



**CITY OF AUSTIN, INDIANA
UNIFIED DEVELOPMENT ORDINANCE**



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UNIFIED DEVELOPMENT ORDINANCE ACKNOWLEDGEMENTS

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SECTION 1.1 GENERAL PROVISIONS

A. Ordinance Title

This ordinance shall be known as the “Austin Unified Development Ordinance” for the jurisdiction of the Austin Advisory Plan Commission. It may also be referred to as the “UDO” or “ordinance.”

B. Ordinance Intent & Purpose

1. The intent of the UDO is to promote planned and orderly development and redevelopment that advances the vision of the Austin Comprehensive Plan and other adopted plans while also accomplishing the purposes of IC 36-7-4 Series: Local Planning & Zoning, including:
 - a. Promoting the public health, safety, comfort, morals, convenience, and general welfare of the areas within the Plan Commission’s jurisdiction;
 - b. Securing adequate light, air, convenience of access, and safety from fire, flood, and other danger;
 - c. Reducing or avoiding congestion in public ways;
 - d. Establishing regulations on how property is developed, maintained, and used;
 - e. Protecting and promoting the character of Austin, including the parcels within historic district;
 - f. Minimizing impacts between and impacts from various land uses;
 - g. Establishing reasonable standards for subdivisions that supports the orderly layout and use of land;
 - h. Establishing regulations for adequate transportation, right-of-way, water, sewage disposal, utility services, drainage design, schools, parks, and other public facilities;
 - i. Defining the powers and duties of administrative officers and bodies; and
 - j. Establishing procedures for zoning and subdivision processes and approvals as well as the implementation and enforcement of this UDO, including penalties and recourse for violations or noncompliance with this UDO.
2. The UDO is not intended to interfere with, abrogate, or amend any existing easements, covenants, or other agreements between parties. It is also not intended to repeal, abrogate, annul, or in any way interfere with any existing laws or ordinances not specifically repealed by this UDO, or any rules, regulations, or permits previously adopted or issued pursuant to law relating to the use of buildings or premises.

C. Ordinance Adoption

1. Repeal. Chapter 152: Zoning, subsequent amendments to Chapter 152: Zoning (including but not limited to Ord. 2021-04 and 2021-04), and all other previous ordinances and regulations regarding zoning and subdivision control within the jurisdiction of the City of Austin (excluding those identified below) are replaced by the adoption of this UDO and Official Zoning Map.
2. This ordinance specifically does not repeal the following ordinances:
 - a. Chapter 150: Building and Housing Regulations
 - b. Chapter 151: Flood Hazard Areas and Ord. 2014-03: Flood Hazard Areas
 - c. Ord. 2017-07: Excavations and Street Cuts of Streets and Alleys
 - d. Ord. 2022-07: Establishing Historic Preservation Commission
 - e. Other ordinances, including nuisance ordinances, that do not specifically address zoning and subdivision regulations
3. Effective Date. This ordinance shall be in full force and effect upon adoption and/or amendment.

D. Combined Zoning & Subdivision Control Ordinances

1. This UDO is intended to combine Austin’s Zoning Ordinance and Subdivision Control Ordinance into a single document to reduce redundancies and provide more streamlined regulations between these regulations.
 - a. Zoning Ordinance Provisions. The regulations established exclusively for the administration of a Zoning Ordinance under IC 36-7-4-600 series are covered specifically in this UDO by Chapters 3, 4, and 5.
 - b. Subdivision Control Ordinance Provisions. The regulations established exclusively for the administration of a Subdivision Control Ordinance under IC 36-7-4-700 series are covered specifically in this UDO by Chapter 6.
 - c. Joint Zoning and Subdivision Provisions. Chapters 1, 2, 7, and 8 include regulations for the administration of both zoning and subdivision control.

E. Authority

This UDO is enacted by the Austin Common Council pursuant to the authority granted in IC 36-7-4 series and other applicable state and federal statutes.

F. Jurisdiction

1. The zoning provisions of the UDO shall apply to all land within the jurisdiction of Austin Advisory Plan Commission, including all parcels within the city’s corporate boundary and all parcels within the city’s extraterritorial jurisdiction as allowed by IC 36-7-4-205.
2. The subdivision regulations of the UDO shall apply to all land within the Austin Advisory Plan Commission, including all parcels within the city’s corporate boundary. Additionally, the subdivision regulations of the UDO also apply to all parcels within the city’s extraterritorial jurisdiction, as allowed by IC 36-7-4-701(c), because the Scott County Plan Commission has not adopted a subdivision control ordinance covering those parcels.

G. Requirements & Conflicts

1. Minimum Requirements. The standards and regulations within this UDO are the minimum requirements necessary for the protection of the health, safety, comfort, morals, and general welfare within the jurisdiction.
2. Conflicts
 - a. Conflicting Standards within the UDO. If two or more standards or regulations within this UDO or within another local ordinance are in conflict or are inconsistent with one another, the most restrictive regulation shall apply and control.
 - b. Conflicts with State and Federal Regulations. If any standard or regulation within this UDO is in conflict with a state or federal standard, the state or federal standard shall apply and control.
 - c. Conflicts with Figures. Graphics, illustrations, and figures are provided for illustrative purposes only and shall not be construed as regulations. If there is a conflict between the text and any graphic, illustration, or figure, the text shall apply and control. A table shall be considered text for the purposes of this code.
 - d. Conflicts with Cross-References. If a cross-reference is provided to reference another section of the UDO or Indiana Code and there is a conflict between the referenced chapter, section, subsection, and/or name, the name shall apply and control.
3. Severability. If any section, subsection, provision, or the application of any provision of this UDO is declared or held unconstitutional or invalid by the appropriate court, the remainder of the UDO shall not be affected and valid.
4. 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.

H. State, Federal & Other Related Standards

1. This UDO shall not affect valid private covenants whose standards are above and beyond those of this UDO and which are not enforced by the Plan Commission.
2. 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.
3. Nothing in this UDO shall eliminate the need for obtaining any other approval or entitlement required by other provisions of the city, county, the state, or federal agency or entity.

I. Defined Terms

Specific words and terms related to this UDO are as defined in Chapter 8: Definitions.

SECTION 1.2 CURRENT & PREVIOUS APPLICATIONS & PERMITS

A. Current Applications

Applications received prior to the effective date or amendment of this UDO shall comply with the respective process and regulations that were in place at the time of filing. This includes applications before the Common Council, the Advisory Plan Commission (PC), and the Board of Zoning Appeals (BZA) as well as applications for building permits (BP) and/or location permit.

B. Previously Issued Permits

A permit for a building, structure, or other site improvement that was issued prior to the effective date or amendment of this UDO shall remain valid for the timeframe and provisions (including any renewals, if applicable) established by the regulations that were in effect at the time of filing. Permits that have expired under the regulations that were in effect at the time of filing shall be subject to the regulations established by this UDO and as allowed by IC 36-7-4-1109.

C. Previously Approved Primary Plats

1. All primary plats that were filed and/or approved prior to the effective of this UDO shall comply with the respective process and regulations that were in place at the time of filing, provided the approved primary plat:
 - a. Has not expired under any previous terms or conditions that were in place when it was approved; and
 - b. Is still valid under the previous regulations.
2. If the previous provisions did not identify an expiration for primary plat approval, then the primary plat shall automatically expire three years after the date of the effective of this UDO unless a secondary plat for a phase or section of the subdivision is approved.

D. Previously Approved Secondary Plats

All secondary plats, where a primary plat was previously approved prior to the effective date of this UDO, shall comply with the regulations (including lot, structure, and utility standards) and any previous terms or conditions that were in effect at a time a primary plat was approved as long as the primary plat remains valid and has not expired.

E. Previous Commitments & Conditions

Commitments or conditions (whether recorded or not) that were part of any approval before the Common Council, PC, and/or BZA (or as part of an application for a building permit and/or location permit 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 Section 7.11.E: Written Commitments of this UDO and/or the applicable PC Rules and Procedures or BZA Rules and Procedures.

SECTION 1.3 ADMINISTRATOR POWERS & DUTIES

A. Administrator's Duties

1. The Administrator shall be appointed by the Plan Commission and shall have the following duties:
 - a. Administer the provisions and standards of the UDO;
 - b. Enforce the provisions of this UDO in accordance with its literal terms but shall not have the power to permit any construction, use, or change of use which does not comply with this UDO;
 - c. Issue building permits and certificates of occupancy;
 - d. Maintain a permanent file of all permits and applications as public records; and
 - e. Perform all other duties as outlined in the Administrator's job description.

B. Administrative Decisions

If it is necessary to make an administrative decision or a decision which is not clearly governed by standards within the UDO, the decision shall be made by the Administrator that is consistent with the spirit and purpose of this UDO and that will not be injurious to the area affected. Any administrative decision can be appealed to the BZA per Section 7.2: Appeals Of Administrative Decisions.

SECTION 1.4 PLAN COMMISSION POWERS & DUTIES

A. PC Establishment & Jurisdiction

1. The PC shall be established in accordance with IC 36-7-4-200 series.
2. The PC shall have jurisdiction over all land within the limits of the City of Austin, Indiana and all parcels within the city's extraterritorial jurisdiction as allowed by IC 36-7-4-205 and Section 1.1F: Jurisdiction.

B. PC Organization & Membership

1. The PC shall be organized in accordance with IC 36-7-4-300 Series.
2. Because the city has a parks board and has a city civil engineer, the PC shall have membership in accordance with IC 36-7-4-207(a); and because the city has exercised jurisdiction outside of the incorporated area, the PC shall have additional members in accordance with IC 36-7-4-214(a).

C. PC Officers & Employees

1. President and Vice-President. In accordance with IC 36-7-4-303, at the first regular meeting each year, the plan commission shall elect a president and a vice president from its members.
2. Secretary. In accordance with IC 36-7-4-304, the plan commission shall appoint a secretary at the first regular meeting each year, who is not required to be a member of the commission.
3. 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. The PC may also contract for special or temporary services and professional counsel.

D. PC Meetings and Minutes

1. Quorum. In accordance with IC 36-7-4-301, a quorum of the PC consists of a majority of the entire membership of the PC.
2. 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.
3. Minutes. In accordance with IC 36-7-4-306, the PC shall keep minutes of its proceedings, examinations, other official actions, and record of votes on all actions. All minutes and records shall be filed in the office of the Administrator and shall be a public record.
4. 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 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.
5. Special Meetings. In accordance with IC 36-7-4-307, a special meeting of the PC may be called by the president or by two members of the PC upon written request to the Administrator.

E. PC Powers and Duties

1. The PC shall have the powers and duties of an advisory plan commission as authorized in IC 36-7-4-400 series, including but not limited to the following:
 - a. Rules. The PC shall adopt rules for its administration.
 - 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. Comprehensive Plan. The PC shall make recommendations on the adoption of and amendments to the Austin Comprehensive Plan for consideration by the Common Council in accordance with IC 36-7-4-500 series.

- d. Development Plans. The PC shall make decisions regarding development plans or delegate this authority to the Administrator in accordance with Section 7.3: Development Plans and IC 36-7-4-1400 series.
- e. Zone Map Changes & PUD Ordinances. The PC shall make recommendations to the Common Council concerning changes to the zoning map the adoption of and amendments to a PUD in accordance in accordance with IC 36-7-4-600 series, IC 36-7-4-1500 series, and Section 7.7: Rezoning & PUD Districts.
- f. Street Names and Addresses.
 - i) The Board of Public Works shall name or rename streets, and this responsibility may be delegated to the PC or the Administrator by ordinance if desired.
 - ii) The County Auditor shall assign street numbers to lots and structures.
- g. Subdivisions. The PC shall make decisions regarding plats, replats, and amendments to plats in accordance with Section 7.4: Major Subdivisions, Section 7.5: Minor Subdivisions (Minor Plat), the PC Rules and Procedures, and IC 36-7-4-700 series, including primary plats as described in IC 36-7-4-702; and secondary plats as described in IC 36-7-4-709.

F. PC Committees

1. Executive Committee. Per IC 36-7-4-408, the PC may establish an executive committee consisting of three to nine PC members that are appointed by the PC.
 - a. A 2/3 majority vote of the entire PC membership is required to establish the executive committee, name of its individual members, and adopt rules governing the executive committee's operation. A majority of the executive committee may act on behalf of the PC, but if there are any dissenting votes, a person voting in the minority may appeal the decision of the executive committee to the PC.
2. Checkpoint Agencies. Checkpoint agencies may assist in the review of applications by providing expert advice with regard to technical specifications, adequate capacity, public safety, and/or other specifications.
 - a. Defined Agencies. Checkpoint agencies may include, but are not limited to, Parks Board, Board of Works, City Engineer, Drainage Board, Fire District(s), Water Utility(ies), Sewer Utility(ies), Scott County Surveyor, Scott County Health Department, and/or public school district(s), as appropriate.
 - b. Duties. Checkpoint agencies should be used on an as needed basis and have the following powers and duties to provide review and comment on:
 - i) Primary and secondary subdivisions;
 - ii) Zoning map amendments (rezoning) and PUD districts;
 - iii) Development plans; and
 - iv) Variances, variances of use, and special exceptions.
3. Historic Preservation Commission. The Historic Preservation Commission may assist in the review of applications by providing comments with regard to the design and historic compatibility of development within any adopted historic district.
 - a. Membership. The Historic Preservation Commission shall include members as outlined in Ordinance 2022-07.
 - b. Duties. The Historic Preservation Commission may be used on an as needed basis and have the following powers and duties to provide review, comment, and recommendations on the following applications within any adopted historic district:
 - i) All new primary and accessory structures; and
 - ii) The demolition, relocation, exterior expansion, or exterior alteration of all primary and accessory structures.

SECTION 1.5 BZA POWERS & DUTIES

A. BZA Establishment & Jurisdiction

1. The Advisory BZA shall be established in accordance with IC 36-7-4-900 series.
2. The BZA shall have jurisdiction over all land within the limits of the City of Austin, Indiana and all parcels within the city's extraterritorial jurisdiction as allowed by IC 36-7-4-205 and Section 1.1F: Jurisdiction.

B. BZA Organization & Membership

1. The BZA shall be organized in accordance with IC 36-7-4-900 series.
2. The BZA shall have membership shall be in accordance with IC 36-7-4-902(a), and because the city has exercised jurisdiction outside of the incorporated area, the BZA shall have an additional member in accordance with IC 36-7-4-903(a)(2).

C. BZA Officers

1. 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.
2. Secretary. In accordance with IC 36-7-4-913, the BZA shall appoint a secretary at the first regular meeting each year, who is not required to be a member of the commission.

D. BZA Meetings and Minutes

1. Quorum. In accordance with IC 36-7-4-910, a quorum of the BZA consists of a majority of the entire membership of the BZA.
2. Official Action. In accordance with IC 36-7-4-911, action of the BZA is not official unless it is authorized by a majority of the entire membership of the BZA.
3. Minutes. In accordance with IC 36-7-4-915, the BZA shall keep minutes of its proceedings, examinations, other official actions, and record of votes on all actions. All minutes and records shall be filed in the office of the Administrator and shall be a public record.
4. Regular Meetings. The BZA shall fix the time for holding regular meetings each month or as necessary.
5. Special Meetings. A special meeting of the BZA may be called by the chairman or by two members of the BZA upon written request to the secretary.

E. BZA Powers and Duties

1. The BZA shall have the following powers and duties as authorized in IC 36-7-4-900 series, including but not limited to the following:
 - a. BZA Rules. The BZA shall adopt rules for its administration in accordance with IC 36-7-4-916.
 - b. Appeals of Administrative Decisions. The BZA shall make decisions regarding appeals of administrative decisions in accordance with Section 7.2: Appeals Of Administrative Decisions and IC 36-7-4-918.1.
 - c. Special Exception/Conditional Use. The BZA shall make decision regarding special exceptions in accordance with Section 7.6: Special Exceptions & Variances and IC 36-7-4-918.2.
 - d. Variance from Development Standards. The BZA shall make decisions regarding variances in accordance with Section 7.6: Special Exceptions & Variances and IC 36-7-4-918.5.
 - e. Variance of Use. The BZA shall make decisions regarding variances of use in accordance with Section 7.6: Special Exceptions & Variances and IC 36-7-4-918.4.
 - f. Use Classification. If an unlisted land use cannot be administratively classified as outlined in Section 3.1.F: Administrative Determination of Land Uses, the BZA shall make a final decision using the specified criteria and classify the unlisted land use.

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CHAPTER 2: NONCONFORMITIES

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SECTION 2.1 GENERAL PROVISIONS

A. Nonconformities Intent

1. It is the intent of this UDO to:
 - a. Permit legal nonconformities to continue until they are removed but not to encourage their survival.
 - b. Restrict any legal nonconformity from enlarging, expanding, extending, or intensifying.
 - c. Limit using any nonconformity as grounds for adding other structures or uses which are prohibited unless specifically permitted by this UDO and/or state statute.

B. Legal & Illegal Nonconformities

1. Lots, structures, uses of land, and zoning districts (or a combination of these) that were lawfully established, constructed, or created before this UDO was passed or amended, but are now prohibited, regulated, or restricted by the terms and/or standards this UDO are considered legal nonconformities.
2. Uses, structures, and/or lots (or a combination thereof) that existed at the effective date of this UDO that were not legally established, not legally permitted, or otherwise not legally enacted shall not be validated by virtue of its enactment. All illegal uses, structures, and/or lots shall still be illegal under this UDO and are NOT considered non-conforming.
3. The burden of establishing the legality of a nonconformity under the provisions of this UDO is the responsibility of the property owner of the nonconformity and not upon the jurisdiction.

C. Incompatible Use

Nonconforming 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 or UDO, a non-conforming use of a structure and/or a non-conforming use of land shall not be extended, enlarged, and/or occupy any additional or other area after the effective date of this UDO or amendment.

D. Current Construction

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 if a valid building permit and/or improvement permit has been issued prior to the effective date of adoption or amendment of this UDO if actual construction or demolition has been carried on diligently and in a timely manner.

SECTION 2.2 NONCONFORMING LOTS OF RECORD

A. Nonconforming Lots

1. If 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 of this UDO, the lot may be developed if all of the following are met:
 - a. The lot is recorded in separate record (must be a separate parcel).
 - b. The lot has road frontage that is not shared with any existing lot(s) or a recorded easement exists for this purpose.
 - c. All uses, structures, and the lot standards conform with the applicable development standards and other requirements for the zoning district, except for lot area and/or lot width.
 - d. The lot conforms with all other provisions of this UDO are met or a variance from the BZA has been approved.

SECTION 2.3 NONCONFORMING STRUCTURES

A. Nonconforming Structures

1. Any lawful structure(s) that exists at the effective date or amendment of this UDO that could not be constructed under the terms of this UDO because of restrictions on living/structure area, lot coverage, height, setbacks/location on the lot, or other UDO requirements concerning the structure may be continued as long as it remains otherwise lawful, provided that all of the following requirements are met:
 - a. The structure(s) is not enlarged, altered, or added onto in a way that increases its non-conformity unless a variance is obtained from the BZA. However, the structure(s) may be altered to decrease its nonconformity or altered if the nonconformity is not increased and meets all standards of this UDO.

B. Nonconforming Residential Structures

1. As required by IC 36-7-4-1019, if a legal nonconforming structure on a parcel of real property that is 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 nonconforming structure if the reconstruction, repair, or renovation meets all of the following requirements:
 - a. The structure will continue to be used for residential purposes.
 - b. The new foundation of the reconstructed, repaired, or renovated structure may not exceed the square footage of the foundation of the damaged or destroyed structure but may be relocated on the same parcel as long as the nonconformity is not increased.
 - c. The structure is not located within a flood plain (as defined in IC 14-8-2-99) or subject to the jurisdiction of a Historic Preservation Commission (per IC-36-7-11).

C. Nonconforming, Non-Residential Structures

1. If a non-conforming structure (or portion of a structure) that is used for a non-residential use is destroyed or damaged by any means where the damage is more than 50% of its value (as determined by assessed value or appraisal provided by the property owner, whichever is greater), it shall not be repaired or rebuilt unless it meets one the following requirements:
 - a. The structure(s) complies with all standards of UDO;
 - b. A variance is approved by the BZA; or
 - c. All of the following conditions are met:
 - i) A valid building permit for the reconstruction is obtained within 12 months of when the damage occurred, or at the discretion of the Administrator if additional time is needed for valid reason.
 - ii) The structure does not exceed the square footage as the previous structure.
 - iii) The structure is not moved from the location of the previous structure unless it decreases the non-conformity.
 - iv) 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. Nonconforming Signs

1. Any lawful sign(s) that exists at the effective date or amendment of this UDO that could not be constructed under the terms of this UDO may be continued as long as it remains otherwise lawful, provided that all of the following requirements are met:
 - a. There is no modification to the size, shape, or height of the sign.
 - b. There is no additional lighting or electronic components added to the sign.
 - c. There is no additional moving parts or mechanisms added to the sign.
 - d. There are no structural alterations (structural elements may be replaced but must be identical in all dimensions).
 - e. The sign is not moved or relocated.
 - f. The sign is kept in good repair, safe, neat, clean, and attractive condition.
 - g. If a sign is demolished by any means to the extent of 50% or more of the sign area is damaged or destroyed, the sign(s) shall only be replaced if it conforms with this UDO.

SECTION 2.4 NONCONFORMING USES OF LAND

A. Nonconforming Non-Agricultural Uses

1. Any lawful use(s) that exists at the effective date or amendment of this UDO that is not permitted under the terms of this UDO may be continued as long as it remains otherwise lawful, provided that all of the following requirements are met:
 - a. The use(s) is not enlarged, increased, intensified, moved (in whole or part), extended, and/or expanded to occupy a greater area within a structure or greater area of land.
 - b. The use is not discontinued or abandoned for any reason for more than 6 consecutive months. Any subsequent use shall conform to all regulations of this UDO and the previous nonconforming use cannot be re-established after it is discontinued or abandoned for more than this time period.
 - c. The use cannot be changed to another nonconforming use or a use that is not permitted by right.

B. Nonconforming Agricultural Uses

Consistent with IC 36-7-4-616, an agricultural use of land that constitutes an agricultural legally nonconforming use may be changed to another agricultural use of land without losing agricultural nonconforming use status. In addition, an agricultural nonconforming use shall not be restricted or required to obtain a variance or special exception if the use has been maintained for three years in a five-year period.

C. Special Exception Uses

If a use was legally established prior to the effective date of this UDO and is permitted in the zoning 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, it shall then comply with this section.

D. Structures and Uses in Combination

If a nonconforming use is located within or occupies a non-conforming structure and the nonconforming structure is removed, demolished, or otherwise is no longer considered legally nonconforming, both the nonconforming use and structure shall comply with all regulations of this UDO.

SECTION 2.5 NONCONFORMING ZONING DISTRICTS

A. Nonconforming Zoning Districts

Any parcel with a zoning designation at the effective date or amendment of this UDO where the zoning district is no longer listed in the text of this UDO shall continue to be zoned as such. The development standards and permitted uses previously associated with the nonconforming zoning district shall continue to apply until the property is rezoned through a map amendment to a conforming zoning district.

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CHAPTER 3: ZONING & OVERLAY DISTRICTS

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SECTION 3.1 GENERAL PROVISIONS

A. Districts Purpose

The districts specified within this chapter are intended to provide for orderly and responsible development within the Plan Commission’s jurisdiction in order to promote the health, safety, and welfare of the public and community.

B. Zoning Districts

The area within the jurisdiction of the Austin Advisory Plan Commission shall be classified and divided into the following zoning districts:

Land Use Type	Name of Zoning District
Agricultural	Agriculture (AG)
Residential	Low Density Residential (R1)
	Medium Density Residential (R2)
	High Density Residential (R3)
Commercial	Local Business (B1)
	General Business (B2)
	Downtown (B3)
Industrial	Limited Industrial (I1)
	Intense Industrial (I2)
Planned Unit Development	Planned Unit Development (PUD)

C. Overlay Districts

In addition to the standards within the zoning districts, the following overlay districts are established within the jurisdiction of the Austin Advisory Plan Commission:

Name of Overlay District
Flood Area (FA)

D. Official Zoning Map

1. The location and boundaries of the zoning districts and overlay districts are established on a map entitled “Official Zoning Map,” which shall accompany and be incorporated in and made a part of this UDO by reference.
2. The Official Zoning Map is a geographic coverage layer that is maintained as part of the City of Austin’s geographic information system (GIS) under the direction of the Administrator with the official copy/file being maintained by the Clerk-Treasurer.
 - a. This map shall be updated by the Administrator or Clerk-Treasurer:
 - i) Following approval of map amendments (rezonings)
 - ii) To correct drafting errors, clerical errors, or omissions on the map, or
 - iii) As otherwise allowed by this UDO, state statute, or court order.
 - b. The Administrator shall maintain digital or printed copies of superseded versions of the Official Zoning Map for historical reference.
 - c. The Administrator may authorize printed copies of the Official Zoning Map to be produced.
 - d. All questions concerning the exact location of zoning district and overlay district boundaries lines shall be determined by the Administrator. An appeal of the Administrator’s interpretation may be filed with the BZA per Section 7.2: Appeals Of Administrative Decisions.

E. Permitted and Special Exception Land Uses

1. This chapter identifies the land uses that are “permitted” and uses that are allowed by “special exception” for each zoning district as well as “prohibited” land uses for any overlay district.
 - a. Any use that is listed under “Permitted Uses” within the district use table for a specific zoning districts shall be permitted by right.
 - b. Any use that is listed under “Special Exception Uses” shall be permitted only if approved as a special exception by the BZA.
 - c. Any use that is listed under “Permitted Uses with Additional Standards” shall also be required to meet all additional regulations for that specific use as outlined in Chapter 4: Additional Standards for Uses unless a development standards variance is approve by the BZA.
 - d. Any land use that is not permitted by right or special exception in a particular zoning district shall be prohibited unless a use variance is approved by the BZA.

F. Administrative Determination of Land Uses

1. If a land use is not included and/or defined as a use within this UDO, the following process shall be used.
 - a. Use Not Listed in UDO is Similar to a Listed Use. If the Administrator determines that the land use not listed in this UDO is similar to a land use listed in this UDO based on the “Criteria for Classifying Unlisted Land Uses” below, the Administrator shall classify the unlisted use as the identified similar use and all processes and development standards for the similar use shall apply.
 - b. Use Not Listed in UDO is Not Similar to a Listed Use. If the Administrator determines that the land use not listed in this UDO is not similar to any land use listed in this UDO based on the “Criteria for Classifying Unlisted Land Uses” below, the unlisted land use shall be prohibited unless a use variance is approved by the BZA.
 - c. Uncertainty or Disagreement. If there is uncertainty or disagreement on classifying a land use not listed in this UDO, the Administrator or applicant may request that the BZA classify the land use for a final decision based on the “Criteria for Classifying Unlisted Land Uses.”

- i) Criteria for Classifying Land Uses Not Listed in UDO. The following criteria shall be used to determine whether a land use that is not listed in this UDO is similar to a use that is listed in this UDO.
 - a) Intensity of Activity and Development. Intensity should compare the number of people using a space, the gross commercial floor area associated with the primary structure, the operation of the business (such as hours of operation and anticipated customer volumes), amount of noise or noxious exhaust, public safety hazards generated on the site, types of vehicles accessing the site, and/or type of storage (indoor or outdoor).
 - b) Character. Character should compare the physical characteristics, structures, scale, or other features.
 - c) Accessory Uses and Structures. Accessory uses and structures should compare the potential for accessory uses and/or structures, and the types of accessory uses and/or structures. If the unlisted use is an accessory use, it should compare if it is incidental to, necessary, and/or compatible with a permitted primary use.
 - d) Intent. Intent should compare the compatibility of the unlisted use with the purpose/intent of the subject zoning district and consistency with the Austin Comprehensive Plan.

G. Additional Standards Required for All Zoning Districts

1. Measurement Definitions. Chapter 8: Definitions specifies how the lot width, setbacks, corner lots, flag lots, and building height are measured and defined.
2. Standards for Specific Uses. Additional standards shall apply to the specific uses in all zoning and overlay districts as outlined in
3. Chapter 4: : Standards for Specific Uses.
4. Site Standards. Additional site development standards shall apply to all parcels within all zoning and overlay districts as outlined in Chapter 5: Site & Structure Standards.
5. Subdivisions. Any subdivisions, division of land, or splitting of parcels shall comply with Chapter 6: Subdivision Standards.
6. Historic District. Only if a historic district and/or design standards are established or adopted by the City of Austin, all construction, demolition, relocation, exterior expansion, or alteration of a primary or accessory structure within the district(s) shall comply with all regulations and approvals of the historic district and design standards prior to a building permit.
7. Dedication of Right-of-Way
8. The width of all rights-of-way within and adjacent to a parcel shall comply with the minimum standards outlined in Chapter 6: Subdivision Standards prior to establishing a use or constructing or locating a structure.
9. If a right-of-way width is less than the minimum required by Table 5.C: Minimum Road Construction Standards, additional right-of-way shall be dedicated and conveyed to the City of Austin or Scott County Board of Commissioners to meet the minimum right-of-way width required by this UDO prior to the issuance of a building permit or improvement permit, even if the parcel is not being subdivided.
10. Sight Triangle. No structure, planting, parking area or similar may encroach into a sight triangle.

11. Encroachments Permitted in Required Setback
 - a. Parking lots and spaces may be located up to the property line and within a required setback or buffer as outlined in Section 5.5E: Parking & Loading Requirements. This does not apply to parking for single-family and two-family uses.
 - b. Architectural features such as cornices, chimneys, eaves, sills, canopies or similar features that do not have structural elements that touch the ground may extend into a required setback a maximum of two feet but shall not extend into any public right-of-way without approval from the Board of Works.
12. Compliance Required for Constructing or Placing Structures
 - a. Every structure constructed, moved, or placed after the effective date of this UDO, except agricultural structures not used for human habitation, shall:
 - i) Be located on an individual lot which fronts on a public road;
 - ii) Be located on a lot that conforms with the minimum lot standards for the district in which it is located; and
 - iii) Meet the standards outlined in Section 5.9: Structures.

H. Other Approvals Required for All Zoning Districts

1. Sewage Disposal
 - a. Municipal sewer shall be required as outlined by the zoning district.
 - b. If a specific land use does not require any form of sewage disposal, municipal sewer is not required but a letter from the Health Department shall be provided by the applicant stating the use does not require sewage disposal.
 - c. If municipal sewer is not required by the zoning district, a letter from the Health Department shall be provided by the applicant stating the use does not require sewage disposal.
2. Stormwater Management. All development shall comply with the Austin Stormwater Management Ordinance (parcels within city limits) or IDNR Construction Stormwater General Permit (parcels outside of city limits).
3. Flood Hazards. All development shall comply with Chapter 151: Flood Hazard Areas for all parcels located within city limits or all flood hazard regulations adopted by the county and/or state if located outside of city limits.
4. Development Plan Approval. Development plan approval is required for all new primary structures within all zoning districts showing compliance with all regulations of this UDO prior to issuance of any building permits or improvement permits. Development plan applications may be submitted concurrently with a building permit application(s) but the building permit(s) shall not be issued until the development plan is approved.
 - a. The following uses are exempt from development plan approval:
 - i) Single-family uses
 - ii) Two-family uses
 - iii) Uses classified agricultural uses in Chapter 3: Zoning & Overlay Districts
5. Driveway Permits. All new driveways onto a public road shall obtain a driveway permit (if required) from the city (if accessing a city-owned road) or INDOT (if accessing an INDOT-owned road) prior to installation of any access point or driveway.
6. Demolition Permits, Building Permits, and Improvement Permits. All structures shall obtain a demolition permit, building permit and/or improvement permit as outlined in Section 7.8: Building & Improvement Permits prior to construction or placement on a parcel or demolition of a structure.

SECTION 3.2 AGRICULTURE DISTRICT (AG)

A. Agricultural District (AG) Purpose

The purpose of this district is to provide areas for agricultural land uses, very low residential development, and other compatible development patterns that are rural in nature and typically do not require the same level of public utilities and/or services as more suburban or urban development.

B. Agricultural District (AG) General Standards

1. Additional standards apply to all parcels within this zoning district as outlined in Section 3.1.G: Additional Standards Required for All Zoning Districts.
2. Additional approvals and/or permits are required for all parcels within this zoning district as outlined in Section 3.1.H: Other Approvals Required for All Zoning Districts.

C. Agricultural District (AG) Permitted Land Uses

Only one primary use is permitted per parcel within this district.

Agriculture (AG) Uses		
Land Use Category	Permitted Uses	Permitted Uses with Additional Standards <i>(See Chapter 4: Additional Standards for Uses)</i>
Accessory	<ul style="list-style-type: none"> • Battery Energy Storage System (BESS), Tier 1 • Farmer’s Market • Hobby Farm • In-Home Childcare • Produce Stand & Roadside Stand 	<ul style="list-style-type: none"> • Agritourism • Home Occupation • Solar Energy System, Accessory • Wind Energy System, Accessory
Agricultural	<ul style="list-style-type: none"> • Agricultural Product Processing • Equestrian Facility • Farmer’s Market • Livestock, Personal • Livestock, Production (not requiring IDEM permit) • Row, Field, Tree & Nursery Corp Cultivation 	
Residential	<ul style="list-style-type: none"> • Dwelling, Single-Family • Farmstead 	
Institutional	<ul style="list-style-type: none"> • Cemetery, Columbaria & Mausoleum • Emergency Response Facility • Fairgrounds • Governmental Office • Park, Wildlife & Nature Preserve • Library and Cultural Facility • Religious Activity & Place of Worship • School, K-12, Technical & College • Utility Facility, Public 	

Land Use Category	Special Exception Uses	Special Exception Uses with Additional Standards <i>(See Chapter 4: Additional Standards for Uses)</i>
Accessory	<ul style="list-style-type: none"> Recycling Facility Drop Off 	<ul style="list-style-type: none"> Accessory Dwelling Unit (ADU) Home Business
Agricultural	<ul style="list-style-type: none"> Timber Processing Livestock, Wholesale Trade 	<ul style="list-style-type: none"> Animal Feeding Operation (CAFO & CFO)
Commercial	<ul style="list-style-type: none"> Bed & Breakfast Golf Course, Driving Range & Country Club Kennel, Commercial & Animal Shelter Racetrack, Indoor & Outdoor 	<ul style="list-style-type: none"> Rural Event Venue Shooting Range & Gun Club, Indoor & Outdoor Veterinary Services (excluding Kennels) Winery, Brewery & Distillery
Industrial	<ul style="list-style-type: none"> Battery Energy Storage System (BESS), Tier 2 	<ul style="list-style-type: none"> Waste Transfer Facility
Institutional	<ul style="list-style-type: none"> Airport & Helipoint Funeral Home, Crematory & Mortuary 	<ul style="list-style-type: none"> Utility Facility, Private Wireless Communication Facility

D. Agricultural District (AG) Development Standards

Agricultural District (AG) Development Standards		
Minimum Lot Width (Road Frontage)	90 feet	
Minimum Lot Area	Sewer: 12,000 sq ft Septic: 1 acre	
Minimum Setback	Front Yard	30 feet; or 40 feet from edge of pavement if parcel boundary is identified as the middle of public road ¹
	Side Yard	10 feet
	Rear Yard	20 feet
Maximum Structure Height	45 feet ²	
Maximum Floor Area Per Structure	N/A	
Minimum Living Area	1,100 sq ft	
Minimum Structure Width	24 feet	
Required Public Utilities	None (unless within 300 feet of public water and/or sewer)	

1 - If right-of-way is not dedicated by written, recorded instrument

2 -See Section 5.9: Structures for height exemptions

SECTION 3.3 LOW DENSITY RESIDENTIAL (R1)

A. Low Density Residential District (R1) Purpose

The purpose of this district is to provide areas for low density, suburban residential development and other compatible development patterns that are residential and suburban in nature in areas that are served by public utilities.

B. Low Density Residential District (R1) General Standards

1. Additional standards apply to all parcels within this zoning district as outlined in Section 3.1.G: Additional Standards Required for All Zoning Districts.
2. Additional approvals and/or permits are required for all parcels within this zoning district as outlined in Section 3.1.H: Other Approvals Required for All Zoning Districts.

C. Low Density Residential District (R1) Permitted Land Uses

Only one primary use is permitted per parcel within this district.

Low Density Residential (R1) Uses		
Land Use Category	Permitted Uses	Permitted Uses with Additional Standards <i>(See Chapter 4: Additional Standards for Uses)</i>
Accessory	<ul style="list-style-type: none"> • Battery Energy Storage System (BESS), Tier 1 • In-Home Childcare 	<ul style="list-style-type: none"> • Home Occupation • Solar Energy System, Accessory
Residential	<ul style="list-style-type: none"> • Dwelling, Single-Family 	
Institutional	<ul style="list-style-type: none"> • Cemetery, Columbaria & Mausoleum • Emergency Response Facility • Governmental Office • Park, Wildlife & Nature Preserve • Library and Cultural Facility • Religious Activity & Place of Worship • School, K-12, Technical & College • Utility Facility, Public 	
Land Use Category	Special Exception Uses	Special Exception Uses with Additional Standards <i>(See Chapter 4: Additional Standards for Uses)</i>
Accessory		<ul style="list-style-type: none"> • Accessory Dwelling Unit (ADU) • Home Business
Commercial	<ul style="list-style-type: none"> • Golf Course, Driving Range & Country Club 	<ul style="list-style-type: none"> • Short-Term Rental
Institutional	<ul style="list-style-type: none"> • Utility Facility, Private 	<ul style="list-style-type: none"> • Wireless Communication Facility

D. Low Density Residential District (R1) Development Standards

Low Density Residential District (R1) Development Standards		
Minimum Lot Width (Road Frontage)		60 feet
Minimum Lot Area		6,000 sq ft
Minimum Setback	Front Yard	20 feet; or 30 feet from edge of pavement if parcel boundary is identified as the middle of public road ¹
	Side Yard	8 feet
	Rear Yard	15 feet
Maximum Structure Height		30 feet
Maximum Floor Area Per Structure		N/A
Minimum Living Area		1,100 sq ft
Minimum Structure Width		24 feet
Required Public Utilities		Public Water & Sewer Required

1 - If right-of-way is not dedicated by written, recorded instrument

SECTION 3.4 MEDIUM DENSITY RESIDENTIAL (R2)

A. Medium Density Residential District (R2) Purpose

The purpose of this district is to provide areas for moderate density residential development and other compatible development patterns that support residential uses in areas that are served by public utilities.

B. Medium Density Residential District (R2) General Standards

1. Additional standards apply to all parcels within this zoning district as outlined in Section 3.1.G: Additional Standards Required for All Zoning Districts.
2. Additional approvals and/or permits are required for all parcels within this zoning district as outlined in Section 3.1.H: Other Approvals Required for All Zoning Districts.

C. Medium Density Residential District (R2) Permitted Land Uses

Only one primary use is permitted per parcel within this district.

Medium Density Residential (R2) Uses		
Land Use Category	Permitted Uses	Permitted Uses with Additional Standards <i>(See Chapter 4: Additional Standards for Uses)</i>
Accessory	<ul style="list-style-type: none"> Battery Energy Storage System (BESS), Tier 1 In-Home Childcare 	<ul style="list-style-type: none"> Home Occupation Solar Energy System, Accessory
Residential	<ul style="list-style-type: none"> Dwelling, Single-Family Dwelling, Single-Family Attached (Townhome/Patio Home) Dwelling, Two-Family (Duplex) 	
Institutional	<ul style="list-style-type: none"> Cemetery, Columbaria & Mausoleum Emergency Response Facility Governmental Office Park, Wildlife & Nature Preserve Library and Cultural Facility Religious Activity & Place of Worship School, K-12, Technical & College Utility Facility, Public 	
Land Use Category	Special Exception Uses	Special Exception Uses with Additional Standards <i>(See Chapter 4: Additional Standards for Uses)</i>
Accessory		<ul style="list-style-type: none"> Accessory Dwelling Unit (ADU) Home Business
Commercial	<ul style="list-style-type: none"> Assisted Living & Long Term Care Facility Bed & Breakfast Golf Course, Driving Range & Country Club 	<ul style="list-style-type: none"> Short-Term Rental
Institutional	<ul style="list-style-type: none"> Utility Facility, Private 	<ul style="list-style-type: none"> Wireless Communication Facility

D. Medium Density Residential District (R2) Development Standards

Medium Density Residential District (R2) Development Standards	
Minimum Lot Width (Road Frontage)	50 feet; or 24 feet for single-family attached dwellings (Townhome/Patio Home)
Minimum Lot Area	Single-Family Detached Uses: 5,000 sq ft Single-Family Attached Uses: 2,500 sq ft All Other Uses: 7,500 sq ft
Minimum Setback	Front Yard 15 feet; or 25 feet from edge of pavement if parcel boundary is identified as the middle of public road ¹
	Side Yard Single & Two-Family Uses: 5 feet or 0 feet if attached dwelling All Other Uses: 10 feet
	Rear Yard 10 feet
Maximum Structure Height	40 feet
Maximum Floor Area Per Structure	N/A
Minimum Living Area	1 Bedroom: 600 sq ft 2 Bedrooms: 750 sq ft 3+ Bedrooms: 950 sq ft
Minimum Structure Width	24 feet
Required Public Utilities	Public Water & Sewer Required

1 - If right-of-way is not dedicated by written, recorded instrument

SECTION 3.5 HIGH DENSITY RESIDENTIAL (R3)

A. High Density Residential District (R3) Purpose

The purpose of this district is to provide areas for moderate to high density residential development and other compatible development patterns that support residential uses in areas that are served by public utilities.

B. High Density Residential District (R3) General Standards

1. Additional standards apply to all parcels within this zoning district as outlined in Section 3.1.G: Additional Standards Required for All Zoning Districts.
2. Additional approvals and/or permits are required for all parcels within this zoning district as outlined in Section 3.1.H: Other Approvals Required for All Zoning Districts.

C. High Density Residential District (R3) Permitted Land Uses

Multiple primary uses and primary structures are permitted per parcel except for single-family and two-family uses.

High Density Residential District (R3) Permitted Uses		
Land Use Category	Permitted Uses	Permitted Uses with Additional Standards <i>(See Chapter 4: Additional Standards for Uses)</i>
Accessory	<ul style="list-style-type: none"> • Battery Energy Storage System (BESS), Tier 1 • Farmer’s Market • In-Home Childcare 	<ul style="list-style-type: none"> • Home Business • Home Occupation • Solar Energy System, Accessory • Wind Energy System, Accessory
Residential	<ul style="list-style-type: none"> • Dwelling, Multi-Family • Dwelling, Single-Family 	<ul style="list-style-type: none"> • Dwelling, Single-Family Attached • Dwelling, Two-Family
Commercial	<ul style="list-style-type: none"> • Assisted Living & Long Term Care Facility 	<ul style="list-style-type: none"> • Bed & Breakfast • Short-Term Rental
Institutional	<ul style="list-style-type: none"> • Cemetery, Columbaria & Mausoleum • Emergency Response Facility • Governmental Office • Park, Wildlife & Nature Preserve 	<ul style="list-style-type: none"> • Library & Cultural Facility • Religious Activity & Place of Worship • School, K-12, Technical & College • Utility Facility, Public

Land Use Category	Special Exception Uses	Special Exception Uses with Additional Standards <i>(See Chapter 4: Additional Standards for Uses)</i>
Accessory		<ul style="list-style-type: none"> Accessory Dwelling Unit (ADU)
Residential		<ul style="list-style-type: none"> Manufactured Home Park Recovery Residence
Commercial	<ul style="list-style-type: none"> Retail, General & Service-Oriented (less than 10,000 sq ft gross floor area per parcel) Golf Course, Driving Range & Country Club 	
Institutional	<ul style="list-style-type: none"> Utility Facility, Private 	<ul style="list-style-type: none"> Wireless Communication Facility

D. High Density Residential District (R3) Development Standards

High Density Residential District (R3) Development Standards	
Minimum Lot Width (Road Frontage)	50 feet; or 24 feet for single-family attached dwellings (Townhome/Patio Home)
Minimum Lot Area	Single-Family Detached Uses: 5,000 sq ft Single-Family Attached Uses: 2,500 sq ft All Other Uses: 7,500 sq ft
Minimum Setback	Front Yard 15 feet; or 25 feet from edge of pavement if parcel boundary is identified as the middle of public road ¹
	Side Yard Single & Two-Family Uses: 5 feet or 0 feet if attached dwelling All Other Uses: 10 feet
	Rear Yard 10 feet
Maximum Structure Height	40 feet
Maximum Floor Area Per Structure	N/A
Minimum Living Area	600 sq ft
Minimum Structure Width	20 feet
Required Public Utilities	Public Water & Sewer Required

¹ - If right-of-way is not dedicated by written, recorded instrument

SECTION 3.6 LOCAL BUSINESS (B1)

A. Local Business District (B1) Purpose

The purpose of this district is to provide areas for small businesses that serve the local needs of residents and other compatible development patterns that provide a transition between residential areas and more intense land uses in areas that are served by public utilities.

B. Local Business District (B1) General Standards

1. Additional standards apply to all parcels within this zoning district as outlined in Section 3.1.G: Additional Standards Required for All Zoning Districts.
2. Additional approvals and/or permits are required for all parcels within this zoning district as outlined in Section 3.1.H: Other Approvals Required for All Zoning Districts.

C. Local Business District (B1) Permitted Land Uses

Multiple primary uses and primary structures are permitted per parcel.

Local Business District (B1) Permitted Uses		
Land Use Category	Permitted Uses	Permitted Uses with Additional Standards <i>(See Chapter 4: Additional Standards for Uses)</i>
Accessory	<ul style="list-style-type: none"> • Battery Energy Storage System (BESS), Tier 1 • Farmer’s Market • In-Home Childcare 	<ul style="list-style-type: none"> • Home Business • Home Occupation • Solar Energy System, Accessory • Wind Energy System, Accessory
Residential	<ul style="list-style-type: none"> • Dwelling, Multi-Family 	
Commercial	<ul style="list-style-type: none"> • Assisted Living & Long Term Care Facility • Automotive & Equipment Repair & Service (within completely enclosed building) • Bar, Tavern & Club • Bed & Breakfast • Day Care Facility • Golf Course, Driving Range & Country Club • Hotel & Motel • Liquor Store • Medical Offices & Outpatient Services (no on-site dispensing of medicine) • Professional Services & Business Offices • Retail, General & Service Oriented • Veterinary Services (excluding Kennels) 	<ul style="list-style-type: none"> • Short-Term Rental
Institutional	<ul style="list-style-type: none"> • Cemetery, Columbaria & Mausoleum • Emergency Response Facility • Governmental Office • Park, Wildlife & Nature Preserve • Library & Cultural Facility • Religious Activity & Place of Worship • School, K-12, Technical & College • Utility Facility, Public 	

Land Use Category	Special Exception Uses	Special Exception Uses with Additional Standards <i>(See Chapter 4: Additional Standards for Uses)</i>
Accessory		<ul style="list-style-type: none"> Accessory Dwelling Unit (ADU)
Residential	<ul style="list-style-type: none"> Dwelling, Single-Family Dwelling, Single-Family Attached 	<ul style="list-style-type: none"> Dwelling, Two-Family
Commercial	<ul style="list-style-type: none"> Funeral Home, Crematory & Mortuary Kennel, Commercial & Animal Shelter 	<ul style="list-style-type: none"> Parking Garage or Lot (as a primary use) Recycling Facility Drop Off Location
Institutional	<ul style="list-style-type: none"> Social & Philanthropic Clubs 	<ul style="list-style-type: none"> Utility Facility, Private Wireless Communication Facility

D. Local Business District (B1) Development Standards

Local Business District (B1) Development Standards		
Minimum Lot Width (Road Frontage)	N/A	
Minimum Lot Area	5,000 sq ft	
Minimum Setback	Front Yard	15 feet; or 25 feet from edge of pavement if parcel boundary is identified as the middle of public road ¹
	Side Yard	10 feet
	Rear Yard	10 feet
Maximum Structure Height	40 feet	
Maximum Floor Area Per Structure	10,000 sq ft	
Minimum Living Area	600 sq ft	
Minimum Structure Width	N/A	
Required Public Utilities	Public Water & Sewer Required	

1 - If right-of-way is not dedicated by written, recorded instrument

SECTION 3.7 GENERAL BUSINESS (B2)

A. General Business District (B2) Purpose

The purpose of this district is to provide areas for small and larger-scale businesses with increased traffic, truck deliveries, and similar impacts that serve both local residents and the larger region in areas that are served by public utilities and major public roads.

B. General Business District (B2) General Standards

1. Additional standards apply to all parcels within this zoning district as outlined in Section 3.1.G: Additional Standards Required for All Zoning Districts.
2. Additional approvals and/or permits are required for all parcels within this zoning district as outlined in Section 3.1.H: Other Approvals Required for All Zoning Districts.

C. General Business District (B2) Permitted Land Uses

Multiple primary uses and primary structures are permitted per parcel.

General Business District (B2) Permitted Uses		
Land Use Category	Permitted Uses	Permitted Uses with Additional Standards <i>(See Chapter 4: Additional Standards for Uses)</i>
Accessory	<ul style="list-style-type: none"> • Battery Energy Storage System (BESS), Tier 1 • Farmer’s Market • Recycling Facility Drop Off Location 	<ul style="list-style-type: none"> • Solar Energy System, Accessory • Wind Energy System, Accessory
Commercial	<ul style="list-style-type: none"> • Assisted Living & Long Term Care Facility • Auction House • Automotive & Equipment <ul style="list-style-type: none"> • Repair & Service (within completely enclosed building) • Sales • Bar, Tavern & Club • Bed & Breakfast • Contractor’s Office • Day Care Facility • Golf Course, Driving Range & Country Club • Hotel & Motel • Kennel, Commercial & Animal Shelter • Liquor Store • Medical Offices & Outpatient Services (no on-site dispensing of medicine) • Professional Services & Business Offices • Retail, General & Service Oriented • Storage Units • Veterinary Services • Winery, Brewery & Distillery 	<ul style="list-style-type: none"> • Short-Term Rental
Institutional	<ul style="list-style-type: none"> • Cemetery, Columbaria & Mausoleum • Emergency Response Facility • Fairgrounds • Funeral Home, Crematory & Mortuary • Governmental Office • Hospital • Park, Wildlife & Nature Preserve • Library & Cultural Facility • Religious Activity & Place of Worship • School, K-12, Technical & College • Social & Philanthropic Clubs • Utility Facility, Public 	

Land Use Category	Special Exception Uses	Special Exception Uses with Additional Standards <i>(See Chapter 4: Additional Standards for Uses)</i>
Commercial	<ul style="list-style-type: none"> Amusement Park Automotive & Equipment <ul style="list-style-type: none"> Repair & Service (not within completely enclosed building) Drive-In Theater Farm Chemical Supply Sales Medical Offices & Outpatient Services (with on-site dispensing of medicine) 	<ul style="list-style-type: none"> Parking Garage or Lot (as a primary use) Racetrack, Indoor & Outdoor Shooting Range & Gun Club, Indoor & Outdoor Stadium & Arena, Indoor & Outdoor
Institutional	<ul style="list-style-type: none"> Airport & Heliport Correctional Institution 	<ul style="list-style-type: none"> Utility Facility, Private Wireless Communication Facility

D. General Business District (B2) Development Standards

General Business District (B2) Development Standards		
Minimum Lot Width (Road Frontage)	N/A	
Minimum Lot Area	N/A	
Minimum Setback	Front Yard	25 feet; or 35 feet from edge of pavement if parcel boundary is identified as the middle of public road ¹
	Side Yard	20 feet
	Rear Yard	25 feet
Maximum Structure Height	45 feet	
Maximum Floor Area Per Structure	N/A	
Minimum Living Area	N/A	
Minimum Structure Width	N/A	
Required Public Utilities	Public Water & Sewer Required	

1 - If right-of-way is not dedicated by written, recorded instrument

SECTION 3.8 DOWNTOWN (B3)

A. Downtown District (B3) Purpose

The purpose of this district is to preserve and further create a core business district that visually defines the identity of the city through architecture, scale, and massing of buildings; creates a mixed-use destination for residents and visitors; and supports tourism activities.

B. Downtown District (B3) General Standards

1. Additional standards apply to all parcels within this zoning district as outlined in Section 3.1.G: Additional Standards Required for All Zoning Districts.
2. Additional approvals and/or permits are required for all parcels within this zoning district as outlined in Section 3.1.H: Other Approvals Required for All Zoning Districts.

C. Downtown District (B3) Permitted Land Uses

Multiple primary uses and primary structures are permitted per parcel.

Downtown District (B3) Permitted Uses			
Land Use Category	Permitted Uses		Permitted Uses with Additional Standards <i>(See Chapter 4: Additional Standards for Uses)</i>
Accessory	<ul style="list-style-type: none"> Battery Energy Storage System (BESS), Tier 1 Farmer’s Market 		<ul style="list-style-type: none"> Home Business Home Occupation Solar Energy System, Accessory Wind Energy System, Accessory
Residential	<ul style="list-style-type: none"> Dwelling, Multi-Family 	<ul style="list-style-type: none"> Dwelling, Loft 	
Commercial	<ul style="list-style-type: none"> Bar, Tavern & Club Bed & Breakfast Hotel & Motel Liquor Store Medical Offices & Outpatient Services (no on-site dispensing of medicine) 	<ul style="list-style-type: none"> Professional Services & Business Offices Retail, General & Service Oriented Winery, Brewery & Distillery 	<ul style="list-style-type: none"> Short-Term Rental (Upper Floors Only)
Institutional	<ul style="list-style-type: none"> Cemetery, Columbaria & Mausoleum Governmental Office Park, Wildlife & Nature Preserve Library & Cultural Facility 	<ul style="list-style-type: none"> Religious Activity & Place of Worship School, K-12, Technical & College Social & Philanthropic Clubs Utility Facility, Public 	

Land Use Category	Special Exception Uses	Special Exception Uses with Additional Standards <i>(See Chapter 4: Additional Standards for Uses)</i>
Commercial	<ul style="list-style-type: none"> Parking Garage or Lot (as a primary use) Veterinary Services (excluding Kennels) 	
Institutional	<ul style="list-style-type: none"> Emergency Response Facility Utility Facility, Private 	

D. Downtown District (B3) Development Standards

Downtown District (B3) Development Standards		
Minimum Lot Width (Road Frontage)	N/A	
Minimum Lot Area	N/A	
Minimum Setback	Front Yard	0 feet but shall not exceed 15 feet from property line unless a public space is integrated into the area between the front building façade and the property line
	Side Yard	0 feet
	Rear Yard	3 feet
Maximum Structure Height	45 feet	
Maximum Floor Area Per Structure	N/A	
Minimum Living Area	N/A	
Minimum Structure Width	N/A	
Required Public Utilities	Public Water & Sewer Required	

1 - If right-of-way is not dedicated by written, recorded instrument

SECTION 3.9 LIMITED INDUSTRIAL (I1)

A. Limited Industrial District (I1) Purpose

The purpose of this district is to provide areas for clean and non-hazardous industrial uses that have very minimal or no off-site impacts that extend beyond the property line, including noise, odor, smoke, dust, or excessive traffic.

B. Limited Industrial District (I1) General Standards

1. Additional standards apply to all parcels within this zoning district as outlined in Section 3.1.G: Additional Standards Required for All Zoning Districts.
2. Additional approvals and/or permits are required for all parcels within this zoning district as outlined in Section 3.1.H: Other Approvals Required for All Zoning Districts.
3. All uses and activities shall be entirely contained within an enclosed building or screened with a solid fence, solid wall, or evergreen plantings that completely screen all uses and activities from view from all public rights-of-way and adjacent parcels.
4. Uses shall not produce any off-site impacts of discharge, noise, odor, smoke, dust, glare, heat, vibrations, excessive traffic, and similar emissions.

C. Limited Industrial District (I1) Permitted Land Uses

Multiple primary uses and primary structures are permitted per parcel.

Limited Industrial District (I1) Permitted Uses		
Land Use Category	Permitted Uses	Permitted Uses with Additional Standards <i>(See Chapter 4: Additional Standards for Uses)</i>
Accessory	<ul style="list-style-type: none"> • Battery Energy Storage System (BESS), Tier 1 • Recycling Facility Drop Off Location 	<ul style="list-style-type: none"> • Solar Energy System, Accessory • Wind Energy System, Accessory
Agricultural	<ul style="list-style-type: none"> • Agricultural Product Processing 	
Commercial	<ul style="list-style-type: none"> • Automotive & Equipment <ul style="list-style-type: none"> • Sales, Repair & Service • Auction House • Contractor’s Office • Farm Chemical Supply Sales • Professional Services & Business Offices • Racetrack, Indoor & Outdoor 	<ul style="list-style-type: none"> • Retail, General & Service Oriented • Shooting Range & Gun Club, Indoor & Outdoor • Stadium & Arena, Indoor & Outdoor • Storage Units • Winery, Brewery & Distillery
Industrial	<ul style="list-style-type: none"> • General Industrial, Light • Manufacturing, Light 	<ul style="list-style-type: none"> • Research & Development • Warehousing, Wholesale, and Distribution

Institutional	<ul style="list-style-type: none"> • Airport & Heliport • Cemetery, Columbaria & Mausoleum • Correctional Institution • Emergency Response Facility • Funeral Home, Crematory & Mortuary • Governmental Office 	<ul style="list-style-type: none"> • Park, Wildlife & Nature Preserve • Library & Cultural Facility • Religious Activity & Place of Worship • School, K-12, Technical & College • Utility Facility, Public 	<ul style="list-style-type: none"> • Wireless Communication Facility
Land Use Category	Special Exception Uses		Special Exception Uses with Additional Standards <i>(See Chapter 4: Additional Standards for Uses)</i>
Commercial	<ul style="list-style-type: none"> • Medical Offices & Outpatient Services (no on-site dispensing of medicine) 	<ul style="list-style-type: none"> • Parking Garage or Lot (as a primary use) 	<ul style="list-style-type: none"> • Solar Energy System, Commercial • Wind Energy System, Commercial
Industrial	<ul style="list-style-type: none"> • Passenger Transportation Facility 	<ul style="list-style-type: none"> • Utility Facility, Private 	

D. Limited Industrial District (I1) Development Standards

Limited Industrial District (I1) Development Standards		
Minimum Lot Width (Road Frontage)	N/A	
Minimum Lot Area	N/A	
Minimum Setback	Front Yard	40 feet; or 50 feet from edge of pavement if parcel boundary is identified as the middle of public road ¹
	Side Yard	25 feet
	Rear Yard	25 feet
Maximum Structure Height	45 feet	
Maximum Floor Area Per Structure	N/A	
Minimum Living Area	N/A	
Minimum Structure Width	N/A	
Required Public Utilities	Public Water & Sewer Required	

1 - If right-of-way is not dedicated by written, recorded instrument

SECTION 3.10 INTENSE INDUSTRIAL (I2)

A. Intense Industrial District (I2) Purpose

The purpose of this district is to provide areas for industrial uses that might generate off-site impacts such as noise, odor, smoke, dust, traffic vibrations, and similar emissions.

B. Intense Industrial District (I2) General Standards

1. Additional standards apply to all parcels within this zoning district as outlined in Section 3.1.G: Additional Standards Required for All Zoning Districts.
2. Additional approvals and/or permits are required for all parcels within this zoning district as outlined in Section 3.1.H: Other Approvals Required for All Zoning Districts.

C. Intense Industrial District (I2) Permitted Land Uses

Multiple primary uses and primary structures are permitted per parcel.

Intense Industrial District (I2) District Permitted Uses		
Land Use Category	Permitted Uses	Permitted Uses with Additional Standards <i>(See Chapter 4: Additional Standards for Uses)</i>
Accessory	<ul style="list-style-type: none"> Battery Energy Storage System (BESS), Tier 1 Recycling Facility Drop Off Location 	<ul style="list-style-type: none"> Solar Energy System, Accessory Wind Energy System, Accessory
Agricultural	<ul style="list-style-type: none"> Agricultural Product Processing 	
Commercial	<ul style="list-style-type: none"> Automotive & Equipment <ul style="list-style-type: none"> Sales, Repair & Service Auction House Contractor’s Office Farm Chemical Supply Sales Retail, General & Service Oriented Parking Garage or Lot (as a primary use) 	<ul style="list-style-type: none"> Professional Services & Business Offices Racetrack, Indoor & Outdoor Shooting Range & Gun Club, Indoor & Outdoor Storage Units Winery, Brewery & Distillery
Industrial	<ul style="list-style-type: none"> Chemical Processing General Industrial, Heavy & Light Manufacturing, Heavy & Light 	<ul style="list-style-type: none"> Research & Development Passenger Transportation Facility Trucking Terminal Warehousing, Wholesale, and Distribution
Institutional	<ul style="list-style-type: none"> Airport & Heliport Cemetery, Columbaria & Mausoleum Correctional Institution Emergency Response Facility Funeral Home, Crematory & Mortuary 	<ul style="list-style-type: none"> Governmental Office Park, Wildlife & Nature Preserve Religious Activity & Place of Worship Utility Facility, Public
		<ul style="list-style-type: none"> Wireless Communication Facility

Land Use Category	Special Exception Uses	Special Exception Uses with Additional Standards <i>(See Chapter 4: Additional Standards for Uses)</i>
Agricultural	<ul style="list-style-type: none"> Livestock, Wholesale Trade Timber Processing 	<ul style="list-style-type: none">
Commercial		<ul style="list-style-type: none"> Adult Business
Industrial	<ul style="list-style-type: none"> Battery Energy Storage System (BESS), Tier 2 Meat Processing Mineral Extraction & Processing Recycling Facility Storage of Hazardous Materials (Indoor & Outdoor) Waste Transfer Facility 	<ul style="list-style-type: none"> Junkyard, Salvage & Impound Lot Landfill Solar Energy System, Commercial Wind Energy System, Commercial
Institutional	<ul style="list-style-type: none"> Utility Facility, Private 	

D. Intense Industrial District (I2) Development Standards

Intense Industrial District (I2) Development Standards		
Minimum Lot Width (Road Frontage)		N/A
Minimum Lot Area		10 acres
Minimum Setback	Front Yard	75 feet; or 85 feet from edge of pavement if parcel boundary is identified as the middle of public road ¹
	Side Yard	50 feet
	Rear Yard	50 feet
Maximum Structure Height		60 feet
Maximum Floor Area Per Structure		N/A
Minimum Living Area		N/A
Minimum Structure Width		N/A
Required Public Utilities		Public Water & Sewer Required

1 - If right-of-way is not dedicated by written, recorded instrument

SECTION 3.11 PLANNED UNIT DEVELOPMENT (PUD)

A. Planned Unit Development (PUD) District Purpose

Planned Unit Development (PUD) District is a zoning district that is intended to allow for flexibility in the design and innovative land development that does not fit within the standards of a single zoning district but is still consistent with the Austin Comprehensive Plan and intent of this UDO. Mixed uses are encouraged within PUD districts.

B. Planned Unit Development (PUD) District General Standards

1. Additional standards apply to all parcels within this zoning district as outlined in Section 3.1.G: Additional Standards Required for All Zoning Districts.
2. Additional approvals and/or permits are required for all parcels within this zoning district as outlined in Section 3.1.H: Other Approvals Required for All Zoning Districts.
3. A PUD is considered a zoning district and all subdivision regulations within this UDO shall apply to all PUD districts unless a waiver is approved by the PC.
4. Specific requirements for the PUD District Ordinance are outlined in Chapter 7: Procedures.
5. There is no minimum lot size for a PUD.
6. All PUDs shall be served by public water and sewer.

C. Planned Unit Development (PUD) District Permitted Land Uses

1. Land uses proposed in a PUD cannot conflict with the vision of the Austin Comprehensive Plan, surrounding land uses, and surrounding zoning districts.
2. All permitted uses and special exception uses and corresponding district map shall be specified within the PUD District Ordinance that is approved specifically for each PUD. If a land use is not specified within the PUD District Ordinance, it shall be prohibited.
 - a. Variances of use are not permitted within a PUD and require an amendment to the PUD District Ordinance unless allowed by State Statute.

D. Planned Unit Development (PUD) District Development Standards

1. Lot and Structure Standards. All lot, structure, and utility standards are governed by the PUD District Ordinance that is approved specifically for each PUD. If a standard is not specified in the PUD District Ordinance, it shall be governed by the most similar zoning district within this UDO as determined by the Administrator.
2. Additional Standards for Specific Uses. All additional standards that apply to specific uses as outlined in Chapter 4: Additional Standards for Uses shall apply to the PUD unless it is specifically stated otherwise in the PUD District Ordinance.
3. Site Development Standards. All standards that apply to specific site elements as outlined in Chapter 5: Site & Structure Standards.
4. shall apply to the PUD unless it is specifically stated otherwise in the PUD District Ordinance.
5. Variances from development standards are not permitted within a PUD and require an amendment to the PUD District Ordinance unless allowed by State Statute.
6. Planned Unit Development (PUD) District Procedures
7. All PUD procedures shall be governed by the procedures outlined in Chapter 7: Procedures unless otherwise specified in the PUD District Ordinance.
8. The Administrator may administratively approve up to a 10% reduction to the setbacks and/or lot area within a PUD without a public hearing or PC or legislative approval as well as a reduction in the number of buildable lots unless otherwise specified in the PUD District Ordinance.

SECTION 3.12 FLOOD AREA OVERLAY (FA)

A. Flood Area Overlay (FA) Purpose

The purpose of this overlay district is to identify areas and further control development within these areas that are regulated flood hazard areas through the Indiana Department of Natural Resources (IDNR) and the Federal Emergency Management Agency (FEMA).

B. Flood Area Overlay (FA) Boundaries

This overlay boundaries include all special flood hazard areas (SFHA) as indicated on the official zoning map. 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 approved by IDNR.

C. Flood Area Overlay (FA) General Standards

1. All development standards established by the underlying zoning district shall apply unless alternate development standards are specified by this overlay.
2. Development in this overlay district shall comply with Chapter 151: Flood Hazard Areas if located within city limits or any county floodplain regulations if located outside of city limits. This shall include obtaining all required approvals and/or permits prior to issuance of a building permit.

D. Flood Area Overlay (FA) Prohibited Land Uses

Permitted and special exception uses shall be governed by the underlying zoning district unless the use is specified as a prohibited use within this overlay district.

Flood Area Overlay (FA) District Permitted Uses		
Land Use Category	Prohibited Uses	
Agricultural	<ul style="list-style-type: none"> Animal Feeding Operation (CAFO & CFO) 	<ul style="list-style-type: none"> Livestock, Wholesale Trade
Residential	<ul style="list-style-type: none"> Manufactured Home Park 	
Commercial	<ul style="list-style-type: none"> Assisted Living & Long Term Care Facility Automotive & Equipment Repair & Service 	<ul style="list-style-type: none"> Contractor’s Office Day Care Facility Farm Chemical Supply Sales
Industrial	<ul style="list-style-type: none"> Battery Energy Storage System (BESS), Tier 2 Chemical Processing Junkyard, Salvage & Impound Lot Landfill Recycling Facility 	<ul style="list-style-type: none"> Solar Energy System, Commercial Storage of Hazardous Materials (Indoor & Outdoor) Waste Transfer Facility Wind Energy System, Commercial
Institutional	<ul style="list-style-type: none"> Cemetery, Columbaria & Mausoleum 	<ul style="list-style-type: none"> Crematory



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SECTION 4.1 GENERAL PROVISIONS

A. Additional Standards for Uses Purpose

The standards for the uses within this chapter provide additional requirements for specific land uses that have impacts and conflicts with adjacent properties, nearby areas, infrastructure, and/or the community in order to protect the health, safety, morals, and general welfare of the community.

B. Applicability and Compliance

1. The standards within this chapter shall apply to all parcels and all zoning and overlay districts and shall be in addition to all other applicable standards within this UDO.
2. Land uses listed in this chapter shall meet all requirements of this chapter in addition to all other regulations of the UDO. If any use development standard conflicts with the zoning or overlay district standards or other sections of this UDO, the more restrictive shall apply.
3. If a specific development standard is not specified for a use within this chapter, the regulation shall be governed by requirements of the zoning district.
4. Land uses listed in this chapter shall be allowed as outlined in Chapter 3: Zoning & Overlay Districts.
5. The Administrator shall verify that all uses outlined in this chapter comply with all applicable standards of the UDO prior to establishment of the use, development plan approval, or issuance of a building or improvement permit.

SECTION 4.2 ACCESSORY DWELLING UNIT (ADU)

A. ADU Purpose

The purpose of these standards are to provide options for additional and affordable housing within the community and provide housing that allows for care others, such as the elderly or disabled.

B. ADU Additional Standards

Additional General Standards		
Development Plan Approval		<ul style="list-style-type: none"> Not required but shall submit a site plan for approval with any building permit (or prior to occupancy if a BP is not required) showing compliance with all regulations of this UDO
Additional Use Standards		
Short-Term Rental Prohibited		<ul style="list-style-type: none"> An ADU may be a rental unit but shall NOT be used as a short-term rental unless it also complies with all standards and required approvals in Section 4.12: Short-Term Rental
Ownership		<ul style="list-style-type: none"> Only allowed on lots where an existing, lawfully constructed, primary single-family dwelling exists Either the primary dwelling or ADU must be owner-occupied ADU Must be under the same ownership as the primary dwelling
Use Affidavit		<ul style="list-style-type: none"> If an accessory structure includes a bathroom, kitchen facilities, and living area for sleeping, it shall be considered an accessory dwelling unit and shall comply with all applicable standards unless a "Use Affidavit" that is signed by the property owner(s) stating the structure will not be used as a dwelling is filed with the Administrator and recorded with the County Recorder.
Additional Lot Standards		
Minimum Setback		<ul style="list-style-type: none"> Must comply with setbacks for a primary structure (not accessory structure)
Structure Location		<ul style="list-style-type: none"> Must be detached from primary dwelling unit Must be located in the rear yard
Site Access		<ul style="list-style-type: none"> Accessory dwelling shall use the same driveway that serves the primary dwelling
Maximum Number		<ul style="list-style-type: none"> 1 ADU per parcel
Accessory Structures		<ul style="list-style-type: none"> ADU cannot have accessory structures
Additional Structure Standards		
Living Area	Minimum	<ul style="list-style-type: none"> 300 sq ft
	Maximum	<ul style="list-style-type: none"> 800 sq ft but shall not exceed 50% of the primary dwelling
Required Spaces		<ul style="list-style-type: none"> Must be an independent and complete dwelling unit with all amenities needed for safe and habitable living, including permanent provisions for sleeping, eating, cooking, sanitation, and ingress/egress Maximum of 1 bedroom
Prohibited Structure Types		<ul style="list-style-type: none"> Cannot be a recreational vehicle, travel trailer, motor vehicle, parts of a motor vehicle, or similar structure Cannot be any structure not intended for permanent human occupancy Cannot be any structure that does not meet all building code requirements for a single-family dwelling or does not meet the use standards for an accessory dwelling unit

SECTION 4.3 ADULT ORIENTED BUSINESS

A. Adult Oriented Business Purpose

The purpose of these standards are to provide opportunities for adult-oriented businesses to locate within the jurisdiction while also mitigating impacts to adjacent properties. Adult-oriented businesses require special supervision from public safety agencies of the jurisdiction in order to protect and preserve the health, safety, morals, and welfare of the patrons and employees of the businesses as well as the citizens of the community. The minimal regulations of this UDO are a legitimate and reasonable means of accountability to ensure that operators comply with reasonable regulations and ensure that operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation.

B. Adult Oriented Business Additional Standards

Additional General Standards	
Development Plan Approval	<ul style="list-style-type: none"> Not required but shall submit a site plan for approval with any building permit (or prior to occupancy if a BP is not required) showing compliance with all regulations of this UDO
Additional Lot Standards	
Separation Between Specific Uses	<ul style="list-style-type: none"> At least 1,320 feet shall be provided between all adult oriented businesses and the uses as specified below. The distance shall be measured with a straight line from the nearest edge of the property line of the adult oriented business to the nearest edge of the property line of the specified use. <ul style="list-style-type: none"> Any parcel used as a school, park, church, or place of worship. Any parcel with a residential use, residential zoning, or platted as a residential subdivision. Any parcel used as a hotel, motel, transportation depot, or other adult-oriented business. Any parcel used as a licensed day care facility. Any premise licensed or governed by the alcoholic beverage control regulations of the state.
Screening	<ul style="list-style-type: none"> A 6-foot (minimum) continuous, evergreen landscape buffer or opaque fence shall be placed and maintained along the side and rear property lines for the purpose of screening the use from view of adjacent properties All required screening and vegetation shall be maintained by the owner at all times in good condition and free of weeds, dirt, trash, rust, corrosion, and debris and material that dies or is damaged must be replaced within 3 months
View of Materials	<ul style="list-style-type: none"> 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 shall not be visible from anywhere off-site

SECTION 4.4 AGRITOURISM

A. Agritourism Purpose

The purpose of these standards are to allow for economic opportunities that support the agricultural basis of Scott County while also considering the health, safety, and general character of the surrounding land uses.

B. Agritourism Additional Standards

Additional General Standards	
Development Plan Approval	<ul style="list-style-type: none"> Required prior to issuance of a building or improvement permit (or establishment of the use if a permit is not required) showing compliance with all regulations of this UDO
Additional Use & Operational Standards	
Permitted Uses	<ul style="list-style-type: none"> Agritourism use must be accessory to an active agricultural use on the same parcel or adjoining parcel that is under the same ownership
Prohibited Uses	<ul style="list-style-type: none"> Cannot include a Rural Event Venue Cannot include motorized off-road vehicle racing or other similar motor vehicle activities Cannot include camping or overnight accommodations Cannot include a winery, brewery, or distillery Cannot include other uses that the Administrator and/or BZA determines would disturb the general peace and enjoyment of the rural and/or residential character of the surrounding area due to excessive traffic, noise, smoke, odors, visual clutter, or other nuisances
Hours of Operation	<ul style="list-style-type: none"> All areas, structures, and facilities shall be closed to the public between 11 pm and 7 am Sunday through Thursday or 12 am and 7 am Friday and Saturday
Additional Lot Standards	
Site Access	<ul style="list-style-type: none"> Access locations and design must accommodate the anticipated traffic and types of vehicles to prevent vehicles from queuing on public roads
Minimum Setback	<ul style="list-style-type: none"> All publicly accessible areas and structures shall be at least 100 feet from any property line
Lighting	<ul style="list-style-type: none"> Any exterior lighting shall be fully shielded and directed downwards to minimize light pollution All exterior lighting that is not integrated into a building or used for security shall be turned off after the hours of operation
Trash Collection	<ul style="list-style-type: none"> Trash receptacles shall be provided throughout all publicly accessible areas If dumpsters are provided, they shall be placed on a hard surface and shall be completely obscured from view by a solid fence or wall
Additional Utility Standards	
Sewage Disposal	<ul style="list-style-type: none"> All public restroom facilities shall be provided on site and must be approved by the Scott County Health Department Year-round operations shall have permanent public restroom facilities. Seasonal operations are not required to have permanent public restroom facilities, unless required by the Scott County Health Department

SECTION 4.5 CAMPGROUND & RV PARK

A. Campground and RV Park Purpose

The purpose of these standards are to create minimum regulations necessary to protect the health and safety of visitors of campgrounds and recreational vehicle parks as well as the larger community.

B. Campground and RV Park Additional Standards



Example of Standards for Campground Design

Additional General Standards	
State Regulations	<ul style="list-style-type: none"> In addition to these standards, a campground with 10 or more campsites is subject to the regulations established by state standards per 410 IAC 6-7.1
Development Plan Approval	<ul style="list-style-type: none"> Required prior to issuance of a building or improvement permit (or establishment of the use if a permit is not required) showing compliance with all regulations of this UDO
Additional General Standards	
Duration of Stay	<ul style="list-style-type: none"> Maximum of 180 overnight stays within 12 consecutive months

Additional Lot Standards	
Flood Hazard Areas	<ul style="list-style-type: none"> • Cannot be located in a floodway or the floodplain with a 1% annual change of flooding (previously referred to as the 100-year flood)
Minimum Lot Area	<ul style="list-style-type: none"> • 5 acres
Maximum Density	<ul style="list-style-type: none"> • 15 campsites per acre
Minimum Setbacks	<ul style="list-style-type: none"> • 50 feet from all property lines unless a larger setback is required by the zoning district or bufferyard
Internal Circulation	<ul style="list-style-type: none"> • All internal roads shall be private and at least 10 feet in width for one-way traffic or 20 feet in width for two-way traffic • All internal roads may be gravel or paved
Outdoor Storage	<ul style="list-style-type: none"> • Storage of unoccupied temporary lodging structures, including RVs, is prohibited • All structures, RVs, trailers, camping units, tents, and belongings shall be removed from the campground when the campsite is not rented or occupied
Additional Structure Standards	
Permitted Structure Types	<ul style="list-style-type: none"> • Temporary lodging structures, such as tents, recreational vehicles (RVs), camping trailers, and similar • Permanent individual lodging structures, such as cabins • Permanent shared structures normally associated with a campground, such as a bathhouse or emergency shelter • Permanent structures for operations (such as office), maintenance, or storage facilities used in the campsite operation
Prohibited Structure Types	<ul style="list-style-type: none"> • Manufactured, mobile homes, or single-family dwellings • Structures not intended for temporary occupancy • Structures not listed as permitted
Additional Utility Standards	
Sewage Disposal	<ul style="list-style-type: none"> • A central sanitary dumping station or sewer risers at each campsite are required and shall comply with all requirements of the sewer utility and/or IDEM and Indiana Department of Health

SECTION 4.6 HOME BUSINESS

A. Home Business Purpose

The purpose of these standards are to provide opportunities for very limited, compatible business activities that are accessory to a residential dwelling and involve limited clients, employees, and impacts to nearby residential uses.

B. Home Business Additional Standards

Additional General Standards	
Development Plan Approval	<ul style="list-style-type: none"> Not required but shall submit a site plan for approval with any building permit (or prior to occupancy if a BP is not required) showing compliance with all regulations of this UDO
Use & Operational Standards	
Accessory Use	<ul style="list-style-type: none"> Must be accessory to a legally permitted single-family dwelling (including single-family attached, such as townhomes) on the same parcel A home business is not permitted within a two-family dwelling (duplex) or multi-family dwelling (apartment or condo).
Maximum Employees & Customers	<ul style="list-style-type: none"> 6 employees and 10 customers are allowed on-site per day, excluding resident(s) of the property No more than 2 employees and/or customers can be on-site at one time, excluding resident(s) of the property
Deliveries	<ul style="list-style-type: none"> All deliveries or pick-ups shall from commercial parcel delivery services (e.g., USPS, UPS, FedEx, DHL) and not bulk material delivery using semi-tractor trucks
Hours of Operation	<ul style="list-style-type: none"> Business activities are limited to 7:00 am to 7:00 pm, seven days a week unless specified otherwise through a special exception approval or variance
Operational Location	<ul style="list-style-type: none"> All business activity must be conducted entirely within an enclosed building
Additional Lot Standards	
Site Access	<ul style="list-style-type: none"> No additional access points and/or driveways shall be permitted for the home business Adequate measures shall be provided to maintain safety for trucks and vehicles entering the public road at slower speeds, including but not limited to, deceleration/acceleration lanes or passing blisters
Outdoor Storage	<ul style="list-style-type: none"> Outdoor display of goods or products for sale is prohibited All outdoor storage areas or areas used to park equipment or vehicles shall be: <ul style="list-style-type: none"> Behind the rear elevation of the primary dwelling unit; and Within a fully enclosed structure or have a solid fence, masonry wall, or continuous evergreen screen on all sides (excluding driveways) that is a minimum of 6 feet in height that fully screens the view of all outdoor storage (including all materials, items, equipment, vehicles, etc.) from adjacent properties and public rights-of way
Additional Structure Standards	
Character	<ul style="list-style-type: none"> There shall be no evidence on the exterior of the premises that the property is used in any way other than for a residential dwelling All structures shall retain a residential character Signs are only permitted as allowed by the zoning district

SECTION 4.7 HOME OCCUPATION

A. Home Occupation Purpose

The purpose of these standards are to allow residents to conduct personal business activities on a parcel with a residential dwelling that involve no clients, employees, or impacts to nearby residential uses.

B. Home Occupation Additional Standards

Additional General Standards	
Development Plan Approval	<ul style="list-style-type: none"> Not required but shall submit a site plan for approval with any building permit (or prior to occupancy if a BP is not required) showing compliance with all regulations of this UDO
Additional Use & Operational Standards	
Accessory Use	<ul style="list-style-type: none"> Must be accessory to a legally permitted dwelling (single-family, two-family, or multi-family dwelling) on the same parcel
Maximum Employees & Customers	<ul style="list-style-type: none"> No employees or customers are permitted other than the resident(s) of the dwelling
Deliveries	<ul style="list-style-type: none"> All deliveries or pick-ups shall from commercial parcel delivery services (e.g., USPS, UPS, FedEx, DHL) and not bulk material delivery using semi-tractor trucks
Operational Location	<ul style="list-style-type: none"> All business activity must be conducted entirely within an enclosed building
Additional Lot Standards	
Site Access	<ul style="list-style-type: none"> No additional access points and/or driveways shall be permitted for the home business
Outdoor Storage	<ul style="list-style-type: none"> All outdoor storage (including equipment parking or storage) or display of goods is prohibited Passenger vehicles that are used by the resident(s) of the property are permitted
Additional Structure Standards	
Character	<ul style="list-style-type: none"> There shall be no evidence on the exterior of the premises that the property is used in any way other than for a residential dwelling All structures shall retain a residential character Signs are only permitted as allowed by the zoning district

SECTION 4.8 JUNKYARD, SALVAGE YARD & IMPOUND LOT

A. Junkyard, Salvage Yard, and Impound Lot Purpose

The purpose of these standards are to protect the health, safety, and welfare the community, mitigate the impacts to the surrounding land uses as well as people accessing the junkyard, salvage yard, or impound lot.

B. Junkyard, Salvage Yard, and Impound Lot Additional Standards

Additional General Standards	
Development Plan Approval	<ul style="list-style-type: none"> Required prior to issuance of a building or improvement permit (or establishment of the use if a permit is not required) showing compliance with all regulations of this UDO
Additional Operational Standards	
Prohibited Activities	<ul style="list-style-type: none"> No burning of any material shall occur on site Cannot be used as a dump, waste transfer area, landfill, or any similar use Loose paper and similar light materials cannot be stored on site
Material Handling	<ul style="list-style-type: none"> Batteries, lubricants, fluids, coolants, refrigerants, gas, diesel, oil, flammable liquids, and all similar components shall be removed upon receiving an appliance, vehicle, or other item and then disposed in accordance with all applicable state and federal laws Combustible material that can be ignited by an ordinary match shall be placed or stored at least 20 feet from any fence or structure Materials and items cannot be placed in a manner that it is capable of being transferred out of the junkyard by wind, water, or other natural causes Precautions shall be taken to prevent spilling of contaminants into the ground, streams, or sewers
Additional Lot Standards	
Flood Hazard Areas	<ul style="list-style-type: none"> Cannot be located within an area designated as a special flood hazard area (such as a floodplain or floodway)
Fire Access	<ul style="list-style-type: none"> A 15-foot, paved fire lane shall be located within 200 feet of all areas throughout the site that are used to store any materials or items, and it shall provide a connection to a public road
Minimum Setback	<ul style="list-style-type: none"> 100 feet from any property line; or 500 feet from the nearest property line of an existing residential use or recorded residential plat
Screening & Fencing	<ul style="list-style-type: none"> A solid fence that is a minimum of 6-feet tall shall be provided along all sides of areas for storage of any materials or items All gates on fences shall be securely locked unless being actively supervised An emergency key box (such as a knox box) shall be provided and maintained at all entrances for local first responders

SECTION 4.9 LANDFILL & TRANSFER STATIONS

A. Landfill & Transfer Station Purpose

The purpose of these standards are to protect the health, safety, and welfare the community and surrounding parcels, and natural resources while also ensuring proper waste disposal and preventing environmental harm.

B. Landfill & Transfer Station Additional Standards

Additional General Standards	
Development Plan Approval	<ul style="list-style-type: none"> Required prior to issuance of a building or improvement permit (or establishment of the use if a permit is not required) showing compliance with all regulations of this UDO
Additional Operational Standards	
Prohibited Activities	<ul style="list-style-type: none"> Cannot include disposal or storage of hazardous waste No burning of any material shall occur on site Loose paper and similar light materials cannot be stored on site
Material Handling	<ul style="list-style-type: none"> Batteries, lubricants, fluids, coolants, refrigerants, gas, diesel, oil, flammable liquids, and all similar components shall be removed upon receiving an appliance, vehicle, or other item and then disposed in accordance with all applicable state and federal laws Combustible material that can be ignited by an ordinary match shall be placed or stored at least 20 feet from any fence or structure Materials and items cannot be placed in a manner that it is capable of being transferred out of the junkyard by wind, water, or other natural causes
Additional Lot Standards	
Flood Hazard Areas	<ul style="list-style-type: none"> Cannot be located within an area designated as a special flood hazard area (such as a floodplain or floodway)
Minimum Setback	<ul style="list-style-type: none"> 100 feet from any property line; or 500 feet from the nearest property line of an existing residential use or recorded residential plat
Screening & Fencing	<ul style="list-style-type: none"> A fence shall be provided along all sides of areas for storage of any materials or items <ul style="list-style-type: none"> A solid fence that is a minimum of 6-feet tall shall be provided along all portions of the parcel that abut a residential use or residentially zoned parcel There is not a minimum fence height or material/opacity requirement where the parcel abuts non-residential uses/zoning districts

SECTION 4.10 MANUFACTURED HOME PARK

A. Manufactured Home Park Purpose

The purpose of these standards are to provide affordable single-family housing opportunity and safe, high-quality residential areas in order to protect the health, safety, and welfare of its residents and the general public.

B. Manufactured Home Park Additional Standards

Additional General Standards		
State Regulations	<ul style="list-style-type: none"> These regulations are not intended to supersede IC 36-7-2-12, IC 36-7-4-1106, or other state statute regarding manufactured homes 	
Applicability	<ul style="list-style-type: none"> These standards apply to all manufactured home parks (see Chapter 8: Definitions) These standards do not apply to manufactured homes placed on individual parcels that are outside of a manufactured home park (see Section 5.9: Structures for regulations for manufactured home on individual parcels outside of a park) 	
Development Plan Approval	<ul style="list-style-type: none"> Required prior to issuance of a building or improvement permit (or establishment of the use if a permit is not required) showing compliance with all regulations of this UDO 	
Additional Operational Standards		
Register of Residents	<ul style="list-style-type: none"> Operator shall maintain a current register for all homesites that includes the names of all occupants and the make, type, and serial/license number of each manufactured home on that site 	
Park Manager	<ul style="list-style-type: none"> A manager of the manufactured home park is required to oversee daily operation, rules, and maintenance of the park The manager shall reside on-site, or the operator shall provide the city with a designated person shall be accessible to contact 24 hours a day/7 days a week for emergencies 	
Additional Lot Standards		
Flood Hazard Area	<ul style="list-style-type: none"> Cannot be located within an area designated as a special flood hazard area (such as a floodplain or floodway) 	
Minimum Lot Area	Overall Park	<ul style="list-style-type: none"> 3 acres for overall park
	Each Homesite	<ul style="list-style-type: none"> The minimum lot area of the zoning district shall govern the minimum lot area for each homesite
Site Access	<ul style="list-style-type: none"> Park entrance(s) shall provide direct access to a public road Each homesite shall have direct access to a private road and shall not have direct access to a public road 	
Minimum Setback	<ul style="list-style-type: none"> 50 feet from all property lines unless a larger setback is required by the zoning district or bufferyard 	
Fencing	<ul style="list-style-type: none"> A solid fence that is a minimum of 6-feet tall shall be provided around the perimeter of the park 	
Lighting	<ul style="list-style-type: none"> Street lights shall be provided at least every 400 linear feet along all internal roads Maintenance and monthly service shall be paid for by the property owner 	
Internal Circulation & Sidewalks	<ul style="list-style-type: none"> All internal roads shall be private and at least 10 feet in width for one-way traffic or 20 feet in width for two-way traffic All internal roads shall be paved A minimum of a 4-foot sidewalk is required along one side of all internal roads 	

Outdoor Storage	<ul style="list-style-type: none"> 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 unless permitted by IC 36-7-4-1019 or other state statute
Minimum Open Space	<ul style="list-style-type: none"> Minimum of 5% of the total site shall be provided as open space or common area that is accessible by all residents of the manufactured home park
Additional Structure Standards	
Storm Shelter Required	<ul style="list-style-type: none"> At least one storm shelter shall be provided that is at least 500 sq ft and meets the minimum requirements in the ICC 500 standard for occupants during severe weather
Permitted Structure Types	<ul style="list-style-type: none"> Manufactured home (see Chapter 8: Definitions) Mobile home (see Chapter 8: Definitions) Coin-operated laundries, recreational rooms, storm shelters, and similar community structures or amenities may be permitted in manufactured home parks
Prohibited Structure Types	<ul style="list-style-type: none"> Cannot be a recreational vehicle, travel trailer, automobile, shipping container, or similar structure Cannot be a motor vehicle, or a part of a motor vehicle Cannot be any structure not intended for permanent human occupancy Prohibited structure types (such as campers or RVs) shall not be occupied or stored on any home site but may be stored within a designated area within the park
Minimum Living Area	<ul style="list-style-type: none"> There is no minimum living area; the minimum living area of the zoning district does NOT apply to homes in a manufactured home park

SECTION 4.11 RECOVERY RESIDENCE

A. Recovery Residence Purpose

The purpose of these standards are to provide supportive options for individuals transitioning from institutionalization (mental health, drugs, etc.) or incarceration while also mitigating the potential impacts to nearby uses to protect the health, safety, and welfare of the general public.

B. Recovery Residence Additional Standards

Additional General Standards	
Development Plan Approval	<ul style="list-style-type: none"> Not required but shall submit a site plan for approval with any building permit (or prior to occupancy if a BP is not required) showing compliance with all regulations of this UDO
Additional Operational Standards	
Occupancy	<ul style="list-style-type: none"> Occupancy limit shall not exceed two people per occupiable bedroom or occupancy limits permitted by state codes and requirements
Additional Lot Standards	
Fencing	<ul style="list-style-type: none"> A solid fence that is a minimum of 6-feet tall shall be provided along all property lines that abut a residential use or residential zoning district

SECTION 4.12 SHORT-TERM RENTAL

A. Short-Term Rental Purpose

The purpose of these standards are to provide alternative opportunities for short-term housing for visitors and tourist that comply with IC 36-1-24 in order to protect the health, safety, and welfare of the occupants and general public.

B. Short-Term Rental Additional Standards

Additional General Standards	
Applicability	<ul style="list-style-type: none"> • These standards shall apply to all non-owner-occupied short-term rentals (see Chapter 8: Definitions) • These standards do not apply to owner-occupied short-term rentals where the dwelling is the owner’s primary residence (which are governed by IC 36-1-24-8)
Tax Liability	<ul style="list-style-type: none"> • Owners may be liable for state gross retail tax and/or innkeeper’s tax as required by Indiana Code
Violations	<ul style="list-style-type: none"> • Violations shall be in accordance with IC 34-1-24-18
Development Plan Approval	<ul style="list-style-type: none"> • Not required but shall submit a site plan for approval with any building permit (or prior to occupancy if a BP is not required) showing compliance with all regulations of this UDO
Additional Use & Operational Standards	
Accessory Use	<ul style="list-style-type: none"> • Short-term rentals are not be permitted to have an accessory dwelling unit (ADU) as an accessory structure or use
Occupancy	<ul style="list-style-type: none"> • Occupancy limit shall not exceed two people per occupiable bedroom or occupancy limits permitted by state codes and requirements
Noise & Nuisance	<ul style="list-style-type: none"> • Occupants and owners shall comply with all local nuisance, and noise, and property maintenance ordinances
Additional Structure Standards	
Building Code	<ul style="list-style-type: none"> • All structures used as a short-term rental shall be legally built structures that meet all applicable building code requirements
Permitted Structure Types	<ul style="list-style-type: none"> • Single-family dwelling • Dwelling unit in a two-family or multi-family dwelling • Dwelling unit in a condominium, cooperative, or time share • Accessory dwelling unit (ADU) that also complies with Section 4.2: Accessory Dwelling Unit (ADU)
Prohibited Structure Types	<ul style="list-style-type: none"> • Cannot be a recreational vehicle, travel trailer, automobile, shipping container, or similar structure • Cannot be a motor vehicle, or a part of a motor vehicle • Cannot be any structure not intended for permanent human occupancy

SECTION 4.13 SOLAR ENERGY SYSTEM (SES), ACCESSORY

A. Accessory Solar Energy System Purpose

The purpose of these standards are to allow for energy collection, storage, and distribution as an accessory use where the energy generated is intended to be used for on-site needs while also minimizing the impacts to surrounding properties and uses.

B. Accessory Solar Energy System Additional Standards

Additional General Standards	
Development Plan Approval	<ul style="list-style-type: none"> Not required but shall submit a site plan for approval with any building permit (or prior to occupancy if a BP is not required) showing compliance with all regulations of this UDO
Additional Operational Standards	
Interconnection	<ul style="list-style-type: none"> It is recommended that the interconnection application be submitted to the utility prior to applying for required permits with the City
Additional Lot Standards	
Location	<ul style="list-style-type: none"> Ground-mounted must be located in the side or rear yard
Screening	<ul style="list-style-type: none"> Ground-mounted screening: <ul style="list-style-type: none"> If the total area on a single parcel that is used for accessory SES is larger than 1 acre, a 6-foot continuous evergreen vegetation, 6-foot opaque fencing, and/or 6-foot berm is required on all sides of the property to adequately screen the view of the solar panels and accessory equipment All required screening and vegetation shall be maintained by the owner at all times in good condition and free of weeds, dirt, trash, rust, corrosion, and debris and material that dies or is damaged must be replaced within 3 months Accessory SES in residential districts shall be designed to minimize visual impacts from the public right-of-way to the extent that it does not affect the cost or efficacy of the system, consistent with IC 36-7-2-8
Glare	<ul style="list-style-type: none"> Shall be designed and constructed to minimize glare on adjacent properties and roadways and not interfere with vehicular traffic, including air traffic
Additional Structure Standards	
Applicable Codes & Industry Standards	<ul style="list-style-type: none"> All accessory SES shall meet the current State of Indiana Building Code, the National Electrical Code (NEC), and if solar thermal systems are used, shall comply with HVAC-related requirements of the Energy Code
Certifications & Ratings	<ul style="list-style-type: none"> Accessory SES components must have an Underwriters Laboratory (UL), or equivalent, listing Solar hot water systems must have a Solar Rating & Certification Corporation (SRCC) or equivalent rating
Permitted Structure Types	<ul style="list-style-type: none"> Ground-mounted (these structures shall not be counted towards the maximum number of accessory structures as regulated by Chapter 5: Site & Structure Standards) Building-integrated SES and roof-mounted SES if located on a legally permitted structure and the structure is designed by a Professional Engineer licensed to practice in the State of Indiana to adequately and safely accommodate the SES
Maximum Height	<ul style="list-style-type: none"> 15 feet for ground-mounted SES, measured at maximum design tilt

SECTION 4.14 SOLAR ENERGY SYSTEM (SES), COMMERCIAL

A. Commercial Solar Energy System Purpose

The purpose of these standards are to minimize impacts to surrounding properties and the larger community while also allowing for solar energy collection, storage, and distribution at a commercial scale where the energy generated is intended to be used for off-site needs through a connection point(s) with the power grid.

B. Commercial Solar Energy System Additional Standards

Additional General Standards	
Development Plan Approval	<ul style="list-style-type: none"> Development plan approval, including a site plan and all supporting and required information, is required prior to issuance of a building or improvement permit showing compliance with all regulations of this UDO
Site Plan Required	<ul style="list-style-type: none"> A detailed site plan shall be provided with any special exception application that includes the following: <ul style="list-style-type: none"> Property lines and rights-of-way Zoning districts of all parcels within the project area and all adjoining parcels General site topography Floodplains, wetlands, protected natural resources Proposed locations of all solar arrays and all other structures/equipment Proposed internal driving areas or service roads and all access points onto a public road Other existing or proposed site conditions requested by the Administrator to determine compliance
Additional Operational Standards	
Battery Energy Storage System (BESS)	<ul style="list-style-type: none"> BESS is permitted as an accessory use within a commercial SES but shall be specified on the special exception application
Interconnection	<ul style="list-style-type: none"> It is recommended that the interconnection application be submitted to the utility prior to applying for required permits with the City
Emergency Response	<ul style="list-style-type: none"> Site layout must accommodate adequate access for all first responders, such as EMS, fire, and police Project operator shall provide and maintain an emergency key box/knox box at all entrances for emergency responders, and the location and access code/key of each emergency key box/knox box shall be indicated on the development plan The project operator shall provide training for all first responder agencies, including but not limited to emergency management, fire, police, and EMT, that may be required to provide services <ul style="list-style-type: none"> The training shall identify any special response needs or processes, orient responders to the site layout and structures on-site, and other information necessary for first responders to safely and quickly respond to an emergency related to the project and/or site
Noise & Vibration	<ul style="list-style-type: none"> All sound attributable to the SES shall not exceed an hourly average sound level of 50 A-weighted decibels, measured at the outer wall of a dwelling located on an adjacent non-participating property (unless waived by non-participating property owner)

Signal Interference	<ul style="list-style-type: none"> Impacts to television signals; microwave signals; agricultural global positioning systems; military defense radar; radio reception; and weather and doppler radar shall be minimized and mitigated
Glare	<ul style="list-style-type: none"> Glare on adjacent properties and roadways shall be minimized and not interfere with vehicular traffic, including air traffic
Damages to Public Infrastructure	<ul style="list-style-type: none"> All damages (including the direct costs incurred by the public entity) to drainage infrastructure (such as waterways, drainage ditches, etc.) and public infrastructure (such as public roads, rights-of-way, etc.) caused by the construction, installation, or maintenance of a commercial SES must be completely repaired by the project owner within a reasonable period and approved by the entity with jurisdiction over the infrastructure
Road Use Agreement	<ul style="list-style-type: none"> All public roads that will be used for the transport of equipment and parts for construction, operation, or maintenance of the CSES shall be approved by the Board of Works prior to issuance of a building or improvement permit
SES Damages	<ul style="list-style-type: none"> All damage from fire, flood, tornado, natural disasters, acts of God, acts of violence, or events over which a project owner has no control shall be repaired by the project owner within 12 months or comply with all requirements of the approved decommissioning plan if power is not generated within 12 months
Insurance	<ul style="list-style-type: none"> The owner or operator of any commercial SES shall maintain the following insurance policies at all times: <ul style="list-style-type: none"> Commercial general liability policy (which may be combined with umbrella coverage) covering death, bodily injury, and property damage Environmental pollution liability policy covering the cleanup of any releases of pollution or other environmental damage that results from the CSES equipment, structures, or operations All insurance policies shall be in full effect prior to any operation of the CSES and shall name the City of Austin as an additional insured solely to the extent of liabilities arising under this UDO The applicant shall provide proof of all required coverage in a form and policy coverage amounts acceptable to the city’s attorney, including dollar amount limits per occurrence, aggregate limits, and deductible amount
Additional Lot Standards	
Minimum Setback	<ul style="list-style-type: none"> 50 feet from any right-of-way or public road 350 feet from any property line of a parcel with an existing dwelling, zoned residential, or parcel that is platted for residential 200 feet from any property line of a parcel for all other uses 0 feet from the property line of a participating parcel
Screening & Fencing	<ul style="list-style-type: none"> A security fence that complies with state building requirements shall be provided along all sides of areas with solar panels or equipment unless it is completely contained within an enclosed building A 6-foot continuous evergreen vegetation, 6-foot opaque fencing, and/or 6-foot berm is required along all portions of the property that abut a residential use, residential zoning district, public right-of-way, and/or public road to adequately screen the view of the solar panels and accessory equipment <ul style="list-style-type: none"> Existing vegetation on the SES parcel that meets these required standards may be used to satisfy this requirement All required screening and vegetation shall be maintained by the owner at all times in good condition and free of weeds, dirt, trash, rust, corrosion, and debris and material that dies or is damaged must be replaced within 3 months

Ground Cover	<ul style="list-style-type: none"> • Ground cover is required (such as grass, pollinator meadow, or other plant materials) for the site around and under solar panels and within all setback or buffer areas • Ground cover shall be planted, established, and maintained for the life of the project and shall be planted and maintained to be free of invasive or noxious species, as listed by the Indiana Invasive Species Council
Power & Communication Lines	<ul style="list-style-type: none"> • All power and communication lines shall be within an easement, parcel, or a right-of-way • All power and communication lines are 34.5 kilovolts or greater shall be buried underground • Power and communication lines that are less than 34.5 kilovolts (such as module-to-module collection cables and junction boxes) may be located above ground • Power and communication lines between the project substation and the point of interconnection with the transmission system can be overhead if it does not exceed half a mile • If located in a right-of-way, the project owner shall obtain approval from the entity that owns the road prior to issuance of a building or improvement permit
Additional Structure Standards	
Applicable Codes & Industry Standards	<ul style="list-style-type: none"> • All accessory SES shall meet the current State of Indiana Building Code, the National Electrical Code (NEC), and if solar thermal systems are used, shall comply with HVAC-related requirements of the Energy Code • 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
Maximum Height	<ul style="list-style-type: none"> • 15 feet for ground-mounted SES, measured at maximum design tilt
Additional Decommissioning Standards	
Decommissioning Plan Required	<ul style="list-style-type: none"> • Except as otherwise allowed by IC 36-7-4-1109, an approved decommissioning plan shall be required for all commercial SES prior to issuance of a building or improvement permit • The decommissioning plan shall adequately outline how the site will be decommissioned and include, at a minimum, all additional decommissioning standards/ components outlined in this section in addition to any other relevant information required by the Administrator • The decommissioning plan shall be resubmitted for approval if the project owner or operator changes
Decommissioning Timeframe	<ul style="list-style-type: none"> • Decommissioning of the system, or a component or portion of the system, according to the approved decommissioning plan must be completed within 12 months of the project, or component or portion of the system, not producing energy • An owner may petition for an extension of this period upon showing of reasonable circumstances that have caused the delay in the start of decommissioning

<p>Minimum Decommissioning Plan Components</p>	<p>Continuity Clause</p>	<ul style="list-style-type: none"> The decommissioning plan shall specify that it is binding upon the property owner and operator as well as any of their successors, assignees, or heirs
	<p>Affidavit of Responsibility</p>	<ul style="list-style-type: none"> A signed and notarized affidavit that is recorded with the Scott 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 ownership of a parcel and/or easement related to the project changes, the project owner or operator shall obtain and record a signed and notarized affidavit from the new parcel owner(s) 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
	<p>Site Restoration Plan</p>	<ul style="list-style-type: none"> A plan for how the site will be restored to a natural state that includes adequate provisions for removal of all structures and foundations to a depth of 48” and restoration of soil and vegetation
	<p>Surety Bond or Equivalent</p>	<ul style="list-style-type: none"> The project owner shall provide a surety bond or an equivalent means of security acceptable to the City of Austin for 100% of the total estimated decommissioning costs for all solar power device(s) prior to issuance of a building or improvement permit Estimated decommissioning costs shall be calculated by a third party licensed or registered engineer (or by another person with suitable experience in the decommissioning of commercial SES) and agreed upon by the project owner and the City of Austin Total estimated decommissioning costs may include any estimated salvage value attributable to the solar power device(s) at the time of decommissioning The total amount of the surety bond or other security required under this section shall be reevaluated and adjusted every five years due to changes in costs

SECTION 4.15 WIND ENERGY SYSTEM (WES), ACCESSORY

A. Accessory Wind Energy System Purpose

The purpose of these standards are to allow for wind energy collection, storage, and distribution as an accessory use where the energy generated is intended to be used for on-site needs while also minimizing the impacts to surrounding properties and uses.

B. Accessory Wind Energy System Additional Standards

Additional General Standards	
Development Plan Approval	<ul style="list-style-type: none"> Not required but shall submit a site plan for approval with any building permit (or prior to occupancy if a BP is not required) showing compliance with all regulations of this UDO
Additional Operational Standards	
Interconnection	<ul style="list-style-type: none"> It is recommended that the interconnection application be submitted to the utility prior to applying for required permits with the City
Rated Capacity	<ul style="list-style-type: none"> 100 kW or less
Additional Lot Standards	
Minimum Setback ¹	<ul style="list-style-type: none"> 1.2 times the height of the wind power device to nearest edge of right-of-way for any utility transmission or distribution line 1.5 times the height of the wind power device to the: <ul style="list-style-type: none"> Centerline of any runway (public use airport, private use airport, or municipal) Centerline of any public use highway, street, or road Centerline of any railroad, easement, or right-of-way Property line of any nonparticipating property Nearest edge of the right-of-way or easement for any utility 2 times the height of the wind power device to the property line of any undeveloped land that is zoned or platted for residential use 3 times the height of the wind power device to the nearest point on the outer wall of a dwelling located on a nonparticipating property transmission or distribution line
Additional Structure Standards	
Applicable Codes & Industry Standards	<ul style="list-style-type: none"> All accessory WES shall meet the current State of Indiana Building Code, the National Electrical Code (NEC), American National Standards Institute (ANSI) and shall be approved by a wind certification program recognized by the American Wind Energy Association All systems that are over 25 feet in height must be designed by a Professional Engineer licensed to practice in the State of Indiana. The engineer must certify that the foundation and tower constructed for all structures is within acceptable code and industry standards—given local soil and climate conditions
Maximum Number	<ul style="list-style-type: none"> 1 accessory WES per principal structure
Maximum Height	<ul style="list-style-type: none"> 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

1 - 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

SECTION 4.16 WIND ENERGY SYSTEM (WES), COMMERCIAL

A. Commercial Wind Energy System Purpose

The purpose of these standards are to allow for wind energy collection, storage, and distribution as an accessory use where the energy generated is intended to be used for on-site needs while also minimizing the impacts to surrounding properties and uses.

B. Commercial Wind Energy System Additional Standards

Additional General Standards	
Development Plan Approval	<ul style="list-style-type: none"> Development plan approval, including a site plan and all supporting and required information, is required prior to issuance of a building or improvement permit showing compliance with all regulations of this UDO
Site Plan Required	<ul style="list-style-type: none"> A detailed site plan shall be provided with any special exception application that includes the following: <ul style="list-style-type: none"> Property lines and rights-of-way Zoning districts of all parcels within the project area and all adjoining parcels General site topography Floodplains, wetlands, protected natural resources Proposed locations of all wind power devices and all other structures/equipment Proposed internal driving areas or service roads and all access points onto a public road Other existing or proposed site conditions requested by the Administrator to determine compliance
Additional Operational Standards	
Battery Energy Storage System (BESS)	<ul style="list-style-type: none"> BESS is permitted as an accessory use within a commercial WES but shall be specified on the special exception application
Interconnection	<ul style="list-style-type: none"> It is recommended that the interconnection application be submitted to the utility prior to applying for required permits with the City
Rated Capacity	<ul style="list-style-type: none"> Greater than 100 kW
Emergency Response	<ul style="list-style-type: none"> Site layout must accommodate adequate access for all first responders, such as EMS, fire, and police Project operator shall provide and maintain an emergency key box/knox box at all entrances for emergency responders, and the location and access code/key of each emergency key box/knox box shall be indicated on the development plan The project operator shall provide training for all first responder agencies, including but not limited to emergency management, fire, police, and EMT, that may be required to provide services <ul style="list-style-type: none"> The training shall identify any special response needs or processes, orient responders to the site layout and structures on-site, and other information necessary for first responders to safely and quickly respond to an emergency related to the project and/or site
Noise & Vibration	<ul style="list-style-type: none"> All sound attributable to the WES shall not exceed an hourly average sound level of 50 A-weighted decibels, measured at the outer wall of a dwelling located on an adjacent non-participating property (unless waived by non-participating property owner)

Signal Interference	<ul style="list-style-type: none"> Impacts to television signals; microwave signals; agricultural global positioning systems; military defense radar; radio reception; and weather and doppler radar shall be minimized and mitigated
Shadow Flicker	<ul style="list-style-type: none"> No wind power devices shall be installed without providing documentation of all of the following: <ul style="list-style-type: none"> 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 The wind power device(s) has been designed and documentation using industry standard computer modeling is provided that indicates that any dwelling on a nonparticipating property will not experience more than 30 hours per year of shadow flicker under planned operating conditions for the wind power device(s) 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
Damages to Public Infrastructure	<ul style="list-style-type: none"> All damages (including the direct costs incurred by the public entity) to drainage infrastructure (such as waterways, drainage ditches, etc.) and public infrastructure (such as public roads, rights-of-way, etc.) caused by the construction, installation, or maintenance of a commercial WES must be completely repaired by the project owner within a reasonable period and approved by the entity with jurisdiction over the infrastructure
Road Use Agreement	<ul style="list-style-type: none"> All public roads that will be used for the transport of equipment and parts for construction, operation, or maintenance of the CWES shall be approved by the Board of Works prior to issuance of a building or improvement permit
WES Damages	<ul style="list-style-type: none"> All damage from fire, flood, tornado, natural disasters, acts of God, acts of violence, or events over which a project owner has no control shall be repaired by the project owner within 12 months or comply with all requirements of the approved decommissioning plan if power is not generated within 12 months
Insurance	<ul style="list-style-type: none"> The owner or operator of any commercial WES shall maintain the following insurance policies at all times: <ul style="list-style-type: none"> Commercial general liability policy (which may be combined with umbrella coverage) covering death, bodily injury, and property damage Environmental pollution liability policy covering the cleanup of any releases of pollution or other environmental damage that results from the CSES equipment, structures, or operations All insurance policies shall be in full effect prior to any operation of the CWES and shall name the City of Austin as an additional insured solely to the extent of liabilities arising under this UDO The applicant shall provide proof of liability coverage in a form and policy coverage amounts acceptable to the city’s attorney, including dollar amount limits per occurrence, aggregate limits, and deductible amount

Additional Lot Standards	
Minimum Setback ¹	<ul style="list-style-type: none"> • 1.2 times the height of the wind power device to nearest edge of right-of-way for any utility transmission or distribution line • 1.5 times the height of the wind power device to the: <ul style="list-style-type: none"> • Centerline of any runway (public use airport, private use airport, or municipal) • Centerline of any public use highway, street, or road • Centerline of any railroad, easement, or right-of-way • Property line of any nonparticipating property • Nearest edge of the right-of-way or easement for any utility • 2 times the height of the wind power device to the property line of any undeveloped land that is zoned or platted for residential use • 3 times the height of the wind power device to the nearest point on the outer wall of a dwelling located on a nonparticipating property transmission or distribution line • 1 mile from: <ul style="list-style-type: none"> • Any municipal boundary • A state park
Fencing	<ul style="list-style-type: none"> • A security fence that complies with state building requirements shall be provided along all sides of areas with wind power devices or equipment unless it is completely contained within an enclosed building
Power & Communication Lines	<ul style="list-style-type: none"> • All power and communication lines shall be within an easement, parcel, or a right-of-way • All power and communication lines are 34.5 kilovolts or greater shall be buried underground • Power and communication lines that are less than 34.5 kilovolts may be located above ground • Power and communication lines between the project substation and the point of interconnection with the transmission system can be overhead if it does not exceed half a mile • If located in a right-of-way, the project owner shall obtain approval from the entity that owns the road prior to issuance of a building or improvement permit
Lighting	<ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> • The Federal Aviation Administration denies the project owner's application to use a wind turbine light mitigation technology; • The wind turbine light mitigation technology application is pending review by the appropriate federal agencies; or • The project owner determines that the use of a wind turbine light mitigation technology is not economically feasible

1 - 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

Additional Structure Standards	
Applicable Codes & Industry Standards	<ul style="list-style-type: none"> All accessory WES shall meet the current State of Indiana Building Code, the National Electrical Code (NEC), American National Standards Institute (ANSI) and shall be approved by a wind certification program recognized by the American Wind Energy Association All systems that are over 25 feet in height must be designed by a Professional Engineer licensed to practice in the State of Indiana. The engineer must certify that the foundation and tower constructed for all structures is within acceptable code and industry standards—given local soil and climate conditions 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 obtain all required building permits
Maximum Height	<ul style="list-style-type: none"> 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
Additional Decommissioning Standards	
Decommissioning Plan Required	<ul style="list-style-type: none"> Except as otherwise allowed by state statute, an approved decommissioning plan shall be required for all commercial WES prior to issuance of a building or improvement permit The decommissioning plan shall adequately outline how the site will be decommissioned and include, at a minimum, all additional decommissioning standards/components outlined in this section in addition to any other relevant information required by the Administrator The decommissioning plan shall be submitted for approval if the project owner or operator changes
Decommissioning Timeframe	<ul style="list-style-type: none"> Decommissioning of the system, or a component or portion of the system, according to the approved decommissioning plan must be completed within 12 months of the project, or component or portion of the system, not producing energy An owner may petition for an extension of this period upon showing of reasonable circumstances that have caused the delay in the start of decommissioning

<p>Minimum Decommissioning Plan Components</p>	<p>Continuity Clause</p>	<ul style="list-style-type: none"> The decommissioning plan shall specify that it is binding upon the property owner and operator as well as any of their successors, assignees, or heirs
	<p>Affidavit of Responsibility</p>	<ul style="list-style-type: none"> A signed and notarized affidavit that is recorded with the Scott 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 ownership of a parcel and/or easement related to the project changes, the project owner or operator shall obtain and record a signed and notarized affidavit from the new parcel owner(s) 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
	<p>Site Restoration Plan</p>	<ul style="list-style-type: none"> A plan for how the site will be restored to a natural state that includes adequate provisions for removal of all structures and foundations to a depth of 48” and restoration of soil and vegetation
	<p>Surety Bond or Equivalent</p>	<ul style="list-style-type: none"> The project owner shall provide a surety bond or an equivalent means of security acceptable to the City of Austin for 100% of the total estimated decommissioning costs for all wind power device(s) prior to issuance of a building or improvement permit Estimated decommissioning costs shall be calculated by a third party licensed or registered engineer (or by another person with suitable experience in the decommissioning of commercial WES) and agreed upon by the project owner and the City of Austin Total estimated decommissioning costs may include any estimated salvage value attributable to the wind power device(s) at the time of decommissioning The total amount of the surety bond or other security required under this section shall be reevaluated and adjusted every five years due to changes in costs

SECTION 4.17 WIRELESS COMMUNICATION FACILITY

A. Purpose

The purpose of these standards are to allow for and regulate the appropriate placement and design of wireless communication facilities that are in compliance with state regulations while also taking into consideration the health, safety, and general character of the surrounding neighborhood.

B. Additional Standards

Additional General Standards	
Development Plan Approval	<ul style="list-style-type: none"> Required prior to issuance of a building or improvement permit showing compliance with all regulations of this UDO
Additional Use & Operational Standards	
Local Regulation	<ul style="list-style-type: none"> These additional standards 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
Ability to Prohibit in Areas with Underground or Buried Utilities	<p>With respect to the construction, placement, or use of a small cell facility and the associated supporting structure, the PC may prohibit the placement of a new utility pole or a new wireless support structure in a right-of-way within an area that is designated strictly for underground or buried utilities, if all of the following apply:</p> <ul style="list-style-type: none"> The area is designated strictly for underground or buried utilities before May 1, 2017 No above ground wireless support structure; utility pole; or other utility superstructure exists in the area other than light poles or small cell facilities approved as part of a waiver process described in this chapter. The PC allows all of the following: <ul style="list-style-type: none"> The collocation of small cell facilities on existing utility poles, light poles, and wireless support structures as a permitted use within the area The replacement or improvement of existing utility poles, light poles, and wireless support structures as a permitted use within the area Provides a waiver, a zoning process, or another procedure that addresses requests to install new utility poles or new wireless support structures within the area Upon receipt of an application for the construction, placement, or use of a small cell facility one or more new utility poles or one or more new wireless support structures in an area that is designated strictly for underground or buried utilities, the PC posts notice of the application on the city’s website. The notice of the application required by this clause must include a statement indicating that the application is available to the public upon request The prohibition or other restrictions with respect to the placement of new utility poles or new wireless support structures within the area are applied in a nondiscriminatory manner The area is zoned strictly for residential land use before May 1, 2017

Additional Lot Standards	
Fall Zone Limitation	<ul style="list-style-type: none"> • The Administrator, PC, and 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 <ul style="list-style-type: none"> • However, a fall zone requirement that is larger than the area described above may be imposed if the Administrator, PC, and BZA provide evidence that the applicant’s engineering certification is flawed and this evidence must include a study performed by a professional engineer
Separation	<ul style="list-style-type: none"> • There is not restriction on the separation between wireless support structures as required by IC 8-1-32.3-17
Additional Structure Standards	
Applicable Codes & Industry Standards	<ul style="list-style-type: none"> • An applicant for the placement of a small cell facility and associated supporting structure shall comply with applicable Federal Communications Commission requirements and industry standards for identifying the owner’s name and contact information as well as all other state and federal regulations
Height	<ul style="list-style-type: none"> • There is not restriction on height of wireless communication facilities as required by IC 8-1-32.3-17
Additional Procedure Standards	
Building & Improvement Permits	<ul style="list-style-type: none"> • Wireless facilities shall not be constructed, erected, placed, modified, or altered until a building permit has been obtained unless exempt in this section or IC 8-1-32.3. • The PC cannot require an application or a permit for, or charge fees for, any of the following: <ul style="list-style-type: none"> • The routine maintenance of wireless facilities • The replacement of wireless facilities with wireless facilities that are substantially similar to or the same size or smaller than if the wireless facility is being replaced • The installation, placement, maintenance, or replacement of micro wireless facilities that are suspended on cables and strung between existing utility poles in compliance with applicable codes by a communications service provider that is authorized to use the public rights-of-way. Applicable codes shall mean uniform building, fire, electrical, plumbing, or mechanical codes that are adopted by a recognized national code organization and enacted solely to address imminent threats of destruction of property or injury to persons, including any local amendments to those codes • In accordance with IC 8-1-32.3, the Administrator must 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. <ul style="list-style-type: none"> • Whenever a consolidated application is approved, the Administrator shall issue the applicant a single building permit for the multiple facilities, or for the small cell network, in lieu of issuing multiple permits for each respective facility

<p>Applicant Information</p>	<ul style="list-style-type: none"> • In accordance with IC 8-1-32.3, the Administrator, PC or BZA cannot 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. • In accordance with IC 8-1-32.3, all meetings of the PC and BZA are subject to the Open Door Law in accordance with IC 5-14-1.5, however, the Administrator, PC, and BZA may not 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
<p>Application Requirements</p>	<p>To be considered complete, the following information shall be provided.</p> <ul style="list-style-type: none"> • 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 the name, business address, and point of contact for the applicant • A site plan of the location of the proposed or affected wireless support structure or wireless facility • 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 of one of the following: <ul style="list-style-type: none"> • Collocation would not result in the same wireless service functionality, coverage, and capacity • Collocation is technically infeasible • Collocation is an economic burden to the applicant • 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 • For an application that requires a Special Exception, evidence showing that the application complies with the applicable criteria for a Special Exception under IC 36-7-4-918.2 and that it complies with Section 7.6: Special Exceptions & Variances
<p>Review of Application</p>	<ul style="list-style-type: none"> • Upon receipt of an application for a new or significantly modified wireless support structure, the Administrator shall promptly review it for completeness <ul style="list-style-type: none"> • Within 10 business days of receiving the application, the Administrator shall notify the applicant of whether the application is complete and whether a public hearing will be required. • If the Administrator fails to notify the applicant within 10 business days whether the application is complete shall be considered a non-final zoning decision in accordance with IC 36-7-4-1602(c), with the applicant consequently entitled to expedited judicial review of the non-final zoning decision

<p>Public Hearing</p>	<ul style="list-style-type: none"> • 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 • 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 • For purposes of this section, “reasonable period of time” shall be determined as follows: <ul style="list-style-type: none"> • Collocation Only. If the request involves an application for collocation only, a reasonable period of time is not more than 45 days from the date that the applicant is notified by the Administrator that the application is complete. An application for collocation only is not subject to a public hearing before the BZA, but the Administrator may review the application for compliance with applicable building code requirements before issuing a building permit. • New Wireless Support Structure. If the request involves an application for a BP to construct a new wireless support structure, a reasonable period of time is not more than 90 days from the date that the applicant is notified that the application is complete. The BZA shall conduct a public hearing on the request and shall make a decision on the request at the meeting at which it is first presented. Decisions made by the BZA after a public hearing conducted in accordance with this section are considered zoning decisions for purposes of IC 36-7-4 and are subject to judicial review under the IC 36-7-4-1600 series. • Substantial Modification of a Wireless Support Structure. If the request involves an application for a BP for substantial modification of a wireless support structure, a reasonable period of time is not more than 90 days from the date that the applicant is notified that the application is complete. The BZA shall conduct a public hearing on the request and shall make a decision on the request at the meeting at which it is first presented. Decisions made by the BZA after a public hearing conducted in accordance with this section are considered zoning decisions for purposes of IC 36-7-4 and are subject to judicial review under the IC 36-7-4-1600 series. • 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 • 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
<p>Homeowners Association Notice</p>	<ul style="list-style-type: none"> • With respect to applications for the placement of one or more small cell facilities in an area that is zoned strictly for residential land use, and that is designated strictly for underground or buried utilities, the PC shall allow a neighborhood association or a homeowners association to register with the PC to receive notice as required by IC 8-1-32.3-15 • The PC may collaborate with a neighborhood association or a homeowners association on the preferred location and reasonable aesthetics of new utility poles or new wireless support structures added within the jurisdiction of the neighborhood association or homeowners association according to IC 8-1-32.3-15

<p>Application Fee Limitations (as required by IC 8-1-32.3-16)</p>	<ul style="list-style-type: none"> • 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 • 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 • A fee described in this section may not include travel expenses incurred by a third party in its review of an application or direct payment or reimbursement of third-party fees charged on a contingency basis
<p>Non-Discrimination</p>	<ul style="list-style-type: none"> • The Administrator, PC, and BZA may not discriminate among communications service providers or public utilities with respect to the following: <ul style="list-style-type: none"> • Approving applications, issuing permits, or otherwise establishing terms and conditions for construction of wireless or wireline communications facilities • Authorizing or approving tax incentives for wireless or wireline communications facilities • Providing access to rights-of-way, infrastructure, utility poles, river and bridge crossings, and other physical assets owned or controlled by the applicable jurisdiction



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SECTION 5.1 GENERAL PROVISIONS

A. Purpose

The standards within this chapter outline the requirements for specific aspects or elements of a site or parcel that are necessary for orderly, efficient, and safe development in order to protect the health, safety, morals, and general welfare of the community.

B. Applicability and Compliance

The site standards included in this chapter shall apply to all parcels and all zoning districts, and these standards are required in addition to all other applicable standards within this UDO.

C. Thresholds that Require Compliance with Site Standards

Specific thresholds, or events, are identified for each site standard included in this chapter. If any of the thresholds are met or occur, that site element must comply, or be brought into compliance, as outlined in this chapter.

SECTION 5.2 BUFFER & SCREENING

A. Buffer & Screening Purpose

The purpose of these standards are to provide an adequate transition between conflicting land uses through additional separation (buffers) or screening in order to minimize or mitigate potential nuisances such as noise, glare, visual impacts, dust, and similar impacts.

B. Thresholds that Require Compliance with Buffer & Screening Standards

1. If any of the following occur, the parcel shall comply with all buffer and screening standards within this section:
 - a. A new primary structure(s) is constructed on the parcel.
 - b. A new land use(s) is established on a vacant parcel.
2. If any of the following occur, the buffer and screening requirements within this section shall be met to the greatest extent possible based on the layout of existing structures and existing site elements, but the parcel is not required to comply with all other site standards within this chapter.
 - a. A change in land use(s) occurs, defined as a change from one use(s) listed as a permitted or special exception land use in Chapter 3: Zoning & Overlay Districts any to another land use(s).
 - b. Exterior structural alteration(s) are made to the primary structure(s), including additions, enlargements, and relocations. Note that an internal remodel/renovation that does not alter a structural component of the exterior is not considered an exterior structure alteration.
 - i) For example, if a new land use is established in an existing building and the current site layout can accommodate the required plantings but can only accommodate 50% of the required buffer width without moving an existing building, then all of the plantings and half of the buffer width shall be provided.

C. Identifying Required Buffer and Screening Requirements

1. Using Table 5.A: Minimum Buffers & Screening Required. To identify the required buffer and screening, locate the zoning district of the parcel being developed or improved in the first column. Next, identify the zoning district of the adjacent parcel(s) in the second column, noting that each adjacent parcel will likely not have the same zoning. Finally, identify the minimum buffer and screening required along the entire length of the adjacent property line in the last two columns.
2. Buffers. The minimum required buffer is a way to further separate or mitigate land uses that are adjacent to each other that might not be compatible through requiring a larger setback.
3. Screening. The minimum screening is a way to further mitigate land uses that are adjacent to each other that might not be compatible through a visual and vertical separation.

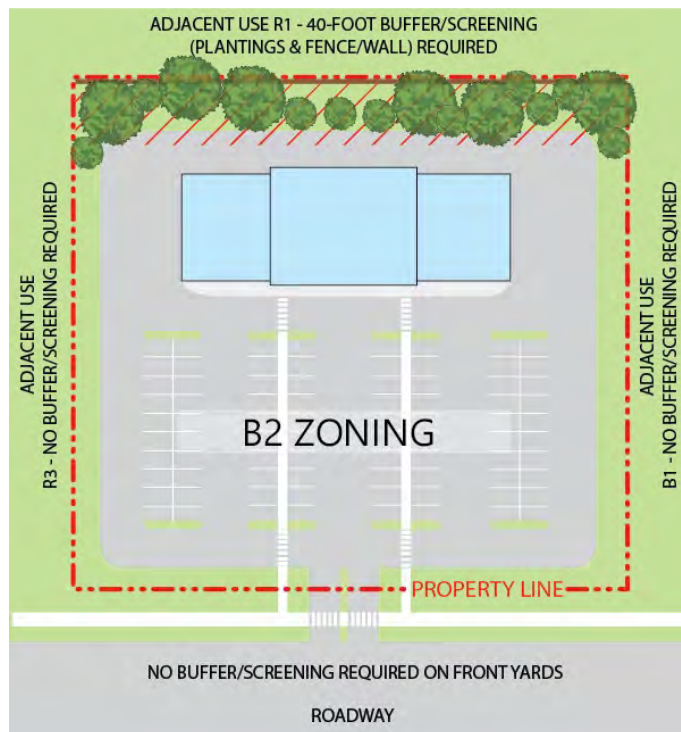
D. Buffer & Screening Requirements

Table 5.A: Minimum Buffers & Screening Required			
Zoning of Subject Parcel	Zoning of Adjacent Parcel¹	Minimum Buffer Required	Minimum Screening Required
AG	All Districts	No Buffer Required	No Screening Required
R1 or R2	AG, R1, R2 or B3	No Buffer Required	No Screening Required
	R3 or B1	20-foot Buffer	No Screening Required
	B2, I1 or I2	30-foot Buffer	No Screening Required
R3 or B1	AG or R1	20-foot Buffer	2 Shade Trees, 4 Evergreen Trees & 6 Shrubs per 100 Linear Feet
	R2	20-foot Buffer	No Screening Required
	R3, B1 or B3	No Buffer Required	No Screening Required
	B2, I1 or I2	20-foot Buffer	No Screening Required
B2	AG, R1 or R2	40-foot Buffer	4 Shade Trees, 8 Evergreen Trees & 12 Shrubs per 100 Linear Feet PLUS a Fence or Wall
	R3, B1 or B3	No Buffer Required	Fence or Wall
	B2, I1 or I2	No Buffer Required	No Screening Required
B3	All Districts	No Buffer Required	No Screening Required
I1 or I2	R1 or R2	60-foot Buffer	4 Shade Trees, 8 Evergreen Trees & 12 Shrubs per 100 Linear Feet PLUS a Fence or Wall
	AG, R3, B1 or B3	50-foot Buffer	Fence or Wall
	B2, I1 or I2	No Buffer Required	No Screening Required

1 - If the parcel borders a parcel that is a PUD or a parcel that is outside of Austin’s jurisdiction, the screening and buffer requirements shall be based on the zoning district most comparable to this UDO as determined by the Administrator

Buffer & Screening Procedures	
Buffer & Screening Plan	<ul style="list-style-type: none"> A buffer and screening plan that shows compliance with this section shall be submitted with a development plan (if required) or prior to the issuance of a building permit, whichever occurs first

Buffer Requirements	
Buffer Location	<ul style="list-style-type: none"> Buffers must be located adjacent to the property line and measured from the property line inward Buffers are only required on side and rear property lines/yards (not required for front property lines/yards) Buffers may include any required setbacks outlined in Chapter 3: Zoning & Overlay Districts
Uses Allowed within Buffers	<ul style="list-style-type: none"> Passive recreation or open spaces, including pedestrian or bike trails Natural water features, landscaping, and planting areas Drainage and utility easements and related drainage structures, utility structures, and similar features (provided that required screening is not located in an easement) Parking areas and parking lot driving lanes Driveways that are used to access a right-of-way or adjacent parcel Signs as allowed by Section 5.7: Signs
Uses Prohibited within Buffers	<ul style="list-style-type: none"> Permanent or temporary structures (excluding those identified as allowed above), including buildings, ice skating rinks, swimming pools, and ball/tennis courts Loading areas or loading docks Storage of materials, equipment, or vehicles Uses, activities, and structures not identified as allowed



Example of Required Buffer & Screening and Location

Screening Requirements	
Screening Location	<ul style="list-style-type: none"> • Screening must be located within the required buffer area and cannot be located within a right-of-way • If a fence or wall and plantings are required, the plantings must be located between the property line and fence or wall • Screening is only required on side and rear property lines/yards (not required for front property lines/yards) • Screening cannot be within an easement without permission from the easement holder • Screening cannot obstruct the view or sight triangle of a driveway or public road
Allowed Screening Materials & Design	<ul style="list-style-type: none"> • Fences and Walls <ul style="list-style-type: none"> • Fences or walls used to satisfy this section shall be opaque and minimum of 6 feet in height (Note that chain link fence with slats is not considered opaque and cannot be used to satisfy this requirement) • Landscaping / Plantings <ul style="list-style-type: none"> • Plant material included on the current IDNR list of invasive species cannot be used to satisfy any requirements of this section • All plantings must be suitable for Scott County’s soils, climatic conditions, and the plant’s solar exposure • Existing plant material that meets the requirements of this section may be counted towards any requirements for plantings • All other unimproved areas of a buffer shall have groundcover or grass • Required plant types may be substituted at the discretion of the Administrator to accommodate rights-of-way, drainage easements, utility easements, or the need for year-round screening (all substitutions shall be documented in writing by the Administrator, justifying the decision) • Required plantings may be grouped or clustered to provide a more natural appearance, improve site design, accommodate vehicular and pedestrian access, avoid utility infrastructure, and/or loading and maintenance areas
Plant Installation Requirements	<ul style="list-style-type: none"> • 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 that the landscaping be installed within 120 days of the final inspection • At the time of installation, the minimum plant sizes shall comply with the following: <ul style="list-style-type: none"> • Shade Trees: At least 2-inch caliper DBH and 8-foot height • Evergreen Trees: At least 5-foot height • Shrubs: At least 18-inch height
Screening Maintenance	<ul style="list-style-type: none"> • The property owner is responsible for the regular maintenance of all landscaping materials, fences, walls, and/or berms. 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. • All plant material used to satisfy the requirements of this section that dies must be replaced by the property owner within six months to maintain the approved landscape plan. Failure to maintain compliance with the minimum requirements of this section is a violation of the UDO and subject to the provisions of Section 7.12: Violations & Enforcement

SECTION 5.3 DRIVEWAYS & ACCESS TO PARCELS

A. Driveways & Access Purpose

The purpose of these standards are to provide safe and efficient access to public roads while also preventing damage or degrading public infrastructure and reducing conflicts.

B. Thresholds that Require Compliance with Driveways & Access Standards

1. If any of the following occur, all driveways (existing and new) on a parcel shall comply with all driveway and access standards within this section:
 - a. A new primary structure(s) is constructed on the parcel.
 - b. A new land use(s) is established on a vacant parcel.
2. If an existing, legally established driveway and/or access point is altered, moved, or changed, that driveway or access point shall comply with all driveway and access standards within this section.
3. All new driveways and access points shall comply with all driveway and access standards within this section.

C. Driveways & Access Requirements

Driveway & Access Procedures	
Driveway Permit	<ul style="list-style-type: none"> • All new, expanded, or modified driveways or access points onto a public road shall obtain a permit from INDOT (for state owned/controlled roads); the City of Austin (for city owned/controlled roads); or Scott County (for county owned/controlled roads) prior to construction or installation of the driveway unless a permit is not required by the respective entity

Shared Driveway Requirements	
Maximum Number of Parcels Served	<ul style="list-style-type: none"> • Single-Family & Two-Family Uses Only: <ul style="list-style-type: none"> • A shared driveway can provide access to a maximum of 4 parcels • Driveways that serve more than 4 parcels shall be considered public roads and must be constructed in accordance with the residential road standards as outlined in Chapter 6: Subdivision Standards
Shared Driveway Easement	<ul style="list-style-type: none"> • Shared driveway must have a minimum 20-foot easement that is approved by the Administrator and recorded by the property owner
Maintenance Agreement	<ul style="list-style-type: none"> • A written and recorded maintenance agreement with the parcels that access the private driveway is required

Driveway & Access Location Requirements	
Driveway Location	<ul style="list-style-type: none"> • Roads and driveways shall align with and connect to existing or planned roads • Driveways cannot gain access directly from any arterial or collector roadway unless no other means of access is available • Driveways and access points cannot create traffic or safety hazards • Sidewalks shall not be used for parking vehicles
Access Between Developments	<ul style="list-style-type: none"> • Non-residential developments shall provide a vehicular connection with adjacent property or provide stub connections if the adjacent site is not developed, when feasible, to encourage and facilitate circulation without directly accessing public streets
Minimum Separation between Driveways & Roads	<ul style="list-style-type: none"> • Minimum distance required between the nearest edges of pavement at the right-of-way shall be: <ul style="list-style-type: none"> • Between Two Driveways: 80 feet • Between A Driveway & Local Road¹: 80 feet • Between A Driveway & Collector Road¹: 150 feet • Between A Driveway & Arterial Road¹: 200 feet • Separation is from any driveway or roads on both sides of the road • Minimum separation does not apply to lots within a platted residential subdivisions • If a driveway cannot meet the separation requirements because of the parcel width, one driveway is permitted at the furthest feasible point from the intersection
Dedication of Right-of-Way	<ul style="list-style-type: none"> • 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 Table 5.C: Minimum Road Construction 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 • This shall be completed at the time of the development plan process, the secondary plat process, or building permit process, whichever occurs first
Improvements to Public Road	<ul style="list-style-type: none"> • A parcel may be required to provide deceleration lanes, acceleration lanes, passing blisters, or other improvements to the public road system to mitigate impacts from a development when a development connects to an existing public road

1 – Roadway classification shall be determined by the current INDOT Functional Classification Map

Driveway Design Requirements		
Allowed Driveway Materials	Agricultural & Residential Uses	<ul style="list-style-type: none"> • Driveways within platted subdivisions that are recorded after the initial adoption date of this UDO shall be paved with an all-weather surface (such as asphalt, concrete, or other material that will provide equivalent protection against erosion and dust) • Driveways outside of platted subdivisions or subdivisions recorded before the initial adoption date of this UDO are not required to be paved
	All Other Uses	<ul style="list-style-type: none"> • Driveways shall be paved with an all-weather surface (such as asphalt, concrete, or other material that will provide equivalent protection against erosion and dust) and comply with Chapter 6: Subdivision Standards; gravel driveways are not permitted • Driveways shall be considered private and not dedicated as public right-of-way
Driveway Width at Right-of-Way	Single-Family & Two-Family Uses	<ul style="list-style-type: none"> • Maximum width of 24 feet at the right-of-way • Minimum width of 10 feet at the right-of-way • Driveways may widen 5 feet from the right-of-way or at the back of the sidewalk if a sidewalk is present
	All Other Uses	<ul style="list-style-type: none"> • Minimum and maximum driveway width shall be the width necessary (as determined by a Professional Engineer based on industry standards) to accommodate safe travel and anticipated traffic volumes • The minimum width of travel lanes shall be at least 12 feet where it intersects any public road unless approved by the Board of Works
Minimum Distance Between Right-of-Way & Structures	<ul style="list-style-type: none"> • Single-Family & Two-Family Uses Only: Driveways shall have a minimum of 20 feet in length between the right-of-way (or back of sidewalk if a sidewalk is present) and the nearest edge of a building to accommodate parking of a vehicle without being in the right-of-way 	
Drainage	<ul style="list-style-type: none"> • All drainage shall comply with the Austin Drainage Ordinance 	

<p>Traffic Analysis</p>	<ul style="list-style-type: none"> • A Traffic Impact Statement shall be required for all new driveways onto a public road that is owned by the City of Austin with the following types of applications: <ul style="list-style-type: none"> • Primary plat applications for all major subdivisions • Development plan applications for non-residential development • It shall include the expected number of daily and peak hour trips, and shall identify any existing traffic issues that exist at the proposed access point(s) <ul style="list-style-type: none"> • All calculations and/or software as well as methods used in determining trip generation shall be based on accepted industry standards established by ITE (Institute of Transportation Engineers), TRB (Transportation Research Board), INDOT (Indiana Department of Transportation), and/or FHWA (Federal Highway Administration) • The method for developing estimates of future traffic should be explained with supporting documentation as needed • The PC and/or BZA may require more details traffic analysis if needed based on road capacity, traffic, congestion, safety, or similar factors
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Example of Minimum Driveway Length & Maximum Driveway Width

SECTION 5.4 LIGHTING

A. Lighting Purpose

The purpose of these standards are to minimize impacts of on-site lighting on surrounding parcels and public roads while also providing adequate lighting for safety and security.

B. Thresholds that Require Compliance with Lighting Standards

1. If any of the following occur, all lighting (existing and new) on a parcel shall comply with all lighting standards within this section:
 - a. A new primary structure(s) is constructed on the parcel.
 - b. A new land use(s) is established on a vacant parcel.
 - c. More than 50% of site lighting is replace, altered, moved, or changed.
2. All new lighting shall comply with all driveway and access standards within this section.

C. Lighting Requirements

Lighting Procedures	
Lighting Plan	<ul style="list-style-type: none"> • A lighting plan that shows compliance with this section shall be submitted if development plan approval is required or prior to issuance of a building permit, whichever occurs first

Exempt & Prohibited Lighting	
Exempt Lighting (Do Not Have to Comply with Lighting Standards)	<ul style="list-style-type: none"> • All hazard warning lighting required by Federal and State regulatory agencies, and lighting for land uses and structures, such as airports and cell towers, that are regulated by the FAA or other state or federal agency • All temporary emergency lighting required by local law enforcement, emergency service, and utility departments • All traffic control and lighting within the public right-of-way that is approved by a local or state agency • Low-wattage lighting used for landscaping, seasonal decorations, underwater lighting (such as in a pool or water feature), recessed in eaves, mounted on single-family structures, carriage lights, and ceiling mounted porch lights that have a maximum output of 1600 lumens (equal to one 100-watt incandescent light) per fixture • Lighting for temporary events, festivals, and carnivals that is not used for more than a 24-hour period and is not used between midnight and 7:00 am
Prohibited Lighting	<ul style="list-style-type: none"> • Flashing lights, excessive brightness and brilliant colors, excluding exempt seasonal displays and lighting identified as exempt • Searchlights or aerial laser displays that are directed into the sky for the purposes of advertising or drawing attention to a parcel

Lighting Design Requirements	
National Electric Code	<ul style="list-style-type: none"> All light fixtures shall be installed in compliance with the current National Electrical Code (NEC)
Required Lighting in Parking Areas	<ul style="list-style-type: none"> Adequate lighting shall be installed in all parking lots for safety of users (single-family residential and two-family residential uses are exempt)
Photometric Analysis	<ul style="list-style-type: none"> The Plan Commission may require photometric analysis for a development plan or building permit application, at the applicant’s expense, to determine impacts on adjacent parcels and roads
Maximum Height	<ul style="list-style-type: none"> 30 feet, measured from ground level to highest point
Shielding	<ul style="list-style-type: none"> Fixtures shall not create unnecessary glare on adjacent properties, public open spaces or parks, or public right-of-way Fixtures shall be fully shielded with a 90 degree angle or less and an opaque material, excluding: <ul style="list-style-type: none"> Lighting for recreational facilities that is at least 500 feet from any residential use Lighting used to illuminate building facades, walls, landscaping, flags, statues, or other site features if it is directed only onto the surface of the object being illuminated
Lighting Levels	<ul style="list-style-type: none"> Maximum of 1 foot-candle at the property line, measured at grade
Sign Lighting	<ul style="list-style-type: none"> See Section 5.7: Signs

SECTION 5.5 PARKING & LOADING

A. Parking & Loading Purpose

The purpose of these standards are to provide safe and adequate parking and loading areas for various types of uses, minimize conflicts within these areas, and protect the health, safety, and welfare of the community.

B. Thresholds that Require Compliance with Parking & Loading Standards

1. If any of the following occur, all parking and loading areas (existing and new) on a parcel shall comply with all parking and loading standards within this section:
 - a. A new primary structure(s) is constructed on the parcel.
 - b. A new land use(s) is established on a vacant parcel.
 - c. If more than 50% of parking areas on a parcel are constructed, reconfigured, or reconstructed (only parking areas must comply).
 - d. If more than 50% of loading areas on a parcel are constructed, reconfigured, or reconstructed (only loading areas must comply).
2. If any of the following occur, the parcel must comply with the minimum number of required parking spaces. Note that all new, reconfigured, or reconstructed parking and loading areas shall comply with all parking and loading standards within this section, but existing, legally permitted parking and loading areas do not have to be brought into compliance unless any of the thresholds above are met.
 - a. A change in intensity, area occupied by a use, or similar threshold occurs.
 - b. A change in land use(s) occurs, defined as a change from one use(s) listed as a permitted or special exception land use in Chapter 3: Zoning & Overlay Districts any to another land use(s).
3. All new, expanded, reconfigured, or reconstructed parking and loading areas must comply with all parking and loading standards.
4. Regular maintenance is not considered a new, reconfigured, or reconstructed parking or loading area. 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.

C. Minimum Parking Spaces Required

Table 5.B: Minimum Parking Spaces		
Type of Land Use <i>(Note- Regulated by the use and not the zoning district unless within the B3 Downtown District)</i>		Minimum Number of Spaces Required
Agricultural Uses	<ul style="list-style-type: none"> • Uses Not Open to Public With Employees 	<ul style="list-style-type: none"> • 0.5 space per employees during the largest shift
	<ul style="list-style-type: none"> • Uses Open to Public 	<ul style="list-style-type: none"> • 2 space per 1,000 sq ft of gross floor area accessible by the public
Commercial Uses	<ul style="list-style-type: none"> • Farm Chemical Supply Sales • General Retail • Liquor Store 	<ul style="list-style-type: none"> • 2.5 spaces per 1,000 sq ft of gross floor area accessible by the public
	<ul style="list-style-type: none"> • Auction House • Automotive & Equipment Repair / Service • Bar, Tavern & Club • Day Care Facility • Drive-In Theater • Golf Course, Driving Range & Country Club • Kennel • Medical Offices & Outpatient • Racetrack • Service Oriented Retail • Shoting Range & Gun Club • Stadium & Arena • Storage Units • Veterinary Services • Winery, Brewery & Distillery 	<ul style="list-style-type: none"> • 0.25 spaces per person based on maximum building occupancy or maximum anticipated customers at one time (whichever is less)
	<ul style="list-style-type: none"> • Contractor’s Office • Professional Services & Business Offices 	<ul style="list-style-type: none"> • 0.75 spaces per employee during largest shift
	<ul style="list-style-type: none"> • Assisted Living & Long Term Care Facility 	<ul style="list-style-type: none"> • 1 space per employee during largest shift
	<ul style="list-style-type: none"> • Bed & Breakfast • Campground • Hotel & Motel • Short-Term Rental 	<ul style="list-style-type: none"> • 0.75 spaces per rentable unit (such as hotel room) or sleeping unit (such as campsite)
Industrial Uses	<ul style="list-style-type: none"> • Uses Open to Public 	<ul style="list-style-type: none"> • 2 spaces per 1,000 sq ft of gross floor area accessible by the public
	<ul style="list-style-type: none"> • Uses Not Open to Public 	<ul style="list-style-type: none"> • 0.5 spaces per employee during the largest shift

	Type of Land Use	Minimum Number of Spaces Required
Institutional Uses	<ul style="list-style-type: none"> • Airport & Heliport • Correctional Institution • Emergency Response Facility • Governmental Office • Utility Facility • Wireless Communication Facility • 	<ul style="list-style-type: none"> • 1 space per employee during largest shift •
	<ul style="list-style-type: none"> • Hospital 	<ul style="list-style-type: none"> • 1 space per employee during the largest shift PLUS 1 space per 4 patient beds or patient rooms
	<ul style="list-style-type: none"> • School 	<ul style="list-style-type: none"> • 1 space per employee PLUS 2 spaces per classroom
	<ul style="list-style-type: none"> • Cemetery, Columbaria & Mausoleum • Park, Wildlife & Nature Preserve 	<ul style="list-style-type: none"> • 0.25 spaces per person based on maximum anticipated visitors at one time
	<ul style="list-style-type: none"> • Fairgrounds • Funeral Home, Crematory & Mortuary • Library & Cultural Facility • Religious Activity & Place of Worship • Social or Philanthropic Club 	<ul style="list-style-type: none"> • 0.25 spaces per person based on maximum building occupancy or maximum anticipated visitors at one time² (whichever is less)
Residential Uses ³	<ul style="list-style-type: none"> • Single-Family Dwelling • Two-Family Dwelling 	<ul style="list-style-type: none"> • 2 spaces per dwelling unit
	<ul style="list-style-type: none"> • Loft Dwelling 	<ul style="list-style-type: none"> • 1 space per dwelling unit
	<ul style="list-style-type: none"> • Manufactured Home Park • Multi-Family Dwelling 	<ul style="list-style-type: none"> • 1.5 spaces per dwelling unit
	<ul style="list-style-type: none"> • Recovery Residence 	<ul style="list-style-type: none"> • 1 space per occupiable bedroom
	Accessory Uses & Uses Not Listed	<ul style="list-style-type: none"> • As determined by the Administrator based on similar uses, similar number of employees, or similar number of guests

1 – For non-residential uses, the number of required spaces may be administratively reduced if the applicant provides calculations showing the minimum number of spaces needed by using the most recent version of the Institute of Transportation Engineers (ITE) “Parking Generation”

2 – Maximum anticipated visitors at one time defined by applicant

3 – Parking spaces within attached or detached garages can be used to meet the minimum spaces for residential uses if the dimensions comply with the required standards

D. Downtown (B3) District Exempt from Minimum Parking Spaces

All uses within the B3 Downtown District are except from providing a minimum number of parking spaces.

E. Parking & Loading Requirements

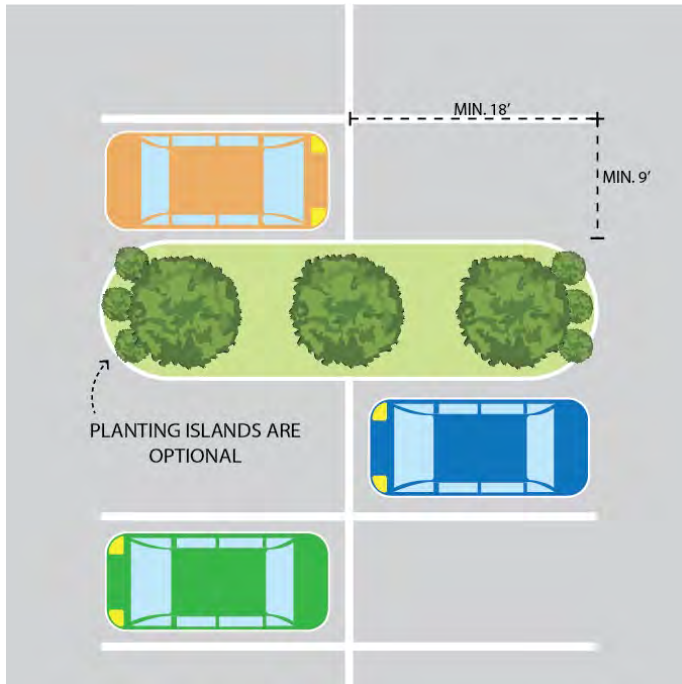
Parking Procedures	
Parking Plan	<ul style="list-style-type: none"> A parking that shows compliance with this section and all handicap parking requirements shall be submitted with all development plan applications, if required, or prior to issuance of a building permit, whichever occurs first

Shared & Off-Site Parking Requirements	
Permitted Districts	<ul style="list-style-type: none"> Off-site parking, which may also be shared with another on- or off-site use, is permitted within the B1, B2, B3, I1, and I2 districts but must comply with all of the following: <ul style="list-style-type: none"> Must be within 500 feet of the property line of parcel the off-site parking is serving Must provide an ADA-compliant sidewalk from the off-site parking area to an on-site parking area or primary structure that the off-site parking is serving Parcels with multiple uses, where allowed by the zoning district, are allowed to have on-site, shared parking area(s) on the same parcel
Number of Spaces for Shared Parking	<ul style="list-style-type: none"> Shared parking areas must provide the minimum number of spaces required for each use as identified in Section 5.5.C: Minimum Parking Spaces Required Parking spaces for developments with uses that operate at different times may be credited to both uses
Parking Agreement	<ul style="list-style-type: none"> Any parcels with off-site 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 If an off-site parking agreement expires or otherwise terminates, each use must provide the minimum required parking on-site or through a new off-site parking agreement

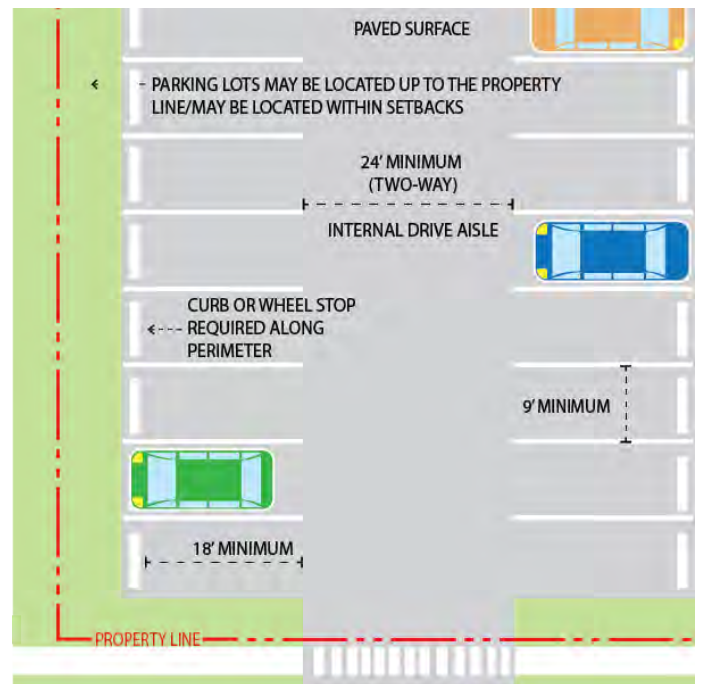
Parking Location & Layout	
Parking Location	<ul style="list-style-type: none"> May be located in front, side, or rear yard Cannot be located within a sight triangle or a location that creates a traffic hazard May be located up to the property line and within a required setback or buffer (does not apply to single-family or two-family uses)
Parking Layout	<ul style="list-style-type: none"> Individual parking spaces or loading areas cannot allow a vehicle to back into or maneuver within a public road directly from the parking space (spaces cannot directly back into a public road; internal circulation must be provided) All parking spaces and loading areas should be accessed from an internal circulation driveway/traffic aisle All parking areas, including travel aisles, shall be striped and channelized (including directional arrows) as necessary to safely direct internal traffic Parking spaces shall be striped

Parking Design Requirements		
Handicap Accessibility	<ul style="list-style-type: none"> All parking areas shall conform to state and federal requirements regarding handicap accessibility and applicable ADA requirements The minimum number of Handicap parking spaces must be provided to meet all ADA standards 	
Minimum Parking Space Size	Non-Parallel Parking Spaces	9 feet by 18 feet
	Parallel Parking Spaces	9 feet by 22 feet
Minimum Internal Traffic Aisle Width	90 Degree Spaces	24 feet for one-way or two-way
	60 Degree Spaces	18 feet for one-way or 23 feet for two-way
	45 Degree Spaces	13 feet for one-way or 21 feet for two-way
	30 Degree Spaces	11 feet for one-way or 20 feet for two-way
	Parallel Spaces	11 feet for one-way or 18 feet for two-way
Allowed Parking Area Materials	<ul style="list-style-type: none"> 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 <ul style="list-style-type: none"> Paving Exceptions: <ul style="list-style-type: none"> Overflow parking that is not used for more than a total of 60 calendar days per calendar year may be gravel All parking for agricultural uses may be gravel Parking areas must have 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 	
Maintenance	<ul style="list-style-type: none"> 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 Vegetation shall be maintained for adequate sight visibility in all vehicular areas, including in the sight triangle 	

Loading Area Design Requirements	
Minimum Number	<ul style="list-style-type: none"> No minimum number of loading areas or docks are required If loading areas or docks are provided, they must comply with all standards in this section
Loading Dock Location	<ul style="list-style-type: none"> Must be located in side or rear yard Cannot be located within a sight triangle or a location that creates a traffic hazard Cannot be located within a required setback or buffer Cannot be located within a public right-of-way, including all areas for maneuvering
Minimum Size	<ul style="list-style-type: none"> Minimum of 12 feet by 45 feet for all loading areas
Allowed Materials	<ul style="list-style-type: none"> Must be graded and surfaced with an all-weather paving material such as asphalt, concrete, or other material that will provide equivalent protection against potholes, erosion, and dust



Example of Standards for Parking Lot Design



Example of Standards for Parking Lot Design

SECTION 5.6 SIDEWALKS

A. Sidewalks Purpose

The purpose of these standards are to provide pedestrian access to parcels while also creating a safe pedestrian network throughout the community that will promote the health, safety, and welfare of all users.

B. Thresholds that Require Compliance with Sidewalk Standards

1. If any of the following occur, all perimeter sidewalks shall comply with all sidewalk standards within this section:
 - a. A new primary structure(s) is constructed on the parcel.
 - b. A new land use(s) is established on a vacant parcel.
2. If an existing perimeter sidewalk is moved or reconstructed, that portion of sidewalk shall comply with all sidewalk standards within this section.
3. All new perimeter sidewalks shall comply with all sidewalk standards within this section.

C. Sidewalks Requirements

Sidewalk Procedures	
Approval	<ul style="list-style-type: none"> • All sidewalks and public improvements that will be dedicated to the city or built within the existing public right-of-way shall be approved by the Board of Works prior to installation and dedication

Sidewalk Requirements	
Required Sidewalks	<ul style="list-style-type: none"> • Sidewalks shall be installed within city limits, at the property owner’s/applicant’s expense, adjacent to all public roads as a parcel is developed or redeveloped, even if the parcel is not being subdivided <ul style="list-style-type: none"> • Single-family dwellings, two-family dwellings, and all agricultural uses are exempt from this standard (see Chapter 6: Subdivision Standards for sidewalk requirements for subdivisions) • All sidewalks shall comply with all city design standards and specifications • Existing perimeter sidewalks that comply with these standards can be used to satisfy this requirement
Location	<ul style="list-style-type: none"> • Must be located within the public right-of-way (cannot be located on a private parcel) and dedicated and conveyed to the city as public right-of-way if improvements cannot be located within the existing public right-of-way • Must an internal curb or 4 feet from the edge of roadway pavement if there is not a curb and comply with city design standards and specifications <ul style="list-style-type: none"> • Alternative sidewalk location is permitted if approved by the Board of Works • Must be offset from property line at least 1 foot to allow for maintenance without accessing the adjacent parcel

Sidewalk Design Requirements	
Minimum Width	<ul style="list-style-type: none"> • Minimum of 5 feet in width
Accessibility & Slope	<ul style="list-style-type: none"> • Must comply with all ADA design requirements, including all driveway crossings • Shall have sufficient slope to drain away from the lot and toward the center of the public road
Groundcover	<ul style="list-style-type: none"> • All other non-paved areas within the right-of-way must be planted with grass or similar groundcover approve by the Board of Works; trees must be approved by the Board of Works

Sidewalk Use & Maintenance Requirements	
Use of Sidewalks	<ul style="list-style-type: none"> • 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 • An ADA-accessible route shall be maintained at all times • Structures or displays 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
Maintenance	<ul style="list-style-type: none"> • Routine maintenance and cleaning of all sidewalks (such as removing snow, leaves, and debris) within the right-of-way shall be the responsibility of the abutting property owner(s) • Replacement and repair of sidewalks within the right-of-way is the responsibility of the City after dedication

SECTION 5.7 SIGNS

A. Signs Purpose

The purpose of these standards are to reduce potential hazards to motorists from sign clutter, encourage compatible between sign scale and development patterns, and reinforce the character of the community.

B. Thresholds that Require Compliance with Sign Standards

1. If any of the following occur, all signs (existing and new) on a parcel shall comply with all sign standards within this section:
 - a. A new primary structure(s) is constructed on the parcel.
 - b. A new land use(s) is established on a vacant parcel.
2. If an existing, legally erected sign is expanded, moved or a structural alteration is made to the sign, that sign shall comply with all sign standards within this section.
 - a. The following are considered regular maintenance and not considered an expansion or a structural alteration:
 - i) Replacement of structural components with components that have identical dimensions
 - ii) Changing the copy on a sign
 - iii) Painting or updating the finish of the sign or sign components
3. All new signs shall comply with all sign standards within this section.

C. Sign Requirements

Sign Procedures	
Building Code	<ul style="list-style-type: none"> • All internal and external illumination, where permitted, shall be installed in compliance with the latest version of the National Electrical Code (NEC) and Section 5.4: Lighting • Signs shall meet all required building codes for the sign structure and foundation
Sign Plan	<ul style="list-style-type: none"> • A sign plan that shows compliance with this section shall be submitted with a development plan (if required) or prior to the issuance of a building permit, whichever occurs first

Exempt Signs (Not Required to Comply with Sign Standards)	
Address & Building Identification Signs	<ul style="list-style-type: none"> Signs that provide adequate property or building identification (including address, building name, and similar) where the total sign structure does not exceed 4 square feet
Flags	<ul style="list-style-type: none"> Flags of any country, state, unit of local government, institution of higher learning, or similar organization
Historical Marker Signs	<ul style="list-style-type: none"> Signs that identify historical sites, districts, or buildings that may include monumental citations, historical interest, commemorative or memorial tablets, and similar information where the total sign structure does not exceed 4 square feet
Non-Visible Signs	<ul style="list-style-type: none"> Signs that are not visible from any public right-of-way, any private road or driveway, or any adjacent parcel
Operational Signs	<ul style="list-style-type: none"> Signs that provide operational information (including hours of operations, restroom identification, directional/entrances, visitor parking, menus, or similar information) and where the total sign structure does not exceed 4 square feet
Political Signs	<ul style="list-style-type: none"> Political campaign signs in accordance with IC 36-1-3-11
Public Notice Signs	<ul style="list-style-type: none"> Signs that notify the public and place by or on the order of a local, state, or federal law or intended to provide a public notice (such as rezoning, government) where the total sign structure does not exceed 4 square feet
Regulatory, Utility & Safety Signs	<ul style="list-style-type: none"> Signs that are regulatory or safety notices (including no trespassing, directional, ingress/egress, and traffic) or information about public or private utilities (including locations, cables, lines, and similar notices) where the total sign structure does not exceed 4 square feet
Seasonal Decorations	<ul style="list-style-type: none"> Temporary decorations that are customarily associated with a national, local, or religious holiday and displayed for less than 60 consecutive days

Prohibited Signs	
Flashing Signs	<ul style="list-style-type: none"> Signs that with flashing, blinking, fluttering or use any motion of pictures, or change light intensity or brightness (note scrolling text is permitted where electronic and digital sign components are allowed)
Emitting Signs	<ul style="list-style-type: none"> Signs that emit audible sound, odor, or visible matter
Imitation Signs	<ul style="list-style-type: none"> Signs that emulate emergency service vehicles, road equipment, traffic signs (such as Stop, Slow, or Caution), or similar items
Obscene Signs	<ul style="list-style-type: none"> Display or convey obscene matter as defined in IC 35-49-2 or other local ordinance
Vehicle Signs	<p>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:</p> <ul style="list-style-type: none"> Passenger vehicles Non-passenger vehicles (such as box trucks, semi-trucks, trailers, etc.) that are lawfully: <ul style="list-style-type: none"> Parked overnight during non-business hours at a driver’s residence or business; Parked while conducting lawful business; and Parked on a construction site in conjunction with construction operations

Prohibited Sign Locations	
Within a Right-of-Way	<ul style="list-style-type: none"> Signs cannot be located within any right-of-way unless authorized by the Board of Works and/or INDOT, including signs located on any traffic control device, street sign, tree, utility pole, or similar location
Safety Obstruction	<ul style="list-style-type: none"> Signs cannot be located that obstruct a door, fire escape, stairway, or any opening intended to provide entry or exit from any building or structure or that obstruct the view any traffic or roadway sign, signal, or device
Within a Sight Triangle	<ul style="list-style-type: none"> Signs cannot be located that obstruct a sight clearance and cannot be placed within the sight triangle of any intersection or driveway

Sign Illumination Requirements	
Allowed Illumination Types	<ul style="list-style-type: none"> Permanent signs may be internally or externally illuminated Temporary signs cannot be illuminated unless specified within this UDO
Shielding	<ul style="list-style-type: none"> Must comply with Section 5.4: Lighting
Static Illumination	<ul style="list-style-type: none"> Cannot change, or give the illusion of, light intensity or brightness of color

Digital Sign (Electronic Variable Message Signs) Requirements	
Message or Copy	<ul style="list-style-type: none"> Message, text, or image must remain unchanged for at least 15 seconds Scrolling text is prohibited
Allowed Zoning Districts	<ul style="list-style-type: none"> Only permitted in B1, B2, I1 and I2 districts
Drive-Thru Menus	<ul style="list-style-type: none"> Drive-thru menu boards and similar digital signs that are not intended to be viewed from off-site do not have to comply with the digital sign requirements but shall comply with all other sign standards

D. Allowed Temporary and Permanent Signs

Signs Allowed in AG District				
Sign Type		Max Number	Max Size & Height	Other Requirements
Mailbox Sign	Permanent	1 sign per parcel	<ul style="list-style-type: none"> 1 sq ft per sign face 	
Monument Sign	Permanent	1 single-sided or 2 double sided per entrance to a platted subdivision	<ul style="list-style-type: none"> 50 sq ft per sign face 8 foot height 	<ul style="list-style-type: none"> Only allowed at an entrance to a platted subdivision (not permitted for single parcels)
Portable, Vehicle, Inflatable or Moving Sign	Temporary	1 sign per parcel or 1 sign per tenant	<ul style="list-style-type: none"> 8 sq ft per sign face 10 foot height 	<ul style="list-style-type: none"> Portable & vehicle only permitted during business hours Inflatable & moving signs maximum of 30 days two times during a calendar year
Wall Sign	Permanent	1 sign per parcel or 1 sign per tenant	<ul style="list-style-type: none"> 8 sq ft per sign face 	
Yard Sign	Temporary	1 sign per parcel or 1 sign per tenant	<ul style="list-style-type: none"> 8 sq ft per sign face 5 foot height 	<ul style="list-style-type: none"> Maximum of 30 days two times during a calendar year or when property is for sale or lease

Signs Allowed in R1, R2 & R3 Districts				
Sign Type		Max Number	Max Size & Height	Other Requirements
Mailbox Sign	Permanent	1 sign per parcel	<ul style="list-style-type: none"> 1 sq ft per sign face 	
Monument Sign	Permanent	1 single-sided or 2 double sided per entrance to a platted subdivision	<ul style="list-style-type: none"> 50 sq ft per sign face 8 foot height 	<ul style="list-style-type: none"> Only allowed at an entrance to a platted subdivision (not permitted for single parcels)
Wall Sign	Permanent	1 sign per parcel	<ul style="list-style-type: none"> 1 sq ft per sign face 	
Yard Sign	Temporary	1 sign per parcel	<ul style="list-style-type: none"> 8 sq ft per sign face 5 foot height 	<ul style="list-style-type: none"> Maximum of 30 days two times during a calendar year or when property is for sale or lease

Signs Allowed in B1 & B2 Districts				
Sign Type		Max Number	Max Size & Height	Other Requirements
Awning Sign	Permanent	N/A	<ul style="list-style-type: none"> 50 sq ft of sign face but cannot exceed 50% of awning surface 	
Hanging or Projecting Sign	Permanent	1 sign per parcel	<ul style="list-style-type: none"> 12 sq ft per sign face 	<ul style="list-style-type: none"> Must be attached to primary or accessory structure (cannot be freestanding) Minimum 8.5 ft clearance between sign and ground
Monument, Pole or Post Sign	Permanent	2 signs per parcel	<ul style="list-style-type: none"> Total of 200 sq ft per parcel for all monument, pole and post signs 8 foot height for monument sign or 25 foot height for pole or post sign 	
Portable, Vehicle, Inflatable or Moving Sign	Temporary	1 sign per parcel or 1 sign per tenant	<ul style="list-style-type: none"> 8 sq ft per sign face 10 foot height 	<ul style="list-style-type: none"> Portable & vehicle only permitted during business hours Inflatable & moving signs maximum of 30 days two times during a calendar year
Wall, Window, Roof or Banner Sign	Temporary	2 signs per parcel or 1 sign per tenant	<ul style="list-style-type: none"> 8 sq ft per sign face 	<ul style="list-style-type: none"> Maximum of 30 days two times during a calendar year
	Permanent	2 signs per parcel or 1 sign per tenant	<ul style="list-style-type: none"> 25 sq ft per sign face but cannot exceed 30% of wall or window 	
Yard Sign	Temporary	2 signs per parcel or 1 sign per tenant	<ul style="list-style-type: none"> 8 sq ft per sign face 5 foot height 	<ul style="list-style-type: none"> Maximum of 30 days two times during a calendar year or when property is for sale or lease

Signs Allowed in B3 District				
Sign Type		Max Number	Max Size & Height	Other Requirements
Awning Sign	Permanent	N/A	<ul style="list-style-type: none"> 25 sq ft of sign face but cannot exceed 50% of awning surface 	
Hanging or Projecting Sign	Permanent	1 sign per parcel	<ul style="list-style-type: none"> 12 sq ft per sign face 	<ul style="list-style-type: none"> Must be attached to primary or accessory structure (cannot be freestanding) Minimum 8.5 ft clearance between sign and ground
Portable, Vehicle, Inflatable or Moving Sign	Temporary	1 sign per parcel or 1 sign per tenant	<ul style="list-style-type: none"> 8 sq ft per sign face 10 foot height 	<ul style="list-style-type: none"> Portable & vehicle only permitted during business hours Inflatable & moving signs maximum of 30 days two times during a calendar year
Wall, Window, Roof or Banner Sign	Temporary	2 signs per parcel or 1 sign per tenant	<ul style="list-style-type: none"> 8 sq ft per sign face 	<ul style="list-style-type: none"> Maximum of 30 days two times during a calendar year
	Permanent	2 signs per parcel or 1 sign per tenant	<ul style="list-style-type: none"> 16 sq ft per sign face but cannot exceed 30% of wall or window 	

Signs Allowed in I1 & I2 Districts				
Sign Type		Max Number	Max Size & Height	Other Requirements
Awning Sign	Permanent	N/A	<ul style="list-style-type: none"> 50 sq ft of sign face but cannot exceed 50% of awning surface 	
Hanging or Projecting Sign	Permanent	1 sign per parcel	<ul style="list-style-type: none"> 20 sq ft per sign face 	<ul style="list-style-type: none"> Must be attached to primary or accessory structure (cannot be freestanding) Minimum 8.5 ft clearance between sign and ground
Portable, Vehicle, Inflatable or Moving Sign	Temporary	1 sign per parcel or 1 sign per tenant	<ul style="list-style-type: none"> 8 sq ft per sign face 10 foot height 	<ul style="list-style-type: none"> Portable & vehicle only permitted during business hours Inflatable & moving signs maximum of 30 days two times during a calendar year
Monument, Pole or Post Sign	Permanent	2 signs per parcel	<ul style="list-style-type: none"> Total of 200 sq ft per parcel for all monument, pole and post signs 8 foot height for monument sign or 25 foot height for pole or post sign 	
Wall, Window, Roof or Banner Sign	Temporary	2 signs per parcel or 1 sign per tenant	<ul style="list-style-type: none"> 20 sq ft per sign face 	<ul style="list-style-type: none"> Maximum of 30 days two times during a calendar year
	Permanent	2 signs per parcel or 1 sign per tenant	<ul style="list-style-type: none"> 50 sq ft per sign face but cannot exceed 30% of wall or window 	
Yard Sign	Temporary	2 signs per parcel or 1 sign per tenant	<ul style="list-style-type: none"> 12 sq ft per sign face 5 foot height 	<ul style="list-style-type: none"> Maximum of 30 days two times during a calendar year or when property is for sale or lease

SECTION 5.8 OUTDOOR STORAGE

A. Outdoor Storage Purpose

The purpose of these standards are to allow for the necessary storage of goods and property while also protecting the character of the community, reducing visual obstructions and nuisances, and preventing unsafe conditions within the community.

B. Thresholds that Require Compliance with Outdoor Storage Standards

1. If any of the following occur, all outdoor storage (existing and new) on a parcel shall comply with all outdoor storage standards within this section:
 - a. A new primary structure(s) is constructed on the parcel.
 - b. A new land use(s) is established on a vacant parcel.
 - c. A change in land use(s) occurs, defined as a change from one use(s) listed as a permitted or special exception land use in Chapter 3: Zoning & Overlay Districts any to another land use(s).
 - d. Any area on the parcel that is used for outdoor storage is altered, moved, or changed.
2. All new areas used for outdoor storage shall comply with all outdoor storage standards within this section.

C. Outdoor Storage Requirements

General Outdoor Storage Requirements	
Prohibited within Right-of-Way	<ul style="list-style-type: none"> • Outdoor storage of any materials, junk, bulk items/materials, vehicles, heavy equipment, and similar items is not permitted within any public right-of-way, public road, access easement, or required setback or buffer • Regulation of abandoned vehicles within the right-of-way shall be governed by Ordinance 2020-04

Outdoor Storage of Vehicle & Heavy Equipment	
Automotive Vehicles & Trailers	<ul style="list-style-type: none"> • Automotive vehicles or trailers of any type without plates or in an inoperable condition cannot be stored outdoors more than 7 consecutive days on a parcel • Must be stored in side yard or rear yard
Recreational Vehicles (RVs) & Boats	<ul style="list-style-type: none"> • Cannot be occupied at any time while stored except for the purpose of loading, unloading, or cleaning • Cannot be connected to any utilities (electric, water, sewage, etc.) • Maximum of 1 RV and 1 boat that are visible from a public right-of-way or another parcel can be stored outdoors on a parcel zoned AG, R1, R2 or R3 <ul style="list-style-type: none"> • Must be stored in a side or rear yard or on a driveway (cannot be within right-of-way or block a sidewalk) • RVs and boats cannot be stored outdoors on a parcel zoned B1, B2, B3, I1 or I2 unless allowed as a permitted/allowed use within the zoning district
Heavy Equipment and Other Materials/Items	<ul style="list-style-type: none"> • Outdoor storage of materials, junk, bulk items/materials, heavy equipment, and similar items is not permitted in the R1, R2, R3 and B3 districts • Outdoor storage of materials, junk, bulk items/materials, heavy equipment, and similar items are permitted in the AG, B1, B2, B3, I1 and I2 districts if located in a side or rear yard or located on a driveway (cannot be within the right-of-way or block a sidewalk)

SECTION 5.9 STRUCTURES

A. Structures Purpose

The purpose of these standards are to establish the minimum requirements necessary to prevent unsafe building, structure, and site conditions and to promote the health, safety, and welfare of the community.

B. Thresholds that Require Compliance with Structures Standards

1. If an existing, legally constructed structure is moved or exterior structural alteration(s) are made to the structure (including additions, enlargements, and relocations), that structure shall comply with all structure standards within this section. Note that an internal remodel/renovation that does not alter a structural component of the exterior is not considered an exterior structure alteration.
2. All new structures shall comply with all structure standards within this section.

C. Structures Requirements

Structure Procedures	
Building Permits & Improvement Permits	<ul style="list-style-type: none"> • Building permits and/or improvement permits are required for all primary structures, accessory structures, and temporary structures as outlined in Chapter 7: Procedures • Building permits and improvement permits for permanent structures are valid for 12 months and may be renewed for an additional 12 months if construction has started but is not completed • Permits for temporary structures are valid for the time period outlined in this UDO
General Structure Requirements	
Conformance to UDO	<ul style="list-style-type: none"> • All primary, accessory, and temporary structures shall: <ul style="list-style-type: none"> • Conform with all standards within this UDO unless they comply with Chapter 2: Nonconformities • Comply with the minimum setback of the zoning district and buffer, if required • Not be placed, constructed, moved, or relocated unless the structure and placement conforms with all standards of this UDO
Location	<ul style="list-style-type: none"> • Structures cannot be located within any type of easement, including drainage, access, and utility easements, unless it is specifically allowed by this UDO or local ordinance and it is approved by the easement holder
Structures Exempt from Building Height Regulations	<ul style="list-style-type: none"> • Agricultural structures necessary for its operation, such as silos • Industrial appurtenances • Spires or church steeples • Utility structures • Wind turbines • Cellular towers (only as required by Indiana Code)

Primary Structure Requirements	
Primary Structure Building Orientation	<ul style="list-style-type: none"> The front of primary structures shall be oriented towards the road with the highest functional classification (as determined by the INDOT functional classification map) Corner lots with the same road classification may be oriented towards either road
Manufactured Home Requirements	
Dwelling Type	<ul style="list-style-type: none"> Manufactured homes may be used as a single-family dwelling when located in any district where a single-family dwelling is permitted Any manufactured home that exceeds 950 square feet of occupied space may be installed as permanent residences on any lot where a single-family dwelling is permitted if the manufactured home meets all requirements of the district and UDO Recreational vehicles are not considered manufactured homes
Minimum Design Requirements	<ul style="list-style-type: none"> Shall be built to the Manufactured Home Construction and Safety Standards (HUD Code) and display a red certification label on the exterior of each transportable section Shall be attached and anchored to a permanent foundation in conformance with the appropriate building code and with manufacturer’s installation specifications A concrete block foundation shall be installed for the entire area between the floor joists of the structure and the underfloor grade so that it is completely enclosed on all sides Shall possess all necessary building, water, and sewage disposal permits prior to placement of the structure on a parcel. The wheels, axles, and hitches shall be removed Shall be covered with an exterior material and roof material customarily used on site-built structures
Accessory Structure Requirements	
Permitted/Allowed Accessory Structures	<ul style="list-style-type: none"> Unless otherwise stated in this UDO, accessory structures that are incidental to a permitted or approved primary use shall be allowed in all zoning districts if it complies with all requirements of the UDO Note that accessory dwelling units are considered a separate use and only permitted as outlined in Chapter 3: Zoning & Overlay Districts Accessory structures that could potentially be a dwelling, such as manufactured homes that are being used as a storage structure or barns, shall require a use affidavit stating it will not be used as a dwelling prior to issuance of a building or improvement permit or placement of the structure
Accessory Structure Subordination	<ul style="list-style-type: none"> 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) except for the following: <ul style="list-style-type: none"> Accessory structures within the AG district (if water or sewer is connected to the structure, a use affidavit stating it will not be used as a dwelling shall be provided prior to issuance of a building or improvement permit or placement of the structure) Accessory structures without connections to water, sewer, or septic in the R1, R2, and R3 districts Accessory structures shall be subordinate in height, bulk, and extent to the primary structure(s) except within the in the R1, R2 and R3 districts

Accessory Structure Location	<ul style="list-style-type: none"> Accessory structures that require a permit, excluding fences, shall be located in the rear yard of the primary structure (cannot be located in the front or side yard of the primary structure) unless otherwise stated in this UDO Accessory structures that do not require a permit may be located in the front or side yard, except enclosed structures/buildings, swing sets, trampolines, and similar play structures
Swimming Pool Requirements	
Location	<ul style="list-style-type: none"> Must be located in the rear yard
Minimum Setback	<ul style="list-style-type: none"> 10 feet from side yard and rear yard setback of 10 feet, or the minimum setback of the zoning district if greater
Fence & Wall Requirements	
Exempt Walls	<ul style="list-style-type: none"> Retaining walls whose purpose is to provide structural support in grading and elevation changes do not have to comply with the fence & wall standards
Location	<ul style="list-style-type: none"> Minimum of 5 feet from any public right-of-way Cannot create a traffic hazard, be located within a sight triangle, or be hazardous or dangerous to persons or animals Cannot be located within any type of easement, including drainage, access, and utility easements unless approved by the easement holder(s) May be placed on the property line (excluding property lines that abut a public right-of-way) with written approval from the adjoining property owner(s); If no agreement is provided, fences and walls may be placed up to the property line
Prohibited Materials	<ul style="list-style-type: none"> Razor wire, barbed wire, sharpened top spikes, and electrified fences (excluding underground pet fence systems), except for agricultural, industrial, correctional facilities, or utility purposes All other materials that are not traditionally used for fences (such as pallets)
Design	<ul style="list-style-type: none"> Structural supports for privacy fences shall face inward except within the AG district
Maximum Height (unless otherwise stated in this UDO)	<ul style="list-style-type: none"> R1, R2, R3 or B3: <ul style="list-style-type: none"> 4 feet in front yard 6 feet in side yard and rear yard AG, B1, B2, I1 or I2 <ul style="list-style-type: none"> 6 feet in front yard 8 feet in side yard and rear yard Height shall be measured from ground level to highest point of fence

Centralized Mail Delivery Requirements	
Required for New Development	<ul style="list-style-type: none"> Centralized mail delivery, such as Cluster Box Units (CBU) and Neighborhood Unit Centers (NUC) (Postal Kiosks), shall be required for all new residential subdivisions (including new phases) and new or remodeled multi-family developments unless alternative mail delivery (such as individual mailboxes) is approved by the United States Postal Service (USPS)
USPS Conformance	<ul style="list-style-type: none"> All centralized mail delivery structures 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
Ownership	<ul style="list-style-type: none"> Centralized mail delivery structures 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 centralized mail delivery structures
Accessibility	<ul style="list-style-type: none"> Shall be ADA-accessible or have a vehicular pull-off area outside of the public road
Temporary Structure Requirements	
Intent of Temporary Structures	<ul style="list-style-type: none"> Temporary storage containers, shipping containers, and similar storage structures are considered temporary structures that are intended to be used during a limited time period and not affixed to a permanent foundation If any structure is intended to be used as a permanent structure or for time periods greater than allowed by this section, the structure shall be affixed to a permanent foundation, comply with all requirements of this UDO, and comply with all applicable building codes
Removal	<ul style="list-style-type: none"> All temporary structures shall be removed after the approved duration
Construction Trailer Requirements	
Temporary Construction Trailers	<ul style="list-style-type: none"> Temporary construction trailers may be permitted on a project site in the B1, B2, B3, I1 or I2 district during the construction period for the use of security, storage, and/or office space Manufactured homes that are designed to meet all building code requirements for this use are permitted
Recreational Vehicle (RV) Requirements	
Prohibited as Dwelling	<ul style="list-style-type: none"> Permanent Occupancy of an RV Prohibited RVs 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) because they are not built to HUD manufactured home standards
Storage of an RV	<ul style="list-style-type: none"> A recreational vehicle may be stored according to Section 5.8: Outdoor Storage
Dumpster Requirements	
Dumpsters	<ul style="list-style-type: none"> Dumpsters and similar outdoor trash containers (including commercial grease traps/receptacles) are permitted in all districts except for the R1 district Dumpsters must be located on the same parcel for the use they serve Dumpsters must be located in a side yard or rear yard and cannot be located in public right-of-way Dumpsters must be completely screened on all sides with permanent opaque wooden, brick, solid PVC/vinyl, or masonry fencing so it is not visible from any public right-of-way and adjacent parcels during any time of the year One side must be gated and must remain closed unless the receptacles are being accessed

Temporary Storage Containers	
Allowed Locations	<ul style="list-style-type: none"> • Must be located on a driveway or in the side yard or rear yard in R1, R2, R3 or B3 districts • Must be located in a parking lot or in the side yard or rear yard in AG, B1, B2, I1 and I2 districts • Cannot be located in a public right-of-way without approval from the Board of Works • Cannot be located within a sight triangle or interfere with traffic flow or visibility • Must comply with zoning district setbacks
Maximum Number	<ul style="list-style-type: none"> • 1 per parcel in R1, R2, R3 and B3 districts • 2 per parcel in AG, B1, B2, I1 and I2 districts
Maximum Size	<ul style="list-style-type: none"> • 120 sq ft but shall not exceed 10 feet in width and 20 feet in length in R1, R2, R3 and B3 districts • 320 sq ft but shall not exceed 53 feet in length in AG, B1, B2, I1 and I2 districts
Maximum Duration	<ul style="list-style-type: none"> • Maximum of 14 consecutive days per year (365 days) or the duration of a valid building permit in R1, R2, R3 and B3 districts • Maximum of 6 consecutive months or the duration of a valid building permit in AG, B1, B2, I1 and I2 districts
Other	<ul style="list-style-type: none"> • Temporary storage containers shall not pose a risk of injury to any person • All temporary storage containers shall require an improvement permit prior to placement or installation



CHAPTER 6: SUBDIVISION STANDARDS

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SECTION 6.1 GENERAL PROVISIONS

A. Purpose

The purpose of this chapter is to:

1. Promote public health, safety, general welfare of the community
2. Define, regulate, and control the various ways that land can be subdivided for development within the jurisdiction of the Austin Advisory Plan Commission
3. Provide uniform procedures and standards for efficient and equitable subdividing of land
4. Aid in implementing the Comprehensive Plan and UDO
5. Promote growth and development that allows for the orderly division, layout, and use of land
6. Minimize congestion of the roads and streets, including safe ingress and egress
7. Ensure there is adequate provisions for water, sewerage, and other public utilities
8. Provide a safe system of circulation for all modes of travel

B. Applicability and Compliance

1. The types of subdivisions outlined in this chapter shall apply to all areas within the Austin Advisory Plan Commission's jurisdiction, including:
 - a. All parcels within the city's corporate boundary; and
 - b. All parcels within the city's extraterritorial jurisdiction, (as allowed by IC 36-7-4-701(c), since the legislative body of the county (Scott County Board of Commissioners) has not adopted a subdivision control ordinance covering these lands.
2. All subdivisions shall comply with the minimum requirements of this chapter and all other applicable laws, rules, and regulations. Secondary plat approval shall 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. This includes, but is not limited to:
 - a. All requirements of the UDO and the zoning map.
 - b. All applicable state and federal statutory provisions, regulations, and laws, including but not limited to building codes, fire codes, and Americans with Disabilities Act (ADA).
 - c. All regulations of INDOT, if the subdivision contains or any lot abuts a highway under their jurisdiction.
 - d. All standards and regulations adopted by all City of Austin boards, commissions, agencies, and officials (as applicable).
 - e. All rules or regulations of the Scott County Health Department, IDEM, and/or water/sewer utility.
 - f. All applicable requirements of Chapter 151: Flood Hazard Areas, IDNR Construction Stormwater General Permit, and other adopted or approved plans and ordinances, including all public roads, drainage systems, and parks (as applicable).
 - g. All other applicable local standards, regulations, and laws.
3. No building permit or certificate of occupancy shall be issued for any parcel or plat that was not legally created.

C. Allowed Types of Divisions of Land (Subdivisions)

1. Only the types of subdivisions (divisions of land) outlined in this chapter shall be permitted within the jurisdiction of the Austin Advisory Plan Commission. All other subdivisions (divisions) of land shall be prohibited.

Allowed Subdivision Types
Exempt Subdivision
Minor Subdivisions
Major Subdivisions

2. Planned Unit Developments (PUDs) are considered a zoning district; PUDs are not a type of subdivision. All PUDs shall conform to the standards within this chapter unless a waiver is approved by the PC.

SECTION 6.2 EXEMPT SUBDIVISIONS

A. Exempt Subdivision Purpose

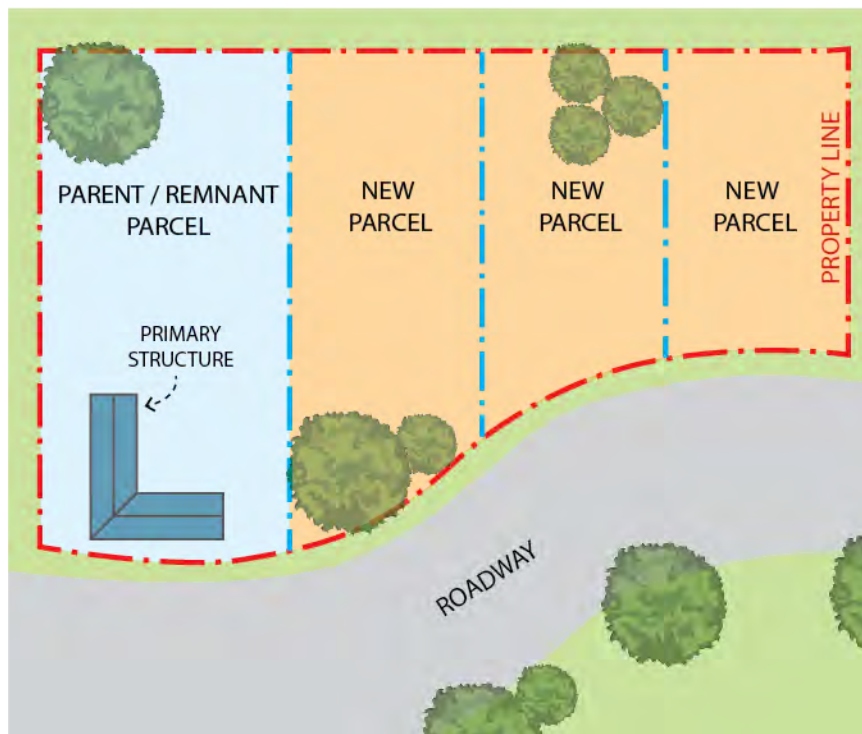
1. Exempt subdivisions are intended to allow for the subdivision of land to occur where specific conditions are met without going through an approval process because they have minimal impacts.
2. Exempt subdivisions are not intended as a means to bypass the subdivision process outlined in this UDO.

B. Exempt Subdivision General Requirements

1. It is the responsibility of the person subdividing land to verify with the Administrator if a subdivision qualifies as exempt before recording the lot(s).
 - a. Lots created under this provision are not guaranteed to be buildable or guaranteed to qualify for the issuance of a building permit.
 - b. If a subdivision of land is recorded that does not qualify as an exempt subdivision and did not receive subdivision approval, it shall be deemed non-buildable and no permits or uses shall occur on the parcel.
2. All exempt subdivisions shall comply with all zoning provisions of this UDO.

C. Types of Exempt Subdivisions

If a subdivision of land meets any one of the following conditions, it shall be considered an exempt subdivision and, therefore, is exempt from the provisions of Chapter 6: Subdivision Standards .



Example of Exempt Four Lot Subdivision

Types of Exempt Subdivisions	
4 Splits Per Calendar Year	<ul style="list-style-type: none"> • A division of one parcel into a maximum of four parcels where all parcels (the parent parcel and new parcel(s)) comply with the standards of this UDO and no new public infrastructure is required • Parcels under this exempt division may be recorded at the same time or over multiple dates during a calendar year as long as the maximum number of parcels does not exceed 4 (including the parent parcel and all new parcels) during a single calendar year
Combining Parcels	<ul style="list-style-type: none"> • A division that combines two or more parcels into single parcel
Shifting Property Lines	<ul style="list-style-type: none"> • A division that shifts or moves property lines between two abutting parcels (platted or un-platted) as long as no additional parcels are created and all resulting parcels comply with the standards of this UDO
Correcting Errors	<ul style="list-style-type: none"> • A division that corrects errors in an existing legal description or boundary as long as no additional parcels are created and all resulting parcels comply with the standards of this UDO
Court Ordered	<ul style="list-style-type: none"> • A division of land that is government or court ordered
Right-of-Ways and Easements	<ul style="list-style-type: none"> • 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
Cemetery Plots	<ul style="list-style-type: none"> • A division of land into cemetery plots for the purpose of burial of corpses
Condos	<ul style="list-style-type: none"> • A division of land for condominiums, pursuant to IC 36-7-4-702 and IC 32-25

SECTION 6.3 MINOR SUBDIVISIONS

A. Minor Subdivision Purpose

Minor subdivisions are intended to outline an expedited process and the corresponding standards for the subdivision of land that does NOT involve new roads, new rights-of-way, or the extension of public infrastructure.

B. Minor Subdivision General Requirements

1. Minor subdivisions **CANNOT** include new public roads, new rights-of-way, or the extension of public infrastructure.
2. Minor subdivisions shall comply with:
 - a. All development standards outlined within this section.
 - b. All applicable standards of the zoning district in Chapter 3: Zoning & Overlay Districts, Chapter 4: Additional Standards for Uses, and Chapter 5: Site & Structure Standards.
 - c. All subdivision procedures and other related procedures outlined in Chapter 7: Procedures.

C. Minor Subdivision Development Standards

Minor Subdivisions: General Requirements	
Maximum Number of Lots	<ul style="list-style-type: none"> • No minimum or maximum number of parcels or lots • Minor subdivisions may include any number of lots as long as it does not involve new roads, new rights-of-way, or the extension of public infrastructure
Allowed Zoning Districts	<ul style="list-style-type: none"> • Allowed in all zoning districts and no maximum number of subdivisions or re-subdivisions of a parcel
Allowed Land Uses & Development Standards	<ul style="list-style-type: none"> • Land uses and the minimum lot width, lot area, setbacks, and all other standards shall comply with the zoning district (see Chapter 3: Zoning & Overlay Districts)
Subdivision Name	<ul style="list-style-type: none"> • Shall be indicated on the secondary plat • Shall not duplicate or too closely sound like the name of any other subdivision or development within the jurisdiction and surrounding areas • PC shall have final authority to approve the name of the subdivision during primary plat approval
Covenants	<ul style="list-style-type: none"> • Not required but allowed if desired <ul style="list-style-type: none"> • If included with a subdivision, it shall be indicated on the secondary plat and recorded by the subdivider at the time the secondary plat is recorded • May include restrictions that exceed the UDO standards but cannot supersede, contradict, or replace any local, state, or federal regulations City does not enforce or approve covenants • Approval and Enforcement of Covenants <ul style="list-style-type: none"> • The PC, City of Austin, and/or Administrator are not responsible for approving, denying, enforcing, and/or identifying conflicts between the covenants and UDO • Covenants must be enforced by the Homeowners Association / Property Owners Association (or all subject property owners) through the civil courts; Only regulations within the UDO or other adopted ordinances are enforceable by the PC, City of Austin, and/or the Administrator

Minor Subdivisions: Entrances & Access Points	
Subdivision Road Frontage	<ul style="list-style-type: none"> Subdivision and all lots created within the subdivision shall have direct access to and frontage on an existing public road and public right-of-way that complies with the minimum lot width in Chapter 3: Zoning & Overlay Districts
Reserve Strips & Land Locking	<ul style="list-style-type: none"> A subdivision shall not prevent an adjacent property from accessing an existing public road (such as using reserve strips) or create or further continue the land-locking of an adjacent parcel
Access to Individual Lots (Driveways)	<ul style="list-style-type: none"> All individual lots shall gain direct access from an existing public road Driveways shall comply with Section 5.3: Driveways & Access To Parcels, including the maximum number of lots that can share a driveway If all driveway locations shall be indicated on the plat, driveway permits are not required

Minor Subdivisions: Layout	
Survey Monuments & Markers	<ul style="list-style-type: none"> Monuments shall be installed on all lot corners to the standard as set forth under 865, I.A.C., 1-12-18
Lot Layout	<ul style="list-style-type: none"> Lot lines shall not cross municipal boundary lines 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 The lot line running along a public right-of-way shall be the front line and all lots shall face the front line (note that corner lots will have two front lot lines) Side lot lines shall be at right angles to public road lines (or radial to curving public road lines) Rear lot lines should not abut a side lot line of an adjacent lot wherever feasible
Lot Dimensions	<ul style="list-style-type: none"> Lots shall comply with minimum development standards for zoning district Dimensions of corner lots shall be large enough to allow for construction of buildings, noting that corner lots have two front yards
Building Sites on Individual Lots	<ul style="list-style-type: none"> Building sites shall be at or above the grades of the public roads, unless existing topography does not reasonably allow this to occur
Railroad Easement	<ul style="list-style-type: none"> A 25-foot “no access easement” shall be provided along all existing or proposed railroads (excluding private spurs) to allow adequate setback and minimize interference with railroad operations <ul style="list-style-type: none"> The no access easement shall be designated on the secondary plat with language similar to the following: "Buffer / No-Access Easement. Access and the placement of structures within the easement is prohibited." The following are prohibited within the no access easement: <ul style="list-style-type: none"> Structures (except fences and structures that do not require a building permit or improvement permit) Parking areas and access points onto the railroad right-of-way (unless an approved railroad crossing exists)

Minor Subdivisions: Roads	
Dedication of Right-of-Way	<ul style="list-style-type: none"> No new public roads or infrastructure is permitted (if public infrastructure is required, it shall be considered a major subdivision) Additional right-of-way shall be dedicated if the subdivision abuts an existing right-of-way that does not conform to the minimum road width and/or right-of-way width in Table 5.C: Minimum Road Construction Standards

Minor Subdivisions: Amenities		
Perimeter Sidewalks	Within City Limits	<ul style="list-style-type: none"> Shall comply with Section 5.6: Sidewalks
	Outside of City Limits	<ul style="list-style-type: none"> Not required
Street Lights	Within City Limits	<ul style="list-style-type: none"> Required every 500 feet adjacent to a public road and at every intersection unless Board of Works determines alternative spacing is necessary Shall comply with Section 5.4: Lighting (as applicable) and city design standards and specifications
	Outside of City Limits	<ul style="list-style-type: none"> Not required
Plantings	<ul style="list-style-type: none"> Plantings (other than ground cover) and trees cannot be planted within the right-of-way without approval by the Board of Works 	
Common Area	<ul style="list-style-type: none"> Not required but if provided shall be owned and maintained by the Homeowners Association / Property Owners Association All common areas, open spaces, and other amenities within a subdivision (if voluntarily provided) shall be of suitable size, dimension, topography, and general character for the intended purpose(s) and comply with all other applicable health, flood control, and other regulations of the jurisdiction or state All common areas shall abut a public road and/or have a 30-foot minimum public access easement with an ADA-accessible path from a public road If a common area is not adjacent to a public road, it shall be at least 30 feet in width to accommodate maintenance Common areas shall not be used as a reserve strip or placed in a way that prevents future access from an adjacent parcel to an existing or future public right-of-way All common areas and open spaces shall be indicated on the secondary plat and dedicated as common area, unless otherwise allowed by this UDO Ownership & Maintenance <ul style="list-style-type: none"> The PC shall require proof of the ownership and maintenance agreement for all common areas or open spaces that are not on a lot (such as HOA covenants or written agreement from the entity accepting the land). The city shall not assume responsibility for the maintenance and safety of common areas unless approved by the Board of Works All common areas and open spaces used for drainage shall comply with the Austin Stormwater Ordinance, including all requirements for maintenance and maintenance agreements 	

Minor Subdivisions: Utilities & Services	
Water & Sewage Disposal	<ul style="list-style-type: none"> • No new public infrastructure is permitted (if public infrastructure is required, it shall be considered a major subdivision) • Extension of water and sewer lines from the right-of-way to an individual lot is permitted and not considered an extension of public infrastructure • All sewer lateral connections to a lot shall obtain all required permits from the city • Water and sewage disposal shall comply with the zoning district requirements • Where allowed, private wells and/or on-site sewage disposal shall comply with all rules and regulations of IDEM, IDNR, Health Department, and all other state entities and be approved by that respective entity
Fire Protection	<ul style="list-style-type: none"> • No required
Drainage & Stormwater	<ul style="list-style-type: none"> • Shall comply with the Austin Stormwater Ordinance (including any site clearing requirements) • All stormwater and runoff data, analysis, and calculations as required by IC 36-7-4-702 • All drainage areas and drainage easement shall be shown on the secondar plat • Maintenance of all drainage areas and drainage easements shall comply with the Austin Stormwater Ordinance • The secondary plat cannot be approved until the drainage plan, if required, is approved by the Board of Works and/or IDEM

SECTION 6.4 MAJOR SUBDIVISIONS

A. Major Subdivision Purpose

Major subdivisions are intended to outline a process and the corresponding standards for the subdivision of land that involves any subdivision of land that involves new roads, new rights-of-way, and/or the extension of public infrastructure.

B. Major Subdivision General Requirements

1. Major subdivisions include subdivisions of any size or any number of lots that include new public roads, new rights-of-way, or the extension of public infrastructure.
2. Major subdivisions shall comply with:
 - a. All development standards outlined within this section.
 - b. All applicable standards of the zoning district in Chapter 3: Zoning & Overlay Districts, Chapter 4: Additional Standards for Uses, and Chapter 5: Site & Structure Standards.
 - c. All subdivision procedures and other related procedures outlined in Chapter 7: Procedures.

C. Major Subdivision Development Standards

Major Subdivisions: General Requirements	
Number of Lots	<ul style="list-style-type: none"> No minimum or maximum number of parcels or lots
Allowed Zoning Districts	<ul style="list-style-type: none"> No maximum number of subdivisions or re-subdivisions of a parcel
Allowed Land Uses & Development Standards	<ul style="list-style-type: none"> Land uses and the minimum lot width, lot area, setbacks, and all other standards shall comply with the zoning district (see Chapter 3: Zoning & Overlay Districts)
Subdivision Name	<ul style="list-style-type: none"> Shall be indicated on the primary and secondary plat Shall not duplicate or too closely sound like the name of any other subdivision or development within the jurisdiction and surrounding areas PC shall have final authority to approve the name of the subdivision during primary plat approval
Road Names	<ul style="list-style-type: none"> Proposed public road names shall be indicated on the primary and secondary plat The Administrator shall review and consult with the Board of Works on road names prior to consideration by the PC and the PC shall approve the public road names during primary plat approval Names shall be sufficiently different in sound and spelling from other road names in the jurisdiction and surrounding areas to prevent confusion Roads that are a continuation of an existing or planned road shall have the same name
Design and Drawings	<ul style="list-style-type: none"> All roads and public infrastructure shall be designed and construction plans prepared by a registered Professional Land Surveyor and/or registered Professional Engineer that is licensed to practice in the State of Indiana

Covenants	<ul style="list-style-type: none"> • Not required but allowed if desired <ul style="list-style-type: none"> • If included with a subdivision, it shall be indicated on the secondary plat and recorded by the subdivider at the time the secondary plat is recorded • May include restrictions that exceed the UDO standards but cannot supersede, contradict, or replace any local, state, or federal regulations City does not enforce or approve covenants • Approval and Enforcement of Covenants <ul style="list-style-type: none"> • The PC, City of Austin, and/or Administrator are not responsible for approving, denying, enforcing, and/or identifying conflicts between the covenants and UDO • Covenants must be enforced by the Homeowners Association / Property Owners Association (or the subject property owners) through the civil courts; Only regulations within the UDO or other adopted ordinances are enforceable by the PC, City of Austin, and/or the Administrator
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Major Subdivisions: Entrances & Access Points		
Subdivision Road Frontage	<ul style="list-style-type: none"> • Subdivision shall have direct access to and frontage on an existing public road and public right-of-way 	
Reserve Strips & Land Locking	<ul style="list-style-type: none"> • A subdivision shall not prevent an adjacent property from accessing an existing or proposed public road (such as using reserve strips) or create or further continue the land-locking of an adjacent parcel 	
Number Subdivision Entrances onto a Public Road	Single-Family Residential	<ul style="list-style-type: none"> • Less than 40 lots in all phases shall provide at least 1 entrance required • 41 to 125 lots in all phases shall provide at least 2 entrances required • More than 125 lots shall provide the number of entrances determined by the PC during primary plat approval
	All Other Uses	<ul style="list-style-type: none"> • The number of entrances shall be determined by a Professional Engineer based on safe road access and anticipated traffic volumes
Subdivision Entrance Design	<ul style="list-style-type: none"> • The PC may require frontage roads, service roads, or other access management techniques deemed necessary for the adequate preservation of a public road functionality or safety, protection of properties, and separation of through traffic and local traffic within a subdivision • All access easements and rights-of-way that provide access to a public road shall be approved by the PC and Board of Works • The PC may require the subdivider to construct any required and approved traffic mitigation measures (such as deceleration lanes, acceleration lanes, passing blisters, or other improvements) to the existing public road or within the subdivision to allow for safe and efficient travel and provide adequate road capacity, safety, and access for the proposed development 	
Access to Individual Lots	<ul style="list-style-type: none"> • Individual lots may gain access from an existing public road, new public road within the subdivision, or shared driveway: <ul style="list-style-type: none"> • Shared driveways are allowed but shall comply with Section 5.3: Driveways & Access To Parcels, including the maximum number of lots that can share a driveway • Private roads are only permitted as outlined in this section 	

Major Subdivisions: Layout	
Survey Monuments & Markers	<ul style="list-style-type: none"> Monuments shall be installed on all lot corners to the standard as set forth under 865, I.A.C., 1-12-18
Blocks	<ul style="list-style-type: none"> All lots shall be designated on the primary and secondary plat by a number and the corresponding road name Single-family residential blocks should accommodate two tiers of lots to maximize public infrastructure Blocks shall be at least 400 feet but shall not exceed 1,320 feet in length unless the Board of Works determines that an alternative length is appropriate; block lengths do not apply to roads that only have side lot lines abutting the road The PC may require pedestrian walks, access easements, or drainage/utility easements through the center of blocks when necessary to provide pedestrian circulation, accommodate utilities and drainage facilities, or provide access to adjacent uses or facilities
Lot Layout	<ul style="list-style-type: none"> Lot lines shall not cross municipal boundary lines 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 The lot line running along a public right-of-way shall be the front line and all lots shall face the front line (note that corner lots will have two front lot lines) Side lot lines shall be at right angles to public road lines (or radial to curving public road lines) Rear lot lines should not abut a side lot line of an adjacent lot wherever feasible Double frontage, through lots, and reverse frontage lots shall be avoided within residential subdivisions except where necessary to accommodate existing perimeter roads (exterior lots) within a subdivision or to overcome difficulties of topography and orientation
Lot Dimensions	<ul style="list-style-type: none"> Lots shall comply with minimum development standards for zoning district Dimensions of corner lots shall be large enough to allow for construction of buildings, noting that corner lots have two front yards 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 The depth and width of lots reserved or laid out for non-residential purposes shall be adequate to provide off-public road parking and loading facilities required for the intended type of use and development
Building Sites on Individual Lots	<ul style="list-style-type: none"> Building sites shall be at or above the grades of the public roads, unless existing topography does not reasonably allow this to occur
Railroad Easement	<ul style="list-style-type: none"> A 25-foot “no access easement” shall be provided along all existing or proposed railroads (excluding private spurs) within a residential subdivision to allow adequate setback and minimize interference with railroad operations <ul style="list-style-type: none"> The no access easement shall be designated on the secondary plat with language similar to the following: "Buffer / No-Access Easement. Access and the placement of structures within the easement is prohibited." The following are prohibited within the no access easement: <ul style="list-style-type: none"> Structures (except fences and structures that do not require a building permit or improvement permit) Parking areas and access points onto the railroad right-of-way (unless an approved railroad crossing exists)

Major Subdivisions: Roads	
Dedication of Right-of-Way	<ul style="list-style-type: none"> • Construction plans for all public infrastructure that will be dedicated to the city (or county if outside of city limits) shall be provided by the subdivider and approved by the Board of Works prior to approval of a secondary plat • All public rights-of-way and public infrastructure being dedicated to the city shall be inspected and approved by the Board of Works prior to being accepted as a public right-of-way by the Board of Works • Additional right-of-way shall be dedicated if the subdivision abuts an existing right-of-way that does not conform to the minimum road width in Table 5.C: Minimum Road Construction Standards
General Road Standards	<ul style="list-style-type: none"> • All public roads shall meet the goals of the Comprehensive Plan and be functionally classified by the Board of Works • All private and public roads, culverts, drains, bridges, shoulders, drainage improvements and structures, curbs, turnarounds, trails, and sidewalks shall comply with the city design standards and specifications and construction plans (including plans, profiles, and cross-sections) approved by the Board of Works • All roads shall comply with road standards included in Section 6.4: Major Subdivisions
Regulatory Signs	<ul style="list-style-type: none"> • 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 Board of Works • 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 <ul style="list-style-type: none"> • The city does not own and will not maintain decorative signs, poles, or hardware; 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 • The subdivider shall install all required road signs, street signs, and road name signs before the issuance of any permits or the releasing of a performance surety • 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 or county
Road Ownership	<ul style="list-style-type: none"> • Roads within a single-family residential subdivision shall be public roads with dedicated right-of-way (excludes shared driveways) • Roads within all non-single-family/two-family residential subdivisions shall be private unless the road provides access to a single-family residential subdivision or unless approved by the Board of Works
Cul-de-Sacs	<ul style="list-style-type: none"> • Cul-de-sacs may be allowed by the PC during primary plat approval, and when allowed, the PC may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities • Cul-de-sacs shall terminate in a circular right-of-way with a turn-around and shall comply with the city design standards and specifications • Cul-de-Sac blocks shall not exceed 800 feet in length unless the PC determines that a longer length will not be detrimental to local traffic flow and emergency response

<p>Road Design</p>	<ul style="list-style-type: none"> • Roads within a subdivision shall: <ul style="list-style-type: none"> • Comply with all standards of this UDO • Be extended to the boundary lines of the subdivision (including the right-of-way and/or easement) where feasible • Provide connections to adjacent parcels unless the PC determines the road should not be extended to an adjacent parcel due to topography (or another physical conditions) or because it is not necessary or desirable based on the anticipated future development of the adjacent parcel • Continue and align with existing or proposed public roads between adjacent parcels for the effective movement of traffic, extension of utilities, and/or effective fire protection • Be located above the 100-year flood elevation unless approved by the Floodplain Administrator and Board of Works • Be laid out to follow topography when possible • Avoid long, straight stretches that encourage high speeds and shall permit efficient drainage and utility systems • Geotechnical investigations and engineering shall be completed for all public roads as required by the Board of Works • Specific site conditions may warrant additional requirements that are dictated by sound engineering practices as determined by the Board of Works, and if required, the PC shall make these conditions of primary and/or secondary plat approval • If a body of water or watercourse separates the buildable area of a parcel from the road from which it gains primary access, adequate infrastructure shall be required to be installed by the subdivider
<p>Stub Streets</p>	<ul style="list-style-type: none"> • If an adjacent property is undeveloped and a road within the subdivision is required to provide a future connection, the public road must temporarily be a dead-end (stub street) and the right-of-way shall be extended to the property line. • If the stub street is used to access a parcel(s), the subdivider shall provide a temporary or permanent cul-de-sac or “eyebrow” that conforms with the city design standards and specifications
<p>Intersections</p>	<ul style="list-style-type: none"> • Design of all intersections shall comply with the city design standards and specifications, including the minimum radii • Proposed intersections should align with any existing intersections on the opposite side of the public road wherever possible <ul style="list-style-type: none"> • Centerline offsets of less than 150 feet are now allowed • Right-angle intersections shall be used wherever practical • Intersections shall not have more 4 approaches to the intersection; three-legged intersections may be used wherever appropriate • If a local road intersects an arterial or collector road, the angle of road centerlines shall be at least 75 degrees and the radii that is required by the city design standards and specifications shall be increased by at least 40 feet unless otherwise specified in the city design standards and specifications • 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. • Property line corners at intersections shall be rounded by an arc with 25-foot radius or larger

Major Subdivisions: Amenities		
Perimeter Sidewalks	Within City Limits	<ul style="list-style-type: none"> Required for all uses along all existing perimeter (exterior) public roads; a trail or similar facility may be required instead of a sidewalk at the discretion of the PC Must comply with city design standards and specifications
	Outside of City Limits	<ul style="list-style-type: none"> Not required
Internal Sidewalks	Within City Limits	<ul style="list-style-type: none"> Required for all uses along both sides of all internal roads; a trail or similar facility may be required instead of a sidewalk at the discretion of the PC Must comply with city design standards and specifications
	Outside of City Limits	<ul style="list-style-type: none"> Not required
Street Lights	Within City Limits	<ul style="list-style-type: none"> Required for all uses every 500 feet adjacent to a public road and at every intersection Must comply with city design standards and specifications
	Outside of City Limits	<ul style="list-style-type: none"> Not required but if provided the homeowners association or all parcels within the subdivision shall pay for maintenance and monthly service fees
Plantings	<ul style="list-style-type: none"> Plantings (other than ground cover) and trees cannot be planted within the right-of-way without approval by the Board of Works 	
Centralized Mail Delivery	<ul style="list-style-type: none"> Shall comply with Section 5.9: Structures 	
Common Area	<ul style="list-style-type: none"> Not required but if provided shall be owned and maintained by the Homeowners Association / Property Owners Association All common areas, open spaces, and other amenities within a subdivision (if voluntarily provided) shall be of suitable size, dimension, topography, and general character for the intended purpose(s) and comply with all other applicable health, flood control, and other regulations of the jurisdiction or state All common areas shall abut a public road and/or have a 30-foot minimum public access easement with an ADA-accessible path from a public road If a common area is not adjacent to a public road, it shall be at least 30 feet in width to accommodate maintenance Common areas shall not be used as a reserve strip or placed in a way that prevents future access from an adjacent parcel to an existing or future public right-of-way All common areas and open spaces shall be indicated on the primary plat and the secondary plat and dedicated as common area, unless otherwise allowed by this UDO Ownership & Maintenance <ul style="list-style-type: none"> The PC shall require proof of the ownership and maintenance agreement for all common areas or open spaces that are not on a lot (such as HOA covenants or written agreement from the entity accepting the land). The city shall not assume responsibility for the maintenance and safety of common areas unless approved by the Board of Works All common areas and open spaces used for drainage shall comply with the Austin Stormwater Ordinance, including all requirements for maintenance and maintenance agreements 	

Major Subdivisions: Utilities & Services	
Water & Sewage Disposal	<ul style="list-style-type: none"> • Water and sewage disposal infrastructure to serve each lot shall be installed by the subdivider as required by the zoning district (see Chapter 3: Zoning & Overlay Districts) <ul style="list-style-type: none"> • If public sanitary sewer or public water facilities are available within 300 feet of any boundary of a proposed subdivision, the required infrastructure shall be installed by the subdivider even if the zoning district does not require public utilities unless the utility provider does not access or approve the connection • Where public water and/or sewer is required or provided, utilities shall comply with all design requirements from the respective utility and/or the approving entity (such as IDEM, Health Department, etc.) • Where allowed, private wells and/or on-site sewage disposal shall comply with all rules and regulations of IDEM, IDNR, Health Department, and all other state entities and be approved by that respective entity
Fire Protection	<ul style="list-style-type: none"> • For subdivisions within city limits served by public water, fire hydrants and water lines with adequate capacity to serve the hydrants shall be required with a maximum separation of 500 feet from any residential lot boundary and 1,000 feet between hydrants (measured along the centerline of the road) unless alternative spacing or fire protection is approved by the fire district or unless the water utility cannot provide adequate water pressure or service for fire protection • The local fire authority having jurisdiction over the proposed subdivision shall be able to comment on any proposed fire hydrants or other fire suppression systems, including their setting, number, separation, and size of outlets
Drainage & Stormwater	<ul style="list-style-type: none"> • Shall comply with the Austin Stormwater Ordinance (including any site clearing requirements) • All drainage areas and drainage easement shall be shown on the primary and secondary plat • Maintenance of all drainage areas and drainage easements shall comply with the Austin Stormwater Ordinance • The secondary plat cannot be approved until the drainage plan is approved by the Board of Works and/or IDEM

Table 5.C: Minimum Road Construction Standards		
Pavement Width & Curb		
Local Roads & Cul-de-Sacs	Residential Roads Serving Single-Family & Two-Family Uses	<ul style="list-style-type: none"> • 11-foot travel lanes • 2-foot barrier or roll curb if in city limits • No curb required if outside of city limits
	Roads Serving All Other Uses	<ul style="list-style-type: none"> • 12-foot travel lanes • 2-foot barrier or roll curb
Public Alley	<ul style="list-style-type: none"> • 20 feet travel lane (two-way) or 14 feet travel lane (one-way) • 1-foot crushed stone shoulder or optional curb (barrier or roll) 	
Right-of-Way Width		
Local Roads ¹	<ul style="list-style-type: none"> • 50 feet • 50 foot radius for cul-de-sacs 	
Collector or Arterial Roads	<ul style="list-style-type: none"> • As determined by the Board of Works 	
Pavement Design		
Residential Roads Serving Single-Family & Two-Family Uses	Subgrade Compaction	<ul style="list-style-type: none"> • 95% standard proctor
	Flexible (Asphalt) Pavement	<ul style="list-style-type: none"> • 9-inch base, #53 compact aggregate • 3-inch binder (HAC) • 1.5-inch surface (HAC) applied after 80% of homes built
Roads Serving All Other Uses	Subgrade Compaction	<ul style="list-style-type: none"> • 95% standard proctor
	Flexible (Asphalt) Pavement ²	<ul style="list-style-type: none"> • 9-inch base, #53 compact aggregate • 3-inch bituminous base #5 • 1.5-inch surface (HAC)
	Concrete Pavement	<ul style="list-style-type: none"> • 6-inch base, #53 compact aggregate • 9-inch 4000 psi concrete

1 – Additional right-of-way may be required due to site conditions in order to provide a maximum earthen slope of 3:1.
 2 – Board of Works may require greater standards based on site conditions and/or additional analysis by the applicant

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SECTION 7.1 GENERAL PROVISIONS

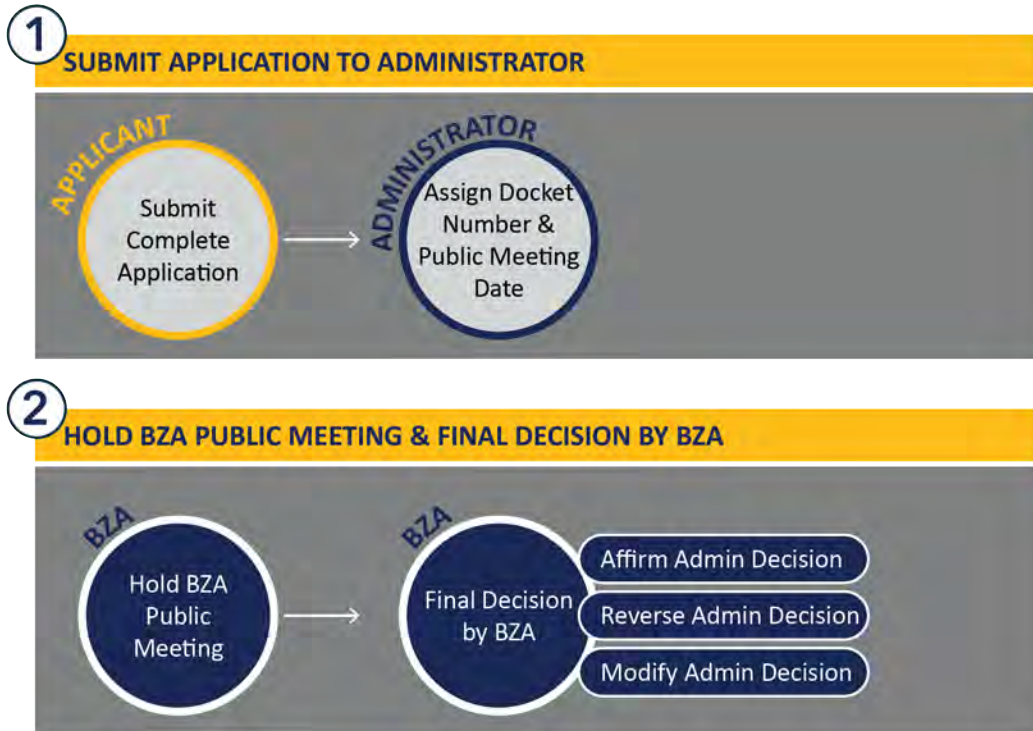
A. Purpose

The purpose of this chapter is to clearly outline the various procedures required by this UDO and Indiana Code in order to uniformly apply the requirements to each type of application, procedure, or administrative action.

B. Applicability and Compliance

1. All development, uses of land, and subdivision of land shall be carried out in accordance with the procedures outlined in this chapter, Indiana Code, and in compliance with the following in order to achieve orderly, planned, efficient, and responsible growth.
 - a. All applicable regulations and procedures within this UDO;
 - b. All requirements outlined in the applicable application packet(s), including submittal deadlines;
 - c. All rules and procedures established by the PC Rules and Procedures and/or BZA Rules and Procedures, including meeting dates or schedule; and
 - d. Any additional standards, conditions, or commitments that may have been required by the PC and/or BZA as part of other or previous approvals for a parcel.
2. The regulations of this UDO shall be considered the minimum requirements for the protection of the health, safety, comfort, morals, convenience, and general welfare of the residents of the jurisdiction.
3. No building permit 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.

SECTION 7.2 APPEALS OF ADMINISTRATIVE DECISIONS



A. Applicability

1. In accordance with IC 36-7-4-918.1 and the BZA Rules and Procedures, the BZA shall hear and determine appeals from any administrative decision (including any order, requirement, or determination) that was made by an administrative official, staff member, hearing officer, or administrative committee or other body except the PC related to:
 - a. Any zoning standard or regulation within the UDO;
 - b. Enforcement of the zoning regulations within the UDO; or
 - c. Enforcement of an ordinance adopted under this UDO requiring a building permit or improvement permit.
2. Appeals shall be made in accordance with IC 36-7-4-1000 series.
3. Final zoning decisions for subdivision control, appeals of a commitment modification or termination, development plans, and other final zoning decision outlined in IC 36-7-4-1016 cannot be appealed to the BZA and are subject to judicial review by filing a petition for review in the appropriate court in accordance with the IC 36-7-4-1600 series. This includes, but is not limited to, final decisions of the BZA, specific decisions of the PC, final decisions of a preservation commission, and those specifically outlined in IC 36-7-4-1016.

B. STEP 1: Submit Application to Administrator

1. Submit Complete Application. The applicant shall submit a complete application in accordance with the application requirements. The application shall be submitted within 30 days of the decision/interpretation that is the subject of the appeal.
2. Assign Docket Number & Public Meeting Date. 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.
3. Public Notice Not Required. No public hearing, public comment, or public notice is required specifically for an appeals application. Note, while the application does not require specific public notice, the BZA meeting must be advertised according to IC 5-3-1.

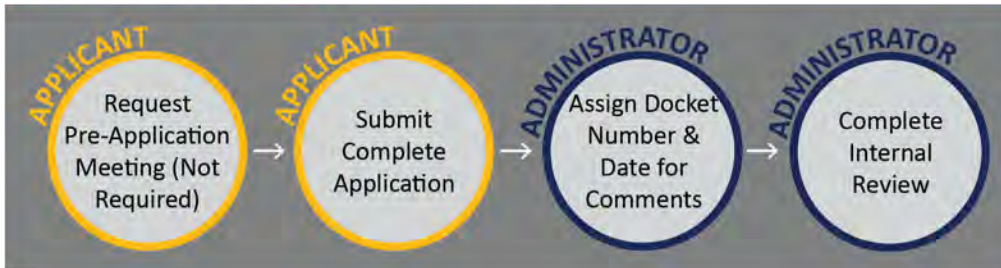
C. STEP 2: Hold BZA Public Meeting & Final Decision by BZA

1. Hold BZA Public Meeting. The BZA shall consider the appeal at a public meeting. The applicant or their representative shall be in attendance to present their appeal and address any questions or concerns of the BZA. No public comment is required.
2. Final Decision on Appeal by BZA
 - a. The BZA may affirm, reverse, or modify the administrative decision, interpretation, order, or action that is the subject of the appeal. The BZA may also add conditions to their decision.
 - b. The decision of the BZA may be appealed to the Circuit or Superior Court of the applicable jurisdiction.

SECTION 7.3 DEVELOPMENT PLANS

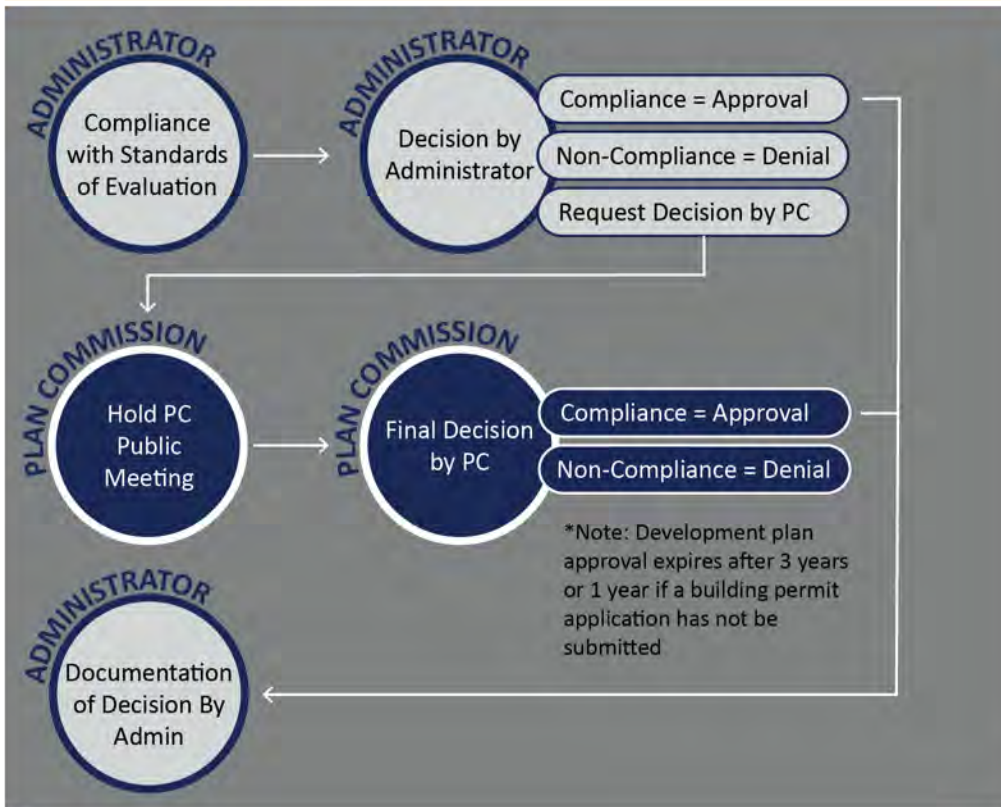
1

SUBMIT APPLICATION TO ADMINISTRATOR



2

FINAL DECISION BY ADMINISTRATOR



3

BEGIN DEVELOPMENT & CONSTRUCTION PROCESS



A. Applicability

1. In accordance with IC 36-7-4-1400 series and the PC Rules and Procedures, the legislative body authorizes the PC staff to review and approve development plans.
2. All development requirements shall be satisfied before approval of a development plan.
3. Development plan approval shall be required for all of the following:
 - a. Any new primary structure for all uses except single-family, two-family, or agricultural uses (excluding confined feeding operations) in all zoning districts, unless otherwise stated in this UDO.
 - b. Modifications to a parcel in all zoning districts that meets the thresholds requiring compliance for an individual or all site standards as outlined in Chapter 5: Site & Structure Standards.
 - c. As otherwise required by Chapter 3: Zoning & Overlay Districts or other sections of this UDO.

B. STEP 1: Submit Application to Administrator

1. Request Pre-Application Meeting (Not Mandatory). Prior to filing a development plan application for a development plan, the applicant may (but is not required to) schedule a pre-application meeting with the Administrator to discuss the procedures for approval and the requirements and regulations for development prior to submitting a development plan application.
2. Submit Complete Application. The applicant shall submit a complete a development plan application in accordance with the application requirements.
3. Assign Docket Number & Date for Comments. 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 review comments from checkpoint agencies.
4. Complete Internal Review
 - a. The Administrator may forward the application to the Checkpoint Agencies for review and comments.
 - b. After comments (if any) are received, the Administrator shall compile all comments for the public file.
 - c. The Administrator shall forward all valid comments to the applicant. The applicant shall make the necessary modifications to the application to satisfy the Administrator and resubmit the application within the required timeframe.
5. Public Meeting or Public Notice Not Required. No public hearing, public comment, or public notice is required for development plan approval, and development plan applications are not forwarded to any body, board, or meeting for approval.

C. STEP 2: Final Decision by Administrator

1. Compliance with Development Plan Standards of Evaluation. The Administrator shall determine if the development plan complies with the following standards of evaluation.
 - a. The development plan complies with all standards set forth in this UDO.
 - b. The development plan application has adequately addressed the valid comments from the internal review.
 - c. All approvals that are required from local, state, and federal entities prior to construction have been obtained, including but not limited to any approvals from the Board of Works, Historic District Board of Review, IDEM, and IDNR.
2. Resubmittal. If the proposed development plan does not meet all of the standards as outlined in this UDO, the Administrator may require additional internal review and/or the resubmittal of revised plans before a decision is made.

3. Decision by Administrator on Development Plan
 - a. Approval of Development Plan. If the Administrator determines that the development plan complies with the development standards of evaluation, the Administrator shall approve the development plan.
 - b. Denial of Development Plan. If the development plan standards of evaluation have not been met and adequate revisions are not made, the Administrator shall deny the development plan application. If the development plan is officially denied, the applicant may resubmit a new development plan application that addresses the reason for denial.
 - c. Request Decision by PC. If the applicant or Administrator requests a decision by the PC, the PC shall approve or deny the application based on if the application complies with the standards of evaluation.
 - i) Applicant Requests PC Decision. In accordance with IC 36-7-4-1404, if the application was denied by the Administrator, the applicant may appeal the decision directly to the Plan Commission. The applicant shall request a public meeting in writing along with an explanation of disagreement. Additionally, the applicant may also request a decision by the PC instead of the Administrator for any reason. Upon receipt of this written request, the Administrator shall set a date for a public meeting by the PC.
 - ii) Administrator Requests PC Decision. The Administrator may request a decision by the PC instead of the Administrator for any reason.
 - d. Hold PC Public Meeting. If a decision is requested by the PC, the applicant or their representative shall attend, present their application, and address any questions or concerns at a public meeting before the PC.
 - i) Public Notice Not Required. No public hearing, public comment, or public notice is required specifically for an appeals application. Note, while the application does not require specific public notice, the BZA meeting must be advertised according to IC 5-3-1.
 - e. Final Decision By PC. If the applicant or Administrator requests a decision by the PC, the PC shall approve or deny the application based on if the application complies with the standards of evaluation.
4. Documentation of Decision by Administrator. The Administrator shall provide written approval or denial (mail or email). If the development plan is denied, the specific reasons for denial shall be provided.
5. Development Plan Expiration. Development plan approval is valid for three years from the date of approval. However, if applicable local building permits have not been obtained and construction has not commenced within one year of approval of the development plan, the approval shall be void.
6. Development Plan Amendment. All amendments or changes to the development plan shall be considered a new development plan application.

D. STEP 3: Begin Development & Construction Process

1. Obtain Building & Improvement Permits. The applicant shall obtain building permits for construction on each individual lot as outlined in Section 7.8: Building & Improvement Permits.
 - a. If sidewalks are required by this UDO, construction, inspection, and dedication of the sidewalks shall comply with Section 5.6: Sidewalks.

SECTION 7.4 MAJOR SUBDIVISIONS

A. Multi-Step Approval Process

Approval for a major subdivision is a multi-step process that includes the following three phases:

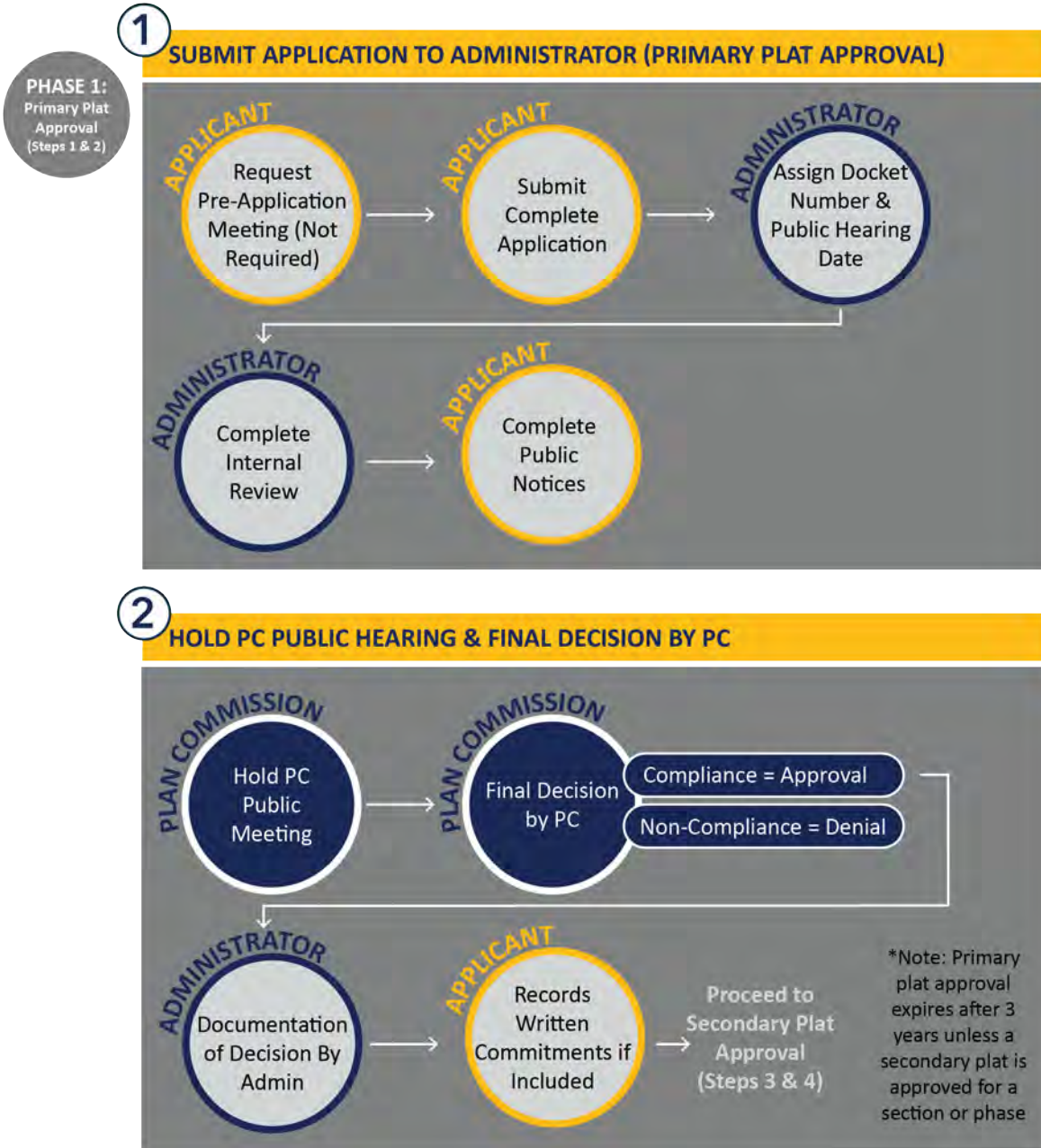
1. Primary Plat Approval (Step 1 & Step 2)
2. Secondary Plat Approval (Step 3 & Step 4)
3. Construction & Development (Step 5)



B. Applicability

1. The following procedures shall apply to all major subdivisions as outlined in Chapter 6: Subdivision Standards and Chapter 8: Definitions.
2. 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 the plat is filed with the Recorder's Office.
3. 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 this UDO until the proposed subdivision has been approved by the PC in accordance with this UDO.
4. The PC or the Administrator shall not have the authority to approve any subdivision as a buildable lot unless it complies with the UDO, a variance has been granted by the BZA, and/or a waiver has been granted by the PC.
 - a. The BZA may vary the development standards of the zoning provisions of this UDO (Chapters 3, 4 and 5) or grant a variance of use in accordance with the procedures set forth in this section.
 - b. The PC may grant a waiver from the subdivision provisions of this UDO (Chapter 6) in accordance with the procedures set forth in this section.

C. PHASE 1: Primary Plat Approval (Includes Steps 1 & 2)



D. Step 1: Submit Application to Administrator for Primary Plat Approval

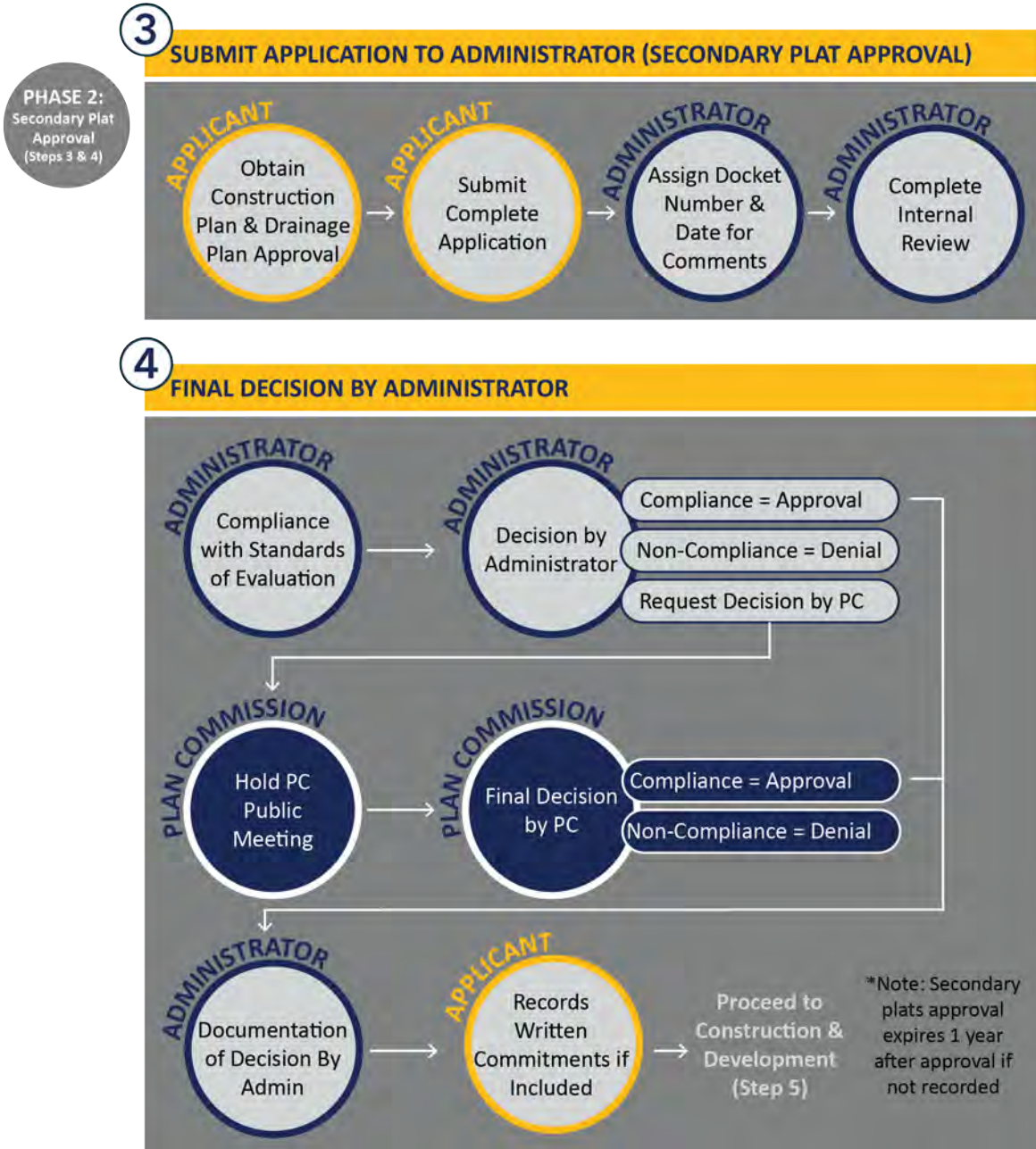
1. Request Pre-Application Meeting (Not Mandatory). Prior to filing a primary plat application, the applicant may (but is not required to) schedule a pre-application meeting with the Administrator to discuss the procedures for approval and the requirements and regulations for development prior to submitting a primary plat application.
2. Submit Complete Application. The applicant shall submit a complete a primary plat application in accordance with the application requirements, including all requirements as outlined in Section 7.11.B: Plat Drawing Requirements.
3. Assign Docket Number & Public Hearing Date
 - a. 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.
 - b. In accordance with IC 36-7-4-703 and IC 36-7-4-705, within 30 days of receiving a complete application, the PC shall take action on the application unless state statute provides for a longer timeframe. The PC must also meet with any stakeholders with a financial interest in the application, including the applicant's representative, within this 30 day period.
4. Complete Internal Review
 - a. The Administrator may forward the application to the Checkpoint Agencies for review and comments.
 - b. After comments (if any) are received, the Administrator shall compile all comments for the public file.
 - c. In accordance with IC 36-7-4-705, within 15 days of receiving a complete application, the Administrator shall notify the applicant of any deficiencies in the application unless state statute provides for a longer timeframe.
 - d. The Administrator shall forward all valid comments to the applicant. The applicant shall make the necessary modifications to the application to satisfy the Administrator and resubmit the application within the required timeframe.
5. Complete Public Notices. 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.

E. STEP 2: Hold PC Public Hearing & Final Decision by PC

1. Hold PC Public Hearing. The applicant or their representative shall attend, present their application, and address any questions or concerns at a public hearing before the PC. Public comments shall be permitted in accordance with the PC Rules and Procedures.
2. Compliance with Primary Plat Standards of Evaluation. The PC shall consider the primary plat application at a public hearing and shall determine if the primary plat meets the following standards of evaluation.
 - a. The primary plat complies with the standards of this UDO (or has an approved variance and/or waiver);
 - b. The primary plat uses all reasonable efforts to mitigate the impact of the proposed subdivision on public health, safety, and welfare; and
 - c. The primary plat has assurances that water supply, sewage disposal systems, and other applicable utilities can sufficiently serve the type of proposed subdivision by either the utility provider(s) or the respective approval agency(ies).

3. Final Decision by PC on Primary Plat
 - a. Approval of Primary Plat. If the PC determines that the primary plat complies with the primary plat standards of evaluation, it shall grant primary approval to the plat.
 - i) 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:
 - ii) The manner in which public ways shall be laid out, graded, and improved; and
 - iii) A provision for other services as specified in this UDO.
 - b. Denial of Primary Plat Denial. If the PC determines the plat does not comply with the primary plat standards of evaluation, the PC shall deny the primary plat.
 - c. No Decision of Primary Plat. In accordance with IC 36-7-4-707, if the PC fails to make written findings and a decision granting or denying primary approval to a plat within 60 days after the public hearing, then the plat is considered to have received primary approval.
4. Documentation of Decision by Administrator
 - a. Documentation of Approval. Within 15 days of the hearing, the Administrator shall provide written approval (mail or email) that is signed by the Administrator. It shall itemize any revisions, and/or conditions, if any, that were required by the PC as a term of its approval.
 - b. Documentation of Denial. Written findings of fact shall be made by the PC that set forth its reasons and a decision denying primary approval. The Administrator shall provide written documentation (mail or email) that is signed by the Administrator stating the specific reasons for denial within 15 days of the hearing. The applicant may then resubmit a new application for a primary plat that addresses the reason for denial.
5. Expiration of Primary Approval of Plat
 - a. Primary approval of a plat shall be effective for three years from the date of the PC approval. Secondary plat approval of any section or phase shall automatically extend the primary plat approval for three years from the date the secondary plat was approved.
 - b. Failure to receive secondary approval for all or part of the primary plat before this period ends shall invalidate the primary approval of the plat.
 - c. 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.
 - d. Upon written request (mail or email) from the applicant that is received at least 30 days prior to the expiration date of the primary plat, the PC may extend approval of a primary plat up to a maximum of two additional years without further public notice, public hearing, or fees.
6. Amendment of Primary Plat. All amendments to a primary plat shall be considered a new primary plat application.

F. PHASE 2: Secondary Plat Approval (Includes Steps 3 & 4)



G. STEP 3: Submit Application to Administrator for Secondary Plat Approval

1. Obtain Construction Plan & Drainage Plan Approval. The secondary plat shall not be approved until the construction plans and drainage plans are approved by all required entities.
 - a. Prior to submitting a secondary plat application, the applicant shall obtain construction plan approval for all public improvements from the Board of Works and/or the respective entity or utility that will be accepting the infrastructure.
 - b. The applicant shall also obtain drainage plan approval by the Board of Works prior to submitting a secondary plat application.

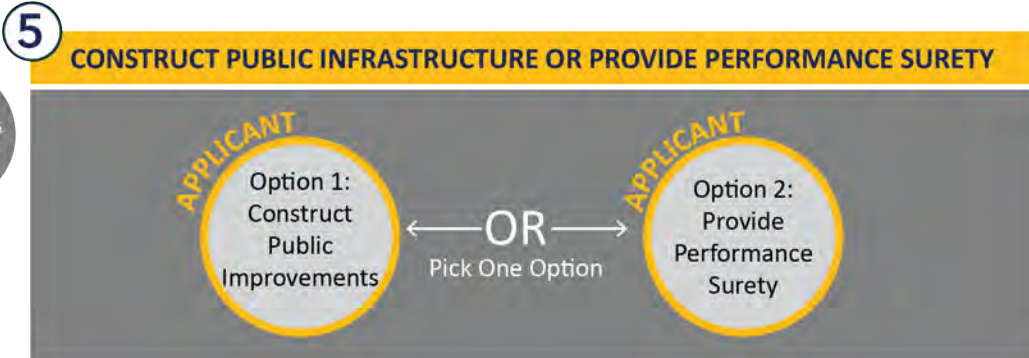
2. **Submit Complete Application.** The applicant shall submit a complete a secondary plat application in accordance with the application requirements, including all requirements as outlined in Section 7.11.B: Plat Drawing Requirements.
 - a. **Phases or Sections Permitted.** The applicant may submit a secondary plat for a phase or section of lots as laid out on the primary plat, which shall include all necessary infrastructure serving such lots.
 - i) For only a commercial or industrial subdivision, the applicant may submit the secondary plat for the entire subdivision, then submit a revised secondary plat for approval that only amends the lot lines on the necessary as individual site users are defined. This amendment will not constitute an amendment to the primary plat; any other changes will require an amended primary plat.
3. **Assign Docket Number & Date for Comments.** 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 review comments from checkpoint agencies.
4. **Complete Internal Review**
 - a. The Administrator may forward the application to the Checkpoint Agencies for review and comments.
 - b. After comments (if any) are received, the Administrator shall compile all comments for the public file.
 - c. The Administrator shall forward all valid comments to the applicant. The applicant shall make the necessary modifications to the application to satisfy the Administrator and resubmit the application within the required timeframe.
5. **Public Meeting or Public Notice Not Required.** No public hearing, public comment, or public notice is required for development plan approval, and development plan applications are not forwarded to any body, board, or meeting for approval.

H. STEP 4: Final Decision by Administrator

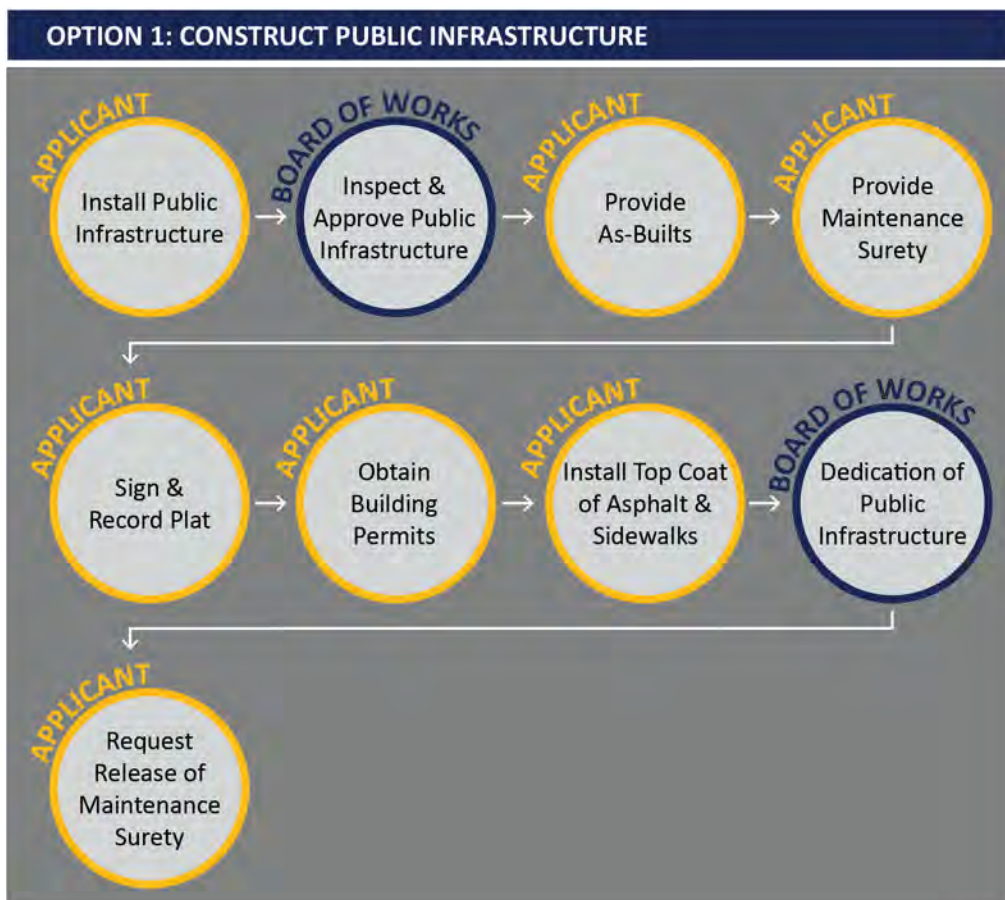
1. **Compliance with Secondary Plat Standards of Evaluation.** The Administrator shall determine if the secondary plat complies with the following standards of evaluation.
 - a. The construction plans have been approved (as applicable) by the Board of Works.
 - b. All application requirements are met.
 - c. The secondary plat complies with all standards set forth in this UDO.
 - d. The secondary plat substantially conforms to the approved primary plat unless such changes were a condition of the primary plat approval.
 - i) 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.
 - ii) 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.
 - iii) 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.
 - e. The secondary plat application has adequately addressed the valid comments from the internal review.
 - f. The public infrastructure has been installed, inspected, and approved by the Board of Works or the applicant has provided a performance surety (see Section 7.4.J).

2. 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.
3. Wait Period. Secondary plat approval may be granted to a plat only after expiration of the thirty (30) day appeal period of the primary plat as provided in IC 36-7-4-710.
4. Decision by Administrator on Secondary Plat
 - a. Approval of Secondary Plat. If the Administrator determines that the secondary plat complies with the primary plat standards of evaluation, the Administrator shall grant secondary approval to the plat.
 - b. Denial of Secondary Plat. 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. If the secondary plat application is officially denied, the applicant may submit a new secondary plat application that addresses the reason for denial.
 - c. Request Decision by PC. If the applicant or Administrator requests a decision by the PC, the PC shall approve or deny the secondary plat based on if the application complies with the standards of evaluation.
 - i) 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 internal review because the applicant disagrees with the comment(s), the applicant may submit a request for a decision by the PC 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.
 - ii) Administrator Requests PC Decision. The Administrator may request a decision by the PC instead of the Administrator for any reason.
 - d. Hold PC Public Meeting. If a decision is requested by the PC, the applicant or their representative shall attend, present their application, and address any questions or concerns at a public meeting before the PC.
 - i) Public Notice Not Required. No public hearing, public comment, or public notice is required specifically for an appeals application. Note, while the application does not require specific public notice, the BZA meeting must be advertised according to IC 5-3-1.
 - e. Final Decision By PC. If the applicant or Administrator requests a decision by the PC, the PC shall approve or deny the application based on if the application complies with the standards of evaluation.
5. Documentation of Decision by Administrator. Within 15 days of the hearing, the Administrator shall provide written approval or denial (mail or email). If the plat is denied, the specific reasons for denial shall be provided. The applicant may then resubmit a revised secondary plat that addresses the reason for denial.
6. Expiration of Secondary Plat. Secondary plats shall be recorded within one year of the secondary plat approval date. If the plat is not recorded within this time period, a new application shall be required.
7. Amendment of Secondary Plat. All amendments to a secondary plat shall be considered a new primary plat application. An amendment to a secondary plat that does not conform with the primary plat may require an amended primary plat.

I. PHASE 3: Construction & Development (Includes Step 5)



PHASE 3:
Construction &
Development
(Step 5)



J. **STEP 5: Construct Public Infrastructure or Provide Performance Surety.** Once the secondary plat has been approved, the construction and development process may occur through one of two options as outlined below. The secondary plat shall not be signed or executed prior to one of these occurring. Secondary Plat Approval Required Prior to Construction. The secondary plat should be approved prior to installing public infrastructure. Any construction or installation of infrastructure started or completed prior to approval of the 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.

1. Option 1: Construct Public Improvements
 - a. Install Public Infrastructure. After approval of the secondary plat, the applicant shall install all public infrastructure, except for the final coat of asphalt on the roadways and internal sidewalks, based on the approved construction plans.
 - i) Until the Board of Works (or County Commissioners if located outside of city limits) accepts the dedication of the public improvements and maintenance, the applicant shall be responsible for all maintenance of the public infrastructure.
 - ii) If an improvement is deferred (construction/installation is delayed) and this is approved by the PC through a waiver (see Section 7.10: Waivers), the applicant shall provide a performance surety guaranteeing completion of the deferred improvements prior to recording the secondary plat as outlined in Option 2 below.
 - b. Inspect and Approve Public Infrastructure. The construction of all public improvements shall be reviewed, inspected, and approved by the Board of Works (if within city limits), Scott County Highway Department (if outside of city limits), or the respective utility provider. This includes all required inspections throughout the construction process to ensure that they have been completed in a satisfactory manner. Public improvements includes, but is not limited to, roads, curbs, gutters, drainage facilities, water infrastructure, sewer infrastructure, and any other utilities as required by this UDO or any other applicable ordinance. The city does not inspect infrastructure owned by the county or other providers.
 - c. Provide As-Builts. After all public improvements are inspected and approved, 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 required by this UDO.
 - d. Provide Maintenance Surety. A maintenance surety shall be provided and maintained by the applicant for a period of two years after construction is completed.
 - i) The maintenance surety 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.
 - ii) The surety shall:
 - a) Be payable to the City of Austin;
 - b) Be at least 25% of the approved cost estimate for the public infrastructure; and
 - c) Be in the form of a performance bond, certified check, or other form acceptable to the City Attorney.
 - e. Sign and Record Plat. The plat shall be executed (signed) by all required parties and recorded by the applicant in accordance with Section 7.11.C: Recording Plats.
 - f. Obtain Building Permits. The applicant shall obtain building permits for construction on each individual lot as outlined in Section 7.8: Building & Improvement Permits. Development plan approval may also be required prior to obtaining building permits as outlined in this UDO (see Section 7.3: Development Plans).
 - g. Install Top Coat of Asphalt and Sidewalks. Once development has occurred to the satisfaction of the respective entity accepting the infrastructure and construction has been completed on at least 80% of the lots within the secondary plat, the final coat of asphalt for the roadways shall be installed by the applicant. If sidewalks are required by this UDO, they shall be installed on individual lots prior to issuing a Certificate of Occupancy.
 - h. Dedication of Public Infrastructure. After all infrastructure has been completed and approved by the city or entity accepting the infrastructure, the public infrastructure that is required to be dedicated to the city (if within city limits), county (if within the buffer), or other entity shall be

- dedicated with a signed Deed of Dedication in the format required by the respective entity. *The city and/or county shall only maintain public infrastructure after its dedication unless specified and agreed upon otherwise.*
- i. Request Release of Maintenance Surety. All of the following are required to release a maintenance surety:
 - i) It has been at least two years since the public infrastructure was inspected and approved by the city.
 - ii) The applicant must request (in writing) that the Board of Works release the surety.
 - iii) The city shall evaluate the performance of the public improvements covered by the maintenance surety to determine if they are functioning as intended or designed. Note that the Board of Works may evaluate this performance at multiple intervals, if desired, before the surety is released.
 - a) If the improvements are functioning as intended or designed, the Board of Works shall release the surety.
 - b) If the improvements are not functioning as intended or designed, the city will require the applicant to fix the deficits to the satisfaction of the city or the city also has the authority to collect on the bond and repair or maintain the affected facilities. If the deficits are corrected to the satisfaction of the city, the Board of Works shall then release the surety.

2. Option 2: Provide Performance Surety



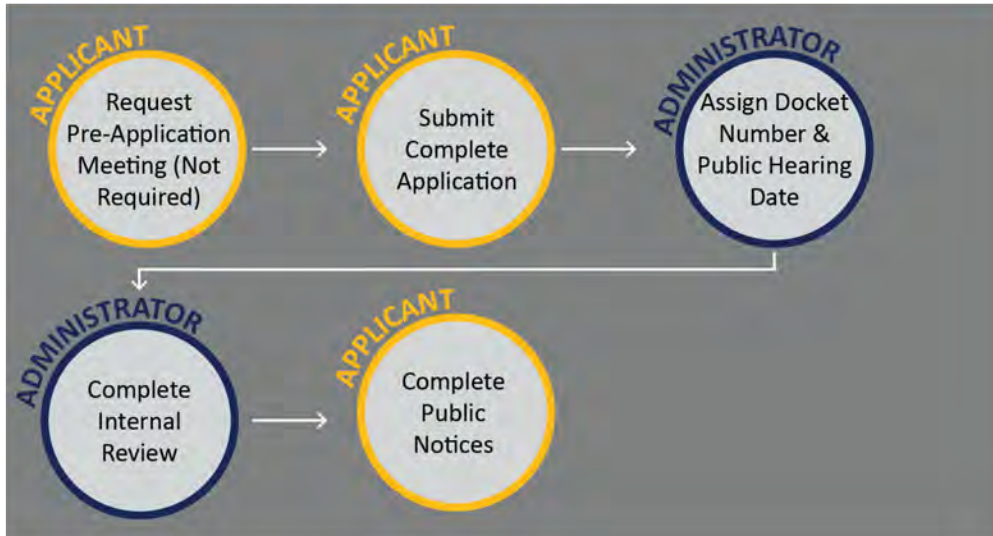
- a. Provide Cost Estimate for Public Infrastructure. The applicant shall submit a reliable cost estimate for completing all of the required infrastructure to the city to review and approve. The cost estimate should include, but is not limited to, the roads, drainage structures, water infrastructure, sewer infrastructure, and all public improvements within the subdivision that are required by this UDO and the Performance and Escrow Agreement.
- b. Execute a 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.

- c. Provide Performance Surety
 - i) The applicant shall provide a performance surety for all public infrastructure in the required amount in accordance with this UDO and the executed Performance and Escrow Agreement. The surety shall:
 - a) Be payable to the City of Austin;
 - b) Be at least 125% of the approved cost estimate for the public infrastructure; and
 - c) Be in the form of a performance bond, certified check, or other form acceptable to the City Attorney.
 - ii) If an improvement is deferred (construction/installation is delayed) and this is approved by the PC through a waiver (see Section 7.10: Waivers), the applicant shall provide a performance surety guaranteeing completion of the deferred improvements prior to recording the secondary plat as outlined in Option 2 below.
- d. Sign and Record Plat. Once the performance surety has been provided and accepted to the satisfaction of the city, the plat shall be executed and recorded by the applicant in accordance with Section 7.11.C: Recording Plats.
- e. Obtain Building Permits. The applicant shall obtain building permits for construction on each individual lot as outlined in Section 7.8: Building & Improvement Permits. Development plan approval may also be required prior to obtaining building permits as outlined in this UDO. Development plan approval may also be required prior to obtaining building permits as outlined in this UDO (see Section 7.3: Development Plans).
- f. Install Infrastructure. The applicant shall install all public infrastructure, except for the final coat of asphalt on the roadways, based on the approved construction plans. All public infrastructure that serves an individual lot, including the sidewalks, shall be installed, inspected, and approved by the city prior to issuing a Certificate of Occupancy and/or completing the final inspection. *The city and/or county shall only maintain public infrastructure after its dedication unless specified and agreed upon otherwise.*
- g. Inspect and Approve Public Infrastructure. The construction of all public improvements shall be reviewed, inspected, and approved by the Board of Works (if within city limits), Scott County Highway Department (if outside of city limits), or the respective utility provider. This includes all required inspections throughout the construction process to ensure that they have been completed in a satisfactory manner. Public improvements includes, but is not limited to, roads, curbs, gutters, drainage facilities, water infrastructure, sewer infrastructure, and any other utilities as required by this UDO or any other applicable ordinance. The city does not inspect infrastructure owned by the county or other providers.
- h. Provide As-Builts. After all public improvements are inspected and approved, 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 required by this UDO.

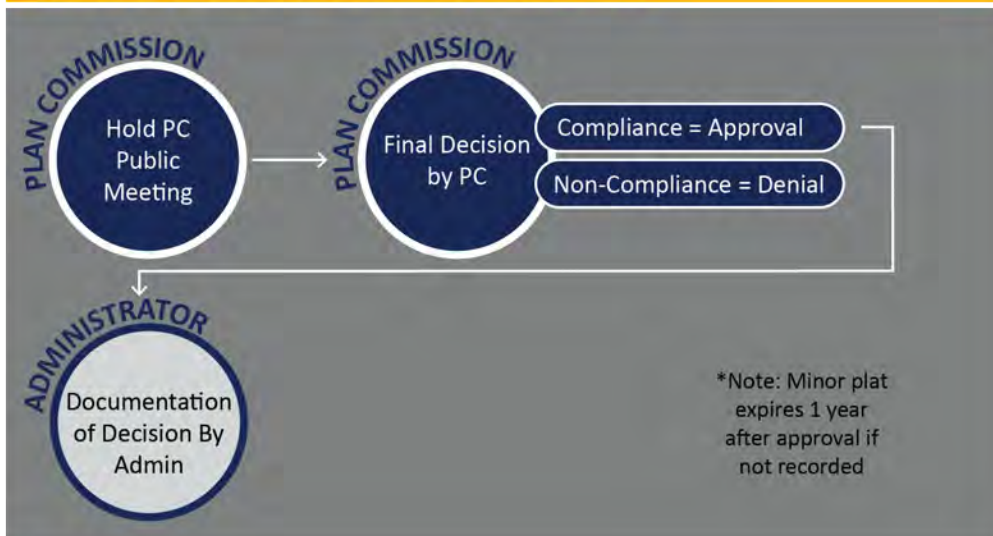
- i. Provide Maintenance Surety. A maintenance surety shall be provided and maintained by the applicant for a period of two years after construction is completed.
 - i) The maintenance surety shall guarantee the storm water facilities, sidewalks (if required), and roads constructed under the permit against 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.
 - ii) The surety shall:
 - a) Be payable to the City of Austin;
 - b) Be at least 25% of the approved cost estimate for the public infrastructure; and
 - c) Be in the form of a performance bond, certified check, or other form acceptable to the City Attorney.
- j. Request Release of Performance Surety. All of the following are required to release a performance surety:
 - i) The required maintenance surety has been provided.
 - ii) The applicant must request (in writing) that the Board of Works release the surety, which cannot occur more than once a month.
 - iii) The Board of Works shall approve the release of all or a portion of the performance surety to the applicant after satisfactory completion and inspection of all or a part of the improvements.
- k. Install Top Coat of Asphalt and Sidewalks. Once development has occurred to the satisfaction of the respective entity accepting the infrastructure and construction has been completed on at least 80% of the lots within the secondary plat, the final coat of asphalt for the roadways shall be installed by the applicant. If sidewalks are required by this UDO, they shall be installed on individual lots prior to issuing a Certificate of Occupancy.
- l. Dedication of Public Infrastructure. After all infrastructure has been completed and approved by the city or entity accepting the infrastructure, the public infrastructure that is required to be dedicated to the city (if within city limits), county (if within the buffer), or other entity shall be dedicated with a signed Deed of Dedication in the format required by the respective entity. The city and/or county shall only maintain public infrastructure after its dedication unless specified and agreed upon otherwise.
- m. Request Release of Maintenance Surety. All of the following are required to release a maintenance surety:
 - i) It has been at least two years since the public infrastructure was inspected and approved by the city.
 - ii) The applicant must request (in writing) that the Board of Works release the surety.
 - iii) The city shall evaluate the performance of the public improvements covered by the maintenance surety to determine if they are functioning as intended or designed. Note that the Board of Works may evaluate this performance at multiple intervals, if desired, before the surety is released.
 - a) If the improvements are functioning as intended or designed, the Board of Works shall release the surety.
 - b) If the improvements are not functioning as intended or designed, the city will require the applicant to fix the deficits to the satisfaction of the city or the city also has the authority to collect on the bond and repair or maintain the affected facilities. If the deficits are corrected to the satisfaction of the city, the Board of Works shall then release the surety.

SECTION 7.5 MINOR SUBDIVISIONS (MINOR PLAT)

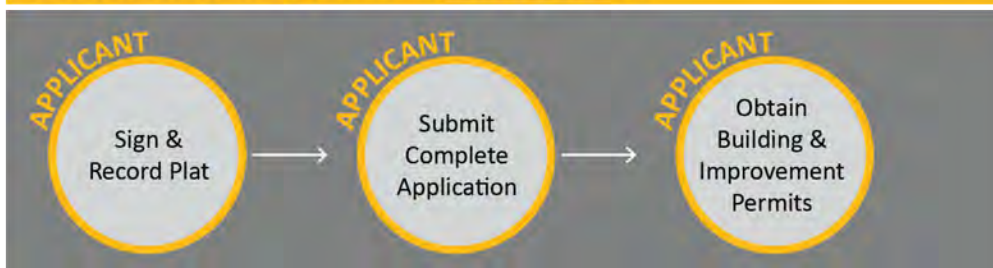
1 SUBMIT APPLICATION TO ADMINISTRATOR



2 HOLD PC PUBLIC HEARING & FINAL DECISION BY PC



3 BEGIN DEVELOPMENT & CONSTRUCTION PROCESS



A. Applicability

1. The following procedures shall apply to all minor subdivisions as outlined in Section 6.3.B: Minor Subdivision General Requirements and Chapter 8: Definitions.
2. 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 the plat is filed with the Recorder's Office.
3. If the PC determines that the circumstances warrant the full review and consideration of a major subdivision, then the applicable process and standards may be required.

B. STEP 1: Submit Application to Administrator

1. Request Pre-Application Meeting (Not Mandatory). Prior to filing a minor plat application, the applicant may (but is not required to) schedule a pre-application meeting with the Administrator to discuss the procedures for approval and the requirements and regulations for development prior to submitting a minor plat application.
2. Submit Complete Application. The applicant shall submit a complete a minor plat application in accordance with the application requirements, including all requirements as outlined in Section 7.11.B: Plat Drawing Requirements.
3. Assign Docket Number & Public Hearing Date.
 - a. 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.
 - b. In accordance with IC 36-7-4-703 and IC 36-7-4-705, within 30 days of receiving a complete application, the PC shall take action on the application unless state statute provides for a longer timeframe. The PC must also meet with any stakeholders with a financial interest in the application, including the applicant's representative, within this 30 day period.
4. Complete Internal Review
 - a. The Administrator may forward the application to the Checkpoint Agencies for review and comments.
 - b. After comments (if any) are received, the Administrator shall compile all comments for the public file.
 - c. In accordance with IC 36-7-4-705, within 15 days of receiving a complete application, the Administrator shall notify the applicant of any deficiencies in the application unless state statute provides for a longer timeframe.
 - d. The Administrator shall forward all valid comments to the applicant. The applicant shall make the necessary modifications to the application to satisfy the Administrator and resubmit the application within the required timeframe.
5. Complete Public Notices. 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.

C. STEP 2: HOLD PC Public Hearing & Final Decision by PC

1. Hold PC Public Hearing. The applicant or their representative shall attend, present their application, and address any questions or concerns at a public hearing before the PC. Public comments shall be permitted in accordance with the PC Rules and Procedures.

2. Compliance with Minor Plat Standards of Evaluation. The PC shall consider the minor plat application at a public hearing and shall determine if the primary plat meets the standards of evaluation for a minor plat.
3. Final Decision by PC on Minor Plat
 - a. Approval of Minor Plat. If the PC determines that the minor plat complies with the minor plat standards of evaluation, it shall grant approval to the plat.
 - i) In accordance with IC 36-7-4-702, the PC may introduce changes or revisions to the proposed plans as a condition of minor plat 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.
 - b. Denial of Minor Plat Denial. If the PC determines the plat does not comply with the minor plat standards of evaluation, the PC shall deny the minor plat.
 - c. No Decision of Minor Plat. In accordance with IC 36-7-4-707, if the PC fails to make written findings and a decision granting or denying approval to a plat within 60 days after the public hearing, then the plat is considered to have received primary approval.
 4. Documentation of Decision by Administrator
 - a. Documentation of Approval. Within 15 days of the hearing, the Administrator shall provide written approval (mail or email) that is signed by the Administrator. It shall itemize any revisions, and/or conditions, if any, that were required by the PC as a term of its approval.
 - b. Documentation of Denial. Written findings of fact shall be made by the PC that set forth its reasons and a decision denying primary approval. The Administrator shall provide written documentation (mail or email) that is signed by the Administrator stating the specific reasons for denial within 15 days of the hearing. The applicant may then resubmit a new application for a primary plat that addresses the reason for denial.
 5. Amendment of Minor Plat. All amendments to a secondary plat shall be considered a new primary plat application.

STANDARDS OF EVALUATION: MINOR PLAT

1. The minor plat complies with the standards of this UDO (or has an approved variance and/or waiver);
2. The minor plat uses all reasonable efforts to mitigate the impact of the proposed subdivision on public health, safety, and welfare; and
3. The minor plat has assurances that water supply, sewage disposal systems, and other applicable utilities can sufficiently serve the type of proposed subdivision by either the utility provider(s) or the respective approval agency(ies).

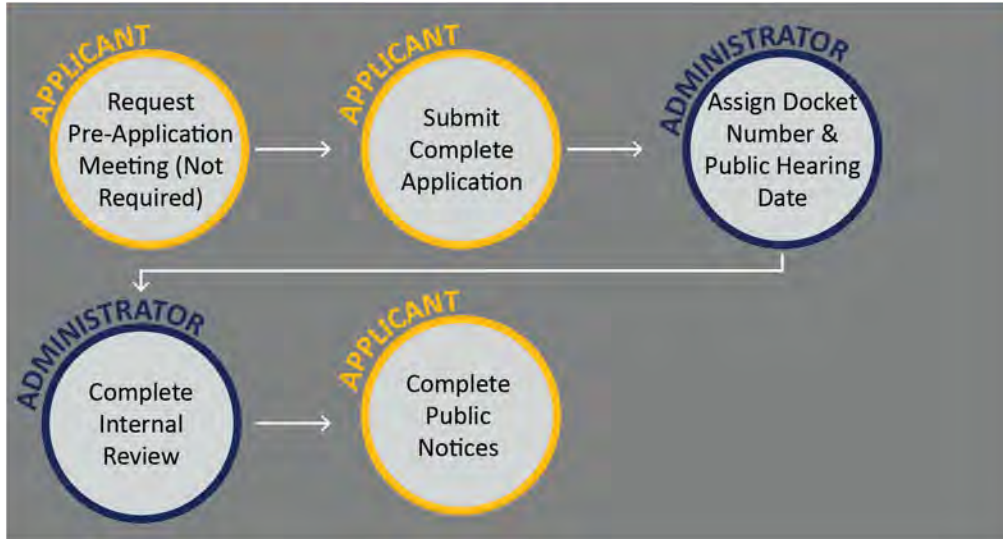
D. STEP 3: Begin Development & Construction Process

1. Sign and Record Plat. Once the minor plat has been approved, the plat shall be executed and recorded by the applicant in accordance with Section 7.11.C: Recording Plats.
 - a. Expiration of Minor Plat. Minor plats shall be recorded within three years of the plat approval date. If the plat is not recorded within this time period, a new application shall be required.
2. Obtain Building & Improvement Permits. The applicant shall obtain building permits for construction on each individual lot as outlined in Section 7.8: Building & Improvement Permits.
 - a. If sidewalks are required by this UDO, construction, inspection, and dedication of the sidewalks shall comply with Section 5.6: Sidewalks.

SECTION 7.6 SPECIAL EXCEPTIONS & VARIANCES

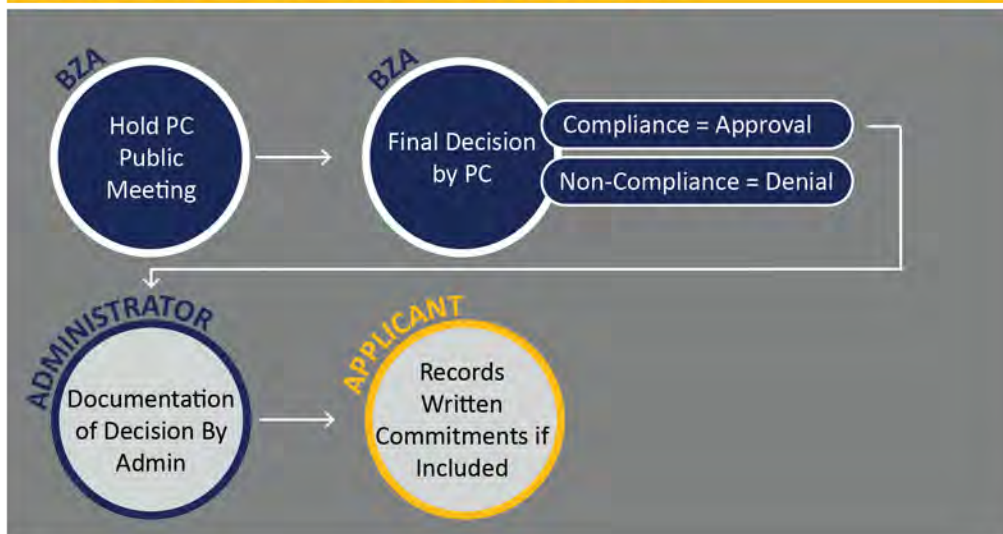
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SUBMIT APPLICATION TO ADMINISTRATOR



2

HOLD BZA PUBLIC HEARING & FINAL DECISION BY BZA



A. Applicability

1. In accordance with IC 36-7-4-918.2 for special exceptions, IC 36-7-4-918.5 for variances from development standards, IC 36-7-4-918.4 for variances of use, and the BZA Rules and Procedures, the BZA shall hear and make decisions regarding special exceptions, variances from development standards, and variances of use.
2. Uses permitted by special exception (see Chapter 3: Zoning & Overlay Districts) may be permitted by the BZA in the districts indicated in accordance with the procedures set forth in this section.
3. The BZA may require that impact studies be performed or additional information to be provided at the expense of the applicant prior to deciding upon a special exception or variance of use application.
4. If a use was legally established on a parcel as a use that was permitted by right under a previous ordinance and the use is only permitted as a special exception by this UDO on the same parcel, it shall be considered an approved special exception use only on the parcel.

B. STEP 1: Submit Application to Administrator

1. Request Pre-Application Meeting (Not Mandatory). Prior to filing a variance or special exception application, the applicant may (but is not required to) schedule a pre-application meeting with the Administrator to discuss the procedures for approval and the requirements and regulations for development prior to submitting an application.
2. Submit Complete Application. The applicant shall submit a complete a variance or special exception application in accordance with the application requirements.
3. Assign Docket Number & Public Hearing Date. 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.
4. Complete Internal Review
 - a. The Administrator may forward the application to the Checkpoint Agencies for review and comments.
 - b. After comments (if any) are received, the Administrator shall compile all comments for the public file.
 - c. The Administrator shall forward all valid comments to the applicant. The applicant shall make the necessary modifications to the application to satisfy the Administrator and resubmit the application within the required timeframe.
5. Complete Public Notices. The applicant shall be responsible for completing all required public notices in accordance with the BZA Rules and Procedures. In the event the hearing has been properly noticed, the Administrator may have the BZA automatically continue the petition to their next regular meeting (or a properly noticed special meeting) without requiring additional notice by the applicant.

C. STEP 2: Hold BZA Public Hearing & Final Decision by BZA

1. Hold BZA Public Hearing. The applicant or their representative shall attend, present their application, and address any questions or concerns at a public hearing before the BZA. Public comments shall be permitted in accordance with the BZA Rules and Procedures.

2. Compliance with Standards of Evaluation. The BZA shall consider the variance or special exception application at a public hearing and shall determine if the request meets the respective standards of evaluation. All standards shall be satisfied in order to approve the application.
3. Final Decision by BZA on Variance or Special Exception
 - a. Approval of Variance or Special Exception. If the BZA finds all of the standards of evaluation have been satisfied, it shall approve the request and shall specify findings of fact supporting the reason for approval. Any approval may include conditions and/or written commitments in accordance with IC 36-7-4-1015 and Section 7.11.E: Written Commitments.
 - b. Denial of Variance or Special Exception. If the BZA does not find that all of the standards have been satisfied, it shall deny the request and shall specify findings of fact supporting the reason for denial.
 - i) If the application is denied by the BZA, it cannot be resubmitted for one year unless the Administrator determines there is a substantial change to the application.

**STANDARDS OF EVALUATION:
DEVELOPMENT VARIANCE**

(per IC 36-7-4-918.5)

1. The minor plat complies with the standards of this UDO (or has an approved variance and/or waiver);
2. The minor plat uses all reasonable efforts to mitigate the impact of the proposed subdivision on public health, safety, and welfare; and
3. The minor plat has assurances that water supply, sewage disposal systems, and other applicable utilities can sufficiently serve the type of proposed subdivision by either the utility provider(s) or the respective approval agency(ies).

**STANDARDS OF EVALUATION:
USE VARIANCE**

(per IC 36-7-4-918.4)

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.

- c. Expiration. Approval of a variance or special exception shall run with the land, unless any the following occur:
 - i) The BZA specifies an expiration date in the approval of a special exception or variance, but the expiration cannot be less than one year from the date of BZA approval.
 - ii) Building permits or improvement permits have not been obtained within three years of the BZA approval;
 - iii) Building permits or improvement permits were obtained and have expired and the approval occurred more than three years ago; or
 - iv) The use has not been established within three years of approval.
- d. Amendment. A variance or special exception may only be amended by the BZA by submitting a revised application and proceeding through the respective application process.
- 4. Documentation of Decision by Administrator
 - a. Within 10 days of the hearing, the Administrator shall provide written approval (mail or email) and itemize any revisions, if any, and conditions, if any, that were required by the BZA as a term of its approval.
 - b. Written findings of fact shall be provided, and the Administrator shall provide written documentation (mail or email) stating the specific reasons for denial within 10 days of the hearing.

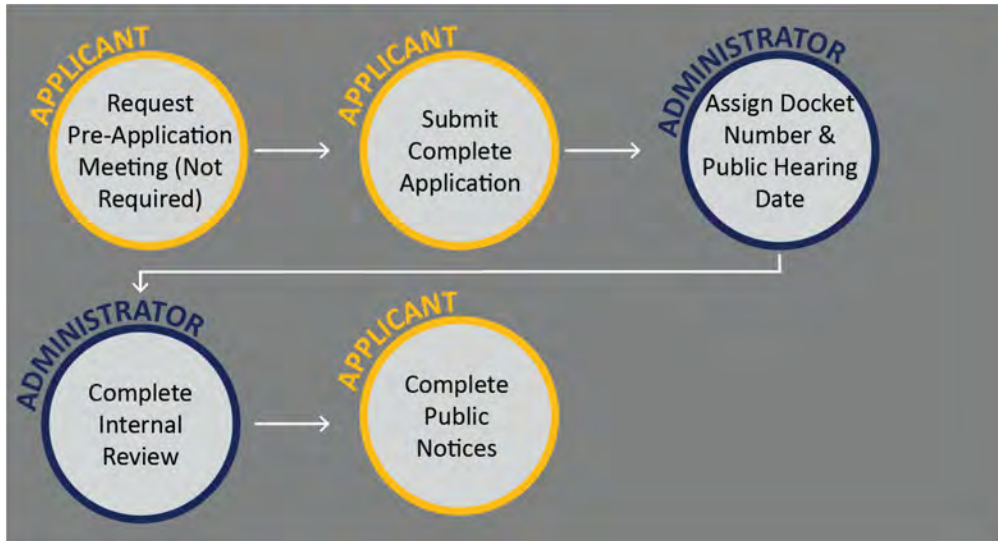
**STANDARDS OF EVALUATION:
SPECIAL EXCEPTION**

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.

SECTION 7.7 REZONINGS & PUD DISTRICTS

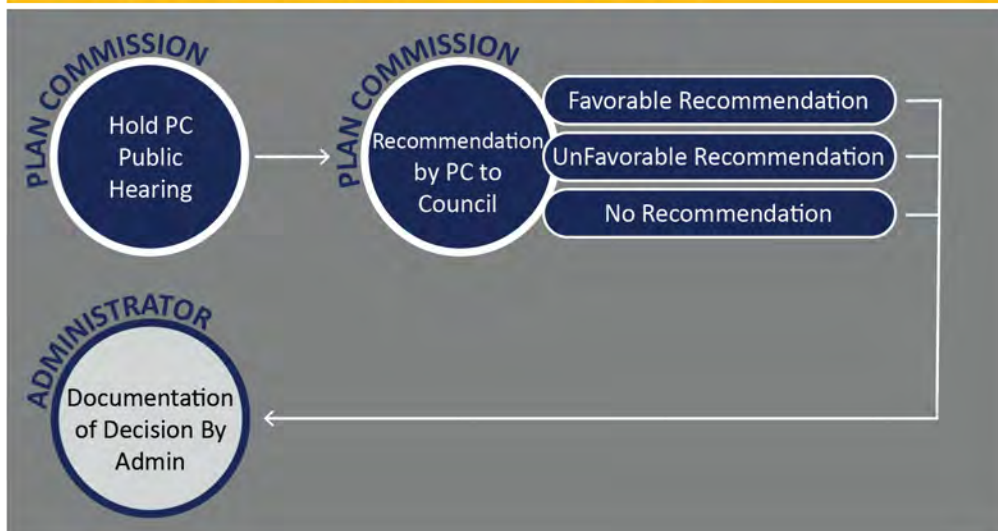
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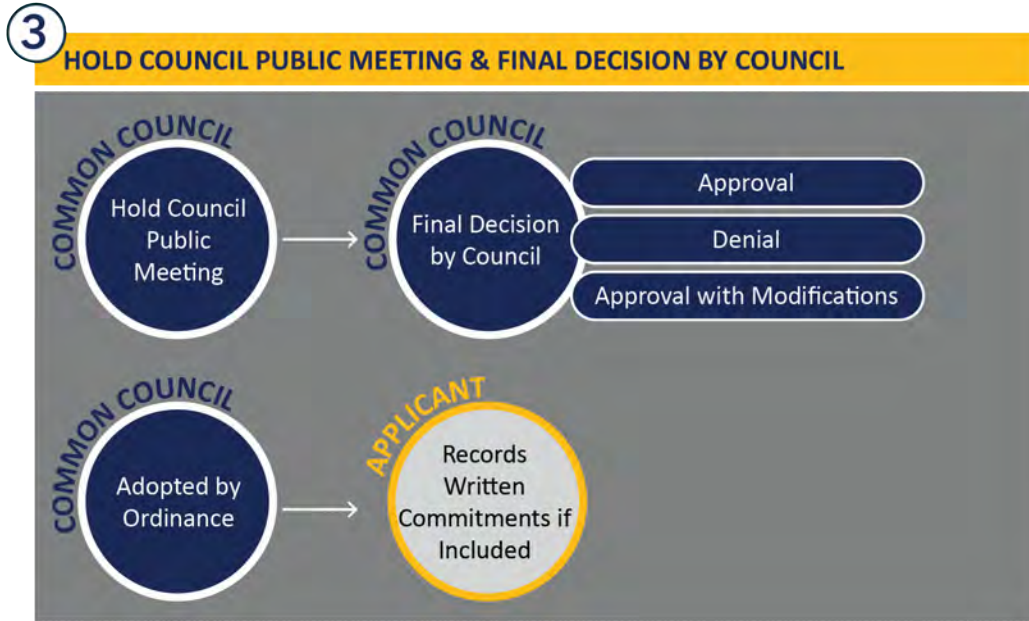
SUBMIT APPLICATION TO ADMINISTRATOR



2

HOLD PC PUBLIC HEARING & RECOMMENDATION BY PC





A. Applicability

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

B. STEP 1: Submit Application to Administrator

1. Request Pre-Application Meeting (Not Mandatory). Prior to filing a rezoning application, the applicant may (but is not required to) schedule a pre-application meeting with the Administrator to discuss the procedures for approval and the requirements and regulations for development prior to submitting an application.
2. Submit Complete Application. The applicant shall submit a complete a rezoning or rezoning to a PUD application in accordance with the application requirements.
 - a. Additional Application Requirements for PUD Application. In addition to the required application submittal, the application for a rezoning to a PUD District shall also include a PUD district map and PUD district ordinance:
 - i) PUD District Map. A PUD District Map shall be provided that identifies all areas and/or parcels that are governed by the PUD District Ordinance. If only one “district” is proposed within the PUD, the entire PUD shall be included; if more than one “district” is proposed within the PUD, each district within the PUD shall be indicated on this map.
 - ii) PUD District Ordinance. A PUD District Ordinance shall be submitted with the “detailed terms” for development in accordance with IC 36-7-4-1509(a)(2). For the purpose of administration and continuity, the proposed PUD District Ordinance must follow a uniform format that contains a written narrative for each of the following sections. Standards that are not defined or specified in the PUD District Ordinance shall be governed by the

regulations contained in this UDO, as interpreted by the Administrator. Each section shall include the following information:

- a) Section 1: PUD Purpose, Uses & Standards (if more than one district is included in the PUD, this shall be provided for each district)
 - The purpose or intent of the PUD
 - A table of permitted uses and special exception uses
 - All development standards that are outlined for each zoning district in Chapter 3: Zoning & Overlay Districts (structure standards, lot standards, and utility standards) for the PUD
 - b) Section 2: Additional Standards for Uses.
 - An alphabetical list of additional development standards that apply to a specific use(s) that are above and beyond the minimums listed in the PUD District(s)
 - A list of any of the additional standards for uses included in Chapter 4: Additional Standards for Uses of this UDO that do not apply within the PUD (if this is not specified, the additional standards for uses included in Chapter 4: Additional Standards for Uses shall apply)
 - c) Section 3: Site Standards
 - An alphabetical list of additional site standards that apply within the PUD, such as accessory structures, architectural features, buffers, screening, lighting, parking, setbacks, or signs
 - A list of any of the site standards included in Chapter 5: Site & Structure Standards of this UDO that do not apply within the PUD (if this is not specified or alternative standards are not provided, the site standards included in Chapter 5: Site & Structure Standards shall apply)
- iii) Definitions
- Any terms that are specific to the PUD that are not defined in Chapter 8: Definitions
3. Assign Docket Number & Public Hearing Date. 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. In accordance with IC 36-7-4-608, within 60 days of receiving a complete application, the Administrator shall announce the date for a public hearing before the PC.
 4. Complete Internal Review
 - a. The Administrator may forward the application to the Checkpoint Agencies for review and comments.
 - b. After comments (if any) are received, the Administrator shall compile all comments for the public file.
 - c. The Administrator shall forward all valid comments to the applicant. The applicant shall make the necessary modifications to the application to satisfy the Administrator and resubmit the application within the required timeframe.
 5. Complete Public Notices. 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.

C. STEP 2: Hold PC Public Hearing & PC Recommendation to Common Council

1. Hold PC Public Hearing. The applicant or their representative shall attend, present their application, and address any questions or concerns at a public hearing before the PC. Public comments shall be permitted in accordance with the PC Rules and Procedures.
2. Compliance with Rezoning Standards of Evaluation. The PC shall consider the rezoning application, including a rezoning to a PUD district, at a public hearing and shall pay reasonable regard to the standards of evaluation for a rezoning.
3. Recommendation to Common Council on Rezoning or PUD by the PC. The PC shall consider the rezoning or PUD application at a public hearing and the PC and make a recommendation to the Common Council.
 - a. Favorable Recommendation of Rezoning. If the PC feels that the request meets the standards of evaluation, they may forward the application to the Common Council with a favorable recommendation.
 - b. Unfavorable Recommendation. If the PC does not feel that the request meets the standards of evaluation, they may forward the application to the Common Council with an unfavorable recommendation.
 - c. No Recommendation. If the PC cannot reach consensus if the request meets the standards of evaluation, they may forward the application to the Common Council with no recommendation.
 - d. Conditions or Written Commitments. Any recommendation may include conditions and/or written commitments in accordance with IC 36-7-4-1015 and Section 7.11.E: Written Commitments.
4. Documentation (Certification) of Recommendation by Administrator. Within 10 days of the PC recommendation, the Administrator shall certify the PC's recommendation to the Common Council.

STANDARDS OF EVALUATION:

REZONING

(per IC 36-7-4-603)

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.

D. STEP 3: Hold Council Public Meeting & Final Decision by Council

1. Hold Common Council Public Meeting. Upon receipt of the certification of the PC recommendation, the Common Council shall vote on the proposed rezoning or PUD at a public meeting within 90 calendar days. The applicant or their representative shall attend this meeting to address any questions or concerns from the Council. No public comment is required.
 - a. Public Notice Not Required. No public hearing, public comment, or public notice is required specifically for the decision by the Common Council. Note, while the application does not require specific public notice, the council meeting must be advertised according to Indiana Code.
2. Final Decision by the Common Council on Rezoning or PUD
 - a. Approval of Rezoning or PUD. If the Common Council feels that the request meets the standards of evaluation, they may approve the request. If the proposal is adopted by the legislative body, the PC shall update the official zoning map accordingly. If the approval included written commitments, the applicant shall record the approved written commitments.
 - b. Denial of Rezoning or PUD. If the Common Council does not feel that the request meets the standards of evaluation, they may deny the request. If the proposal is denied by the Common

- Council, it cannot be resubmitted for one year unless the Administrator determines there is a substantial change to the application.
- c. Approval of the Rezoning or PUD with Modifications
 - i) If the proposal is adopted by the Common Council but includes modifications, changes, or additions to any written commitments or conditions included in the PC recommendation, it shall be returned to the PC with a written statement of the reasons for amendment.
 - ii) Within 45 days, the PC shall consider the amendment at a public meeting (no public hearing, notice, or comment required) and report the PC approval or denial to the legislative body.
 - a) PC Approval of Amendment. If the PC approves the amendment, the proposal is considered approved.
 - b) PC Denial of Amendment. If the PC denies the amendment, the Common Council must confirm the amendment by another vote at a public meeting.
 3. Expiration. Approval of a rezoning or PUD District shall run with the land unless a condition specifies otherwise.
 4. Amendment
 - a. Amendment of a rezoning or PUD district shall require a new application and be done in accordance with the IC 36-7-4-600 series for zone map changes and IC 36-7-1500 series for zone map changes to a PUD District.
 - b. An amendment of an applicable condition or written commitment shall be done in accordance with IC 36-7-4-1015 and Section 7.11.E: Written Commitments.

SECTION 7.8 PERMITS: BUILDING & IMPROVEMENT PERMITS

A. Applicability

1. A building permit or improvement permit shall be required for the erection, alteration, or modification of all structures within the jurisdiction as outlined in this section and UDO.

B. General

1. The proposed or intended use, structure, and site development shall comply with all requirements of this UDO, including other required approvals or permits, prior to issuance of a building permit.
2. No change in use of a building or structure shall be made without obtaining all required building permits.
3. All inspection(s) shall be completed for all building permits that are constructed in compliance with all provisions of the UDO and other applicable codes.

C. Other Required Approvals

1. The following shall be obtained prior to issuance of a building permit or improvement permit:
 - a. A septic permit issued by the Scott County Health Department, the Indiana Department of Environmental Management (IDEM), or the Health Officer (or other entity allowed by Indiana Code) if on-site sewage disposal is used
 - b. All required state agency approvals and/or permits (including state design release) for all commercial or industrial uses, structures, and buildings
 - c. Drainage approval and/or erosion control approval as required by the Austin Stormwater Ordinance and/or IDEM, including ponds and drainage installations
 - d. Floodplain approval as required by the Floodplain Ordinance, IDNR, and/or FEMA
 - e. A driveway permit for new driveways or access points
 - f. A permit for sanitary lateral connections to individual lots

D. Permit Application Requirements

1. The applicant shall submit a complete application for a building permit or improvement permit in accordance with the application packet and application requirements.
2. The fee for building permits and improvement permits shall be paid in accordance with the adopted Fee Schedule.
3. A public record of each building permit and improvement permits shall be retained by the Administrator in accordance with the retention rules established by the State Board of Accounts and all other state regulations.
4. The building permit or improvement permits shall be posted at all times in a conspicuous place on the property approved for construction.
5. An amendment to an approved building permit or improvement permits may be submitted at any time for review and consideration by the Administrator. Additional fees may be assessed if applicable.

E. Permit Expiration

1. Work shall be started within one year of the date of issuance of a building permit or improvement permit.
2. All work shall be substantially completed within three years of the date of issuance of a building permit or improvement permit.
3. A new building permit or improvement permit shall be obtained (including a new application fee) if a permit is expired.

F. Certificate of Occupancy

1. A certificate of occupancy shall be issued until all work has been completed, including all required site improvements.
2. Buildings or structure shall not be occupied or used until a certificate of occupancy is issued by the Administrator.
3. 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 has attested to inspecting the property, structure, and/or building.
4. The Administrator may issue a temporary certificate of occupancy for a period not exceeding 6 months pending completion of modifications in order to comply with this ordinance.

G. Structures that Require Building Permits

1. A building permit shall be required for the erection, construction, installation, moving, addition, or alteration of any structure as outlined below unless specifically stated as exempt in this UDO.
 - a. All new primary structures
 - b. All new accessory structures
 - c. All structures that include a component that requires a permit outside of this UDO (such as electrical)
 - d. Wireless communications facilities (including accessory structures), including new wireless support structures or small cell facilities, substantial modification of an existing wireless support structure or small cell facility, and collocation on an existing structure
 - e. All temporary uses and temporary structures, including construction trailers and temporary storage containers
 - f. Cluster box units (centralized mail box units), regardless of size
 - g. All structures not included as exempt within this section or elsewhere in this UDO

H. Structures Exempt from Building Permits

1. A building permit shall not be required for the erection, construction, installation, moving, addition or alteration of the following structures (but shall still meet all requirements of this UDO) unless specifically stated as exempt elsewhere in this UDO.
 - a. Swing sets, poles for baseball nets, mailboxes, and similar structures
 - b. Temporary dumpsters as outlined in for temporary structures in Section 5.9: Structures
 - c. Routine maintenance of wireless communication facilities or the replacement of wireless facilities that are substantially similar to, the same size as, or smaller than the facility being replaced
 - d. Micro wireless facilities that are suspended on cables strung between existing utility poles within the right-of-way

I. Structures or Activities that Require Improvement Permits

1. An improvement permit shall be required for the erection, construction, installation, moving, addition, or alteration of any structure as outlined below unless specifically stated as exempt in this UDO.
 - a. All fences and walls that are above grade
 - b. All permanent signs as allowed in Section 5.7: Signs
 - c. Carports, storage buildings, and similar structures
 - d. Decks
 - e. Demolition of existing buildings or structures that would require a building permit

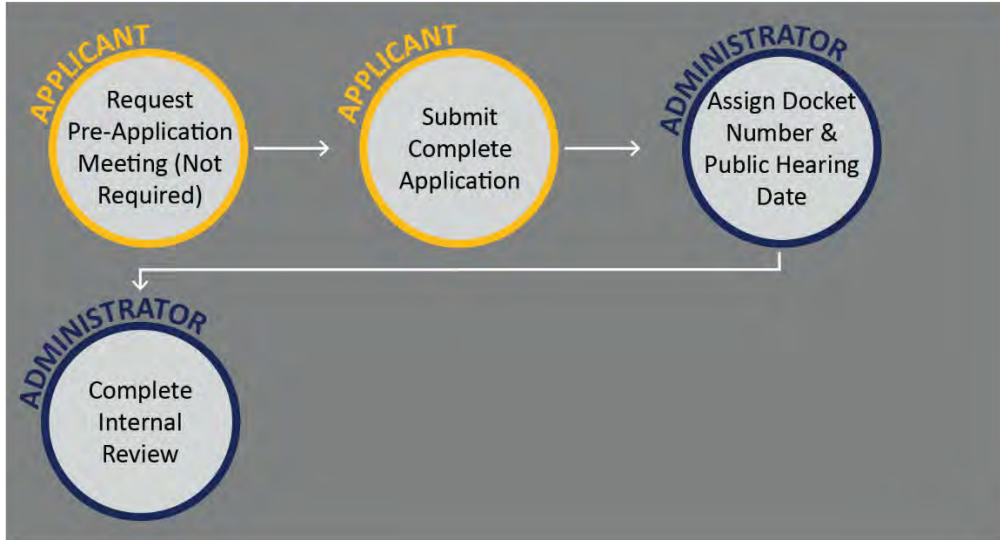
J. Structures Exempt from Improvement Permits

1. An improvement permit shall not be required for the erection, construction, installation, moving, addition or alteration of the following structures (but shall still meet all requirements of this UDO) unless specifically stated as exempt elsewhere in this UDO.
 - a. Landscaping vegetation
 - b. All temporary signs allowed in Section 5.7: Signs
 - c. Utility installations for local/home services (including cable, fiber, and Wi-Fi but excluding solar and wind)
 - d. Retaining walls

SECTION 7.9 PLAT VACATIONS

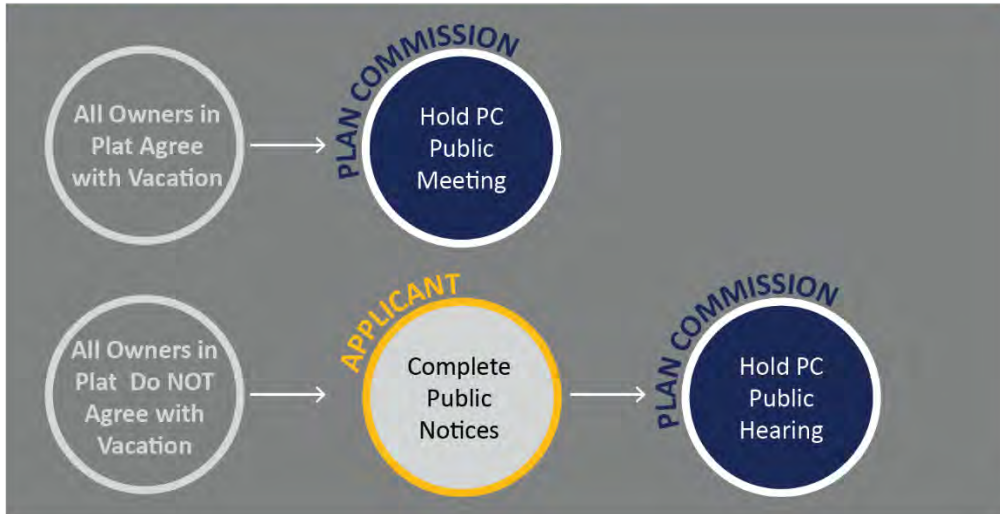
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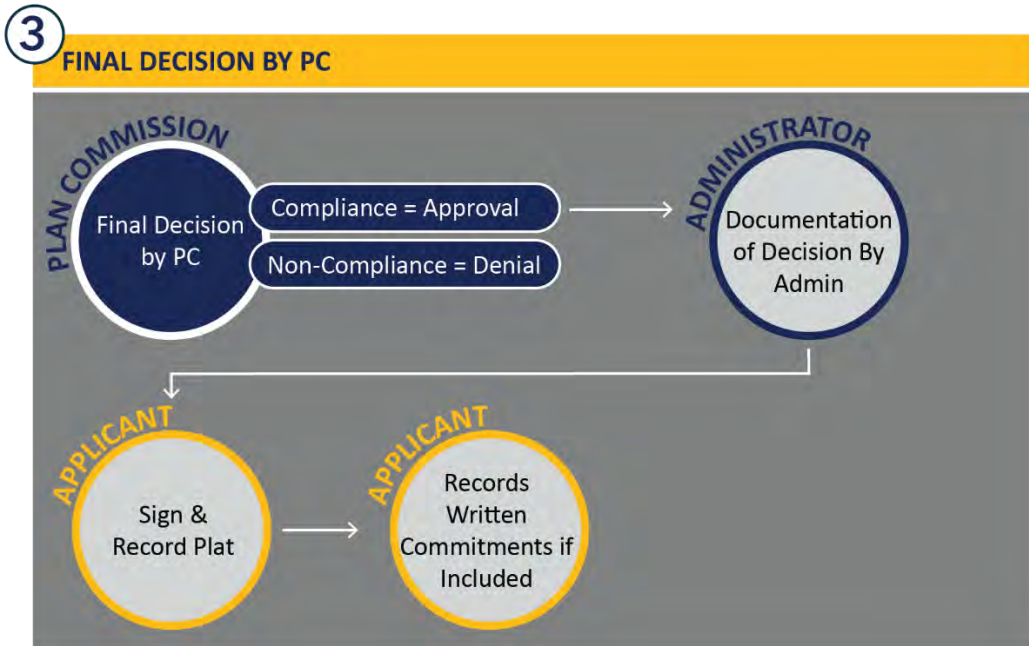
SUBMIT APPLICATION TO ADMINISTRATOR



2

HOLD PC PUBLIC MEETING OR PC PUBLIC HEARING





A. Applicability

1. Pursuant to IC 36-7-4-711, the PC has exclusive authority over the vacation of plats or parts of plats, except:
 - a. As allowed by IC 36-7-3-10(e), the owners of land in a plat that is located outside the corporate boundaries of any municipality may vacate the entire plat without the approval required this section if no lots have been sold, no roads have been constructed in the plat, and all of the owners of land in the plat declare the plat to be vacated in a written instrument.
2. Vacations of plats may be pursued under either IC 36-7-3-10 (if all owners within the plat are in agreement) or IC 36-7-4-711 (when all owners within the plat are NOT in agreement).
3. Platted easements may be vacated in the same manner as public ways and public places, in accordance with IC 36-7-3-12 or with IC 36-7-4-712, whichever is applicable.
4. An instrument recorded under this section terminates:
 - a. The effect of the plat or the portion of the plat declared to be vacated, and
 - b. All public rights in the public ways and public places described in the plat or part of the plat, except that:
 - i) A public way that has been improved, or that is part of an improved plat, may only be vacated in accordance with section IC 36-7-3-12 or IC 36-7-4-712, whichever is applicable.

B. STEP 1: Submit Application to Administrator

1. Request Pre-Application Meeting (Not Mandatory). Prior to filing a plat vacation application, the applicant may (but is not required to) schedule a pre-application meeting with the Administrator to discuss the procedures for approval and the requirements and regulations prior to submitting a plat vacation application.
2. Submit Complete Application. The applicant shall submit a complete a plat vacation application in accordance with the application requirements.
 - a. All Owners in Agreement. As provided in IC 36-7-3-10, if all owners of land in the plat agree on a proposed vacation, the owner(s) must submit the written instrument (document) to the PC for approval and also file a copy of the instrument with the Scott County Auditor.

- i) The written instrument shall declare the plat or a portion of the plat to be vacated, and it must be executed, acknowledged, and recorded in the same manner as a deed to land.
 - b. All Owners NOT in Agreement. As provided in IC 36-7-4-711, if all owners of land in the plat do NOT agree on a proposed vacation, one or more owner(s) must submit the written instrument (document) to the PC for approval. This may also include a request to vacate any recorded covenants filed as a part of the plat as allowed in IC 36-7-4-714.
 - i) The plat vacation shall state the reasons for and the circumstances prompting the request; specifically describe the property in the plat proposed to be vacated; and give the name and address of every other owner of land in the plat.
- 3. Assign Docket Number & Public Hearing Date. 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. In accordance with IC 36-7-4-711, within 30 days of receiving a complete application, the Administrator shall announce the tentative date for a public hearing before the PC.
- 4. Complete Internal Review
 - a. The Administrator may forward the application to the Checkpoint Agencies for review and comments.
 - b. After comments (if any) are received, the Administrator shall compile all comments for the public file.
 - c. 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.

C. STEP 2: Hold PC Public Meeting or Hearing

If ALL Plat Owners in Agreement:

- 1. Complete Public Notices (All Owners in Agreement). No public notice or public hearing is required for approval of a plat vacation pursued under IC 36-7-3-10 where all owners are in agreement. Note, while the application does not require specific public notice, the BZA meeting must be advertised according to IC 5-3-1.
- 2. Hold PC Public Meeting (All Owners in Agreement). The applicant or their representative shall attend, present their application, and address any questions or concerns at a public meeting before the PC. No public comment is required for plat vacations where all owners are in agreement.

If ALL Plat Owners NOT in Agreement:

- 3. Complete Public Notices (All Owners NOT in Agreement). Public notice and a public hearing is required for a plat vacation when all owners are not in agreement as outlined in IC 36-7-4-711. The applicant shall be responsible for completing all required public notices in accordance with the PC Rules and Procedures. At a minimum, notice must be provided to every owner of land in the plat. 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.
- 4. Hold PC Public Hearing (All Owners NOT in Agreement). The applicant or their representative shall attend, present their application, and address any questions or concerns at a public hearing before the PC. Public comments shall be permitted in accordance with the PC Rules and Procedures for plat vacations where all owners are not in agreement. At a minimum, this must include a provision giving every other owner of land in the plat an opportunity to comment on the petition.

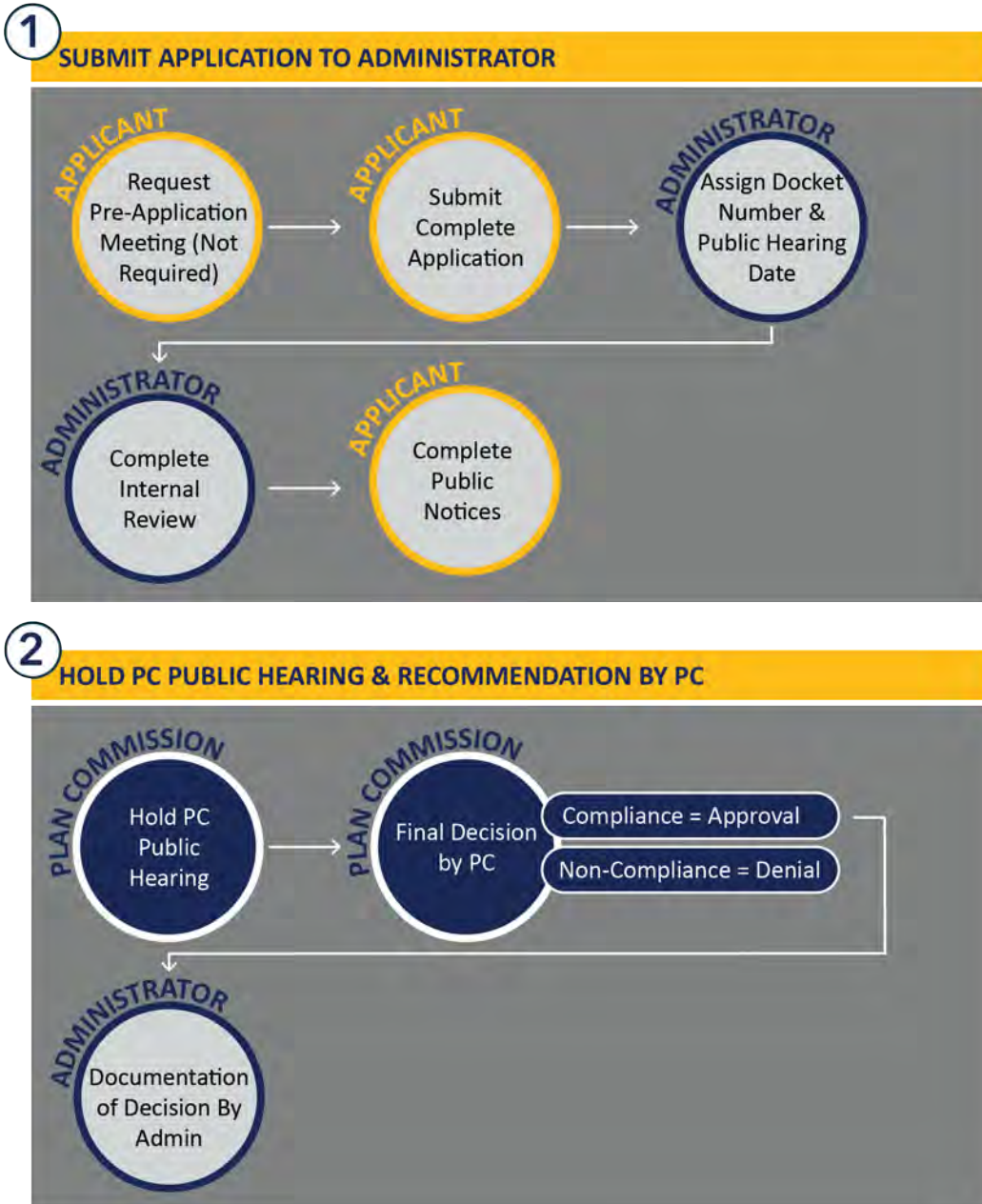
D. STEP 3: Final Decision by PC

1. Compliance with Plat Vacation Standards of Evaluation. The PC shall consider the plat vacation application at a public meeting or hearing (as required above) and shall determine if the plat vacation meets the standards of evaluation.
2. Final Decision by PC on Plat Vacation
 - a. Approval of Plat Vacation. If the PC determines that the plat vacation request complies with the plat vacation standards of evaluation, it shall approve the vacation. Any approval may include conditions and/or written commitments in accordance with IC 36-7-4-1015 and Section 7.11.E: Written Commitments.
 - b. Denial of Plat Vacation. If the PC does not find that all of the standards have been satisfied, it shall deny the plat vacation and shall specify findings of fact supporting the reason for denial.
 - c. Conditions or Written Commitments. Any may include conditions and/or written commitments in accordance with IC 36-7-4-1015 and Section 7.11.E: Written Commitments.
3. Documentation of Decision by Administrator. Following the PC decision, the Administrator shall provide written approval or denial of the plat vacation, including any conditions or written commitments.
4. Record Plat Vacation. The applicant shall, on behalf of the Plan Commission, recorded the written instrument of the plat vacation in the Scott County Recorder's Office. The written instrument shall declare the plat or a portion of the plat to be vacated, and it must be executed, acknowledged, and recorded in the same manner as a deed to land.
5. Time Limitation on Future Vacations. After the termination of a vacation proceeding under IC 36-7-3, a subsequent vacation proceeding affecting the same property and asking for the same relief may not be initiated for 2 years.

STANDARDS OF EVALUATION:**PLAT VACATION***(per IC 36-7-4-711)*

1. The conditions in the platted area have changed so as to defeat the original purpose of the plat;
2. It is in the public interest to vacate all or part of the plat; and
3. The value of that part of the land in the plat not owned by the petitioner will not be diminished by the vacation.

SECTION 7.10 WAIVERS



A. Applicability

1. The PC may grant a waiver for a subdivision standard in Chapter 6: Subdivision Standards pursuant to IC 36-7-4-702(c).
2. The applicant must show that practical difficulties and an unnecessary hardship would result if the standards were strictly adhered to and where, in the opinion of the PC, because of topographical or other conditions particular to the site exist, a departure may be made without compromising the intent of such provisions.

3. 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 included as part of the record.
4. If the PC approves a waiver, the plat must still meet all other applicable standards prescribed in the UDO. Variances from the zoning standards of this UDO require a variance by the BZA (See Section 7.6: Special Exceptions & Variances).

B. STEP 1: Submit Application to Administrator

1. Request Pre-Application Meeting (Not Mandatory). Prior to filing a waiver application, the applicant may (but is not required to) schedule a pre-application meeting with the Administrator to discuss the procedures for approval and the requirements and regulations for development prior to submitting a waiver application.
2. Submit Complete Application. The applicant shall submit a complete a waiver application in accordance with the application requirements.
 - a. The application shall state fully the grounds for the application and all the facts relied upon to justify the waiver.
 - b. A waiver application may be submitted with a primary or secondary plat application or independent of a plat application.
3. Assign Docket Number & Public Hearing Date. 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.
4. Complete Internal Review
 - a. The Administrator may forward the application to the Checkpoint Agencies for review and comments.
 - b. After comments (if any) are received, the Administrator shall compile all comments for the public file.
 - c. The Administrator shall forward all valid comments to the applicant. The applicant shall make the necessary modifications to the application to satisfy the Administrator and resubmit the application within the required timeframe.
5. Complete Public Notices. 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.

C. STEP 2: Hold PC Public Hearing & Final Decision by PC

1. Hold PC Public Hearing. The applicant or their representative shall attend, present their application, and address any questions or concerns at a public hearing before the PC. Public comments shall be permitted in accordance with the PC Rules and Procedures.
2. Compliance with Waiver Standards of Evaluation. The PC shall consider the waiver application at a public hearing and shall determine if the primary plat meets the standards of evaluation.
3. Final Decision by PC
 - a. Approval of Waiver. If the PC determines that the waiver complies with the waiver standards of evaluation, it shall approve the waiver.
 - b. Denial of Waiver. If the PC determines that the waiver does not comply with the waiver standards of evaluation, it shall deny the waiver.
4. Documentation of Decision by Administrator
 - a. Within 10 days of the hearing, the Administrator shall provide written approval (mail or email) and itemize any revisions, if any, and conditions, if any, that were required by the PC as a term of its approval.
 - b. Written findings of fact shall be provided, and the Administrator shall provide written documentation (mail or email) stating the specific reasons for denial within 10 days of the hearing.

STANDARDS OF EVALUATION:

WAIVER

(per IC 36-7-4-711)

1. Practical difficulties and unnecessary hardship may result from the strict application of this UDO;
2. The purpose and intent of this UDO may be better served by an alternative proposal;
3. The waiver 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 contradict the other provisions of the UDO or the intent of the Comprehensive Plan and/or other adopted plan; and
6. Where the waiver impacts 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..

SECTION 7.11 OTHER PROCEDURES

A. Fee Schedule

1. Applications and petitions that are filed as required by this UDO shall be accompanied by the applicable fee(s) specified in the adopted Fee Schedule.
2. Fees shall be collected by the Administrator and shall be made payable to the City of Austin.
3. All PC and BZA application fees, building permit fees, and improvement permit fees are non-refundable.
4. Fees paid in error may be refunded at the discretion of the Administrator.
5. PC and BZA application fees shall be collected at the time the application is filed.
6. Building permit and improvement permit fees will be calculated during the application review process and shall be collected prior to the permit being issued.
7. 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.

B. Plat Drawing Requirements

1. All plats shall be prepared in accordance with all application requirements, including all drawing requirements and/or checklists.
2. All plats shall be prepared and stamped/sealed by a Registered Land Surveyor licensed to practice in the State of Indiana.
3. All plats shall be tied to state plane coordinates for horizontal controls.
4. The secondary plat shall be in a form acceptable to the Administrator and Scott County Recorder and sealed and signed by the professional preparing it.
5. All sheets shall be formatted as 18"x24" unless an alternative sheet size is acceptable to the Administrator and drawn to a convenient scale.
6. The applicant is responsible for all title searches, recorded easements, recorded commitments, and any other items that may affect development and shall include a copy of these documents, if available, to the PC and also disclose to all buyers.

C. Recording Plats

1. Requirements For Recording Plat
 - a. The plat shall be signed by the Administrator, Board of Works designee, and every person having a security interest in the property before being recorded.
 - b. Prior to recording the plat, the applicant shall pay all applicable development fees to all appropriate bodies if applicable.
 - c. The applicant shall be responsible for recording the executed secondary plat with the Scott County Recorder's Office within three years of the signature date. If the applicant fails to record within this time period, the plat shall be null and void.
 - d. Once recorded, the applicant shall provide the Administrator with a copy of the recorded secondary plat (which shall include all required stamps) in the format(s) required by the Administrator.
2. Recording Prohibited Without Approval
 - a. Pursuant to IC 36-7-4-710, a plat of a subdivision for the purposes of development may not be filed with the Scott County Auditor and the Scott 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.

D. Traffic Impact Analysis

1. The applicant shall provide a traffic impact statement with the following:
 - a. Development plan applications
 - b. Primary plat applications for major subdivisions
 - c. Driveways that meet the thresholds outlined in Section 5.3: Driveways & Access To Parcels
2. A traffic impact statement shall include:
 - a. A statement indicating the expected number of daily trips and peak hour trips; and
 - b. Any existing traffic issues that exist at the proposed access point(s).
3. 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), and the method for developing estimates of future traffic should be explained with supporting documentation as needed.
4. The PC and/or BZA may require additional analysis to be completed by the applicant, if needed, to determine impacts to the road network based on road capacity, traffic, congestion, safety, or similar factors.

E. Written Commitments

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

SECTION 7.12 VIOLATIONS & ENFORCEMENT

A. Complaints

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

B. UDO Violations

1. 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.
2. Administrator shall enforce these regulations and make the PC Attorney aware of any violations or lack of compliance with the UDO. The PC Attorney shall take steps necessary under the Indiana Code to enforce any violation of these regulations.

C. Building Permit Violations

1. No building permit, improvement permit, or Certificate of Occupancy shall be issued for any building, structure, or improvement unless the location of the building, structure, or improvement conforms to this UDO.
2. Building permits shall be issued and approved by the Administrator shall only authorize construction based on the plans and applications included in the approved application. Any changes shall require an amended or new building permit.
3. Any persons or corporation who shall initiate construction prior to obtaining a building permit, improvement permit, Certificate of Occupancy, or any other permit or authorization required by this UDO, shall pay the fine as set forth in the Fee Schedule.
4. 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 and UDO.

D. Parcels with Outstanding Violations

1. No building permit, improvement permit, PC approval, and/or BZA approval shall be issued for a parcel if there is an outstanding violation that has been issued on the same parcel (unless the approval remedies the violation).

E. Penalties and Fines

1. 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 for each individual violation, up to the maximum amount permitted by state law. Each day a violation remains uncorrected shall be a distinct and separate violation subject to an additional fine.
2. The PC'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.
3. If the city or PC is required to commence legal action to enforce this UDO, or to collect a fine assessed through this UDO, the violator shall also be responsible for the jurisdiction's reasonable attorney fees and all costs related to the enforcement or collection.

F. Remedies

1. Any civil penalty under this chapter does not preclude the PC from seeking alternative and additional relief from a court of competent jurisdiction in the same action or from seeking any other relief provided by law in a separate action for the enforcement of this UDO.
2. The PC, the BZA, the Administrator, any designated enforcement official, or any person or persons, firm, or corporation (jointly or individually) may institute a suit for injunction in the court of competent jurisdiction to restrain an individual, corporation, or government unit from violating the provisions of this UDO. The PC or BZA may also institute the suit for mandatory injunction directing an individual, corporation, or a governmental unit to remove a structure erected in violation of the provisions of this UDO, or the requirements thereof, or to enforce any other provision of this UDO, 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.

G. Stay (Temporary Suspension) of Work

1. When an appeal from the decision of the Administrator has been filed with the BZA, all proceedings and work on the premises affected shall be stayed (temporarily suspended) unless the Administrator certifies to the BZA, that, by reason of the facts stated in the certificate, a stay would cause imminent peril to life or property. In that case, proceedings or work may not be stayed except by restraining order.
2. After notice to the Administrator or BZA and to the owner of the premises affected and after due cause is shown, the Circuit or Superior Court in which the premises affected are located may grant the restraining order.
3. After the owner, or a person in charge of the work on the premises affected, has received notice that an appeal has been filed, the board charged with the enforcement of the UDO may order the work stayed (temporarily suspended) and may call on the police power of the jurisdiction (City of Austin or Scott County) to give effect to that order.

4. Notwithstanding anything contained in this UDO to the contrary or appearing to be to contrary, and in addition and supplementary to other provisions of this UDO, if the PC, BZA, or the jurisdiction is required to utilize the services of their retained Attorney or any other attorney in investigating a possible violation of this UDO or enforcing the provisions of this UDO before any board or a court (including appeals), and such investigation results in a determination that a violation has occurred or if the BZA or jurisdiction is successful in its enforcement of the UDO by way of suit, appeal, or other appropriate proceeding, the respondent, defendant, or party investigated for a violation shall pay the jurisdiction's reasonable attorney fees and all costs related to the investigation of the violation and/or the enforcement of this UDO, unless such attorney fees or costs are specifically waived by the legislative body.

H. Appeal of Zoning Decisions

1. Pursuant to those statutes, a person with standing may seek judicial review of certain PC decisions by filing a petition for judicial review in the applicable county courts within 30 days after the date of the decision at issue, but only after the person with standing has exhausted any and all available administrative remedies with the PC.
2. Nothing in this section expands the rights to review provided by Indiana law.
3. The following decisions of the PC and BZA 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 series.
 - a. Final zoning decisions of the BZA under the IC 36-7-4-900 series (administrative appeals, special exception, and variances) and IC 36-7-4-1016 (appeals of commitment modifications or terminations).
 - b. Final zoning decisions of the PC under IC 36-7-4-700 series (subdivisions), IC 36-7-4-1015 (appeals of commitment modifications or terminations), and IC 36-7-4-1400 series (development plans).
 - c. Final zoning decisions by the Administrator under IC 14-28-4-18 (improvement location permits within flood plain areas).
4. Final decisions by a legislative body are considered legislative acts and are not considered zoning decisions as outlined in IC 36-7-4-1016
 - a. Adopting or approving a comprehensive plan under the IC 36-7-4-500 series.
 - b. Certifying with or without a recommendation a proposal under the IC 36-7-4-600 series.
 - c. Adopting, rejecting, or amending a zoning ordinance under the IC 36-7-4-600 series of this chapter.
 - d. Adopting, rejecting, or amending an impact fee ordinance under the IC 36-7-4-1300 series
 - e. Designating a zoning district where a development plan is required under the IC 36-7-4-1400 series.
 - f. Adopting, rejecting, or amending a PUD district ordinance under the IC 36-7-4-1500 series.
 - g. Adopting, rejecting, or amending a flood plain zoning ordinance under IC 14-28-4.
 - h. Certifying a recommendation, or modifying or terminating a commitment, under section IC 36-7-4-1015(b)(6) or IC 36-7-4-1015(b)(10).



CHAPTER 8: DEFINITIONS

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SECTION 8.1 GENERAL PROVISIONS

A. General Provisions for Terms & Words

1. The terms “shall” and “must” are always mandatory and required.
2. The word “may” is allowed and/or recommended but not required.
3. Words used in the present tense include the future and past tense.

B. Terms Not Defined

Any words or terms not defined in this UDO shall be defined using the most recent version of the Merriam-Webster Dictionary. If this dictionary does not define a word or phrase, the Administrator shall provide an interpretation of the definition.

SECTION 8.2 DEFINITIONS

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

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

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

ACCESSORY STRUCTURE. See STRUCTURE, ACCESSORY.

ACCESSORY USE. See USE, ACCESSORY.

ACTUAL CONSTRUCTION. When construction materials are being permanently placed and construction work is progressing.

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, or their designee, to provide staff support to the PC and the BZA and to enforce the UDO under the supervision of the PC. The Administrator and their duties as outlined in this UDO may be designated to other staff as necessary.

ADULT 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.

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.

AGRITOURISM. An accessory activity or use located at and accessory to a working farm or an active agricultural, horticultural, or agribusiness operation where the general public is allowed or invited to visit, participate in, or view in agricultural activities for the purposes of enjoyment, education, or active involvement in the activities of the farm or operation. Wineries, breweries, distilleries that are accessory to a farm or agricultural use that produces product(s) the same or adjoining parcel for the winery, brewery, or distillery is considered agritourism. Restaurants are not considered agritourism for the purposes of this UDO unless they are part of a use that meets this definition.

AIRPORT. An area, either on land or water, where aircraft land and take off, usually equipped with hangers, facilities for refueling and repair, and accommodations for passengers (including dining). Airports may or may not be licensed by the Federal Aviation Administration.

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.

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

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

AMUSEMENT PARK. A use, typically outdoors, that includes attractions for all ages, such as rides, shows, games of chance or skill, dining, and/or similar entertainment. This can also be referred to as a theme park.

ANIMAL SHELTER. See KENNEL, COMMERCIAL.

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

APARTMENT. See DWELLING, MULTI-FAMILY.

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 or entity submitting an application to the PC or BZA for action or permits that would affect the subject real estate. Applicants that are business entities must be registered with the Indiana Secretary of State.

AQUACULTURE. See LIVESTOCK.

ARENA. A place or area (indoors or outdoors) that is primarily used for spectator sports, entertainment (such as concerts, amusement parks, and similar events), expositions, or similar public gatherings or events. This use may also have accessory uses, such as food vendors or on-site merchandise sales for the event. Examples include, but are not limited to, sports arenas, outdoor movie theaters (no adult entertainment), amphitheaters, race tracks, and other outdoor assembly venues. For the purposes of this UDO, this use does not include institutional uses (such as schools) that include a stadium, , or similar space on the same site or campus as the institutional use or any other use specifically included as a use in Chapter 3: Zoning & Overlay Districts.

ASSEMBLY HALL. See ARENA or AUDITORIUM.

ASSISTED LIVING & LONG-TERM CARE FACILITY. A public or private residential facility (short or long-term) that provides nursing care, room, laundry, administration of medications, special diets, and treatments. It may include rehabilitative and restorative therapies under the order of an attending physician. Other terms for this use may include nursing home, assisted living, supervised group living, or comprehensive care facility. This does not include other facilities such as group homes, residential treatment facilities, halfway houses, boarding houses, hospitals, outpatient facilities, housing shelters, similar uses that do not meet this definition, or other land uses specifically included as a use in Chapter 3: Zoning & Overlay Districts.

AUCTION HOUSE. A place where the property of others, such as art, furniture, and other goods (except livestock), are offered for sale by a broker or auctioneer for sale to people who bid on the items in competition with each other during scheduled time periods or events.

AUDITOR. The Auditor for Scott County, Indiana.

AUDITORIUM. An indoor area or building that is primarily used for spectator sports, entertainment (such as concerts, plays, and similar events), lectures, large meetings, and similar indoor gatherings. This use 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, community theaters, and other indoor assembly venues. For the purposes of this UDO, this use does not include institutional uses (such as schools) that include an auditorium on the same site or campus as the institutional use or other land uses specifically included as a use in Chapter 3: Zoning & Overlay Districts.

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

AUTOMOTIVE & EQUIPMENT REPAIR & SERVICE. 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. Uses include, but are not limited to, tire sales and service, automobile washes, and oil change establishments.

AUTOMOTIVE & EQUIPMENT SALES. 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.

BAR. See TAVERN.

BATTERY ENERGY STORAGE SYSTEM (BESS). One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle. A battery energy storage system is classified as a Tier 1 or Tier 2 BESS. Note that BESS definitions within this UDO intentionally do not align with IC 22-14-8.

TIER 1 BESS. Has an aggregate energy capacity 600kWh and consists of only a single energy storage system technology if located in a room or enclosed area. This form of BESS is typically used as on-site backup power for a use or structure.

TIER 2 BESS. Has an aggregate energy capacity greater than 600kWh or consists of more than one storage battery technology if located in a room or enclosed area. This form of BESS typically serve a variety of functions for utility operations (such as at a substation) or are associated with large-scale solar, wind, or other power production. Tier 2 BESS must comply with all applicable National Electric Code, National Fire Code, and state code requirements and National Fire Protection Association (NFPA) standards for equipment testing, installation, and safety.

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

- Provides sleeping accommodations to the public for a fee;
- Has not more than 14 guest rooms;
- Provides breakfast to the guests as part of the fee;
- Provides sleep accommodations for not more than 30 consecutive days to a particular guest.
- A short-term rental is not considered a bed and breakfast.

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

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

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

BOARD OF WORKS. The Austin Board of Public Works.

BOARDING HOUSE. See HOTEL.

BOND. See SURETY BOND.

BREWERY. See WINERY, BREWERY & DISTILLERY.

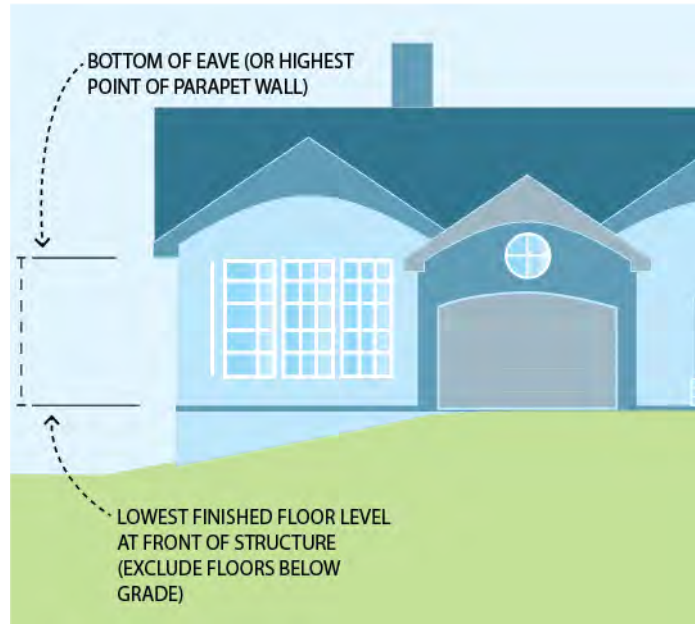
BUFFER. The area of a parcel or yard that provides required additional separation from the adjacent parcel to separate land uses from each other and mitigate the impact that a use may have on an adjacent use.

BUILDING. A roofed structure that is fully enclosed, permanently attached to the ground, foundation, or another permanent structure, and intended for the shelter, housing, or enclosure of an individual, animal, process, equipment, goods, or materials. Note that a building is considered a structure but not all structures are considered buildings (such as a fence).

BUILDING CODE. The set of legal requirements that define the minimum standards for the design, construction, and safety of buildings and structures. For the purposes of this UDO, building code refers to the most recent building codes adopted by the State of Indiana and/or City of Austin, including but not limited to, the Indiana Residential Code, International Fire Code (IFC), International Fuel Gas Code (IFGC), International Plumbing Code (IPC), International Energy Conservation Code (IECC), International Building Code (IBC), and international Mechanical Code (IMC).

BUILDING HEIGHT. The vertical distance measured from lowest finished floor level (excluding basement or floors below grade) at the front of the structure to the bottom of the eave or highest point of the parapet wall. Building height does not include cellular towers, antennas, chimneys, steeples, public utility structures, or agricultural/industrial appurtenances (such as silos).

BUILDING COMMISSIONER. The Administrator, or their designee, who is empowered to review, approve, and inspect Building Permits concerning the enforcement of the applicable building codes and the regulations established by this UDO. This can also be referred to as the building inspector or building official.



Example of Building Height Measurement

BUILDING LINE. See SETBACK LINE.

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

BULK SOLID WASTE CONTAINER. See DUMPSTER.

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. A publicly or privately-owned parcel(s) where two or more campsites are available, located, established, or maintained for people to camp for overnight occupancy on a temporary basis in a tent, trailer, camper, recreational vehicle (RV), cabin, or similar means for a rental fee or free of charge. Any site with more than one recreational vehicle that is occupied is considered a campground. This definition is not intended to include manufactured home parks.

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

CARGO CONTAINER. A container intended for multi-modal transportation via sea-going vessel, train, and truck trailer. These containers are self-contained without axles or wheels. For the purposes of this UDO, cargo containers are considered temporary storage containers. They are not considered permanent buildings unless they comply with the definition of a building.

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 specifically included as a use in Chapter 3: Zoning & Overlay Districts to another land use classification. A change in ownership does not constitute a change in use.

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.

COLUMBARIA. A structure that is designed to house or hold urns that contain crated remains.

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, WRITTEN. A covenant concerning the use or development of a parcel of real property which is made in writing and recorded 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. It can also include open spaces and natural areas and may include turf or lawn areas, decorative plantings, walkways, active and passive recreation areas, playgrounds, and wooded areas. For the purposes of this UDO, common area within a platted subdivision is not considered a park.

COMMUNITY BUILDING. A building that includes public or shared spaces within a community, neighborhood, or similar geographic area that is intended for gathering, interaction, activities, or similar function. Examples may include community centers, clubhouses, etc.

COMPREHENSIVE CARE FACILITY. See ASSISTED LIVING & LONG-TERM CARE FACILITY.

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

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

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

CONDITIONAL USE. See SPECIAL EXCEPTION.

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. For the purposes of this UDO, condominiums are considered a multi-family dwelling for land use classification purposes.

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

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

The term does not include the following:

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

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

- At least 300 cattle;
- At least 600 swine or sheep;
- At least 30,000 fowl; or
- At least 500 horses.
- Any animal feeding operation electing to be subject to IC 13-18-10; or
- Any animal feeding operation that is causing a violation of:
 - Water pollution control laws;
 - Any rules of the water pollution control board, or IC 13-18-10.

CONTRACTOR’S 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.

CORRECTIONAL INSTITUTION. A facility designed for the confinement and/or rehabilitation of individuals who have been arrested, detained, or convicted of criminal offenses. Examples include prisons, jails, reformatories, and detention centers.

COUNTRY CLUB. See GOLF COURSE.

COUNTY. Scott County, Indiana and/or the Scott County Board of Commissioners.

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 also include auxiliary uses, such as funeral homes, mortuaries, or cemeteries.

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

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

CULTURAL FACILITY. A public or nonprofit institution which engages in the cultural, intellectual, scientific, environmental, educational or artistic enrichment, including historical societies, libraries, museums, and performing arts associations.

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

DAY CARE, PET. See KENNEL, COMMERCIAL.

DEED. A legal document conveying ownership of real property.

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

GROSS DENSITY. The number of dwelling units per acre of land that includes the total land area within a development, including public rights-of-way.

NET DENSITY. The number of dwelling units per acre of land that includes only land used for residential purposes and excludes public rights-of-way and common areas.

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

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

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

DISTILLERY. See WINERY, BREWERY & DISTILLERY.

DISTRICT, ZONING. See ZONING DISTRICT.

DRAINAGE OR STORMWATER ORDINANCE. Refers to the current ordinance adopted by the City of Austin that regulates drainage and/or stormwater.

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.

DRIVE IN THEATER. An open, outdoor area where people can watch movies, show, or similar entertainment from their vehicles or cars. This typically includes a large screen, parking area where people can remain in their vehicles for the show, sound system, and concessions. This definition does not include outdoor amphitheaters or similar spaces where people sit in seats or lawn space rather than vehicles or cars.

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

PRIVATE DRIVEWAY. A single, shared driveway serving no more than three residential parcels that is privately owned and maintained. Access to four or more residential parcels shall be provided with a publicly dedicated road.

DRIVING RANGE. See GOLF COURSE.

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. For the purposes of this UDO, a dump is considered a landfill.

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.

ACCESSORY UNIT DWELLING (ADU). See ACCESSORY DWELLING UNIT (ADU).

LOFT DWELLING. A structure that is located on a single parcel containing one or more dwelling units that are located on the upper floor(s) of a building (not on ground floor) where the ground floor is used for non-residential purposes (such as retail or other commercial uses).

MULTI-FAMILY DWELLING. A structure that is located on a single parcel containing three or more dwelling units, including units that are located on one or more stories. This definition includes apartments, condominiums, and similar structures with three or more dwelling units.

SINGLE-FAMILY DWELLING. A dwelling on a single parcel containing one dwelling unit 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.

SINGLE-FAMILY ATTACHED DWELLING. One dwelling on a single parcel with ground-floor outside access, attached to one 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.

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

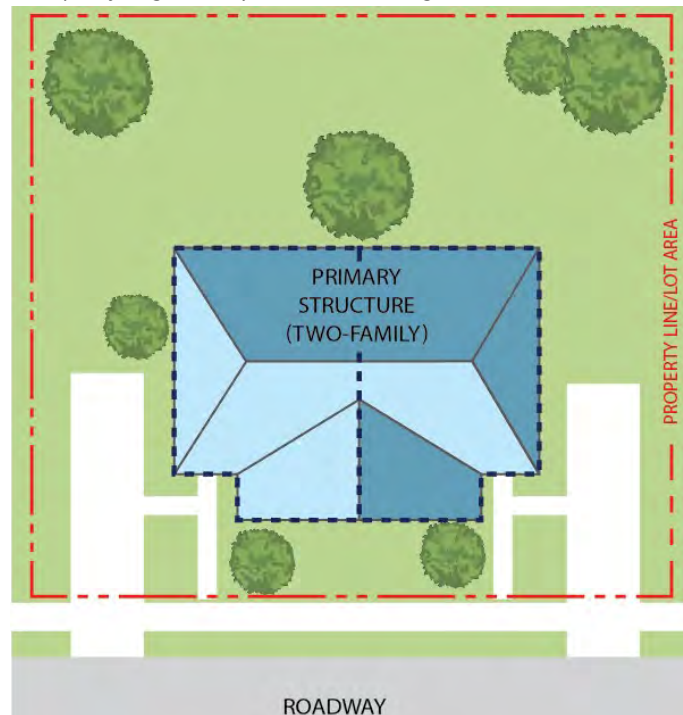
DWELLING UNIT. A room or group of rooms designed and equipped exclusively for use as living quarters for only one housekeeping unit and its household employees, including provisions for living, eating, sleeping, sanitation, and cooking. The term shall include manufactured homes but shall not include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

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

UTILITY EASEMENT. 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.



Example of Single-Family Attached Dwelling



Example of Two-Family Dwelling

EMERGENCY RESPONSE FACILITY. A government facility operated by public agencies including fire stations, other fire prevention and firefighting facilities, police headquarters and substations, and related administrative facilities.

ENCLOSED. A structure or area that is enclosed or by a wall or walls on all sides and a roof covering the entire structure or area.

EQUESTRIAN FACILITY. A use that is intended for accommodating, training, or competing with horses. These facilities can range from barns and stables to larger centers with indoor and/or outdoor arenas that offer services such as riding lessons and boarding.

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.

EXECUTIVE DIRECTOR. See ADMINISTRATOR.

FAIRGROUNDS. An area where fairs, exhibitions, and similar events occur that are typically outdoor but may have indoor components.

FAMILY. A group of individuals, who do not have to be related by blood, marriage, adoption, or guardianship, living together in a dwelling unit as a single housekeeping unit (meaning they share a common living space and typically have shared expenses and responsibilities). This does not include societies, clubs, fraternities, associations, lodges, and similar groups of individuals who are in a group living arrangement. A family cannot exceed two people per occupiable bedroom or the state occupancy and/or fire code regulations.

FARM. A parcel where the primary use is for crop production, livestock, or aquaculture. For the purposes of this UDO, a farm is considered either crop production or livestock for land use classification purposes.

FARM CHEMICAL SUPPLIES. A retail business that sells chemical chemicals for farmers and agricultural uses in crop production, livestock, and similar agricultural activities, such as fuels, solvents, fungicides, herbicides, insecticides, fertilizers, and veterinary chemicals.

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

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

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

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

FLAG LOT. See LOT, FLAG.

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).

FLOODPLAIN ORDINANCE. The current ordinance adopted by the City of Austin regulating flood hazard areas. See Chapter 151: Flood Hazard Areas.

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.

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

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

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

FLOOD PROTECTION GRADE (FPG). Two feet above Base Flood Elevation.

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

FOOT-CANDLE. Unit of illuminance measured on the surface where all points are at a distance of one foot from a directionally uniform point source of one candle and equal to one lumen per square foot.

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 road.

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.

FULLY SHIELDED. Light emitted by a lighting fixture, either directly or indirectly, is projected below a horizontal plane established at the lowest light emitting part of the luminaire. This can also be referred to as full-cutoff, cutoff, or down lighting.

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.

GARAGE. A building used for parking of motor vehicles.

PARKING GARAGE. See PARKING GARAGE.

PRIVATE GARAGE. 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 INDUSTRIAL

HEAVY GENERAL INDUSTRIAL. 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 industrial and 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.

LIGHT GENERAL INDUSTRIAL. 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 industrial and 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.

GENERAL RETAIL. See RETAIL, GENERAL.

GLARE. Light emitting from a luminaire with an intensity that can reduce a viewer's ability to see.

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.

GREENHOUSE, COMMERCIAL. Land, structures, or a combination thereof for the storage, cultivation, and/or transplanting of live trees, shrubs, or plants offered for general retail sale to the public or wholesale sale on the premises and may also include sale of products used for gardening and landscaping. For the purposes of this UDO, a greenhouse or nursery without retail sales may be considered crop production; a greenhouse or nursery with retail sales is considered general retail.

GOLF COURSE. A parcel or area of land that is laid out for playing the game of golf or practicing golf (such as a driving range) 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.

GOVERNMENTAL OFFICE. A building, structure, or facility owned, operated, or occupied by a governmental agency to provide a governmental service to the public.

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

GUN CLUB. See SHOOTING RANGE.

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.

HELIPORT. An area including a helipad that, either at ground level or elevated on a structure, is licensed by the Federal Aviation Administration for the landing and takeoff of helicopters. It may include accessory uses or structures such as parking, waiting areas, or maintenance equipment.

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 small-scale farm that is an accessory use where the primary focus is on personal enjoyment and recreation rather than generation income or revenue. Hobby farms cannot include animals.

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 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. For the purposes of this UDO, uses such as a short-term rental, child care, or other use specifically listed in the Development Standards and Uses tables for each zoning district are not considered a home occupation.

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. Compensation is usually assessed on a day-to-day basis. Occupancy stays are not intended to be for more than 30 continuous days.

HOUSING SHELTER. A facility that provides short-term, temporary, or emergency shelter for individuals that are experiencing homelessness or who are lacking a fixed, regular, and adequate nighttime residence. This term does not include a Assisted Living Facility, Long-Term Care Facility, Recovery Residence or other land uses specifically included as a use in Chapter 3: Zoning & Overlay Districts.

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. Fences and walls are excluded from impervious surface calculations.

IMPOUND LOT. See JUNKYARD.

IMPROVEMENT PERMIT. A permit issued by the Administrator, Building Commissioner, or their designee authorizing the erection, construction, reconstruction, alteration, repair, conversion, or maintenance of an improvement on a parcel.

INDIANA CODE. The current Indiana Statutes of Code, which codifies all Indiana statutes for reference purposes. This may also be abbreviated as "Indiana Code" or "IC" within this UDO.

INDUSTRIAL, HEAVY. See GENERAL INDUSTRY, HEAVY.

INDUSTRIAL, LIGHT. See GENERAL INDUSTRY, LIGHT.

INDUSTRIALIZED BUILDING SYSTEM. As outlined in IC 22-12-1-14, a building or other structure that is in whole or in substantial part fabricated in an off-site manufacturing facility for installation or assembly at the building site as part of a Class 1 structure, a Class 2 structure or another building or structure. However, the term does not include a mobile structure or a system that is capable of inspection at the building site.

INDUSTRIALIZED RESIDENTIAL STRUCTURE. A structure that is both an industrialized building system and a one or two-family private residence. It is not a manufactured home or mobile home. These structures are often referred to as modular homes.

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

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

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

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

JURISDICTION. All land within the corporate boundaries of the City of Austin, Indiana as well as all land within the city's extraterritorial jurisdiction.

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 and animal shelters 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.

LAND USE. The type of activity on a parcel or how land is being occupied or used.

LEGISLATIVE BODY. The Common Council for Austin, 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.

LIBRARY. See CULTURAL FACILITY.

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.

LIGHT TRESPASS. Direct light produced by an artificial light source that shines beyond the boundaries of the property on which it is located.

LIQUOR STORE. A retail establishment whose primary and exclusive business is the sale of alcoholic beverages in their original packages for consumption off the premises. This may also be referred to as "package liquor store."

LIVESTOCK. Animal husbandry activities (breeding and caring for farm animals) or aquaculture activities (farming aquatic organisms such as fish and aquatic plants in controlled water environments) 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, harvesting of aquatic animals and organisms, and wholesale trade of livestock.

PRODUCTION 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.

PERSONAL LIVESTOCK. The raising of livestock that is not intended to be consumed by others and/or sold. This definition includes livestock for educational purposes, such as 4-H, that is not associated with a retail service (such as a petting zoo or traveling animal exhibit).

WHOLESALE TRADE LIVESTOCK. The selling of livestock that occurs on-site, such as animal auctions. This definition does not include educational activities such as 4-H auctions that are not commercial in nature.

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.

MINIMUM LIVING AREA. The minimum interior habitable area of a structure on all floors or levels, measured from the exterior 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.

LOFT. See DWELLING, LOFT.

LONG-TERM CARE FACILITY. See Assisted Living & Long-Term Care Facility.

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.

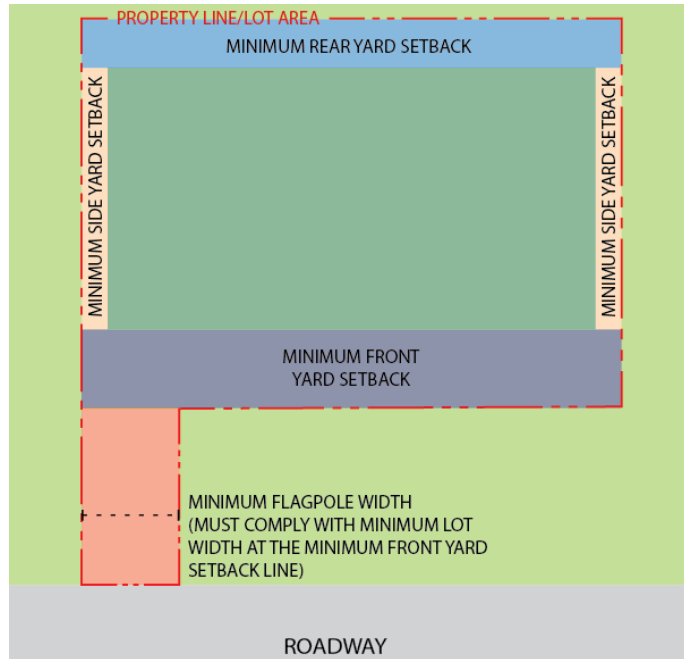
CORNER LOT. A lot or parcel of land at the junction of or abutting two or more intersecting streets. Corner lots have two front yard setbacks and two side yard setbacks.

FLAG LOT. 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.” Lot width on flag poles shall be measured at the minimum front yard setback line, meaning the flag pole must comply with the minimum lot width for the zoning district.

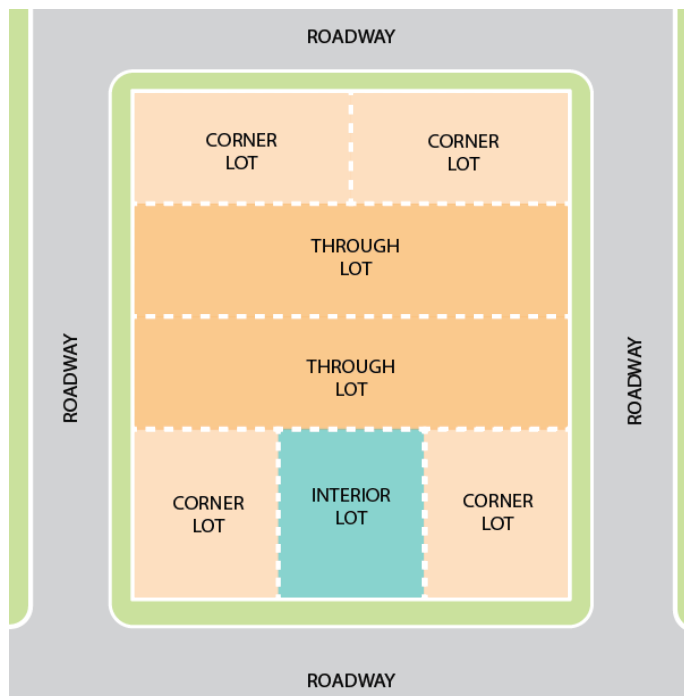
INTERIOR LOT. A lot that has frontage on only one street.

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

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



Example of Flag Lot & Flag Lot Measurements



Example of Types of Lots

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.

FRONT LOT LINE. 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.

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

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

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

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

LUMINAIRE. Complete lighting system consisting of a lamp or lamps and a fixture.

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 is constructed after June 15, 1976, and, as defined in IC 16-41-27-3.5, is as a structure, transportable in one or more sections, which, in traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet. It 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 within the structure. The term shall also include any structure which meets all the requirements of this definition except the size requirements where the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and compiles with the standards established under the cited Federal chapter. This term shall not include any RV.

MANUFACTURED HOME PARK. Consistent with IC 16-41-27-5, a manufactured (or mobile) home park (or community) consists of one or more parcels of land that:

- Are subdivided and contains individual lots that are leased or otherwise contracted
- Are owned, operated, or under the control of one or more persons; and
- Include a total of at least five manufactured homes, mobile homes, or industrialized residential structure that are located for the purposes 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 that are jointly operated and connected by a private road;
- One or more parcels of land, if at least two of the manufactured homes or manufactured homes located on the land are accessible from a private street or interconnected private streets, served by a common water distribution system, or served by a common sewer system or septic system.

MANUFACTURED HOUSING CONSTRUCTION AND SAFETY STANDARDS CODES. Title VI of the 1974 Housing and Community Development Act (42 USC 5401 et 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 GENERAL INDUSTRIAL, HEAVY.

MANUFACTURING, LIGHT. See GENERAL 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.

MAUSOLEUM. See CEMETERY.

MEAT PROCESSING. A building, structure, or area used for the preparation of meat for consumption, including the stockyards (temporary storage/sorting of animals), slaughtering of animals, cutting of meat, inspection, packaging, and process into other products (such as sausage) and similar processes.

MEDICAL OFFICES & OUTPATIENT SERVICES (NO OVERNIGHT STAYS, NO DISPENSING OF MEDICINE). A use where patients are admitted for examination and treatment on an outpatient basis (including doctors' offices) 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.

MEDICAL OFFICES & OUTPATIENT SERVICES (NO OVERNIGHT STAYS, WITH DISPENSING OF MEDICINE). A use where patients are admitted for examination and treatment on an outpatient basis (including doctors' offices) 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 as well as the dispensing of medication for off-site use by licensed medical personnel is permitted in accordance with state and federal laws.

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

MINERAL & RESOURCE EXTRACTION OR PROCESSING. This use includes removing rock, sand, gravel, minerals (such as oil, gas), or other raw materials from the ground in addition to the processing and/or washing of extracted materials. It can include surface mine/quarry (such as gravel pits, strip mines, open-pit mines, or similar extraction without a roof) or underground mining. Concrete processing is included in this land use category.

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 industrialized housing 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.

MORTUARY. A place for the storage of human bodies prior to their burial or cremation.

MOTEL. See HOTEL.

NON-BULK MERCHANDISE. Items for sale or resale that are in individual units or smaller packages rather than large quantities of materials that are in original bulk packaging or large containers.

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

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

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

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

NURSERY. See GREENHOUSE, COMMERCIAL.

NURSING HOME. See ASSISTED LIVING & LONG-TERM CARE.

OPEN SPACE. See COMMON AREA.

OUTDOOR STORAGE. The keeping of any goods, junk, material, merchandise, equipment, or vehicles in the same place for more than 24 hours that is not within an enclosed structure or is visible from a right-of-way or adjacent parcel.

OUTPATIENT SERVICES. See MEDICAL OFFICES & OUTPATIENT SERVICES.

PARCEL. See LOT.

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

PARK. Areas of land developed for active and/or passive recreation facilities. For purposes of this UDO, common area within a platted subdivision is not considered a park.

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

PARKING GARAGE. A parking area that is under or within a structure, other than private garage for personal use, for the parking of vehicles.

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.

PASSENGER TRANSPORTATION FACILITY. A structure or area used to move people by means of group or shared transportation, such as bus or train terminal or bus stops along a transportation route.

PATIO HOME. See DWELLING, SINGLE-FAMILY ATTACHED.

PAVED. An area on the ground surface that is covered with a hard, durable material, such as concrete or asphalt, that is suitable for use in all weather conditions. For the purposes of this UDO, gravel surfaces are not considered paved.

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.

PHILANTHROPIC CLUB. A group that focuses on promoting the welfare of others, often through charitable giving and support for social causes, services, and programs or groups where have shared interests gather for social interaction, recreation, and/or activities. They may require membership and typically have a formal location where they host activities or meetings regularly. Examples include, but are not limited to, Knights of Columbus, Elks (BPOE), Moose Lodge, American Legion, and food banks. This term does NOT include Adult Businesses, any use that provides or allows for overnight accommodations, or any other use specifically included as a use in Chapter 3: Zoning & Overlay Districts.

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 Austin Advisory Plan Commission

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, drawing, 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.

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. See also SITE PLAN.

PORTABLE STORAGE CONTAINER. See TEMPORARY STORAGE CONTAINER.

PRODUCE STAND. See ROADSIDE STAND.

PROFESSIONAL ENGINEER. A person who is currently licensed to practice or offer engineering as a Professional Engineer in Indiana.

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 term does NOT include any other use specifically included as a use in Chapter 3: Zoning & Overlay Districts.

Examples of this use includes, but are not limited to, the following:

- Professional service offices, such as accounting or financial advisors, advertising or marketing services, architectural or engineering services, attorney or legal, etc.
- Other business offices such as insurance, investment, real estate professionals, travel agency services, etc.
- Other professional or business services that occurs within a business office setting

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. See EMERGENCY RESPONSE FACILITY.

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

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

PUD DISTRICT. See PLANNED UNIT DEVELOPMENT (PUD).

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

RACETRACK. An area or place used for racing horses, dogs, vehicles, or similar types of racing.

RECOVERY RESIDENCE. A residential facility for individuals that is designed to facilitate readjustment after institutionalization or incarceration. It may include on-site counseling or similar programs. Other terms for this use may include halfway house, sober living house or facility, or transitional living facility. This term does not include Assisted Living, Long-Term Care Facilities, Housing Shelters, or other land uses specifically included as a use in Chapter 3: Zoning & Overlay Districts.

RECREATION AREA. An area designated, designed, and equipped for the conduct of sports and leisure-time activities. For the purposes of this UDO, a recreational area is considered a park.

RECREATIONAL FACILITY. A public or private area of facility to provide periodic and short-term sports or personal leisure activities. For the purposes of this UDO, a recreational area is considered a park.

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

RECREATIONAL VEHICLE PARK. See CAMPGROUND.

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

RECYCLING DROP OFF LOCATION. An accessory use that includes a place or area that is used for the acceptance of recyclable materials from the public but does not include storage (other than temporary storage between scheduled pickups), separating, and/or processing of recyclable materials.

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

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

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

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.

RESERVE STRIP. A strip of land between a street and adjacent parcel, which is used or intended to be used as a way to limit access to a current or future road or right-of-way.

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. This term does NOT include any other use specifically included as a use in Chapter 3: Zoning & Overlay Districts.

Examples of general retail uses include, but are not limited to, the following:

- Department and superstores, such as stores that sell clothing, shoes, accessories, household essentials, home goods, etc.
- Specialty retail stores, such as stores that sell antiques, art or art supplies, auctioned items, books, cameras or photography supplies, collectibles, electronics or appliances, fabrics and sewing supplies, floor coverings (carpet, hardwood, etc.), furniture, flowers or plants (including greenhouses or nurseries), gifts, hardware or similar items, hobby supplies, jewelry, music or musical instruments, office supplies, medical equipment (no medical exams or prescription medicines), pets or pet supplies, sporting goods or recreation equipment, religious goods, toys, video games, etc.
- Supermarkets and grocery stores, such as stores that sell bakery items (without dining), candy, groceries, meat or fish, etc.
- Convenience stores, such as stores that sell gas or fuel, convenience items (snacks, drinks, etc.), etc.
- Drug stores or pharmacies that sell over the counter or prescription medicines (may include licensed medical professionals as an accessory use to a pharmacy if at least 60% of the floor area is dedicated to general retail).
- Discount stores, such as stores that sell second-hand items, items on consignment, thrift items, etc.

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 any other use included in Chapter 3: Zoning & Overlay Districts.

Examples of service-oriented retail uses include, but are not limited to, the following:

- Hospitality and entertainment services, such as food catering facilities, indoor movie theaters (no adult entertainment), paintball facilities, reception halls or banquet / event facilities, etc.
- Instructional services, such as art studios, dance studios, educational support services, gymnastics or martial arts instruction, etc.
- Food establishments and restaurants (see RESTAURANT), such as quick service and dine-in restaurants
- Marinas and docking areas for boats and pleasure craft
- Service and repair services, such as computer or phone repair, jewelry repair, shoe repair, etc. (but does not include automobile, vehicle, or equipment repair or service)
- Personal services, such as banks or credit unions, beauty salons or barber shops, cash advances or payday loans, dry cleaning or laundry receiving station (storefront only), employment services, fitness centers or gyms, laundromats, nail or tanning salons, photography studios, print or copy shops, and tailoring or dressmaking, etc.

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.

ASSUMED or APPARENT RIGHT-OF-WAY. A right-of-way where there is no recorded instrument of right-of-way and the front property line is defined by deed as the centerline of the street road and where the city and/or county have “assumed” or established it as right-of-way without explicit legal documentation through adverse use through a long-term, uninterrupted use and maintenance as allowed by Indiana Code.

DEDICATED RIGHT-OF-WAY. A right-of-way that is dedicated for public use and as a public right-of-way through a written, recorded instrument (such as a deed or plat).

ROAD. A public or private way that is used for vehicular travel. This can also be referred to as a street, highway, parkway, or similar term.

PRIVATE ROAD. A private roadway that serves up to three single-family and two-family dwelling units pursuant to access easements and all requirements of this UDO.

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

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

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

ROADSIDE 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.

RURAL EVENT VENUE. A facility or location where events are permitted to occur on a periodic, reoccurring, or regular basis, generally with a use agreement between a private group or individual and the facility owner, in a predominately rural and/or agricultural area. The event and/or facility may be a primary or accessory use. For purposes of this definition, a rural event may include a celebration, ceremony, wedding, reception, corporate function, or similar activity for the benefit of someone other than the property owner that takes place on a periodic basis, involving the gathering of individuals assembled for the common purpose of attending a special event. This definition does not include family events or gatherings that are held on their own property or annual events, fairs festivals, and similar events that occur for a short period once a year

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. A school may be public, charter, or private and can be further classified as K-12 (facilities that include kindergarten through 12th grade instruction); Technical (including vocational) School; and College (including university). This term does not include day care facilities.

SCREENING. A structure or vegetation that conceals an area from view.

SEMI TRAILER. A mobile trailer of 53 feet or less in length with a chassis, axles, and wheels which may be towed by a truck or tractor. For the purposes of this UDO, semi trailers that are not connected to a vehicle are considered temporary storage containers.

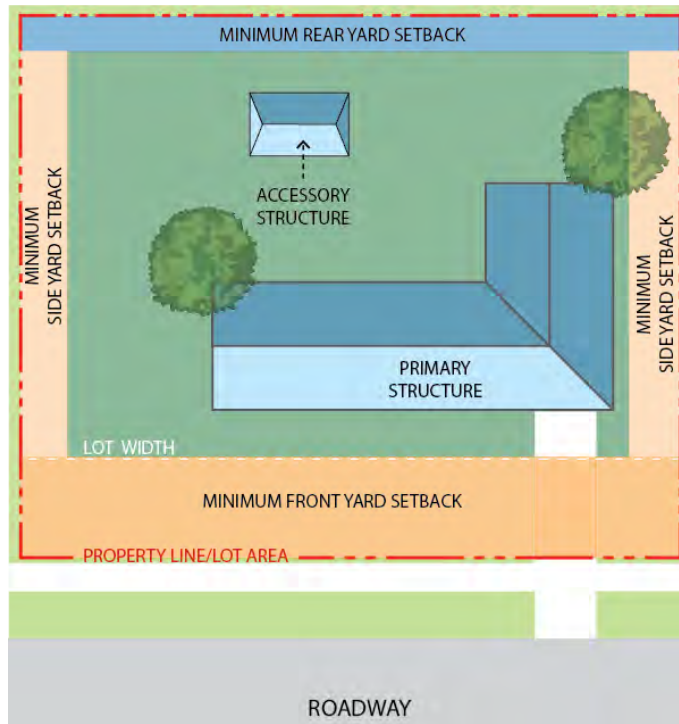
SEPTIC SYSTEM. An on-site sewage treatment system as allowed and permitted by IDEM and/or the Scott County Health Department.

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

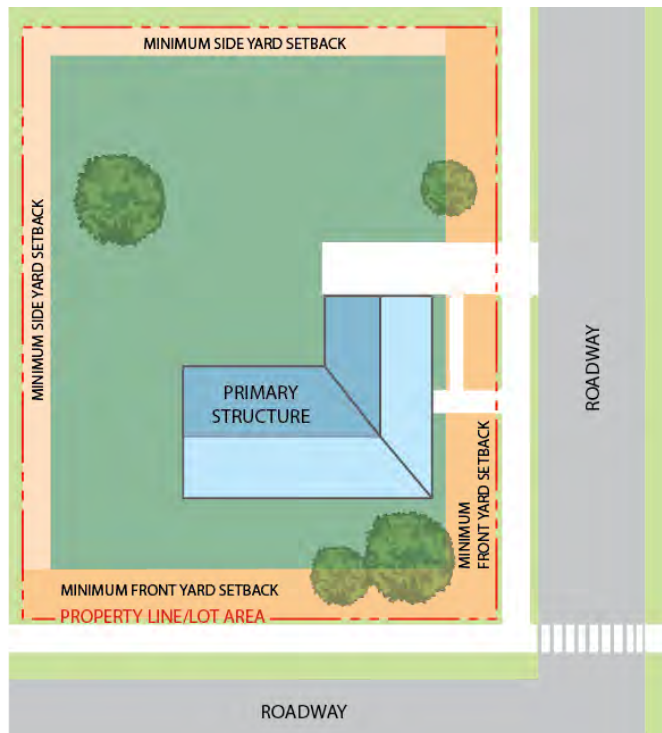
SETBACK. The distance between any structure or building and the property line or specified place of measurement. For flag lots, the “flag pole” shall not be used in determining the setbacks.

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

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



Example of Lot Setbacks



Example of Corner Lot Setbacks

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

SIDE YARD SETBACK. 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.

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

PUBLIC SEWER AND WATER SYSTEM. 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. See ADULT BUSINESS.

SHIPPING CONTAINER. See CARGO CONTAINER.

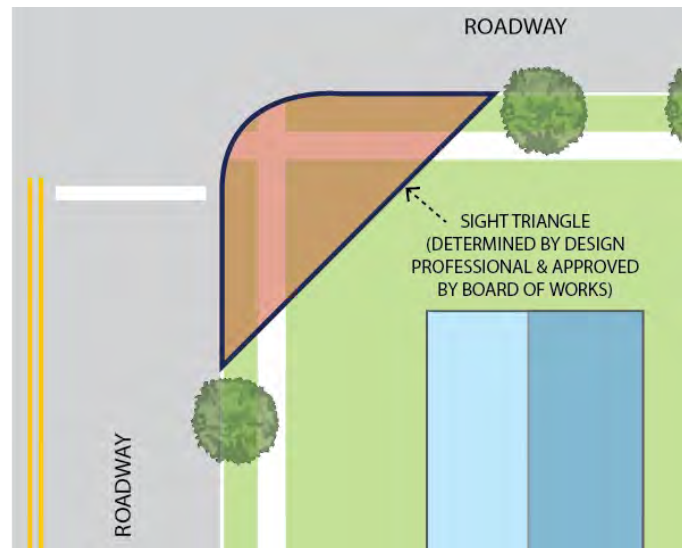
SHOOTING RANGE. An area of structure used for the controlled practice of shooting of firearms, archery, or other similar means that are indoor or outdoor facilities. Activities can also include practice, training, or competitions. This can also be referred to as a gun range, firing range, or shooting range.

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

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

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

SIGHT TRIANGLE. A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection. This can also be referred to as a vision clearance zone or triangle. The dimensions of a sight triangle will vary depending on the specific site conditions (such as speeds, topography, sight distance, etc). The dimensions of a sight triangle shall be determined for each specific location by a Professional Engineer or Professional Land Surveyor and approved by the Board of Works.



Example of Sight Triangle

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

ABANDONED SIGN. 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.

ELECTRONIC VARIABLE MESSAGE (EVMS) SIGN. 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.

LEGAL NON-CONFORMING SIGN. 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.

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

PERMANENT SIGN. 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.

TEMPORARY SIGN. 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.

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

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

BILLBOARD SIGN. See POLE SIGN.

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

HUMAN SIGN. A sign that is worn or held by a person for the purposes of advertising or otherwise drawing attention to an individual, business, commodity, service, activity, or product. For the purposes of this UDO, a human sign is considered a portable sign.

INFLATABLE SIGN. Any sign or device which is capable of being expanded by any gas or air and used on a temporary basis to attract attention to a product or event. This definition includes both hot and cold-air balloons tethered (such as an inflatable wind dancer) or otherwise anchored to the ground or structure and feather flag signs.

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

MONUMENT SIGN. A freestanding sign in which the bottom edge of the sign is in contact with the ground or is suspended or supported by two upright posts or braces located within close proximity to the ground (such as 1 foot). Also known as a ground, site, post, or pylon sign.

MOVING SIGN. A temporary sign that is designed to rotate or move in a comparable manner by means of electrical, mechanical, and/or wind power.

MURAL SIGN. A wall sign that consists of painting or art that is directly placed on a wall of a building or structure. For the purposes of this UDO, a mural sign is considered a wall sign.

POLE SIGN. A sign anchored directly to the ground or supported by one post, column, or other vertical structure or support. The sign is not attached to or dependent for support from any building and the sign area is not in close proximity to the ground.

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

POST SIGN. A sign anchored directly to the ground or supported by more than one post, column, or other vertical structure or support. The sign is not attached to or dependent for support from any building and the sign area is not in close proximity to the ground.

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

ROOF SIGN. Signs that extend above the roof line or parapet of a building or signs that are mounted to the roof of a structure

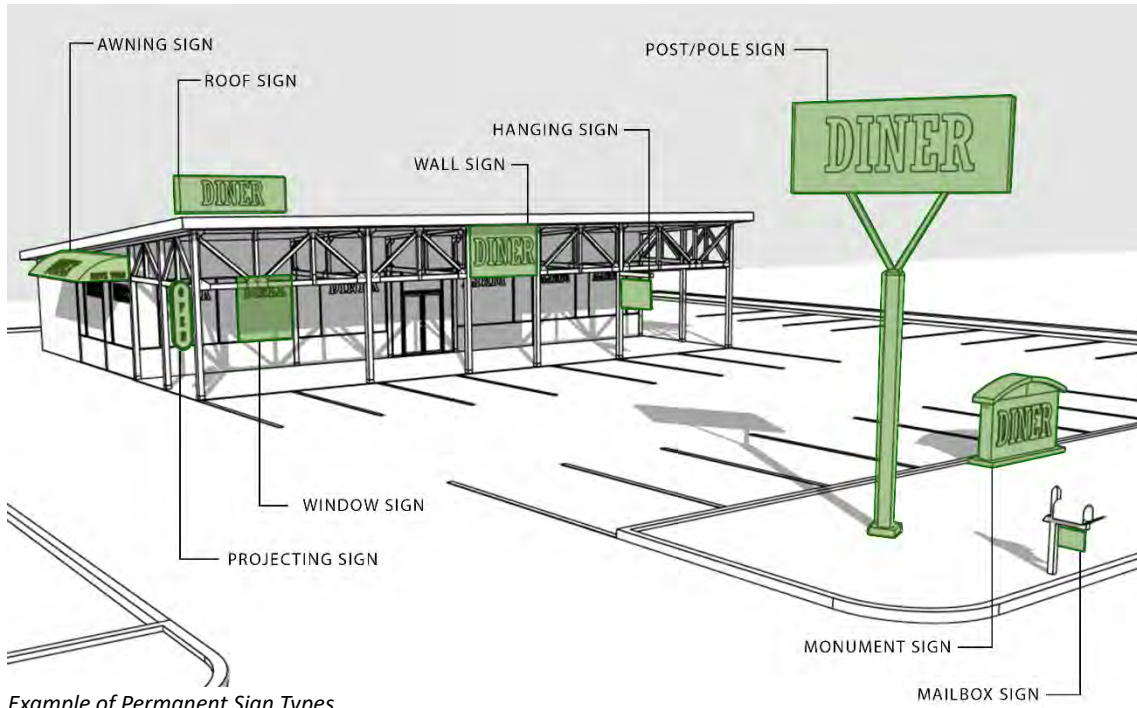
VEHICLE SIGN. A sign that is placed on vehicles or trailers that are parked on public or private property with the primary purpose of displaying the sign. Vehicle signs do not include:

- Passenger vehicles
- Non-passenger vehicles (such as box trucks, semi-trucks, trailers, etc.) that are lawfully:
- Parked overnight during non-business hours at a driver's residence or business;
- Parked while conducting lawful business; and
- Parked on a construction site in conjunction with construction operations

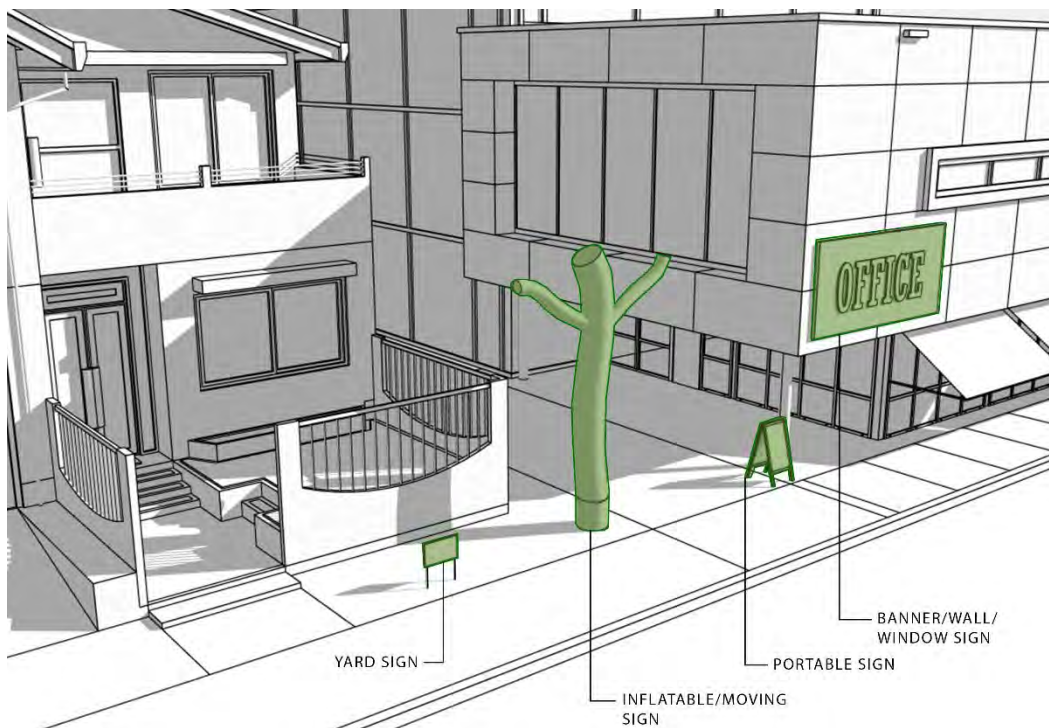
WALL SIGN. Any sign attached to, erected against, or painted on the wall, façade, or exterior of a structure with the exposed display surface of the sign in a plane parallel (or relatively parallel) to the plane of the structure. Also referred to as a façade sign. See also MURAL.

WINDOW SIGN. Any sign directly attached to the window of a structure or erected on the inside or outside of the window, which at the determination of the Administrator, is legible from any part of a public right-of-way or adjacent property. For purposes of this 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.

YARD SIGN. A temporary or permanent sign that is typically under waist height and are usually supported by metal wire or small stakes driven directly into the ground.



Example of Permanent Sign Types



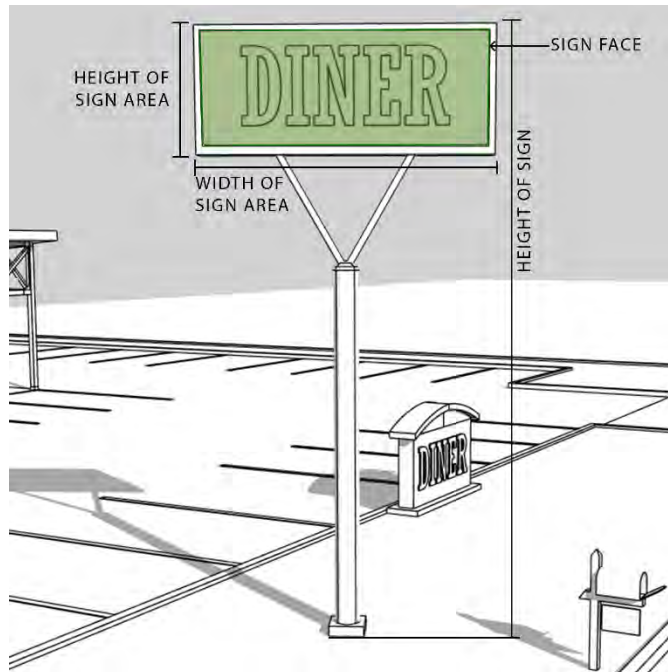
Example of Temporary Sign Types

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

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

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

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



Example of Sign Area, Face & Height Measurements

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

SOCIAL CLUB. See PHILANTHROPIC CLUB.

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 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 where the primary use of the power is on-site and it is located on the same parcel where the power is used in order to reduce on-site consumption of utility power or fuels. Accessory SES can include building-integrated, ground-mounted, pole-mounted, roof-mounted, and solar carport.

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.

COMMERCIAL SES. A SES where the energy, electricity, and/or power is intended primarily for off-site use. This includes a SES where power is sent to or placed onto the public power grid or a SES that is not located on the same parcel where the power is used. Commercial SES are commonly referred to as solar fields or solar farms.

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

POLE-MOUNTED SES. An accessory or commercial solar energy system mounted on a pole.

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

SOLAR CARPORT SES. An accessory or commercial 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.

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-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. See ARENA.

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 or units.

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.

ACCESSORY STRUCTURE. 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.

AGRICULTURAL STRUCTURE. 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.

ATTACHED STRUCTURE. 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.

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

ENCLOSED STRUCTURE. A structure with a roof/ceiling and walls on all sides.

PORTABLE STRUCTURE. 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.

PRIMARY STRUCTURE. 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.

TEMPORARY STRUCTURE. A structure that is erected without any foundation or footings and is removed within 14 days of being erected. A temporary use usually does not involve the construction or alteration of any permanent structure, although the authorization of the temporary use does not necessarily preclude such construction.

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

SUBDIVISION. The division of a lot or parcel of land into two or more lots, parcels, or other divisions of land for sale, development, or lease. A subdivision includes the division or development of any land, whether by deed, metes and bounds description, or other recorded instrument. Subdivisions are further classified as an exempt subdivision, minor subdivision, or major subdivision. Requirements for each subdivision type are outlined in Chapter 6: Subdivision Standards.

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

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

MINOR SUBDIVISION. Approval granted by the PC in accordance with IC 36-7-4-700 series for a division of a parcel of land that meets the standards for a minor subdivision as outlined in Chapter 6: Subdivision Standards.

SURETY BOND. A three-party contract where one party (the surety) guarantees the performance or obligations of another party (the principal, typically the applicant or developer as it relates to this UDO) to a third party (the obligee, typically the city as it relates to this UDO).

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

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

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

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

TEMPORARY STORAGE CONTAINER. A self-storage container which is delivered to and retrieved from a home or business for off-site or on-site storage. These containers are not on a chassis, do not have axles or wheels, and do not have permanent foundation or footing. Examples include, but are not limited to, portable storage containers, Portable On Demand Storage (PODS), cargo containers, portable storage containers, semi trailers, truck trailers, and bulk solid waste containers.

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.

TIMBER PROCESSING. An industrial process of converting felled trees into finished lumber, wood panels, and other usable timber products.

TOURIST CABIN or HOME. See HOTEL.

TOWNHOME. See DWELLING, SINGLE-FAMILY ATTACHED.

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.

TRUCKING 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.

ACCESSORY USE. 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, intensity, 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.

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

TEMPORARY USE. A use established for no more than 14 consecutive days with the intent to discontinue such use upon the expiration of the time period. A temporary use usually does not involve the construction or alteration of any permanent structure.

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.

PRIVATE UTILITY FACILITY. Any facility or use that is located on an individual parcel (outside of a public right-of-way) operated by a utility that is not under the jurisdiction or regulation of the Indiana Utility Regulatory Commission (IURC) This term does NOT include any other use specifically included as a use in Chapter 3: Zoning & Overlay Districts (including but not limited to CSES, BESS, and WECS) and does not include public utilities regulated by the IURC or the installation of cables, lines, and similar utilities for home or individual service to a parcel (such as internet, cable, phone).

PUBLIC UTILITY FACILITY. 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 IMPOUND LOT. See JUNKYARD.

VETERINARY SERVICES. A facility where veterinarians provide healthcare and preventive measures for animals. For the purposes of this UDO, if overnight kennels are included within the facility, that portion of the facility shall be considered a kennel. Short-term use of kennels for holding animals before/after procedures and similar needs are permitted with veterinary services.

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

WAREHOUSING AND DISTRIBUTION. A use and/or facility where goods are received and/or stored for delivery to the ultimate customer at remote locations. For purposes of this UDO, non-hazardous indoor storage is considered warehousing and distribution. For purposes of this ordinance, warehousing and distribution does not include trucking terminals.

WASTE TRANSFER FACILITY. A facility where waste is temporarily held before being transported to a landfill, recycling facility, or other treatment facility. Collection can be from individuals or from trash collection trucks. This can also be referred to as a waste transfer station.

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

WIND ENERGY SYSTEM (WES). 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 WES (CWES). The system by which wind energy is converted to electricity using a wind turbine, tower, support system, blades, and associated control and conversion electronics which has a rated capacity of more than 100 kW or a system height of more than 80 feet.

ACCESSORY WES. The system by which wind energy is converted to electricity using a wind turbine, tower, support system, blades, and associated control and conversion electronics which has a rated capacity less than 10 kW and a system height of less than 45 feet. For the purposes of this UDO, a roof-mounted structure shall be considered an accessory WES if it meets the rated capacity and height requirements set forth in this UDO. Only one Accessory WES may be permitted per principal structure.

WES 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 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 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 TURBINE LIGHT MITIGATION TECHNOLOGY. 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.

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

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

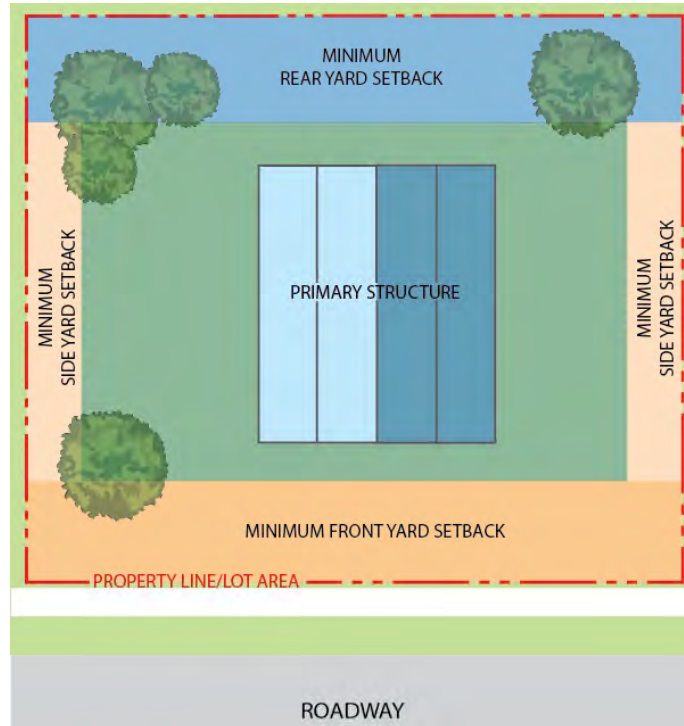
WIND POWER DEVICE. A device, including a windmill or a wind turbine, which is designed to use the kinetic energy of moving air to provide mechanical energy or to produce electricity.

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.

FRONT YARD. 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.

REAR YARD. 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.



Example of Yard Measurements

SIDE YARD. 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.