



CLARK COUNTY

Unified Development Ordinance

Effective January 1, 2021

ACKNOWLEDGEMENTS

County Commissioners

Jack Coffman, President

Bryan Glover

Connie Sellers

Plan Commission

Michael Killen, President

David Blankenbeker

Dan Callahan

Wally Estes

Simon Kafari

Eric Morris

Janne Newland

Connie Sellers

Board of Zoning Appeals

Michael Killen, Chairman

Duard Avery

Kimberly S. Baker

Keith Coats

Guy Guernsey

Jason Stanley

County Departments and Staff

David Blankenbeker, County Surveyor

Brian Dixon, County Engineer

Stacia Franklin, Executive Director

David Nachand, Plan Commission & BZA Attorney

Jason Stanley, Building Commissioner

Consultants



engineering | architecture | geospatial

TABLE OF CONTENTS

CHAPTER 1: INTRODUCTORY PROVISIONS7

A. Title.....	7
B. Authority.....	7
C. Purpose.....	7
D. Jurisdiction.....	7
E. Intent	7
F. Application.....	8
G. Other Requirements.....	8
H. Defined Terms	8
I. Administration.....	8
J. Severability	8
K. Statutory Changes	8
L. Repealer.....	8
M. Transition Policies.....	8
N. Effective Date.	9

CHAPTER 2: ZONING DISTRICTS.....11

A. General Provisions.....	11
B. Zoning Districts.....	13
1. Conservancy District (C).....	14
2. Intensive Agricultural District (AI).....	17
3. General Agricultural District (AG).....	20
4. Agricultural Estate District (AE)	23
5. Low-Density Residential District (R1)	26
6. Medium-Density Residential District (R2)	29
7. High-Density Residential District (R3).....	33
8. Multi-Family Residential District (R4).....	37
9. Neighborhood Business District (B1).....	41
10. General Business District (B2).....	44
11. Highway Business District (B3)	47
12. Light Industrial District (M1).....	50
13. Heavy Industrial District (M2).....	53
14. Hazardous Waste Disposal & Recycling District (M3).....	56
15. Planned Unit Development (PUD).....	58
16. Airport Overlay District (AO).....	60

CHAPTER 3: SITE DEVELOPMENT STANDARDS.....63

A. General Provisions.....	63
B. Development Standards for Specific Site Conditions.....	63
1. Accessory Structure Standards.....	64
2. Bufferyard Standards.....	66
3. Driveway Standards.....	71
4. Lighting Standards.....	72
5. Lot And Setback Standards.....	73
6. Parking And Loading Standards.....	74
7. Sign Standards.....	80
8. Storage Standards.....	88
9. Structure Standards.....	90
10. Trash Receptacle Standards.....	92

CHAPTER 4: USE DEVELOPMENT STANDARDS93

A. General Provisions.....	93
B. Development Standards for Specific Uses.....	93
1. Accessory Dwelling Standards.....	94
2. Adult Business Standards.....	96
3. Adult Day Care Facility Standards.....	100
4. Agritourism Standards.....	101
5. Campground & Recreational Vehicle Park (Private) Standards.....	103
6. Farmworker Housing Standards.....	105
7. Home Occupation Standards.....	107
8. Manufactured Home Park Standards.....	108
9. Special Event Facility Standards.....	112
10. Wireless Communication Facility Standards.....	114

CHAPTER 5: SUBDIVISION TYPES119

A. Purpose and Intent.....	119
B. Development Standards for Specific Subdivisions.....	119
1. Commercial and Industrial Subdivision.....	120
2. Minor Residential Subdivision.....	121
3. Major Residential Subdivision.....	122
4. Conservation Residential Subdivision.....	123
C. Exempt Subdivisions.....	125

CHAPTER 6: SUBDIVISION DESIGN STANDARDS127

A. Purpose.....	127
B. General Provisions.....	127
C. Access and Connectivity.....	128
D. Blocks and Lots.....	130
E. Covenants.....	131
F. Curbs, Gutters, Sidewalks and Trails.....	132
G. Drainage, Stormwater, Swales, And Erosion Control.....	132
H. Monuments and Markers.....	133
I. Public and Open Spaces.....	133
J. Roads, Public Roads and Alleys.....	135
K. Sanitary Sewer Facilities.....	139
L. Subdivision Name.....	139
M. Water Facilities.....	139
N. Utilities.....	140

CHAPTER 7: SUBDIVISION ADMINISTRATION AND PROCEDURES .143

A. General Provisions.....	143
B. Procedures For Subdivisions.....	144
1. Commercial, Industrial, Major Residential, and Conservation Residential Subdivisions.....	145
2. Residential Subdivisions - Minor.....	150
C. Document And Drawing Specifications.....	153
1. Primary Plat.....	153
2. Secondary Plat.....	154
3. Construction Drawings.....	156
D. Construction And Development Process.....	157
E. Other Subdivision Procedures.....	160

CHAPTER 8: ZONING ADMINISTRATION AND PROCEDURES165

A. UDO Administration.....	165
B. Plan Commission (PC).....	165
C. Board of Zoning Appeals (BZA).....	167
D. Procedures for PC and BZA Duties.....	167
1. Appeals Procedures.....	168
2. Development Plan Procedures.....	170
3. Zone Map Change & PUD District Procedures.....	172
4. Special Exception, Variance From Development Standards, and Variance Of Use Procedures.....	175
E. Additional Procedures.....	177
F. Complaints, Violations, and Remedies.....	179
G. Fee Schedule.....	181

CHAPTER 9: NONCONFORMING LOTS, STRUCTURES, AND USES...183

A. General Provisions.....	183
B. Nonconforming Lots of Record.	183
C. Nonconforming Structures, Nonconforming Uses of Land, and Nonconforming Combination of Structures and Uses.	184

CHAPTER 10: DEFINITIONS185

A. General Provisions.....	185
----------------------------	-----

1 INTRODUCTORY PROVISIONS

- A. Title.** This ordinance shall be formally known as the “Unified Development Ordinance,” or the “UDO” for the jurisdiction of the Clark County Advisory Plan Commission.
- B. Authority.** This UDO is enacted by the County Commissioners pursuant to the authority granted in IC 36-7-4-600 series and other applicable state and federal statutes as amended from time-to-time.
- C. Purpose.** The purpose of this UDO is to combine the Zoning Ordinance and the Subdivision Control Ordinance into a single document in order to reduce redundancy and improve efficiency in the application of land development laws for the jurisdiction.
- 1. Subdivision Control Ordinance Provisions.** The regulations established for the administration of a Subdivision Control Ordinance under IC 36-7-4-700 series are covered specifically in this UDO by Chapters 5, 6, and 7.
 - 2. 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 2, 3, 4, 8, 9, and 10.
- D. Jurisdiction.** This UDO shall apply to all land within the jurisdiction of the Clark County Advisory Plan Commission which includes the unincorporated areas of Clark County and the Town of Bordon.
- E. Intent.** The intent of this UDO is to promote the public health, safety, morals and general welfare of the jurisdiction, and more specifically to:
1. Accomplish the purposes of IC 36-7-4 series: Local Planning and Zoning; and further such other purposes as are stated hereinafter within specific provisions of this UDO;
 2. Guide the orderly, responsible, and sustainable development and redevelopment in accordance with the Comprehensive Plan and all of its components;
 3. 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;
 4. Establish reasonable standards and procedures for subdivisions, in order to further the orderly layout and use of land;
 5. Protect the character and stability of residential, institutional, business, industrial, farming, and natural areas;
 6. Encourage compatibility between different land uses and to protect the scale and character of existing development from the encroachment of incompatible uses;
 7. Facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public facilities;
 8. Establish corrective and punitive recourse for violations or noncompliance regarding the provisions of this UDO.

- F. Application.** It is not intended by this UDO to interfere with, abrogate or amend any existing easements, covenants or other agreements between parties, nor is it intended by this UDO to repeal, abrogate, annul or in any way interfere with any existing provisions of laws or Ordinances not specifically repealed by this UDO, or any rules, regulations or permits previously adopted or issued pursuant to law relating to the use of buildings or premises. This UDO shall not affect valid private covenants whose standards are above and beyond those of this UDO and which are not enforceable by the Plan Commission.
- G. Other Requirements.** 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.
- H. Defined Terms.** Specific words and terms relative to this UDO are as defined in *Chapter 10: Definitions*. Words or terms used in this UDO that are not defined shall be as defined by a current dictionary.
- I. Administration.** The Administrator shall have the primary responsibility of administering the UDO within the jurisdiction.
- J. Severability.** If any provision or 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.
- K. Statutory Changes.** If any Indiana Code cited in this UDO has been amended, this UDO shall be deemed amended in reference to the new or revised code.
- L. Repealer.** The following titles of the participating jurisdictions are hereby repealed and are replaced by the adoption of this UDO and the Official Zoning Map:
1. Ordinance Number 17-2007 (Zoning Ordinance of Clark County, Indiana); and
 2. Ordinance Number 18-2007 (Subdivision Control Ordinance of Clark County).
- M. Transition Policies.** The following policies apply for applications and approvals that are in progress at the time of adoption of this UDO:
1. **Pending Applications.** Applications that are received and complete prior to the adoption of this UDO shall continue their respective process pursuant to the rules and provisions that were in place at the time of filing. This includes applications before the County Commissioners, the Plan Commission (PC), and the Board of Zoning Appeals (BZA) as well as applications for Improvement Location Permits (ILP).
 2. **Permits Issued.** A permit for an ILP that was issued prior to the adoption of this UDO shall remain valid for the timeframe and provisions established by the regulations that were in effect at the time of filing. If applicable, a valid permit may be renewed per the provisions established by the regulations that were in effect at the time of filing. Permits that have expired per the provisions established by the regulations that were in effect at the time of filing and need to be resubmitted shall now be subject to the regulations established by this UDO.
 3. **Subdivisions.** Because subdivisions are subject to two (2) phases of approval (primary plat and secondary plat), the following policies for transition apply:
 - a. **Primary Plat.** Any primary plat that was approved by regulations that were in place prior to the adoption of this UDO, that has not expired, and is otherwise still valid under said previous regulations, shall

continue its respective process pursuant to the rules and provisions that were in place at the time of filing. If the previous provisions did not identify an expiration for primary plat approval and an application for secondary plat (all or in part) has not been received and completed within four (4) years of the adoption of this UDO, then said primary plat shall automatically expire four (4) years after the date of the adoption of this UDO.

- b. Secondary Plat. As long as the approved primary plat for a subdivision remains valid and has not expired, the lot standards, structure standards, and utility standards that were in place at the time the primary plat was approved shall apply to the secondary plat (all or in part) included in the primary plat approval.

4. Commitments or Conditions. Commitments or conditions (whether recorded or not) that were made as part of an approval before the legislative body, PC, or BZA or part of an application for an ILP prior to the adoption of this UDO shall remain in full effect regardless of any resulting changes in regulations that are established by this UDO. Commitments or conditions may be modified pursuant to the applicable process outlined in *Chapter 8: Zoning Administration and Procedures* of this UDO and/or the applicable *PC Rules and Procedures* or *BZA Rules and Procedures*.

5. Disannexation and Property Not Included.

- a. Disannexation. Property detached from an incorporated city or town subsequent to the effective date of this UDO, upon the effective date of such disannexation, shall be changed to the closest zoning classification in the County that matches the classification from the prior jurisdiction from which the property came unless otherwise recommended for change by the PC, and approved by the appropriate legislative body.
- b. Property Not Included. Property that has not been specifically included within a district is hereby declared to be in the General Agriculture (AG) (except for property designated as limited-access or interstate highway right-of-way).

N. Effective Date. This ordinance shall be in full force and effect as of January 1, 2021.

This page intentionally left blank.

2 ZONING DISTRICTS

A. General Provisions.

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

NAME OF DISTRICT	ABBREVIATION
Conservancy District	C
Intensive Agricultural District	AI
General Agriculture District	AG
Agricultural Estate District	AE
Low-density Residential District	R1
Medium-density Residential District	R2
High-density Residential District	R3
Multi-family Residential District	R4
Neighborhood Business District	B1
General Business District	B2
Highway Commercial District	B3
Light Industrial District	M1
Heavy Industrial District	M2
Hazardous Waste Disposal & Recycling District	M3
Planned Unit Development	PUD
Airport Overlay	AO

- Overlay Districts Identified.** The following overlay districts outlined below have been established for the purpose identified.
 - Airport Overlay District.**
- Official Zoning Map.** The Official Zoning Map is a geographic coverage layer that is maintained as part of Clark County's geographic information system (GIS) under the direction of the Administrator.

- a. **District Boundaries.** The location and boundaries of the zoning districts are hereby established on a map entitled “Official Zoning Map,” as it may be amended from time to time, which accompanies and is hereby incorporated in and made a part of this UDO by reference.
- b. **Interpretation of Boundaries.** All questions concerning the exact location of zoning district boundary lines shall be determined by the Administrator. An appeal of the Administrator’s interpretation may be filed with the BZA per *Chapter 8, Section D.1: Appeals Procedures*.
- c. **Zoning Map Production.** The Administrator may authorize printed copies of the Official Zoning Map to be produced, and shall maintain digital or printed copies of superseded versions of the Official Zoning Map for historical reference.

4. Land Uses.

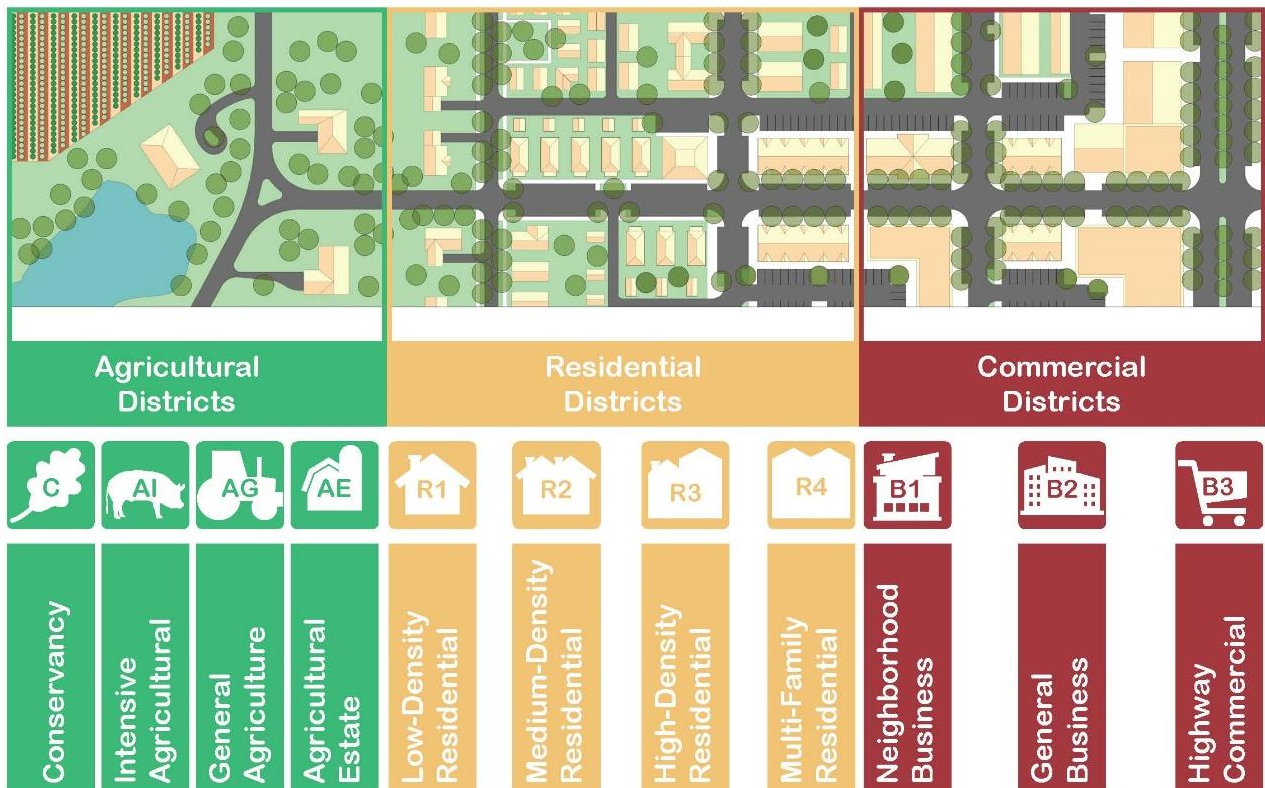
- a. **Land Uses Listed.** The respective section for each zoning district and overlay district identifies the common land uses that are “permitted” or allowed by “special exception”. Any land use not listed for a particular zoning district (or not deemed sufficiently similar to a listed use as described in the process in *Section A.3.b. Land Uses Not Listed*) shall be prohibited, subject to BZA approval.
- b. **Land Uses Not Listed.** For land uses not listed, the Administrator shall attempt to determine if the desired land use is similar to a listed land use.
 - i. Comparison to Listed Uses.
 - (a) Unlisted Use is Similar to a Listed Use. If the desired land use is determined to be similar to a listed land use, the respective process and development standards for the similar use shall be followed, and is subject to BZA approval.
 - (b) Unlisted Use is Not Similar to a Listed Use. If the Administrator determines that the desired land use is not similar to a listed land use, then the desired land use shall be prohibited.
 - (c) Uncertainty. In the case of uncertainty or disagreement of classifying a land use, the Administrator may refer the request for land use clarification or classification to the BZA for consideration and final decision.
 - ii. Criteria for Classifying Unlisted Land Uses. To determine whether an unlisted land use is similar to a listed use, the Administrator or the BZA shall examine the proposed use by the following four (4) criteria:
 - (a) Intensity. Is the unlisted use similar in intensity and nature to a listed use? Land use intensities are related to the amount and type of activity a parcel hosts.
 - (1) Residential, public, and office uses - intensity levels are tied to the number of people using a space.
 - (2) Commercial uses - intensity levels are tied to the gross commercial floor area associated with the primary structure, including hours of operation and anticipated customer volume.
 - (3) Industrial uses – intensity levels are related to 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.
 - (b) Character. Does the unlisted use have similar physical characteristics, structures, scale, operational hours, or other features similar to a listed use?

- (c) Accessory Potential. If the unlisted use is similar to a listed accessory use, is it incidental to, necessary, and compatible with the permitted primary use?
- (d) Intent. Is the unlisted use compatible with the purpose of the subject zoning district and consistent with the *Comprehensive Plan*?

5. Development Standards. The following development standards are generally interpreted as follows:

- a. **Lot Width.** Lot width is measured at the front building line.
- b. **Minimum Front Yard Setback.** The minimum front yard setback is measured from the right-of-way unless specified otherwise. In the event right-of-way does not exist, the front yard setback is measured from the edge of pavement. Note that a corner lot will have two (2) front yard setbacks and two (2) side yard setbacks; it will not have a rear yard setback.
- c. **Minimum Side Yard Setback.** The minimum side yard setback is measured from the property line and is determined the Development Standards tables in this chapter and/or the required bufferyard if applicable (See *Chapter 3, Section B.2: Bufferyard Standards*), whichever is greater applies. Note that a corner lot will have two (2) front yard setbacks and two (2) side yard setbacks; it will not have a rear yard setback.
- d. **Minimum Rear Yard Setback.** Minimum rear yard setback is measured from the property line and is determined by the Development Standards tables in this chapter and/or the required bufferyard if applicable (See *Chapter 3, Section B.2: Bufferyard Standards*), whichever is greater applies. Note that a corner lot will have two (2) front yard setbacks and two (2) side yard setbacks; it will not have a rear yard setback.

B. Zoning Districts.

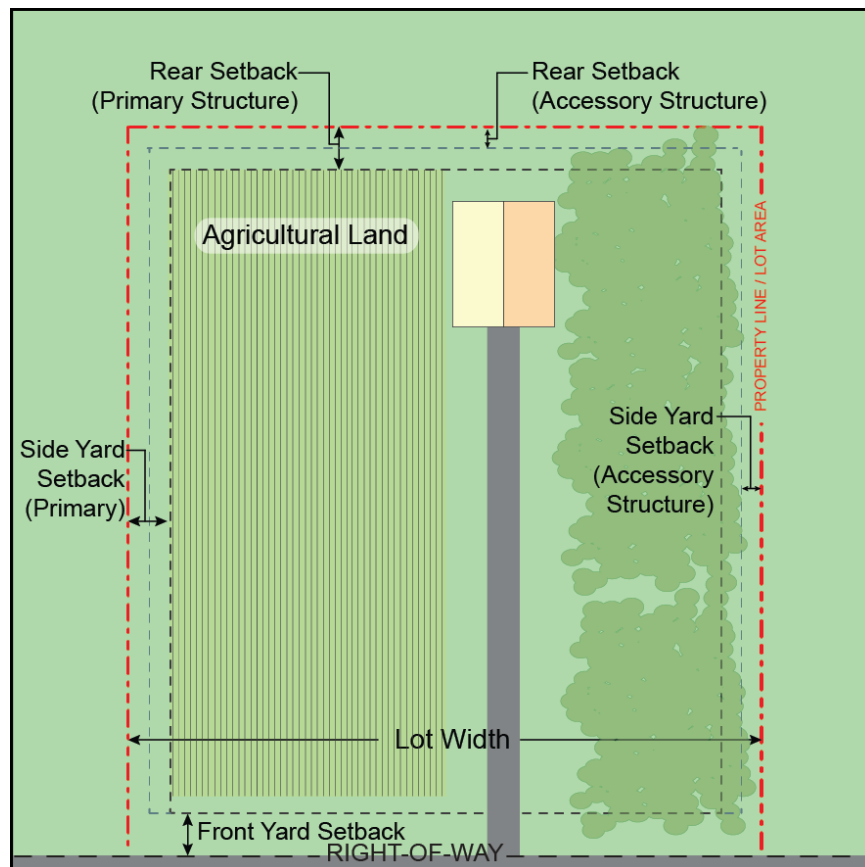




1. CONSERVANCY DISTRICT (C)

a. **Purpose.**

The Conservancy District (“C”) is intended to preserve and protect the existing natural and scenic qualities of stream corridors, low lands susceptible to periodic flooding, areas with notable topography, and other areas with unique natural features as well as minimize the number of areas impacted by flooding. The preservation of this district strives to maintain the aesthetic appeal and water quality of the stream corridor, protect wildlife and natural vegetation, minimize the impact of flooding and prevent erosion. All subdivisions require Subdivision approval unless exempt (See *Chapter 5, Section C: Exempt Subdivisions*). Only one primary use/structure per lot is permitted. All new primary structures for non-residential development require Development Plan Approval (See *Chapter 8, Section D.2: Development Plan Procedures*) and may be subject to Drainage Board approval.



b. Uses & Development Standards.

LAND USES – CONSERVANCY DISTRICT (C)			
PERMITTED USES		SPECIAL EXCEPTION USES	
Primary Uses	Accessory Uses	Primary Uses	Accessory Uses
<p>AGRICULTURAL USES</p> <ul style="list-style-type: none"> • equestrian facility • forestry • orchards • pastures • plant nursery • row crop production • stable, private • tree farm • vineyard • wildlife/nature preserve <p>COMMERCIAL USES</p> <ul style="list-style-type: none"> • boat launch, public • fairground <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> • church or place of worship • park, public 	<ul style="list-style-type: none"> • hobby farm • produce stand • skeet/target shooting range, personal • solar energy system, personal • wind energy conservation system (WECS), personal 	<p>AGRICULTURAL USES</p> <ul style="list-style-type: none"> • solar energy facility, commercial • tree removal, clear cutting • wind energy conservation system (WECS), commercial wind farm <p>COMMERCIAL USES</p> <ul style="list-style-type: none"> • *campground, private • campground, public • catering facility • golf course • golf driving range • gun club, public and private • philanthropic institution • recreational facility, public and private • *recreational vehicle park • skeet/target shooting range, public and private • *special event facility (weddings, banquets) • water park <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> • fire station • governmental offices • library • marina • park, skate • utility facility, public and private • *wireless communication facility 	<ul style="list-style-type: none"> • *agritourism • farmers market • *home occupation

** Indicates use is conditional and specific development standards apply. See Chapter 4: Use Development Standards.*

DEVELOPMENT STANDARDS – CONSERVANCY DISTRICT (C)		
Structure Standards		
Maximum height of structure	Primary structure	**35 feet
	Accessory structure	**35 feet
Minimum living area		N/A
Minimum width of primary structure		N/A
Lot Standards		
Minimum lot width		N/A
Minimum lot area	With sewer	40,000 sqft
	Without sewer	40,000 sqft
	***Uses that don't require sanitary facilities	20,000 sqft
Minimum front yard setback		20 feet
Minimum side yard setback	Primary structure	20 feet
	Accessory structure	10 feet
Minimum rear yard setback	Primary structure	20 feet
	Accessory structure	10 feet
Maximum impervious surface coverage		15%
Utility Standards		
Municipal water and sewer required		no

**Uses classified in the Land Uses Table as Agricultural are exempt from this standard.

***As determined by the Clark County Health Department or available sanitary service provider as appropriate.

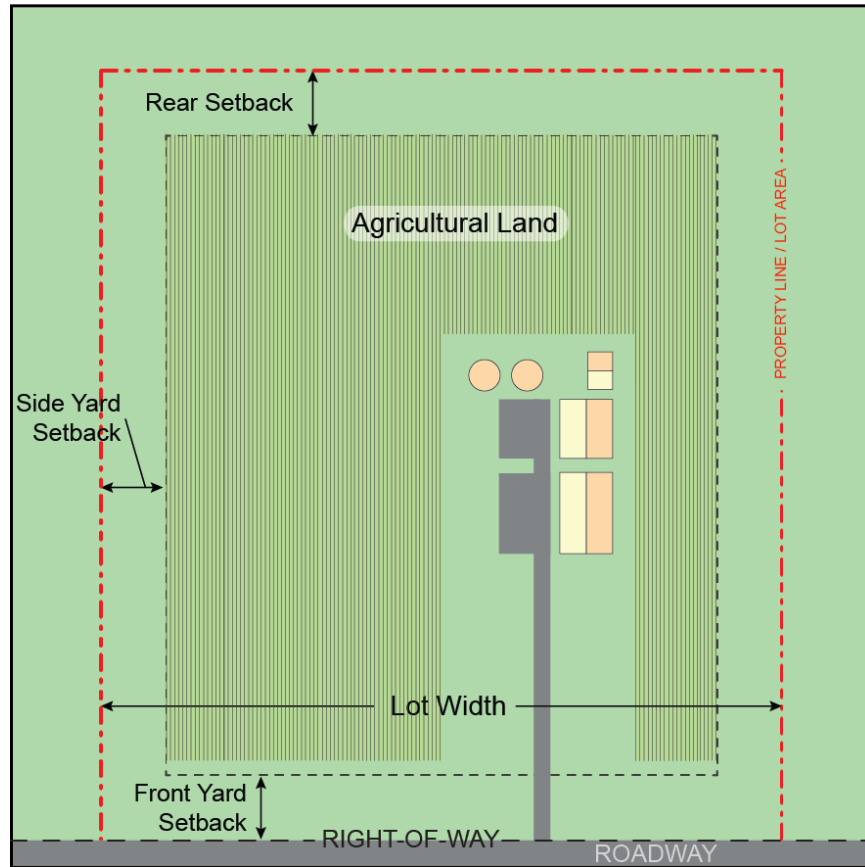
ADDITIONAL SITE DEVELOPMENT STANDARDS – CONSERVANCY DISTRICT (C)	
The following site development standards may also apply to development in this district. <i>See Chapter 3: Site Development Standards.</i>	
<ul style="list-style-type: none"> • Accessory Structure Standards. • Bufferyard Standards. • Driveway Standards. • Lighting Standards. • Lot and Setback Standards. 	<ul style="list-style-type: none"> • Parking and Loading Standards. • Sign Standards. • Storage Standards. • Structure Standards. • Trash Receptacle Standards.



2. INTENSIVE AGRICULTURAL DISTRICT (AI)

a. **Purpose.**

The Intensive Agricultural District (“AI”) is intended to provide areas within the county for intensive agricultural industries and confined feeding operations requiring IDEM permitting. Due to the intensive nature of the agricultural uses in this district, it is critical that residential development is only permitted by Special Exception and is limited to dwellings related to a farm operation. All subdivisions require Subdivision approval unless exempt (See *Chapter 5, Section C: Exempt Subdivisions*). Only one primary use/structure per lot is permitted. All new primary structures for non-residential development require Development Plan Approval (See *Chapter 8, Section D.2: Development Plan Procedures*) and may be subject to Drainage Board approval.



b. Uses & Development Standards.

LAND USES – INTENSIVE AGRICULTURAL DISTRICT (AI)			
PERMITTED USES		SPECIAL EXCEPTION USES	
Primary Uses	Accessory Uses	Primary Uses	Accessory Uses
<p>AGRICULTURAL USES</p> <ul style="list-style-type: none"> • concentrated animal feeding operation (CAFO) • confined feeding operation (CFO) • forestry • grain elevator • greenhouse • livestock production (not requiring IDEM permit) • meat processing • plant nursery • raising of livestock • row crop production • solar energy facility, commercial • stable, private • tree farm • vineyard • wildlife/nature preserve • wind energy conservation system (WECS), commercial wind farm <p>COMMERCIAL USES</p> <ul style="list-style-type: none"> • farm equipment dealer • farm equipment repair • farm supply store • seed dealer <p>INDUSTRIAL USES</p> <ul style="list-style-type: none"> • sawmill • timber processing <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> • church or place of worship • fire station 	<ul style="list-style-type: none"> • farm equipment repair • hobby farm • skeet/target shooting range, personal • solar energy system, personal • wind energy conservation system (WECS), personal 	<p>COMMERCIAL USES</p> <ul style="list-style-type: none"> • animal hospital • boat launch, public • skeet/target shooting range, public and private <p>INDUSTRIAL USES</p> <ul style="list-style-type: none"> • farm chemical supply dealer <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> • *wireless communication facility 	<p>RESIDENTIAL USES</p> <ul style="list-style-type: none"> • *agritourism • dwelling, single-family • *farm worker housing • farmers market

* Indicates use is conditional and specific development standards apply. See Chapter 4: Use Development Standards.

DEVELOPMENT STANDARDS – INTENSIVE AGRICULTURAL DISTRICT (AI)			
		Land Use	
		Single-family Residential	Non-residential
Structure Standards			
Maximum height of structure	Primary structure	40 feet	**50 feet
	Accessory structure	30 feet	**50 feet
Minimum living area		950 sqft	N/A
Minimum width of primary structure		18 feet	N/A
Lot Standards			
Minimum lot width		100 feet	250 feet
Minimum Lot area	With sewer	1 acre	10 acres
	Without sewer	At least 2 acres and subject to Health Department approval for septic	At least 10 acres and subject to Health Department approval for septic
	***Uses that don't require sanitary facilities	N/A	20,000 sqft
Minimum front yard setback		50 feet	100 feet
Minimum side yard setback	Primary structure	10 feet	100 feet
	Accessory structure	5 feet	100 feet
Minimum rear yard setback	Primary structure	10 feet	100 feet
	Accessory structure	5 feet	100 feet
Maximum impervious surface coverage		25%	75%
Utility Standards			
Municipal water and sewer required		no	no

**Agricultural land uses are exempt from this standard.

***As determined by the Clark County Health Department or available sanitary service provider as appropriate.

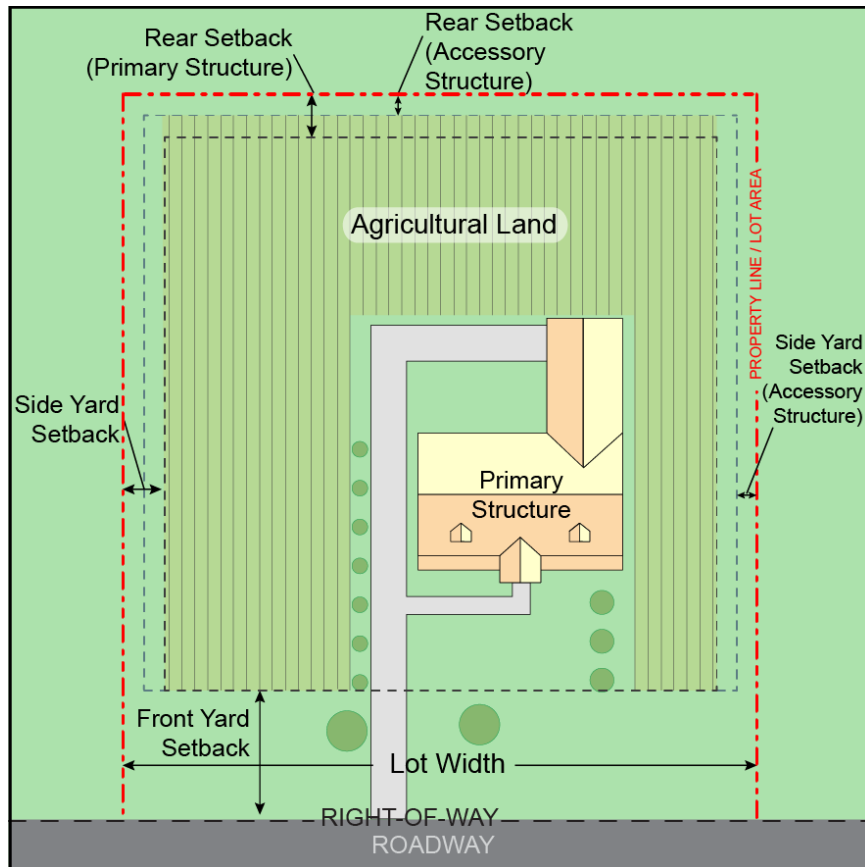
ADDITIONAL SITE DEVELOPMENT STANDARDS – INTENSIVE AGRICULTURAL DISTRICT (AI)	
The following site development standards may also apply to development in this district. <i>See Chapter 3: Site Development Standards.</i>	
<ul style="list-style-type: none"> Accessory Structure Standards. Bufferyard Standards. Driveway Standards. Lighting Standards. Lot and Setback Standards. 	<ul style="list-style-type: none"> Parking and Loading Standards. Sign Standards. Storage Standards. Structure Standards. Trash Receptacle Standards.



3. GENERAL AGRICULTURAL DISTRICT (AG)

a. **Purpose.**

The General Agriculture District (AG) is intended to provide for and protect substantial areas for a broad variety of agricultural uses where little or no urbanization has occurred or is planned to occur. Where possible, non-farm residential uses should be limited to provide for large areas of contiguous farm land. All subdivisions require Subdivision approval unless exempt (See *Chapter 5, Section C: Exempt Subdivisions*). Only one dwelling unit/primary structure or use per lot is permitted. All new primary structures for non-residential development require Development Plan Approval (See *Chapter 8, Section D.2: Development Plan Procedures*) and may be subject to Drainage Board approval.



b. Uses & Development Standards.

LAND USES – GENERAL AGRICULTURE DISTRICT (AG)			
PERMITTED USES		SPECIAL EXCEPTION USES	
Primary Uses	Accessory Uses	Primary Uses	Accessory Uses
<p>AGRICULTURAL USES</p> <ul style="list-style-type: none"> • equestrian facility • forestry • grain elevator • greenhouse • livestock production (not requiring IDEM permit) • orchard • pasture • plant nursery • raising of livestock • row crop production • solar energy facility, commercial • stable, private • tree farm • tree removal, clear cutting • vineyard • wildlife/nature preserve <p>COMMERCIAL USES</p> <ul style="list-style-type: none"> • fairground • farm equipment dealer • farm equipment repair • farm supply store • seed dealer • *special event facility (weddings, banquets) <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> • cemetery • church or place of worship • fire station • governmental offices • park, public • utility facility, public and private <p>RESIDENTIAL USES</p> <ul style="list-style-type: none"> • dwelling, single-family 	<ul style="list-style-type: none"> • *agritourism • barn, agricultural or personal • *dwelling, single-family • farm equipment repair • hobby farm • produce stand • skeet/target shooting range, personal • solar energy system, personal • wind energy conversion system (WECS), personal 	<p>COMMERCIAL USES</p> <ul style="list-style-type: none"> • animal hospital • bed and breakfast, owner and non-owner occupied • boat launch, public • *campground, private • campground, public • catering facility • golf course/driving range • gun club, public and private • kennel, public • philanthropic institution • recreational facility, public and private • short-term rental • skeet/target shooting range, public and private • *special event facility • winery/brewery/distillery <p>AGRICULTURAL USES</p> <ul style="list-style-type: none"> • barn, personal • meat processing • wind energy conversion system (WECS), commercial wind farm <p>INDUSTRIAL USES</p> <ul style="list-style-type: none"> • farm chemical supply dealer • sawmill • timber processing <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> • airport, public and private • heliport • library • school • *wireless communication facility <p>RESIDENTIAL USES</p> <ul style="list-style-type: none"> • dwelling, single-family temporary 	<ul style="list-style-type: none"> • *agritourism • *dwelling, accessory • *farm worker housing • farmers market • *home occupation

* Indicates use is conditional and specific development standards apply. See Chapter 4: Use Development Standards.

DEVELOPMENT STANDARDS – GENERAL AGRICULTURE DISTRICT (AG)			
		Land Use	
		Single-family Residential	Non-residential
Structure Standards			
Maximum height of structure	Primary structure	40 feet	**50 feet
	Accessory structure	30 feet	**50 feet
Minimum living area		644 sqft	N/A
Lot Standards			
Minimum lot width	With sewer	80 feet	250 feet
	Without sewer	100 feet	
Maximum lot width to depth ratio	With sewer	1:4	N/A
	Without sewer	1:6	N/A
Minimum Lot area	With sewer	9,600 sqft	N/A
	Without sewer	At least 40,000 sqft and subject to Health Department approval for septic	At least 40,000 sqft and subject to Health Department approval for septic
	***Uses that don't require sanitary facilities	NA	20,000 sqft
Minimum front yard setback		30 feet	50 feet
Minimum side yard setback	Primary structure	6 feet	20 feet
	Accessory structure	5 feet	10 feet
Minimum rear yard setback	Primary structure	10 feet	20 feet
	Accessory structure	5 feet	10 feet
Maximum impervious surface coverage		35%	75%
Utility Standards			
Municipal water and sewer required		no	no

**Uses classified as Agricultural are exempt from this standard.

***As determined by the Clark County Health Department or available sanitary service provider as appropriate.

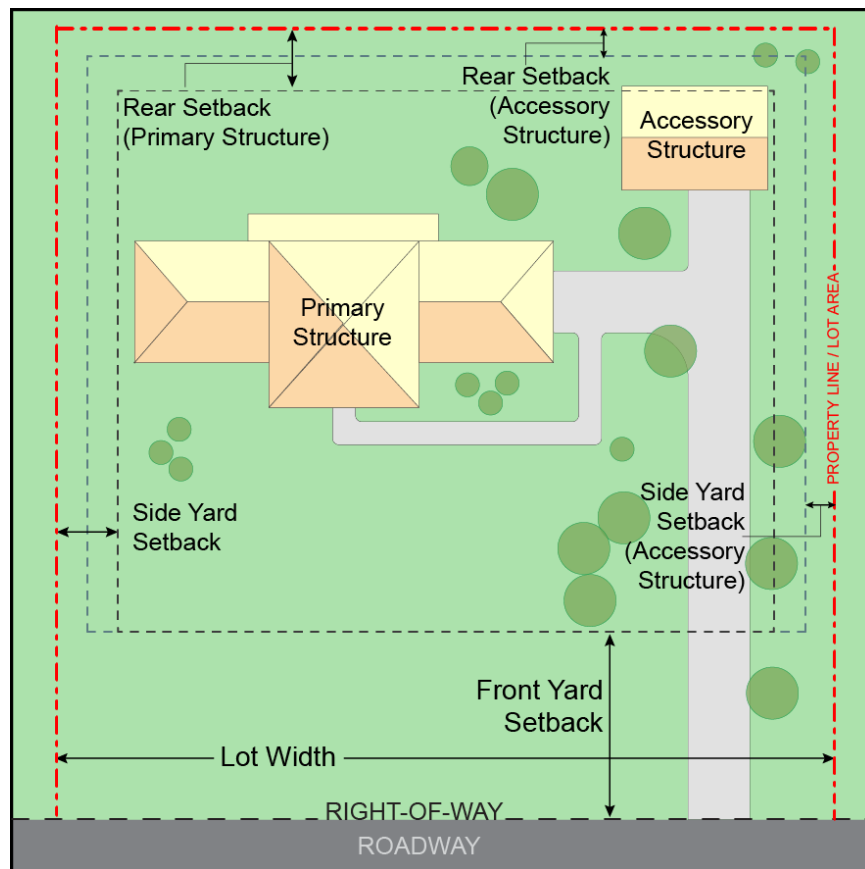
ADDITIONAL SITE DEVELOPMENT STANDARDS – GENERAL AGRICULTURAL DISTRICT (AG)	
The following site development standards may also apply to development in this district. <i>See Chapter 3: Site Development Standards.</i>	
<ul style="list-style-type: none"> • Accessory Structure Standards. • Bufferyard Standards. • Driveway Standards. • Lighting Standards. • Lot and Setback Standards. 	<ul style="list-style-type: none"> • Parking and Loading Standards. • Sign Standards. • Storage Standards. • Structure Standards. • Trash Receptacle Standards.



4. AGRICULTURAL ESTATE DISTRICT (AE)

a. **Purpose.**

The Agricultural Estate District (“AE”) is intended to provide for a variety of less intensive agricultural uses, while accommodating some low-density single-family dwellings and subdivisions in appropriate locations in the county in order to protect the agricultural economy. Residential development should be done through the subdivision process and not on a metes and bounds, lot-by-lot basis. All subdivisions require Subdivision approval unless exempt (See *Chapter 5, Section C: Exempt Subdivisions*). Only one primary use/structure per lot is permitted. All new primary structures for non-residential development require Development Plan Approval (See *Chapter 8, Section D.2: Development Plan Procedures*) and may be subject to Drainage Board approval.



b. **Uses & Development Standards.**

LAND USES – AGRICULTURAL ESTATE DISTRICT (AE)			
PERMITTED USES		SPECIAL EXCEPTION USES	
Primary Uses	Accessory Uses	Primary Uses	Accessory Uses
<p>AGRICULTURAL USES</p> <ul style="list-style-type: none"> • forestry • orchard • plant nursery • row crop production • vineyard • wildlife/nature preserve <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> • church or place of worship • park, public • school <p>RESIDENTIAL USES</p> <ul style="list-style-type: none"> • dwelling, single-family 	<ul style="list-style-type: none"> • barn, personal • hobby farm • produce stand • solar energy system, personal • wind energy conversion system (WECS), personal 	<p>AGRICULTURAL USES</p> <ul style="list-style-type: none"> • grain elevator • greenhouse • solar energy facility, commercial • tree removal, clear cutting • wind energy conversion system (WECS), commercial wind farm <p>COMMERCIAL USES</p> <ul style="list-style-type: none"> • *adult day care facility • bed and breakfast, owner and non-owner occupied • boat launch, public • *campground, private • campground, public • child care center • child care home • farm supply store • kennel, public • recreational facility, public and private • short-term rental • *special event facility (weddings, banquets) <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> • cemetery • fire station • governmental offices • library • marina • park, skate • utility facility, public and private • *wireless communication facility (5G/Mini Tower only) <p>RESIDENTIAL USES</p> <ul style="list-style-type: none"> • dwelling, single-family temporary • *manufactured home park 	<ul style="list-style-type: none"> • *dwelling, accessory • farmers market • *home occupation

* Indicates use is conditional and specific development standards apply. See Chapter 4: Use Development Standards.

DEVELOPMENT STANDARDS – AGRICULTURAL ESTATE DISTRICT (AE)			
		Land Use	
		Single-family Residential	Non-residential
Structure Standards			
Maximum height of structure	Primary structure	40 feet	30 feet
	Accessory structure**	30 feet	18 feet
Minimum living area		950 sqft	N/A
Minimum width of primary structure		18 feet	N/A
Lot Standards			
Minimum lot width	With sewer	80 feet	250 feet
	Without sewer	100 feet	
Maximum lot width to depth ratio	With sewer	1:4	N/A
	Without sewer	1:6	N/A
Minimum lot area	With sewer	9,600 sqft	N/A
	Without sewer	At least 40,000 sqft and subject to Health Department approval for septic	At least 40,000 sqft and subject to Health Department approval for septic
Minimum front yard setback***		30 feet	50 feet
Minimum side yard setback***	Primary structure	10 feet	50 feet
	Accessory structure	5 feet	5 feet
Minimum rear yard setback***	Primary structure	10 feet	50 feet
	Accessory structure	5 feet	5 feet
Maximum impervious surface coverage		25%	25%
Utility Standards			
Municipal water and sewer required		no	no

**Accessory structure cannot exceed height of primary structure

***No structures can be within platted easement

ADDITIONAL SITE DEVELOPMENT STANDARDS – AGRICULTURAL ESTATE DISTRICT (AE)

The following site development standards may also apply to development in this district.
See Chapter 3: Site Development Standards.

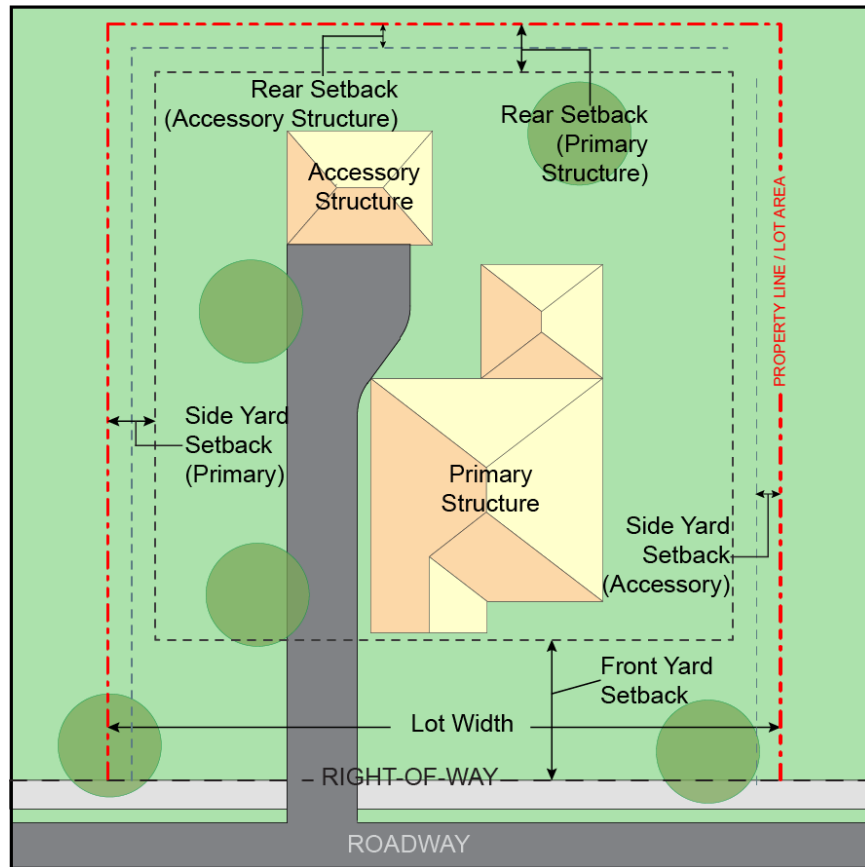
<ul style="list-style-type: none"> • Accessory Structure Standards. • Bufferyard Standards. • Driveway Standards. • Lighting Standards. • Lot and Setback Standards. 	<ul style="list-style-type: none"> • Parking and Loading Standards. • Sign Standards. • Storage Standards. • Structure Standards. • Trash Receptacle Standards.
---	--



5. LOW-DENSITY RESIDENTIAL DISTRICT (R1)

a. **Purpose.**

The Low-density Residential District (“R1”) is intended for areas of detached homes on larger lots and serves as a transition between suburban development and agricultural areas or open spaces. This area allows for a variety of housing types, facilities, and residential services designed to meet the needs of residents in the immediate area. Only one primary use/structure per lot is permitted. All subdivisions require Subdivision approval unless exempt (See *Chapter 5, Section C: Exempt Subdivisions*). All new primary structures for non-residential development require Development Plan Approval (See *Chapter 8, Section D.2: Development Plan Procedures*) and may be subject to Drainage Board approval.



b. **Uses & Development Standards.**

LAND USES – LOW-DENSITY RESIDENTIAL DISTRICT (R1)			
PERMITTED USES		SPECIAL EXCEPTION USES	
Primary Uses	Accessory Uses	Primary Uses	Accessory Uses
INSTITUTIONAL USES <ul style="list-style-type: none"> • park, public and private • church or place of worship RESIDENTIAL USES <ul style="list-style-type: none"> • dwelling, single family 		COMMERCIAL USES <ul style="list-style-type: none"> • *adult day care facility • child care center • child care home • golf course • golf driving range • short-term rental INSTITUTIONAL USES <ul style="list-style-type: none"> • fire station • governmental offices • library • park, skate • school • utility facility, public and private • *wireless communication facility (5G/Mini Tower only) 	<ul style="list-style-type: none"> • *dwelling, accessory • *home occupation

* Indicates use is conditional and specific development standards apply. See Chapter 4: Use Development Standards.

DEVELOPMENT STANDARDS – LOW-DENSITY RESIDENTIAL DISTRICT (R1)			
		Land Use	
		Single-family Residential	Non-residential
Structure Standards			
Maximum height of structure	Primary structure	35 feet	35 feet
	Accessory structure**	20 feet	20 feet
Minimum living area		950 sqft	N/A
Minimum width of primary structure		18 feet	N/A
Lot Standards			
Minimum lot width	With sewer	60 feet	250 feet
	Without sewer	100 feet	N/A
Maximum lot width to depth ratio	With sewer	1:8	N/A
	Without sewer	1:8	N/A
Minimum lot area	With sewer	7,500 sqft	N/A
	Without sewer	At least 40,000 sqft and subject to Health Department approval for septic	At least 40,000 sqft and subject to Health Department approval for septic
Minimum front yard setback***		30 feet or 20 feet in platted subdivision	50 feet
Minimum side yard setback***	Primary structure	6 feet	50 feet
	Accessory structure	5 feet	5 feet
Minimum rear yard setback***	Primary structure	10 feet	50 feet
	Accessory structure	5 feet	5 feet
Maximum impervious surface coverage		50%	50%
Utility Standards			
Municipal sewer required		no	no
Municipal water required		yes	yes

**Accessory structure cannot exceed height of primary structure

***No structures can be within platted easement

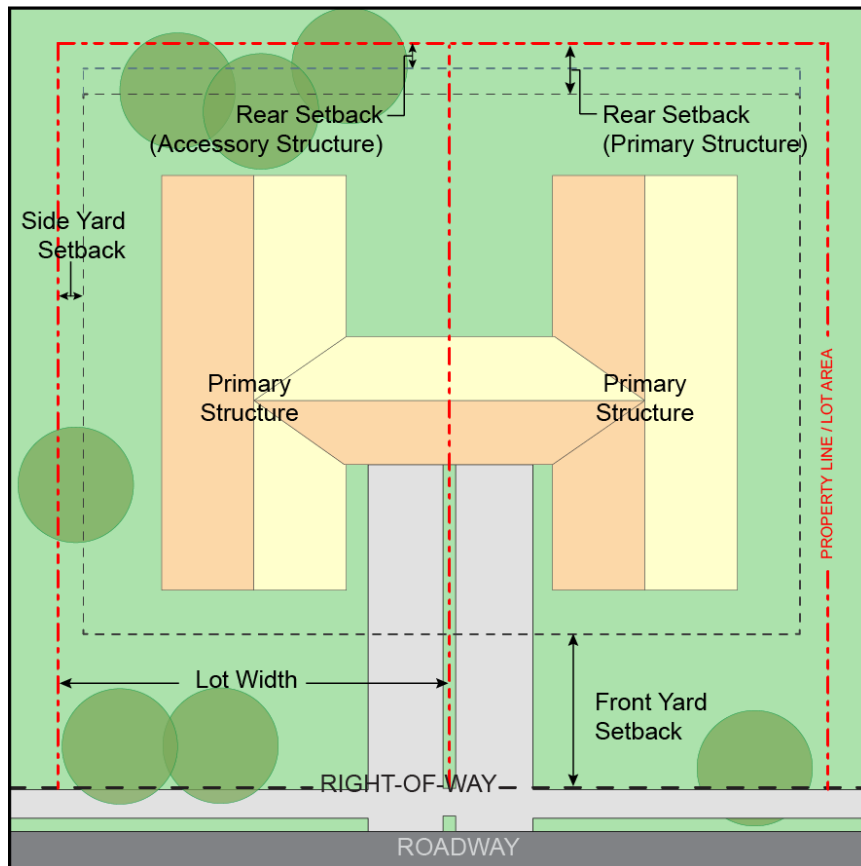
ADDITIONAL SITE DEVELOPMENT STANDARDS – LOW-DENSITY RESIDENTIAL DISTRICT (R1)	
The following site development standards may also apply to development in this district. See <i>Chapter 3: Site Development Standards</i> .	
<ul style="list-style-type: none"> • Accessory Structure Standards. • Bufferyard Standards. • Driveway Standards. • Lighting Standards. • Lot and Setback Standards. 	<ul style="list-style-type: none"> • Parking and Loading Standards. • Sign Standards. • Storage Standards. • Structure Standards. • Trash Receptacle Standards.



6. MEDIUM-DENSITY RESIDENTIAL DISTRICT (R2)

a. **Purpose.**

The Medium-density Residential District (“R2”) is intended to provide for the development of neighborhoods while ensuring compatibility with existing patterns of development. New development may contain mixed residential densities and lot sizes, varied single-family and two-family housing types, and non-residential services where supported by adjacent land use patterns. New development shall also contain a high level of street connectivity and be supported by adequate public services where possible. Only one primary use/structure per lot is permitted. All subdivisions require Subdivision approval unless exempt (See *Chapter 5, Section C: Exempt Subdivisions*). All new primary structures for non-residential development require Development Plan Approval (See *Chapter 8, Section D.2: Development Plan Procedures*) and may be subject to Drainage Board approval.



b. **Uses & Development Standards.**

LAND USES – MEDIUM-DENSITY RESIDENTIAL DISTRICT (R2)			
PERMITTED USES		SPECIAL EXCEPTION USES	
Primary Uses	Accessory Uses	Primary Uses	Accessory Uses
<p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> church or place of worship park, public and private <p>RESIDENTIAL USES</p> <ul style="list-style-type: none"> dwelling, single-family dwelling, two-family 		<p>COMMERCIAL USES</p> <ul style="list-style-type: none"> *adult day care facility child care center child care home golf course golf driving range short-term rental <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> fire station governmental offices library park, skate school utility facility, public and private *wireless communication facility (5G/Mini Tower only) <p>RESIDENTIAL USES</p> <ul style="list-style-type: none"> group home nursing home 	<ul style="list-style-type: none"> *home occupation

* Indicates use is conditional and specific development standards apply. See Chapter 4: Use Development Standards.

DEVELOPMENT STANDARDS – MEDIUM-DENSITY RESIDENTIAL DISTRICT (R2)			
		Land Use	
		Single-family and Two-family Residential	Non-residential
Structure Standards			
Maximum height of structure	Primary structure	35 feet	35 feet
	Accessory structure**	20 feet	20 feet
Minimum living area***		Single-family: 950 sqft Two-family: 500 sqft for 1 bedroom 600 sqft for 2 bedrooms 700 sqft for 3 or more bedrooms	N/A
Minimum width of primary structure		18 feet	N/A
Lot Standards			
Minimum lot width	With sewer	50 feet	50 feet
	Without sewer	100 feet	100 feet
Maximum lot width to depth ratio	With sewer	1:8	N/A
	Without sewer	1:8	N/A
Minimum lot area	With sewer	5,000 sqft Single-Family; 2,500 sqft/unit Two-Family	9,600 sqft
	Without sewer	At least 40,000 sqft and subject to Health Department approval for septic	N/A
Minimum front yard setback****		30 feet or 20 feet in platted subdivision	50 feet
Minimum side yard setback****	Primary structure	5 feet or 0 feet on one side if duplex	50 feet
	Accessory structure	5 feet	5 feet
Minimum rear yard setback****	Primary structure	10 feet	50 feet
	Accessory structure	5 feet	5 feet
Maximum impervious surface coverage		60%	60%
Utility Standards			
Municipal sewer required		no	yes
Municipal water required		yes	yes

**Accessory structure cannot exceed height of primary structure

***Accessory structure cannot exceed 75% of the ground floor square footage of the primary structure

****No structures can be within platted easement

ADDITIONAL SITE DEVELOPMENT STANDARDS – MEDIUM-DENSITY RESIDENTIAL DISTRICT (R2)

The following site development standards may also apply to development in this district.

See Chapter 3: Site Development Standards.

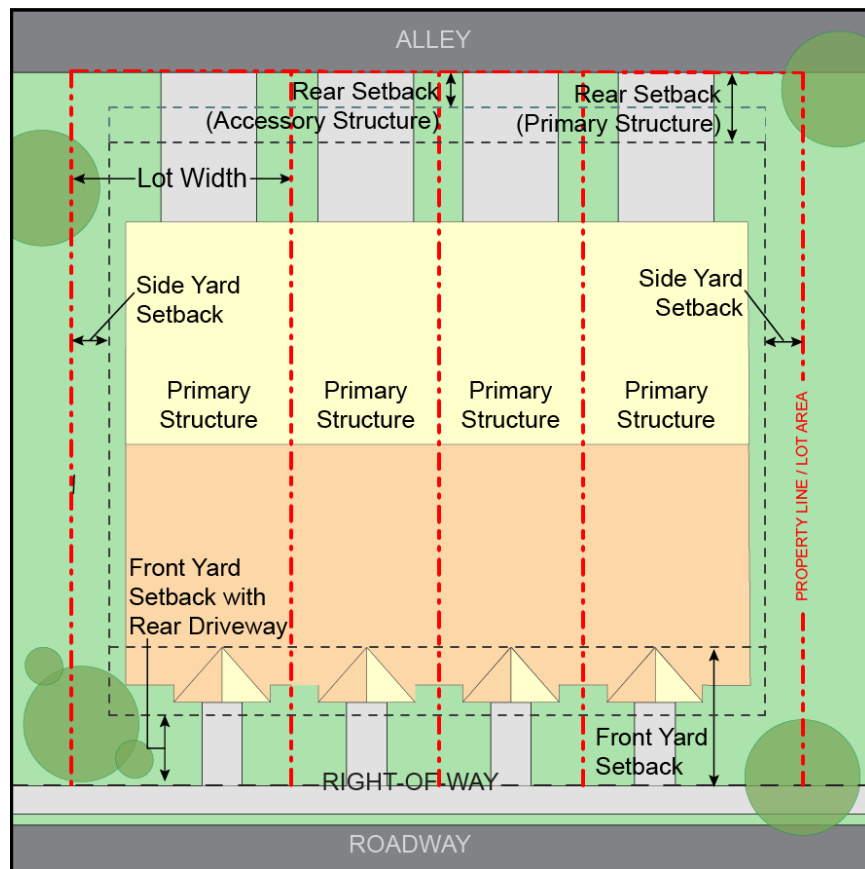
- | | |
|---|--|
| <ul style="list-style-type: none">• Accessory Structure Standards.• Bufferyard Standards.• Driveway Standards.• Lighting Standards.• Lot and Setback Standards. | <ul style="list-style-type: none">• Parking and Loading Standards.• Sign Standards.• Storage Standards.• Structure Standards.• Trash Receptacle Standards. |
|---|--|



7. HIGH-DENSITY RESIDENTIAL DISTRICT (R3)

a. **Purpose.**

The High-density Residential District (“R3”) is intended to provide for the development of neighborhoods while ensuring compatibility with existing patterns of development. New development may contain mixed residential densities and lot sizes, varied single-family, two-family and attached single-family housing types, and non-residential services where supported by adjacent land use patterns. New development shall also contain a high level of street connectivity and be supported by adequate public services where possible. Only one primary use/structure per lot is permitted. All subdivisions require Subdivision approval unless exempt (See *Chapter 5, Section C: Exempt Subdivisions*). All new primary structures for non-residential development require Development Plan Approval (See *Chapter 8, Section D.2: Development Plan Procedures*) and may be subject to Drainage Board approval.



b. **Uses & Development Standards.**

LAND USES – HIGH-DENSITY RESIDENTIAL DISTRICT (R3)			
PERMITTED USES		SPECIAL EXCEPTION USES	
Primary Uses	Accessory Uses	Primary Uses	Accessory Uses
<p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> church or place of worship park, public and private <p>RESIDENTIAL USES</p> <ul style="list-style-type: none"> dwelling, single-family dwelling, single-family attached dwelling, two-family 		<p>COMMERCIAL USES</p> <ul style="list-style-type: none"> *adult day care facility child care center child care home golf course golf driving range short-term rental <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> fire station governmental offices library park, skate school utility facility, public and private *wireless communication facility (5G/Mini Tower only) <p>RESIDENTIAL USES</p> <ul style="list-style-type: none"> group home nursing home 	<ul style="list-style-type: none"> *home occupation

* Indicates use is conditional and specific development standards apply. See Chapter 4: Use Development Standards.

DEVELOPMENT STANDARDS – HIGH-DENSITY RESIDENTIAL DISTRICT (R3)				
		Land Use		
		Single-family and Two-family Residential	Single-family Attached Residential	Non-residential
Structure Standards				
Maximum height of structure	Primary structure	35 feet	60 feet	60 feet
	Accessory structure**	20 feet	25 feet	25 feet
Minimum living area***		Single-family: 950 sqft All Other Residential: 500 sqft for 1 bedroom 600 sqft for 2 bedrooms 700 sqft for 3 or more bedrooms		N/A
Minimum width of primary structure		18 feet	18 feet	N/A
Lot Standards				
Minimum lot width		40 feet	N/A	100 feet
Maximum lot width to depth ratio	With sewer	1:8	N/A	N/A
	Without sewer	1:8	N/A	N/A
Minimum lot area	With sewer	Single-family: 4,400 sqft Two-family: 2,200 sqft/unit	2,200 sqft per unit	9,600 sqft
Minimum front yard setback****		30 feet; 20 feet in platted subdivision; or 10 feet in platted subdivision with rear driveway	30 feet or 10 feet in platted subdivision	30 feet or 10 feet in platted subdivision
Minimum side yard setback****	Primary structure	5 feet or 0 feet on one side if duplex	5 feet or 0 feet between units if attached	10 feet
	Accessory structure	5 feet	5 feet	5 feet
Minimum rear yard setback****	Primary structure	10 feet	10 feet	10 feet
	Accessory structure	5 feet	5 feet	5 feet
Minimum separation between buildings		N/A	20 feet	N/A
Maximum impervious surface coverage		75%	75%	75%
Utility Standards				
Municipal sewer required		yes	yes	yes
Municipal water required		yes	yes	yes

**Accessory structure cannot exceed height of primary structure

***Accessory structure cannot exceed 75% of the ground floor square footage of the primary structure

****No structures can be within platted easement

ADDITIONAL SITE DEVELOPMENT STANDARDS – HIGH-DENSITY RESIDENTIAL DISTRICT (R3)

The following site development standards may also apply to development in this district.

See Chapter 3: Site Development Standards.

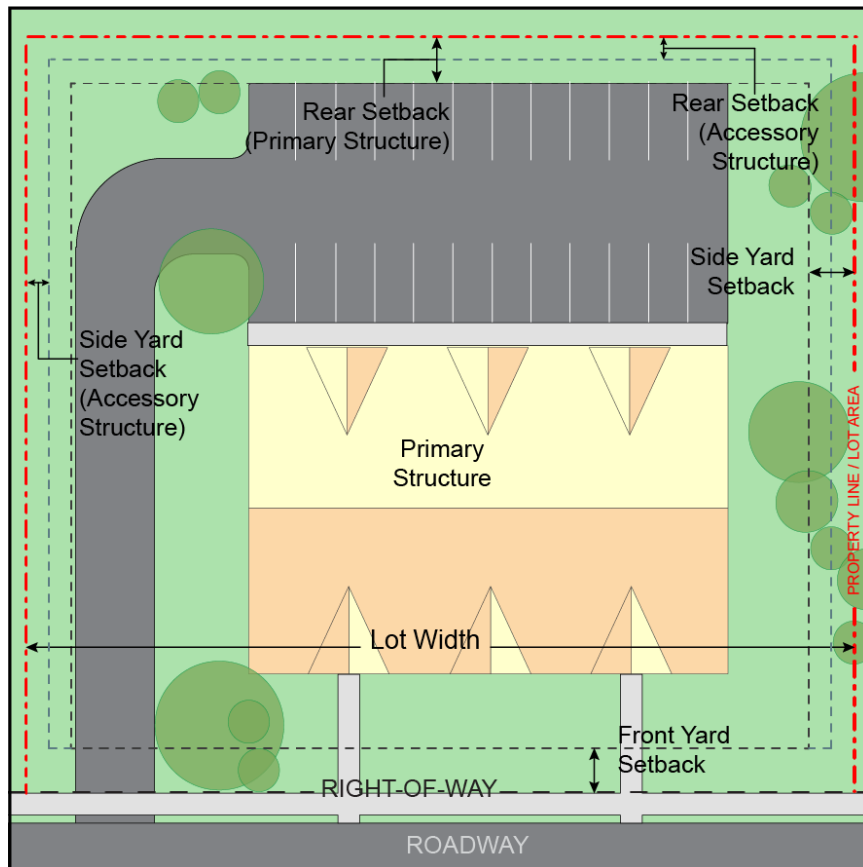
- | | |
|---|--|
| <ul style="list-style-type: none">• Accessory Structure Standards.• Bufferyard Standards.• Driveway Standards.• Lighting Standards.• Lot and Setback Standards. | <ul style="list-style-type: none">• Parking and Loading Standards.• Sign Standards.• Storage Standards.• Structure Standards.• Trash Receptacle Standards. |
|---|--|



8. MULTI-FAMILY RESIDENTIAL DISTRICT (R4)

a. **Purpose.**

The Multi-family Residential District (“R4”) is intended to allow high-density residential development to ensure an adequate mix of housing types throughout the county. This district shall be used to encourage compact development patterns in locations where there are adequate services and public infrastructure to service it. Only one primary use/structure per lot is permitted. All subdivisions require Subdivision approval unless exempt (See *Chapter 5, Section C: Exempt Subdivisions*). All new primary structures for non-residential development require Development Plan Approval (See *Chapter 8, Section D.2: Development Plan Procedures*) and may be subject to Drainage Board approval.



b. **Uses & Development Standards.**

LAND USES – MULTI-FAMILY RESIDENTIAL DISTRICT (R4)			
PERMITTED USES		SPECIAL EXCEPTION USES	
Primary Uses	Accessory Uses	Primary Uses	Accessory Uses
<p>COMMERCIAL USES</p> <ul style="list-style-type: none"> • child care center • child care home <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> • church or place of worship • park, public and private • park, skate <p>RESIDENTIAL USES</p> <ul style="list-style-type: none"> • dwelling, multi-family • dwelling, single-family • dwelling, two-family • group home 		<p>COMMERCIAL USES</p> <ul style="list-style-type: none"> • *adult day care facility • golf course • golf driving range • short-term rental <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> • comprehensive care center • fire station • governmental office • hospital • library • nursing home • school • utility facility, public and private • *wireless communication facility (5G/Mini Tower only) <p>RESIDENTIAL USES</p> <ul style="list-style-type: none"> • *manufactured home park 	

** Indicates use is conditional and specific development standards apply. See Chapter 4: Use Development Standards.*

DEVELOPMENT STANDARDS – MULTI-FAMILY RESIDENTIAL DISTRICT (R4)				
		Land Use		
		Single-family and Two-family Residential	Multi-family Residential	Non-residential
Structure Standards				
Maximum height of structure	Primary structure	35 feet	60 feet	60 feet
	Accessory structure**	20 feet	25 feet	25 feet
Minimum living area***		Single-family: 950 sqft All Other Residential: 500 sqft for 1 bedroom 600 sqft for 2 bedrooms 700 sqft for 3 or more bedrooms		N/A
Minimum width of primary structure		18 feet	N/A	N/A
Lot Standards				
Minimum lot width		40 feet	N/A	100 feet
Maximum lot width to depth ratio		1:8	N/A	N/A
Minimum lot area		Single-family: 4,400 sqft Two-family: 2,200 sqft/unit	2,200 sqft per unit	9,600 sqft
Minimum front yard setback****		30 feet; 20 feet in platted subdivision; or 10 feet in platted subdivision with rear driveway	30 feet or 10 feet in platted subdivision	30 feet or 10 feet in platted subdivision
Minimum side yard setback****	Primary structure	5 feet; 0 feet on one side if duplex	10 feet	10 feet
	Accessory structure	5 feet	5 feet	5 feet
Minimum rear yard setback****	Primary structure	10 feet	10 feet	10 feet
	Accessory structure	5 feet	5 feet	5 feet
Minimum separation between buildings		N/A	20 feet	N/A
Maximum impervious surface coverage		75%	75%	75%
Utility Standards				
Municipal sewer required		yes	yes	yes
Municipal water required		yes	yes	yes

**Accessory structure cannot exceed height of primary structure

***Accessory structure cannot exceed 75% of the ground floor square footage of the primary structure

****No structures can be within platted easement

ADDITIONAL SITE DEVELOPMENT STANDARDS – MULTI-FAMILY RESIDENTIAL DISTRICT (R4)

The following site development standards may also apply to development in this district.

See Chapter 3: Site Development Standards.

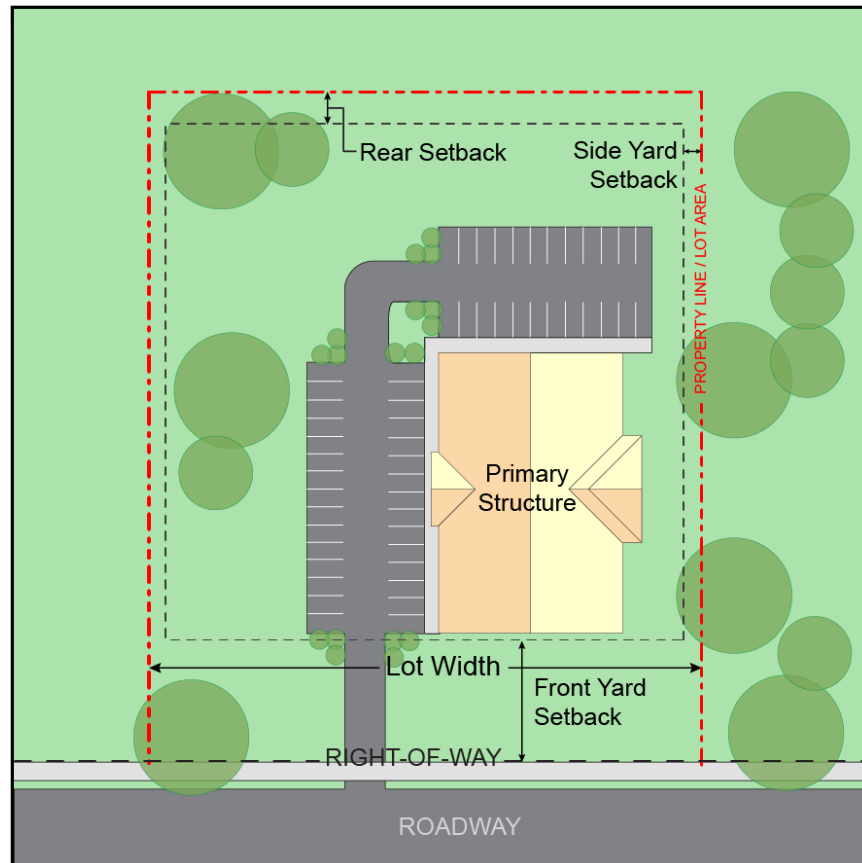
- | | |
|---|--|
| <ul style="list-style-type: none">• Accessory Structure Standards.• Bufferyard Standards.• Driveway Standards.• Lighting Standards.• Lot and Setback Standards. | <ul style="list-style-type: none">• Parking and Loading Standards.• Sign Standards.• Storage Standards.• Structure Standards.• Trash Receptacle Standards. |
|---|--|



9. NEIGHBORHOOD BUSINESS DISTRICT (B1)

a. Purpose.

The Neighborhood Business District (“B1”) is intended to foster a sense of neighborhood identity and provided limited small-scale retail goods and service businesses required for the regular or daily convenience of adjacent residential neighborhoods. All subdivisions require Subdivision approval unless exempt (See *Chapter 5, Section C: Exempt Subdivisions*). All new primary structures for non-residential development require Development Plan Approval (See *Chapter 8, Section D.2: Development Plan Procedures*) and may be subject to Drainage Board approval.



b. Uses & Development Standards.

LAND USES – NEIGHBORHOOD BUSINESS DISTRICT (B1)	
PERMITTED USES	SPECIAL EXCEPTION USES
<p>COMMERCIAL USES</p> <ul style="list-style-type: none"> • child care center • child care home • children's home • day care facility • general retail, <u>EXCLUDING</u>: <ul style="list-style-type: none"> • auto/ boat/ farm equipment/ motorcycle/ recreational vehicle sales & repair • automotive sales, new • automotive sales, used • automotive repair • storage units • kindergarten/ Preschool • professional/business offices, <u>EXCLUDING</u> clinics • service-oriented retail <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> • church or place of worship • park, public or private <p>RESIDENTIAL USES</p> <ul style="list-style-type: none"> • dwelling, multi-family 	<p>COMMERCIAL USES</p> <ul style="list-style-type: none"> • *adult day care facility • clinic • philanthropic institution <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> • cemetery • columbaria/crematoria • comprehensive care center • fire station • hospital • library • nursing home • school • utility facility, public and private • *wireless communication facility <p>RESIDENTIAL USES</p> <ul style="list-style-type: none"> • dwelling, single-family • dwelling, two-family

** Indicates use is conditional and specific development standards apply. See Chapter 4: Use Development Standards.*

DEVELOPMENT STANDARDS – NEIGHBORHOOD BUSINESS DISTRICT (B1)		
Structure Standards		
Maximum height of structure	Primary structure	35 feet
	Accessory structure	20 feet
Maximum ground floor area		10,000 sqft
Lot Standards		
Minimum lot width		50 feet
Minimum lot area**		5,000 sqft
Minimum front yard setback	Interstate, expressway, principal arterial	50 feet
	Major collector	
	Minor collector	
	Local or minor street	35 feet from edge of pavement or 25 feet in platted subdivision
Minimum side yard setback	Primary structure	5 feet
	Accessory structure	5 feet
Minimum rear yard setback	Primary structure	10 feet
	Accessory structure	10 feet
Maximum impervious surface coverage		75%
Utility Standards		
Sewer required**		yes
Water required		yes

**Or larger as determined by the Clark County Health Department or available sanitary service provider as appropriate.

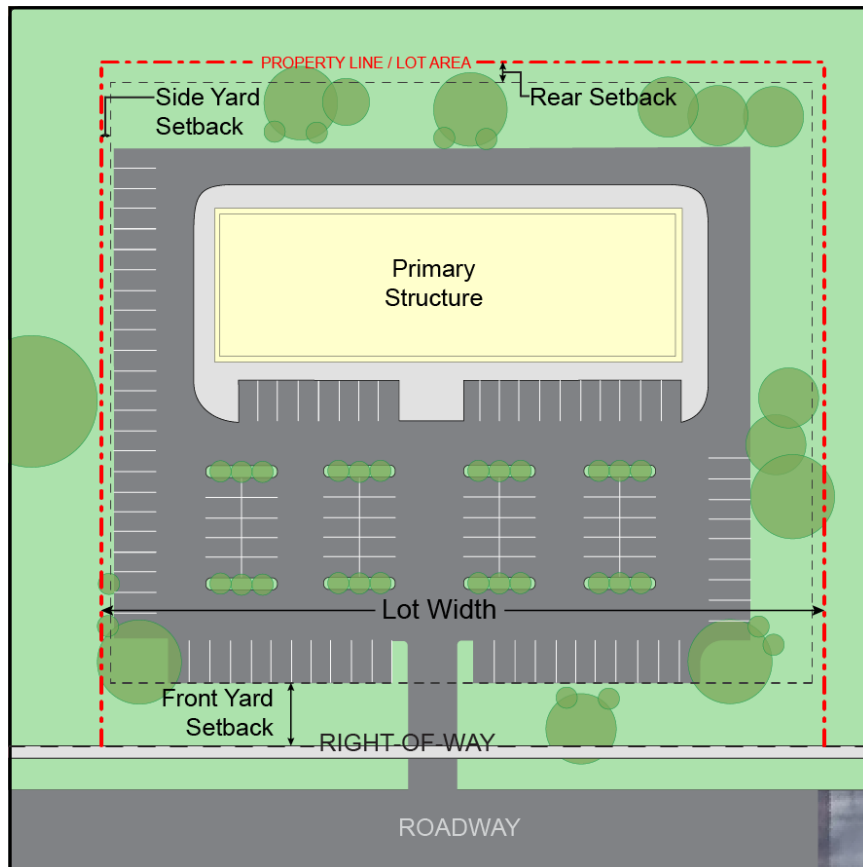
ADDITIONAL SITE DEVELOPMENT STANDARDS – NEIGHBORHOOD BUSINESS DISTRICT (B1)	
The following site development standards may also apply to development in this district. <i>See Chapter 3: Site Development Standards.</i>	
<ul style="list-style-type: none"> • Accessory Structure Standards. • Bufferyard Standards. • Driveway Standards. • Lighting Standards. • Lot and Setback Standards. 	<ul style="list-style-type: none"> • Parking and Loading Standards. • Sign Standards. • Storage Standards. • Structure Standards. • Trash Receptacle Standards.



10. GENERAL BUSINESS DISTRICT (B2)

a. **Purpose.**

The General Business District (“B2”) is intended to provide business and commercial areas along local roadways and collectors that accommodate a wide range of commercial and service centers that are accessible to the general community and surrounding neighborhoods. All subdivisions require Subdivision approval unless exempt (See *Chapter 5, Section C: Exempt Subdivisions*). All new primary structures for non-residential development require Development Plan Approval (See *Chapter 8, Section D.2: Development Plan Procedures*) and may be subject to Drainage Board approval.



b. **Uses & Development Standards.**

LAND USES – GENERAL BUSINESS DISTRICT (B2)	
PERMITTED USES	SPECIAL EXCEPTION USES
<p>COMMERCIAL USES</p> <ul style="list-style-type: none"> • child care center • children's home • day care facility • funeral home • general retail, <u>EXCLUDING</u>: <ul style="list-style-type: none"> • boat/ farm equipment/ motorcycle/ recreational vehicle sales & repair • automotive sales, new • automotive sales, used • automotive repair • hotel/motel • kindergarten/preschool • mortuary • philanthropic institution • professional/business offices, <u>EXCLUDING</u> clinics • recreational facility, public and private • service-oriented retail • water park • winery/brewery/distillery <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> • church or place of worship • fire station • governmental offices • hospital • library • park, public or private • park, skate 	<p>COMMERCIAL USES</p> <ul style="list-style-type: none"> • animal hospital • automotive repair • bed and breakfast, owner-occupied • bed and breakfast, non-owner occupied • clinic • club, private (<u>excluding</u> gun club) • clinic • kennel, public • parking garage/lot, commercial or public <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> • bus station • comprehensive care center • mausoleum • nursing home • railroad passenger station • utility facility, public and private • *wireless communication facility

** Indicates use is conditional and specific development standards apply. See Chapter 4: Use Development Standards.*

DEVELOPMENT STANDARDS – GENERAL BUSINESS DISTRICT (B2)		
Structure Standards		
Maximum height of structure	Primary structure	60 feet
	Accessory structure	20 feet
Maximum floor area		100,000 sqft
Lot Standards		
Minimum lot width		50 feet
Minimum lot area		5,000 sqft
Minimum front yard setback	Interstate, expressway, principal arterial	50 feet
	Major collector	
	Minor collector	
	Local or minor street	35 feet from edge of pavement or 25 feet in platted subdivision
Minimum side yard setback	Primary structure	5 feet
	Accessory structure	5 feet
Minimum rear yard setback	Primary structure	10 feet
	Accessory structure	10 feet
Maximum impervious surface coverage		75%
Utility Standards		
Municipal water and sewer required		yes

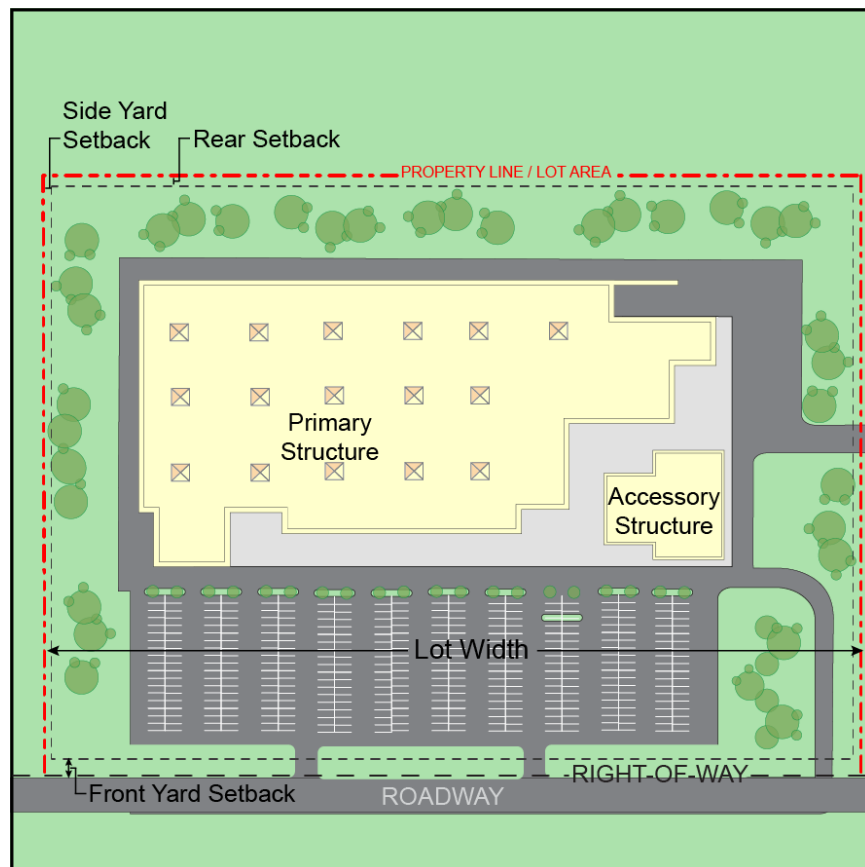
ADDITIONAL SITE DEVELOPMENT STANDARDS – GENERAL BUSINESS DISTRICT (B2)	
<p>The following site development standards may also apply to development in this district. <i>See Chapter 3: Site Development Standards.</i></p>	
<ul style="list-style-type: none"> • Accessory Structure Standards. • Bufferyard Standards. • Driveway Standards. • Lighting Standards. • Lot and Setback Standards. 	<ul style="list-style-type: none"> • Parking and Loading Standards. • Sign Standards. • Storage Standards. • Structure Standards. • Trash Receptacle Standards.



11. HIGHWAY BUSINESS DISTRICT (B3)

a. **Purpose.**

The Highway Business District (“B3”) is intended for a variety of high-intensity commercial development along major thoroughfares and is accessible to local and regional patrons. Outdoor storage and display of merchandise shall be limited to materials that are immediately available for purchase. Any other storage or display of merchandise must be within an enclosed building or not visible from the street. All subdivisions require Subdivision approval unless exempt (See *Chapter 5, Section C: Exempt Subdivisions*). All new primary structures for non-residential development require Development Plan Approval (See *Chapter 8, Section D.2: Development Plan Procedures*) and may be subject to Drainage Board approval.



b. **Uses & Development Standards.**

LAND USES – HIGHWAY BUSINESS DISTRICT (B3)	
PERMITTED USES	PERMITTED USES
<p>COMMERCIAL USES</p> <ul style="list-style-type: none"> • auditorium • automotive sales, new • bar/tavern/night club • dance hall • general retail, <u>EXCLUDING</u>: <ul style="list-style-type: none"> • boat/ farm equipment/ motorcycle/ recreational vehicle sales & repair • automotive sales, used • automotive repair • hotel/motel • kindergarten • philanthropic institution • professional/business offices, <u>EXCLUDING</u> clinics • recreational facility, public and private • service-oriented retail • water park • winery/brewery/distillery <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> • church or place of worship • fire station • governmental offices • hospital • library • park, public or private • park, skate 	<p>COMMERCIAL USES</p> <ul style="list-style-type: none"> • *adult day care facility • animal hospital • automotive repair • automotive sales, used • bed and breakfast, owner-occupied • bed and breakfast, non-owner occupied • boat/ farm equipment/ motorcycle/ recreational vehicle sales & repair • clinic • club, private (<u>excluding</u> gun club) • farm equipment dealer • farm equipment repair • kennel, public • medical office/clinic • parking garage/lot, commercial or public • race track • stadium/arena <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> • bus station • comprehensive care center • library • railroad passenger station • utility facility, public and private • *wireless communication facility

** Indicates use is conditional and specific development standards apply. See Chapter 4: Use Development Standards.*

DEVELOPMENT STANDARDS – HIGHWAY BUSINESS DISTRICT (B3)		
Structure Standards		
Maximum height of structure	Primary structure	60 feet
	Accessory structure	20 feet
Maximum floor area		N/A
Lot Standards		
Minimum lot width		50 feet
Minimum lot area		N/A
Minimum front yard setback	Interstate, expressway, principal arterial	50 feet
	Major collector	
	Minor collector	
	Local or minor street	35 feet from edge of pavement or 25 feet in platted subdivision
Minimum side yard setback	Primary structure	10 feet
	Accessory structure	10 feet
Minimum rear yard setback	Primary structure	10 feet
	Accessory structure	10 feet
Maximum impervious surface coverage		75%
Utility Standards		
Municipal water and sewer required		yes

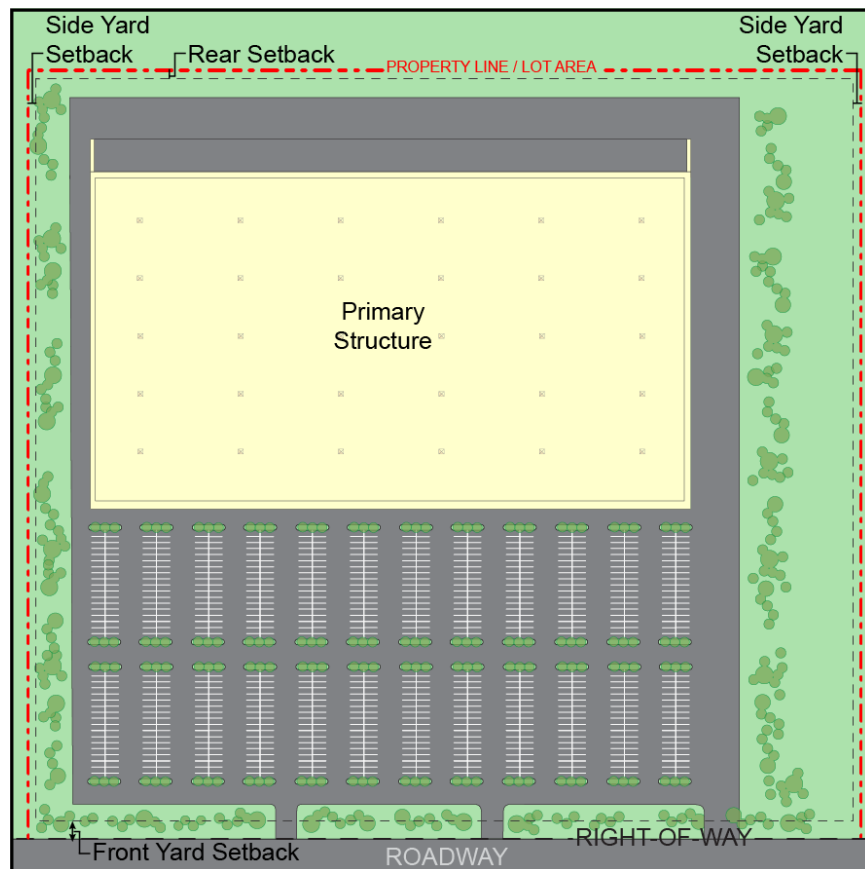
ADDITIONAL SITE DEVELOPMENT STANDARDS – HIGHWAY BUSINESS DISTRICT (B3)	
The following site development standards may also apply to development in this district. <i>See Chapter 3: Site Development Standards.</i>	
<ul style="list-style-type: none"> • Accessory Structure Standards. • Bufferyard Standards. • Driveway Standards. • Lighting Standards. • Lot and Setback Standards. 	<ul style="list-style-type: none"> • Parking and Loading Standards. • Sign Standards. • Storage Standards. • Structure Standards. • Trash Receptacle Standards.



12. LIGHT INDUSTRIAL DISTRICT (M1)

a. **Purpose.**

The Light Industrial District (“M1”) is intended for low-intensity, light, and medium intensity industrial activities that are within an enclosed building or not visible from the street and are compatible with surrounding zoning districts. Outdoor storage and display of merchandise shall be limited to materials that are immediately available for purchase. Any other storage or display of merchandise must be within an enclosed building or not visible from the street. All subdivisions require Subdivision approval (See *Chapter 5, Section C: Exempt Subdivisions*). All new primary structures, accessory structures, and additions require Development Plan Approval (See *Chapter 8, Section D.2: Development Plan Procedures*) and may be subject to Drainage Board approval.



b. Uses & Development Standards.

LAND USES – LIGHT INDUSTRIAL DISTRICT (M1)	
PERMITTED USES	SPECIAL EXCEPTION USES
<p>COMMERCIAL USES</p> <ul style="list-style-type: none"> • automotive repair • automotive sales, new • automotive sales, used • boat/ farm equipment/ motorcycle/ recreational vehicle sales & repair • funeral home • general retail • mortuary • philanthropic institution • professional/business offices, <u>EXCLUDING</u> clinics • recreational facility, public and private • service-oriented retail <p>INDUSTRIAL USES</p> <ul style="list-style-type: none"> • manufacturing, light • research/development • storage, non-hazardous • warehousing/distribution <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> • church or place of worship • fire station • governmental offices • hospital • park, public • park, skate 	<p>AGRICULTURAL USES</p> <ul style="list-style-type: none"> • livestock auction stockpen <p>COMMERCIAL USES</p> <ul style="list-style-type: none"> • clinic • mobile office • parking garage/lot, commercial or public • race track • stadium <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> • airport, public and private • heliport • bus station • penal/correctional facility • railroad passenger station • utility facility, public and private • *wireless communication facility

** Indicates use is conditional and specific development standards apply. See Chapter 4: Use Development Standards.*

DEVELOPMENT STANDARDS – LIGHT INDUSTRIAL DISTRICT (M1)		
Structure Standards		
Maximum height of structure	Primary structure	60 feet
	Accessory structure	20 feet
Lot Standards		
Minimum lot width		100 feet
Minimum lot area		N/A
Minimum front yard setback	Interstate, expressway, principal arterial	50 feet
	Major collector	
	Minor collector	35 feet or 25 feet in platted subdivision
	Local or minor street	
Minimum side yard setback	Primary structure	10 feet
	Accessory structure	
Minimum rear yard setback	Primary structure	
	Accessory structure	
Maximum impervious surface coverage		75%
Utility Standards		
Municipal water and sewer required		yes

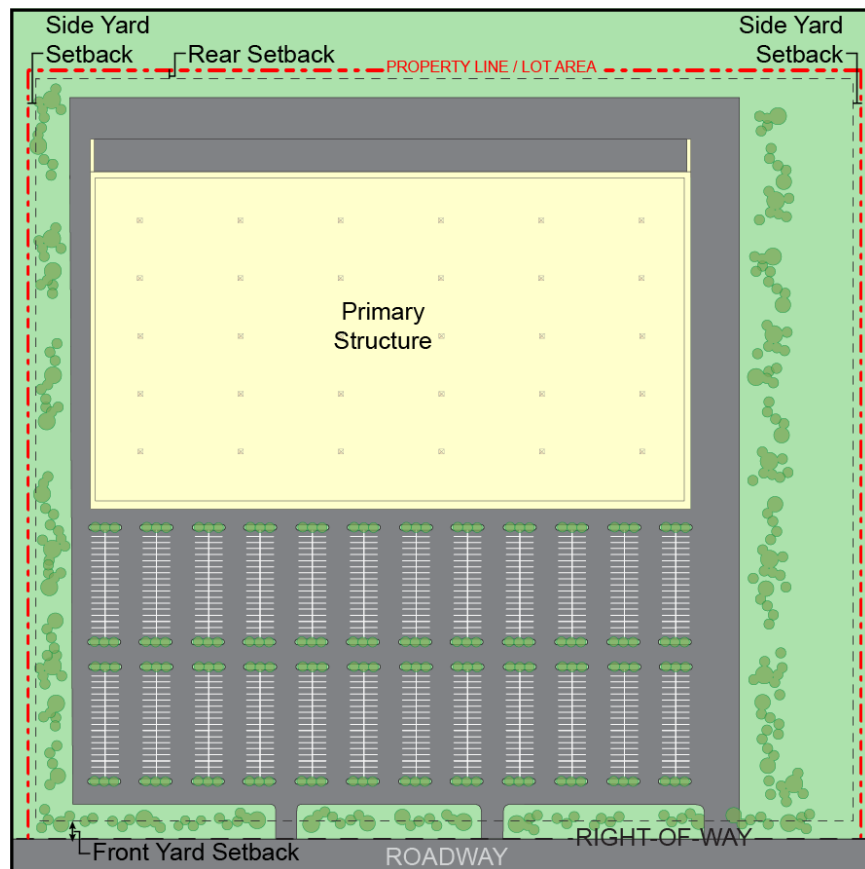
ADDITIONAL SITE DEVELOPMENT STANDARDS – LIGHT INDUSTRIAL DISTRICT (M1)	
The following site development standards may also apply to development in this district. <i>See Chapter 3: Site Development Standards.</i>	
<ul style="list-style-type: none"> • Accessory Structure Standards. • Bufferyard Standards. • Driveway Standards. • Lighting Standards. • Lot and Setback Standards. 	<ul style="list-style-type: none"> • Parking and Loading Standards. • Sign Standards. • Storage Standards. • Structure Standards. • Trash Receptacle Standards.



13. HEAVY INDUSTRIAL DISTRICT (M2)

a. **Purpose.**

The Heavy Industrial District (“M2”) is intended to provide for employment centers for more intense industrial uses that typically generate heavy demands on the transportation system or rail system. No more than 10% of the gross floor area can be dedicated or used for retail and/or showroom activities. These uses may cause odors, dust, noise, and vibrations as well as generate significant amounts of truck and freight traffic. All subdivisions require Subdivision approval (See *Chapter 5, Section C: Exempt Subdivisions*). All new primary structures, accessory structures, and additions require Development Plan Approval (See *Chapter 8, Section D.2: Development Plan Procedures*) and may be subject to Drainage Board approval.



b. **Uses & Development Standards.**

LAND USES – HEAVY INDUSTRIAL DISTRICT (M2)	
PERMITTED USES	SPECIAL EXCEPTION USES
<p>COMMERCIAL USES</p> <ul style="list-style-type: none"> • automotive repair • automotive sales, new • automotive sales, used • boat/ farm equipment/ motorcycle/ recreational vehicle sales & repair • funeral home • general retail • mortuary • philanthropic institution • professional/business offices, <u>EXCLUDING</u> clinics • recreational facility, public and private • service-oriented retail <p>INDUSTRIAL USES</p> <ul style="list-style-type: none"> • manufacturing, heavy • manufacturing, light • mining • research/development • storage, non-hazardous • trucking terminal • vehicle impound lot • warehousing/distribution <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> • church or place of worship • fire station • governmental offices • hospital • park, public • park, skate 	<p>AGRICULTURAL USES</p> <ul style="list-style-type: none"> • livestock auction stockpen <p>COMMERCIAL USES</p> <ul style="list-style-type: none"> • *adult business/sexually oriented business • auditorium • clinic • mobile office • parking garage/lot, commercial or public • race track • stadium <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> • airport, public and private • bus station • heliport • landfill, public • marina • penal/correctional facility • railroad passenger station • recycling, public • utility facility, public and private • *wireless communication facility

** Indicates use is conditional and specific development standards apply. See Chapter 4: Use Development Standards.*

DEVELOPMENT STANDARDS – HEAVY INDUSTRIAL DISTRICT (M2)		
Structure Standards		
Maximum height of structure	Primary structure	100 feet
	Accessory structure	40 feet
Lot Standards		
Minimum lot width		100 feet
Minimum lot area		N/A
Minimum front yard setback	Interstate, expressway, principal arterial	50 feet
	Major collector	
	Minor collector	35 feet or 25 feet in platted subdivision
	Local or minor street	
Minimum side yard setback	Primary structure	10 feet
	Accessory structure	
Minimum rear yard setback	Primary structure	
	Accessory structure	
Maximum impervious surface coverage		75%
Utility Standards		
Municipal water and sewer required		yes

ADDITIONAL SITE DEVELOPMENT STANDARDS – HEAVY INDUSTRIAL DISTRICT (M2)	
The following site development standards may also apply to development in this district. <i>See Chapter 3: Site Development Standards.</i>	
<ul style="list-style-type: none"> • Accessory Structure Standards. • Bufferyard Standards. • Driveway Standards. • Lighting Standards. • Lot and Setback Standards. 	<ul style="list-style-type: none"> • Parking and Loading Standards. • Sign Standards. • Storage Standards. • Structure Standards. • Trash Receptacle Standards.



14. HAZARDOUS WASTE DISPOSAL & RECYCLING DISTRICT (M3)

a. **Purpose.**

The Hazardous Waste Disposal and Recycling District (“M3”) is intended for uses and facilities that are designed for the disposal; destruction, or recycling of toxic chemicals, radioactive wastes, heavy metals, asbestos, and other forms of hazardous waste whether through incineration, land filling, or other mechanical, chemical, or technological means. All subdivisions require Subdivision approval (See *Chapter 5, Section C: Exempt Subdivisions*). All new primary structures, accessory structures, and additions require Development Plan Approval (See *Chapter 8, Section D.2: Development Plan Procedures*) and may be subject to Drainage Board approval.

b. **Uses & Development Standards.**

LAND USES – HAZARDOUS WASTE DISPOSAL DISTRICT (M3)	
PERMITTED USES	SPECIAL EXCEPTION USES
<p>INDUSTRIAL USES</p> <ul style="list-style-type: none"> • junkyard/salvage • waste transfer facility • recycling facility, public and private • hazardous waste storage/recycling • landfill, public and private <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> • church or place of worship • fire station • governmental offices 	<p>COMMERCIAL USES</p> <ul style="list-style-type: none"> • mobile office <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> • *wireless communication facility

* Indicates use is conditional and specific development standards apply. See Chapter 4: Use Development Standards.

DEVELOPMENT STANDARDS – HAZARDOUS WASTE DISPOSAL DISTRICT (M3)			
Structure Standards			
Maximum height of structure	Primary structure	100 feet	
	Accessory structure	40 feet	
Lot Standards			
Minimum lot width		200 feet	
Minimum lot area		10 acres	
Minimum front yard setback	Interstate, expressway, principal arterial	1,320 feet	
	Major collector		
	Minor collector		
	Local or minor street		
Minimum side yard setback	Primary structure		
	Accessory structure		
Minimum rear yard setback	Primary structure		
	Accessory structure		
Maximum impervious surface coverage			75%
Utility Standards			
Municipal water and sewer required		yes	

ADDITIONAL SITE DEVELOPMENT STANDARDS – HAZARDOUS WASTE DISPOSAL DISTRICT (M3)	
<p>The following site development standards may also apply to development in this district. <i>See Chapter 3: Site Development Standards.</i></p>	
<ul style="list-style-type: none"> • Accessory Structure Standards. • Bufferyard Standards. • Driveway Standards. • Lighting Standards. • Lot and Setback Standards. 	<ul style="list-style-type: none"> • Parking and Loading Standards. • Sign Standards. • Storage Standards. • Structure Standards. • Trash Receptacle Standards.

15. PLANNED UNIT DEVELOPMENT (PUD)

a. Purpose.

i. Intent.

- (a) The purposes of these regulations are to provide greater design flexibility in the development of land when consistent with the *Comprehensive Plan* and the intent of the zoning provisions of this Ordinance. The use of Planned Unit Development zoning classifications shall be encouraged when the use of such regulations promotes a harmonious variety of uses, and/or provides for an economy of shared services and facilities, and/or are compatible with surrounding areas and/or foster the creation of attractive, healthful, efficient and stable environments for living, shopping or working.
- (b) The PUD regulations and procedures may apply to the redevelopment of presently developed lands, or the development of open or vacant lands, and may apply to parcels of relatively small size as well as large-scale developments and their relationship with other surrounding uses and the overall characteristics of the area in which they are located.
- (c) PUD regulations are intended to encourage innovations in land development techniques so that the growing demands of the community may be met with greater flexibility and variety in type, design and layout of sites and buildings and by the conservation and more efficient use of open spaces and other amenities generally enhancing the quality of life.
- (d) PUD projects should also encourage a more efficient use of land that reflects the changes in the technology of land development so that resulting economies may accrue to the benefit of the community at large.

ii. Permitted Districts.

- (a) Location of PUD Districts. Only the following standard zoning districts may be rezoned to PUD:
 - (1) General Agriculture District (AG)
 - (2) Agricultural Estate District (AE)
 - (3) Low-density Residential District (R1)
 - (4) Medium-density Residential District (R2)
 - (5) High-density Residential District (R3)
 - (6) Multi-family Residential District (R4)
 - (7) Neighborhood Business District (B1)
 - (8) General Business District (B3)
 - (9) Highway Commercial District (B3)

b. **Uses.**

- i. All uses are subject to the discretion and approval of the PC as part of the PUD adoption process. Mixed uses will be considered and may be encouraged when appropriate. All land uses proposed in a PUD must be non-conflicting and in the spirit of the Comprehensive Plan, the surrounding land uses, and the surrounding zoning districts.

c. **Development Standards.**

- i. **Density.** Because land is used more efficiently in a PUD, improved environmental quality can often be produced with a greater number of structures per gross acre than is usually permitted in a traditionally zoned district. Projects that utilize the PUD process are encouraged to plan for density above and beyond what is traditionally permitted under comparable zoning districts.

d. **Additional Site Development Standards.**

- i. Unless otherwise specifically addressed in the PUD, all other development standards and procedures of this UDO shall apply.

16. AIRPORT OVERLAY DISTRICT (AO)

a. Purpose.

i. Intent.

- (a) The intent of the Airport Overlay District is to regulate and restrict the height of structures and objects of natural growth, and otherwise regulating the use of the property, in the vicinity of the Clark Regional Airport by creating the appropriate zones and establishing boundaries thereof.
- (b) It is hereby found that an obstruction and certain uses have the potential for endangering lives and property of users of Clark Regional Airport, and property or occupants of land in its vicinity; that an obstruction may affect existing and future instrument approach minimums of Clark Regional Airport; and that an obstruction may reduce the size of areas available for the landing, takeoff, and maneuvering of aircraft; thus tending to destroy or impair the utility of Clark Regional Airport and the public investment therein. Accordingly, it is declared:
 - (1) That the creation or establishment of an obstruction and certain uses have the potential of being a public nuisance and may injure the region served by Clark Regional Airport;
 - (2) That it is necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of obstructions that are a hazard to air navigation and certain uses be prevented; and
 - (3) It is further declared that the prevention of the creation or establishment of hazards to air navigation, the elimination, removal, alteration, or mitigation of hazards to air navigation, or the marking and lighting of obstructions are public purposes.
- (c) Where there exists a conflict between any of the regulations or limitations prescribed in this Section and any other regulations applicable to the same parcel, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

ii. Establishment of Airport Zones.

- (a) In order to carry out the provisions of this district, the following Airport Zones have been established which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to Clark Regional Airport. If a parcel is located in more than one (1) of the following zones, the more restrictive height limitations shall apply. The various Airport Zones are hereby established and defined as follows:
 - (1) Airport Approach/Transitional Zone. This zone was established based on the Utility Runway Visual Approach, Runway Larger Than Utility Visual Approach, Precision Instrument Runway Approach, and Transitional Zones as defined by FAA Advisory Circular 150/5190-4A.
 - (2) Airport Horizontal/Conical Zone. This zone was established based on the Horizontal Zone and Conical Zone as defined by FAA Advisory Circular 150/5190-4A.

b. Uses.

- i. Notwithstanding any other provisions of this Section, no use may be made of land or water within any zone established by this Section in such a manner as to create electrical interference with

navigational signals or radio communication between the airport and aircraft; make it difficult for pilots to distinguish between airport lights and others; result in glare in eyes of pilots using the airport; impair visibility in the vicinity of the airport; create bird strike hazards; or otherwise in any way endanger or interfere with landing, takeoff, or maneuvering of aircraft intending to use the airport.

- ii. The following uses are prohibited in Runway Protection Zones (RPZ):
 - (a) Uses that attract wildlife
 - (b) Churches
 - (c) Schools
 - (d) Hospitals
 - (e) Office buildings
 - (f) Shopping centers
 - (g) Storage or maintenance of above ground flammable liquids or explosive materials in excess of the amount of such liquids or materials normally used at a single-family dwelling

c. **Development Standards.**

- i. **Height Limitations.** Except as otherwise provided in this Section, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this Section to a height in excess of the applicable height limit herein established for such zone. Such, applicable height limitations are hereby established for each of the zones as follows:
 - (a) Airport Approach/Transitional Zone. The maximum height is identified as the maximum elevation above mean sea level on each sub-section for this zone on the Zoning Map. Generally, maximum height increases as distance increases from the runway.
 - (b) Airport Horizontal/Conical Zone. The maximum height is identified as the maximum elevation above mean sea level on each sub-section for this zone on the Zoning Map. Generally, maximum height increases as distance increases from the runway.
- ii. **Airport Elevation.** Elevation of the airport, as defined in *Chapter 10: Definitions*, is four hundred and seventy-four (474) feet above mean seal level.
- iii. **Excepted Height Limitations.** Nothing in this Section shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to fifty (50) feet above the surface of the land based upon elevations as they exist as of the date of this ordinance.

d. **Nonconforming.**

- i. **Regulations Not Retroactive.** The regulations prescribed by this Section shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Section, or otherwise interfere with the continuance of a legally nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Section, and is diligently prosecuted.

- ii. **Marking and Lighting.** Notwithstanding the preceding provision of this Section, the owner of any existing non-conforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Clark County Board of Aviation Commissioners to indicate to the operators of aircraft in the vicinity of the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of Clark County Board of Aviation Commissioners.

e. **Permits.**

- i. No material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this Section shall be granted unless a variance has been approved in accordance with the law.
- ii. **Existing Uses.** No permit shall be granted that would allow the establishment or creation of any obstruction or permit a legally nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this Section or any amendments thereto or than it is when the application for a permit is made.
- iii. **Nonconforming Uses Abandoned or Destroyed.** Whenever the Clark County Plan Commission determines that a non-conforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.
- iv. **Variances.** Any application for a variance from the terms of this Section shall be accompanied by a determination from the Federal Aviation Administration (FAA) as to the effect of the proposal on the operation of air navigation facilities and the safe, effective use of navigable airspace. Additionally, no application for variance to the requirements of this Section may be considered by the BZA unless notice of the application has been furnished to the Clark County Board of Aviation Commissioners for advice as to the aeronautical effects of the variance.
- v. **Obstruction Marking and Lighting.** Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Section and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the BZA, this condition may be modified to require the owner to permit the Clark County Board of Aviation Commissioners at its own expense, to install, operate, and maintain the necessary markings and lights.

3 SITE DEVELOPMENT STANDARDS

A. General Provisions. All structures, land uses, land use changes, structural alterations, structural relocations, demolitions, structural additions, and structural enlargements that are constructed, created, established, or occur after the effective date of this UDO are subject to all of the development standards of this chapter as listed.

B. Development Standards for Specific Site Conditions. Site development standards are included in this chapter for the following:

- Accessory Structure Standards.
- Bufferyard Standards.
- Driveway Standards.
- Lighting Standards.
- Lot and Setback Standards.
- Parking and Loading Standards.
- Sign Standards.
- Storage Standards.
- Structure Standards.
- Trash Receptacle Standards.

1. ACCESSORY STRUCTURE STANDARDS.

- a. Accessory structures may not be constructed within a platted easement.
- b. Detached garages and secondary structures are not required to be oriented toward a major thoroughfare.
- c. Accessory structures shall not be erected prior to the primary structure or the establishment of the associated primary use in the event a primary structure is not applicable except in AG and AI districts. For accessory structures in the AE district, a building permit may be issued at the discretion of the Administrator for an accessory structure at the same time as the primary structure, provided construction on the primary structure begins within one (1) year of the date of the accessory structure permit.
- d. Accessory structures shall be clearly subordinate in height, area, bulk extent, and purpose to the primary structure except in AG, AI, M1, M2, and M3 districts.
- e. The total square footage of all accessory structures cannot exceed the square footage of the primary structure except in AG, AI, M1, M2 and M3 districts. No more than four (4) accessory structures are permitted on one parcel except in AG, AI, M1, M2 and M3 districts.
- f. **Permits.**
 - i. **Permit NOT Required.** The following accessory structures are permitted in all zoning districts and may be installed without an ILP:
 - (a) Landscape vegetation, swing sets, children’s tree houses, bird baths, bird houses, curbs, lamp posts, mail boxes, name plates, poles for basketball net, utility installations for local/home services (such as cable, fiber, wifi), retaining walls, walks, drainage installations, housing for domestic pets provided it is not for profit and does not constitute a “kennel” as defined in *Chapter 10: Definitions*.
 - (b) Ponds less than one (1) acre.
 - ii. **Permit Required.** The following accessory structures are permitted in all zoning districts and require an ILP certifying that all applicable requirements of the ordinance have been met.
 - (a) Accessory buildings and structures such as decks, garages, carports, enclosed patios, fences, above-ground swimming pools, in-ground swimming pools, bath houses, gazebos, cabanas, greenhouses, paved sports courts, storage sheds, and stables.
 - (b) All patios and slabs.
 - (c) Signs as set forth in this ordinance.
 - (d) Temporary storage containers as set forth in this ordinance.
 - (e) Wireless communications facilities both free-standing and those co-located upon an existing or pre-approved wireless communication facility.

- g. **Swimming Pools.** In accordance with the applicable building code, swimming pools (above ground and below ground) shall be enclosed by either a mechanical pool cover or substantial fence or other barrier. A fence/barrier shall be at least sixty (60) inches in height, which shall be adequate to prevent persons, children, or domestic animals from danger or harm and shall be equipped with a self-closing, self-latching gate. Such protective barrier may be chain-link, ornamental, solid fence, or other solid vertical barrier, including buildings where the pool structure is used as a barrier. If the barrier is mounted on top of the pool structure, and means of access is a ladder or steps, then the ladder or steps shall be capable of being secured by lock or removed to prevent access, or the ladder or steps shall be surrounded by a protective barrier. Any protective barrier shall be constructed as to prevent the passage of a four (4) inch diameter sphere and not to create a ladder effect.

2. BUFFERYARD STANDARDS.

- a. **Purpose.** Both the amount of land and the type and amount of planting specified for each bufferyard requirement are designed to minimize nuisances between adjacent land uses. The planting units required of bufferyards have been calculated to ensure that they do, in fact, function as “buffers”. Bufferyards shall be required to separate land uses from each other in order to eliminate or minimize potential nuisances such as dirt, litter, noise, glare of lights, signs, and unsightly building or parking areas, or to provide spacing to reduce adverse impacts of noise, odor, or danger from fires or explosions.
- b. **Determination of Required Bufferyard.**
 - i. Bufferyard requirements are stated in terms of the width of the bufferyard and the number of plant units required per one hundred (100) linear feet of bufferyard. Each developer or owner is required to install a bufferyard on their parcel as it develops, even if the developer on an adjacent parcel has also installed a bufferyard.
 - ii. To determine which bufferyard is required between the subject parcel and each adjacent parcel, refer to *Table 1: Bufferyard Requirements* as follows:
 - (a) Identify the subject zoning district of the proposed land use by referring to the vertical column of the table.
 - (b) Identify the zoning district of each adjacent parcel by referring to the horizontal column of the table.
 - (c) Determine the bufferyard(s) required along the boundary between the subject parcel and each adjacent parcel per the table.
- c. **Location of the Bufferyard.**
 - i. Bufferyards shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line.
 - ii. The Administrator has discretion to modify the width of the bufferyard and the placement of plantings to accommodate rights-of-way, drainage easements, and utility easements. While the width of the bufferyard may include all or a portion of rights-of-way, drainage easements, and utility easements, plantings may be shifted or clustered so that they are not placed in these areas.
- d. **Planting Requirements.**
 - i. Plantings are required as listed in *Table 2: Planting Requirements*.
 - ii. Deciduous trees are to be a minimum of two (2) inches in diameter or eight (8) feet tall at the time of planting.
 - iii. Evergreen trees shall be a minimum of five (5) feet tall at the time of planting.
 - iv. Plants listed in *Table 3: Prohibited Tree List* and *Table 4: Prohibited Shrub List* are prohibited.
- e. **Substitutions and Modifications.**
 - i. Any existing plant material which otherwise satisfies the requirements of this section may be counted toward satisfying all such requirements.

- ii. The following plant material substitutions shall satisfy the requirements of this section.
 - (a) In all bufferyards, evergreen canopy trees and evergreen understory trees may be substituted for deciduous canopy trees without limitation.
 - (b) In all bufferyards, evergreen shrubs or conifer shrubs may be substituted for deciduous shrubs without limitation.
 - iii. A landscape plan shall be submitted with each applicable application.
 - iv. If the development on the adjacent use is existing, planned, or deed-restricted for solar access, understory trees may be substituted for canopy trees where canopy trees would destroy solar access.
- f. **Wall, Fence, or Berm Requirements.**
- i. Whenever a wall, fence, or berm is required within a bufferyard, the specifications are shown as “Structure Required” in *Table 2: Planting Requirements*.
 - (a) When the subject property and the adjacent property are undeveloped, the subject property shall install the required wall, fence, or berm. Subsequent development of the adjacent property shall only install the required plantings.
 - (b) If the adjacent property was developed prior to the enactment of this UDO, the subject property shall install the required wall, fence, or berm.
 - (c) Whenever a wall is required in addition to a berm, the wall shall be located between the berm and the higher intensity use, in order to provide maximum sound absorption.
 - ii. Berms with masonry walls required of bufferyard options J and K, are intended to buffer more significant nuisances from adjacent land uses and, additionally, to break up and absorb noise, which is achieved by the varied heights of plant materials between the wall and the noise source.
 - iii. When berms with walls are required, the masonry wall shall be closer than the berm to the higher intensity use.
- g. **Maintenance.** All plant material that dies must be replaced within six (6) months so as to maintain the approved bufferyard and landscape plan.
- h. **Other.**
- i. If the development borders a jurisdictional boundary outside that of this ordinance, the bufferyard used shall be based on the zoning district most comparable to that of this UDO at the discretion and approval of the Administrator.
 - ii. All bufferyard areas shall be live vegetation and seeded with lawn or prairie grasses unless such ground cover is already established.
 - iii. Bufferyards may contain natural water amenities or areas established for drainage, provided that planting requirements are still satisfied.
 - iv. Bufferyards may overlap with drainage and utility easements, but required plantings must not be placed within the drainage and utility easements themselves.

- i. **Use of Bufferyards.** A bufferyard may be used for passive recreation. It may contain pedestrian, bike, or equestrian trails, provided that no plant material is eliminated, the total width of the bufferyard is not reduced, and all other regulations of the ordinance are met. In no event, however, shall permanent structures be permitted in bufferyards including ice-skating rinks, stables, swimming pools, and ball/tennis courts.
- j. **Ownership of Bufferyards.** Bufferyards may remain in the ownership of the original developer of a land use, or they may be subjected to deed restrictions and subsequently be freely conveyed, or they may be transferred to any consenting grantees, such as adjoining landowners, a park or forest preserve, or an open space or conservation group, provided that any such conveyance adequately guarantees the protection of the bufferyards for the purposes of this ordinance.
- k. **Bufferyard Between Like Uses.** When a bufferyard is required in a zoning district where the proposed use is similar to existing, surrounding uses in terms of land use, size, density, and lot size, the bufferyard may be reduced or omitted at the discretion of the Administrator. The Administrator's approval or denial to reduce or omit a bufferyard shall be made in writing, justifying the decision.

TABLE 1: BUFFERYARD REQUIREMENTS

SUBJECT DISTRICT	ADJACENT DISTRICT													
	C	AI	AG	AE	R1	R2	R3	R4	B1	B2	B3	M1	M2	M3
C	-	-	-	-	-	-	-	-	-	-	-	-	-	-
AI	-	-	-	-	H	H	H	H	G	G	G	F	A	A
AG*	-	-	-	-	A	A	A	A	A	A	A	-	-	-
AE	-	-	-	-	-	-	-	-	C	C	C	C	C	F
R1	A	A	A	-	-	B	B	B	C	C	C	D	D	H
R2	A	A	A	D	D	-	C	C	D	E	F	G	G	H
R3	A	A	A	E	E	E	-	D	E	F	F	G	G	H
R4	A	A	A	E	E	E	D	-	E	F	F	G	G	H
B1	A	A	A	F	F	F	F	F	-	C	C	F	F	F
B2	A	A	A	F	F	F	F	F	C	-	C	E	E	F
B3	A	A	A	G	G	G	G	G	D	D	-	F	F	F
M1	A	A	A	H	H	H	H	H	G	G	G	-	E	G
M2	A	A	A	H	H	H	H	H	G	G	F	E	-	F
M3	A	A	A	H	H	H	H	H	H	H	H	G	F	-

*Excluding crop production

TABLE 2: PLANTING REQUIREMENTS

BUFFERYARD	MINIMUM WIDTH	PLANT UNITS REQUIRED PER EVERY 100 LINEAR FEET				STRUCTURE REQUIRED	
		Canopy Trees	Understory Trees	Shrubs	Evergreen Trees	Fence or Wall	Berm
A	40 feet	0	0	0	0	-	-
B	5 feet	1	1	0	0	-	-
C	10 feet	1	2	3	1	-	-
D	15 feet	2	4	6	3	-	-
E	25 feet	3	5	9	3	-	-
F	20 feet	4	8	12	5	fence*	-
G	30 feet	5	8	18	8	fence*	berm***
H	50 feet	6	9	18	12	wall**	berm***

*6 feet height, solid opaque fence constructed of either wood or vinyl

**6 feet height, solid opaque masonry wall

***5 feet height, earthen berm at peak and maximum 2:1 slope must be contained inside bufferyard

TABLE 3: PROHIBITED TREE LIST

Genus	Specific Epithet	Common Name	Justification for Prohibition
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
Pyrus	calleryana	Callery Pear	Invasive, including 'Bradford' and other hybrids
Quercus	acutissima	Sawtooth Oak	Invasive Potential
Triadica	sebifera	Chinese Tallow Tree	Invasive
Ulmus	pumila	Siberian Elm	Invasive

TABLE 4: PROHIBITED SHRUB LIST

Genus	Specific Epithet	Common Name	Justification for Prohibition
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	maacki	Amur Honeysuckle	Invasive
Lonicera	morrowii	Morrow's Honeysuckle	Invasive
Lonicera	tartarica	Tartarian Honeysuckle	Invasive
Lonicera	x bella	Bell's Honeysuckle	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

3. DRIVEWAY STANDARDS.

- a. **Permits.** New driveways and curb cuts require an ILP before being installed. All driveways must be approved by the Clark County Highway Department and, if applicable, the respective homeowners association (HOA). Existing curb cuts on undeveloped property that have not obtained an ILP in the past will need to do so before the property may be developed.
- b. **Materials.**
 - i. **Residential.** Driveways serving six (6) or less dwelling units may be gravel. Private roadways and private driveways serving more than six (6) dwelling units must be constructed in accordance with the residential road standards for Lots Greater Than or Equal to 40,000 Sq ft as outlined in *Exhibit A: Minimum Standard Design Requirements*.
 - ii. **Commercial and Industrial.** Driveways serving commercial uses and industrial uses must be graded and surfaced with an all-weather paving material such as asphalt, concrete, or other material that will provide equivalent protection against potholes, erosion, and dust and must be constructed in accordance with the industrial and business road standards as outlined in *Exhibit A: Minimum Standard Design Requirements*.
- c. **Dimensional Standards.**
 - i. All private driveways serving more than two (2) dwelling shall comply with the standards in *Chapter 6, Section J.11: Private Driveways*, Private Roadways including easement and pavement widths.
 - ii. Residential driveways must be at least twenty (20) feet in length between the primary structure and the sidewalk or edge of roadway if a sidewalk does not exist.
 - iii. Residential driveways serving one (1) dwelling unit do not have a minimum pavement width but pavement cannot be more than twenty (20) feet in width at roadway.
- d. **Separation from Intersections.** Driveways shall be adequately separated from roadway intersections in order to minimize conflict with intersection traffic. No driveway shall enter the adjoining street at a point closer than the distances shown below to the intersection of the street right-of-way lines, or in the case of a rounded property corner, from the intersection of the street right-of-way lines extended. If a driveway cannot meet the separation requirements from an intersection because of the parcel width, one driveway is permitted at the furthest point from the intersection. Roadway classification shall be in accordance with the *Comprehensive Plan*.
 - i. Local Road: 50 feet
 - ii. Major Collector or Minor Collector: 75 feet
 - iii. Other Freeways/Expressways, Principal Arterial or Minor Arterial: 100 feet

4. LIGHTING STANDARDS.

- a. **Purpose.** The intent of these standards is to provide a level of illumination necessary for safe, adequate, and efficient movement of persons and vehicles without affecting adjacent properties. Furthermore, these standards apply to every zoning district within the jurisdiction.
- b. **Context.** In any district where provided, permanent outdoor lighting shall be of a design and size that is harmonious with the design of the building, the type of land use, and the type of adjacent land uses. All lighting fixtures within a single development must be consistent in style, design, height, size, and color throughout the development.
- c. **Shielding.** All lighting must be shielded with opaque material to prevent direct lighting on streets, alleys, and adjacent properties. Furthermore, all lighting elements used to cast light on building facades, features of buildings, or signs must have cutoff luminaires with “down lighting.”
- d. **Parking Lot Lighting.** Lighting fixtures for parking lots must all be consistent in color, size, height, and design. Furthermore, fixtures shall not exceed twenty (20) feet in height and all lighting elements must have cutoff luminaires with “down lighting.”
- e. **Light Bleed Prohibited.** Lighting from a property may not cause illumination beyond the property line of that property.
- f. **Prohibited Lighting.** Excessive brightness, flashing lights, and brilliant colors are not permitted, excluding seasonal displays.

5. LOT AND SETBACK STANDARDS.

- a. **Lots.** 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 drive. 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 9: Non-conforming Lots, Structures, and Uses*.
- b. **Setbacks.**
 - i. In the case of a through lot or a corner lot, any property line abutting a street shall be considered a front property line and the setback from that line shall conform to the front yard setback regulations of that district. Corner lots shall have two (2) front yard setbacks and two (2) side yard setbacks.
 - ii. One-half of an alley abutting the rear or side of a lot may be included in the rear yard setback or side yard setback, respectively, but such alley space shall not be included for loading and unloading berths.
 - iii. Architectural features (cornices, chimney, eave, sill, canopy, or similar feature) or open platforms, porches, or landings may extend into a required side setback or rear setback no more than two (2) feet, and may project into a required front yard no more than three (3) feet.

6. PARKING AND LOADING STANDARDS.

a. Intent.

- i. To reduce traffic problems and hazards by eliminating unnecessary on-street parking and loading, every use of land must include on-premises parking and loading sufficient for the needs normally generated by the use, as provided by this section.
- ii. Off-street parking spaces shall be used only for the parking of vehicles of occupants, patrons, visitors, or employees and shall not be used for any kind of loading, sales, servicing, or continuous storage of vehicles for more than forty-eight (48) hours.
- iii. Automotive vehicles or trailers of any type without plates in an inoperable condition, so as to be deemed dead storage, shall be prohibited in residential districts other than in completely enclosed buildings and shall not be parked or stored in any district unless specifically authorized under the terms of this ordinance.
- iv. Space allotted to loading berths and loading areas shall not be used to satisfy parking space requirements.

b. General Design.

- i. Non-residential parking or loading areas along the street-front should be minimized. When possible, parking or loading areas should be placed to the rear of the structure. All parking or loading areas shall be designed with appropriate means of movement and shall be so arranged that movement can proceed safely without posing a danger to pedestrians or other vehicles. No parking area shall be so designed as to require backing into a public street, public or private pedestrian access way, or from a public alley.
- ii. All parking spaces and loading areas shall maintain a setback of ten (10) feet from property lines and rights-of-way, or the width of the required bufferyard, whichever is greater.
- iii. All parking or loading spaces shall be designed, arranged, and regulated as to open directly upon an aisle or driveway without obstruction.
- iv. All parking areas shall be striped and channelized as appropriate. Parking spaces shall be marked and access lines clearly defined, including directional arrows to guide internal movement and directional signs as necessary.
- v. All parking or loading areas shall be maintained in good condition and free of weeds, dirt, trash, and debris.
- vi. Parking 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. However, at the written discretion of the Administrator, a gravel surface may be used for a period not exceeding six (6) months after the date of issuing the Certificate of Occupancy where ground conditions are not immediately suitable for permanent surfacing as specified in this section.

- vii. Parking spaces shall be provided with 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.
- viii. Any use which fronts upon and utilizes access to a primary or secondary arterial shall provide and utilize a common frontage or access lane for the purpose of access, parking, and loading.
- ix. All parking areas shall conform to state and federal requirements regarding handicap accessibility.

c. Design Flexibility.

- i. Due to particularities of any given development, the inflexible application of required parking spaces may result in parking and loading spaces in excess of need. Upon the written request of the applicant, the Administrator may authorize a reduction of required parking spaces not to exceed twenty percent (20%) if there is an agreement for shared parking with adjacent lot(s) or documented justification for the type of use is provided. Approval of a reduction in required parking spaces by the Administrator shall be in writing and shall include justification for allowing such reduction.
- ii. Upon written request by the applicant, up to fifty percent (50%) of the dedicated parking area may remain unpaved and in greenspace until such time as the need for maximum parking is determined. This decision and determination shall be at the discretion of the Administrator. Such decision shall be ratified by or appealed to the PC. The resulting unpaved parking areas and greenspace shall not be counted toward required landscaping, bufferyards, or the impervious surface requirements of the zoning district.

d. Required Parking Spaces.

- i. In determination of required parking spaces, any fraction of less than one-half (0.50) shall be disregarded, while a fraction one-half (0.50) or greater shall be counted as one (1) parking space.
- ii. For uses not specified in this section or in the instance requirements for an adequate number of spaces is unclear, the number of spaces shall be determined by the Administrator on the basis of similar requirements, the number of persons served or employed, and the capability of adequately serving the visiting public. Disagreement with this determination may be appealed to the BZA in accordance with *Chapter 8, Section D.1: Appeals Procedures*.
- iii. Unless noted in this section, the number of required automobile parking spaces shall be considered the minimum allowable number of spaces for any particular use.

TABLE 5: MINIMUM PARKING REQUIREMENTS

LAND USE CATEGORY	MINIMUM PARKING STANDARDS
Accessory Uses	As determined by the Administrator.
Agricultural Uses	1 space per 200 sqft of gross floor area of structures designated for public access.
Commercial Uses	Methodology to be determined by Administrator as: <ul style="list-style-type: none"> • 1 space per 8 seats for theater or auditorium; • 1 space per 2 employees on the largest shift; • 1 space per 400 sqft of gross floor area commercial; or • 1 space per 300 sqft office or other use
Industrial Uses	1 space per 2 employees on the largest shift
Institutional Uses	Methodology to be determined by Administrator as: <ul style="list-style-type: none"> • 1 space per 8 seats for theater or auditorium; • 1 space per 4 beds; or • 1 space per 200 sqft of gross floor area
Residential Uses	Methodology to be determined by Administrator as: <ul style="list-style-type: none"> • 2 spaces per single-family or two-family dwelling per unit; • 1.5 spaces per multi-family dwelling unit; or • 1 per 2 employees per largest shift and 1 per 2 units for assisted living facilities.

- e. **Joint Use.** Non-residential uses, within the same and/or separate structures, may provide joint parking provided the total number of spaces is not less than the sum of requirements for the various uses. To the extent that developments with joint parking operate at different times, such parking spaces may be credited to both uses.
- f. **Satellite Parking.** Parking shall be required on site, except as provided in this section. However, the BZA may grant satellite parking to any non-residential use by Special Exception. At least part of such parking must be within three hundred (300) feet of the proposed use. A site plan must accompany any such application for Special Exception and must include the following:
 - i. Adjacent streets, alleys and lots.
 - ii. All uses to be served including the location, use and number of parking spaces provided.
 - iii. A layout drawn to scale indicating aisles, driveways, entrances, exits, turn-off lanes, parking spaces, setbacks, drainage facilities, landscaping, lighting, pavement, and identification signs including location, size and design.
 - iv. All satellite parking shall be developed, maintained and used in accordance with the approved site plan and all other requirements.
 - v. Any change or other modification of uses served or number or parking spaces shall require amendment and re-approval by the BZA.

g. Dimensions of Parking Spaces, Access Aisles, and Driveways.

- i. Each parking space shall contain a rectangular area ten (10) feet wide and twenty (20) feet long, exclusive of pedestrian passageways, access drives, aisles, ramps, or landscaped areas. Handicapped parking spaces shall conform to state and federal requirements regarding handicap accessibility.
- ii. Parking areas set aside for parallel parking shall contain a rectangular area nine (9) feet wide and twenty-two (22) feet long.
- iii. Each loading space shall be of a size not less than that required for parking space but scaled larger to delivery vehicles expected to be used.
- iv. Parking aisle widths shall conform to the following table:

TABLE 6: PARKING AISLE WIDTH

TRAFFIC FLOW	PARKING ANGLE				
	0°	30°	45°	60°	90°
One-way Traffic	10 feet	11 feet	13 feet	18 feet	24 feet
Two-way Traffic	18 feet	20 feet	21 feet	23 feet	24 feet

- v. Driveways shall be a minimum ten (10) feet wide for one-way traffic and eighteen (18) feet wide for two-way traffic, except that a ten (10) foot wide driveway is permissible for two-way traffic when the driveway is no longer than fifty (50) feet and provides access to a maximum of five (5) parking spaces.

h. Loading Areas. Loading areas shall conform to the following requirements:

- i. **Surface.** All parking or loading areas for five (5) or more automobiles shall be developed in accordance with the following standards:
 - (a) Loading areas 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. However, at the discretion of the Administrator, a gravel surface may be used for a period not exceeding six (6) months after the date of issuing the Certificate of Occupancy where ground conditions are not immediately suitable for permanent surfacing as specified in this section.
 - (b) All areas shall be striped and channelized as appropriate.
- i. **Landscaping for Parking or Loading Areas.** Parking lots should be effectively landscaped with trees and shrubs to reduce the visual impact of glare, headlights, and parking lot lights from the public right-of-way and from adjoining properties. In addition, parking lots, excluding auto sales display areas, should be shaded to reduce the amount of reflected heat as follows:
 - i. **Interior Landscaping.** Interior landscaping shall be comprised of one (1) canopy tree and three (3) shrubs for every fifteen (15) parking spaces.

- j. **Lighting.** Lighting provided to illuminate off-street parking areas and loading berths shall be so arranged, shielded and directed upon the subject area in such a manner as to not reflect or cause glare into adjacent properties or interfere with street traffic.
- k. **Loading and Unloading.** All uses shall provide loading berths, except those that do not receive or transport goods in quantity by truck delivery. Each loading and unloading berth must include a twelve (12) foot by forty-five (45) foot loading space with a fourteen (14) foot height clearance. Loading and unloading berths must be a minimum distance of one hundred (100) feet from the nearest residential use. Lighting shall be in accordance with Item 10 above.
- l. **Inspections.** At the time the structure receives its final inspection, the completion of the landscaping in accordance with these requirements shall also be a part of the final inspection. However, if seasonal circumstances do not permit the planting of the required landscaping, the final inspection of the landscaping shall be performed at a reasonable, later date as determined by the Administrator.
- m. **Bicycle Parking.**
 - i. Provisions for bicycle parking are required as part of any multi-family, commercial, or industrial project including projects requiring Development Plan approval, an ILP submittal for a new commercial or industrial structure, or as determined by the Administrator for an ILP submittal for a structural addition or remodel.
 - ii. All uses (as classified in Appendix 1: Land Use Matrix), except single-family and two-family residential, shall provide space for bicycle parking.
 - (a) Multi-family Uses: one space (1) space per every three (3) dwelling units or fraction thereof.
 - (b) Commercial Uses: one (1) space per use / business.
 - (c) Industrial Uses: one (1) space per use / business.
 - iii. Parking racks shall be required to support the bicycles. Rack elements shall support the bicycle frame at two (2) locations, prevent the bicycle from tipping over, and enable the frame and one or both wheels to be secured with a user-supplied locking device.
 - iv. All required bicycle parking spaces outside a building shall be located within a fifty (50) foot radius of the primary building entrance or in another convenient and accessible location as determined by the Administrator.
- n. **Non-Conforming Parking, Enlargement, or Alteration of Existing Structure.**
 - i. No use lawfully established prior to the effective date of this section shall be required to provide and maintain the parking and loading requirements of this section, provided that parking and loading spaces required by any previous ordinance pursuant to state statutes shall be continued and maintained.
 - ii. For any non-conforming use which is hereafter damaged or partially destroyed, and which is lawfully reconstructed, re-established, or repaired, parking and loading facilities equivalent to those maintained at the time of such damage or partial destruction shall be restored and continued in operation, provided, however, it is not necessary to restore or maintain parking or loading facilities in excess of those required by this ordinance for equivalent new uses.

- iii. When the intensity of use of any building, structure, or premises shall be increased through the addition of dwelling units, floor area, beds, seating capacity, or other unit of measurement, parking and loading facilities shall be provided for such increase in intensity of use.
- iv. When the existing use of a building, structure or premises shall be changed or converted to a new use permitted by this ordinance, parking and loading facilities shall be provided as required for the new use.
- v. Parking and loading facilities in existence on the effective date of this section shall not be reduced below or if already less than, shall not be further reduced below, the requirements for a new use under this section.

7. SIGN STANDARDS.

- a. **General.** 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.
 - i. **Permit Required.** Except as otherwise provided herein, it shall be unlawful for any person to erect, construct, enlarge, move or convert any sign, or change the permanent copy on an existing sign structure, or cause the same to be done, without first obtaining an ILP.
 - ii. **Inspection.** A Sign for which a permit is required may be inspected periodically by the Administrator for compliance with this UDO and other codes of the jurisdiction.
 - iii. **Removal of Signs.** The Administrator may order the removal of any illegal, non-conforming sign erected or maintained in violation of this UDO or any previous ordinance. A thirty (30) day written notice describing the violation and ordering either the removal of the sign or requiring the sign to be brought into compliance shall be given to the owner and/or business operator. No notice shall be given for Temporary Signs or Portable Signs. The Administrator may remove a sign immediately and without notice if the condition of the sign presents an immediate threat to the safety of the public. Any cost associated with signs removed pursuant to the provisions of this UDO, shall be reimbursed by the owner of said sign. Should said sign not be redeemed within fifteen (15) days of its removal, it may be disposed of in any manner deemed appropriate by the Administrator.
 - iv. **Maintenance.** All signs and components thereof shall be kept in good repair and in safe, neat, clean, and attractive condition. If failure to maintain a sign is determined by the Administrator, a written notice will be given to the owner, business operator, or lessee of the property. Thirty (30) days' notice shall be given to the owner, business operator, or lessee of the property to comply with the regulations. After thirty (30) days, if the owner/business operator fails to comply, penalties shall be imposed according to *Chapter 8, Section F.3: Penalties*.
 - v. **Abandoned Signs.** All signs, their mountings, and related components shall be removed by the owner or lessee of the premises upon which the signs are located when a business is no longer conducted on the premises. If the owner or lessee fails to remove the sign, the Administrator shall give the owner thirty (30) days written notice to remove it. Upon failure to comply with this notice, the Administrator may remove the sign. Any cost associated with sign removal pursuant to the provisions of this UDO shall be reimbursed by the owner of said sign. Should said sign not be redeemed within fifteen (15) days of its removal, it may be disposed of in any manner deemed appropriate by the Administrator.
 - vi. **Electronic Variable Message Signs (EVMS).** All signs must meet the standards as specified in the State Electrical Code, as adopted and amended by the State of Indiana. In addition, all signs containing an EVMS as a component in part or in whole shall comply with the following standards:
 - (a) The message on the sign cannot move, appear to move, rotate, or flash and cannot resemble emergency lights.
 - (b) The message on the sign must hold for a minimum of eight (8) seconds.

- (c) The sign must have equipped an automatic dimmer control/photocell sensor, to produce a distinct, stepped luminance change from a higher luminance level to a lower luminance level in order to comply with the luminance levels in subsection g. Sign Illumination, and to adjust sign brightness based on ambient lighting levels (i.e. cloudy days). The automatic dimmer control/photocell sensor must be activated at all times that the sign is in operation.
 - (d) The sign shall operate at a luminance level not to exceed seven hundred (700) nits thirty (30) minutes before sunset to thirty (30) minutes after sunrise and not to exceed ten thousand (10,000) nits at all other times.
 - (e) No EVMS shall be located within six hundred (600) feet of a residential zoning district except churches or places of worship.
 - (f) No sign containing an EVMS as a component shall be located within one hundred fifty (150) feet of any signalized intersection of two (2) or more streets.
 - (g) All illuminated elements shall be kept in satisfactory working condition and immediately repaired or replaced if damaged or burned out.
 - (h) All electrical wiring for permanent EVMS shall be in conduit. All electricity for signs shall have a disconnecting switch located in a readily accessible place to the Administrator in the event the sign must be shut off because it presents an immediate threat to the safety of the public or is in violation of other local ordinances.
 - (i) 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.
 - (j) The light from any sign shall be so directed such that the light intensity or brightness will not be objectionable to the surrounding properties. No light shall shine directly onto adjacent property.
- vii. **Sign Illumination.** All sign illumination must meet the standards as specified in the State Electrical Code, as adopted and amended by the State of Indiana. In addition, all illuminated signs shall comply with the following standards:
- (a) No sign shall have blinking, flashing, rotating, revolving, or fluttering lights, nor shall any device be utilized which has a changing light intensity, brightness of color, or give such illusion.
 - (b) All illuminating elements shall be kept in satisfactory working condition and immediately repaired or replaced if damaged or burned out.
 - (c) All electrical wiring for permanent signs shall be in conduit. All electricity for signs shall have a disconnecting switch located in a readily accessible place to the Administrator in the event the sign must be shut off because it presents an immediate threat to the safety of the public or is in violation of any local ordinances.
 - (d) The direct or reflected light from a primary light source shall not create a traffic hazard to operators of motor vehicles on public and/or private roadways.
 - (e) The light from any illuminated sign shall be so shaded, shielded, or directed such that the light intensity or brightness will not be objectionable to the surrounding properties. No light shall shine directly onto adjacent property.

- viii. **Exempt Signs.** An exempt sign may be illuminated according to the provisions of this chapter but may not be flashing or animated. The following are exempt from all provisions of this Section.
- (a) Posting of a street address to provide adequate property identification. However, at the discretion of the Administrator, when a street address is used as a commercial message or over two (2) sqft, it shall comply with the sign standards for the applicable zoning district.
 - (b) Flags of any country, state, unit of local government, institution of higher learning, or similar institutional flags.
 - (c) Names of buildings, date of erection, monumental citations, commemorative tablets and the like when carved into stone, concrete, or similar material or made of bronze, aluminum, or other permanent type construction. No commercial messages or logos are permitted on such signs.
 - (d) Public signs of a non-commercial nature and in the public interest erected by or on the order of public officer(s) in the performance of public duty (such as rezoning signs, government sign, signs to promote safety, no trespassing, or traffic signs, memorial plaques, signs of historical interest, and signs directing people to public and quasi-public facilities).
 - (e) Utility signs used to mark cables and lines for public and private utilities except if determined to be a hazard by the Administrator.
 - (f) In accordance with IC 36-1-3-11, the quantity and size of temporary signs are exempt from regulation only during the period beginning sixty (60) days before to an election and ending at the beginning of the sixth (6th) day after the election, provided a sign face is no greater than thirty-two (32) square feet in area.
- ix. **Prohibited Signs.** The following types of signs are expressly prohibited in all Zoning Districts.
- (a) Signs that utilize any motion picture, laser, or visual projection of images or copy in conjunction with any business or advertisement.
 - (b) Signs that emit audible sound, odor or visible matter.
 - (c) Signs that purport to be or are in imitation of, or resemble an official traffic sign or signal or which bear the words "Stop", "Slow", "Caution", "Danger", "Warning", or similar words.
 - (d) Signs that may be construed as a light of an emergency or road equipment vehicle.
 - (e) Signs in or over the right-of-way or sidewalk, placed on utility poles, or that hide from view any traffic or roadway sign, signal, or device.
 - (f) Signs that interfere with the sight triangle as defined in this UDO.
 - (g) Signs that extend above the roof line or parapet of a building or are mounted on or a part of the roof.
 - (h) Signs that have blinking, flashing, rotating, revolving, or fluttering lights or which has a changing light intensity, brightness or color, or give such illusion.
 - (i) Signs that obstruct any door, fire escape, stairway, or any opening intended to provide entrance or exit for any building or structure.

- (j) Signs placed on vehicles parked on public or private property primarily for the purpose of displaying the sign. Prohibited signs do not include those displayed on vehicles parked for the purpose of lawfully making deliveries or random sales or service. Prohibited signs do not include vehicles which are customarily used for transporting persons or properties, and vehicles parked at a driver's place of residence during non-business hours or for incidental purposes.
- (k) Inflatable Animated or Moving Signs.
- (l) Human signs unless on-premise, not within the right-of-way, and during business hours.
- (m) Any sign that is not expressly permitted in this UDO.

b. Temporary Signs.

- i. **Temporary Signs in C, AG, AE, R1, R2, R3, and R4.** The following Temporary Signs shall be permitted, provided the respective development standards in *Chapter 2: Zoning Districts* are met. An ILP is not required.

TEMPORARY SIGNS: C, AG, AE, R1, R2, R3, and R4	
Permitted Types	<ul style="list-style-type: none"> • Hanging • Pole (such as yard signs)
Size	<ul style="list-style-type: none"> • Maximum of sixteen (16) sq ft per sign per side • Maximum cumulative area of thirty-two (32) sq ft for all sign per parcel, not including political signs
Quantity	<ul style="list-style-type: none"> • Maximum of two (2) per parcel, not including political signs
Height	<ul style="list-style-type: none"> • Maximum of five (5) feet
Duration	<ul style="list-style-type: none"> • While the property is for sale or lease • While a project is under construction • Maximum of ten (10) days for a legally permitted event
Placement	<ul style="list-style-type: none"> • Not located within the sight triangle • Minimum of ten (10) feet from any property line. If property is adjacent to an INDOT right-of-way, placement must comply with all applicable INDOT regulations.
Additional Standards	<ul style="list-style-type: none"> • EVMS or EVMS components are not permitted • No ILP is required

- ii. **Temporary Signs in AI, B1, B2, B3, M1, M2, and M3.** The following Temporary Signs shall be permitted, provided the respective development standards in *Chapter 2: Zoning Districts* and *Chapter 3, Section B.7.a.vi: Electronic Variable Message Signs (EVMS)* are met. An ILP for a Temporary Sign is required unless otherwise specified.

TEMPORARY SIGNS: AI, B1, B2, B3, M1, M2, AND M3			
Permitted Types	<table style="width: 100%; border: none;"> <tr> <td style="border: none; vertical-align: top;"> <ul style="list-style-type: none"> • Banner • Hanging • Inflatable • Informational • Pole </td> <td style="border: none; vertical-align: top;"> <ul style="list-style-type: none"> • Portable • Wall • Wayfinding • Window </td> </tr> </table>	<ul style="list-style-type: none"> • Banner • Hanging • Inflatable • Informational • Pole 	<ul style="list-style-type: none"> • Portable • Wall • Wayfinding • Window
<ul style="list-style-type: none"> • Banner • Hanging • Inflatable • Informational • Pole 	<ul style="list-style-type: none"> • Portable • Wall • Wayfinding • Window 		
Size	<ul style="list-style-type: none"> • Maximum of sixteen (16) sq ft per sign per side • Maximum cumulative area of thirty-two (32) sq ft for all sign per parcel, not including political signs 		
Quantity	<ul style="list-style-type: none"> • Maximum of two (2) per parcel, not including political signs • For multi-tenant buildings, the number of signs permitted shall be determined by the Administrator 		
Height	<ul style="list-style-type: none"> • Maximum of fifteen (15) feet. If property is adjacent to an INDOT right-of-way, placement must comply with all applicable INDOT regulations. 		
Duration	<ul style="list-style-type: none"> • While the property is for sale or lease (No ILP required) • While a project is under construction • Maximum of ten (10) days for a legally permitted event, grand opening, or special promotion 		
Placement	<ul style="list-style-type: none"> • Not located within the sight triangle • Minimum of ten (10) feet from any property line. If property is adjacent to an INDOT right-of-way, placement must comply with all applicable INDOT regulations. 		
Additional Standards	<ul style="list-style-type: none"> • EVMS or EVMS components permitted without flashing lights and must comply with <i>Chapter 3, Section B.7.a.vi: Electronic Variable Message Signs (EVMS)</i> 		

c. Permanent Signs (excluding billboards).

- i. An exempt sign may be illuminated according to the provisions of this chapter but may not be flashing or animated.
- ii. **Permanent Signs in C, AI, AG, AE, R1, R2, R3 and R4.** The following Permanent Signs shall be permitted, provided the respective development standards in *Chapter 2: Zoning Districts* are met. An ILP is required unless otherwise specified.

PERMANENT SIGNS: C, AG, AE, R1, R2, R3, and R4	
Permitted Types	<ul style="list-style-type: none"> • Monument • Wall
Size	<ul style="list-style-type: none"> • Monument: Maximum of thirty-two (32) sq ft per side • Wall: Maximum of one (1) sq ft per parcel
Quantity	<ul style="list-style-type: none"> • Monument: Maximum of two (2) signs per vehicular entrance to a subdivision or residential complex • Wall: Maximum of one (1) sign per parcel
Height	<ul style="list-style-type: none"> • Maximum of four (4) feet
Placement	<ul style="list-style-type: none"> • Not located within the sight triangle • Minimum of ten (10) feet from any property line or the edge of roadway pavement, whichever is less. If property is adjacent to an INDOT right-of-way, placement must comply with all applicable INDOT regulations. • Monument: Only located at vehicular entrance to subdivision or residential complex. Must be located in a dedicated easement or common area dedicated to homeowners association. • Wall: Must be placed on primary structure
Additional Standards	<ul style="list-style-type: none"> • EVMS or EVMS components are not permitted • Monument: Must include a minimum of at least one (1) foot of supporting base • Wall: No illumination • Wall: No ILP is required

- iii. **Permanent Signs in AI, B1, B2, B3, M1, M2, and M3.** The following Permanent Signs shall be permitted, provided the respective development standards in *Chapter 2: Zoning Districts* and *Chapter 3, Section B.7.a.vi: Electronic Variable Message Signs (EVMS)* are met. An ILP is required unless otherwise specified.

PERMANENT SIGNS: AI, B1, B2, B3, M1, M2, and M3	
Permitted Types	<ul style="list-style-type: none"> • Awning • Bench • Changeable Copy • Electronic • Hanging • Informational • Marker • Monument • Mural • Pole • Projecting • Roof • Suspended • Wall • Wayfinding • Window
Size	<ul style="list-style-type: none"> • AI, B1, B2, and B3: Maximum of two hundred (200) sq ft cumulative area per parcel for all signs, but no single sign shall be more than fifty (50) sq ft. • M1, M2, and M3: Maximum of four hundred (400) sq ft cumulative area per parcel for all signs, but no single sign shall be more than eighty (80) sq ft.
Quantity	<ul style="list-style-type: none"> • AI, B1, B2, and B3: Maximum of four (4) per parcel with a maximum of one (1) free-standing sign • M1, M2, and M3: Maximum of five (5) per parcel with a maximum of one (1) free-standing sign
Height	<ul style="list-style-type: none"> • Maximum of twenty (20) feet
Placement	<ul style="list-style-type: none"> • Not located within the sight triangle • Minimum of ten (10) feet from any property line or the edge of roadway pavement, whichever is less, provided: <ul style="list-style-type: none"> • If property is adjacent to an INDOT right-of-way, placement must also comply with all applicable INDOT regulations. • If property is adjacent to a residentially zoned parcel, a minimum setback of twenty (20) feet is required from said residential property line. • Awning, Projecting, Wall, and Window: Must be placed on primary structure
Additional Standards	<ul style="list-style-type: none"> • Awning, Projecting, Wall, and Window: EVMS or EVMS components are not permitted • Monument: Must include a minimum of at least one (1) foot of supporting base • Projecting: <ul style="list-style-type: none"> • Lowest point of sign shall be no less than eight and one half (8.5) feet above grade level except for the supporting building, structure, or column. • Sign shall not extend more than four (4) feet beyond its supporting structure. • Sign shall not extend into the right-of-way unless approved by the County Engineer. • Wall: No illumination • Window: No ILP is required if not illuminated and less than fifty percent (50%) of window area

- iv. **Billboards in B2, B3, B4, M1, M2, and M3.** As defined in *Chapter 10: Definitions*, the following shall be required for all billboards, provided the respective development standards in *Chapter 2: Zoning Districts* are met. An ILP is required for all billboards. No billboards are permitted in B1, C, AI, AG, AE, R1, R2, R3, and R4.

BILLBOARDS: B2, B3, M1, M2, and M3

INDOT/FHWA Regulations & Permitting	<ul style="list-style-type: none"> • If property is located on a “Control Route” or within an “Adjacent Area” as defined by INDOT, billboards must also comply with all applicable INDOT and/or FHWA regulations. A permit from INDOT shall be required, and in addition an ILP from Clark County shall also be required. The more restrictive regulations of INDOT/FHWA and this UDO shall apply.
Size	<ul style="list-style-type: none"> • B2: Maximum size of 300 sq ft per sign • B3: Maximum size of 700 sq ft per sign • M1, M2, M3: Maximum size of 1,000 sq ft per sign • The above maximum sign area allowances shall also be included when calculating the cumulative sign area requirements for permanent signs in <i>Section A.7.d</i>. • For billboards only, the following shall be considered one sign: <ul style="list-style-type: none"> • A double-faced display whose two (2) faces are not more than ten (10) feet apart • A back-to-back whose two faces are not more than fifteen (15) feet apart • A V-type display whose three (3) faces are not more than fifteen (15) feet apart
Quantity	<ul style="list-style-type: none"> • Maximum of one (1) per parcel, which must conform with the minimum lot size of the subject district.
Height	<ul style="list-style-type: none"> • Maximum of sixty (60) feet
Duration & Registration	<ul style="list-style-type: none"> • The owner or lessee of the sign shall annually register the sign with the Administrator within forty-five (45) days of each annual anniversary date and pay a maintenance inspection fee of \$300.00 annually. The Administrator shall reissue an ILP annually upon such registration and after physical inspection of the sign, which confirms the sign is functional and in good and safe repair. If the inspection reveals that the sign is not functional, that the structure is not in repair or safe or if the owner or lessee has not registered the sign, then the Administrator shall order registration, maintenance, or removal under this UDO as appropriate.
Placement	<ul style="list-style-type: none"> • Must comply with INDOT/FHWA Regulations & Permitting (see above). • Minimum of fifty (50) feet but no more than six hundred sixty (660) feet from the nearest edge of any right-of-way of an Interstate.
Maintenance & Removal	<ul style="list-style-type: none"> • When the product, person, business, or service that is advertised on the billboard is abandoned or altered, the display must be removed or altered within sixty (60) days to depict an existing product, person, business, or service. The owner and tenant of the land are equally responsible for removal or alteration of the sign. • A billboard is considered not functional when any of the following conditions exist: <ul style="list-style-type: none"> • Its essential elements are no longer readable; • It is materially obstructed from view; • A condition of substantial disrepair exists; or • The area that is leased for display or within twenty-five (25) feet of a display on an undeveloped property is not kept free of weeds, debris, or refuse. • The Administrator has the right of entry to inspect billboards to determine whether they are functional. If the Administrator determines that a display is not functional, he/she shall send written notice to the owner of the display to remove, alter, or repair the display or the area of undeveloped property on which the display is located. If the owner does not comply within sixty (60) days, the Administrator shall order removal of the sign at the owner's expense.
Additional Standards	<ul style="list-style-type: none"> • An ILP is required in addition to written consent from the owners or lessor of the premises on which the display is located.

8. STORAGE STANDARDS.

a. Outdoor Storage.

- i. **Bulk Storage.** In any district, structures, buildings, or above ground tanks used for bulk storage of flammable or explosive liquids, gases, or other materials shall not be located closer than fifty (50) feet to the property line. Additional information regarding evidence of safety measures may be required in order to determine the public safety therein.

b. RV Storage.

- i. **Front Yard RV Storage.** No storage of recreational vehicles may occur in the front yard area or in front of the main residence of the property.
 - (a) Exception. The only exception shall be the temporary parking of the vehicle on a driveway leading to the garage for the purpose of prepping the vehicle for use or cleaning the vehicle after use. In no case shall that period of time exceed seventy-two (72) hours.
- ii. **Rear Yard RV Storage.** Storage of recreation vehicles in the rear yard is permissible.
- iii. **Side Yard RV Storage.** Storage of recreation vehicles in the side yard is permissible as long as it is behind the front façade of the primary structure.

c. Temporary Storage Containers.

- i. **Residential Zoned Properties.** Temporary storage containers are intended to provide for the temporary storage of household goods on property zoned residential and used primarily for residential purposes.
 - (a) Permit Required. A permit is not required for a residential temporary storage container.
 - (b) Quantity. There shall be no more than one (1) temporary storage container per lot.
 - (c) Size. A residential temporary storage container shall not exceed one hundred twenty-eight (128) square feet in area and shall not exceed the dimensions of eight (8) feet in width, sixteen (16) feet in length, and eight (8) feet in height.
 - (d) Term.
 - (1) General Storage. Temporary storage containers for general storage may be on site for no more than fourteen (14) days in any calendar year, regardless of size.
 - (2) Storage Associated with a Permit.
 - a. Demolition Permit. Temporary storage containers associated with a demolition permit shall be removed within one (1) week of the demolition permit expiration date.
 - b. Building Permit. Temporary storage containers associated with a building permit shall be removed within one (1) week of the date the Certificate of Occupancy/Completion is issued.

- (e) Location. Temporary storage containers shall be located on the driveway or may be located to the rear or side of the primary structure and conform to the setbacks for accessory structures per the standards set forth for the applicable zoning district in *Chapter 2* of this UDO.
 - (1) Types of Containers Permitted. In residential districts, the types of temporary storage containers permitted include: dumpster containers (e.g. construction dumpster) and residential portable storage containers (e.g. PODS, moving containers, etc.).
- ii. **Commercial and Industrial Zoned Properties.** Temporary storage containers are intended to provide for the temporary storage of business specific goods on property zoned commercial or industrial and used primarily used for commercial or industrial purposes.
 - (a) Permit Required. Temporary storage containers that are two hundred (200) square feet or larger require an ILP prior to the placement of the structure on site. Temporary storage containers less than two hundred (200) square feet do not require an ILP, but are still subject to the standards of this section.
 - (b) Quantity. There shall be no more than two (2) temporary storage containers per lot.
 - (c) Size. A commercial/industrial temporary storage container shall not exceed five hundred thirty (530) square feet in area and shall not exceed the dimensions of ten (10) feet in width, fifty-three (53) feet in length, and ten (10) feet in height (exclusive of wheels and supports).
 - (d) Term.
 - (1) General Storage. Temporary storage containers for general storage may be on site for no more than one hundred twenty (120) days in any calendar year, regardless of size.
 - (2) Storage Associated with a Permit.
 - a. Demolition Permit. Temporary storage containers associated with a demolition permit shall be removed within one (1) week of the demolition permit expiration date.
 - b. Building Permit. Temporary storage containers associated with a building permit shall be removed within one (1) week of the date the Certificate of Occupancy/Completion is issued.
 - (e) Location. Temporary storage containers shall be located to the rear or side of the primary structure conform to the setbacks for accessory structures per the standards set forth for the applicable zoning district in *Chapter 2* of this UDO.
 - (1) Types of Containers Permitted. In commercial and industrial districts, the types of temporary storage containers permitted include: cargo shipping containers, semi-truck trailers, dumpster containers (e.g. construction dumpster), and portable storage containers (e.g. PODS, moving containers, etc.). No wide load trailers or high load trailers are permitted.

9. STRUCTURE STANDARDS.

a. Primary Structures.

i. Orientation.

- (a) All new construction of any building or structure, or renovation of or addition to an existing building or structure, shall be rear loading if said building or structure is located on a lot or lots adjacent to a major thoroughfare and the building or structure is not separated from the major thoroughfare by another buildable lot. The front elevation of said building or structure shall face the major thoroughfare.
- (b) Except as provided in Item (a) above, all new construction of a building or structure, or renovation or addition to an existing building or structure, shall require the front doorway of the building or structure to be oriented to the front elevation of the building or structure which shall face the nearest improved road.

b. Residential Structures.

- i. **Residential Structure Conversions.** Structures originally designed for occupancy by two (2) families or less converted to occupancy by more than two (2) families shall secure an ILP. Such structures shall show no evidence of change to indicate the extra dwelling units. All fire escapes or stairways leading to a second or higher floor shall be completely enclosed within the converted building.

ii. Manufactured Homes.

- (a) Permanent Placement. Manufactured Homes shall be permitted provided the following requirements and limitations are met:
 - (1) 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.
 - (2) The development standards for the respective zoning district, including minimum square footage, shall be met as established in *Chapter 2: Zoning Districts*.
 - (3) The structure shall be attached and anchored to a permanent foundation in conformance with the appropriate building code and with manufacturer's installation specifications.
 - (4) The entire area between the floor joists of the structure and the underfloor grade shall be completely enclosed with a permanent perimeter enclosure constructed 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;
 - (5) The structure shall possess all necessary building, water, and sewage disposal permits prior to placement of the structure upon the lot;
 - (6) The wheels, axles, and hitches shall be removed;
 - (7) The structure shall be covered with an exterior material customarily used on site-built structures;

- (8) The roof of the structure shall be shingled and pitched, rather than flat; and
 - (9) A manufactured home shall be no more than five (5) years in age when structure is initially placed.
- (b) Temporary Residential Occupancy.
- (1) Permitted for Occupancy. Temporary residential occupancy of a manufactured home is permitted during construction. In all zoning districts, an ILP shall be required for the temporary occupancy of a manufactured home, to a person intending to build a permanent residence on the property. An ILP for the primary residence must be approved prior to approval of the ILP for the temporary residence. The ILP for temporary placement and occupancy of the manufactured home is for issued a period of one (1) year and may be renewed for up to two additional six (6) month periods if construction of the dwelling has started but has not been completed.
 - (2) Regulations. The following regulations shall apply to the temporary occupancy of a manufactured home:
 - 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 structure is to be located on the same property as an existing residence or located on property on which a permanent residence with a valid ILP is intended to be built.
 - c. The structure should be served by the same address, water supply, and sewage facilities serving the existing residence or the residence under construction. If the existing residence utilizes a septic system, approval shall be subject to the Clark County Health Department.
 - d. The structure shall remain on its wheels and shall not be placed on a permanent foundation.
 - e. Applicable front, side, and rear yard regulations of the district in which it is located are to be observed.
 - f. Occupancy of the structure is restricted to relatives, persons employed in the care of the property owner (employed on the premises of the property owner), or the owner of the property who intends to construct a permanent residence.
 - g. The structure used for temporary occupancy shall have a ground floor area no less than five hundred (500) square feet.
 - h. The manufactured home shall be tied down as per the requirements of the Indiana One and Two-family Dwelling Code or the manufacturer's recommendation.
- (c) Permanent Residential Occupancy. Manufactured homes may be permanently occupied when located in any district where a single-family dwelling is permitted by right or approved by special exception and meets the development standards of the subject zoning district.

- iii. **Recreational Vehicles (RV).** Recreational vehicles are designed only for recreational use and are not built to HUD manufactured home standards. Therefore, recreational vehicles are not permitted to be used for residential occupancy outside of a campground or an RV park approved by the Indiana State Department of Health (ISDH).
- c. **Commercial Structures.** Manufactured homes, trailers, or vans may be utilized as contractor’s offices, watchman’s shelters, or tool and equipment storage on the project site and only during the period of construction. The ILP would be valid for twelve (12) months and may be renewed up to two additional six (6) month time periods if necessary if construction has not concluded.
- d. **Industrial Structures.** Manufactured homes, trailers, or vans may be utilized as contractor’s offices, watchman’s shelters, or tool and equipment storage on the project site and only during the period of construction. The ILP would be valid for twelve (12) months and may be renewed up to two additional six (6) month time periods if necessary if construction has not concluded.
- e. **Structure Height.** All buildings hereafter shall comply with the height regulations of the district in which it is located, with the exception of the following:
 - i. An agricultural structure may be erected or changed to any height necessary for its operation.
 - ii. Spires and church steeples may be erected or changed to any height that is not otherwise prohibited.
- f. **Structures Relocated.** No buildings or structures shall be moved from one lot or premises to another unless such buildings conform to the regulations of the district to which such building shall be moved and an ILP has been secured.

10. TRASH RECEPTACLE STANDARDS.

- a. Non-pedestrian, outdoor trash receptacles and trash dumpsters serving commercial or industrial uses shall not be visible from the street front or any adjacent residential use during any time of the year. These receptacles shall be completely screened from view by the use of either solid fencing or evergreen vegetation.

4 USE DEVELOPMENT STANDARDS

A. General Provisions.

1. The conditional uses listed in this chapter shall meet the respective requirements of this chapter in addition to all other chapters of this UDO.
2. In a district in which the specified use is allowed by right, the Administrator shall ascertain that the development standards of this chapter are met.
3. In a district in which the specified use is allowed by special exception, the BZA shall ascertain that the development standards of this chapter are met prior to approval of the special exception unless a variance is obtained.

B. Development Standards for Specific Uses.

Development standards are included in this chapter for the following uses:

- Accessory Dwelling Standards.
- Adult Business Standards.
- Adult Day Care Facility Standards.
- Agritourism Standards.
- Campground & Recreational Vehicle Park (Private) Standards.
- Farmworker Housing Standards.
- Home Occupation Standards.
- Manufactured Home Park Standards.
- Special Event Facility Standards.
- Wireless Communication Facility Standards.

1. ACCESSORY DWELLING STANDARDS.

- a. **Purpose.** The purpose of allowing accessory dwellings is to maximize public infrastructure investment; increase mobility alternatives; provide housing options for family members, students, aging residents, in-home health care providers, the disabled, and others; to promote affordable workforce housing; and to allow homeowners to benefit from added income and an increased sense of security. For purposes of this section, a short-term rental does not qualify as an accessory dwelling.
- b. **Structure Standards.**
 - i. **Area.** Minimum area shall be two hundred twenty (220) square feet. Maximum area shall be eight hundred (800) square feet.
 - ii. **Height.** Maximum height of a detached accessory dwelling shall be twenty-five (25) feet or the height of the primary dwelling unit, whichever is least.
 - iii. **Accessory Structures.** An accessory dwelling shall not be permitted to have its own accessory structures.
 - iv. **Address.** Properties with an approved accessory dwelling shall maintain a single physical address with separate “unit” number associated with each of the units in accordance with the rules of the applicable Post Master. At the time of approval, new unit addresses will be assigned and established on the property. The primary structure will be “Unit 100” and the accessory dwelling unit will be “Unit 101”, regardless of which unit the property owner occupies. The Administrator must approve any deviations from the unit addressing above. The Administrator will ensure that the address change is sent to the property entities for review and approval before being published.
 - v. **Architecture and Building Materials.** Architectural style, form, materials, and colors shall match or be compatible with the style and form of the primary dwelling unit in residential districts (R1, R2, R3, and R4).
 - vi. **Quantity.** No more than one (1) accessory dwelling shall be permitted per primary dwelling unit.
 - vii. **Types of Structures Permitted.** Accessory dwelling units shall only be allowed in lawfully-built dwelling units that meet building code requirements. The following shall not be considered accessory dwelling units:
 - (a) A recreational vehicle, travel trailer, or similar structure;
 - (b) A motor vehicle; or
 - (c) Any structure not designed for permanent human occupancy.
- c. **Use and Operational Standards.**
 - i. **Location.** The accessory dwelling unit shall only be allowed on lots where an existing, lawfully constructed single-family dwelling unit exists. The accessory dwelling may be attached (connected to primary structure with separate entrance) or detached from the primary single-family dwelling unit.
 - (a) The accessory dwelling shall be permitted only if the primary dwelling unit is an existing, owner-occupied, single-family dwelling.

(b) The accessory dwelling shall not be under separate ownership from the primary structure.

d. **Development Standards.**

- i. **Access.** The accessory dwelling shall utilize an existing, permitted driveway that serves the primary dwelling; it shall not be granted a separate driveway from any public right-of-way.
- ii. **Location.** A detached accessory dwelling must be located behind the front façade of the primary residential structure, in either the side yard or the rear yard and must be within one hundred (100) feet of the primary structure.
- iii. **Parking and Loading.** Additional on-site parking is not required for an accessory dwelling unit. However, if parking is required for the existing dwelling unit, that parking must either be retained or replaced on-site.
- iv. **Utilities.** The accessory dwelling shall have water and sewage disposal that is approved by the Clark County Health Department or available sanitary service provider as appropriate. The Health Department shall approve connections or modifications to the existing septic system that may be needed to accommodate the accessory dwelling.
- v. **Zoning District Standards.** All other development standards of the subject zoning district shall apply.

e. **Procedures.**

- i. **Permits.** An ILP is required to construct and/or establish an accessory dwelling in order to ensure that the structure meets all of the applicable building codes and is safe and habitable.

2. ADULT BUSINESS STANDARDS.

- a. **Purpose.** The intent of the adult business standards is to provide ample reasonable opportunities for these businesses to locate in the jurisdiction. 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. **Structure Standards.**
 - i. **Building Construction Standards.**
 - (a) Any wall or partition which is situated so as to create a room, enclosure or both in which any amusement device is located shall be constructed of not less than one (1) hour fire-resistive material.
 - (b) The width of the aisles in any room where an amusement device is located shall be at least than forty-two (42) inches.
 - (c) There shall be no fewer than two (2) doorways at least thirty-six (36) inches wide that provide ingress or egress from any room in which an amusement device is located. All doorways shall be unlocked during business hours.
 - (d) An internally illuminated exit sign with letters at least five (5) inches in height shall be provided over every doorway which provides egress from any room in which an amusement device is located.
 - (e) Each amusement device shall be situated so that the person using the device has a constantly unobstructed view of the doorways which provide ingress or egress from the establishment.
 - (f) All applicable state building codes shall be met.
 - (g) A light level of no less than ten (10) foot candles at floor level shall be maintained in every portion of the establishment to which the public is admitted.
 - (h) The numbers of persons in any room or partitioned portion of a room where amusement devices are located shall not exceed one person per thirty (30) square feet. The maximum occupancy load permitted in any amusement devices are located shall be conspicuously posted by the operator, and shall remain posted, at the entrance of said room.
 - (i) The number of amusement devices shall not exceed the maximum occupancy load permitted in any room or partitioned portion of a room in which an amusement device is located. The maximum number of amusement devices permitted in any room or partitioned portion of a room shall be conspicuously posted by the operator, and shall remain posted, at the entrance of said room.

c. **Use and Operational Standards.**

- i. **Use/District Separation.** The minimum separation between adult businesses and surrounding structures/uses are measured from the front entrance of the adult business and the nearest structure or property line as specified below:
 - (a) Structures used for schools, parks, churches, and residential uses: minimum separation is one thousand three-hundred twenty (1,320) feet.
 - (b) Property lines of uses designated for hotels, motels, and transportation depots: minimum separation is one thousand three-hundred twenty (1,320) feet.

ii. **Operator Responsibilities.**

- (a) An operator engaging in adult entertainment activities may not permit a person less than eighteen (18) years of age to enter the establishment.
- (b) An operator engaging in adult entertainment activities shall, at all times, cause the entrance of his establishment to be so attended as to ensure compliance with the requirements contained in Section (i) above.

d. **Development Standards.**

i. **Visibility and Display of Adult Materials.**

- (a) Adult materials offered for sale from adult news racks shall not be displayed or exhibited in a manner which exposes to public view any pictures or illustrations of human genitals or specified sexual activities.
- (b) Adult bookstores and adult motion picture theaters shall not display or exhibit any material depicting human genitals or specified sexual activities in a manner which exposes said material to the view of persons outside the building in which said bookstore or motion picture theaters are located.

ii. **Zoning District Standards.** All other development standards of the subject zoning district shall apply.

e. **Procedures.**

i. **Licensing.**

- (a) General.
 - (1) After the effective date of this ordinance, no operator shall maintain, operate or conduct an establishment engaging in adult entertainment activities unless such person has made application and obtained a license.
 - (2) After the effective date of this ordinance, upon receipt of notice, no owner shall permit adult entertainment activities to operate on his property without a license.
 - (3) All licenses shall be for the calendar year January 1 to December 31, or the remaining portion of such calendar year. The annual license fee shall be one thousand dollars (\$1,000.00).

(b) Application. The operator of an establishment engaging in adult entertainment activities shall be required to make application for a license with the jurisdiction through the Clark County Planning and Zoning Office after the effective date of this ordinance. Clark County shall have the power to revoke said license for the failure to comply with restrictions, requirements and conditions set forth in this section. Such application shall be in writing, under oath, and shall be in the form prescribed by the legislative body for the jurisdiction and shall contain the following information together with such further information as the County may require:

- (1) The name and location of the establishment;
- (2) The names and addresses of the applicants, owners of the establishment, and if a corporation, the names and addresses of the directors and the names and addresses of shareholders owning capital stock therein, and if a partnership, the names and addresses of the partners;
- (3) The names and addresses of any owners of the property on which the establishment is located;
- (4) The names and addresses of any rental agency of the property on which the establishment is located;
- (5) The nature of the activity or activities to be engaged at such location.
- (6) The name and address of any person the applicant wants mail notice to be given in case of violation or other matters affecting the license hereunder.
- (7) The application shall include a photograph or drawing of any signs displayed or proposed to be displayed on the exterior of the establishment and a statement of the dimension of such signs.
- (8) Such application shall be accompanied by a Certificate of Occupancy issued through the Clark County Plan Commission, certifying the business is in compliance with the applicable zoning laws.
- (9) The application shall include a Certificate from the Fire Chief Authority having jurisdiction that all applicable fire regulations have been met and, in the case of an adult amusement arcade, that all requirements of this ordinance have been met.

(c) Fees and Transfers.

- (1) Annual fees may be prorated at the rate of fifty dollars (\$50.00) per month for the remaining full months of the current calendar year but not to exceed one thousand dollars (\$1,000.00). Application for renewal of a license shall be made on or before October 1 of each year and accompanied by the annual fee of one thousand dollars (\$1,000.00). Such application shall also contain any changes in the information that have occurred since the previous application.

(d) Inspections.

- (1) The legislative body will cause the premises to be inspected after such application has been received and shall issue a license forthwith if all restrictions, requirements and conditions, and all applicable requirements of law and ordinance have been met. The Administrator

shall be empowered to inspect for purposes of this section of the ordinance. However, the granting of a license does not certify compliance with all applicable laws nor does it stop the jurisdiction from enforcement of all applicable laws.

- (2) If inspection reveals failure to comply with any restrictions, requirements or conditions, the Administrator and/or the Clark County Sherriff's Office shall notify the applicant in writing of the fact, stating what failures have been discovered and allow a reasonable time to correct such defects and informing the applicant of the procedure if the applicant does not agree with the jurisdiction's decision which shall be an appeal directly to the County Circuit Court.
- (3) The legislative body may permit such variance or deviation from the regulations of this ordinance as will effectuate the purpose and intent of this ordinance.

3. ADULT DAY CARE FACILITY STANDARDS.

- a. **Purpose.** The purpose of regulating adult day care facilities is to ensure that they adequately protect those who are cared for as well as ensuring compatibility with surrounding uses.
- b. **Structure Standards.**
 - i. **Area.** A minimum of one hundred fifty (150) square feet per patient shall be provided.
 - ii. **ADA Requirements.** The structure must meet all commercial ADA requirements.
- c. **Use and Operational Standards.**
 - i. **Hours of Operation.** The facility shall not operate beyond Monday through Friday from 7:00am to 6:00pm.
 - ii. **Staffing.** There shall be a minimum of one (1) staff member per four (4) patients at all times.
- d. **Development Standards.**
 - i. **Bufferyards and Fencing.** A six (6) foot tall privacy fence shall be installed in the backyard in order to provide a secure outdoor area for patients to enjoy.
 - ii. **Parking and Loading.** A minimum of one (1) space per staff member plus two (2) additional spaces shall be provided.
 - iii. **Federal and State Regulations.** The facility shall meet or exceed all federal and state standards as they become enacted.
 - iv. **Zoning District Standards.** All other development standards of the subject zoning district shall apply.

4. AGRITOURISM STANDARDS.

- a. **Purpose.** The purpose of regulating agritourism is to allow opportunities for limited non-residential activities that make use of the existing rural character and activities in the county. The agritourism use should be accessory to an active agricultural use. For purposes of these standards, a special event facility (See *Chapter 4, Section B.9: Special Event Facility*), wineries, breweries, and distilleries are not considered an agritourism activity.
- b. **Use and Operational Standards.**
 - i. **Hours of Operation.** Hours of operation must be provided in writing by the applicant. The Administrator and/or BZA may alter the requested hours of operation for the agritourism uses consistent with the character of the land uses in the vicinity and may require additional conditions to ensure adherence to the established hours of operation.
 - ii. **Types of Uses Permitted.**
 - (a) New uses and their buildings shall be located, designed and operated so as not to interfere with normal agricultural practices on and off site. Poor agricultural soils or lands otherwise not suitable for agricultural purposes are recommended for building locations.
 - iii. **Types of Uses Prohibited.**
 - (a) Motorized off-road vehicle racing or other similar motor vehicle activities.
 - (b) Other uses that the Administrator and/or BZA determines would disturb the general peace and enjoyment of the rural and/or residential character of the surrounding area due to excessive traffic, noise, smoke, odors, visual clutter, or other nuisances.
- c. **Development Standards.**
 - i. **Access.** Access to the facility shall be approved by the Administrator and the Clark County Highway Department.
 - ii. **Bufferyards and Fencing.** Opaque screening, consisting of an earth berm, evergreen screen, or an obscuring wall or fence shall be provided near the primary public activity areas on those sides abutting or adjacent to a residential use. The use of natural landscape materials is encouraged. At a written request of the applicant, the Administrator and/or the BZA may grant relief of the screening requirement in specific cases where cause can be shown that the distance between the agritourism and residential use would not require screening.
 - iii. **Lighting.** Any exterior lighting installed related to an agritourism use or activity shall be appropriately shielded and directed downwards to minimize light pollution.
 - iv. **Trash Receptacles.** Trash receptacles shall be provided. If dumpsters are provided, they shall be placed on a hard surface and shall be completely obscured from view by an opaque fence or wall.
 - v. **Sanitation.** Public restroom facilities, temporary or permanent, shall be provided on site and with approval of the Clark County Health Department if required. Year-round operations shall have permanent public restroom facilities. Seasonal operations are not required to have permanent

public restroom facilities, unless required by the Clark County Health Department, but shall have temporary facilities.

vi. **Zoning District Standards.** All other development standards of the subject zoning district shall apply.

d. **Procedures.**

i. **Application.**

(a) Narrative. Prior to the approval of any agritourism activity, a written narrative shall be submitted describing the use in detail, including both agriculturally related and non-agriculturally related products and uses; proposed hours of operation; measures that are to be taken to assure that the operation of the use will take place only in a safe and convenient manner; special events; and other information describing the use and which will assist the Administrator and/or the BZA in determining whether the application meets the requirements.

5. CAMPGROUND & RECREATIONAL VEHICLE PARK (PRIVATE) STANDARDS.

a. Purpose.

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

b. Use and Operational Standards.

i. Occupancy.

- (a) Occupants may not exceed 180 overnight stays within 12 consecutive months. Said structures must be removed from the parcel when the campsite is unoccupied.
- (b) No permanent or semi-permanent structures, such as cabins, lean-tos, or other habitable buildings, shall be erected on a campsite.
- (c) Storage of unoccupied recreational vehicles is not permitted. All tents, recreational vehicles, camping trailers, and/or similar camping units must be removed from the parcel when the campsite is unoccupied.

c. Development Standards.

i. Area and Density.

- (a) Each campsite shall be at least eight hundred (800) square feet in area and clearly marked and identified.
- (b) Maximum density shall be twenty-five (25) campsites per acre.

ii. Access and Circulation.

- (a) All campgrounds require access to a public or a private roadway. If utilizing a private roadway, said private roadway must access a public roadway and shall also have a recorded private road maintenance agreement.
- (b) Entrance Road. The entrance to the campground shall be at least twenty (20) feet in width.
- (c) Internal Circulation. Internal road widths shall be at least ten (10) feet in width for one-lane roads and at least twenty (20) feet in width for two-lane roads.

iii. Drainage.

- (a) All campgrounds and recreational vehicle parks must obtain approval from the Clark County Drainage Board.

- (b) Campgrounds are NOT exempt from the Flood Hazard Ordinance, DNR regulations, or FEMA regulations.

iv. Utilities.

- (a) Sanitation System. Sanitation facilities (such as a bathhouse or restrooms) are required for the campground (not individual campsites) and shall be designed, constructed, and maintained in compliance with the standards approved by the Clark County Health Department or the sewer provider as appropriate.
- (b) Water Supply. A water supply system is required for the campground (not individual campsites) and shall be designed, constructed, and maintained in compliance with the standards approved by the Clark County Health Department or the water provider as appropriate.

- v. **Zoning District Standards.** All other development standards of the subject zoning district shall apply.

d. Procedures.

i. Application.

- (a) A campground or recreational vehicle park requires Development Plan approval. In addition, the following information shall be submitted:
 - (1) A detailed management schedule, fee schedule, and operation schedule, which shall include hours of operation, maximum occupancy, emergency contingencies for natural disasters, and a life safety plan.
 - (2) In accordance with 410 IAC 6-7.1, prior to making application for Development Plan, a facility accommodating ten (10) or more tents, recreational vehicles, or campsites requires review and approval by the Indiana State Department of Health.
- ii. **Permits.** ILPs are required for the construction of primary structures, accessory structures, and all utility hook-ups.

6. FARMWORKER HOUSING STANDARDS.

- a. **Purpose.** The purpose of establishing farmworker housing standards is to:
 - i. Provide support for local agricultural businesses by ensuring year-round housing opportunities for their employees;
 - ii. Provide housing close to the farmworkers' place of employment, thus minimizing travel costs and fuel consumption; and
 - iii. Help to sustain the community by providing stability for low-income families.
- b. **Structure Standards.**
 - i. **Area.** Minimum area shall be two hundred twenty (220) square feet per dwelling unit.
 - ii. **Height.** Maximum height of a farmworker housing unit shall be twenty-five (25) feet or the height of a primary dwelling unit (if present), whichever is least.
 - iii. **Accessory Structures.** A farmworker housing unit shall not be permitted to have its own accessory structures.
 - iv. **Address.** Properties with an approved farmworker housing unit shall maintain a single physical address with separate "unit" number associated with each of the units in accordance with the rules of the applicable Post Master. At the time of approval, new unit addresses will be assigned and established on the property. The primary structure will be "Unit 100" and the accessory dwelling unit will be "Unit 101", regardless of which unit the property owner occupies. The Administrator must approve any deviations from the unit addressing above. The Administrator will ensure that the address change is sent to the property entities for review and approval before being published.
- c. **Use and Operational Standards.**
 - i. Farmworker housing must be accessory to a commercial agricultural use. At least one resident of each unit must be employed by the primary agricultural business.
 - ii. Every person, or agent or officer thereof, constructing, operating, or maintaining farmworker housing shall comply with the requirements of this section and all state and local applicable health, safety and building codes and standards.
- d. **Development Standards.**
 - i. **Access.** The accessory dwelling shall utilize an existing, permitted driveway that serves the parcel; it shall not be granted a separate driveway from any public right-of-way.
 - ii. **Location.** A detached farmworker housing unit must be located behind the front façade of the primary residential structure (if present), in either the side yard or the rear yard.
 - iii. **Parking and Loading.** At least one (1) parking space per dwelling unit shall be provided.

- iv. **Utilities.** The farmworker housing unit shall have water and sewage disposal that is approved by the Clark County Health Department or available sanitary service provider as appropriate. The Health Department shall approve connections or modifications to the existing septic system that may be needed to accommodate the accessory dwelling.
 - v. **Zoning District Standards.** All other development standards of the subject zoning district shall apply.
- e. **Procedures.**
- i. **Permits.** An ILP is required for placing/constructing permanent or temporary farmworker housing in order to ensure that the structure meets all of the applicable building codes and is safe and habitable.
 - (a) All farmworker housing must comply with the regulations and permitting requirements for the jurisdiction which includes, but is not limited to, building construction, sewage disposal, and water supply, prior to occupancy of the housing units.

7. HOME OCCUPATION STANDARDS.

- a. **Purpose.** The purpose of regulating commercial activities in residential dwellings is to ensure that they are incidental, compatible uses which do not add significant traffic, noise, or other nuisances to the residential areas in which they are located.
- b. **Use and Operational Standards.**
 - i. **Location.** The business activity must be conducted entirely within the primary dwelling unit or entirely within an accessory structure upon the same premises as the primary dwelling unit. Any accessory structure must be clearly incidental and secondary to the primary dwelling unit and comply all standards of this UDO.
 - ii. **Employees.** No person or persons may be employed in the home occupation at the site other than the resident (or residents) of the site. Any activity that requires the services and/or assistance of persons other the resident(s) of the primary dwelling unit shall not qualify as a home business.
 - iii. **No clients or business-related visitors shall be allowed on site.** There shall be no evidence on the exterior of the premises or visible from the exterior of the premises that the property is used in any way other than for a residential dwelling. Parking, display/storage of products/goods, or other items necessary for the home occupation shall not be visible from the exterior of the premises.
- c. **Development Standards.** Signs for home occupations are not permitted.

8. MANUFACTURED HOME PARK STANDARDS.

- a. **Purpose.** The purpose of the Manufactured Home Park is to ensure a high-quality living environment within a manufactured home park and to assist in providing opportunities for low and moderately priced single-family housing.
- b. **Structure Standards.**
 - i. **Area.** Minimum area of a residential structure within a manufactured home park shall be six hundred (600) square feet.
 - ii. **Maintenance.** Wrecked, damaged, or dilapidated homes shall not be kept or stored within the manufactured home park at any time. The administrator shall determine if a home is damaged or dilapidated to a point which makes the home unfit for human occupancy. Whenever such a determination is made, the home shall be vacated and removed from the premises.
 - iii. All construction or alterations within the manufactured home park shall meet the local health and safety standards prevalent within Clark County in addition to all state standards.
- c. **Use and Operational Standards.**
 - i. No manufactured home park shall be maintained without proper supervision or a resident manager, who at all times shall see that ordinances and laws regulating said park are observed.
 - ii. Every person who owns or operates a manufactured home park shall maintain a current register of all occupants, which shall include 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 designation of the space occupied.
 - iii. No site or lot in a manufactured home park may be occupied unless a manufactured home is located upon the site or lot.
 - iv. No transient or nonpermanent manufactured home or travel trailers shall be located in a licensed manufactured home park.
 - v. If not located a Business District (B1, B2, B3), coin-operated laundries, laundry and dry-cleaning pickup stations and other commercial convenience establishments may be permitted in manufactured home parks provided:
 - (a) They are subordinate to the residential character of the park;
 - (b) They are located, designed, and intended to serve only the needs or persons living in the park;
 - (c) The establishments and parking areas related to their use shall not occupy more than ten percent of the total park area;
 - (d) The establishments shall present no visible evidence of their commercial nature to areas outside the park.

d. Development Standards.**i. Lot Standards.**

- (a) Each park shall provide either one or more central structures available to all manufactured home sites or a single structure for each manufactured home site. Such structures shall be waterproof or water-resistant so they remain relatively unaffected by water and/or weather and are suitable for storage of goods and the usual effects of persons occupying the park.
- (b) All manufactured homes shall be properly underpinned and anchored with anchors or straps according to manufactures specifications.
- (c) Area.
 - (1) Home Site. The minimum area of an individual home site shall comply with all applicable development standards in *Chapter 2: Zoning Districts*.
 - (2) Overall Development. No minimum area requirement.
- (d) Setbacks.
 - (1) Home Site. The minimum setbacks for an individual home site shall comply with all applicable development standards in *Chapter 2: Zoning Districts*.
 - (2) No manufactured home and enclosed accessory structures designed for living space shall be located closer than ten (10) feet from any other manufactured home, permanent building, or structure within the manufactured home park.

ii. Bufferyards and Fencing.

- (a) The perimeter of each manufactured home park shall be fenced/screen with a minimum of four (4) feet in height with:
 - (1) An approved woven wire fence on sides not abutting onto public street with, and
 - (2) With a block fence or combination of wood and masonry or metal and masonry, as the area dictates, on all public streets.
- (b) Fences or free-standing walls shall be installed where necessary around laundry areas, refuse collection points, sanitary facilities, sewage disposal facilities and playgrounds for screening and protection of the residents.
- (c) Screening, fencing and walls shall be set back from sidewalks and streets so as not to interfere with convenient and safe use of these facilities. Vision clearance at street intersections shall be maintained.

iii. **Driveways.** Driveways shall be provided on the site where necessary for convenient access to service entrances of buildings, to delivery and collection points for refuse and other material, and elsewhere as needed.

iv. **Parking and Loading.** Two (2) parking spaces shall be provided for each manufactured home stand. The spaces shall be provided either in common facilities within one hundred (100) feet of the stand or within the stand.

v. Utilities.

(a) Each manufactured home site or lot shall be provided with adequate utility connections required to service the manufactured home in an area not to exceed two feet by three feet, with a concrete base of not less than eighteen inches by thirty inches by four inches thickness poured at grade level, sloped to drain. All services stubbed through this slab shall be sleeved or wrapped to allow for settlement or movement. All utility lines within a manufactured home park boundary shall be installed underground, and may be in a common trench as state safety requirements permit.

vi. **Trash.** All trash and refuse must be placed in closed containers or within an enclosure that is fenced or walled, containing closed containers.

vii. **Lighting.** All exterior park lights shall be so located and shielded as to prevent direct illumination of any areas outside the park. Each manufactured home park shall provide sunset to sunrise illumination at the entrance, sufficient to allow prompt recognition of the entrance, and sufficient artificial lighting at the walkways to resident facilities such as community building and laundry room facilities.

viii. Sidewalks.

(a) Paved pedestrian sidewalks shall be installed on at least one side of all streets. All sidewalks shall be at least four (4) feet in width and paved with a suitable material for use in all weather conditions.

(b) Individual sidewalks shall be provided from a public sidewalk, street, or parking area to the individual manufactured home stands within close proximity to the front door of the manufactured home. These walks shall be at least three (3) feet in width and should be paved with a suitable material for use in all weather conditions.

ix. Streets.

(a) Manufactured home parks shall have direct access to an adequate public thoroughfare with sufficient frontage thereon for the proper construction of entrances and exits. Such entrances and exits shall be designed for the safe movement of manufactured homes into and out of the park. The entrance shall be landscaped with an appropriate method of signing, to provide adequate identification from the serving highway or street.

(b) Design of all streets shall provide for emergency vehicle access.

(c) Internal manufactured home park streets, if dedicated to public use, shall meet minimum standards for design and construction as required by this UDO.

(d) No street name, public or private, shall duplicate any other street name in Clark County.

x. **Recreational Area.** Each park shall provide a recreational area or areas equal in size to at least eight percent (8%) of the area of the park, generally in a central location. Streets, parking areas, and park service facility areas shall not be included in the required recreational area.

xi. **Zoning District Standards.** All other development standards of the subject zoning district shall apply.

xii. Manufactured home parks are NOT exempt from the Flood Hazard Ordinance, DNR regulations, or FEMA regulations.

e. **Procedures.**

- i. **Application.** Development Plan approval is required for the establishment of a manufactured home park.
- ii. **Permits.** Permits shall be required for the placement of individual manufactured homes and their accessory structures.
- iii. **Drainage Board Approval Required.** All manufactured home parks must obtain approval from the Clark County Drainage Board.

9. SPECIAL EVENT FACILITY STANDARDS.

- a. **Purpose.** The purpose of the special event facility standards is to ensure that the use and establishment of the facility remains accessory to the residential or agricultural use of the property and does not have a negative impact on the surrounding agricultural or residential areas.
- b. **Use and Operational Standards.**
 - i. **Hours of Operation.** The special event operation period shall be limited to the hours of 8:00am to 12:00am. All events shall comply with all applicable local nuisance and noise ordinances.
- c. **Development Standards.**
 - i. **Lot Standards.**
 - (a) **Area.** Minimum lot size shall be three (3) acres.
 - (b) **Setbacks.** All setbacks shall be in accordance with the respective zoning district. This includes any temporary structures such as tents, canopies, stages, and dance floors.
 - ii. **Dust Control.** Dust shall be minimized by reducing vehicle speeds on driveways and parking areas. During dry conditions, the application of water or other approved dust controlling measure is required. Parking areas shall be paved and comply with *Chapter 3, Section B.6. Parking & Loading Standards*.
 - iii. **Lighting.** All outdoor lighting associated with the special event shall be turned off by 12:00 am and conform to *Chapter 3, Section B.4: Lighting Standards*.
 - iv. **Signage.** In addition to the permitted signage in *Chapter 3, Section B.7: Sign Standards*, temporary directional signs are allowed during event activities provided they are placed outside of the rights-of-way.
 - v. **Utilities.** The facility shall provide a potable domestic water supply and an on-site sewage disposal/storage or sewer service connection necessary to accommodate the special events to the satisfaction of the Clark County Health Department.
 - vi. **Zoning District Standards.** All other development standards of the subject zoning district shall apply.
- d. **Procedures.**
 - i. **Development Plan Required.** All special event facilities require development plan approval shall include a plan for traffic, parking, sewage disposal/storage, and circulation plan. All required state and local permits and licenses must be provided with the development plan. In addition, the APC or Administrator shall make specific findings and may establish conditions relative to the consideration of:
 - (a) The physical design and operating characteristics of the facility.
 - (b) The intensity of the proposed use and density of the surrounding area.
 - (c) The distance to surrounding sensitive elements, including residents and livestock.

- (d) The type of sound potentially generated by the facility and what allowances for amplified sound may take place.
- (e) The allowed number of events per year and the frequency of events.
- (f) Traffic, parking, and vehicle circulation.
- (g) Sewage disposal and/or storage.
- (h) Compliance with all state and local permits and licenses.

10. WIRELESS COMMUNICATION FACILITY STANDARDS.

- a. **Purpose.** The purpose of these regulations is to ensure that the siting of new wireless communication facilities are appropriately placed and in compliance with current state statute procedures.
- b. **Use and Operational Standards.**
 - i. **Location.** Wireless facilities shall not be located within the boundaries of any legally platted and recorded residential subdivision, except 5G/mini towers.
- c. **Development Standards.**
 - i. **Zoning District Standards.** All other development standards of the subject zoning district shall apply.
- d. **Procedures.**
 - i. **Permits.** Wireless facilities shall not be constructed, erected, placed, modified, or altered until an ILP has been obtained.
 - ii. **Application.** In accordance with IC 8-1-32.3, the following procedures shall apply to the application and approval for construction of a new wireless support structure, substantial modification of a wireless support structure, or collocation of wireless facilities on an existing structure.
 - (a) 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) Application Information.
 - a. A statement that the applicant is a person that either provides wireless communications service or owns or otherwise makes available infrastructure required for each service; and
 - b. The name, business address, and point of contact for the applicant.
 - (2) Location.
 - a. The location of the proposed or affected wireless support structure or wireless facility; and
 - b. Evidence supporting the choice of the location for the proposed wireless support structure, including a sworn statement from the individual responsible for the choice of location demonstrating that collocation of wireless facilities on an existing wireless support structure was not a viable option because collocation:
 - i. Would not result in the same wireless service functionality, coverage, and capacity;
 - ii. Is technically infeasible; or
 - iii. Is an economic burden to the applicant.
 - (3) Construction Plan. A construction plan that describes the proposed wireless support structure and all equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment.

- (4) Findings of Fact. For an application that requires a Special Exception, evidence showing that the application complies with the applicable criteria shall be submitted. The criteria for a Special Exception under IC 36-7-4-918.2 shall comply with *Chapter 8, Section D.4: Special Exception Procedures*.
- (b) Review of Application. Upon receipt of an application for a new or significantly modified wireless support structure, the Administrator shall promptly review it for completeness. Within ten (10) business days of receiving the application, the Administrator shall notify the applicant of whether the application is complete and whether a public hearing will be required.
- (1) Failure to Notify. If the Administrator fails to notify the applicant within ten (10) business days whether the application is complete shall be considered a non-final zoning decision in accordance with IC 36-7-4-1602(c), with the applicant consequently entitled to expedited judicial review of the non-final zoning decision.
- (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, the Administrator shall take final action on the request within a reasonable period of time after the application is filed.
- (d) Deadline for Final Action. For purposes of subsection b: Review of Application above, “reasonable period of time” shall be determined as follows:
- (1) Collocation Only. If the request involves an application for collocation only, a reasonable period of time is not more than forty-five (45) days from the date that the applicant is notified by the Administrator that the application is complete. An application for collocation only is not subject to a public hearing before the BZA, but the Administrator may review the application for compliance with applicable building code requirements before issuing an ILP.
- (2) New Wireless Support Structure. If the request involves an application for an ILP to construct a new wireless support structure, a reasonable period of time is not more than ninety (90) days from the date that the applicant is notified that the application is complete. The BZA shall conduct a public hearing on the request and shall make a decision on the request at the meeting at which it is first presented. Decisions made by the BZA after a public hearing conducted in accordance with this section are considered zoning decisions for purposes of IC 36-7-4 and are subject to judicial review under the IC 36-7-4-1600 series.
- (3) Substantial Modification of a Wireless Support Structure. If the request involves an application for an ILP for substantial modification of a wireless support structure, a reasonable period of time is not more than ninety (90) days from the date that the applicant is notified that the application is complete. The BZA shall conduct a public hearing on the request and shall make a decision on the request at the meeting at which it is first presented. Decisions made by the BZA after a public hearing conducted in accordance with this section are considered zoning decisions for purposes of IC 36-7-4 and are subject to judicial review under the IC 36-7-4-1600 series.

- (4) 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 by parts i, ii, or iii above shall be extended for a corresponding amount of time.
 - (5) 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.
- (e) Additional Rules. 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 application 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 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:
 - i. Travel expenses incurred by a third party in its review of an application; or
 - ii. 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 ILP 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.

This page intentionally left blank.

5 SUBDIVISION TYPES

A. Purpose and Intent.

1. Define, regulate, and control the different ways that land can be subdivided 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. Take guidance from the jurisdiction's *Comprehensive Plan* and UDO; and

B. Development Standards for Specific Subdivisions.

Development standards are included in this chapter for the following subdivisions:

- Commercial and Industrial
- Minor Residential
- Major Residential
- Conservation Residential

1. COMMERCIAL AND INDUSTRIAL SUBDIVISION.

a. **Intent.** A commercial or industrial subdivision, as defined in *Chapter 10: Definitions*, is intended to provide development for primarily commercial or industrial uses and other uses as permitted within the subject zoning district. The layout shall allow for adequate vehicular, pedestrian, and alternative transportation access as well as connections to adjacent parcels and transportation networks. Driveway cuts on to arterial streets shall be limited and frontage streets shall be utilized. In order to allow for end-user flexibility, the secondary platting process may be done by full plat, individual lot, individual lot with development plan, or phase/section, as explained further in *Chapter 7, Section B: Procedures for Subdivisions*.

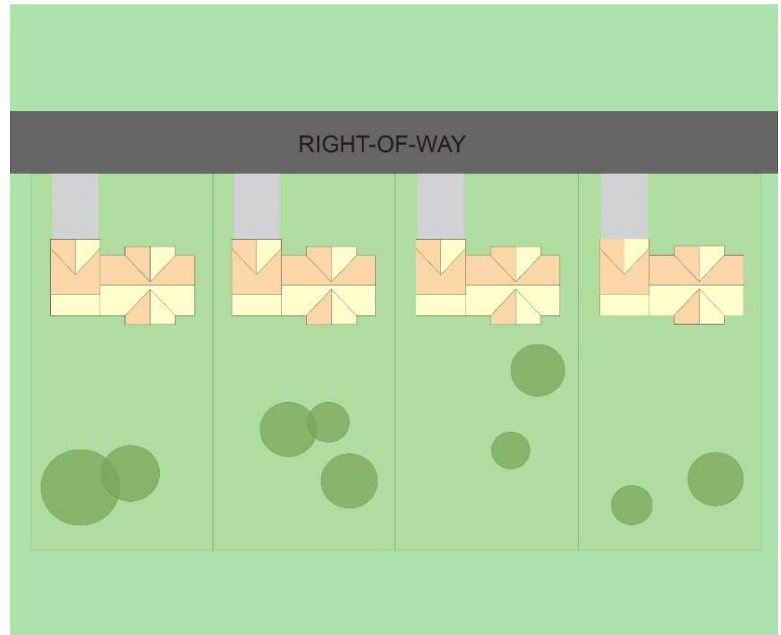


b. **Development Standards.**

DEVELOPMENT STANDARDS FOR INDUSTRIAL SUBDIVISIONS	
Districts permitted	B1, B2, B3, M1, M2, M3
Internal access	Internal streets may be private, but shall be constructed to the applicable street function standards in <i>Exhibit A: Minimum Standard Design Requirements</i> .
Sidewalks	<ul style="list-style-type: none"> • Optional along existing perimeter streets that are immediately adjacent to the subject property. • Required on both sides of any new street within the subdivision. • Maintenance of all sidewalks is the responsibility of the abutting property owner(s).
Development standards for individual lots	The development standards for the subject zoning district shall apply to each lot within the subdivision. See <i>Chapter 2: Zoning Districts</i> .
Design standards for subdivision	All design standards for the subdivision shall comply with applicable sections of <i>Chapter 6: Subdivision Design Standards</i> .

2. MINOR RESIDENTIAL SUBDIVISION.

- a. **Intent.** A minor residential subdivision, as defined in *Chapter 10: Definitions*, is intended to be an expedited process for subdividing six or fewer lots exclusively for residential use that does not involve the opening or creation of new public rights-of-way. The design shall still allow for adequate vehicular and pedestrian access as well as connections to adjacent parcels where necessary. A shared private driveway or private roadway may be required by the PC to provide safe access to/from public streets and to allow for alternative lot layouts.

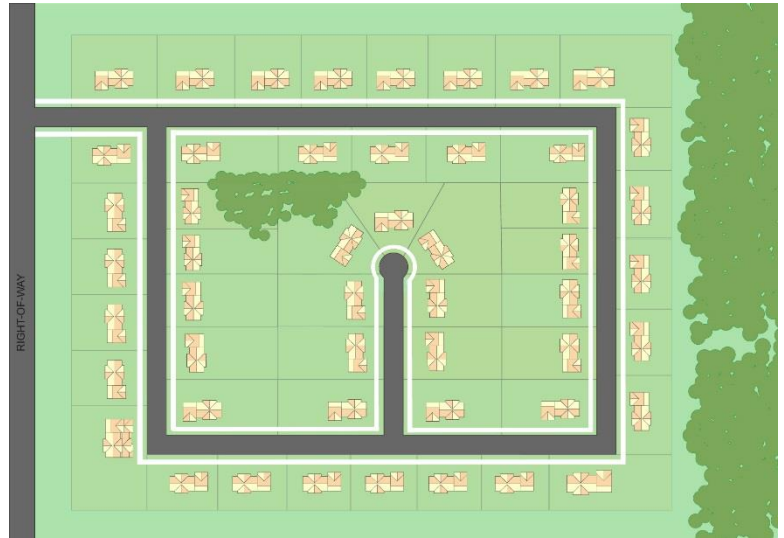


- b. **Development Standards.**

DEVELOPMENT STANDARDS FOR MINOR RESIDENTIAL SUBDIVISIONS	
Districts permitted	A, AE, R1, R2, R3, R4
Internal access	A shared private driveway or private roadway may be utilized for internal access and shall comply with <i>Chapter 6, Section J: Roads, Public Roads, and Alleys</i> and also be constructed to the applicable street function standards in <i>Exhibit A: Minimum Standard Design Requirements</i> . The shared private driveway or private roadway must be contained within a common area and maintained by the property owner(s) per the written and recorded road maintenance agreement.
Development standards for individual lots	The development standards for the subject zoning district shall apply to each lot within the subdivision. See <i>Chapter 2: Zoning Districts</i> .
Design standards for subdivision	All design standards for the subdivision shall comply with applicable sections of <i>Chapter 6: Subdivision Design Standards</i> .
Other requirements	Only one minor residential subdivision is permitted per parent parcel. Any additional subdivisions are considered a Major Residential Subdivision.

3. MAJOR RESIDENTIAL SUBDIVISION.

- a. **Intent.** A major residential subdivision, as defined in *Chapter 10: Definitions*, is intended to provide development exclusively for more than six (6) parcels for residential uses as permitted within the subject zoning district. The layout shall allow for adequate vehicular, pedestrian, and alternative transportation access as well as connections to adjacent parcels and transportation networks. Driveway cuts from individual lots onto arterial streets are prohibited.

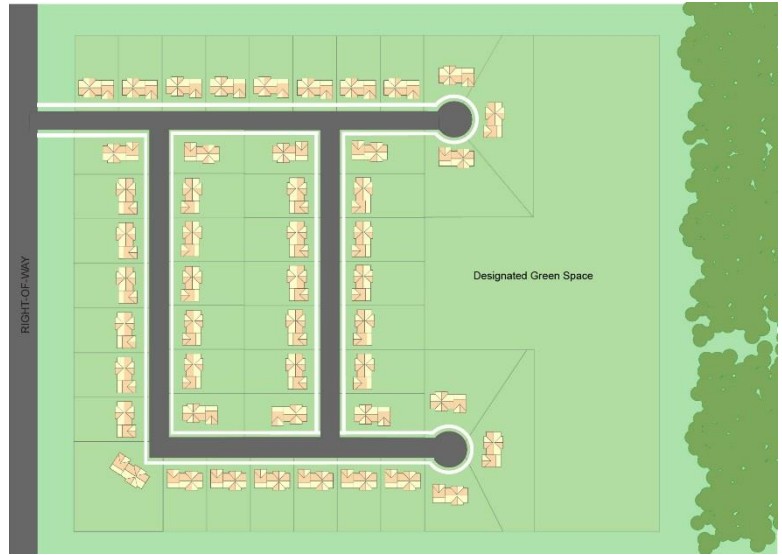


- b. **Development Standards.**

DEVELOPMENT STANDARDS FOR MAJOR RESIDENTIAL SUBDIVISIONS	
Districts permitted	A, AE, R1, R2, R3, R4
Internal access	Internal streets must be public and shall be constructed to the applicable street function standards in <i>Exhibit A: Minimum Standard Design Requirements</i> .
Sidewalks	<ul style="list-style-type: none"> Optional along existing perimeter streets that are immediately adjacent to the subject property. Required on both sides of any new street within the subdivision if served by sewer. An alternate internal pathway/trail network may be substituted for sidewalks on one side of a new street at the discretion of the PC. Maintenance of all sidewalks is the responsibility of the abutting property owner(s).
Development standards for individual lots	The development standards for the subject zoning district shall apply to each lot within the subdivision. See <i>Chapter 2: Zoning Districts</i> .
Design standards for subdivision	All design standards for the subdivision shall comply with applicable sections of <i>Chapter 6: Subdivision Design Standards</i> .
Other requirements	<ul style="list-style-type: none"> Covenants are required for all Major Residential Subdivisions in A or AE districts to prevent nuisances and conflicts. Major Residential Subdivisions in A or AE districts are permitted but rezoning to a residential district is recommended.

4. CONSERVATION RESIDENTIAL SUBDIVISION.

a. **Intent.** A conservation residential subdivision, as defined in *Chapter 10: Definitions*, is intended exclusively for single-family development (attached and detached), and does not include multi-family dwellings. The purpose of the design is to provide density incentives in order to improve the preservation of sensitive environmental resources and enhance the rural community character. This is achieved by setting aside a substantial amount of the site as permanent common open space and then the homes are grouped as a compact neighborhood on the remaining portion of the site. The open space that is preserved can provide a variety of benefits to the community including the protection of water quality, creation of wildlife habitats, or even provide recreational opportunities.



b. **Development Standards.**

DEVELOPMENT STANDARDS FOR CONSERVATION RESIDENTIAL SUBDIVISIONS	
Districts permitted	A, AE, R1, R2, R3, R4
Minimum development size	N/A
Minimum open space for the overall development	25%
Maximum number of lots	<ul style="list-style-type: none"> The maximum number of lots shall be calculated by the total area within the subdivision divided by the minimum lot area for the subject zoning district(s) as outlined in <i>Chapter 2: Zoning Districts</i>. Lots served by sewer may be reduced for the subject zoning district(s) but no lot shall be smaller than 4,400 sqft. Lots served by a septic system may be the minimum necessary as approved by the Health Department.
Internal access	Internal streets must be public and shall be constructed to the applicable street function standards in <i>Exhibit A: Minimum Standard Design Requirements</i> .
Sidewalks	Required on both sides of any new street for developments served by sewer. An alternate internal pathway network may be substituted for sidewalks on one side of a new street at the discretion of the PC. Pedestrian access must be provided to any dedicated open space.
Development standards for individual lots	Unless otherwise stated, all other development standards for the subject zoning district shall apply to each lot within the subdivision. See <i>Chapter 2: Zoning Districts</i> .
Design standards for subdivision	All design standards for the subdivision shall comply with applicable sections of <i>Chapter 6: Subdivision Design Standards</i> .

c. Open Space Standards.

- i. A minimum of twenty-five percent (25%) of the development's gross square footage must be dedicated as Open Space.
- ii. No portion of a proposed lot's front, side or rear yard(s), right-of-way, roads, streets, median strips, parking area, and/or sidewalks can be used to satisfy the open space requirement.
- iii. No portion of any dedicated, reserved, used, or in-use lands for cemetery interment can be used to satisfy the open space requirement.
- iv. The required open space may be used for drainage which would include:
 - (a) Detention and retention basins, and
 - (b) Bodies of water such as ponds and lakes.
- v. Open space shall have a minimum width of twenty (20) feet to allow for maintenance access.
- vi. All open space shall have pedestrian access and all homeowners must have the right to access all open space.
- vii. All conservation residential subdivisions must have a homeowners association and recorded covenants.
- viii. Phasing of development and open space is allowed.
- ix. Open space conveyance shall be accomplished in one of the methods listed below. An applicant must provide a letter from the entity stating that it will accept the conveyance of the open space deed into perpetuity or the open space may be platted as common area with a written commitment that said common area cannot be vacated or developed. If open space is conveyed as common area through a written commitment, such commitment shall include that each lot within the subdivision shall have access to and use of the common area as well as an undivided interest in the title. A conservation easement must be dedicated with the secondary plat.
 - (a) Homeowners Association. A conservation easement recorded for open space in perpetuity may be granted to the homeowners association. Maintenance, if any, shall be the responsibility of the homeowners association. In the event the homeowners association is dissolved or the homeowners association does not carry out maintenance for any reason, the Township Trustee has the legal authority to take appropriate action to bring the property into compliance and the expenses incurred will be the shared responsibility of all property owners within the subdivision under IC 36-1-6-2.
 - (b) Land Trust. A conservation easement recorded for open space in perpetuity may be granted to a registered land trust. Maintenance shall be the responsibility of the land trust manager or the development's homeowners association as stipulated. If the homeowners association assumes maintenance and the homeowners association is dissolved or the homeowners association does not carry out maintenance for any reason, the Township Trustee has the legal authority to take appropriate action to bring the property into compliance and the expenses incurred will be the shared responsibility of all property owners within the subdivision under IC 36-1-6-2.
 - (c) Not-for-profit Organization. A conservation easement recorded for open space in perpetuity may be granted to a not-for-profit organization. Maintenance shall be the responsibility of the

not-for-profit organization or the development's homeowners association. If the homeowners association assumes maintenance and the homeowners association is dissolved or the homeowners association does not carry out maintenance for any reason, the Township Trustee has the legal authority to take appropriate action to bring the property into compliance and the expenses incurred will be the shared responsibility of all property owners within the subdivision under IC 36-1-6-2.

- (d) Clark County Government. A conservation easement recorded for open space in perpetuity may be granted to the Clark County Government only if the county agrees to accept the conveyance, and maintenance shall be the responsibility of the Clark County Government or the development's homeowners association as determined as determined in the conveyance. If the homeowners association assumes maintenance and the homeowners association is dissolved or a homeowners association does not carry out maintenance for any reason, the Township Trustee has the legal authority to take appropriate action to bring the property into compliance and the expenses incurred will be the shared responsibility of all property owners within the subdivision under IC 36-1-6-2.
- (e) State or Federal Government. A conservation easement recorded for open space in perpetuity may be granted to the state and/or federal government only if the entity agrees to accept the conveyance, and maintenance shall be the responsibility of that respective government entity or the development's homeowners association as determined as determined in the conveyance. If the homeowners association assumes maintenance and the homeowners association is dissolved or a homeowners association does not carry out maintenance for any reason, the Township Trustee has the legal authority to take appropriate action to bring the property into compliance and the expenses incurred will be the shared responsibility of all property owners within the subdivision under IC 36-1-6-2.

C. Exempt Subdivisions.

1. **Intent.** The intent of this section is to establish criteria that allows lot splits to occur that are not otherwise required to go through the other subdivision processes outlined in this UDO. Furthermore, this exempt subdivision provision shall not be used as a means to bypass the subdivision process outlined in this UDO.
2. **Subdivider's Responsibility.** It is the responsibility of the person subdividing land to verify with the Administrator regarding their subdivision exemption eligibility before recording lot splits. Lots created under this provision are not guaranteed to be buildable or guaranteed to qualify for the issuance of an ILP.
3. **Applicability.** The following divisions of land are exempt from the provisions of this UDO.
 - a. A division of land into two (2) or more tracts which are all at least five (5) acres in size.
 - b. One (1) division of land less than five (5) acres per calendar year per parent parcel.
 - c. A division of land for the transfer of a tract(s) to correct errors in an existing legal description, or the sale/exchange of tracts between adjoining landowners, provided that no additional principal use building sites are created by the division.
 - d. A division of land by the Federal, State, or local government for the acquisition of right-of-way or an easement.
 - e. A division of land into cemetery plots for the purpose of burial of corpses.

- f. A division of land for agricultural uses not involving any new streets or easements of access, provided that the sale or exchange does not create additional residential building sites or is intended for residential development in the future.
- g. A division of land that combine/reconstitute property lines such that no new building lots are created.
- h. An adjustment/shift of lot lines as shown on a recorded plat provided there is no reduction in the area, frontage, width, depth, or building setback lines of each building site that would place it below the minimum requirements of this UDO.
- i. The sale, exchange or transfer of land between adjoining property owners which does not result in the change of the present land usage or create an additional building site.
- j. A division of land that is government or court ordered.

6 SUBDIVISION DESIGN STANDARDS

A. Purpose.

1. These subdivision design standards are intended to provide predictability to developers and property owners while ensuring the residents of Clark County benefit from quality residential neighborhood designs and commercial/industrial development that promotes the public health, safety, and general welfare and supports the goals of the Comprehensive Plan.

B. General Provisions.

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

C. ACCESS AND CONNECTIVITY.

1. General.

- a. The area to be subdivided shall have frontage on and access from an existing public road, including an existing state or county highway.
- b. The road and public road design of the subdivision shall provide direct access for lots and parcels of land within the subdivision and shall provide for continuity of arterial or collector roads and public roads. The PC may require the extension of certain roads or public roads to the exterior boundary of the subdivision and may require the subdivider to provide a partial right-of-way along an exterior boundary line to correspond to an existing public right-of-way on adjoining lands, or for the purpose of extending arterial or collector roads. Roads not immediately extended shall terminate in a legal cul-de-sac which may eventually be vacated.
- c. **Access Easement.** An easement providing access to a public road shall be prohibited except where the PC has approved its use, control, and maintenance, except with minor subdivisions and exempt subdivisions.

2. Freeway/Expressway, Arterials (Principal & Minor) and Collectors (Major & Minor). Where a subdivision borders or contains an existing or proposed freeway/expressway, arterial or collector, based on the recommendation of the County Engineer, the PC may require:

- a. Frontage or service roads that are located outside the right-of-way of freeway/expressway, arterial or collector roads and public roads shall be separated from the arterial or collector by a planting area or grass strip and having access at suitable points.
 - i. Design of frontage or service roads shall be based on providing access to the property, maintaining circulation of traffic within the subdivision, and providing for parking requirements and surface drainage.
 - ii. Frontage roads and public roads shall be improved and dedicated by the subdivider at its own expense to the full width as required by this UDO when the subdivider's development activities contribute to the need for the road expansion. Land reserved for any road purposes may not be counted in satisfying yard or area requirements of the UDO whether the land is to be dedicated in fee simple or an easement is granted to the county or municipality as appropriate.
 - iii. The coordination of public roads from one subdivision to another is essential to the jurisdiction in order to provide a continuation of not only vehicular access, but also for transportation and distribution lines for most utilities, such as water, sewer, gas, electricity and telephone systems. Therefore, based on recommendations from the Administrator, County Engineer, or County Surveyor, the PC may require a developer to construct access public roads to adjoining vacant undeveloped properties. The PC shall determine the need and location of these access public roads at the primary plat hearing.
- b. A series of cul-de-sacs, U-shaped public roads, or short loops entered from and designed generally at right angles to such a parallel public road, with the rear lines of their terminal lots backing onto the freeway/expressway, arterial or collector.

- c. Individual lots that gain access from a local public road with rear or side yards that abut a freeway/expressway, arterial or collector prohibit access to the freeway/expressway, arterial or collector with a five (5) foot no-access easement along said road or public road.
- d. Double frontage lots with screening, or a non-access easement along the property lines, deep lots.
- e. Such other treatment as may be deemed necessary for the adequate protection of residential properties and to afford separation of through and local traffic.

3. **Access Roads.**

- a. If the subdivision has fifty (50) or more residential units, there shall be two (2) separate entrances onto two (2) separate roads. If the subdivision only fronts a single road, the subdivision shall have two (2) entrances onto the road provided there is appropriate distance between entrances and other roadways and intersections. If there is not appropriate distance between entrances and other roadways and intersections, then a single entrance with a median divider is allowed. Each lane of the single entrance with a median divider shall be at least sixteen (16) feet if roll curbs are used or eighteen (18) feet if barrier curbs are used. The median shall be twelve (12) feet in width to accommodate a separate left-turn lane if necessary. The median divider shall extend from the entrance of the intersection to the first crossroad or first intersection within the subdivision.
- b. The primary access road in the subdivision must be constructed per the required standards and designed to accommodate emergency vehicles and regular daily traffic, including being above the 100-year FEMA flood elevation unless approved by the County Engineer, and the sight distance for any entrances of the subdivision onto a public road or public road shall be adequate.

4. **Level of Service.** The subdivider may propose and construct approved traffic mitigation measures to provide adequate roadway capacity for the proposed development.

5. **Connectivity.**

- a. Proposed public roads shall be extended to the boundary lines of the tract to be subdivided, unless, at the recommendation of the Administrator, County Engineer, or County Surveyor, such extension is not feasible due to topography or other physical conditions, or not necessary or desirable for the coordination of the subdivision with the future development of adjacent tracts.
- b. The arrangement of public roads shall provide for the continuation of principal public roads between adjacent properties when the continuation is necessary for convenient movement of traffic, effective fire protection, for efficient provision of utilities.

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

D. BLOCKS AND LOTS.

1. General.

- a. Proposed commercial or industrial parcels shall be suitable in minimum area and dimensions to the types of industrial development anticipated. Proposals for incremental lot by lot subdivision must be made clear in a statement on the preliminary plat which is satisfactory to the Commission.
- b. Proposed residential parcels shall comply with the standards of the subject zoning district.

2. Lot Arrangement.

- a. The width of blocks should be sufficient to allow two (2) tiers of lots. Blocks shall not exceed one thousand, three hundred and twenty (1,320) feet in length, unless the Plan Commission determines that a longer length will not be detrimental to local traffic flow. The PC may require the reservation of an easement through blocks longer than three hundred and twenty (1,320) feet to accommodate utilities, drainage facilities, or pedestrian traffic. In addition, the PC may require pedestrian ways or cross walks through the center of blocks where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation, or other community facilities.
- b. 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 can be achieved.
- c. Every lot shall have sufficient and adequate access to a dedicated public or private road constructed, or to be constructed, in accordance with this UDO.

3. Lot Dimensions.

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

4. Lot Orientation.

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

E. COVENANTS.

1. **Purpose.** Covenants are generally a combination of restrictions on the use of property and affirmative obligations imposed by the developer on the owner of a property within a subdivision that are above and beyond the development standards for the jurisdiction. The purpose of these covenants is to give a development a more standard appearance as well as control over the activities that take place within its boundaries so that when enforced by the developer (and subject/subsequent property owners), the property values are uniformly protected.
2. **Self-imposed Restrictions.** If an owner of property places restrictions on any land contained in a subdivision that are more restrictive than those required by this UDO, such restrictions shall be indicated or referenced on the subdivision plat. All restrictive covenants shall be recorded with the County Recorder.
3. **Enforcement.** Only regulations specifically found in the UDO are enforceable by the PC. Restrictive covenants will not be enforced by the PC and must be enforced by the Homeowners Association (or the subject property owners) and through the civil courts.
4. **Drainage.** All drainage shall comply with the Clark County Drainage Board and is subject to their approval.
 - a. Maintenance of drainage facilities shall be the responsibility of the developer until it is turned over to the Homeowners Association (HOA).
 - b. If drainage areas are maintained by a Homeowners Association (HOA) or similar organization and said organization is dissolved, maintenance and associated costs of any drainage facility shall be shared equally between the property owners within the complete platted subdivision.
 - c. No secondary plat shall be approved until after approval of the drainage plan by the Clark County Drainage Board.

F. CURBS, GUTTERS, SIDEWALKS AND TRAILS.

1. **Curbs and Gutters.**

- a. The curbs and gutters for all roads within and bounding the subdivision shall conform to the standards shown in *Exhibit A: Minimum Standard Design Requirements*.
- b. A concrete curb and gutter may be required for all roads when sidewalks are required by this UDO in accordance with the *Exhibit A: Minimum Standard Design Requirements*.

2. **Sidewalks.**

- a. The Subdivider shall have sidewalks in residential subdivisions that are served by sewer.
 - b. Concrete sidewalks shall be included within the dedicated, non-pavement right-of-way of all roads as required by the *Exhibit A: Minimum Standard Design Requirements*. A median strip of grassed or landscaped areas at least four feet (4') wide shall separate all sidewalks from adjacent curbs unless approved by the PC. No trees shall be planted in this median strip unless approved by the PC.
 - c. If sidewalks exist on adjacent parcels, sidewalks shall conform to the setback and width of existing sidewalks within the same block but shall not be less than four (4) feet in width.
 - d. In commercial and other congested areas, the PC may require sidewalks of greater width constructed adjacent to the curb.
 - e. The owners of property abutting sidewalks in the County are required to repair that part of the sidewalk adjoining property belonging to them, at their own expense, by repairing any holes, uneven surfaces and other defective places therein, by using materials as nearly similar as possible to that of which the sidewalk is constructed. The owners of property abutting sidewalks in the County are also required to remove snow and ice.
 - f. Sidewalks shall conform to Americans with Disabilities Act (ADA) standards.
 - g. The surface of any sidewalk shall, when completed, have a sufficient slope to drain away from the lot and toward the center of the public road. The subgrade of a sidewalk shall be constructed to a depth below the finished surface and shall be thoroughly compacted to a firm, smooth surface.
3. **Paths or Trails.** Asphalt paths or sidewalks may be allowed by the PC along Primary Arterials, Secondary Arterials, and Collectors when a part of a trail system adopted by the county or municipality as appropriate. All asphalt paths must be a minimum of eight (8) feet wide and meet the current AASHTO (American Association of State Highway Transportation Officials) standards for thickness and base requirements.

G. DRAINAGE, STORMWATER, SWALES, AND EROSION CONTROL.

1. **General.** The Subdivider shall meet all Clark County Drainage Board and state requirements.

H. MONUMENTS AND MARKERS.

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

I. PUBLIC AND OPEN SPACES.

1. Proposed subdivisions may allocate adequate areas for public parks, schools, or other public recreational purpose in support the goals of the Comprehensive Plan. Each reservation shall be of suitable size, dimension, topography, and general character and shall have adequate road access for the particular purposes envisioned. The reserved area shall be shown and marked on the secondary plat, "Reserved for Park, School, or Recreational Purposes." The PC may refer such proposed reservations to appropriate officials or departments for recommendations.
2. **Existing Natural Features.**
 - a. Existing features that would add value to the development or to the jurisdiction as a whole (such as trees, watercourses and falls, historic sites, and similar irreplaceable assets) shall be encouraged to be preserved in the design of the subdivision.
 - b. The primary plat shall show all such existing features, including the number and location of existing trees being retained and the location of all proposed trees required by this UDO as outlined in *Chapter 3: Site Development Standards*. Massing of existing trees can be delineated by the edge of the tree line.
 - c. All existing trees to be preserved shall be welled and protected against change of grade.
3. **Open Space.**
 - a. **Commercial/Industrial Open Space.** No requirements.
 - b. **Residential Open Space Requirements.**
 - i. Open space reserved under this UDO shall, when at all possible:
 - (a) Be preserved in its natural state; or
 - (b) Be developed only to the extent required to provide for passive recreational activities; or
 - (c) Be developed into active recreational activity space.
 - ii. All open space reserved under this UDO shall be accessible to the residents of the subdivision and guests by the way of sidewalks, footpaths, trails, or combined bikeways and walkways.
 - iii. Land reserved for active recreational purposes shall be of a character and location suitable for use as a playground, play field, or for other active recreational purposes, and shall be relatively level and dry.
 - c. **Active Recreational Sites.** An active recreational site for dedication to the county or municipality as appropriate shall be considered on a case-by-case basis and approved by the appropriate legislative body. Approval and acceptance of the space, pursuant to *Chapter 6, Section 1: Public and Open Spaces*, shall mean that the requirements of this Section have been satisfied.

- d. **Open Space.** All open space requirements shall be shown on the primary plat and shall depict the subdivision in full compliance with this UDO and all other applicable health, flood control, and regulations of the jurisdiction as appropriate. All open space shall be set aside as common area and labeled according to its class. If a subdivision is to be developed in sections, the primary plat shall show each section and each section shall be in compliance with the requirements of this Section.
- i. Review of the Open Space Requirements. The Administrator and PC shall review the open space requirements with the application for primary plat approval and shall be part of the primary plat. In review of the open space requirements, the PC shall be guided by the following criteria:
- (a) The protection of unique topographical features on the site, including, but not limited to, slopes, streams, and natural water features;
 - (b) The protection and preservation of wooded areas and individual trees of significant size. For the purpose of review and consideration by the PC, "significant size" should be interpreted as:
 - (1) Healthy trees that are a minimum of thirty-six inches (36") in diameter measured across the trunk at least four feet (4') above the base of the tree, or
 - (2) Healthy trees of certain species (such as fruit-bearing and blossoming trees) that, at maturity, do not normally achieve a trunk size that is thirty-six inches (36") in diameter or larger but are desirable to preserve wetlands or other environmentally sensitive areas.
 - (c) The accessibility of the open space areas;
 - (d) The adaptability of the open space to the future development of trails and/or shared-use paths within the jurisdiction;
 - (e) The relationship of the open space to neighboring properties;
 - (f) The minimization of disturbance to important natural site features through the design of lots and public roads; and
 - (g) The diversity and originality of the design for the open space.
- ii. Ownership and Maintenance.
- (a) The PC shall require proof of the ownership and maintenance agreement for the common areas (such as HOA covenants).
 - (b) If open space is conveyed as common area through a written commitment, such commitment shall include that each lot within the subdivision shall have access to and use of the common area as well as an undivided interest in the title.
 - (c) Unless approved by the PC and County Commissioners, the jurisdiction as appropriate shall not assume responsibility for the maintenance and safety of the common areas. If the homeowners association is dissolved or a homeowners association does not carry out maintenance for any reason, any and all maintenance will be the shared responsibility of all property owners within the subdivision.

J. ROADS, PUBLIC ROADS AND ALLEYS.

1. **Purpose.** The requirements set forth herein are designed to provide for roads that: are suitable in location, width, and improvement so that they may accommodate prospective traffic; afford satisfactory access to police, fire fighting, snow removal, sanitation, road-maintenance equipment; and compose a convenient traffic system and avoid undue hardships to adjoining properties.
 - a. **Proposed roads should:**
 - i. Provide a safe, convenient, and functional system for vehicular, pedestrian, and bicycle circulation;
 - ii. Be properly related to the goals of the *Comprehensive Plan* and *Exhibit A: Minimum Standard Design Requirements*; and
 - iii. Shall be appropriate for the particular traffic characteristics of each proposed development.
2. **General.**
 - a. The minimum standard design requirements for roads, public roads, and alleys are set forth in the UDO, *Exhibit A: Minimum Standard Design Requirements*.
 - b. Where a proposed public road is an extension of an existing paved public road which exceeds the minimum dimension set forth herein, the PC may require the developer to taper or match the width of the existing paved public road.
 - c. Roads shall be constructed to grades shown on plans, profiles, and cross-sections prepared by a registered Professional Land Surveyor and/or registered Professional Engineer. Individual projects may warrant additional requirements that are dictated by sound engineering practices as determined by the County Engineer and shall be made conditions of the approval for the primary plat. The County Engineer, who shall receive one (1) set of plans, shall review, comment, and ultimately approve the plans and shall inspect the road improvements after construction.
 - d. **Dedication.** In a subdivision that adjoins or includes an existing public road that does not conform to the minimum right-of-way dimension as established by the *Exhibit A: Minimum Standard Design Requirements*, the subdivider shall dedicate additional right-of-way width as required to meet this UDO.
 - e. **Excess Right-of-way.** Right-of-way widths in excess of the standards designated in this UDO shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. Such slopes shall not be in excess of three-to-one (3:1).
 - f. **Surfacing.** Pavement design shall conform to *Exhibit A: Minimum Standard Design Requirements*. Adequate provision shall be made for culverts, drains, and bridges. All road pavement, shoulders, drainage improvements and structures, curbs, turnarounds, and sidewalks shall conform to *Exhibit A: Minimum Standard Design Requirements* and shall be incorporated into the construction plans required of the developer for plat approval.
 - g. No trees or plantings shall be permitted within the public right-of-way or easements unless approved by the PC.
3. **Classifications.** All public roads shall be planned to meet the goals of the *Comprehensive Plan*. All roads shall be functionally classified by the Highway Department and the Thoroughfare Plan.

4. **Layout.**

- a. All public roads shall be arranged so as to obtain as many building sites as possible at, or above, the grades of the public roads. Grades of public roads shall not exceed fifteen percent (15%) unless approved by the County Engineer. A combination of steep grades and curves shall be avoided.
- b. Minor or local public roads shall be laid out to conform as much as possible to the topography and shall be curved wherever possible to avoid conformity of lot appearance and to discourage use by through traffic. Such public roads shall also be laid out to permit efficient drainage and utility systems, and to require the minimum number of public roads necessary to provide convenient and safe access to property.
- c. The rigid rectangular gridiron public road pattern is not required, and the use of curvilinear public roads, cul-de-sacs, or U-shaped public roads are permitted where such use will result in a more desirable layout.
- d. **Perimeter Public roads.** Public road systems in new subdivisions shall be laid out so as not to provide new perimeter half-public roads. Where an existing half-public road is adjacent to a new subdivision, the other half of the public road shall be improved and dedicated by the subdivider. The PC may authorize a new perimeter public road where the subdivider improves and dedicates the entire required public road right-of-way width within its own subdivision boundaries.
- e. The creation of reserve strips shall not be permitted adjacent to a proposed public road in such a manner as to deny access from adjacent property to the public road.
- f. In commercial and industrial subdivisions, the public roads and other access ways shall be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, and walks and parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrian.
- g. Roads carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

5. **Intersections.**

- a. All intersections, including minimum radii, shall adhere to *Exhibit A: Minimum Standard Design Requirements*.
- b. Right-angle intersections must be used wherever practical. When local roads and public roads intersect arterial or collector roads, the angle of intersection of the road centerlines may not be less than seventy-five (75) degrees and the radii shall be increased at least forty (40) feet more than the minimum radius in *Exhibit A: Minimum Standard Design Requirements*.
- c. Proposed new intersections, wherever practicable, should coincide with any existing intersections on the opposite side of such public road. Intersections involving more than four (4) approaches to the intersection should be avoided. Three-legged intersections may be used wherever appropriate, particularly in residential areas.
- d. Minimum sight distance (sight triangle) at intersections shall be determined by a design professional based on the current Indiana Department of Transportation (INDOT) standards and approved by the County Engineer.

- e. Intersections shall be designed with a relatively flat grade wherever practical. Where the grade exceeds seven percent (7%), a leveling area shall be provided at the intersection approach with a maximum of two percent (2%) rate slope for a minimum distance of forty feet (40'), measured from the intersection of the centerline.
 - f. No intersection shall create a traffic hazard by limiting visibility.
 - g. At road intersections, property line corners shall be rounded by an arc at fifteen (15) feet in radius or larger.
6. **Dead-end Public Road or Cul-de-sac.**
- a. A permanent dead-end public road or cul-de-sac (permanent), if permitted by the PC, shall terminate in a circular right-of-way. The PC may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities. A cul-de-sac turn-around shall be provided at the end of a permanent dead-end public road in accordance with the *Exhibit A: Minimum Standard Design Requirements*.
 - b. Dead-end public road (Temporary). If the adjacent property is undeveloped and the public road must temporarily be a dead-end public road, the right-of-way shall be extended to the property line. A temporary cul-de-sac shall be provided on all temporary dead-end public roads, with the notation on the secondary plat that land outside the normal public road right-of-way shall revert to the adjoining land owners when the public road is continued. The developer shall provide barriers and signage for any such temporary dead-end public road. The PC may limit the length of temporary dead-end public roads.
7. **Lights.**
- a. The Subdivider shall install streetlights at his own expense in subdivisions that are served by sewer.
 - b. Streetlights shall be installed at every intersection and at a minimum of every 500 feet adjacent to public roads. Lights shall be shielded to direct light downwards.
 - c. The county or municipality as appropriate does not own or maintain streetlight fixtures. Any and all electric bills or fees shall be paid by the homeowners association or all property owners within the subdivision equally if a homeowners association does not exist.
8. **Additional Improvements Required.** The subdivider may be required to provide deceleration lanes, acceleration lanes, passing blisters, or other improvements to the public road system when a subdivision connects to a freeway/expressway, arterial (principal or minor), or collector (major or minor).
9. **Bridges and Culverts.** As determined by the PC, bridges of primary benefit to the subdivider shall be constructed at the full expense of the subdivider without reimbursement from the county or Town of Borden as appropriate.
10. **Limited Access and Railroads.**
- a. **Treatment.** Railroad rights-of-way and limited access highways that may affect the subdivision of adjoining lands shall be treated as follows:
 - i. In residential districts, a buffer strip of an additional twenty-five feet (25') in depth in addition to the setback required in *Chapter 2: Zoning Districts* shall be provided adjacent to the railroad right-of-

way or limited access highway. This strip shall be part of the platted lots and shall be designated on the plat: "This strip is reserved for screening. The placement of structures on this land is prohibited."

11. Private Driveways, Private Roadways.

- a. All driveways must be at least twenty (20) feet in length between the primary structure and the sidewalk or edge of roadway if a sidewalk does not exist.
- b. Private driveways serving two (2) to six (6) dwelling units shall have a least a twenty (20) foot easement. Private driveways that serve more than one dwelling unit may be gravel but shall have a written and recorded road maintenance agreement with the parcels that access the private driveway and must be approved by the Administrator.
- c. Private roadways serving more than six (6) dwelling units shall have at minimum pavement width of twenty-four (24) feet and a minimum of a thirty (30) foot easement, and shall be constructed in accordance with the residential road standards for *Lots Greater Than Or Equal To 40,000 Sq Ft.* as outlined in *Exhibit A: Minimum Standard Design Requirements*. All private roadways shall comply with the standards outlined in this UDO, have a written and recorded road maintenance agreement with the parcels that access the private roadway, and be approved by the PC.
- d. Roads within commercial and industrial developments shall be private unless otherwise approved by the PC and shall be constructed in accordance with the *Exhibit A: Minimum Standard Design Requirements*.
- e. Maintenance of private roads is the responsibility of the developer or property owners as outlined in the recorded covenants, on the plat, and in the written commitments. A road maintenance agreement with the parcels that access the private road is required and must be approved by the PC and recorded.

12. Public Road Signs, Regulatory.

- a. Each installed sign shall comply with the standards established in the *Manual on Uniform Traffic Control Devices (MUTCD)* and shall be approved by the County Engineer.
- b. The subdivider shall be responsible for the installation of all road signs required by the County Engineer, including street signs at all intersections within or abutting the subdivision.
- c. The subdivider shall install all road signs and street signs before the County Engineer signs the mylar of the secondary plat.
- d. The PC may approve public road name signs, poles, or hardware outside of the MUTCD (*Manual on Uniform Traffic Control Devices*) regulatory sign standards if decorative signs, poles, and hardware are requested. The county or municipality as appropriate 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.
- e. Maintenance of all (standard or decorative) road signs and street signs is the responsibility of the developer, or the property owners within the development, until the road is accepted for maintenance by the County.

13. **Public Road Names.** Proposed public road names shall be submitted with and indicated on the primary plat. The PC shall approve the public road names at the time of primary plat approval. The Administrator shall consult 911 or the appropriate entities prior to rendering its decision. Names shall be sufficiently

different in sound and spelling from other road names in the jurisdiction so as not to cause confusion. A road which is (or is planned as) a continuation of an existing road shall bear the same name.

K. SANITARY SEWER FACILITIES.

1. The subdivider or developer shall install sanitary sewer facilities or approved on-site sewage disposal system in accordance with the rules, regulations, and standards of the Clark County Health Department, the Indiana Department of Environmental Management and other appropriate State and Federal agencies. In the case of a city system extended into the County, the construction standards for the respective provider would apply.
2. **Sanitary Sewerage System Requirements.** Where a sanitary sewer system is available within three hundred (300) feet of any boundary of a proposed subdivision and easements and rights-of-way are in place to access said system, sanitary sewerage facilities shall connect with public sanitary sewerage systems, and shall be installed to serve each lot to grades and sizes required by approving officials and agencies unless the sewer district/provider does not accept or approve the connection. 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 Health Officer, participating jurisdiction, and appropriate State agency.
3. **Individual Disposal System Requirements.** If sanitary sewers are not available, the subdivider shall:
 - a. Receive a letter indicating the soils in the subdivision are generally acceptable for the subdivision from the Clark County Health Department prior to preliminary plat approval. Before the secondary approval, a letter is required from the Clark County Health Department stating that all lots are approvable for individual septic systems.
 - b. Comply with minimum lot areas shall conform to the requirements of the Clark County Health Department and the standards of UDO establishing lot areas for individual sewerage disposal systems.

L. SUBDIVISION NAME.

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

M. WATER FACILITIES.

1. **General.** See the applicable construction standards for the respective provider. Requirements for water facilities in the jurisdiction shall include, but are not limited to, the following:
 - a. All habitable buildings and buildable lots shall be connected to an approved water system capable of providing water for health and emergency purposes, including adequate fire protection, where available.

- b. The local fire authority having jurisdiction over the proposed subdivision shall have authority to approve fire hydrants, including their setting, number, and size of outlets.
 - c. Prior to construction, fire hydrant locations shall be provided by the Administrator to the appropriate local fire authority having jurisdiction for review but approval is not required.
 - d. For non-residential subdivisions, special requirements may be imposed by the PC with respect to the installation of public utilities, including water.
2. **Public Water Supply.** When a public water supply is available within three hundred (300) feet of any boundary of a proposed subdivision, the subdivider and/or water company/provider shall construct and install a system of water mains (including fire hydrants) to be connected to the public water supply. 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. **Private Water Supply.**
- a. Where a public water supply is not available within three hundred (300) feet of any boundary of the proposed subdivision, the PC determines that the connection thereto would create a hardship for the subdivider and/or the water company will not supply water, the subdivider shall:
 - i. Provide a community water supply system to each lot in the subdivision in accordance with the minimum requirements of IDEM; or
 - ii. Provide an individual water supply for each lot in the subdivision in accordance with the minimum requirements of the Indiana State Board of Health and approved by the Clark County Health Department.
 - b. **Existing Private Wells.** Any existing homes within the development currently served by a private potable well water supply that are to be connected to a new public water supply system shall adhere to the following:
 - i. The existing well and pumping unit shall be abandoned and the well properly plugged in accordance with the rules and regulations of IDEM and IDNR; or
 - ii. If the homeowner chooses to keep their well in service, a physical disconnection (between the existing well supply plumbing and the new public water supply plumbing) must be completed by the homeowner and inspected by the Clark County Health Department. All disconnections of plumbing shall be completed by a plumbing contractor, licensed in the State of Indiana, and shall be made in accordance with the requirements of the ABPA.

N. UTILITIES.

1. **Location.** All utility facilities existing and proposed throughout the subdivision shall be shown on the primary plat.

EXHIBIT A: MINIMUM STANDARD DESIGN REQUIREMENTS

Local, Residential Road Standards	Less than 40,000 square foot lots	Greater than or equal to 40,000 square foot lots
Pavement Widths		
Public Roads	28 feet including curb	24 feet with 1-foot crushed stone shoulder
Alley	20 feet (two-way) or 14 feet (one-way) with 1-foot crushed stone shoulder	20 feet (two-way) or 14 feet (one-way) with 1-foot crushed stone shoulder
Cul-de-sac	28 feet including curb with a turnout of 50-foot radius	24 feet with a turnaround of 50-foot radius
Right-Of-Way Widths		
Local Roads	50 feet	50 feet
Cul-de-sac	50 feet/120-foot diameter turnaround	50 feet/120-foot diameter turnaround
Curb/Shoulder		
	Curb required	Curb or 1-foot crushed stone shoulder
On-Street Parking		
	None	None
Sidewalks		
	Required on both sides of internal streets with maintenance being the responsibility of the abutting property owner; Perimeter sidewalks along public road(s) are allowed with maintenance being the responsibility of the abutting property owner. All sidewalks must comply with ADA standards.	Allowed with maintenance being the responsibility of the abutting property owner. All sidewalks must comply with ADA standards.
Pavement Design		
Subgrade Compaction	90% standard proctor	90% standard proctor
Flexible Pavement (surface shall not be applied until 80% of the homes are built)	9-inch base, dense graded aggregate; 3-inch binder (HMA); 1.5-inch surface (HMA)	9-inch base, dense graded aggregate; 3-inch binder (HMA); 1.5-inch surface (HMA)

EXHIBIT A: MINIMUM STANDARD DESIGN REQUIREMENTS (CONTINUED)

Local, Industrial and Business Road Standards	Less than 40,000 square foot lots	Greater than or equal to 40,000 square foot lots
Public Roads		
Road Widths	Two 12-foot lanes excluding curb	Two 12-foot lanes excluding curb
Right-Of-Way Widths	50 feet	50 feet
Curb		
	Required	None unless within two-mile fringe of an incorporated area
Sidewalks		
	Required for all internal streets with maintenance being the responsibility of the property owner; Perimeter sidewalks along public road(s) are allowed with maintenance being the responsibility of the abutting property owner. All sidewalks must comply with ADA standards.	Required for all internal streets with maintenance being the responsibility of the property owner; Perimeter sidewalks along public road(s) are allowed with maintenance being the responsibility of the abutting property owner. All sidewalks must comply with ADA standards.
On-Street Parking		
	None unless road widened 10 feet to accommodate spaces	None
Pavement Design		
Subgrade Compaction	90% standard proctor	90% standard proctor
Rigid Concrete Pavement	520 lb/cubic yard with water/cement ratio less than or equal to .53; Slump test less than or equal to 4 inches; Joint Spacing; Following Portland Cement design manual; Opening to traffic; Minimum of 7 days at 3,000 PSI; generally 28 days at 3,500 PSI; 12 inch thickness (6 inch rock; 6 inch concrete)	520 lb/cubic yard with water/cement ratio less than or equal to .53; Slump test less than or equal to 4 inches; Joint Spacing; Following Portland Cement design manual; Opening to traffic; Minimum of 7 days at 3,000 PSI; generally 28 days at 3,500 PSI; 12 inch thickness (6 inch rock; 6 inch concrete)
Flexible Pavement	9-inch type-O, #53 compacted aggregate; 3-inch bituminous base #5; 1.5-inch surface (HMA)	9-inch type-O, #53 compacted aggregate; 3-inch bituminous base #5; 1.5-inch surface (HMA)

7 SUBDIVISION ADMINISTRATION AND PROCEDURES

A. General Provisions.

1. Applicability.

- a. A subdivider shall follow the applicable procedures contained in this chapter for the type of subdivision for which approval is sought.
- b. The specific subdivision classification as defined herein shall be made by the Administrator when the application is reviewed at the time of filing.

2. Jurisdiction.

- a. The platting of land, when required by the UDO, shall be done in compliance with the provisions of this UDO.
- b. No land required by the UDO to be platted may be subdivided through the use of any legal description other than with reference to a plat approved by the PC and/or the Administrator in accordance with this UDO unless specifically listed as an exception in *Chapter 5: Subdivision Types*.

3. Policy.

- a. The subdivision of land and the subsequent development of the subdivided plat are subject to the control of the jurisdiction and shall be carried out in accordance with the UDO in order to achieve orderly, planned, efficient, and economic development.
- b. No building permit shall be issued for any parcel or plat of land which was created by subdivision after the effective date of, and not in conformity with, the provisions of this UDO.

4. Purpose. These subdivision standards are adopted for the following purposes:

- a. To protect and provide for the public health, safety, comfort, morals and general welfare of the jurisdiction.
- b. To protect the character and the social and economic stability of all parts of the jurisdiction by assuring: the timing and sequencing of development; the promotion of adequate public facilities; and proper urban form and open space separation of urban areas.
- c. To protect and conserve property values throughout the jurisdiction and the value of buildings and improvements upon the land.
- d. To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, and other public requirements and facilities.
- e. To provide a beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the jurisdiction.

- f. To establish reasonable standards of design and procedures for subdivisions and re-subdivisions/re-plats in order to further the orderly layout and use of land and to ensure proper legal descriptions and documenting of subdivided land.
- g. To ensure that public facilities and services are available to support development and will have a sufficient capacity to serve the proposed subdivision.
- h. To assure the adequacy of drainage facilities; and to encourage the responsible use and management of natural resources throughout the jurisdiction in order to preserve the integrity, stability, and beauty of the community and the value of the land.
- i. To assist in the preservation of the natural beauty and topography of the jurisdiction and to ensure appropriate development with regard to these natural features.
- j. To provide for open spaces through the most efficient design and layout of the land, while preserving the density of development as established in the UDO.

5. Compliance.

- a. No owner or agent may sell or lease any lot within a subdivision before such plat has been approved and recorded in the manner prescribed in this UDO.
- b. No public road shall be laid out or constructed until it is approved as part of a subdivision, except public roads built and maintained by Clark County and/or the State of Indiana.

6. Interpretation. In the interpretation and application, 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.

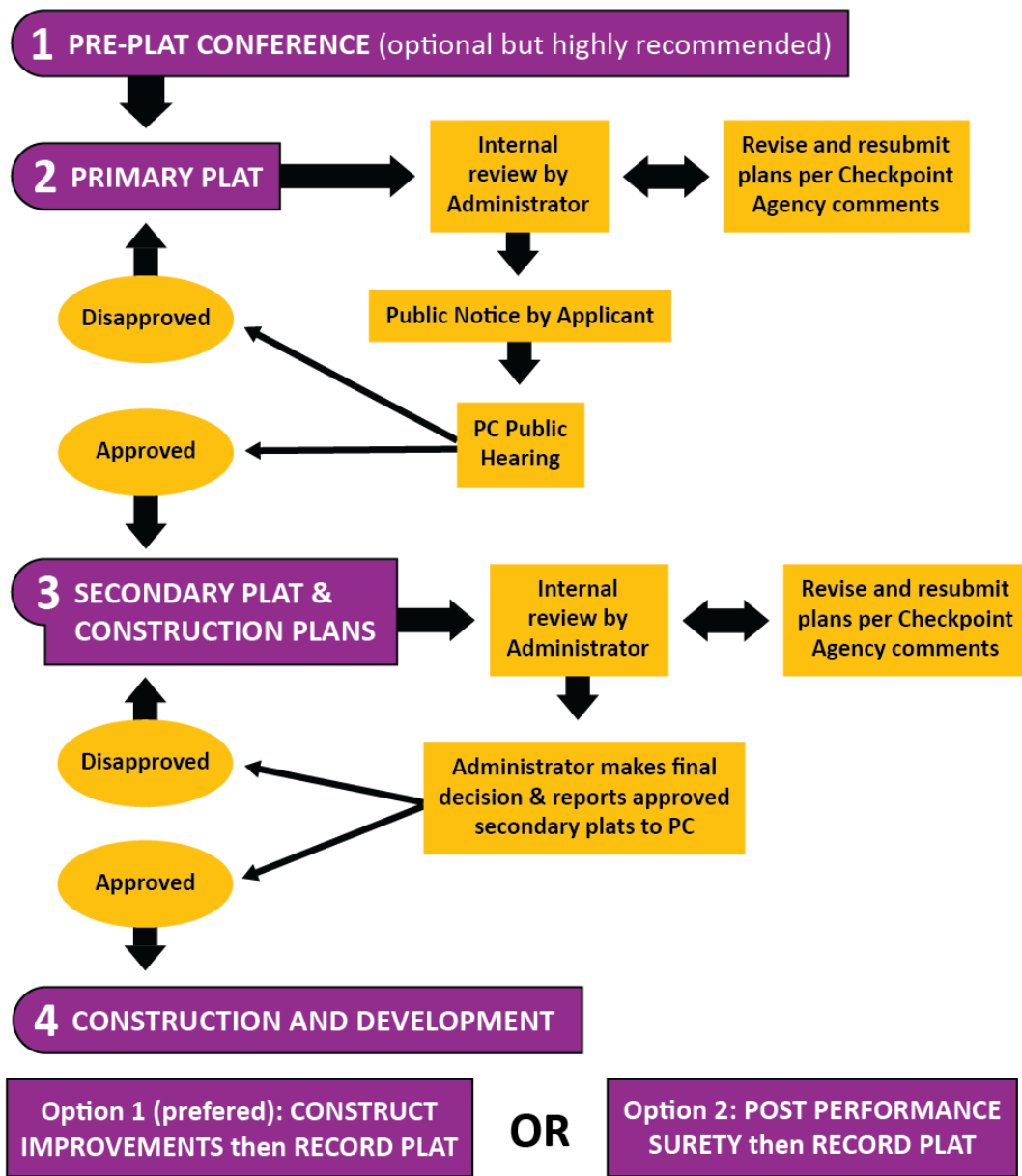
7. Conflict. It is not the intent of this UDO to interfere with, abrogate, or amend any existing easements, covenants, or other agreements between parties; nor is it the intent of this UDO to repeal, abrogate, annul, or in any way interfere with any existing provisions of laws or ordinances, or any rules, regulations, or permits previously adopted or issued pursuant to law relating to the use of buildings or premises provided. However, where this UDO imposes a greater restriction upon the use of buildings or premises than is imposed or required by such existing provisions of law or by such rules, regulations, agreements, covenants, or permits, the provisions of this UDO shall control; but where private covenants, permits, agreements, rules, regulations or existing provisions of law impose a greater restriction than is imposed by this UDO, the greater restriction shall control. Enforcement of any such private restrictions shall be between the parties and the County shall not enforce them.

8. UDO Conformity. All land subdivided or platted under the terms of this UDO shall comply with the minimum standards prescribed in the UDO. The PC or the Administrator shall not have the authority to approve any subdivision as a buildable lot, unless it complies with said UDO, unless variances or waivers have been granted by the PC or BZA.

9. Condominiums Exempt. Pursuant to IC 36-7-4-702, condominiums which are regulated by IC 32-1-6, or as amended, are exempt from the subdivision process.

B. Procedures For Subdivisions.

1. COMMERCIAL, INDUSTRIAL, MAJOR RESIDENTIAL & CONSERVATION RESIDENTIAL SUBDIVISIONS.



a. **General Provisions.**

- i. Applications for commercial, industrial, major residential, and conservation residential subdivisions shall be in accordance with the application packets adopted by the PC as part of the PC Rules and Procedures, including the adopted meeting and submittal deadline calendar.
- ii. Commercial, industrial, major residential, and conservation residential subdivisions shall be subject to all the requirements of this UDO and the subject zoning district for the project.

- iii. Commercial, industrial, major residential, and conservation residential subdivisions shall be subject to any additional standards that may have been required by the PC as part of other approvals for the property.
- b. Pre-Plat Conference (optional but highly recommended).**
- i. The pre-plat conference step is an optional part of the subdivision process, but is highly recommended. This step gives the applicant the opportunity to discuss the procedures for approval with the Administrator as well as the requirements for the general layout of streets, reservations, of land, street improvements, drainage improvements, water and sanitary facility requirements. In addition, the applicant receives feedback from the checkpoint agencies about their proposal before investing into the primary plat process.
- c. Primary Plat.**
- i. Application.
 - (a) The subdivider shall submit an application for primary plat in accordance with the application requirements adopted by the PC as part of the *PC Rules and Procedures* and prepared in accordance with the format described in *Chapter 7, Section C.1: Primary Plat*.
 - ii. Public File.
 - (a) Once the Administrator determines that an application is complete and in proper form, they shall assign a file number, create a public file, and assign a deadline date for receiving internal review comments from the appropriate checkpoint agencies. In accordance with IC 36-7-4-705, within thirty (30) days of receiving a complete application, the Administrator shall announce the tentative date for a hearing before the PC.
 - iii. Internal Review.
 - (a) The Administrator shall forward the plans to the appropriate checkpoint agencies for technical review.
 - (b) After comments are received, the Administrator shall compile a written report for the PC and the public file with the information from the checkpoint agencies.
 - (c) The subdivider shall address all of the comments from the checkpoint agencies and submit revised plans (if applicable) per the adopted schedule.
 - iv. Public Notice.
 - (a) Notice of public hearing shall be in accordance with the *PC Rules and Procedures*. In the event the hearing has been properly noticed, but the plans are not finished per subsection (c) above, then the Administrator may have the PC automatically continue the petition to their next regular meeting (or a properly noticed special meeting) without requiring additional notice by the subdivider.
 - v. Public Hearing.
 - (a) The PC shall consider the primary plat at a public hearing. The subdivider or his/her representative shall be in attendance to present the plan and address any questions or concerns of the PC.

(b) Decision by the PC.

- (1) Approval. If the PC determines that the primary plat complies with the standards set forth in this UDO, it shall grant primary approval to the plat. Within ten (10) days of the hearing, the Administrator shall notify the subdivider of approval in writing or electronic transmission and itemize any changes or revisions deemed necessary by the PC as a term of its approval.
 - a. Approval of a primary plat by the PC signifies the general acceptability of the layout submitted and that:
 - i. Assurances have been made by the water utility provider for a water supply system that is sufficient in terms of quantity, dependability, and quality to provide an appropriate supply of water for the type of subdivision proposed;
 - ii. Assurances have been made by the sewage utility provider for a sewage system and, if other methods of sewage disposal are proposed, that such systems will comply with federal, state, and local laws and regulations;
 - iii. The subdivider has taken all reasonable efforts to mitigate the impact of the proposed subdivision on public health, safety, and welfare.
 - b. In accordance with IC 36-7-4-702, the PC may introduce changes or revisions to the proposed plans as a condition of primary approval when necessary to facilitate the best interest and general welfare of the community, including, but not limited to:
 - i. The manner in which public ways shall be laid out, graded, and improved; and
 - ii. A provision for other services as specified in this UDO.
 - c. Expiration: Approval of a primary plat shall be effective for four (4) years from the date of the PC decision.
 - i. Failure to receive secondary approval for all or part of the plat before this four (4) year period ends shall invalidate the primary plat approval.
 - ii. Once primary approval has expired, a new application for primary plat shall be submitted in conformance with all applicable ordinances in effect at the time the new application is submitted.
 - iii. Extension: Upon written request of the subdivider, and no less than thirty (30) days prior to the expiration date of the primary approval, the PC may extend approval of a primary plat up to a maximum of four (4) additional years without further notice, public hearing, or fees.
 - iv. Any partial plat approval shall automatically extend the primary plat approval another four (4) years.
- (2) Disapproval. If the PC disapproves a primary plat, it shall make written findings of fact and the Administrator shall notify the subdivider in writing or electronic transmission within ten (10) days of the hearing, stating the specific reasons for disapproval. The petitioner may then resubmit a revised primary plat that addresses the reason for disapproval.

d. **Secondary Plat.**

i. Application.

- (a) Approach. The Secondary Plat for only a commercial or industrial subdivision may be done in one of four (4) ways:
- (1) Full Plat. The subdivider may submit the Secondary Plat for the entire subdivision, then seek to amend only the lot lines on the Secondary Plat as may be necessary as individual site users are defined. Any changes other than lot lines will constitute an amendment to the primary plat.
 - (2) Individual Lot. The subdivider may submit the Secondary Plat for an individual lot which will include all necessary infrastructure serving such lot.
 - (3) Individual Lot with Development Plan. The subdivider may submit the Secondary Plat for an individual lot simultaneously with the application for Development Plan.
 - (4) Phase/Section. The subdivider may submit the Secondary Plat for a phase or section of lots as laid out on the primary plat which will include all necessary infrastructure serving such lots.
- (b) Application. The subdivider shall submit an application for Secondary Plat in accordance with the application requirements adopted by the PC as part of the *PC Rules and Procedures* and prepared in accordance with the format described in *Chapter 7, Section C.1: Primary Plat* and *Section C.3: Construction Drawings*.

ii. Public File.

- (a) Once the Administrator determines that an application is complete and in proper form, they shall assign a file number, create a public file, and assign a deadline date for receiving internal review comments from the checkpoint agencies.

iii. Internal Review.

- (a) The Administrator shall forward the plans to the appropriate checkpoint agencies for technical review. After comments are received, the Administrator shall compile a written report for the public file with the information from the checkpoint agencies.
- (b) Standards. Meet the principles and standards set forth in this UDO.
- (c) Decision by the Administrator. Secondary plat approval may be granted to a plat only after expiration of the thirty (30) day appeal period of the Primary Plat as provided in *IC 36-7-4-710*.
- (1) Approval. If the 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 Administrator shall affix his/her signature to the plat original and all other relevant documents which may also require such signatures. The Administrator shall report all approved secondary plat to the PC for informational purposes.
 - (2) Disapproval. If the Administrator disapproves the Secondary Plat, it shall make written findings of fact and the Administrator shall notify the subdivider in writing or electronic

transmission within ten (10) days of the deadline for receiving internal review comments from the checkpoint agencies, stating the specific reasons for disapproval. The subdivider may then resubmit a revised final plat that addresses the reason for disapproval or appeal the decision to the PC.

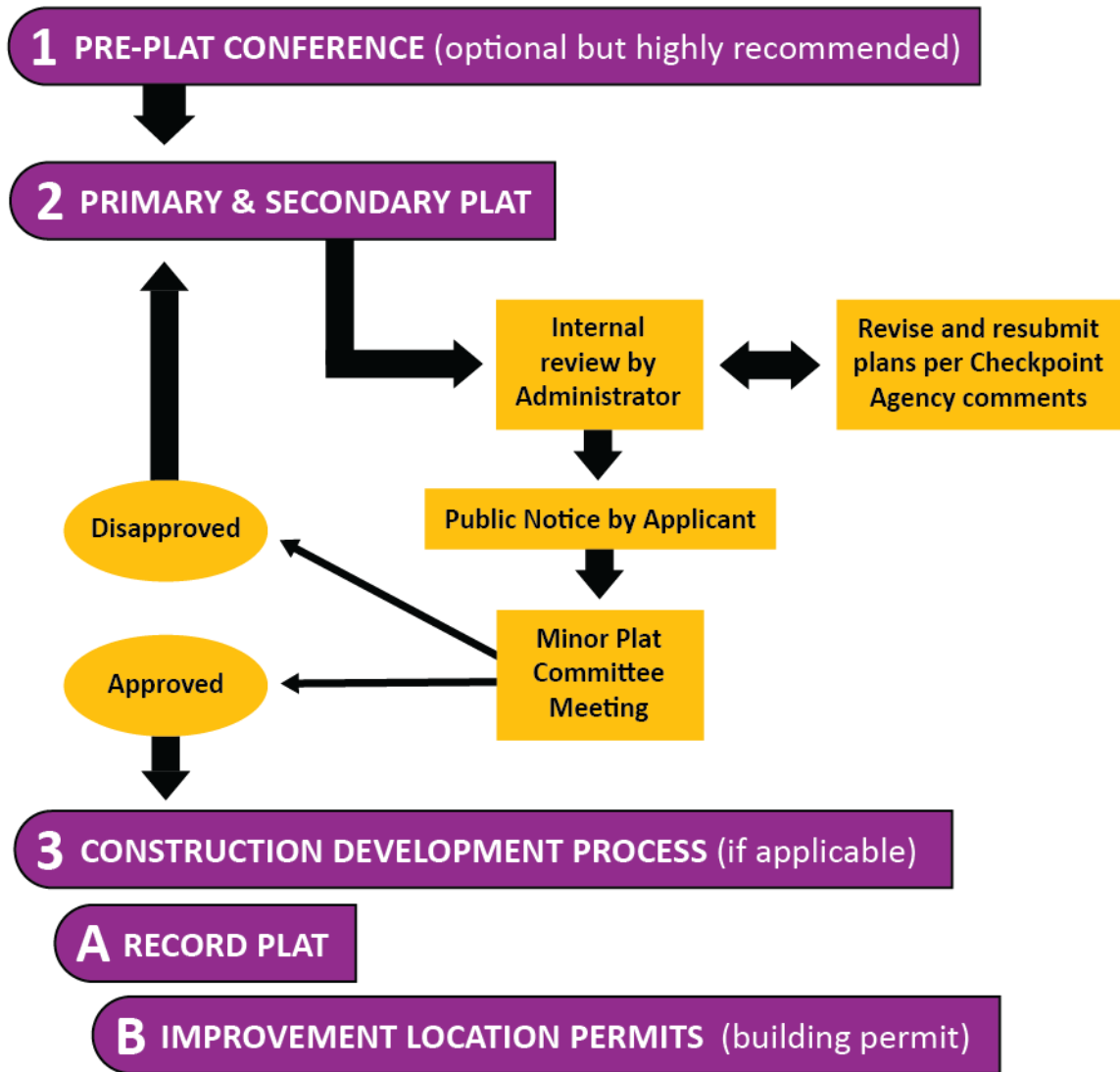
iv. Recording of Plat.

- (a) The plat shall be recorded in accordance with the procedures set forth in *Chapter 7, Section D.2: Recording of Secondary Plats*.

v. Installation of Improvements.

- (a) The installation of improvements shall occur in accordance with the procedures set forth in *Chapter 7, Section D: Construction and Development Process*.

2. RESIDENTIAL SUBDIVISIONS - MINOR.



* Only for developments that do not require construction of new roads

a. **General Provisions.**

- i. The minor residential subdivision process is an expedited process for residential subdivisions which results in the creation of six (6) or less lots, does not involve the opening or creation of new public rights-of-way and complies in all other respects with this UDO. Any subdivisions which result in the opening or creation of new public rights-of-way must follow the Major Residential Subdivision process.
- ii. Applications for minor residential subdivisions shall be in accordance with the *PC Rules and Procedures*, including the adopted meeting and submittal deadline calendar.
- iii. Intent. A minor subdivision, as defined in *Chapter 10: Definitions*, is intended to allow the subdivision of a buildable tract of land with a reduction of approval time and filing procedure. It is not the intent of the minor subdivision procedure to circumvent uniform development plans for a parcel of land.

- iv. Further subdivision of an approved minor plat must proceed through the major residential subdivision procedure outlined in *Chapter 5, Section B.3: Major Residential Subdivision*. If the Administrator believes that the circumstances warrant the full review and consideration of a major subdivision, then the applicable process may be required.
- v. A minor residential subdivision shall be subject to all the requirements of the UDO and the subject zoning district for the project.
- vi. A minor residential subdivision shall be subject to all the requirements of this UDO, as well as such additional standards required by the PC.

b. Pre-Plat Conference (optional but highly recommended).

The pre-plat conference step is an optional part of the subdivision process, but is highly recommended. This step gives the applicant the opportunity to discuss the procedures for approval with the Administrator as well as the requirements for the reservations of land and sanitary facility requirements. In addition, the applicant receives feedback from the checkpoint agencies about their proposal before investing time and energy into the primary plat and secondary plat process.

c. Primary Plat and Secondary Plat.

- i. For a minor residential subdivision, the Primary Plat and Secondary Plat shall be combined into one process.
- ii. Application.
 - (a) The subdivider shall submit an application for both Primary Plat and Secondary Plat in accordance with the application requirements adopted by the PC as part of the *PC Rules and Procedures* and prepared in accordance with the formats described in *Chapter 7, Section C.1: Primary Plat, Chapter 7, Section C.2: Secondary Plat, and Chapter 7, Section C.3: Construction Drawings*.
- iii. Public File.
 - (a) Once the Administrator determines that an application is complete and in proper form, they shall assign a file number, create a public file, and assign a deadline date for receiving internal review comments from the appropriate checkpoint agencies. In accordance with *IC 36-7-4-705*, within thirty (30) days of receiving a complete application, the Administrator shall announce the tentative date for a hearing before the Minor Plat Committee.
- iv. Internal Review.
 - (a) The Administrator shall forward the plat to the appropriate checkpoint agencies for technical review.
 - (b) After comments are received, the Administrator shall compile a written report for the Minor Plat Committee and the public file with the information from the checkpoint agency members.
 - (c) The subdivider shall incorporate all of the comments from the checkpoint agencies and submit revised plans (if applicable) per the adopted schedule.

v. Public Notice.

- (a) Notice of public hearing shall be in accordance with the *PC Rules and Procedures*. In the event the hearing has been properly noticed, but the applicant is not able to provide revised plans per subsection (c) above, then the Administrator may have the Minor Plat Committee automatically continue the petition to their next regular meeting (or a properly noticed special meeting) without requiring additional notice by the subdivider or requiring the Minor Plat Committee to hold a meeting in order to continue the petition.

vi. Public Hearing.

- (a) The Minor Plat Committee shall simultaneously consider the Primary Plat and Secondary Plat at a public hearing. The subdivider or his/her representative shall be in attendance to present the plan and address any questions or concerns of the Committee.
- (b) Decision by the Minor Plat Committee.
 - (1) Approval. If the Minor Plat Committee determines that the plats comply with the standards set forth in this UDO, it shall grant approval. Within ten (10) days of the hearing, the Administrator shall notify the subdivider of approval in writing or electronic transmission and itemize any changes or revisions deemed necessary by the Minor Plat Committee as a term of its approval.
 - a. In accordance with *IC 36-7-4-702*, the Minor Plat Committee may introduce changes or revisions to the proposed plans as a condition of primary approval when necessary to facilitate the best interest and general welfare of the community, including, but not limited to:
 - i. The manner in which any shared driveways shall be laid out, graded, and improved;
 - ii. A provision for water supply, sanitary sewer facilities, and other utility services; and
 - iii. A provision for other services as specified in this UDO.
 - (2) Disapproval. If the Minor Plat Committee disapproves the plats, it shall make written findings of fact and the Administrator shall notify the subdivider in writing or electronic transmission within ten (10) days of the hearing, stating the specific reasons for disapproval. The subdivider may then resubmit a revised plat that addresses the reason for disapproval or appeal the decision to the PC.

vii. Recording of Plat.

- (a) The plat shall be recorded in accordance with the procedures set forth in *Chapter 7, Section D.2: Recording of Secondary Plats*.

C. DOCUMENT AND DRAWING SPECIFICATIONS.

1. Primary Plat.

- a. **General.** The Primary Plat shall be prepared by a Registered Land Surveyor licensed to practice in the State of Indiana. All sheets shall be formatted as 18"x24" and drawn to a convenient scale. The sheet shall be signed by the professional preparing it and shall be tied to state plane coordinates for horizontal controls.
- b. The applicant is responsible for all title searches, recorded easements, and any other items that may affect development. The applicant shall include a copy of such documents to the PC and also disclose to all buyers.
- c. The following checklist of items should be provided for a primary plat on one sheet:
 - i. Project Information:
 - (a) A location map with north arrow at a scale of one-inch equals four hundred feet (1"=400') or less showing the boundaries of the proposed project and covering the general area within which it is to be located.
 - (b) Boundaries of the tract with accurate dimensions and bearings, as determined by an accurate survey conforming with 865 IAC 1-12, in the field which has been balanced and closed, as well as physically located by monumentation.
 - (c) Location and description of all monuments with references by distance to bearings to both $\frac{1}{4}$ section corners, section corners, grant corners, or recorded subdivisions.
 - (d) Boundary lines of adjacent tracts of land, showing owners of record and names of adjoining developments.
 - (e) Existing zoning of the subject property and all adjacent properties.
 - (f) Name of the project/subdivision.
 - (g) Name and address of the owner, developer, and land surveyor and/or engineer.
 - (h) If non-residential, a statement of the proposed uses, stating the type of buildings, and the type of business, commercial, or industrial uses so as to reveal the effect of the project on traffic, fire, and population.
 - (i) Total acreage within the project and the number of lots.
 - ii. Site Conditions:
 - (a) Existing contours based in NAVD 1988 datum with vertical intervals of two (2) feet if the general slope of the site is less than two percent (2%) and vertical intervals of five (5) feet if the general slope is greater than two percent (2%). A benchmark, which is easily accessible and re-locatable, shall be shown. The benchmark shall be determined by use of NAVD 88 datum (vertical), which are based on sea level datum.
 - (b) Existing buildings/structures and their placement on the lots.

- (c) Existing and proposed water mains, fire hydrants, storm sewers, sanitary sewers, culverts, bridges, and other utility structures or facilities within, adjacent to, or serving the subject land, including pipe sizes, grades, and exact locations, as can best be obtained from public or private records.
 - (d) Location, widths, and type of construction of all existing streets, street names, alleys, or other public ways and easements, street classifications as per the Comprehensive Plan, railroad and utility rights-of-way or easements, parks, wooded areas, trails, cemeteries, watercourses, drainage ditches, designated wetlands, floodplain per FEMA/DNR maps, and bridges. Other structures shall be located by dimensions on the plans, in relation to surrounding physical features. Other data may be added which is considered pertinent by the PC or the Administrator for the subject land. Existing site conditions shall include all land within one hundred (100) feet of the proposed project.
 - (e) The water elevation at the date of the survey of lakes, stream flow, or designated wetlands within the project or affecting it.
 - (f) The regulatory flood (100-year flood) elevation based on NAVD 1988.
- iii. Proposed Development:
- (a) Basic layout of the proposed project/subdivision showing lot/block lines, lot/block numbers, and streets that show length, width, depth, and area of all lots.
 - (b) Building and thoroughfare (if applicable) setback lines, showing dimensions.
 - (c) All lots or blocks/outlots intended for sale or lease shall be designated with boundary lines shall be identified with letters and be in alphabetical order. Lots shall be numbered consecutively within each block.
 - (d) Private areas, common areas, or other excluded parcels shall be designated as such and clearly labeled on the plans.
 - (e) Note stating: No buildings, structures, fences, shrubs, or trees shall be placed in the public right-of-way without prior written review and approval by the appropriate agency.
 - (f) Internal and perimeter sidewalk system/pedestrian circulation plan, if any.
 - (g) Such other information as may be deemed necessary for proper review of the Primary Plat by the Administrator, the Engineer/Surveyor, or PC.
- iv. Title Block:
- (a) The proposed name by which the project shall be legally and commonly known.
 - (b) Date of survey, scale, and north point.
 - (c) Revision dates.

2. Secondary Plat.

- a. **General.** The plat sheet(s) shall be prepared by a Registered Land Surveyor licensed to practice in the State of Indiana. All sheets shall be formatted as 18"x24" Mylar and drawn to a convenient scale. The

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

- b. The plat may be deemed to substantially conform to the preliminary plat if the geometrics of the final plat are substantially the same layout. The addition, removal, or alteration of road patterns, lot sizes, and total number of lots shall result in a resubmission of the plat for approval by the PC rather than the Administrator unless such changes were a condition of the preliminary plat approval. The addition or removal of easements to accommodate utilities or drainage shall not constitute a substantial change in conformity.
- c. Note stating monuments shall be set on all lot corners in accordance with 865 IAC.
- d. The following checklist of items should be provided for a secondary plat on one sheet:
 - i. Proposed Development:
 - (a) Name of the project.
 - (b) All lots or outlots intended for sale or lease shall be designated with boundary lines and numbered or labeled for identification purposes.
 - (c) Private areas, common areas, or other excluded parcels shall be designated as such and clearly labeled on the plat and plans.
 - (d) Building setback lines, showing dimensions.
 - (e) Monument sign location, including dedicated easement or dedicated common area.
 - (f) Easements.
 - ii. Other:
 - (a) The following notes shall be included on the secondary plat before recording:
 - (1) By the registered land surveyor to the effect that the plat represents a survey made by him/her on _____ and recorded in _____ that all monuments shown thereon exist or will be set, and that their locations are as shown or will be as shown.
 - (2) By the Subdivider(s)/applicant(s) and/or any other owner(s) of record, a notarized statement that said Subdivider(s) and/or other landowner(s) is/are the owner(s) of the lands and the platting of the subdivision is the Subdivider's and/or other owner's voluntary act and deed. The Subdivider(s) and/or owner(s) shall declare in this certificate by description or reference to the plat the purpose of all rights-of-way, easements, and other reservations shown on the plat.
 - (3) By the Plan Commission, fixed with the seal of the Plan Commission, signed by the Administrator, and, if a major subdivision, the County Engineer. The note shall disclose that proper public notice for the primary plat was given, and that a majority of the members of the Plan Commission concur in its approval.
 - (b) Notation of any self-imposed restrictions.
 - (c) Endorsement by every person having a security interest in the property that they are subordinating their liens to all covenants, servitudes, and easements imposed on the property.

- e. **Record Drawings.** Record drawings shall be submitted in the current format required by the jurisdiction.
- f. **Covenants and Restrictions.** Covenants and restrictions shall be submitted to the Administrator prior to being recorded.
 - (a) Covenants are not enforced by Clark County Government.
 - (b) If there are conflicts between the covenants and the Clark County Unified Development Ordinance, the more restrictive regulations shall apply.

3. Construction Drawings.

- a. The following checklist of items that should be provided:
 - i. Project Information:
 - (a) A location map with north arrow at a scale of one-inch equals four hundred feet (1":400') or less showing the boundaries of the proposed project and covering the general area within which it is to be located.
 - (b) Name of the project/subdivision.
 - (c) Name and address of the owner, developer, and land surveyor and/or engineer.
 - (d) If non-residential, a statement of the proposed uses, stating the type of buildings, and the type of business, commercial, or industrial uses so as to reveal the effect of the project on traffic, fire, and population.
 - ii. Site Conditions: All items required for the Primary Plat in *Chapter 7, Section C.1.c.ii: Site Conditions*.
 - iii. Proposed Development: All items required for the Primary Plat in *Chapter 7, Section C.1.c.iii: Proposed Development*.
 - iv. Title Block: All items required for the Primary Plat in *Chapter 7, Section C.1.c.iv: Title Block*.
 - v. If the subdivision disturbs more than one (1) acre, detailed erosion control and sediment control plans, pursuant to 327 IAC 15-5 (Rule 5), as amended, as administered by IDEM shall be submitted to the Clark County Drainage Board and Clark County Soil and Water Conservation District.
 - vi. Drainage plans shall be submitted to the Clark County Drainage Board, as applicable. Prior to approving a secondary plat, the Clark County Drainage Board must approve the drainage plans.

D. CONSTRUCTION AND DEVELOPMENT PROCESS.

1. **General.** Once a primary plat and the associated construction plans have been approved by the Administrator or PC and other required agencies, as appropriate, the construction and development process may commence in one of two ways as follows.
 - a. **Option 1 (preferred):** Construct Improvements then Record Plat.
 - i. **Install Infrastructure.** Infrastructure shall be installed per the approved construction plans except for the final coat of asphalt on the roadways.
 - ii. **Inspect Infrastructure.** Once complete, the improvements shall be reviewed and inspected by the County Engineer to ensure that they have been completed in a satisfactory manner. This includes, but is not limited to, roads, curbs, gutters, drainage facilities, and any other utilities as required by this UDO or any other applicable ordinance.
 - (a) The County Engineer does not inspect infrastructure not owned or managed by the County (such as water, sewer, fire hydrants, and electric). All infrastructure improvements and/or utilities required by this UDO shall be installed prior to recording the plat and any inspections of these should be directly coordinated with the respective local providers.
 - iii. **Cost Estimate and Deposit for Final Coat of Asphalt.** The applicant shall submit a reliable estimate for the cost of completing the final coat of asphalt on the roadways to the satisfaction of the County Engineer. Once approved by the County Engineer, the applicant shall pay cash funds to Clark County in an amount equal to one hundred and twenty percent (120%) of the approved estimate amount.
 - iv. **Execute and Record Plat.** The plat shall be executed and recorded in accordance with *Section D.2: Recording of Secondary Plats*.
 - v. **Complete Final Coat of Asphalt.** Once development has occurred to the satisfaction of the County Engineer, the final coat of asphalt for the roadways shall be installed by the applicant.
 - vi. **Post Maintenance Surety and Release Funds.** The applicant shall post maintenance surety for the roadways in accordance with *Section D.3: Maintenance Surety*. When the final coat of asphalt has been installed on the roadways to the satisfaction of the County Engineer, the applicant can request eighty percent (80%) of the cash funds from the performance surety for the final coat of asphalt be released by the County and returned to the applicant. The remaining funds will be applied to the Maintenance Surety. The County Engineer will not release any funds without being requested by the applicant.
 - b. **Option 2:** Post Performance Surety then Record Plat.
 - i. **Secondary Plat Approval.** Secondary plat must be approved prior to posting performance surety.
 - ii. **Execute and Record Plat.** The plat shall be executed and recorded in accordance with *Section D.2: Recording of Secondary Plats*.
 - iii. **Provide Proof of Utility Service.** The applicant shall provide written proof of utility pro-visions (electric, water, and sewer facilities, where available) to the Administrator.

- iv. Execute Performance and Escrow Agreement. The applicant shall submit an executed Performance and Escrow Agreement to the Administrator in a form created by and approved by the County Attorney.
- v. Cost Estimate for Infrastructure Completion. The applicant shall submit a reliable estimate to the County Engineer for review and approval of the cost estimate of completing all of the required infrastructure including, but not limited to the roads, drainage structures, and all other work or improvements to the subdivision required by this UDO and the Agreement.
- vi. Post Cash Escrow, Irrevocable Evergreen Bond/Letter of Credit. A cash escrow shall be paid to the county in the required amount to ensure completion of the subdivision improvements in accordance with the executed Performance and Escrow Agreement and in the amount approved by the County Engineer. The escrow shall:
 - (a) Be payable to Clark County;
 - (b) Be in a sum which is at least one hundred twenty percent (120%) of the amount estimated to complete the improvements;
 - (c) Be in the form of immediately available cash funds or irrevocable evergreen bond/letters of credit.
- vii. Execute and Record Plat. Once maintenance surety has been posted and accepted to the satisfaction of the County Engineer, the plat shall be executed and recorded in accordance with *Section D.2: Recording of Secondary Plats*.
- viii. Install Infrastructure. Infrastructure shall be installed per the approved construction plans except for the final coat of asphalt on the roadways.
- ix. Inspect Infrastructure. Once complete, the improvements shall be reviewed and inspected by the County Engineer to ensure that they have been completed in a satisfactory manner. This includes, but is not limited to roads, curbs, gutters, drainage facilities, and any other utilities as required by this UDO or any other applicable ordinance.
 - (a) The County Engineer does not inspect infrastructure not owned or managed by the County (such as water, sewer, fire hydrants, and electric). All infrastructure improvements and/or utilities required by this UDO shall be installed prior to recording the plat and any inspections of these should be directly coordinated with the respective local providers.
- x. Cost Estimate and Deposit for Final Coat of Asphalt. The applicant shall submit a reliable estimate for the cost of completing the final coat of asphalt on the roadways to the satisfaction of the County Engineer. Once approved by the County Engineer, the applicant shall pay cash funds to Clark County in an amount equal to one hundred and twenty percent (120%) of the approved estimate amount.
- xi. Release of Performance Surety Funds. The County Engineer, with the approval of the County Commissioners, shall release all or a portion of the escrow to the applicant after satisfactory completion of all or a part of the improvements and installations of the subdivision after inspection and approval of the County Engineer. Any such release shall occur no more frequently than once a month. The County Engineer 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.

- xii. Complete Final Coat of Asphalt. Once development has occurred to the satisfaction of the County Engineer, the final coat of asphalt for the roadways shall be installed by the applicant.
- xiii. Post Maintenance Surety and Release Funds. The applicant shall post maintenance surety for the roadways in accordance with *Section D.3: Maintenance Surety*. When the final coat of asphalt has been installed on the roadways to the satisfaction of the County Engineer, the applicant can request eighty percent (80%) of the cash funds from the performance surety for the final coat of asphalt be released by the County and returned to the applicant. The remaining funds will be applied to the Maintenance Surety. The County Engineer will not release any funds without being requested by the applicant.

2. Recording of Secondary Plats.

- a. **Execute Plat.** The plat shall be signed by the Administrator and the County Engineer or designee before being recorded.
- b. **Recording Plat.**
 - i. It shall be the responsibility of the subdivider to record the signed Secondary Plat with the Recorder's Office.
 - ii. Once recorded, the subdivider shall provide the Administrator with the recorded and stamped Secondary Plat in the format(s) required by the Administrator.
 - iii. A plat or replat of subdivision must be recorded within two (2) years of being executed or within two (2) years of completion of infrastructure. Upon written request, the PC may extend the time limitation for two (2) years. If the Subdivider fails to record within this time period, plat shall be null and void.
- c. **Recordation Prohibition.** Pursuant to IC 36-7-4-710, a plat of a subdivision for the purposes of development may not be filed with the County Auditor, and the County Recorder may not record it, unless it has been granted secondary approval and signed and certified by the Administrator. The filing and recording of the plat is without legal effect unless approved by the Administrator.

3. Maintenance Surety.

- a. **General.** Maintenance surety shall be posted by the applicant to ensure that the improvements have been properly installed for the development. The amount of surety shall be approved by the County Engineer and in a form to the satisfaction of the County Engineer. After two (2) years, the applicant can request that the County Engineer release or return the maintenance surety. The County Engineer will not release any funds without being requested by the applicant.
- b. **Form of Surety.** Maintenance surety shall be a cash deposit.
 - i. **Cash Deposit.**
 - (a) When the final coat of asphalt has been installed on the roadways to the satisfaction of the County Engineer, the applicant can request eighty percent (80%) of the cash funds from the performance surety be released by the County and/or returned to the applicant. The remaining balance will be applied to the Maintenance Surety.
 - (b) After two (2) years, the remaining balance shall be returned.

- (c) The County Engineer will not release any funds without being requested by the applicant.
- c. **County Use of Funds.** Any monies received by Clark County shall be used only for making the required improvements and installations for which the surety was provided in the event the subdivider defaults on the agreement. This money may be used for these purposes without appropriation. The improvements and installations must conform to the standards provided for such improvements or installations by the county as well as the UDO.

4. Improvement Location Permits.

- a. **Prerequisites.** Before the second ILP (also known as building permit) may be issued within the development, all public improvements shall be installed (where applicable).
- b. **Temporary ILP.**
- i. **Temporary Use.** A temporary ILP may be granted by the Administrator for the construction and use of a permitted temporary use (such as a construction trailer or mobile sales office) within the real estate affected by a subdivision.

E. Other Subdivision Procedures.

1. Appeals of PC Decision.

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

2. Plat Amendments and Replats.

- a. **Primary Plat Amendment.** At any time after Primary Plat approval, the subdivider may request that an amendment be made to the Primary Plat. 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. The PC shall approve or disapprove any proposed amendment in the manner set forth in *Chapter 7, Section B.1.c: Primary Plat* for Commercial, Industrial, Major Residential, and Conservation Residential Subdivisions, as applicable. The subdivider may withdraw the proposed amendment at any time prior to the PC's decision.
- b. **Secondary Plat Amendment.** At any time after Secondary Plat approval, the subdivider may request that an amendment be made to the Secondary Plat. The Administrator shall solicit comments from the appropriate checkpoint agencies on the proposed amendment in accordance with the same requirements for the respective Secondary Plat approval process. The Administrator shall approve or disapprove any proposed amendment in the manner set forth in *Chapter 7, Section B.1.d: Secondary Plat* for Commercial, Industrial, Major Residential, and Conservation Residential Subdivisions, as applicable. The subdivider may withdraw the proposed amendment at any time prior to the Administrator's decision.

c. **Replat.**

- i. Prerequisites. The Secondary Plat shall have been recorded and all property owners within the area for replat shall provide written consent to the application for re-plat.
- ii. 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, Section B.1.c: Primary Plat* for Commercial, Industrial, Major Residential, and Conservation Residential Subdivisions, as applicable. For the purposes of this UDO, a replat shall include:
 - (a) Any change in any street layout or any other public improvement;
 - (b) Any change in any lot line, unless identified as an exception as outlined in this UDO; and
 - (c) Any change in the amount of land reserved for public use or the common use of lot owners.

3. Vacations.

- a. **Authority.** Pursuant to IC 36-7-4-711, the PC has exclusive authority over the vacation of plats or parts of plats. Vacations may be pursued under either IC 36-7-4-711 or IC 36-7-3-10.
- b. **Vacation When All Owners Agree.** As provided in IC 36-7-3-10, if all of the owners of land in the plat agree on a proposed vacation of all or part of the plat, before recording a written instrument to vacate all or part of the plat, the owner(s) must submit the instrument to the PC (or plat committee if applicable) for approval.
 - i. The PC (or plat committee) may consider and rule on the proposed instrument without notice or a public hearing.
 - ii. The PC (or plat committee) shall attach its written decision to the instrument before it is submitted for recording.
 - iii. 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.
 - iv. If the PC (or plat committee) denies a vacation request under this section, a subsequent vacation proceeding affecting the same property and asking for the same relief may not be initiated for two (2) years from the date of the PC's denial, as provided in IC 36-7-3-15.
- c. **Vacations When All Owners Are Not in Agreement.** As provided in IC 36-7-4-711, if not all of the owners of land in a plat agree on a proposed vacation, one or more of the owners may file with the PC a petition to vacate all of the plat or that part of the plat that pertains to land owned by the petitioner(s).
 - i. Public Hearing. At the PC hearing, all other owners of land in the plat shall be allowed to comment on the petition.
 - (a) Approval. The PC may approve the petition only if it finds that the conditions below are met. The PC may impose reasonable conditions as part of any approval. The PC shall furnish a copy of its approval to the County Recorder for recording.

- (1) Conditions in the platted area have changed so as to defeat the original purpose of the plat;
 - (2) It is in the public interest to vacate all or part of the plat; and
 - (3) The value of that part of the land in the plat not owned by the petitioner(s) will not be diminished by the vacation.
- (b) Denial. If the PC finds that the applicant does not meet the requirements above, it shall deny the petition. If the PC denies a vacation request under this section, it shall not consider another vacation request which requests substantially similar relief concerning the same property for at least one (1) year after the denial, as authorized by IC 36-7-4-715.

4. Waivers.

a. General.

- i. A waiver can be granted for a provision in *Chapter 5: Subdivision Types* and/or *Chapter 6: Subdivision Design Standards* when the subdivider can show that practical difficulties and unnecessary hardship would result if strictly adhered to and where, in the opinion of the PC (or Plat Committee, if applicable), because of topographical or other conditions particular to the site, a departure may be made without compromising the intent of such provisions, the PC may authorize a waiver, pursuant to IC 36-7-4-702(c).
 - ii. Pursuant to IC 36-7-4-702(c), the standards for subdivisions in *Chapter 5: Subdivision Types* and/or *Chapter 6: Subdivision Design Regulations* may be waived at the discretion of the PC (or Plat Committee, if applicable). However, to be approved, the plat must still meet all applicable standards prescribed in the UDO. Variations from the standards in *Chapter 2: Zoning Districts*, *Chapter 3: Site Development Standards*, and/or *Chapter 4: Use Development Standards* require by variance by the BZA (See *Chapter 8: Zoning Administration and Procedures*).
- b. **Application.** A petition for a waiver or waiver of conditions shall be submitted in writing by the subdivider at the time when the Primary Plat or Secondary Plat is filed. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.
- c. **Basis for Consideration.** The PC (or Plat Committee, if applicable) shall not approve waivers unless it finds, based upon the evidence presented to it in each specific case, that:
- i. Practical difficulties and unnecessary hardship may result from the strict application of this UDO, and
 - ii. The purposes and intent of this UDO may be better served by an alternative proposal.
 - iii. 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;
 - iv. The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property;
 - v. The relief sought will not contravene the other provisions of the UDO or the intent of the Comprehensive Plan; and

- vi. 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.
- d. **Written Findings.** The PC shall make written finding of fact on all waiver requests.
- e. **Conditions of Waiver Approval.** The PC may, in approving waivers, require such conditions as will, in its judgment, secure substantially the purposes of said waiver. Such conditions shall be expressly set forth in the order granting the waiver and be in accordance with the *PC Rules and Procedures* for governing commitments. Violation of any such condition shall be a violation of this UDO and subject to the provisions of *Chapter 7, Section E.5: Enforcement*.
- f. **Waivers Concerning Public Improvements.**
 - i. 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.
 - ii. Any determination to defer or waive the provision of any public improvement must be made in accordance with this section and the reasons for the deferral or waiver shall be expressly made part of the record.
 - iii. Where improvement or installations are deferred 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.

5. Enforcement.

- a. **Authority.** The PC or its authorized designee is hereby designated to enforce the terms and provisions of this UDO. For the purposes of this UDO, the term PC as used herein and throughout this UDO shall be inclusive of its authorized designee.
- b. **Persons Liable.** The owner, tenant, or occupant of any building or land, or part thereof, and any architect, builder, contractor, agent, or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this UDO may be held responsible for the violation and be subject to the remedies and penalties provided herein and at law.
- c. **Violations.**
 - i. No owner or agent of the owner of any parcel of the land located in a proposed subdivision shall transfer, sell, or convey any part of the parcel before a Secondary Plat of the subdivision has been approved by the PC in accordance with the provisions of these regulations and filed with the Recorder's Office.
 - ii. No LAP, ILP, or Final Inspection shall be issued for any building, structure, or improvement unless the location of the building, structure, or improvement conforms to this UDO.
- d. **Penalties.**

- i. Fines. Any person who violates a provision of these regulations shall be guilty of an ordinance violation and shall be fined no more than two thousand and five hundred dollars (\$2,500.00) per day, per violation. 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 there-under, the violator shall also be responsible for the jurisdiction's reasonable attorney fees and all costs related to the enforcement or collection.
- e. **Nuisance.**
- i. In addition, after the effective date of this UDO, any land within the jurisdiction subdivided in violation of the terms of this UDO is hereby declared to be a common nuisance, which may be restrained, enjoined or abated in any appropriate action or proceeding at law.
 - ii. Other Remedies. The seeking of a civil penalty under this chapter does not preclude the PC from seeking alternative and additional relief from a court of competent jurisdiction in the same action or from seeking any other relief provided by law in a separate action for the enforcement of this UDO.

8

ZONING ADMINISTRATION AND PROCEDURES

A. UDO Administration.

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

B. Plan Commission (PC).

1. **Establishment.** The Plan Commission (PC) shall be established in accordance with IC 36-7-4-200 series. The PC shall have membership in accordance with IC 36-7-4-208(a).
2. **Jurisdiction.** The PC shall have jurisdiction over all land covered by the jurisdiction of this UDO.
3. **Organization.** The PC shall be organized in accordance with IC 36-7-4-300 series.
 - a. **Quorum.** In accordance with IC 36-7-4-301, a quorum of the PC consists of a majority of the entire membership of the PC.
 - b. **Official Action.** In accordance with IC 36-7-4-302, action of the PC is not official unless it occurs at a regular or special meeting, by a majority of the entire membership of the PC.
 - c. **Leadership.** In accordance with IC 36-7-4-303, the PC shall elect a president and vice president from its membership at its first regular meeting each year.
 - d. **Secretary.** In accordance with IC 36-7-4-304, the PC hereby appoints the Administrator as the secretary.
 - e. **Meetings and Minutes.**
 - i. **Regular Meetings.** In accordance with IC 36-7-4-306, the PC 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.

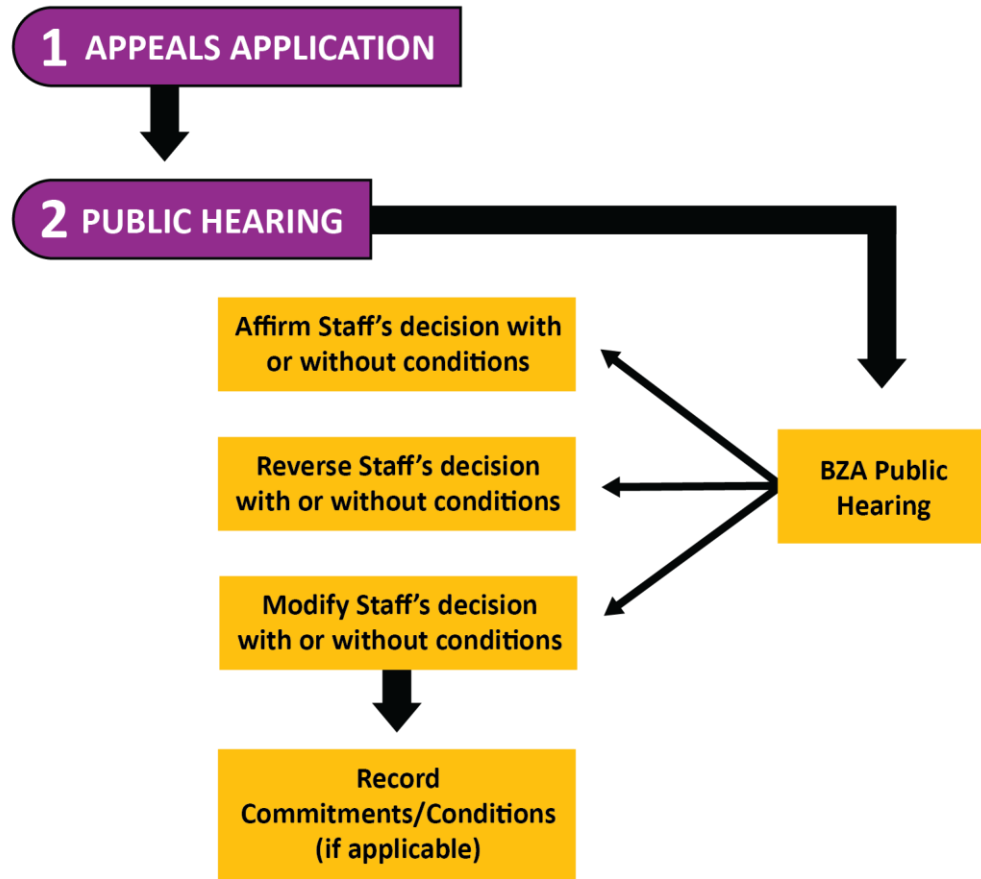
- ii. **Special Meetings.** In accordance with IC 36-7-4-307, a special meeting of the PC may be called by the president or by two (2) members of the PC upon written request to the Administrator.
 - f. **Employees.** In accordance with IC 36-7-4-311, the PC may appoint, prescribe the duties, and fix the compensation of employees necessary for the discharge of the duties of the commission. The PC may contract for special or temporary services and any professional counsel.
4. **Duties.** The PC shall have the following duties as authorized in IC 36-7-4-400 series, including the following:
- a. **Rules and Procedures.** The PC shall adopt rules for its administration.
 - b. **Comprehensive Plan.** The PC shall make recommendations to the legislative body concerning the adoption of and amendments to the Comprehensive Plan in accordance with IC 36-7-4-500 series.
 - c. **Development Plans.** The PC shall make decisions regarding development plans in accordance with *Chapter 8, Section D.2: Development Plan Procedures* and IC 36-7-4-1400 series.
 - d. **Planned Unit Developments (PUD).** If enabled, the PC shall make recommendations to the legislative body concerning the adoption of and amendments to a PUD in accordance with *Chapter 8, Section D.3: Planned Unit Development Procedures* and IC 36-7-4-1500 series.
 - e. **Streets and Addresses.** The president of the legislative body shall name or rename streets and assign addresses, however this responsibility may be delegated to the PC by ordinance.
 - f. **Subdivisions.** The PC shall make decisions regarding plats, replats, and amendments to plats in accordance with *Chapter 7: Subdivision Administration and Procedures*, the PC Rules and Procedures, and IC 36-7-4-700 series, including:
 - g. Primary Plat as described in IC 36-7-4-702;
 - h. Secondary Plat as described in IC 36-7-4-709; and
 - i. **Zone Map Changes.** The PC shall make recommendations to the appropriate legislative body concerning changes to the zone map in accordance with *Chapter 8, Section D.3: Zone Map Change Procedures* and IC 36-7-4-600 series.
5. **Powers.** The PC shall have the powers as authorized in IC 36-7-4-400 series, including the following:
- a. **Executive Committee.** Per IC 36-7-4-408, the PC may establish an executive committee of three to nine (3-9) persons appointed by the PC from its membership. The establishment of the executive committee, the naming of its members, and the adoption of rules governing its operation requires a two-thirds (2/3) majority vote of the entire membership of the PC. A majority of the executive committee may act on behalf of the commission, but a dissenting vote by an executive committee member may appeal the decision to the full PC.
 - b. **Fees.** Per IC 36-7-4-411, the PC may establish a fee schedule to defray the administrative costs associated with PC and BZA petitions, issuing permits, and other permitted actions.

C. Board of Zoning Appeals (BZA).

1. **Establishment.** The Advisory BZA shall be established in accordance with IC 36-7-4-900 series. The BZA shall have membership in accordance with IC 36-7-4-902(a).
2. **Jurisdiction.** The BZA shall have jurisdiction over all land covered by the jurisdiction of this UDO.
3. **Organization.**
 - a. **Quorum.** In accordance with IC 36-7-4-910, a quorum of the BZA consists of a majority of the entire membership of the BZA.
 - b. **Official Action.** In accordance with IC 36-7-4-911, action of the BZA is not official unless it is authorized by a majority of the entire membership of the BZA.
 - c. **Leadership.** In accordance with IC 36-7-4-912, the BZA shall elect a chairman and vice chairman from its membership at its first regular meeting each year.
 - d. **Secretary.** In accordance with IC 36-7-4-913, the BZA hereby appoints the Administrator as the secretary.
 - e. **Meetings and Minutes.** In accordance with IC 36-7-4-915, the BZA shall keep minutes of its proceedings, keep records of its examinations and other official acts, and shall record and vote on all actions taken by making findings of fact. All minutes and records shall be filed in the office of the Administrator and shall be a public record.
 - i. **Regular Meetings.** The BZA shall fix the time for holding regular meetings each month or as necessary, keep minutes of its proceedings, keep records of its examinations and other official acts, and shall record and vote on all actions taken. All minutes and records shall be filed in the Office of the Administrator and shall be a public record.
 - ii. **Special Meetings.** A special meeting of the BZA may be called by the chairman or by two (2) members of the BZA upon written request to the secretary.
4. **Duties.** The BZA shall have the following duties as authorized in IC 36-7-4-900 series:
 - a. **Rules and Procedures.** The BZA shall adopt rules for its administration in accordance with IC 36-7-4-916.
 - b. **Appeals.** The BZA shall make decisions regarding appeals in accordance with *Chapter 8, Section D.1: Appeals Procedures* and IC 36-7-4-918.1.
 - c. **Special Exception.** The BZA shall make decision regarding special exceptions in accordance with *Chapter 8, Section D.4: Special Exception Procedures* and IC 36-7-4-918.2.
 - d. **Variance from Development Standards.** The BZA shall make decisions regarding variances in accordance with *Chapter 8, Section D.4: Variance from Development Standards Procedures* and IC 36-7-4-918.5.
 - e. **Variance of Use.** The BZA shall make decisions regarding variances of use in accordance with *Chapter 8, Section D.4: Variance of Use Procedures* and IC 36-7-4-918.4.

D. Procedures for PC and BZA Duties.

1. APPEALS PROCEDURES.

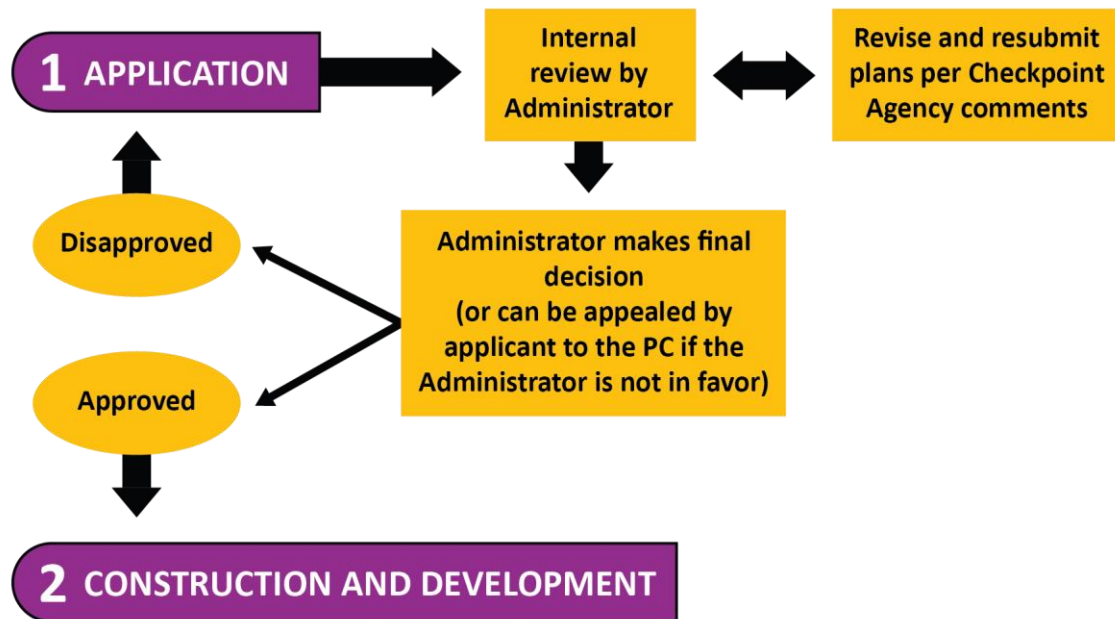


In accordance with IC 36-7-4-918.1 and the BZA Rules and Procedures, the BZA shall hear and determine appeals from and review the decisions below. In addition, all appeals shall be made pursuant to IC 36-7-4-1000 thru 1020 and all amendments thereto.

- a. **Applicability.** The BZA shall hear appeals to any of the following:
 - i. Any order, requirement, decision, or determination made by an administrative official, hearing officer, or staff member under the UDO;
 - ii. Any order, requirement, decision, or determination made by an administrative board or other body except the PC in relation to the enforcement of the UDO; or
 - iii. Any order, requirement, decision, or determination made by an administrative board or other body except the PC in relation to the enforcement of an ordinance adopted under this UDO requiring an ILP or Certificate of Occupancy.
- b. **Application.** The applicant shall submit an application for appeal in accordance with the application packet adopted by the BZA as part of the BZA Rules and Procedures and be prepared in accordance with the format described therein. The application shall be submitted within thirty (30) days of the decision/interpretation that is the subject of the appeal.

- i. **Public File.** Once the Administrator determines that an application is complete and in proper form, they shall assign a file number, create a public file, and assign a date for public hearing.
- ii. **Public Notice.** Notice of public hearing shall be in accordance with the adopted *BZA Rules and Procedures*.
- c. **Public Hearing.** The BZA shall consider the appeal at a public hearing. The applicant shall be in attendance to present their appeal and address any questions or concerns of the BZA.
 - i. **Final Decision.** The BZA may affirm, reverse, or modify the decision, interpretation, order, or action that is the subject of the appeal. The BZA may also add conditions to their decision.
 - ii. **Appeal.** The decision of the BZA may be appealed to the Circuit or Superior Court of the applicable County.

2. DEVELOPMENT PLAN PROCEDURES.



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.

- a. **Applicability.** The development or modification of property for uses other than agricultural uses (excluding confined feeding operations), single-family, or two-family residential require development plan approval.
- b. **Application.**
 - i. Pre-Application Conference (optional but highly recommended). Prior to filing an application for development plan, the applicant may schedule a pre-application meeting with the Administrator to not only become familiar with these and other regulations as they affect the area, but also to discuss the procedures for approval and the requirements for general development.
 - ii. Application. The applicant shall submit an application for development plan in accordance with the application packet adopted by the PC as part of the *PC Rules and Procedures* and be prepared in accordance with the format described therein.
 - iii. Public File. Once the Administrator determines that an application is complete and in proper form, they shall assign a file number, create a public file, and assign a deadline date for receiving internal review comments from the appropriate checkpoint agencies.
 - iv. Internal Review.
 - (a) The Administrator shall forward the plans to the appropriate checkpoint agencies for technical review. After comments (if any) are received, the Administrator shall compile a written report for the public file with the information from the checkpoint agency members. After the internal review, the applicant shall make the necessary modifications to the plans to satisfy the Administrator and resubmit the plans for review.

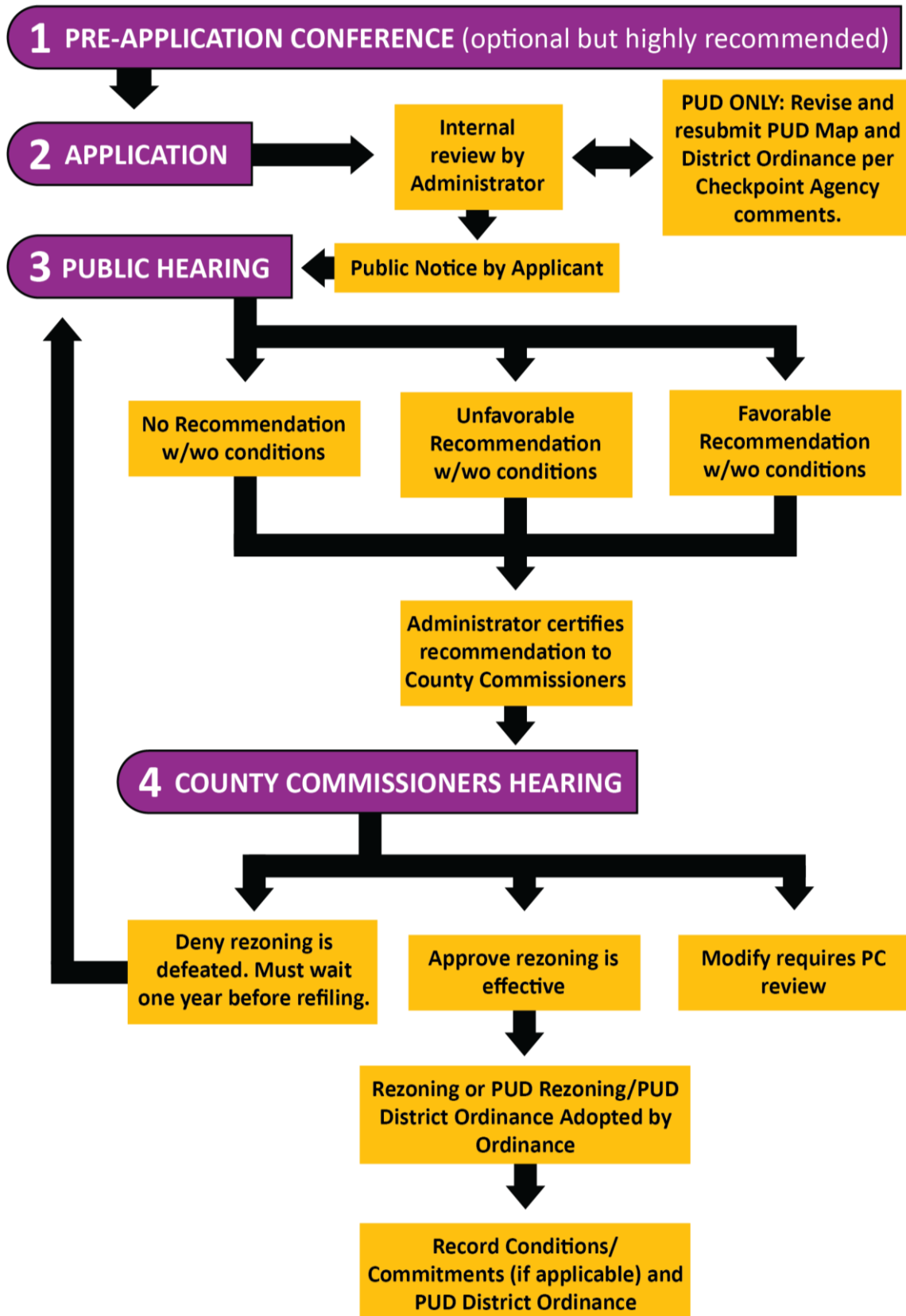
(b) Decision by the Administrator.

- (1) Approval. If the revised plans have adequately addressed the valid comments from the checkpoint agencies, the Administrator shall approve the development plan.
- (2) Disapproval. If the revised plans have not adequately addressed the valid comments from the checkpoint agencies, the Administrator may require additional internal review and/or the resubmittal of revised plans before reconsidering the plans.

(3) Comments Contested – PC Public Meeting.

- a. If the revised plans have not adequately addressed the valid comments from the checkpoint agencies because the applicant disagrees with the comment(s), the applicant may submit a request for public meeting in writing along with an explanation of disagreement. Upon receipt of this written request, the Administrator shall set a date for a public meeting by the PC.
- b. Public Notice. Public notice is not required for development plans.
- c. Public Meeting. If contested, the PC shall consider the development plan at a public meeting. The applicant shall be in attendance to present their plan and address any questions or concerns of the PC.
 - i. Decision by the PC. The PC shall consider the contested comments before making a final decision on the development plan. The PC shall approve, approve with conditions, or deny the development plan.
 - ii. Final Action. A development plan is not considered final and ready for construction until revised plans have been received and approved by the Administrator per the terms of the PC's decision.
- c. **Expiration.** Approval of a development plan shall be valid for two (2) years from the date of PC approval. If all applicable permits and construction has not commenced within two (2) years of approval by the PC, the approval shall be void.
- d. **Amendment.** An amendment to a development plan may be approved administratively by the Administrator after internal review by the affected checkpoint agencies. The Administrator reserves the right to send the requested amendment to a public meeting of the PC for final approval.

3. ZONE MAP CHANGE & PUD DISTRICT PROCEDURES.



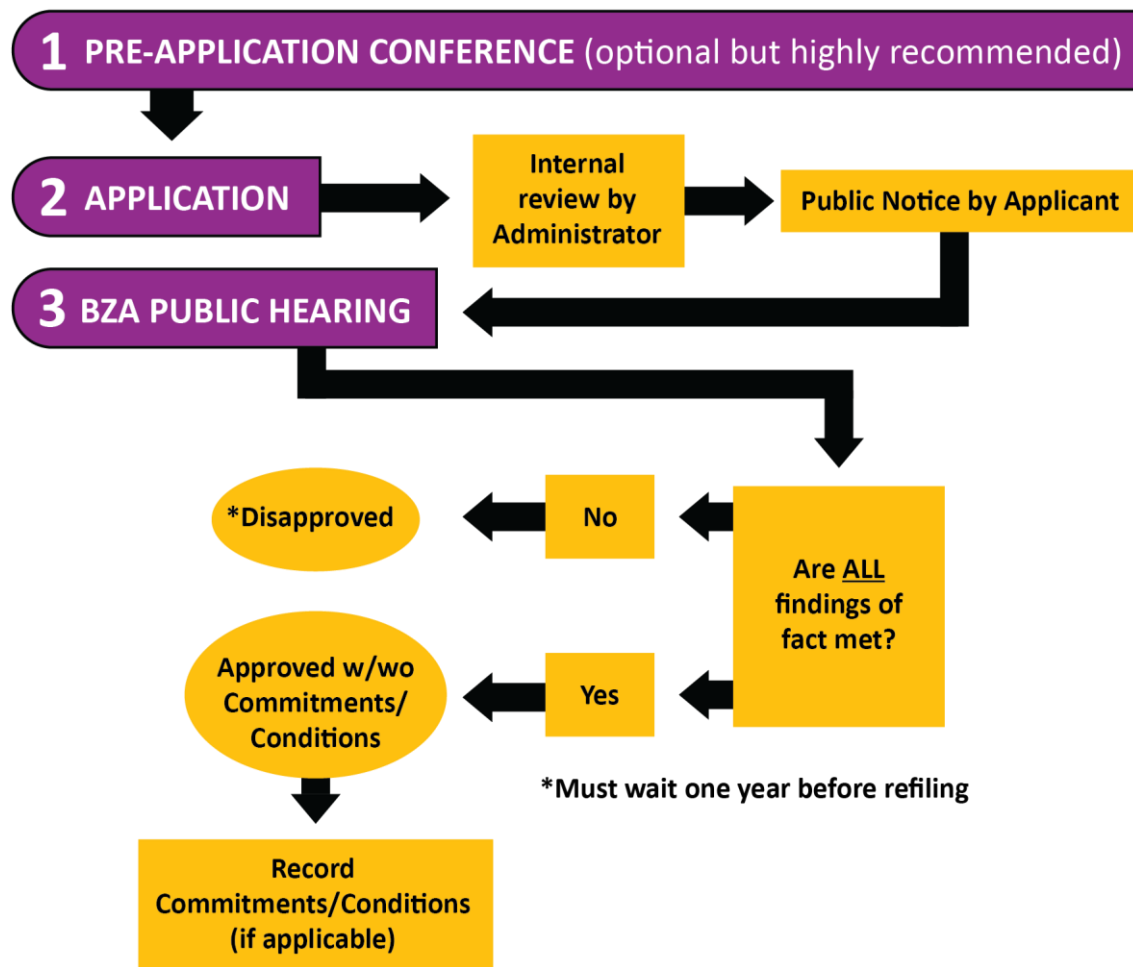
In accordance with IC 36-7-4-600 series for zone map changes, IC 36-7-4-1500 series for PUD Districts and the PC Rules and Procedures, the PC shall hear and make recommendations regarding zone map changes and zone map changes to a PUD District.

a. **Application.**

- i. Initiation. Zone map changes and zone map changes to a PUD District may be initiated by the PC, by the legislative body, or by owners of fifty percent (50%) or more of the area involved in the petition.
- ii. Pre-Application Conference (optional but highly recommended). Prior to filing an application for a zone map change or zone map change to a PUD District, the applicant may schedule a pre-application meeting with the Administrator to not only become familiar with these and other regulations as they affect the area, but also to discuss the procedures for approval and the requirements for the general layout.
- iii. Application. The applicant shall submit an application for zone map change or zone map change to a PUD District in accordance with the application packet adopted by the PC as part of the PC Rules and Procedures and be prepared in accordance with the format described therein. Additionally, the application for a zone map change to a PUD District shall also include:
 - (a) PUD District Map. A PUD District Map shall define the overall area that is governed by the PUD District Ordinance. This map may also identify the location of “districts” that allow specific land uses that are described in the PUD District Ordinance.
 - (b) PUD District Ordinance. A PUD District Ordinance shall be submitted with the “detailed terms” for development in accordance with IC 36-7-4-1509(a)(2). For the purpose of administration and continuity, the proposed PUD District Ordinance must follow a uniform format and contain the following sections that mirror and parallel this UDO. Procedures and regulations that are not covered in the PUD District Ordinance shall default to the procedures and regulations contained in this UDO as best interpreted by the Administrator.
 - (1) Introductory Provisions. All of the enabling language for the PUD District Ordinance as well as purpose, intent, jurisdiction, administration, and effective date.
 - (2) Districts. A profile of each land use district within the PUD and its purpose as well as a summary of permitted land uses and basic development standards.
 - (3) Site Development Standards. An alphabetical list of all of the standards that apply to development such as accessory structures, architectural features, bufferyards, lighting, parking, setbacks, signs, etc.
 - (4) Use Development Standards. An itemized list of any uses that have additional development standards above and beyond the minimums listed in *Section D.3.a.iii.(b).(2): Districts* above.
 - (5) Administration and Procedures. This chapter explains all of the administration and procedures for the PUD including amendments, variances, and appeals. Note that procedures for the subdivision of land within the PUD shall follow *Chapter 7: Subdivision Administration and Procedures* of this UDO.
 - (6) Definitions. Any terms that are specific to the PUD shall be listed to aid in the interpretation of the ordinance.

- iv. Public File. Once the Administrator determines that an application is complete and in proper form, they shall assign a file number, create a public file, and assign a date for public hearing.
- v. Public Notice. Notice of public hearing shall be in accordance with the PC Rules and Procedures.
- vi. Public Hearing. The PC shall consider the zone map change or zone map change to a PUD District at a public hearing. The applicant shall be in attendance to present their petition and address any questions or concerns of the PC.
 - (a) Recommendation by the PC.
 - (1) Consideration. When considering a zone map change or zone map change to a PUD District, the PC shall pay reasonable regard to:
 - a. The Comprehensive Plan;
 - b. Current conditions and the character of current structures and uses in each district;
 - c. The most desirable use for which the land in each district is adapted;
 - d. The conservation of property values throughout the jurisdiction; and
 - e. Responsible development and growth.
 - (2) Recommendation. After consideration, the PC shall make a favorable, unfavorable, or no recommendation to the legislative body. Any of the said recommendations may include conditions and/or written commitments in accordance with IC 36-7-4-1015 and *Chapter 8, Section E.1: Commitments*.
 - (3) Certification of Recommendation. Within ten (10) business days after the PC determination, the PC shall certify their recommendation to the legislative body.
 - vii. Final Action.
 - (a) Upon receipt of said certification, the legislative body shall vote on the proposed zone map change or zone map change to a PUD District within ninety (90) calendar days. Final action by the legislative body shall be in accordance with IC 36-7-4-600 series.
 - (b) If the proposal is adopted by the legislative body, the PC shall update the zone map accordingly.
 - viii. Expiration. Approval of a zone map change shall run with the land, unless a condition specifies otherwise.
 - ix. Amendment. Amendment of a zone map change shall be done in accordance with the IC 36-7-4-600 series for zone map changes and IC 36-7-1500 series for zone map changes to a PUD District. An amendment of an applicable condition or commitment shall be done in accordance with IC 36-7-4-1015 and *Chapter 8, Section E.1: Commitments*.

4. SPECIAL EXCEPTION, VARIANCE FROM DEVELOPMENT STANDARDS, AND VARIANCE OF USE PROCEDURES.



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 recommendations regarding special exceptions, variances from development standards and variances of use. The BZA may require that impact studies be performed at the expense of the applicant prior to deciding upon said special exception or variance of use.

- a. **Applicability.** Uses permitted by special exception as listed in *Chapter 2* may be permitted by the BZA in the districts indicated in accordance with the procedures set forth in this section. The BZA may vary the development standards or grant a variance of use in accordance with the procedures set forth in this section.
- b. **Non-conforming Uses.** Any expansion of a legal non-conforming use, including the enlargement of the structures or land area devoted to such use, shall be subject to the procedures described in this section.

c. Application.

- i. **Pre-Application Conference.** Prior to filing an application for special exception, variance from development standards or variance of use, the applicant may schedule a pre-application meeting with the Administrator to not only become familiar with these and other regulations as they affect the area, but also to discuss the procedures for approval and the requirements for general development.
- ii. **Application.** The applicant shall submit an application for special exception, variance from development standards or variance of use in accordance with the application packet adopted by the BZA as part of the BZA Rules and Procedures and be prepared in accordance with the format described therein.
- iii. **Public File.** Once the Administrator determines that an application is complete and in proper form, they shall assign a file number, create a public file, and assign a date for public hearing.
- iv. **Public Notice.** Notice of public hearing shall be in accordance with the BZA Rules and Procedures.

d. Public Hearing. The BZA shall consider the special exception, variance from development standards or variance of use at a public hearing. The applicant shall be in attendance to present their plan and address any questions or concerns of the BZA.

- i. **Standards for Evaluation for Special Exception.** When considering a special exception, the BZA shall find that the following standards have all been satisfied:
 - (a) The establishment, maintenance, or operation of the special exception will not be detrimental to or endanger the public health, safety, morals, or general welfare;
 - (b) The special exception will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted;
 - (c) The establishment of the special exception will not impede or substantially alter the normal and orderly development and improvement of surrounding property for uses permitted in the district;
 - (d) Adequate utilities, access road, drainage, and other necessary facilities have been or are being provided;
 - (e) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion on the public roadways; and
 - (f) The special exception will be located in a district where such use is permitted and all other requirements set forth in this UDO that are applicable to such use will be met.
- ii. **Standards for Evaluation for Variance from Development Standards.** When considering a variance, the BZA shall find that the following standards have all been satisfied:
 - (a) The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
 - (b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and

- (c) The strict application of the terms of the ordinance will result in practical difficulties in the use of the property.
- iii. Standards for Evaluation for Variance of Use. Per IC 36-7-4-918.4, when considering a variance of use, the BZA shall find that the following standards have all been satisfied:
 - (a) The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
 - (b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
 - (c) The need for the variance arises from some condition peculiar to the property involved;
 - (d) The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and
 - (e) The approval does not interfere substantially with the Comprehensive Plan.
- iv. Final Decision.
 - (a) Approval. If the BZA finds all of the standards have been satisfied, it shall approve or approve with conditions and/or commitments the request. Approval may be in the form of a general statement.
 - (b) Denial. 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.
- e. **Expiration.** Approval of a special exception, variance from development standards and variance of use shall run with the land, unless a condition specifies otherwise. However, if construction of structures or occupancy of existing structures relevant to the approved special exception or variance has not commenced within two (2) years of approval by the BZA, the approval shall be void.
- f. **Amendment.** A special exception or variance may only be amended by the BZA by submitting a revised application through the special exception and variance application process.

E. Additional Procedures.

1. Commitments.

- a. **Form.** A commitment must be substantiated by the form set forth in the PC Rules and Procedures, and must identify any specially affected persons or class of specially affected persons who may enforce the commitment. A commitment must authorize its recording by the Administrator in the County Recorder's Office.
- b. **Recording.** A commitment shall be recorded in the County Recorder's Office and takes effect upon the adoption of the proposal by the County Commissioners to which it relates. Following the recording of a commitment, the applicant shall return a copy of the original recorded commitment to the Administrator for PC's file.
- c. **Persons Bound.** Unless it is modified or terminated by the PC in accordance with this section, a recorded commitment is binding on the owner of the parcel, a subsequent owner of the parcel, and any other person who acquires interest in the parcel. An unrecorded commitment is binding on the owner of the

parcel who makes the commitment. An unrecorded commitment is binding on a subsequent owner of the parcel or a person acquiring an interest in the parcel only if the subsequent owner or the person acquiring the interest has actual notice of the commitment.

- d. **Modification or Termination by PC.** Except for a commitment modified or automatically terminated in accordance with this section, a commitment may be modified or terminated only by a decision of the PC made at a public hearing after notice of the hearing has been given under the PC Rules and Procedures.

2. Improvement Location Permit (ILP) Procedures. The Administrator, or their designee, shall be responsible for the issuance of ILPs in accordance with IC 36-7-4-800 series.

- a. **Applicability.** An ILP, also known as a building permit, shall be required for the erection, alteration, or modification of all structures within the jurisdiction including, but not necessarily limited to:
- i. Primary structures;
 - ii. Accessory buildings and structures;
 - iii. All patios and slabs;
 - iv. Signs as set forth in this ordinance;
 - v. Temporary storage containers as set forth in this ordinance; and
 - vi. Wireless communication facilities both free-standing and those co-located upon an existing or pre-approved wireless communication facility.
- b. **Application.** The applicant shall submit an application for an ILP in accordance with the application packet adopted by the PC as part of the PC Rules and Procedures and be prepared in accordance with the format described therein. The filing fee for an ILP shall be paid in accordance with the adopted Fee Schedule. A public record of each ILP shall be retained in the Office of the Administrator in accordance with the retention rules established by the State Board of Accounts.
- c. **Final Inspection.** A final inspection shall be completed for all ILPs that are constructed in compliance with all provisions of the UDO and other applicable codes. No structure shall be occupied or used, in whole or part, for any purpose until a final inspection is completed.
- d. **Expiration.** An ILP shall be valid for a period of one (1) year from the date of issuance. However, significant construction must begin within six (6) months from the date of issuance or the ILP shall become void.
- i. **Extension.** The Administrator may grant up to two additional six (6) month time periods at the written request of the applicant stating the need for such extension. Once an ILP expires, a new application (including fees) shall be submitted for approval.
- e. **Amendment.** An amendment to an approved ILP may be submitted at any time for review and consideration by the Administrator. Additional fees may be assessed if applicable.

F. Complaints, Violations, and Remedies.

1. **Complaints.** 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*. 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. The Administrator, or their designee, shall have authority to enter upon property at any time to investigate a written complaint.
2. **Violations.**
 - a. **ILP Violations.**
 - i. Any persons or corporation who shall initiate construction prior to obtaining an ILP, Certificate of Occupancy, Letter of Completion, or any other permit or authorization required herein, shall pay the fine as set forth in the Fee Schedule.
 - ii. The owner or tenant of any building, structure or premises and any other person who participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties prescribed by this section.
 - b. **Zoning Ordinance Violations.** The property owner shall be held liable for and person, occupant, tenant, or corporation who violates any of the provisions of these ordinances or fails to fully comply therewith or with any of the requirements thereof (including violations of conditions established in connection with grants of Variance or Special Exceptions) or who shall build, reconstruct or structurally alter any building in violation of the approved development plan or building plans shall be subject to civil penalties.
 - c. **Subdivision Control Ordinance Violations.**
 - i. It shall be the duty of the Administrator to periodically research the applicable County records and perform the other necessary investigations to detect any violations of the subdivision regulations.
 - ii. No owner, or agent of the owner, of any parcel of land located in a proposed subdivision shall transfer or sell any such parcel before a plat of such subdivision has been approved by the PC in accordance with the provisions of these regulations and filed with the applicable County Recorder except as outlined in this UDO.
 - iii. 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 applicable County Recorder except as outlined in this UDO.
 - iv. No ILP shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of these regulations except as outlined in this UDO.
 - v. The Administrator shall enforce these regulations and bring to the attention of the PC attorney any violations or lack of compliance herewith. The PC attorney shall take steps necessary under the Indiana Code to civilly enjoin any violation of these regulations.

3. **Penalties.** Any person or corporation who shall violate any of the provisions of this UDO or fail to comply therewith or with any of the requirements thereof or who shall build, reconstruct or structurally alter any building in approved there under shall for each and every violation of non-compliance be guilty of a misdemeanor and, upon conviction, shall be fined not less than the penalties outlined in the Fee Schedule, and each day that such violation of non-compliance shall be permitted to exist shall constitute a separate offense.
4. **Remedies.** 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 the applicable County to restrain an individual 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.
5. **Stay of Work Pending Appeal, Restraining Order, and Enforcement of Stay.**
 - a. 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.
 - b. 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 of the county in which the premises affected are located may grant the restraining order.
 - c. After the owner of, or a person in charge of the work on, the premises affected has received notice that an appeal has been filed or board charged with the enforcement of an ordinance may order the work stayed and call on the police power of the municipality to give effect to that order.
 - d. **Attorney's Fees.** Notwithstanding anything contained in this UDO to the contrary or appearing to be to contrary, and in addition and supplementary to other provisions of this UDO, if the BZA or the jurisdiction is required to utilize the services of the respective Attorney or any other attorney in investigating a possible violation of this UDO or enforcing the provisions of this UDO before any board or a court (including appeals), and such investigation results in a determination that a violation has occurred or if the BZA or jurisdiction is successful in its enforcement of the UDO by way of suit, appeal, or other appropriate proceeding, the respondent, defendant, or party investigated for a violation shall pay the jurisdiction's reasonable attorney fees and all costs related to the investigation of the violation and/or the enforcement of this UDO, unless such attorney fees or costs are specifically waived by the legislative body.

G. Fee Schedule.

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

This page intentionally left blank.

9 NONCONFORMING LOTS, STRUCTURES, AND USES

A. General Provisions.

1. Within the districts established by this UDO or by amendments that may later be adopted, there exist individually or in combination: legally nonconforming lots; legally nonconforming structures; legally nonconforming uses of land; and legally nonconforming zoning districts, which were lawful before this UDO was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this UDO or future amendments.
2. It is the intent of this UDO to permit these legal nonconformities to continue until they are removed but not to encourage their survival. Nonconforming uses are declared by this UDO to be incompatible with permitted uses in the districts where such uses are located. It is further the intent of this UDO that nonconformities shall not be enlarged upon, expanded, extended, or intensified, nor be used as grounds for adding other structures, additional signs intended to be seen from off the premises, or uses which are prohibited elsewhere in the same district.
3. Illegal uses existing at the time this UDO is enacted shall not be validated by virtue of its enactment.
4. To avoid undue hardship, legal nonconformities shall not be required to change 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.
5. Demolition or removal of an existing building that was substantially started prior to rebuilding shall be deemed to be actual construction if work is carried on diligently and a valid ILP was issued prior to the effective date of adoption or amendment of this UDO.

B. Nonconforming Lots of Record.

1. **General Provisions.** Where, at the time of adoption of this UDO, lawful lots of record exist which would not be permitted to be created by the regulations imposed by this UDO, the lot may be developed so long as it remains otherwise lawful, provided that:
 - a. The lot must be in separate record and road frontage that is not shared with any existing lot(s) unless an easement exists for this purpose. This provision shall apply even though such lots fail to meet the requirements for area or width, or both, that are generally applicable in the district provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located.
 - b. All other provisions of this UDO are met or a variance from the BZA is obtained.
 - c. If on-site sewage disposal is to be used (such as a septic system) a permit issued from the Clark County Board of Health must first be obtained.

C. Nonconforming Structures, Nonconforming Uses of Land, and Nonconforming Combination of Structures and Uses.

1. **General Provisions.** Where a lawful structure exists, lawful uses of land, or combination of both exists at the effective date of adoption or amendment of this UDO that could not be built or permitted under the terms of this UDO, such structure and/or use of land may be continued so long as it remains otherwise lawful, subject to the following provisions:
 - a. A nonconforming structure or use of land may not be enlarged, altered, increased, intensified, or added onto in a way that increases its nonconformity unless a variance is obtained from the BZA. However, any structure, use or portion thereof may be altered to decrease its nonconformity.
 - b. Where nonconforming status applies to a structure and land use in combination, neither shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered, except to change the use from a legally nonconforming use to a conforming use, in which case, such modifications shall be subject to the provisions of this UDO.
 - c. A nonconforming use may be extended throughout an existing building if the building was arranged or designed for such use, but no such use shall be extended to occupy any land outside such building.
 - d. Should such structure be moved for any reason, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
 - e. A nonconforming use shall not be changed to another nonconforming use or be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this UDO.
 - f. No building damaged by fire or by other causes to the extent of more than fifty percent (50%) of its then fair market value (as determined by assessed value or appraisal provide by applicant, whichever is greater) shall be repaired or rebuilt except in conformity with the provisions of this ordinance except as previously granted a variance as to such non-conformity.
 - g. Where nonconforming status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the use, in which case, both the structure and the use shall be brought into conformance with the provisions of this UDO.
 - h. No additional structures not conforming to the requirements of this UDO shall be erected in connection with such nonconforming use of land.
 - i. If any such nonconforming structure is abandoned for any reason for more than one (1) year or any such nonconforming use of land is discontinued or abandoned for any reason for more than twelve (12) consecutive months, such structure or subsequent use of land shall be required to conform to the regulations specified by this UDO for the district in which such structure or use is located unless appropriate variances are obtained from the BZA.
2. **Agricultural Uses.** Consistent with IC 36-7-4-616, an agricultural use of land that constitutes an agricultural nonconforming use may be changed to another agricultural use of land without losing agricultural nonconforming use status. In addition, an agricultural nonconforming use shall not be restricted or required to obtain a variance or special exception so long as an agricultural nonconforming use has been maintained for three (3) years in a five (5) year period.

10 DEFINITIONS

A. General Provisions. For the purpose of this ordinance, certain terms or words used herein shall be interpreted or defined as follows. Words used in the present tense include the future tense. The term “shall” is always mandatory, and the word “may” is permissive. Any words not defined shall be defined using the most recent version of the Merriam-Webster Dictionary.

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

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

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

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

ADULT BUSINESS. See SEXUALLY-ORIENTED BUSINESS.

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

AGRITOURISM. An accessory activity at an agricultural, horticultural, or agribusiness operation where the general public is allowed or invited to participate in, view, or enjoy the activities for recreational, entertainment, or educational purposes, including farming, ranching, dining, sale of agricultural products, historic and cultural agricultural activities, or natural resource-based activities.

AIRPORT. Clark Regional Airport.

AIRPORT ELEVATION. Four hundred and seventy-four (474) feet above mean sea level.

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

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

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

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

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

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

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.

APPROACH SURFACE. A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section IV of this Ordinance. The perimeter of the approach surface coincides with perimeter of the approach zone.

AUDITOR. The Auditor for the County.

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

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

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

AUTOMOTIVE SALES, USED. Business that sells used vehicles.

BAR. See TAVERN.

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

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

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

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

BREWERY/WINERY. 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.

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

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

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

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

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

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

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

CAMPGROUND, PRIVATELY-OWNED. A privately-owned parcel on which two (2) or more campsites are located, established, or maintained for occupancy by camping units as temporary living quarters for recreation, education, or vacation purposes, whether granted gratuitously or by a rental fee. A privately-owned campground provides overnight occupancy by the owner or their guests in temporary, non-permanent lodging structures such as tents, recreational vehicles, and camping trailers. This definition is not intended to include farm worker housing or manufactured home parks.

CAMPGROUND, PUBLICLY-OWNED. A publicly-owned parcel, such as a state park, on which two (2) or more campsites are located, established, or maintained for occupancy by camping units as temporary living quarters for recreation, education, or vacation purposes, whether granted gratuitously or by a rental fee. A publicly-owned campground provides overnight occupancy by the owner or their guests in temporary, non-permanent lodging structures such as tents, recreational vehicles, and camping trailers. This definition is not intended to include farm worker housing or manufactured home parks.

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

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

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

CHECKPOINT AGENCY. A committee that, because of their specialized knowledge and experience in their field of expertise, may review the technical aspects of a project and assist the Administrator, PC, and BZA by providing technical and expert advice with regard to proposed development within the jurisdiction. Checkpoint agencies include the County Surveyor, County Engineer, Clark County Drainage Board, Clark County Health Department, Fire District, Water Utility, Sewer Utility, and public school district(s).

CHILD CARE CENTER. With regard to IC 12-17.2, a non-residential structure where at least one (1) child receives child care from a provider:

- 1) While unattended by a parent, legal guardian, or custodian;
- 2) For regular compensation; and
- 3) For more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive calendar days per year, excluding intervening Saturdays, Sundays, and holidays.

A child care center shall not be considered a home occupation.

CHILD CARE HOME. With regard to IC 12-17.2, a residential structure in which at least six (6) children (not including the children for whom the provider is a parent, stepparent, guardian, custodian, or other relative) at any time receive child care from a provider:

- 1) While unattended by a parent, legal guardian, or custodian;
- 2) For regular compensation; and
- 3) For more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive calendar days per year, excluding intervening Saturdays, Sundays, and holidays.

This definition includes Class I Child Care Homes that serve any combination of full-time and part-time children under the age of seven (7) but not to exceed twelve (12) children at any one time; and Class II Child Care Homes that serve more than twelve (12) children but not more than any combination of sixteen (16) full-time and part-time children under the age of seven (7) at any one time.

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

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

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

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

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

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

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

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

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

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

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

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

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

The term does not include the following:

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

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

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

CONICAL SURFACE. A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

COUNTY. Clark County, Indiana.

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

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

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

DEED. A legal document conveying ownership of real property.

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

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

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

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

DISTRICT, ZONING. 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.

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 commercial or industrial use.

DRIVEWAY, PRIVATE. A single, shared private driveway serving two (2) to six (6) residential parcels and includes a written and recorded road maintenance agreement.

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

DUPLEX. See DWELLING, TWO-FAMILY.

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

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

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

DWELLING, MULTI-FAMILY. A dwelling designed for or occupied by three (3) or more families, with the number of families in residence not exceeding the number of dwelling units provided.

DWELLING, SINGLE-FAMILY. A dwelling containing one (1) dwelling unit and that is not attached to any other dwelling by any means and is surrounded by open space or yards.

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

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

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

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

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

ESTABLISHMENT OF A BUSINESS. Any of the following:

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

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

FARM. A parcel used for agricultural activities.

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

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

FARMERS MARKET. The seasonal selling or offering for sale at retail of vegetables or produce, animal products (not including live animals), flowers, orchard products, and similar non-animal agricultural products, occurring in a predesignated area, where the vendors are individuals who have raised the vegetables or produce or have taken the same on consignment for retail sale.

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

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

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

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

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

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

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

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

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

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

GRADE. Defined as:

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

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

GROUND FLOOR AREA. The sum in square feet, at grade, computed from the outside dimensions of the ground floor of the structure. It does not include garage area, crawl space, attic area, porches, patios, elevator shafts, display windows, etc.

GROUP HOME. A non-profit or for-profit group home regulated under IC 31-27 for the sheltered care of persons with special needs, which, in addition to providing food and shelter, may also provide some combination of personal care, social or counseling services, and transportation.

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

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

HAZARD TO AIR NAVIGATION. An obstruction determined to have a substantial adverse effect on the safe and effective utilization of the navigable airspace.

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

HEIGHT, AIRPORT. For the purpose of determining the height limits in all zones set forth in the Airport Overlay District and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

HISTORIC STRUCTURE. Any structure that is:

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

HOME OCCUPATION. Any activity carried out for gain by a resident and conducted in the resident's dwelling unit.

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

HORIZONTAL SURFACE. As it pertains to the Airport Overlay District, a horizontal plane 150 feet above the established airport elevation, the perimeter of the horizontal is determined by swinging the arcs of the specified radii of the applicable zone under Section III herein from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs.

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

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

HOUSEHOLD PET. 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.

HYBRID HOME. Also known as an "on-frame modular home," a hybrid home has a permanent steel frame underneath. Unlike a manufactured home, a hybrid home is similar to a modular home and is built to state and local building codes instead of the Federal HUD Code.

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

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.

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

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

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

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

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

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

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

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

JURISDICTION. The unincorporated areas of Clark County and the Town of Bordon.

KENNEL, PRIVATE. The keeping, breeding, raising, showing, or training of four (4) or more dogs over six (6) months of age for personal enjoyment of the owner or occupant of the property.

KENNEL, PUBLIC. An establishment in which dogs or domesticated animals are housed, groomed, bred, boarded, trained, and/or sold for a fee or compensation.

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

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

LARGER THAN UTILITY RUNWAY. A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet-powered aircraft (currently runway 36).

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

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

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

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

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

LOT 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.

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

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

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

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

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

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

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

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

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

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

MANUFACTURED HOME PARK. As defined in IC 16-41-27-5, a manufactured home community on one (1) or more parcels of land that:

- 1) Contain individual lots that are leased or otherwise contracted;
- 2) Are owned, operated, or under the control of one (1) or more persons; and 3) on which a total of at least five (5) manufactured homes are located for the purpose of being occupied as principle residences.

The term includes the following:

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

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

MANUFACTURING, HEAVY. An establishment engaged in basic processing and manufacturing of materials or products predominately from extracted or raw materials into new products, including assembling, converting, altering, finishing of component parts, or the manufacture of such products, and the storage and/or blending of large volumes of materials of a heavy nature, including but not limited to metal, concrete, plastic, petrochemicals, and heavy machinery. These uses can include highly flammable, toxic, or explosive materials needed in the process. Heavy manufacturing uses processes that 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 concrete batch plants; automobile, truck, or tire assembly; ammonia or chlorine manufacturing; metal casting or foundries; grain milling or processing; metal or metal ore production; refining, smelting, or alloying; boat, pool, and spa manufacturing, glass manufacturing; paper manufacturing; wood or lumber processing.

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

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

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

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

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

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

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

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

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

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

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

OBSTRUCTION, AIRPORT. As it pertains to the Airport Overlay District, any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in the Airport Overlay District.

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

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

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

PARCEL. See LOT.

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

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

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

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

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

PRECISION INSTRUMENT RUNWAY. A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS), or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document (currently runway 18).

PLACE OF WORSHIP. Defined as:

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

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

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

PLAT 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.

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.

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

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

PRIMARY SURFACE. As it pertains to the Airport Overlay District, a surface longitudinally centered on a runway. When the runway has a specifically prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for runways without a specifically prepared hard surface, or a planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in the Airport Overlay District. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

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

PROFESSIONAL/BUSINESS OFFICES. Uses whose primary purpose is professional and/or business offices, and limited customers are accessing the business, including accounting/tax, advertising, architectural/engineering, attorney/legal, communication/marketing agency, computer system repair, insurance agency, investment firm, professional consulting, , real estate agency, trade association office, travel agency, and similar uses not defined elsewhere in this UDO. This use does not include Sexually-Oriented Businesses, Service-Oriented Retail, General Retail, or Healthcare/Medical Offices.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

RE-PLAT. Defined as:

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

RESTAURANT. Establishment that provides food service with the majority of sales being food (versus alcohol) and is open to all ages, and can include drive-thru and/or dine-in services.

RETAIL, GENERAL. Uses whose primary purpose is the sale of goods and merchandise, including antique stores, art galleries, art supply stores (including framing services), auction houses, book/magazine/stationary/newspaper stores/stands, billiard/arcade room, bowling alley, bakery (retail), cameras and photography supply stores, car wash, candy store, clothing/apparel/shoes stores, collectible stores (cards, coins, comics, stamps, etc.), consignment/thrift store, convenience stores/gas stations, department stores, drug stores/pharmacies, electronic/appliance store, fabrics and sewing supply stores, floor covering stores, farm stand/farmers market, furniture store, florists, gift store, greenhouse/nursery, grocery/meat/fish market, hardware stores, hobby shop, jewelry stores, luggage and leather goods stores, music/musical instrument stores, self-storage (indoor), office supply store, oil change/tire change facility, optic stores (no medical exams), orthopedic supply stores, paint store, pet store, travel center, sporting goods and recreation equipment stores, bicycle and kayak rentals/stores, religious good stores, specialty shops, storage units, toys stores, variety stores, video/game store, and similar uses not defined elsewhere in this UDO. This use does NOT include Sexually-Oriented Businesses, Professional/Business Offices, Service-Oriented Retail, or Healthcare/Medical Offices, Auto Sales (New & Used); Auto Repair; Boat/Motorcycle/Recreational Vehicle Sales & Service; Farm Equipment Sales & Service.

RETAIL, SERVICE-ORIENTED. Uses whose primary purpose is to provide a retail service rather than goods and merchandise (non-sexually oriented business), and the majority of people accessing the business are customers rather than employees, including beauty/barber shop, catering (off-site), shoe repair, tailoring/dressmaking, dry cleaning/laundry receiving station (storefront only), employment services, print shop/copy shop, bank/credit union/ATM, dance/gymnastics/martial arts studio, fitness center/gym, art studio, laundromat, nail/tanning salon, photography studio, educational support services, restaurant (see RESTAURANT), storage units, and similar uses not defined elsewhere in this UDO. This use does NOT include Sexually-Oriented Businesses, Professional/Business Offices, General Retail, or Healthcare/Medical Offices, Childcare Center, Childcare Home, Children's Home, Daycare Facility, Adult Day Care Facility, Hotels/Motels, Short-Term Rentals, or Bed and Breakfasts.

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

RIGHT-OF-WAY. Defined as:

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

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

ROAD, PUBLIC. Any vehicular way that is:

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

It includes the land between the street lines, whether improved or unimproved.

ROAD, PRIVATE. A private roadway that serves more than six (6) residential parcels pursuant to access easements and written and recorded maintenance agreements.

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

RUNWAY. A defined area on an airport prepared for landing and takeoff of aircraft along its length.

RUNWAY PROTECTION ZONE (RPZ). An area defined as RPZ in Federal Aviation Administration Advisory Circular No: 150/5300 as amended from time-to-time for the Clark County Regional Airport.

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.

SETBACK. The distance between the foundation of the structure and any lot line.

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

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

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

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

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

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

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

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

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

SIGHT TRIANGLE. A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow between the heights of three (2) and twelve (12) feet above established grade in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection. The minimum sight distance (sight triangle) at intersections shall be determined by a design professional based on the current Indiana Department of Transportation (INDOT) standards and approved by the County Engineer.

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. For purposes of this ordinance, the following signs are defined:

- **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 (1) or both of the following classifications:
 - Flashing, animated, or animated portions of a sign where the cyclical period between on-off phases of illumination is less than four (4) seconds;
 - Patterned illusionary movement in which animated signs or portions of signs whose illumination is characterized by simulated movement.
- **Awning.** A sign that is attached to or printed on an awning, canopy, or other fabric that serves as a structural protective cover over a door, entrance, window, or outdoor service area.
- **Banner.** A non-rigid cloth, plastic, paper, flag, or canvas sign typically related to a special event or promotion that is cultural, educational, charitable, or recreational in its function, under the sponsorship of a for-profit establishment or business, or a public, private non-profit, or religious organization. Banners also include streamers or ribbon-shaped or cord-like rope which may have pennants and/or banners attached and which is stretched or hung between two (2) or more points of support intended to attract attention.

- **Bench.** Any sign painted on, located on, or attached to any part of the surface of a bench, seat, or chair placed on or adjacent to a public street.
- **Billboard.** A sign at least 300 square feet in area.
- **Changeable Copy.** A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged by mechanical, electronic or manual means without altering the face or surface of the sign.
- **Electronic Sign.** A sign activated by or illuminated by means of electrical energy whose variable message capability can be electronically programmed.
- **Free-standing.** A sign that is detached from a building and having a support structure.
- **Hanging.** A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.
- **Inflatable Sign.** Any device which is capable of being expanded by any gas and used on a permanent or temporary basis to attract attention to a product or event. This definition includes both hot and cold-air balloons tethered or otherwise anchored to the ground.
- **Informational Sign.** Any on-premise sign which contains no commercial message of any sort and which provides, for example, directions for control of traffic, enter/exit, hours of operation, no smoking, beware of dog, no trespassing, security system present, or other necessary regulatory information. Informational signs shall not contain the name or logo of an establishment or any type of advertising for products or services offered on site.
- **Marker.** A sign that 1) indicates the name of a structure, date, or other incidental information about its construction that is cut into a masonry surface, cast in bronze, or made of other material; or 2) identifies a product in agricultural areas, typically used to identify seed types used in agricultural fields.
- **Monument.** A sign in which the bottom edge of the sign face is permanently affixed to the ground. Monument, freestanding, or pylon are other names for a monument sign.
- **Mural.** An image painted onto the side of a structure or applied to the ground, sidewalk, parking lot, or similar area. A mural sign is regulated as a wall sign in this UDO when it contains a commercial message. Murals without a commercial message are not regulated by this UDO.
- **Pole Sign.** Any sign supported by structures or supports that are placed on and anchored in the ground and that are independent from any structure. A pole sign uses said structures to raise the sign face above the ground more than four (4) inches.

- **Portable Sign.** Any sign not permanently attached to the ground, structure, or other permanent element. This includes signs that are designed to be:
 - Moved/transported by means of wheels or other mechanisms;
 - Trailer signs that are attached to, supported by, or part of a structure which is designed to move on trailer wheels, skids, or other similar devices, or transported, pushed, or pulled by a motor vehicle;
 - Converted to A-frames or T-frames such as menu or sandwich board signs;
 - Balloons used as signs;
 - Umbrellas used for advertising; and/or other portable devices or structures used for signage.
- **Projecting Sign.** A sign that is wholly or partly dependent upon a structure for support or suspended from a pole attached to a structure. Such signs must be perpendicular to the structure face upon which they are attached.
- **Roof Sign.** Any sign partially or fully erected on or above the roof line of a structure.
- **Scoreboard.** An electronically-controlled changeable copy sign used to display scoring information for sporting events. Such signs are located on or along sports fields.
- **Trailblazer Sign.** A series of signs directing the motoring public to a specific location on private property.
- **Unified Development Sign.** A sign that identifies the name of a shopping center, office park, industrial PARK, or other development that contains three (3) or more uses within a single development. A unified development sign is allowed in addition to the permitted signs of the individual tenants.
- **Vehicle Sign.** 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 seventy-two (72) continuous hours for the intent of being used as advertisement. For the purpose of this definition, "permanently affixed" shall mean any of the following:
 - Painted directly on the body of a vehicle;
 - Applied as a decal on the body of a vehicle; and/or
 - Placed in a location on the body of the vehicle that was specifically designed by a vehicle manufacturer.
- **Wall Sign.** Any sign attached to or erected against the inside or outside wall of a structure with the exposed display surface of the sign in a plane parallel (or relatively parallel) to the plane of the structure.
- **Wayfinding Sign.** A sign erected by the municipality or a multi-tenant development that displays necessary identification information for the convenience and safety of residents and visitors, and containing no advertising. This includes government-erected signs found along major streets that display company logos for lodging, gasoline stations, restaurants, and other such establishments. Also includes directional signs that provide information regarding location, instructions for use, or functional/directional information.

- **Window Sign.** Any sign, poster, symbol, or other type of identification or information about the use or premises directly attached to the window of a structure or erected on the inside or outside of the window, which is legible from any part of a public right-of-way or adjacent property. For purposes of this definition, a “window” is defined as an opening in the wall or roof of a structure or vehicle that is fitted with glass or other transparent material in a frame to admit light or air and allow people to see out.

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

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

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

SIGN, ABANDONED. A sign that is:

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

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

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

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

SIGN, TEMPORARY. Any sign that is temporarily used for a specific 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 (e.g. property for sale, special events, grand openings, sales, etc.).

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

SOLAR ENERGY FACILITY, COMMERCIAL. An area of land or other area used for solar collection system principally used to capture solar energy, convert it to electrical energy primarily for off-site use. Principal solar energy systems consist of one (1) or more free-standing ground, or roof mounted solar collector devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators, heat exchangers, substations, electrical infrastructure, transmission lines and other structures.

SOLAR ENERGY SYSTEM, PERSONAL. An area of land or other area used for solar collection system used to capture solar energy, convert it to either electrical energy or thermal power and supply electrical or thermal power primarily for on-site use. An accessory solar energy system consists of one (1) or more free-standing ground, or roof mounted solar arrays or modules, or solar related equipment and is intended to primarily reduce on-site consumption of utility power or fuels.

SPECIAL EVENT FACILITY. A facility 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, a special event may include a celebration, ceremony, wedding, reception, corporate function, or similar activity for the benefit of someone other than the property owner that takes place on a periodic basis, involving the gathering of individuals assembled for the common purpose of attending a special event.

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

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

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

STATE. The State of Indiana.

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 CLASSIFICATIONS. Street classifications are determined by the Thoroughfare Plan.

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

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

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

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

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

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

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

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

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

SUBDIVISION. The division of a lot or parcel of land into two (2) or more lots, parcels, or other divisions of land for sale, development, or lease. Subdivisions are further classified as commercial or industrial subdivision, minor residential subdivision, major residential subdivision, and conservation 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, CONSERVATION RESIDENTIAL. A type of major residential subdivision that sets aside a significant portion of the site as conservation land or open space and clusters housing on the remaining portion.

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 the division of a parcel of land into seven (7) or more residential lots or parcels for sale, development or lease; or requiring any new street or extension of the public facilities or the creation of any public improvements. The residual parent lot or parcel of land counts as one (1) of the subdivided lots or parcels.

SUBDIVISION, MINOR RESIDENTIAL. Approval granted by the PC in accordance with IC 36-7-4-700 series for the division of a parcel of land into six (6) or less lots as outlined in *Chapter 5: Subdivision Types*.

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

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

TEMPORARY STORAGE STRUCTURE. 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.

TRACT. See LOT.

TRANSITIONAL STRUCTURES. As it pertains to the Airport Overlay District, these surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.

TRUCK TERMINAL. Similar to distribution center and warehouses, truck terminals usually serve many manufacturing firms and are owned and operated by trucking companies. They usually include the area and building where trucks where trucks load and unload cargo and freight and transferred to other vehicles or modes of transportation. Freight may be stored on the site for longer periods of time, and truck terminals typically generate more truck traffic than warehouses or distribution centers.

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

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

USE, ACCESSORY. A use that:

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

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

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

UTILITY. Defined as:

- 1) 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;
- 2) A closely regulated enterprise with a franchise for providing a needed service.

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

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

UTILITY RUNWAY. A runway that is constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight and less (currently runways 14 and 32).

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.

WAREHOUSING / 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.

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

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

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.

WIND ENERGY CONVERSION SYSTEM (WECS), COMMERCIAL WIND FARM. A land use for generating electric power by use of wind at one or multiple tower locations in a community, including accessory uses such as but not limited to a SCADA tower and an electric substation. A utility grid wind energy system is designed and built to provide electric power to the electric utility grid rather than the electric power consumer on site.

WIND ENERGY CONVERSION SYSTEM (WECS), PERSONAL. A wind energy conversion system for personal use 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.

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

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

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

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

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

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

This page intentionally left blank.



CLARK COUNTY

Unified Development Ordinance

