lot, which will include all necessary infrastructure serving such lots.
  2. **Major Residential Subdivisions.** The applicant may submit a secondary plat application for the entire subdivision or a phase or section of lots as laid out on the primary plat, which will include all necessary infrastructure serving such lots.
  3. **Application.** The applicant shall submit an application for secondary plat approval in accordance with the application requirements and Chapter 7.9: Document and Drawing Requirements.
  4. **Public File.** Once the Administrator determines that the application is complete, they shall assign a docket number, create a public file, and assign a deadline for receiving internal review comments from the TRC.

5. **Internal Review.** The Administrator shall forward the application and plans to the TRC for review. At the discretion of the Administrator, the TRC review can be held in-person, virtually (video conference), by phone, or by email. After comments (if any) are received, the Administrator may compile a written report for the public file with all comments.
  6. **Revise and Resubmit.** The Administrator shall forward all valid comments to the applicant. The applicant shall make the necessary modifications to the application to satisfy the Administrator and resubmit the application for review.
  7. **Public Notice.** No public notice is required for secondary plat approval.
- E. **Step 4: Secondary Plat Approval**
1. **Final Decision of Secondary Plat by PC.** The Administrator shall make the final decision for all secondary approval of all plats.
    - a. **Approval.** If the Administrator determines that the secondary plat complies with the standards set forth in this UDO and is in conformance with the primary plat, the Administrator shall grant secondary approval to the plat. The secondary plat shall not be signed or executed until the construction of the public improvements are completed and approved or performance surety is provided in accordance with Chapter 7.10: Construction Procedures.
    - b. **Denial.** If the secondary plat standards of evaluation have not been met and adequate revisions are not made, the Administrator shall deny the secondary plat application. The applicant may then resubmit a revised secondary plat that addresses the reason for denial.
  2. **Secondary Plat Amendment (Replat).** Any change to an approved secondary plat (regardless if the plat is recorded or not recorded) shall require an amended secondary plat to be approved by the PC unless the amendment complies with the exempt subdivision standards (Chapter 5.2: Exempt Subdivisions). All secondary plat amendments/replats shall be considered a secondary plat application and follow the respective process.
- F. **Step 5: Begin Development and Construction Process.** All development of public infrastructure shall comply with Chapter 7.10: Construction Procedures.
- G. **Step 6: Begin Construction on Individual Lots**
1. **Development Plan.** Development plan approval is not required for single-family, two-family, or agricultural uses (excluding confined feeding operations) unless otherwise stated in this UDO. For all other uses, development plan approval is required as outlined in Chapter 7.3: Development Plan.
  2. **Required Permits.** The construction of improvements shall occur in accordance with the procedures set forth in Chapter 7.10D: Obtain Building Permits (BP) Procedures.
- H. **Plat Amendments**
1. **Primary Plat Amendment for Major Subdivisions**
    - a. After a primary plat is approved by the PC, the subdivider may request that an amendment be made to the primary plat.
    - b. The PC shall hold a public hearing on the proposed amendment in accordance with the same requirements for the respective primary plat approval process. The public hearing on a proposed amendment shall be limited to the merits of the proposed amendment.
    - c. The PC shall approve or disapprove any proposed amendment in the manner set forth in Chapter 7.4.C: Step 2: Attend PC Public Hearing for Primary Plat, as applicable.
    - d. The subdivider may withdraw the proposed amendment at any time prior to the PC's decision.



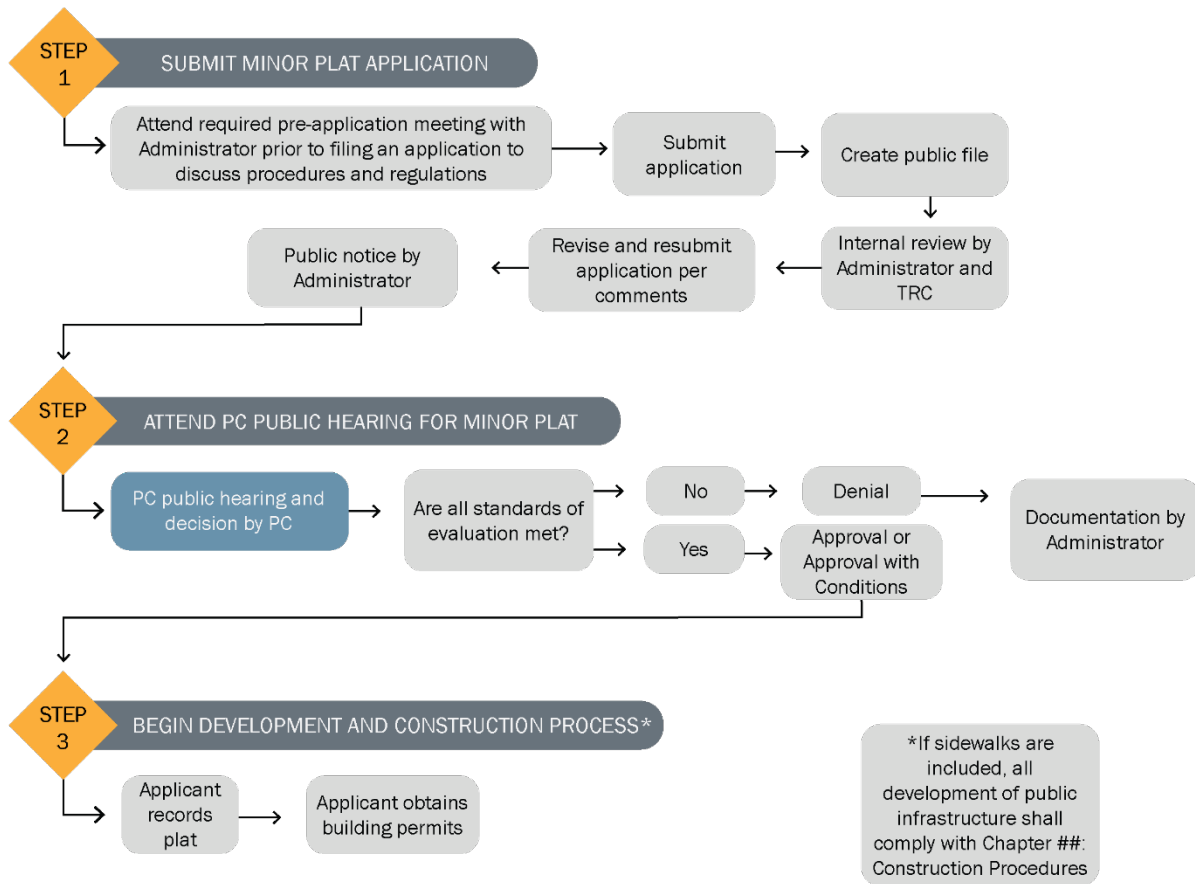
**2. Secondary Plat Amendment for Major Subdivisions**

- a. After a secondary plat is approved, the subdivider may request that an amendment be made to the secondary plat before the plat is recorded.
- b. The Administrator shall solicit comments from the TRC on the proposed amendment in accordance with the same requirements for the respective Secondary Plat approval process.
- c. The PC shall approve or deny any proposed amendment in the manner set forth in Chapter 7.4: Major Residential and Commercial/Industrial Subdivision Plat, as applicable.
- d. The subdivider may withdraw the proposed amendment at any time prior to the PC's decision.
- e. After a minor residential plat is approved, the subdivider may request an amendment be made to the plat before it is recorded and shall follow the procedure set forth in Chapter 7.5: Minor Subdivision Plat.

**3. Replats**

- a. The secondary plat shall have been recorded and all property owners within the area for replat shall provide written consent to the application for replat.
- b. Whenever an owner of land desires to replat an already approved and recorded secondary plat, the owner shall obtain approval for the replat by the same procedures prescribed for the subdivision of land set forth in Chapter 7: Procedures as applicable.
- c. For the purposes of this UDO, a replat shall include:
  - 1) Any change in any street layout or any other public improvement;
  - 2) Any change in any lot line, unless identified as an exempt subdivision as outlined in this UDO; and
  - 3) Any change that decreases the area of land reserved for public use or the common use of lot owners.

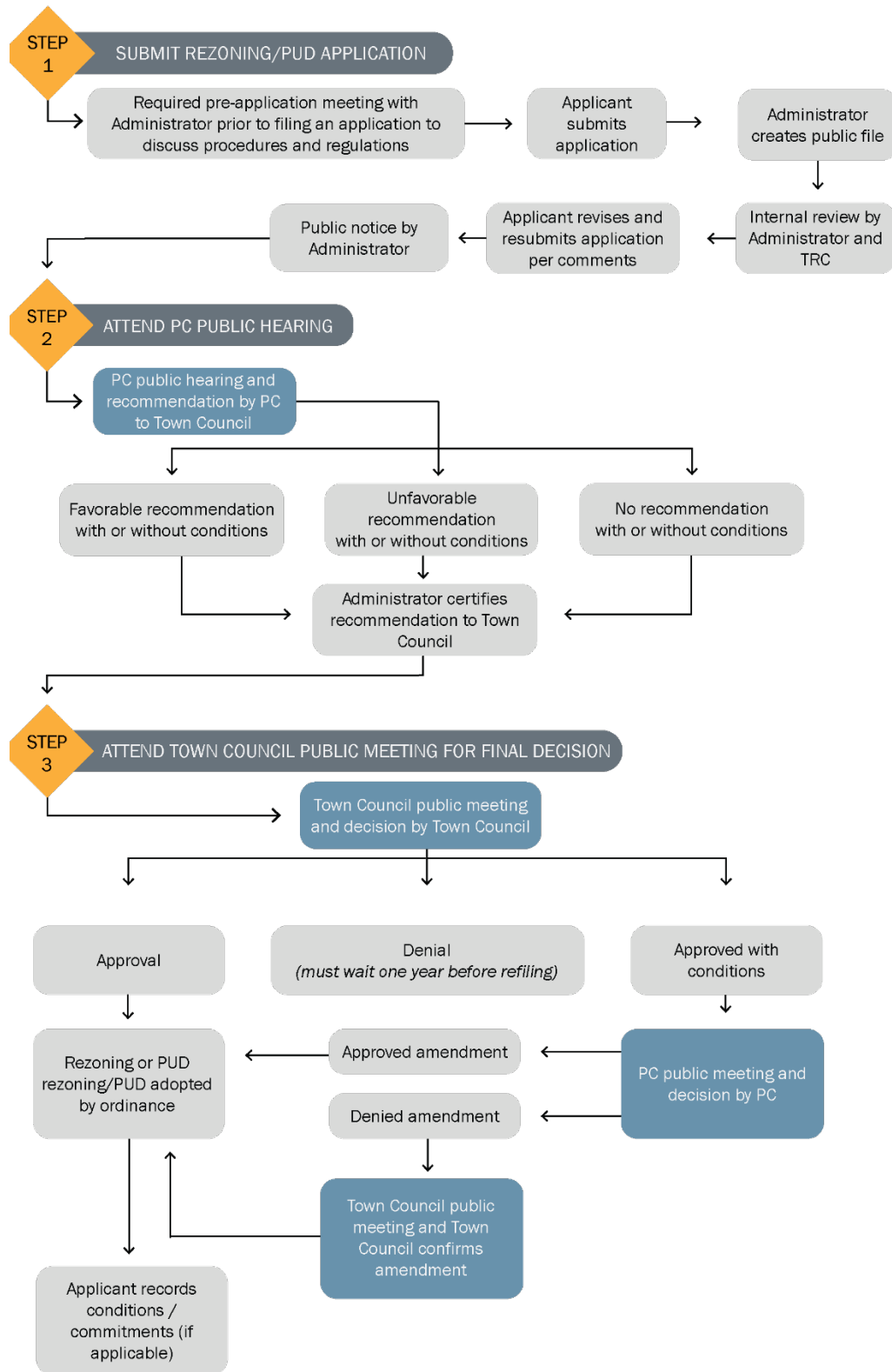
## 7.5 MINOR SUBDIVISION PLAT



- A. **Applicability**
  - 1. The minor residential subdivision process is an expedited process for residential subdivisions that meet the minor subdivision criteria.
  - 2. A subdivision that meets the criteria outlined in Chapter 5.3B: Minor Residential Subdivision General Standards shall be considered a minor subdivision.
- B. **Step 1: Submit Minor Plat Application**
  - 1. **Pre-Application Meeting.** Prior to filing an application for a minor subdivision, the applicant shall schedule a required pre-application meeting with the Administrator, which may be held in-person, virtually (video conference), or by phone. The intent of this meeting is to discuss the procedures for approval with the Administrator as well as the requirements and regulations for development.
  - 2. **Application**
    - a. The primary plat and secondary plat shall be combined into one approval process for minor plats.
    - b. The subdivider shall submit a complete application for minor subdivision approval in accordance with the application requirements and prepared as per the requirements in Chapter 7.9.B: Secondary Plat Requirements.
  - 3. **Public File**
    - a. Once the Administrator determines that an application is complete, they shall assign a docket number, create a public file, and assign a deadline for receiving internal review comments from the TRC.
    - b. In accordance with IC 36-7-4-705, within 30 days of receiving a complete application, the Administrator shall announce the tentative date for a public hearing before the PC.
  - 4. **Internal Review.** The Administrator shall forward the application and plans to the TRC for review. At the discretion of the Administrator, the TRC review can be held in-person, virtually (video conference), by phone, or by email. After comments (if any) are received, the Administrator may compile a written report for the public file with all comments.
  - 5. **Revise and Resubmit.** The Administrator shall forward all valid comments to the applicant. The applicant shall make the necessary modifications to the application to satisfy the Administrator and resubmit the application within the required timeframe.
  - 6. **Public Notice.** The Administrator shall be responsible for completing all required public notices in accordance with the PC Rules and Procedures. In the event the hearing has not been properly noticed, the Administrator may have the PC continue the petition to their next regular meeting (or a properly noticed special meeting) without requiring additional notice by the applicant.
- C. **Step 2: Attend PC Public Hearing for Minor Plat**
  - 1. **PC Public Hearing.** The PC shall consider the minor plat application (which includes both the primary plat and secondary plat) at a public hearing. Public comments shall be permitted in accordance with the PC Rules and Procedures. The applicant or their representative shall be in attendance to present the application and address any questions or concerns of the PC.
  - 2. **Minor Plat Standards of Evaluation.** The decision on a minor plat by the PC shall be based on the following standards of evaluation:
    - a. Complies with the standards of this UDO;
    - b. Uses all reasonable efforts to mitigate the impact of the proposed subdivision on public health, safety, and welfare; and
    - c. Provided assurances that water supply, sewage disposal systems, and other applicable utilities that can sufficiently serve the type of proposed subdivision by either the respective utility provider or that such systems will comply with federal, state, and local laws and regulations.

3. **Final Decision by the PC.** The PC shall make the final decision for all approvals of minor plats.
  - a. **Approval by the PC.** If the PC determines that the minor plat complies with the standards of evaluation, it shall grant approval to the plat.
  - b. **Denial by the PC.** If the PC determines that the minor plat does not comply with the standards of evaluation, it shall deny the minor plat. If the PC disapproves the minor plat, it shall make written findings of fact and the Administrator shall provide written documentation (mail or email) stating the specific reasons for denial. The applicant may then resubmit a revised primary plat that addresses the reason for denial.
  - d. **Revisions by the PC.** In accordance with IC 36-7-4-702, the PC may introduce changes or revisions to the proposed plans as a condition of approval of a plat when necessary to facilitate the best interest and general welfare of the community, including, but not limited to:
    - 1) The manner in which public ways shall be laid out, graded, and improved; and
    - 2) A provision for other services as specified in this UDO.
  - e. **Documentation by Administrator.** Within 10 days of the hearing, the Administrator shall provide written approval (mail or email) and itemize any revisions, if any, and conditions, if any, that were required by the PC as a term of its approval.
- D. **Step 3: Begin Development and Construction Process**
  1. **Public Sidewalks.** If sidewalks are included, all development of public infrastructure shall comply with Chapter 7.10: Construction Procedures.
  2. **Record Plat.** The plat shall be recorded in accordance with the procedures set forth in Chapter 7.10.B: Record Secondary Plat Procedures. A copy of the recorded plat with the Recorder's stamp shall be provided to the Administrator.
  3. **Required Permits.** The construction of improvements shall occur in accordance with the procedures set forth in Chapter 7.10.D: Obtain Building Permits (BP) Procedures.

## 7.6 ZONE MAP CHANGE AND PUD DISTRICT PROCEDURES



A. **Applicability**

1. In accordance with IC 36-7-4-600 series for zone map changes, IC 36-7-4-1500 series for PUD Districts, and the PC Rules and Procedures, the PC shall hear and make recommendations regarding zone map changes and zone map changes to a PUD District.
2. Zone map changes and zone map changes to a PUD District may be initiated by the PC, the legislative body, or property owners of 50% or more of the geographic area involved in the petition.

B. **Step 1: Submit Rezoning or PUD Application**

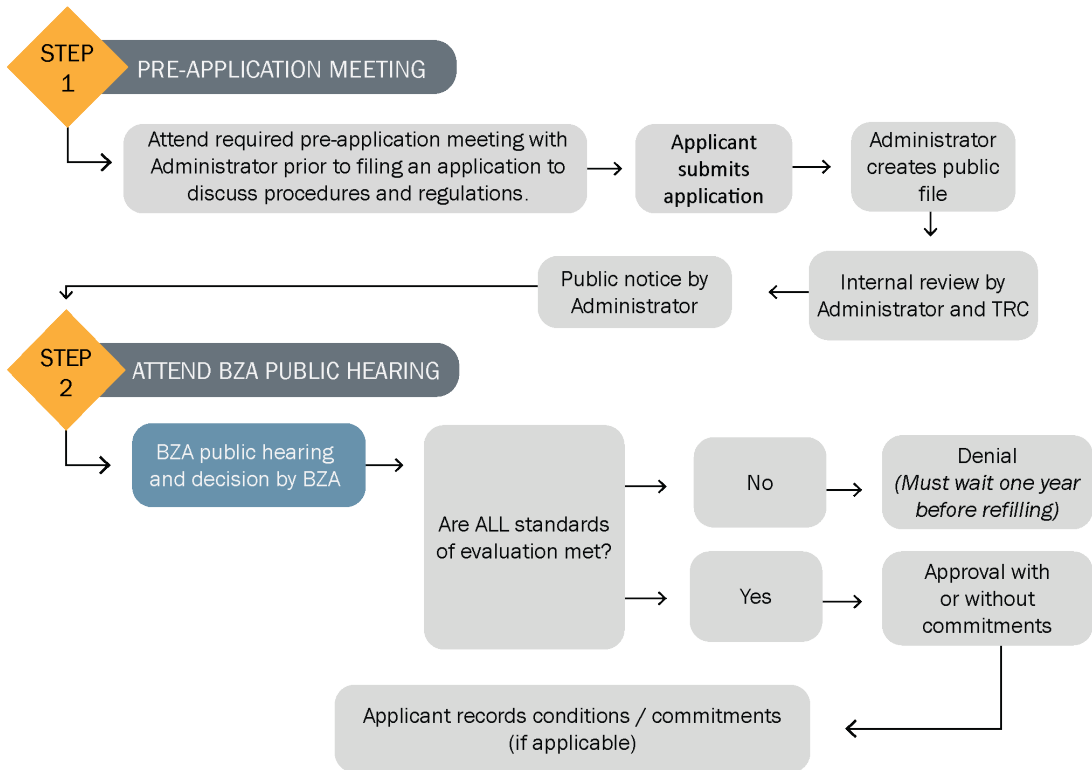
1. **Pre-Application Meeting.** Prior to filing an application for a zone map change or a zone map change to a PUD District, the applicant shall schedule a required pre-application meeting with the Administrator, which may be held in-person, virtually (video conference), or by phone. The intent of this meeting is to discuss the procedures for approval with the Administrator as well as the requirements and regulations for development.
2. **Application.** The applicant shall submit a complete application for a zone map change or a zone map change to a PUD District in accordance with the application requirements.
  - a. **Additional Requirements for PUD Application.** In addition to the required application submittal, the application for a zone map change to a PUD District shall also include:
    - 1) **PUD District Map.** A PUD District Map that defines all areas and/or parcels that are governed by the PUD District Ordinance. This map may also identify the location of “districts” that allow specific land uses that are described in the PUD District Ordinance.
    - 2) **PUD District Ordinance.** A PUD District Ordinance shall be submitted with the “detailed terms” for development in accordance with IC 36-7-4-1509(a)(2). For the purpose of administration and continuity, the proposed PUD District Ordinance must follow a uniform format and contain the following sections that mirror and parallel this UDO. Standards that are not defined or specified in the PUD District Ordinance but that are regulated by this UDO shall default to the regulations contained in this UDO as best interpreted by the Administrator. Each section of the PUD District Ordinance shall include at least the following:
      - a) **Introductory Provisions.** The enabling language for the PUD District Ordinance as well as purpose, intent, jurisdiction, administration, and effective date.
      - b) **PUD Districts.** An intent statement for each land use district within the PUD, a table of permitted uses and special exception uses, and the development standards (structure standards, lot standards, and utility standards).
      - c) **Standards for Specific Uses.** An alphabetical list of additional development standards that apply to a specific use(s) that are above and beyond the minimums listed in the PUD District(s).
      - d) **Site Development Standards.** An alphabetical list of the site standards that apply to development, such as accessory structures, architectural features, bufferyards, lighting, parking, setbacks, or signs.
      - e) **Definitions.** Any terms that are specific to the PUD that are not defined in Chapter 9.2: Definitions.

3. **Public File.** Once the Administrator determines that an application is complete, they shall assign a file number, create a public file, assign a deadline for receiving internal review comments from the TRC.
  4. **Internal Review.** The Administrator shall forward the application to the TRC for review. At the discretion of the Administrator, the TRC review can be held in-person, virtually (video conference), by phone, or by email. After comments (if any) are received, the Administrator may compile a written report for the public file with all comments.
  5. **Revise and Resubmit.** The Administrator shall forward all valid comments to the applicant. The applicant shall make the necessary modifications to the application to satisfy the Administrator and resubmit the application within the required timeframe.
  6. **Public Notice.** The applicant shall be responsible for completing all required public notices in accordance with the PC Rules and Procedures. In the event the hearing has not been properly noticed, the Administrator may have the PC continue the petition to their next regular meeting (or a properly noticed special meeting) without requiring additional notice by the applicant.
- C. **Step 2: Attend PC Public Hearing**
1. **PC Public Hearing.** The PC shall consider the zone map change or zone map change to a PUD District at a public hearing. Public comments shall be permitted in accordance with the PC Rules and Procedures. The applicant or their representative shall be in attendance to present their application and address any questions or concerns of the PC.
  2. **Recommendation by the PC to the Town Council**
    - a. **Rezoning Standards of Evaluation.** The PC shall make a recommendation on zone map changes and PUDs to the Town Council by paying reasonable regard to the:
      - 1) The Comprehensive Plan;
      - 2) Current conditions and the character of current structures and uses in each district;
      - 3) The most desirable use for which the land in each district is adapted;
      - 4) The conservation of property values throughout the jurisdiction; and
      - 5) Responsible development and growth.
    - b. **Recommendation by the PC.** After consideration, the PC shall make a favorable, unfavorable, or no recommendation to the legislative body. Any recommendation may include conditions and/or written commitments in accordance with IC 36-7-4-1015 and Chapter 7.11.A: Written Commitment Procedures.
    - c. **Certification of Recommendation.** Within 10 business days after the PC determination, the Administrator shall certify the PC's recommendation to the legislative body.
- D. **Step 3: Attend Town Council Meeting for Final Decision**
1. **Town Council Public Meeting**
    - a. The Town Council shall make the final decision for all zone map changes and zone map change to a PUD District. Final action by the legislative body shall be in accordance with IC 36-7-4-600 series.
    - b. Upon receipt of the certification of the PC recommendation, the legislative body shall vote on the proposed zone map change or zone map change to a PUD District at a public meeting within 90 calendar days.
  2. **Final Decision by Town Council**
    - a. **Approval by Town Council.** If the proposal is adopted by the legislative body, the PC shall update the official zoning map accordingly.

- b. **Approval with Modified Commitments/Conditions by Town Council**
    - 1) If zone map changes and zone map change to a PUD District is approved by the legislative body but includes modifications, changes, or additions to the commitments or conditions included in the PC recommendation or if the Town Council includes new or additional commitments or conditions in their approval, it shall be returned to the PC with a written statement of the reasons for amendment.
    - 2) Within 45 days, the PC shall consider the amendment and the PC shall approve or deny the amendment. The PC approval or denial shall be reported to the legislative body. If the PC approves the amendment, the rezoning is considered approved. If the PC denies the amendment, the legislative body must confirm the amendment by another vote.
  - c. **Denial by Town Council.** If the proposal is denied by the legislative body, it cannot be resubmitted for one year unless the Administrator determines there is a substantial change to the application.
3. **Expiration.** Approval of a zone map change shall run with the land unless a condition specifies otherwise.
4. **Amendments**
- a. Amendment of a zone map change or PUD shall follow the same process as a zone map change. It shall be done in accordance with the IC 36-7-4-600 series for zone map changes and IC 36-7-1500 series for zone map changes to a PUD District.
  - b. An amendment of an applicable condition or commitment shall be done in accordance with IC 36-7-4-1015 and Chapter 7.11.A: Written Commitment Procedures.



## 7.7 SPECIAL EXCEPTION AND VARIANCE PROCEDURES



A. **Applicability**

1. In accordance with IC 36-7-4-918.2 for special exceptions, IC 36-7-4-918.5 for variances from development standards, IC 36-7-4-918.4 for variances of use, and the BZA Rules and Procedures, the BZA shall hear and make decisions regarding special exceptions, variances from development standards, and variances of use.
2. If a use is permitted by special exception as listed in Chapter 2: Zoning Districts, it shall be approved by the BZA in accordance with the procedures set forth in this section prior to the establishment of the use.

B. **Step 1: Submit Special Exception or Variance Application**

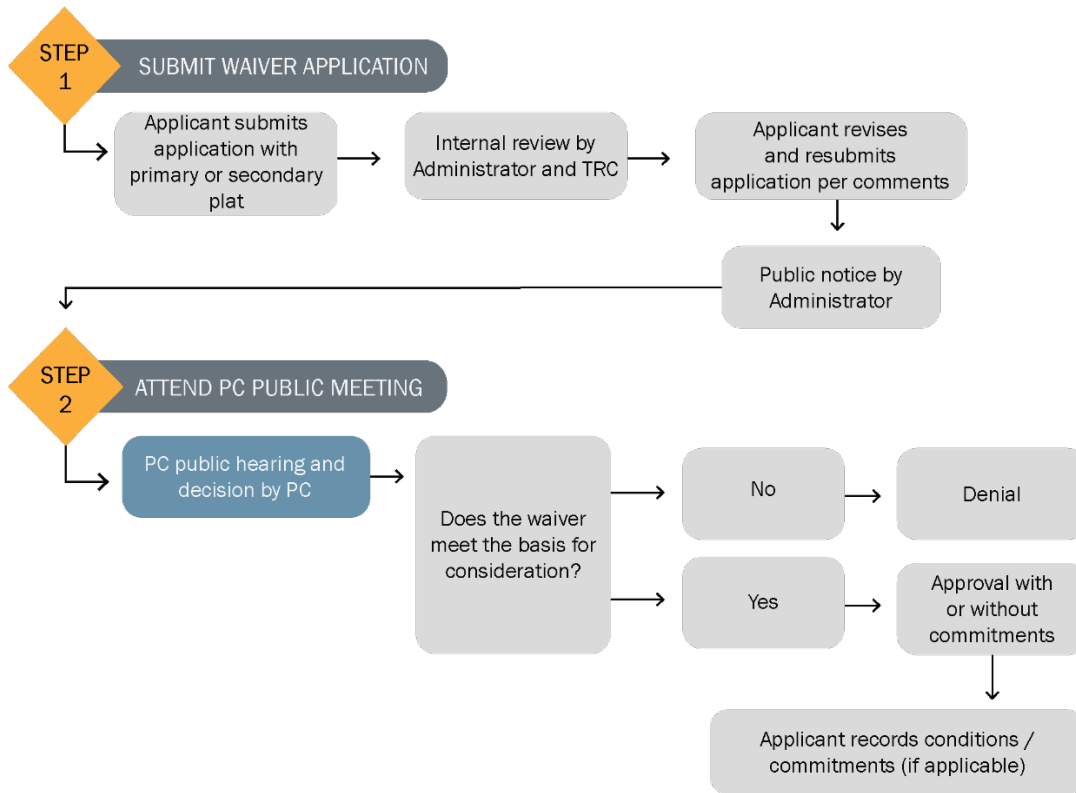
1. **Pre-Application Meeting.** Prior to filing an application for special exception, variance from development standards, or variance of use, the applicant shall schedule a required pre-application meeting with the Administrator, which may be held in-person, virtually (video conference), or by phone. The intent of this meeting is to discuss the procedures for approval with the Administrator as well as the requirements and regulations for development.
2. **Application.** The applicant shall submit a complete application for a special exception, variance from development standards, or variance of use in accordance with the application requirements.
3. **Public File.** Once the Administrator determines that an application is complete, they shall assign a file number, and create a public file.
4. **Internal Review.** The Administrator shall forward the application to the TRC for review. At the discretion of the Administrator, the TRC review can be held in-person, virtually (video conference), by phone, or by email. After comments (if any) are received, the Administrator may compile a written report for the public file with all comments.
5. **Public Notice.** The Administrator shall be responsible for completing all required public notices in accordance with the BZA Rules and Procedures. In the event the hearing has not been properly noticed, 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.

C. **Step 2: Attend BZA Public Hearing**

1. **BZA Public Hearing.** The BZA shall consider the application at a public hearing. Public comments shall be permitted in accordance with the BZA Rules and Procedures. The applicant or their representative shall be in attendance to present the application and address any questions or concerns of the BZA.
  - a. **Standards for Evaluation for Special Exception.** When considering a special exception, the BZA shall find that the following standards have all been satisfied in order to approve the application:
    - 1) The establishment, maintenance, or operation of the special exception will not be detrimental to or endanger the public health, safety, morals, or general welfare;
    - 2) The special exception will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted;
    - 3) The establishment of the special exception will not impede or substantially alter the normal and orderly development and improvement of surrounding property for uses permitted in the district;
    - 4) Adequate utilities, access road, drainage, and other necessary facilities have been or are being provided;
    - 5) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion on the public roadways; and
    - 6) The special exception will be located in a district where such use is permitted, and all other requirements set forth in this UDO that are applicable to such use will be met.

- b. **Standards for Evaluation for Development Standards Variance.** Per IC 36-7-4-918.5, when considering a variance, the BZA shall find that the following standards have all been satisfied in order to approve the application:
    - 1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
    - 2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
    - 3) The strict application of the terms of the ordinance will result in a practical difficulty in the use of the property. This practical difficulty cannot be based upon a personal financial hardship, personal inconvenience, or be self-created.
  - c. **Standards for Evaluation for Use Variance.** Per IC 36-7-4-918.4, when considering a variance of use, the BZA shall find that the following standards have all been satisfied in order to approve the application:
    - 1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
    - 2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
    - 3) The need for the variance arises from some condition peculiar to the property involved;
    - 4) The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and
    - 5) The approval does not interfere substantially with the Comprehensive Plan.
2. **Final Decision by the BZA.** The BZA shall make the final decision for all approvals of special exceptions, variances from development standards, or variances of use.
- a. **Approval by the BZA.** If the BZA finds all of the standards of evaluation have been satisfied, it shall approve the request with or without conditions and/or written commitments.
  - b. **Denial by the BZA.** If the BZA does not find that all of the standards have been satisfied, it shall deny the special exception and findings shall specify the reason for denial. If the application is denied by the BZA, it cannot be resubmitted for one year unless the Administrator determines there is a substantial change to the application.
  - c. **Expiration.** Approval of a special exception, variance from development standards, or variance of use shall run with the land, unless the following apply:
    - 1) If construction of structures or occupancy of existing structures relevant to the approved special exception or variance of use has not commenced within three years of approval by the BZA, the approval shall be void; or
    - 2) If the BZA places a condition on the approval that specifies an expiration date for the special exception or variance of use. If an expiration date is specified, it cannot be less than one year from the date of approval.
  - d. **Amendment.** A special exception, variance from development standards, or variance of use may only be amended by the BZA by submitting a revised application through the respective application process.

## 7.8 WAIVERS



A. **Applicability**

1. A waiver can be granted to allow a subdivision to vary from a standard outlined in Chapter 5: Subdivision Types and/or Chapter 6: Subdivision Design Standards.
2. Pursuant to IC 36-7-4-702(c), waivers may be issued by the PC when the applicant can show that practical difficulties and unnecessary hardships would result if strictly adhered to and where, in the opinion of the PC, because of topographical or other conditions particular to the site, a departure may be made without compromising the intent of such provisions. The PC may authorize a waiver pursuant to IC 36-7-4-702(c).
3. In order for a waiver to be approved, the plat must still meet all other applicable standards prescribed in the UDO. Variances from the zoning provisions or other chapters of this UDO require a variance by the BZA (See Chapter 7.7: Special Exception and Variance Procedures).

B. **Step 1: Submit Waiver Application**

1. **Application.** The applicant shall submit a complete application for a waiver in accordance with the application requirements. A waiver application may be submitted with a primary or secondary plat application. The application shall fully state the practical difficulties and unnecessary hardship for the application and all the facts relied upon by the applicant.
2. **Public File.** Once the Administrator determines that an application is complete, they shall assign a file number, create a public file, assign a deadline for receiving internal review comments from the TRC.
3. **Internal Review.** The Administrator shall forward the plans to the TRC for review. At the discretion of the Administrator, the TRC review can be held in-person, virtually (video conference), by phone, or by email. After comments (if any) are received, the Administrator may compile a written report for the public file with all comments.
4. **Revise and Resubmit.** The Administrator shall forward all valid comments to the applicant. The applicant shall make the necessary modifications to the application to satisfy the Administrator and resubmit the application within the required timeframe.
5. **Public Notice.** The Administrator shall be responsible for completing all required public notices in accordance with the PC Rules and Procedures. In the event the hearing has not been properly noticed, the Administrator may have the PC continue the petition to their next regular meeting (or a properly noticed special meeting) without requiring additional notice by the applicant.

C. **Step 2: Attend PC Public Hearing for Waiver**

1. **PC Public Hearing.** The PC shall consider the application at a public hearing. Public comments shall be permitted in accordance with the PC Rules and Procedures. The applicant or their representative shall be in attendance to present the application and address any questions or concerns of the PC.
2. **Standards of Evaluation**
  - a. **Waivers Concerning Public Improvements**
    - 1) With a favorable recommendation from the TRC, the PC may defer or waive, at the time of secondary approval and subject to any appropriate conditions, the provision for any or all, public improvements that in its judgment are:
      - a) Not required in the interests of the public health, safety, and general welfare,
      - b) Inappropriate because of incompatible grades, future planning, inadequate or nonexistent connecting facilities, or
      - c) Inappropriate for other reasons presented to and agreed on by the PC.
    - 2) Any determination to defer or waive the provision of any public improvement must be made in accordance with this section and the reasons for the deferral or waiver shall be expressly made part of the record.
    - 3) Where improvement or installations are deferred as herein provided, the subdivider shall post a separate surety in an amount determined by the jurisdiction guaranteeing completion of the deferred improvements upon demand of the jurisdiction.

- b. **Waiver Standards for Evaluation.** When considering a waiver, the PC shall find that the following standards have all been satisfied in order to approve the application:
  - 1) Practical difficulties and unnecessary hardship may result from the strict application of this UDO;
  - 2) The purpose and intent of this UDO may be better served by an alternative proposal.
  - 3) The granting of the waiver or waiver of conditions will not be detrimental to the public safety, health, or welfare or injurious to other property;
  - 4) The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable to other property;
  - 5) The relief sought will not contravene the other provisions of the UDO or the intent of the Comprehensive Plan; and
  - 6) Where the waiver impacts on the design, construction, or maintenance obligations of public facilities, that the appropriate public agency has reviewed and approved the proposed development in writing or electronic transmission to the PC.
- c. **Written Findings.** The PC shall make written findings of fact on all waiver requests.
- 3. **Final Decision by the PC.** The PC shall make the final decision for approvals of all waivers.
  - a. **Approval by the PC.** If the PC finds all of the standards of evaluation have been satisfied, it shall approve the waiver request.
  - b. **Approval with Conditions/Commitments by the PC.** The PC may, in approving waivers, require conditions that will, in its judgment, secure the purposes of the requested waiver(s). Such conditions shall be expressly set forth in the approval of the waiver and be in accordance with the PC Rules and Procedures for governing commitments. Violation of any condition shall be a violation of this UDO and subject to the provisions of Chapter 7.12.C: Penalties and Fines.
  - c. **Denial by the PC.** If the PC does not find that all of the standards have been satisfied, it shall deny the waiver request and provide findings that specify the reason for denial.

## 7.9 DOCUMENT AND DRAWING REQUIREMENTS

### A. Primary Plat Requirements

1. The primary plat shall be prepared in accordance with all application requirements.
2. The primary plat shall be 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.
3. All sheets shall be formatted no larger than 24"x36" and drawn to a convenient scale.
4. The applicant is responsible for all title searches, recorded easements, recorded commitments, and any other items that may affect development. The applicant shall include a copy of such documents to the PC and also disclose to all buyers.

### B. Secondary Plat Requirements

1. The secondary plat shall be prepared in accordance with all application requirements.
2. The secondary plat sheet(s) shall be 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.
3. All sheets shall be formatted as 18"x24" Mylar and drawn to a convenient scale.

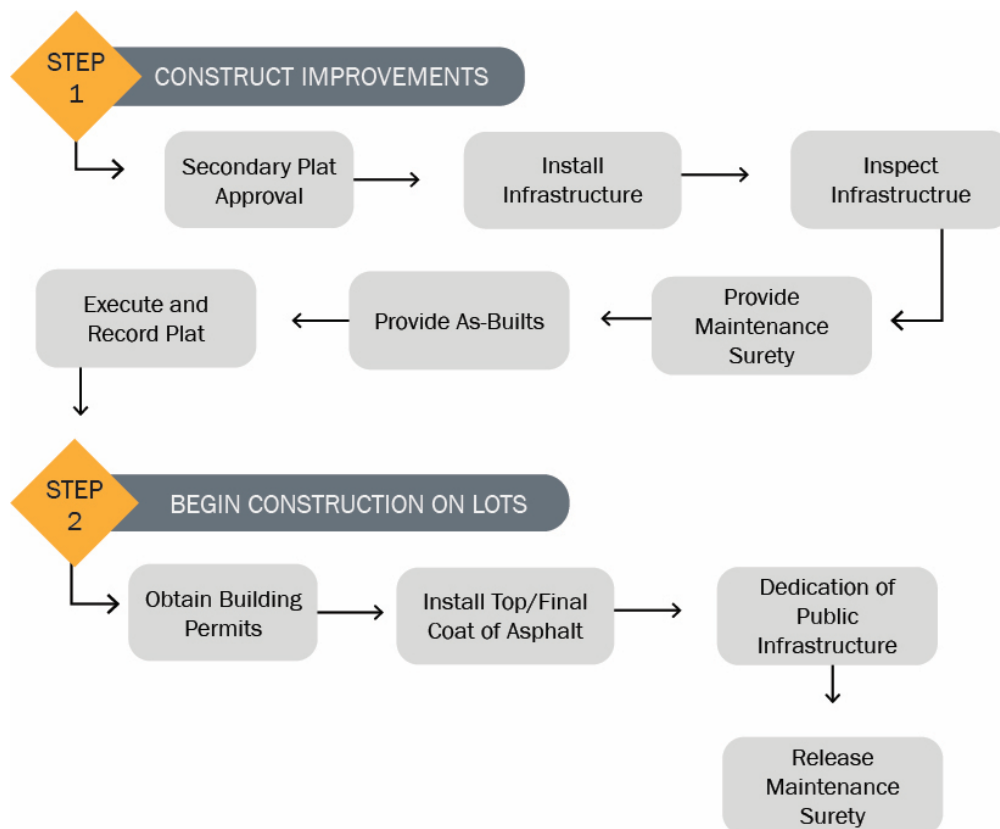
### C. Construction Drawing and Drainage Plan Requirements

1. **Construction Plans.** The applicant shall submit and receive approval of all construction drawings/construction plans from the Department of Public Works prior to secondary plat approval.
2. **Drainage Plans.** The applicant shall submit and receive approval for drainage plans from the Department of Public Works prior to secondary plat approval.
3. **IDEM.** If the subdivision disturbs more than one acre, detailed erosion control and sediment control plans, pursuant to 327 IAC 15-5 under the Construction Stormwater General Permit (formerly known as Rule 5) as administered by IDEM, shall be obtained and submitted to the Administrator prior to secondary plat approval.

## 7.10 CONSTRUCTION PROCEDURES

### A. Construction of Public Improvements Procedures

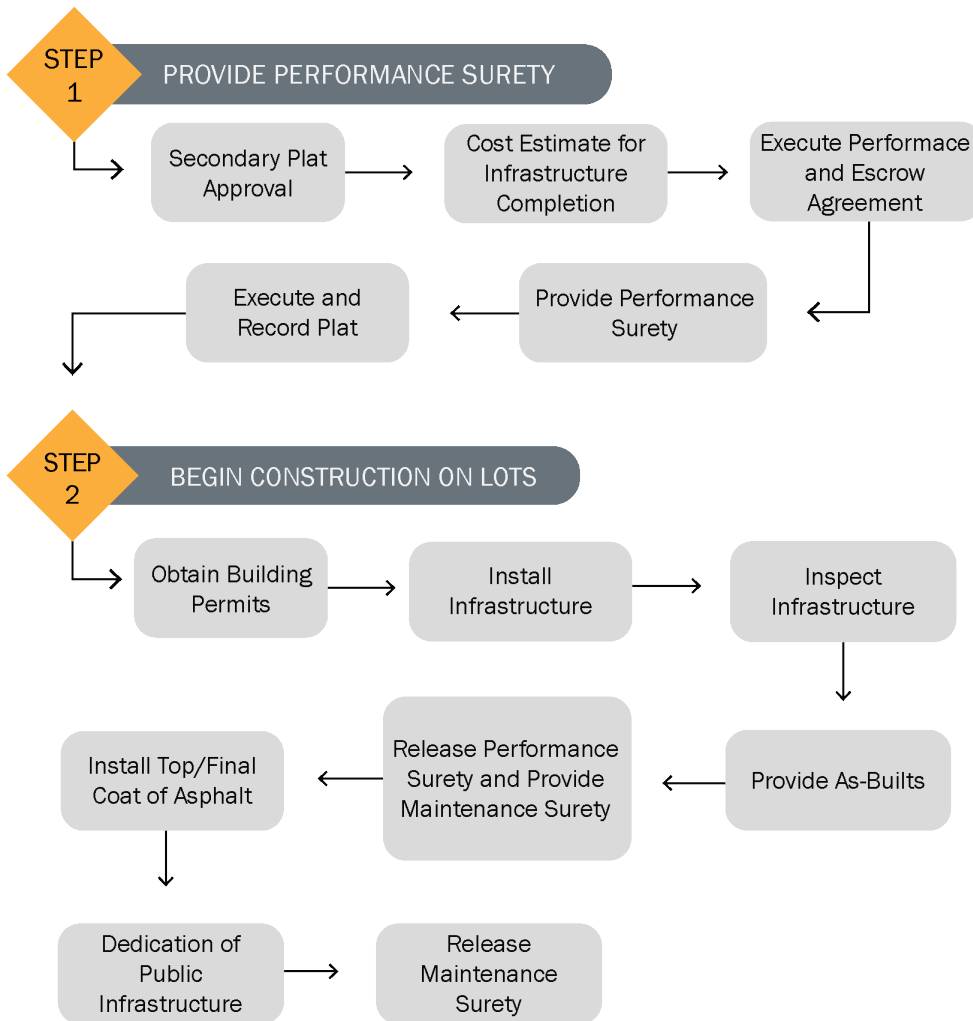
1. **General.** Once a primary plat has been approved by the PC and the associated construction and drainage plans have been approved by the Department of Public Works, the construction and development process may commence in one of two ways as outlined below.
2. **Option 1: Construct Public Improvements, then Record Plat**



- a. **Secondary Plat Approval.** Secondary plat should be approved prior to installing infrastructure (but not executed or signed). Any construction or installation of infrastructure started or completed prior to approval of the construction plans and/or secondary plat is done at the risk of the applicant; if changes or revisions to the construction plans and/or secondary plat are required, any modifications to construction or installation of infrastructure shall be the responsibility of the applicant.
- b. **Install Infrastructure.** Infrastructure shall be installed per the approved construction plans except for the final coat of asphalt on the roadways.
- c. **Inspect Infrastructure.** The improvements shall be reviewed and inspected by the Town throughout the construction process to ensure that they have been completed in a satisfactory manner. This includes, but is not limited to, roads, curbs, gutters, drainage facilities, and any other utilities as required by this UDO or any other applicable ordinance.
  - 1) The Town does not inspect infrastructure not owned or managed by the other providers. All infrastructure improvements and/or utilities required by this UDO shall be installed prior to recording the plat and any inspections of this infrastructure should be directly coordinated with the respective local providers.



- d. **Provide Maintenance Surety.** After all required inspections of public infrastructure are complete and approved, the applicant shall post a maintenance surety in accordance with Chapter 7.10.E: Provide Maintenance Surety.
  - e. **Execute and Record Plat.** The plat shall be executed (signed) and recorded in accordance with Chapter 7.10.B: Record Secondary Plat Procedures. A copy of the recorded plat with the Recorder’s stamp shall be provided to the Administrator.
  - f. **Install Top/Final Coat of Asphalt.** Once development has occurred to the satisfaction of the Town, the top/final coat of asphalt for the roadways shall be installed by the applicant.
  - g. **Release Maintenance Surety Funds.** The maintenance surety shall be released in accordance with Chapter 7.10.E: Provide Maintenance Surety.
3. **Option 2: Provide Performance Surety, then Record Plat**



- a. **Secondary Plat Approval.** Secondary plat must be approved (but not executed/signed) prior to posting performance surety.
- b. **Cost Estimate for Infrastructure Completion.** The applicant shall submit a reliable estimate to the Town for review and approval of the cost estimate of completing all required infrastructure that is not complete 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. **Execute Performance and Escrow Agreement.** The applicant shall submit an executed Performance and Escrow Agreement to the Town in a form created and approved by the Town Attorney.
  - d. **Provide Performance Surety.** A performance surety as approved by the Town with an evergreen clause shall be submitted to the Town 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 Town. The escrow/bond shall:
    - 1) Be payable to the Town of Ellettsville;
    - 2) Be in a sum which is at least 125% of the approved cost estimate to complete all required improvements;
    - 3) Be in the form of immediately available cash funds or irrevocable evergreen bond.
  - e. **Execute and Record Plat.** Once the performance surety has been provided and accepted to the satisfaction of the Town, the plat shall be executed and recorded in accordance with Chapter 7.10.B: Record Secondary Plat Procedures.
  - f. **Install Infrastructure.** All required public infrastructure shall be installed per the approved construction plans except for the top/final coat of asphalt on the roadways.
  - g. **Inspect Infrastructure.** Once complete, the improvements shall be reviewed and inspected by the Town throughout the construction process to ensure that they have been completed in a satisfactory manner. This includes, but is not limited to roads, curbs, gutters, drainage facilities, and any other utilities as required by this UDO or any other applicable ordinance.
    - 1) The Town does not inspect infrastructure not owned or managed by the town (such as water, sewer, fire hydrants, and electric). All infrastructure improvements and/or utilities required by this UDO shall be installed prior to recording the plat and any inspections of this infrastructure should be directly coordinated with the respective local providers.
  - h. **Provide Maintenance Surety.** After all required inspections of public infrastructure are complete and approved, the applicant shall post maintenance surety in accordance with Chapter 7.10.E: Provide Maintenance Surety.
  - i. **Release Performance Surety Funds.** The Town, with the approval of the Town Council, 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 Administrator. Any such release shall occur no more frequently than once a month. The Town will not release any funds without being requested by the applicant. The performance surety cannot be released in full before depositing funds for final coat of asphalt.
  - j. **Install Top/Final Coat of Asphalt.** Once development has occurred to the satisfaction of the Town, the final coat of asphalt for the roadways shall be installed by the applicant.
  - k. **Release Maintenance Surety Funds.** The maintenance surety funds shall be released in accordance with Chapter 7.10.E: Provide Maintenance Surety.
- B. Record Secondary Plat Procedures**
- 1. **Execute (Sign) Plat.** The plat shall be signed by the Administrator and every person having a security interest in the property before being recorded.
  - 2. **Fees.** Prior to recording the plat, the applicant shall pay all applicable development fees to all appropriate bodies, if applicable.
  - 3. **Record the Executed (Signed) Plat**
    - a. The subdivider shall be responsible for recording the executed secondary plat with the Recorder's Office.
    - b. Once recorded, the subdivider shall provide the Administrator with a copy of the recorded and stamped secondary plat in the format(s) required by the Administrator.
    - c. An approved and executed secondary plat or replat of a subdivision must be recorded within two years of being approved. Upon written request, the PC may extend the time limitation for two years. If the applicant fails to record within this time period, the plat shall be null and void.
    - d. No building permit shall be issued until proof of recording the secondary plat has been submitted to the Administrator.

4. **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 required parties. The filing and recording of the plat are without legal effect unless approved by the PC and signed by the Administrator.

**D. Obtain Building Permits (BP) Procedures**

1. **Authority.** The Administrator, or their designee, shall be responsible for the issuance of building permits in accordance with the IC 36-7-4-800 series.
2. **Applicability.** A building permit shall be required for the erection, alteration, or modification of all structures within the jurisdiction including, but not necessarily limited to:
  - a. Primary structures, as set forth in Chapter 4.11: Structure Standards.
  - b. Accessory structures, as set forth in Chapter 4.2: Accessory Structure Standards.
  - c. Signs as required by Chapter 4.9: Sign Standards (in addition to any other required permits).
  - d. Temporary storage containers as required by this ordinance (Chapter 4.10: Storage Standards).
  - e. Accessory wireless communications facilities, both free-standing and those co-located upon an existing or pre-approved wireless communication facility structure.
  - f. Paving lots and parking areas greater than 199 square feet (cumulative area).
  - g. All other accessory structures not specifically included in Chapter 4.2: Accessory Structure Standards.
3. **Temporary Use Permit**
  - a. A Temporary Use Permit may be granted by the Administrator for the construction and use of a permitted temporary use (such as a construction trailer, mobile sales office, vehicle, tent, booth, or other means).
  - b. Temporary Use Permits shall not be issued for more than 90 days, the duration of construction, or the time period outlined in Chapter 4.11: Structure Standards, whichever is less.
4. **Issuance of Building Permits (BP)**
  - a. **General**
    - 1) No building or other structure shall be erected, moved, added to, or structurally altered unless the Administrator has issued a building permit. No structural change in use of a building or land shall be made without building permits issued by the Administrator. Building permits shall be issued only upon finding that the proposed use complies with the requirements of this UDO or upon written order from the BZA granting a variance, appeal, or special exception.
    - 2) No building permit shall be issued until all requirements for constructing public infrastructure are completed (see Chapter 7.10: Construction Procedures) and the plat has been recorded.
    - 3) No building permit shall be issued for a structure that is served by a septic system unless a septic permit has been issued by the Monroe County Health Department or the Health Officer has authorized an approved system.
    - 4) No building permit shall be reviewed or issued for any commercial or industrial use without first having obtained any required state agency approvals and/or permits.
  - b. **Building Permit Application.** The applicant shall submit a complete application for a building permit in accordance with the application packet and in accordance with the application requirements. The fee for building permits shall be paid in accordance with the adopted Fee Schedule. A public record of each building permit shall be retained by the Administrator in accordance with the retention rules established by the State Board of Accounts and all other state regulations.
  - c. **Inspection(s) Required.** All inspection(s) shall be completed for all building permit 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.
  - d. **Building Permit Expiration.** A building permit, including a building permit for a manufactured home, accessory structure, or electrical work, shall be valid for a period of one year from the date of issuance.

- e. **Building Permit Amendment.** An amendment to an approved building permit may be submitted at any time for review and consideration by the Administrator. Additional fees may be assessed if applicable.
  - f. **Certificate of Occupancy**
    - 1) It shall be unlawful to use, occupy, or permit the use, or occupancy of any building, or premises, or both, or part thereof, hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use of structure until a Certificate of Occupancy has been issued by the Administrator. The Certificate of Occupancy shall state that the proposed use of the building or land conforms to the requirements of this Ordinance and that the Administrator and/or their designee has inspected the property and attested to that fact.
    - 2) A Certificate of Occupancy shall not be issued until any required driveway has been properly installed, meets all standards of this UDO, and is inspected by the Administrator.
    - 3) No Certificate of Occupancy shall be issued until all work has been completed.
- E. Provide Maintenance Surety**
- 1. **General**
    - a. A post construction surety/bond is required for residential subdivision plats and other projects for which maintenance of the drainage facilities, utilities, and/or roads is ultimately to be taken over by the Town of Ellettsville.
    - b. After the final approval of construction and prior to release of any performance sureties, a construction surety/bond must be provided and maintained by the project owner for a period of two years after construction is completed. The maintenance surety/bond shall guarantee the storm water facilities, sidewalks (if required), and roads constructed under the permit against design defects and/or failures in workmanship and shall guarantee that the facilities constructed under the permit will be regularly and adequately maintained throughout the maintenance period. Prior to the expiration period, the Town will evaluate performance of the bonded facilities and, if not functioning as intended or designed, will require the project owner to fix to the satisfaction of the Town. The Town also has the authority to collect on the bond and repair or maintain the affected facilities.
    - c. The Town of Ellettsville may accept properly functioning facilities in accordance with the Town's design standards. Until such time as the Town accepts maintenance, the developer must secure the property functioning and maintenance of the facility, and such shall be a condition of secondary plat approval.
    - d. The amount of the maintenance surety/bond shall be 25% of the estimated construction cost of the storm water facilities and roads requiring maintenance, or \$50,000.00, whichever is greater. The construction costs of the facilities requiring maintenance shall be estimated by the project engineer, subject to the approval of the Town.
  - 2. **Form of Maintenance Surety.** Maintenance surety shall be in the form approved by the Town. If a cash performance surety was provided, the applicant can request 75% of the cash funds from the performance surety be released by the Town and/or returned to the applicant when the final coat of asphalt has been installed on the roadways to the satisfaction of the Town. The remaining balance will be applied to the Maintenance Surety.
  - 3. **Release of Maintenance Surety**
    - a. After two years, the remaining balance shall be returned.
    - b. The Town Council will not release any funds without being requested by the applicant.
  - 4. **Use of Funds**
    - a. Any monies (cash) received by the Town shall be used only for making the required improvements and installations for which the surety was provided in the event the subdivider defaults on the agreement. This money may be used for these purposes without appropriation.
    - b. The improvements and installations for any improvements or installations by the Town shall conform to the standards of the UDO and the applicable standards and specifications.

**F. Dedication of Public Infrastructure Procedures**

1. **Actual Updated Plan Drawings.** After posting the required maintenance surety, the applicant shall provide:
  - a. Actual updated plan drawings for all public improvements in PDF and CAD format; and
  - b. A GIS layer with locations of all public infrastructure, including but not limited to storm sewer, water and sewer line locations, edge of pavement for public roads, lot lines, and parcel boundaries.
2. **Dedication of Public Infrastructure.** All public infrastructure dedicated to the Town shall be approved by the Town with a signed Deed of Dedication in the required format. The Town shall only maintain public infrastructure after its dedication is approved unless specified otherwise.

## 7.11 OTHER PROCEDURES

### A. Written Commitment Procedures

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

### B. Vacation of Plats

1. **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.
2. **Vacation when All Owners Agree**
  - a. **Applicability.** As provided in IC 36-7-3-10, if all owners of land in the plat agree on a proposed vacation of all or part of the plat, before recording a written instrument (document) to vacate all or part of the plat, the owner(s) must submit the instrument to the PC for approval.
  - b. **Public Hearing Not Required.** The PC may consider and rule on the proposed instrument at a public meeting.
    - 1) The PC shall attach its written decision to the instrument before it is recorded by the applicant.
    - 2) As provided in IC 36-7-3-10, an instrument recorded under this section terminates the effect of the plat or part of the plat declared to be vacated. It also terminates all public rights in the public ways and public places described in the plat or part of the plat. However, a public way that has been improved, or that is part of an improved plat, may be vacated only under IC 37-7-3-12. As provided in IC 36-7-3-16, platted easements may be vacated in this same manner as public ways and places.
    - 3) If the PC denies a vacation request under this section, a subsequent vacation proceeding affecting the same property and asking for the same relief may not be initiated for two years from the date of the PC's denial, as provided in IC 36-7-3-15.

3. **Vacation When All Owners are Not in Agreement**

- a. **Applicability.** As provided in IC 36-7-4-711, if all owners of land in a plat are not in agreement 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 applicant(s).
- b. **Public Hearing.** The applicant shall provide public notice in accordance with the rules and procedures to all owners within the plat. 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 approve the petition only if it finds that the conditions below are met. The PC may impose reasonable conditions as part of any approval. The PC shall furnish a copy of its approval and the applicant shall record it.
    - 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 applicant(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, it shall not consider another vacation request which requests substantially similar relief concerning the same property for at least one year after the denial, as authorized by IC 36-7-4-715.

## 7.12 COMPLAINTS, VIOLATIONS, AND REMEDIES

### A. **Complaints**

1. Whenever a violation of this UDO occurs, or is alleged to have occurred, any person may file a written complaint on the form approved by the PC as part of the adopted PC Rules and Procedures.
2. The complaint shall state fully the causes and basis thereof and shall be filed with the Administrator. The Administrator, or their designee, shall investigate the complaint, take immediate action, and may refer the matter to the PC, BZA, or their attorney for review.
3. The Administrator, or their designee, shall have authority to enter upon property at any time to investigate a written complaint.

### B. **Violations.** 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).

#### 1. **Building Permit Violations**

- a. Any persons or corporation who shall initiate construction prior to obtaining a building permit, Certificate of Occupancy, or any other permit or authorization required herein, shall pay the fine as set forth in the Fee Schedule.
- b. The owner or tenant of any building, structure or premises and any other person who participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties prescribed by this section.
- c. No building permit or Certificate of Occupancy shall be issued for any building, structure, or improvement unless the location of the building, structure, or improvement conforms to this UDO.

#### 2. **UDO Violations**

- a. No owner or agent of the owner of any parcel of the land located in a proposed subdivision shall transfer, sell, or convey any part of the parcel before a secondary plat of the subdivision has been approved by the PC in accordance with the provisions of these regulations and filed with the Recorder's Office.
- b. It shall be the duty of the Administrator to periodically research the applicable Town and County records and perform the other necessary investigations to detect any violations of the subdivision regulations.
- c. No public board, agency, commission, official or other authority shall proceed with the construction of or authorize the construction of any of the public improvements required by these regulations until the proposed subdivision has been approved by the PC in accordance with these regulations and filed with the County Recorder except as outlined in this UDO.
- d. The Administrator shall enforce these regulations and bring to the attention of the PC Attorney any violations or lack of compliance herewith. The PC Attorney shall take steps necessary under the Indiana Code to civilly enjoin any violation of these regulations.

### C. **Penalties and Fines.** Any person who violates or fails to comply with any provisions of this UDO shall be guilty of an ordinance violation and shall be fined, per violation, up to the maximum amount permitted by state law. Each day a civil violation remains uncorrected shall be a distinct and separate violation subject to an additional fine. If the jurisdiction is required to institute legal action to enforce this UDO, or to collect a fine thereunder, the violator shall also be responsible for the jurisdiction's reasonable attorney fees and all costs related to the enforcement or collection.



**D. Remedies**

1. 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.
2. The PC, the BZA, the Administrator, or any designated enforcement official, or any person or persons, firm, or corporation, jointly or severally, may institute a suit for injunction in the Circuit or Superior Courts of Monroe County to restrain an individual, corporation, or government unit from violating the provisions of this ordinance. The PC or BZA may also institute the suit for mandatory injunction directing an individual or corporation or a governmental unit to remove a structure erected in violation of the provisions of this ordinance or the requirements thereof, or to enforce any other provision of this ordinance, and said violation being declared to be a common nuisance and as such may be abated in such a manner as nuisances are now or may hereinafter be abated under existing law.

**E. Stay of Work Pending Appeal, Restraining Order, and Enforcement Stay**

1. When an appeal from the decision of the Administrator has been filed with the BZA, all proceedings and work on the premises affected shall be stayed unless the Administrator certifies to the BZA, that, by reason of the facts stated in the certificate, a stay would cause imminent peril to life or property. In that case, proceedings or work may not be stayed except by restraining order.
2. After notice to the Administrator or BZA and to the owner of the premises affected and after due cause is shown, the Circuit or Superior Court in which the premises affected are located may grant the restraining order.
3. After the owner, or a person in charge of the work on the premises affected, has received notice that an appeal has been filed, the board charged with the enforcement of the ordinance may order the work stayed and may call on the police power of the municipality to give effect to that order.
4. Notwithstanding anything contained in this UDO to the contrary or appearing to be to contrary, and in addition and supplementary to other provisions of this UDO, if the BZA or the jurisdiction is required to utilize the services of the respective Attorney or any other attorney in investigating a possible violation of this UDO or enforcing the provisions of this UDO before any board or a court (including appeals), and such investigation results in a determination that a violation has occurred or if the BZA or jurisdiction is successful in its enforcement of the UDO by way of suit, appeal, or other appropriate proceeding, the respondent, defendant, or party investigated for a violation shall pay the jurisdiction's reasonable attorney fees and all costs related to the investigation of the violation and/or the enforcement of this UDO, unless such attorney fees or costs are specifically waived by the legislative body.

**F. Appeals of PC Decision**

1. Decisions of the PC under this UDO shall be subject to judicial review as provided in IC 36-7-4-715, IC 36-7-4-1016, and IC 36-7-4-1600 et seq.
2. 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 30 days after the date of the decision at issue, but only after the person with standing has exhausted any and all available administrative remedies with the PC.
3. Nothing in this section expands the rights to review provided by Indiana law.

## 7.13 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 the Town of Ellettsville.
- B. **Collection of Fees**
  - 1. **Building Permit (BP) Fees.** Fees will be calculated during the review process and shall be collected when the BP 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. BP fees are non-refundable.
  - 2. **PC and BZA Application Fees.** Fees shall be collected at the time the application is filed. Application fees are non-refundable.
  - 4. **Erroneously Paid Fees.** Fees paid in error may be refunded at the discretion of the Administrator.

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

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## 8.1 GENERAL PROVISIONS

- A. **Intent.** It is the intent of this UDO to permit these legal non-conformities to continue until they are resolved but not to encourage their survival.
- B. **Legal Non-Conforming**
  - 1. Within the districts established by this UDO or by amendments that may later be adopted, there may be legally non-conforming lots; legally non-conforming structures; legally non-conforming uses of land; and/or legally non-conforming zoning districts (or a combination thereof) that were lawful before this UDO was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this UDO as of the effective date or amendment(s).
  - 2. 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 by this UDO.
- C. **Illegal Non-Conforming.** Illegal uses existing at the time this UDO is enacted shall not be validated or considered legal by virtue of its enactment.
- D. **Burden of Proof.** The burden of establishing the legality of a non-conformity is upon the property owner of the non-conformity and not upon the jurisdiction.
- E. **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. Unless specifically permitted within this chapter, 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.

## 8.2 NON-CONFORMING LOTS OF RECORD

- A. Where a lawful lot(s) of record exists at the effective date of adoption or amendment of this UDO that would not be permitted to be created by the regulations imposed by this UDO, the lot may be developed so long as it remains otherwise lawful, provided that all of the following are met:
  - 1. 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.
  - 2. Development conforms with the applicable development standards and other requirements for the zoning district except for lot area and/or lot width.
  - 3. All provisions of this UDO are met or a variance from the BZA is obtained.

### 8.3 NON-CONFORMING STRUCTURES

- A. Where a lawful structure(s) exists at the effective date of adoption or amendment of this UDO that could not 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 all of the following are met:
1. 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.
  2. As required by IC 36-7-4-1019, whenever a legal non-conforming structure on a parcel of real property used for residential purposes is damaged or destroyed by any means, the owner of the parcel shall be permitted to reconstruct, repair, or renovate the non-conforming structure if the reconstruction, repair, or renovation meets all of the following requirements:
    - a. The structure will continue to be used for residential purposes.
    - b. The new foundation of the reconstructed, repaired, or renovated structure may not exceed the square footage of the foundation of the damaged or destroyed structure but may be relocated on the same parcel as long as the non-conformity is not increased.
    - c. The structure is not located within a flood plain (as defined in IC 14-8-2-99) or subject to the jurisdiction of a Historic Preservation Commission (as allowed by IC-36-7-11).
  3. If a non-conforming non-residential structure or portion of a non-conforming non-residential structure is destroyed or damaged by any means where the damage is more than 50% of its value (as determined by assessed value or appraisal provided by the property owner, whichever is greater), it shall not be repaired or rebuilt unless in conformance with this UDO or an approved variance, unless all of the following are met:

The reconstruction must take place within two years of when the damage occurred or at the discretion of the Administrator if additional time is needed for a justified reason;

    - a. The structure must be built equal to or less than the square footage as the previous building;
    - b. The foundation is not required to be located in the same location as the damaged building, however, the location shall comply with all regulations of this UDO or reduce the previous non-conformity;
    - c. The structure is not located within a flood plain (as defined in IC 14-8-2-99); and
    - d. The structure is not subject to the jurisdiction of a Historic Preservation Commission (per IC-36-7-11).
  4. Should a legally non-conforming 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.

## 8.4 NON-CONFORMING SIGNS

- A. Any sign lawfully existing on the effective date of this UDO or amendment(s) that does not conform to all the standards and regulations of this UDO is considered a legal non-conforming sign. The following applies to legal non-conforming signs.
  1. Signs that are legally non-conforming may remain until such time as a major change is made to the sign. Major changes include:
    - a. Change in use;
    - b. Modification to the size, shape, or height;
    - c. Addition of lighting;
    - d. Addition or moving of electronic components;
    - e. Structural alterations; and/or
    - f. Relocation of the sign.
  2. All legal non-conforming signs shall be kept in good repair, safe, neat, clean, and attractive condition. In the event non-conforming signs are not kept in said condition or are demolished by any means to the extent of 50% or more of the sign area is damaged or destroyed, said sign(s) shall only be replaced in conformance with this UDO.
  3. A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises has not been conducted on the premises for at least six months. If the owner or lessee fails to remove the sign, the Administrator may remove it in accordance with Chapter 7.12.C: Penalties and Fines.

## 8.5 NON-CONFORMING USES OF LAND

- A. Where a lawful use(s) exists at the effective date of adoption or amendment of this UDO that would not be permitted under the terms of this UDO, such use(s) may be continued if it remains otherwise lawful, provided that:
1. A non-conforming use shall not be enlarged, increased, intensified, moved (in whole or part), extended, expanded to occupy a greater area within a structure or greater area of land than was occupied at the effective date of this UDO or amendment(s), except as allowed by this section or as approved through a variance by the BZA.
  2. A non-conforming use is not changed to another non-conforming use unless a variance of use is obtained from the BZA.
  3. 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.
  4. If any such legally non-conforming use of land is discontinued or abandoned for any reason for more than six months, any subsequent use shall conform to all regulations of this UDO. The previous non-conforming use cannot be re-established after it is discontinued or abandoned for more than six months unless a variance of use is granted by the BZA.
  5. 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.



## 8.6 NON-CONFORMING USES AND STRUCTURES COMBINED

- A. 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:
- B. All provisions of Chapter 8.3: Non-Conforming Structures and Chapter 8.5: Non-Conforming Uses Of Land shall apply respectively.
- C. 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.

## 8.7 NON-CONFORMING ZONING DISTRICTS

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

## CHAPTER 9: DEFINITIONS

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## 9.1 GENERAL PROVISIONS

- A. The terms “shall” and “must” are always mandatory. The word “may” is allowed and/or recommended but not required.
- B. Words used in the present tense include the future tense.
- C. 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.

## 9.2 DEFINITIONS

**ABANDONED.** Abandonment or cessation of the use of the property or structure for a period of six 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 STRUCTURE.** See STRUCTURE, ACCESSORY.

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

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

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

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

**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:

- Farm machinery equipment and supplies sales/repair;
- Farm produce sales and supply (feed, hay, grain and grain products, fertilizer);
- Feed storage, farm products warehousing and storage (EXCLUDING stockyards);
- Farm products packaging and processing (EXCLUDING meat processing and packaging); and
- Services for large and small animals, such as horseshoeing and similar.

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

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

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

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

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

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

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

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

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

**ASSEMBLY HALL.** See STADIUM.

**AUDITOR.** The Auditor for Monroe County, Indiana.

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

**AUTOMOTIVE AND VEHICLE REPAIR.** Business that provides service or repair to automobiles, motorcycles, recreational vehicles (RV), trailers, boats, heavy equipment (such as bulldozers, backhoes, and similar), and similar vehicles. All service must occur within an enclosed structure or not be visible from any public right-of-way. Outdoor storage is only allowed if expressly permitted by the subject zoning district, see Chapter 4: Site Development and Structure Standards. Uses include, but are not limited to, tire sales and service, automobile washes, and oil change establishments.

**BAR.** See TAVERN.

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

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

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

**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.

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

**BREWERY/WINERY/DISTILLERY.** See WINERY/BREWERY/DISTILLERY.

**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 at the front of the structure to the highest point of the structure. Building height does not include cellular towers, antennas, chimneys, steeples, or agricultural/industrial appurtenances.

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

**BUILDING LINE.** See SETBACK LINE.

**BUILDING.** A roofed structure that is fully enclosed, permanently attached to the ground, foundation, or other permanent structure, and intended for the shelter, housing, or enclosure of an individual, animal, process, equipment, goods, or materials.

**BUILDING PERMIT.** A permit issued by the Administrator or their designee authorizing the erection, construction, reconstruction, alteration, repair, conversion, or maintenance of any building, structure, or portion thereof.

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

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

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

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

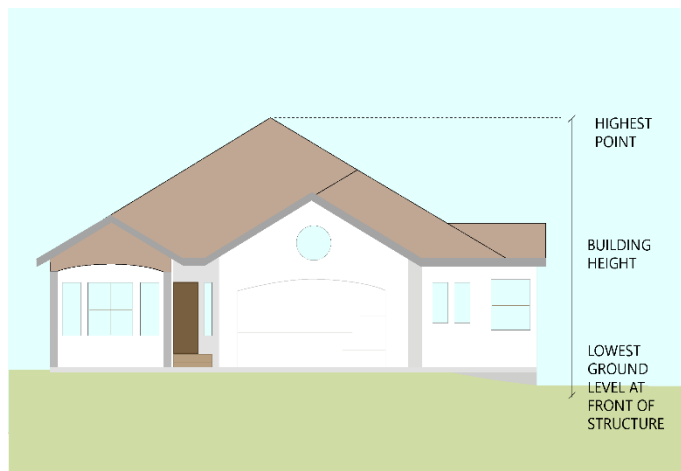
**CEMETERY.** A parcel used for the burial of the dead (human or animal) and dedicated for cemetery purposes, including columbaria and mausoleums. It may include mortuaries if operated in conjunction with and within the boundary of the cemetery.

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

**CHILDCARE HOME (IN-HOME CHILD CARE).** A residential structure in which at least six 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 hours but less than 24 hours in each of 10 consecutive calendar days per year, excluding intervening Saturdays, Sundays, and holidays. For the purposes of this UDO, a child care home includes both licensed and unlicensed providers. For the purposes of this UDO, this use is considered a home-based business.

**CHURCH.** See PLACE OF WORSHIP.

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



*Example of Building Height*

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

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

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

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

**COMPREHENSIVE CARE FACILITY.** See NURSING HOME.

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

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

- 700 mature dairy cows
- 1,000 veal calves;
- 1,000 cattle other than mature dairy cows
- 2,500 swine each weighing 55 pounds or more;
- 10,000 swine each weighing less than 55 pounds;
- 500 horses;
- 10,000 sheep or lambs;
- 55,000 turkeys;
- 30,000 laying hens or broilers with a liquid manure handling system;
- 125,000 broilers with a solid manure handling system;
- 82,000 laying hens with a solid manure handling system;
- 30,000 ducks with a solid manure handling system;
- 5,000 ducks with a liquid manure handling system.”

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

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

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

The term does not include the following:

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

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

- At least 300 cattle;
- At least 600 swine or sheep;
- At least 30,000 fowl; or
- At least 500 horses.

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

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

**CONTRACTOR CONSTRUCTION OFFICE.** A structure(s), area(s), or parcel(s) used for conducting business and/or storing materials and/or equipment for contractors in the construction trades. Outdoor storage is only allowed if expressly permitted by the subject zoning district, see Chapter 4: Site Development and Structure Standards. For the purposes of this UDO, this use is considered professional services/business offices.

**COUNTY.** Monroe County, Indiana.

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

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

**CROP PRODUCTION.** The production, storage, keeping, and/or harvesting of plants and crops, including but not limited to forages and sod crops; grains and seed crops; trees and forest crops; fruits; vegetables; nursery or greenhouse plant products (without general retail sales); and lands devoted to a soil conservation or forestry management program; or similar row, field, tree, or nursery crop production without general retail sales.

**CUL-DE-SAC.** A street that terminates with a vehicular turnaround.

**CULTURAL INSTITUTION.** A library, museum, or similar public or quasi-public use displaying, preserving, and exhibiting objects of community and public interest in one or more of the arts and sciences.

**DAY CARE FACILITY.** A non-residential structure where at least one person (children or adults) receives care from a provider while unattended by a parent, legal guardian, or custodian; for regular compensation; and for more than four hours but less than 24 hours in each of 10 consecutive calendar days per year, excluding intervening Saturdays, Sundays, and holidays This includes both licensed and unlicensed centers as well as child care ministries but excludes child care home (in-home child care).

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

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

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

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

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

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

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

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



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

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

**DISTILLERY.** See WINERY/BREWERY/DISTILLERY.

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

**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 non-residential use.

**DRIVEWAY, PRIVATE.** A single, shared private driveway serving no more than three residential parcels. Access to four or more residential parcels shall be provided with a publicly dedicated 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.

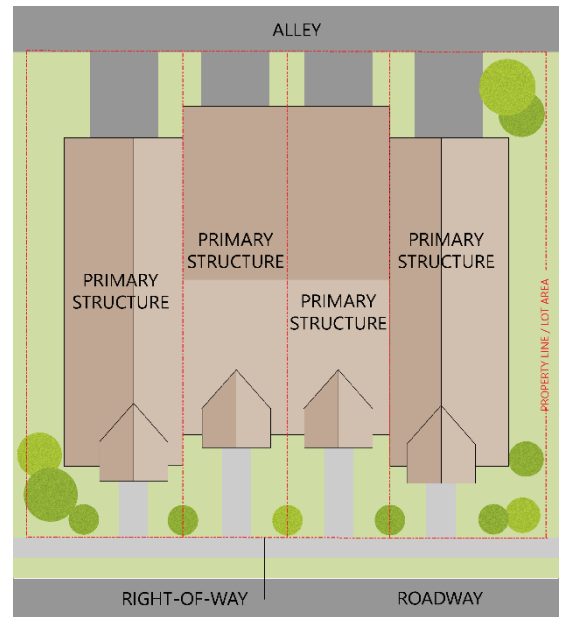
**DUMPSTER.** An exterior waste container designed to be mechanically lifted by and emptied into or carted away by a collection vehicle.

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

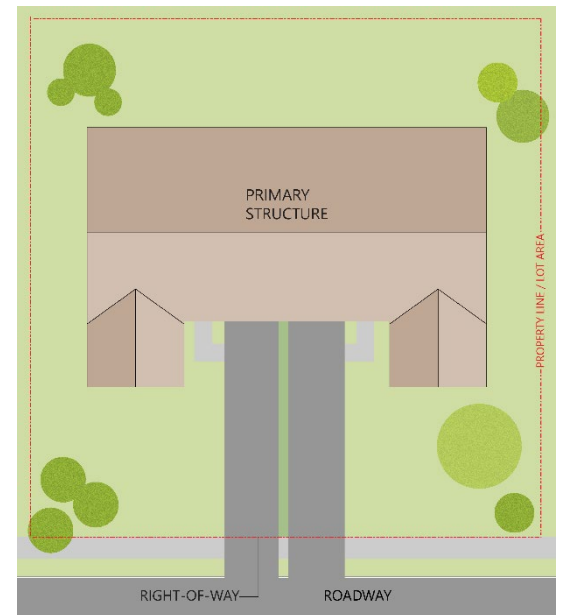
**DWELLING.** A structure, or part of a building, which is used exclusively for human habitation, but not including a hotel, motel, lodging house, boarding house, or bed and breakfast as defined in this UDO.

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

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



Example of Single-Family Attached Dwellings



Example of Two-Family Dwelling

**DWELLING, SINGLE-FAMILY.** A dwelling on a single parcel containing one 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 dwelling on a single parcel with ground-floor outside access, attached to two 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, TWO-FAMILY.** A dwelling on a single parcel containing two 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 housekeeping unit 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 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, PERPETUAL UNOBSTRUCTED.** See PERPETUAL UNOBSTRUCTED EASEMENT.

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

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

**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:

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

**EVENT VENUE.** 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. For purposes of this definition, an event venue 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.

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

**EXECUTIVE DIRECTOR.** See ADMINISTRATOR.

**FARM.** A parcel where the primary use is for crop production, livestock (non-IDEM), or aquaculture.

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

**FARMSTEAD.** A single-family dwelling that is located on the same parcel as an agricultural use.

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

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

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

**FLOOD, BASE.** The flood having a 1% chance of being equaled or exceeded in any given year (often called the 1% annual chance flood, 100-year flood, or Regulatory Flood).

**FLOOD FRINGE.** The part of the floodplain outside of the floodway.

**FLOOD HAZARD AREA.** Those lands within the jurisdiction of the town that are subject to inundation by the regulatory flood. This is also referred to as the Special Flood Hazard Area.

**FLOODPLAIN.** The channel proper and the areas adjoining any wetland, lake or watercourse that have been or hereafter may be covered by the regulatory flood. The floodplain includes both the floodway and flood fringe. The floodplain is further defined into flood zones by Indiana Department of Natural Resources (INDR) as Zone A, Zone AE, Zone AO, Zone AH, Zone A99, Zone AR, Zone V, Zone VE, Zone X and Zone X (shaded).

**FLOODPLAIN ORDINANCE.** See CHAPTER 152.100: FLOODPLAIN.

**FLOODWAY.** The channel of a river or stream and those portions of the floodplains adjoining the channel that are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream.

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

**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 publicly 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 consecutive days and a maximum of four times in a calendar year.

**GARAGE, PARKING.** Any garage, other than private garage for personal use, 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. For purposes of this UDO, private garages shall not count towards the minimum living area of a dwelling.

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

**GRADE.** Defined as:

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

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

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

**GOLF COURSE.** A parcel or area of land that is laid out for playing the game of golf and that may include accessory uses, such as a clubhouse, dining, snack bar, pro shop, practice facilities. For the purpose of this UDO, putt-putt or miniature golf shall be considered a golf course.

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

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

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

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

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

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

**HOBBY FARM.** A use of land and structures conducted on a property that is clearly accessory to the primary use and does not create a public nuisance with respect to smell, noise, traffic, or parking.

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

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

**HOTEL.** A building in which temporary lodging or board and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public. Compensation is usually assessed on a day-to-day basis. Occupancy stays are not intended to be for more than 30 continuous days.

**IMPERVIOUS SURFACE.** A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. Examples of impervious surfaces include buildings, structures, sheds, patios, concrete, and asphalt. For the purposes of this UDO, gravel shall be considered an impervious surface.

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

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

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

**INOPERATIVE VEHICLE.** 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 20 calendar days or on public property without being moved for three calendar days. This shall not include tractors, combines, pickers, disks, plows, or other similar farm machinery that is owned by a farm operator, which is parked in areas zoned AG, and is used for parts replacement for machinery currently being used in the farming operation.

**INSTITUTIONAL USE.** A nonprofit, religious, or public use 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.** A place where junk, waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including auto wrecking yards, used lumber yards, and places or yards for use of salvaged house wrecking and structural steel materials and equipment; but not including such uses when conducted entirely within a completely enclosed building, and not including pawn shops, and establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operable condition, or the processing of used, discarded or salvaged materials as a minor part of manufacturing operations. An automobile wrecking yard, salvage yard, and an impound lot are considered a junkyard.

**JURISDICTION.** The incorporated area of Ellettsville, Indiana.

**KENNEL, COMMERCIAL.** 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 commercial kennel. Dog or pet daycares are considered a commercial kennel.

**KENNEL, PERSONAL.** A compound in or adjoining a private residence where a maximum of four hunting or other dogs are kept for the hobby of the householder or for protection of the householder's property. The occasional sale of pups by the keeper of a personal kennel is permitted but shall not change the character of residential property.

**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. This definition includes sanitary landfills.

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

**LIVESTOCK, PRODUCTION.** 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.

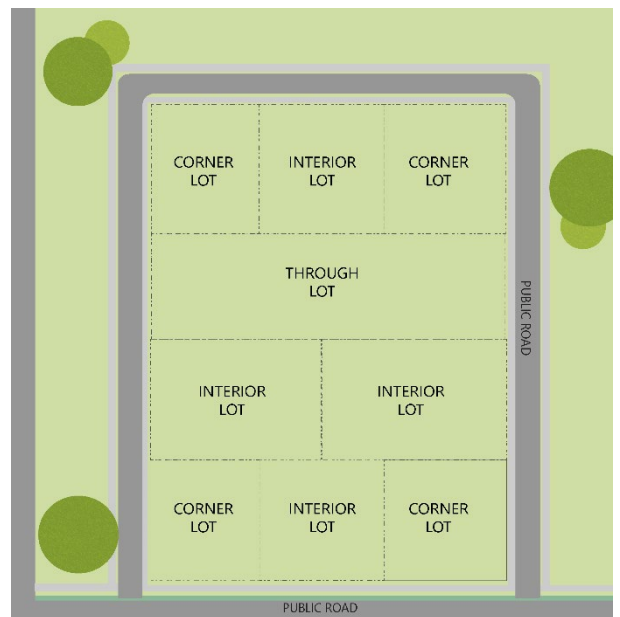
**LIVING AREA, MINIMUM.** The minimum interior habitable area of a structure on all floors or levels, measured from the interior faces of the exterior walls and does not include unfinished basements, unfinished attics, and attached garages that are not intended for human habitation.

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

**LODGE.** See CLUB.

**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 or more intersecting streets. Corner lots have two front yard setbacks and two side yard setbacks.



Example of Lot Types

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

**LOT, THROUGH.** A parcel that fronts on two parallel streets or that fronts on two 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.

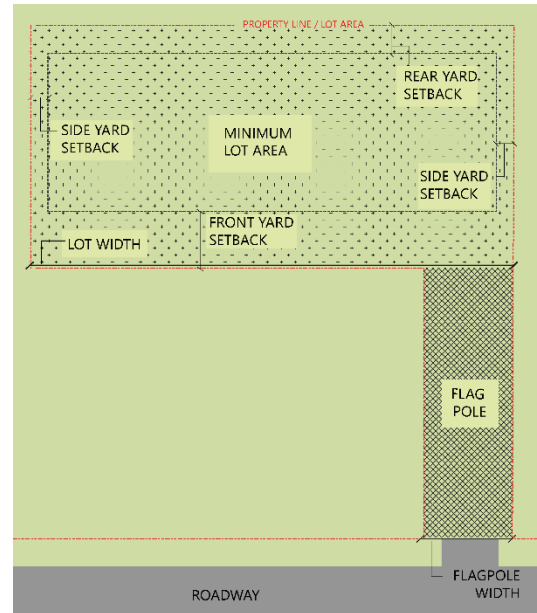
**LOT LINE, REAR.** The lot line opposite and most distant from the front lot line. A lot bounded by only three lot lines will not have a rear lot line.

**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 front property line. See LOT, FLAG for lot width for a flag lot.

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



Example of Flag Lot

**MANUFACTURED HOME PARK.** As defined in IC 16-41-27-5, a manufactured home park or community consists of one 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 or more persons on which a total of at least five manufactured homes are located for the purpose of being occupied as principal residences. The term includes the following:

- All real and personal property used in the operation of the manufactured home community;
- A single parcel of land;
- Contiguous but separately owned parcels of land that are jointly operated;
- Parcels of land jointly operated and connected by a private street;
- One or more parcels of land, if at least two 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 seq.), 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.** See INDUSTRIAL, HEAVY.

**MANUFACTURING, LIGHT.** See INDUSTRIAL, LIGHT.

**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/OUTPATIENT SERVICES (NO DISPENSING OF MEDICINE).** A privately owned clinic, facility, or other structure used to treat patients, where no meals, lodging, or the dispensing of medicine or drugs shall be provided on the premises.

**MEDICAL OFFICES/OUTPATIENT SERVICES (W/DISPENSING OF MEDICINE).** A privately owned clinic, facility, or other structure used primarily to treat patients, where no meals or lodging are provided. The administration of drugs by licensed personnel in accordance with federal and state laws is permitted.

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

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

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

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

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



**MOTEL.** An establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space, located on a single zoning lot, and designed for use by transient automobile travelers. A motel furnishes customary services such as maid service and laundering of linen, telephone, secretarial, or desk service, and the use and upkeep of furniture. Occupancy stays are not intended to be for more than 30 continuous days.

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

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

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

**NON-DOMESTICATED ANIMALS.** An animal that does not possess the qualities or habits of domestic life and are not typically kept as pets. For purposes of this UDO, non-domesticated animals include, cows, horses, chickens, goats, sheep, and other similar livestock and/or wild animals.

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

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

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

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

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

**OUTDOOR STORAGE.** The keeping of any goods, junk, material, merchandise, equipment, or vehicles in the same place for more than 24 hours that is not within an enclosed structure.

**OUTPATIENT SERVICES.** See MEDICAL OFFICES/OUTPATIENT SERVICES.

**PARCEL.** See LOT.

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

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

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

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

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

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

**PLACE OF WORSHIP.** Defined as:

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

**PLAN COMMISSION (PC).** The Advisory Plan Commission for Ellettsville, Indiana.

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

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

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

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

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

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

**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 200 square feet.

**PROFESSIONAL SERVICES AND BUSINESS OFFICES.** Uses whose primary purpose is to provide professional services or advice that occurs within a business office setting. The majority of people accessing the site are typically employees but can also have customers or clients that access the business. This use does not include adult business, service-oriented retail, general retail, or other uses specifically defined within this UDO. Examples of this use include, but are not limited to, the following:

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

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

**PUBLIC HEARING.** A meeting announced and advertised in advance and open to the public where the public is given an opportunity to talk and participate as outlined by the Rules and Procedures.

**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 as outlined by the Rules and Procedures.

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

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

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

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

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

**RACE TRACK.** See STADIUM.

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

**RECREATIONAL FACILITY.** A public or private area of facility to provide periodic and short-term sports or personal leisure activities. Examples include, but are not limited to, youth sports fields and tennis courts.

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

**RECREATIONAL VEHICLE PARK.** See CAMPGROUND AND RECREATIONAL VEHICLE (RV) PARK.

**RECYCLING FACILITY.** A place or area for the acceptance of recyclable materials from the public and may include the storage, separating, and/or processing of recyclable materials.

**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:

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

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

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

**RETAIL, GENERAL.** Uses whose primary purpose is the sale of goods and merchandise to a consumer. General retail does NOT include adult business, professional and business offices, service-oriented retail, medical offices/outpatient services, or any other uses specifically defined by this UDO unless otherwise stated. Examples of general retail include, but are not limited to, the following:

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

**RETAIL, SERVICE-ORIENTED.** Uses whose primary purpose is to provide or sell a service, entertainment, or experience rather than providing goods and merchandise that do not occur within a business office setting. The majority of people accessing the site are typically customers rather than employees. Service-oriented retail does NOT include bed and breakfasts, child care home/day care facility, drive-in theater, hotel or motel, short-term rental, general retail, self-storage (storage units), medical clinics and outpatient services, professional and business offices, adult business, and all other uses defined separately by this UDO unless otherwise stated. Examples of service-oriented retail use include, but are not limited to, the following:

- Hospitality, instructional, and entertainment services, such as art studio, dance, educational support services, employment services, reception halls, gymnastics or martial arts instruction, paintball, travel centers, and banquet/event facilities;
- Food establishments and restaurants (see RESTAURANT), such as quick service and dine-in restaurants;
- Service and repair, computer or phone repair, jewelry repair, oil change or car maintenance, and shoe repair; and
- 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. Also referred to as a zone map change.

**RIGHT-OF-WAY.** Right-of-way is defined as:

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

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

**ROAD CLASSIFICATIONS.** Road classifications are determined by the Bloomington-Monroe County MPO Local Federal Functional Classification Map.

**ROAD, PRIVATE.** A private roadway that serves up to three single-family and two-family dwelling units 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:

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

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

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

**SALVAGE YARD.** See JUNKYARD.

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

**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 any structure or building and the property line or specified place of measurement. For flag lots, the “flag pole” shall not be used in determining the setbacks.

**SETBACK, CORNER LOT.** A corner lot will have two front yard setbacks and two side yard setbacks; it will not have a rear yard setback.

**SETBACK, FRONT YARD.** Any property line abutting a public or private street shall be considered a front property line or yard. The minimum front yard setback is measured from the property line. If right-of-way is not dedicated by written, recorded document, the setback shall be measured from the center of road.

**SETBACK, REAR YARD.** The minimum rear yard setback is measured from the rear property line.

**SETBACK, SIDE YARD.** The minimum rear yard setback is measured from the side property line.

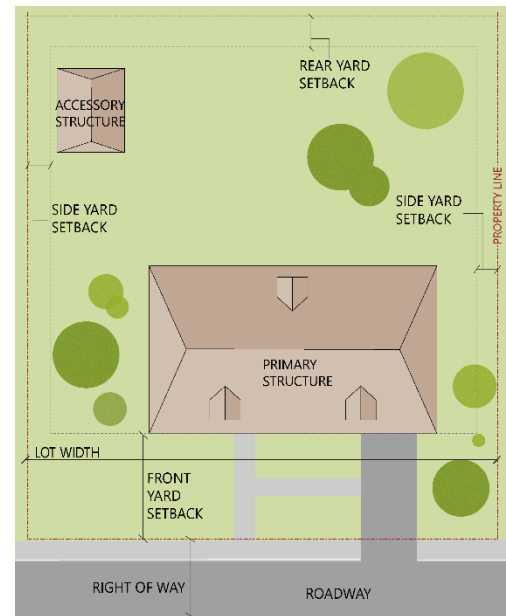
**SETBACK LINE.** A line drawn along the required minimum setback.

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

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

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

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



*Example of Setbacks*

**SEXUALLY ORIENTED BUSINESS.** An adult entertainment or service business that is part of the sex industry and is a site of erotic performance, erotic paraphernalia sales, and/or other sexually oriented places. Sexually oriented businesses may include an adult bookstore, adult cabaret, adult mini motion picture theater, adult motion picture theater, adult service establishment (IC 12-7-2-1.8), semi-nude model studio, sexual device shop, or a sexual encounter center as defined in this ordinance. The term "sexually oriented business" shall also include adult drive-in theater, adult live entertainment arcade, and adult motion picture arcade.

**SHIPPING CONTAINER.** See CARGO CONTAINER.

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

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

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

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

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

**SIGN, ABANDONED.** A sign that is:

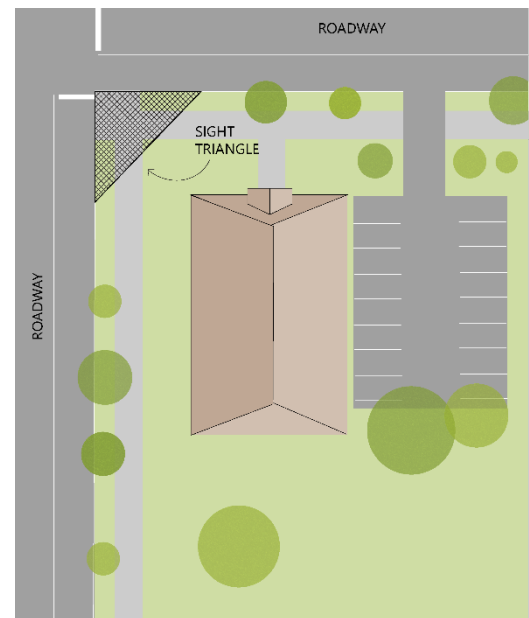
- Associated with an abandoned use;
- Remains after the termination of the business; and/or
- On its immediate premises but not adequately maintained or repaired.

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

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

**SIGN, FACE.** The surface or area intended for the display of information on the sign. This does not include structural supports, frame, braces, cabinets, or poles that are not intended to display information.

**SIGN, HEIGHT (ABOVE GROUND).** The vertical measurement from the lowest ground elevation at the foundation to the top of the sign structure or its frame/support.



*Example of Sight Triangle*

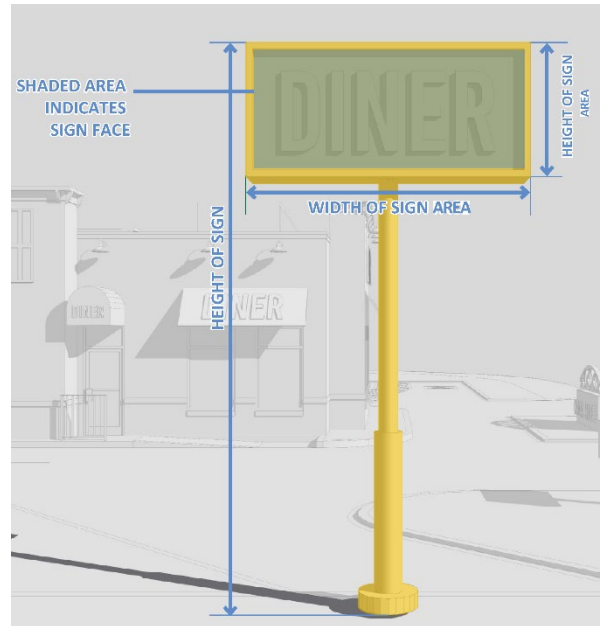
**SIGN, LEGAL NON-CONFORMING.** A pre-existing, legally permitted sign, or portion thereof, which was designed, erected, or structurally altered such that it does not conform to the regulations of the zoning district in which it is located.

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

**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.



*Example of Sign Face, Sign Area, and Sign Height Measurement*

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

**SIGN, ANIMATED.** 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 or both of the following classifications:

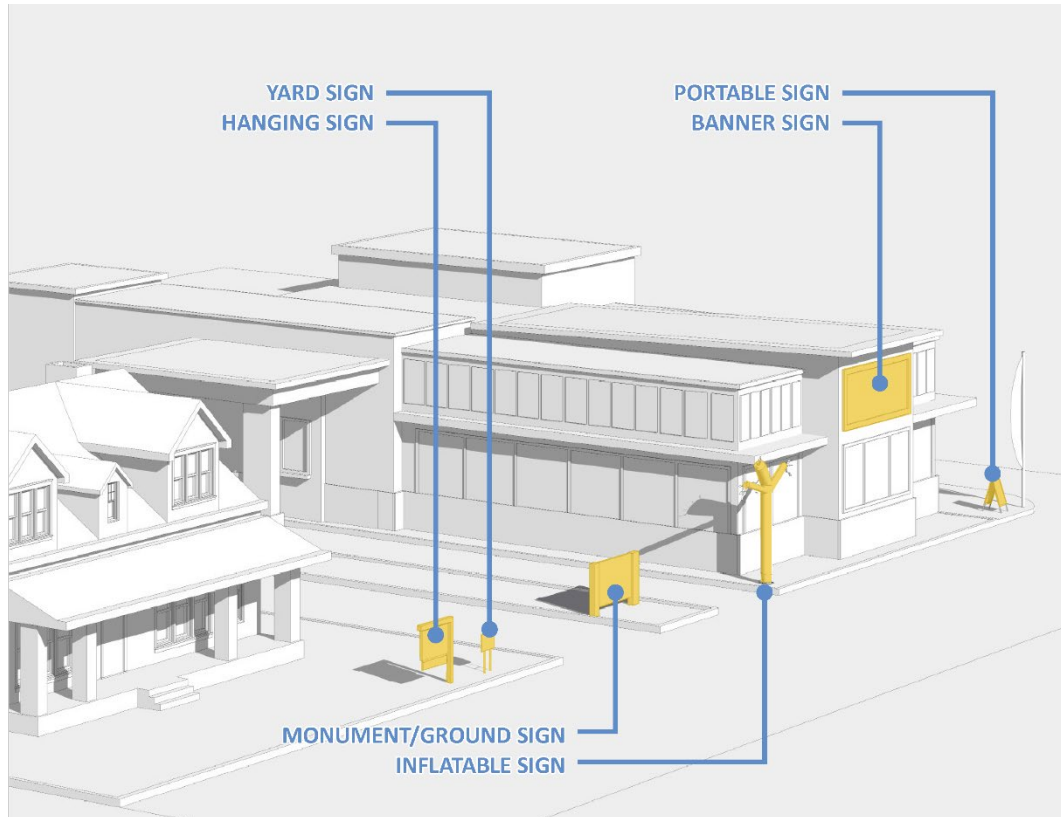
- Flashing, animated, or animated portions of a sign where the cyclical period between on-off phases of illumination is less than four seconds;
- Patterned illusionary movement in which animated signs or portions of signs whose illumination is characterized by simulated movement.

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

**SIGN, GROUND (MONUMENT).** A freestanding sign in which the bottom edge of the sign is in contact with the ground or is suspended or supported by two upright posts or braces close to the ground. Also known as a monument, site, post, or pylon sign.

**SIGN, HANGING.** 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.

**SIGN, HUMAN.** 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.



*Example of Temporary Signs*

**SIGN, INFLATABLE.** 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 or structure.

**SIGN, MAILBOX.** A sign that is either mounted under a mailbox or placed on a mailbox surface but does not extend past the mailbox or mailbox supporting structure in any dimension.

**SIGN, MURAL.** 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.

**SIGN, POLE.** A sign anchored directly to the ground or supported by one post, column, or other vertical structure or support. 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.

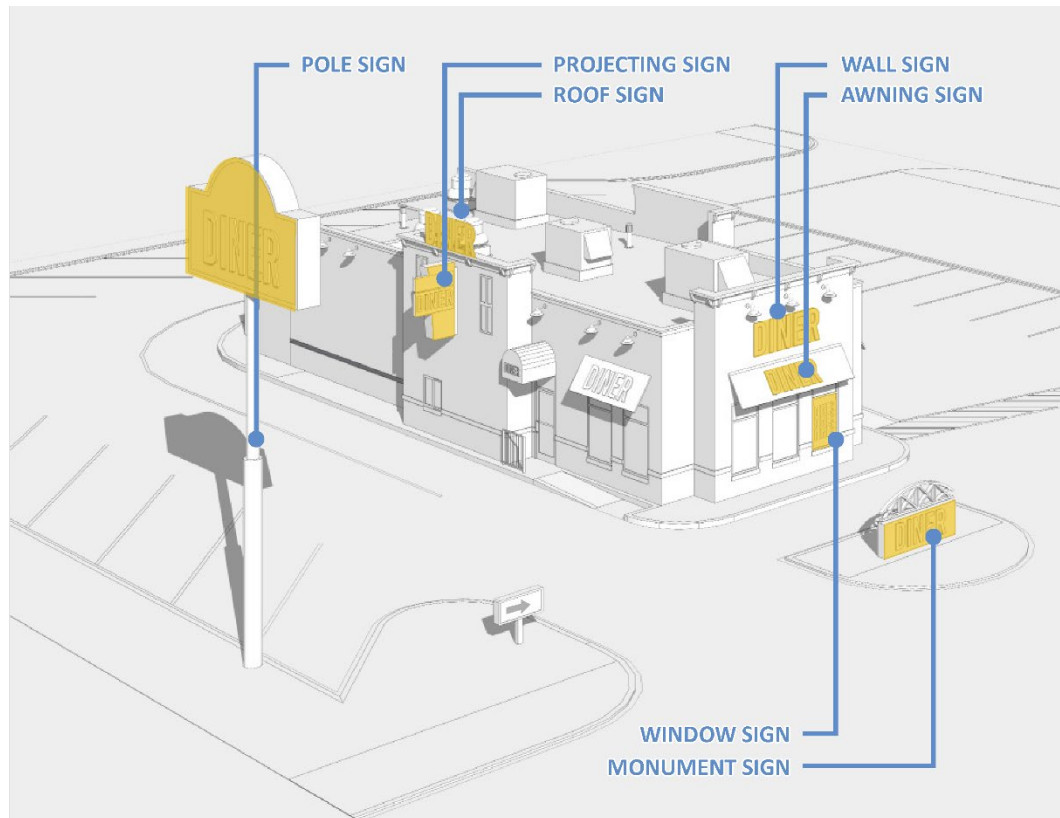
**SIGN, PORTABLE.** Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A or T-frames; benches; menu or sandwich board signs; umbrellas 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.

**SIGN, SIDEWALK/SANDWICH BOARD.** A type of portable, temporary freestanding display located on the sidewalk or similar area that is typically adjacent to a roadway or storefront.

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

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





*Example of Permanent Sign Types*

**SIGN, VEHICLE.** A 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 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.

**SIGN, WALL.** 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.

**SIGN, WINDOW.** 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.

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

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

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

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

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

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

**ACCESSORY SES.** An SES where the energy, electricity, and/or power is intended primarily for on-site use in order to reduce on-site consumption of utility power or fuels. Accessory SES include Building-Integrated SES, Ground-mounted SES, Pole-mounted SES, Roof-Mounted SES, and Solar Carport SES.

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

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

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

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

**ACCESSORY SES, 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.

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

**PRIMARY SES.** An SES where the energy, electricity, and/or power is intended primarily for off-site use. Commercial SES are commonly referred to as solar fields or solar farms.

**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.

**STADIUM.** A place or area (indoor or outdoor) that is primarily used for spectator sports, entertainment (such as concerts, amusement parks, and similar events), expositions, fairgrounds, or similar public gatherings or events. Stadiums may also have accessory uses, such as food vendors or on-site merchandise sales for the event. Examples include, but are not limited to, convention halls, sports arenas, amphitheaters, race tracks, and assembly halls. For the purposes of this UDO, this use does not include institutional uses (such as schools) that include a stadium on the same site or campus as the institutional use or those uses specifically defined as service-oriented retail.

**STATE.** The State of Indiana.

**STORAGE UNITS.** A building(s) or area consisting of individual, self-contained units or spaces leased to individuals, organizations, or businesses for self-service storage of personal property, recreational vehicles (RV's), boats, or other similar items. Common terms also include self-storage or mini-storage facility.

**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 are assembled for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water. Furthermore, any enclosed structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property of any kind.

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

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

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

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

**STRUCTURE, ENCLOSED.** A structure with a roof/ceiling and at least two walls.

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

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

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

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

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

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

**SUBDIVISION, EXEMPT.** Divisions of existing parcels of land that are exempt from this UDO as determined by the Administrator and outlined in Chapter 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.** Approval granted by the PC in accordance with IC 36-7-4-700 series for a division of a parcel of land for residential development resulting in three lots or less, including the parent parcel, does not create any new right-of-way, and does not qualify as an

**SWIMMING POOL.** A self-contained body of water at least 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.

**SURETY, MAINTENANCE.** A bond or other form of guarantee for the maintenance of all required public improvements during the construction process.

**SURETY, PERFORMANCE.** A bond or other form of guarantee for the installation of all required public improvements during the construction process.

**TRC.** See TECHNICAL REVIEW COMMITTEE.

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

**TECHNICAL REVIEW COMMITTEE (TRC).** A committee that, because of their specialized knowledge and experience in their field of expertise, may review the technical aspects of a project and assist the Administrator, PC, and BZA by providing technical and expert advice with regard to proposed development within the jurisdiction.

**TEMPORARY STORAGE 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.

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

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

**TOURIST CABINS.** See HOTEL.

**TRACT.** See LOT.

**TRANSPARENCY.** With regard to a building façade, the percentage of a street-facing building façade that is covered by glazed elements that are clear and non-reflective and may not be painted or tinted.

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

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

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

**USE, ACCESSORY.** A use that:

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

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

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

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

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

**UTILITY MAIN EXTENSION.** The extension of utility infrastructure for future use by surrounding property owners including, but not limited to, water and sanitary sewer.

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

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

**VETERINARIAN SERVICES.** An establishment maintained by or for the use of a licensed veterinarian for the care and treatment of animals. For purposes of this UDO, this excludes the overnight kenneling of animals.

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

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

**WHOLESALE BUSINESS.** An establishment or place of business primarily engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, or professional business users, or to other wholesalers. For purposes of this UDO, wholesale businesses are not considered general retail.

**WILDLIFE AND NATURE PRESERVE.** Open space intended to remain in a predominately natural or undeveloped state to provide possible opportunities for passive recreation.

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

**COMMERCIAL WECS (CWECS).** The system by which wind energy is converted to electricity using a wind turbine, tower, support system, blades, and associated control and conversion electronics which has a rated capacity of more than 100 kW or a system height of more than 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 10 kW and a system height of less than 45 feet. For the purposes of this Ordinance, a roof-mounted structure shall be considered a Mini WECS if it meets the rated capacity and height requirements set forth in this Section. Only one 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 100 kW and a system height of less than 80 feet. Only one SWECS may be permitted per principal structure.

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

1. The project owner does not seek:
  - a To install or locate one 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 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.

**WINDOW.** An opening in a wall or roof which functions or appears to function to admit light into a building or structure.

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

**WINERY/BREWERY/DISTILLERY.** A licensed building or property whose primary purpose is to produce and sell alcoholic beverages for distribution and may include accessory commercial facilities such as a tasting room, restaurant, and event facilities.

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

**YARD.** A space on the same parcel as the primary structure that is open, unoccupied, and unobstructed by structures, except as otherwise provided in this ordinance.

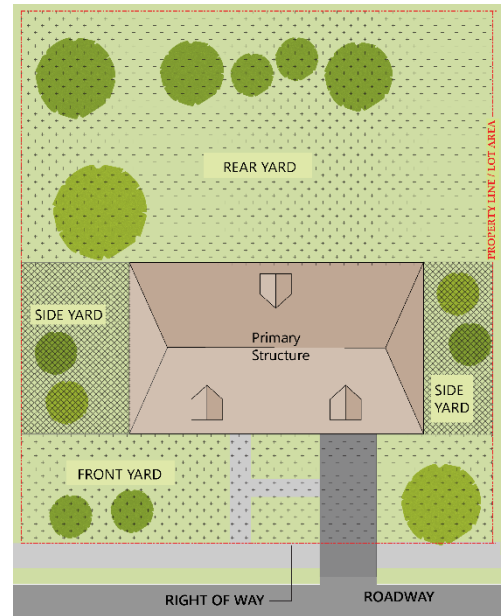
**YARD, FRONT.** A space extending across the full width of the parcel between any structure and the front lot line measured perpendicular to the structure at the closest point to the front lot line. Note that corner lots have two front yards.

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

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

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

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



*Example of Yards*