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Jasper County Unified Development Ordinance

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Article

1

Ordinance Foundation

Jasper County Unified Development Ordinance

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Basic Provisions

1.01 Title

This ordinance shall be formally known as the "Jasper County Unified Development Ordinance," and may be cited and referred to as the "Unified Development Ordinance," "Subdivision Control Ordinance" or "Zoning Ordinance."

1.02 Unified Development Ordinance

The Jasper County Zoning Ordinance and Subdivision Control Ordinance have been combined into one ordinance for the purpose of maintaining consistency, shortening the overall length of the document, and to improve user-friendliness for the end users. Articles 1, 7, 8, 9, 10, and 11 are shared by both the Zoning Ordinance and Subdivision Control Ordinance. Articles 2, 3, 4, and 5 are exclusively Zoning Ordinance components. Article 6 is exclusively a Subdivision Control Ordinance component.

1.03 Defined Words

Words used in a special sense in this Unified Development Ordinance are defined in Article 11: Definitions.

1.04 Authority

This Unified Development Ordinance is adopted by Jasper County pursuant to its authority under the laws of the State of Indiana, *IC 36-7-4* et seq.

1.05 Purpose

This Unified Development Ordinance is intended to guide the growth and development of Jasper County in accordance with the *Jasper County Comprehensive Plan* for the following purposes:

A. Basic Rights: To secure adequate light, air, convenience of access and safety from fire, flood, and other dangers which may include providing adequate open spaces for light, air and outdoor uses.

B. General Welfare: To promote the public health, safety, morals, comfort, convenience, and general welfare.

C. Development and Growth: To promote the orderly, responsible and beneficial development and growth of the areas within the planning jurisdiction in accordance with Jasper County land use policy.

D. Character: To protect the character and stability of agricultural, residential, institutional, commercial, industrial and natural areas.

E. Circulation: To minimize or avoid congestion on public streets and to ensure safe, convenient and efficient traffic circulation.

F. Environmental Integrity: To preserve and enhance the scenic beauty, aesthetics and environmental integrity of the planning jurisdiction.

G. Compatibility: To bring about compatibility between different land uses and to protect the scale and character of existing development from the encroachment of incompatible uses.

H. Intensity: To regulate and restrict the use of buildings, structures and land for business, industry, residence and other uses.

I. Compliance: To require ongoing compliance with the regulations and punitive recourse for noncompliance regarding the provisions of this Unified Development Ordinance.

1.06 Compliance

A. Structures: No structure shall be located, erected, constructed, reconstructed, moved, altered, converted, enlarged, or used except when in full compliance with all provisions of this Unified Development Ordinance and the permits and certificates required by this Unified Development Ordinance have lawfully been issued.

B. Land: No piece of land (e.g. lot) shall be used except when in full compliance with all provisions of this Unified Development Ordinance and the permits and certificates required by this Unified Development Ordinance have lawfully been issued.

C. Expansion: No existing use shall be be expanded except when in full compliance with all provisions of this Unified Development Ordinance and the permits and certificates required by this Unified Development Ordinance have lawfully been issued.

1.07 Severability

If any provision or the application of any provision of this Unified Development Ordinance is held unconstitutional or invalid by the courts, the remainder of the Unified Development Ordinance or the application of such provision to other circumstances shall not be affected.

1.08 Interpretation

A. Minimum Requirements: The provisions of this Unified Development Ordinance are the minimum requirements necessary to achieve the purpose of this ordinance.

B. Conflict or Inconsistency:

1. *Internal*: Unless otherwise specifically stated within this Unified Development Ordinance, if two (2) or more provisions of this Unified Development Ordinance are in conflict or are inconsistent with one another, then the most restrictive provision shall apply.
2. *Federal, State and Local*:
   a. Whenever a provision of the Unified Development Ordinance imposes a greater restriction or a higher standard than is required by any State or federal code or regulation, or other County ordinance or regulation, the provision of the Unified Development Ordinance shall apply.
   b. Whenever a provision of any State or federal code or regulation, or other County ordinance or regulation imposes a greater restriction or a higher standard than is required by the Unified Development Ordinance, the provision of the State or federal code or regulation, or other County ordinance or regulation shall apply.
3. *Other*: Whenever a private covenant, contract, commitment, agreement, or other similar private land use regulation imposes a greater restriction or a higher standard than is required by a provision of the Unified Development Ordinance, the stricter standard would apply, albeit by a non-governmental regulation. However, if a project complies with the Unified Development Ordinance, the county is still obligated to issue the permit or otherwise approve the project.

C. Illustrations: If differences are found between the meaning or implication of any illustration or drawing, the regulating text of this Unified Development Ordinance shall apply.

D. Text and Tables: If differences are found between the meaning or implication of the text and tables, the stricter of the provisions shall apply.

E. Time Frames: Unless specifically noted otherwise, time frames stated within this Unified Development Ordinance shall be calculated to include weekdays, weekends and holidays. If a time frame ends on a Saturday, Sunday or holiday that the Jasper County offices are closed, the time frame will be extended to the end of the next business day.

F. Delegation of Authority: If a provision in this Unified Development Ordinance requires the Zoning Administrator or other County officer to perform an act or duty, that provision shall also include any person working under the authority and supervision of the Zoning Administrator unless specified otherwise.

G. Mandatory and Permissive Terms: The words “shall” or “must” are always mandatory. The words “may” or “should” are always permissive.

H. Words Used: If words used in this Unified Development Ordinance are not defined in *Article 11: Definitions*, they shall be construed to be the common usage of the language. Any legal or technical words not defined in this Unified Development Ordinance shall be construed to be as defined by an appropriate lexicon or current and common dictionary.

I. Tense: If words are used in a specific tense (i.e. past, future, or present) it shall be construed to include all tenses, unless the context clearly indicates a specific tense.

J. Singular/Plural Form: If words are used in singular form, the plural form shall apply and vice versa, unless the context clearly indicates the contrary.

K. Gender: If a feminine term is used, the masculine shall also apply and vice versa.

L. Conjunctions: The word “and” shall be construed to include all connected items in a series, conditions and provisions. The word “or” shall be construed to include one or more of the items in a series, conditions and provisions, unless the context clearly suggests the contrary.

M. Rounding: If a regulatory formula is used within this Unified Development Ordinance and results in a non-whole number of an indivisible object or feature (e.g. a tree), the non-whole number shall be rounded up to the next highest whole number.

1.09 Ordinance Jurisdictional Area

This Unified Development Ordinance applies to all land within Jasper County, Indiana, excluding the legally established planning jurisdiction of the cities and towns within Jasper County.

1.10 Repealer

The following Jasper County ordinances are hereby repealed and are replaced by the Unified Development Ordinance and Official Zoning Map:

A. Zoning Ordinance: The Jasper County Zoning Ordinance 11-18-2002 as amended, and its associated Zoning Map.

B. Subdivision Control Ordinance: The Jasper County Subdivision Control Ordinance 8-5B-82 as amended.

1.11 Transition Rules

A. Plan Commission: Any application (e.g. Development Plan Review, Primary Plat) filed with the Plan Commission that is full and complete prior to the effective date of this Unified Development Ordinance shall be regulated by the terms and conditions of the Zoning Ordinance and/or Subdivision Control Ordinance that were in place at the time of filing. However, all administrative procedures and fees shall follow those established in this Unified Development Ordinance.

B. Rezone: Any application for a Zone Map Amendment (i.e. Rezone) filed with the Plan Commission that is full and complete prior to the effective date of this Unified Development Ordinance shall continue through the process to completion pursuant to the terms and conditions of the Zoning Ordinance that was in place at the time of filing. However, all administrative procedures and fees shall follow those established in this Unified Development Ordinance.

C. Recorded Commitment or Condition; Rezone: Any conditions or recorded commitment made applicable to a lot as a part of rezoning and established prior to this Unified Development Ordinance's effective date shall remain in full effect and force regardless of regulation changes in this Unified Development Ordinance. Essentially, the stricter of the two shall apply. The owner of a lot with a recorded commitment or condition may petition for the commitment or condition to be removed or modified through the Zone Map Amendment (i.e. Rezone) process.

D. Board of Zoning Appeals: Any application (e.g. Development Standards Variance, Administrative Appeal) filed with the Board of Zoning Appeals that is full and complete prior to the effective date of this Unified Development Ordinance shall continue the process pursuant to the terms and conditions of the Zoning Ordinance that was in place at the time of filing, provided that the appeal is still required by the terms of this Unified Development Ordinance. However, all administrative procedures and fees shall follow those established in this Unified Development Ordinance.

E. Planned Development: An application for a Planned Development District filed with the Plan Commission that is full and complete prior to the adoption of an amendment to the Planned Development District Ordinance and/or Concept Plan shall continue the process pursuant to the terms and conditions of the Planned Development District Ordinance and/or Concept Plan in place prior to the amendment. However, all administrative procedures and fees shall follow those established in this Unified Development Ordinance.

F. Building Sites: All new building sites shall meet the requirements of the Unified Development Ordinance unless:

1. *Improvement Location Permit*: A complete Improvement Location Permit application was filed and is still valid; or
2. *Buildable Lot*: A parcel was approved as a buildable lot by the Plan Commission (valid Primary or Secondary Plat) or the Board of Zoning Appeals (valid Development Standards Variance) prior to the effective date of this Unified Development Ordinance; or
3. *Primary Plat*: A complete and valid Primary Plat application has been filed with the Zoning Administrator prior to the effective date of this Unified Development Ordinance.

G. Use Variance: Any use that was established by a Use Variance granted by the Board of Zoning Appeals prior to the effective date of this Unified Development Ordinance shall remain in full effect and force until:

1. *Vacated*: The use is vacated or abandoned for a duration of twelve (12) months,
2. *Voluntarily Rezoned*: The lot is voluntarily rezoned to a district that permits the land use,
3. *Reassignment by the County*: The lot is reassigned by Jasper County (e.g. during the adoption of the Unified Development Ordinance and Official Zoning Map) to a different zoning classification that permits the land use,
4. *Expiration*: The term of the use expires per the terms, conditions, or commitments of approval, or
5. *Violation*: The use becomes non-compliant with its terms, conditions, or commitments of approval, whichever shall occur first.

H. Recorded Commitment or Condition; Use Variance: Any recorded conditions or recorded commitments made applicable to a lot or use as a part of a Use Variance granted by the Board of Zoning Appeals and established prior to this Unified Development Ordinance's effective date shall remain in full effect and force regardless of regulations changes in this Unified Development Ordinance. Essentially, the stricter of the two shall apply. The owner of a lot with recorded commitments or recorded conditions may petition for the commitment or condition to be removed or modified through the same Board of Zoning Appeals process during which it was legally applied.

I. Improvement Location Permit: Any application for an Improvement Location Permit review (i.e. site plan review) filed with the Zoning Administrator that is full and complete prior to the effective date of this Unified Development Ordinance shall continue through the process to completion pursuant to the terms, conditions, and regulations of the Zoning Ordinance that was in place at the time of filing. However, all administrative procedures and fees shall follow those established in this Unified Development Ordinance.

J. Phased Subdivisions: Any subdivision approved as a primary plat with portions of the subdivision (i.e. phases) yet to complete secondary plat approval shall be permitted to utilize the minimum lot size, minimum lot width, and setback standards applicable to the previously approved phases.

1.12 Administration

The Zoning Administrator shall have the primary responsibility for administration of the Unified Development Ordinance within Jasper County's planning jurisdiction.

1.13 Saving Provision

This Unified Development Ordinance shall not be construed as eliminating or reducing any action now pending under, or by virtue of, an existing law or previous Zoning, Subdivision Control, or related ordinance. The Unified Development Ordinance shall not be construed as discontinuing, reducing, modifying, or altering any penalty accruing or about to accrue.

1.14 Effect of Annexation or Vacation on Zoning

The Plan Commission shall be guided by the principles and directives of the *Jasper County Comprehensive Plan* and this Unified Development Ordinance in making recommendations to the County Commissioners regarding zoning district classifications for newly annexed areas.

1.15 Statutory Changes

Whenever Indiana Code cited in this Unified Development Ordinance has been amended or superseded, this Unified Development Ordinance shall be deemed amended in reference to the new or revised code.

1.16 References

Whenever any agency, department, position, document, map, or publication referenced in the Unified Development Ordinance changes, the new or substitute agency, department, position, document, map, or publication shall be deemed incorporated into the Unified Development Ordinance.

1.17 Establishment of Standard Zoning Districts

Each of the standard zoning districts in this Unified Development Ordinance stand alone and is not a part of a hierarchy or pyramidal system of zoning. For example, what is permitted in one zoning district is not related to what is permitted in another zoning district. Only those uses and development standards which are expressly permitted and noted for each zoning district apply to that zoning district.

For the purpose of the Unified Development Ordinance, Jasper County has established the following standard zoning districts:

Standard District Code	Standard District Name	Standard District Purpose
CO	Conservation	This district is established for fish and wildlife areas, land banks, and other state-owned land in conservation
PR	Parks and Recreation	This district is established for active recreation, parks, recreational areas, and linear trails
A1	Conservation Agricultural	This district is established for prime agricultural uses including roadside sales and agricultural tourism
A2	General Agricultural	This district is established for general agricultural uses
A3	Intense Agricultural	This district is established for ~~sate~~ state/federal regulated confined feeding operations
A4	Agricultural Business	This district is established for commercial uses related to agriculture (i.e. seed sales, elevator, fertilizer)
~~ER~~	~~Estate Residential~~	~~This district is established for very large to large lot rural residential and for "hobby farms"~~
R1	Low Density Single-family Residential	This district is established for single-family detached residential on large sized lots
R2	Medium Density Single-family Residential	This district is established for single-family detached residential on medium sized lots
VR	Village Residential	This district is established for single-family detached residential, primarily on small lots and located within the boundaries of existing villages and towns
M1	Low Intensity Multiple-family Residential	This district is established for duplexes
M2	Multiple-family Residential	This district is established for triplexes, quadplexes, and small apartment complexes
MP	Manufactured Home Park	This district is established for leased-lot developments which typically lease dwelling sites for mobile home dwellings or modular home dwellings
IS	Institutional	This district is established for institutional and municipal owned lands for public purpose and use
LB	Local Business	This district is established for the provision of small scale retail goods and services required for regular or daily convenience of nearby neighborhoods and agricultural areas
GC	General Commercial	This district is established for a wide variety of retail, business, service, entertainment, and eating establishments
HC	Highway Commercial	This district is established for commercial uses that are closely related to the special needs of the traveling public, interstate commerce, trucking, and in general, vehicular traffic along interstates and major state highways
CP	Commerce Park	This district is established for office uses in a technology or business park setting
I1	Low to Moderate Intensity Industrial	This district is established for low to moderate intensity industrial uses and light manufacturing facilities
I2	High Intensity Industrial	This district is established for high intensity industrial uses and heavy manufacturing facilities
HI	High Impact	This district is established for specific uses that may have a particularly high impact on the community

1.18 Establishment of Overlay Districts

The overlay districts as noted below have been established to modify the applicability of development standards and land uses which will help Jasper County accomplish its goals. For the purpose of this Unified Development Ordinance, the following overlay districts have been established for the purpose as stated:

Overlay District Code	Overlay District Name	Overlay District Purpose
ACO	Airport Compatibility Overlay	This district is established to disallow land uses which are in conflict with or adversely affected by normal airport operations.
WHO	Wellhead Overlay	This district is established to protect the integrity and potability of the community's public water supply and enhance water quality of streams.
WFO	Wind Farm Overlay	This district is established to allow wind farms in appropriate areas within the County.

1.19 Establishment of Planned Development District

As provided for in the Unified Development Ordinance, only the following standard zoning districts may be rezoned to a Planned Development District: A2, R1, R2, M1, M2, IS, LB, GC, I1, and I2.

1.20 Zoning District Land Uses

The two-page layout for each standard zoning district in *Article 2: Zoning Districts* identifies land uses allowed in that district. Such land uses are of two kinds: permitted uses and special exception uses. Jasper County's permitted and special exception uses for each district shall be as noted in the "Permitted Use" and "Special Exception Use" columns on each two-page layout.

1.21 Unlisted Land Uses

Any land use not listed in either the permitted use or special exception use column of a particular standard zoning district, shall be prohibited in that particular standard zoning district.

1.22 Administrative Interpretation of Unlisted Land Uses

~~Any land use not listed in either the permitted use or special exception use column of a particular standard zoning district, but that is significantly similar or related to a use that is a permitted use or a special exception use in that standard zoning district may be deemed permitted through a Administrative Interpretation Process as described in *Article 9: Processes*.~~

Upon inquiry by an applicant, an administrative interpretation shall be made by the Zoning Administrator to determine if a proposed use not specifically listed is allowed utilizing the criteria below. Should interpretation be made that a proposed, unlisted use not be allowed in a specific zoning district, the Zoning Administrator shall indicate with which zone, if any, the use is consistent. If the Zoning Administrator's interpretation indicates that an unlisted use is not consistent with a permitted use or a special exception use in any district, an Administrative Appeal may be made pursuant to Article 9: Processes.

A. Criteria for Classifying Unlisted Land Uses. To determine whether an unlisted land use is permitted, the Zoning Administrator shall determine that the use is:

1. In keeping with the purpose and intent of the zoning district, and consistent with the Jasper County Comprehensive Plan policies;
2. Similar in nature to, and no more intense than, a specifically listed permitted use or special exception use;
3. Similar to the physical characteristics, supporting structures, scale, traffic, hours of operation, and other features of specifically listed permitted or special exception uses; and
4. If determined to be permissible as an accessory use, the accessory use shall be incidental, necessary, and commonly found with the permitted or special exception use and consistent with the definition of accessory use.

1.23 Official Zoning Map

A. Description: The map labeled "Official Zoning Map" maintained by the Plan Commission is hereby included as part of the Unified Development Ordinance and is to function as the means to apply a zoning district to each parcel within Jasper County's jurisdiction. The zoning map shall be formally known as the "Official Zoning Map," and it may be cited and referred to as the "Jasper County Zoning Map" or the "Zoning Map."

B. Location: The Official Zoning Map as approved by the Plan Commission will be located in the Planning Department and maintained by the Plan Commission.

C. Zoning District Boundaries:

1. *Standard Zoning Districts*: The standard zoning district boundaries shall be shown on the Official Zoning Map. The two-digit abbreviations for the standard zoning districts appearing in the Unified Development Ordinance or a specific color noted on the map legend shall be used to identify the standard zoning districts on the map.

2. *Overlay Districts*: The overlay district boundaries shown on the Official Zoning Map shall be interpreted as follows:

   a. Labeling: An overlay district shall be noted on the Official Zoning Map with a hatch or textured pattern and be noted as such on the map legend.

   b. Fully Covered: A lot that is fully covered (bounded) by an overlay district shall be interpreted to be subject to the overlay district standards found in *Article 3: Overlay Districts*.

   c. Partially Covered: A lot that is partially covered (i.e. transected) by an overlay district boundary shall be interpreted to be subject to the overlay district standards where the lot area is covered by the overlay district.

3. *Standards*: Zoning district boundaries on the Official Zoning Map shall be interpreted as follows:

   a. Streets: Zoning district boundaries shown within or parallel to the lines of streets, easements, and transportation rights-of-way shall be deemed to follow the centerline of the affected street, easement or right-of-way.

   b. Section Lines: Zoning district boundaries indicated as following or being parallel to section or fractional sectional lines, platted lot lines or County corporation lines shall be construed as following or paralleling such lines.

   c. Water: Zoning district boundaries indicated as approximately following the centerline of streams, rivers or other moving bodies of water shall be construed to follow such centerlines.

   d. Vacated: Whenever any street, public way, railroad right-of-way, waterway or other similar area is vacated by proper authority, the zoning districts adjoining each side of vacated areas shall be extended automatically to the center of the vacated area. All areas included in the vacation shall thereafter be subject to all regulations of the extended zoning districts. The following exceptions apply:

      i. In the event of a partial vacation, the adjoining zoning district, or zoning district nearest the portion vacated, shall be extended automatically to include all of the vacated area.

4. *Disputes*: Any disputes as to the exact zoning district boundaries shall be determined by the Zoning Administrator. The Zoning Administrator may refuse to make a determination when he/she cannot definitely determine the location of a zoning district boundary. The Plan Commission may then interpret the location of the zoning district boundary with reference to the scale of the Official Zoning Map and the purposes set forth in all relevant provisions of the Unified Development Ordinance.

D. Regular Revisions: The Official Zoning Map shall be formally revised by the Plan Commission as changes are made (e.g. rezonings, planned unit developments, or annexations) or as the Zoning Administrator determines necessary. During the time it takes for each revision to be made electronically, hand drawn lines and text on a printout of the previous Official Zoning Map will be appropriate to note official changes. Revisions may be made at any time to correct drafting errors, clerical errors or omissions in the Official Zoning Map.

E. Copies: Print copies of the Official Zoning Map may be distributed. Each copy of the Official Zoning Map shall be accurate only to the date on which it was last modified. The date of the latest revision shall be printed on copies of the Official Zoning Map.

F. Damage, Destruction or Loss: In the event the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret, the Plan Commission may prepare a map to replace the Official Zoning Map based on the best information and knowledge available. The replacement map shall become the Official Zoning Map upon a majority vote by the Plan Commission.

1.24 County Commissioners Summary of Powers and Duties

The powers and duties of the County Commissioners are described below. Duties should be interpreted as activities that are obligations. Powers should be interpreted as activities that are optional and may be initiated.

A. County Commissioners Duties:

1. *Documents*: Adopt, reject, or amend the *Jasper County Comprehensive Plan* or Unified Development Ordinance that have been certified and submitted by the Plan Commission.
2. *Amendments*: Adopt, reject or amend proposals to amend or partially repeal the text of the *Jasper County Comprehensive Plan* or Unified Development Ordinance that has been certified and submitted by the Plan Commission.
3. *Zoning Map*: Adopt, reject or amend proposals to amend the Official Zoning Map certified and submitted by the Plan Commission.
4. *Fee Schedule*: Adopt, reject or amend a fee schedule.
5. *Enforcement*: Enforce regulations and procedures of the *Jasper County Comprehensive Plan* and Unified Development Ordinance to the extent of the local resolutions, ordinances and State of Indiana Law.
6. *Other*: Other duties as permitted by Indiana Code.

B. County Commissioners Powers:

1. *Document Amendment Initiation*: Initiate amendments to the *Jasper County Comprehensive Plan* or Unified Development Ordinance by making the proposal to the Plan Commission.
2. *Zoning Map Amendment Initiation*: Initiate amendments to the Official Zoning Map by making the proposal to the Plan Commission.
3. *Other*: Other powers as permitted by Indiana Code.

1.25 Plan Commission Summary of Powers and Duties

The powers and duties of the Plan Commission are described below. Duties should be interpreted as activities that are obligations. Powers should be interpreted as activities that are optional and may be initiated.

A. Plan Commission Duties:

1. *Documents*: Certify and maintain the County Commissioners approved *Jasper County Comprehensive Plan* and Unified Development Ordinance as authorized under Indiana State Law.
2. *Rules ~~of~~ and Procedures* Adopt and maintain rules and procedures for holding meetings, holding public hearings, and administrating and enforcing the *Jasper County Comprehensive Plan* and Unified Development Ordinance.
3. *Records*: Maintain complete records of all meetings, hearings, correspondences and affairs of the Plan Commission.
4. *Materials*: Publish and make available to the public all plans, ordinances and other related material that are the responsibility of the Plan Commission.
5. *Process and Seal*: Adopt and maintain a permitting process and seal used to certify official or approved documents.
6. *Recommendations for Documents*: Certify and submit recommendations to the County Commissioners including new versions of and revisions to the *Jasper County Comprehensive Plan*, Unified Development Ordinance and Official Zoning Map.
7. *Recommendations for PDs*: Certify and submit recommendations to the County Commissioners for adopting a Planned Development District.
8. *Fiscal Records*: Maintain monetary and fiscal records of the Plan Commission.
9. *Budget*: Prepare and submit an annual budget to the Jasper County Council.
10. *Plats*: Approve or deny plats or replats of subdivisions.
11. *Waivers*: Approve or deny request for waivers to the subdivision requirements of the Unified Development Ordinance, except for road and drainage requirements which may only be waived by the County Commissioners.
12. *Development Plans*: Approve or deny development plans and amendments to development plans.
13. *Names*: Approve or deny proposed subdivision names, street names and addresses in new developments.

14. *Enforcement*: Enforce regulations and procedures of the Comprehensive Plan and Unified Development Ordinance to the extent of the local resolutions, ordinances and State of Indiana Law.
15. *Other*: Other duties as permitted by Indiana Code.

B. Plan Commission Powers:

1. *Committees*: Establish advisory committees as necessary.
2. *Funding*: Seek funding assistance through grant programs as necessary.
3. *Distribution*: Distribute copies or summaries of the *Jasper County Comprehensive Plan* or Unified Development Ordinance to the general public and development community.
4. *Other*: Other powers as permitted by Indiana Code.

1.26 Board of Zoning Appeals Summary of Duties

The duties of the Board of Zoning Appeals are described below. Duties should be interpreted as activities that are obligations.

A. Board of Zoning Appeals Duties:

1. *Appeals*: Hear and determine appeals from, and review any order, requirement, decision or determination made by an administrative official charged with the enforcement of the Unified Development Ordinance.
2. *Exceptions*: Authorize exceptions to the zoning district and overlay district regulations only in the classes of uses or in particular situations as specified in this Unified Development Ordinance.
3. *Variances*: Authorize, on appeal, variances from the terms of the Unified Development Ordinance.
4. *Interpretations*: Interpret the Official Zoning Map.
5. *Other*: Other duties as permitted by Indiana Code.
6. Wireless Communication Facilities: Conduct hearings, make decisions, and approve the issuance or denial of Improvement Location Permits for new wireless communications facilities (excluding collocation).

1.27 Zoning Administrator Summary of Duties

The duties delegated by the Plan Commission to the Zoning Administrator are described below. Duties should be interpreted as activities that are obligations.

A. Zoning Administrator Duties:

1. *Plan Commission Files*: Maintain complete records of all meetings, hearings, correspondences, budgets, rules and ~~of~~ procedures, memberships, term expirations and general affairs of the Plan Commission.
2. *Plan Commission Meetings*: Serve as staff for the Plan Commission and any of its committees by setting agendas, conducting research, distributing meeting information and serving as Plan Commission Secretary.
3. *Publish*: Publish and make available to the public all plans, ordinances and other related material that are the responsibility of the Plan Commission.
4. *Public Interaction*: Be available as a first point of contact for planning and zoning questions from the public.
5. *Administrative Decisions*: Make administrative decisions based on the standards and procedures in the Unified Development Ordinance.
6. *Interpretations*: Interpret the standards in the Unified Development Ordinance.
7. *Applications*: Process applications submitted to the Planning Department.
8. *Review*: Review permit applications and issue or deny permits submitted to the Planning Department.
9. *Inspections and Enforcement*: Complete field inspections of improvements, structures and uses to verify compliance with the Unified Development Ordinance.
10. *Recommendations*: Prepare and present Plan Commission recommendations to other commissions and boards.
11. *Other*: Other duties that may be delegated by the Plan Commission from time to time.

Certification and Adoption

1.28 Plan Commission Certification

This Unified Development Ordinance was certified with a favorable recommendation for adoption on the 26th day of September 2011, by the Jasper County Plan Commission after holding a legally announced public hearing. The certification was made by the following Plan Commission vote:

Signatures: The Advisory Plan Commission of Jasper County, Indiana.

AYE		NAY
	Sandra Putt, President	
	Bryan Overstreet, Vice President	
	James Martin, Secretary	
	John Gutwein, Member	
	Charles Hamstra, Member	
	Thomas Lashbrook, Member	
	Vince Urbano, Member/Surveyor	
	John Korniak, Member	
	James Walstra, Member	

Attest:

James Martin, Plan Commission Secretary
Jasper County, Indiana

Date:

September 26th, 2011

Certification and Adoption

1.29 Unified Development Ordinance Adoption/Effective Date

The Unified Development Ordinance was adopted by The Board of Commissioners of the County of Jasper, Indiana on this 27th Day of December, 2011, and shall become effective on February 1, 2012.

Signatures: The Board of Commissioners of the County of Jasper, Indiana:

AYE		NAY
Kendell Culp	Kendell Culp, President	
James a Walstra	James Walstra, Vice President	
Richard E Maxwell	Richard Maxwel, Member	

Attest:

Donya Jordan, County Auditor,
Jasper County, Indiana

Date:

December 27, 2011

Article

2

Zoning Districts

Jasper County Unified Development Ordinance

© 2012, Bradley E. Johnson, AICP

GroundRules
website www.groundrulesinc.com

Conservation (CO) District

2.01 CO District Intent, Permitted Uses, and Special Exception Uses

District Intent

The CO (Conservation) District is intended to be used as follows:

Use, Type, and Intensity
- Protect land for open space and conservation areas
- All types of passive recreation including picnic areas, trails, open space, and wildlife areas

Application of District
- Existing and new conservation areas

Development Standards
- Promote high quality natural areas for conservation or for public use and enjoyment

Appropriate Adjacent Districts
- CO, PR, A1, A2, A3, A4, ~~ER,~~ R1, R2, VR, M1, M2, MP, IS, LB, GC, HC, CP, I1, I2, and HI

Plan Commission
- Do not allow the Jasper-Pulaski Fish and Wildlife Area to be encroached upon by land uses that will be detrimental to the natural habitat or migration pattern of birds
- Do not allow properties zoned CO to be subdivided for development

Board of Zoning Appeals
- Do not grant variances near the Jasper-Pulaski Fish and Wildlife Area that will be detrimental to the natural habitat or migration pattern of birds

Permitted Uses

Accessory Permitted Uses
- wind turbine system, large
- wind turbine system, small

Agricultural Permitted Uses
- agricultural crop production, organic
- land conservation

Institutional Permitted Uses
- nature center
- nature preserve
- wildlife preserve

Special Exception Uses

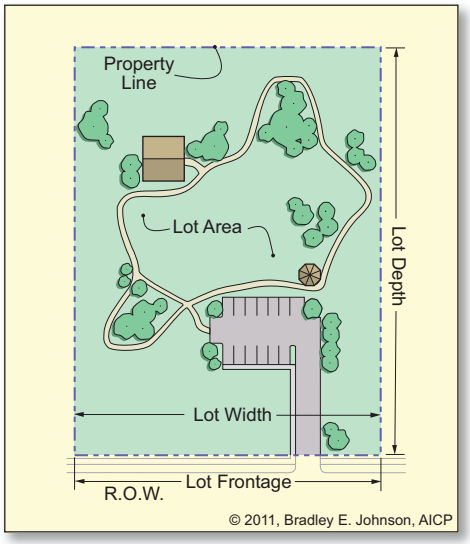
Commercial Special Exception Uses
- campground (primitive)
- conservation club

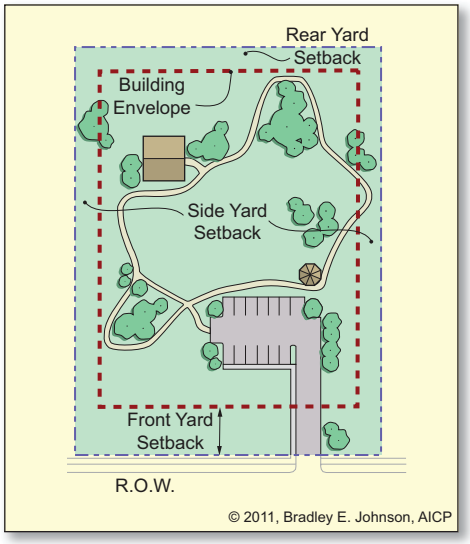
Institutional Special Exception Uses
- park, public

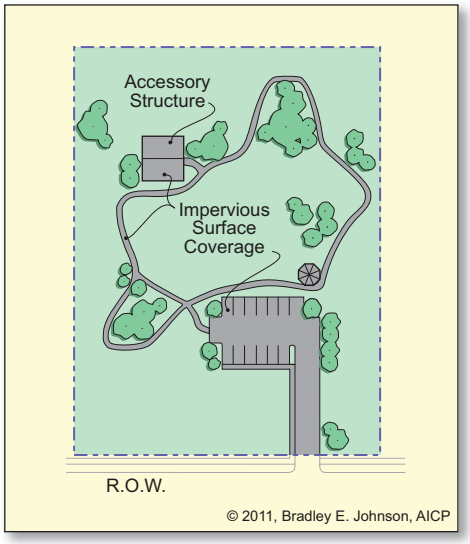
Residential Special Exception Uses
- caretakers residence

Conservation (CO) District

2.02 CO District Development Standards







Minimum Lot Area
- no minimum

Minimum Lot Width
- no minimum

Sewer and Water
- Public sanitary sewer and water utility not required

Minimum Front Yard Setback
- 45 feet

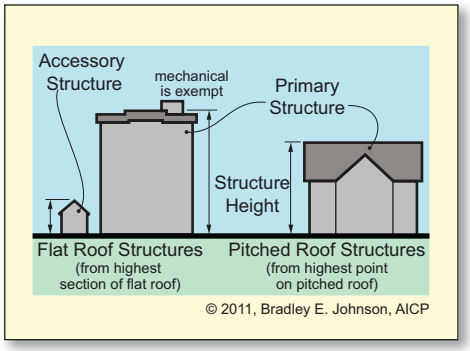
Minimum Side Yard Setback
- 15 feet

Minimum Rear Yard Setback
- 20 feet

Maximum Lot Coverage
- 10% of lot area

Minimum Main Floor Area
- no minimum

Maximum Primary Structures
- no limit



Maximum Structure Height
- 35 feet for primary structure
- 20 feet for accessory structure
- 2 stories

Additional Development Standards that Apply

Accessory Structures
- AS-01 5-4
- AS-02 5-4

Density and Intensity
- DI-01 5-14

Driveway
- DW-01 5-15

Environmental
- EN-01 5-21

Fence and Wall
- FW-01 5-22
- FW-02 5-22

Floodplain
- FP-01 5-26

Floor Area
- FA-01 5-27

Height
- HT-01 5-28

Keeping of Animals
- KA-01 5-34

Landscaping
- LA-01 5-36
- ~~LA-06 ..... 5-38~~

Lighting
- LT-01 5-40

Lot
- LO-01 5-42

Outdoor Storage
- OS-01 5-44

Parking
- PK-01 5-46

Performance
- PF-01 5-53

Pond
- PN-01 5-54

Public Improvement
- PI-01 5-55

Setback
- SB-01 5-57

Sewer and Water
- SW-01 5-59

Signs
- SI-01 5-60
- SI-02 5-63

Special Exception
- SE-01 5-84

Storage Tank
- ST-01 5-85

Structure
- SR-01 5-86

Wireless Facility
~~Telecommunication~~
- ~~TC-01~~ WF-01 5-87

Temporary Use
- TU-01 5-89
- TU-04 5-90

Vision Clearance
- VC-01 5-91

Wind Turbine Systems
- WT-01 5-92
- WT-02 5-94

Parks and Recreation (PR) District

2.03 PR District Intent, Permitted Uses, and Special Exception Uses

District Intent

The PR (Parks and Recreation) District is intended to be used as follows:

Use Type and Intensity
- All intensities of active recreation areas including parks, picnic areas, trails, playgrounds, golf courses, and sports fields
- Public and privately owned areas

Application of District
- Existing and new facilities
- Single lot or a small cluster of lots on the zoning map
- Generally distributed around the County's jurisdiction
- Can be used as a buffer or transitional district

Development Standards
- Promote high quality parks and recreation for public health, enjoyment, and recreation

Appropriate Adjacent Districts
- CO, PR, A1, A2, A3, A4, ~~ER,~~ R1, R2, VR, M1, M2, MP, IS, LB, GC, HC, CP, I1, I2, and HI

Permitted Uses

Accessory Permitted Uses
- farmers market
- wind turbine system, large
- wind turbine system, small

Commercial Permitted Uses
- country club
- golf course
- sports field (outdoor)

Institutional Permitted Uses
- nature center
- park, public

Special Exception Uses

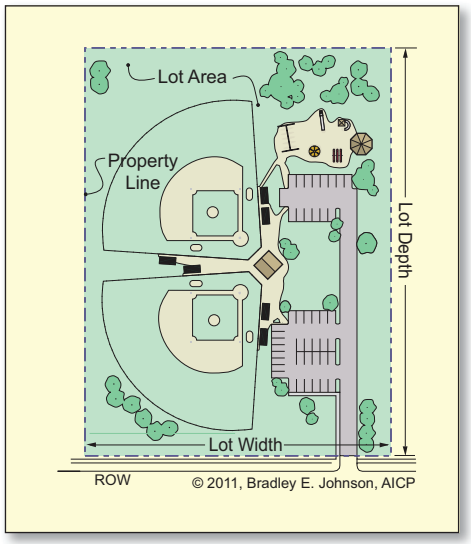
Commercial Special Exception Uses
- campground (serviced)
- driving range
- paintball facility
- recreation center (indoor)
- recreation center (outdoor)
- recreation vehicle park
- skate park, commercial
- sports field (indoor)
- water park

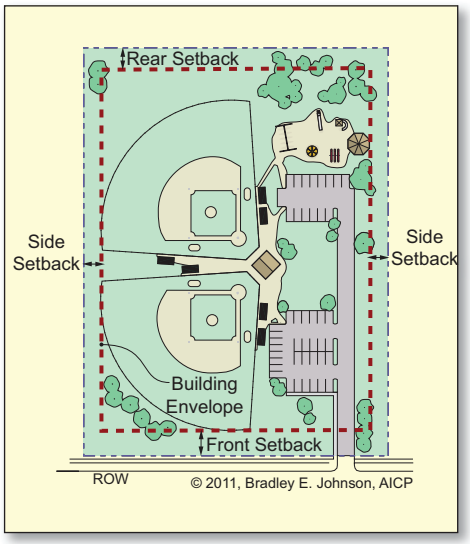
Industrial Special Exception Uses
- ~~telecommunication~~ wireless facility

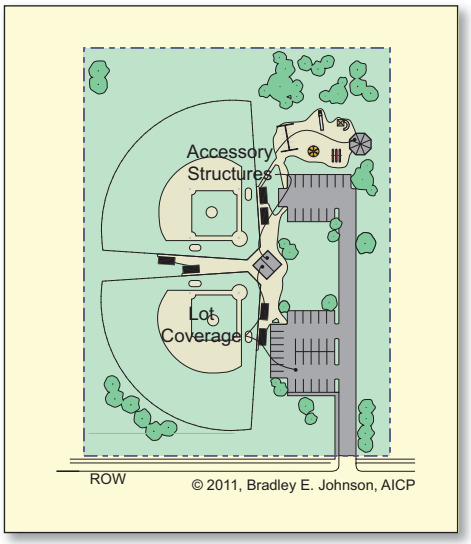
Residential Special Exception Uses
- caretakers residence

Parks and Recreation (PR) District

2.04 PR District Development Standards







Minimum Lot Area
- no minimum

Minimum Lot Width
- no minimum

Sewer and Water
- Public sanitary sewer and water utility not required

Minimum Front Yard Setback
- 40 feet for primary and accessory structures

Minimum Side Yard Setback
- 25 feet for primary and accessory structures

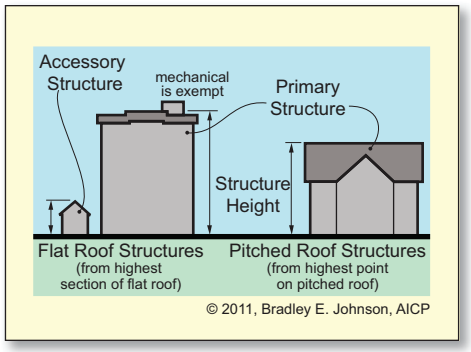
Minimum Rear Yard Setback
- 25 feet for primary and accessory structures

Maximum Lot Coverage
- 30% of lot area

Minimum Main Floor Area
- no minimum

Minimum Dwelling Unit Size
- no minimum

Maximum Primary Structures
- no limit



Maximum Structure Height
- 40 feet for primary structures
- 20 feet for accessory structures
- 2 stories

Additional Development Standards that Apply

Accessory Structures
- AS-01 5-4
- AS-02 5-4

Density and Intensity
- DI-01 5-14

Driveway
- DW-01 5-15

Environmental
- EN-01 5-21

Fence and Wall
- FW-01 5-22
- FW-02 5-22

Floodplain
- FP-01 5-26

Floor Area
- FA-01 5-27

Height
- HT-01 5-28

Keeping of Animals
- KA-01 5-34

Landscaping
- LA-01 5-36
- LA-06 5-38

Lighting
- LT-01 5-40

Lot
- LO-01 5-42

Outdoor Storage
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Parking
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Performance
- PF-01 5-53

Pond
- PN-01 5-54

Public Improvement
- PI-01 5-55

Setback
- SB-01 5-57

Sewer and Water
- SW-01 5-59

Signs
- SI-01 5-60
- SI-02 5-63

Special Exception
- SE-01 5-84

Storage Tank
- ST-01 5-85

Structure
- SR-01 5-86

Wireless Facility
- ~~**Telecommunication**~~
- ~~TC-01~~ WF-01 5-87

Temporary Use
- TU-01 5-89
- TU-04 5-90

Vision Clearance
- VC-01 5-91

Wind Turbine Systems
- WT-01 5-92
- WT-02 5-94

Conservation Agricultural (A1) District

2.05 A1 District Intent, Permitted Uses, and Special Exception Uses

District Intent

The A1 (Conservation Agricultural) District is intended to be used as follows:

Use, Type, and Intensity
- Agricultural operations

Application of District
- Agricultural land that is remote, has prime soils, or is less compatible for residential development

Development Standards
- Enact development standards to maximize opportunity for common agricultural practices

Appropriate Adjacent Districts
- CO, PR, A1, A2, A3, A4, ~~ER,~~ IS, CP, I1, and HI

Plan Commission
- Strongly discourage subdivision of land for development

Board of Zoning Appeals
- Protect the integrity of land and agriculture operations within the Conservation Agricultural District

Permitted Uses

Accessory Permitted Uses
- agricultural tourism
- bio-diesel production ≤ 5,000 gallons per year with on-site consumption
- home business (type 1)
- home business (type 2)
- roadside sales
- wind turbine system, large
- wind turbine system, small

Agricultural Permitted Uses
- agricultural crop production
- agricultural crop production, organic
- agricultural products, storage
- confined feeding (level 1)
- forestry
- land conservation
- orchard
- plant nursery, wholesale
- raising of farm animals
- stable (private)
- tree farm, wholesale
- vineyard

Residential Permitted Uses
- farmstead
- dwelling, single-family detached

Special Exception Uses

Accessory Special Exception Uses
- home business (type 3)
- home enterprise kennel
- meteorological tower

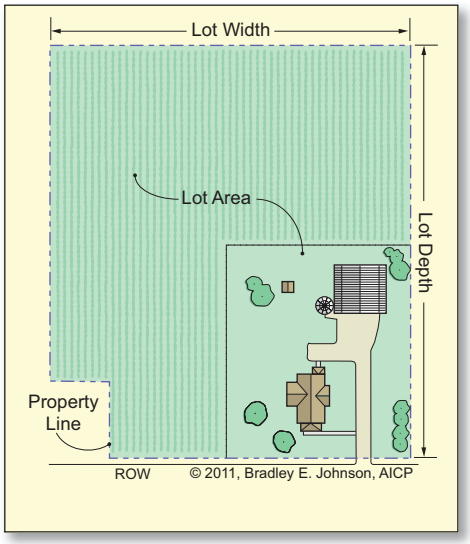
Agricultural Special Exception Uses
- raising of exotic animals

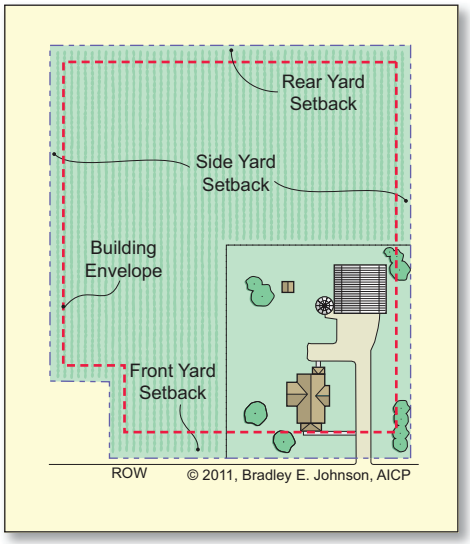
Commercial Special Exception Uses
- outdoor advertising
- shooting range (outdoor)

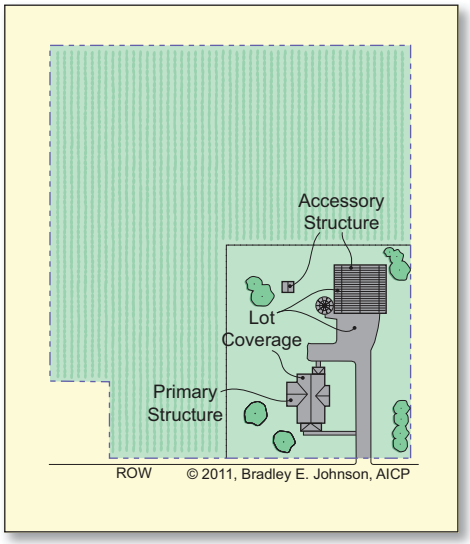
Residential Special Exception Uses
- ~~dwelling, single-family detached~~

Conservation Agricultural (A1) District

2.06 A1 District Development Standards







Minimum Lot Area
- 10 acres

Minimum Lot Width
- 400 feet

Sewer and Water
- Public sanitary sewer and water utility not required

Minimum Front Yard Setback
- 70 feet

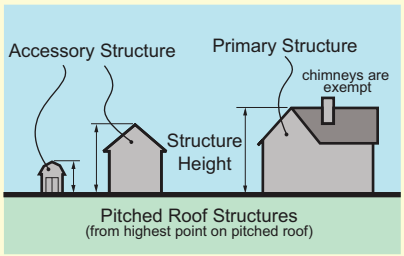
Minimum Side Yard Setback
- 30 feet for primary structure
- 12 feet for accessory structure

Minimum Rear Yard Setback
- 35 feet for primary structure
- 10 feet for accessory structure

Maximum Lot Coverage
- 15% of lot area

Minimum Dwelling Size
- 1,000 ~~1,200~~ square feet

Maximum Primary Structures
- 1



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Maximum Structure Height
- 35 feet for primary structure
- 30 feet for accessory structure
- 2 ½ stories

Additional Development Standards that Apply

Accessory Structures
- AS-01 5-4
- AS-02 5-4

Confined Feeding
- CF-01 5-9

Density and Intensity
- DI-01 5-14

Driveway
- DW-01 5-15
- DW-02 5-16

Environmental
- EN-01 5-21

Fence and Wall
- FW-01 5-22
- FW-03 5-23

Floodplain
- FP-01 5-26

Floor Area
- FA-01 5-27

Height
- HT-01 5-28

Home Business
- HB-01 5-29
- HB-02 5-30
- HB-03 5-31

Kennel
- KL-02 5-33

Keeping of Animals
- KA-02 5-34

Landscaping
- LA-01 5-36
- ~~LA-06 ..... 5-38~~

Lot
- LO-01 5-42

Outdoor Storage
- OS-03 5-45

Parking
- PK-01 5-46
- PK-02 5-46

Performance
- PF-01 5-53

Pond
- PN-01 5-54

Public Improvement
- PI-01 5-55

Setback
- SB-01 5-57

Sewer and Water
- SW-01 5-59

Signs
- SI-01 5-60
- SI-03 5-64
- SI-10 5-83

Special Exception
- SE-01 5-84

Storage Tank
- ST-01 5-85
- ST-03 5-85

Structure
- SR-01 5-86

Wireless Facility
- ~~**Telecommunication**~~
- ~~TC-01~~ WF-01 5-87

Temporary Use
- TU-01 5-89
- TU-02 5-89

Vision Clearance
- VC-01 5-91

Wind Turbine Systems
- WT-01 5-92
- WT-02 5-94

General Agricultural (A2) District

2.07 A2 District Intent, Permitted Uses, and Special Exception Uses

District Intent

The A2 (General Agricultural) District is intended to be used as follows:

Use, Type, and Intensity
- General agricultural operations

Application of District
- Existing agriculturally used land

Development Standards
- Enact development standards to maximize protection of traditional agricultural practices

Appropriate Adjacent Districts
- CO, PR, A1, A2, A3, A4, ~~ER,~~ R1, R2, VR, M1, M2, MP, IS, LB, GC, HC, CP, I1, I2, and HI

Plan Commission
- Discourage "strip residential" development along county roads
- Encourage conservation subdivisions

Board of Zoning Appeals
- Protect the integrity of land and operations within the General Agricultural District

Permitted Uses

Accessory Permitted Uses
- agricultural tourism
- bio-diesel production ≤ 5,000 gallons per year with on-site consumption
- home business (type 1)
- home business (type 2)
- roadside sales
- wind turbine system, large
- wind turbine system, small

Agricultural Permitted Uses
- agricultural crop production
- agricultural crop production, organic
- agricultural products, storage
- forestry
- hobby farming
- orchard
- plant nursery, wholesale
- raising of farm animals
- stable (private)
- tree farm, wholesale
- vineyard

Residential Permitted Uses
- dwelling, single-family detached
- fair housing facility (small)

Special Exception Uses

Accessory Special Exception Uses
- home business (type 3)
- home enterprise kennel
- meteorological tower

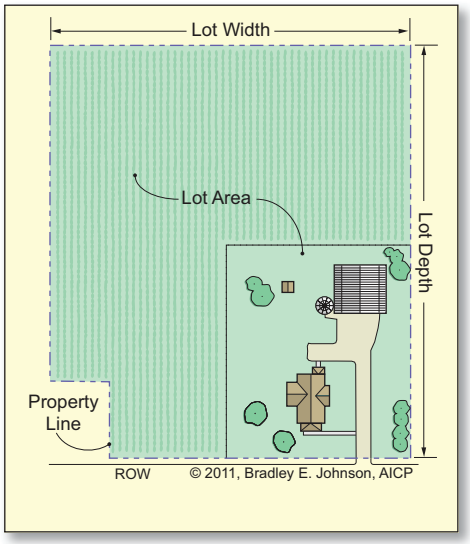
Agricultural Special Exception Uses
- agricultural products, processing
- stable (public)

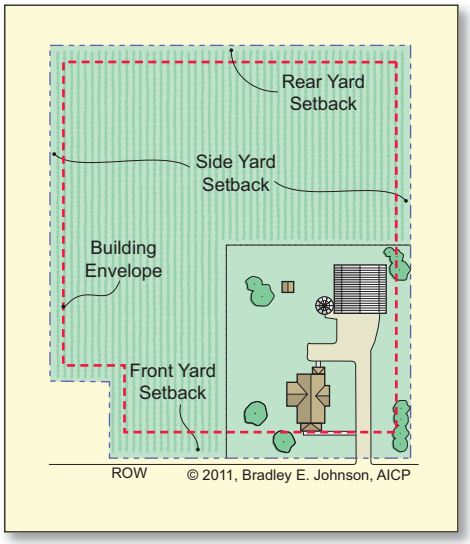
Commercial Special Exception Uses
- winery

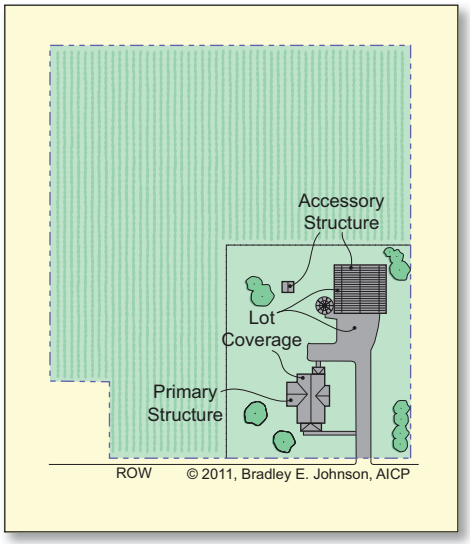
Residential Special Exception Uses
- bed and breakfast

General Agricultural (A2) District

2.08 A2 District Development Standards







Minimum Lot Area
- 2 acres

Minimum Lot Width
- 250 feet

Sewer and Water
- Public sanitary sewer and water utility not required

Minimum Front Yard Setback
- 70 feet

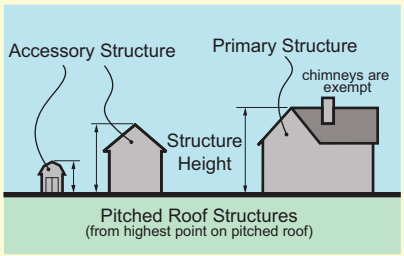
Minimum Side Yard Setback
- ~~30 feet for primary structure~~
- 12 feet for ~~accessory structure~~ primary and accessory structures

Minimum Rear Yard Setback
- 35 feet for primary structure
- 10 feet for accessory structure

Maximum Lot Coverage
- 15% of lot area

Minimum Dwelling Size:
- ~~1,200~~ 1,000 square feet

Maximum Primary Structures
- 1 residential primary structure and 3 non-residential primary structures per lot



Maximum Structure Height
- 35 feet for primary structure
- 30 feet for accessory structure
- 2 ½ stories

Additional Development Standards that Apply

Accessory Structures
- AS-01 5-4
- AS-02 5-4

Density and Intensity
- DI-01 5-14

Driveway
- DW-01 5-15
- DW-02 5-16

Environmental
- EN-01 5-21

Fence and Wall
- FW-01 5-22
- FW-03 5-23

Floodplain
- FP-01 5-26

Floor Area
- FA-01 5-27

Height
- HT-01 5-28

Home Business
- HB-01 5-29
- HB-02 5-30
- HB-03 5-31

Kennel
- KL-02 5-33

Keeping of Animals
- KA-02 5-34

Landscaping
- LA-01 5-36
- ~~LA-06 ..... 5-38~~

Lot
- LO-01 5-42

Outdoor Storage
- OS-03 5-45

Parking
- PK-01 5-46
- PK-02 5-46

Performance
- PF-01 5-53

Pond
- PN-01 5-54

Public Improvement
- PI-01 5-55

Setback
- SB-01 5-57

Sewer and Water
- SW-01 5-59

Signs
- SI-01 5-60
- SI-03 5-64

Special Exception
- SE-01 5-84

Storage Tank
- ST-01 5-85
- ST-03 5-85

Structure
- SR-01 5-86

~~Telecommunication~~ Wireless Facility
- ~~TC-01~~ WF-01 5-87

Temporary Use
- TU-01 5-89
- TU-02 5-89

Vision Clearance
- VC-01 5-91

Wind Turbine Systems
- WT-01 5-92
- WT-02 5-94

Intense Agricultural (A3) District

2.09 A3 District Intent, Permitted Uses, and Special Exception Uses

District Intent

The A3 (Intense Agriculture) District is intended to be used as follows:

Use, Type, and Intensity
- High intensity agricultural operations that may have a high impact on nearby properties
- Primarily established for state and federally regulated confined feeding operations

Application of District
- Single lot or a small cluster of lots on the zoning map

Development Standards
- Enact strict development standards to maximize protection of common agricultural practices

Appropriate Adjacent Districts
- CO, PR, A1, A2, A3, A4, I1, I2, and HI

Plan Commission
- Use this zoning district for existing agricultural land
- Protect the land and operations within the Intense Agriculture District from residential, commercial, and industrial encroachment through the use of appropriate buffers and setbacks

Board of Zoning Appeals
- Protect the integrity of land and operations within the Intense Agriculture District
- Be sensitive to the potential for water pollution and other negative impacts to nearby agricultural, residential, and commercial land

Permitted Uses

Accessory Permitted Uses
- wind turbine system, large
- wind turbine system, small

Agricultural Permitted Uses
- agricultural crop production
- agricultural products, processing
- agricultural products, storage
- confined feeding (level 1)
- confined feeding (level 2)
- orchard
- plant nursery, wholesale
- raising of farm animals
- tree farm, wholesale

Residential Permitted Uses
- farmstead

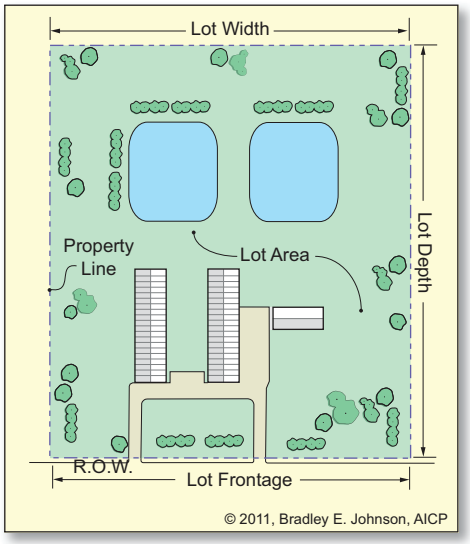
Special Exception Uses

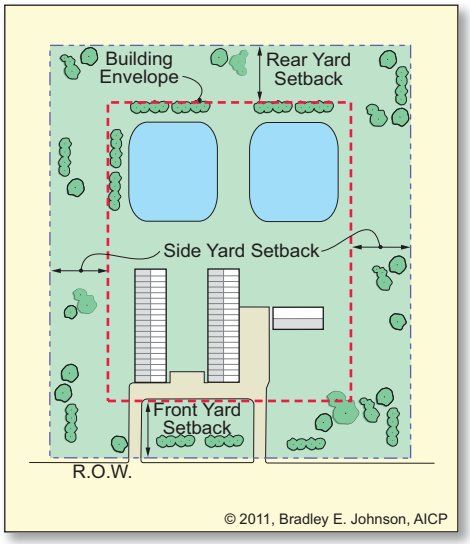
Agricultural Special Exception Uses
- confined feeding (level 3)

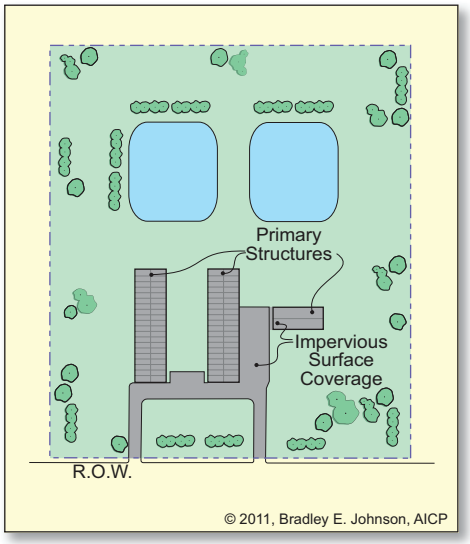
Residential Special Exception Uses
- dwelling, single-family detached

Intense Agricultural (A3) District

2.10 A3 District Development Standards







Minimum Lot Area
- 5 acres

Minimum Lot Width
- 500 feet

Sewer and Water
- Public sanitary sewer and water utility not required

Minimum Front Yard Setback
- 1,320 feet

Minimum Side Yard Setback
- 1,320 feet

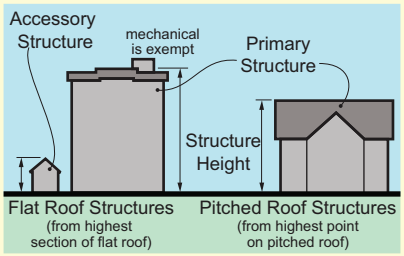
Minimum Rear Yard Setback
- 1,320 feet

Maximum Lot Coverage
- 15% of lot area

Minimum Main Floor Area
- no minimum

Minimum Dwelling Size:
- 960 square feet

Maximum Primary Structures
- 1 residential primary structure, and no limit on non-residential primary structures per lot



Maximum Structure Height
- 45 feet for primary structure
- 30 feet for accessory structure
- 2 stories

Additional Development Standards that Apply

Accessory Structures
- AS-01 5-4
- AS-02 5-4

Confined Feeding
- CF-02 5-11

Density and Intensity
- DI-01 5-14

Driveway
- DW-01 5-15
- DW-02 5-16

Environmental
- EN-01 5-21

Fence and Wall
- FW-01 5-22
- FW-03 5-23

Floodplain
- FP-01 5-26

Floor Area
- FA-01 5-27

Height
- HT-01 5-28

Home Business
- HB-01 5-29
- HB-02 5-30
- HB-03 5-31

Keeping of Animals
- KA-02 5-34

Landscaping
- LA-01 5-36
- LA-06 5-38

Lighting
- LT-01 5-40

Lot
- LO-01 5-42

Outdoor Storage
- OS-01 5-44
- OS-03 5-45

Parking
- PK-01 5-46
- PK-02 5-46

Performance
- PF-01 5-53

Pond
- PN-01 5-54

Public Improvement
- PI-01 5-55

Setback
- SB-01 5-57

Sewer and Water
- SW-01 5-59

Signs
- SI-01 5-60
- SI-03 5-64

Special Exception
- SE-01 5-84

Storage Tank
- ST-01 5-85
- ST-03 5-85

Structure
- SR-01 5-86

Telecommunication
- ~~TC-01~~ Wireless Facility WF-01 5-87

Temporary Use
- TU-01 5-89
- TU-02 5-89

Vision Clearance
- VC-01 5-91

Wind Turbine Systems
- WT-01 5-92
- WT-02 5-94

Agricultural Business (A4) District

2.11 A4 District Intent, Permitted Uses, and Special Exception Uses

District Intent

The A4 (Agricultural Business) District is intended to be used as follows:

Use, Type, and Intensity
- Commercial uses directly related to agricultural operations and compatible with the character of the area

Application of District
- Existing or new development
- Adjacent to or in close proximity to existing agricultural land

Development Standards
- Enact development standards to minimize the impacts on adjacent properties while encouraging agricultural vitality within the Agricultural Business District

Appropriate Adjacent Districts
- CO, PR, A1, A2, A3, A4, IS, I1, and I2

Plan Commission
- Protect the adjacent agricultural land and operations within the Agricultural Business District from uses that may conflict with their continued operation through the use of appropriate buffers and setbacks
- Be sensitive to the potential for water pollution and other negative impacts to nearby agricultural, residential, and commercial land

Permitted Uses

Accessory Permitted Uses
- wind turbine system, small

Agricultural Permitted Uses
- agricultural products, processing
- agricultural products, sale
- agricultural products, storage
- grain elevator
- orchard
- plant nursery, wholesale
- tree farm, wholesale

Commercial Permitted Uses
- agriculture supply store
- animal grooming
- farm implement sales and service
- farmers market
- plant nursery, retail
- retail, agriculture related
- tool/equipment rental (indoor)
- tree farm, retail
- veterinary clinic
- winery

Industrial Permitted Uses
- farm equipment repair
- welding service

Special Exception Uses

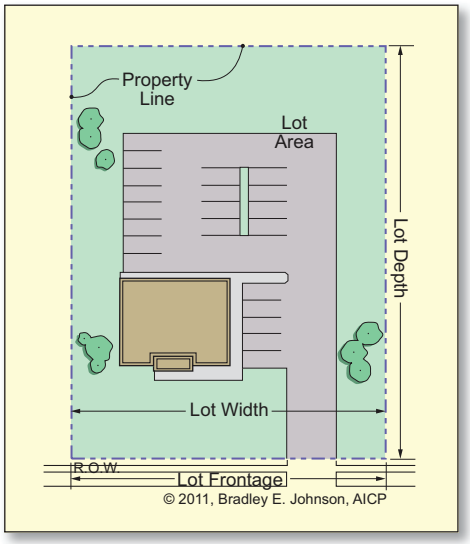
Agricultural Special Exception Uses
- stable (public)

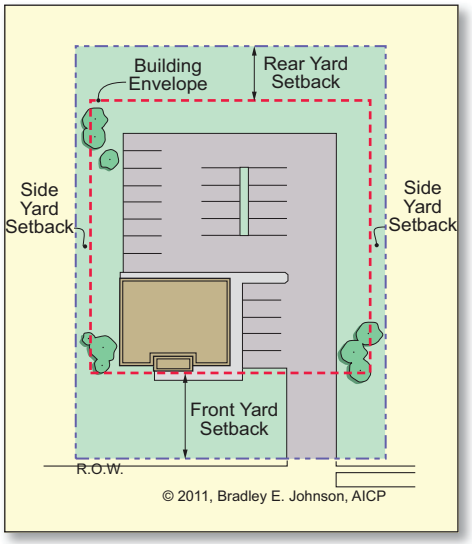
Commercial Special Exception Uses
- kennel
- shooting range (indoor)
- tool/equipment rental (outdoor)

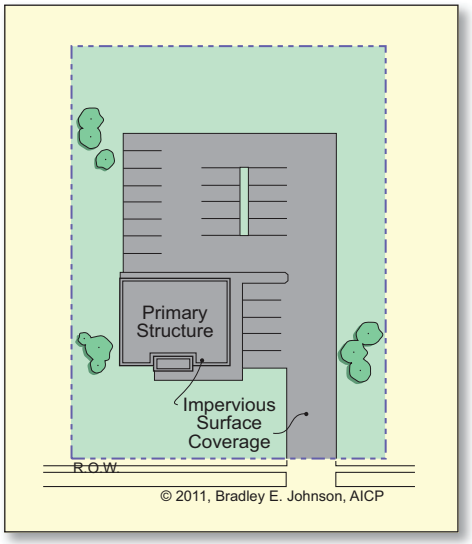
Industrial Special Exception Uses
- liquid fertilizer distribution

Agricultural Business (A4) District

2.12 A4 District Development Standards







Minimum Lot Area
- 2 acres

Minimum Lot Width
- 200 feet

Sewer and Water
- Public sanitary sewer and water utility not required

Minimum Front Yard Setback
- 70 feet for primary and accessory structures

Minimum Side Yard Setback
- 40 feet for primary and accessory structures

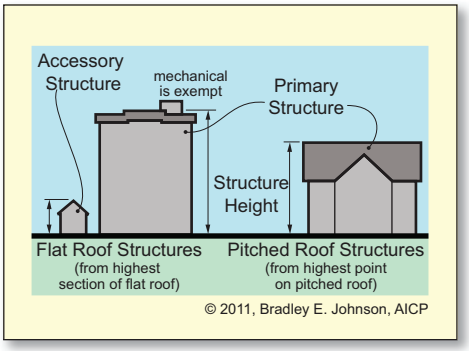
Minimum Rear Yard Setback
- 40 feet for primary and accessory structures

Maximum Lot Coverage
- 50% of lot area

Minimum Main Floor Area:
- 600 square feet

Maximum Main Floor Area:
- 20,000 square feet

Maximum Primary Structures
- 1



Maximum Structure Height
- 30 feet for primary structure
- 30 feet for accessory structure
- 2 stories

Additional Development Standards that Apply

Accessory Structures
- AS-01 5-4
- AS-07 5-6

Architectural
- AR-04 5-8

Density and Intensity
- DI-01 5-14

Driveway
- DW-01 5-15
- DW-04 5-18

Environmental
- EN-01 5-21

Fence and Wall
- FW-01 5-22
- FW-07 5-25

Floodplain
- FP-01 5-26

Floor Area
- FA-01 5-27

Height
- HT-01 5-28

Kennel
- KL-01 5-32

Landscaping
- LA-01 5-36
- LA-04 5-37
- LA-06 5-38

Lighting
- LT-01 5-40

Lot
- LO-01 5-42

Outdoor Storage
- OS-01 5-44
- OS-02 5-44

Parking
- PK-01 5-46
- PK-04 5-47

Performance
- PF-01 5-53

Pond
- PN-01 5-54

Public Improvement
- PI-01 5-55

Setback
- SB-01 5-57

Sewer and Water
- SW-01 5-59

Signs
- SI-01 5-60
- SI-06 5-67

Special Exception
- SE-01 5-84

Storage Tank
- ST-01 5-85

Structure
- SR-01 5-86

Wireless Facility
- ~~**Telecommunication**~~
- ~~TC-01~~ WF-01 5-87

Temporary Use
- TU-01 5-89
- TU-04 5-90

Vision Clearance
- VC-01 5-91

Wind Turbine Systems
- WT-01 5-92

Estate Residential (ER) District

2.13 ER District Intent, Permitted Uses, and Special Exception Uses

District Intent

The ER (Estate Residential) District is intended to be used as follows:

Use, Type, and Intensity
- Residential estates and hobby farming
- Very low density single-family detached dwellings

Application of District
- Existing and new development
- Small geographic areas on the zoning map
- Single lot or a small cluster of lots on the zoning map

Development Standards
- Promote low-impact development in harmony with a natural setting

Appropriate Adjacent Districts
- CO, PR, A1, A2, ER, R1, R2, VR, M1, and IS

Plan Commission
- Use this zoning district for existing developments and minimally for new residential development

Board of Zoning Appeals
- Allow a special exception use only when it is compatible with the surrounding residential areas

Permitted Uses

Accessory Permitted Uses
- home business (type 1)
- home business (type 2)
- wind turbine system, small

Agricultural Permitted Uses
- hobby farming
- stable (private)

Residential Permitted Uses
- dwelling, single-family detached
- fair housing facility (small)

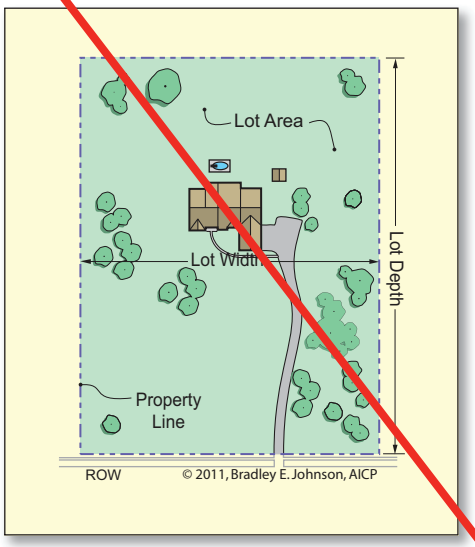
Special Exception Uses

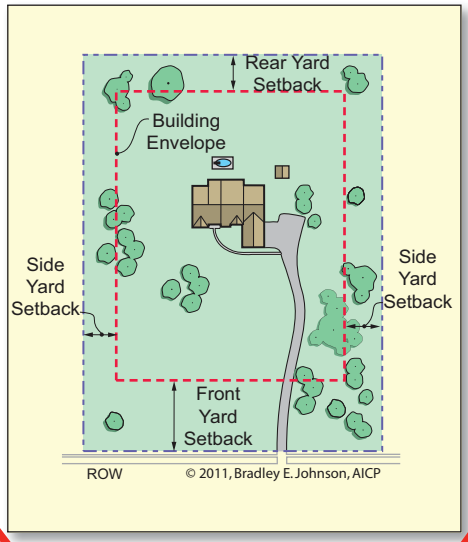
Accessory Special Exception Uses
- home business (type 3)
- roadside sales

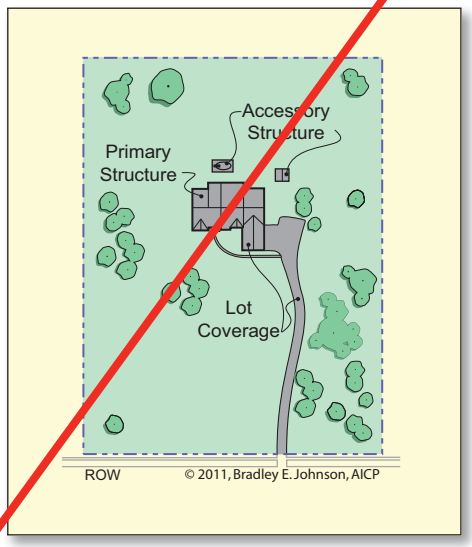
Residential Special Exception Uses
- bed and breakfast

Estate Residential (ER) District

2.14 ER District Development Standards







Minimum Lot Area
- 1 acre

Minimum Lot Width
- 200 feet

Sewer and Water
- Public sanitary sewer utility not required
- Private well permitted only when a public water utility is not available

Minimum Front Yard Setback
- 100 feet

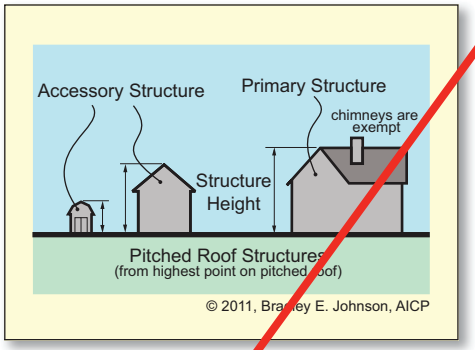
Minimum Side Yard Setback
- 30 feet for primary and accessory structures

Minimum Rear Yard Setback
- 40 feet for primary and accessory structures

Maximum Lot Coverage
- 20% of lot area

Minimum Dwelling Size:
- 1,600 square feet

Maximum Primary Structures
- 1



Maximum Structure Height
- 35 feet for primary structure
- 20 feet for accessory structure
- 2 ½ stories

Additional Development Standards that Apply

Accessory Structures
- AS-01 5-4
- AS-03 5-4

Architectural
- AR-01 5-7

Density and Intensity
- DI-01 5-14

Driveway
- DW-01 5-15
- DW-02 5-16

Environmental
- EN-01 5-21

Fence and Wall
- FW-01 5-22
- FW-04 5-23

Floodplain
- FP-01 5-26

Floor Area
- FA-01 5-27

Height
- HT-01 5-28

Home Business
- HB-01 5-29
- HB-02 5-30

Keeping of Animals
- KA-03 5-35

Landscaping
- LA-01 5-36
- LA-02 5-36
- LA-06 5-38

Lighting
- LT-01 5-40

Lot
- LO-01 5-42

Outdoor Storage
- OS-01 5-44
- OS-03 5-45

Parking
- PK-01 5-46
- PK-02 5-46

Performance
- PF-01 5-53

Pond
- PN-01 5-54

Public Improvement
- PI-01 5-55

Rural Residential
- RL-01 5-56

Setback
- SB-01 5-57

Sewer and Water
- SW-01 5-59

Signs
- SI-01 5-60
- SI-04 5-65

Special Exception
- SE-01 5-84

Storage Tank
- ST-01 5-85
- ST-02 5-85

Structure
- SR-01 5-86

Telecommunication
- TC-01 5-87

Temporary Use
- TU-01 5-89
- TU-03 5-89

Vision Clearance
- VC-01 5-91

Wind Turbine Systems
- WT-01 5-92

2.15 R1 District Intent, Permitted Uses, and Special Exception Uses

District Intent

The R1 (Single-family Residential) District is intended to be used as follows:

Use, Type, and Intensity
- Low density single-family detached dwellings on large sized lots

Application of District
- Existing and new development
- Near city and town jurisdictions
- Small geographic areas on the zoning map

Development Standards
- Promote low-impact development in harmony with a natural setting

Appropriate Adjacent Districts
- CO, PR, A2, ~~ER,~~ R1, R2, VR, M1, M2, and IS

Plan Commission
- Use this zoning district for existing developments and for new residential development when not detrimental to the county and surrounding properties

Board of Zoning Appeals
- Allow a special exception use only when it is compatible with the surrounding residential areas

Permitted Uses

Accessory Permitted Uses
- home business (type 1)
- wind turbine system, small

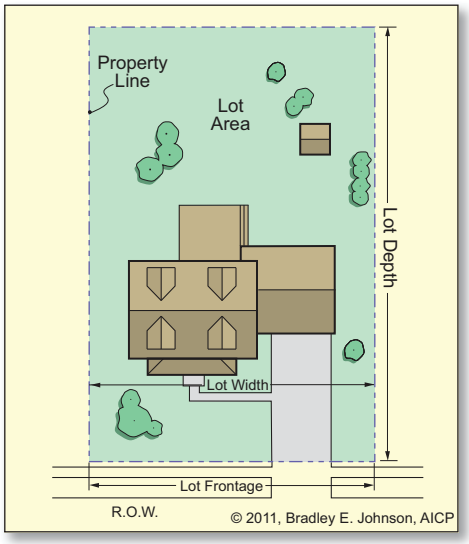
Residential Permitted Uses
- dwelling, single-family detached
- fair housing facility (small)

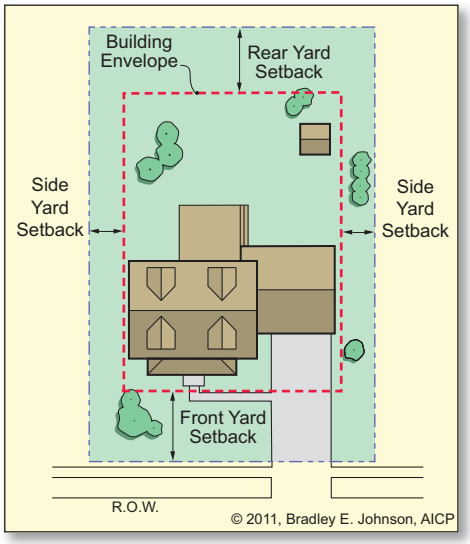
Special Exception Uses

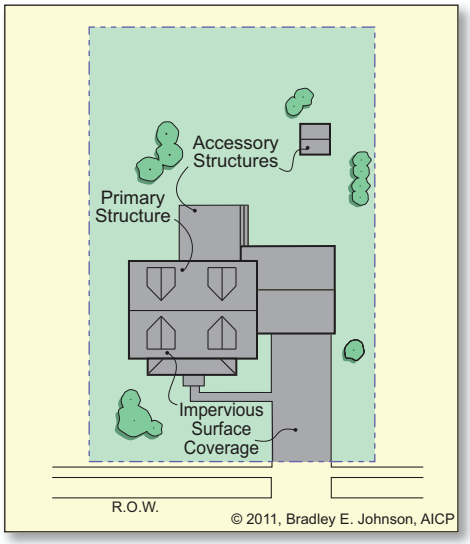
Accessory Special Exception Uses
- home business (type 2)

Single-family Residential (R1) District

2.16 R1 District Development Standards







Minimum Lot Area
- 32,000 square feet with sanitary sewer
- 1 acre without sanitary sewer

Minimum Lot Width
- 100 feet with sanitary sewer
- 150 feet without sanitary sewer

Sewer and Water
- Public sanitary sewer utility not required
- Private well permitted only when a public water utility is not available

Minimum Front Yard Setback
- 40 feet

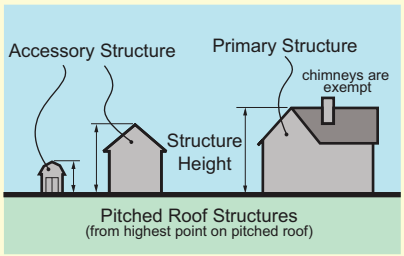
Minimum Side Yard Setback
- 12 feet for primary and accessory structures

Minimum Rear Yard Setback
- 25 feet for primary and accessory structures

Maximum Lot Coverage
- 30% of lot area

Minimum Dwelling Size:
- 1,000 ~~1,200~~ square feet

Maximum Primary Structures
- 1



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Maximum Structure Height
- 35 feet for primary structure
- 20 feet for accessory structure
- 2 ½ stories

Additional Development Standards that Apply

Accessory Structures
- AS-01 5-4
- AS-04 5-5

Architectural
- AR-02 5-7

Density and Intensity
- DI-01 5-14

Driveway
- DW-01 5-15
- DW-03 5-17

Environmental
- EN-01 5-21

Fence and Wall
- FW-01 5-22
- FW-04 5-23

Floodplain
- FP-01 5-26

Floor Area
- FA-01 5-27

Height
- HT-01 5-28

Home Business
- HB-01 5-29
- HB-02 5-30

Keeping of Animals
- KA-04 5-35

Landscaping
- LA-01 5-36
- LA-02 5-36
- LA-06 5-38

Lighting
- LT-01 5-40

Lot
- LO-01 5-42

Outdoor Storage
- OS-01 5-44
- OS-03 5-45

Parking
- PK-01 5-46
- PK-02 5-46

Performance
- PF-01 5-53

Pond
- PN-01 5-54

Public Improvement
- PI-01 5-55

Rural Residential
- RL-01 5-56

Setback
- SB-01 5-57

Sewer and Water
- SW-01 5-59

Signs
- SI-01 5-60
- SI-04 5-65

Special Exception
- SE-01 5-84

Storage Tank
- ST-01 5-85
- ST-02 5-85

Structure
- SR-01 5-86

Wireless Facility
~~Telecommunication~~
- ~~TC-01~~ WF-01 5-87

Temporary Use
- TU-01 5-89
- TU-03 5-89

Vision Clearance
- VC-01 5-91

Wind Turbine Systems
- WT-01 5-92

2.17 R2 District Intent, Permitted Uses, and Special Exception Uses

District Intent

The R2 (Single-family Residential) District is intended to be used as follows:

Use, Type, and Intensity
- Medium density single-family detached dwellings on medium sized lots

Application of District
- Existing and new development
- Small to large geographic areas on the zoning map
- Developed as a conservation subdivision
- Not in remote areas

Development Standards
- Promote low impact development

Appropriate Adjacent Districts
- CO, PR, A2, ~~ER,~~ R1, R2, VR, M1, M2, MP, IS, and LB

Plan Commission
- Use this zoning district for existing developments and for new residential development when not detrimental to the county and surrounding properties

Board of Zoning Appeals
- Allow a special exception use only when it is compatible with the surrounding residential areas

Permitted Uses

Accessory Permitted Uses
- home business (type 1)
- wind turbine system, small

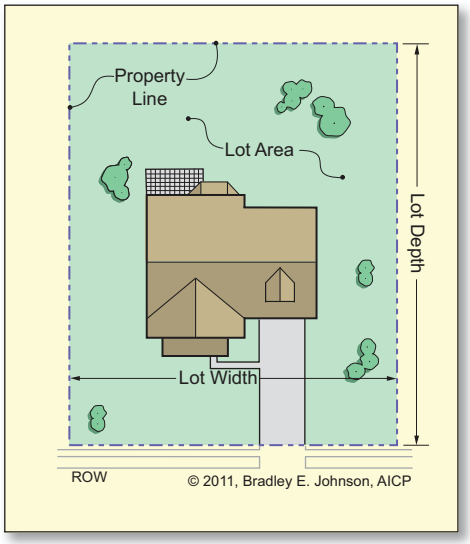
Residential Permitted Uses
- dwelling, single-family detached
- fair housing facility (small)

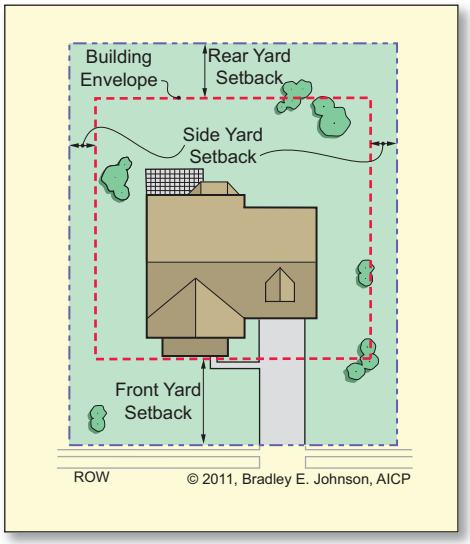
Special Exception Uses

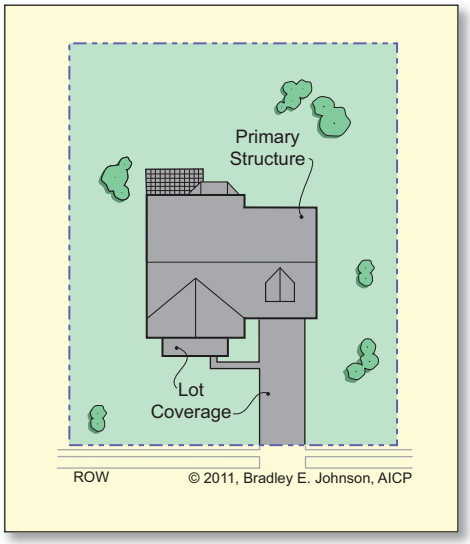
Accessory Special Exception Uses
- home business (type 2)

Single-family Residential (R2) District

2.18 R2 District Development Standards







Minimum Lot Area
- 15,000 square feet

Minimum Lot Width
- 65 feet

Sewer and Water
- Public sanitary sewer and water utility required

Minimum Front Yard Setback
- 30 feet

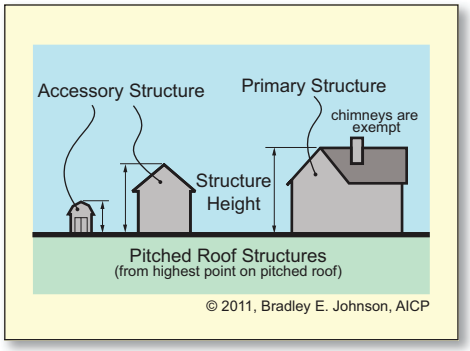
Minimum Side Yard Setback
- 10 feet for primary and accessory structures

Minimum Rear Yard Setback
- 20 feet for primary and accessory structures

Maximum Lot Coverage
- 40% of lot area

Minimum Dwelling Size:
- 1000 square feet

Maximum Primary Structures
- 1



Maximum Structure Height
- 35 feet for primary structure
- 20 feet for accessory structure
- 2 ½ stories

Additional Development Standards that Apply

Accessory Structures
- AS-01 5-4
- AS-04 5-5

Architectural
- AR-02 5-7

Density and Intensity
- DI-01 5-14

Driveway
- DW-01 5-15
- DW-03 5-17

Environmental
- EN-01 5-21

Fence and Wall
- FW-01 5-22
- FW-04 5-23

Floodplain
- FP-01 5-26

Floor Area
- FA-01 5-27

Height
- HT-01 5-28

Home Business
- HB-01 5-29
- HB-02 5-30

Keeping of Animals
- KA-04 5-35

Landscaping
- LA-01 5-36
- LA-02 5-36
- LA-06 5-38

Lighting
- LT-01 5-40

Lot
- LO-01 5-42

Outdoor Storage
- OS-01 5-44
- OS-03 5-45

Parking
- PK-01 5-46
- PK-02 5-46

Performance
- PF-01 5-53

Pond
- PN-01 5-54

Public Improvement
- PI-01 5-55

Setback
- SB-01 5-57

Sewer and Water
- SW-01 5-59

Signs
- SI-01 5-60
- SI-04 5-65

Special Exception
- SE-01 5-84

Storage Tank
- ST-01 5-85
- ST-02 5-85

Structure
- SR-01 5-86

~~Telecommunication~~ Wireless Facility
- ~~TC-01~~ WF-01 5-87

Temporary Use
- TU-01 5-89
- TU-03 5-89

Vision Clearance
- VC-01 5-91

Wind Turbine Systems
- WT-01 5-92

2.19 VR District Intent, Permitted Uses, and Special Exception Uses

District Intent

The VR (Village Residential) District is intended to be used as follows:

Use, Type and Intensity
- Medium density single-family detached dwellings on small sized lots

Application of District
- Existing development in unincorporated villages
- Very limited use for new development

Development Standards
- Flexible development standards to accommodate existing developments

Appropriate Adjacent Districts
- CO, PR, A2, ~~ER,~~ R1, R2, VR, M1, M2, MP, IS, and LB

Plan Commission
- Use this zoning district for existing development in unincorporated villages and limited use for new development

Board of Zoning Appeals
- Allow a special exception use only when it is clearly compatible with the surrounding residential areas
- Allow a commercial special exception use only if it will be located within an existing commercial building

Permitted Uses

Accessory Permitted Uses
- home business (type 1)
- wind turbine system, small

Residential Permitted Uses
- dwelling, single-family detached
- fair housing facility (small)

Agricultural Permitted Uses

- raising of farm animals

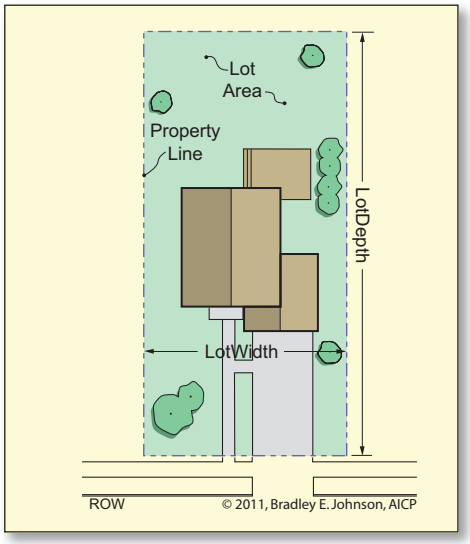
Special Exception Uses

Accessory Special Exception Uses
- home business (type 2)

Commercial Special Exception Uses
- bakery
- coffee shop
- delicatessen
- office, general
- restaurant
- retail (type 1) very low intensity

Residential Special Exception Uses
- dwelling, duplex (2 units)
- dwelling, upper floor (1 unit)

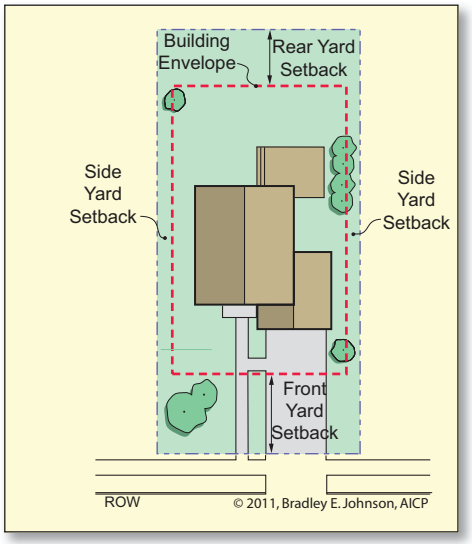
2.20 VR District Development Standards



Minimum Lot Area
- 5,000 square feet

Minimum Lot Width
- 40 feet

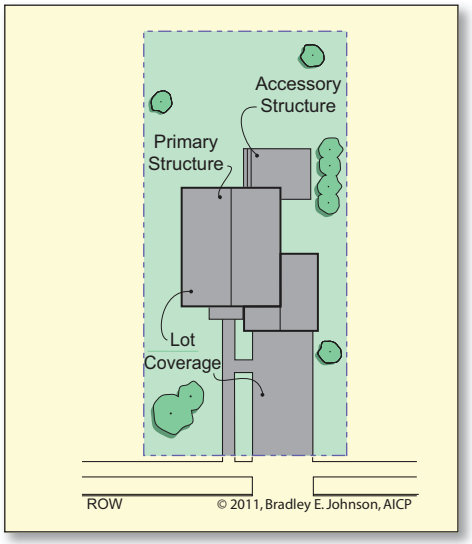
Sewer and Water
- Public sanitary sewer and water utility not required



Minimum Front Yard Setback
- 15 feet

Minimum Side Yard Setback
- 5 feet for primary structure
- 2 feet for accessory structure

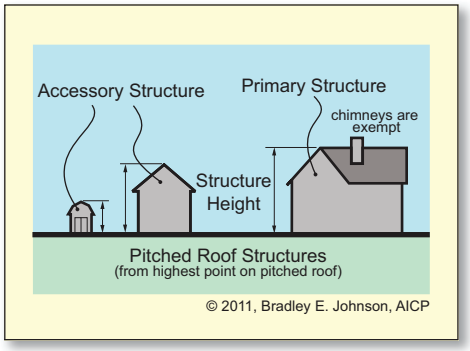
Minimum Rear Yard Setback
- 20 feet for primary structure
- 5 feet for accessory structure



Maximum Lot Coverage
- 65% of lot area

Minimum Dwelling Size:
- 900 square feet

Maximum Primary Structures
- 1



Maximum Structure Height
- 35 feet for primary structure
- 20 feet for accessory structure
- 2 stories

Additional Development Standards that Apply

Accessory Structures
- AS-01 5-4
- AS-04 5-5

Architectural
- AR-03 5-7

Density and Intensity
- DI-01 5-14

Driveway
- DW-01 5-15
- DW-03 5-17

Environmental
- EN-01 5-21

Fence and Wall
- FW-01 5-22
- FW-06 5-24

Floodplain
- FP-01 5-26

Floor Area
- FA-01 5-27

Height
- HT-01 5-28

Home Business
- HB-01 5-29
- HB-02 5-30

Keeping of Animals
- ~~KA-04~~ 03 5-35

Landscaping
- LA-01 5-36
- LA-02 5-36
- LA-06 5-38

Lighting
- LT-01 5-40

Lot
- LO-01 5-42

Outdoor Storage
- OS-01 5-44
- OS-03 5-45

Parking
- PK-01 5-46
- PK-02 5-46

Performance
- PF-01 5-53

Pond
- PN-01 5-54

Public Improvement
- PI-01 5-55

Setback
- SB-01 5-57

Sewer and Water
- SW-01 5-59

Signs
- SI-01 5-60
- SI-04 5-65

Special Exception
- SE-01 5-84

Storage Tank
- ST-01 5-85
- ST-02 5-85

Structure
- SR-01 5-86

~~Telecommunication~~ Wireless Facility
- ~~TC-01~~ WF-01 5-87

Temporary Use
- TU-01 5-89
- TU-03 5-89

Vision Clearance
- VC-01 5-91

Wind Turbine Systems
- WT-01 5-92

Multiple-family Residential (M1) District

2.21 M1 District Intent, Permitted Uses, and Special Exception Uses

District Intent

The M1 (Multiple-family Residential) District is intended to be used as follows:

Use, Type, and Intensity
- Medium density single-family attached dwellings (e.g. duplex) on medium sized lots

Application of District
- Existing and new development
- Small geographic areas on the zoning map

Development Standards
- Enact stringent development standards to protect the quality of life for tenants and surrounding zoning districts

Appropriate Adjacent Districts
- CO, PR, A2, ~~ER,~~ R1, R2, VR, M1, M2, MP, IS, GC, and HC

Plan Commission
- Use this zoning district for existing developments and for new multiple-family residential development when not detrimental to the county and surrounding properties

Board of Zoning Appeals
- Allow a special exception use only when it is compatible with the surrounding residential areas

Permitted Uses

Accessory Permitted Uses
- home business (type 1)
- wind turbine system, small

Residential Permitted Uses
- dwelling, duplex (2 units)
- dwelling, single-family detached
- fair housing facility (small)

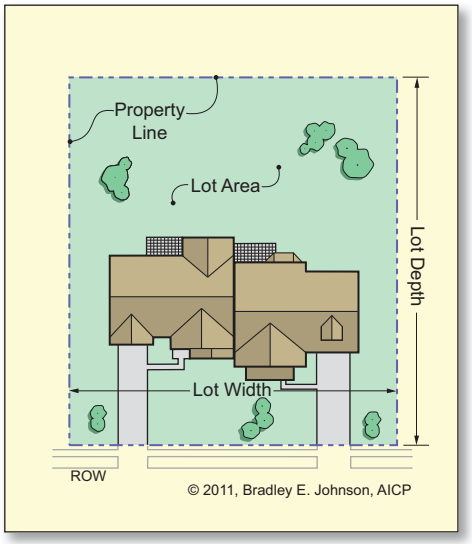
Special Exception Uses

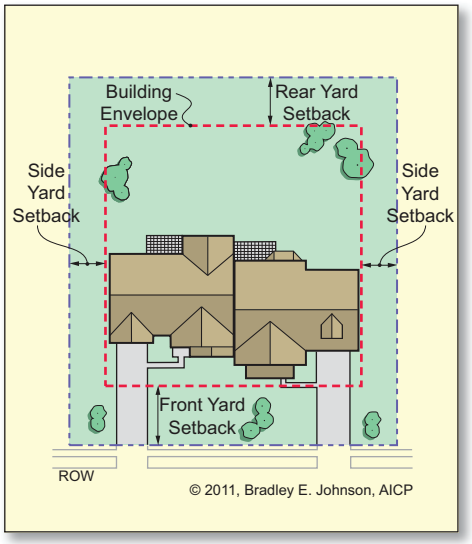
Accessory Special Exception Uses
- home business (type 2)

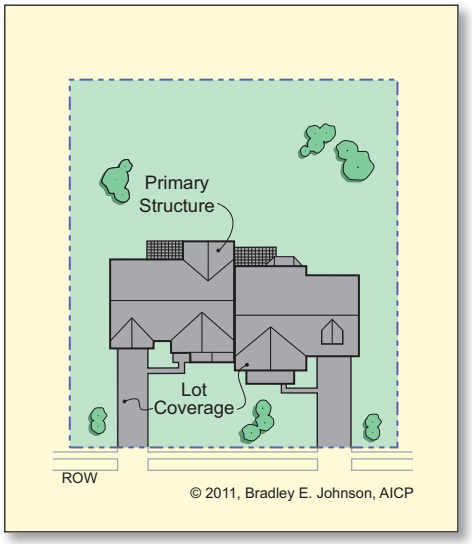
Residential Special Exception Uses
- assisted living facility
- dwelling, multiple-family (3 to 4 units)
- dwelling, single-family attached

Multiple-family Residential (M1) District

2.22 M1 District Development Standards







Minimum Lot Area
- 32,000 square feet

Minimum Lot Width
- 70 feet

Sewer and Water
- Public sanitary sewer and water utility required

Minimum Front Yard Setback
- 40 feet for primary and accessory structures

Minimum Side Yard Setback
- 12 feet for primary and accessory structures

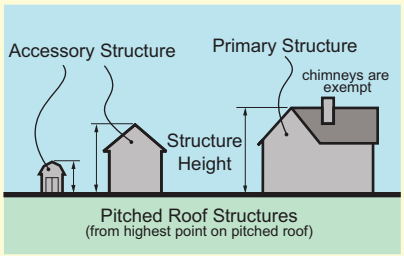
Minimum Rear Yard Setback
- 25 feet for primary and accessory structures

Maximum Lot Coverage
- 45% of lot area

Minimum Dwelling Unit Size:
- 1,000 square feet per dwelling unit

Maximum Density
- 3 units per acre

Maximum Primary Structures
- 1



Maximum Structure Height
- 35 feet for primary structure
- 20 feet for accessory structure
- 2 stories

Additional Development Standards that Apply

Accessory Structures
- AS-01 5-4
- AS-04 5-5

Architectural
- AR-02 5-7

Density and Intensity
- DI-01 5-14

Driveway
- DW-01 5-15
- DW-04 5-18

Environmental
- EN-01 5-21

Fence and Wall
- FW-01 5-22
- FW-04 5-23

Floodplain
- FP-01 5-26

Floor Area
- FA-01 5-27

Height
- HT-01 5-28

Home Business
- HB-01 5-29

Keeping of Animals
- KA-05 5-35

Landscaping
- LA-01 5-36
- LA-03 5-36
- LA-06 5-38

Lighting
- LT-01 5-40

Lot
- LO-01 5-42

Outdoor Storage
- OS-01 5-44
- OS-03 5-45

Parking
- PK-01 5-46
- PK-03 5-46

Performance
- PF-01 5-53

Pond
- PN-01 5-54

Public Improvement
- PI-01 5-55

Setback
- SB-01 5-57

Sewer and Water
- SW-01 5-59

Signs
- SI-01 5-60
- SI-05 5-66

Special Exception
- SE-01 5-84

Storage Tank
- ST-01 5-85
- ST-02 5-85

Structure
- SR-01 5-86

~~Telecommunication~~ Wireless Facility
- ~~TC-01~~ WF-01 5-87

Temporary Use
- TU-01 5-89
- TU-03 5-89

Vision Clearance
- VC-01 5-91

Wind Turbine Systems
- WT-01 5-92

Multiple-family Residential (M2) District

2.23 M2 District Intent, Permitted Uses, and Special Exception Uses

District Intent

The M2 (Multiple-family Residential) District is intended to be used as follows:

Use, Type, and Intensity
- Medium to high density multiple-family buildings on large sized lots

Application of District
- Existing and new development
- Single lot or a small cluster of lots on the zoning map

Development Standards
- Enact stringent development standards to protect the quality of life for tenants and surrounding zoning districts

Appropriate Adjacent Districts
- CO, PR, A2, R1, R2, VR, M1, M2, MP, IS, LB, GC, HC, CP, and I1

Plan Commission
- Use this zoning district for existing developments and for new multiple-family residential development when not detrimental to the county and surrounding properties
- Multiple-family residential should never be permitted without sanitary sewer and municipal water

Board of Zoning Appeals
- Allow a special exception use only when it is compatible with the surrounding residential areas

Permitted Uses

Accessory Permitted Uses
- home business (type 1)
- wind turbine system, small

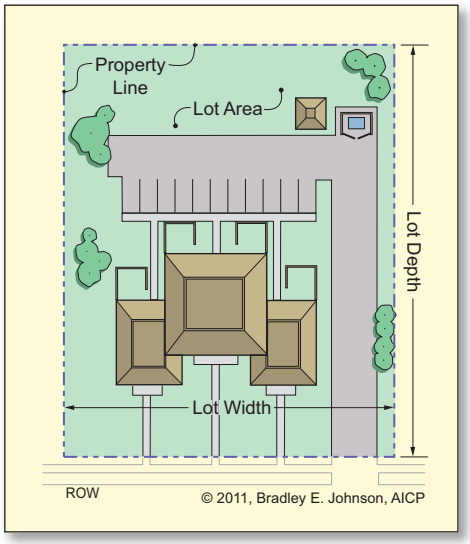
Residential Permitted Uses
- assisted living facility
- dwelling, multiple-family (3 to 4 units)
- dwelling, multiple-family (5 to 8 units)
- nursing home
- retirement community

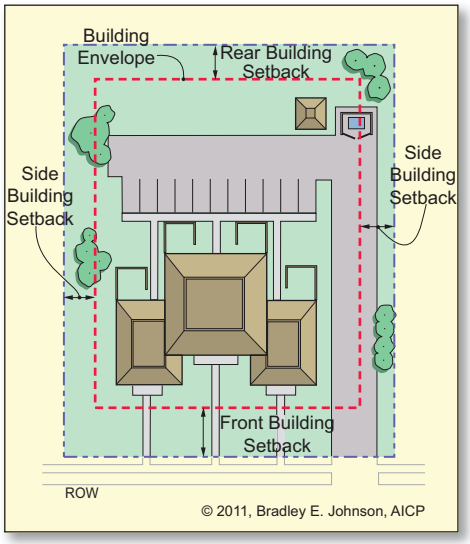
Special Exception Uses

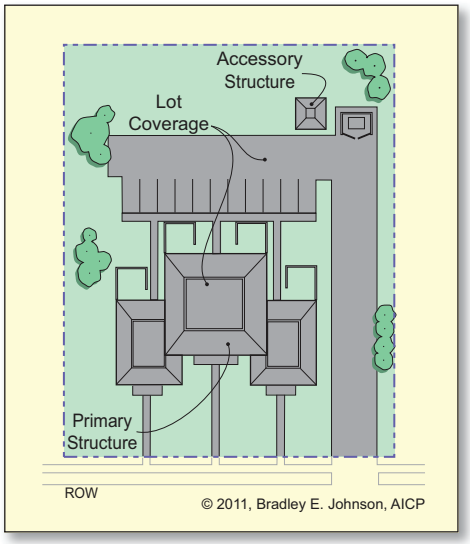
Residential Special Exception Uses
- dwelling, duplex (2 units)
- dwelling, multiple-family (9 to 14 units)

Multiple-family Residential (M2) District

2.24 M2 District Development Standards







Minimum Lot Area
- 3 acres

Minimum Lot Width
- 300 feet

Sewer and Water
- Public sanitary sewer and water utility required

Minimum Front Yard Setback
- 35 feet for primary and accessory structures

Minimum Side Yard Setback
- 35 feet for primary and accessory structures

Minimum Rear Yard Setback
- 35 feet for primary and accessory structures

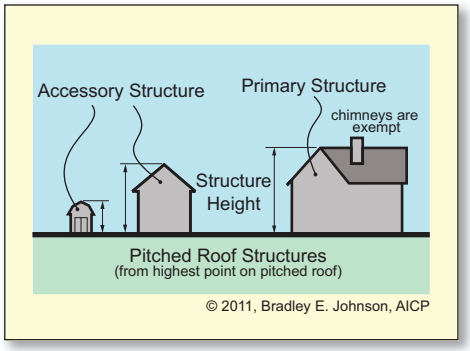
Minimum Building Separation
- A primary structure shall be at least 30 feet from another on-site primary structure
- An accessory structure shall be at least 15 feet from any primary or accessory structure

Maximum Lot Coverage
- 60% of lot area

Minimum Dwelling Unit Size:
- 600 square feet per unit for multiple-family dwelling units with a minimum average of 900 square feet

Maximum Density:
- 8 units per acre

Maximum Primary Structures
- 10 per development



Maximum Structure Height
- 45 feet for primary structure
- 20 feet for accessory structure
- 2 stories

Additional Development Standards that Apply

Accessory Structures
- AS-01 5-4
- AS-05 5-5

Architectural
- AR-02 5-7

Density and Intensity
- DI-01 5-14

Driveway
- DW-01 5-15
- DW-04 5-18

Environmental
- EN-01 5-21

Fence and Wall
- FW-01 5-22
- FW-04 5-23

Floodplain
- FP-01 5-26

Floor Area
- FA-01 5-27

Height
- HT-01 5-28

Home Business
- HB-01 5-29

Keeping of Animals
- KA-05 5-35

Landscaping
- LA-01 5-36
- LA-03 5-36
- LA-05 5-37
- LA-06 5-38

Lighting
- LT-01 5-40

Lot
- LO-01 5-42

Outdoor Storage
- OS-01 5-44
- OS-02 5-44
- OS-03 5-45

Parking
- PK-01 5-46
- PK-03 5-46

Performance
- PF-01 5-53

Pond
- PN-01 5-54

Public Improvement
- PI-01 5-55

Setback
- SB-01 5-57

Sewer and Water
- SW-01 5-59

Signs
- SI-01 5-60
- SI-05 5-66

Special Exception
- SE-01 5-84

Storage Tank
- ST-01 5-85
- ST-02 5-85

Structure
- SR-01 5-86

Wireless Facility
~~Telecommunication~~
- ~~TC-01~~ WF-01 5-87

Temporary Use
- TU-01 5-89
- TU-03 5-89

Vision Clearance
- VC-01 5-91

Wind Turbine Systems
- WT-01 5-92

Manufactured Home Park (MP) District

2.25 MP District Intent, Permitted Uses, and Special Exception Uses

District Intent

The MP (Manufactured Home Park) District is intended to be used as follows:

Use, Type, and Intensity
- Medium to high intensity lease-lot housing developments

Application of District
- Existing and new development
- Single lot or a small cluster of lots on the zoning map

Development Standards
- Enact stringent development standards to protect the quality of life of leases and surrounding zoning districts.

Appropriate Adjacent Districts
- CO, PR, A2, R2, VR, M1, M2, MP, IS, and LB

Plan Commission
- Use this zoning district for existing developments and for new manufactured home parks when not detrimental to the county and surrounding properties
- A manufactured home park should never be permitted without sanitary sewer and municipal water

Board of Zoning Appeals
- Allow a special exception use only when it is compatible with the surrounding residential areas

Permitted Uses

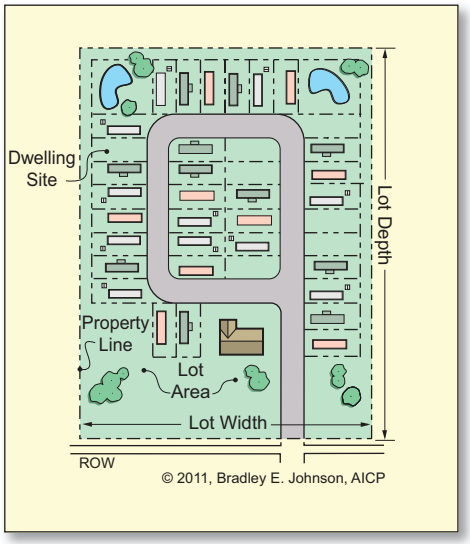
Accessory Permitted Uses
- home business (type 1)
- wind turbine system, small

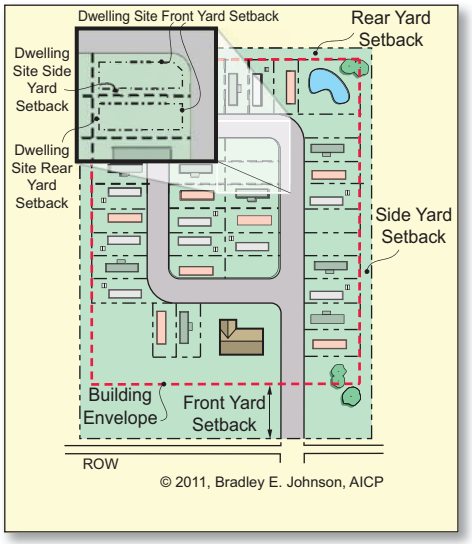
Residential Permitted Uses
- dwelling, manufactured home
- manufactured home park

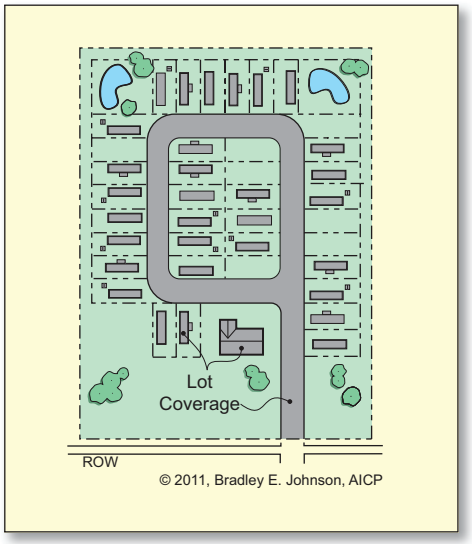
Special Exception Uses

Residential Special Exception Uses
- dwelling, single-family detached

2.26 MP District Development Standards







Minimum Lot Area
- 3 acres

Minimum Lot Width
- 250 feet

Minimum Front Yard Setback
- 75 feet

Minimum Side Yard Setback
- 30 feet

Minimum Rear Yard Setback
- 30 feet

Sewer and Water
- Public sanitary sewer and water utility required

Minimum Dwelling Site Area
- 3,000 square feet

Minimum Dwelling Site Width
- 30 feet

Minimum Dwelling Site Front Yard Setback
- 25 feet from the dwelling site's front boundary line of interior streets

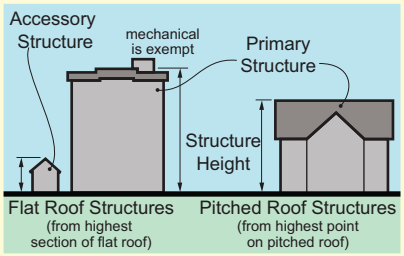
Minimum Dwelling Site Side Yard Setback
- 8 feet for primary structure

Minimum Dwelling Site Rear Yard Setback
- 10 feet for primary structure

Maximum Lot Coverage
- 60% of lot area

Minimum Dwelling Size per Unit:
- 700 square feet

Maximum Primary Structures
- 1 per dwelling site
- 2 per common areas (i.e. not dwelling sites)



Maximum Structure Height
- 25 feet for primary structure
- 15 feet for accessory structure
- 1 story

Additional Development Standards that Apply

Accessory Structures
- AS-01 5-4
- AS-06 5-6

Density and Intensity
- DI-01 5-14

Driveway
- DW-01 5-15
- DW-05 5-19

Environmental
- EN-01 5-21

Fence and Wall
- FW-01 5-22
- FW-05 5-24

Floodplain
- FP-01 5-26

Floor Area
- FA-01 5-27

Height
- HT-01 5-28

Home Business
- HB-01 5-29

Keeping of Animals
- KA-04 5-35

Landscaping
- LA-01 5-36
- LA-03 5-36
- LA-06 5-38

Lighting
- LT-01 5-40

Lot
- LO-01 5-42

Manufactured Home Park
- MH-01 5-43

Outdoor Storage
- OS-01 5-44
- OS-02 5-44
- OS-03 5-45

Parking
- PK-01 5-46
- PK-03 5-46

Performance
- PF-01 5-53

Pond
- PN-01 5-54

Public Improvement
- PI-01 5-55

Setback
- SB-01 5-57

Sewer and Water
- SW-01 5-59

Signs
- SI-01 5-60
- SI-05 5-66

Special Exception
- SE-01 5-84

Storage Tank
- ST-01 5-85
- ST-02 5-85

Structure
- SR-01 5-86

Wireless Facility
~~Telecommunication~~
- ~~TC-01~~ WF-01 5-87

Temporary Use
- TU-01 5-89
- TU-03 5-89

Vision Clearance
- VC-01 5-91

Wind Turbine Systems
- WT-01 5-92

2.27 IS District Intent, Permitted Uses, and Special Exception Uses

District Intent

The IS (Institutional) District is intended to be used as follows:

Use, Type, and Intensity
- Varying intensity institutionally owned lands, including State and County facilities

Application of District
- Existing and new development
- Buffer district or transitional district
- Small geographic areas on the zoning map
- Single lot or a small cluster of lots on the zoning map

Development Standards
- Require quality development standards that optimize accessibility and use while minimizing the impacts to surrounding areas

Appropriate Adjacent Districts
- CO, PR, A1, A2, A4, ~~ER,~~ R1, R2, VR, M1, M2, MP, IS, LB, GC, HC, CP, I1, and I2

Plan Commission
- Use this zoning district for existing and new institutional development
- Site should be appropriate for any of the possible uses allowed in the zoning district

Board of Zoning Appeals
- Allow a special exception use only when it is compatible with the surrounding areas

Permitted Uses

Accessory Permitted Uses
- wind turbine system, large
- wind turbine system, small

Industrial Permitted Uses
- ~~telecommunication facility~~ wireless facility

Institutional Permitted Uses
- airport, public
- cemetery or mausoleum
- child care institution
- community center
- fairground
- fire, police, or rescue station
- government office
- government operations facility
- heliport, public
- hospice facility
- hospital
- library
- museum
- parking lot, public
- place of worship
- post office
- rehabilitation clinic, medical
- school (P-12), private
- school (P-12), public
- sewage treatment facility, public
- sports stadium
- university or college
- water tower
- water treatment facility, public
- wellhead, public

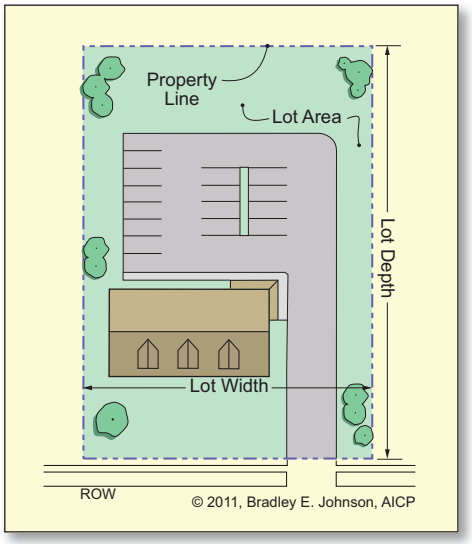
Residential Permitted Uses
- nursing home

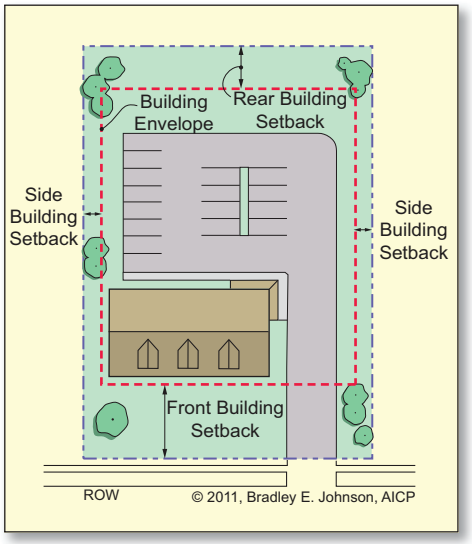
Special Exception Uses

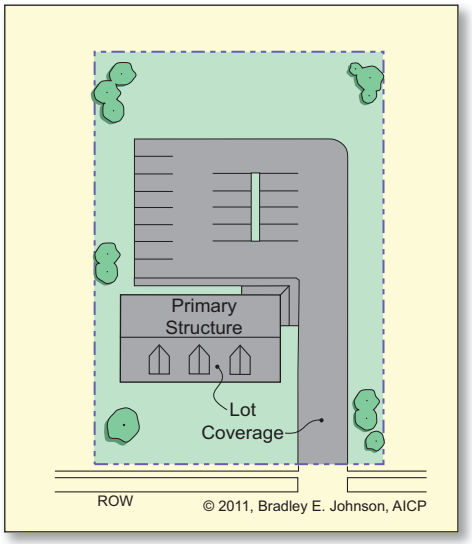
Institutional Special Exception Uses
- jail
- juvenile detention facility
- recycling collection point
- transit station

Residential Special Exception Uses
- fair housing facility (large)

2.28 IS District Development Standards







Minimum Lot Area
- 6,000 square feet with sanitary sewer
- 1 1/2 acres without sanitary sewer

Minimum Lot Width
- 60 feet

Sewer and Water
- Septic system permitted where sanitary sewer is unavailable
- Private well permitted only where water utility is unavailable

Minimum Front Yard Setback
- 60 feet

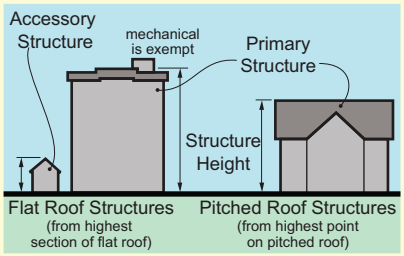
Minimum Side Yard Setback
- 15 feet

Minimum Rear Yard Setback
- 15 feet

Maximum Lot Coverage
- 70% of lot area

Minimum Main Floor Area:
- 900 square feet

Maximum Primary Structures
- no limit



Maximum Structure Height
- 50 feet for primary structure
- 25 feet for accessory structure
- 3 stories

Additional Development Standards that Apply

Accessory Structures
- AS-01 5-4
- AS-07 5-6

Architectural
- AR-05 5-8

Density and Intensity
- DI-01 5-14

Driveway
- DW-01 5-15
- DW-04 5-18

Environmental
- EN-01 5-21

Fence and Wall
- FW-01 5-22
- FW-07 5-25

Floodplain
- FP-01 5-26

Floor Area
- FA-01 5-27

Height
- HT-01 5-28

Landscaping
- LA-01 5-36
- LA-04 5-37
- LA-05 5-37
- LA-06 5-38

Lighting
- LT-01 5-40

Lot
- LO-01 5-42

Outdoor Storage
- OS-01 5-44
- OS-02 5-44

Parking
- PK-01 5-46
- PK-04 5-47

Performance
- PF-01 5-53

Pond
- PN-01 5-54

Public Improvement
- PI-01 5-55

Setback
- SB-01 5-57

Sewer and Water
- SW-01 5-59

Signs
- SI-01 5-60
- SI-06 5-67

Special Exception
- SE-01 5-84

Storage Tank
- ST-01 5-85

Structure
- SR-01 5-86

~~Telecommunication~~ Wireless Facility
- ~~TC-01~~ WF-01 5-87

Temporary Use
- TU-01 5-89
- TU-04 5-90

Vision Clearance
- VC-01 5-91

Wind Turbine Systems
- WT-01 5-92
- WT-02 5-94

Local Business (LB) District

2.29 LB District Intent, Permitted Uses, and Special Exception Uses

District Intent

The LB (Local Business) District is intended to be used as follows:

Use, Type, and Intensity
- Low intensity commercial uses
- Allow uses that are compatible with residential development

Application of District
- Existing and new development
- Can be used as a buffer or transitional district
- Small geographic areas on the zoning map

Development Standards
- Disallow commercial structures that notably exceed the building mass of surrounding residential structures
- Require quality development standards to minimize impacts on adjacent residential properties while encouraging economic vitality
- Minimize light, noise, and water pollution

Appropriate Adjacent Districts
- CO, PR, A2, R2, VR, M2, MP, IS, LB, GC, and CP

Plan Commission
- Use this zoning district for existing developments and for new commercial development when not detrimental to the county and surrounding properties
- Development should not precede the residential development that would support the businesses

Board of Zoning Appeals
- Allow a special exception use only when it is compatible with the surrounding areas
- Be sensitive to aesthetics and the potential for light pollution, noise pollution, pedestrian safety, and vehicular safety

Permitted Uses

Accessory Permitted Uses
- wind turbine system, small

Commercial Permitted Uses
- bakery
- bank machine/atm, walk-up
- club or lodge
- coffee shop
- computer service
- day care
- delicatessen
- ice cream shop
- restaurant
- retail (type 1) very low intensity

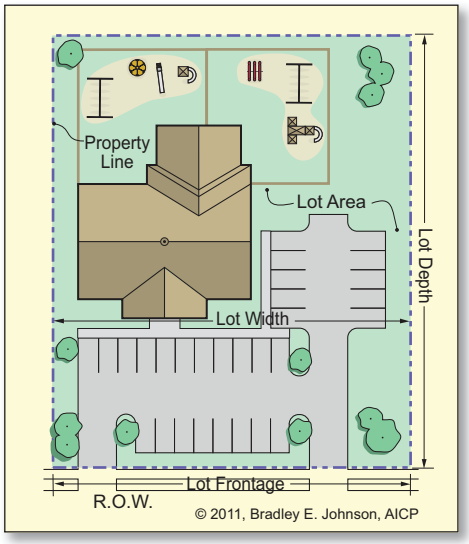
Special Exception Uses

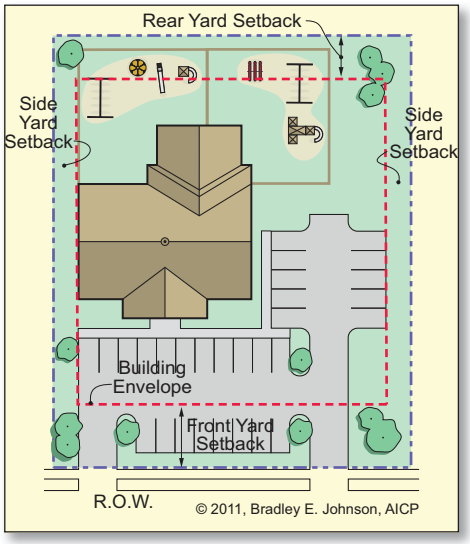
Commercial Special Exception Uses
- automobile oriented business (type 1)
- office, general (upper floors only)
- retail (type 2) low intensity

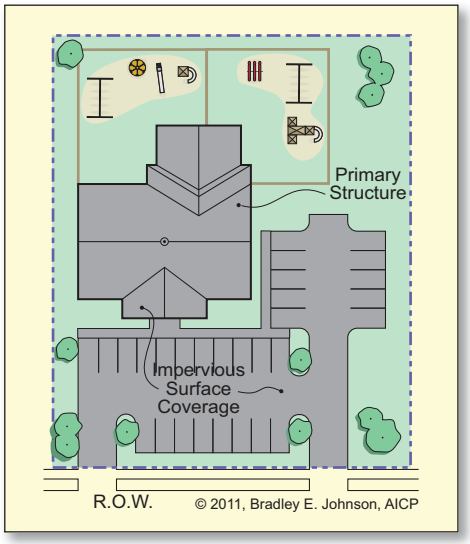
Residential Special Exception Uses
- dwelling, upper floor (1 unit)

Local Business (LB) District

2.30 LB District Development Standards







Minimum Lot Area
- 10,000 square feet

Maximum Lot Area
- 2 acres

Minimum Lot Width
- 75 feet

Sewer and Water
- Public sanitary sewer and water utility required

Minimum Front Yard Setback
- 40 feet for primary structure

Minimum Side Yard Setback
- 20 feet

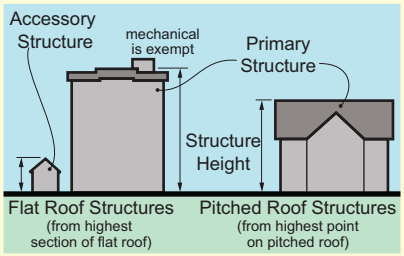
Minimum Rear Yard Setback
- 20 feet

Maximum Lot Coverage
- 65% of lot area

Minimum Main Floor Area:
- 800 square feet

Maximum Main Floor Area:
- 10,000 square feet per establishment
- 20,000 cumulative square feet

Maximum Primary Structures
- 1



Maximum Structure Height
- 35 feet for primary structure
- 20 feet for accessory structure
- 2 stories

Additional Development Standards that Apply

Accessory Structures
- AS-01 5-4
- AS-07 5-6

Architectural
- AR-04 5-8

Density and Intensity
- DI-01 5-14

Driveway
- DW-01 5-15
- DW-04 5-18

Environmental
- EN-01 5-21

Fence and Wall
- FW-01 5-22
- FW-07 5-25

Floodplain
- FP-01 5-26

Floor Area
- FA-01 5-27

Height
- HT-01 5-28

Landscaping
- LA-01 5-36
- LA-04 5-37
- LA-05 5-37
- LA-06 5-38

Lighting
- LT-01 5-40

Lot
- LO-01 5-42

Outdoor Storage
- OS-01 5-44
- OS-02 5-44

Parking
- PK-01 5-46
- PK-04 5-47

Performance
- PF-01 5-53

Pond
- PN-01 5-54

Public Improvement
- PI-01 5-55

Setback
- SB-01 5-57

Sewer and Water
- SW-01 5-59

Signs
- SI-01 5-60
- SI-06 5-67

Special Exception
- SE-01 5-84

Storage Tank
- ST-01 5-85

Structure
- SR-01 5-86

~~Telecommunication~~ Wireless Facility
- ~~TC-01~~ WF-01 5-87

Temporary Use
- TU-01 5-89
- TU-04 5-90

Vision Clearance
- VC-01 5-91

Wind Turbine Systems
- WT-01 5-92

General Commercial (GC) District

2.31 GC District Intent, Permitted Uses, and Special Exception Uses

District Intent

The GC (General Commercial) District is intended to be used as follows:

Use, Type, and Intensity
- Low to Medium intensity commercial uses

Application of District
- Existing and new development
- Small to medium geographic areas on the zoning map

Development Standards
- Require quality development standards to minimize impacts on adjacent properties while encouraging economic vitality
- Minimize light, noise, and water pollution

Appropriate Adjacent Districts
- CO, PR, A2, M1, M2, IS, LB, GC, HC, and CP

Plan Commission
- Use this zoning district for existing developments and for new commercial development when not detrimental to the county and surrounding properties

Board of Zoning Appeals
- Allow a special exception use only when it is compatible with the surrounding areas
- Be sensitive to rural aesthetics and the potential for light pollution, noise pollution, and vehicular safety

Permitted Uses

Accessory Permitted Uses
- wind turbine system, small

Commercial Permitted Uses
- automobile oriented business (type 1)
- bakery
- bank machine/atm, walk-up
- bar/tavern
- barber or beauty shop
- coffee shop
- coin laundry
- computer service
- counseling center
- crematory
- day care
- delicatessen
- donation collection point
- funeral home
- ice cream shop
- medical clinic
- office, general
- physical fitness facility
- restaurant
- retail (type 1) very low intensity
- retail (type 2) low intensity
- retail (type 3) medium intensity
- seamstress/tailor
- studio arts
- travel agency

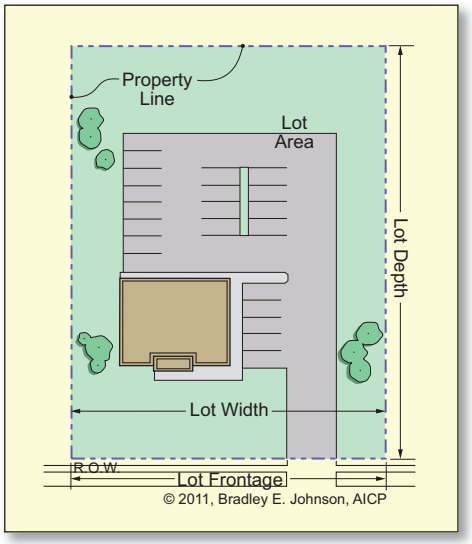
Institutional Permitted Uses
- place of worship

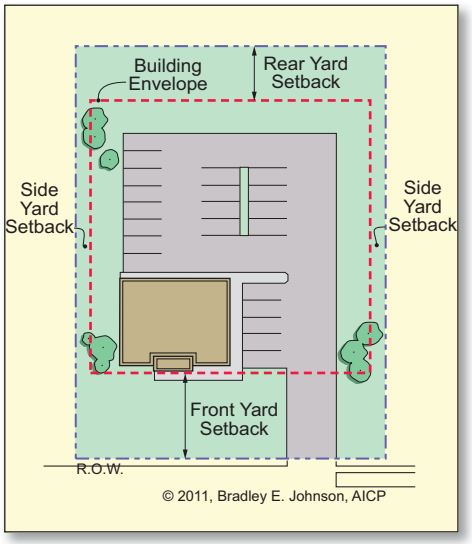
Special Exception Uses

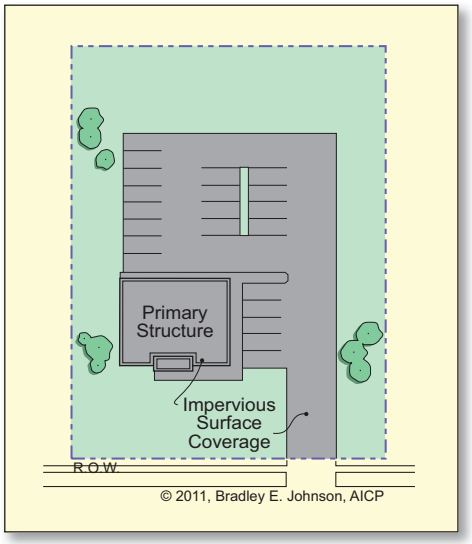
Commercial Special Exception Uses
- auction, indoor
- automobile oriented business (type 2)
- gas station
- recreation center (indoor)
- restaurant with drive-up window
- self-storage warehouse

General Commercial (GC) District

2.32 GC District Development Standards







Minimum Lot Area
- 10,000 square feet

Minimum Lot Width
- 100 feet

Sewer and Water
- Public sanitary sewer and water utility required

Minimum Front Yard Setback
- 40 feet for primary structure

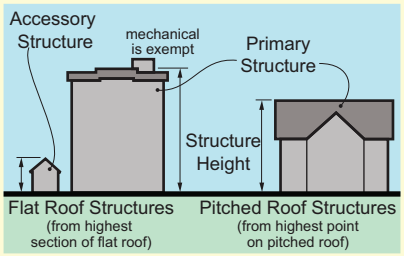
Minimum Side Yard Setback
- 15 feet

Minimum Rear Yard Setback
- 15 feet

Maximum Lot Coverage
- 65% of lot area

Minimum Main Floor Area:
- 800 square feet

Maximum Primary Structures
- 3



Maximum Structure Height
- 50 feet for primary structure
- 25 feet for accessory structure
- 2 stories

Additional Development Standards that Apply

Accessory Structures
- AS-01 5-4
- AS-07 5-6

Architectural
- AR-04 5-8

Density and Intensity
- DI-01 5-14

Driveway
- DW-01 5-15
- DW-04 5-18

Environmental
- EN-01 5-21

Fence and Wall
- FW-01 5-22
- FW-07 5-25

Floodplain
- FP-01 5-26

Floor Area
- FA-01 5-27

Height
- HT-01 5-28

Landscaping
- LA-01 5-36
- LA-04 5-37
- LA-05 5-37
- LA-06 5-38

Lighting
- LT-01 5-40

Lot
- LO-01 5-42

Outdoor Storage
- OS-01 5-44
- OS-02 5-44
- OS-04 5-45

Parking
- PK-01 5-46
- PK-04 5-47

Performance
- PF-01 5-53

Pond
- PN-01 5-54

Public Improvement
- PI-01 5-55

Setback
- SB-01 5-57

Sewer and Water
- SW-01 5-59

Signs
- SI-01 5-60
- SI-07 5-71

Special Exception
- SE-01 5-84

Storage Tank
- ST-01 5-85

Structure
- SR-01 5-86

~~Telecommunication~~ Wireless Facility
- ~~TC-01~~ WF-01 5-87

Temporary Use
- TU-01 5-89
- TU-04 5-90

Vision Clearance
- VC-01 5-91

Wind Turbine Systems
- WT-01 5-92

Highway Commercial (HC) District

2.33 HC District Intent, Permitted Uses, and Special Exception Uses

District Intent

The HC (Highway Commercial) District is intended to be used as follows:

Use, Type, and Intensity
- Highway oriented commercial uses

Application of District
- Permitted within proximity of an interstate interchange or intersection of two highways major arterial streets; however, not appropriate at all interchanges or intersection of highways or major arterial streets
- Existing and new development
- Small geographic areas on the zoning map

Development Standards
- Require development standards that optimize accessibility while minimizing the impacts on surrounding areas
- Minimize light, noise, and water pollution

Appropriate Adjacent Districts
- CO, PR, A2, M1, M2, IS, GC, HC, CP, and I1

Plan Commission
- Use this zoning district for existing developments and for new commercial development when not detrimental to the county and surrounding properties

Board of Zoning Appeals
- Allow a special exception use only when it is compatible with the surrounding areas
- Be sensitive to aesthetics and the potential for light pollution, noise pollution, pedestrian safety, and vehicular safety

Permitted Uses

Accessory Permitted Uses
- wind turbine system, small

Commercial Permitted Uses
- bank/atm, drive-up
- coffee shop
- delicatessen
- gas station
- hotel or motel
- restaurant
- restaurant with drive-up window
- retail (type 2) low intensity

Special Exception Uses

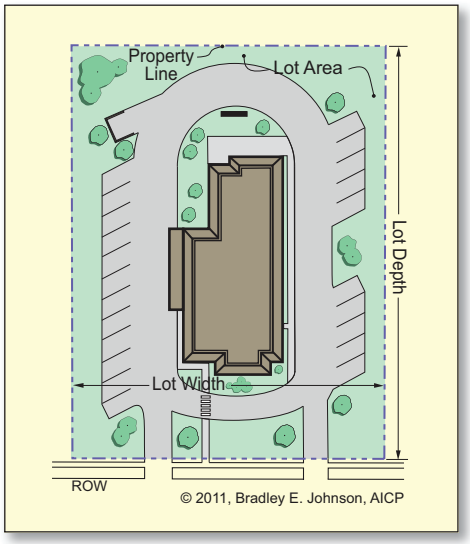
Commercial Special Exception Uses
- recreation center (outdoor)
- retail (type 1) very low intensity
- retail (type 3) medium intensity
- truck stop

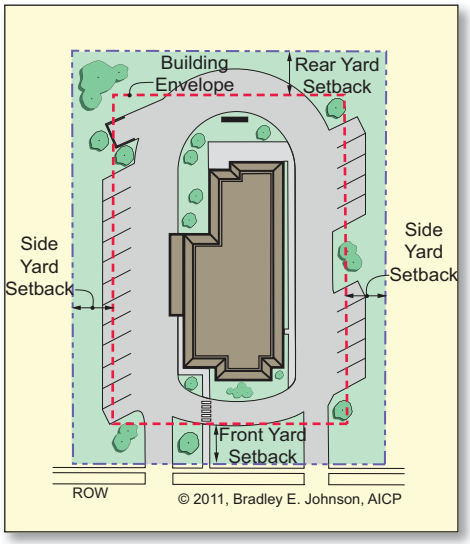
Residential Special Exception Uses
- dwelling, single-family detached

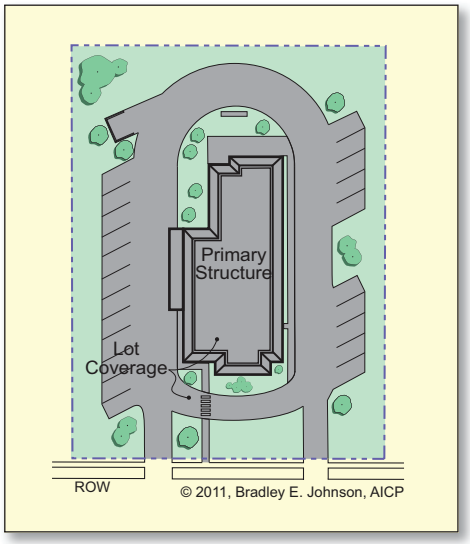
(See Section 2.08 A2 District Development Standards for applicable development standards)

Highway Commercial (HC) District

2.34 HC District Development Standards







Minimum Lot Area
- 10,000 square feet with sanitary sewer
- 1 1/2 acres without sanitary sewer

Minimum Lot Width
- 100 feet

Sewer and Water
- ~~Public sanitary sewer and water utility required~~

- Septic system permitted where sanitary sewer is unavailable
- Private well permitted only where water utility is unavailable

Minimum Front Yard Setback
- 80 feet for primary structure

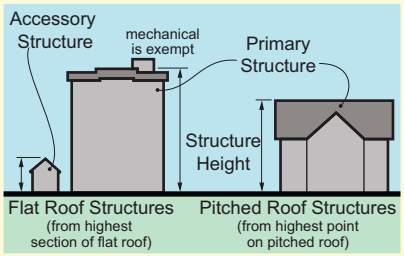
Minimum Side Yard Setback
- 15 feet

Minimum Rear Yard Setback
- 15 feet

Maximum Lot Coverage
- 70% of lot area

Minimum Main Floor Area:
- 800 square feet

Maximum Primary Structures
- 2



Maximum Structure Height
- 55 feet for primary structure

Additional Development Standards that Apply

Accessory Structures
- AS-01 5-4
- AS-07 5-6

Architectural
- AR-04 5-8

Density and Intensity
- DI-01 5-14

Driveway
- DW-01 5-15
- DW-04 5-18

Environmental
- EN-01 5-21

Fence and Wall
- FW-01 5-22
- FW-07 5-25

Floodplain
- FP-01 5-26

Floor Area
- FA-01 5-27

Height
- HT-01 5-28

Landscaping
- LA-01 5-36
- LA-04 5-37
- LA-05 5-37
- LA-06 5-38

Lighting
- LT-01 5-40

Lot
- LO-01 5-42

Outdoor Storage
- OS-01 5-44
- OS-02 5-44

Parking
- PK-01 5-46
- PK-04 5-47

Performance
- PF-01 5-53

Pond
- PN-01 5-54

Public Improvement
- PI-01 5-55

Setback
- SB-01 5-57

Sewer and Water
- SW-01 5-59

Signs
- SI-01 5-60
- SI-08 5-75

Special Exception
- SE-01 5-84

Storage Tank
- ST-01 5-85

Structure
- SR-01 5-86

~~Telecommunication~~ Wireless Facility
- ~~TC-01~~ WF-01 5-87

Temporary Use
- TU-01 5-89
- TU-04 5-90

Vision Clearance
- VC-01 5-91

Wind Turbine Systems
- WT-01 5-92

2.35 CP District Intent, Permitted Uses, and Special Exception Uses

District Intent

The CP (Commerce Park) District is intended to be used as follows:

Use, Type and Intensity
- Moderate intensity office, technology, and business parks

Application of District
- Existing and new development
- Small to medium geographic areas on the zoning map

Development Standards
- Require development standards that optimize accessibility while minimizing the impacts on surrounding areas
- Minimize light, noise, and water pollution

Appropriate Adjacent Districts
- CO, PR, A1, A2, M2, IS, LB, GC, HC, CP, I1, and I2

Plan Commission
- Use this zoning district for existing developments and for new commercial development when not detrimental to the county and surrounding properties
- Developments should have coordinated vehicular access, internal circulation, signage, and similar features

Board of Zoning Appeals
- Allow a special exception use only when it is compatible with the surrounding areas
- Be sensitive to aesthetics and the potential for light pollution, noise pollution, pedestrian safety, and vehicular safety

Permitted Uses

Accessory Permitted Uses
- wind turbine system, large
- wind turbine system, small

Commercial Permitted Uses
- bank
- express shipping center
- office, general
- office, medical
- printer, commercial
- restaurant
- software development
- trade or business school

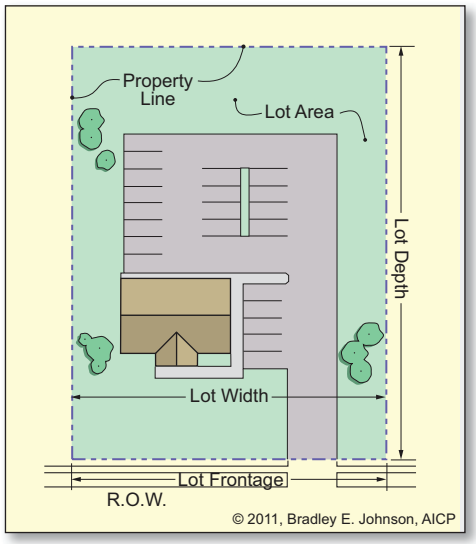
Industrial Permitted Uses
- research center, general
- research center, medical

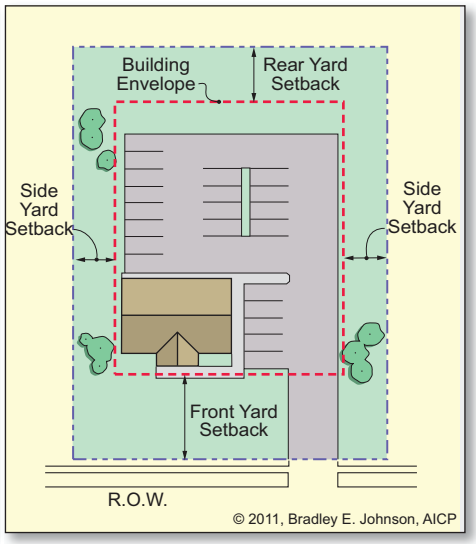
Institutional Permitted Uses
- hospital
- university or college

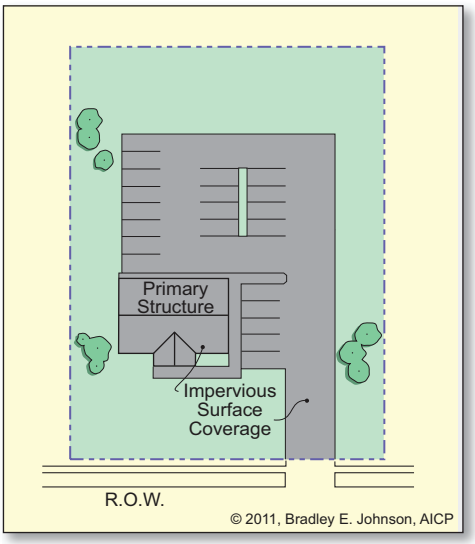
Special Exception Uses

Commerce Park (CP) District

2.36 CP District Development Standards







Minimum Lot Area
- 1 acre

Minimum Lot Width
- 150 feet

Sewer and Water
- Public sanitary sewer and water utility required

Minimum Front Yard Setback
- 80 feet for primary structure

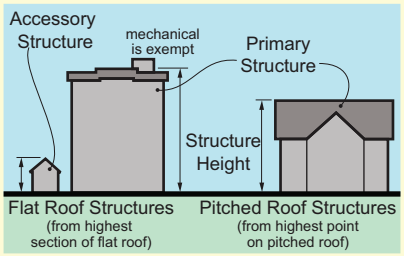
Minimum Side Yard Setback
- 25 feet

Minimum Rear Yard Setback
- 25 feet

Maximum Lot Coverage
- 70% of lot area

Minimum Main Floor Area:
- 10,000 square feet

Maximum Primary Structures
- no limit



Maximum Structure Height
- 50 feet for primary structure
- 25 feet for accessory structure
- 3 stories

Additional Development Standards that Apply

Accessory Structures
- AS-01 5-4
- AS-07 5-6

Architectural
- AR-04 5-8

Density and Intensity
- DI-01 5-14

Driveway
- DW-01 5-15
- DW-04 5-18

Environmental
- EN-01 5-21

Fence and Wall
- FW-01 5-22
- FW-07 5-25

Floodplain
- FP-01 5-26

Floor Area
- FA-01 5-27

Height
- HT-01 5-28

Landscaping
- LA-01 5-36
- LA-04 5-37
- LA-05 5-37
- LA-06 5-38

Lighting
- LT-01 5-40

Lot
- LO-01 5-42

Outdoor Storage
- OS-01 5-44
- OS-02 5-44

Parking
- PK-01 5-46
- PK-04 5-47

Performance
- PF-01 5-53

Pond
- PN-01 5-54

Public Improvement
- PI-01 5-55

Setback
- SB-01 5-57

Sewer and Water
- SW-01 5-59

Signs
- SI-01 5-60
- SI-09 5-80

Special Exception
- SE-01 5-84

Storage Tank
- ST-01 5-85

Structure
- SR-01 5-86

Wireless Facility
~~Telecommunication~~
- ~~TC-01~~ WF-01 5-87

Temporary Use
- TU-01 5-89
- TU-04 5-90

Vision Clearance
- VC-01 5-91

Wind Turbine Systems
- WT-01 5-92
- WT-02 5-94

Low Intensity Industrial (I1) District

2.37 I1 District Intent, Permitted Uses, and Special Exception Uses

District Intent

The I1 (Low Intensity Industrial) District is intended to be used as follows:

Use, Type, and Intensity
- Low to moderate intensity industrial uses
- Distribution operations and industrial parks
- Stand alone buildings or multiple primary structures

Application of District
- Existing and new development
- Serves as a buffer between heavier industrial uses and lower intensity districts
- Small to medium geographic areas on the zoning map

Development Standards
- Require development standards that minimize the impacts on surrounding areas
- Allow small outdoor storage areas with screening
- Minimize light, noise, water, and air pollution

Appropriate Adjacent Districts
- CO, PR, A1, A2, A3, A4, M2, IS, HC, CP, I1, I2, and HI

Plan Commission
- Use this zoning district for existing developments and for new industrial development when not detrimental to the county and surrounding properties

Board of Zoning Appeals
- Allow a special exception use only when it is compatible with the surrounding areas
- Be sensitive to the potential for light pollution, noise pollution, loading berth placement, pedestrian safety, and vehicular safety

Permitted Uses

Accessory Permitted Uses
- wind turbine system, large
- wind turbine system, small

Agricultural Permitted Uses
- agricultural crop production

Commercial Permitted Uses
- tool/equipment rental (outdoor)

Industrial Permitted Uses
- assembly
- manufacturing, light
- materials recycling (type 1)
- printer, industrial
- research center, general
- ~~telecommunication facility~~ wireless facility
- testing lab, electronic
- testing lab, materials
- tool and die shop
- warehouse
- welding service

Institutional Permitted Uses
- government operations facility

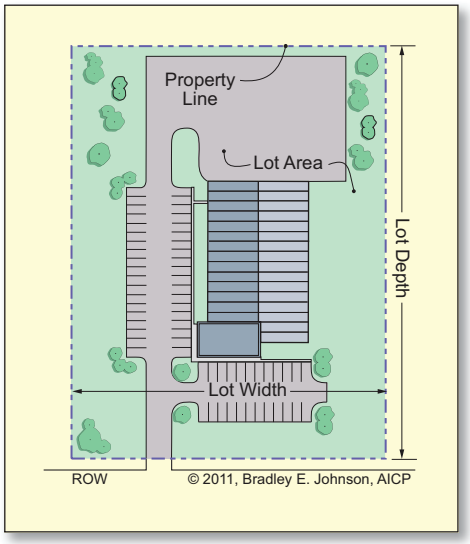
Special Exception Uses

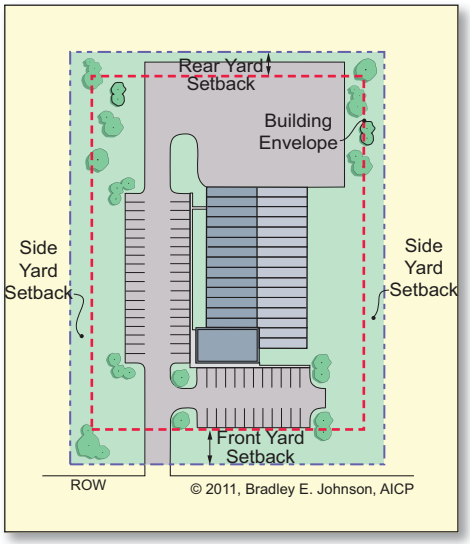
Commercial Special Exception Uses
- outdoor advertising

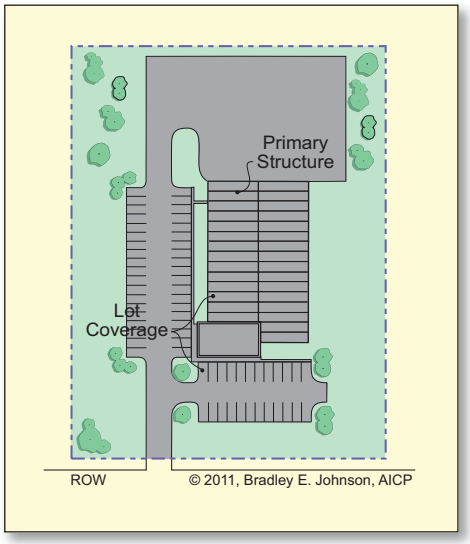
Industrial Special Exception Uses
- distribution facility
- freight terminal
- materials recycling (type 2)
- sign fabrication

Low Intensity Industrial (I1) District

2.38 I1 District Development Standards







Minimum Lot Area
- 1 acre

Minimum Lot Width
- 150 feet

Sewer and Water
- Public sanitary sewer and water utility required

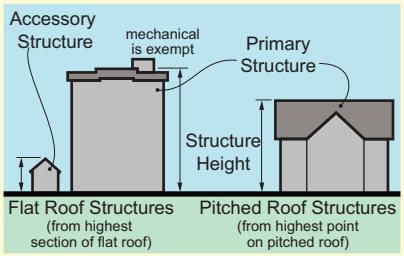
Minimum Front Yard Setback
- 40 feet

Minimum Side Yard Setback
- 20 feet

Minimum Rear Yard Setback
- 20 feet

Maximum Lot Coverage
- 85% of lot area

Maximum Primary Structures
- no limit



Maximum Structure Height
- 60 feet for primary structure
- 20 feet for accessory structure

Additional Development Standards that Apply

Accessory Structures
- AS-01 5-4
- AS-07 5-6

Density and Intensity
- DI-01 5-14

Driveway
- DW-01 5-15
- DW-04 5-18

Environmental
- EN-01 5-21

Fence and Wall
- FW-01 5-22
- FW-07 5-25

Floodplain
- FP-01 5-26

Floor Area
- FA-01 5-27

Height
- HT-01 5-28

Landscaping
- LA-01 5-36
- LA-04 5-37
- LA-06 5-38

Lighting
- LT-01 5-40

Loading
- LD-01 5-41

Lot
- LO-01 5-42

Outdoor Storage
- OS-01 5-44
- OS-02 5-44
- OS-05 5-45

Parking
- PK-01 5-46
- PK-04 5-47

Performance
- PF-01 5-53

Pond
- PN-01 5-54

Public Improvement
- PI-01 5-55

Setback
- SB-01 5-57

Sewer and Water
- SW-01 5-59

Signs
- SI-01 5-60
- SI-09 5-80
- SI-10 5-83

Special Exception
- SE-01 5-84

Storage Tank
- ST-01 5-85
- ST-03 5-85

Structure
- SR-01 5-86

Wireless Facility
~~Telecommunication~~
- ~~TC-01~~ WF-01 5-87

Temporary Use
- TU-01 5-89
- TU-04 5-90

Vision Clearance
- VC-01 5-91

Wind Turbine Systems
- WT-01 5-92
- WT-02 5-94

High Intensity Industrial (I2) District

2.39 I2 District Intent, Permitted Uses, and Special Exception Uses

District Intent

The I2 (High Intensity Industrial) District is intended to be used as follows:

Use, Type, and Intensity
- Moderate to high intensity industrial uses
- Industrial parks, manufacturing facilities, and utility usage
- enclosed industrial uses
- Stand alone buildings or multiple primary structures

Application of District
- Existing and new development
- Small to medium geographic areas on the zoning map

Development Standards
- Require development standards that minimize the impacts on surrounding, less intense areas
- Allow outdoor storage areas
- Exclude general business uses
- Minimize light, noise, water, and air pollution

Appropriate Adjacent Districts
- CO, PR, A2, A3, A4, IS, CP, I1, I2, and HI

Plan Commission
- Use this zoning district for existing developments and for new industrial development when not detrimental to the county and surrounding properties

Board of Zoning Appeals
- Allow a special exception use only when it is compatible with the surrounding areas
- Be sensitive to the potential for light pollution, noise pollution, loading berth placement, pedestrian safety, and vehicular safety

Permitted Uses

Accessory Permitted Uses
- wind turbine system, large
- wind turbine system, small

Agricultural Permitted Uses
- agricultural crop production

Industrial Permitted Uses
- asphalt plant
- assembly
- bio-diesel production
- bottling/canning
- broadcast facility
- concrete plant
- distribution facility
- food processing
- freight terminal
- heavy equipment repair
- liquid fertilizer distribution
- manufacturing, light
- materials recycling (type 2)
- outdoor storage
- printer, industrial
- research center, general
- sewage treatment facility, private
- sign fabrication
- storage tanks (non-hazardous)
- ~~telecommunication facility~~ wireless facility
- testing lab, electronic
- testing lab, materials
- tool and die shop
- transfer station
- warehouse
- water treatment facility, private
- welding service
- wholesale produce terminal

Institutional Permitted Uses
- recycling collection point

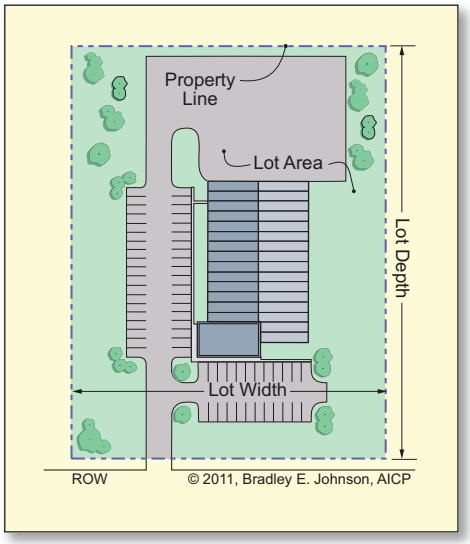
Special Exception Uses

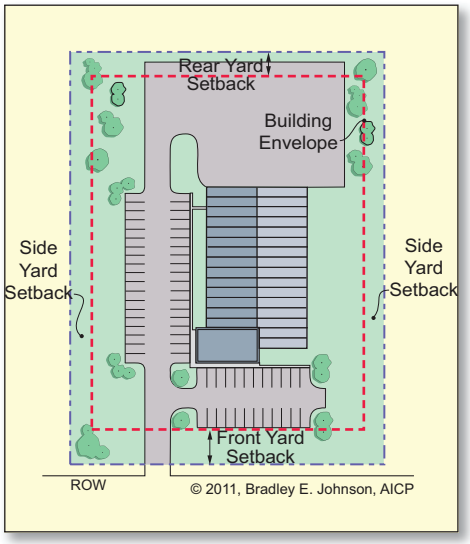
Commercial Special Exception Uses
- outdoor advertising

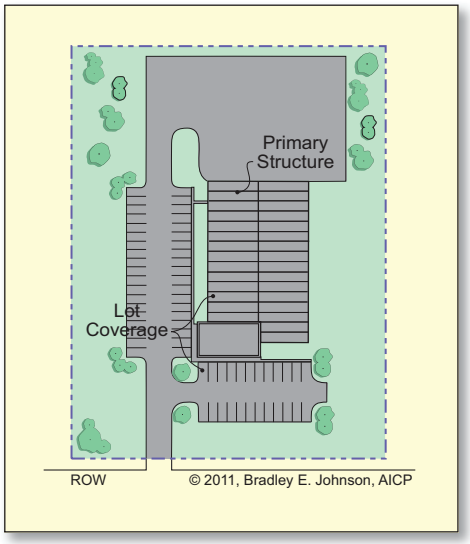
Industrial Special Exception Uses
- chemical manufacturing
- manufacturing, heavy
- recycling processing

High Intensity Industrial (I2) District

2.40 I2 District Development Standards







Minimum Lot Area
- 2 acres

Minimum Lot Width
- 100 feet

Sewer and Water
- Public sanitary sewer and water utility required

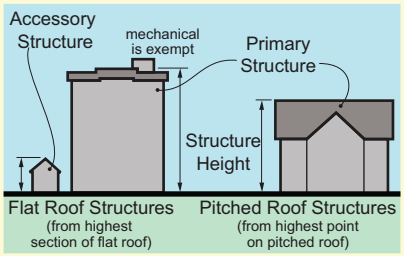
Minimum Front Yard Setback
- 80 feet

Minimum Side Yard Setback
- 40 feet

Minimum Rear Yard Setback
- 40 feet

Maximum Lot Coverage
- 85% of lot area

Maximum Primary Structures
- no limit



Maximum Structure Height
- 60 feet for primary structure
- 25 feet for accessory structure

Additional Development Standards that Apply

Accessory Structures
- AS-01 5-4
- AS-07 5-6

Density and Intensity
- DI-01 5-14

Driveway
- DW-01 5-15
- DW-04 5-18

Environmental
- EN-01 5-21

Fence and Wall
- FW-01 5-22
- FW-07 5-25

Floodplain
- FP-01 5-26

Floor Area
- FA-01 5-27

Height
- HT-01 5-28

Landscaping
- LA-01 5-36
- LA-04 5-37
- LA-06 5-38

Lighting
- LT-01 5-40

Loading
- LD-01 5-41

Lot
- LO-01 5-42

Outdoor Storage
- OS-01 5-44
- OS-02 5-44
- OS-05 5-45

Parking
- PK-01 5-46
- PK-04 5-47

Performance
- PF-01 5-53

Pond
- PN-01 5-54

Public Improvement
- PI-01 5-55

Setback
- SB-01 5-57

Sewer and Water
- SW-01 5-59

Signs
- SI-01 5-60
- SI-09 5-80
- SI-10 5-83

Special Exception
- SE-01 5-84

Storage Tank
- ST-01 5-85
- ST-03 5-85

Structure
- SR-01 5-86

~~Telecommunication~~ Wireless Facility
- ~~TC-01~~ WF-01 5-87

Temporary Use
- TU-01 5-89
- TU-04 5-90

Vision Clearance
- VC-01 5-91

Wind Turbine Systems
- WT-01 5-92
- WT-02 5-94

High Impact (HI) District

2.41 HI District Intent, Permitted Uses, and Special Exception Uses

District Intent

The HI (High Impact) District is intended to be used as follows:

Use, Type, and Intensity
- All intensities of high impact uses

Application of District
- New development
- Single lot or a small cluster of lots on the zoning map

Development Standards
- Enact development standards to minimize impacts on adjacent properties
- Minimize light, noise, water, and air pollution

Appropriate Adjacent Districts
- CO, PR, A1, A2, A3, I1, I2, and HI

County Commissioners
- As a condition of rezoning, allow only the use petitioned for and presented

Plan Commission
- Use this zoning district for existing high impact developments and for new high impact development when clearly beneficial to the county and when compatible with nearby properties
- Be sensitive to environmental protection
- As a condition of rezoning, allow only the use petitioned for and presented

Board of Zoning Appeals
- Allow a special exception use only when it is compatible with the surrounding areas
- Be sensitive to the potential for light pollution, noise pollution, water pollution, air pollution, ingress/egress of heavy vehicles, buffering, pedestrian safety, and vehicular safety

Permitted Uses

Accessory Permitted Uses
- wind turbine system, large
- wind turbine system, small

Agricultural Permitted Uses
- agricultural crop production

Commercial Permitted Uses
- shooting range (indoor)
- shooting range (outdoor)

Industrial Permitted Uses
- bio-fuels production
- composting facility
- construction materials landfill
- electrical generation plant
- incinerator
- junk yard
- materials recycling (type 3)
- mining, rock or sand
- rock crushing
- sanitary landfill/refuse dump
- scrap metal yard
- storage tanks (hazardous)
- transfer station

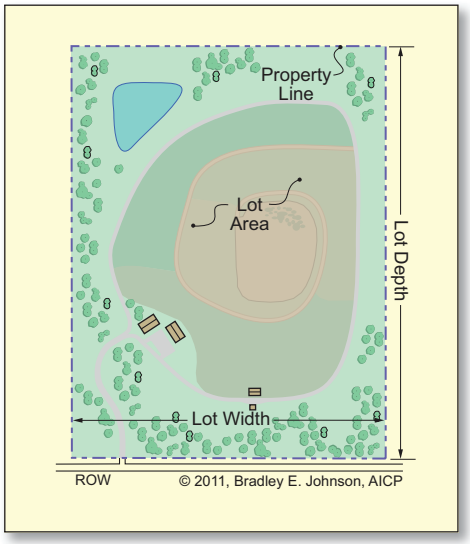
Institutional Permitted Uses
- prison

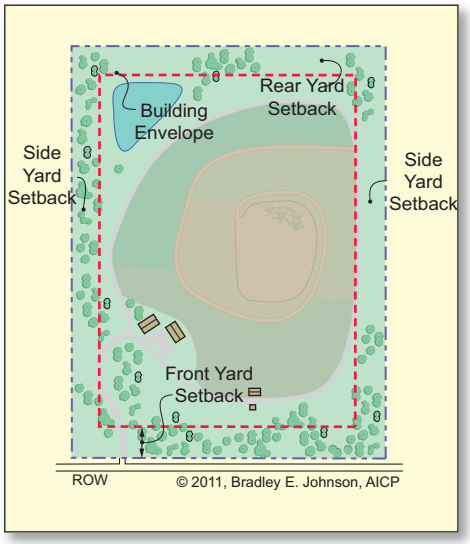
Special Exception Uses

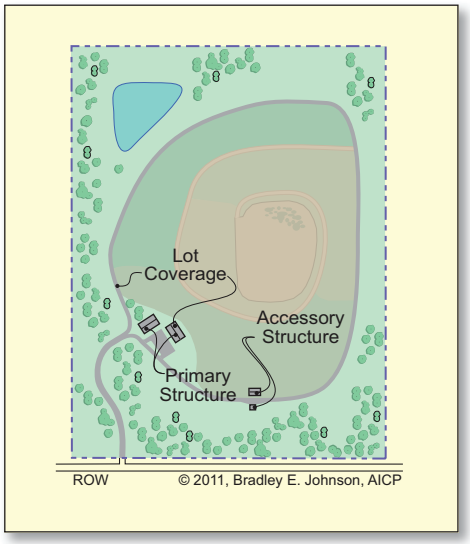
Industrial Special Exception Uses
- petroleum processing
- rendering plant

High Impact (HI) District

2.42 HI District Development Standards







Minimum Lot Area
- 20 acres

Minimum Lot Width
- 300 feet

Sewer and Water
- Septic system permitted only when a public sewer utility is not available
- Private well permitted only when a public water utility is not available

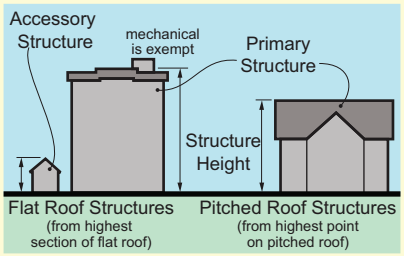
Minimum Front Yard Setback
- 150 feet

Minimum Side Yard Setback
- 150 feet

Minimum Rear Yard Setback
- 150 feet

Maximum Lot Coverage
- 20% of lot area

Maximum Primary Structures
- no limit



Maximum Structure Height
- 60 feet for primary structure
- 35 feet for accessory structure

Additional Development Standards that Apply

Accessory Structures
- AS-01 5-4
- AS-07 5-6

Density and Intensity
- DI-01 5-14

Driveway
- DW-01 5-15
- DW-04 5-18

Environmental
- EN-01 5-21

Fence and Wall
- FW-01 5-22
- FW-07 5-25

Floodplain
- FP-01 5-26

Floor Area
- FA-01 5-27

Height
- HT-01 5-28

Landscaping
- LA-01 5-36
- LA-04 5-37
- LA-06 5-38

Lighting
- LT-01 5-40

Loading
- LD-01 5-41

Lot
- LO-01 5-42

Outdoor Storage
- OS-01 5-44
- OS-02 5-44
- OS-05 5-45

Parking
- PK-01 5-46
- PK-04 5-47

Performance
- PF-01 5-53

Pond
- PN-01 5-54

Public Improvement
- PI-01 5-55

Setback
- SB-01 5-57

Sewer and Water
- SW-01 5-59

Signs
- SI-01 5-60
- SI-09 5-80

Special Exception
- SE-01 5-84

Storage Tank
- ST-01 5-85
- ST-03 5-85

Structure
- SR-01 5-86

Wireless Facility
~~Telecommunication~~
- ~~TC-01~~ WF-01 5-87

Temporary Use
- TU-01 5-89
- TU-04 5-90

Vision Clearance
- VC-01 5-91

Wind Turbine Systems
- WT-01 5-92
- WT-02 5-94

Appropriate Adjacent Districts Summary

2.43 Appropriate Adjacent Districts Summary

Adjacent District	Zoning District of Subject Property																				
	CO	PR	A1	A2	A3	A4	ER	R1	R2	VR	M1	M2	MP	IS	LB	GC	HC	CP	I1	I2	HI
CO	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
PR	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
A1	X	X	X	X	X	X	X							X				X	X		X
A2	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
A3	X	X	X	X	X	X													X	X	X
A4	X	X	X	X	X	X								X					X	X	
ER	X	X	X	X			X	X	X	X	X			X							
R1	X	X		X			X	X	X	X	X	X		X							
R2	X	X		X			X	X	X	X	X	X	X	X	X						
VR	X	X		X			X	X	X	X	X	X	X	X	X						
M1	X	X		X			X	X	X	X	X	X	X	X		X	X				
M2	X	X		X				X	X	X	X	X	X	X	X	X	X	X	X		
MP	X	X		X					X	X	X	X	X	X	X						
IS	X	X	X	X		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
LB	X	X		X					X	X		X	X	X	X	X		X			
GC	X	X		X							X	X		X	X	X	X	X			
HC	X	X		X							X	X		X		X	X	X	X		
CP	X	X	X	X								X		X	X	X	X	X	X	X	
I1	X	X	X	X	X	X						X		X			X	X	X	X	X
I2	X	X		X	X	X								X				X	X	X	X
HI	X	X	X	X	X														X	X	X

Article

3

Overlay Districts

Jasper County
Unified Development
Ordinance

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GroundRules
website www.groundrulesinc.com

3.01 ACO District Intent, Effect on Uses, and Effect on Standards

District Intent	Effect on Uses	Effect on Standards
The Airport Compatibility Overlay (ACO) District is intended to: (1) minimize land uses located in close proximity to an airport that may adversely impact the airport's operations; (2) discourage land uses located in close proximity to an airport that may be adversely impacted by the airport's operations; (3) minimize wildlife incursions on airport property or airspace; (4) disallow tall structures that impede aircraft operations; (5) disallow lighting and other development features that could interfere with aircraft operations; (6) encourage land uses that add value to and complement the airport; and (7) reduce risk to life and property from aircraft crashes. **By assuring all development at the airport and development around the airport are compatible, three benefits are gained. They are (1) maximize the opportunity for Federal and State funding (typically 80% and 10% of all costs respectively) for airport expansions, acquisitions, and improvements; (2) maximize the FAA's support for airport expansion and increases in operations; and (3) minimize complaints and remonstration against airport expansion and increases in operations. See the next paragraph for further clarification on the importance of this overlay district.** **All airports that receive Federal grants are obligated by contract to follow FAA Advisory Circulars; essentially they become "mandatory circulars." Failure to follow the Advisory Circulars may result in forfeiture of current funding and/or loss of standing to apply for future funding.** **The regulations and restrictions for the ACO District are based on FAA Advisory Circulars, NTSB crash statistics, FAA Land Use Planning Guides, State of Indiana Tall Structures Act, the 2004 Land Use Report from the National Association of State Aviation Official, University of Berkeley Transportation Institute's study on the location of general aviation aircraft accidents in relationship to runways, and the Aircraft Owner's and Pilot's Association's Guide to Airport Noise and Compatibility of Land Use.**	**All permitted uses in the base zoning district are permitted in the ACO District except as restricted in** *Section 3.04: ACO District Restriction of Permitted and Special Exception Land Uses*. **All special exception uses permitted in the base zoning district are allowed as such in the ACO District except as restricted in** *Section 3.04: ACO District Restriction of Permitted and Special Exception Land Uses*.	**The development standards from the base zoning district shall apply to the ACO District in addition to the development standards described in** *Section 3.05: ACO District Development Standards*.

Airport Compatibility Overlay (ACO) District

3.02 ACO District Applicability

The following requirements apply to all land within the ACO District as defined in *Section 3.03: ACO District Boundary*. Under no circumstances shall a planned development or rezoning of property change the applicability of the ACO District's land use restrictions and additional development standards.

3.03 ACO District Boundary

The boundaries for the ACO District shall include any land fully or partially within five (5) nautical miles (30,380 feet) of the airport property and may be shown on the Official Zoning Map as a hatched or textured pattern, and noted in the map legend as the Airport Compatibility Overlay (ACO) District.

3.04 ACO District Restriction of Permitted and Special Exception Land Uses

A. Effect on Base Zoning: All uses allowed as a permitted use or special exception use in the base zoning district shall remain permitted except as described in *Section 3.04(B), (C), and (D): ACO District Restriction of Permitted and Special Exception Land Uses*.

B. Within Five (5) Statute Miles of the Airport:

1. *Prohibited Land Uses and Site Features*: When the airport facility is fully or partially located within five (5) statute miles of the subject property, the following land uses and site features shall not be allowed as a permitted use or special exception use:
   - Grain elevator with leg over 120 feet
   - Grain storage, outdoor or open (unless covered and secured)
   - Recycling processing, outdoor or open
   - Sanitary landfill/refuse dump
   - Putrescible waste processing or disposal facility
   - Transfer station, outdoor or open grain, fruit, or vegetables
   - Transfer station, outdoor or open recycling, or putrescible waste
2. *Discouraged Land Uses and Site Features*: When the airport's facility is fully or partially located within five (5) statute miles from the boundary of the subject property, the following land uses and site features shall not be allowed as a permitted use. However, they may be granted as a special exception when the base zoning district permits the land use as a permitted use or special exception use; or if the base zoning district permits the site feature:
   - Golf course
   - Constructed wetland
   - Recreation pond
   - Retention pond (wet retention)
   - Wastewater treatment facility

C. Within 10,000 Feet of the Airport:

1. *Prohibited Land Uses and Site Features*: When the airport facility is fully or partially located within 10,000 feet of the subject property, the following land uses and site features shall not be allowed as a permitted use or special exception:
   - All prohibited land uses and site features listed in *Section 3.04(B)(1): Prohibited Land Uses and Site Features*
   - Constructed wetland
   - Golf course
   - Recreation pond
   - Retention pond (wet retention)
   - Wastewater treatment facility

D. Discretion of the Zoning Administrator: The Zoning Administrator may restrict any additional land use or site feature not listed if it is either a:

1. *Noise Sensitive Land Use*: A noise sensitive land use that would now or in the future likely be negatively impacted by airport and aircraft operations;
2. *Life Safety Risk*: A land use where a large number of people gather for events or a large number of people work in a small area which, if an airplane crashed, could injure or kill numerous people; or
3. *A Wildlife Attractant*: A land use that encourages migratory, raptor, vulture, or other large birds to land, eat, or reside on the subject property, or that attracts wild animals to or toward the airport's vicinity.

3.05 ACO District Development Standards

The following development standards are required in order to promote the intent of the ACO District and meet the goals and objectives of Jasper County.

A. Effect on Development Standards of the Base Zoning: All development standards in the base zoning district shall survive except as described below in *Section 3.05(B), (C), and (D): ACO District Development Standards*.

B. Cross Reference:

1. *Indiana Department of Transportation*: New structures and additions or alterations to existing structures are subject to review by the Indiana Department of Transportation when within five (5) nautical miles of the airport facility. All developments in this area shall review *IC 8-21-10* for determination of applicability and notification standards.
2. *Plan Commission*: Any Unified Development Ordinance amendment or rezoning which results in an allowance for tall structures or noise sensitive land uses within five (5) nautical miles of the airport, or that allows structures greater than 500 feet above ground level shall comply with *IC 8-21-10* and *IC 36-7-4-604(i)*.
3. *Board of Zoning Appeals*: Any request for a variance that may result in a structure's height exceeding the thresholds outlined in *IC 8-21-10* shall comply with *IC 36-7-4-918.5*.
4. *Aviation Board*:

C. Within 10,000 Feet of the Airport: When the airport facility is fully or partially located within 10,000 feet from the boundary of the subject property, the following development standards apply:

1. *Waiver to Not Remonstrate*: All land uses, regardless of whether they are currently considered noise sensitive or not, shall be required to sign a waiver indicating that they, nor their heirs, assigns, or successors, shall have the right to remonstrate against the airport's operations or any future airport expansions; that they understand that the airport facility is expected to expand; and that they understand that the frequency of aircraft, hours of aircraft operation, and types of aircraft will likely expand. The waiver shall be signed and placed in the Zoning Administrator's files prior to granting an initial Improvement Location Permit. The waiver shall also be recorded at the Jasper County Recorder's Office within seven (7) days of the Improvement Location Permit's issuance or else the Improvement Location Permit shall be void.
2. *Storm Water Management*: Management of on-site storm water shall be achieved by drainage swales, under drains, detention ponds (i.e. dry ponds), and/or piping the water to a retention pond facility outside of the 10,000 feet buffer around the airport. Detention ponds and swales shall have under-drains to help dissipate water, and shall be designed to fully drain within forty-eight (48) hours of a one percent (1%) chance storm event.

D. Within One (1) Nautical Mile:

1. *Maximum Lot Coverage*: 25% for single-family residential, 35% for multiple-family and manufactured home park, 50% for commercial and institutional, and 65% for industrial zoning districts.
2. *Landscaping Standards*:
   a. Minimize Attractiveness: Landscaping within in the ACO District shall be designed and maintained to minimize its attractiveness to wildlife.
   b. Turf Grass: At least 80% of all land not covered by a building, structure, wetland, creek, natural lake, or woodlot shall be maintained with turf grass.
3. *Lighting Standards*: Adjustments to lighting standards are as follows:
   a. Fixture Limitations: No parking lot lighting, street lighting, exterior building lighting, or landscape lighting shall be allowed to project upward or horizontally. All lighting mounted on a pole, structure, or building shall be a full cutoff fixture.
   b. Movement Limitations: No lighting shall spin, oscillate, or blink within the ACO District, except the airport's fixtures and equipment installed on or off the airport property.
4. *Location Standards*: No building or tower shall be located within 1,000 feet of a runway unless it is used as a part of the airport facility or aviation operation.
5. *Airport Noise*: The noise restrictions in *Article 5: Development Standards* shall not apply to the airport, airport facility, or aircraft operations.
6. *Noise Mitigation*: Any permitted primary structures used for office, institutional, residential, or medical purposes are encouraged to be constructed to a Sound Transmission Class of 50.
7. *Site Design Standards*: Site design of any property or design of any structure shall not resemble an airport, taxiway, or runway.
8. *Setback from Airport*: All buildings and towers, except structures of the airport, shall be setback at least 100 feet from airport property; and at least 500 feet from the centerline of each existing and proposed runway, and from an imaginary line extending the centerline of the existing and proposed runways by 1,500 feet.
9. *Condition of a Variance*: As a condition of approval as a special exception, the Board of Zoning Appeals may require a wildlife mitigation plan be prepared and implemented according to FAA Advisory Circular and other FAA published guidance, and require assurances that any current or future wildlife hazards are addressed immediately.

E. Discretion of the Zoning Administrator: The Zoning Administrator may require additional and reasonable development standards that serve the district's intent when necessary.

3.06 ACO District Conditions of Variances, Special Exceptions and other Approvals

A. Wildlife Hazard Mitigation, Condition of Approval: As a condition of approval as a special exception or use variance, the Board of Zoning Appeals may require a wildlife mitigation plan be prepared and implemented according to FAA Advisory Circular and other FAA published guidance, and require assurances that any current or future wildlife hazards are addressed immediately.

B. Noise Mitigation, Condition of Approval: As a condition of approval as a special exception or use variance, the Board of Zoning Appeals may require a primary structure to be constructed to a Sound Transmission Class of 50, commonly used when soundproofing homes near airports. This requirement would result in the ceiling, walls and windows to all be constructed to a reasonably higher standard necessary to mitigate airport noise.

3.07 WHO District Intent, Effect on Uses, and Effect on Standards

District Intent

The Wellhead Overlay (WHO) District is intended to protect the public water supplies by minimizing the potential for contamination.

Land Use Restrictions
- Uses that utilize or contain volatile, poisonous, toxic, or other material hazardous to the potability of water are restricted or prohibited

Development Standard Restrictions
- Require certain land uses to connect to municipal sewer if in the Wellhead Overlay District
- Prevent underground storage tanks in the Wellhead Overlay District

Application of District
- Areas within the 5-year recharge area for a public water supply or well field as delineated by study or by rule in the Indiana Administrative Code
- Wellhead recharge areas for municipal wells or wells used by manufactured home parks or other "shared" wellhead

Effect on Uses

All permitted uses in the base zoning district are permitted in the WHO District except as prohibited below. All special exception uses permitted in the base zoning district are allowed as such in the WHO District except as prohibited below.

The following land uses and site features shall not be permitted in the WHO District:
- animal feed lot
- animal mortality storage or disposal
- cemetery
- chemical storage or distribution
- confined feeding operation
- construction material landfill
- crematorium
- ethanol plant (or other biofuel plant)
- fertilizer storage or distribution
- golf course
- gravel or sand mining
- incinerator
- industry that uses heavy metals or toxic chemicals in its manufacturing process or other operations
- industry that has heavy metals or toxic chemicals as a by-product from its manufacturing process or other operations
- junk yard
- recycling processing
- rendering plant
- road salt storage
- sanitary landfill or refuse dump
- scrap metal yard
- septic tanks sized for more than a single-family dwelling
- settling ponds from industrial processes
- sewage lagoons
- spreading of animal waste on land
- spreading of sewage treatment plant sludge on land
- storage tanks (hazardous)
- wastewater treatment facility

Effect on Standards

The development standards from the base zoning district shall apply to the WHO District in addition to the development standards described in *Section 3.10: WHO District Development Standards*.

3.08 WHO District Applicability

The following requirements apply to all land within the WHO District as defined in *Section 3.09 WHO: District Boundary*. Under no circumstances shall a planned development or rezoning of property change the applicability of the WHO District's land use restrictions and additional development standards.

3.09 WHO District Boundary

The boundaries for the WHO District shall be any 5-year recharge area shown on any map, drawn to scale, certified by a registered engineer, and may be shown on the Official Zoning Map as a hatched or textured pattern and noted on the map legend as the WHO District.

3.10 WHO District Development Standards

A. Exemptions: Single-family and two-family dwelling units connected to a municipal sewer system are exempt from the WHO District requirements

B. Best Management Practices for Fertilizer and Chemical Application on Agricultural Land: Agricultural uses within the WHO District shall implement best management practices known to the industry, including:

1. *Avoid Excess Potential Contaminant Usage*: Use the minimal amount of the potential contaminant that is necessary to achieve the desired result. Employ waste reduction and management strategies, and mandate responsible purchasing to reduce the threat of hazardous materials.
2. *Proper Use and Handling*: Train employees to follow instructions on labels to ensure proper use, handling, and application of potential contaminants.
3. *Proper Storage and Disposal*: Create and implement a chemical management plan that includes a list of chemicals and potential contaminants used, the method of disposal, and procedures for assuring that chemicals and potential contaminants are not discharged into waterways or, to wellfield.

C. Sewer and Water Standards

1. *Abandoned Wells*: All known abandoned wells shall be identified and sealed at the surface or capped with impervious materials in accordance with Rule 10 in the Indiana Administrative Code, 312 IAC 13.
2. *Sanitary Sewer*: Connection to a municipal sanitary sewer system shall be required unless the cost to connect to the municipal sanitary sewer exceeds three times (3X) the cost of a septic (i.e. on-site waste treatment) system.

D. Storage Tank Standards:

1. *Above Ground Storage Tanks*:
   a. All tanks shall have corrosion protection for the tank and piping. Corrosion protection measures shall include elevating tanks, resting tanks on continuous concrete slabs, installing double-walled tanks, cathodically protecting the tanks, internally lining tanks, or a combination of the aforementioned options. All piping to the tank should be double-walled or located above ground or cathodically protected.
   b. Above ground storage of liquid and/or petroleum products shall be limited to 2,000 cumulative gallons in all on-site storage tanks.
   c. Storage of more than 300 gallons of liquid chemical or petroleum products for more than twenty-four (24) hours shall meet the following secondary containment requirements:
      i. Secondary containment shall be capable of containing 110% of the volume of the tank.
      ii. Secondary containment shall be designed to prevent and control the escape of the contaminant into ground water for a minimum of seventy-two (72) hours; or designed and built with an outer shell and a space between the tank wall and the outer shell that allows and includes monitoring between the tank wall and outer shell.
      iii. The secondary containment structure shall be properly maintained and shall be free of vegetation, cracks, open seams, open drains, siphons, or other openings that jeopardize the integrity of the structure.
      iv. The secondary containment structure shall be designed to prevent the infiltration of precipitation.
2. *Underground Storage Tanks*:
   a. New underground storage tanks (USTs) shall not be permitted.
   b. Existing underground storage tanks shall only be replaced or upgraded with above ground storage tanks.

3.11 WHO Process Supplement

A. Additional Reviews: If a subdivision of land, planned development, special exception, variance, rezoning, or Improvement Location Permit is applied or requested for a site that lies fully or partially within the WHO District, the proposed development and process shall be subject to an additional review and requirements by the water utility who maintains the wellhead.

B. Additional Notice: In addition to any notice an applicant is required to give, an applicant shall give notice to the water utility who maintains the wellhead when fully or partially contained within a WHO District. See *Article 9: Processes*.

3.12 WHO Monitoring

A. Inspection: Land uses involving the storage or use of potential contaminants are subject to periodic inspection by the Fire Marshall or the water utility who maintains the wellhead. The scope of inspections shall be limited to issues related to the storage and use of potential contaminants.

B. Testing: The water utility who maintains the wellhead, may request periodic testing for spillage or soil contamination. Testing may not exceed one (1) test site for each 1,000 gallons of chemicals, fertilizer, or petroleum product per year for sites that have never had a violation, or significant leak or spill. Testing may not exceed one (1) test site for each 500 gallons of chemicals, fertilizer, or petroleum product per six (6) months for sites that have never had a violation, or significant leak or spill.

C. Reporting: The water utility who maintains the wellhead shall be notified within twenty-four (24) hours from the time a leak or spill is discovered that exceeds one (1) gallon onto the soil.

Wind Farm Overlay (WFO) District

3.13 WFO District Intent, Effect on Uses, and Effect on Standards

District Intent

The Wind Farm Overlay (WFO) District allows a wind farm as a permitted use in remote and otherwise appropriate regions of the County.

Application of District

- This WFO District applies to parcels that, in combination, comprise a wind farm.

Effect on Uses

All permitted uses in the base zoning district are permitted as such in the WFO District. All special exception uses permitted in the base zoning district are permitted as such in the WFO. Additional permitted uses are listed below.

The following land uses shall be permitted in the WFO District:

- wind farm

Effect on Standards

The development standards from the base zoning district shall apply to all non-wind farm improvements. The wind turbine standards for wind farms, in the Wind Farm Overlay District, shall apply to all turbines and other improvements associated with the wind farm.

3.14 WFO Prerequisites

A. Base Zoning: The base zoning for this overlay district to be applied to a lot shall be an A1 or A2 district.

B. Minimum Lot Size: The minimum lot area for this overly district to be applied to a lot shall be ten (10) acres.

C. Advisory Opinion: The applicant shall obtain an advisory opinion from the Jasper County Board of Aviation Commissioners prior to filing for rezoning to apply the WFO Distict to any lot.

3.15 WFO District Applicability

The following requirements apply to all land within the WFO District as defined in *Section 3.16 WFO: District Boundary*. Under no circumstances shall a planned development or rezoning of property change the applicability of the WFO District's land use restrictions and additional development standards.

3.16 WFO District Boundary

The boundaries for the WFO District shall be any lot rezoned to apply this overlay and as shown on the Official Zoning Map as a hatched or textured pattern and noted on the map legend as WFO District.

3.17 WFO District Development Standards

The base zoning district's development standards shall apply to all improvements except all structures and improvements associated with a wind farm development. The development standards for any structure or improvement associated with a wind farm development shall comply with the development standards in this Wind Farm Overlay District.

A. Permitted Systems:

1. *Wind Turbines*: A wind farm may utilize horizontal axis and/or vertical axis utility-grade wind turbine systems.
2. *Meteorological Towers*: A wind farm may utilize one (1) or more meteorological towers prior to or after construction of utility-grade wind turbine systems.
3. *Rated Power Limits*: There shall be no limit on rated power for any single wind turbine system in a wind farm, nor for the gross energy production.

B. Prerequisites:

1. *Energy Production Purpose*: Wind farms shall be installed for the purpose of generating energy for distribution by a utility.
2. *Manufacturer Installation Specifications*: Any permitted utility-grade wind turbine system shall be installed according to the manufacturer's specifications unless in conflict with applicable standards in the Jasper County Unified Development Ordinance. When conflicts exist, The following standards shall apply:
   a. Manufacturer Specifications are More Strict: When the manufacturer's specification are more strict than this ordinance, the manufacturer's specifications shall be followed.
   b. Zoning Standards are More Strict: When this ordinance is more strict than the manufacturers specifications, this ordinance shall prevail, and if that particular utility-grade wind turbine system cannot be adapted to meet the applicable regulations it shall be considered not permitted.

C. Turbine System Limitations:

1. *Minimum Ratings*: A utility-grade wind turbine system shall be manufactured to meet all applicable industry standards for manufacturing practices, safety, and connecting to the electrical grid.
2. *Uniform Building Code*: To the extent applicable, a utility-grade wind turbine system shall comply with the Indiana Uniform Building Code, as amended, and the regulations adopted by the State of Indiana.
3. *Electrical Components*: All electrical components for each utility-grade wind turbine system shall conform to relevant and applicable local, state, and national codes, and relevant and applicable international standards.
4. *Minimum Certification*: The design of each utility-grade wind turbine system shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI) and the Underwriters Laboratories (UL) or equivalent international standard.
5. *Experimental Turbines*: A wind turbine system that does not meet the minimum ratings, uniform building code, electrical components, or minimum certification standards shall be considered experimental and shall not be permitted.

D. Supporting Structure:

1. *Tower Mounted*: A horizontal axis utility-grade wind turbine system designed for tower mounting shall be mounted on a monopole. Lattice towers and towers with guy wires shall not be permitted.
2. *Ground Mounted*: All vertical axis utility-grade wind turbine system designed for ground mounting shall be mounted on the ground.

E. Height Limitations:

1. *Tower Mounted*: The maximum hub height for a utility-grade wind turbine system shall be 215 feet. The maximum system height for a utility-grade wind turbine system shall be 315 feet.
2. *Ground Mounted*: The maximum height of all components of a vertical axis ground mounted utility-grade wind turbine system shall be 150 feet.

F. Maximum Number of Turbine Systems:

1. *Wind Farms*: Any number of utility-grade wind turbine systems may be permitted within a wind farm.
2. *Ownership of Land*: Any number of participating land owner's property may be used for the wind farm.
3. *Ownership of Wind Farm*: All utility-grade wind turbine systems used by a wind farm shall be owned by a single entity.

G. Wind Load: A utility-grade wind turbine system shall be engineered to survive a 110 mph wind load or greater.

H. Rotor Diameter: The maximum rotor diameter of each wind turbine system shall be 300 feet.

I. Location Restrictions:

1. *Setback Measurements*: All measurements for setbacks between two structures shall be measured between foundations. All measurements between a property line and a utility-grade wind turbine system shall be measured from the foundation of any utility-grade wind turbine structure and the nearest property line of a property as defined.
2. *Utility-grade Wind Turbine System Setbacks*:
   a. Setback from Property Line: Each utility-grade wind turbine system shall be a minimum of 350 feet from any property line, railroad, public road, or above ground utility.
      i. Property Line Setback Flexibility: Utility-grade wind turbine systems within a wind farm may encroach into property line setbacks between two (2) participating owner's properties. However, any encroachment shall require the adjacent property owner to establish and record a "No Build" easement for an area, measured out from the center of the utility-grade wind turbine system, to a distance equal to 350 feet; thus securing a setback in perpetuity by way of easement on the adjacent property.
   b. Setback from On-site Buildings: A utility-grade wind turbine system shall be required to be setback 100 feet from any on-site primary structures.
   c. Setback from Off-site Land Uses: A utility-grade wind turbine system shall be required to be setback:
      i. A minimum of 1,000 feet from existing single-family residential dwellings, multiple-family residential dwellings, or institutional land use. The owner of an existing, neighboring single-family dwelling unit may grant permission, in writing and recorded with the Jasper County Recorder, waiving the setback requirement to their home. However, under no circumstances shall a utility-grade wind turbine system be closer than 350 feet to a single-family dwelling.
      ii. A minimum of 1,000 feet from land zoned for single-family residential, multiple-family residential, or institutional zoning.
      iii. A minimum of 1,320 feet from a platted residential subdivision with ten (10) or more lots.
   d. Setback from Municipalities: A utility-grade wind turbine system associated with a wind farm shall be at least two (2) miles from the corporate limits of a city or town to protect 100 year growth areas.
   e. Setback from Jasper-Pulaski Fish and Wildlife Area: A minimum of ~~four (4)~~ eight (8) miles from any land associated with the Jasper-Pulaski Fish and Wildlife Area.

J. Safety:
1. *Ground Clearance*: The rotors (i.e. blades) of a horizontal axis utility-grade wind turbine system mounted on a tower shall not extend vertically to within thirty (30) feet of the ground.
2. *Anti-icing Technology*: A utility-grade wind turbine system shall be equipped with technology able to detect icing on rotors that causes the system to shut down when experiencing a significant icing event; or shall utilize another industry accepted standard for protecting against shedding of significant pieces of ice capable of damaging nearby buildings and/or injuring persons or animals on the ground.
3. *Controls and Brakes*: A utility-grade wind turbine system in a wind farm shall be equipped with a redundant braking system that includes both aerodynamic over speed controls (e.g. variable pitch, tip, and other similar systems) and mechanical brakes.
4. *Local Emergency Services*: The wind farm operator shall provide a copy of the as-installed site plan and specification to local emergency services. Upon request from local emergency services, the wind farm operator shall provide training to local emergency services for potential situations and shall prepare an emergency response plan for the wind farm. Any expenses in association with this training and planning shall be borne by the wind farm operator.

K. Nuisance Prevention:
1. *Noise*: A utility-grade wind turbine system shall not generate more than pre-construction ambient sound level plus 5dBA (dBA L_{90} + 5dB) or forty decibels (40dBA L_{90}) whichever is greater; measured 1,000 feet from any utility-grade wind turbine system.
2. *Illumination*: A utility-grade wind turbine system shall not be illuminated in any way unless required by Federal Aviation Administration (FAA) regulations. Federal Aviation Administration (FAA) regulations shall be demonstrated to the Zoning Administrator prior to installation. If signal lighting is required on the top of a utility-grade wind turbine system, then it shall be shielded to prevent light below the horizontal plain plus four degrees (4°).
3. *Color*: A utility-grade wind turbine systems shall be a non-obtrusive color such as white, off-white, gray, earth tones, or similar non-reflective colors.
4. *Signage*: No utility-grade wind turbine system shall be used to display a commercial message. All other sign standards shall be per applicable sign standards.
5. *Signal Interference*: The wind farm operator shall make reasonable efforts to avoid any disruption or loss of radio, telephone, television, or similar signals, and shall mitigate any harm caused by the wind turbine system.

L. Appurtenances: A utility-grade wind turbine system shall not have any appurtenances (e.g. exterior lighting, wireless communication antennae, or ornamentation). Weather monitoring devices and safety equipment shall not be considered appurtenances.

M. Public Inquiries and Complaints:
1. *Contact Number*: The wind farm operator shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project.
2. *Response to Injury and Complaints*: The wind farm operator shall make reasonable efforts to respond to inquiries and complaints raised by the public.

N. Substation, Meteorological Tower, and Building:
1. *Quantity*: Any quantity of substations, meteorological towers, or buildings may be permitted if they provide a vital component to the wind farm operations.
2. *Setback From Property Line*: Any structures associated with a wind farm, excluding a utility-grade wind turbine system, feeder line, or transmission line shall be a minimum of 100 feet from any property line, railroad, public road, single-family residence, or multiple-family residence. Meteorological towers shall also be subject to the same setback requirements as is applicable to a utility-grade wind turbine system.
3. *Maximum Height*:
   a. Meteorological Tower: A meteorological tower shall not exceed 350 feet in height.
   b. Buildings: A building associated with a wind farm operation shall not exceed 35 feet in height.
4. *Feeder Lines*: To the extent practicable, all feeder lines for the entire wind farm (e.g. between wind turbines and substations) shall be placed underground. All underground transmission lines shall be at a depth consistent with or greater than local utility and ~~telecommunication~~ underground lines standards; or as negotiated with the property owner whichever is greater.

O. Drainage:
   1. *Drainage Tile*: Any private or public drainage tile damage or removed during the construction process shall be repaired or replaced with a similar or better tile, excluding drainage tile approved by the County Drainage Board prior to alteration.
   2. *Access Roads and Utility-Grade Wind Turbine Systems*: Any access road or utility-grade wind turbine system that may change the drainage on a construction site or adjacent property shall have its design reviewed by the County Drainage Board prior to issuance of a building permit. A building permit shall only be issued if the County Drainage Board approves a design for drainage first.

P. Public Improvements and Repairs:
   1. *Street Capacity*: During construction, streets shall remain open at all times except for periods of time less than ten (10) minutes. Expected loss of capacity (i.e. temporary closures) greater than ten (10) minutes shall either require notice to neighboring and affected property owners twenty-four (24) hours prior to the temporary closure, shall require a detour to be established, or shall require personnel to redirect traffic to alternate routes during the temporary closure. Any necessary temporary closures and proposed detours shall be made known to the Highway Department at least twenty-four (24) hours prior to the temporary closure or as otherwise agreed.
   2. *Route Restrictions*: The Highway Department shall have the right to designate a primary route for heavy vehicles or to restrict heavy vehicle traffic on specific streets not able to support such loads. These restrictions may include seasonal restrictions. The designated routes assigned shall be utilized for all heavy truck traffic to and from each utility-grade wind turbine system.
   3. *Pre-construction Survey*: The applicant shall conduct a pre-construction baseline survey acceptable to the Highway Superintendent to determine existing street conditions for assessing potential future damage. The survey shall include photographs, video, or a combination thereof, and a written agreement to document the condition of the public facility.
   4. *Responsibility for Repair After Construction*: The affidavit shall also state that the applicant understands that they are responsible for repairing and resurfacing streets back to their pre-construction condition if damaged by construction vehicles and heavy trucks.
   5. *Significant Damage During Construction*: Any street damaged during construction that poses a risk to motorists, or that makes a street impassable for passenger vehicles, shall immediately have warning signs placed alongside the street, or barriers placed to block traffic. The damage shall then be repaired as soon as practicable. The determination of risk to motorists and/or impassability shall be made by the County Highway Superintendent.
   6. *Maintenance of Streets During Construction*: Any gravel or otherwise unimproved streets allowed to be utilized during construction shall be treated with calcium or other equally effective method to reduce dust, upon request by the Highway Department.
   7. *Surety for Damages*: A surety (e.g. bond) shall be posted for the estimated cost to repair and resurface all lineal feet of streets approved for use during construction. Any street damage caused by heavy equipment, heavy trucks, or the construction of the wind farm or the removal of the same, shall be repaired to the condition documented in the pre-construction baseline survey. The cost to repair and resurface all designated streets shall be calculated and certified by a professional engineer.
   8. *Commitment to Avoid Disruptions*: In addition to a surety, the wind farm operator shall sign an affidavit indicating they will strive to avoid:
      i. Damage to streets,
      ii. Unreasonable disruption of vehicular circulation around the development site, and
      iii. Unreasonable disruption of power or other utility services to surrounding areas.
   9. *Public Notice*: The wind farm operator shall identify all state highways and local streets to be used in the transport of equipment and parts for construction, operation, or maintenance of the wind farm. It shall also prepare a time line and phasing plan for construction, and identify any known street closures. This information shall be released to the local newspapers as notice to person whom may be affected. This information shall also be conveyed to local law enforcement, emergency services, public school corporations, the United States Postal Service, and the regional office of the Department of Transportation.

Q. Abandoned Systems: Upon determination that one (1) or more utility-grade wind turbine system(s) has been discontinued, inoperable, or abandoned for eighteen (18) months or more, the owner shall provide the Zoning Administrator a timeline and detailed plan for demolition and removal of the utility-grade wind turbine system.

The timeline for demolition shall indicate beginning the removal within four (4) months and completing the removal within one (1) year. For every five (5) utility-grade wind turbine systems that have to be removed, the completion date may extend one (1) additional month beyond the one (1) year completion date noted above.

1. *Detailed Plan for Demolition*: The detailed plan for demolition shall include the following:
   a. A description of how the utility-grade wind turbine system will be demolished, disassembled, or otherwise removed from its location.
   b. A description of where the components of the utility-grade wind turbine system and waste material (e.g. scrap metal or concrete) will be taken.
   c. A description of a staging area or temporary location for contractors to base their operations. This shall also include any temporary improvements to the site.
   d. A description of potential risks to life and property, on-site and off-site, and methods for mitigating those risks.
   e. A description of which streets will be utilized and a detailed description of anticipated load size (i.e. dimension of trucks and components being moved off-site) and anticipated gross weight and axel weight of trucks used to remove components, material, and other machinery. This shall also indicate the general timeline for each route to be in use.
   f. A description of the hours for decommissioning and removal operations on any given day.
2. *Street Capacity*: During decommissioning and removal, streets shall remain open at all times except for periods of time less than ten (10) minutes. Expected loss of capacity (i.e. temporary closures) greater than ten (10) minutes shall either require notice to neighboring and affected property owners twenty-four (24) hours prior to the temporary closure, shall require a detour to be established, or shall require personnel to redirect traffic to alternate routes during the temporary closure. Any necessary temporary closures and proposed detours shall be made known to the Highway Department at least twenty-four (24) hours prior to the temporary closure or as otherwise agreed.
3. *Route Restrictions*: The Highway Department shall have the right to designate a primary route for heavy vehicles or to restrict heavy vehicle traffic on specific streets not able to support such loads. These restrictions may include seasonal restrictions. The designated routes assigned shall be utilized for all heavy truck traffic to and from each utility-grade wind turbine system.
4. *Responsibility for Repair After Decommissioning*: All damage to roads during decomissioning shall be repaired and resurfaced back to their pre-decommissioning condition if damaged by deconstruction vehicles and heavy trucks.
5. *Significant Damage During Decommissioning*: Any street damaged during decommissioning and removal that poses a risk to motorists, or that makes a street impassable for passenger vehicles, shall immediately have warning signs placed alongside the street, or barriers placed to block traffic. The damage shall then be repaired as soon as practicable. The determination of risk to motorists and/or impassability shall be made by the County Highway Superintendent.
6. *Maintenance of Streets During Decommissioning*: Any gravel or otherwise unimproved streets allowed to be utilized during construction shall be treated with calcium or other equally effective method to reduce dust, upon request by the Highway Department.

Article

4

Planned Development District

Jasper County
Unified Development
Ordinance

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Planned Development (PD) District

4.01 PD District Intent, Regulations, and Prerequisites

District Intent

The PD (Planned Development) District is intended to provide flexible design standards and development standards for medium to large scale developments that do not easily comply to zoning district standards due to any of the following:

- Interest in an integrated mixed use development
- Existence of unique geological or natural features
- Interest in unique or innovative development design
- The need for waivers or variances shall not by itself justify the pursuit of a Planned Development

Application of District

- Should be used for innovative developments with unique features that will enhance not only the development but the entire County

Plan Commission

- Any parcel that meets the prerequisites specified herein may be rezoned to a Planned Development District after Plan Commission review and approval, and after the County Commissioners review and adopts the Planned Development Ordinance in accordance with the *Jasper County Comprehensive Plan* and *Article 4: Planned Development District*
- Under no circumstances are the Plan Commission or County Commissioners required to rezone a property to a PD District.

Regulations

Permitted Uses

- Predominantly in line with the permitted uses in the original zoning district
- Predominantly in line with the *Jasper County Comprehensive Plan*
- Compatible with surrounding land uses and adjacent zoning districts
- Flexible only to the extent permitted in *Article 4: Planned Development District*

Development Standards

- Generally in line with the intent of the original zoning district
- Predominantly in line with the *Jasper County Comprehensive Plan*
- Compatible with surrounding land uses and adjacent zoning districts
- Flexible only to the extent permitted in *Article 4: Planned Development District*

Design Standards

- Predominantly in compliance with the design standards of a Planned Development in *Article 7: Design Standards*
- Flexible only to the extent permitted in *Article 4: Planned Development District*

Construction Standards

- Fully in compliance with Jasper County's construction and engineering standards

Prerequisites

Ownership

- The site proposed for a Planned Development shall be under single ownership, or if multiple owners exist a legal document, legal partnership, or corporation shall be provided indicating that all owners of property support and desire to develop the land. Said legal document shall also indicate who the owners appoint as their representative.

Site Area

- The minimum site area required for a Planned Development is 5 acres

Planned Development (PD) District

4.02 General

A. Description: A Planned Development (PD) District is a special district that can be pursued by an applicant in which a stand alone ordinance regulating the development is drafted and which binds the development to its unique language.

B. Creation: The procedure for the creation of a PD District shall be consistent with the process set forth in *Article 9: Processes* of the Unified Development Ordinance.

C. Maps: PD Districts shall be identified as such on the Official Zoning Map.

D. Regulations:

1. *Development Standards and Design Standards*: The requirements of *Article 5: Development Standards* and *Article 7: Design Standards* of the Unified Development Ordinance shall apply to Planned Developments unless alternate standards are deemed appropriate by the Plan Commission in order to accomplish the intent of the Planned Development. Any lessening of the required standards of the Unified Development Ordinance shall be directly linked to the intent of the Planned Development to provide a mixed-use development, accommodate a creative and unique design not otherwise achievable using standard zoning districts and subdivision control regulations, or address unusual physical conditions.

2. *Preliminary Plan*: The Preliminary Plan shall indicate the proposed land uses, location of all proposed improvements, and a proposed ordinance that includes development standards, design standards, and other specifications which shall govern the Planned Development. If the Preliminary Plan is silent or does not address a particular land use, development standard, design standard, or other specification, the standard of the base zoning district or other applicable regulations shall apply.

3. *Open Space*: Open space shall either be:

   a. Conveyed to a municipal or public corporation if it is willing to accept it; or

   b. Conveyed to a not-for-profit corporation or entity established for the purpose of benefiting the owners and tenants of the Planned Development.

4.03 Origination of Proposals

A proposal for a PD District shall be initiated by the property owner(s). The site proposed for a Planned Unit Development shall be under single ownership, or if multiple owners exist a legal document, legal partnership, or corporation shall be provided indicating that all owners of property support and desire to develop the land. Said legal document shall also indicate who the owners appoint as their representative.

4.04 Rules ~~of~~ and Procedures

All proceedings brought under *Article 4: Planned Development District* are subject to the Rules ~~of~~ and Procedures of the Plan Commission, unless stated otherwise. All applications that involve subdivision of a parcel shall also be subject to the subdivision procedures established by *Article 9: Processes* of the Unified Development Ordinance.

4.05 Limitation of Revisions to the Unified Development Ordinance

A. Public Health and Safety: Changes to the Unified Development Ordinance that directly affect public health and safety shall apply to any Planned Development whether prior to or during development.

B. Failure to Comply: If a Planned Development is no longer proceeding in accordance with its ordinance, the commitments, or time requirements imposed by its ordinance, Jasper County may follow the process for violations outlined in *Article 10: Enforcement*.

C. Rezoning to Standard District: All Planned Developments or subdistricts thereof, once 90% built-out are subject to being rezoned into an appropriate standard zoning district if Jasper County deems it necessary to better administer the development.

4.06 Designation of Permanent Open Space

A. Designation: No PD District shall be approved, unless the design provides for permanent landscaped or natural open space. Natural open space may be designated through the use of common space or other mechanisms such as conservation easements to the satisfaction of the Plan Commission and County Commissioners. Open space shall be provided in at least the following percentage of the total gross area of the Planned Development by type of use:

1. *Single-family and multiple-family residential use*: 20%
2. *Office use*: 15%
3. *All other uses*: 10%

B. Mixed-uses: In the case of mixed-uses, permanent open space shall be allocated to the property in proportion to the uses assigned to the Planned Development and shall be located in close proximity to those uses. The permanent open space need not be located in proximity to the use in the case of preservation of existing natural features.

C. Development in Stages: If the Preliminary Plan provides for the Planned Development to be constructed in stages, open space shall be provided for each stage of the development in proportion to that stage, and conveyed or guaranteed.

Article

5

Development Standards

Jasper County Unified Development Ordinance

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Development Standards Overview

5.01 Introduction

All structures, buildings, land uses, land use changes, structural alterations, structural relocations, demolitions, structural additions, and structural enlargements that are constructed, created, established, or occur after the effective date of this Unified Development Ordinance (except as may otherwise be provided within this Unified Development Ordinance) are subject to all development standards and regulations for the applicable zoning district.

5.02 How to Use this Article

This article contains the development standards for each zoning district. There are two ways to determine which development standards apply to a specific zoning district. They are:

A. Blue Boxes: Refer to the two-page layouts in *Article 2: Zoning Districts* for a specific zoning district. In the "Additional Development Standards that Apply" box for that specific zoning district are listed four-digit codes that determine which development standards apply. Only the development standards referenced by the four-digit codes listed in the "Additional Development Standards that Apply" section apply to that zoning district.

[Example: On page 2-5, the four digit code "AS-01" can be found under the "Additional Development Standards that Apply" section in the Conservation Agricultural (A1) zoning district. Therefore, the Development Standards in the section labeled "AS-01" (on page 5-4) would apply to the Conservation Agricultural (A1) zoning district.]

B. District Icons: Refer to the icons used at the top of each development standard section in this Article. Each development standard section begins with a four-digit code and introductory sentence followed by one or more icons with zoning district abbreviations (e.g. R1 for the Low Density Single-family Residential zoning district). These zoning district icons note that the development standard written in that section applies to that zoning district.

[Example: On page 5-5, the R1 icon can be found under *Section 5.07 AS-04: Single-family and Low Intensity Multiple-family Residential Accessory Structure Standards*. Therefore, the language in the AS-04 section would apply to the R1 zoning district.]

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District Icons

5.03 Icon Key

- CO Conservation District
- PR Parks and Recreation District
- A1 Conservation Agricultural District
- A2 General Agricultural District
- A3 Intense Agricultural District
- A4 Agricultural Business District
- ER ~~Estate Residential District~~
- R1 Low Density Single-family Residential District
- R2 Medium Density Single-family Residential District
- VR Village Residential District
- M1 Low Intensity Multiple-family Residential District
- M2 Multiple-family Residential District
- MP Manufactured Home Park District
- IS Institutional District
- LB Local Business District
- GC General Commercial District
- HC Highway Commercial District
- CP Commerce Park District
- I1 Low Intensity Industrial District
- I2 High Intensity Industrial District
- HI High Impact District

5.04 AS-01: General Accessory Structure Standards

This Accessory Structure Standards (AS) section applies to the following zoning districts:

CO PR A1 A2 A3 A4 ~~ER~~ R1 R2 VR M1 M2 MP IS LB GC HC CP I1 I2 HI

The following standards shall apply:

A. Permit Required: An Improvement Location Permit is required for the construction of any accessory structure greater than 200 square feet in size.

B. Zoning District Standards: A permitted accessory structure shall comply with all development standards for the applicable zoning district.

C. Placement: Detached garages, barns, storage sheds, and the like shall not be installed directly between a primary structure and an adjacent street.

D. Prohibited for Occupancy: A permitted accessory structure shall not be utilized for human occupancy.

E. Swimming Pools: Swimming pools shall be subject to both the Unified Development Ordinance and the Indiana Administrative Code (675 IAC 20: Swimming Pool Code).

5.05 AS-02: Open Space, Parks, and Agricultural Accessory Structure Standards

This Accessory Structure Standards (AS) section applies to the following zoning districts:

CO PR A1 A2 A3

The following standards shall apply:

A. Permitted Types: Accessory structures shall relate to the primary use of the lot or the district's permitted uses. For example a barn, silo, stable, detached garage, fruit/vegetable stand, swimming pools, storage shed, gazebo, or semi-tractor trailer used for fertilizer, pesticide, herbicide or fungicide storage if located on a concrete pad.

B. Prohibited Types: A mobile home dwelling, trailer dwelling, school bus, motor coach, bus, motor home, recreational vehicle, boat, motor vehicle, trailer, or any part or section of an item on this list or the like shall not be used as an accessory structure.

C. Timing of Installation or Construction: An accessory structure may be installed or built on a lot prior to the construction of the primary structure or without the existence of a primary structure.

D. Accessory Structures Without Primary Structures: Accessory Structures are permitted on a property when the lot area is at least five (5) acres.

E. Maximum Number: No limit.

F. Maximum Size: No limit.

~~5.06 AS-03: Estate Residential Accessory Structure Standards~~ Reserved

~~This Accessory Structure Standards (AS) section applies to the following zoning district:~~

~~ER~~

~~The following standards shall apply:~~

~~A. Permitted Types: Accessory structures shall relate to the primary use of the lot or the district's permitted uses. For example a detached garage, swimming pools, storage shed or gazebo.~~

~~B. Timing of Installation: Accessory structures shall not be permitted prior to the erection of a primary structure. However, they may be built and completed simultaneously.~~

~~C. Maximum Number: Up to two (2) enclosed accessory structures (not including pools, decks and open-sided gazebos) shall be permitted on a lot.~~

~~D. Maximum Size: The total area of all enclosed accessory structures on a lot shall not exceed two times (2X) the footprint of the primary structure.~~

5.07 AS-04: Single-family and Low Intensity Multiple-family Residential Accessory Structure Standards

This Accessory Structure Standards (AS) section applies to the following zoning districts:

R1 R2 VR M1

The following standards shall apply:

A. Permitted Types: Accessory structures shall relate to the primary use of the lot. For example a detached garage, swimming pools, storage shed or gazebo.

B. Timing of Installation: Accessory structures shall not be permitted prior to the erection of a primary structure. However, they may be built and completed simultaneously.

C. Maximum Number: Up to two (2) accessory structures (not including pools, decks and open-sided gazebos) shall be permitted on a lot. However, only one (1) of the accessory structures shall be a detached garage.

~~D. Appearance: The exterior finish and facade of any enclosed accessory structure over 400 square feet in area shall match, closely resemble or significantly complement:~~

~~1. *Materials*: The finish and facade materials used on the primary structure,~~

~~2. *Roof*: The dominant roof pitch and roof style of the primary structure, and~~

~~3. *Color*: The color choices of similar exterior materials on the primary structure.~~

E. Prohibited Types: Post frame buildings are not permitted, unless it has a concrete floor and perimeter foundation.

F. Maximum Size: The total area of all enclosed accessory structures on a lot shall not exceed fifty percent (50%) of the footprint of the primary structure.

5.08 AS-05: Multiple-family Accessory Structure Standards

This Accessory Structure Standards (AS) section applies to the following zoning district:

M2

The following standards shall apply:

A. Permitted Types: Accessory structures shall relate to the primary use of the lot. For example a management office, sales office, clubhouse, swimming pool, sport courts, carports, storage facility, laundry facility, or other structures customarily incidental to a multiple-family development.

B. Timing of Installation: A sales office, management office, clubhouse, and swimming pool may be constructed prior to a primary structure. All other types of accessory structures shall be permitted to be constructed concurrent to the erection of the primary structure to which it relates.

C. Maximum Number: Up to two (2) accessory structures are permitted per primary structure (i.e. multiple-family building) on the lot.

D. Appearance: The exterior finish and facade of any enclosed accessory structure over 400 square feet in area shall match, closely resemble or significantly complement:

1. *Materials*: The finish and facade materials used on the primary structure,
2. *Roof*: The dominant roof pitch and roof style of the primary structure, and
3. *Color*: The color choices of similar exterior materials on the primary structure.
4. *Off-site Visibility*: The accessory structure shall present no visible evidence of its nature to areas outside the development.

5.09 AS-06: Manufactured Home Park Accessory Structure Standards

This Accessory Structure Standards (AS) section applies to the following zoning district:

MP

The following standards shall apply:

A. Permitted Types:

1. *Common Area*: Accessory structures shall relate to the primary use of the lot. Accessory structures may include a sales office, management office, caretakers residence, clubhouse, swimming pool, storm shelter, sport court, storage facility, laundry facility, or other "community" structures that are incidental to a manufactured home park.
2. *Dwelling Sites*: Accessory structures shall relate to the primary use of the dwelling site. Accessory structures may include a carport, detached garage, or storage shed.

B. Timing of Installation:

1. *Common Area*: A sales office, management office, caretakers residence, clubhouse, swimming pool and storm shelter may be constructed prior to the first primary structure is installed. All other types of accessory structures may be permitted to be constructed or installed concurrent to the installation of the primary structure to which it relates.
2. *Dwelling Sites*: Accessory structures shall not be permitted on a dwelling site prior to the installation of a primary structure.

C. Maximum Number:

1. *Common Area*: Up to four (4) accessory structures are permitted in developments with fewer than eighty (80) dwelling sites. For each additional forty (40) dwelling sites, an additional one (1) accessory structure is permitted.
2. *Dwelling Sites*: Up to two (2) accessory structures are permitted on each dwelling site. Any carport, storage shed, or detached garage, whether connected to the primary structure or not, shall be considered an accessory structure.

D. Appearance: The exterior finish and facade of any enclosed accessory structure, over 400 square feet in area, and located in the common area shall:

1. *Roof*: Have at least five vertical units to twelve horizontal units (5:12 pitch) roof, and
2. *Off-site Visibility*: The accessory structure shall present no visible evidence of its nature to areas outside the development.

E. Maximum Size:

1. *Common Area*: The total area of all enclosed accessory structures in the common area shall not exceed 3,000 square feet.
2. *Dwelling Sites*: The total area of all enclosed accessory structures on an individual dwelling site shall not exceed twenty-five percent (25%) of the dwelling site or 600 square feet, whichever is less.

5.10 AS-07: Non-residential Accessory Structure Standards

This Accessory Structure Standards (AS) section applies to the following zoning districts:

A4 IS LB GC HC CP I1 I2 HI

The following standards shall apply:

A. Permitted Types: Accessory structures shall relate to the primary use of the lot and be solely used in connection with the primary use. For example a storage building.

B. Timing of Installation: Accessory structures shall not be permitted prior to the erection of a primary structure. However, they may be built and completed simultaneously.

C. Appearance: The exterior finish and facade of any enclosed accessory structure over 400 square feet in area shall match, closely resemble or significantly complement:

1. *Materials*: The finish and facade materials used on the primary structure, and
2. *Color*: The color choices of similar exterior materials on the primary structure.

5.11 ~~AR-01: Estate Residential Architectural Standards~~ Reserved

~~This Architectural Standards (AR) section applies to the following district:~~

~~ER~~

~~The following standards shall apply:~~

~~A. Facade: The front facade of all primary structures shall face the public or private street to which the building gains primary access, except as described below:~~

~~1. *Corner Lots*: On corner lots, the front facade may face either street.~~

~~2. *Large Setbacks*: Buildings that are setback at least 200 feet from the public right-of-way that it gains primary access to may orient the front facade up to ninety degrees (90°) from parallel to that public right-of-way.~~

~~B. Roof:~~

~~1. *Minimum Pitch*: Four vertical units to twelve horizontal units (4:12 pitch) on primary structures.~~

~~C. Mechanical Equipment: All mechanical equipment, air conditioner units, propane tanks, and the like shall not be located forward of the front facade. On corner lots this standard applies to each facade that faces the public right-of-way.~~

5.12 AR-02: Single-family and Multiple-family Residential Architectural Standards

This Architectural Standards (AR) section applies to the following districts:

R1 R2 M1 M2

The following standards shall apply:

A. Facade: The front facade of all primary structures shall face the public or private street to which the home gains primary access, except on corner lots, the front facade may face either street. If infill, the home shall face the direction consistent with neighboring properties.

B. Roof:
   1. *Minimum Pitch*: Five vertical units to twelve horizontal units (5:12 pitch) on primary structures.
   2. *Minimum Eave/Overhang*: All dwellings shall have eaves or overhangs a minimum of twelve (12) inches from the facade's siding material on at least eighty percent (80%) of the roofline. The eave/overhang shall be determined after the installation of masonry.

C. Mechanical Equipment: All mechanical equipment, air conditioner units, propane tanks, and the like shall not be located forward of the front facade. On corner lots this standard applies to each facade that faces the public right-of-way.

D. Architectural Features:
   1. *Minimum Garage Capacity*: Minimum two-car, attached or detached garage is required for all single-family detached dwellings and duplex dwellings.

5.13 AR-03: Village Residential Architectural Standards

This Architectural Standards (AR) section applies to the following district:

VR

The following standards shall apply:

A. Facade: The front facade of all primary structures shall face the public or private street to which the home gains primary access, except on corner lots, the front facade may face either street. If infill, the home shall face the direction consistent with neighboring properties.

B. Mechanical Equipment: All mechanical equipment, air conditioner units, propane tanks, and the like shall not be located forward of the front facade. On corner lots this standard applies to each facade that faces the public right-of-way.

5.14 AR-04: Commercial Architectural Standards

This Architectural Standards (AR) section applies to the following districts:

A4 LB GC HC CP

The following standards shall apply:

A. Facade:

1. *Front Facade*: The front facade shall face the public or private street to which the business gains primary access, except as described below.
   a. Corner Lots: On corner lots, the front facade may face either street.
2. *Other Facades*: Any facade that faces a public or private street shall be finished to a standard similar to the architectural quality of the front facade, including: building materials, architectural detail, windows, or faux windows. Long facades (30 feet or greater) or large areas (420 square feet) of a facade without visual relief shall not be permitted.

B. Site Planning and Layout: Commercial buildings over 15,000 square feet in floor area shall incorporate architectural variation in facade height or have multiple roof planes. A simple gable, mansard, or hip roof shall not be sufficient. Also, any commercial building with a facade greater than 100 feet in length shall have at least two (2) noteable shifts in the facade's wall plane, each resulting wall plane shall be at least ten (10) feet in length.

C. Entries: A building greater than 15,000 square feet shall have clearly defined, highly visible customer entrances featuring no less than two (2) of the following:

1. *Canopies or porticos;*
2. *Overhangs;*
3. *Arcades;*
4. *Raised corniced parapets over the door;*
5. *Peaked roof forms;*
6. *Arches;*
7. *Outdoor patios;*
8. *Architectural details such as tile work and moldings that are integrated into the building structure and design;*
9. *Two or more notable, permanent or portable planters that incorporate landscaping or flowers;*
10. *Wing walls;*
11. *Columns; or*
12. *A notable wall sign is mounted above or beside the entrance.*

5.15 AR-05: Institutional Architectural Standards

This Architectural Standards (AR) section applies to the following district:

IS

The following standards shall apply:

A. Sprinkler System: A building shall not have more than two (2) stories above ground. However, taller buildings may be permitted if a sprinkler system is installed and if the Fire Department with jurisdiction provides a written letter indicating the maximum height in which they can comfortably suppress a fire. This section shall not supersede the applicable maximum structure height.

5.16 CF-01: Confined Feeding Standards

This Confined Feeding Standards (CF) section applies to the following district:

A1

The following standards shall apply:

A. Applicability: The development standards in this section apply to the following improvements.

1. *New Confined Feeding Operation*: Any new confined feeding operation as may be permitted in Article 2: Zoning Districts for the subject zoning district as a permitted or special exception use.
2. *Use Variance*: Any new confined feeding level 1 approved as a use variance in any zoning district.
3. *Expansion of a Confined Feeding Operation*: Any existing confined feeding operation that:
   a. Expands an existing building or constructs an additional building to house animals, or
   b. Increases its number of animals by twenty-five percent (25%), but less than fifty percent (50%), based on the number of animals approved on the IDEM permit or by Jasper County, whichever is less.

B. Minimum Setback: The minimum setback shall be 1,000 feet measured from any building, structure, storage area or maneuvering area of the confined feeding operation to the property line of neighboring properties.

1. *Exception*: The minimum setback shall only be 500 feet when measured to a property zoned as an A3 District, and the setback standards do not apply to an on-site residence of the confined feeding operator or manager. If a residence does exist on-site, it shall meet the zoning district's setback standards.
2. *Property in Common Ownership*: Contiguous lots owned by the owner of the confined feeding operation shall be considered one (1) lot for the purposes of meeting the minimum setback requirements. A stream, road, or railroad that separates commonly owned properties shall not negate contiguity. When contiguous lots are used to meet the minimum setback standards the following provisions apply to the subject site (i.e. the actual lot the confined feeding operation is located).
   a. Setback from a Road: The minimum front setback shall be 200 feet measured from any building, structure, storage area, or maneuvering area of the confined feeding operation to a public right-of-way.
   b. Setback to a Property Line: The minimum side and rear setback shall be 100 feet measured from any building, structure, storage area or maneuvering area of the confined feeding operation to a side or rear property line.
3. *Loss of Entitlement*: If contiguous land used to meet the setback requirement is thereafter sold or transferred to any other person or entity, the confined feeding operation requiring such setback shall be in violation of this Zoning Ordinance and shall be terminated.

C. On-site Maneuvering: The driveway, parking, turn around and loading areas that serve the confined feeding operation shall meet these requirements:

1. *Driveway Minimum Width*: The minimum width of the driveway (i.e. the driveway cuts between the property line and the edge of pavement) shall be twenty-four (24) feet. The driveway shall include, on each side, a twelve (12) foot radius flare, or similar flare, at the intersection of the driveway and the pavement edge.
2. *On-site Parking and Maneuvering*: All large vehicles that serve the operation shall have sufficient area on site to park, turn around, maneuver and unload.
3. *Driveway and Maneuvering Surface*: The driveway, parking, turn around, and loading areas shall be paved or gaveled. Under all circumstances, the driveway shall be paved from the edge of pavement of the road for a minimum distance of twenty (20) feet and shall meet Jasper County Highway Department specifications for county roadways.

D. Animal Mortalities: Animal mortalities are subject to the following standards.

1. *Disallowed Methods*: Animal landfills are not permitted.
2. *Time Limit for Disposal*: The carcass of each animal that dies at the confined feeding use shall be disposed of or moved to a holding facility within twenty four (24) hours of the time that the death of the animal is known.
3. *Allowed Methods*: Animal carcasses may be disposed of on site in a manner allowed by state law by burial (with each part of the animal carcass placed at least four (4) feet beneath the top surface of the soil), incineration, composting or rendering. Transporting animal mortalities to an off-site incinerator, composting facility, or rendering plant is also permissible.
4. *Storage for Removal to Off-site Facility*: All animal mortalities shall be stored in a generally leak-proof container or containment facility, and be fully enclosed with an opaque fence (i.e. privacy fence) at least six (6) feet in height with a gate to gain access.
5. *Frequency of Removal*: All animal mortalities shall be removed from the site frequently to assure the on-site storage container or containment facility does not exceed its designed capacity, or cause significant odor at any point along the property line with adjacent lots.

E. Road Capacity: The capacity of roads used by the confined feeding facility shall be sufficient to safely and efficiently accept vehicular traffic generated by or necessitated by the operation.

F. Complying with Pollution Regulations: The confined feeding operation shall comply with all applicable State and Federal air and water pollution control regulations and shall comply with all storm water drainage requirements of Jasper County.

G. Complying with Animal Waste Disposal Regulations: The confined feeding operation shall comply with all applicable State and Federal regulations for the handling and disposal of animal waste.

H. Inspection: Confined feeding facilities are subject to periodic inspection by the Zoning Administrator to assure that Jasper County Zoning Ordinance's required standards are being met.

I. Poultry Manure Handling: All confined feeding facilities for chickens or turkeys shall use a dry manure handling system.

J. Number of Animal Types: Only one kind of animal shall be permitted in a confined feeding operation on a single lot.

5.17 CF-02: Intense Confined Feeding Standards

This Confined Feeding Standards (CF) section applies to the following district:

A3

The following standards shall apply:

A. Applicability: The development standards in this section apply to the following improvements.
   1. *New Confined Feeding Operation*: Any new confined feeding operation as may be permitted in Article 2: Zoning Districts for the subject zoning district as a permitted or special exception use.
   2. *Use Variance*: Any new confined feeding level 2 or confined feeding level 3 approved as a use variance in any zoning district.
   3. *Expansion of a Confined Feeding Operation*: Any existing confined feeding operation that:
      a. Expands an existing building or constructs an additional building to house animals, or
      b. Increases its number of animals by twenty-five percent (25%), but less than fifty percent (50%), based on the number of animals approved on the IDEM permit or by Jasper County, whichever is less.

B. Minimum Setback: The minimum setback shall be 1,320 feet measured from any building, structure, storage area or maneuvering area of the confined feeding operation to the property line of neighboring properties.
   1. *Exception*: The minimum setback shall only be 1,000 feet when measured to a property zoned as an A1 District and 500 feet when measured to a property zoned as an A3 District. These setback standards do not apply to an on-site residence of the confined feeding operator or manager. If a residence does exist on-site, it shall meet the A1 District's setback standards.
   2. *Property in Common Ownership*: Contiguous lots owned by the owner of the confined feeding operation shall be considered one (1) lot for the purposes of meeting the minimum setback requirements. A stream, road, or railroad that separates commonly owned properties shall not negate contiguity. When contiguous lots are used to meet the minimum setback standards the following provisions apply to the subject site (i.e. the actual lot the confined feeding operation is located).
      a. Setback from a Road: The minimum front setback shall be 300 feet measured from any building, structure, storage area, or maneuvering area of the confined feeding operation to a public right-of-way.
      b. Setback to a Property Line: The minimum side and rear setback shall be 100 feet measured from any building, structure, storage area or maneuvering area of the confined feeding operation to a side or rear property line.
   3. *Loss of Entitlement*: If contiguous land used to meet the setback requirement is thereafter sold or transferred to any other person or entity, the confined feeding operation requiring such setback shall be in violation of this Zoning Ordinance and shall be terminated.

C. On-site Maneuvering: The driveway, parking, turn around and loading areas that serve the confined feeding operation shall meet these requirements:
   1. *Driveway Minimum Width*: The minimum width of the driveway (i.e. the driveway cut between the property line and the edge of pavement) shall be twenty-six (26) feet. The driveway shall include, on each side, a twelve (12) foot radius flare, or similar flare, at the intersection of the driveway and the pavement edge.
   2. *On-site Parking and Maneuvering*: All large vehicles that serve the operation shall have sufficient area on site to park, turn around, maneuver and unload.
   3. *Driveway and Maneuvering Surface*: The driveway, parking, turn around, and loading areas shall be paved or gaveled. Under all circumstances, the driveway shall be paved from the edge of pavement of the road for a minimum distance of forty (40) feet and shall meet Jasper County Highway Department specifications for county roadways.

D. Road Capacity: The capacity of roads used by such confined feeding facility shall be sufficient to safely and efficiently accept vehicular traffic generated by or necessitated by the operation. The Jasper County Highway Department shall recommend a primary route for heavy trucks to protect the county roads from truck damage, subject to the approval of the Jasper County Commissioners. The Owner and operator of such confined feeding operation shall be responsible for improving all or portions of the roads (as directed from time to time by the Jasper County Commissioners) on the primary route between such confined feeding use and the nearest State Highway identified by the Jasper County Commissioners as needing improvement to serve the transportation needs of such use and the protection of the roads of the county. The improvements shall meet engineering standards of the Jasper County Highway Department.

E. Animal Mortalities: Animal mortalities are subject to the following standards.

1. *Disallowed Methods*: Animal landfills are not permitted.
2. *Time Limit for Disposal*: The carcass of each animal that dies at the confined feeding use shall be disposed of or moved to a holding facility within twenty four (24) hours of the time that the death of the animal is known.
3. *Allowed Methods*: Animal carcasses may be disposed of on site in a manner allowed by state law by burial (with each part of the animal carcass placed at least four (4) feet beneath the top surface of the soil), incineration, composting or rendering. Transporting animal mortalities to an off-site incinerator, composting facility, or rendering plant is also permissible.
4. *Storage for Removal to Off-site Facility*: All animal mortalities shall be stored in a generally leak-proof container or containment facility, and be fully enclosed with an opaque fence (i.e. privacy fence) at least six (6) feet in height with a gate to gain access.
5. *Frequency of Removal*: All animal mortalities shall be removed from the site frequently to assure the on-site storage container or containment facility does not exceed its designed capacity, or cause significant odor at any point along the property line with adjacent lots.

F. Complying with Pollution Regulations: The confined feeding operation shall comply with all applicable State and Federal air and water pollution control regulations and shall comply with all storm water drainage requirements of Jasper County.

G. Complying with Animal Waste Disposal Regulations: The confined feeding operation shall comply with all applicable State and Federal regulations for the handling and disposal of animal waste.

H. Inspection: Confined feeding facilities are subject to periodic inspection by the Zoning Administrator to assure that Jasper County Zoning Ordinance's required standards are being met.

I. Poultry Manure Handling: All confined feeding facilities for chickens or turkeys shall use a dry manure handling system.

J. Number of Animal Types: Only one kind of animal shall be permitted in a confined feeding operation on a single lot.

K. Anaerobic Digesters: Each confined feeding use that exceeds the threshold of one thousand (1,000) beef cattle or dairy ~~diary~~ cattle (defined as an animal exceeding 600 lbs) as part of an expansion or upon initial establishment shall be required to install and utilize an anaerobic digester.

L. Shelterbelt Requirements: Each Confined Feeding Level 3 use shall be required to install and maintain a shelterbelt ~~as described in *Section 5.17(M)(1)* and *Section 5.17(M)(2)*~~:

1. *Required Trees*: The shelterbelt shall consist of the following types of trees planted in the following manner:

Type of Tree	Number of Trees to be Planted	Where Planted in Relation to Other Trees
Canopy tree (tall deciduous tree)	One tree for every 40 feet of shelterbelt distance	30 feet from any other canopy tree, 30 feet from any ornamental tree or evergreen tree, and 15 feet from any understory tree
Understory or ornamental deciduous tree	One tree for every 70 feet of shelterbelt distance	30 feet from any canopy tree, 15 feet from any other ornamental tree or understory tree, and 15 feet from any evergreen tree
Evergreen tree	One tree for every 50 feet of shelterbelt distance	30 feet from any canopy tree, 30 feet from any ornamental tree or understory tree, and 10 feet from any other evergreen tree

2. *Tree Specifications*: Deciduous trees used shall be at least six (6) feet in height when planted. Evergreen trees shall be at least four (4) feet in height. Existing trees shall count toward this requirement when their size and location fulfill the intent of this requirement.
3. *Replacement of Trees*: A tree that dies shall be replaced within six (6) months, however, trees only need to be replaced after ten percent (10%) of the cumulative trees have been lost, and shall only be required to be maintained at the ninety percent (90%) level.
4. *Location*: The shelterbelt shall be located at least fifty (50) feet outside the area used for the confined feeding operation (i.e. including areas used for animal confinement, feed storage, manure storage, and animal mortalities storage). It shall also be contained fully within the property line of the subject lot where the confined feeding operation is carried out (i.e. not on adjacent lots of common ownership).
5. *Intense Use Exemption*: If a property line is contiguous with another confined feeding operation, land zoned as an A3 District, or zoned as an I2 District or HI District, the shelterbelt requirement to buffer that neighboring property would not be required.
6. *Large Buffer Exemption*:
   a. If the owner of the confined feeding operation maintains a buffer of adjacent land at least 1,320 feet between the confined feeding operation and any other non-owned land zoned as an A1 District, A4 District, PR District, or CO District, then the shelterbelt for buffering those parcels shall not be required, and
   b. If the owner of the confined feeding operation maintains a buffer of adjacent land at least 2,640 feet between the confined feeding operation and any other non-owned land zoned as an A2 District, ~~ER District,~~ commercial districts, or I1 District, then the shelterbelt for buffering those parcels shall not be required.
7. *Shelterbelts Between Roads*: When a road is at least 750 feet from the confined feeding operation, the shelterbelt's required trees may be reduced by one-half ($^1/_2$).
8. *Loss of Entitlement*: If land used to achieve the "large buffer exemption" is thereafter sold or transferred to any other person or entity, the confined feeding operation shall be in violation of this Zoning Ordinance and shall be terminated, or the shelterbelt shall be installed.

5.18 DI-01: Density and Intensity Standards

This Density and Intensity Standards (DI) section applies to the following districts:

CO PR A1 A2 A3 A4 ~~ER~~ R1 R2 VR M1 M2 MP IS LB GC HC CP I1 I2 HI

The following standards shall apply:

A. Applicability: If a density or intensity standard does not appear on the two-page layout for a zoning district, then no density or intensity standard applies to that particular zoning district.

1. *Maximum Density*: The maximum density shall be as indicated on the applicable two-page layout in *Article 2: Zoning Districts*.
2. *Maximum Lot Coverage*: The maximum lot coverage shall be as indicated on the applicable two-page layout in *Article 2: Zoning Districts*.
3. *Maximum Primary Structures*: The maximum number of primary structures on one (1) lot or multiple lots used in combination shall be as indicated on the applicable two-page layout in *Article 2: Zoning Districts*.

5.19 DW-01: General Driveway Standards

This Driveway Standards (DW) section applies to the following zoning districts:

CO PR A1 A2 A3 A4 ~~LR~~ R1 R2 VR M1 M2 MP IS LB GC HC CP I1 I2 HI

The following standards shall apply:

A. Cross Reference:

1. *Street Classification*: All classification of streets shall be based on the *Jasper County Thoroughfare Plan* as found and maintained in the *Jasper County Comprehensive Plan*.
2. *State Department of Transportation*: Indiana Department of Transportation permit may apply.

B. Permits: ~~An Improvement Location Permit~~ A Driveway Permit shall be required for all driveway cuts onto public streets. State Department of Transportation permits do not override local approvals. Therefore, any driveway access from a State Highway shall also require ~~an Improvement Location Permit~~ a Driveway Permit as well prior to construction.

C. Qualification as a Driveway: Any access facility used to convey motor vehicles, construction equipment, or farm equipment from a lot to a public street shall be considered a driveway except as described:

1. *Manufactured Home Parks*: Any access way to a manufactured home park with three (3) or more dwelling sites shall not be considered a driveway. These access facilities shall be established according to the regulations for a public street.
2. *Single-family Residential Developments*: Any access way to three (3) or more single-family lots using a shared easement or similar legal arrangement shall not be considered a driveway. These access facilities shall be established according to the regulations for a public street.
3. *Multiple-family Residential and Condominium Developments*: Any access way to two (2) or more multiple-family buildings on the same lot using a shared easement, common area or similar legal arrangement shall not be considered a driveway. These access facilities shall be established according to the regulations for a public street.
4. *Excessive Vehicle Use*: Any access way that is used by one (1) or more lots and that conveys over 200 vehicle per day shall not be considered a driveway. These access facilities shall be established according to the regulations for a public street.
5. *Public Right-of-way*: Any access way that is established on public right-of-way shall be considered a public street and regulated as such.
6. *Access to Undeveloped Land*: Any access way to fields, natural areas, and forested areas shall not be regulated as a driveway or public street.

D. Measurement Rules:

1. *Between Driveways and Street Intersection*: The distances shall be determined by measuring from the intersection right-of-way line to the edge of pavement of the driveway.
2. *Between Multiple Driveways*: The distances shall be determined by measuring from the edge of pavement to the edge of pavement (whichever is less) of each driveway.
3. *Driveway Width*: The distances shall be determined by measuring from the edge of pavement to the edge of pavement of each driveway at the proposed right-of-way line.

E. Paving to the Road: Under all circumstances, hard surface driveways shall be paved all the way to the edge of the public street's pavement, across the right-of-way. However, this requirement does not apply when the public street is gravel or similarly unimproved. It shall also not apply when the driveway is not a hard surface.

F. Positioning: The centerline of two (2) driveways accessing an arterial street from opposite sides of the street shall align with one another, be within ten (10) feet of being aligned, or shall meet the minimum spacing requirements.

G. Clear Vision of Driveways: All driveways shall be located to reasonably prevent collisions with intersecting traffic. The following requirements apply in order to provide clear vision of the areas where driveways gain access to public streets.

1. *Speed Limits thirty (30) MPH or Less*: Driveways gaining access to streets with a posted speed limit of thirty (30) MPH or less shall be located such that they are visible by a driver for at least 100 feet after cresting a hill, rounding a curve, or passing any other physical barriers that prevent clear vision.
2. *Speed Limits thirty-five (35) to forty-five (45) MPH*: Driveways gaining access to streets with a posted speed limit of thirty-five (35)MPH to forty-five (45) MPH shall be located such that they are visible by a driver for at least 175 feet after cresting a hill, rounding a curve, or passing any other physical barriers that prevent clear vision.

3. *Speed Limits fifty (50) MPH or Higher*: Driveways gaining access to streets with a posted speed limit of fifty (50) MPH or higher shall be located such that they are visible by a driver for at least 250 feet after cresting a hill, rounding a curve, or passing any other physical barriers that prevent clear vision.
4. *Discretion to Assure Safe Ingress and Egress*: The Highway Superintendent or Zoning Administrator may deny a proposed driveway location or require additional separation due to other safety concerns, including but not limited to: width of the public street, condition of the public street, lack of shoulder, natural or man-made hazards, adverse shadowing from natural or man-made features, and adverse drainage on or around the public street.

H. Discretion for Requiring Public Improvements: The Highway Superintendent may require public improvements such as acceleration lanes, deceleration lanes, passing blisters, wider shoulders or approaches, frontage streets, or other improvements. For technical advice and to gain access to engineering standards, the Highway Superintendent may consult with other county staff or officials, a consulting engineer, engineering manuals or publications, qualified staff from other municipalities, or Indiana Department of Transportation personnel. This discretion shall only be exercised when public health and safety are clearly at risk according to qualified opinion, professional opinion, or published opinion. Generally, this provision is intended to apply to commercial, industrial, institutional, and dense residential development.

I. Long Driveways: Any driveway greater than 250 feet shall meet the following standards:
1. *Turn Around*: A loop or turn-around designed for a vehicle at least thirty (30) feet in length shall be constructed at or near the end of the driveway closest to the primary structure.
2. *Weight Bearing*: The driveway surface, culverts, and bridges that the driveway crosses shall be constructed to safely convey a 30,000 pound vehicle using gross vehicle weight.
3. *Turning Radius*: The driveway shall not have any curve or turn that restricts a thirty (30) foot long vehicle from gaining access to the primary structure without having to leave the driveway's surface; a minimum forty-five (45) foot turning radius.
4. *Free of Obstacles*: The driveway shall not have tree trunks, tree canopies, sculpture, arches or other natural or architectural features that would restrict a forty-five (45) foot long vehicle that is twelve (12) feet in height from being able to utilize the driveway from the public street to the turn around near the primary structure.

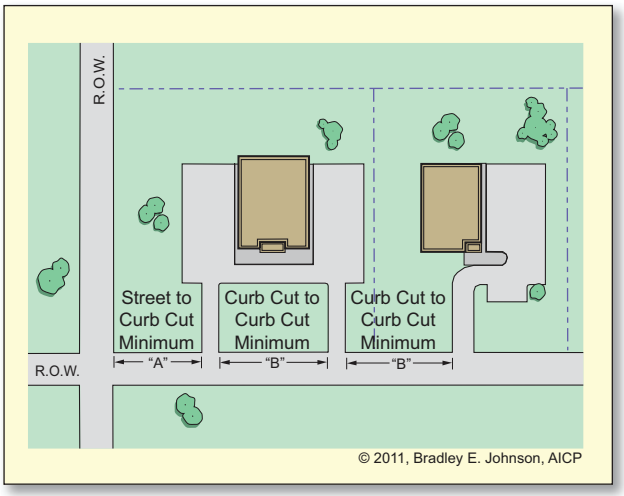
5.20 DW-02: Agricultural ~~and Estate Residential~~ Driveway Standards

This Driveway Standards (DW) section applies to the following zoning districts:

A1 A2 A3 ~~EX~~

The following standards shall apply:

A. Separation:
1. *From a Street Intersection*: No single driveway shall be permitted to be installed within 100 feet of any intersecting street (see "A" below).
2. *From Another Driveway*: A new driveway shall not be permitted to be installed within sixty (60) feet of another driveway (see "B" below). However, driveways may be shared or located directly across from one another.



B. Width: No driveway shall exceed forty (40) feet in width or be less than eleven (11) feet in width.
C. Materials: Asphalt, concrete, other non-porous materials, or gravel shall be acceptable driveway surface materials.
D. Distance to Property Line: All driveways shall be at least ten (10) feet from the side property line.

5.21 DW-03: Single-family Residential Driveway Standards

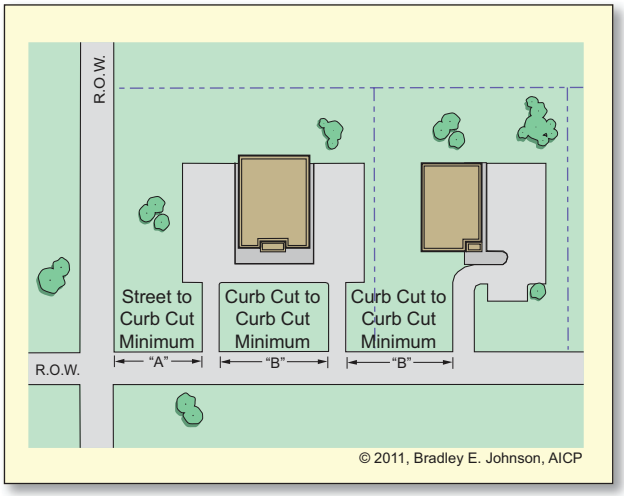
This Driveway Standards (DW) section applies to the following zoning districts:

R1 R2 VR

The following standards shall apply:

A. Separation:

1. *From a Street Intersection*: No single driveway shall be permitted to be installed:
   a. Within 150 feet of any intersecting street if access is along an arterial or collector street (see "A" below).
   b. Within 100 feet of any intersecting street if access is along a local street (see "A" below).
   c. If the parcel is not large enough to achieve the required separation, then the driveway shall be installed at a location farthest from the intersection.
   d. Under no circumstances shall a driveway be allowed within sixty (60) feet of any intersection.
2. *From Another Driveway*: A new driveway shall not be permitted to be installed:
   a. Within 100 feet of one another if access is along an arterial (see "B" below).
   b. Within fifty (50) feet of one another if access is along a collector street (see "B" below).
   c. Within fifteen (15) feet of one another if access is along a local street (see "B" below).



B. Width: No driveway shall exceed the following widths.

1. *Onto an Arterial or Collector Street*: Minimum of eleven (11) feet and a maximum of twenty-two (22) feet.
2. *Onto a Local Street*: Minimum of ten (10) feet and a maximum of twenty (20) feet.

C. Materials: All driveways shall consist of asphalt, concrete or other non-porous material approved by the Zoning Administrator.

D. Distance to Property Line: All driveways shall be at least three (3) feet from the side property line.

5.22 DW-04: Agricultural Commercial, Multiple-family Residential, and Non-residential Driveway Standards

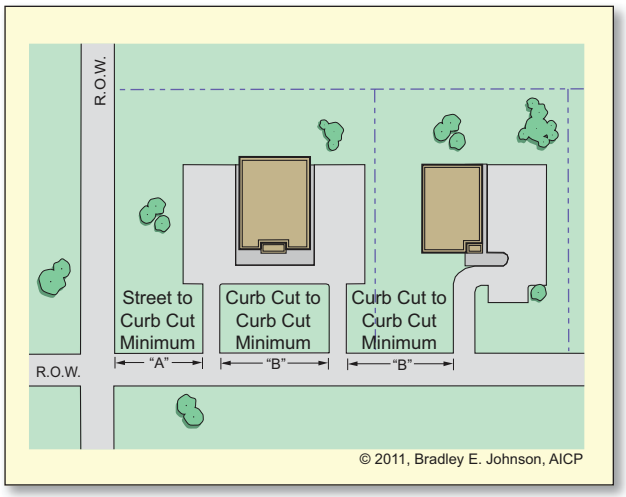
This Driveway Standards (DW) section applies to the following zoning districts:

A4 M1 M2 IS LB GC HC CP I1 I2 HI

The following standards shall apply:

A. Separation:

1. *From a Street Intersection*: No single driveway shall be permitted to be installed:
   a. Within 150 feet of any intersecting street if access is along an arterial or collector street (see "A" below).
   b. Within 100 feet of any intersecting street if access is along a local street (see "A" below).
   c. If the parcel is not large enough to achieve the required separation, then the driveway shall be installed at a location farthest from the intersection.
   d. Under no circumstances shall a driveway be allowed within sixty (60) feet of any intersection.
2. *From Another Driveway*: A new driveway shall not be permitted to be installed:
   a. Within 100 feet of one another if access is along an arterial or collector street (see "B" below).
   b. Within forty-five (45) feet of one another if access is along a local street (see "B" below).



B. Width: No driveway shall exceed the following widths.

1. *Nonresidential Use onto Arterial or Collector*: Maximum of ten and one-half (10 1/2) feet per lane with a maximum overall width of thirty-one and one-half (31 1/2) feet.
2. *Nonresidential Use onto Local Street*: Ten (10) feet per lane, with a maximum overall width of thirty (30) feet.
3. *Multiple-family Use onto Any Street*: Ten (10) feet per driving lane, with a maximum overall width of twenty (20) feet.

C. Materials: All driveways shall consist of asphalt, concrete or other non-porous material approved by the Zoning Administrator.

D. Distance to Property Line: All driveways shall be at least three (3) feet from the side property line.

E. Turn-around: Any driveway with access to a State Road or Highway shall have an on-site means for turning around vehicles.

5.23 DW-05: Manufactured Home Park Driveway Standards

This Driveway Standards (DW) section applies to the following zoning district:

MP

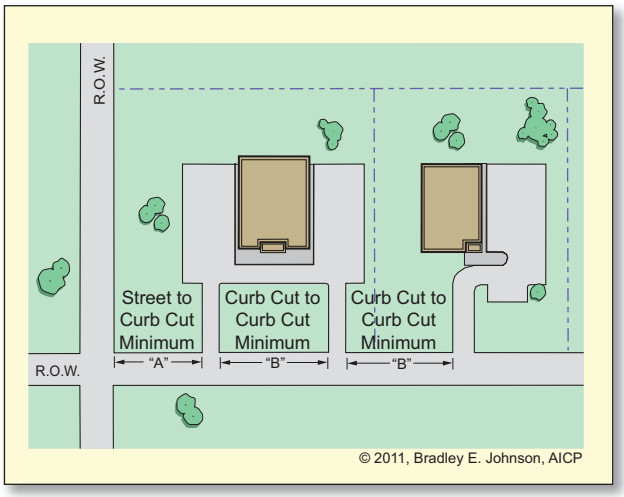
The following standards shall apply:

A. Type and Quantity:

1. *Main Driveway*: Manufactured home parks shall not have more than one (1) main driveway when the development contains eight (8) or less dwelling sites. A main driveway shall have a turn-around, loop, or cul-de-sac, thus not creating a dead end. A main driveway shall not connect directly to an arterial street. Any development with more than eight (8) dwelling sites shall not utilize a driveway for access. Instead, the development shall install a street according to the County's construction standards.
2. *Individual Driveways*: An individual dwelling site within a manufactured home park shall only have one (1) driveway which shall connect to either a shared main driveway or interior street. Dwelling sites shall not connect directly to a perimeter street.

B. Main Driveway Separation:

1. *From a Street Intersection*: No main driveway shall be permitted to be installed:
   a. Within 150 feet of any intersecting street if access is along an arterial or collector street (see "A" below).
   b. Within 100 feet of any intersecting street if access is along a local street (see "A" below).
   c. If the parcel is not large enough to achieve the required separation, then the driveway shall be installed at a location farthest from the intersection.
   d. Under no circumstances shall a driveway be allowed within sixty (60) feet of any intersection.
2. *From Another Driveway*: A main driveway shall not be permitted to be installed:
   a. Within 100 feet of one another if access is along an arterial (see "B" below).
   b. Within fifty (50) feet of one another if access is along a collector street (see "B" below).
   c. Within thirty (30) feet of one another if access is along a local street (see "B" below).



C. Individual Driveway Separation:

1. *From a Street Intersection*: Individual driveways are not permitted to connect directly to the perimeter street.
2. *From Another Driveway*: A main driveway shall not be permitted to be installed:
   a. Within ten (10) feet of another driveway.

D. On-site Width: the following widths.

1. *Main Driveway*: No main driveway shall be less than ten (10) feet per driving lane or exceed an overall width of twenty-four (24) feet.
2. *Individual Driveway*: No main driveway shall be less than twelve (12) feet in width or exceed an overall width of twenty-two (22) feet.
3. *Dwelling Site Driveway*: A driveway for a dwelling site shall not exceed ten (10) feet in overall width.

E. On-site Surface Materials:

1. *Main Driveway*: A main driveways shall consist of asphalt or concrete or other durable and non-porous material approved by the Zoning Administrator.
2. *Individual Driveway*: Dwelling site driveways may consist of asphalt, concrete, other durable and non-porous material approved by the Zoning Administrator, or gravel.
3. *Private Streets*: A private street shall be constructed to the local street standard according to the Jasper County Construction Standards.

F. Distance to Property Line: All driveways shall be at least three (3) feet from the side property line.

5.24 EN-01: Environmental Standards

This Environmental Standards (EN) section applies to the following zoning districts:

CO PR A1 A2 A3 A4 ~~ER~~ R1 R2 VR M1 M2 MP IS LB GC HC CP I1 I2 HI

The following standards shall apply:

A. Cross Reference: *Section 5.81 through 5.83 Storage Tank Standards*.

B. Prohibitive Geology: A lot or portions thereof shall be unsuitable for structures when it contains any of the characteristics listed below. Structures may be permitted if an engineered site plan is submitted and approved by the Technical Advisory Committee. Such engineered site plan shall show and commit to adequate measures for erosion control; minimum site disturbance; soil stability for structural load; storm water management; aesthetic treatment of engineered structures; and final landscaping.

1. *Slope*: Pre-development or post development slopes greater than twenty-five percent (25%).
2. *Rock*: Adverse rock formations.
3. *Soil*: Adverse soils.
4. *Stability Limitations*:
   a. Has a low loading rate;
   b. Has a low weight-bearing strength; or
   c. Has any other feature which will significantly accelerate the deterioration of a structure or significantly reduce the structure's stability.

C. Air Quality: No use shall discharge fly ash, dust, smoke, vapors, noxious toxic or corrosive matter, or other air pollutants in such concentration as to conflict with public air quality standards or be detrimental to humans, animals, vegetation, or property, except as may be allowed by open burning laws in Jasper County and the State of Indiana.

D. Soil and Water Quality:

1. *Erosion Control*:
   a. Project Applicability: While the following standards apply to all development projects, those that involve the disturbance of one acre or more of land shall be required to submit an Erosion and Sediment Control Plan and obtain a Rule 5 Permit from the local soil and water conservation office.
   b. Off-site: Sedimentation in adjoining surfaces, drainage systems, and watercourses caused from the development of a lot or use shall not be permitted. If such sedimentation occurs, it shall be the responsibility of the owner of the developed lot or use to remove the sedimentation.
2. *Fill*: All fill materials shall be free of environmentally hazardous materials, and the Zoning Administrator may request representative samples of the fill for testing purposes.
3. *Production*: No use shall produce pollutants in such a quantity as to pollute soils, water bodies, adjacent properties, or conflict with public water standards.
4. *Storage*: No use shall accumulate within the lot or discharge beyond the lot lines any waste, debris, refuse, trash, discarded construction materials, discarded appliances, scrap metals, or rotting wood that are in conflict with applicable public health, safety, and welfare standards unless expressly permitted by the Unified Development Ordinance.
5. *Disposal*: No waste materials such as garbage, rubbish, trash, construction material, gasoline, oil, flammables, soils, tars, chemicals, greases, industrial or agricultural waste, or any other material of such nature, quantity, obnoxiousness, toxicity, or temperature that it may contaminate, pollute, or harm the waters or soils shall be deposited, located, stored, or discharged on any lot unless expressly permitted by the Unified Development Ordinance.

E. Stormwater Management: Stormwater shall be subject to the Jasper County Stormwater Management Ordinance.

Fence and Wall Standards (FW)

5.25 FW-01: General Fence and Wall Standards

This Fence and Wall Standards (FW) section applies to the following zoning districts:

CO PR A1 A2 A3 A4 ~~ER~~ R1 R2 VR M1 M2 MP IS LB GC HC CP I1 I2 HI

The following standards shall apply:

A. Cross Reference:

1. *Vision Clearance*: Fences and walls shall meet all vision clearance standards in *Section 5.90: Vision Clearance Standards*.
2. *Covenants*: Property owners within subdivisions are advised to investigate applicable Declaration of Covenants which may impose greater restrictions than are found in the Unified Development Ordinance. The stricter standard of the two apply to lots with covenants.

B. Permits: No permit shall be required for the installation of a fence or wall. However, all fences shall still be required to meet all fence and wall standards in *Article 5: Development Standards*.

C. Positioning:

1. *Presentation*: Fences and walls shall present the non-structural face outward, except when used for containment of pastured animals.
2. *Property Line*: Fences and walls shall be permitted up to the property line.
3. *Easement*: No wall shall be located within a public or private easement unless written permission from the easement holder has been granted.

D. Maintenance: All fences and walls are required to be properly maintained and kept in good condition.

5.26 FW-02: Conservation and Parks Fence and Wall Standards

This Fence and Wall Standards (FW) section applies to the following zoning districts:

CO PR

The following standards shall apply:

A. Height: Fences and walls shall not exceed four (4) feet in height when located within twenty-five (25) feet of any property line. All other fences shall not exceed six (6) feet in height.

B. Height Exceptions: Fences that surround swimming pools, sport courts, sport fields and similar amenities that are also located within the building envelope are allowed to be any height deemed necessary to protect players, spectators, vehicles, and adjacent property; or deemed essential facility to conduct the sport, recreation or game (e.g. a backstop behind home plate in a baseball field or a wall for solo tennis practice).

C. Types:

1. *Permitted Materials*: Wood, stone, masonry, wrought iron, decorative metal, and PVC shall be permitted fence and wall materials.
2. *Permitted Materials for Sport and Recreation*: Vinyl, zinc or powder coated chain link, galvanized chain link, wood, stone, masonry, wrought iron, decorative metal, and PVC shall be permitted fence and wall materials for surrounding swimming pools, sport courts, sport fields and similar amenities.
3. *Prohibited Material*: Fences and walls shall not incorporate barbed wire, above ground electrified wires, razor wire, glass, sharpened top spikes, or similarly hazardous fence materials.

5.27 FW-03: Agricultural Fence and Wall Standards

This Fence and Wall Standards (FW) section applies to the following zoning districts:

A1 A2 A3

The following standards shall apply:

A. Height: Fences and walls around a farmstead shall not exceed five (5) feet in height in the front and side yards, and eight (8) feet in height in the rear yard. Containment fences for livestock or fences around farm fields shall not exceed six (6) feet in height. Containment fences for livestock or exotic animals that are at least fifty (50) feet from all property lines are allowed up to ten (10) feet in height.

B. Height Exceptions: Fences that surround a swimming pool or sport courts located within the building setbacks, and in the side or rear yard, are allowed up to eight (8) feet in height.

C. Types:

1. *Permitted Materials*: Vinyl, zinc or powder coated chain link, galvanized chain link, chicken wire, wire mesh, agricultural wire, wood, composite outdoor wood, stone, masonry, wrought iron, decorative metal, and PVC shall be permitted fence and wall materials for containment and for around farm land.

2. *Prohibited Material*: Except where used for containment purposes, fences and walls shall not incorporate barbed wire or above ground electrified wires. Razor wire, broken glass, sharpened top spikes, and similarly hazardous fence material are not permitted.

5.28 FW-04: Residential Fence and Wall Standards

This Fence and Wall Standards (FW) section applies to the following zoning districts:

~~ER~~ R1 R2 M1 M2

The following standards shall apply:

A. Height:

1. *Front or Side Yard*: Fences and walls in front or side yards shall not exceed four (4) feet in height.

2. *Rear Yard*: Fences and walls in rear yards shall not exceed eight (8) feet in height.

B. Types:

1. *Permitted Materials in Front and Side Yards*: Wood, composite outdoor wood, stone, masonry, wrought iron, and decorative metal, shall be permitted fence and wall materials.

2. *Permitted Materials in Rear Yards*: Vinyl, zinc or powder coated chain link, wood, composite outdoor wood, stone, masonry, wrought iron, and decorative metal, shall be permitted fence and wall materials.

3. *Prohibited Material*: Fences and walls shall not incorporate metal or plastic slats in chain link fences; and barbed wire, above ground electrified wires, razor wire, broken glass, sharpened top spikes, or similarly hazardous fence material are prohibited.

5.29 FW-05: Manufactured Home Park Fence and Wall Standards

This Fence and Wall Standards (FW) section applies to the following zoning district:

MP

The following standards shall apply:

A. Height:

1. *Perimeter Fences*: Fences and walls around the perimeter of a manufactured home park shall not exceed four (4) feet in height when installed along a frontage street and six (6) feet in height with located within ten (10) feet of the property line.
2. *Dwelling Site Fences*: Decorative fences up to three and one-half (3.5) feet in height are allowed on a dwelling site, but they shall not enclose, partially enclose, or give the perception of being an enclosed dwelling site.

B. Height Exceptions: Fences that surround a community swimming pool or sport court located within the building setbacks, and at least fifty (50) feet from the public right-of-way of a perimeter street, are allowed up to eight (8) feet in height.

C. Types:

1. *Permitted Materials in Front and Side Yards*: Wood, composite outdoor wood, stone, masonry, wrought iron, and decorative metal, shall be permitted fence and wall materials.
2. *Permitted Materials in Rear Yards*: Vinyl, zinc or powder coated chain link, wood, composite outdoor wood, stone, masonry, wrought iron, and decorative metal, shall be permitted fence and wall materials.
3. *Prohibited Material*: Fences and walls shall not incorporate metal or plastic slats in chain link fences; and barbed wire, above ground electrified wires, razor wire, broken glass, sharpened top spikes, or similarly hazardous fence material are prohibited.

5.30 FW-06: Village Residential Fence and Wall Standards

This Fence and Wall Standards (FW) section applies to the following zoning district:

VR

The following standards shall apply:

A. Height:

1. *Front Yard and Side Yard*: Fences and walls in front or side yard shall not exceed three (3) feet in height and shall be decorative in character.
2. *Rear Yard*: Fences and walls in rear yards shall not exceed six (6) feet in height.

B. Height Exceptions: Fences that surround a swimming pool are allowed up to eight (8) feet in height.

C. Types:

1. *Permitted Materials in Front and Side Yards*: Wood, composite outdoor wood, stone, masonry, wrought iron, and decorative metal, shall be permitted fence and wall materials.
2. *Permitted Materials in Rear Yards*: Vinyl, zinc or powder coated chain link, wood, composite outdoor wood, stone, masonry, wrought iron, and decorative metal, shall be permitted fence and wall materials.
3. *Prohibited Material*: Fences and walls shall not incorporate metal or plastic slats in chain link fences; and barbed wire, above ground electrified wires, razor wire, broken glass, sharpened top spikes, or similarly hazardous fence material are prohibited.

5.31 FW-07: Non-residential Fence and Wall Standards

This Fence and Wall Standards (FW) section applies to the following zoning districts:

A4 IS LB GC HC CP I1 I2 HI

The following standards shall apply:

A. Height:

1. *Front and Side Yard*: Fences and walls in the front or side yard shall not exceed three (3) feet in height and shall be decorative in nature.
2. *Rear Yard*: Fences and walls in the rear yard shall not exceed eight (8) feet in height and must be associated with securing outdoor storage or vehicles, or industrial uses. Otherwise, all fences or walls in rear yards shall not exceed six (6) feet in height.

B. Height Exceptions: Fences that surround a swimming pool are allowed up to eight (8) feet in height.

C. Types:

1. *Permitted Materials in Front and Side Yards*: Wood, composite outdoor wood, stone, masonry, wrought iron, and decorative metal, shall be permitted fence and wall materials.
2. *Permitted Materials in Rear Yards*: Vinyl, zinc or powder coated chain link, wood, composite outdoor wood, stone, masonry, wrought iron, and decorative metal, shall be permitted fence and wall materials.
3. *Prohibited Material*: Fences and walls shall not incorporate metal or plastic slats in chain link fences, above ground electrified wires, broken glass, sharpened top spikes, or similarly hazardous fence material are prohibited. Barbed wire and razor wire are prohibited unless granted permission from the Zoning Administrator upon providing acceptable proof that an extraordinary need exists.

5.32 FP-01: Floodplain Standards

This Floodplain Standards (FP) section applies to the following zoning districts:

CO PR A1 A2 A3 A4 ~~AR~~ R1 R2 VR M1 M2 MP IS LB GC HC CP I1 I2 HI

The following standards shall apply:

A. Cross Reference: See the *Jasper County Flood Hazard Area Ordinance*.

Floor Area Standards (FA)

5.33 FA-01: Floor Area

The Floor Area Standards (FA) section applies to the following zoning districts:

CO PR A1 A2 A3 A4 ~~EP~~ R1 R2 VR M1 M2 MP IS LB GC HC CP I1 I2 HI

The following standards shall apply:

A. Applicability: If a floor area standard does not appear on the two-page layout for a zoning district, then the standard does not apply to that particular zoning district.

1. *Minimum Main Floor Area*: The minimum main floor area shall be per each two-page layout in *Article 2: Zoning Districts*.
2. *Maximum Main Floor Area*: The maximum main floor area shall be per each two-page layout in *Article 2: Zoning Districts*.
3. *Minimum Dwelling Unit Size*: The minimum dwelling unit size shall be per each two-page layout in *Article 2: Zoning Districts*.

5.34 HT-01: Height Standards

This Height Standards (HT) section applies to the following zoning districts:

CO PR A1 A2 A3 A4 ~~FR~~ R1 R2 VR M1 M2 MP IS LB GC HC CP I1 I2 HI

The following standards shall apply:

A. Cross Reference: See *Section 5.85: ~~Telecommunication~~ Wireless Facility Standards*.

B. Applicability: If a height standard does not appear on the two-page layout for a zoning district, then the standard does not apply to that particular zoning district.

1. *Maximum Primary Structure Height*: The maximum primary structure height shall be per each two-page layout in *Article 2: Zoning Districts*.
2. *Maximum Accessory Structure Height*: The maximum accessory structure height shall be per each two-page layout in *Article 2: Zoning Districts*.
3. *Exceptions*: The following types of structures or features shall be exempt or partially exempt from the maximum structure height standards, assuming they are permitted uses or structural features, as stated:
   a. Grain elevators, barns and grain silos used for general agricultural purposes may exceed the maximum structure height but shall not exceed 150 feet in height.
   b. Mechanical equipment used for confined feeding operations may exceed the maximum structure height but shall not exceed 100 feet in height.
   c. Church steeples, bell towers, and religious symbols may exceed the maximum structure height but shall not exceed two hundred percent (200%) of the height of the primary structure.
   d. Functional chimneys may exceed the maximum structure height but shall not extend more than ten (10) feet above the roof's highest point.
   e. Roof-mounted antennas may exceed the maximum structure height but shall not exceed five (5) feet over the maximum primary structure height or ten (10) feet above the primary structures height, whichever is less, as long as the antenna is not located on the front roof plane.
   f. Pole-mounted antennas may exceed the maximum structure height but shall not exceed twenty (20) feet over the maximum primary structure height or thirty (30) feet above the primary structures height, whichever is less, as long as the pole is located in the rear yard.
   g. Roof-mounted mechanical equipment, including elevator bulkheads, may exceed the maximum structure height but shall not extend any more than fifteen (15) feet above the roof's highest point; provided that it is architecturally integrated into the building's features or is generally screened from view by an architectural enclosure, parapet or similar feature.
   h. Mechanical equipment and utility structures associated with an industrial use on land zoned for industrial uses may exceed the maximum primary structure height by up to fifty percent (50%).
   i. ~~Telecommunication towers~~ Wireless support structures may exceed the maximum structure height as allowed in *Section 5.85: ~~Telecommunication~~ Wireless Facility Standards*.

Home Business Standards (HB)

5.35 HB-01: Type 1 Home Business Standards

This Home Business Standards (HB) section applies to the following zoning districts:

A1 A2 A3 ~~ER~~ R1 R2 VR M1 M2 MP

The following standards shall apply:

A. Applicability: The standards in this section shall not apply to agriculture, as agriculture is regulated as a primary use in this document.

B. Permits: A permit for a Type 1 Home Business is not required.

C. Personnel:

1. *Residency*: The operator of the Type 1 Home Business shall reside in the house.
2. *Employees*: Only family members of the operator living in the house shall be employed by the Type 1 Home Business.

D. Operations:

1. *Nuisance*: The Type 1 Home Business shall not generate offensive noise, vibration, smoke, odors, dust, heat, glare, or electrical disturbances.
2. *Traffic*: The Type 1 Home Business shall not generate vehicular traffic in greater volumes than would normally be expected in the rural area or neighborhood in which it is located.
3. *Large Vehicles*: The Type 1 Home Business shall not necessitate or utilize large vehicles that will regularly or periodically be parked on the driveway or on the street, including a box truck, construction trucks, construction equipment, oversized pick-up truck, dually pick-up truck, full-sized van, delivery truck, bus, semi-tractor trailer, and the like.
4. *Branded Vehicles*: The Type 1 Home Business shall not necessitate or utilize branded vehicles that will regularly or periodically be parked on the driveway or on the street, including passenger vehicles, vans, motorcycles, or the like that have super-graphics or branding colors or designs that advertise or draw attention to the Type 1 Home Business.
5. *Customers*: The Type 1 Home Business shall not have patrons or customers visit the home.
6. *Hours*: The hours of operation of the Type 1 Home Business shall not interfere with the use and enjoyment of adjacent rural or residential properties.

E. Design:

1. *Primary Structure*:
   a. The Type 1 Home Business shall be conducted entirely within the primary structure.
   b. The Type 1 Home Business shall not exceed fifteen percent (15%) of the square footage of the structure.
   c. There shall be no visible evidence of the Type 1 Home Business, including but not limited to alterations to the exterior of the residence which change the character of the residence, exterior displays, or the outdoor storage of materials or equipment used in the home business.
2. *Accessory Structure*: No accessory structure shall be utilized for any part of the Type 1 Home Business.
3. *Parking and Loading*:
   a. No off-street parking or loading facilities, other than facilities meeting the requirements of the applicable zoning district, shall be permitted.
   b. No part of a minimum required yard shall be used for off-street parking or loading purposes.
4. *Mechanical Equipment*: The Type 1 Home Business shall not require the installation of mechanical equipment other than that which is common in a residential structure.
5. *Utility Service*: The Type 1 Home Business shall not require the installation of a sewer, water, or electrical utility service that is beyond what is common in a residential structure. Exceeding typical phone, cable or internet services for residential property is permitted.
6. *Signs*: Signs are prohibited.

5.36 HB-02: Type 2 Home Business Standards

This Home Business Standards (HB) section applies to the following zoning districts:

A1 A2 A3 ~~ER~~ R1 R2 VR

The following standards shall apply:

A. Applicability: The standards in this section shall not apply to agriculture, as agriculture is regulated as a primary use in this document.

B. Permits: All Type 2 Home Businesses shall obtain an Improvement Location Permit.

C. Personnel:

1. *Residency*: The operator of the Type 2 Home Business shall reside in the house.
2. *Employees*: One employee who does not reside in the house may be employed in the home business.

D. Operations:

1. *Nuisance*: The Type 2 Home Business shall not generate offensive noise, vibration, smoke, odors, dust, heat, glare, or electrical disturbances.
2. *Traffic*: The Type 2 Home Business shall not generate vehicular traffic in greater volumes than would normally be expected in the rural area or neighborhood in which it is located.
3. *Customers*: The Type 2 Home Business shall not generate customers in greater volumes than would normally be expected in the neighborhood.
4. *Hours*: The hours of operation of the Type 2 Home Business shall not interfere with the use and enjoyment of adjacent residential properties; and shall be strictly restricted to the hours of 7:00 a.m. to 9:00 p.m. EST.

E. Design:

1. *Primary Structure*:
   a. The Type 2 Home Business shall be conducted entirely within the primary structure.
   b. The Type 2 Home Business shall not exceed twenty-five percent (25%) of the square footage of the primary structure.
   c. There shall be no visible evidence of the Type 2 Home Business, including but not limited to alterations to the exterior of the residence which change the character of the residence, exterior displays, or the outdoor storage of materials or equipment used in the home business.
2. *Accessory Structure*: No accessory structure shall be utilized for any part of the home business.
3. *Parking and Loading*:
   a. No off-street parking or loading facilities, other than facilities meeting the requirements of the applicable zoning district, shall be permitted.
   b. No part of a minimum required yard shall be used for off-street parking or loading purposes.
4. *Mechanical Equipment*: The Type 2 Home Business shall not require the installation of mechanical equipment other than that which is common in a residential structure.
5. *Utility Service*: The Type 2 Home Business shall not require the installation of a utility service that is beyond what is common in a residential structure.
6. *Signs*: One (1) wall sign is permitted on the primary structure and it shall not exceed three (3) square feet in sign area. The wall sign shall be fully located within five (5) feet of either the front door or side door of the primary structure. Materials shall be aesthetically compatible and complementary to the primary structure, specifically to make sure the sign is subtle and consistent with residential and neighborhood character. No special lighting shall be permitted to illuminate the sign.

5.37 HB-03: Type 3 Home Business Standards

This Home Business Standards (HB) section applies to the following zoning districts:

A1 A2 A3

The following standards shall apply:

A. Applicability: The standards in this section shall not apply to agriculture, as agriculture is regulated as a primary use in this document.

B. Permits: All Type 3 Home Businesses shall obtain an Improvement Location Permit.

C. Permissible Home Businesses:
   1. *Permitted*: The Type 3 Home Business shall be limited to woodworking, small engine repair, lawn service, assembly of products, automobile repair, welding, contracting business, landscaping business, or a similar use as determined by the Zoning Administrator. Use of the property or home for permitted agricultural land uses shall not be considered a Type 3 Home Business.
   2. *Prohibited*: The Type 3 Home Business shall not include any kind of direct retail sales.
   3. *Discretion*: Businesses not specifically listed above shall be interpreted by the Zoning Administrator as to whether the business is permitted as a home business or not.

D. Personnel:
   1. *Residency*: The operator of the Type 3 Home Business shall reside in the house.
   2. *Employees*: Up to four (4) employees may be employed by and work on site.

E. Operations:
   1. *Nuisance*: The Type 3 Home Business shall not generate offensive noise, vibration, smoke, odors, dust, heat, glare, or electrical disturbances.
   2. *Hours*: The hours of operation of the Type 3 Home Business shall not interfere with the use and enjoyment of the rural area in which it is located.

F. Design:
   1. *Primary Structure*:
      a. The office component of the Type 3 Home Business may be operated in the primary structure (the home).
      b. The Type 3 Home Business shall not exceed five percent (5%) of the square footage of the primary structure.
      c. There shall be no evidence of the Type 3 Home Business from alterations to the exterior of the residence. However, the character of the property may show minimum evidence of its business use, including: exterior storage of materials, vehicles or equipment used in the Type 3 Home Business.
   2. *Accessory Structure*:
      a. The Type 3 Home Business shall be primarily conducted within an accessory structure, not exceeding 4,000 square feet in total area, and may consume one hundred percent (100%) of the square footage of the accessory structure.
   3. *Parking and Loading*:
      a. All off-street parking or loading facilities shall meet the requirements of the applicable zoning district.
      b. No part of a minimum required yard shall be used for off-street parking or loading purposes.
      c. There shall be no more than eight (8) operable vehicles parked on the site at any time, including the vehicles used by residents of the home.
   4. *Outdoor Storage*:
      a. No commercial vehicles shall be parked or stored outside between 9:00 p.m. and 5:00 a.m. unless parked or stored behind the accessory structure use for the Type 3 Home Business.
      b. No outdoor storage of products, materials, supplies, waste, scrap, or the like shall be permitted unless fully within an opaque fence enclosure with gate tall enough to screen the outdoor storage. Fences used for screening shall not exceed eight (8) feet in height. The fenced enclosure shall not exceed 1,000 square feet in area and shall meet all setback requirements for an accessory structure. A fenced enclosure for outdoor storage shall not be located forward of the accessory structure used for the Type 3 Home Business.
   5. *Signs*: One (1) wall sign is permitted on the accessory structure and it shall not exceed ten (10) square feet in sign area. The wall sign shall be fully located within ten (10) feet above ground level. Materials shall be aesthetically compatible and complementary to the accessory structure, specifically to make sure the sign is subtle and consistent with residential and neighborhood character. No special lighting shall be permitted to illuminate the sign.

5.38 KL-01: Commercial Kennel Standards

This Kennel Standards (KL) section applies to the following zoning district:

A4

The following standards shall apply:

A. Prerequisites:

1. *Minimum Lot Area*: All commercial kennels shall be located on a lot with a minimum of two (2) acres.
2. *Minimum Fenced Yard*: All commercial kennels shall maintain a minimum 1⁄80 acre (544 1⁄2 square feet) of outdoor fenced area for each boarding unit for dogs on premises (i.e. the commercial kennel's dog capacity). As a minimum, all commercial kennels that provide services for dogs shall have a one-quarter (1⁄4) acre fenced area.

B. Minimum Main Floor Area: The commercial kennel shall have a building with a minimum main floor area of fifty (50) square feet per one (1) domestic pet, with an prerequisite minimum of 1,000 square feet. Newly constructed commercial kennels, as well as commercial kennels to be located in an existing building shall, have a minimum capacity of fifty (50) square feet of main floor area per one (1) domestic pet.

C. Commercial Kennel Building: The building required in *Section 5.38(B) Minimum Main Floor Area* shall be mechanically air conditioned and ventilated to eliminate the need to open windows or doors during warm or hot days. Only the building used to board or predominantly keep animals shall be subject to this requirement.

D. Hours of Operation: The commercial kennel may be staffed twenty-four (24) hours per day. The use of outdoor areas shall be limited to eight (8) hours between which must be allocated between the hours of 8:00 a.m. and 8:00 p.m. daily.

E. Setback Standards: All buildings and outdoor containment areas used by the commercial kennel shall be a minimum of 100 feet from all property lines.

F. Noise Containment: The commercial kennel shall keep all windows closed ninety-nine percent (99%) of each day and doors closed ninety percent (90%) of each day.

G. Fence Enclosures: All outdoor facilities for domestic pets shall be fully fenced-in with vinyl, zinc or powder coated chain link fence, or similar quality product. Invisible fences shall not constitute a sufficient barrier to keep domestic pets contained or to prevent intrusion by other animals.

H. Waste Management: The animal waste shall be managed either by composting, septic system, sanitary sewer or other method approved by Jasper County Health Department. The commercial kennel shall submit a waste management plan to the Jasper County Health Department for consideration and determination of waste management options.

5.39 KL-02: Home Enterprise Kennel Standards

This Kennel Standards (KL) section applies to the following zoning districts:

A1 A2

The following standards shall apply:

A. Prerequisites:

1. *Minimum Lot Area*: All kennels shall be located on a lot with a minimum of one (1) acre.
2. *Minimum Fenced Yard*: All kennels shall maintain a minimum 1⁄80 acre (544 1⁄2 square feet) of outdoor fenced area for each boarding unit for dogs on premises (i.e. the kennel's dog capacity).

B. Maximum Kennel Size: The kennel facility shall not contain more than six (6) domestic pets that are not owned by the owner of the property. However, no more than ten (10) domestic pets shall be kept on the property.

C. Kennel Building Standards:

1. *Kennel Location*: The kennel shall be fully contained in a dedicated space within the home, or in one (1) accessory structure.
2. *Minimum Floor Area*: The kennel shall have a minimum floor area of fifty (50) square feet per one (1) domestic pet, with a prerequisite minimum of 200 square feet.
3. *Kennel Facility*: The kennel facility shall be mechanically air conditioned and ventilated to eliminate the need to open windows or doors during warm or hot days. Only the building used to board or predominantly keep animals shall be subject to this requirement.
4. *Noise Containment*: The kennel shall keep all windows closed ninety-nine percent (99%) of each day and doors closed ninety percent (90%) of each day.

D. Hours of Operation: The maximum hours of operation (e.g. for domestic pet owners to pick-up their animal) for the kennel shall be from 6:00am to 8:00pm daily. The use of outdoor areas shall be limited to two (2) hours between 8:00am and 8:00pm daily.

E. Setback Standards: All outdoor areas used by the kennel shall be a minimum of one hundred (100) feet from all property lines.

F. Fence Enclosures: All outdoor facilities for domestic pets shall be fully fenced-in with vinyl, zinc or powder coated chain link fence, or similar quality product. Invisible fences shall not constitute a sufficient barrier to keep domestic pets contained or to prevent intrusion by other animals.

Keeping of Animals Standards (KA)

Area shall be set aside exclusively for the animal(s) and separate from the building envelope and associated well and septic system for a residential structure (if applicable).

5.40 KA-01: Rural Keeping of Household Pets and Outdoor Pets Standards

This Keeping of Animals Standards (KA) section applies to the following zoning districts:

CO PR

The following standards shall apply:

A. Household Pets: Any number of household pets as defined (i.e. indoor pets) are permitted.

B. Outdoor Pets: Outdoor pets as defined are permitted, and shall meet the following standards.

1. *Minimum Lot Area*: One-eighth (1/8) acre per outdoor dog and no restriction on other outdoor pets.
2. *Maximum Number*: Two (2) outdoor dogs and no limit on other outdoor pets.

C. Exotic Animals: None permitted.

D. Farm Animals: None permitted.

5.41 KA-02: Agricultural Keeping of Farm Animals Standards

Note: This section is separate from the confined feeding use described in Section 5.17: Confined Feeding Standards.

This Keeping of Animals Standards (KA) section applies to the following zoning districts:

A1 A2 A3

The following standards shall apply:

A. Household Pets: Any number of household pets as defined (i.e. indoor pets) are permitted.

B. Outdoor Pets: Outdoor pets as defined are permitted, and shall meet the following standards.

1. *Minimum Lot Area*: One-eighth (1/8) acre per outdoor dog and no restriction on other outdoor pets.
2. *Maximum Number*: Four (4) outdoor dogs and no limit on other outdoor pets.

C. Exotic Animals: One (1) exotic animal is permitted per twenty-five (25) acres.

D. Farm Animals: Farm animals are permitted as follows:

1. *Minimum Lot Area*: Two (2) acres.
2. *Minimum Pasturage Area*: See Table Below.

Animal Type	Minimum Pasture Area
Cow, Buffalo, and similar	0.5 acres per animal
Horse, Mule, Donkey, Camel, and similar	0.5 acres per animal
Llama, Alpaca, and similar	0.4 acres per animal
Deer and Elk, and similar	0.3 acres per animal
Miniature Horse (34 inches or less at withers)	0.2 acres per animal
Ostrich, Emu, and similar	0.2 acres per animal
Goat, Sheep, and similar	0.2 acres per animal
Turkey, Pheasant, and similar	no minimum
Swine	~~no minimum~~ 0.1 acres per animal
Chicken	no minimum
Mink and other similar fur-bearing animals	no minimum

Note the minimum two acres is adequate pasture area for the fowl and fur-bearing animals, so additional pasture land is not required. Swine do require some pasture area.

Keeping of Animals Standards (KA)

Area shall be set aside exclusively for the animal(s) and separate from the building envelope and associated well and septic system for a residential structure (if applicable).

5.42 KA-03: Rural Keeping of Farm Animals Standards

This Keeping of Animals Standards (KA) section applies to the following zoning district:

~~ER~~ VR

The following standards shall apply:

A. Household Pets: Any number of household pets as defined (i.e. indoor pets) are permitted.

B. Outdoor Pets: Outdoor pets as defined are permitted, and shall meet the following standards.

1. *Minimum Lot Area*: One-eighth (1/8) acre per outdoor dog and no restriction on other outdoor pets.
2. *Maximum Number*: Two (2) outdoor dogs and no limit on other outdoor pets.

C. Exotic Animals: None permitted.

D. Farm Animals: Farm animals are permitted as follows:

1. *Minimum Lot Area*: The minimum lot area to qualify for raising farm animals shall be three (3) acres.
2. *Limitation on Animal Types*: Only the animal types listed in the table below are permitted.
3. *Maximum Animal Units*: The absolute maximum number of animals and the minimum fenced pasture per animal is listed in the table below. Minimum area shall be exclusive to one animal and not counted again for a different animal type.

Animal Type	Max. Animal	Minimum Pasture Area
Cow	2	0.5 acres per animal shall be a fenced pasture with a minimum pasture of 1 acre
Horse	6	0.5 acres per animal shall be a fenced pasture with a minimum pasture of 1 acre
Mini Horse (34 inches tall or less)	4	0.2 acres per animal shall be a fenced pasture with a minimum pasture of .5 acre
Goat and Sheep	4	0.1 acres per animal shall be fenced pasture with a minimum pasture of .25 acre
Swine	5	~~no minimum~~ 0.1 acres per animal shall be fenced pasture " " .25 acre
Hens (not roosters)	8	no minimum *Note* the minimum two acres is adequate pasture area for the fowl, so additional pasture land is not required. Swine do require some pasture area.

5.43 KA-04: Single-family Residential Keeping of Animal Standards

This Keeping of Animals Standards (KA) section applies to the following zoning districts:

R1 R2 ~~VR~~ MP

The following standards shall apply:

A. Household Pets: Any number of household pets as defined (i.e. indoor pets) are permitted.

B. Outdoor Pets: Outdoor pets as defined are permitted, and shall meet the following standards.

1. *Minimum Lot Area*: One-eighth (1/8) acre per outdoor pet.
2. *Maximum Number*: Five (5) outdoor pets.

C. Exotic Animals: None permitted.

D. Farm Animals: None permitted.

5.44 KA-05: Multiple-family Residential Keeping of Household and Outdoor Pets Standards

This Keeping of Animals Standards (KA) section applies to the following zoning districts:

M1 M2

The following standards shall apply:

A. Household Pets: Any number of household pets as defined (i.e. indoor pets) are permitted.

B. Outdoor Pets: Outdoor pets are not permitted.

C. Exotic Animals: None permitted.

D. Farm Animals: None permitted.

5.45 LA-01: General Landscaping Standards

This Landscaping Standards (LA) section applies to the following zoning districts:

CO PR A1 A2 A3 A4 ~~ER~~ R1 R2 VR M1 M2 MP IS LB GC HC CP I1 I2 HI

The following standards shall apply:

A. Cross Reference:

1. *Vision Clearance Standards*: All landscape materials shall be located to avoid interference with visibility per *Section 5.90: Vision Clearance Standards*.

B. Project Applicability: Landscape materials consistent with the requirements of the Unified Development Ordinance shall be required when an Improvement Location Permit for a new primary structure is obtained. However in A1 and A2 zoning districts these standards shall only apply to new residential primary structures.

C. Positioning:

1. *Right-of-way*: Woody trees and shrubs shall not be planted in rights-of-way without permission from the County Commissioners for rights-of-way. A tree canopy may project over a right-of-way or easement.

2. *Infrastructure*: Trees shall be located to avoid significant interference with overhead or underground utilities.

D. Tree Credits: The preservation of an existing healthy tree shall constitute an in-kind credit toward meeting the landscape requirements in the Unified Development Ordinance. A credit shall be granted per tree that contributes to or fulfills any landscaping standard.

E. Minimum Tree Size:

1. *Deciduous Trees*: All required deciduous trees shall be at least one and three-quarter (1 1/2) inch DBH at the time of planting.

2. *Evergreen Trees*: All required evergreen trees shall be at least five (5) feet in height at the time of planting.

5.46 LA-02: Single-family Residential Lot Planting Landscaping Standards

This Landscaping Standards (LA) section applies to the following zoning districts:

~~ER~~ R1 R2 VR

The following standards shall apply:

A. Quantity Requirements: One (1) deciduous tree per residential lot which may be planted anywhere on the lot.

5.47 LA-03: Multiple-family and Manufactured Home Park Lot Planting Landscaping Standards

This Landscaping Standards (LA) section applies to the following districts:

M1 M2 MP

The following standards shall apply:

A. Quantity Requirements: Two (2) deciduous tree per acre; absolute maximum of five (5). Said tree(s) may be planted anywhere on the lot.

5.48 LA-04: Non-residential Lot Planting Landscaping Standards

This Landscaping Standards (LA) section applies to the following districts:

A4 IS LB GC HC CP I1 I2 HI

The following standards shall apply:

A. Quantity Requirements: One (1) deciduous tree per acre; absolute maximum of three (3). Said tree(s) may be planted anywhere on the lot.

5.49 LA-05: Parking Lot Landscaping Standards

This Landscaping Standards (LA) section applies to the following zoning districts:

M2 IS LB GC HC CP

The following standards shall apply:

A. Parking Lot Perimeter Landscaping: Parking lots shall be screened from streets and adjacent uses using a combination of plant materials, decorative walls, and/or mounds. Parking lots with sixty (60) or more parking spaces shall have the following:

   1. *Trees*: One (1) deciduous tree per fifty (50) lineal feet of parking lot perimeter, then planted between (4) feet and twelve (12) feet from the parking lot edge.

B. Interior Landscaping: Parking lots shall have landscape islands and/or peninsulas. Parking lots with eighty (80) or more parking spaces shall have the following:

   1. *Quantity*: One (1) landscape island shall be provided for every forty (40) spaces. If more than one island is required they each shall be distributed equally throughout the parking lot.
   2. *Size*: Islands shall be at least 180 square feet in area.
   3. *Plant Materials*: Each island shall contain at least one (1) deciduous tree.

5.50 LA-06: Buffer Yard Landscaping Standards

This Landscaping Standards (LA) section applies to the following zoning districts:

~~CO~~ PR ~~A1~~ ~~A2~~ A3 A4 ~~ER~~ R1 R2 VR M1 M2 MP IS LB GC HC CP I1 I2 HI

The following standards shall apply:

A. Applicability: Buffer yard standards shall apply along the front, side, and rear property lines where conflicting zoning districts meet, as indicated on *Table LA-A: Buffer Yards Required*.

B. Arrangement: Plant material shall be installed within the buffer yard such that views between two differing intensity land uses are disrupted. A natural pattern or irregular row of trees is preferred in the buffer yard.

C. Responsibility:

1. *Higher Intensity Use*: The property which is zoned for higher intensity uses at the time of application for an Improvement Location Permit or subdivision approval is responsible for installing the buffer yard as indicated in *Table LA-A: Buffer Yards Required*.

2. *Developed Property*: Any previously developed lot shall not be required to install a buffer yard when any adjacent property is developed.

3. *New Lower Intensity Use*: If a property is being developed adjacent to an existing more intense land use the new lower intense land use shall install at a minimum a Buffer Yard "A" or elect to install a greater buffer. This requirement shall not be required if the higher intense use has a buffer yard or equivalent screening in place.

D. Substitution: The Zoning Administrator may lessen the requirements of the buffer yard standards by twenty percent (20%) due to unique site conditions or features that prevent appropriate and healthful installation of the trees. These site conditions or features may include existing vegetation that exceeds the buffer yard requirements in size and quantity or topography that shields the adjacent property in a more thorough way than the buffer yard requirements.

E. Buffer Yard "A": One (1) canopy tree and one (1) ornamental or evergreen tree shall be planted for every seventy (70) feet of contiguous boundary with the adjacent lot. Each tree shall be planted within twenty (20) feet of the property line, but no closer than five (5) feet to the property line.

F. Buffer Yard "B": One (1) canopy tree and two (2) ornamental or evergreen trees shall be planted for every sixty (60) feet of contiguous boundary with the adjacent lot. Each tree shall be planted within fifteen (15) feet of the property line, but no closer than five (5) feet to the property line.

G. Buffer Yard "C":

1. *Canopy Tree*: One (1) canopy tree shall be planted for every forty-five (45) feet of contiguous boundary with the adjacent lot. Each tree shall be planted within twenty-five (25) feet of the property line; and

2. *Ornamental or Evergreen Tree*: Two (2) ornamental or evergreen trees shall be planted for every fifty (50) feet of contiguous boundary with the adjacent lot. Each tree shall be planted within fifteen (15) feet of the property line.

3. *Substitution*: A six (6) foot tall opaque fence or four (4) foot tall undulating mound may be installed along seventy-five percent (75%) of the contiguous lot in substitution for twenty-five percent (25%) of the canopy trees and fifty percent (50%) of the ornamental or evergreen trees required.

Landscaping Standards (LA)

H. Buffer Yard "D":

1. *Canopy Tree*: One (1) canopy tree shall be planted for every forty (40) feet of contiguous boundary with the adjacent lot. Each tree shall be planted within twenty (20) feet of the property line; and
2. *Ornamental or Evergreen Tree*: Two (2) ornamental or evergreens tree shall be planted for every fifty (50) feet of contiguous boundary with the adjacent lot. Each tree shall be planted within twenty (20) feet of the property line; and
3. *Row of Evergreens*: One (1) evergreen tree shall be planted for every twelve (12) feet of contiguous boundary with the adjacent lot. The evergreen trees shall be planted in an irregular row spaced no closer than nine (9) feet apart or more than fifteen (15) feet apart. The irregular row shall be planted at least twenty-five (25) feet from the property line; and
4. *Fence or Mound*: A minimum six (6) foot tall opaque fence or a minimum five (5) foot tall undulating mound shall be installed roughly parallel to the property line. The fence or undulating mound shall be installed at least twenty-five (25) feet from the property line.

Table LA-A: Buffer Yards Required

Adjacent District	Zoning District of Subject Property																				
	CO	PR	A1	A2	A3	A4	ER	R1	R2	VR	M1	M2	MP	IS	LB	GC	HC	CP	I1	I2	HI
CO	-	-	-	-	A	A		A	A	-	A	B	C	-	B	C	C	C	C	C	D
PR	-	-	-	-	B	C		A	B	-	B	B	C	-	B	C	C	C	C	C	D
A1	-	-	-	-	B	-		A	A	-	A	C	C	-	B	D	C	C	C	C	D
A2	-	-	-	-	B	-		A	B	-	A	B	C	-	C	C	C	C	B	B	D
A3	A	B	B	B	A	B	A	D	D	D	D	D	D	-	D	D	B	D	C	C	D
A4	A	C			B	-	B	C	C	C	C	C	C	-	D	D	B	C	B	B	D
ER		-			A	B		A	B	C	C	D	D	-	C	C	C	C	C	C	D
R1	A	A	A	A	D	C	A	-	A	B	B	C	C	-	C	C	C	C	C	D	D
R2	A	B	B	B	D	C	B	A	-	B	B	C	C	-	C	C	C	C	C	D	D
VR		-			D	C	C	B	B	-	A	B	C	-	C	C	C	C	C	D	D
M1	A	B	A	A	D	C	C	B	B	A	-	B	C	-	C	C	C	C	C	D	D
M2	B	B	C	B	D	C	D	C	C	B	B	A	C	-	C	C	C	C	C	D	D
MP	C	C	C	C	D	C	D	C	C	C	C	C	A	-	C	C	C	C	C	D	D
IS		-			-	-		-	-	-	-	-	-	-	-	-	-	-	C	D	D
LB	B	B	B	C	D	D	C	C	C	C	C	C	C	-	-	-	-	-	B	D	D
GC	C	C	B	C	D	D	C	C	C	C	C	C	C	-	-	-	-	-	B	C	D
HC	C	C	C	C	B	B	C	C	C	C	C	C	C	-	-	-	-	A	B	C	D
CP	C	C	C	C	D	C	C	C	C	C	C	C	C	-	-	-	A	-	B	C	D
I1	C	C	B	B	C	B	C	C	C	C	C	C	C	C	C	B	B	B	-	B	D
I2	C	C	B	B	C	B	C	D	D	D	D	D	D	D	D	C	C	C	B	-	D
HI	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D

5.51 LT-01: Lighting Standards

This Lighting Standards (LT) section applies to the following zoning districts:

CO PR A3 A4 ~~FR~~ R1 R2 VR M1 M2 MP IS LB GC HC CP I1 I2 HI

The following standards shall apply:

A. Cross Reference:

1. *Parking Lot Lighting*: Reference *Section 5.60 through Section 5.63: Parking Standards* for parking lot lighting requirements.
2. *Sign Lighting*: Reference *Section 5.70 through 5.79: Sign Standards* for standards for the internal and external illumination of signs.

B. Measurement Rules: Measurements of light readings shall be taken at any point along the property line of the subject property with a light meter facing the center of the property at any height from zero (0) feet to thirty-five (35) feet above the ground.

C. Types:

1. *Permitted*:
   a. Site Lighting: Pole, wall or ground mounted fixtures shall be cutoff fixtures.
   b. Facade Highlighting: Modest intensity up-lighting of structure facades and landscaping from ground-mounted fixtures shall be permitted.
2. *Prohibited*: Non-cutoff fixtures.
3. *Exemptions*: Sport field and sport court lights shall strive to prevent excessive glare and light tresspass, shall not exceed 100 feet in height, and shall be shut-off by 10:00 PM Sunday through Thursday and 11:00 PM Friday through Saturday.

D. Glare: Light fixtures shall be shielded to prevent visual disability when driving along a street. Primarily, the lighting element (i.e. the bulb) is the portion of the light that is necessary to be shielded from normal lines of sight. The Zoning Administrator shall make the final determination if further shielding, light fixture location, or light fixture selection changes are required to prevent visual disability to drivers.

E. Light Trespass: The maximum allowable light at a property line is five (5) lux, with the following exceptions:

1. *Commercial Zoning Districts*: When the subject property is located within a commercial zoning district and the adjacent property is a commercial or industrial zoning district, then the allowable light at the property line is twenty (20) lux, but only along the sides of the property that are adjacent to those specified zoning districts. However, no light shall cross an adjacent commercial or industrial property and reach a property line with a non-commercial or non-industrial district with greater than five (5) lux.
2. *Industrial Zoning Districts*: When the subject property is located within an industrial zoning district and the adjacent property is an industrial zoning district, then the allowable light at the property line is thirty (30) lux, but only along the sides of the property that are adjacent to that specific zoning district. However, no light shall cross an adjacent industrial property and reach a property line with a non-commercial or non-industrial district with greater than five (5) lux.

Loading Standards (LD)

5.52 LD-01: Loading Standards

This Loading Standards (LD) section applies to the following zoning districts:

I1 I2 HI

The following standards shall apply:

A. Design:

1. *Location*:

   a. For new construction, loading berths shall not be located on the front of the building. Loading berths shall not face an interstate unless obscured with masonry walls or landscaping.

   b. When retrofitting an existing building, the installation of new loading berths shall only be permitted on the least conspicuous facade or on the same facade loading berths already exist.

   c. Loading berths shall have adequate area for trucks to maneuver in and out of the facility. Trucks shall not block public right-of-way or private streets, aisles, or other internal circulation when maneuvering into or docked at loading berths

2. *Surface*: Loading berths shall be paved with asphalt or concrete.

B. Screening: Loading berths shall be screened by solid masonry walls and/or landscape buffers if not located in an inconspicuous location.

C. Drainage: Loading berths shall be constructed to allow proper drainage.

5.53 LO-01: Lot Standards

This Lot Standards (LO) section applies to the following zoning districts:

CO PR A1 A2 A3 A4 ~~BR~~ R1 R2 VR M1 M2 MP IS LB GC HC CP I1 I2 HI

The following standards shall apply:

A. Applicability: If a lot standard listed in Section 5.54(B) does not appear on the two-page layout for a specific zoning district, then that standard does not apply to that particular zoning district.

B. Lot Standards:

1. *Minimum Dwelling Site Area*: The minimum dwelling site area shall be per each two-page layout in *Article 2: Zoning Districts*.
2. *Minimum Dwelling Site Width*: The minimum dwelling site width shall be per each two-page layout in *Article 2: Zoning Districts*.
3. *Minimum Lot Area*: The minimum lot area shall be per each two-page layout in *Article 2: Zoning Districts*.
4. *Maximum Lot Area*: The maximum lot area shall be per each two-page layout in *Article 2: Zoning Districts*.
5. *Minimum Lot Width*: The minimum lot width shall be per each two-page layout in *Article 2: Zoning Districts*.

C. Measurement: The minimum lot width shall be measured at the established setback for lots with a primary structure, or for lots with a primary structure under review for approval; and the lot width for undeveloped lots, the lot width shall be measured at the minimum setback line.

D. Minimum Lot Frontage: The minimum lot frontage shall be seventy-five percent (75%) of the required minimum lot width except for cul-de-sacs which are described below.

1. *Cul-de-sac Lots*: Lots established around a cul-de-sac bulb shall be required to be at least one-half (½) the required minimum lot width. However, under no circumstances shall the lot frontage be less than twenty-five (25) feet in residential districts or thirty-five (35) feet in all other districts.

Manufactured Home Park Standards (MH)

5.54 MH-01: Manufactured Home Park Standards

This Manufactured Home Park Standards (MH) section applies to the following district:

MP

The following standards shall apply:

A. Intent: This section is designed to promote quality and safe manufactured home park developments.

B. Permits: An Improvement Location Permit shall be required for each dwelling unit prior to installation on a dwelling site, and for all other primary or accessory structures on the lot or dwelling sites.

C. Placement:

1. *Dwelling Sites*
   a. Each dwelling site shall have a separate concrete pad, concrete foundation, or cinder block foundation for mobile home dwellings; or concrete or cinder block foundation for modular homes.
   b. Each dwelling site shall have separate utilities.
   c. Each dwelling site with three (3) or more dwelling sites shall have direct access onto a paved internal street.
   d. No more than one (1) dwelling unit shall be placed on a dwelling site.
2. *Dwelling Units Placed on a Dwelling Site*
   a. Each dwelling unit shall be tied down, and shall have a permanent perimeter enclosure or permanent foundation.
   b. Each dwelling unit shall be considered a separate residence for all purposes such as taxing, assessing of improvements, garbage pickup, and public utilities.
   c. Dwelling units shall not be covered with a secondary roof.

D. Storm Shelter and Warning Signal: Any development with forty (40) or more dwelling sites shall install a storm shelter within 500 feet proximity to each dwelling site.

5.55 OS-01: General Outdoor Storage Standards

This Outdoor Storage Standards (OS) section applies to the following zoning districts:

CO PR A3 A4 ~~FR~~ R1 R2 VR M1 M2 MP IS LB GC HC CP I1 I2 HI A1 A2

The following standards shall apply:

A. Prohibited: The outdoor storage of equipment, machinery, building materials, waste or scrap materials, pallets, inoperable vehicles, and similar materials shall be prohibited.

B. Stored or Parked Vehicles: Vehicles shall not encroach into a right-of-way or block or impede an aisle, internal sidewalk, or private street.

C. Inoperable Vehicles: The storage or parking of inoperable vehicles is subject to the following requirements:

1. *Quantity*: No more than one (1) inoperable vehicle shall be stored or parked outdoors on a lot at any one time.
2. *Location*:
   a. An inoperable vehicle may be stored in the driveway, side yard, or rear yard, but shall not be parked elsewhere in the front yard. Also, the inoperable vehicle shall be parked where it meets the setbacks required for a primary structure.
   b. Any inoperable vehicle not parked on a driveway shall either be parked inside or shall be in an enclosed area with a minimum six (6) foot tall privacy fence.
   c. An inoperable vehicle shall not be parked on the street.

5.56 OS-02: Trash Storage Standards

This Outdoor Storage Standards (OS) section applies to the following zoning districts:

A4 M2 MP IS LB GC HC CP I1 I2 HI

The following standards shall apply:

A. Prohibited: Uncontained collection of trash and debris shall be prohibited.

B. Trash Containers and Enclosures: All outdoor trash shall be contained within trash receptacles, dumpsters, compactors, and similar containers, and shall meet the following standards.

1. *Enclosure Standards*:
   a. Trash receptacles, dumpsters, compactors, and similar containers shall be maintained indoors or outdoors on a paved surface.
   b. Dumpsters, compactors, and similar containers shall be enclosed on all sides by a fence or wall constructed with brick, stone, aesthetic masonry, or similar exterior building materials as the primary structure. Gates shall be constructed from wood and/or metal and be opaque.
   c. The enclosure shall be a minimum of six (6) feet or tall enough to hide all materials within the enclosure, whichever is taller.
   d. All trash receptacles used for curb-side pickup are exempt from these standards.
2. *Enclosure Setback*: Container enclosures shall be considered an accessory structure and shall meet the setback requirements and placement requirements of accessory structures in the zoning district they are located.

5.57 OS-03: Recreational Vehicle Outdoor Storage Standards

This Outdoor Storage Standards (OS) section applies to the following zoning districts:

A1 A2 A3 ~~ER~~ R1 R2 VR M1 M2 MP

The following standards shall apply:

A. Storage or Parking: The storage or parking of recreational vehicles is subject to the following requirements:

1. *Quantity*: No more than two (2) recreational vehicle shall be stored or parked outdoors on a lot at any one time.
2. *Location*:
   a. A recreational vehicle may be stored in the driveway, side yard, or rear yard, but shall not be parked elsewhere in the front yard. Also, the recreational vehicle shall be parked where it meets the setbacks required for a primary structure.
   b. A recreational vehicle shall not be parked on the street.
3. *Use*: Parked or stored vehicles shall not be occupied or used regularly for living, or sleeping.

5.58 OS-04: Merchandising Outdoor Storage Standards

This Outdoor Storage Standards (OS) section applies to the following zoning district:

GC

The following standards shall apply:

A. Outdoor Display of Merchandise: The outdoor display and storage of products for sale or rent, and parking of vehicles for sale shall be permitted, provided that all vehicles are parked on either asphalt, concrete or on a special display approved by the Zoning Administrator; or enclosed within a structure. Parking cars in the right-of-way, within the setback for a parking lot, or on grass or gravel shall not be permitted.

5.59 OS-05: Industrial and High Impact Outdoor Storage Standards

This Outdoor Storage Standards (OS) section applies to the following zoning districts:

I1 I2 HI

The following standards shall apply:

A. Industrial Outdoor Storage: When adjacent to a public street, outdoor storage of vehicles, equipment, product, supplies, materials, waste or scrap, pallets, and the like shall be effectively screened on all sides with a minimum six (6) foot tall privacy or security fence, at least ten (10) feet from the property line. The ten (10) foot area immediately outside the fence shall be landscaped with trees (1 per 50 lineal feet of fence) and shrubs (1 per 30 lineal feet of fence). If a utility easement exists along the property line, the fence and landscaping shall be shifted toward the interior of the property and be installed the same way, but using the easement boundary as if it were the property line.

5.60 PK-01: General Parking Standards

This Parking Standards (PK) section applies to the following zoning districts:

CO PR A1 A2 A3 A4 ~~ER~~ R1 R2 VR M1 M2 MP IS LB GC HC CP I1 I2 HI

The following standards shall apply:

A. Surface: Parking of vehicles shall not be permitted on lawns or other pervious-surfaced areas of a lot.

B. Expansion: Existing gravel parking lots may be expanded one (1) time by up to ten percent (10%) of its existing size and shall require an Improvement Location Permit. Expanding by more than ten percent (10%) or any second expansion shall require the entire parking lot (not including permitted outdoor storage or display areas) to be paved.

C. Dimensions: Parking spaces shall be a minimum of nine (9) feet wide and eighteen (18) feet in length.

D. Right-of-way: Parking spaces and parking lots shall not be located within a public or private right-of-way or access easement and shall be designed to prevent vehicles from maneuvering in the right-of-ways.

E. Display: Parking spaces shall not be used for display or storage of merchandise.

F. Parking for the Disabled:
   1. *Applicable Codes*: Accessible parking spaces shall be provided per 28 CFR Part 36 (as revised) ADA Standards for Accessible Design.

5.61 PK-02: Single-family Residential Parking Standards

This Parking Standards (PK) section applies to the following zoning districts:

A1 A2 A3 ~~ER~~ R1 R2 VR

The following standards shall apply:

A. Minimum Number: A minimum of two (2) off-street parking spaces shall be required per dwelling unit, including accessory dwelling units, when permitted.

B. Location:
   1. *Same Lot*: The parking spaces required shall be located on the same lot as the dwelling unit.
   2. *Garages*: The parking spaces shall not include spaces within car ports or garages.

5.62 PK-03: Multiple-family Residential and Manufactured Home Park Parking Standards

This Parking Standards (PK) section applies to the following zoning districts:

M1 M2 MP

The following standards shall apply:

A. Minimum Number: A minimum of two (2) off-street parking spaces shall be required per dwelling unit.

B. Location: Required parking spaces shall be located on each dwelling site in a manufacttured home park. Required parking spaces shall be located within 200 feet of each dwelling unit within an multiple-family residential development.

C. Visitor Parking:
   1. *Quantity*: A minimum of one (1) off-street space per three (3) units is required for visitor parking and shall be spread evenly throughout the development.
   2. *Garages*: Visitor parking spaces may not include spaces in car ports or garages.

D. Surface: Required parking areas shall be paved. Existing gravel parking lots may be expanded one (1) time by up to ten percent (10%) of its existing size and shall require an Improvement Location Permit. Expanding by more than ten percent (10%) or any second expansion shall require the entire parking lot (not including permitted outdoor storage or display areas) to be paved.

5.63 PK-04: Non-residential Parking Standards

This Parking Standards (PK) section applies to the following zoning districts:

A4 IS LB GC HC CP I1 I2 HI

The following standards shall apply:

A. Parking Lot Standards:

1. *Setbacks*:
   a. Front, Side, and Rear: Parking lots may project into the front, side, and rear yard setback by fifty percent (50%) of the minimum front, side, or rear yard setback.
   b. Entrance and exit drives may be located within the setback area.
2. *Parking Aisle Widths*: Minimum parking aisle widths shall be as follows:
   a. Ninety-degree (90º) angle space: Twenty-four (24) feet wide parking aisle for one- or two-way traffic.
   b. Sixty-degree (60º) angle space: Eighteen (18) feet wide parking aisle for one-way traffic.
   c. Forty-five-degree (45º) angle space: Fourteen (14) feet wide parking aisle for one-way traffic.
3. *Parking Aisle Exits*: All parking aisles shall have an outlet or turn around. Dead-end parking aisles shall not be permitted.
4. *Driving Lanes*: Driving lanes in parking lots that provide access to parking aisles shall be clearly striped or be curbed.
5. *Drainage*: Parking lots shall be constructed to allow proper drainage.
6. *Connectivity*:
   a. Where a parking lot abuts one (1) or more lots zoned for commercial use (including Planned Development zoning districts that allow commercial development), parking spaces, parking aisles, and driving lanes shall be laid out in a manner that will allow for the connection of the parking lots on the adjoining lots. The Zoning Administrator may waive this requirement when not significantly feasible.
   b. Cross-access Easements:
      i. Where parking lots connect or are laid out to be connected, a cross-access easement shall be established in accordance with the requirements of *Article 7: Design Standards*.
      ii. Cross-access easements shall not be less than twenty (20) feet nor exceed thirty (30) feet in width.
7. *Shared Parking Areas*: A group of adjoining properties may provide a shared parking lot if the following standards are met:
   a. The parking lot provides a minimum of seventy-five percent (75%) of the required spaces for each use.
   b. The Zoning Administrator approves the shared parking lot.
   c. All structures or uses utilizing the shared parking lot shall be located within 300 feet of the parking lot.
8. *Cart Corrals*: Cart corrals are required for all commercial uses with more than 20,000 square feet of floor area that provide shopping carts to customers. The cart corrals shall be made of durable, permanent materials and be permanently affixed to the surface of the parking lot. The cart corrals shall be kept in good condition and repair at all times. A single cart corral shall not exceed ten (10) feet in width by thirty-six (36) feet in length.
9. *Minimum Number of Vehicle Spaces*:
   a. Off-street parking shall be required for all uses as shown in Table PK-A: Minimum Number Of Parking Spaces Per Use. The numbers do not guarantee the quantity needed per use, only minimums are expressed.
   b. If a structure combines two (2) or more uses, the parking requirement is figured by taking seventy-five percent (75%) of the sum of the minimum number of spaces allowed for each use.
   c. If a use is not clearly noted in Table PK-A, the Zoning Administrator shall determine into which land use the proposed development best fits, therefore determining the minimum number of parking spaces required.
10. *Maximum Number of Vehicle Spaces*: Uses are prohibited from providing more than one hundred twenty percent (120%) of required spaces unless more spaces are approved by the Zoning Administrator.

11. *Reduced Parking Lot Area Standards*: A parking lot may be built with fewer spaces than the required minimum of vehicular spaces identified in Table PK-A if the following standards are met.
    a. Adequate and appropriate space shall be land-banked such that the full number of parking spaces required in Table PK-A can be built on-site at a later date, should the need arise.
    b. The property owner shall record a site plan that clearly denotes the land-banked area, and that identifies the area as a "no-build area". The no-build area shall only allow landscaping material and shall restrict any septic system, structure, foundation, change in topography, or any other permanent or temporary structure or alteration that would make it cost prohibitive or difficult to develop parking on that area in the future.
    c. A design for a parking lot that accommodates all the required parking spaces and that abides by the on-site drainage standards shall be submitted for review. The reduced parking lot shall be a portion of the full parking lot. The full and partial parking lot designs shall be concurrency subjected to the same review process necessary to meet the applicable requirements of the Unified Development Ordinance. If both designs are approved, the smaller parking lot design may be constructed and the full parking lot design shall be recorded.
    d. Under no circumstances may the smaller parking lot design accommodate less than forty percent (40%) of the required parking spaces in Table PK-A.
12. *Bicycle Parking Areas*:
    a. Bicycle parking areas shall be provided to sites that have access to bike paths or trails.
    b. The bicycle parking areas shall be located within sixty (60) feet of the main entryway into the primary structure or be located inside the primary structure.
    c. A bicycle rack shall be installed in the bicycle parking area to secure the bicycles.

B. Stacking Lanes: The following uses shall provide adequate stacking lane space to accommodate the number of vehicles specified as follows:
1. *Bank machine/ATM*: 2
2. *Bank/credit union*: 4
3. *Church, Temple, or Mosque*: 10
4. *Day care*: 6
5. *Dry cleaner*: 3
6. *Pick-up windows on any unlisted use*: 5
7. *Restaurant with drive-up window*: 7
8. *School (P-12)*: 10

Parking Standards (PK)

Table PK-A: Minimum Number Of Parking Spaces Per Use

Land Use	Parking Types	
	Employee/Tenant Parking	Visitor/Client/Customer Parking
Commercial Uses		
animal grooming	1 space per employee on the largest shift	1 space per 400 sq. ft. of GFA
auction, indoor	1 space per employee on the largest shift	1 space per 2 seats or 2 per 100 sq. ft. of GFA, whichever is greater
automobile accessory installation	1 space per employee on the largest shift	2 spaces per bay
automobile body shop	1 space per employee on the largest shift	2 spaces per bay
automobile oil change facility	1 space per employee on the largest shift	2 spaces per bay
automobile rental	2 spaces per employee on the largest shift	-
automobile repair/service station	1 space per employee on the largest shift	2 spaces per bay
automobile wash	1 space per employee on the largest shift	2 spaces per bay (full or self-service)
bank	-	1 space per 250 sq. ft. of GFA
bank machine/atm, drive-up	-	-
bank machine/atm, walk-up	-	1 spaces per ATM
bar/tavern	-	1 space per 2 persons of maximum capacity
barber or beauty shop	-	3 spaces per chair
campground (primitive)	-	1 per designated campsite
campground (serviced)	-	1.2 per designated campsite
club or lodge	-	1 space per 3 persons of maximum capacity
coffee shop	-	1 space per 2 seats
coin laundry	-	1 space per 3 washing machines
computer service	1 space per employee on the largest shift	1 space per 400 sq. ft. of GFA
counseling center	1 space per employee on the largest shift	1 space per 200 sq. ft. of GFA , a minimum of 4 spaces
country club	-	1 space per 3 persons of maximum seating capacity
crematory	1 space per employee on the largest shift	5 visitor spaces
day care	-	1 space per 4 persons of licensed capacity
delicatessen	-	1 space per 2 seats
donation collection point	1 space per employee on the largest shift	5 visitor spaces
driving range	-	2 spaces per 3 tee boxes
express shipping center	1 space per employee on the largest shift	1 space per 300 sq. ft. of GFA
farmers market	-	1 space per 200 sq. ft. GFA
funeral home	-	1 space per 4 chapel or parlor seats
gas station	1 space per employee on the largest shift	3 spaces per double-sided pump for refueling and staging; and 1 space per 3 restaurant seats; and 1 space per 200 gross sq. ft. of convenience store space
golf course	-	20 spaces per 9 holes
hotel or motel	1 space per employee on the largest shift	1 space per unit
ice cream shop	-	1 space per 3 seats
kennel	-	1 space per 10 pet accommodation spaces
medical clinic	-	4 spaces per treatment room
office, general	-	1 space per 300 sq. ft. of GFA
office, general (upper floors only)	-	1 space per 300 sq. ft. of GFA
office, medical	-	4 spaces per treatment room
paintball facility	-	1 space per 3 person of maximum capacity
physical fitness facility		1 space per 250 sq. ft. of GFA
plant nursery, retail	-	1 space per 1,000 sq. ft. of floor area accessible to the public; and 1 space per 2,000 sq. ft. of outdoor display area
printer, commercial	1 space per employee on the largest shift	1 space per 600 sq. ft. of GFA
recreation center (indoor)	-	1 space per 500 sq. ft. of GFA or 20 spaces per sport field, whichever is less
recreation center (outdoor)	-	0 spaces per sport field, whichever is less
recreation vehicle park	-	1.5 spaces per recreation vehicle site
restaurant	1 space for each employee of largest shift	1 per 3 seats
restaurant with drive-up window	-	1 space per 2 seats
seamstress/tailor	-	1 space per 300 sq. ft. of GFA
self-storage warehouse	1 space per employee on the largest shift	1 space per 100 individual storage spaces
shooting range (indoor)	-	1 space per station
shooting range (outdoor)	-	2 spaces per target
skate park, commercial	-	1 space per 500 sq. ft. of skating surface
software development	1 space per employee on the largest shift	-
sports field (indoor)	1 space per employee on the largest shift	20 spaces per field or court

Parking Standards (PK)

Land Use	Parking Types	
	Employee/Tenant Parking	Visitor/Client/Customer Parking
Commercial Uses		
sports field (outdoor)	1 space per employee on the largest shift	20 spaces per field or court
studio arts	-	1 space per 3 persons of maximum capacity
tool/equipment rental (indoor)	1 space per employee on the largest shift	1 space per 500 sq. ft. of indoor showroom space
tool/equipment rental (outdoor)	1 space per employee on the largest shift	1 space per 500 sq. ft. of indoor showroom space; 1 space per 20 outdoor units (vehicles) displayed
trade or business school	1 space per teacher, staff, administrator	1 space per 3 students
travel agency	-	4 spaces per 1,000 sq. ft. of GFA
truck stop	1 space per employee on the largest shift	1 space per truck normally parked on the premises; and 1 space per 3 patrons at maximum capacity
veterinary clinic	1 space per employee on the largest shift	3 additional space per doctor on the largest shift
water park	1 space per employee on the largest shift	1 space per 3 persons of maximum capacity
winery	1 space per employee on the largest shift	1 space per 300 sq. ft. of floor area accessible to the public

Land Use	Parking Types	
	Employee/Tenant Parking	Visitor/Client/Customer Parking
Institutional Uses		
airport, public	1 space per employee on the largest shift	1 space per average daily operations
cemetery or mausoleum	-	1 space per 50 grave sites
child care institution	1 space per employee on the largest shift	1 space per 3 persons client capacity
community center	-	1 space per 3 persons of maximum capacity
fairground	-	-
fire, police, or rescue station	1 space per employee on the largest shift	-
government office	-	1 space per 500 gross sq. ft. or 1 per 2 seats in the largest assembly space capacity, whichever results in the largest number
government operations facility	1 space per employee on the largest shift	1 space per 600 square feet
heliport, public	-	1 space per average daily operations
hospice facility	1 space per employee on the largest shift	3 spaces per hospice suite
hospital	-	2 spaces per 1 bed
jail	1 space per employee on the largest shift	1 visitor space per 8 cells
juvenile detention facility	1 space per employee on the largest shift	1 visitor space per 8 cells
library	-	1 space per 3 persons of maximum capacity
museum	-	1 space per 2.5 persons of maximum capacity
nature center	-	1 space per 3 persons of maximum capacity
nature preserve	-	2 spaces
park, public	-	1 space per acre; 20 spaces per sport court or field; and 1 space per 75 sq. ft. of water surface of pools
place of worship	-	3 spaces per 7 seats
post office	1 space per employee on the largest shift	1 space per 150 sq. ft. accessible to the public
prison	1 space per employee on the largest shift	1 visitor space per 15 cells
recycling collection point	1 space per employee on the largest shift	1 space per collection bin
rehabilitation clinic, medical	1 space per employee on the largest shift	4 spaces per treatment room or doctor
school (P-12), private	1 space per teacher, staff, administrator	3 spaces per elementary or junior high classroom; 1 space per 10 high school student capacity; and 1 space per 4 seats in the largest assembly space in the school (based on occupancy)
school (P-12), public	1 space per teacher, staff, administrator	3 spaces per elementary or junior high classroom; 1 space per 10 high school student capacity; and 1 space per 4 seats in the largest assembly space in the school (based on occupancy)
sewage treatment facility, public	1 space per employee on the largest shift	1 visitor space per 10 employees
sports stadium	-	4 spaces per seat
transit station	-	8 spaces per bus bay
university or college	1 space per teacher, staff, administrator	1 space per 3 students
water tower	1 space per facility	-
water treatment facility, public	1 space per employee on the largest shift	1 visitor space per 10 employees
wellhead, public	-	2 spaces
wildlife preserve	-	5 spaces

Parking Standards (PK)

Land Use	Parking Types	
	Employee/Tenant Parking	Visitor/Client/Customer Parking
Industrial Uses		
asphalt plant	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
assembly	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
bio-diesel production	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
bio-fuels production	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
bottling/canning	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
broadcast facility	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
chemical manufacturing	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
composting facility	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
concrete plant	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
construction materials landfill	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
distribution facility	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
electrical generation plant	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
farm equipment repair	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
food processing	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
freight terminal	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
heavy equipment repair	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
incinerator	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
junk yard	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
liquid fertilizer distribution	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
manufacturing, heavy	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
manufacturing, light	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
materials recycling (type 1)	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
materials recycling (type 2)	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
materials recycling (type 3)	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
mining, rock or sand	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
outdoor storage	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
petroleum processing	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
printer, industrial	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
recycling processing	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
rendering plant	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
research center, general	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
research center, medical	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
rock crushing	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
sanitary landfill/refuse dump	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
scrap metal yard	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
sewage treatment facility, private	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
sign fabrication	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
storage tanks (hazardous)	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
storage tanks (non-hazardous)	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
~~telecommunication~~ wireless facility	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
testing lab, electronic	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
testing lab, materials	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
tool and die shop	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
transfer station	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
warehouse	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
water treatment facility, private	1 space per employee on the largest shift	1 visitor space per 15 employees
welding service	1 space per employee on the largest shift	1 visitor space per 5 employees
wholesale produce terminal	1 space per employee on the largest shift	1 visitor space per 5 employees

Land Use	Parking Types	
	Employee/Tenant Parking	Visitor/Client/Customer Parking
Residential Uses		
dwelling, upper floor (1 unit)	1 space per dwelling unit	-
fair housing facility (large)	as per single-family standard	1 space per 4 persons of client capacity
nursing home	1 space per employee on the largest shift	1 space per 3 rooms

Parking Standards (PK)

Land Use	Parking Types	
	Employee/Tenant Parking	Visitor/Client/Customer Parking
Retail Uses		
agriculture supply store	1 space per employee on the largest shift	1 space per 300 sq. ft. of GFA
antique shop	-	1 space per 300 sq. ft. of GFA
apparel shop	-	1 space per 300 sq. ft. of GFA
art and craft supplies	-	1 space per 300 sq. ft. of GFA
art and craft gallery	-	1 space per 300 sq. ft. of GFA.
automobile parts sales	-	1 space per 300 sq. ft. GFA
automobile sales	1 space per employee on the largest shift	1 space per 500 sq. ft. of indoor showroom space; 1 space per 20 outdoor units (vehicles) displayed
bakery	-	1 space per 300 sq. ft. of GFA
boat sales	1 space per employee on the largest shift	1 space per 500 sq. ft. of indoor showroom space; 1 space per 20 outdoor units (vehicles) displayed
book store	-	1 space per 300 sq. ft. of GFA
boutique	-	1 space per 300 sq. ft. of GFA
building supply store (large)	-	1 space per 500 sq. ft of GFA
building supply store (small)	-	1 space per 300 sq. ft. of GFA
construction vehicle sales	1 space per employee on the largest shift	1 space per 500 sq. ft. of indoor showroom space; 1 space per 20 outdoor units (vehicles) displayed
convenience store	-	1 space per 300 sq. ft. of GFA
craft gallery	-	1 space per 300 sq. ft. of GFA
department store (large)	-	1 space per 500 sq. ft of GFA
department store (small)	-	1 space per 300 sq. ft. of GFA
drug store	-	1 space per 300 sq. ft. of GFA
fabric shop	-	1 space per 300 sq. ft. of GFA
farm equipment sales	1 space per employee on the largest shift	1 space per 500 sq. ft. of indoor showroom space; 1 space per 20 outdoor units (equipment) displayed
farm implement sales and service	1 space per employee on the largest shift	1 space per 500 sq. ft. of indoor showroom space; 1 space per 20 outdoor units (equipment) displayed
fireworks sales	-	1 space per 300 sq. ft. of GFA
flower shop	-	1 space per 300 sq. ft. of GFA
furniture store (large)	-	1 space per 500 sq. ft of GFA
furniture store (small)	-	1 space per 300 sq. ft. of GFA
garden shop	-	1 space per 300 sq. ft. of GFA
gift shop	-	1 space per 300 sq. ft. of GFA
grocery/supermarket (large)	-	1 space per 500 sq. ft of GFA
grocery/supermarket (small)	-	1 space per 300 sq. ft. of GFA
gun sales	-	1 space per 300 sq. ft. of GFA
home electronics/appliance (large)	-	1 space per 500 sq. ft of GFA
home electronics/appliance (small)	-	1 space per 300 sq. ft. of GFA
hunting store	-	1 space per 300 sq. ft. of GFA
jewelry store	-	1 space per 300 sq. ft. of GFA
liquor sales	-	1 space per 300 sq. ft. of GFA
manufactured home sales	1 space per employee on the largest shift	1 space per 1,000 sq. ft. of indoor showroom space; 1 space per 20 outdoor units (homes) displayed
meat market	-	1 space per 300 sq. ft. of GFA
music/media shop	-	1 space per 300 sq. ft. of GFA
news dealer	-	1 space per 300 sq. ft. of GFA
office supply store (large)	-	1 space per 500 sq. ft of GFA
office supply store (small)	-	1 space per 300 sq. ft. of GFA
party/event store (large)	-	1 space per 500 sq. ft of GFA
party/event store (small)	-	1 space per 300 sq. ft. of GFA
pro shop	-	1 space per 300 sq. ft. of GFA
semi tractor-trailer sales	1 space per employee on the largest shift	1 space per 500 sq. ft. of indoor showroom space; 1 space per 20 outdoor units (vehicles) displayed
sexually oriented retail	-	1 space per 300 sq. ft. of GFA
shoe store	-	1 space per 300 sq. ft. of GFA
sporting good store (large)	-	1 space per 500 sq. ft of GFA
sporting goods (small)	-	1 space per 300 sq. ft. of GFA
superstore	-	1 space per 500 sq. ft of GFA
tool/equipment sales	1 space per employee on the largest shift	1 space per 500 sq. ft. of indoor showroom space; 1 space per 20 outdoor units (vehicles) displayed
variety store (large)	-	1 space per 500 sq. ft of GFA
watercraft sales	1 space per employee on the largest shift	1 space per 500 sq. ft. of GFA; 1 space per 20 outdoor units (vehicles) displayed
winery	1 space per employee on the largest shift	1 space per 300 sq. ft. of GFA

5.64 PF-01: Performance Standards

This Performance Standards (PF) section applies to the following zoning districts:

CO PR A1 A2 A3 A4 ~~ER~~ R1 R2 VR M1 M2 MP IS LB GC HC CP I1 I2 HI

The following standards shall apply:

A. Obnoxious Characteristics: No use shall exhibit obnoxious characteristics to the extent that it constitutes a public nuisance. No use in existence on the effective date of this Unified Development Ordinance shall be so altered or modified to conflict with these standards.

B. Fire Protection: Fire fighting equipment and prevention measures acceptable to the Fire Department and any federal, State, County, City, and/or local authorities that may also have jurisdiction shall be readily available and apparent when any activity involving the handling or storage of flammable or explosive materials is conducted.

C. Electrical Disturbance: No use shall cause electrical disturbance adversely affecting radio, television, or other equipment in the vicinity.

D. Noise: No use shall produce noise in such a manner as to be objectionable because of volume, frequency, intermittence, beat, shrillness, or vibration. Said noise shall be muffled or otherwise controlled so as not to become detrimental. However, public safety sirens and related apparatus used solely for public purposes shall be exempt from this standard. This provision does not apply to A1, A2, A3 or A4 zoning districts.

E. Vibration: No use shall cause vibrations or concussions detectable beyond the lot lines without the aid of instruments.

F. Odor: No use shall emit across the lot lines malodorous gas or matter in such quantity as to be detectable at any point along the lot lines. This provision does not apply to A1, A2, A3 or A4 zoning districts.

G. Air Pollution: No use shall discharge across the lot lines fly ash, dust, smoke, vapors, noxious, toxic or corrosive matter, or other air pollutants in such concentration as to be detrimental to health, animals, vegetation, or property, or conflict with public air quality standards. Outdoor furnaces, corn burners, and the like are not permitted. This provision does not apply to A1, A2, A3 or A4 zoning districts.

H. Heat and Glare: No use shall produce heat or glare in such a manner as to be a nuisance or create a hazard perceptible from any point beyond the lot lines.

I. Water and Solid Waste Pollution:

1. *Production*: No use shall produce erosion or pollutants in such quantity as to be detrimental to adjacent properties or conflict with public water quality standards.
2. *Discharge*: No authorization of a use under this Unified Development Ordinance includes the authority to discharge liquid or solid wastes into public waters except as permitted under the Stream Pollution Control Law (Acts 1943, Chapter 214, as amended). Plans and specifications for proposed sewage and other waste treatment and disposal facilities shall be approved by any federal, State, County, City, and/or local authorities that may also have jurisdiction.
3. *Limitations*: No use shall accumulate within the lot or discharge beyond the lot lines any waste matter, whether liquid or solid, in conflict with applicable public health, safety, and welfare standards and regulations.

5.65 PN-01: Pond Standards

This Pond Standards (PN) section applies to the following zoning districts:

CO PR A1 A2 A3 A4 ~~ER~~ R1 R2 VR M1 M2 MP IS LB GC HC CP I1 I2 HI

The following pond standards apply:

A. Applicability: Any man-made pond or water body not regulated as a retention or detention pond shall conform to the standards in this section, except if the pond is less than 200 square feet in surface area.

B. ~~Permits: An Improvement Location Permit is required for any man-made ponds or water bodies not regulated as a retention or detention pond, and that is greater than 10,000 square feet in surface area.~~

C. General Location: It is encouraged to locate a pond where drainage tiles or swales will not have to be cut, modified or relocated. However, in the event a pond is located such that it interferes with drainage tiles or swales, those tiles or swales shall be rerouted or repaired if damaged or affected by the construction of the pond.

D. Setbacks: ~~Th~~ 1. The top of bank for all ponds shall be at least forty (40) feet from all property lines, rights-of-way, septic tanks and drainfields, and drinking water wells. ks

E. Pond Safety: 2. The top of bank for all ponds shall be at least two hundred (200) feet from any adjacent agricultural ng

1. *Maximum Side Slope*: The side slope from the pre-existing average natural elevation of the property to the water's edge shall not exceed a 4:1 ratio (four feet of run with one foot of fall). This maximum slope shall also apply to the side slope to two (2) feet below the average water mark.
2. *Safety Shelf*: The depth of the pond shall not exceed two (2) feet below the average water mark anywhere within ten (10) feet of the pond edge.

F. Maximum Outflow Rate: When outflow from a pond directly or indirectly is into a regulated drain, or into a tile or swale that directly discharges to a regulated drain, then the Jasper County Drainage Board shall determine the maximum outflow rate.

G. Outlets: All outlets shall include trash racks and anti-vortex devices. All pipe joints are to be watertight and installed according to the Jasper County Drainage Board.

H. Discharge:

1. *Adequate Discharge*: When outflow from a pond directly or indirectly is into a regulated drain, or into a tile or swale that directly discharges to a regulated drain, the Jasper County Drainage Board shall determine if an adequate facility (e.g. tile or natural drain) exists, or will determine where and how the discharge will be directed. If an adequate facility does not exist, the Jasper County Drainage Board can deny the pond.
2. *Off-site Discharge*: Water discharge shall not flow onto or across a neighboring property, unless a drainage easement is established by all property owners; or unless said drainage already existed prior to building the pond as long as the volume and velocity of the water does not increase.

I. Berms: Berms adjacent to a pond shall not exceed ten (10) feet in height or 15% slope. The base of the berm, as well as any improvements (including fill or cut slopes) associated with the pond, shall be setback at least forty (40) feet from all property lines and rights-of-way.

B. Permits and Approvals:
1. Improvement Location Permit: An Improvement Location Permit is required for any man-made ponds or water bodies not regulated as a retention or detention pond, and that is greater than 10,000 square feet in surface area.
2. Drainage Board Approval: Drainage Board approval is required for any man-made ponds or water bodies not regulated as a retention or detention pond, and that is greater than 10,000 square feet in surface area.
3. Rule 5 Permit: Any project site owner engaged in construction-related activities (any man-made change of the land surface, including removing vegetative cover that exposes the underlying soil, excavating, filling, transporting, and grading) that disturbs one (1) or more acres of land may be required to obtain a "Rule 5" storm water run-off permit under 327 IAC 15-5 from the IDEM Office of Water Quality.

5.66 PI-01: Public Improvement Standards

This Public Improvement Standards (PI) section applies to the following zoning districts:

CO PR A1 A2 A3 A4 ~~ER~~ R1 R2 VR M1 M2 MP IS LB GC HC CP I1 I2 HI

The following standards shall apply:

A. Applicability: The below standard applies to all development, except developments located on or within 2,640 feet of a highway or arterial street.

B. Adequate Public Facilities: Developments are permitted only if the public streets are adequate to serve the proposed development.

1. *Public Streets*:

a. Developments that generate more than 400 passenger vehicle and small truck trips, or 100 large trucks (e.g. box trucks) or farm equipment trips, or thirty (30) semi tractor trailer trips; to and/or from the site per day shall be required to finance a traffic and street impact study commissioned by Jasper County to determine the proposed development's impact to the public streets. The Plan Commission shall make a determination based on that study as to whether the public street(s) are designed to effectively and safely convey the existing and added traffic generated by the development, or whether the street will be prematurely degraded by the added traffic generated by the development.

b. If the public street(s) is (are) determined to not be able to handle the added traffic, the Plan Commission may deny the development or allow it with mitigating conditions. Mitigating conditions, if necessary, shall be determined by the Plan Commission and Technical Advisory Committee based on engineering practices.

C. Guarantees: When mitigating conditions are required, the developer or authorized representative may be required to provide a surety that guarantees such improvements will be completed.

5.67 RL-01: Rural Residential Standards

This Rural Residential Standards (RL) section applies to the following zoning districts:

~~ER~~ R1 CO A1 A2 A3

The following standards apply to any residential property adjacent to an A1, A2 or A3 zoning districts:

A. Landscaping and Garden Setback: Any new tree, shrub, vegetable garden, flower garden, and other living landscaping, excluding lawn grasses, shall be located at least twenty (20) feet from any property line that is adjacent to land zoned as a A1, A2 or A3 zoning district.

B. Wellhead Setback: A new wellhead shall not be located any closer than 100 feet from any property line that is adjacent to land zoned as a A1, A2, A3 or A4 zoning district.

C. Waiver of Right to Remonstrate: Any proposed primary structure intended to be used for a residence, when the property is adjacent to either an A1, A2 or A3 zoning district shall be required to sign an affidavit that indicated that they are aware that the adjacent land is zoned for agricultural purposes and that agricultural uses are permitted on the adjacent land, including: application of manure from animal operations, operating large equipment late at night, application of approved pesticides, herbicides, fungicides, and the like, application of chemical fertilizers, potential for dust to drift onto and across the subject property, potential for plant debris or soil to be cast onto the subject property, and similar agricultural practices. The owner of the proposed primary structure shall also declare in the affidavit that they will not remonstrate against any agricultural practices consistent with normal and common practice and that is operating within the law. The affidavit shall be recorded with the Jasper County Recorder prior to issuance of an Improvement Location Permit and shall be binding on all future owners.

5.68 SB-01: Setback Standards

This Setback Standards (SB) section applies to the following zoning districts:

CO PR A1 A2 A3 A4 ~~FR~~ R1 R2 VR M1 M2 MP IS LB GC HC CP I1 I2 HI

The following standards shall apply:

A. Applicability: If a setback standard does not appear on the two-page layout for a zoning district, then the standard does not apply to that particular zoning district.

B. Minimum Dwelling Site Front Setback: The minimum dwelling site front setback shall be per each two-page layout in *Article 2: Zoning Districts*.

C. Minimum Dwelling Site Side Setback: The minimum dwelling site side setback shall be per each two-page layout in *Article 2: Zoning Districts*.

D. Minimum Dwelling Site Rear Setback: The minimum dwelling site rear setback shall be per each two-page layout in *Article 2: Zoning Districts*.

E. Minimum Front Setback:

1. *Generally*: The minimum front setback shall be as per each two-page layout in *Article 2: Zoning Districts*.
2. *Established Setback*: Where a subdivision has been platted and substantially built-out utilizing a front setback standard less than that required by *Article 2: Zoning Districts*, an infill lot may utilize the established setback as defined in *Article 11: Definitions*.
3. *Measurement*: All front yard setbacks shall be measured from the proposed right-of-way line as shown on the *Jasper County Thoroughfare Plan*.

F. Minimum Side Setback:

1. *Generally*: The minimum side setback shall be as per each two-page layout in *Article 2: Zoning Districts*.
2. *Established Setback*: Where a subdivision has been platted and substantially built-out utilizing a side setback standard less than that required by *Article 2: Zoning Districts*, an infill lot may utilize the established setback as defined in *Article 11: Definitions, thus allowing consistent setbacks*.
3. *When Six (6) Feet or Less*: When a primary structure is proposed to be six (6) feet or less from a side property line, the exterior building materials on the side elevation of the primary structure shall be comprised of at least ninety-five percent (95%) non-combustible material (e.g. brick, fiber-cement, stone, or masonry).

G. Minimum Rear Setback:

1. *Generally*: The minimum rear setback shall be as per each two-page layout in *Article 2: Zoning Districts*.
2. *Established Setback*: Where a subdivision has been platted and substantially built-out utilizing a rear setback standard less than that required by *Article 2: Zoning Districts*, an infill lot may utilize the established setback as defined in *Article 11: Definitions*.

H. Natural Feature Setbacks:

1. *Structure Setback from Lakes, Streams, and Rivers*: The following structures shall be set back from the water's edge of lakes, streams and rivers, not regulated ditches by the following distances:
   a. Paved Parking Lots: 100 feet.
   b. Residential Single-family, Residential Multiple-family, and Non-residential Primary Structures: Seventy-five (75) feet.
   c. Filtration Strip: A thirty-five (35) foot natural area shall be established or maintained along the water's edge predominantly as non-manicured vegetation (e.g. trees, underbrush, weeds, prairie grass, and wildflowers).
2. *Wetlands*: All structures shall be set back from the delineated boundary of a wetland by a minimum of fifteen (15) feet.
3. *Floodplain*: All structures shall be set back from the delineated boundary of a floodplain by a minimum of twenty-five (25) feet.

I. Exceptions: The following types of structures or building features are exempt or partially exempt from the setback standard as stated:

1. *Architectural Features*: Architectural features (e.g. cornice, eave, sill, awning, canopy or similar feature) may extend into a required front, side, and/or rear setback by no more than three (3) feet. However, under no circumstance shall they be closer than three (3) feet to the property line.
2. *Chimneys*: Chimneys may extend into a required setback by no more than two (2) feet. However, under no circumstance shall they be closer than three (3) feet to the property line.
3. *Fences and Walls*: Fences and walls are exempt from the setbacks in this section, but shall abide by the fence and wall standards in *Article 5 Development Standards*.
4. *Utility Poles, Lines, and Junction Boxes*: Utility poles, lines, and junction boxes are exempt from the setbacks in this section.
5. *Stairs*: Stairs or an open platform or landing used to gain access to the first floor of the primary structure may extend into a required front, side, and/or rear setback not more than five (5) feet, however, they shall never be closer than five (5) feet to a property line.
6. *Retaining Walls*: Retaining walls may extend into the required setback and be on the property line if no greater in height than four (4) feet. Retaining walls may extend into the required setback but shall be not closer to the property line than its height, except as described in the previous sentence.
7. *HVAC Equipment*: Ground mounted heating, ventilation and air conditioning equipment may extend into a required rear setback by up to three (3) feet. However, under no circumstance shall they be closer than four (4) feet to the property line.
8. *Satellite Dishes*: A facade-mounted satellite dish may extend into a required side or rear setback by up to two (2) feet. However, under no circumstance shall it be closer than four (4) feet to the property line.
9. *Parking Lots*: See the *Section 5.60 through Section 5.63: Parking Standards* for special setback standards.
10. *Freestanding Signs*: See the applicable Sign Standards for setback requirements. If the Sign Standards are silent on setback, then the applicable setbacks for Accessory Structures shall apply.

5.69 SW-01: Sewer and Water Standards

This Sewer and Water Standards (SW) section applies to the following zoning districts:

CO PR A1 A2 A3 A4 ~~FR~~ R1 R2 VR M1 M2 MP IS LB GC HC CP I1 I2 HI

The following standards shall apply:

A. Cross Reference: All onsite sewer systems and onsite wells are additionally regulated by the Jasper County Health Department. All development must conform to the more strict standards of the two.

B. Applicability: If a sewer and water standard does not appear on the two-page layout for a zoning district, then a sewer and water standard does not apply to that particular zoning district.

1. *Sewer*: Connection to a sanitary sewer shall be per each two-page layout in *Article 2: Zoning Districts*.
2. *Water*: Connection to a water utility shall be per each two-page layout in *Article 2: Zoning Districts*.

C. Requirement for Connecting to Sewer System: A septic system (i.e. on-site treatment system) shall not be permitted if either of the conditions exist in relation to the subject property:

1. *Proximity to Gravity Sewer Line*: If a property is located within 300 feet of a gravity sewer line, any new primary structure located on that property shall connect to that sewer.
2. *Proximity to Pressurized Sewer Line*: If a multiple-family (in the M2 District only), manufactured home park, commercial, or industrial zoned lot is located within 300 feet of a pressurized (forced) sewer line, any new primary structure located on that property shall connect to that sewer.

D. Requirement for Connecting to Water System: A private well shall not be permitted if the following condition exists in relation to the subject property:

1. *Proximity to a Water Main*: If a property is located within 300 feet of a water main, any new primary structure located on that property shall connect to that water.

*Note - In this section, all text regulating "sign content" has been deleted as the result of a recent Supreme Court ruling (Reed v. Town of Gilbert, AZ).

Sign Standards (SI)

5.70 SI-01: General Sign Standards

This Sign Standards (SI) section applies to the following zoning districts:

CO PR A1 A2 A3 A4 ~~ER~~ R1 R2 VR M1 M2 MP IS LB GC HC CP I1 I2 HI

The following standards shall apply:

A. Freedom of Speech: Any permanent sign or standard temporary sign permitted by the Sign Standards may be used for freedom of speech purposes for any length of time.

B. Permits:

1. *Improvement Location Permit*: An Improvement Location Permit shall be required for all signs located, erected, constructed, reconstructed, moved, or structurally altered unless otherwise specified in this section.
2. *State Permit*: All signs proposed to be located along a State-owned or managed interstate or highway shall obtain the proper State sign permit or written authorization from the Indiana Department of Transportation prior to seeking an Improvement Location Permit.
3. *Easement Holder Approval*: All signs proposed to be located within an easement shall obtain written approval from the easement holder for the proposed sign prior to seeking an Improvement Location Permit. However, no sign shall be located fully or partially within a drainage easement.

C. Cross Reference:

1. *Home Businesses*: Signs associated with a home business shall be exempt from the Sign Standards section, but shall comply with sign provisions in the Home Business Standards.
2. *Lighting Standards*: When illumination of signs is permitted by this Sign Standards section, all illumination and lighting associated with signs shall meet the glare, light trespass, and other provisions in the Lighting Standards.

D. Exempt: The following items as described are not considered commercial messages and shall be exempt from the Sign Standards and therefore, exempt from obtaining an Improvement Location Permit. Items that do not meet the description and that are used as part of a commercial message shall be regulated as a sign. Also, some items may be considered accessory structures and be subject to the Accessory Structure Standards (e.g. scoreboards and directional devices).

1. *Flags*: A flag, pennant, or insignia of any nation, state, city, or other political unit is exempt. However, when a flag, pennant, or insignia of any nation, state, city, or other political unit is used as an integral component of a commercial message, it shall comply with the sign standards for the applicable zoning district. For example, an American Flag integrated into a corporation's brand or logo.
2. *Outdoor Scoreboard*: An outdoor scoreboard used in conjunction with a legally-established sport field is exempt. However, when the scoreboard is visible from a public street and contains a commercial message, it shall comply with the sign standards for the applicable zoning district.
3. *Face Change*: Changing the sign face shall be exempt from an Improvement Location Permit. However, a change to the sign face shall not result in a change in the sign's size, height, construction materials, or method of conveying the message (e.g. replacing a wood sign face with an LED sign face).
4. *Addresses*: Posting of a street address on a mailbox, building, or other prominent location to provide adequate property identification. However, when a street address is used as a commercial message or is disproportionately large, it shall comply with the sign standards for the applicable zoning district. For example, the address being illustrated with ladders and slides for a store selling children's playsets.
5. *Property Name*: A name given to a property and posted by the owners, and that does not exceed five (5) square feet in sign area is exempt. For example "Dream Cottage" or "Dudley's Ranch." However, if the property is used for a commercial purpose (e.g. a home business, bed and breakfast, vacation rental, or has agricultural tourism) the property name sign shall not be exempt.
6. *Public Safety Message*: Posting of a public safety or private property message provided that no individual posting exceeds the maximum area permitted for a standard temporary sign in the applicable zoning district. Examples include "Beware of Dog," "Private Property," "No Trespassing," "Gas Line," "Weight Limit," "Video Surveillance," and "No Turnaround."

7. *Operational Limitations or Information*: Posting of operational limitations and information provided the posting is no larger than necessary for the intended reader. Examples include hours of operation, admittance requirements, "Employees Only," "Men," "Women," "Visitor Parking," and "No deliveries."
8. *Required Postings*: Messages required by a State agency, State law, federal agency, or federal law provided the area of the message and height of posting be the minimum required by the agency or law.
9. *Indoor Commercial Messages*: Commercial messages displayed inside a building that cannot be viewed legibly by pedestrians or drivers outside the building. Examples include a commercial message on a score-board inside a gymnasium, a wall clock inside a restaurant with a branded logo, and a large framed image of a product mounted on the wall of a retail store.
10. *Miniscule Commercial Messages*: Miniscule commercial messages displayed on or near a primary entrance provided that the area of each miniscule commercial message does not exceed thirty (30) square inches and the cumulative area of all miniscule commercial messages does not exceed 288 square inches per primary entrance. Examples include "Visa," "Master Card," "Diner's Club," "ATM," and corporate logos.
11. ~~*Religious Symbols*: Religious symbols incorporated into the architecture on places of worship or other structures occupied by religious organizations.~~
12. *Murals*: A mural that conveys no commercial message. Murals with a commercial message shall be regulated as a wall sign.
13. ~~*Commercial Messages on a Permanent Display Board*: A commercial message attached to and contained within the sign area of a legally established permanent display board sign.~~
14. ~~*Political Signs*: Political campaign signs that comply with the following limitations shall be exempt:~~
    a. ~~Sign Area: Political campaign signs shall not exceed sixteen (16) square feet in area per sign face in residential zoning districts and thirty-two (32) square feet in sign area per sign face in all other zoning districts.~~
    b. ~~Lighting: Political campaign signs shall not be illuminated.~~
    c. ~~Location: Political campaign signs shall be subject to *Section 5.70(F): Prohibited Locations*.~~
    d. ~~Maximum Height: Political campaign signs shall not exceed four (4) feet in height per sign in residential zoning districts and seven (7) feet in height per sign in all other zoning districts.~~
    e. ~~Maximum Number: Not applicable.~~

E. Prohibited Signs:
1. *Prohibited Types*:
    a. Flashing Lights: Flashing lights, including strobe lights, or electronic changeable copy that is programmed or otherwise allowed to flash shall not be permitted on a lot when visible from a public right-of-way.
    b. Vehicle Signs: Vehicles with a sign area greater than fifty (50) square feet in cumulative area shall not be permitted to be parked for the primary purpose of displaying the sign. Prohibited vehicle signs shall not be construed to include vehicles with signs on them that:
        i. Are lawfully parked overnight or during non-business hours on a paved surface in a discreet location, or on any unimproved surface that is enclosed;
        ii. Are making deliveries, sales calls, transporting persons or property, or customary practices relating to operating the business; or
        iii. Are used in conjunction with customary construction operations on a construction site.
    c. Skyward Lights: Except when permitted as a Special Temporary Sign, search lights, beacons, or any light or lights that project light in visible beams skyward, or project light horizontally or vertically in a circle or other pattern shall not be permitted regardless if the light is part of or independent of a sign.
    d. Moving Signs or Signs with Movable Parts: Except when permitted as a Special Temporary Sign, moving signs or signs with visibly moving parts, including human beings holding or acting as signs, shall not be permitted.
    e. Animated Signs: Signs that gain attention through animation, video, scrolling, or hologram shall not be permitted; including any electronic changeable copy that changes more frequently than every five (5) seconds.

2. *Content*:
   a. Signs that contain obscene content, indecent content, "fighting words," or profane words that are not allowed on broadcast television or radio during daytime hours according to the rules of the FCC shall not be permitted.
   b. Signs that emulate emergency service vehicles or common traffic signs or signals shall not be permitted (e.g. signs that uses "Stop," "Slow," "Caution," "Danger," "Warning," or similar words with similar shapes, mounting, materials, scale, color, and location resulting in driver confusion or otherwise unsafe conditions).

F. Prohibited Locations: Signs regardless of type, shall not be permitted in any of the following locations:

1. *Right-of-way*: Signs shall not be permitted in any right-of-way unless authorized by the County Commissioners, except as specified in the *Sign Standards section*.
2. *Poles*: Signs shall not be permitted on any traffic control device, street sign, construction sign, or utility pole.
3. *Fences*: Signs shall not be permitted on any fence.
4. *Trees*: Signs shall not be permitted to be attached to any tree, shrub, or other natural object.
5. *Benches*: Signs shall not be permitted to be attached to or integrated into any bench or outdoor seating.
6. *Towers*: Signs shall not be permitted to be attached to or integrated into any ~~telecommunication~~ antennae, ~~telecommunication tower~~, television antennae, or similar towers.
   wireless support structure
7. *Roofs*: Signs shall not be permitted to be attached to or be perceived to be attached to the roof of a structure. This provision includes signs integrated into the roofing material.
8. *Fire Safety Obstruction*: Signs shall not be permitted on a fire escape or in a manner that substantially blocks view from the right-of-way to a fire door.
9. *Obstructs Circulation*: Signs that obstruct or interfere with internal or external safe movement of vehicular or pedestrian traffic shall not be permitted.
10. *Elevation*: Artificially altering the elevation of the ground to improve the visibility of a sign shall not be permitted. Likewise, increasing the height of a wall or creating a parapet wall to improve the visibility of a sign shall not be permitted.
11. *Vision Clearance*: Signs shall not be permitted in areas prohibited by *Section 5.90: Vision Clearance Standards*.

G. Sign Lighting: Any sign that is internally or externally illuminated, or a sign which utilizes electronic changeable copy shall be subject to the light trespass and glare regulations within the Lighting Standards. Also, electronic changeable copy shall have a device that monitors ambient light and automatically dims the sign face proportionately as the daylight is lost (e.g. during storms or at the end of the day) and maintains that dimmed status until daylight returns.

H. Maintenance: All signs and sign components shall be kept in good repair and in safe, clean, and working condition. If landscaping is required around the base of a sign, it shall be maintained in living condition, consistent in character with the approval, and not overgrown.

5.71 SI-02: Conservation and Parks and Recreation Sign Standards

This Sign Standards (SI) section applies to the following zoning districts:

CO PR

The following standards shall apply:

A. Permanent Signs: Permanent wall and ground signs shall be permitted, and the cumulative square footage of all permanent signs shall not exceed sixty (60) square feet.

1. *Wall Signs*: Wall signs shall be permitted provided the following conditions are met.
   a. Quantity: One (1) wall sign shall be permitted.
   b. Sign Area: The wall sign area shall not exceed twenty-five (25) square feet.
   c. Projection: The wall sign shall not project more than four (4) inches from the face of the building to which it is attached.
   d. Illumination: The wall sign may be illuminated by externally-mounted lights.
2. *Ground Signs*: Ground signs shall be permitted provided the following conditions are met.
   a. Quantity: One (1) ground sign shall be permitted.
   b. Sign Area: The ground sign area shall not exceed sixty (60) square feet.
   c. Changeable Copy: Up to fifty percent (50%) of the permitted sign area may be changeable copy.
   d. Height Above Ground: The ground sign shall not exceed six (6) feet above the ground.
   e. Double-sided: If a ground sign has two (2) identical sides, back-to-back, only one (1) side's area counts toward the maximum cumulative square footage.
   f. Location: A ground sign shall be located ten (10) feet or more from any existing or proposed right-of-way, street, curb, sidewalk, driveway, and property line.
   g. Landscaping: Landscaping shall be installed around the base of a ground sign as follows:
      i. Quantity: At least one (1) shrub per three (3) lineal feet of ground sign base shall be installed.
      ii. Location: All required plants shall be located within five (5) feet of the ground sign base.
      iii. Double-sided Ground Signs: Any double-sided ground sign shall have landscaping on both sides.
   h. Electronic Changeable Copy: If electronic changeable copy is used, it shall be integrated into the permanent ground sign and shall only include cyclical or static messages, regardless if the sign is capable of flashing messages.
   i. Illumination: The ground sign may be illuminated by external source.

B. Temporary Signs:

1. *Permits*: Standard Temporary signs shall be exempt from obtaining an Improvement Location Permit, but shall comply with applicable standards.
2. Location: A temporary sign shall be located ten (10) feet or more from any existing right-of-way, street, curb, sidewalk, driveway, and property line. Italicize
3. *Illumination*: Temporary signs shall not be illuminated.
4. *Standard Temporary Signs*: Standard temporary signs shall be permitted provided the following conditions are met.
   a. Type: A standard temporary sign shall be a yard sign ~~(e.g. sale of property, garage sale, or supporting local school teams).~~
   b. Quantity: One (1) standard temporary sign shall be permitted for each street the lot fronts with an absolute maximum of two (2). No two (2) standard temporary signs shall be closer than eighty (80) feet to one another.
   c. Sign Area: The sign area for a standard temporary sign shall not exceed thirty-six (36) square feet per side.
   d. Height Above Ground: No part of a standard temporary sign shall be more than four (4) feet above the ground.
   e. Duration: A standard temporary sign may stay in place for ~~the duration of the temporary event. The standard temporary sign may be put in place up to thirty (30) days prior to the temporary event. All standard temporary signs shall be taken down within seven (7) days after the standard temporary sign's purpose no longer exists.~~ up to thirty (30) days from the date the sign is erected.

~~5. *Special Temporary Signs*: Special temporary signs shall be permitted provided the following conditions are met.~~
   ~~a. Special temporary signs shall include yard signs, banners, posters, portable A-frame signs, and the like.~~
   ~~b. Quantity: One (1) special temporary sign shall be permitted per lot.~~
   ~~c. Height Above Ground: No part of a special temporary sign shall be more than eight (8) feet above the ground.~~
   ~~d. Duration: The use of special temporary signs shall not exceed thirty-five (35) total days in any calendar year.~~

5.72 SI-03: Agricultural Sign Standards

This Sign Standards (SI) section applies to the following zoning districts:

A1 A2 A3

The following standards shall apply:

A. Permanent Signs: Permanent wall and yard signs shall be permitted, and the cumulative square footage of all permanent signs shall not exceed forty (40) square feet.

1. *Wall Signs*: Wall signs shall be permitted provided the following conditions are met.
   a. Quantity: One (1) wall sign shall be permitted.
   b. Sign Area: The wall sign area shall not exceed thirty (30) square feet.
   c. Projection: The wall sign shall not project more than two (2) inches from the face of the building to which it is attached.
   d. Illumination: The wall sign shall not be illuminated.
2. *Yard Signs*: Yard signs shall be permitted provided the following conditions are met.
   a. Quantity: One (1) yard sign shall be permitted.
   b. Sign Area: The yard sign area shall not exceed fifteen (15) square feet.
   c. Changeable Copy: None permitted.
   d. Height Above Ground: The yard sign shall not exceed four (4) feet above the ground.
   e. Double-sided: If a yard sign has two (2) identical sides, back-to-back, only one (1) side's area counts toward the maximum cumulative square footage.
   f. Location: A yard sign shall be located ten (10) feet or more from any existing or proposed right-of-way, street, curb, sidewalk, driveway, and property line.
   g. Illumination: The yard sign shall not be illuminated.

B. Temporary Signs:

1. *Permits*: Standard Temporary signs and Temporary Marker Signs shall be exempt from obtaining an Improvement Location Permit, but shall comply with applicable standards.
2. Location: A temporary sign shall be located ten (10) feet or more from any existing right-of-way, street, curb, sidewalk, driveway, and property line.
3. *Illumination*: Temporary signs shall not be illuminated.
4. *Standard Temporary Signs*: Standard temporary signs shall be permitted provided the following conditions are met.
   a. Type: A standard temporary sign shall be a yard sign ~~(e.g. sale of property, garage sale, or supporting local school teams).~~
   b. Quantity: One (1) standard temporary sign shall be permitted for each street the lot fronts with an absolute maximum of two (2). No two (2) standard temporary signs shall be closer than eighty (80) feet to one another.
   c. Sign Area: The sign area for a standard temporary sign shall not exceed thirty-six (36) square feet per side.
   d. Height Above Ground: No part of a standard temporary sign shall be more than four (4) feet above the ground.
   e. Duration: A standard temporary sign may stay in place for ~~the duration of the temporary event. The standard temporary sign may be put in place up to thirty (30) days prior to the temporary event. All standard temporary signs shall be taken down within seven (7) days after the standard temporary sign's purpose no longer exists.~~ up to thirty (30) days from the date the sign is erected.
5. *Temporary Marker Signs*: Temporary marker signs shall only be permitted on a lot having 300 feet or more of street frontage, provided the following conditions are met.
   a. Type: Temporary marker signs (e.g. seed sign) shall be yard signs.
   b. Quantity: Up to thirty (30) temporary marker signs shall be permitted per lot.
   c. Sign Area: A single temporary marker sign shall not exceed three (3) square feet in sign area per side.
   d. Height Above Ground: No part of a temporary marker sign shall be more than eight (8) feet above the ground.
   e. Duration: A temporary marker sign may stay in place for ~~the duration of the temporary event (e.g. planting through harvest). All temporary marker signs shall be taken down within seven (7) days after the temporary marker sign's purpose no longer exists.~~ up to thirty (30) days from the date the sign is erected.

5.73 SI-04: Single-family Residential Sign Standards

This Sign Standards (SI) section applies to the following zoning districts:

~~ER~~ R1 R2 VR

The following standards shall apply:

A. Cross Reference:

1. *Subdivision Entryway Signs*: See *Section 7.09: Entryway Feature Standards*.
2. *Home Business Standards*: Starting on *page 5-29.*

B. Permanent Signs: Permanent signs shall not be permitted except as permitted for a home business.

C. Temporary Signs: A temporary sign shall be permitted as follows:

1. *Permits*: Standard Temporary signs shall be exempt from obtaining an Improvement Location Permit, but shall comply with applicable standards.
2. Location: A temporary sign shall be located ten (10) feet or more from any existing right-of-way, street, curb, sidewalk, driveway, and property line.
3. *Illumination*: Temporary signs shall not be illuminated.
4. *Standard Temporary Signs*: Standard temporary signs shall be permitted provided the following conditions are met.
   a. Type: A standard temporary sign shall be a yard sign (e.g. sale of property, garage sale, and supporting local school teams).
   b. Quantity: One (1) standard temporary sign shall be permitted for lots with frontage on one (1) street. Two (2) standard temporary signs shall be permitted for lots with frontage on two (2) or more streets if they have a minimum of 300 feet of combined street frontage. However, no two (2) standard temporary signs shall be closer than eight (80) feet to one another.
   c. Sign Area: The sign area for a standard temporary sign shall not exceed six (6) square feet per side.
   d. Height Above Ground: No part of a standard temporary sign shall be more than four (4) feet above the ground.
   e. Duration: A standard temporary sign may stay in place for ~~the duration of the temporary event. The standard temporary sign may be put in place up to thirty (30) days prior to the temporary event. All standard temporary signs shall be taken down within seven (7) days after the standard temporary sign's purpose no longer exists.~~ up to thirty (30) days from the date the sign is erected.

5.74 SI-05: Multiple-family Residential and Manufactured Home Park Sign Standards

This Sign Standards (SI) section applies to the following zoning districts:

M1 M2 MP

The following standards shall apply:

A. Permanent Signs: Permanent signs shall be permitted as follows:

1. *Entry Feature Signs*: An entry feature sign shall be permitted provided the following conditions are met.
   a. An entry feature sign for a development with at least twenty (20) dwelling units or dwelling sites shall meet the following conditions:
      i. Type: The entry feature sign shall be a single-sided ground sign.
      ii. Quantity: One (1) entry feature sign shall be permitted per development. An additional one (1) entry feature sign shall be permitted if all of the following are present:
         [a] The development has a second vehicular entrance from a public street; and
         [b] The development has at least 1,000 lineal feet of combined frontage.
      iii. Sign Area: The sign area of the entry feature sign shall not exceed twenty (40) square feet.
      iv. Height Above Ground: No part of an entry feature sign shall be more than four (4) feet above the ground.
      v. Location: An entry feature sign shall be located ten (10) feet or more from any existing right-of-way, street, curb, sidewalk, driveway, and property line.
      vi. Illumination: The entry feature sign may be externally illuminated.
      vii. Materials: The sign shall be wood, stone, metal, masonry, or other similar and durable materials. Landscaping of the entry feature sign is encouraged.
      viii. Maintenance: The entry feature sign shall be maintained by the property owner, an owners association, or similar legal entity.

B. Temporary Signs:

1. *Permits*: Standard temporary signs shall be exempt from obtaining an Improvement Location Permit, but shall comply with all applicable standards.
2. Location: A temporary sign shall be located ten (10) feet or more from any existing right-of-way, street, curb, sidewalk, driveway, and property line.
3. *Illumination*: Temporary signs shall not be illuminated.
4. *Standard Temporary Signs*: Standard temporary signs shall be permitted provided the following conditions are met.
   a. Type: Standard temporary signs shall be yard signs. ~~Examples of standard temporary signs include sale of property or for lease signs.~~
   b. Quantity:
      i. Per Development: One (1) standard temporary sign shall be permitted for developments with frontage on one (1) street. Two (2) standard temporary signs shall be permitted for developments with frontage on two (2) or more streets and 300 feet or more of combined street frontage. However, no two (2) standard temporary signs shall be closer than eighty (80) feet to one another.
      ii. Per Dwelling Site: In manufactured home park developments (i.e. MP District), one (1) standard temporary sign shall be permitted for each dwelling site.
   c. Sign Area: The sign area for a standard temporary sign shall not exceed six (6) square feet per side.
   d. Height Above Ground: No part of a standard temporary sign shall be more than four (4) feet above the ground.
   e. Duration: A standard temporary sign may stay in place for ~~the duration of the temporary event. The standard temporary sign may be put in place up to thirty (30) days prior to the temporary event. All standard temporary signs shall be taken down within seven (7) days after the standard temporary sign's purpose no longer exists.~~ up to thirty (30) days from the date the sign is erected.

~~5. *Special Temporary Signs*: Special temporary signs shall be permitted provided the following conditions are met.~~
   ~~a. Type: Special temporary signs shall include yard signs, banners, posters, portable A-frame signs, and the like.~~
   ~~b. Quantity: One (1) special temporary sign shall be permitted per development.~~
   ~~c. Height Above Ground: No part of a special temporary sign shall be more than fifteen (15) feet above the ground.~~
   ~~d. Duration: The use of special temporary signs shall not exceed thirty-five (35) total days in any calendar year.~~

5.75 SI-06: Agricultural Business, Institutional, and Local Business Sign Standards

This Sign Standards (SI) section applies to the following zoning districts:

A4 IS LB

The following standards shall apply:

A. Project Applicability:

1. *Single-tenant Building*:

   a. Permanent Signs: Wall, ground, awning, window, and display board signs shall be permitted for single-tenant buildings provided the conditions specified for single-tenant buildings are met, and the cumulative square footage of all permanent signs does not exceed two (2) square foot of sign area per lineal foot of front facade, or 250 square feet, whichever is less.

   b. Temporary Signs: Standard temporary and special temporary signs shall be permitted for single-tenant buildings provided the conditions specified for single-tenant buildings are met.

2. *Multiple-tenant Building*:

   a. Permanent Signs: Wall, gateway, awning, window, and display board signs shall be permitted for multiple-tenant buildings provided the conditions specified for multiple-tenant buildings are met and the cumulative square footage of all permanent signs does not exceed two (2) square foot of sign area per lineal foot of front facade, but no single tenant shall have more than 150 square feet of sign area.

   b. Temporary Signs: Standard temporary and special temporary signs shall be permitted for multiple-tenant buildings provided the conditions specified for multiple-tenant buildings are met.

B. Permanent Signs: Permanent signs shall be permitted as follows:

1. *Wall Signs*: Wall signs shall be permitted on single-tenant buildings and multiple-tenant buildings provided the following conditions are met. All wall signs shall count toward the maximum cumulative square footage for permanent signs.

Wall Signs	Single-tenant Building	Multiple-tenant Building
Maximum Quantity	1 per facade, not to exceed 2	1 per tenant space
Maximum Sign Area	Each wall sign shall not exceed 50 square feet in area if the sign is less than 150 feet from the public right-of-way it faces Each wall sign shall not exceed 80 square feet in area if the sign is 150 feet or greater from the public right-of-way it faces	1 square foot per lineal foot of each tenant's front facade; maximum of 40 square feet if the sign is less than 150 feet from the public right-of-way it faces 1 1/2 square foot per lineal foot of each tenant's front facade; maximum of 60 square feet if the sign is 150 feet or greater from the public right-of-way it faces
Changeable Copy Ratio	Up to 50% of the sign area may be changeable copy	Up to 50% of the sign area may be changeable copy
Maximum Projection From Building	12 inches	12 inches
Height Above Ground	10 feet maximum	20 feet maximum

   a. Electronic Changeable Copy: If electronic changeable copy is used, it shall be integrated into the permanent wall sign and shall only include cyclical or static messages, regardless if the sign is capable of flashing messages.

   b. Illumination: Wall signs on single-tenant buildings and multiple-tenant buildings may be illuminated internally or by externally-mounted lights.

   c. Multiple-tenant Building Consistency: All wall signs within the development must be consistent in type (e.g. reverse channel, box) and be mounted consistently on the facade of the building in order to create a uniform appearance.

2. *Ground Signs*: Ground signs shall be permitted on single-tenant buildings provided the following conditions are met. (See *Section 5.75(B)(3) Gateway Signs* for multiple-tenant buildings) All ground signs shall be counted toward the maximum cumulative square footage for permanent signs.

Ground Sign	Single-tenant Building	Multiple-tenant Building
Maximum Quantity	1 for lots with frontage on 1 public street; and 2 for lots with 150 cumulative feet of frontage on 2 or more public streets	not permitted
Maximum Sign Area	shall not exceed 36 square feet in sign area per side	not permitted
Changeable Copy Ratio	Up to 80% of the sign area may be changeable copy	not permitted
Height Above Ground	8 feet maximum	not permitted

a. Double-sided: If a ground sign has two (2) identical sides, back-to-back, only one (1) side's area counts toward the maximum cumulative square footage.

b. Location: A ground sign shall be located ten (10) feet or more from any existing right-of-way, street, curb, sidewalk, driveway, and property line.

c. Landscaping: Landscaping shall be installed around the base of a ground sign as follows:
   i. Quantity: At least one (1) shrub per three (3) lineal feet of ground sign base shall be installed.
   ii. Location: All required plants shall be located within five (5) feet of the ground sign base.
   iii. Double-sided Ground Signs: Any double-sided ground sign shall have landscaping on both sides.

d. Electronic Changeable Copy: If electronic changeable copy is used, it shall be integrated into the permanent ground sign and shall only include cyclical or static messages, regardless if the sign is capable of flashing messages.

e. Illumination: A ground sign may be illuminated internally or by externally-mounted ground lighting.

3. *Gateway Signs*: Gateway signs shall be permitted for multiple-tenant buildings that have a minimum of four (4) tenants, a minimum of 12,000 square feet of main floor area, and provided the following conditions are met. (See *Section 5.75(B)(2) Ground Signs* for single-tenant buildings) All gateway signs shall be counted toward the maximum cumulative square footage for permanent signs.

Gateway Sign	Single-tenant Building	Multiple-tenant Building
Maximum Quantity	not permitted	1
Maximum Overall Sign Area	not permitted	1⁄2 square foot per lineal foot of each tenant's front facade; maximum of 100 square feet
Maximum Tenant Sign Area	not permitted	18 square feet
Changeable Copy Ratio	not permitted	Up to 30% of the sign area of any single sign may be changeable copy, but no single sign shall exceed 26 square feet of changeable copy
Height above Ground	not permitted	10 feet maximum

a. Double-sided: If a gateway sign has two (2) identical sides, back-to-back, only one (1) side's area counts toward the maximum cumulative square footage.

b. Location: A gateway sign shall be located ten (10) feet or more from any existing right-of-way, street, curb, sidewalk, driveway, and property line.

c. Landscaping: Landscaping shall be installed around the base of a gateway sign as follows:
   i. Quantity: At least one (1) shrub per two (2) lineal feet of gateway sign base shall be installed.
   ii. Location: All required plants shall be located within five (5) feet of the gateway sign base.
   iii. Double-sided Gateway Signs: Any double-sided gateway sign shall have landscaping on both sides.

d. Electronic Changeable Copy: If electronic changeable copy is used, it shall be integrated into the permanent gateway sign and shall only include cyclical or static messages, regardless if the sign is capable of flashing messages.

e. Illumination: A gateway sign may be illuminated internally or by exterior mounted ground lighting.

4. *Awning Signs*: Awning signs shall be permitted on single-tenant buildings and multiple-tenant buildings provided the following conditions are met. All awning signs shall be counted toward the maximum cumulative square footage for permanent signs.

Awning Sign	Single-tenant Building	Multiple-tenant Building
Maximum Quantity	no maximum	no maximum
Maximum Sign Area	30 square feet per awning sign	30 square feet per awning sign
Maximum Height	3 feet	3 feet
Height Above Ground	shall be no more than 15 feet or less than 9 feet above the ground	shall be no more than 15 feet or less than 9 feet above the ground

a. Illumination: Awning signs on single-tenant buildings and multiple-tenant buildings may be illuminated.

5. *Window Signs*: Window signs shall be permitted on single-tenant buildings and multiple-tenant buildings provided the following conditions are met. All window signs shall be counted toward the maximum cumulative square footage for permanent signs.

Window Sign	Single-tenant Building	Multiple-tenant Building
Maximum Quantity	1 window sign is permitted on each facade, maximum of 3 per building	1 window sign is permitted on each facade, maximum of 3 per building
Maximum Sign Area	20 square feet in area or 30% of the window's glass area, whichever is less	20 square feet in area or 30% of the window's glass area, whichever is less
Maximum Height	5 feet	5 feet

C. Temporary Signs: Any combination of standard temporary and special temporary signs shall be permitted for single-tenant buildings and multiple-tenant buildings provided the following conditions are met.

1. *Permits*: Temporary signs shall be exempt from obtaining an Improvement Location Permit, but shall comply with applicable standards.
2. Location: A temporary sign shall be located ten (10) feet or more from any existing right-of-way, street, curb, sidewalk, driveway, and property line.
3. *Illumination*: Temporary signs shall not be illuminated.
4. *Standard Temporary Signs*: Standard temporary signs shall be permitted provided the following conditions are met. The following conditions apply to single-tenant buildings and multiple-tenant buildings unless otherwise specified.
   a. Type: A standard temporary sign shall be a sandwich board, self-standing sign, yard sign or a window panel. ~~(Examples of standard temporary signs include sale of property, special sale, and special offer signs.)~~
   b. Quantity:
      i. Single-tenant Buildings: One (1) standard temporary sign shall be permitted for each lot, except for corner lots. Two (2) standard temporary signs shall be permitted for corner lots that have 300 lineal feet or more of combined street frontage. However, standard temporary signs shall be located at least eight (80) feet from one another and shall not be closer than fifteen (15) feet to any other sign on the property.
      ii. Multiple-tenant Buildings: One (1) standard temporary sign shall be permitted for each tenant.
   c. Sign Area: The sign area for a standard temporary sign shall not exceed five (5) square feet per side.
   d. Height Above Ground: No part of a standard temporary sign shall be more than four (4) feet above the ground unless the standard temporary sign is in a first floor window.
   e. Duration: A standard temporary sign may stay in place for ~~the duration of the temporary event. The standard temporary sign may be put in place up to thirty (30) days prior to the temporary event. All standard temporary signs shall be taken down within seven (7) days after the standard temporary sign's purpose no longer exists.~~ up to thirty (30) days from the date the sign is erected.

~~5. *Special Temporary Signs*: Special temporary signs shall be permitted provided the following conditions are met. The following conditions apply to single-tenant buildings and multiple-tenant buildings unless otherwise specified.~~

   ~~a. Type: Special temporary signs shall include inflatables, banners, posters, yard signs, window panels, sandwich boards, self-standing signs, and the like. (Examples of special temporary signs include "now hiring" banner and "clearance sale" sign.)~~
   ~~b. Quantity:~~
      ~~i. Single-tenant Buildings: One (1) special temporary signs shall be permitted for each lot.~~
      ~~ii. Multiple-tenant Buildings: One (1) special temporary sign shall be permitted for each tenant.~~
   ~~c. Height Above Ground: A special temporary sign shall not exceed fifteen (15) feet above the ground.~~
   ~~d. Duration: The use of special temporary signs shall not exceed thirty-five (35) total days in any calendar year.~~

5.76 SI-07: General Commercial Sign Standards

This Sign Standards (SI) section applies to the following zoning district:

GC

The following standards shall apply:

A. Project Applicability:

1. *Single-tenant Building*:
   a. Permanent Signs: Wall, ground, awning, window, menu and display board signs shall be permitted for single-tenant buildings provided the conditions specified for single-tenant buildings are met and the cumulative square footage of all permanent signs does not exceed two and one-half (2 1/2) square foot of sign area per lineal foot of front facade, or 300 square feet, whichever is less.
   b. Temporary Signs: Standard temporary and special temporary signs shall be permitted for single-tenant buildings provided the conditions specified for single-tenant buildings are met.
2. *Multiple-tenant Building*:
   a. Permanent Signs: Wall, gateway, awning, display board, and directional device signs shall be permitted for multiple-tenant buildings provided the conditions specified for multiple-tenant buildings are met and the cumulative square footage of all permanent signs does not exceed two and one-half (2 1/2) square foot of sign area per lineal foot of front facade, but no single tenant shall have more than 150 square feet of sign area.
   b. Temporary Signs: Standard temporary and special temporary signs shall be permitted for multiple-tenant buildings provided the conditions specified for multiple-tenant buildings are met.

B. Permanent Signs: Permanent signs shall be permitted as follows:

1. *Wall Signs*: Wall signs shall be permitted on single-tenant buildings and multiple-tenant buildings provided the following conditions are met. All wall signs shall count toward the maximum cumulative square footage for permanent signs.

Wall Signs	Single-tenant Building	Multiple-tenant Building
Maximum Quantity	2 per facade, not to exceed 4	1 per tenant space
Maximum Sign Area	2 square foot per lineal foot of front facade; maximum of 250 square feet on front facade and 100 square feet on each other facade	2 square foot per lineal foot of tenant front facade; maximum of 150 square feet on front facade and 75 square feet on each other facade
Changeable Copy Ratio	Up to 40% of the sign area of any single sign may be changeable copy, but no single sign shall exceed 80 square feet of changeable copy	Up to 30% of the sign area of any single tenant sign may be changeable copy, but no single sign shall exceed 30 square feet of changeable copy
Maximum Projection From Building	12 inches	12 inches

   a. Electronic Changeable Copy: If electronic changeable copy is used, it shall be integrated into the permanent wall sign and shall only include cyclical or static messages, regardless if the sign is capable of flashing messages.
   b. Illumination: Wall signs on single-tenant buildings and multiple-tenant buildings may be illuminated internally or by externally-mounted lights.
   c. Multiple-tenant Building Consistency: The sign envelope that tenants may use and the regulations to maintain consistent sign appearance shall be identified during the permitting process. The sign envelope shall not exceed 150% of the allowable wall sign area for each tenant space.

2. *Ground Signs*: Ground signs shall be permitted on single-tenant buildings provided the following conditions are met. (See *Section 5.76(B)(3): Gateway Signs* for multiple-tenant buildings). All ground signs shall be counted toward the maximum cumulative square footage for permanent signs.

Ground Sign	Single-tenant Building	Multiple-tenant Building
Maximum Quantity	1	not permitted
Maximum Sign Area	1 1/2 square foot per lineal foot of front facade; maximum 120 square feet	not permitted
Changeable Copy Ratio	Up to 40% of the sign area of any single sign may be changeable copy, but no single sign shall exceed 80 square feet of changeable copy	not permitted
Height Above Ground	8 feet maximum	not permitted

a. Double-sided: If a ground sign has two (2) identical sides, back-to-back, only one (1) side's area counts toward the maximum cumulative square footage.

b. Location: A ground sign shall be located ten (10) feet or more from any existing right-of-way, street, curb, sidewalk, driveway, and property line.

c. Landscaping: Landscaping shall be installed around the base of a ground sign as follows:
   i. Quantity: At least one (1) shrub per two (2) lineal feet of ground sign base shall be installed.
   ii. Location: All required plants shall be located within five (5) feet of the ground sign base.
   iii. Double-sided Ground Signs: Any double-sided ground sign shall have landscaping on both sides.

d. Electronic Changeable Copy: If electronic changeable copy is used, it shall be integrated into the permanent ground sign and shall only include cyclical or static messages, regardless if the sign is capable of flashing messages.

e. Illumination: A ground sign may be illuminated internally or by externally-mounted ground lighting.

3. *Gateway Signs*: Gateway signs shall be permitted for multiple-tenant buildings that have a minimum of six (6) tenants, a minimum of 12,000 square feet of main floor area, and provided the following conditions are met. (See *Section 5.76(B)(2) Ground Signs* for single-tenant buildings). All gateway signs shall be counted toward the maximum cumulative square footage for permanent signs.

Gateway Sign	Single-tenant Building	Multiple-tenant Building
Maximum Quantity	not permitted	1
Maximum Overall Sign Area	not permitted	1 square foot per lineal foot front facade; maximum of 160 square feet
Maximum Tenant Sign Area	not permitted	50 square feet
Changeable Copy Ratio	not permitted	Up to 40% of the sign area of any single sign may be changeable copy, but no single sign shall exceed 60 square feet of changeable copy
Height above Ground	not permitted	14 feet maximum

a. Double-sided: If a gateway sign has two (2) identical sides, back-to-back, only one (1) side's area counts toward the maximum cumulative square footage.

b. Location: A gateway sign shall be located ten (10) feet or more from any existing right-of-way, street, curb, sidewalk, driveway, and property line.

c. Landscaping: Landscaping shall be installed around the base of a gateway sign as follows:
   i. Quantity: At least one (1) shrub per two (2) lineal feet of gateway sign base shall be installed.
   ii. Location: All required plants shall be located within five (5) feet of the gateway sign base.
   iii. Double-sided Gateway Signs: Any double-sided gateway sign shall have landscaping on both sides.

d. Electronic Changeable Copy: If electronic changeable copy is used, it shall be integrated into the permanent gateway sign and shall only include cyclical or static messages, regardless if the sign is capable of flashing messages.

e. Illumination: A gateway sign may be illuminated internally or by externally-mounted ground lighting.

4. *Awning Signs*: Awning signs shall be permitted on single-tenant buildings and multiple-tenant buildings provided the following conditions are met. All awning signs shall be counted toward the maximum cumulative square footage for permanent signs.

Awning Sign	Single-tenant Building	Multiple-tenant Building
Maximum Quantity	2	1 per tenant
Maximum Sign Area	40 square feet total	30 square feet per tenant
Maximum Projection From Building	6 feet	6 feet

   a. Illumination: Awning signs on single-tenant buildings and multiple-tenant buildings may be illuminated.

5. *Window Signs*: Window signs shall be permitted on single-tenant buildings and multiple-tenant buildings provided the following conditions are met. All window signs shall be counted toward the maximum cumulative square footage for permanent signs.

Window Sign	Single-tenant Building	Multiple-tenant Building
Maximum Quantity	no limit	no limit
Maximum Sign Area	20 square feet per window	20 square feet per window
Height Above Ground	14 feet maximum	14 feet maximum

6. *Drive-up Menu~~s~~~~Sign~~*: Drive-up menu ~~signs~~ shall be permitted for single-tenant buildings and multiple-tenant buildings provided the lot has a permitted, operable, and in-use drive-up window and provided the following conditions are met. Drive-up window menu ~~signs~~ shall not count toward the maximum cumulative square footage for permanent signs.

Drive-up Window Menu ~~Sign~~	Single-tenant Building	Multiple-tenant Building
Maximum Quantity	2	1 per tenant with a drive-up window
Maximum Sign Area	20 square feet total	20 square feet total
Height Above Ground	7 feet maximum	7 feet maximum

   a. Design: A drive-up menu ~~sign~~ shall be single-sided.

   b. Location: A drive-up menu ~~sign~~ shall be located in the drive-up window lane, and ~~the sign face~~ shall not be conspicuously visible from the right-of-way.

   c. Illumination:ADrive-up menu ~~signs~~ may be illuminated internally or by externally-mounted lights.

7. *Display Board Signs*: Display board signs shall be permitted on single-tenant and multiple-tenant buildings provided the following conditions are met. ~~Examples of display board signs include permanently affixed bulletin boards or encased display boards for menus, specials, events, performances, and other temporary postings.~~ Display board signs shall be counted toward the maximum cumulative square footage for permanent signs.

Display Board Signs	Single-tenant Building	Multiple-tenant Building
Maximum Quantity	1	1 per tenant
Maximum Sign Area	50 square feet	20 square feet per tenant
Height Above Ground	6 feet maximum	6 feet maximum

   a. Design: The display board sign shall be framed with wood, metal, or other durable material and be permanently attached to the single-tenant or multiple-tenant building; be a designated window on the single-tenant building; or consist of hardware permanently affixed to the single-tenant or multiple-tenant building for display of a consistent size posting.

   b. Postings: Postings on the display board sign shall not exceed the size of the display board sign. Postings shall not be required to obtain any type of permit.

C. Temporary Signs: Any combination of standard temporary and special temporary signs shall be permitted for single-tenant buildings and multiple-tenant buildings provided the following conditions are met.

1. *Permits*: Temporary signs shall be exempt from obtaining an Improvement Location Permit, but shall comply with applicable standards.
2. Location: A temporary sign shall be located ten (10) feet or more from any existing right-of-way, street, curb, sidewalk, driveway, and property line.
3. *Illumination*: Temporary signs shall not be illuminated.
4. *Standard Temporary Signs*: Standard temporary signs shall be permitted provided the following conditions are met. The following conditions apply to single-tenant buildings and multiple-tenant buildings unless otherwise specified.
   a. Type: A standard temporary sign shall be a sandwich board, self-standing sign, yard sign or a window panel. ~~Examples of standard temporary signs include sale of property, special sale, and special offer signs.~~
   b. Quantity:
      i. Single-tenant Buildings: One (1) standard temporary sign shall be permitted for each lot, except for corner lots. Two (2) standard temporary signs shall be permitted for corner lots that have 200 feet or more of combined street frontage. However, standard temporary signs shall be located at least eight (80) feet from one another.
      ii. Multiple-tenant Buildings: One (1) standard temporary sign shall be permitted for each tenant.
   c. Sign Area: The sign area for a standard temporary sign shall not exceed sixteen (16) square feet per side.
   d. Height Above Ground: No part of a standard temporary sign shall be more than five (5) feet above the ground unless the standard temporary sign is in a first floor window.
   e. Duration: A standard temporary sign may stay in place for ~~the duration of the temporary event. The standard temporary sign may be put in place up to thirty (30) days prior to the temporary event. All standard temporary signs shall be taken down within seven (7) days after the standard temporary sign's purpose no longer exists.~~ up to thirty (30) days from the date the sign is erected.

~~5. *Special Temporary Signs*: Special temporary signs shall be permitted provided the following conditions are met. The following conditions apply to single-tenant buildings and multiple-tenant buildings unless otherwise specified.~~

   ~~a. Type: Special temporary signs shall include inflatables, gas-inflatables, banners, posters, yard signs, window panels, sandwich boards, self-standing signs, and the like. Examples of special temporary signs include "now hiring" banner and "clearance sale" sign.~~
   ~~b. Quantity:~~
      ~~i. Single-tenant Buildings: Two (2) special temporary signs shall be permitted at any one (1) time for a lot.~~
      ~~ii. Multiple-tenant Buildings: One (1) special temporary sign shall be permitted for each tenant.~~
   ~~c. Height Above Ground: A special temporary sign shall not exceed fifteen (15) feet above the ground; except for inflatable signs and gas-inflatable signs may extend up to forty (40) feet.~~
   ~~d. Duration: The use of special temporary signs shall not exceed thirty-five (35) total days in any calendar year.~~

5.77 SI-08: Highway Commercial Sign Standards

This Sign Standards (SI) section applies to the following zoning district:

HC

The following standards shall apply:

A. Project Applicability:

1. *Single-tenant Building*:
   a. Permanent Signs: Wall, ground, pole, awning, drive-up menu, and display board signs shall be permitted for single-tenant buildings provided the conditions specified for single-tenant buildings are met, and the cumulative square footage of all permanent signs does not exceed three (3) square feet of sign area per lineal foot of front facade, or 400 square feet, whichever is less.
   b. Temporary Signs: Standard temporary and special temporary signs shall be permitted for single-tenant buildings provided the conditions specified for single-tenant buildings are met.
2. *Multiple-tenant Building*:
   a. Permanent Signs: Wall, gateway, awning, pole, and display board signs shall be permitted for multiple-tenant buildings provided the conditions specified for multiple-tenant buildings are met and the cumulative square footage of all permanent signs does not exceed two and one-half (2 1/2) square foot of sign area per lineal foot of front facade, but no single tenant shall have more than 200 square feet of sign area.
   b. Temporary Signs: Standard temporary and special temporary signs shall be permitted for multiple-tenant buildings provided the conditions specified for multiple-tenant buildings are met.

B. Permanent Signs: Permanent signs shall be permitted as follows:

1. *Wall Signs*: Wall signs shall be permitted on single-tenant buildings and multiple-tenant buildings provided the following conditions are met. All wall signs shall count toward the maximum cumulative square footage for permanent signs.

Wall Signs	Single-tenant Building	Multiple-tenant Building
Maximum Quantity	2 per facade, not to exceed 4	1 per tenant space
Maximum Sign Area	2 square foot per lineal foot of front facade; maximum of 200 square feet on front facade and 100 square feet on other facades	2 square foot per lineal foot of front facade; maximum of 150 square feet on front facade and 75 square feet on other facades
Changeable Copy Ratio	Up to 40% of the sign area of any single sign may be changeable copy, but no single sign shall exceed 60 square feet of changeable copy	Up to 30% of the sign area of any tenant sign may be changeable copy, but no single sign shall exceed 30 square feet of changeable copy
Maximum Projection From Building	12 inches	12 inches

   a. Electronic Changeable Copy: If electronic changeable copy is used, it shall be integrated into the permanent wall sign and shall only include cyclical or static messages, regardless if the sign is capable of flashing messages.
   b. Illumination: Wall signs on single-tenant buildings and multiple-tenant buildings may be illuminated internally or by externally-mounted lights.
   c. Multiple-tenant Building Consistency: The sign envelope that tenants may use and the regulations to maintain consistent sign appearance shall be identified during the permitting process. The sign envelope shall not exceed 150% of the allowable wall sign area for each tenant space.

2. *Ground Signs*: Ground signs shall be permitted on single-tenant buildings provided the following conditions are met. (See *Section 5.77(B)(3): Gateway Signs* for multiple-tenant buildings). All ground signs shall be counted toward the maximum cumulative square footage for permanent signs.

Ground Sign	Single-tenant Building	Multiple-tenant Building
Maximum Quantity	1	not permitted
Maximum Sign Area	1 1/2 square foot per lineal foot of front facade; maximum 120 square feet	not permitted
Changeable Copy Ratio	Up to 80% of the sign area of any single sign may be changeable copy, but no single sign shall exceed 60 square feet of changeable copy	not permitted
Height Above Ground	8 feet maximum	not permitted

a. Double-sided: If a ground sign has two (2) identical sides, back-to-back, only one (1) side's area counts toward the maximum cumulative square footage.

b. Location: A ground sign shall be located ten (10) feet or more from any existing right-of-way, street, curb, sidewalk, driveway, and property line.

c. Landscaping: Landscaping shall be installed around the base of a ground sign as follows:
   i. Quantity: At least one (1) shrub per two (2) lineal feet of ground sign base shall be installed.
   ii. Location: All required plants shall be located within five (5) feet of the ground sign base.
   iii. Double-sided Ground Signs: Any double-sided ground sign shall have landscaping on both sides.

d. Electronic Changeable Copy: If electronic changeable copy is used, it shall be integrated into the permanent ground sign and shall only include cyclical or static messages, regardless if the sign is capable of flashing messages.

e. Illumination: A ground sign may be illuminated internally or by externally-mounted ground lighting.

3. *Gateway Signs*: Gateway signs shall be permitted for multiple-tenant buildings that have a minimum of six (6) tenants, a minimum of 12,000 square feet of main floor area, and provided the following conditions are met. (See *Section 5.77(B)(2): Ground Signs* for single-tenant buildings). All gateway signs shall be counted toward the maximum cumulative square footage for permanent signs.

Gateway Sign	Single-tenant Building	Multiple-tenant Building
Maximum Quantity	not permitted	1
Maximum Overall Sign Area	not permitted	1 square foot per lineal foot front facade; maximum of 180 square feet
Maximum Tenant Sign Area	not permitted	50 square feet
Changeable Copy Ratio	not permitted	Up to 30% of the sign area of any gateway sign may be changeable copy, but no gateway sign shall exceed 50 square feet of changeable copy
Height above Ground	not permitted	8 feet maximum

a. Double-sided: If a gateway sign has two (2) identical sides, back-to-back, only one (1) side's area counts toward the maximum cumulative square footage.

b. Location: A gateway sign shall be located ten (10) feet or more from any existing right-of-way, street, curb, sidewalk, driveway, and property line.

c. Landscaping: Landscaping shall be installed around the base of a gateway sign as follows:
   i. Quantity: At least one (1) shrub per two (2) lineal feet of gateway sign base shall be installed.
   ii. Location: All required plants shall be located within five (5) feet of the gateway sign base.
   iii. Double-sided Gateway Signs: Any double-sided gateway sign shall have landscaping on both sides.

d. Electronic Changeable Copy: If electronic changeable copy is used, it shall be integrated into the permanent gateway sign and shall only include cyclical or static messages, regardless if the sign is capable of flashing messages.

e. Illumination: A gateway sign may be illuminated internally or by exterior mounted ground lighting.

4. *Pole Signs*: Pole signs shall be permitted for single-tenant buildings and multiple-tenant buildings provided that:
   a. all or the majority of the lot area is within 500 feet of an interstate right-of-way, and
   b. a primary structure exists on the lot.
5. *Standards*: The following standards apply to pole signs:
   a. The sign area of a pole signs shall be counted toward the maximum cumulative square footage for permanent signs.
   b. Quantity: One (1) pole sign shall be permitted for each lot with a primary structure.
   c. Sign Area and Sign Height: Pole signs for single-tenant buildings and multiple-tenant buildings shall meet the following sign area and height above the ground proportions. If a pole sign has identical sides, back-to-back, only one (1) side's area counts toward the sign area:
      i. Pole signs with a sign area of 150 square feet or less shall be at least twenty-five (25) feet above the ground, but no part of the sign shall exceed thirty-five (35) feet above the ground.
      ii. Pole signs with a sign area greater than 150 square feet, but less than 200 square feet shall be at least thirty (30) feet above the ground, but no part of the sign shall exceed fifty (50) feet above the ground.
      iii. Pole signs with a sign area of 200 square feet or more shall be at least forty (40) feet above the ground, but no part of the sign shall exceed seventy-five (75) feet above the ground.
      iv. A pole sign shall not have a sign area greater than 225 square feet.
   d. Location: A pole sign shall be located twenty (20) feet or more from any existing right-of-way, street, curb, sidewalk, driveway, and property line.
   e. Landscaping: Landscaping shall be installed around the base of a pole sign as follows:
      i. Quantity: At least eight (8) shrubs shall be installed. For pole signs greater than fifty (50) feet, the required shrubs shall be replace with ornamental trees.
      ii. Location: All required plants shall be located within ten (10) feet of the pole sign, and at a minimum shall be distributed in all directions facing a public street or parking lot. If ornamental trees are required, they shall be installed within twenty (20) feet of the pole sign.
   f. Changeable Copy: Up to fifty percent (50%) of the sign area of a pole sign on a single-tenant building or a multiple-tenant building may be changeable copy. If electronic changeable copy is used, it shall be integrated into the permanent pole sign and shall only include cyclical or static messages, regardless if the sign is capable of flashing messages.
   g. Illumination: A pole sign may be illuminated internally, but shall not be illuminated by externally-mounted lights.
6. *Awning Signs*: Awning signs shall be permitted on single-tenant buildings and multiple-tenant buildings provided the following conditions are met. All awning signs shall be counted toward the maximum cumulative square footage for permanent signs.

Awning Sign	Single-tenant Building	Multiple-tenant Building
Maximum Quantity	2	1 per tenant
Maximum Sign Area	40 square feet total	30 square feet per tenant
Maximum Projection From Building	6 feet	6 feet

   a. Illumination: Awning signs on single-tenant buildings and multiple-tenant buildings may be illuminated.
7. *Window Signs*: Window signs shall be permitted on single-tenant buildings and multiple-tenant buildings provided the following conditions are met. All window signs shall be counted toward the maximum cumulative square footage for permanent signs.

Window Sign	Single-tenant Building	Multiple-tenant Building
Maximum Quantity	no limit	no limit
Maximum Sign Area	30 square feet per window	30 square feet per window
Height Above Ground	14 feet maximum	14 feet maximum

8. *Drive-up Menu ~~Sign:~~* Drive-up menu ~~signs~~ shall be permitted for single-tenant buildings and multiple-tenant buildings provided the lot has a permitted, operable, and in-use drive-up window and provided the following conditions are met. Drive-up window menu ~~signs~~ shall not count toward the maximum cumulative square footage for permanent signs.

Drive-up Window Menu ~~Sign~~	Single-tenant Building	Multiple-tenant Building
Maximum Quantity	2	1 per tenant with drive-up window
Maximum Sign Area	30 square feet total	30 square feet per drive-up window
Height Above Ground	7 feet maximum	7 feet maximum

a. Design: A drive-up menu ~~sign~~ shall be single-sided.

b. Location: A drive-up menu ~~sign~~ shall be located in the drive-up window lane and the sign face shall not be conspicuously visible from the right-of-way.

c. Illumination~~.~~ Drive-up menu ~~signs~~ may be illuminated internally or by externally-mounted lights.

9. *Display Board Signs*: Display board signs shall be permitted on single-tenant and multiple-tenant buildings provided the following conditions are met. ~~(Examples of display board signs include permanently affixed bulletin boards or encased display boards for posting of menus, specials, events, performances, and other temporary postings.)~~ Display board signs shall be counted toward the maximum cumulative square footage for permanent signs.

Display Board Signs	Single-tenant Building	Multiple-tenant Building
Maximum Quantity	1	1 per tenant
Maximum Sign Area	50 square feet	20 square feet per tenant
Height Above Ground	6 feet maximum	6 feet maximum

a. Design: The display board sign shall be framed with wood, metal, or other durable material and be permanently attached to the single-tenant or multiple-tenant building; be a designated window on the single-tenant building; or consist of hardware permanently affixed to the single-tenant or multiple-tenant building for display of a consistent size posting.

b. Postings: Postings on the display board sign shall not exceed the size of the display board sign. Postings shall not be required to obtain any type of permit.

C. Temporary Signs: Any combination of standard temporary and special temporary signs shall be permitted for single-tenant buildings and multiple-tenant buildings provided the following conditions are met.

1. *Permits*: Temporary signs shall be exempt from obtaining an Improvement Location Permit, but shall comply with applicable standards.
2. Location: A temporary sign shall be located ten (10) feet or more from any existing right-of-way, street, curb, sidewalk, driveway, and property line.
3. *Illumination*: Temporary signs shall not be illuminated.
4. *Standard Temporary Signs*: Standard temporary signs shall be permitted provided the following conditions are met. The following conditions apply to single-tenant buildings and multiple-tenant buildings unless otherwise specified.
   a. Type: A standard temporary sign shall be a sandwich board, self-standing sign, yard sign or a window panel. ~~(Examples of standard temporary signs include sale of property, special sale, and special offer signs.)~~
   b. Quantity:
      i. Single-tenant Buildings: One (1) standard temporary sign shall be permitted for each lot, except for corner lots. Two (2) standard temporary signs shall be permitted for corner lots that have 200 feet or more of combined street frontage. However, standard temporary signs shall be located at least eight (80) feet from one another.
      ii. Multiple-tenant Buildings: One (1) standard temporary sign shall be permitted for each tenant.
   c. Sign Area: The sign area for a standard temporary sign shall not exceed sixteen (16) square feet per side.
   d. Height Above Ground: No part of a standard temporary sign shall be more than five (5) feet above the ground unless the standard temporary sign is in a first floor window.
   e. Duration: A standard temporary sign may stay in place for ~~the duration of the temporary event. The standard temporary sign may be put in place up to thirty (30) days prior to the temporary event. All standard temporary signs shall be taken down within seven (7) days after the standard temporary sign's purpose no longer exists.~~ up to thirty (30) days from the date the sign is erected.

~~5. *Special Temporary Signs*: Special temporary signs shall be permitted provided the following conditions are met. The following conditions apply to single-tenant buildings and multiple-tenant buildings unless otherwise specified.~~

   ~~a. Type: Special temporary signs shall include inflatables, banners, posters, yard signs, window panels, sandwich boards, self-standing signs, and the like. (Examples of special temporary signs include "now hiring" banner and "welcome home" sign.)~~
   ~~b. Quantity:~~
      ~~i. Single-tenant Buildings: Two (2) special temporary signs shall be permitted at any one (1) time for a lot.~~
      ~~ii. Multiple-tenant Buildings: One (1) special temporary sign shall be permitted for each tenant.~~
   ~~c. Height Above Ground: A special temporary sign shall not exceed fifteen (15) feet above the ground.~~
   ~~d. Duration: The use of special temporary signs shall not exceed thirty-five (35) total days in any calendar year.~~

5.78 SI-09: Commerce Park and Industrial Sign Standards

This Sign Standards (SI) section applies to the following zoning districts:

CP I1 I2 HI

The following standards shall apply:

A. Project Applicability:

1. *Single-tenant Building*:

   a. Permanent Signs: Wall, ground, awning, window, and directional device signs shall be permitted for single-tenant buildings provided the conditions specified for single-tenant buildings are met, and the cumulative square footage of all permanent signs does not exceed four (4) square feet of sign area per lineal foot of facade facing an interstate, highway, arterial, or public street to which the facility gains access.

   b. Temporary Signs: Standard temporary and special temporary signs shall be permitted for single-tenant buildings provided the conditions specified for single-tenant buildings are met.

2. *Multiple-tenant Building*:

   a. Permanent Signs: Wall, gateway, awning, window, and directional signs shall be permitted for multiple-tenant buildings provided the conditions specified for multiple-tenant buildings are met, and the cumulative square footage of all permanent signs does not exceed two (2) square foot of sign area per lineal foot of front facade, but no single tenant shall have more than 250 square feet of sign area.

   b. Temporary Signs: Standard temporary and special temporary signs shall be permitted for multiple-tenant buildings provided the conditions specified for multiple-tenant buildings are met.

B. Permanent Signs: Permanent signs shall be permitted as follows:

1. *Wall Signs*: Wall signs shall be permitted on single-tenant buildings and multiple-tenant buildings provided the following conditions are met. All wall signs shall count toward the maximum cumulative square footage for permanent signs.

Wall Signs	Single-tenant Building	Multiple-tenant Building
Maximum Quantity	1 per side of building; not to exceed 3	1 per tenant space
Maximum Sign Area	3 square foot per lineal foot of front facade; maximum of 400 square feet	2 1/2 square foot per lineal foot of front facade; maximum of 300 square feet
Changeable Copy Ratio	not permitted	not permitted
Maximum Projection From Building	12 inches	12 inches

   a. Illumination: Wall signs on single-tenant buildings and multiple-tenant buildings may be illuminated internally or by externally-mounted lights.

   b. Multiple-tenant Building Consistency: The sign envelope that tenants may use and the regulations to maintain consistent sign appearance shall be identified during the permitting process. The sign envelope shall not exceed 150% of the allowable wall sign area for each tenant space.

2. *Ground Signs*: Ground signs shall be permitted on single-tenant buildings provided the following conditions are met. (See *Section 5.78(B)(3): Gateway Signs* for multiple-tenant buildings). All ground signs shall be counted toward the maximum cumulative square footage for permanent signs.

Ground Sign	Single-tenant Building	Multiple-tenant Building
Maximum Quantity	1	not permitted
Maximum Sign Area	2 square foot per lineal foot of front facade; maximum 180 square feet	not permitted
Changeable Copy Ratio	Up to 60% of the sign area of any single sign may be changeable copy, but no single sign shall exceed 60 square feet of changeable copy	not permitted
Height Above Ground	8 feet maximum	not permitted

   a. Double-sided: If a ground sign has two (2) identical sides, back-to-back, only one (1) side's area counts toward the maximum cumulative square footage.

b. Location: A temporary sign shall be located ten (10) feet or more from any existing right-of-way, street, curb, sidewalk, driveway, and property line.

c. Landscaping: Landscaping shall be installed around the base of a ground sign as follows:
   i. Quantity: At least one (1) shrub per two (2) lineal feet of ground sign base shall be installed.
   ii. Location: All required plants shall be located within five (5) feet of the ground sign base.
   iii. Double-sided Ground Signs: Any double-sided ground sign shall have landscaping on both sides.

d. Electronic Changeable Copy: If electronic changeable copy is used, it shall be integrated into the permanent ground sign and shall only include cyclical or static messages, regardless if the sign is capable of flashing messages.

e. Illumination: A ground sign may be illuminated internally or by externally-mounted ground lighting.

3. *Gateway Signs*: Gateway signs shall be permitted for multiple-tenant buildings that have a minimum of six (6) tenants, a minimum of 12,000 square feet of main floor area, and provided the following conditions are met. (See *Section 5.78(B)(2): Ground Signs* for single-tenant buildings). All gateway signs shall be counted toward the maximum cumulative square footage for permanent signs.

Gateway Sign	Single-tenant Building	Multiple-tenant Building
Maximum Quantity	not permitted	1
Maximum Overall Sign Area	not permitted	1 square foot per lineal foot front facade; maximum of 160 square feet
Maximum Tenant Sign Area	not permitted	50 square feet
Changeable Copy Ratio	not permitted	Up to 40% of the sign area of any gateway sign may be changeable copy, but no gateway sign shall exceed 50 square feet of changeable copy
Height above Ground	not permitted	8 feet maximum

a. Double-sided: If a gateway sign has two (2) identical sides, back-to-back, only one (1) side's area counts toward the maximum cumulative square footage.

b. Location: A gateway sign shall be located ten (10) feet or more from any existing right-of-way, street, curb, sidewalk, driveway, and property line.

c. Landscaping: Landscaping shall be installed around the base of a gateway sign as follows:
   i. Quantity: At least one (1) shrub per two (2) lineal feet of gateway sign base shall be installed.
   ii. Location: All required plants shall be located within five (5) feet of the gateway sign base.
   iii. Double-sided Gateway Signs: Any double-sided gateway sign shall have landscaping on both sides.

d. Electronic Changeable Copy: If electronic changeable copy is used, it shall be integrated into the permanent gateway sign and shall only include cyclical or static messages, regardless if the sign is capable of flashing messages.

e. Illumination: A gateway sign may be illuminated internally or by externally-mounted ground lighting.

4. *Awning Signs*: Awning signs shall be permitted on single-tenant buildings and multiple-tenant buildings provided the following conditions are met. All awning signs shall be counted toward the maximum cumulative square footage for permanent signs.

Awning Sign	Single-tenant Building	Multiple-tenant Building
Maximum Quantity	2	1 per tenant
Maximum Sign Area	40 square feet total	30 square feet per tenant
Maximum Projection From Building	6 feet	6 feet

a. Illumination: Awning signs on single-tenant buildings and multiple-tenant buildings may be illuminated.

5. *Directional Device Signs*: Directional device signs shall be permitted for single-tenant buildings and multiple-tenant buildings provided the following conditions are met. Directional device signs shall not count toward the maximum cumulative square footage for permanent signs.
   a. Directional device signs may only be used to indicate vehicular points of entry or exit.
   b. Directional device signs shall not exceed three (3) square feet in area per side per entrance. Up to forty percent (40%) of the sign area may be a corporate logo.
   c. Directional device signs shall not exceed thirty-six (36) inches in height.
   d. Directional device signs may be illuminated.
   e. Directional device signs shall not interfere with safe vehicular or pedestrian traffic circulation, obstruct the view of drivers entering or exiting, or be placed within a right-of-way.
   f. No more than two (2) directional device signs shall be used per street frontage, and no more than four (4) directional device signs shall be used per lot.

C. Temporary Signs: Any combination of standard temporary and special temporary signs shall be permitted for single-tenant buildings and multiple-tenant buildings provided the following conditions are met.
1. *Permits*: Temporary signs shall be exempt from obtaining an Improvement Location Permit, but shall comply with applicable standards.
2. Location: A temporary sign shall be located ten (10) feet or more from any existing right-of-way, street, curb, sidewalk, driveway, and property line.
3. *Illumination*: Temporary signs shall not be illuminated.
4. *Standard Temporary Signs*: Standard temporary signs shall be permitted provided the following conditions are met. The following conditions apply to single-tenant buildings and multiple-tenant buildings unless otherwise specified.
   a. Type: A standard temporary sign shall be a sandwich board, self-standing sign, yard sign or a window panel. ~~(Examples of standard temporary signs include sale of property, special sale, and special offer signs.)~~
   b. Quantity:
      i. Single-tenant Buildings: One (1) standard temporary sign shall be permitted for each lot, except for corner lots. Two (2) standard temporary signs shall be permitted for corner lots that have 200 feet or more of combined street frontage. However, standard temporary signs shall be located at least eight (80) feet from one another.
      ii. Multiple-tenant Buildings: One (1) standard temporary sign shall be permitted for each tenant.
   c. Sign Area: The sign area for a standard temporary sign shall not exceed sixteen (16) square feet per side.
   d. Height Above Ground: No part of a standard temporary sign shall be more than five (5) feet above the ground unless the standard temporary sign is in a first floor window.
   e. Duration: A standard temporary sign may stay in place for ~~the duration of the temporary event. The standard temporary sign may be put in place up to thirty (30) days prior to the temporary event. All standard temporary signs shall be taken down within seven (7) days after the standard temporary sign's purpose no longer exists.~~ up to thirty (30) days from the date the sign is erected.

~~5. *Special Temporary Signs*: Special temporary signs shall be permitted provided the following conditions are met. The following conditions apply to single-tenant buildings and multiple-tenant buildings unless otherwise specified.~~
   ~~a. Type: Special temporary signs shall include inflatables, banners, posters, yard signs, window panels, sandwich boards, self-standing signs, and the like. (Examples of special temporary signs include "now hiring" banner and "clearance sale" sign.)~~
   ~~b. Quantity:~~
      ~~i. Single-tenant Buildings: Two (2) special temporary signs shall be permitted at any one (1) time for a lot.~~
      ~~ii. Multiple-tenant Buildings: One (1) special temporary sign shall be permitted for each tenant.~~
   ~~c. Height Above Ground: A special temporary sign shall not exceed fifteen (15) feet above the ground.~~
   ~~d. Duration: The use of special temporary signs shall not exceed thirty-five (35) total days in any calendar year~~

5.79 SI-10: Outdoor Advertising Standards

This Sign Standards (SI) section applies to the following zoning district:

GC HC CP I1 I2

The following standards shall apply:

A. Location Limitations: Outdoor advertising shall be limited to the above listed zoning districts and shall only be permitted along the following corridors:
   1. Interstate I-65,
   2. U.S. 24,
   3. U.S. 231,
   4. S.R. 10,
   5. S.R. 14,
   6. S.R. 16,
   7. S.R. 53, and
   8. S.R. 114.

B. Outdoor Advertising: Outdoor advertising shall be permitted as follows:

Pole Signs	Applicable Standard
Maximum Dimensions	• 672 square feet (14 ft. X 48 ft.), double-sided head, when along the I-65 corridor and when setback at least 100 feet from the right-of-way • 300 square feet (12 ft. X 25 ft.), double-sided head, when along the I-65 corridor and when setback less than 100 feet from the right-of-way • 300 square feet (12 ft. X 25 ft.), double-sided head, when along any other highway corridor
Maximum Height	• 40 feet for signs within 150 feet of the I-65 right-of-way. For every 50 feet beyond 150 feet of setback from the interstate right-of-way, the sign may be an additional 5 feet higher, with an absolute maximum height of 60 feet. • 35 feet for signs within 150 feet of any other highway right-of-way. For every 50 feet beyond 150 feet of setback from the interstate right-of-way, the sign may be an additional 5 feet higher, with an absolute maximum height of 60 feet. • Height shall be measured from pre-installation grade to the highest point of the sign structure.
Maximum Extensions	An outdoor advertising sign may have temporary structures that project beyond the sign face that extend the current artwork and sign copy. These extensions shall not exceed 4 feet above the top of the sign face or 2 feet beyond either side or the bottom of the sign face. The cumulative additional square feet of sign area allowed for extensions shall not exceed 15% of the permitted square feet.
Minimum Separation	• 300 feet from any existing residence • 300 feet from any existing residentially zoned property • 1,320 feet from any platted subdivision with 5 or more lots
Minimum Separation from Another Outdoor Advertising Unit	• 1,000 feet in any direction and across rights-of-way, with a limit of 3 units in a row • 2,650 feet between all other outdoor advertising units, or clusters of 3 in a row
Minimum Setback	• 50 feet from an interstate right-of-way • 25 feet from all other rights-of-way
Maximum Setback	• 500 feet from an interstate right-of-way • 300 feet from all other rights-of-way
Changeable Copy Ratio	Up to 100% of the sign area of any single sign may be electronic changeable copy

1. *Electronic Changeable Copy*: If electronic changeable copy is used, it shall only include cyclical or static messages, regardless if the sign is capable of flashing messages, video, or animation.
2. *Illumination*: Outdoor advertising may be illuminated by externally-mounted lights, or internally if electronic changeable copy. However, lights shall be shielded to limit light from spilling beyond the face of the sign, especially toward a right-of-way or skyward.

5.80 SE-01: Special Exception Standards

This Special Exception Standards (SE) section applies to the following zoning districts:

CO PR A1 A2 A3 A4 ~~ER~~ R1 R2 VR M1 M2 MP IS LB GC HC CP I1 I2 HI

The intent of the Special Exception Standards is to protect the health, safety, and welfare of the residents of the zoning jurisdiction of the County by ensuring the most appropriate development standards are applied to special exception requests. The following standards shall apply:

A. Cross Reference: The approval process and criteria for Special Exceptions is in Article 09: Processes.

B. Applicable Development Standards: The development standards assigned to each zoning district are considered appropriate for the permitted uses within that zoning district. However, the development standards may not be appropriate for all Special Exception uses within a zoning district. For instance, some institutional uses are allowed in residential zoning districts as Special Exceptions. In this case, residential development standards would not necessarily be applicable.

1. *Determining Appropriate Development Standards*:

   a. The Zoning Administrator shall determine which development standards sections within Article 05: Development Standards shall apply to each Special Exception application. The development standards determined to apply shall be documented in the application and approval.

   b. If the Special Exception use is a permitted use within another zoning district, the development standards for that zoning district shall be used as a guideline. In situations where the Special Exception use is not a permitted use in any zoning district, the most stringent development standards may be assigned by the Zoning Administrator as appropriate.

Storage Tanks Standards (ST)

5.81 ST-01: General Storage Tank Standards

This Storage Tanks Standards (ST) section applies to the following zoning districts:

CO PR A1 A2 A3 A4 ~~ER~~ R1 R2 VR M1 M2 MP IS LB GC HC CP I1 I2 HI

The intent of the Storage Tank Standards is to ensure the protection of the health, safety, and welfare of the residents of Jasper County by regulating a potentially harmful item. The following standards shall apply:

A. Applicability: Storage tanks installed after the effective date of this Unified Development Ordinance.

B. Permits: An Improvement Location Permit shall be required prior to the installation of a storage tank, except for storage tanks used to home heating purposes.

5.82 ST-02: Residential Storage Tank Standards

This Storage Tanks Standards (ST) section applies to the following zoning districts:

~~ER~~ R1 R2 VR M1 M2 MP

The following standards shall apply:

A. Prerequisite Criteria: No liquid or gas fuel shall be stored in bulk above ground, except storage tanks connected directly with energy generating devices or heating appliances located and operated on the same lot as the storage tanks.

B. Location:

1. *Front Yard*: Storage tanks shall not be permitted in front yards.
2. *Side and Rear Yard*: Storage tanks shall be setback a minimum of forty-five (45) feet from side and rear property lines.
3. *Primary Structures*: Storage tanks shall be setback a minimum of forty-five (45) feet from primary structures.
4. *Accessory Structures*: Storage tanks shall be setback a minimum of thirty (30) feet from accessory structures.

5.83 ST-03: Agricultural, Industrial, and High Impact Storage Tanks Standards

This Storage Tanks Standards (ST) section applies to the following zoning districts:

A1 A2 A3 I1 I2 HI

The following standards apply

A. Location

1. *Front Yard*: Storage tanks shall not be permitted in front yards.
2. *Side and Rear Yard*: Storage tanks shall be setback a minimum of thirty (30) feet from side and rear property lines.
3. *Primary Structures*: Storage tanks shall be setback a minimum of thirty (30) feet from primary structures.
4. *Accessory Structures*: Storage tanks shall be setback a minimum of five (5) feet from accessory structures.

5.84 SR-01: Structure Standards

This Structure Standards (SR) section applies to the following zoning districts:

CO PR A1 A2 A3 A4 ~~ER~~ R1 R2 VR M1 M2 MP IS LB GC HC CP I1 I2 HI

The following standards shall apply:

A. Applicability: If a structure standard does not appear on the two-page layout for a zoning district, then the standard does not apply to that particular zoning district.

1. *Maximum Primary Structure*: The maximum number of primary structures shall be per each two-page layout in *Article 2: Zoning Districts*.

*Note - changes are in accordance with newly adopted legislation found in IC 8-1-32.3. See also new section 9.21 for the approval process.

5.85 WF ~~TC~~-01: Wireless ~~Telecommunication~~ Facility Standards

This Wireless ~~Telecommunication~~ Facilities Standards (WF ~~TC~~) section applies to the following zoning districts:

CO PR A1 A2 A3 A4 ~~FR~~ R1 R2 VR M1 M2 MP IS LB GC HC CP I1 I2 HI

The following standards shall apply:

A. Permits Required: Wireless ~~Telecommunication~~ facilities shall not be constructed, erected, placed, modified or altered until an Improvement Location Permit has ~~have~~ been obtained.

B. Location: Wireless ~~Telecommunication~~ facilities shall not be located within the boundaries of any recorded residential subdivision.

C. Design Requirements: Proposed or modified wireless support structures ~~telecommunication towers~~ and antennas shall meet the following design requirements:

1. *Height*:
   a. Towers: Wireless support structures ~~Telecommunication towers~~ shall not exceed 199 feet in height.
   b. Other Structures: All other utility structures and antennas shall meet the height standards in appropriate two-page layouts in *Article 2: Zoning Districts* and in *Section 5.34 Height Standards*.
2. *Appearance*: Towers and antennas shall be designed to blend into the natural surrounding environment through the use of color and camouflaging architectural treatment, except in an instance where the color is dictated by State or federal authorities such as the Federal Aviation Administration (FAA).
3. *Monopole Design*: Towers shall be of a monopole design.
4. *Setbacks*: Wireless ~~Telecommunication~~ facilities shall meet the following setback requirements:
   a. All wireless ~~telecommunication~~ facilities shall meet the setback requirements of the underlying zoning district; however, a wireless ~~telecommunication~~ facility that is located in an industrial zoning district may encroach up to ten (10) feet into the required rear yard if the adjoining lot is also in an industrial zoning district.
   b. Front Setback: Wireless support structures ~~Telecommunication towers~~ shall be set back from any right-of-way a minimum distance equal to fifty percent (50%) of the tower height, including all antennas and attachments.
   c. Side and Rear Setback: Wireless support structures ~~Telecommunication towers~~ shall be set back from the side and rear property lines a minimum distance equal to sixty percent (60%) of the tower height, including all antennas and attachments.
   d. Wireless support structures ~~Telecommunication towers~~ shall not be located between the principal structure and a public street.
   e. Wireless support structures ~~Telecommunication towers~~ shall be set back from the boundaries of any recorded residential subdivision a minimum distance equal to one hundred ~~ten~~ percent (100%) ~~(110%)~~ of the tower height.
   f. A wireless support structure's ~~telecommunication tower's~~ setback may be reduced or its location varied at the sole discretion of the Board of Zoning Appeals to allow for the integration of the wireless ~~telecommunication~~ facility into an existing or proposed structure, such as a church steeple, light standard, power line support device or similar structure.
5. *Co-location*: Any proposed wireless support structure ~~telecommunication tower~~ shall be designed structurally, electrically, and in all respects to accommodate both the applicant's antennas and comparable antennas for the following:
   a. A minimum of one (1) additional user if the wireless support structure ~~telecommunications tower~~ is between sixty (60) and 100 feet in height.
   b. A minimum of two (2) additional users if the wireless support structure ~~telecommunications tower~~ is 100 feet or more.
6. *Accessory Utility Structures*: All utility structures needed to support a wireless support structure ~~telecommunications tower~~ shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the underlying zoning district.
7. *Security Fence*: Wireless ~~Telecommunication~~ facilities and all accessory utility structures shall be protected by a security fence at least six (6) feet tall.
8. *Screening*: A live evergreen screen consisting of a hedge, planted three (3) feet on-center maximum, or a row of evergreen trees planted a maximum of ten (10) feet on-center shall be planted around the entire wireless ~~telecommunication~~ facility and each of the guy wires and anchors, if used. The height of all plants at the time of planting may be no less than five (5) feet.
9. *Lighting*: Wireless ~~Telecommunication~~ facilities shall not be illuminated by artificial means and shall not display strobe lights, except when it is dictated by State or federal authorities such as the FAA.
10. *Signs*: The use of any portion of a wireless ~~telecommunication~~ facility for the posting of any signs or advertisements of any kind, other than warning or equipment information signs, shall be prohibited.

D. Construction Standards: All wireless ~~telecommunication~~ facilities are subject to inspection by the Building Inspector during the construction process.

1. *Easements*: If an easement is required for location of a wireless ~~telecommunication~~ facility on the property, the easement shall be defined by a legal description prepared for recording and staked by a licensed and registered land surveyor so as to provide proof the facility has been constructed within the easement. The legal description shall be recorded prior to issuance of an Improvement Location Permit.
2. *Footers*: Footing inspections may be required by the Building Inspector for all wireless ~~telecommunication~~ facilities having footings.
3. *Electrical Standards*: All wireless ~~telecommunication~~ facilities containing electrical wiring shall be subject to the provisions of the National Electric Code, as amended.

E. Inspection of Towers: The following shall apply to the inspection of wireless ~~telecommunications~~ facilities:

1. *Frequency*: All towers may be inspected at least once every five (5) years, or more often as needed to respond to complaints received, by the Zoning Administrator and/or a registered, professional engineer to determine compliance with the original construction standards.
2. *Investigation*: The Zoning Administrator and the Building Inspector may enter onto the property to investigate the matter and may order the appropriate action be taken to bring the facility into compliance.
3. *Violations*: Notices of Violation will be sent for any known violation on the wireless ~~telecommunication~~ facility.

F. Abandoned Towers: Any tower unused or left abandoned for six (6) months shall be removed by the property owner at its expense. Should the property owner fail to remove the tower after thirty (30) days from the date a notice of violation is issued, Jasper County may obtain an injunction to remove the tower and bill the property owner for the costs of removal and cleanup of the site.

G. Process: The process for application and approval of a wireless facility is described in Section 9.21 Process for Wireless Facilities.

5.86 TU-01: General Temporary Use and Structure Standards

This Temporary Use and Structure Standards (TU) section applies to the following zoning districts:

CO PR A1 A2 A3 A4 ~~ER~~ R1 R2 VR M1 M2 MP IS LB GC HC CP I1 I2 HI

The following standards shall apply:

A. Cross Reference:

1. *Setback Standards*: Starting on *page 5-69*.

B. Permit Required: All temporary uses require a Temporary Improvement Location Permit except for the garage sale, yard sale, and auction.

C. Termination and Removal: Temporary uses and structures shall be terminated and removed at the end of the permitted event period.

D. Parking:

1. *Off-Street Parking*: In addition to the required parking for any use, adequate off-street parking is required for each temporary use and structure.
2. *Location*: The temporary use and structure shall not block any existing drives or public rights-of-way.

E. Signs: See *Section 5.70* through *Section 5.79: Sign Standards*

F. Garage Sales,Yard Sales and Auctions:

1. *Frequency*: Three (3) cumulative sales events (e.g. garage sale, yard sale, and/or auction) per year per site.
2. *Duration*: No more than ten (10) days.

5.87 TU-02: Agricultural Temporary Use and Structure Standards

This Temporary Use and Structure Standards (TU) section applies to the following zoning districts:

A1 A2 A3

The following standards shall apply:

A. Seasonal Sale of Farm Produce: The seasonal sale of farm produce shall be permitted with the following requirements:

1. *Duration*: The seasonal sale of farm produce shall be permitted up to six (6) months per calendar year.
2. *Space*: The sales space may be permanent, portable, or seasonal construction.
3. *Temporary Stands*: Any temporary stand shall be removed in off-seasons.
4. *Permanent Stands*: Any permanent stand shall be closed up with finish material and kept in good repair.

5.88 TU-03: Residential Temporary Use and Structure Standards

This Temporary Use and Structure Standards (TU) section applies to the following zoning districts:

~~ER~~ R1 R2 VR M1 M2 MP

The following standards shall apply:

A. Model Homes: Model homes, apartments, and condominiums are permitted with the following requirements:

1. *Permit Duration*: The Temporary Improvement Location Permit shall be valid for three (3) years and may be renewed annually after the initial three-year period if determined to be necessary by the Zoning Administrator.
2. *Location*: Model homes, model apartments, and model condominiums shall be on the site of the development for which the sales are taking place.

5.89 TU-04: Non-residential Temporary Use and Structure Standards

This Temporary Use and Structure Standards (TU) section applies to the following zoning districts:

CO PR A4 IS LB GC HC CP I1 I2 HI

The following standards shall apply:

A. Sale of Seasonal Items: The sale of seasonal items such as Independence Day fireworks, Christmas trees, and Halloween pumpkins is permitted with the following requirements:

1. *Duration*: The Temporary Improvement Location Permit is valid for forty-five (45) days. All unsold merchandise shall be removed within five (5) days after the holiday;
2. *Location*: The lot shall front a collector or arterial street and the temporary use shall be located a minimum of fifty (50) feet from residential zoning districts.

5.90 VC-01: Vision Clearance Standards

This Vision Clearance Standards (VC) section applies to the following zoning districts:

CO PR A1 A2 A3 A4 ~~FR~~ R1 R2 VR M1 M2 MP IS LB GC HC CP I1 I2 HI

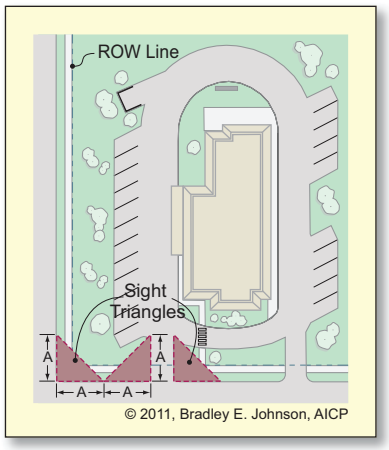
The following standards shall apply:

A. Vision Clearance Triangle: A vision clearance triangle shall be maintained at every intersection of two (2) or more streets and intersection of a street and driveway.

1. *Horizontal Area*: The vision clearance triangle leg lengths shall be twenty-five (25) feet as measured from the edge of pavement (see "A" below in the illustration). The vision clearance triangle leg along arterial streets shall be fifty (50) feet. Under no circumstance shall a property owner have to establish vision clearance on an adjacent property.

2. *Vertical Area*: No primary structures, accessory structures, landscaping, fences or walls, or signs are allowed to be placed or to project into the vision clearance triangle between the heights of two and one-half (2 1/2) feet and nine (9) feet above the crown of the adjacent street.

3. *Exceptions*: Public signs and utility poles shall be exempt from the vision clearance standards.



5.91 WT-01: Small Wind Turbine Systems

This Wind Turbine System Standards (WT) section applies to the following zoning districts:

CO PR A1 A2 A3 A4 ~~ER~~ R1 R2 VR M1 M2 MP IS LB GC HC CP I1 I2 HI

The following standards shall apply:

A. Permitted Systems:

1. *Horizontal Axis Wind Turbine*: A horizontal axis small wind turbine system shall be permitted as per the standards in this section (*Section 5.91*).
2. *Vertical Axis Wind Turbine*: A vertical axis small wind turbine system shall be permitted as per the standards in this section (*Section 5.91*).

B. Prerequisites:

1. *Energy Production Purpose*: Small wind turbine systems shall be primarily sized and installed for the purpose of generating energy for an on-site use (i.e. residence, small business, or farmstead). The small wind turbine system shall be sized to not produce more than one hundred fifty percent (150%) of the annual on-site electricity needs.
2. *Rated Power Limits*: A small wind turbine system's rated power shall be less than eleven kilowatts (11kW).
3. *Lot Size*: A minimum three-quarter (3⁄4) acre lot shall be required for a small wind turbine system to be installed.
4. *Manufacturer Installation Specifications*: Any permitted small wind turbine system shall be installed according to the manufacturer's specifications unless in conflict with applicable standards in the Jasper County Unified Development Ordinance. When conflicts exist, The following standards shall apply:
   a. Manufacturer Specifications are More Strict: When the manufacturer's specifications are more strict than this ordinance, the manufacturer's specifications shall be followed.
   b. Zoning Standards are More Strict: When this ordinance is more strict than the manufacturer's specifications, this ordinance shall prevail, and that particular small wind turbine system shall be considered not permitted.

C. Turbine System Limitations:

1. *Minimum Ratings*: A small wind turbine system shall be Underwriters Laboratories (UL) listed, have Conformité Européenne marking (CE Mark) for Europe-based manufacturers, be certified by the Canadian Standards Association (CSA) for Canada-based manufacturers, or otherwise approved by an equivalent region-based or county-based standards association recognized as equivalent to the Underwriters Laboratories (UL).
2. *Experimental Turbines*: Any small wind turbine system that does not meet the minimum ratings shall be considered experimental and shall not be permitted.
3. *Connection to the Grid*: Any small wind turbine system that is intended to be connected to the power grid shall be IEEE 1547 compliant (Institute of Electrical and Electronics Engineers Standard for Interconnecting Distributed Resources with Electric Power Systems).

D. Supporting Structure:

1. *Tower Mounted*: A horizontal axis small wind turbine system designed for tower mounting may be mounted on a monopole, pole with guy wires, lattice tower, or lattice tower with guy wires.
2. *Roof Mounted*: A horizontal or vertical axis small wind turbine system designed for roof mounting may be mounted to the roof of a primary or accessory building.
3. *Ground Mounted*: A vertical axis small wind turbine system designed for ground mounting shall be mounted on the ground.

E. Height Limitations:

1. *Tower Mounted*: The maximum tower height for a small wind turbine system shall be eighty (80) feet for lots under five (5) acres, and 110 feet for lots five (5) acres or greater.
2. *Roof Mounted*: The maximum height of all components of a roof mounted small wind turbine system shall be six (6) feet above the highest point of the roof for residential buildings and ten (10) feet above the highest point on the roof for agricultural, commercial, institutional, and industrial uses.
3. *Ground Mounted*: The maximum height of all components of a ground mounted small wind turbine system shall be forty (40) feet.

F. Maximum Number of Turbine Systems:

1. *Small Lot*: A lot with two (2) acres or less shall be restricted to one (1) horizontal axis small wind turbine system and one (1) vertical axis roof mounted small wind turbine system.
2. *Large Lots*: A lot with more than two (2) acres may have:
   a. Up to two (2) tower mounted horizontal axis or ground mounted vertical axis small wind turbine systems, and
   b. Up to three (3) roof mounted vertical axis small wind turbine systems.

G. Wind Load: A small wind turbine system shall be engineered to survive a 100 mph wind load or greater.

H. Rotor Diameter: The maximum rotor diameter shall be twenty (20) feet for a small wind turbine system.

I. Location Restrictions:

1. *Setback from Property Line*: A small wind turbine system, not including guy wires, shall be a minimum of twenty-five (25) feet from the property line or one hundred ten percent (110%) of the height of the tower, whichever is greater.
2. *Setback from Buildings*: A small wind turbine system, not including guy wires, shall not be required to be setback from any on-site building.
3. *Setback from Utilities*: A small wind turbine system, not including guy wires, shall be a minimum of fifty (50) feet from any above-ground utility line or one hundred twenty percent (120%) of the height of the tower, whichever is greater.
4. *Setback for Guy Wires*: Guy wire anchors shall be at least fifteen (15) feet from all property lines.

J. Safety:

1. *Roof Mounted Systems*: The rotors (blades) of a horizontal axis turbine mounted on a roof shall not extend horizontally beyond the roof line of the building to which it is attached.
2. *Ground Clearance*: The rotors (blades) of a horizontal axis wind turbine mounted on a tower shall not extend vertically to within twenty (20) feet of the ground.
3. *Overspeed Protection*: A small wind turbine system shall have a fail-safe breaking system, auto-furling system, or similar system to prevent structural failure due to excessive revolutions per minute (rpm). Overspeed protection shall be a proven industry standard.

K. Nuisance Prevention:

1. *Noise*: A small wind turbine system shall not generate more than pre-construction ambient sound level plus 5dBA (dBA L_{90} + 5dBA) or forty decibels (40dBA L_{90}) whichever is greater measured at the property line.
2. *Illumination*: A small wind turbine system shall not be illuminated in any way unless required by FAA regulations.
3. *Feeder Lines*: Feeder lines for wind turbines (i.e. electrical connection between the wind turbine and the on-site structure in which the power is utilized) shall be placed underground.

L. Abandoned Systems: A small wind turbine system shall be considered abandoned if its use as a wind turbine system is discontinued for more than six (6) months. The small wind turbine system shall be removed within six (6) months after being abandoned.

M. Appurtenances: A small wind turbine system shall not have any appurtenances (e.g. lighting, flags, signs, or decorations) attached to it except for meteorological measuring equipment.

5.92 WT-02: Large Wind Turbine Systems

This Wind Turbine System Standards (WT) section applies to the following zoning districts:

CO PR A1 A2 A3 IS CP I1 I2 HI

The following standards shall apply:

A. Permitted Systems:

1. *Horizontal Axis Wind Turbine*: A horizontal axis large wind turbine system shall be permitted as per the standards in this section (*Section 5.92*).
2. *Vertical Axis Wind Turbine*: A vertical axis large wind turbine system shall be permitted as per the standards in this section (*Section 5.92*).

B. Prerequisites:

1. *Energy Production Purpose*: Large wind turbine systems shall be primarily sized and installed for the purpose of generating energy for an on-site use (e.g. a school, industry, office building). The large wind turbine system shall be sized to not produce more than two hundred percent (200%) of the annual on-site electricity needs.
2. *Rated Power Limits*: A large wind turbine system shall have a minimum rated power of eleven kilowatts (11kW) and shall have a maximum rated power level of five hundred kilowatts (500kW).
3. *Lot Size*: A minimum two (2) acre lot shall be required for a large wind turbine system to be installed.
4. *Manufacturer Installation Specifications*: Any permitted large wind turbine system shall be installed according to the manufacturer's specifications unless in conflict with applicable standards in the Jasper County Unified Development Ordinance. When conflicts exist, The following standards shall apply:
   a. Manufacturer Specifications are More Strict: When the manufacturer's specifications are more strict than this ordinance, the manufacturer's specifications shall be followed.
   b. Zoning Standards are More Strict: When this ordinance is more strict than the manufacturer's specifications, this ordinance shall prevail, and that particular large wind turbine system shall be considered not permitted.

C. Meteorological Tower: Where a large wind turbine is permitted, a meteorological tower may first be installed, but it shall meet setback requirements, and not exceed the height (maximum blade height) allowances applicable to the large wind turbine.

1. *Time Frame*: A meteorological tower shall be permitted for up to eighteen (18) months.
2. *Notification*: A notification shall be made to the Planning Department prior to installation of the meteorological tower. If notification is not provided, a violation will occur.
3. *Removal*: The meteorological tower shall be removed prior to construction of the large wind turbine.

D. Turbine System Limitations:

1. *Minimum Ratings*: A large wind turbine system shall be manufactured to meet all applicable industry standards for manufacturing practices and safety.
2. *Experimental Turbines*: A large wind turbine system that does not meet the applicable minimum ratings shall be considered experimental and shall not be permitted.
3. *Connection to the Grid*: A large wind turbine system that is intended to be connected to the power grid shall be IEEE 1547 compliant (Institute of Electrical and Electronics Engineers Standard for Interconnecting Distributed Resources with Electric Power Systems).

E. Supporting Structure:

1. *Tower Mounted Systems*: A horizontal axis large wind turbine system designed for tower mounting shall be mounted on a monopole. Lattice towers and towers with guy wires shall not be permitted.
2. *Roof Mounted*: A large wind turbine system shall not be permitted to be mounted on a roof.
3. *Ground Mounted Systems*: A vertical axis large wind turbine system designed for ground mounting shall be mounted on the ground.

F. Height Limitations:

1. *Tower Mounted*: The maximum tower height for a large wind turbine system shall be 120 feet for lots under five (5) acres, and 140 feet for lots five (5) acres or greater.
2. *Roof Mounted*: Large wind turbine systems are not permitted to be mounted on a roof.
3. *Ground Mounted*: The maximum height of all components of a ground mounted large wind turbine system shall be sixty (60) feet.

G. Maximum Number of Turbine Systems:

1. *Small Lot*: A lot with fifteen (15) acres or less shall be restricted to one (1) horizontal axis or vertical axis large wind turbine system.
2. *Large Lots*: A lot with more than fifteen (15) acres may have up to two (2) horizontal axis or vertical axis large wind turbine systems.

H. Wind Load: A large wind turbine system shall be engineered to survive a 110 mph wind load or greater.

I. Rotor Diameter: The maximum rotor diameter shall be 200 feet for a large wind turbine system.

J. Location Restrictions:

1. *Setback from Property Line*: A large wind turbine system shall be a minimum of 100 feet or two hundred percent (200%) of the hub height from the property line, whichever is greater.
2. *Setback from On-site Buildings*: A large wind turbine system shall be required to be setback 100 feet from any on-site primary building. There is no required setback from accessory structures.
3. *Setback from Off-site Land Uses*: A large wind turbine system shall be a minimum of 1,000 feet from a platted residential subdivision, multiple-family residential development, institutional use (e.g. school or church), land zoned single-family residential, land zoned multiple-residential, or land zoned institutional. These standards only apply to off-site properties and should not be construed as restricting any of the above listed types of development (e.g. school or multiple-family development) from choosing to have an on-site large wind turbine system.
4. *Setback from Utilities*: A large wind turbine system shall be a minimum of 200 feet or two hundred percent (200%) of the hub height from above ground transmission lines, utility lines, or substations, whichever is greater.

K. Safety:

1. *Ground Clearance*: The rotors (i.e. blades) of a horizontal axis large wind turbine system mounted on a tower shall not extend vertically to within thirty (30) feet of the ground.
2. *Anti-icing Technology*: A large wind turbine system shall be equipped with technology able to detect icing on rotors that causes the system to shut down when experiencing a significant icing event; or shall utilize another industry accepted standard for protecting against shedding of significant pieces of ice capable of damaging nearby buildings and/or injuring persons or animals on the ground.
3. *Controls and Brakes*: A large wind turbine system shall be equipped with a redundant braking system that includes both aerodynamic overspeed controls (i.e. variable pitch, tip, and other similar systems) and mechanical brakes.

L. Nuisance Prevention:

1. *Noise*: A large wind turbine system shall not generate more than pre-construction ambient sound level plus 5dBA (dBA L_{90} + 5dBA) or forty decibels (40dBA L_{90}) whichever is greater at the property line.
2. *Illumination*: A large wind turbine system shall not be illuminated in any way unless required by or Federal Aviation Administration (FAA) regulations. Federal Aviation Administration (FAA) regulations shall be demonstrated to the Zoning Administrator prior to installation. If signal lighting is required on the top of a large wind turbine system, then it shall be shielded to prevent light below the horizontal plain.
3. *Shadow Flicker*: The flickering effect caused by an Federal Aviation Administration (FAA) required signal light or sunlight combined with the turning of the rotor shall be mitigated to the extent possible with the best known technology or practice.
4. *Color*: A large wind turbine system shall be a non-obtrusive color such as white, off-white, gray, earth tones, or similar non-reflective colors.
5. *Signage*: No large wind turbine system shall be used to display a commercial message.

6. *Signal Interference*: The owner shall make reasonable efforts to avoid any disruption or loss of radio, telephone, television or similar signals, and shall mitigate any harm caused by the large wind turbine system.
7. *Feeder Lines*: Feeder lines for wind turbines (e.g. between wind turbines and the on-site structure in which utilizes the power) shall be placed underground.
8. *Spin Direction*: Horizontal axis wind turbines shall have a rotor that spins clockwise when viewed from an upwind position. Vertical axis wind turbines shall spin clockwise when viewed from above.

M. Abandoned Systems: A large wind turbine system shall be considered abandoned if its use as a wind turbine system is discontinued for more than six (6) months. The large wind turbine system shall be removed within nine (9) months after being abandoned.

N. Appurtenances: A large wind turbine system shall not have any appurtenances (e.g. exterior lighting, wireless communication antennae, or ornamentation). Weather monitoring devices and safety equipment shall not be considered appurtenances.

Article

6

Subdivision Types

Jasper County
Unified Development
Ordinance

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GroundRules
website www.groundrulesinc.com

Simple Subdivision (SS)

6.01 Simple Subdivision Intent

The Simple Subdivision type is intended to provide a development option with the following features:

Land Use
- As per this Unified Development Ordinance

Applicability
- Lot splits creating up to 3 lots

Pedestrian Network
- Sidewalks and sidepaths along perimeter streets when required by the Plan Commission

Vehicular Network
- Connectivity to land behind frontage lots
- Assure separation of driveways

Site Feature Preservation
- Strive to save existing quality tree stands

Incentives
- n/a

6.02 Simple Subdivision Prerequisites

Base Zoning
- CO, PR, A1, A2, A3, A4, ~~ER,~~ and IS

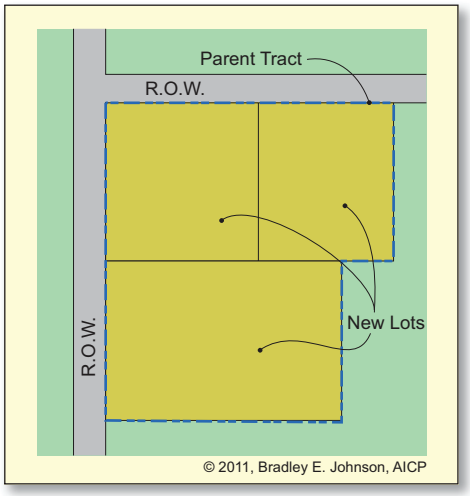
Minimum Parent Tract:
- No minimum

Maximum Parent Tract:
- No maximum

Disqualification:
- Any subdivision with internal streets or other public improvement, common area, or amenity center shall not qualify as a Simple Subdivision

Simple Subdivision (SS)

6.03 Simple Subdivision Standards



Required Open Space
- 0%

Minimum Perimeter Landscaping
- n/a

Minimum Block Length
- n/a

Maximum Block Length
- n/a

Minimum Cul-de-sac Length
- n/a

Maximum Cul-de-sac Length
- n/a

Minimum ROW on Local Streets
- n/a

Design Speed
- n/a

Minimum Street Width
- n/a

Curb
- n/a

On-street Parking
- n/a

Additional Design Standards that Apply

Access
- AC-01 7-3

Development Name
- DN-01 7-6

Easement
- EA-01 7-7

Entryway Feature
- EF-01 7-11

Erosion Control
- EC-01 7-12

Floodplain
- FL-01 7-13

Lot Establishment
- LE-01 7-14

Monument and Marker
- MM-01 7-16

Open Space
- OP-01 7-17

Owner Association
- OA-01 7-18

Prerequisite
- PQ-01 7-20

Storm Water
- SM-01 7-21

Street and Right-of-way
- SR-01 7-22

Street Name
- SN-01 7-26

Street Sign
- SS-01 7-27

Surety
- SY-01 7-28

Utility
- UT-01 7-29

6.04 Standard Subdivision Intent

The Standard Subdivision is intended to provide a development option with the following features:

Land Use
- 100% residential

Applicability
- Residential subdivisions containing any number of lots with or without new streets

Pedestrian Network
- Sidewalks on both sides of internal streets
- Side paths along perimeter streets

Vehicular Network
- Connectivity to adjacent parcels and other residential developments
- Large radius corners and curves

Site Feature Preservation
- Strive to save existing quality tree stands

6.05 Standard Subdivision Prerequisites

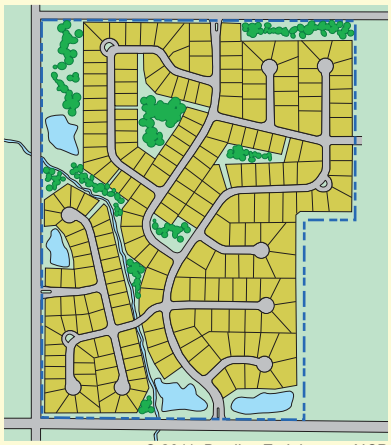
Prerequisite Base Zoning
- ~~ER,~~ R1, R2, VR, M1, M2, or MP

Minimum Parent Tract:
- No minimum

Maximum Parent Tract:
- No maximum

Standard Subdivision (ST)

6.06 Standard Subdivision Standards



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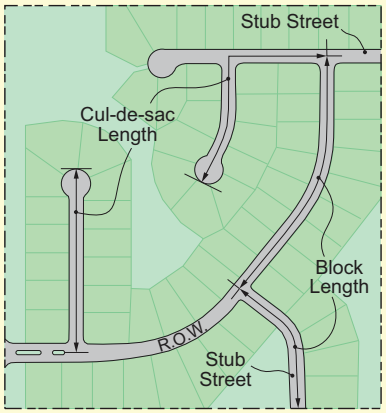

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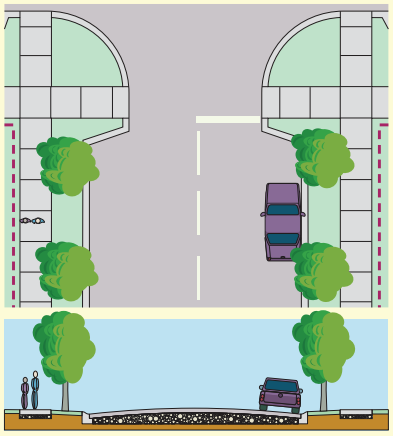

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Required Open Space
- 15% in subdivisions with any lots less than 1 acre
- 0% in subdivisions with all lots greater than 1 acre

Minimum Perimeter Landscaping
- 35 feet along all perimeter streets and shall be established as common area or landscape easement
- 0 feet when abutting another ST or CS subdivision
- 10 feet along all other property lines

Minimum Block Length
- 140 feet

Maximum Block Length
- 1,200 feet

Minimum Cul-de-sac Length
- 140 feet

Maximum Cul-de-sac Length
- 600 feet

Sidewalks/Perimeter Paths
- Sidewalks are required on both sides of local and collector streets
- Perimeter paths or sidewalks are required along perimeter streets

Minimum ROW on Local Streets
- 60 feet

Design Speed
- 20 to 30 mph

Minimum Lane Width
- 12 feet
- An additional 8 feet of pavement width shall be installed per side that parking is allowed.

On-street Parking
- not required

Minimum Tree Plot Width
- 5 feet

Minimum Sidewalk/Sidepath Width
- 4 feet along internal streets
- 6 feet along perimeter streets

Additional Design Standards that Apply

Access
- AC-01 7-3

Dedication of Public Improvement
- DD-01 7-5

Development Name
- DN-01 7-6

Easement
- EA-01 7-7

Entryway Feature
- EF-01 7-11

Erosion Control
- EC-01 7-12

Floodplain
- FL-01 7-13

Lot Establishment
- LE-01 7-14

Monument and Marker
- MM-01 7-16

Open Space
- OP-01 7-17

Owner Association
- OA-01 7-18

Perimeter Landscaping
- PL-01 7-19

Prerequisite
- PQ-01 7-20

Storm Water
- SM-01 7-21

Street and Right-of-way
- SR-01 7-22

Street Lighting
- SL-01 7-25

Street Name
- SN-01 7-26

Street Sign
- SS-01 7-27

Surety
- SY-01 7-28

Utility
- UT-01 7-29

6.07 Conservation Subdivision Intent

The Conservation Subdivision is intended to provide a development option with the following features:

Land Use
- 100% residential

Applicability
- Subdivisions containing a medium to large number of lots and new streets

Pedestrian Network
- Unimproved paths in conservation areas

Vehicular Network
- Provide connectivity to adjoining street systems for adequate access for emergency services
- Low to moderate use of cul-de-sacs
- Narrow streets without curb

Site Feature Preservation
- Shall preserve existing quality tree stands
- Shall preserve other existing natural amenities

Incentives
- Narrow local streets without curb
- Minimal street lights required

6.08 Conservation Subdivision Prerequisites

Prerequisite Base Zoning
- RE, R1, R2, or M1

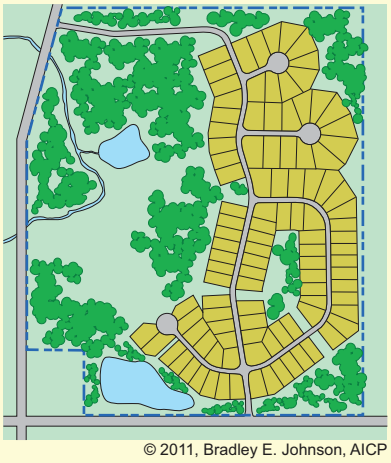
Minimum Parent Tract
- 5 acres (217,800 square feet)

Maximum Parent Tract
- No maximum

Special Qualifications
- The parent tract shall have a quality natural amenity covering at least 20% of the parent tract; including one or more of the following: woodlot, rolling terrain, prairie, wetland, natural stream, or natural lake. Or, the owner must be willing to establish an equivalent environmental feature.
- Subdivision shall facilitate clustered development that ensures the preservation of natural amenities on the site and significant common open space

Conservation Subdivision (CS)

6.09 Conservation Subdivision Standards



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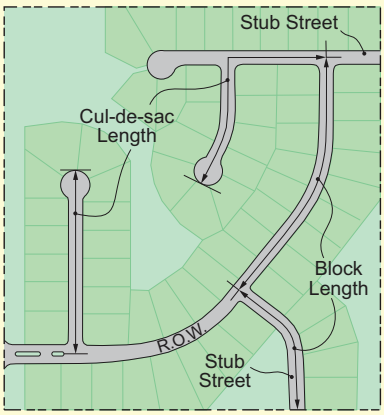

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Required Open Space
- 40% in subdivisions with any lots less than ½ acre
- 20% in subdivisions with any lots less than 1 acre
- 10% in subdivisions with all lots greater than 1 acre

Minimum Perimeter Landscaping
- 35 feet along all perimeter streets and shall be established as common area or landscape easement
- 0 feet when abutting another ST or CS subdivision
- 10 feet along all other property lines

Minimum Block Length
- 100 feet

Maximum Block Length
- 1,760 feet (1/3 mile)

Minimum Cul-de-sac Length
- 100 feet

Maximum Cul-de-sac Length
- 880 feet

Sidewalks/Perimeter Paths
- Sidewalks are required to connect each lot to the perimeter street and may include sidewalks on only one side of the street
- Mulch or crushed limestone paths are required in conservation areas and shall be at least 1/4 of the required lineal feet of sidewalks installed in the development

Minimum ROW on Local Streets
- 60 feet

Design Speed
- 20 to 30 mph

Minimum Lane Width
- 11 feet, plus at least 18 inches of crushed limestone for a shoulder on both sides of the street
- An additional 8 feet of pavement width shall be installed per side that parking is allowed.

On-street Parking
- Not required and is discouraged

Minimum Tree Plot Width
- 5 feet, if sidewalk is installed along street

Minimum Sidewalk/Sidepath Width
- 4 feet along internal streets
- 6 feet along perimeter streets

Additional Design Standards that Apply

Access
- AC-01 7-3

Dedication of Public Improvement
- DD-01 7-5

Development Name
- DN-01 7-6

Easement
- EA-01 7-7

Entryway Feature
- EF-01 7-11

Erosion Control
- EC-01 7-12

Floodplain
- FL-01 7-13

Lot Establishment
- LE-01 7-14

Monument and Marker
- MM-01 7-16

Open Space
- OP-01 7-17

Owner Association
- OA-01 7-18

Perimeter Landscaping
- PL-01 7-19

Prerequisite
- PQ-01 7-20

Storm Water
- SM-01 7-21

Street and Right-of-way
- SR-01 7-22

Street Lighting
- SL-01 7-25

Street Name
- SN-01 7-26

Street Sign
- SS-01 7-27

Surety
- SY-01 7-28

Utility
- UT-01 7-29

Commercial Subdivision (CM)

6.10 Commercial Subdivision Intent

The Commercial Subdivision is intended to provide a development option with the following features:

Land Use
- 100% nonresidential
- Primarily commercial uses

Applicability
- Commercial subdivisions containing any number of lots with or without new streets

Pedestrian Network
- Safe movement to primary structures from public streets
- Safe movement between primary structures
- Perimeter paths along arterial streets

Vehicular Network
- Connectivity to adjacent parcels
- Adequate accessibility for deliveries
- Use of frontage streets when necessary
- Minimal driveway cuts

Site Feature Preservation
- Strive to save quality existing tree stands

Incentives
- None

6.11 Commercial Subdivision Prerequisites

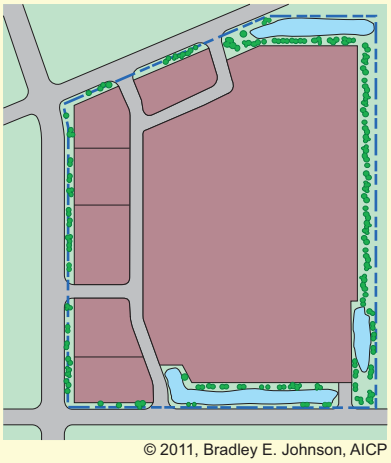
Prerequisite Base Zoning
- LB, GC, or HC

Minimum Parent Tract
- 2 acres (87,120 square feet)

Maximum Parent Tract
- No maximum

Commercial Subdivision (CM)

6.12 Commercial Subdivision Standards



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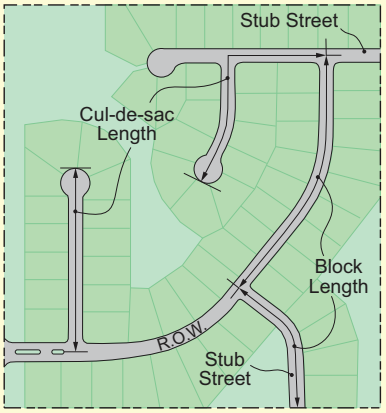

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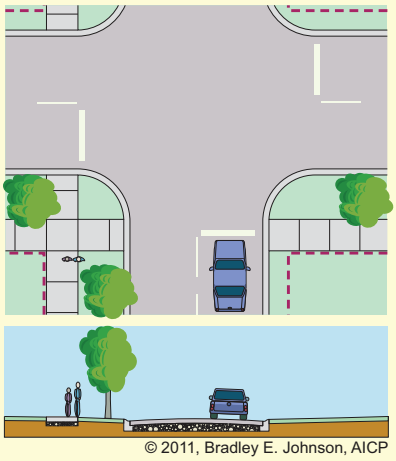

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Required Open Space
- 10% in subdivisions with any lots less than 1 acre
- 0% in subdivisions with all lots greater than 1 acre

Minimum Perimeter Landscaping
- 20 feet along perimeter streets and shall be established as common area or landscape easement
- 0 feet if abutting a GB District
- 30 feet along all other property lines

Minimum Block Length
- 140 feet

Maximum Block Length
- 1,000 feet

Minimum Cul-de-sac Length
- 140 feet

Maximum Cul-de-sac Length
- 600 feet

Sidewalks/Perimeter Paths
- Sidewalks are required on at least one side of all internal streets
- Perimeter paths or sidewalks are required along perimeter streets

Minimum ROW on Local Streets
- 60 feet

Design Speed:
- 20 to 35 mph

Minimum Lane Width
- 12 feet

On-street Parking:
- Not permitted

Minimum Tree Plot Width:
- 5 feet

Minimum Sidewalk/Sidepath Width:
- 4 feet along internal streets
- 6 feet along perimeter streets

Additional Design Standards that Apply

Access
- AC-02 7-4

Dedication of Public Improvement
- DD-01 7-5

Development Name
- DN-01 7-6

Easement
- EA-01 7-7

Entryway Feature
- EF-01 7-11

Erosion Control
- EC-01 7-12

Floodplain
- FL-01 7-13

Lot Establishment
- LE-02 7-15

Monument and Marker
- MM-01 7-16

Open Space
- OP-01 7-17

Owner Association
- OA-01 7-18

Perimeter Landscaping
- PL-01 7-19

Prerequisite
- PQ-01 7-20

Storm Water
- SM-01 7-21

Street and Right-of-way
- SR-01 7-22

Street Name
- SN-01 7-26

Street Sign
- SS-01 7-27

Surety
- SY-01 7-28

Utility
- UT-01 7-29

Industrial Park Subdivision (IP)

6.13 Industrial Park Subdivision Intent

The Industrial Park Subdivision is intended to provide a development option with the following features:

Land Use
- 100% nonresidential
- Primarily industrial uses

Applicability
- Industrial subdivisions containing any number of lots with or without new streets

Pedestrian Network
- Safe movement to primary structures from public streets
- Perimeter paths along arterial streets

Vehicular Network
- Connectivity to adjacent parcels
- Use of frontage streets when necessary
- Safe and efficient integration of vehicular and truck traffic
- Minimal driveway cuts.

Site Feature Preservation
- Strive to save quality existing tree stands

Incentives
- None

6.14 Industrial Park Subdivision Prerequisites

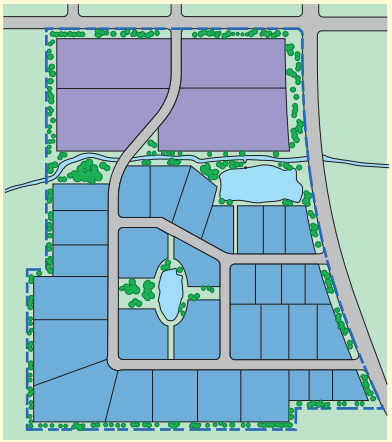
Prerequisite Base Zoning
- CP, I1, or I2

Minimum Parent Tract
- No minimum

Maximum Parent Tract
- No maximum

Industrial Park Subdivision (IP)

6.15 Industrial Park Subdivision Standards



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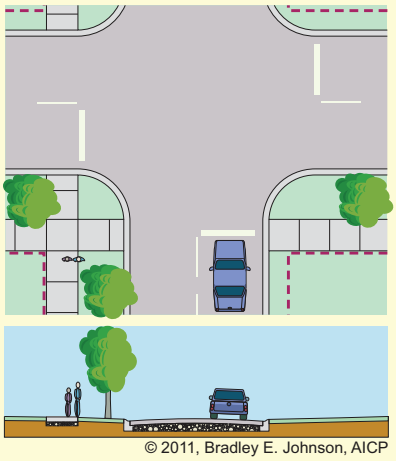

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Minimum Open Space
- 10% in subdivisions with any lots less than 1 acre
- 0% in subdivisions with all lots greater than 1 acre

Minimum Perimeter Landscaping
- 30 feet along perimeter streets and shall be established as common area or landscape easement
- 0 feet if abutting a I1 or I2 District
- 35 feet along all other property lines

Minimum Block Length
- No minimum

Maximum Block Length
- No maximum

Cul-de-sac Length
- Cul-de-sacs are not permitted

Sidewalks/Perimeter Paths
- Sidewalks required on at least one side of internal streets
- Perimeter paths or sidewalks are required along perimeter streets

Minimum ROW on Local Streets
- 60 feet

Design Speed
- 25 to 35 mph

Minimum Lane Width
- 12 feet

On-street Parking
- Not permitted

Minimum Tree Plot Width
- 5 feet

Minimum Sidewalk/Sidepath Width
- 4 feet along internal streets
- 6 feet along perimeter streets

Additional Design Standards that Apply

Access
- AC-02 7-4

Dedication of Public Improvement
- DD-01 7-5

Development Name
- DN-01 7-6

Easement
- EA-01 7-7

Entryway Feature
- EF-01 7-11

Erosion Control
- EC-01 7-12

Floodplain
- FL-01 7-13

Lot Establishment
- LE-02 7-15

Monument and Marker
- MM-01 7-16

Open Space
- OP-01 7-17

Owner Association
- OA-01 7-18

Perimeter Landscaping
- PL-01 7-19

Prerequisite
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Article

7

Design Standards

Jasper County Unified Development Ordinance

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GroundRules
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Design Standards

7.01 Purpose of Design Standards

A. Intent: It is the purpose of *Article 7: Design Standards* to establish and define the design standards that shall be required by Jasper County for any subdivision of land, development plan approval, and Planned Development.

7.02 Using This Section

The following pages contain the design standards for developments which will result in new buildable lots, public infrastructure (e.g. water or sewer), public or private streets, multiple primary structures, common area, or easements. These developments typically are processed as subdivisions, planned developments, or development plans.

There are two ways to determine which design standards apply to a specific type of petition. They are:

A. Using Two-Page Layouts: Refer to the two-page layouts in *Article 6: Subdivision Types* for a specific subdivision type. Applicable design standards for that specific subdivision type are identified by four-digit codes in the "Additional Design Standards that Apply." Only the four-digit codes noted in the "Additional Design Standards that Apply" section apply to that subdivision type.

B. Using Icons: Refer to the project icons used at the top of each design standards section in *Article 7: Design Standards*. Each design standard section begins with a four-digit code and introductory sentence followed by square icons that stand for subdivision or project type. These project icons note that the design standards written in that section applies to that type of petition.

7.03 Icon Key

SS Simple Subdivision

ST Standard Subdivision

CS Conservation Subdivision

CM Commercial Subdivision

IP Industrial Park Subdivision

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7.04 AC-01: Access Standards; Residential Developments

This Access Street Standards (AC) section applies to the following types of development:

SS ST CS

A. Cross Reference: See the *Jasper County Thoroughfare Plan* for items relating to Access Standards.

B. Driveway Access onto a Perimeter Street:

1. *Driveway Access onto a Collector or Arterial Street*: Any lot adjacent to a perimeter street classified as a collector or an arterial street shall not have driveway access onto the perimeter street. These lots shall gain access from an internal street.
2. *Driveway Access onto a Local Street*: Any lot adjacent to a perimeter street classified as a local street shall not have driveway access onto the perimeter street unless the lot width and lot frontage are 500 feet or greater, and the building setback is 200 feet or greater according to the recorded plat. If these standards cannot be met, the lot shall gain access from an internal street.

C. Maximum Driveway Access onto a Perimeter Street: When driveway access is allowed, only one (1) driveway access is permitted onto a perimeter street.

D. Internal Street Connection to a Perimeter Street:

1. *Maximum Number*:
   a. Developments with ten (10) lots or less shall be limited to one (1) internal street connection to a perimeter street.
   b. Developments with ten (10) to ninety-nine (99) lots shall be limited to two (2) internal street connections to a perimeter street.
   c. Developments with 100 to 399 lots shall be required to have at least two (2) internal street connections to a perimeter street, but shall not exceed three (3) total connections.
   d. Developments with 400 or more lots shall be required to have at least three (3) internal street connections to a perimeter street, but shall not exceed four (4) total connections.
2. *Safe Location*: All internal street connections to a perimeter street shall be at a safe location where the following requirements are met.
   a. The vertical alignment (i.e. hills) or horizontal alignment (i.e. curves) of the perimeter street shall not prevent clear view of the internal street's connection for:
      i. 450 feet if the perimeter street is an arterial.
      ii. 300 feet if the perimeter street is a collector.
      iii. 150 feet if the perimeter street is a local street.
   b. Vegetation or other physical condition shall not prevent clear view of the internal street's connection for:
      i. 450 feet if the perimeter street is an arterial.
      ii. 300 feet if the perimeter street is a collector.
      iii. 150 feet if the perimeter street is a local street.
   c. The distance between the internal street's connection with the perimeter street to any other street that intersects with the same perimeter street shall not be:
      i. Less than 600 feet if the perimeter street is an arterial street.
      ii. Less than 400 feet if the perimeter street is classified as a collector street.
      iii. Less than 200 feet if the perimeter street is classified as a local street.

7.05 AC-02: Access Standards; Nonresidential Developments

This Access Street Standards (AC) section applies to the following types of development:

CM IP

A. Driveway Access onto a Perimeter Street:

1. *Driveway Access onto an Arterial Street*: Any lot adjacent to a perimeter street classified as an arterial street shall not have driveway access onto the perimeter street unless the lot width and lot frontage are wide enough to maintain at least thirty-five (35)feet of separation from the side yard and at least 75 feet of separation from any intersecting right-of-way. If these standards cannot be met, the lot shall gain access from an internal street.
2. *Driveway Access onto a Collector Street*: Any lot adjacent to a perimeter street classified as a collector street shall not have driveway access onto the perimeter street unless the lot width and lot frontage are wide enough to maintain at least twenty-five (25) feet of separation from the side yard and at least sixty (60) feet of separation from any intersecting right-of-way. If these standards cannot be met, the lot shall gain access from an internal street.
3. *Driveway Access onto a Local Street*: Any lot adjacent to a perimeter street classified as a local street shall not have driveway access onto the perimeter street unless the lot width and lot frontage are wide enough to maintain at least fifteen (15)feet of separation from the side yard and at least forty-five (45) feet of separation from any intersecting right-of-way. If these standards cannot be met, the lot shall gain access from an internal street.

B. Maximum Driveway Access onto a Perimeter Street: When driveway access is allowed, only one (1) driveway access is permitted onto a perimeter street per qualifying frontage.

C. Internal Street Connection to a Perimeter Street:

1. *Maximum Number*:
   a. Developments with twenty (20) lots or less shall be limited to two (2) internal street connections to a perimeter street.
   b. Developments with more than twenty (20) lots shall be required to have at least two (2) internal street connections to a perimeter street, but shall not exceed three (3) total connections.
2. *Safe Location*: All internal street connections to a perimeter street shall be at a safe location where the following requirements are met.
   a. The vertical alignment (i.e. hills) or horizontal alignment (i.e. curves) of the perimeter street shall not prevent clear view of the internal street's connection for:
      i. 450 feet if the perimeter street is an arterial.
      ii. 300 feet if the perimeter street is a collector.
      iii. 150 feet if the perimeter street is a local street.
   b. Vegetation or other physical condition shall not prevent clear view of the internal street's connection for:
      i. 450 feet if the perimeter street is an arterial.
      ii. 300 feet if the perimeter street is a collector.
      iii. 150 feet if the perimeter street is a local street.
   c. The distance between the internal street's connection to the perimeter street to any other street that intersects with the same perimeter street shall not be:
      i. Less than 600 feet if the perimeter street is an arterial street.
      ii. Less than 400 feet if the perimeter street is classified as a collector or local street.

7.06 DD-01: Dedication of Public Improvement Standards

This Dedication of Public Improvement Standards (DD) section applies to the following types of development:

ST CS CM IP

A. Cross Reference: See *Section 7.25: Surety Standards* for standards relating to Public Improvements.

B. Dedication of Right-of-way: All right-of-way on an approved final plat shall be considered dedicated upon its approval. Improvements within the right-of-way shall be subject to the Surety Standards in *Section 7.25: Surety Standards*.

C. Dedication of Streets: The intent of the County is to take ownership of all improvements within the right-of-way if the following criteria is met:

   1. *Construction Standards*: All improvements have been constructed as per the County's engineering and construction standards.

D. Dedication of Other Facilities: Other infrastructure or facilities may, at the election of the County Commissioners, be dedicated to the County. These facilities may include parks, open space, retention ponds, drainage facilities, utilities, street lighting, or other facilities that the County may have interest in. If dedicated and accepted, the operation and maintenance costs shall be transferred to the County. A three-year maintenance surety for any improvement may be required by the County at the time of dedication.

7.07 DN-01: Development Name Standards

This Development Name Standards (DN) section applies to the following types of development:

SS ST CS CM IP

A. Proposed Development Name: The petitioner shall propose a unique name for the development to the Plan Commission.

B. Approval Authority: While development names proposed by petitioners shall be considered, the approval of development names is hereby delegated to the Plan Commission. Existing development names and development names that have been approved by the Plan Commission shall not be changed without the approval of the Plan Commission.

C. Authority to Rename a Proposed Development: The Plan Commission shall have authority to require a new unique name for the development if the name proposed by the petitioner is found to be too similar to that of another development. If an acceptable and unique development name is not proposed by the petitioner, the Plan Commission shall rename the development prior to final approval.

D. Development Name Criteria: Within the jurisdiction of the Plan Commission, the following standards shall apply:

1. *Root Name*: The proposed root name of the development shall not duplicate, or closely approximate phonetically, the name of any other development.
2. *Suffix Name*: Deviations in suffix names (e.g. Place, Woods, Glen, or Creek) shall not constitute a unique name and shall be prohibited except as described below (for example, if Sutton Woods exists as a development name, the name Sutton Creek shall not be permitted).
3. *Large Developments*: Unique subareas within a large development or separate developments within close geographic proximity shall be authorized to use the same root name if deemed not to be confusing or unsafe by the Plan Commission.

Easement Standards (EA)

7.08 EA-01: Easement Standards

This Easement Standards (EA) section applies to the following types of development:

SS ST CS CM IP

A. Easements:

1. *Drainage and Utility Easements*: All proposed developments submitted for Plan Commission approval under the provisions of *Article 7: Design Standards* shall allocate areas of suitable size and location, wherever necessary, for drainage and/or utility easements. All easements and corresponding utility location plans shall be complete and approved prior to the final approval of any plat.
2. *Surface and Subsurface Drainage*: All development-serving drainage "infrastructure" including surface (e.g. drainage swales and creeks) and subsurface drainage (e.g. tile) shall be located in a drainage easement. The easement shall follow the centerline of the drainage facility. The width for a drainage facility that is or will be a regulated drain shall be determined by the Jasper County Drainage Board. All other drainage facilities shall have an minimum easement width of twenty (20) feet (ten (10) feet per side from the centerline) or minimum of two (2) feet beyond the top of bank, whichever results in a larger easement. The easement shall allow access by an owner association, County Surveyor, and County Drainage Board for the purpose of widening, deepening, sloping, improving, maintaining, replacing tile, or protecting said drainage swale or subsurface tile.

B. Other Easements:

1. *Easement Instrument Specifications*: Where an easement is required by this Unified Development Ordinance but the standards for the easement type are not specified, or an easement is required per a commitment or condition of approval, the property owner of record ("grantor") shall execute the easement instrument in favor of the appropriate grantee. Said instrument shall:
   a. Specify the docket numbers of the petitions with which the easement is associated.
   b. Specify those activities the grantee is authorized to perform in the easement.
   c. Specify those activities the grantor is prohibited from performing in the easement.
   d. Be binding on all heirs, successors, and assigns to the property on which the easement is located.
   e. Be enforceable by the grantee and the County.
   f. Specify any other specially affected persons and classes of specially affected persons that are entitled to enforce the easement.
   g. Provide for modification in the manner stipulated in the Unified Development Ordinance.
   h. Be cross-referenced to the most recently recorded deed to the property on which the easement is to be established.
   i. Include a plat with a description of the easement. If a plat is not available, a metes and bounds survey should be submitted.
   j. Be signed by an authorized representative of the property owner of record granting the easement and by an authorized representative of the grantee accepting the easement.
2. *Easement Certificate*:
   a. When a plan (e.g. Secondary Plat, Development Plan) is being recorded, the petitioner may forego a separate easement instrument in favor of printing an easement certificate, the content of which has been approved by the Zoning Administrator, on the plan.
   b. Declaration of Covenants: If the Declaration of Covenants is included on the plan (e.g. Secondary Plat, Development Plan), the easement certificate shall not be incorporated into the Declaration of Covenants, and shall be clearly separate from the Declaration of Covenants.

C. Cross-access Easements:

1. *Easement Instrument Specifications*: When required by this Unified Development Ordinance, each property owner of record ("grantor") shall execute a cross-access easement instrument in favor of the adjoining property owner ("grantee"). Said instrument shall:
   a. Specify the docket numbers of the petitions and/or the project numbers of the permits with which the easement is associated.
   b. Grant the public the right to utilize the easement for purposes of accessing adjoining parking lots.
   c. Prohibit any person from parking vehicles within the easement.
   d. Prohibit the property owners or any other person from placing any obstruction within the easement.
   e. Be binding on all heirs, successors, and assigns to the properties on which the easement is located.
   f. Be enforceable by each party to the easement and by the County.
   g. Specify any other specially affected persons and classes of specially affected persons that are entitled to enforce the easement.
   h. Provide for modification or termination in the manner stipulated in the Unified Development Ordinance.
   i. Be cross-referenced to the most recently recorded deeds to the properties on which the easement is to be established.
   j. Include a metes and bounds description of the easement.
   k. Be signed by a duly authorized representative of each property owner of record granting the easement and by duly authorized representatives of each property owner accepting the easement.
2. *Cross-access Easement Certificate*:
   a. When a plan (e.g. Secondary Plat, Development Plan) is being recorded, the petitioner may forego a separate easement instrument in favor of printing the following cross-access easement certificate on the plan: "There are shown on this instrument areas that are designated as 'Cross-access Easement' or abbreviated as 'C-A.E.' Such easements are hereby established in favor of the adjoining property owner ('grantee'), and grant the public the right to enter the easement for purposes of accessing adjoining parking lots. These easements prohibit any person from parking vehicles within the easement, and prohibit the property owners or any other person from placing any obstruction within the easement. These easements are binding on all heirs, successors, and assigns to the property on which they are located. The grantee or the County may enforce the provisions of the easement. [_____] is also entitled to enforce the provisions of the easement. The easement shall only be modified or vacated in the manner stipulated in the Unified Development Ordinance, or its successor ordinance."
   b. The dedication and acceptance of easements shown on a recordable instrument shall be accomplished via a Certificate of Dedication signed by the property owner of record, and a Certificate of Acceptance signed by the grantee or its agent.
   c. Declaration of Covenants: If the Declaration of Covenants is included on the plan (e.g. Secondary Plat, Development Plan), the cross-access easement certificate shall not be incorporated into the Declaration of Covenants, and shall be clearly separate from the Declaration of Covenants.

D. Private Street Easements:

1. *Easement Instrument Specifications*: When required by this Unified Development Ordinance, the property owner of record ("grantor") shall execute a private street easement instrument in favor of the owner of the lot ("grantee") to which the private street provides access. Said instrument shall:

   a. Specify the docket numbers of the petitions and/or the project numbers of the permits with which the easement is associated.

   b. Grant the grantee the right to access the easement for purposes of accessing their lot.

   c. Specify the grantee's financial responsibilities with respect to the alteration, repair, maintenance, and removal of the improvements.

   d. Prohibit the grantee or any other person from placing any obstruction within the easement;

   e. Require that the private street be built to the standards of the County.

   f. Be binding on all heirs, successors, and assigns to the property on which the easement is located;

   g. Be enforceable by the grantee and the County.

   h. Specify any other specially affected persons and classes of specially affected persons that are entitled to enforce the easement.

   i. Provide for modification or termination in the manner stipulated in the Unified Development Ordinance.

   j. Be cross-referenced to the most recently recorded deeds to the properties on which the easement is to be established.

   k. Include a metes and bounds description of the easement.

   l. Be signed by a duly authorized representative of each property owner of record granting the easement and by duly authorized representatives of each property owner accepting the easement.

2. *Private Street Easement Certificate*:

   a. When a plan (e.g. Secondary Plat, Development Plan) is being recorded, the petitioner may forego a separate easement instrument in favor of printing the following private street easement certificate on the plan: "There are shown on this instrument areas that are designated as 'Private Street Easement' or abbreviated as 'P.S.E.' Such easements are hereby established in favor of the adjoining property owners ('grantee'), and grant the grantee the right to enter the easement for purposes of accessing their lot. These easements prohibit the property owners or any other person from placing any obstruction within the easement. These easements are binding on all heirs, successors, and assigns to the property on which they are located. The grantee or the County may enforce the provisions of the easement. [_____] is also entitled to enforce the provisions of the easement. The easement shall only be modified or vacated in the manner stipulated in the Unified Development Ordinance, or its successor ordinance."

   b. The dedication and acceptance of easements shown on a recordable instrument shall be accomplished via a Certificate of Dedication signed by the property owner of record, and a Certificate of Acceptance signed by the grantee or its agent.

   c. Declaration of Covenants: If the Declaration of Covenants is included on the plan (e.g. Secondary Plat, Development Plan), the private street easement certificate shall not be incorporated into the Declaration of Covenants, and shall be clearly separate from the Declaration of Covenants.

E. Temporary Turnaround Easements:

1. *Easement Instrument Specifications*: When a temporary turnaround is required by this Unified Development Ordinance, the property owner of record ("grantor") shall execute a temporary turnaround easement instrument in favor of the general public through the County Commissioners ("grantee"). Said instrument shall:
   a. Specify the docket numbers of the petitions and/or the project numbers of the permits with which the temporary turnaround easement is associated;
   b. Grant the general public the right to access the easement for purposes of maneuvering vehicles;
   c. Grant the County the right to alter, repair, maintain, or remove the improvements;
   d. Prohibit any person from parking vehicles within the easement;
   e. Prohibit the property owner or any other person from placing any obstruction within the easement;
   f. Be binding on all heirs, successors, and assigns to the property on which the temporary turnaround easement is located;
   g. Be enforceable by the County Commissioners, the Plan Commission, the Planning Department, and the County Attorney;
   h. Specify any other specially affected persons and classes of specially affected persons that are entitled to enforce the temporary turnaround easement;
   i. Provide for modification or termination in the manner stipulated in the Unified Development Ordinance;
   j. Provide for automatic termination upon the County's acceptance of the reciprocal stub street;
   k. Be cross-referenced to the most recently recorded deed to the property on which the temporary turnaround easement is to be established.
   l. Include a metes and bounds description of the temporary turnaround easement.
   m. Be signed by a duly authorized representative of the property owner of record granting the temporary turnaround easement and by duly authorized representatives of the County Commissioners accepting the easement.
2. *Temporary Turnaround Easement Certificate*:
   a. When a plan (e.g. Secondary Plat, Development Plan) is being recorded, the petitioner may forego a separate easement instrument in favor of printing the following temporary turnaround easement certificate on the plan: *"There are shown on this instrument areas that are designated as 'Temporary Turnaround Easement' or abbreviated as 'T.T.E.' Such easements are hereby established in favor of the general public ('grantee'), and grant the grantee the right to enter the easement for purposes of maneuvering vehicles. The easement also grants the County the right to alter, repair, maintain, or remove the improvements. The easement prohibits any person from parking vehicles within the easement and prohibits the property owner or any other person from placing any obstruction within the easement. These easements are binding on all heirs, successors, and assigns to the property on which they are located. The grantee or the County may enforce the provisions of the easement. [_____] is also entitled to enforce the provisions of the easement. The easement shall only be modified or vacated in the manner stipulated in the Unified Development Ordinance, or its successor ordinance."*
   b. The dedication and acceptance of easements shown on a recordable instrument shall be accomplished via a Certificate of Dedication signed by the property owner of record, and a Certificate of Acceptance signed by the grantee or its agent.
   c. Declaration of Covenants: If the Declaration of Covenants is included on the plan (e.g. Secondary Plat, Development Plan), the subdivision sign easement certificate shall not be incorporated into the Declaration of Covenants, and shall be clearly separate from the Declaration of Covenants.

7.09 EF-01: Entryway Feature Standards

This Entryway Feature Standards (EF) section applies to the following types of development:

SS ST CS CM IP

A. General: Where entryway features are established, they shall be attractive, eye-catching, and constructed of durable materials. Entryway features shall be designed, installed, and maintained to be safe and healthful environments. Entryway features shall not be located within the right-of-way.

B. Cross Reference: Signs associated with entryway features are subject to additional standards pursuant to *Section 5.70 through 5.79: Sign Standards*.

C. Site Plan: A Site Plan shall be submitted for consideration and approval for entryway features in all subdivisions, multiple-family developments and Planned Developments. This includes all signs that will be utilized on the site, including but not limited to project identification, project directory, individual occupancy (identification or advertisement).

D. Project Identification: The number and size of signs shall depend on the number of entrances and scale of the street from which the entrance is located.

1. *Main Entryway Feature*:
   a. One (1) large entryway feature is permitted per development.
   b. If the development has more than 100 dwelling units or the parent tract is greater than eighty (80) acres, and the development has primary entrances off of two (2) different arterial or collector streets, it shall be permitted to have two (2) large entryway features.
   c. No single identification sign incorporated into a large entryway feature shall exceed forty (40) square feet.
2. *Secondary Entryway Feature*:
   a. One (1) small entryway feature is permitted for every secondary entrance.
   b. This entryway feature shall be significantly smaller in scale than the large entryway feature.
   c. No single identification sign incorporated into a small entryway feature shall exceed twenty (20) square feet.

E. Landscaping: Landscaping shall enhance the entryway feature.

7.10 EC-01: Erosion Control Standards

This Erosion Control Standards (EC) section applies to the following types of development:

SS ST CS CM IP

A. General: No changes shall be made in the contour of the land, nor shall grading, or excavating begin until an Erosion and Sedimentation Control Plan has been reviewed and approved by the Zoning Administrator. Any development over one (1) acre of land shall be required to submit an Erosion and Sediment Control Plan, obtain a Rule 5 Permit from the local Soil and Water Conservation Office, and shall be reviewed by the Indiana Department of Environmental Management. A copy of the submittal for approval shall be held in the office of the Zoning Administrator.

B. Off-site Sedimentation: Whenever sedimentation is caused by stripping of vegetation, regrading, or other development activities, it shall be the responsibility of the petitioner to remove it from all adjoining surfaces, drainage systems, and watercourses, and to repair any damage at the petitioner's expense.

C. Off-site Fill: Off-site fill material shall be free of environmentally hazardous materials. The petitioner shall ensure to the County's satisfaction that fill material hauled from an off-site location is free of environmental contaminants. The source of fill material shall be identified prior to application for an Improvement Location Permit. If directed by the County, the petitioner shall have testing performed on representative samples of the fill material to determine if environmentally hazardous materials are present in the fill.

D. Other Fill:

1. *Organic Material*: Detrimental amounts of organic material shall not be permitted in fills.
2. *Irreducible Material*: No rock or similar irreducible material with a maximum dimension greater than twelve (12) inches shall be buried or placed in fills unless included and approved as part of an Improvement Location Permit.
3. *Compaction*: All fills shall be compacted per Jasper County's construction and engineering standards.

E. Health, Safety and Welfare: If the County determines that any existing excavation or embankment or fill has become a hazard to life or limb, or endangers property, or adversely affects the safety, use or stability of a public way or drainage channel, the owner of the property upon which the excavation or fill is located, or other person or agent in control of said property, upon receipt of notice in writing from the County, shall within the period specified therein repair or eliminate such excavation or embankment to eliminate the hazard.

F. Disturbance of Protected Areas: If any "no disturb" areas are driven over, altered, disturbed, or damaged in any way, the petitioner or property owner shall be subject to *Article 10: Enforcement* of the Unified Development Ordinance.

a. Project Applicability: While the following standards apply to all development projects, those that involve the disturbance of one acre or more.

Floodplain Standards (FL)

7.11 FL-01: Floodplain Standards; Provisions for Flood Hazard Reduction

This Floodplain Standards (FL) section applies to the following types of development:

SS ST CS CM IP

A. Cross Reference: See the *Jasper County Flood Hazard Area Ordinance*.

7.12 LE-01: Lot Establishment Standards; Residential

This Lot Establishment Standards (LE) section applies to the following types of development:

SS ST CS

A. General: The shape, location, and orientation of all lots within a development shall be appropriate for the uses proposed and be in accordance with the zoning districts, except as allowed by *Article 6: Subdivision Types*.

B. Standards: Every lot shall meet the following standards.

1. *Street Frontage*: Residential lots shall be laid out to only have frontage on interior streets, including frontage streets. All residential lots shall have frontage on a public street built to the County street standards or an existing street which was built according to the standards in place at that time.
2. *Side Lot Lines*: Residential lots shall have side lot lines that are as close to right angles as possible, but shall be within fifteen degrees (15°) of a right angle to the street and right-of-way.
3. *Corner Lots*: Residential corner lots smaller than 20,000 square feet shall be twenty-five percent (25%) larger than the minimum lot area indicated for the zoning district. This shall include lots at the corner of a development entrance and an exterior public street.
4. *Through Lots*: Residential lots shall not be designed to be through lots, unless the lot does not establish access to the second frontage.
5. *Special Lots*: Residential lots abutting a watercourse, drainage way, channel, or stream shall be twenty-five percent (25%) larger than the minimum lot area indicated for the zoning district. This space shall be allocated on the side of the property that abuts the water feature as a “no-disturb” zone.
6. *Property Line Corners*:
   a. At intersections of streets, property line corners shall be rounded by arcs of at least fifteen (15) feet in radius.
   b. At intersections of streets the property line corners shall be rounded by arcs of at least twenty-five (25) feet in radius.
7. *Lot Number Signs*: Upon Secondary Plat approval, the applicant shall install lot number signs, clearly visible from the road, on each lot.

7.13 LE-02: Lot Establishment Standards; Commercial and Industrial

This Lot Establishment Standards (LE) section applies to the following types of development:

CM IP

A. General: The shape, location, and orientation of all lots within a development shall be appropriate for the uses proposed and be in accordance with the zoning districts, except as allowed by *Article 6: Subdivision Types*.

B. Standards: Every lot shall meet the following standards.

1. *Interior Street Frontage*: Commercial lots shall be laid out to only have frontage on interior streets or access streets. Individual lots shall only be laid out to have direct access on public streets if expressly permitted to do so by the Zoning Administrator.
2. *Side Lot Lines*: Commercial lots shall have side lot lines that are as close to right angles as possible, but shall be within fifteen degrees (15°) of a right angle to the street and right-of-way. Said side lot lines shall extend in a straight line from the street right-of- way for at least twenty percent (20%) of the property's depth.
3. *Corner Lots*: Commercial corner lots shall be twenty-five percent (25%) larger than the minimum lot area indicated for the zoning district. If there is a maximum lot area, that maximum shall also be increased by twenty-five percent (25%).
4. *Special Lots*: Commercial lots abutting a watercourse, drainage way, channel, or stream shall be twenty-five percent (25%) larger than the minimum lot area indicated for the zoning district. This space shall be allocated on the side of the property that abuts the water feature as a "no-disturb" zone.
5. *Cohesive Design*: Commercial and industrial developments (e.g. shopping centers, commercial areas, and office parks) shall be designed holistically as a single project no matter how many lots are generated. All areas of the parent tract shall be shown as it is intended to be laid out and used.
6. *Sensitivity to Context*: Commercial and industrial developments shall be laid out to be sensitive to neighboring developments (if built), or neighboring zoning districts if undeveloped.
7. *Property Line Corners*:
   a. At intersections of streets, property line corners shall be rounded by arcs of at least fifteen (15) feet in radius.
   b. At intersections of streets the property line corners shall be rounded by arcs of at least twenty-five (25) feet in radius.

7.14 MM-01: Monument and Marker Standards

This Monument and Marker Standards (MM) section applies to the following types of development:

SS ST CS CM IP

A. Installation of Monuments and Markers: All monument and marker improvements shall be installed per 865 IAC 1-12-18.

B. Corner Pins: A surveyor shall certify by affidavit that all corner pins are in place for each lot after final grading.

7.15 OP-01: Open Space Standards

This Open Space Standards (OP) section applies to the following types of development:

SS ST CS CM IP

A. Applicability: The below standards only applies to subdivisions with all resulting lots less than one (1) acre in lot area.

B. Minimum Open Space: The minimum open space required for each development shall be as indicated on the two-page layouts for each type of subdivision in *Article 6: Subdivision Types*.

C. Qualifying Areas: The following features count toward the minimum open space requirements as described:

1. *Conservation Areas*: Any required preservation/conservation area shall count one hundred percent (100%) toward open space requirements.
2. *Man-made Water Features*: Any man-made water feature (including retention facilities) over 1/4 acres in area shall count fifty percent (50%) toward the minimum open space requirements. However, it shall count one hundred percent (100%) toward minimum open space if it supports aquatic life and provides native habitat as follows:
   a. Surface Area: A surface area at normal pool elevation of at least 32,670 square feet (¾ acre); and
   b. Perimeter Access:
      i. Width: A buffer area around the full circumference of the water feature of at least fifty (50) feet from the top of bank shall be available as open space.
      ii. Plantings: This open space shall be planted and maintained as wildlife habitat. This includes use of native (no more than twenty percent (20%) lawn grass) species including prairie grasses and/or tree planting.
      iii. Minimum Depth: The pool depth shall be at least 15 feet (15') under at least ten percent (10%) of the overall pool area.
      iv. A fountain or other means to mitigate algae growth shall be utilized.
3. *Dry Detention Facilities*: Man-made storm water detention facilities (dry) shall count seventy-five percent (75%) toward open space if they meet the following standards:
   a. Area: The facility shall have at least 10,890 square feet of flat bottom (¼ acre).
   b. Depth: The man-made depth of the detention facility shall not exceed four (4) feet from top of bank.
   c. Slope: Man-made slopes within the detention facility shall not exceed a 4:1 ratio.
   d. Perimeter Access:
      i. Width: A buffer area around the full circumference of the facility of at least twenty-five (25) feet from the top of bank shall be available as open space.
      ii. Plantings: This open space (facility and buffer area) shall be planted and maintained as usable area. This includes use of prairie grasses, native species, native ground cover, or lawn grass. Tree planting shall not be within the basin area or on the slopes of the bank.
4. *Floodplain*: The floodplain area of any natural stream, regulated drain, or natural river shall count toward the open space requirements.
5. *Required Perimeter Landscaping*: Fifty percent (50%) of the perimeter landscaping areas required in *Section 7.17: Perimeter Landscaping Standards* shall count towards the required open space.
6. *Other*: Other common areas set aside to meet open space requirements.

7.16 OA-01: Owner Association Standards

This Owner Association Standards (OA) section applies to the following types of development:

SS ST CS CM IP

A. Applicability: The following regulations apply to any development with common area, private streets, shared parking, amenity centers, shared or private utilities, community retention pond, and the like.

B. Legal Mechanism for Long-term Maintenance:

1. *Perpetuity*: An owners association shall be created in perpetuity in order to make decisions about and to maintain all common property or facilities.
2. *Organization Options*: An owners association may be a legally incorporated entity or other legal mechanism which provides shared ownership or shared responsibility in common property or facilities. A board of directors or other means for representation in decision making shall be established.
3. *Recording of Legal Mechanism*: The legal mechanism binding all property owners or vested parties shall be recorded with the County Recorder as being assigned to each applicable property.
4. *Declaration of Covenants*: Covenants may be utilized to further restrict improvements and uses in the development. The Declaration of Covenants shall be recorded in the Office of the County Recorder following final approval of the development and prior to selling a lot, parcel or condominium unit. A cross reference to the recorded Declaration of Covenants instrument shall be recorded on the deed for every lot, parcel, condominium unit, or other applicable division of ownership within the development.
5. *Commitments or Conditions of Approval*: Any covenant language that resulted as a developer commitment or condition of approval by the County shall be included in the covenants or other legal document, and shall be clearly denoted as non-amendable by the owner association.
6. *Association Fee*: An association fee or other financial mechanism shall be included in the legal mechanism and be equal to the financial needs of the owner association to maintain common property or facilities, and to accumulate a reserve account for long-term large expenditures, emergencies, and contingencies.

C. Contractual Obligation: The developer shall not enter into any contractual relationship on behalf of the owners association prior to transitioning control to local lot or unit owners that exceeds a period of one (1) year. Once the owners association is under the lot or unit owners' control, the renewal of such a contract shall be at the discretion of the owners association.

D. Required Language: The following language is required in the legal mechanism when applicable:

1. *Street Lighting*: When street lighting is voluntarily installed or required to be installed, the County shall not now or in the future be obligated to accept the lights as public property, nor shall the County bear any financial responsibility for operation or maintenance.
2. *Snow Removal*: When private streets are installed, the County shall not now or in the future be obligated to provide snow removal service on streets within the development. If snow removal is desired, the owners association shall use its own resources to maintain streets free from snow.
3. *Private Streets*: When private streets are voluntarily installed or required to be installed, the County shall not now or in the future be obligated to accept the private streets as public property, nor shall the County bear any financial responsibility for maintenance or replacement.
4. *Private Sidewalks*: When sidewalks are voluntarily installed or required to be installed outside of a right-of-way, the County shall not now or in the future be obligated to accept the sidewalks as public property, nor shall the County bear any financial responsibility for maintenance or replacement.
5. *Landscaping*: When landscaping is voluntarily installed or required to be installed in common area, easements, or right-of-way, the owners association shall be responsible for maintaining the plant material in healthy condition, removing dead or diseased vegetation, and/or replacing landscaping, as necessary.
6. *Vegetation in Right-of-way*: Once right-of-way is platted, the County gains ownership of the area within the right-of-way and retains the right to reasonably trim or remove any tree or shrub impeding vehicular or pedestrian flow, or that is diseased, or that is necessary in order to perform public improvements within the right-of-way, regardless if the owners association is assigned financial, maintenance, or replacement responsibility.

E. Enforcement: Failure of the owners association to maintain an effective legal mechanism for maintaining common property or facilities shall be subject to *Article 10: Enforcement*.

7.17 PL-01: Perimeter Landscaping Standards

This Perimeter Landscaping Standards (PL) section applies to the following types of development:

ST CS CM IP

A. Applicability: The below standards only applies to subdivisions with all resulting lots less than one (1) acre in lot area. This section also only applies to portions of a development that abuts an interstate highway, arterial street, or collector street.

B. General:

1. *Plan*: A Landscape Plan showing perimeter landscaping shall be presented to the Plan Commission for approval as part of the project submittal. The Landscape Plan shall be prepared by a landscape architect or landscape contractor.
2. *Ownership*: Perimeter landscaping areas shall retain private ownership whether that be a single land owner or a homeowners association.

C. Exemption: Any subdivision required to install perimeter landscaping shall be partially exempt from any required bufferyard standard in *Section 5.50: Bufferyard Landscaping Standards*. Specifically, any lot required to install a bufferyard shall only be required to install one-half (½) the required buffer.

D. Standards:

1. *Minimum Depth*: Twenty-five (25) feet.
2. *Minimum Length*: The perimeter landscape area shall extend the entire length of the frontage.
3. *Plant Materials*: Trees shall be provided at a combined rate of ten (10) per 100 lineal feet of perimeter planting. The required trees shall be a minimum of sixty percent (60%) canopy trees and minimum of twenty-five percent (25%) ornamental or under-story trees. The trees shall be planted in a natural manner, in clusters or irregular, nonlinear patterns.
4. *Fencing or Mounding*: Where used, fencing or mounding as described below may be integrated with the required trees and shrubs.
   a. Perimeter Fences: A high quality perimeter fence similar to the development's character may be combined with the required plant materials. Said fence shall be constructed of masonry, stone, wood, or metal; and be at least thirty-six (36) inches in height, but not over seventy-two (72) inches in height.
   b. Mounds: Mounds may be combined with the required plant material and may include fencing. If used, mounds shall be a minimum of three (3) feet in height. Maximum side slope shall not exceed a three to one (3:1) ratio. Continuous mounds shall not be permitted (i.e. levee-like mounds).
   c. Exemption: If a tree row or similar natural barrier exists, then perimeter landscaping shall not be required in those areas. However, if existing vegetation is utilized as perimeter landscaping, then a landscape easement to protect the vegetation in perpetuity shall be shown on plat and recorded.

7.18 PQ-01: Prerequisite Standards

This Prerequisite Standards (PQ) section applies to the following types of development:

SS ST CS CM IP

A. General: All developments shall meet the prerequisites as indicated on the two-page layouts for each type of subdivision in *Article 6: Subdivision Types*.

B. Types of Prerequisites: To qualify for a type of subdivision the following prerequisites apply:

1. *Prerequisite Base Zoning*: The prerequisite base zoning shall be as indicated on the two-page layout for each type of subdivision in *Article 6: Subdivision Types*.
2. *Minimum Parent Tract*: The minimum parent tract area shall be as indicated on the two-page layout for each type of subdivision in *Article 6: Subdivision Types*.

C. Unlisted Types of Prerequisites: If any the above listed prerequisite standards do not appear for a particular type of subdivision in *Article 6: Subdivision Types*, then it does not apply to that particular subdivision type.

7.19 SM-01 Storm Water Standards

This Storm Water Standards (SM) section applies to the following types of development

SS ST CS CM IP

A. General: All proposed subdivisions submitted to the Plan Commission for approval shall provide for the collection and management of storm and surface water drainage.

B. Cross Reference: See Jasper County Storm Water Management Ordinance, as amended, for additional storm water requirements within the County.

C. Drainage Facility Requirements: A drainage facility shall be provided to allow drainage of water runoff from all of the upstream drainage area and from all areas within the proposed subdivision or development to a place adequate to receive such runoff.

1. *Standards*: Drainage facilities shall:

   a. Have at-grade inlets and sub-grade mains, not utilizing drainage swales for movement of water, and

   b. Be designed and constructed in accordance with the Jasper County construction and engineering standards, and

   c. Be durable, easily maintained, retard sedimentation, and retard erosion, and

   d. Shall not endanger the public health and safety, or cause significant damage to property, and

   e. Be sufficient to accept the water runoff from the site after development and the present water runoff from all areas upstream, and

   f. Be designed such that the low points of entry for residential, commercial and industrial structures are two (2) feet above and free from a 100-year flood. In addition, avenues of ingress-egress shall also be free from the 100-year flood.

2. *Inspection*: Be inspected during construction by a professional engineer or land surveyor registered in the State at the expense of the petitioner and certified in accordance with this ordinance. This is in addition to the inspection provided by the County.

D. Restoration of Drainage: It is the responsibility of the petitioner to restore any stream, watercourse, swale, flood-plain, or floodway that is disturbed during the period of development, to return these areas to their original or equal condition upon completion.

E. Obstruction of Drainage: The petitioner shall not block, impede the flow of, alter, construct any structure, deposit any material or object, or commit any act which will affect normal or flood flow in any ditch, stream, or watercourse without having obtained prior approval from the Jasper County Drainage Board, Indiana Department of Natural Resources, Indiana Department of Environmental Management, and/or Army Corps of Engineers, whichever entity has jurisdiction.

F. Administrative Waiver: The County Surveyor and Zoning Administrator may grant relief from provision 7.23(C)(1)(a) when the soil type, design, and construction technique clearly allows drainage swales to maintain their profile and function for a duration of at least 20 years without regular maintenance.

7.20 SR-01: Street and Right-of-way Standards

This Street and Right-of-way Standards (SR) section applies to the following types of development:

SS ST CS CM IP

A. General: All developments shall allocate adequate areas for new streets in conformity with the Jasper County construction and engineering standards, the Unified Development Ordinance, the Jasper County Comprehensive Plan, and the *Jasper County Thoroughfare Plan*.

B. Private Streets:

1. *Cross Reference*: See *Section 7.08: Easement Standards* for additional information.
2. *Standards*: Private streets are permitted, but shall conform to all construction and right-of-way standards within the Unified Development Ordinance and the Jasper County construction and engineering standards.
3. *Private Street Easements*: Private streets shall be established in access easements that may be placed in common area, rather than rights-of-way.
4. *Required Language*: When a private street easement appears on a plat, the following language shall be printed on the plat, "The Owner/Developer expressly covenants and warrants on behalf of itself and all future owners of lots within this subdivision that because the streets are private, all maintenance, repairs, and replacement now and forever shall be undertaken at the expense of the lot owners in accordance with the terms and conditions set forth in the owners association bylaws and articles. No governmental entity has any duty or responsibility to maintain, repair,or replace any private street."
5. *Usage*: When the term right-of-way is used in this section, it shall also apply to private street easements.

C. Street Design Principles:

1. *General Street Layout*: Streets laid out on the parent tract shall meet all of the following standards:
   a. Shall create conditions favorable to health, safety, convenience, and the harmonious development of the community;
   b. Shall be in an orderly and logical manner;
   c. Shall give consideration to connectivity to adjacent parcels;
   d. Shall give consideration to pedestrian and vehicular safety; and
   e. Shall provide reasonably direct access to the primary circulation system.
2. *Regard to Contour of the Land*: Streets shall be adjusted to the contour of the land so as to produce usable lots and streets of reasonable gradient.
3. *Gated Entrances*: Gated development entrances shall have apparatus installed such that emergency vehicles (e.g. fire trucks, police cars, and ambulances) can quickly and easily gain access to the development. Further, the gates shall be sized to allow the largest fire truck in service in the County to easily turn into the development.
4. *Boulevard Entrances*: Developments may have a boulevard entrance, but such entrance shall extend at least fifty (50) feet from the perimeter street's right-of-way. The width of the center planting strip shall be at least ten (10) feet. Maintenance of the center planting strip shall be the responsibility of one (1) or more adjacent property owners, or an Owner's Association.
5. *Intersections*:
   a. All intersections of two (2) streets shall be as close to right angles as possible, but shall be within fifteen degrees (15°) of right angles to each other as measured at the street center lines.
   b. Intersections of more than two (2) streets at one (1) point shall not be permitted.
   c. Wherever possible, new local streets shall be aligned with existing local streets. Local street intersection with center line offsets of less than 125 feet shall not be permitted.

6. *Pavement Width*:
   a. The minimum street pavement width shall be as indicated on the two-page layout for each type of subdivision in *Article 6: Subdivision Types*; or as indicated in *Article 4: Planned Development District* for Planned Developments.
   b. If not indicated, the Zoning Administrator shall utilize the *Jasper County Thoroughfare Plan* to determine the appropriate pavement width for each development. Street width shall be determined by measuring from edge of pavement to edge of pavement.
7. *Curb Type*: Rolled or vertical curbs are permitted.
8. *Block Length*: The maximum block length shall be as indicated on the two-page layout for each type of subdivision in *Article 6: Subdivision Types*; or as indicated in *Article 4: Planned Development District* for Planned Developments. If not indicated, the Zoning Administrator shall determine the appropriate maximum length.
9. *Cul-de-sac Length*: The maximum cul-de-sac length shall be as indicated on the two-page layout for each type of subdivision in *Article 6: Subdivision Types*; or as indicated in *Article 4: Planned Development District* for Planned Developments. If not indicated, cul-de-sacs are not permitted in that type of development.
10. *Cul-de-sac Terminus*: A cul-de-sac shall have a minimum outside radius of fifty (50) feet and be designed in accordance with the Jasper County construction and engineering standards.
11. *Dead-end Streets*: Permanent dead-end streets shall be prohibited. Dead-end streets do not include cul-de-sacs or stub streets.
12. *Eyebrows*: Eyebrow street designs shall be permitted but shall be placed in common area or easement and outside of the public rights-of-way.
13. *Passing Blisters, Acceleration Lanes, and Deceleration Lanes*: Passing blisters, acceleration lanes, and deceleration lanes shall be constructed in accordance with the Indiana Department of Transportation standards.
14. *Right-of-way Width*: The minimum right-of-way width shall be as indicated on the two-page layout for each type of subdivision in *Article 6: Subdivision Types*; or as indicated in *Article 4: Planned Development District* for Planned Developments. If not indicated, the Zoning Administrator shall utilize the *Jasper County Thoroughfare Plan* to determine the appropriate width for each development.

D. Dedication of Right-of-way: In developments that adjoin or include existing streets that do not conform to the minimum right-of-way dimensions established in the *Jasper County Thoroughfare Plan*, the petitioner shall dedicate additional width along either one or both sides of such streets sufficient to meet the requirements of the *Jasper County Thoroughfare Plan*. If the petitioner only controls the property on one side of the street, sufficient right-of-way shall be dedicated to bring the half right-of-way up to the dimensions required in the *Jasper County Thoroughfare Plan*.

1. *Passing Blister*: Where a passing blister is required and inadequate right-of-way exists to install the passing blister, the petitioner shall make a good faith effort to acquire property sufficient for the installation of the passing blister. If the owner of the property on which the passing blister is to be installed refuses to sell the property to the petitioner, the petitioner shall provide the Planning Department copies of all surveys, appraisals, written offers made by the petitioner to the property owner, and correspondence from the property owner.
2. *Acceleration and Deceleration Lanes*: Where an acceleration lane and/or deceleration lane is required and the petitioner does not control street frontage adequate to install the lane, the petitioner shall make a good faith effort to acquire property sufficient for the installation of the acceleration lane and/or deceleration lane. If the owner of the property on which the acceleration lane and/or a deceleration lane is to be installed refuses to sell the property to the petitioner, the petitioner shall provide the Planning Department copies of all: surveys; appraisals; written offers made by the petitioner to the property owner; and correspondence from the property owner.

3. *Eminent Domain*: Where the installation of passing blisters, acceleration lanes, and deceleration lanes is vital to the health, safety, and welfare of the motoring public, the County may begin eminent domain proceedings in accordance with *IC 32-24*: Eminent Domain for the acquisition of public right-of-way sufficient for the installation of the passing blister, acceleration lane, and/or deceleration lane upon receipt of the aforementioned documentation illustrating the petitioner's failure to acquire the needed property. Upon completion of the eminent domain proceedings, the petitioner shall reimburse the County in an amount equal to the price paid by the County for the public right-of-way, anything that had to be condemned within the acquired right-of-way, and anything for which the County paid the price of relocation.
4. *Installation of Improvements*: The petitioner shall then install the passing blister, acceleration lane, and/or deceleration lane per the Indiana Department of Transportation standards.

E. Construction and Installation Standards for Streets: All street improvements, private or public, are to be designed, constructed and installed per the Jasper County construction and engineering standards.

Street Lighting Standards (SL)

7.21 SL-01: Street Lighting Standards; Residential Development

This Street Lighting Standards (SL) section applies to the following types of development:

ST CS

A. General:

1. *Street Lights at Entrances*: The petitioner shall install, or cause to be installed, a street lights at all intersections with perimeter streets (i.e. entrances).
2. *Ownership*: All street lighting fixtures shall retain private ownership by the petitioner and/or applicable Owner Association. The County shall not be responsible for any operation or maintenance costs associated with street lighting.

B. Shielding: Street lights shall be shielded to prevent glare to drivers, and to prevent light trespass onto neighboring properties.

7.22 SL-02: Street Lighting Standards; Commercial and Industrial Development

This Street Lighting Standards (SL) section applies to the following type of development:

CM IP

A. General:

1. *Installation*: The petitioner shall install, or cause to be installed, street lights at all major intersections, development entrances, and along internal streets as required by the provisions of this section.
2. *Ownership*: All street lighting fixtures shall retain private ownership by the property owner and/or applicable property owner's association. The County shall not be responsible for any operation or maintenance costs associated with street lighting.

B. Street Lights at Intersections:

1. *Design*: The petitioner shall propose a lighting design that provides the minimum amount of light necessary for vehicular and pedestrian safety at all intersections within the development, consistent with the Jasper County construction and design standards.
2. *Height*: Fixtures installed shall not exceed twenty-five (25) feet in height.

C. Street Lights at Entrances:

1. *Existing Standard*: If a street light standard exists along the street on which the entrance is located, the petitioner shall install the same lighting standard.
2. *No Standard*: If there is no established street light standard along the corridor, the petitioner shall propose a lighting design that provides the minimum amount of light necessary for vehicular and pedestrian safety.

D. Shielding: Luminaires shall be shielded to prevent glare on residential properties.

7.23 SN-01 Street Name Standards

This Street Name Standards (SN) section applies to the following types of development:

SS ST CS CM IP

A. Proposed Street Name: The petitioner shall propose a unique name for each street within the development at the time of initial application.

B. Emergency 911 Review: The Zoning Administrator will conduct a review of the proposed street name in consideration of Emergency 911 standards. If the street name passes the review, it is approved administratively. If the street name fails the review, the petitioner shall propose a different name for that street and another Emergency 911 review will be conducted on that street name. The Plan Commission has final authority to name a street and will make that determination if an appropriate street name cannot be selected by the petitioner.

C. Approval Authority: While street names proposed by petitioners shall generally be considered favorably, the approval of street names is the authority of the Plan Commission. Existing street names and street names that have been approved by the Plan Commission shall not be changed without the approval of the Plan Commission.

D. Authority to Rename a Proposed Street: The Plan Commission shall have the authority to require a new name to be chosen for any proposed street name. If an acceptable name is not proposed by the petitioner, the Plan Commission shall rename the street prior to final approval.

E. Street Name Standards: Within the jurisdiction of the Plan Commission the following standards shall apply:

1. *Street Extensions*: Streets which are extensions or continuations of, or obviously in alignment with, any existing streets, either constructed or appearing on any validly recorded plat or survey, or valid plat previously approved by the Plan Commission, shall bear the names of such existing streets.
2. *Root Name*: The proposed root name shall not duplicate or closely approximate phonetically, the name of an existing street.
3. *Suffix Name*: Deviations in suffix names (e.g. Street, Court, Avenue, or Lane) shall not constitute a unique name and shall be prohibited except as described below (for example, if Elm Avenue exists as a street name, the name Elm Lane shall not be permitted).
4. *Large Developments*: Streets within a large development or separate developments within close geographic proximity shall be authorized to use the same root name if deemed not to be confusing or unsafe by the Plan Commission.
5. *Address Numbers*: Street address numbers for all lots shall be assigned by the Zoning Administrator.

7.24 SS-01: Street Sign Standards

This Street Sign Standards (SS) section applies to the following types of development:

SS ST CS CM IP

A. General: Each street within a residential, commercial, or industrial development shall have signs necessary to:

1. *Safety*: Provide a safe environment for drivers and pedestrians.
2. *Information*: Provide information so that a visitor can efficiently find a certain street, address, or development amenity.

B. County's Responsibilities: The County's policies and the Indiana Manual on Uniform Traffic Control Devices for Streets and Highways (current version adopted by the Indiana Department of Transportation) shall be used to determine the type, size, height, and location of each of these signs. Each sign's location and height shall be communicated to the petitioner at the time they are received by the petitioner.

C. Special Sign Design: Decorative or otherwise unique street sign may be proposed by the applicant. The Zoning Administrator and County Highway Department shall meet jointly to approve or deny the proposal.

D. Petitioner's Responsibilities:

1. *Public Safety Related Street Signs*: Public safety related street signs shall be installed prior to any street being opened to public. These signs shall be installed in the location and to the height determined by the County Highway Department and INDOT.
2. *Street Name Signs*: A minimum of one (1) street name sign shall be installed at each street intersection within the subdivision, as they are constructed and opened, and on all perimeter intersections.
3. *Cost*: The petitioner is responsible for purchasing all street signs in consultation with the County Highway Department.
4. *Installation*: The County Highway Department is responsible for installing all street signs.
5. *Temporary Signs During Construction*: Temporary signs for street name and addresses shall be required for public safety reasons prior to issuance of building permits within the subdivision.

E. Internal Way-finding/Directional Signs:

1. *Prerequisites*: The development shall have an amenity that necessitates a way-finding or directional sign.
2. *Maximum Number of Signs*: The minimum number of signs necessary to locate the amenity shall be allowed to provide directional assistance for drivers to find any single development amenity. If deemed unnecessary by the Plan Commission due to the conspicuousness of the development amenity, no way-finding or directional sign shall be permitted.
3. *Maximum Sign Area*: Three (3) square feet.
4. *Location*:
   a. Within the Right-of-way: With the consent of the County Highway Department, stand-alone way-finding or directional signs may be located within the right-of-way, but not within the vision clearance triangle (See *Section 5.90: Vision Clearance Standards*). However, the maintenance of stand-alone way-finding or directional signs shall not be the responsibility of the County Highway Department.
   b. Outside the Right-of-way: Way-finding or directional signs shall not be located within a vision clearance triangle (see *Section 5.90: Vision Clearance Standards*).
5. *Maximum Height*: Any way-finding or directional sign shall not exceed five (5) feet in height above ground level.

7.25 SY-01: Surety Standards

This Surety Standards (SY) section applies to the following types of development:

SS ST CS CM IP

A. Construction/Performance Surety:

1. *Cross Reference*: See *Section 7.06: Dedication of Public Improvement Standards*.
2. *General*:
   a. The Plan Commission shall require ~~not grant Secondary Plat Approval without~~ a bond or irrevocable letter of credit to cover the cost and installation of the proposed public improvements.
   b. All petitioners shall provide a Performance Surety to the County for any street, sidewalk, path, utility, drainage facility, or any other facility that is intended to be dedicated to the County. All such facilities on-site, any off-site improvements committed to by the petitioner, and any off-site improvements required as a condition of approval shall be covered by the performance surety.
3. *Requirements*: The bond or letter of credit shall:
   a. Be in an amount of one hundred ten percent (110%) of the estimated construction cost to complete the improvements and installations in compliance with the Unified Development Ordinance and the Jasper County construction and engineering standards,
   b. Run to and be in favor of the County,
   c. Generally specify the time for the completion of the improvements and installations (both on- and off-site), and
   d. Be on a form approved by the County Commissioners.
4. *Duration of Surety*: All Performance Sureties shall be effective from ~~Secondary Plat Approval~~ the time the Secondary Plat is recorded until the final construction is approved by the County. The Performance Surety shall not be released until the Zoning Administrator has certified the improvements have been inspected during construction and after completion, and that they have been installed in accordance with the intent of the approved construction plans and specifications.
5. *Alternative Surety*:
   a. At the election of the County Commissioners, a dedicated account in a form acceptable to the State Board of Accounts which may be established to hold and accumulate funds paid pursuant to the provisions of this section and which shall not thereafter be appropriated for any use unless it is associated with the completion of infrastructure improvements which had been approved by the County and which had not been completed after having been initiated for any reason whatsoever. See *Article 9: Section Surety Standards*.
   b. A developer may request that a payment in-lieu-of a bond or letter of credit be made to the County as a surety of completion or maintenance. The payment shall be no less than one and one tenth percent (1.1%) of the estimated construction cost for the improvement or installation and is non-refundable.
   c. Nothing in this section shall in any way limit the ability of the County to give consideration to other alternative forms of insuring the proper completion of public improvement projects involving infrastructure which is to be dedicated to the County or for the benefit of the public.

Said performance surety shall be posted after the plat is recorded and before construction of the proposed public improvements commences on site.

7.26 UT-01: Utility Standards; General

This Utility Standards (UT) section applies to the following types of development:

SS ST CS CM IP

A. Location and Character: Utilities shall be installed underground in designated utility easements.

Article

8

Nonconformances

Jasper County
Unified Development
Ordinance

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GroundRules
website www.groundrulesinc.com

Nonconforming Structures, Uses, and Lots

8.01 Intent

As new zoning regulations are adopted or zoning map changes are made, lots, structures, and uses that were previously compliant with zoning regulation are sometimes made noncompliant. *Article 8: Nonconformances* specifies the provisions that apply to these legal nonconforming (informally referred to as "grandfathered") lots, structures, and uses.

8.02 Distinction Between Conforming, Illegal Nonconforming, and Legal Nonconforming

Each structure, use, and lot is either "conforming" or "nonconforming." Conforming is used to describe a structure, use, or lot as being in full compliance with the current Unified Development Ordinance. Nonconforming is used to describe a structure, use, or lot that is in violation of the current Unified Development Ordinance. Nonconforming structures, uses, and lots are either "illegal nonconforming" or "legal nonconforming." The following sections determine the nonconforming status of a structure, use, or lot:

A. Illegal Nonconforming:

1. *Structure*: A structure constructed in violation of the Zoning Ordinance that was in effect when the structure was constructed and which remains in violation of the current Unified Development Ordinance is an illegal nonconforming structure.
2. *Use*: A use that was in violation of the Unified Development Ordinance that was in effect when the use was initiated and which remains in violation of the current Unified Development Ordinance is an illegal nonconforming use. In addition, a use that was legally established and is not permitted under the current Unified Development Ordinance, but has been abandoned or discontinued for a period of at least one (1) year, is an illegal nonconforming use.
3. *Lot*: A lot established in violation of the zoning or subdivision control ordinance that was in effect at the time of establishment and which remains in violation of the current Unified Development Ordinance is an illegal nonconforming lot.

B. Legal Nonconforming:

1. *Structure*: A structure that does not meet one (1) or more development standards of the Unified Development Ordinance, but was legally established prior to the effective date of the Unified Development Ordinance shall be deemed a legal nonconforming structure. Generally, a structure is rendered legal nonconforming by an amendment to the zoning regulations or a zoning map change. However, a legal nonconformity may be a result of government use of eminent domain or right-of-way acquisition.
2. *Use*: The use of a structure or land (or a structure and land in combination) that was legally established and has since been continuously operated, that is no longer permitted by the Unified Development Ordinance in the zoning district in which it is located, shall be deemed a legal nonconforming use. Generally, a use is rendered legal nonconforming by an amendment to the zoning regulations or a zoning map change.
3. *Lot*: A lot that does not meet one (1) or more lot standards of the Unified Development Ordinance, but was legally established as a buildable lot prior to the effective date of the Unified Development Ordinance shall be deemed a legal nonconforming lot of record. Generally, a lot is rendered legal nonconforming by an amendment to the zoning regulations or a zoning map change. However, a legal nonconformity may be a result of government use of eminent domain or right-of-way acquisition.

C. Setback Exemption: Any primary structure or accessory structure that was established prior to the effective date of the Unified Development Ordinance, and that has an established front setback, side setback, or rear setback less than the minimum required setback in this Unified Development Ordinance shall not be considered legal non-conforming. Said buildings shall be considered legal as they exist. Expansion of these primary structures or accessory structures shall be permitted as long as said expansion is either in compliance with the applicable setback (i.e. the current applicable setback) standards.

D. Sewer and Water Exemption: Any developed property that was established prior to the effective date of the Unified Development Ordinance, and that does not meet the applicable sewer and water standards shall not be considered legal non-conforming. Said developed properties shall be considered legal as they exist.

8.03 Illegal Nonconforming Structures, Uses, and Lots

An illegal nonconforming structure, use, or lot is subject to the enforcement procedures and penalties of the current Unified Development Ordinance. The enforcement and penalties of the Unified Development Ordinance in place at the time the violation occurred shall no longer be in effect.

8.04 Legal Nonconforming Structures

The following provisions apply to legal nonconforming structures, structures associated with legal nonconforming uses, and structures associated with legal nonconforming lots.

A. Legal Nonconforming Building Provisions: The provisions for legal nonconforming buildings, a subcategory of structures, are as follows:

1. *Building Expansion*: A legal nonconforming building shall be permitted to expand in area and height as long as the nonconformity is not increased and the expansion otherwise meets the current Unified Development Ordinance. For example, if a building is in violation of the maximum height standard, it can be expanded in area as long as the new addition does not exceed the maximum height standard and is otherwise in compliance with current Unified Development Ordinance.
2. *Building Exterior Alteration*: The exterior walls of a building shall not be moved except as provided in the previous clause. Otherwise, the roof and exterior walls may be maintained, repaired, re-faced, and modified, resulting in the original aesthetic character or an altered exterior character, as long as the building's nonconformity is not increased and the alteration otherwise meets the current Unified Development Ordinance.
3. *Building Interior Alteration*: Ordinary repair and replacement of interior finishes, heating systems, fixtures, electrical systems, or plumbing systems; and interior wall modifications are not regulated by the Unified Development Ordinance.
4. *Building Relocating*: A legal nonconforming building may be relocated if, by moving the building, it decreases the legal nonconformity and the relocation otherwise meets the current Unified Development Ordinance.

B. Legal Nonconforming Structure Provisions: The provisions for legal nonconforming structures, excluding the subcategory of buildings, are as follows:

1. *Structure Alteration*: A legal nonconforming structure shall be permitted to be altered in height, area, mass, and time as long as the nonconformity is not increased and the alteration otherwise meets the current Unified Development Ordinance. For example, if a permanent sign is in violation of the maximum height standard, it can be altered as long as the alteration does not exceed the maximum height standard currently permitted and is otherwise in compliance with Unified Development Ordinance.
2. *Structure Relocating*: A legal nonconforming structure may be relocated if, by moving the structure, it decreases the legal nonconformity and the relocation otherwise meets the current Unified Development Ordinance.
3. *Conversion for Longevity*: Converting a structural component of a legal nonconforming structure to a more permanent material in order to prolong legal nonconformity shall not be permitted. For example, a legal nonconforming permanent pole sign would not be permitted to replace its existing wood posts with metal posts even if dimensionally the same size.

C. Loss of Legal Nonconforming Structure Status: The following provisions apply to all types of structures:

1. *Condemned Structures*: If a structure, through lack of maintenance, is declared by an authorized official to be condemned due to its physical or unsafe condition, it shall lose its legal nonconforming status and become illegal nonconforming; unless the structure is restored or repaired within three (3) months of the declaration. The Zoning Administrator may grant an appropriate extension of time if work was started within the initial three (3) month period and reasonable attempts are being made by the owner to remedy the condemnation.
2. *Removal of Permanent Structures*: If a permanent structure is fully or significantly removed or razed (e.g. eighty percent (80%) or more of the structure), the remaining permanent structure shall lose its legal nonconforming status and become illegal nonconforming; unless by significantly removing or razing the permanent structure the remaining permanent structure is in compliance or more in compliance with the current Unified Development Ordinance.
3. *Removal of Temporary Structures*: If a temporary structure is removed (e.g. moved inside, taken off-site, or replaced by a new temporary structure), the temporary structure shall lose its legal nonconforming status and become illegal nonconforming.
4. *Flood*: If a structure is severely damaged from a flood, resulting in a loss of either fifty percent (50%) of its market value or fifty percent (50%) of its structure, all reconstruction shall be required to meet the current Unified Development Ordinance. All other flood damaged structures shall be allowed to rebuild the structure that previously existed.

5. *Acts of Nature*: If a structure is severely damaged from an act of Nature, excluding flooding, resulting in a loss of either seventy percent (70%) of its market value or seventy percent (70%) of its structure, all reconstruction shall be required to meet the current Unified Development Ordinance. All other structures damaged by an act of Nature shall be allowed to rebuild the structure that previously existed.

D. Maintenance and Repair: Nothing in this section shall be deemed to prevent the maintenance or repair of a structure to keep it in a safe, aesthetic, and functional condition.

8.05 Legal Nonconforming Lots

The following provisions apply to legal nonconforming lots:

A. Legal Nonconforming Lot Provisions: A legal nonconforming lot shall be permitted to be developed as long as the proposed structure(s) and use(s) meets the current Unified Development Ordinance. All standards other than the minimum lot area, maximum lot area, minimum lot width, and minimum frontage shall still apply. However, if applying the current Unified Development Ordinance renders the lot undevelopable (e.g. applying the current setbacks does not permit a reasonably developable building envelope), the Board of Zoning Appeals shall research the Unified Development Ordinance that was in place at the time of the lot's establishment and shall consider all current circumstances and from that information shall set reasonable standards applicable to the lot, rendering it reasonably developable.

B. Loss of Legal Nonconforming Lot Status:

1. *Combining Lots Results in Conformity*: If a legal nonconforming lot is combined with an adjacent lot resulting in conformity with the current Unified Development Ordinance, it shall lose its legal nonconforming status. Therefore, future division of the combined lot shall conform to the current Unified Development Ordinance.
2. *Lots in Combination*: If a legal nonconforming lot is owned by the same person as the adjacent lot, and the owner uses both lots in combination for a duration of more than five (5) years, the legal nonconforming lot shall lose its legal nonconforming status; provided the two (2) or more lots in combination would constitute a single conforming lot.
3. *Permanent Structure Across Property Lines*: If a legal nonconforming lot is owned by the same person as the adjacent lot, and the owner constructs a permanent structure across the property line, thus permanently using two (2) lots in combination, the legal nonconforming lot shall lose its legal nonconforming status; provided the two (2) lots in combination would constitute a single conforming lot.

8.06 Legal Nonconforming Use

The following provisions apply to legal nonconforming uses:

A. Cross Reference:

1. *Agricultural*: With respect to agricultural legal nonconforming uses, nothing in this section shall be interpreted in a manner that is inconsistent with IC 36-7-4-616: Unified Development Ordinance; agricultural nonconforming use.

B. Legal Nonconforming Use Provisions: The provisions for legal nonconforming uses are as follows:

1. *Utilizing Existing, Enlarged, New, or Relocated Buildings*: A legal nonconforming use shall be permitted to occupy or use an existing building, enlarged existing building, newly constructed building, or relocated building, provided the building meets the current Unified Development Ordinance.
2. *Utilizing Existing, Altered, New, or Relocated Structures*: A legal nonconforming use shall be permitted to utilize an existing structure, altered existing structure, newly constructed structure, or relocated structure, provided the building meets the current Unified Development Ordinance.
3. *Utilizing Land*: Any legal nonconforming use shall be permitted to utilize its lot, or lots owned in combination upon the effective date of the Unified Development Ordinance, provided the utilization of land meets the current Unified Development Ordinance.
4. *Increase in Nonconformity*: No legal nonconforming use shall be permitted to increase its nonconformity. The size of operation, number of employees, increase to vehicular traffic and similar increases in size does not increase nonconformity of a use. For example, a five (5) acre legal nonconforming junkyard that expands its operations onto five (5) more acres of land it previously owned, does not qualify as an increase in nonconformity, it's still a junk yard. However, if the same junk yard adds a compactor facility which previously did not exist, that would qualify as an increase in nonconformity.

C. Loss of Legal Nonconforming Use Status:

1. *Abandonment of Use*: If a legal nonconforming use is abandoned or is discontinued for six (6) or more months, except when a government action impedes access to the premises, it shall lose its legal nonconforming status. Any subsequent use shall conform to the provisions of the current Unified Development Ordinance.
2. *Change of Use*: When a legal nonconforming use is changed, altered, or evolves to be in compliance or more in compliance with the current Unified Development Ordinance, the legal nonconforming use status is lost or partially lost. The current use cannot revert back to the original legal nonconforming use or increments thereof.

Article

9

Processes

Jasper County Unified Development Ordinance

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9.01 Improvement Location Permit Processes Applicable to a Parcel

This process section applies to the following zoning districts:

CO PR A1 A2 A4 ~~ER~~ R1 R2 VR M1 IS LB GC HC CP I1 I2 HI

A. Permanent Construction, Installation, Addition, Alteration, or Relocation of a Structure: A project that involves constructing, installing, adding onto, altering, or relocating a building or structure for a permanent duration shall have the project reviewed for compliance with the Unified Development Ordinance. Projects determined to be in full compliance with the applicable regulations shall be issued an Improvement Location Permit authorizing the project to begin. See *Section 9.06: Improvement Location Permit* for details about this process. Fences and driveways shall be exempt from having to be issued an improvement location permit.

B. Permanent Alteration to the Land: A project that involves mining, building a pond, or that disturbs over one (1) acre of land shall have the project reviewed for compliance with the Unified Development Ordinance. Projects determined to be in full compliance with the applicable regulations will be issued an Improvement Location Permit authorizing the project to begin. See *Section 9.06: Improvement Location Permit* for details about this process.

C. Temporary Use of Land or Structure: A project that involves establishing a temporary use or installing a temporary structure shall have the project reviewed for compliance with the Unified Development Ordinance. Projects determined to be in full compliance with the applicable regulations shall be issued an improvement location permit authorizing the project to begin. See *Section 9.07: Temporary Improvement Location Permit* for details about this process.

D. Establish a New Land Use or Change an Existing Land Use: A project that involves establishing a new category of land use (e.g. going from residential to commercial) on a parcel or in a structure, or changing an existing land use, shall have the project reviewed for compliance with the Unified Development Ordinance. Projects determined to be in full compliance with the applicable regulations shall be issued an Improvement Location Permit authorizing the project to begin. See *Section 9.06: Improvement Location Permit* for details about this process.

E. Special Exception: An Application for a Special Exception may be filed for a land use classified as a Special Exception in *Article 2: Zoning Districts* for the subject zoning district. The Board of Zoning Appeals shall utilize a specific public hearing and procedural findings of fact to determine whether the land use is appropriate for the specific parcel named in the petition. See *Section 9.14: Special Exception* for details about this process.

F. Change to a Different Zoning District: An Application for a Rezoning may be filed for a parcel to be changed from its existing zoning district to a different zoning district. The Plan Commission shall utilize a specific public hearing to review the proposed change in zoning. The Plan Commission shall then forward a recommendation to the County Commissioners for final action. Approval or denial is the full discretion of the County Commissioners. See *Section 9.20: Zoning Map Amendment* for details about this process.

9.02 Development Plan Approval Processes Applicable to a Parcel

This process section applies to the following zoning districts:

A3 M2 MP

A. Permanent Construction, Installation, Addition, Alteration, or Relocation of a New Structure: A project that involves constructing, installing, adding onto, altering, or relocating a structure (e.g. building) for a permanent duration shall be reviewed as a Development Plan by the Plan Commission. Projects determined to meet the Plan Commission's expectations and that are in full compliance with the applicable regulations shall be issued an Improvement Location Permit authorizing the project to begin. See *Section 9.09: Development Plan* for details about this process.

B. Permanent Alteration to the Land: A project that involves mining, building a pond, or that disturbs over one (1) acre of land shall be reviewed as a Development Plan by the Plan Commission. Projects determined to meet the Plan Commission's expectations and that are in full compliance with the applicable regulations shall be issued an Improvement Location Permit authorizing the project to begin. See *Section 9.09: Development Plan* for details about this process.

C. Temporary Use of Land or Structure: A project that involves establishing a temporary use or installing a temporary structure shall be reviewed as a Development Plan by the Plan Commission. Projects determined to meet the Plan Commission's expectations and that are in full compliance with the applicable regulations will be issued a Temporary Improvement Location Permit authorizing the project to begin. See *Section 9.07: Temporary Improvement Location Permit* for details about this process.

D. Establish a New Land Use or Change an Existing Land Use: A project that involves establishing a new category of land use (e.g. going from residential to commercial) on a parcel or in a structure, or changing an existing land use, shall be reviewed as a Development Plan by the Plan Commission. Projects determined to meet the Plan Commission's expectations and that are in full compliance with the applicable regulations will be issued an Improvement Location Permit authorizing the project to begin. See *Section 9.06: Improvement Location Permit* for details about this process.

E. Special Exception: An Application for a Special Exception may be filed for a land use classified as a Special Exception in *Article 2: Zoning Districts* for the subject zoning district. The Board of Zoning Appeals shall utilize a specific public hearing and procedural findings of fact to determine whether the land use is appropriate for the specific parcel named in the petition. See *Section 9.14: Special Exception* for details about this process.

F. Change to a Different Zoning District: An Application for a Rezoning may be filed for a parcel to be changed from its existing zoning district to a different zoning district. The Plan Commission shall utilize a specific public hearing to review the proposed change in zoning. The Plan Commission shall then forward a recommendation to the County Commissioners for final action. Approval or denial is the full discretion of the County Commissioners. See *Section 9.20: Zoning Map Amendment* for details about this process.

9.03 Process for Planned Developments

This process section applies to the following zoning districts:

PR A2 A3 A4 ~~ER~~ R1 R2 VR M1 M2 MP IS LB GC HC CP I1 I2

A. Planned Development: An elective approval process for developments that involve mixed-use, for significantly unique development designs, and for land that has significantly unique geologic features. This process allows the developer to write a unique ordinance that partially replaces the Unified Development Ordinance to allow greater design flexibility. Applications for Planned Development are reviewed and approved by a combination of the Plan Commission and County Commissioners, and approval or denial is the full discretion of the Plan Commission and County Commissioners. See *Section 9.10: General Planned Development* for details about this process.

9.04 Process for Subdivision of Land

This process section applies to the following zoning districts:

PR A1 A2 A3 A4 ~~ER~~ R1 R2 VR M1 M2 IS LB GC HC CP I1 I2

A. Subdivision of Land: An Application to divide a parcel of land into two (2) or more buildable lots shall be required to be reviewed and approved by the Plan Commission. This process also applies to any two (2) or more buildable lots being combined into a single buildable lot. Divisions of land recorded at the Office of the Jasper County Recorder without being approved by the Plan Commission shall not result in buildable lots. See *Section 9.15: Subdivision of Land; Primary Plat* and *Section 9.17: Subdivision of Land; Administrative* for details.

9.05 Processes for Relief from Regulations

This process section applies to the following zoning districts:

CO PR A1 A2 A3 A4 ~~ER~~ R1 R2 VR M1 M2 MP IS LB GC HC CP I1 I2 HI

A. Administrative Appeal: An Application for Appeal for a decision, interpretation, order determination, or action of the Zoning Administrator to be overturned or corrected shall be reviewed by the Board of Zoning Appeals. The Board of Zoning Appeals may allow the Zoning Administrator's interpretation to stand or may overturn or correct any Zoning Administrator's decision, interpretation, order determination or action. See *Section 9.08: Administrative Appeal* for details about this process.

B. Variance from Development Standards: An Application for a Variance may be filed so that a petition for an applicable development standard may be partially or fully waived by the Board of Zoning Appeals, or a use that is not permitted may be permitted. The Board of Zoning Appeals may grant a Variance of Development Standard or a Variance of Use upon making specific findings of fact, with or without conditions or commitments. See *Section 9.19: Variance* for details about this process.

9.06 Improvement Location Permit

A. Applicability: An Improvement Location Permit shall be required prior to permanent construction, installation, addition, alteration, or relocation of a structure; prior to permanent alteration to the land; and prior to establishment of a new land use or change of an existing land use.

B. Exemption from Improvement Location Permit: This exemption is only from having to obtain an Improvement Location Permit. It is not an exemption from having to meet all applicable regulations in the Unified Development Ordinance. Any project exempt from having to acquire an Improvement Location Permit that is in violation of the Unified Development Ordinance is subject to *Article 10: Enforcement*. The following projects are exempt from having to obtain an Improvement Location Permit.

1. *Small Structures*: An accessory structure that is not on a permanent foundation and is less than 200 square feet in area is exempt from obtaining an Improvement Location Permit.
2. *Softscaping and Hardscaping*: Installing trees, shrubs, plants, and flowers; applying mulch or soil enhancers; raising of planting beds around foundations; and installing accent hardscaping (e.g. stone steps, stone edging, and small retaining walls) is exempt from obtaining an Improvement Location Permit as long as there is no adverse affect to drainage.
3. *Deck or Patio*: A deck or patio installed individually or cumulatively that is less than 200 square feet in area over the entire lot is exempt from obtaining an Improvement Location Permit.
4. *Sign Content Change*: Sign content may be changed without having to receive an Improvement Location Permit.
5. *Flag Pole*: Flag poles may be installed without obtaining an Improvement Location Permit.
6. *Play Set*: Play sets may be installed without obtaining an Improvement Location Permit.
7. *Type 1 Home Business*: Type 1 home businesses may commence without obtaining an Improvement Location Permit.
8. *Property Maintenance*: Maintenance and repairs to the existing structure or site features may commence without obtaining an Improvement Location Permit.
9. *Replacing Light Fixtures*: Existing light fixtures and bulbs may be replaced without obtaining an Improvement Location Permit. However, replacement lighting fixtures shall not violate *Section 5.51: Lighting Standards*, commitments, or conditions of the development's approval, or any other standards within the Unified Development Ordinance.

C. Cross Reference:

1. *Building Permit*: An Improvement Location Permit does not authorize compliance with building codes. Concurrent to having a project reviewed for compliance with the Unified Development Ordinance most projects with any type of building will also have to be reviewed for compliance with the Building Code. The review for compliance with the Building Code is conducted by the Building Official.
2. *Site Improvement Permit*: An Improvement Location Permit does not authorize compliance with the Jasper County Stormwater Management Ordinances. Concurrent to having a project reviewed for compliance with the Unified Development Ordinance most projects will also have to be reviewed for compliance with the Stormwater Management Ordinance. The review for compliance with the Stormwater Management Ordinance is conducted by the Technical Advisory Committee or County's Engineer.
3. *Other Permits*: An Improvement Location Permit does not authorize compliance with any County, State or federal Permits. It is the responsibility of the property owner to acquire any other required permits prior to making any improvement.

D. Filing Requirements:

1. *Application*: Application for an Improvement Location Permit shall be made on a form provided by the Zoning Administrator. The following information shall be provided on the application form.
   a. Property owner's name, mailing address, phone number and/or email address.
   b. Applicant's name, mailing address, phone number, and/or email address, if different than owner.
   c. Written detailed description of the proposed project.
   d. Date submitted and signed.
   e. Signature of the applicant, testifying that they are authorized to represent the property.
   f. Any other information requested on the application form.
2. *For Permanent Construction, Installation, Addition, Alteration, or Relocation of a Structure*: The following supporting information, as applicable, shall be provided on a site plan, application form, or as an attachment.
   a. Projects involving non-inhabitable structures not mounted on a permanent foundation.
      i. A drawing of the parcel with dimensions.
      ii. The building envelope (i.e. the resulting developable area after applying setbacks).
      iii. The location of existing structures (e.g. home, garage, sidewalk, driveway).
      iv. The location of the proposed structure.
   b. Projects involving non-inhabitable structures mounted on a permanent foundation.
      i. All requirements of *Section 9.06(D)(2)(a)* for structures not mounted on a permanent foundation.
      ii. A scale drawing of the parcel with dimensions.
      iii. Existing adjacent right-of-ways or street easements, and the name of the street.
      iv. Public easements on the parcel or adjacent to the parcel, including the name of the easement holder and a description of the terms of the easement.
   c. Projects involving inhabitable buildings.
      i. All requirements of *Section 9.06(D)(2)(b)* for structures mounted on a permanent foundation.
      ii. Denotation of adjacent zoning districts if different than the subject parcel.
      iii. Location of existing or proposed drainage tile.
      iv. Denotation of where utilities lines will be run to the building and whether they are above or below grade.
      v. Location of a septic system, reserve area for a replacement septic system, well, geothermal loop, or other on-site utility system.
      vi. Denotation of any existing structure on adjacent parcels if within fifty (50) feet of the subject parcel's property line.
      vii. The Zoning Administrator may request additional information if reasonably necessary to determine if a project complies with the provisions of the Unified Development Ordinance. Additional information may include, but is not limited to the following:
         [a] Calculation of lot coverage, pre-development and/or post development.
         [b] Elevation above sea level at the location of the project prior to alteration of land.
         [c] Certification by a licensed engineer or surveyor that the proposed project is not on or within thirty (30) feet of a floodplain or wetland.
         [d] Certification by a licensed engineer or surveyor that the soils are suitable to support the weight of the structure, and any foundation modifications necessary to support the weight of the structure.
   d. Complex or Unique Projects: The Zoning Administrator may require any additional information if reasonably necessary to determine if a project complies with the provisions of the Unified Development Ordinance. This may include the supporting information listed in *Section 9.12(D)(2)(i): WHO District Requirements* for projects within the WHO District.

3. *For Permanent Alteration to the Land*: The following supporting information, as applicable, shall be provided on a site plan, application form, or as an attachment.
   a. Projects that involve disturbing more than five percent (5%) of a parcel's area on a parcel less than one (1) acre in area, or disturbing any portion of a site greater than one (1) acre, or results in more than 9,000 cubic feet of soil being disturbed (cumulative of soil added from one area and soil removed from another, not the net of soil added and removed).
      i. A scale drawing of the parcel with dimensions.
      ii. The location of existing structures (e.g. building, sidewalk, driveway).
      iii. Denotation of floodplains, wetlands, rock formations, karst, natural lakes, streams, regulated drains, retention ponds, detention ponds, known drainage tile, inlets, outlets, and drainage swales on the parcel and within 75 feet of the parcel's property lines.
      iv. Two-foot contour lines of the existing disturbed area and an additional 100 feet of buffer surrounding the disturbed area.
      v. Two-foot contours showing the parcel's contours as it would be upon completing the proposed project.
      vi. Drainage evaluation of the existing parcel and as it would be upon completion of the proposed project with a characterization of the change to drainage onto adjacent properties, into drainage tile, or into surface water ways.
      vii. Design cross-section of recreational ponds.
      viii. Drainage Plan reviewed by County Drainage Board or a letter from County Drainage Board indicating their review is not required.
4. *For Establishment of a New Land Use or Change to an Existing Land Use*: The following supporting information shall be provided on a site plan, application form, or as an attachment.
   a. Description of the proposed new land use or change to an existing land use.
   b. Detailed description of how the new or changed land use will affect parking, average daily trips, courier service, building alterations inside and outside, use of outdoor areas, use of accessory structures, and number of employees.
5. *Deadline*: Applications for an Improvement Location Permit may be filed any time.
6. *Professional Services*: If the Plan Commission finds it necessary to hire a professional engineer or other technician to subsidize the Zoning Administrator's capabilities for review, notice shall be given to the applicant prior to contracting services. Notice shall be given in the form of a letter that includes the statement of intent to contract professional services. The applicant shall be given fourteen (14) days from the date of mailing, prior to contracting said professional services.
7. *Fees*: Applicable fees shall be paid at the time the application for an Improvement Location Permit is filed. Fees shall include reimbursement for any cost borne by the Plan Commission to hire a professional engineer or other technician necessary to subsidize the planning staff's capabilities for review.

E. Permit Procedure:
1. *Substantially Complete Application*: An application for an Improvement Location Permit shall not be reviewed for approval until it is determined to be substantially complete by the Zoning Administrator. The Zoning Administrator must first verify that the application form and required supplemental information has been submitted correctly, and the applicable application fee is paid.
2. *Review the Project's Compliance*: After the application is verified as being substantially complete, the Zoning Administrator shall review the project to determine whether it complies with the Unified Development Ordinance. The Zoning Administrator may consult with the Jasper County Engineer, Building Commissioner, or any other person, department, or group to determine if the project complies with all of the provisions of the Unified Development Ordinance. During the review process, the Zoning Administrator may:
   a. Request Additional Information: During the process of rendering a decision, the Zoning Administrator may request additional information to be added to the site plan, application form, or attachments.
   b. Exercise Discretion: Some provisions within the Unified Development Ordinance allow the Zoning Administrator to apply discretion to a decision. If such discretion is exercised, the Zoning Administrator shall describe the decision and cite the authority for that discretion.
   c. Interpret the Unified Development Ordinance: Because the Unified Development Ordinance cannot address every possible unique situation, project features, or land use, the Zoning Administrator shall interpret the intent of the Unified Development Ordinance when not specifically addressed.

3. *Render a Decision*: The Zoning Administrator shall render a "decision to deny" or "decision to approve" based on the information submitted, project review, discretion exercised, and interpretations made.
4. *Issuing an Improvement Location Permit*: If the proposed project complies with the Unified Development Ordinance, the Zoning Administrator shall render a decision to approve, document the terms of the approval on the permit, and then issue an Improvement Location Permit.
5. *Decision to Deny*: If the proposed project does not comply with the Unified Development Ordinance, the Zoning Administrator shall not issue an Improvement Location Permit. The Zoning Administrator shall internally document the reasons for not issuing an Improvement Location Permit and send that information to the applicant by email or U.S. Mail, or by telephone. If an email is used to communicate denial, documentation that the email was received shall be included in the file. Similarly, if a phone call is used to communicate denial, documentation of the phone call shall be included in the file. If a proposed project does not comply with the Unified Development Ordinance, the applicant may promptly revise the application, or may promptly pursue relief from the Unified Development Ordinance.
6. *Allowance for Revision Prior to a Decision*: At the discretion of the Zoning Administrator, the applicant may be permitted to modify the site plan, application form, or attachments prior to a decision by the Zoning Administrator.
7. *Allowance for Revision After a Decision*: After a decision to deny, the applicant may promptly revise the site plan, application form, or attachment in order to comply with the Unified Development Ordinance without terminating the process.
8. *Pursuit of Relief*: After a decision to deny, the applicant may promptly pursue an administrative appeal, variance from development standards, or variance of use. During an appeal for relief, the application for Improvement Location Permit shall be suspended until the Board of Zoning Appeals rules on the matter.

F. Duration:

1. *Procedural Expiration*: An application shall expire and be void after the applicant is notified of a decision to deny unless the applicant makes revisions to the application or pursues relief from the Board of Zoning Appeals within sixty (60) days from notification.
2. *Commencement*: After an Improvement Location Permit is issued, the project shall commence within three (3) years of the issuance date or shall become void.
3. *Expiration*: After an Improvement Location Permit is issued, the project shall be completed within seven (7) years of the issuance date or shall become void.

G. Modification After Issuance of an Improvement Location Permit: At the discretion of the Zoning Administrator, an Improvement Location Permit may be modified if:

- Warranted: Warranted due to discoveries during construction or other significant finding, and
- Requested Prior to Initiation: Requested prior to permanent construction, installation, addition, alteration, or relocation of a structure; prior to permanent alteration to the land; and prior to establishment of a new land or change an existing land use.

or if:

- Warranted: Warranted due to discoveries during construction or other significant finding, and
- Component is Not Completed: Requested prior to the applicable component of the project has been completed, and
- Not Correcting a Violation: The modification is not an attempt to correct a violation.

H. Modification Process: If a modification is allowed, the Zoning Administrator shall request any necessary information, shall review the modification for its compliance to the Unified Development Ordinance, and then render a decision. If the proposed modification meets the provisions of the Unified Development Ordinance the Improvement Location Permit may be amended and filed. If denied to be considered or denied for non-compliance, the modification shall be disallowed.

9.07 Temporary Improvement Location Permit

A. Applicability: A Temporary Improvement Location Permit shall be required prior to establishment of a temporary use of land or structure. The following are examples of projects necessitating a Temporary Improvement Location Permit process:
- Tent sale
- Construction trailer
- Model home

B. Filing Requirements:

1. *Application*: Application for a Temporary Improvement Location Permit shall be made on a form provided by the Zoning Administrator. Supporting information shall be submitted as per all applicable requirements described below.
2. *Establishment of a Temporary Use of Land or Structure*: The following application and supporting information, when applicable, shall be provided on a site plan, application form, or as an attachment.
   a. Property owner's name, mailing address, phone number and/or email address.
   b. Applicant's name, mailing address, phone number, and/or email address, if different than owner.
   c. Written detailed description of the proposed project.
   d. Date submitted and signed.
   e. Signature of the applicant, testifying that they are authorized to represent the property.
   f. Any other information requested on the application form.
   g. A drawing of the parcel with dimensions.
   h. The location of existing structures (e.g. building, parking lot, sidewalk, driveway).
   i. The location of the proposed temporary structure
   j. The applicable setbacks shown on the parcel drawing.
   k. Description of the desired duration of the temporary structure and/or land use.
3. *Deadline*: Applications for a Temporary Improvement Location Permit may be filed any time.
4. *Professional Services*: If the Plan Commission finds it necessary to hire a professional engineer or other technician to subsidize the Zoning Administrator's capabilities for review, notice shall be given to the applicant prior to contracting services. Notice shall be given in the form of a letter that includes the statement of intent to contract professional services. The applicant shall be given fourteen (14) days from the date of mailing, prior to contracting said professional services.
5. *Fees*: The applicable fee shall be paid at the time the application for a Temporary Improvement Location Permit is filed. Fees shall include reimbursement for any cost borne by the Plan Commission to hire a professional engineer or other technician necessary to subsidize the planning staff's capabilities for review.

C. Permit Procedure:

1. *Substantially Complete Application*: An application for a Temporary Improvement Location Permit shall not be reviewed for approval until it is determined to be substantially complete by the Zoning Administrator. The Zoning Administrator shall first verify that the application form and required supplemental information has been submitted correctly, and the applicable application fee is paid.
2. *Review the Project's Compliance*: After the application is verified as being substantially complete, the Zoning Administrator shall review the project to determine whether it complies with the Unified Development Ordinance. The Zoning Administrator may consult with the Jasper County Engineer, Building Commissioner, or any other person, department, or group to determine if the project complies with all of the provisions of the Unified Development Ordinance. During the review process, the Zoning Administrator may:
   a. Request Additional Information: During the process of rendering a decision, the Zoning Administrator may request additional information to be added to the site plan, application form, or attachments.
   b. Exercise Discretion: Some provisions within the Unified Development Ordinance allow the Zoning Administrator to apply discretion to a decision. If such discretion is exercised, the Zoning Administrator shall describe the decision and cite the authority for that discretion.
   c. Interpret the Unified Development Ordinance: Because the Unified Development Ordinance cannot address every possible unique situation, project features, or land use, the Zoning Administrator shall interpret the intent of the Unified Development Ordinance when not specifically addressed
3. *Render a Decision*: The Zoning Administrator shall render a "decision to deny" or "decision to approve" based on the information submitted, project review, discretion exercised, and interpretations made.
4. *Issuing a Temporary Improvement Location Permit*: If the proposed project complies with the Unified Development Ordinance the Zoning Administrator shall render a decision to approve, then document the terms of the approval on the permit, and then issue a Temporary Improvement Location Permit.
5. *Decision to Deny*: If the proposed project does not comply with the Unified Development Ordinance, the Zoning Administrator shall not issue a Temporary Improvement Location Permit. The Zoning Administrator shall internally document the reasons for not issuing a Temporary Improvement Location Permit and send that information to the applicant by email, U.S. Mail, or telephone. If an email is used to communicate denial, documentation that the email was received shall be included in the file. Similarly, if a phone call is used to communicate denial, documentation of the phone call shall be included in the file. If a proposed project does not comply with the Unified Development Ordinance, the applicant may promptly revise the application, or may promptly pursue relief from the Unified Development Ordinance.
6. *Allowance for Revision Prior to a Decision*: Not applicable.
7. *Allowance for Revision After a Decision to Deny*: After a decision to deny, the applicant may promptly revise the site plan, application form, or attachment in order to comply with the Unified Development Ordinance without terminating the process.
8. *Pursuit of Relief*: After a decision to deny, the applicant may promptly pursue an administrative appeal or variance from development standards. During an appeal for relief, the application for Improvement Location Permit shall be suspended until the Board of Zoning Appeals rules on the matter.

D. Duration:

1. *Procedural Expiration*: An application shall expire and be void after the applicant is notified of a decision to deny unless the applicant makes revisions to the application or pursues relief from the Board of Zoning Appeals within sixty (60) days from notification.
2. *Commencement*: After a Temporary Improvement Location Permit is issued, the permit shall expire after the last approved date for the temporary use and/or structure.
3. *Permit Expiration*: A Temporary Improvement Location Permit shall be issued for the dates requested by the applicant and within the ordinance limits as described in *Section 5.86 through Section 5.89: Temporary Use and Structure Standards*. The permitted dates shall be displayed on the Temporary Improvement Location Permit.
4. *Extensions*: Not applicable.

E. Modification After Issuance of a Temporary Improvement Location Permit: Not applicable.

9.08 Administrative Appeal

A. Applicability: An Administrative Appeal applies to an applicant or interested party that wants a decision, interpretation, order determination, or action of the Zoning Administrator and/or enforcement officer to be overturned or corrected by the Board of Zoning Appeals. Any decision, interpretation, order determination, or action of the Plan Commission shall not be the subject of an Administrative Appeal.

B. Filing Requirements:

1. *Petition*: Petition for Administrative Appeal shall be made on a form provided by the Zoning Administrator. Supporting information shall be submitted as per the requirements described below.
2. *Information to be Submitted*: The following information shall be provided on the petition form.
   a. Petitioner's name, mailing address, phone number, and/or email address.
   b. Petitioner's standing (i.e. legal right to initiate a petition).
   c. The Zoning Administrator or Enforcement Official that rendered the decision, interpretation, order determination, or action.
   d. Written statement describing the administrative decision, interpretation, order determination, or action; and the reason and facts supporting action by the Board of Zoning Appeals.
   e. Date submitted and signed.
   f. Signature of the applicant.
   g. Any other information requested on the application form.
3. *Deadline*: A petition for an Administrative Appeal shall be filed with the Board of Zoning Appeals within thirty (30) days of the decision, interpretation, order determination, or action that is the subject of the appeal.
4. *Suspension of Work*: Work related to the decision, interpretation, order determination, or action being appealed shall be suspended until the Administrative Appeal is complete, or until the Board of Zoning Appeals authorizes full or partial work to resume prior to a Board of Zoning Appeals decision.
5. *Fees*: The applicable fee shall be paid at the time the petition for Administrative Appeal is filed.

C. Appeal Procedure:

1. *Substantially Complete Petition*: A petition for an Administrative Appeal shall not be issued a docket number or be scheduled for hearing by the Board of Zoning Appeals until it is determined to be substantially complete by the Zoning Administrator. The Zoning Administrator shall verify that the petition form and required supplemental information has been submitted correctly, and the applicable petition fee is paid.
2. *Assignment*: Once a petition for an Administrative Appeal has been determined substantially complete, the Zoning Administrator shall assign a case number and place the appeal on the agenda of the Board of Zoning Appeals. The Zoning Administrator shall inform the petitioner, in writing, of the date and time of the Board of Zoning Appeals meeting at which the appeal is to be heard.
3. *Public and Interested Party Notice*: The petitioner shall be responsible for providing public notice in accordance with the Board of Zoning Appeals Rules ~~of~~ and Procedures. The applicant shall also be responsible for returning proof of required notice to the Zoning Administrator prior to the start of the Board of Zoning Appeals meeting at which the appeal is to be heard. Failure to submit proof of notice may result in the Administrative Appeal being continued to the following month's Board of Zoning Appeals meeting.
4. *Transfer of Information*:
   a. The Zoning Administrator shall provide the petitioner for an Administrative Appeal any additional information which is being conveyed to the Board of Zoning Appeals in preparation for the meeting.
   b. The Zoning Administrator or Enforcement Official that is the subject of the appeal shall transmit the documents, plans, and papers constituting the record regarding the case to the Board of Zoning Appeals.
   c. The Zoning Administrator or the Enforcement Official that is the subject of the appeal may provide a written report explaining the final decision or action on the case.
5. *Review*: The Board of Zoning Appeals shall hear the Administrative Appeal at a regularly scheduled public meeting according to their Rules ~~of~~ and Procedures. The Board of Zoning Appeals may consider information conveyed to them in writing and testimony during the hearing in making a decision.
6. *Decision*: Following the hearing and review, the Board of Zoning Appeals may reverse, affirm, or modify the decision, interpretation, order determination, or action from which the appeal stems. The Board of Zoning Appeals may also add conditions to its decision when warranted.
7. *Appeal*: Any person aggrieved by the decision of the Board of Zoning Appeals may appeal such decision to the Circuit or Superior Court of Jasper County.

9.09 Development Plan

This process applies to the following zoning districts:

M1 M2

A. Prerequisite:

1. *Development Plan Approval*: Development Plan Approval shall be required prior to an Improvement Location Permit being issued for:
   a. Permanent Construction, Installation, Addition, Alteration, or Relocation of a New Structure, and
   b. Permanent Alteration to the Land.
2. *Subdivisions*: For residential subdivisions, Development Plan Approval shall be reviewed concurrently with the final subdivision plat.

B. Exemptions from Development Plan:

1. *Single-family detached residential*: Any lot being developed for a single-family detached residence or its accessory structures shall be exempt from Development Plan Approval. Only the Improvement Location Permit process shall apply.
2. *Agriculture Sites and Buildings*: Any lot being solely used for agricultural purposes shall be exempt from Development Plan Approval. Only the Temporary Improvement Location Permit process shall apply.
3. *Temporary Use of Land or Structure*: Any temporary use of land or structure shall be exempt from Development Plan Approval. Only the Improvement Location Permit process shall apply.
4. *Establish a New Land Use or Change an Existing Land Use*: Establishing a new land use or changing an existing land use shall be exempt from Development Plan Approval. Only the Improvement Location Permit process shall apply.

C. Filing Requirements:

1. *Application*: Application for Development Plan Approval shall be made on a form provided by the Zoning Administrator. The following information shall be provided on the application form.
   a. Property owner's name, mailing address, phone number and/or email address.
   b. Applicant's name, mailing address, phone number, and/or email address, if different than owner.
   c. Written detailed description of the proposed project.
   d. Date submitted and signed.
   e. Signature of the applicant, testifying that they are authorized to represent the property.
   f. Any other information requested on the application form.
2. *Interested Parties*: A list of names and mailing addresses of all known property owners within 300 feet of the boundary of the proposed site, and any other adjacent property owned by the petitioner, shall be provided by the applicant. The measurement shall include any property that is wholly or partially within the 300 foot boundary regardless if a road, river, railroad, or other physical barrier exists. This information may be obtained from the Jasper County Auditor's Office.
3. *For Permanent Construction, Installation, Addition, Alteration, or Relocation of a Structure*: The following supporting information, as applicable, shall be provided on a site plan, application form, and/or as an attachment.
   a. Projects involving non-inhabitable structures not mounted on a permanent foundation.
      i. A drawing of the parcel with dimensions.
      ii. The building envelope (i.e. the resulting developable area after applying setbacks).
      iii. The location of existing structures (e.g. home, garage, sidewalk, driveway).
      iv. The location of the proposed structure.
      v. A calculation of the existing lot coverage, expressed in a percentage.
      vi. A calculation of the lot coverage as it would be upon completing the project, expressed in a percentage.
      vii. An affidavit stating the proposed project is not located within a floodplain or easement.

b. Projects involving non-inhabitable structures mounted on a permanent foundation.
   i. All requirements of *Section 9.09(C)(3)(a)* for structures not on a permanent foundation.
   ii. A scale drawing of the parcel with dimensions.
   iii. Existing adjacent right-of-ways or street easements, and the name of the street.
   iv. Easements on the parcel or adjacent to the parcel, including the name of the easement holder and a description of the terms of the easement.
   v. Denotation of any existing structure on adjacent parcels if within twenty (20) feet of the subject parcel's property line.

c. Projects involving inhabitable buildings.
   i. All requirements of *Section 9.09(C)(3)(b)* for structures on a permanent foundation.
   ii. Denotation of the location of mature trees, greater than nine (9) inches in caliper.
   iii. Elevation above sea level at the location of the project prior to alteration of land.
   iv. Certification by a licensed engineer or surveyor that the proposed project is not on or within thirty (30) feet of a floodplain or wetland.
   v. Denotation of adjacent zoning districts if different than the subject parcel.
   vi. Certification by a licensed engineer or surveyor that the soils are suitable to support the weight of the structure and any foundation modifications necessary to support the weight of the structure.
   vii. Location of existing or proposed drainage tile.
   viii. Denotation of where utility lines will be run to the building and whether they are above or below grade.
   ix. Location of a septic system, reserve area for a replacement septic system, well, geothermal loop, or other on-site utility system.
   x. Denotation of any existing structure on adjacent parcels if within fifty (50) feet of the subject parcel's property line.

d. Complex or Unique Projects: The Zoning Administrator may require any additional information if reasonably necessary to determine if a complex or unique project complies with the provisions of the Unified Development Ordinance. This may include the supporting information listed in *Section 9.12(D)(2)(i): WHO District Requirements* for projects within the WHO District.

4. *For Permanent Alteration to the Land*: The following supporting information, as applicable, shall be provided on a site plan, application form, and/or as an attachment.

a. Projects that involve disturbing more than five percent (5%) of a parcel's area on a parcel less than five (5)acres in area, or disturbing any portion of a site greater than five (5) acres, or that results in more than 9,000 cubic feet of soil being disturbed (cumulative amount of soil added from one area and soil removed from another, not the net of soil added and removed).
   i. A scale drawing of the parcel with dimensions.
   ii. The location of existing structures (e.g. building, sidewalk, driveway).
   iii. Denotation of existing mature trees, greater than nine (9) inches in caliper.
   iv. Denotation of floodplains, wetlands, rock formations, karst, natural lakes, streams, regulated drains, retention ponds, detention ponds, known drainage tile, inlets, outlets, monuments or markers, and drainage swales on the parcel and within seventy-five (75) feet of the parcel's property lines.
   v. Two-foot contour lines of the existing parcel.
   vi. Two-foot contours showing the parcel's contours as it would be upon completing the proposed project.
   vii. Erosion control methodology, devices, locations, and maintenance strategy.
   viii. Drainage evaluation of the existing parcel and as it would be upon completion of the proposed project with a characterization of the change to drainage onto adjacent properties, into drainage tile, or into surface water ways.
   ix. Design cross-section of recreational ponds.

5. *Deadline*: Six (6) hard copies of the Application for Development Plan Approval; six (6) hard copies of all supporting information; one (1) digital copy of the Application for Development Plan Approval and supporting information in .pdf (portable document format); and one (1) digital copy of any drawings or plans in ".pdf" format shall be submitted to the Plan Commission at least twenty (20) days prior to the public meeting at which it is first to be considered by the Plan Commission.
6. *Professional Services*: If the Plan Commission finds it necessary to hire a professional engineer or other technician to subsidize the Zoning Administrator's capabilities for review, notice shall be given to the applicant prior to contracting services. Notice shall be given in the form of a letter that includes the statement of intent to contract professional services. The applicant shall be given fourteen (14) days from the date of mailing, prior to contracting said professional services.
7. *Fees*: Applicable fees shall be paid at the time the Application for Development Plan Approval is filed. Fees shall include reimbursement for any cost borne by the Plan Commission to hire a professional engineer or other technician necessary to subsidize the planning staff's capabilities for review.

D. Review Procedure:

1. *Assignment*: Development Plans which are determined to be substantially complete and in proper form by the Zoning Administrator, shall be assigned a case number and placed on the first available Plan Commission agenda. ~~The Zoning Administrator shall notify the applicant in writing of the date of the meeting and provide the applicant with a legal notice.~~
2. *Internal Review*: Upon assignment of a case number and hearing date, the Technical Advisory Committee and other applicable agencies will be notified of the proposed Development Plan and asked to review and comment. The Zoning Administrator may submit a written report to the Plan Commission stating any facts concerning the physical characteristics of the area involved in the Development Plan, the surrounding land use, public facilities available to service the area, or other pertinent facts. The written report may also contain opinions of the Zoning Administrator concerning the Development Plan and information from the Technical Advisory Committee and/or other agencies that have reviewed the Development Plan. A copy of such report shall be made available to the applicant and all remonstrators.
3. *Public Notice*: The following public notice standards apply to an Application for Development Plan Approval. All costs associated with providing public notice shall be borne by the applicant.
   a. The applicant shall notify all interested parties of the public hearing by regular U.S. Mail with delivery confirmation or shall prepare all letters with first class postage for the Zoning Administrator to drop in the mail a minimum of ten (10) days before the public hearing.
   b. The applicant shall publish legal notice in a newspaper of general circulation a minimum of ten (10) days before the public hearing.
   c. The applicant shall be responsible for providing proof of published notice to the Plan Commission and including proof in the case file.
   d. The applicant shall place a yard sign in the right-of-way in front of the subject property stating the words "Public Hearing," "for Development Plan Approval," shall state the date, time and location of the public hearing, and shall state "for more information call (219) 866-4908". The sign shall be double sided, set perpendicular to the roadway, and shall be a minimum of sixteen inches tall by twenty-two inches wide (16" H X 22" W). The sign shall be in place at least ten (10) days prior to the public hearing, not including the day of the hearing. If the lot is a corner lot or through lot, as second sign shall be placed, one (1) per frontage.
4. *Attendance*: The applicant shall be present at the Plan Commission meeting to address and discuss comments and concerns posed by the Plan Commission. Failure to appear shall result in the dismissal of the Application for Development Plan Approval.
5. *Public Hearing*: A public hearing shall be held in accordance with the Plan Commission Rules ~~of~~ and Procedures.
6. *Review*: At their regularly scheduled public meeting, the Plan Commission shall review:
   a. The Application for Development Plan Approval.
   b. All supporting information including the site plan, site access and circulation plan, elevations, etc.
   c. The testimony of the applicant.
   d. Information presented in writing or verbally by the Zoning Administrator, the Technical Advisory Committee, or other applicable department or agency.

e. Input from the public during the public hearing.

f. Any applicable provisions of the Unified Development Ordinance.

g. Any applicable requirements of the Jasper County's Construction Standards.

h. Any other information as may be required by the Plan Commission to evaluate the application.

7. *Decision*: The Plan Commission shall make findings of fact and take final action or continue the Application for Development Plan Approval to a defined future meeting date.

   a. Findings of Fact: The Plan Commission shall make the following findings of fact. Approval of findings may be in the form of a general statement. Disapproval of findings shall specify the portion of the Unified Development Ordinance or Jasper County's Construction Standards with which there is not compliance.

      i. The development plan is consistent with the *Jasper County Comprehensive Plan*.

      ii. The development plan satisfies the development requirements of *Article 2: Zoning Districts*.

      iii. The development plan satisfies the standards of *Article 5: Development Standards*.

      iv. The development plan satisfies any other applicable provisions of the Unified Development Ordinance.

      v. The development plan satisfies the construction requirements of the Jasper County's Construction Standards.

   b. Final Action: Based on the findings of fact, the Plan Commission shall approve, approve with conditions, or deny the Application for Development Plan Approval.

   c. The findings of fact and final action shall be signed by the President of the Plan Commission.

   d. The Zoning Administrator shall provide the applicant a copy of the decision.

E. Duration: An approved Development Plan shall be valid for three (3) years from the date the Plan Commission granted approval. Approved minor amendments shall not reset the three-year time frame. The Zoning Administrator may grant one (1) six-month extension for cause. The applicant shall submit the request for extension in writing, and the Zoning Administrator shall make a written determination regarding the decision. Both the request and the determination shall be made part of the Development Plan record. If development of the project has not begun by the end of the three-year period (or by the end of the six-month extension), the approval expires and a new Application for Development Plan Approval shall be submitted.

F. Modification:

1. *Minor Amendments*: Minor amendments to approved Development Plans which do not involve an increase in height, area, bulk or intensity of land uses; the designation of additional land uses; a reduction in yards; the addition of driveways or access points; or a reduction in the amount of parking may be authorized by the Zoning Administrator without a public hearing, if the requested minor amendments do not adversely impact the purpose or intent of the overall development. Minor amendments authorized by the Zoning Administrator shall be reported, in writing, to the Plan Commission at the next regular meeting of the Plan Commission.

2. *Major Amendments*: If the Zoning Administrator determines that the proposed modification may adversely impact the purpose or intent of the overall development; or if the proposed modification includes an increase in intensity of any land use; or if the proposed modification includes the designation of an additional land use, the applicant shall be required to file a new Application for Development Plan approval.

9.10 General Planned Development

A. Purpose and Intent:

1. *Generally*: A Planned Development zoning district may be used to provide for:
   a. Greater flexibility in applying the ordinances to mixed zoning classifications.
   b. Innovative approaches to meet the demands of the housing, commercial, and business markets.
   c. The recognition of the interdependency of the housing, commercial, and business markets.
   d. The establishment of creative and unique developments that would not otherwise be able to be developed under the provisions of Jasper County's standard zoning district regulations.
   e. The planning and development of mixed zoning classifications to be consistent with the best interest of the jurisdictional area of the Plan Commission, and the applicable ordinances.
2. *Process Outline*: The three (3) steps of the Planned Development process are listed below and explained in detail in the following sections.
   a. *Section 9.11: Planned Development: District Ordinance and Establishment Plan*.
   b. *Section 9.12: Planned Development: Detailed Development Plan*.
   c. *Section 9.13: Planned Development: Final Development Plan*.

9.11 Planned Development: District Ordinance and Establishment Plan

A. Purpose and Intent:

1. *Planned Development District Ordinance*: The purpose of the Planned Development District Ordinance is to:
   a. Designate, or rezone, a parcel of land as a Planned Development zoning district.
   b. Specify uses or a range of uses permitted in the Planned Development zoning district.
   c. Specify development requirements in the Planned Development zoning district.
   d. Specify the plan documentation and supporting documentation that may be required.
   e. Specify any limitation applicable to the Planned Development zoning district.
   f. Meet the requirements of Indiana Code 36-7-4-1500 et seq.
2. *Establishment Plan*: The purpose of an Establishment Plan is to delineate basic elements such as land uses, vehicular and pedestrian traffic patterns, drainage, perimeter buffer yards, etc.

B. Project Applicability: Proposals for new Planned Developments shall meet the standards of this section.

C. Prerequisites:

1. *Ownership*: Planned Developments shall be initiated by the owners of the land involved in the development or the owner's authorized agent. If an authorized agent files an application, a signed and notarized consent form from all owners shall accompany the application.
2. *Pre-application Meeting*: Prior to submitting an Application for a Planned Development, the applicant shall meet with the Zoning Administrator to review the zoning classification of the site, review regulatory ordinances and materials, review the procedures and examine the proposed use and development of the property.

D. Filing Requirements:

1. *Application*: Application for a Planned Development shall be made on a form provided by the Zoning Administrator.
2. *Supporting Information*: The Application for a Planned Development shall be accompanied by the following information.
   a. A list of names and mailing addresses of all known property owners within 300 feet of the boundary of the proposed site and any other adjacent property owned by the petitioner. The measurement shall include any property that is wholly or partially within the 300 foot boundary regardless if a road, river, railroad, or other physical barrier exists. This information may be obtained from the Jasper County Auditor's Office.
   b. Survey and legal description of the proposed site of the Planned Development.
   c. The Establishment Plan that conceptually delineates the basic physical elements of the Planned Developments including land use, circulation, and perimeter buffers.
   d. A draft of the Planned Development District Ordinance that includes proposed development standards for all land uses within the Planned Development.
   e. Any other information requested in writing by the Plan Commission or Zoning Administrator.
3. *Deadline*: Six (6) hard copies of the Application for a Planned Development; six (6) hard copies of all supporting information and one (1) digital copy of the Application for a Planned Development and all supporting information in .pdf (portable document format) shall be submitted twenty (20) days prior to the public meeting at which it is first to be heard by the Plan Commission.
4. *Professional Services*: If the Plan Commission finds it necessary to hire a professional engineer or other technician to subsidize the Zoning Administrator's capabilities for review, notice shall be given to the applicant prior to contracting services. Notice shall be given in the form of a letter that includes the statement of intent to contract professional services. The applicant shall be given fourteen (14) days from the date of mailing, prior to contracting said professional services.
5. *Fees*: Applicable fees shall be paid at the time the Application for a Planned Development is filed. Fees shall include reimbursement for any cost borne by the Plan Commission to hire a professional engineer or other technician necessary to subsidize the planning staff's capabilities for review.
6. *Permission to Post*: The Plan Commission, Zoning Administrator, and other County officials and staff have the right to and shall be held harmless for printing, reproducing, or posting any information submitted as a requirement of *Section 9.11(D)(1): Application* and *Section 9.11(D)(2): Supporting Information*.

E. Formal Procedure:

1. *Assignment*: An Application for a Planned Development, which is determined to be complete and in proper form by the Zoning Administrator, shall be assigned a case number and placed on the first available Plan Commission agenda. ~~The Zoning Administrator shall notify the applicant in writing of the date of the meeting.~~
2. *Internal Review*: Upon assignment of a case number and hearing date, the Zoning Administrator shall review the Application for a Planned Development and all supporting information. While the Establishment Plan is conceptual, the Zoning Administrator may forward the Establishment Plan and any other relevant information to the Technical Advisory Committee, or other applicable agencies. The Zoning Administrator may submit a written report to the Plan Commission stating facts concerning the physical characteristics of the area involved in the Planned Development, the surrounding land use, public facilities available to service the area, or other pertinent facts. The written report may also contain opinions of the Zoning Administrator concerning the Planned Development and information from any other agencies that reviewed the Planned Development. A copy of such report shall be made available to the applicant and all remonstrators.
3. *Public Notice*: The following public notice standards apply to an Application for a Planned Development. All costs associated with providing public notice shall be borne by the applicant.
   a. The applicant shall notify all interested parties of the public hearing by regular U.S. Mail with delivery confirmation or shall prepare all letters with first class postage for the Zoning Administrator to drop in the mail a minimum of ten (10) days before the public hearing.
   b. The applicant shall publish legal notice in a newspaper of general circulation a minimum of ten (10) days before the public hearing.
   c. The applicant shall be responsible for providing proof of published notice to the Plan Commission and including proof in the case file.
   d. The applicant shall place a yard sign in the right-of-way in front of the subject property stating the words "Public Hearing," "for Planned Development Approval," shall state the date, time and location of the public hearing, and shall state "for more information call (219) 866-4908". The sign shall be double sided, set perpendicular to the roadway, and shall be a minimum of sixteen inches tall by twenty-two inches wide (16" H X 22" W). The sign shall be in place at least ten (10) days prior to the public hearing, not including the day of the hearing. If the lot is a corner lot or through lot, as second sign shall be placed, one (1) per frontage.
4. *Attendance*: The applicant shall be present at the Plan Commission meeting to explain the proposed Planned Development and address and discuss comments and concerns posed by the Plan Commission. Failure to appear shall result in the dismissal of the Application for a Planned Development.
5. *Public Hearing*: A public hearing shall be held in accordance with the Plan Commission Rules ~~of~~ and Procedures.
6. *Review*: At their regularly scheduled public meeting, the Plan Commission shall review:
   a. Application for a Planned Development.
   b. Planned Development District Ordinance draft.
   c. Establishment Plan.
   d. The *Jasper County Comprehensive Plan*.
   e. Current conditions and the character of current structures and uses in the area.
   f. The most desirable use for which the land in the area is adapted.
   g. The conservation of property values throughout the jurisdiction.
   h. Responsible development and growth.
   i. The testimony of the applicant.
   j. Relevant evidence presented by other persons.
   k. The limitations, standards, and requirements of *Article 4: Planned Development District*.
   l. Any applicable provisions of the Unified Development Ordinance.
   m. The Zoning Administrator's report or any other documents provided by other departments or agencies.
   n. Any other additional information as may be required by the Plan Commission to evaluate the application.

7. *Decision*: The Plan Commission shall take final action or continue the Application for a Planned Development to a defined future meeting date.
   a. Final Action: The Plan Commission shall certify and forward the Application for a Planned Development to the County Commissioners with:
      i. A favorable recommendation.
      ii. A favorable recommendation and with recommendations for commitments and/or conditions.
      iii. An unfavorable recommendation.
      iv. No recommendation.
   b. Revisions: If the certified version of the Planned Development District Ordinance or Establishment Plan was revised during the process of Plan Commission review, the Zoning Administrator shall make the revisions to the Planned Development District Ordinance and the applicant shall make the revisions to the Establishment Plan so the County Commissioners receives the certified versions of the Planned Development District Ordinance and Establishment Plan.
8. *Commitments and Conditions*: In conjunction with its recommendation to the County Commissioners, the Plan Commission may recommend written commitments and/or conditions for approval. Commitments and/or conditions shall be recorded in the Office of the Jasper County Recorder within thirty (30) days of the County Commissioners' approval of the Planned Development District Ordinance and Establishment Plan. The applicant shall deliver a copy of the recorded commitments and/or conditions to the Zoning Administrator before proceeding with Step 2 and filing a Planned Development Detailed Development Plan.

F. Duration: If Step 2, a Planned Development Detailed Development Plan, has not been filed within one (1) year of the date the County Commissioners approved the Planned Development District Ordinance and the Establishment Plan, the application expires.

G. Modification:
1. *Planned Development District Ordinance*: An amendment to the text of the Planned Development District Ordinance shall follow the process in *Section 9.18: Unified Development Ordinance: Text Amendment*.
2. *Establishment Plan*: Modification to an Establishment Plan shall be explained and illustrated during a Planned Development Detailed Development Plan review and approval process, unless the Zoning Administrator determines the modification is significant enough to change the character and intent of the Planned Development. In such cases, a new Application for a Planned Development shall be required.
3. *Commitments and Conditions*: Commitments and conditions associated with a Planned Development District Ordinance and Establishment Plan shall only be modified or terminated by a decision of the County Commissioners made at a public hearing.

9.12 Planned Development: Detailed Development Plan

A. Purpose and Intent: The Planned Development Detailed Development Plan shall provide the Plan Commission with the opportunity to review the details of the site plan and determine compliance with the Planned Development District Ordinance. If the Planned Development involves the subdivision of land, this step also serves as the Primary Plat.

B. Project Applicability: Proposals for new Planned Developments shall meet the standards of this section.

C. Prerequisites:

1. *Planned Development District Ordinance and Establishment Plan*: The Planned Development District Ordinance and Establishment Plan shall be approved by the County Commissioners prior to submitting a Planned Development Detailed Development Plan. If approval included commitments and/or conditions, those commitments and/or conditions shall be recorded in the Office of the Jasper County Recorder.

D. Filing Requirements:

1. *Application*: Application for a Planned Development should be on file with the Zoning Administrator from the Planned Development District Ordinance and the Establishment Plan.
2. *Supporting Information*: The following information shall be submitted for the Planned Development Detailed Development Plan review process.
   a. An updated list of names and mailing addresses of all known property owners within 300 feet of the boundary of the proposed site and any other adjacent property owned by the petitioner. The measurement shall include any property that is wholly or partially within the 300 foot boundary regardless if a road, river, railroad, or other physical barrier exists. This information may be obtained from the Jasper County Auditor's Office.
   b. A Site Plan, drawn to scale, that includes the following items:
      i. North arrow.
      ii. Graphic scale.
      iii. Address of the site.
      iv. Proposed name of the development.
      v. Area map insert showing the general location of the site referenced to major streets.
      vi. Boundary lines of the site including all dimensions of the site.
      vii. Names, centerlines, and right-of-way widths of all streets and easements.
      viii. Layout, number, dimension, and area of all lots.
      ix. Location and dimensions of all existing and proposed structures, including paved areas, entryway features, and signs.
      x. Location of all floodway, floodway fringe areas, and wetlands within the boundaries of the site.
      xi. Use of each structure by labeling including approximate density or size of all proposed uses and structures on the site (e.g. parking - number of parking spaces provided; office - floor area).
      xii. Distance of all structures from front, rear, and side lot lines.
      xiii. Areas reserved for park, recreation, conservation, wetland, common area, lake, trails, or other similar uses.
      xiv. Proposed landscaping buffers or landscaped areas.
      xv. Any other information necessary to support a thorough review of the project and as requested in writing by the Plan Commission or the Zoning Administrator.
   c. Representative building elevations for facades of residential and non-residential primary structures shall be drawn to scale and include the following items:
      i. Proposed name of the development.
      ii. Graphic scale.
      iii. Specification of the type and color of building materials to be used for wall, window, roof, and other architectural features.
      iv. Placement, size, color, and illumination details for any proposed wall sign.
      v. Any other information necessary to support a thorough review of the project and as requested in writing by the Plan Commission or the Zoning Administrator.

d. A Site Access and Circulation Plan shall be required, but may be incorporated into the required Site Plan or may be submitted as a separate plan. It shall be drawn to scale.
   i. North arrow.
   ii. Graphic scale.
   iii. Address of site.
   iv. Proposed name of the development.
   v. Names, centerlines, and right-of-way widths of all existing and proposed streets and easements within 100 feet of the site.
   vi. Location of any proposed or existing driveways onto a street and its width at the lot line.
   vii. All improvements to the street system on-site and off-site.
   viii. Measurement of curb radius and/or flares.
   ix. Location of proposed and existing sidewalk or sidepath.
   x. Any other information necessary to support a thorough review of the project and as requested in writing by the Plan Commission or the Zoning Administrator.

e. A Utility Plan shall be drawn to scale and shall include the following items:
   i. Location of all existing and proposed utility easements.
   ii. Location and size of all existing and proposed utility components including, but not limited to sanitary sewer components, water components, storm water components, electric, gas, telephone, and cable.
   iii. Location and illumination capacity of all lights.
   iv. Names of legal ditches and streams in or adjacent to the site.
   v. Contours sufficient to illustrate storm water runoff.
   vi. Storm water drainage plan including estimated runoff.
   vii. Any other information necessary to support a thorough review of the project and as requested in writing by the Plan Commission or the Zoning Administrator.

f. Traffic Impact Study.
   i. A Traffic Impact Study shall be required when a proposed development meets or exceeds the warrants of the Indiana Department of Transportation Traffic Impact Study Guidelines (150 or more dwelling units; 15,000 square feet or more of retail space; 35,000 or more square feet of office space; 70,000 square feet or more square feet of industrial space; 30,000 square feet or more of educational space; 120 or more occupied rooms; 46,000 or more square feet of medical space; or any mixed-use development which generates 100 or more peak hour trips in the peak direction).
   ii. A registered professional engineer shall prepare and certify the Traffic Impact Study. The Traffic Impact Study shall evaluate the impact of present and future traffic generated by the proposed development on the adjacent roadway system. Prior to commencement, the applicant shall meet with the Zoning Administrator and County Engineer to determine an appropriate scope for the Traffic Impact Study.

g. Statement of Development Build-out: The applicant shall indicate, either on the required Site Plan or in writing, a statement of:
   i. The order of development of the major infrastructure elements of the project.
   ii. Project phase boundaries, if any.
   iii. The order and content of each phase.
   iv. An estimate of the time frame for build-out of the project.

h. Landscape Plan: The applicant shall indicate, either on the required Site Plan or on a separate landscape plan, existing and proposed green space and landscaping on the site showing how the proposed landscaping meets or exceeds the standards detailed in *Section 7.17: Perimeter Landscaping Standards* and *Section 5.45 through Section 5.50: Landscaping Standards*.

i. WHO District Requirements. If the proposed development is in the WHO District, the applicant shall submit the following:

i. A narrative description of the site including any existing uses, setbacks, available sewage disposal facilities, and a brief history of the site (including any former uses, historical environmental concerns, abandoned wells, underground storage tanks, septic systems).

ii. Description of the proposed operations, including chemical/products used or generated, chemical/product storage area descriptions, waste generation quantities, equipment cleaning/maintenance procedures.

iii. Methods and locations of receiving, handling, storing and shipping chemicals/products and wastes.

iv. Spill or release response measures and reporting.

v. Description of slopes near containment vessels and waste storage areas.

vi. The following information shall also be included on the required Site Plan or an additional plan: all paved and non-paved areas; floor drain locations and outlets; chemical/product storage locations; waste storage locations; liquid transfer areas; underground storage tanks and associated piping; above ground storage tanks and associated piping; slope and contours of finished grade at two-foot intervals; and proposed containment area detail drawings, including area, heights, materials, specifications, if applicable.

3. *Deadline*: Six (6) hard copies of the Application for a Planned Development; six (6) hard copies of all supporting information and one (1) digital copy of the Application for a Planned Development and all supporting information in .pdf (portable document format) shall be submitted twenty (20) days prior to the public meeting at which it is first to be heard by the Plan Commission.

4. *Professional Services*: If the Plan Commission finds it necessary to hire a professional engineer or other technician to subsidize the Zoning Administrator's capabilities for review, notice shall be given to the applicant prior to contracting services. Notice shall be given in the form of a letter that includes the statement of intent to contract professional services. The applicant shall be given fourteen (14) days from the date of mailing, prior to contracting said professional services.

5. *Fees*: Applicable fees shall be paid at the time when the Planned Development Detailed Development Plan is filed. Fees shall include reimbursement for any cost borne by the Plan Commission to hire a professional engineer or other technician necessary to subsidize the planning staff's capabilities for review.

E. Formal Procedure:

1. *Assignment*: A Planned Development Detailed Development Plan, which is determined to be complete and in proper form by the Zoning Administrator, shall be assigned a case number and placed on the first available Plan Commission agenda. ~~The Zoning Administrator shall notify the applicant in writing of the meeting date.~~

2. *Internal Review*: Upon assignment of a case number and hearing date, the Technical Advisory Committee and other applicable agencies will be notified of the proposed Planned Development Detailed Development Plan and asked to review and comment. The Zoning Administrator may request a formal meeting of the Technical Advisory Committee and request the applicant's presence at that meeting. Following a thorough review, the Zoning Administrator may submit a written report to the Plan Commission stating any facts concerning the physical characteristics of the area involved in the Planned Development Detailed Development Plan, the surrounding land use, public facilities available to service the area, or other pertinent facts. The written report may also contain opinions of the Zoning Administrator concerning the Planned Development Detailed Development Plan and information from the Technical Advisory Committee and/or other agencies that have reviewed the Planned Development Detailed Development Plan. A copy of such report shall be made available to the applicant and all remonstrators.

3. *Public Notice*: The following public notice standards apply to a Planned Development Detailed Development Plan. All costs associated with providing public notice shall be borne by the applicant.

a. The applicant shall notify all interested parties of the public hearing by regular U.S. Mail with delivery confirmation or shall prepare all letters with first class postage for the Zoning Administrator to drop in the mail a minimum of ten (10) days before the public hearing.

b. The applicant shall publish legal notice in a newspaper of general circulation a minimum of ten (10) days before the public hearing.

c. The applicant shall be responsible for providing proof of published notice to the Plan Commission and including proof in the case file.

d. The applicant shall place a yard sign in the right-of-way in front of the subject property stating the words "Public Hearing," "for Planned Development Approval," shall state the date, time and location of the public hearing, and shall state "for more information call (219) 866-4908". The sign shall be double sided, set perpendicular to the roadway, and shall be a minimum of sixteen inches tall by twenty-two inches wide (16" H X 22" W). The sign shall be in place at least ten (10) days prior to the public hearing, not including the day of the hearing. If the lot is a corner lot or through lot, as second sign shall be placed, one (1) per frontage.

4. *Attendance*: The applicant shall be present at the Plan Commission meeting to address and discuss comments and concerns posed by the Plan Commission. Failure to appear may result in the dismissal of the Planned Development.
5. *Public Hearing*: A public hearing shall be held in accordance with the Plan Commission Rules ~~of~~ and Procedures.
6. *Review*: At their regularly scheduled public meeting, the Plan Commission shall review:
   a. The original Application for a Planned Development.
   b. Approved Planned Development District Ordinance.
   c. Approved Establishment Plan.
   d. All supporting information including the site plan, site access and circulation plan, elevations, utility plan, statement of development build-out, landscape plan, and, if applicable, traffic impact study and WHO district requirements.
   e. The testimony of the applicant.
   f. Information presented in writing or verbally by the Zoning Administrator, the Technical Advisory Committee, or other applicable department or agency.
   g. Input from the public during the public hearing.
   h. Any applicable requirements of the Jasper County's Construction Standards.
   i. The limitations, standards, and requirements of *Article 4: Planned Development District*.
   j. Any applicable provisions of the Unified Development Ordinance.
   k. The Zoning Administrator's report or any other documents provided by other departments or agencies.
   l. Any other additional information as may be required by the Plan Commission to evaluate the application.
7. *Decision*: The Plan Commission shall make findings of fact and take final action or continue the Planned Development Detailed Development Plan to a defined future meeting date.
   a. Findings of Fact: The Plan Commission shall make the following findings of fact. Approval of findings may be in the form of a general statement. Disapproval of findings shall specify the portion of the Planned Development District Ordinance, the Unified Development Ordinance, or Jasper County's Construction Standards with which there is not compliance.
      i. The Planned Development Detailed Development Plan is consistent with the *Jasper County Comprehensive Plan*.
      ii. The Planned Development Detailed Development Plan is consistent with *Article 4: Planned Development District*.
      iii. The Planned Development Detailed Development Plan satisfies the development standards of the approved Planned Development District Ordinance.
      iv. The Planned Development Detailed Development Plan satisfies the construction requirements of the Jasper County's Construction Standards.
   b. Final Action: Based on the findings of fact, the Plan Commission shall approve, approve with conditions, or deny the Planned Development Detailed Development Plan. If conditions are required, the conditions shall be recorded in the Office of the Jasper County Recorder within thirty (30) days of the Plan Commission's approval of the Planned Development Detailed Development Plan. The applicant shall deliver a copy of the recorded conditions to the Zoning Administrator before filing a Planned Development Final Development Plan.
   c. The findings and final decision shall be signed by the President of the Plan Commission.
   d. The Zoning Administrator shall provide the applicant a copy of the final decision.

F. Duration: An approved Planned Development Detailed Development Plan shall be valid for three (3) years from the date the Plan Commission granted approval. If development of the project has not commenced by the end of the three (3) year period the approval expires.

G. Modification:

1. *Minor Amendments*: A minor amendment to an approved Planned Development Detailed Development Plan which does not involve an increase in height, area, bulk or intensity of land uses; the designation of additional land uses; a reduction in yards; the addition of driveways or access points; or a reduction in the amount of parking may be authorized by the Zoning Administrator without a public hearing, if the requested minor amendment does not adversely impact the purpose or intent of the overall development. Minor amendments authorized by the Zoning Administrator shall be reported, in writing, to the Plan Commission at the next regular meeting of the Plan Commission.
2. *Major Amendments*: If the Zoning Administrator determines that the proposed modification may adversely impact the purpose or intent of the overall development; or if the proposed modification includes an increase in intensity of any land use; or if the proposed modification includes the designation of an additional land use, the applicant shall be required to file a new Planned Development Detailed Development Plan.

9.13 Planned Development: Final Development Plan

A. Purpose and Intent: The Planned Development Final Development Plan shall clearly define all construction matters and special conditions such as construction techniques, materials and the like, as well as prepare the plans and documents for recording. If the Planned Development involves the subdivision of land, this step also serves as the Final Plat Approval.

B. Project Applicability: Proposals for new Planned Developments shall meet the standards of this section.

C. Prerequisites:

1. *Planned Development Detailed Development Plan*: The Planned Development Detailed Development Plan shall be approved by the Plan Commission prior to submitting a Planned Development Final Development Plan. If Planned Development Detailed Development Plan approval included conditions, those conditions shall be recorded in the Office of the Jasper County Recorder.
2. *Infrastructure*: A Planned Development shall have all of the infrastructure improvements proposed in the Planned Development Detailed Development Plan that are intended to be dedicated to the county installed to meet the Jasper County's Construction Standards, or the applicant shall have financial security for the cost of the infrastructure improvements in compliance with *Section 7.25: Surety Standards*.

D. Filing Requirements:

1. *Application*: The applicant shall submit a letter stating the status of infrastructure improvements and requesting Planned Development Final Development Plan Approval. The original Application for a Planned Development should be on file with the Zoning Administrator from the Planned Development District Ordinance and the Establishment Plan
2. *Supporting Information*: The following information shall accompany the applicant's letter requesting Planned Development Final Development Plan Approval
   a. Accurate location of all monumentation, if applicable.
   b. If infrastructure improvements are complete, the supporting information shall include as-built drawings of each infrastructure system, and copies of any required inspections or certifications.
   c. If infrastructure improvements intended to be dedicated to the county are not complete, the supporting information shall include detailed descriptions and locations of infrastructure to be installed, estimates from contractors for all infrastructure improvements, and a performance bond for the total amount of the infrastructure improvements.
   d. Any other information necessary to support a thorough review of the project that is requested, in writing, by the Zoning Administrator or Plan Commission.
3. *Deadline*: Planned Development Final Development Plan Approval shall be requested within two (2) years of the approval of Planned Development Detailed Development Plan by the Plan Commission.
4. *Professional Services*: If the Plan Commission finds it necessary to hire a professional engineer or other technician to subsidize the Zoning Administrator's capabilities for review, notice shall be given to the applicant prior to contracting services. Notice shall be given in the form of a letter that includes the statement of intent to contract professional services. The applicant shall be given fourteen (14) days from the date of mailing, prior to contracting said professional services.
5. *Fees*: Applicable fees shall be paid at the time the request for Planned Development Final Development Approval is filed. Fees shall include reimbursement for any cost borne by the Plan Commission to hire a professional engineer or other technician necessary to subsidize the planning staff's capabilities for review.

E. Formal Procedure:

1. *Assignment*: The Zoning Administrator shall review the letter requesting Planned Development Final Development Plan Approval and all supporting information. Based on the history and the complexity of the project, the Zoning Administrator shall determine if the Planned Development Final Development Plan should be presented to the Plan Commission. Should the Zoning Administrator determine Plan Commission review is necessary, the Zoning Administrator shall assign the Planned Development Final Development Plan a case number and place it on the first available Plan Commission agenda. The Zoning Administrator shall notify the applicant in writing if Plan Commission review is necessary and the date of the meeting, if applicable.
2. *Review*: The Zoning Administrator shall provide the letter requesting Planned Development Final Development Plan approval, the supporting information, and a comment sheet to all applicable departments and agencies. Each department shall determine if the infrastructure improvements installed or proposed to be installed meet the Jasper County's Construction Standards and establish adequate connection to the existing and future systems. If applicable, each department shall also review applicable cost estimates for reasonableness. Each department shall return the comment sheet with any comments or concerns concerning the infrastructure or the project. If it has been determined that Plan Commission review is required, the comment sheets shall be forwarded to the Plan Commission for review at the meeting.
3. *Public Notice*: Notice and public hearing shall not be required for Planned Development Final Development Plan.
4. *Decision*: Based on comments from departments, the Zoning Administrator or the Plan Commission shall approve, approve with conditions, or deny Planned Development Final Development Plan.

F. Duration: An approved Planned Development Final Development Plan and any conditions shall be recorded in the Office of the Jasper County Recorder within ninety (90) days of the date of approval or shall become void.

9.14 Special Exception

A. Purpose and Intent: A special exception use is a use for which certain conditions must be met before it can be established at a specific location. The use shall be permitted by the Board of Zoning Appeals if certain conditions are met.

B. Project Applicability: Only uses listed as "special exceptions" in the two-page layouts in *Article 2: Zoning Districts* for the applicable zoning district shall be considered for approval by the Board of Zoning Appeals.

C. Prerequisites: An Application for a Special Exception shall be filed by the owner, the owner's agent, or any person having a legal or equitable interest in the subject property, but the written authorization of any owner who is not an applicant shall be required.

D. Filing Requirements:

1. *Application*: An Application for a Special Exception shall be made on forms provided by the Zoning Administrator.
2. *Supporting Information*: The following items shall accompany a completed Application for a Special Exception.
   a. A list of names and mailing addresses of all known property owners within 300 feet of the boundary of the proposed site. The measurement shall include any property that is wholly or partially within the 300 foot boundary regardless if a road, river, railroad, or other physical barrier exists. This information may be obtained from the Jasper County Auditor's Office.
   b. A Site Plan, drawn to scale, that includes the following information.
      i. North arrow.
      ii. Graphic scale.
      iii. Address of the site.
      iv. Legal description of the site.
      v. Boundary lines of the site including all dimensions.
      vi. Names, centerlines, and right-of-way widths of all streets and easements.
      vii. Location and dimensions of all existing and proposed structures, including paved areas and signs.
      viii. Location of all floodway, floodway fringe areas, and wetlands within the boundaries of the site.
      ix. Distance of all structures from front, rear, and side lot lines.
      x. Areas reserved for park, recreation, conservation, wetland, common area, lake, trails, or other similar uses.
      xi. Proposed landscaping buffers or landscaped areas.
      xii. Any other information necessary to support a thorough review of the project and as requested in writing by the Board of Zoning Appeals or the Zoning Administrator. This may include the supporting information listed in *Section 9.12(D)(2)(i): WHO District Requirements* for projects within the WHO District.
3. *Deadline*: An Application for a Special Exception shall be filed at least twenty (20) days prior to the public meeting at which it is first to be considered by the Board of Zoning Appeals.
4. *Professional Services*: If the Plan Commission finds it necessary to hire a professional engineer or other technician to subsidize the Zoning Administrator's capabilities for review, notice shall be given to the applicant prior to contracting services. Notice shall be given in the form of a letter that includes the statement of intent to contract professional services. The applicant shall be given fourteen (14) days from the date of mailing, prior to contracting said professional services.
5. *Fees*: Applicable fees shall be paid at the time the Application for a Special Exception is filed. Fees shall include reimbursement for any cost borne by the Board of Zoning Appeals to hire a professional engineer or other technician necessary to subsidize the planning staff's capabilities for review.

E. Formal Procedure:

1. *Assignment*: An Application for a Special Exception, which is determined to be complete and in proper form by the Zoning Administrator, shall be assigned a case number and placed on the first available Board of Zoning Appeals agenda. ~~The Zoning Administrator shall notify the applicant in writing of the meeting date.~~
2. *Internal Review*: Upon assignment of a number and hearing date, the Zoning Administrator may ask applicable departments to review and comment. The Zoning Administrator may submit a written report to the Board of Zoning Appeals stating any facts concerning the physical characteristics of the area involved, the surrounding land use, public facilities available to service the area, or other pertinent facts. The written report may also contain opinions of the Zoning Administrator concerning the Application for a Special Exception and/or information from other departments that have reviewed the Application for a Special Exception. A copy of such report shall be made available to the applicant and all remonstrators.
3. *Public Notice*: The following public notice standards apply to an Application for a Special Exception. All costs associated with providing public notice shall be borne by the applicant.
   a. The applicant shall notify all interested parties of the public hearing by regular U.S. Mail with delivery confirmation or shall prepare all letters with first class postage for the Zoning Administrator to drop in the mail a minimum of ten (10) days before the public hearing.
   b. The applicant shall publish legal notice in a newspaper of general circulation a minimum of ten (10) days before the public hearing.
   c. The applicant shall be responsible for providing proof of published notice to the Plan Commission and including proof in the case file.
   d. The applicant shall place a yard sign in the right-of-way in front of the subject property stating the words "Public Hearing," "for Special Exception Approval," shall state the date, time and location of the public hearing, and shall state "for more information call (219) 866-4908". The sign shall be double sided, set perpendicular to the roadway, and shall be a minimum of sixteen inches tall by twenty-two inches wide (16" H X 22" W). The sign shall be in place at least ten (10) days prior to the public hearing, not including the day of the hearing. If the lot is a corner lot or through lot, as second sign shall be placed, one (1) per frontage.
4. *Attendance*: The applicant shall be present at the Board of Zoning Appeals meeting to present the Application for a Special Exception and to address and discuss comments and concerns. Failure to appear shall result in the dismissal of the Application for a Special Exception.
5. *Public Hearing*: A public hearing shall be held in accordance with the Board of Zoning Appeals Rules ~~of~~ and Procedures
6. *Review*: At their regularly scheduled public meeting, the Board of Zoning Appeals shall review
   a. The Application for a Special Exception.
   b. Supporting information.
   c. Presentation by the applicant.
   d. Information presented in writing or verbally by the Zoning Administrator or other applicable department or agency.
   e. Input from the public during the public hearing.
   f. Applicable provisions of the Unified Development Ordinance.
   g. The Board of Zoning Appeals may take into consideration the following items as they relate to the proposed use:
      i. Topography and other natural site features.
      ii. Zoning of the site and surrounding properties.
      iii. Driveway locations, street access and vehicular and pedestrian traffic.
      iv. Parking amount, location, design.
      v. Landscaping, screening, buffering.
      vi. Open space and other site amenities.
      vii. Noise production and hours of operation.
      viii. Design, placement, architecture, and material of the structure.
      ix. Placement, design, intensity, height, and shielding of lights.
      x. Traffic generation.
      xi. General site layout as it relates to its surroundings.

7. *Decision*: The Board of Zoning Appeals shall make findings of fact and take final action, or continue the hearing to a defined future meeting date.
   a. Findings of Fact: The Board of Zoning Appeals shall make the following findings of fact.
      i. The proposed special exception is consistent with the purpose of the zoning district and the *Jasper County Comprehensive Plan*;
      ii. The proposed special exception will not be injurious to the public health, safety, morals and general welfare of the community;
      iii. The proposed special exception is in harmony with all adjacent land uses;
      iv. The proposed special exception will not alter the character of the district;
      v. The proposed special exception will not substantially impact property value in an adverse manner; and
      vi. no appreciable environmental harm will result from the use allowed by the special exception, or, if such harms could result, such resulting harms are eliminated or reasonably mitigated by best practice measures taken by the applicant or others in relation to the use of the special exception.
   b. Final Action:
      i. If the Board of Zoning Appeals finds all of the findings of fact in the affirmative, it shall approve or approve with conditions and/or commitments the Application for a Special Exception. Approval of findings may be in the form of a general statement.
      ii. If the Board of Zoning Appeals does not find all of the findings of fact in the affirmative, it shall deny the Application for a Special Exception. Disapproval of findings shall specify the reason for non-compliance.
   c. Commitments and Conditions:
      i. Commitments: The Board of Zoning Appeals may require the owner to make a written commitment. Commitments shall be recorded in the Office of the Jasper County Recorder. A recorded commitment is binding on the owner of the land, any subsequent owner of the land, and any person who acquires interest in the land.
      ii. Conditions: The Board of Zoning Appeals may require certain conditions for approval.

F. Duration: The granting of a special exception authorizes the use to run with the land unless conditions to the contrary are placed on the approval. If construction of structures or occupancy of existing structures has not commenced within three (3) years of the date the Special Exception was granted by the Board of Zoning Appeals, the approval shall be void.

G. Modification: If the Zoning Administrator determines a proposed modification or intensification represents an alteration in the essential character of the original special exception use as approved by the Board of Zoning Appeals, a new approval of the special exception use shall be required. The operator of the special exception use shall provide the Zoning Administrator with all the necessary information to render this determination.

9.15 Subdivision of Land: Primary Plat

A. Purpose and Intent: A Primary Plat shall provide the Plan Commission with the opportunity to review the details of a subdivision of land to determine compliance with the provisions of the Unified Development Ordinance. A Primary Plat shall also ensure the statutory requirements established in Indiana Code for the subdivision of land are met.

B. Project Applicability: A Primary Plat shall be prepared in conjunction with any proposal to subdivide or plat property within the jurisdictional area of the Plan Commission.

C. Applicable Districts: The subdivision of land shall occur only in the following zoning districts:

CO PR A1 A2 A3 A4 ~~FR~~ R1 R2 VR M1 M2 IS LB GC HC CP I1 I2

1. *Delay of Parent Tract Splits*: Any parent tract being split into twenty (20) lots or less is subject to a five (5) year suspension of further subdivision. Petitioners are encouraged to submit anticipated future lot splits each time a parent tract is split to avoid difficulty with this provision.
2. *Replats*: A replat shall consist of two (2) processes which may be combined together as one (1) vote. First, the plat, or a portion thereof, shall be vacated in accordance with *IC 36-7-3-10* and *IC 36-7-3-11*. Then, the property shall be replatted using the Primary Plat process in this section followed by the Final Plat process in *Section 9.16: Subdivision of Land: Final Plat*.
3. *Exemptions*: Condominiums regulated by *IC 32-35* are exempt from this subdivision process outlined in the Unified Development Ordinance.

D. Prerequisites:

1. *Eligible Applicants*: An Application for Primary Plat shall be initiated by the owner of the land involved in the development or the owner's authorized agent. If an authorized agent files an application, a signed and notarized consent form from the owner shall accompany the application.
2. *Pre-application Meeting*: Prior to submitting an Application for Primary Plat, the applicant shall meet with the Zoning Administrator to review the zoning classification of the site, review regulatory ordinances and materials, review the procedures, and examine the proposed use and development of the site.

E. Filing Requirements:

1. *Application*: An Application for Primary Plat shall be made on forms provided by the Zoning Administrator.
2. *Supporting Information*: The following supporting information shall accompany a completed Application for Primary Plat.
   a. A list of names and mailing addresses of all known property owners within 300 feet of the boundary of the proposed site. The measurement shall include any property that is wholly or partially within the 300 foot boundary regardless if a road, river, railroad, or other physical barrier exists. This information may be obtained from the Jasper County Auditor's Office.

b. A Site Plan, drawn to a scale, that includes the following items:
   i. North arrow.
   ii. Graphic scale.
   iii. Address of overall property as assigned by the 911 coordinator.
   iv. Proposed name of the subdivision.
   v. Area map insert showing the general location of the site referenced to major streets.
   vi. Legal description of the site.
   vii. Boundary lines of the site including all dimensions of the site.
   viii. Names, centerlines, and right-of-way widths of all streets and easements.
   ix. Layout, number, dimension, area, building setback lines on all lots.
   x. Location and dimensions of any existing structures.
   xi. Location of all floodway, floodway fringe areas, and wetlands within the boundaries of the site.
   xii. Areas reserved for park, recreation, conservation, wetland, common area, lake, trails, or other similar uses.
   xiii. Proposed perimeter landscaping areas.
   xiv. Proposed entryway feature signs.
   xv. Stamp of a registered professional engineer or licensed surveyor.
   xvi. Any other information necessary to support a thorough review of the project and as requested in writing by the Plan Commission or the Zoning Administrator. This may include the supporting information listed in *Section 9.12(D)(2)(i): WHO District Requirements* for projects within the WHO District.

c. Statement of Development Build-out: The applicant shall indicate, either on the required Site Plan or in writing, a statement of:
   i. Generally, the order of development of the major infrastructure elements of the project.
   ii. Generally, future section boundaries, if any.
   iii. Generally, the order and content of each section.
   iv. Generally, an estimate of the time frame for build-out of each section.

d. Landscape Plan: If perimeter landscaping is required, the applicant shall, either on the required Site Plan or on a separate landscape plan, show the proposed perimeter landscaping.

e. Restrictive Covenants: If applicable, the applicant shall provide a copy of the restrictive covenants.

f. Requested Waivers:
   i. Lot Establishment: Requirements within *Section 7.12 through Section 7.13: Lot Establishment Standards* may be waived to allow for more creative design, but accessibility shall not be compromised.
   ii. Open Space: Requirements within *Section 7.15: Open Space Standards* may be reduced by as much as fifty percent (50%).
   iii. Perimeter Landscaping: Requirements within *Section 7.17: Perimeter Landscaping Standards* may be reduced as much as fifty percent (50%).
   iv. Street Lighting: Requirements within *Section 7.21 through Section 7.22: Street Lighting Standards* may be waived.

3. *Deadline*: Six (6) hard copies of the Application for Primary Plat; six (6) hard copies of all supporting information; and the Application for Primary Plat and all supporting information in .pdf (portable document format); shall be submitted twenty (20) days prior to the public meeting at which it is first to be heard by the Plan Commission.

4. *Fees*: Applicable fees shall be paid at the time the Application for Primary Plat is filed. Fees shall include reimbursement for any cost borne by the Plan Commission to hire a professional engineer or other technician necessary to subsidize the planning staff's capabilities for review.

F. Formal Procedure:

1. *Assignment*: An Application for Primary Plat, which is determined to be complete and in proper form by the Zoning Administrator, shall be assigned a case number and placed on the first available Plan Commission agenda. ~~The Zoning Administrator shall notify the applicant in writing of the meeting date.~~
2. *Internal Review*: Upon assignment of a case number and hearing date, the Technical Advisory Committee and other applicable agencies will be notified of the proposed subdivision of land and asked to review and comment. The Zoning Administrator may submit a written report to the Plan Commission stating any facts concerning the physical characteristics of the area involved in the subdivision of land, the surrounding land use, public facilities available to service the area, or other pertinent facts. The written report may also contain opinions of the Zoning Administrator concerning the subdivision of land and information from the Technical Advisory Committee and/or other agencies that have reviewed the subdivision of land. A copy of such report shall be made available to the applicant and all remonstrators.
3. *Public Notice*: The following public notice standards apply to an Application for Primary Plat. All costs associated with providing public notice shall be borne by the applicant.
   a. The applicant shall notify all interested parties of the public hearing by regular U.S. Mail with delivery confirmation or shall prepare all letters with first class postage for the Zoning Administrator to drop in the mail a minimum of ten (10) days before the public hearing.
   b. The applicant shall publish legal notice in a newspaper of general circulation a minimum of ten (10) days before the public hearing.
   c. The applicant shall be responsible for providing proof of published notice to the Plan Commission and including proof in the case file.
   d. The applicant shall place a yard sign in the right-of-way in front of the subject property stating the words "Public Hearing," "for Subdivision Approval," shall state the date, time and location of the public hearing, and shall state "for more information call (219) 866-4908." The sign shall be double sided, set perpendicular to the roadway, and shall be a minimum of sixteen inches tall by twenty-two inches wide (16" H X 22" W). The sign shall be in place at least ten (10) days prior to the public hearing, not including the day of the hearing. If the lot is a corner lot or through lot, as second sign shall be placed, one (1) per frontage.
4. *Attendance*: The applicant shall be present at the Plan Commission meeting to present and explain the Application for Primary Plat and address and discuss comments and concerns posed by the Plan Commission. Failure to appear may, by vote, result in the dismissal of the Application for Primary Plat.
5. *Public Hearing*: A public hearing shall be held in accordance with the Plan Commission Rules ~~of~~ and Procedures.
6. *Review*: At their regularly scheduled public meeting, the Plan Commission shall review:
   a. The Application for Primary Plat.
   b. All supporting information including the site plan, site access and circulation plan, elevations, etc.
   c. The testimony of the applicant.
   d. Information presented in writing or verbally by the Zoning Administrator, the Technical Advisory Committee, or other applicable department.
   e. Input from the public during the public hearing.
   f. Any applicable provisions of the Unified Development Ordinance.
   g. Any applicable requirements of the Jasper County's Construction Standards.
   h. Any other information as may be required by the Plan Commission to evaluate the application.

7. *Decision*:
   a. The Plan Commission shall make findings of fact and take final action or continue the Application for Primary Plat to a defined future meeting date.
   b. Findings of Fact: The Plan Commission shall make the following findings of fact.
      i. The subdivision of land is consistent with the *Jasper County Comprehensive Plan*.
      ii. The subdivision of land satisfies the development requirements of *Article 6: Subdivision Types*.
      iii. The subdivision of land satisfies the standards of *Article 7: Design Standards*.
      iv. The subdivision of land satisfies any other applicable provisions of the Unified Development Ordinance;
      v. The subdivision of land satisfies the construction requirements of the Jasper County's Construction Standards.
   c. Final Action
      i. If the Plan Commission finds all of the findings of fact in the affirmative, it shall approve or approve with commitments the Application for Primary Plat. Approval of findings may be in the form of a general statement.
      ii. If the Plan Commission does not find all of the findings of fact in the affirmative, it shall deny the Application for Primary Plat. Disapproval of findings shall specify the reason for non-compliance.
   d. Commitments: The Plan Commission may require the applicant to make a written commitment concerning the Primary Plat. Any written commitments shall be recorded in the Office of the Jasper County Recorder within ninety (90) days of the Plan Commission's final action.
   e. The findings, final action, and any conditions shall be signed by the President of the Plan Commission.
   f. The Zoning Administrator shall provide the applicant a copy of the decision.

G. Duration: An approved Primary Plat shall be valid for three (3) years from the date the Plan Commission granted approval.

H. Modification:
   1. *Minor Amendments*: Minor amendment to an approved Primary Plat which does not involve an increase in the number of lots or intensity of land uses; the designation of additional land uses; the reduction in perimeter yards; changes to circulation; the addition of driveways or access points; or reduction in the amount of parking may be authorized by the Zoning Administrator without a public hearing, if the requested minor amendments do not adversely impact the purpose or intent of the overall development. An example of a minor amendment could be the relocation of an easement. A minor amendment authorized by the Zoning Administrator shall be reported, in writing, to the Plan Commission at the next regular meeting of the Plan Commission.
   2. *Major Amendments*: If the Zoning Administrator or County Engineer determines that the proposed modification may adversely impact the purpose or intent of the overall development; or if the proposed modification includes an increase in the number of lots, or intensity of any land use; or if the proposed modification includes the designation of an additional land use, the applicant shall be required to file a new Application for Primary Plat.

9.16 Subdivision of Land: Final Plat

A. Purpose and Intent: The Final Plat shall clearly define all construction matters and special conditions such as construction techniques, materials and the like, as well as prepare the plans and documents for recording.

B. Project Applicability: Proposals for new subdivisions of land shall meet the standards of this section.

C. Prerequisites:

1. *Primary Plat*: The Application for Primary Plat shall be approved by the Plan Commission prior to submitting a Final Plat. If the Primary Plat approval included commitments, those commitments shall be recorded in the Office of the Jasper County Recorder.
2. *Infrastructure*: A subdivision that is the subject of a Final Plat shall have all of the infrastructure improvements proposed in the Primary Plat installed to meet Jasper County's Construction Standards, or the applicant shall have posted a performance surety for the cost of the infrastructure improvements that complies with *Section 7.25: Surety Standards*.

D. Filing Requirements:

1. *Application*: The applicant shall submit a letter stating the status of infrastructure improvements and requesting Final Plat approval. The original Application for Primary Plat should be on file with the Zoning Administrator.
2. *Supporting Information*: The following information shall accompany the applicant's letter requesting Final Plat approval.
   a. Plans showing final dimensions for lots, right-of-ways, and easements.
   b. If infrastructure improvements are complete, the supporting information shall include as-built drawings of each infrastructure system and any required inspections or certifications by engineers or surveyors.
   c. If infrastructure improvements are not complete, the supporting information shall include detailed descriptions and locations of infrastructure to be installed, estimates from contractors for all infrastructure improvements, and a performance bond for the total amount of the infrastructure improvements.
   d. Any other information necessary to support a thorough review of the project that is requested, in writing, by the Zoning Administrator or Plan Commission.
3. *Deadline*: Six (6) hard copies of the letter requesting Final Plat approval; six (6) hard copies of all supporting information; one (1) digital copy of the letter requesting Final Plat and all supporting information in .pdf (portable document format); and one (1) digital copy of any drawings in .dwg file format shall be filed within two (2) years of the approval of Primary Plat by the Plan Commission.
4. *Fees*: Applicable fees shall be paid at the time the request for Final Plat is filed. Fees shall include reimbursement for any cost borne by the Plan Commission to hire a professional engineer or other technician necessary to subsidize the planning staff's capabilities for review.

E. Formal Procedure:

1. *Assignment*: The Zoning Administrator shall review the letter requesting Final Plat and all supporting information. Based on the history and the complexity of the project, the Zoning Administrator shall determine if the Final Plat should be presented to the Plan Commission. Should the Zoning Administrator determine Plan Commission review is necessary, the Zoning Administrator shall assign the Final Plat a case number and place it on the first available Plan Commission agenda. The Zoning Administrator shall notify the applicant in writing if Plan Commission review is necessary and the date of the meeting, if applicable.
2. *Review*: The Zoning Administrator shall provide the letter requesting Final Plat, the supporting information, and a comment sheet to all applicable departments and agencies. Each department shall determine if the infrastructure improvements installed or proposed to be installed meet the Jasper County's Construction Standards and if the improvements include adequate connection to existing and future systems. If applicable, each department shall also review applicable cost estimates for reasonableness. Each department shall return the comment sheet with any comments or concerns concerning the infrastructure or the project to the Zoning Administrator. If it has been determined that Plan Commission review is required, the Zoning Administrator shall forward the comment sheets to the Plan Commission for review at the meeting.
3. *Public Notice*: Notice and public hearing shall not be required for Final Plat.
4. *Review and Decision*: The Zoning Administrator shall, based on comments from departments, approve, approve with conditions, or deny Final Plat. In cases where the Final Plat is being heard by the Plan Commission, the Plan Commission shall review the comments from departments at a regularly scheduled public meeting and approve, approve with conditions, or deny Final Plat.

F. Duration: An approved Final Plat and any conditions shall be recorded in the Office of the Jasper County Recorder within ninety (90) days of the date of approval or become void.

9.17 Subdivision of Land: Administrative

A. Purpose and Intent: An administrative subdivision shall provide the opportunity to adjust property lines, merge lots or pieces of lots, and divide parent tracts into very large lots without application of the subdivision control regulations. The actions described in this process are considered exempt from those subdivision regulations. This process shall verify compliance and proper record keeping.

B. Project Applicability: An administrative subdivision can be used to modify the division of property within the jurisdictional area of the Plan Commission, but only if the proposed modification meets the "Applicable Districts," "Applicable Actions," and "Prerequisites" standards written below. All other divisions of land or alterations to property lines must be processed as a Minor Subdivision or Major Subdivision.

1. *Applicable Districts*: An administrative subdivision of land shall only apply to the following zoning districts:

CO PR A1 A2 A3 A4 ~~FR~~ R1 R2 VR M1 IS LB GC HC CP I1 I2

2. *Applicable Actions*:
   a. Merging Common Ownership Lots: The owner of any number of lots may merge them together as fewer buildable lots when the resulting lot(s) do(es) not create any new or an escalation in nonconformance; and when there is no change to public services, roads, or utilities.
   b. Splitting a Lot and Merging its Pieces with Two or More Adjacent Lots: Two (2) or more owners adjacent to a vacant lot may jointly purchase the lot, divide it, and merge all of the pieces with their buildable lot. If the lot is not vacant, the primary structure would have to be demolished and/or primary use dissolved, prior to application for an administrative subdivision.
   c. Adjusting Lot Lines: Two (2) owners may adjust a lot line separating their two (2) properties if survey errors were discovered or if both owners desire a modification as long as it does not result in any new nonconformance, or an escalation in an existing nonconformance; or does not reduce either's lot area by more than twenty percent (20%).
   d. Subdividing Into Large Lots: A lot may be split resulting in any number of twenty (20) acre or greater lots.
   e. Subdivisions Off a Pre-existing Farmstead: A parent tract, forty (40) acres or more in area, with a pre-existing farmstead shall be permitted to subdivide off the farmstead ~~if the resulting site is two (2) acres or greater in area and meets all health department regulations.~~

provided the resulting site meets the development standards of Section 2.08 AS District Development Stanadards.

C. Disqualification: Any disqualified petition shall utilize the subdivision of land process in *Section 9.15: Subdivision of Land; Primary Plat* for all actions which create lots, modify lots, or merge lots. An administrative subdivision petition shall not:

1. *Add a New Driveway Cut*: Adding a new driveway cut for actions described in *Section 9.17(B)(2)(a)*, *Section 9.17(B)(2)(b)*, or *Section 9.17(B)(2)(c)* shall not be permitted.
2. *Establish a New or Modify an Existing Easement*: Establishing a new or modifying an existing easement as a part of any action shall not be permitted.
3. *Utilize the Administrative Subdivision More than Once*: Utilizing the administrative subdivision process more than once for the same parent tract in *Section 9.17(B)(2)(a)*, *Section 9.17(B)(2)(b)*, or *Section 9.17(B)(2)(c)* shall not be permitted.
4. *Involve Lots in Differing Zoning Districts*: All lots involved shall be in the same zoning district.

D. Prerequisites:

1. *Eligible Applicant*: An application for an administrative subdivision shall be initiated by the owner(s) of all applicable lots or the owner's authorized agent. If an authorized agent files an application, a signed and notarized consent form from the owner(s) shall accompany the application.
2. *Removing Unnecessary Driveway Cuts*: Under the actions listed in *Section 9.17(B)(2)(a) and Section 9.17(B)(2)(b)*, pre-existing driveway cut(s) established for the dissolved lots shall be vacated and removed, including the apron within the right-of-way.

E. Delay of Further Splits: Any large lots created as a result of an administrative subdivision shall be subject to a five (5) year suspension of further subdivision, including subdivision of land; primary plats. A legal document shall be prepared and recorded denoting the start and expiration date of this requirement.

F. Administrative Subdivision Filing Requirements:

1. *Application*: An application for an administrative subdivision shall be made on forms provided by the Zoning Administrator.
2. *Supporting Information*: The following supporting information shall accompany a completed application for an administrative subdivision. The Zoning Administrator may waive in writing the submittal of unnecessary information relative to the application.
   a. Legal description and survey of all lots involved prepared by a licensed surveyor, and
   b. Address for each lot involved.
3. *Site Plan*: A Site Plan, drawn to a scale of one inch equals fifty feet (1"=50') or one inch equals one hundred feet (1"=100'), that includes the following items:
   a. Name and address of the petitioner(s),
   b. North arrow and graphic scale,
   c. Adjacent streets, sidewalks, and easements,
   d. Boundary lines of each lot including all lot dimensions,
   e. Proposed lot line adjustments or subdivision lines with resulting lot dimensions, lot area, and applicable building setback lines on the resulting lots,
   f. Footprint and dimensions of existing structures,
   g. Measurements from existing structures to both the existing property lines and proposed property lines,
   h. Stamp/Wet Signature of a registered surveyor, and
   i. Any other information necessary to support a thorough review of the proposed adjustments or lot splits as requested on the application form or from the Zoning Administrator.
4. *Deadline*: Not applicable.
5. *Submittal Material*: Three (3) hard copies of the application and all supporting information; one (1) digital copy of the application and all supporting information in ".pdf" (portable document format); and one (1) digital copy of scaled drawing of lot lines showing the resulting lots (e.g. modification of lot lines, new lots, combined lots) submitted in ".pdf" format.
6. *Fee*: The applicable fee from the Jasper County fee schedule shall be paid at the time the application for an administrative subdivision is filed. An application without the appropriate application fees shall not be considered substantially complete.

G. Procedure and Approval:

1. *Review of Material*: An application for an administrative subdivision, which is determined to be complete and in proper form by the Zoning Administrator, shall be reviewed by the Zoning Administrator and the County Surveyor for compliance with the Unified Development Ordinance.
2. *Decision*: The Zoning Administrator shall make a determination as to whether the petition complies with *Section 9.17(B)(1): Applicable Districts*, *Section 9.17(B)(2): Applicable Actions*, and *Section 9.17(D): Prerequisites* standards; and assuring that *Section 9.17(C): Disqualification* does not apply. If the petition is in compliance, all three (3) copies shall be approved and signed by both reviewers. A signed copy shall be retained for County records and two (2) copies conveyed to the petitioner; one (1) for personal records and one (1) 11" x 17" reduced copy for recording with the Jasper County Recorders Office.
3. *Report to Plan Commission*: At the first regularly scheduled Plan Commission meeting after an administrative subdivision approval, the approval shall be reported to the full Plan Commission.
4. *Proof of Recording*: To officially complete the process the petitioner shall record the plat with the Jasper County Recorders office and provide proof to the Zoning Administrator.
5. *Failure to Record*: If an approved and signed administrative subdivision is not recorded within 120 days from the date of approval and signature, the application and approval shall be deemed void. The Zoning Administrator shall report the failure to record to the Plan Commission at the first regularly scheduled Plan Commission meeting after discovering default occurred; and shall notify the petitioner, and shall clearly note failure to record in the County's records.

H. Improvement Location Permits: No building permit shall be issued until proof of recording of the plot and deed has been received by the Zoning Administrator.

9.18 Unified Development Ordinance: Text Amendment

A. Purpose and Intent: It may become necessary to amend the text of the Unified Development Ordinance from time to time. The Plan Commission has the authority to hear a proposal to amend the text of the Unified Development Ordinance. The Plan Commission shall make a recommendation to the County Commissioners concerning a proposal to amend the text of the Unified Development Ordinance. The County Commissioners has the power to approve or reject a proposal to amend the text of the Unified Development Ordinance.

B. Project Applicability: Any proposal to add, remove, or alter a provision of the Unified Development Ordinance shall follow the process outlined in this section.

C. Prerequisites:

1. *Eligible Applicants*: Members of the County Commissioners or members of the Plan Commission shall initiate a proposal to amend the text of the Unified Development Ordinance. Persons who wish to propose an amendment to the text of the Unified Development Ordinance and who are not members of the County Commissioners or Plan Commission shall find a sponsor among the County Commissioners or the Plan Commission to introduce the proposal.

D. Filing Requirements:

1. *Application*: A proposal for an amendment to the text of the Unified Development Ordinance shall be prepared by the Zoning Administrator upon the direction of either the County Commissioners or the Plan Commission.
2. *Deadline*: A proposal for an amendment to the text of the Unified Development Ordinance may be filed any time.

E. Formal Procedure:

1. *Assignment*: The Zoning Administrator shall assign a case number and place the proposed amendment to the text of the Unified Development Ordinance on the first available Plan Commission agenda.
2. *Internal Review*: The Zoning Administrator shall be responsible for introducing the proposed amendment to the text of the Unified Development Ordinance to the Technical Advisory Committee and other applicable departments and agencies that may have an interest in the proposed amendment. The Zoning Administrator shall also notify the Technical Advisory Committee and other applicable departments and agencies of the date of the Plan Commission meeting where the proposed amendment to the text of the Unified Development Ordinance will be heard.
3. *Public Notice*: The following public notice standards apply for a proposal to amend the text of the Unified Development Ordinance.
   a. The Zoning Administrator shall notify interested parties of the public hearing. Notice shall be given in a manner deemed appropriate by the Plan Commission.
   b. The Zoning Administrator shall publish a legal notice in a newspaper of general circulation at least days (10) before the public hearing.
   c. The Zoning Administrator shall be responsible for providing proof of published notice to the Plan Commission and including proof in the case file.
4. *Public Hearing*: A public hearing shall be held in accordance with the Plan Commission Rules ~~of~~ and Procedures
5. *Review*: In preparing and considering proposals to amend the text of the Unified Development Ordinance, the Plan Commission and the County Commissioners shall pay reasonable regard to:
   a. The *Jasper County Comprehensive Plan*.
   b. Current conditions and the character of current structures and uses in each district.
   c. The most desirable use for which the land in each district is adapted.
   d. The conservation of property values throughout the jurisdiction.
   e. Responsible development and growth.

F. Decision:

1. *Final Action*: The Plan Commission shall certify the amendment to the text of the Unified Development Ordinance and forward the proposal to the County Commissioners with a favorable recommendation, an unfavorable recommendation, or no recommendation.

2. *Effective Date*:

   a. Unless an amendment to the text of the Unified Development Ordinance provides for a later effective date, the amendment shall be effective when it is adopted under *IC 36-7-4-607*.

   b. When a provision prescribing a penalty or forfeiture for a violation is approved, it may not take effect until fourteen (14) days after the final day on which notice of its adoption is published; or the day on which it is filed in the Office of the Jasper County Auditor, whichever is later.

9.19 Variance

A. Purpose and Intent: The Board of Zoning Appeals may vary the regulations of the Unified Development Ordinance for projects that meet the findings of fact set forth in this section. Variances may be a "development standards variance" granting relief from a development standard such as height, bulk, or area; or a "use variance" allowing a use that is not listed as a permitted or special exception use in a district.

B. Project Applicability:

1. *Jurisdiction*: Projects within the jurisdictional area of the Plan Commission that are unable to meet the provisions of the Unified Development Ordinance may apply for a variance.
2. *Previously Denied Applications*: The Zoning Administrator shall refuse to accept an Application for a Variance that has been denied by the Board of Zoning Appeals within the last twelve (12) months. However, the Zoning Administrator shall have the authority and discretion to determine that an Application for a Variance containing major changes may justify re-filing within the aforementioned twelve (12) month period.

C. Prerequisites

1. *Eligible Applicants*: An Application for a Variance may be filed by the owner, his agent, or any person having a legal or equitable interest in the subject property, but the written authorization of any owner who is not an applicant shall be required.
2. *Pre-application Meeting*: Prior to submitting an Application for a Variance, the applicant shall meet with the Zoning Administrator to review the zoning classification of the site, ordinance provisions, the application packet, and the procedure involved.

D. Filing Requirements.

1. *Application*: Application for a Variance shall be made on a form provided by the Zoning Administrator.
2. *Supporting Information*:
   a. A list of names and mailing addresses of all known property owners within 300 feet of the boundary of the proposed site. The measurement shall include any property that is wholly or partially within the 300 foot boundary regardless if a road, river, railroad, or other physical barrier exists. This information may be obtained from the Jasper County Auditor's Office.
   b. Applicable plans, drawings, and descriptions of the use and proposed site shall accompany the Application for a Variance. If the proposed project is within the WHO District, the supporting information listed in *Section 9.12(D)(2)(i): WHO District Requirements* shall also be submitted. The supporting information shall accurately and completely describe the proposed project and the need for the requested variance.
3. *Deadline*: An Application for a Variance shall be filed at least twenty (20) days prior to the public meeting at which it is first to be considered by the Board of Zoning Appeals.
4. *Fees*: Applicable fees shall be paid at the time the Application for a Variance is filed. Fees shall include reimbursement for any cost borne by the Plan Commission to hire a professional engineer or other technician necessary to subsidize the planning staff's capabilities for review.

E. Formal Procedure:

1. *Assignment*: An Application for a Variance, which is determined to be complete and in proper form by the Zoning Administrator, shall be assigned a case number and placed on the first available Board of Zoning Appeals agenda. ~~The Zoning Administrator shall notify the applicant, in writing, of the date of the meeting.~~
2. *Internal Review*: Upon assignment of a number and hearing date, the Zoning Administrator may ask applicable departments to review and comment on the proposed project. The Zoning Administrator may submit a written report to the Board of Zoning Appeals stating any facts concerning the physical characteristics of the area involved, the surrounding land use, public facilities available to service the area, or other pertinent facts. The written report may also contain opinions of the Zoning Administrator concerning the Application for a Variance and/or information from other departments that have reviewed the Application for a Variance. A copy of such report shall be made available to the applicant and all remonstrators.

3. *Public Notice*: The following public notice standards apply to an Application for a Variance. All costs associated with providing public notice shall be borne by the applicant.
   a. The applicant shall notify all interested parties of the public hearing by regular U.S. Mail with delivery confirmation or shall prepare all letters with first class postage for the Zoning Administrator to drop in the mail a minimum of ten (10) days before the public hearing.
   b. The applicant shall publish legal notice in a newspaper of general circulation a minimum of ten (10) days before the public hearing.
   c. The applicant shall be responsible for providing proof of published notice to the Plan Commission and including proof in the case file.
   d. The applicant shall place a yard sign in the right-of-way in front of the subject property stating the words "Public Hearing," "for Variance Approval," shall state the date, time and location of the public hearing, and shall state "for more information call (219) 866-4908." The sign shall be double sided, set perpendicular to the roadway, and shall be a minimum of sixteen inches tall by twenty-two inches wide (16" H X 22" W). The sign shall be in place at least ten (10) days prior to the public hearing, not including the day of the hearing. If the lot is a corner lot or through lot, as second sign shall be placed, one (1) per frontage.
4. *Attendance*: The applicant shall be present at the Board of Zoning Appeals meeting to present the Application for a Variance and address and discuss comments and concerns. Failure to appear shall result in the dismissal of the Application for a Variance.
5. *Public Hearing*: A public hearing shall be held in accordance with the Board of Zoning Appeals Rules ~~of~~ and Procedures
6. *Review*: At their regularly scheduled public meeting, the Board of Zoning Appeals shall review:
   a. The Application for a Variance.
   b. Supporting information.
   c. Presentation by the applicant.
   d. Information presented in writing or verbally by the Zoning Administrator or other applicable department or agency.
   e. Input from the public during the public hearing.
   f. Applicable provisions of the Unified Development Ordinance.
   g. Any other additional information as may be required by the Board of Zoning Appeals to evaluate the application.
7. *Decision*: The Board of Zoning Appeals shall make findings of fact and take final action or continue the Application for a Variance to a defined future meeting date.
   a. Development Standards Variance Findings of Fact: The Board of Zoning Appeals shall make the following findings of fact for Development Standards Variances. Approval of findings may be in the form of a general statement. Disapproval of findings shall specify the reason for non-compliance.
      i. The approval of the variance will not be injurious to the public health, safety, morals and general welfare of the community.
      ii. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.
      iii. The strict application of the terms of the ordinance will result in practical difficulties in the use of the property.
   b. Use Variance Findings of Fact: The Board of Zoning Appeals shall make the following findings of fact for Use Variances. Approval of findings may be in the form of a general statement. Disapproval of findings shall specify the reason for non-compliance.
      i. The approval of the variance will not be injurious to the public health, safety, morals and general welfare of the community.
      ii. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.
      iii. That the need for the use variance arises from some condition peculiar to the property involved.
      iv. 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.
      v. The approval does not interfere substantially with the *Jasper County Comprehensive Plan*.

c. Final Action:
   i. If the Board of Zoning Appeals finds all of the findings of fact in the affirmative, it shall approve or approve with conditions and/or commitments the Application for a Variance.
   ii. If the Board of Zoning Appeals does not find all of the findings of fact in the affirmative, it shall deny the Application for a Variance.

d. Commitments and Conditions:
   i. Commitments: The Board of Zoning Appeals may require the owner to make a written commitment. Commitments shall be recorded in the Office of the Jasper County Recorder. A recorded commitment is binding on the owner of the land, any subsequent owner of the land, and any person who acquires interest in the land.
   ii. Conditions: The Board of Zoning Appeals may require certain conditions for approval.

F. Duration:

1. *Development Standards Variance*: A development standards variance granted by the Board of Zoning Appeals shall run with the land until such time as the property conforms with the Unified Development Ordinance.
2. *Use Variance*: A use variance granted by the Board of Zoning Appeals may run with the land or applicant until such time as:
   a. The use of the variance ends, is vacated, or unused for three (3) months consecutively;
   b. The property conforms with the Unified Development Ordinance as written; or,
   c. The property is sold.

G. Modification: Modifications authorized by the Zoning Administrator shall be reported, in writing, to the Plan Commission at the next regular meeting of the Plan Commission.

1. *Development Standards Variance*: Modification of a development standards variance that makes a project more compliant with the provisions of the Unified Development Ordinance may be authorized by the Zoning Administrator. Modification of a development standards variance that makes a project less compliant with the provisions of the Unified Development Ordinance shall re-file an Application for a Variance or other appropriate application.
2. *Use Variance*: Modification of a use variance shall not be permitted. Any modification of an approved use variance shall meet all of the provisions of the Unified Development Ordinance or re-file an Application for a Variance or other appropriate application.

9.20 Zoning Map Amendment (Rezoning)

A. Purpose and Intent: It may become necessary to change the zoning of an area or a lot, thereby amending the Official Zoning Map. The Plan Commission has the authority to hear a proposal to amend the Official Zoning Map. This process is typically known as a "rezoning" of land. The Plan Commission shall make a recommendation to the County Commissioners concerning a proposal to amend the Official Zoning Map. The County Commissioners has the power to approve or deny a proposal to amend the Official Zoning Map.

B. Project Applicability:

1. *Jurisdiction*: Areas or lots shall be located within the jurisdictional area of the Plan Commission.
2. *Previously Denied Applications*: The Zoning Administrator shall refuse to accept an Application for a Rezoning that has been denied by the County Commissioners within the last twelve (12) months. However, the Zoning Administrator shall have the authority and discretion to determine that an Application for a Rezoning containing major changes may justify re-filing within the aforementioned (12) month period.

C. Prerequisites

1. *Eligible Applicants*:
   a. The Plan Commission may act as an applicant and initiate a zoning map amendment.
   b. Unless the Plan Commission has initiated a zoning map amendment, an Application for a Rezoning shall be filed by the owner, his agent, or any person having a legal or equitable interest in the subject property, but the written authorization of any owner who is not an applicant shall be required.
2. *Pre-application Meeting*: Prior to submitting an Application for a Rezoning the applicant shall meet with the Zoning Administrator to review the current zoning district, the proposed zoning district, adjacent zoning districts and land uses, applicable ordinance provisions, the application packet, and the procedure involved.

D. Filing Requirements.

1. *Application*: An Application for a Rezoning shall be made on a form provided by the Zoning Administrator.
2. *Supporting Information*: An Application for a Rezoning shall be accompanied by the following supporting information:
   a. A list of names and mailing addresses of all known property owners within 300 feet of the boundary of the proposed site. The measurement shall include any property that is wholly or partially within the 300 foot boundary regardless if a road, river, railroad, or other physical barrier exists. This information may be obtained from the Jasper County Auditor's Office.
   b. A Site Plan, drawn to scale, that includes the following items.
      i. North arrow.
      ii. Graphic scale.
      iii. Address of the site.
      iv. Boundary lines of the site including all dimensions of the site.
      v. Names, centerlines, and right-of-way widths of all adjacent streets and easements.
      vi. Layout, number, dimension, and area of all lots.
      vii. Location and dimensions of all existing and proposed structures.
      viii. Location of all floodway, floodway fringe areas, and wetlands within the boundaries of the site.
      ix. Use of each structure by labeling.
      x. Distance of all structures from front, rear, and side lot lines.
      xi. Proposed landscaping buffers or landscaped areas.
      xii. Any other information necessary to support a thorough review of the project and as requested in writing by the Plan Commission or the Zoning Administrator. This may include the supporting information listed in *Section 9.12(D)(2)(i): WHO District Requirements* for projects within the WHO District.
3. *Deadline*: An Application for a Rezoning shall be filed at least twenty (20) days prior to the public meeting at which it is first to be considered by the Plan Commission.
4. *Fees*: Applicable fees shall be paid at the time the Application for a Rezoning is filed. Fees shall include reimbursement for any cost borne by the Plan Commission to hire a professional engineer or other technician necessary to subsidize the planning staff's capabilities for review.

E. Formal Procedure:

1. *Assignment*: An Application for a Rezoning, which is determined to be complete and in proper form by the Zoning Administrator, shall be assigned a case number and placed on the first available Plan Commission agenda. ~~The Zoning Administrator shall notify the applicant in writing of the date of the meeting and provide the applicant with a legal notice.~~
2. *Internal Review*: Upon assignment of a case number and hearing date, the Zoning Administrator shall review the Application for a Rezoning and all supporting information. The Zoning Administrator may forward the Application for a Rezoning and any other relevant information to the Technical Advisory Committee, or other applicable agencies. The Zoning Administrator may submit a written report to the Plan Commission stating facts concerning the physical characteristics of the area involved in the Application for a Rezoning, adjacent zoning, the surrounding land use, facilities available to service the area, or other pertinent facts. The written report may also contain opinions of the Zoning Administrator concerning the Application for a Rezoning and information from any other agency that reviewed the Application for a Rezoning. A copy of such report shall be made available to the applicant and all remonstrators.
3. *Public Notice*: The following public notice standards apply to an Application for a Rezoning. All costs associated with providing public notice shall be borne by the applicant.
   a. The applicant shall notify all interested parties of the public hearing by regular U.S. Mail with delivery confirmation or shall prepare all letters with first class postage for the Zoning Administrator to drop in the mail a minimum of ten (10) days before the public hearing.
   b. The applicant shall publish legal notice in a newspaper of general circulation a minimum of ten (10) days before the public hearing.
   c. The applicant shall be responsible for providing proof of published notice to the Plan Commission and including proof in the case file.
   d. The applicant shall place a yard sign in the right-of-way in front of the subject property stating the words "Public Hearing," "for Rezoning Approval," shall state the date, time and location of the public hearing, and shall state "for more information call (219) 866-4908." The sign shall be double sided, set perpendicular to the roadway, and shall be a minimum of sixteen inches tall by twenty-two inches wide (16" H X 22" W). The sign shall be in place at least ten (10) days prior to the public hearing, not including the day of the hearing. If the lot is a corner lot or through lot, as second sign shall be placed, one (1) per frontage.
4. *Attendance*: The applicant shall be present at the Plan Commission meeting to explain the Application for a Rezoning and address and discuss comments and concerns posed by the Plan Commission. Failure to appear shall result in the dismissal of the Application for a Rezoning.
5. *Public Hearing*: A public hearing shall be held in accordance with the Plan Commission Rules ~~of~~ and Procedures.
6. *Review*: At their regularly scheduled public meeting, the Plan Commission shall review:
   a. The Application for Rezoning.
   b. All supporting information.
   c. Information presented in writing or verbally by the Zoning Administrator or other applicable department.
   d. Input from the public during the public hearing.
   e. Any applicable provisions of the Unified Development Ordinance.
   f. Any other information as may be required by the Plan Commission to evaluate the application.
7. *Decision*:
   a. The Plan Commission shall take final action or continue the Application for a Rezoning to a defined future meeting date. The Plan Commission shall pay reasonable regard to the following factors before taking final action.
      i. The *Jasper County 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.
      v. Responsible development and growth.
   b. Final Action: The Plan Commission shall certify the amendment to the Official Zoning Map and forward the application to the County Commissioners with a favorable recommendation, an unfavorable recommendation, or no recommendation. The Plan Commission may also recommend commitments concerning the use and/or development of the land in connection with the Application for Rezoning. The County Commissioners make the final determination regarding an Application for Rezoning and any recommended commitments by ordinance.

F. Duration: A rezoning shall be effective from the date of its final approval by the County Commissioners.

G. Modification: Modification to an approved Zoning Map Amendment shall not be permitted.

9.21 Process for Wireless Facilities.

This process section applies to the following zoning districts:

<ALL>

A. Purpose. In accordance with IC 8-1-32.3, the following provisions 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.

B. 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 such service; and
    b. The name, business address, and point of contact for the applicant.
2. *Location*:
    a. The location of the proposed or affected wireless support structure or wireless facility; and
    b. Evidence supporting the choice of the location for the proposed wireless support structure, including a sworn statement from the individual responsible for the choice of location demonstrating that collocation of wireless facilities on an existing wireless support structure was not a viable option because collocation:
        i. Would not result in the same wireless service functionality, coverage, and capacity;
        ii. Is technically infeasible; or
        iii. Is an economic burden to the applicant.
3. *Construction Plan*: A construction plan that describes the proposed wireless support structure and all equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment.
4. *Findings of Fact*: For an application that requires a Special Exception or a Use Variance, evidence showing that the application complies with the applicable criteria shall be submitted.
    a. The criteria for a Special Exception under IC 36-7-4-018.2 shall comply with *Section 9.14: Special Exception* of this ordinance.
    b. The criteria for a Use Variance under IC 36-7-4-918.4 shall comply with *Section 9.19: Variance* of this ordinance.

C. Review of Application: Upon receipt of an application for a new or significantly modified wireless support structure, the Zoning Administrator shall promptly review it for completeness. Within ten (10) business days of receiving the application, the Zoning Administrator shall notify the applicant of whether the application is complete and whether a public hearing will be required.

1. *Failure to Notify*: If the Zoning Administrator fails to notify the applicant within ten (10) business days whether their application is complete shall be considered a nonfinal

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.

D. Public Hearing:
   1. *Public Hearing Required*: When a public hearing is required for a Special Exception or a Use Variance, the Board of Zoning Appeals shall conduct the hearing and take final action within a reasonable period of time.
   2. *Public Hearing Not Required*: When a public nearing is not required, the Zoning Administrator shall take final action on the request within a reasonable period of time after the application is filed.

E. Deadlines for Final Action: For purposes of *Section C: Review of Application*, a "reasonable period of time" shall be determined as follows:
   1. *Collocation Only*: If the request involves an application for collocation only, a reasonable period of time is not more than forty-five (45) days from the date that the applicant is notified by the Zoning Administrator that the application is complete. An application for collocation only is not subject to a public hearing before the Board of Zoning Appeals, but the Zoning Administrator may review the application for compliance with applicable building code requirements before issuing an Improvement Location Permit.
   2. *New Wireless Support Structure*: If the request involves an application for an Improvement Location Permit 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, or not more than one hundred twenty (120) days in any case in which the approval of a Use variance is necessary. The Board of Zoning Appeals 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 Board of Zoning Appeals after a public hearing conducted in accordance with this Section are considered zoning decisions for purposes of IC 36-7-4 and are subject to judicial review under the IC 36-7-4-1600 series.
   3. *Substantial Modification of a Wireless Support Structure*: If the request involves an application for an Improvement Location Permit 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, or not more than one hundred twenty (120) days in any case in which the approval of a Use variance is necessary. The Board of Zoning Appeals 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 Board of Zoning Appeals after a public hearing conducted in accordance with this Section are considered zoning decisions for purposes of IC 36-7-4 and are subject to judicial review under the IC 36-7-4-1600 series.
   4. *Additional Time for Applicant Amendment*: If an applicant has requested additional time to amend its application or requested or agreed to a continuance during the review or hearing process, then the period of time prescribed by parts 1, 2, or 3 above shall be extended for a corresponding amount of time.
   5. *Failure to Take Action*: Failure by the Zoning Administrator or the Board of Zoning Appeals to take final action on a request within a reasonable period of time shall be considered a nonfinal zoning decision in accordance with IC 36-7-4-1602(c), with the

applicant consequently entitled to expedited judicial review of the nonfinal zoning decision.

F. *Additional Rules*. In accordance with IC 8-1-32.3 and notwithstanding IC 36-7-4 or any rules adopted by the Board of Zoning Appeals, the following provisions apply to all applications submitted under this Section:

1. *Fees*.
    a. The Zoning 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 within the County.
    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 Zoning Administrator, the fee must be based on actual, direct, and reasonable costs incurred for the review, processing, and hearing of the application
    c. A fee described in this section may not include:
        i. Travel expenses incurred by a third party in its review of an application; or
        ii. Direct payment or reimbursement of third party fees charged on a contingency basis.
2. *Non-discrimination*: The Zoning Administrator or Board of Zoning Appeals may not discriminate among communications service providers or public utilities with respect to the following:
    a. Approving applications, issuing permits, or otherwise establishing terms and conditions for construction of wireless or wireline communications facilities.
    b. Authorizing or approving tax incentives for wireless or wireline communications facilities.
    c. Providing access to rights-of-way, infrastructure, utility poles, river and bridge crossings, and other physical assets owned or controlled by the County.
3. *Fall Zone Limitation*: The Zoning Administrator or Board of Zoning Appeals 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 Zoning Administrator or Board of Zoning Appeals provides evidence that the applicant's engineering certification is flawed. This evidence must include a study performed by a professional engineer.
4. *All Other Land Use and Development Standards Apply*: These additional rules do not affect the ability of the County to exercise other zoning, land use, planning or other development standards with respect to the siting of new wireless support structures; or exempt the applicant from complying with applicable laws and ordinances concerning land use.
5. *Federal Standards Apply*: In reviewing applications and conducting hearings, the Zoning Administrator and the Board of Zoning Appeals shall comply with all applicable provisions of Section 332(c)(7)(B) of the Federal Telecommunications Act of 1996 as in

effect on July 1, 2015, and Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 as in effect on July 1, 2015.

6. *Information Not Required*: Neither the Zoning Administrator nor the Board of Zoning Appeals may require an applicant to submit information about or evaluate an applicant's business decisions with respect to the applicant's designed service, customer demand, service quality, or desired signal strength to a particular location.
7. *Confidential Materials*: All meetings of the Board of Zoning Appeals are subject to the Open Door Law in accordance with IC 5-14-1.5. However, neither the Zoning Administrator nor the Board of Zoning Appeals 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 other applicable laws.
8. *Consolidation of Multiple Applications*: The Zoning 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 County and that comprise a single small cell network. Whenever a consolidated application is approved, the Zoning Administrator shall issue the applicant a single Improvement Location Permit for the multiple facilities, or for the small cell network, in lieu of issuing multiple permits for each respective facility.
9. *Conditions for Use of Utility Poles or Towers*: Neither the Zoning Administrator nor the Board of Zoning Appeals 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.

Article

10

Enforcement

Jasper County Unified Development Ordinance

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GroundRules
website www.groundrulesinc.com

10.01 Actionable Violations

It shall be an actionable violation of the Unified Development Ordinance to:

A. Non-permitted Structures: Construct, place, or modify a structure in a manner that is not expressly permitted by the Unified Development Ordinance;

B. Permitted Structures: Construct, place, or modify a structure in a manner permitted by the Unified Development Ordinance without first being issued all permits and/or other approvals required by the Unified Development Ordinance;

C. Exempt Permitted Structures: For structures that are exempt from needing a permit; construct, place, or modify a structure in a manner that is not expressly permitted by the Unified Development Ordinance;

D. Non-permitted Uses: Utilize a property for a use that is not expressly permitted by the Unified Development Ordinance in the applicable zoning district, by a use variance, or other approval allowed under the Unified Development Ordinance;

E. Permitted Uses: Utilize a property for a use expressly permitted by the Unified Development Ordinance without first being issued a permit and/or other approvals required by the Unified Development Ordinance;

F. Non-compliance with Approvals: Fail to fully comply with procedural requirements, payment of fees, conditions, enforceable covenants, or commitments associated with any approval; or

G. Other Violations: Otherwise fail to comply with any component of the Unified Development Ordinance.

10.02 Enforcement Official

Enforcement of the Unified Development Ordinance shall be conducted by an enforcement official. When a type of enforcement action or role is assigned to a specific board, body or individual by Indiana Code or applicable rules ~~of~~ and procedure~~,~~s then that board, body, or individual shall participate as specified.

10.03 Discovery of Violations

An enforcement official may survey the jurisdiction or may investigate alleged violations in order to discover whether a violation occurred or exists.

10.04 Inspection of Property

A. Standard Inspections: Inspections of property or structures may be conducted by the enforcement official from the property where the violation or alleged violation is located with permission from the violator at the time of the inspection; from a public right-of-way, or from an adjacent property with permission from its property owner. If requested, the enforcement official shall present identification and describe the purpose of the inspection.

B. Denial of Access to Property: In the event the enforcement official is denied entry to a property or structure where there is a violation or alleged violation, the enforcement official may apply to a court of jurisdiction to secure a search warrant authorizing inspection of the property or structure.

C. Surrender of Right to Deny Access: A property owner surrenders his right to deny an enforcement official access to his property or structure upon filing for any approval. The surrender to deny access shall commence upon filing and shall cease upon being issued a certificate of occupancy or other documentation of completion and compliance.

10.05 Responsibility for Violations

The owner or possessor (e.g. tenant or occupant) of the structure, land, and/or premises shall be liable for violations of the Unified Development Ordinance. If the possessor of the property or structure is determined to be liable for the violation, but fails to comply or otherwise cannot be sufficiently pursued, the owner shall be held liable for the violation.

10.06 New Permits or Petitions at Location Where a Violation Exists

When a violation or alleged violation of the Unified Development Ordinance has been identified on a property and notice of the violation or alleged violation has been conveyed in writing to the violator, any new filing for any approval or permit shall be held by the Zoning Administrator until the violation or alleged violation is resolved, provided that the desired approval would complicate, escalate, or add to the violation or alleged violation. All other filings for an approval shall be processed as described in the Unified Development Ordinance.

10.07 Enforcement Options

When a violation or alleged violation exists and when it is determined that enforcement is necessary, the type of enforcement action will be at the discretion of the enforcement official and generally should reflect what is warranted by the evidence, severity of the violation or alleged violation, and history of violations on the same property or by the same violator. The following options, as described in subsequent sections, may be used to enforce the Unified Development Ordinance:

- Request to stop work;
- Stop work order;
- Enforcement as a common nuisance;
- Request to remedy;
- Bring action to local court to invoke any legal, equitable or special remedy;
- Bring action to local court to enforce a condition, covenant or commitment;
- Bring action to local court to request a prohibitory or permanent injunction to restrain;
- Bring action to local court to request a mandatory injunction to remove a structure;
- Impose a fine for violations;
- Bring action to a local court to invoke a fine for violations; or
- Any remedy or actions set forth in Indiana Code, common law, or other applicable State regulations.

10.08 Request to Stop Work

A. Authority: The enforcement official may issue a request to stop work.

B. Cause: A request to stop work may be issued for any violation or alleged violation of the Unified Development Ordinance when one (1) or more of the following statements apply:

1. *Cost to Remedy*: The violation or alleged violation is in regard to an active project, such that if work is not stopped, the cost to remedy the violation will likely increase;
2. *Non-compliance*: The violation or alleged violation is in regard to an active project, such that if work is not stopped, the violation will likely escalate in non-compliance;
3. *Quantity of Violations*: The violation or alleged violation is in regard to an active project, such that if work is not stopped, the number of violations will likely increase; or
4. *Public Risk*: The violation or alleged violation is in regard to an active project, such that if work is not stopped, the continuance will put the health, safety, or welfare of the public at risk.

C. General Procedure:

1. *Issue Notice*: The request to stop work shall, in writing (i.e. notice), describe the violation or alleged violation and request the immediate cessation of work until the matter is resolved.
2. *Post Notice*: The request to stop work shall be posted in a conspicuous place on the property. A copy may also be delivered or mailed to the property owner, developer, builder, property manager, tenant, occupant, or other interested parties.
3. *Effective*: The request to stop work shall become effective upon posting on the property.
4. *Conditions*: An enforcement official may describe the conditions under which the request to stop work will be lifted on the notice. Otherwise, it is the responsibility of the violator to schedule a meeting with the enforcement official.
5. *Agreement*: To lift a request to stop work, a memorandum of agreement identifying the process and steps necessary to resolve the violation shall be signed by the property owner and the enforcement official; or a court of jurisdiction shall rule on the matter; or the enforcement official shall rescind the request to stop work.
6. *Failure to Abide*: An enforcement official may seek a court of jurisdiction to issue a temporary or preliminary injunction (i.e. stop work order) to the violator if he fails to abide by the request to stop work.
7. *Refusal to Sign Terms*: An enforcement official may seek a court of jurisdiction to issue a temporary or preliminary injunction (i.e. stop work order) to the violator if he refuses to sign the terms of the memorandum of agreement, giving the enforcement official time necessary to pursue other enforcement options without furtherance of the violation or alleged violation.

10.09 Stop Work Order

A. Authority: The enforcement official may bring action to a court of jurisdiction. A court of jurisdiction may issue a stop work order.

B. Cause: A temporary or preliminary injunction may be issued when one or more of the following statements apply:

1. *Cost to Remedy*: The violation or alleged violation is in regard to an active project, such that if work is not stopped, the cost, time, or challenge to remedy the violation will likely increase;
2. *Non-compliance*: The violation or alleged violation is in regard to an active project, such that if work is not stopped, the violation will likely escalate in non-compliance;
3. *Quantity of Violations*: The violation or alleged violation is in regard to an active project, such that if work is not stopped, the number of violations will likely increase; or
4. *Public Risk*: The violation or alleged violation is in regard to an active project, such that if work is not stopped, the continuance will put the health, safety, or welfare of the public at risk.

C. General Procedure:

1. *Issue Notice*: Before or after filing with the court, the enforcement official shall mail a notice letter to the violator, the property address, or to the tax record address if mail is undeliverable to the property (e.g. a vacant site) describing the violation or alleged violation.
2. *Investigation*: Before or after filing with the court, the enforcement official shall make a reasonable attempt to investigate an alleged violation to determine if there is a violation.
3. *Stop Work Order*: The enforcement official shall file for an action for temporary or preliminary injunction, or temporary restraining order (i.e. stop work order) in the court of jurisdiction to restrain a person from violating or further violating the Unified Development Ordinance.
4. *Post Notice*: If the court grants the stop work order, the stop work order shall be posted in a conspicuous place on the property. A copy may also be delivered or mailed to the property owner, developer, builder, property manager, tenant, occupant, or other interested parties.
5. *Effective*: The stop work order shall become effective upon court issuance and either phone notification to the violator or posting the notice on site.
6. *Conditions*: The court of jurisdiction may determine and describe the conditions and terms under which the stop work order will be lifted. Otherwise, it is the responsibility of the violator to schedule a meeting with the enforcement official and/or court of jurisdiction to resolve the violation.

10.10 Enforcing a Violation as a Common Nuisance

A. Authority: The enforcement official may initiate enforcement action.

B. Cause: According to Indiana Code, a structure that is erected, raised, or converted, or land or premises are used in violation of this Unified Development Ordinance is a common nuisance and the owner or possessor of the structure or land is liable for maintaining a common nuisance.

C. General Procedure:

1. *Issue Notice*: The enforcement official shall mail a notice letter to the violator, the property address, or to the tax record address if mail is undeliverable to the property (e.g. a vacant site) describing the violation or alleged violation.

10.11 Request to Remedy

A. Authority: The enforcement official may initiate a request to remedy.

B. Cause: A violation or alleged violation exists on a property.

C. General Procedure:

1. *Investigation*: Before or after sending a notice letter, the enforcement official shall make reasonable attempt to investigate an alleged violation to determine if there is a violation.
2. *Issue Notice*: The enforcement official shall mail a notice letter to the violator, the property address, or to the tax record address if mail is undeliverable to the property (e.g. a vacant site) describing the violation or alleged violation.
3. *Time Frame*: The enforcement official shall grant the violator an opportunity to provide evidence that there is not a violation or to bring the violation into compliance; including a time frame of at least one (1) day but not more than 21 days. The time frame granted shall be reasonably tied to the time necessary to remedy the violation (e.g. the time to remove an A-frame portable sign could be one day).
4. *Time Frame Extension*: A time frame extension may be granted upon request by the enforcement official if the violator is making satisfactory progress.
5. *Timely Correction*: If corrective measures have not been initiated in a timely manner, or corrective measures are not effectively being conducted, or corrective measures are significantly behind schedule, or the violation remains after the time frame given for remedy, then the enforcement official may choose another enforcement option. If the violator is making satisfactory progress and will likely meet the time frame for remedy, the enforcement official shall not begin another enforcement option until the time frame has expired and a violation remains unresolved.

D. Safety from Fines: The enforcement official shall not impose a fine to a violator if a request to remedy is the first enforcement action and the violation is remedied within the granted time frame.

10.12 Invoke a Legal, Equitable, or Special Remedy

A. Authority: The Plan Commission may bring action to a court of jurisdiction as an independent enforcement action or concurrent to another enforcement action; except as stated in *Section 10.11: Request to Remedy*. A court of jurisdiction may issue a legal, equitable, or special remedy.

B. Cause: A violation or alleged violation exists on a property.

C. General Procedure:

1. *Issue Notice*: Before or after bringing an action to the court of jurisdiction, the Plan Commission shall mail a notice letter to the violator, the property address, or to the tax record address if mail is undeliverable to the property (e.g. a vacant site) describing the violation or alleged violation.
2. *Investigation*: Before or after bringing an action to the court of jurisdiction, the Plan Commission shall make reasonable attempt to investigate an alleged violation to determine if there is a violation.
3. *Court-imposed Remedy*: The Plan Commission shall bring an action to the court of jurisdiction to invoke a legal, equitable or special remedy for a violation or alleged violation.
4. *Liability*: Any violator found liable for a violation shall be subject to any court-imposed legal, equitable or special remedy. The legal, equitable or special remedy shall force compliance with the Unified Development Ordinance or be a unique court ruling that fulfills the intent of the *Jasper County Comprehensive Plan* and Unified Development Ordinance. The severity of the court ruling may consider the severity of the violation, impact to property values in the area, impact to quality of life in the area, impact to the health, safety and welfare of the public, repetitiveness of similar violations by the same violator, and/or the precedent that may be set by the ruling. If successful in the enforcement of the Unified Development Ordinance, the court of jurisdiction may award Jasper County recuperation of its legal fees and administrative costs.

10.13 Enforce a Condition or Commitment

A. Authority: The Plan Commission may bring action to a court of jurisdiction as an independent enforcement action or concurrent to another enforcement action; except as stated in *Section 10.11: Request to Remedy*. A court of jurisdiction may enforce compliance with a condition or commitment.

B. Cause: A condition or commitment is not in compliance with terms of an approval.

C. General Procedure:

1. *Issue Notice*: Before or after bringing an action to the court of jurisdiction, the Plan Commission shall mail a notice letter to the violator, the property address, or to the tax record address if mail is undeliverable to the property (e.g. a vacant site) describing the non-compliance.
2. *Investigation*: Before or after bringing an action to the court of jurisdiction, the Plan Commission shall make reasonable attempt to investigate an alleged violation to determine if there is non-compliance.
3. *Conditions*: The Plan Commission shall bring an action to a court of jurisdiction to enforce a condition or commitment.
4. *Court-imposed Remedy*: Any non-compliance shall be subject to any court-imposed remedy. The court-imposed remedy may include enforcing the condition or commitment, or be a unique court ruling that fulfills the intent of the *Jasper County Comprehensive Plan* and Unified Development Ordinance. The severity of the court ruling may consider the severity of the non-compliance, impact to property values in the area, impact to quality of life in the area, impact to the health, safety and welfare of the public, repetitiveness of similar violations by the same violator, and/or the precedent that may be set by the ruling. If successful in the enforcement of the Unified Development Ordinance, the court of jurisdiction may award Jasper County recuperation of its legal fees and administrative costs.

10.14 Request a Prohibitory or Permanent Injunction to Restrain

A. Authority: The enforcement official may bring action to a court of jurisdiction as an independent enforcement action or concurrent to another enforcement action; except as stated in *Section 10.11: Request to Remedy*. A court of jurisdiction may issue a prohibitory or permanent injunction against a violator or potential violator.

B. Cause: A violation, alleged violation, or intent to violate exists.

C. General Procedure:

1. *Issue Notice*: Before or after bringing an action to the court of jurisdiction, the enforcement official shall mail a notice letter to the violator, the property address, or to the tax record address if mail is undeliverable to the property (e.g. a vacant site) describing the violation, alleged violation, or intent to violate.
2. *Investigation*: Before or after bringing an action to the court of jurisdiction, the enforcement official shall make reasonable attempt to investigate an alleged violation to determine if there is a violation, an alleged violation, or an intent to violate.
3. *Request for Injunction*: The enforcement official shall bring an action to a court of jurisdiction to request a prohibitory or permanent injunction to restrain a violation of the Unified Development Ordinance.
4. *Violation*: Any violator found liable for a violation or intending to violate the Unified Development Ordinance shall be subject to prohibitory or permanent injunction to restrain. The court-imposed restraint may instead result in a unique court ruling that fulfills the intent of the *Jasper County Comprehensive Plan* and Unified Development Ordinance. The severity of the court ruling may consider the severity of the violation, impact to property values in the area, impact to quality of life in the area, impact to the health, safety and welfare of the public, repetitiveness of similar violations by the same violator, and the precedent that may be set by the ruling. If successful in the enforcement of the Unified Development Ordinance, the court of jurisdiction may award Jasper County recuperation of its legal fees and administrative costs.

10.15 Request a Mandatory Injunction to Remove a Structure

A. Authority: The Board of Zoning Appeals may bring action to a court of jurisdiction as an independent enforcement action or concurrent to another enforcement action; except as stated in *Section 10.11: Request to Remedy*. A court of jurisdiction may issue a mandatory injunction against a violator.

B. Cause: A structure was constructed, modified or installed in violation or alleged violation.

C. General Procedure:

1. *Issue Notice*: Before or after bringing an action to the court of jurisdiction, the Board of Zoning Appeals shall mail a notice letter to the violator, the property address, or to the tax record address if mail is undeliverable to the property (e.g. a vacant site) describing the violation or alleged violation.
2. *Investigation*: Before or after bringing an action to the court of jurisdiction, the Board of Zoning Appeals shall make reasonable attempt to investigate an alleged violation to determine if there is a violation.
3. *Request for Injunction*: The Board of Zoning Appeals may bring an action to a court of jurisdiction to request a mandatory injunction to remove a structure in violation of the Unified Development Ordinance.
4. *Violation*: If a structure is found in violation, the violator shall be subject to a mandatory injunction to remove the structure and all costs associated with the action. The court-imposed remedy may instead result in a unique court ruling that fulfills the intent of the *Jasper County Comprehensive Plan* and Unified Development Ordinance. The severity of the court ruling may consider the severity of the violation, impact to property values in the area, impact to quality of life in the area, impact to the health, safety and welfare of the public, repetitiveness of similar violations by the same violator, and/or the precedent that may be set by the ruling. If successful in the enforcement of the Unified Development Ordinance, the court of jurisdiction may award Jasper County recuperation of its legal fees and administrative costs.

10.16 Impose a Fine for Violation

A. Authority: The enforcement official may impose a fine for violation as an independent enforcement action or concurrent to another enforcement action; except as stated in *Section 10.17: Invoke a Fine for Violation* or *Section 10.11: Request to Remedy*.

B. Cause: A violation exists.

C. General Procedure:

1. *Collect Evidence*: Before imposing a fine, the enforcement official shall collect evidence to conclude there is a violation.
2. *Issue Notice*: The enforcement official shall mail a notice letter to the violator or the property address (or to the tax record address if mail is undeliverable to the property (e.g. a vacant site)) describing the violation. The notice letter shall also include the terms of the fine, including the fine amount and the date payment is due.
3. *Time Frame*: If not addressed in a concurrent enforcement action, the enforcement official shall grant the violator an opportunity to provide evidence that there is not a violation or to bring the violation into compliance, including a time frame of at least one (1) day but not more than 21 days. The time frame granted shall be reasonably tied to the necessary time to remedy the violation (e.g. the time to remove an A-frame portable sign in violation could be one day).
4. *Time Frame Extension*: A time frame extension may be granted upon request by the enforcement official if the violator is making satisfactory progress.
5. *Financial Liability*: The enforcement official may impose a fine in an amount not less than $50.00 or higher than $2,500 for the first violation and not less than $50.00 or higher than $7,500 for the second or subsequent violations. Each unique violation from the day it was confirmed as a violation is subject to a fine; and each new day the violation persists, excluding days granted to remedy the violation, shall constitute another fine. The fine for a violation shall be reasonably in proportion to the severity of the violation, repetitiveness of similar violations by the same violator, and the costs associated with enforcing, mitigating, administering, researching, inspecting the violation, court fees, legal fees, and the like.
6. *Appeals*: Fines imposed by the enforcement official may be appealed to the Board of Zoning Appeals.

10.17 Invoke a Fine for Violation

A. Authority: The enforcement official may bring action to a court of jurisdiction as an independent enforcement action or concurrent to another enforcement action; except as stated in *Section 10.17: Invoke a Fine for Violation* or *Section 10.11: Request to Remedy*. A court of jurisdiction may issue a fine for violation.

B. Cause: A violation exists.

C. General Procedure:

1. *Collect Evidence*: Before or after bringing an action to the court of jurisdiction, the enforcement official shall collect evidence to conclude there is a violation.
2. *Issue Notice*: Before or after bringing an action to the court of jurisdiction, the enforcement official shall mail a notice letter to the violator or the property address (or to the tax record address if mail is undeliverable to the property (e.g. a vacant site) describing the violation.
3. *Court-imposed Fine*: The enforcement official shall bring an action to a court of jurisdiction to invoke a fine for a violation.
4. *Financial Liability*: A violator found liable for a violation shall be subject to a court-imposed fine. The fine for a violation shall be reasonably in proportion to the severity of the violation, repetitiveness of similar violations by the same violator, and the costs associated with enforcing, mitigating, administering, researching, inspecting the violation, court fees, legal fees, and the like. Fines imposed by the court of jurisdiction shall be no higher than $2,500 for the first violation, and no higher than $7,500 for the second or subsequent violations according to *IC 36-1-3-8.*

10.18 Other Remedy

Any action allowed by Indiana Code, common law, or other applicable State regulations may be used to force a violation to be in compliance with the Unified Development Ordinance, remedy, or compliance with the terms of an approval.

Article

11

Definitions

Jasper County Unified Development Ordinance

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GroundRules
website www.groundrulesinc.com

11.01 General

The definitions contained in *Article 11: Definitions* shall be observed and applied in the interpretation of all Articles in the Unified Development Ordinance, except where the context clearly indicates otherwise. Words used in the present tense shall include the future; words used in the singular number shall include the plural and the plural the singular; words used in the masculine gender shall include the feminine.

11.02 Defined Words

The following terms shall have the following meanings:

Definitions - Abandonment

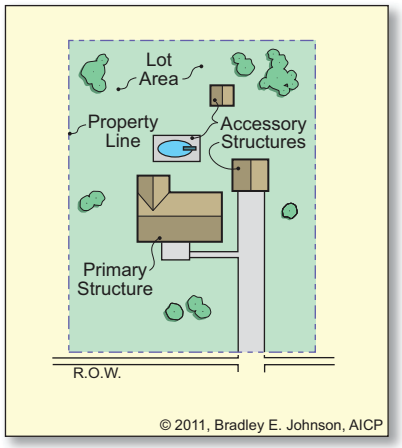
Abandonment: The relinquishment of property or a cessation of the use of the property for a continuous period of one (1) year by the owner with the intention neither of transferring rights to the property to another owner nor of resuming the use of the property.

Above Ground Utility Facility: Permanently located and installed electrical generators, pipeline pumping stations, public wells, telephone exchanges, utility substations, and the like.

Accessory Building: See "Accessory Structure."

Accessory Structure: A structure which:

1. Is subordinate to a primary structure in area, intent, and/or purpose,
2. Contributes to the comfort, convenience, or necessity of occupants of the primary structure or primary use,
3. Does not alter or change the character of the premises,
4. Is located on the same zoning lot as the primary structure or use,
5. Conforms to the setback, height, bulk, lot coverage, and other requirements of the Unified Development Ordinance unless otherwise provided for,
6. May not be constructed prior to the time of construction of the primary structure, unless used for agricultural or personal storage or otherwise specified in the Unified Development Ordinance,
7. Is not designed for human occupancy as a dwelling or commercial use (except for a Type 3 Home Business), and
8. In the case of a wireless support structure ~~telecommunications tower~~, antenna, or other radio or cellular communications or equipment, a subordinate structure detached from but located on the same site, the use of which is incidental and accessory to that of the primary wireless support structure ~~telecommunications tower~~, antenna or other radio or cellular communications equipment.



Accessory Structure, Recreation-based: A detached accessory structure placed on a lot and used for recreation, entertainment and lounging. Examples of recreation-based accessory structures include decks, docks, gazebos, hot tubs, ground-mounted satellite dishes, piers, sport courts, swimming pools

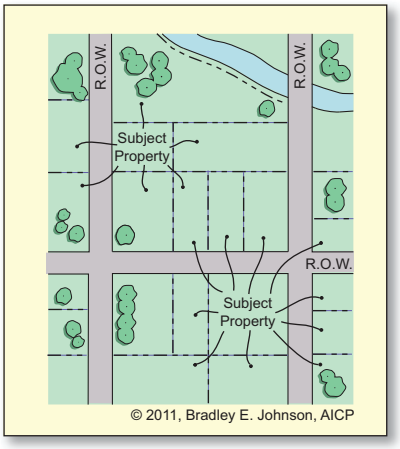
Accessory Structure, Storage-based: An accessory structure placed on a lot and used to store, keep, shelter or contain material items. Examples of storage-based accessory structures include barns, boat houses, carports, detached garages, greenhouses, mini-barns, pole structures, swimming pool houses, and sheds.

Accessory Structure, Support-based: A detached accessory structure placed on a lot and used to provide essential services to a primary structure, primary land use, or another accessory structure. Examples of support-based accessory structures include maintenance facility, mechanical structure, freestanding canopy, stand-alone restroom facilities, storage building, enclosed vending, kiosk, or structures used in support of the primary structure.

ADA: The Americans with Disabilities Act.

Definitions - Adjacent Property

Adjacent Property: Any property adjacent to or directly diagonal to the subject property. Properties across a public right-of-way (R.O.W.) are also considered adjacent. The illustration below notes the properties that would be considered adjacent to two (2) different subject properties.



Administrator: See "Zoning Administrator."

Advisory Plan Commission: See "Plan Commission."

Agricultural Districts: Refers to the A1, A2, A3, and A4 districts.

Agriculture: The art or science of cultivating the ground, and raising and harvesting crops, often including feeding, breeding, and management of livestock; tillage; husbandry; farming; in a broader sense, the science and art of the production of plants and animals useful to man, including to a variable extent the preparation of these products for human use and their disposal by marketing or otherwise. In this broad use, it includes farming, horticulture, forestry, and sugar making. It also includes "Raising of Farm Animals" as defined.

Airport: Any area which is used or intended to be used for the taking off and landing of aircraft, including helicopters, and any appurtenant areas which are used or intended to be used for airport structures or facilities, including open spaces, taxiways, and tie-down areas.

Airport Compatibility Overlay District: Refers to the ACO district.

Animal, Exotic: Animals raised and bred healthy and humanely for unique pets or entertainment, or animals rescued from the wild, or from zoos. Exotic animals are primarily securely caged animals. Exotic animals do not include outdoor pets, household pets, or farm animals. Examples of exotic animals include: lions, tigers, wolfs, coyotes, and elephants.

Animal, Farm: Animals raised and bred healthy and humanely for meat, milk or similar food products, or for wool, fur, or similar textiles, or for estrogen or similar chemical or pharmaceutical products. Farm animals are primarily pastured. Farm animals do not include outdoor pets, household pets, or exotic animals. Examples of farm animals include: cows, horses, sheep, pigs, chickens, turkeys, pigmy goats, potbelly pigs, or rabbits.

~~**Antenna**: Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic or radio waves.~~

Aquatic Life: An underwater and on-water ecosystem able to sustain fish, frogs, turtles, and aquatic plants.

Applicant: The owner, owners or legal representative of real estate who makes application to the Plan Commission and/or Board of Zoning Appeals for action by the Plan Commission or Board of Zoning Appeals affecting the real estate owned or represented by the applicant.

Arterial, Major: See "Street, Major Arterial."

Arterial, Minor: See "Street, Minor Arterial."

Assisted Living Facility: A residential facility where assistance with daily activities, such as taking medicine, dressing, grooming, and bathing are provide for the aged or infirm, or any other reasonably independent person not in need of nursing care; and which does not contain equipment for surgical care or for treatment of disease or injury, and is not primarily designed for patients being treated for mental illness or alcohol or drug addiction. Assisted living facilities have private rooms that are not shared by non-related persons.

ATM: See "Automated Teller Machine."

Attached Structure: A structure that is structurally connected to another structure by a foundation, wall, bridge, or roof line, or appears to be connected. Carports, garages, porch awnings, and the like are considered attached structures and must abide by all regulations pertaining to primary structures.

Automobile Oriented Business (Type 1): A low intensity business that provides services rendered directly on, to, or for motor vehicles. Vehicle service businesses that meet the characteristics listed below in Table A: Limits of Automobile Oriented Businesses. Example businesses may include: accessory installation, glass tinting, or automobile oil change facility. Under no circumstances is an auto salvage business, junk yard, or gas station considered an automobile oriented business.

Automobile Oriented Business (Type 2): A moderate intensity business that provides services rendered directly on, to, or for motor vehicles. Vehicle service businesses that meet the characteristics listed below in Table A: Limits of Automobile Oriented Businesses. Example businesses may include: detail shop, tune-up service, or car wash. Under no circumstances is an auto salvage business, junk yard, or gas station considered an automobile oriented business.

Automobile Oriented Business (Type 3): A high intensity business that provides services rendered directly on, to, or for motor vehicles. Vehicle service businesses that meet the characteristics listed below in Table A: Limits of Automobile Oriented Businesses. Example businesses may include: semi-tractor repair shop, engine rebuilding, major repair service. Under no circumstances is an auto salvage business, junk yard, or gas station considered an automobile oriented business.

Table A: Limits of Automobile Oriented Business

Vehicle Service Business Types	Size/Weight of Vehicles Serviced	Outdoor Storage or Queuing of Vehicles to be Serviced	Outdoor Storage of Serviced Vehicles	Outdoor Storage of Parts, Equipment, or Waste Products	Percentage of Service Operation Allowed to be Outdoors	Maximum Height of Outdoor Storage	Hours of Operation
Type 1: Low Intensity	passenger vehicles and light duty trucks	up to 4 operable vehicles	up to 4 operable vehicles	not allowed	none	not allowed	between 7 AM and 7 PM
Type 2: Moderate Intensity	passenger vehicles, light duty trucks, and tri-axle trucks	up to 10 operable vehicles and/or four inoperable vehicles	up to 10 operable vehicles	up to 10% of lot area or 3,000 square feet, whichever is more restrictive	up to 20%	up to 6 feet	between 5 AM and 10 PM
Type 3: High Intensity	no limit	no limit	no limit	no limit	no limit	no limit	no limit

Automated Teller Machine (ATM): An electronically operated device used to conduct financial transactions on site, by means of direct computerized access.

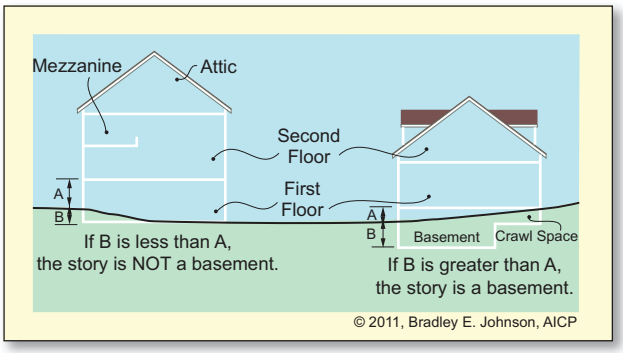
Automobile Repair/Service Station: Any building or premises used for the dispensing, sale or offering for sale to the public, automobile fuels stored only in underground tanks and located wholly within the lot lines; lubricating oil or grease for the operation of automobiles; and the sale and installation of tires, batteries, other minor accessories, and minor auto repair, but not including a bulk plant, conducting of major auto repairs, automobile wrecking, automobile sales, or automobile washes; provided, however, that the washing of individual automobiles where no chain conveyor is employed may be included.

Average Setback: See "Setback, Average."

Base Zoning District: A base district zone is the existing zoning district of the subject lot:

- Prior to the approval of a planned development, or
- Prior to the effects of an overlay district

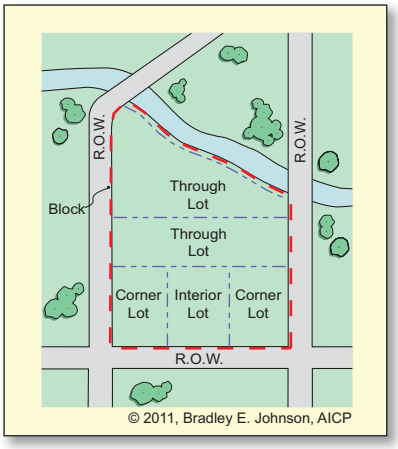
Basement: That portion of a structure below the first or ground floor level and having less than four (4) feet of clearance from its ceiling to the average finished grade of the structure perimeter. A basement shall not be considered a story for the purposes of determining structure height, except when it is used or suitable for habitation.



Bed and Breakfast: An owner occupied or employee of the owner occupied residence containing no more than six (6) guest rooms for hire, for lodging by prearrangement for periods not to exceed three (3) consecutive weeks, and providing for occasional meals daily (usually breakfast), and not a hotel/motel or boarding house.

Berm: A man-made, formed, earth mound of definite height and width used for landscaping and screening purposes, the intent of which is to provide a transition between uses of differing intensity or to screen uses from sight.

Block: Property abutting on one (1) side of a street and lying between the two (2) nearest intersecting or intercepting streets, intersecting railroad, intersecting waterway or the end of a dead end street.



Board: See "Board of Zoning Appeals."

Board of Zoning Appeals: The Jasper County Board of Zoning Appeals or any division thereof.

Bond: Any form of security including a cash deposit, surety bond, collateral, property or instrument of credit in an amount and form satisfactory to the Plan Commission. All bonds shall be approved by the Plan Commission wherever a bond is required by the Unified Development Ordinance.

Broadcast Facility: A place where voice or video programing is prepared, recorded, edited, or broadcast, or where programming is received for editing or re-broadcasting; with on-site ~~telecommunication tower~~ wireless support structure, on-site antennae, and/or on-site commercial satellite dishes.

Broadcast Studio: A place where voice or video programing is prepared, recorded, edited, or broadcast, or where programming is received for editing or re-broadcasting; without on-site ~~telecommunication towers~~ wireless support structure, on-site antennae, or on-site commercial satellite dishes greater than five (5) feet in diameter. See "Broadcast Facility" for broadcast studios with on-site towers, antennae, and/or commercial satellite dishes.

Buffer Landscaping: Any trees, shrubs, walls, fences, berms, space or related landscaping features required under the Unified Development Ordinance for buffering lots from adjacent properties or public rights-of-way for the purpose of increasing visual shielding or other aspects of privacy and/or aesthetics.

Buffer Yard: An area adjacent to front, side, and rear property lines, measured perpendicularly from adjacent property lines and/or right-of-way lines, intended to provide attractive spaces to reduce the impacts of proposed uses on adjacent property or natural features and to screen incompatible uses from each other and from the right-of-way. Buffers also help to maintain existing trees or natural vegetation, to block or reduce noise, glare or other emissions, and to maintain privacy. Buffer yards are in addition to (separate from) front, rear or side yard setbacks.

Buildable Lot: See "Lot, Buildable."

Building: A structure having a roof, supported by columns or walls, for the shelter, support, or enclosure of persons, property, or animals; and when separated by division walls from the ground up and without openings, each portion of such building shall be deemed as a separate building.

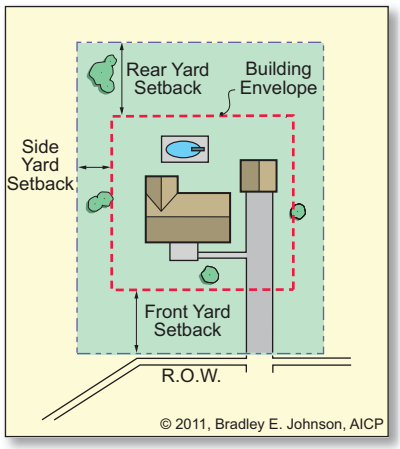
Building Area: The horizontal area of the buildings on a lot, measured from the outside exterior walls, excluding open areas or terraces, unenclosed porches or decks, and architectural features that project no more than two (2) feet.

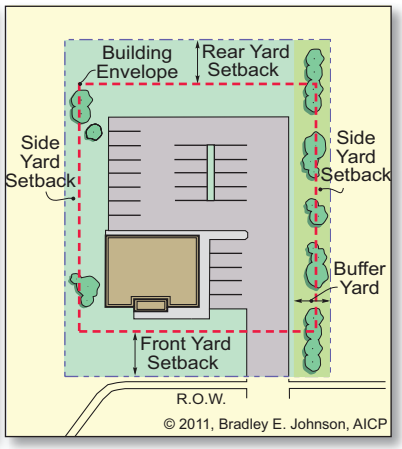
Building Code: The Indiana Building Code which establishes and controls the standards for constructing all forms of permanent structures and related matters.

Building, Detached: See "Detached Structure."

Building Height: See "Structure Height."

Building Envelope: The setback lines that establish an area on a lot in which building can occur.





Business: The engaging in the purchase, sale, barter or exchange of goods, wares, merchandise, or services, or the maintenance or operation of offices, recreational or amusement enterprises.

Business Districts: See "Commercial Districts."

BZA: See "Board of Zoning Appeals."

Cabaret: A nightclub, theater or other establishment which is licensed to serve food and/or alcoholic beverages which feature live performances by topless and/or bottomless dancers, go-go dancers, exotic dancers, strippers or similar entertainers, where such performances are distinguished or characterized by an emphasis on sexual conduct or specified anatomical areas.

Campground: Any site, lot, field or tract of land designed with facilities for short term occupancy by recreational vehicles and other camping equipment but not including mobile homes.

Car Wash: A structure, or portion of a structure, containing facilities for washing one (1) or more automobiles at any one time, using production line methods such as a chain conveyor, blower, steam cleaning device or other mechanical devices; or providing space, water, equipment or soap for the complete or partial cleaning of such automobiles, whether by operator or by custom.

Cellular Communication Equipment: Antennas and other transmitting and/or receiving device or other associated devices used in the provision of telecommunications service.

Cemetery: Property used for interring of the dead, including any crematory, mausoleum or mortuary operated in conjunction with and on the same property.

Central Water System: A community water supply system including existing and new wells and/or surface water sources and intakes, treatment facilities, and distribution lines and includes such of the above facilities established by the developer to serve a new subdivision, or commercial or industrial development.

Central Sewer System: A community sewer system including collection and treatment facilities owned and maintained by a governmental unit.

Certificate of Occupancy: A certificate stating that the occupancy and use of a building or structure complies with all applicable Unified Development Ordinance provisions.

Child Care Home: An establishment providing non-overnight care, supervision, and protection of children in private residences which is ancillary to the primary use as a residence. A residential structure in which at least six (6) children (not including the children for whom the provider is parent, stepparent, guardian, custodian, or other relative) at any time receive child care from a provider: (a) while unattended by a parent, legal guardian or custodian; (b) for regular compensation; and (c) for more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays, and holidays. The term includes class I child care home and class II child care home as defined in *IC 12-7-2-33.7* and *IC 12-7-2-33.8*

Child Care Center: Any institution operated for the care of children, licensed pursuant to *IC 12-3-2-3.1*, et seq., and as defined by *IC 12-3-2-3.*

Child Care Institution:

- A residential facility that provides child care on a twenty-four (24) hour basis for more than ten (10) children; or
- A residential facility with a capacity of not more than ten (10) children that does not meet the residential structure requirements of a group home; or
- Operates under a license issued under *IC 12-17.4*; provides for delivery of mental health services that are appropriate to the needs of the individual; and complies with the rules adopted under *IC 4-22-2* by the Division of Family and Children. A child care institution does not include a juvenile detention facility.

Children's Home: See "Child Care Institution."

Church: See “Place of Worship.”

Clinic: An establishment in which human patients are admitted for medical or dental study or treatment and in which the services of at least two (2) physicians or dentists are provided.

Clubhouse: A structure used in association with a golf course, in which may be locker rooms, golf course administration offices, golf cart storage and maintenance, rest rooms, lounges, meeting space, snack bar, banquet facilities and retail sales of golf related products. Retail sales shall constitute no more than fifteen percent (15%) of the space accessible to public space of the clubhouse.

Collector, Major: See "Street, Major Collector."

Collector, Minor: See "Street, Minor Collector."

~~**Collocation**: A space on an existing or proposed telecommunication tower that can be used for the installation and/or mounting of antennas or radio or cellular communication equipment that operates on a different frequency from the initial user.~~

Commercial Districts: Refers to the LB, GC, and HC districts.

Commercial Wireless Communications Service: A licensed commercial wireless ~~telecommunications~~ service, including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging and similar devices that are marketed to the general public.

Commission: See "Plan Commission."

Community Center: A structure available to the public for community activities, meetings, banquets, projects, gatherings and the like. A community center may be able to be reserved by the public for private parties and events.

Composting of Animal Mortalities: A natural biological decomposition process that takes place in the presence of oxygen (air) and turns dead animal carcasses and other raw organic by-products into biologically stable organic material. The resulting compost pile is an inconsistent mixture that consists of animal mass with large amounts of water, high-nitrogen and low-carbon content, and low-porosity surrounded by a composting material of good-porosity, high carbon, low nitrogen, and moderate moisture levels.

Definitions - Confined Feeding, Level 2

Comprehensive Plan: Refers to the *Jasper County Comprehensive Plan*. The plan includes goals, objectives, and action steps for community character, land use, growth management, natural environmental, transportation, and infrastructure. The Comprehensive Plan was developed and adopted by the Plan Commission pursuant to the *IC 36-7-4-500 Series* and includes any part and/or policies separately adopted and any amendment to the plan and/or the policies.

Condition of Approval: Stipulations or provisions set forth by the Board of Zoning Appeals or Plan Commission required as a prerequisite for approval of a petition.

Condominium: Real estate lawfully subject to *IC 32-25, et seq.* (the Condominium Law), by the recording of condominium instruments, in which undivided interests in the common areas and facilities are vested in the condominium unit owners.

Confined Feeding: The raising of animals for food, fur or recreation in lots, pens, ponds, sheds or buildings, where they are confined, fed, and maintained for at least forty-five (45) days during any year, and where there is no ground cover or vegetation present over at least half of the animals' confinement area.

Confined Feeding Facilities: Any size of Confined Feeding Operation (CFO) including animal barns/sheds, lagoons, waste management facilities, animal mortalities storage facilities, animal mortalities composting facilities, incinerators, feed storage, mechanical equipment, truck maneuvering areas, loading docks, parking lots, medical facilities, air handling systems, accessory facilities, and other essential equipment, structures, and operations.

Confined Feeding, Level 1: Any operation located on a Lot or a combination of Lots in the A1 Zoning District involving feeding of animals for pleasure, food, fur, pharmaceutical or other commodity purpose in paved or unpaved feed lots, pens, ponds, sheds, or buildings or structures where animals are confined, fed, and maintained for at least forty-five (45) days during any twelve (12) month period and ground cover or vegetation is not sustained over at least fifty percent (50%) of the animal confinement area with:

- 50 or more horses, but less than 150,
- 75 or more dairy cattle, but less than 200,
- 100 or more cattle or calves (excluding dairy cattle), but less than 300,
- 200 or more swine, but less than 600,
- 200 or more sheep or lambs, but less than 600,
- 500 or more ducks, but less than 1,500,
- 3,000 or more turkeys, but less than 16,500, or
- 5,000 or more chickens, but less than 30,000.

Confined Feeding, Level 2: Any operation located on a Lot or a combination of Lots in the A3 Zoning District involving feeding of animals for pleasure, food, fur, pharmaceutical or other commodity purpose in paved or unpaved feed lots, pens, ponds, sheds, or buildings or structures where animals are confined, fed, and maintained for at least forty-five (45) days during any twelve (12) month period and ground cover or vegetation is not sustained over at least fifty percent (50%) of the animal confinement area with:

- 150 or more horses, but less than 300,
- 200 or more dairy cattle, but less than 1,500,
- 300 or more cattle or calves (excluding dairy cattle), but less than 1,500,
- 600 or more swine, but less than ~~4,000~~, 5,000
- 600 or more sheep or lambs, but less than 4,000,
- 1,500 or more ducks, but less than 35,000,
- 16,500 or more turkeys, but less than 60,000, or
- 30,000 or more chickens, but less than 400,000.*

* Note: IDEM begins environmental regulations for confined feeding, either as a CFO or CAFO, at 150 horses, 200 dairy cows, 300 cattle or veil calves, 600 swine, 600 sheep, 1,500 ducks, 16,500 turkeys, or 30,000 chickens.

Confined Feeding, Level 3: Any operation located on a Lot or a combination of Lots in the A3 Zoning District involving feeding of animals for food, fur, pharmaceutical or other commodity purpose in paved or unpaved feed lots, pens, ponds, sheds, or buildings or structures where animals are confined, fed, and maintained for at least forty-five (45) days during any twelve (12) month period and ground cover or vegetation is not sustained over at least fifty percent (50%) of the animal confinement area with:

- more than 300 horses,
- more than 1,500 dairy cattle,
- more than 1,500 cattle or calves (excluding dairy cattle),
- more than ~~4,000~~ swine, 5,000
- more than 4,000 or more sheep or lambs,
- more than 35,000 ducks,
- more than 60,000 turkeys,
- more than 400,000 chickens.

Conservation Club: A lot and structures owned by a not-for-profit organization with a mission to protect and conserve natural resources, primarily the land to which is owned by the conservation club. Although conservation clubs sometimes utilize their property for a shooting range, this land use shall not be inclusive of a shooting range.

Conservation District: Refers to the CO district.

Construction Plan(s): The maps or drawings showing the specific location and design of improvements to be installed in accordance with the requirements of the Unified Development Ordinance and the Indiana Building Code as a condition of approval.

Continuous Mound: A landscape feature used for screening in which a continuous raised section of earth is used to block or partially block visibility from one side to the other. In particular, continuous mounds are linear with a top elevation (crest) relatively consistent from one end to the other.

Corner Lot: See "Lot, Corner."

County: Jasper County, Indiana.

County Commissioners: The Board of Commissioners of the County of Jasper.

County Official: A County Commissioner, a County Councilor, a Plan Commission member or its staff, a Board of Zoning Appeals member, or an employee of Jasper County.

Covenants: Private and legal restrictions of various kinds on the usage of lots, typically within a subdivision and applied by the subdivider. In the case of public health, safety and welfare, covenants may be applied by the Plan Commission, that are recorded with the plat and deed. Covenants can also be placed on commercial and industrial developments. Unless specifically agreed to, covenants are not enforceable by the Plan Commission or its designees. However, they are enforceable in civil court by interested or affected parties.

Cul-de-sac: A street having one end open to traffic and being permanently terminated by a vehicular turnaround at the other end.

Dance/Night Club: An establishment for entertainment with table seating, stage (or area) for musical performances and floor area designated for dancing.

Day Care Center: See "Child Care Center."

Deck: An accessory structure which is on the ground or is elevated from ground level and is open to the sky.

Deciduous Tree: Any tree which sheds its leaves annually followed by regeneration of its foliage in the spring.

Dedication: The setting apart of land or interests in land for use by the municipality or public by ordinance, resolution or entry in the official minutes as by the recording of a plat.

Demolition: The complete removal or destruction of any structure excluding its foundation.

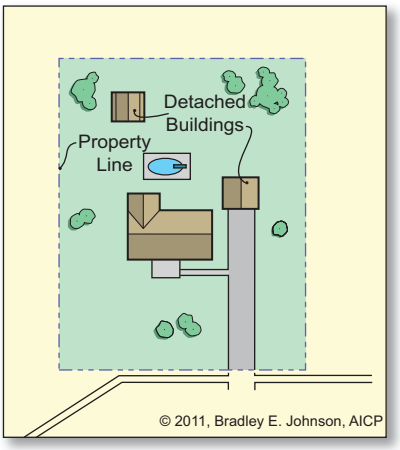
Design Services Office: See "Office, Design Services."

Designed Fail Area: The area surrounding a tower in which the tower could fall should it fail as structurally designed. The designed fail area is quantified in terms of linear distance from the tower to the perimeter of the designed fail area. The designed fail area shall be certified by a structural engineer.

Detached Building: See "Detached Structure."

Detention Pond: An engineered facility used to temporarily collect storm water and outlet it over a designated period of time or at a specific rate of release.

Detached Structure: A structure that has no structural connection with the primary structure or any other building or structure.



Developed Lot: See "Lot, Developed."

Developer: The owner or legal representative of land proposed to be subdivided or residentially/commercially/industrially utilized.

Development Standards: Height, bulk, density, environmental performance standards and other standards for development as set forth in this Unified Development Ordinance, including landscaping, parking and other required improvements, excluding those provisions which specifically regulate the use, per se, of property.

Development Standards Variance: See "Variance, Development Standards."

District: Areas within Jasper County for which uniform zoning regulations governing use, height, area, size, intensity of use of buildings and land, and open spaces about buildings, are established by the Unified Development Ordinance. Districts are drawn on the Official Zoning Map.

DNR: The Indiana Department of Natural Resources.

Domestic Pets: Animals commonly used as household pets, personal protection, companionship, and for assistance to disabled persons. Domestic pets shall include animals that are cared for and treated humanely. Domestic pets shall include, but not be limited to, dogs, cats, parakeets, parrots, finches, lizards, spiders, guinea pigs, hamsters, gerbils, rats, mice, rabbits, aquarium fish, ferrets, and snakes if cared for and used in the manner described above. A domestic pet shall not be considered a farm animal, or vice-versa.

Drive, Private: See "Street, Private."

Drive-Through Establishment: A place of business, being operated for the sale and purchase at retail of food and other goods, services or entertainment, which is laid out and equipped so as to allow its patrons to be served or accommodated while remaining in their automobiles.

Dumpster: A trash receptacle larger than 100 gallons in volume used primarily by commercial, institutional, and industrial uses, and construction projects for collection of trash. Generally constructed of durable metal in box shaped vessels and designed to be easily transported off-site or emptied.

Duplex: A building with two (2) dwelling units attached by common wall and with both dwelling units located on the same lot, thus having one (1) owner of the building and lot. A duplex does not include units created using condominium laws.

Dwelling: A building or structure or portion thereof, conforming to all requirements applicable to the district in which it is located, all Building Codes, and that is used exclusively for residential occupancy, including single-family attached dwelling units, single-family detached dwelling unit, duplexes, manufactured home dwelling, and multiple-family dwelling units, but excluding hotels, motels, and boarding houses.

Dwelling, Manufactured Home: A residential structure that is predominantly constructed in a factory. A manufactured home may either be a mobile home dwelling or a modular home dwelling depending on whether it complies with the applicable definition. A manufactured home dwelling does not include a trailer home dwelling.

Dwelling, Mobile Home: A transportable dwelling unit which is a minimum of eight (8) feet in width and which is built on a permanent foundation or tied down with perimeter skirting when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical system contained therein, and which was manufactured either:

- Prior to June 15, 1976 and bears a seal attached under Indiana Public Law 135, 1971, certifying that it was built in compliance with the standards established by the Indiana Administrative Building Council, or
- Subsequent to or on June 15, 1976 and bears a seal, certifying that it was built in compliance with the Federal Mobile Home Construction and Safety Standards.

Dwelling, Modular Home: A residential structure that is predominantly constructed in a factory and that is transported to the site in two (2) or more sections. A Modular Home Dwelling that complies with the definition for a Single-family Dwelling shall be considered a Single-family Dwelling.

Dwelling, Multiple-family: A residential structure designed to be occupied by four (4) or more families, with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling, Single-family: See "Dwelling, Single-family Attached" or "Dwelling, Single-family Detached."

Dwelling, Single-family Attached: A building with two (2) or more dwelling units attached by common wall and with each dwelling unit located on its own lot. Therefore, a common wall rests on the dividing property line.

Dwelling, Single-family Detached: A permanent residence designed and constructed to be occupied by one (1) family and not physically connected to another dwelling unit, either:

1. Recognized by Indiana Building Code as a grandfathered single-family dwelling;
2. Constructed on-site in compliance with the Indiana Building Code for single family dwellings, and which also complies with the following specifications:
   a. The minimum width shall be twenty-three (23) feet for at least sixty percent (60%) of its length,
   b. The minimum depth shall be twenty-three (23) feet for at least sixty percent (60%) of its length; or
3. Constructed in a factory and bearing a seal certifying that it was built in compliance with the federal Manufactured Housing Construction and Safety Standards Law (1974 U.S.C. 5401 et seq.), and which also complies with the following specifications:
   a. Was constructed after January 1, 1981, and exceeds 950 square feet of occupiable space per *IC 36-7-4(d)*,
   b. Is attached to a permanent full-perimeter foundation of concrete or masonry construction constructed in accordance with Indiana Building Code for single family dwellings,
   c. Has the wheels, axles, and towing chassis used to transport the unit to the site removed,
   d. Has a pitched roof with a minimum of two vertical units to twelve horizontal units (i.e. 2:12 pitch),
   e. The minimum width shall be twenty-three (23) feet for at least sixty percent (60%) of its length, and
   f. The minimum depth shall be twenty-three (23) feet for at least sixty percent (60%) of its length.

Dwelling Site: A site within a manufactured home park with required improvements and utilities, and that is leased for the long-term placement of a modular home dwelling and/or mobile home dwelling. Placement of a trailer home dwelling, recreational vehicle, or camper is not inclusive of the definition for a dwelling site.

Dwelling Size: The overall square footage of a dwelling unit. The dwelling size does not include a garage, carport, deck, unfinished storage, patio, or open porch.

Dwelling, Trailer Home: A transportable dwelling unit which is either:

- Less than eight (8) feet in width,
- Not built on a permanent foundation or tied down to permanent anchors, or
- Built prior to June 15, 1976 and does not bear a seal certifying that it was built in compliance with the Indiana Building Council standards, per Indiana Public Law 135, 1971.

Dwelling, Two-family: See "Dwelling, Single-family Attached" or "Duplex."

Dwelling Unit: A single unit for owner occupancy or for rent/lease, physically separated from any other dwelling units which may be in the same structure, and providing complete and independent living facilities for one or more persons, including permanent provisions for living, sleeping, cooking and sanitation. Examples of a dwelling unit include a single-family dwelling, multiple-family dwelling, mobile home dwelling, modular home dwelling, and farmstead.

Easement: A grant by a property owner ("grantor") to specific persons, the general public, corporations, utilities, or others ("grantee" or "easement holder"), for the purpose of providing services or access to the property.

EPA: United States Environmental Protection Agency.

Erosion: The wearing away of the land surface by water, wind, ice, gravity or other geological agents.

Expressway: See "Street, Interstate."

FAA: Federal Aviation Administration.

Fair Housing Facility (large): 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. 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): To prevent the discrimination of mentally or physically disabled persons, these facilities have been identified as types of housing that are permitted in any single-family or multiple-family residential zoning districts, but still must meet "nondiscriminatory" health, fire, safety, and building regulations. 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 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.

Family: An individual, or two (2) or more persons related by blood, marriage, or adoption, or a group of not more than three (3) persons, not related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling unit.

Farm Animal: See "Animal, Farm."

Farmstead: A single-family dwelling unit that is located on and used in connection with a farm.

FBFM: Flood Boundary and Floodway Map.

FCC: United States Federal Communications Commission.

FEMA: United States Federal Emergency Management Agency.

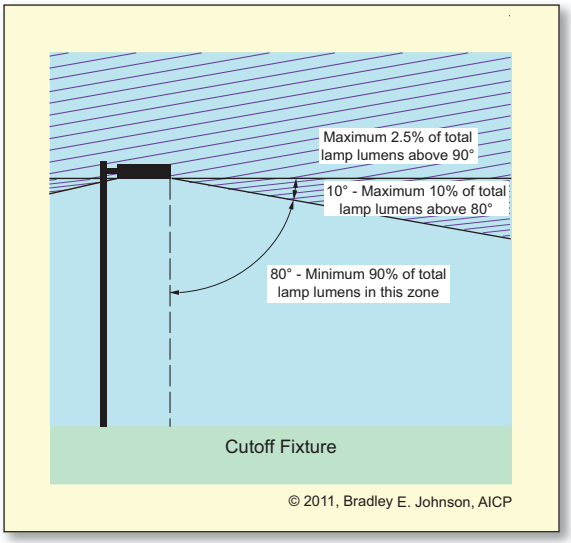
FHBM: Flood Hazard Boundary Map

Financial Services Office: See "Office, Financial Services."

FIRM: Flood Insurance Rate Map.

Fixture, Cutoff: A luminaire that:

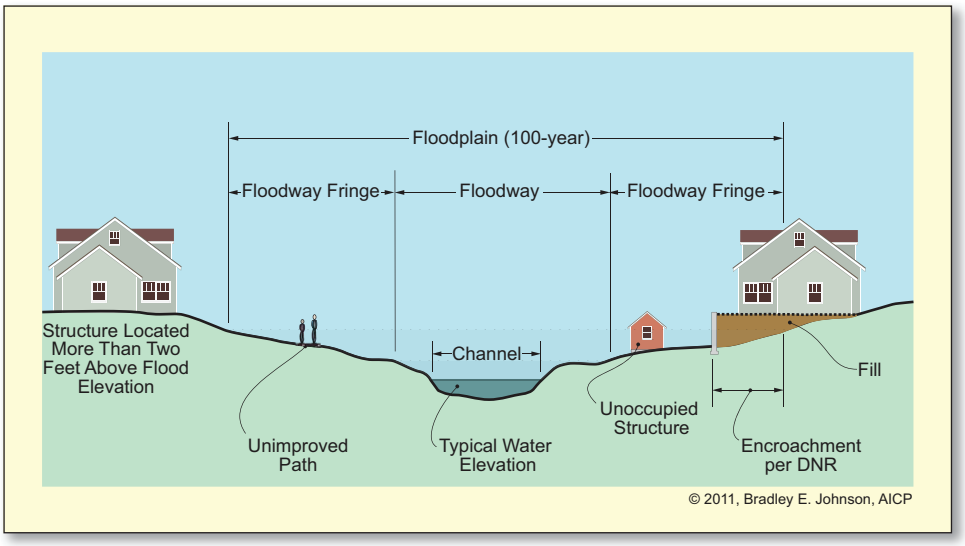
- Projects at least ninety percent (90%) of the total lamp lumens below eighty degrees (80°) from vertical;
- Does not allow more than ten percent (10%) of the total lamp lumens above eighty degrees (80°) from vertical; and
- Does not allow more than two and one-half percent (2.5%) of the total lamp lumens above ninety degrees (90°) from vertical.



Fixture, Non-cutoff: A luminaire with no control of the horizontal distribution of luminance.Flood Protection Grade (FPG): The elevation of the regulatory flood plus two (2) feet at any given location in the SFHA.

Flood, Regulatory: A flood having a peak discharge which can be equalled or exceeded on the average of once in a 100-year period, as calculated by a method and procedure which is acceptable to and approved by the Indiana Natural Resources Commission. Further, this flood is equivalent to a flood having a one percent (1%) probability of occurrence in any given year.

Floodplain: The relatively flat area or low land adjoining the channel of a river or stream which has been or may be covered by flood water. The floodplain includes the channel, floodway, and floodway fringe. Floodplain boundaries are to be determined by using the Floodway-Flood Boundary Maps of the Federal Insurance Administration/Federal Emergency Management Administration.



Floodway, Regulatory: The channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge peak flow of the regulatory flood of any river or stream and, is that area covered by floodwaters in significant downstream motion or covered by significant volumes of stored water during the occurrence of the regulatory flood.

Definitions - Habitable Space

Floor Area: The sum of all horizontal surface areas of all floors of all roofed portions of a building enclosed by and within the surrounding exterior walls or roofs, or to the center line(s) of party walls separating such buildings or portions thereof. The floor area of a building shall exclude exterior open balconies and open porches.

Floor Area, Main: That portion of floor area constructed, completed, and usable for living purposes with normal living facilities which includes sleeping, dining, cooking, working, entertainment, common space linking rooms, areas for personal hygiene, or combination of those areas located on the first (or nearest ground level) floor of the structure. The Main Floor Area of a primary structure does not include a garage, carport, deck, unfinished storage, patio, or open porch.

Foundation: The supporting member of a wall or structure.

Freeway: See "Expressway."

Front Building Line: With respect to a building, the foundation line that is nearest the front lot line.

Front Lot Line: See "Lot Line, Front."

Front Yard: See "Yard, Front."

Frontage: See "Lot Frontage."

Garage: An attached or detached structure whose primary use is to house motor vehicles or personal property for the accommodation of related dwelling units or related business establishments.

General Services Office: See "Office, General Services."

Geographic Information System (GIS): A computer system that stores and links non-graphic attributes or geographically referenced data with graphic map features to allow a wide range of information processing and display operations, as well as map production, analysis and modeling.

GFA: See "Gross Floor Area."

Gift Shop: A retail store offering a variety of small gift items, as opposed to stores offering primarily specific lines of merchandise such as toys, clothing, or sporting goods.

GIS: See "Geographic Information System (GIS)."

Glare: The blinding effect or decrease in visibility caused by a bright light or by viewing a lighting element (e.g. the bulb). Clinically, glare is the contrast-lowering effect of stray light in a visual scene that reduces a persons ability to see a desired target or direction. Glare is difficult to measure because it impacts each person differently based on age, eye health, anatomy, and eye color. For instance glare is particularly troublesome to persons with cataracts or that have had Lasik correction. Variations in impact include the amount of vision lost, the field-of-vision lost, and duration of recovery.

Golf Course: An area of terrain on which the game of golf is played during daylight hours. A golf course includes greens, fairways, natural areas. A golf course may also include a driving range when integrated with the golf course operations and hours.

Grade, Finished: The average elevation of the finished surface of the ground within ten (10) feet of the structure after final grading.

Grantee: A person to whom an interest in property is granted.

Gross Floor Area: The sum of all horizontal floor area of all floors within a structure.

Ground Floor Area: See "Floor Area, Main."

Group Home: A facility that houses not more than ten (10) children that are either:

- 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*.

Group homes are not subject to covenants, deeds or other instruments pertaining to the transfer, sale, lease, or use of property that would permit the residential use of property but prohibit the use of that property as a group home as a matter of State public policy reasons. Group homes cannot be prohibited on the grounds that they are a business, the persons living in a group home are not related, or any other reason. All group homes must abide by *IC 12-17.4-5* and shall be a licensed facility with the State, meeting fire codes, building codes, and specific group home regulations.

Habitable Space: Any space in a structure or building that is suitable for living, sleeping, eating or cooking purposes, excluding such enclosed places as closets, pantries, bath or toilet rooms, hallways, laundries, storage spaces, utility rooms and similar spaces.

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

Height: See "Structure Height."

High Impact District: Refers to the HI district.

Hobby Farming: The use of land for purposes, including: dairying, pasturage, apiculture, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry. Processing and storage of harvested produce or other end products shall not be allowed on site. The hobby farming use(s) shall not exceed forty percent (40%) of the land area of the lot and shall abide by all setback regulations. Hobby farming cannot be the primary income source for the owner, operator or household on site. Hobby farming shall not include feed lots, stock yards, or the commercial feeding of garbage or offal to swine or other animals.

Home Business (Type 1): A business activity conducted completely within a dwelling unit, carried on by any lawful resident of the property and is clearly incidental and secondary to the use of the dwelling for residential purposes. Home Business (Type 1) uses may include a home office, professional services, internet business, or clergy office and are further listed and regulated in *Section 5.35: Type 1 Home Business Standards*.

Home Business (Type 2): A business activity conducted completely within a dwelling unit, carried on by any lawful resident of the property and one (1) employee and is clearly incidental and secondary to the use of the dwelling for residential purposes. Home Business (Type 2) uses may include domestic crafts, art and music teaching, tutoring, or hair cutting/styling and are further listed and regulated in *Section 5.36: Type 2 Home Business Standards*.

Home Business (Type 3): A business activity conducted completely within a dwelling unit and/or an accessory structure, carried on by any lawful resident of the property and his/her employees and is clearly incidental and secondary to the use of the dwelling for residential purposes. Home Business (Type 3) uses may include assembly of products, automobile repair, landscaping/lawn care business, or light manufacturing and are further listed and regulated in *Section 5.37: Type 3 Home Business Standards*.

Hospital: An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, 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 structure in which temporary lodging or board and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public. Compensation is usually assessed on a day-to-day basis.

Household Pets: See "Pets, Household.

Hub Height: The distance measured from grade to the central axis of the rotors on a horizontal axis wind turbine.

IAC: Indiana Administrative Code.

IC: Indiana Code.

IDEM: Indiana Department of Environmental Management.

Illuminance: The total amount of visible light illuminating (incident upon) a point on a surface from all directions above the surface (i.e. how brightly a surface is illuminated). Illuminance is measured in lux.

Impervious Surface: Any material that prevents absorption of stormwater into the ground such as concrete or asphalt. This includes gravel, rock, stone and porous pavers.

Impervious Surface Coverage: The area of a lot occupied by the primary structure, any accessory structures and impervious surface.

Improved Lot: See "Lot, Buildable."

Improvement: Any permanent structure that becomes part of, placed upon, or is affixed to real estate, or any alteration to the land.

Improvement Location Permit: A permit issued under the Unified Development Ordinance prior to receiving a Building Permit, permitting a person, firm, or corporation to erect, construct, enlarge, alter, repair, move, occupy, use, improve, remove, convert, or demolish any building or structure within its jurisdiction, or permitting a person to change the condition of the land.

Improvement, Off-site: Any premises not located within the area of the property to be subdivided, used, or built upon whether or not in the same ownership of the applicant for subdivision approval.

Incidental: A minor occurrence or condition which is customarily associated with a permitted use and is likely to ensue from normal operations.

INDOT: Indiana Department of Transportation.

Industry, Light: See "Manufacturing, Light."

Industry, Heavy: See "Manufacturing, Heavy."

Industrial District: Refers to the CP, I1 and I2 districts.

Initial User: The applicant, person, organization or corporation that originally applies to Jasper County for approval for the installation of an antenna or other radio or cellular communication equipment or for approval for the construction of a ~~telecommunication tower~~ wireless support structure or ~~facility.~~ wireless facility

Institutional District: Refers to the IS district.

Interior Lot: See "Lot, Interior."

Interstate: See "Street, Interstate."

Junk: An automobile, truck, other motor vehicle, watercraft, large appliances, furniture or like materials which have been damaged to such an extent that they cannot be operated under their own power or used and/or will require major repairs before being made usable. This also includes such a vehicle which does not comply with State or County vehicle licensing or other laws or ordinances.

Junk Yard: A place, usually outdoors, where waste or discarded used property, including but not limited to automobiles, farm implements and trucks, is accumulated and is or may be salvaged for reuse or resale. This does not include industrial scrap metal or accumulation of organic matter.

Jurisdiction: See "Planning Jurisdiction."

Juvenile Detention Facility: A facility that holds children or minors (typically under 18 years of age) for punishment and/or counseling as a result of sentencing by a court of jurisdiction for criminal or antisocial behavior.

Kennel, Commercial: A commercial establishment involving boarding, breeding, buying, keeping, training, selling or similar services offered to owners of dogs, cats or other domestic animals. This definition is not inclusive of a veterinarian clinic or home business kennel. Commercial kennels are not inclusive of a residential dwelling unit.

Kennel, Home Business: A home business involving boarding, breeding, buying, keeping, training, selling or similar services offered to owners of dogs, cats or other domestic animals.

Land Application: See "Land Application Operation."

Land Application Operation: An operation in which sludge, solid waste, waste products or wastewater, generated by industrial, municipal or semi-public facilities, or septage from septic haulers, are disposed of by application upon or incorporation into the soil. The following are not land application operations for purposes of the Unified Development Ordinance and are not subject to the Unified Development Ordinance provisions pertaining to land application operations:

1. A "landfill" as that term is defined at *IC 13-11-2-116(b)*;
2. An "open dump" as that term is defined at *IC 13-11-2-146*;
3. A "junk yard" as that term is defined in the Unified Development Ordinance;
4. The application or incorporation of manures or animal waste, including the stockpiling of dry manures.
5. The lawful application or incorporation into the soil of commercial fertilizers registered in accordance with *IC 15-3-3-4*, and herbicides and pesticides registered in accordance with *IC 15-3-3.5-5*, are not Land Application Operations as defined herein;
6. The application or incorporation into the soil of vegetative matter or compost from composting facilities registered under *IC 13-7-35*, is not a Land Application Operation as defined herein;
7. The application or incorporation into the soil of vegetative matter, compost or crop residues as fertilizers or soil conditioners as part of a total farm operation is not a Land Application Operation as defined herein;
8. The stockpiling of sludge from an air pollution control facility on the premises of the source facility is not a Land Application Operation as defined herein, provided that any land application of such sludge in the County outside the facility premises is subject to the special exception requirements of the Unified Development Ordinance.

Landscape Buffer: A continuous landscaped area designed, maintained and used for screening and separation of uses, lots or structures.

Landscaping: The improvements of a lot with grass, shrubs, trees, and other vegetation and/or ornamental objects. Landscaping may include pedestrian walks, flower beds, berms, fountains and other similar natural and man-made objects designed and arranged to produce an aesthetically pleasing effect.

Legal Nonconforming Structure: Any continuously occupied, lawfully established structure prior to the effective date of the Unified Development Ordinance, or its subsequent amendments, that no longer meets the development standards.

Legal Nonconforming Lot of Record: Any legally established and recorded lot prior to the effective date of this Unified Development Ordinance, or its subsequent amendments, that no longer meet the lot-specific development standards.

Legal Nonconforming Sign: Any sign lawfully existing on the effective date of this Unified Development Ordinance, or amendment thereto, that does not conform to all the standards and regulations of the Unified Development Ordinance.

Legal Nonconforming Use: Any continuous, lawful use of structures, land, or structures and land in combination established prior to the effective date of the Unified Development Ordinance or its subsequent amendments that is no longer a permitted use in the district where it is located.

Loading Dock: An off-street space for temporary parking of delivery and pickup vehicles.

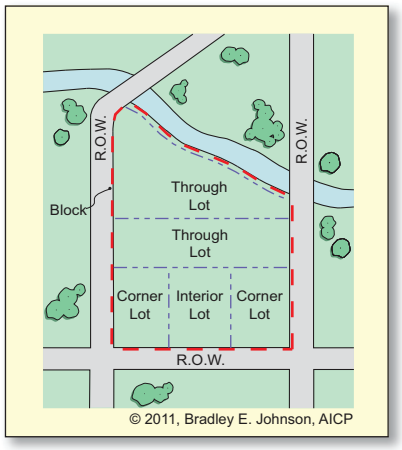
Local Road: See "Street, Local."

LOMA: FEMA Letter of Map Amendment.

LOMR: FEMA Letter of Map Revision.

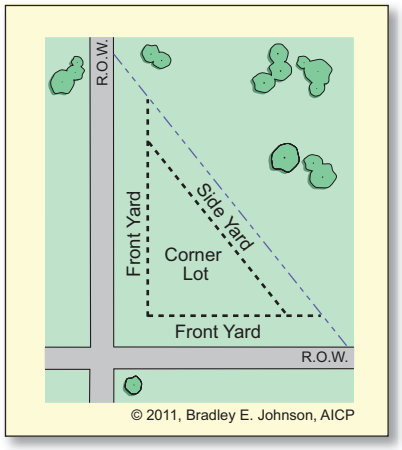
Definitions - Lot Coverage

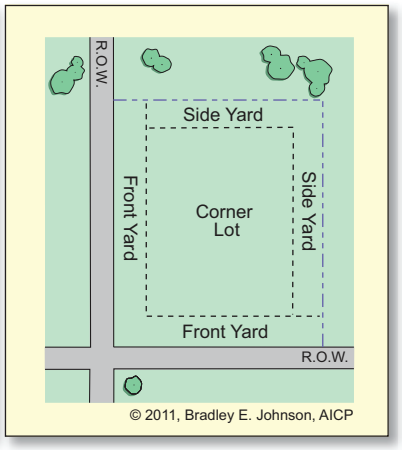
Lot: A piece, parcel or tract of land designated by its owner or developer to be used, developed or built upon as a unit under single or multiple ownership or control. There are generally three (3) types of lots identified in the Unified Development Ordinance: interior lots, corner lots, and through lots.

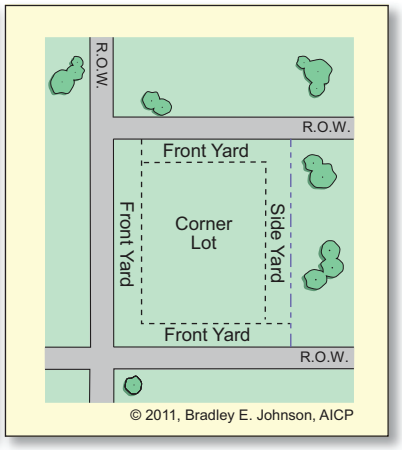


Lot, Buildable: A lot upon which a structure may be constructed and occupied as a result of the fact that it has frontage on and access to an improved street, meets minimum setback requirements, and has all necessary utilities available to the lot such as septic, sewer, water, well, electricity, etc.

Lot, Corner: A lot situated at the intersection of two streets or which fronts a street on two (2) or more sides forming an interior angle of less than 135°.



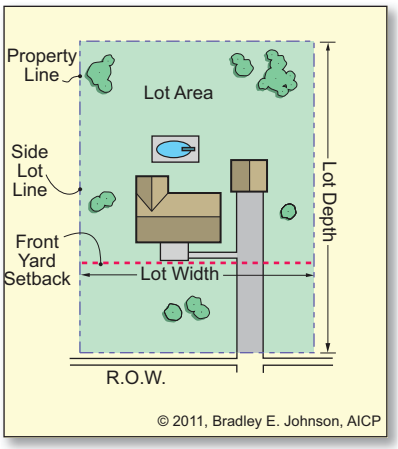


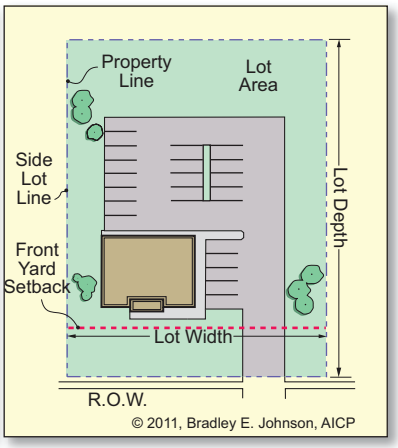


Lot Coverage: The area of a lot occupied by the primary structure, any accessory structures and impervious surface.

Definitions - Lot Area

Lot Area: The area of a horizontal plane bounded by the front, side, and rear lot lines, excepting any easement or right-of-way for public streets.





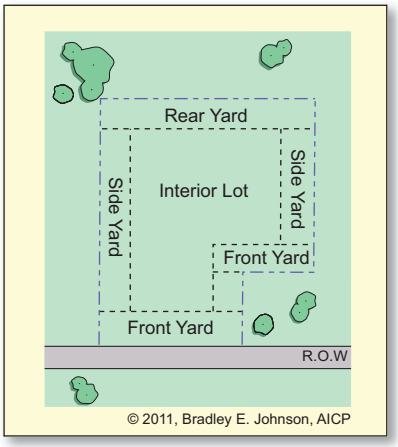
Lot Depth: The horizontal distance between the front and rear lot lines. (See Graphics for "Lot Area")

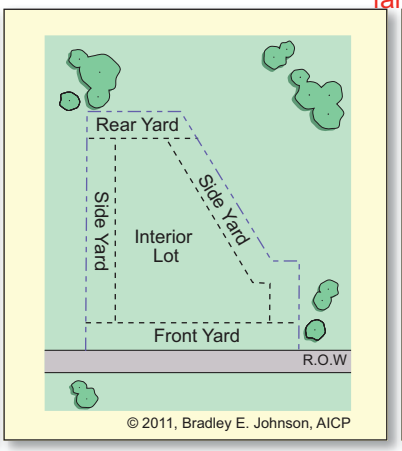
Lot, Developed: A lot with structures situated thereon.

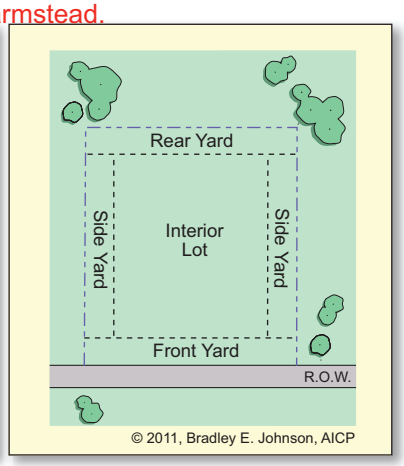
Lot Frontage: The length of the front lot line bordering upon a public right-of-way. The lot frontage is determined by measuring the total distance in which the front lot line touches a public right-of-way. Lot frontage requirement for a cul-de-sac lot is one-half (1/2) the distance required for standard lots. Lot frontage requirement for a farmstead in existence at the time this ordinance was adopted is a minimum of ten (10) feet on either side of the existing driveway that serves the farmstead.

Lot, Improved: See "Lot, Buildable."

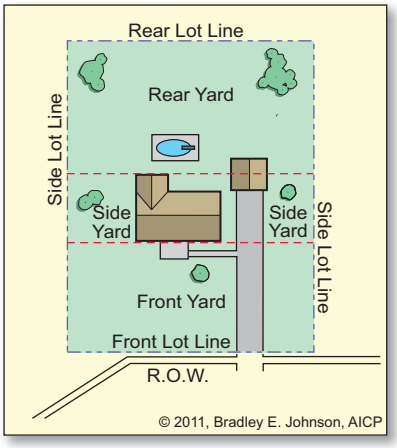
Lot, Interior: A lot other than a corner lot or a through lot.

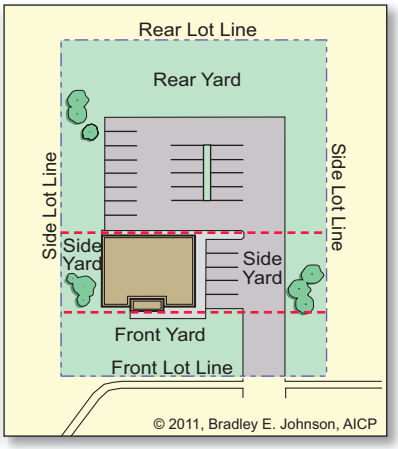




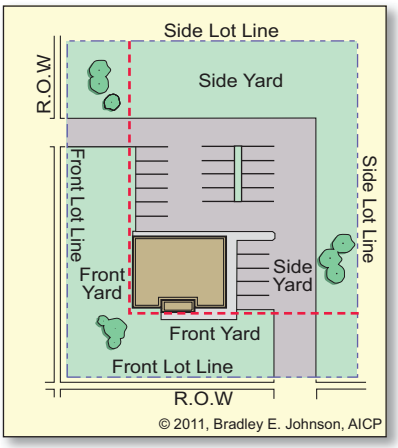


Lot Line, Front (interior or through lot): The line marking the boundary between the lot and the abutting street, right-of-way or a Lake or watercourse





Lot Line, Front (corner lot): The line marking the boundary between the lot and each of the abutting streets.



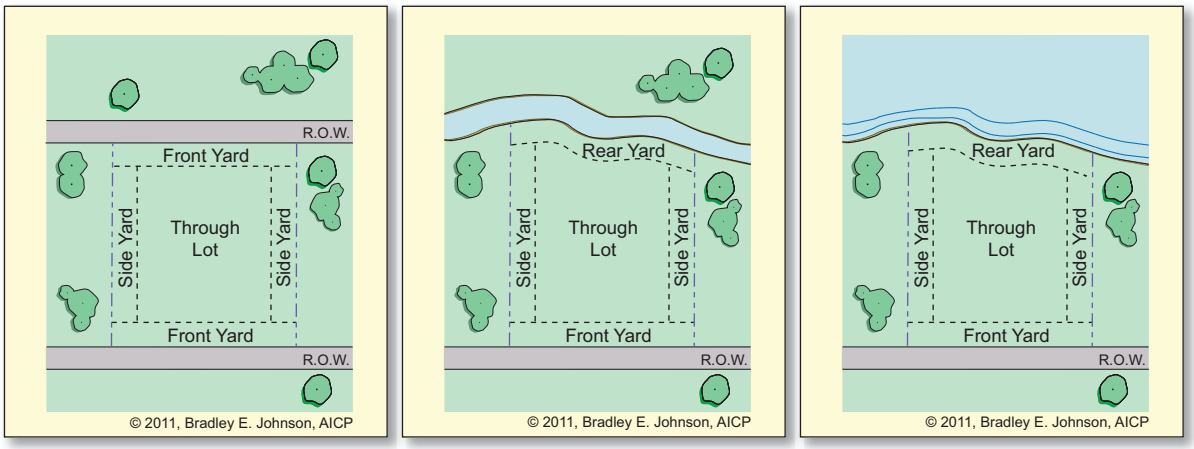
Lot Line, Side: A lot boundary line other than a front or rear lot line. (See graphic for "Lot Line, Front")

Lot Line, Rear: The lot line that is opposite the front lot line and farthest from it, except that for a triangular or other irregularly-shaped lot, the line ten feet long, parallel to the front lot line, and wholly within the lot, that is farthest from the lot line. (See graphic for "Lot Line, Front")

Lot of Record: A lot which is a part of a subdivision recorded in the office of the Jasper County Recorder, or a parcel or lot described by metes and bounds, a description of which has been so recorded.

Lot, Subject: The lot to which an action has been petitioned for or otherwise being considered for action.

Lot, Through: A lot fronting on two (2) parallel or approximately parallel streets, or abutting two (2) streets which do not intersect at the boundaries of the lot. Also includes lots fronting on both a street and a watercourse or lake. Accessory structures are allowed in front yards facing watercourses or lakes.



Lot Width: The distance between the side lot lines as measured on the front setback line. Cul-de-sac and irregular shaped lots shall measure their front lot widths along the front setback line from one side lot line to the other. (See graphic for "Lot Area")

Lowest Floor: means the lowest elevation described among the following:

- The lowest floor of a structure.
- The basement floor.
- The garage floor, if the garage is connected to the structure.
- The first floor of a structure elevated on pilings or constructed on a crawl space.
- The floor level of an enclosure below an elevated structure where the walls of the following requirements are satisfied:
  - The walls are designed to automatically equalize hydrostatic flood forces by allowing for the entry and exit of flood water.
  - At least two (2) openings are designed and maintained for the entry and exit of flood water, and these openings provide a total area of at least one (1) square inch for every one (1) square foot of enclosed floor area subject to flooding. The bottom of an opening can be no more than one (1) foot above grade. Doorways and windows do not qualify as openings under this clause.

Main Floor Area: See "Floor Area, Main."

Maneuvering Space: An open space in a parking area which:
- Is immediately adjacent to a parking space,
- Is used for and/or is necessary for turning, backing or driving forward a motor vehicle into such parking space, but
- Is not used for the parking of or storage of motor vehicles.

Manufactured Home: See "Dwelling, Manufactured Home."

Manufactured Home Park: A parcel of land containing two (2) or more dwelling sites, with required improvements and utilities, that are leased for the long term placement of mobile home dwellings and/or modular home dwellings, and shall include any street used or intended for use as part of the facilities. A manufactured home park does not include the retail sales of mobile home dwellings or modular home dwellings in which unoccupied units are parked for inspection or sale. Placement of a trailer home dwelling, recreational vehicle, or camper is not inclusive of the definition for manufactured home park.

Manufactured Home Park District: Refers to the MP district.

Manufacturing, Heavy: The assembly, fabrication or processing of goods and materials using processes that ordinarily have greater than minimal impacts on the environment, or that otherwise do not constitute light manufacturing, and which may include open uses and outdoor storage. Heavy manufacturing generally includes processing and fabrication of products made from extracted or raw materials. Heavy manufacturing shall not include any use that is otherwise listed specifically in any zoning district as a permitted use or special exception.

Manufacturing, Light: The assembly, fabrication or processing of goods and materials using processes that ordinarily do not create noise, smoke, fume, odors, glare or health or safety hazards outside of the structure or lot where such assembly, fabrication, or processing of goods are housed entirely within an enclosed building. Light manufacturing generally includes processing and fabrication of finished products predominantly from previously prepared materials. Light manufacturing shall not include any use that is otherwise listed specifically in any zoning district as a permitted use or special exception.

Marker (survey): A stake, pipe, rod, nail, or any other object which is not intended to be a permanent point for record purposes.

Massage Parlor: Any place where for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations; electric or magnetic treatments, or any other treatment or manipulation of the human body occurs as part of or in connection with sexual conduct, or where any person providing such treatment, manipulation or service related thereto exposes specified anatomical areas.

Massage Therapist: A person licensed by the State of Indiana and certified by the National Certification Board for Therapeutic Massage and Bodywork, or the American Massage Therapy Association, or under the direct supervision of a licensed physician).

Master Plan: See "Comprehensive Plan."

Materials Recycling (Type 1): Material recycling operations that meet the characteristics listed below in Table B: Limits of Material Recycling Uses. Example operations may include: cloth/rag or electronics recycling.

Materials Recycling (Type 2): Material recycling operations that meet the characteristics listed below in Table B: Limits of Material Recycling Uses. Example operations may include: pelletizing waste drywall or pelletizing waste plastic.

Materials Recycling (Type 3): Material recycling operations that meet the characteristics listed below in Table B: Limits of Material Recycling Uses. Example operations may include: scrap metal yards, outdoor metal grinders, or pallet shredding.

Table B: Features of Material Recycling Uses

Material Recycling Types	Heavy Vehicle Trips per Week (loads over 40,000 lbs)	Outdoor Storage of Materials To Be Recycled	Outdoor Storage of Final Recycled Product	Height of Any Outdoor Storage	Percentage of Recycling Process Allowed to be Outdoors	Outdoor Grinders or Shredders	Hours of Operation
Type 1: Low Intensity	20 trips in and/ or out	not allowed	up to 10% of lot area or 1/2 acre, whichever is more restrictive	no greater than 8 feet in height	none	not allowed	between 6 AM and 7 PM
Type 2: Moderate Intensity	60 trips in and/ or out	up to 15% of lot area or 1/2 acre, whichever is more restrictive	up to 30% of lot area or 2 acres, whichever is more restrictive	no greater than 12 feet in height	up to 20%	not allowed	between 5 AM and 10 PM
Type 3: High Intensity	no limit	no limit	no limit	no limit	no limit	allowed	no limit

Maximum Lot Coverage: The highest amount of impervious surface coverage permitted by the Unified Development Ordinance.

Medical Office: See "Office, Medical."

Meteorological Tower: A tower that hosts weather instrumentation to evaluate meteorological conditions.

Mini Warehouse: See "Warehouse Storage Facility."

Mining: A land use involving the extraction of rock, sand, minerals, fossil fuel, or other raw material from the earth.

Mobile Home: See "Dwelling, Mobile Home."

Monument (survey): A permanent physical structure which marks the location of a corner or other survey point.

Motel: An establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space, located on a single zoning lot, and designed for use by transient automobile travelers. A motel furnishes customary services such as maid service and laundering of linen, telephone, secretarial, or desk service, and the use and upkeep of furniture.

Motor Home: See "Recreational Vehicle."

Motor Vehicle: Any passenger vehicle, truck, tractor, tractor-trailer, truck-trailer, trailer, boat, recreational vehicle, semitrailer, or any other vehicle propelled or drawn by mechanical power.

Mound: A landscape feature used for screening in which earth is piled up in irregular, round or oblong shapes. Particularly, mounds do not have consistent crest elevations, but are irregular in form and overlapping such to emulate a more natural landscape feature. Mounds in combination with other landscape material are used to block or partially block visibility from one side to the other.

Multiple-family Districts: Refers to the M1 and M2 district.

Mural: See "Sign, Mural."

Nacelle: A housing, cover, or structure that surrounds a generator and its mechanical and electrical components, typically associated with a wind turbine.

NFIP: The National Flood Insurance Program.

Noise Sensitive Land Use: The use of a structure for a purpose that would be adversely impacted by noise associated with nearby aircraft operations including aircraft overflights. Noise Sensitive Land Uses include but are not limited to residences, schools, churches, child care facilities, medical facilities, retirement homes and nursing homes.

Nonconforming Building: See "Nonconforming Structure."

Nonconforming Structure: A building, structure, or portion thereof, which was designed, erected, or structurally altered such that it does not conform to the regulations of the district in which it is located.

Nonconforming Lot of Record: A lot which was created such that it does not conform to the regulations of the district in which it is located.

Nonconforming Sign: A sign or portion thereof, which was designed, erected, or structurally altered such that it does not conform to the regulations of the district in which it is located.

Nonconforming Use: A use which does not conform with the use regulations of the district in which it is located.

Nursing Home: A private home for the care of the aged or infirm, or any other person in need of nursing care; and which does not contain equipment for surgical care or for treatment of disease or injury, and is not primarily designed for patients being treated for mental illness or alcohol or drug addiction.

Office: A place in which business, professional and/or clerical activities are conducted. Offices shall include medical offices, government offices and office functions which serve other off-site land uses.

Office, Construction Trade: Electrical contractor, general contractor, heating and cooling contractor, landscaping contractor, plumbing contractor office and the like.

Office, Design Services: Architecture firm, engineering firm, graphic design firm, planning firm and the like.

Office, Financial Services: Accounting office, bank or credit union, investment firm and the like. Check cashing and quick loan establishments are not considered a financial services office.

Office, General Services: Employment service, insurance office, law office, membership association, publishing corporate office, reading clinic, real estate office, secretarial service, service organization, temporary service agency, title company, trade office, travel agency and the like.

Office, Medical: Emergency medical clinic, dental clinic, medical clinic, optical clinic, rehabilitation clinic, veterinarian clinic/hospital and the like.

Official Zoning Map: A map of Jasper County, Indiana, that legally denotes the boundaries of zoning districts as they apply to the properties within the planning jurisdiction. There is only one Official Zoning Map, and it is kept up to date by the Plan Commission and the Zoning Administrator.

Official Zoning Map Copies: A map of Jasper County, Indiana, that legally denotes the boundaries of zoning districts as they apply to the properties within the planning jurisdiction. These maps may be out of date.

Off-site Improvement: See "Improvement, Off-site."

Open Space: An area of land not covered by buildings, structures, parking structures or accessory uses except for recreational structures. Open space may include nature areas, streams, floodplains, meadows or open fields containing baseball fields, football fields, soccer fields, golf courses, swimming pools, bicycle paths, etc. Open space does not include street rights-of-way, platted lot area, private yard, patio areas, or land scheduled for future development.

OSHA: Occupational Safety and Health Administration.

Outdoor Pets: See "Pets, Outdoor.

Outdoor Storage: See "Storage, Outdoor."

Owner: Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations, or their legal representative.

Parcel: See "Lot."

Parent Tract: A lot of record as recorded on the effective date of this Unified Development Ordinance.

Park, Neighborhood: A subdivision amenity that consists of a parcel of land for public passive and active recreation.

Park, Public: A parcel of land available to the public for passive and active recreation and is maintained and governed by Jasper County.

Parking, Required: The minimum number of off-street parking spaces specified for a particular use or uses by the Unified Development Ordinance.

Parking Space: Space within a public or private parking area for the storage of one (1) passenger automobile or commercial vehicle under a one and one-half (1 1/2) ton capacity

Paved: A durable surface for parking, driving, riding or similar activities that utilizes asphalt, concrete, brick, paving blocks or similar material. Crushed gravel, stone, rock, or dirt, sand or grass are not permitted as a paved surface.

Performance Bond: An amount of money or other negotiable security paid by the subdivider, developer, or property owner or his/her surety to Jasper County which guarantees that the subdivider will perform all actions required by Jasper County regarding an approved plat or in other situations as stated forth in the Unified Development Ordinance and/or as deemed by the Zoning Administrator that provides that if the subdivider, developer, or property owner defaults and fails to comply with the provisions of his/her approval, the subdivider, developer, or property owner or his/her surety will pay damages up to the limit of the bond, or the surety will itself complete the requirements of the approval.

Permanent Foundation: A structural system for transposing loads from a structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil.

Permanent Perimeter Enclosure: A permanent perimeter structural system completely enclosing the space between the floor joists of the home and the ground, except for the necessary openings, constructed in accordance with the One- and Two-family Dwelling Code.

Permitted Use: See "Use, Permitted."

Person: A corporation, firm, partnership, association, organization, unit of government, or any other group that acts as a unit, as well as a natural person.

Personal Service: An establishment, other than an office, in which services other than health care are rendered to consumers on an individual basis, such as barber shops and beauty parlors.

Pets, Household: Domestic pets maintained healthy and humanely within the confines of the dwelling unit. Household pets includes hobby breeding of domestic animals as long as the frequency of breeding is limited to one (1) litter per year per household. Household pets do not include outdoor pets, farm animals, pigmy goats, potbelly pigs, or rabbits. Examples of household pets include: dogs, cats, mice, snakes, hamsters, ferrets, and birds.

Pets, Outdoor: Domestic pets maintained healthy and humanely within the confines of the lot. Outdoor pets includes hobby breeding of domestic animals as long as the frequency of breeding is limited to one (1) litter per year per household. Outdoor pets do not include farm animals, rabbits, mice, snakes, hamsters, ferrets, or birds. Examples of outdoor pets include: dogs and cats.

Place of Worship: Buildings, outdoor structures, and outdoor spaces used for public worship (e.g. church, temple, or mosque).

Plan Commission, Advisory: A plan commission serving a single local government jurisdiction established as defined under the Indiana Code, 36-7-1-2 (1983) as amended. The Jasper County Plan Commission is an Advisory Plan Commission.

Planned Development: A large-scale unified development meeting the requirements for zoning approval under the provisions of *Article 4: Planned Development District*. Generally a planned development consists of a parcel or parcels of land, controlled by a single landowner, to be developed as a single entity which does not correspond in size of lots, bulk or type of buildings, density, lot coverage, and required open space to the regulations established in any district of the Unified Development Ordinance. This may result in more attractive and affordable development than conventional developments would allow. Clustered housing (dwellings built in innovative lot arrangements around common open space) and zero lot line housing (dwellings built immediately adjacent to lot lines) are possible as part of planned developments. A planned development requires approval through a zoning map amendment.

Planning Director: See "Zoning Administrator."

Planning Jurisdiction: Jasper County, Indiana and the contiguous unincorporated area over which the county exercises planning and zoning authority.

Planning Staff: The Zoning Administrator and all employees of the Plan Commission of Jasper County under the supervision of the Zoning Administrator and subject to the authority of the Zoning Administrator.

Plat: A map or chart that shows a division of land and/or the layout for subdivisions that is intended to be filed for record.

Plat Amendment: A change in a recorded subdivision plat if such change affects any street layout or area reserved thereon for public use or any lot line or easement; or if it affects any map or plan legally recorded.

Plat, Primary: The primary plat, pursuant to the *IC 36-7-4-700 Series*, is the plat and plans upon which the approval of a proposed subdivision are based. The primary plat and plans shall be subject to public notice and public hearing according to law and according to Plan Commission rules. (Under former state statutes, the primary plat was referred to as a “preliminary” plat.)

Plat, Secondary: The secondary plat, pursuant to *IC 36-7-4-700 Series*, is the final plat document in recordable form. A secondary plat shall substantially conform with the preceding primary plat, or section thereof. The secondary plat and plans are not subject to public notices and public hearings.

Pool, Swimming: See "Swimming Pool."

Porch: A roofed-over structure projecting out from the wall or walls of a main structure and commonly open to the weather in part.

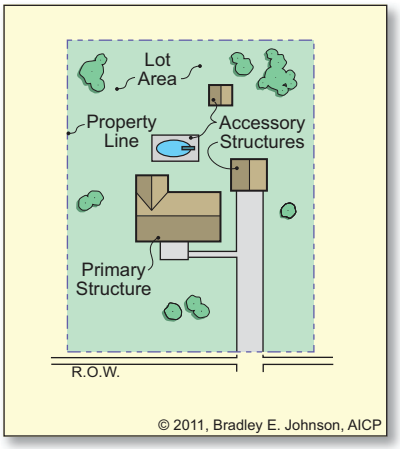
Power Generation Facility: A facility used to generate electrical power such as a wind power facility or solar power facility.

Practical Difficulty: A difficulty with regard to one's ability to improve land stemming from regulations of this Unified Development Ordinance. A practical difficulty is not a "hardship," rather it is a situation where the owner could comply with the regulations within this Unified Development Ordinance, but would like a variance from the Development Standards to improve his site in a practical manner. For instance, a person may request a variance from a side yard setback due to a large tree which is blocking the only location that would meet the Development Standards for a new garage location.

Primary Arterial: See "Street, Major Arterial."

Primary Plat: See "Plat, Primary."

Primary Structure: The structure in which the primary use of the lot or premises is located or conducted, with respect to residential uses, the primary structure shall be the main dwelling.



Primary Use: See "Use, Primary."

Principal Use: See "Use, Primary."

Private Street: See "Street, Private."

Prohibited Use: A use that is not permitted under any circumstances.

Public Improvements: Any storm drainage facility, street, highway, parkway, sidewalk, pedestrian-way, tree lawn, off-street parking area, lot improvement, utility, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.

Public Place: Any area on public or private property that is easily accessible and clearly visible to the general public. If located on private property, the area must be open to the general public and clearly visible from adjacent public property such as a street or other public thoroughfare or sidewalk.

Public/Private Parking Area: A group of parking spaces in an open area not including any part of a street designed or used for temporary parking of motor vehicles.

Public Street: See "Street, Public."

Public Utility: See "Utility, Public."

Public Way: Highways, streets, avenues, boulevards, lanes, or alleys.

Radio/TV Station: The broadcast building for the production of radio and television programing, not to include and ~~telecommunication towers~~.
wireless support structures

Raising of Farm Animals: Feeding of animals for pleasure, food, fur, pharmaceutical, or other commodity purpose. Raising of farm animals includes confined feeding where the maximum number of animals does not exceed:

- 49 horses,
- 74 dairy cattle,
- 99 cattle or veal calves (excluding dairy cattle),
- 199 swine,
- 199 sheep or lambs,
- 499 ducks,
- 2,999 turkeys, or
- 4,999 chickens.

Raising of farm animals does not include Confined Feeding, Level 1; Confined Feeding, Level 2; or Confined Feeding, Level 3 as defined.

Any number of pastured animals are permitted as long as they are confined, fed, and maintained for less than forty-five (45) days during any twelve (12) month period and as long as vegetated cover is managed and maintained in pasture areas.

Rear Lot Line: See "Lot Line, Rear."

Rear Yard: See "Yard, Rear."

Recreation Center/Play Center: An enclosed structure containing recreational facilities, such as a tennis court, swimming pool, and/or gymnasium. This shall not include outdoor amphitheaters, tennis courts or swimming pools.

Recreational Vehicle: A vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven and primarily designed as a temporary living accommodation for recreational, camping, and travel use and including but not limited to, travel trailers, truck campers, camping trailers, boats, and self-propelled motor homes. A recreational vehicle shall not be used as living quarters.

Recreational Vehicle Park: Any commercially zoned site, lot, field, or tract of land under single ownership, or ownership of two or more people, designed with facilities for short term occupancy for recreational vehicles only.

Recycling Collection Point: To be defined

Registered/Licensed Land Surveyor: A land surveyor properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.

Registered Professional Engineer: An engineer properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.

Regulatory Flood: See "Flood, Regulatory."

Regulatory Floodway: See "Floodway, Regulatory."

Residential Districts: Refers to the ~~ER,~~ R1, and R2 districts.

Residential Facility for the Developmentally Disabled (large): A residential facility which provides residential services for more than eight (8) developmentally disabled individuals as described in *IC 12-28-4.*

Residential Facility for the Developmentally Disabled (small): A residential facility which provides residential services for eight (8) or less developmentally disabled individuals as described in *IC 12-28-4.*

Residential Facility for the Mentally Ill: A residential facility 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.

Responsible Party: For purposes of issuing notice of violation, the following persons shall be considered responsible parties, with liability for fines and responsibility for remedy of the violation: the property owner(s); persons with any possessory interest in the property, and/or any persons and/or their agents who have caused the violation. Any owner, tenant, builder, developer, possessor of interest, architect, designer, property manager, equipment operator known or suspected to be responsible in part or in whole for a violation of the Unified Development Ordinance.

Restaurant: An establishment whose use is the selling of food in a ready-to-consume state, in individual servings, in which the customer consumes these foods while seated at tables or counters located in or immediately adjacent to the building in which the use is located, and which may include carry-out service. “Restaurant” shall include that portion of any establishment which sells prepared food, such as a bakery or a delicatessen, and which is used for seating for the consumption of food on the premises. (See also “Drive-Through Establishment.”)

Retail, Agriculture Related: Retail uses that primarily provide products to farmers and agricultural uses, including, but not limited to farm equipment sales, seed sales, fertilizer sales, seed sales, part sales for farm equipment, farm building materials and repair products, and tack shop.

Retail (Type 1) Very Low Intensity: Retail uses that meet all characteristics listed in Table C: Limits of Retail Uses below.

Retail (Type 2) Low Intensity: Retail uses that meet all characteristics listed in Table C: Limits of Retail Uses below.

Retail (Type 3) Medium Intensity: Retail uses that meet all characteristics listed in Table C: Limits of Retail Uses below.

Table C: Limits of Retail Uses

Retail Types	Vehicle per Day (Max)	Retail Floor Area (Max)	Outdoor Display of Merchandise (Max)	Frequency of Dumpster Emptying (Max)	Outdoor Storage	Hours of Operation (Max)	Drive Through	Sexually Oriented Retail Sales (Max)
Type 1: Very Low Intensity	750	5,000 sq ft	2% of retail floor area or 50 square feet whichever is more restrictive	1 per week or use of residential service	not allowed	open between 5 AM and 9 PM	not allowed	not allowed
Type 2: Low Intensity	1,500	10,000 sq. ft.	5% of retail floor area or 200 square feet whichever is more restrictive	2 per week	not allowed	open between 5 AM and 10 PM	not allowed	not allowed
Type 3: Moderate Intensity	5,000	50,000 sq. ft.	10% of retail floor area or 400 square feet whichever is more restrictive	1 per day	not allowed	open between 5 AM and 11 PM	allowed	up to 2% of retail floor area or 2% of gross revenue whichever is more restrictive

Retention Pond: A facility use to indefinitely hold water, like a natural pond, and concurrently used to temporarily collect storm water and outlet it over a designated period of time or at a specific rate of release.

Retirement Community: An age-restricted development, which may include detached and attached dwelling units and apartments.

Right-of-way: A strip of land occupied or intended to be occupied by transportation facilities, public utilities, or other special public uses. Rights-of-way intended for any use involving maintenance by a public agency shall be dedicated to the public use by the maker of the plat on which such right-of-way is established.

ROW: See "Right-of-way."

Road: See "Street."

Satellite Dish/Antenna: An apparatus capable of receiving communications from a transmitter relay located in a planetary orbit, or broadcast signals from transmitting towers.

School: A public or private institution which offers instruction in any of the branches of learning and study comparable to that taught in the public schools under the Indiana School Laws, including pre-kindergarten, kindergarten, elementary school, and junior and senior high schools, but excluding trade, business, or commercial schools.

School, Trade, Business or Commercial: An educational facility which offers instruction specific to a trade, business or commercial practice.

Scrap Metal Yard: A general industrial use established independent or ancillary to and connected with another general 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 junk yards, dumps, or automobile or other vehicle graveyards.

Secondary Plat: See "Plat, Secondary."

Setback: The minimum horizontal distance between the building line and a lot line. Or in a case where the property runs to the centerline of the street, the minimum horizontal distance between the building line and the right-of-way as proposed in the *Jasper County Thoroughfare Plan*.

Setback, Average: An average of the front yard setbacks of structures on either side of the subject property. If the average setback encroaches into the right-of-way, permission is not required from the Board of Zoning Appeals. If the subject property is a corner lot, the average of the front yard setback of structures adjacent to the subject property, along with the front yard setback of structures directly across the street of the subject property must be used.

Sexually Oriented Materials: Materials including still or motion pictures, books, magazines, other periodicals, or other depiction recorded on paper, electronic, digital, video, magnetic or other media, which are distinguished or characterized by their emphasis on matter depicting, describing or relating Specified Sexual Activities" or "Specific Anatomical Areas"; or, instruments, devices, or paraphernalia either designed as a representation of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs.

Sexually Oriented Retail Business: An establishment with at least ten percent (10%) of its stock in trade or gross floor area devoted to the sale, rental, or display of sexually oriented materials. Or an establishment which advertises or holds itself in any forum as "XXX", "adult" or "sex", or which has stock in trade or floor area devoted to the sale, rental, or display of sexually oriented materials.

Sexually Oriented Retail Business, Accessory: An establishment with at least five percent (5%) but less than thirty percent (30%) of its stock in trade or gross floor area devoted to the sale, rental, or display of sexually oriented materials.

Sexually Oriented Entertainment Business: An establishment which regularly offers live entertainment, lingerie or nude modeling, presentation of motion pictures, or publications by any photographic, electronic, digital, magnetic or other media which are distinguished or characterized by their emphasis on matter depicting, describing or relating "Specified Sexual Activities" or "Specific Anatomical Areas"; or, offers massage therapy or body work (not including when performed by a licensed massage therapist); or, advertises or holds itself in any forum as "XXX", "adult", or "sex". This also includes businesses, clubs, organizations, or associations that organize or plan sex engagements or adult oriented entertainment with two (2) or more persons (e.g. swingers clubs or fetish clubs).

SFHA: Special Flood Hazard Area.

Shooting Range: An outdoor area or indoor space designed and used for discharging firearms safely; primarily for sport, maintaining proficiency, and training.

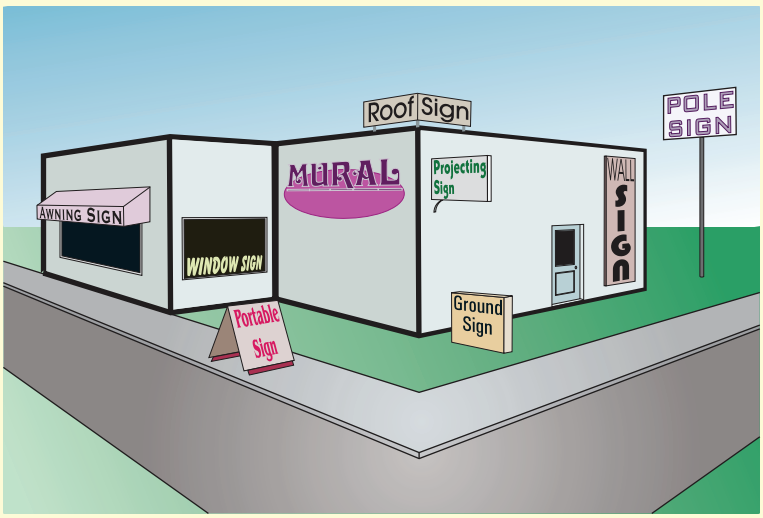
Shooting Range (Indoor): A shooting range fully contained within a building.

Shooting Range (Outdoor): A shooting range which is not fully contained within a building.

Side Lot Line: See "Lot Line, Side."

Side Yard: See "Yard, Side."

Sign: Any name, identification, description, display, or illustration which is affixed to, painted on, or is represented directly or indirectly upon a building, structure, or piece of land, and which directs attention to an object, product, place, activity, person, institution, organization, or business. ~~Religious symbols on places of worship or structures owned and operated by religious organizations are not considered a sign unless accompanied with text. Address numbers are not considered a sign.~~



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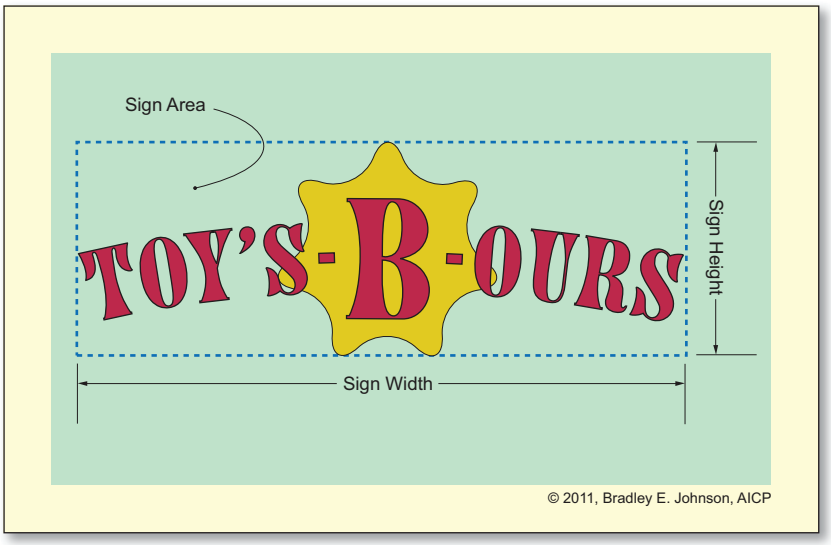
Definitions - Sign Area

Sign Area: The entire area within a single continuous perimeter enclosing the extreme limits of a sign, including all background area figures and letters. However, such perimeter shall not include any structural elements lying outside the limits of the sign which are not part of the information, visual attraction or symbolism of the sign.



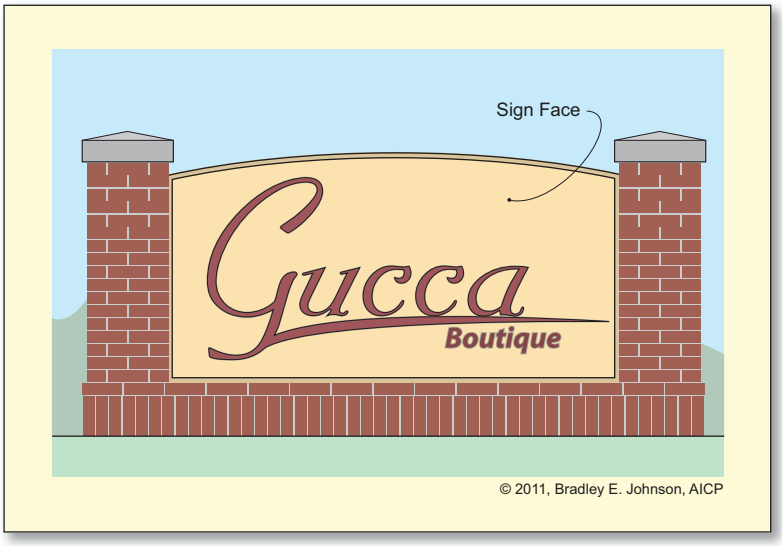
~~**Sign, Accessory**: A sign which is related to the primary use of the premises.~~

~~**Sign, Commercial**: A sign identifying only the name and location of a particular business enterprise and located on the premises where the sign is displayed.~~

~~**Sign, Construction**: A sign directing attention to construction upon the property where the sign is displayed, and bearing the name, address, sublot number, or other identifier of the contractor, subcontractor, and/or architect.~~

~~**Sign, Directional**: A sign intending to direct the safe flow of vehicular and pedestrian traffic and includes "enter," "exit," and "arrow" signs.~~

Sign Face: The surface intended for the display of information on the sign.



Sign, Flashing: Any illuminated sign which exhibits changing light or color effects.

Sign, Ground: A sign in which the bottom edge of the sign is permanently affixed to the ground. A monument sign is another name for a Ground Sign. (See graphic for "Sign")

Sign, Illuminated: A sign which has characters, letters, figures, designs, or outline illuminated by electric lights or luminous tubes as a part of the sign proper, or which is illuminated by reflectors.

Sign, Monument: A sign permanently attached to the ground, and not attached to any part of a building, which is erected in a manner so that no views are possible underneath the bottom edge of the sign surface.

Sign, Mural: A sign painted onto the side of a building, wall, ground, or structure. A mural sign is regulated as a wall sign in the Unified Development Ordinance. (See graphic for "Sign")

~~**Sign, Non-accessory**: A sign which is not related to the primary use of the premises.~~

Sign, Nonconforming: See "Nonconforming Sign."

~~**Sign, Non-Commercial**: Any sign wording, logo or other representation that, directly or indirectly, does not name, advertise, or call attention to a business, product, service, or other commercial activity.~~

~~**Sign, Off-Premises**: A sign directing attention to a specific business, product, service, entertainment, or any other activity offered, sold, or conducted elsewhere than upon the lot where the sign is displayed.~~

~~**Sign, On-Premises**: A name, identification, description, display of illustration or symbol which is affixed to, or painted, or represented directly upon a structure or piece of land, and which directs attention to an object, product, place, activity, person, institution, organization, or business located on, in, or within such structure or on such piece of land and which is visible from any public street, right-of-way, sidewalk, park, or other public property.~~

~~**Sign, Outdoor Advertising**: A sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises where such sign is located or to which it is affixed. Also called billboard or off-premise sign.~~

Sign, Permanent: A sign that is designed or intended to be used indefinitely, or used indefinitely without change in the same state or place, ~~including, but not limited to, business signs, directional signs, residential complex or subdivision signs, and illuminated signs.~~

Sign, Pole: A sign that is supported by one (1) or more poles, posts, or braces upon the ground, not attached to or supported by any building, with a clear space in excess of six (6) feet from the finished grade to the bottom of the sign face. (See graphic for "Sign")

Sign, Portable: Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu or sandwich board signs; balloons used as 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. (See graphic for "Sign")

Sign, Projecting: Any sign other than a wall sign affixed to any structure or wall whose leading edge extends beyond such structure or wall. (See graphic for "Sign")

~~**Sign, Public Information**: A sign displaying public information as the principal message in addition to information designed to assist, alert, or inform the public. Such signs may display only the name and corporate logo of the business or agency providing such information.~~

~~**Sign, Real Estate**: A sign announcing the sale, rental, or lease of the lot where the sign is displayed, or announcing the sale, rental, or lease of one or more structures, or a portion thereof, located on such lot, and identifying the owner, realty agent, telephone numbers, or "open house" information.~~

~~**Sign, Residential**: A sign containing the name of a residential complex or subdivision, with or without its accompanying address.~~

~~**Sign, Restaurant Menu**: Any display of all or part of a restaurant menu, or a summary thereof, in such a way that it is visible from the exterior of the building.~~

Sign, Roof: A sign which is erected, constructed, and maintained above any portion of the roof. (See graphic for "Sign")

~~**Sign, Special Event**: A sign upon which information about events or activities conducted by religious, civic, educational, community, governmental, or similar organizations is displayed.~~

Sign Surface: See "Sign Face."

Sign, Temporary: An ~~on-premise~~ advertising device not fixed to a permanent foundation or vehicle, for the purpose of conveying information, knowledge, or ideas to the public ~~about a subject related to the activities on the premises upon which it is located~~.

Sign, Vehicle: A sign on a vehicle not customarily and regularly used to transport persons or properties and parked or placed so that the sign is visible from a public street or right-of-way and also parked primarily for the purpose of displaying the sign.

Sign, Wall: A sign attached to and/or integral with exterior wall or window surface of a building, the face of which is parallel to the surface and which does not project more than nine (9) inches from the surface. (See graphic for "Sign")

Site Plan: A map of a site, drawn accurately to scale, showing existing and proposed features of the site including but not limited to buildings, and other structures, circulation, grading, trees, and landscaping, sufficient for review. A site plan shall serve as the development plan regulated by *IC 36-7-4-1400.*

Special Exception: The authorization of a use that is designated as such by this ordinance as being permitted in the district concerned if it meets special conditions, is found to be appropriate and upon application, is specifically authorized by the Board of Zoning Appeals. A Special Exception is regulated by *IC 36-7-4-900.*

State: The State of Indiana.

Static Message: Any changeable copy on a sign which is not changed more frequently than once every one (1) hour on any given day.

Storage, Outdoor: The outdoor accumulation of goods, junk, motor vehicles, equipment, products or materials for permanent or temporary holding.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. Any portion of a story exceeding fourteen (14) feet in height shall be considered as an additional story for each fourteen (14) feet or fraction thereof.

Street: Any vehicular right-of-way that is:

- an existing state, county, or municipal roadway,
- shown upon a plat approved pursuant to law,
- approved by other official action, or
- shown on a plat duly filed and recorded in the office of the county recording officer prior to the appointment of a Plan Commission and the grant to such Plan Commission to review plats; includes the land between the street lines, whether improved or unimproved.

Street, Interstate: A divided highway with significant access control that facilitates the movement of traffic from one region to another.

Street, Major Arterial: A road with access control, no parking outside urban areas, and that conveys traffic across the county. State and Federal highways are generally considered major arterials.

Street, Major Collector: A road designed to facilitate the collection of traffic from minor collectors. A major collector can provide circulation within commercial areas and convenient access from neighborhoods to arterials.

Street, Minor Arterial: A road with access control, no parking in urban areas, and that conveys traffic to and from collector streets. Some low volume State highways and some heavily traveled county roads are considered minor arterials.

Street, Minor Collector: A road designed to facilitate the collection of traffic from local streets. A collector can provide circulation within commercial areas and convenient access from neighborhoods to major collectors.

Street, Local: A road designed primarily to provide access to residential or farm properties.

Street, Unpaved: A local road with and unpaved surface designed to provide access to minimally developed areas.

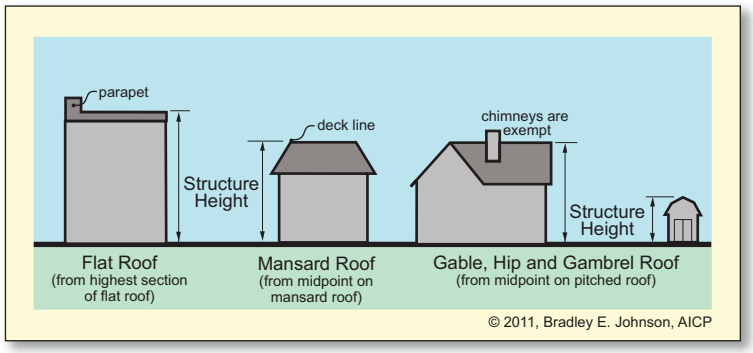
Street, Private: Vehicular streets and driveways, paved or unpaved, that are maintained by the owner(s) and that are wholly within private property except where they intersect with other streets within public rights-of-way.

Street, Public: All property dedicated or intended for public highway, expressway, or roadway purpose or subject to public easements therefore.

Structural Alteration: Any change in the supporting members of a building or structure such as bearing walls, partitions, columns, beams or girders, or any change in the footprint or increase in the size of living space. Also, substantial roofing and siding work when repairs are made to the structure beneath.

Structure: Anything constructed or erected which requires location on the ground or attachment to something having a location on the ground, including but not limited to buildings, sheds, detached garages, manufactured homes, aboveground storage tanks, freestanding signs and other similar items.

Structure Height: The vertical distance measured from the lot ground level to the highest point of the roof.



Studio Arts: Karate studio, dance studio, art studio and the like.

Subdivision: The division of a parent tract or other piece of land into two (2) or more buildable lots, or the combination of two (2) or more lots into one (1) buildable lot utilizing the subdivision regulations and process in the Jasper County Unified Development Ordinance. Quit claim deeds and recorded divisions of land shall not be considered a subdivision resulting in buildable lots.

Subject Lot: See "Lot, Subject."

Swimming Pool: A self-contained body of water at least eighteen (18) inches deep and eight (8) feet in diameter or width and used for recreational purposes. It may be above or below ground level, and shall be considered an accessory structure.

Technical Advisory Committee (TAC): Representation of technical staff or volunteers assembled to review petitions, site plans, development plans, planned developments, subdivisions, rezonings, and the like. The technical advisory committee may vary from meeting to meeting due to the expertise necessary to review the projects that the county is considering.

~~**Telecommunications Facility**: A land based facility, consisting of towers, antennae, accessory structures or other structures intended for use in connection with the commercial transmission or receipt of radio or television signals, or any other spectrum-based transmissions/receptions.~~

~~**Telecommunications Tower**: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas. The term includes: radio and television transmission towers, microwave towers, cellular telephone and wireless communication towers, alternative tower structures and the like.~~

Temporary Use/Structure: See "Use, Temporary."

Theater: A facility for audio and visual productions and performing arts, excluding adult motion picture theaters and adult entertainment businesses.

Thoroughfare: A public way or public place that is included in the *Jasper County Thoroughfare Plan*. The term includes the entire right-of-way for public use of the thoroughfare and all surface and subsurface improvements on it such as sidewalks, curbs, shoulders, and utility lines and mains.

Thoroughfare Plan: he official plan, now and hereafter adopted, which includes a street plan, sets forth the location, alignment, dimensions, identification, and classification of existing and proposed streets, and other thoroughfares, as found in the *Jasper County Comprehensive Plan*.

Through Lot: See "Lot, Through."

Tower: See ~~"Telecommunications Tower."~~ "Wireless Support Structure."

Tower Accessory Structure: Any structure located at or near the base of a tower for housing receiving or transmitting equipment.

Tower Setback: The horizontal distance from the base of the tower to an abutting property line and/or proposed right-of-way.

Trash Receptacles: Any container used to store trash and that is less than 120 gallons in volume.

Two-Page Layout: Two-Page Layout refers to the two-page layout accompanying each zoning district in *Article 2: Zoning Districts* of this Unified Development Ordinance. The two-page layout includes district intents, permitted uses, special exception uses, and basic zoning district information.

Underlying District: See "Base Zoning District"

Unpaved Road: See "Street, Unpaved."

Use: The purposes for which land, building, or structure thereon is designed, arranged, or intended, or for which it is occupied, maintained, let, or leased.

Use, Permitted: A use which may be lawfully established in a particular district or districts provided it conforms with all applicable requirements, regulations and standards.

Use, Primary: The main use of land or buildings as distinguished from an accessory use. A primary use may be either a permitted use or a special exception.

Use, Temporary: A land use or structure established for a limited and fixed period of no more than four (4) months with the intent to discontinue such use or structure upon the expiration of the time period.

Use Variance: See "Variance, Use."

Utility: Every plant or equipment within the State used for:

- The conveyance of telegraph and telephone messages;
- The production, transmission, delivery, or furnishing of heat, light, water, or power, either directly or indirectly to the public; 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 facilities for the collection, treatment, purification, and disposal in a sanitary manner of liquid and solid waste, sewage, night soil, and industrial waste. A warehouse owned or operated by any person, firm, limited liability company, or corporation engaged in the business of operating a warehouse business for the storage of used household goods is not a public utility within the meaning of this Article.

Utility, Public: Any person, firm, or corporation duly authorized to furnish under public regulation to the public, electricity, gas, steam, telephone, fiber optics, transportation, water, or sewage systems. The term does not include a municipality that may acquire, own, or operate any of the foregoing facilities.

- Or 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:
- Conveyance of telegraph or telephone messages;
- 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.

Variance, Development Standards: A specific approval granted by the Board of Zoning Appeals in the manner prescribed by the Unified Development Ordinance, to deviate from the development standards (such as height, bulk, area) that the Ordinance otherwise prescribes.

Variance, Use: The approval of a use other than that prescribed by the Unified Development Ordinance.

Variety Store: A retail establishment that sells a multitude of consumer goods.

Vehicle: See "Motor Vehicle."

Warehouse Storage Facility: A structure or group of structures containing individual storage units of 200 square feet or less with access to each unit only for the storage and warehousing of personal property. Warehouse storage facilities do not include activities of any kind including wholesaling, retailing, servicing or repair of household or commercial goods in conjunction with storage.

Wellhead Overlay District: Refers to the WHO district.

Wind Farm: One (1) or more utility-grade wind turbine systems used collectively to produce electricity for distribution on the electrical grid, including feeder lines, substations, electrical and mechanical systems, on-site control systems, maintenance facilities, and other structures associated with the operation of the wind farm. Interstate and intrastate transmission lines (i.e. the power grid) shall not be considered part of the wind farm. Wind farms are typically located on leased land.

Wind Turbine: A generator, wind-catching device (e.g. rotors), nacelle, and any other mechanical or electronic equipment located inside the nacelle.

Wind Turbine, Horizontal Axis: A wind turbine with the rotation centered around a hub which is relatively parallel to the ground.

Wind Turbine, Vertical Axis: A wind turbine with the rotation centered around a hub which is relatively perpendicular to the ground.

Wind Turbine System Height: The overall height above grade of the wind to energy tower plus the rotor.

Wind Turbine System, Large: A conversion system designed to generate electricity from wind, consisting of a wind turbine, wind turbine tower or other mounting device, foundation, and other structural components. Inversion equipment within or attached to a primary structure, wires conveying electricity to a electrical panel, and other electronic equipment within or attached to a primary structure shall not be considered part of the large wind turbine system. A large wind turbine system would generally have rated power of at least fifty kilowatts (50 kW), but less than 500 kW, but may have other limits applied by this Unified Development Ordinance.

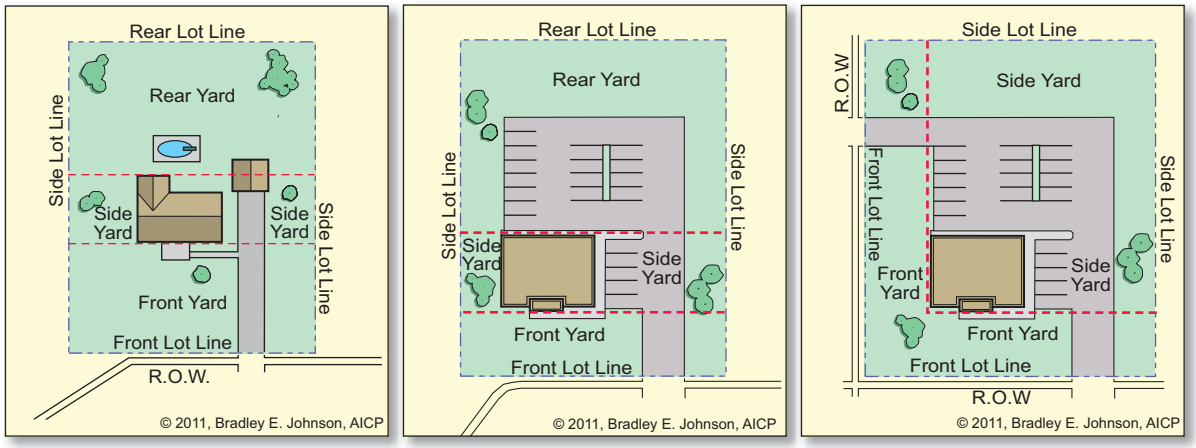
Wind Turbine System, Small: A conversion system designed to generate electricity from wind, consisting of a wind turbine, wind turbine tower or other mounting device, foundation, and other structural components. Inversion equipment within or attached to a primary structure, wires conveying electricity to a electrical panel, and other electronic equipment within or attached to a primary structure shall not be considered part of the small wind turbine system. A small wind turbine system would generally have rated power less than fifty kilowatts (50 kW), but may have other limits applied by this Unified Development Ordinance.

Wind Turbine System, Utility-grade: A conversion system designed to generate electricity from wind, consisting of a wind turbine, wind turbine tower, foundation, and other structural components. Inversion equipment within, attached to, or within a structured at or near the base of the wind turbine system shall be considered part of the utility-grade wind turbine system. Substations, electrical and mechanical systems, control systems, maintenance facilities, and other structures located away from the utility-grade wind turbine system and feeder lines shall not be considered part of the utility-grade wind turbine system. A utility-grade wind turbine system will generally have rated power of at least 500 kW, but may have other limits applied by this Unified Development Ordinance.

Wind Turbine Tower: A pole-like device used to mount a horizontal axis wind turbine.

Wind Turbine Tower Height: The distance measured from grade to the bottom of the nacelle.

Yard: A space on the same lot with a primary building that is open and unobstructed except as otherwise authorized by this Unified Development Ordinance. All required yards shall be kept free of all material including but not limited to, buildings, structures, material for sale, storage, advertising or display to attract attention and parking lots.



Yard, Front: The horizontal space between the nearest foundation of a building or structural appurtenance, or roof eave (whichever is closer) to the Front Lot Line, extending to the side lines of the lot, and measured as the shortest distance from that foundation to the Front Lot Line. (See graphic for "Yard").

Yard, Rear: The horizontal space between the nearest foundation or structural appurtenance of a building to a rear lot line and that rear lot line, extending to the side lines of the lot, and measured as the shortest distance from the foundation to the rear lot line. Corner lots do not have rear yards, rather they have two side yards. (See graphic for "Yard").

Yard, Side: The horizontal space between the nearest foundation or structural appurtenance of a building to the side lot line. (See graphic for "Yard").

Zoning Administrator: The officer delegated the responsibility for the administration of this Unified Development Ordinance's regulations by the Plan Commission. The term “Zoning Administrator” includes his/her authorized representatives.

Zoning District: See "District."

Zoning Map: See "Official Zoning Map.

Definitions to Add to Article 11: Definitions

Antenna: Any communications equipment that transmits or receives electromagnetic radio signals used in the provision of wireless communications service.

Base Station: A station located at a specific site that is authorized to communicate with mobile stations. The term includes all radio transceivers, antennas, coaxial cables, power supplies, and other electronics associated with a station.

Business Day: A day other than a Saturday, Sunday, or a legal holiday (as defined in IC 1-1-9-1).

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 buildings or structures. The term includes the placement, replacement, or modification of wireless facilities within an approved equipment compound.

Driveway: A private means of access leading from a street or other thoroughfare to a building, house, garage, etc. that is contained entirely on the lot it serves and is not located on an off-site easement.

Driveway Permit: A permit issued by the Highway Superintendent for a driveway cut accessing a public street.

Electrical Transmission Tower: A structure that physically supports high voltage overhead power lines. The term does not include a utility pole.

Equipment Compound: The area that surrounds or is near the base of a wireless support structure; and encloses wireless facilities.

Existing Structure: A structure which is present, available, or in operation. An existing structure does not include a utility pole or an electrical transmission tower.

Small Cell Facility: Either a

1. personal wireless service facility (as defined by the Federal Telecommunications Act of 1996 as in effect on July 1, 2015); or
2. wireless service facility that satisfies the following requirements:
    a. Each antenna, including exposed elements, has a volume of three (3) cubic feet or less.
    b. All antennas, including exposed elements, have a total volume of six (6) cubic feet or less.
    c. The primary equipment enclosure located with the facility has a volume of seventeen (17) cubic feet or less. For purposes of this clause (c), the volume of the primary equipment enclosure does not include the following equipment that is located outside the primary equipment enclosure: electric meters; concealment equipment;

telecommunications demarcation boxes; ground-based enclosures; back up power systems; grounding equipment; power transfer switches; cut off switches.

Small Cell Network: A collection of interrelated small cell facilities designed to deliver wireless service.

Substantial Modification of a Wireless Support Structure: The mounting of a wireless facility on a wireless support structure in a manner that either:

1. Increases the height of the wireless support structure by ten percent (10%) of the original height of the wireless support structure, or twenty (20) feet, whichever is greater;
2. Adds an appurtenance to the wireless support structure that protrudes horizontally from the wireless support structure more than twenty (20) feet, or the width of the wireless support structure at the location of the appurtenance, whichever is greater; or
3. Increases the square footage of the equipment compound in which the wireless facility is located by more than two thousand five hundred (2,500) square feet.

However, notwithstanding subdivisions (1), (2), and (3), the term does not include any of the following:

a. Increasing the height of a wireless support structure to avoid interfering with an existing antenna.
b. Increasing the diameter or area of a wireless support structure to shelter an antenna from inclement weather, or to connect an antenna to the wireless support structure by cable.
c. Any modification of a wireless support structure or base station that involves only collocation, removal of transmission equipment, or replacement of transmission equipment.

Utility Pole: A structure (other than a wireless support structure or electrical transmission tower) that is:

1. Owned or owned or operated by a public utility, a communications service provider, a political subdivision, an electric membership corporation, or a rural electric cooperative; and
2. Designed and used to carry lines, cables, or wires for telephony, cable television, or electricity, or to provide lighting.

Wellhead: A drainage area that supplies water to a public well.

Wellhead Protection: A way to prevent drinking water from becoming polluted by managing potential sources of contamination in an area which supplies water to a public well.

Wireless Facility: The set of equipment and network components necessary to provide wireless communications service. The term does not include a wireless support structure.

Wireless Support Structure: A freestanding structure designed to support wireless facilities. The term does not include a utility pole or electrical transmission tower.

Appendix

A

Land Use Matrix

Jasper County Unified Development Ordinance

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GroundRules
website www.groundrulesinc.com

Accessory Uses

	CO	PR	A1	A2	A3	A4	ER	R1	R2	VR	M1	M2	MP	IS	LB	GC	HC	CP	I1	I2	HI
Accessory Uses																					
agricultural tourism			P	P																	
bio-diesel production ≤ 5,000 gallons per year with on-site consumption			P	P																	
farmers market		P																			
home business (type 1)			P	P			P	P	P	P	P	P	P								
home business (type 2)			P	P			P	S	S	S	S										
home business (type 3)			S	S			S														
home enterprise kennel			S	S																	
meteorological tower			S	S																	
roadside sales			P	P			S														
wind turbine system, large	P	P	P	P	P									P				P	P	P	P
wind turbine system, small	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

Agricultural Uses

	CO	PR	A1	A2	A3	A4	BR	R1	R2	VR	M1	M2	MP	IS	LB	GC	HC	CP	I1	I2	HI
Agricultural Uses																					
agricultural crop production			P	P	P														P	P	P
agricultural crop production, organic	P		P	P																	
agricultural products, processing				S	P	P															
agricultural products, sale						P															
agricultural products, storage			P	P	P	P															
confined feeding (level 1)			P		P																
confined feeding (level 2)					P																
confined feeding (level 3)					S																
forestry			P	P																	
grain elevator						P															
hobby farming				P			P														
land conservation	P		P																		
orchard			P	P	P	P															
plant nursery, wholesale			P	P	P	P															
raising of exotic animals			S																		
raising of farm animals			P	P	P					P											
stable (private)			P	P			P														
stable (public)				S		S															
tree farm, wholesale			P	P	P	P															
vineyard			P	P																	

Commercial Uses

	CO	PR	A1	A2	A3	A4	ER	R1	R2	VR	M1	M2	MP	IS	LB	GC	HC	CP	I1	I2	HI
Commercial Uses																					
agriculture supply store						P															
animal grooming						P															
auction, indoor																S					
automobile oriented business (type 1)															S	P					
automobile oriented business (type 2)																S					
bakery										S					P	P					
bank																		P			
bank machine/atm, drive-up																	P				
bank machine/atm, walk-up															P	P					
bar /tavern																P					
barber or beauty shop																P					
campground (primitive)	S																				
campground (serviced)		S																			
club or lodge															P						
coffee shop										S					P	P	P				
coin laundry																P					
computer service															P	P					
conservation club	S																				
counseling center																P					
country club		P																			
crematory																P					
day care															P	P					
delicatessen										S					P	P	P				
donation collection point																P					
driving range		S																			
express shipping center																		P			
farm implement sales and service						P															
farmers market						P															
funeral home																P					
gas station																S	P				
golf course		P																			
hotel or motel																	P				
ice cream shop															P	P					
kennel						S															
medical clinic																P					
office, general										S						P		P			
office, general (upper floors only)															S						
office, medical																		P			
outdoor advertising			S																S	S	
paintball facility		S																			
physical fitness facility																P					
plant nursery, retail						P															
printer, commercial																		P			
recreation center (indoor)		S														S					

Commercial Uses

	CO	PR	A1	A2	A3	A4	EP	R1	R2	VR	M1	M2	MP	IS	LB	GC	HC	CP	I1	I2	HI
Commercial Uses																					
recreation center (outdoor)		S															S				
recreation vehicle park		S																			
restaurant										S					P	P	P	P			
restaurant with drive-up window																S	P				
retail, agriculture related						P															
retail (type 1) very low intensity										S					P	P	S				
retail (type 2) low intensity															S	P	P				
retail (type 3) medium intensity																P	S				
seamstress/tailor																P					
self-storage warehouse																S					
shooting range (indoor)						S															P
shooting range (outdoor)			S																		P
skate park, commercial		S																			
software development																		P			
sports field (indoor)		S																			
sports field (outdoor)		P																			
studio arts																P					
tool/equipment rental (indoor)						P															
tool/equipment rental (outdoor)						S													P		
trade or business school																		P			
travel agency																P					
tree farm, retail						P															
truck stop																	S				
veterinary clinic						P															
water park		S																			
winery				S		P															

Industrial Uses

	CO	PR	A1	A2	A3	A4	ER	R1	R2	VR	M1	M2	MP	IS	LB	GC	HC	CP	I1	I2	HI
Industrial Uses																					
asphalt plant																				P	
assembly																			P	P	
bio-diesel production																				P	
bio-fuels production																					P
bottling/canning																				P	
broadcast facility																				P	
chemical manufacturing																				S	
composting facility																					P
concrete plant																				P	
construction materials landfill																					P
distribution facility																			S	P	
electrical generation plant																					P
farm equipment repair						P															
food processing																				P	
freight terminal																			S	P	
heavy equipment repair																				P	
incinerator																					P
junk yard																					P
liquid fertilizer distribution						S														P	
manufacturing, heavy																				S	
manufacturing, light																			P	P	
materials recycling (type 1)																			P		
materials recycling (type 2)																			S	P	
materials recycling (type 3)																					P
mining, rock or sand																					P
outdoor storage																				P	
petroleum processing																					S
printer, industrial																			P	P	
recycling processing																				S	
rendering plant																					S
research center, general																		P	P	P	
research center, medical																		P			
rock crushing																					P
sanitary landfill/refuse dump																					P
scrap metal yard																					P
sewage treatment facility, private																				P	
sign fabrication																			S	P	
storage tanks (hazardous)																					P
storage tanks (non-hazardous)																				P	
wireless ~~telecommunication~~ facility		S												P					P	P	
testing lab, electronic																			P	P	
testing lab, materials																			P	P	
tool and die shop																			P	P	

Industrial Uses

	CO	PR	A1	A2	A3	A4	BR	R1	R2	VR	M1	M2	MP	IS	LB	GC	HC	CP	I1	I2	HI
Industrial Uses																					
transfer station																				P	P
warehouse																			P	P	
water treatment facility, private																				P	
welding service						P													P	P	
wholesale produce terminal																				P	

Institutional Uses

	CO	PR	A1	A2	A3	A4	ER	R1	R2	VR	M1	M2	MP	IS	LB	GC	HC	CP	I1	I2	HI
Institutional Uses																					
airport, public														P							
cemetery or mausoleum														P							
child care institution														P							
community center														P							
fairground														P							
fire, police, or rescue station														P							
government office														P							
government operations facility														P					P		
heliport, public														P							
hospice facility														P							
hospital														P				P			
jail														S							
juvenile detention facility														S							
library														P							
museum														P							
nature center	P	P																			
nature preserve	P																				
park, public	S	P																			
parking lot, public														P							
place of worship														P		P					
post office														P							
prison																					P
recycling collection point														S						P	
rehabilition clinic, medical														P							
school (P-12), private														P							
school (P-12), public														P							
sewage treatment facility, public														P							
sports stadium														P							
transit station														S							
university or college														P				P			
water tower														P							
water treatment facility, public														P							
wellhead, public														P							
wildlife preserve	P																				

Residential Uses

	CO	PR	A1	A2	A3	A4	ER	R1	R2	VR	M1	M2	MP	IS	LB	GC	HC	CP	I1	I2	HI
Residential Uses																					
assisted living facility											S	P									
bed and breakfast				S			S														
caretakers residence	S	S																			
dwelling, duplex (2 units)										S	P	S									
dwelling, manufactured home													P								
dwelling, multiple-family (3 to 4 units)											S	P									
dwelling, multiple-family (5 to 8 units)												P									
dwelling, multiple-family (9 to 14 units)												S									
dwelling, single-family attached											S										
dwelling, single-family detached			~~S~~ P	P	S		P	P	P	P	P		S				S				
dwelling, upper floor (1 unit)										S					S						
fair housing facility (large)														S							
fair housing facility (small)				P			P	P	P	P	P										
farmstead			P		P																
manufactured home park													P								
nursing home												P		P							
retirement community												P									