

Chapter 1: Introductory Provisions.

A. General Provisions.

1. Title. This ordinance shall be formally known as the “Unified Development Ordinance,” or the “UDO” for the jurisdiction of the Thorntown Advisory Plan Commission.
2. Intent. The intent of the UDO is to promote orderly development while aligning with the vision of the Comprehensive Plan to:
 - a. Accomplish the purposes of IC 36-7-4 series: Local Planning and Zoning; and further such other purposes as stated hereinafter within specific provisions of this UDO;
 - b. Define the powers and duties of administrative officers and bodies as provided herein, and establish procedures for the implementation and enforcement of this UDO;
 - c. Protect the character and stability of residential, institutional, business, commercial, industrial, and natural areas;
 - d. Encourage compatibility between different land uses and to protect the scale and character of existing development from the encroachment of incompatible uses;
 - e. Establish reasonable standards and procedures for subdivisions in order to further the orderly layout and use of land;
 - f. Facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public facilities; and
 - g. Establish corrective and punitive recourse for violations or noncompliance regarding the provisions of this UDO.
3. Purpose. The purpose of this UDO is to combine the town’s Zoning Ordinance and 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.
 - a. Zoning Ordinance Provisions. The regulations established for the administration of a Zoning Ordinance under IC-36-7-4-600 series are covered specifically in this UDO by Chapters 2, 3, 4, 5, 9, and 10. Relief from these provisions in the form of a Variance may be sought from the Board of Zoning Appeals (BZA). See Chapter 5, Section D: Special Exception and Variance Procedures.
 - b. Subdivision Control Ordinance Provisions. The regulations established for the administration of a Subdivision Control Ordinance under IC 36-7-4-700 series are covered specifically in this UDO by Chapters 6, 7, and 8. Relief from these provisions in the form of a Waiver may be sought from the Plan Commission (PC). See Chapter 8, Section D: Waiver Procedures.

4. **Defined Terms.** Specific words and terms relative to this UDO are defined in Chapter 10: Definitions. Words or terms used in this UDO that are not defined shall be as defined by a current dictionary and interpreted by the Administrator.
5. **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.
6. **Interpretation.** The provisions of this UDO are the minimum requirements necessary for the protection of health, safety, comfort, morals, and general welfare of the people at large. If two (2) or more provisions within this UDO are in conflict or are inconsistent with one another, the provision which is most restrictive shall prevail.
7. **Statutory Changes.** If any Indiana Code cited in this UDO has been amended, this UDO shall be deemed amended in reference to the new or revised code.
8. **Repealer.** The following titles of the participating jurisdictions are hereby repealed and are replaced by the adoption of this UDO and the Official Zoning Map:
 - a. Parts of Thorntown Town Code Chapter 31;
 - b. Parts of Thorntown Town Code Chapter 90;
 - c. Parts of Thorntown Town Code, Chapter 150;
 - d. The entirety of Thorntown Town Code, Chapter 151; and
 - e. The entirety of Thorntown Town Code, Chapter 152.
9. **Effective Date.** This ordinance shall be in full force and effect upon passage.

B. Applicability, Authority, and Jurisdiction.

1. **Authority.** This UDO is enacted by the Thorntown Town Council pursuant to the authority granted in IC 36-7-4-600 series and other applicable state and federal statutes, as amended.
2. **Jurisdiction.** The UDO shall apply to all land within the jurisdiction of the Town of Thorntown Advisory Plan Commission.
3. **Application.** It is not intended by this UDO to interfere with, abrogate, or amend any existing easements, covenants, or other agreements between parties, nor is it intended by this UDO to repeal, abrogate, annul, or in any way interfere with any existing provision of laws or ordinances not specifically repealed by this UDO, or any rules, regulations or permits previously adopted or issued pursuant to law relating to the use of buildings or premises. This UDO shall not affect valid

private covenants whose standards are above and beyond those of this UDO and which are not enforceable by the PC.

4. Other Jurisdictions and Approvals. Nothing in this ordinance shall eliminate the need to obtain any other approval or entitlement required by other provisions of the jurisdiction, the State, or Federal Agency.

C. Transition Policies.

1. Pending Applications and Permits.
 - a. Pending Applications. Applications that have been received and submitted in a complete manner 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 Thorntown Town Council, the Thorntown Advisory Plan Commission (PC), and the Thorntown Board of Zoning Appeals (BZA) as well as applications for Building Permits (BP) and Improvement Location Permits (ILP).
 - b. Permits Issued. A permit for a BP or 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 the permit was completely filed or issued. If applicable, a valid permit may be renewed per the provisions established by the regulations that were in effect at the time of filing. All permits that have expired per the provisions established by the regulations that were in effect at the time of filing shall be required to be resubmitted and shall be subject to the regulations established by this UDO. If the previous provisions did not identify an expiration, then said BP or ILP shall expire two (2) years from the date the BP or ILP was issued.
2. Approved Plats and 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 which has not expired, expired per any previous terms or conditions that were in place, and/or 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 two (2) years after the date of the adoption of this UDO, then said primary plat shall automatically expire two (2) 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, and the lot standards, structure standards, and utility standards that were in place in the Zoning Ordinance and/or Subdivision Control Ordinance at the time the primary plat was approved shall apply to the secondary plat (all or in part) included in the primary plat approval.
3. Commitments or Conditions. Commitments or conditions (whether recorded or not) that were made as part of approval before the Town Council, PC, or BZA or part of an application for a BP or 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 5: Zoning Ordinance Administration and

Procedures of this UDO and/or the applicable PC Rules and Procedures and/or BZA Rules and Procedures.

4. Property Not Included. Property that, for whatever reason, has not been specifically included within a zoning district is hereby declared to be in the Residential District (R) except for property designated as limited-access or interstate highway right-of-way.

D. UDO Administration: Administrator

1. Duties. The Administrator shall be appointed by the PC per IC 36-7-4-311(a) and 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. Oversee the issuance of Building Permits (BP), Improvement Location Permits (ILP), and Certificates of Occupancy;
 - c. Maintain a permanent file of all permits and applications as public records; and
 - d. All other duties as outlined in the 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 a decision shall be made so that the result will not be contrary to the spirit and purpose of this UDO or injurious to the area affected. Any such decision can be appealed to the BZA per Chapter 5, Section B: Appeals of Administrative Decision Procedures.

E. UDO Administration: Advisory Plan Commission (PC).

1. PC Establishment and Membership. The PC shall be established in accordance with IC 36-7-4-200 series. The PC shall have membership in accordance with IC 36-7-4-207(b) and the qualifications outlined in IC 36-7-4-216.
2. PC Jurisdiction. The PC shall have jurisdiction over all land covered by the jurisdiction of this UDO.
3. PC 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 voting membership of the PC.
 - c. President and Vice President. In accordance with IC 36-7-4-303, at the first regular meeting in each year, the plan commission shall elect a president and a vice president from its members.
 - d. Secretary. In accordance with IC 36-7-4-304, the plan commission shall appoint a secretary at the first regular meeting each year, who is not required to be a member of the commission.
4. PC Meeting and Minutes.
 - a. Regular Meetings. In accordance with IC 36-7-4-306, the PC shall hold regular monthly meetings as necessary, keep minutes of its proceedings, keep records of its examinations and

- other official acts, and shall record and vote on all actions taken. All minutes and records shall be filed in the Office of the Administrator and shall be on public record.
- b. 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.
5. Employees. In accordance with IC 36-7-4-311, the PC may appoint, prescribe duties, and fix the compensation of employees as necessary for the discharge of the duties of the PC. This compensation must be in conformity with salaries and compensation fixed by the Town Council. The PC may contract for special or temporary services and professional counsel.
 6. PC Powers and Duties. The PC shall have the following powers and duties 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 not less than three (3) nor more than seven (7) persons appointed by the PC from its membership. The establishment of the executive committee, the naming of its individual members, and the adoption of rules governing its operation requires a two-thirds (2/3) majority vote of the entire membership of the commission. A majority of the executive committee may act on behalf of the PC, but if there are any dissenting votes, a person voting in the minority may appeal the decision of the executive committee to the PC.
 - 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. Rules and Procedures. The PC shall adopt rules for its administration.
 - d. Comprehensive Plan. The PC shall approve and make amendments to the Comprehensive Plan for consideration by the town Council in accordance with IC 36-7-4-500 series.
 - e. Development Plans. The PC shall make decisions regarding development plans or delegate this authority to the Administrator in accordance with Chapter 5, Section C: Development Plan Procedures and IC 36-7-4-1400 series.
 - f. Streets and Addresses. The president of the Thorntown Town Council shall name or rename streets and assign addresses, however, this responsibility may be delegated to the PC, the Administrator, or another department by ordinance.
 - g. Subdivisions. The PC shall make decisions regarding plats, replats, and amendments to plats in accordance with Chapter 8: Subdivision Ordinance Provisions – Administration and Procedures, and IC 36-7-4-700 series, including:
 - i. Primary Plat as described in IC 36-7-4-702; and
 - ii. Secondary Plat as described in IC 36-7-4-709. The PC may delegate the authority to approve secondary plats to the Administrator.
 - h. Zone Map Changes. The PC shall make recommendations to the Town Council concerning changes to the zoning map in accordance with Chapter 5, Section E: Zone Map Change Procedures, IC 36-7-4-600 series, and IC 36-7-4-1500 series.

7. PC Committees. The following are established as committees of the PC as outlined in the PC Rules and Procedures.
 - a. Technical Advisory Committee (TAC). The TAC may assist in the review of applications by providing expert advice with regard to technical specifications, adequate capacity, public safety, and/or other specifications.
 - i. Membership. The TAC may include, but is not limited to, Administrator, Parks Department, Public Works Department, Town Engineer, Fire District(s), Water Utility(ies), Sewer Utility(ies), Boone County Surveyor, Boone County Health Department, and/or public school district(s), as appropriate.
 - ii. Duties. The TAC may be used on an as needed basis and have the following powers and duties to provide review and comment on:
 - (a) Primary and secondary subdivisions;
 - (b) Zoning map amendments (rezoning);
 - (c) Development plans; and
 - (d) Variances, Variances of Use, and Special Exceptions.
 - b. Other Committees. RESERVED.

F. UDO Administration: Board of Zoning Appeals (BZA).

1. BZA Establishment and Membership. 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. BZA Jurisdiction. The BZA shall have jurisdiction over all land covered by the jurisdiction of this UDO.
3. BZA Organization. The BZA shall be organized in accordance with IC 36-7-4-900 series.
 - 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. President and Vice President. In accordance with IC 36-7-4-912, the BZA shall elect a president and vice president from its membership at its first regular meeting each year.
 - d. Secretary. In accordance with IC 36-7-4-913, the BZA shall appoint a secretary at the first regular meeting each year, who is not required to be a member of the commission.
 - 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 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 president or by two (2) members of the BZA upon written request to the secretary.
- 4. BZA Powers and Duties. The BZA shall have the following powers and 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 5, Section B: Appeals of Administrative Decision Procedures and IC 36-7-4-918.1.
 - c. Special Exception. The BZA shall make decisions regarding special exceptions in accordance with Chapter 5, Section D: Special Exception and Variance Procedures and IC 36-7-4-918.2.
 - d. Variance from Development Standards. The BZA shall make decisions regarding variances from development standards in accordance with Chapter 5, Section D: Special Exception and Variance 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 5, Section D: Special Exception and Variance Procedures and IC 36-7-4-918.4.

Chapter 2: Zoning Districts and Overlay Districts.

A. General Provisions.

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

Zoning Districts		
Land Use Category	Name of Zoning District	Abbreviation
Residential Districts	Residential	R
	High Density Residential	HR
Public and Community Districts	Public and Community Space	PC
Business and Commercial District	Downtown Business	DB
	Business	B
Industrial Districts	Light Industrial	LI
Planned Unit Development	Planned Unit Development	PUD

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

Overlay Districts	
Name of Overlay District	Abbreviation
Flood Hazard Overlay	FHO

3. Official Zoning Map. The Official Zoning Map is a geographic coverage layer that is maintained by the Boone County GIS Department (GIS) in coordination with the Administrator. This map shall be revised as changes are approved as permitted by this UDO (such as rezonings) or to correct drafting errors, clerical errors, or omissions on the map.
 - 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 5, Section B: Appeal of Administrative Decision 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 processes below) shall be prohibited. See the Land Use Matrix at the end of this chapter for a full list of land uses by zoning district.
 - b. Land Uses Not Listed in UDO. For land uses not listed, the Administrator shall attempt to determine if the desired land use is similar to a listed land use.
 - i. Administrator Decisions for Unlisted Land 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 listed in the UDO, the respective process and development standards for the similar use shall be followed.
 - (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 unless a Use Variance is approved by the BZA.
 - (c) Uncertainty or Disagreement. In the case of uncertainty or disagreement of classifying a land use, the Administrator may refer the request for land use clarification or classification to the BZA for consideration and final decision.
 - ii. Criteria for Classifying Unlisted Land Uses. To determine whether an unlisted land use is similar to a listed use, the Administrator or the BZA shall examine the desired use by the following four (4) criteria:
 - (a) Intensity. The unlisted use should be similar in the amount of activity and type of activity to a listed use.
 - (1) Residential, Public, and Office Uses. Intensity levels are tied to the number of people using a space.
 - (2) Commercial Uses. Intensity levels should compare the gross commercial floor area associated with the primary structure as well as the operation of the business, such as hours of operation and anticipated customer volumes.

- (3) Industrial Uses Intensity should compare the amount of noise, noxious exhaust, and public safety hazards generated on the site. In addition, the types of vehicles used, type of storage (indoor or outdoor), and hours of operation should be considered.
 - (b) Character. The unlisted use should have similar physical characteristics, structures, scale, operational hours, or other features similar to a listed use.
 - (c) Accessory Uses and Structures. The unlisted use should have similar potential for accessory uses and/or structures to a listed accessory use. Or if it is an accessory use, is it should be incidental to, necessary, and/or compatible with a permitted primary use.
 - (d) Intent. The unlisted use should be 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. Road Frontage. Every lot must have actual road frontage before it can be developed. Access via an easement is not permitted.
 - b. Setbacks. Any property line abutting a public or private street shall be considered a front property line or yard. All edges of a property line that are considered a front property line or yard shall conform with the front yard setback standards of the applicable zoning district.
 - i. Corner Lots. A corner lot will have two (2) front yard setbacks and two (2) side yard setbacks; it will not have a rear yard setback.
 - ii. Minimum Front Yard Setback. The minimum front yard setback is measured from the right-of-way and is determined by the Development Standards table for the subject zoning district. If right-of-way is not dedicated by a written and recorded document, the setback shall be measured from the center of road and the minimum front yard setback identified in the development standards for the zoning district shall be increased by twenty (20) feet.
 - iii. Minimum Side Yard Setback. The minimum side yard setback is measured from the property line, and the minimum setback is determined by the Development Standards table for the subject zoning district.
 - iv. Minimum Rear Yard Setback. The minimum rear yard setback is measured from the property line, and the minimum setback is determined by the Development Standards tables for each zoning district.
 - c. Building Height. The vertical distance measured from the lowest ground level adjacent to the building to the highest point of the structure. Building height does not include antennas, chimneys, or steeples.

B. Zoning Districts.

1. Residential District (R).

- a. Purpose. The Residential District (R) is intended to provide area suitable for medium density residential living and allow a variety of housing types. Development may be comprised of single or multiple attached units on one lot or on multiple lots separated by lot lines and a common wall. New development shall contain a high level of street and pedestrian connectivity and be supported by adequate utilities and public services.
- b. General Standards.
 - i. All subdivisions require subdivision approval unless exempt (See Chapter 6: Subdivision Types).
 - ii. All new primary structures require site plan review.
 - iii. All development may be subject to Drainage Board approval.
 - iv. In order to regulate classification and development, one (1) primary use and one (1) primary structure may be identified and established per parcel.

Permitted Uses – Residential District (R)		
ACCESSORY USES <ul style="list-style-type: none"> • *accessory dwelling unit • community center, private • home day care • *home occupation • *short-term rental (owner occupied) • *solar energy system, accessory • *wind energy system, accessory 	INSTITUTIONAL USES <ul style="list-style-type: none"> • child care center • park • police, fire, or rescue station • post office • school (P-12) • skate park 	RESIDENTIAL USES <ul style="list-style-type: none"> • assisted living facility • dwelling, multiple-family (3 units) • dwelling, single-family • dwelling, two-family • fair housing facility (small) • *short-term rental
Special Exception Uses - Residential District (R)		
ACCESSORY USES <ul style="list-style-type: none"> • *home-based business (with employees) COMMERCIAL USES <ul style="list-style-type: none"> • *adult day care facility 	INSTITUTIONAL USES <ul style="list-style-type: none"> • community center • government office • library, public • pool, public 	RESIDENTIAL USES <ul style="list-style-type: none"> • bed and breakfast • dwelling, multiple-family (4 units) • dwelling, multiple-family (5-8 units) • fair housing facility (large)
<p>* Indicates that special development, operational, and/or procedural standards will apply to the use. See Chapter 4: Standards for Specific Uses.</p> <p>See the Land Use Matrix at the end of this chapter for a more comprehensive list of uses.</p>		

Structure Standards - Residential District (R)				
		Single-family	Two-family and Multiple-family	Non-residential
Maximum height of structure	Primary structure	35 feet	35 feet	35 feet
	Accessory structure	25 feet ¹	25 feet ¹	20 feet ¹
Minimum living area per unit		900 sqft	900 sqft/unit	NA
Lot Standards - Residential District (R)				
Minimum lot width		50 feet	75 feet	75 feet
Minimum lot area		6,000 sqft/unit	3,000 sqft/unit	6,000 sqft
Minimum front yard setback		20 feet	20 feet	20 feet
Minimum side yard setback	Primary structure	5 feet	5 feet	5 feet
	Accessory structure	5 feet	5 feet	5 feet
Minimum rear yard setback	Primary structure	10 feet	10 feet	20 feet
	Accessory structure	5 feet	5 feet	10 feet
Maximum impervious surface coverage		50%	50%	65%
Utility Standards - Residential District (R)				
Municipal water and sewer required		yes	yes	yes
Additional Site Development Standards				
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 • Buffer Yard Separation and Planting Standards • Driveway and Access Management Standards • Lighting Standards • Parking and Loading Standards 		<ul style="list-style-type: none"> • Sign Standards • Storage Standards • Structure Standards • Trash Receptacle and Dumpster Standards 		
1 – Accessory structures cannot exceed the height of the primary structure				

2. High Density Residential District (HR).

- a. Purpose. The High Density Residential District (HR) is established for high-density residential development with the widest variety of housing options in the community. This district should encourage well-planned compact development patterns in locations where adequate public infrastructure exists.
- b. General Standards.
 - i. All subdivisions require subdivision approval unless exempt (See Chapter 6: Subdivision Types).
 - ii. All new primary structures require Development Plan approval (except single-family and two-family residential dwellings).
 - iii. All development may be subject to Drainage Board approval.
 - iv. In order to regulate classification and development, one (1) primary use and one (1) primary structure may be identified and established per parcel.

Permitted Uses – High Density Residential District (HR)	
<p>ACCESSORY USES</p> <ul style="list-style-type: none"> • community center, private • *home occupation • home day care • *short-term rental (owner occupied) • *solar energy system, accessory <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> • community center, public • park • police, fire, or rescue station • post office • school (P-12) • skate park 	<p>RESIDENTIAL USES</p> <ul style="list-style-type: none"> • assisted living facility • dwelling, multiple-family (3 units) • dwelling, multiple-family (4 units) • dwelling, multiple-family (5-8 units) • dwelling, single-family • dwelling, two-family • fair housing facility (small) • *manufactured home park • *short-term rental • *short-term rental (owner occupied) • *tiny home or tiny home development
Special Exception Uses - High Density Residential District (HR)	
<p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> • government office • library, public • pool, public 	<p>RESIDENTIAL USES</p> <ul style="list-style-type: none"> • bed and breakfast • dwelling, multiple-family (9+ units) • fair housing facility (large)
<p>* Indicates that special development, operational, and/or procedural standards will apply to the use. See Chapter 4: Standards for Specific Uses.</p> <p>See the Land Use Matrix at the end of this chapter for a more comprehensive list of uses.</p>	

Structure Standards - High Density Residential District (HR)				
		Single-family Residential	Two-family and Multi-family Residential	Non-residential
Maximum height of structure	Primary structure	35 feet	35 feet	35 feet
	Accessory structure	25 feet ¹	20 feet ¹	20 feet ¹
Minimum living area per unit		800 sqft	600 sqft	NA
Lot Standards - High Density Residential District (HR)				
Minimum lot width		40 feet	40 feet	75 feet
Minimum lot area		4,000 sqft	2,000 sqft/unit	6,000 sqft
Minimum front yard setback		20 feet	20 feet	20 feet
Minimum side yard setback	Primary structure	5 feet	5 feet	5 feet
	Accessory structure	5 feet	5 feet	5 feet
Minimum rear yard setback	Primary structure	10 feet	10 feet	20 feet
	Accessory structure	5 feet	5 feet	10 feet
Maximum impervious surface coverage		60%	60%	60%
Utility Standards - High Density Residential District (HR)				
Municipal water and sewer required		yes	yes	yes
Additional Site Development Standards				
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 • Buffer Yard Separation and Planting Standards • Driveway and Access Management Standards • Lighting Standards • Parking and Loading Standards 		<ul style="list-style-type: none"> • Sign Standards • Storage Standards • Structure Standards • Trash Receptacle and Dumpster Standards 		
1 – Accessory structures cannot exceed the height of the primary structure.				

3. Public and Community District (PC).

- a. Purpose. The Public and Community District (PC) is intended to provide areas suitable for public and non-profit uses that are adequately served by public utilities and infrastructure. This district is intended for parks, community spaces, churches, hospitals, schools, government buildings, and similar uses either as a single structure or as part of a campus-type development and includes the development standards required to support them.
- b. General Standards.
 - i. All subdivisions require subdivision approval unless exempt (See Chapter 6: Subdivision Types).
 - ii. All new primary structures require Development Plan approval (except single-family and two-family residential dwellings).
 - iii. All development may be subject to Drainage Board approval.
 - iv. In order to regulate classification and development, one (1) primary use and one (1) primary structure may be identified and established per parcel.

Permitted Uses – Public and Community District (PC)		
<p>ACCESSORY USES</p> <ul style="list-style-type: none"> • bank machine/atm • pool, public • *solar energy system, accessory • *wind energy system, accessory <p>COMMERCIAL USES</p> <ul style="list-style-type: none"> • commercial training facility or school • driving range • farmers market • golf course • miniature golf • nursing home • recreation center/play center • restaurant • sports complex (indoors) • sports field • stadium 	<p>COMMERCIAL USES continued...</p> <ul style="list-style-type: none"> • theater, indoor or outdoor • waste treatment facility (private) • water treatment facility (private) <p>INDUSTRIAL USES</p> <ul style="list-style-type: none"> • *wireless communication facility • utility facility, above ground <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> • bus station • cemetery /mausoleum • child care center • church, temple, or mosque • community center, public • crematory • government office • government operation (non-office) • hospital • library, public • municipal airport • municipal heliport 	<p>INSTITUTIONAL USES continued...</p> <ul style="list-style-type: none"> • museum • nature center • park • police, fire, or rescue station • pool, public • post office • school (P-12) • skate park • trade or business school • university or college • waste treatment facility (public) • water treatment facility (public) • well, public
Special Exception Uses - Public and Community District (PC)		
<p>COMMERCIAL USES</p> <ul style="list-style-type: none"> • *camp ground and recreational vehicle park • paintball facility • watercraft rental 	<p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> • jail • juvenile detention facility • penal or correctional institution • recycling collection point 	
<p>* Indicates that special development, operational, and/or procedural standards will apply to the use. See Chapter 4: Standards for Specific Uses. See the Land Use Matrix at the end of this chapter for a more comprehensive list of uses.</p>		

Structure Standards - Public and Community District (PC)			
		Single-family, Two-family, and Multiple-family Residential	Non-residential
Maximum height of structure	Primary structure	NA	35 feet
	Accessory structure	NA	20 feet ¹
Minimum living area per unit		NA	NA
Lot Standards - Public and Community District (PC)			
Minimum lot width		NA	75 feet
Minimum lot area		NA	6,000 sqft
Minimum front yard setback		NA	20 feet
Minimum side yard setback	Primary structure	NA	10 feet
	Accessory structure	NA	5 feet
Minimum rear yard setback	Primary structure	NA	20 feet
	Accessory structure	NA	10 feet
Maximum impervious surface coverage		NA	60%
Utility Standards - Public and Community District (PC)			
Municipal water and sewer required		NA	yes
Additional Site Development Standards			
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 • Buffer Yard Separation and Planting Standards • Driveway and Access Management Standards • Lighting Standards • Parking and Loading Standards 		<ul style="list-style-type: none"> • Sign Standards • Storage Standards • Structure Standards • Trash Receptacle and Dumpster Standards 	
1 – Accessory structures cannot exceed the height of the primary structure. The total square footage of all accessory structures, excluding fences, cannot exceed 75% of the total square footage of the primary structure.			

4. Downtown Business District (DB).

- a. Purpose. The Downtown Business District (DB) is Intended to recognize the character of Thorntown’s downtown and maintain its function as the primary community activity center for the town. This district supports the continued use of existing structures while allowing compatible infill development and redevelopment. The district is mixed-use in nature and supports a variety of retail, entertainment, service, institutional, office, and residential uses that rely primarily on street parking. Preserving the unique physical pattern of the area while ensuring pedestrian connectivity and comfort are a priority in this area. Setbacks are not applicable, however building code requirements must still be met.
- b. General Standards.
 - i. All subdivisions require subdivision approval unless exempt (See Chapter 6: Subdivision Types).
 - ii. All new primary structures require Development Plan approval.
 - iii. All development may be subject to Drainage Board approval.
 - iv. In order to regulate classification and development, one (1) primary use and one (1) primary structure may be identified and established per parcel.

Permitted Uses – Downtown Business District (DB)			
<p>ACCESSORY USES</p> <ul style="list-style-type: none"> • bank machine/atm • community center, private • farmers market • *short-term rental (owner occupied) <p>*solar energy system, accessory</p> <p>COMMERCIAL USES</p> <ul style="list-style-type: none"> • *adult day care facility • bar/tavern • barber/beauty shop • brewery/distillery • coffee shop • delicatessen • farmers market 	<p>COMMERCIAL USES</p> <p>continued...</p> <ul style="list-style-type: none"> • hotel/motel • ice cream shop mixed use structure • office, design services • office, financial services • office, general services • office, medical • photography studio • restaurant • retail (type 1), very low intensity • retail (type 2), low intensity • studio arts • theater, indoor 	<p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> • child care center • church, temple, or mosque • community center • government office • library, public • museum • park • police, fire, or rescue station • pool, public • post office • school (P-12) 	<p>RESIDENTIAL USES</p> <ul style="list-style-type: none"> • *short-term rental • boarding house • dwelling unit (upper floors)
Special Exception Uses - Downtown Business District (DB)			
<p>COMMERCIAL USES</p> <ul style="list-style-type: none"> • retail (type 3), medium intensity <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> • hospital • parking lot, public 		<p>RESIDENTIAL USES</p> <ul style="list-style-type: none"> • bed and breakfast • dwelling unit (ground floor) • dwelling, multiple-family (4 units) • dwelling, multiple-family (3 units) • dwelling, multiple-family (5-8 units) • fair housing facility (small) 	
<p>* Indicates that special development, operational, and/or procedural standards will apply to the use. See Chapter 4: Standards for Specific Uses.</p> <p>See the Land Use Matrix at the end of this chapter for a more comprehensive list of uses.</p>			

Structure Standards - Downtown Business District (DB)				
		Single-family Residential	Two-family and Multi-family Residential	Non-residential
Maximum height of structure	Primary structure	35 feet	40 feet	40 feet
	Accessory structure	20 feet ¹	20 feet ¹	20 feet ¹
Minimum living area per unit		800 sqft	600 sqft	NA
Lot Standards - Downtown Business District (DB)				
Minimum lot width		NA	NA	NA
Minimum lot area		NA	NA	NA
Minimum front yard setback		At least 10 feet or the average setback of buildings on the same side of the block, whichever is least		
Minimum side yard setback	Primary structure	NA	NA	NA
	Accessory structure	NA	NA	NA
Minimum rear yard setback	Primary structure	NA	NA	NA
	Accessory structure	NA	NA	NA
Maximum impervious surface coverage		NA	NA	NA
Utility Standards - Downtown Business District (DB)				
Municipal water and sewer required		yes	yes	yes
Additional Site Development Standards				
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 • Buffer Yard Separation and Planting Standards • Driveway and Access Management Standards • Lighting Standards • Parking and Loading Standards 		<ul style="list-style-type: none"> • Sign Standards • Storage Standards • Structure Standards • Trash Receptacle and Dumpster Standards 		
1 – Accessory structures cannot exceed the height of the primary structure. The total square footage of all accessory structures, excluding fences, cannot exceed 75% of the total square footage of the primary structure.				

5. Business District (B).

- a. Purpose. The Business District (B) is established to include areas that are close to residential areas and appropriate to meet their shopping and service needs. Desired uses are small-scale commercial and business establishments including convenience goods, services, and accessory uses. This district is intended to be bikeable and walkable for easy access from nearby residential neighborhoods. Restrictions on maximum lot size and building size are in place to attract the desired types of small businesses within this district.
- b. General Standards.
 - i. All subdivisions require subdivision approval unless exempt (See Chapter 6: Subdivision Types).
 - ii. All new primary structures require Development Plan approval (except single-family and two-family residential dwellings).
 - iii. All development may be subject to Drainage Board approval.
 - iv. In order to regulate classification and development, one (1) primary use and one (1) primary structure may be identified and established per parcel.

Permitted Uses – Business District (B)		
ACCESSORY USES <ul style="list-style-type: none"> • bank machine/atm • community center, private • *solar energy system, accessory • COMMERCIAL USES*adult day care facility • bar/tavern • barber/beauty shop • brewery/distillery • club or lodge • coffee shop • delicatessen • ice cream shop • miniature golf • nursing home • office, construction trade 	COMMERCIAL USES continued... <ul style="list-style-type: none"> • office, design services • office, financial services • office, general services • office, medical • photography studio • restaurant • retail (type 1), very low intensity • retail (type 2), low intensity • retail (type 3), medium intensity • studio arts • theater, indoor 	INSTITUTIONAL USES <ul style="list-style-type: none"> • child care center • church, temple, or mosque • community center • government office • library, public • museum • park • police, fire, or rescue station • post office • school (P-12) • skate park RESIDENTIAL USES <ul style="list-style-type: none"> • assisted living facility • bed and breakfast • dwelling unit (upper floors)
Special Exception Uses - Business District (B)		
COMMERCIAL USES <ul style="list-style-type: none"> • automobile oriented business • restaurant with drive-up window • retail (type 4), high intensity 	INSTITUTIONAL USES <ul style="list-style-type: none"> • crematory • hospital • pool, public • recycling collection point 	
<p>* Indicates that special development, operational, and/or procedural standards will apply to the use. See Chapter 4: Standards for Specific Uses. See the Land Use Matrix at the end of this chapter for a more comprehensive list of uses.</p>		

Structure Standards - Business District (B)			
		Residential	Non-residential
Maximum height of structure	Primary structure	NA	35 feet
	Accessory structure	NA	20 feet ¹
Minimum living area per unit		NA	NA
Lot Standards - Business District (B)			
Minimum lot width		NA	75 feet
Minimum lot area		NA	6,000 sqft
Minimum front yard setback		NA	20 feet
Minimum side yard setback	Primary structure	NA	10 feet
	Accessory structure	NA	5 feet
Minimum rear yard setback	Primary structure	NA	20 feet
	Accessory structure	NA	10 feet
Maximum impervious surface coverage		NA	60%
Utility Standards - Business District (B)			
Municipal water and sewer required		NA	yes
Additional Site Development Standards			
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 • Buffer Yard Separation and Planting Standards • Driveway and Access Management Standards • Lighting Standards • Parking and Loading Standards 		<ul style="list-style-type: none"> • Sign Standards • Storage Standards • Structure Standards • Trash Receptacle and Dumpster Standards 	
1 – Accessory structures cannot exceed the height of the primary structure.			

6. Light Industrial District (LI).

- a. Purpose. The Light Industrial District (LI) is intended to provide areas suitable for light production, assembly, warehousing, research and development facilities, and similar land uses. This district is designed to accommodate only those industrial uses completely contained within structures and not involving outdoor storage or operations.
- b. General Standards.
 - i. All subdivisions require subdivision approval unless exempt (See Chapter 6: Subdivision Types).
 - ii. All new primary structures require Development Plan approval (except single-family and two-family residential dwellings).
 - iii. All development may be subject to Drainage Board approval.
 - iv. In order to regulate classification and development, one (1) primary use and one (1) primary structure may be identified and established per parcel.

Permitted Uses – Light Industrial District (LI)		
<p>ACCESSORY USES</p> <ul style="list-style-type: none"> • bank machine/atm • *solar energy system, accessory • *wind energy system, accessory <p>COMMERCIAL USES</p> <ul style="list-style-type: none"> • *adult oriented business • automobile service station • automotive and vehicle repair • commercial training facility or school • delicatessen • farm implement sales • hotel/motel • mortuary • office, construction trade • office, design services • office, financial services • office, general services • office, medical • paintball facility • race track - automobiles • recreation center/play center 	<p>COMMERCIAL USES continued...</p> <ul style="list-style-type: none"> • research farm • research laboratory • restaurant with drive-up window • retail (type 5), very high intensity • sale of agricultural products • self-storage facility • sports complex (indoors) • sports field • studio arts • testing laboratory • theater, indoor or outdoor <p>INDUSTRIAL USES</p> <ul style="list-style-type: none"> • *wireless communication facility • assembly • distribution facility • electrical generation plant • flex-space • light manufacturing • radio/TV station • research center • testing lab 	<p>INDUSTRIAL USES continued...</p> <ul style="list-style-type: none"> • tool and die shop • transfer station • utility facility, above ground • warehouse storage facility • water treatment plant <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> • church, temple, or mosque • government office • government operation (non-office) • hospital • library, public • park • police, fire, or rescue station • pool, public • post office • school (P-12) • skate park • trade or business school • university or college • well, public
Special Exception Uses - Light Industrial District (LI)		
<p>COMMERCIAL USES</p> <ul style="list-style-type: none"> • equipment rental • heavy manufacturing • retail (type 6), special handling • shooting range 	<p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> • crematory • jail • juvenile detention facility • municipal airport • municipal heliport • parking lot, public 	<p>INSTITUTIONAL USES continued...</p> <ul style="list-style-type: none"> • penal or correctional institution • prison • recycling collection point • waste treatment facility (public) • water treatment facility (public)

* Indicates that special development, operational, and/or procedural standards will apply to the use. See Chapter 4: Standards for Specific Uses.

See the Land Use Matrix at the end of this chapter for a more comprehensive list of land uses.

Structure Standards - Light Industrial District (LI)			
		Residential	Non-residential
Maximum height of structure	Primary structure	NA	75 feet
	Accessory structure	NA	Cannot exceed the height of the primary structure
Minimum living area per unit		NA	NA
Lot Standards - Light Industrial District (LI)			
Minimum lot width		NA	200 feet
Minimum lot area		NA	1 acre
Minimum front yard setback		NA	30 feet
Minimum side yard setback for primary and accessory structures	Abutting a residential district	NA	40 feet
	All other districts	NA	15 feet
Minimum rear yard setback for primary and accessory structures	Abutting a residential district	NA	40 feet
	All other districts	NA	15 feet
Maximum impervious surface coverage		NA	75%
Utility Standards - Light Industrial District (LI)			
Municipal water and sewer required		NA	yes
Additional Site Development Standards			
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 • Buffer Yard Separation and Planting Standards • Driveway and Access Management Standards • Lighting Standards • Parking and Loading Standards 		<ul style="list-style-type: none"> • Sign Standards • Storage Standards • Structure Standards • Trash Receptacle and Dumpster Standards 	

7. Planned Unit Development District (PUD).

- a. Purpose. The intent of the PUD District (PUD) is to allow for innovative development and design flexibility when it is consistent with the Comprehensive Plan. The PUD process should not be used as a mechanism to bypass the standards of the other districts in this UDO. Instead, it should be used as a tool to accommodate a mix of residential, business, and commercial land uses along with distinctive development standards that otherwise could not be achieved under conventional regulations. PUDs must be developed following an approved site plan and an accompanying district ordinance.
- b. General Standards.
 - i. The minimum land area for a PUD application shall be ten (10) acres. A Variance is required if the land area does not meet the minimum acreage in accordance with Chapter 5, Section D: Special Exception and Variance Procedures.
 - ii. Public water and sewer are required for all PUDs. A Variance is required if the required utilities are not in place in accordance with Chapter 5, Section D: Special Exception and Variance Procedures.
 - iii. A PUD may be applied to redevelopment of previously developed property or undeveloped land. It may include one (1) or more parcels that are intended to create a consistent, overall development rather than being applied to a small-scale development as a means of avoiding obtaining variances.
 - iv. All development standards are governed by the PUD District Ordinance. If a standard is not specified in the PUD ordinance, it shall be governed by the most similar zoning district or zoning regulation as determined by the Administrator.
 - v. Because a PUD is a zoning district, the subdivision standards of this UDO still apply. All subdivisions require subdivision approval unless exempt (See Chapter 6: Subdivision Types).
 - vi. All new primary structures require Development Plan approval (except single-family and two-family residential dwellings).
 - vii. All development may be subject to Drainage Board approval.
 - viii. All development within a PUD shall comply with all other applicable local, state, and federal regulations.
- c. PUD Uses and Development Standards.
 - i. Uses. Land uses are subject to approval or prohibition as part of the PUD District Ordinance adoption process. Permitted land uses shall not be in conflict with the Comprehensive Plan, surrounding land uses, or surrounding zoning districts.
 - ii. Development Standards. A PUD District Ordinance may establish unique site development standards and standards for specific uses within the PUD. If such standards are not established by the PUD District Ordinance, the standards in the UDO shall apply, as interpreted by the Administrator

- d. PUD Procedures.
 - i. Plat Identification. All plats within the boundary of a PUD shall include the PUD name and cross-reference the ordinance recording information.
 - ii. Process. Processes and procedures for a PUD shall comply with Chapter 5, Section E: Zone Map Change & PUD District Procedures.
 - iii. Expiration. The expiration date for a PUD to begin development shall be two (2) years unless the PC specifies an alternative expiration in the PUD Ordinance approval. The PC may grant up to two (2) extensions not to exceed a total of two (2) additional years.
 - iv. Abandonment. A PUD shall be deemed to be abandoned if it has expired under item iii above or if no improvements have been made pursuant to the PUD District Ordinance for a period of five (5) years. When a PUD has been deemed to be abandoned, the detailed PUD plan shall no longer be valid and the zoning shall automatically revert to the zoning district in effect immediately prior to the approval of the PUD.
- e. PUD District Ordinance Requirements. A PUD District Ordinance shall generally follow the chapter outline of this UDO and as outlined in the applicable application packet. In order for a PUD District Ordinance to be considered complete, it shall include the following minimum information:
 - i. A districts map outlining proposed development areas and proposed construction phasing;
 - ii. A list of permitted uses and special exception uses within each district or area of the PUD;
 - iii. All development standards (lot standards and structure standards) for each district or area of the PUD;
 - iv. All standards for specific uses that vary from Chapter 4: Standards for Specific Uses; and
 - v. All site development standards that vary from Chapter 3: Site Development Standards
- f. PUD Site Plan Requirements. The site plan shall be in general, schematic form, and include at least the following items:
 - i. Existing topographic character of the land (minimum 10-foot contours) and major natural features;
 - ii. The location, owner, and zoning of adjacent properties, including the location of all buildings within 50 feet of the adjoining property line;
 - iii. Proposed density and types of dwellings, buildings, and uses;
 - iv. Any land proposed to be designated as open space;
 - v. The phases, if any, of which the PUD is to be constructed;
 - vi. The availability and location of public utilities and public facilities, such as sanitary and storm sewers, water, gas, electricity, streets, schools, and fire protection; and
 - vii. Any other information required by the Administrator and/or PC.

C. Overlay Districts.

1. Flood Hazard Overlay District (FHO).

- a. Purpose. The Flood Hazard Overlay District (FHO) is intended to provide additional development controls that reflect the standards of the town’s flood ordinance and correspond to the FEMA Flood Maps. See the Flood Hazard Ordinance.
- b. General Standards. The development standards for the underlying zoning district shall apply.

Permitted Uses – Flood Hazard Overlay District (FHO)		
The uses listed as “Permitted Uses” in the underlying zoning district unless specified as a Special Exception Use or a Prohibited Use in this table.		
Special Exception Uses - Flood Hazard Overlay District (FHO)		
The uses listed as “Special Exception Uses” in the underlying zoning district, unless specified as a Prohibited Use in this table.		
Prohibited Uses - Flood Hazard Overlay District (FHO)		
These uses are prohibited in this overlay zoning district, regardless of what the underlying zoning district allows.		
<p>ACCESSORY USES</p> <ul style="list-style-type: none"> • accessory dwelling unit • home day care • kennel, home-based business • outdoor storage • short-term rental (owner occupied) <p>COMMERCIAL USES</p> <ul style="list-style-type: none"> • *adult day care facility • automobile oriented business • hotel/motel • kennel 	<p>INDUSTRIAL USES</p> <ul style="list-style-type: none"> • construction material landfill • distribution facility • equipment rental • heavy manufacturing • junk yard • light manufacturing • recycling processing • sanitary landfill/refuse dump • warehouse • warehouse storage facility <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> • child care center • recycling collection point 	<p>RESIDENTIAL USES</p> <ul style="list-style-type: none"> • bed and breakfast • dwelling unit (upper floors) • dwelling, multiple-family (3 units) • dwelling, multiple-family (4 units) • dwelling, multiple-family (5-8 units) • dwelling, multiple-family (9+ units) • dwelling, single-family • dwelling, two-family • fair housing facility (large) • fair housing facility (small) • manufactured home park • tiny home or tiny home development

D. Land Use Matrix

Accessory Uses	R	HR	PC	DB	B	LI	FHO
*accessory dwelling unit	P						⊘
bank machine/atm			P	P	P	P	
community center, private	P	P	P	P	P		
*home occupation	P	P					
*home-based business (with employees)	S						
farmers market				P			
home day care	P	P					⊘
kennel							⊘
*solar energy system, accessory	P	P	P	P	P	P	
outdoor storage							⊘
pool, public			P				
*short-term rental (owner occupied)	P	P		P			⊘
*wind energy system, accessory	P		P			P	

P	Permitted
S	Special Exception
⊘	Expressly Prohibited
*	Indicates that special development, operational, and/or procedural standards will apply to the use. See Chapter 4: Standards for Specific Uses.

Commercial Uses	R	HR	PC	DB	B	LI	FHO
*adult day care facility				P	P		⊘
*adult oriented business						P	
*camp ground and recreational vehicle park			S				
automobile oriented business					S	P	⊘
automobile service station						P	
automotive and vehicle repair						P	
bar/tavern				P	P		
barber/beauty shop				P	P		
brewery/distillery				P	P		
club or lodge					P		
coffee shop				P	P	P	
commercial training facility or school			P			P	
country club	S						
delicatessen				P	P	P	
driving range			P				
farm implement sales						P	
farmers market			P	P			
golf course			P				
hotel/motel				P		P	⊘
ice cream shop				P	P		
kennel							⊘
miniature golf			P		P		
mixed use structure				P			
mortuary						P	
nursing home			P		P		
office, construction trade					P	P	
office, design services				P	P	P	
office, financial services				P	P	P	
office, general services				P	P	P	
office, medical				P	P	P	
paintball facility			S			P	

P	Permitted
S	Special Exception
⊘	Expressly Prohibited
*	Indicates that special development, operational, and/or procedural standards will apply to the use. See Chapter 4: Standards for Specific Uses.

Commercial Uses cont.	R	HR	PC	DB	B	LI	FHO
photography studio				P	P		
race track - automobiles						P	
recreation center/play center			P			P	
research farm						P	
research laboratory						P	
restaurant			P	P	P	P	
restaurant with drive-up window					S	P	
retail (type 1), very low intensity				P	P		
retail (type 2), low intensity				P	P		
retail (type 3), medium intensity				S	P		
retail (type 4), high intensity					S		
retail (type 5), very high intensity						P	
retail (type 6), special handling						S	
sale of agricultural products						P	
self-storage facility						P	
shooting range						S	
sports complex (indoors)			P			P	
sports field			P			P	
stadium			P				
studio arts				P	P	P	
testing laboratory						P	
theater, indoor			P	P	P	P	
theater, outdoor			P			P	
waste treatment facility (private)			P				
water treatment facility (private)			P				
watercraft rental			S				

P Permitted
 S Special Exception
 ⊘ Expressly Prohibited
 * Indicates that special development, operational, and/or procedural standards will apply to the use. See Chapter 4: Standards for Specific Uses.

Industrial Uses	R	HR	PC	DB	B	LI	FHO
*wireless communication facility			P			P	
assembly						P	
construction material landfill							⊘
distribution facility						P	⊘
electrical generation plant						P	
equipment rental						S	⊘
flex-space						P	
heavy manufacturing						S	⊘
junk yard							⊘
light manufacturing						P	⊘
radio/TV station						P	
recycling processing							⊘
research center						P	
sanitary landfill/reuse dump							⊘
testing lab						P	
tool and die shop						P	
transfer station						P	
utility facility, above ground			P			P	
warehouse						P	⊘
warehouse storage facility						P	⊘
water treatment plant						P	
welding						P	

P	Permitted
S	Special Exception
⊘	Expressly Prohibited
*	Indicates that special development, operational, and/or procedural standards will apply to the use. See Chapter 4: Standards for Specific Uses.

Institutional Uses	R	HR	PC	DB	B	LI	FHO
bus station			P				
cemetery /mausoleum			P				
child care center	P		P	P	P		⊘
church, temple, or mosque			P	P	P	P	
community center, public	S	P	P	P	P		
crematory			P		S	S	
government office	S	S	P	P	P	P	
government operation (non-office)			P			P	
hospital			P	S	S	P	
jail			S			S	
juvenile detention facility			S			S	
library, public	S	S	P	P	P	P	
municipal airport			P			S	
municipal heliport			P			S	
museum			P	P	P	P	
nature center			P				
park	P	P	P	P	P	P	
parking lot, public				S		S	
penal or correctional institution			S			S	
police, fire, or rescue station	P	P	P	P	P	P	
pool, public	S	S	P	P	S	P	
post office	P	P	P	P	P	P	
prison						S	
recycling collection point			S		S	S	⊘
school (P-12)	P	P	P	P	P	P	
skate park	P	P	P		P	P	
trade or business school			P			P	
university or college			P			P	
waste treatment facility (public)			P			S	
water treatment facility (public)			P			S	
well, public			P			P	

P	Permitted
S	Special Exception
⊘	Expressly Prohibited
*	Indicates that special development, operational, and/or procedural standards will apply to the use. See Chapter 4: Standards for Specific Uses.

Residential Uses	R	HR	PC	DB	B	LI	FHO
assisted living facility	P	P			P		
bed and breakfast	S	S		S	P		⊘
boarding house				P			
dwelling unit (ground floor)				S			
dwelling unit (upper floors)				P	P		⊘
dwelling, multiple-family (3 units)	P	P		S			⊘
dwelling, multiple-family (4 units)	S	P		S			⊘
dwelling, multiple-family (5-8 units)	S	P		S			⊘
dwelling, multiple-family (9+ units)		S					⊘
dwelling, single-family	P	P		S			⊘
dwelling, two-family	P	P		S			⊘
fair housing facility (large)	S	S					⊘
fair housing facility (small)	P	P		S			⊘
*manufactured home park		P					⊘
*short-term rental	P	P		P			⊘
*short-term rental (owner occupied)	P	P		P			⊘
*tiny home or tiny home development	S	P					⊘

P	Permitted
S	Special Exception
⊘	Expressly Prohibited
*	Indicates that special development, operational, and/or procedural standards will apply to the use. See Chapter 4: Standards for Specific Uses.

Chapter 3: Site Development Standards

A. Applicability of Additional Site Development Standards.

1. Intent. It is the intent of these site development standards to provide for site development needs while also protecting the health, safety, and welfare of the public.
2. Applicability of Additional Site Development Standards.
 - a. The following site development standards address specific site components as they relate to each site's conditions and are detailed in this chapter in alphabetical order and shall apply to all new structures, new land uses, land use changes, structural alterations (including additions, enlargements, remodels, relocations), site alterations, and demolitions that are constructed, created, established, or occur after the effective date of this UDO as listed.
 - b. The site development standards included in this chapter are intended to be met in addition to all other applicable structure, lot, and/or site standards. All such standards in other sections of this UDO shall still apply.

Additional Site Development Standards
Accessory Structure Standards
Buffer yard and Landscaping Standards
Driveway and Access Management Standards
Lighting Standards
Parking and Loading Standards
Sign Standards
Storage Standards
Structure Standards
Trash and Dumpster Standards

B. Accessory Structure Standards.

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

construction on the primary structure begins within one (1) year of the issuance of the accessory structure permit.

5. Permits for Accessory Structures.

- a. **Permits Required for Accessory Structures.** Unless stated otherwise in this UDO, the following accessory structures are permitted in all zoning districts, require an ILP, and shall meet all applicable requirements of the UDO.

Accessory Structures that Require Permits	
<ul style="list-style-type: none"> • accessory structures that are greater than 200 square feet in area (including barns, pole barns, bath houses, cabanas, carports, decks, garages, gazebos, greenhouses, enclosed patios, storage sheds, shelter houses, stables, etc. 	<ul style="list-style-type: none"> • fences • ponds and drainage installations • retaining walls (over 3 feet in height) • signs • storage containers, temporary • solar energy systems, accessory • swimming pools (in-ground and above-ground) • wind energy conservation systems, accessory • wireless communication facilities (free-standing and co-located)

- b. **Permits Not Required for Accessory Structures.** The following accessory structures are permitted in all zoning districts (unless stated above or otherwise in this UDO) and may be installed without an ILP. All accessory structures are still required to meet all applicable accessory structure standards and all other requirements of this UDO.

Accessory Structures that DO NOT Require Permits	
<ul style="list-style-type: none"> • Accessory structures that are 200 square feet or less in area (including bird houses, mailboxes, small housing for domestic pets (excluding kennels) 	<ul style="list-style-type: none"> • landscaping • pavement not exceeding 100 cumulative square feet (i.e., patio slabs, sports courts, sidewalks, etc.) • poles/posts for lamps, sports courts, flags, etc. • retaining walls (3 feet or less in height) • swing sets and children's treehouses • utility installations for local/home services (cable, fiber, Wi-Fi)

6. Fences and Walls.

- a. Purpose. The purpose of these standards is to keep fences looking attractive as well as encouraging a positive impact on the privacy and security of residents in the community. The following shall apply to all fences and walls unless otherwise regulated within this UDO. These standards do not apply to retaining walls whose purpose is to provide structural support in grading and elevation changes.

Fence and Wall Standards	
Placement	<p>No fence or wall shall be</p> <ul style="list-style-type: none"> • constructed or designed so that it creates a traffic hazard • constructed or designed so that it is hazardous or dangerous to persons or animals • placed within the sight triangle at intersections • located within any type of easement (including drainage, access, utility, etc.) • closer than 5 feet from any public right-of-way <p>Exclusions</p> <ul style="list-style-type: none"> • Fences and walls do not need to comply with accessory structure setbacks and may be placed up to the property line. They may be placed on the property line with written affidavit of approval from the adjoining property owner(s). • Temporary safety fencing and silt fencing for construction sites shall be exempt from these standards
Materials and Design	<p>Permitted materials:</p> <ul style="list-style-type: none"> • Fences: brick, stone, wood, vinyl fence panels, ornamental iron, wrought iron, and wood split rail. Chain link and vinyl-coated chain link fencing is not permitted in the front yard • Walls: brick, stone, masonry, and stucco <p>Prohibited Materials:</p> <ul style="list-style-type: none"> • fabric, sheet/scrap metal, razor wire, barbed wire, plastic/fiberglass sheeting, plywood, concrete blocks, tires, pallet material, junk or discarded items, glass, sharpened spikes, electrified, or similarly hazardous or inappropriate materials as determined by the Administrator. <p>Design:</p> <ul style="list-style-type: none"> • structural supports for any fence shall face inward <p>Exemptions:</p> <ul style="list-style-type: none"> • underground pet fence systems
Height	<p>Front Yard:</p> <ul style="list-style-type: none"> • The maximum height of a fence in a front yard shall be 3 feet (note that corner lots have 2 front yards) <p>Side and Rear Yard:</p> <ul style="list-style-type: none"> • The maximum height of a residential fence in side and rear yards is 6 feet • The maximum height of non-residential fence is 8 feet • Fences surrounding recreational areas on private residential lots located in residential districts may be up to 8 feet in height. Fences used to enclose tennis courts, used as backstops for ball fields, or similar recreation facilities may be up to 12 feet in height. <p>Corner Lots: Fences located on a corner lot may comply with the maximum side yard fence height if ALL of the following are met:</p> <ul style="list-style-type: none"> • The parcel abuts a parcel that is also a corner lot, and the rears of both primary structures are facing; • The fence is located behind the front elevation of the primary structure; and • The fence complies with all other standards for fences in side yards <p>Exemptions:</p> <ul style="list-style-type: none"> • These standards do not apply to public recreational facilities or recreational areas outside of a residential district

C. Buffer yard and Landscaping Standards.

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

4. Determination of Buffer yard Requirements. Buffer yards shall be required according to the following tables:

Minimum Buffer yard Requirements				
Zoning District of Proposed Use / Structure	Zoning District(s) of Adjacent Parcel	Minimum Buffer yard Width Required ^{1, 2}	Minimum Plantings Required Per 100 Linear Feet ³	Minimum Walls or Fences Required
HR	All Other Districts	N/A	N/A	N/A
PC, DB, & B	R & HR	20 feet	<ul style="list-style-type: none"> • 3 shade trees; • 9 ornamental or evergreen trees; and • 15 shrubs 	N/A
	All Other Districts	N/A	N/A N/A	N/A
LI	R & HR	75 feet	<ul style="list-style-type: none"> • 10 shade trees; • 20 ornamental or evergreen trees; and • 50 shrubs 	Fence or Wall (must be placed between the plantings and the proposed use/structure)
	All Other Districts	N/A	N/A	N/A
<p>1 - The buffer yard width is measured from the property line or right-of-way inward. If right-of-way is dedicated by written, recorded document, the width along that portion of the property shall be measured from the edge of pavement.</p> <p>2 - All buffer yard areas shall include groundcover (such as grass) or planting beds in all areas unless such ground cover is already established.</p> <p>3 - The number of plant units required is stated per 100 linear feet and is measured along the property line (including driveways). Plants listed as invasive species by the Indiana Department of Natural Resources (IDNR) cannot be used to satisfy the minimum planting requirements.</p>				

Planting & Installation Requirements	
Type	Minimum Size at Planting
Shade Tree	<ul style="list-style-type: none"> • 2" caliper, 8-foot height
Ornamental or Evergreen Tree	<ul style="list-style-type: none"> • 5-foot height
Shrub	<ul style="list-style-type: none"> • 18-inch height
Fence	<ul style="list-style-type: none"> • 6-foot height, wood or vinyl, solid opaque material/design
Wall	<ul style="list-style-type: none"> • 6-foot height, masonry, solid opaque material/design

5. Substitutions and Modifications.
- Any existing plant material which otherwise satisfies the requirements of this section may be counted toward satisfying all such requirements.
 - If the development on the adjacent use is existing, planned, or deed-restricted for solar access, ornamental or evergreen trees may be substituted for canopy trees in locations where canopy trees would destroy solar access.

- c. The Administrator has discretion to modify the width of the buffer yard and the location of plantings to accommodate rights-of-way, drainage easements, and utility easements. While the width of the buffer yard may include all or a portion of drainage easements, and utility easements, and plantings may be shifted or clustered so that they are not placed in these easements.
6. Maintenance.
 - a. All plant material that dies must be replaced within six (6) months so as to maintain the approved buffer yard and landscape plan.
 - b. All required elements of a buffer yard, width, plantings, fences, and/or walls must be maintained by the property owner at all times.
7. Use of Buffer yards. A buffer yard 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 buffer yard is not reduced, and all other regulations of the ordinance are met. In no event, however, shall permanent or temporary structures be permitted in buffer yards including ice-skating rinks, stables, swimming pools, and ball/tennis courts.
8. Ownership of Buffer yards. Buffer yards may remain in the ownership of the original developer of a parcel, or they may be subjected to deed restrictions and subsequently be freely conveyed, or they may be transferred to any consenting grantees, such as adjoining landowners, a park or forest preserve, or an open space or conservation group, provided that any such conveyance adequately guarantees the protection of the buffer yards for the purposes of this ordinance.
9. Buffer yard Between Like Uses. When a buffer yard is required, but the proposed use is similar to an existing, adjacent use in terms of land use, size, density, and lot size, the buffer yard may be reduced or omitted at the discretion of the Administrator. For example, a parcel is zoned commercial, but the existing use is residential. The Administrator's approval or denial to reduce or omit a buffer yard shall be made in writing, justifying the decision.

D. Driveway and Access Management Standards.

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

Driveway Separation	
Road Classification ¹	Minimum Separation of Driveways ^{2,3}
Local Road/Another Driveway	80 feet
Major Collector/Minor Collector	120 feet
Principal Arterial or Minor Arterial	150 feet
<p>1 - Roadway classification shall be in accordance with the Comprehensive Plan.</p> <p>2 - Measured from the intersection of the roadway pavement (or intersection of the back of curb extended if rounded property corner) at the intersection.</p> <p>3 - If a driveway cannot meet the separation requirements from an intersection because of the parcel width, one (1) driveway is permitted at the furthest feasible point from the intersection.</p>	

5. Driveway Standards Based on Land Use.

Driveway Standards Based on Land Use.	
Agricultural Uses	<ul style="list-style-type: none"> Driveways serving agricultural uses, regardless of the zoning district, may be paved, gravel, or other compacted material
Residential Uses	<ul style="list-style-type: none"> Individual driveways serving a single-family or two-family dwelling must be paved. Shared residential driveways may not serve more than 2 single-family dwellings or 2 two-family structures. Driveways that serve more than this shall be considered public roads and must be constructed in accordance with the applicable residential street standards. Shared residential driveways shall have a 30-foot minimum easement and a maintenance agreement that is recorded and approved by the Administrator.

	<ul style="list-style-type: none"> • All residential driveways must be at least 20 feet in length between the primary structure and the nearest edge of sidewalk or edge of roadway if a sidewalk does not exist in order to accommodate adequate parking without a vehicle blocking the sidewalk or right-of-way
Multi-family, Commercial, and Industrial Use	<ul style="list-style-type: none"> • Driveways serving multi-family, commercial, and industrial uses in all districts shall be graded and surfaced with an all-weather paving material, such as asphalt, concrete, or other material that will provide equivalent protection against potholes, erosion, and dust, and must be constructed in accordance with the applicable industrial and commercial street standards. • All access easements for multi-family, commercial, and industrial development shall be recorded, grant the general public the right of access, and be approved by the Administrator. • All shared driveways for multi-family, commercial, and industrial uses shall be within an easement that is at least thirty (30) feet wide and have a written and recorded maintenance agreement with the parcels that access the private driveway. The agreement must be reviewed and approved by the Administrator

6. Access Standards.

- a. If a parcel that adjoins or includes an existing public road that does not conform to the minimum right-of-way dimension as established by the applicable street standards and/or the Comprehensive Plan, the property shall dedicate additional right-of-way width, regardless of if the parcel is subdivided or not, as required to meet this UDO and/or the Comprehensive Plan during the Development Plan application or Secondary Plat.
- b. The developer may be required to provide deceleration lanes, acceleration lanes, passing blisters, or other improvements to the public road system in order to mitigate impacts from their development when a development connects to an existing public road.
- c. Public and private roads shall align and connect with existing or planned roads and provide connections with adjacent property. Proposed roads must extend to the boundary line of the parcel to be developed, unless approved by the Administrator, to provide for normal circulation of traffic within the vicinity.
- d. Driveways cannot gain access directly from any Arterial or Collector roadway unless no other access is available.
- e. Developments must provide a vehicular connection between adjacent lots or parcels, or stub connections if adjacent sites are not developed, in order to encourage and facilitate circulation without directly accessing public streets.
- f. Sidewalks shall be installed by the property owner and conform with the standards outlined in Chapter 7: Subdivision Design Standards if the following occur:
 - i. If a new primary structure is built within the business, commercial, and industrial districts; or
 - ii. If a new primary structure is built within the residential districts on a parcel that is less than one (1) acre in size.

E. Lighting Standards.

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

- e. All traffic control and directional lighting.
- f. All underwater lighting used for the illumination of swimming pools and water features is exempt from the lamp type and shielding standards of this UDO.
- g. All lighting for temporary festivals and carnivals.

F. Parking and Loading Standards.

1. Purpose. The purpose of these standards is to require minimal parking standards, minimize risk to the natural environment, and minimize pedestrian and vehicular conflict in order to ensure public health, safety, and welfare.
2. Applicability. These standards apply to all zoning districts within the jurisdiction, unless otherwise noted. All parking standards (both paved and gravel lots) within this section shall be met if an ILP for a new primary structure is obtained or a new parking lot or loading area is constructed.
3. Permit Required for Parking and Loading Areas. All new parking lots and loading areas (gravel or paved) and/or the expansion of existing parking lots and loading areas (gravel or paved) for commercial and/or industrial uses shall require an ILP.
4. Maintenance. All parking areas, loading areas, and landscape islands shall be maintained in good condition and free of weeds, dirt, trash, and debris.

5. Parking Area Size and Design.

Parking Area Size and Design	
Required Parking Spaces	<p>All Uses</p> <ul style="list-style-type: none"> • The number of spaces required is intended to provide a minimal or low threshold; additional parking is permitted that exceeds these minimums to adequately serve the development and anticipated residents, employees, and/or visitors • Any fraction of a required parking space shall be rounded up to the whole number
	<p>Residential Uses</p> <ul style="list-style-type: none"> • 2 parking spaces per dwelling unit shall be provided on-site for all residential uses. Spaces inside a garage shall be counted towards this requirement
	<p>Commercial, Industrial, and Institutional Uses</p> <ul style="list-style-type: none"> • The minimum number of parking spaces required for commercial, industrial, and institutional uses shall be based on documentation provided by the applicant of the required parking for the specific use based on a reliable and reputable source that is approved by the Administrator.
Parking Area Design	<ul style="list-style-type: none"> • With the exception of private/individual residential driveways and shared residential driveways from single-family and/or two-family dwellings, parking spaces and loading areas shall be located and constructed to prevent vehicles from maneuvering in the public right-of-way or backing into a public street, access way, or alley (no individual parking spaces shall gain direct access onto a public right-of-way) • All parking spaces and loading areas shall maintain a setback of 10 feet from property lines and rights-of-way. Parking spaces and loading area may encroach into the required front, side, and rear yard setbacks. • Parking areas and loading areas must be paved. • Parking spaces shall be provided with curbing, bumper guards, or wheel stops along the perimeter of the parking area so that no part of a parked vehicle will extend beyond the boundary of the parking area. • Any use which fronts upon and utilizes access to a primary or secondary arterial shall provide and utilize a common frontage or access lane for the purpose of access, parking, and loading where feasible. • All paved parking areas and loading areas shall be striped and channelized as appropriate. Paved parking spaces shall be marked, and access lines clearly defined, including directional arrows to guide internal movement and directional signs, as necessary. Gravel parking spaces and lots are not required to be striped and channelized but shall provide directional signs to guide internal movement. • All parking areas shall conform to state and federal requirements regarding handicap accessibility and must comply with all applicable ADA requirements
Lighting	<ul style="list-style-type: none"> • Lighting shall be in accordance with Chapter 3, Section E: Lighting Standards

Parking Space Dimensions		
Parking Space Type	Minimum Dimension	
90 Degree Parking Minimum Space Size	<ul style="list-style-type: none"> • 10 feet x 20 feet • Handicap spaces must conform with state/federal requirements 	
Parallel Parking Minimum Space Size	<ul style="list-style-type: none"> • 9 feet x 22 feet 	
Parking Aisles Minimum Size	0 Degrees	<ul style="list-style-type: none"> • 10 feet (One-Way) • 18 feet (Two-Way)
	30 Degrees	<ul style="list-style-type: none"> • 11 Feet (One-Way) • 20 Feet (Two-Way)
	45 Degrees	<ul style="list-style-type: none"> • 13 Feet (One-Way) • 21 Feet (Two-Way)
	60 Degrees	<ul style="list-style-type: none"> • 18 Feet (One-Way) • 23 Feet (Two-Way)
	90 Degrees	<ul style="list-style-type: none"> • 24 Feet (One-Way or Two-Way)

6. Loading Area and Berth Design.

Loading Area and Berth Size and Design	
Berth Size	<ul style="list-style-type: none"> • All uses that transport goods by truck delivery shall provide loading berth(s) that are a minimum of 12 feet by 45 feet with a 14-foot height clearance.
Setbacks from Residential Uses	<ul style="list-style-type: none"> • Loading and unloading berths must be a minimum distance of 100 feet from the nearest residential use (measured from the property line)
Lighting	<ul style="list-style-type: none"> • Lighting shall be in accordance with Chapter 3, Section E: Lighting Standards

7. Parking Landscaping and Screening.

- a. Parking lot islands and landscaping shall be provided for all parking lots with ten (10) or more on-site parking spaces in accordance with the table below.
- b. Plantings shall not impede traffic safety or obstruct driveways or public road sight distance, including any sight triangle.
- c. Trees and shrubs shall comply with Chapter 3, Section C: Buffer yard and Landscaping Standards unless otherwise specified in this chapter.
- d. All required landscape areas shall be covered in plantings, ground cover, or non-living permeable material, such as mulch.

Parking Lot Islands & Landscaping Required	
Minimum Island Number and Locations	<ul style="list-style-type: none"> • End of every parking row; and • At least every 15 spaces (no more than 15 spaces in a row)
Minimum Island Dimensions¹	<ul style="list-style-type: none"> • 8 feet by 16 feet; and • Bordered by a concrete curb on at least 2 sides
Minimum Island Landscaping²	<ul style="list-style-type: none"> • 1 canopy tree and 3 shrubs per island; and • Ground cover, mulch, or stone
Minimum Perimeter Landscaping	<ul style="list-style-type: none"> • A 5-foot landscape area is required year-round that screens at least 75% of the perimeter of all parking areas (at 3 years after installation) through one of the following: <ul style="list-style-type: none"> ○ Evergreen Shrubs: At least 24 inches in height when installed with at least 4 feet height at maturity (clustering preferred) ○ Combination of Mounding, Ground Cover, and Shrubs: Mounding shall undulate between 2 and 4 feet in height with shrubs that are at least 18 inches when planted and located on the mound at a ratio of 1 shrub per 5 feet linear feet (clustering preferred) ○ Fences and Walls: Solid and opaque screen made of a permitted fence/wall material. ○ Berm: Maximum slope of 3:1 with ground cover or plantings. • Screening must be at least 4 feet in height • Located within 5 feet of the edge of the parking area
<p>1-Landscape islands that are integrated into a perimeter area shall be considered a landscape island if bordered by parking on at least one side and a concrete curb on at least two sides</p> <p>2-Plantings located in islands shall not count towards required plantings in Chapter 3, Section C: Buffer yard and Landscaping Standards.</p>	

8. Shared Parking Lots.
 - a. Shared Parking Permitted.
 - i. Shared parking lots are permitted only for commercial, industrial, and institutional uses.
 - ii. Shared parking may be provided for separate uses that are located on separate parcels, provided the total number of spaces is not less than the minimum number of spaces required for each use.
 - b. Shared Parking Agreements Required.
 - i. Any development or parcels with shared parking shall have a written and recorded shared parking agreement that is signed by all property owners. The agreement shall be perpetual and outline provisions for easements (if applicable), maintenance, snow removal, ownership, and liability.
 - ii. Shared parking agreements must be reviewed and approved by the Administrator.
 - iii. If a shared parking agreement expires or otherwise terminates, each use must provide the minimum required parking on-site or through a new shared parking agreement.
 - c. Maintenance. Shared parking areas, loading areas, and landscape islands shall be maintained in good condition and free of weeds, dirt, trash, and debris.
9. Drive-through Stacking Design.
 - a. Uses that have a drive through for any reason shall provide off-street stacking areas in addition to the required parking spaces.
 - b. The applicant shall provide a minimum of four (4) stacking spaces per drive through lane.
 - c. Each stacking space shall be a minimum of eight (8) feet in width and eighteen (18) feet in length. Stacking spaces cannot include or impede any driveway, aisle, or other circulation area.
 - d. All stacking shall occur on the same parcel. No vehicles shall be permitted to wait, stack, or idle within a public or private road or right-of-way.

G. Sign Standards.

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

property to comply with the regulations. After thirty (30) days, if the owner/business operator fails to comply, penalties shall be imposed according to Chapter 5, Section G: Complaints, Violations, and Remedies.

7. Abandoned Signs.

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

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

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

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

- a. Street Address Signs. Street address sign to provide adequate property identification that does not exceed two (2) square feet in total sign structure size.
 - b. Flags. Flag of any country, state, unit of local government, institution of higher learning, or similar institutional flags.
 - c. Building or Site Identification Signs. Name of buildings, date of erection, monumental citations, historical interest, commemorative or memorial tablets, and similar identification when carved into stone, concrete, or similar material or made of bronze, aluminum, or other permanent type construction that are smaller than two (2) square feet in total sign structure size.
 - d. Public Notice, Regulatory, or Safety Signs. Information for the public's interest that are erected by or on the order of a local, state, or federal law or intended to provide a public notice (such as rezoning, government) and regulatory or safety notices (such as no trespassing, directional, ingress/egress, and traffic)) that are smaller than four (4) square feet in total sign structure size.
 - e. Decorations. Temporary decorations customarily associated with a national, local, or religious holiday and are displayed for not more than sixty (60) consecutive days.
 - f. Non-visible Signs. Signs that are not visible from any public or private right-of-way or any adjacent parcel.
 - g. Utility Signs. Marking utility locations, cables, lines, and similar notices for public and private utilities that are smaller than two (2) square feet in total sign structure size, except if determined to be a hazard by the Administrator.
10. Prohibited Signs. The following types of signs are expressly prohibited in all zoning districts. Any sign that is not expressly permitted in this UDO is also considered prohibited.
- a. Animated Signs. Flashing, blinking, fluttering, or using any motion picture, laser, or visual projection of images or copy or that change light intensity or brightness.
 - b. Emitting Signs. Emit audible sound, odor, or visible matter.
 - c. Human Signs. Worn or held by a person, unless located on-premise, outside of the right-of-way, and during business hours.
 - d. Imitation Signs. Emulate emergency service vehicles, road equipment, or traffic signs (such as Stop, Slow, or Caution).
 - e. Obscene Signs. Display or convey obscene matter as defined in IC 35-49-2.
11. Prohibited Sign Locations. All signs are prohibited within the following locations unless otherwise stated in this UDO.

- a. Right-of-way: Within any right-of-way unless authorized by the Administrator and/or INDOT, including signs located on any traffic control device, street sign, tree, utility pole, or similar location unless identified as an Exempt Sign in subsection 9 above.
- b. Obstruction: Obstruct any door, fire escape, stairway, or any opening intended to provide entry or exit from any building or structure or that hide from view any traffic or roadway sign, signal, or device.
- c. Vision Clearance: Obstruct a sight clearance or be placed within the sight triangle of any intersection or driveway.
- d. Setback: Within ten (10) feet of any property line. Signs are permitted to be located within a required front, side, or rear yard setback.

12. Election Period.

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

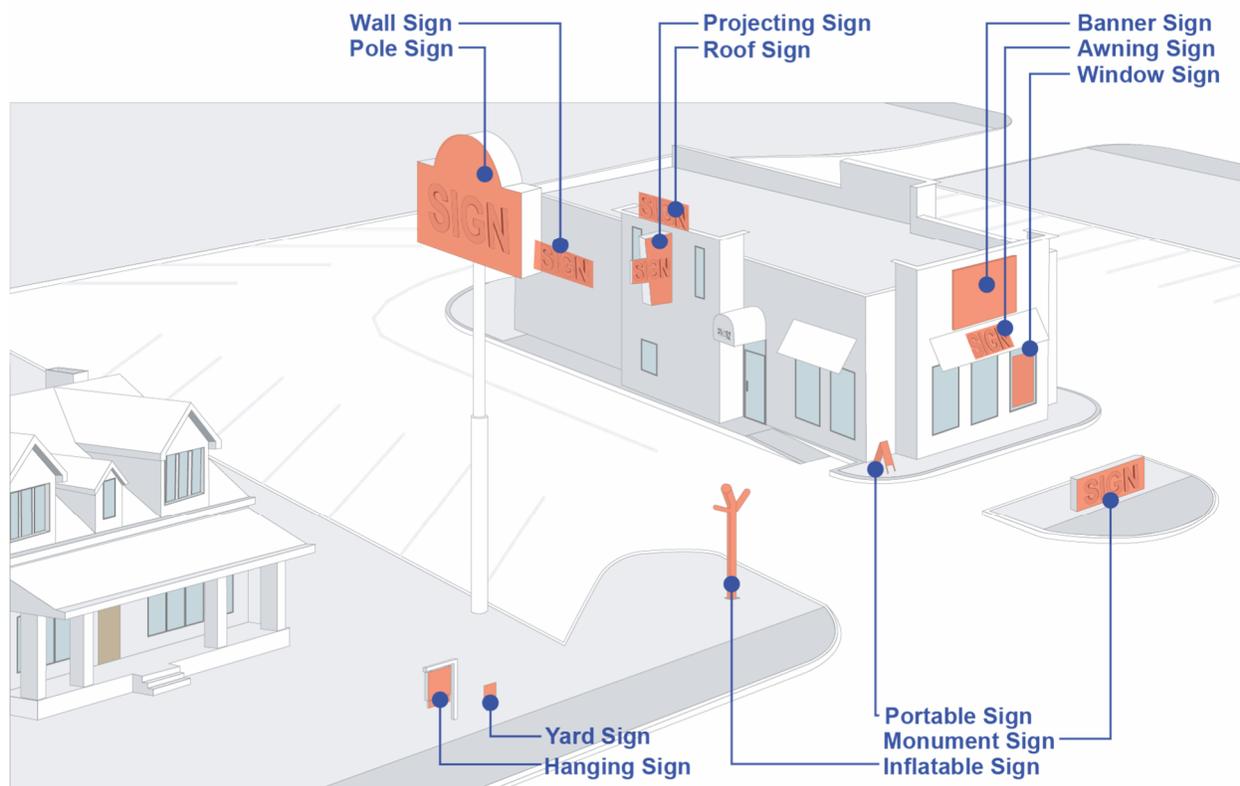


Figure 3.1 Types of Signs

13. Permitted Temporary Signs. The following Temporary Signs shall be allowed, provided the respective development standards in Chapter 2: Zoning Districts and Overlay Districts are met.

Permitted Temporary Signs: Residential Districts	
Permitted Types	<ul style="list-style-type: none"> • Hanging • Monument • Yard
Size	<ul style="list-style-type: none"> • Maximum of 16 sq ft of sign face per sign per side
Quantity	<ul style="list-style-type: none"> • Maximum of 2 per parcel but cannot exceed a total 32 sq ft of sign face for all temporary signs
Height	<ul style="list-style-type: none"> • Maximum structure height of 5 feet
Duration	<ul style="list-style-type: none"> • While the property is for sale or lease • While a project is under construction • 30 consecutive days but no more than twice in a calendar year
Additional Standards	<ul style="list-style-type: none"> • EVMS or EVMS components are not permitted • Permit: No ILP is required
Permitted Temporary Signs: All Other Districts	
Permitted Types	<ul style="list-style-type: none"> <li style="width: 33%;">• Awning <li style="width: 33%;">• Portable (Bench, Sidewalk/Sandwich Board, Vehicle) <li style="width: 33%;">• Projecting <li style="width: 33%;">• Banner <li style="width: 33%;">• Pole <li style="width: 33%;">• Roof <li style="width: 33%;">• Hanging <li style="width: 33%;">• Monument (Ground) <li style="width: 33%;">• Wall (Mural) <li style="width: 33%;">• Inflatable <li style="width: 33%;">• Window <li style="width: 33%;">• Yard
Size	<ul style="list-style-type: none"> • Maximum of 16 sq ft of sign face per sign per side
Quantity	<ul style="list-style-type: none"> • Maximum of 2 per parcel but cannot exceed a total 32 sq ft of sign face for all temporary signs • For multi-tenant buildings, the number of signs permitted shall be determined by the Administrator
Height	<ul style="list-style-type: none"> • Maximum structure height of 15 feet
Duration	<ul style="list-style-type: none"> • While the property is for sale or lease • While a project is under construction • 30 consecutive days but no more than twice in a calendar year
Additional Standards	<ul style="list-style-type: none"> • EVMS or EVMS components permitted without flashing lights • Permit: No ILP is required

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

Permitted Permanent Signs: Residential Districts	
Permitted Types	<ul style="list-style-type: none"> • Monument (Ground)¹ • Wall
Size	<ul style="list-style-type: none"> • Monument: Maximum of 32 sq ft of sign face per side • Wall: Maximum of 1 sq ft per parcel
Quantity	<ul style="list-style-type: none"> • Monument: Maximum of 2 signs per vehicular entrance to a subdivision or residential complex • Wall: Maximum of 1 sign per parcel
Height	<ul style="list-style-type: none"> • Monument: Maximum structure height of 6 feet
Location	<ul style="list-style-type: none"> • Monument:¹ Only located at vehicular entrance to subdivision or residential complex • Wall: Must be placed on primary structure
Additional Standards	<ul style="list-style-type: none"> • EVMS or EVMS components are not permitted • Wall: No illumination • Permit: ILP is required for Monument Signs; No ILP is required for Wall Signs.
<p>1 – Monument signs are only permitted at each entrance for a residential development (such as single-family subdivision, townhome development, or apartment complex); monument signs are not permitted for individual dwellings or structures. They must be located in a dedicated easement or common area dedicated to homeowner's association if located in residential subdivision.</p>	
Permitted Permanent Signs: All Other Districts	
Permitted Types	<ul style="list-style-type: none"> <li style="width: 33%;">• Awning <li style="width: 33%;">• Monument (Ground)² <li style="width: 33%;">• Projecting <li style="width: 33%;">• Hanging <li style="width: 33%;">• Pole² <li style="width: 33%;">• Wall (Mural) <li style="width: 33%;">• Window
Size	<ul style="list-style-type: none"> • PC & B: Maximum of 200 sq ft cumulative area per parcel for all signs, but no single sign shall be more than 50sq ft¹ • DB: Maximum of 100 sq ft per structure for all signs, but no single sign shall be more than 50 sqft¹ • LI: Maximum of 400 sq ft cumulative area per parcel for all signs, but no single sign shall be more than 80 sqft¹
Quantity	<ul style="list-style-type: none"> • PC & B: Maximum of 4 per parcel with a maximum of 1 pole sign • DB: Maximum of 2 per structure² • LI: Maximum of 5 per parcel with a maximum of 1pole sign
Height	<ul style="list-style-type: none"> • Pole signs and monument signs shall be no more than 6 feet tall²
Placement	<ul style="list-style-type: none"> • Awning, Projecting, Wall, and Window: Must be placed on the primary structure
Additional Standards	<ul style="list-style-type: none"> • Awning, Projecting, Wall, and Window: EVMS or EVMS components are not permitted • Projecting: <ul style="list-style-type: none"> • Lowest point of sign shall be no less than 8.5 feet above grade level except for the supporting building, structure, or column. • Sign shall not extend more than 4 feet beyond its supporting structure. • Sign shall not extend into the right-of-way unless approved by the Administrator. • Wall: No illumination • Permit: ILP is required except window sign if not illuminated and less than 50% of the window area
<p>1 – Maximum cumulative sign face only includes the sign face and excludes the total sign area/sign structure. See Chapter 10: Definitions.</p> <p>2 – In the DB district, pole signs and monument signs are not permitted.</p>	

H. Storage Standards.

1. Purpose. The standards in this section are intended to reduce visual obstruction and nuisance to nearby property owners as well as preventing unsafe conditions to ensure the health, safety, and welfare of residents.
2. Applicability. These standards apply to outdoor storage in all zoning districts within the jurisdiction, unless otherwise noted.
3. Stored Vehicles and Trailers.
 - a. Location. Stored vehicles, where permitted, shall not encroach on the right-of-way or setbacks, and shall not block or impede an access easement.
 - b. Inoperable. Automotive vehicles, recreational vehicles, or trailers of any type without current license plates or in an inoperable condition are not permitted to be stored outside of an enclosed structure. For areas inside of the town limits, see the nuisance ordinances for the Town of Thorntown.
 - c. Recreational Vehicle (RV) and Watercraft Storage.
 - i. All Districts. Stored recreational vehicles and watercraft shall not be hooked up to water, sewer/septic, or electricity except for the purpose of prepping the vehicle for use or cleaning the vehicle after use and for no more than seventy-two (72) hours. Stored RVs shall not be occupied for sleeping or living.
 - ii. Residential Districts. No more than two (2) recreational vehicles and/or watercraft per parcel that are visible from any public right-of-way, private road, or adjacent parcel shall be stored outdoors. Additional recreational vehicles may be stored within an enclosed building or in areas that are not visible from the areas previously noted. Recreational vehicles and watercraft must have current plates and be in operable condition.
 - iii. Business, Commercial, and Industrial Districts. Recreational vehicles and/or watercraft shall not be stored unless allowed as a Permitted Use or a Special Exception Use as outlined in Chapter 2: Zoning Districts and Overlay Districts.
4. Temporary Storage Containers.
 - a. Applicability.
 - i. These standards apply to temporary storage containers as defined in Chapter 10: Definitions. Any structure or container that is attached or anchored to a permanent foundation in conformance with the appropriate building code(s) and in compliance with

manufacture's installation specifications is considered an accessory structure (permanent) and not a temporary storage container.

- ii. Unless otherwise specified, all storage containers that are placed for more than six (6) months shall be considered a permanent accessory structure unless used for active construction on-site, and therefore, shall be attached or anchored to permanent foundation in conformance with the applicable sections of this UDO, the appropriate building code(s), and be in compliance with manufacture's installation specifications.
- b. Permits. An ILP is not required for temporary storage containers.
- c. District Standards.
 - i. Residential Districts. A maximum of one (1) temporary storage container per parcel is permitted if the following conditions are met.
 - (a) On-site for a maximum of sixty (60) consecutive days;
 - (b) Located on the driveway or to the rear or side of the primary structure; and
 - (c) Does not exceed one hundred and sixty (160) cubic feet in area.
 - ii. Business, Commercial, and Industrial Districts.
 - (a) A maximum of two (2) temporary storage containers are permitted per parcel.
 - (b) Temporary storage containers are permitted in a front, side, and/or rear yard for no more than six (6) months in a calendar year or during active construction on-site.
- d. Each container cannot exceed three hundred and twenty (320) cubic feet in area.

I. Structure Standards.

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

- a. Permanent Occupancy. Manufactured homes may be permanently occupied when located in any district where a single-family dwelling is permitted provided the following requirements are met:
 - i. The manufactured home is built to the Manufactured Home Construction and Safety Standards (HUD Code) and displays a red certification label on the exterior of each transportable section.
 - ii. The development standards for the respective zoning district, including minimum square footage, are met as established in Chapter 2: Zoning Districts and Overlay Districts.
 - iii. The structure is attached and anchored to a permanent foundation in conformance with the appropriate building code and with manufacturer's installation specifications.
 - iv. The entire area between the floor joists of the structure and the underfloor grade is completely enclosed (skirted) in accordance with the terms of the appropriate building code; the manufacturer's installation specifications; and requirements set forth by the Indiana Administrative Building Council.
 - v. The structure possesses all necessary building, water, and sewage disposal permits prior to placement of the structure upon the lot.
 - vi. The hitches are removed.
 - vii. The front door faces the primary street from which it gains access.
 - viii. The structure is covered with an exterior material and roof material customarily used on site-built structures.
 - ix. The manufactured home is no more than ten (10) years in age when structure is initially placed on the lot.
- b. Temporary Occupancy. Temporary residential occupancy of a manufactured home is permitted during construction of a single-family dwelling on the same parcel provided the following requirements are met:
 - i. An ILP is obtained for placement of the manufactured home and an ILP for the single-family dwelling to be constructed on the same parcel has also been issued.
 - ii. Temporary occupancy of the manufactured home is limited to one (1) year and may be renewed for up to two (2) additional six (6) month periods if construction has been started but is not completed.
 - iii. The manufactured home is built to the Manufactured Home Construction and Safety Standards (HUD Code) and displays a red certification label on the exterior of each transportable section.

- iv. The manufactured home is served by the same address, water supply, and sewage facilities serving the dwelling under construction. If the dwelling under construction utilizes a septic system, approval shall be subject to the Health Department.
 - v. The manufactured home shall remain on its wheels and shall not be placed on a permanent foundation.
 - vi. Applicable development standards of the underlying zoning district are met with the exception of minimum living area.
 - vii. Occupancy of the manufactured home is restricted to relatives, persons employed in the care of the property owner (employed on the premises of the property owner), or the owner of the property who is constructing a permanent dwelling.
 - viii. The manufactured home shall be tied down per the requirements of the Indiana One- and Two-Family dwelling code and the manufacturer's recommendation.
 - ix. The manufactured home must be removed from the property within thirty (30) days of the issuance of the primary structure's Certificate of Occupancy.
8. Recreational Vehicles (RVs).
- a. Permanent Occupancy Prohibited. Recreational vehicles are designed only for recreational use and are not built to HUD manufactured home standards. Therefore, recreational vehicles are not permitted to be used for residential occupancy outside of a campground or an RV park approved by the Indiana State Department of Health (IDOH).
 - b. Recreational Occupancy. A recreational vehicle may only be used for recreational purposes outside of a campground or RV park provided the following conditions are met:
 - i. The RV is occupied for recreational purposes only (no permanent occupancy) and shall not exceed fourteen (14) consecutive days, twice per calendar year (serial occupancy is prohibited at the discretion of the Administrator);
 - ii. No more than one (1) RV may be occupied on a single parcel;
 - iii. All development standards in Chapter 2: Zoning Districts and Overlay Districts are met;
 - iv. The RV cannot be served by permanent utilities;
 - v. No permanent structures are attached to the RV; and
 - vi. The RV is fully licensed and ready for highway use (defined as being on its wheels or jacking system; is attached to the site only by quick disconnect type utilities and security devices; and has no permanently or semi-permanently attached additions or structures).

- c. Storage. A recreational vehicle may be stored according to Chapter 3, Section H: Storage Standards but shall not be connected to any utilities (electric, water, sewage, etc.) or occupied at any time while stored.

J. Trash and Dumpster Standards.

1. Intent. The purpose of this district is to prevent access to and visibility of trash that is stored outside to ensure the health, safety, and welfare of residents.
2. Applicability. Any new outdoor, non-pedestrian trash receptacle, dumpster, compactor, or similar non-pedestrian trash containers placed after the effective date of this UDO shall meet the following standards.
3. Location. All outdoor trash containers governed by this section shall:
 - a. Comply with all development standards outlined in Chapter 2: Zoning Districts and Overlay Districts;
 - b. Be located on private property on which they serve and in no case shall it be located in the public right-of-way;
 - c. Be located in a side yard or rear yard (must be behind the front façade of the primary structure); and
 - d. Not be placed within the street without approval of the Town Council.
4. Screening. Non-pedestrian outdoor trash receptacles and dumpsters must be completely screened with vegetation, masonry wall, and/or opaque fencing so it is not visible from any public right-of-way or adjacent parcel during any time of the year. Gates must remain closed unless the receptacles are being accessed.
5. Temporary Trash Receptacles. Dumpsters associated with demolition or construction shall remain on-site no longer than two (2) weeks prior to construction or demolition and no longer than two (2) weeks following the completion of construction or demolition. Temporary trash receptacles shall meet all setback requirements and development standards of the underlying zoning district but do not require screening.

Chapter 4: Standards for Specific Uses.

A. General Provisions.

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

B. Establishment of Development Standards for Specific Uses.

Uses With Additional Development Standards
Accessory Dwelling Unit
Adult Day Care Facility
Adult Oriented Business
Campground & Recreational Vehicle Park
Home Occupation
Home Based Business with Employees
Manufactured Home Park
Short-term Rental
Solar Energy System, Accessory
Tiny Home or Tiny Home Development
Wind Energy System, Accessory
Wireless Communication Facility

1. Accessory Dwelling Unit.

- a. Accessory Dwelling Unit Purpose. It is the purpose of this section to regulate an accessory residential structure on a parcel where a primary residential structure exists to provide housing options for family members, students, aging residents, in-home health care providers, the disabled, and others; promote a variety of housing opportunities in the community; and allow homeowners to benefit from added income and an increased sense of security.
- b. Accessory Dwelling Unit General Standards.
 - i. Approval of an accessory dwelling does NOT permit the accessory dwelling to be used as a short-term rental. If an accessory dwelling is used as a short-term rental, the short-term rental use shall comply with all applicable standards of this UDO and be approved as required by this UDO.
 - ii. If an accessory structure (attached or detached) includes a bathroom, kitchen facilities, and/or living area for sleeping, it shall be considered an accessory dwelling unit and shall comply with all applicable standards unless a "Use Affidavit" stating the structure will not be used as a dwelling is filed with the Administrator and recorded with the County Recorder.

Accessory Dwelling Unit (ADU) Structure Standards	
Minimum Area	<ul style="list-style-type: none"> • 400 sq ft
Maximum Area	<ul style="list-style-type: none"> • 800 sq ft or 50% of the primary dwelling unit living area footprint (whichever is less)
Living Area Components	<ul style="list-style-type: none"> • The ADU shall be an independent and complete dwelling unit with all amenities needed for safe and habitable living, including permanent provisions for sleeping, eating, cooking, sanitation, and ingress/egress (self-sufficient) • Shall not contain more than 1 bedroom
Maximum Height	<ul style="list-style-type: none"> • Governed by the zoning district but cannot exceed the height of the primary dwelling
Architecture and Building Materials	<ul style="list-style-type: none"> • Architectural style, form, materials, and colors shall match or be compatible with the style and form of the primary dwelling
Maximum Quantity	<ul style="list-style-type: none"> • 1 ADU per parcel
Permitted Structure Types	<ul style="list-style-type: none"> • Detached or attached to the primary dwelling unit • Lawfully built structure that meets all building code requirements, including all requirements for a single-family dwelling
Prohibited Structure Types	<ul style="list-style-type: none"> • A recreational vehicle, travel trailer, motor vehicle, parts of a motor vehicle, or similar structure • Any structure not intended for permanent human occupancy • Any structure that does not meet all building code requirements for a dwelling or does not meet the use standards for an accessory dwelling unit (including layout and components)

Accessory Dwelling Unit (ADU) Site Standards	
Address	<ul style="list-style-type: none"> • Addresses for properties with an approved accessory dwelling unit shall be assigned and approved by the addressing entity
Access	<ul style="list-style-type: none"> • ADU shall utilize the same driveway that serves the primary residential dwelling

	<ul style="list-style-type: none"> • A separate driveway from any public right-of-way shall not be permitted
Location	<ul style="list-style-type: none"> • Only allowed on lots where an existing, lawfully constructed, primary single-family dwelling exists • Must be located behind the front façade of the primary dwelling and comply with all site development standards (including setbacks) of the subject zone district
Accessory Structures	<ul style="list-style-type: none"> • The ADU shall not have its own accessory structures
Ownership	<ul style="list-style-type: none"> • The ADU shall be under the same ownership as the primary dwelling • The primary dwelling or the accessory dwelling shall be owner-occupied
Parking	<ul style="list-style-type: none"> • Minimum number and design of parking spaces shall comply with Chapter 3, Section F: Parking and Loading Standards • Parking may be shared with the primary dwelling provided the number of spaces complies with Chapter 3, Section F: Parking and Loading Standards

Accessory Dwelling Unit (ADU) Utility Standards

Water & Sewage Disposal	<ul style="list-style-type: none"> • Governed by requirements of the zoning district
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Accessory Dwelling Unit (ADU) Operational Standards

Occupancy	<ul style="list-style-type: none"> • Maximum occupancy of 2 persons
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Accessory Dwelling Unit (ADU) Establishment Standards

Development Plan Approval	<ul style="list-style-type: none"> • NA
Site Plan Approval	<ul style="list-style-type: none"> • Required for review with any building permit application (or prior to occupancy if a building permit is not required) showing compliance with all regulations of this UDO.

2. Adult Day Care Facility.

- a. Adult Day Care Facility Purpose. The purpose of the adult day care facility standards is to provide additional assistance to families and caregivers to allow residents in need to remain in the community and enable continued caregiving for an impaired individual at home
- b. Adult Day Care Facility General Standards. Facility must meet commercial ADA requirements and meet or exceed State and Federal requirements.

Adult Day Care Structure Standards	
Minimum Area	<ul style="list-style-type: none"> • 150sqft per patient

Adult Day Care Site Standards	
Parking	<ul style="list-style-type: none"> • 1 space per staff member, plus 2 additional spaces
Fencing	<ul style="list-style-type: none"> • A 6-foot-tall privacy fence shall be installed to provide a secure outdoor area in the backyard for patients to enjoy.

Adult Day Care Operational Standards	
Staffing Ratio	<ul style="list-style-type: none"> • 1 staff member per 4 patients
Hours of Operation	<ul style="list-style-type: none"> • Daily 7:00am – 7:00pm

Adult Day Care Establishment Procedures	
Development Plan Approval	<ul style="list-style-type: none"> • Required regardless of whether new construction is occurring

3. Adult Oriented Business.

- a. **Adult Oriented Business Purpose.** The purpose of the adult business standards is to provide ample and reasonable opportunities for these businesses to locate in the jurisdiction while also mitigating impacts on adjacent properties. Adult oriented 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 regulations of this UDO are a legitimate and reasonable means of accountability to ensure that operators comply with reasonable regulations and ensure that operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation.
- b. **Adult Oriented Business General Standards.** These standards are supplemental to all other local or state regulations regarding adult businesses.

Adult Oriented Business Site Standards	
Separation	<p>A minimum separation of at least 1,320 feet shall be provided between all adult oriented businesses and the specific structures and/or uses as specified below. The distance shall be measured with a straight line from the nearest edge of the property line of the adult business to the nearest edge of the property line of the specified use.</p> <ul style="list-style-type: none"> • Any parcel used as a school, park, church, or place of worship. • Any parcel with a residential use, residential zoning, or platted as a residential subdivision. • Any parcel used as a hotel, motel, transportation depot, or other adult oriented business. • Any parcel used as a licensed day care facility. • Any premise licensed or governed by the alcoholic beverage control regulations of the state.
Screening	<ul style="list-style-type: none"> • A continuous, evergreen landscape buffer or opaque fencing, with a minimum height of 6 feet, shall be maintained along the side and rear property lines for the purpose of screening the use from view of adjacent properties
Exterior Display	<ul style="list-style-type: none"> • No adult oriented business shall be conducted in any manner that permits the observation of any material depicting, describing, or relating to specified sexual activities or specified anatomical areas by display, decoration, sign, show window, or other opening from public view. • Adult oriented businesses shall comply with all regulations governing signs under Chapter 3, Section G: Sign Standards

Adult Oriented Business Operational Standards	
Operational Standards	<ul style="list-style-type: none"> • NA

Adult Oriented Business Establishment Procedures	
Development Plan Approval	<ul style="list-style-type: none"> • Required regardless of whether new construction is occurring

4. Campground and Recreational Vehicle Park.

- a. Campground and RV Park Purpose. 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.
- b. Campground and RV Park General Standards. 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.

Campground & RV Park Structure Standards	
Permitted Structures	<ul style="list-style-type: none"> • Temporary, non-permanent lodging structures, such as tents, recreational vehicles (RVs), camping trailers, and similar • Permanent shared facilities normally associated with a campground, such as a bathhouse or emergency shelter • Permanent structures for operation (such as office), maintenance, or storage facilities used in the campsite operations
Prohibited Structures	<ul style="list-style-type: none"> • Permanent or semi-permanent structures used or intended for dwellings or overnight accommodations, such as cabins, lean-tos, etc. • Any permanent structure that is located on an individual campsite

Campground & RV Park Site Standards	
Minimum Development Area	<ul style="list-style-type: none"> • 10 acres
Minimum Setback	<ul style="list-style-type: none"> • Governed by the subject zoning district but shall be at least 25 feet from local roads and 50 feet from all other roads.
Maximum Gross Density	<ul style="list-style-type: none"> • 10 campsites per acre
Minimum Separation of Campsites	<ul style="list-style-type: none"> • 25 feet between campsites
Minimum Campsite Area	<ul style="list-style-type: none"> • 990 sq ft per campsite
Access	<ul style="list-style-type: none"> • An entrance roadway from a public road shall be provided that is at least 24 feet in width • Internal roads must be paved
Internal Circulation	<ul style="list-style-type: none"> • All campsites shall gain access through an internal, private roadway; campsites shall not gain access from any public road • All internal roads shall be at least 10 feet in width for one-lane roads and at least 20 feet in width for two-lane roads • Fire and EMS shall approve site plan for adequate accessibility
Drainage	<ul style="list-style-type: none"> • All areas shall be well-drained and designed to provide sufficient space for camping activities, vehicles, sanitary facilities, and appurtenant equipment • All development shall comply with the applicable stormwater and drainage ordinances
Location	<ul style="list-style-type: none"> • Cannot be located in a floodplain or an area subject to periodic flooding • Cannot be located adjacent to swamps, marshes, railroads, stockyards, industrial sites, or other such locations which would constitute a health or safety hazard

Campground & RV Park Operational Standards

Duration of Stay

- Maximum of 180 overnight stays within 12 consecutive months
-

Campground & RV Park Establishment Procedures

Development Plan Approval

- Required
-

5. Home Based Business with Employees.

- a. Home Based Business with Employees Purpose. The purpose of regulating and limiting commercial activities in residential dwellings or on residentially used parcels is to ensure that they are incidental and accessory to a legal residential dwelling, compatible with surrounding uses, and do not add significant traffic, noise, or other nuisances to the residential areas in which they are located.
- b. Home based Business with Employees General Standards.

Home Based Business Site Standards	
Location	<ul style="list-style-type: none"> • All business activity must be conducted entirely within the primary dwelling unit and/or entirely within a permitted accessory structure on the same parcel as the primary dwelling unit
Access	<ul style="list-style-type: none"> • No additional access points and/or driveways shall be permitted • Adequate measures shall be taken to maintain safety for trucks and vehicles entering the public roadway at slower speeds, including but not limited to, deceleration/acceleration lanes or passing blisters
Outdoor Storage	<ul style="list-style-type: none"> • Display of goods or products for sale is prohibited • All outdoor storage areas or areas used to park equipment or vehicles shall be: <ul style="list-style-type: none"> ○ Behind the rear elevation of the primary dwelling unit; and ○ Within a fully enclosed structure or have a solid fence, masonry wall, or continuous evergreen screen on all sides (excluding driveways) that is a minimum of 6 feet in height to provide screening from adjacent properties. Fences shall comply with all regulations of this UDO
Context	<ul style="list-style-type: none"> • There shall be no evidence on the exterior of the premises that the property is used in any way other than for a residential dwelling. All structures shall retain a residential character • No mechanical equipment shall be used that creates any electrical or other interference, noise, or impacts that are not normally associated with a residential use
Parking	<ul style="list-style-type: none"> • Parking shall comply with Chapter 3, Section F: Parking and Loading Standards
Signs	<ul style="list-style-type: none"> • Signs shall comply with Chapter 3, Section G: Sign Standards

Home Based Business Operational Standards			
Employees	<ul style="list-style-type: none"> • Maximum 2 external employees are allowed on site at one time • Does not include the resident(s) 		
Clients/Customers	<ul style="list-style-type: none"> • Maximum of 10 clients/business-related visitors allowed on site per day • No more than 2 present on the site at one time 		
Hours of Operation	<ul style="list-style-type: none"> • Business hours shall be limited to 7:00 am to 7:00 pm unless specified otherwise with the special exception approval or through an approved variance 		
Permitted Uses (examples)	<p>Examples of home based businesses that are able to meet the standards and requirements include but are not limited to:</p> <table border="0" style="width: 100%;"> <tr> <td style="vertical-align: top; width: 50%;"> <ul style="list-style-type: none"> • bakery, catering, and meal services • dog grooming • carpentry • e-commerce • events planning • fitness training and wellness coaching (in-person and online) • handyman services • home-based beauty services (hair, nails, makeup, etc.) • home cleaning services • homeschooling for non-resident children • lawn care services </td> <td style="vertical-align: top; width: 50%;"> <ul style="list-style-type: none"> • homemade product production and sales • meditation/massage therapy • music instruction • online resale pet care and dog walking services • photography, graphic design, and advertising services • product resale • professional services (law, insurance, accounting, travel, etc.) • small engine repair • tailoring and alterations • tutoring </td> </tr> </table>	<ul style="list-style-type: none"> • bakery, catering, and meal services • dog grooming • carpentry • e-commerce • events planning • fitness training and wellness coaching (in-person and online) • handyman services • home-based beauty services (hair, nails, makeup, etc.) • home cleaning services • homeschooling for non-resident children • lawn care services 	<ul style="list-style-type: none"> • homemade product production and sales • meditation/massage therapy • music instruction • online resale pet care and dog walking services • photography, graphic design, and advertising services • product resale • professional services (law, insurance, accounting, travel, etc.) • small engine repair • tailoring and alterations • tutoring
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Prohibited Uses (examples)	<p>Examples of home based businesses that create neighborhood conflict or cannot easily meet the standards and requirements include but are not limited to:</p> <table border="0" style="width: 100%;"> <tr> <td style="vertical-align: top; width: 50%;"> <ul style="list-style-type: none"> • any type of repair or assembly of vehicles with internal combustion engines, such as automobiles, motorcycles, scooters, snowmobiles, marine engines, etc. • adult entertainment • dance studio • house of worship • landscaping and tree services • major appliance repair </td> <td style="vertical-align: top; width: 50%;"> <ul style="list-style-type: none"> • medical services • operations requiring a Federal Firearms License of Type 02, 06, 07, 08, 09, 10, 11 or any combination of these types • private schooling with organized classes • therapy and counseling services • veterinary services • welding, tooling, or machine shop </td> </tr> </table>	<ul style="list-style-type: none"> • any type of repair or assembly of vehicles with internal combustion engines, such as automobiles, motorcycles, scooters, snowmobiles, marine engines, etc. • adult entertainment • dance studio • house of worship • landscaping and tree services • major appliance repair 	<ul style="list-style-type: none"> • medical services • operations requiring a Federal Firearms License of Type 02, 06, 07, 08, 09, 10, 11 or any combination of these types • private schooling with organized classes • therapy and counseling services • veterinary services • welding, tooling, or machine shop
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Home Based Business Establishment Procedures	
Development Plan Approval	<ul style="list-style-type: none"> • Required

6. Home Occupation.

- a. Home Occupation Purpose. The purpose of regulating personal home occupations in residential dwellings is to ensure these activities are incidental and accessory to a legal residential dwelling, compatible with surrounding uses, and do not add traffic, noise, or other nuisances than would normally be encountered within the districts they are located.
- b. Home Occupation General Standards.

Home Occupation Site Standards	
Location	<ul style="list-style-type: none">• All business activity must be conducted entirely within the primary dwelling unit or entirely within a permitted accessory structure upon the same parcel as the primary dwelling unit
Access	<ul style="list-style-type: none">• No additional access points and/or driveways shall be permitted
Outdoor Storage	<ul style="list-style-type: none">• Outdoor storage (including equipment parking) or display of goods or products is prohibited
Context	<ul style="list-style-type: none">• There shall be no evidence on the exterior of the premises that the property is used in any way other than for a residential dwelling.• All structures shall retain a residential character.• No mechanical equipment shall be used that creates any electrical or other interference, noise, or impacts that are not normally associated with a residential use
Parking	<ul style="list-style-type: none">• Parking shall comply with Chapter 3, Section F: Parking and Loading Standards
Signs	<ul style="list-style-type: none">• Signs shall comply with Chapter 3, Section G: Sign Standards
Deliveries	<ul style="list-style-type: none">• No deliveries or pick-ups shall be allowed other than from commercial parcel delivery services (e.g., USPS, UPS, FedEx, DHL)

Home Occupation Operational Standards			
Employees	<ul style="list-style-type: none"> • A home occupation shall not have any employees on-site other than the resident(s) of the dwelling. 		
Clients and Customers	<ul style="list-style-type: none"> • Maximum of 3 clients/business-related visitors allowed on site per day • No more than 1 present on the site at one time. 		
Permitted Uses (examples)	<p>Examples of home occupations that are able to meet the standards and requirements include but are not limited to:</p> <table border="0" style="width: 100%;"> <tr> <td style="vertical-align: top; width: 50%;"> <ul style="list-style-type: none"> • bakery, catering, and meal services • carpentry • e-commerce • events planning • fitness training and wellness coaching (in-person and online) • handyman services • home cleaning services • lawn care services • homemade product production and online sales • meditation/massage therapy </td> <td style="vertical-align: top; width: 50%;"> <ul style="list-style-type: none"> • music instruction • online resale • pet care and dog walking services • photography, graphic design, and advertising services • product resale • professional services (law, insurance, accounting, travel, etc.) • tailoring and alterations • tutoring </td> </tr> </table>	<ul style="list-style-type: none"> • bakery, catering, and meal services • carpentry • e-commerce • events planning • fitness training and wellness coaching (in-person and online) • handyman services • home cleaning services • lawn care services • homemade product production and online sales • meditation/massage therapy 	<ul style="list-style-type: none"> • music instruction • online resale • pet care and dog walking services • photography, graphic design, and advertising services • product resale • professional services (law, insurance, accounting, travel, etc.) • tailoring and alterations • tutoring
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Home Occupation Establishment Procedures	
Development Plan Approval	<ul style="list-style-type: none"> • NA
Site Plan Approval	<ul style="list-style-type: none"> • Required only if a building permit is required.

7. Manufactured Home Park.

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

Manufactured Home Park Structure Standards	
Structure Types	<ul style="list-style-type: none"> Only manufactured homes are permitted as dwellings within a manufactured home park. No recreational vehicles (RVs), travel trailers, or similar vehicles shall be used as dwellings No transient or non-permanent manufactured homes or travel trailers shall be located in a manufactured home park (except as allowed in this section) Coin-operated laundries, recreational rooms, storm shelters, and similar amenities may be permitted in manufactured home parks
Structure Standards	<ul style="list-style-type: none"> All manufactured homes shall comply with the structure standards in Chapter 3, Section 1.7: Structure Standards, Manufactured Home Occupancy The minimum residential living area requirement of the underlying zoning district shall NOT apply

Manufactured Home Park Operational Standards	
Resident Manager	<ul style="list-style-type: none"> A resident manager or park manager shall be required to oversee that the ordinances and laws regulating the manufactured home park are observed The resident manager or park manager shall reside on-site, and a designated person shall be accessible to contact 24 hours a day and 7 days a week for emergencies
Register of Residents	<ul style="list-style-type: none"> Every manufactured home park shall maintain a current register of all occupants, which shall include, at a minimum, the names of all persons residing in the manufactured home park; the make, type and serial or license number of each manufactured home; and the location of the space occupied The park owner shall provide the list, and any updates, to the Assessor's Office

Manufactured Home Park Establishment Procedures	
Development Plan Approval	<ul style="list-style-type: none"> Required to ensure that it meets all applicable building codes and regulations

8. Short-term Rental.

- a. Short-term Rental Purpose. The purpose of the short-term rental standards is to ensure compliance with the provisions of IC 36-1-24 as well as:
- i. Set an appropriate balance between the interests of the jurisdiction’s residents, business owners, visitors to the community, and property owners wishing to engage in short-term rental of dwellings;
 - ii. Ensure issues related to fire safety and life safety codes are met; and
 - iii. Allow homeowners to benefit from added income.
- b. Short-term Rental General Standards.

Short-term Rental Structure Standards	
Permitted Structure Types	<ul style="list-style-type: none"> Short-term rental units shall be located in lawfully built dwelling unit that meet all applicable building code requirements. A short-term rental may be within a primary dwelling or within an accessory dwelling unit that conforms with Chapter 4, Section B.1: Accessory Dwelling Units
Prohibited Structure Types	<ul style="list-style-type: none"> A recreational vehicle, travel trailer, automobile, shipping container, or similar structure A motor vehicle, or a part of a motor vehicle Any structure not intended for permanent human occupancy

Short-term Rental Site Standards	
Parking	<ul style="list-style-type: none"> Parking shall comply with Chapter 3, Section F: Parking and Loading Standards
Signs	<ul style="list-style-type: none"> Signs shall comply with Chapter 3, Section G: Sign Standards

Short-term Rental Operational Standards	
Occupancy	<ul style="list-style-type: none"> Maximum overnight occupancy shall be 2 persons per sleeping area, but not to exceed 10 people, regardless of the number of sleeping areas

Short-term Rental Establishment Procedures	
Development Plan Approval	<ul style="list-style-type: none"> NA
Annual Registration Permit	<ul style="list-style-type: none"> Each short-term rental unit shall be registered individually on an annual basis with the Administrator in accordance with IC 36-1-24-11. As part of the annual registration, an inspection may be required to ensure the structure/unit meets all of the applicable building codes and is safe and habitable. Short-term rental owners who do not comply with the regulations may be subject to enforcement actions including inspections, citations, and/or revocations of registration.

9. Solar Energy System, Accessory.

a. **Accessory Solar Energy System Purpose.** The primary purpose of these accessory solar energy system standards is to allow for the production of energy to serve the energy needs of the tract or parcel of real property upon which the accessory system is to be located, regardless of the use or zoning of the property. As part of the application for building permit, the applicant(s) shall demonstrate how much energy is needed and how the proposed system size will fulfill this need. Net Metering is not allowed.

b. **General Standards.**

Accessory Solar Energy Structure Standards	
Location	<ul style="list-style-type: none"> • Residential Districts. Solar panels shall only be roof-mounted. Ground-mounted units may be approved by a variance through the BZA and must follow all setback restrictions for accessory structures for the subject zoning district. • All Other Districts. Solar panels may be roof-mounted, wall-mounted, or ground-mounted.
Roof-mounted Systems	<ul style="list-style-type: none"> • A roof-mounted system may be located on a principal or accessory building • Panels shall project no more than a maximum of 18 inches above the sloped roof plane • Panels installed on a sloped roof shall not project vertically more than the height requirements for the district in which they are located and shall not project horizontally beyond the roof line
Wall-mounted Systems	<ul style="list-style-type: none"> • A wall-mounted system may be located on a principal or accessory building • Panels shall comply with the setbacks for primary and accessory structures as appropriate in the subject zoning district • Panels shall be designed and installed to allow proper access to and around the roof structure for emergency personnel
Ground-mounted Systems	<ul style="list-style-type: none"> • Panels shall comply with the setbacks for accessory structures in the subject zoning district • Solar panels shall be designed and installed to allow proper access for emergency personnel

Accessory Solar Energy System Establishment Procedures	
Building Permit Required	<ul style="list-style-type: none"> • A building permit is required to establish an accessory solar energy system
Additional Standards May Apply	<ul style="list-style-type: none"> • Solar panels may be subject to private restrictions (e.g., HOA covenants); however, the town's permit process will not include such reviews. Any enforcement of private restrictions shall be the responsibility of the applicable private parties

10. **Tiny Home or Tiny Home Development.**

- a. **Tiny Home or Tiny Home Development Purpose.** The purpose of establishing development standards for tiny homes is to ensure the safety and livability of their placement as well as managing potential impacts on the surrounding community, including aesthetics and property values.
- b. **Tiny Homes.** A Variance from the minimum living area requirements for the subject district may be required to establish a tiny home. See Chapter 5, Section D: Special Exception and Variance Procedures.
- c. **Tiny Home Development.**
 - i. **General Standards.** For the purposes of this UDO, the standards established in Chapter 4, Section B.7: Manufactured Home Park shall apply to tiny home development projects.
 - ii. **Tiny Home Development Operational Standards.** See Chapter 4, Section B.7: Manufactured Home Park.
 - iii. **Tiny Home Development Procedures.** See Chapter 4, Section B.7: Manufactured Home Park.

11. Wind Energy System, Accessory.

- a. Accessory Wind Energy System Purpose. The purpose of these regulations is to create a set of basic standards regulating the development, operation, and decommissioning of wind power devices for personal use.
- b. Accessory Wind Energy System General Standards.
 - i. The design and construction of accessory wind energy systems shall meet the following standards:
 - (a) All applicants shall construct, operate, maintain, repair, provide for removal of, modify and/or restore the permitted system in strict compliance with all current applicable local, state, and federal technical and safety-related codes, including, but are not limited to, construction, building, electrical, fire, safety, health, and land use codes and regulations. In the event of a conflict between or among any of the preceding, the more restrictive shall apply.
 - (b) All applicants shall obtain, at their own expense, all permits and licenses required by applicable laws, rules, regulations, and/or codes, and the applicant must maintain the applicable permits and licenses, in full force and effect, for as long as required by the jurisdiction or any other governmental entity or agency having jurisdiction over the applicant.
 - (c) All applicants shall notify the Administrator of any intended modification of an accessory wind energy system and shall make application to modify the height, relocate or rebuild such structure.
 - (d) Accessory wind energy systems shall conform to applicable industry standards of the American National Standards Institute (ANSI) and be approved by a wind certification program recognized by the American Wind Energy Association. All systems that are over twenty-five (25) feet in height must be designed by a Professional Engineer licensed to practice in the State of Indiana. The engineer must certify that the foundation and tower constructed for all structures is within acceptable code and industry standards—given local soil and climate conditions.

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

	<ul style="list-style-type: none"> • Wind energy system structures that are established to serve an existing agricultural use may not exceed forty-five (45) feet in height and must be situated at least fifty (50) feet from all property lines and overhead utility easements to be exempt from the provisions set forth in this UDO.
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Accessory Wind Energy System Establishment Procedures	
Site Plan Approval	<ul style="list-style-type: none"> • Wind energy system structures that are established to serve an existing agricultural use shall submit a site plan for approval with any building permit application showing compliance with all regulations of this UDO.
ILP Submittal	<ul style="list-style-type: none"> • An ILP is required and must be applied for and approved prior to any site work. • No wind system of any type shall be installed or constructed until the application is reviewed and approved by the Administrator, and a permit has been issued. • Any permit issued for wind system shall not be assigned, transferred, or conveyed without the express prior written notification to the Administrator.
Applications	<ul style="list-style-type: none"> • Consideration: If it is determined that the application meets the purpose, intent, and standards of this ordinance, the application shall be approved. If it is determined that the application does not meet the purpose, intent, and/or standards of this ordinance, the application shall be denied with the specific reasons detailed. • Modification: Applications for the modification of an existing structure that does not increase the overall height, or appearance shall be considered a permitted use if it was legally permitted and/or approved previously.
Outside Review	<ul style="list-style-type: none"> • The town may at its discretion delegate or designate other official agencies to accept, review, analyze, evaluate, and make recommendations with respect to the approval, or denial, of proposed wind systems.

12. **Wireless Communication Facility.**

- a. **Wireless Communication Facility Purpose.** It is the purpose of this section to allow for the appropriate siting of new wireless communication facilities in the jurisdiction in compliance with current state statute procedures. The regulations set forth in this ordinance allow for and regulate wireless communication facilities while also taking into consideration the health, safety, and general character of the surrounding neighborhood.
- b. **Wireless Communication Facility General Standards.** In accordance with IC 8-1-32.3 and notwithstanding IC 36-7-4 or any rules adopted by the BZA, the following provisions apply to all applications submitted under this section:
 - i. **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:
 - (1) Travel expenses incurred by a third party in its review of an application; or
 - (2) Direct payment or reimbursement of third-party fees charged on a contingency basis.
 - ii. **Non-discrimination.** The Administrator or the BZA may not discriminate against 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.
 - iii. **Fall Zone Limitation.** The Administrator or the BZA may not impose a fall zone requirement for a wireless support structure that is larger than the area within which the structure is designed to collapse, as set forth in the applicant's engineering certification for the structure. However, a fall zone requirement that is larger than the area described above may be imposed if the Administrator or the BZA provide evidence that the applicant's engineering certification is flawed. This evidence must include a study performed by a professional engineer.
 - iv. **All Other Land Use and Development Standards Apply.** These additional rules do not affect the ability of the applicable jurisdiction to exercise other zoning, land use, planning, or other development standards with respect to the siting of new wireless support structures; or exempt the applicant from complying with applicable laws and ordinances concerning land use.

- v. Federal Standards Apply. In reviewing applications and conducting hearings, the Administrator and the BZA shall comply with all applicable provisions of Section 332(c)(7)(B) of the Federal Telecommunications Act of 1996 as in effect on July 1, 2015, and Section 6409(a) of the Middle-Class Tax Relief and Job Creation Act of 2012 as in effect on July 1, 2015.
 - vi. Information Not Required. Neither the Administrator nor the BZA may require an applicant to submit information about or evaluate an applicant's business decisions with respect to the applicant's designed service, customer demand, service quality, or desired signal strength to a particular location.
 - vii. Confidential Materials. All meetings of the BZA are subject to the Open Door Law in accordance with IC 5-14-1.5. However, neither the Administrator nor the BZA may release to the public any records that are required to be kept confidential under Federal or State law, including the trade secrets of applicants, as provided in the Access to Public Records Act (IC 5-14-3) and any other applicable laws.
 - viii. Consolidation of Multiple Applications. The Administrator shall allow an applicant to submit a single consolidated application to collocate multiple wireless service facilities, or for multiple small cell facilities that are located within the applicable jurisdiction and that comprise a single small cell network. Whenever a consolidated application is approved, the Administrator shall issue the applicant a single ILP for the multiple facilities, or for the small cell network, in lieu of issuing multiple permits for each respective facility.
 - ix. Conditions for Use of Utility Poles or Towers. Neither the Administrator nor the BZA may require or impose conditions on an applicant regarding the installation, location, or use of wireless service facilities on utility poles or electrical transmission towers.
- c. Wireless Communication Facility Operational Standards. RESERVED.
- d. Wireless Communication Facility Procedures.
- i. Permits Required. Wireless facilities shall not be constructed, erected, placed, modified, or altered until an ILP has been obtained.
 - ii. Application Required. In accordance with IC 8-1-32.3, the following procedures shall apply to the application and approval for construction of a new wireless support structure, substantial modification of a wireless support structure, or collocation of wireless facilities on an existing structure.
 - (a) Complete Application. To be considered complete, the following information must be submitted with an application for a new wireless support structure, a substantially modified wireless support structure, or collocation of a wireless facility:
 - (1) Applicant Information.
 - (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.
 - (C) The location of the proposed or affected wireless support structure or wireless facility; and

- (D) 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:
 - (E) Would not result in the same wireless service functionality, coverage, and capacity;
 - (F) Is technically infeasible; or
 - (G) It is an economic burden to the applicant.
- (H) 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.
- (I) 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 5, Section D: Special Exception and Variance Procedures.

(b) Review of Application.

- (1) Prompt Review. Upon receipt of an application for a new or significantly modified wireless support structure, the Administrator shall promptly review it for completeness. Within ten (10) business days of receiving the application, the Administrator shall notify the applicant of whether the application is complete and whether a public hearing will be required.
- (2) Failure to Notify. If the Administrator fails to notify the applicant within ten (10) business days whether the application is complete shall be considered a non-final zoning decision in accordance with IC 36-7-4-1602(c), with the applicant consequently entitled to expedited judicial review of the non-final zoning decision.

(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.
- (3) Deadline for Final Action. For purposes of this section, “reasonable period of time” shall be determined as follows:
 - (A) Collocation Only. If the request involves an application for collocation only, a reasonable period of time is not more than forty-five (45) days from the date that the applicant is notified by the Administrator that the application is complete. An application for collocation only is not subject to a public hearing before the BZA, but the Administrator may review the application for compliance with applicable building code requirements before issuing an ILP.
 - (B) New Wireless Support Structure. If the request involves an application for an ILP to construct a new wireless support structure, a reasonable period of time is not more than ninety (90) days from the date that the applicant is notified that the application is complete. The BZA shall conduct a public hearing on the request and shall make a decision on the request at the meeting at which it is first presented. Decisions made by the BZA after a public hearing conducted in accordance with this section are considered zoning decisions for purposes of IC 36-7-4 and are subject to judicial review under the IC 36-7-4-1600 series.

- (C) Substantial Modification of a Wireless Support Structure. If the request involves an application for an ILP for substantial modification of a wireless support structure, a reasonable period of time is not more than ninety (90) days from the date that the applicant is notified that the application is complete. The BZA shall conduct a public hearing on the request and shall make a decision on the request at the meeting at which it is first presented. Decisions made by the BZA after a public hearing conducted in accordance with this section are considered zoning decisions for purposes of IC 36-7-4 and are subject to judicial review under the IC 36-7-4-1600 series.
- iii. Additional Time for Application Amendment. If an applicant has requested additional time to amend its application or requested or agreed to a continuance during the review or hearing process, then the period of time prescribed above shall be extended for a corresponding amount of time.
- iv. Failure to Take Action. Failure by the Administrator or the BZA to take final action on a request within a reasonable period of time shall be considered a non-final zoning decision in accordance with IC 36-7-4-1602(c), with the applicant consequently entitled to expedited judicial review of the non-final zoning decision.

Chapter 5: Zoning Ordinance Provisions – Administration and Procedures.

A. General Provisions.

1. Compliance with Procedures and Standards.
 - a. All development of land and uses of land shall be carried out in accordance with the following in order to achieve orderly, planned, efficient, and responsible growth:
 - i. All applicable regulations and procedures within this UDO;
 - ii. All requirements outlined in the applicable application packet(s), including submittal deadlines;
 - iii. All rules and procedures established by the PC Rules and Procedures and/or BZA Rules and Procedures, including meeting dates or schedule; and
 - iv. Any additional standards, conditions, or commitments that may have been required by the PC, BZA, legislative body, or other permitting entity as part of other or previous approvals for a parcel.
 - b. The regulations of this UDO shall be considered the minimum requirements for the protection of the health, safety, comfort, morals, convenience, and general welfare of the residents of the jurisdiction.
 - c. No building permit or improvement location permit shall be issued for any parcel that does not comply with all provisions of this UDO, including all standards and required procedures.
 - d. The PC and/or BZA may require a traffic impact study to be completed by the applicant when considering applications for zone map changes, development plans, or other applications if the PC determines traffic analysis is needed.

B. Appeal of Administrative Decision Procedures.

PROCESS AND PROCEDURES FOR APPEALS

(Any decision/interpretation/order/action made by Staff in applying the standards of the UDO)

1 APPLICATION

Explanation of decision and justification supplied by Staff and Applicant.

2 PUBLIC HEARING

BZA will consider appeal at a public hearing and make a final* decision.



*BZA's decision may be appealed to Circuit or Superior Court

1. Applicability.

- a. In accordance with IC 36-7-4-918.1 and the BZA Rules and Procedures, the BZA shall hear and determine appeals as outlined in this section.
- b. As outlined by IC 36-7-4-918.1, the BZA shall hear appeals from and review an appeal for any order, requirement, decision, or determination made by:
 - i. An administrative official, hearing officer, or staff member under the UDO;
 - ii. Other body (except the PC) in relation to the enforcement of the UDO; or
 - iii. 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 BP.
- c. Appeals shall be made pursuant to and governed by IC 36-7-4-1000 thru 36-7-4-1020.
- d. Zoning decisions, as outlined in IC 36-7-4-1016, cannot be appealed to the BZA and are subject to judicial review by filing a petition for review in the appropriate court in accordance

with the IC 36-7-4-1600 series. This includes, but is not limited to, final decisions of the BZA, specific decisions of the PC, and those specifically outlined in IC 36-7-4-1016.

2. STEP 1: Application Submittal

- a. Application Required. The applicant shall submit a complete application for appeal in accordance with the application requirements. The application shall be submitted within thirty (30) days of the decision/interpretation, which is the subject of the appeal.
- b. 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.
- c. Public Notice by Applicant. Notice of public hearing shall be in accordance with the BZA Rules and Procedures. The Administrator may have the BZA automatically continue the petition to their next regular meeting (or a properly noticed special meeting) without requiring additional notice by the applicant.

3. STEP 2: BZA Public Hearing and Final Decision

- a. BZA 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.
- b. Final Decision by the BZA. The BZA may affirm, reverse, or modify the order, requirement, decision, or determination that is the subject of the appeal. The BZA may also add conditions to this decision.
- c. Appeal. The decision of the BZA may be appealed to the Circuit or Superior Court of the applicable jurisdiction.

C. Development Plan Procedures.

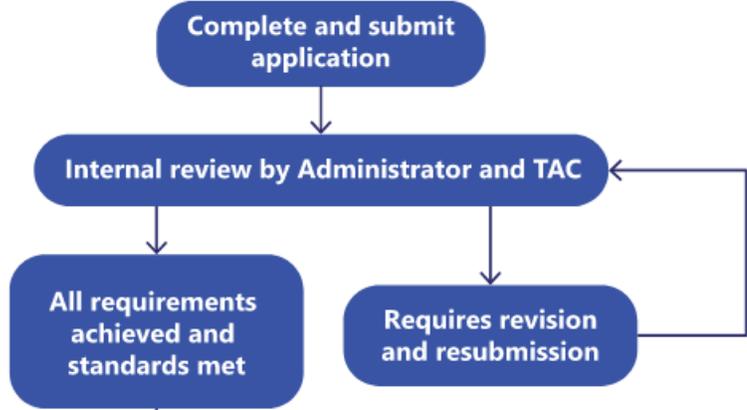
PROCESS AND PROCEDURES FOR DEVELOPMENT PLANS

(Administrative approval for the development of property for uses other than single- or two-family residential prior to obtaining a building permit, in accordance with IC 36-7-4-1400 series)

1 PRE-APPLICATION

Meet with Administrator to discuss proposal and learn about the requirements and process.

2 APPLICATION



3 ADMINISTRATIVE APPROVAL

Administrator makes decision to approve or deny. The Administrator or applicant may request that the PC consider the application at a public meeting.



4 CONSTRUCTION & DEVELOPMENT

An approved Development Plan is required in order to apply for an ILP or BP for uses other than single- or two-family residential.

1. Applicability.
 - a. In accordance with IC 36-7-4-1400 series and the PC Rules and Procedures, the PC or Administrator shall consider and make decisions regarding development plans. For purposes of this UDO, development plans are reviewed by the Administrator.
 - b. Development plan approval is not required for single-family or two-family uses unless otherwise stated in this UDO. For all other uses, development plan approval is required for all new primary structures or modifications of a parcel in all zoning districts as required by this UDO.
2. STEP 1: Pre-Application Meeting and Application Submittal.
 - a. Pre-Application Meeting Required. Prior to filing an application for development plan, the applicant shall schedule a required pre-application meeting with the Administrator, which may be held in-person, virtually (video conference), by phone, or by email. This step gives the applicant the opportunity to discuss the procedures for approval with the Administrator as well as the requirements and regulations for development.
 - b. Application Required. The applicant shall submit a complete application for development plan approval in accordance with the application requirements.
 - c. Public File. Once the Administrator determines that an application is complete and in proper form, they shall assign a file number and create a public file.
 - d. Internal Review.
 - i. The Administrator shall forward the plans to the Technical Advisory Committee (TAC) and for technical review and assign a deadline for receiving internal review comments from the TAC. At the discretion of the Administrator, the TAC review can be held in-person, virtually (video conference), by phone, or by email.
 - ii. The Administrator shall compile a written report for the applicant, PC, and the public file with comments from the staff review, TAC, and/or any other reviews, as applicable.
 - iii. After the internal review, the applicant shall make the necessary modifications to the application materials to satisfy the Administrator and resubmit the plans for review.
 - e. Public Notice. No public hearing/comment or public notice is required for development plans. Development plans are administratively approved and do not require a public meeting.
3. STEP 2: Final Decision.
 - a. Decision by the Administrator.
 - i. Approval. If the revised plans adequately addressed the comments from the internal review and the development plan complies with the standards set forth in this UDO, the Administrator shall approve the plan.
 - ii. Denial. If the revised plans have not adequately addressed the comments from the internal review, the Administrator may require additional internal review and/or the resubmittal of revised plans before reconsidering the plans.
 - iii. Comments Contested – Request Decision by PC.

- (a) Request Decision by PC. If the revised plans have not adequately addressed the comments from the internal review because the applicant disagrees with the comment(s), the applicant may submit a request for a public meeting before the PC in writing along with an explanation of disagreement. The Administrator shall also have the right to send a development plan to a public meeting of the PC for final consideration. 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 a development plan decision by the PC.
 - (c) Public Meeting. The PC shall consider the development plan at a public meeting. A public hearing and public comment are not required. The applicant or their representative shall be in attendance to present their plan and address any questions or concerns of the PC.
 - (d) 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.
- iv. Final Plans. 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 Administrator's or PC's decision.
- b. Expiration. In accordance with IC 36-7-4-1109, approval of a development plan shall be valid for two (2) years from the date of approval.
 - c. Amendment. An amendment to a development plan shall follow the same procedures for a new application as outlined in this section for development plan approval.
4. STEP 3: Construction and Development Process.
- a. Required Permits. After a development plan is approved, the construction of improvements shall occur in accordance with the procedures set forth in Chapter 8, Section E.5: Process to Obtain Improvement Location Permits (ILP) / Building Permits (BP). Construction cannot occur and permits cannot be issued prior to development plan approval.

D. Special Exception and Variance Procedures.

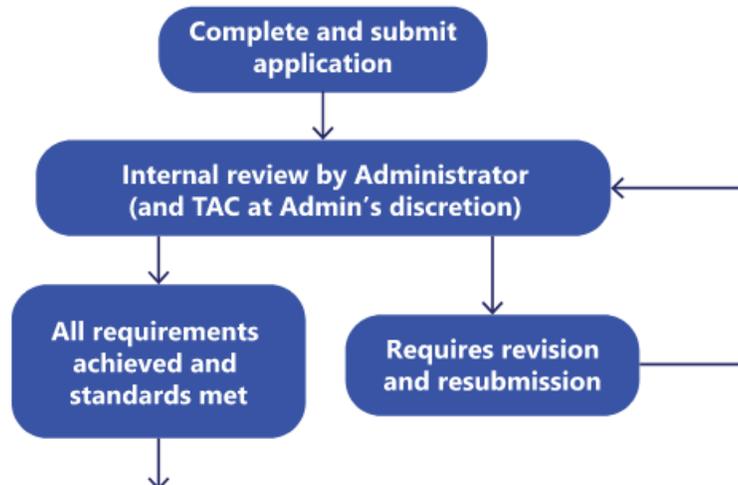
PROCESS AND PROCEDURES FOR BZA PETITIONS

(Special Exceptions, Variances from Development Standards, and Variances of Use)

1 PRE-APPLICATION

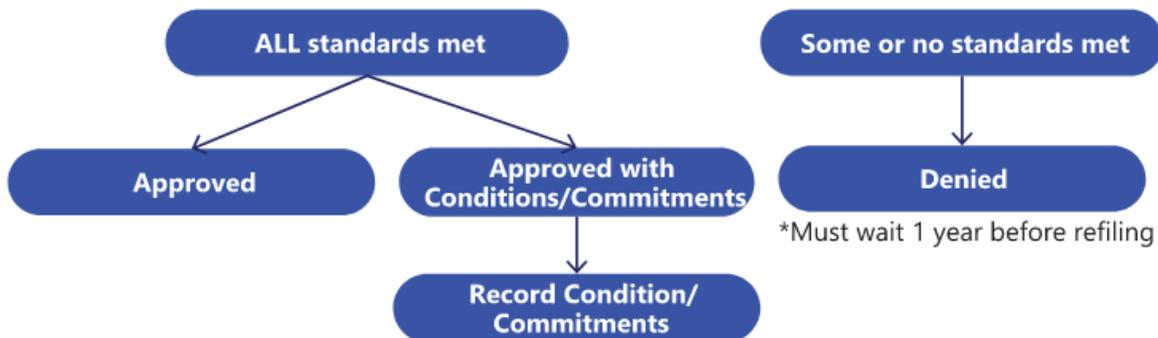
Meet with Administrator to discuss proposal and learn about the requirements and process.

2 APPLICATION



3 BZA PUBLIC HEARING

BZA considers petition and must find that ALL applicable standards are satisfied.



1. Applicability.
 - a. In accordance with IC 36-7-4-918.2 for special exceptions, IC 36-7-4-918.5 for variances from development standards, and the BZA Rules and Procedures, the BZA shall hear and make decisions 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 a special exception or variance of use.
 - b. Uses permitted by special exception in the subject zoning district may be permitted by the BZA in the districts indicated in accordance with the procedures set forth in this section.
 - c. The BZA may approve a variance from the required development standards in accordance with the procedures set forth in this section.
 - d. The BZA may approve a variance of use in accordance with the procedures set forth in this section.
2. STEP 1: Pre-Application Meeting and Application Submittal
 - a. Pre-Application Meeting Required. Prior to filing an application for special exception or variance from development standards, the applicant shall schedule a pre-application meeting with the Administrator, which may be held in-person, virtually (video conference), by phone, or by email. This step gives the applicant the opportunity to discuss the procedures for approval with the Administrator as well as the requirements and regulations for development.
 - b. Application Required. The applicant shall submit a complete application for a special exception or a variance from development standards in accordance with the application requirements and prepared in accordance with the requirements of this UDO.
 - c. 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.
 - d. Internal Review.
 - i. The Administrator shall forward the application to the Technical Advisory Committee (TAC) for technical review and assign a deadline for receiving internal review comments from the TAC. At the discretion of the Administrator, the TAC review can be held in-person, virtually (video conference), by phone, or by email.
 - ii. The Administrator shall compile a written report for the applicant, BZA, and the public file with comments from the staff review, TAC, and/or any other reviews, as applicable.
 - iii. After the internal review, the applicant shall make the necessary modifications to the application materials to satisfy the Administrator and resubmit the plans for review.
 - e. Public Notice by Applicant. Public notice by the applicant for a public hearing is required and shall be in accordance with the BZA Rules and Procedures. In the event the hearing has been properly noticed, but the plans or application materials are not completed per subsection d: Internal Review above, then the Administrator may have the BZA automatically continue the petition to their next regular meeting (or a properly noticed special meeting) without requiring additional notice by the applicant.

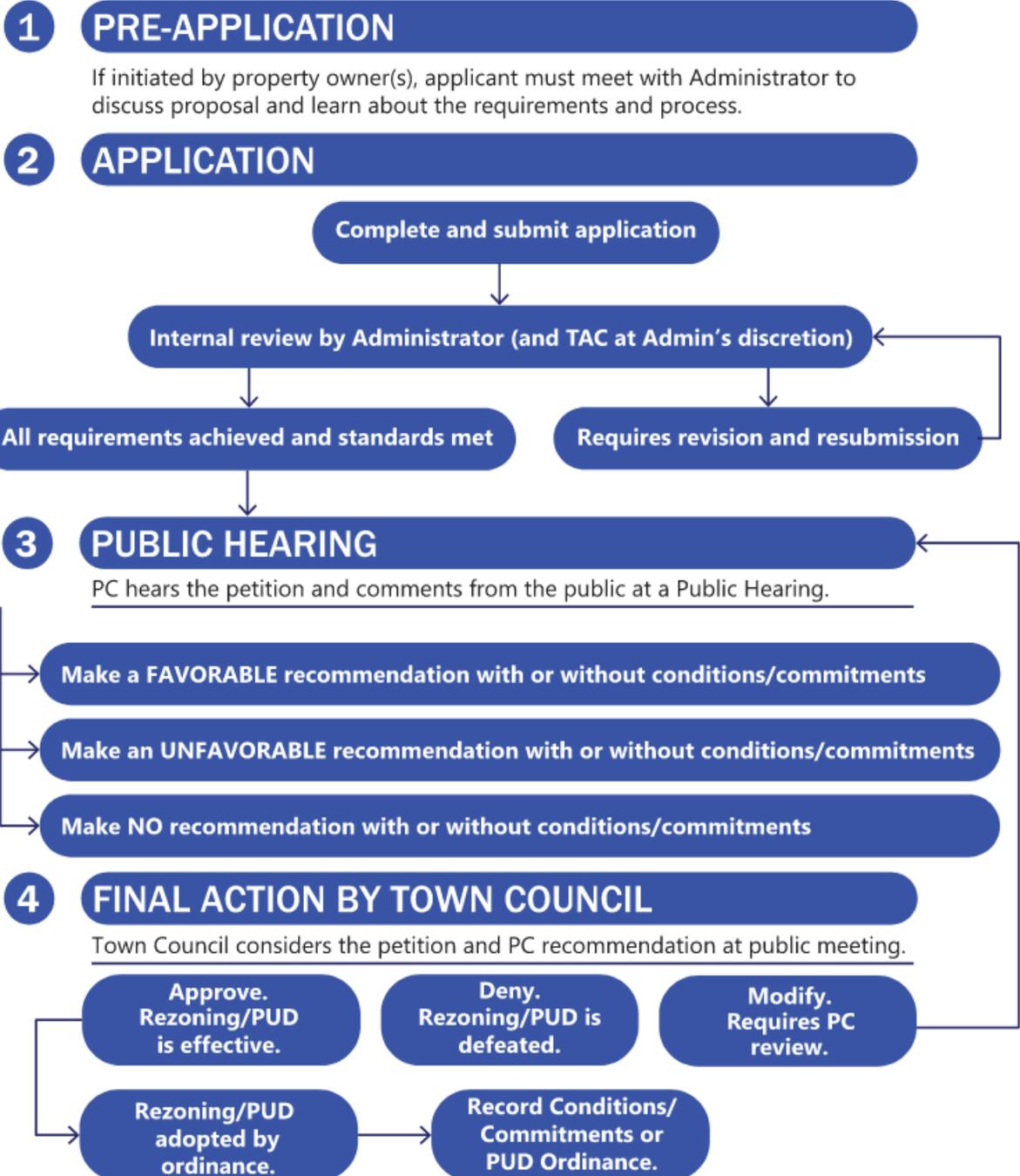
3. STEP 2: BZA Public Hearing and Final Decision.
 - a. BZA Public Hearing. The BZA shall review the special exception or variance from development standards at a public hearing. The applicant or their representative shall be in attendance to present the application and address any questions or concerns of the BZA.
 - b. Basis of Decision by BZA. The BZA shall use the following standards as a basis for their decision:
 - 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, road access, 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) All of the development standards set forth in this UDO that are applicable to such use and associated structures will be met unless the necessary variances have been granted by the BZA.
 - ii. Standards for Evaluation for Variance from Development Standards. Per IC 36-7-4-918.5, 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;
 - (c) The strict application of the terms of the ordinance will result in a practical difficulty in the use of the property;
 - (d) The variance requested is for the minimum necessary; and
 - (e) This situation necessitating the variance request shall not be self-imposed, nor be based on a perceived reduction of or restriction of economic gain.
 - 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 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.
- c. Decision by BZA.
- i. Approval. If the BZA finds that ALL of the standards have been satisfied, it shall approve the request or approve the request with conditions and/or commitments. Approved findings of fact shall be included with any approval decision.
 - ii. Denial. If the BZA does not find that all of the standards have been satisfied, it shall deny the request and approve findings of fact that specify the reason for denial. The proposal cannot be resubmitted for one (1) year unless the Administrator determines there is a substantial change to the application.
 - iii. Conditions and/or Written Commitments. Any decision may include conditions and/or written commitments in accordance with IC 36-7-4-1015 and Chapter 5, Section F.2: Written Commitments.
- d. Expiration. Approval of a special exception, variance from development standards, or variance of use shall run with the land, unless any of the following occurs:
- i. Construction of structures, occupancy of existing structures, and/or establishment of the use relevant to the approved special exception or variances has not commenced within two (2) years of approval by the BZA, the approval shall be void;
 - ii. BZA places a condition or written commitment upon the approval that identifies an expiration, but such expiration shall not be less than one (1) year; or
 - iii. The special exception use or variance of use has not been established within two (2) years of approval.
- e. Discontinuance. If a special exception or variance of use is discontinued or abandoned for any reason for more than six (6) months, it shall be deemed a non-conforming use of land. See Chapter 9: Non-conforming Lots, Structures, and Uses.
- f. Amendment. A special exception, variance from development standards, or variance of use may only be amended by the BZA by submitting a revised application through the respective application process.

E. Zone Map Change & PUD District Procedures.

PROCESS AND PROCEDURES FOR ZONE MAP CHANGES & PUD DISTRICTS

(Can be initiated by the PC, the Town Council, or by property owner)



1. Applicability.
 - a. In accordance with IC 36-7-4-600 series for zone map changes, IC 36-7-4-1500 series for PUD Districts, and the PC Rules and Procedures, the PC shall hear and make recommendations to the respective legislative body regarding zone map changes and zone map changes to a PUD District.
 - b. Zone map changes and zone map changes to a PUD District may be initiated by the PC, legislative body, or by owners of fifty percent (50%) or more of the area involved in the petition.
2. STEP 1: Pre-Application Meeting and Application Submittal
 - a. Pre-Application Meeting Required. Prior to filing an application for a zone map change or zone map change to a PUD District, the applicant shall schedule a required pre-application meeting with the Administrator, which may be held in-person, virtually (video conference), by phone, or by email. This step gives the applicant the opportunity to discuss the procedures for approval with the Administrator as well as the requirements and regulations for development.
 - b. Application Required. The applicant shall submit a complete application for zone map change in accordance with the application requirements and be prepared in accordance with the requirements of this UDO.
 - c. Additional Application Requirements for a PUD District. In addition to the required application for a zone map change, the application for a zone map change to a PUD District shall also include:
 - i. 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 one (1) or more “districts” within the PUD that allow specific land uses that are described in the PUD District Ordinance.
 - ii. 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. Regulations that are not specifically included in the PUD District Ordinance shall default to the regulations contained in this UDO as interpreted by the Administrator.
 - (a) PUD Introductory Provisions and Administration. This section shall include all of the enabling language for the PUD District Ordinance as well as purpose, intent, jurisdiction, administration, and effective date.
 - (b) PUD Districts. This section shall identify each land use district (if there is more than one) within the PUD and its purpose as well as a list of permitted land uses, special exception land uses, and development standards.
 - (c) PUD Use Standards. This section shall include an alphabetical list of any uses that have additional standards above and beyond the minimums listed in Chapter 4: Standards for Specific Uses. Note that all site development standards in Chapter 3: Site Development Standards shall apply unless this section specifically excludes or alters a site standard.
 - (d) PUD Site Development Standards. This section shall include an alphabetical list of the site standards that apply to development, such as accessory structures, architectural features, buffer yards, lighting, parking, setbacks, signs, etc. Note that all site development standards in

Chapter 3: Site Development Standards shall apply unless this section specifically excludes or alters a site standard.

- (e) PUD Definitions. This section shall include any terms that are specific to the PUD that are not defined in Chapter 10: Definitions to aid in the interpretation of the PUD ordinance.
 - d. Public File. Once the Administrator determines that an application is complete and in proper form, they shall assign a file number and create a public file. The Administrator shall announce the tentative date for public hearing before the PC.
 - e. Internal Review.
 - i. The Administrator may forward the application to the Technical Advisory Committee (TAC) for technical review and assign a deadline for receiving internal review comments from the TAC. At the discretion of the Administrator, the TAC review can be held in-person, virtually (video conference), by phone, or by email.
 - ii. The Administrator shall compile a written report for the applicant, PC, and the public file with comments from the staff review, TAC, and/or any other reviews, as applicable.
 - iii. After the internal review, the applicant shall make the necessary modifications to the application materials to satisfy the Administrator and resubmit the plans for review.
 - f. Public Notice by Applicant. Public notice by the applicant for a public hearing is required and shall be in accordance with the PC Rules and Procedures. In the event the hearing has been properly noticed, but the plans or application materials are not completed per Subsection d: Internal Review above, then the Administrator may have the PC automatically continue the petition to their next regular meeting (or a properly noticed special meeting) without requiring additional notice by the applicant.
3. STEP 2: PC Public Hearing and Recommendation by PC.
- a. PC Public Hearing. The PC shall consider the zone map change or PUD District Ordinance at a public hearing. The applicant or their representative shall be in attendance to present the application and address any questions or concerns of the PC.
 - b. Considerations for Decision. In accordance with IC 36-4-603, when considering a zone map change or zone map change to a PUD District, the PC shall pay reasonable regard to:
 - i. The Comprehensive Plan;
 - ii. Current conditions and the character of current structures and uses in each district;
 - iii. The most desirable use for which the land in each district is adapted;
 - iv. The conservation of property values throughout the jurisdiction; and
 - v. Responsible development and growth.
 - c. Recommendation by PC to Legislative Body. After consideration, the PC shall make a recommendation to the appropriate legislative body. The PC does not have the final decision on zone map changes or PUD Districts.
 - i. Favorable. The PC recommends approval of the proposal to the legislative body.
 - ii. Unfavorable. The PC recommends denial of the proposal to the legislative body.

- iii. No Recommendation. The PC does not have a recommendation of the proposal to the legislative body.
 - iv. Conditions and/or Written Commitments. Any recommendation may include conditions and/or written commitments in accordance with IC 36-7-4-1015 and Chapter 5, Section F.2: Written Commitments.
 - d. Certification of Recommendation. Within ten (10) business days after the PC recommendation, the Administrator shall certify the PC recommendation to the appropriate legislative body.
4. STEP 3: Final Decision.
- a. Decision by Legislative Body. Upon receipt of certification of the PC's recommendation, the appropriate 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.
 - i. Approval. If the proposal is adopted by the legislative body, the Administrator shall update the official zoning map accordingly.
 - ii. Denial. If the proposal is denied by the legislative body, the proposal cannot be resubmitted for one (1) year unless the Administrator determines there is a substantial change to the application.
 - b. Expiration. Approval of a zone map change shall run with the land unless a condition or written commitment specifies otherwise.
 - c. Amendment. An amendment to a zone map change or PUD District shall require a new application and only be amended in accordance with the IC 36-7-4-600 series for zone map changes and IC 36-7-4-1500 series for zone map changes to a PUD District. An amendment of an applicable condition or written commitment shall be done in accordance with IC 36-7-4-1015 and Chapter 5, Section F.2: Written Commitments.

F. Other 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, IC 36-7-4-1016, and IC 36-7-4-1600 et seq.
 - b. 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, but only after the person with standing has exhausted any and all available administrative remedies with the PC.
 - c. Nothing in this section expands the rights to review provided by Indiana law.
2. Written Commitments.
 - a. Form. A commitment must be substantiated by the form set forth in the PC or BZA Rules and Procedures and must specifically identify any persons/group/agency who may enforce the commitment. A commitment must be reviewed by the Administrator before it may be recorded.
 - b. Recording. A commitment shall be recorded in the County Recorder's Office by the applicant and takes effect upon the adoption of the proposal by the applicable body to which it relates (even if the commitment is not recorded). Following the recording of a commitment, the applicant shall return a copy of the original recorded commitment to the Administrator for PC's or BZA's file.
 - c. Persons Bound.
 - i. Unless it is modified or terminated by the body who approved the commitment (legislative body, PC, or BZA) in accordance with this section, a recorded commitment is binding on the owner of the parcel, all subsequent owners of the parcel, and any other person who acquires interest in the parcel.
 - ii. 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 Legislative Body, PC, or BZA. Except for a commitment modified or automatically terminated in accordance with this section, a commitment may be modified or terminated only by a decision of the legislative body, PC, or BZA, who required the commitment (as appropriate) and made at a public hearing after notice of the hearing has been given under the applicable Rules and Procedures.

G. Complaints, Violations, and Remedies.

1. Complaints.
 - a. 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.
 - b. The complaint shall fully state the causes and basis of the alleged violation and shall be filed with the Administrator.

- c. The Administrator or their designee shall have authority to enter upon property at any time to investigate a written complaint.
2. Investigation of Complaints.
 - a. Upon receipt of a complaint that would constitute a violation of the UDO (which shall include adequate information to investigate), the Administrator shall open a violation file and conduct an investigation of the property alleged to be in violation within ten (10) calendar days. The Administrator may also refer the matter to the PC, BZA, or the PC attorney for review.
 - b. Following this initial investigation, the Administrator shall note the findings of the investigation in the file and determine if there is a violation and provide notice as outlined in Chapter 5, Section G.5: Notice of Violation. If the Administrator determines that no violation exists, the violation file shall be closed.
3. ILP Violations.
 - a. Any person or corporation who initiates construction prior to obtaining an ILP, Certificate of Occupancy, Certificate of Completion, or any other permit or authorization required herein, shall pay the fine as set forth in the Fee Schedule.
 - b. The owner or tenant of any building, structure, or premises and any other person who participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties prescribed by this section.
 - c. No ILP or Certificate of Occupancy shall be issued for any building, structure, or improvement unless the location of the building, structure, or improvement conforms to this UDO.
4. UDO Violations.
 - a. No owner or agent of the owner of any parcel of the land located in a proposed subdivision shall transfer, sell, or convey any part of the parcel before a secondary plat of the subdivision has been approved by the PC in accordance with the provisions of these regulations and filed with the Recorder's Office.
 - b. In accordance with IC 36-1-6-2, if a property is found to be in violation of this UDO, the Administrator or their designee may enter onto the property and take appropriate action to bring the property into compliance. Furthermore, continuous enforcement orders as defined in IC 36-7-9-2 can be enforced and liens may be assessed.
 - c. 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 this UDO.
 - d. No public board, agency, commission, official or other authority shall proceed with the construction of or authorize the construction of any of the public improvements required by these regulations until the proposed subdivision has been approved by the PC in accordance with these regulations and filed with the County Recorder except as outlined in this UDO.
 - e. 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.

5. Notice of Violation.
 - a. If the Administrator determines that a violation exists, they shall issue a written Notice of Zoning Violation to the legal owner of record, the current occupant/resident, any known mortgagee-in-possession, and any other known person believed to hold a possessory interest in the subject property. The Notice of Zoning Violation shall be provided in the following three (3) ways. If the certified letter is returned undelivered, the other means of notification shall be deemed adequate, and no further notification shall be required.
 - i. Sent by certified mail;
 - ii. Sent by first class mail; and
 - iii. Posted in a conspicuous location at the subject property.
 - b. The Notice of Zoning Violation shall:
 - i. Detail the specific nature of the violation;
 - ii. Cite the section(s) of the UDO allegedly violated;
 - iii. State the penalty / fine that has been assessed;
 - iv. State that the Administrator will waive the fine if the violation is resolved through one of the options outlined in Chapter 5, Section G.6: Options to Remedy a Violation;
 - v. Provide options for remedying the violation;
 - vi. Establish a date not more than fourteen (14) calendar days following the date of mailing of the Notice of Zoning Violation, by which resolution of the violation must occur; and
 - vii. Indicate the possible additional fines and penalties that may accrue if the violation remains unresolved.
6. Options to Remedy a Violation. Upon receipt of a Notice of Zoning Violation, the owner of the subject property shall take one of the following actions no later than the deadline established in the Notice:
 - a. Option 1: Take Corrective Action.
 - i. The owner of the subject property may correct the violation by bringing the property into compliance with the standards of the UDO. Upon correction within the time allotted as stated in the Notice and following a site inspection by the Administrator or their designee confirming compliance, the Administrator shall close the Notice of Zoning Violation case, waive the fine, and notify the person who filed the complaint of the matter via first class mail.
 - ii. At the discretion of the Administrator, a written alternative timeline proposed by the subject property owner may be accepted by the Administrator if there are reasonable circumstances that necessitate additional time, but it shall provide for the full remedy of the zoning violation in a timely and reasonable manner. Examples could include, but are not limited to, paving when asphalt plants are closed for the winter, supply-chain delays in delivering necessary materials, or reasonable lead time to mobilize a contractor. Subsequent deviation from the approved alternative timeline shall result in continuing enforcement activity as prescribed by the UDO.

- b. Option 2: File a Land Use Petition or Appeal.
 - i. The owner of the subject property may file a land use petition with the PC (zone map amendment) and/or BZA (special exception or variance from development standard). No additional enforcement actions shall be performed, and no additional fines shall be imposed while the petition is pending.
 - ii. If the land use petition is denied, withdrawn, or dismissed and the violation continues, enforcement activity shall continue as prescribed by the UDO.
 - iii. If the land use petition or the appeal is approved, the Administrator shall close the Notice of Zoning Violation case, waive the fine, and notify the owner and person who filed the complaint of the matter via first class mail.
- c. Option 3: File an Appeal of the Administrator's Decision.
 - i. The owner of the subject property may file an Appeal of the Administrator's Decision with the BZA to attempt to remedy the violation. Any such petition must be filed in accordance with the applicable procedures by the date indicated on the Notice.
 - ii. As established in IC 36-7-4-1604, a petition for judicial review of a BZA decision may be filed only after exhausting all administrative remedies available. Failure to timely object to a zoning decision or timely petition for review of a zoning decision within the period prescribed waives the right to judicial review.
 - iii. Judicial review of a BZA decision is prescribed and limited by IC 36-7-4-1611.
- d. Failure to Remedy and Ongoing Enforcement.
 - i. If at least ninety (90) days have elapsed from the mailing of a Notice of Zoning Violation and the violation has not been resolved, the Administrator shall record a statement tallying all outstanding fees and fines related to the Notice of Zoning Violation, as provided by IC 36-1-6-2. The statement shall include the name of the owner(s) of the parcel of real property on which fees are delinquent; the legal description of the subject property as shown on the records of the County Auditor; and the amount of the delinquent fees.
 - ii. The statement shall be recorded with the County Recorder, who shall charge a fee for recording the statement under the fee schedule established in IC 36-2-7-10.
 - iii. A lien shall then be placed on the property owner's tax duplicate. The total amount, including any accrued interest and/or recording fees, shall be collected in the same manner as delinquent taxes are collected and shall be distributed to the town's general fund.
 - iv. If the violation is not corrected within thirty (30) days following the imposition of a lien as noted above, a lawsuit may be commenced by the designated enforcement entity in a court of general jurisdiction in Boone County, Indiana, as prescribed in this UDO, IC 36-1-6, and by other applicable laws and ordinances.
- e. Penalties and Fines.
 - i. Any person who violates or fails to comply with any provisions of this UDO shall be guilty of an ordinance violation.

- ii. Upon the issuance of the Notice of Zoning Violation, the owner may be liable for a fine of five hundred dollars (\$500.00). Each violation shall be considered a separate and distinct offense.
 - iii. If the jurisdiction is required to institute legal action to enforce this UDO, or to collect a fine thereunder, the violator shall also be responsible for the jurisdiction's reasonable attorney fees and all costs related to the enforcement or collection.
 - iv. In addition to the initial fine attached to the Notice of Zoning Violation, the owner of the subject property may be additionally liable for an additional fine of five hundred dollars (\$500.00) per violation per day if the owner has not initiated one of the options to remedy the violation as outlined in this chapter.
 - v. All fines prescribed by the section for civil zoning violations shall be paid within fourteen (14) calendar days (or longer as prescribed by the Administrator). Fines shall be made payable to the Town of Thorntown and delivered to the Administrator. Payment of a fine does not allow the violation to continue or constitute a correction of the violation.
 - vi. Except as otherwise ordered by a court, the Administrator may, at their discretion and as prescribed in this UDO, waive some or all assessed fines following the full and timely correction of a violation.
 - vii. If there is an unresolved violation on a parcel, no building permit application or land use petition may be filed unless it is intended to remedy the violation as allowed by this UDO.
- f. Civil Penalties. 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.
- g. Suit for Injunction. The PC, the BZA, the Administrator, 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 Boone County to restrain an individual, corporation, or government unit from violating the provisions of this ordinance. The PC or BZA may also institute the suit for mandatory injunction directing an individual or corporation or a governmental unit to remove a structure erected in violation of the provisions of this ordinance or the requirements thereof, or to enforce any other provision of this ordinance, and said violation being declared to be a common nuisance and as such may be abated in such a manner as nuisances are now or may hereinafter be abated under existing law.
7. Stay of Work Pending Appeals, Restraining Order, and Enforcement Stay.
- a. Stop Work during an Appeal of Administrative Decision.
 - i. 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 (stopped) 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.
 - ii. After the owner, or a person in charge of the work on the premises affected, has received notice that an appeal has been filed, the entity charged with the enforcement of the UDO

may order the work stayed (stopped) and may call on the police power of the municipality to give effect to that order.

- b. Restraining Order. After notice to the Administrator or BZA and to the owner of the premises affected and after due cause is shown, the Circuit or Superior Court in which the premises affected are located may grant the restraining order.
- c. 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 PC, 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.

H. 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 the Town of Thorntown.
2. Collection of Fees.
 - a. Improvement Location Permits and Building Permits. Fees will be calculated during the review process and shall be collected prior to the ILP being 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 and BP fees are non-refundable.
 - b. Land Alteration Permit Fees. Fees will be calculated during the review process and shall be collected prior to the LAP being issued. LAP fees are non-refundable.
 - c. PC and BZA Application Fees. Fees for all PC and BZA applications shall be collected at the time the application is filed. Application fees are non-refundable.
 - d. Erroneously Paid Fees. Fee paid in error may be refunded at the discretion of the Administrator.

Chapter 6: Subdivision Types.

A. Purpose and Intent.

1. The purpose of this Chapter is to:
 - a. Define, regulate, and control the various ways that land can be subdivided for development within the jurisdiction;
 - b. Secure efficient and equitable handling of all subdivision plans by providing uniform procedures and standards;
 - c. Promote public health, safety, general welfare, and secure the most efficient use of land;
 - d. Implement the *Comprehensive Plan* and UDO; and
 - e. Promote growth and development to further the orderly division, layout, and use of land by:
 - i. Minimizing congestion of the local roads, major roadways, highways;
 - ii. Facilitating adequate provisions for water, sewerage, and other public utilities; and
 - iii. Providing for proper ingress and egress.
2. Only those subdivision types outlined in this chapter and in the districts designated shall be permitted within the jurisdiction.

B. Minor Residential Subdivisions.

1. Intent.
 - a. A minor residential subdivision, as defined in Chapter 10: Definitions, is intended to be an expedited process for subdividing three (3) lots for single-family residential use that does not involve the opening or creation of new public rights-of-way or utility main extensions.
 - b. The design shall still allow for adequate vehicle and pedestrian access as well as foster connection to adjacent parcels where necessary.
 - c. A shared driveway may be required by the PC to provide safe access to streets and to allow for alternative lot layouts.
 - d. Parcels may be split by minor plat one (1) time. All subsequent requests to subdivide property that has been part of a minor plat shall require to be subdivided through the major platting process.
 - e. The entire parcel, including the residual property must be included in the minor residential subdivision with a new deed that is prepared and recorded.
 - f. Required road frontage per Chapter 2: Zoning Districts and Overlay Districts may be met with frontage along a private road or shared driveway.
2. Development Standards.

Development Standards for Minor Residential Subdivisions	
Permitted Districts	<ul style="list-style-type: none"> • R, HR
Minimum Development Size	<ul style="list-style-type: none"> • N/A
Minimum Open Space for Overall Development	<ul style="list-style-type: none"> • N/A
Internal Access Roads and Driveways	<ul style="list-style-type: none"> • No new public rights-of-way are permitted. If public rights-of-way are proposed, it shall be considered a Major Residential Subdivision and follow the applicable process. • Private driveways and private roads are permitted and shall comply with the applicable street design and construction standards • Shared driveways require a recorded maintenance agreement
Sidewalks	<ul style="list-style-type: none"> • Sidewalks are required and shall comply with applicable street design and construction standards • Any part of a planned path or shared trail shall be required and shall comply with the applicable street design and construction standards • Maintenance of all sidewalks is the responsibility of the abutting property owner(s)
Development Standards for Individual Lots	<ul style="list-style-type: none"> • All individual lots within the subdivision shall comply with the development standards for the subject zoning district as outlined in Chapter 2: Zoning Districts and Overlay Districts.
Design Standards for Subdivisions	<ul style="list-style-type: none"> • All applicable design standards for the subdivision shall comply with Chapter 7: Subdivision Design Standards.

C. Major Residential Subdivisions.

1. Intent.
 - a. A major residential subdivision, as defined in Chapter 10: Definitions, is intended to provide development exclusively for residential uses as permitted within the subject zoning district.
 - b. The layout shall allow for adequate vehicle, pedestrian, and alternative transportation access as well as connection to adjacent parcels and transportation networks. Driveway cuts onto arterial streets are prohibited.
2. Development Standards.

Development Standards for Major Residential Subdivisions		
Permitted Districts	<ul style="list-style-type: none"> • R, HR 	
Minimum Development Size	<ul style="list-style-type: none"> • NA 	
Minimum Open Space (based on the average lot size per dwelling unit of the entire development area)	Under 6,000 sq ft	<ul style="list-style-type: none"> • 30%
	6,000-6,999 sq ft	<ul style="list-style-type: none"> • 25%
	7,000-7,999 sq ft	<ul style="list-style-type: none"> • 20%
	8,000-14,999 sq ft	<ul style="list-style-type: none"> • 15%
	> 15,000 sq ft	<ul style="list-style-type: none"> • 10%
Lot/Internal Access	<ul style="list-style-type: none"> • All internal streets must be publicly dedicated and be constructed to the applicable street function standards per the applicable street design and construction standards • All individual driveways shall gain access from an internal road. 	
Sidewalks	<ul style="list-style-type: none"> • Required along both sides of all internal road and along both sides of perimeter roads that are immediately adjacent to the subject property. • All sidewalks shall comply with the applicable street design and construction standards • Maintenance of all sidewalks is the responsibility of the abutting property owner(s) • An alternate internal pathway network may be substituted for sidewalks on one side of a new street at the discretion of the PC. 	
Development Standards for Individual Lots	<ul style="list-style-type: none"> • All individual lots within the subdivision shall comply with the development standards for the subject zoning district as outlined in Chapter 2: Zoning Districts and Overlay Districts. 	
Design Standards for Subdivisions	<ul style="list-style-type: none"> • All applicable design standards for the subdivision shall comply with Chapter 7: Subdivision Design Standards. 	

D. Commercial and Industrial Subdivisions.

1. Intent.
 - a. 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.
 - b. The layout shall allow for adequate vehicle, pedestrian, and alternative transportation access as well as foster connection to adjacent parcels and transportation networks.
 - c. Driveway cuts onto arterial streets shall be limited and frontage streets shall be utilized.
2. Process. In order to allow for end-user flexibility, the secondary platting process may be done by full plat, individual lot, individual lot with development plan, or phase/section, as outlined in Chapter 8: Subdivision Ordinance Provisions - Administration and Procedures.
3. Development Standards.

Development Standards for Commercial and Industrial Subdivisions	
Permitted Districts	<ul style="list-style-type: none"> • PC, DB, B, LI
Minimum Development Size	<ul style="list-style-type: none"> • N/A
Minimum Open Space for Overall Development	<ul style="list-style-type: none"> • NA
Internal Access Roads	<ul style="list-style-type: none"> • Internal streets shall be private and shall be constructed to the applicable street function standards per the applicable street design and construction standards
Sidewalks	<ul style="list-style-type: none"> • Required along both sides of all internal roads and along both sides of perimeter roads that are immediately adjacent to the subject property. • All sidewalks shall comply with the applicable street design and construction standards • Maintenance of all sidewalks is the responsibility of the abutting property owner(s)
Development Standards for Individual Lots	<ul style="list-style-type: none"> • All individual lots within the subdivision shall comply with the development standards for the subject zoning district as outlined in Chapter 2: Zoning Districts and Overlay Districts.
Design Standards for Subdivisions	<ul style="list-style-type: none"> • All applicable design standards for the subdivision shall comply with Chapter 7: Subdivision Design Standards.

E. Exempt Subdivisions.

1. Intent.
 - a. The intent of this section is to establish criteria that allows lot splits to occur that are not otherwise required to go through the other subdivision processes outlined in this UDO.
 - b. 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 consult with the Administrator to verify 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 a BP or ILP.
3. Applicability. The following divisions of land are exempt from the provisions of this UDO:
 - a. A division of land that is government or court ordered.
 - b. 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.
 - c. A division of land by the Federal, State, or local government for the acquisition of right-of-way or an easement.
 - d. A division of land into cemetery plots for the purpose of burial of corpses.
 - e. A division of land for agricultural uses that does not involve 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.
 - f. A division of land that combines/reconstitutes property lines such that no new building lots are created.
 - g. 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.
 - h. 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.
 - i. A division of residentially used or residentially zoned land into two (2) parcels where:
 - i. All parcels, including the remnant parcel, are at least ten (10) acres in size,
 - ii. Have not been previously subdivided, and
 - iii. No public infrastructure or public right-of-way is proposed.

Chapter 7: Subdivision Design Standards.

A. Purpose.

1. These subdivision design standards are intended to provide predictability to subdividers and property owners while ensuring the residents of Thorntown 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.
 - a. The subdivision development standards included in this chapter are intended to be met in addition to all other applicable structure, lot, and/or site standards in other sections of this UDO which shall still apply.
 - b. All major and minor subdivisions shall comply with the requirements of this chapter and all other applicable laws, rules, and regulations. Secondary plat approval may be withheld if a subdivision does not comply with all requirements of this UDO and the following:
 - i. All applicable statutory provisions;
 - ii. All requirements of the UDO, zoning map, building codes, fire codes, County Health Department, and all other applicable laws of the appropriate local, state, and/or federal jurisdictions;
 - iii. All regulations of INDOT, if the subdivision or any lot abuts a state highway or connecting public road;
 - iv. All standards and regulations adopted by all Thorntown boards, commissions, agencies, and officials (where applicable); and
 - v. All applicable requirements of the applicable stormwater and drainage ordinances, Flood Hazard Ordinance, applicable street design and construction standards, and other adopted or approved plans and ordinances, including all public roads, drainage systems, and parks (if applicable).
2. Extension of Infrastructure.
 - a. All public improvements and required easements shall be extended to the boundary lines of the parcel being subdivided.
 - b. Public roads and easements for water lines, wastewater systems, electric lines, natural gas, telecommunications lines, and others shall be constructed to promote the logical extension of public infrastructure to adjacent parcels.
3. Plats Straddling Municipal Boundaries.
 - a. Whenever access to the subdivision requires crossing land in another jurisdiction, the PC may request an affidavit from the subdivider stating that access is legally enabled by the outside jurisdiction.
 - b. In general, lot lines shall be laid out so as not to cross municipal boundary lines.

C. Access and Connectivity.

1. General.
 - a. All subdivisions of land shall have frontage on and access from an existing public (state, county, or local) road or private driveway as permitted by this UDO.
 - b. No subdivision shall prevent an adjacent property from accessing a public road (such as using reserve strips) or create or perpetuate the land-locking of an adjacent parcel.
 - c. The extension of roads to the exterior boundary of the subdivision or continuation of public roads between adjacent parcels for the effective movement of traffic, extension of utilities, and/or effective fire protection shall be required, unless the PC determines that such extension is:
 - i. Not feasible due to topography or other physical conditions; or
 - ii. Not necessary or desirable for the coordination of the subdivision based on future development of adjacent tracts.
 - d. A partial right-of-way along an exterior boundary line of a subdivision shall be required based on the *Thoroughfare Plan*, including the extension of arterial or collector roads.
 - e. All easements and rights-of-way from a major or minor subdivision or a lot within a major or minor subdivision that provide access to a public road shall be approved by the PC.
 - f. All public roads must be located above the 100-year FEMA flood elevation unless approved by the Floodplain Administrator.
2. Access to Freeway/Expressway, Arterials, and Collectors. Where a subdivision borders or contains an existing or proposed freeway/expressway, major/minor arterial, or major/minor collector, the PC may limit direct access of individual lots onto these roads by one (1) or more of the following based on the recommendation of the PC:
 - a. Frontage or Service Roads. Frontage or service roads that are separated from the arterial or collector by a planting area or grass strip. These roads shall have access at suitable points to the arterial or collector. All frontage or service roads shall be designed to comply with the applicable street design and construction standards.
 - b. No Access Easement. A five (5) foot “no-access easement” along a freeway/expressway, arterial, or collector road for parcels that can gain access from an internal, local road.
 - c. Shared Driveway. A shared private driveway with an adjacent parcel(s) that includes an access easement to a local road.
 - d. Other Treatments. Other similar treatments deemed necessary for the adequate preservation of the public roadway functionality, safety, protection of residential properties, and separation of through and local traffic.
3. No-Access Easements.
 - a. Where a residential subdivision borders or contains an existing or proposed railroad or a public road that is defined by INDOT as a limited access highway, the following easements shall be provided to limit access and provide adequate setback from these rights-of-way.

- i. A five (5) foot “no-access easement” shall be provided along a freeway/expressway, arterial, or collector road for parcels that can gain access from an internal, local road.
 - ii. A twenty-five (25) foot “no-access easement” shall be provided adjacent to any railroad right-of-way or public road that is defined by INDOT as a limited access highway.
 - b. Parking areas, driving lanes/areas, and similar vehicular areas and access are prohibited within the no-access easement. Structures are prohibited except for fences and structures that do not require an ILP and/or building permit.
 - c. All no-access easements shall be designated on the plat: "Reserved as buffer. Access and the placement of structures within the easement is restricted."
- 4. Subdivision Entrances.
 - a. Minimum Number of Entrances. All residential subdivisions shall provide the following minimum number of required entrances onto a public road.
 - i. Less than Twenty-five (25) Residential Units. A minimum of one (1) entrance shall be provided.
 - ii. Twenty-five (25) to Two Hundred (200) Residential Units.
 - (a) A minimum of two (2) entrances shall be provided with access to two (2) separate public roads.
 - (b) If the subdivision only abuts one public road, the subdivision shall be required to provide two (2) entrances onto the one public road.
 - (c) If there is not appropriate distance between entrances and/or other roadways and intersections (as determined by the PC), a single entrance with a median divider is allowed. Each travel lane shall be at least fourteen (14) feet wide excluding curbs and gutters to allow for emergency access if one travel lane is inaccessible. The median shall be at least twelve (12) feet in width to accommodate a separate left-turn lane if necessary or needed in the future. The median divider shall extend from the intersection with the public road to the first road intersection within the subdivision.
 - iii. More than Two Hundred (200) Residential Units. The number of separate entrances required, and the location of those entrances shall be determined by the PC.
 - iv. Access Installation. The timing of the installation of the second/additional point(s) of access shall be established at the time of primary plat consideration.
 - b. Level of Service. The subdivider shall construct all required and approved traffic mitigation measures to provide adequate roadway capacity and access for the proposed development, such as acceleration lanes, deceleration lanes, or other similar improvements.
- 5. Pedestrian Access.
 - a. If a subdivision is adjacent to a park, state forest/park, school, or other public community facility, the PC may require perpetual unobstructed easements that are at least thirty (30) feet in width in order to facilitate pedestrian access and connectivity. These easements shall be indicated on the primary and secondary plats.
 - b. Where future development includes land that has been identified by the Comprehensive Plan or other plan as a location for trails, the PC may require the subdivider 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 constructed in accordance with the applicable street design and construction standards.

D. Blocks and Lots.

1. Block and Lot Arrangement.
 - a. Blocks shall comply with the following dimensions unless the PC determines that a longer length will not be detrimental to local traffic flow.
 - i. Blocks. A minimum of four hundred (400) feet but shall not exceed two thousand six hundred (2,600) feet in length.
 - ii. Cul-de-Sacs. Cul-de-sacs are not permitted.
 - iii. Temporary Dead-End Streets. A minimum of four hundred (400) feet but shall not exceed one thousand (1,000) feet in length.
 - b. The PC may require pedestrian ways, easements, and/or cross walks through the center of blocks when deemed essential to provide pedestrian circulation, accommodate utilities and drainage facilities, or provide access to schools, playgrounds, shopping centers, transportation, or other community facilities.
 - c. The layout of the lots shall be compatible with the topography and other physical conditions of the land in order to ensure that compliance with the UDO, Building Code, and other local, state, and federal regulations.
2. Lot Dimensions.
 - a. Lot dimensions shall comply with the minimum standards of the UDO.
 - b. Lots shall be suitable in size and dimensions for the type of development anticipated and not result in insufficient areas 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.
 - d. Dimensions of corner lots shall be large enough to allow for erection of buildings, observing that corner lots have two front yards as outlined in this UDO.
 - e. 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.
3. Lot Orientation.
 - a. The lot line common to the public road right-of-way shall be the front line. All lots shall face the front line.
 - b. Wherever feasible, rear lot lines should not abut the side lot line of an adjacent lot.
 - c. Double frontage lots, through lots, and reverse frontage lots shall be avoided except where necessary to accommodate perimeter lots (exterior lots) within a subdivision or to overcome difficulties of topography and orientation.

E. Covenants.

1. Purpose. The purpose of the covenants drafted by the subdivider is typically to create a more consistent appearance of structures as well as provide additional control over the activities that take place within the subdivision boundaries to protect the property values.
2. General.
 - a. Covenants are required for all new subdivisions that include areas under common ownership (common areas, ponds, drainage features, entry areas, etc.).
 - b. Covenants are generally a combination of restrictions on the use of property and affirmative obligations imposed by the subdivider on the owner of a property within a subdivision.
 - c. These covenants are above and beyond the zoning and subdivision regulations required for the jurisdiction, but restrictions cannot supersede, contradict, or replace town, state, or federal regulations.
 - d. Covenants shall be reviewed by the Administrator or their designee prior to approval of the secondary plat to ensure they do not conflict with the UDO.
 - e. A Homeowners Association (HOA) or Property Owners Association (POA) is required to be established for the administration of the covenants and oversight of the subdivision. Officers of the HOA/POA shall be identified and provided to the Administrator on an annual basis.
 - f. Financial contributions (dues) shall be established in an appropriate amount to ensure that amenities, infrastructure, and common areas under the joint ownership of all property owners within the development will be properly maintained in perpetuity.
3. Self-imposed Restrictions.
 - a. If a subdivider or property owner places restrictions on any land contained within a subdivision that are more restrictive than those required by this UDO, such restrictions shall be indicated or referenced on the secondary plat.
 - b. All restrictive covenants shall be recorded with the County Recorder, and a copy of the recorded covenants with the appropriate stamp from the County Recorder's office shall be provided to the Administrator.
4. Required Covenant Language. See Section F.4: Required Covenant Language Regarding Drainage for language that must be in the covenants and on the plat regarding drainage.
5. Enforcement. Only regulations specifically found in the UDO or made a part of an approval by the PC/BZA are enforceable by the Administrator. Restrictive covenants will not be enforced by the town, the PC, or the Administrator and must be enforced by the HOA/POA (or the subject property owners) through the civil courts.

F. Drainage, Stormwater, and Erosion Control.

1. General.
 - a. All drainage shall comply with all state requirements and the applicable stormwater and drainage ordinances. All development is subject to state and local drainage approval and permits.

- b. Maintenance of drainage facilities shall be the responsibility of the subdivider until it is turned over to the HOA/POA.
 - c. If drainage areas are maintained by an HOA/POA or similar organization and said organization is dissolved, the maintenance and associated costs of any drainage facility shall be shared equally between the property owners within the platted subdivision.
 - d. No secondary plat shall be approved until the drainage plan is approved by the town.
2. Storm Drainage.
- a. The subdivider shall provide the subdivision with an adequate storm water system. The system shall conform to the applicable stormwater and drainage ordinances. A copy of the analysis shall be submitted to the Administrator with the secondary plat application and shall include with the drainage facility plans.
 - b. The plans for the installation of a storm drainage system shall be provided by the subdivider and approved by the town. The as-built plans for the system shall be filed with the Administrator upon the completion of the storm sewer installation in the electronic format requested.
3. Drainage Easements. All drainage easements shall be indicated on the primary plat and the secondary plat.
4. Required Covenant Language Regarding Drainage. In order to ensure the maintenance of a professionally designed and installed drainage system, the following paragraphs shall be required (verbatim) as a provision of the restrictive covenants for all secondary plats and shall be included in all deeds written relative to said plats. The proposed owner shall submit a copy of this covenant with the secondary plat application, and it shall be recorded prior to secondary plat approval.
- a. "Drainage swales (ditches) along dedicated roadways and within the right-of-way, or on dedicated drainage easements, are not to be altered, dug out, filled in, tiled, or otherwise changed without the written approval of the town. Property owners must maintain these swales as sodded grassways or other non-eroding surfaces. Water from roofs, parking areas, or other impervious surfaces must be contained on the property long enough so that said drainage swales or ditches will not be damaged by such water. Driveways may be constructed over these swales or ditches only when appropriately sized culverts are installed in accordance with this UDO."
 - b. "A property owner altering, changing, or damaging these drainage swales or ditches will be held responsible for such action and will be given ten (10) days' notice by certified mail to repair said damage, after which time, if no action is taken, the jurisdiction will cause said repairs to be accomplished, and the costs for such repairs will be billed to the affected property owners for immediate payment."
 - c. "No sanitary structures, drainage structures, or water line appurtenances shall be located within driveway limits or sidewalks."
 - d. "No sump pump drains, or other drains shall outlet onto the street."

G. Mailboxes for Residential Development.

1. **Applicability.** In accordance with the United States Postal Service (USPS) National Delivery Planning Guide, all new residential development may be required to install centralized mail delivery at the direction of the local USPS Postmaster or the designated local USPS Growth Manager. Centralized delivery shall include the installation of cluster box units (CBU) or neighborhood delivery center (NDC) mailboxes.
 - a. **Design and Placement.** If required by the USPS, all related units, structures, and uses shall comply with the following:
 - b. Units and their location shall be approved by the local Postmaster or Growth Manager prior to approval of any secondary plat.
 - c. Units shall provide for handicap accessibility.
 - d. Units placed within the right-of-way require approval by the town.
 - e. All units and structures shall require a building permit prior to installation.
 - f. Because of their size, visibility, and exposure to the elements CBUs and NDCs must be aesthetically appealing, durable, and reflect the character of the overall development.
 - g. If units are free-standing, the PC may require that they be placed beneath a covered pavilion, a three-sided shelter, or inside a community center.
2. **Installation and Maintenance.** The Town of Thorntown shall not be responsible for the installation, maintenance, or replacement of any mailboxes, cluster boxes, or delivery centers. All units shall be installed by the subdivider and maintained and repaired by the property owners and/or HOA/POA.

H. Monuments and Markers.

1. **General.** Monuments shall be installed on all lot corners to the standard as set forth under 865, IAC 1-12-18.

I. Open Space and Amenities.

1. **General.**
 - a. Proposed major subdivisions are required to provide adequate areas for public parks, recreation, amenities, or open space as required by this UDO (see Chapter 6: Subdivision Types).
 - b. If a subdivision is not required by this UDO to provide open space and/or amenities, the subdivider may provide them if desired.
 - c. Each open space area or amenity shall be of suitable size, dimension, topography, and general character for the intended use and shall have adequate road and/or pedestrian access to adequately serve the purposes envisioned.
 - d. Any open space or amenity shall support the goals of the Comprehensive Plan or other plan, comply with all requirements of this UDO, and comply with all other applicable health, flood control, and regulations of the town or state, as appropriate.

- e. All open spaces and amenities shall be dedicated as common area unless otherwise allowed by this UDO. The common area shall be shown and labeled accordingly on the primary plat and secondary plat.
 - f. The phasing of development and open spaces/amenities is allowed, but the minimum open space/amenity shall be proportional to the developed area.
2. Ownership and Maintenance.
- a. The PC shall require proof of the ownership and maintenance agreement for the common areas (such as HOA/POA covenants).
 - b. Unless approved by the PC and the Town Council, the town shall not assume responsibility for the maintenance and safety of common areas.
 - c. If areas or land are being dedicated to an entity other than an HOA/POA, the respective entity accepting the land shall provide written documentation approving the dedication prior to approval of the secondary plat.
 - d. If open space areas and amenities are maintained by an HOA/POA or similar organization and said organization is dissolved, the maintenance and associated costs of any maintenance shall be shared equally between the property owners within the platted subdivision
 - e. Open Space and Amenity Design Standards. If a subdivision requires open space(s) or amenity(ies), it shall comply with the following standards:
 - f. General Design Standards. The following apply to all types of open space and amenities:
 - i. All open space or amenity reserved under this UDO shall be accessible with an ADA-accessible sidewalk, footpath, or similar accessible connection from a public right-of-way or a dedicated easement. All easements used to provide access shall be a minimum of thirty (30) feet in width.
 - ii. If sidewalks or paved trails are required and/or provided within the open space or amenity, they shall comply with all ADA requirements and the standards in the applicable street design and construction standards.
 - iii. No open space shall be used as a reserve strip or prevent future access between adjacent properties and an existing or future public right-of-way.
 - iv. All open spaces and amenities shall be accessible by all residents of the subdivision without a rental fee or any qualifying requirements other than standard operational times (such as outdoor pools are not open during the winter, or a park is closed from dusk to dawn).
 - g. **Amenity Requirement Thresholds.**

Amenity Requirement Thresholds for Major Residential Subdivisions	
Development Size	Amenities Required
< 25 Residential Units	<ul style="list-style-type: none"> ● Only the open space is required per Chapter 6: Subdivision Types
25 to 100 Residential Units	<ul style="list-style-type: none"> ● The open space is required per Chapter 6: Subdivision Types ● At least 1 Passive Neighborhood Park

101 to 250 Residential Units	<ul style="list-style-type: none"> • The open space is required per Chapter 6: Subdivision Types • At least 1 Passive Neighborhood Park • At least 1 Active Neighborhood Park
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h. Open Space Standards.

i. Open Space Guiding Criteria. The design of all open spaces shall be guided by the following criteria:

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

ii. Open Space Design Requirements. All open spaces shall:

- (a) Be a minimum of thirty (30) feet in width to allow for maintenance.
- (b) Not be located within the public right-of-way.
- (c) Have at least fifty percent (50%) of the park left in a natural or undisturbed state or, if previously disturbed or degraded, restored to a natural state. This may include wetlands, wooded areas, prairies, or similar. Areas with maintained lawn/landscape elements or manicured detention/retention basins are not considered a natural state.

b. Neighborhood Park.

i. Passive Neighborhood Park. All passive neighborhood parks shall:

- (a) Be a minimum of one (1) acre.
- (b) Provide at least one (1) open shelter or similar structure that is at least two hundred (200) square feet in area.
- (c) Provide seating areas throughout the park.
- (d) Provide maintained lawn/landscape areas that can be used in a passive nature.
- (e) Provide paved or soft-surface trails throughout the park.

ii. Active Neighborhood Park. All active neighborhood parks shall:

- a. Be a minimum area of one half (1/2) an acre.
- b. Include at least one (1) active recreation feature that meets the needs of the subdivision, such as a playground, sports court/field, indoor recreation center, swimming pool, or other feature approved by the Administrator. All equipment shall be commercial-grade and meet industry design standards.

J. Roads and Driveways.

1. Purpose. The road design requirements are intended to:
 - a. Provide roads that are suitable in location, width, and improvement to accommodate potential traffic;
 - b. Provide a safe, convenient, and functional system for vehicular, pedestrian, and bicycle circulation;
 - c. Provide adequate access to police, fire fighting, snow removal, sanitation, road-maintenance equipment;
 - d. Create a convenient traffic network;
 - e. Avoid undue hardships to adjoining properties;
 - f. Accommodate for the particular traffic characteristics of each proposed development; and
 - g. Be properly related to the goals of the Comprehensive Plan.
 2. General.
 - a. All private and public roads, culverts, drains, bridges, shoulders, drainage improvements and structures, curbs, turnarounds, trails, and sidewalks shall comply with the applicable street design and construction standards and shall be incorporated into the construction plans required of the subdivider for plat approval.
 - b. Where a proposed public road is an extension of an existing paved public road which exceeds the minimum dimension required by this UDO, the PC may require the subdivider to taper or match the width of the existing paved public road.
 - 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 that is licensed to practice in the State of Indiana. Individual projects may warrant additional requirements that are dictated by sound engineering practices as determined by the Town and shall be made conditions of the approval for the primary and/or secondary plat.
 - d. Only trees and/or plantings approved by the PC shall be permitted within the public rights-of-way or easements unless otherwise required or approved by the PC.
 3. Dedication of Public Roads.
 - a. If a subdivision adjoins or includes an existing public road that does not conform to the minimum right-of-way width as established by applicable street design and construction standards, the subdivider shall dedicate additional right-of-way width as required to meet the minimum standards of this UDO.
 - b. All public rights-of-way shall be inspected and approved by the Town prior to being accepted as a public right-of-way by the Town.
 4. Road Classifications. All public roads shall be planned to meet the goals of the Comprehensive Plan, Thoroughfare Plan, or other plan. All roads shall be functionally classified by the Town.
 5. Public Road Layout and Site Design.
 - a. Building pads shall be at or above the grades of the public roads, whenever possible.
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- b. Grades of public roads shall not exceed six percent (6%) or be less than one half percent (0.5%) unless approved by the Town. A combination of steep grades and curves shall be avoided.
 - c. Local public roads shall be laid out to follow, where possible, the site topography; shall avoid long, uninterrupted, straight stretches that encourage high speeds; shall permit efficient drainage and utility systems; and shall minimize the number of public roads necessary to provide convenient and safe access to property.
6. Public Road Intersections.
- a. All intersections, including minimum radii, shall adhere to applicable street design and construction standards.
 - b. Right-angle intersections shall be used wherever practical. When local roads intersect arterial or collector roads, the angle of intersection of the road centerlines shall not be less than seventy-five degrees (75°) and the radii as required by applicable street design and construction standards shall be increased to at least forty (40) feet.
 - c. Proposed new intersections, wherever practicable, should align with any existing intersections on the opposite side of the public road. Intersections with more than four (4) approaches to the intersection should be avoided. Three-legged intersections may be used wherever appropriate, particularly in residential areas.
 - d. No intersection shall create a traffic hazard by limiting visibility. Minimum sight distance at intersections (sight triangles) should be determined by a design professional and approved by the Town and PC as part of the primary plat.
 - e. Intersections shall be designed with a relatively flat grade wherever practical. Where the grade exceeds six percent (6%), a leveling area shall be provided at the intersection approach with a maximum of two percent (2%) slope for a minimum distance of forty (40) feet, measured from the intersection of the centerline.
 - f. At road intersections, property line corners shall be rounded by an arc at thirty (30) feet in radius or larger.
7. Regulatory Road Signs.
- a. The subdivider shall install all required regulatory signs on public roads that comply with the standards established in the Manual on Uniform Traffic Control Devices (MUTCD) and shall be approved by the Town.
 - b. The subdivider shall install all required road signs, street signs, and road name signs before the secondary plat is recorded or the issuance of any BPs.
 - c. The Town 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 Town does not own or maintain decorative signs, poles, or hardware, and all maintenance and/or replacement shall be the responsibility of the HOA/POA or all property owners within the subdivision equally if an HOA/POA does not exist.
 - d. Maintenance of all road signs and street signs is the responsibility of the subdivider, or the property owners within the development, until the road is dedicated and accepted for maintenance by the Town.
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8. Dead-end Public Road.
 - a. Dead-End Public Road. All dead-end public roads shall have a termination that complies with all standards of this UDO and the applicable street design and construction standards.
 - b. Temporary Dead-end Public Road. If the adjacent property is undeveloped and the public road must temporarily be a dead-end public road (stub street), the right-of-way shall be extended to the property line and a cul-de-sac or “eyebrow” that conforms with applicable street design and construction standards shall be provided. A road terminus sign shall be erected by the subdivider that states, “Connection to future development” to make lot owners aware of the future road extension.
9. Public Road Streetlights.
 - a. Streetlights shall be installed by the subdivider at their own expense in subdivisions.
 - b. All streetlight fixtures shall be approved by the Town.
 - c. All streetlight fixtures served by the Town’s electrical territory shall be approved by the Town.
 - d. The Town will assume ownership and maintenance of streetlight fixtures inside their electrical territory.
10. Additional Improvements Required. The subdivider may be required to provide deceleration lanes, acceleration lanes, passing blisters, or other improvements to the public roads within or immediately adjacent to the subdivision if required by the PC to allow for safe and efficient travel.
11. Bridges and Culverts. Bridges and/or culverts required to accommodate site access and circulation shall be approved by the town and constructed at the full expense of the subdivider without reimbursement from the town.
12. Private Driveways (Shared or Individual).
 - a. All shared private driveways shall have an easement of at least thirty (30) feet in width. An access and maintenance agreement shall be recorded with the County Recorder’s and a copy of the recorded agreement filed with the Administrator.
 - b. Private shared or individual driveways shall be graded and surfaced with an all-weather paving material, such as asphalt, concrete, or other material, which will provide equivalent protection against potholes, erosion, and dust.
 - c. All individual private driveways shall be at least twenty (20) feet in length between the garage of the primary structure and the sidewalk or edge of roadway if a sidewalk does not exist in order to provide adequate space for parking without vehicles blocking sidewalk and/or road access.
 - d. All private driveways onto a public road (outside of a platted subdivision) shall obtain a driveway permit from the appropriate Street Department and shall comply with the applicable standards.

Table 5: Minimum Public Road Design Requirements		
Pavement Width & Curb		
Local Public Roads	<ul style="list-style-type: none"> Residential: 30 feet, which includes a 2-foot barrier or roll curb Non-Residential: 12-foot per travel lane plus a 2-foot barrier or roll curb 	
Right-Of-Way Width		
Local Roads	<ul style="list-style-type: none"> 50 feet¹ 	
Collector or Arterial Roads	<ul style="list-style-type: none"> As determined by the town 	
Local Road Pavement Design		
	Residential	Non-residential
Subgrade Compaction	<ul style="list-style-type: none"> 90% standard proctor Proof roll with 20-ton tri-axel loaded truck 	<ul style="list-style-type: none"> Proof roll with 20-ton tri-axel loaded truck
Flexible Pavement ³	<ul style="list-style-type: none"> 12" base, dense graded aggregate 3" binder (HAC) 1.5" surface (HAC)² 	<ul style="list-style-type: none"> 16" base, dense graded aggregate 4" binder (HAC) 1.5" surface (HAC)²
Rigid Concrete Pavement	<ul style="list-style-type: none"> 6" rock base 6" concrete 520 lb./cubic yard with water/cement ratio less than or equal to 0.53; Slump test less than or equal to 4 inches Joint Spacing following Portland Cement design manual Opening to traffic: Minimum of 7 days at 3,000 PSI; generally, 28 days at 3,500 PSI 	<ul style="list-style-type: none"> 12" rock base 8" concrete 520 lb./cubic yard with water/cement ratio less than or equal to 0.53; Slump test less than or equal to 4 inches Joint Spacing following Portland Cement design manual Opening to traffic: Minimum of 7 days at 3,000 PSI; generally, 28 days at 3,500 PSI
<p>1 – Additional right-of-way may be required due to site conditions in order to provide a maximum earthen slope of 3:1. 2 – Surface shall not be applied until 90% of the homes are built. 3 – town may require greater standards based on site conditions.</p>		

K. Sidewalks and Trails.

1. Sidewalks.
 - a. Sidewalks and/or trails shall be required for residential, commercial, and industrial subdivisions as in Chapter 6: Subdivision Types.
 - b. Construction shall comply with applicable street design and construction standards.

Table 6: Sidewalk & Trail Design Standards	
Minimum Setback from Road	<ul style="list-style-type: none"> Minimum of 4-foot setback from adjacent curb Separated from curb by a strip of grass or landscaped area No trees shall be planted between the sidewalk and road unless approved by the PC
Minimum Width	<ul style="list-style-type: none"> Sidewalk: 5 feet or the width of connecting sidewalks on adjacent parcels, whichever is greater Trail: As determined by the town but no less than 8 feet

Surface	<ul style="list-style-type: none"> • Shall have sufficient slope to drain away from the lot and toward the center of the public road and shall be built to town standards
Subgrade	<ul style="list-style-type: none"> • Shall be constructed to town standards
Other Standards	<ul style="list-style-type: none"> • All sidewalks and trails shall comply with all Americans with Disabilities Act (ADA) standards

L. Subdivision Names and Street Names.

1. Subdivision Names.
 - a. The proposed subdivision name shall be indicated on the primary plat.
 - b. The proposed subdivision name shall not duplicate or closely resemble the name of any other subdivision or development within the jurisdiction and surrounding areas.
 - c. The PC shall have final authority to approve the name of the subdivision, which shall be determined at primary plat approval.
2. Street Names.
 - a. Proposed public road names shall be indicated on the primary plat.
 - b. The Administrator shall review and consult with the appropriate entities prior to consideration by the PC.
 - c. Names shall be sufficiently different in sound and spelling from other road names in the jurisdiction and surrounding areas to prevent confusion.
 - d. A road which is (or is planned) as a continuation of an existing road shall have the same name.
 - e. The PC shall approve the public road names at the time of primary plat approval.

M. Utilities.

1. Location. All existing and proposed utility facilities and/or easements within the subdivision shall be shown on the primary and secondary plat, including water, sewer, electricity, and other utilities.
2. Sanitary Sewer and Sewage Disposal Facilities.
 - a. General.
 - i. The subdivider shall install public sanitary sewer facilities or an approved on-site sewage disposal system in accordance with the rules, regulations, and standards of Thorntown, the County Health Department, IDEM, and/or other appropriate state and federal agencies.
 - ii. If on-site sewage disposal system is used, the applicant shall provide written authorization from the Boone County Health Department and/or IDEM that documents the system was approved by all required entities.
 - iii. If the use does not require sewage disposal, the applicant shall provide a signed and notarized affidavit stating that no use that requires sewage disposal will be located on the parcel in addition to written documentation from the Boone County Health Department and/or IDEM that documents sewage disposal is not required
 - b. Public Sanitary Sewer Requirements. Where a sanitary sewer system is available within three hundred (300) feet of any boundary of a proposed subdivision and easements and rights-of-

- way are in place to access said system, the subdivision shall connect to the public sanitary sewerage system unless the sewer district/provider does not accept or approve the connection. The subdivider shall be responsible for installing the required infrastructure to serve each lot to the specifications of the provider, and all sanitary sewerage facilities (including the installation of laterals in the right-of-way) shall be subject to the specifications, rules, regulations, and guidelines of the sewer district/provider, Health Officer, participating jurisdiction, and appropriate state agency.
- c. Individual Disposal System Requirements. If sanitary sewers are not available, the subdivider shall:
 - i. Receive a letter indicating the soils within the subdivision are generally acceptable for the proposed use from the Boone County Health Department prior to making application for primary plat consideration. Before secondary plat approval, a letter shall be required from the Boone County Health Department stating that all lots are viable for individual septic systems.
 - ii. Comply with minimum lot area requirements of the Boone County Health Department and the standards of the UDO establishing lot areas for individual sewerage disposal systems, with the greater restriction applying.
3. Water Facilities.
- a. General. All habitable buildings and buildable lots shall be connected to an approved water system (public water provider or private well) capable of providing water for health and emergency purposes, including adequate fire protection, where available.
 - b. Public Water Supply. When a public water supply is available within three hundred (300) feet of any boundary of a proposed subdivision, the subdivider and/or water company/provider shall construct and install a system of water mains (including fire hydrants) to be connected to the public water supply unless the water district/provider does not accept or approve the connection. Each lot shall be provided with a connection to the water delivery system. The water delivery system shall be designed and constructed in conformance with the standards and specifications of state or local authorities, and in compliance with the rules and regulations of IDEM.
 - c. Private Water Supply. 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 within 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 Boone County Health Department.
 - d. Existing Private Wells. Any existing homes within the subdivision currently served by a private potable well water supply that will be connected to a new public water supply system shall adhere to the following:

- i. The existing well and pumping unit shall be abandoned and the well properly plugged, in accordance with the rules and regulations of IDEM and IDNR; or
 - ii. If the homeowner chooses to keep an existing well in service, a physical disconnection (between the existing well supply plumbing and the new public water supply plumbing) must be completed by the homeowner and inspected by the County Health Department. All disconnections of plumbing shall be completed by a plumbing contractor licensed in the State of Indiana and shall be made in accordance with the requirements of the American Backflow Prevention Association (ABPA).
- e. Fire Protection. The local fire authority having jurisdiction over the proposed subdivision shall review proposed subdivisions and provide comments on any proposed fire hydrants or other fire suppression systems, including their setting, number, separation, and size of outlets.

Chapter 8: Subdivision Ordinance Provisions – Administration and Procedures

A. General Provisions.

1. Applicability.
 - a. All development and subdivision of land shall be carried out in accordance with the following in order to achieve orderly, planned, efficient, and responsible growth:
 - i. All applicable regulations and procedures within this UDO;
 - ii. All requirements outlined in the applicable application packet(s), including submittal deadlines;
 - iii. All rules and procedures established by the PC Rules and Procedures, including meeting dates or schedule; and
 - iv. Any additional standards, conditions, or commitments that may have been required by the PC, BZA, legislative body, or other permitting entity as part of other or previous approvals for a parcel.
 - b. The regulations of this UDO shall be considered the minimum requirements for the protection of the health, safety, comfort, morals, convenience, and general welfare of the residents of the jurisdiction.
 - c. No building permit or improvement location permit shall be issued for any parcel that does not comply with all provisions of this UDO, including all standards and required procedures.
2. Authority. The PC or the Administrator shall not have the authority to approve any subdivision as a buildable lot unless:
 - a. It complies with all regulations within this UDO,
 - b. A variance has been granted by the BZA, or
 - c. A waiver has been granted by the PC.
3. Compliance
 - a. All subdivisions shall be approved in accordance with the procedures of this chapter prior to any land being subdivided.
 - b. Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of valid police power delegated by the State of Indiana to the jurisdiction. Compliance with the terms of this UDO shall be a prerequisite for the use and development of real property within the jurisdiction.

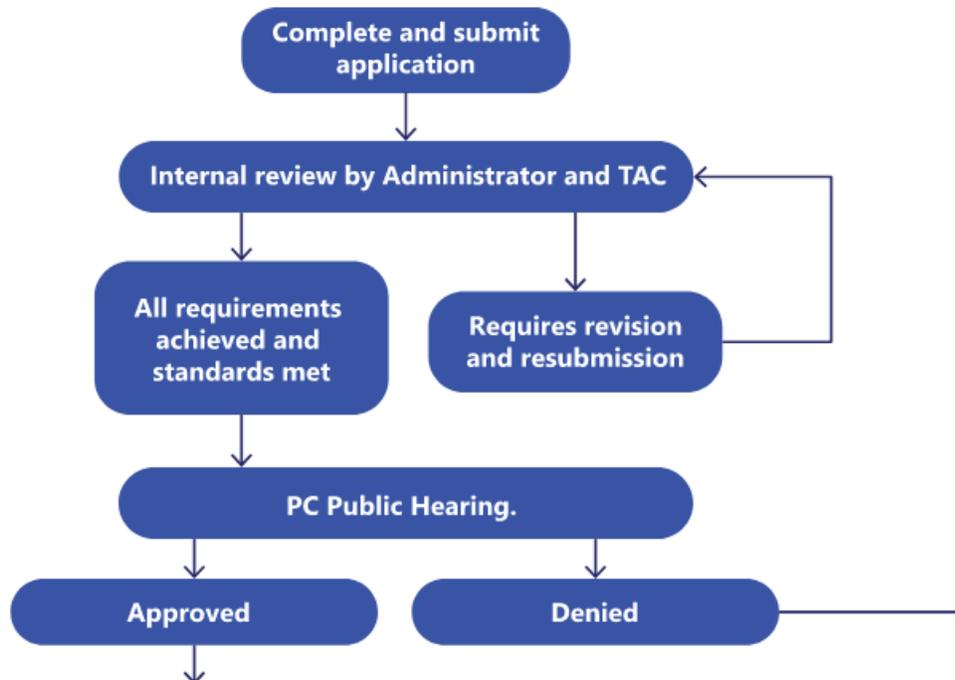
B. Major Subdivision Procedures.

PROCESS AND PROCEDURES FOR MAJOR SUBDIVISIONS

1 PRE-APPLICATION

Meet with Administrator to discuss proposal and learn about the requirements and process.

2 PRIMARY PLAT



3 SECONDARY PLAT & CONSTRUCTION PLANS

Review process is the same as for Primary Plat above except that the Administrator makes decision to approve or deny. The Administrator or applicant may request that the PC consider the application at a public meeting.



4 RECORDING OF PLAT

Construct/dedicate improvements then record plat

OR

Post performance surety then record plat

1. Applicability.
 - a. Subdivision Types. The following procedures apply to all subdivisions except for minor residential subdivisions and exempt subdivisions.
 - b. Recorded Plat. No owner or agent may sell or lease any lot within a subdivision before a secondary plat has been approved and recorded in the manner prescribed in this UDO.
 - c. Public Road Construction. No public road shall be laid out or constructed until the primary plat and construction documents are approved as outlined in this UDO, except public roads built and maintained by the Town of Thorntown and/or the State of Indiana.
2. STEP 1: Pre-Application Meeting and Primary Plat Application Submittal.
 - a. Pre-Application Meeting Required. Prior to filing an application for a major subdivision, the applicant shall schedule a required pre-application meeting with the Administrator, which may be held in person, virtually (video conference), by phone, or by email. This step gives the applicant the opportunity to discuss the procedures for approval with the Administrator as well as the requirements and regulations for development.
 - b. Primary Plat Application Required. The applicant shall submit a complete application for primary plat approval in accordance with the application requirements and prepared in accordance with the requirements in Chapter 8: Document, Study, and Drawing Requirements.
 - c. Public File. Once the Administrator determines that an application is complete and in proper form, they shall assign a docket number and create a public file. 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.
 - d. Internal Review.
 - i. The Administrator shall forward the application to the Technical Advisory Committee (TAC) for technical review and assign a deadline for receiving internal review comments from the TAC. At the discretion of the Administrator, the TAC review can be held in-person, virtually (video conference), by phone, or by email.
 - ii. The Administrator shall compile a written report for the applicant, PC, and the public file with comments from the staff review, TAC, and/or any other reviews, as applicable.
 - iii. After the internal review, the applicant shall make the necessary modifications to the application materials to satisfy the Administrator and resubmit the plans for review.
 - e. Public Notice by Applicant. Public notice by the applicant for a public hearing is required and shall be in accordance with the PC Rules and Procedures. In the event the hearing has been properly noticed, but the plans or application materials are not completed per subsection d: Internal Review above, then the Administrator may have the PC automatically continue the petition to their next regular meeting (or a properly noticed special meeting) without requiring additional notice by the applicant.
3. STEP 2: PC Public Hearing and Primary Plat Final Decision
 - a. PC Public Hearing. The PC shall review the traffic analysis and consider the primary plat at a public hearing. The applicant or their representative shall be in attendance to present the application and address any questions or concerns of the PC.

- b. Basis for Decision by PC. Prior to approval, the PC shall determine if the primary plat:
 - i. Complies with the standards of this UDO;
 - ii. Uses all reasonable efforts to mitigate the impact of the proposed subdivision on public health, safety, and general welfare; and
 - iii. Received written verification that water supply and sewage disposal systems that can sufficiently serve the type of proposed subdivision by either the respective utility provider or that such systems will comply with federal, state, and local laws and regulations.
- c. Final Primary Plat Decision by PC.
 - i. 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 primary plat.
 - ii. Approval with Conditions. In accordance with IC 36-7-4-702, the PC may introduce changes or revisions to the proposed plans as a condition of primary approval when necessary to facilitate the best interest and general welfare of the community, including, but not limited to:
 - (a) The manner in which public ways shall be laid out, graded, and improved;
 - (b) A provision for water supply, sanitary sewer facilities, and other utility services; and
 - (c) A provision for other services as specified in this UDO.
 - iii. Denial. If the PC denies a primary plat, it shall make written findings of fact. The applicant may resubmit a revised primary plat that addresses the reason for denial.
 - iv. Documentation of Decision. Within ten (10) days of the hearing, the Administrator shall notify the applicant of the PC's decision in writing or electronic transmission. This shall itemize any changes or revisions required by the PC as a term of its approval or include written findings of fact if the plat was denied.
- d. Expiration of Primary Plat.
 - i. Approval of a primary plat shall be effective for two (2) years from the date of the PC decision. Secondary plat approval for any section or phase shall automatically extend the primary plat expiration for two (2) years from the date the secondary plat was approved.
 - ii. Failure to receive secondary approval for all or part of the plat before this period ends shall invalidate the primary plat approval.
 - iii. 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.
 - iv. Upon written request from the applicant that is received at least thirty (30) days prior to the expiration date of the primary plat approval, the PC may extend approval of a primary plat up to a maximum of one (1) additional year without further notice, public hearing, or fees.
- e. Primary Plat Amendment. All amendments to an approved primary plat shall be considered a new primary plat application and follow the respective process.

4. STEP 3: Secondary Plat Application Submittal.
 - a. Application Required. The applicant shall submit a complete application for secondary plat approval in accordance with the application requirements and prepared in accordance with the requirements in Chapter 8.G: Document, Study, and Drawing Requirements.
 - i. A secondary plat may be done in one or more phases or sections. The applicant may submit the secondary plat for a phase or section of lots as laid out on the primary plat which will include all required infrastructure to serve such lots.
 - b. Public File. Once the Administrator determines that an application is complete and in proper form, they shall assign a docket number and create a public file.
 - c. Internal Review.
 - i. The Administrator shall forward the application to the Technical Advisory Committee (TAC) for technical review and assign a deadline for receiving internal review comments from the TAC. At the discretion of the Administrator, the TAC review can be held in-person, virtually (video conference), by phone, or by email.
 - ii. The Administrator shall compile a written report for the applicant, PC, and the public file with comments from the staff review, TAC, and/or any other reviews, as applicable.
 - iii. After the internal review, the applicant shall make the necessary modifications to the application materials to satisfy the Administrator and resubmit the plans for review.
 - d. Other Approvals Required. Prior to approval of a secondary plat, the applicant shall obtain the following approvals:
 - i. Construction plan approval for all public improvements that will be dedicated to the county shall be approved by the appropriate bodies or entities.
 - ii. Drainage approval shall be approved by the applicable drainage review entity, as required.
 - e. Public Notice. No public hearing/comment or public notice is required for secondary plat approval. Secondary plats are administratively approved and do not require a public meeting.
5. STEP 4: Secondary Plat Decision by Administrator.
 - a. Wait Period. 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 accordance with IC 36-7-4-710.
 - b. Decision by Administrator.
 - i. 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, they shall grant secondary approval to the plat. The secondary plat shall not be signed or executed until the construction of the public improvements are approved or performance surety is provided in accordance with Chapter 8, Section E: Construction Procedures.
 - ii. Denial. If the Administrator determines that the secondary plat does not comply with one or more standards set forth in this UDO, they shall deny the secondary plat and make written findings of fact. The Administrator shall notify the applicant in writing or electronic transmission within ten (10) days of the decision stating the specific reasons for denial. The applicant may then resubmit a revised secondary plat application that addresses the

reason for disapproval or request that the decision be made by the PC (see Comments Contested – Request Decision by PC).

- iii. Comments Contested – Request Decision by PC.
 - (a) Request for Decision by PC. If the revised plans have not adequately addressed the comments from the staff and/or TAC, because the applicant disagrees with the comment(s), the applicant or Administrator 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 a secondary plat decision by the PC.
 - (c) Public Meeting. The PC shall consider the secondary plat at a public meeting. A public hearing and public comment are not required. The applicant shall be in attendance to present their plan and address any questions or concerns of the PC.
 - (d) Decision by the PC. The PC shall consider the contested comments before making a final decision on the secondary plat. The PC shall approve, approve with conditions, or deny the secondary plat.
- iv. Final Action. The secondary plat is not considered final and ready for construction until revised plans have been received and approved by the Administrator per the terms of the Administrator or PC's decision.
- c. Secondary Plat Amendment (Replat).
 - i. If a secondary plat is approved (either recorded or not recorded), an amendment that complies with the exempt subdivision standards (Chapter 6, Section E: Exempt Subdivisions) and complies with all other standards set forth in this UDO may be approved administratively and without public notice.
 - ii. All other amendments to an approved secondary plat shall follow the same procedures for a new application as outlined in this section for primary and/or secondary plat approval.
6. STEP 5: Construction of Public Improvements and Recording Plat.
 - a. Construct Public Improvements or Provide Performance Surety. Prior to a plat being executed or recorded and as outlined in Chapter 8, Section E: Construction Procedures, the applicant shall either construct all public improvements and provide a maintenance surety or a provide a performance surety.
 - b. Record Secondary Plat. The plat shall be recorded in accordance with the procedures set forth in Chapter 8, Section E.2: Process for Recording Secondary Plat.
 - c. Dedicate Public Improvements. All required public infrastructure, and improvements shall be dedicated in accordance with Chapter 8, Section E.4: Process for Dedication of Public Infrastructure.
 - d. Release of Sureties. The applicant may request the performance and/or maintenance surety be released in accordance with Chapter 8, Section E: Construction Procedures. The town will not release funds without being requested by the applicant.

7. STEP 6: Construction on Individual Lots.

- a. Development Plan. Development plan approval is not required for single-family, two-family, or agricultural uses (excluding confined feeding operations) unless otherwise stated in this UDO. For all other uses, development plan approval is required for all new primary structures or modifications of property or sites as required by this UDO.
- b. Required Permits. Once the plat is recorded and any required development plans are approved, the construction of improvements shall occur in accordance with the procedures set forth in Chapter 8, Section E.5: Process to Obtain Improvement Location Permits (ILP) / Building Permits (BP).

1. Applicability.
 - a. The minor residential subdivision process is an expedited process for single-family residential subdivisions that:
 - i. Result in the creation of two (2) or less lots (including the remnant or parent parcel);
 - ii. Do not create new or involve improvements to public rights-of-way (excluding sidewalks);
 - iii. Comply with all other standards within this UDO (unless a variance or wavier is approved);
and
 - iv. Has not been previously subdivided as part of an approved minor or major plat.
 - b. Any residential subdivision that includes new public rights-of-way or does not comply with the applicability criteria above shall be considered a Major Residential Subdivision and shall follow the applicable process.
 - c. If the Administrator believes that the circumstances warrant the full review and consideration of a major subdivision, then the applicable process may be required.
2. STEP 1: Pre-Application Meeting and Application Submittal.
 - a. Pre-Application Meeting Required. Prior to filing an application for a minor subdivision, the applicant shall schedule the required pre-application meeting with the Administrator, which may be held in-person, virtually (video conference), by phone, or by email. This step gives the applicant the opportunity to discuss the procedures for approval with the Administrator as well as the requirements and regulations for development.
 - b. Application Required.
 - i. For a minor subdivision, the primary plat and secondary plat shall be combined into one (1) application process.
 - ii. The applicant shall submit a complete application for secondary plat approval in accordance with the application requirements and prepared in accordance with the requirements in Chapter 8, Section G.4: Secondary Plat Drawing Requirements.
 - c. Public File. Once the Administrator determines that an application is complete and in proper form, they shall assign a file number and create a public file. 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.
 - d. Internal Review.
 - i. The Administrator shall forward the application to the Technical Advisory Committee (TAC) for technical review and assign a deadline for receiving internal review comments from the TAC. At the discretion of the Administrator, the TAC review can be held in-person, virtually (video conference), by phone, or by email.
 - ii. The Administrator shall compile a written report for the applicant, PC, and the public file with comments from the staff review, TAC, and/or any other reviews, as applicable.
 - iii. After the internal review, the applicant shall make the necessary modifications to the application materials to satisfy the Administrator and resubmit the plans for review.

- e. Public Notice by Applicant. Public notice by the applicant for a public hearing is required and shall be in accordance with the PC Rules and Procedures. In the event the hearing has been properly noticed, but the plans or application are not completed per subsection d: Internal Review above, then the Administrator may have the PC automatically continue the petition to their next regular meeting (or a properly noticed special meeting) without requiring additional notice by the applicant.
3. STEP 2: Plan Commission Public Hearing and Final Decision.
- a. Plan Commission Public Hearing. The PC shall consider the minor plat at a public hearing. The applicant or their representative shall be in attendance to present the plan and address any questions or concerns of the PC.
 - b. Basis for Decision by Plan Commission. Prior to approval, the PC shall determine if the secondary plat:
 - i. Complies with the standards of this UDO;
 - ii. Uses all reasonable efforts to mitigate the impact of the proposed subdivision on public health, safety, and welfare; and
 - iii. Received written verification that water supply and sewage disposal systems that can sufficiently serve the type of proposed subdivision by either the respective utility provider or that such systems will comply with federal, state, and local laws and regulations.
 - c. Final Decision by Plan Commission.
 - i. Approval. If the PC determines that the primary and secondary plats comply with the standards set forth in this UDO, it shall grant approval to the plat.
 - ii. Approval with Conditions. In accordance with IC 36-7-4-702, the PC may introduce changes or revisions to the proposed plans as a condition of approval when necessary to facilitate the best interest and general welfare of the community, including, but not limited to:
 - (a) The manner in which any shared driveways shall be laid out, graded, and improved;
 - (b) A provision for water supply, sanitary sewer facilities, and other utility services; and
 - (c) A provision for other services as specified in this UDO.
 - iii. Denial. If the PC denies a plat, it shall make written findings of fact. The applicant may then resubmit a revised plat that addresses the reason for disapproval.
 - iv. Documentation of Decision. Within ten (10) days of the hearing, the Administrator shall notify the applicant of the PC's decision in writing or electronic transmission. This shall itemize any changes or revisions required by the PC as a term of its approval or include written findings of fact if the plat was denied.
 - d. Amendment.
 - i. If a minor subdivision is approved (either recorded or not recorded), an amendment that complies with the exempt subdivision standards (Chapter 6, Section E: Exempt Subdivisions) and complies with all other standards set forth in this UDO may be approved administratively and without public notice.

- ii. All other amendments to an approved minor subdivision shall follow the same procedures for a new application as outlined in this section for minor subdivision approval.
- 4. STEP 3: Recording Plat and Construction on Individual Lots
 - a. Record Secondary Plat. The plat shall be recorded in accordance with the procedures set forth in Chapter 8, Section E.2: Process for Recording Secondary Plat.
 - b. Construction on Individual Lots. Once the plat is recorded, the construction on individual lots shall occur in accordance with the procedures set forth in Chapter 8, Section E.5: Process to Obtain Improvement Location Permits (ILP) / Building Permits (BP).

D. Waiver Procedures.

1. Applicability.
 - a. The PC may authorize a waiver pursuant to IC 36-7-4-702(c) and in accordance with this section. The basis for the waiver shall be documented in the record.
 - b. The PC may grant a waiver to any provision or standard contained in Chapter 6: Subdivision Types and/or Chapter 7: Subdivision Design Standards when the applicant can show that practical difficulties and unnecessary hardship would result if strictly adhered to and where, in the opinion of the PC, because of topographical or other conditions particular to the site, a departure may be made without compromising the intent of such provisions.
 - c. If a waiver is approved, the plat must still meet all other applicable standards prescribed in the UDO. Variations from the zoning provisions of this UDO require a variance by the BZA (See Chapter 5, Section D: Special Exception and Variance Procedures).
2. STEP 1: Application Submittal.
 - a. Request Required. A written request for a waiver or waiver of conditions shall be submitted in writing by the applicant at the time when the primary plat or secondary plat application is filed. A separate waiver application is not required. The petition shall state fully the grounds for the application and all the facts relied upon by the applicant. All waiver requests shall be reviewed by the TAC and a recommendation made to the PC. The PC shall make the final decision regarding waiver requests.
 - b. Public File. Once the Administrator determines that an application is complete and in proper form, they shall include the written request as part of the plat application public file.
 - c. Internal Review. The waiver request shall be included in the internal review for plat application.
 - d. Public Notice. No public notice specific to the waiver(s) requested is required. It shall be considered by the PC during the decision for the plat application.
3. STEP 2: Final Decision.
 - a. Timing of Consideration. All waivers shall be considered during the primary plat or secondary plat approval. The applicant or their representative shall be in attendance required meeting for the primary or secondary plat to present the waiver request and address any questions or concerns of the PC.
 - b. Basis for Decision by PC. The PC 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;
 - ii. The purpose 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, welfare, or be 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 to other property;

- v. The relief sought will not contravene the other provisions of the UDO or the intent of the Comprehensive Plan and/or Thoroughfare 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.
- c. Waivers Concerning Public Improvements.
- i. The PC may consider waivers concerning public improvements only when they are given a favorable recommendation from the TAC. Said approval is 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. Where improvements or installations are deferred as provided herein, the applicant shall post a separate surety in an amount determined by the applicable jurisdiction guaranteeing completion of the deferred improvements upon demand of the jurisdiction.
- d. Final Decision by PC.
- i. Approval. If the PC finds that ALL of the basis for the decision have been satisfied, it shall approve the request or approve waiver. Approved written findings of fact shall be included with any approval decision.
 - ii. Denial. If the PC does not find that all of the basis for the decision have been satisfied, it shall deny the request and approve written findings of fact that specify the reason for denial.
 - iii. Conditions and/or Written Commitments. Any decision may include conditions and/or written commitments in accordance with IC 36-7-4-1015 and Chapter 5, Section F.2: Written Commitments. 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 5, Section G: Complaints, Violations, and Remedies.

E. Construction Procedures.

1. Process for Construction of Public Improvements. Once a primary plat and the associated construction plans have been approved by the PC, Administrator, and other required agencies, as appropriate, the construction and general development process may commence in one (1) of two (2) ways as follows:
 - a. Option 1: Construct Public Improvements then Record Plat.
 - i. Secondary Plat Approval. The secondary plat should be approved (but not executed/signed) prior to installing public infrastructure. Any construction or installation of infrastructure started or completed prior to approval of the construction plans and/or secondary plat is done at the risk of the applicant; if changes or revisions to the construction plans and/or secondary plat are required, any modifications to construction or installation of infrastructure shall be the responsibility of the applicant.
 - ii. Install Public Infrastructure. All public infrastructure shall be installed per the approved construction plans and secondary plat except for the final coat of asphalt on the roadways and sidewalks (if required).
 - iii. Inspect Public Infrastructure. The improvements shall be reviewed and inspected by the applicable jurisdiction throughout the construction process to ensure that they have been completed in a satisfactory manner. This includes, but is not limited to, roads, curbs, gutters, drainage facilities, water infrastructure, sewer infrastructure, and any other utilities as required by this UDO or any other applicable ordinance.
 - iv. Provide Maintenance Surety. After the public infrastructure is constructed and approved by the applicable jurisdiction, the applicant shall post a maintenance surety in accordance with Chapter 8, Section E.3: Process to Provide Maintenance Surety. Note, if the final coat of asphalt on the roadways and internal sidewalks have not been installed, surety shall be required for those items prior to recording the plat as outlined in Chapter 8, Section E.3: Process to Provide Maintenance Surety.
 - v. Provide As-Builts. After all public improvements are constructed and approved, the applicant shall provide as-builts for all improvements within the public right-of-way as outlined in Chapter 8, Section E.4: Process for Dedication of Public Infrastructure.
 - vi. Execute and Record Plat. The plat shall be executed and recorded in accordance with Chapter 8, Section E.2: Process for Recording Secondary Plat.
 - vii. Obtain ILP's and BP's. The applicant shall obtain ILP's and BP's for construction on each individual lot as outlined in Chapter 8, Section E.5: Process to Obtain Improvement Location Permits (ILP) / Building Permits (BP).
 - viii. Install Final Coat of Asphalt and Sidewalks (if required). Sidewalks shall be installed as each lot is developed as required by this UDO. Once development has occurred to the satisfaction of the applicable jurisdiction, the final coat of asphalt for the roadways shall be installed by the applicant.
 - ix. Dedication of Public Infrastructure. After all infrastructure has been completed and approved, the public infrastructure that is required to be dedicated to the appropriate

jurisdiction shall be dedicated with a signed Deed of Dedication in the format required by the appropriate jurisdiction.

- x. Release Maintenance Surety Funds. Maintenance surety funds shall be released in accordance with Chapter 8, Section E.3: Process to Provide Maintenance Surety.
- b. Option 2: Post Performance Surety Then Record Plat.
 - i. Secondary Plat Approval. The secondary plat should be approved (but not executed/signed) prior to posting a performance surety.
 - ii. Cost Estimate for Infrastructure Completion. The applicant shall submit a reliable estimate to the Administrator for review and approval of the cost estimate of completing all of the required infrastructure including, but not limited to the roads, public utilities, drainage structures, water infrastructure, sewer infrastructure, and all other work or improvements to the subdivision required by this UDO and the performance and escrow agreement.
 - iii. Execute Performance and Escrow Agreement. The applicant shall submit an executed performance and escrow agreement to the applicable jurisdiction in a form created and approved by the applicable jurisdiction's Attorney.
 - iv. Provide Performance Surety. A bond, cash escrow, or irrevocable evergreen bond shall be paid to the applicable jurisdiction 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 applicable jurisdiction. The escrow shall:
 - (a) Be payable to the appropriate legislative body;
 - (b) Be in an amount which is at least one hundred twenty percent (120%) of the amount estimated to complete the improvements;
 - (c) Be in the form of a bond, cash deposit, or irrevocable evergreen bond.
 - v. Execute and Record Plat. Once the performance surety has been posted and accepted to the satisfaction of the applicable jurisdiction, the secondary plat shall be executed and recorded in accordance with Chapter 8, Section E.2: Process for Recording Secondary Plat.
 - vi. Obtain ILP's and BP's. The applicant shall obtain ILP's and BP's for construction on each individual lot as outlined in Chapter 8, Section E.5: Process to Obtain Improvement Location Permits (ILP) / Building Permits (BP).
 - vii. Install Public Infrastructure. All public infrastructure shall be installed per the approved construction plans and secondary plat except for the final coat of asphalt on the roadways and sidewalks (if required).
 - viii. Inspect Public Infrastructure. The improvements shall be reviewed and inspected by the applicable jurisdiction throughout the construction process to ensure that they have been completed in a satisfactory manner. This includes, but is not limited to roads, curbs, gutters, drainage facilities, water infrastructure, sewer infrastructure, and any other utilities as required by this UDO or any other applicable ordinance.
 - ix. Provide Maintenance Surety. After the public infrastructure is constructed and approved by the applicable jurisdiction, the applicant shall post maintenance surety in accordance with Chapter 8, Section E.3: Process to Provide Maintenance Surety.

- x. Release of Performance Surety Funds. The applicable jurisdiction, with the approval of their legislative body, 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 Administrator. Any such release shall occur no more frequently than once a month. The Administrator will not recommend the release of any funds without being requested by the applicant. The performance surety cannot be released in full before providing a maintenance surety.
 - xi. Provide As-Builts. After all public improvements are constructed and approved, the applicant shall provide as-builts for all improvements within the public right-of-way as outlined in Chapter 8, Section E.4: Process for Dedication of Public Infrastructure.
 - xii. Install Final Coat of Asphalt and Sidewalks (if required). Sidewalks shall be installed as each lot is developed as required by this UDO. Once development has occurred to the satisfaction of the applicable jurisdiction, the final coat of asphalt for the roadways shall be installed by the applicant.
 - xiii. Dedication of Public Infrastructure. After all infrastructure has been completed and approved, the public infrastructure that is required to be dedicated to the appropriate jurisdiction shall be dedicated with a signed Deed of Dedication in the format required by the appropriate jurisdiction.
 - xiv. Release Maintenance Surety Funds. Maintenance surety funds shall be released in accordance with Chapter 8, Section E.3: Process to Provide Maintenance Surety.
2. Process for Recording Secondary Plat.
- a. Execute Plat. After secondary plat approval and the applicable requirements for constructing public improvements have been completed, the approved signature block shall be used, and the plat shall be signed by every person having a security interest in the property before being recorded.
 - b. Fees. Prior to recording the plat, the applicant shall pay all applicable development fees to the appropriate bodies.
 - c. Record Plat.
 - i. The applicant shall be responsible for recording the executed secondary plat with the Recorder's Office.
 - ii. Once recorded, the applicant shall provide the Administrator with a copy of the recorded and stamped secondary plat in the format(s) required by the Administrator.
 - iii. All secondary plats must be recorded within two (2) years of secondary plat approval. Upon written request, the PC may extend the time limitation for two (2) years if a written request is received prior to the secondary plat expiring. If the applicant fails to record within this time period, the secondary plat shall be null and void.
 - d. Recording Prohibition. Pursuant to IC 36-7-4-710, a plat of a subdivision for the purposes of development may not be filed with the County Auditor, and the County Recorder may not record it, unless it has been granted secondary approval and signed and certified by the required parties. The filing and recording of the plat are without legal effect and improvement and/or building permits cannot be issued unless approved by the Administrator.

3. Process to Provide Maintenance Surety.

a. General.

- i. A post construction surety/bond is required for subdivision plats and other projects for which maintenance of the drainage facilities, utilities, sidewalks, and/or roads is ultimately to be taken over by the applicable jurisdiction.
- ii. After the final inspection and approval of construction and prior to release of any performance sureties, a post construction surety/bond must be provided and maintained by the project owner for a period of three (3) years. The maintenance surety/bond shall guarantee the storm water facilities, sidewalks (if required), public utilities, roads, and all other public infrastructure constructed under the permit against design defects and/or failures in workmanship and shall guarantee that the facilities constructed under the permit will be regularly and adequately maintained until the infrastructure is accepted for maintenance by the applicable jurisdiction through the Deed of Dedication.
- iii. Prior to the expiration maintenance period, the applicable jurisdiction will evaluate performance of the bonded facilities and, if not functioning as intended or designed, will require the project owner to fix to the satisfaction of the applicable jurisdiction. The applicable jurisdiction also has the authority to collect on the bond and repair or maintain the affected facilities.
- iv. The appropriate jurisdiction may accept properly functioning facilities in accordance with the applicable standards. Until such time as the applicable jurisdiction accepts maintenance, the applicant must secure the proper functioning and maintenance of the facility, and such shall be a condition of secondary plat approval.

b. Require Surety.

- i. Surety for Maintenance/Defects. The amount of the maintenance surety/bond shall be twenty-five percent (25%) of the estimated construction cost of the storm water facilities and roads requiring maintenance, or \$50,000.00, whichever is greater. The construction costs of the facilities requiring maintenance shall be estimated by the project engineer, subject to the approval of the appropriate jurisdiction.
- ii. Surety for Topcoat and Sidewalks. Because the sequencing of installing the topcoat of asphalt on roadways and installing internal sidewalks (if required) occurs after construction on individual lots, surety shall also be required for these items prior to recording the plat. The amount of this surety/bond shall be at least one hundred twenty percent (120%) of the amount estimated to complete the improvements and in the form of a bond, cash deposit, or irrevocable evergreen bond that is payable to the appropriate legislative body.

c. Form of Maintenance Surety. Maintenance surety shall be in the form of a bond, cash deposit, or irrevocable ever green bond that is approved by the Attorney for the applicable jurisdiction.

d. Release of Maintenance Surety.

- i. If a performance suety was provided for the installation of public infrastructure, the applicant can request eighty percent (80%) of the cash funds from the performance surety for the installation of public infrastructure be released by the applicable jurisdiction and/or returned to the applicant when the final coat of asphalt have been installed on the

- c. Temporary Use Permit. A temporary use permit may be granted by the Administrator for the construction and use of a permitted temporary use (such as a construction trailer, mobile sales office, vehicle, tent, booth, or other means). Temporary use permits shall not be issued for more than ninety (90) days or the duration of construction, whichever is greater.
- d. Issuance of Improvement Location Permit (ILP) / Building Permit (BP).
 - i. No building or other structure shall be erected, moved, added to, or structurally altered unless the Administrator has issued an ILP (which may or may not include a building permit). No structural change in use of a building or land shall be made without an ILP issued by the Administrator. ILPs and BPs shall be issued only upon finding that the proposed use complies with the requirements of this UDO or upon written order from the BZA granting a variance, appeal, or special exception.
 - ii. All public improvements shall be installed and also inspected by the applicable jurisdiction (where applicable) in addition to the plat being recorded before an ILP or BP is issued.
 - iii. No ILP or BP shall be issued for a structure that is served by a septic system unless a septic permit has been issued by the County Health Department and/or IDEM or the Health Officer has authorized an approved system.
 - iv. No ILP or BP shall be issued for any commercial or industrial use without first having obtained any required state agency approvals and/or permits.
 - v. No ILP or BP shall be issued for any use until drainage approval (if required) is obtained.
- e. Application. The applicant shall submit an application for an ILP/BP in accordance with the required application and complete it in accordance with the format described therein. The filing fee for an ILP/BP shall be paid in accordance with the adopted Fee Schedule. A public record of each ILP/BP shall be retained by the Administrator in accordance with the retention rules established by the State Board of Accounts.
- f. Inspections Required. All inspection(s) shall be completed for all ILPs and/or BPs that are constructed in compliance with all provisions of the UDO and other applicable codes.
- g. Expiration.
 - i. All ILPs and BPs shall be valid for a period of one (1) year from the date of issuance.
 - ii. The Administrator may grant up to two (2) additional six (6) month extension periods at the request of the applicant stating the valid need for such extension. Once an ILP/BP expires, a new application (including fees) shall be submitted for approval.
- h. Amendment. An amendment to an approved ILP/BP may be submitted at any time for review and consideration by the Administrator. Additional fees may be assessed if applicable.
- i. Certificate of Occupancy.
 - i. It shall be unlawful to use or occupy any structure, building, land, or premises, in whole or part, hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use of structure until a Certificate of Occupancy has been issued by the Administrator. The Certificate of Occupancy shall state that the proposed use of the building or land conforms to the requirements of this UDO and that the Administrator and/or their designee has inspected the property and attested to that fact.

- ii. A Certificate of Occupancy shall not be issued until any required driveway has been properly installed and inspected by the Administrator or their designee. Additionally, a Certificate of Occupancy shall not be issued for a structure within a platted subdivision where internal sidewalks are required until the corresponding sidewalk has been installed, inspected, and approved by the appropriate entity.
- iii. No Certificate of Occupancy shall be issued until all work has been completed and all applicable inspections performed and completed.

F. 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, IC 36-7-4-1016, and IC 36-7-4-1600 et seq.
 - b. 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, but only after the person with standing has exhausted any and all available administrative remedies with the PC.
 - c. Nothing in this section expands the rights to review provided by Indiana law.
2. Written Commitments.
 - a. General. Written commitments shall be in conformance with IC 36-7-4-1015.
 - b. Form. A commitment must be substantiated by the form set forth in the PC Rules and Procedures and must identify any specially affected persons or class of specially affected persons who may enforce the commitment. A commitment must be authorized by its recording in the County Recorder's Office.
 - c. Recording. A commitment shall be recorded in the County Recorder's Office by the applicant and takes effect upon the adoption of the proposal by the applicable body to which it relates (even if the commitment is not recorded). Following the recording of a commitment, the applicant shall return a copy of the original recorded commitment to the Administrator for PC's file.
 - d. Persons Bound.
 - i. Unless it is modified or terminated by the body who approved the commitment (PC) in accordance with this section, a recorded commitment is binding on the owner of the parcel, all subsequent owners of the parcel, and any other person who acquires interest in the parcel.
 - ii. 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.
 - iii. Modification or Termination by PC or BZA. Except for a commitment modified or automatically terminated in accordance with this section, a commitment may be modified or terminated only by a decision of the PC and made at a public hearing after notice of the hearing has been given under the PC Rules and Procedures.
3. Plat Vacations.
 - a. Authority. Pursuant to IC 36-7-4-711, the PC has exclusive authority over the vacation of plats or parts of plats. Vacations may be pursued under either IC 36-7-4-711 or IC 36-7-3-10.
 - b. Vacation When All Owners Agree.

- i. Applicability. As provided in IC 36-7-3-10, if all owners of land in the plat agree on a proposed vacation of all or part of the plat, before recording a written instrument to vacate all or part of the plat, the owner(s) must submit the instrument to the PC for approval.
- ii. Public Hearing Not Required. The PC may consider and rule on the proposed instrument at a public meeting.
 - (a) The PC shall attach its written decision to the instrument before it is submitted for recording.
 - (b) 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.
 - (c) If the PC denies a vacation request under this section, a subsequent vacation proceeding affecting the same property and asking for the same relief may not be initiated for two (2) years from the date of the PC's denial, as provided in IC 36-7-3-15.
- c. Vacations When All Owners are Not in Agreement.
 - i. Applicability. As provided in IC 36-7-4-711, if not all owners of land in a plat agree on a proposed vacation, one (1) or more of the owners may file with the PC a petition to vacate all of the plat or that part of the plat that pertains to land owned by the applicant(s).
 - ii. Public Notice and PC Hearing Required. Public notice shall be required as outlined in the PC Rules and Procedures and IC 36-7-4-711. At the PC hearing, all other owners of land in the plat shall be allowed to comment on the petition. 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. PC Final Decision.
 - (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. Once approved, the PC shall sign the vacation prior to the applicant recording it.
 - (1) Conditions in the platted area have changed 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 applicant(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.

G. Document, Study, and Drawing Requirements.

1. Traffic Impact Study Requirements.

a. Applicability.

- i. A traffic analysis shall be completed by the applicant as required by this section at the discretion of the Administrator or the PC. The Administrator or PC may determine whether a lesser level of study is required than required by the following table, Traffic Impact Study Thresholds, based on existing site conditions and/or previous traffic studies, but at a minimum, a Trip Generation Statement shall be provided (excluding minor residential subdivisions and exempt subdivisions).
- ii. The PC and/or BZA may require a traffic impact study to be completed by the applicant when considering applications for zone map changes, development plans, or other applications if the PC determines traffic analysis is needed.

- b. Thresholds. All subdivisions (or other applications if required by the PC or BZA) shall provide a traffic impact study as outlined below:

Traffic Impact Study Thresholds		
Subdivision Type (or Development Type)	Threshold	Required Traffic Impact Study
Minor Residential Subdivision and Exempt Subdivisions	N/A	No study
Single-family Residential and Two-family Residential Subdivisions	Less than 50 lots	Trip Generation Statement
	50 to 200 lots	Traffic Impact Study, Tier 1
	More than 200 lots	Traffic Impact Study, Tier 2
Multi-family Residential, Commercial, and Industrial Subdivisions	Generates less than 100 expected trips during a peak hour	Trip Generation Statement
	Generates 100 to 250 expected trips during a peak hour	Traffic Impact Study, Tier 1
	Generates more than 250 expected trips during a peak hour	Traffic Impact Study, Tier 2
All Other Application Types	Threshold and study to be Determined by PC and/or BZA	

c. Basis of Analysis.

- i. All calculations and software used in determining trip generation shall be based on accepted industry standards, such as references and methods established by ITE (Institute of Transportation Engineers), TRB (Transportation Research Board), INDOT (Indiana Department of Transportation), and/or FHWA (Federal Highway Administration).
- ii. The method for developing estimates of future traffic should be explained with supporting documentation as needed.

- iii. Background traffic projections shall be consistent with the travel forecasts of the Indianapolis Metropolitan Planning Organization (IMPO).
- d. Traffic Impact Study Requirements. The following extents, requirements, and horizons shall be provided for all types of subdivisions requiring a study.

Traffic Impact Study Requirements		
Study Type	Extent/Requirement	Horizon Year
Traffic Generation Statement	<ul style="list-style-type: none"> • Statement of the expected number of daily and peak hour trips • Identify any existing traffic issues that exist at the proposed access point(s) 	<ul style="list-style-type: none"> • N/A
Traffic Impact Study, Tier 1	<ul style="list-style-type: none"> • All public road intersections within ¼ mile of the proposed access point(s) • Any public road intersection(s) further than ¼ mile from the proposed access point(s) if the proposed development contributes to 10% or more of the traffic in any movement 	<ul style="list-style-type: none"> • Must consider the effects of the proposed project in a timeframe projected to 5 years into the future, or the completion of the final phase of the development, whichever is further out.
Traffic Impact Study, Tier 2	<ul style="list-style-type: none"> • All public road intersections within 1 mile of the proposed access point(s) • All signalized intersections within 2 miles of the proposed access point(s) 	<ul style="list-style-type: none"> • Must consider the effects of the proposed project in a timeframe projected to 10 years into the future, or the completion of the final phase of the development, whichever is further out.

- e. Findings and Recommendations. At a minimum, all Tier 1 and Tier 2 Traffic Impact Studies shall:
 - i. Identify locations where traffic congestion or other impacts to traffic operations may be anticipated, including an established baseline so the relative contribution of the proposed development can be determined (with references to appropriate parameters and Level of Service);
 - ii. Consider and identify safety issues, including crashes if the intersection(s) analyzed has been identified by the IMPO as a high crash location;
 - iii. Investigate the most straightforward improvements that would be needed to relieve anticipated congestion and/or safety issues, if any, in accordance with INDOT accepted warrants, methods, and/or practices; and
 - iv. Provide additional analysis depending upon the site-specific conditions that impact congestion, traffic operations, and/or safety; and
 - v. Include written findings and recommendations that the Administrator and/or PC (or BZA if applicable) may consider.
2. Primary Plat Drawing Requirements.
- a. Surveyor. The primary plat shall be prepared and sealed/stamped by a Registered Land Surveyor licensed to practice in the State of Indiana.
 - b. Format. All sheets shall be formatted as 18"x24" (unless approved by the Administrator), drawn to a convenient scale, and tied to state plane coordinates for horizontal controls.

- c. Other Documents. The applicant is responsible for all title searches, recorded easements, recorded commitments, and any other items that may affect development. The applicant shall include a copy of such documents to the PC and also disclose them to all buyers.
- d. Drawing Checklist. The applicant shall submit a primary plat in accordance with the application requirements, including the checklist for drawing requirements as follows:
 - i. Project Information (shown on one sheet):
 - (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 ¼ 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 (shown on one sheet):
 - (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 (shown on one sheet):
 - (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) A note stating that, "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 (included on all sheets):
 - (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.
3. Construction Drawing Requirements.
- a. Drawing Checklist. The applicant shall submit all construction drawings for public improvements in accordance with the application requirements, including the checklist for drawing requirements as follows:
 - i. Project Information (shown on one sheet):
 - (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 ¼ 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 (shown on one sheet):
 - (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 (shown on one sheet):
 - (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) Building setback lines, showing dimensions.
 - (f) Easements.
 - (g) A note stating that, "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."
 - (h) Internal and perimeter sidewalk system/pedestrian circulation plan, if any.
 - (i) Such other information as may be deemed necessary for proper review of the Secondary Plat and Construction Drawings by the Administrator, the Engineer/Surveyor, or PC.

- iv. Title Block (included on all sheets):
 - (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.
 - b. Construction Plan Approval. The applicant shall obtain approval of all construction plans from the respective entity for all public improvements and provide documentation of this approval to the Administrator prior to approving a secondary plat.
 - c. IDEM. All required MS4 General Permits and IDEM Construction Stormwater General Permit (CSGP), formerly known as Rule 5 Permits (327 IAC 15-5), shall be submitted to the Administrator prior to approving a secondary plat.
 - d. Drainage Review. Drainage plans that have been reviewed and approved by the Town of Thorntown or the County Surveyor as appropriate shall be submitted to the Administrator and added to the public file. Drainage plans must be approved by the County Surveyor before approving a secondary plat.
 - e. As-builts. After all public improvements are constructed and inspected, the applicant shall provide as-builts for all improvements within the public right-of-way in appropriate digital formats with locations of all public infrastructure as outlined in Chapter 8, Section E.4: Process for Dedication of Public Infrastructure.
4. Secondary Plat Drawing Requirements.
- a. Drawing Checklist. The applicant shall submit the Secondary Plat in accordance with the application requirements, including the following:
 - i. The following notes shall be included on the secondary plat before recording:
 - (a) 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.
 - (b) 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.
 - (c) By the PC, fixed with the seal of the PC, signed by the Administrator, Plan Commission President, Plan Commission Secretary, and, if a major subdivision, the engineer or surveyor for the jurisdiction and the Thorntown Utilities Superintendent. The note shall disclose that proper public notice for the primary plat was given, and that a majority of the members of the PC concur in its approval.
 - ii. Notation of any self-imposed restrictions.
 - iii. 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.
 - b. General.

- i. Surveyor. The secondary plat sheet(s) shall be prepared and sealed/stamped by a Registered Land Surveyor licensed to practice in the State of Indiana.
- ii. Format. All sheets shall be formatted for 18"x24" paper (unless approved by the Administrator), drawn to a convenient scale, and tied to state plane coordinates for horizontal controls.
- iii. Conformance with Primary Plat.
 - (a) The secondary plat may be deemed to substantially conform to the primary plat if the geometrics of the secondary plat are substantially the same layout. Reductions in the number of buildable lots, the addition of common area(s), minor changes in lot size or lot dimensions, and/or the addition or removal of easements to accommodate utilities or drainage are not considered a substantial change in conformity.
 - (b) If the following occur, the secondary plat shall not be deemed in conformance with the primary plat unless such changes were a condition of the primary plat approval:
 - (1) The addition, removal, or alteration of road patterns;
 - (2) Substantial change in lot sizes or lot widths;
 - (3) An increase in the total number of buildable lots.
- c. Covenants and Restrictions.
 - i. Covenants and restrictions shall be submitted to the Administrator prior to being recorded for reference only; the Administrator is not responsible for reviewing the covenants for conflict with this UDO.
 - ii. Covenants shall be recorded at the same time as the secondary plat.
 - iii. Covenants are not enforced by the County or the participating municipalities.
 - iv. If there are conflicts between the covenants and the UDO or any other requirements, the more restrictive regulations shall apply.
 - v. Once recorded, the applicant shall provide the Administrator with a copy of the recorded and stamped covenants and restrictions in the format(s) required by the Administrator.

H. Complaints, Violations, and Remedies.

1. Procedures for addressing complaints and violations, and remedies thereto, are addressed in Chapter 5, Section G: Complaints, Violations, and Remedies

I. Fee Schedule.

1. Information related to fees for permits and applications are outlined in Chapter 5, Section H: Fee Schedule.

Chapter 9: Non-conformances.

A. General Provisions.

1. Intent. Within the districts established by this UDO or by amendments that may later be adopted, there are legally non-conforming lots; legally non-conforming structures; legally non-conforming uses of land; and/or legally non-conforming zoning districts (individually or in combination) that were lawful before this UDO was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this UDO or future amendments.
 - a. It is the intent of this UDO to permit these legal non-conformities to continue until they are removed but not to encourage their survival.
 - b. It is further the intent of this UDO that non-conformities shall not be enlarged upon, expanded, extended, or intensified, nor be used as grounds for adding other structures or uses which are prohibited elsewhere in the same district.
2. Illegal Non-conforming vs. Legal Non-conforming.
 - a. Illegal non-conforming. A structure, lot, or use that is non-conforming and that was established or constructed without an approved improvement location permit or approval from the BZA or PC. An illegal non-conforming property shall be subject to actions and penalties allowed by this UDO and shall be altered to conform with all applicable standards and regulations of this chapter.
 - b. Legal non-conforming. A structure, lot, or use that was legally established prior to the adoption or amendment of this UDO, but would be prohibited, regulated, or restricted under the terms of this UDO are considered legally non-conforming. Legal non-conforming differs from illegal non-conforming in that the reason for the non-conformance is caused by the enactment of a zoning ordinance or a change to the zoning ordinance (including the official zoning map). Legal non-conforming lots, structures, uses, etc., may continue in the manner and to the extent that they existed or were used at the time the change in the zoning ordinance was enacted.
 - c. Exemptions. Structures, uses, and other property features that are non-conforming due to prior variance, variance of use, special exception, or other approvals shall not be subject to the provisions of this subchapter, but shall conform to the terms of their respective approval.
3. Repairs and Maintenance. The following applies to legal non-conforming structures, uses, or uses of structures and land in combination:
 - a. Ordinary Repairs. Ordinary repairs or replacement of walls, heating, fixtures, wiring, plumbing, etc. may be done under the condition that the non-conforming features (setbacks, lot coverage, land use, etc.) are not increased.

- b. Structures Declared Unsafe. Nothing in this chapter shall be deemed to prevent the strengthening, repairing, or restoring to a safe condition of any structure that has been declared unsafe by the appropriate county official.
- 4. Burden of Proof. The burden of establishing the legality of a non-conformity that is lawfully existing under the provisions of this UDO is upon the property owner of the non-conformity and not upon the jurisdiction.
- 5. Current Construction.
 - a. To avoid undue hardship, nothing in this UDO shall be deemed to require a change in the plans, construction, or designated use of any building or development on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this UDO and upon which actual building construction has been carried on diligently.
 - b. As long as a permit has been issued, where demolition or removal of an existing building has substantially begun prior to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work shall be carried on diligently.
 - c. Actual construction is hereby defined, at a minimum, as having a valid ILP and/or BP upon the initial passage of this UDO.

B. Non-conforming Lots of Record. Where a lawful lot(s) of record exists at the effective date of adoption or amendment of this UDO that would not be permitted to be created by the regulations imposed by this UDO, the lot may be developed so long as it remains otherwise lawful. Unless a Variance is obtained from the BZA, the following standards shall be met:

- 1. The lot must be in separate record with road frontage that is not shared with any existing lot(s) unless an easement exists for this purpose;
- 2. Development conforms with the applicable yard dimensions and development standards/requirements for the zoning district except for lot area and/or lot width; and
- 3. All other provisions of this UDO are met.

C. Non-conforming Structures. Where a lawful structure(s) exists at the effective date of adoption or amendment of this UDO that could not now be built under the terms of this UDO because of restrictions on area, lot, height, location on the lot, or other requirements concerning the structure, such structure(s) may be continued so long as it remains otherwise lawful. Unless a Variance is obtained from the BZA, the following standards shall be met:

- 1. A non-conforming structure may not be enlarged, altered, or added on to in a way that increases its non-conformity. However, any structure, or portion thereof, may be altered to decrease its non-conformity.

2. Whenever a legal non-conforming structure on a parcel of real property used for residential purposes is damaged or destroyed, the owner of the parcel shall be permitted to reconstruct, repair, or renovate the non-conforming structure if the reconstruction, repair, or renovation meets the following requirements:
 - a. The structure will continue to be used for residential purposes; and
 - b. The new foundation of the reconstructed, repaired, or renovated structure may not exceed the square footage of the foundation of the damaged or destroyed structure.
3. If a non-conforming structure or portion of a non-conforming structure is destroyed or damaged by any means where the damage is more than fifty percent (50%) of its fair market value (as determined by assessed value or appraisal provided by the property owner, whichever is greater), it shall not be repaired or rebuilt except as permitted by this UDO or a previously granted variance.
 - a. The reconstruction process must commence within twelve (12) months of when the damage occurred, including securing the necessary building permits. At the discretion of the Administrator, additional time may be granted in writing for a valid and reasonable explanation.
 - b. The structure must be built equal to or less than the square footage as the previous building.
4. The requirements in subsections “1” and “2” above concerning the reconstruction, repair, or renovation of a damaged or destroyed legal non-conforming structure do not authorize the reconstruction, repair, or renovation of a damaged or destroyed non-conforming structure that is:
 - a. Located within a flood plain (as defined in IC 14-8-2-99), or
 - b. Subject to the jurisdiction of a Historic Preservation Commission (per IC 36-7-11).
5. Should such structure be moved for any reason, it shall conform to all the regulations for the district in which it is located after it is moved.
6. If any non-conforming structure is abandoned for any reason for more than one (1) year, such structure shall be required to conform with all regulations of this UDO unless a variance(s) is obtained from the BZA.

D. Non-conforming Signs.

1. Any sign lawfully existing on the effective date of this ordinance, or amendment thereto that does not conform to all the standards and regulations of this ordinance is considered a legal non-conforming sign.
2. Signs which existed prior to the time this ordinance was passed and were in conformance with previous ordinances will be legally non-conforming until such time as a major change is made to the sign. Major changes include:
 - a. Modification to the size, shape, or height,

- b. Adding lights or illumination,
 - c. Adding/moving electronic components,
 - d. Structural alterations, and/or
 - e. Relocation or moving of the sign
3. Repair, Maintenance, and Replacement.
- a. All legal non-conforming signs shall be kept in good repair, safe, neat, clean, and attractive condition. In the event non-conforming signs are not kept in said condition or are demolished by any force whatsoever to the extent of fifty percent (50%) or more of the sign area, said signs shall then be made to conform to this ordinance.
 - b. Legal non-conforming signs that are damaged from fire, flood, other natural disaster, or criminal act may be restored to their legal non-conforming condition. Such signs, if rebuilt or restored, shall be identical or smaller in volume, height, setback, scale, and all other aspects to that which was altered or removed.
4. A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises 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 at cost to the property owner or lessee.

E. Non-conforming Uses of Land.

1. Where a lawful use(s) of land exists at the effective date of adoption or amendment of this UDO that would not be permitted by the regulations imposed by this UDO, this use(s) may be continued so long as they remain otherwise lawful, provided that:
- a. A legally non-conforming use may be continued but shall not be extended, expanded, or changed to another non-conforming use unless a Variance of Use is obtained from the BZA.
 - b. A non-conforming use may be extended throughout any part of an existing structure if the structure was arranged or designed for such use at the time of adoption or amendment of this UDO, but no such use shall be extended to occupy any land outside such building.
 - c. A legally non-conforming use shall not be enlarged, increased, intensified, or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this UDO, except as permitted by a Variance of Use from the BZA.
 - d. A legal non-conforming single-family residence located in any commercial, industrial, or institutional zoning district may be replaced or expanded for the purpose of continuing the residential use of the property. Required setbacks and lot coverage for the residence shall be

either those established by the Residential (R) zoning district, or those provided by the pre-expansion structure, whichever is less restrictive.

- e. A legally non-conforming use shall not be moved, in whole or in part, to any portion of the lot or parcel that was not occupied by such use at the effective date of adoption or amendment of this UDO.
 - f. If any such legally non-conforming use of land is discontinued or abandoned for any reason for more than six (6) months, any subsequent use of such land shall conform to all regulations of this UDO. There shall be no return to the previous non-conforming use after it is discontinued or abandoned for more than six (6) months unless a Variance of Use is granted by the BZA.
 - i. Uses that are required to be discontinued due to governmental action that impedes access to the premises or damage from fire, flood, other natural disaster, or criminal act shall be exempt from this provision.
 - g. No additional structures shall be erected in connection with a non-conforming use of land that do not conform to all requirements of this UDO.
 - h. Where non-conforming status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the non-conforming status of the use, in which case, both the structure and the use shall be brought into conformance with the provisions of this UDO
2. Agricultural Uses. Consistent with IC 36-7-4-616, an agricultural use of land that constitutes an agricultural legally non-conforming use may be changed to another agricultural use of land without losing agricultural non-conforming use status. In addition, an agricultural non-conforming use shall not be restricted or required to obtain a variance of use or special exception so long as an agricultural legally non-conforming use has been maintained for three (3) years in a five (5) year period.

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

Chapter 10: Definitions.

A. General Provisions.

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

B. Definitions.

ABANDONED. Abandonment or cessation of the established use of the property or structure for a period of six (6) consecutive months, by the owner or lessee without any intention of transferring rights to the property to another owner or of resuming the use of the property.

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

ACCESSORY DWELLING. See DWELLING, ACCESSORY.

ACCESSORY STRUCTURE. See STRUCTURE, ACCESSORY.

ACCESSORY USE. See USE, ACCESSORY.

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

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

ADULT ORIENTED BUSINESS. See SEXUALLY ORIENTED BUSINESS.

AGRICULTURE. See CROP PRODUCTION, LIVESTOCK/AQUACULTURE.

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

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

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

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

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

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

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

ASSEMBLY HALL. See STADIUM.

AUDITOR. The Auditor for Boone County, Indiana.

AUTOMOBILE. A self-propelled, free-moving vehicle with four (4) wheels or less, designed for carrying ten (10) passengers or less and licensed by the appropriate state agency as a passenger vehicle.

AUTOMOBILE ORIENTED BUSINESS. A business that includes services rendered directly on, to, or for vehicles. Uses include automobile accessory installation, automobile parts sales, car washes, and similar non-repair type uses.

AUTOMOBILE SERVICE STATION. A business establishment where gasoline (stored only in underground tank), kerosene, lubricating oil or grease (for operation of automobiles), are offered for sale to the public on the premises, along with minor accessories and service for automobiles (but not including major automobile repairs), and the washing of automobiles where no chain conveyor, blower or steam cleaning device is used.

AUTOMOTIVE AND VEHICLE REPAIR. Business that provides service or repair to automobiles, motorcycles, recreational vehicles (RV), trailers, boats, heavy equipment (such as bulldozers, backhoes, and similar), and similar vehicles. All service must occur within an enclosed structure or not be visible from any public right-of-way. Uses include, but are not limited to, tire sales and service, and oil change establishments. See VEHICLE, INOPERABLE.

AUTOMOTIVE AND VEHICLE SALES. Business that sells or leases new and/or used vehicles including, but not limited to, automobiles, motorcycles, recreational vehicles (RV), trailers, boats, heavy equipment (such as bulldozers, backhoes, etc.), and similar vehicles.

AVERAGE SETBACK. See SETBACK, AVERAGE.

AWNING. A roof-like cover that is temporary or portable in nature and that projects from the wall of a building for the purpose of shielding a doorway or window from the elements. An awning may be periodically retracted into the face of the building. See CANOPY.

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

BOARDING HOUSE. An establishment that offers rooms for rent not available to transients, in which meals are regularly provided for compensation for at least three (3) inhabitants. Boarding houses do not include bed and breakfasts, multi-family residential dwellings, hotels, or motels.

BOARD OF ZONING APPEALS (BZA). The Town of Thorntown Advisory 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.

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/DISTILLERY. A licensed building or property whose primary purpose is to produce and sell alcoholic beverages for distribution and may include accessory commercial facilities such as a tasting room, restaurant, and event facilities. For purposes of this UDO, this use is considered service-oriented retail.

BUFFER YARD. 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. See STRUCTURE.

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

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

BUILDING LINE. See SETBACK 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.

CANOPY. A free-standing structure that projects from a building façade and is mounted to the ground. A canopy is typically metal with a cloth covering.

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, and mausoleums. It may include mortuaries if operated in conjunction with and within the boundary of the cemetery.

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

CHILD CARE CENTER. Per IC 12-7-2-28.4, a non-residential structure where at least one (1) child receives care from a provider while unattended by a parent, legal guardian, or custodian; for regular compensation; and for more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive calendar days per year, excluding intervening Saturdays, Sundays, and holidays This includes both licensed and unlicensed centers as well as child care ministries but excludes child care home (in-home child care).

CHILD CARE HOME (IN-HOME CHILD CARE). Per IC 12-7-2-28.6, a residential structure in which at least six (6) children but not more than twelve (12) (not including the children for whom the provider is a parent, stepparent, guardian, custodian, or other relative) at any time receive child care from a provider while unattended by a parent, legal guardian, or custodian; for regular compensation; and for more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive calendar days per year, excluding intervening Saturdays, Sundays, and holidays. For the purposes of this UDO, a child care home includes both licensed and unlicensed providers. For the purposes of this UDO, this use is considered a home-based business. Class I child care homes and Class II child care homes are defined in IC 12-7-2-33.7 and 33.8, respectively.

CHURCH/TEMPLE/MOSQUE. 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 and/or affiliated with a religious body organized to sustain religious ceremonies and purposes.

CLINIC/OUTPATIENT SERVICES. A structure where patients are admitted for examination and treatment on an outpatient basis by physicians, dentists, other medical professionals, psychologists, or social workers and where such examination and treatment require a stay of less than twenty-four (24) hours. This use can include on-site administering of medication but does not include dispensing of medication for off-site use.

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

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

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

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

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

COMPREHENSIVE CARE FACILITY. See NURSING HOME/ASSISTED LIVING FACILITY.

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

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.

CONTRACTOR CONSTRUCTION OFFICE. A structure(s), area(s), or parcel(s) used for conducting business and/or storing materials and/or equipment for contractors in the construction trades. Outdoor storage is only allowed if expressly permitted by the subject zoning district, see Chapter 3: Site Development Standards. For the purposes of this UDO, this use is considered professional services/business offices.

CONTRACTOR STORAGE YARD. An unenclosed portion of a lot or parcel upon which a construction contractor stores construction equipment and/or materials customarily used in the trade carried on by the contractor.

COUNTY. Boone County, Indiana.

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

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

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

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

DAY CARE, PET. See KENNEL.

DEED. A legal document conveying ownership of real property.

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

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

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

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

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

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

DISTRICT, ZONING. See ZONING DISTRICT.

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

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

DRIVEWAY, COMMERCIAL. A private driveway serving a non-residential use.

DRIVEWAY, SHARED. A single, shared private driveway serving no more than two (2) residential parcels inside the town limits or four (4) residential parcels outside the town limits. Access to more than four (4) residential parcels shall be provided with a public road.

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

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

DUPLEX. See DWELLING, TWO-FAMILY.

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

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

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

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

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

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

- Temporary residential occupancy for persons intending to build a permanent residence on the same property or
- Temporary residential occupancy of a manufactured home adjacent to the permanent residence of someone who is able to provide care or in need of care.

DWELLING, TOWNHOME. A single-family dwelling in a row of at least three (3) such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one (1) or more vertical common fire-resistant walls.

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

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

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

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

EASEMENT, PERPETUAL UNOBSTRUCTED. See PERPETUAL UNOBSTRUCTED EASEMENT.

ESTABLISHMENT OF A BUSINESS. Any of the following:

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

EVENT VENUE, RURAL. A temporary or permanent venue located in an agriculturally zoned or agriculturally used area for special functions such as weddings, receptions, corporate meetings, or similar gatherings.

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

FAIR HOUSING FACILITY. To prevent the discrimination of mentally or physically disabled persons, these facilities have been identified as types of housing that are permitted in certain districts, but still must meet "nondiscriminatory" health, fire, safety, and building regulations.

FAIR HOUSING FACILITY (LARGE). These facilities include:

- Group homes for children in need of service under IC 31-34-1 or children who have committed a delinquent act under IC 31-37-2-2, IC 31-37-2-3, or IC 31-37-2-5; and specifically, a facility that houses more than ten (10) children.
- Residential Facility for the Developmentally Disabled which provides residential services for more than eight (8) developmentally disabled individuals as described in IC 12-28-4.

FAIR HOUSING FACILITY (SMALL). These facilities are permitted in any single-family or multiple-family residential zoning district and include:

- Group homes for children in need of service under IC 31-34-1 or children who have committed a delinquent act under IC 31-37-2-2, IC 31-37-2-3, or IC 31-37-2-5; and specifically, a facility that houses not more than ten (10) children.
- Residential Facility for the Developmentally Disabled which provides residential services for eight (8) developmentally disabled individuals or less as described in IC 12-28-4.
- Residential Facility for the Mentally Ill which provides residential services for mentally ill individuals as described in IC 12-28-4. No two (2) Residential Facilities for the Mentally Ill shall be within 3,000 feet of one another in the planning jurisdiction as stated in Indiana Code.

FARM. A parcel where the primary use is for crop production, livestock, or aquaculture. See CROP PRODUCTION.

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

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

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

FLAG LOT. See LOT, FLAG.

FLOOD HAZARD. See the flood hazard ordinance for the Town of Thorntown.

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

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

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

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

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

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

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

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

GARAGE SALE. The sale or offering for sale to the general public of items of personal property by the owner or tenant of an improved residential lot or in a residential district, whether within or outside any building, occurring for no more than three (3) consecutive days and a maximum of four (4) times in a calendar year. If the frequency is greater than this, then the activity is considered to be a general retail use, and the applicable standards shall apply.

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. Private garages shall not count towards the minimum living area of a dwelling.

GRADE. Defined as:

- The average elevation of the land around a building;
- The percentage 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.

GREENHOUSE/NURSERY, COMMERCIAL. Land, structures, or a combination thereof for the storage, cultivation, transplanting of live trees, shrubs, or plants offered for general retail sale or wholesale sale on the premises including products used for gardening and landscaping. For the purposes of this UDO, a commercial greenhouse may include nursery sales without a greenhouse structure.

GROSS FLOOR AREA. See FLOOR AREA, GROSS.

GROUND FLOOR AREA. See FLOOR AREA, GROUND.

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

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

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

in violation of the standards of this UDO; any result of land division requiring variance from the development standards of this UDO in order to render that site buildable.

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

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

HISTORIC STRUCTURE. Any structure that is:

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

HOBBY FARMING. The use of land for purposes including: dairying, pasturage, apiculture, agriculture, horticulture, floriculture, viticulture, and raising farm animals. Hobby farming use(s) shall not exceed forty percent (40%) of the land area of the lot. Hobby farming shall not include feed lots, stock yards, or livestock operations.

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

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

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

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

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

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

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

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

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

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

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. Farm equipment may not necessarily be included in this definition at the discretion of the Administrator.

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

JURISDICTION. The incorporated area of the Town of Thorntown as well as the area of extended jurisdiction.

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

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

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

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

LEGISLATIVE BODY. The Town Council of Thorntown, 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 as cash or bonds to ensure the installation or construction of required improvements.

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

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

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

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

LODGING HOUSE. A facility in which rental sleeping accommodations are provided and in which meals also may be supplied as part of the rent. See BED AND BREAKFAST, BOARDING HOUSE, and HOTEL.

LODGE. See CLUB, PRIVATE.

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

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

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

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

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

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

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

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

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

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

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

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

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

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 RV.

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

- All real and personal property used in the operation of the manufactured home community;
- A single parcel of land;
- Contiguous but separately owned parcels of land that are jointly operated;
- Parcels of land jointly operated and connected by a private street;
- One (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. Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials such as oils, plastics, resins, or liquors. See INDUSTRIAL, LIGHT; INDUSTRIAL, HEAVY, and 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 AND DOCTOR OFFICES. Uses whose primary purpose is to provide diagnosis and treatment for medical, dental, and psychiatric outpatient care, where there is no dispensing of medication and patients/clients are not admitted. Uses include doctor office, dentist office, optician office, and similar uses not defined elsewhere in this UDO. For purposes of this UDO, medical offices and clinics are considered professional services/business offices.

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

MINIMUM LIVING AREA. See LIVING AREA, MINIMUM.

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

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

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

MOTEL. See HOTEL.

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

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

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

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

NURSERY. See GREENHOUSE/NURSERY, COMMERCIAL.

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

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

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

OUTPATIENT SERVICES. See CLINIC/OUTPATIENT SERVICES.

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

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.

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

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

PLACE OF WORSHIP. See CHURCH/TEMPLE/MOSQUE. Defined as:

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

PLAN COMMISSION (PC). The Town of Thorntown Advisory Plan Commission for the jurisdiction.

PLANNED UNIT DEVELOPMENT (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.

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

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

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

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

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

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

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

PROCESSING. A series of operations, usually in a continuous and regular action or succession of actions, taking place or carried on in a definite manner. See MANUFACTURING.

PROFESSIONAL SERVICES AND BUSINESS OFFICES. Uses whose primary purpose is to provide professional services or advice that occurs within a business office setting. The majority of people accessing the site are typically employees but can also have customers or clients that access the business. This use does not include adult businesses, service-oriented retail, general retail, or other uses specifically defined within this UDO or separately listed in the Permitted Land Uses in Chapter 2: Zoning Districts and Overlay Districts. Examples of this use include, but are not limited to, the following:

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

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

PUBLIC HEARING. A meeting announced and advertised in advance and open to the public, 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.

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

RACE TRACK. See STADIUM.

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

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

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.

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

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

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

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

RE-PLAT. Defined as:

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

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

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

RETAIL. Uses whose primary purpose is the sale of goods, services, entertainment, experiences, and/or merchandise to a consumer.

RETAIL (TYPE 1), VERY LOW INTENSITY. Retail businesses that have a very low impact on neighboring properties, traffic generation, and public safety. Example businesses include an art and craft gallery, flower shop, gift shop (small), jewelry store, and news dealer.

RETAIL (TYPE 2), LOW INTENSITY. Retail businesses that have a low impact on neighboring properties, traffic generation, and public safety. Example businesses include a bakery, book store (small), convenience store (small), craft gallery (small), drug store (small), and meat market.

RETAIL (TYPE 3), MEDIUM INTENSITY. Retail businesses that have a medium impact on neighboring properties, traffic generation, and public safety. Example businesses include an antique shop, apparel shop, art and craft supplies, book store, boutique, building supply store (small), convenience store (large), department store (small), drug store (large), fabric shop, furniture shop (small), garden shop, gift shop (large), grocery/supermarket (small), home electronics/appliance store (small), liquor sales, music/media shop, office supply store (small), party/event store (small), pawn shop, pet grooming/store, plant nursery, print shop/copy center, pro shop, quick cash/check cashing, shoe store/repair, sign shop, sporting goods (small), variety store (small), video/DVD rental, gun sales, and hunting store.

RETAIL (TYPE 4), HIGH INTENSITY. Retail businesses that have a high impact on neighboring properties, traffic generation, and public safety. Example businesses include automobile sales (small), boat sales (small), building supply store (large), department store (large), furniture store (large), grocery/supermarket (large), home electronics/appliance (large), office supply store (large), party/event store (large), sporting goods store (large), superstore, and variety store (large).

RETAIL (TYPE 5), VERY HIGH INTENSITY. Retail businesses that have a very high impact on neighboring properties, traffic generation, and public safety. Example businesses include automobile sales (large), boat sales (large), construction vehicle sales, farm equipment sales, manufactured home sales, semi tractor-trailer sales, and tool/ equipment sales rental.

RETAIL (TYPE 6), SPECIAL HANDLING. Retail businesses that sell products that require special handling due to risks to public safety. Example business includes fireworks sales.

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

RIGHT-OF-WAY. Defined as:

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

ROAD. Any vehicular way, right-of-way (improved or unimproved), or area between the street lines that is:

- An existing state, county, or municipal roadway;
- Shown upon a plat approved pursuant to law;
- Approved by other official action;
- Shown on a plat duly filed and recorded in the office of the Recorder; and/or
- Shown on the official map of the jurisdiction or their adopted Comprehensive Plan.

ROAD CLASSIFICATIONS. Road classifications as determined by the Comprehensive Plan.

ROAD, PRIVATE. A privately maintained road.

ROAD, PUBLIC. Any publicly maintained road.

ROADSIDE SALES. A sales activity easily clearly visible from the roadway or a driveway in a structure or sales area not exceeding two hundred (200) square feet where a single vendor or property owner sells agricultural products (not including live animals) that are produced on the same property.

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

SALVAGE YARD. See JUNKYARD.

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

SCRAP YARD. A general industrial use established independent or ancillary to and connected with another industrial use, which is concerned exclusively in new and salvaged metal pipes, wire, beams, angles, rods, machinery, parts, filings, clippings, and/or all other metal items of every type, and which acquires such items incidental to its connection with the other general industrial use or by purchase, consignment or bailment which stores, grades, processes, melts, cuts, dismantles, compresses, cleans, or in any way prepares said items for reuse by the connected other general industrial use or for storage, sale or shipment and/or use in other industries or businesses including open hearth, electric furnaces and foundry operations. Such an establishment shall not include junkyards, dumps, or automobile or other vehicle graveyards. See DUMP, JUNK, JUNKYARD, RECYCLING, and RECYCLING FACILITY.

SELF STORAGE/MINI-STORAGE FACILITY. A building(s) or area consisting of individual, self-contained units or spaces leased to individuals, organizations, or businesses for self-service storage of personal property, recreational vehicles (RV's), boats, or other similar items.

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 to the lot line, right-of-way, or other feature. See Chapter 2, Section A.5.b: Setbacks for the criteria to determine the front, side, and rear yard setbacks.

SETBACK, AVERAGE. The average setback of primary structures on the same side of the street that are located within one hundred (100) feet of the property line of the proposed structure.

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

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

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

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

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

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

SHIPPING CONTAINER. See CARGO CONTAINER.

SHORT-TERM RENTAL. In accordance with IC 36-1-24-6, the rental of a single-family home, an accessory dwelling, a duplex, a multi-family dwelling, or a condominium for terms of less than 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 (VISION CLEARANCE TRIANGLE). A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection. The sight triangle leg lengths shall be twenty-five (25) feet as measured from the edge of pavement. No structures, landscaping, agricultural plantings, fences, walls, or signs shall be permitted within the sight triangle between the heights of two (2) feet and nine (9) feet above the crown of the adjacent roadway. Exceptions include public street signs and utility poles.

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

SIGN, ABANDONED. A sign that is:

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

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

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

SIGN, FACE. The surface 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 to the highest point of the sign or its frame/support.

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

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

SIGN, PERMANENT. A sign attached to a 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 ropes, stakes, chains, glue, or similar anchoring are not methods recognized by this ordinance as a permanent foundation.

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

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

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

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

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

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

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

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

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

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

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

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

BENCH SIGN. A type of portable sign painted on, located on, or attached to any part of the surface of a bench, seat, or chair.

HUMAN SIGN. A type of portable sign held or worn by a human being for the purposes of advertising or otherwise drawing attention to an individual, business, commodity, service, activity, or product.

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

VEHICLE SIGN. A type of portable sign that is permanently affixed to the body of, an integral part of, or a fixture of a motor vehicle that is parked or left standing so that it is visible from a public street for a period of more than seventy-two (72) continuous hours for the intent of being used as advertisement. For the purpose of this definition, "permanently affixed" shall mean it is painted directly on the body of a vehicle and/or applied as a decal on the body of a vehicle.

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

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

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

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

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

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

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

SOLAR ENERGY SYSTEM. A device, array of devices, or structural design feature, the purpose of which is to provide for generation or storage of electricity from sunlight, or the collection, storage, and distribution of solar energy.

A-WEIGHTED DECIBELS. Expression of the relative loudness of sounds in air as perceived by the human ear (abbreviated as dBA).

KILOWAT (KW): A unit of electrical power. 1 KW = 1,000 watts.

LAYDOWN AREA. The area used for the receipt, temporary storage, and sometimes for the assembly of construction equipment and supplies.

METAWATT (MW). A unit of electrical power. 1,000 KW = 1 MW; 1 MW = 1,000,000 watts.

NON-PARTICIPATING PROPERTY. A property in which land is not participating in a current CSES.

PARTICIPATING PROPERTY. Land that is owned or leased (by a signed and recorded document between the property owner and the CSES owner) in order to facilitate CSES development.

RADIUS. A direct line extending from the foundation at the closest point of an existing primary structure to a CSES, excluding obstructed view by existing structure(s) and/or terrain.

STAGING AREA. A smaller laydown area between material and construction point on a specific tract.

STEWARDSHIP PLAN. Evaluation of the proposed habitat within the CSES site in order to assess the project's conservation. The plan must include a native species list and an assessment similar to a planning score card, such as the Indiana Solar Site Pollinator Habitat Planning Score Card or something similar.

VIEWSHED. Surrounding points in line-of-sight from existing primary structure; excludes points obstructed by terrain or other features such as buildings or trees.

WASTE MANAGEMENT PLAN. Consistent with local, state, and federal rules and regulations. No harmful waste shall be allowed to seep into the ground or come in contact with open water.

SOLAR ENERGY SYSTEM, ACCESSORY. A solar energy system for the purpose of generating and consuming solar power exclusively for an on-site use.

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, PUBLIC. An accessory structure/building/area in which horses are kept for commercial use including boarding, hire, riding, show, or sale. For the purposes of this UDO, this use shall be considered service-oriented retail.

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

STATE. The State of Indiana.

STORAGE CONTAINER, TEMPORARY. 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/structure.

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.

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, ENCLOSED. A structure with a roof/ceiling and at least two (2) walls.

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

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

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

SUBDIVIDER. Any person who has an interest in land that is the subject of an application for subdivision. Also, a person who submits an application for subdivision.

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

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

SUBDIVISION, EXEMPT. Divisions of existing parcels of land that are exempt from this UDO as determined by the Administrator and outlined in Chapter 6: Subdivision Types.

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

SUBDIVISION, MINOR RESIDENTIAL. Approval granted by the PC in accordance with IC 36-7-4-700 series for a division of a parcel of land for residential development resulting in two (3) lots inside the town limits or four (4) lots or less outside the town limits.

SWIMMING POOL. A self-contained body of water at six (6) feet in diameter and at least twenty-four (24) inches in depth that is 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.

TAC. See TECHNICAL ADVISORY COMMITTEE.

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

TECHNICAL ADVISORY COMMITTEE (TAC). 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.

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

TOURIST CABINS. See HOTEL.

TOWNHOME. See DWELLING, TOWNHOME.

TRACT. See LOT.

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

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

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

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

USE, ACCESSORY. A use that:

- Is clearly incidental and customarily found in connection with a primary structure or use;
- Is subordinate to and serves the primary use;
- Is subordinate in area, extent, or purpose to the primary use served;

- Contributes to the comfort, convenience, or necessity of occupants, business, or industry of the primary use served; and
- Is located on the same parcel as the primary use served.

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

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

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

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

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

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

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

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

VEHICLE, INOPERABLE. As defined by IC 9-13-2-1, any vehicle that is partially disassembled, inoperable, or unlicensed, on any property not associated with a legal on-site automotive repair use in a 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, which is parked in areas zoned AG, and is used for parts replacement for machinery currently being used in the farming operation.

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

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

WATERCRAFT. A watercraft or waterborne vessel designed for travel across or through water bodies. Examples include a boat, bowrider, cabin cruiser, canoe, catamaran, center console boat, deck boat, hovercraft, jet ski, kayak, pontoon boat, sailboat, ship, submersible, submarine, and yacht.

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

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

WIND ENERGY SYSTEM. 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.

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

The project owner does not seek:

- To install or locate one (1) or more wind power devices or other facilities related to a wind power project (including power lines, temporary or permanent access roads, or other temporary or permanent infrastructure); or
- To otherwise enter into a lease or any other agreement with the owner of the property for use of all or part of the property in connection with a wind power project;

The owner of the property does not consent:

- To having one (1) or more wind power devices or other facilities related to a wind power project (including power lines, temporary or permanent access roads, or other temporary or permanent infrastructure) installed or located; or
- To otherwise enter into a lease or any other agreement with the project owner for use of all or part of the property in connection with a wind power project.

The owner of the property does not participate in a wind power project through:

- A neighbor agreement;
- A participation agreement; or
- Another similar arrangement or agreement with a project owner.

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

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

WINDOW. An opening in the wall or roof of a building that is fitted with glass or other transparent material in a frame to admit light or air and allow people to see out.

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 the primary structure and the front lot line and measured perpendicularly from the front lot line to the closest point of the primary structure.

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

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

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

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