



UNIFIED DEVELOPMENT ORDINANCE

Morgan
C O U N T Y I N D I A N A

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CHAPTER 1: INTRODUCTORY PROVISIONS

A. General Provisions.

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

5. **Severability.** If any provision of the application of any provision of this UDO is held unconstitutional or invalid by the courts, the remainder of the UDO or the application of such provision to other circumstances shall not be affected.
6. **Statutory Changes.** If any Indiana Code cited in this UDO has been amended, this UDO shall be deemed amended in reference to the new or revised code.
7. **Repealer.** The following titles of the participating jurisdictions are hereby repealed and are replaced by the adoption of this UDO and the Official Zoning Map:
 - a. Ordinance Number 7-3-3 (Zoning Ordinance of Morgan County, Indiana and Morgan County Subdivision Control Ordinance)
8. **Effective Date.** This ordinance shall be in full force and effect as of January 1, 2022.

B. Applicability, Authority and Jurisdiction.

1. **Authority.** This UDO is enacted by the County Commissioners pursuant to the authority granted in IC 36-7-4-600 series and other applicable state and federal statutes, as amended.
2. **Jurisdiction.** The UDO shall apply to all land within the jurisdiction of the Morgan County Advisory Plan Commission that are not subject to the zoning jurisdiction of the governmental units of Martinsville, Monrovia, Mooresville, and Morgantown. The Morgan County Advisory Plan Commission jurisdiction does include the incorporated towns of Bethany, Brooklyn, and Paragon.
3. **Application.** It is not intended by this UDO to interfere with, abrogate or amend any existing easements, covenants, or other agreements between parties, nor is it intended by this UDO to repeal, abrogate, annul or in any way interfere with any existing provision of laws or Ordinances not specifically repealed by this UDO, or any rules, regulations or permits previously adopted or issued pursuant to law relating to the use of buildings or premises. This UDO shall not affect valid private covenants whose standards are above and beyond those of this UDO and which are not enforceable by the Plan Commission.
4. **Other Jurisdictions and Approvals.** Nothing in this ordinance shall eliminate the need for obtaining any other approval or entitlement required by other provisions of the jurisdiction, the State, or Federal Agency.
5. **Administration.** The Administrator shall have the primary responsibility of administering the UDO within the jurisdiction.

C. Transition Policies.

The following policies apply for applications and approvals that are in progress at the time of adoption of this UDO:

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

established by the regulations that were in effect at the time of filing and need to be resubmitted shall now be subject to the regulations established by this UDO.

- 3. Approved Subdivisions.** Because subdivisions are subject to two (2) phases of approval (primary plat and secondary plat), the following policies for transition apply:

 - a. Primary Plat.** Any primary plat that was approved by regulations that were in place prior to the adoption of this UDO, that has not expired, and is otherwise still valid under said previous regulations, shall continue its respective process pursuant to the rules and provisions that were in place at the time of filing. If the previous provisions did not identify an expiration for primary plat approval and an application for secondary (all or in part) has not been received and completed within four (4) years after the date of the adoption of this UDO, then said primary plat shall automatically expire four (4) years after the date of the adoption of this UDO.
 - b. Secondary Plat.** As long as the approved primary plat for a subdivision remains valid and has not expired, the lot standards, structure standards, and utility standards that were in place at the time the primary plat was approved shall apply to the secondary plat (all or in part) included in the primary plat approval.
- 4. Commitments or Conditions.** Commitments or conditions (whether recorded or not) that were made as part of an approval before the legislative body, PC, BZA or part of an application for an ILP prior to the adoption of this UDO shall remain in full effect regardless of any resulting changes in regulations that are established by this UDO. Commitments or conditions may be modified pursuant to the applicable process outline in *Chapter 7: Administration and Procedures* of this UDO and/or the applicable *PC Rules and Procedures* or *BZA Rules and Procedures*.
- 5. Disannexation and Property Not Included.**

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

D. UDO Administration.

1. Administrator.

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

2. Advisory Plan Commission (PC).

- a. **PC Establishment and Membership.** The PC shall be established in accordance with IC 36-7-4-200 series. The PC shall have membership in accordance with IC 36-7-4-208(a).
- b. **PC Jurisdiction.** The PC shall have jurisdiction over all land covered by the jurisdiction of this UDO.
- c. **PC Organization.** The PC shall be organized in accordance with IC 36-7-4-300 Series.
 - i. **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.
 - ii. **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 members of the PC.
 - iii. **Leadership.** In accordance with IC 36-7-4-303, at the first regular meeting in each year, the plan commission shall elect from its members a president and a vice president.
 - iv. **Secretary.** In accordance with IC 36-7-4-304, at the first regular meeting in each year, the plan commission shall appoint a secretary, who is not required to be a member of the commission.
- d. **PC Meeting and Minutes.**
 - i. **Regular Meetings.** In accordance with IC 36-7-4-306, the PC shall hold regular monthly meetings as necessary, keep minutes of its proceedings, keep records of its examinations and other official acts, and shall record and vote on all actions taken. All minutes and records shall be filed in the office of the Administrator and shall be on public record.

- ii. **Special Meetings.** In accordance with IC 36-7-4-307, a special meeting of the PC may be called by the president or by two (2) members of the PC upon written request to the Administrator.
- e. **Employees.** In accordance with IC 36-7-4-311, the PC may appoint, prescribe duties, and fix the compensation of employees as necessary for the discharge of the duties of the PC. This compensation must be in conformity with salaries and compensation fixed by the fiscal body of the county. The PC may contract for special or temporary services and professional counsel.
- f. **PC Powers and Duties.** The PC shall have the following powers and duties as authorized in IC 36-7-4-400 series et. seq including the following.
 - i. **Executive Committee.** Per IC 36-7-4-408, the PC may establish an executive committee of not less than three (3) nor more than nine (9) persons appointed by the PC from its membership. The establishment of the executive committee, the naming of its individual members, and the adoption of rules governing its operation requires a two-thirds (2/3) majority vote of the entire membership of the commission. A majority of the executive committee may act on behalf of the commission, but if there are any dissenting votes, a person voting in the minority may appeal the decision of the executive committee to the commission.
 - ii. **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.
 - iii. **Rules and Procedures.** The PC shall adopt rules for its administration.
 - iv. **Comprehensive Plan.** The PC shall make recommendations to the legislative body concerning the adoption of and amendments to the Morgan County Comprehensive Plan in accordance with IC 36-7-4-500 series.
 - v. **Development Plans.** The PC shall make decisions regarding development plans in accordance with *Chapter 7.C.5: Development Plans* and IC 36-7-4-1400 series.
 - vi. **Planned Unit Developments (PUD).** If enabled, the PC shall make recommendations to the legislative body concerning the adoption of and amendments to a PUD in accordance with *Chapter 7.C.3: Zone Map Changes & PUD Districts* and IC 36-7-4-1500 series.
 - vii. **Streets and Addresses.** The president of the legislative body shall name or rename streets and assign addresses, however this responsibility may be delegated to the PC by ordinance (Chapter 95.05 of the Morgan County Code of Ordinances).
 - viii. **Subdivisions.** The PC shall make decisions regarding plats, replats, and amendments to plats in accordance with *Chapter 7: Administration and Procedures*, the PC Rules and Procedures, and IC 36-7-4-700 series, including:
 - (1) Primary Plat as described in IC 36-7-4-702; and
 - (2) Secondary Plat as described in IC 36-7-4-709.
 - ix. **Zone Map Changes.** The PC shall make recommendations to the appropriate legislative body concerning changes to the zone map in accordance with *Chapter 7.C.3: Zone Map Changes & PUD Districts* and IC 36-7-4-600 series.

- 3. PC Committees.** The following are established as committees of the Plan Commission as outlined in the PC Rules and Procedures.
- a. Technical Review Committee (TRC).** The TRC shall assist in the review of applications by providing expert advice with regard to technical specifications, adequate capacity, public safety, and/or other specifications.
 - i. Establishment and Membership.** The TRC is created as a subcommittee of the Morgan County Plan Commission. Membership shall consist of the departments and agencies as outlined in the PC Rules and Procedures.
 - ii. Duties.** The TRC shall meet on an as needed basis and has the following powers and duties to provide review and comment on:
 - (1) Primary and secondary plats;
 - (2) Map amendments (rezoning) and PUD districts;
 - (3) Development plans; and
 - (4) Variances and Special Exceptions.
 - b. Design Review Board (DRB) for I-69 Overlay.** The powers and duties of the Design Review Board (“DRB”) include the following:
 - i. Establishment and Membership.** The DRB is created as a subcommittee of the Morgan County Plan Commission. Members serve a two-year term. A member may be recalled by a supermajority vote of the confirming agency. All members must be residents of Morgan County, Indiana. The subcommittee membership shall consist of 7 members:
 - (1) Morgan County Plan Director.
 - (2) Six members whom may include design professionals, neighborhood or community representatives, representatives of County agencies, and other agencies or consultants deemed appropriate.
 - (a) Members are confirmed by the Plan Commission.
 - ii. Duties.** The DRB shall meet on an as needed basis and has the following powers and duties in connection with the implementation of the I-69 Overlay:
 - (1) To review and evaluate applications for changes in zoning, variances, and/or waivers and make recommendations to the staff, Board of Zoning Appeals, or Plan Commission, as appropriate depending on the type of application.
 - (2) To review and evaluate development and/or site plans and make recommendations to the staff, Board of Zoning Appeals, or Plan Commission, as appropriate depending on the type of application.
 - (3) To take other actions as delegated by the Administrator, Board of Zoning Appeals, or Plan Commission, or other bodies that may be desirable and necessary to implement the provisions of the I-69 Overlay.
- 4. Board of Zoning Appeals (BZA).**

- a. **BZA Establishment and Membership.** The Advisory BZA shall be established in accordance with IC 36-7-4-900 series. The BZA shall have a membership in accordance with IC 36-7-4-902(a).
- b. **BZA Jurisdiction.** The BZA shall have jurisdiction over all land covered by the jurisdiction of this UDO.
- c. **BZA Organization.** The BZA shall be organized in accordance with IC 36-7-4-900 series.
 - i. **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.
 - ii. **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.
 - iii. **Leadership.** 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.
 - iv. **Secretary.** In accordance with IC 36-7-4-913, the BZA shall appoint a secretary, who is not required to be a member of the BZA, at its first regular meeting each year.
 - v. **Meetings and Minutes.** In accordance with IC 36-7-4-915, the BZA shall keep minutes of its proceedings, keep records of its examinations and other official acts, and shall record and vote on all actions taken by making findings of fact. All minutes and records shall be filed in the office of the Administrator and shall be a public record.
 - (1) Regular Meetings. The BZA shall fix the time for holding regular meetings each month or as necessary, keep minutes of its proceedings, keep records of its examinations and other official acts, and shall record and vote on all actions taken. All minutes and records shall be filed in the Office of the Administrator and shall be a public record.
 - (2) Special Meetings. A special meeting of the BZA may be called by the chairman or by two (2) members of the BZA upon written request to the secretary.
- d. **BZA Powers and Duties.** The BZA shall have the following powers and duties as authorized in IC 36-7-4-900 series.
 - i. **Rules and Procedures.** The BZA shall adopt rules for its administration in accordance with IC 36-7-4-916.
 - ii. **Appeals.** The BZA shall make decisions regarding appeals in accordance with *Chapter 7.C.6: Appeals* and IC 36-7-4-918.1.
 - iii. **Special Exception.** The BZA shall make decision regarding special exceptions in accordance with *Chapter 7.C.4: Special Exceptions, Variances from Development Standards & Variances of Use* and IC 36-7-4-918.2.
 - iv. **Variance from Development Standards.** The BZA shall make decisions regarding variances in accordance with *Chapter 7.C.4: Special Exceptions, Variances from Development Standards & Variances of Use* and IC 36-7-4-918.5.
 - v. **Variance of Use.** The BZA shall make decisions regarding variances of use in accordance with *Chapter 7.C.4: Special Exceptions, Variances from Development Standards & Variances of Use* and IC 36-7-4-918.4.

CHAPTER 2: NONCONFORMING LOTS, STRUCTURES, AND USES

A. General Provisions.

1. **Legal Nonconforming.** Legally nonconforming lots, legally nonconforming structures, and legally nonconforming uses of land, existing individually or in combination, which were lawful before this UDO was adopted or amended, but are now prohibited, regulated, or restricted under this UDO as amended.
 - a. It is the intent that this UDO continues to permit these legal nonconformities until they are removed, but not encourage their survival. It is also the intent of this UDO that nonconformities shall not be enlarged, expanded, extended, or intensified, nor be used as grounds for addition of other structures, additional signs intended to be seen off premises, or uses which are prohibited elsewhere in the same district.
 - b. To avoid undue hardship, legal nonconformities shall not be required to change plans, construction, or designated use of any building or development on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this UDO and upon which actual building construction has been carried on diligently.
 - c. Demolition or removal of an existing building that was substantially started prior to rebuilding shall be deemed to be actual construction if work is carried on diligently and a valid ILP was issued prior to the effective date of adoption or amendment of this UDO.
2. **Illegal Nonconforming.** Existing illegal uses and structures at the time the UDO is enacted shall not be validated by virtue of its enactment.

B. Nonconforming Lots of Record.

1. **Legal Nonconforming Lots.** Where, at the time of adoption of this UDO, lawful lots of record exist which would not be permitted to be created by the regulations imposed by this UDO, the lot may be developed so long as it remains otherwise lawful, provided that:
 - a. The lot must be in separate record and road frontage that is not shared with any existing lot(s) unless an easement exists for this purpose;
 - b. The lot shall conform to applicable yard dimensions and development standards even if the nonconforming lot fails to meet the requirements for area or width, or both;
 - c. All other provisions of this UDO are met or a variance is obtained from the BZA; and
 - d. A permit is obtained from the Morgan County Health Department before the issuance of an ILP if on-site sewage disposal is to be used (such as a septic system).

C. Nonconforming Structures and Nonconforming Uses of Land.

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

restricted or required to obtain a variance or special exception so long as an agricultural nonconforming use has been maintained for three (3) years in a five (5) year period.

- 3. Alternative Design Approval for Existing Developments (I-69 Overlay).** The Administrator is authorized to determine whether the standards of the I-69 Overlay apply to the entire lot or if they may be limited to only improvements proposed after the effective date of this UDO based on the following criteria:
- a.** The extent and location of the proposed Improvements (such as but not limited to buildings, parking, landscaping, drainage) on the parcel; and
 - b.** The extent of conflicts in applying the standards of the I-69 Overlay with existing and/or planned improvements.

CHAPTER 3: ZONING DISTRICTS AND USE DEVELOPMENT STANDARDS

A. General Provisions.

1. **Establishment of Zoning Districts.** The following zoning districts have been established for all areas within the jurisdictional area.

| Name of District | Abbreviation |
|-------------------------------------|--------------|
| Intensive Agriculture District | AI |
| Agriculture District | AG |
| Rural Residential District | RR |
| Low-Density Residential District | R-1 |
| Medium-Density Residential District | R-2 |
| High-Density Residential District | R-3 |
| Neighborhood Commercial District | B-1 |
| General Commercial District | B-2 |
| Regional Commercial District | B-3 |
| Light Industrial District | I-1 |
| Heavy Industrial District | I-2 |
| Planned Unit Development District | PUD |

2. **Establishment of Overlay Districts.** The following overlay districts have been established that provide additional development standards for the purpose identified.

| Name of District | Abbreviation |
|--------------------------------|--------------|
| I-69 Corridor Overlay District | I69-O |

3. **Official Zoning Map.** The map titled the “*Official Zoning Map*” is the geographic layer that is maintained as part of Morgan County’s geographic information system (GIS) under the direction of the Administrator and is hereby incorporated as part of the Unified Development Ordinance by reference.
- District Locations and Boundaries.** The locations and boundaries of the zoning districts and overlay districts are established on the *Official Zoning Map*, as amended.
 - Interpretation of Boundaries.** All questions concerning the exact location of zoning district boundary lines shall be determined by the Administrator. An appeal of the Administrator’s interpretation may be filed with the BZA per *Chapter 7.C.6: Appeals*.
 - Revisions.** The *Official Zoning Map* shall be revised by the Plan Commission as changes are approved as outlined in this UDO (such as rezonings, etc.) or to correct drafting errors, clerical errors, or omissions on the map.

- d. **Copies.** The Administrator may authorize printed copies of the *Official Zoning Map* to be produced for reference, and shall maintain digital or printed copies of superseded versions of the *Official Zoning Map* for historical reference.

4. Land Uses.

- a. **Listed Land Use.** The respective section for each zoning district and overlay district identifies the common land uses that are “permitted” or allowed by “Special Exception.” Any land use not listed for a particular zoning district (or not deemed sufficiently similar to a listed use as described in the process in *Chapter 3.A.4.b: Not Listed Land Uses*) shall be prohibited, subject to BZA approval.
- b. **Not Listed Land Uses.** Any land use not listed as either a permitted use or Special Exception use of a particular zoning district shall be prohibited in that particular zoning district.
- c. **Clarifying Land Uses.** For land uses not listed but that are similar or related to a use that is a permitted use or Special Exception use, the Administrator shall attempt to determine if the desired land use is similar to a listed land use using the following methodology.
 - i. **Decisions for Classifying Similar Land Uses.**
 - (1) Use is Similar to a Listed Use. If the desired land use is determined to be similar to a listed land use, the respective process and development standards for the similar use shall be followed.
 - (2) Use is Not Similar to a Listed Use. If the Administrator determines that the desired land use not similar to a listed land use, then the desired land use shall be prohibited unless a use variance is approved by the BZA (see *7.C.4: Special Exceptions, Variances from Development Standards & Variances of Use*).
 - (3) Uncertainty. In the case of uncertainty or disagreement in classifying a land use, the Administrator may refer the request for land use clarification or classification to the BZA for consideration and final decision.
 - ii. **Criteria for Classifying Similar Land Uses.** To determine whether a desired land use is similar to a listed use, the Administrator or the BZA shall examine the proposed use by the following four (4) criteria:
 - (1) Intensity. Is the desired use comparable in intensity and nature to the listed use as determined by the amount and type of activity that would occur on the parcel?
 - (a) Residential, public, and office uses – intensity levels should consider the number of people using a space.
 - (b) Commercial uses – intensity levels should consider the gross commercial floor area associated with the primary structure as well as the operation of the business, including hours of operation and anticipated customer volume.

- (c) Industrial uses – intensity levels should consider the amount of noise, noxious exhaust, and public safety hazards generated on the site as well as the operation of the business, such as the types of vehicles used, type of storage (indoor or outdoor), and hours of operation.
- (2) Character. Does the desired use have comparable physical characteristics, structures, scale, operational hours, or other features to a listed use?
- (3) Accessory Potential. If the desired use is similar to a listed accessory use; or is it incidental to, necessary, and compatible with the permitted primary use?
- (4) Intent. Is the desired use compatible with the purpose of the subject zoning district and consistent with the Comprehensive Plan?

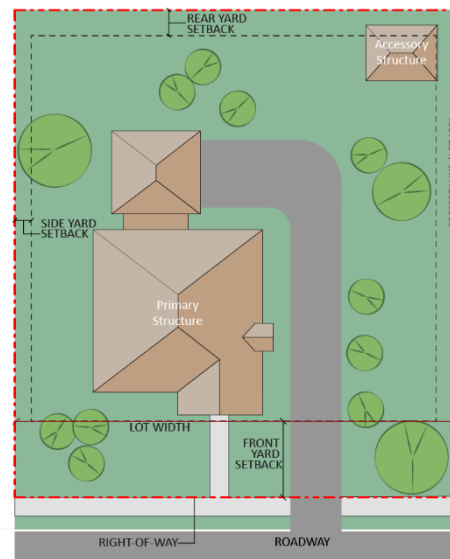
5. Development Standards Measurement. The following development standards are generally interpreted as follows:

a. Lot Width. Lot width is measured at the minimum front yard setback. For flag lots, the flag pole shall not be used in determining the lot width, however, the flag pole shall have a minimum width and frontage of not less than twenty (20) feet.

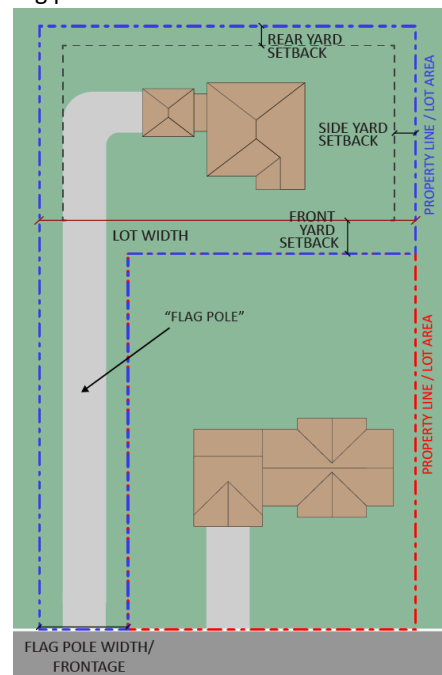
b. Setbacks. Any property line abutting a public or private street shall be considered a front property line. All edges of a property line that are considered a front property line shall conform with the front yard setback standards of the applicable zoning district. For flag lots, the “flag pole” shall not be used in determining setbacks.

i. Minimum Front Yard Setback. The minimum front yard setback is measured from the right-of-way or proposed right-of-way as identified in the Morgan County Thoroughfare Plan (whichever is greater), unless specified otherwise, and is determined by the Development Standards tables in this chapter and/or the required bufferyard if applicable (see Chapter 4.C.4: Landscaping Standards), whichever is greater applies. In the event right-of-way does not exist, the front yard setback is measured from the proposed right-of-way as identified in the Morgan County Thoroughfare Plan.

ii. Minimum Side Yard Setback. The minimum side yard setback is measured from the property line and is determined by the



Example Setbacks



Example Flag Lot

Development Standard tables in this chapter and/or the required bufferyard if applicable (See *C Chapter 4.C.4: Landscaping Standards*), whichever is greater applies.

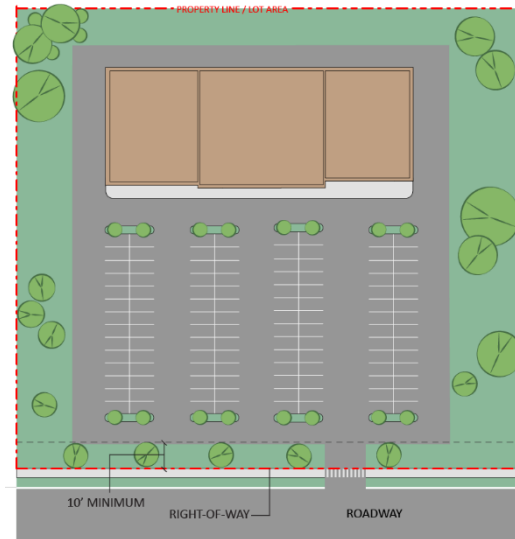
- iii. **Minimum Rear Yard Setback.** Minimum rear yard setback is measured from the property line and is determined by the Development Standard tables in this chapter and/or the required bufferyard if applicable (See *Chapter 4.C.4: Landscaping Standards*), whichever is greater applies.
- iv. **Corner Lots.** Corner lots shall have two (2) front yard setbacks and two (2) side yards; it will not have a rear yard setback.
- c. **Building Height.** The vertical distance measured from the highest ground level adjacent to the building on any side to the highest point of the roof or peak. Building height does not include antennas, chimneys, steeples, or agricultural/industrial appurtenances.



Example Building Height

6. Encroachment.

- a. **Parking.** Parking spaces may be placed in the front yard setback but shall be located at least (10) feet from any right-of-way or proposed right-of-way as identified in the *Morgan County Thoroughfare Plan*, whichever is greater.
- b. **Structures.** Architectural features such as cornices, chimneys, eaves, sills, canopies or similar features, or open platforms, porches, or landings may extend into the required side yard setback no more than two (2) feet and front or rear yard setback no more than three (3) feet.
- c. **Sight Triangle.** No structure, planting, parking area or similar may encroach into a sight triangle.



Example Parking Encroachment

7. **Lots.** Every primary structure hereafter erected, except agricultural structures not used for human habitation, shall be located on an individual lot which fronts on a street or private drive. No building or structure shall hereafter be erected or located on a lot unless such lot conforms with the lot area regulations of the district in which it is located or in accordance with *Chapter 2: Nonconforming Lots, Structures, and Uses*.
8. **Additional Use and Site Standards.** Additional use standards and/or site standards may apply to each zoning district and/or use. If use standards and/or site standards conflict with the development standards, the more restrictive shall apply.
9. **Dedication of Right-of-Way.** The width of all rights-of-way shall comply with the minimum standards outlined in the *Morgan County Thoroughfare Plan*. If a right-of-way width is less than the minimum required, additional right-of-way shall be dedicated and conveyed to Morgan County as required to meet the minimum standards prior to the issuance of an Improvement Location Permit (ILP).

B. Zoning and Overlay Districts. Permitted Land Uses and Development Standards are included in this chapter for each zoning district and overlay district.

1. AI – INTENSIVE AGRICULTURE DISTRICT.

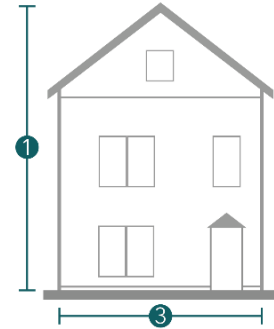
- a. **AI Purpose.** The Intensive Agriculture District is intended to provide areas within Morgan County that are appropriate for more intensive commercial agriculture activities and confined feeding operations requiring IDEM permitting.
 - i. Residential uses in this district may only be permitted as a Special Exception and shall be limited to dwellings that relate to a farm operation due to the intense nature of this district.
 - ii. All subdivisions require Subdivision Approval unless exempt (*See Chapter 5.B.5: Exempt Subdivisions*).
 - iii. All new primary structures require Development Plan Approval.
 - iv. All development may be subject to Drainage Board Approval.
- b. **AI Permitted Uses, Special Exception Uses, and Development Standards.**

| Permitted Uses – Intensive Agriculture District (AI) | | |
|---|--|---|
| Primary Uses | | Accessory Uses |
| <p>AGRICULTURE USES</p> <ul style="list-style-type: none"> • Aquaculture • *Concentrated animal feeding operation (CAFO) • *Confined feeding operation (CFO) • Livestock, personal • Livestock, production (not requiring IDEM permit) • Livestock, wholesale trade • Meat processing • Row, field, tree, and nursery crop cultivation • Wildlife/nature preserve | <p>COMMERCIAL USES</p> <ul style="list-style-type: none"> • Agricultural support services • Farm chemical supply sales • Mineral extraction and processing • *Solar energy, commercial • Timber processing <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> • Emergency response • Government offices | <ul style="list-style-type: none"> • *Solar energy system, personal • *Wind energy system (WECS), personal |
| Special Exception Uses – Intensive Agriculture District (AI) | | |
| Primary Uses | | Accessory Uses |
| <p>COMMERCIAL USES</p> <ul style="list-style-type: none"> • Farm chemical supply processing • Skeet/target shooting range • *Wind energy system (WECS), commercial wind farm | | <ul style="list-style-type: none"> • *Agritourism • Dwelling, single-family • *Farmworker housing • Farmer’s market • *Wireless communication facility |

* Specific Use Development Standards apply. See Chapter 3.C: Use Development Standards.

| AI Structure Standards | | | |
|------------------------|------------------------------------|-------------|----------------------|
| | | Residential | Non-Residential |
| 1 | Maximum Height of Structure | 40 feet | 50 feet ¹ |
| | Primary Structure | 40 feet | 50 feet ¹ |
| 2 | Minimum Living Area | 950 sq ft | N/A |
| 3 | Minimum Width of Primary Structure | 18 feet | N/A |

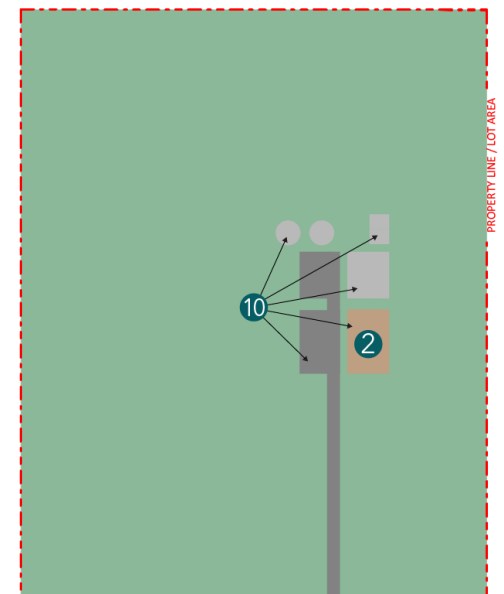
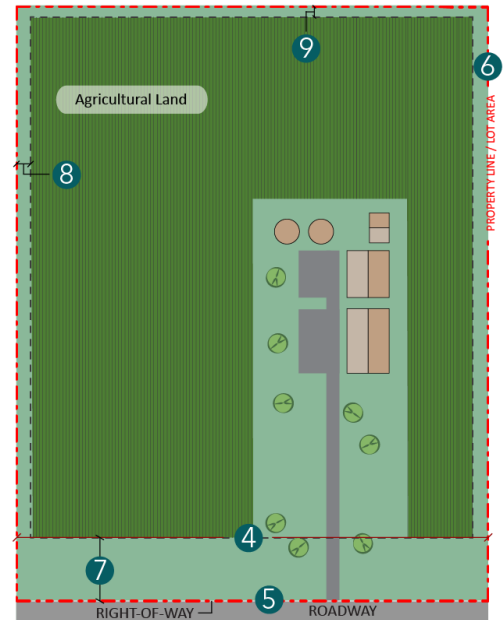
1 - Agriculture land uses are exempt from this standard.



| AI Lot Standards | | | |
|------------------|--|-------------|-----------------|
| | | Residential | Non-Residential |
| 4 | Minimum Lot Width | 125 feet | 250 feet |
| 5 | Minimum Street Frontage | N/A | N/A |
| | With Sewer | 1 acre | 10 acres |
| 6 | Minimum Lot Area | 2 acres | 10 acres |
| | Without Sewer ² | 2 acres | 10 acres |
| | Uses that don't require sanitary facilities ³ | N/A | 20,000 sq ft |
| 7 | Minimum Front Yard Setback | 50 feet | 100 feet |
| 8 | Minimum Side Yard Setback | 25 feet | 100 feet |
| | Primary Structure | 25 feet | 100 feet |
| | Accessory Structure | 15 feet | 100 feet |
| 9 | Minimum Rear Yard Setback | 30 feet | 100 feet |
| | Primary Structure | 30 feet | 100 feet |
| | Accessory Structure | 15 feet | 100 feet |
| 10 | Maximum Impervious Surface Coverage | 50% | 75% |

2 – Subject to approval by the Morgan County Health Department.

3 – As determined by the Morgan County Health Department.



- c. **AI Utility Standards.** Municipal water and sewer are not required for this district, but all non-municipal water and/or sewer shall be approved by the Morgan County Health Department and/or IDOH.

| AI Utility Standards | |
|--------------------------|----|
| Municipal Water Required | No |
| Municipal Sewer Required | No |

- d. **AI Site Development Standards.** See *Chapter 4: Site Development Standards* for the following additional standards that may apply to this district or use.

| AI Site Development Standards ¹ |
|--|
| 1. Accessory Structure Standards |
| 2. Driveway & Access Management Standards |
| 3. Landscaping Standards |
| 4. Lighting Standards |
| 5. Parking & Loading Standards |
| 6. Sign Standards |
| 7. Storage Standards |
| 8. Structure Standards |
| 9. Trash & Receptacle Standards |

¹ – See *Chapter 4: Site Development Standards* for site standards that may apply to the district or use.

2. AG – AGRICULTURE DISTRICT.

- a. **AG Purpose.** This district is intended for agricultural uses and to protect and preserve the decreasing supply of farmland by discouraging urban development in primarily agricultural areas. Non-farm residential uses should be limited, when possible, to provide for large areas of contiguous farm land.
 - i. All subdivisions require subdivision approval unless exempt (See *Section 5.B.5: Exempt Subdivisions*).
 - ii. All new primary structures for commercial, industrial, and institutional uses require Development Plan approval. Only one primary use or primary structure (dwelling unit) per lot permitted.
 - iii. All development may be subject to Drainage Board approval.
- b. **AG Permitted Uses, Special Exception Uses, and Development Standards.**

| Permitted Uses – Agriculture District (AG) | | |
|--|---|---|
| Primary Uses | | Accessory Uses |
| <p>AGRICULTURE USES</p> <ul style="list-style-type: none"> • Equestrian facility • Livestock, personal • Livestock, production (not requiring IDEM permit) • Livestock, wholesale trade • Row, field, tree, and nursery crop cultivation • Wildlife / nature preserve <p>COMMERCIAL USES</p> <ul style="list-style-type: none"> • Agricultural support services | <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> • Cemetery • Church or place of worship • Emergency response • Governmental offices • Park • Utility facility, public and private <p>RESIDENTIAL USES</p> <ul style="list-style-type: none"> • Dwelling, single-family • Short-term rental | <ul style="list-style-type: none"> • *Dwelling, accessory • Dwelling, single-family • Farm equipment repair • Hobby farm • *Home occupation • Produce stand • *Solar energy system, personal • *Wind energy system (WECS), personal |

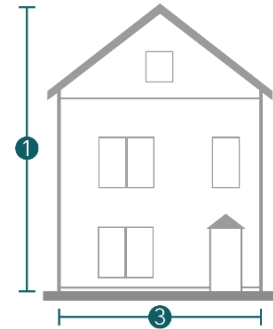
| Special Exception Uses – Agriculture District (AG) | | |
|--|---|--|
| Primary Uses | | Accessory Uses |
| <p>COMMERCIAL USES</p> <ul style="list-style-type: none"> • Bed and breakfast • *Campground and recreational vehicle park, private and public • Club, private and public • Fairground • Golf course / driving range • Gun club, private and public • Kennel, public and private • Mineral extraction and processing • Race track • Recreational facility • *Rural event venue, permanent and temporary • Solar energy facility, commercial • Skeet / target shooting range • Stadium / arena • *Wind energy system (WECS), commercial wind farm • Winery / brewery / distillery | <p>AGRICULTURE USES</p> <ul style="list-style-type: none"> • Meat processing • Timber processing <p>INDUSTRIAL USES</p> <ul style="list-style-type: none"> • Farm chemical supply sales & processing <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> • Airport / heliport, public and private • Library • School • *Wireless communication facility <p>RESIDENTIAL USES</p> <ul style="list-style-type: none"> • Dwelling, single-family temporary • Group home | <ul style="list-style-type: none"> • *Agritourism • Child care home (in-home childcare) • Farmer’s market • *Home-based business |

* Specific Use Development Standards apply. See *Chapter 3.C: Use Development Standards*.

AG Structure Standards

| | | Residential | Non-Residential |
|--------------------------------------|---------------------|-------------|----------------------|
| 1 Maximum Height of Structure | Primary Structure | 40 feet | 50 feet ¹ |
| | Accessory Structure | 30 feet | 50 feet ¹ |
| 2 Minimum Living Area | | 950 sq ft | N/A |
| 3 Minimum Width of Primary Structure | | 18 feet | N/A |

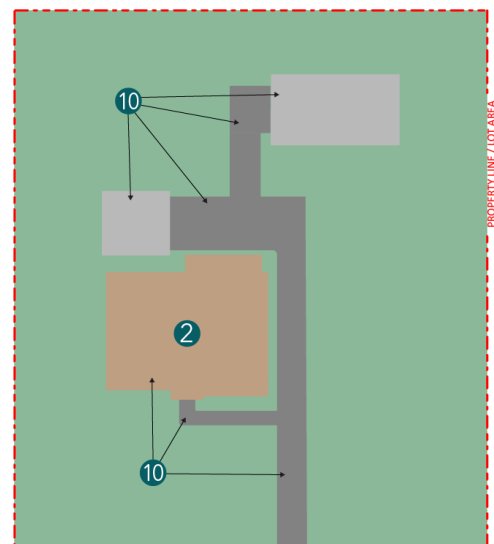
1 – Agriculture land uses are exempt from this standard



AG Lot Standards

| | | Residential | Non-Residential |
|--|---|--------------|-----------------|
| 4 Minimum Lot Width | | 90 feet | 90 feet |
| | | Max 1:8 | Max 1:8 |
| 5 Minimum Street Frontage | | N/A | N/A |
| | With Sewer | 30,000 sq ft | 1 acre |
| 6 Minimum Lot Area | Without Sewer ² | 2 acres | 5 acres |
| | Use doesn't require sanitary ³ | N/A | 20,000 sq ft |
| | | | |
| 7 Minimum Front Yard Setback | | 35 feet | 50 feet |
| 8 Minimum Side Yard Setback | Primary Structure | 25 feet | 25 feet |
| | Accessory Structure | 15 feet | 20 feet |
| 9 Minimum Rear Yard Setback | Primary Structure | 30 feet | 30 feet |
| | Accessory Structure | 15 feet | 20 feet |
| 10 Maximum Impervious Surface Coverage | | 50% | 50% |

2 – Subject to approval by the Morgan County Health Department.
3 – As determined by the Morgan County Health Department.



- c. **AG Utility Standards.** Municipal water and sewer are not required for this district, but all non-municipal water and/or sewer shall be approved by the Morgan County Health Department and/or IDOH.

| AG Utility Standards | |
|--------------------------|----|
| Municipal Water Required | No |
| Municipal Sewer Required | No |

- d. **AG Site Development Standards.** See *Chapter 4: Site Development Standards* for the following additional standards that may apply to this district or use.

| AG Site Development Standards ¹ |
|--|
| 1. Accessory Structure Standards |
| 2. Driveway & Access Management Standards |
| 3. Landscaping Standards |
| 4. Lighting Standards |
| 5. Parking & Loading Standards |
| 6. Sign Standards |
| 7. Storage Standards |
| 8. Structure Standards |
| 9. Trash & Receptacle Standards |

¹ – See *Chapter 4: Site Development Standards* for site standards that may apply to the district or use.

3. RR – RURAL RESIDENTIAL DISTRICT.

- a. **RR Purpose.** The Rural Residential District is intended to accommodate both low-density single-family or estate dwellings and low-intensity agricultural uses in locations appropriate for Morgan County. The purpose of this district is to protect the local agricultural economy by reducing potential land use conflicts.
 - i. All subdivisions require Subdivision Approval unless exempt (See *Chapter 5.B.5: Exempt Subdivisions*). Residential subdivisions should be completed through a subdivision process and not on a metes and bounds, lot by lot basis.
 - ii. All new primary structures for commercial and institutional uses require Development Plan Approval.
 - iii. All development may be subject to Drainage Board approval.
 - iv. Only one primary use or primary structure/dwelling unit per lot is permitted in this district.
- b. **RR Permitted Uses, Special Exception Uses, and Development Standards.**

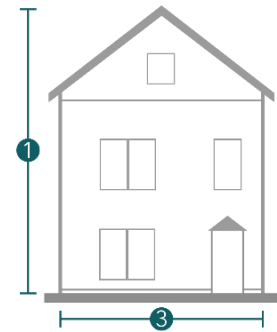
| Permitted Uses – Rural Residential District (RR) | | |
|---|--|---|
| Primary Uses | | Accessory Uses |
| INSTITUTIONAL USES <ul style="list-style-type: none"> • Church or place of worship • Emergency response • Governmental offices • Park • School | RESIDENTIAL USES <ul style="list-style-type: none"> • Dwelling, single-family • Short-term rental | <ul style="list-style-type: none"> • *Dwelling, accessory • Hobby farm • *Home occupation • Produce stand • *Solar energy system, personal • *Wind energy system (WECS), personal |
| Special Exception Uses – Rural Residential District (RR) | | |
| Primary Uses | | Accessory Uses |
| AGRICULTURE USES <ul style="list-style-type: none"> • Livestock, personal • Row, field, tree, and nursery crop cultivation | INSTITUTIONAL USES <ul style="list-style-type: none"> • Cemetery • Library • Utility facility, public and private • *Wireless communication facility (5G/mini tower only) | <ul style="list-style-type: none"> • *Agritourism • Child care home (in-home childcare) • Farmer’s market • *Home-based business • Livestock, personal |
| COMMERCIAL USES <ul style="list-style-type: none"> • *Adult day care facility • Agricultural support services • Bed and breakfast • *Campground and recreational vehicle park, private and public • Child care center • Club, private and public • Kennel, public and private • Recreational facility • *Rural event venue, permanent and temporary • *Wind energy system (WECS), commercial wind farm | RESIDENTIAL USES <ul style="list-style-type: none"> • Dwelling, single-family temporary • Group home • *Manufactured home park | |

* Specific Use Development Standards apply. See *Chapter 3.C: Use Development Standards*.

RR Structure Standards

| | | Single-Family Residential | Non-Residential |
|---|------------------------------------|--|----------------------|
| 1 | Maximum Height of Structure | Primary Structure: 35 feet Accessory Structure: 25 feet | 50 feet ¹ |
| | | | |
| 2 | Minimum Living Area | 950 sq ft | N/A |
| 3 | Minimum Width of Primary Structure | 18 feet | N/A |

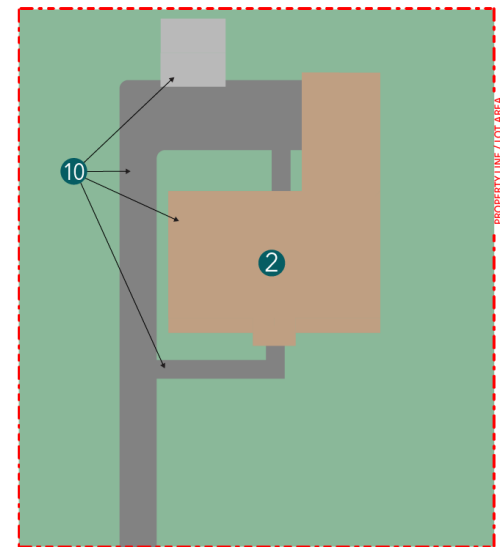
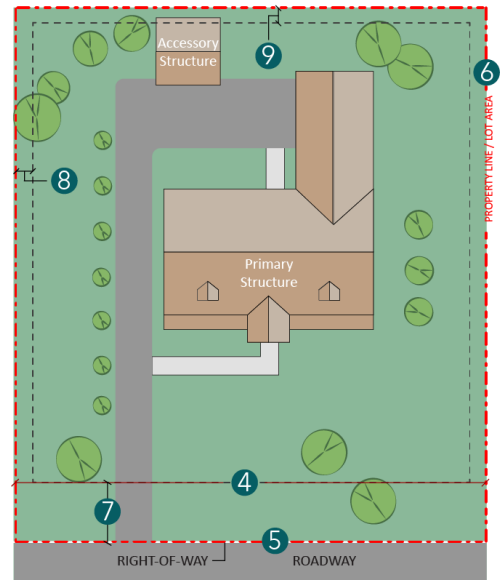
1 - Agriculture land uses are exempt from this standard.



RR Lot Standards

| | | Single-Family Residential | Non-Residential |
|----|-------------------------------------|--|--------------------|
| 4 | Minimum Lot Width | 90 feet Max 1:8 | 90 feet Max 1:8 |
| 5 | Minimum Street Frontage | N/A | N/A |
| 6 | Minimum Lot Area | With Sewer | 20,000 sq ft |
| | | Without Sewer ² | 1 acre |
| | | Uses that don't require sanitary facilities ³ | N/A |
| 7 | Minimum Front Yard Setback | 35 feet | 35 feet |
| 8 | Minimum Side Yard Setback | Primary Structure | 20 feet |
| | | Accessory Structure | 10 feet |
| 9 | Minimum Rear Yard Setback | Primary Structure | 25 feet |
| | | Accessory Structure | 10 feet |
| 10 | Maximum Impervious Surface Coverage | 50% | 50% |

2 – Subject to approval by the Morgan County Health Department.
3 – As determined by the Morgan County Health Department.



- c. **RR Utility Standards.** Municipal water and sewer are not required for this district, but all non-municipal water and/or sewer shall be approved by the Morgan County Health Department and/or IDOH.

| RR Utility Standards | |
|--------------------------|----|
| Municipal Water Required | No |
| Municipal Sewer Required | No |

- d. **RR Site Development Standards.** See *Chapter 4: Site Development Standards* for the following additional standards that may apply to this district or use.

| RR Site Development Standards ¹ |
|--|
| 1. Accessory Structure Standards |
| 2. Driveway & Access Management Standards |
| 3. Landscaping Standards |
| 4. Lighting Standards |
| 5. Parking & Loading Standards |
| 6. Sign Standards |
| 7. Storage Standards |
| 8. Structure Standards |
| 9. Trash & Receptacle Standards |

¹ – See *Chapter 4: Site Development Standards* for site standards that may apply to the district or use.

4. R-1 – LOW-DENSITY RESIDENTIAL DISTRICT.

- a. R-1 Purpose.** The Low-Density Residential District is intended for areas of Morgan County that can support low-density single-family detached homes and are in close proximity to nearby development and/or water and sewer. This district allows for a variety of housing types, facilities, and residential services necessary to meet the needs of local residents.
- i. All subdivisions require Subdivision approval unless exempt (See *Chapter 5.B.5: Exempt Subdivisions*).
 - ii. All new primary structures for non-residential uses require Development Plan approval.
 - iii. All development may be subject to Drainage Board approval.
 - iv. Only one primary use or primary structure/dwelling unit per lot is permitted in this district.
- b. R-1 Permitted Uses, Special Exception Uses, and Development Standards.**

| Permitted Uses – Low-Density Residential District (R-1) | | |
|---|--|--|
| Primary Uses | | Accessory Uses |
| INSTITUTIONAL USES <ul style="list-style-type: none"> • Church or place of worship • Emergency response • Governmental offices • Library • Park • School | RESIDENTIAL USES <ul style="list-style-type: none"> • Dwelling, single-family • Short-term rental | <ul style="list-style-type: none"> • *Dwelling, accessory • *Home occupation • *Solar energy system, personal |

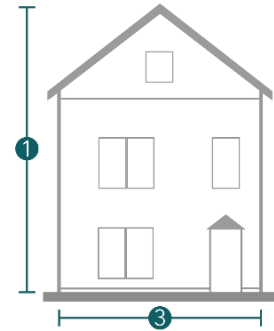
| Special Exception Uses – Low-Density Residential District (R-1) | | |
|---|--|---|
| Primary Uses | | Accessory Uses |
| COMMERCIAL USES <ul style="list-style-type: none"> • *Adult day care facility • Child care center • Golf course / driving range | RESIDENTIAL USES <ul style="list-style-type: none"> • Group home | <ul style="list-style-type: none"> • Child care home (in-home childcare) • *Home-based business • *Wind energy system (WECS), personal |
| INSTITUTIONAL USES <ul style="list-style-type: none"> • Utility facility, public and private • *Wireless communication facility (5G/mini tower only) | | |

* Specific Use Development Standards apply. See *Chapter 3.C: Use Development Standards*.

R-1 Structure Standards

| | | Single-Family Residential | Non-Residential |
|---|------------------------------------|----------------------------------|-----------------|
| 1 | Maximum Height of Structure | Primary Structure | 35 feet |
| | | Accessory Structure ¹ | 25 feet |
| 2 | Minimum Living Area | 950 sq ft | N/A |
| 3 | Minimum Width of Primary Structure | 18 feet | N/A |

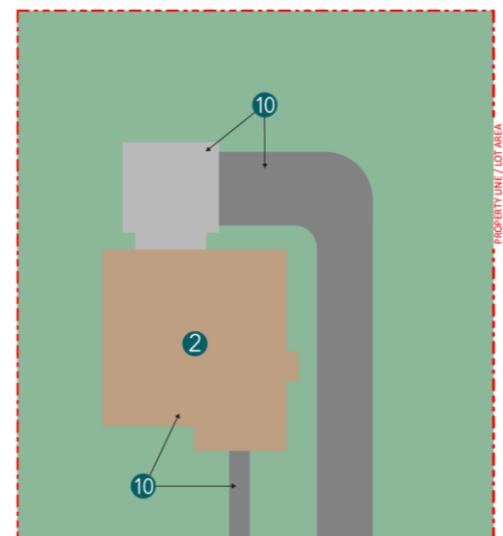
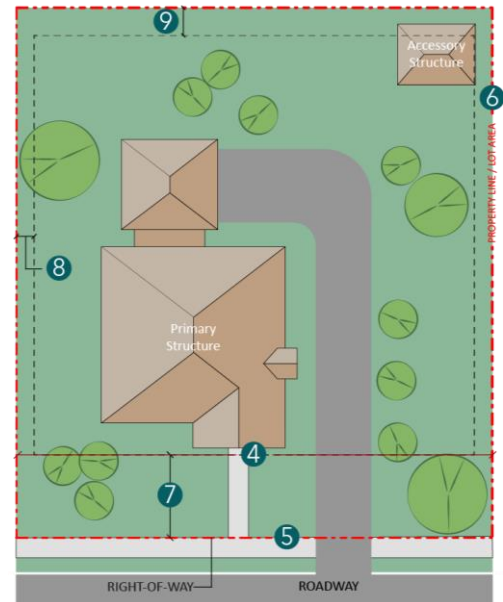
1 – Accessory structure cannot exceed height or square footage of primary structure.



R-1 Lot Standards

| | | Single-Family Residential | Non-Residential |
|----|-------------------------------------|----------------------------|-----------------|
| 4 | Minimum Lot Width | With Sewer | 60 feet |
| | | Without Sewer | 75 feet |
| | | | Max 1:8 |
| 5 | Minimum Street Frontage | N/A | N/A |
| 6 | Minimum Lot Area | With Sewer | 9,000 sq ft |
| | | Without Sewer ² | 1 acre |
| 7 | Minimum Front Yard Setback | 25 feet | 50 feet |
| 8 | Minimum Side Yard Setback | Primary Structure | 10 feet |
| | | Accessory Structure | 5 feet |
| 9 | Minimum Rear Yard Setback | Primary Structure | 15 feet |
| | | Accessory Structure | 5 feet |
| 10 | Maximum Impervious Surface Coverage | 50% | 50% |

2 – Subject to approval by the Morgan County Health Department.



- c. **R-1 Utility Standards.** Municipal water and sewer are not required for this district, but all non-municipal water and/or sewer shall be approved by the Morgan County Health Department and/or IDOH.

| R-1 Utility Standards | |
|--------------------------|----|
| Municipal Water Required | No |
| Municipal Sewer Required | No |

- d. **R-1 Site Development Standards.** See *Chapter 4: Site Development Standards* for the following additional standards that may apply to this district or use.

| R-1 Site Development Standards ¹ | |
|---|--|
| 1. | Accessory Structure Standards |
| 2. | Driveway & Access Management Standards |
| 3. | Landscaping Standards |
| 4. | Lighting Standards |
| 5. | Parking & Loading Standards |
| 6. | Sign Standards |
| 7. | Storage Standards |
| 8. | Structure Standards |
| 9. | Trash & Receptacle Standards |

¹ – See *Chapter 4: Site Development Standards* for site standards that may apply to the district or use.

5. R-2 – MEDIUM-DENSITY RESIDENTIAL DISTRICT.

- a. **R-2 Purpose.** The Medium-Density Residential District is intended to provide for neighborhood development that is compatible with existing patterns of development of adjacent properties. This district allows for a variety of housing densities and lot sizes including single-family (attached and detached) and two-family dwellings, as well as non-residential services that are necessary to serve local residents. All new development shall be supported by public services and transportation connectivity when possible, and should be in close proximity to community facilities such as schools, parks, shopping areas, etc.
 - i. All subdivisions require Subdivision approval unless exempt (See *Chapter 5.B.5: Exempt Subdivisions*).
 - ii. All new primary structures for non-residential uses require Development Plan approval.
 - iii. All development may be subject to Drainage Board approval.
 - iv. Only one primary use or primary structure/dwelling unit per lot is permitted in this district.
- b. **R-2 Permitted Uses, Special Exception Uses, and Development Standards.**

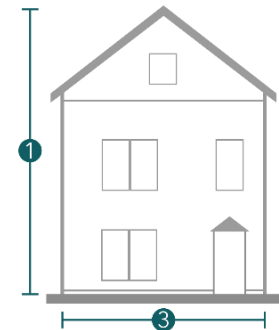
| Permitted Uses – Medium-Density Residential District (R-2) | | |
|---|--|---|
| Primary Uses | | Accessory Uses |
| INSTITUTIONAL USES <ul style="list-style-type: none"> • Church or place of worship • Emergency response • Governmental offices • Library • Park • School | RESIDENTIAL USES <ul style="list-style-type: none"> • Dwelling, single-family • Dwelling, single-family attached • Dwelling, two-family • Short-term rental | <ul style="list-style-type: none"> • *Dwelling, accessory • *Home occupation • *Solar energy system, personal |
| Special Exception Uses – Medium-Density Residential District (R-2) | | |
| Primary Uses | | Accessory Uses |
| COMMERCIAL USES <ul style="list-style-type: none"> • *Adult day care facility • Child care center • Golf course / driving range • Nursing Home | INSTITUTIONAL USES <ul style="list-style-type: none"> • Utility facility, public and private • *Wireless communication facility (5G/mini tower only) RESIDENTIAL USES <ul style="list-style-type: none"> • Group home | <ul style="list-style-type: none"> • Child care home (in-home childcare) • *Home-based business • *Wind energy system (WECS), personal |

* Specific Use Development Standards apply. See *Chapter 3.C: Use Development Standards*.

R-2 Structure Standards

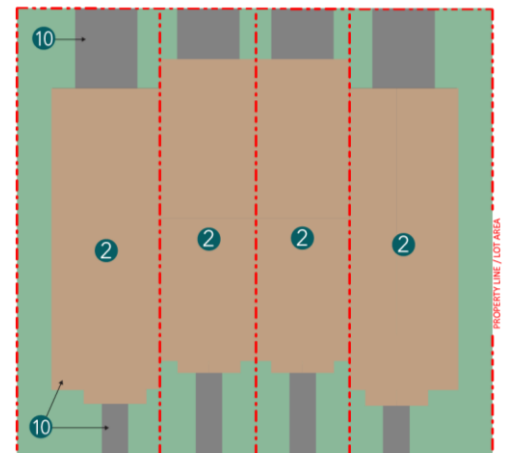
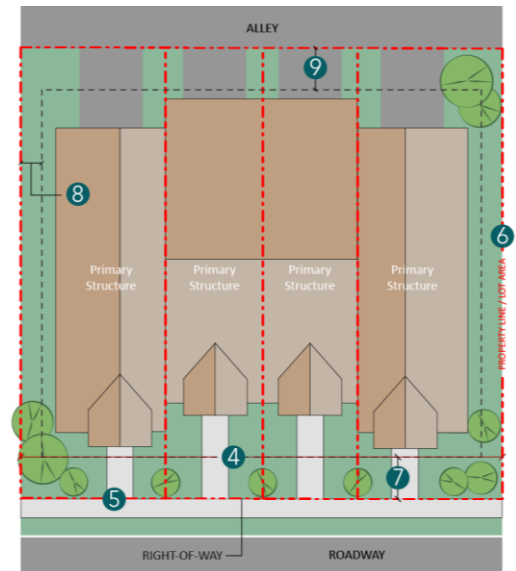
| | | Residential | Non-Residential |
|---|------------------------------------|---|-----------------|
| 1 | Maximum Height of Structure | 35 feet | 35 feet |
| | Accessory Structure ¹ | 25 feet | 25 feet |
| 2 | Minimum Living Area | 950 sq ft: Single-Family; 700 sq ft: Two-Family & Single-Family Attached | N/A |
| 3 | Minimum Width of Primary Structure | 18 feet | N/A |

1 – Accessory structure cannot exceed height of primary structure.



R-2 Lot Standards

| | | Residential | Non-Residential |
|----|-------------------------------------|--|-------------------------------|
| 4 | Minimum Lot Width | 50 feet or 25 feet per unit if dwellings are attached and subdivided | 65 feet |
| 5 | Minimum Street Frontage | N/A | N/A |
| 6 | Minimum Lot Area | 5,000 sq ft: Single-Family; 2,500 sq ft per unit: Two-Family & Single-Family Attached | N/A |
| 7 | Minimum Front Yard Setback | 20 feet or 10 feet with rear driveway | 50 feet |
| 8 | Minimum Side Yard Setback | Primary Structure | 5 feet; or 0 feet if attached |
| | | Accessory Structure | 5 feet |
| 9 | Minimum Rear Yard Setback | Primary Structure | 10 feet |
| | | Accessory Structure | 5 feet |
| 10 | Maximum Impervious Surface Coverage | 75% | 75% |



- c. **R-2 Utility Standards.** Municipal water and sewer shall be required for this district.

| R-2 Utility Standards | |
|--------------------------|-----|
| Municipal Water Required | Yes |
| Municipal Sewer Required | Yes |

- d. **R-2 Site Development Standards.** See *Chapter 4: Site Development Standards* for the following additional standards that may apply to this district or use.

| R-2 Site Development Standards ¹ | |
|---|--|
| 1. | Accessory Structure Standards |
| 2. | Driveway & Access Management Standards |
| 3. | Landscaping Standards |
| 4. | Lighting Standards |
| 5. | Parking & Loading Standards |
| 6. | Sign Standards |
| 7. | Storage Standards |
| 8. | Structure Standards |
| 9. | Trash & Receptacle Standards |

¹ – See *Chapter 4: Site Development Standards* for site standards that may apply to the district or use.

6. R-3 – HIGH-DENSITY RESIDENTIAL DISTRICT.

- a. R-3 Purpose.** The High-Density Residential District is primarily intended for multi-family dwellings as well as single-family (attached and detached) and two-family developments on small lots. This district shall be located in developed areas that are well served by major roadways, sanitary sewers, water, and other community facilities. This district may serve as a transitional buffer between less-dense residential districts and commercial or industrial uses.
- i. All subdivisions require Subdivision Approval unless exempt (See *Chapter 5.B.5: Exempt Subdivisions*).
 - ii. All new primary structures require Development Plan Approval except single-family (detached and attached) and two-family residential.
 - iii. All development may be subject to Drainage Board Approval.
 - iv. Only one primary use is permitted per lot in this district and only one primary structure is permitted per lot except for multi-family dwellings.
- b. R-3 Permitted Uses, Special Exception Uses, and Development Standards.**

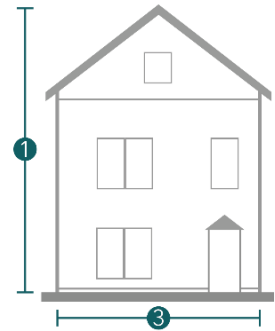
| Permitted Uses – High-Density Residential District (R-3) | | |
|---|--|---|
| Primary Uses | | Accessory Uses |
| <p>COMMERCIAL USES</p> <ul style="list-style-type: none"> • Child care center <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> • Church or place of worship • Emergency response • Governmental offices • Library • Park • School | <p>RESIDENTIAL USES</p> <ul style="list-style-type: none"> • Dwelling, multi-family • Dwelling, single-family • Dwelling, single-family attached • Dwelling, two-family • Group home | <ul style="list-style-type: none"> • Child care home (in-home childcare) • *Home occupation • *Solar energy system, personal |
| Special Exception Uses – High-Density Residential District (R-3) | | |
| Primary Uses | | Accessory Uses |
| <p>COMMERCIAL USES</p> <ul style="list-style-type: none"> • *Adult day care facility • Golf course / driving range <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> • Comprehensive care center • Hospital • Utility facility, public and private • *Wireless communication facility (5G/mini tower only) | <p>RESIDENTIAL USES</p> <ul style="list-style-type: none"> • *Manufactured home park • Short-term rental | <ul style="list-style-type: none"> • *Home-based business • *Wind energy system (WECS), personal |

* Specific Use Development Standards apply. See *Chapter 3.C: Use Development Standards*.

R-3 Structure Standards

| | | Single-Family ¹ & Two-Family Residential | Multi-Family Residential | Non-Residential |
|---|------------------------------------|--|--------------------------|-----------------|
| 1 | Maximum Height of Structure | Primary Structure: 35 feet Accessory Structure ² : 25 feet | 60 feet | 60 feet |
| | Minimum Living Area | 950 sq ft: Single-Family 700 sq ft: Two-Family | 540 sq ft per unit | N/A |
| 3 | Minimum Width of Primary Structure | 18 feet | N/A | N/A |

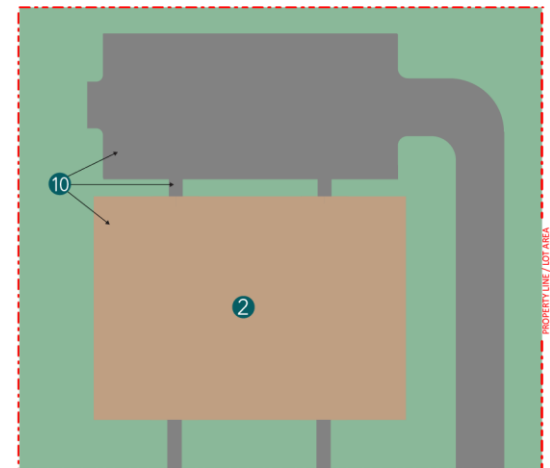
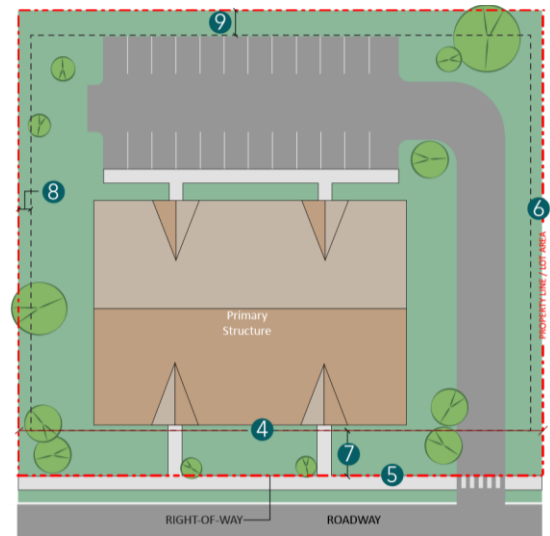
1 – Single-family detached and attached.
2 – Accessory structure cannot exceed height of primary structure.



R-3 Lot Standards

| | | Single-Family ³ & Two-Family Residential | Multi-Family Residential | Non-Residential |
|----|-------------------------------------|--|--------------------------|-----------------|
| 4 | Minimum Lot Width | 40 feet or 20 feet per unit if dwellings are attached and subdivided | 65 feet | 65 feet |
| 5 | Minimum Street Frontage | N/A | N/A | N/A |
| 6 | Minimum Lot Area | 5,000 sq ft: Single-Family; 2,500 sq ft per unit: Two-Family & Single-Family Attached | 2,500 sq ft per unit | N/A |
| 7 | Minimum Front Yard Setback | 20 feet or 10 feet with rear driveway | 25 feet | 25 feet |
| 8 | Minimum Side Yard Setback | Primary Structure: 5 feet; or 0 feet if attached | 10 feet | 10 feet |
| | | Accessory Structure: 5 feet | 5 feet | 10 feet |
| 9 | Minimum Rear Yard Setback | Primary Structure: 10 feet | 15 feet | 25 feet |
| | | Accessory Structure: 5 feet | 5 feet | 10 feet |
| 10 | Maximum Impervious Surface Coverage | 75% | 75% | 75% |

3 – Single-family detached and attached.



- c. **R-3 Utility Standards.** Municipal water and sewer shall be required for this district.

| R-3 Utility Standards | |
|--------------------------|-----|
| Municipal Water Required | Yes |
| Municipal Sewer Required | Yes |

- d. **R-3 Site Development Standards.** See *Chapter 4: Site Development Standards* for the following additional standards that may apply to this district or use.

| R-3 Site Development Standards ¹ | |
|---|--|
| 1. Accessory Structure Standards | |
| 2. Driveway & Access Management Standards | |
| 3. Landscaping Standards | |
| 4. Lighting Standards | |
| 5. Parking & Loading Standards | |
| 6. Sign Standards | |
| 7. Storage Standards | |
| 8. Structure Standards | |
| 9. Trash & Receptacle Standards | |

¹ – See *Chapter 4: Site Development Standards* for site standards that may apply to the district or use

7. B-1 – NEIGHBORHOOD COMMERCIAL DISTRICT.

- a. **B-1 Purpose.** The Neighborhood Commercial District is intended to allow a range of small-scale retail goods and services businesses for the regular or daily convenience of adjacent residential neighborhoods in addition to residential uses.
 - i. All outdoor storage or outdoor display of merchandise shall be within an enclosed building or fully screened with vegetation, berm, masonry wall, fence, or similar so it is not visible from the street year-round unless items are only displayed during business hours.
 - ii. Multiple primary structures per parcel are permitted unless primary use is single-family, single-family attached, or two-family residential.
 - iii. All subdivisions require subdivision approval unless exempt (See *Chapter 5.B.5: Exempt Subdivisions*).
 - iv. All new primary structures require Development Plan approval except single-family (detached and attached) and two-family residential.
 - v. All development may be subject to Drainage Board approval.
- b. **B-1 Permitted Uses, Special Exception Uses, and Development Standards.**

Permitted Uses – Neighborhood Commercial District (B-1)

COMMERCIAL USES

- Bed and breakfast
- Child care center
- Day care facility
- General retail:
 - EXCLUDING Automotive sales, new & used
 - EXCLUDING Boat / farm equipment / motorcycle / recreational vehicle sales
- Professional / business offices
- Service-oriented retail:
 - EXCLUDING Automotive / boat / farm equipment / recreational vehicle repair
 - EXCLUDING Storage units

INSTITUTIONAL USES

- Church or place of worship
- Emergency response
- Governmental offices
- Library
- Park
- School

RESIDENTIAL USES

- Child care home (in-home childcare)
- Dwelling, single-family
- Dwelling, single-family, attached
- Dwelling, two-family
- Dwelling, multi-family
- *Home occupation

Special Exception Uses – Neighborhood Commercial District (B-1)

COMMERCIAL USES

- *Adult day care facility
- Funeral home

INSTITUTIONAL USES

- Cemetery / columbaria / mausoleum
- Crematoria / mortuary
- Nursing home
- Utility facility, public and private
- *Wireless communication facility

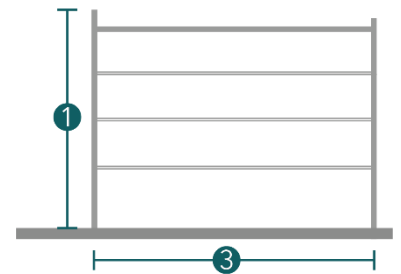
RESIDENTIAL USES

- Group home
- *Home-based business

* Specific Use Development Standards apply. See *Chapter 3.C: Use Development Standards*.

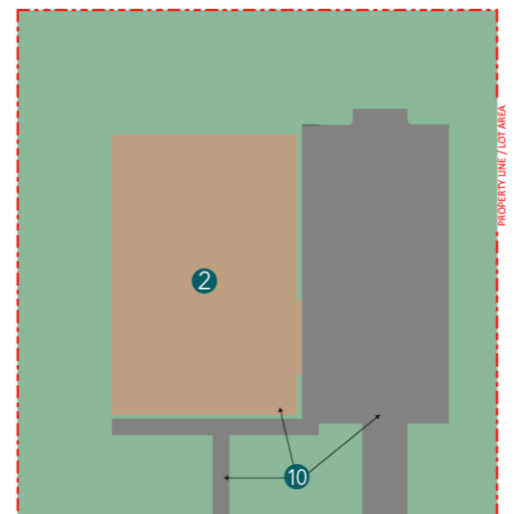
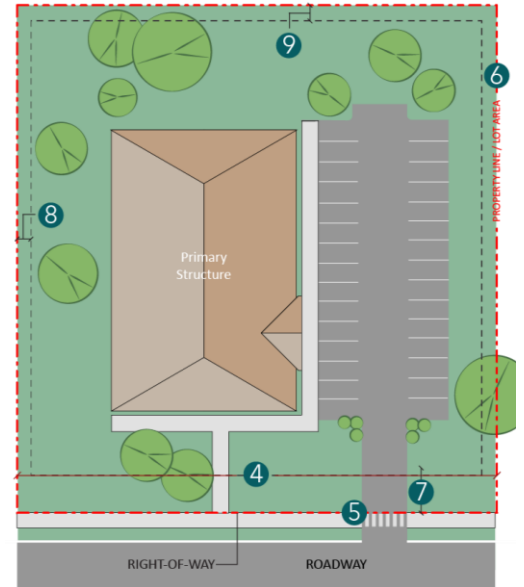
B-1 Structure Standards

| | | Residential | Non-Residential |
|---|------------------------------------|--|-----------------|
| 1 | Maximum Height of Structure | 35 feet | 40 feet |
| | | 25 feet | 25 feet |
| 2 | Minimum Living Area | 950 sq ft: Single-Family; 540 sq ft per unit: Two-Family, Single-Family Attached & Multi-Family | |
| 2 | Maximum Ground Floor Area | N/A | 10,000 sq ft |
| 3 | Minimum Width of Primary Structure | 18 feet | N/A |



B-1 Lot Standards

| | | Residential | Non-Residential |
|----|-------------------------------------|--|-----------------|
| 4 | Minimum Lot Width | 30 feet | 50 feet |
| 5 | Minimum Street Frontage | 28 feet | 28 feet |
| 6 | Minimum Lot Area | 5,000 sq ft: Single-Family and Two-Family; 2,500 sq ft: Single-Family Attached; | |
| 7 | Minimum Front Yard Setback | 25 feet | 25 feet |
| | | 10 feet | 10 feet |
| 8 | Minimum Side Yard Setback | 5 feet; or 0 feet if attached | 5 feet |
| | | 5 feet | 5 feet |
| 9 | Minimum Rear Yard Setback | 10 feet | 10 feet |
| | | 5 feet | 5 feet |
| 10 | Maximum Impervious Surface Coverage | 70% | 70% |



- c. **B-1 Utility Standards.** Municipal water and sewer shall be required for this district.

| B-1 Utility Standards | |
|--------------------------|-----|
| Municipal Water Required | Yes |
| Municipal Sewer Required | Yes |

- d. **B-1 Site Development Standards.** See *Chapter 4: Site Development Standards* for the following additional standards that may apply to this district or use.

| B-1 Site Development Standards ¹ | |
|---|--|
| 1. | Accessory Structure Standards |
| 2. | Driveway & Access Management Standards |
| 3. | Landscaping Standards |
| 4. | Lighting Standards |
| 5. | Parking & Loading Standards |
| 6. | Sign Standards |
| 7. | Storage Standards |
| 8. | Structure Standards |
| 9. | Trash & Receptacle Standards |

¹ – See *Chapter 4: Site Development Standards* for site standards that may apply to the district or use.

8. B-2 – GENERAL COMMERCIAL DISTRICT.

- a. **B-2 Purpose.** The General Commercial District is intended to provide for the development of businesses and commercial areas along local roadways and collectors that accommodate a wide range of commercial and service centers. Development should be located in areas that are accessible to the general community through adequate roads.
 - i. All outdoor storage or outdoor display of merchandise shall be within an enclosed building or fully screened with vegetation, berm, masonry wall, fence, or similar so it is not visible from the street year-round unless items are only displayed during business hours.
 - ii. Multiple primary structures per parcel are permitted.
 - iii. All subdivisions require subdivision approval unless exempt (See *Chapter 5.B.5: Exempt Subdivisions*).
 - iv. All new primary structures require Development Plan approval.
 - v. All development may be subject to Drainage Board approval.
- b. **B-2 Permitted Uses, Special Exception Uses, and Development Standards.**

Permitted Uses – General Commercial District (B-2)

COMMERCIAL USES

- Bed and breakfast
- Child care center
- Club, private
- Funeral home
- General retail:
 - EXCLUDING Automotive sales, new & used
 - EXCLUDING Boat / farm equipment / motorcycle / recreational vehicle sales

COMMERCIAL USES cont.

- Hotel / motel
- Kindergarten / preschool
- Professional / business offices
- Recreational facility, public and private
- Service-oriented retail
 - EXCLUDING Automotive / boat / farm equipment / recreational vehicle repair
- Winery / brewery / distillery

INSTITUTIONAL USES

- Church or place of worship
- Emergency response
- Governmental offices
- Library
- Park

Special Exception Uses – General Commercial District (B-2)

COMMERCIAL USES

- *Adult day care facility
- Animal hospital
- Automotive / boat / farm equipment / recreational vehicle repair
- Automotive sales, new and used
- Farm equipment sales
- Kennel, public
- Nursing home
- Parking garage / lot, private or public

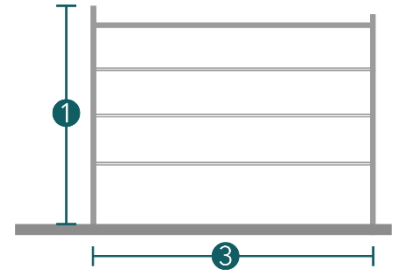
INSTITUTIONAL USES

- Bus / transportation station
- Cemetery / columbaria / mausoleum
- Crematoria / mortuary
- School
- Utility facility, public and private
- *Wireless communication facility

* Specific Use Development Standards apply. See *Chapter 3.C: Use Development Standards*.

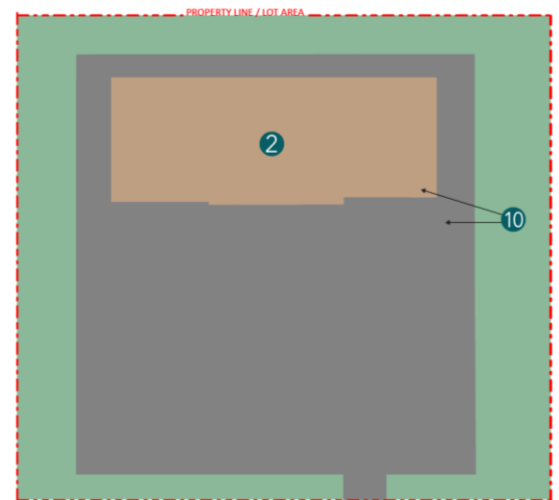
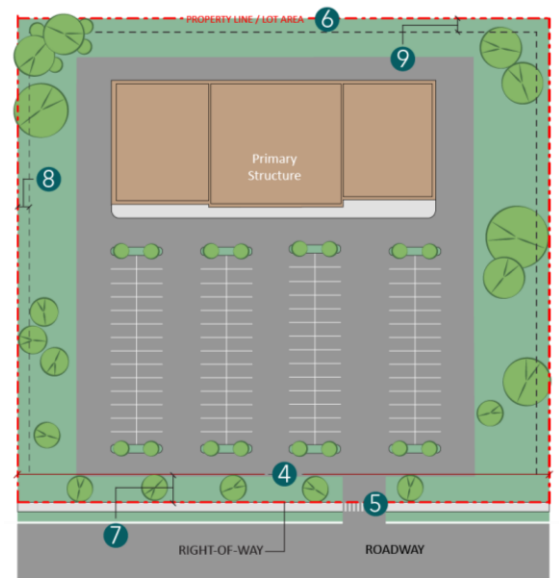
B-2 Structure Standards

| | | All Development |
|---|------------------------------------|-----------------|
| 1 | Maximum Height of Structure | 60 feet |
| | Primary Structure | |
| 2 | Maximum Floor Area | 100,000 sq ft |
| | Accessory Structure | 25 feet |
| 3 | Minimum Width of Primary Structure | N/A |



B-2 Lot Standards

| | | All Development |
|----|-------------------------------------|-----------------|
| 4 | Minimum Lot Width | 50 feet |
| 5 | Minimum Street Frontage | 50 feet |
| 6 | Minimum Lot Area | 5,000 feet |
| 7 | Minimum Front Yard Setback | 35 feet |
| | Primary & Accessory Structure | |
| | Parking | 10 feet |
| 8 | Minimum Side Yard Setback | 5 feet |
| 9 | Minimum Rear Yard Setback | 10 feet |
| 10 | Maximum Impervious Surface Coverage | 75% |





- c. **B-2 Utility Standards.** Municipal water and sewer shall be required for this district.

| B-2 Utility Standards | |
|--------------------------|-----|
| Municipal Water Required | Yes |
| Municipal Sewer Required | Yes |

- d. **B-2 Site Development Standards.** See *Chapter 4: Site Development Standards* for the following additional standards that may apply to this district or use.

| B-2 Site Development Standards ¹ |
|---|
| 1. Accessory Structure Standards |
| 2. Driveway & Access Management Standards |
| 3. Landscaping Standards |
| 4. Lighting Standards |
| 5. Parking & Loading Standards |
| 6. Sign Standards |
| 7. Storage Standards |
| 8. Structure Standards |
| 9. Trash & Receptacle Standards |

1 – See *Chapter 4: Site Development Standards* for site standards that may apply to the district or use.

9. B-3 – REGIONAL COMMERCIAL DISTRICT.

- a. **B-3 Purpose.** The Regional Commercial District is intended to provide for a variety of high-intensity commercial development along major thoroughfares and is accessible to local and regional patrons.
 - i. Outdoor storage and display of merchandise that is visible from a public street is permitted but shall be limited to materials that are immediately available for purchase. Any other storage or display of merchandise that are not immediately available for purchase, such as bulk materials or wrecked/inoperable vehicles, shall be within an enclosed building or fully screened with vegetation, berm, masonry wall, fence, or similar so it is not visible from any public street year-round unless items are only displayed during business hours.
 - ii. Multiple primary structures per parcel are permitted.
 - iii. All subdivisions require subdivision approval unless exempt (See *Chapter 5.B.5: Exempt Subdivisions*).
 - iv. All new primary structures require Development Plan approval.
 - v. All development may be subject to Drainage Board approval.

b. B-3 Permitted Uses, Special Exception Uses, and Development Standards.

Permitted Uses – Regional Commercial District (B-3)

| | | |
|--|--|--|
| <p>COMMERCIAL USES</p> <ul style="list-style-type: none"> Animal hospital Auditorium Bar / tavern / night club Bed and breakfast Child care center Club, private Funeral home General retail Hotel / motel | <p>COMMERCIAL USES cont.</p> <ul style="list-style-type: none"> Kennel, public Kindergarten / preschool Nursing home Professional / business offices Recreational facility, public and private Service-oriented retail Winery / brewery / distillery | <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> Church or place of worship Emergency response Governmental offices Library Park |
|--|--|--|

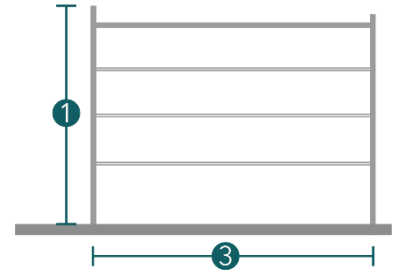
Special Exception Uses – Regional Commercial District (B-3)

| | |
|--|---|
| <p>COMMERCIAL USES</p> <ul style="list-style-type: none"> *Adult day care facility Parking garage / lot, private or public Race track Stadium / arena | <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> Bus / transportation station Cemetery / columbaria / mausoleum Crematoria / mortuary School Utility facility, public and private *Wireless communication facility |
|--|---|

* Specific Use Development Standards apply. See *Chapter 3.C: Use Development Standards*.

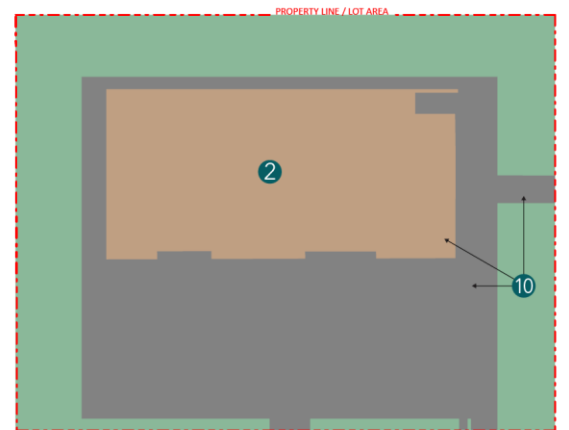
B-3 Structure Standards

| | | All Development |
|---|------------------------------------|-----------------|
| 1 | Maximum Height of Structure | 60 feet |
| | | 25 feet |
| 2 | Minimum Ground Floor Area | N/A |
| 3 | Minimum Width of Primary Structure | N/A |



B-3 Lot Standards

| | | All Development |
|----|-------------------------------------|-----------------|
| 4 | Minimum Lot Width | 50 feet |
| 5 | Minimum Street Frontage | 50 feet |
| 6 | Minimum Lot Area | N/A |
| 7 | Minimum Front Yard Setback | 40 feet |
| 8 | Minimum Side Yard Setback | 10 feet |
| 9 | Minimum Rear Yard Setback | 10 feet |
| 10 | Maximum Impervious Surface Coverage | 75% |



- c. **B-3 Utility Standards.** Municipal water and sewer shall be required for this district.

| B-3 Utility Standards | |
|--------------------------|-----|
| Municipal Water Required | Yes |
| Municipal Sewer Required | Yes |

- d. **B-3 Site Development Standards.** See *Chapter 4: Site Development Standards* for the following additional standards that may apply to this district or use.

| B-3 Site Development Standards ¹ | |
|---|--|
| 1. Accessory Structure Standards | |
| 2. Driveway & Access Management Standards | |
| 3. Landscaping Standards | |
| 4. Lighting Standards | |
| 5. Parking & Loading Standards | |
| 6. Sign Standards | |
| 7. Storage Standards | |
| 8. Structure Standards | |
| 9. Trash & Receptacle Standards | |

¹ – See *Chapter 4: Site Development Standards* for site standards that may apply to the district or use.

10. I-1 – LIGHT INDUSTRIAL DISTRICT.

- a. **I-1 Purpose.** The Light Industrial District is intended for low-intensity, light, and medium intensity industrial activities that are within an enclosed building or not visible from a public street and are compatible with surrounding zoning districts.
 - i. Outdoor storage and display of merchandise that is visible from a public street is permitted but shall be limited to materials that are immediately available for purchase. Any other storage or display of merchandise that are not immediately available for purchase, such as bulk materials or wrecked/inoperable vehicles, shall be within an enclosed building or fully screened with vegetation, berm, masonry wall, fence, or similar so it is not visible from any public street year-round unless items are only displayed during business hours.
 - ii. Multiple primary structures per parcel are permitted.
 - iii. All subdivisions require subdivision approval unless exempt (See *Chapter 5.B.5: Exempt Subdivisions*).
 - iv. All new primary structures require Development Plan approval.
 - v. All development may be subject to Drainage Board approval.
- b. **I-1 Permitted Uses, Special Exception Uses, and Development Standards.**

Permitted Uses – Light Industrial District (I-1)

| | | |
|---|--|---|
| <p>AGRICULTURAL USES</p> <ul style="list-style-type: none"> • Agricultural support services <p>COMMERCIAL USES</p> <ul style="list-style-type: none"> • Funeral home • General retail • Kennel, public • Professional / business offices • Recreational facility • Service-oriented retail | <p>INDUSTRIAL USES</p> <ul style="list-style-type: none"> • Manufacturing, light • Research / development • Storage, non-hazardous • Warehousing / distribution | <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> • Church or place of worship • Cemetery / columbaria / mausoleum • Crematoria / mortuary • Emergency response • Governmental offices • Hospital • Park |
|---|--|---|

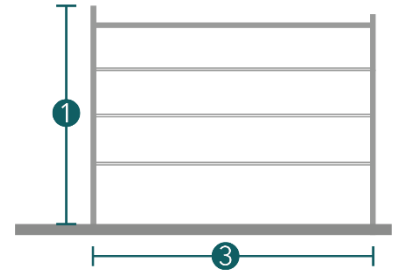
Special Exception Uses – Light Industrial District (I-1)

| | |
|--|--|
| <p>AGRICULTURAL USES</p> <ul style="list-style-type: none"> • Mineral extraction and processing • Timber processing <p>COMMERCIAL USES</p> <ul style="list-style-type: none"> • Parking garage / lot, commercial or public • Race track • Stadium / arena | <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> • Airport / heliport, public and private • Bus / transportation station • Penal/correction facility • School • Utility facility, public and private • *Wireless communication facility |
|--|--|

* Specific Use Development Standards apply. See *Chapter 3.C: Use Development Standards*.

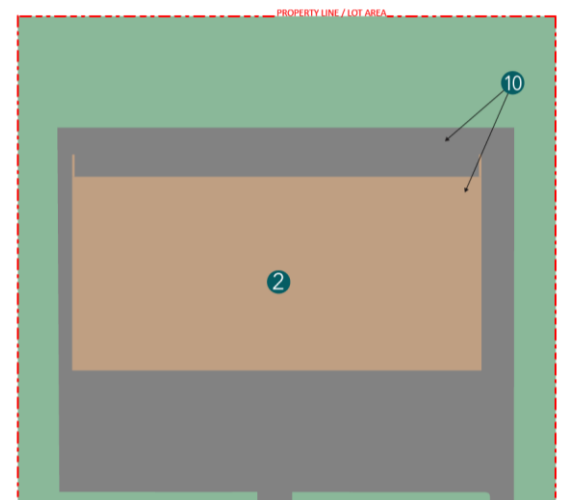
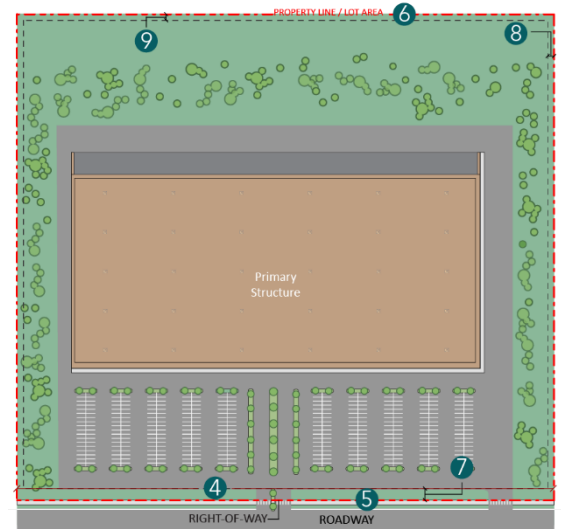
I-1 Structure Standards

| | | All Development |
|---|------------------------------------|-----------------|
| 1 | Maximum Height of Structure | 60 feet |
| | | 25 feet |
| 2 | Minimum Ground Floor Area | N/A |
| 3 | Minimum Width of Primary Structure | N/A |



I-1 Lot Standards

| | | All Development |
|----|-------------------------------------|-----------------|
| 4 | Minimum Lot Width | 150 feet |
| 5 | Minimum Street Frontage | 75 feet |
| 6 | Minimum Lot Area | N/A |
| 7 | Minimum Front Yard Setback | 50 feet |
| 8 | Minimum Side Yard Setback | 20 feet |
| 9 | Minimum Rear Yard Setback | 20 feet |
| 10 | Maximum Impervious Surface Coverage | 75% |



- c. **I-1 Utility Standards.** Municipal water and sewer shall be required for this district.

| I-1 Utility Standards | |
|--------------------------|-----|
| Municipal Water Required | Yes |
| Municipal Sewer Required | Yes |

- d. **I-1 Site Development Standards.** See *Chapter 4: Site Development Standards* for the following additional standards that may apply to this district or use.

| I-1 Site Development Standards ¹ |
|---|
| 1. Accessory Structure Standards |
| 2. Driveway & Access Management Standards |
| 3. Landscaping Standards |
| 4. Lighting Standards |
| 5. Parking & Loading Standards |
| 6. Sign Standards |
| 7. Storage Standards |
| 8. Structure Standards |
| 9. Trash & Receptacle Standards |

¹ – See *Chapter 4: Site Development Standards* for site standards that may apply to the district or use.

11. I-2 – HEAVY INDUSTRIAL DISTRICT.

- a. **I-2 Purpose.** The Heavy Industrial District is intended for employment centers and intense industrial uses such as manufacturing, assembling, wholesale, or storage. that generate heavy demand for transportation and rail systems. These uses may cause odors, dust, noise, and vibrations as well as generate significant amounts of truck and freight traffic.
 - i. Outdoor storage and display of merchandise that is visible from a public street is permitted but shall be accessory to the primary use and not exceed twenty-five percent (25%) of the total lot area. If located within five hundred (500) feet of any residential zoning district, all outdoor storage shall be fully screened with vegetation, berm, masonry wall, fence, or similar so it is not visible from any public street year-round and the height of material stored shall not exceed the screen.
 - ii. Multiple primary structures per parcel are permitted.
 - iii. All subdivisions require subdivision approval unless exempt (See *Chapter 5.B.5: Exempt Subdivisions*).
 - iv. All new primary structures require Development Plan approval.
 - v. All development may be subject to Drainage Board approval.
- b. **I-2 Permitted Uses, Special Exception Uses, and Development Standards.**

Permitted Uses – Heavy Industrial District (I-2)

| | | |
|---|--|---|
| <p>AGRICULTURAL USES</p> <ul style="list-style-type: none"> • Agricultural support services • Livestock, wholesale trade • Meat processing • Timber processing <p>COMMERCIAL USES</p> <ul style="list-style-type: none"> • Funeral home • General retail • Kennel, public • Professional / business offices | <p>COMMERCIAL USES cont.</p> <ul style="list-style-type: none"> • Recreational facility, public and private • Service-oriented retail <p>INDUSTRIAL USES</p> <ul style="list-style-type: none"> • Manufacturing, heavy • Manufacturing, light • Research / development • Storage, non-hazardous • Trucking terminal | <p>INDUSTRIAL USES cont.</p> <ul style="list-style-type: none"> • Vehicle impound lot • Warehousing / distribution • Waste transfer facility <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> • Church or place of worship • Crematoria / mortuary • Emergency response • Governmental offices • Hospital • Park |
|---|--|---|

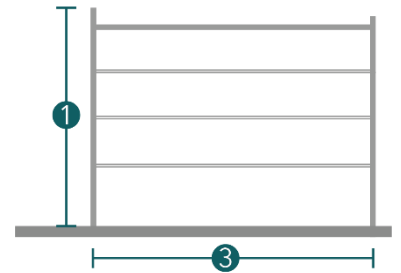
Special Exception Uses – Heavy Industrial District (I-2)

| | | |
|---|---|--|
| <p>AGRICULTURAL USES</p> <ul style="list-style-type: none"> • Mineral extraction and processing <p>COMMERCIAL USES</p> <ul style="list-style-type: none"> • *Adult business • Parking garage / lot, private or public • Race track • Stadium / arena | <p>INDUSTRIAL USES</p> <ul style="list-style-type: none"> • *Junkyard / salvage <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> • Airport / heliport, public and private • Bus / transportation station | <p>INSTITUTIONAL USES cont.</p> <ul style="list-style-type: none"> • Landfill / hazardous waste storage, public or private • Penal / correction facility • Recycling, public or private • Utility facility, public or private • *Wireless communication facility |
|---|---|--|

* Specific Use Development Standards apply. See *Chapter 3.C: Use Development Standards*.

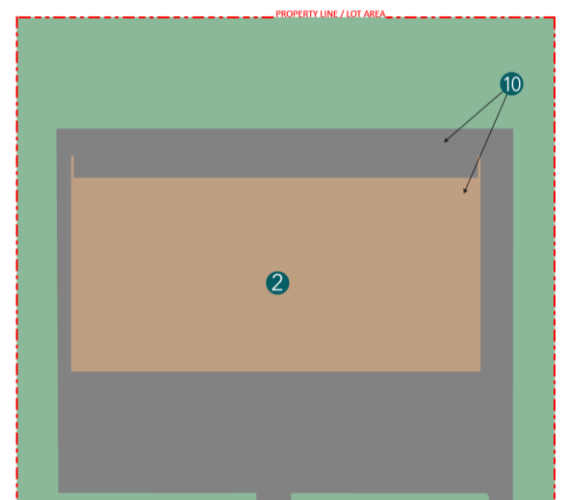
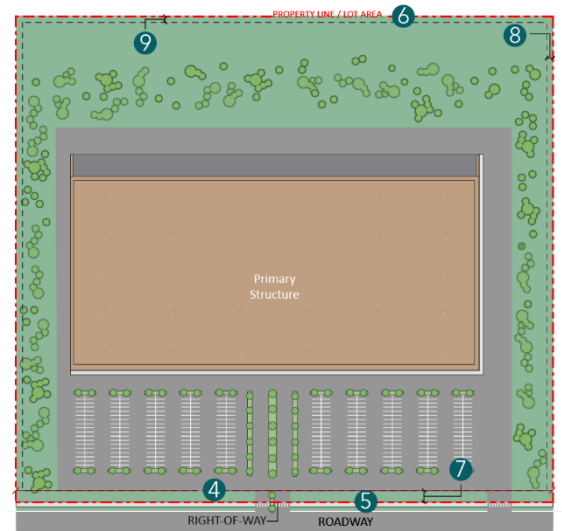
I-2 Structure Standards

| | | All Development |
|---|------------------------------------|-----------------|
| 1 | Maximum Height of Structure | 90 feet |
| | | 25 feet |
| 2 | Minimum Ground Floor Area | N/A |
| 3 | Minimum Width of Primary Structure | N/A |



I-2 Lot Standards

| | | All Development |
|----|-------------------------------------|-----------------|
| 4 | Minimum Lot Width | 200 feet |
| 5 | Minimum Street Frontage | 75 feet |
| 6 | Minimum Lot Area | N/A |
| 7 | Minimum Front Yard Setback | 50 feet |
| 8 | Minimum Side Yard Setback | 30 feet |
| 9 | Minimum Rear Yard Setback | 30 feet |
| 10 | Maximum Impervious Surface Coverage | 75% |



- c. **I-2 Utility Standards.** Municipal water and sewer shall be required for this district.

| I-2 Utility Standards | |
|--------------------------|-----|
| Municipal Water Required | Yes |
| Municipal Sewer Required | Yes |

- d. **I-2 Site Development Standards.** See *Chapter #4: Site Development Standards* for the following additional standards that may apply to this district or use.

| I-2 Site Development Standards ¹ |
|---|
| 1. Accessory Structure Standards |
| 2. Driveway & Access Management Standards |
| 3. Landscaping Standards |
| 4. Lighting Standards |
| 5. Parking & Loading Standards |
| 6. Sign Standards |
| 7. Storage Standards |
| 8. Structure Standards |
| 9. Trash & Receptacle Standards |

¹ – See *Chapter 4: Site Development Standards* for site standards that may apply to the district or use.

12. PUD – PLANNED UNIT DEVELOPMENT

a. PUD Purpose.

- i. A Planned Unit Development District allows for greater flexibility in the design and development of land when consistent with the Comprehensive Plan and the overall intent of the zoning provisions of this Ordinance. This classification should be encouraged when the proposed development promotes a harmonious variety of uses, and/or provides for an economy of shared services and facilities, and is compatible with the surrounding areas to foster the creation of an attractive, healthful, efficient, and stable environment for living, shopping, and working.
- ii. PUD regulations may apply to redevelopment of previously developed property, or with undeveloped land, and may apply to parcels of relatively small size as well as large-scale developments and their relationship with surrounding uses and the overall character of the area in which they are located.
- iii. PUD regulations are intended to promote and encourage innovative land development techniques to meet the growing demands of the county by allowing greater flexibility and variety in type, design, and layout of sites, buildings, open space, and amenities.
- iv. PUD projects should encourage an efficient use of land that reflects technology of land development so resulting economies may accrue to the benefit of the community at large.

b. PUD Permitted Districts. PUDs shall be permitted in all Zoning Districts.

c. PUD Uses. All uses are subject to the discretion and approval of the PC as part of the PUD adoption process. Mixed-uses will be considered and may be encouraged when appropriate. All land uses proposed in a PUD must not be in conflict with the vision of the Comprehensive Plan, the surrounding land uses, and surrounding zoning districts.

d. PUD Development Standards. Projects that utilize the PUD process are encouraged to plan for density beyond what is traditionally permitted under comparable zoning districts to improve the efficient use of land and environmental quality.

e. PUD Additional Site Development Standards. Unless otherwise addressed in the PUD, all other development standards and procedures of this UDO apply.

13. I69-O - I-69 CORRIDOR OVERLAY DISTRICT

- a. **I69-O Purpose.** The purpose of this overlay district is to:
- i. Preserve and enhance the aesthetic qualities of the I-69 corridor by regulating building placement and orientation, building architecture, landscaping, lighting, and transitions between the corridor and adjacent uses;
 - ii. Provide for the future development/redevelopment of the corridor as contemplated in the Comprehensive Plan; and
 - iii. Conserve the natural areas of the corridor as identified in the Comprehensive Plan.
- b. **I69-O Applicability.**
- i. **District Boundaries.** The I-69 Corridor Overlay includes the following zones, as shown on the *Official Zoning Map*.
 - (1) Zone 1. This zone parallels I-69 from the Morgan County-Johnson County line to Hospital Drive.
 - (2) Zone 3. This zone parallels I-69 from State Road 39 to the Morgan County-Monroe County line.
 - ii. **Exceptions.** This overlay applies to any development within the I-69 Corridor Overlay, except:
 - (1) Detached single-family residential dwellings;
 - (2) Platted residential subdivisions;
 - (3) New residential uses; and
 - (4) Non-residential uses not visible from the I-69 corridor and surrounded by an excluded residential use.

c. **I-69 O Design Review Board (DRB) Required.**

- i. The DRB shall review and evaluate all applications and/or development proposals within the I-69 Corridor Overlay as outlined in *Chapter 1.D.3: PC Committees*. This includes, but is not limited to, all applications for zoning changes, subdivisions, variances, waivers, and development plans.

d. **I69-O Permitted, Special Exception, and Prohibited Uses.**

i. **Permitted Uses, Special Exception Uses, and Prohibited Uses.**

- (1) All permitted uses of the underlying zoning district are permitted unless excluded in this section.
- (2) The following uses are permitted by Special Exception within the I-69 Corridor Overlay in addition to the Special Exception Uses of the underlying zoning district.

Special Exception Uses – I-69 Corridor Overlay (I69-O)

COMMERCIAL USES

- Truck stops (Zone 3)

Prohibited Uses – I-69 Corridor Overlay (I69-O)

COMMERCIAL USES

- Adult business/sexually oriented business
- Meat processing
- Self-storage facility
- Truck stops (Zone 1 & Zone 2)

INDUSTRIAL USES

- Bulk storage of petroleum items, if not used for on-site manufacturing
- Explosives, manufacturing, use, or storage
- Salvage and wrecking

INSTITUTIONAL USES

- Landfill/Hazardous waste storage, public or private
- Penal/correction facility

RESIDENTIAL USES

- Manufactured home park
- Manufactured home sales

ii. **Environmentally Sensitive and Natural Areas.**

- (1) Uses within areas noted as Environmentally Sensitive Development on the *Comprehensive Plan* are limited to recreation-oriented uses and the preservation of open space.
- (2) Uses within areas noted as Natural Resources and Recreation on the *Comprehensive Plan* are limited to passive and active recreational uses, the preservation of open space and natural features, and cluster development.

e. **I69-O Development Standards.**

- i. **Underlying Zoning District Applies.** The development standards of the underlying zoning district shall apply, unless otherwise specified in this section. In the event of conflict, the more restrictive standards shall apply.
- ii. **Billboards Prohibited.** All billboards are prohibited within the I-69 Corridor Overlay District.
- iii. **Setbacks Abutting I-69.** Parcels that have a front yard that abuts the I-69 right-of-way shall have a minimum front yard setback of thirty (30) feet and a maximum front yard setback of one hundred twenty (120) feet from the I-69 right-of-way.

- f. **169-O Utility Standards.** The utility standards of the underlying zoning district shall apply, unless otherwise specified in this section. In the event of conflict, the more restrictive standards shall apply.
- g. **169-O Site Development Standards.**
- i. The site development standards of the underlying zoning district shall apply unless otherwise specified in this section. In the event of conflict, the more restrictive standards shall apply.
 - ii. In addition to the underlying zoning district standards and the applicable site development standards outlined in *Chapter 4: Site Development Standards*, the following site development standard shall apply to all development within the I-69 Corridor Overlay.
 - (1) Outside Sales Display.
 - (a) When permitted by the underlying zoning district, outdoor sales displays shall be associated with the primary use of the parcel and are limited to materials or items that are immediately available for purchase.
 - (b) Outdoor sales displays must be delineated on a development plan and require approval of the Administrator, except as otherwise permitted as a temporary use. The development plan must include the types of merchandise and/or finished products, locations, landscaping, and all other improvements of the outside sales display area;
 - (i) Pedestrian circulation areas cannot be obstructed. Enhancements may be required by the Administrator or Plan Commission to ensure safe pedestrian circulation;
 - (ii) The Administrator, DRB, and/or Plan Commission may require enhanced site features to ensure that outdoor sales display areas are delineated and that such areas are compatible with the design of the building and context of the site;
 - (iii) The Administrator, DRB, and/or Plan Commission may require enhanced screening or landscaping to ensure the compatibility of the proposed outside sales display with adjoining areas; and
 - (iv) Once approved, the outdoor sales display area cannot be materially or substantially changed or altered without the approval of an amendment to the development plan.

C. Use Development Standards.

1. General Provisions.

- a. The uses listed in this chapter shall meet the respective requirements of this section in addition to all other sections of this UDO.
- b. Development plan review is required for all uses (including primary and accessory structures) included in this chapter.
- c. In a district in which the specific use is allowed by right, the Administrator shall determine that the use complies with the development standards of this chapter. In a district in which the specific use is allowed by Special Exception, the Administrator and the BZA shall determine that the use complies with the development standards of this chapter prior to approval of the Special Exception.
- d. All other development standards of the subject zoning district shall apply unless otherwise stated.
- e. The structure must meet all applicable ADA requirements.
- f. An ILP is required for the construction of all primary and accessory structures.

2. Establishment of Development Standards for Specific Uses. Additional development standards have been established for the following uses:

| USES WITH ADDITIONAL DEVELOPMENT STANDARDS |
|--|
| 1. Accessory Dwelling |
| 2. Adult Business |
| 3. Adult Day Care Facility |
| 4. Agritourism |
| 5. Campground & Recreational Vehicle Park (Private & Public) |
| 6. Confined Feeding Operation (CFO & CAFO) |
| 7. Farmworker Housing |
| 8. Home-Based Business |
| 9. Home Occupation |
| 10. Junkyards |
| 11. Manufactured Home Park |
| 12. Rural Event Venue (Permanent & Temporary) |
| 13. Solar Energy System (Commercial) |
| 14. Solar Energy System (Personal) |
| 15. Wind Energy System (WECS) (Commercial & Personal) |
| 16. Wireless Communication Facility |

3. Development Standards for Specific Uses. The following development standards apply to each specific use, regardless of the underlying zoning district, to provide additional regulations for the purpose identified.

a. ACCESSORY DWELLING STANDARDS.

- i. Purpose.** The purpose of allowing accessory dwellings is to maximize public infrastructure investment; increase mobility alternatives; provide housing options for family members, students, aging residents, in-home health care providers, people with disabilities, and others; to promote affordable workforce housing; and to allow homeowners to benefit from added income and an increased sense of security. For purposes of this section, a short-term rental does not qualify as an accessory dwelling.
- ii. Use and Operational Standards.**
 - (1) **Primary Dwelling Unit Requirements.** An accessory dwelling shall only be permitted on a parcel with a lawfully constructed single-family dwelling unit that is owner-occupied, provided the following criteria are met:
 - (a) The accessory dwelling shall be under the same ownership as the primary structure.
 - (b) An accessory dwelling cannot be constructed prior to the primary dwelling.
 - (c) An accessory dwelling shall not be permitted to have its own accessory structures.
 - (d) An accessory dwelling may be attached (connected to primary structure with separate entrance) or detached from the primary single-family dwelling unit.
 - (2) **Self-Sufficient Unit.** The accessory dwelling shall meet the current building code as a single-family dwelling. It shall also be fully independent and a complete dwelling unit with all amenities needed for safe and habitable living, including permanent provisions for sleeping, eating, cooking, and sanitation.
 - (3) **Number.** Only one (1) accessory dwelling shall be permitted per parcel.
 - (4) **Address.** Properties with an approved accessory dwelling shall maintain the same physical address as the primary structure. The Administrator must approve any deviations from this addressing policy.

iii. Development Standards.

| ACCESSORY DWELLING STANDARDS | |
|--|---|
| Maximum Height of Structure | 30 feet but cannot exceed height of primary structure |
| Minimum Living Area | 220 sq ft |
| Maximum Living Area | Maximum of 50% of the primary dwelling unit or 800 sq ft, whichever is less. |
| Architecture and Building Materials | Architectural style, form, materials, and colors of the accessory dwelling shall match or be compatible with the style and form of the primary dwelling unit |
| | Allowed only in lawfully-built dwelling units that meet building code requirements |
| Types of Structures Permitted | A manufactured home is permitted as an accessory dwelling A recreational vehicle, travel trailer, or similar structure; a motor vehicle; or any structure not designed for permanent human occupancy is not permitted as an accessory dwelling |
| Location | Must be located behind the front façade of the primary dwelling unit (side yard or the rear yard) |

iv. Utility Standards.

- (1) Utilities. The accessory dwelling shall have water and sewage disposal that is approved by the Morgan County Health Department or available sanitary service provider as appropriate. The Morgan County Health Department shall approve connections or modifications to the existing septic system that may be needed to accommodate the accessory dwelling.

v. Site Standards.

- (1) Access. The accessory dwelling shall utilize an existing, permitted driveway that serves the primary dwelling; it shall not be granted a separate driveway from any public right-of-way.
- (2) Parking and Loading. Additional on-site parking is not required for an accessory dwelling unit.

b. ADULT BUSINESS STANDARDS.

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

ii. **Use and Operational Standards.**

(1) Separation. The minimum separation between adult businesses and surrounding structures/uses are measured from the front entrance of the adult business and the nearest structure or property line as specified below:

(a) Structures used for schools, parks, churches, and residential uses: minimum separation is one thousand three-hundred twenty (1,320) feet.

(b) Property lines of uses designated for hotels, motels, and transportation depots: minimum separation is one thousand three-hundred twenty (1,320) feet.

(2) Operator Responsibilities.

(a) An operator engaging in adult entertainment activities may not permit a person less than eighteen (18) years of age to enter the establishment.

(b) An operator engaging in adult entertainment activities shall, at all times, cause the entrance of this establishment to be so attended as to ensure compliance with the requirements contained in this section.

(3) Visibility and Display of Adult Materials.

(a) Adult materials offered for sale from adult news racks shall not be displayed or exhibited in a manner which exposes to public view any pictures or illustrations of human genitals or specified sexual activities.

(b) Adult bookstores and adult motion picture theaters shall not display or exhibit any material depicting human genitals or specified sexual activities in a manner which exposes said material to the view of persons outside the building in which said bookstore or motion picture theaters are located.

iii. **Development Standards.**

(1) All applicable state building codes shall be met.

(2) Any wall or partition that is situated so that it creates a room, enclosure, or booth where any amusement device is located shall be constructed of not less than one (1) hour fire-resistive material.

(3) All aisles in any room that contains an amusement device shall be at least forty-two (42) inches in width.

- (4) A minimum of two (2) doorways that are at least thirty-six (36) inches wide are required for ingress or egress from any room that contains an amusement device. All doorways shall be unlocked during business hours.
- (5) An internally illuminated exit sign with letters at least five (5) inches in height shall be provided over every doorway that provides egress from any room that contains an amusement device.
- (6) Each amusement device shall be situated so that the person using the device has a constantly unobstructed view of the doorways that provide ingress or egress from the establishment.
- (7) A minimum of ten (10) foot candles at floor level shall be maintained in every portion of the establishment where the public is admitted.
- (8) Maximum occupancy shall not exceed one person per thirty (30) square feet in any room or partitioned portion of a room that contains an amusement device. The maximum occupancy load shall be conspicuously posted by the operator, and shall remain posted, at the entrance of each room.
- (9) The maximum number of amusement devices shall not exceed the maximum occupancy load permitted in any room or partitioned portion of a room. The maximum number of amusement devices permitted shall be conspicuously posted by the operator, and shall remain posted, at the entrance of each room.

c. ADULT DAY CARE FACILITY STANDARDS.

- i. Purpose.** The purpose of regulating adult day care facilities is to ensure that they adequately protect those who are cared for as well as ensuring compatibility with surrounding uses.
- ii. Use and Operational Standards.**
 - (1) Federal and State Regulations. The facility shall meet or exceed all federal and state standards as they become enacted.
 - (2) Hours of Operation. Hours of operation must be provided in writing by the applicant. The Administrator and/or BZA may alter the requested hours of operation.
- iii. Development Standards.**
 - (1) Fencing. A six (6) foot tall privacy fence shall be installed in the side yard and/or back yard in order to provide a secure outdoor area for clients to enjoy.

d. AGRITOURISM STANDARDS.

- i. Purpose.** The purpose of regulating agritourism is to allow opportunities for limited non-residential activities that make use of the existing rural character and activities in the county. The agritourism use shall be accessory to an active agricultural use on the same site or adjoining site that is under the same ownership.
- ii. Use and Operational Standards.**
 - (1) Hours of Operation. Hours of operation must be provided in writing by the applicant. The Administrator and/or BZA may alter the requested hours of operation for the agritourism use consistent with the character of the land uses in the vicinity and may require additional conditions to ensure adherence to the established hours of operation.
 - (2) Prohibited Uses.
 - (a) A Rural Event Venue (See *Chapter 3.C.3.L: Rural Event Venue Standards (Permanent & Temporary)*).
 - (b) Wineries, breweries, and distilleries not accessory to an active agricultural use.
 - (c) Motorized off-road vehicle racing or other similar motor vehicle activities.
 - (d) Camping or overnight accommodations.
 - (e) 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.
- iii. Utility Standards.**
 - (1) Public restroom facilities, temporary or permanent, shall be provided on site and with approval of the Morgan County Health Department, when required. Year-round operations shall have permanent public restroom facilities. Seasonal operations are not required to have permanent public restroom facilities, unless required by the Morgan County Health Department, but shall have temporary facilities.
- iv. Site Standards.**
 - (1) Access. Access to the facility shall be approved by the Administrator and the Morgan County Highway Department.
 - (2) Bufferyard and Landscaping. Opaque screening, consisting of an earth berm, evergreen screen, or a wall or solid fence, shall be provided near the primary public activity areas on all sides abutting or adjacent to a residential use. The use of natural landscape materials is encouraged. At a written request of the applicant, the Administrator and/or the BZA may grant relief of the screening requirement in specific cases where cause can be shown that the distance between the agritourism and residential use would not require screening.
 - (3) Lighting. Any exterior lighting installed related to an agritourism use or activity shall be appropriately shielded and directed downwards to minimize light pollution.

- (4) Trash Receptacles. Trash receptacles shall be provided. If dumpsters are provided, they shall be placed on a hard surface and shall be completely obscured from view by a solid fence or wall.

v. Procedures.

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

e. CAMPGROUND & RECREATIONAL VEHICLE PARK STANDARDS (PRIVATE & PUBLIC).

i. Purpose.

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

ii. Use and Operational Standards.

- (1) Occupants shall not exceed one hundred and eighty (180) overnight stays within twelve (12) consecutive months. All structures, recreational vehicles, trailers, camping units, tents, and belongings shall be removed from the parcel when the campsite is not occupied.
- (2) No permanent or semi-permanent structures, such as cabins, lean-tos, or other habitable buildings, shall be erected on a campsite. This does not include a campground facility, such as a bathhouse, that is not located on an individual campsite.
- (3) At least one (1) indoor community facility shall be provided for the campground that provides recreational space for the park occupants as well as a storm shelter for occupants during severe weather. The area of the community facility shall be at least two hundred (200) square feet or one percent (1%) of the campground’s gross acreage, whichever is less.

iii. Development Standards.

| CAMPGROUND & RECREATIONAL VEHICLE PARK STANDARDS | |
|--|---|
| Minimum Lot Area | 10 acres |
| Minimum Area: Individual Campsites | 900 sq ft |
| Minimum Setback | 25 ft from local roadways; 50 feet from all other roadways; or zoning district setback, whichever is greater |
| Maximum Density | 25 campsites/acre |
| Minimum Separation | 25 ft between campsites |

iv. Site Standards.

- (1) Entrance Roadway. The entrance roadway to the campground shall be at least twenty-four (24) feet in width. The entrance roadway may be gravel or paved.
- (2) Internal Circulation. All internal roads shall be at least ten (10) feet in width for one-lane roads and at least twenty (20) feet in width for two-lane roads. Internal roads may be gravel or paved.
- (3) Drainage. All areas shall be well drained and designed to provide sufficient space for camping activities, vehicles, sanitary facilities, and appurtenant equipment.
 - (a) The campground shall not be located in an area subject to periodic flooding or located in such a manner as to permit contamination of a private or public water supply. Furthermore, campgrounds shall not be located adjacent to swamps, marshes, railroads, stockyards, industrial sites, or other such locations which would constitute a health or safety hazard.
- (4) Storage. The storage of unoccupied recreational vehicles shall be prohibited.

v. Utilities Standards.

- (1) Sanitation System. Sanitation facilities are required and shall be designed, constructed, and maintained in compliance with the standards approved by the Morgan County Health Department, Indiana State Health Department, or the sewer provider as appropriate.
- (2) Water Supply. A water supply system is required and shall be designed, constructed, and maintained in compliance with the standards approved by the State Health Department or the water provider as appropriate.

vi. Procedures.

- (1) A campground or recreational vehicle park requires Development Plan approval.
- (2) ILPs are required for the construction of primary structures and accessory structures.

f. **CONFINED FEEDING OPERATION STANDARDS (CFO & CAFO).**

- i. **Purpose.** The purpose of these confinement operation standards is to ensure that both the operation and the existing land uses surrounding the operation are protected from the negative impacts that each may cause the other.
- ii. **Development Standards.**

| CONFINED FEEDING OPERATION STANDARDS | | |
|---|--|------------|
| Minimum Lot Width | 400 feet | |
| Minimum Lot Area | 40 acres | |
| Minimum Front Yard Setback ¹ | | |
| Minimum Side Yard Setback ¹ | 100 feet | |
| Minimum Rear Yard Setback ¹ | | |
| Minimum Separation from Incorporated Boundary ¹ | 1/2 mile (2,640 feet) | |
| Minimum Separation from School ¹ | | |
| Minimum Separation from RR, R-1, R-2 & R-3 Zoning Districts ¹ | 1/4 mile (1,320 feet) | |
| Minimum Separation from Public Gathering Place ¹ | | |
| Minimum Separation for Satellite Manure Storage Structures from Existing Residential Use or District ¹ | 1,000,000 gallon/5,000 cu yds capacity or less | 1,000 feet |
| | More than 1,000,000/5,000 cu yds capacity | 1,500 feet |

¹ – Includes any primary and/or accessory structure or improvement utilized in carrying out the operation, including any lagoon, open manure storage area, deep pit manure storage structure, silage storage area, silage storage building or structure, and deep pit manure storage area. Separation is measured from the CAFO structure, use, or area to the property line or incorporated boundary requiring separation. Setbacks are measured as defined in *Chapter 3.A.5: Development Standards Measurement*.

iii. **Site Standards.**

- (1) Access and Driveways.
 - (a) Primary Access. If more than one roadway abuts the property, a confined feeding operation, CFO, or CAFO shall gain primary access from the roadway with the higher classification as defined in the *Thoroughfare Plan*.
 - (b) Truck Access. A confined feeding operation, CFO, or CAFO shall be designed to allow trucks to leave the parcel in a forward motion without backing onto any public roadway.
 - (c) Materials and Maintenance. All driveways, truck turn-arounds, and truck parking must have a dust-free, all-weather surface such as concrete or asphalt. The applicant shall prevent mud, manure, gravel, and other foreign substances from trucks and other equipment being deposited on any public right-of-way.

- (d) Driveway Separation. Any new driveway serving a confined feeding operation, CFO, or CAFO shall be at least two hundred fifty (250) feet from any existing residential driveway, including residential uses within districts such as AG Separation from residential zoning districts shall comply with the development standards in this section.

iv. Procedures.

- (1) Deed Restriction Required. A deed restriction shall be recorded in perpetuity that prevents the established parcel from being reduced or further subdivided. A copy of the recorded restriction shall be submitted prior to the issuance of an ILP.

g. FARMWORKER HOUSING STANDARDS.

i. Purpose. The purpose of establishing farmworker housing standards is to provide support for local agricultural businesses by ensuring year-round housing opportunities for their employees; provide housing close to the farmworkers' place of employment to minimize travel costs and fuel consumption; and help to sustain the community by providing stability for low-income families.

ii. Use and Operational Standards.

- (1) Accessory. Farmworker housing must be accessory to a commercial agricultural use. A farmworker housing unit shall not be permitted to have its own accessory structures.
- (2) Employment. At least one resident of each unit must be employed by the primary agricultural business on the same parcel or adjacent parcel under the same ownership.
- (3) Address. Properties with an approved farmworker housing unit(s) shall maintain the same physical address as the primary structure. The Administrator must approve any deviations from this addressing policy. Other Regulations. Every person, or agent or officer thereof, constructing, operating, or maintaining farmworker housing shall comply with the requirements of this section and all state and local applicable health, safety, and building code standards.

iii. Development Standards.

| FARMWORKER HOUSING STANDARDS | |
|------------------------------|---|
| Maximum Height | 25 feet |
| Minimum Living Area | 220 sq ft/dwelling unit |
| Minimum Setback | 25 feet from local roadways; 50 feet from all other roadways; or zoning district setback, whichever is greater. Must also be located behind the front façade of the primary structure (if present) |

iv. Utility Standards.

- (1) Utilities. All dwelling units shall have water and sewage disposal that is approved by the Morgan County Health Department or available sanitary service provider as appropriate.

v. Site Standards.

- (1) Access. The accessory dwelling shall utilize an existing, permitted driveway that serves the primary dwelling; it shall not be granted a separate driveway from any public right-of-way.
- (2) Parking and Loading. One on-site parking space is required per dwelling unit.

vi. Procedures.

- (1) Permits. An ILP is required for placing (if manufactured) or constructing permanent or temporary farmworker housing in order to ensure that the structure meets all applicable building codes and is safe and habitable.
 - (a) All farmworker housing must comply with the regulations and permitting requirements for the jurisdiction which includes, but is not limited to, building construction, sewage disposal, and water supply, prior to occupancy of the housing units.

h. HOME-BASED BUSINESS STANDARDS.

- i. Purpose.** The purpose of regulating commercial activities in residential dwellings or on residentially or agriculturally zoned parcels is to ensure that they are incidental, compatible uses which do not add significant traffic, noise, or other nuisances to the residential areas in which they are located.
- ii. Use and Operational Standards.**
 - (1) **Location.** The business activity must be conducted entirely within the primary dwelling unit or entirely within an accessory structure upon the same premises as the primary dwelling unit. All accessory structures shall comply with all standards of this UDO.
 - (2) **Employees.** A maximum of six (6) employees shall be allowed on the site per day but no more than two (2) employees may be present on the site at one time, other than the resident (or residents).
 - (3) **Clients.** A maximum of ten (10) clients or business-related visitors shall be allowed on site per day, but no more than two (2) clients or business-related visitors shall be present on the site at one time.
 - (4) **Character.** 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.
 - (5) **Parking and Outdoor Storage.**
 - (a) Parking, display/storage of products/goods, or other items necessary for the home-based business shall be located behind the front elevation of the primary dwelling unit.
 - (b) At the discretion of the Administrator and/or BZA, all parking and outdoor storage areas shall have a solid fence or masonry wall on all sides (excluding driveways) that is a minimum of six (6) feet in height and/or a continuous evergreen screen to provide screening from adjacent properties. Fences shall comply with all regulations of this UDO.
 - (c) Access. No additional access points and/or driveways shall be permitted. Adequate measures shall be taken to maintain safety for trucks entering the public roadway at slower speeds, including but not limited to deceleration/ acceleration lanes or passing blisters.
 - (6) **Hours of Operation.** Business hours shall be limited to Monday through Friday from 7:00 am to 7:00 pm.

i. HOME OCCUPATION STANDARDS.

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

j. JUNKYARDS.

- i. Purpose.** The purpose of the Junkyard standards is to ensure that both the operation and the existing land uses surrounding the operation are protected from the negative impacts that each may cause the other.
- ii. Use and Operational Standards.**
 - (1) Upon receiving an appliance, vehicle, or other material, the battery, lubricants, fluids, coolants, refrigerants, and the similar components and shall be removed and recycled or disposed of same in accordance with all applicable state and federal laws regarding disposal of waste and hazardous materials.
 - (2) Combustible material which can be ignited by an ordinary match shall be placed or stored at least ten (10) feet from any fence or structure.
 - (3) No junkyard shall be used as a dump by the public.
 - (4) No burning of any material shall occur on site.
 - (5) No material shall be placed in any junkyard in such a manner that it is capable of being transferred out of the junkyard by wind, water, or other natural causes. The storing of loose paper and the spilling of flammable or other liquids into the ground, streams, or sewers are prohibited.
- iii. Development Standards.**
 - (1) No portion of a junkyard, impound lot, or salvage yard shall be located within an area designated as a special flood hazard area.
 - (2) No portion of a junkyard used for storage of any materials shall be within two hundred (200) feet of a residential use.
- iv. Site Standards.**
 - (1) All storage of any junk, materials, or similar activity shall be within an enclosed building or fully screened with vegetation, berm, masonry wall, fence, or similar so it is not visible from the street year-round.
 - (2) Any fencing shall be securely locked unless being actively supervised.
 - (3) A fire lane of fifteen (15) feet in width shall be maintained from the main entrance throughout the junkyard, so that no point of the junk yard shall be more than two hundred (200) feet from a fire lane. Internal driveways and fire lanes may be gravel.

k. MANUFACTURED HOME PARK STANDARDS.

- i. Purpose.** The purpose of the Manufactured Home Park standards is to provide housing options for residents, ensure a high-quality living environment within a manufactured home park and assist in providing opportunities for affordable single-family housing.
- ii. Use and Operational Standards.**
 - (1) A resident manager or park manager shall be required to oversee that the ordinances and laws regulating the manufactured home park are observed.
 - (2) Every manufactured home park shall maintain a current register of all occupants, which shall include, at a minimum, the names of all persons residing in the manufactured home park; the make, type and serial or license number of each manufactured home; and a location of the space occupied.
 - (3) Only manufactured homes are permitted within a manufactured home park.
 - (4) No transient or nonpermanent manufactured home or travel trailers shall be located in a licensed manufactured home park.
 - (5) Coin-operated laundries, recreational rooms, and similar amenities may be permitted in manufactured home parks.
 - (6) Wrecked, damaged, or dilapidated homes shall not be kept or stored within the manufactured home park at any time.
 - (7) All construction or alterations within the manufactured home park shall meet the local health and safety standards prevalent within Morgan County in addition to all State standards.
 - (8) All manufactured homes shall be properly underpinned and secured with anchors or straps according to manufacturer's specifications.
 - (9) Manufactured home parks are NOT exempt from the Flood Hazard Ordinance, DNR regulations, or FEMA regulations.

iii. Development Standards.

| MANUFACTURED HOME PARK STANDARDS ¹ | |
|---|---|
| Minimum Park Lot Width | 120 feet or as determined by the zoning district, whichever is greater |
| Minimum Lot Area | 5 acres |
| Minimum Home Site Area | 4,000 sq ft or the Minimum Lot Area for the underlying zoning district, whichever is less |
| Minimum Home Site Width | N/A |
| Minimum Separation between Any Structure | 10 feet |

1 – Unless otherwise stated, development standards from the zoning district apply.

iv. Utility Standards.

- (1) Utility connections for water, sewer, electric, and other necessary utilities shall be provided to each manufactured home site. All service connections shall be stubbed and sleeved/wrapped to allow for settlement/movement through a concrete slab that is: at grade level; a minimum of four (4) square feet; minimum of four (4) inches thick; and sloped to drain.
- (2) Trash. All trash and refuse must be placed in closed containers or within a central enclosure with a solid fence or solid wall on all sides.

v. Site Standards.

- (1) Bufferyards and Fencing. The perimeter of each manufactured home park shall be fully screened with a solid fence or wall that is a minimum of four (4) feet in height.
- (2) Parking and Loading. Two (2) parking spaces shall be provided for each manufactured home stand. The spaces shall be provided either in common facilities within one hundred (100) feet of the stand or within the stand.
- (3) Lighting. Each manufactured home park shall provide street lights at the entrance and along internal roads. Maintenance of all lighting and monthly services fees shall be the responsibly of the park owner.
- (4) Sidewalks.
 - (a) Sidewalks shall be provided on at least one side of all internal roads, be a minimum of four (4) feet in width, and be paved with a suitable material for use in all weather conditions.
 - (b) A three (3) foot sidewalk connection shall be provided to each individual home site from the nearest public sidewalk, street, or parking area. All sidewalk connections shall be paved with a suitable material for use in all weather conditions.

- (5) Roads.
 - (a) Each manufactured home site shall have direct access to a public or private roadway.
 - (b) Design of all entrances and internal roads, public or private, shall provide for emergency vehicle access and meet minimum standards for design and construction as required by this UDO.
- (6) Storage.
 - (a) An open storage area may be provided within the park to store travel trailers, campers, and other recreational vehicles by residents. If provided, the minimum storage area shall be two hundred (200) square feet per home site, and shall be fully screened with a solid fence, wall, and/or gate.
 - (b) Each park shall provide either one or more central storage structures available to all manufactured home sites or a single storage structure for each manufactured home site. Such structures shall be waterproof so they remain relatively unaffected by water and/or weather and are suitable for storage of goods and the usual effects of persons occupying the park.
- (7) Recreational Area. Each park shall provide and maintain a recreational area or areas (such as open space, playground, dry detention areas, etc.) equal in size to at least twenty percent (20%) of the area of the park, generally in a central location. Streets, parking areas, and park service facility areas shall not be included in the calculation of the required recreational area.

vi. Procedures.

- (1) Permits. Permits shall be required for the placement of all individual manufactured homes and their accessory structures.
- (2) Drainage Board Approval. All manufactured home parks shall obtain approval from the Morgan County Drainage Board.

I. RURAL EVENT VENUE STANDARDS (PERMANENT & TEMPORARY).

- i. Purpose.** The purpose of the Rural Event Facility standards is to ensure that the use and establishment of the event facility, either permanent or temporary, remains accessory to the residential or agricultural use of the property and does not have a negative impact on the surrounding agricultural or residential areas.
- ii. Use and Operational Standards.**
 - (1) **Hours of Operation.** All events shall be limited to the hours of 8:00am to 10:00pm (weekdays) or 11:00pm (weekends). All events shall comply with all applicable local nuisance and noise ordinances.
 - (2) **Dust Control.** Dust shall be minimized by reducing vehicle speeds on driveways and parking areas. During dry conditions, the application of water or other approved dust controlling measure is required. Parking areas may be gravel or paved and shall comply with all other standards of *Chapter 4.C.6: Parking & Loading Standards*.
 - (3) **Temporary Venues.** Short-term activities or events that are not reoccurring, do not have permanent or semi-permanent structures, or similar temporary operations shall occur no more than three (3) consecutive days and not more than one (1) time per calendar year. Examples of temporary venues include, but are not limited to, fairs, rural races/rides, one-time weddings, etc.
 - (4) **Permanent Venues.** Activities or events that are reoccurring and have operations that reflect a permanent business do not have limits on the number of consecutive days of operation or number of occurrences per year. Examples of permanent venues include, but are not limited to, wineries, agricultural wedding venues, etc.
- iii. Development Standards.**

| RURAL EVENT VENUE STANDARDS | |
|-----------------------------|---|
| Minimum Lot Area | 3 acres |
| Minimum Setbacks | Minimum Setbacks for the zoning district apply to all permanent and temporary structures, including tents, canopies, stages, dance floors, and similar. |

- iv. Utility Standards.**
 - (1) **Utilities.** The facility shall provide a potable domestic water supply and an on-site sewage disposal/storage or sewer service connection necessary to accommodate the special event that is approved by the Morgan County Health Department.
- v. Site Standards.**
 - (1) **Lighting.** All outdoor lighting associated with the special event shall be turned off by 10:00pm (weekdays) or 11:00pm (weekends) and conform to *Chapter 4.C.5: Lighting Standards*.
- vi. Procedures.**
 - (1) **Development Plan Requirements.** All rural event venues require development plan approval and shall include a plan for traffic, parking, sewage disposal/storage, and

circulation plan. All required state and local permits and licenses must be provided with the development plan. In addition, the BZA may make specific findings and may establish conditions relative to:

- (a) The physical design and operating characteristics of the facility;
- (b) The intensity of the proposed use and density of the surrounding area;
- (c) The distance to surrounding sensitive elements, including residents and livestock;
- (d) The type of sound potentially generated by the facility and what allowances for amplified sound may take place;
- (e) The allowed number of events per year and the frequency of events;
- (f) Traffic, parking, and vehicle circulation;
- (g) Sewage disposal and/or storage; and
- (h) Compliance with all state and local permits and licenses.

m. SOLAR ENERGY SYSTEM STANDARDS (COMMERCIAL).

- i. **Purpose.** The purpose of these standards is to provide an opportunity for a solar harvesting operation for commercial use while ensuring that specific conditions are met to protect the health, safety, and welfare of the general public.
- ii. **Use and Operational Standards.**
 - (1) Decommissioning. A decommissioning plan, prepared by a professional engineer, shall indicate the method and payment of the anticipated cost of removing the commercial solar energy system at the end of their serviceable life or upon their becoming a discontinued or abandoned use to ensure that the commercial solar energy systems are properly decommissioned within one (1) year of discontinuance/abandonment. The decommissioning plan shall include, at a minimum, the following:
 - (a) Assurance. The cost of removal and site restoration is the full responsibility of the applicant and/or owner/operator. Written assurance that the solar energy system will be properly decommissioned upon the expiration of its serviceable life or in the event of their discontinuance or abandonment. A cost estimate, prepared by a professional engineer or professional with suitable experience in the decommissioning of wind power devices, shall be accepted by the PC. An evergreen or irrevocable bond, parent company guarantee, irrevocable letter of credit, or cash escrow account shall be provided by the applicant/owner that is equal to the accepted cost estimate as allowed by Indiana Code.
 - (b) Discontinuation. Any commercial solar energy system shall be considered abandoned and a discontinued use after six (6) months without energy production, unless a plan is developed by the owner or applicant and approved by the Administrator outlining the steps and a schedule for returning the commercial solar energy system to service.
 - (c) Removal. An applicant's obligations shall include removal of all physical material pertaining to the project improvements to no less than a depth of four (4) feet below ground level. Said work shall be completed within one (1) year of the discontinuation or abandonment of the commercial solar energy system. The restoration of the project area shall result in as near as practicable the condition of the site immediately before construction of such improvements.
 - (d) Written Notices. Prior to implementing procedures to resolve any alleged failure to comply with the decommissioning plan, the appropriate jurisdictional body shall first provide written notice to the owner and/or operator, setting forth the alleged default(s). Such written notice shall provide the owner and/or operator a reasonable time period, not to exceed sixty (60) days, to resolve the alleged default(s).
 - (e) Costs Incurred by the Jurisdiction. If the jurisdiction removes a commercial solar energy system and/or appurtenant facilities, it may sell the salvage to defray the costs of removal. Each permittee, by virtue of the issuance of its construction permit or inspection certificate, grants a license to the jurisdiction to enter the property and to remove all commercial solar energy systems and/or appurtenant facilities pursuant to the terms of its approved decommissioning plan.

- (2) Nuisances. Any commercial solar energy system, structure, or portion thereof declared to be unsafe by the Administrator or Building Inspector, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, damage, or abandonment, is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the approved decommissioning plan.

iii. Development Standards.

| SOLAR ENERGY SYSTEMS (COMMERCIAL) STANDARDS | |
|---|--|
| Maximum Height | 20 feet (measured from lowest grade below each panel to the highest point of each panel at its maximum tilt in the vertical direction) |
| Minimum Setbacks from Residential Dwelling | 150 feet from residential dwelling structure |

- iv. Utility Standards.** All electrical wires and utility connections for a commercial solar energy system shall be installed underground, except for transformers, inverters, substations, and controls.

v. Site Standards.

- (1) Access. The operator of a commercial solar energy system must provide a Knox Box with keys to the site and equipment lockers on site at the main entrance or an alternative emergency access solution to the site approved by the Administrator.
- (2) Bufferyards and Fencing.
 - (a) Visual Buffers. A commercial solar energy system shall have, to the extent reasonably practicable, a visual buffer of natural vegetation, plantings, earth berms, and/or fencing that provides a reasonable visual and lighting screen to reduce the view of the system from any adjacent residential zoning districts (including those lots located across a public right-of-way).
 - (b) Fencing. All sites must have a completely fenced perimeter with solid fencing that is at least six (6) feet in height.

vi. Procedures.

- (1) Permits. An ILP is required prior to the construction, erection, placement, modification, or alteration of any solar energy system. Footing inspections shall be required for all facilities having footings. All facilities containing electrical wiring shall be subject to the provisions of the applicable electrical code, as amended.

n. SOLAR ENERGY SYSTEM STANDARDS (PERSONAL).

- i. Purpose.** The purpose of these standards is to provide an opportunity for a solar harvesting operation for personal use while ensuring that specific conditions are met to protect the health, safety, and welfare of the general public.
- ii. Use and Operational Standards.**
 - (1) Location.
 - (a) Roof-mounted solar energy systems shall be placed only on the roof of a conforming structure. All roof-mounted systems shall provide written confirmation that is stamped and signed by a Professional Engineer indicating that the roof will support the proposed system.
 - (b) Ground-mounted solar energy systems shall be placed behind the front facade of the primary structure in R-1, R-2, and R-3 zoning districts.
 - (2) Nuisances. Any accessory solar energy system, structure, or portion thereof declared to be unsafe by the Administrator or the Building Inspector, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, damage or abandonment is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition, or removal in accordance with best practices.
- iii. Development Standards.**
 - (1) Setbacks. Ground-mounted accessory solar energy systems shall conform to the setbacks for accessory structures per the zoning district.
- iv. Procedures.**
 - (1) Permits. An ILP is required prior to the construction, erection, placement, modification, or alteration of any personal solar energy system.

o. WIND ENERGY CONSERVATION SYSTEM (WECS) STANDARDS (COMMERCIAL & PERSONAL).

- i. Purpose.** The purpose of these standards is to assure the proper development, installation, and production of wind-generated electricity is safe and effective; to facilitate economic opportunities for property owners and businesses; and to minimize the impacts on area residents and the environment through reasonable restrictions that preserve public health and safety.
- ii. Applicability.**

 - (1) WECS systems that generate electricity to be sold in wholesale or retail markets; systems with an aggregate generating capacity of 30kwh or more; and systems with towers height of one hundred (100) feet or greater shall meet the standards for commercial WECS.
 - (2) WECS systems that are designed to serve the needs of a home, farm, or business located on the same parcel as the system with a tower height of less than one hundred (100) feet shall meet the standards for personal WECS.
 - (3) All standards in this section apply to both commercial and personal WECS unless specified.
- iii. Use and Operational Standards.**

 - (1) Industry Standards. Commercial and Personal WECSs shall conform to applicable industry standards. For commercial WECS only, the applicant shall submit certificate(s) of design compliance that wind turbine manufacturers have obtained from Underwriters Laboratories, Det Norske Veritas, Germanishcher Lloyd Wind Energie, or an equivalent third party.
 - (2) Independent Certification and Inspection. The applicant shall provide an independent inspection prior to the issuance of a Certificate of Occupancy by a Professional Engineer licensed in the State of Indiana. The inspection shall certify that the foundation and tower design of the WECS is within accepted professional standards, given local soil and climate conditions, and such elements were constructed properly.
 - (3) Other Regulations. The WECS shall comply with all applicable local, state, and national construction and electrical codes as well as relevant national and international standards.
 - (4) Safety.

 - (a) Braking System. All WECS shall be equipped with a redundant braking system. This includes both aerodynamic over speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a failsafe mode. Stall regulation shall not be considered a sufficient braking system for over speed protection.

- (b) Warning Signs for Commercial WECS.
 - (i) A warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and Substations.
 - (ii) A sign shall also be posted near the tower or operations and maintenance office building that contains emergency contact information.
 - (iii) A warning sign concerning falling ice shall be placed at every entrance driveway.
- (c) Hazardous Materials. All spent lubricants and cooling fluids shall be properly and safely removed in a timely manner from the site.
- (d) Guy Wires. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of not less than fifteen (15) feet from the ground; or visible fencing of at least four (4) feet in height shall be installed around anchor points.
- (e) Anti-Climbing. All WECS facilities shall be designed to prevent unauthorized access to the electrical and mechanical components and shall have locking access doors on all towers and facilities that are kept securely locked at all times when service personnel are not present. All WECS facilities shall also include anti-climbing devices such as: fences with locking portals at least six (6) feet high; or anti-climbing devices fifteen (15) feet vertically from the base of the WECS tower.
- (5) Electromagnetic Interference. No utility grid wind energy system shall be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antennae for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception unless the applicant provides a replacement signal to the affected party that will restore reception to at least the level present before operation of the wind energy system. No utility grid wind energy system shall be installed in any location within the line of sight of an existing microwave communications link where operation of the wind energy system is likely to produce electromagnetic interference in the link's operation unless the interference is insignificant.
- (6) Noise. The sound pressure level shall not exceed an hourly average sound level of 50 dB(A)-weighted decibels, as modeled at the outer wall of an affected dwelling.

iv. Development Standards.

- (1) Setbacks, Commercial WECS.
 - (a) All commercial WECS shall have a setback from all property lines, structures, and overhead electrical transmission/distribution lines of 1.1 times the height of the tower (where the blade tip is at its highest point), as measured from the center of the tower at the foundation.
 - (b) All commercial WECS shall have a setback from any residentially zoned parcel of one thousand (1,000) feet, as measured from the center of the tower at the foundation.

(c) All commercial WECS shall have a setback from any platted residential subdivision or municipal boundary of fifteen hundred (1,500) feet, as measured from the center of the tower at the foundation.

(2) Setbacks, Personal.

(a) All personal WECS shall be have a setback from all property lines of at least 1.1 times the height of the tower (where the blade tip is at its highest point) as measured from the center of the tower at the foundation.

(b) All components of a personal WECS, including guy wire anchors, shall be at least ten (10) feet from any property line.

(c) All personal WECS shall be located behind the front façade of the primary structure in R-1, R-2, and R-3.

(3) Visual Impact for Commercial WECS.

(a) All commercial WECS shall use tubular towers and all utility grid wind energy systems in a project shall be finished in a single, non-reflective matte finish color of white, gray, or other non-obtrusive color.

(b) All commercial WECS shall be constructed using wind energy systems of similar design, size, operation, and appearance throughout the project. No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades.

(4) Blade Clearance. The minimum distance between the ground and any protruding blade(s) utilized shall be thirty (30) feet for a commercial WECS or fifteen (15) feet for a personal WECS, as measured at the lowest point of the arc/tip of the blades as it is fully rotated downward.

v. Utility Standards.

(1) All WECS electrical collection cables between each WECS shall be located underground unless they are located on public or utility rights-of-way or with prior approval from the Administrator.

(2) All other utilities for commercial WECS shall be placed underground, when feasible.

vi. Procedures.

(1) Complaint Resolution Plan. A complaint resolution plan is required for all commercial WECS that identifies the process to resolve complaints from nearby residents concerning the construction or operation of the project.

(2) Decommissioning for Commercial WECS. A decommissioning plan, prepared by a professional engineer, shall indicate the method and payment of the anticipated cost of removing the commercial wind energy conservation system at the end of their serviceable life or upon their becoming a discontinued or abandoned use to ensure that the WECS is properly decommissioned within one (1) year of discontinuance/abandonment. The decommissioning plan shall include, at a minimum, the following:

- (a) Assurance. The cost of removal and site restoration is the full responsibility of the applicant and/or owner/operator. Written assurance that the WECS will be properly decommissioned upon the expiration of its serviceable life or in the event of their discontinuance or abandonment. A cost estimate, prepared by a professional engineer or professional with suitable experience in the decommissioning of wind power devices, shall be accepted by the PC. An evergreen or irrevocable bond, parent company guarantee, irrevocable letter of credit, or cash escrow account shall be provided by the applicant/owner that is equal to the accepted cost estimate as allowed by Indiana Code.
 - (b) Discontinuation. Any WECS shall be considered abandoned and a discontinued use after six (6) months without energy production, unless a plan is developed by the owner or applicant and approved by the Administrator outlining the steps and a schedule for returning the commercial solar energy system to service.
 - (c) Removal. An applicant's obligations shall include removal of all physical material pertaining to the project improvements to no less than a depth of four (4) feet below ground level. Said work shall be completed within one (1) year of the discontinuation or abandonment of the WECS. The restoration of the project area shall result in as near as practicable the condition of the site immediately before construction of such improvements.
 - (d) Written Notices. Prior to implementing procedures to resolve any alleged failure to comply with the decommissioning plan, the appropriate jurisdictional body shall first provide written notice to the owner and/or operator, setting forth the alleged default(s). Such written notice shall provide the owner and/or operator a reasonable time period, not to exceed sixty (60) days, to resolve the alleged default(s).
 - (e) Costs Incurred by the Jurisdiction. If the jurisdiction removes a WECS and/or appurtenant facilities, it may sell the salvage to defray the costs of removal. Each permittee, by virtue of the issuance of its construction permit or inspection certificate, grants a license to the jurisdiction to enter the property and to remove all WECS and/or appurtenant facilities pursuant to the terms of its approved decommissioning plan.
- (3) Application for Commercial WECS. In addition to the submittal requirements for a Special Exception, the following shall be provided as part of the application for all Commercial WECS:
- (a) Federal Compliance. The facility shall certify all structures comply with Federal Aviation Administration (FAA) and Federal Energy Regulatory Commission requirements.
 - (b) Environmental Analysis. The site plan and other documentation shall show mitigation measures to minimize potential impacts on the natural environment including, but not limited to, wetlands and other fragile ecosystems, historical and cultural sites, and antiquities, as identified in an environmental analysis.
 - (c) Shadow Flicker Impacts. A site plan and other documents and drawings shall be submitted to show the mitigation measures to minimize potential impacts from shadow flicker.

- (d) Documentation that sound pressure level, construction code, tower, interconnection (if applicable), and safety requirements have been reviewed and the submitted site plan is prepared to show compliance with these issues.
- (e) Proof of the applicant's public liability insurance for the project.
- (f) A copy of that portion of all the applicant's lease(s) with the land owner(s) granting authority to install the anemometer tower and/or utility grid wind energy system; legal description of the property, lease unit(s); and the site plan showing the boundaries of the leases as well as the boundaries of the lease unit boundary.
- (g) The phases, or parts of construction, with a construction schedule.
- (h) The project area boundaries.
- (i) The location, height, and dimensions of all existing and proposed structures and fencing.
- (j) The location, grades, and dimensions of all temporary and permanent on site and access drives from the nearest street.
- (k) All new infrastructure above ground related to the project.
- (l) A copy of Manufacturers' Material Safety Data Sheet(s) which shall include the type and quantity of all materials used in the operation of all equipment including, but not limited to, all lubricants and coolants.
- (m) The decommissioning plan.
- (n) The complaint resolution plan.
- (o) In addition to the above, utility grid wind energy systems only shall also submit the following:
 - (i) A copy of a noise modeling and analysis report and the site plan shall show locations of equipment identified as a source of noise which is placed, based on the analysis, so that the wind energy system will not exceed the maximum permitted sound pressure levels. The noise modeling and analysis shall conform to IEC 61400 and ISO 9613. After installation of the utility grid wind energy system, sound pressure level measurements shall be done by a third party, qualified professional according to the procedures in the most current version of ANSI S12.18. All sound pressure levels shall be measured with a sound meter that meets or exceeds the most current version of ANSI S1.4 specifications for a Type II sound meter. Documentation of the sound pressure level measurements shall be provided to the Administrator within sixty (60) days of the commercial operation of the project.
 - (ii) A visual impact simulation showing the completed site as proposed on the submitted site plan. The visual impact simulation shall be from four viewable angles.
 - (iii) A copy of an Environment Analysis by a third-party qualified professional to identify and assess any potential impacts on the natural environment including, but not limited to wetlands and other fragile ecosystems, historical and cultural

sites, and antiquities. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis, and shall show those measures on the site plan. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.

- (iv) A copy of a shadow flicker analysis at occupied structures to identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sunrise to sunset over the course of a year. The site plan shall identify problem areas where shadow flicker may affect the occupants of the structures and show measures that shall be taken to eliminate or mitigate the problems.
- (v) A site plan that shows the restoration plan for the site after completion of the project.

p. WIRELESS COMMUNICATION FACILITY STANDARDS.

- i. **Purpose.** The purpose of these regulations is to ensure that the siting of new wireless communication facilities are appropriately placed and in compliance with current state statute procedures.
- ii. **Use and Operational Standards.**
 - (1) Location. Wireless communication facilities shall not be located within the boundaries of any legally platted and recorded residential subdivision, except 5G/mini towers.
- iii. **Procedures.** In accordance with IC 8-1-32.3, the following procedures shall apply to the application and approval for construction of a new wireless support structure, substantial modification of a wireless support structure, or collocation of wireless facilities on an existing structure.
 - (1) Application. The following information shall be submitted with an application for a new wireless support structure, a substantially modified wireless support structure, or collocation of a wireless facility:
 - (a) Application Information. 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.
 - (b) Location.
 - (i) The location of the proposed or affected wireless support structure or wireless facility; and
 - (ii) If a new wireless structure is proposed, evidence supporting the choice of the location for the proposed wireless support structure, including a sworn statement from the individual responsible for the choice of location demonstrating that collocation of wireless facilities on an existing wireless support structure was not a viable option because collocation:
 - 1. Would not result in the same wireless service functionality, coverage, and capacity;
 - 2. Is technically infeasible; or
 - 3. Is an economic burden to the applicant.
 - (c) Construction Plans. Construction plans 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.
 - (d) Findings of Fact. For an application that requires a Special Exception, evidence showing that the application complies with the applicable criteria shall be submitted. The criteria for a Special Exception under IC 36-7-4-918.2 shall comply with *Chapter 7.C.4: Special Exceptions, Variances from Development Standards & Variances of Use.*

- (e) Review of Application. Upon receipt of an application for a new or significantly modified wireless support structure, the Administrator shall promptly review it for completeness. Within ten (10) business days of receiving the application, the Administrator shall notify the applicant of whether the application is complete and whether a public hearing will be required.
 - (i) Failure to Notify. If the Administrator fails to notify the applicant within ten (10) business days whether the application is complete shall be considered a non-final zoning decision in accordance with IC 36-7-4-1602(c), with the applicant consequently entitled to expedited judicial review of the non-final zoning decision.
- (f) Public Hearing.
 - (i) Public Hearing Required. When a public hearing is required for a Special Exception, the BZA shall conduct the hearing and take final action within a reasonable period of time. Public hearings are required for all new wireless structures or modifications to a previously approved wireless structure that modifies the height, setback, location, or other development standards.
 - (ii) Public Hearing Not Required. When a public hearing is not required, the Administrator shall take final action on the request within a reasonable period of time after the application is filed. A public hearing is not required for maintenance or replacement of existing equipment that does not modify the height, setback, or location of the structure; or the collocate of a wireless facility if the height, setback, or location is not modified.
- (g) Deadline for Final Action. For purposes of *Subsection (e): Review of Application* above, “reasonable period of time” shall be determined as follows:
 - (i) Collocation Only. If the request involves an application for collocation only, a reasonable period of time is not more than forty-five (45) days from the date that the applicant is notified by the Administrator that the application is complete. An application for collocation only is not subject to a public hearing before the BZA, but the Administrator may review the application for compliance with applicable building code requirements before issuing an ILP.
 - (ii) New Wireless Support Structure. If the request involves an application for an ILP to construct a new wireless support structure, a reasonable period of time is not more than ninety (90) days from the date that the applicant is notified that the application is complete. The BZA shall conduct a public hearing on the request and shall make a decision on the request at the meeting at which it is first presented. Decisions made by the BZA after a public hearing conducted in accordance with this section are considered zoning decisions for purposes of IC 36-7-4 and are subject to judicial review under the IC 36-7-4-1600 series.
 - (iii) Substantial Modification of a Wireless Support Structure. If the request involves an application for an ILP for substantial modification of a wireless support structure, a reasonable period of time is not more than ninety (90) days from the date that the applicant is notified that the application is complete. The BZA shall conduct a public hearing on the request and shall make a decision on the request at the meeting at which it is first presented. Decisions made by the BZA

after a public hearing conducted in accordance with this section are considered zoning decisions for purposes of IC 36-7-4 and are subject to judicial review under the IC 36-7-4-1600 series.

- (iv) Additional Time for Applicant Amendment. If an applicant has requested additional time to amend its application or requested or agreed to a continuance during the review or hearing process, then the period of time prescribed by the above sections shall be extended for a corresponding amount of time.
- (v) Failure to Take Action. Failure by the Administrator or the BZA to take final action on a request within a reasonable period of time shall be considered a non-final zoning decision in accordance with IC 36-7-4-1602(c), with the applicant consequently entitled to expedited judicial review of the non-final zoning decision.
- (h) Additional Rules. In accordance with IC 8-1-32.3 and notwithstanding IC 36-7-4 or any rules adopted by the BZA, the following provisions apply to all application submitted under this section:
 - (i) Limitation on Fees.
 - 1) 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.
 - 2) 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.
 - 3) A fee described in this section may not include:
 - a. Travel expenses incurred by a third party in its review of an application; or
 - b. Direct payment or reimbursement of third-party fees charged on a contingency basis.
 - (ii) Non-discrimination. The Administrator or the BZA may not discriminate among communications service providers or public utilities with respect to the following:
 - 1) Approving applications, issuing permits, or otherwise establishing terms and conditions for construction of wireless or wireline communications facilities.
 - 2) Authorizing or approving tax incentives for wireless or wireline communications facilities.

- 3) Providing access to rights-of-way, infrastructure, utility poles, river and bridge crossings, and other physical assets owned or controlled by the applicable jurisdiction.
- (iii) Fall Zone Limitation. The Administrator or the BZA may not impose a fall zone requirement for a wireless support structure that is larger than the area within which the structure is designed to collapse, as set forth in the applicant’s engineering certification for the structure. However, a fall zone requirement that is larger than the area described above may be imposed if the Administrator or the BZA provide evidence that the applicant’s engineering certification is flawed. This evidence must include a study performed by a professional engineer.
- (iv) All Other Land Use and Development Standards Apply. These additional rules do not affect the ability of the applicable jurisdiction to exercise other zoning, land use, planning, or other development standards with respect to the siting of new wireless support structures; or exempt the applicant from complying with applicable laws and ordinances concerning land use.
- (v) Federal Standards Apply. In reviewing applications and conducting hearings, the Administrator and the BZA shall comply with all applicable provisions of Section 332(c)(7)(B) of the Federal Telecommunications Act of 1996 as in effect on July 1, 2015, and Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 as in effect on July 1, 2015.
- (vi) Information Not Required. Neither the Administrator nor the BZA may require an applicant to submit information about or evaluate an applicant’s business decisions with respect to the applicant’s designed service, customer demand, service quality, or desired signal strength to a particular location.
- (vii) Confidential Materials. All meetings of the BZA are subject to the Open Door Law in accordance with IC 5-14-1.5. However, neither the Administrator nor the BZA may release to the public any records that are required to be kept confidential under Federal or State law, including the trade secrets of applicants, as provided in the Access to Public Records Act (IC 5-14-3) and any other applicable laws.
- (viii) Consolidation of Multiple Applications. The Administrator shall allow an applicant to submit a single consolidated application to collocate multiple wireless service facilities, or for multiple small cell facilities that are located within the applicable jurisdiction and that comprise a single small cell network. Whenever a consolidated application is approved, the Administrator shall issue the applicant a single ILP for the multiple facilities, or for the small cell network, in lieu of issuing multiple permits for each respective facility.
- (ix) Conditions for Use of Utility Poles or Towers. Neither the Administrator nor the BZA may require or impose conditions on an applicant regarding the installation, location, or use of wireless service facilities on utility poles or electrical transmission towers.

CHAPTER 4: SITE DEVELOPMENT STANDARDS

A. Intent. All new structures, structural relocations, structural additions, structural enlargements, demolitions, new land uses, and land use changes are subject to the following site development standards of *Chapter 4: Site Development Standards* after the effective date of this UDO. The intent of these standards is to provide for property owner needs while protecting the health, safety, and welfare of the public.


B. Applicable Site Development Standards. The following development standards for specific site conditions, as it relates to each applicable, are detailed in this chapter.

| SITE DEVELOPMENT STANDARDS | |
|----------------------------|--|
| 1. | Accessory Structure Standards |
| 2. | Architectural Standards |
| 3. | Driveway & Access Management Standards |
| 4. | Landscaping Standards |
| 5. | Lighting Standards |
| 6. | Parking & Loading Standards |
| 7. | Sign Standards |
| 8. | Storage Standards |
| 9. | Structure Standards |
| 10. | Trash & Receptacle Standards |

C. Development Standards for Specific Site Conditions. The following site standards apply to each specific use to provide additional regulations for the purpose identified.

1. ACCESSORY STRUCTURE STANDARDS.

- a. **Intent.**
- b. **Applicability.** These standards apply to all zoning districts within the jurisdiction, unless otherwise noted.
- c. **Location.**
 - i. An accessory structure shall meet all setback and structure height requirements as listed in the applicable zoning district development standard tables.
 - ii. Accessory structures shall not be constructed within any type of easement.
 - iii. All accessory structures that require a permit shall be located at or behind the front building façade unless otherwise stated in this UDO unless within the AG, I1, or I2 districts.
 - iv. Accessory structures that do not require a permit are allowed in the front yard except swing sets, trampolines, and similar play structures.
- d. **Subordinate.**
 - i. An accessory structure shall be ancillary and complementary to the use of the primary structure.
 - ii. Accessory structures shall be subordinate in height, area, bulk, and extent to the primary structure except within the AG, I1, and I2 districts.
 - iii. The total square footage of all accessory structures cannot exceed the square footage of the primary structure except within the AG, I1, and I2 districts.
- e. **Permits.**
 - i. **Permits Not Required.** The following accessory structures are permitted in all zoning districts and may be installed without an Improvement Location Permit (ILP). All accessory structures are still required to meet all applicable accessory structure standards.
 - (1) Landscape vegetation, fences, slabs/patios, paved sports courts, swing sets, children's treehouses, bird baths, bird houses, lamp posts, mail boxes, name plates, poles for basketball net, utility installation for local/home services (including cable, fiber, and Wi-Fi but excluding solar and wind), retaining walls, ponds, walks, drainage installations, and housing for domestic pets provided it is not for profit and does not constitute a "kennel" as defined in *Chapter 8: Definitions*.

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- ii. Permits Required. The following accessory structures are permitted in all zoning districts, require an ILP, and shall meet all applicable requirements of the UDO.
 - (1) Accessory buildings and structures that are greater than two hundred (200) square feet unless specifically noted otherwise, such as pole barns, decks, garages, carports, enclosed patios, above-ground swimming pools, in-ground swimming pools, bath houses, gazebos, shelter houses, cabanas, greenhouses, solar/wind structures (free standing, co-located, and attached), storage sheds, and stables.
 - (2) Signs as set forth in this ordinance.
 - (3) New or expanded parking lots for commercial and/or industrial uses.
 - (4) Temporary storage containers as set forth in this ordinance.
 - (5) Wireless communications facilities both free-standing and those co-located upon an existing or pre-approved wireless communication facility.
 - f. **Cluster Box Units and Neighborhood Unit Centers (Postal Kiosks).**
 - i. Cluster Box Units (CBU) and Neighborhood Unit Centers (NUC) shall be required for all new residential subdivisions (including new phases) and new or remodeled multi-family developments unless alternative mail delivery is approved by the United States Postal Service (USPS).
 - ii. All CBUs and/or NUCs shall be approved by USPS and conform with all requirements of USPS, including but not limited to USPS POM Section 631 Modes of Delivery and Section 632: Mail Receptacles.
 - iii. All CBUs and NUCs that are freestanding from the primary structure (not directly connected or part of the primary structure) shall obtain an ILP prior to installation.
 - iv. CBUs and NUCs shall be installed, repaired, and maintained by the property owner and/or homeowner's association. The County is not responsible for any CBUs and/or NUCs.
 - v. The character and materials of all CBUs and NUCs shall be consistent with the character and materials of the overall development.
 - g. **Fences and Walls.** The following shall apply to all fences and walls unless otherwise regulated within the I-69 Overlay District.
 - i. Design and Placement.
 - (1) No fence shall be constructed or designed so that it creates a traffic hazard or is hazardous or dangerous to persons or animals.
 - (2) Razor wire, barbed wire, and electrified fences (excluding underground pet fence systems) are prohibited unless for agricultural or industrial purposes and uses. If used for agricultural or industrial purposes, these fence types shall not be permitted in any front yard.
 - (3) Fences must be located at least five (5) feet from a public right-of-way.
 - (4) Fences shall not be located within any type of easement.

- (5) Fences do not need to comply with accessory structure setbacks and may be placed up to the property line. Structural supports for any fence shall face inward.
- (6) Height.
 - (a) RR, R-1, R-2, and R-3: Fence height shall not exceed three (3) feet in height in a front yard and six (6) feet in a rear and side yard. Note that a corner lot has two (2) front yards.
 - (b) AG, B-1, B-2, and B-3: Fence height shall not exceed six (6) feet in height in a front yard and ten (10) feet in a rear and side yard. Note that a corner lot has two (2) front yards.
 - (c) I-1, I-2, and AI: Fence height shall not exceed ten (10) feet in height.

ii. I-69 Overlay District Fence and Wall Materials.

- (1) Permitted and prohibited materials within the I-69 Overlay District are listed in *Table 1: I-69 Overlay Fence and Wall Materials*.
- (2) If a wall or fence has a different building material from the primary structure, the wall or fence must be setback a minimum of eight (8) feet behind the front building façade of the primary structure.

| TABLE 1: I-69 OVERLAY FENCE AND WALL MATERIALS | |
|---|--|
| Permitted Materials | <ul style="list-style-type: none"> • Brick • Stone (natural and manufactured) • Decorative metal (wrought iron or wrought iron in appearance) • Finished wood (stained or painted) • Areas requiring security: <ul style="list-style-type: none"> ○ Decorative metal fencing with a spike or curved top profile ○ Razor/concertina/barbed wire mounted inside a solid fence or wall only with the written approval of the Administrator based on the visibility of the fence |
| Prohibited Materials (unless not visible from any adjacent parcel or street) | <ul style="list-style-type: none"> • Non-solid and/or unfinished wood • Chain link (with or without slats) • Non-decorative corrugated metal • Electrified fences • Razor/concertina/barbed wire |

h. Swimming Pools.

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

2. ARCHITECTURAL DESIGN STANDARDS.

- a. **Intent.** Architectural design standards are intended to promote quality design, improve the appearance of development, and promote structure longevity. Structures shall be thoughtfully designed in a manner that visually and functionally complements the existing topography. Architectural variation is encouraged.
- b. **Applicability.** These standards only apply to the I-69 Overlay District, unless otherwise noted.
- c. **Building Elevations and Facades.**
 - i. Building facades shall have a defined base or foundation, a middle or modulated wall, and a top formed by a pitched roof or articulated, three-dimensional cornice.
 - ii. Building facades that are ninety (90) feet or greater in length shall have offsets at least every sixty (60) feet. However, if a structure is less than 10,000 square feet in gross floor area, at least one (1) offset shall be provided every forty (40) feet.
 - iii. Offsets must extend the entire vertical plane (height) of the building façade and be at least two (2) feet in depth. The length of all offsets shall comprise least twenty percent (20%) of the length of the building façade.
 - iv. Architectural elements (such as arcades, columns, pilasters) may meet the offset requirements if such architectural elements meet the minimum offset requirements of this section.
 - v. Building facades visible from the I-69 right-of-way must be constructed with similar building material quality and level of architectural detail as the front façade of the building.
- d. **Openings.** Design elements of the building façade must be organized such that openings (including windows, doors, and architectural design elements resembling openings) line up horizontally and vertically with other openings. Openings must be arranged in a balanced, relatively uniform fashion. Exceptions may be permitted if openings are organized in an aesthetically pleasing manner and constitute an essential architectural design element appropriate for the building type, scale, orientation, location, and site.
- e. **Gutters and Downspouts.** Gutters and downspouts must be visually integrated with the architectural style of the structure. The color of gutters and downspouts must complement or be consistent with the building materials.
- f. **Roofs.**
 - i. **Pitched Roofs.** Pitched roofs must be simply and symmetrically pitched and only in the configuration of gables and hips, with pitches ranging from 4:12 to 14:12. If standing seam panels are used, they must be made of non-reflective material and must be: gray, black, dark blue, dark green, barn red, or dark brown. Modulation of roof planes and/or roof lines is required to eliminate the appearance of box-shaped buildings.
 - ii. **Flat Roofs.** Flat roofs are permitted if edged by a parapet wall with an articulated, three-dimensional cornice. Parapet walls must be fully integrated into the architectural design of the building to create seamless design transitions between the main building mass and roof-mounted architectural elements, which must include screening elements for roof-mounted equipment. Variation of roof lines is required in order to eliminate the appearance of box-shaped buildings. Adjacent roof sections must have a minimum height difference of five (5)

feet. The horizontal roof line length without variation cannot exceed sixty percent (60%) of the total length of the building's roof line.

- iii. **Dormers and Cupolas.** Dormers and cupolas must be designed with appropriate details, proportions, and style consistent with the overall building composition and roofed with symmetrical gable, hip, or barrel roofs.
- iv. **Appurtenances.** All visible vents, turbines, flues, and other roof penetrations must be: oriented to minimize their visibility from adjacent streets and properties; and painted to match the color of the roof or painted flat black.
- g. Main Entrances.** Buildings must be designed with a main entrance and at least two (2) window openings associated with the main entrance. Building entrances must be clearly defined and articulated by at least two (2) architectural elements (e.g. lintels, pediments, columns, awnings) appropriate to the architectural style of the building. The location, orientation, proportion, and style of doors should complement the style of the building.
- h. Windows.** All window designs must be compatible with the style, materials, color, detailing, and proportion of the building. The number of window panes, quantity of window openings, window trim, and other window accent design elements must complement the style of the building. Window trim or other window accent design elements are required for all windows.
- i. Awnings.** Fixed or retractable awnings are permitted if they complement the building's style, materials, colors, and architectural detailing. Awnings must be made of a non-reflective material and kept in good repair. Awnings used to comply with the architectural design requirements of this section cannot be removed unless the building façade would otherwise comply with such architectural design requirements without such awnings.
- j. Building Materials.**
 - i. **Permitted Materials.** Building facades may be constructed from masonry or glass, as defined below, or other materials or products providing the same desired durability and quality. Products other than those listed must be approved by the Design Review Board.
 - (1) **Masonry** includes all masonry construction composed of solid, cavity, faced, or veneered-wall construction, unless otherwise approved by the Plan Commission or Design Review Board. Stone material used for masonry construction may consist of granite, sandstone, slate, limestone, marble, or other hard or durable all-weather stone. Ashlar, cut stone, and dimensioned stone construction techniques are acceptable. Brick material used for masonry construction must be composed of hard fired (kiln-fired) all-weather standard size brick or other all-weather facing brick.
 - (2) **Glass** includes glass curtain walls or glass block construction. A glass curtain wall must be defined as an exterior wall that carries no floor or roof loads, and which may consist of a combination of metal, glass, and other surfacing materials supported in a metal framework.
 - ii. **Prohibited Materials.** Vinyl siding, and aluminum siding are prohibited on all buildings within the I-69 Overlay District.
 - iii. **Material Proportions.** Building facades must include a repeating pattern that includes color changes, texture changes, and/or material changes. No more than twenty-five (25%) of each building façade (excluding windows, doors, and loading berths) may be covered with metal,

fiber cement siding, polymeric cladding, E.I.F.S., or stucco. Increased and enhanced use of architectural ornamentation is required around building entrances and on building facades visible from I-69.

- iv. **Building Maintenance.** The exposed walls and roofs of buildings must be maintained in a clean, orderly, and attractive condition, free of cracks, dents, punctures, breakage, and other forms of visible marring. Materials that become excessively faded, chalked, or otherwise deteriorated must be refinished, repainted, or replaced.
- k. **Accessory Building and Structure Architecture.** Accessory buildings must be architecturally compatible with the primary structure with which they are associated.
 - i. Trash enclosures (including garbage containers, pallet storage areas, trash compactors, recycling areas, and other similar facilities) within the I-69 Overlay District must comply with the following requirements:
 - (1) Trash enclosures must be oriented to minimize their visibility from I-69, abutting rights-of-way, and adjacent properties.
 - (2) Trash enclosures shall not be located within any required yard setback.
 - (3) Screening shall include a solid enclosure on all sides not less than six (6) feet in height above grade or two (2) feet above the receptacle, whichever is greater. The solid enclosure must be constructed of materials that match or complement the principal building.
 - (4) Trash enclosures must be equipped with opaque gates oriented away from residential properties or rights-of-way, where possible. Enclosures with swinging, movable doors must be kept closed when the doors are not in use.
 - l. **Loading Berths.** Loading berths must be oriented to minimize their visibility from I-69, abutting rights-of-way, and adjacent properties. Loading berth enclosures may be utilized to accomplish the design objectives of this subsection. Loading berths must be screened, to the extent reasonably necessary, by installing solid, opaque walls or fences. Mounds or berms may be used, or utilized in combination with walls or fences, to provide screening.
 - m. **Mechanical Equipment.** Satellite dishes, mechanical equipment, and other similar improvements must be completely and permanently screened from view of rights-of-way and adjoining properties. For ground-mounted equipment, screening methods include a mound or berm, an opaque wall or fence, or combination thereof. Fence and wall materials must match or complement the primary structure. For roof-mounted equipment, screening methods must include parapet walls, enclosures, or other similar architectural elements that match or complement the primary structure.

3. DRIVEWAY & ACCESS MANAGEMENT STANDARDS.

- a. **Intent.** The purpose of these standards is to ensure adequate installation of driveways and access to public rights-of-way that prevent and reduce the possibility for vehicular conflict and prevent drainage issues as well as damage to the existing right-of-way.
- b. **Applicability.** These standards apply to all zoning districts within the jurisdiction, unless otherwise noted.

c. Permit Required.

- i. Except within a platted subdivision, any new or expanded access to a public right-of-way, such as a driveway or curb cut, shall require a Driveway Permit per Chapter 96 of the Morgan County Code of Ordinances.
- ii. Driveways or access points onto INDOT roadways must obtain a permit from the respective agency and shall coordinate with Morgan County.
- iii. All driveways must be inspected prior to installation for drainage assessment.

d. Driveway Separation. Driveways must be adequately separated from roadway intersections and other driveways to minimize vehicular conflict and safety hazards. Unless approved by the Administrator and/or County Engineer, the minimum separation between an intersection and any driveway shall comply with the following:

| ROAD CLASSIFICATION ¹ | MINIMUM SEPARATION OF DRIVEWAY ^{2, 3} |
|--|---|
| Local Road/Another Driveway | 80 Feet |
| Major Collector/Minor Collector | 120 Feet |
| Principal Arterial or Minor Arterial | 150 Feet |
| All Road Classifications (I-69 Overlay District) | 200 Feet |
| Between Driveways (I-69 Overlay District) | 400 feet (same side of street) or 200 feet (opposite side of street) unless aligned squarely ⁴ |

1 – Roadway classification shall be in accordance with the Morgan County Thoroughfare Plan.

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

3 – If a driveway cannot meet the separation requirements from an intersection because of the parcel width, one (1) driveway is permitted at the furthest point from the intersection.

4 – Opposing curb cuts or driveways must align squarely or be offset by at least 200 feet

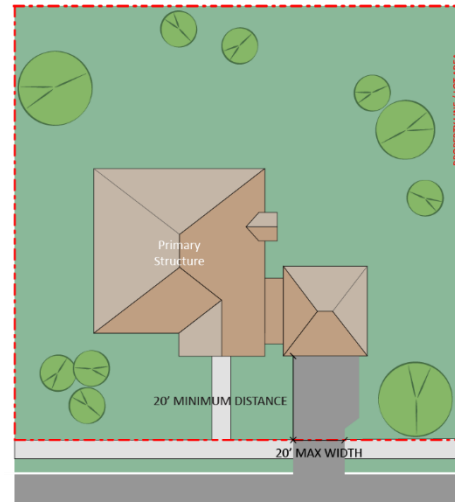
e. Driveway Location. All driveway locations must be approved prior to construction by the Highway Department, County Engineer, or their designee.

f. Agricultural Driveways. Driveways that serve agricultural uses may be gravel or other compacted material.

g. Residential Driveways.

- i. Six (6) or Less Dwelling Units. Private Driveways that serve six (6) or less dwelling units shall:
 - (1) Be permitted to be gravel.
 - (2) Have a twenty (20) foot minimum easement.
 - (3) Shall have a written and recorded road maintenance agreement with the parcels that access the private driveway and must be approved by the Administrator (if more than one dwelling).

- ii. More than Six (6) Dwelling Units. Private Driveways that serve more than six (6) dwelling units shall be public roads and be constructed in accordance with the residential road standards as outlined in *Table 10: Minimum Design Standards*.
- iii. Residential driveways must be at least twenty feet (20) feet in length between the primary structure and the nearest edge of sidewalk or edge of roadway if a sidewalk does not exist.
- iv. Residential driveways serving one (1) dwelling unit cannot exceed twenty (20) feet in width at the right-of-way or edge of roadway. Driveways may widen after passing the back edge of the sidewalk or ten (10) feet from the right-of-way, whichever is greater.



Example Residential Driveway Length/Width

h. Commercial and Industrial Driveways.

- i. Driveways must be graded and surfaced with an all-weather paving material such as asphalt, concrete, or other material that will provide equivalent protection against potholes, erosion, and dust and must be constructed in accordance with the industrial and commercial road standards as outlined in *Table 10: Minimum Design Standards*.
- ii. All shared driveways shall have a written and recorded road maintenance agreement with the parcels that access the private driveway and must be approved by the Administrator.

i. Access Standards.

- i. All development shall comply with the *Morgan County Thoroughfare Plan*.
- ii. In a parcel that adjoins or includes an existing public road that does not conform to the minimum right-of-way dimension as established by the *Table 10: Minimum Design Standards* and/or the *Morgan County Thoroughfare Plan*, the developer shall dedicate additional right-of-way width as required to meet this UDO and/or the *Morgan County Thoroughfare Plan*.
- iii. The developer may be required to provide deceleration lanes, acceleration lanes, passing blisters, or other improvements to the public road system when a subdivision connects to a freeway/expressway, arterial (principal or minor), or collector (major or minor).
- iv. Public and private streets shall align and connect with existing or planned streets and provide for connections with adjacent property. Proposed streets must extend to the boundary line of the parcel to be developed, unless approved by the Administrator, to provide for normal circulation of traffic within the vicinity.
- v. I-69 Overlay District Access Standards.
 - (1) Driveways within the I-69 Overlay District cannot gain access directly from any Arterial or Collector roadway unless no other access is available.

- (2) Developments must provide a vehicular connection between adjacent lots or parcels, or stub connections if adjacent sites are not developed, in order to encourage and facilitate circulation without directly accessing public streets.
- (3) Frontage roads are required. Developments must preserve rights-of-way for future frontage roads. Frontage roads should be placed between outlots and primary buildings on a site.
- (4) Cul-de-sacs are discouraged and are only permitted where such street continuation is prevented due to topography or other physical condition, or unless such extension is found by the Plan Commission to be unnecessary.
- (5) Access roads must be provided for parcels that abut the I-69 right-of-way through either:
 - (a) Dedicated public right-of-way; or
 - (b) A private roadway that is constructed to industrial and commercial road standards as outlined in *Table 10: Minimum Design Standards*.

j. Easement Standards.

- i. All access easements shall be approved by the Administrator and recorded by the property owner.
- ii. All access easements for commercial and industrial development shall include public access.
- iii. Any private shared access roads shall have a written and recorded road maintenance agreement with the parcels that access the road and must be approved by the Administrator.
- iv. I-69 Overlay District Cross-Access Easements. When required by this section, each property owner (“Grantor”) within the I-69 Overlay District must execute a cross-access easement instrument in favor of the adjoining property owner (“Grantee”) that is approved by the Administrator.
- v. I-69 Overlay District Private Street Easements. When required by this Overlay, each property owner (“Grantor”) within the I-69 Overlay District must execute a private street easement instrument in favor of the owner of the parcel (“Grantee”) to which the private street provides access that is approved by the Administrator.

4. LANDSCAPING STANDARDS.

- a. Intent.** The purpose of these standards is to maintain community character through quality design and visual appearance; minimize conflicts between land uses through buffers and screening higher-intensity land uses from lower-intensity land uses; and minimize potential nuisances such as dirt, noise, glare, and similar impacts between properties.
- b. Applicability.** These standards apply to all zoning districts within the jurisdiction, unless otherwise noted.
- c. General.**
 - i.** Development that requires a fence or wall may be exempt if the adjacent property owner has previously installed a wall or fence that complies with the standards in this section.
 - ii.** Each developer or owner is required to install a bufferyard and plantings on their parcel as it develops, even if the developer on an adjacent parcel has also installed a bufferyard.
 - iii.** All fences or walls shall comply with *Chapter 4.C.1: Accessory Structure Standards*.
 - iv.** The following plants shall not be used to satisfy any requirements of this section.

| PROHIBITED TREE LIST | | | |
|----------------------|------------------|---------------------|--|
| Genus | Specific Epithet | Common Name | Justification for Prohibition |
| Acer | platanoides | Norway Maple | Invasive |
| Ailanthus | altissima | Tree of Heaven | Invasive |
| Albizia | julibrissin | Mimosa | Invasive |
| Alnus | glutinosa | Black Alder | Invasive |
| Fraxinus | species | Ash | Emerald Ash Borer Insect Susceptibility |
| Morus | alba | White Mulberry | Invasive |
| Paulownia | tomentosa | Princess Tree | Invasive |
| Phellodendron | amurense | Amur Cork Tree | Invasive |
| Pyrus | calleryana | Callery Pear | Invasive, including 'Bradford' and other hybrids |
| Quercus | acutissima | Sawtooth Oak | Invasive Potential |
| Triadica | sebifera | Chinese Tallow Tree | Invasive |
| Ulmus | pumila | Siberian Elm | Invasive |

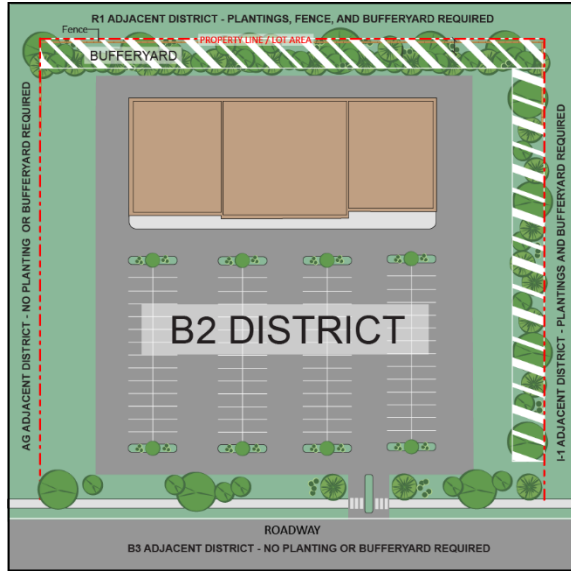
| PROHIBITED SHRUB LIST | | | |
|-----------------------|------------------|-----------------------|--|
| Genus | Specific Epithet | Common Name | Justification for Prohibition |
| Berberis | vulgaris | Common Barberry | Invasive Potential |
| Berberis | thunbergii | Japanese Barberry | Invasive |
|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

d. Landscape Plan Required.

- i. A landscape plan shall be submitted:
 - (1) If a development plan is required; and for
 - (2) All development within the I-69 Overlay District.

e. Perimeter Planting, Wall, Fence, and Berm Requirements.

- i. All development shall be required to install plantings, walls, and/or fences and provide a bufferyard as outlined by *Table 2: Perimeter Planting, Wall, Fence, and Requirements*.



Example Bufferyard Requirement

- ii. Bufferyard requirements are stated in terms of the width of the bufferyard measured from the property line inward. This area may include required front, side, or rear setback (bufferyards are not in addition to required setbacks).
- iii. The number of plant units required is stated per one hundred (100) linear feet, as measured along the property line. Groundcover may supplement any required plantings.
- iv. Any fraction of a required tree or shrub shall be rounded up to the whole number.
- v. If the development borders a jurisdictional boundary outside that of this ordinance, the plantings, wall and/or fence requirements used shall be based on the zoning district most comparable to that of this UDO at the discretion and approval of the Administrator.
- vi. Perimeter planting requirements shall be applied to all sides of a parcel (front yards, side yards, and rear yards). Fence, wall, and berm requirements do not apply to front yards.

TABLE 2: PERIMETER PLANTING, WALL, FENCE & BERM REQUIREMENTS

| Subject Property Zoning District | Adjacent Zoning District | Minimum Plantings Required per 100 Linear Feet ² | Minimum Bufferyard Required |
|-----------------------------------|---|---|-----------------------------|
| All Districts (Except AG) | Abutting I-69 Right-Of-Way ¹ | <ul style="list-style-type: none"> Option A: 4 Shade Trees, 4 Evergreen Trees, and 5 Shrubs² Option B: 2 Shade Trees, 2 Evergreen Trees, and 20 Shrubs² | 15 ft |
| | | AG | No Plantings Required |
| RR R-1 R-2 R-3 | AI, I-1 & I-2 | <ul style="list-style-type: none"> 6 Shade Trees, 16 Evergreen Trees, and 18 Shrubs² Wall, Fence, or Berm³ | No Bufferyard Required |
| | B-1, B-2 & B-3 | <ul style="list-style-type: none"> 2 Shade Trees, 4 Evergreen Tree, and 6 Shrubs² Wall, Fence, or Berm³ | |
| | AG | No Plantings Required | |
| B-1 B-2 B-3 | RR, R-1, R-2 & R-3 | <ul style="list-style-type: none"> 6 Shade Trees, 16 Evergreen Trees, and 18 Shrubs² Wall, Fence, or Berm³ | 25 ft |
| | AI, I-1 & I-2 | <ul style="list-style-type: none"> 2 Shade Trees, 4 Evergreen Tree, and 6 Shrubs² | No Bufferyard Required |
| | AG | No Plantings Required | |
| AI I-1 I-2 | RR, R-1, R-2 & R-3 | <ul style="list-style-type: none"> 8 Shade Trees, 20 Evergreen Trees, and 22 Shrubs² Wall, Fence, or Berm³ | 50 ft |
| | B-1, B-2, & B-3 | <ul style="list-style-type: none"> 6 Shade Trees, 16 Evergreen Trees, and 18 Shrubs² Wall, Fence, or Berm³ | |
| | AG | No Plantings Required | No Bufferyard Required |

1 – A landscape buffer of at least 15 feet in width shall be provided along any property line(s) abutting the right-of-way of I-69.
 2 – Plantings required per 100 Linear Feet (including driveways)
 3 – Fence or wall: Must be solid and minimum of 6 feet in height; Berm: Minimum 5 feet in height at peak and maximum 3:1 slope that is contained inside bufferyard.

- f. **I-69 Overlay District Additional Plantings Requirements.** The following applies to all development within the I-69 Overlay District. Any plantings used to satisfy the requirements of this section may also be used to satisfy the requirements of Perimeter Planting Requirements.

| TABLE 3: I-69 OVERLAY DISTRICT ADDITIONAL PLANTINGS | |
|---|---|
| Foundation Plantings Required ¹ | Minimum Plantings Required per 100 Linear Feet ² |
| Along Fences, Walls, Loading Berths, and Other Barriers | • 3 shade or ornamental trees and 6 shrubs |
| Along Front Building Façade | • 8 shrubs or ornamental trees |
| Along Building Façade Visible from I-69 Right-of-Way | • 7 shrubs or ornamental trees |
| Street Trees Required ³ | Minimum Plantings Required per 100 Linear Feet ² |
| Street frontage | • 2 shade trees |

1 – Foundation plantings must be located within 15 feet of the building façade, fence, wall, berth, or barrier and must be located within a planting bed that is at least 6 feet in width and length.

2 – Plantings required per 100 Linear Feet.

3 – Street trees shall be provided within the right-of-way or within 10 feet of the right-of-way. Any plantings within the right-of-way shall be approved by the Administrator.

g. **Parking Lot Landscaping.**

- i. Parking Lot landscaping shall be provided as outlined in *Chapter 4.C.6.h: Parking Lot Islands and Landscaping*.

h. **Location.**

- i. 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.
- ii. Plantings shall avoid interference with overhead and underground utilities and shall provide a five (5) foot minimum setback from water and sewer lines.
- iii. Landscape materials shall not be planted in rights-of-way or easements without permission from the Administrator and the easement holder unless otherwise required by this UDO.
- iv. Required plantings shall be located within the required bufferyard. If a bufferyard is not required, all plantings shall be located on the outer perimeter of a lot or parcel and shall not have any buildings or structures between the plantings and parcel boundary.
- v. Plantings shall not obstruct driveways or public road sight distance.

i. **Substitutions.**

- i. Perimeter plant types may be substituted at the discretion of the Administrator to accommodate rights-of-way, drainage easements, and utility easements.
- ii. Evergreen trees may be substituted for shade trees at the discretion of the Administrator.

j. **Installation Requirements.**

- i. All plantings must be suitable for Morgan County’s soils, climatic conditions, and the plant’s solar exposure.

- ii. In cases where landscaping cannot be completed prior to building occupancy due to weather or other conditions, a temporary occupancy permit may be issued with a commitment the landscaping be installed within one hundred twenty (120) days of the issuance of the permit.
- iii. At the time of installation, the minimum plant sizes shall include:

| PLANT TYPE | MINIMUM SIZE |
|-----------------|--|
| Shade Trees | 2" caliper or 2.5" caliper within I-69 Overlay 8' height |
| Evergreen Trees | 5' height (All Other Districts) 6' height (I-69 Overlay District) |
| Shrubs | 18" height |

- iv. I-69 Overlay District. A minimum of fifty percent (50%) of the required trees and thirty percent (30%) of the required shrubs must be species native to Central Indiana.

k. Maintenance.

- i. The property owner is responsible for the regular maintenance of all landscaping materials to keep them in good condition. All landscape materials shall be alive, healthy, and free from disease and pests, and all landscaped areas shall be properly drained, regularly maintained, and free of weeds, dirt, trash, and debris.
- ii. All plant material that dies must be replaced by the property owner within six (6) months in order to maintain the approved landscape plan.
- iii. Failure to maintain minimum landscape materials is a violation of the UDO subject to the provisions of *Chapter 7.F.5: Enforcement*.

5. LIGHTING STANDARDS.

- a. **Intent.** The intent of these standards is to minimize the intrusion of lighting across property lines and to avoid disrupting the quality of life of residents.
- b. **Applicability.** These standards apply to all zoning districts within the jurisdiction, unless otherwise noted.
- c. **Exemptions.** The following are exempt from requirements of this section.
 - i. All outdoor light fixtures permitted prior to the adoption of the UDO are exempt from the shield requirements of this Section, except that when an outdoor light fixture becomes inoperable, the replacement light fixture must comply with the standards of this Overlay.
 - ii. Lighting used for landscaping, recessed lighting in eaves with low wattage, low wattage carriage lights, ceiling mounted porch lights, and dusk-to-dawn lights no more than fifteen (15) feet above grade.
 - iii. All low wattage residential accent and landscape lighting fixtures having a maximum output of 1600 lumens (equal to one 100-watt incandescent light) per fixture.
 - iv. All hazard warning lighting required by Federal and State regulatory agencies.
 - v. All temporary emergency lighting required by local law enforcement, emergency service, and utility departments.
 - vi. All traffic control and directional lighting.
 - vii. All underwater lighting used for the illumination of swimming pools and water features is exempt from the lamp type and shielding standards of this UDO.
 - viii. All lighting for temporary festivals and carnivals.
- d. **General Lighting Standards.**
 - i. All light fixtures shall be installed in compliance with Indiana Electrical Building Code.
 - ii. In any district where provided, permanent outdoor lighting shall be of a design and size that is harmonious with the design of the building, the type of land use, and the type of adjacent land uses. All lighting fixtures within a single development must be consistent in style, design, height, size, and color throughout the development.
 - iii. All lighting must be shielded with opaque material to prevent direct lighting on streets, alleys, and adjacent properties. Furthermore, all lighting elements used to cast light on building facades, features of buildings, or signs must have cutoff luminaires with “down lighting.”
 - iv. Lighting fixtures for parking lots must all be consistent in color, size, height, and design. Furthermore, fixtures shall not exceed twenty-five (25) feet in height and all lighting elements must have cutoff luminaires with “down lighting.”
 - v. Lighting from a property may not cause illumination beyond the property line of that property.
 - vi. Excessive brightness, flashing lights, and brilliant colors are not permitted, excluding seasonal displays.

e. Lighting Plan Required.

- i. A lighting plan shall be submitted:
 - (1) If a development plan is required; and
 - (2) All development within the I-69 Overlay District.

f. I-69 Overlay District Additional Lighting Standards. In addition to the general lighting standards, the following apply to all development within the I-69 Overlay District.

- i. I-69 Overlay District Prohibited.
 - (1) The use of laser source light or other similar high-intensity light for outdoor advertising, except when otherwise permitted in conjunction with a permitted sign, when projected above the horizontal.
 - (2) The operation of searchlights and floodlights for advertising purposes.
 - (3) The use of any lighting source on towers except as required by the Federal Aviation Administration.
 - (4) The illumination of signs larger than two-hundred (200) sq ft.
- ii. Color Temperature. The color temperature of any outdoor light source must not exceed 3500 Kelvin. Outdoor light sources used exclusively for colorful decorative illumination of certain building façade or landscape features are exempt from this requirement.
- iii. I-69 Overlay District Multi-Family Residential, Business, and Industrial.
 - (1) All light fixtures, except for internally-illuminated signs or Electronic Signage, must be positioned in such a manner so no light emitting surface is visible from a residential lot or right-of-way when viewed at ground level.
 - (2) Light meter readings cannot exceed 0.2-foot candles at the property lines.
 - (3) All lights on poles, stands, or mounted on a building must have a shield, adjustable reflector, and non-protruding diffuser.
 - (4) All canopy structures must have lights with diffusers that are recessed and cannot extend below the surface of the canopy as measured on a plane parallel with the earth's surface.
 - (5) Lighting under awnings and canopies must only illuminate a front building façade, a sign under the canopy, or the sidewalk, but must not illuminate the awning or canopy itself.
 - (6) All parking area lighting for nonresidential uses must be reduced (such as being turned off or dimmed) by a minimum of thirty percent (30%) within thirty (30) minutes of closing of the last business, but no later than 11:00 p.m.
 - (7) Outdoor sports or recreation facilities cannot be illuminated after 11:00 p.m., except to conclude a scheduled recreational or sporting event in progress prior to 11:00 p.m.
 - (8) The off-street parking areas and service facility areas for multi-family residential uses must have sufficient lighting facilities located and adjusted so the glare or beam is directed away from any adjoining property, street, or multi-family dwelling window.

iv. I-69 Overlay District Sign Lighting.

- (1) Light fixtures used to illuminate a sign, other than a monument sign or an internally-illuminated sign, must be mounted on top of or above the sign structure and must comply with the shielding requirements of this section.
- (2) Light fixtures used to illuminate ground mounted and monument signs may be illuminated with a ground mounted or bottom mounted light fixture, provided the light fixture is fully shielded and all light output is directed onto the sign surface.
- (3) Lamps utilized for the internal illumination of wall signs must be turned off within thirty (30) minutes of closing of the last business but no later than 11:00 p.m.

6. PARKING & LOADING STANDARDS.

- a. **Intent.** The purpose of these standards is to require minimal parking standards, minimize risk to the natural environment, and minimize pedestrian and vehicular conflict in order to ensure public health, safety, and welfare.
- b. **Applicability.** These standards apply to all zoning districts within the jurisdiction, unless otherwise noted. All parking standards within this section shall be met if one of the following occur:
 - i. An ILP for a new primary structure is obtained;
 - ii. Expansion of an existing parking lot by more than ten percent (10%) of the existing size; or
 - iii. A second (or subsequent) expansion of an existing parking lot that did not meet the ten percent (10%) threshold.
- c. **Permit Required.**
 - i. All new parking lots or the expansion of existing parking lots for commercial and/or industrial uses shall require an ILP.
- d. **Required Parking Spaces.**
 - i. The location and minimum number of parking spaces shall be required as outlined by land use in *Table 4: Minimum Parking Requirements*. The number of spaces required is intended to provide a minimal or low threshold; additional parking is permitted that exceeds these minimums to adequately serve the development and anticipated residents, employees, and/or visitors.
 - ii. Any fraction of a required parking space shall be rounded up to the whole number.
 - iii. **Parking Reductions.**
 - (1) The required number of spaces for all residential uses, including multi-family dwellings, shall not be reduced.
 - (2) The Administrator may reduce the minimum number of parking spaces required in *Table 4: Minimum Parking Requirements* if the applicant provides:
 - (a) Calculations showing the minimum number of spaces needed by using the most recent version of the Institute of Transportation Engineers (ITE) "Parking Generation" or
 - (b) Documentation that the required parking for the specific use exceeds the parking need.

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

e. General Parking and Loading Design.

- i. All parking areas shall conform to state and federal requirements regarding handicap accessibility.
- ii. Parking spaces and loading areas shall be located and constructed to prevent vehicles from maneuvering in the public right-of-way or backing into a public street, access way, or alley.
- iii. All parking spaces and loading areas shall maintain a setback of ten (10) feet from property lines and rights-of-way, or the width of the required setback, whichever is greater. Additionally, parking lots within the I-69 Overlay District cannot be located within any required perimeter landscape buffer.
- iv. Parking areas 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. Agricultural uses are exempt from this standard.
 - (1) At the written discretion of the Administrator, a gravel surface may be used for a period not exceeding six (6) months after the date of issuing the Certificate of Occupancy where ground conditions are not immediately suitable for permanent surfacing as specified in this section.
- v. Parking spaces shall be provided with bumper guards or wheel stops along the perimeter of the parking area so that no part of a parked vehicle will extend beyond the boundary of the parking area.
- vi. Any use which fronts upon and utilizes access to a primary or secondary arterial shall provide and utilize a common frontage or access lane for the purpose of access, parking, and loading.

- vii. All parking areas and loading areas shall be striped and channelized as appropriate. Parking spaces shall be marked and access lines clearly defined, including directional arrows to guide internal movement and directional signs as necessary.
- viii. All uses that transport goods by truck delivery shall provide loading berth(s) that is a minimum of twelve (12) feet by forty-five (45) feet with a fourteen (14) foot height clearance. Loading and unloading berths must be a minimum distance of one hundred (100) feet from the nearest residential use. Lighting shall be in accordance with *Chapter 4.C.5: Lighting Standards*.
- ix. Lighting shall comply with *Chapter 4.C.5: Lighting Standards*.

f. Dimensions.

- i. Each parking space shall be a minimum of ten (10) feet wide and twenty (20) feet long; handicapped parking spaces shall conform to state and federal requirements.
- ii. Parallel parking spaces shall be a minimum of nine (9) feet wide and twenty-two (22) feet long
- iii. Parking aisle widths shall conform with *Table 5: Parking Aisle Width*.

| TABLE 5: PARKING AISLE WIDTH | | |
|------------------------------|-----------------|-----------------|
| Parking Angle | One-Way Traffic | Two-Way Traffic |
| 0 Degrees | 10 Feet | 18 feet |
| 30 Degrees | 11 Feet | 20 Feet |
| 45 Degrees | 13 Feet | 21 Feet |
| 60 Degrees | 18 Feet | 23 Feet |
| 90 Degrees | 24 Feet | 24 Feet |

g. Shared Parking.

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

h. Parking Lot Islands and Landscaping.

- i. Parking lot islands and landscaping shall be provided for all parking lots with twenty (20) or more parking spaces in accordance with *Table 6: Parking Lot Islands and Landscaping*.
- ii. I-69 Overlay. Landscaping shall be provided for parking lots within the I-69 Overlay in accordance with *Table 7: I-69 Overlay Parking Lot Perimeter Landscaping*.

TABLE 6: PARKING LOT ISLANDS AND LANDSCAPING

| | |
|---|---|
| Minimum Island Requirements | <ul style="list-style-type: none"> • End of every parking row; and • No more than 15 spaces in a row |
| Minimum Island Dimension¹ | <ul style="list-style-type: none"> • 8 feet by 16 feet; and • Bordered by a concrete curb on at least 2 sides |
| Minimum Island Landscaping² | <ul style="list-style-type: none"> • 1 canopy tree and 3 shrubs per island; and • Ground cover, mulch, or stone |

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

2 – Plantings located in islands shall not count towards required plantings in *Chapter 4.C.4: Landscape Standards*.

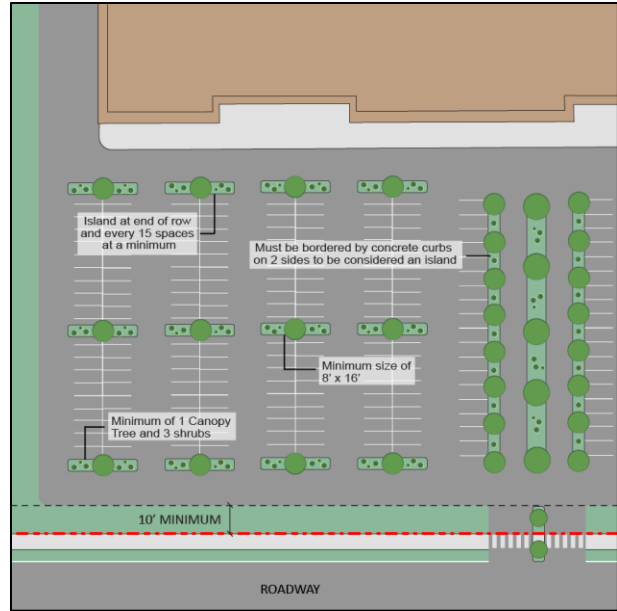
TABLE 7: I-69 OVERLAY PARKING LOT PERIMETER LANDSCAPING

| | |
|---|---|
| Threshold | <ul style="list-style-type: none"> • Parking lots with 10 or more spaces that are located: <ul style="list-style-type: none"> • Between a building and the I-69 right-of-way; • Within a front, side, or rear yard setback; or • Within 20 feet of the parcel boundary or right-of-way boundary. |
| Minimum Planting Are Dimension¹ | <ul style="list-style-type: none"> • 5 feet wide; and • Extend along the entire perimeter of the parking area |
| Minimum Island Landscaping² | <ul style="list-style-type: none"> • 1 canopy tree and 3 shrubs per 30 linear feet of parking area perimeter length |

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

2 – Plantings located in islands shall not count towards required plantings in *Chapter 4.C.4: Landscape Standards*.

- i. **Maintenance.** All parking areas, loading areas, and landscape islands shall be maintained in good condition and free of weeds, dirt, trash, and debris.



Example Parking Island Requirements

7. SIGN STANDARDS.

- a. **Intent.** The purpose of signage standards is to permit the location, physical characteristics, and duration of signs to further the goals of the *Comprehensive Plan*. These regulations are intended to eliminate potential hazards to motorists and pedestrians; avoid the proliferation of signs visual clutter of corridors; encourage signs that are compatible in scale with structures and site features; and improve the aesthetic appearance of the County to promote the health, safety, and welfare of residents.
- b. **Applicability.** These standards apply to all new signs in all zoning districts within the jurisdiction, unless otherwise noted.
- c. **Permit Required.**
 - i. An ILP is required for all permanent signs located, erected, constructed, and reconstructed, moved, or structurally altered unless otherwise stated in this section. Temporary signs do not require a permit unless otherwise indicated.
 - ii. All signs located along state-owned right-of-way shall obtain proper sign permits or written authorization from INDOT (if required) prior to seeking approval for an ILP.
 - iii. Sign Plan Required. All signs must be shown on a site plan for all development that requires a Development Plan.
- d. **General Sign Standards.**
 - i. **Inspection.** A sign for which a permit is required may be inspected periodically by the Administrator or designee for compliance with this UDO and other codes of the jurisdictions.
 - ii. **Sign Maintenance.**
 - (1) All signs, including the frame, illumination, supporting structures, and all components, shall be properly installed and be kept in a state of good repair. If failure to maintain a sign is determined by the Administrator, a written notice shall be given to the owner, business operator and/or lessee of the property giving a thirty (30) day notice for repair and compliance. Penalties shall be imposed after the thirty (30) day notice according to *Chapter 7.F.5.e: Penalties*.
 - (2) Sign maintenance that replaces any portion of the sign that does not change any dimension, color, location, or other feature does not require an ILP. If a sign is replaced in whole, an ILP is required.
 - iii. **Removal of Signs.** The Administrator may order the removal of any illegal, nonconforming sign erected or maintained in violation of this UDO or any previous ordinance. Any cost associated with signs removed pursuant to the provisions of this UDO, shall be reimbursed by the owner of said sign. Should said sign not be retrieved within ten (10) days of its removal, it may be disposed of in any manner deemed appropriate by the Administrator.
 - (1) **Removal of Permanent Signs.** A thirty (30) day written notice describing the violation and ordering either the removal of the sign or requiring the sign to be brought into compliance shall be given to the owner and/or business operator. The Administrator may remove a permanent sign immediately and without notice if the condition of the sign presents an immediate threat to the safety of the public.

- (2) Removal of Temporary Signs. No notice shall be given for removal of Temporary Signs.
- iv. Abandoned Signs. All signs, their mountings, and related components shall be removed by the owner or lessee of the premises upon which the signs are located when a business is no longer conducted on the premises. If the owner or lessee fails to remove the sign, the Administrator shall give the owner thirty (30) days written notice to remove it. Upon failure to comply with this notice, the Administrator may remove the sign. Any cost associated with sign removal pursuant to the provisions of this UDO shall be reimbursed by the owner of said sign. Should said sign not be retrieved within ten (10) days of its removal, it may be disposed of in any manner deemed appropriate by the Administrator.
- e. **Sign Illumination.**
- i. All permanent signs are permitted to be internally or externally illuminated unless otherwise specified in the UDO; temporary signs shall not be illuminated.
- ii. All illuminated signs must meet Indiana Electrical Code, as amended, and all lighting requirements outlined in *Chapter 4.C.5: Lighting Standards* in addition to the following standards:
- (1) All illuminated signs shall be located, shaded, or shielded so that the light intensity is not objectionable to surrounding properties.
 - (2) No sign shall have blinking, flashing, rotating, revolving, or fluttering lights, nor shall any device be utilized which has a changing light intensity, brightness of color, or gives such illusion.
 - (3) The direct or reflected light from a primary light source shall not create a traffic hazard to operators of motor vehicles on public and/or private roadways.
 - (4) All electrical wiring for permanent signs shall be in conduit.
 - (5) An Exempt Sign may be illuminated according to the provisions of this chapter but may not be flashing or animated.
- f. **Electronic Variable Message Signs (EVMS).** In addition to the standards for Sign Illumination, all EVMS shall also comply with the following standards:
- i. Messages displayed on the sign must remain unchanged for at least eight (8) seconds.
 - ii. The direct or reflected light from the EVMS primary light source shall not create a traffic hazard to operators of a motor vehicles on nearby roadways.
 - iii. No sign containing an EVMS as a component shall be located within one hundred fifty (150) feet of any signalized intersection of two (2) or more streets.
 - iv. Drive-thru menu boards that utilize EVMS are exempt from the above EVMS standards but shall comply with all other applicable sign standards.

- g. **Exempt Signs.** The following are exempt from the signage standards set forth in this section.

| EXEMPT SIGNS | |
|-------------------------|--|
| Addresses | Street addresses to provide adequate property identification that does not exceed two (2) sq ft. |
| Building Identification | Names of buildings, date of erection, monumental citations, commemorative information, and similar information. Must be carved into the stone, concrete, or similar material or made of bronze, aluminum, or other permanent type construction and made an integral part of the structure. |
| Decorations | Temporary decorations customarily associated with a national, local, or religious holiday and are displayed for less than thirty (30) days. |
| Flags | Flags of any nation, state, city, other political unit, or institution of higher learning. |
| Non-Visible | Signs that are not visible from any public right-of-way or any adjacent parcel. |
| Operational | Operational information such as hours, restroom signage, directional signage, visitor parking signage, menus, or similar information and do not exceed two (2) sq ft. |
| Political Signs | Political campaign signs in accordance with <u>IC 36-1-3-11</u> . |
| Public Safety | Safety information and warnings such as "Beware of Dog," "Private Property," "No Trespassing," or similar. |
| Required Postings | Items required by local, state, or federal law (such as rezoning signs, traffic signs, wayfinding signs, emergency signs, etc.) |
| Scoreboards | Outdoor scoreboards used in conjunction with legally established sports field. This only includes the functional portion of the sign used to display scores, game time, etc. |
| Utility signage | Information and warnings for public and private utility infrastructure unless determined to be a hazard by the Administrator. |

h. Prohibited Signs. The following types of signs shall be prohibited in all zoning districts.

| PROHIBITED SIGN TYPES | |
|-----------------------|--|
| Animated Signs | Signs that flash, blink, flutter, or utilize motion picture, laser, or visual projection of images or copy. |
| Emitting Signs | Signs that emit audible sound, odor, or visible matter. |
| Imitation Signs | Signs that emulate emergency service vehicles, road equipment, or common traffic signs (such as Stop, Slow, Caution, etc.). |
| Obscene Signs | Signs that display or convey obscene matter as defined in <i>IC 35-49-2</i> . |
| Obstructing Signs | Signs that obstruct any door, fire escape, stairway, or any opening intended to provide entry or exit from any building or structure. |
| Roof Signs | Signs that extend above the roof line or parapet of a building or signs that are mounted to the roof of a structure. |
| Vehicle Signs | Signs placed on vehicles that are parked on public or private property with the primary purpose of displaying the sign. This does not include vehicles lawfully parked: <ul style="list-style-type: none"> • Overnight during non-business hours at a driver’s residence or business; • While conducting lawful business; and • On a construction site in conjunction with construction operations. |

i. Sign Placement. The following placement standards shall apply to all signs unless otherwise stated in this UDO.

| PROHIBITED SIGN PLACEMENT | |
|---------------------------|--|
| Right-of-Way | No sign shall be permitted in any right-of-way unless authorized by the County Engineer and/or INDOT, including signs located on any traffic control device, street sign, tree, utility pole, or similar location (unless identified as an Exempt Sign). |
| Vision Clearance | No sign shall obstruct a sight clearance or be placed within the sight triangle of any intersection or driveway. |
| Setback | No sign shall be placed within ten (10) feet of any property line. |

j. Temporary Signs.

- i. The following Temporary Signs shall be permitted, provided the respective development standards in *Chapter 3: Zoning Districts and Use Development Standards* are met.
- ii. An ILP is not required.
- iii. EVMS is not permitted for Temporary Signs unless otherwise specified.
- iv. A total of two (2) Temporary Signs that are visible from any public road or adjacent parcel are permitted per parcel.

| PERMITTED TEMPORARY SIGNS (Total of 2 temporary signs permitted per parcel) | | | |
|--|---|---|---|
| Sign Type | Permitted Districts | Maximum Size | Duration (whichever is greatest) |
| Hanging Sign | All Districts | <ul style="list-style-type: none"> • 16 sq ft sign area per sign • 5 ft height | <ul style="list-style-type: none"> • Property is for sale or lease; • Project is under construction; or • 30 consecutive days but no more than twice in a calendar year. |
| Yard Sign | | | |
| Awning Sign | I69-O AG & AI B-1, B-2 & B-3 I-1 & I-2 | <ul style="list-style-type: none"> • 32 sq ft sign area per sign • 8 ft height | <ul style="list-style-type: none"> • Property is for sale or lease; • Project is under construction; or • 30 consecutive days but no more than twice in a calendar year. |
| Banner Sign | | | |
| Ground Sign | | | |
| Inflatable Sign | | | |
| Wall Sign | | | |
| Window Sign | AG & AI B-1, B-2 & B-3 I-1 & I-2 | <ul style="list-style-type: none"> • 32 sq ft sign area per sign • 6 ft height • *EVMS Permitted | Non-EVMS: <ul style="list-style-type: none"> • During business hours *EVMS: <ul style="list-style-type: none"> • During business hours; and • Permitted 2 days within a 6-month period |
| Portable Sign | | | |

k. Permanent Signs.

- i. The following Permanent Signs shall be permitted, provided the respective development standards in *Chapter 3: Zoning Districts and Use Development Standards* are met.
- ii. An ILP is required unless otherwise specified.
- iii. EVMS is not permitted for Permanent Signs unless otherwise specified.

| MAXIMUM CUMULATIVE AREA OF ALL SIGN FACES ¹ | |
|--|---|
| RR, R-1, R-2 & R-3 | 2 sq ft per parcel, except Monument Signs as permitted below |
| I69-O ² B-1, B-2 & B-3 ² | 1.5 sq ft per 1 linear foot of primary building frontage (200 sq ft maximum) ² |
| AG & AI ² I-1 & I-2 ² | 2 sq ft per 1 linear foot of primary building frontage (200 sq ft maximum) ² |

| PERMITTED PERMANENT SIGNS | | | |
|---------------------------|--|--|---|
| Sign Type | Permitted Districts | Maximum Size | Maximum Number & Placement |
| Awning Sign | I69-O AG & AI B-1, B-2 & B-3 I-1 & I-2 | 50 sq ft sign face but cannot exceed 50% of awning area | Must be placed on primary structure |
| Mailbox Sign | RR, R-1, R-2 & R-3 | 1 sq ft per sign face | Must be placed on a mailbox post |
| Monument (Ground) Sign | RR, R-1, R-2 & R-3 ³ I69-O AG & AI B-1, B-2 & B-3 I-1 & I-2 | <ul style="list-style-type: none"> • 32 sq ft per sign face • 6 ft height • 50 sq ft per sign face • 8 ft height • EVMS Permitted | 1 double-faced or 2 single-faced per vehicular entrance to a subdivision, residential complex, or other development ³ |
| Pole Sign | AG & AI B-1, B-2 & B-3 I-1 & I-2 | <ul style="list-style-type: none"> • 50 sq ft per sign face • 20 ft height • EVMS Permitted | 1 per parcel |
| Projecting Sign | I69-O AG & AI B-1, B-2 & B-3 I-1 & I-2 | <ul style="list-style-type: none"> • 12 sq ft per sign face • EVMS Permitted | <ul style="list-style-type: none"> • 1 per primary entrance • Minimum 8.5 ft clearance above grade • Maximum extension of 4 ft beyond supporting structure |
| Wall Sign | RR, R-1, R-2 & R-3 I69-O AG & AI B-1, B-2 & B-3 I-1 & I-2 | 1 sq ft per sign face 50 sq ft per sign face | <ul style="list-style-type: none"> • 1 per parcel in residential • Must be placed on primary structure |
| Window Sign | I69-O AG & AI B-1, B-2 & B-3 I-1 & I-2 | <ul style="list-style-type: none"> • 50 sq ft sign face but cannot exceed 50% of window area • 2 sq ft sign face if illuminated | Must be within window on primary structure |

1 – Maximum cumulative sign face only includes the sign face and excludes the total sign area/sign structure. See *Chapter 8: Definitions*.

2 – Total square footage is calculated based on the length of the front elevation of the primary structure; additional square footage is not permitted for secondary or side streets.

3 – Must be located in a dedicated easement or common area dedicated to homeowner’s association in residential subdivision.

8. STORAGE STANDARDS.

- a. **Intent.** The standards in this section are intended to reduce visual obstruction and nuisance to nearby property owners as well as preventing unsafe conditions to ensure the health, safety, and welfare of residents.
- b. **Applicability.** These standards apply to outdoor storage in all zoning districts within the jurisdiction, unless otherwise noted.
- c. **Prohibited.**
 - i. I-69 Overlay District. Outdoor storage is prohibited between the I-69 right-of-way and the principal building. Outdoor storage is only permitted if delineated on an approved site plan and in compliance with all requirements of the UDO.
 - ii. Outdoor Storage. All outdoor storage or outdoor display of merchandise is prohibited unless specified in this section or *Chapter 3: Zoning Districts and Use Development Standards*. This includes, but is not limited to, outdoor storage of equipment, product, supplies, materials, machinery, building materials, water or scrap, pallets, and similar materials.
- d. **Stored Vehicles.**
 - i. Location. Stored vehicles, where permitted, shall not encroach on the right-of-way or setbacks, and shall not block or impede an access easement.
 - ii. Inoperable. Automotive vehicles or trailers of any type without plates or in an inoperable condition, so as to be deemed dead storage, shall be within an enclosed building or fully screened with vegetation, berm, masonry wall, fence, or similar so it is not visible from the street year-round.
 - iii. Recreational Vehicles (RVs). See *Chapter 8: Definitions* for vehicles defined as a recreational vehicle.
 - (1) Residential RV Storage. No more than one (1) recreational vehicle per parcel that is visible from any public right-of-way, private road/driveway, or adjacent parcel shall be stored outdoors in the RR, R-1, R-2, or R-3 districts.
 - (2) Agricultural RV Storage. No more than two (2) recreational vehicles per parcel that are visible from any public right-of-way, private road/driveway, or adjacent parcel shall be stored outdoors within the AG district.
 - (3) Other RV Storage. Recreational vehicles shall not be stored in any other districts unless allowed as a Permitted Use or Special Exception Use.
 - (4) Location. All recreational vehicles shall be stored in the rear yard or side yard (must be behind front façade of primary structure) on a paved or gravel surface, except for temporary parking of the vehicle on a driveway for the purpose of loading, unloading, or cleaning that does not exceed seventy-two (72) hours.
 - (5) A recreational vehicle may only be occupied according to *Chapter 4.C.9.h: Recreational Vehicles (RV) Occupancy*.

e. Temporary Storage Containers.

- i. RR, R-1, R-2 & R-3 Zoning Districts. A maximum of one (1) temporary storage container per parcel is permitted if the following conditions are met. A Temporary Use Permit is not required.
 - (1) On-site for a maximum of fourteen (14) consecutive days;
 - (2) Located on the driveway or to the rear or side of the primary structure; and
 - (3) Does not exceed one hundred twenty-eight (128) square feet.
- ii. AG District. Temporary storage containers associated with agricultural uses within the AG district are not limited but must comply with all setbacks in *Chapter 3: Zoning Districts and Use Development Standards*. A Temporary Use Permit is not required.
- iii. All Other Zoning Districts. A maximum of two (2) temporary storage containers per parcel will be permitted if the following conditions are met. A Temporary Use Permit is required.
 - (1) On-site for no more than four (4) months in a calendar year;
 - (2) Located to the rear or side of the primary structure; and
 - (3) Does not exceed five hundred thirty (530) square feet.

f. I-69 Overlay District Storage. All outdoor storage areas within the I69-O District shall:

- i. Be incorporated as an integral part of the primary building's design, completely screening the storage area from view from any adjacent property or right-of-way.
- ii. Be located in a side yard immediately adjacent to the primary building and setback from the front façade or rear façade a minimum of ten (10) feet.
- iii. Be screened on all sides with a solid wall, fence, or landscaping (or a combination thereof) that is at least seven (7) feet in height.
- iv. Be constructed of materials consistent with or complementary of the primary building, unless only landscaping is used. Gates required to access outdoor storage areas must be opaque and architecturally compatible with the materials used on the principal building.
- v. All materials, product, or merchandise stored within an outdoor storage area must be stacked at least one (1) foot below the top of the wall, fence, or landscaping.

9. STRUCTURE STANDARDS.

- a. **Intent.** The purpose of these standards is to prevent unsafe conditions while encouraging compatible development to ensure the health, safety, and welfare of residents.
- b. **Applicability.** These standards apply to all structures, unless legally nonconforming, in all zoning districts within the jurisdiction, unless otherwise noted.
- c. **General.**
 - i. All new structures shall require an ILP, including primary structures, accessory structures that are larger than two hundred (200) square feet, all accessory structures with a permanent foundation (regardless of size), manufactured homes (permanent and temporary occupancy), and temporary structures.
 - ii. All new structures shall be built to conform with all standards set forth in this UDO.
 - iii. All new structures, excluding accessory structures, shall be oriented towards the highest classification of roadway unless within a Major Residential Subdivision or Open Space Subdivision.
- d. **Structure Height Exemptions.** The following structures are exempt from the height standards of the underlying zoning district.
 - i. Agricultural structures as necessary for its operation;
 - ii. Wind turbines;
 - iii. Spires or church steeples; and
 - iv. Industrial appurtenances.
- e. **Relocation of Structures.** Structures that are relocated from one parcel to another parcel shall not be moved unless the structure and placement of that structure conforms with the standards of the underlying zoning district and all standards of this UDO.
- f. **Temporary Structures.** Temporary construction trailers or similar structures may be permitted on a project site in a non-residential zoning district during the construction period for the use of security, storage, or office space. A Temporary Use Permit is required and would be valid for twelve (12) months. It may be renewed up to two additional six (6) month time periods, if necessary, if construction has not concluded.

g. Manufactured Homes Occupancy.

- i. **Manufactured Home Permanent Occupancy.** Manufactured homes may be permanently occupied when located in any district where a single-family dwelling is permitted provided the following requirements are met:
 - (1) The manufactured home is built to the Manufactured Home Construction and Safety Standards (HUD Code) and displays a red certification label on the exterior of each transportable section;
 - (2) The development standards for the respective zoning district, including minimum square footage, are met as established in *Chapter 3: Zoning Districts and Use Development Standards*;
 - (3) The structure is attached and anchored to a permanent foundation in conformance with the appropriate building code and with manufacturer's installation specifications.
 - (4) The entire area between the floor joists of the structure and the underfloor grade is completely enclosed (skirted) in accordance with the terms of the appropriate building code; the manufacturer's installation specifications; and requirements set forth by the Indiana Administrative Building Council.
 - (5) The structure possesses all necessary building, water, and sewage disposal permits prior to placement of the structure upon the lot.
 - (6) The wheels, axles, and hitches are removed.
 - (7) The front door faces the primary street from which it gains access.
 - (8) The structure is covered with an exterior material and roof material customarily used on site-built structures.
 - (9) The manufactured home is no more than five (5) years in age when structure is initially placed.
- ii. **Manufactured Home Temporary Occupancy.** Temporary residential occupancy of a manufactured home is permitted during construction of a single-family dwelling on the same parcel provided the following requirements are met:
 - (1) An ILP is obtained for placement of the manufactured home and an ILP for the single-family dwelling to be constructed on the same parcel has also been issued.
 - (2) Temporary occupancy of the manufactured home is limited to one (1) year and may be renewed for up to two additional six (6) month periods if construction of the dwelling has been started but is not completed.
 - (3) The manufactured home is built to the Manufactured Home Construction and Safety Standards (HUD Code) and displays a red certification label on the exterior of each transportable section.
 - (4) The manufactured home is served by the same address, water supply, and sewage facilities serving the dwelling under construction. If the dwelling under construction utilizes a septic system, approval shall be subject to the Morgan County Health Department.

- (5) The manufactured home shall remain on its wheels and shall not be placed on a permanent foundation.
- (6) Applicable development standards of the underlying zoning district are met with the exception of minimum living area.
- (7) Occupancy of the manufactured home is restricted to relatives, persons employed in the care of the property owner (employed on the premises of the property owner), or the owner of the property who is constructing a permanent dwelling.
- (8) The manufactured home shall be tied down per the requirements of the Indiana One and Two-Family dwelling code and the manufacturer's recommendation.

h. Recreational Vehicle (RV) Occupancy.

- i. RV Permanent Occupancy. Recreational vehicles are designed only for recreational use and are not built to HUD manufactured home standards. Therefore, recreational vehicles are not permitted to be used for residential occupancy outside of a campground or an RV park approved by the Indiana State Department of Health (ISDH).
- ii. RV Temporary Occupancy During Primary Dwelling Construction. A recreational vehicle may be used for temporary occupancy only during the construction of a single-family dwelling on the same parcel provided the following requirements are met:
 - (1) A temporary use permit is obtained for placement of the RV and an ILP for the single-family dwelling to be constructed on the same parcel has also been issued.
 - (2) Temporary occupancy of the RV is limited to one (1) year and may be renewed once for an additional six (6) month period if construction of the dwelling has started but is not completed.
 - (3) The RV shall be served by the same address, water supply, and sewage facilities serving the single-family dwelling under construction.
 - (4) The RV shall not be placed on a permanent foundation and no permanent structures are attached to the RV;
 - (5) All applicable development standards for the underlying zoning district shall be met with the exception of the minimum living area; and
 - (6) Occupancy of the RV is restricted to the owner of the property who is constructing the permanent dwelling and shall be discontinued immediately upon completion of the permanent dwelling.

- iii. RV Temporary Recreational Occupancy. A recreational vehicle may only be used for recreational purposes outside of a campground or RV park provided the following conditions are met.
 - (1) The RV is occupied for recreational purposes only (no permanent occupancy) and shall not exceed fourteen (14) consecutive days;
 - (2) No more than one (1) RV may be occupied on a single parcel;
 - (3) All development standards in *Chapter 3: Zoning Districts and Use Development Standards* are met;
 - (4) The RV shall be stored on site while not occupied for less than 180 consecutive days;
 - (5) The RV cannot be served by permanent utilities;
 - (6) No permanent structures are attached to the RV; and
 - (7) The RV is fully licensed and ready for highway use (defined as being on its wheels or jacking system; is attached to the site only by quick disconnect type utilities and security devices; and has no permanently or semi-permanently attached additions or structures).
- iv. A recreational vehicle may be stored according to *Chapter 4.C.8: Storage Standards* but shall not be connected to any utilities (electrical, water, sewage, etc.) or occupied at any time while stored.

10. TRASH & RECEPTACLE STANDARDS.

- a. **Intent.** The purpose of this district is to prevent access to and visibility of trash that is stored outside to ensure the health, safety, and welfare of residents.
- b. **Applicability.** Any new outdoor trash receptacle, dumpster, compactor, or similar non-pedestrian trash container placed after the effective date of this UDO shall meet the following standards.
- c. **Setbacks.** Trash receptacles shall be located behind the front façade of the primary structure.
- d. **Screening.** Non-pedestrian outdoor trash receptacles and dumpsters must be completely screened with vegetation, masonry wall, and/or opaque fencing so it is not visible from any street or adjacent parcel during any time of the year. Gates must remain closed unless the receptacles are being accessed.
- e. **Temporary Trash Receptacles.** Dumpsters associated with demolition or construction shall remain on-site no longer than one (1) week prior to construction or demolition and no longer than one (1) week following the completion of construction or demolition. Temporary trash receptacles shall meet all setback requirements of the underlying zoning district but do not require screening.

CHAPTER 5: SUBDIVISION TYPES

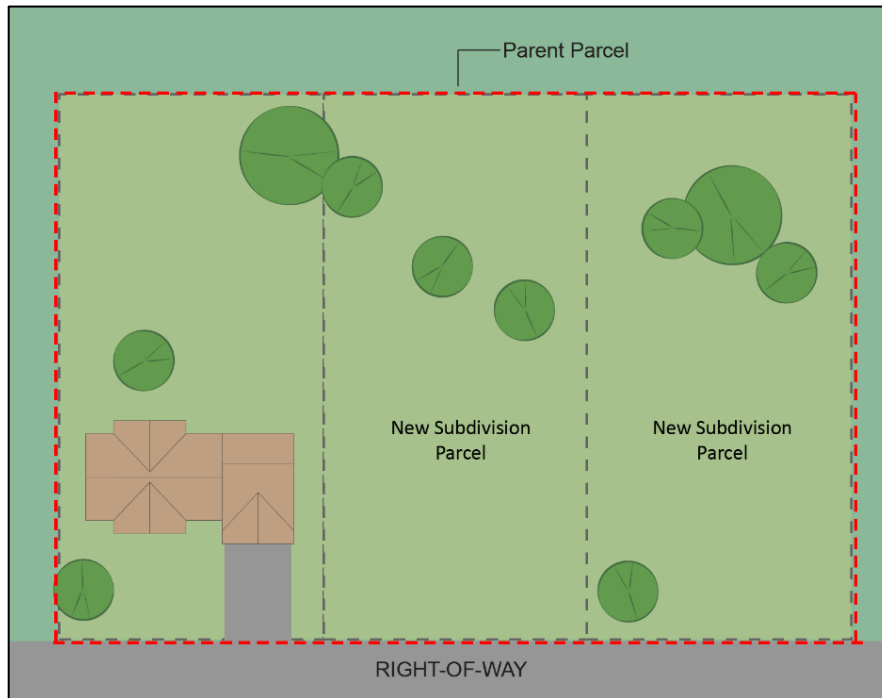
A. Intent. The intent is to define and regulate how land can be subdivided within the jurisdiction to:

1. Ensure a fair and equitable process through uniform procedures and standards;
2. Promote the public health, safety, general welfare of the community through efficient use of land; and
3. Follow guidance set forth in the *Comprehensive Plan* and UDO.

B. Subdivision Types. The following subdivisions are permitted within the jurisdiction. Specific development standards are included for each subdivision type in this chapter.

| PERMITTED SUBDIVISION TYPES | |
|-----------------------------|---------------------------------------|
| 1. | Minor Residential Subdivision |
| 2. | Major Residential Subdivision |
| 3. | Open Space Residential Subdivision |
| 4. | Commercial and Industrial Subdivision |
| 5. | Exempt Subdivision |

1. MINOR RESIDENTIAL SUBDIVISION.

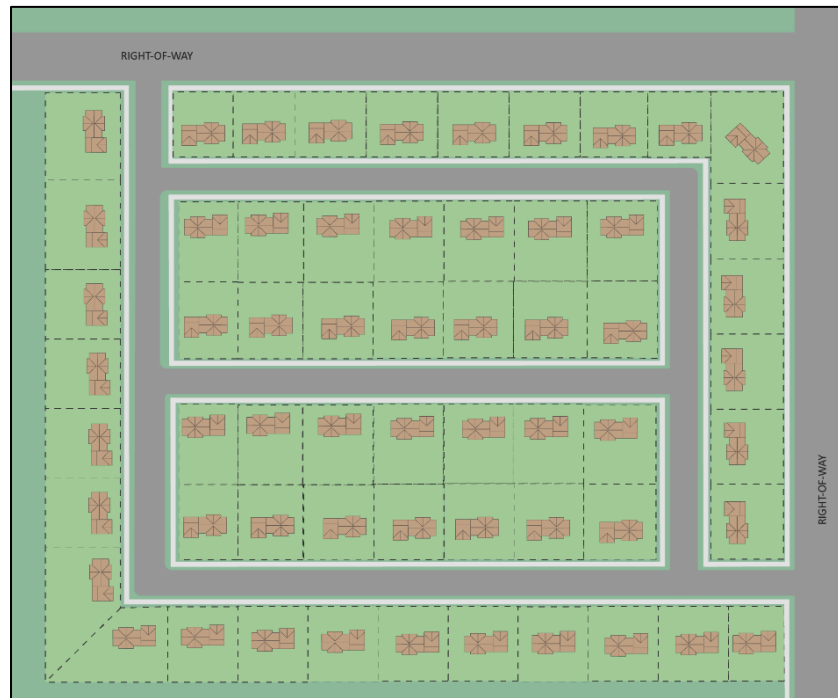


- a. **Intent.** This subdivision type is intended to provide an expedited process for minor subdivisions of land for residential proposes. A minor subdivision is intended to allow the subdivision of a buildable tract of land with a reduction of approval time and filing procedure. It is not the intent of the minor subdivision procedure to circumvent uniform development plans for a parcel of land.
 - i. Only one minor subdivision of the parent parcel is permitted through the Minor Residential Subdivision process. Any additional subdivisions of any parcels in a Minor Residential Subdivision are considered a Major Residential Subdivision and shall follow the required process.
- b. **Development Standards.** All minor residential subdivisions shall meet the following development standards:

| MINOR RESIDENTIAL SUBDIVISION (6 OR LESS LOTS) | |
|--|--|
| Number of Lots | Six (6) or less (including the parent or remnant parcel) |
| Permitted Zoning Districts | AG, RR, R-1, R-2 & R-3 All applicable development standards for the zoning district shall apply (see <i>Chapter 3: Zoning Districts and Use Development Standards</i>) |
| Public Infrastructure & Utilities | No construction of public improvements/infrastructure is permitted, including public facilities and/or utilities ¹ |
| Driveway & Internal Access Roads | No new public rights-of-way are permitted ¹ Private driveways and/or shared private driveways are permitted and shall comply with <i>Chapter 6: Subdivision Design Standards</i> |

¹ - See *Chapter 5.B.2: Major Residential Subdivision* if public rights-of-way, public improvements/infrastructure, and/or public utilities are required

2. MAJOR RESIDENTIAL SUBDIVISION.



- a. **Intent.** This subdivision type is intended to provide a process for subdividing multiple residential lots and/or residential subdivisions that require new public rights-of-way and/or public improvements/infrastructure. The layout shall allow for adequate vehicular and pedestrian access and provide connections to adjacent parcels and transportation networks.

- b. **Development Standards.** All major residential subdivisions shall meet the following development standards:

| MAJOR RESIDENTIAL SUBDIVISION | |
|---|--|
| Number of Lots | More than six (6) lots |
| Permitted Zoning Districts¹ | RR, R-1, R-2 & R-3 All applicable development standards for the zoning district shall apply (see <i>Chapter 3: Zoning Districts and Use Development Standards</i>) |
| Design Standards | Subdivision layout and all improvements shall be designed and constructed to the minimum standards in <i>Chapter 6: Subdivision Design Standards</i> |
| Public Infrastructure & Utilities | All applicable utility standards for the zoning district shall apply (see <i>Chapter 3: Zoning Districts and Use Development Standards</i>) |
| Open Space | 5% minimum (must meet Open Space Criteria & Open Space Standards) and must be dedicated, perpetually used as open space Phasing of development and open space is allowed but open space must be proportional to developed site area Minimum width of 20 feet to allow for maintenance access |
| Driveway & Internal Access Roads | All roads shall be constructed and dedicated as public roads Driveways from individual lots onto arterial streets are prohibited |
| Sidewalks | Sidewalks are required on both sides of internal and perimeter streets for subdivisions served by sewer Pedestrian access shall be provided to all common areas and open spaces Abutting property owners(s) responsible for maintenance |
| HOA & Covenants | Covenants are required in order to prevent nuisances and avoid conflicts. Homeowners Association (HOA) is required. |

¹ – Major Residential Subdivisions are not permitted in AG. Parcels zoned AG must rezone to a permitted zoning district prior to subdividing.

3. OPEN SPACE RESIDENTIAL SUBDIVISION.



- a. **Intent.** This subdivision type is considered a type of Major Residential Subdivision and is intended to provide an alternative method for subdividing land for single-family (attached and detached) residential to preserve open space and the community's rural character.
 - i. This subdivision provides density incentives if open space and/or environmentally sensitive areas are set aside as permanent, common open space.
 - ii. Multi-family dwellings are not permitted within this subdivision type.

- b. **Development Standards.** All Open Space residential subdivisions shall meet the following development standards:

| OPEN SPACE RESIDENTIAL SUBDIVISION | |
|--|---|
| Number of Lots | More than six (6) lots Maximum number of lots shall be calculated by dividing the total area within the subdivision by the minimum area for the subject zoning district(s) as outlined in <i>Chapter 3: Zoning Districts and Use Development Standards</i> |
| Minimum Lot Size | No minimum lot size but all lots must meet the minimum setbacks for the subject zoning district(s) as outlined in <i>Chapter 3: Zoning Districts and Use Development Standards</i> |
| Permitted Zoning Districts | RR, R-1, R-2 & R-3 All applicable development standards for the zoning district shall apply (see <i>Chapter 3: Zoning Districts and Use Development Standards</i>) except the minimum lot size |
| Design Standards | Subdivision layout and all improvements shall be designed and constructed to the minimum standards in <i>Chapter 6: Subdivision Design Standards</i> |
| Public Infrastructure & Utilities | All applicable utility standards for the zoning district shall apply (see <i>Chapter 3: Zoning Districts and Use Development Standards</i>) |
| Driveway & Internal Access Roads | All roads shall be constructed and dedicated as public roads Driveways from individual lots onto arterial streets are prohibited |
| Sidewalks | Sidewalks are required on both sides of internal and perimeter streets for subdivisions served by sewer Pedestrian access shall be provided to all common areas and open spaces and all homeowners shall have the right to access all open space areas Abutting property owners(s) responsible for maintenance |
| HOA & Covenants | Covenants are required in order to prevent nuisances and avoid conflicts Homeowner’s association (HOA) is required |
| Open Space | 35% minimum (must meet Open Space Criteria and Open Space Standards) and must be dedicated and perpetually used as open space Phasing of development and open space is allowed but open space must be proportional to developed site area Shall have a minimum width of 20 feet to allow for maintenance access |

- c. **Open Space Criteria: Required.** All dedicated open space shall be perpetually used as at least one of the following in order to fulfill the open space requirement.

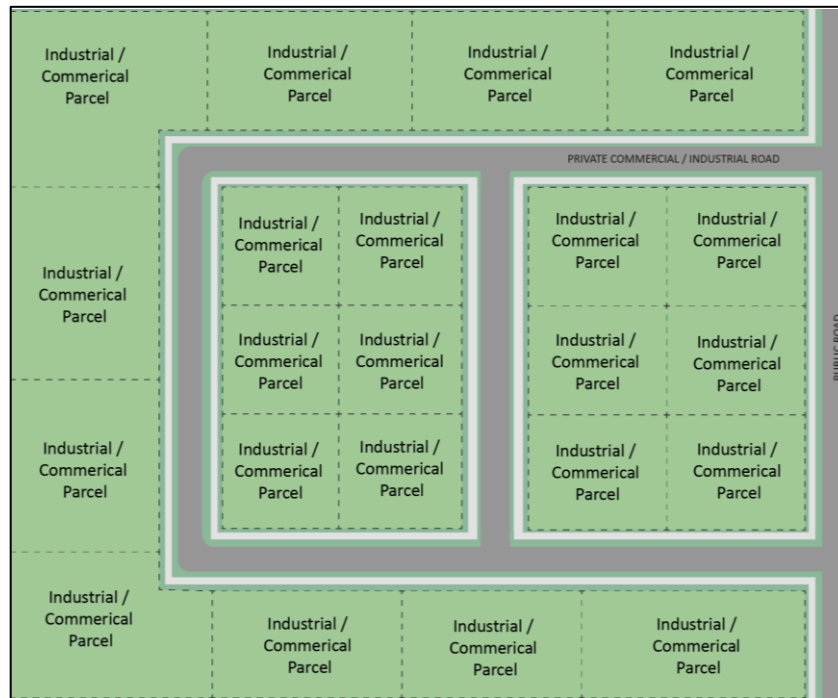
| REQUIRED OPEN SPACE CRITERIA | |
|--|--|
| Drainage (Required for All Open Space Subdivisions) | Plans must be approved by the Morgan County Drainage Board. Open space may be used for drainage, which includes detention and retention basins, and bodies of water such as ponds and lakes, as outlined in this section. |

- d. **Open Space Criteria: Optional.** In addition to the required criteria, dedicated open space shall be perpetually used for one (1) or more of the following activities or uses:

| OPTIONAL OPEN SPACE CRITERIA (MUST INCLUDE AT LEAST 1) | |
|---|---|
| Active Recreation | Development provides land and improvements for active recreation, including but not limited to sports court/field, playground, indoor recreation center, clubhouse, swimming pool, or similar. |
| Environmentally Sensitive Area | Development preserves and protects an existing environmentally sensitive area, including but not limited to habitats for endangered or threatened species as defined by IDNR; protected waterways/bodies of water and buffer areas; wetlands; wooded areas; or similar areas. |
| Historic Structure | Development preserves and maintains a historic homestead and/or historic structure(s) on site. Petitioner must provide support letter from Historic Landmarks of Indiana. |
| Natural Area | Development is left in a natural or undisturbed state or, if previously disturbed or degraded, restored to a natural state. Areas with maintained lawn/landscape elements or manicured detention/retention basins are not considered a natural state. Examples of areas in a natural state include, but are not limited to, wetlands, wooded areas, prairie, and natural or restored waterbody(ies). Drainage facilities can only be counted towards this requirement if restored to a natural state. |
| Passive Recreation | Development provides land and improvements for passive recreation, including but not limited to pedestrian/bicycle paths, picnic areas, community commons/open field, or similar. This does not include active recreation areas such as playgrounds, sports fields, or similar. |
| Public Facilities | Development dedicates land for future public structure or facility, including but not limited to fire department, library, etc. This does not include land dedicated for public roads, sidewalks, water, sewer, or other infrastructure/utilities. Land shall be dedicated and conveyed to appropriate governmental entity but petitioner is not required to make any improvements to the land. Petitioner must provide support letter from appropriate governmental entity regarding the need and intent for a public structure. |
| Unlisted Activity or Use | An applicant may propose an unlisted activity or use that would improve the quality of place of the development for consideration by the PC. |

- e. Open Space Standards.** All dedicated open space shall meet the following standards.
- i.** Any area used to satisfy the open space requirement shall:
 - (1) Not be sold or conveyed in order to satisfy the open space requirements of a separate Open Space Residential Subdivision;
 - (2) Not include a proposed lot's front, side or rear yard(s), right-of-way, roads, streets, median strips, parking area, and/or sidewalks.
 - (3) Not include any dedicated, reserved, used, or in-use lands for cemetery uses.
- f. Open Space Conveyance and Maintenance.**
- i.** If open space is conveyed as common area through a written commitment, such commitment shall include that each lot within the subdivision and each lot shall have access and use to the common area as well as an undivided interest in the title.
 - ii.** If maintenance is the responsibility of the homeowner's association and the homeowner's association is dissolved or does not carry out maintenance for any reason, then the cost of necessary maintenance shall be shared equally among all of the lot owners within the development.
 - iii.** Open space conveyance shall be accomplished in one (1) of the methods listed below. An applicant must provide a letter from the entity stating that it will accept the conveyance of the open space deed into perpetuity or the open space may be platted as common area with a written commitment that the common area cannot be vacated or developed. An Open Space Easement must be dedicated with the Secondary Plat.
 - (1) Homeowners Association. An Open Space Easement recorded for open space in perpetuity may be granted to the homeowner's association. Maintenance, if any, shall be the responsibility of the homeowner's association.
 - (2) Not-for-profit Organization or Land Trust. An Open Space Easement recorded for open space in perpetuity may be granted to a not-for-profit organization or land trust. Maintenance shall be the responsibility of the not-for-profit organization, land trust, or the development's homeowner's association.
 - (3) Governmental Entity. An Open Space Easement recorded for open space in perpetuity may be granted to a city, town, township, county, state, federal, or other governmental entity (fire district, library district, school district, etc.) only if such entity agrees to accept the conveyance, and maintenance shall be the responsibility of the entity or the development's homeowner's association as determined in the conveyance.

4. COMMERCIAL AND INDUSTRIAL SUBDIVISION.



- a. **Intent.** This subdivision type is intended to provide a process for subdividing commercial and industrial uses (and other uses permitted within those zoning districts). The layout shall allow for adequate vehicular and pedestrian access and provide connections to adjacent parcels and transportation networks.
- b. **Process.** In order to allow for end-user flexibility, the secondary plat process may be done by full plat, individual lot, individual lot with development plan, or phase/section, as explained further in *Chapter 7.C: UDO Procedures*.
- c. **Development Standards.** All commercial and industrial subdivisions shall meet the following development standards:

| COMMERCIAL & INDUSTRIAL SUBDIVISION | |
|--|--|
| Number of Lots | N/A |
| Permitted Zoning Districts | AI, B-1, B-2, B-3, I-1 & I-2 All applicable development standards for the zoning district shall apply (see <i>Chapter 3: Zoning Districts and Use Development Standards</i>) |
| Design Standards | Subdivision layout and all improvements shall be designed and constructed to the minimum standards in <i>Chapter 6: Subdivision Design Standards</i> |
| Public Infrastructure & Utilities | All applicable utility standards for the zoning district shall apply (see <i>Chapter 3: Zoning Districts and Use Development Standards</i>) |
| Driveway & Internal Access Roads | All internal roads shall be private roads |
| Sidewalks | Sidewalks are required on both sides of internal and perimeter streets Abutting property owners(s) are responsible for maintenance |

5. EXEMPT SUBDIVISIONS.

- a. **Intent.** The intent of this section is to establish criteria that allows lot splits to occur that are not otherwise required to comply with other subdivision processes outlined in this UDO. Furthermore, this exempt subdivision provision shall not be used as a means to bypass the subdivision process outlined in this UDO.
 - i. If a parcel, division of a parcel, parent parcel, or remnant of a parcel was created through the exempt subdivision process, any future subdivision of that parcel shall be considered a Major Residential Subdivision and shall follow the respective process.
- b. **Subdivider's Responsibility.** It is the responsibility of the person subdividing land to verify with the Administrator regarding their subdivision exemption eligibility before recording lot splits. Lots created under this provision are not guaranteed to be buildable or guaranteed to qualify for the issuance of an ILP.
- c. **Applicability.** The following divisions of land are exempt from the provisions of this UDO.
 - i. A division of land into two (2) or more parcels in which all resulting parcels are at least twenty (20) acres in size.
 - ii. One (1) division of land less than twenty (20) acres per parent parcel as of January 1, 2022.
 - iii. A division of land for the transfer of a tract(s) to correct errors in an existing legal description, or the sale/exchange of tracts between adjoining landowners, provided that no additional principal use building sites are created by the division.
 - iv. A division of land by the Federal, State, or local government for the acquisition of right-of-way or an easement.
 - v. A division of land into cemetery plots for the purpose of burial of corpses.
 - vi. A division of land for agricultural uses not involving any new streets or easements of access, provided that the sale or exchange does not create additional residential building sites or is intended for residential development in the future.
 - vii. A division of land that combines/reconstitutes property lines such that no new building lots are created.
 - viii. An adjustment/shift of lot lines as shown on a recorded plat provided there is no reduction in the area, frontage, width, depth, or building setback lines of each building site that would place it below the minimum requirements of this UDO.
 - ix. The sale, exchange, or transfer of land between adjoining property owners which does not result in the change of the present land usage or create an additional building site.
 - x. A division of land that is government or court ordered.

CHAPTER 6: SUBDIVISION DESIGN STANDARDS

A. Purpose.

1. The subdivision design standards are intended to ensure adequate facilities, streets, utilities, and other infrastructure are provided for the division of land to accommodate the development of additional lots.
2. These standards are also intended to provide quality development that promotes public health, safety, and general welfare and supports the goals of the Comprehensive Plan and Thoroughfare Plan in addition to providing predictability to developers and property owners.

B. General Provisions.

1. **Conformance to Applicable Rules and Regulations.** All plats shall comply with the minimum subdivision design standards set forth in this chapter in addition to the following requirements. Secondary Plat approval may be withheld if a subdivision is not in conformity with the following requirements as well as the purposes of this UDO.
 - a. The UDO, Zoning Map, Floodplain Ordinance, building and fire codes, Americans with Disabilities Act (ADA) regulations, and all other applicable federal, state, and local regulations and laws of the appropriate jurisdictions;
 - b. Any rules or requirements of the Morgan County Health Department and/or appropriate state or local agencies;
 - c. All regulations of INDOT if the subdivision or any lot contained within the subdivision abuts a highway under their jurisdiction;
 - d. The standards and regulations adopted by all Morgan County boards, commissions, agencies, and officials of the jurisdiction and participating municipalities (if applicable);
 - e. The Morgan County Drainage Ordinance and other plans and ordinances as adopted, including all public roads, drainage systems, and parks (if applicable), at the discretion of the PC; and
 - f. All applicable statutory provisions.
2. **Extension of Improvements and Easements.**
 - a. All public improvements, including public roads, and required easements shall be extended to the boundary lines of the parcel on which new development is proposed unless approved by the PC because such extension is not feasible due to topography or other physical conditions or not necessary or desirable for the coordination of the subdivision with the future development of adjacent tracts.
 - b. Public roads and easements for water lines, wastewater systems, electric lines, and telecommunications lines shall be constructed to promote the logical extension of public infrastructure to adjacent parcels and the continuation of networks between adjacent properties.

3. Plats Straddling Municipal Boundaries. Whenever access to the subdivision is required across land in another jurisdiction, the PC may request assurance by affidavit from the subdivider that access is legally established. In general, lot lines should be laid out so as not to cross municipal boundary lines.

C. Subdivision Design Standards. The following subdivision design standards are detailed in this chapter.

| SUBDIVISION DESIGN STANDARDS | |
|------------------------------|---|
| 1. | Site Access and Connectivity |
| 2. | Blocks and Lots |
| 3. | Public and Private Roads |
| 4. | Sidewalks and Trails |
| 5. | Drainage, Stormwater, and Erosion Control |
| 6. | Utilities |
| 7. | Parks and Open Space |
| 8. | Early Warning Sirens |
| 9. | Monuments and Markers |
| 10. | Subdivision Name |
| 11. | Covenants |

1. SITE ACCESS AND CONNECTIVITY.

a. General.

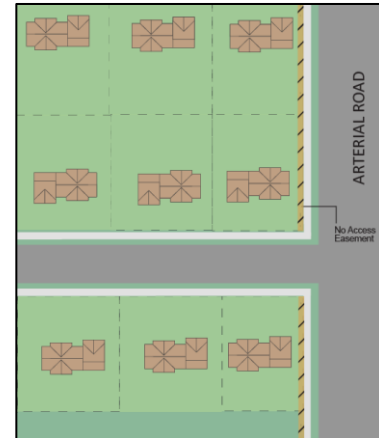
- i. The area to be subdivided shall have frontage on and access from an existing public road.
- ii. The road design of the subdivision shall provide direct access for lots and parcels of land within the subdivision and shall provide for continuity of arterial or collector roads and other public roads.
- iii. In accordance with the *Thoroughfare Plan*, the PC may require the extension of certain roads or public roads to the exterior boundary of the subdivision and may require the subdivider to provide a partial right-of-way along an exterior boundary line to correspond to an existing public right-of-way on adjoining lands or for the purpose of extending arterial or collector roads. Roads not immediately extended shall terminate in a temporary cul-de-sac which may eventually be vacated.
- iv. An easement providing access to a public road shall be prohibited except where the PC has approved its use, control, and maintenance or to serve minor subdivisions and exempt subdivisions.
- v. No subdivision shall deny access from adjacent property to a public road or create or perpetuate the land-locking of an adjacent parcel.

b. Freeway/Expressway, Arterial Road, and Collector Road Access. Where a subdivision borders or contains an existing or proposed freeway/expressway, arterial or collector, based on the recommendation of the County Engineer, the PC may require:

- i. Frontage or Service Roads. Frontage or service roads that are located adjacent to but outside the right-of-way of a freeway/expressway, arterial, or collector road shall be separated from the freeway/expressway, arterial, or collector by a planting area or grass strip with access only at specific points.
 - (1) Design of frontage or service roads shall be based on providing access to the property, maintaining circulation of traffic within the subdivision, and providing for parking requirements and surface drainage.
 - (2) Frontage roads and public roads shall be improved and dedicated by the subdivider at its own expense to the full width as required by this UDO when the subdivider's development activities contribute to the need for the road expansion. Land reserved for any road purposes may not be counted in satisfying yard or area requirements of the UDO, whether the land is to be dedicated in fee simple or an easement is granted to the county or municipality.


(3) The coordination of public roads from one subdivision to another is essential to the jurisdiction in order to provide a continuation of not only vehicular access, but also for transportation and distribution lines for most utilities. Therefore, based on recommendations from the Administrator, County Engineer, and/or County Surveyor, the PC may require a developer to construct public access roads to adjoining vacant undeveloped properties. The PC shall determine the need and location of these public access roads at the primary plat hearing.

- ii. No Access Easement for Through Lots/Multiple Frontage Lots. Individual lots that gain access from a local public road with rear or side yards that abut a freeway/expressway, arterial, or collector road shall prohibit access to the freeway/expressway, arterial, or collector with a five (5) foot no-access easement along the entirety of the abutting roadway.
- iii. Alternative Treatments. Other treatments may be required by the PC for the adequate protection of properties and to provide separation of through and local traffic.



c. Subdivision Access Roads and Points.

- i. If the subdivision has fifty (50) or more residential units, there shall be two (2) separate entrances onto two (2) separate roads. If the subdivision only fronts a single road, the subdivision shall have two (2) entrances onto the road provided there is appropriate distance between entrances and other roadways and intersections.
 - (1) A single entrance with a median divider is allowed if there is not appropriate distance between entrances and other roadways or intersections. Each lane shall be at least sixteen (16) feet if roll curbs are used or eighteen (18) feet if barrier curbs are used. The median shall be a minimum of twelve (12) feet in width to accommodate a separate future left-turn lane if necessary. The median divider shall extend from the entrance of the intersection to the first crossroad or first intersection within the subdivision.
- ii. Access road(s) to a subdivision shall be designed to accommodate emergency vehicles and regular daily traffic and shall be constructed in accordance with current AASHTO, ADA, and INDOT standards (as applicable) in addition to all Morgan County Technical Design Standards.
- iii. All access roads shall be located above the 100-year FEMA flood elevation unless approved by the County Engineer and shall provide adequate sight distances.

- 
- iv. Access to collector or arterial roads shall be limited to one access point and subject to the approval of the County Engineer. Additional access points may be approved by the County Engineer and PC only if justification based on improved safety and/or traffic circulation is provided by a licensed Professional Engineer.
 - v. In commercial and industrial subdivisions, public roads and access roads shall be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading/maneuvering areas, walks, and parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrians.
- d. **Traffic Mitigation Measures.** The subdivider may propose and construct approved traffic mitigation measures to provide adequate roadway capacity and safety improvements for the proposed development.
- e. **Pedestrian Access.** In order to facilitate pedestrian access and connectivity, the PC may require perpetual unobstructed easements, at least twenty (20) feet in width, if the subdivision is adjacent to a park, state forest/park, school, or other community public facility. Where future developments include land that has been identified by the Comprehensive Plan and/or Thoroughfare Plan as a location for trails, the PC may require the developer to construct the trails within their development, whether or not such trails connect to existing trails outside of the development at the time of construction. All trails shall be a minimum of eight (8) feet wide, comply with the Morgan County Technical Design Standards, and be constructed in accordance with current AASHTO standards.

2. BLOCKS AND LOTS.

a. Lot Area.

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

b. Lot Arrangement.

- i. The width of blocks should be sufficient to allow two (2) tiers of lots. Through lots or double frontage lots shall be avoided where feasible.
- ii. Blocks shall not exceed one thousand, three hundred and twenty (1,320) feet in length, unless the PC determines that a longer length will not be detrimental to local traffic flow.
- iii. The PC may require the reservation of an easement through blocks longer than eight hundred (800) feet to accommodate utilities, drainage facilities, or pedestrian traffic. In addition, the PC may require pedestrian ways or cross walks to provide circulation or access to schools, playgrounds, shopping centers, transportation, or other community facilities.
- iv. The layout of the lots shall be compatible with the topography and other physical conditions of the land in order to ensure that compliance with the UDO, building codes, and other local, state, and federal regulations can be achieved.
- v. Every lot shall have sufficient and adequate access to a dedicated public or private road constructed, or to be constructed, in accordance with this UDO.

c. Lot Dimensions.

- i. Lot dimensions, including depth and width, shall comply with the minimum standards of the UDO, including providing adequate area for off-street parking and loading facilities.
- ii. Lots shall not be designed in such a manner that there would be insufficient area remaining to build on after building setback lines are established (including corner lots) in accordance with the UDO.
- iii. Side lot lines shall generally be at right angles to public road lines (or radial to curving public road lines) unless it will result in a better public road or lot plan.

d. Lot Orientation.

- i. The front lot line shall follow or be common to a public right-of-way. All lots shall face the front lot line.
- ii. Lots should be arranged so that the rear lot line does not abut the side lot line of an adjacent lot.

3. PUBLIC AND PRIVATE ROADS.

a. Purpose.

- i. The subdivision design standards are intended to provide roads that are suitable in location, width, and design to accommodate anticipated traffic; provide adequate access to police, fire, snow removal, sanitation, and road-maintenance equipment; and provide a transportation network that avoids undue hardships to adjoining properties.
- ii. All new and proposed roads should provide a safe, convenient, and functional system for vehicular, pedestrian, and bicycle circulation; support the goals of the Comprehensive Plan and Thoroughfare Plan; and accommodate the anticipated traffic of each proposed subdivision.

b. General.

- i. All public roads, private roads, and alleys (including curbs and gutters, as required) shall comply with the minimum standard design requirements in this UDO and the Morgan County Technical Design Standards.
- ii. The PC may require a subdivider to taper or expand the width of a roadway if connecting to an existing paved public road that does not match the minimum dimensions in this UDO and the Morgan County Technical Design Standards.
- iii. Roads shall be constructed to grades shown on plans, profiles, and cross-sections prepared by a registered Professional Land Surveyor and/or registered Professional Engineer. Individual projects may warrant additional requirements that are dictated by sound engineering practices as determined by the County Engineer and shall be made conditions of the approval for the Primary Plat. The County Engineer shall review, comment, and ultimately approve the construction plans and shall inspect the road improvements throughout the construction process.
- iv. No trees or plantings shall be permitted within the public right-of-way or easements unless approved by the PC.

c. Additional Right-of-Way and Improvements.

- i. In a subdivision that adjoins or includes an existing public road that does not conform to the minimum right-of-way dimension as established by this UDO, the Morgan County Technical Design Standards and/or the Morgan County Thoroughfare Plan, the subdivider shall dedicate additional right-of-way width as required to meet this UDO and/or the Morgan County Thoroughfare Plan.
- ii. Additional right-of-way shall be required when additional width is necessary due to topography to provide earth slopes that do not exceed three-to-one (3:1) and/or to accommodate cross drainage structures or fill areas.
- iii. The subdivider may be required to provide deceleration lanes, acceleration lanes, passing blisters, or other improvements to the public road system when a subdivision connects to a freeway/expressway, arterial (principal or minor), or collector (major or minor).

- d. **Road Classification.** All public roads shall be planned to meet the goals of the *Comprehensive Plan* and *Thoroughfare Plan*. All roads shall be functionally classified by the County Engineer and the *Thoroughfare Plan*.
- e. **Road Design.**
 - i. Road and pavement design shall conform to *Table 10: Minimum Design Standards* and the *Morgan County Technical Design Standards*.
 - ii. Building sites should be at or above the grade of adjacent roads when possible.
 - iii. Local roads should be designed to discourage use by through traffic. A grid pattern is not required and the use of curvilinear public roads, cul-de-sacs, or U-shaped public roads are permitted if the design results in a more desirable layout.
 - iv. Public road layout shall provide for efficient drainage and utility systems.
 - v. Half-roads are not permitted.
 - vi. The following minimum radii and grades shall be required for all roads unless approved by the County Engineer.

| TABLE 8: MINIMUM CURVES | |
|--|------------------|
| Centerline for Local Roads | 150-foot radius |
| Centerline for Collector or Arterial Roads | 200-foot radius |
| Between Reversed Curves: Residential | 100-foot tangent |
| Between Reversed Curves: Non-Residential | 200-foot tangent |

| TABLE 9: ROADWAY GRADES | |
|----------------------------------|---|
| Longitudinal Grades | |
| Arterial Roads | 2% - 7.5% |
| Collector Roads | 2% - 10% |
| Local Roads | 2% - 10% |
| Railroad Crossings (within 200') | 2% - 3% |
| Cul-de-sac or Turn Around | 2% - 3% |
| Vertical Grades | |
| All Roads | All changes in vertical grade shall conform with current AASHTO standards |

TABLE 10: MINIMUM DESIGN STANDARDS¹

| MINIMUM WIDTH | | | |
|----------------------------|--|--|--|
| | LOCAL ROADS | COLLECTOR ROADS | ARTERIAL ROADS |
| Right-of-Way | 50 feet 50-foot radius (Cul-de-sac) | 100 feet (Major) 70 feet (Minor) | 130 feet |
| Pavement | 24' excluding curb & gutter | | |
| Curb & Gutter | Residential Served by Sewer: Roll or barrier required Residential Not Served by Sewer: Curb and gutter optional All Other: Barrier required 24" width with 4" vertical face | | |
| Sidewalks | Residential: Required on internal and perimeter streets if served by sewer All Other: Required on internal and perimeter streets 4 feet 4-foot grass strip between sidewalk & road 1-foot from any property line | | |
| Trails or Paths | Not required. If provided, must be a minimum of 8 feet in width and comply with all AASHTO and ADA standards. | | |
| MINIMUM PAVEMENT SECTION | | | |
| | LOCAL ROADS | COLLECTOR ROADS | ARTERIAL ROADS |
| Subgrade Compaction | 95% standard proctor | | |
| Concrete Pavement | 4" compacted crushed stone on compacted subgrade | | |
| | 6" plain concrete | 7" plain concrete | 8" plain concrete |
| Asphalt Pavement | 9" compacted crushed stone on compacted subgrade | 8" compacted crushed stone on compacted subgrade | 8" compacted crushed stone on compacted subgrade |
| | 4" HAC | 7" HAC | 9" HAC |

1- All improvements must comply with all applicable industry standards, including but not limited to, INDOT, AASHTO, and ADA.

f. Intersection Design.

- i. All intersections, including minimum radii, shall adhere to *Table 10: Minimum Design Standards* and the *Morgan County Technical Design Standards*.
- ii. Right-angle intersections shall be used wherever practical. When local roads intersect arterial or collector roads, the angle of intersection of the road centerlines shall not be less than eighty (80) degrees on arterial or collector roads and fifty (50) degrees on local roads.
- iii. New proposed intersections should align with any existing or proposed intersection on the opposite side of the road, wherever practicable, or be offset from the centerlines a minimum of two hundred (200) feet.
- iv. Intersections with more than four (4) approaches should be avoided. Three-legged intersections may be used wherever appropriate, particularly in residential areas.
- v. No intersection shall create a traffic hazard by limiting visibility. Minimum sight distance (sight triangle) at intersections shall be determined by a design professional based on the current Indiana Department of Transportation (INDOT) standards and approved by the County Engineer.
- vi. Property line corners located at road intersections shall be rounded with a twenty-five (25) foot radius or larger.

g. Cul-de-Sac and Dead-End Roads.

- i. The maximum length of any cul-de-sac shall be eight hundred (800) feet, measured along the centerline from the center of the intersection to the center of the cul-de-sac, unless approved by the County Engineer.
- ii. Permanent. If permitted by the PC, a permanent dead-end public road or permanent cul-de-sac shall terminate in a circular right-of-way. The PC may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities. A cul-de-sac turn-around shall be provided at the end of a permanent dead-end public road in accordance with this UDO, *Table 10: Minimum Design Standards*, and the *Morgan County Technical Design Standards*.
- iii. Temporary. If the adjacent property is undeveloped and the public road must temporarily be a dead-end public road, the right-of-way shall be extended to the property line. A temporary cul-de-sac shall be provided on all temporary dead-end public roads, with the notation on the secondary plat that land outside the normal public road right-of-way shall revert to the adjoining land owners when the public road is continued. The developer shall provide barriers and signage for any such temporary dead-end public road. The PC may limit the length of temporary dead-end public roads.

h. Street Lights.

- i. The county or municipality, as appropriate, does not own or maintain street light fixtures. Street lights are optional and may be installed, if desired, at the expense of the developer. Any and all electric bills or fees shall be paid by the homeowner's association or all property owners within the subdivision equally if a homeowner's association does not exist.

i. Bridges and Culverts. Adequate provisions shall be made for culverts, drains, and bridges. As determined by the PC, bridges of primary benefit to the subdivider shall be constructed at the full expense of the subdivider without reimbursement from the county or municipality.**j. Private Driveways and Private Roads.**

- i. All lanes or roads serving more than six (6) dwelling units shall be public roads.
- ii. All residential driveways must be at least twenty (20) feet in length between the primary structure and the sidewalk or edge of roadway if a sidewalk does not exist.

- iii. Any private driveways or private roads that are shared by more than one parcel shall:
 - (1) Have a written and recorded road maintenance agreement with the parcels that access the private driveway or road. All maintenance agreements shall be approved by the Administrator.
 - (2) Be noted on a plat, if the parcel is being subdivided.
- iv. Roads within commercial and industrial developments shall be private unless otherwise approved by the PC and shall be constructed in accordance with this UDO, *Table 10: Minimum Design Standards*, and the *Morgan County Technical Design Standards*.
- v. Maintenance of private roads shall be the responsibility of the developer or property owners as outlined in the recorded covenants, on the secondary plat, and/or written commitments.

| TABLE 11: PRIVATE ROAD STANDARDS | |
|---|-----------------|
| Driveways / Roads Serving 2 – 6 parcels | |
| Minimum Easement Width | 20 feet |
| Minimum Pavement Width | N/A |
| Material | Paved or Gravel |
| Driveways / Roads Serving 6+ parcels | |
| Must be public road and comply with all public road design standards | |

k. Regulatory Road Signs.

- i. Each installed sign shall comply with the standards established in the Manual on Uniform Traffic Control Devices (MUTCD) and shall be approved by the County Engineer.
- ii. The subdivider shall be responsible for the installation of all road signs required by MUTCD and/or the County Engineer, including street signs at all intersections within or abutting the subdivision, stop signs, speed limit signs, etc.
- iii. The subdivider shall install all road signs and street signs before the roads are dedicated and accepted for maintenance by the County.
- iv. The PC may approve public road name signs, poles, or hardware outside of the MUTCD (Manual on Uniform Traffic Control Devices) regulatory sign standards if decorative signs, poles, and hardware are requested. The county or municipality, as appropriate, does not own or maintain decorative signs, poles, or hardware. All maintenance and/or replacement shall be the responsibility of the homeowner’s association or all property owners within the subdivision equally if a homeowner’s association does not exist.
- v. Maintenance of all (standard or decorative) road signs and street signs is the responsibility of the developer, or the property owners within the development, until the road is accepted for maintenance by the County.

I. Public Road Names.

- i. Proposed public road names shall be submitted with and indicated on the Primary Plat.
- ii. The PC shall approve the public road names at the time of Primary Plat approval.
- iii. The Administrator shall consult TRC (if necessary) and advise the PC of any conflicts or necessary changes prior to Primary Plat approval. Names shall be sufficiently different in sound and spelling from other road names in the jurisdiction so as not to cause confusion.
- iv. A road which is (or is planned as) a continuation of an existing road shall bear the same name.

4. SIDEWALKS AND TRAILS.

a. Sidewalks.

- i. All sidewalks shall comply with Americans with Disabilities Act (ADA) standards.
- ii. All residential subdivisions that are served by sewer shall provide sidewalks along internal and perimeter roads.
- iii. All commercial and industrial subdivisions shall provide sidewalks along internal and perimeter roads
- iv. All sidewalks shall be included within the dedicated, non-pavement right-of-way of all roads as required by this UDO and the *Morgan County Technical Design Standards*.
 - (1) A median strip of grassed or landscaped areas at least four (4) feet wide shall separate all sidewalks from adjacent curbs unless approved by the PC.
 - (2) No trees shall be planted in this median strip unless approved by the PC.
- v. If sidewalks exist on adjacent parcels, sidewalks shall conform to the setback and width of existing sidewalks within the same block but shall not be less than four (4) feet in width.
- vi. In commercial and other congested areas, the PC may require sidewalks of greater width constructed adjacent to the curb.
- vii. The owners of property abutting sidewalks are required to repair that part of the sidewalk adjoining property belonging to them, at their own expense, by repairing any holes, uneven surfaces, and other defective places therein. All materials shall be as nearly similar as possible to that of which the sidewalk is constructed. The owners of property abutting sidewalks are also required to remove snow and ice.
- viii. The surface of any sidewalk shall, when completed, have a sufficient slope to drain away from the lot and toward the center of the public road. The subgrade of a sidewalk shall be constructed to a depth below the finished surface and shall be thoroughly compacted to a firm, smooth surface.

- b. Paths or Trails.** Asphalt paths or sidewalks may be allowed by the PC along Primary Arterials, Secondary Arterials, and Collectors when a part of a trail system or *Thoroughfare Plan* adopted by the county or municipality as appropriate. All trails shall be a minimum of eight (8) feet wide, comply with all design standards adopted by Morgan County, and be constructed in accordance with current AASHTO standards.

5. DRAINAGE, STORMWATER, AND EROSION CONTROL.

a. General.

- i. All drainage shall comply with the Morgan County Drainage Board and is subject to their approval.
- ii. No secondary plat shall be approved until after approval of the drainage plan by the Morgan County Drainage Board.
- iii. Maintenance of drainage facilities shall be the responsibility of the developer and/or the Homeowners Association (HOA).
- iv. If drainage areas are maintained by a Homeowners Association (HOA) or similar organization and said organization is dissolved, maintenance and associated costs of any drainage facility shall be shared equally between the property owners within the complete platted subdivision.


6. UTILITIES.

a. Sanitary Sewer.

- i. General. The subdivider or developer shall install sanitary sewer facilities or approved on-site sewage disposal system in accordance with the rules, regulations, and standards of the Morgan County Health Department, the Indiana Department of Health, the Indiana Department of Environmental Management, and other appropriate State and Federal agencies. In the case of a public or private sanitary sewer system extended into the county, the construction standards for the respective provider shall apply.
- ii. Sanitary Sewerage System Requirements.
 - (1) Sanitary sewerage facilities shall connect with public sanitary sewerage systems as required by the Morgan County Code of Ordinances Chapter 53: Sewerage Works Use. Required infrastructure shall be installed to serve each lot to grades and sizes required by approving officials and agencies unless the sewer district/provider does not accept or approve the connection. Sanitary sewerage facilities (including the installation of laterals in the right-of-way) shall be subject to the specifications, rules, regulations, and guidelines of the Health Officer, participating jurisdiction, and appropriate State agency.
- iii. Individual and Private Disposal System Requirements.
 - (1) If sanitary sewers are not available, the subdivider shall:
 - (a) Receive a letter indicating the soils in the subdivision are generally acceptable for the subdivision from the Morgan County Health Department prior to preliminary plat approval.
 - (b) Comply with the standards required by the Morgan County Code of Ordinances Chapter 53: Sewerage Works Use.

b. Water.

- i. General. Requirements for water facilities in the jurisdiction shall include, but are not limited to, the following standards. In the event a public or private water supply system is extended into the county, the construction standards for the respective provider shall apply.
 - (1) All habitable buildings and buildable lots shall be connected to an approved water system capable of providing water for health and emergency purposes, including adequate fire protection, where available. This includes installation of dry hydrants where public water is not available.
 - (2) The local fire authority having jurisdiction over the proposed subdivision shall have authority to approve fire hydrants, including their setting, number, and size of outlets.
 - (3) Prior to construction, fire hydrant locations shall be provided by the Administrator to the appropriate local fire authority having jurisdiction for review and comment.
 - (4) For non-residential subdivisions, special requirements may be imposed by the PC with respect to the installation of public utilities, including water.

- 
- ii. **Public Water Supply.** When a public water supply is available within three hundred (300) feet of any boundary of a proposed subdivision, the subdivider and/or water company/provider shall construct and install a system of water mains (including fire hydrants) to be connected to the public water supply. Each lot shall be provided with a connection to the water delivery system. The water delivery system shall be designed and constructed in conformance with the standards and specifications of state or local authorities, and in compliance with the rules and regulations of IDEM.
 - iii. **Private Water Supply.**
 - (1) Private Supply. Where a public water supply is not available within three hundred (300) feet of any boundary of the proposed subdivision, the PC determines that the connection thereto would create a hardship for the subdivider and/or the water company will not supply water, the subdivider shall:
 - (a) Provide a community water supply system to each lot in the subdivision in accordance with the minimum requirements of IDEM; or
 - (b) Provide an individual water supply for each lot in the subdivision in accordance with the minimum requirements of the Indiana State Health Department.
 - (2) Existing Private Wells. Any existing homes within the development currently served by a private potable well water supply that are to be connected to a new public water supply system shall adhere to the following:
 - (a) The existing well and pumping unit shall be properly abandoned in accordance with the rules and regulations of ISDH, IDEM and IDNR.
 - c. **Other Utilities.**
 - i. Location. All other utility facilities, existing and proposed, throughout the subdivision shall be shown on the primary plat.

7. PARKS AND OPEN SPACES.

a. General.

- i. Proposed subdivisions may allocate adequate areas for public parks, schools, or other public recreational purposes in support of the goals of the *Comprehensive Plan*. Each reservation shall be of suitable size, dimension, topography, and general character and shall have adequate road access for the particular purposes envisioned.
- ii. The reserved area shall be shown and marked on the secondary plat as "Reserved for Common Area, Park, School, or Recreational Purposes." The PC may refer such proposed reservations to appropriate officials or departments for recommendations.
- iii. All open space shall be in full compliance with this UDO and all other applicable health, flood control, and regulations of the jurisdiction.

b. Existing Natural Features.

- i. Existing features that add value to the development or to the jurisdiction as a whole (such as trees, watercourses and falls, historic sites, and similar irreplaceable assets) shall be encouraged to be preserved in the design of the subdivision. This includes, but is not limited to, the following:
 - (1) A minimum of thirty-six (36) inches in diameter measured across the trunk at least four (4) feet above the base of the tree;
 - (2) A species (such as fruit-bearing and blossoming trees) that do not normally achieve a trunk size that is thirty-six (36) inches in diameter or larger at maturity; or
 - (3) Species that are desirable in preserving wetlands or other environmentally sensitive areas.
- ii. Wooded areas and individual healthy trees that are:
 - (1) A minimum of thirty-six (36) inches in diameter measured across the trunk at least four (4) feet above the base of the tree;
 - (2) A species (such as fruit-bearing and blossoming trees) that do not normally achieve a trunk size that is thirty-six (36) inches in diameter or larger at maturity; or
 - (3) Species that are desirable in preserving wetlands or other environmentally sensitive areas.
- iii. Protect of unique topographical features on the site where feasible, including, but not limited to, slopes, streams, and natural water features;
- iv. The primary plat shall show all such existing features, including the number and location of existing trees being retained and the location of all proposed trees required by this UDO as outlined in *Chapter 4: Site Development Standards*. Massing of existing trees can be delineated by the edge of the tree line.
- v. All existing trees to be preserved shall be welled and protected against change of grade.

c. Public Open Space.

- i. Minimum requirements for public open space for commercial, industrial, and residential subdivisions is outlined in *Chapter 5: Subdivision Types*.
- ii. All public open space reserved under this UDO shall be accessible to the residents and/or guests of the subdivision through sidewalks and/or trails that are constructed to the standards of this section.

d. Ownership and Maintenance.

- i. The PC shall require proof of the ownership and a recorded maintenance agreement for the common areas (such as HOA covenants).
- ii. If open space is conveyed as common area through a written commitment, it shall include that each lot within the subdivision shall have access to and use of the common area as well as an undivided interest in the title.
- iii. Open space or parks for dedication to the county, municipality, or other governmental entity shall be considered on a case-by-case basis and approved by the appropriate legislative or governing body.
- iv. Unless approved by the PC and County Commissioners, maintenance and improvements of the common area(s) shall be the responsibility of the homeowner's association. If the homeowner's association is dissolved or a homeowner's association does not carry out maintenance for any reason, any and all maintenance will be the shared responsibility of all property owners within the subdivision. Lack of maintenance will be treated as a public nuisance.

8. EARLY WARNING SIRENS.

- a. Early warning sirens shall be installed by the applicant, be dedicated as public infrastructure, and be designed to Morgan County's specifications. Sirens shall be installed for all subdivisions if it meets any of the following thresholds:
 - i. One hundred (100) acres or more (all phases);
 - ii. One hundred (100) or more dwellings units (all phases);
 - iii. Seven hundred (700) or more employees on premises at any time;
 - iv. One thousand (1,000) or more visitors on premises at any time; or
 - v. Includes a fire station, police station, or local government/administration building.
- b. If an early warning siren system is required, an Early Warning Siren System Plan shall be reviewed and approved by the EMA Director prior to Secondary Plat approval granted by the PC as outlined in *Chapter 7: Administration and Procedures*.

9. MONUMENTS AND MARKERS.

- a. All monuments shall be installed to the standard set forth under 865, I.A.C., 1-12-18.
- b. All Section Corners shall be monumented and perpetuated.
- c. One permanent monument in each section of the subdivision shall be installed to establish elevation control, based on U.S.G.S datum and have its location and elevation filed in the Morgan County Surveyor's Office.
- d. Permanent monuments shall be installed at:
 - i. All street centerline intersections;
 - ii. Any change in direction of street centerline, including the beginning and ending of all curves in street centerlines;
 - iii. Center point of all cul-de-sacs;
 - iv. All outside corners and angel points on secondary (final) plat;
 - v. All lot corners; and
 - vi. All US, State, and County official benchmarks, monuments, or triangulation stations in or adjacent to the property shall be preserved in precise position.

10. SUBDIVISION NAME.

- a. **Name.** The proposed name of a subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision within the jurisdiction and surrounding areas.
- b. **Authority.** The PC shall have final authority to approve the name of the subdivision, which shall be determined at the time of Primary Plat approval.

11. COVENANTS.

- a. **General.** Covenants typically include a combination of restrictions on the use of property and affirmative obligations imposed by the developer on the owner of a property within a subdivision that are above and beyond the development standards for the jurisdiction. The purpose of these covenants is to give a development a more standard appearance as well as control over the activities that take place within its boundaries so that when enforced by the developer (and subsequent property owners), the property values are uniformly protected.
- b. **Self-Imposed Restrictions.** If an owner of property places restrictions on any land contained in a subdivision that are more restrictive than those required by this UDO, such restrictions shall be indicated or referenced on the secondary plat. All restrictive covenants shall be recorded with the Morgan County Recorder.
- c. **Enforcement.** Only regulations specifically found in the UDO are enforceable by the PC. Restrictive covenants will not be enforced by the PC and must be enforced by the Homeowner's Association (or the subject property owners) and through civil court.

CHAPTER 7: ADMINISTRATION AND PROCEDURES

A. General Provisions.

1. Policy.

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

2. Compliance.

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

3. Interpretation.

In the interpretation and application, the provisions of this UDO shall be held to be the minimum requirements for the protection of the health, safety, comfort, morals, convenience, and general welfare of the residents of the jurisdiction.

4. Conflict.

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

5. UDO Conformity.

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

6. Condominiums Exempt.

Pursuant to IC 36-7-4-702, condominiums which are regulated by IC 32-25, as amended, are exempt from the subdivision process.

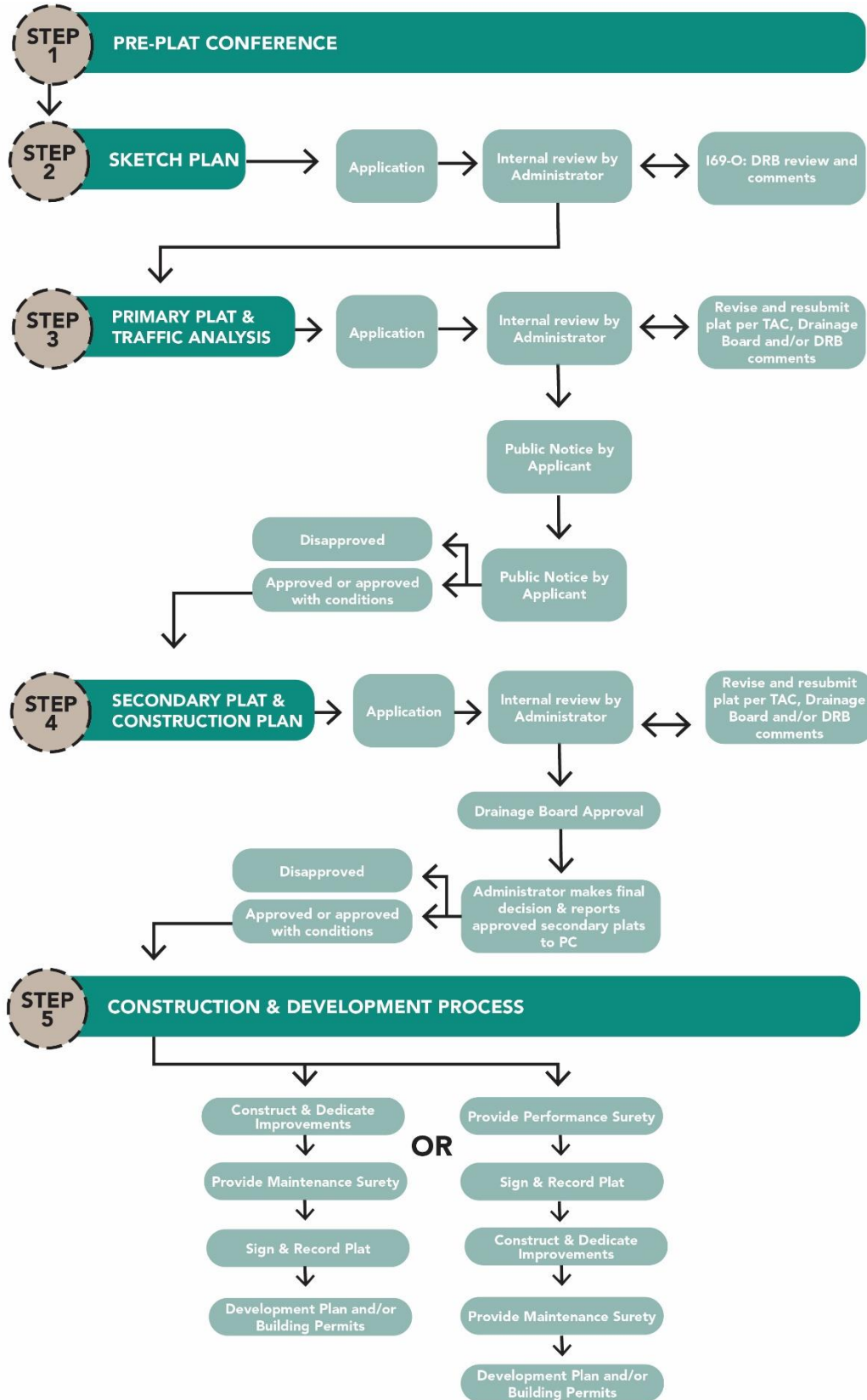
B. UDO Administration.

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

C. UDO Procedures. The following subdivision and zoning procedures are outlined in this chapter:

| UDO PROCEDURES | |
|----------------|---|
| 1. | Commercial, Industrial, Major Residential & Open Space Residential Subdivisions |
| 2. | Minor Residential Subdivisions |
| 3. | Zone Map Changes & PUD Districts |
| 4. | Special Exceptions, Variances from Development Standards & Variances of Use |
| 5. | Development Plans |
| 6. | Appeals |

1. COMMERCIAL, INDUSTRIAL, MAJOR RESIDENTIAL & OPEN SPACE RESIDENTIAL SUBDIVISIONS.



- a. **General Provisions.** Commercial, industrial, major residential, and open space residential subdivisions shall be subject to:
 - i. All requirements outlined in the *PC Application Packet*, including the meeting and submittal deadlines;
 - ii. All requirements of this UDO and the subject zoning district for the project; and
 - iii. Any additional standards that may have been required by the PC as part of other approvals for the development.
- b. **STEP 1: PRE-PLAT CONFERENCE.**
 - i. The pre-plat conference is required and can be held in-person, virtually (video conference), by phone, or by email. This meeting gives the applicant the opportunity to discuss the procedures for approval with the Administrator as well as the requirements outlined in the UDO.
- c. **STEP 2: SKETCH PLAN.**
 - i. **Application Submission.** The subdivider shall submit an application for Sketch Plan review in accordance with the *PC Application Packet* requirements and prepared in accordance with the format described in *Chapter 7.D.1: Sketch Plan Requirements*.
 - ii. **Public File.** Once the Administrator determines that an application is complete and in proper form, they shall assign a docket number, create a public file, and assign a date for review with the Design Review Board (DRB) if the proposal is within the I-69 Overlay. Within thirty (30) days of receiving a complete application, the Administrator shall announce the tentative date for a hearing before the PC.
 - iii. **Internal Review.**
 - (1) I-69 Overlay Only. The Administrator shall forward the Sketch Plan to the appropriate TRC and/or DRB for comment. At the discretion of the Administrator, the Design Review Board review can be held in-person, virtually (video conference), by phone, or by email.
 - (2) The Administrator shall compile a written report for the applicant, PC, and the public file with comments from the staff review, the information from the TRC and the Design Review Board when applicable.
 - (3) The Administrator reserves the right to forward the Sketch Plan to the PC to discuss any mandated changes.

d. STEP 3: PRIMARY PLAT & TRAFFIC ANALYSIS.

- i. Application Submission.** The subdivider shall submit an application for Primary Plat in accordance with the application requirements adopted by the PC as part of the PC Rules and Procedures and prepared in accordance with the format described in *Chapter 7.D.3: Primary Plat Requirements* and *Chapter 7.D.2: Traffic Impact Study Requirements*.
- ii. Public File.** Once the Administrator determines that an application is complete and in proper form, they shall assign a docket number, create a public file, and assign a date for reviews from the Technical Review Committee (TAC), Morgan County Drainage Board (preliminary review), and, if within the I-69 Overlay, the Design Review Board (DRB). In accordance with IC 36-7-4-705, within thirty (30) days of receiving a complete application, the Administrator shall announce the tentative date for a hearing before the PC.
- iii. Internal Review.**
 - (1) The Administrator shall forward the application to the TAC, Drainage Board, and/or DRB (I-69 Overlay only) for technical review.
 - (2) The Administrator shall compile a written report for the applicant, PC, and the public file with comments from the TAC, Drainage Board, and/or the DRB (I-69 Overlay only).
 - (3) The subdivider shall address all of the comments from the TAC, Drainage Board, and/or DRB (I-69 Overlay only) and submit revised application (if applicable) per the adopted schedule.
- iv. Public Notice by Applicant.** Notice of public hearing shall be in accordance with the PC Rules and Procedures. In the event the hearing has been properly noticed, but the plans are not finished per *Subsection iii: Internal Review* above, then the Administrator may have the PC automatically continue the petition to their next regular meeting (or a properly noticed special meeting) without requiring additional notice by the petitioner.
- v. Public Hearing.** The PC shall consider the primary plat at a public hearing. The petitioner or his/her representative shall be in attendance to present the plan and address any questions or concerns of the PC.
- vi. Decision by the PC.**
 - (1) Standards for Decision. Prior to approval, the PC shall determine if the primary plat:
 - (a) Complies with the standards of this UDO;
 - (b) Uses all reasonable efforts to mitigate the impact of the proposed subdivision on public health, safety, and welfare; and

- (c) Received assurances have been made for water supply and sewage disposal systems that can sufficiently serve the type of proposed subdivision by either the respective utility provider or that such systems will comply with federal, state, and local laws and regulations.
 - (2) Approval. If the PC determines that the primary plat complies with the standards set forth in this UDO, it shall grant primary approval to the plat. Within ten (10) days of the hearing, the Administrator shall notify the subdivider of approval in writing or electronic transmission and itemize any changes or revisions deemed necessary by the PC as a term of its approval.
 - (3) Approval with Conditions. In accordance with IC 36-7-4-702, the PC may introduce changes or revisions to the proposed plans as a condition of primary approval when necessary to facilitate the best interest and general welfare of the community, including, but not limited to:
 - (a) The manner in which public ways shall be laid out, graded, and improved; and
 - (b) A provision for other services as specified in this UDO.
 - (4) Disapproval. If the PC disapproves a primary plat, it shall make written findings of fact and the Administrator shall notify the subdivider in writing or electronic transmission within ten (10) days of the hearing, stating the specific reasons for disapproval. The petitioner may then resubmit a revised primary plat that addresses the reason for disapproval.
- vii. Expiration of Primary Plat.** Approval of a primary plat shall be effective for two (2) years from the date of the PC decision.
- (1) Failure to receive secondary approval for all or part of the plat before this period ends shall invalidate the primary plat approval.
 - (2) Once primary approval has expired, a new application for primary plat shall be submitted in conformance with all applicable ordinances in effect at the time the new application is submitted.
 - (3) Upon written request from the subdivider, and no less than thirty (30) days prior to the expiration date of the primary approval, the PC may extend approval of a primary plat up to a maximum of one (1) additional year without further notice, public hearing, or fees.
 - (4) Any partial plat approval (sections) shall automatically extend the primary plat approval another two (2) years.

e. STEP 4: SECONDARY PLAT & CONSTRUCTION PLANS.

- i. **Approach.** The Secondary Plat for only a commercial or industrial subdivision may be done in one of three (3) ways:
 - (1) Full Plat. The subdivider may submit the Secondary Plat for the entire subdivision, then seek to amend only the lot lines on the Secondary Plat as may be necessary as individual site users are defined. Any changes other than lot lines will constitute an amendment to the primary plat.
 - (2) Individual Lot with Development Plan. The subdivider may submit the Secondary Plat for an individual lot simultaneously with the application for Development Plan.
 - (3) Phase/Section. The subdivider may submit the Secondary Plat for a phase or section of lots as laid out on the primary plat which will include all necessary infrastructure serving such lots.
- ii. **Application Submission.** The subdivider shall submit an application for Secondary Plat in accordance with the application requirements adopted by the PC as part of the PC Rules and Procedures and prepared in accordance with the format described in *Chapter 7.D.5: Secondary Plat Requirements* and *Chapter 7.D.4: Construction Drawings Requirements*.
- iii. **Public File.** Once the Administrator determines that an application is complete and in proper form, they shall assign a docket number, create a public file, and assign a date for reviews from the Technical Review Committee (TAC), Morgan County Drainage Board, and, if within the I-69 Overlay, the Design Review Board (DRB). In accordance with IC 36-7-4-705, within thirty (30) days of receiving a complete application, the Administrator shall announce the tentative date for a hearing before the PC.
- iv. **Internal Review.**
 - (1) The Administrator shall forward the application to the TAC, Drainage Board, and/or DRB (I-69 Overlay only) for technical review.
 - (2) The Administrator shall compile a written report for the applicant, PC, and the public file with comments from the TAC, Drainage Board, and/or the DRB (I-69 Overlay only).
 - (3) The subdivider shall address all of the comments from the TAC, Drainage Board, and/or DRB (I-69 Overlay only) and submit revised application (if applicable) per the adopted schedule.
- v. **Standards.**
 - (1) The Secondary Plat shall meet all principles and standards set forth in this UDO.
 - (2) Prior to the public hearing for the Secondary Plat, the applicant shall obtain approval from the Morgan County Drainage Board and approval of the construction documents from the County Engineer and other applicable Agencies.
- vi. **Decision by the Administrator.** Secondary Plat approval may be granted to a plat only after expiration of the thirty (30) day appeal period of the Primary Plat as provided in IC 36-7-4-710.

- (1) Approval. If the Administrator determines that the Secondary Plat complies with the standards set forth in this UDO and is in conformance with the Primary Plat, the Administrator shall grant secondary approval to the plat. The Administrator shall affix his/her signature to the plat original and all other relevant documents which may also require such signatures. The Administrator shall report all approved Secondary Plats to the PC for informational purposes.
- (2) Disapproval. If the Administrator disapproves the Secondary Plat, it shall make written findings of fact and the Administrator shall notify the subdivider in writing or electronic transmission within ten (10) days of the deadline for receiving internal review comments from the TAC, stating the specific reasons for disapproval. The subdivider may then resubmit a revised final plat that addresses the reason for disapproval or appeal the decision to the PC.

f. STEP 5: CONSTRUCTION AND DEVELOPMENT PROCESS.

i. Construct Improvements or Post Performance Surety

- (1) The construction of improvements or posting of performance surety shall occur in accordance with the procedures set forth in *Chapter 7.E.1: Construct Improvements or Provide Performance Surety*

ii. Record Secondary Plat.

- (1) The plat shall be recorded in accordance with the procedures set forth in *Chapter 7.E.2: Record Secondary Plat.*

iii. Post Maintenance Surety.

- (1) Maintenance surety shall be provided in accordance with *Chapter 7.E.3: Provide Maintenance Surety.*

iv. Dedicate Public Improvements.

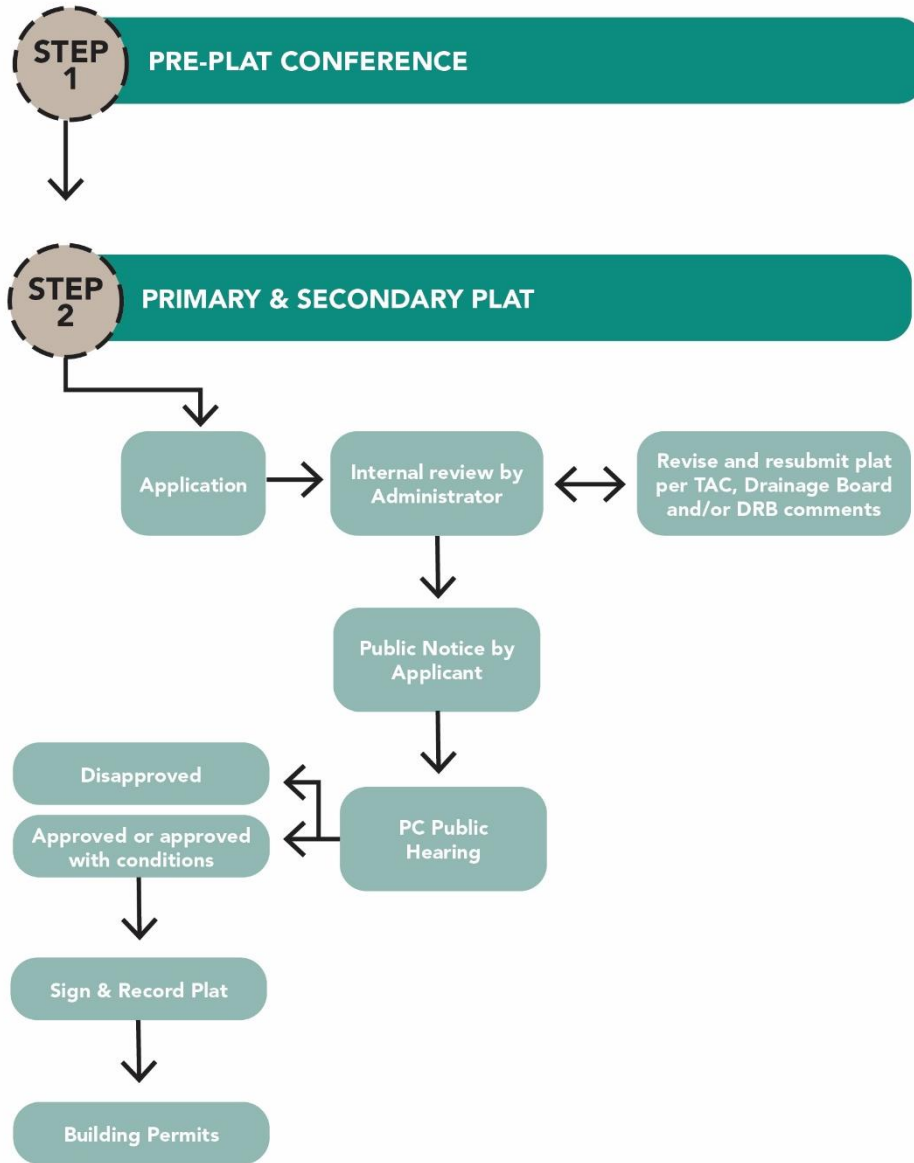
- (1) All required public infrastructure and improvements shall be dedicated in accordance with *Chapter 7.E.4: Dedication of Public Infrastructure.*

v. Required Approvals and Permits.

- (1) All development or modification of property for uses other than agricultural uses (excluding confined feeding operations), single-family, or two-family residential require development plan approval in accordance with *Chapter 7.C.5: Development Plans.*

vi. Required Permits. The construction of improvements shall occur in accordance with the procedures set forth in *Chapter 7.E.5: Obtain Improvement Location Permits (ILP).*

2. RESIDENTIAL SUBDIVISIONS - MINOR.



a. General Provisions.

- i. The minor residential subdivision process is an expedited process for residential subdivisions that:
 - (1) Results in the creation of six (6) or less lots (including the remnant or parent parcel);
 - (2) Does not involve improvements to or new public rights-of-way; and
 - (3) Complies in all other respects with this UDO.
- ii. Any subdivisions that include new public rights-of-way shall be considered a Major Residential Subdivision.

- iii. Applications for minor residential subdivisions shall be in accordance with the PC Rules and Procedures, including the adopted meeting and submittal deadline calendar.
 - iv. Further subdivision of a parcel that was previously subdivided with an approved minor plat must proceed through the major residential subdivision procedure outlined in *Chapter 5.C.2: Major Residential Subdivision*. If the Administrator believes that the circumstances warrant the full review and consideration of a major subdivision, then the applicable process may be required.
 - v. A minor residential subdivision shall be subject to all the requirements of the UDO and the subject zoning district for the project.
- b. STEP 1: PRE-PLAT CONFERENCE.**
- i. The pre-plat conference is required and can be held in-person, virtually (video conference), by phone, or by email. This meeting gives the applicant the opportunity to discuss the procedures for approval with the Administrator as well as the requirements outlined in the UDO.
- c. STEP 2: PRIMARY & SECONDARY PLAT.**
- i. **Application Submission.**
 - (1) For a minor residential subdivision, the Primary Plat and Secondary Plat shall be combined into one process.
 - (2) The subdivider shall submit an application for Secondary Plat in accordance with the application requirements adopted by the PC as part of the PC Rules and Procedures and prepared in accordance with the format described in *Chapter 7.D.5: Secondary Plat Requirements*.
 - ii. **Public File.** Once the Administrator determines that an application is complete and in proper form, they shall assign a docket number, create a public file, and assign a date for reviews from the Technical Review Committee (TAC), Morgan County Drainage Board, and, if within the I-69 Overlay, the Design Review Board (DRB). In accordance with IC 36-7-4-705, within thirty (30) days of receiving a complete application, the Administrator shall announce the tentative date for a hearing before the Plan Commission.
 - iii. **Internal Review.**
 - (1) The Administrator shall forward the application to the TAC, Drainage Board, and/or DRB (I-69 Overlay only) for technical review.
 - (2) The Administrator shall compile a written report for the applicant, PC, and the public file with comments from the TAC, Drainage Board, and/or the DRB (I-69 Overlay only).
 - (3) The subdivider shall address all of the comments from the TAC, Drainage Board, and/or DRB (I-69 Overlay only) and submit revised application (if applicable) per the adopted schedule.

- iv. **Public Notice by Applicant.** Notice of public hearing shall be in accordance with the PC Rules and Procedures. In the event the hearing has been properly noticed, but the plans are not finished per *Subsection iii: Internal Review* above, then the Administrator may have the Plan Commission automatically continue the petition to their next regular meeting (or a properly noticed special meeting) without requiring additional notice by the subdivider.
- v. **Public Hearing.** The Plan Commission shall simultaneously consider the Primary Plat and Secondary Plat at a public hearing. The petitioner or his/her representative shall be in attendance to present the request and address any questions or concerns of the PC.
- vi. **Decision by the Plan Commission.**
 - (1) Standards for Decision. Prior to approval, the Plan Commission shall determine if the plat:
 - (a) Complies with the standards of this UDO;
 - (b) Prior to the public hearing for the primary/secondary plat, the applicant shall obtain approval from the Morgan County Drainage Board (if approval is required);
 - (c) Uses all reasonable efforts to mitigate the impact of the proposed subdivision on public health, safety, and welfare; and
 - (d) Received assurances have been made for water supply and sewage disposal systems that can sufficiently serve the type of proposed subdivision by either the respective utility provider or that such systems will comply with federal, state, and local laws and regulations.
 - (2) Approval. If the Plan Commission determines that the plat complies with the standards set forth in this UDO, it shall grant approval. Within ten (10) days of the hearing, the Administrator shall notify the subdivider of approval in writing or electronic transmission and itemize any changes or revisions deemed necessary by the Plan Commission as a term of its approval.
 - (3) Approval with Conditions. In accordance with IC 36-7-4-702, the Plan Commission may introduce changes or revisions to the proposed plans as a condition of approval when necessary to facilitate the best interest and general welfare of the community, including, but not limited to:
 - (a) The manner in which any shared driveways shall be laid out, graded, and improved;
 - (b) A provision for water supply, sanitary sewer facilities, and other utility services; and
 - (c) A provision for other services as specified in this UDO.
 - (4) Disapproval. If the Plan Commission disapproves the plat, it shall make written findings of fact and the Administrator shall notify the subdivider in writing or electronic transmission within ten (10) days of the hearing, stating the specific reasons for disapproval. The subdivider may then resubmit a revised plat that addresses the reason for disapproval or appeal the decision to the PC.

d. STEP 3: CONSTRUCTION & DEVELOPMENT PROCESS.

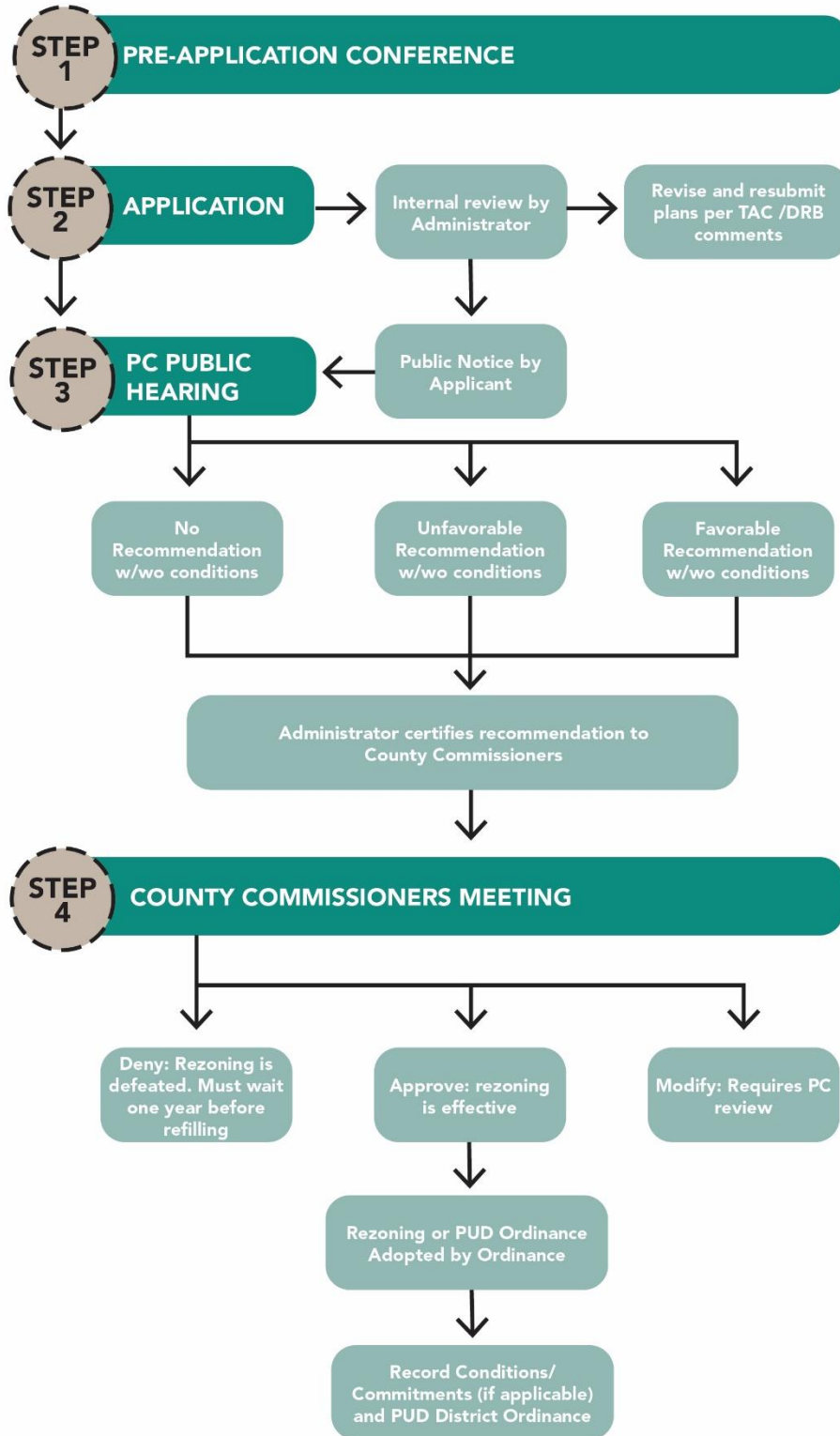
i. Recording of Secondary Plat.

- (1) The plat shall be recorded in accordance with the procedures set forth in *Chapter 7.E Record Secondary Plat.*

ii. Required Approvals and Permits.

- (1) All development or modification of property for uses other than agricultural uses (excluding confined feeding operations), single-family, or two-family residential require development plan approval in accordance with *Chapter 7.C.5: Development Plans.*
- (2) The construction of improvements shall occur in accordance with the procedures set forth in *Chapter 7.E.5: Obtain Improvement Location Permits (ILP).*

3. ZONE MAP CHANGES & PUD DISTRICTS.



a. General Provisions.

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

b. STEP 1: PRE-APPLICATION CONFERENCE.

- i. The pre-application conference is required and can be held in-person, virtually (video conference), by phone, or by email. This meeting gives the applicant the opportunity to discuss the procedures for approval with the Administrator as well as the requirements outlined in the UDO.

c. STEP 2: APPLICATION.

- i. **Application Submission.** The applicant shall submit an application for zone map change or zone map change to a PUD District in accordance with the application packet and it shall be prepared in accordance with the format described therein. Additionally, the application for a zone map change to a PUD District shall also include:
 - (1) PUD District Map. A PUD District Map shall define the overall area that is governed by the PUD District Ordinance. This map may also identify the location of “districts” that allow specific land uses that are described in the PUD District Ordinance.
 - (2) PUD District Ordinance. A PUD District Ordinance shall be submitted with the “detailed terms” for development in accordance with IC 36-7-4-1509(a)(2). For the purpose of administration and continuity, the proposed PUD District Ordinance must follow a uniform format and contain the following sections that mirror and parallel this UDO. Procedures and regulations that are not covered in the PUD District Ordinance shall default to the procedures and regulations contained in this UDO as best interpreted by the Administrator.
 - (a) Section 1: Introductory Provisions. All of the enabling language for the PUD District Ordinance as well as purpose, intent, jurisdiction, administration, and effective date.
 - (b) Section 2: Districts. A profile of each land use district within the PUD and its purpose as well as a summary of permitted land uses and basic development standards.
 - (c) Section 3: Site Development Standards. An alphabetical list of all of the standards that apply to development such as accessory structures, architectural features, bufferyards, lighting, parking, setbacks, signs, etc.
 - (d) Section 4: Use Development Standards. An itemized list of any uses that have additional development standards above and beyond the minimums listed in *Subsection (2)(b): Districts* above.

- (e) Section 5: Administration and Procedures. This chapter explains all of the administration and procedures for the PUD including amendments, variances, and appeals. Note that procedures for the subdivision of land within the PUD shall follow *Chapter 7: Administration and Procedures* of this UDO.
 - (f) Section 6: Definitions. Any terms that are specific to the PUD shall be listed to aid in the interpretation of the ordinance.
- (3) **Public File.** Once the Administrator determines that an application is complete and in proper form, they shall assign a docket number, create a public file, assign a date for reviews from the Technical Review Committee (TAC) and, if within the I-69 Overlay, the Design Review Board (DRB). Within thirty (30) days of receiving a complete application, the Administrator shall announce the tentative date for a hearing before the Plan Commission.
- (4) **Internal Review.**
- (a) The Administrator shall forward the application to the TAC and/or DRB (I-69 Overlay only) for technical review.
 - (b) The Administrator shall compile a written report for the applicant, PC, and the public file with comments from the TAC and/or the DRB (I-69 Overlay only).
 - (c) The subdivider shall address all of the comments from the TAC and/or DRB (I-69 Overlay only) and submit revised application (if applicable) per the adopted schedule.
- d. **STEP 3: PLAN COMMISSION PUBLIC HEARING.**
- i. **Public Notice by Applicant.** Notice of public hearing shall be in accordance with the *PC Rules and Procedures*. In the event the hearing has been properly noticed, but the plans are not finished per *Subsection (4): Internal Review* above, then the Administrator may have the Plan Commission automatically continue the petition to their next regular meeting (or a properly noticed special meeting) without requiring additional notice by the petitioner.
 - ii. **Public Hearing.** The PC shall consider the zone map change or zone map change to a PUD District at a public hearing. The petitioner or his/her representative shall be in attendance to present the request and address any questions or concerns of the PC.

iii. Recommendation by the PC.

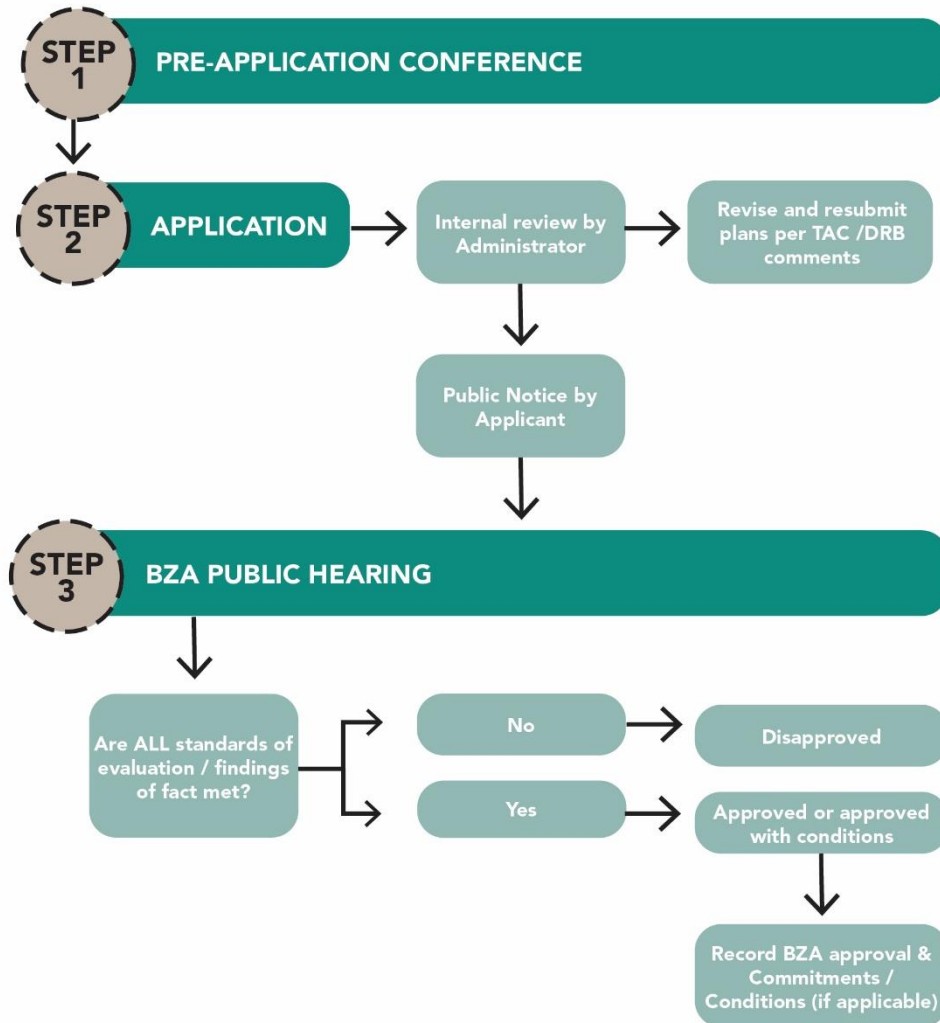
- (1) Consideration for Decision. When considering a zone map change or zone map change to a PUD District, the PC shall pay reasonable regard to:
 - (a) The *Comprehensive Plan*;
 - (b) Current conditions and the character of current structures and uses in each district;
 - (c) The most desirable use for which the land in each district is adapted;
 - (d) The conservation of property values throughout the jurisdiction; and
 - (e) Responsible development and growth.
- (2) Recommendation. After consideration, the PC shall make a favorable, unfavorable, or no recommendation to the legislative body. Any of the said recommendations may include conditions and/or written commitments in accordance with IC 36-7-4-1015 and this UDO.
- (3) Certification of Recommendation. Within ten (10) business days after the PC determination, the PC shall certify their recommendation to the legislative body.

e. STEP 4: COUNTY COMMISSIONERS MEETING.**i. Final Action by County Commissioners.**

- (1) Upon receipt of said certification, the legislative body shall vote on the proposed zone map change or zone map change to a PUD District within ninety (90) calendar days. Final action by the legislative body shall be in accordance with IC 36-7-4-600 series.
- (2) The legislative body may take one of the following actions:
 - (a) Approve. If the proposal is adopted by the legislative body, the PC shall update the zone map accordingly. All approved zone map changes and PUD districts shall be recorded by the Administrator.
 - (b) Modify the rezoning request. Any modification requires the petition to be returned to the PC for additional review and evaluation.
 - (c) Deny the rezoning request.

ii. Expiration. Approval of a zone map change shall run with the land, unless a condition specifies otherwise.**iii. Amendment.** Amendment of a zone map change shall be done in accordance with the IC 36-7-4-600 series for zone map changes and the IC 36-7-1500 series for zone map changes to a PUD District. An amendment of an applicable condition or commitment shall be done in accordance with IC 36-7-4-1015 and this UDO.

4. SPECIAL EXCEPTIONS, VARIANCES FROM DEVELOPMENT STANDARDS & VARIANCES OF USE.



a. General Provisions.

- i. **Applicability.** In accordance with IC 36-7-4-918.2 for Special Exceptions, IC 36-7-4-918.5 for variances from development standards, IC 36-7-4-918.4 for variances of use, and the BZA Rules and Procedures, the BZA shall hear and make recommendations regarding Special Exceptions, variances from development standards and variances of use. The BZA may require that impact studies be performed at the expense of the applicant prior to deciding upon said Special Exception or variance of use.
- ii. **Special Exception Uses.** Uses permitted by Special Exception as listed in *Chapter 3: Zoning Districts and Use Development Standards* may be permitted by the BZA in the districts indicated in accordance with the procedures set forth in this section. The BZA may also vary the development standards or grant a variance of use in accordance with the procedures set forth in this section.

iii. **Nonconforming Uses.** Any expansion of a legal nonconforming use, including the enlargement of the structures or land area devoted to such use, shall be subject to the procedures described in this section.

b. STEP 1: PRE-APPLICATION CONFERENCE.

i. The pre-application conference is required and can be held in-person, virtually (video conference), by phone, or by email. This meeting gives the applicant the opportunity to discuss the procedures for approval with the Administrator as well as the requirements outlined in the UDO.

c. STEP 2: APPLICATION.

i. **Application Submission.** The applicant shall submit an application for Special Exception, variance from development standards or variance of use in accordance with the application packet adopted by the BZA as part of the *BZA Rules and Procedures* and be prepared in accordance with the format described therein.

ii. **Public File.** Once the Administrator determines that an application is complete and in proper form, they shall assign a docket number, create a public file, and assign a date for reviews from the Technical Review Committee (TAC), Morgan County Drainage Board (if more than one-half (1/2) acre), and, if within the I-69 Overlay, the Design Review Board (DRB). Within thirty (30) days of receiving a complete application, the Administrator shall announce the tentative date for a hearing before the BZA.

iii. **Internal Review.**

(1) The Administrator shall forward the application to the TAC, Drainage Board (if more than one-half (1/2) acre), and/or DRB (I-69 Overlay only) for technical review.

(2) The Administrator shall compile a written report for the applicant, PC, and the public file with comments from the TAC, Drainage Board (if more than one-half (1/2) acre), and/or the DRB (I-69 Overlay only).

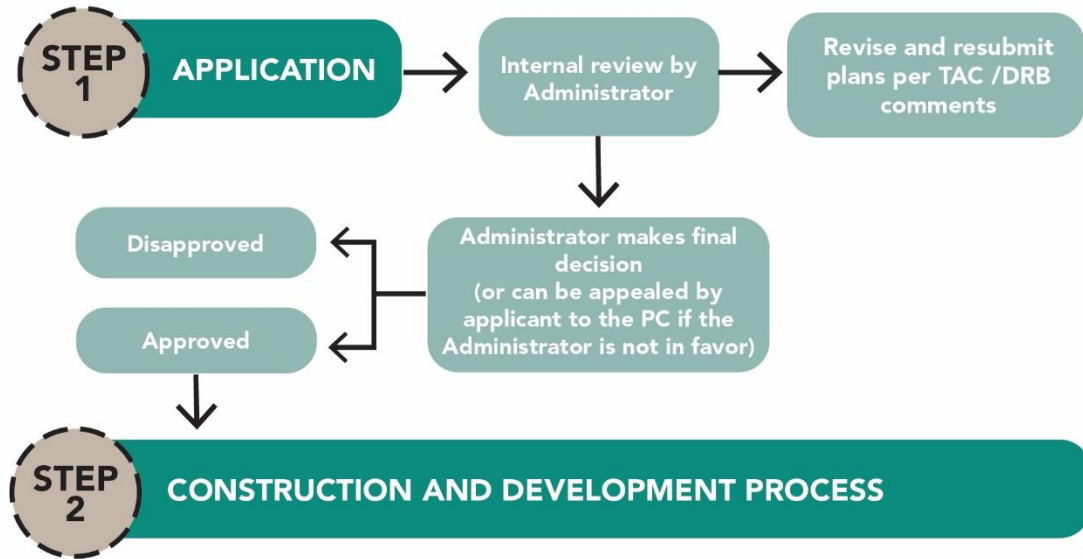
(3) The subdivider shall address all of the comments from the TAC, Drainage Board (if more than one-half (1/2) acre), and/or DRB (I-69 Overlay only) and submit revised application (if applicable) per the adopted schedule.

d. STEP 3: BZA PUBLIC HEARING.

- i. Public Notice by Applicant.** Notice of public hearing shall be in accordance with the BZA Rules and Procedures. In the event the hearing has been properly noticed, but the application is not finished per *Subsection iii: Internal Review* above, then the Administrator may have the BZA automatically continue the petition to their next regular meeting (or a properly noticed special meeting) without requiring additional notice by the petitioner.
- ii. Public Hearing.** The BZA shall consider the Special Exception, variance from development standards or variance of use at a public hearing. The petitioner shall be in attendance to present their request and address any questions or concerns of the BZA.
- iii. Standards for Evaluation for Special Exception.** When considering a Special Exception, the BZA shall find that the following standards have all been satisfied:
 - (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.
- iv. Standards for Evaluating a Variance from Development Standards.** When considering a development standard variance, the BZA shall find that the following standards have all been satisfied:
 - (1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
 - (2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
 - (3) The strict application of the terms of the ordinance will result in practical difficulties in the use of the property.

- v. Standards for Evaluating a Variance of Use.** Per IC 36-7-4-918.4, when considering a variance of use, the BZA shall find that the following standards have all been satisfied:
- (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.
- vi. Final Decision.**
- (1) Approval. If the BZA finds all of the standards have been satisfied, it shall approve or approve with conditions and/or commitments the request. Approval shall be in the form of approved findings of fact.
 - (a) Record Approval. All approvals shall be recorded by the Administrator.
 - (2) Denial. If the BZA does not find that all of the standards have been satisfied, it shall deny the request and provide findings specifying the reason(s) for denial. An application for the same request, without substantive change, cannot be heard by the BZA for one (1) year from the denial.
- vii. Expiration.** Approval of a Special Exception, variance from development standards and variance of use shall run with the land, unless a condition specifies otherwise. However, if construction of structures or occupancy of existing structures relevant to the approved Special Exception or variance has not commenced within twelve (12) months of approval by the BZA, the approval shall be void.
- viii. Amendment.** A Special Exception or variance may only be amended by the BZA following submission of a revised petition which then proceeds through the requisite Special Exception or variance application process.

5. DEVELOPMENT PLANS.



a. General.

i. Applicability.

- (1) In accordance with the IC 36-7-4-1400 series and the PC Rules and Procedures, the PC has the exclusive authority to make decisions regarding Development Plans and authorizes the Administrator to review and approve development plans.
- (2) The development or modification of property for uses other than agricultural uses (excluding confined feeding operations), single-family, or two-family residential, requires Development Plan approval to ensure all regulations and development requirements of this UDO are satisfied.

b. STEP 1: APPLICATION.

- i. **Application Submission.** The applicant shall submit an application for Development Plan approval in accordance with the application packet adopted by the PC as part of the PC Rules and Procedures and be prepared in accordance with the format described therein.
- ii. **Public File.** Once the Administrator determines that an application is complete and in proper form, they shall assign a docket number, create a public file, and assign a date for reviews from the Technical Review Committee (TAC), Morgan County Drainage Board (if more than one-half (1/2) acre), and, if within the I-69 Overlay, the Design Review Board (DRB).

iii. Internal Review.

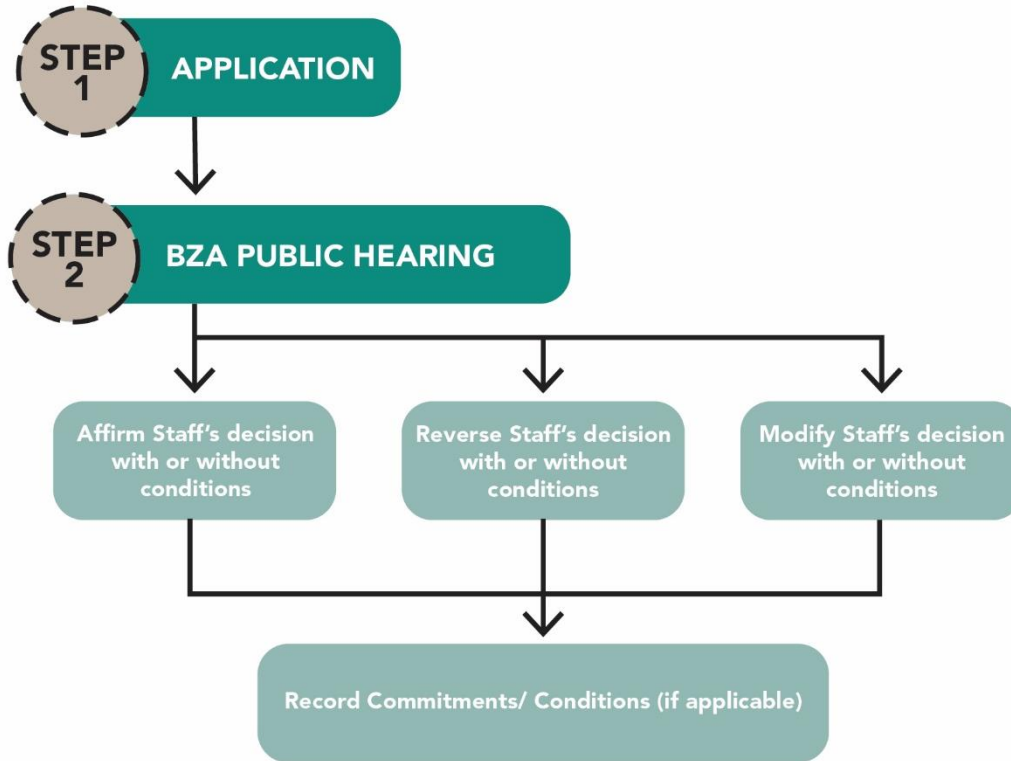
- (1) The Administrator shall forward the application to the TAC, Drainage Board (if more than one-half (1/2) acre), and/or DRB (I-69 Overlay only) for technical review.
- (2) The Administrator shall compile a written report for the applicant, PC, and the public file with comments from the TAC, Drainage Board (if more than one-half (1/2) acre), and/or the DRB (I-69 Overlay only).
- (3) The subdivider shall address all of the comments from the TAC, Drainage Board (if more than one-half (1/2) acre), and/or DRB (I-69 Overlay only) and submit revised application (if applicable) per the adopted schedule.

iv. Decision by the Administrator.

- (1) Approval. If the revised plans have adequately addressed the valid comments from the TAC, the Administrator shall approve the Development Plan.
- (2) Disapproval. If the revised plans have not adequately addressed the valid comments from the TAC, Drainage Board (if more than one-half (1/2) acre), and/or the DRB (I-69 Overlay only), the Administrator may require additional internal review, the resubmittal of revised plans before reconsidering the plans, or disapproval of the development plan application.
 - (a) Appeal to the Plan Commission Public Meeting Request. In accordance with IC 36-7-4-1404, if the application was disapproved by the Administrator, the applicant may appeal the decision directly to the Plan Commission. The applicant shall request a public hearing in writing along with an explanation of disagreement. Upon receipt of this written request, the Administrator shall set a date for a public hearing by the PC.
 - (b) Public Notice. Public notice is not required for Development Plans.
 - (c) Public Hearing. If appealed by the applicant, the PC shall consider the Development Plan at a public hearing. The applicant shall be in attendance to present their plan and address any questions or concerns of the PC.
 - (i) Decision by the PC. The PC shall consider the contested comments before making a final decision on the Development Plan. The PC shall approve, approve with conditions, or deny the Development Plan.
 - (ii) Final Action. A Development Plan is not considered final and ready for construction until revised plans have been received and approved by the Administrator per the terms of the PC's decision.

- v. **Expiration.** Approval of a Development Plan shall be valid for two (2) years from the date of approval. If all applicable permits and construction has not commenced within two (2) years of approval, the approval shall be void.
 - vi. **Amendment.** An amendment to a Development Plan may be approved administratively by the Administrator after internal review by the TAC, Drainage Board, and/or DRB, as applicable. The Administrator reserves the right to send the requested amendment to a public hearing with the PC for final approval.
- c. **STEP 2: CONSTRUCTION AND DEVELOPMENT PROCESS.**
- i. **Required Permits.** The construction of improvements shall occur in accordance with the procedures set forth in *Chapter 7.E.5: Obtain Improvement Location Permits (ILP)*.

6. APPEALS.



a. General.

- i. **Applicability.** In accordance with *IC 36-7-4-918.1* and the *BZA Rules and Procedures*, the BZA shall hear and determine appeals from and review the decisions listed below. In addition, all appeals shall be made pursuant to *IC 36-7-4-1000* thru *1020* and all amendments thereto.
- ii. **Types of Appeals.** The BZA shall hear appeals to any of the following, which does not include appeal of a Development Plan (see *Chapter 7.C.5: Development Plan*):
 - (1) Any order, requirement, decision, or determination made by an administrative official, hearing officer, or staff member under the UDO;
 - (2) Any order, requirement, decision, or determination made by an administrative board or other body except the PC in relation to the enforcement of the UDO; or
 - (3) Any order, requirement, decision, or determination made by an administrative board or other body except the PC in relation to the enforcement of an ordinance adopted under this UDO requiring an ILP or Certificate of Occupancy.

b. STEP 1: APPEALS APPLICATION.

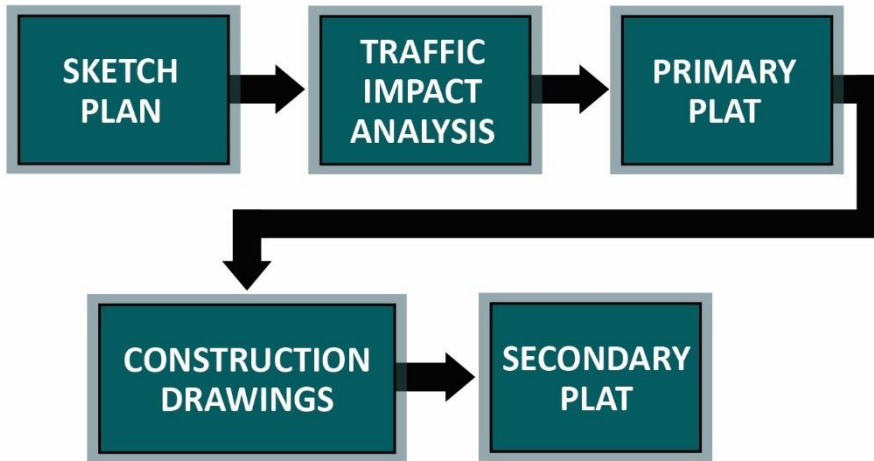
- i. **Application Submission.** The applicant shall submit an application for appeal in accordance with the application packet adopted by the BZA as part of the BZA Rules and Procedures and be prepared in accordance with the format described therein. The application shall be submitted within thirty (30) days of the decision/interpretation that is the subject of the appeal.
- ii. **Public File.** Once the Administrator determines that an application is complete and in proper form, they shall assign a docket number, create a public file, and assign a date for any additional reviews, if applicable. Within thirty (30) days of receiving a complete application, the Administrator shall announce the tentative date for a hearing before the Plan Commission.

c. STEP 2: PUBLIC HEARING.

- i. **Public Notice by Applicant.** Notice of public hearing shall be in accordance with the BZA Rules and Procedures. In the event the hearing has been properly noticed, but the application is not finished per *Subsection ii: Public File* above, then the Administrator may have the BZA automatically continue the petition to their next regular meeting (or a properly noticed special meeting) without requiring additional notice by the petitioner.
- ii. **Public Hearing.** The BZA shall consider the appeal at a public hearing. The petitioner shall be in attendance to present their appeal and address any questions or concerns of the BZA.
 - (1) Final Decision. The BZA may affirm, reverse, or modify the decision, interpretation, order, or action that is the subject of the appeal. The BZA may also add conditions to their decision.
 - (2) Appeal. The decision of the BZA may be appealed to the Circuit or Superior Court of the applicable County.

D. DOCUMENT AND DRAWING SPECIFICATIONS. Procedures for document and drawings are included in this chapter for the following:

| DOCUMENT AND DRAWING SPECIFICATIONS | |
|-------------------------------------|------------------------------------|
| 1. | Sketch Plan Requirements |
| 2. | Traffic Impact Study Requirements |
| 3. | Primary Plat Requirements |
| 4. | Construction Drawings Requirements |
| 5. | Secondary Plat Requirements |



1. SKETCH PLAN REQUIREMENTS.

- a. **General.** All sheets shall be formatted as 18"x24" and drawn to an accurate and convenient scale.
- b. **Checklist.** The following checklist of items should be provided for a Sketch Plan on one sheet:

| SKETCH PLAN CHECKLIST | |
|---|---|
| Project Information | |
| 1. | Name of the project/subdivision; |
| 2. | Location of the property by street, block, and adjacent subdivisions (with block and lot numbers) or section, township, range, and county (if adjacent property if not subdivided); |
| 3. | Total acreage within the project and the number of proposed lots; |
| 4. | Existing zoning of the subject property and all adjacent properties; |
| 5. | Name and address of the owner, developer, and land surveyor/engineer; and |
| 6. | Notation of any covenants on the parcel(s). |
| Existing Site Conditions | |
| (From Applicable Mapping Data/Readily Available Sources) | |
| 1. | General location of property boundaries and adjacent tracts of land with owners of record and name of adjoining developments; |
| 2. | General site topography; |
| 3. | General location of existing buildings/structures (shown with aerial photo); |
| 4. | General location of existing utilities; |
| 5. | General location of floodplains and water bodies; and |
| 6. | Other general site conditions that may need to be considered. |
| Proposed Development Information | |
| 1. | General layout of streets, blocks, and lots for the subdivision; |
| 2. | Identification of general area(s) to be set aside for public facilities or common area; |
| 3. | Identification of sites and proposed uses; and |
| 4. | General concept for water service, sanitary service, and stormwater drainage. |
| Title Block | |
| 1. | The proposed legal and common name of the project; and |
| 2. | Date of survey, scale, north point, and revision date(s), if applicable. |

2. TRAFFIC IMPACT STUDY REQUIREMENTS.

a. General.

- i. The PC shall require a traffic analysis to be completed by the applicant.
- ii. The Administrator or County Engineer may determine a lesser level of study is required than the identified thresholds based on existing site conditions and/or previous traffic studies, but at a minimum, a Trip Generation Statement shall be provided.

b. Applicability and Thresholds.

- i. All types of subdivisions shall provide a traffic impact study as outlined below.

| TRAFFIC IMPACT STUDY THRESHOLDS | | |
|---|---|-------------------------------|
| Subdivision Type | Threshold | Required Traffic Impact Study |
| Exempt Subdivision; Minor Residential Subdivision | N/A | No Study |
| Single-Family Residential (attached & detached); Two-Family Residential | Less than 50 lots | Trip Generation Statement |
| | 50 to 200 lots | Traffic Impact Study, Tier 1 |
| | More than 200 lots | Traffic Impact Study, Tier 2 |
| Multi-Family Residential; Commercial; Industrial | Generates less than 100 expected trips during a peak hour | Trip Generation Statement |
| | Generates 100 to 250 expected trips during a peak hour | Traffic Impact Study, Tier 1 |
| | Generates more than 250 expected trips during a peak hour | Traffic Impact Study, Tier 2 |

c. Traffic Impact Study Requirements.

- i. The following extents, requirements, and horizons shall be provided for all types of subdivisions requiring a study.

| TRAFFIC IMPACT STUDY THRESHOLDS | | |
|---------------------------------|--|--|
| Subdivision Type | Extent/Requirement | Horizon Year |
| Traffic Generation Statement | <ul style="list-style-type: none"> • Statement of the expected number of daily and peak hour trips • Identify any existing traffic issues that exist at the proposed access point(s) | N/A |
| Traffic Impact Study, Tier 1 | <ul style="list-style-type: none"> • All public road intersections within one quarter-mile (1/4) of the proposed access point(s) • Any public road intersection(s) further than one quarter-mile (1/4) from the proposed access point(s) if the proposed development contributes to ten percent (10%) or more of the traffic in any movement | Required to consider the effects of the proposed project in a timeframe projected to five (5) years into the future, or the opening of the final phase of the development, whichever is further out. |
| Traffic Impact Study, Tier 2 | <ul style="list-style-type: none"> • All public road intersections within one-mile (1) of the proposed access point(s) • All signalized intersections within two (2) miles of the proposed access point(s) | Required to consider the effects of the proposed project in a timeframe projected to ten (10) years into the future, or the opening of the final phase of the development, whichever is further out. |

d. Basis of Analysis.

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

- e. Findings and Recommendations.** At a minimum, all Tier 1 and Tier 2 Traffic Impact Studies shall:
- i.** Identify locations where traffic congestion or other impacts to traffic operations may be anticipated, including an established baseline so the relative contribution of the proposed development can be determined (with references to appropriate parameters and Level of Service);
 - ii.** Consider and identify safety issues, including crashes if the intersection(s) analyzed has been identified by the IMPO as a high crash location;
 - iii.** Investigate the most straightforward improvements that would be needed to relieve anticipated congestion and/or safety issues, if any, in accordance with INDOT accepted warrants, methods, and/or practices; and
 - iv.** Provide additional analysis depending upon the site-specific conditions that impact congestion, traffic operations, and/or safety; and
 - v.** Include written findings and recommendations that the PC may consider.

3. PRIMARY PLAT REQUIREMENTS.

a. General.

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

b. Checklist. The following checklist of items should be provided for a Primary Plat on one sheet:

| PRIMARY PLAT CHECKLIST | |
|------------------------|---|
| Project Information | |
| 1. | A location map with north arrow at a scale of one-inch equals four hundred feet (1" = 400') or less showing the boundaries of the proposed project and covering the general area within which it is to be located. |
| 2. | Boundaries of the tract with accurate dimensions and bearings, as determined by an accurate survey conforming with 865 IAC 1-12, in the field which has been balanced and closed, as well as physically located by monumentation. |
| 3. | Location and description of all monuments with references by distance to bearings to both ¼ section corners, section corners, grant corners, or recorded subdivisions. |
| 4. | Boundary lines of adjacent tracts of land, showing owners of record and names of adjoining developments. |
| 5. | Existing zoning of the subject property and all adjacent properties. |
| 6. | Name of the project/subdivision. |
| 7. | Name and address of the owner, developer, and land surveyor and/or engineer. |
| 8. | If non-residential, a statement of the proposed uses, stating the type of buildings, and the type of business, commercial, or industrial uses so as to reveal the effect of the project on traffic, fire, and population. |
| 9. | Total acreage within the project and the number of lots. |

PRIMARY PLAT CHECKLIST (CONTINUED)

Existing Site Conditions

1. Existing contours based in NAVD 1988 datum with vertical intervals of two (2) feet if the general slope of the site is less than two percent (2%) and vertical intervals of five (5) feet if the general slope is greater than two percent (2%). A benchmark, which is easily accessible and re-locatable, shall be shown. The benchmark shall be determined by use of NAVD 88 datum (vertical), which are based on sea level datum.
2. Existing buildings/structures and their placement on the lots.
3. Existing water mains, fire hydrants, storm sewers, sanitary sewers, culverts, bridges, and other utility structures or facilities within, adjacent to, or serving the subject land, including pipe sizes, grades, and exact locations, as can best be obtained from public or private records.
4. Location, widths, and type of construction of all existing streets, street names, alleys, or other public ways and easements, street classifications as per the *Comprehensive Plan*, Morgan County Thoroughfare Plan, railroad and utility rights-of-way or easements, parks, wooded areas, trails, cemeteries, watercourses, drainage ditches, designated wetlands, floodplain per FEMA/IDNR maps, and bridges. Other structures shall be located by dimensions on the plans, in relation to surrounding physical features. Other data may be added which is considered pertinent by the PC or the Administrator for the subject land. Existing site conditions shall include all land within one hundred (100) feet of the proposed project.
5. The water elevation at the date of the survey of lakes, stream flow, or designated wetlands within the project or affecting it.
6. The regulatory flood (100-year flood) elevation based on NAVD 1988.

Proposed Development Information

1. Basic layout of the proposed project/subdivision showing lot/block lines, lot/block numbers, and streets that show length, width, depth, and area of all lots.
2. Building and thoroughfare (if applicable) setback lines, showing dimensions.
3. Utility easements and/or proposed locations for all utilities.
4. All lots or blocks/outlots intended for sale or lease shall be designated with boundary lines and identified with letters and be in alphabetical order. Lots shall be numbered consecutively within each block.
5. Private areas, common areas, or other excluded parcels shall be designated as such and clearly labeled on the plans.
6. Note stating: No buildings, structures, fences, shrubs, or trees shall be placed in the public right-of-way without prior written review and approval by the appropriate agency.
7. Internal and perimeter sidewalk system/pedestrian circulation plan, if any.
8. Other such information as may be deemed necessary for proper review of the Primary Plat by the Administrator, the Engineer, Surveyor, or PC.

Title Block

1. The proposed legal and common name of the project; and
2. Date of survey, scale, north point, and revision date(s), if applicable.

4. CONSTRUCTION DRAWINGS REQUIREMENTS.

- a. **Checklist.** The following checklist of items that should be provided:

| CONSTRUCTION DRAWINGS CHECKLIST | |
|---|---|
| Project Information | |
| 1. | A location map with north arrow at a scale of one-inch equals four hundred feet (1" = 400') or less showing the boundaries of the proposed project and covering the general area within which it is to be located. |
| 2. | Name of the project/subdivision. |
| 3. | Name and address of the owner, developer, and land surveyor and/or engineer. |
| 4. | If non-residential, a statement of the proposed uses, stating the type of buildings, and the type of business, commercial, or industrial uses so as to reveal the effect of the project on traffic, fire, and population. |
| Existing Site Conditions | |
| 1. | Construction documents for all existing site conditions items required for the Primary Plat in <i>Chapter 7.D.3.b: Checklist</i> . |
| Proposed Development Information | |
| 1. | Construction documents for all proposed development information items required for the Primary Plat in <i>Chapter 7.D.3.b: Checklist</i> . |
| Title Block | |
| 1. | All title block items required for the Primary Plat in <i>Chapter 7.D.3.b: Checklist</i> |

- b. **IDEM.**

- i. If the subdivision disturbs more than one (1) acre, detailed erosion control and sediment control plans, pursuant to 327 IAC 15-5 (currently known as Rule 5), as amended, as administered by IDEM shall be submitted to the Morgan County Drainage Board.
- ii. All required MS4 General Permits and Rule 5 Permits shall be submitted to the Morgan County Drainage Board prior to approving a secondary plat.

- c. **Drainage Board Approval.** Drainage plans shall be submitted to the Morgan County Drainage Board, as applicable. Prior to approving a secondary plat, the Morgan County Drainage Board must approve the drainage plans.

- d. **As-Builts.** After all public improvements are constructed and inspected, the applicant shall provide as-builts for all improvements within the public right-of-way in PDF format and a GIS layer with locations of all public infrastructure as outlined in *Chapter 7.E.4: Dedication of Public Infrastructure*.

5. SECONDARY PLAT REQUIREMENTS.

a. General.

- i. The Secondary Plat sheet(s) shall be prepared by a Registered Land Surveyor licensed to practice in the State of Indiana. All sheets shall be formatted as 18"x24" Mylar and drawn to a convenient scale. The sheet shall be sealed and signed by the professional preparing it and it shall be tied to state plane coordinates for horizontal controls.
- ii. The Secondary Plat may be deemed to substantially conform to the Preliminary Plat if the geometrics of the Secondary Plat are substantially the same layout. The addition, removal, or alteration of road patterns, lot sizes, and total number of lots shall result in a resubmission of the plat for approval by the PC rather than the Administrator unless such changes were a condition of the Preliminary Plat approval. The addition or removal of easements to accommodate utilities or drainage shall not constitute a substantial change in conformity.
- iii. Note stating monuments shall be set on all lot corners in accordance with 865 IAC.

b. Checklist. The following checklist of items should be provided for a secondary plat on one sheet:

| SECONDARY PLAT CHECKLIST | |
|---|--|
| Proposed Development Information | |
| 1. | Name of the project. |
| 2. | All lots or outlots intended for sale or lease shall be designated with boundary lines and numbered or labeled for identification purposes. |
| 3. | Private areas, common areas, or other excluded parcels shall be designated as such and clearly labeled on the plat and plans. |
| 4. | Building setback lines, showing dimensions. |
| 5. | Monument sign location, including dedicated easement or dedicated common area. |
| 6. | Easements. |
| Notes and Endorsements (Must be included before recording) | |
| 1. | The following shall be included verbatim: Surveyor's Subdivision Certification. I, _____, an Indiana Registered Land Surveyor, hereby certify that, to the best of my information, knowledge and belief, this plat represents a subdivision of land in accordance with the County of Morgan Plan Commission. The perimeter of said subdivision was surveyed in accordance with Indiana Administrative Code 865-1-12 and that all information required by said rule, including surveyor's report, is shown hereon, or is given in a separate boundary survey that has been recorded in the Office of the Recorder of Morgan County as Instrument Number _____. Further that all monuments required by 865 IAC 1-12 and this ordinance have been set or will be set prior to the transfer of any lot in this subdivision. Certified this _____ day of _____, 20____. Seal and Signature of Land Surveyor: _____ |

2. The intent of the dedication language below shall be included (but may be changed as necessary):

Dedication Certification. By the Subdivider(s)/applicant(s) and/or any other owner(s) of record, a notarized statement that said Subdivider(s) and/or other landowner(s) is/are the owner(s) of the lands and the platting of the subdivision is the Subdivider's and/or other owner's voluntary act and deed. The Subdivider(s) and/or owner(s) shall declare in this certificate by description or reference to the plat the purpose of all rights-of-way, easements, and other reservations shown on the plat.

3. The following shall be included verbatim:

Plan Commission Certification. Under authority provided by IC-36-7-4 enacted by the General Assembly of the State of Indiana, and all acts amendatory thereto, and by an ordinance adopted by the Morgan County, Indiana, Board of County Commissioners, this plat is hereby approved by the Morgan County Plan Commission at a meeting held this _____ day of _____, 20__.

4. Notation of any self-imposed restrictions.

5. Endorsement by every person having a security interest in the property that they are subordinating their liens to all covenants, servitudes, and easements imposed on the property.

6. For any plats with private roads or shared driveways, a note stating that roads not built to county standards cannot be dedicated.

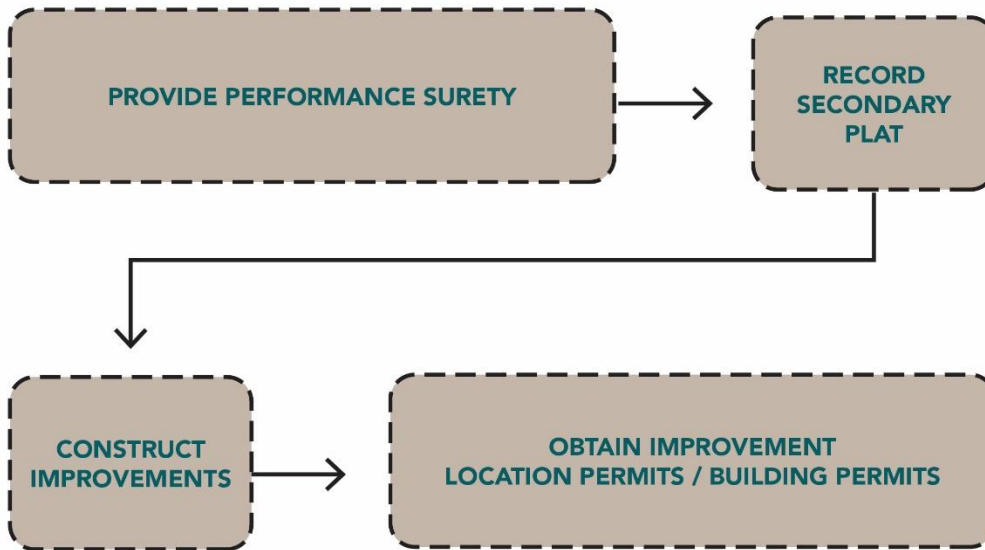
7. A note stating that an individual Erosion Control Plan is required for each lot in this subdivision prior to the issuance of any building permit.

c. **Covenants and Restrictions.** Covenants and restrictions shall be submitted to the Administrator prior to being recorded.

- i. Covenants are not enforced by Morgan County Government.
- ii. If there are conflicts between the covenants and the Morgan County Unified Development Ordinance, the more restrictive regulations shall apply.

E. CONSTRUCTION PROCESS. Procedures for the construction process are included in this chapter for the following:

| CONSTRUCTION PROCESS | |
|----------------------|---|
| 1. | Construct Improvements or Post Performance Surety |
| 2. | Record Secondary Plat |
| 3. | Provide Maintenance Surety |
| 4. | Dedication of Public Infrastructure |
| 5. | Obtain Improvement Location Permit(s) (ILP) |



1. CONSTRUCT IMPROVEMENTS OR PROVIDE PERFORMANCE SURETY.

a. **General.** Once a Primary Plat and the associated construction plans have been approved by the Administrator or PC and other required agencies, as appropriate, the construction and development process may commence in one of two ways as follows:

i. **Option 1: Construct Improvements then Record Plat.**

- (1) **Secondary Plat Approval.** Secondary Plat should be approved prior to installing infrastructure. Any construction or installation of infrastructure started or completed prior to approval of the construction plans and/or Secondary Plat is done at the risk of the applicant; if changes or revisions to the construction plans and/or Secondary Plat are required, any modifications to construction or installation of infrastructure shall be the responsibility of the applicant.
- (2) **Install Infrastructure.** Infrastructure shall be installed per the approved construction plans except for the final coat of asphalt on the roadways.
- (3) **Inspect Infrastructure.** The improvements shall be reviewed and inspected by the County Engineer throughout the construction process to ensure that they have been completed in a satisfactory manner. This includes, but is not limited to, roads, curbs, gutters, drainage facilities, and any other utilities as required by this UDO or any other applicable ordinance.
 - (a) The County Engineer does not inspect infrastructure not owned or managed by the County (such as water, sewer, fire hydrants, and electric). All infrastructure improvements and/or utilities required by this UDO shall be installed prior to recording the plat and any inspections of this infrastructure should be directly coordinated with the respective local providers.
- (4) **Provide Maintenance Surety.** The applicant shall post a maintenance surety in accordance with *Chapter 7.E.3: Provide Maintenance Surety*.
- (5) **Execute and Record Plat.** The plat shall be executed and recorded in accordance with *Chapter 7.E.2: Record Secondary Plat*.
- (6) **Install Final Coat of Asphalt.** Once development has occurred to the satisfaction of the County Engineer, the final coat of asphalt for the roadways shall be installed by the applicant.
- (7) **Release Maintenance Surety Funds.** Maintenance surety funds shall be released in accordance with *Chapter 7.E.3: Provide Maintenance Surety*.

ii. Option 2: Post Performance Surety Then Record Plat.

- (1) **Secondary Plat Approval.** Secondary Plat must be approved prior to posting performance surety.
- (2) **Execute Performance and Escrow Agreement.** The applicant shall submit an executed Performance and Escrow Agreement to the County Engineer in a form created and approved by the County Attorney.
- (3) **Cost Estimate for Infrastructure Completion.** The applicant shall submit a reliable estimate to the County Engineer for review and approval of the cost estimate of completing all of the required infrastructure including, but not limited to the roads, drainage structures, and all other work or improvements to the subdivision required by this UDO and the Performance and Escrow Agreement.
- (4) **Provide Cash Escrow or Irrevocable Evergreen Bond.** A cash escrow or irrevocable evergreen bond shall be paid to the County in the required amount to ensure completion of the subdivision improvements in accordance with the executed Performance and Escrow Agreement and in the amount approved by the County Engineer. The escrow shall:
 - (a) Be payable to Morgan County Board of Commissioners;
 - (b) Be in a sum which is at least one hundred twenty percent (120%) of the amount estimated to complete the improvements;
 - (c) Be in the form of immediately available cash funds or irrevocable evergreen bond.
- (5) **Execute and Record Plat.** Once the performance surety has been posted and accepted to the satisfaction of the County Engineer, the plat shall be executed and recorded in accordance with *Chapter 7.E.2: Record Secondary Plat*.
- (6) **Install Infrastructure.** Infrastructure shall be installed per the approved construction plans except for the final coat of asphalt on the roadways.
- (7) **Inspect Infrastructure.** Once complete, the improvements shall be reviewed and inspected by the County Engineer throughout the construction process to ensure that they have been completed in a satisfactory manner. This includes, but is not limited to roads, curbs, gutters, drainage facilities, and any other utilities as required by this UDO or any other applicable ordinance.
 - (a) The County Engineer does not inspect infrastructure not owned or managed by the County (such as water, sewer, fire hydrants, and electric). All infrastructure improvements and/or utilities required by this UDO shall be installed prior to recording the plat and any inspections of this infrastructure should be directly coordinated with the respective local providers.

- (8) **Release of Performance Surety Funds.** The County Engineer, with the approval of the County Commissioners, shall release all or a portion of the escrow to the applicant after satisfactory completion of all or a part of the improvements and installations of the subdivision after inspection and approval of the County Engineer. Any such release shall occur no more frequently than once a month. The County Engineer will not release any funds without being requested by the applicant. The performance surety cannot be released in full before depositing funds for final coat of asphalt.
- (9) **Provide Maintenance Surety.** The applicant shall post maintenance surety in accordance with *Chapter 7.E.3: Provide Maintenance Surety*.
- (10) **Install Final Coat of Asphalt.** Once development has occurred to the satisfaction of the County Engineer, the final coat of asphalt for the roadways shall be installed by the applicant.
- (11) **Release Maintenance Surety Funds.** Maintenance surety funds shall be released in accordance with *Chapter 7.E.3: Provide Maintenance Surety*.

2. RECORD SECONDARY PLAT.

- a. **Execute Plat.** The plat shall be signed by the Administrator, County Surveyor, and the County Engineer or designee before being recorded.
- b. **Pay Applicable Fees.** Prior to recording the plat, the applicant shall:
 - i. Pay the required economic development fee, as required by *Morgan County Code of Ordinances Chapter 35.12: Economic Development Fund; Fee*, for all residential subdivisions and any parcel of ten (10) acres or less that is created in a residential or agricultural zoning district; and
 - ii. Pay other applicable development fees to the appropriate bodies.
- c. **Record Plat.**
 - i. The subdivider shall be responsible for recording the executed Secondary Plat with the Recorder's Office.
 - ii. Once recorded, the subdivider shall provide the Administrator with a copy of the recorded and stamped Secondary Plat in the format(s) required by the Administrator.
 - iii. A plat or replat of a subdivision must be recorded within two (2) years of being executed or within two (2) years of completion of infrastructure. Upon written request, the PC may extend the time limitation for two (2) years. If the applicant fails to record within this time period, the plat shall be null and void.
- d. **Recordation Prohibition.** Pursuant to *IC 36-7-4-710*, a plat of a subdivision for the purposes of development may not be filed with the County Auditor, and the County Recorder may not record it, unless it has been granted secondary approval and signed and certified by the required parties. The filing and recording of the plat is without legal effect unless approved by the Administrator.

3. PROVIDE MAINTENANCE SURETY.

a. General.

- i. A post construction surety / bond is required for residential subdivision plats and other projects for which maintenance of the drainage facilities, utilities, and/or roads is ultimately to be taken over by Morgan County.
- ii. After the final approval of construction and prior to release of any performance sureties, a post construction surety / bond must be provided and maintained by the project owner for a period of two (2) years. The maintenance surety /bond shall guarantee the storm water facilities, sidewalks (if required), and roads constructed under the permit against design defects and/or failures in workmanship and shall guarantee that the facilities constructed under the permit will be regularly and adequately maintained throughout the maintenance period. Prior to the expiration period, Morgan County will evaluate performance of the bonded facilities and, if not functioning as intended or designed, will require the project owner to fix to the satisfaction of the County Engineer. Morgan County also has the authority to collect on the bond and repair or maintain the affected facilities.
- iii. Morgan County may accept property functioning facilities in accordance with Morgan County Technical Design Standards. Until such time as the county accepts maintenance, the developer must secure the property functioning and maintenance of the facility, and such shall be a condition of secondary plat approval.
- iv. The amount of the maintenance surety / bond shall be twenty-five percent (25%) of the estimated construction cost of the storm water facilities and roads requiring maintenance, or \$50,000.00, whichever is greater. The construction costs of the facilities requiring maintenance shall be estimated by the project engineer, subject to the approval of the County Engineer.
- v. Two (2) years after the maintenance surety is posted, the applicant can request that the County Engineer release or return the maintenance surety. The County Engineer will not release any funds without being requested by the applicant.

b. Form of Maintenance Surety. Maintenance surety shall be a cash deposit or bond.

- i. If a performance suety or bond was provided, the applicant can request eighty percent (80%) of the cash funds from the performance surety be released by the County and/or returned to the applicant when the final coat of asphalt has been installed on the roadways to the satisfaction of the County Engineer. The remaining balance will be applied to the Maintenance Surety.

c. Release of Maintenance Surety.

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

d. County Use of Funds.

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

4. DEDICATION OF PUBLIC INFRASTRUCTURE.

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

5. OBTAIN IMPROVEMENT LOCATION PERMITS (ILP).

- a. **Authority.** The Administrator, or their designee, shall be responsible for the issuance of ILPs in accordance with the IC 36-7-4-800 series.
- b. **Applicability.** An ILP, also known as a building permit, shall be required for the erection, alteration, or modification of all structures within the jurisdiction including, but not necessarily limited to:
 - i. Primary structures;
 - ii. Accessory buildings and structures, as set forth in *Chapter 4.C.1: Accessory Structure Standards* and *Chapter 4.C.9: Structure Standards*, that are:
 - (1) Greater than two hundred (200) square feet; or
 - (2) Have a permanent foundation.
 - iii. Signs as set forth in this ordinance;
 - iv. Temporary storage containers as set forth in this ordinance; and
 - v. Wireless communication facilities both free-standing and those co-located upon an existing or pre-approved wireless communication facility.
- c. **Temporary Use Permit.** A Temporary Use Permit may be granted by the Administrator for the construction and use of a permitted temporary use (such as a construction trailer, mobile sales office, vehicle, tent, booth, or other means). Temporary Use Permits shall not be issued for more than ninety (90) days or the duration of construction, whichever is greater.
- d. **Issuance of ILP (building permit).**
 - i. No building or other structure shall be erected, moved, added to, or structurally altered unless the Morgan County Plan Commission office has issued an ILP. No structural change in use of a building or land shall be made without an Improvement Location Permit issued by the Morgan County Plan Commission Office. Building permits shall be issued only upon finding that the proposed use complies with the requirements of this Ordinance or upon written order from the Board of Zoning Appeals granting a variance, appeal, or Special Exception.
 - ii. All public improvements shall be installed and also inspected by the County Engineer (where applicable) in addition to the plat being recorded before an ILP is issued.
 - iii. No ILP shall be issued for a structure that is served by a septic system unless a septic permit has been issued by the Morgan County Health Department or the Health Officer has authorized an approved system.
 - iv. No ILP shall be issued for any commercial or industrial use without first having obtained any required state agency approvals and/or permits.

- e. **Application.** The applicant shall submit an application for an ILP in accordance with the application packet and complete it in accordance with the format described therein. The filing fee for an ILP shall be paid in accordance with the adopted *Fee Schedule*. A public record of each ILP shall be retained in the Office of the Plan Commission Administrator in accordance with the retention rules established by the State Board of Accounts.
- f. **Inspection(s) Required.** All inspection(s) shall be completed for all ILPs that are constructed in compliance with all provisions of the UDO and other applicable codes. No structure shall be occupied or used, in whole or part, for any purpose until a final inspection is completed and approved.
- g. **Expiration.**
 - i. An ILP shall be valid for a period of two (2) years from the date of issuance unless work has not begun within sixty (60) days of issuance.
 - ii. An ILP for a manufactured home structure, accessory structure, or electrical work shall be valid for a period of one (1) year from the date of issuance.
 - iii. The Administrator may grant up to two additional six (6) month time periods at the request of the applicant stating the need for such extension. Once an ILP expires, a new application (including fees) shall be submitted for approval.
- h. **Amendment.** An amendment to an approved ILP may be submitted at any time for review and consideration by the Administrator. Additional fees may be assessed if applicable.
- i. **Certificate of Occupancy.**
 - i. It shall be unlawful to use, occupy, or permit the use, or occupancy of any building, or premises, or both, or part thereof, hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use of structure until a Certificate of Occupancy has been issued by the Administrator. The Certificate of Occupancy shall state that the proposed use of the building or land conforms to the requirements of this Ordinance and that the Administrator and/or their designee has inspected the property and attested to that fact.
 - ii. Certificate of Occupancy shall not be issued until any required driveway culverts have been properly installed and then inspected by the Morgan County Highway Department.
 - iii. No Certificate of Occupancy shall be issued until all work has been completed. No person shall occupy any dwelling without having an approved and installed Sanitary Sewage System that has been inspected by the Morgan County Health Department.

F. OTHER PROCEDURES.

1. APPEALS OF PC DECISION.

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

2. PLAT AMENDMENTS AND REPLATS.

a. Primary Plat Amendment.

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

b. Secondary Plat Amendment.

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

c. Minor Residential Plat Amendment.

- i. After a Minor Residential Plat is approved, the subdivider may request an amendment be made to the plat before it is recorded and shall follow the procedure set forth in *Chapter 7.F.2.b: Secondary Plat Amendment*.
- ii. If a Minor Residential Plat is approved, the subdivider may request an amendment to the plat after it is recorded if the amendment complies with the Exempt Subdivision standards (*Chapter 5.B.5: Exempt Subdivisions*) and also complies with all other standards set forth in this UDO. This amendment shall follow the procedure set forth in *Chapter 7.F.2.b: Secondary Plat Amendment*.

d. Replat.

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

3. VACATIONS.

- a. **Authority.** Pursuant to IC 36-7-4-711, the PC has exclusive authority over the vacation of plats or parts of plats. Vacations may be pursued under either IC 36-7-4-711 or IC 36-7-3-10.
- b. **Vacation When All Owners Agree.**
 - i. **Applicability.** As provided in IC 36-7-3-10, if all of the owners of land in the plat agree on a proposed vacation of all or part of the plat, before recording a written instrument to vacate all or part of the plat, the owner(s) must submit the instrument to the PC for approval.
 - ii. **Public Hearing Not Required.** The PC may consider and rule on the proposed instrument without notice or a public hearing.
 - (1) The PC shall attach its written decision to the instrument before it is submitted for recording.
 - (2) As provided in IC 36-7-3-10, an instrument recorded under this section terminates the effect of the plat or part of the plat declared to be vacated. It also terminates all public rights in the public ways and public places described in the plat or part of the plat. However, a public way that has been improved, or that is part of an improved plat, may be vacated only under IC 37-7-3-12. As provided in IC 36-7-3-16, platted easements may be vacated in this same manner as public ways and places.
 - (3) If the PC denies a vacation request under this section, a subsequent vacation proceeding affecting the same property and asking for the same relief may not be initiated for two (2) years from the date of the PC's denial, as provided in IC 36-7-3-15.
- c. **Vacations When All Owners Are Not in Agreement.**
 - i. **Applicability.** As provided in IC 36-7-4-711, if not all of the owners of land in a plat agree on a proposed vacation, one or more of the owners may file with the PC a petition to vacate all of the plat or that part of the plat that pertains to land owned by the petitioner(s).
 - ii. **Public Hearing.** At the PC hearing, all other owners of land in the plat shall be allowed to comment on the petition.
 - (1) Approval. The PC may approve the petition only if it finds that the conditions below are met. The PC may impose reasonable conditions as part of any approval. The PC shall furnish a copy of its approval to the County Recorder for recording.
 - (a) Conditions in the platted area have changed so as to defeat the original purpose of the plat;
 - (b) It is in the public interest to vacate all or part of the plat; and
 - (c) The value of that part of the land in the plat not owned by the petitioner(s) will not be diminished by the vacation.
 - (2) Denial. If the PC finds that the applicant does not meet the requirements above, it shall deny the petition. If the PC denies a vacation request under this section, it shall not consider another vacation request which requests substantially similar relief concerning the same property for at least one (1) year after the denial, as authorized by IC 36-7-4-715.

4. WAIVERS.

a. General.


- i. A waiver can be granted for a provision in *Chapter 5: Subdivision Types* and/or *Chapter 6: Subdivision Design Standards* when the subdivider can show that practical difficulties and unnecessary hardship would result if strictly adhered to and where, in the opinion of the PC, because of topographical or other conditions particular to the site, a departure may be made without compromising the intent of such provisions. The PC may authorize a waiver pursuant to IC 36-7-4-702(c).
- ii. Pursuant to IC 36-7-4-702(c), the standards for subdivisions in *Chapter 5: Subdivision Types* and/or *Chapter 6: Subdivision Design Regulations* may be waived at the discretion of the PC. However, to be approved, the plat must still meet all applicable standards prescribed in the UDO. Variations from the standards in *Chapter 3: Zoning Districts & Use Development Standards* and *Chapter 4: Site Development Standards* require a variance by the BZA (See *Chapter 7: Administration and Procedures*).

b. Application. A petition for a waiver or waiver of conditions shall be submitted in writing by the subdivider at the time when the Primary Plat or Secondary Plat is filed. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

c. Basis for Consideration. The PC shall not approve waivers unless it finds, based upon the evidence presented to it in each specific case, that:

- i. Practical difficulties and unnecessary hardship may result from the strict application of this UDO, and
- ii. The purpose and intent of this UDO may be better served by an alternative proposal.
- iii. The granting of the waiver or waiver of conditions will not be detrimental to the public safety, health, or welfare or injurious to other property;
- iv. The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property;
- v. The relief sought will not contravene the other provisions of the UDO or the intent of the Comprehensive Plan and/or Thoroughfare Plan; and
- vi. Where the waiver impacts on the design, construction, or maintenance obligations of public facilities, that the appropriate public agency has reviewed and approved the proposed development in writing or electronic transmission to the PC.

d. Written Findings. The PC shall make written findings of fact on all waiver requests.

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- e. Conditions of Waiver Approval.** The PC may, in approving waivers, require such conditions as will, in its judgment, secure substantially the purposes of said waiver. Such conditions shall be expressly set forth in the order granting the waiver and be in accordance with the *PC Rules and Procedures* for governing commitments. Violation of any such condition shall be a violation of this UDO and subject to the provisions of *Chapter 7.F.5: Enforcement*.
- f. Waivers Concerning Public Improvements.**
- i. The PC may defer or waive, at the time of secondary approval and subject to any appropriate conditions, the provision for any or all, public improvements that in its judgment are:
 - (1) Not required in the interests of the public health, safety, and general welfare,
 - (2) Inappropriate because of incompatible grades, future planning, inadequate or nonexistent connecting facilities, or
 - (3) Inappropriate for other reasons presented to and agreed on by the PC.
 - ii. Any determination to defer or waive the provision of any public improvement must be made in accordance with this section and the reasons for the deferral or waiver shall be expressly made part of the record.
 - iii. Where improvement or installations are deferred as herein provided, the subdivider shall post a separate surety in an amount determined by the jurisdiction guaranteeing completion of the deferred improvements upon demand of the jurisdiction.

5. ENFORCEMENT.

- a. **Authority.** The PC or its authorized designee is hereby designated to enforce the terms and provisions of this UDO. For the purposes of this UDO, the term PC as used herein and throughout this UDO shall be inclusive of its authorized designee.
- b. **Persons Liable.** The owner, tenant, or occupant of any building or land, or part thereof, and any architect, builder, contractor, agent, or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this UDO may be held responsible for the violation and be subject to the remedies and penalties provided herein and at law.
- c. **Complaints.**
 - i. 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.
 - ii. The complaint shall state fully the causes and basis thereof and shall be filed with the Administrator. The Administrator, or their designee, shall investigate the complaint, take immediate action, and may refer the matter to the PC, BZA, or their attorney for review.
 - iii. The Administrator, or their designee, shall have authority to enter upon property at any time to investigate a written complaint.
- d. **Violations.**
 - i. **ILP Violations.**
 - (1) Any persons or corporation who shall initiate construction prior to obtaining an ILP, Certificate of Occupancy, Certificate of Completion, or any other permit or authorization required herein, shall pay the fine as set forth in the Fee Schedule.
 - (2) 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.
 - (3) No ILP or Certificate of Occupancy shall be issued for any building, structure, or improvement unless the location of the building, structure, or improvement conforms to this UDO.
 - ii. **UDO Violations.**
 - (1) No owner or agent of the owner of any parcel of the land located in a proposed subdivision shall transfer, sell, or convey any part of the parcel before a Secondary Plat of the subdivision has been approved by the PC in accordance with the provisions of these regulations and filed with the Recorder's Office.
 - (2) It shall be the duty of the Administrator to periodically research the applicable County records and perform the other necessary investigations to detect any violations of the subdivision regulations.
 - (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 these regulations until the proposed subdivision has been approved by the PC in accordance with these regulations and filed with the Morgan County Recorder except as outlined in this UDO.

- (4) The Administrator shall enforce these regulations and bring to the attention of the PC Attorney any violations or lack of compliance herewith. The PC Attorney shall take steps necessary under the Indiana Code to civilly enjoin any violation of these regulations.

e. Penalties.

- i. Fines. 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 no more than two thousand and five hundred dollars (\$2,500.00) per day, per violation. Each day a civil violation remains uncorrected shall be a distinct and separate violation subject to an additional fine. If the jurisdiction is required to institute legal action to enforce this UDO, or to collect a fine thereunder, the violator shall also be responsible for the jurisdiction's reasonable attorney fees and all costs related to the enforcement or collection.

f. Nuisance.

- i. In addition, after the effective date of this UDO, any land within the jurisdiction subdivided in violation of the terms of this UDO is hereby declared to be a common nuisance, which may be restrained, enjoined, or abated in any appropriate action or proceeding at law.

g. Remedies.

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

h. Stay of Work Pending Appeal, Restraining Order, and Enforcement of Stay.

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

G. FEE SCHEDULE.

1. APPLICABILITY.

- a. Applications and petitions filed pursuant to the provisions of this UDO shall be accompanied by the applicable fee(s) specified in the adopted *Fee Schedule*. Fees shall be collected by the Administrator and shall be made payable to Morgan County Plan Commission (MCPC).

2. COLLECTION OF FEES.

- a. **ILP.** Fees will be calculated during the review process and shall be collected when the ILP is issued. Fees associated with re-inspections and additional inspections shall be collected prior to a re-inspection or issuance of a Certificate of Occupancy as applicable. ILP fees are non-refundable.
- b. **PC and BZA Applications.** Fees shall be collected at the time the application is filed. Application fees are non-refundable.

CHAPTER 8: DEFINITIONS.

A. General Provisions.

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

B. Definitions. The following terms and words shall be interpreted or defined as defined within this chapter.

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

ABANDONED VEHICLE. A vehicle that is not licensed and/or mechanically operable that is located in a location visible from a public right-of-way for more than six (6) months.

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

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

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

ADJACENT PROPERTY. Any parcel that physically touches a given property, including properties across a right-of-way or road.

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

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

AGRICULTURAL STRUCTURE. A structure located on agriculturally used property and designed and constructed to house farm implements, livestock, hay, grain, fruit, and/or other agricultural products, supplies, and equipment used by the operators of the agricultural use. An agriculture structure shall not include dwellings or structures used for the processing, treating, or packaging of agricultural products or by the public.

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

Examples of agricultural support service uses include, but are not limited to:

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

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

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

AIRPORT, PRIVATE USE. An airport that is for the exclusive use of the owner(s) or other persons specifically authorized by the owner. These airports are not open or available for use by the public. Facilities could include hangars, paved or grass airstrip, and other basic services. Private use airports can be chartered or uncharted with the FAA.

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

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

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

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

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

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

ANTENNA. A device or equipment used to transmit and/or receive radio or electromagnetic waves between terrestrial and/or orbiting 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 submitting an application to the PC or BZA for action or permits that would affect the subject real estate.

AQUICULTURE. The propagation, rearing, and harvesting of aquatic organisms in controlled or selected environments, and the subsequent processing, packing, and marketing.

AUDITOR. The Auditor for the County.

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

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

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

AUTOMOTIVE SALES, USED. Business that sells used vehicles.

BAR. See **TAVERN**.

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

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

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

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

BREWERY / WINERY / 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.

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

BUILDING. See **STRUCTURE**.

BUILDING CODE. All sections of adopted Indiana Building Codes, 675 IAC, and all codes referenced therein, as amended.

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

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



Example Building Height

BUILDING LINE. See **SETBACK LINE**.

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

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

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

BZA. The Morgan County Board of Zoning Appeals. An officially constituted body whose principal duties are outlined in *Chapter 1: Introductory Provisions* and Indiana Code.

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

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

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

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

CERTIFICATE OF OCCUPANCY. A certificate issued by the Administrator stating that the occupancy and use of a building or structure complies with the provisions of all applicable local, state, and/or federal codes and ordinances.

CHANGE OF USE. Any use which substantially differs from the previous use of a structure or parcel of land.

CHILD CARE CENTER. With regard to IC 12-17.2, a non-residential structure where at least one (1) child receives child care from a provider while unattended by a parent, legal guardian, or custodian; for regular compensation; and for more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive calendar days per year, excluding intervening Saturdays, Sundays, and holidays. A child care center shall not be considered a home occupation.

CHILD CARE HOME. With regard to IC 12-17.2, a residential structure in which at least six (6) children (not including the children for whom the provider is a parent, stepparent, guardian, custodian, or other relative) at any time receive child care from a provider while unattended by a parent, legal guardian, or custodian; for regular compensation; and for more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive calendar days per year, excluding intervening Saturdays, Sundays, and holidays. This definition includes Class I Child Care Homes that serve any combination of full-time and part-time children under the age of seven (7) but not to exceed twelve (12) children at any one time; and Class II Child Care Homes that serve more than twelve (12) children but not more than any combination of sixteen (16) full-time and part-time children under the age of seven (7) at any one time.

CHILDREN'S HOME. See **GROUP HOME**.

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

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

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

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

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

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

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

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

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

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

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

CONDOMINIUM. A structure, or group of structures, in which dwelling units, offices, or floor area are owned individually and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis and subject to IC 32-25.

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

- Animals are confined, fed, and maintained for at least forty-five (45) days during any twelve (12) month period; and
- Ground cover or vegetation is not sustained over at least fifty percent (50%) of the animal confinement area.
- The term does not include the following:
 - A livestock market:
 - Where animals are assembled from at least two (2) sources to be publicly auctioned or privately sold on a commission basis; and
 - That is under state or federal supervision.
 - A livestock sale barn or auction market where animals are kept for not more than ten (10) days.”

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

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

COUNTY. Morgan County, Indiana.

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

DANCE HALL. See **NIGHT CLUB**.

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.

DAYCARE / DAYCARE CENTER / IN-HOME DAYCARE. See **CHILD CARE CENTER** and **CHILD CARE HOME**.

DEED. A legal document conveying ownership of real property.

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

DESIGN REVIEW BOARD (DRB). A subcommittee of the Morgan County Plan Commission who assist in the review and evaluation of applications, such as changes zoning, subdivisions, variances, waivers, and development plans.

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 the IC 36-7-4-1400 series for a specific plan for the development of a parcel that:

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

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

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

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

DRIVEWAY, COMMERCIAL. A private driveway serving a commercial or industrial use.

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

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

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

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

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

DWELLING, MULTI-FAMILY. A building containing three (3) or more dwelling units, including units that are located on one (1) or more stories.

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

DWELLING, SINGLE-FAMILY ATTACHED. A dwelling on a single parcel with ground-floor outside access, attached to two or more one-family dwellings by common vertical walls without openings between dwellings. Examples include, but are not limited to, townhomes and patio homes.

DWELLING, SINGLE-FAMILY DETACHED. See **DWELLING, SINGLE-FAMILY.**



Example Multi-Family Dwelling
Source: Scotmans Guide



Example Single-Family Attached Dwelling
Source: Westport Lakeside Development

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

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

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



Example Two-Family Dwelling
Source: Skyline Institute

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

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

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

ESTABLISHMENT OF A BUSINESS. Any of the following:

- 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.

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

EXPANSION. See **ADDITION**.

FABRICATION FACILITY. An establishment where employees and machinery are used to assemble product components created off-site. For the purposes of this UDO, a fabrication facility is considered **MANUFACTURING**.

FAÇADE. The exterior portion of a building exposed to public view from grade to the top of the structure.

FARM. A parcel used for agricultural activities.

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

FARM CHEMICAL SUPPLY PROCESSING. The processing, manufacturing, or production of agricultural chemicals, including any substance involved in the growth, utilization, and/or protection of plants or animals. This definition includes, but is not limited to, plant fertilizers, pesticides, herbicides, animal vaccines, antibiotics, animal food supplements, or similar chemicals.

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

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

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

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

FINDINGS OF FACT. The written findings of an approving body as required by Indiana Code.

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

FLOODPLAIN ORDINANCE. The *Morgan County Floodplain Ordinance*.

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

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

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

FRONTAGE, MINIMUM STREET. The minimum length of a lot that is required to abut or have direct access to a dedicated street. See **LOT, FLAG** for the minimum street frontage of a flag lot.

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

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

GARAGE / YARD SALE. The sale or offering for sale to the general public of items of personal property by the owner or tenant of an improved residential lot or in a residential district, whether within or outside any building, occurring for no more than three (3) consecutive days and a maximum of two (2) times in a calendar year.

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

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

GRADE. Defined as:

- 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.

GRANDFATHERED. A description of the status of certain properties, uses, activities, and conditions that were legally existing prior to the effective date of this ordinance.

GRAVEL. A mixture of small, irregular pieces of rock, stone, and coarse sand that is classified by size that can range in size from small sand-like grains of crushed stone to larger rocks. Gravel is typically used for paths and driveways with multiple layers of coarse gravel or larger stones at the bottom (such as #3 stone), medium gravel or stones in the middle (such as #53 stone), and fine gravel or small stones on the top (such as #411 stone). Gravel can also be used as an aggregate.

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

GROUP HOME. A non-profit or for-profit group home for the sheltered care of persons with special needs, which, in addition to providing food and shelter, may also provide some combination of personal care, social or counseling services, and transportation. Examples include but are not limited to residential treatment facilities, halfway houses, intermediate care facilities, foster care facilities/youth homes, developmentally disabled care, and low-income homes or shelters. For purposes of this UDO, group homes do not include nursing home facilities.

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

HALFWAY HOUSE. See **GROUP HOME**.

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

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

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.

HOME OCCUPATION / HOME BASED BUSINESS. Any activity carried out for economic gain by a resident and conducted in the resident's dwelling unit or property.

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

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

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

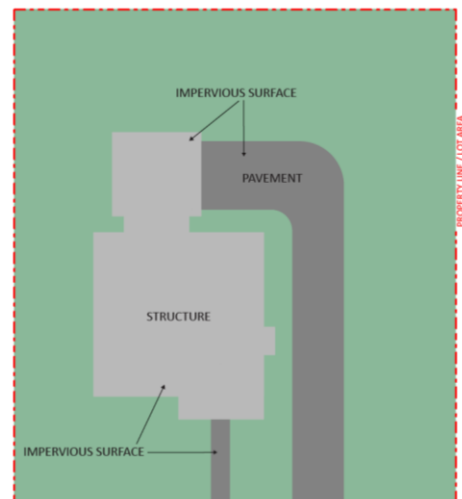
HOUSEHOLD PET. An animal residing within a dwelling unit, not raised for the production of products or for sale, and limited to dogs, cats, rabbits, hamsters, gerbils, guinea pigs, and birds. This term excludes exotic animals and wild animals.

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

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. For purposes of this UDO, gravel is considered an impervious surface.

IMPERVIOUS SURFACE COVERAGE. The area of a parcel covered by any building, structure, porch, stairways, paved areas, parking areas, or similar impervious surfaces. Gravel areas are included in the impervious surface coverage.

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



Example Impervious Surfaces

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

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

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

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

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

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

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

JURISDICTION. The areas under the control of the Morgan County Plan Commission.

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

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

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

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

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

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

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

LIVESTOCK, PERSONAL. This land use category includes 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.

LIVESTOCK, PRODUCTION. This land use includes animal husbandry activities for the production of animal products that will be consumed by others and/or sold; dairies; equestrian facilities; and similar uses that do not require an IDEM permit. This also includes pastureland and meadows used for livestock rearing.

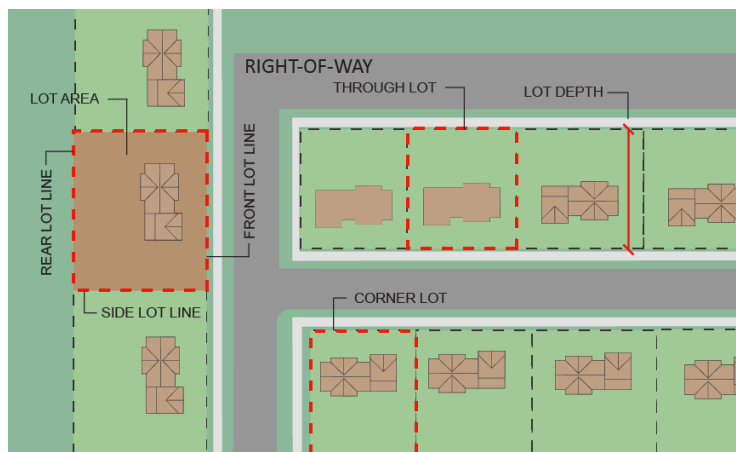
LIVESTOCK, WHOLESALE TRADE. This land use includes selling of livestock, such as animal auctions.

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

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

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

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



Example Corner Lot, Through Lot, Lot Area, Lot Depth, and, Lot Line

LOT, DOUBLE FRONTAGE. See **LOT, THROUGH.**

LOT, FLAG. A lot where the major portion of the parcel has access to a public road or street by means of a narrow strip of land called the “flag pole.” See *Chapter 3.A.5: Development Standards Measurements* for minimum lot width and frontage. The flag pole portion of the lot shall not be used in determining setbacks or in computing lot size for zoning and building purposes. Lot width and structure placement comply with all development standards.

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

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

LOT COVERAGE. That part of the parcel that is covered by impervious surfaces.

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

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

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

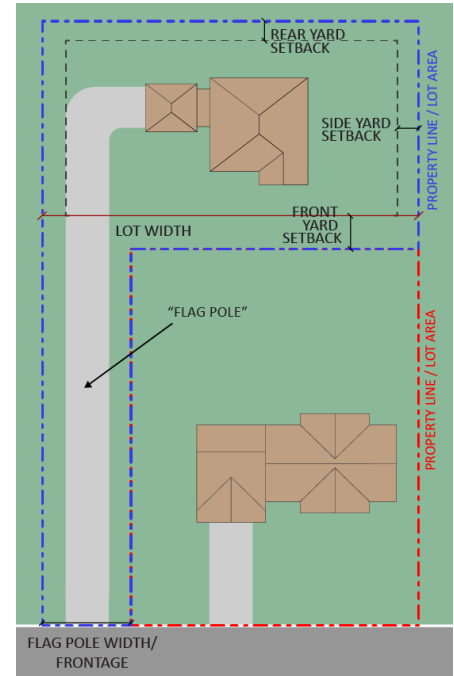
LOT LINE, REAR. The lot line opposite and most distant from the front lot line. A lot bounded by only three (3) lot lines will not have a rear lot line.

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

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

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

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



Example Flag Lot

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

- Contain individual lots that are leased or otherwise contracted;
- Are owned, operated, or under the control of one (1) or more persons; and on which a total of at least five (5) manufactured homes are located for the purpose of being occupied as principal residences.
- The term includes the following:
 - All real and personal property used in the operation of the manufactured home community;
 - A single parcel of land;
 - Contiguous but separately owned parcels of land that are jointly operated;
 - Parcels of land jointly operated and connected by a private street;
 - One (1) or more parcels of land, if at least two (2) of the manufactured homes or manufactured homes located on the land are accessible from a private street or interconnected private streets, served by a common water distribution system, or served by a common sewer system or septic system.

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

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

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

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

MEDICAL OFFICES AND CLINICS. Uses whose primary purpose is to provide diagnosis and treatment for medical, dental, and psychiatric outpatient care (including clinics). Uses include doctor office, dentist office, optician office, and similar uses not defined elsewhere in this UDO. For purposes of this UDO, medical offices and clinics are considered **PROFESSIONAL / BUSINESS OFFICES**.

MEAT PROCESSING. This includes 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.

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

MINERAL EXTRACTION AND PROCESSING. This land use category 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 STREET FRONTAGE. See **FRONTAGE, MINIMUM STREET**.

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

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

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

MOTEL. See **HOTEL**.

MURAL. See **SIGN, MURAL**.

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

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

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

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

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

OPAQUE: Cannot be seen through; not transparent.

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

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

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

PARCEL. See LOT.

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

PARCEL, REMNANT. The remaining portion of a parcel after a subdivision of land.

PARK, PUBLIC. A track of land owned by a branch of government, non-profit, or other organization or entity that is available to the general public or specific people for recreational purposes. For the purposes of this UDO, a park includes active and passive recreation as well as boat launches and marinas.

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

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

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

PETITIONER. Any person having an interest in property that is the subject of an application or petition submitted for consideration by the PC or BZA.

PLACE OF WORSHIP. Defined as:

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

PLAN COMMISSION (PC). The Morgan County Plan Commission. An officially constituted body whose principal duties are outlined in *Chapter 1: Introductory Provisions* and Indiana Code.

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

PLANNED UNIT DEVELOPMENT (PUD) DISTRICT. A zoning district for which a PUD district ordinance is adopted.

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

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

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

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

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

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

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

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

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

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

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

PROPERTY. See **LOT.**

PROPERTY LINE. See **LOT LINE.**

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

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

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

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

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

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

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

RECREATIONAL VEHICLE (RV). A vehicular-type portable structure without a permanent foundation that can be towed, hauled, or driven and is designed as a temporary living accommodation for recreational camping or recreational purposes. A recreational vehicle shall not be used as a primary residence or for permanent occupancy. For the purposes of this UDO, recreational vehicles include travel trailers, fifth wheels, toy haulers, expandable/pop-up trailers, Class A/B/C motorhomes, boats, ATVs, and similar vehicles and/or trailers.

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

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

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

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

RE-PLAT. Defined as:

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

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

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

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

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

RIGHT-OF-WAY. Defined as:

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

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

ROAD, PAVED. A road with a constructed surface, such as brick, concrete, or asphalt, used to facilitate passage or travel.

ROAD, PUBLIC. Any vehicular way 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.
- It includes the land between the street lines, whether improved or unimproved.

ROAD, PRIVATE. A private roadway that serves not more than six (6) residential parcels pursuant to access easements and written and recorded maintenance agreements; or roads within commercial or industrial developments. All roads that serve more than six (6) residential parcels/dwellings shall be constructed and dedicated as public roads unless such roads were established before the adoption of this UDO.

ROADWAY CLASSIFICATION. Roadway classifications are determined by the *Morgan County Thoroughfare Plan*.

ROW, FIELD, TREE, AND NURSERY CROP CULTIVATION. This land use includes cultivation of open field or greenhouse crops of fruits, vegetables, grain, fibers, flowers, ornamental, and nursery plant materials for wholesale or retail sales and ultimate consumption by others. This includes those agricultural uses that are customarily associated with crop production, such as grain elevators. The cutting of trees and stripping of branches is considered Tree Cultivation and does NOT include timber processing (See **TIMBER PROCESSING**).

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

RURAL EVENT FACILITY. A facility or location where special events are permitted to occur generally with a use agreement between a private group or individual and the facility owner in a predominately rural and/or agricultural area. The event and/or facility is accessory to the primary use of the property. 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.

SALVAGE YARD / SCRAP YARD. See **JUNKYARD**.

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

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

SETBACK. The distance between the foundation of the structure and any right-of-way, proposed right-of-way, or property line. See *Chapter 3.A.5: Development Standards Measurement* for yard and setback measurements for front, side, and rear setbacks.

SETBACK LINE. The line that is the required minimum distance from any right-of-way or proposed right-of-way that establishes the area within which a primary structure or accessory structure may be erected or placed, unless otherwise specified in this UDO.

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

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

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

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

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

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

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

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

SIGHT TRIANGLE. A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow between the heights of three (3) and twelve (12) feet above established grade in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection. The minimum sight distance (sight triangle) at intersections shall be determined by a design professional based on the current Indiana Department of Transportation (INDOT) standards and approved by the County Engineer. A sight triangle may also be referred to as a vision clearance area or 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. For purposes of this ordinance, the following signs are defined:

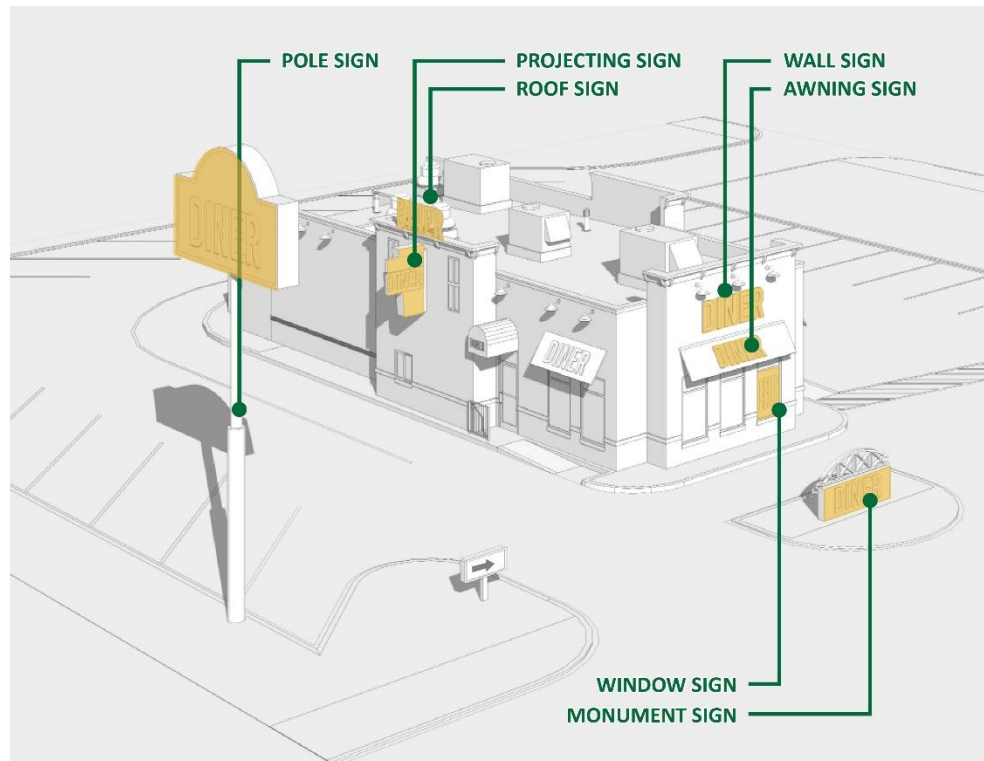
SIGN, ABANDONED. A sign that is:

- Associated with an abandoned use;
- Remains after the termination of the business for at least twelve (12) months; and/or
- On its immediate premises but not adequately maintained or repaired.

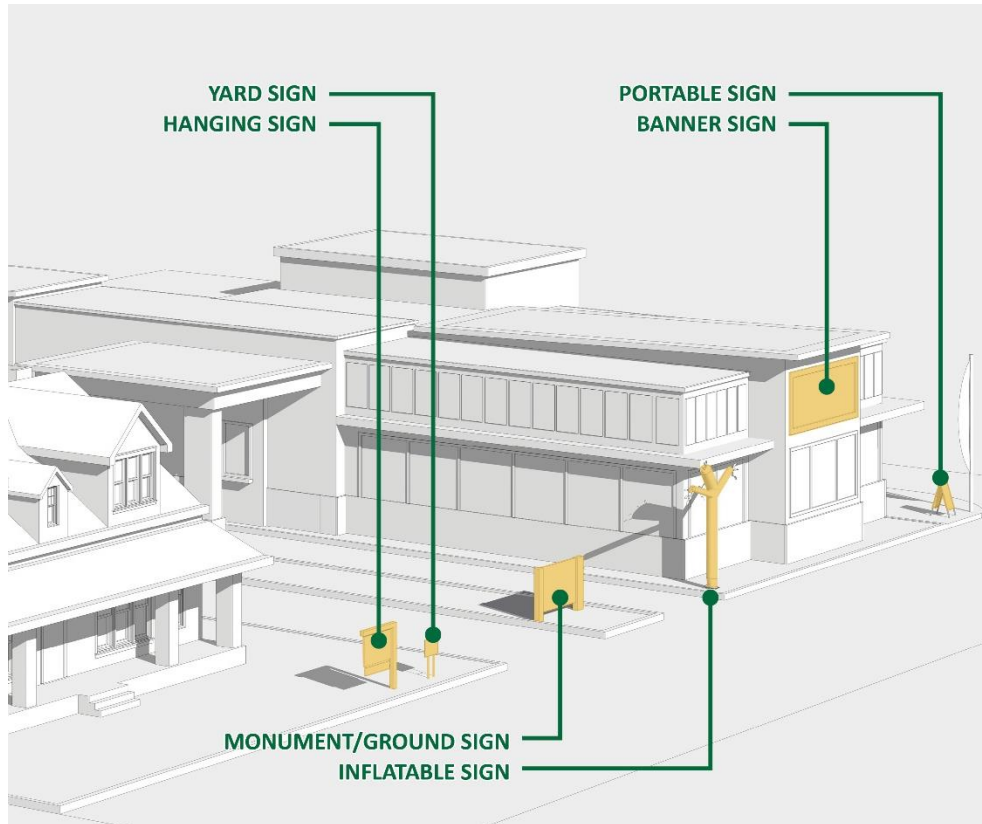
SIGN, ILLUMINATED. Any sign lighted by or exposed to artificial lighting either by light on or in the sign or directed toward the sign.

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

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



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



SIGN, TYPES.

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

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

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

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

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

PORTABLE SIGN. Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be

transported by means of wheels; signs converted to A or T-frames; benches; menu or sandwich board signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in normal day-to-day operations of the business.

- **BENCH SIGN.** A type of portable sign painted on, located on, or attached to any part of the surface of a bench, seat, or chair.
- **HUMAN SIGN.** A sign held or worn by a human being for the purposes of advertising or otherwise drawing attention to an individual, business, commodity, service, activity, or product.
- **SIDEWALK / SANDWICH BOARD SIGN.** A temporary freestanding display located on the sidewalk or similar area that is typically adjacent to a roadway or storefront.

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

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

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

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

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

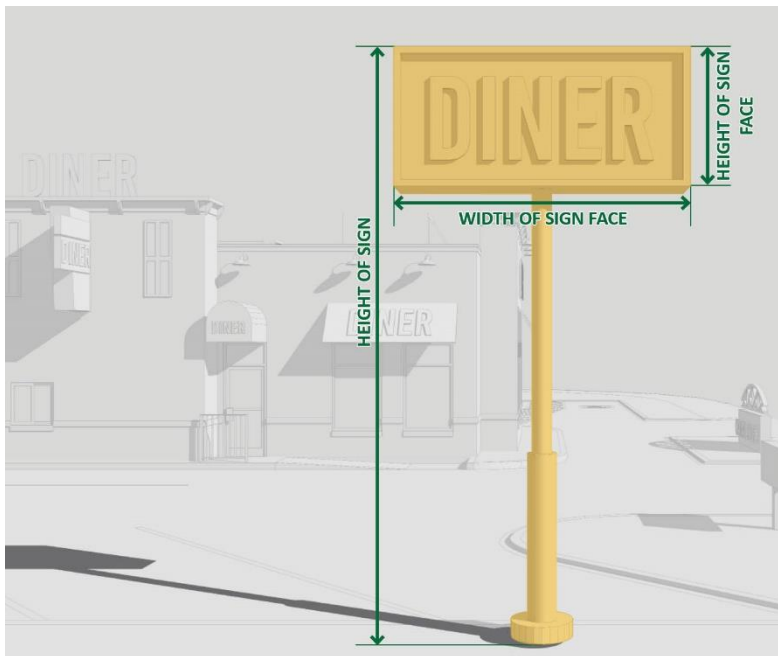
YARD SIGN. Small signs, typically under waist height that are usually supported by metal wire or small stakes driven directly into the ground.

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

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



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

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

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

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

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

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

STATE. The State of Indiana.

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

STREET. See **ROAD.**

STREET CLASSIFICATION. See **ROADWAY CLASSIFICATION.**

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

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

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

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

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

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

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

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

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

SUBDIVISION. The division of a lot or parcel of land into two (2) or more lots, parcels, or other divisions of land for sale, development, or lease. Subdivisions are further classified as commercial or industrial subdivision, minor residential subdivision, major residential subdivision, and conservation residential subdivision.

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

SUBDIVISION, OPEN SPACE RESIDENTIAL. A type of major residential subdivision that sets aside a significant portion of the site as conservation land or open space and clusters housing on the remaining portion.

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

SUBDIVISION, MAJOR RESIDENTIAL. Approval granted by the PC in accordance with IC 36-7-4-700 series for the division of a parcel of land into more than six (6) residential lots or parcels for sale, development, or lease; or requiring any new street or extension of the public facilities or the creation of any public improvements. The residual parent lot or parcel of land counts as one (1) of the subdivided lots or parcels.

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

SUBSTANTIVE. Significant modifications or changes in the nature or scope of an item that changes the impacts or intent.

SURETY. A bond or other form of guarantee for the performance and/or maintenance of all required public improvements.

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

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

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

- County Engineer/Supervisor
- County Surveyor
- Fire District
- Morgan County Drainage Board
- Morgan County Health Department
- Morgan County Soil & Water Conservation District
- Public School District
- Sewer Utility
- Water Utility

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

TIMBER PROCESSING. This land use category includes transforming timber into new products, including sawmills, paper products, and furniture products. The cutting of trees is NOT considered timber processing (See **ROW, FIELD, TREE, AND NURSERY CROP CULTIVATION**).

THOROUGHFARE PLAN. The *Morgan County Thoroughfare Plan*, as adopted by the County Commissioners which identifies the existing and proposed locations of interstate highways, primary arterials, secondary arterials, collectors, local streets, streets, and rights-of-way within the jurisdictional area, as amended from time to time under IC 36-7-4-506.

TOWNHOME. See **DWELLING, SINGLE-FAMILY ATTACHED**.

TRACT. See **LOT**.

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

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

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

USE, ACCESSORY. A use that:

- 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 size, extent, or purpose to the primary use served;
- Does not alter or change the character of the property;
- Contributes to the comfort, convenience, or necessity of occupants, business, or industry of the primary use served; and
- Is located on the same parcel as the primary use served.

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

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

UTILITY. Defined as:

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

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

- The conveyance of telegraph and telephone messages;

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

VARIANCE OF DEVELOPMENT STANDARD. 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 (*Chapter 2: Nonconforming Lots, Structures, and Uses; Chapter 3: Zoning Districts and Use Development Standards; Chapter 4: Site Development Standards; and Chapter 7: Administration and Procedures*).

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

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

WAIVER. Permission to depart from specific development standards of the subdivision regulations (*Chapter 5: Subdivision Types; Chapter 6: Subdivision Design Standards; and Chapter 7: Administration and Procedures*) and as specifically identified in the UDO.

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

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

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

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

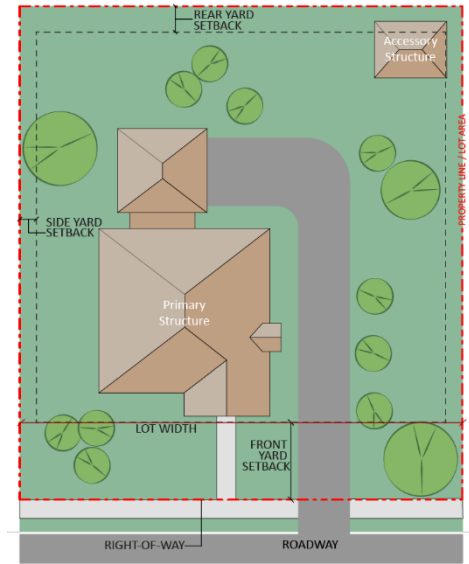
WIRELESS COMMUNICATION FACILITY. Any towers, poles, antennas, or other structures intended for use in connection with transmission or receipt of radio or television signals, or any other spectrum-based transmissions/receptions.

YARD. A space on the same parcel as the primary structure that is open, unoccupied, and unobstructed by structures, except as otherwise provided in this ordinance. See *Chapter 3.A.5: Development Standards Measurement* for yard and setback measurements.

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

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

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



Example Yards

ZONING DISTRICT. A specifically delineated area or district in a jurisdiction within which uniform regulations and requirements govern the use, placement, spacing, and size of the land and buildings.

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

