

UNIFIED DEVELOPMENT ORDINANCE



# SCOTTSBURG

INDIANA



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# CHAPTER 1

## INTRODUCTORY PROVISIONS AND ADMINISTRATION

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## A. GENERAL PROVISIONS

1. **Title.** This ordinance shall be formally known as the “Unified Development Ordinance” or the “UDO” for the jurisdiction of the Scottsburg Advisory Plan Commission. It may also be referred to as the “ordinance.”
2. **Intent.**
  - a. The intent of the UDO is to promote orderly development while aligning with the vision of the Scottsburg Comprehensive Plan to:
    - i. Accomplish the purposes of IC 36-7-4 Series: Local Planning & Zoning; and further such other purposes as stated hereinafter within specific provisions of this UDO;
    - ii. Protect and promote public health, safety, morals, and general welfare of the jurisdiction;
    - iii. Guide the orderly, responsible, and sustainable development and redevelopment in accordance with the Scottsburg Comprehensive Plan, including all of the plan components;
    - iv. Define the powers and duties of administrative officers and bodies as provided herein, and to establish procedures for the implementation and enforcement of this UDO;
    - v. Establish reasonable standards and procedures for subdivisions in order to further the orderly layout and use of land;
    - vi. Protect the character and stability of agricultural, residential, institutional, business, commercial, industrial, and natural areas;
    - vii. Encourage compatibility between different land uses and to protect the scale and character of existing development from the encroachment of incompatible uses;
    - viii. Facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public facilities; and
    - ix. Establish corrective and punitive recourse for violations or noncompliance regarding the provisions of this UDO.
  - b. The purpose of this UDO is also to combine the City’s Zoning Ordinance and Subdivision Control Ordinance into a single document to reduce redundancies, provide a more predictable development review process, and provide a user-friendly document.
    - i. **Zoning Ordinance Provisions.** The regulations established for the administration of a Zoning Ordinance under IC 36-7-4-600 series are covered specifically in this UDO by Chapters 1, 2, 3, 4, 7, 8, and 9.
    - ii. **Subdivision Control Ordinance Provisions.** The regulations established for the administration of a Subdivision Control Ordinance under IC 36-7-4-700 series are covered specifically in this UDO by Chapters 1, 5, 6, 7, 8, and 9.
3. **Defined Terms.** Specific words and terms relative to this UDO are as defined in Chapter 9.B: Definitions. Words or terms used in this UDO that are not defined shall be as defined by a current dictionary.
4. **Severability.** If any provision of the application of any provision of this UDO is held unconstitutional or invalid by the courts, the remainder of the UDO or the application of such provision to other circumstances shall not be affected.



5. **Minimum Requirements and Conflicts.**
  - a. The provisions of this UDO are the minimum requirements necessary for the protection of the health, safety, comfort, morals, and general welfare of the people at large.
  - b. If two (2) or more provisions within this ordinance UDO are in conflict or are inconsistent with one another, or in conflict with other local, state, and federal standards, the provision which is most restrictive shall control.
6. **Use of Graphics, Tables, Illustrations, Figures, and Cross-References.**
  - a. Graphics, illustrations, and figures are provided for illustrative purposes only and shall not be construed as regulations. Where a conflict may occur between the text and any graphic, illustration, or figure, the text shall control.
  - b. In some instances, cross-references between chapters, sections, and subsections are provided that include the chapter, section, or subsection number along with the name of the referenced chapter, section, or subsection. Where a conflict may occur between the given cross-reference number and name, the name shall control.
  - c. A table shall be considered text for the purposes of this code unless specifically identified as a figure.
7. **Burden of Proof.** The burden of demonstrating that an application, development, structure, use of land, or other element that is subject to this UDO complies with all applicable standards, processes, and regulations is on the applicant and/or property owner. The burden is not on the city or other parties to demonstrate that the standards of this UDO have been met by the applicant and/or property owner.
8. **Statutory Changes.** If any Indiana Code cited in this UDO has been amended, this UDO shall be deemed amended, in the minimum way necessary, in order to comply with the new or revised Indiana Code.
9. **Repealer.** All previous ordinances and regulations regarding zoning and subdivision control within the jurisdiction of the City of Scottsburg are replaced by the adoption of this UDO and Official Zoning Map.
10. **Effective Date.** This ordinance shall be in full force and effect upon adoption.

## B. APPLICABILITY, AUTHORITY, AND JURISDICTION

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

## C. TRANSITION POLICIES

### 1. Pending Applications and Permits

- a. **Pending Applications.** Applications that are received prior to the adoption of this UDO shall continue their respective process pursuant to the rules and provisions that were in place at the time of filing. This includes applications before the City Council, the Advisory Plan Commission (PC), and the Board of Zoning Appeals (BZA) as well as applications for Improvement Location Permits (ILP).
- b. **Permits Issued.** A permit for an ILP or a BP that was issued prior to the adoption of this UDO shall remain valid for the timeframe and provisions established by the regulations that were in effect at the time of filing. If applicable, a valid permit may be renewed per the provisions established by the regulations that were in effect at the time of filing. Permits that have expired per the provisions established by the regulations that were in effect at the time of filing and need to be resubmitted shall now be subject to the regulations established by this UDO.

### 2. Approved Plats/Subdivisions.

Because subdivisions are subject to approval for both the primary plat and secondary plat, the following policies for transition apply:

#### a. Primary Plat.

- i. Any primary plat that was approved by regulations that were in place prior to the adoption of this UDO shall continue its respective process pursuant to the rules and provisions that were in place at the time of filing provided the approved primary plat has not expired per any previous terms or conditions that were in place and is otherwise still valid under said previous regulations.
- ii. If the previous provisions did not identify an expiration for primary plat approval and an application for secondary (all or in part) has not been received and approved within one (1) year after the date of the adoption of this UDO, then said primary plat shall automatically expire two (2) years after the date of the adoption of this UDO.

- b. **Secondary Plat.** The rules and regulations (including lot, structure, and utility standards) as well as any previous terms or conditions that were in place at the time the primary plat was approved shall apply to the secondary plat (all or in part) as long as the primary plat remains valid and has not expired.

### 3. Commitments or Conditions.

Commitments or conditions (whether recorded or not) that were made as part of an approval before the County Commissioners, City Council, a PC, or BZA or as part of an application for an ILP or BP prior to the adoption of this UDO shall remain in full effect regardless of any resulting changes in regulations that are established by this UDO. Commitments or conditions may be modified pursuant to the applicable process outline in Chapter 7.K.3: Commitments. of this UDO and/or the applicable PC Rules and Procedures or BZA Rules and Procedures.

### 4. Property Not Included.

Property that has not been specifically included within a district is hereby declared to be in the Residential (R-1), except for property designated as limited-access or interstate highway right-of-way.

## D. UDO ADMINISTRATION: ADMINISTRATOR

1. **Administrator Duties.** The Administrator shall be appointed by the Plan Commission. The Administrator shall have the following duties:
  - a. Administer and enforce the provisions of this UDO in accordance with its literal terms and shall not have the power to permit any construction or any use or change of use which does not conform to this UDO;
  - b. Issue ILPs and Certificates of Occupancy;
  - c. Maintain a permanent file of all permits and applications as public records; and
  - d. All other duties as outlined in the Administrator's job description.
2. **Administrative Decisions.** Whenever, in the course of administration and enforcement of this UDO, it is necessary to make an administrative decision which is not clearly governed by standards contained herein, such decision shall be made so that the result will not be contrary to the spirit and purpose of this UDO or injurious to the area affected. Any such decision can be appealed to the BZA per Chapter 7.B: Appeal of Administrative Procedures.

## E. UDO ADMINISTRATION: ADVISORY PLAN COMMISSION

1. **PC Establishment and Membership.** The PC shall be established in accordance with IC 36-7-4-200 series.
  - a. Because the city has a parks board and a city civil engineer, the PC shall have membership in accordance with IC 36-7-4-207(a).
  - b. Because the city has exercised jurisdiction outside of the incorporated area of the city as provided for in IC 36-7-4-205, the PC shall have additional members in accordance with IC 36-7-4-214 and IC 36-7-4-215.
2. **PC Jurisdiction.** The PC shall have jurisdiction over all land covered by the jurisdiction of this UDO.
3. **PC Organization.** The PC shall be organized in accordance with IC 36-7-4-300 Series.
  - a. **Quorum.** In accordance with IC 36-7-4-301, a quorum of the PC consists of a majority of the entire membership of the PC.
  - b. **Official Action.** In accordance with IC 36-7-4-302, action of the PC is not official unless it occurs at a regular or special meeting, by a majority of the entire voting membership of the PC.
  - c. **President and Vice President.** In accordance with IC 36-7-4-303, at the first regular meeting in each year, the plan commission shall elect a president and a vice president from its members.
  - d. **Secretary.** In accordance with IC 36-7-4-304, the plan commission shall appoint a secretary at the first regular meeting in each year, who is not required to be a member of the commission.
4. **PC Meeting and Minutes.**
  - a. **Regular Meetings.** In accordance with IC 36-7-4-306, the PC shall hold regular monthly meetings as necessary, keep minutes of its proceedings, keep records of its examinations and other official acts, and shall record and vote on all actions taken. All minutes and records shall be filed in the office of the Administrator and shall be on public record.
  - b. **Special Meetings.** In accordance with IC 36-7-4-307, a special meeting of the PC may be called by the president or by two (2) members of the PC upon written request to the Administrator.
5. **Employees.** In accordance with IC 36-7-4-311, the PC may appoint, prescribe duties, and fix the compensation of employees as necessary for the discharge of the duties of the PC. This compensation must be in conformity with salaries and compensation fixed by the City Council. The PC may contract for special or temporary services and professional counsel.
6. **PC Powers and Duties.** The PC shall have the following powers and duties as authorized in IC 36-7-4-400 series et. seq including the following.
  - a. **Executive Committee.** Per IC 36-7-4-408, the PC may establish an executive committee of not less than three (3) nor more than nine (9) persons appointed by the PC from its membership. The establishment of the executive committee, the naming of its individual members, and the adoption of rules governing its operation requires a two-thirds (2/3) majority vote of the entire membership of the commission. A majority of the executive committee may act on behalf of the commission, but if there are any dissenting votes, a person voting in the minority may appeal the decision of the executive committee to the PC.
  - b. **Fees.** Per IC 36-7-4-411, the PC may establish a fee schedule to defray the administrative costs associated with PC and BZA petitions, issuing permits, and other permitted actions.
  - c. **Rules and Procedures.** The PC shall adopt rules for its administration.
  - d. **Comprehensive Plan.** The PC shall approve and make amendments to the Scottsburg Comprehensive Plan for the consideration by the City Council in accordance with IC 36-7-4-500 series.

- e. **Development Plans.** The PC shall make decisions regarding development plans or delegate this authority to the Administrator in accordance with Chapter 7.C: Development Plan Procedures and IC 36-7-4-1400 series.
  - f. **Planned Unit Developments (PUD).** The PC shall make recommendations to the City Council concerning the adoption of and amendments to a PUD in accordance with Chapter 7.F: Zone Map Change and PUD District Procedures and IC 36-7-4-1500 series.
  - g. **Streets and Addresses.** The president of the legislative body shall name or rename streets and assign addresses, however, this responsibility may be delegated to the PC or the Administrator by ordinance.
  - h. **Subdivisions.** The PC shall make decisions regarding plats, replats, and amendments to plats in accordance with Chapter 7.D: Major Subdivision Procedures and Chapter 7.E: Minor Subdivision Procedures, the PC Rules and Procedures, and IC 36-7-4-700 series, including:
    - i. Primary Plat as described in IC 36-7-4-702; and
    - ii. Secondary Plat as described in IC 36-7-4-709. The PC may delegate the authority to approve secondary plats to the Administrator.
  - i. **Zone Map Changes.** The PC shall make recommendations to the City Council concerning changes to the zoning map in accordance with Chapter 7.F: Zone Map Change and PUD District Procedures, IC 36-7-4-600 series, and IC 36-7-4-1500 series.
7. **PC Committees.** The following are established as committees of the Plan Commission as outlined in the PC Rules and Procedures.
- a. **Technical Advisory Committee (TAC).** The TAC may assist in the review of applications by providing expert advice with regard to technical specifications, adequate capacity, public safety, and/or other specifications.
    - i. **Membership.** The TAC may include, but are not limited to, Planning Director/Administrator, Parks Department, Public Works Department, City Engineer, Fire District(s), Water Utility(ies), Sewer Utility(ies), Scott County Surveyor, Scott County Health Department, and/or public school district(s), as appropriate.
    - ii. **Duties.** The TAC may be used on an as needed basis and have the following powers and duties to provide review and comment on:
      - 1) Primary and secondary subdivisions;
      - 2) Zoning map amendments (rezoning) and PUD districts;
      - 3) Development plans; and
      - 4) Variances, variances of use, and special exceptions.
  - b. **Scottsburg Historic Review Board (SHRB).** The SHRB may assist in the review of applications by providing advice with regard to the design and historic compatibility of development within the Scottsburg Courthouse Square Historic District and the Scottsburg Gateway Conservation District.
    - i. **Membership.** The SHRB may include, but are not limited to, Planning Director/Administrator or their designee, City Engineer or their designee, Director of the Southern Regional Office of Indiana Landmarks or their designee, Fire Chief or their designee, and one designee appointed by the Plan Commission that does not serve on the Plan Commission, as appropriate.

- ii. **Duties.** The SHRB may be used on an as needed basis and have the following powers and duties to provide review, comment, and recommendation on:
  - 1) New non-residential development within the Scottsburg Courthouse Square Historic District and the Scottsburg Gateway Conservation District; and
  - 2) Exterior expansion or alteration of non-residential development within the Scottsburg Courthouse Square Historic District and the Scottsburg Gateway Conservation District.

## F. UDO ADMINISTRATION: BOARD OF ZONING APPEALS

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



# CHAPTER 2

## ZONING AND OVERLAY DISTRICTS

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## A. GENERAL PROVISIONS

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

LAND USE CATEGORY	NAME OF DISTRICT	ABBREVIATION
Agricultural	Agriculture and Rural Residential	A-1
	Low-Density Residential	R-1
Residential	Medium-Density Residential	R-2
	High-Density Residential	R-3
	Downtown Historic	DHD
Commercial	Neighborhood Business	B-1
	General Business	B-2
	Light Industrial	I-1
Industrial	Heavy Industrial	I-2
	Planned Unit Development	PUD

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

NAME OF OVERLAY DISTRICT	ABBREVIATION
Floodplain Overlay	FPO
McClain Avenue Overlay	MAO

3. **Official Zoning Map.** The Official Zoning Map is a geographic coverage layer that is maintained as part of Scottsburg’s Geographic Information System (GIS) under the direction of the Administrator. This map shall be revised as changes are approved as permitted by this UDO (such as rezonings) or to correct drafting errors, clerical errors, or omissions on the map.
  - a. **District Boundaries.** The location and boundaries of the zoning districts are hereby established on a map entitled “Official Zoning Map,” as it may be amended from time to time, which accompanies and is hereby incorporated in and made a part of this UDO by reference.
  - b. **Interpretation of Boundaries.** All questions concerning the exact location of zoning district boundary lines shall be determined by the Administrator. An appeal of the Administrator’s interpretation may be filed with the BZA per Chapter 7.B: Appeal of Administrative Procedures.
  - c. **Zoning Map Production.** The Administrator may authorize printed copies of the Official Zoning Map to be produced and shall maintain digital or printed copies of superseded versions of the Official Zoning Map for historical reference.
4. **Land Uses.**
  - a. **Land Uses Listed in UDO.** The respective section for each zoning district and overlay district identifies the common land uses that are “permitted” or allowed by “special exception.” Any land use not listed for a particular zoning district (or not deemed sufficiently similar to a listed use by the Administrator as described in the process in Chapter 2.A.4.b: Land Uses Not Listed in UDO.) shall be prohibited unless a Use Variance is approved by the BZA.

- b. **Land Uses Not Listed in UDO.** For land uses not listed, the Administrator shall determine if the desired land use is similar to a listed land use based on the following:
- i. **Administrative Decisions for Unlisted Land Uses.**
    - 1) **Unlisted Use is Similar to a Listed Use.** If the desired land use is determined to be similar to a land use listed in the UDO, the respective process and development standards for the similar use shall be followed.
    - 2) **Unlisted Use is Not Similar to a Listed Use.** If the Administrator determines that the desired land use is not similar to a listed land use, then the desired land use shall be prohibited unless a Use Variance is approved by the BZA.
    - 3) **Uncertainty or Disagreement.** In the case of uncertainty or disagreement of classifying a land use, the Administrator may refer the request for land use clarification or classification to the BZA for consideration and final decision.
  - ii. **Criteria for Classifying Unlisted Land Uses.**
    - 1) **Intensity.** Is the unlisted use similar in the amount of activity and type of activity to a listed use?
    - 2) **Character.** Does the unlisted use have similar physical characteristics, structures, scale, operational hours, or other features similar to a listed use?
    - 3) **Accessory Uses and Structures.** Does the unlisted use have similar potential for accessory uses and/or structures to a listed accessory use? Or if it is an accessory use, is it incidental to, necessary, and/or compatible with a permitted primary use?
    - 4) **Intent.** Is the unlisted use compatible with the purpose of the subject zoning district and consistent with the Comprehensive Plan?
5. **Development Standards Measurement.** Chapter 9.B: Definitions specifies how the lot width, setback, and building height are measured and defined.
6. **Encroachment Permitted in Required Setback.**
- a. **Parking.** Parking spaces shall be at least (10) feet from any right-of-way or proposed right-of-way and may not be within any required setback or bufferyard. This does not apply to single-family and two-family parking.
  - b. **Structures.** Architectural features such as cornices, chimneys, eaves, sills, canopies or similar features, or open platforms, porches, or landings may extend into the required side yard setback no more than two (2) feet and front or rear yard setback no more than three (3) feet.
  - c. **Sight Triangle.** No structure, planting, parking area or similar may encroach into a sight triangle.
7. **Lots.** Every primary structure hereafter erected, except agricultural structures not used for human habitation, shall be located on an individual lot which fronts on a street or private driveway. No building or structure shall hereafter be erected or located on a lot unless such lot conforms with the lot area regulations of the district in which it is located or in accordance with Chapter 8: Non-Conforming Lots, Structures, And Uses.
8. **Additional Use and Site Standards.**
- a. Additional use standards and/or site standards may apply to each zoning district and/or use. If use standards and/or site standards conflict with the development standards, the more restrictive shall apply.

- b. All development in all zoning districts that are within the boundaries of the Scottsburg Courthouse Square Historic District shall comply with the Downtown Scottsburg Downtown Historic Design Guidelines. If there are conflicts between the base zoning district and the Scottsburg Courthouse Square Historic District, the standards of the Scottsburg Courthouse Square Historic District shall apply.
  - c. All development in all zoning districts that are within the boundaries of the Scottsburg Gateway Conservation District shall comply with the Scottsburg Gateway Conservation District Design Guidelines. If there are conflicts between the base zoning district and the Scottsburg Gateway Conservation District, the standards of the Scottsburg Gateway Conservation District shall apply.
9. **Dedication of Right-of-Way.** The width of all rights-of-way shall comply with the minimum standards outlined in this UDO. If a right-of-way width is less than the minimum required, additional right-of-way shall be dedicated and conveyed to the City of Scottsburg as required to meet the minimum standards prior to the issuance of an Improvement Location Permit (ILP).

## B. AGRICULTURE AND RURAL RESIDENTIAL DISTRICT (A-1)

1. **A-1 Intent.** The purpose of the A-1 District is to provide areas suitable for agricultural and very low-density, single-family development. This district also allows low-intensity agricultural uses as a primary use or accessory to the primary residential use. In this district, platted subdivisions are preferred over lot-by-lot development.
2. **A-1 Standards.**
  - a. All subdivisions require subdivision approval unless exempt (See Chapter 5.B: Exempt Subdivisions).
  - b. All new primary structures require development plan approval except single-family dwellings.
  - c. All development may be subject to provisions in the Scottsburg Drainage Ordinance.
  - d. One primary use is permitted per parcel and one primary structure is permitted per parcel.

A-1 PERMITTED USES			
USE TYPE	LISTED USES		ADDITIONAL STANDARDS
Accessory	<ul style="list-style-type: none"> <li>▪ Subdivision Clubhouse</li> <li>▪ Produce Stand</li> </ul>		<ul style="list-style-type: none"> <li>▪ Dwelling, Accessory</li> <li>▪ Home Occupation</li> <li>▪ Solar Energy System (SES), Personal</li> <li>▪ Wind Energy System (WECS), Personal</li> </ul>
Agricultural	<ul style="list-style-type: none"> <li>▪ Agricultural Product Processing</li> <li>▪ Agricultural Support Services</li> <li>▪ Livestock, Production</li> </ul>	<ul style="list-style-type: none"> <li>▪ Row, Field, Tree, and Nursery Crop Cultivation</li> <li>▪ Veterinarian Office</li> <li>▪ Wildlife and Nature Preserve</li> </ul>	
Commercial	<ul style="list-style-type: none"> <li>▪ Kennel, Personal</li> </ul>		<ul style="list-style-type: none"> <li>▪ Short-Term Rental</li> </ul>
Institutional	<ul style="list-style-type: none"> <li>▪ Emergency Response Facility</li> <li>▪ Funeral Home and Mortuary</li> <li>▪ Governmental Offices</li> </ul>	<ul style="list-style-type: none"> <li>▪ Library</li> <li>▪ Park (excluding Amusement Park)</li> <li>▪ Place of Worship</li> </ul>	
Residential	<ul style="list-style-type: none"> <li>▪ Dwelling, Single-Family</li> </ul>	<ul style="list-style-type: none"> <li>▪ Farmstead</li> </ul>	
A-1 SPECIAL EXCEPTION USES			
USE TYPE	LISTED USES		ADDITIONAL STANDARDS
Accessory	<ul style="list-style-type: none"> <li>▪ Childcare Home (In-Home Childcare)</li> </ul>	<ul style="list-style-type: none"> <li>▪ Farmer’s Market</li> </ul>	<ul style="list-style-type: none"> <li>▪ Agritourism</li> <li>▪ Home-Based Business</li> </ul>
Agricultural	<ul style="list-style-type: none"> <li>▪ Concentrated Animal Feeding Operation (CAFO) and Confined Feeding Operation (CFO)</li> <li>▪ Equestrian Facility</li> </ul>	<ul style="list-style-type: none"> <li>▪ Livestock, Wholesale Trade Meat Processing</li> <li>▪ Mineral Extraction and Processing</li> <li>▪ Timber Processing</li> </ul>	
Commercial	<ul style="list-style-type: none"> <li>▪ Auditorium, Indoor</li> <li>▪ Bed and Breakfast</li> <li>▪ Day Care Facility</li> <li>▪ Farm Chemical Supply Sales</li> <li>▪ Golf Course and Driving Range</li> <li>▪ Kennel, Commercial</li> </ul>	<ul style="list-style-type: none"> <li>▪ Medical Offices and Outpatient Services (no on-site dispensing of medicine)</li> <li>▪ Nursing Home</li> <li>▪ Recreational Facility</li> <li>▪ Shooting Range and Gun Club, Outdoor and Indoor</li> </ul>	<ul style="list-style-type: none"> <li>▪ Campground and Recreational Vehicle Park</li> </ul>
Institutional	<ul style="list-style-type: none"> <li>▪ Airport and Heliport</li> <li>▪ Cemetery, Columbaria, and Mausoleum</li> <li>▪ Crematory</li> <li>▪ Hospital</li> </ul>	<ul style="list-style-type: none"> <li>▪ Penal and Correction Facility</li> <li>▪ School and Preschool</li> <li>▪ Utility Facility, Public and Private</li> </ul>	<ul style="list-style-type: none"> <li>▪ Solar Energy System (SES), Commercial</li> <li>▪ Wind Energy System (WECS), Commercial</li> <li>▪ Wireless Communication Facility</li> </ul>
Residential	<ul style="list-style-type: none"> <li>▪ Group Home</li> </ul>		

<b>A-1 STRUCTURE AND LOT STANDARDS</b>		
	<b>Residential Uses</b>	<b>All Other Uses</b>
<b>Structure Standards</b>		
Maximum Structure Height	Primary: 40 feet Accessory: 40 feet <sup>1</sup>	50 feet <sup>1,2</sup>
Minimum Structure Width	20 feet	N/A
Minimum Living Area	1,000 sq ft	N/A
<b>Lot Standards</b>		
Minimum Road Frontage <sup>3</sup>	200 feet	200 feet
Minimum Lot Area	2 acres	2 acres
Minimum Front Yard Setback	50 feet	50 feet
Minimum Side Yard Setback	Primary: 30 feet Accessory: 10 feet	30 feet
Minimum Rear Yard Setback	Primary: 30 feet Accessory: 10 feet	30 feet
Maximum Impervious Surface	35 %	35%
<b>Utility Standards</b>		
Municipal Water and Sewer	Not Required	Not Required

1 – Accessory structures cannot exceed the height of the primary structure. The total square footage of all accessory structures, excluding fences, cannot exceed the total square footage of the primary structure.

2 – Agricultural land uses are exempt from this standard.

3 – Flag lots shall comply with road frontage standards as defined by Chapter 9.B: Definitions.

## C. LOW-DENSITY RESIDENTIAL DISTRICT (R-1)

1. **R-1 Intent.** The purpose of the R-1 District is to provide areas suitable for low-density residential neighborhoods that are served by public utilities and infrastructure.
2. **R-1 Standards.**
  - a. All subdivisions require subdivision approval unless exempt (see Chapter 5.B: Exempt Subdivisions).
  - b. All new primary structures require development plan approval except single-family and two-family dwellings.
  - c. All development may be subject to the provisions in the Scottsburg Drainage Ordinance.
  - d. One primary use is permitted per parcel and one primary structure is permitted per parcel.

R-1 PERMITTED USES		
USE TYPE	LISTED USES	ADDITIONAL STANDARDS
Accessory	<ul style="list-style-type: none"> <li>▪ Subdivision Clubhouse</li> </ul>	<ul style="list-style-type: none"> <li>▪ Dwelling, Accessory</li> <li>▪ Home Occupation</li> <li>▪ Non-Commercial Livestock</li> <li>▪ Solar Energy System, Accessory</li> <li>▪ Wind Energy System, Small and Mini</li> </ul>
Commercial	<ul style="list-style-type: none"> <li>▪ Golf Course and Driving Range</li> </ul>	
Institutional	<ul style="list-style-type: none"> <li>▪ Emergency Response Facility</li> <li>▪ Governmental Office</li> <li>▪ Library</li> </ul>	<ul style="list-style-type: none"> <li>▪ Park (excluding Amusement Park)</li> </ul>
Residential	<ul style="list-style-type: none"> <li>▪ Dwelling, Single-Family</li> </ul>	
R-1 SPECIAL EXCEPTION USES		
USE TYPE	LISTED USES	ADDITIONAL STANDARDS
Accessory	<ul style="list-style-type: none"> <li>▪ Child Care Home (In-Home Childcare)</li> </ul>	<ul style="list-style-type: none"> <li>▪ Home-Based Business</li> </ul>
Commercial	<ul style="list-style-type: none"> <li>▪ Bed and Breakfast</li> <li>▪ Day Care Facility</li> </ul>	<ul style="list-style-type: none"> <li>▪ Farmer's Market</li> <li>▪ Nursing Home</li> </ul>
Institutional	<ul style="list-style-type: none"> <li>▪ Auditorium and Indoor Assembly</li> <li>▪ Cemetery, Columbaria, And Mausoleum</li> </ul>	<ul style="list-style-type: none"> <li>▪ Cultural Institution</li> <li>▪ Place of Worship</li> <li>▪ School and Preschool</li> <li>▪ Utility Facility, Public and Private</li> </ul>
Residential	<ul style="list-style-type: none"> <li>▪ Dwelling, Two-Family</li> </ul>	<ul style="list-style-type: none"> <li>▪ Group Home</li> </ul>



<b>R-1 STRUCTURE AND LOT STANDARDS</b>		
	<b>Residential Uses</b>	<b>All Other Uses</b>
<b>Structure Standards</b>		
Maximum Structure Height	Primary: 35 feet Accessory: 20 feet <sup>1</sup>	Primary: 35 feet Accessory: 20 feet <sup>1</sup>
Minimum Structure Width	20 feet	N/A
Minimum Living Area	950 sq ft with at least 600 sq ft on ground floor	N/A
<b>Lot Standards</b>		
Minimum Road Frontage <sup>2</sup>	70 feet Cul-de-Sac: 60 feet	90 feet
Minimum Lot Area	8,400 sq ft	10,000 sq ft
Minimum Front Yard Setback <sup>3</sup>	25 feet	30 feet
Minimum Side Yard Setback <sup>3</sup>	Primary: 10 feet Accessory: 5 feet	Primary: 15 feet Accessory: 10 feet
Minimum Rear Yard Setback <sup>3</sup>	Primary: 20 feet Accessory: 5 feet	Primary: 15 feet Accessory: 10 feet
Maximum Impervious Surface	50%	50%
<b>Utility Standards</b>		
Municipal Water and Sewer	Required	Required

1 – Accessory structures cannot exceed the height of the primary structure. The total square footage of all accessory structures, excluding fences, cannot exceed the total square footage of the primary structure.

2 – Flag lots shall comply with lot width standards as defined by Chapter 9.B: Definitions.

3 – The average setback of the 3 parcels on either side of the lot can be used as the front, side, and/or rear yard setback for legal-nonconforming lots.

## D. MEDIUM-DENSITY RESIDENTIAL DISTRICT (R-2)

1. **R-2 Intent.** The purpose of the R-2 District is to provide areas suitable for two-family and multi-family neighborhoods that are adequately served by public utilities and infrastructure. These residences may be developed as multiple attached units on one lot or on multiple lots separated by lot lines along a common wall.
2. **R-2 Standards.**
  - a. All subdivisions require subdivision approval unless exempt (see Chapter 5.B: Exempt Subdivisions).
  - b. All new primary structures require development plan approval except single-family and two-family dwellings.
  - c. All development may be subject to the provisions in the Scottsburg Drainage Ordinance.
  - d. One primary use is permitted per parcel and one primary structure is permitted per parcel.

R-2 PERMITTED USES		
USE TYPE	LISTED USES	ADDITIONAL STANDARDS
Accessory	<ul style="list-style-type: none"> <li>▪ Subdivision Clubhouse</li> </ul>	<ul style="list-style-type: none"> <li>▪ Dwelling, Accessory</li> <li>▪ Home Occupation</li> <li>▪ Non-Commercial Livestock</li> <li>▪ Solar Energy System, Accessory</li> <li>▪ Wind Energy System, Small and Mini</li> </ul>
Institutional	<ul style="list-style-type: none"> <li>▪ Emergency Response Facility</li> <li>▪ Governmental Office</li> <li>▪ Library</li> <li>▪ Park (excluding Amusement Park)</li> </ul>	
Residential	<ul style="list-style-type: none"> <li>▪ Dwelling, Single-Family</li> <li>▪ Dwelling, Single-Family Attached</li> <li>▪ Dwelling, Two-Family</li> </ul>	
R-2 SPECIAL EXCEPTION USES		
USE TYPE	LISTED USES	ADDITIONAL STANDARDS
Accessory	<ul style="list-style-type: none"> <li>▪ Child Care Home (In-Home Childcare)</li> </ul>	<ul style="list-style-type: none"> <li>▪ Home-Based Business</li> </ul>
Commercial	<ul style="list-style-type: none"> <li>▪ Bed and Breakfast</li> <li>▪ Day Care Facility</li> <li>▪ Farmer’s Market</li> <li>▪ Golf Course and Driving Range</li> <li>▪ Medical Offices and Outpatient Services (no on-site dispensing of medicine)</li> <li>▪ Nursing Home</li> </ul>	<ul style="list-style-type: none"> <li>▪ Short-Term Rental</li> </ul>
Institutional	<ul style="list-style-type: none"> <li>▪ Auditorium and Indoor Assembly</li> <li>▪ Cemetery, Columbaria, and Mausoleum</li> <li>▪ Cultural Institution</li> <li>▪ Place of Worship</li> <li>▪ School and Preschool</li> <li>▪ Utility Facility, Public and Private</li> </ul>	<ul style="list-style-type: none"> <li>▪ Wireless Communication Facility</li> </ul>
Residential	<ul style="list-style-type: none"> <li>▪ Group Home</li> </ul>	<ul style="list-style-type: none"> <li>▪ Manufactured Home Park</li> </ul>

<b>R-2 STRUCTURE AND LOT STANDARDS</b>		
	<b>Residential Uses</b>	<b>All Other Uses</b>
<b>Structure Standards</b>		
Maximum Structure Height	Primary: 35 feet Accessory: 20 feet <sup>1</sup>	Primary: 35 feet Accessory: 20 feet <sup>1</sup>
Structure Width	20 feet but no more than 200 feet for attached dwellings	N/A
Minimum Living Area	950 sq ft with at least 600 sq ft on ground floor	N/A
<b>Lot Standards</b>		
Minimum Road Frontage <sup>2</sup>	Single and Two-Family: 50 feet Single-Family Attached: 25 feet	75 feet
Minimum Lot Area	Single and Two-Family: 5,000 sq ft Single-Family Attached: 2,500 sq ft	7,000 sq ft
Minimum Front Yard Setback <sup>3</sup>	20 feet or 10 feet if rear-loaded	25 feet
Minimum Side Yard Setback <sup>3</sup>	Primary: 5 feet or 0 feet between attached dwellings Accessory: 5 feet	Primary: 15 feet Accessory: 10 feet
Minimum Rear Yard Setback <sup>3</sup>	Primary: 15 feet Accessory: 5 feet	Primary: 15 feet Accessory: 10 feet
Maximum Impervious Surface	60%	60%
<b>Utility Standards</b>		
Municipal Water and Sewer	Required	Required

1 - Accessory structures cannot exceed the height of the primary structure. The total square footage of all accessory structures, excluding fences, cannot exceed the total square footage of the primary structure.

2 - Flag lots shall comply with lot width standards as defined by Chapter 9.B: Definitions.

3 - The average setback of the 3 parcels on either side of the lot can be used as the front, side, and/or rear yard setback for legal-nonconforming lots.

## E. HIGH-DENSITY RESIDENTIAL DISTRICT (R-3)

1. **R-3 Intent.** The purpose of the R-3 district is to provide areas suitable for commercial scale multi-family uses such as apartment complexes, manufactured home parks, and other high-density residential neighborhood opportunities.
2. **R-3 Standards.**
  - a. All subdivisions require subdivision approval unless exempt (See Chapter 5.B: Exempt Subdivisions).
  - b. All new primary structures require Development Plan approval except single-family and two-family dwellings.
  - c. All development may be subject to the provisions in the Scottsburg Drainage Ordinance.
  - d. One primary use is permitted per parcel.

R-3 PERMITTED USES		
USE TYPE	LISTED USES	ADDITIONAL STANDARDS
Accessory	<ul style="list-style-type: none"> <li>▪ Subdivision Clubhouse</li> </ul>	<ul style="list-style-type: none"> <li>▪ Home Occupation</li> <li>▪ Solar Energy System, Accessory</li> <li>▪ Wind Energy System, Small And Mini</li> </ul>
Commercial	<ul style="list-style-type: none"> <li>▪ Bed and Breakfast</li> <li>▪ Day Care Facility</li> <li>▪ Farmer’s Market</li> <li>▪ Nursing Home</li> </ul>	<ul style="list-style-type: none"> <li>▪ Short-Term Rental</li> </ul>
Institutional	<ul style="list-style-type: none"> <li>▪ Emergency Response Facility</li> <li>▪ Governmental Office</li> <li>▪ Library</li> <li>▪ Park (excluding Amusement Park)</li> </ul>	
Residential	<ul style="list-style-type: none"> <li>▪ Dwelling, Multi-Family</li> <li>▪ Dwelling, Single-Family Attached</li> <li>▪ Dwelling, Two-Family</li> <li>▪ Group Home</li> </ul>	<ul style="list-style-type: none"> <li>▪ Manufactured Home Park</li> </ul>
R-3 SPECIAL EXCEPTION USES		
USE TYPE	LISTED USES	ADDITIONAL STANDARDS
Accessory	<ul style="list-style-type: none"> <li>▪ Child Care Home (In-Home Childcare)</li> </ul>	<ul style="list-style-type: none"> <li>▪ Dwelling, Accessory</li> <li>▪ Home-Based Business</li> <li>▪ Non-Commercial Livestock</li> </ul>
Institutional	<ul style="list-style-type: none"> <li>▪ Auditorium and Indoor Assembly</li> <li>▪ Cemetery, Columbaria, and Mausoleum</li> <li>▪ Cultural Institution</li> <li>▪ Place of Worship</li> <li>▪ School and Preschool</li> <li>▪ Utility Facility, Public and Private</li> </ul>	<ul style="list-style-type: none"> <li>▪ Wireless Communication Facility</li> </ul>
Residential	<ul style="list-style-type: none"> <li>▪ Dwelling, Single-Family</li> </ul>	

<b>R-3 STRUCTURE AND LOT STANDARDS</b>		
	<b>Residential Uses</b>	<b>All Other Uses</b>
<b>Structure Standards</b>		
Maximum Structure Height	Primary: 40 feet or 50 feet for Multi-Family Accessory: 20 feet <sup>1</sup>	Primary: 40 feet Accessory: 20 feet <sup>1</sup>
Minimum Structure Width	N/A	N/A
Minimum Living Area <sup>2</sup>	600 sq ft/unit	N/A
<b>Lot Standards</b>		
Minimum Road Frontage <sup>3</sup>	Single and Two-Family: 50 feet <sup>2</sup> Single-Family Attached: 25 feet Multi-Family: 150 feet	150 feet <sup>2</sup>
Minimum Lot Area	5,000 sq ft/unit or 3,000 sq ft/unit for Multi-Family	15,000 sq ft
Minimum Front Yard Setback <sup>4</sup>	20 feet <sup>3</sup> or 25 feet <sup>3</sup> for Multi-Family	25 feet <sup>3</sup>
Minimum Side Yard Setback <sup>4</sup>	Primary: 5 feet; 0 feet with attached dwelling; or 15 feet for Multi-Family Primary Accessory: 5 feet, 10 feet for Multi- Family	Primary: 25 feet Accessory: 10 feet
Minimum Rear Yard Setback <sup>4</sup>	Primary: 15 feet Accessory: 5 feet	Primary: 15 feet Accessory: 10 feet
Maximum Impervious Surface	70%	60%
<b>Utility Standards</b>		
Municipal Water and Sewer	Required	Required

1 - Accessory structures cannot exceed the height of the primary structure. The total square footage of all accessory structures, excluding fences, cannot exceed the total square footage of the primary structure.  
 2 - The average living area of the 3 parcels on either side of the lot can be used as the minimum living area for legal-nonconforming lots that do not meet the minimum lot area.  
 3 - Flag lots shall comply with lot width standards as defined by Chapter 9.B: Definitions.  
 4 - The average setback of the 3 parcels on either side of the lot can be used as the front, side, and/or rear yard setback for legal-nonconforming lots.

## F. DOWNTOWN HISTORIC DISTRICT (DHD)

1. **DHD Intent.** The purpose of the DHD District is designed to enhance and protect the character of the existing historic square area and to guide new development and redevelopment activities that are compatible with the historic character. A mix of moderate to high-density development is encouraged in this area with a focus on maximizing lot coverage and maintaining a street wall that complements the historic development pattern of downtown Scottsburg.
2. **DHD Standards.**
  - a. All subdivisions require subdivision approval unless exempt (See Chapter 5.B: Exempt Subdivisions).
  - b. All new primary and accessory structures require development plan approval except fences.
  - c. All development may be subject to the provisions in the Scottsburg Drainage Ordinance.
  - d. All development shall comply with the Downtown Scottsburg Historic District Design Guidelines.
  - e. All new structures and modifications to the exterior or existing structures require approval from the Scottsburg Historic Review Board.
  - f. Outdoor storage is not permitted. Outdoor display of merchandise that is immediately available for purchase is permitted only during business hours.
  - g. Any use of the public right-of-way, including outdoor dining or display of merchandise on the sidewalk, shall be approved by the Board of Works and comply with Chapter 4.G: Sidewalk and Streetscape Standards.

DHD PERMITTED USES			
USE TYPE	LISTED USES	ADDITIONAL STANDARDS	
Accessory		<ul style="list-style-type: none"> <li>▪ Solar Energy System, Accessory</li> <li>▪ Wind Energy System, Small and Mini</li> </ul>	
Commercial	<ul style="list-style-type: none"> <li>▪ Bar, Tavern, and Club</li> <li>▪ Hotel and Motel</li> <li>▪ Professional Services and Business Offices</li> <li>▪ Retail, General (excluding drive-thru's)</li> </ul>	<ul style="list-style-type: none"> <li>▪ Retail, Service-Oriented (excluding drive-thru's)</li> <li>▪ Winery, Brewery, and Distillery</li> </ul>	Short-Term Rental (upper floors only)
Institutional	<ul style="list-style-type: none"> <li>▪ Government Office</li> <li>▪ Cultural Institution</li> </ul>	<ul style="list-style-type: none"> <li>▪ Park, Public or Private</li> </ul>	
Residential	<ul style="list-style-type: none"> <li>▪ Dwelling (upper floors only)</li> </ul>		
DHD SPECIAL EXCEPTION USES			
USE TYPE	LISTED USES	ADDITIONAL STANDARDS	
Commercial	<ul style="list-style-type: none"> <li>▪ Day Care Facility</li> <li>▪ Kennel, Commercial</li> <li>▪ Nursing Home</li> <li>▪ Recreational Facility</li> </ul>	<ul style="list-style-type: none"> <li>▪ Theater, Movie (excluding adult entertainment)</li> </ul>	<ul style="list-style-type: none"> <li>▪ Outdoor Dining on Sidewalk</li> </ul>
Institutional	<ul style="list-style-type: none"> <li>▪ Place of Worship</li> </ul>	<ul style="list-style-type: none"> <li>▪ Utility Facility, Public and Private</li> </ul>	

<b>DHD STRUCTURE AND LOT STANDARDS</b>	
<b>All Uses</b>	
<b>Structure Standards</b>	
Maximum Structure Height <sup>1</sup>	No more than 10% taller than the tallest existing primary structure within the district
Minimum Living Area	400 sq ft plus an additional 100 sq ft per bedroom
<b>Lot Standards</b>	
Minimum Street Frontage	N/A
Minimum Lot Area	N/A
Front Yard Setback	Match front yard setback of primary structures adjacent to parcel <sup>2</sup>
Side Yard Setback	Minimum: 0 feet Maximum: 5 feet
Rear Yard Setback	Minimum: 0 feet Maximum: 5 feet
Impervious Surface	100%
<b>Utility Standards</b>	
Municipal Water and Sewer	Required

<sup>1</sup> - Accessory structures cannot exceed the height of the primary structure.

<sup>2</sup>- Where immediately adjacent to an existing building with a setback of less than 2 feet, otherwise the minimum front yard setback is 2 feet and the maximum front yard setback is 5 feet.

## G. NEIGHBORHOOD BUSINESS DISTRICT (B-1)

1. **B-1 Intent.** The purpose of the B-1 District is to provide areas suitable for business uses that offer goods and services needed on a day-to-day basis by nearby neighborhoods and visitors. This district is intended to have easy access to area residents by car, bike, and foot.
2. **B-1 Standards.**
  - a. All subdivisions require subdivision approval unless exempt (See Chapter 5.B: Exempt Subdivisions).
  - b. All new primary structures require development plan approval.
  - c. All development may be subject to the provisions in the Scottsburg Drainage Ordinance.
  - d. Outdoor storage must be within an enclosed structure or fully screened from all public rights-of-way year-round. Outdoor display of merchandise that is immediately available for purchase is permitted during business hours or permitted during non-business hours if located behind the front façade of the primary structure.



B-1 PERMITTED USES			
USE TYPE	LISTED USES	ADDITIONAL STANDARDS	
Accessory		<ul style="list-style-type: none"> <li>▪ Solar Energy System, Accessory</li> <li>▪ Wind Energy System, Small and Mini</li> </ul>	
Commercial	<ul style="list-style-type: none"> <li>▪ Bed And Breakfast</li> <li>▪ Day Care Facility</li> <li>▪ Farmer’s Market</li> <li>▪ General Retail (excluding New and Used Automotive Sales; excluding Sales of Boat, Equipment, Motorcycle, RV, and Similar)</li> <li>▪ Golf Course and Driving Range</li> <li>▪ Medical Offices and Outpatient Services (no dispensing of medicine)</li> <li>▪ Nursing Home</li> </ul>	<ul style="list-style-type: none"> <li>▪ Professional Services and Business Offices</li> <li>▪ Recreational Facility</li> <li>▪ Service-Oriented Retail, (excluding Drive-In Theater; excluding Service And Repair Of Automotive, Boat, Equipment, RV, or Similar; excluding Storage Units; and excluding Wholesale)</li> <li>▪ Veterinary Services</li> <li>▪ Retail, General (excluding drive-thru’s)</li> </ul>	<ul style="list-style-type: none"> <li>▪ Short-Term Rental</li> </ul>
Institutional	<ul style="list-style-type: none"> <li>▪ Cultural Institution</li> <li>▪ Emergency Response Facility</li> <li>▪ Funeral Home and Mortuary</li> </ul>	<ul style="list-style-type: none"> <li>▪ Governmental Office</li> <li>▪ Library</li> <li>▪ Park</li> <li>▪ Place of Worship</li> <li>▪ School and Preschool</li> </ul>	
Residential	<ul style="list-style-type: none"> <li>▪ Dwelling, Multi-Family</li> </ul>	<ul style="list-style-type: none"> <li>▪ Group Home</li> </ul>	
B-1 SPECIAL EXCEPTION USES			
USE TYPE	LISTED USES	ADDITIONAL STANDARDS	
Commercial	<ul style="list-style-type: none"> <li>▪ Bar, Tavern, and Club</li> <li>▪ Farm Chemical Supply Sales (Sales Only)</li> <li>▪ Hotel and Motel</li> <li>▪ Kennel, Commercial</li> </ul>	<ul style="list-style-type: none"> <li>▪ Parking Garage or Lot (as a primary use)</li> <li>▪ Pharmacy</li> <li>▪ Shooting Range and Gun Club, Indoor</li> </ul>	
Institutional	<ul style="list-style-type: none"> <li>▪ Auditorium and Indoor Assembly</li> <li>▪ Cemetery, Columbaria, and Mausoleum</li> </ul>	<ul style="list-style-type: none"> <li>▪ Utility Facility, Public and Private</li> </ul>	<ul style="list-style-type: none"> <li>▪ Wireless Communication Facility</li> </ul>
Residential	<ul style="list-style-type: none"> <li>▪ Dwelling, Single-Family Attached</li> </ul>		

<b>B-1 STRUCTURE AND LOT STANDARDS</b>	
<b>All Land Uses</b>	
<b>Structure Standards</b>	
Maximum Structure Height <sup>1</sup>	Primary: 40 feet Accessory: 20 feet
Maximum Ground Floor Area	20,000 sq ft per Structure
<b>Lot Standards</b>	
Minimum Road Frontage <sup>2</sup>	70 feet
Minimum Lot Area	N/A
Minimum Front Yard Setback	35 feet
Minimum Side Yard Setback	Primary: 10 feet Accessory: 5 feet
Minimum Rear Yard Setback	Primary: 20 feet Accessory: 5 feet
Maximum Impervious Surface	75%
<b>Utility Standards</b>	
Municipal Water and Sewer	Required

1 - Accessory structures cannot exceed the height of the primary structure. The total square footage of all accessory structures, excluding fences, cannot exceed the total square footage of the primary structure.  
 2 - Flag lots shall comply with lot width standards as defined by Chapter 9.B: Definitions.

## H. HIGHWAY BUSINESS DISTRICT (B-2)

1. **B-2 Intent.** The purpose of the B-2 District is to provide areas suitable for businesses that serve a regional market and require convenient access to high-volume transportation routes. These automobile-oriented businesses are in proximity to highway interchanges and along major transportation corridors in order to support “big box” type development and wholesale clubs.
2. **B-2 Standards.**
  - a. All subdivisions require subdivision approval unless exempt (See Chapter 5.B: Exempt Subdivisions).
  - b. All new primary structures require development plan approval.
  - c. All development may be subject to the provisions in the Scottsburg Drainage Ordinance.
  - d. Outdoor storage must be within an enclosed structure or fully screened from all public rights-of-way year-round. Outdoor display of merchandise that is immediately available for purchase is permitted during business hours or permitted during non-business hours if located behind the front façade of the primary structure.

B-2 PERMITTED USES		
USE TYPE	LISTED USES	ADDITIONAL STANDARDS
Accessory	<ul style="list-style-type: none"> <li>Farmer’s Market</li> </ul>	<ul style="list-style-type: none"> <li>Solar Energy System, Accessory</li> <li>Wind Energy System, Small And Mini</li> </ul>
Commercial	<ul style="list-style-type: none"> <li>Auditorium and Indoor Assembly</li> <li>Bar, Tavern, and Club</li> <li>Bed and Breakfast</li> <li>Day Care Facility</li> <li>Extended Stay Hotel/Motel</li> <li>Farm Chemical Supply Sales</li> <li>General Retail</li> <li>Golf Course and Driving Range</li> <li>Hotel and Motel</li> <li>Kennel, Commercial</li> <li>Liquor Store</li> <li>Medical Offices and Outpatient Services</li> <li>Nursing Home</li> <li>Professional Services and Business Offices</li> <li>Recreational Facility</li> <li>Service-Oriented Retail</li> <li>Stadium, Arena, Racetrack, and Outdoor Assembly</li> <li>Veterinary Services</li> <li>Winery, Brewery, and Distillery</li> </ul>	
Industrial	<ul style="list-style-type: none"> <li>Research and Development</li> </ul>	
Institutional	<ul style="list-style-type: none"> <li>Cemetery, Columbaria, and Mausoleum</li> <li>Cultural Institution</li> <li>Emergency Response Facility</li> <li>Funeral Home and Mortuary</li> <li>Governmental Office</li> <li>Hospital</li> <li>Library</li> <li>Park</li> <li>Place of Worship</li> <li>School and Preschool</li> </ul>	
B-2 SPECIAL EXCEPTION USES		
USE TYPE	LISTED USES	ADDITIONAL STANDARDS
Commercial	<ul style="list-style-type: none"> <li>Parking Garage Or Lot (as a primary use)</li> <li>Shooting Range and Gun Club, Indoor Pharmacy</li> </ul>	<ul style="list-style-type: none"> <li>Campground and RV Park, Public Or Private</li> </ul>
Industrial	<ul style="list-style-type: none"> <li>Vehicle Impound Lot</li> <li>Warehousing and Distribution</li> </ul>	
Institutional	<ul style="list-style-type: none"> <li>Airport and Heliport, Public And Private</li> <li>Crematory</li> <li>Penal and Correction Facility</li> <li>Utility Facility, Public and Private</li> </ul>	<ul style="list-style-type: none"> <li>Wireless Communication Facility</li> </ul>

B-2 STRUCTURE AND LOT STANDARDS	
All Land Uses	
<b>Structure Standards</b>	
Maximum Structure Height	Primary: 40 feet Accessory: 20 feet <sup>1</sup>
Maximum Ground Floor Area (Per Structure)	N/A
<b>Lot Standards</b>	
Minimum Road Frontage <sup>2</sup>	100 feet
Minimum Lot Area	N/A
Minimum Front Yard Setback	35 feet
Minimum Side Yard Setback	Primary: 15 feet Accessory: 10 feet
Minimum Rear Yard Setback	Primary: 20 feet Accessory: 10 feet
Maximum Impervious Surface	75%
<b>Utility Standards</b>	
Municipal Water and Sewer	Required

1 - Accessory structures cannot exceed the height of the primary structure. The total square footage of all accessory structures, excluding fences, cannot exceed the total square footage of the primary structure.  
 2 - Flag lots shall comply with lot width standards as defined by Chapter 9.B: Definitions.

## I. LIGHT INDUSTRIAL DISTRICT (I-1)

1. **I-1 Intent.** The purpose of the I-1 District is to provide areas for small scale light industrial operations conducted completely within enclosed buildings. Permitted uses have no nuisance factors emitted outside of the building and all equipment and materials are kept indoors.
2. **I-1 Standards.**
  - a. All subdivisions require subdivision approval unless exempt (See Chapter 5.B: Exempt Subdivisions).
  - b. All new primary structures require development plan approval.
  - c. All development may be subject to the provisions in the Scottsburg Drainage Ordinance.
  - d. Outdoor storage is permitted but shall be located behind the front elevation of the primary structure (to the side or rear of the primary structure) and shall not exceed the height of the primary structure. Outdoor display of merchandise that is immediately available for purchase is permitted during business hours or permitted during non-business hours if located behind the front façade of the primary structure.

I-1 PERMITTED USES		
USE TYPE	LISTED USES	ADDITIONAL STANDARDS
Accessory		<ul style="list-style-type: none"> <li>Solar Energy System, Accessory</li> <li>Wind Energy System, Small and Mini</li> </ul>
Agricultural	<ul style="list-style-type: none"> <li>Meat Processing</li> <li>Timber Processing</li> </ul>	
Commercial	<ul style="list-style-type: none"> <li>Auditorium and Indoor Assembly</li> <li>Bar, Tavern, and Club</li> <li>Day Care Facility</li> <li>Farm Chemical Supply Sales</li> <li>General Retail</li> <li>Kennel, Commercial</li> <li>Liquor Store</li> <li>Medical Offices and Outpatient Services</li> <li>Parking Garage or Lot (as a primary use)</li> <li>Professional Services and Business Offices</li> <li>Recreational Facility</li> <li>Service-Oriented Retail</li> <li>Shooting Range and Gun Club, Indoor</li> <li>Stadium, Arena, Race Track, and Outdoor Assembly</li> <li>Veterinary Services</li> <li>Winery, Brewery, and Distillery</li> </ul>	
Industrial	<ul style="list-style-type: none"> <li>Chemical Processing</li> <li>General Industrial, Light</li> <li>Indoor Storage, Non-Hazardous</li> <li>Research and Development</li> <li>Warehousing and Distribution</li> </ul>	
Institutional	<ul style="list-style-type: none"> <li>Cemetery, Columbaria, and Mausoleum</li> <li>Cultural Institution</li> <li>Emergency Response Facility</li> <li>Funeral Home and Mortuary</li> <li>Governmental Office</li> <li>Hospital</li> <li>Library</li> <li>Park</li> <li>Place of Worship</li> </ul>	<ul style="list-style-type: none"> <li>Wireless Communication Facility</li> </ul>
I-1 SPECIAL EXCEPTION USES		
USE TYPE	LISTED USES	ADDITIONAL STANDARDS
Commercial		<ul style="list-style-type: none"> <li>Solar Energy Systems, Commercial</li> <li>Wind Energy Conversion Systems (WECS), Commercial</li> </ul>
Institutional	<ul style="list-style-type: none"> <li>Airport And Heliport, Public And Private</li> <li>Crematory</li> <li>Penal And Correction Facility</li> <li>Utility Facility, Public And Private</li> </ul>	<ul style="list-style-type: none"> <li>Wireless Communication Facility</li> </ul>

<b>I-1 STRUCTURE AND LOT STANDARDS</b>	
<b>All Land Uses</b>	
<b>Structure Standards</b>	
Maximum Structure Height	Primary: 60 feet Accessory: 40 feet <sup>1</sup>
<b>Lot Standards</b>	
Minimum Road Frontage <sup>2</sup>	100 feet
Minimum Lot Area	20,000 sq ft
Minimum Front Yard Setback	40 feet
Minimum Side Yard Setback	30 feet
Minimum Rear Yard Setback	30 feet
Maximum Impervious Surface	60%
<b>Utility Standards</b>	
Municipal Water and Sewer	Required

1 – Accessory structures cannot exceed the height of the primary structure. The total square footage of all accessory structures, excluding fences, cannot exceed the total square footage of the primary structure.

2 – Flag lots shall comply with lot width standards as defined by Chapter 9.B: Definitions.



## J. HEAVY INDUSTRIAL DISTRICT (I-2)

1. **I-2 Intent.** The purpose of the I-2 District is to provide areas suitable for large-scale industrial manufacturing, production, assembly, warehousing, and similar land uses. These employment centers contain intense industrial uses that typically generate heavy demands on the area transportation systems. Permitted uses may cause odors, dust, noise, and vibrations as well as generate significant amounts of truck and freight traffic. It is anticipated that outdoor storage of equipment and materials will be needed behind fenced-in areas.
2. **I-2 Standards.**
  - a. All subdivisions require subdivision approval unless exempt (See Chapter 5.B: Exempt Subdivisions).
  - b. All new primary structures require Development Plan approval.
  - c. All development is subject to the provisions in the Scottsburg Drainage Ordinance.
  - d. Outdoor storage is permitted but shall be located behind the front elevation of the primary structure (to the side or rear of the primary structure) and shall not exceed the height of the primary structure. Outdoor display of merchandise that is immediately available for purchase is permitted during business hours or permitted during non-business hours if located behind the front façade of the primary structure.

I-2 PERMITTED USES		
USE TYPE	LISTED USES	ADDITIONAL STANDARDS
Accessory		<ul style="list-style-type: none"> <li>Solar Energy System, Accessory</li> <li>Wind Energy System, Small and Mini</li> </ul>
Agricultural	<ul style="list-style-type: none"> <li>Meat Processing</li> <li>Timber Processing</li> <li>Livestock, Wholesale Trade</li> </ul>	<ul style="list-style-type: none"> <li>Mineral Extraction and Processing</li> </ul>
Commercial	<ul style="list-style-type: none"> <li>Auditorium and Indoor Assembly</li> <li>Bar, Tavern, and Club</li> <li>Day Care Facility</li> <li>Farm Chemical Supply Sales</li> <li>Funeral Home and Mortuary</li> <li>General Retail</li> <li>Kennel, Commercial</li> <li>Liquor Store</li> <li>Medical Offices and Outpatient Services</li> </ul>	<ul style="list-style-type: none"> <li>Parking Garage or Lot (as a primary use)</li> <li>Professional Services and Business Offices</li> <li>Recreational Facility</li> <li>Service-Oriented Retail</li> <li>Shooting Range and Gun Club, Indoor</li> <li>Stadium, Arena, Race Track, and Outdoor Assembly</li> <li>Veterinary Services</li> <li>Winery, Brewery, and Distillery</li> </ul>
Industrial	<ul style="list-style-type: none"> <li>Chemical Processing</li> <li>General Industrial, Light and Heavy</li> <li>Research and Development</li> </ul>	<ul style="list-style-type: none"> <li>Trucking Terminal</li> <li>Vehicle Impound Lot</li> <li>Warehousing and Distribution</li> </ul>
Institutional	<ul style="list-style-type: none"> <li>Airport and Heliport, Public and Private</li> <li>Cemetery, Columbaria, and Mausoleum</li> <li>Crematory</li> </ul>	<ul style="list-style-type: none"> <li>Emergency Response Facility</li> <li>Governmental Office</li> <li>Penal and Correction Facility</li> <li>Place of Worship</li> </ul>
I-2 SPECIAL EXCEPTION USES		
USE TYPE	LISTED USES	ADDITIONAL STANDARDS
Commercial		<ul style="list-style-type: none"> <li>Adult Business</li> <li>Solar Energy Systems, Commercial</li> <li>Wind Energy Conversion Systems (WECS), Commercial</li> </ul>
Industrial	<ul style="list-style-type: none"> <li>Landfill, Public or Private</li> <li>Recycling, Public or Private</li> </ul>	<ul style="list-style-type: none"> <li>Storage, Hazardous Materials</li> <li>Waste Transfer Facility</li> </ul>
Institutional	<ul style="list-style-type: none"> <li>Utility Facility, Public and Private</li> </ul>	<ul style="list-style-type: none"> <li>Wireless Communication Facility</li> </ul>

<b>I-2 STRUCTURE AND LOT STANDARDS</b>	
<b>All Land Uses</b>	
<b>Structure Standards</b>	
Maximum Structure Height <sup>1</sup>	Primary: 60 feet Accessory: 40 feet
<b>Lot Standards</b>	
Minimum Road Frontage <sup>2</sup>	150 feet
Minimum Lot Area	2 acres
Minimum Front Yard Setback	45 feet
Minimum Side Yard Setback	30 feet
Minimum Rear Yard Setback	30 feet
Maximum Impervious Surface	70%
<b>Utility Standards</b>	
Municipal Water and Sewer	Required

1 – Accessory structures cannot exceed the height of the primary structure. The total square footage of all accessory structures, excluding fences, cannot exceed the total square footage of the primary structure.

2 – Flag lots shall comply with lot width standards as defined by Chapter 9.B: Definitions.

## K. PLANNED UNIT DEVELOPMENT DISTRICT (PUD)

1. **PUD Intent.**
  - a. A Planned Unit Development District allows for greater flexibility in the design and development of land when consistent with the Comprehensive Plan and the overall intent of the zoning provisions of this UDO. This classification should be encouraged when the proposed development promotes a harmonious variety of uses and/or provides for an economy of shared services and facilities. A PUD shall be compatible with the surrounding areas to foster the creation of an attractive, healthful, efficient, and stable environment for living, shopping, and working.
  - b. A PUD may be applied to redevelopment of previously developed property or undeveloped land. It may include one or more parcels that are intended to create a consistent, overall development rather than being applied to a small-scale development as a means of avoiding obtaining variances.
  - c. PUD regulations are intended to promote and encourage innovative land development techniques to meet the growing demands of the county by allowing greater flexibility and variety in type, design, and layout of sites, buildings, open space, and amenities.
  - d. PUD projects should encourage an efficient use of land that reflects technology of land development so resulting economies may accrue to the benefit of the community at large.
2. **PUD Permitted Districts.** PUDs may be rezoned from all zoning districts.
3. **PUD Uses.**
  - a. All permitted uses and special exception uses shall be governed by the PUD District Ordinance.
  - b. Mixed-uses are encouraged, when appropriate.
  - c. All land uses proposed in a PUD must not conflict with the vision of the Comprehensive Plan, surrounding land uses, and surrounding zoning districts.
4. **PUD Development Standards.**
  - a. All development standards are governed by the PUD District Ordinance. If a standard is not specified in the PUD ordinance, it shall be governed by the most similar zoning district as determined by the Administrator.
  - b. Projects that utilize the PUD process are encouraged to plan for density beyond what is traditionally permitted under comparable zoning districts to improve the efficient use of land and environmental quality.
5. **PUD Site Standards.** All site standards are governed by the PUD ordinance. If a standard is not specified in the PUD District Ordinance, it shall be governed by the most similar zoning district as determined by the Administrator.
6. **PUD Procedures.**
  - a. All PUD procedures shall be governed by the UDO unless otherwise specified in the PUD District Ordinance.
  - b. Variances from development standards and variances of use are not permitted within a PUD and require an amendment to the PUD District Ordinance.
  - c. Unless otherwise stated in the PUD District Ordinance, the Administrator may approve up to a five percent (5%) reduction to the setbacks and/or lot area within a PUD without a public hearing as well as a reduction in the number of lots.

## L. FLOODPLAIN OVERLAY DISTRICT (FPO)

1. **FPO Intent.** The purpose of the FPO District is to regulate development within the floodplain areas and to comply with the regulations of the Federal Emergency Management Agency (FEMA). This district includes areas subject to periodic flooding and areas classified as floodway or special flood hazard areas identified on the Flood Insurance Rate Maps (FIRM). Development in this district must comply with the Flood Hazard Ordinance adopted by the City of Scottsburg in conjunction with the National Flood Insurance Program (NFIP).
2. **FPO Boundaries.** The boundaries of this overlay shall mirror the boundaries of all flood hazard areas as shown on the Indiana Floodplain Mapping (“Best Available Data Layer”) of the Indiana Department of Natural Resources (IDNR) / Division of Water and shall be automatically updated as amendments are completed by IDNR.
3. **FPO Prohibited Uses.** Permitted and special exception uses shall be governed by the underlying zoning district unless specified as a prohibited use by this overlay. The uses listed below are prohibited in the FPO district, regardless of the regulations of the underlying zoning district.

FPO PROHIBITED USES			
USE TYPE	LISTED USES		
Agricultural	<ul style="list-style-type: none"> <li>▪ Concentrated Animal Feeding Operation (CAFO) and Confined Feeding Operation (CFO)</li> </ul>		
Industrial	<ul style="list-style-type: none"> <li>▪ Chemical Processing</li> <li>▪ General Industrial, Light and Heavy</li> <li>▪ Junkyard and Salvage</li> </ul>	<ul style="list-style-type: none"> <li>▪ Landfill, Public or Private</li> <li>▪ Recycling, Public or Private</li> <li>▪ Storage, Hazardous</li> </ul>	<ul style="list-style-type: none"> <li>▪ Trucking Terminal</li> <li>▪ Vehicle Impound Lot</li> <li>▪ Waste Transfer Facility</li> </ul>
Institutional	<ul style="list-style-type: none"> <li>▪ Airport And Heliport, Public and Private</li> </ul>	<ul style="list-style-type: none"> <li>▪ Cemetery, Columbaria, and Mausoleum</li> </ul>	<ul style="list-style-type: none"> <li>▪ Crematory</li> </ul>

## M. MCCLAIN AVENUE OVERLAY DISTRICT (MAO)

1. **MAO Intent.** The purpose of the MAO District is to recognize the distinct appearance and character of Scottsburg's main corridor into the historic district and its function as the activity center of the community. The establishment of this district is to allow for mixed-use development to support a dynamic variety of retail, entertainment, restaurant, service, institutional, office, and residential uses. Development should transition in scale, massing, and use and pedestrian accessibility should be incorporated into the site design.
2. **MAO Boundaries.** The boundaries of this overlay shall include all parcels adjacent to McClain Avenue (SR 56) between US 31 (Gardner Street) and Fifth Street, excluding the DHD district.
3. **MAO Standards.**
  - a. All development shall comply with the Downtown Scottsburg Gateway Conservation District Design Guidelines and Scottsburg Courthouse Square Historic District, if applicable.
  - b. All new structures and modifications to the exterior or existing structures require approval from the Scottsburg Historic Review Board.
  - c. Outdoor storage must be within an enclosed structure or fully screened from all public rights-of-way year-round. Outdoor display of merchandise that is immediately available for purchase is permitted during business hours or permitted during non-business hours if located behind the front façade of the primary structure.

4. **MAO Prohibited Uses.** Permitted and special exception uses shall be governed by the underlying zoning district unless:
- a. The use is specified as a prohibited use by this overlay; or
  - b. The use is permitted by the underlying zoning district but listed as a special exception by this overlay, in which case it shall only be permitted with special exception approval.

MAO PROHIBITED USES			
USE TYPE	LISTED USES		
Prohibited Accessory	<ul style="list-style-type: none"> <li>▪ Non-Commercial Livestock</li> </ul>		
Prohibited Agricultural	<ul style="list-style-type: none"> <li>▪ All Agricultural Uses Except Farmer’s Market</li> </ul>		
Prohibited Commercial	<ul style="list-style-type: none"> <li>▪ Adult Business</li> <li>▪ Campground and Recreational Vehicle (RV) Park</li> <li>▪ Drive In Theater</li> <li>▪ Farm Chemical Supply Sales</li> </ul>	<ul style="list-style-type: none"> <li>▪ Golf Course and Driving Range, Outdoor</li> <li>▪ Recreational Facility</li> <li>▪ Sales of Automobile, Boat, Equipment, Motorcycle, RV, and Similar</li> <li>▪ Service And Repair of Automotive, Boat, Equipment, RV, and Similar</li> </ul>	<ul style="list-style-type: none"> <li>▪ Shooting Range and Gun Club, Indoor and Outdoor</li> <li>▪ Solar Energy Systems, Commercial</li> <li>▪ Storage Units</li> <li>▪ Wholesale Retail</li> <li>▪ Wind Energy Conversion Systems (WECS), Commercial</li> </ul>
Prohibited Industrial	<ul style="list-style-type: none"> <li>▪ All Industrial Uses</li> </ul>		
Prohibited Institutional	<ul style="list-style-type: none"> <li>▪ Airport and Heliport, Public and Private</li> </ul>	<ul style="list-style-type: none"> <li>▪ Cemetery, Columbaria, and Mausoleum</li> <li>▪ Crematory</li> </ul>	<ul style="list-style-type: none"> <li>▪ Hospital</li> <li>▪ Penal and Correction Facility</li> </ul>
Prohibited Residential	<ul style="list-style-type: none"> <li>▪ Manufactured Home Park</li> </ul>		
MAO SPECIAL EXCEPTION USES			
USE TYPE	LISTED USES		
Commercial	<ul style="list-style-type: none"> <li>▪ Kennel, Commercial</li> <li>▪ Liquor Store</li> </ul>	<ul style="list-style-type: none"> <li>▪ Parking Garage or Parking Lot (as a primary use)</li> </ul>	





# CHAPTER 3

## STANDARDS FOR SPECIFIC USES

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## A. GENERAL PROVISIONS

1. **Applicability.** This chapter shall apply to all parcels of land within the jurisdiction of the City of Scottsburg Advisory Plan Commission unless otherwise stated herein.
2. **UDO Regulations.**
  - a. The uses listed in this chapter shall meet the respective requirements of this chapter in addition to all other regulations of the UDO. If any use development standard conflicts with the underlying zoning district standard, the more restrictive shall apply.
  - b. The uses listed in this chapter shall be permitted as outlined in Chapter 2: Zoning and Overlay Districts.
3. **Approval and Compliance.**
  - a. The Administrator and/or BZA shall verify that all uses outlined in this chapter comply with all applicable standards of the UDO prior to establishment of the use, approval of a special exception (if required), approval of a variance of use, approval of a development plan, or issuance of an ILP.

## B. ACCESSORY DWELLING UNIT (ADU)

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

ACCESSORY DWELLING UNIT STANDARDS	
ADU Structure Standards	
Minimum Area	400 sq ft
Maximum Area	800 sq ft or 50% of the primary dwelling unit living area footprint (whichever is less)
Maximum Height	Governed by the zoning district but cannot exceed the height of the primary dwelling
Architecture and Building Materials	Architectural style, form, materials, and colors shall match or be compatible with the style and form of the primary dwelling
Maximum Quantity	1 ADU per parcel
Permitted Structure Types	<ul style="list-style-type: none"> <li>▪ Detached or attached to the primary dwelling unit</li> <li>▪ Lawfully built structure that meets all building code requirements, including all requirements for a single-family dwelling</li> </ul>
Prohibited Structure Types	<ul style="list-style-type: none"> <li>▪ A recreational vehicle, travel trailer, motor vehicle, parts of a motor vehicle, or similar structure</li> <li>▪ Any structure not intended for permanent human occupancy</li> <li>▪ Any structure that does not meet all building code requirements for a dwelling or does not meet the use standards for an accessory dwelling unit (including layout and components)</li> </ul>

ADU Site Standards	
Address	Addresses for properties with an approved accessory dwelling unit shall be assigned and approved by the addressing entity
Access	<ul style="list-style-type: none"> <li>▪ Accessory dwelling shall utilize the same driveway that serves the primary residential dwelling</li> <li>▪ A separate driveway from any public right-of-way shall not be permitted</li> </ul>
Location	<ul style="list-style-type: none"> <li>▪ Only allowed on lots where an existing, lawfully constructed, primary single-family dwelling exists</li> <li>▪ Must be located behind the front façade of the primary dwelling and comply with all site development standards (including setbacks) of the subject zone district</li> </ul>
Layout & Components	<ul style="list-style-type: none"> <li>▪ An independent and complete dwelling unit with all amenities needed for safe and habitable living, including permanent provisions for sleeping, eating, cooking, sanitation, and ingress/egress (self-sufficient)</li> <li>▪ Shall not contain more than 1 bedroom</li> <li>▪ Shall not have accessory structures</li> </ul>
Ownership	<ul style="list-style-type: none"> <li>▪ Accessory dwelling shall be under the same ownership as the primary dwelling</li> <li>▪ Primary dwelling shall be owner-occupied</li> </ul>
Parking	<ul style="list-style-type: none"> <li>▪ Minimum number and design of parking spaces shall comply with Chapter 4.F: Parking and Loading Standards</li> <li>▪ Parking may be shared with the primary dwelling provided the number of spaces complies with Chapter 4.F: Parking and Loading Standards</li> </ul>
ADU Utility Standards	
Water & Sewage Disposal	Governed by requirements of the zoning district

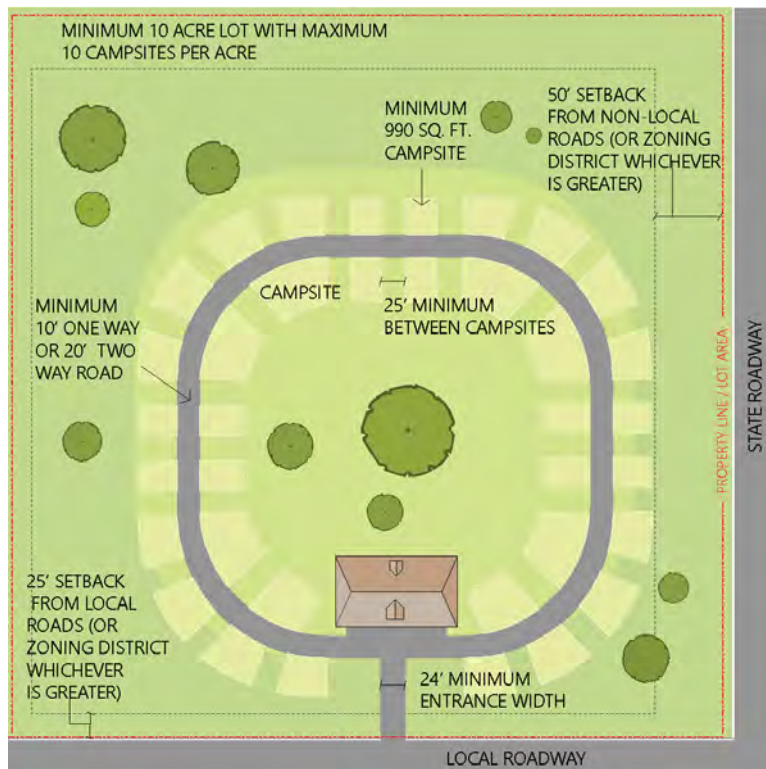
4. **ADU Procedures.** Accessory dwelling units are not required to obtain development plan approval but shall submit a site plan for approval with any ILP application (or prior to occupancy if an ILP is not required) showing compliance with all regulations of this UDO.

## C. ADULT ORIENTED BUSINESS

1. **Adult Oriented Business Intent.** The purpose of the adult business standards is to provide ample reasonable opportunities for these businesses to locate in the jurisdiction while also mitigating impacts to adjacent properties. Adult oriented businesses require special supervision from the public safety agencies of the jurisdiction in order to protect and preserve the health, safety, morals, and welfare of the patrons and employees of the businesses as well as the citizens of the community. The minimal regulations of this UDO are a legitimate and reasonable means of accountability to ensure that operators comply with reasonable regulations and ensure that operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation.
2. **Adult Oriented Business General Standards.** These standards are supplemental to all Ordinance 2007-9 and any other local or state regulations regarding adult businesses.
3. **Adult Oriented Business Development Standards.**
  - a. **Use and District Separation.** A minimum separation of at least one thousand three-hundred twenty (1,320) feet shall be provided between all adult oriented businesses and the specific structures and/or uses as specified below. The distance shall be measured with a straight line from the nearest edge of the property line of the adult business to the nearest edge of the property line of the specified use.
    - i. Any parcel used as a school, park, church, or place of worship.
    - ii. Any parcel with a residential use, residential zoning, or platted as a residential subdivision.
    - iii. Any parcel used as a hotel, motel, transportation depot, or other adult-oriented business.
    - iv. Any parcel used as a licensed day care facility.
    - v. Any premise licensed or governed by the alcoholic beverage control regulations of the state.
  - b. **Screening.** A continuous, evergreen landscape buffer or opaque fencing, with a minimum height of six (6) feet, shall be maintained along the side and rear property lines for the purpose of screening the use from view of adjacent properties.
  - c. **Exterior Display.**
    - i. No adult-oriented business shall be conducted in any manner that permits the observation of any material depicting, describing, or relating to specified sexual activities or specified anatomical areas by display, decoration, sign, show window, or other opening from public view.
    - ii. Adult-oriented businesses shall comply with all regulations governing signs under Chapter 4.H: Sign Standards.
4. **Adult Oriented Business Procedures.** All adult-oriented businesses shall be required to obtain development plan approval.

## D. CAMPGROUND & RV PARK

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



Example of Campground Standards

3. **Campground & RV Park Development Standards.**

CAMPGROUND & RV PARK STANDARDS	
<b>Campground &amp; RV Park Operational Standards</b>	
Duration of Stay	Maximum of 180 overnight stays within 12 consecutive months
<b>Campground &amp; RV Park Structure Standards</b>	
Permitted Structures	<ul style="list-style-type: none"> <li>▪ Temporary, non-permanent lodging structures, such as tents, recreational vehicles (RVs), camping trailers, and similar</li> <li>▪ Permanent shared facilities normally associated with a campground, such as a bathhouse or emergency shelter</li> <li>▪ Permanent structures for operation (such as office), maintenance, or storage facilities used in the campsite operations</li> </ul>
Prohibited Structures	<ul style="list-style-type: none"> <li>▪ Permanent or semi-permanent structures used or intended for dwellings or overnight accommodations, such as cabins, lean-tos, etc.</li> <li>▪ Any permanent structure that is located on an individual campsite</li> </ul>

Campground & RV Park Site Standards	
Minimum Development Area	10 acres
Minimum Setback	Governed by the subject zoning district but shall be at least 25 feet from local roads and 50 feet from all other roads.
Maximum Gross Density	10 campsites per acre
Minimum Separation of Campsites	25 feet between campsites
Minimum Campsite Area	990 sq ft per campsite
Access	<ul style="list-style-type: none"> <li>▪ An entrance roadway from a public road shall be provided that is at least 24 feet in width</li> <li>▪ Internal roads must be paved</li> </ul>
Internal Circulation	<ul style="list-style-type: none"> <li>▪ All campsites shall gain access through an internal, private roadway; campsites shall not gain access from any public road</li> <li>▪ All internal roads shall be at least 10 feet in width for one-lane roads and at least 20 feet in width for two-lane roads</li> <li>▪ Fire and EMS shall approve site plan for adequate accessibility</li> </ul>
Drainage	<ul style="list-style-type: none"> <li>▪ All areas shall be well-drained and designed to provide sufficient space for camping activities, vehicles, sanitary facilities, and appurtenant equipment</li> <li>▪ All development shall comply with the Scottsburg Drainage Ordinance</li> </ul>
Location	<ul style="list-style-type: none"> <li>▪ Cannot be located in a floodplain or an area subject to periodic flooding</li> <li>▪ Cannot be located adjacent to swamps, marshes, railroads, stockyards, industrial sites, or other such locations which would constitute a health or safety hazard</li> </ul>
Storage	<ul style="list-style-type: none"> <li>▪ The storage of unoccupied recreational vehicles shall be prohibited</li> <li>▪ All structures, recreational vehicles, trailers, camping units, tents, and belongings shall be removed from the campground when campsite is not occupied</li> </ul>
Community Facilities	<ul style="list-style-type: none"> <li>▪ At least 1 indoor community facility shall be provided for the campground that provides recreational space for the park occupants and serves as a storm shelter</li> <li>▪ The community facility shall be at least 200 sq ft and meet the minimum requirements in the ICC 500 standard for occupants during severe weather</li> </ul>
Campground & RV Park Utility Standards	
Sewage Disposal	Sewage disposal is required and shall be approved by the Health Department, Indiana State Health Department, and/or the sewer provider, as appropriate
Water	A water supply system is required and shall be approved by the State Health Department or the water provider, as appropriate

4. **Campground & RV Park Procedures.** All campgrounds and RV parks shall be required to obtain development plan approval.

## E. EXTENDED STAY HOTEL/MOTEL

1. **Extended Stay Hotel/Motel Intent.** The purpose of regulating and limiting extended stay hotels and motels is to allow access to short-term housing options while ensuring that the accommodations are safe and habitable.
2. **Extended Stay Hotel/Motel General Standards.**
  - a. The common areas and unoccupied rooms of an extended stay hotel/motel facility are subject to inspection by the City of Scottsburg.
  - b. Any facility that fails to meet the requirements of this section is prohibited from offering any extended stay rentals exceeding thirty (30) days.
  - c. Any facility operated, conducted, or maintained contrary to the provisions of this section may be declared to be unlawful and an unsafe building. The City may, in addition, or in lieu of all other remedies, commence actions or proceedings for abatement, removal, or injunction thereof, in the manner provided by state law and this UDO.



3. **Extended Stay Hotel/Motel Development Standards.**

EXTENDED STAY HOTEL/MOTEL STANDARDS	
Extended Stay Hotel/Motel Operational Standards	
Duration of Stay	<ul style="list-style-type: none"> <li>▪ Extended stay hotel/motel facilities are not to serve as a residence</li> <li>▪ No customer shall stay in the same unit for more than 30 consecutive nights</li> <li>▪ After a cumulative stay of 60 consecutive nights by a customer, the customer (and any visitors or guests) shall vacate the premises of the extended stay hotel/motel, and no operator, owner, keeper, or proprietor of any extended stay hotel/motel shall rent or provide a room to the customer, visitor, or guest for at least 15 consecutive nights following the last day of the prior occupancy</li> </ul>
Extended Stay Hotel/Motel Structure Standards	
Room Occupancy	<ul style="list-style-type: none"> <li>▪ No unit shall be rented for greater number of people than the sleeping accommodations that are provided within the unit. For example, 1 person for each bed with a single sized mattress and/or 2 persons for each bed with a full-, queen-, or king-sized mattress.</li> <li>▪ The occupancy of a unit shall not exceed twice the number of persons for whom sleeping accommodations are provided within the unit, except when temporarily designated as a hospitality suite by the extended stay hotel/motel</li> </ul>
Unit/Room Requirements	<ul style="list-style-type: none"> <li>▪ Every operator, owner, keeper, or proprietor shall keep and maintain a working telephone equipped to place a direct call to 911 in each unit</li> <li>▪ Each unit shall be equipped with a sprinkler system and hard-wired smoke detector approved by the fire marshal</li> <li>▪ Each unit shall be at least 360 square feet in size to be considered an extended stay unit</li> <li>▪ Each unit shall contain operable kitchenette facilities, including at a minimum, the following:                             <ul style="list-style-type: none"> <li>▪ A refrigerator of 18 cubic feet capacity</li> <li>▪ A microwave</li> <li>▪ A 32" wide sink with hot and cold-water faucet(s) located outside of the bathroom facility of the unit</li> <li>▪ 4 ½ feet of base cabinets</li> <li>▪ Dining table of sufficient size to seat two adult persons comfortably</li> </ul> </li> </ul>

4. **Extended Stay Hotel/Motel Procedures.** All extended stay hotels/motels shall be required to obtain development plan approval prior to issuance of any ILP or permit.

## F. HOME-BASED BUSINESS

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

HOME-BASED BUSINESS STANDARDS	
Home-Based Business Operational Standards	
Employees	<ul style="list-style-type: none"> <li>▪ Maximum 2 external employees allowed on site at one time</li> <li>▪ Does not include the resident(s)</li> </ul>
Clients/Customers	<ul style="list-style-type: none"> <li>▪ Maximum of 10 clients/business-related visitors allowed on site per day</li> <li>▪ No more than 2 present on the site at one time</li> </ul>
Hours of Operation	Business hours shall be limited to 7:00 am to 7:00 pm unless specified otherwise with the special exception approval or through an approved variance
Home-Based Business Site Standards	
Location	All business activity must be conducted entirely within the primary dwelling unit and/or entirely within a permitted accessory structure on the same parcel as the primary dwelling unit
Access	<ul style="list-style-type: none"> <li>▪ No additional access points and/or driveways shall be permitted</li> <li>▪ Adequate measures shall be taken to maintain safety for trucks and vehicles entering the public roadway at slower speeds, including but not limited to, deceleration/acceleration lanes or passing blisters</li> </ul>
Outdoor Storage	<ul style="list-style-type: none"> <li>▪ Display of goods or products for sale is prohibited</li> <li>▪ All outdoor storage areas or areas used to park equipment or vehicles shall be:                             <ul style="list-style-type: none"> <li>▪ Behind the rear elevation of the primary dwelling unit; and</li> <li>▪ Within a fully enclosed structure or have a solid fence, masonry wall, or continuous evergreen screen on all sides (excluding driveways) that is a minimum of 6 feet in height to provide screening from adjacent properties. Fences shall comply with all regulations of this UDO</li> </ul> </li> </ul>
Character	<ul style="list-style-type: none"> <li>▪ There shall be no evidence on the exterior of the premises that the property is used in any way other than for a residential dwelling. All structures shall retain a residential character</li> <li>▪ No mechanical equipment shall be used that creates any electrical or other interference, noise, or impacts that are not normally associated with a residential use</li> </ul>
Parking	Parking shall comply with Chapter 4.F: Parking and Loading Standards
Signs	Signs shall comply with Chapter 4.H: Sign Standards

3. **Home-Based Business Standards.** All home-based businesses shall be required to obtain development plan approval.

## G. HOME OCCUPATION

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

HOME OCCUPATION STANDARDS	
Home Occupation Operational Standards	
Employees, Clients & Customers	No employee, client, or business-related visitor is allowed on the site of the home occupation other than the resident(s) of the dwelling
Home Occupation Site Standards	
Location	All business activity must be conducted entirely within the primary dwelling unit or entirely within a permitted accessory structure upon the same parcel as the primary dwelling unit
Access	No additional access points and/or driveways shall be permitted
Outdoor Storage	Outdoor storage (including equipment parking) or display of goods or products is prohibited
Character	<ul style="list-style-type: none"> <li>▪ There shall be no evidence on the exterior of the premises that the property is used in any way other than for a residential dwelling. All structures shall retain a residential character.</li> <li>▪ No mechanical equipment shall be used that creates any electrical or other interference, noise, or impacts that are not normally associated with a residential use</li> </ul>
Parking	Parking shall comply with Chapter 4.F: Parking and Loading Standards
Signs	Signs shall comply with Chapter 4.H: Sign Standards
Deliveries	No deliveries or pick-ups shall be allowed other than from commercial parcel delivery services (e.g., USPS, UPS, FedEx, DHL)

3. **Home Occupation Standards.** Home occupations are not required to obtain development plan approval. A site plan for approval showing compliance with all regulations of this UDO shall be submitted only if an ILP is required,

## H. JUNKYARD AND SALVAGE

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

JUNKYARD/SALVAGE STANDARDS	
Junkyard/Salvage Structure Standards	
Location	<ul style="list-style-type: none"> <li>▪ No portion of a junkyard, impound lot, or salvage yard shall be located within an area designated as a special flood hazard area</li> <li>▪ No portion of a junkyard used for storage of any materials shall be within 500 feet of the property line of an existing residential use or parcel platted for residential use</li> </ul>
Junkyard/Salvage Development Standards	
Storage and Fencing	<ul style="list-style-type: none"> <li>▪ All storage of any junk, materials, or similar activity shall be within an enclosed building or fully screened with vegetation, berm, masonry wall, fence, or similar so it is not visible from any public street or adjacent parcel year-round</li> <li>▪ All fencing shall be securely locked unless being actively supervised for ingress or egress</li> </ul>
Access	<ul style="list-style-type: none"> <li>▪ A fire lane of at least 15 feet in width shall be maintained from the main entrance to a public street throughout the junkyard, so that no point of the junkyard shall be more than 200 feet from a fire lane</li> <li>▪ Internal driveways and fire lanes shall be paved</li> </ul>

4. **Junkyard/Salvage Procedures.**
  - a. **Development Plan Required.** A development plan is required to construct and/or establish a junkyard.

## I. MANUFACTURED HOME PARK

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

MANUFACTURED HOME PARK STANDARDS	
Manufactured Home Park Operational Standards	
Resident Manager	<ul style="list-style-type: none"> <li>▪ A resident manager or park manager shall be required to oversee that the ordinances and laws regulating the manufactured home park are observed</li> <li>▪ The resident manager or park manager shall reside on-site, and a designated person shall be accessible to contact 24 hours a day/7 days a week for emergencies</li> </ul>
Register of Residents	<ul style="list-style-type: none"> <li>▪ Every manufactured home park shall maintain a current register of all occupants, which shall include, at a minimum, the names of all persons residing in the manufactured home park; the make, type and serial or license number of each manufactured home; and a location of the space occupied</li> <li>▪ The park owner shall provide the list, and any updates, to the Assessor’s Office</li> </ul>
Manufactured Home Park Structure Standards	
Structure Types	<ul style="list-style-type: none"> <li>▪ Only manufactured homes are permitted as dwellings within a manufactured home park. No recreational vehicles (RVs), travel trailers, or similar vehicles shall be used as dwellings</li> <li>▪ No transient or non-permanent manufactured homes or travel trailers shall be located in a manufactured home park (except as allowed in this section)</li> <li>▪ Coin-operated laundries, recreational rooms, storm shelters, and similar amenities may be permitted in manufactured home parks</li> </ul>
Structure Standards	<ul style="list-style-type: none"> <li>▪ All manufactured homes shall comply with the structure standards in Chapter 4.J.6: Manufactured Homes.</li> <li>▪ The minimum residential living area requirement of the underlying zoning district shall NOT apply</li> </ul>
Manufactured Home Park Site Standards	
Minimum Lot Width (Overall Park/Site)	120 feet or as determined by the zoning district, whichever is greater
Minimum Lot Area (Overall Park/Site)	10 acres
Minimum Home Site Lot Area	2,000 sq ft or as determined by the zoning district, whichever is less
Minimum Separation between Any Structures	20 feet

Storage	<ul style="list-style-type: none"> <li>▪ Wrecked, abandoned (unoccupied for more than 1 year and/or deemed unsafe by the Building Commissioner), damaged, or dilapidated manufactured homes shall not be kept or stored within the manufactured home park at any time</li> <li>▪ An open storage area may be provided within the park to store travel trailers, campers, and other recreational vehicles by residents. If open storage is provided, the minimum storage area shall be 200 square feet per home site and shall be fully screened with a solid fence or wall with a gate that is at least 6 feet in height</li> <li>▪ Campers shall not be occupied or stored on any home site</li> <li>▪ Each park shall provide either one or more central storage structures available to all manufactured home sites or a single storage structure for each manufactured home site. Such structures shall be waterproof, so they remain relatively unaffected by water and/or weather and are suitable for storage of goods and the usual effects of persons occupying the park</li> </ul>
Bufferyards and Fencing	<p>The perimeter of each manufactured home park shall be fully screened with a solid fence or wall that is a minimum of 6 feet in height unless the required bufferyard (see Chapter 4.D: Landscaping and Buffer Standards) specifies a higher standard</p>
Parking and Loading	<p>All parking areas shall be paved and comply with Chapter 4.F: Parking and Loading Standards</p>
Lighting	<ul style="list-style-type: none"> <li>▪ Each manufactured home park shall provide streetlights at the entrance and at least every 500 feet along internal roads.</li> <li>▪ Maintenance of all lighting and monthly services fees shall be the responsibly of the park owner</li> <li>▪ All lighting shall comply with Chapter 4.E: Lighting Standards</li> </ul>
Sidewalks	<ul style="list-style-type: none"> <li>▪ Sidewalks that are a minimum of 4 feet in width shall be provided on at least one side of all internal roads</li> <li>▪ A minimum of a 3-foot-wide sidewalk shall be provided to each individual home site from the nearest public sidewalk, street, or parking area.</li> <li>▪ All sidewalk connections shall be paved with a suitable material for use in all weather conditions</li> </ul>
Roads	<ul style="list-style-type: none"> <li>▪ Each home site shall have direct access to a public or private roadway</li> <li>▪ Design of all entrances and internal roads, public or private, shall provide for emergency vehicle access and be approved by the Fire Department and EMS</li> <li>▪ All internal roads shall be paved, installed by the applicant, and built to the standards outlined in Standards and Specifications.</li> <li>▪ All private roads shall be maintained by the property owner</li> </ul>
Drainage	<p>All drainage shall comply with the Scottsburg Drainage Ordinance</p>
Community Facility & Storm Shelter	<ul style="list-style-type: none"> <li>▪ At least 1 indoor community facility shall be provided for the park that provides recreational space for the park occupants as well as a storm shelter that meets the minimum requirements in the ICC 500 standard for occupants during severe weather</li> <li>▪ The area of the community facility shall be at least 200 square feet or 1% of the park's gross acreage, whichever is greater</li> </ul>
Recreational Area	<p>Each park shall provide and maintain a recreational area(s) (such as open space, playground, dry detention areas, etc.) equal in size to at least 20% of the area of the park in a central location(s). Maintenance of all recreational and public areas shall be enforced as allowed by this UDO and all applicable property maintenance ordinances</p>

4. **Manufactured Home Park Procedures.** All campgrounds and RV parks shall be required to obtain development plan approval.

## J. NON-COMMERCIAL LIVESTOCK

1. **Non-Commercial Livestock Intent.** The intent of these standard is to provide guidance for the residential use and enjoyment of animals and to ensure the protection of adjoining properties from the impacts of raising certain animals in an urban environment.
2. **Non-Commercial Livestock General Standards.**
  - a. Non-commercial keeping of livestock is considered an accessory use for single-family residentially occupied properties and shall be subject to these regulations. Nothing in these standards shall apply to domesticated dogs and cats.
  - b. Livestock structures shall be kept in a sanitary condition and free from unpleasant odors and from conditions contributing to the breeding of flies. Animal feed that is not stored in the principal building shall be stored in sealed, rodent-proof containers.

3. **Non-Commercial Livestock Development Standards.**

NON-COMMERCIAL LIVESTOCK STANDARDS	
Non-Commercial Livestock Structure Standards	
Permitted Structures	<ul style="list-style-type: none"> <li>▪ Pens, sheds, coops, cages, barns, and similar structures, including livestock enclosures</li> <li>▪ Any structure or areas used to contain or house an animal shall allow for the free movement of the animals</li> </ul>
Non-Commercial Livestock Site Standards	
Maximum Density	<ul style="list-style-type: none"> <li>▪ Roosters are not permitted as non-commercial livestock</li> <li>▪ Large animals (e.g. horses, cows, llamas, mules and other similar sized animals) shall not exceed 1 animal per acre of lot area that is set aside and used for the housing and pasturing of livestock</li> <li>▪ Medium animals (including goats, swine, sheep, or other similar sized animals) shall not exceed 2 animals for each half acre of lot area that is set aside and used for the housing and pasturing of livestock</li> <li>▪ Small animals (including chickens, fowl, game birds, rabbits, and any other animal which is similar in size and/or nature) shall not exceed 1 animal per 1,000 square feet of gross lot area that is set aside and used for the housing and pasturing of livestock</li> <li>▪ No parcel shall exceed 8 total non-commercial livestock animals.</li> <li>▪ If any livestock gives birth and thereby exceeds the maximum density allowed, the property owner shall comply with the maximum density within 6 months of the birth any large or medium animal(s) and 3 months of the birth for any small animal(s)</li> </ul>
Setbacks	<ul style="list-style-type: none"> <li>▪ All structures and/or areas used for non-commercial livestock shall located behind the front façade of the primary dwelling</li> <li>▪ All structures used for large and medium animals shall be at least 35 feet from all property lines unless additional setback is required by the zoning district, bufferyard, or other section of this UDO</li> <li>▪ All structures used for small animals shall meet the setback requirements for the primary structure within the zone district</li> </ul>
Fencing	<ul style="list-style-type: none"> <li>▪ All animals shall be kept within a livestock enclosure or confined area at all times unless leashed, haltered, or bridled and under the direct control of the owner</li> <li>▪ The fence height shall be sufficient to keep the animal(s) within the enclosure and shall be adequately constructed to prevent the animal(s) from being able to escape from its confines</li> <li>▪ All fences shall comply with Chapter 4.B: Accessory Structure Standards</li> </ul>
Manure Management	<ul style="list-style-type: none"> <li>▪ All animal waste shall be properly stored and disposed of so the odor is not objectionable at the property line</li> <li>▪ All containers used for animal waste shall be covered and cleaned on a regular basis</li> </ul>

4. **Non-Commercial Livestock Procedures.** Non-commercial livestock are not required to obtain development plan approval. A site plan for approval showing compliance with all regulations of this UDO shall be submitted only if an ILP is required.



## K. SHORT TERM RENTAL

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

SHORT-TERM RENTAL STANDARDS	
Short-Term Rental Operational Standards	
Occupancy	Maximum overnight occupancy shall be 2 persons per sleeping area, but not to exceed 10 people, regardless of the number of sleeping areas.
Short-Term Rental Structure Standards	
Permitted Structure Types	<ul style="list-style-type: none"> <li>▪ Short-term rental units shall be located in lawfully built dwelling unit that meet all applicable building code requirements.</li> <li>▪ A short-term rental may be within a primary dwelling or within an accessory dwelling unit that conforms with Chapter 3.B: Accessory Dwelling Unit (ADU)</li> </ul>
Prohibited Structure Types	<ul style="list-style-type: none"> <li>▪ A recreational vehicle, travel trailer, automobile, shipping container, or similar structure</li> <li>▪ A motor vehicle, or a part of a motor vehicle</li> <li>▪ Any structure not intended for permanent human occupancy</li> </ul>
Short-Term Rental Site Standards	
Parking	Parking shall comply with Chapter 4.F: Parking and Loading Standards
Signs	Signs shall comply with Chapter 4.H: Sign Standards

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

## L. SOLAR ENERGY SYSTEMS (SES), ACCESSORY

1. **Accessory SES Intent.** In addition to minimizing impacts on adjacent properties, the purpose of these standards is to allow for energy collection, storage, and distribution that is accessory to another use and intended to be used on-site.
2. **Accessory SES Districts Permitted.**
  - a. Accessory SES are a permitted accessory use in all zoning districts where accessory structures are allowed, subject to certain requirements as set forth in this UDO.
  - b. Solar Carport SES and associated electric vehicle charging equipment are a permitted accessory use on surface parking lots in all districts regardless of the existence of another building.
  - c. Building-integrated SES and roof-mounted SES are permitted on any legally permitted structure, provided the structure is designed to adequately and safely accommodate the SES.
  - d. Solar collectors mounted on the sides of buildings and serving as awnings are considered to be building-integrated SES and are regulated as awnings under this UDO.
  - e. Ground-mounted SES shall not count toward the maximum number of accessory structures permitted.
3. **Accessory SES Development Standards.**

ACCESSORY SES STANDARDS	
Accessory SES Site Standards	
Height	<ul style="list-style-type: none"> <li>▪ As allowed by the zoning district but cannot exceed 15 feet for ground-mounted and pole-mounted SES</li> <li>▪ Height is measured at maximum design tilt</li> </ul>
Setbacks	<p>All setbacks, measured at maximum design tilt, are determined by the zoning district except:</p> <ul style="list-style-type: none"> <li>▪ Ground-mounted SES. Ground-mounted SES cannot be located in front of the front facade of the primary structure and shall comply with setbacks except as otherwise allowed for building mechanical systems.</li> <li>▪ Building-integrated SES and roof-mounted SES.</li> <li>▪ The collector surface and mounting devices may only extend beyond the exterior perimeter of the building on which the system is mounted or built if designed to safely extend beyond the perimeter by a Professional Engineer licensed to practice in the State of Indiana and the minimum setbacks are met.</li> <li>▪ Exterior piping for solar hot water systems may extend beyond the perimeter of the building on a side or rear yard if the minimum setbacks are met.</li> </ul>
Screening & Visibility: Residential Districts	<ul style="list-style-type: none"> <li>▪ Accessory SES in residential districts shall be designed to minimize visual impacts from the public right-of-way, as described within this section, to the extent that it does not affect the cost or efficacy of the system, consistent with IC 36-7-2-8.</li> <li>▪ If reflectors are used, the glare impacting adjacent properties should be minimized.</li> <li>▪ Building-integrated SES are not required to comply with screening and visibility standards.</li> <li>▪ Roof-mounted systems on a pitched roof that have the same finished pitch as the roof and are no more than 10 inches above the finished roof do not have to comply with aesthetic standards.</li> <li>▪ Roof-mounted systems on a flat roof that are no more than 5 feet above the finished roof do not have to comply with aesthetic standards</li> </ul>

<p>Screening &amp; Visibility: Historic District</p>	<p>Accessory SES on buildings within designated historic districts or on locally designated historic buildings (exclusive of State or Federal historic designation) must receive a Certificate of Appropriateness from the Scottsburg Historic Review Board, consistent with the standards for solar energy systems on historically designated buildings published by the U.S. Department of the Interior</p>
<p>Maximum Impervious Surface Coverage</p>	<p>Maximum impervious surface coverage is determined by the zoning district except:</p> <ul style="list-style-type: none"> <li>▪ Ground-mounted SES do not count towards the maximum impervious surface coverage if the soil under the collector is maintained in vegetation and not compacted.</li> <li>▪ Solar carport SES in non-residential districts are exempt from the maximum impervious surface coverage</li> </ul>

4. **Accessory SES Procedures.**

- a. **Development Plan.** Accessory SES are not required to obtain development plan approval but shall submit a site plan for approval with any ILP application showing compliance with all regulations of this UDO.
- b. **Compliance with Applicable Codes.** All accessory use solar energy systems shall meet approval of local building code officials, consistent with the current State of Indiana Building Code and the National Electrical Code (NEC), and solar thermal systems shall comply with HVAC-related requirements of the Energy Code.
- c. **Permit Required.** All accessory SES are required to obtain an ILP prior to installation.
- d. **Approved Solar Components.** Electric solar energy system components must have an Underwriters Laboratory (UL), or equivalent listing, and solar hot water systems must have a Solar Rating & Certification Corporation (SRCC) or equivalent rating.
- e. **Utility Notification.** It is recommended that the interconnection application be submitted to the utility prior to applying for required permits. Grid-tied solar energy systems shall comply with interconnection requirements of the electric utility, if applicable. Off-grid systems are exempt from this requirement.

## M.SOLAR ENERGY SYSTEMS (SES), PRIMARY

1. **Primary SES Intent.** In addition to minimizing impacts on adjacent properties the purpose of these standards is to allow for energy collection, storage, and distribution that primarily intended for off-site use.
2. **Primary SES Development Standards.**

PRIMARY SES STANDARDS	
Primary SES Structure Standards	
Foundation Design	A Professional Engineer licensed to practice in the State of Indiana shall certify that the foundation and design of the solar panel racking, foundations, and support is within accepted professional standards, given local soil and climate conditions prior to application for ILPs.
Primary SES Site Standards	
Height	Maximum of 20 feet in height, measured at maximum design tilt
Setbacks	<p>All setbacks, measured from the nearest edge of the SES array at maximum design tilt (excluding fencing, screening, berms, and similar), are determined by the zoning district with the following exceptions:</p> <ul style="list-style-type: none"> <li>▪ Minimum of 150 feet from any parcel with a non-participating residential dwelling unless waived upon mutual agreement of all property owners</li> <li>▪ No minimum setback between separate parcels that are both participating property owners and waived upon mutual agreement of all property owners</li> <li>▪ Minimum of 50 feet from any public right-of-way</li> <li>▪ All setbacks may be reduced by fifty percent (50%), but shall not be less than thirty (30) feet, if the array has a continuous evergreen landscape buffer that fully screens the array from view at the setback line</li> </ul>
Fencing	If installed, perimeter fencing for the site shall not include barbed wire or woven wire designs and shall preferably use wildlife-friendly fencing standards that include clearance at the bottom. For sites incorporating agrivoltaics, alternative fencing can be used if approved by the Administrator.
Screening & Visibility: Residential Districts	<ul style="list-style-type: none"> <li>▪ All primary SES shall be fully screened from view year-round, including across any street or right-of-way, from existing residential dwellings, residentially zoned parcels, or parcels platted for residential development.</li> <li>▪ Screening shall not be required along property lines within the same zoning district unless the adjoining parcel has an existing residential use or is platted for residential development</li> <li>▪ Screening may include continuous vegetation, fencing, and/or berms that fully screens the view of the solar panels and accessory equipment.</li> <li>▪ All screening shall comply with all standards of the UDO, including fence height</li> <li>▪ A landscape plan shall be submitted as part of the development plan approval that identifies the type and extent of proposed buffer and screening</li> <li>▪ Vegetation or another type of buffer can be proposed if it fully screens the SES</li> <li>▪ Additional screening may be required if there is a clear community interest in maintaining a viewshed or to mitigate the impact on an adjacent parcel</li> </ul>

Primary SES Utility Standards	
Power & Communication Lines	<ul style="list-style-type: none"> <li>▪ All power and communication lines on the site shall be buried underground. Exemptions may be granted by the BZA in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines or distance makes undergrounding infeasible</li> <li>▪ Power and communication lines between the project and the point of interconnection with the transmission system can be overhead</li> </ul>

3. **Primary SES Ground Cover.** Primary SES shall comply with one of the following for ground cover.
  - a. **Alternative A: Perennial Ground Cover.** Additional site-specific conditions may be required by the BZA as part of a Special Exception approval in addition to the following:
    - i. The site around and under solar panels and within all setback or buffer areas shall be planted, established, and maintained for the life of the SES project in perennial ground cover. To the extent feasible for site conditions and height requirements so plantings do not interfere with solar equipment, perennial ground cover shall include a diverse seed mix of native species consistent with guidance specific to the local area provided by the Soil and Water Conservation District office or the Indiana Native Plant Society.
    - ii. The owner/operator shall outline site maintenance practices that are intended to manage and mitigate invasive or noxious plant species, as listed by the Indiana Invasive Species Council, without harming perennial ground cover.
    - iii. Insecticide and herbicide use is not permitted on the site except for within on-site buildings, in and around electrical boxes, spot control of noxious weeds, or as necessary to protect public health and safety.
    - iv. Plant material cannot be treated with systemic insecticides, particularly neonicotinoids.
  - b. **Alternative B: Pollinator Friendly Ground Cover.** Additional site-specific conditions may be required by the BZA as part of a Special Exception approval in addition to the following:
    - i. The site around and under solar panels and within all setback or buffer areas shall be planted, established, and maintained for the life of the SES project in perennial ground cover that complies with the definition of Pollinator-Friendly Solar Energy.
    - ii. Primary SES that are mounted on the ground that propose to install, establish, and maintain pollinator-friendly ground cover must demonstrate the quality of the proposed habitat based on guidance from sources such as Purdue University 2020 Indiana Solar Site Pollinator Habitat Planning Scorecard or other third party solar-pollinator scorecards designed for Midwestern eco-systems, soils, and habitat.
      - 1) All applicants shall submit a completed pollinator-friendly solar scorecard such as the 2020 Indiana Solar Site Pollinator Habitat Planning Scorecard developed by Purdue University, or a similar third-party solar pollinator standard designed for Midwest eco-systems and conditions.
      - 2) If the project does not qualify as pollinator-friendly, the applicant shall submit a landscaping plan detailing site conditions that prevent the site from being qualified and alternative means of meeting the water quality and habitat goals of the pollinator-friendly standard.

- iii. Projects certified and maintained as pollinator-friendly habitats are exempt from landscaping requirements and post-construction stormwater management controls (as stated in the Stormwater and NPDES section below) that may be otherwise required under these development regulations, unless required as a condition by the Plan Commission or BZA.
    - 1) The owner/operator shall outline site maintenance practices that are intended to manage and mitigate invasive or noxious plant species, as listed by the Indiana Invasive Species Council, without harming perennial ground cover.
    - 2) Insecticide and herbicide use is not permitted on the site except for within on-site buildings, in and round electrical boxes, spot control of noxious weeds, or as necessary to protect public health and safety.
4. **Primary SES Procedures.**
- a. **Development Plan.** Primary SES shall be required to obtain development plan approval.
  - b. **Stormwater and NPDES.** Primary SES projects are subject to any stormwater management and erosion and sediment control provisions adopted by the city as well as the Nonpoint Pollution Discharge Elimination System (NPDES) permit requirements. Solar collectors shall not be considered impervious surfaces if the project complies with ground cover standards as described in this ordinance.
  - c. **Compliance with Applicable Codes.** All Primary SES projects shall comply with all applicable local, state, and federal regulatory codes, including the current State of Indiana Uniform Building Code and the National Electric Code (NEC), and solar thermal systems shall comply with HVAC-related requirements of the Energy Code.
  - d. **Aviation Protection.** For Primary SES projects located within five hundred (500) feet of an airport or within any approach zones of an airport, the applicant must complete and provide the results of a glare analysis through a qualitative analysis of potential impact, field test demonstration, or geometric analysis of ocular impact in consultation with the Federal Aviation Administration (FAA) Office of Airports, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA.
  - e. **Decommissioning Plan & Surety.** The project owner shall provide a decommissioning plan for all parcels and easements related to the project prior to any commercial solar energy devices being installed. The decommissioning plan shall be approved by the City Council and shall be updated every five (5) years or if any of the property owner(s), operator, or project owner changes. Except as otherwise required by Indiana Code, the decommissioning plan shall include, at a minimum, the following:
    - i. **Affidavit of Responsibility.** A signed and notarized affidavit that is recorded with the County Recorder's Office shall be provided by all property owners acknowledging that the responsibility of decommissioning (including costs to decommission) is ultimately the responsibility of the property owner(s) even if that responsibility and cost is assigned to the operator through a separate agreement. If the operator fails to comply with any aspect of the decommissioning plan, the property owner(s) shall be ultimately responsible for all aspects of decommissioning and liable for all penalties for failure to comply.

- ii. **Commercial Liability Insurance Required.** The owner and operator of a Commercial Solar Energy Facility shall maintain a commercial general liability policy covering death, bodily injury, and property damage, which may be combined with umbrella coverage. The owner and operator shall be required to name the City of Scottsburg, Indiana as an additional insured solely to the extent of liabilities arising under this UDO. This policy shall carry dollar amounts satisfactory to the City of Scottsburg Common Council and with agreed upon dollar amount limits per occurrence, aggregate coverage, and deductible amounts, all of which shall be agreed upon by the owner and operator and the City of Scottsburg Common Council and provided in the Decommissioning Plan.
- iii. **Continuity of Decommissioning Plan.** The written terms of the decommissioning plan shall include that the decommissioning plan is binding upon the property owner and operator as well as any of their successors, assignees, or heirs.
- iv. **Restoration of Site.** This shall outline how the site will be restored to a natural state that includes adequate provisions for removal of all structures and foundations to a depth of forty-eight inches (48") and restoration of soil and vegetation.
  - 1) Decommissioning of the system, or a component or portion of the system, must be completed within twelve (12) months of the project, or component or portion of the system, not producing energy. An owner may petition for an extension of this period upon showing of reasonable circumstances that have caused the delay in the start of decommissioning.
  - 2) Disposal of structures, materials, waste, and/or foundations (both hazardous and non-hazardous materials) shall meet the provisions of all local, state, and federal ordinances.
- v. **Estimated Decommissioning Costs.** These shall be calculated by a third-party licensed or registered engineer (or by another person with suitable experience in the decommissioning of solar energy system) and agreed upon by the project owner and the City Engineer.
  - 1) The total estimated decommissioning costs shall be net of any estimated salvage value attributable to the solar device(s) at the time of decommissioning, unless the City of Scottsburg and the project owner agree to include any such value in the estimated cost.
  - 2) The estimated decommissioning costs shall be reevaluated and agreed upon by the project owner and the City Engineer at the timelines outlined for the required surety bond.
- vi. **Surety Bond or Equivalent for Decommissioning.** The project owner shall provide a surety bond or an equivalent means of security acceptable to the City Engineer in an amount equal to 125% of the agreed-upon estimated cost of decommissioning the system (as outlined in section (5) above). The bond or equivalent shall be in place prior to the issuance of an ILP (building permit). The total amount of the bond or other security posted under this section shall be provided:
  - 1) Prior to the issuance of an ILP (building permit) for any structure or component of a Commercial Solar Energy Facility.
  - 2) Every five (5) years at the anniversary of the approval of the initial decommissioning plan based upon the reevaluated decommissioning cost.
  - 3) If any of the property owner(s), operator, or project owner changes.

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



## N. WIND ENERGY SYSTEMS

1. **Wind Energy Systems Intent.** The purpose of these regulations is to create a set of basic standards regulating the development, operation, and decommissioning of wind power devices for both commercial and personal use.
2. **Wind Energy Systems General Standards.**
  - a. Wind energy systems, are defined in Chapter 9.B: Definitions, are classified as a mini, small, or commercial wind energy system.
  - b. The design and construction of all wind energy systems shall meet the following standards:
    - i. All applicants shall construct, operate, maintain, repair, provide for removal of, modify and/or restore the permitted system in strict compliance with all current applicable local, state, and federal technical and safety-related codes, including, but are not limited to, construction, building, electrical, fire, safety, health, and land use codes and regulations. In the event of a conflict between or among any of the preceding, the more restrictive shall apply.
    - ii. All applicants shall obtain, at their own expense, all permits and licenses required by applicable laws, rules, regulations, and/or codes, and the applicant must maintain the applicable permits and licenses, in full force and effect, for as long as required by the City of Scottsburg or any other governmental entity or agency having jurisdiction over the applicant.
    - iii. All applicants shall notify the Administrator of any intended modification of a mini, small, or commercial wind energy system and shall make application to modify the height, relocate or rebuild such structure.
    - iv. All wind energy systems shall conform to applicable industry standards of the American National Standards Institute (ANSI) and be approved by a wind certification program recognized by the American Wind Energy Association. All systems that are over twenty-five (25) feet in height must be designed by a Professional Engineer licensed to practice in the State of Indiana. The engineer must certify that the foundation and tower constructed for all structures is within acceptable code and industry standards—given local soil and climate conditions.

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

3. **Development Standards for Commercial Wind Energy Systems.** These development standards only apply to all commercial wind energy systems (they do not apply to mini or small wind energy systems).
  - a. **Commercial Wind Energy Systems Shadow Flicker Modeling.**
    - i. Unless waived with written consent from the owner(s) of each impacted nonparticipating property or as otherwise allowed by IC 36-7-4-1109, no wind power devices shall be installed without providing documentation that:
      - 1) The project owner has used shadow flicker computer modeling to estimate the amount of shadow flicker anticipated to be caused by the wind power device; and
      - 2) The wind power device(s) has been designed and documentation using industry standard computer modeling is provided that indicates that any dwelling on a nonparticipating property will not experience more than thirty (30) hours per year of shadow flicker under planned operating conditions for the wind power device(s).
    - ii. After any wind power device is installed or located, the project owner shall work with the property owner of any affected dwelling on a nonparticipating property to mitigate the effects of shadow flicker to the extent reasonably practicable.

- b. **Commercial Wind Energy Systems Impact on Communication Signals.** All wind power devices must be installed in a manner to minimize and mitigate impacts to:
- i. television signals;
  - ii. microwave signals;
  - iii. agricultural global positioning systems;
  - iv. military defense radar;
  - v. radio reception; and
  - vi. weather and doppler radar.
- c. **Commercial Wind Energy Systems Noise.** Unless waived with written consent from the owner(s) of each impacted nonparticipating property or as otherwise allowed by IC 36-7-4-1109, no wind power devices shall be installed without providing documentation that all devices will operate in a manner such that the sound attributable to the wind power device(s) will not exceed an hourly average sound level of fifty (50) A-weighted decibels, as modeled at the outer wall of an affected dwelling.
- d. **Commercial Wind Energy Systems Lighting.**
- i. As used in this section, "wind turbine light mitigation technology" means any technology used in connection with a wind power device to shield, limit, or otherwise mitigate the amount, intensity, character, or visibility of light emitted from the wind power device.
  - ii. Except as otherwise allowed by IC 36-7-4-1109 after January 1, 2023, or to the extent permissible under federal law or regulations, all wind power devices must be equipped with a wind turbine light mitigation technology, unless:
    - 1) The Federal Aviation Administration denies the project owner's application to use a wind turbine light mitigation technology;
    - 2) The wind turbine light mitigation technology application is pending review by the appropriate federal agencies; or
    - 3) The project owner determines that the use of a wind turbine light mitigation technology is not economically feasible.
- e. **Commercial Wind Energy Systems Drainage.** For all wind power devices that are constructed or installed after June 30, 2022 or as otherwise allowed by IC 36-7-4-1109, all damages to waterways, drainage ditches, field tiles, or other drainage related infrastructure caused by the construction, installation, or maintenance of a wind power device must be completely repaired by the project owner or remedied with the installation of new drainage infrastructure that does not impede the natural flow of water. All repairs are subject to applicable federal, state, and local drainage laws and regulations, must be completed within a reasonable period of time, and:
- i. Completed to the satisfaction of the Administrator; and
  - ii. Completed as stated in an applicable lease or another agreement with the landowner.
- f. **Commercial Wind Energy Systems Decommissioning and Bonding.** Except as otherwise allowed by IC 36-7-4-1109, no wind power devices shall be installed unless the project owner:
- i. Submits a decommissioning and site restoration plan to the Administrator that adequately outlines how the site would eventually be decommissioned.
  - ii. Provides estimated decommissioning costs, including reevaluations of these costs at the timelines outlined below, that are calculated by a third party licensed or registered engineer (or by another person with suitable experience in the decommissioning of wind power devices) and agreed upon by the project owner and the permit authority.

- 1) The total estimated decommissioning costs shall be net of any estimated salvage value attributable to the wind power device(s) at the time of decommissioning, unless the Administrator and the project owner agree to include any such value in the estimated cost.
- iii. Posts a surety bond or an equivalent means of security acceptable to the permit authority, including a parent company guarantee or an irrevocable letter of credit but excluding cash, in an amount equal to the estimated cost of decommissioning the wind power device(s) in the following increments. The total amount of the bond or other security posted under this section shall be adjusted due to changes in costs after each reevaluation.
  - 1) An amount equal to twenty-five percent (25%) of the total estimated decommissioning costs no later than the start date of the wind power device's full commercial operation. This amount shall be adjusted at the fifth (5th) anniversary and tenth (10th) anniversary of the start date of the wind power device's full commercial operation based on reevaluations.
  - 2) An amount equal to fifty percent (50%) of the total estimated decommissioning costs not later than the fifteenth (15th) anniversary of the start date of the wind power device's full commercial operation.
  - 3) An amount equal to one hundred percent (100%) of the total estimated decommissioning costs not later than the twentieth (20th) anniversary of the start date of the wind power device's full commercial operation. This amount shall be adjusted based on reevaluations at least once every five (5) years after the twentieth (20th) anniversary of the start date of the wind power device's full commercial operation.
  - 4) Any person or corporation who shall fail to comply with the decommissioning and/or bonding requirements herein shall for each and every violation of non-compliance be liable for civil penalties to the Plan Commission of up to the maximum amount allowed by state law. Each day that the violation exists or continues shall be deemed a separate offense. The Plan Commission's attorney shall have the right to commence proceedings for an injunction, to restrain a person from violating this Ordinance, and/or for a mandatory injunction requiring that a structure in violation of this Ordinance be removed. The remedies provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedy provided by law.
- g. **Commercial Wind Energy Systems Signage.**
  - i. All commercial wind energy systems and their appurtenant structures shall contain a sign(s) no larger than four (4) square feet each that:
    - 1) Provides the name(s) of the owner(s) and operator(s) of the commercial wind energy systems as well as emergency phone number(s) that are visible from the access point(s) of the site and not lighted, unless lighting is required by applicable law, rule, or regulation.
    - 2) Provides a warning concerning voltage that is placed at the base of all pad-mounted transformers and substations in a conspicuous location.
  - ii. No other signage, including advertising, shall be permitted.

#### h. **Commercial Wind Energy Systems Maintenance & Inspections.**

- i. The owner or operator of a commercial wind energy systems must submit, on an annual basis, a summary of the operation and maintenance reports to the Administrator. The owner or operator must also furnish such operation and maintenance reports as the Administrator reasonably requests.
- ii. Any physical modification to the commercial wind energy systems that alters the mechanical load, mechanical load path, or major electrical components shall require re-certification by a Professional Engineer licensed in the State of Indiana and shall require the applicant to re-obtain Special Exception approval and all required ILPs.
- iii. The Administrator and Building Commissioner are responsible for contacting all owners or operators of a commercial wind energy systems that do not meet local, State, and/or Federal codes and regulations. Once notified in writing, the owner or operator of a commercial wind energy system will be required to address any repairs or alterations within thirty (30) days after receiving notice—or within a longer period of time mutually acceptable to both parties. During this time period, the owner or operator of a commercial wind energy systems may retain a third-party Professional Engineer licensed in the State of Indiana who is familiar with commercial wind energy systems to prepare and submit a written report to the Administrator which addresses the repairs or alterations required and suggests alternate methods for addressing the concerns or provides evidence that said repairs or alterations are unnecessary. The Administrator and Building Commissioner will consider any such written report and determine whether the repairs or alterations should be made as originally requested or as suggested in the written report.
- i. **Commercial Wind Energy Systems Liability Insurance.** The owner or operator of any commercial wind energy systems shall maintain a current general liability policy covering bodily injury and property damage and names the City of Scottsburg as an additional insured. The applicant shall provide proof of liability coverage in a form acceptable to the city's Attorney that includes dollar amount limits per occurrence, aggregate limits, and deductible amount.

#### 4. **Procedures for ALL Wind Systems.**

- a. Mini or small wind energy system structures that are established to serve an existing agricultural use do not require development plan approval but shall submit a site plan for approval with any ILP application showing compliance with all regulations of this UDO. These structures may not exceed forty-five (45) feet in height and must be situated at least fifty (50) feet from all property lines and overhead utility easements to be exempt from the provisions set forth in this UDO. An ILP is required and must be applied for and approved prior to any site work.
- b. Commercial wind systems shall be required to obtain development plan approval.
- c. Applications for the modification of an existing structure that does not increase the overall height or appearance shall be considered a permitted use if it was legally permitted and/or approved previously.
- d. If it is determined that the application meets the purpose, intent, and standards of this ordinance, the application shall be approved. If it is determined that the application does not meet the purpose, intent, and/or standards of this ordinance, the application shall be denied with the specific reasons detailed.
- e. No wind system of any type shall be installed or constructed until the application is reviewed and approved by the Administrator, and a permit has been issued. The city may at its discretion delegate or designate other official agencies to accept, review, analyze, evaluate, and make recommendations with respect to the approval, or denial, of proposed wind systems.
- f. Any permit issued for wind system shall not be assigned, transferred, or conveyed without the express prior written notification to the Administrator.

## O. WIRELESS COMMUNICATION FACILITY

1. **Wireless Communication Facility Intent.** It is the purpose of this section to allow for the appropriate siting of new wireless communication facilities in the city in compliance with current state statute procedures. The regulations set forth in this ordinance allow for and regulate wireless communication facilities while also taking into consideration the health, safety, and general character of the surrounding neighborhood.
2. **Wireless Communication Facility General Standards.** In accordance with IC 8-1-32.3 and notwithstanding IC 36-7-4 or any rules adopted by the BZA, the following provisions apply to all applications submitted under this section:
  - a. **Limitation on Fees.**
    - i. The Administrator may not require an applicant to pay a fee associated with the submission, review, processing, or approval of an application unless the payment of the same or a similar fee for applications for permits for similar types of commercial or industrial structures within the applicable jurisdiction.
    - ii. If a fee associated with the submission, review, processing, or hearing of an application, including a fee imposed by a third party that provides review, technical, or consulting assistance to the Administrator, the fee must be based on actual, direct, and reasonable costs incurred for the review, processing, and hearing of the application.
    - iii. A fee described in this section may not include:
      - 1) Travel expenses incurred by a third party in its review of an application; or
      - 2) Direct payment or reimbursement of third-party fees charged on a contingency basis.
  - b. **Non-discrimination.** The Administrator or the BZA may not discriminate among communications service providers or public utilities with respect to the following:
    - i. Approving applications, issuing permits, or otherwise establishing terms and conditions for construction of wireless or wireline communications facilities.
    - ii. Authorizing or approving tax incentives for wireless or wireline communications facilities.
    - iii. Providing access to rights-of-way, infrastructure, utility poles, river and bridge crossings, and other physical assets owned or controlled by the applicable jurisdiction.
  - c. **Fall Zone Limitation.** The Administrator or the BZA may not impose a fall zone requirement for a wireless support structure that is larger than the area within which the structure is designed to collapse, as set forth in the applicant's engineering certification for the structure. However, a fall zone requirement that is larger than the area described above may be imposed if the Administrator or the BZA provide evidence that the applicant's engineering certification is flawed. This evidence must include a study performed by a professional engineer.
  - d. **All Other Land Use and Development Standards Apply.** These additional rules do not affect the ability of the applicable jurisdiction to exercise other zoning, land use, planning, or other development standards with respect to the siting of new wireless support structures; or exempt the applicant from complying with applicable laws and ordinances concerning land use.
  - e. **Federal Standards Apply.** In reviewing applications and conducting hearings, the Administrator and the BZA shall comply with all applicable provisions of Section 332(c)(7)(B) of the Federal Telecommunications Act of 1996 as in effect on July 1, 2015, and Section 6409(a) of the Middle-Class Tax Relief and Job Creation Act of 2012 as in effect on July 1, 2015.
  - f. **Information Not Required.** Neither the Administrator nor the BZA may require an applicant to submit information about or evaluate an applicant's business decisions with respect to the applicant's designed service, customer demand, service quality, or desired signal strength to a particular location.

- g. **Confidential Materials.** All meetings of the BZA are subject to the Open Door Law in accordance with IC 5-14-1.5. However, neither the Administrator nor the BZA may release to the public any records that are required to be kept confidential under Federal or State law, including the trade secrets of applicants, as provided in the Access to Public Records Act (IC 5-14-3) and any other applicable laws.
  - h. **Consolidation of Multiple Applications.** The Administrator shall allow an applicant to submit a single consolidated application to collocate multiple wireless service facilities, or for multiple small cell facilities that are located within the applicable jurisdiction and that comprise a single small cell network. Whenever a consolidated application is approved, the Administrator shall issue the applicant a single ILP for the multiple facilities, or for the small cell network, in lieu of issuing multiple permits for each respective facility.
  - i. **Conditions for Use of Utility Poles or Towers.** Neither the Administrator nor the BZA may require or impose conditions on an applicant regarding the installation, location, or use of wireless service facilities on utility poles or electrical transmission towers.
3. **Wireless Communication Facility Procedures.**
- a. **Permits Required.** Wireless facilities shall not be constructed, erected, placed, modified, or altered until an ILP has been obtained.
  - b. **Application Required.** In accordance with IC 8-1-32.3, the following procedures shall apply to the application and approval for construction of a new wireless support structure, substantial modification of a wireless support structure, or collocation of wireless facilities on an existing structure.
    - i. **Complete Application.** To be considered complete, the following information must be submitted with an application for a new wireless support structure, a substantially modified wireless support structure, or collocation of a wireless facility:
      - 1) **Applicant Information.**
        - a) A statement that the applicant is a person that either provides wireless communications service or owns or otherwise makes available infrastructure required for each service; and
        - b) The name, business address, and point of contact for the applicant.
      - 2) **Location.**
        - a) The location of the proposed or affected wireless support structure or wireless facility; and
        - b) Evidence supporting the choice of the location for the proposed wireless support structure, including a sworn statement from the individual responsible for the choice of location demonstrating that collocation of wireless facilities on an existing wireless support structure was not a viable option because collocation:
          - i) Would not result in the same wireless service functionality, coverage, and capacity;
          - ii) Is technically infeasible; or
          - iii) Is an economic burden to the applicant.
      - 3) **Construction Plan.** A construction plan that describes the proposed wireless support structure and all equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment.

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



- iv. **Additional Time for Applicant Amendment.** If an applicant has requested additional time to amend its application or requested or agreed to a continuance during the review or hearing process, then the period of time prescribed above shall be extended for a corresponding amount of time.
- v. **Failure to Take Action.** Failure by the Administrator or the BZA to take final action on a request within a reasonable period of time shall be considered a non-final zoning decision in accordance with IC 36-7-4-1602(c), with the applicant consequently entitled to expedited judicial review of the non-final zoning decision.



# CHAPTER 4

## SITE DEVELOPMENT STANDARDS

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## A. GENERAL PROVISIONS

1. **Intent.** The intent of these site development standards is to provide for site development needs while also protecting the health, safety, and general welfare of the public.
2. **Applicability Of Additional Site Development Standards.**
  - a. **Applicability.** The site development standards included in this chapter shall apply to all parcels and all zoning districts and are in addition to all other applicable structure, lot, and/or site standards within this UDO.
  - b. **Thresholds Requiring Compliance with All Site Standards.** Unless otherwise stated, a parcel and/or development shall comply with all site development standards within this UDO if any of the following occurs:
    - i. A new primary structure(s) is constructed;
    - ii. A new land use(s) or change in land use(s);
    - iii. Exterior structural alteration(s) to the primary structure(s), including additions, enlargements, and relocations. Internal remodel/renovation that does not alter the exterior of the structure are not considered exterior structure alterations.
  - c. **Thresholds Requiring Compliance with an Individual Site Standard.**
    - i. Unless otherwise stated in this chapter, if a site standard specifically included in this chapter is altered, expanded, removed, constructed, changed, established, or occurs after the effective date of this UDO, the parcel and/or development shall be required to fully comply with all requirements for that specific site development standard.
    - ii. Regular maintenance does not require compliance with current site standards. For example, if a parking area is resurfaced and does not alter the pavement area, layout, or number of spaces, it would be considered regular maintenance. However, if the parking area is expanded or changes are made in traffic circulation, all parking areas on the parcels (existing and new) shall fully comply with the parking standards of this UDO.

## B. ACCESSORY STRUCTURE STANDARDS

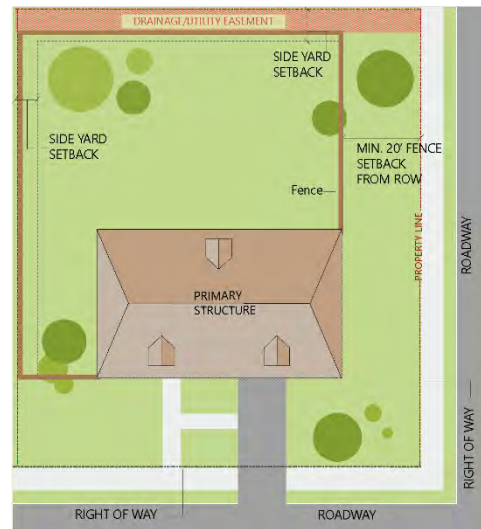
1. **Intent.** The purpose of these accessory structure standards is to provide safe conditions and orderly development within a site to protect the health, safety, and welfare of the occupants and public.
2. **Permitted Districts.** Unless otherwise stated in this UDO, accessory structures that are incidental to the primary use shall be permitted in all zoning districts except the DHD if all requirements of this UDO have been met.
3. **Permits Required for Accessory Structures.**
  - a. **Permits Required for Accessory Structures.** The following accessory structures are permitted in all zoning districts, require an ILP, and shall meet all applicable requirements of the UDO:
    - i. All Accessory structures greater than two hundred (200) square feet.
      - 1) This includes, but is not limited to fences, retaining walls, slabs (cumulative area greater than 200 square feet), pole barns, decks, garages, carports, enclosed patios, above-ground swimming pools, in-ground swimming pools, bath houses, gazebos, shelter houses, cabanas, greenhouses, accessory solar/wind structures/systems (free standing, co-located, and attached), storage sheds, and stables.
    - ii. Signs as required by Chapter 4.H: Sign Standards.
    - iii. Temporary storage containers as required by this ordinance (Chapter 4.I: Storage Standards).
    - iv. Accessory wireless communications facilities, both free-standing and those co-located upon an existing or pre-approved wireless communication facility structure.
    - v. Paving lots and parking areas greater than two hundred (200) square feet (cumulative area).
    - vi. All other accessory structures not specifically included in Subsection (b) below.
  - b. **Permits Not Required for Accessory Structures.** The following accessory structures are permitted in all zoning districts (unless otherwise stated in this UDO) and may be installed without a an ILP. All accessory structures are still required to meet all applicable accessory structure standards and all other requirements of this UDO unless otherwise stated in this UDO.
    - i. Landscape vegetation.
    - ii. Swing sets, children’s treehouses, and poles for basketball net.
    - iii. Bird baths, bird houses, lamp posts, mailboxes, name plates, and housing for domestic pets (provided it is less than two hundred (200) square feet and does not constitute a kennel as defined in Chapter 9.B: Definitions).
    - iv. Utility installation for local/home services (including cable, fiber, and Wi-Fi but excluding solar and wind).
    - v. Ponds and drainage installations.
    - vi. Small structures less than two hundred (200) square feet.

4. **Accessory Structure Location.** An accessory structure shall meet all setback and structure height requirements as required by the applicable zoning district in Chapter 2: Zoning and Overlay Districts.
  - a. Unless specifically stated, accessory structures shall not be constructed within any type of easement, including drainage, access, and utility easements.
  - b. Accessory structures that require a permit shall be located in line with or behind the front building façade of the primary structure in all zoning districts unless otherwise stated in this UDO. Fences are permitted in front of the primary structure building facade as outlined in Chapter 4.B.5.c: Fence and Wall Standards.
  - c. Accessory structures that *do not* require a permit and are less than two hundred (200) square feet are allowed in the front yard in all zoning districts, except enclosed structures/buildings, swing sets, trampolines, and similar play structures.

5. **Development Standards for Accessory Structures.**

a. **Subordinate in Nature.**

- i. An accessory structure shall be ancillary and complementary to the use of the primary structure.
- ii. Accessory structures are not permitted on a lot prior to any primary structure being constructed (or the primary use being established in the event a primary structure is not applicable) unless it is located within the A-1 zoning district and the accessory structure(s) is being used for agricultural purposes.
- iii. Accessory structures shall be subordinate in height, area, bulk, and extent to the primary structure except within the I-1 and I-2 industrial districts.
- iv. The total cumulative square footage of all accessory structures cannot exceed seventy-five percent (75%) of the footprint of the primary structure(s) except within the A-1, I-1 and I-2 districts. The maximum impervious area standards shall also apply.



Example of Corner Lot Fence/Wall Placement

b. **Maximum Quantity.** A maximum of four (4) accessory structures that require a permit, excluding fences, are allowed per parcel. This does not apply to the A-1, I-1, and I-2 zoning districts.

c. **Fence and Wall Standards.** The following shall apply to all fences and walls, unless otherwise regulated within this UDO. These standards do not apply to retaining walls whose purpose is to provide structural support in grading and elevation changes. Additionally, no regulations contained herein shall supersede Indiana Code regarding fences.

i. **Fence and Wall Placement.**

- 1) No fence or wall shall be constructed or designed so that it creates a traffic hazard (including being located within a sight triangle) or is hazardous or dangerous to persons or animals.
- 2) No fence or wall shall be allowed to be located within any type of easement, including drainage, access, and utility easements.
- 3) Fences and walls do not need to comply with accessory structure setbacks and may be placed up to the property line; however, they must be at least twenty (20) feet from any public right-of-way and comply with all other standards of this UDO. Fences and walls may be placed on the property line with written approval from the adjoining property owner(s).

ii. **Fence and Wall Design.**

- 1) Razor wire, barbed wire, sharpened top spikes, and electrified fences (excluding underground pet fence systems) are prohibited, except for agricultural and industrial purposes.
- 2) Structural supports for any fence type shall face inward.

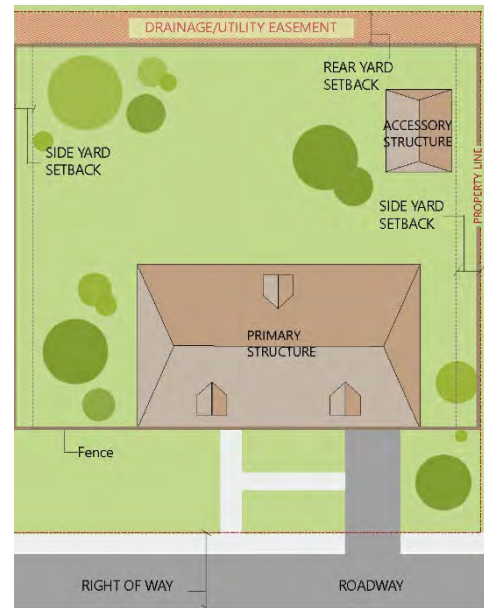
iii. **Fence and Wall Height.**

- 1) Fence height is measured from ground to the top of the fence. Where topography necessitates it, the average site elevation may be used to determine fence height.
- 2) When located in a front yard, fences shall be no more than eighty percent (80%) opaque (e.g., ornamental iron, woven wire, chain link).

iv. **Fences in Residential Districts.** Fence and wall height in the R-1, R-2, and R-3 districts shall not exceed six (6) feet in the side or rear yards and four (4) feet in any front yard.

v. **Fences in Downtown Historic District (DHD).** All fences in the DHD shall comply with the Downtown Scottsburg Historic District Design Guidelines.

vi. **Fences in All Other Districts.** Fences in other districts shall not exceed eight (8) feet in height in all yards.



*Example of Accessory Structure and Fence/Wall Placement*

**d. Swimming Pool Standards.**

- i. Swimming pools, as defined by Chapter 9.B: Definitions, are subject to the setback requirements of the subject zoning district and must be located behind the front façade of the primary structure.
- ii. Swimming pools shall comply with all applicable state requirements and are subject to all requirements of the Indiana Swimming Pool Code as amended (675 IAC 20-4-7).

**e. Cluster Box Unit and Neighborhood Unit Center (Postal Kiosks) Standards.**

- i. Cluster Box Units (CBU) and Neighborhood Unit Centers (NUC) shall be required for all new residential subdivisions (including new phases) and new or remodeled multi-family developments unless alternative mail delivery is approved in writing by the United States Postal Service (USPS).
- ii. All CBUs and/or NUCs shall be approved by USPS and conform with all requirements of USPS including, but not limited to, USPS POM Section 631 Modes of Delivery and Section 632: Mail USPS Receptables.
- iii. All CBUs and NUCs that are freestanding from the primary structure (not directly connected or part of the primary structure) shall obtain an ILP prior to installation.
- iv. CBUs and NUCs shall be installed, repaired, and maintained by the property owner and/or homeowner's association. The city and/or USPS are not responsible for any CBUs and/or NUCs.
- v. All areas with a CBU and/or NUC shall be ADA-accessible or have a vehicular pull-off area outside of the public roadway.
- vi. The character and materials of all CBUs and NUCs shall be consistent with the character and materials of the overall development.



## C. DRIVEWAY AND ACCESS MANAGEMENT STANDARDS

1. **Intent.** The purpose of these standards is to ensure adequate installation of driveways and access to public rights-of-way that prevent and reduce the possibility for vehicular conflicts and prevent drainage issues, as well as damage to the existing right-of-way.
2. **Permits Required for Driveways.**
  - a. All new, expanded, or modified driveways or access points onto INDOT roads must obtain a permit, as required, from INDOT prior to obtaining a local driveway permit.
  - b. Driveways on to local roads must obtain a permit from the city.
  - c. All driveways must comply with the Scottsburg Drainage Ordinance and comply with city standards for design and installation of culverts and mailboxes.
  - d. The location of new, expanded, or modified driveway must be approved by the Administrator or their designee prior to construction.
3. **Driveway Location and Separation.** Excluding platted residential subdivisions, driveways must be adequately separated from roadway intersections and other driveways and cannot create traffic or safety hazards. The minimum separation between an intersection and any new driveway shall comply with Table 4.1: Required Driveway and Intersection Separation.

TABLE 4.1: REQUIRED DRIVEWAY AND INTERSECTION SEPARATION	
Local Road/Other Driveway <sup>1</sup>	80 Feet <sup>2,3</sup>
Major Collector/Minor Collector <sup>1</sup>	150 Feet <sup>2,3</sup>
Principal Arterial or Minor Arterial <sup>1</sup>	200 Feet <sup>2,3</sup>

1 - Roadway classification shall be in accordance with the Comprehensive Plan.

2 - Measured from the intersection of the roadway pavement (or intersection of the back of curb extended if rounded property corner) at the intersection.

3 - If a driveway cannot meet the separation requirements from an intersection because of the parcel width, one driveway is permitted at the furthest feasible point from the intersection.

### 4. Development Standards for Driveways.

#### a. General Driveway Standards.

- i. All driveways shall be graded and surfaced with an all-weather paving material, such as asphalt, concrete, or other material that will provide equivalent protection against potholes, erosion, and dust unless located in the A-1 district.
- ii. All driveways in the A-1 district shall be graded and surfaced with an all-weather paving material such as asphalt or concrete, for a minimum distance of thirty (30) feet from the edge of the right-of-way in order to reduce gravel and dust on the public road. Portions of driveways in the A-1 district that are more than thirty (30) feet from the right-of-way are not required to be paved.



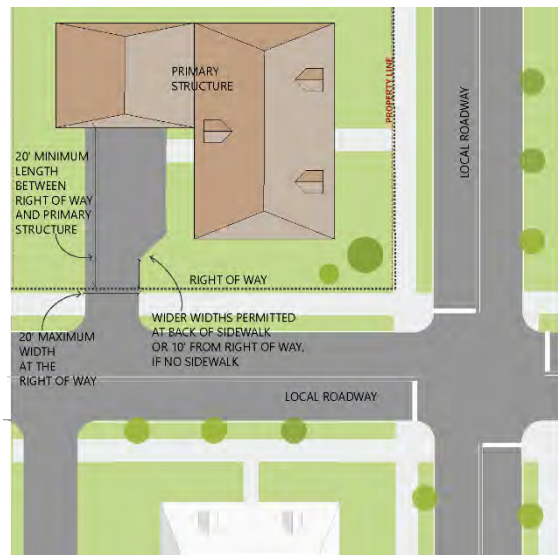
Example of Driveway/Intersection Separation

- iii. All shared driveways shall have a written maintenance agreement with the parcels that access the private, shared driveway that is approved by the Administrator and recorded with the Scott County Recorder’s office.

**b. Single-Family and Two-Family Residential Uses.**

- i. Driveways that serve four (4) single-family or two-family dwelling units or less must comply with the following standards.

- 1) The width of single-family and two-family driveways shall not exceed twenty (20) feet at the right-of-way. Driveways may widen after passing the back edge of the sidewalk or ten (10) feet from the right-of-way if there is not a sidewalk.
- 2) At least twenty feet (20) feet in length shall be provided between the primary structure and the nearest edge of sidewalk or edge of roadway if a sidewalk does not exist.
- 3) Shared residential driveways serving two (2) to four (4) dwelling units shall have a twenty (20) foot minimum easement that is approved by the Administrator and recorded with the Scott County Recorder’s office.



*Example of Driveway Measurements*

- ii. Driveways that serve five (5) single-family or two-family dwelling units or greater shall be considered public roads and must be constructed in accordance with the residential road standards as outlined in the Scottsburg Standards and Construction Manual.

**c. All Other Uses (Non-Single-Family and Non-Two-Family).**

- i. Driveways for all other uses, including multi-family residential, shall be graded and surfaced with an all-weather paving material, such as asphalt, concrete, or other material that will provide equivalent protection against potholes, erosion, and dust, and must be constructed in accordance with the industrial and commercial road standards as outlined by the Street Standards.
- ii. All driveways within the Downtown Historic District (DHD) shall comply with the Downtown Scottsburg Historic District Design Guidelines.

**5. Access Management Standards for all Public Rights-of-Way.**

- a. All development shall comply with the Comprehensive Plan.
- b. If a parcel that adjoins or includes an existing public road that does not conform to the minimum right-of-way dimensions as established by the Street Standards and/or the Comprehensive Plan, the property owner shall dedicate additional right-of-way width, regardless if the parcel is subdivided or not, as required to meet this UDO and/or the Comprehensive Plan at the time of the Development Plan process, the Secondary Plat process, ILP process, whichever is appropriate.
- c. The developer may be required to provide deceleration lanes, acceleration lanes, passing blisters, or other improvements to the public road system to mitigate impacts from their development when a development connects to an existing public road.

- d. Public and private roads shall align with and connect to existing or planned roads and provide for connections with adjacent property. Proposed roads must extend to the boundary line of the parcel to be developed to provide for normal circulation of traffic within the vicinity, unless approved by the Plan Commission.
- e. Driveways cannot gain access directly from any arterial or collector roadway unless no other means of access is available.
- f. Development must provide a vehicular connection between adjacent lots or parcels, or stub connections if adjacent sites are not developed, to encourage and facilitate circulation without directly accessing public streets. This does not apply to individual residential lots that are not part of a platted subdivision.

## D. LANDSCAPING AND BUFFER STANDARDS

1. **Intent.** The purpose of these standards is to maintain community character through quality design and visual appearance; minimize conflicts between land uses through buffers and screening higher-intensity land uses from lower-intensity land uses; and minimize potential nuisances such as dirt, noise, glare, and similar impacts between properties.
2. **Approvals Required.** A landscape plan shall be submitted if development plan approval is required. If development plan approval is not required, a landscape plan shall be submitted with the ILP application.
3. **Landscaping Location.**
  - a. Plantings may be grouped or clustered to provide a more natural appearance, improve site design, accommodate vehicular and pedestrian access, avoid utility infrastructure, and/or loading and maintenance areas.
  - b. Plantings shall avoid interference with overhead and underground utilities and shall provide a five (5) foot minimum setback from water and sewer lines.
  - c. Landscape materials shall not be planted in rights-of-way or easements without permission from the Administrator and the easement holder unless otherwise required by this UDO.
  - d. Required plantings shall be located within the required bufferyard. If a bufferyard is not required, all plantings shall be located on the outer perimeter of a lot or parcel and shall not have any buildings or structures between the plantings and parcel boundary.
  - e. Plantings shall not obstruct driveways or public road sight distance.
4. **Prohibited Plants.** Plant material included on the following prohibited species lists and on the current IDNR list of invasive species cannot be used to satisfy any requirements of this section.

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

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

## 5. Development Standards for Landscaping.

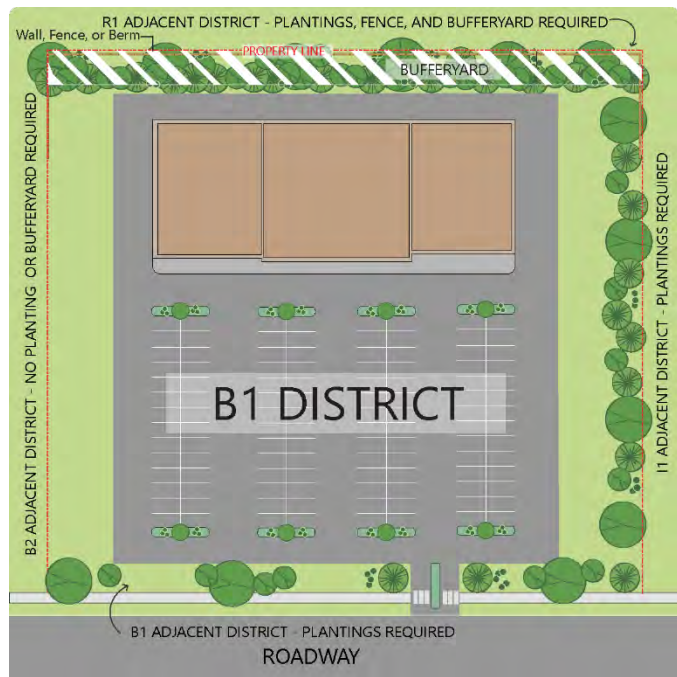
### a. General Requirements.

- i. Each property owner is required to provide the required bufferyard width and required plantings on their parcel as it develops, even if an adjacent parcel also has provided a bufferyard and/or plantings.
- ii. Required bufferyards width are measured from the property line inward. Bufferyards may include the required front, side, or rear setback outlined in Chapter 2: Zoning and Overlay Districts (bufferyards are not in addition to required setbacks).

- iii. The number of plantings required is stated per one hundred (100) linear feet, as measured along the property line.
- iv. Groundcover shall be provided in addition to any required plantings.
- v. Any fraction of a required tree or shrub shall be rounded up to the whole number.
- vi. Vegetation Substitutions.
  - 1) Plant types may be substituted at the discretion of the Administrator to accommodate rights-of-way, drainage easements, and utility easements.
  - 2) Evergreen trees may be substituted for shade trees at the discretion of the Administrator.

b. **Minimum Plantings and Bufferyards Required.** All development shall install required plantings, walls, and/or fences and provide a bufferyard as outlined by Table 4.2: Required Plantings, Walls, Fences, and Berms.

- i. Development that requires a fence or wall may be exempt if the adjacent property owner has previously installed a wall or fence that complies with the standards in this section.
- ii. If the development borders a jurisdictional boundary outside that of this UDO, the plantings, wall, fence, and/or bufferyard requirements used shall be based on the zoning district most comparable to that of this UDO at the discretion and approval of the Administrator.



*Example of Bufferyard Width and Plantings*

- iii. If the subject property or adjacent zoning district is a PUD, the plantings, wall, fence, and/or bufferyard requirements used shall be based on the zoning district most comparable to that of this UDO at the discretion and approval of the Administrator.
- iv. Planting requirements shall be applied to all sides of a parcel (front yards, side yards, and rear yards). Fence, wall, and berm requirements do not apply to front yards.

6. **Parking Lot Landscaping.** Parking lot landscaping shall be provided as outlined in Chapter 4.F.6: Parking Lot Landscaping.

**7. Planting Installation Requirements.**

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

**8. Planting Maintenance.**

- a. The property owner is responsible for the regular maintenance of all landscaping materials to keep them in good condition. All landscape materials shall be alive, healthy, and free from disease and pests, and all landscaped areas shall be properly drained, regularly maintained, and free of weeds, dirt, trash, and debris.
- b. All plant material used to satisfy the requirements of this section that dies must be replaced by the property owner within six (6) months to maintain the approved landscape plan. Failure to maintain compliance with the minimum requirements of this section is a violation of the UDO and subject to the provisions of Chapter 7.L.3: Penalties and Fines.

TABLE 4.2: REQUIRED PLANTINGS, WALLS, FENCES, & BERMS			
Subject Property Zoning District	Adjacent Zoning District	Minimum Plantings Required per 100 Linear Feet <sup>1</sup>	Minimum Bufferyard Width
A-1	All Districts	▪ N/A	N/A
R-1 & R-2	A-1, R-1, R-2 DHD	▪ N/A	N/A
	R-3, B-1, B-2	▪ 2 Shade Trees, 4 Evergreen Tree, and 6 Shrubs <sup>1</sup>	20 feet
	I-1, I-2	▪ 6 Shade Trees, 16 Evergreen Trees, and 18 Shrubs <sup>1</sup>	50 feet
R-3	A-1, R-3, DHD	▪ N/A	N/A
	R-1, R-2, B-1, B-2	▪ 2 Shade Trees, 4 Evergreen Tree, and 6 Shrubs <sup>1</sup>	20 feet
	I-1, I-2	▪ 6 Shade Trees, 16 Evergreen Trees, and 18 Shrubs <sup>1</sup>	40 feet
B-1 & B-2	A-1	▪ 2 Shade Trees, 4 Evergreen Tree, and 6 Shrubs <sup>1</sup>	20 feet
	R-1, R-2, R-3	▪ 6 Shade Trees, 16 Evergreen Trees, and 18 Shrubs <sup>1</sup> ▪ Wall, Fence, or Berm <sup>2</sup>	40 feet
	DHD	▪ 2 Shade Trees, 4 Evergreen Tree, and 6 Shrubs <sup>1</sup> ▪ Wall or Fence <sup>2</sup>	N/A
	B-1, B-2	▪ N/A	N/A
	I-1, I-2	▪ 2 Shade Trees, 4 Evergreen Tree, and 6 Shrubs <sup>1</sup>	N/A
I-1 & I-2	R-1, R-2, R-3, DHD	▪ 8 Shade Trees, 20 Evergreen Trees, and 22 Shrubs <sup>1</sup> ▪ Wall, Fence, or Berm <sup>2</sup>	100 feet
	A-1, B-1, B-2	▪ 6 Shade Trees, 16 Evergreen Trees, and 18 Shrubs <sup>1</sup> ▪ Wall, Fence, or Berm <sup>2</sup>	60 feet
	I-1, I-2	▪ N/A	N/A

<sup>1</sup> - Plantings required per 100 Linear Feet (including driveways)

<sup>2</sup> - Fence or wall: Must be opaque and minimum of 6 feet in height; Berm: Minimum 5 feet in height at peak and maximum 3:1 slope that is contained inside the bufferyard.



## E. LIGHTING STANDARDS

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

## F. PARKING AND LOADING STANDARDS

1. **Intent.** The purpose of these standards is to require minimal parking standards, minimize risk to the natural environment, and minimize pedestrian and vehicular conflicts to ensure public health, safety, and welfare.
2. **Permit Required for Parking.** All new parking lots or the expansion of existing parking lots for commercial and/or industrial uses shall require an ILP. All new parking lots or the expansion of existing parking lots within the DHD and MAO shall require development plan approval.
3. **Development Standards for Parking.**
  - a. **Minimum Required Parking Spaces.**
    - i. All uses within the MAO are exempt from parking requirements.
    - ii. The location and required minimum number of parking spaces shall comply with Table 4.3: Minimum Parking Requirements. The number of spaces required is intended to provide a minimal or low threshold; additional parking is permitted that exceeds these minimums.
    - iii. Any fraction of a required parking space shall be rounded up to the whole number.
    - iv. All developments shall comply with the minimum number of handicap spaces required by state and federal regulations. All handicap spaces may count towards the minimum number of required parking spaces.
  - b. **Permitted Parking Reductions.**
    - i. **Residential.** The required minimum number of spaces for all residential uses, including multi-family dwellings, shall not be reduced without a variance.
    - ii. **Non-Residential.** For non-residential uses outside of the DHD, the Administrator may reduce the minimum number of parking spaces required in Table 4.3: Minimum Parking Requirements if the applicant provides one of the following and it is approved by the Administrator:
      - 1) Calculations showing the minimum number of spaces needed by using the most recent version of the Institute of Transportation Engineers (ITE) "Parking Generation."
      - 2) Documentation based on a reputable source that is approved by the Administrator that the required parking for the specific use exceeds the parking need.

**TABLE 4.3: MINIMUM PARKING REQUIREMENTS**

Land Use Category	Permitted Location	Minimum Spaces Required
Accessory Uses	On-site	<ul style="list-style-type: none"> <li>As determined by the Administrator based on similar uses, similar number of employees, or similar number of guests</li> </ul>
Agricultural Uses	On-Site	<ul style="list-style-type: none"> <li>1 space per 1,000 sq ft of gross floor area; or</li> <li>1 space per 3 employees during the largest shift</li> </ul>
Commercial Uses	On-site or Shared Parking	<ul style="list-style-type: none"> <li>2.5 spaces per 1,000 sq ft of gross floor area, excluding storage areas;</li> <li>1 space per 4 people based on maximum building occupancy; or</li> <li>1.5 spaces per employee during largest shift</li> </ul>
Industrial Uses	On-site or Shared Parking	<ul style="list-style-type: none"> <li>1 space per 1,000 sq ft of gross floor area; or</li> <li>1 space per 3 employees during the largest shift</li> </ul>
Institutional Uses	On-site or Shared Parking	<ul style="list-style-type: none"> <li>2.5 spaces per 1,000 sq ft of gross floor area, excluding storage areas;</li> <li>1 space per 4 people based on maximum building occupancy;</li> <li>1 space per 4 beds / patient rooms; or</li> <li>1.5 spaces per employee during largest shift</li> </ul>
Residential Uses	On-site	<ul style="list-style-type: none"> <li>Single-family and Two-family: 2 spaces per dwelling unit</li> <li>Multi-family: 1.5 spaces per dwelling unit</li> </ul>

Note: All uses within the Downtown Historic District (DHD) are exempt from parking requirements.

c. **Shared Parking Permitted.**

- i. Shared parking may be provided for separate uses on separate parcels if the total number of spaces is not less than the minimum number of spaces required for each use as identified in Table 4.3: Minimum Parking Requirements.
- ii. Parking spaces for developments with uses that operate at different times may be credited to both uses.
- iii. Shared Parking Agreements Required.
  - 1) Any development or parcels with shared parking shall have a written and recorded shared parking agreement that is signed by all property owners. The agreement shall be perpetual and outline provisions for easements (if applicable), maintenance, snow removal, ownership, and liability.
  - 2) If shared parking spaces are not located on the same parcel as the use, all parking spaces used to satisfy the minimum number required shall be within 660 feet of the parcel's boundary.
  - 3) Shared parking agreements must be approved by the Administrator.
  - 4) If a shared parking agreement expires or otherwise terminates, each use must provide the minimum required parking on-site or through a new shared parking agreement.

4. **General Parking and Loading Design Standards.**

a. **Handicap Accessibility.** All parking areas shall conform to state and federal requirements regarding handicap accessibility and applicable ADA requirements.

b. **Parking Access.**

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

c. **Parking Location.**

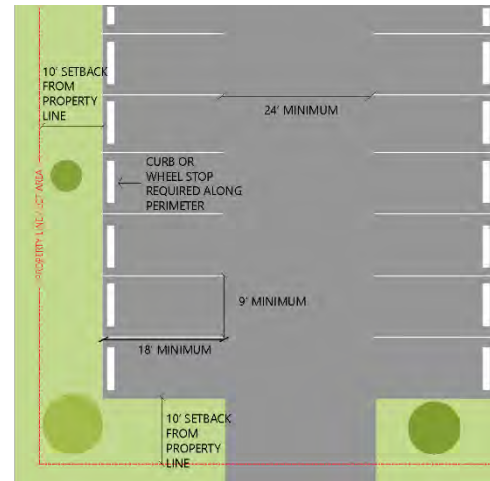
i. **McClain Avenue Overlay District (MAO).**

- 1) At least fifty percent (50%) of all parking spaces within the MAO shall be located behind the front elevation of the primary structure (to the side or rear of the primary structure).
- 2) If at least seventy percent (70%) of all parking spaces within the MAO are located behind the front elevation of the primary structure, the minimum number of required parking spaces may be reduced by fifteen percent (15%).
- 3) A parcel and/or development with legally non-conforming parking areas shall comply with this standard only if a new primary structure is constructed or if the site layout permits. Additional thresholds requiring compliance in Chapter 4.A.2: Applicability of Additional Site Development Standards do not apply to legally non-conforming parking areas where the existing site layout does not allow for it.

- ii. **Downtown Historic District (DHD).** All parking within the Downtown Historic District (DHD) shall comply with the Downtown Scottsburg Historic District Design Guidelines.
  - iii. **All Other Districts.** All parking spaces, travel aisles, and loading areas shall maintain a setback of ten (10) feet from property lines and rights-of-way. However, no parking spaces, parking area, or loading areas shall be placed within a setback or required bufferyard unless it is a shared parking lot with the adjacent parcel(s) or on-site parking for a single-family dwelling.
- d. **Parking Lot Requirements.**

- i. Parking areas, travel aisles, and loading areas, including all driving lanes and parking surfaces for vehicle, boat, RV, or similar use sales and/or storage, shall be graded and surfaced with an all-weather paving material such as asphalt, concrete, or other material that will provide equivalent protection against potholes, erosion, and dust.

- 1) At the written discretion of the Administrator, a gravel surface may be used for a period not exceeding six (6) months after the date of issuing a temporary Certificate of Occupancy where the ground conditions are not immediately suitable for permanent surfacing as specified in this section.



Example of Parking Standards

- ii. Parking spaces shall be provided with curbing, bumper guards, or wheel stops along the perimeter of the parking area so that no part of a parked vehicle will extend beyond the boundary of the parking area.
  - iii. All parking areas and loading areas shall be striped and channelized as appropriate. Parking spaces shall be marked, and travel aisles clearly defined, including directional arrows to guide internal movement and directional signs, as necessary.
- e. **Loading Berths/Docks.** All uses that transport goods by truck delivery shall provide loading berth(s) that are a minimum of twelve (12) feet by forty-five (45) feet with a fourteen (14) foot height clearance. Loading and unloading berths shall not be located in the front yard and must be a minimum distance of one hundred (100) feet from the nearest residential use.
- f. **Parking Lot Lighting.** Lighting within parking or loading areas shall be in accordance with Chapter 4.E: Lighting Standards.

5. **Minimum Parking Dimensions.** Parking spaces and aisles shall comply with the following standards:

TABLE 4.4: MINIMUM PARKING SPACE AND AISLE DIMENSIONS		
Parking Space Type	Parking Space Width	Parking Space Length
Non-Parallel Spaces	9feet	18 feet
Parallel Spaces	9 feet	22 feet
Handicap Spaces	Comply with all state and federal requirements	
Parking Angle	One-Way Traffic Aisle Width	Two-Way Traffic Aisle Width
0 Degrees	10 feet	18 feet
30 Degrees	11 feet	20 feet
45 Degrees	13 feet	21 feet
60 Degrees	18 feet	23 feet
90 Degrees	24 feet	24 feet

6. **Parking Lot Landscaping.** Parking lot islands and landscaping shall be provided for all parking lots with fifteen (15) or more parking spaces in accordance with Table 4.5: Parking Lot Islands and Landscaping.

TABLE 4.5: PARKING LOT ISLANDS AND LANDSCAPING	
Minimum Island Number and Locations	<ul style="list-style-type: none"> <li>▪ End of every parking row; and</li> <li>▪ At least every 15 spaces (no more than 15 spaces in a row without an island)</li> </ul>
Minimum Island Dimensions <sup>1</sup>	<ul style="list-style-type: none"> <li>▪ 6 feet by 14 feet (inside of curb); and</li> <li>▪ Bordered by a concrete curb on at least 2 sides</li> </ul>
Minimum Island Landscaping <sup>2</sup>	<ul style="list-style-type: none"> <li>▪ 1 canopy tree and 3 shrubs per island; and</li> <li>▪ Ground cover, mulch, or stone</li> </ul>

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

2 – Plantings located in islands shall not count towards required plantings in Chapter 4.D: Landscaping and Buffer Standards.

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

## G. SIDEWALK AND STREETScape STANDARDS

1. **Intent.** The intent of the sidewalk and streetscape standards is to provide connectivity between all types of development and all zoning districts within the City of Scottsburg through safe and inviting pedestrian facilities.
2. **Permit Required.**
  - a. An ILP is required for all improvements and construction as required within this section.
  - b. All improvements within the right-of-way shall be approved by the Board of Works prior to construction and/or dedication of right-of-way.
3. **Sidewalks and Streetscape Elements Required.**
  - a. Sidewalks and streetscape elements shall be installed by the applicant, at their expense, along public roads as required by the Scottsburg Sidewalk Implementation Plan.
  - b. All required improvements shall be dedicated as public right-of-way and conveyed to the City of Scottsburg if improvements cannot be located within previously dedicated or existing public right-of-way. The City shall maintain sidewalks and amenities within the public right-of-way after dedication.
  - c. All sidewalks and streetscape elements shall comply with the minimum design standards in this UDO, the Scottsburg Standards and Construction Manual, and the Scottsburg Sidewalk Implementation Plan.
  - d. All sidewalk and streetscape elements in the DHD shall comply with the Downtown Scottsburg Historic District Design Guidelines and all sidewalk and streetscape elements in the MAO shall comply with the Gateway Conservation District Design Guidelines.
4. **Approvals Required.**
  - a. All sidewalk and streetscape elements within the DHD and MAO shall be approved by the SHRB prior to Board of Works approval.
  - b. All sidewalk improvements and streetscape elements shall be approved by the Board of Works prior to installation and dedication.
5. **Use of Sidewalks for Business Activities.**
  - a. All business activities, such as outdoor dining, sidewalk retail sales, and similar, that occur on or within a public sidewalk shall be approved by the Board of Works prior to the activity commencing or occurring.
  - b. An ADA-accessible route shall be maintained at all times.
  - c. Permanent structures that are intended to be used for business activities, such as tables or chairs, shall not be permanently affixed or installed on or within a public sidewalk without approval from the Board of Works.

## H. SIGN STANDARDS

1. **Intent.** The purpose of these sign standards is to avoid the proliferation of signage; to encourage signs to be compatible with the scale of buildings and the surrounding area; to maintain and enhance the aesthetic environment of the community; to eliminate potential hazards to motorists and pedestrians resulting from sign clutter; and to promote the health, safety, and welfare of the citizens.
2. **Applicability.**
  - a. These standards apply to all new, relocated, enlarged signs and/or structural modifications to any sign in all zoning districts within the jurisdiction, unless otherwise noted.
  - b. Sign maintenance (as defined below in Subsection 4(b)) or changing of a sign copy shall not be considered modifying a sign for the applicability purposes.
3. **Permit Required for Signs.**
  - a. An ILP is required for all permanent signs located, erected, constructed, reconstructed, moved, or structurally altered, unless otherwise stated in this section.
  - b. Temporary and permanent signs located in the DHD shall require a Certificate of Appropriateness from the Scottsburg Historic Review Board prior to requesting an ILP (if applicable).
  - c. Temporary signs do not require a permit unless otherwise indicated in this section.
  - d. All signs located along state-owned right-of-way shall obtain all required approvals and permits from INDOT prior to seeking approval for an ILP.
  - e. A sign plan should be submitted if development plan approval is required.
4. **Sign Inspection, Maintenance, and Removal.**
  - a. **Inspection.** Any sign that requires an ILP may be inspected periodically by the Administrator for compliance with this UDO and other codes of this or other jurisdictions.
  - b. **Sign Maintenance.**
    - i. All signs, including the frame, illumination, supporting structures, and all components, shall be professionally installed and be kept in a state of good repair. If failure to maintain a sign is determined by the Administrator, a written notice shall be given to the owner, business operator and/or lessee of the property giving a thirty (30) day notice for repair and compliance. Penalties shall be imposed after the thirty (30) day notice according to Chapter 7.L.3: Penalties and Fines.
    - ii. Sign maintenance that replaces any portion of the sign that does not change any dimension, color, location, or other feature does not require an ILP. If a sign is replaced in whole, an ILP is required.
  - c. **Removal of Signs.** The Administrator may order the removal of any illegal or illegally non-conforming sign erected or maintained in violation of this UDO or any previous ordinance. Any cost associated with signs removed pursuant to the provisions of this UDO, shall be reimbursed by the owner of said sign. Should said sign not be retrieved within fifteen (15) days of its removal, it may be disposed of in any manner deemed appropriate by the Administrator.
    - i. **Removal of Permanent Signs.** A thirty (30) day written notice describing the violation and ordering either the removal of the sign or requiring the sign to be brought into compliance shall be given to the owner and/or business operator. The Administrator may remove a permanent sign immediately and without notice if the condition of the sign presents an immediate threat to the safety of the public.
    - ii. **Removal of Temporary Signs.** No notice shall be given for removal of Temporary Signs.



**d. Abandoned Signs.**

- i. A sign shall be considered abandoned if it is located on a parcel with a use that has not been in operation for six (6) consecutive months or if the sign has not been adequately maintained or repaired.
- ii. All signs, their mountings, and related components shall be removed by the owner or lessee of the premises upon which the signs are located when a business is no longer conducted on the premises. If the owner or lessee fails to remove the sign, the Administrator shall give the owner thirty (30) days written notice to remove it. Upon failure to comply with this notice, the Administrator may remove the sign. Any cost associated with sign removal pursuant to the provisions of this UDO shall be reimbursed by the owner of said sign. Should said sign not be claimed and retrieved within fifteen (15) days of its removal, it may be disposed of in any manner deemed appropriate by the Administrator.

**5. Sign Illumination.**

- a. All permanent signs are permitted to be internally or externally illuminated unless otherwise specified in the UDO; temporary signs shall not be illuminated.
- b. All illuminated signs must meet the latest version of the National Electrical Code (NEC), as amended, and all lighting requirements outlined in Chapter 4.E: Lighting Standards in addition to the following standards:
  - i. All illuminated signs shall be located, shaded, or shielded so that the light intensity is not impeding to surrounding properties. Illumination from signs shall not exceed one (1) foot-candle beyond the property line of that property measured at grade at the property line.
  - ii. No sign shall have blinking, flashing, rotating, revolving, or fluttering lights, nor shall any device be utilized which has a changing light intensity, brightness of color, or gives such illusion.
  - iii. The direct or reflected light from a primary light source shall not create a traffic hazard to operators of motor vehicles on public and/or private roadways.
  - iv. All electrical wiring for permanent signs shall be in conduit.
  - v. An exempt sign may be illuminated according to the provisions of this chapter and still considered exempt but may not be flashing or animated.

**6. Electronic Variable Message Signs (EVMS).** In addition to the standards for Sign Illumination, all EVMS shall also comply with the following standards:

- a. Messages displayed on the sign must remain unchanged for at least fifteen (15) seconds.
- b. No sign containing an EVMS as a component shall be located within one hundred fifty (150) feet of any signalized intersection and five hundred (500) feet from any property line of a parcel with a residential use and/or structure or a residential zoning designation. Automatic light intensity sensors to 500 NITS shall be required from dusk to dawn.
- c. EVMS signs are only permitted in B-1 and B-2 zone districts.
- d. Drive-thru menu boards that utilize EVMS are exempt from the above EVMS standards but shall comply with all other applicable sign standards.



*Example of EVMS Sign*

7. **Signs within DHD and MAO.**

- a. All signs in the DHD shall comply with the Downtown Scottsburg Historic District Design Guidelines.
- b. All signs in the MAO shall comply with the Gateway Conservation District Design Guidelines.

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

TABLE 4.6: EXEMPT SIGNS	
Address Signs	Street address sign to provide adequate property identification that does not exceed 2 square feet in total sign structure size
Building or Site Identification Signs	Names of buildings, date of erection, monumental citations, historical interest, commemorative or memorial tablets, and similar identification when carved into stone, concrete, or similar material or made of bronze, aluminum, or other permanent type construction that are smaller than 2 square feet in total sign structure size
Decorations	Temporary decorations customarily associated with a national, local, or religious holiday and are displayed for less than 30 consecutive days
Flags	Flag of any country, state, unit of local government, institution of higher learning, or similar institutional flags
Non-Visible Signs	Signs that are not visible from any public or private right-of-way or any adjacent parcel
Operational Signs	Operational information such as hours of operations, restroom identification, directional, visitor parking, menus, or similar information and do not exceed 2 square feet in total sign structure size
Political Signs	Political campaign signs in accordance with IC 36-1-3-11
Public Notice, Regulatory & Safety Signs	Information for the public’s interest that are erected by or on the order of a local, state, or federal law or intended to provide a public notice (such as rezoning, government) and regulatory or safety notices (such as no trespassing, directional, ingress/egress, and traffic) that are smaller than 4 square feet in total sign structure size
Utility Signs	Utility locations, cables, lines, and similar notices for public and private utilities that are smaller than 2 square feet in total sign structure size, except if determined to be a hazard by the Administrator

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

TABLE 4.7: PROHIBITED SIGNS	
Animated Signs	Flashing, blinking, fluttering, or using any motion picture, laser, or visual projection of images or copy or that change light intensity or brightness
Emitting Signs	Emit audible sound, odor, or visible matter
Human Signs	Worn or held by a person, unless located outside of the right-of-way and during business hours
Imitation Signs	Emulate emergency service vehicles, road equipment, or traffic signs (such as Stop, Slow, or Caution)
Inflatable Signs	Static or moving by electrical, mechanical, or wind power
Moving Signs	Designed to rotate or move in a comparable manner by means of electrical, mechanical, and/or wind power
Obscene Signs	Display or convey obscene matter as defined in IC 35-49-2
Pole Signs	Signs that are mounted on one or more freestanding poles or supports so that the bottom edge of the sign face is not in direct contact with a solid base or the ground.
Roof Signs	Signs that extend above the roof line or parapet of a building or signs that are mounted to the roof of a structure
Vehicle Signs	Signs placed on vehicles or trailers that are parked on public or private property with the primary purpose of displaying the sign. This does not include vehicles lawfully parked: <ul style="list-style-type: none"> <li>▪ Overnight during non-business hours at a driver’s residence or business;</li> <li>▪ While conducting lawful business; and</li> <li>▪ On a construction site in conjunction with construction operations</li> </ul>

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

TABLE 4.8: PROHIBITED SIGN LOCATIONS	
Right-of-Way	Signs within any right-of-way unless authorized by the City, Administrator and/or INDOT, including signs located on any traffic control device, street sign, tree, utility pole, or similar location
Obstruction	Signs that obstruct any door, fire escape, stairway, or any opening intended to provide entry or exit from any building or structure or that hide from view any traffic or roadway sign, signal, or device
Sight Triangle	Signs that obstruct a sight clearance or be placed within the sight triangle of any intersection or driveway
Setback	Signs (measured from nearest edge) within 10 feet of any property line. Signs are permitted to be located within a required front, side, or rear yard setback.

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

TABLE 4.9: PERMITTED TEMPORARY SIGNS			
All Districts		<ul style="list-style-type: none"> <li>Maximum of 2 per parcel</li> <li>ILP is NOT required</li> <li>EVMS is NOT permitted unless otherwise specified</li> </ul>	
MAO		<ul style="list-style-type: none"> <li>Permitted temporary signs governed by the subject zoning district</li> </ul>	
Sign Type	Permitted Districts	Maximum Size	Duration (whichever is greatest)
Hanging Sign	All Districts except DHD	<ul style="list-style-type: none"> <li>16 sq ft per sign face</li> </ul>	<ul style="list-style-type: none"> <li>Property is for sale or lease;</li> <li>Project is under construction; or</li> <li>30 consecutive days but no more than twice in a calendar year</li> </ul>
Yard Sign		<ul style="list-style-type: none"> <li>5 feet in height</li> </ul>	
Awning Sign	A-1 B-1 B-2 I-1 I-2 DHD	<ul style="list-style-type: none"> <li>32 sq ft per sign face except 8 sq ft per sign face (16 sq ft total) in DHD AND MAO</li> </ul>	<ul style="list-style-type: none"> <li>Property is for sale or lease;</li> <li>Project is under construction; or</li> <li>30 consecutive days but no more than twice in a calendar year</li> </ul>
Banner Sign			
Ground (Monument) Sign			
Wall Sign			
Window Sign		<ul style="list-style-type: none"> <li>8 feet in height except 5 feet in height in DHD and MAO</li> </ul>	
Portable Sign	A-1 B-1 B-2 I-1 I-2	<ul style="list-style-type: none"> <li>32 sq ft per sign face</li> <li>6 feet in height</li> </ul>	<ul style="list-style-type: none"> <li>Non-EVMS permitted during business hours</li> <li>EVMS permitted for a maximum of 2 calendar days within a 6-month period and only during business hours</li> </ul>

TABLE 4.10: PERMITTED PERMANENT SIGNS			
All Districts	<ul style="list-style-type: none"> <li>An ILP is required unless otherwise specified</li> <li>EVMS is not permitted for permanent signs unless otherwise specified</li> </ul>		
DHD, MAO	<ul style="list-style-type: none"> <li>Signs within the DHD and MAO may require a COA from the SHRB</li> </ul>		
Maximum Cumulative Area of All Sign Faces <sup>1</sup>			
A-1	<ul style="list-style-type: none"> <li>1.5 square feet per 1 linear foot of primary building frontage (100 sq ft maximum)<sup>2</sup></li> </ul>		
R-1, R-2, R-3	<ul style="list-style-type: none"> <li>2 square feet per parcel, except monument signs as permitted below</li> </ul>		
B-1, B-2	<ul style="list-style-type: none"> <li>1.5 square feet per 1 linear foot of primary building frontage (200 sq ft maximum)<sup>2</sup></li> </ul>		
I-1, I-2	<ul style="list-style-type: none"> <li>2 square feet per 1 linear foot of primary building frontage (200 sq ft maximum)<sup>2</sup></li> </ul>		
DHD	<ul style="list-style-type: none"> <li>Maximum of two signs</li> </ul>		
MAO	<ul style="list-style-type: none"> <li>Maximum cumulative area is determined by the subject zoning district</li> </ul>		
Sign Type	Permitted Districts	Maximum Size	Maximum Number <sup>4</sup> & Placement
Awning Sign	B-1, B-2 I-1, I-2 DHD <sup>5</sup> , MAO <sup>5</sup>	<ul style="list-style-type: none"> <li>50 sq ft sign face, but cannot exceed 50% of awning area</li> </ul>	<ul style="list-style-type: none"> <li>Must be placed on awning that is attached to primary structure</li> </ul>
Mailbox Sign	A-1 R-1, R-2, R-3	<ul style="list-style-type: none"> <li>1 sq ft per sign face</li> </ul>	<ul style="list-style-type: none"> <li>Must be placed on a mailbox post</li> <li>No ILP is required</li> </ul>
Ground (Monument) Sign	R-1, R-2, R-3	<ul style="list-style-type: none"> <li>32 sq ft per sign face</li> <li>6 feet in height</li> </ul>	<ul style="list-style-type: none"> <li>One double-faced sign or 2 single-faced signs per primary vehicular entrance to a residential subdivision or complex</li> </ul>
	A-1 B-1, B-2 I-1, I-2 DHD, MAO	<ul style="list-style-type: none"> <li>50 sq ft per sign face</li> <li>8 feet in height</li> <li>DHD: 16 sq ft for all sign faces and 5 feet in height</li> <li>MAO: 16 sq ft per sign face and 5 feet in height</li> <li>EVMS permitted in B-1 and B-2</li> </ul>	<ul style="list-style-type: none"> <li>One double-faced sign or 2 single-faced signs per primary vehicular entrance<sup>3</sup></li> <li>One ground sign per parcel in DHD</li> </ul>
Projecting Sign	B-1, B-2 I-, I-2 DHD, MAO	<ul style="list-style-type: none"> <li>12 sq ft per sign face</li> <li>EVMS permitted in B-1 and B-2</li> <li>DHD: 8 sq ft per sign face</li> </ul>	<ul style="list-style-type: none"> <li>One per primary structure entrance</li> <li>Must be attached to primary structure</li> <li>Minimum 8.5 feet clearance above grade</li> <li>Maximum extension of 4 feet beyond supporting structure</li> </ul>

	R-1, R-2, R-3	<ul style="list-style-type: none"> <li>▪ 1 sq ft per sign face</li> </ul>	<ul style="list-style-type: none"> <li>▪ One per parcel</li> <li>▪ Must be placed on primary structure</li> </ul>
Wall Sign	A-1 B-1, B-2 I-, I-2 DHD, MAO	<ul style="list-style-type: none"> <li>▪ 50 sq ft per sign face</li> <li>▪ DHD: 2/3 the width of structure with height no more than 20% of width</li> </ul>	<ul style="list-style-type: none"> <li>▪ Must be placed on primary structure</li> <li>▪ One wall sign per primary structure in DHD</li> </ul>
Window Sign	A-1 B-1, B-2 I-, I-2 DHD, MAO	<ul style="list-style-type: none"> <li>▪ 25 sq ft per sign face but cannot exceed 25% of window area</li> <li>▪ 2 sq ft sign face if illuminated (except in DHD and MAO)</li> <li>▪ No ILP is required</li> </ul>	<ul style="list-style-type: none"> <li>▪ Must be within window on primary structure</li> </ul>

1 - Maximum cumulative sign face only includes the sign face and excludes the total sign area/sign structure. See Chapter 9.B: Definitions.  
 2 - Total square footage is calculated based on the length of the front elevation(s) of the primary structure(s) that face a public road(s).  
 3 - Must be located in a dedicated easement or common area dedicated to homeowner's association in a residential subdivision.  
 4 - A total of one permanent sign is permitted in the DHD.  
 5 - Awning signs within the DHD and MAO may require INDOT approval.

## I. STORAGE STANDARDS

1. **Intent.** These storage standards are intended to reduce visual obstruction and nuisance to nearby property owners as well as preventing unsafe conditions to ensure the health, safety, and welfare of residents.
2. **Applicability.** Outdoor storage is only permitted as outlined by the base zoning district (see Chapter 2: Zoning and Overlay Districts).
3. **Vehicle Storage.**
  - a. **Location.** Stored vehicles, where permitted, shall not encroach on the right-of-way or setbacks required by Chapter 2: Zoning and Overlay Districts. Stored vehicles shall not block or impede an access easement.
  - b. **Inoperable.** Automotive vehicles or trailers of any type without plates or in an inoperable condition shall be deemed dead storage and shall be stored within an enclosed building or fully screened with vegetation, berm, masonry wall, fence, or similar year-round screening so it is not visible from any public street or adjacent parcel.
4. **Recreational Vehicle (RV) Storage.**
  - a. **Occupancy.** A recreational vehicle, as defined in Chapter 9.B: Definitions, may only be occupied according to Chapter 4.J.7: Recreational Vehicles (RVs).
  - b. **Utilities.** No RV shall be connected to any utilities (electric, water, sewage, etc.) or occupied at any time while stored except for the purpose of loading, unloading, or cleaning.
  - c. **Maximum Number.**
    - i. **Agricultural and Residential Districts.** A maximum of one (1) recreational vehicle per parcel that is visible from any public right-of-way, private road/driveway, or adjacent parcel is permitted to be stored outdoors in the A-1, R-1, R-2, or R-3 districts.
    - ii. **All Other Districts and MAO.** Recreational vehicles shall not be stored in any other zone district or the MAO unless allowed as a permitted use or approved as a special exception use per Chapter 2: Zoning and Overlay Districts.
  - d. **RV Storage Location.** All recreational vehicles shall be stored in the rear yard or side yard (must be behind front façade of primary structure) on a paved surface, except for temporary parking of the vehicle on a driveway for the purpose of loading, unloading, or cleaning that does not exceed seventy-two (72) hours.
5. **Temporary Storage Containers.** The Administrator has the flexibility to allow additional containers, placement, and length of time when requested in writing by the applicant and on a case-by-case basis.
  - a. **R-1, R-2, and R-3 Zoning Districts.** A maximum of one (1) temporary storage container per parcel is permitted if the following conditions are met. An ILP is not required.
    - i. On-site for a maximum of fourteen (14) consecutive days.
    - ii. Located on the driveway or to the rear or side of the primary structure and a minimum of two (2) feet from any adjoining parcel (excluding public rights-of-way).
    - iii. Temporary storage containers shall not be placed in the right-of-way without prior approval from the Board of Works.
    - iv. A maximum size of one hundred twenty (120) square feet per container.

- b. **All Other Zoning Districts.** A maximum of two (2) temporary storage containers per parcel will be permitted if the following conditions are met. An ILP is required.
  - i. On-site for no more than four (4) consecutive months in a calendar year or the duration of construction, whichever is greater.
  - ii. Located in the parking lot or to the rear or side of the primary structure and a minimum of two (2) feet from any adjoining parcel (excluding public rights-of-way).
  - iii. A maximum size of three hundred and twenty (320) square feet per container.
  - iv. Temporary storage containers shall not be placed in the right-of-way without prior approval from the Board of Works.
  - v. Complies with the Downtown Scottsburg Historic District Design Guidelines and approved by the Scottsburg Historic Review Board if located in the DHD or MAO.



## J. STRUCTURE STANDARDS

1. **Intent.** The purpose of these standards is to prevent unsafe conditions while encouraging compatible development to ensure the health, safety, and welfare of residents.
2. **Permits and Compliance Required for All Structures.**
  - a. All primary structures shall require an Improvement Location Permit (ILP) as outlined in Chapter 7.J.3: Step 3: Obtain Improvement Location Permits (ILP), and all accessory structures shall require an ILP as outlined in Chapter 4.B: Accessory Structure Standards.
  - b. An Improvement Location Permit (ILP) is required for all temporary construction trailers and shall be valid for twelve (12) months. It may be renewed once for an additional twelve (12) month time period, if necessary, if construction has not concluded.
3. **General Standards for Structures.**
  - a. All structures shall conform with all standards set forth in this UDO unless deemed legally non-conforming.
  - b. Structures that are relocated from one parcel to another parcel shall not be moved unless the structure and placement of that structure conforms with the standards of the underlying zoning district and all standards of this UDO.
  - c. All new primary structures shall be oriented towards the highest classification of roadway unless within a major residential subdivision. If within the DHD, orientation shall comply with the Downtown Scottsburg Historic District Design Guidelines.
4. **Structure Height Exemptions.** The following structures are exempt from the height standards of the underlying zoning district:
  - a. Agricultural structures as necessary for its operation;
  - b. Wind turbines;
  - c. Spires or church steeples;
  - d. Cellular towers; and
  - e. Industrial appurtenances.
5. **Temporary Construction Trailers.** Temporary construction trailers or similar structure may be permitted on a project site in a non-residential zoning district during the construction period for the use of security, storage, of office space.
6. **Manufactured Homes.** Manufactured homes may be permanently occupied when located in any district where a single-family dwelling is permitted provided the following requirements are met:
  - a. The manufactured home is built to the Manufactured Home Construction and Safety Standards (HUD Code) and displays a red certification label on the exterior of each transportable section.
  - b. The development standards for the respective zoning district, including minimum living area and structure width, are met as established in Chapter 2: Zoning and Overlay Districts.
  - c. The structure is attached and anchored to a permanent foundation in conformance with the appropriate building code and with manufacturer's installation specifications.
  - d. The entire area between the floor joists of the structure and the underfloor grade is completely enclosed (skirted) in accordance with the terms of the appropriate building code; the manufacturer's installation specifications; and requirements set forth by the Indiana Administrative Building Council.
  - e. The structure possesses all necessary building, water, and sewage disposal permits prior to placement of the structure upon the lot.

- f. The wheels, axles, and hitches are removed.
- g. The front door faces the primary street from which it gains access.
- h. The structure is covered with an exterior material and roof material customarily used on site-built structures.

7. **Recreational Vehicles (RVs).**

- a. **Permanent Occupancy of an RV Prohibited.** Recreational vehicles are designed only for recreational use and are not built to HUD manufactured home standards. Therefore, recreational vehicles are not permitted to be used for permanent residential occupancy outside of a campground or an RV park approved by the Indiana State Department of Health (ISDH).
- b. **Temporary Occupancy of an RV.**
  - i. **Temporary Occupancy of an RV for Recreational Purposes.** A recreational vehicle may only be used for recreational purposes outside of a campground or RV park provided all of the following conditions are met:
    - 1) The RV is occupied for recreational purposes only (no permanent occupancy) and shall not exceed seven (7) consecutive days,
    - 2) No more than one (1) RV may be occupied on a single parcel,
    - 3) All development standards in Chapter 2: Zoning and Overlay Districts are met,
    - 4) The RV is not served by or connected to permanent utilities,
    - 5) No permanent structures are attached to the RV,
    - 6) The RV is not located within the DHD or MAO, and
    - 7) The RV is fully licensed and ready for highway use (defined as being on its wheels or jacking system; attached to the site only by quick disconnect type utilities and security devices; and has no permanently or semi-permanently attached additions or structures).
  - ii. **Storage of RV.** A recreational vehicle may be stored according to Chapter 4.I: Storage Standards.

## K. TRASH RECEPTACLE AND DUMPSTER STANDARDS

1. **Intent.** The purpose of this district is to prevent access to and the visibility of trash that is stored outside to ensure the health, safety, and welfare of residents.
2. **Applicability.**
  - a. These standards apply to all outdoor, non-pedestrian trash receptacles, dumpsters, compactors, or similar non-pedestrian waste containers.
  - b. Trash receptacles and dumpsters are permitted in all districts except R-1 and R-2.
3. **Location.** All outdoor trash containers governed by this section shall:
  - a. Comply with all development standards outlined in Chapter 2: Zoning and Overlay Districts;
  - b. Be located on private property on which they serve and in no case shall be in the public right-of-way;
  - c. Be in a side yard or rear yard (must be behind the front façade of the primary structure); and
  - d. Comply with the Downtown Scottsburg Historic District Design Guidelines and approved by the Scottsburg Historic Review Board if located in the DHD or MAO (if applicable).
4. **Screening.** Non-pedestrian outdoor trash receptacles and dumpsters must be completely screened with a masonry wall and/or opaque fencing so it is not visible from any public right-of-way or adjacent parcel during any time of the year. Gates must remain closed unless the receptacles are being accessed.
5. **Temporary Trash Receptacles.** Dumpsters associated with demolition or construction shall remain on-site no longer than one (1) week prior to construction or demolition and no longer than one (1) week following the completion of construction or demolition. Temporary trash receptacles shall meet all setback requirements and development standards of the underlying zoning district but do not require screening.



# CHAPTER 5

## SUBDIVISION TYPES

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## A. GENERAL PROVISIONS

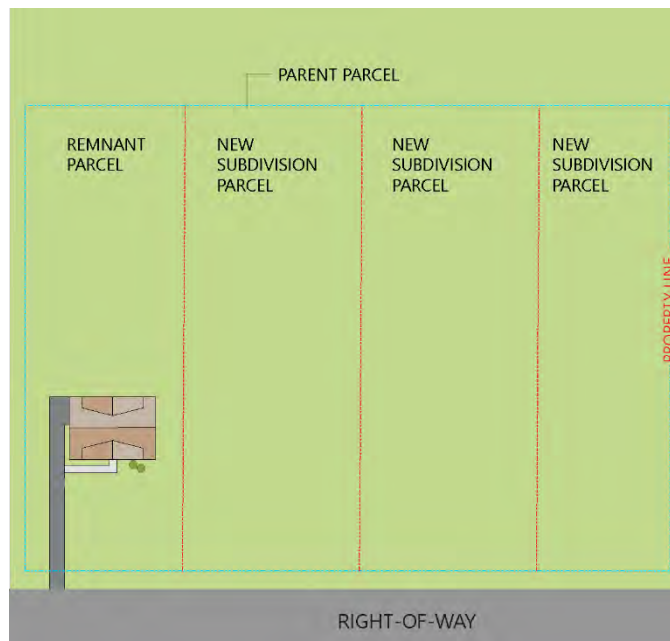
1. **Intent.** The purpose of this chapter is to:
  - a. Define, regulate, and control the various ways that land can be subdivided for development within the jurisdiction;
  - b. Secure efficient and equitable handling of all subdivision plans by providing uniform procedures and standards;
  - c. Promote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

## B. EXEMPT SUBDIVISIONS

1. **Intent.**
  - a. The intent of this section is to establish criteria that allows subdivisions of land to occur that are not required to go through the subdivision processes outlined in this UDO.
  - b. This exempt subdivision provision shall not be used as a means to bypass the subdivision process outlined in this UDO.
2. **Subdivider's Responsibility.** It is the responsibility of the person subdividing land to verify if a subdivision is exempt with the Administrator before recording lot splits. Lots created under this provision are not guaranteed to be buildable or guaranteed to qualify for the issuance of an ILP.
3. **Applicability.** The following divisions of land are exempt from the provisions of this UDO:
  - a. A division of land that is government or court ordered.
  - b. A division of land by the Federal, State, or local government for the acquisition of right-of-way or an easement for a public utility or public use.
  - c. A division of land for the transfer of a tract(s) to correct errors in an existing legal description, provided that no additional principal use building sites are created by the division.
  - d. A division of land into cemetery plots for the purpose of burial of corpses.
  - e. A division of land that combines, shifts, or reconstitutes property lines between abutting parcels (platted or un-platted) such that no additional parcels are created and all parcels comply with the standards of this UDO.
  - f. A division of land into two (2) parcels where:
    - i. Both parcels (remnant parcel and new parcel) are at least ten (10) acres in size,
    - ii. Parcels have not been previously subdivided as of the initial effective date of this UDO,
    - iii. All parcels meet the minimum requirements of this UDO, and
    - iv. No public infrastructure or public right-of-way is proposed or required.

## C. MINOR RESIDENTIAL SUBDIVISIONS

1. **Intent.** A minor residential subdivision, as defined in Chapter 9.B: Definitions, is intended to be an expedited process for subdivision that meets the following criteria:
  - a. Subdividing four (4) or fewer lots, including the remnant parcel;
  - b. Exclusively for single-family residential use; and
  - c. Does not involve the opening or creation of new public rights-of-way or utility main extensions.
2. **General Provisions.**
  - a. The subdivision still allows for adequate vehicular and pedestrian access and foster connection to adjacent parcels where necessary.
  - b. A shared driveway may be required by the PC to provide safe access to streets and to allow for alternative lot layouts.
  - c. Parcels may be subdivided through the minor subdivision process once. All subsequent subdivisions of property that has been part of a minor plat shall be considered a major subdivision and follow the major subdivision process.



*Example of Minor Residential Subdivision*



3. **Development Standards.**

DEVELOPMENT STANDARDS FOR MINOR RESIDENTIAL SUBDIVISIONS	
Permitted Districts	A-1, R-1, R-2, and R-3
Minimum Subdivision Size	N/A
Minimum Open Space for Overall Development	N/A
Internal Access Roads and Driveways	<ul style="list-style-type: none"> <li>▪ No new public rights-of-way are permitted. If public rights-of-way are proposed, it shall be considered a major residential subdivision and follow the applicable process.</li> <li>▪ Private driveways and private roads shall be permitted and shall comply with the minimum standards in Chapter 6.H: Roads and Driveways</li> </ul>
Sidewalks	<ul style="list-style-type: none"> <li>▪ A sidewalk, path, or shared-use trail is required if it is identified within the Scottsburg Sidewalk Implementation Plan or other adopted plan and shall comply with the minimum standards in Chapter 6.I: Sidewalks and Trails</li> <li>▪ Routine maintenance and cleaning of all sidewalks within the right-of-way (such as removing snow, leaves, and debris) is the responsibility of the abutting property owner(s). Replacement and repair of sidewalk within the right-of-way is the responsibility of the city.</li> </ul>
Development Standards for Individual Lots	<ul style="list-style-type: none"> <li>▪ All individual lots within the subdivision shall comply with the development standards for the subject zoning district as outlined in Chapter 2: Zoning and Overlay Districts</li> </ul>
Design Standards for Subdivisions	<ul style="list-style-type: none"> <li>▪ All applicable design standards for the subdivision shall comply with Chapter 6: Subdivision Design Standards.</li> </ul>

## D. MAJOR RESIDENTIAL SUBDIVISIONS

1. **Intent.** A major residential subdivision, as defined in Chapter 9.B: Definitions, is intended to provide development exclusively for single-family, two-family, and multi-family residential uses as permitted within the subject zoning district. The layout shall allow for adequate vehicular, pedestrian, and alternative transportation access as well as connection to adjacent parcels and transportation networks.



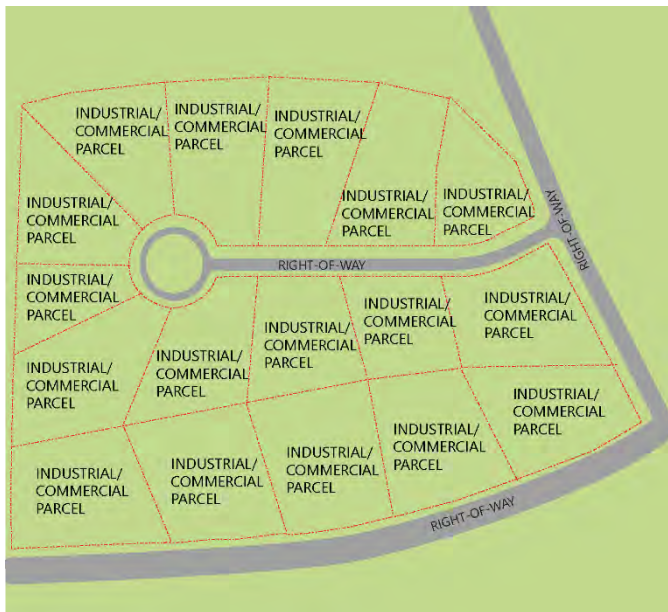
*Example of Major Residential Subdivision*

2. **Development Standards.**

DEVELOPMENT STANDARDS FOR MAJOR RESIDENTIAL SUBDIVISIONS		
Permitted Districts	A-1, R-1, R-2, R-3, and residential PUD	
Minimum Open Space (based on the average lot size per dwelling unit for the entire subdivision)	Under 6,000 sq ft	30%
	6,000-6,999 sq ft	25%
	7,000-7999 sq ft	20%
	8,000-14,999 sq ft	15%
	> 15,000 sq ft	10%
Lot/Internal Access	<ul style="list-style-type: none"> <li>▪ All internal streets within single-family subdivisions must be publicly dedicated and shall comply with the minimum standards in Chapter 6.H: Roads and Driveways</li> <li>▪ All individual driveways for single-family dwellings shall gain access from an internal subdivision road rather than a perimeter road.</li> </ul>	
Sidewalks	<ul style="list-style-type: none"> <li>▪ Required along both sides of all internal roads and along the side(s) of perimeter road(s) that are immediately adjacent to the subdivision.</li> <li>▪ A path or shared-use trail is required if it is identified within the Scottsburg Sidewalk Implementation Plan or other adopted plan.</li> <li>▪ An alternate internal pathway network may be substituted for sidewalks within subdivision or along a perimeter road at the discretion of the PC.</li> <li>▪ All sidewalks shall comply with the minimum standards in Chapter 6.I: Sidewalks and Trails</li> <li>▪ Routine maintenance and cleaning of all sidewalks within the right-of-way (such as removing snow, leaves, and debris) is the responsibility of the abutting property owner(s). Replacement and repair of sidewalk within the right-of-way is the responsibility of the city.</li> </ul>	
Development Standards for Individual Lots	<ul style="list-style-type: none"> <li>▪ All individual lots within the subdivision shall comply with the development standards for the subject zoning district as outlined in Chapter 2: Zoning and Overlay Districts</li> </ul>	
Design Standards for Subdivisions	<ul style="list-style-type: none"> <li>▪ All applicable design standards for the subdivision shall comply with Chapter 6: Subdivision Design Standards.</li> <li>▪ Covenants are required as outlined in Chapter 6.D: Covenants.</li> </ul>	

## E. COMMERCIAL AND INDUSTRIAL SUBDIVISIONS

1. **Intent.** A non-residential use, as defined in Chapter 9.B: Definitions, is intended to provide:
  - a. Development options for primarily commercial, industrial, mixed-uses, and other non-residential uses as permitted within the subject zoning district;
  - b. Adequate vehicular, pedestrian, and alternative transportation access through the subdivision layout as well foster connection to adjacent parcels and transportation networks; and
  - c. Frontage streets or internal roads that limit driveway cuts onto arterial streets.
2. **Procedures.** In order to allow for end-user flexibility, the secondary platting process may be done by full plat, individual lot, individual lot with development plan, or phase/section, as outlined in Chapter 7.D: Major Subdivision Procedures.



*Example of Commercial Subdivision*

3. **Development Standards.**

<b>DEVELOPMENT STANDARDS FOR COMMERCIAL &amp; INDUSTRIAL SUBDIVISIONS</b>	
Permitted Districts	DHD, B-1, B-2, I-1, I-2, and PUD
Minimum Subdivision Size	N/A
Minimum Open Space for Overall Development	15% (except for DHD)
Lot/Internal Access	<ul style="list-style-type: none"> <li>▪ Internal streets shall be private and shall comply with the minimum standards in Chapter 6.H: Roads and Driveways</li> </ul>
Sidewalks	<ul style="list-style-type: none"> <li>▪ Required along both sides of all internal roads and along the side(s) of perimeter road(s) that are immediately adjacent to the subdivision.</li> <li>▪ A path or shared-use trail is required if it is identified within the Scottsburg Sidewalk Implementation Plan or other adopted plan.</li> <li>▪ An alternate internal pathway network may be substituted for sidewalks within subdivision or along a perimeter road at the discretion of the PC.</li> <li>▪ All sidewalks shall comply with the minimum standards in Chapter 6.I: Sidewalks and Trails</li> <li>▪ Routine maintenance and cleaning of all sidewalks within the right-of-way (such as removing snow, leaves, and debris) is the responsibility of the abutting property owner(s). Replacement and repair of sidewalk within the right-of-way is the responsibility of the city.</li> </ul>
Development Standards for Individual Lots	<ul style="list-style-type: none"> <li>▪ All individual lots within the subdivision shall comply with the development standards for the subject zoning district as outlined in Chapter 2: Zoning and Overlay Districts</li> </ul>
Design Standards for Subdivisions	<ul style="list-style-type: none"> <li>▪ All applicable design standards for the subdivision shall comply with Chapter 6: Subdivision Design Standards.</li> </ul>



# CHAPTER 6

## SUBDIVISION DESIGN STANDARDS

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## A. GENERAL PROVISIONS

1. **Intent.** The subdivision design standards are intended to
  - a. Provide predictability to subdividers and property owners while ensuring the residents benefit from quality residential neighborhood designs and commercial/industrial development that promotes the public health, safety, and general welfare and supports the goals of the Comprehensive Plan; and
  - b. Ensure adequate facilities, roads, utilities, and other infrastructure are provided for the division of land.
2. **Conformance to Applicable Rules and Regulations.**
  - a. All subdivisions shall comply with the minimum requirements of this chapter and all other applicable laws, rules, and regulations.
  - b. Secondary plat approval may be withheld if a subdivision does not comply with all requirements of this chapter, all other sections of this UDO, and all other applicable local, state, and/or federal regulations, including but not limited to:
    - i. All applicable statutory provisions;
    - ii. All requirements of the UDO, zoning map, building codes, fire codes, Americans with Disabilities Act (ADA), Scott County Health Department, and all other applicable laws of the applicable local, state, and/or federal jurisdictions;
    - iii. All regulations of INDOT, if the subdivision contains or any lot abuts a highway under their jurisdiction;
    - iv. All standards and regulations adopted by all Scottsburg and Scott County boards, commissions, agencies, and officials (as applicable);
    - v. All rules or regulations of the Scott County Health Department, IDEM, and/or water/sewer utility; and
    - vi. All applicable requirements of the Flood Hazard Ordinance, the Scottsburg Standards and Construction Manual, and other adopted or approved plans and ordinances, including all public roads, drainage systems, and parks (if applicable).
3. **Extension of Infrastructure.**
  - a. All public improvements and required easements shall be extended to the boundary lines of the parcel being subdivided.
  - b. Public roads and easements for water lines, wastewater systems, electric lines, natural gas, telecommunications lines, and others shall be constructed to promote the logical extension of public infrastructure and connection to adjacent parcels.
4. **Plats Straddling Municipal Boundaries.**
  - a. Whenever access to the subdivision requires the approval from another jurisdiction, the PC may request an affidavit from the subdivider stating that access is legally enabled by the outside jurisdiction.
  - b. In general, lot lines shall be laid out so that they not to cross municipal boundary lines.



## B. ACCESS AND CONNECTIVITY

1. **General Access and Connectivity Standards.**
  - a. All subdivisions of land shall have frontage on and access to an existing public (state, county, or local) road. The existing public road shall:
    - i. Allow for safe ingress and egress;
    - ii. Be paved with a hard surface;
    - iii. Be able to safely accommodate the anticipated traffic; and
    - iv. Be at least eighteen (18) feet in pavement width.
  - b. No subdivision shall prevent an adjacent property from accessing a public road (such as using reserve strips) or create or perpetuate the land-locking of an adjacent parcel.
  - c. The extension of roads to the exterior boundary of the subdivision or continuation of public roads between adjacent parcels for the effective movement of traffic, extension of utilities, and/or effective fire protection shall be required, unless the PC determines that such extension is:
    - i. Not feasible due to topography or other physical conditions; or
    - ii. Not necessary or desirable for the coordination of the subdivision based on future development of adjacent tracts.
  - d. A partial right-of-way along an exterior boundary line of a subdivision in order to provide adequate right-of-way width of perimeter roads, including the extension of arterial or collector roads.
  - e. All easements and rights-of-way from a major or minor subdivision or a lot within a major or minor subdivision that provide access to a public road shall be approved by the PC.
  - f. All public roads must be located above the 100-year FEMA flood elevation unless approved by the Floodplain Administrator or the Board of Public Works and Safety (Board of Works).
2. **Access to Freeway/Expressway, Arterials, and Collectors.** Where a subdivision borders or contains an existing or proposed freeway/expressway, major/minor arterial, or major/minor collector, the PC may limit direct access of individual lots onto these roads by one or more of the following based on the recommendation of the Board of Works:
  - a. **Frontage or Service Roads.** Frontage or service roads that are separated from the arterial or collector by a planting area or grass strip. These roads shall have access at suitable points to the arterial or collector. All frontage or service roads shall comply with the Scottsburg Standards and Construction Manual.
  - b. **Shared Driveway.** A shared private driveway with an adjacent parcel(s) that includes an access easement to a local road.
  - c. **Other Treatments.** Other, similar treatments deemed necessary for the adequate preservation of the public roadway functionality, safety, protection of residential properties, and separation of through and local traffic.

### 3. No-Access Easements.

- a. Where a residential subdivision abuts an existing or proposed railroad or a public road that is defined by INDOT as a limited access highway, a twenty-five (25) foot “no-access easement” shall be provided to allow adequate setback from these rights-of-way.
- b. A five (5) foot “no-access easement” shall be provided along a freeway/expressway, arterial, or collector road for parcels that can gain access from an internal, local road.
- c. Parking areas, driving lanes/areas, and similar vehicular areas and access are prohibited within the no-access easement. Structures are prohibited except for fences and structures that do not require an ILP and/or building permit.
- d. All no-access easements shall be designated on the plat: "Reserved as buffer/No-Access Easement. Access and the placement of structures within the easement is restricted."

### 4. Subdivision Entrances.

- a. **Minimum Number.** All residential subdivisions shall provide the following minimum number of required entrances onto an existing public road.
  - i. **Less than Twenty-Five (25) Residential Units.** A minimum of one (1) entrance shall be provided.
  - ii. **Twenty-five (25) to Two Hundred (200) Residential Units.**
    - 1) A minimum of two (2) entrances shall be provided with access to two (2) separate public roads.
    - 2) If the subdivision only abuts one public road, the subdivision shall be required to provide two (2) entrances onto the one public road.
    - 3) If there is not appropriate distance between entrances and/or other roadways and intersections (as determined by the PC), a single entrance with a median divider is allowed. Each travel lane shall be at least fourteen (14) feet wide excluding curbs and gutters to allow for emergency access if one travel lane is inaccessible. The median shall be at least twelve (12) feet in width to accommodate a separate left-turn lane if necessary or needed in the future. The median divider shall extend from the intersection with the public road to the first road intersection within the subdivision.
  - iii. **More than Two Hundred (200) Residential Units.** The number of separate entrances required, and the location of those entrances shall be determined by the PC.
- b. **Phasing of Entrances.** If a subdivision is phased, the timing of the installation of any required additional entrances shall be established by the PC at the time of primary plat consideration.
- c. **Level of Service.** The subdivider shall construct any required and approved traffic mitigation measures to provide adequate roadway capacity and access for the proposed development, such as acceleration lanes, deceleration lanes, or other similar improvements.

### 5. Pedestrian Access.

- a. If a subdivision is adjacent to a park, school, or other public community facility, the PC may require perpetual unobstructed easements that are at least twenty (20) feet in width in order to facilitate pedestrian access and connectivity. These easements shall be indicated on the primary and secondary plats.
- b. Where future development includes land that has been identified by the Comprehensive Plan or other adopted or approved plan as a location for trails or sidewalks, the PC may require the subdivider to construct the trails or sidewalks within their development, whether or not such trails connect to existing trails outside of the development at the time of construction. All trails and sidewalks shall be constructed in accordance with the City’s construction standards.

## C. BLOCKS AND LOTS

### 1. Block and Lot Arrangement.

- a. Blocks shall have a sufficient width in order to provide for two (2) tiers of lots unless an alternate layout will give a better public road or lot plan.
- b. Blocks and cul-de-sacs (permanent and temporary) shall not exceed fifteen hundred (1,500) feet in length unless the PC determines that a longer length will not be detrimental to local traffic flow.
- c. The PC may require pedestrian ways, easements, and/or cross walks through the center of blocks when deemed essential to provide pedestrian circulation, accommodate utilities and drainage facilities, or provide access to schools, playgrounds, shopping centers, transportation, or other community facilities.
- d. The layout of the lots shall be compatible with the topography and other physical conditions of the land in order to ensure that compliance with this UDO, Building Code, and other local, state, and federal regulations.

### 2. Lot Dimensions.

- a. Lot dimensions shall comply with the minimum standards of the UDO.
- b. Lots shall be suitable in size and dimensions for the type of development anticipated and not result in insufficient areas to build on after building setback lines are established in accordance with the UDO.
- c. Side lot lines shall generally be at right angles to public road lines (or radial to curving public road lines) unless a variation from this rule will give a better public road or lot plan.
- d. Dimensions of corner lots shall be large enough to allow for erection of buildings, observing that corner lots have two (2) front yards as outlined in this UDO.
- e. The depth and width of properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide off-public road parking and loading facilities required for the type of use and development contemplated.
- f. The depth to width ratio for any lot intended for single-family use within a subdivision shall be no greater than 3:1.

### 3. Lot Orientation.

- a. The lot line common to the public right-of-way shall be the front line. All lots shall face the front line.
- b. Wherever feasible, rear lot lines should not abut the side lot line of an adjacent lot.
- c. Double frontage, through lots, and reverse frontage lots shall be avoided except where necessary to accommodate perimeter lots (exterior lots) within a subdivision or to overcome difficulties of topography and orientation. If necessary, bufferyard (width and plantings) shall be required along the non-subdivision road as well as a no-access easement as outlined in Chapter 6.B.3: No-Access Easements.

## D. COVENANTS

1. **Intent.** The purpose of the covenants drafted by the subdivider is typically to create a more consistent appearance as well as provide additional control over the activities that take place within the subdivision boundaries to protect the property values.
2. **General Provisions.**
  - a. Covenants are generally a combination of restrictions on the use of property and affirmative obligations imposed by the subdivider on the owner of a property within a subdivision.
  - b. These covenants are above and beyond the zoning and subdivision regulations required for the jurisdiction, but restrictions cannot supersede, contradict, or replace city, state, or federal regulations.
  - c. Covenants shall be provided to the Administrator or their designee prior to approval of the secondary plat. However, the Administrator is not responsible for approving, denying, and/or identifying conflicts between the covenants and UDO.
3. **Self-imposed Restrictions.**
  - a. If a subdivider or property owner places restrictions on any land contained within a subdivision that are more restrictive than those required by this UDO, such restrictions shall be indicated or referenced on the secondary plat.
  - b. All restrictive covenants shall be recorded with the County Recorder, and a copy of the recorded covenants with the appropriate stamp from the County Recorder's office shall be provided to the Administrator.
4. **Enforcement.** Only regulations specifically found in the UDO are enforceable by the PC and the Administrator. Restrictive covenants will not be enforced by the PC or the Administrator and must be enforced by the Homeowners Association (or the subject property owners) through the civil courts.

## E. DRAINAGE, STORMWATER, AND EROSION CONTROL

1. **General Provisions.**
  - a. All drainage shall comply with all state requirements and applicable stormwater ordinances. All development is subject to state and local drainage approval and permits. Drainage and stream channels shall not be altered without approval from all required local and state entities.
  - b. Maintenance of drainage facilities shall be the responsibility of the subdivider until it is turned over to the Homeowners Association (HOA).
  - c. If drainage areas are maintained by a Homeowners Association (HOA) or similar organization and said organization is dissolved, the maintenance and associated costs of any drainage facility shall be shared equally between the property owners within the platted subdivision.
  - d. No secondary plat shall be approved until the drainage plan is approved by the Board of Works.
  - e. Topsoil shall not be removed from residential lots and at least four (4) inches of topsoil shall be provided on all lots.
2. **Drainage Easements.** All drainage easements shall be indicated on the primary plat and the secondary plat.

## F. MAILBOXES FOR RESIDENTIAL DEVELOPMENT

1. **Applicability.** In accordance with the United States Postal Service (USPS) National Delivery Planning Guide, all new residential development shall comply with USPS standards for centralized mail delivery (such as cluster box units or neighborhood delivery centers), which shall be at the direction of the local USPS Postmaster or the designated local USPS Growth Manager.
2. **Design and Placement.**
  - a. Units and their location shall be approved by the local Postmaster or Growth Manager prior to approval of any secondary plat.
  - b. Units shall provide for handicap accessibility.
  - c. Units placed within the right-of-way shall require approval by the Board of Works.
  - d. All units and structures shall require a building permit prior to installation as required by this UDO.
  - e. Because of their size, visibility, and exposure to the elements, units must be aesthetically appealing, durable, and reflect the character of the overall development.
  - f. If units are free-standing, they shall be placed beneath a covered pavilion, a three-sided shelter, or inside a community center.
3. **Installation and Maintenance.** The City of Scottsburg shall not be responsible for the installation, maintenance, or replacement of any mailboxes, cluster boxes, or delivery centers. All units shall be installed by the subdivider and maintained and repaired by the property owners and/or homeowner's association.

## G. OPEN SPACE AND AMENITIES

1. **General Open Space and Amenity Standards.**
  - a. Proposed major subdivisions are required to provide adequate areas open space as required by this UDO (see Chapter 5: Subdivision Types).
  - b. If a subdivision is not required by this UDO to provide open space and/or amenities, the subdivider may provide them if desired.
  - c. Each open space area or amenity shall be of suitable size, dimension, topography, and general character for the intended use and shall have adequate road and/or pedestrian access to adequately serve the purposes envisioned.
  - d. Any open space or amenity shall support the goals of the Comprehensive Plan, comply with all requirements of this UDO, and comply with all other applicable health, flood control, and regulations of the jurisdiction or state, as appropriate.
  - e. All open spaces and amenities shall be dedicated as common areas unless otherwise allowed by this UDO. The common area shall be shown and labeled accordingly on the primary plat and secondary plat.
  - f. The phasing of development and open spaces/amenities is allowed, but the minimum open space/amenity shall be proportional to the developed area.
2. **Open Space Guiding Criteria.** The design of all open spaces shall be guided by the following criteria:
  - a. The preservation of existing natural or historic features that add value to the development or to the city (such as watercourses and falls, historic sites, and similar irreplaceable assets).
  - b. The protection of unique topographical features on the site, such as steep slopes.
  - c. The preservation of wooded areas and individual, healthy trees that are larger than thirty-six (36) inches in diameter or vegetation that is desirable to preserve wetlands or other environmentally sensitive areas, including the ability to protect vegetation during construction and changes of grade.
  - d. The adaptability of the open space for future trails and/or shared-use paths.
  - e. The relationship between the proposed open space and neighboring properties.
3. **Types of Qualifying Open Space.**
  - a. Active or passive recreational amenities or open spaces that are dedicated as common area.
  - b. Platted drainage or retention areas designed to stay dry may qualify for minimum open space standards. Drainage or retention areas designed to stay wet shall not count towards minimum open space requirements.
  - c. Easements or areas with high tension utility lines or other large-scale utilities shall not count towards minimum open space requirements.
  - d. No open space shall be used as a reserve strip or prevent future access between adjacent properties and an existing or future public right-of-way.

4. **Ownership and Maintenance of Open Space.**
  - a. The PC shall require proof of the ownership and maintenance agreement for the common areas (such as HOA covenants).
  - b. Unless approved by the PC and the City Council, the city shall not assume responsibility for the maintenance and safety of common areas.
  - c. If area or land is being dedicated to an entity other than a Homeowners Association, the respective entity accepting the land shall provide written documentation approving the dedication prior to approval of the secondary plat.
5. **Open Space Minimum Design Standards.** If a subdivision is required to provide open space(s) by this UDO, all open space areas shall comply with the following standards.
  - a. All open space reserved under this UDO shall be accessible with an ADA-accessible sidewalk, footpath, or similar accessible connection from a public right-of-way or a dedicated easement.
  - b. If sidewalks or paved trails are required and/or provided within the open space or amenity, they shall comply with all ADA requirements and the standards in the city's construction standards.
  - c. All open spaces and amenities shall be accessible by all residents of the subdivision without any qualifying requirements other than standard operational times (such as outdoor pools are not open during the winter or a park is closed from dusk to dawn). Indoor clubhouse facilities may charge user rental fees and have limited operational hours.
6. **Open Space Design Requirements.** All open spaces shall:
  - a. Be a minimum of thirty (30) feet in width to allow for maintenance;
  - b. Be located outside of the public right-of-way;
  - c. Provide at least one (1) amenity, such as a shelter, pavilion, clubhouse, swimming pool, playground, sports court/field, or similar amenity. All equipment, if provided, shall be commercial-grade and meet industry design standards.



## H. ROADS AND DRIVEWAYS

1. **Intent.** The road design requirements are intended to:
  - a. Provide for roads that are suitable in location, width, and improvement to accommodate potential traffic;
  - b. Provide a safe, convenient, and functional system for vehicular, pedestrian, and bicycle circulation;
  - c. Provide adequate access to police, fire fighting, snow removal, sanitation, road-maintenance equipment;
  - d. Create a convenient traffic network;
  - e. Avoid undue hardships to adjoining properties;
  - f. Accommodate for the particular traffic characteristics of each proposed development; and
  - g. Be properly related to the goals of the Comprehensive Plan.
2. **General Road and Driveway Standards.**
  - a. All private and public roads, culverts, drains, bridges, shoulders, drainage improvements and structures, curbs, turnarounds, trails, and sidewalks shall comply with the city's construction standards and shall be incorporated into the construction plans required of the subdivider for plat approval.
  - b. Where a proposed public road is an extension of an existing paved public road which exceeds the minimum dimension required by this UDO, the PC may require the subdivider to taper or match the width of the existing paved public road.
  - c. Roads shall be constructed to grades shown on plans, profiles, and cross-sections prepared by a registered Professional Land Surveyor and/or registered Professional Engineer that is licensed to practice in the State of Indiana. Individual projects may warrant additional requirements that are dictated by sound engineering practices as determined by the Board of Works and shall be made conditions of the approval for the primary and/or secondary plat.
  - d. No trees or plantings shall be permitted within the public rights-of-way or easements unless otherwise required or approved by the Board of Works.
3. **Dedication of Public Roads.**
  - a. If a subdivision adjoins or includes an existing public road that does not conform to the minimum right-of-way width as established by the City's construction standards, the subdivider shall dedicate additional right-of-way width as required to meet the minimum standards of this UDO.
  - b. All public rights-of-way shall be inspected and approved by the Board of Works prior to being accepted as a public right-of-way.
4. **Road Classifications.** All public roads shall be planned to meet the goals of the Comprehensive Plan. All roads shall be functionally classified by the City.
5. **Road Layout and Site Design.**
  - a. Building sites shall be at or above the grades of the public roads, whenever possible.
  - b. Local public roads shall be laid out to follow the site topography when possible; shall avoid long, straight stretches that encourage high speeds; shall permit efficient drainage and utility systems; and shall minimize the number of public roads necessary to provide convenient and safe access to property.

**6. Road Intersections.**

- a. All intersections, including minimum radii, shall adhere to the city's construction standards.
- b. Right-angle intersections shall be used wherever practical. When local roads intersect arterial or collector roads, the angle of intersection of the road centerlines shall not be less than seventy-five degrees (75°) and the radii as required by the city's construction standards shall be increased by at least forty (40) feet.
- c. Proposed new intersections, wherever possible, should align with any existing intersections on the opposite side of the public road. Centerline offsets of less than one-hundred and fifty (150) feet shall not be permitted unless the intersected street has a median without breaks at the intersection locations.
- d. Intersections shall not have more than four (4) approaches to the intersection. Three-legged intersections may be used wherever appropriate, particularly in residential areas.
- e. No intersection shall create a traffic hazard by limiting visibility. Minimum sight distance at intersections (sight triangles) should be **determined by a design professional and approved by the City and PC as part of the primary plat.**
- f. At intersections, property line corners shall be rounded by an arc at twenty-five (25) feet in radius or larger.

**7. Regulatory Road Signs.**

- a. The subdivider shall install all required regulatory signs on public roads that comply with the standards established in the Manual on Uniform Traffic Control Devices (MUTCD) and shall be approved by the City.
- b. The subdivider shall install all required road signs, street signs, and road name signs before the secondary plat is recorded, the issuance of any permits, or the posting of a performance surety.
- c. The city may approve public road name signs, poles, or hardware outside of the MUTCD (Manual on Uniform Traffic Control Devices) regulatory sign standards if decorative signs, poles, and hardware are requested. The city does not own or maintain decorative signs, poles, or hardware, and all maintenance and/or replacement shall be the responsibility of the Homeowners Association or all property owners within the subdivision equally if a Homeowners Association does not exist.
- d. Maintenance of all road signs and street signs is the responsibility of the subdivider, or the property owners within the development, until the road is dedicated and accepted for maintenance by the city.

**8. Dead-End Roads and Cul-de-Sacs.**

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

**9. Public Road Streetlights.**

- a. Streetlights shall be installed in all zoning districts except the A1 district by the subdivider at their own expense in major residential subdivisions in accordance with the city's construction standards.
- b. All streetlight fixtures shall be approved by the City.

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

**11. Bridges and Culverts.** Bridges and/or culverts required to accommodate site access and circulation shall be approved by the City and constructed at the full expense of the subdivider without reimbursement from the city.

**12. Private Driveways.**

- a. Private driveways may serve no more than four (4) parcels or single-family residential units. Access to more than four (4) parcels or single-family residential units shall be provided with a public road that meets all city standards for public roads.
- b. All shared private driveways shall have an easement of at least thirty (30) feet in width. An access and maintenance agreement shall be recorded with the county recorder's office and a copy of the recorded agreement filed with the Administrator.
- c. Private driveways in all zone districts except A1 shall be graded and surfaced with an all-weather paving material, such as asphalt, concrete, or other material, that will provide equivalent protection against potholes, erosion, and dust. Private driveways in the A1 district may be gravel but shall have an apron surfaced with an all-weather paving material for a minimum of twenty (20) feet from the edge of the pavement of the public road.
- d. All private driveways shall be a maximum of twenty (20) feet in length between the primary structure and the sidewalk or edge of roadway if a sidewalk does not exist in order to provide adequate space for parking without vehicles blocking sidewalk and/or road access.
- e. The width of single-family and two-family driveways shall not exceed twenty (20) feet at the right-of-way. Driveways may widen after passing the back edge of the sidewalk or ten (10) feet from the right-of-way if there is not a sidewalk.
- f. All private driveways onto a public road (outside of a platted subdivision) shall obtain a driveway permit and shall comply with all City standards.

**TABLE 6.1: MINIMUM PUBLIC ROAD DESIGN REQUIREMENTS**

Pavement Width & Curb	
Local Public Roads and Cul-de-Sacs	<ul style="list-style-type: none"> <li>▪ Residential:</li> <li>▪ 11-foot travel lanes</li> <li>▪ 2-foot barrier or roll curb if gross density is less than 1 lot per acre</li> <li>▪ No curb required if gross density is 1 acre or more</li> <li>▪ Non-Residential:</li> <li>▪ 12-foot travel lanes</li> <li>▪ 2-foot barrier or roll curb</li> </ul>
Public Alley	20 feet travel lane (two-way) or 14 feet travel lane (one-way) plus 1-foot crushed stone shoulder or optional curb (barrier or roll)
Right-Of-Way Width	
Local Roads <sup>1</sup>	50 feet with curb and gutter 60 feet without curb and gutter
Local Road Cul-de-sac <sup>1</sup>	65-foot radius
Collector or Arterial Roads	As determined by the Board of Works
Local Road Pavement Design	
Subgrade Compaction	95% standard proctor
Flexible Pavement <sup>3</sup>	<ul style="list-style-type: none"> <li>▪ 12-inch base, #53 compact aggregate</li> <li>▪ 3-inch binder (HAC)</li> <li>▪ 2-inch surface (HAC)<sup>2</sup></li> </ul>
Concrete Pavement	<ul style="list-style-type: none"> <li>▪ 6-inch base, #53 compact aggregate</li> <li>▪ 9-inch 4000 psi concrete</li> </ul>

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

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

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

## I. SIDEWALKS AND TRAILS

### 1. General Sidewalk and Trail Standards.

- a. Sidewalks and/or trails shall be required for residential, commercial, and industrial subdivisions as in Chapter 5: Subdivision Types.
- b. All sidewalks and trails shall comply with the city’s construction standards unless a greater standard is identified in the Scottsburg Sidewalk Implementation Plan.

**TABLE 6.2: SIDEWALK AND TRAIL DESIGN STANDARDS**

Minimum Setback	<ul style="list-style-type: none"> <li>▪ Sidewalks:                             <ul style="list-style-type: none"> <li>▪ Minimum of 5-foot setback from adjacent curb</li> <li>▪ Minimum of 1-foot between property line (edge of right-of-way) and sidewalk</li> </ul> </li> <li>▪ Trails:                             <ul style="list-style-type: none"> <li>▪ Minimum of 5-foot setback from adjacent curb or 8-foot setback without curb and gutter</li> <li>▪ Minimum of 2-foot clear zone on both sides of trail</li> <li>▪ Separated from curb by grass or landscaped area</li> <li>▪ No trees shall be planted between the sidewalk and road unless approved by the Board of Works</li> </ul> </li> </ul>
Minimum Width	<ul style="list-style-type: none"> <li>▪ Sidewalk: 5 feet or the width of connecting sidewalks on adjacent parcels, whichever is greater, unless a larger width is required by the Scottsburg Sidewalk Implementation Plan</li> <li>▪ Trail: As determined by the City but no less than 8 feet</li> </ul>
Surface	<ul style="list-style-type: none"> <li>▪ Shall have sufficient slope to drain away from the lot and toward the center of the public road and shall be built to City construction standards</li> </ul>
Subgrade	<ul style="list-style-type: none"> <li>▪ Shall be constructed to City construction standards</li> </ul>
Other Standards	<ul style="list-style-type: none"> <li>▪ All sidewalks and trails shall comply with all Americans with Disabilities Act (ADA) standards</li> <li>▪ All sidewalks and trails shall comply with the Scottsburg Sidewalk Implementation Plan</li> </ul>

## J. SUBDIVISION NAMES AND STREET NAMES

### 1. **Subdivision Name Standards.**

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

### 2. **Street Name Standards.**

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

## K. SURVEY MONUMENTS AND MARKERS

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

## L. UTILITIES

1. **Location.** All existing and proposed utility facilities and/or easements within the subdivision shall be shown on the primary and secondary plat, including water, sewer, electric, and other utilities.
2. **Sewage Disposal.**
  - a. **General.** The subdivider shall install public sanitary sewer facilities or an approved on-site sewage disposal system in accordance with the rules, regulations, and standards of Scottsburg, Scott County Health Department, IDEM, and/or other appropriate state and federal agencies.
  - b. **Public Sanitary Sewer Requirements.** Where a sanitary sewer system is available within three hundred (300) feet of any boundary of a proposed subdivision and easements and rights-of-way are in place to access said system, the subdivision shall connect to the public sanitary sewerage system unless the sewer district/provider does not accept or approve the connection. The subdivider shall be responsible for installing the required infrastructure to serve each lot to the specifications of the provider, and all sanitary sewerage facilities (including the installation of laterals in the right-of-way) shall be subject to the specifications, rules, regulations, and guidelines of the sewer district/provider, Health Officer, participating jurisdiction, and appropriate state agency
  - c. **Individual Disposal System (Septic) Requirements.** If sanitary sewers are not available, the subdivider shall:
    - i. Receive a letter indicating the soils within the subdivision are generally acceptable for the proposed use from the Scott County Health Department prior to making application for primary plat consideration. Before secondary plat approval, a letter shall be required from the Scott County Health Department stating that all lots are viable for individual septic.
    - ii. Comply with minimum lot area requirements of the Scott County Health Department and the standards of the UDO establishing lot areas for individual sewerage disposal systems, with the greater restriction applying.
3. **Water Facilities.**
  - a. **General.** All habitable buildings and buildable lots shall be connected to an approved water system (public water provider or private well) capable of providing water for health and emergency purposes, including adequate fire protection, where available.
  - b. **Public Water Supply Requirements.** When a public water supply is available within three hundred (300) feet of any boundary of a proposed subdivision, the subdivider and/or water company/provider shall construct and install a system of water mains (including fire hydrants) to be connected to the public water supply unless the water district/provider does not accept or approve the connection. Each lot shall be provided with a connection to the water delivery system. The water delivery system shall be designed and constructed in conformance with the standards and specifications of state or local authorities, and in compliance with the rules and regulations of IDEM.
  - c. **Private Water (Well) Supply Standards.** Where a public water supply is not available within three hundred (300) feet of any boundary of the proposed subdivision, the PC determines that the connection thereto would create a hardship for the subdivider, and/or the water company will not supply water, the subdivider shall:
    - i. Provide a community water supply system to each lot within the subdivision in accordance with the minimum requirements of IDEM; or
    - ii. Provide an individual water supply for each lot in the subdivision in accordance with the minimum requirements of the Indiana State Board of Health and approved by the Scott County Health Department.



- d. **Existing Private Well Standards.** Any existing homes within the subdivision currently served by a private potable well water supply that will be connected to a new public water supply system shall adhere to the following:
  - i. The existing well and pumping unit shall be abandoned and the well properly plugged, in accordance with the rules and regulations of IDEM and IDNR; or
  - ii. If the homeowner chooses to keep an existing well in service, a physical disconnection (between the existing well supply plumbing and the new public water supply plumbing) must be completed by the homeowner and inspected by the Scott County Health Department. All disconnections of plumbing shall be completed by a plumbing contractor licensed in the State of Indiana and shall be made in accordance with the requirements of the American Backflow Prevention Association (ABPA).
  
- e. **Fire Protection.**
  - i. For subdivisions served by public water, fire hydrants and water lines with adequate capacity to serve the hydrants shall be required with a maximum spacing of five hundred (500) feet from any residential lot boundary and a maximum separation of one thousand (1000) feet between hydrants (measured along the centerline of the road).
  - ii. The local fire authority having jurisdiction over the proposed subdivision shall review proposed subdivisions and provide comments on any proposed fire hydrants or other fire suppression systems, including their setting, number, separation, and size of outlets.



# CHAPTER 7

## PROCEDURES

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## A. GENERAL PROVISIONS

### 1. **Compliance With Procedures and UDO Standards.**

- a. All development shall be carried out in accordance with the UDO in order to achieve orderly, planned, efficient, and responsible growth.
- b. The subdivision of land and development on any parcel are subject to all applicable regulations and procedures of this UDO, including the subject zoning district and procedures, as well as any additional standards that may have been required by the PC as part of other or previous approvals for the property.
- c. The provisions of this UDO shall be held to be the minimum requirements for the protection of the health, safety, comfort, morals, convenience, and general welfare of the residents of the jurisdiction.
- d. All subdivision and zoning processes and applications shall be subject to the requirements outlined in the applicable application packet(s) and the PC Rules and Procedures, including the meeting dates and submittal deadlines calendar.

### 2. **Zoning Compliance.**

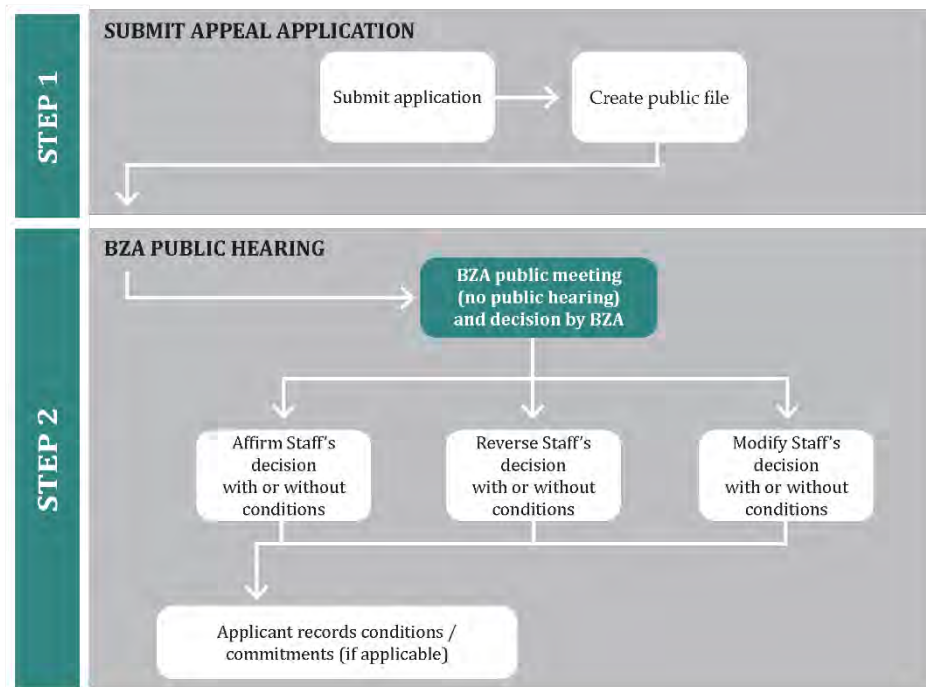
- a. Uses permitted by special exception as listed in Chapter 2: Zoning and Overlay Districts may be permitted by the BZA in the districts indicated in accordance with the procedures set forth in this section.
- b. The BZA may vary the development standards of the zoning provisions of this UDO or grant a variance of use in accordance with the procedures set forth in this section.

### 3. **Subdivision Compliance.**

- a. No ILP shall be issued for any parcel or plat of land which was created by subdivision after the effective date of, this UDO that is not in conformity with the provisions of this UDO.
- b. No owner or agent may sell or lease any lot within a subdivision before such plat has been approved and recorded as required by this UDO.
- c. No public road shall be laid out or constructed until the primary plat and construction documents are approved as outlined in this UDO, except public roads built and maintained by the City of Scottsburg, Scott County, and/or the State of Indiana.
- d. The PC or the Administrator shall not have the authority to approve any subdivision as a buildable lot unless it complies with said UDO, a variance has been granted by the BZA, and/or a waiver has been granted by the PC.
- e. The PC may grant a waiver from the subdivision provisions of this UDO in accordance with the procedures set forth in this section.

### 4. **Condominiums Exempt from Subdivision Process.** Pursuant to IC 36-7-4-702, condominiums which are regulated by IC 32-35, as amended, are exempt from the subdivision process.

## B. APPEAL OF ADMINISTRATIVE PROCEDURES



### 1. Applicability.

- a. In accordance with IC 36-7-4-918.1 and the BZA Rules and Procedures, the BZA shall hear and determine appeals from and review the following administrative decisions:
  - i. Any order, requirement, decision, or determination made by an administrative official, hearing officer, or staff member under the UDO;
  - ii. Any order, requirement, decision, or determination made by an administrative board or other body except the PC in relation to the enforcement of the UDO; or
  - iii. Any order, requirement, decision, or determination made by an administrative board or other body except the PC in relation to the enforcement of an ordinance adopted under this UDO requiring an ILP or occupancy permit.
- b. Appeals shall be made pursuant to IC 36-7-4-1000 series.
- c. Zoning decisions, as outlined in IC 36-7-4-1016, cannot be appealed to the BZA but are subject to judicial review by filing a petition for review in the appropriate court in accordance with the IC 36-7-4-1600 series.

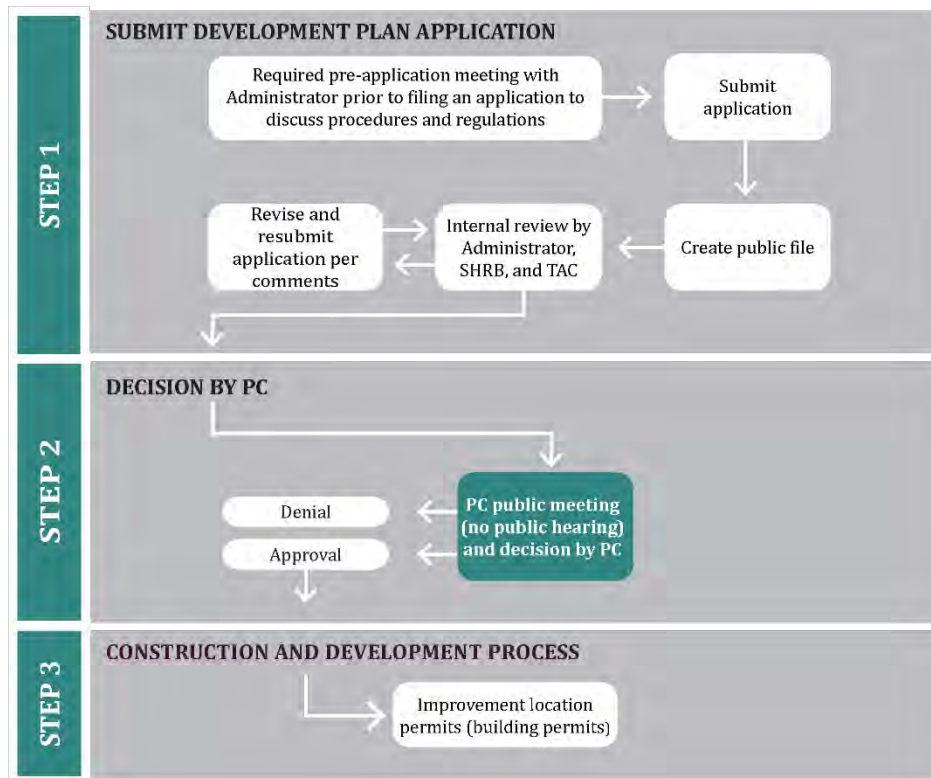
### 2. STEP 1: SUBMIT APPEAL APPLICATION.

- a. **Application.** The applicant shall submit a complete application for appeal in accordance with the application requirements. *The application shall be submitted within thirty (30) days of the decision/interpretation that is the subject of the appeal.*
- b. **Public File.** Once the Administrator determines that an application is complete and in proper form, they shall assign a file number, create a public file, and assign a date for public meeting.
- c. **Public Notice.** Public notice is not required for appeals.

3. **STEP 2: BZA PUBLIC MEETING.**

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

## C. DEVELOPMENT PLAN PROCEDURES



### 1. Applicability.

- a. In accordance with IC 36-7-4-1400 series and the PC Rules and Procedures, the PC shall hear and make decisions regarding development plans.
- b. Development plan approval shall be required for any of the following:
  - i. All new primary structures for all uses except single-family, two-family, or agricultural uses (excluding confined feeding operations) or as otherwise stated in this UDO.
  - ii. Modifications to the site that meet the thresholds requiring compliance for an individual or all site standards as outlined in Chapter 4: Site Development Standards.
  - iii. All new primary structures or additions to the exterior of a primary structure within the Downtown Historic District (DHD) and/or the McClain Avenue Overlay District (MAO).
  - iv. As otherwise required by Chapter 2: Zoning and Overlay Districts or other sections of this UDO.

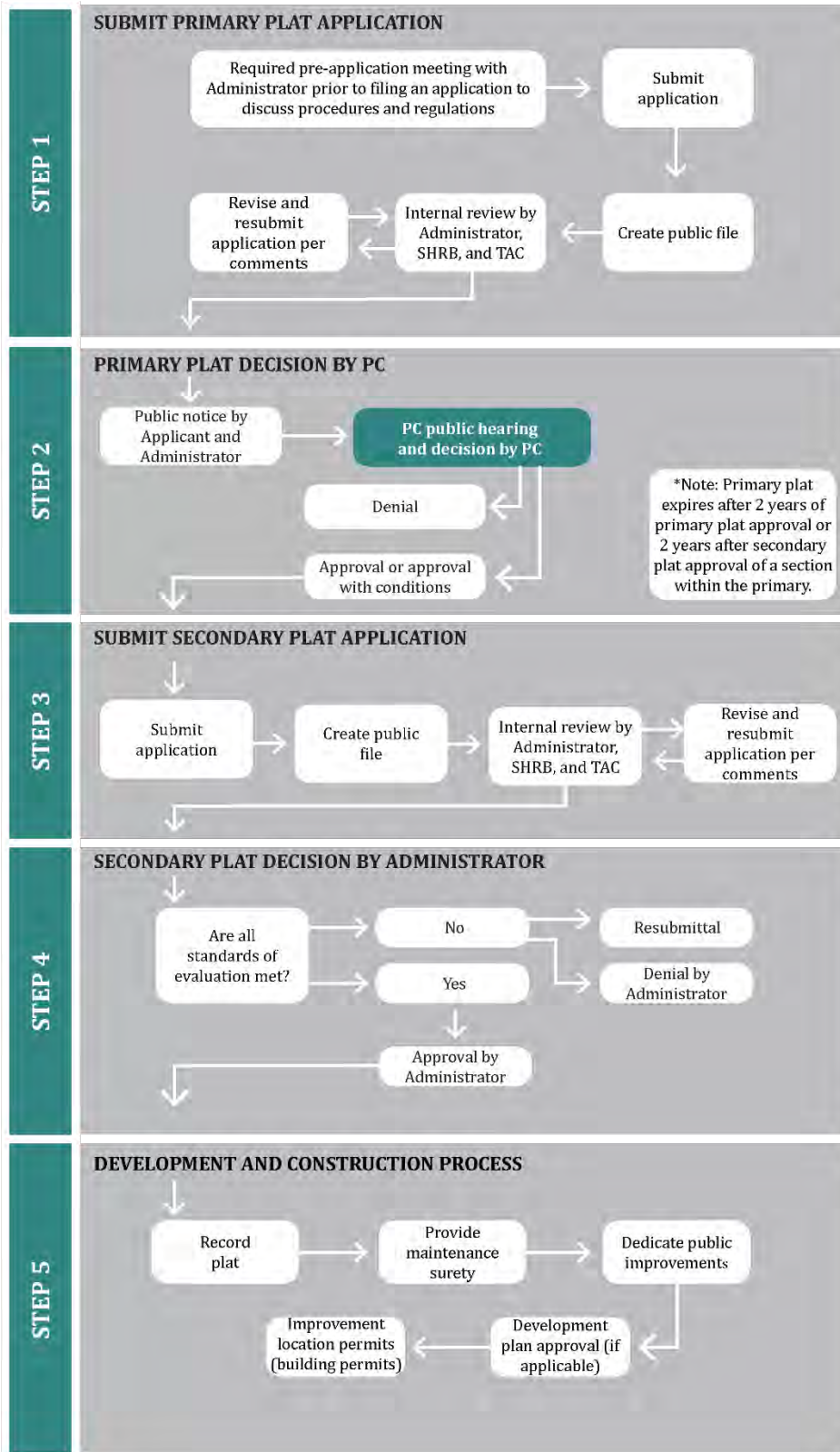
### 2. STEP 1: SUBMIT DEVELOPMENT PLAN APPLICATION.

- a. **Pre-Application Meeting.** Prior to filing an application for development plan, the applicant shall schedule a required pre-application meeting with the Administrator, which may be held in-person, virtually (video conference), or by phone. The intent of this meeting is to discuss the procedures for approval as well as the requirements and regulations for development.
- b. **Application.** The applicant shall submit a complete application for a development plan in accordance with the application requirements.

- c. **Public File.** Once the Administrator determines that the application is complete and in proper form, they shall assign a file number, create a public file, and assign a deadline for receiving internal review comments from the TAC and SHRB if the parcel(s) is located within the Downtown Historic District (DHD) and/or the McClain Avenue Overlay District (MAO).
  - d. **Internal Review.**
    - i. The Administrator shall forward the plans to the TAC for technical review. At the discretion of the Administrator, the TAC review can be held in-person, virtually (video conference), by phone, or by email. After comments (if any) are received, the Administrator may compile a written report for the public file with all comments.
    - ii. If the parcel(s) is located within the Downtown Historic District (DHD) and/or the McClain Avenue Overlay District (MAO), the Administrator shall forward the plans to the Scottsburg Historic Review Board (SHRB) for review. At the discretion of the Administrator, the SHRB review can be held in-person, virtually (video conference), by phone, or by email. After comments (if any) are received, the Administrator shall compile a written report for the public file with all comments.
    - iii. The Administrator shall forward all valid comments to the applicant. The applicant shall make the necessary modifications to the application to satisfy the Administrator and resubmit the application for review.
3. **STEP 2: DEVELOPMENT PLAN DECISION BY THE PLAN COMMISSION.**
- a. **Public Notice.** Public notice is not required for development plan applications that are heard before the PC.
  - b. **PC Public Meeting.** The PC shall consider the development plan application at a public meeting. The applicant shall be in attendance to present their application and address any questions or concerns of the PC.
  - c. **Decision by the PC.**
    - i. If a drainage plan is required, it shall be approved by the Board of Works prior to development plan approval by the PC.
    - ii. The PC shall consider the development plan application before making a final decision. The PC shall approve, approve with conditions, or deny the development plan.
      - 1) **Development Plan Approval by the PC.** If the PC determines that the development plan complies with the standards of the UDO, it shall grant approval.
      - 2) **Development Plan Approval with Conditions by the PC.** If the applicant has not adequately addressed the valid comments from the TAC, SHRB, and/or PC, the PC can make the necessary revisions or changes a condition of approval.
      - 3) **Development Plan Denial by PC.** If the PC determines that the development plan does not comply with the standards of the UDO, it shall deny the application.
4. **STEP 3: CONSTRUCTION AND DEVELOPMENT PROCESS**
- a. **Permits Required.** After a development plan is approved, the use may be initiated and construction of improvements shall occur in accordance with Chapter 7.J.3: Step 3: Obtain Improvement Location Permits (ILP).
  - b. **Development Plan Expiration.** Approval of a development plan shall be valid for three (3) years from the date of approval. However, if all applicable permits have not been obtained and construction has not commenced within one (1) year of approval of the development plan, the approval shall be void.
  - c. **Development Plan Amendment.** All amendments or changes to the development plan shall be considered a new development plan application.



## D. MAJOR SUBDIVISION PROCEDURES



1. **Applicability.** The following shall apply to all commercial, industrial, and major residential subdivisions.
2. **STEP 1: SUBMIT PRIMARY PLAT APPLICATION.**
  - a. **Pre-application Meeting.** Prior to filing an application for a major subdivision, the applicant shall schedule a required pre-application meeting with the Administrator, which may be held in-person, virtually (video conference), or by phone. The intent of this meeting is to discuss the procedures for approval as well as the requirements and regulations for development.
  - b. **Application.** The applicant shall submit a complete application for a primary plat in accordance with the application requirements and Chapter 7.I: Document and Drawing Requirements.
  - c. **Public File.**
    - i. Once the Administrator determines that the application is complete and in proper form, they shall assign a docket number, create a public file, and assign a deadline for receiving internal review comments from the TAC and SHRB if the parcel(s) is located within the Downtown Historic District (DHD) and/or the McClain Avenue Overlay District (MAO).
    - ii. In accordance with IC 36-7-4-705, within thirty (30) days of receiving a complete application, the Administrator shall announce the tentative date for a public hearing before the PC.
  - d. **Internal Review.**
    - i. The Administrator shall forward the plans to the TAC for technical review. At the discretion of the Administrator, the TAC review can be held in-person, virtually (video conference), by phone, or by email. After comments (if any) are received, the Administrator may compile a written report for the public file with all comments.
    - ii. If the parcel(s) is located within the Downtown Historic District (DHD) and/or the McClain Avenue Overlay District (MAO), the Administrator shall forward the plans to the Scottsburg Historic Review Board (SHRB) for review. At the discretion of the Administrator, the SHRB review can be held in-person, virtually (video conference), by phone, or by email. After comments (if any) are received, the Administrator shall compile a written report for the public file with all comments.
    - iii. The Administrator shall forward all valid comments to the applicant. The applicant shall make the necessary modifications to the application to satisfy the Administrator and resubmit the application within the required timeframe.
3. **STEP 2: PRIMARY PLAT DECISION BY PC.**
  - a. **Public Notice.** The applicant shall be responsible for completing all required public notices in accordance with the PC Rules and Procedures. In the event the hearing has been properly noticed, the Administrator may have the PC automatically continue the petition to their next regular meeting (or a properly noticed special meeting) without requiring additional notice by the applicant.
  - b. **PC Public Hearing.** The PC shall consider the primary plat application at a public hearing. Public comments shall be permitted in accordance with the PC Rules and Procedures. The applicant or their representative shall be in attendance to present the application and address any questions or concerns of the PC.

- c. **Decision by the PC.**
- i. **Primary Plat Standards of Evaluation.** Prior to approval, the PC shall determine if the primary plat:
    - 1) Complies with the standards of this UDO;
    - 2) Uses all reasonable efforts to mitigate the impact of the proposed subdivision on public health, safety, and welfare; and
    - 3) Has assurances that water supply, sewage disposal systems, and other applicable utilities that can sufficiently serve the type of proposed subdivision by either the respective utility provider or that such systems will comply with federal, state, and local laws and regulations.
  - ii. **Primary Plat Approval by the PC.**
    - 1) If the PC determines that the primary plat complies with the primary plat standards of evaluation, it shall grant primary approval to the plat.
    - 2) In accordance with IC 36-7-4-702, the PC may introduce changes or revisions to the proposed plans as a condition of primary approval of a plat when necessary to facilitate the best interest and general welfare of the community, including, but not limited to:
      - a) The manner in which public ways shall be laid out, graded, and improved; and
      - b) A provision for other services as specified in this UDO.
    - 3) Within ten (10) days of the hearing, the Administrator shall provide written approval (mail or email) and itemize any revisions, if any, and conditions, if any, that were required by the PC as a term of its approval.
  - iii. **Primary Plat Denial by the PC.** If the PC determines the plat does not comply with the primary plat standards of evaluation, the PC shall deny the primary plat. Written findings of fact shall be provided and the Administrator shall provide written documentation (mail or email) stating the specific reasons for denial. The applicant may then resubmit a revised primary plat that addresses the reason for denial.
- d. **Expiration of Primary Approval of Plat.** Primary approval of a plat shall be effective for two (2) years from the date of the PC decision.
- i. Failure to receive secondary approval for all or part of the plat before this period ends shall invalidate the primary approval of the plat.
  - ii. Once primary approval has expired, a new application for primary plat approval shall be submitted in accordance with all applicable ordinances in effect at the time the new application is submitted.
  - iii. Upon written request (mail or email) from the application that is received at least thirty (30) days prior to the expiration date of the primary approval, the PC may extend approval of a primary plat up to a maximum of one (1) additional year without further public notice, public hearing, or fees.
  - iv. Any partial secondary plat approval (sections) shall automatically extend the primary plat approval for two (2) years from the date the secondary plat was approved
- e. **Amendment of Primary Plat.** All amendments to a plat with primary approval shall be considered a new primary plat application.

**4. STEP 3: SUBMIT SECONDARY PLAT APPLICATION.****a. Secondary Plat Approval Process.**

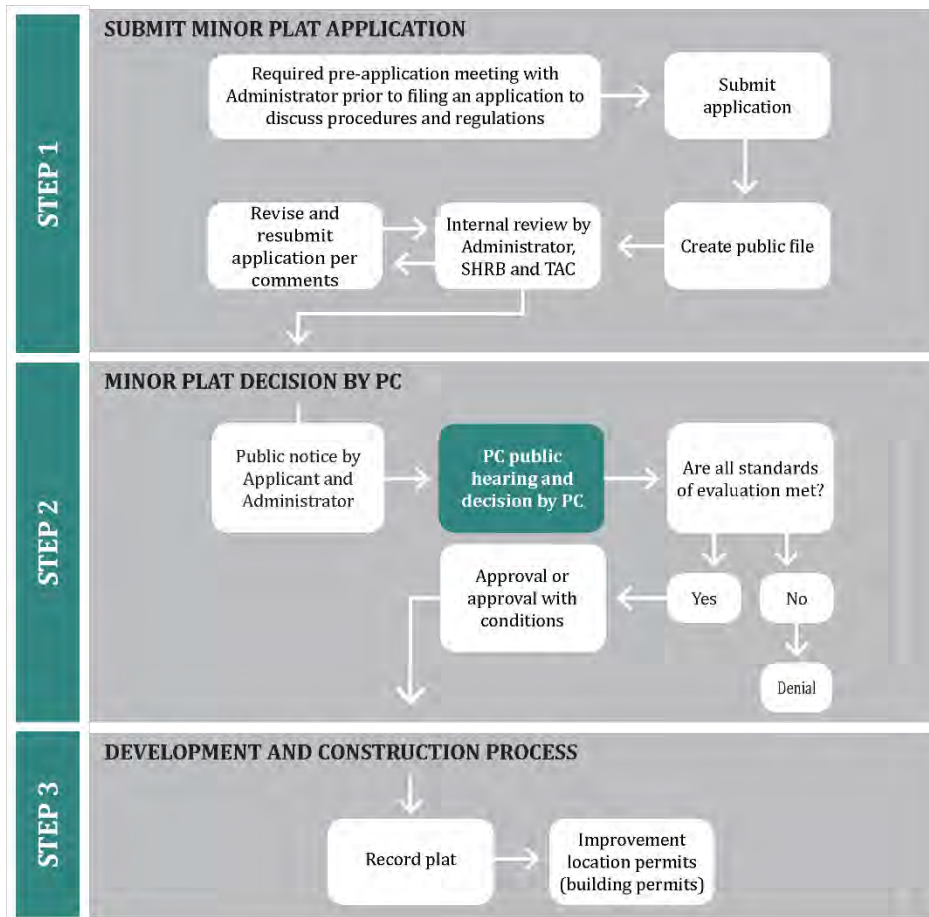
- i. **Commercial and Industrial Subdivision.** Secondary plat approval for commercial or industrial subdivisions may be done in one of the following ways:
    - 1) Full Plat. The applicant may submit a secondary plat application for the entire subdivision, which includes all necessary infrastructure serving all lots.
    - 2) Individual Lot with Development Plan. The applicant may submit a secondary plat application for an individual lot, which includes all necessary infrastructure to serve the lot, simultaneously with the application for development plan.
    - 3) Phase/Section. The applicant may submit a secondary plat application for a phase or section of lots as laid out on the primary plat, which includes all necessary infrastructure serving such lots.
  - ii. **Major Residential Subdivisions.** The applicant may submit a secondary plat application for the entire subdivision or a phase or section of lots as laid out on the primary plat, which will include all necessary infrastructure serving such lots.
- b. **Application.** The applicant shall submit an application for secondary plat approval in accordance with the application requirements and Chapter 7.I: Document and Drawing Requirements.
- c. **Public File.** Once the Administrator determines that the application is complete and in proper form, they shall assign a docket number, create a public file, and assign a deadline for receiving internal review comments from the TAC and SHRB if the parcel(s) is located within the Downtown Historic District (DHD) and/or the McClain Avenue Overlay District (MAO).
- d. **Internal Review.**
- i. The Administrator shall forward the plans to the TAC for technical review. At the discretion of the Administrator, the TAC review can be held in-person, virtually (video conference), by phone, or by email. After comments (if any) are received, the Administrator may compile a written report for the public file with all comments.
  - ii. If the parcel(s) is located within the Downtown Historic District (DHD) and/or the McClain Avenue Overlay District (MAO), the Administrator shall forward the plans to the Scottsburg Historic Review Board (SHRB) for review. At the discretion of the Administrator, the SHRB review can be held in-person, virtually (video conference), by phone, or by email. After comments (if any) are received, the Administrator shall compile a written report for the public file with all comments.
  - iii. The Administrator shall forward all valid comments to the applicant. The applicant shall make the necessary modifications to the application to satisfy the Administrator and resubmit the application for review.

**5. STEP 4: SECONDARY PLAT DECISION BY THE ADMINISTRATOR.**

- a. **Public Notice.** Public notice is not required for secondary plat applications and no public meeting is required.
- b. **Secondary Plat Standards of Evaluation.** The secondary plat shall comply with the following standards:
  - i. Secondary plat approval may be granted to a plat only after expiration of the thirty (30) day appeal period of the primary plat as provided in IC 36-7-4-710.
  - ii. The drainage plans and construction plans (as applicable) are approved by the Board of Works.
  - iii. The public infrastructure has been installed, inspected, and approved by the Board of Works or the applicant has provided a performance surety (see Chapter 7.J.1: Step 1: Construct Improvements or Provide Performance Surety).
  - iv. The secondary plat substantially conforms to the approved primary plat unless such changes were a condition of the primary plat approval.
    - 1) The secondary plat may be deemed to substantially conform to the primary plat if the layout and geometrics of the secondary plat are substantially the same layout.
    - 2) Substantial changes, such as the addition, removal, or alteration of road patterns, substantial increase in lot sizes, and/or an increase in the total number of buildable lots, shall result in denial of the secondary plat and the applicant shall be required to submit an application for a revised primary plat prior to secondary plat approval.
    - 3) The addition or removal of easements to accommodate utilities or drainage and/or the decrease in the number of lots without other substantial changes (such as road layout), shall not constitute a substantial change in conformity.
  - v. The secondary plat application has adequately addressed the valid comments from the TAC and SHRB (if applicable).
  - vi. All application requirements are met.
  - vii. The secondary plat complies with all standards set forth in this UDO.
- c. **Decision by the Administrator.**
  - i. **Approval by the Administrator.** If all of the secondary plat standards of evaluation have been met, the Administrator shall approve the secondary plat.
  - ii. **Request Decision by PC.**
    - 1) **Applicant Requests PC Decision.** The applicant may request a decision by the PC instead of the Administrator for any reason. Additionally, if the revised plans have not adequately addressed the valid comments from the TAC and/or SHRB (if applicable) because the applicant disagrees with the comment(s), the applicant may submit a request for public meeting in writing along with an explanation of disagreement. Upon receipt of this written request, the Administrator shall set a date for a public meeting by the PC.
    - 2) **Administrator Requests PC Decision.** The Administrator may request a decision by the PC instead of the Administrator for any reason.
  - iii. **Resubmittal.** If the secondary plat standards of evaluation have not been met, the Administrator may require additional internal review and/or the resubmittal of revised items before reconsidering the application.

- iv. **Denial by the Administrator.** If the secondary plat standards of evaluation have not been met and adequate revisions are not made, the Administrator shall deny the secondary plat application. The applicant may then resubmit a revised secondary plat that addresses the reason for denial.
  - v. **Documentation.** The administrator shall provide written documentation (mail or email) within ten (10) days of approval or denial stating the specific reasons for denial.
6. **STEP 5: DEVELOPMENT AND CONSTRUCTION PROCESS.**
- a. **Provide Maintenance Surety.** The applicant shall provide the required maintenance in accordance with Chapter 7.K.1: Providing Maintenance Surety prior to recording the plat.
  - b. **Record Secondary Plat.** The plat shall be recorded in accordance with the procedures set forth in Chapter 7.J.2: Step 2: Record Secondary Plat.
  - c. **Dedicate Public Improvements.** All required public infrastructure and improvements shall be dedicated in accordance with Chapter 7.J.4: Step 4: Dedication of Public Infrastructure.
  - d. **Required Permits.** The construction of improvements shall occur in accordance with the procedures set forth in Chapter 7.J.3: Step 3: Obtain Improvement Location Permits (ILP).

## E. MINOR SUBDIVISION PROCEDURES



### 1. Applicability.

- a. The minor residential subdivision process is an expedited process for residential subdivisions that meet the minor subdivision criteria.
- b. A subdivision that meets all of the following criteria shall be considered a minor subdivision. If any of the following criteria are not met, it shall be considered a major residential subdivision.
  - i. Results in the creation of four (4) or less lots (including the remnant or parent parcel).
  - ii. Does not involve improvements to or new public rights-of-way.
  - iii. Complies with all standards of this UDO.
  - iv. Has not been previously subdivided with an approved minor plat.
- c. If the Administrator determines that the circumstances warrant the full review and consideration of a major subdivision, then the applicable process may be required.

**2. STEP 1: SUBMIT MINOR PLAT APPLICATION.**

- a. **Pre-application Meeting.** Prior to filing an application for a minor subdivision, the applicant may schedule a required pre-application meeting with the Administrator, which may be held in-person, virtually (video conference), or by phone. The intent of this meeting is to discuss the procedures for approval with the Administrator as well as the requirements and regulations for development.
- b. **Application.**
  - i. For a minor subdivision, the primary plat and secondary plat shall be combined into one (1) process.
  - ii. The applicant shall submit a complete application for a secondary plat in accordance with the application requirements.
- c. **Public File.**
  - i. Once the Administrator determines that an application is complete and in proper form, they shall assign a docket number, create a public file, and assign a deadline for receiving internal review comments from the TAC and SHRB if the parcel(s) is located within the Downtown Historic District (DHD) and/or the McClain Avenue Overlay District (MAO).
  - ii. In accordance with IC 36-7-4-705, within thirty (30) days of receiving a complete application, the Administrator shall announce the tentative date for a public hearing before the PC.
- d. **Internal Review.**
  - i. The Administrator shall forward the plans to the TAC for technical review. At the discretion of the Administrator, the TAC review can be held in-person, virtually (video conference), by phone, or by email. After comments (if any) are received, the Administrator may compile a written report for the public file with all comments.
  - ii. If the parcel(s) is located within the Downtown Historic District (DHD) and/or the McClain Avenue Overlay District (MAO), the Administrator shall forward the plans to the Scottsburg Historic Review Board (SHRB) for review. At the discretion of the Administrator, the SHRB review can be held in-person, virtually (video conference), by phone, or by email. After comments (if any) are received, the Administrator shall compile a written report for the public file with all comments.
  - iii. The Administrator shall forward all valid comments to the applicant. The applicant shall make the necessary modifications to the application to satisfy the Administrator and resubmit the application within the required timeframe.

**3. STEP 2: MINOR PLAT DECISION BY PC.**

- a. **Public Notice.** The applicant shall be responsible for completing all required public notices in accordance with the PC Rules and Procedures. In the event the hearing has been properly noticed, the Administrator may have the PC automatically continue the petition to their next regular meeting (or a properly noticed special meeting) without requiring additional notice by the applicant.
- b. **PC Public Hearing.** The PC shall consider the minor plat application (which includes both the primary plat and secondary plat) at a public hearing. Public comments shall be permitted in accordance with the PC Rules and Procedures. The applicant or his/her representative shall be in attendance to present the application and address any questions or concerns of the PC.



c. **Decision by the PC.**

i. **Minor Plat Standards of Evaluation.** Prior to approval, the PC shall determine if the minor plat application:

- 1) Complies with the standards of this UDO;
- 2) Uses all reasonable efforts to mitigate the impact of the proposed subdivision on public health, safety, and welfare; and
- 3) Has assurances that water supply, sewage disposal systems, and other applicable utilities that can sufficiently serve the type of proposed subdivision by either the respective utility provider or that such systems will comply with federal, state, and local laws and regulations.

ii. **Minor Plat Approval by the PC.**

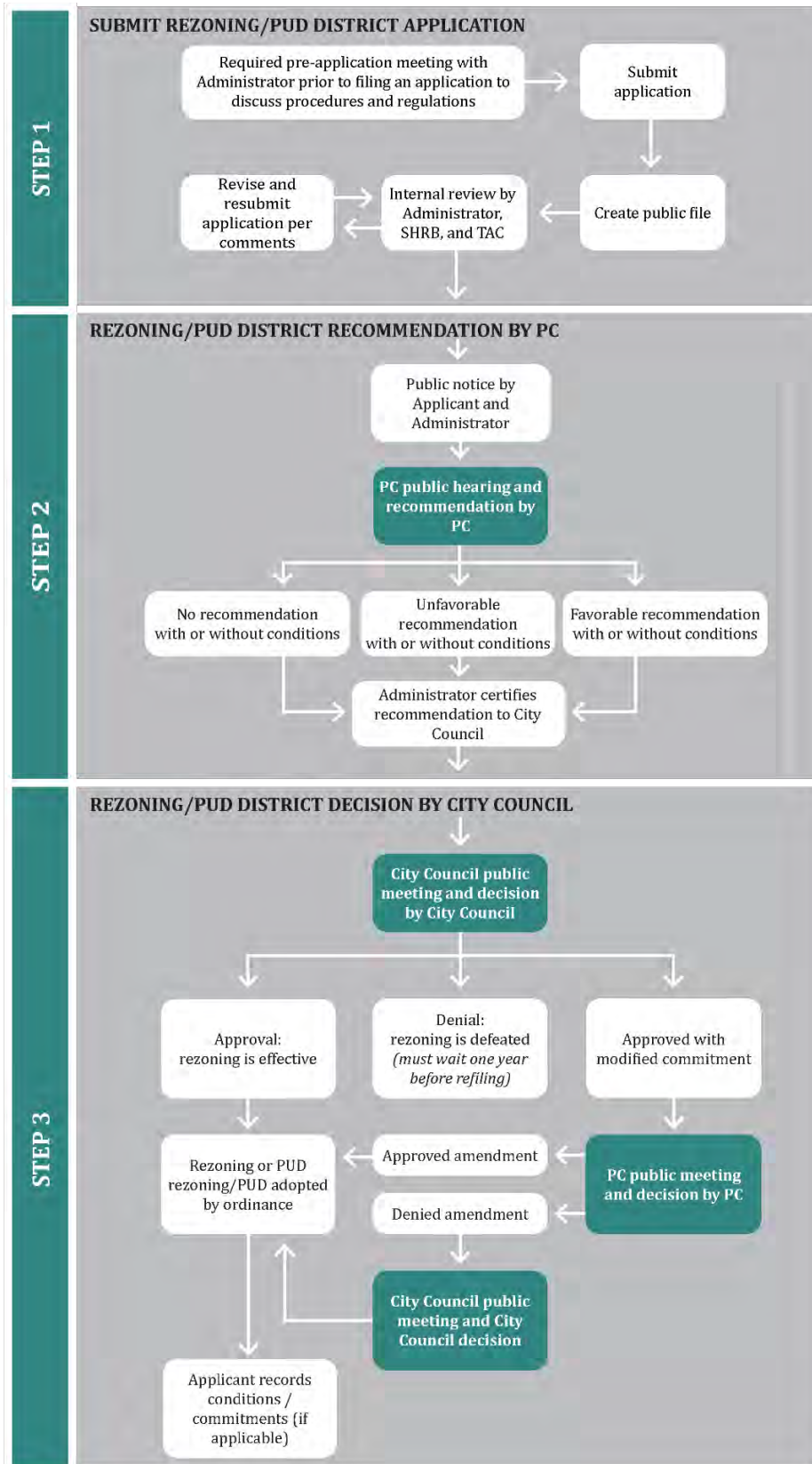
- 1) If the PC determines that the minor plat complies with the minor plat standards of evaluation, it shall grant approval to the plat.
- 2) In accordance with IC 36-7-4-702, the PC may introduce changes or revisions to the proposed plans as a condition of approval when necessary to facilitate the best interest and general welfare of the community, including, but not limited to:
  - a) The manner in which any shared driveways shall be laid out, graded, and improved; and
  - b) A provision for water supply, sanitary sewer facilities, and other utility services; and
  - c) A provision for other services as specified in this UDO.
- 3) Within ten (10) days of the hearing, the Administrator shall provide written approval (mail or email) and itemize any changes or revisions, if any, and any conditions, if any, that were required by the PC as a term of its approval.

iii. **Minor Plat Denial by the PC.** If the PC disapproves the minor plat, it shall make written findings of fact and the Administrator shall provide written documentation (mail or email) stating the specific reasons for denial within ten (10) days of the hearing,

d. **STEP 3: DEVELOPMENT AND CONSTRUCTION PROCESS.**

- i. **Record Secondary Plat.** The plat shall be recorded in accordance with the procedures set forth in Chapter 7.J.2: Step 2: Record Secondary Plat.
- ii. **Required Permits.** The construction of improvements shall occur in accordance with the procedures set forth in Chapter 7.J.3: Step 3: Obtain Improvement Location Permits (ILP).

## F. ZONE MAP CHANGE AND PUD DISTRICT PROCEDURES



**1. Applicability.**

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

**2. STEP 1: SUBMIT REZONING OR PUD APPLICATION.**

- a. **Pre-Application Meeting.** Prior to filing an application for a zone map change or a zone map change to a PUD District, the applicant shall schedule a required pre-application meeting with the Administrator, which may be held in-person, virtually (video conference), or by phone. The intent of this meeting is to discuss the procedures for approval with the Administrator as well as the requirements and regulations for development.
- b. **Application.** The applicant shall submit a complete application for a zone map change or a zone map change to a PUD District in accordance with the application requirements.
  - i. **Additional Requirements for PUD Application.** In addition to the required application submittal, the application for a zone map change to a PUD District shall also include:
    - 1) **PUD District Map.** A PUD District Map that defines all areas and/or parcels that are governed by the PUD District Ordinance. This map may also identify the location of “districts” that allow specific land uses that are described in the PUD District Ordinance.
    - 2) **PUD District Ordinance.** A PUD District Ordinance shall be submitted with the “detailed terms” for development in accordance with IC 36-7-4-1509(a)(2). For the purpose of administration and continuity, the proposed PUD District Ordinance must follow a uniform format and contain the following sections that mirror and parallel this UDO. Standards that are not defined or specified in the PUD District Ordinance shall default to the regulations contained in this UDO as best interpreted by the Administrator.
      - a) **Introductory Provisions.** The enabling language for the PUD District Ordinance as well as purpose, intent, jurisdiction, administration, and effective date.
      - b) **PUD Districts.** An intent statement for each land use district within the PUD, a table of permitted uses and special exception uses, and the development standards (structure standards, lot standards, and utility standards).
      - a) **Standards for Specific Uses.** An alphabetical list of additional development standards that apply only to a specific use(s) that are above and beyond the minimums listed in the PUD District(s) as well as any standards in Chapter 3: Standards for Specific Uses that do not apply within the PUD District.
      - c) **Site Development Standards.** An alphabetical list of the standards that apply to development, such as accessory structures, architectural features, bufferyards, lighting, parking, setbacks, or signs.
      - d) **Administration and Procedures.** Any deviations to the administration and procedures for the PUD including amendments, variances, and appeals. Note that procedures for the subdivision of land within the PUD shall follow Chapter 7: Procedures of this UDO.
      - e) **Definitions.** Any terms that are specific to the PUD that aid in the interpretation of the ordinance.

- ii. **Public File.** Once the Administrator determines that an application is complete and in proper form, they shall assign a file number, create a public file, assign a deadline for deadline for receiving internal review comments from the TAC and SHRB if the parcel(s) is located within the Downtown Historic District (DHD) and/or the McClain Avenue Overlay District (MAO), and assign a date for a public hearing.
  - iii. **Internal Review.**
    - 1) The Administrator shall forward the application to the TAC for technical review. At the discretion of the Administrator, the TAC review can be held in-person, virtually (video conference), by phone, or by email. After comments (if any) are received, the Administrator may compile a written report for the public file with all comments.
    - 2) If the parcel(s) is located within the Downtown Historic District (DHD) and/or the McClain Avenue Overlay District (MAO), the Administrator shall forward the application to the Scottsburg Historic Review Board (SHRB) for review. At the discretion of the Administrator, the SHRB review can be held in-person, virtually (video conference), by phone, or by email. After comments (if any) are received, the Administrator shall compile a written report for the public file with all comments.
    - 3) The Administrator shall forward all valid comments to the applicant. The applicant shall make the necessary modifications to the application to satisfy the Administrator and resubmit the application within the required timeframe.
3. **STEP 2: REZONING OR PUD DISTRICT RECOMMENDATION BY PC.**
- a. **Public Notice.** The applicant shall be responsible for completing all required public notices in accordance with the PC Rules and Procedures. In the event the hearing has been properly noticed, the Administrator may have the PC automatically continue the petition to their next regular meeting (or a properly noticed special meeting) without requiring additional notice by the applicant.
  - b. **PC Public Hearing.** The PC shall consider the zone map change or zone map change to a PUD District at a public hearing. Public comments shall be permitted in accordance with the PC Rules and Procedures. The applicant or their representative shall be in attendance to present their application and address any questions or concerns of the PC.
  - c. **Recommendation by the PC to the City Council.**
    - i. **Zone Map Change Standards of Evaluation.** When considering a zone map change or zone map change to a PUD District, the PC shall pay reasonable regard to:
      - 1) The Comprehensive Plan;
      - 2) Current conditions and the character of current structures and uses in each district;
      - 3) The most desirable use for which the land in each district is adapted;
      - 4) The conservation of property values throughout the jurisdiction; and
      - 5) Responsible development and growth.
    - ii. **Zone Map Change Recommendation by the PC.** After consideration, the PC shall make a favorable, unfavorable, or no recommendation to the legislative body. Any recommendation may include conditions and/or written commitments in accordance with IC 36-7-4-1015 and Chapter 7.K.3: Commitments.
    - iii. **Certification of Recommendation.** Within ten (10) business days after the PC determination, the Administrator shall certify the PC's recommendation to the legislative body.

**4. STEP 3: REZONING OR PUD DISTRICT DECISION BY CITY COUNCIL.****a. City Council Public Meeting.**

- i. Upon receipt of the certification of the PC recommendation, the legislative body shall vote on the proposed zone map change or zone map change to a PUD District at a public meeting within ninety (90) calendar days.
- ii. Final action by the legislative body shall be in accordance with IC 36-7-4-600 series.

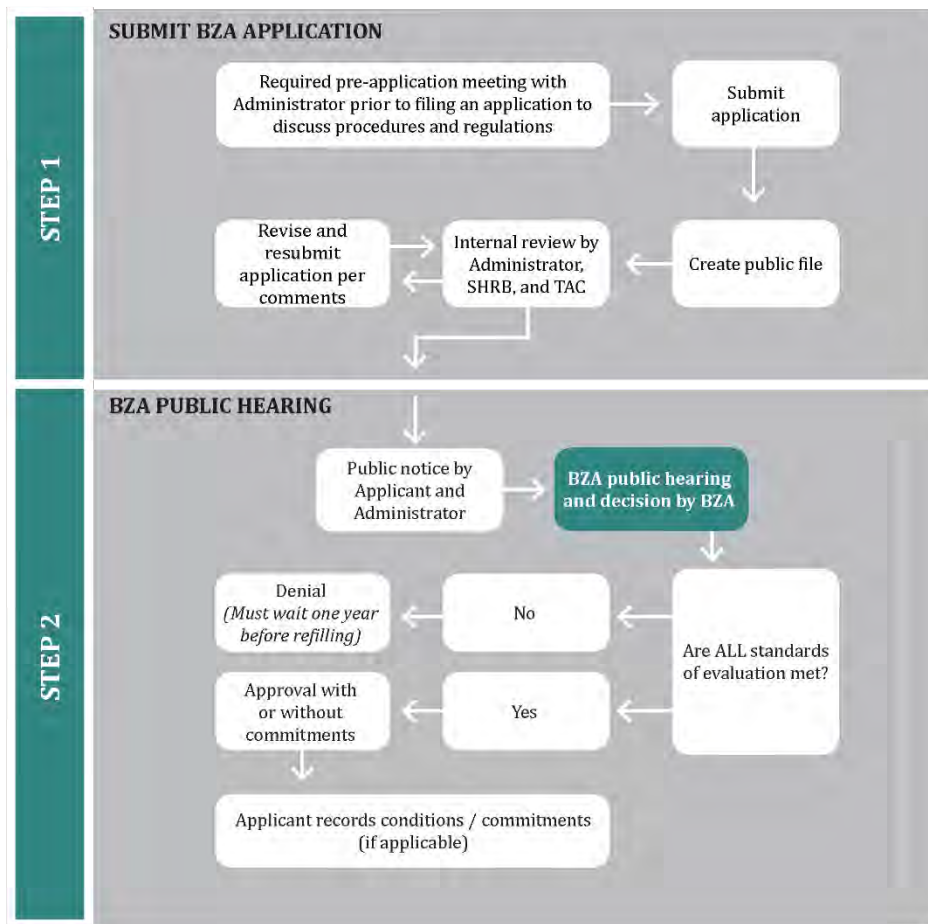
**b. Decision by City Council.**

- i. **Approval.** If the proposal is adopted by the legislative body, the PC shall update the official zoning map accordingly.
- ii. **Approval with Modified Commitments/Conditions.** If the proposal is adopted by the legislative body but includes modifications, changes, or additions to the commitments or conditions included in the PC recommendation, it shall be returned to the PC with a written statement of the reasons for amendment. Within forty-five (45) days, the PC shall consider the amendment and report to the legislative body the PC approval or denial to the legislative body. If the PC approves the amendment, the proposal is considered approved. If the PC denies the amendment, the legislative body must confirm the amendment by another vote.
- iii. **Denial.** If the proposal is denied by the legislative body, it cannot be resubmitted for one (1) year unless the Administrator determines there is a substantial change to the application.

**c. Expiration.** Approval of a zone map change shall run with the land unless a condition specifies otherwise.**d. Amendment.**

- i. Amendment of a zone map change shall be done in accordance with the IC 36-7-4-600 series for zone map changes and IC 36-7-1500 series for zone map changes to a PUD District.
- ii. An amendment of an applicable condition or commitment shall be done in accordance with IC 36-7-4-1015 and Chapter 7.K.3: Commitments.

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



### 1. Applicability.

- a. In accordance with IC 36-7-4-918.2 for special exceptions, IC 36-7-4-918.5 for variances from development standards, IC 36-7-4-918.4 for variances of use, and the BZA Rules and Procedures, the BZA shall hear and make decisions regarding special exceptions, variances from development standards, and variances of use.
- b. The BZA may require that impact studies be performed at the expense of the applicant prior to deciding upon a special exception or variance of use application.
- c. If a use is permitted by special exception as listed in Chapter 2: Zoning and Overlay Districts, it shall be approved by the BZA in accordance with the procedures set forth in this section.
- d. Any expansion of a legal non-conforming use, including the enlargement of the structures or land area devoted to such use, shall be subject to the procedures described in this section.

**2. STEP 1: SUBMIT BZA APPLICATION.**

- a. **Pre-Application Meeting.** Prior to filing an application for special exception, variance from development standards, or variance of use, the applicant shall schedule a required pre-application meeting with the Administrator, which may be held in-person, virtually (video conference), or by phone. The intent of this meeting is to discuss the procedures for approval with the Administrator as well as the requirements and regulations for development.
- b. **Application.** The applicant shall submit a complete application for a special exception, variance from development standards, or variance of use in accordance with the application requirements.
- c. **Public File.** Once the Administrator determines that an application is complete and in proper form, they shall assign a file number, create a public file, assign a deadline for receiving internal review comments from the TAC and SHRB if the parcel(s) is located within the Downtown Historic District (DHD) and/or the McClain Avenue Overlay District (MAO), and assign a date for public hearing before the BZA.
- d. **Internal Review.**
  - i. The Administrator shall forward the plans to the TAC for technical review. At the discretion of the Administrator, the TAC review can be held in-person, virtually (video conference), by phone, or by email. After comments (if any) are received, the Administrator may compile a written report for the public file with all comments.
  - ii. If the parcel(s) is located within the Downtown Historic District (DHD) and/or the McClain Avenue Overlay District (MAO), the Administrator shall forward the plans to the Scottsburg Historic Review Board (SHRB) for review. At the discretion of the Administrator, the SHRB review can be held in-person, virtually (video conference), by phone, or by email. After comments (if any) are received, the Administrator shall compile a written report for the public file with all comments.
  - iii. The Administrator shall forward all valid comments to the applicant. The applicant shall make the necessary modifications to the application to satisfy the Administrator and resubmit the application within the required timeframe.

**3. STEP 2: DECISION BY THE BZA.**

- a. **Public Notice.** The applicant shall be responsible for completing all required public notices in accordance with the PC Rules and Procedures. In the event the hearing has been properly noticed, the Administrator may have the PC automatically continue the petition to their next regular meeting (or a properly noticed special meeting) without requiring additional notice by the applicant.
- b. **BZA Public Hearing.** The BZA shall consider the application at a public hearing. Public comments shall be permitted in accordance with the BZA Rules and Procedures. The applicant or his/her representative shall be in attendance to present the application and address any questions or concerns of the BZA.

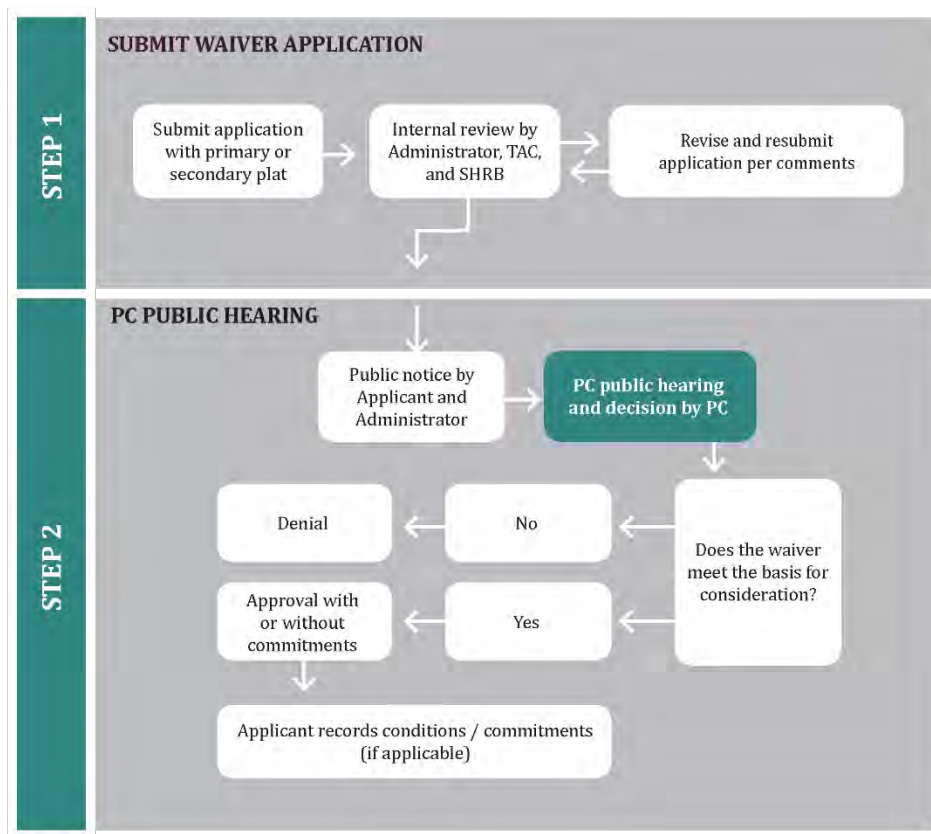
c. **Decision by the BZA.**

- i. **Standards for Evaluation for Special Exception.** When considering a special exception, the BZA shall find that the following standards have all been satisfied in order to approve the application:
  - 1) The establishment, maintenance, or operation of the special exception will not be detrimental to or endanger the public health, safety, morals, or general welfare;
  - 2) The special exception will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted;
  - 3) The establishment of the special exception will not impede or substantially alter the normal and orderly development and improvement of surrounding property for uses permitted in the district;
  - 4) Adequate utilities, access road, drainage, and other necessary facilities have been or are being provided;
  - 5) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion on the public roadways; and
  - 6) The special exception will be located in a district where such use is permitted, and all other requirements set forth in this UDO that are applicable to such use will be met.
- ii. **Standards for Evaluation for Variance from Development Standards.** Per IC 36-7-4-918.5, when considering a variance, the BZA shall find that the following standards have all been satisfied in order to approve the application:
  - 1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
  - 2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
  - 3) The strict application of the terms of the ordinance will result in a practical difficulty in the use of the property. This practical difficulty cannot be based upon a personal financial hardship, personal inconvenience, or be self-created.
- iii. **Standards for Evaluation for Variance of Use.** Per IC 36-7-4-918.4, when considering a variance of use, the BZA shall find that the following standards have all been satisfied in order to approve the application:
  - 1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
  - 2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
  - 3) The need for the variance arises from some condition peculiar to the property involved;
  - 4) The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and
  - 5) The approval does not interfere substantially with the Comprehensive Plan.
- iv. **Approval by the BZA.** If the BZA finds all of the standards of evaluation have been satisfied, it shall approve the request with or without conditions and/or written commitments.
- v. **Denial by the BZA.** If the BZA does not find that all of the standards have been satisfied, it shall deny the special exception and findings shall specify the reason for denial. If the application is denied by the BZA, it cannot be resubmitted for one (1) year unless the Administrator determines there is a substantial change to the application.



- vi. **Expiration.** Approval of a special exception, variance from development standards, or variance of use shall run with the land, unless the following apply:
  - 1) If construction of structures or occupancy of existing structures relevant to the approved special exception or variance of use has not commenced within three (3) years of approval by the BZA, the approval shall be void; or
  - 2) If the BZA places a condition on the approval that specifies an expiration date for the special exception or variance of use. If an expiration date is specified, it cannot be less than one (1) year from the date of approval.
- vii. **Amendment.** A special exception, variance from development standards, or variance of use may only be amended by the BZA by submitting a revised application through the respective application process.

## H. WAIVERS



1. **Applicability.**

- a. A waiver can be granted for a provision in Chapter 5: Subdivision Types and/or Chapter 6: Subdivision Design Standards when the applicant can show that practical difficulties and unnecessary hardship would result if strictly adhered to and where, in the opinion of the PC, because of topographical or other conditions particular to the site, a departure may be made without compromising the intent of such provisions. The PC may authorize a waiver pursuant to IC 36-7-4-702(c).
- b. Pursuant to IC 36-7-4-702(c), the standards for subdivisions in Chapter 5: Subdivision Types and/or Chapter 6: Subdivision Design Standards may be waived at the discretion of the PC. However, to be approved, the plat must still meet all applicable standards prescribed in the UDO. Variances from the zoning provisions or other chapters of this UDO require a variance by the BZA (See Chapter 7.G: Special Exception, Variance from Development Standards, and Variance of Use Procedures).

2. **STEP 1: WAIVER APPLICATION.**

- The applicant shall submit a complete application for a waiver in accordance with the application requirements. A waiver application may be submitted with a primary or secondary plat application. The application shall state fully the grounds for the application and all the facts relied upon by the petitioner.
- a. **Public File.** Once the Administrator determines that an application is complete and in proper form, they shall assign a file number, create a public file, assign a deadline for receiving internal review comments from the TAC and SHRB if the parcel(s) is located within the Downtown Historic District (DHD) and/or the McClain Avenue Overlay District (MAO), and assign a date for public hearing before the BZA.

**b. Internal Review.**

- i. The Administrator shall forward the plans to the TAC for technical review. At the discretion of the Administrator, the TAC review can be held in-person, virtually (video conference), by phone, or by email. After comments (if any) are received, the Administrator may compile a written report for the public file with all comments.
  - ii. If the parcel(s) is located within the Downtown Historic District (DHD) and/or the McClain Avenue Overlay District (MAO), the Administrator shall forward the plans to the Scottsburg Historic Review Board (SHRB) for review. At the discretion of the Administrator, the SHRB review can be held in-person, virtually (video conference), by phone, or by email. After comments (if any) are received, the Administrator shall compile a written report for the public file with all comments.
  - iii. The Administrator shall forward all valid comments to the applicant. The applicant shall make the necessary modifications to the application to satisfy the Administrator and resubmit the application within the required timeframe.
- 3. STEP 2: WAIVER DECISION BY THE PC.**
- a. **Public Notice.** The applicant shall be responsible for completing all required public notices in accordance with the PC Rules and Procedures. In the event the hearing has been properly noticed, the Administrator may have the PC automatically continue the petition to their next regular meeting (or a properly noticed special meeting) without requiring additional notice by the applicant.
  - b. **PC Public Hearing.** The PC shall consider the application at a public hearing. Public comments shall be permitted in accordance with the PC Rules and Procedures. The applicant or his/her representative shall be in attendance to present the application and address any questions or concerns of the PC.
  - c. **Decision by the PC.**
    - i. **Waivers Concerning Public Improvements.**
      - 1) With a favorable recommendation from the TAC, the PC may defer or waive, at the time of secondary approval and subject to any appropriate conditions, the provision for any or all, public improvements that in its judgment are:
        - a) Not required in the interests of the public health, safety, and general welfare,
        - b) Inappropriate because of incompatible grades, future planning, inadequate or nonexistent connecting facilities, or
        - c) Inappropriate for other reasons presented to and agreed on by the PC.
      - 2) Any determination to defer or waive the provision of any public improvement must be made in accordance with this section and the reasons for the deferral or waiver shall be expressly made part of the record.
      - 3) Where improvement or installations are deferred as herein provided, the subdivider shall post a separate surety in an amount determined by the jurisdiction guaranteeing completion of the deferred improvements upon demand of the jurisdiction.

- ii. **Standards for Evaluation for Waiver.** When considering a waiver, the PC shall find that the following standards have all been satisfied in order to approve the application:
  - 1) Practical difficulties and unnecessary hardship may result from the strict application of this UDO, and
  - 2) The purpose and intent of this UDO may be better served by an alternative proposal.
  - 3) The granting of the waiver or waiver of conditions will not be detrimental to the public safety, health, or welfare or injurious to other property;
  - 4) The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable to other property;
  - 5) The relief sought will not contravene the other provisions of the UDO or the intent of the Comprehensive Plan and/or Thoroughfare Plan; and
  - 6) Where the waiver impacts on the design, construction, or maintenance obligations of public facilities, that the appropriate public agency has reviewed and approved the proposed development in writing or electronic transmission to the PC.
- iii. **Written Findings.** The PC shall make written findings of fact on all waiver requests.
- iv. **Approval by the PC.** If the PC finds all of the standards of evaluation have been satisfied, it shall approve the waiver request with or without conditions and/or written commitments.
- v. **Approval with Conditions/Commitments by the PC.** The PC may, in approving waivers, require conditions that will, in its judgment, secure the purposes of the requested waiver(s). Such conditions shall be expressly set forth in the approval of the waiver and be in accordance with the PC Rules and Procedures for governing commitments. Violation of any condition shall be a violation of this UDO and subject to the provisions of Chapter 7.L.3: Penalties and Fines.
- vi. **Denial by the PC.** If the PC does not find that all of the standards have been satisfied, it shall deny the waiver request and provide findings that specify the reason for denial.

## I. DOCUMENT AND DRAWING REQUIREMENTS

### 1. Traffic Impact Statement.

- a. **Applicability.** All development plans and major residential, commercial, and industrial subdivisions shall submit a Traffic Impact Statement with the respective application.
- b. **Traffic Impact Statement.** A traffic impact statement shall include a statement outlining the expected number of daily and peak hour trips, and shall identify any existing traffic issues that exist at the proposed access point(s).
- c. **Basis of Analysis.**
  - i. All calculations and software used in determining trip generation shall be based on accepted industry standards, such references and methods established by ITE (Institute of Transportation Engineers), TRB (Transportation Research Board), INDOT (Indiana Department of Transportation), and/or FHWA (Federal Highway Administration).
  - ii. The method for developing estimates of future traffic should be explained with supporting documentation as needed.

### 2. Primary Plat Requirements.

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

### 3. Construction Drawing and Drainage Plan Requirements.

- a. **Construction Plans.** The applicant shall submit and receive approval of all construction drawings/construction plans from the Board of Works prior to secondary plat approval.
- b. **Drainage Plans.** The applicant shall submit and receive approval for drainage plans from the Board of Works prior to secondary plat approval.
- c. **IDEM.** If the subdivision disturbs more than one (1) acre, detailed erosion control and sediment control plans, pursuant to 327 IAC 15-5 under the Construction Stormwater General Permit (formerly known as Rule 5) as administered by IDEM, shall be obtained and submitted to the Administrator prior to secondary plat approval.
- d. **As-builts.** After all public improvements are constructed and inspected, the applicant shall provide as-builts for all improvements within the public right-of-way in PDF format, CAD drawings, and a GIS layer with locations of all public infrastructure as outlined in Chapter 7.J.4: Step 4: Dedication of Public Infrastructure.

4. **Secondary Plat Requirements.**

a. **General.**

- i. The secondary plat shall be prepared in accordance with all application requirements.
- ii. The secondary plat sheet(s) shall be prepared by a Registered Land Surveyor licensed to practice in the State of Indiana. The sheet shall be sealed and signed by the professional preparing it and it shall be tied to state plane coordinates for horizontal controls.
- iii. All sheets shall be formatted as 18"x24" Mylar and drawn to a convenient scale.

## J. CONSTRUCTION PROCESS

### 1. STEP 1: CONSTRUCT IMPROVEMENTS OR PROVIDE PERFORMANCE SURETY.

- a. **General.** Once a primary plat and the associated construction and drainage plans have been approved by the Administrator or PC and other required agencies, as appropriate, the construction and development process may commence in one of two ways as outlined below.
- b. **Option 1: Construct Improvements then Record the Plat.**
  - i. **Secondary Plat Approval.** Secondary plat should be approved prior to installing infrastructure. Any construction or installation of infrastructure started or completed prior to approval of the construction plans and/or secondary plat is done at the risk of the applicant; if changes or revisions to the construction plans and/or secondary plat are required, any modifications to construction or installation of infrastructure shall be the responsibility of the applicant.
  - ii. **Install Infrastructure.** Infrastructure shall be installed per the approved construction plans except for the final coat of asphalt on the roadways.
  - iii. **Inspect Infrastructure.** The improvements shall be reviewed and inspected by the City throughout the construction process to ensure that they have been completed in a satisfactory manner. This includes, but is not limited to, roads, curbs, gutters, drainage facilities, and any other utilities as required by this UDO or any other applicable ordinance.
    - 1) The City does not inspect infrastructure not owned or managed by the other providers. All infrastructure improvements and/or utilities required by this UDO shall be installed prior to recording the plat and any inspections of this infrastructure should be directly coordinated with the respective local providers.
  - iv. **Provide Maintenance Surety.** The applicant shall post a maintenance surety in accordance with Chapter 7.K.1: Providing Maintenance Surety.
  - v. **Execute and Record Plat.** The plat shall be executed (signed) and recorded in accordance with Chapter 7.J.2: Step 2: Record Secondary Plat.
  - vi. **Install Final Coat of Asphalt.** Once development has occurred to the satisfaction of the City, the final coat of asphalt for the roadways shall be installed by the applicant.
  - vii. **Release Maintenance Surety Funds.** Maintenance surety funds shall be released in accordance with Chapter 7.K.1: Providing Maintenance Surety.
- c. **Option 2: Post Performance Surety Then Record the Plat.**
  - i. **Secondary Plat Approval.** Secondary Plat must be approved (but not executed/signed) prior to posting performance surety.
  - ii. **Execute Performance and Escrow Agreement.** The applicant shall submit an executed Performance and Escrow Agreement to the City in a form created and approved by the City Attorney.
  - iii. **Cost Estimate for Infrastructure Completion.** The applicant shall submit a reliable estimate to the City for review and approval of the cost estimate of completing all of the required infrastructure including, but not limited to the roads, drainage structures, and all other work or improvements to the subdivision required by this UDO and the Performance and Escrow Agreement.

- iv. **Provide Cash Escrow or Irrevocable Evergreen Bond.** A cash escrow or irrevocable evergreen bond shall be paid to the City in the required amount to ensure completion of the subdivision improvements in accordance with the executed Performance and Escrow Agreement and in the amount approved by the City. The escrow shall:
    - 1) Be payable to the City of Scottsburg;
    - 2) Be in a sum which is at least one hundred twenty-five percent (125%) of the amount estimated to complete the improvements;
    - 3) Be in the form of immediately available cash funds or irrevocable evergreen bond.
  - v. **Execute and Record Plat.** Once the performance surety has been posted and accepted to the satisfaction of the City, the plat shall be executed and recorded in accordance with Chapter 7.J.2: Step 2: Record Secondary Plat.
  - vi. **Install Infrastructure.** Infrastructure shall be installed per the approved construction plans except for the final coat of asphalt on the roadways.
  - vii. **Inspect Infrastructure.** Once complete, the improvements shall be reviewed and inspected by the City throughout the construction process to ensure that they have been completed in a satisfactory manner. This includes, but is not limited to roads, curbs, gutters, drainage facilities, and any other utilities as required by this UDO or any other applicable ordinance.
    - 1) The City does not inspect infrastructure not owned or managed by the city (such as water, sewer, fire hydrants, and electric). All infrastructure improvements and/or utilities required by this UDO shall be installed prior to recording the plat and any inspections of this infrastructure should be directly coordinated with the respective local providers.
  - viii. **Provide Maintenance Surety.** The applicant shall post maintenance surety in accordance with Chapter 7.K.1: Providing Maintenance Surety.
  - ix. **Release of Performance Surety Funds.** The City, with the approval of the City Council, shall release all or a portion of the escrow to the applicant after satisfactory completion of all or a part of the improvements and installations of the subdivision after inspection and approval of the Administrator. Any such release shall occur no more frequently than once a month. The City will not release any funds without being requested by the applicant. The performance surety cannot be released in full before depositing funds for final coat of asphalt.
  - x. **Install Final Coat of Asphalt.** Once development has occurred to the satisfaction of the City, the final coat of asphalt for the roadways shall be installed by the applicant.
  - xi. **Release Maintenance Surety Funds.** Maintenance surety funds shall be released in accordance with Chapter 7.K.1: Providing Maintenance Surety.
2. **STEP 2: RECORD SECONDARY PLAT.**
- a. **Execute Plat.** The plat shall be signed by the Administrator, Board of Works (or designee), and every person having a security interest in the property before being recorded.
  - b. **Fees.** Prior to recording the plat, the applicant shall pay all applicable development fees to all appropriate bodies if applicable.



- c. **Record the Executed (Signed) Plat.**
    - i. The subdivider shall be responsible for recording the executed secondary plat with the Recorder's Office.
    - ii. Once recorded, the subdivider shall provide the Administrator with a copy of the recorded and stamped secondary plat in the format(s) required by the Administrator.
    - iii. A plat or replat of a subdivision must be recorded within two (2) years of being fully executed or within two (2) years of completion of infrastructure. Upon written request, the PC may extend the time limitation for two (2) years. If the applicant fails to record within this time period, the plat shall be null and void.
  - d. **Recordation Prohibition.** Pursuant to IC 36-7-4-710, a plat of a subdivision for the purposes of development may not be filed with the County Auditor and the County Recorder may not record it unless it has been granted secondary approval and signed and certified by the required parties. The filing and recording of the plat are without legal effect unless approved by the Administrator.
3. **STEP 3: OBTAIN IMPROVEMENT LOCATION PERMITS (ILP).**
- a. **Authority.** The Administrator, or their designee, shall be responsible for the issuance of ILPs in accordance with the *IC 36-7-4-800* series.
  - b. **Applicability.** An ILP, also known as a building permit, shall be required for the erection, alteration, or modification of all structures within the jurisdiction including, but not necessarily limited to:
    - i. Primary structures, as set forth in Chapter 4.J: Structure Standards.
    - ii. Accessory structures, as set forth in Chapter 4.B: Accessory Structure Standards.
    - iii. Signs as required by Chapter 4.H: Sign Standards.
    - iv. Temporary storage containers as required by this ordinance (Chapter 4.I: Storage Standards).
    - v. Accessory wireless communications facilities, both free-standing and those co-located upon an existing or pre-approved wireless communication facility structure.
    - vi. Paving lots and parking areas greater than two hundred (200) square feet (cumulative area).
    - vii. All other accessory structures not specifically included in Chapter 4.B: Accessory Structure Standards.
  - c. **Temporary Use Permit.**
    - i. A Temporary Use Permit may be granted by the Administrator for the construction and use of a permitted temporary use (such as a construction trailer, mobile sales office, vehicle, tent, booth, or other means).
    - ii. Temporary Use Permits shall not be issued for more than ninety (90) days, the duration of construction, or the time period outlined in Chapter 4.J: Structure Standards, whichever is greater.

d. **Issuance of Improvement Location Permits (ILP).**

i. **General.**

- 1) No building or other structure shall be erected, moved, added to, or structurally altered unless the Administrator has issued an ILP. No structural change in use of a building or land shall be made without an Improvement Location Permit issued by the Administrator. ILPs shall be issued only upon finding that the proposed use complies with the requirements of this Ordinance or upon written order from the BZA granting a variance, appeal, or special exception.
- 2) All public improvements shall be installed and also inspected by the City (where applicable) in addition to the plat being recorded before an ILP is issued.
- 3) No ILP shall be issued for a structure that is served by a septic system unless a septic permit has been issued by the Scott County Health Department or the Health Officer has authorized an approved system.
- 4) No ILP shall be issued for any commercial or industrial use without first having obtained any required state agency approvals and/or permits.

ii. **ILP Application.** The applicant shall submit an application for an ILP in accordance with the application packet and complete it in accordance with the format described therein. The filing fee for an ILP shall be paid in accordance with the adopted *Fee Schedule*. A public record of each ILP shall be retained by the Administrator in accordance with the retention rules established by the State Board of Accounts.

iii. **Inspection(s) Required.** All inspection(s) shall be completed for all ILPs that are constructed in compliance with all provisions of the UDO and other applicable codes. No structure shall be occupied or used, in whole or part, for any purpose until a final inspection is completed and approved.

iv. **ILP Expiration.** An ILP, including an ILP for a manufactured home, accessory structure, or electrical work, shall be valid for a period of one (1) year from the date of issuance.

v. **ILP Amendment.** An amendment to an approved ILP may be submitted at any time for review and consideration by the Administrator. Additional fees may be assessed if applicable.

vi. **Certificate of Occupancy.**

- 1) It shall be unlawful to use, occupy, or permit the use, or occupancy of any building, or premises, or both, or part thereof, hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use of structure until a Certificate of Occupancy has been issued by the Administrator. The Certificate of Occupancy shall state that the proposed use of the building or land conforms to the requirements of this Ordinance and that the Administrator and/or their designee has inspected the property and attested to that fact.
- 2) A Certificate of Occupancy shall not be issued until any required driveway has been properly installed and then inspected by the Administrator.
- 3) No Certificate of Occupancy shall be issued until all work has been completed.

4. **STEP 4: DEDICATION OF PUBLIC INFRASTRUCTURE.**

- a. **As-builts.** After posting the required maintenance surety, the applicant shall provide:
  - i. As-built drawings for all improvements within the public right-of-way in PDF and CAD format; and
  - ii. A GIS layer with locations of all public infrastructure, including but not limited to water and sewer line locations, edge of pavement for public roads, lot lines, and parcel boundaries.
- b. **Dedication of Public Infrastructure.** All public infrastructure dedicated to the city shall be approved by the City with a signed Deed of Dedication in the required format. The city shall only maintain public infrastructure after its dedication unless specified otherwise.

## K. OTHER PROCESSES

### 1. Providing Maintenance Surety.

#### a. General.

- i. A post construction surety/bond is required for residential subdivision plats and other projects for which maintenance of the drainage facilities, utilities, and/or roads is ultimately to be taken over by the City of Scottsburg.
- ii. After the final approval of construction and prior to release of any performance sureties, a construction surety/bond must be provided and maintained by the project owner for a period of two (2) years after construction is completed. The maintenance surety/bond shall guarantee the storm water facilities, sidewalks (if required), and roads constructed under the permit against design defects and/or failures in workmanship and shall guarantee that the facilities constructed under the permit will be regularly and adequately maintained throughout the maintenance period. Prior to the expiration period, the City will evaluate performance of the bonded facilities and, if not functioning as intended or designed, will require the project owner to fix to the satisfaction of the City. The City also has the authority to collect on the bond and repair or maintain the affected facilities.
- iii. The City of Scottsburg may accept property functioning facilities in accordance with the Scottsburg Design Standards and Specifications. Until such time as the City accepts maintenance, the developer must secure the property functioning and maintenance of the facility, and such shall be a condition of secondary plat approval.
- iv. The amount of the maintenance surety/bond shall be twenty-five percent (25%) of the estimated construction cost of the storm water facilities and roads requiring maintenance, or \$50,000.00, whichever is greater. The construction costs of the facilities requiring maintenance shall be estimated by the project engineer, subject to the approval of the City.

- b. **Form of Maintenance Surety.** Maintenance surety shall be in the form approved by the City Attorney. If a performance suety/bond was provided, the applicant can request seventy-five percent (75%) of the cash funds from the performance surety be released by the City and/or returned to the applicant when the final coat of asphalt has been installed on the roadways to the satisfaction of the City. The remaining balance will be applied to the Maintenance Surety.

#### c. Release of Maintenance Surety.

- i. After two (2) years, the remaining balance shall be returned.
- ii. The City will not release any funds without being requested by the applicant.

#### d. Use of Funds.

- i. Any monies received by the city shall be used only for making the required improvements and installations for which the surety was provided in the event the subdivider defaults on the agreement. This money may be used for these purposes without appropriation.
- ii. The improvements and installations for any improvements or installations by the city shall conform to the standards of the UDO and the applicable standards and specifications.

## 2. Appeals of PC Decision.

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

## 3. Commitments.

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

## 4. Plat Amendments.

- a. **Primary Plat Amendment for Major Subdivision.**
  - i. After a primary plat is approved by the pc, the subdivider may request that an amendment be made to the primary plat.
  - ii. The PC shall hold a public hearing on the proposed amendment in accordance with the same requirements for the respective primary plat approval process. The public hearing on a proposed amendment shall be limited to the merits of the proposed amendment.
  - iii. The PC shall approve or disapprove any proposed amendment in the manner set forth in Chapter 7.D.3: Step 2: Primary Plat Decision By PC, as applicable.
  - iv. The subdivider may withdraw the proposed amendment at any time prior to the PC's decision.

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

- i. After a secondary plat is approved, the subdivider may request that an amendment be made to the secondary plat before the plat is recorded.
- ii. The Administrator shall solicit comments from the TAC on the proposed amendment in accordance with the same requirements for the respective Secondary Plat approval process.
- iii. The Administrator shall approve or disapprove any proposed amendment in the manner set forth in Chapter 7.D: Major Subdivision Procedures as applicable.
- iv. The subdivider may withdraw the proposed amendment at any time prior to the Administrator's decision.

**c. Minor Residential Subdivisions.**

- i. After a minor residential plat is approved, the subdivider may request an amendment be made to the plat before it is recorded and shall follow the procedure set forth in Chapter 7.E: Minor Subdivision Procedures.
- ii. If a minor residential plat is approved, the subdivider may request an amendment to the plat after it is recorded if the amendment complies with the Exempt Subdivision standards (Chapter 5.B: Exempt Subdivisions) and complies with all other standards set forth in this UDO. This amendment shall follow the procedure set forth in Chapter 7.E: Minor Subdivision Procedures.

**5. Replats.**

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

**6. Vacations of Plats.**

- a. **Authority.** Pursuant to IC 36-7-4-711, the PC has exclusive authority over the vacation of plats or parts of plats. Vacations may be pursued under either IC 36-7-4-711 or IC 36-7-3-10.
- b. **Vacation when All Owners Agree.**
  - i. **Applicability.** As provided in IC 36-7-3-10, if all owners of land in the plat agree on a proposed vacation of all or part of the plat, before recording a written instrument to vacate all or part of the plat, the owner(s) must submit the instrument to the PC for approval.

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

c. **Vacation when All Owners are not in Agreement.**

- i. **Applicability.** As provided in IC 36-7-4-711, if all owners of land in a plat are not in agreement on a proposed vacation, one (1) or more of the owners may file with the PC a petition to vacate all of the plat or that part of the plat that pertains to land owned by the petitioner(s).
- ii. **Public Hearing.** At the PC hearing, all other owners of land in the plat shall be allowed to comment on the petition.
  - 1) **Approval.** The PC may approve the petition only if it finds that the conditions below are met. The PC may impose reasonable conditions as part of any approval. The PC shall furnish a copy of its approval to the County Recorder for recording.
    - a) Conditions in the platted area have changed to defeat the original purpose of the plat;
    - b) It is in the public interest to vacate all or part of the plat; and
    - c) The value of that part of the land in the plat not owned by the petitioner(s) will not be diminished by the vacation.
  - 2) **Denial.** If the PC finds that the applicant does not meet the requirements above, it shall deny the petition. If the PC denies a vacation request under this section, it shall not consider another vacation request which requests substantially similar relief concerning the same property for at least one (1) year after the denial, as authorized by IC 36-7-4-715.



## L. COMPLAINTS, VIOLATIONS, AND REMEDIES

### 1. Complaints.

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

### 2. Violations. No ILP, PC approval, and/or BZA approval shall be issued for a parcel if there is an outstanding violation that has been issued on the same parcel (unless the approval remedies the violation).

#### a. ILP Violations.

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

#### b. UDO Violations.

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

### 3. Penalties and Fines.

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

**4. Remedies.**

- a. The seeking of a civil penalty under this chapter does not preclude the PC from seeking alternative and additional relief from a court of competent jurisdiction in the same action or from seeking any other relief provided by law in a separate action for the enforcement of this UDO.
- b. The PC, the BZA, the Administrator, or any designated enforcement official, or any person or persons, firm, or corporation, jointly or severally, may institute a suit for injunction in the Circuit or Superior Courts of Scott County to restrain an individual, corporation, or government unit from violating the provisions of this ordinance. The PC or BZA may also institute the suit for mandatory injunction directing an individual or corporation or a governmental unit to remove a structure erected in violation of the provisions of this ordinance or the requirements thereof, or to enforce any other provision of this ordinance, and said violation being declared to be a common nuisance and as such may be abated in such a manner as nuisances are now or may hereinafter be abated under existing law.

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

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

## M. FEE SCHEDULE

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



# CHAPTER 8

## NON-CONFORMING LOTS, STRUCTURES, AND USES

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## A. GENERAL PROVISIONS

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

## C. NON-CONFORMING LOTS OF RECORD

1. Where a lawful lot(s) of record exists at the effective date of adoption or amendment of this UDO that would not be permitted to be created by the regulations imposed by this UDO, the lot may be developed so long as it remains otherwise lawful, provided that all of the following are met:
  - a. The lot must be in separate record with road frontage that is not shared with any existing lot(s) unless an easement exists for this purpose.
  - b. Development conforms with the applicable development standards and other requirements for the zoning district except for lot area and/or lot width.
  - c. All other provisions of this UDO are met or a variance from the BZA is obtained.

## D. NON-CONFORMING STRUCTURES

1. **Non-Conforming Structures.** Where a lawful structure(s) exists at the effective date of adoption or amendment of this UDO that could not now be built under the terms of this UDO because of restrictions on area, lot, height, location on the lot, or other requirements concerning the structure, such structure(s) may be continued so long as it remains otherwise lawful, provided that all of the following are met:
  - a. A non-conforming structure may not be enlarged, altered, or added on to in a way that increases its non-conformity unless a variance is obtained from the BZA. However, any structure, or portion thereof, may be altered to decrease its non-conformity.
  - b. As required by IC 36-7-4-1019, whenever a legal non-conforming structure on a parcel of real property used for residential purposes is damaged or destroyed by any means, the owner of the parcel shall be permitted to reconstruct, repair, or renovate the non-conforming structure if the reconstruction, repair, or renovation meets all of the following requirements:
    - i. The structure will continue to be used for residential purposes.
    - ii. The new foundation of the reconstructed, repaired, or renovated structure may not exceed the square footage of the foundation of the damaged or destroyed structure but may be relocated on the same parcel as long as the non-conformity is not increased.
    - iii. The structure is not located within a flood plain (as defined in IC 14-8-2-99) or subject to the jurisdiction of a Historic Preservation Commission (per IC-36-7-11).
  - c. If a non-conforming non-residential structure or portion of a non-conforming non-residential structure is destroyed or damaged by any means where the damage is more than fifty percent (50%) of its value (as determined by assessed value or appraisal provided by the property owner, whichever is greater), it shall not be repaired or rebuilt unless in conformance with this UDO or an approved variance, unless all of the following are met:
    - i. The reconstruction must take place within twelve (12) months of when the damage occurred or at the discretion of the Administrator if additional time is needed for reason.
    - ii. The structure must be built equal to or less than the square footage as the previous building.
    - iii. The structure is not located within a flood plain (as defined in IC 14-8-2-99) or subject to the jurisdiction of a Historic Preservation Commission (per IC-36-7-11).
  - d. Should such structure be moved for any reason, it shall conform to all the regulations for the district in which it is located after it is moved.
  - e. If any non-conforming structure is abandoned for any reason for more than one (1) year, such structure shall be required to conform with all regulations of this UDO unless a variance(s) is obtained from the BZA.
2. **Non-Conforming Signs.** Any sign lawfully existing on the effective date of this UDO or amendment(s) that does not conform to all the standards and regulations of this UDO may be continued so long as it remains otherwise lawful, provided that all of the following are met:
  - a. A major change is made to the sign. Major changes include:
    - i. Modification to the size, shape, or height,
    - ii. Addition of lighting,
    - iii. Addition or moving of electronic components,
    - iv. Structural alterations, and/or
    - v. Relocation of the sign.



- b. All legal non-conforming signs shall be kept in good repair, safe, neat, clean, and attractive condition. In the event non-conforming signs are not kept in said condition or are demolished by any means to the extent of fifty percent (50%) or more of the sign area is damaged or destroyed, said sign(s) shall only be replaced in conformance with this UDO.
- c. A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer conducted on the premises. If the owner or lessee fails to remove the sign, the Administrator shall give the owner thirty (30) days written notice to remove it. Upon failure to comply with this notice, the Administrator may remove the sign at cost to the property owner or lessee.

## E. NON-CONFORMING USES OF LAND

1. **Non-Agricultural Uses.** Where a lawful use(s) exists at the effective date of adoption or amendment of this UDO that would not be permitted under the terms of this UDO, such use(s) may be continued so long as it remains otherwise lawful, provided that:
  - a. A non-conforming use is not be enlarged, increased, intensified, moved (in whole or part), extended, expanded to occupy a greater area within a structure or greater area of land than was occupied at the effective date of this UDO or amendment(s), except as allowed by this section or as approved through a variance by the BZA.
  - b. A non-conforming use is not changed to another non-conforming use unless a variance of use is obtained from the BZA.
  - c. A non-conforming use may be extended throughout any part of an existing structure if the structure was arranged or designed for such use at the time of adoption or amendment of this UDO, but no such use shall be extended to occupy any land outside such building.
  - d. If any such legally non-conforming use of land is discontinued or abandoned for any reason for more than six (6) months, any subsequent use shall conform to all regulations of this UDO. The previous non-conforming use cannot be re-established after it is discontinued or abandoned for more than six (6) months unless a variance of use is granted by the BZA.
  - e. No additional structures shall be erected in connection with a non-conforming use of land that do not conform to all requirements of this UDO.
2. **Agricultural Uses.** Consistent with IC 36-7-4-616, an agricultural use of land that constitutes an agricultural legally non-conforming use may be changed to another agricultural use of land without losing agricultural non-conforming use status. In addition, an agricultural non-conforming use shall not be restricted or required to obtain a variance or special exception so long as an agricultural legally non-conforming use has been maintained for three (3) years in a five (5) year period.

## **F. NON-CONFORMING USES AND STRUCTURES COMBINED**

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

## **G. NON-CONFORMING ZONING DISTRICTS**

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

# CHAPTER 9

## DEFINITIONS

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## A. GENERAL PROVISIONS

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

## B. DEFINITIONS

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

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

**ACCESSORY DWELLING.** See DWELLING, ACCESSORY.

**ACCESSORY STRUCTURE.** See STRUCTURE, ACCESSORY.

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

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

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

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

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

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

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

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

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

**AGRIVOLTAICS.** A solar energy system co-located on the same parcel of land as agricultural production, including crop production, grazing, apiaries, or other agricultural products or services. For the purposes of this UDO, this use shall be considered a solar energy system.

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

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

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

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

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

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

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

**ASSEMBLY HALL.** See STADIUM.

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

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

**AUTOMOTIVE AND VEHICLE REPAIR.** Business that provides service or repair to automobiles, motorcycles, recreational vehicles (RV), trailers, boats, heavy equipment (such as bulldozers, backhoes, and similar), and similar vehicles. All service must occur within an enclosed structure or not be visible from any public right-of-way. Outdoor storage is only allowed if expressly permitted by the subject zoning district, see Chapter 2: Zoning and Overlay Districts. Uses include, but are not limited to, tire sales and service, automobile washes, and oil change establishments.

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

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

**AVERAGE SETBACK.** See SETBACK, AVERAGE.

**BAR.** See TAVERN.

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

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

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

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

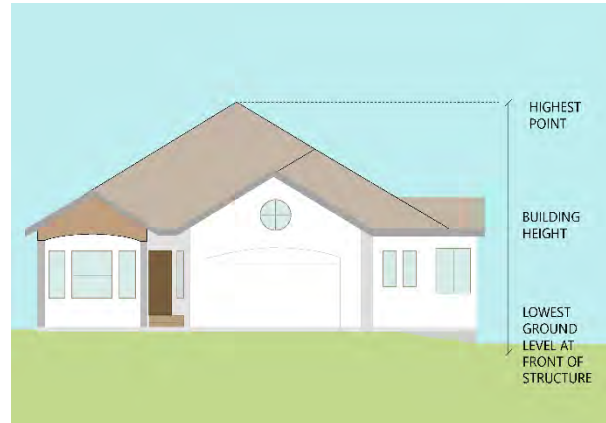
**BOARD OF WORKS.** The City of Scottsburg Board of Public Works and Safety.

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

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

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

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



*Example of Building Height*

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

**BUILDING LINE.** See SETBACK LINE.

**BUILDING.** See STRUCTURE.

**BUILDING PERMIT.** See IMPROVEMENT LOCATION PERMIT (ILP).

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

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

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

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

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

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



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

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

**CHURCH.** See PLACE OF WORSHIP.

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

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

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

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

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

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

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

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

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

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

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

- 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.

The term does not include the following:

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

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

- At least three hundred (300) cattle;
- At least six hundred (600) swine or sheep;
- At least thirty thousand (30,000) fowl; or
- At least five hundred (500) horses.

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

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

**CONTRACTOR CONSTRUCTION OFFICE.** A structure(s), area(s), or parcel(s) used for conducting business and/or storing materials and/or equipment for contractors in the construction trades. Outdoor storage is only allowed if expressly permitted by the subject zoning district, see Chapter 2: Zoning and Overlay Districts. For the purposes of this UDO, this use is considered professional services/business offices.

**COUNTY.** Scott County, Indiana.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**DRIVEWAY, PRIVATE.** A single, shared private driveway serving no more than four (4) residential parcels. Access to five (5) or more residential parcels shall be provided with a publicly dedicated road.

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

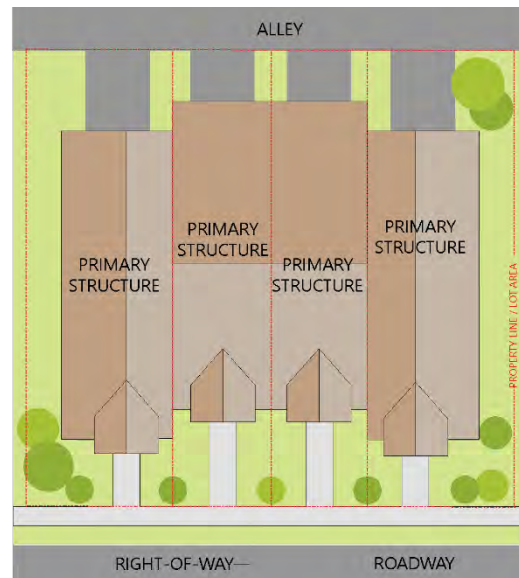
**DUMPSTER.** An exterior waste container designed to be mechanically lifted by and emptied into or carted away by a collection vehicle.

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

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

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

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



*Example of Single-Family Attached Dwellings*

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

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

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

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

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

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

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

**EASEMENT, PERPETUAL UNOBSTRUCTED.** See PERPETUAL UNOBSTRUCTED EASEMENT.

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

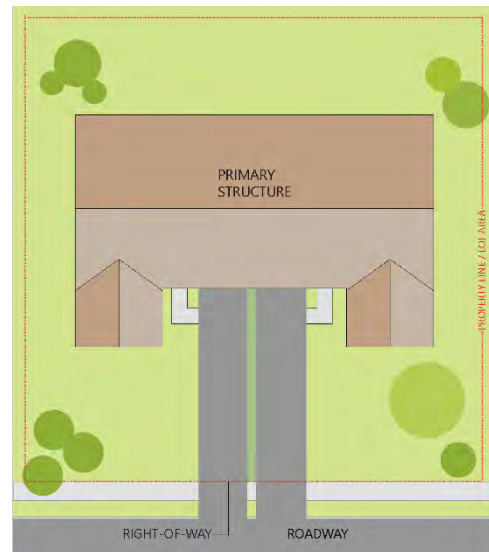
**EASEMENT, SOLAR ENERGY.** See SOLAR ENERGY EASEMENT.

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

**EQUESTRIAN FACILITY.** A structure/building/area in which horses are kept for commercial use including boarding, hire, riding, show, or sale. For the purposes of this UDO unless otherwise stated, this use shall be considered SERVICE-ORIENTED RETAIL.

**ESTABLISHMENT OF A BUSINESS.** Any of the following:

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



*Example of Two-Family Dwelling*

**EVENT VENUE.** A facility or location where special events are permitted to occur, generally with a use agreement between a private group or individual and the facility owner. For purposes of this definition, an event venue may include a celebration, ceremony, wedding, reception, corporate function, or similar activity for the benefit of someone other than the property owner that takes place on a periodic basis, involving the gathering of individuals assembled for the common purpose of attending a special event. This definition does not include family events or gatherings that are held on their own property. For purposes of this UDO, this use shall be considered service-oriented retail.

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

**EXECUTIVE DIRECTOR.** See ADMINISTRATOR.

**EXTENDED STAY HOTEL/MOTEL.** Any building containing guestrooms intended or designed to be used, or which are used, rented, hired out to be occupied, or which are occupied for sleeping and living purposes for guests in excess of thirty (30) continuous days.

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

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

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

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

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

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

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

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

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

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

**FLOODPLAIN ORDINANCE.** See SCOTTSBURG FLOOD HAZARD ORDINANCE.

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

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

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

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

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

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

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

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

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

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

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

**GARAGE, PRIVATE.** An accessory structure that is incidental to a primary structure and that is used for the parking and storage of vehicles owned and operated by the residents or occupants thereof and that is not a separate commercial enterprise available to the general public. For purposes of this UDO, private garages shall not count towards the minimum living area of a dwelling.

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

**GRADE.** Defined as:

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

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

**GROSS FLOOR AREA.** See FLOOR AREA, GROSS.

**GROUND FLOOR AREA.** See FLOOR AREA, GROUND.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**JURISDICTION.** The incorporated area of Scottsburg, Indiana and the area of extended jurisdiction.

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

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

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

**LEGISLATIVE BODY.** The City Council for Scottsburg, Indiana.

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



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

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

**LIVESTOCK, NON-COMMERCIAL.** An accessory use to a single-family dwelling unit involving the breeding, raising, caring for, housing, and/or use of products derived from non-domesticated livestock that is principally the hobby/personal use of the occupant, owner, or leaser of the lot on which such use is located.

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

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

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

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

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

**LODGE.** See CLUB.

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

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

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

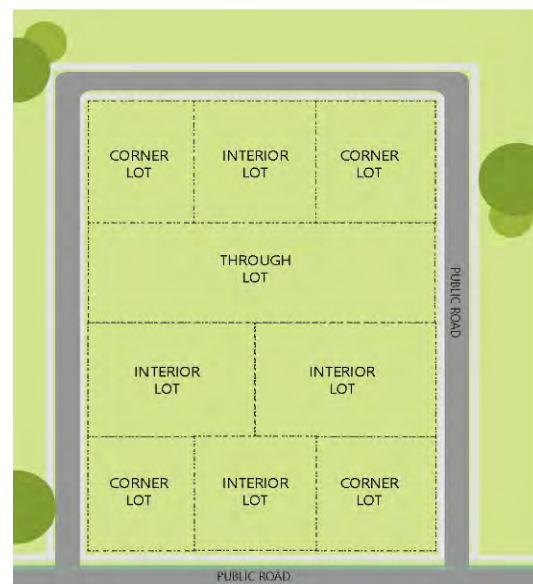
**LOT DEPTH.** The average horizontal distance between the front lot line and rear lot line.

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

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

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

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



*Example of Lot Types*

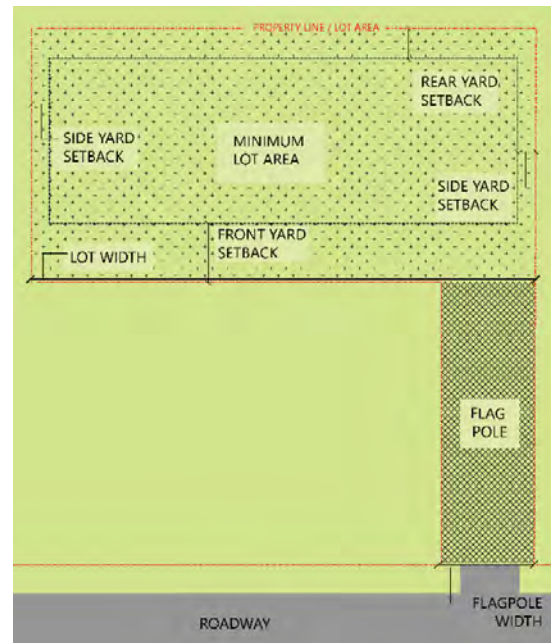
**LOT, CORNER.** A lot or parcel of land at the junction of or abutting two (2) or more intersecting streets. Corner lots have two (2) front yard setbacks and two (2) side yard setbacks.

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

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

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

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



*Example of Flag Lot*

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

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

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

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

**MANUFACTURING, HEAVY.** See INDUSTRIAL, HEAVY.

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

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

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

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

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

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

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

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

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

**NON-COMMERCIAL LIVESTOCK.** See LIVESTOCK, NON-COMMERCIAL.

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

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

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

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

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

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

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

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

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

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

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

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

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

**PARCEL.** See LOT.

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

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

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

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

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

**PLACE OF WORSHIP.** Defined as:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**PUBLIC MEETING.** A meeting announced and advertised in advance and open to the public where the public is not required to be given an opportunity to talk and participate as outlined by the Rules and Procedures.

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

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

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

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

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

**RACE TRACK.** See STADIUM.

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

**RECREATIONAL FACILITY.** A public or private area of facility to provide periodic and short-term sports or personal leisure activities.

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

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

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

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

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

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

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

**RE-PLAT.** Defined as:

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

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

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

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

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

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

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

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

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

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

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

**ROAD CLASSIFICATIONS.** Road classifications are determined by the Comprehensive Plan.

**ROAD, PRIVATE.** A private roadway that serves four (4) single-family and two-family dwelling units pursuant to access easements and all requirements of this UDO.

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

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

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

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

**SALVAGE YARD.** See JUNKYARD.

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

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

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

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

**SETBACK, AVERAGE.** The average setback is calculated by taking the average setback of the three (3) parcels on either side of the subject property.

**SETBACK, CORNER LOT.** A corner lot will have two (2) front yard setbacks and two (2) side yard setbacks; it will not have a rear yard setback.

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

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

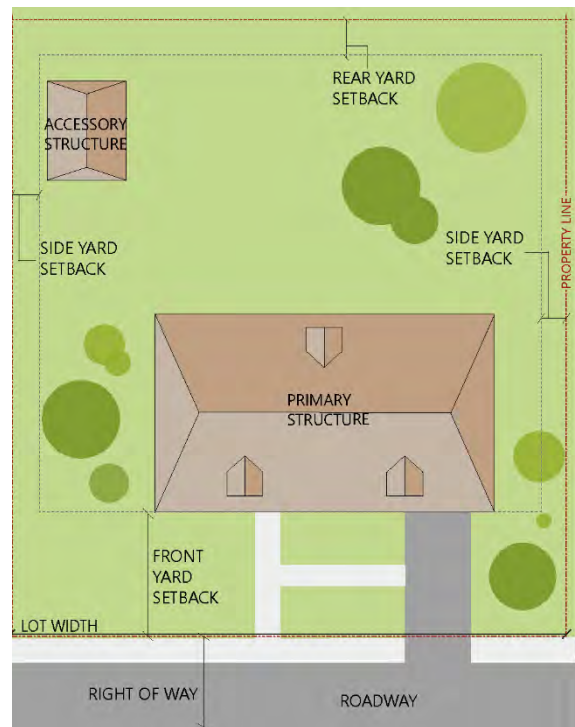
**SETBACK, SIDE YARD.** The minimum rear yard setback is measured from the side property line.

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

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

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

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



*Example of Setbacks*



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

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

**SHIPPING CONTAINER.** See CARGO CONTAINER.

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

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

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

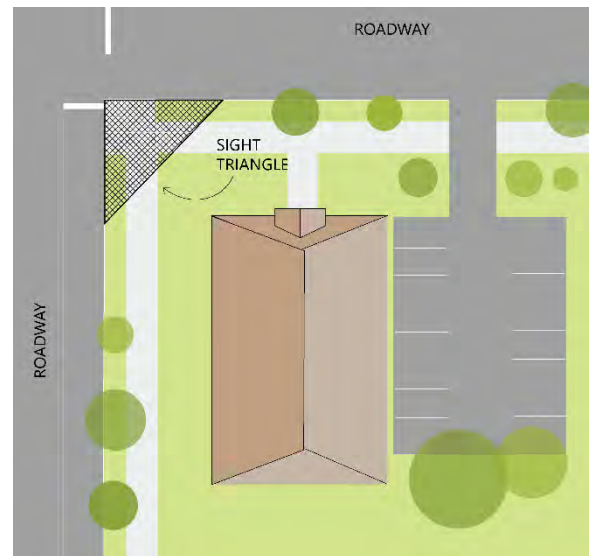
**SIGHT TRIANGLE.** A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

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

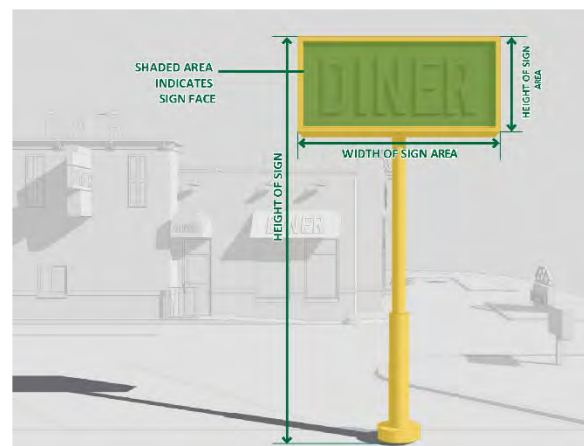
**SIGN, ABANDONED.** A sign that is:

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

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



Example of Sight Triangle



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

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

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

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

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

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

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

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

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

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

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

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

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

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

**SIGN, GROUND (MONUMENT).** A freestanding sign in which the bottom edge of the sign is in contact with the ground or is suspended or supported by two (2) upright posts or braces close to the ground. Also known as a ground, site, post, or pylon sign.

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

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

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

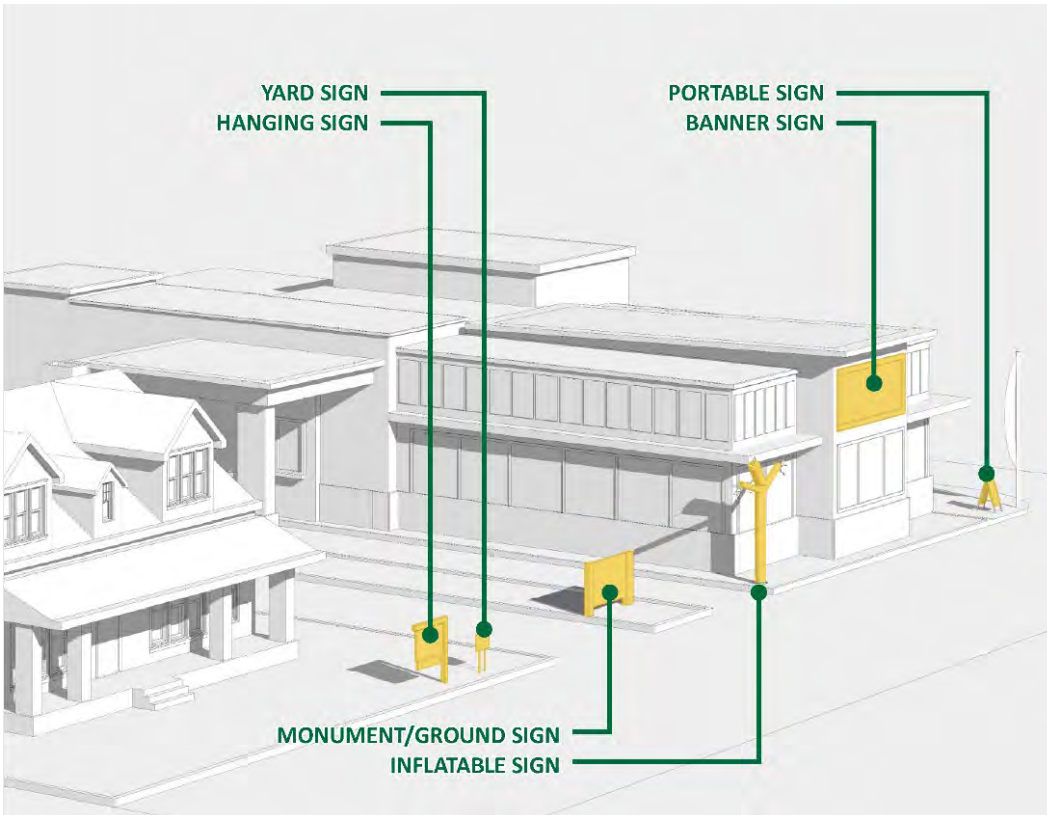
**SIGN, MURAL.** A picture, scene, diagram, text, artwork, or graphic applied on the exterior of a building, wall, or structure. For the purposes of this UDO, a mural is considered a wall sign.

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

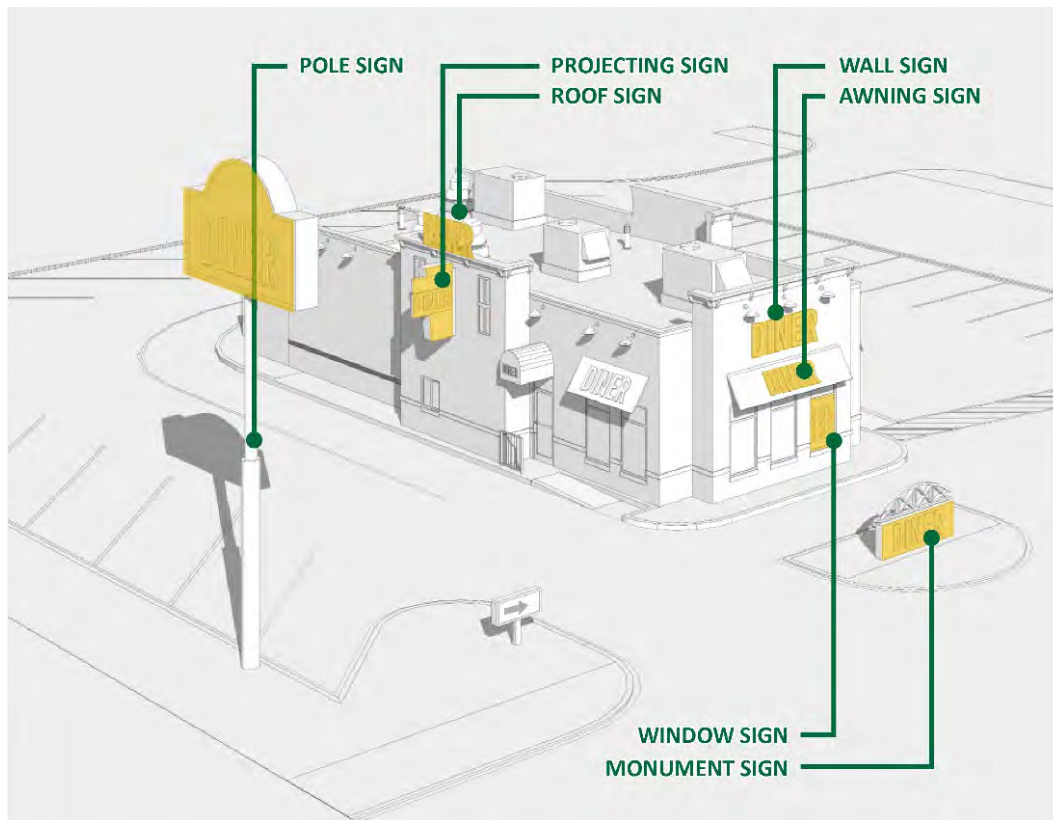
**SIGN, PROJECTING.** A sign that is wholly or partly dependent upon a building for support and that projects more than twelve (12) inches from that building. Also known as a blade sign.

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

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



Example of Temporary Signs



Example of Permanent Sign Types

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**STATE.** The State of Indiana.

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

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

**STREET.** See ROAD.

**STREET CLASSIFICATION.** See ROAD CLASSIFICATION.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**SUBDIVISION, MINOR RESIDENTIAL.** Approval granted by the PC in accordance with IC 36-7-4-700 series for a division of a parcel of land for residential development resulting in four (4) lots or less, including the parent parcel.

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

**TAC.** See TECHNICAL ADVISORY COMMITTEE.

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

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

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

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

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

**TOURIST CABINS.** See HOTEL.

**TRACT.** See LOT.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

The project owner does not seek:

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

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

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

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

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

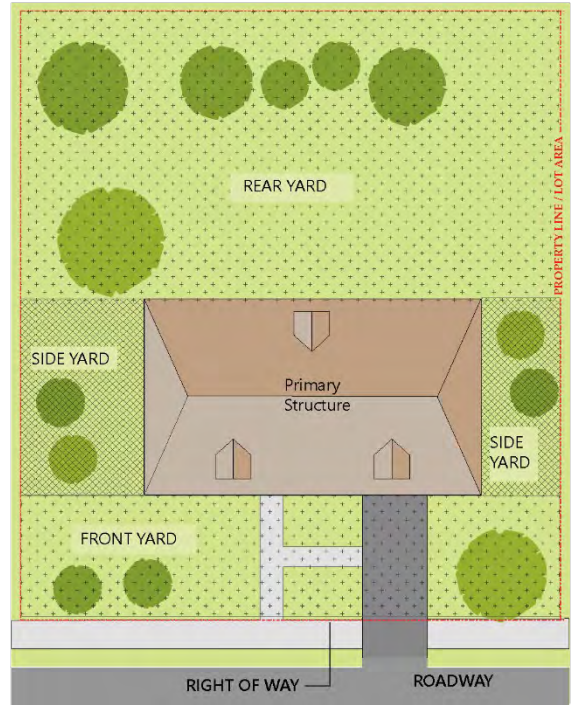
**YARD, FRONT.** A space extending across the full width of the parcel between any structure and the front lot line measured perpendicular to the structure at the closest point to the front lot line.

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

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

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

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



*Example of Yards*



