

# Zoning Ordinance of Scott County, Indiana

# Zoning Ordinance of Scott County, Indiana

## Table of Contents

|   |           |
|---|-----------|
| <b>Article 1. Basic Provisions.....</b>                                       | <b>4</b>  |
| A. Title .....  | 4         |
| B. Defined Words .....  | 4         |
| C. Authority .....  | 4         |
| D. Purpose.....   | 4         |
| E. Compliance .....   | 4         |
| F. Severability .....   | 5         |
| G. Interpretation .....   | 5         |
| H. Ordinance Jurisdiction.....  | 5         |
| I. Application.....   | 5         |
| J. Relationship with Third-Party Agreements, Covenants and Restrictions ..... | 5         |
| K. Saving Provision .....   | 6         |
| L. Repealer.....  | 6         |
| M. Transition Rules.....  | 6         |
| <b>Article 2. General Zoning Districts .....</b>                              | <b>8</b>  |
| A. Establishment of Districts .....   | 8         |
| B. Unlisted or Questionable Land Uses.....                                    | 8         |
| <b>Article 3. District Regulations.....</b>                                   | <b>9</b>  |
| A. Agricultural District; A .....   | 9         |
| B. Single Family Residential District; R-1.....                               | 13        |
| C. Two-family Residential District; R-2.....                                  | 17        |
| D. High-Density Housing Development; R-3 .....                                | 21        |
| E. Neighborhood Business, B-1 .....   | 25        |
| F. General Business B-2 .....   | 28        |
| G. Highway Business, B-3 .....  | 31        |
| H. I-1 Light Industrial (City and County Districts Zoned I-1) .....           | 34        |
| I. Waste Disposal Overlay District .....                                      | 40        |
| J. Planned Unit Development (PUD) Overlay District .....                      | 42        |
| <b>Article 4. Text and Map .....</b>  | <b>45</b> |
| A. Official Zoning Map.....   | 45        |
| B. Zoning District Boundaries .....   | 45        |
| C. Interpretation .....   | 45        |
| D. Damaged, Destroyed or Lost Official Zoning Map.....                        | 45        |
| E. Map Maintenance .....  | 45        |
| F. Zoning Ordinance.....  | 46        |
| G. Procedures Governing Amendments .....                                      | 46        |
| <b>Article 5. Supplementary District Regulations.....</b>                     | <b>49</b> |
| A. Rights of way .....  | 49        |
| B. Easements.....   | 49        |
| C. Buffering .....  | 49        |
| D. Parking and Loading .....  | 51        |
| E. Off-Street Loading Requirements .....                                      | 57        |
| F. Temporary Uses .....   | 58        |
| G. Public Utility Use or Structures.....                                      | 60        |
| H. Signs.....   | 60        |
| I. Sign Performance Standards by Zoning District .....                        | 67        |
| J. Site Standards.....  | 70        |
| K. Drive-In Business .....  | 70        |
| L. Private Swimming Pools (See Article 11 Swimming Pools, Private) .....      | 71        |

## Zoning Ordinance of Scott County, Indiana

|  |  |              |
|--|--|--------------|
| M.   | Dwellings.....   | 71           |
| N.   | Manufactured Housing .....   | 71           |
| O.   | Other Manufactured, Modular or Mobile Homes.....   | 72           |
| P.   | Manufactured Home Subdivisions (lots are separately owned by homeowners) .....                 | 72           |
| Q.   | Manufactured Home Parks (lots are rented).....   | 73           |
| R.   | Campgrounds and Recreational Vehicle Parks .....   | 75           |
| S.   | Floodplain Regulations.....  | 76           |
| T.   | Wireless Communication Facilities.....   | 76           |
| U.   | Sexually Oriented Businesses .....   | 78           |
| <b>Article 6. Development Plans .....</b>        |  | <b>81</b>    |
| 6.1  | <b>Intent.....</b>   | <b>81</b>    |
| 6.2  | <b>Development Plan Required.....</b>  | <b>81</b>    |
| 6.3  | <b>Development Plans Generally.....</b>  | <b>81</b>    |
| 6.4  | <b>R-1, R- 2 and R-3 Districts.....</b>  | <b>81</b>    |
| 6.5  | <b>A, B-1, B-2, B-3, I-1, I-2 and Waste Disposal and PUD Overlay Districts.....</b>            | <b>83</b>    |
| 6.6  | <b>Development Plan Approval Process.....</b>  | <b>87</b>    |
| 6.7  | <b>Development Plan Approval Process for Petitions Delegated to the Planning Director.....</b> | <b>88</b>    |
| 6.8  | <b>Amendments and Minor Modifications.....</b>   | <b>89</b>    |
| 6.9  | <b>Site Plan.....</b>  | <b>89</b>    |
| 6.10   | <b>Building Elevation Data.....</b>  | <b>91</b>    |
| 6.11   | <b>Sign Plan Data.....</b>   | <b>91</b>    |
| 6.12   | <b>Lighting Plan Data.....</b>   | <b>91</b>    |
| 6.13   | <b>Landscape Plan Data.....</b>  | <b>92</b>    |
| 6.14   | <b>Tree Preservation Plan Data.....</b>  | <b>92</b>    |
| <b>Article 7. Nonconforming Uses .....</b>       |  | <b>94</b>    |
| A.   | General Provisions .....   | 94           |
| <b>Article 8. Administration .....</b>           |  | <b>98</b>    |
| A.   | General .....  | 98           |
| B.   | Staff Powers and Duties .....  | 98           |
| C.   | Authority of Plan Commission and Board of Zoning Appeals.....                                  | 99           |
| D.   | Improvement Location Permits .....   | 99           |
| <b>Article 9. Board of Zoning Appeals.....</b>   |  | <b>101</b>   |
| A.   | Rules and Records .....  | 101          |
| B.   | Stays Pending Appeals .....  | 101          |
| C.   | Appeals of Administrative Decisions .....  | 102          |
| D.   | Conditional Uses .....   | 102          |
| E.   | Variances.....   | 103          |
| F.   | Administrative Powers, Conditions and Commitments.....   | 104          |
| G.   | Appeal on Writ of Certiorari .....   | 105          |
| <b>Article 10. Violations and Penalties.....</b> |  | <b>106</b>   |
| <b>Article 11. Definitions.....</b>              |  | <b>110</b>   |
| A.   | Meaning and Intent.....  | 110          |
| B.   | Text Controls.....   | 110          |
| C.   | Lists and Examples.....  | 110          |
| D.   | Computation of Time .....  | 110          |
| E.   | References to Other Regulations, Publications and Documents.....                               | 110          |
| F.   | Public Officials and Agencies .....  | 110          |
| G.   | Delegation of Authority.....   | 110          |
| H.   | Technical and Non-Technical Words.....   | 110          |
| I.   | Mandatory and Discretionary Terms.....   | 111          |
| J.   | Conjunctions.....  | 111          |
| K.   | Tense and Usage.....   | 111          |
| L.   | Gender.....  | 111          |
| M.   | Defined Words: .....   | 111          |
| <b>Article 12. Adoption.....</b>                 |  | <b>.....</b> |

# Zoning Ordinance of Scott County, Indiana

## Article 1. Basic Provisions

### *ORDINANCE NO. 2011-8* *(City of Scottsburg)*

#### **A. Title**

This Ordinance shall be known as, referred to, and cited as the Zoning Ordinance of Scott County, Indiana, and hereinafter referred to as “this Ordinance.”

#### **B. Defined Words**

Words used in a special sense in this Ordinance are defined in Article 11.

#### **C. Authority**

This Zoning Ordinance is adopted under the authority of the 600 Series of IC 36-7-4 of the Indiana Code and any amendments thereto.

#### **D. Purpose**

This Ordinance is adopted for the following purposes:

1. to improve the health, safety, convenience, and welfare of their citizens and to plan for the future development of their communities to the end: that highway systems be carefully planned;
2. that new communities grow only with adequate public way, utility, health, educational, and recreational facilities;
3. that the needs of agriculture, industry, and business be recognized in future growth;
4. that residential areas provide healthful surroundings for family life; and that the growth of the community is commensurate with and promotive of the efficient and economical use of public funds.
5. Securing adequate light, air, convenience of access, and safety from fire, flood, and other danger;
6. Lessening or avoiding congestion in public ways;
7. Promoting the public health, safety, comfort, morals, convenience, and general welfare;
8. Implementing the Comprehensive Plan; and
9. Otherwise accomplishing the purposes of IC 36-7-4

#### **E. Compliance**

No structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, structurally altered, used, or occupied without full compliance with the provisions of this Ordinance and all other applicable

## **Zoning Ordinance of Scott County, Indiana**

local, City, County, and state regulations. An Improvement Location Permit is required for any of the following:

1. Occupancy or use of any structure hereafter created, erected, changed, converted, or wholly or partly altered or enlarged.
2. Occupancy or use of vacant land, except for the raising of crops.
3. Change in the use of an existing structure to a different use.
4. Change in the use of land to a different use, except for the raising of crops.
5. Structural alteration or remodeling.

### **F. Severability**

If any Court of competent jurisdiction rules any provision of this Ordinance invalid, that ruling shall not affect any provision not specifically included in the judgment. If any Court of competent jurisdiction rules invalid the application of any provision of this Ordinance to a particular property, building, or other structure, or use, that ruling shall not affect the application of the Ordinance provisions to any property, building, other structure, or use not specifically included in the judgment.

### **G. Interpretation**

The provisions of this Ordinance are the minimum requirements necessary for the protection of the health, safety, comfort, convenience and general welfare of the people at large. The provisions are also designed to establish and maintain reasonable community standards for the physical environment.

### **H. Ordinance Jurisdiction**

The provisions of this Ordinance shall apply to all structures, lands, water, and air within the City of Scottsburg and all unincorporated portions of Scott County, including land owned by local, city, county, state, or federal agencies, to the extent allowed by law.

### **I. Application**

When the provisions of this Ordinance are inconsistent with one another, or when the provisions of this Ordinance conflict with provisions found in other ordinances, codes, or regulations adopted by Scott County or the City of Scottsburg, the more restrictive provision shall govern unless the terms of the provisions specify otherwise.

### **J. Relationship with Third-Party Agreements, Covenants and Restrictions**

This Ordinance is not intended to interfere with or abrogate any easements, covenants, or agreements between parties, provided that wherever this Ordinance proposes a greater restriction upon the use of buildings or land, upon the location or height of buildings or structures, or upon requirements for open areas than those that are imposed or required by such easements, covenants, or agreements between parties, the provision of this Ordinance shall govern. In no case shall the City or County

## **Zoning Ordinance of Scott County, Indiana**

be obligated to enforce the provisions of any easements, covenants, or agreements between parties.

### **K. Saving Provision**

This Ordinance shall not be construed as eliminating or reducing any action now pending under, or by virtue of, an existing law or previous zoning ordinance. Also, this Ordinance shall not be construed as discontinuing, reducing, modifying, or altering any penalty accruing or about to accrue. Any violation under previous ordinances repealed by this Ordinance shall continue to be a violation under this Ordinance and be subject to penalties and enforcement under Article 10, unless the use, development, construction, or other activity complies with the provisions of this Ordinance.

### **L. Repealer**

The Unified Zoning Ordinance of the City of Scottsburg and Scott County, Indiana of March 4, 1974 is hereby repealed. This Scott County Zoning Ordinance replace the repealed ordinances.

### **M. Transition Rules**

1. Any application for an Improvement Location Permit that has been filed with Plan Commission or its designees and is full and complete, prior to the effective date of this Ordinance, shall be regulated by the terms and conditions of the Zoning Ordinance that was in place at the time of filing. However, all administrative procedures and penalties shall follow those set forth by this Ordinance.
2. Any application for a Zoning Map Amendment that was filed with the Plan Commission or its designees and is full and complete prior to the effective date of this Ordinance, shall continue through the process to completion pursuant to the terms and conditions of the Zoning Ordinance that was in place at the time of filing. However, if the proposed use would no longer be permitted in the proposed zoning district or the proposed zoning district no longer exists in the new ordinance, the Executive Director shall amend the application such that the request for rezoning would accomplish the same goal for the applicant.
3. Any application before the Board of Zoning Appeals (i.e. special exception, conditional use, use variance, development standards variance) that has been filed with the BZA or its designees and is full and complete, prior to the effective date of this Ordinance, shall continue the process pursuant to the terms and conditions of the effective date of the Subdivision Control and Zoning Ordinance that were in place at the time of filing, provided that:
  - a. If such application is no longer required by the terms of this Ordinance, the application will be dismissed; or,
  - b. If the proposed use or development requires additional approvals from the Board of Zoning Appeals pursuant to the terms of this Ordinance that were not required under the previous Ordinances, the

## **Zoning Ordinance of Scott County, Indiana**

application will be amended to include only those additional approvals that are now required and within the jurisdiction of the Board of Zoning Appeals.

- 4.** All new building sites shall meet the requirements of this Ordinance unless:
  - a.** A building permit was issued and is still valid, or
  - b.** A parcel was approved as a buildable lot by Plan Commission or the Board of Zoning Appeals prior to the effective date of this ordinance.

# Zoning Ordinance of Scott County, Indiana

## Article 2. General Zoning Districts

### A. Establishment of Districts

For the purpose of this Ordinance, Scott County and the City of Scottsburg are divided into the following zoning districts:

1. A-1 – Agricultural (and Rural Residential)
2. R 1 – Single Family Residential
3. R 2 – Two-family and Multiple Family Residential
4. R-3 – High-Density Residential District
5. B-1– Neighborhood Business
6. B-2 – General Business
7. B-3-- Highway Business
8. I-1 – Light Industrial
9. I-2 – General Industrial
10. O-1 – Waste Disposal Overlay District
11. O-2 -- Planned Unit Development Overlay District

### B. Unlisted or Questionable Land Uses.

Any land use not listed as a permitted or conditional use is not permitted in that district. For uses that are not listed in this ordinance, the Executive Director shall make a determination as to the most appropriate zoning district. The Executive Director's decision may be appealed to the Board of Zoning Appeals.



## Zoning Ordinance of Scott County, Indiana

### Article 3. District Regulations

#### A. Agricultural District; A

1. Purpose. The A district is intended for low-density residential and agricultural uses.
2. Permitted Uses. The following uses are permitted in the A District:
  - a. One-family detached dwellings
  - b. Parks and playgrounds
  - c. Public structures and uses in accord with the intent of this district
  - d. Religious facilities
  - e. Institutions of an educational, medical, charitable, or philanthropic nature
  - f. Accessory Uses and structures, including but not limited to outside storage of inoperable farm equipment retained for parts, excluding junkyards and scrap yards that is completely screened from view from the road and from neighboring dwellings.
  - g. Bed and Breakfast uses meeting the following criteria:
    - 1) The dwelling containing the bed and breakfast units shall be owner occupied.
    - 2) Any food service associated with the bed and breakfast operation shall be for guests only and not the general public.
    - 3) A bed and breakfast operation shall contain no more than four (4) units.
    - 4) The bed and breakfast operation shall comply with all state requirements.
    - 5) There shall be one off-street parking space for each bed and breakfast unit.
  - h. Temporary roadside stands for the sale of farm products grown on the premises
  - i. Cemeteries
  - j. Private kennels and veterinary hospitals
  - k. Home based businesses meeting the following criteria:
    - 1) The home-based business shall not detract from the residential character of the property.
    - 2) The primary use of the property shall be residential, and the operator of the home-based business shall reside in the dwelling unit.
    - 3) The operator of the home-based business may employ for the business only one person not residing on the premises

L. Halfway House, as defined in Article 11, as amended, and as set forth above, subject to the Development Plan Provision set forth in Article six (6) of the Zoning Ordinance.

## **Zoning Ordinance of Scott County, Indiana**

- 4) There shall be no structural additions, enlargements or exterior alterations to accommodate the home-based business or any alteration that changes the residential appearance to a business appearance.
- 5) The business shall be conducted entirely within the residence and not in any accessory building.
- 6) There shall be no display of goods or other external evidence of the home occupation.
- 7) There shall be no signage except as permitted in Article 5.

### **3. Conditional Uses.**

The following conditional uses are permitted only upon a finding by the Board of Zoning Appeals that such use meets the criteria contained in Article 9:

- a. Private clubs, private lodges and private recreational buildings and areas
  - b. Permanent roadside stands for the sale of farm products grown on the premises
  - c. Rural business, as defined in Article 11
  - d. Home based businesses not qualifying as permitted uses under Section 1. above.
  - e. Recreational Vehicle Parks in accordance with the minimum requirements of Article 5.
  - f. Outdoor Commercial Recreational as defined in Article 11
  - g. Junkyards or automotive wrecking yards may be permitted as conditional uses by the Board of Zoning Appeals. Though other conditions may be imposed, the following minimum requirements shall be imposed:
    - 1) All setbacks for the district must be met.
    - 2) The junkyard or auto wrecking yard must be fenced or screened so it is not visible from the road or neighboring dwellings.
    - 3) All outside storage and parking must be within or behind the fence or screen.
    - 4) The land comprising the front, side and back setbacks shall be planted in grass and mowed so that it does not exceed a height of six (6) inches.
    - 5) Excepting the sale of used parts and scrap, no other business shall be conducted on the property.
    - 6) Compliance with provisions of IC 8-23-20 is required.
4. Other uses the Board of Zoning Appeals deems compatible with the uses permitted in this district.

Zoning Ordinance of Scott County, Indiana

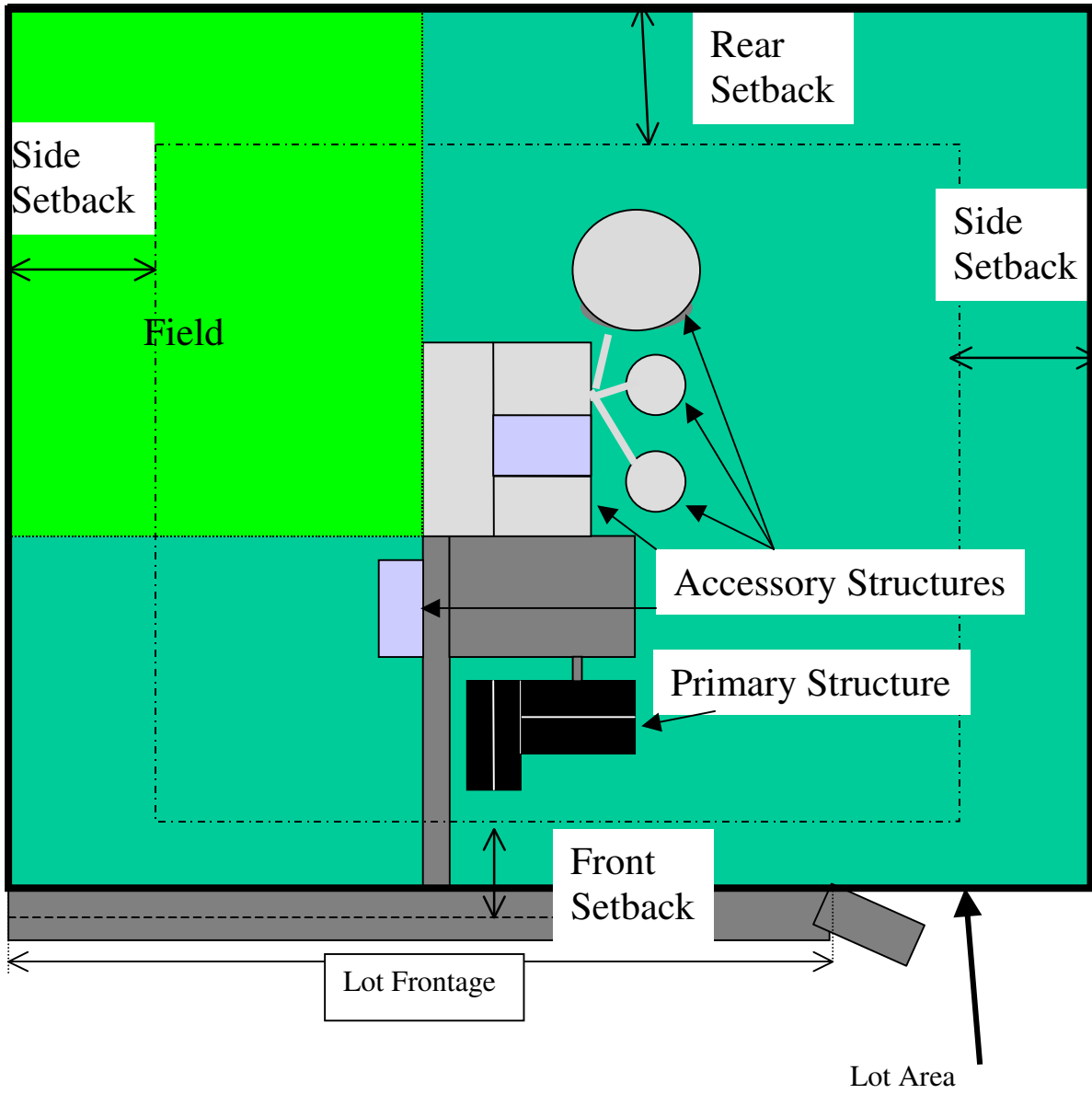


Fig 3-1 A-1 Agricultural (Rural Residential) Lot Diagram

## Zoning Ordinance of Scott County, Indiana

5. Dimensional Requirements Agricultural District A-1 (See Fig 3-1)
  - a. Minimum Lot Size requirements
    - 1) Area: 2 Acres
    - 2) Street Frontage: 200 Ft
  - b. Minimum Setbacks on a City Street (From Centerline)
    - 1) Front: In built up area use the average front setback otherwise 55 Ft
    - 2) Side: 30 Ft (Corner lots have 2 front setbacks)
    - 3) Back: 30 Ft
  - c. Minimum Setbacks on a County Road (From Centerline)
    - 1) Front: In built up area use the average front setback otherwise 65 Ft
    - 2) Side: 30 Ft (Corner lots have 2 front setbacks)
    - 3) Back: 30 Ft
  - d. Minimum Setbacks on a State Road(From Centerline)
    - 1) Front: In built up area use the average front setback otherwise 100 Ft
    - 2) Side: 30 Ft (Corner lots have 2 front setbacks)
    - 3) Back: 30 Ft
  - e. Maximum Lot Coverage (structures and paving): 35%
  - f. Minimum First Floor Area:
    - 1) Total: 950 SF
  - g. Minimum Width of Primary Structure: 20 Ft
  - h. Maximum Height
    - 1) Primary Structure: 35 Ft
    - 2) Accessory Structure: 35 Ft (no restriction for Agricultural Structures }
    - 3) Front Yard Fence: 4 Ft (Corner lots have 2 front yards)
6. Manufactured Homes (which bears a seal certifying that it was built in compliance with the federal Manufactured Housing Construction and Safety Standards Law of 1974 (42 U.S.C. 5401 et seq.) must meet the standards for conventional single family dwelling.

## Zoning Ordinance of Scott County, Indiana

### B. Single Family Residential District; R-1

#### 1. Purpose.

This district is intended to accommodate medium-density single-family development in areas served by an approved municipal sanitary sewer system. See design Standards in Sections 5M and 5N. In order to ensure compatibility of uses, any use other than a single-family residence shall be permitted only in accordance with a Development Plan approved pursuant to Article 3 I of the Subdivision Control Ordinance of this Ordinance.

#### 2. Permitted Uses.

The following uses are permitted in an R-1 District:

- a. Single-family detached dwellings
- b. Parks and playgrounds
- c. Public structures and uses in accord with the intent of this district
- d. Religious facilities
- e. Accessory uses and structures

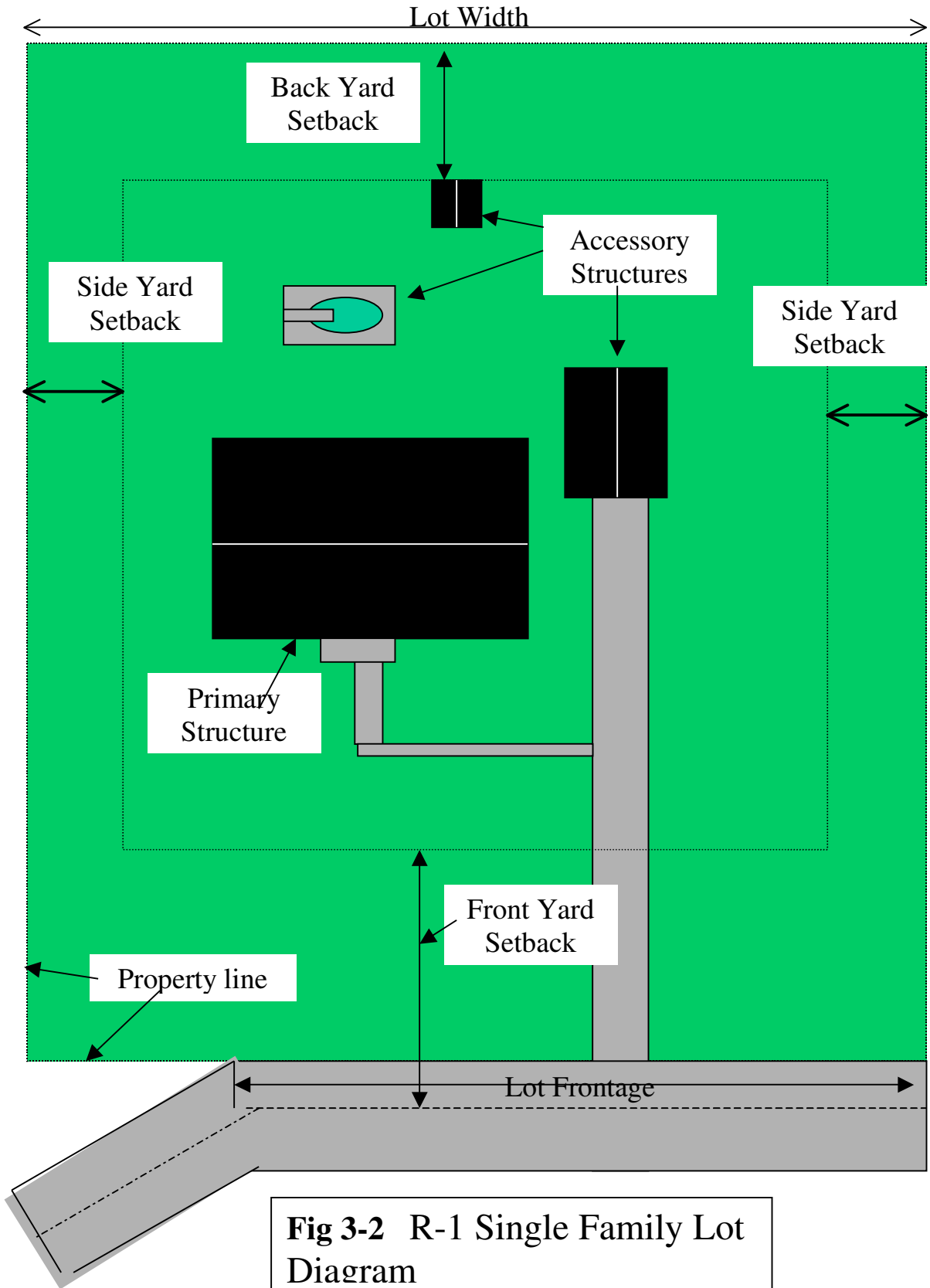
#### 3. Conditional Uses. The following conditional uses are permitted only upon a finding by the Board of Zoning Appeals that such use meets the criteria contained in Article 9:

- a. Institutions of an educational, medical, charitable or philanthropic nature.
- b. Home based businesses meeting the following criteria:
  - 1) The home-based business shall not detract from the residential character of the property.
  - 2) The primary use of the property shall be residential. The operator of the home-based business shall reside in the dwelling unit.
  - 3) The operator of the home-based business may employ only one (1) employee for the business who does not reside on the premises.
  - 4) There shall be no structural additions, enlargements or exterior alterations to accommodate the home-based business or any alteration that changes the residential appearance to a business appearance.
  - 5) The business shall be conducted entirely within the residence and not in any accessory building.
  - 6) There shall be no display of goods or other external evidence of the home occupation.
  - 7) There shall be no signage except as permitted in Article 5

## **Zoning Ordinance of Scott County, Indiana**

- 8) Home based businesses not qualifying as permitted uses in accordance with Article 3 (B.)(6) above.
- c.** Other uses the Board of Zoning Appeals deems compatible with the uses permitted in this district.

Zoning Ordinance of Scott County, Indiana



## Zoning Ordinance of Scott County, Indiana

4. Dimensional Requirements Residential Single Family(Districts Zoned R-1 (see Fig 3-2)
  - a. Minimum Lot Size requirements
    - 1) Area: 8400 SF
    - 2) Street Frontage: 70 Ft
  - b. Minimum Setbacks on a City Street (From Centerline)
    - 1) Front: In built up area use the average front setback otherwise 50 Ft
    - 2) Side: 8 Ft (Corner lots have 2 front setbacks)
    - 3) Back: 20 Ft
  - c. Minimum Setbacks on a County Road (From Centerline)
    - 1) Front: In built up area use the average front setback otherwise 65 Ft
    - 2) Side: 8 Ft (Corner lots have 2 front setbacks)
    - 3) Back: 20 Ft
  - d. Minimum Setbacks on a State Road(From Centerline)
    - 1) Front: In built up area use the average front setback otherwise 100 Ft
    - 2) Side: 8 Ft (Corner lots have 2 front setbacks)
    - 3) Back: 20 Ft
  - e. Maximum Lot Coverage (structures and paving): 50%
  - f. Minimum First Floor Area:
    - 1) Total: 950 SF
    - 2) First Floor: 600 SF
  - g. Minimum Width of Primary Structure: 20 Ft
  - h. Maximum Height
    - 1) Primary Structure: 35 Ft
    - 2) Accessory Structure: 18 Ft
    - 3) Front Yard Fence: 4 Ft (Corner lots have 2 front yards)
5. Manufactured Homes
  - a. 950 SF floor area



## Zoning Ordinance of Scott County, Indiana

### C. Two-family Residential District; R-2

#### 1. Purpose.

This district is intended to accommodate medium-density single-family and two-family development in areas served by an approved municipal sanitary sewer system. In order to ensure compatibility of uses, any use other than a single-family or two-family residence shall be permitted only in accordance with a Development Plan approved pursuant to Article 3 Section I of the Subdivision Control Ordinance.

#### 2. Permitted uses.

The following uses are permitted in an R-2 District

- a. One-family detached dwellings
- b. Two-family dwellings
- c. Townhouses
- d. Parks and playgrounds
- e. Public structures and uses in accord with the intent of this district
- f. Religious facilities
- g. Accessory uses and structures;

#### 3. Conditional Uses.

The following conditional uses are permitted only upon a finding by the Board of Zoning Appeals that such use meets the criteria contained in Article 9:

- a. Home based businesses meeting the following criteria:
  - 1) The home-based business shall not detract from the residential character of the property.
  - 2) The primary use of the property shall be residential, and the operator of the home-based business shall reside in the dwelling unit.
  - 3) The operator of the home-based business may employ only one (1) employee for the business who does not reside on the premises.
  - 4) There shall be no structural additions, enlargements or exterior alterations to accommodate the home-based business or any alteration that changes the residential appearance to a business appearance.
  - 5) The business shall be conducted entirely within the residence and not in any accessory building.
  - 6) There shall be no display of goods or other external evidence of the home occupation..
  - 7) There shall be no signage except as permitted in Article 5,
- b. Home based businesses not qualifying under Section C 3 a, above.

## **Zoning Ordinance of Scott County, Indiana**

- c.** Conversion of a single-family dwelling to a multifamily dwelling
- d.** Other uses the Board of Zoning Appeals deems compatible with the uses permitted in this district
- e.** Institutions of an educational, medical, charitable or philanthropic nature..

Zoning Ordinance of Scott County, Indiana

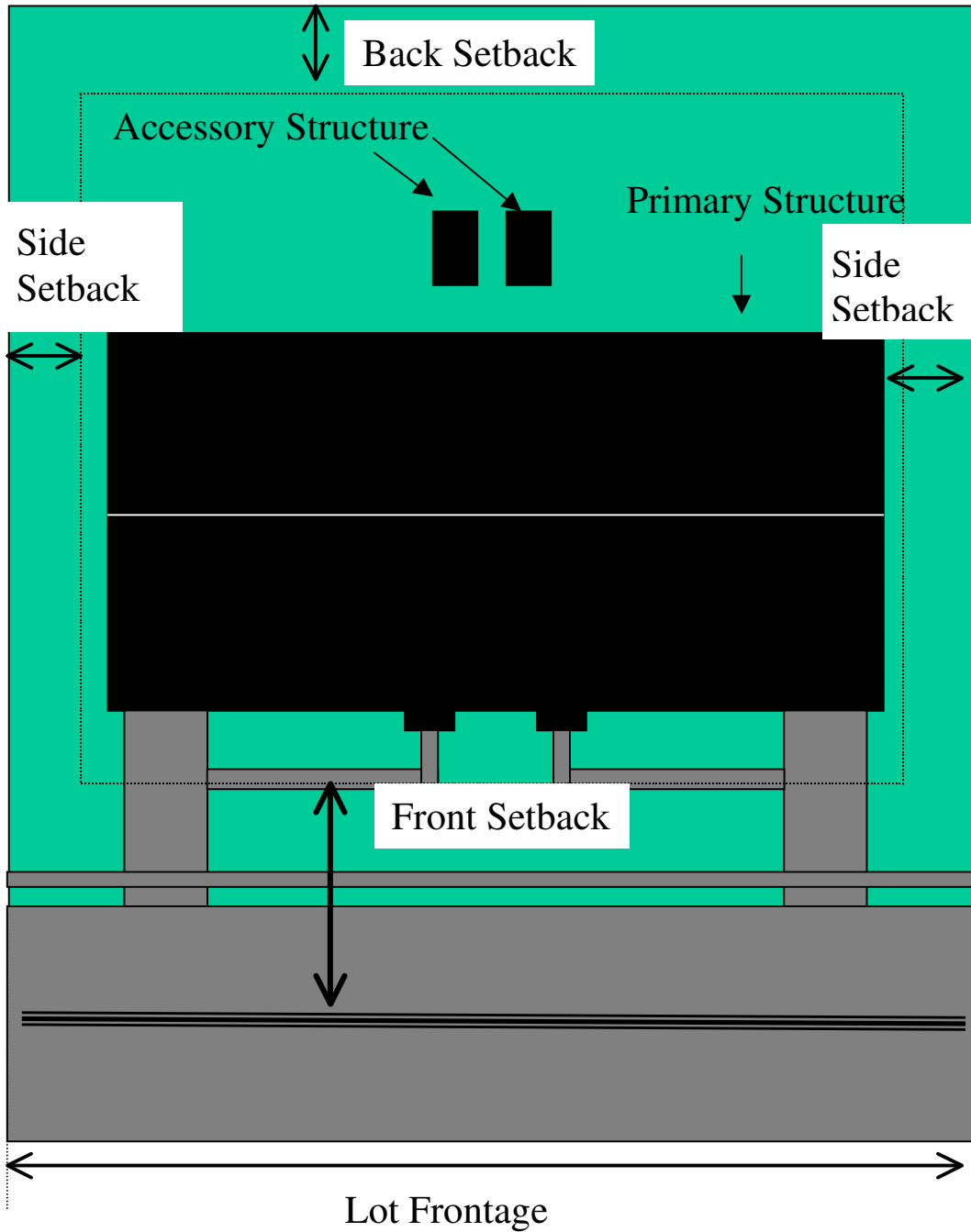


Fig 3-3 R-2 Duplex Lot Diagram

## Zoning Ordinance of Scott County, Indiana

4. Dimensional Requirements Two and Multi-Family Residential (Districts Zoned R-2 (Fig 3-3))
  - a. Minimum Lot Size requirements
    - 1) Area: 10800 SF (5400 per dwelling unit)
    - 2) Street Frontage: 150 Ft
  - b. Minimum Setbacks on a City Street (From Centerline)
    - 1) Front: In built up area use the average front setback otherwise 50 Ft
    - 2) Side: 8 Ft (Corner lots have 2 front setbacks)
    - 3) Back: 20 Ft
  - c. Minimum Setbacks on a County Road (From Centerline)
    - 1) Front: In built up area use the average front setback otherwise 65 Ft
    - 2) Side: 8 Ft (Corner lots have 2 front setbacks)
    - 3) Back: 20 Ft
  - d. Minimum Setbacks on a State Road (From Centerline)
    - 1) Front: In built up area use the average front setback otherwise 100 Ft
    - 2) Side: 8 Ft (Corner lots have 2 front setbacks)
    - 3) Back: 20 Ft
  - e. Maximum Lot Coverage (structures and paving): 50%
  - f. Minimum First Floor Area:
    - 1) Total: 950 SF per dwelling unit
    - 2) First Floor: 600 SF per dwelling unit
  - g. Minimum Width of Primary Structure: 30 Ft
  - h. Maximum Height
    - 1) Primary Structure: 35 Ft
    - 2) Accessory Structure: 18 Ft
    - 3) Front Yard Fence: 4 Ft (Corner lots have 2 front yards)
5. Manufactured Homes
  - a. 950 SF Floor Area

## Zoning Ordinance of Scott County, Indiana

### D. High-Density Housing Development; R-3

#### 1. Purpose.

This District is intended to provide appropriate locations for multifamily housing and mobile home parks in areas served by an approved municipal sanitary sewer system. In order to ensure compatibility of uses High Density Housing Development R-3 shall be permitted only in accordance with a Development Plan approved pursuant to 31 of the Subdivision Control Ordinance.

#### 2. Permitted Uses.

The following uses are permitted in the R-3 District:

- a. Single-family detached dwellings
- b. Two-family dwellings
- c. Townhouses
- d. Mobile home parks in accordance with IC 16-41-27, and with the requirements of Supplementary District Regulations of Article 5 of this Ordinance.
- e. Multifamily dwellings;
- f. Parks and playgrounds
- g. Public structures and uses in compatible with the intent of this district
- h. Religious facilities
- i. Accessory uses and structures

#### 3. Conditional Uses. The following conditional uses are permitted only upon a finding by the Board of Zoning Appeals that such use meets the criteria contained in Article 9:

- a. Home-based businesses meeting the following criteria
  - 1) The home-based business shall not detract from the residential character of the property.
  - 2) The primary use of the property shall be residential, and the operator of the home-based business shall reside in the dwelling unit.
  - 3) The operator of the home-based business may employ only one (1) employee for the business who does not reside on the premises.
  - 4) There shall be no structural additions, enlargements or exterior alterations to accommodate the home-based business or any alteration that changes the residential appearance to a business appearance.

## **Zoning Ordinance of Scott County, Indiana**

- 5) The business shall be conducted entirely within the residence and not in any accessory building.
  - 6) There shall be no display of goods or other external evidence of the home occupation.
  - 7) There shall be no signage except as permitted in Article 5
- b.** Other uses the Board of Zoning Appeals deems compatible with the uses permitted in this district.

Zoning Ordinance of Scott County, Indiana

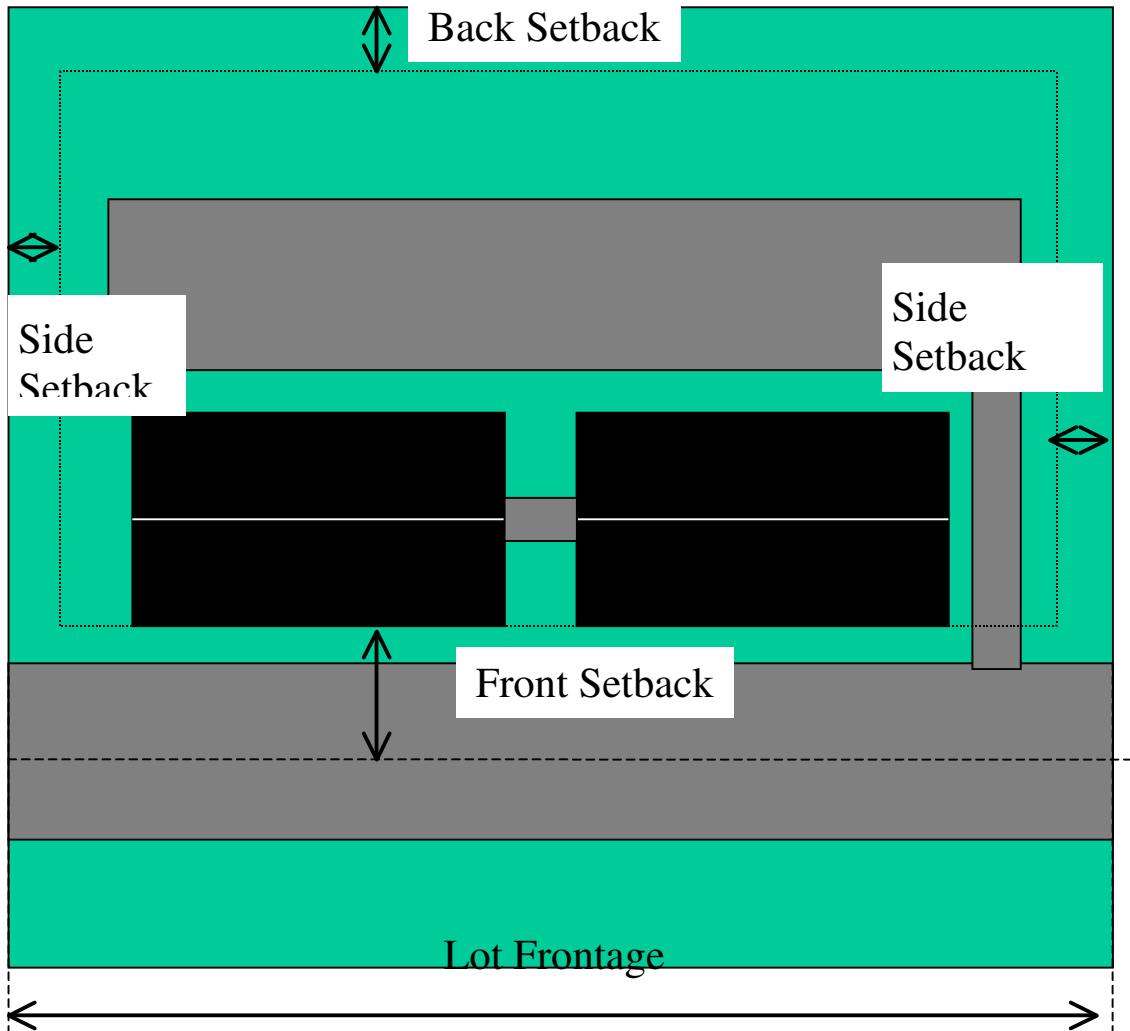


Fig 3-4 R-3 High Density Multi-Family (Apartment) Lot Diagram

## Zoning Ordinance of Scott County, Indiana

4. Dimensional Requirements High Density Multifamily Residential (Districts Zoned R-3) (see Fig 3-4)
  - a. Minimum Lot Size requirements
    - 1) 1. Area: 15000 SF, 3000 SF per dwelling unit
    - 2) Street Frontage: 150 Ft
  - b. Minimum Setbacks on a City Street (From Centerline)
    - 1) Front: In built up area use the average front setback otherwise 35 Ft
    - 2) Side: 8 Ft (Corner lots have 2 front setbacks)
    - 3) Back: 20 Ft
  - c. Minimum Setbacks on a County Road (From Centerline)
    - 1) Front: In built up area use the average front setback otherwise 65 Ft
    - 2) Side: 8 Ft (Corner lots have 2 front setbacks)
    - 3) Back: 20 Ft
  - d. Minimum Setbacks on a State Road (From Centerline)
    - 1) 1. Front: In built up area use the average front setback otherwise 100 Ft
    - 2) 2. Side: 8 Ft (Corner lots have 2 front setbacks)
    - 3) 3. Back: 20 Ft
  - e. Maximum Lot Coverage (structures and paving): 40%
  - f. Minimum First Floor Area:
    - 1) Efficiency: 400 SF
    - 2) One Bedroom: 500 SF
    - 3) Each Additional Bedroom: 125 SF
  - g. Minimum Width of Primary Structure: 35 Ft
  - h. Maximum Height
    - 1) Primary Structure: 40 Ft
    - 2) Accessory Structure: 18 Ft
    - 3) Front Yard Fence: 4 Ft (Corner lots have 2 front yards)
5. Manufactured Homes in Manufactured Home Parks



## Zoning Ordinance of Scott County, Indiana

### **E. Neighborhood Business, B-1**

#### **1. Purpose.**

This district is intended to provide suitable locations served by a municipal sanitary sewer system for businesses offering goods and services needed on a day-to-day basis by nearby residents. In order to ensure compatibility of uses, development in this district shall be permitted only in accordance with a Development Plan approved pursuant to Article 3 I of the Subdivision Control Ordinance.

#### **2. Permitted Uses.**

The following uses are permitted in the B-1 District:

- a.** Professional office uses as defined in Article 11
- b.** Personal service uses as defined in Article 11
- c.** Retail service uses as defined in Article 11
- d.** Personal care uses as defined in Article 11
- e.** Business service uses, as defined in Article 11
- f.** Religious facilities
- g.** Accessory uses and structures

#### **3. Development Standards:**

- a.** Development in the B-1 District shall comply with all applicable development standards contained in Article 5 of this Ordinance.
- b.** No individual establishment shall exceed 5,000 square feet in gross floor area.
- c.** Where a B-1 District abuts an A-1, R-1, or R-2 District, all structures, heating and air conditioning equipment, refuse collection areas, and similar features shall be set back in accordance with Article 5. There shall be an opaque fence at least 6 feet in height along the property line separating the business from the residential district, and a landscape buffer meeting the standards in Article 5 shall be provided.

#### **4. Conditional Uses.**

Conditional uses that the Board of Zoning Appeals deems compatible with the permitted uses in this district and that meet the other standards contained in Article 9 of this Ordinance may be permitted.

Zoning Ordinance of Scott County, Indiana

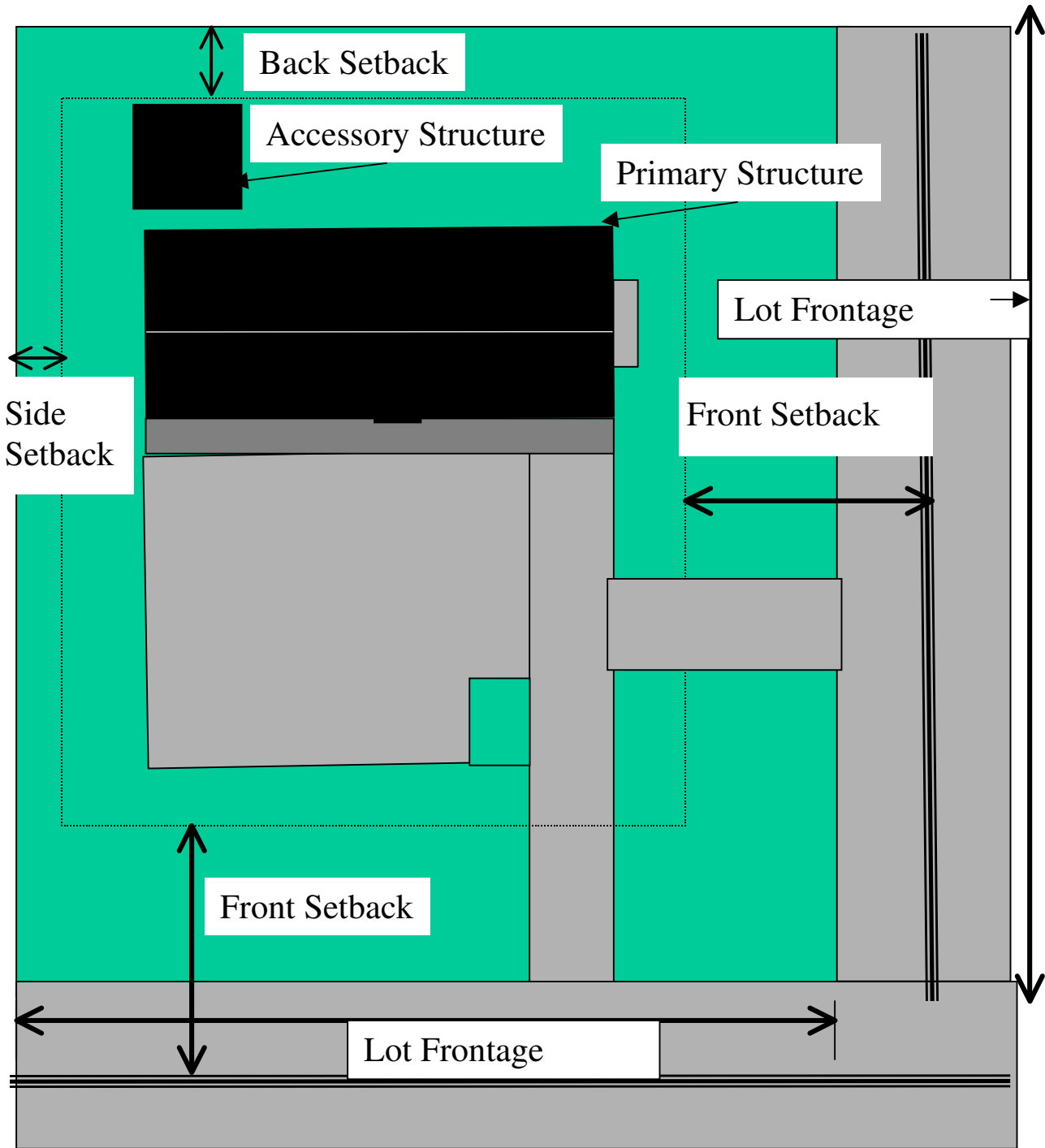


Fig 3-5 B-1 Neighborhood Business Lot Diagram

## Zoning Ordinance of Scott County, Indiana

5. Dimensional Requirements Neighborhood Business (Districts Zoned B-1 (see Fig 3-5)
  - a. Minimum Lot Size requirements
    - 1) Area: 8400 SF
    - 2) Street Frontage: 70 Ft
  - b. Minimum Setbacks on a City Street (From Centerline)
    - 1) Front: In built up area use the average front setback otherwise 35 Ft
    - 2) Side: 8 Ft (Corner lots have 2 front setbacks)
    - 3) Back: 20 Ft
  - c. Minimum Setbacks on a County Road (From Centerline)
    - 1) Front: In built up area use the average front setback otherwise 65 Ft
    - 2) Side: 8 Ft (Corner lots have 2 front setbacks)
    - 3) Back: 20 Ft
  - d. Minimum Setbacks on a State Road (From Centerline)
    - 1) 1. Front: In built up area use the average front setback otherwise 100 Ft
    - 2) 2. Side: 8 Ft (Corner lots have 2 front setbacks)
    - 3) 3. Back: 20 Ft
  - e. Maximum Lot Coverage (structures and paving): 65%
  - f. Minimum First Floor Area:
    - 1) Total: 1000 SF per dwelling unit
    - 2) First Floor: 1000 SF per dwelling unit
  - g. Minimum Width of Primary Structure: 20 Ft
  - h. Maximum Height
    - 1) Primary Structure: 35 Ft
    - 2) Accessory Structure: 18 Ft
    - 3) Front Yard Fence: 4 Ft (Corner lots have 2 front yards)

## Zoning Ordinance of Scott County, Indiana

### F. General Business B-2

#### 1. Purpose

This District is intended to provide suitable locations, served by a municipal sanitary sewer system, where for a full range of goods and services is offered to the public. In order to ensure compatibility of uses, development in this district shall be permitted only in accordance with a Development Plan approved pursuant to Article 3 I of the Subdivision Control Ordinance.

#### 2. Permitted Uses.

The following uses are permitted in the B-2 District.

- a. Any use permitted in the B-1 District.
- b. Retail uses
- c. Outdoor sales areas, as defined in Article 11
- d. Indoor commercial recreation

#### 3. Development Standards.

Development in the B-2 District shall comply with all applicable development standards contained in Article 5 of this Ordinance.

#### 4. Conditional Uses.

The following conditional uses are permitted only upon a finding by the Board of Zoning Appeals that such use meets the criteria contained in Article 9:

- a. Outdoor commercial recreation, as defined in Article 11
- b. Other uses the Board of Zoning Appeals deems compatible with the uses permitted in this district.

Zoning Ordinance of Scott County, Indiana

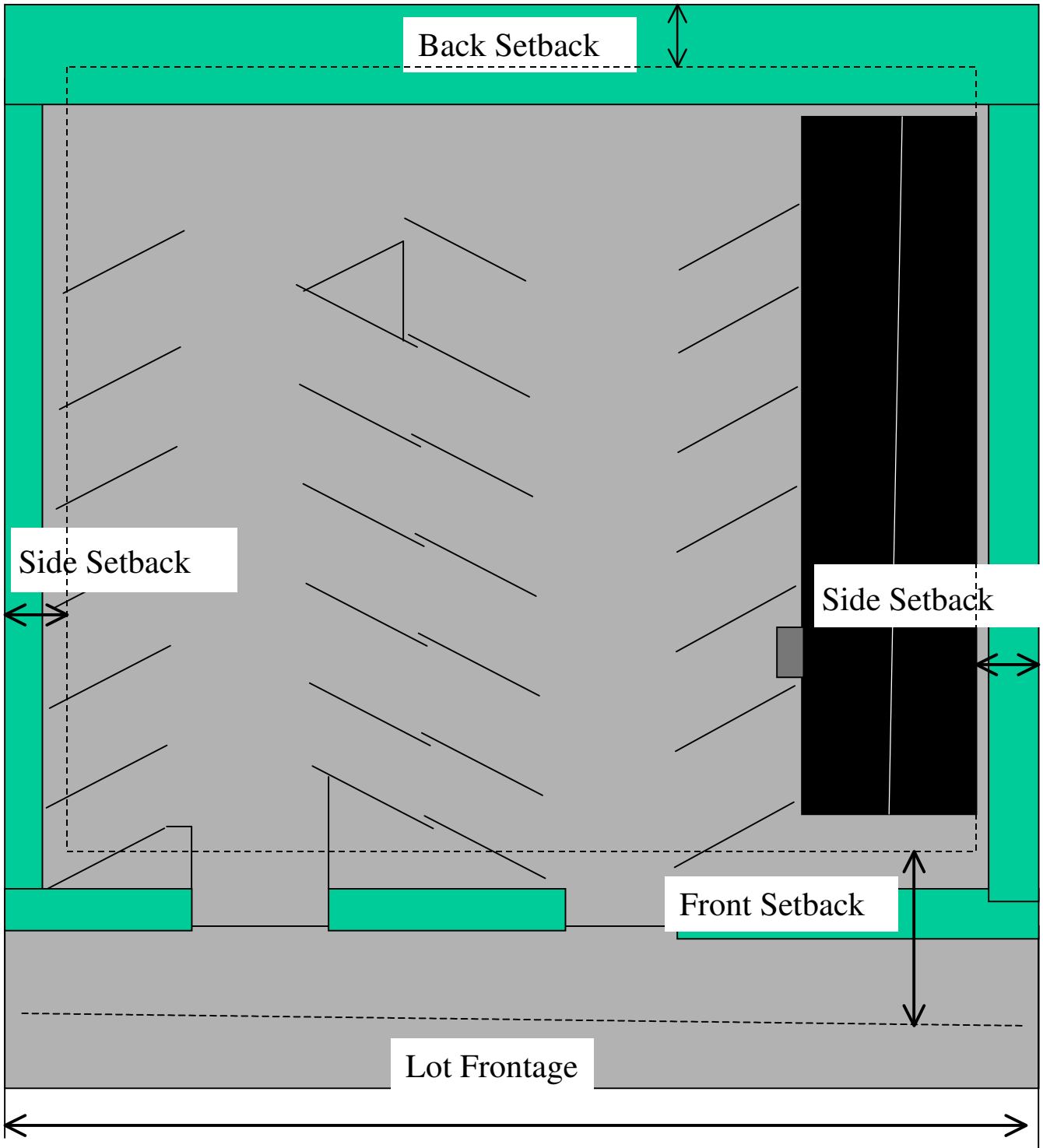


Fig 3-6 B-2 General Business Lot Diagram

## Zoning Ordinance of Scott County, Indiana

5. Dimensional Requirements General Business (Districts Zoned B-2) (see Fig 3-6)
- a. Minimum Lot Size requirements
    - 1) Area 10,800 SF
    - 2) Street Frontage: 100 Ft
  - b. Minimum Setbacks on a City Street (From Centerline)
    - 1) Front: In built up area use the average front setback otherwise 50 Ft
    - 2) Side: 15 Ft (Corner lots have 2 front setbacks)
    - 3) Back: 20 Ft
  - c. Minimum Setbacks on a County Road (From Centerline)
    - 1) Front: In built up area use the average front setback otherwise 65 Ft
    - 2) Side: 15 Ft (Corner lots have 2 front setbacks)
    - 3) Back: 20 Ft
  - d. Minimum Setbacks on a State Road(From Centerline)
    - 1) Front: In built up area use the average front setback otherwise 100 Ft
    - 2) Side: 15 Ft (Corner lots have 2 front setbacks)
    - 3) Back: 20 Ft
  - e. Maximum Lot Coverage (structures and paving): 70%
  - f. F. Minimum First Floor Area:
    - 1) Total: N/A
    - 2) First Floor: N/A
  - g. Minimum Width of Primary Structure: 35 Ft
  - h. Maximum Height
    - 1) Primary Structure: 60 Ft
    - 2) Accessory Structure: 65 Ft
  - i. Front Yard Fence: 4 Ft (Corner lots have 2 front yards)

## **Zoning Ordinance of Scott County, Indiana**

### **G. Highway Business, B-3**

#### **1. Purpose.**

The B-3 business district is intended to provide suitable locations served by a municipal sanitary sewer system, for businesses dependent upon high traffic volumes and providing goods and services for the traveling public. In order to ensure compatibility of uses, development in this district shall be permitted only in accordance with a Development Plan approved pursuant to Article 3 I of the Subdivision Control Ordinance.

#### **2. Permitted uses: The following uses are permitted in the B-3 District**

- a.** All uses permitted in the B-1 and B-2 Districts.
- b.** Big box retail, as defined in Article 11
- c.** Outdoor commercial recreation
- d.** Travel-oriented businesses as defined in Article 11

#### **3. Development Standards.**

Development in the B-3 District shall comply with all applicable development standards contained in Article 5 of this Ordinance.

#### **4. Conditional Uses:**

Conditional uses that the Board of Zoning Appeals deems compatible with the permitted uses in this district and that meet the other standards contained in Article 9 of this Ordinance may be permitted.

Zoning Ordinance of Scott County, Indiana

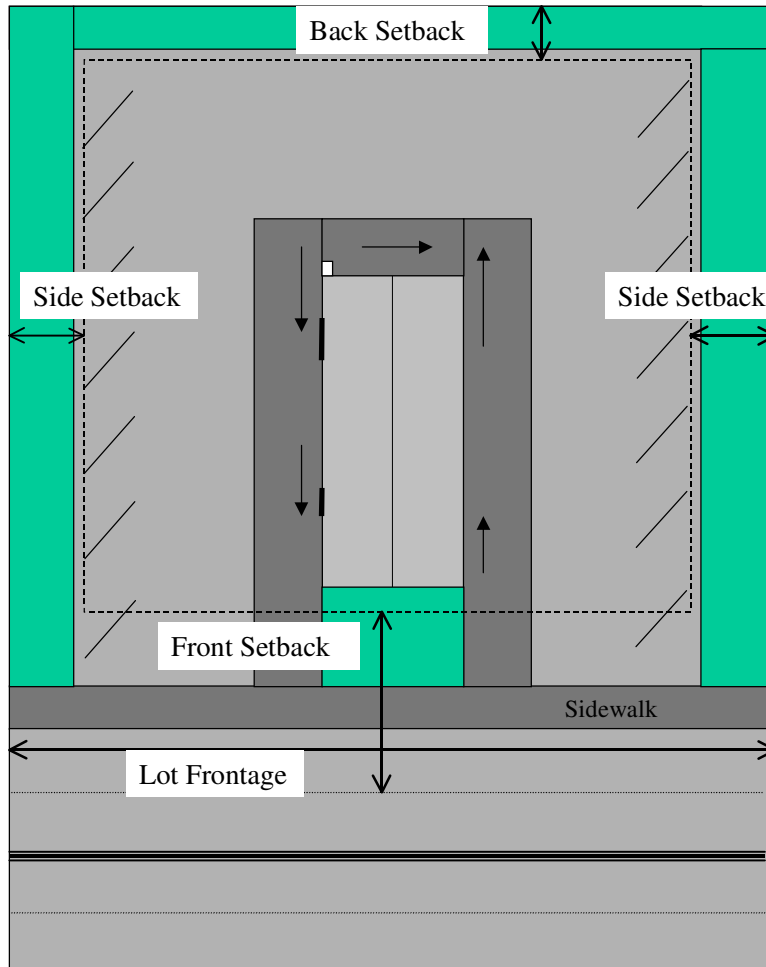


Fig 3-7 B-3 Highway Business Lot Diagram



## Zoning Ordinance of Scott County, Indiana

5. Dimensional Requirements Highway or Travel Related Business (Districts zoned B-3) (see Fig 3-7)
  - a. Minimum Lot Size requirements
    - 1) Area: 10800 SF 3000 per dwelling unit
    - 2) Street Frontage: 100 Ft
  - b. Minimum Setbacks on a City Street (From Centerline)
    - 1) Front: In built up area use the average front setback otherwise 50 Ft
    - 2) Side: 15 Ft (Corner lots have 2 front setbacks)
    - 3) Back: 20 Ft
  - c. C. Minimum Setbacks on a County Road(From Centerline)
    - 1) Front: In built up area use the average front setback otherwise 65 Ft
    - 2) Side: 15 Ft (Corner lots have 2 front setbacks)
    - 3) Back: 20 Ft
  - d. Minimum Setbacks on a State Road (From Centerline)
    - 1) Front: In built up area use the average front setback otherwise 100 Ft
    - 2) Side: 15 Ft (Corner lots have 2 front setbacks)
    - 3) Back: 20 Ft
  - e. Maximum Lot Coverage (structures and paving): 70%
  - f. Minimum First Floor Area:
    - 1) Total: N/A
    - 2) First Floor N/A
  - g. Minimum Width of Primary Structure: 35 Ft
  - h. Maximum Height
    - 1) Primary Structure: 40 Ft
    - 2) Accessory Structure: 18 Ft
    - 3) Front Yard Fence: 4 Ft (Corner lots have 2 front yards)

## Zoning Ordinance of Scott County, Indiana

### H. I-1 Light Industrial (City and County Districts Zoned I-1)

#### 1. Purpose.

The I 1 Industrial District is intended to provide appropriate locations, served by an approved municipal sanitary sewer system and a public water system, for small scale light industrial operations conducted within completely enclosed buildings and have no nuisance factors emitted outside of the building. In order to ensure compatibility of uses, development in this district shall be permitted only in accordance with a Development Plan approved pursuant to Article 3 I of the Subdivision Control Ordinance.

#### 2. Permitted Uses.

The following uses are permitted in the I-1 District:

- a. Enclosed wholesaling, warehousing, packaging, storage, or distribution facilities
- b. Research and development
- c. Religious facilities
- d. Accessory uses, including but not limited to retail sales directly related to the industrial use (i.e., factory store), and outside storage that is completely screened from view from the street or from neighboring non-industrial property.

#### 3. Development Standards

- a. All operations in this district shall be conducted within enclosed buildings.
- b. All uses in this district shall comply with all federal and state air and water quality standards.
- c. Development in this district shall be served by a state-approved sewage disposal system.
- d. Development in the I-1 District shall comply with all applicable development standards contained in Article 5 of this Ordinance.

#### 4. Conditional Uses.

Conditional uses that the Board of Zoning Appeals deems compatible with the permitted uses in this district and that meet the other standards contained in Article 9 of this Ordinance may be permitted.

Zoning Ordinance of Scott County, Indiana

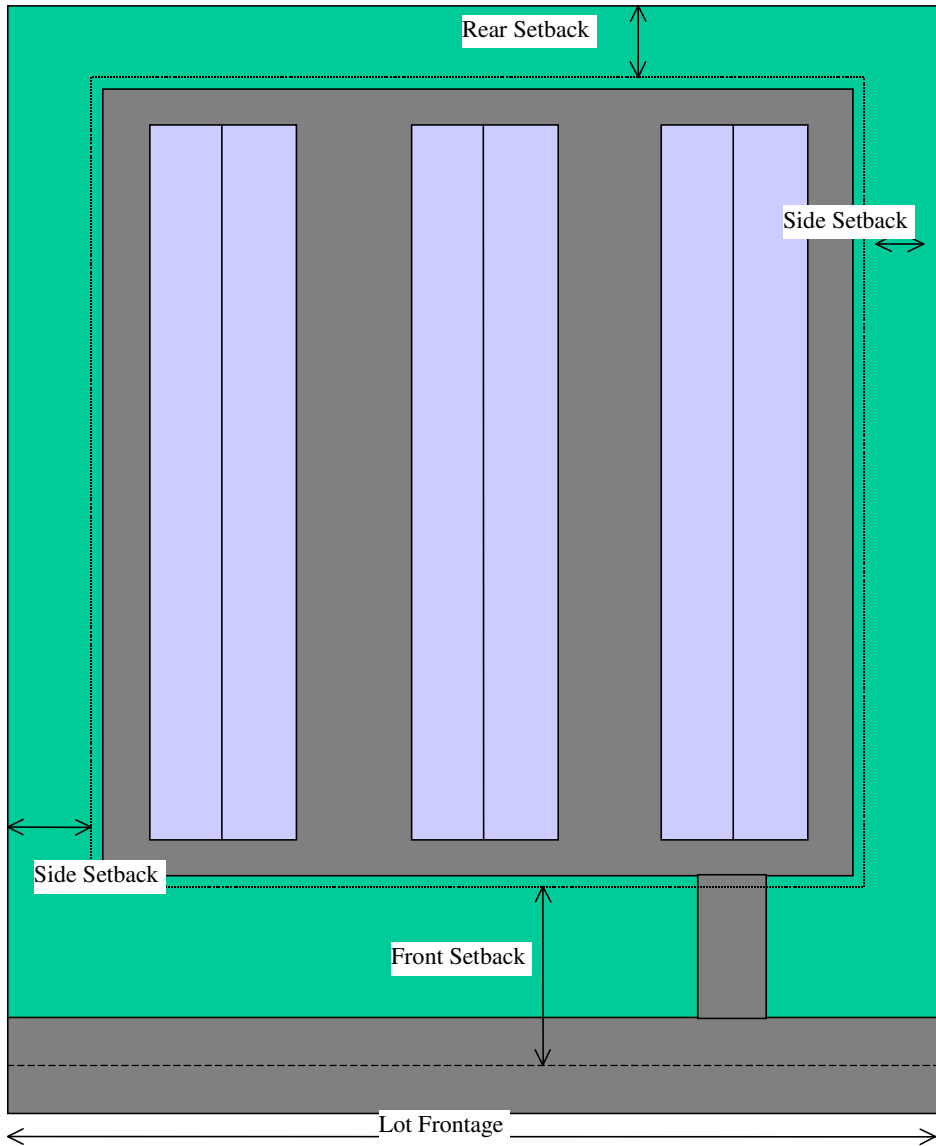


Fig 3-8 I-1 Light Industrial Lot Diagram

## **Zoning Ordinance of Scott County, Indiana**

- 5.** Dimensional Requirements, I-1 Light Industrial ( City and County Districts Zoned I-1) (see Fig 3-8)
- 6.** Minimum Lot Size requirements
  - a.** Area: 20,000 SF
  - b.** Street Frontage: 100 Ft
- 7.** Minimum Setbacks on a City Street (From Centerline)
  - a.** Front: In built up area use the average front setback otherwise 50 Ft
  - b.** Side: 30 Ft (Corner lots have 2 front setbacks)
  - c.** Back: 30 Ft
- 8.** Minimum Setbacks on a County Road (From Centerline)
  - a.** Front: In built up area use the average front setback otherwise 65 Ft
  - b.** Side: 30 Ft (Corner lots have 2 front setbacks)
  - c.** Back: 30 Ft
- 9.** Minimum Setbacks on a State Road (From Centerline)
  - a.** Front: In built up area use the average front setback otherwise 100 Ft
  - b.** Side: 30 Ft (Corner lots have 2 front setbacks)
  - c.** Back: 30 Ft
- 10.** Maximum Lot Coverage (structures and paving): 60%
- 11.** Minimum First Floor Area:
  - a.** Total: N/A
  - b.** First Floor N/A
- 12.** Minimum Width of Primary Structure: N/A
  - a.** Maximum Height
  - b.** Primary Structure: 60 Ft
  - c.** Accessory Structure: 35 Ft

## **Zoning Ordinance of Scott County, Indiana**

### **General Industrial District I-2**

**1. Purpose.**

This District is intended to provide appropriate locations, served by an approved municipal sanitary sewer system and a public water system, for large scale industrial operations conducted within completely enclosed buildings and have no nuisance factors emitted outside of the building and for those industrial uses that are typically characterized by objectionable factors that are difficult to eliminate. In order to ensure compatibility of uses, development in this district shall be permitted only in accordance with a Development Plan approved pursuant to Article 3 I of the Subdivision Control Ordinance.

**2. Permitted Uses.**

The following uses are permitted in the I-2 District:

- a.** All uses permitted in the I-1 District
- b.** Manufacturing
- c.** Any other industrial use meeting the development standards of this Section

**3. Development Standards**

- a.** All uses in this district shall comply with all federal and state air and water quality standards.
- b.** Development in the I-2 District shall comply with all applicable development standards contained in Article 5 of this Ordinance.

**4. Conditional Uses.**

Conditional uses that the Board of Zoning Appeals deems compatible with the permitted uses in this district and that meet the other standards contained in Article 9 of this Ordinance may be permitted.

Zoning Ordinance of Scott County, Indiana

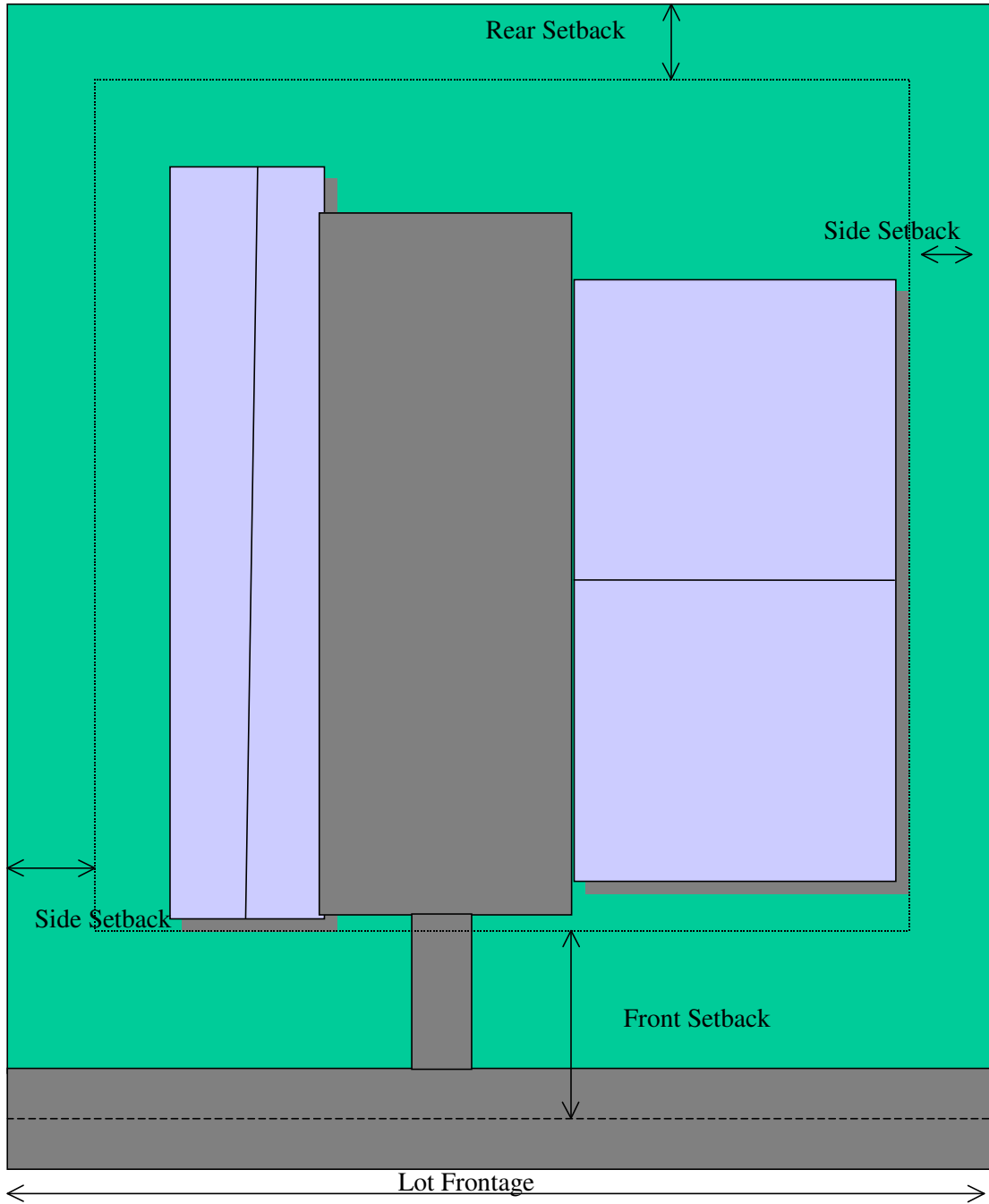


Fig 3-9 I-2 General Industrial Lot Diagram

## Zoning Ordinance of Scott County, Indiana

- 5. Dimensional Requirements I-2 General Industrial\_(Districts zoned I-2)  
see Fig 3-9)**
- a. A. Minimum Lot Size requirements**
    - 1) Area: 2 Acres
    - 2) Street Frontage: 150 Ft
  - b. Minimum Setbacks on a City Street (From Centerline)**
    - 1) Front: In built up area use the average front setback otherwise 50 Ft
    - 2) Side: 30 Ft (Corner lots have 2 front setbacks)
    - 3) Back: 30 Ft
  - 4) Minimum Setbacks on a County Road (From Centerline)**
    - 5) Front: In built up area use the average front setback otherwise 65 Ft
    - 6) Side: 30 Ft (Corner lots have 2 front setbacks)
    - 7) Back: 30 Ft
  - c. Minimum Setbacks on a State Road (From Centerline)**
    - 1) Front: In built up area use the average front setback otherwise 100 Ft
    - 2) Side: 30 Ft (Corner lots have 2 front setbacks)
    - 3) Back: 30 Ft
  - d. Maximum Lot Coverage (structures and paving): 70%**
  - e. Minimum First Floor Area:**
    - 1) Total: N/A
    - 2) First Floor N/A
  - f. Minimum Width of Primary Structure: Ft**
    - 1) Maximum Height
    - 2) Primary Structure: 60 Ft
    - 3) Accessory Structure: 35 Ft

## Zoning Ordinance of Scott County, Indiana

### I. Waste Disposal Overlay District

1. Purpose. This district is established to provide suitable locations for handling and disposal of wastes on land in Scottsburg or Scott County. Because these uses often are temporary, the underlying zoning remains in effect to govern uses of the land before and after waste disposal activities take place on the property. In establishing this district, the City and County recognize that disposal of waste is an essential function in the community and that the specific requirements of such and operation will vary with the nature of the operation and its location. It is the intent of this district to allow needed flexibility in the siting, development, and operation of waste disposal facilities. It also is the intent of this district to establish regulations, which are necessary to promote the public health, safety, and general welfare of the community.
2. Procedure for Designating Waste Disposal Overlay Districts
  - a. Application for designation of a Waste Disposal Overlay District shall be made to Scott County Area Plan Commission in the same manner as an amendment to the zoning map. The application shall include the following materials:
    - 1) Legal description of the property included in the request
    - 2) Drawing indicating the existing features of the site and property within one half mile of the site, including significant vegetation, water features, topography, soil characteristics, flood hazard areas, drainage, structures, land uses, zoning, and any other pertinent features
    - 3) Site plan showing the details of the proposed development, including proposed structures, fill areas and maximum heights of fill, borrow areas, access drives, parking areas, screening and /or buffering, and any other similar information the City or County deems pertinent to the request
    - 4) Proposed hours of operation
    - 5) Southeastern Indiana Solid Waste Management District needs assessment finding that Scott County produces sufficient quantities of waste, and that regional waste disposal facilities have insufficient capacity for such waste warranting planning for a waste disposal facility within Scott County..
3. The Plan Commission shall hold a public hearing on the request and make a favorable recommendation, unfavorable recommendation, or no recommendation to the Board of County Commissioners or City Council regarding it. Such hearing shall be conducted in accordance with IC 36-7-4 and with the Commission's Rules of Procedure.



## Zoning Ordinance of Scott County, Indiana

4. In making a favorable recommendation to the Board of County Commissioners or City Council, the Plan Commission may recommend such conditions of approval as it deems appropriate to ensure consistency with the spirit and intent of this ordinance.
5. The Board of County Commissioners or City Council shall approve or deny the request in the same manner as an amendment to the zoning map. In approving the request, the Board of County Commissioners or City Council may impose such conditions as it deems appropriate to ensure consistency with the spirit and intent of this ordinance. These conditions may be, but are not required to be, those recommended by the Plan Commission.
6. If a Waste Disposal Overlay District is approved by the Board of County Commissioners or City Council, the property may be developed for said use only in accordance with the approved plan for the district. Any material changes to said plan must be approved by the Board of County Commissioners or City Council, which may refer proposed changes to the Area Plan Commission for review and recommendation.
7. For so long as the parcel is being actively pursued for the waste disposal facility, the Waste Disposal Overlay District shall continue. In the event that a parcel approved as a Waste Disposal Overlay District is not being actively pursued for the waste disposal facility for a consecutive period of two years, such approval shall be null and void and the underlying district shall govern the development of the property. However, the Board of County Commissioners or City Council may grant extensions to the approval period, provided the date of expiration of such extension is established.
8. No construction of any waste facility may be commenced until all required permits are obtained, including, but not limited to, an Indiana Department of Environmental Management permit and an improvement location permit. Construction includes any grading, filling, excavation, structural alterations or other similar activity. Any such activity which is required in order to obtain needed permits, such as soil borings, is excluded from this provision.
9. The Waste Disposal Overlay District may be applied to any underlying zoning district established by the Scott County Zoning Ordinance, provided the proposed waste disposal facility complies with the requirements of this section.
  - a. The property proposed for the waste disposal facility shall be large enough to accommodate the use and any accessory or ancillary activities, including parking, loading and unloading, landscaping, offices, storage building, and utilities.
  - b. All waste disposal facilities shall have adequate access and adequate street frontage. The County or City may require on-site and/or off-site improvements to infrastructure in order to ensure safe and proper access to the facility. In making this determination, the

## **Zoning Ordinance of Scott County, Indiana**

County or City shall consider the types, sizes, and numbers of vehicles that are expected to use the facility.

- c.** All waste disposal facilities shall be adequately screened and buffered from neighboring land uses. Screening may consist of berms, landscaping, fencing, or a combination thereof. Outdoor storage may not exceed the height of the screen. The County or City may require minimum separation distances between the facility and adjacent land uses.
- d.** The County or City shall impose such requirements as are necessary to reasonably mitigate adverse effects of waste disposal facilities. Such requirements include, but are not limited to, height limitations, dust control, erosion control, noise control, and limitations on the hours of operation.
- e.** Signs associated with the waste disposal facility shall comply with the provisions of the Scott County Zoning Ordinance, unless the County or City approves the specific modifications to those regulations as part of the approval of the overlay district.
- f.** The County or City may require financial guarantees of performance in order to provide assurance that the waste disposal facility will be completed in conformance with the approved plan.
- g.** The County or City may impose such other conditions as are appropriate and deemed necessary for consistency with the spirit and intent of this ordinance

### **J. Planned Unit Development (PUD) Overlay District**

- 1.** Purpose. This district is established to provide suitable locations for mixed land use developments on land in The City of Scottsburg or Scott County. Because these uses are related to others within the development the underlying zoning remains in effect to govern uses of the land surrounding the development. In establishing this district, the City and County recognize that Planned Unit Developments are a method to control growth, reduce reliance on automobiles and encourage a sense of community. It is the intent of this district to allow needed flexibility in the siting, development, and operation of mixed land uses. It also is the intent of this district to establish regulations, which are necessary to promote the public health, safety, and general welfare of the community.
- 2.** Procedure for Designating Planned Unit Development (PUD) Overlay Districts
  - a.** Application for designation of a Planned Unit Development Overlay District shall be made to Scott County Area Plan Commission in the same manner as an amendment to the zoning map. The application shall include the following materials:

## **Zoning Ordinance of Scott County, Indiana**

- 1) Legal description of the property included in the request
  - 2) Drawing indicating the existing features of the site and property within one half mile of the site, including significant vegetation, water features, topography, soil characteristics, flood hazard areas, drainage, structures, land uses, zoning, and any other pertinent features
  - 3) Site plan showing the details of the proposed development, including proposed structures, fill areas and maximum heights of fill, borrow areas, access drives, parking areas, screening and /or buffering, and any other similar information the City or County deems pertinent to the request.
- 
- b.** The Plan Commission shall hold a public hearing on the request and make a favorable recommendation, unfavorable recommendation, or no recommendation to the Board of County Commissioners or City Council, regarding it. Such hearing shall be conducted in accordance with IC 36-7-4 and with the Commission's Rules of Procedure.
  - c.** In making a favorable recommendation to the Board of County Commissioners or City Council, the Plan Commission may recommend such conditions of approval as it deems appropriate to ensure consistency with the spirit and intent of this ordinance.
  - d.** The Board of County Commissioners or City Council shall approve or deny the request in the same manner as an amendment to the zoning map. The Board of County Commissioners or City Council shall hold a public hearing at the meeting at which the ordinance will be decided. In approving the request, the Board of County Commissioners or City Council may impose such conditions as it deems appropriate to ensure consistency with the spirit and intent of this ordinance. These conditions may be, but are not required to be, those recommended by the Plan Commission.
  - e.** If a Planned Unit Development Overlay District is approved by the Board of County Commissioners or City Council, the property may be developed for said uses only in accordance with the approved plan for the district. Any material changes to said plan must be approved by the Board of County Commissioners or City Council, which may refer proposed changes to the Area Plan Commission for review and recommendation.
  - f.** No construction may be commenced until all required permits are obtained, including, but not limited to, an Indiana Department of Environmental Management permit and an improvement location permit. Construction includes any grading, filling, excavation, structural alterations or other similar activity. Any such activity which is required in order to obtain needed permits, such as soil borings, is excluded from this provision.

## **Zoning Ordinance of Scott County, Indiana**

- 3.** The Planned Unit Development (PUD) Overlay District may be applied to any underlying zoning district established by the Scott County Zoning Ordinance, provided the proposed Planned Unit Development complies with the requirements of this section and supplementary regulations in Article 5 of this Ordinance.
  - a.** The property proposed for the PUD shall be large enough to accommodate the use and any accessory or ancillary activities, including parking, loading and unloading, landscaping, offices, storage building, and utilities.
  - b.** All PUDs shall have adequate access and adequate street frontage. The County or City may require on-site and/or off-site improvements to infrastructure in order to ensure safe and proper access to the facility. In making this determination, the County or City shall consider the types, sizes, and numbers of vehicles that are expected to use the facility.
  - c.** All PUDs shall be adequately landscaped and buffered from neighboring land uses. The County or City may require minimum separation distances between the facility and adjacent land uses.
  - d.** The County or City may require financial guarantees of performance in order to provide assurance that the PUD will be completed in conformance with the approved plan.
  - e.** The County or City may impose such other conditions as are appropriate and deemed necessary for consistency with the spirit and intent of this ordinance

## **Zoning Ordinance of Scott County, Indiana**

### **Article 4. Text and Map**

#### **A. Official Zoning Map**

1. The “Scott County Zoning Map” of March 4, 1974 as amended is hereby adopted and incorporated as part of this ordinance by reference. The zoning map shall be formally known as the “Scott County Zoning Map” and it may be cited and referred to as the “Official Zoning Map” or the “Zoning Map.” The map shall be available in the Office of the Scott County Area Plan Commission.

#### **B. Zoning District Boundaries**

The Zoning District boundaries shall be shown on the Official Zoning Map. The abbreviations for the zoning districts appearing in this ordinance shall be used to identify the zoning districts on the map.

#### **C. Interpretation**

District boundaries on the Official Zoning Map shall be interpreted as follows:

1. District boundaries shown within or parallel to the lines of roads, easements, and transportation right-of-ways shall be deemed to follow the center line of affected road, easement, or right-of-way.
2. District boundaries indicated as following section or fractional sectional lines, platted lot lines, or city or town corporation lines shall be construed as following such lines.
3. District boundaries indicated as parallel to section or fractional sectional lines, platted lot lines, city or town corporation lines, shall be construed as parallel to the affected line.
4. District boundaries indicated as approximately following the centerlines of streams, rivers, or other bodies of water shall be construed to follow such centerlines.

#### **D. Damaged, Destroyed or Lost Official Zoning Map**

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret due to the nature or number of changes, the Scott County Area Plan Commission may, by resolution, adopt a new Official Zoning Map, which shall, to the extent possible, duplicate the accuracy of the damaged, destroyed or lost map.

#### **E. Map Maintenance**

The Official Zoning Map should be formally revised annually, or as the Plan Commission determines necessary. During interim periods of time, hand drawn lines and text on the Official Zoning Map will be appropriate to note zoning changes. The file for such amendment shall serve as the official record of map amendments until a revised map is formally adopted. Copies may be made after the amendments are noted, and each copy shall be noted as an update with the “date last changed” noted on the map. Other

## **Zoning Ordinance of Scott County, Indiana**

revisions may be made to correct drafting or other errors and omission in the prior map, but shall not have the effect of amending the Official Zoning Map.

### **F. Zoning Ordinance**

The official zoning ordinance shall be identified by the signature of the Chairman of the Area Plan Commission, the Board of County Commissioners and the Mayor and of the Common Council of the City of Scottsburg, and shall be available in the Office of the Scott County Area Plan Commission. One official copy shall be kept in the Office of the Scott County Auditor and one official copy shall be kept in the Office of the Clerk-Treasurer of The City of Scottsburg.

### **G. Procedures Governing Amendments**

The following rules, regulations and guidelines shall be followed in amending this Ordinance:

1. The regulations, restrictions and boundaries set forth in this Ordinance may from time to time be amended, supplemented, changed or repealed; in accordance with this section and Indiana law.
2. Amendments may be requested by the legislative body, or proposed by the Plan Commission or by the owners of fifty percent (50%) or more of the area involved in the petition. The Plan Commission must give notice and hold a public hearing on each proposed amendment. Notice shall be given in a manner prescribed in the Plan Commission Rules of Procedure to interested parties as defined in these rules and in accordance with Indiana Law.
3. In preparing and considering proposals to amend the zoning ordinance, the Commission and legislative body shall pay reasonable regard to the following matters in accordance with state law (I.C. 36-7-4-603):
  - 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;
  - e. Responsible development and growth.
4. The Commission shall certify the proposal to the legislative body in accordance with law. (IC-36-7-600, et seq.)
5. The legislative body shall consider the recommendation, if any, of the Commission before acting on a proposal to amend the zoning ordinance. The legislative body shall act on the proposal as provided by Indiana law.
6. When considering an amendment to the zoning map, the Plan Commission may require or allow the petitioner to submit written commitments, as specified in IC 36-7-4-615, that restrict the use(s) and/or developmental standards of the proposed zoning district.

## **Zoning Ordinance of Scott County, Indiana**

- 7.** Initial Rezoning - Written commitments may be initiated by the Plan Commission, the petitioner, the County Commissioners or by the City Council.

  - a.** In approving written commitments for developmental standards, the legislative body may stipulate that such commitments may not be modified by the Plan Commission without the legislative body's consent. . In making the stipulation, the legislative body shall be deemed to be modifying the written commitments.
  - b.** If the legislative body wishes to initiate or modify the written commitments recommended by the Plan Commission, the legislative body shall refer the new commitments or modifications to the Plan Commission for consideration. The legislative body or commission may require notice and a public hearing if either body regards such notice and hearing to be needed to afford adequate opportunity for public input.
  - c.** After considering the new or modified conditions, the Plan Commission must agree or disagree with the legislative body's action.
  - d.** If the Plan Commission agrees with the new or modified commitments, they take effect immediately.
  - e.** If the Plan Commission disagrees with the new or modified commitments, the commission shall forward them to the legislative body with the reasons for disagreement. The commitments shall take effect only if the legislative body again votes to require said modified commitments.
- 8.** Modifications or termination of commitments after initial zoning - The Plan Commission may modify or terminate written commitments relating to the development standards after notice is provided in accordance with the commissions rules of procedure. The modification may be initiated by the owner of the property, by the commission, or by the legislative body. In such a case such modification must be certified to the legislative body for review and approval. Only one modification to the written commitments may be approved by the Plan Commission per year.
- 9.** Modifications or termination of commitments involving permitted uses may be allowed only through the same procedure as the initial rezoning. In approving, modifying, or terminating commitments, the Commission shall consider the factors listed in IC 36-7-4-603
- 10.** The written commitments shall be recorded in accordance with I.C. 36-7-4-615. Recorded commitments are binding on the owner of the parcel, a subsequent owner of a parcel, and any person who acquires an interest in the parcel. An ordinance amending the zoning map that includes written commitments shall not be effective until the commitments are recorded. After the ordinance is adopted and the commitments are recorded, the zoning map shall be amended to indicate the new district designation with the letter "C" app ended to indicate that commitments accompany the

## **Zoning Ordinance of Scott County, Indiana**

district designation. The commitments must be recorded within 90 days after the legislative body adopts the amendment, unless the Plan Commission grants an extension. In the event the commitments are not recorded within the specified time, the ordinance shall not take effect and shall be considered null and void.

- 11.** Any violations associated with written commitments are subject to the penalties in Article 10 of this Ordinance.



## Zoning Ordinance of Scott County, Indiana

### Article 5. Supplementary District Regulations

#### A. Rights of way

For purposes of this Ordinance, streets shall have the following minimum right-of-way widths:

1. State Highway: 100 ft.
2. County Road: 60 ft.
3. City Street: 50 ft.

#### B. Easements

Private access easement shall be a minimum of 50 feet wide, recorded on both the dominant and servant parcels. Access easements may also serve as utility easements. No more than 2 lots shall gain access on one easement

#### C. Buffering

Whenever parcels containing non-residential or multifamily uses abut property lines of parcels zoned for or containing one-family or two-family dwellings, the minimum setbacks shall be increased to provide buffers between the uses. The setbacks shown on the table below shall be the minimum setback lines.

| Table 5-1<br>Buffer Setback Requirements |  |                    |                            |
|--|--|--------------------|----------------------------|
| Zoning District/Use                      | Front Setback (from pavement centerline) |                    | Side or Rear Setback (ft.) |
|  | Road Type                                | Min. Setback (ft.) |                            |
| B-1                                      | State                                    | 100                | 25                         |
|  | County                                   | 80                 |                            |
|  | City                                     | 50                 |                            |
| B-2                                      | State                                    | 120                | 30                         |
|  | County                                   | 90                 |                            |
|  | City                                     | 70                 |                            |
| B-3                                      | State                                    | 120                | 30                         |
|  | County                                   | 100                |                            |
|  | City                                     | 70                 |                            |
| I-1                                      | State                                    | 120                | 40                         |
|  | County                                   | 100                |                            |
|  | City                                     | 70                 |                            |
| I-2                                      | State                                    | 120                | 50                         |
|  | County                                   | 100                |                            |
|  | City                                     | 70                 |                            |
| Multifamily                              | State                                    | 100                | 30                         |
|  | County                                   | 80                 |                            |
|  | City                                     | <b>35</b>          |                            |

## Zoning Ordinance of Scott County, Indiana

### 1. Setback Measurements

#### a. Lot lines

For lots where primary structures exist on adjacent lots, the average of existing setbacks may be applied (see (3) below). Building setback shall be measured from a line drawn parallel to a lot line at a distance equal to the depth of the required yard setback. The distance shall be measured along a straight line drawn perpendicular to the lot line and the setback line. For front yards, setbacks are measured from the centerline of the travel surface of the adjacent road or street. For a parcel served by a private easement where a front setback cannot be measured from a centerline of a road a minimum 30 foot front setback will be used.

#### b. Cul-de-sacs

The required setback on cul-de-sacs and curved streets shall be determined by measuring the required setback from the radius of the cul-de-sac resulting in a setback line that is parallel to the arc of the street right-of-way.

#### c. Setbacks in Improved Areas

For the purpose of this section an improved area shall be defined as any block that contains at least three lots or parcels, each containing a legally established building. For the purposes of this section, a block consists of one side of the street, not interrupted by any streets. In any case where a proposed building site has no buildings within 500 feet in either direction on the same side of the street, the property shall be considered to be in an unimproved area.

Front setback lines for improved areas shall be in accordance with the setback distance already established. In any improved area, the minimum required building setback line for any new building or structure shall be the average of such established setback line, provided that such structure does not encroach into the right-of-way.

#### d. Height Exceptions

The following uses and structures are exempt from the height limitations of this Ordinance:

Architectural projections, including but not limited to spires, steeples, belfries, parapet walls, cupolas, domes, flues, and chimneys

Special structures such as silos, windmills, elevator penthouses, storage tanks, grain elevators, observation towers, scenery lofts, heating and air conditioning equipment and necessary mechanical appurtenances, cooling towers, fire towers, ornamental towers, substations, and smoke stacks.

Towers and utility structures including but not limited to water towers, electric power and communication transmission lines.

#### e. Yard Exceptions

The following are permitted within the setback area:

- 1) Incidental features such as birdbaths, lawn balls, and yard sculptures.
- 2) Doghouses are permitted in the side or rear yard only.
- 3) Uncovered stairs, decks sized for entry purposes only, porches, landings, fire escapes, gutters, decks and awnings may project

## **Zoning Ordinance of Scott County, Indiana**

into any yard but not to exceed 6 feet and not closer than 5 feet to any lot line.

- 4) Architectural projections including, wing walls, belt courses, and bay windows may project into any yard, but such projection shall not exceed 3 feet.
- 5) Ornamental fences, walls and structural screens may be permitted in any required side or rear yard or setback distance, in accordance with the accessory structure height requirements of the respective zone district.
- 6) Ornamental fences, walls and structural screens may be permitted in any required side yard in accordance with the accessory structure height requirements of the respective zone district; provided, that no fence, wall, or structural screen in a front yard toward which a structure is oriented may be allowed to exceed 48” in height. The height shall be determined by measurement perpendicular from the nearest ground level.
- 7) Nothing contained in this section shall be deemed to prohibit the erection or maintenance of an open fence in connection with agricultural uses, recreation use or the public safety or a security fence in nonresidential districts.
- 8) The provisions of this section shall not apply to retaining walls.

### **f. Subdivision Exception**

The Scott County Area Plan Commission may, as part of the approval of a major subdivision, vary the setback requirements of this section. The applicable requirements for such subdivision shall be incorporated on the subdivision plat.

## **D. Parking and Loading**

1. Permanent off-street automobile parking spaces shall be provided in accordance with the requirements of this section.
2. Each automobile parking space shall be a minimum of 9 feet by 18 feet.
3. Except on lots occupied by one- and two-family dwellings, each off-street parking space shall open directly upon an aisle or driveway at least 14 feet wide. Such aisle or driveway shall be unobstructed and allow for the passage of emergency vehicles at all times. In order to provide safe and efficient means of vehicular access to such parking space, the additional width and design required in parking spaces shall be in accordance with the following table:

## Zoning Ordinance of Scott County, Indiana

| Table 5-2<br>PARKING AISLE WIDTHS* |             |
|------------------------------------|-------------|
| Parking Angle                      | Aisle Width |
| 45 Degrees                         | 14 feet     |
| 60 Degrees                         | 18 feet     |
| 90 Degrees                         | 24 feet     |

\*The parking angle shall be measured between the centerline of the parking space and the centerline of the aisle.

4. Parking areas shall be located on the same site as the structure or use they serve, or for non-residential uses, may be located on a separate site within 300 feet.
5. Parking spaces shall be provided in accordance with the following schedule:

| Table 5-3<br>PARKING SPACE REQUIREMENTS   |   |  |
|---|---|--|
| Use   | Minimum No. of Required Spaces  |  |
| Agricultural Uses   | No requirement, except for roadside stands and other commercial or similar uses, when there shall be an adequate number of spaces to serve the public |  |
| Amusement Uses, including skating rinks video arcades, pool and billiard rooms, and similar facilities      | 1 space for each 500 square feet of gross floor area  |  |
| Automobile Repair Uses, including muffler shops, tire shops, quick lubricating, and other similar uses      | 2.5 spaces for each service bay.  |  |
| Bowling Alleys  | 4 spaces for each lane  |  |
| Child Care Uses, including children's homes, day care centers, nurseries and kindergartens and similar uses | 1 space for each 5 children   |  |
| Commercial Centers  | Less than 50,000 square feet  | 1 space for each 200 square feet of gross floor area |
|   | 50,000 square feet or larger  | 1 space for each 250 square feet of gross floor area |

## Zoning Ordinance of Scott County, Indiana

**Table 5-3**

### PARKING SPACE REQUIREMENTS

| Use   | Minimum No. of Required Spaces  |  |
|---|---|--|
| Community Center Uses, including clubs, lodges, community centers, libraries, museums and similar places of assembly  | 1 space for each 100 square feet of assembly area   |  |
| Drive-through Uses (other than restaurants), including banks, dry cleaners, and similar uses  | 1 space for each 400 square feet of gross floor area, plus stacking spaces as required in Article 5, Section D.   |  |
| Dwelling Unit   | 2 spaces  |  |
| For employees   | 1 space per employee  |  |
| Funeral Service   | 1 space for each 35 square feet of seating area   |  |
| Group Housing, including rooming and boarding houses, dormitories, fraternities and sororities, elderly housing, halfway houses, nursing homes and similar group quarters | 1 space for each 2 beds, sleeping units, rooming units or dwelling units plus 1 space for each 100 square feet of assembly or common area   |  |
| Health Club Uses, including athletic clubs and spas   | 1 space for each 400 square feet of gross floor area  |  |
| Health Uses, including hospitals, in-patient clinics, and similar uses  | 1 space for each patient bed  |  |
| Hotel Uses, including hotels, motels, apartment hotels and other facilities for the transient public  | 1 space for each guest room   |  |
| Higher Education Uses, including colleges, universities, professional schools, junior colleges, and vocational schools  | 0.8 spaces for each student, based upon the maximum number of students attending classes on the premises during any 24-hour period. If the school provides on-site housing, the requirement may be reduced to 0.5 spaces for each student |  |
| Industrial Uses, including manufacturing and similar uses, not catering to the retail trade   | Less than 3000 square feet  | 1 space for each 250 square feet of gross floor area |
|   | 3000 to 5000 square feet  | 1 space for each 500 square feet of gross floor area |
|   | 5001 to 10,000 square feet  | 1 space for each 750 square feet of gross floor area |

## Zoning Ordinance of Scott County, Indiana

**Table 5-3**

### PARKING SPACE REQUIREMENTS

| Use  |   | Minimum No. of Required Spaces   |
|--|---|--|
|  | More than 10,000 square feet                        | 1 space for each 1,250 square feet of gross floor area   |
| Open Air Business Uses   |   | 1 space for each 1,000 square feet of outdoor storage/display area                                   |
| Professional Office Uses   | Medical and Dental                                  | 1 space for each 200 square feet of gross floor area   |
|  | Other   | 1 space for each 300 square feet of gross floor area   |
| Religious Facility   | Place of worship                                    | 1 space for each 4 seats in the sanctuary  |
| Restaurant Uses  | Drive-through or fast-food                          | 1 space for each 75 square feet of gross floor area plus stacking spaces as required by this Article |
|  | General   | 1 space for each 100 square feet of gross floor area   |
| Retail Uses  | Furniture, appliances or other large consumer goods | 1 space for each 500 square feet of gross floor area   |
|  | Convenience stores                                  | 1 space for each 200 square feet of gross floor area   |
|  | Other retail  | 1 space for each 250 square feet of gross floor area   |
| Schools  | Elementary or middle school                         | 3 spaces for each classroom for staff  |
|  | High school   | 3 spaces for each classroom for staff<br>0.3 spaces per student based on capacity                    |
| Theater Uses, including auditoriums, movie theaters, performing arts facilities, and sports arenas |   | 1 space for each 4 seats   |
| Warehouse  | Mini-warehouse                                      | 1 space for each 50 lockers or each 10 pods/bays   |

## Zoning Ordinance of Scott County, Indiana

**Table 5-3**

### PARKING SPACE REQUIREMENTS

| Use     | Minimum No. of Required Spaces                       |
|---------|--|
| General | 1 space for each 750 square feet of gross floor area |

6. The minimum required number of off-street parking or loading spaces shall be calculated as follows:
  - a. If the unit of measurement is any fraction of the unit specified in relation to the number of spaces to be provided, such fraction shall be considered as being the next unit and shall be counted as requiring one space.
  - b. In sports arenas, religious facilities and other places of assembly in which patrons occupy benches, pews or other similar seating facilities, each 20 inches of such seating shall be counted as one seat for the purpose of determining requirements hereunder.
  - c. In the case of open floor areas used for temporary seating purposes, an area of 16 square feet usable for seating shall be counted as one seat for the purpose of determining requirements hereunder.
  - d. For uses involving more than one activity (i.e., manufacturing and office, office and retail, automobile service and convenience store), the requirements for each use shall be calculated separately and then aggregated.
  
7. The Board of Zoning Appeals may permit special parking arrangements, such as shared parking, small car parking, and overflow parking, as a conditional use upon a finding that such arrangement is consistent with the spirit and intent of this ordinance and that such finding complies with all applicable criteria for the conditional use.
  
8. For any use not listed, the Executive Director shall make a determination as to the required number of parking spaces. In making this decision, the staff shall consider the number of spaces required for similar uses and available studies as to the number of spaces needed to accommodate the use.
  
9. Accessible Parking for Physically Challenged Persons
  - a. A portion of the total number of required off-street parking spaces in each off-street parking area shall be specifically designated, located and reserved for use by persons with physical challenges.
  - b. The minimum number of accessible spaces to be provided shall be a portion of the total number of off-street parking spaces required, as determined from the following exhibit. Parking spaces reserved for persons with physical challenges shall be counted toward fulfilling off-street parking standards. Spaces shall be provided in accordance

## Zoning Ordinance of Scott County, Indiana

with the table below or State or Federal code or statute whichever is greater.

| <b>Table 5-4<br/>ACCESSIBLE PARKING</b> |   |   |   |
|---|---|---|---|
| <b>Total Parking Spaces Provided</b>    | <b>Min. Number of Accessible Spaces</b> | <b>Min. Number of Van-Accessible Spaces</b> | <b>Min. Number of Car-Accessible Spaces</b> |
| 1-25                                    | 1                                       | 1   | 0   |
| 26-50                                   | 2                                       | 1   | 1   |
| 51-75                                   | 3                                       | 1   | 2   |
| 76-100                                  | 4                                       | 1   | 3   |
| 101-150                                 | 5                                       | 1   | 4   |
| 151-200                                 | 6                                       | 1   | 5   |
| 201-300                                 | 7                                       | 1   | 6   |
| 301-400                                 | 8                                       | 1   | 7   |
| 401-500                                 | 9                                       | 2   | 7   |
| 501-1,000                               | 2% of total spaces                      | 1 out of every 8 accessible spaces          | 7 out of every 8 accessible spaces          |
| Over 1,000                              | 20 + 1 per each 100 spaces over 1,000   |   |   |

**c. Minimum Dimensions**

All parking spaces reserved for persons with physical challenges shall comply with the parking space dimension standards of this section, provided that access aisles shall be provided immediately abutting such spaces, as follows:

**d. Car-Accessible Spaces**

Car-accessible spaces shall have at least a 5-foot wide access aisle located abutting the designated parking space.

**e. Van-Accessible Spaces**

Van-accessible spaces shall have at least an 8-foot wide access aisle located abutting the designated parking space.

**10. Location of Spaces**

Required spaces for persons with physical challenges shall be located in close proximity to building entrances and shall be designed to permit occupants of vehicles to reach the building entrance on an unobstructed path.

**11. Signs and Marking**

Required spaces for persons with physical challenges shall be identified with signs and pavement markings identifying them as reserved for persons with physical challenges. Signs shall be posted directly in front of the parking space at a height of no less than 42 inches and no more than 72 inches above pavement level.



## Zoning Ordinance of Scott County, Indiana

### E. Off-Street Loading Requirements

At least one off-street loading space shall be provided for every hospital, institution, commercial, and industrial building erected after the date of this ordinance with a floor area of 5,000 square feet or more. Loading spaces shall be provided in accordance with the table below.

| Table 5-5<br>LOADING SPACE REQUIREMENTS   |                         |                            |
|---|-------------------------|----------------------------|
| Use   | Floor Area (sq. ft.)    | Min. No. of Loading Spaces |
| Manufacturing, distribution, wholesaling, storage and similar uses                      | 5,000 – 25,000          | 1                          |
|   | 25,001 – 60,000         | 2                          |
|   | 60,001 – 100,000        | 3                          |
|   | Each additional 50,000  | 1                          |
| Office buildings, hotels, retail sales, commercial centers, hospitals, and similar uses | 5,000 – 60,000          | 1                          |
|   | 60,001 – 100,000        | 2                          |
|   | Each additional 100,000 | 1                          |

Each loading space shall have a minimum width of 12 feet, a minimum length of 55 feet, and a minimum height, if covered, of 14 feet. Each loading space shall have direct access to a public street or alley.

#### a. Parking and Loading Space Specifications

- 1) All loading areas and all off-street parking areas for 4 or more vehicles shall be developed in accordance with the standards of this section, except for one and two family dwellings, agricultural and rural uses and storage of vehicular merchandise not counting toward the minimum requirements of this Ordinance.
- 2) Required off-street parking spaces shall be so designed, arranged and regulated as to have individual spaces marked, be unobstructed and have access to an aisle or driveway so that any automobile may be moved without moving another, and so that no maneuvering directly incidental to entering or leaving a parking space shall be on any public right-of-way or walkway.
- 3) Off-street parking spaces may be open to the sky or enclosed in a building. In any instance when a building is constructed or used by parking facilities on the zone lot, such building shall be

## Zoning Ordinance of Scott County, Indiana

treated as any major structure and subject to all requirements thereof.

- 4) No repair work, sales or service of any kind shall be permitted in association with accessory off-street parking facilities unless such facilities are enclosed in a building and otherwise permitted in the zone district.
- 5) All open off-street parking and loading areas, including driveways and other circulation areas, shall be surfaced with an all-weather paving material to adequately provide a durable and dust-free surface which shall be maintained in good condition and free of weeds, dirt, trash and debris.
- 6) Parking areas shall be graded and properly drained in such a manner that there will be no free flow of water onto either adjacent property or public sidewalks.

### F. Temporary Uses

#### 1. General

- a. Temporary uses shall be subject to applicable time limits as provided in this section.
- b. Temporary uses shall be subject to all the regulations of the applicable zone district.
- c. Applications for renewal shall be subject to all applicable provisions of this Section.

#### 2. Permitted Temporary Uses

Within any zone district, temporary uses are permitted only in conformance with the following rules and time limits:

- a. Temporary office, model home or model apartment and incidental signs therefore, both incidental and necessary for the sale, rental or lease of real property in the zone district, for a maximum of twenty-four (24) months.
- b. Concrete batching plant, both incidental and necessary to construction in the zone district, for a maximum of twenty-four (24) months
- c. Temporary building or yard for construction materials and equipment, both incidental and necessary to construction in the zone district, for a maximum of twenty-four (24) months.
- d. Use of a parking lot for a designated special event for a maximum of thirty (30) days in any calendar year.
- e. Bazaars, carnivals, rummage or garage sales and similar temporary uses for a maximum of ten (10) consecutive days and no more than twenty (20) days in any calendar year.

## **Zoning Ordinance of Scott County, Indiana**

- f.** Seasonal sales, such as Christmas trees or fireworks, for a maximum of (60) days
  - g.** Parking of recreational vehicles for visitation for a maximum of fourteen (14) days.
  - h.** Emergency or temporary parking or stopping of a recreational vehicle is permitted on any street or highway for not longer than twenty-four (24) hours; provided, that such parking or stopping shall be subject to any prohibitions or limitations imposed by the traffic and parking regulations for such street or highway.
  - i.** A recreational vehicle temporarily parked or stored in the open in connection with the following:
    - 1) A public health program sponsored by a public health department
    - 2) A program sponsored by any unit of government.
    - 3) A carnival or other public affair or function authorized by proper authority.
  - j.** Construction trailers for storage of materials or as a temporary office, for no more than twenty-four (24) months, subject to the following regulations:
    - 1) There shall be a valid permit for construction of a permanent building or structure on the site.
    - 2) The construction trailer shall be situated at the construction site and occupied only by persons directly engaged in the supervision of the construction of the structure or development.
    - 3) The construction trailer shall meet all yard and setback requirements of the district in which the construction trailer is located.
    - 4) The construction trailer shall comply with all health and sanitary regulations of the County Health Department and the State Board of Health.
    - 5) Temporary connection to the electrical utility system shall be made in a manner approved by the Building Official.
  - k.** Other similar uses deemed temporary by the Board of Zoning Appeals and attached with such time period, conditions and safeguards as the Board may deem necessary.
- 3.** Standards for Temporary Uses
- a.** Adequate access and off-street parking facilities shall be provided.
  - b.** No public address systems or other noise producing devices shall be permitted in a residential district from 7 PM to 9 AM.
  - c.** Any floodlights or other lighting shall be directed upon the premises and shall not be detrimental to adjacent properties.
  - d.** The property shall be put in clean conditions devoid of temporary use remnants upon termination of the temporary period.

## Zoning Ordinance of Scott County, Indiana

### G. Public Utility Use or Structures

1. Structures that are an integral part of a utility are permitted in all districts.
2. Other structures or maintenance or storage uses are permitted only as conditional uses exceptions in any zone when approved by the Board of Appeals, which shall provide for adequate safeguards to the adjoining properties.

### H. Signs

#### 1. Purpose

This section is included to assure a balance between the needs of the public and of business to convey information and purvey goods and services with the goals of the City of Scottsburg and of Scott County to protect the rural characteristics and vistas that define Scott County.

#### 2. Permits Required

- a. Except as otherwise provided herein, it shall be unlawful for any person to erect, construct, enlarge, move or convert any sign within the jurisdiction of the Scott County Area Plan Commission, or cause the same to be done without first obtaining a sign permit for each sign from the Plan Commission.
- b. Application for a permit shall be made to the Area Plan Commission on forms provided by the Department and shall include all required information.
- c. The following shall not be considered as creating a sign and therefore shall not be required to have a sign permit:
  - 1) The changing of advertising copy or message on an approved sign
  - 2) Painting, repainting, cleaning, or other normal maintenance and repair of a sign or sign structure, unless a structural change is involved

#### 3. General Provisions.

The following general provisions shall apply to all signs in all zoning districts:

- a. Sizes, heights, and setbacks referenced in this section shall be measured as follows:
  - 1) The area of a sign shall be calculated as the area of the smallest square, rectangle, circle, or triangle that can encompass the entire sign face and all lettering, logos or illustrations contained on the sign. For double-sided signs, the maximum area shall be that area visible to traffic in one direction. Double-sided signs or signs offset in a "V" at an angle no greater than 60 degrees, the area of each side will qualify for the maximum indicated in this ordinance.

## Zoning Ordinance of Scott County, Indiana

- 2) The height of a sign shall be the vertical distance from finished grade at the base of the sign to the highest point on the sign structure.
  - 3) The setback distance shall be measured from the property line to the closest element of the sign.
  - b. No portion of any sign may be erected within ten (10) feet of the edge of the pavement or from the curb.
  - c. Permitted free-standing signs shall include the following types of signs:
    - 1) Pole signs.
    - 2) Ground signs.
    - 3) Monument signs.
    - 4) "A" shaped sidewalk signs common in the historic square
  - d. Free-standing signs shall be located no closer to the side property line than a distance fifteen (15) feet or the setback required by another subsection, whichever is larger.
  - e. Free-Standing Signs shall be no greater than twenty-five feet in height, except as otherwise permitted.
  - f. No portion of any sign may be erected so as to obstruct sight lines along any right-of-way or so as to obstruct sight lines to traffic control devices, street name signs at intersections, directional signs, or signals and/or railroad grade crossings
4. Maintenance
- a. All signs shall be maintained in a state of good repair, including, but not limited to, repair of defective parts, painting and cleaning. The replacement of the structural members of a non-conforming sign for the purpose of extending the life of such non-conforming sign, shall not constitute maintenance as defined in this section, but shall be considered as new construction and must, therefore, satisfy all requirements of this Ordinance.
  - b. The owner of any property on which a sign is located, and those responsible for maintenance of the sign, shall be jointly responsible for the maintenance of the area in the vicinity of the sign and shall be required to keep this area mowed in accordance with County or City standards and maintained in a safe, clean and sanitary condition, free of noxious or offensive substances and rubbish.
  - c. When any sign or adjacent area is not maintained within the provisions of this Ordinance, or determined otherwise unsafe, the Director or authorized representative shall send written notice to both the owner of the property on which such sign is located and the sign owner. Notice shall direct the owners to remove, repair or alter the sign or to maintain the property in accordance with County or City standards. If said sign is not removed, replaced, or altered, or

## **Zoning Ordinance of Scott County, Indiana**

the property not properly maintained within thirty (30) days, the Director, or authorized representative, shall cause the sign to be removed, repaired, or altered, or the property to be maintained at the expense of the property and/or sign owner in accordance with the procedures of this Ordinance. For temporary or portable signs, the Director, or authorized representative, shall provide a three (3)-day notice for removal of the sign. The representative may remove a sign immediately and without notice if, in his/her opinion, the condition or location of the sign is such as to present a threat to the safety of the public.

### **5. Nonconforming Signs**

A nonconforming sign is declared by this Ordinance to be incompatible with the purpose of the sign provision of this Ordinance. All nonconforming signs shall be made to conform within five (5) years of the adoption of this ordinance or be approved by the Board of Zoning Appeals as a conditional use.

Any sign lawfully established prior to the effective date of this Ordinance that does not conform to the regulations herein shall be deemed a nonconforming sign. If a legally nonconforming sign is destroyed by fire or a storm, it may be replaced in the same location with a sign that is no more nonconforming than the sign that was destroyed. In all other circumstances, legally nonconforming signs may be continued subject to the following provisions:

- a.** There shall be no increase in the size of the sign face or an increase in the height of the sign;
- b.** The sign shall not be relocated from its original place of installation;
- c.** If the sign is removed for any reason other than fire or a storm, it shall not be replaced;
- d.** Any sign that is obsolete as defined in Subsection 5 G 16, Prohibited Signs shall not be permitted to continue nor be replaced for any reason.

### **6. Exempt Signs**

The following legally conforming incidental signs are exempt from other requirements of this Section, except for the noted requirements:

- a.** Holiday Decorations
- b.** Integral Signs as defined in Article 11.

### **7. Business Identification Sign**

An identification sign on or near a building entrance or service entrance to a business in a business, commercial, or industrial zoning district is permitted, provided such signs state only the street address number and name of the business or building. Such sign shall be mounted flush against the wall, and shall not exceed twelve (12) square feet (3 X 4 Ft)..

## **Zoning Ordinance of Scott County, Indiana**

### **8. Damaged Sign Replacement**

A conforming sign erected under a legally obtained permit that is damaged or destroyed by wind, weather, or other accidental means beyond the control of the applicant may be replaced or restored to its original size, shape, and location (as prior to the accident) without obtaining an additional permit. Replacement of a damaged or destroyed sign with a new sign of different size, shape, or location from the original sign shall require a permit.

### **9. Parking Signs**

Signs for public and private parking shall be permitted. Such signs shall be subject to a three (3) foot setback from the right-of-way, and shall not contain commercial messages. Signs shall be no greater than six (6) feet in height and no greater than six (6) square feet in area. Such signs shall be installed so as not to present a hazard to traffic entering or leaving the premises.

### **10. Private Traffic Directional Signs**

Signs directing traffic movement onto or within a property shall be permitted. The leading edge of such signs shall be a minimum of three (3) feet from any curb or traffic movement aisle, the sign shall be no greater than three (3) feet in height and no greater than six (6) square feet in area.

### **11. Public Signs**

Signs in the public interest erected by, or on the order of, a public officer(s) in performance of his/her public duty shall be permitted, such as safety signs, danger signs, trespassing signs, traffic signs, memorial plaques, signs of historical interest, signs directing the traveling public to public and quasi-public facilities, or signs on public buildings or structures and the like.

### **12. Nameplate**

A nameplate not exceeding two (2) square feet in area is permitted for each dwelling unit of a single-family or two-family dwelling. Such nameplate shall contain only the name and/or address of the occupant. No other sign shall be allowed. This paragraph shall not be construed to prohibit each dwelling unit from also displaying a house numbering plate.

### **13. Historical Markers**

Official markers approved by an agency of federal, state, or local government indicating names, dates or other significant historical information shall be permitted.

### **14. Window Signs**

Signs located in or on windows do not require a permit as long as such signs are located on the inside of the building.

### **15. Accessory Signs**

## Zoning Ordinance of Scott County, Indiana

Incidental signs not designed to be read by drivers of vehicles on a public street shall be permitted.

### 16. Prohibited Signs

The following signs are prohibited. It shall be unlawful to erect and maintain:

- a. Any sign that is not included under the types of signs permitted or exempted in this section.
- b. Any portable or moveable sign, except in compliance with the provisions of this section.
- c. Any sign that projects over or into a public right-of-way, unless provided elsewhere
- d. Off-premises signs, except as expressly permitted in this section.
- e. Signs with copy that changes more frequently than once every six seconds.
- f. Pennants, propellers, pinwheels, streamers, balloons, and similar small objects, except as temporary signs.
- g. Signs imitating or resembling official traffic or government signs or signals.
- h. Signs located within a public right-of-way, other than traffic or government signs or signals located permanently or temporarily for public safety.
- i. Tacking, pasting or otherwise affixing of signs of a miscellaneous character, visible from a roadway, located on buildings, barns, sheds, trees, towers, utility poles, posts, fences, benches, trash containers, parking meters or other structures.
- j. Signs that are obsolete because they advertise an activity, business, product, project, or service no longer conducted or available on the premises upon which the sign is located three (3) months or more after the end of business activity.
- k. Signs placed on parked vehicles or trailers where the apparent purpose is to advertise a product or to direct people to a business or activity located on- or off-premises. Motor vehicles with the primary purpose of the cartage of goods are exempt from this restriction.
- l. Signs that bear or contain statements, words or pictures of an obscene, pornographic, or immoral character, or that contain advertising matter that is untruthful or will offend public morals or decency.
- m. Signs painted on, or attached to, any fence or wall that is not structurally a part of a building, except to identify a residence or residential structure by means of posting the name of the occupant or structure and the street address.



## **Zoning Ordinance of Scott County, Indiana**

- n.** Signs that purport to be, or are an imitation of, or resemble, an official traffic sign or signal, or that bear the words “Stop,” “Go Slow,” “Caution,” “Danger,” “Warning,” or similar words .
- o.** Signs that by reason of their size, location, movement, content, coloring or manner of illumination, may be confused with or construed as a traffic control sign, signal, or device, or the light of an emergency or road equipment vehicle, or that hide from view any traffic or roadway sign, signal or device.

### **17. Temporary Signs**

Temporary signs shall be permitted at any location and shall be required to have a permit unless otherwise specified. They will be set back a minimum of ten (10) feet from the street or roadway right-of-way. The following conditions apply to temporary signs:

#### **18. Portable Signs (including “a-frame” and “arrow” signs)**

One (1) portable sign per lot may be permitted for a period not to exceed sixty (60) days per calendar year. Such sign shall not exceed forty (40) square feet in area or six (6) feet in height.

#### **19. Garage Sale Signs**

No permit shall be required for signs advertising the sale of miscellaneous household items for the purpose of a residential garage or yard sale shall not exceed four (4) square feet in area. Such signs may be erected on the premises one (1) week in advance of the sale and shall be removed within forty-eight (48) hours after the sale.

#### **20. Construction Signs**

During a construction period, on-premises construction signs shall be permitted that identify the owner, architect, engineer, contractor and other individual or firm involved with construction, but not including any advertisement of any product; and signs announcing the character of the building enterprise or the purpose of the building. Such signs shall be a maximum of thirty-two (32) square feet for each project and shall be set back at least ten (10) feet from a public right-of-way. The sign shall be removed within thirty (30) days after the end of construction. No permit shall be required.

#### **21. Real Estate Signs**

One real estate signs shall be permitted advertising the sale, rental or lease of the premises or part of the premises on which the sign is displayed, shall not exceed six (6) square feet in residential districts and thirty-two (32) square feet in business or industrial districts. Such sign shall be removed within fourteen (14) days of the sale, rental or lease. Such sign shall be set back from the street right-of-way at least ten (10) feet. Signs shall reflect no advertising other than to indicate the party listing the property for sale, rental or lease. No permit shall be required.

#### **22. Street Banners**

## **Zoning Ordinance of Scott County, Indiana**

Street banners advertising public events and only for locations designated by the County or City, shall be permitted for fourteen (14) days prior, during and fourteen (14) days after the event.

### **23. Subdivision or Multifamily Construction Signs**

One (1) temporary subdivision or multifamily project sign indicating only the name and/or address of the premises and/or the name of the management and builder(s).. Such sign shall not exceed thirty-two (32) square feet in area and shall be located at least ten (10) feet from a public right-of-way. The maximum approval period shall be twelve (12) months from the date the permit is issued. Such approval may be extended for another twelve (12) months or until the project is eight-five (85) percent completed or is occupied, whichever occurs first. No permit shall be required.

### **24. Inflatable Signs**

Inflatable signs shall not be permitted on residentially zoned or used properties, except for displays intended for celebratory events of short duration, as in the case of birthdays. Such signs may be displayed for no more than fourteen (14) days during a calendar year on any lot in a business or industrial district, limited to one (1) such sign per lot. Such sign shall not exceed the permitted building height by more than twenty (20) feet. No permit shall be required.

### **25. Produce Signs**

One (1) temporary sign shall be permitted that advertises the sale of produce or crops grown on the premises, provided that the sign does not exceed thirty-two (32) square feet in area and is placed at least ten (10) feet from the street right-of-way. This provision does not include arrow signs. No permit shall be required.

### **26. Campaign Signs**

Campaign signs shall be permitted for a period not to exceed 60 days prior and 15 days after an election. Such sign shall not exceed twenty (20) square feet in area or three (3) feet in height

### **27. Sign Illumination**

- a.** Sign illumination shall be designed so as not to cause glare that may result in traffic hazards or interfere with the customary use and enjoyment of nearby residences, in accordance with Article 5, Sign Performance Standards, of this Ordinance.
- b.** For externally illuminated signs, lighting shall be mounted on top of the sign and directed downward towards the copy in order to prevent spillover onto surrounding uses or into the night sky.
- c.** In residential districts, only nameplates, bulletin boards used by religious facilities or public buildings, and permanent, on-site subdivision identity signs may be illuminated. In nonresidential districts, all signs may be illuminated provided they meet other provisions established in this Ordinance.
- d.** Signs displaying electronically changing or animated messages are permitted, provided that the following criteria are met:

## Zoning Ordinance of Scott County, Indiana

- 1) The signs do not create a traffic hazard on thoroughfares along which the sign is oriented;
- 2) There is no more than one (1) such sign per lot.
- 3) The message does not change more often than once each six (6) seconds.

### I. Sign Performance Standards by Zoning District

#### 1. Residential

This section shall apply to the following zoning districts: A-1, R-1, R-2, R-3.

- a. For each duplex and/or multi-family building, one (1) nameplate per dwelling unit, not to exceed two (2) square feet in area, is permitted.
- b. One (1) free-standing sign for a religious facility, school, municipal building or other public building, not exceeding thirty-two (32) square feet in area, and one (1) wall sign, not exceeding one and one-half (1½) square feet in area for each lineal foot of building frontage shall be permitted; however, in no instance shall the total wall sign area exceed fifty (50) square feet.
- c. Home occupations are permitted one (1) nameplate not to exceed two (2) square feet in area. The nameplate is to be affixed to the exterior wall of the dwelling adjacent to the entrance to the home occupation
- d. Signs listed under Exempt Signs and Temporary Signs are permitted; however, portable signs, including A-frame and arrow signs, are prohibited.
- e. One (1) free-standing identification sign for a subdivision or multifamily project is permitted. Such sign shall not exceed thirty-two (32) square feet in area. In the event there is more than one entrance or the subdivision or multifamily project fronts on more than one public street, additional signage may be permitted as a conditional use by the Board of Zoning Appeals.

#### 2. Business and Industrial

This section shall apply to the following zoning districts: B-1, B-2, B-3, I-1, and I-2.

- a. Free-standing buildings, not in an unenclosed shopping center or enclosed shopping mall, including free-standing buildings located at unenclosed and enclosed shopping centers:
  - 1) Only one (1) freestanding sign shall be permitted for each lot. The sign shall not exceed sixty four (64) square feet in area.
  - 2) Wall sign. No specific limit is imposed on the number of wall signs; however, the total maximum sign area for all wall signs on a given building frontage shall be two (2) square feet in area

## **Zoning Ordinance of Scott County, Indiana**

for each lineal foot of building frontage. In no instance shall the total sign area for all signs for a single business exceed three hundred (300) square feet in area. A freestanding building that is located on more than one (1) street may have wall signs located on each exposed wall, subject to the size limitations above.

- 3) Projecting signs may be used instead of wall or freestanding signs, provided that they do not project beyond the property line or public right-of-way line and maintain a clearance of ten (10) feet over pedestrian areas.
- b. Unenclosed Shopping Centers**
- 1) One (1) freestanding sign shall be permitted for the shopping center, and shall meet the following requirements:
    - (a) Mall designation sign shall have a maximum face area of one hundred (100) square feet.
    - (b) Where there is more than one entrance, one (1) additional freestanding sign shall be permitted. The distance between signs shall be at least five hundred (500) feet.
    - (c) Wall sign. No specific limit is imposed on the number of wall signs per business within the unenclosed shopping center; however, the total maximum sign area for all wall signs for a single business shall be two (2) square feet in area for each lineal foot of building frontage. In no case shall the sign area for all signs for a single business exceed one hundred (100) square feet in area.
- c. Enclosed Mall Shopping Centers**
- 1) One (1) free-standing sign shall be permitted for the shopping center, and shall meet the following requirements:
    - (d) Such sign shall have a maximum face area of three hundred (300) square feet.
  - 2) Where a shopping center has in excess of six hundred (600) feet of frontage along any street or highway right-of-way, one (1) additional freestanding sign shall be permitted. The distance between signs shall be at least five hundred (500) feet.
  - 3) Wall signs shall be permitted on each wall facing the enclosed mall shopping center's parking lot. There is no specific limit on the number of wall signs; however, the total maximum sign area for all wall signs shall be two (2) square feet for each linear foot of building frontage. In no case shall the total sign area for all wall signs exceed four hundred (400) square feet in area for each wall.
- d. Business, Commercial and Industrial Parks**
- 1) One (1) freestanding sign shall be permitted for business, commercial or industrial parks, and shall meet the following requirements:

**Zoning Ordinance of Scott County, Indiana**

- 2) Such sign shall have a maximum face area of three hundred (300) square feet.
- 3) Where a business, commercial or industrial park has in excess of six hundred (600) feet of frontage along any street or highway right-of-way, one (1) additional freestanding sign shall be permitted. The distance between signs shall be at least five hundred (500) feet.
- 4) Uses and freestanding establishments within a business, commercial or industrial park shall meet the sign regulations for freestanding buildings in Article 5 Subsection H)..

**e. Off-Premises Signs (Billboards)**

Off-premises signs are permitted only along and oriented toward Interstate 65, and shall meet the following requirements:

- 1) Off-premises signs are permitted along Interstate 65 within a business or industrial district.
- 2) Size, setback, height and area restrictions:

| <b>Table 5-5<br/>Off-Premises Sign Setback, Height, Area</b> |                       |                     |
|--|-----------------------|---------------------|
| <b>Minimum Setback</b>                                       | <b>Maximum Height</b> | <b>Maximum Area</b> |
| 40 feet from all lot lines                                   | 50 feet               | 672 sq. ft./side    |

- 3) The minimum distance between any off-premises signs oriented in one direction of travel shall be two-thousand (2,000) feet.
- 4) Off-premises signs shall be located at least two thousand (2,000) feet from any residential zoning district or residential use.
- 5) Off-premises signs shall be located no more than three hundred (300) feet from the Interstate 65 right-of-way. Permits must be obtained from INDOT or the State Highway Department prior to issuance of a local permit
- 6) Off-premises signs shall be located at least five (500) hundred feet from an interchange or intersection, to be measured along the right-of-way at the beginning or end of pavement widening at the exit from or entrance to the main traveled way.
- 7) An off-premises sign may be mounted with two (2) faces back-to-back, or offset in a “V” at an angle not to exceed sixty (60) degrees.
- 8) Off-premises signs that are double stacked, one on top of the other, or side-by-side are prohibited.

## Zoning Ordinance of Scott County, Indiana

### f. High-Rise Signs

For properties within a 2000-foot distance of Interstate 65, high-rise signs may be erected, on lots zoned B-1, B-2, B-3, I-1, or I-2. A maximum of one (1) high-rise sign may be allowed per lot. Such sign shall comply with the requirements below.

| Maximum Height | Minimum Height | Minimum Setback | Maximum area |
|----------------|----------------|-----------------|--------------|
| 90 feet        | 50 feet        | 20 feet         | 500 sq. ft.  |

### g. Conditional Uses

The following signs are permitted only if the Board of Zoning Appeals approves the sign as a conditional use:

- 1) Off-site directional signs needed to promote traffic safety.
- 2) Signs not otherwise permitted but meeting the spirit and intent of this ordinance.

## J. Site Standards

### 1. Landscaping

All development shall incorporate landscaping in accordance with this section except one- and two-family dwellings. For any development requiring Development Plan Primary and Secondary Approval in accordance with the Subdivision Ordinance, the landscaping plan shall be included with the Development Plan and shall require Plan Commission approval.

- ~~a.~~ A 10-ft landscape area shall be provided along all street frontages. At least 80% of such area shall be covered by living plant materials
- b. Parking areas for 100 or more vehicles shall include landscaped islands planted with trees at a rate of no less than one tree for every 40 parking spaces,
- c. Wherever screening is required by this ordinance, such screen shall consist of living plant materials that will form an opaque screen at least six feet in height within three years.
- d. Wherever a landscape buffer is required, such buffer shall contain shrubs, trees, or a combination thereof that cover at least 80% of the buffer area with living landscape material..

## K. Drive-In Business

Drive-in business and drive-through business establishments require Development Plan approval in accordance with Article 3 I of the Subdivision Control Ordinance. The Plan Commission shall review stacking spaces, driveways, driveway entrances and exits, and the location of parking spaces to insure safety, to minimize traffic hazards or difficulties, and to safeguard adjacent properties.

## Zoning Ordinance of Scott County, Indiana

### **L. Private Swimming Pools** (See Article 11 Swimming Pools, Private)

1. A private swimming pool may be constructed within required side or rear setback lines, but not situated closer than ten (10) feet to any adjoining property line. Any deck that is higher than three (3) feet above the average adjoining grade level and adjoins such a pool shall not be closer than twenty (20) feet to any adjoining property line. On a lot with more than one front yard (such as a corner or through lot), a private pool may be constructed within the front yard toward which the main structure is not oriented, in accordance with the setbacks above.
2. Private swimming pools require an Improvement Location Permit. For pools that are removed and stored during the off-season, the permit is required only upon its initial placement, provided that the setbacks are met in subsequent seasons.
3. Private swimming pools shall comply with all health and safety laws and regulations established by the State of Indiana.
4. Abandoned pools and unused pools, situated on premises which are not occupied for periods of thirty (30) days or more, shall be drained or equipped with a pool cover adequate to prevent accidents.

### **M. Dwellings**

1. Minimum floor area:
  - a. No single-family dwelling shall henceforth be constructed nor shall any existing single family dwelling be reduced in area, so as to contain less than 950 feet of floor area useable for living purposes.
  - b. No dwelling unit in a two-family or multiple-family dwelling shall henceforth be constructed nor shall an existing dwelling unit in such building be reduced in area, so as to contain less than the following minimum floor area usable for living purposes:
    - 1) Efficiency = 400 SF
    - 2) One Bedroom = 500 SF
    - 3) Each additional Bedroom = 125 SF

### **N. Manufactured Housing**

#### **1. Single-family Dwellings**

For purposes of this Ordinance, any manufactured home (modular homes and mobile homes built after 1974) that contains at least 950 square feet of floor area shall be considered to be a single-family dwelling and shall be permitted in the same manner as any other single-family dwelling in R-1 and R-2 Zoning Districts.

## **Zoning Ordinance of Scott County, Indiana**

2. Compliance with building codes:
  - a. Manufactured homes will comply with the “International Residential Code” as it pertains to foundation, roofing and siding

### **O. Other Manufactured, Modular or Mobile Homes**

1. Any manufactured home that does not comply with the criteria in Article 5 Section N shall be permitted in mobile home parks as specified in this section.
2. Manufactured housing means a dwelling unit, designed and built in a factory, which bears a seal certifying that it was built in compliance with the federal Manufactured Housing Construction and Safety Standards Law of 1974 (42 U.S.C et seq). Manufactured housing may be used as a principal dwelling in the A-1 district, provided that there are no other principal uses on the same lot and that such dwelling complies with all other applicable regulations. Mobile and modular housing manufactured prior to the act shall not be permitted other than in O. 1. above.
3. The Board of Zoning Appeals may permit manufactured or mobile homes by special exception as specified below. In granting a special exception, the Board shall attach such conditions and time limits as are reasonable and needed to carry out the intent and purpose of this ordinance and of the Comprehensive Plan. Manufactured Housing (see 2. above) may be used as temporary dwellings for any of the following:
  - a. With a Special Use Variance as a temporary dwelling for person in need of care on the same lot with another dwelling. The mobile or manufactured homes must be located in the side or rear yard, and it must be used either as a residence for a person acting as a care-provider for someone living in the other dwelling unit, or by a person who is being cared for by someone living in the other dwelling unit on the parcel. A Special Use Variance must be recertified by December 31 every year after approval by furnishing a physicians letter that certifies the continuing need of the temporary dwelling to the Area Plan Commission staff. The mobile or manufactured home must be removed within 90 days after it is no longer needed for the care arrangement. The Special Use Variance may not be transferred to another owner or person requiring care.
  - b. With a Special Use Variance as temporary housing while a permanent dwelling is being constructed, reconstructed, or undergoing a major renovation.

### **P. Manufactured Home Subdivisions (lots are separately owned by homeowners)**

Subdivisions exclusively for manufactured housing are permitted, provided that there is a notation on the recorded plat stating that the development is for



## Zoning Ordinance of Scott County, Indiana

manufactured housing. Such subdivisions shall meet all applicable standards of this Ordinance. In addition, the following development standard shall apply:

- a. The development shall contain at least 5 acres. Lot sizes shall conform to the zoning district in which the development is located.
- b. The primary entrance to a dwelling shall be facing the street, unless otherwise required for handicap access.
  - 1) The roof pitch shall not be less than 3:12 (nominal).
  - 2) Every dwelling unit shall comply with the “International Residential Code” as it pertains to foundation, roofing and siding

### Q. Manufactured Home Parks (lots are rented)

Manufactured or mobile home parks are permitted only if the plan commission approves a development plan for the park in accordance with Article 3 I of the Subdivision Control Ordinance.

#### a. Permitted Uses

| Table 5-8<br>PERMITTED USES<br>MANUFACTURED HOME PARKS |
|--|
| Manufactured home                                      |
| Management office                                      |
| Laundry  |
| Clubhouse  |
| Convenience store                                      |
| Mini-warehouse   |
| Accessory building (garage, storage shed, etc.)        |
| Park or recreational facility                          |
| Religious facility                                     |
| Public school  |
| Private school   |

## Zoning Ordinance of Scott County, Indiana

### b. Dimensional and Intensity Standards

| <b>Table 5-9<br/>MANUFACTURED HOME PARKS<br/>DIMENSIONAL AND INTENSITY STANDARDS</b> |       |                          |
|--|-------|--------------------------|
| <b>Type of Standard</b>  |       | <b>Requirement</b>       |
| Park size  |       | 5 acres minimum          |
| Density  |       | 8 units per acre maximum |
| Site size  |       | 3,500 sq. ft. minimum    |
| Site width   |       | 40 ft. minimum           |
| Unit separation distance   |       | 20 ft. minimum           |
| Lot coverage   |       | 50% maximum              |
| Setbacks   | Front | 20 ft. minimum           |
|  | Side  | 5 ft.                    |
|  | Rear  | 10 ft.                   |
| Common open space  |       | 10% minimum              |
| Perimeter setback  |       | 15 ft.                   |

### c. Development standards

- 1) Manufactured Home Parks shall be in accordance with I.C. 16-11-27-1 et seq., Rule 410 IAC 6-6 and subsequent amendments, the State Board of Health Regulations, and the requirements of this Ordinance.
- 2) Uses other than dwellings shall be subordinate to the residential character of the park.
- 3) Uses shall be located, designed and intended to serve only the needs of persons living in the park.
- 4) Each manufactured home must be tied down and have perimeter skirting
- 5) Each manufactured home shall have a storage building that contains at least 100 square feet or a garage
- 6) No more than 20% of the area of any individual home site shall be devoted to accessory structures.
- 7) There shall be at least 2 parking spaces per dwelling unit adjacent to, or conveniently near, each manufactured home site, Guest parking spaces or overflow parking spaces shall be provided as regulated in Rule 410 IAC 6-6 and its subsequent amendments, shall be distributed evenly throughout the park.
- 8) The minimum street pavement width shall be 20 feet.
- 9) The park shall have a pedestrian circulation system approved by the Plan Commission. Sidewalks shall comply with the standards of the Americans With Disabilities Act.

## Zoning Ordinance of Scott County, Indiana

- 10) Manufactured home parks shall be served by an approved sanitary sewer system and shall have a water supply sufficient for fire suppression.

### R. Campgrounds and Recreational Vehicle Parks

1. Permitted Uses
  - a. Campsites for recreational vehicles, tents, cabins, lean-tos, or similar temporary abodes.
  - b. Community activities building
  - c. Recreational areas and facilities, such as swimming pools, tennis courts, sports fields, hiking or walking trails, and picnic areas
  - d. Laundry facilities
  - e. Restroom and shower facilities
  - f. Convenience store
  - g. Management office
  - h. Manager housing
  - i. Off-season storage of recreational vehicles
2. Occupancy standards
  - a. Campsites shall be for seasonal, temporary occupancy only, limited to the time periods shown on the table below.

| Table 5-10<br>OCCUPANCY LIMITS<br>CAMPGROUNDS AND RV PARKS |   |
|--|---|
| Type of Camping Unit                                       | Maximum Occupancy Time                    |
| Recreational vehicle (not permanently sited)               | 6 months/calendar year                    |
| Cabin  | 6 months/calendar year                    |
| Tent or other temporary abode                              | 60 days per visit 48 hours between visits |

#### b. Dimensional Requirements

| Table 5-11<br>Dimensional Requirements<br>Campgrounds and Parks |              |                 |               |
|---|--------------|-----------------|---------------|
| Use   | Minimum Area | Maximum Density | Minimum Width |
| Campground or RV Park   | 3 Acres      | 10              | 50'           |
| RV or cabin campsite  | 3 Acres      | 30              | 35'           |
| Other campsite  | 3 Acres      | 50              | 25'           |

## **Zoning Ordinance of Scott County, Indiana**

### **c. Development Standards**

- 1) All campgrounds and RV parks shall meet all state and local standards and shall have adequate sewage disposal, rubbish disposal, and water supply.
- 2) At least 10% of the gross land area in the park shall be maintained as usable open space or recreation areas
- 3) The park shall have perimeter landscaping approved as part of the development plan.

### **S. Floodplain Regulations**

All decisions regarding improvement location permits for properties within the floodplain or flood hazard area shall be made in compliance with IC 14-28-3 (et seq) and IC 14-28-4 (et seq) and all administrative regulations promulgated pursuant to said statutes.

Any Improvement Location Permit application for a site within the floodplain will be held pending receipt of a Building or Construction Permit from DNR. All development in flood hazard areas shall comply with the terms of the applicable City or County Ordinance and amendments.

### **T. Wireless Communication Facilities**

Telecommunication structures shall be regulated as set forth below. These standards shall be interpreted and enforced in a manner consistent with the Telecommunications Act of 1996. (147USC 9332 (c)(7); 47 c 7 R.325.10 and IC 36-7-4-201.1. Towers installed by a unit of government are exempt from the provisions of this section.

1. Location
  - a. Self-supporting towers (without guy wires) more than 100 feet and less than 180 feet tall shall be situated on the site to self-contain all debris resulting from tower failure. In all cases, the tower shall be located no closer to the lot line than 25 percent of the tower height or the setback requirement in Article 5 B & C, whichever is greater. In the event that the self-supporting tower is located contiguous to a residential parcel, the tower shall be set back from the lot line a distance equal to the height of the tower.
  - b. All guy mast towers and self-supporting towers greater than 180 feet shall be situated on the site to self contain all debris resulting from tower failure. In all cases, the tower shall be located no closer to the lot line than 66 percent of the tower height plus 25 feet. Also, in all cases, the guy wire anchors shall be located a minimum of 25 feet from the lot line or the prevailing yard requirement in Article 5 B & C, whichever is greater.

## **Zoning Ordinance of Scott County, Indiana**

- c.** To protect from falling ice or parts, guyed towers shall be located a minimum of 1.25 feet for every foot of height from any public road right-of-way, residentially used parcel or home, occupied building, recreational field or playground. The Plan Commission may apply the criteria in this subsection to other structures or land if determined necessary to safeguard human life.
  - d.** Towers greater than 180 feet in height shall be located a minimum distance of 1,500 feet from any residential subdivision.
  - e.** The height of tower apparatus shall not be utilized in determining the setbacks required by this section. All tower apparatus shall be securely fastened to minimize noise emissions or damages from falling. Towers of 180 feet or less shall not exceed a total height of 200 feet, including attached tower apparatus.
- 2.** Maintenance
  - a.** All towers and sites shall be properly maintained and shall be kept in a condition as not to become a public nuisance or eyesore. Proper maintenance shall include but not be limited to regular lawn and landscaping care, painting of an accessory building, fences, and tower. Additionally, the site shall be kept free of junk and trash.
  - b.** Any tower declared to be a public nuisance due to poor maintenance, noise emissions, or other situation shall be a violation of this Ordinance.
- 3.** Co-location, Use, and Documentation
  - a.** An application for a permit to erect a tower must include documentation showing that there is a need for tower space in the area of the proposed tower. New towers shall not be constructed except upon a showing of significant need.
  - b.** The applicant shall have the burden of proving significant need by a preponderance of the evidence showing that the following criteria are met:
    - 1) The proposed tower will replace an existing similar (i.e., height and other characteristics) tower in the County or City that has been or will be removed.
    - 2) The proposed additional antennas cannot be placed on existing towers.
    - 3) Existing towers in Scottsburg or Scott County cannot be re-engineered to accommodate additional antennas.
    - 4) Existing towers cannot be extended to accommodate additional antennas.
    - 5) Another communication technology in lieu of towers with antennas is not available.
    - 6) A site containing an existing tower cannot accommodate an additional tower.

## **Zoning Ordinance of Scott County, Indiana**

- c.** A new tower application shall demonstrate need for a minimum of two antenna arrays, which shall be included in the tower application.

### **U. Sexually Oriented Businesses**

#### **1. Purpose**

It is recognized that there are some sexually oriented business uses which by their very nature have serious objectionable operational characteristics, particularly when they are located in close proximity to residential neighborhoods, parks, religious facilities, and schools, and thereby have a deleterious impact upon property values and the quality of life in such surrounding areas. It has been acknowledged by communities across the nation that state and local governmental entities have a special concern in regulation the operation of such businesses under their jurisdiction to ensure that these adverse secondary effects will not contribute to the blighting or downgrading of adjacent neighborhoods nor endanger the well-being of the youth in their communities. The special regulations deemed necessary to control the undesirable externalities arising from these enterprises are set forth in this section. The primary purpose of these controls and regulations is to preserve the integrity and character of residential neighborhoods, to deter the spread of urban blight, and to protect minors from the objectionable operational characteristics of these sexually oriented businesses by restricting their close proximity to religious facilities, parks, schools and residential areas.

#### **2. Prohibitions**

- a.** The establishment, enlargement, reconstruction, resumption or structural alteration of any sexually oriented business shall be prohibited if such business is within three hundred (300) feet of another such business or within one thousand (1000) feet of any existing religious facility, school, park, or single-family (R-1), two-family (R-2) or high-density (R-3) residential district within the jurisdiction of the Scott County Area Plan Commission.
- b.** No sexually oriented business shall be established, enlarged, reconstructed, resumed or structurally altered unless the site or proposed site is located in a Light Industrial District (I-1) or a General Industrial District (I-2).
- c.** Adult cabarets, video viewing booths or arcade booths, as defined herein, are prohibited in all sexually oriented businesses in all zoning districts within the jurisdiction of the Scott County Area Plan Commission.

#### **3. Measurement**

- a.** The distance between one sexually oriented business and another shall be measured in a straight line, without regard to intervening structures or objects, from the closes exterior structural wall of each business.



## **Zoning Ordinance of Scott County, Indiana**

organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs, or devices used to perform sadomasochistic acts.

- f. Video Viewing Booth or Arcade Booth: Any business or building, or portion thereof that contains any booth, cubicle, stall, or compartment that is designed, constructed, or used to hold or seat patrons and is used for presenting motion pictures or viewing publication by any photographic, magnetic, digital or other medium including but not limited to film, video or magnetic tape, laser disc, CD ROM, magazines or periodicals) for observation by patrons therein of performances or images that show “Specified Anatomical Areas” or “Specified Sexual Activities.” A video viewing booth or arcade booth shall not mean a movie theater or a room or enclosure that contains more than six hundred (600) square feet.



# Zoning Ordinance of Scott County, Indiana

## Article 6. Development Plans

### 6.1 Intent

The purpose of these regulations is to encourage innovative and creative design within the spirit and intent of the Comprehensive Plan and this Ordinance in areas with special characteristics and opportunity. The purpose of these regulations is to also insure that all Development Plans meet the purposes, guidelines and intents of the Comprehensive Plan, including but not limited to, the requirement that all Development Plans encourage the improvement of health, safety, convenience and welfare of the citizens of Scott County. The Scott County Plan Commission may, in the exercise of its discretion, deny any Development Plan that may meet the technical requirements of this Article upon a finding that the Development Plan violates the spirit, intent, and guidelines of improving the health, safety, convenience and welfare of the citizens of Scott County as set forth in the Comprehensive Plan.

### 6.2 Development Plan Required

A. A development plan is required in the following zoning districts:

- R 1
- R 2
- R 3
- B 1
- B 2
- B 3
- I 1
- Waste Disposal Overlay District
- Planned Unit Development (PUD) Overlay District
- A-Agricultural
- All Zoning Districts-Involving new construction, including remodeling, of Educational or Religious Facilities.

### 6.3 Development Plans Generally

A. Development requirements per district are located in Sections 6.4 through 6.5. When considering filing a development plan petition, it is suggested that these requirements be reviewed first.

B. After the development requirements per district have been reviewed, the basic process for development plan approval is described in Section 6. Plan Commission will review all development plans unless stated otherwise in this Article.

### 6.4 R-1, R- 2 and R-3 Districts

Intent: To promote innovative and creative design in residential districts in order to further enhance the quality of life for citizens of Scott County and enhances and encourages the improvement of the health, safety, convenience and welfare of the citizens of Scott County and conforms to the spirit and intent of the Comprehensive Plan.

## Zoning Ordinance of Scott County, Indiana

- A. In proposed developments with less than three (3) primary structures, development plan review is delegated to the Planning Director.
- B. In proposed developments with three (3) or more primary structures, the Plan Commission must review the development plan.
- C. The applicant is required to provide the following information at the time of filing for development plan approval in these Districts.
  - Site Plan (see Section 6.9 for more information)
  - Building Elevations (see Section 6.10 for more information)
  - Sign Plan (see Section 6.11 for more information)
  - Lighting Plan (see Section 6.12 for more information)
  - Landscape Plan (see Section 6.13 for more information)
  - Tree Preservation (see Section 6.14 for more information)
- D. In order to receive development plan approval, the applicant must satisfy all of the development standards of the proper district. In addition, the following development standards apply.
  - a. *Signage:* All signs must be designed to create a unified and consistent sign package for the development.
  - b. *Interior private roads:* Interior private roads must meet construction criteria for public roads as set forth in the Subdivision Control Ordinance.
  - c. *Traffic Management:* The design and location of proposed street access points must minimize congestion. The entrances, streets and internal traffic facilities must be compatible with existing and planned streets in adjacent developments. Additional driveways may be required to ensure safe emergency access based on fire department and city/county engineer review.
  - d. *Traffic circulation pattern:* The design and layout of the development must have a clear circulation pattern that is sensitive to topography and other natural features.
  - e. *Pedestrian Access:* The design of the proposed development plan must provide adequate pedestrian connections within the development and safe street crossings to adjacent land uses. This includes a sidewalk along adjacent streets(s). The Plan Commission may determine that an alternative to a sidewalk along adjacent street(s) better serves the purpose of connecting commercial destinations.
  - f. *Lighting:* All lighting must be designed to create a unified and consistent lighting package for the development. Lighting standards in parking areas may not exceed twenty (20) feet in height. All lighting must be Metal Halide, have cutoff luminaries (shielded down lighting), and be consistent with the architectural style of the primary building.
  - g. *Variation in housing type:* In order to prevent monotony, at least every third structure must vary the housing type/design.
  - h. *Open Space:* Developments that are four (4) or more acres must have a minimum of ten percent (10%) of the total lot area

## Zoning Ordinance of Scott County, Indiana

developed as recreational open space. Open space shall be configured for the activity for which it is designed. Additional recreational open space requirements are as follows:

1. At least seventy-five percent (75%) of the open space created must consist of tracts of land at least fifty (50) feet wide.
  2. The open space shall be accessible to all owners or residents within the development or project and their guests by way of sidewalk or other finished footpath.
  3. If the development or project is adjacent to a city park facility a direct linkage to such park shall be provided.
- B. In order to further encourage innovative building designs capable of enhancing the quality of the built environment in higher density residential districts, the Plan Commission or Planning Director (depending on who reviews the proposal) may grant a waiver of any landscaping or setback standards outlined in Article Seven. In order to grant this waiver the Plan Commission or Planning Director must find that the proposed development:
- Displays an innovative use of sign design, building design, building materials, site design features, open space or landscaping that will enhance the use and value of neighboring properties; and
  - is consistent with the intent of the that zoning district.
- C. The Plan Commission or Planning Director (depending on who reviews the proposal) must make written findings concerning each decision to approve or disapprove a development plan. In order to approve a development plan in these districts the Plan Commission or Planning Director must find that the proposed development plan:
- a. Is consistent with the Comprehensive Plan,
  - b. Is consistent with the intent of the District, as described in Article Three, and
  - c. Satisfies the development requirements specified in this Article.

### **6.5 A, B-1, B-2, B-3, I-1, I-2 and Waste Disposal and PUD Overlay Districts.**

Intent: To promote innovative and creative design along major corridors in Scott County and including County Roads as to Development Plans in Agricultural Zones; to minimize the negative impacts caused by strip commercial development, loading facilities, storage facilities, sign clutter and proliferation of access points; to ensure commercial development is compatible with its surrounding areas; and, to strengthen the quality of life through design that contributes to the unique character of Scott County and encourages the improvement of the health, safety, convenience and welfare of the citizens of Scott County and conforms to the spirit and intent of the Comprehensive Plan.

- A. The following information is required at the time of filing for development plan approval in this District. Detailed descriptions of what is required on these plans is provided later in this Article.
- Site Plan (see Section 6.9 for more information)

## Zoning Ordinance of Scott County, Indiana

- Building Elevations (see Section 6.10 for more information)
  - Sign Plan (see Section 6.11 for more information)
  - Lighting Plan (see Section 6.12 for more information)
  - Landscape Plan (see Section 6.13 for more information)
  - Tree Preservation Plan (see Section 6.14 for more information)
- B. In order to receive development plan approval the applicant must satisfy all of the development standards of the subject Zoning Districts, and not violate the spirit, terms and intent of the Scott County Comprehensive Plan. In addition, the following development standards apply to all Development Plans:
- a. *Signage:* All signs must be designed to create a unified and consistent sign package for the development. Signs may not be constructed of materials that are inferior to the principal materials of the building and landscape.
  - b. *Outdoor Storage:* No un-screened outdoor storage is permitted.
  - c. *Mechanical Equipment:* All mechanical equipment must be screened by vegetation, fencing or a building feature (i.e. a parapet). Screening must eliminate the sight of mechanical equipment from any spot within four hundred (400) feet of the mechanical equipment.
  - d. *Lighting:* All lighting must be designed to create a unified and consistent lighting package for the development. Lighting standards in parking areas may not exceed twenty (20) feet in height. All lighting must be Metal Halide, have cutoff luminaries (shielded down lighting), and be consistent with the architectural style of the Primary Building.
  - e. *Roof:* Multiple roof planes are encouraged.
  - f. *Traffic Management:* The design and location of proposed street access points must minimize congestion. The entrances, streets and internal traffic facilities must be compatible with existing and planned streets in adjacent developments. Shared driveways and internal connections to adjacent sites are required wherever feasible.
  - g. *Pedestrian Access:* The design of the proposed development plan must provide adequate pedestrian connections within the development and safe street crossings to adjacent land. This includes a sidewalk along adjacent street(s) better serves the purpose of connection commercial destinations.
  - h. *Facades greater than one-hundred (100) feet in length:* In order to add architectural interest and variety and avoid the effect of a single, long or massive wall with no relation to human size, the following additional standards apply for facades greater than one-hundred (100) feet in length. A standardized prototype design must be modified if necessary to meet the provisions of this Article.

## Zoning Ordinance of Scott County, Indiana

1. No wall that faces a street or connecting walkway may have a blank, uninterrupted length exceeding one-hundred (100) feet without including at least two (2) of the following design elements:
    - change in place (recess or projection),
    - changed in texture or masonry pattern,
    - windows, or
    - an equivalent element that subdivides the wall into human scale proportions.
  2. Any change in wall plane such as projections or recesses must have a depth of at least three (3) percent of the length of the façade.
  3. Building facades must include a repeating pattern that includes color change and texture change. At least one (1) element (texture or color change) must repeat horizontally. Both elements must repeat at intervals of no more than thirty (30) feet, either horizontally or vertically.
  4. Overhanging eaves must extend no less than three (3) feet past the supporting walls must be provided.
- i. *Facades less than one-hundred (100) feet in length:* In order to add architectural interest and variety and avoid the effect of a single, long, or massive wall with no relation to human size, the following additional standards apply for facades less than one-hundred (100) feet in length. A standardized prototype design must be modified if necessary to meet the provisions of this Article.
1. No wall that faces a street or connecting walkway shall have a blank, uninterrupted length exceeding thirty (30) feet without including at least two (2) of the following: change in plane (recess or projection), change in texture or masonry pattern, windows, treillage with vines, or an equivalent element that subdivides the wall into human scale proportions.
- j. *Facades Generally:* The building façade facing any adjacent street must have a finished façade. No loading docks or trash collection bins may be placed on or along the facades that face any adjacent street.
- k. *Entrances:* Each establishment on a site shall have clearly defined, highly visible customer entrances featuring at least (2) of the following:
- canopies or portcos,
  - recesses/projections,
  - arcades,
  - peaked roof forms,
  - arches,
  - display windows, or

## Zoning Ordinance of Scott County, Indiana

- architectural details such as trim work and moldings which are integrated into the building structure and design.
1. *Central Features and Community Space:* Proposed developments or projects that include over one-hundred fifty thousand (150,000) square feet comply with the following standards. This square footage requirement applies to any combination of buildings or lots in a cohesive commercial project or development.
    1. Each development or project must contribute to the establishment or enhancement of community and public spaces by providing at least two (2) of the following:
      - patio/seating area,
      - pedestrian plaza with benches,
      - transportation center (bus station, etc.),
      - window shopping walkway,
      - outdoor playground area,
      - water feature,
      - clock tower, or
      - other such deliberately shaped area and/or a focal feature or amenity that, in the judgment of the Plan Commission, adequately enhances the development's community and public spaces.
    2. Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principal materials of the building and landscape.
  - C. The Plan Commission may increase the maximum amount of parking permitted in front of the primary structure under the following conditions:
    - a. If the applicant adds landscaping, additional greenspace, berms and/or walkways to better screen and/or break up the visual appearance of a large parking lot from the street.
    - b. The Plan Commission must find that the visual impact of additional parking is lessened in direct correlation to the amount of additional parking area.
    - c. The Plan Commission must find that this waiver of development requirements complies with the spirit and intent of the Comprehensive Plan.
  - D. In order to further encourage innovative building designs capable of enhancing the quality of the built environment along key commercial corridors, the Plan Commission may grant a waiver of any landscaping, sight or setback standards. In order to grant this waiver the Plan Commission must find that the proposed development:
    - Displays an innovative use of sign design, building design, materials, site design features or landscaping that will enhance the use and value of neighboring properties.
  - E. The Commission must make written findings concerning each decision to approve or disapprove a development plan. To approve a development

## Zoning Ordinance of Scott County, Indiana

plan in this district, the Plan Commission must find that the proposed development plan:

- a. Is in compliance with the purposes, intents and guidelines of the Comprehensive Plan, and encourages and furthers the improvement of the health, safety, convenience and welfare of the citizens of Scott County.
- b. Is consistent with the intent of the represented District; and,
- c. Satisfies the development requirements specified in this Article.

### 6.6 Development Plan Approval Process

- A. The applicant is encouraged to submit a conceptual site plan to the Planning Director for an informal conference to discuss the existing conditions of the site and the proposed development thereof.
- B. No later than fifteen (15) days after the Planning Director has received the conceptual site plan and other data, he/she will return a copy of said plan to the applicant with recommendations.
- C. All development plan petitions shall:
  - a. Be filed at least fifteen (15) days prior to the initial public hearing at which they are to be considered by the Plan Commission.
  - b. Specify approvals requested. Any items, including requests for development plan approval, even if indicated on the proposed plans, may not be considered a part of the request presented to the Plan Commission unless such requests are specified in the petition.
  - c. Include all relevant plan and documentation as required below.
- C. Development plan petitions shall undergo drainage review by the Scott County Drainage Board **prior** to the development plan approval, if applicable, or **prior** approval from the City of Scottsburg, if applicable.
- D. Utility Availability Letters must accompany development plan petitions. The applicant must review the development plans with parent utility companies that will provide water, sanitary sewer, and electric service to the development. The availability letters must state that the utility company has available facilities to serve the development.
- E. Any development plan approval the Plan Commission reviews shall have a public hearing. Notification of public hearing will be held pursuant to State Law and the provisions of the Zoning Ordinance.
- F. The Plan Commission shall either approve or disapprove the proposed development plan petition. The failure of a motion to approve a Development Plan shall constitute a denial of the Development Plan and a motion and majority vote to deny the Development Plan is not required.
- G. The Plan Commission may impose conditions or require written commitments as a condition of approval if they are reasonably necessary to satisfy the development requirements specified in this Article.
- H. The Plan Commission may provide that an approval of a development plan petition is conditional on the applicant/developer furnishing a surety that guarantees the timely completion of a proposed public improvement

## Zoning Ordinance of Scott County, Indiana

in the development plan petition. The surety must be in an amount satisfactory to Plan Commission.

- I. The Plan Commission will make written findings concerning each decision to approve or disapprove a development plan. The Planning Director is responsible for signing written findings of the Plan Commission. Notwithstanding a Development Plan meeting the specific and technical requirements of this Article, the Plan Commission may, in the exercise of its discretion, deny a Development Plan upon making a finding that the Development Plan has an adverse effect or does not encourage the improvement of the health, safety, convenience and welfare of the citizens of Scott County in violation of the spirit, intent and guidelines of the Comprehensive Plan.

### 6.7 Development Plan Approval Process for Petitions Delegated to the Planning Director

- A. Applicants are encouraged to submit a conceptual site plan to the Planning Director for an informal conference to discuss the existing conditions of the site and the proposed development thereof.
- B. No later than fifteen (15) days after the Planning Director has received the conceptual site plan and other data, he/she will return a copy of the plan to the applicants with recommendations.
- A. All development plan petitions shall:
  - a. Specify approvals requested. Any items, including requests for waiver of development requirements in connection with development plan approval, even if indicated on the proposed plans, may not be considered a part of the request presented to the Planning Director unless such requests are specified in the petition.
  - b. Include all relevant plan and documentation as required in this Article.
- B. The Planning Director may refer the proposed development to the Plan Commission if, because reason of location, design, intensity or other element related to the proposal, the Planning Director decides the full Commission review is warranted. Upon referral to the Plan Commission, the petition will follow the process set forth in Section 6.6.
- C. Development plan petitions shall undergo drainage review per the Scott County Drainage Board **prior** to development plan approval, or the City of Scottsburg, if applicable.
- D. Any development plan approval which has been delegated to the Planning Director may occur without public notice and without a public hearing.
- E. The Planning Director will have thirty (30) days from the date of filing to approve or disapprove a development plan petition in writing.
- F. Any interested party may appeal the decision of the Planning Director to the Plan Commission within thirty (30) days of the written decision.



## Zoning Ordinance of Scott County, Indiana

- G. The Planning Director may impose conditions or require written commitment as a condition of approval, if the conditions are reasonably necessary to satisfy the development requirements specified in this Article.
- H. The Planning Director may provide that an approval of development plan is conditioned on the furnishing of a surety that guarantees the timely completion of a proposed public improvement in the proposed development and is in an amount satisfactory to the Planning Director.
- I. The Planning Director shall make and sign written findings concerning each decision to approve or disapprove a development plan.

### 6.8 Amendments and Minor Modifications

- A. The applicant may amend the development plan prior to a vote by the Plan Commission. If the Plan Commission feels that the proposed amendment needs additional time for review; the Plan Commission may continue the consideration until the next Plan Commission Meeting. Except as provided in section C. below, all other amendments to a Development Plan shall be considered a new application for a Development Plan and must be filed and considered as a new Development Plan.
- B. The applicant may amend the development plan anytime prior to determination by the Planning Director. If the Planning Director feels that the proposed amendment needs additional time for review; the amended development plan may be considered a new filing and reviewed within the time frame set forth above for the review of development plans by the Planning Director.
- C. **Minor Modifications** to an approved development plan by the Plan Commission may be approved by the Planning Director.
- D. The Planning Director shall report in writing to the Plan Commission the authorized **Minor Modifications**. Any interested party may appeal a decision of the Planning Director regarding the **Minor Modification** of an approved development plan to the Plan Commission within thirty (30) days of the written decision of the Planning Director.

### 6.9 Site Plan

A site plan submitted in pursuit of development plan approval shall be drawn to a scale of not more than 1"=100' and shall include the following information. The Planning Director at his/her discretion may waive or relax any of the site plan requirements below, as circumstances dictate.

- A. Description:
  - a. Name and address of the applicant.
  - b. Proof of ownership.
  - c. Proposed name of development (if applicable).
  - d. Address of the site.
  - e. Legal description of the real estate.
  - f. Name and address of land surveyor and/or licensed engineer.
  - g. Legend and notes, including a graphic scale, north point, and date.
- B. Existing and Proposed conditions:

## Zoning Ordinance of Scott County, Indiana

- a. Boundary line of site indicated by a solid heavy line including all dimensions of the site.
- b. Layout, number and dimensions of lots.
- c. Building setback lines.
- d. Location and dimensions of all existing structures including paved areas.
- e. Location and dimensions of all proposed structures including paved areas indicated by crosshatching.
- f. Layouts of existing and proposed streets, alleys and access easements; including their names, within two-hundred (200) feet of the development. The names of streets shall conform so far as practicable to the names of streets on the same approximate alignment existing in the vicinity of the development.
- g. Location of any proposed and existing driveway and its width at the lot line.
- h. All proposed improvements to the street system both on and off-site.
- i. Measurement of curb radius and/or taper.
- j. Parcels of land proposed to be dedicated or temporarily reserved for public use or set aside for use in the development such as parks, recreation, conservation areas, wetlands, etc., which shall be designated and labeled as such including dimensions.
- k. Location of natural streams, regulated drains, 100-year flood plains, floodway, water courses, marshes, wooded areas, wetlands, historic features, existing structures, dry wells, utility lines, fire hydrants and any other significant feature(s) that may influence the design of the development.
- l. The species and caliper size at breast height of all trees over six (6) inch caliper and all flowering trees and shrubs over six (6) feet in height.
- m. All trees and/or shrubs to be preserved. These shall be marked "Do Not Remove" ("DNR"). Care should be taken to attempt to preserve all trees with a caliper size of twenty-four (24) inches at breast height or greater.
- n. Location of orange construction fencing that is required to be installed during construction around the dripline of each tree to be preserved that is marked "DNR".
- o. Location, width and purpose of existing and proposed easements.
- p. Use of each structure including parking labeled with approximate density or size. For example, number of parking space required and provided, gross floor area of office or retail space (labeling whether office or retail).
- q. Structures designated to be razed shall be indicated as such.
- r. Distance of all structures including parking from the front, rear and side lot lines. This distance is measured from the point where the structure is closet to the lot line.

## Zoning Ordinance of Scott County, Indiana

- s. Any other information requested in writing by the Plan Commission or the Planning Director.

### 6.10 Building Elevation Data

Building elevations submitted in pursuit of development plan approval shall include the following information. The Planning Director may waive or relax any of the building elevation requirements below, as circumstances dictate.

- A. Description:
  - a. Proposed name of development (if applicable).
  - b. Address of the site.
  - c. Legend and notes, including a graphic scale, and date.
- B. Proposed conditions:
  - a. Elevations for each façade of the building.
  - b. Type of building materials to be used for all wall, window, roof and architectural features shall be specified.
  - c. Proposed colors for all materials and features shall be specified.
  - d. Any other information requested in writing by the Plan Commission or the Planning Director.

### 6.11 Sign Plan Data

Sign plans submitted in pursuit of development plan approval shall include the following information. The Planning Director may waive or relax any of the sign plan requirements below, as circumstances dictate.

- A. Description
  - a. Proposed name of development (if applicable).
  - b. Address of the site.
  - c. Legend and notes, including a graphic scale, and date.
- B. Existing and Proposed conditions:
  - a. A site plan indicating the location of any existing and proposed freestanding or ground signs.
  - b. Elevations of proposed signs including size, materials, color and illumination details.
  - c. Placement, size, color and illumination details for any existing or proposed wall, projecting or window sign.
  - d. Any other information requested in writing by the Plan Commission or the Planning Director.

### 6.12 Lighting Plan Data

Lighting plans submitted in pursuit of development plan approval shall include the following information. The Planning Director may waive or relax any of the lighting plan requirements below, as circumstances dictate.

- A. Description:
  - a. Proposed name of development (if applicable).
  - b. Address of the site.
  - c. Legend and notes, including a graphic scale, and date.
  - d. Boundary Lines of the site,.

## Zoning Ordinance of Scott County, Indiana

- B. Existing and Proposed conditions:
  - a. Location and dimensions of all existing and proposed structures, parking areas, etc.
  - b. Location of all floodway and floodway fringe areas within site.
  - c. Existing elevations and proposed contour lines at two (2) foot intervals
  - d. Proposed sidewalk or pedestrian ways
  - e. Size, species and spacing (on center) of all proposed landscaping material
  - f. Location of any existing and proposed freestanding or ground signs.
  - g. Any other information requested in writing by the Plan Commission or the Planning Director.
- C. Preparation of plans by a landscape architect is encouraged.

### 6.13 Landscape Plan Data

Landscape plans submitted in pursuit of development plan approval shall include the following information. The Planning Director may waive or relax any of the landscape plan requirements below, as circumstances dictate.

- A. Description
  - a. Proposed name of development (if applicable).
  - b. Address of site.
  - c. Legend and notes, including a graphic scale, and date.
  - d. Boundary Lines of the site.
- B. Existing and Proposed conditions.
  - a. Location and dimensions of all existing and proposed structures, parking areas, etc.
  - b. Location of all floodway and floodway fringe areas within the site.
  - c. Existing elevations and proposed contour lines at two (2) foot intervals.
  - d. Proposed sidewalk or pedestrian ways.
  - e. Size, species and spacing (on center) of all proposed landscaping material.
  - f. Location of any existing and proposed freestanding or ground signs.
  - g. Any other information requested in writing by the Plan Commission or the Planning Director.
- C. Preparation of plans by a landscape architect is encouraged.

### 6.14 Tree Preservation Plan Data

Tree Preservation plans in pursuit of development plan approval shall include the following information. The Planning Director may waive or relax any of the tree preservation requirements below, as circumstances dictate.

- A. Description:
  - a. Proposed name of development (if applicable).
  - b. Address of the site.

## Zoning Ordinance of Scott County, Indiana

- c. Legend and notes, including a graphic scale, and date.
- d. Boundary lines of the site including all dimensions of the site.
- B. Existing and Proposed conditions:
  - a. Survey all existing vegetation on site indicating species and caliper size at breast height.
  - b. All trees and/or shrubs to be preserved. These shall be marked “Do Not Remove” (“DNR”). All trees and shrubs that are not within twenty (20) feet of the footprint of any structure must be preserved. This requirement may be reduced upon approval of the Planning Director. The Planning Director may also reduce this requirement to allow for parking areas provided no other open areas exist already that could accommodate parking.
  - c. Description of methods to preserve trees without injury and with sufficient area for the root system to sustain the tree.
  - d. Description of protective care and physical restraint barriers at the drip line to prevent alteration, compaction or increased depth of the soil in the root system area prior to and during groundwork.
  - e. Location of orange construction fencing that is required to be installed around the dripline of each tree to be preserved that is marked “DNR” during construction.

# Zoning Ordinance of Scott County, Indiana

## Article 7. Nonconforming Uses

### A. General Provisions

#### 1. Purpose and Intent

Nonconforming uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. All nonconforming uses shall be made to conform to the district in which they are located or be approved as conditional uses within five (5) years of the adoption of this ordinance.

It is the policy to allow legally existing uses and structures to continue in productive use, but also to bring these uses as nearly into compliance with existing regulations as is reasonably possible.

In furtherance of that policy, these regulations are intended to do the following:

- a. Recognize the interests of property owners in continuing to use their property;
- b. Promote reuse and rehabilitation of existing buildings; and
- c. Place reasonable limits on the expansion and alteration of nonconformities that have the potential to adversely affect surrounding properties or the community as a whole

#### 2. Applicability

This ordinance applies to nonconformities created by initial adoption or amendments to this Ordinance. A building, structure, use, or lot that was lawfully established prior to the adoption of this Ordinance is a legal nonconforming use. Any building, structure, use, or lot that was established in violation of the ordinances in effect at the time of such establishment remains unlawful under this Ordinance.

#### 3. Continuation Permitted

Subject to section 1 above, any nonconforming use that legally exists on the effective date of this Ordinance may be continued in accordance with the provisions of this Ordinance.

#### 4. Determination of Nonconforming Status

- a. The burden of establishing a legal nonconforming use rests with the party asserting the existence of such use..
- b. An illegal nonconforming use shall not be validated by the adoption of this Ordinance.
- c. The casual, intermittent, temporary or illegal use of land, buildings or premises shall not be sufficient to establish the existence of a nonconforming use and the existence of a nonconforming use on part of a lot or tract shall not be construed to establish a nonconforming use on the entire lot or tract.

#### 5. Repairs and Maintenance

## **Zoning Ordinance of Scott County, Indiana**

Incidental repairs and normal maintenance of nonconforming use shall be permitted unless such repairs increase the extent of nonconformity or are otherwise expressly prohibited by this Ordinance. Nothing in this Ordinance shall be construed to prevent structures from being structurally strengthened or restored to a safe condition, in accordance with an order of a public official.

### **6. Nonconforming Use**

#### **a. Existing Nonconforming Use**

Subject to Section 1 above, the lawful nonconforming use of a structure, land, or water existing at the time of the adoption or amendment of this Ordinance may be continued although the use does not conform with the provisions of this Ordinance. However, only the portion of the structure, land or water in actual use may be so continued, and the structure or area within which the use is contained may not be extended, enlarged, reconstructed, substituted, moved, or structurally altered.

### **7. Change of Use**

#### **a. Change to Conforming Use**

A nonconforming use may be changed to any use that is allowed in the zoning district in which it is located, subject to all standards and requirements applicable to the new use. Once a nonconforming use is converted to a conforming use, it may not be changed back to a nonconforming use.

#### **b. Change to Other Nonconforming Use**

The Board of Zoning Appeals may approve as a conditional use a change of use to a use not otherwise allowed in the underlying zoning districts if it finds that the new proposed use will be no more injurious than the previous use or will decrease the extent of the nonconformity. If the Board approves such a change of use, it shall be authorized to impose conditions it deems necessary to reduce or minimize any potentially adverse effect upon other property in the neighborhood, and to carry out the general purpose and intent of this Ordinance.

#### **c. Substitution of New Equipment**

The Board of Zoning Appeals may permit the substitution of new equipment (e.g., fencing, mechanical equipment) if such equipment will reduce the incompatibility of the nonconforming use with neighboring uses.

### **8. Expansion of use**

- a.** Any legal nonconforming use of a structure may be extended throughout any parts of a building that were plainly arranged or designed for such use before the effective date of this Ordinance or amendment thereto.
- b.** No nonconforming outdoor or open-air use of land may be expanded nor extended to other parts of the property.
- c.** No building or structure or addition thereto may be constructed in connection with a nonconforming use.

## Zoning Ordinance of Scott County, Indiana

### 9. Loss of Legal Nonconformity Status

#### a. Discontinuance or abandonment

If such nonconforming use is discontinued abandoned or terminated for a period of 6 months, any future use of the structure, land, or water shall conform to the provisions of this Ordinance.

#### b. Damage or Destruction

When such a structure is damaged when damaged to an extent of 75% of its fair market value.

### 10. Residential Uses Excepted

Notwithstanding other provisions of this section, a lawfully established residential use rendered nonconforming by adoption of this Ordinance or future amendment may be enlarged, altered or reconstructed; provided, that the following criteria are met:

a. Such residential use complies with the setback requirements in Article 5, except in the case of a destroyed or damaged structure to be rebuilt using the same foundation destroyed or damaged structure.

b. The residence is the only principal use on the lot.

#### c. Legal Lots of Record

1) In any district in which a principal use is permitted, a principal use and customary accessory uses may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance, notwithstanding limitations imposed by other provisions of this Ordinance; provided, that such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership.

2) The provision of Article 7 shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided that setback dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of setback requirements shall be obtained only through action of the Board of Zoning Appeals.

3) No division of land shall be made after the effective date of this ordinance that creates a lot with width or area below the requirements stated in this Ordinance

### 11. Off-premises signs (billboards)

The provisions of this Article apply to all off-premises signs and billboards rendered nonconforming by the enactment of this ordinance. Article 7 shall apply unless within five (5) years of the date of adoption of this Ordinance the off premises sign or billboard



## **Zoning Ordinance of Scott County, Indiana**

shall be made to conform to the provisions of this Ordinance or a conditional use variance is granted by the Board of Zoning Appeals pursuant to this Ordinance.

## Zoning Ordinance of Scott County, Indiana

### Article 8. Administration

#### A. General

The administration of this Ordinance shall be in accordance with IC 36-7-4 *et seq.*

#### B. Staff Powers and Duties

##### a. Executive Director

The Executive Director is hereby designated as the official with primary responsibility for the administration and enforcement of this Ordinance. The Executive Director shall have the authority to take lawful actions necessary to enforce the terms of this Ordinance on behalf of the Plan Commission and Board of Zoning Appeals

##### b. Staff

The staff of the Area plan Commission is hereby authorized to perform those duties specified by IC 36-4-700 *et seq.* and such other duties as may be assigned to it from time to time by the Executive Director or Plan Commission.

##### c. Inspections

The authority to perform inspections, review applications and issue permits is hereby delegated to the staff. The staff is authorized to make inspections of all lands located within the jurisdiction of the Plan Commission in order to enforce this Ordinance. In order to execute inspections, the staff shall have the right to enter upon any premises at any reasonable time for the purpose of carrying out their duties in the enforcement of these regulations. If the owner or occupant of the premises refuses to permit entry, the staff may make application to any judge of the Circuit or Superior Courts of Scott County, Indiana, for the issuance of an administrative search warrant. Such application shall identify the premises upon which entry is sought and the purpose for which entry is desired. The application shall state the facts giving rise to the belief that a violation of these regulations exists on such premises.

##### d. Correction of Violations

If the staff shall find that any of the sections of this Ordinance are being violated, the staff shall take action to correct such violations as specified in Article 10.

##### e. Interpretation

The Executive Director is hereby designated as the official responsible for interpretation of the various provisions of this Ordinance. Recourse from the decision of the Executive Director shall be only to the Board of Zoning Appeals, and recourse from the decision of the Board of Zoning Appeals shall be to the Courts as provided by law.

## Zoning Ordinance of Scott County, Indiana

### C. Authority of Plan Commission and Board of Zoning Appeals

The Plan Commission, Board of Zoning Appeals and staff shall have the following authority respectively:

1. The Area Plan Commission is hereby authorized to perform those duties and functions specified in IC 36-7-4-400 *et seq.* and other applicable sections of Indiana law and such other legally required responsibilities or duties as may be assigned to it from time to time by the Board of County Commissioners, or City Council. The Commission shall adopt written rules of procedure for the administration of the affairs of the commission and its staff and for investigations and hearings.
2. The Board of Zoning Appeals is hereby authorized to perform those duties and functions specified in IC 36-7-4-900 *et seq.* and other applicable sections of Indiana law. The Board shall adopt written rules of procedure pertaining to the administration of this Chapter and the conduct of hearings.

### D. Improvement Location Permits.

1. An improvement refers to a real property improvement and improvement to the land in the form of a structure. An improvement location permit is required for the erection, expansion, substantial renovation (requiring compliance with building or fire safety codes) or demolition of any structure. Generally changed in framing, foundation, electrical, plumbing, or gas systems of a structure are required to comply with building and fire safety codes.
2. The Executive Director is hereby authorized to approve Improvement Location Permits in accordance with IC 36-7-4-800 *et seq.* and the “Rules of Procedure” of the Plan Commission.
3. A Sewer Permit is required prior to application for an Improvement Location Permit
4. The Executive Director shall approve Improvement Location Permits for a maximum of two (2) lots served by one (1) private easement meeting the requirements of Article 5 of this ordinance and the design standards in the Subdivision Control ordinance.
5. The staff is hereby authorized to issue Improvement Location Permits in accordance with IC 36-7-4-800 (*et seq.*) and the “Rules of Procedure” of the Plan Commission.
6. The work described in an Improvement Location Permit must be started within six (6) months from the date of issuance and substantially completed within one (1) year of the date of issuance or it expires. A six (6) month extension may be requested if in cases of extenuating circumstances or hardship. All Improvement Location Permits shall expire within 30 calendar days of issuance if the applicant has not applied for a building permit.

## **Zoning Ordinance of Scott County, Indiana**

- 7.** No grading, excavation, demolition or construction may begin until Improvement Location Permits and required Building Permits are issued. This does not apply to drainage or grading unrelated to a subdivision or project requiring an Improvement Location Permit.
- 8.** No Improvement Location Permit shall be issued for any structure or use authorized by variance, development plan or conditional use unless the use is in conformity with all conditions of the approval.
- 9.** If it is determined that the construction or development under any Improvement Location Permit is not proceeding according to the applicable ordinance, approved plan, or site plan filed with such Improvement Location Permit application, the permit may be revoked by the Executive Director.
- 10.** Improvement Location Permits issued on the basis of plans and applications approved by the staff authorize only the use, occupancy, arrangement and construction set forth in such approved plans and applications, and no other use, occupancy, arrangement or construction is permitted. Unless amended in accordance with this Ordinance or the Subdivision Control Ordinance, any use, occupancy, arrangement or construction which is inconsistent with that authorized by the permit shall be deemed invalid, and continuation of such use, occupancy, arrangement or construction shall be deemed a violation of this Ordinance, and punishable as provided by Article 10.
- 11.** Any decision by the Executive Director relating to this section may be appealed to the Board of Zoning Appeals in accordance with the rules and regulations concerning administrative appeals.

## **Zoning Ordinance of Scott County, Indiana**

### **Article 9. Board of Zoning Appeals**

#### **A. Rules and Records**

1. The Board of Zoning Appeals shall adopt rules of procedure concerning the filing of appeals, applications for variances, and conditional uses, giving of notice, conduct of hearings and other such matters as may be necessary to carry out their duties under this Ordinance. At the first meeting of each year, the Board shall elect a Chairman and Vice-Chairman from among its members.
2. Public notice of hearings before the board in accordance with IC 5-3-1-2 and IC 5-3-1-4 and notice to interested parties shall be given at least ten (10) days before the date set for the hearing. The Board shall, by rule, determine who are interested parties, how notice is to be given to them, and who is required to give that notice. The party taking the appeal or applying for the exception, use, or variance, may be required to assume the cost of public notice and due notice to interested parties.
3. The staff may appear before the Board at the hearing and present evidence relevant to the effect on the Comprehensive Plan or Zoning Ordinance of the granting of a variance or the determination of any other matter.
4. The Board of Zoning Appeals shall make a decision on any matter that it is required to hear either at the meeting at which the matter is first presented, or at the conclusion of the hearing on that matter, if it is continued. Within five (5) days of making a decision, the Board shall file a written copy of its decision in the office of the Plan Commission.
5. An affirmative vote by a majority of the Board of Zoning Appeals shall be required to approve or deny a petition before the Board.
6. Any petition approved by the Board of Zoning Appeals, unless otherwise stipulated, shall expire and become void one (1) year after the date of its granting unless the petitioner or his agent has substantially put into effect the use on the property for which the petition was approved. Within ninety (90) days of approval of a petition the petitioner shall apply for an Improvement Location Permit.
7. The Board shall keep minutes of its proceedings, keep records of its examinations and other official actions, prepare findings and record the specifics of each vote on all actions taken. All minutes and records shall be filed in the offices of the Board and shall be a public record.

#### **B. Stays Pending Appeals.**

1. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Board is ordered otherwise by Court Order.
2. After the person in charge of the work on the premises affected has received notice that an appeal has been filed with the Board of Zoning Appeals, the designated administrative official shall have full power to order such work discontinued or stayed, and to call upon the police power

## **Zoning Ordinance of Scott County, Indiana**

of the City or County to give full force and effect to the order unless a court orders otherwise.

### **C. Appeals of Administrative Decisions.**

1. The Board of Zoning Appeals shall hear and decide appeals where it is alleged there is error in decision or determination made by an administrative official or body charged with the administration and enforcement of this Ordinance.
2. An appeal concerning interpretation or administration of this Ordinance may be taken by any person aggrieved by any decision of the administrative official or body charged with the administration and enforcement of this Ordinance.
3. An appeal shall specify the ground thereof and shall be filed within thirty (30) days of the date of the decision alleged to be in error. The administrative official or body from whom the appeal is taken shall forthwith transmit to the Board all documents, plans and papers constituting the record of the action from which the appeal is taken. A public hearing shall be established with notice given to all interested and affected parties.

### **D. Conditional Uses**

1. The Board of Zoning Appeals shall hear and decide only such conditional uses as the Board is specifically authorized to act on this Ordinance; to decide such questions as are involved in determining whether conditional uses should be granted and to grant conditional uses with such conditions and safeguards as are appropriate under this Ordinance, or to deny conditional uses when incompatible with the purpose and intent of this Ordinance.
2. A conditional use shall not be granted by the Board unless and until the following occur:
  - a. An application for conditional use is submitted indicating the article of this Ordinance under which the conditional use is sought and stating the grounds on which it is requested.
  - b. Notice is given to parties in interest and a public hearing is held in accordance with this Ordinance.
  - c. The Board shall make written findings that it is empowered under the article of this Ordinance described in the application to grant the conditional use, and that the granting of the conditional use will substantially serve the public convenience and welfare and will not substantially or permanently injure the appropriate use of the

## **Zoning Ordinance of Scott County, Indiana**

neighboring property. The Board shall make written finding supporting its decision to deny a conditional use.

- d.** Before any conditional use shall be issued, the Board shall make written findings certifying compliance with the specific regulations governing individual conditional uses, and that satisfactory provision and arrangement has been made concerning the following, where applicable:
- 1) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe.
  - 2) Off-street parking and loading areas, with particular attention to the items in Article 5, and the economic, noise, glare or odor effects of the conditional use on adjoining properties and properties generally in the district.
  - 3) Utilities, with reference to locations, availability and compatibility.
  - 4) Landscaping and buffering.
  - 5) Signs and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district.
  - 6) Required setback distances, yards and other open space.
  - 7) General compatibility with adjoining properties, with reference to site development standards designed for their mutual protection and the environmental harmony of the district.
  - 8) That the establishment , maintenance or operation of the special use will not be detrimental to or endanger the public health, safety, comfort or general welfare.
  - 9) That the conditional use will not be injurious to the use and enjoyment of the property in the immediate vicinity for the purpose already permitted, not substantially diminish and impair property values within the general area.
  - 10) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
  - 11) That adequate drainage and necessary facilities have been or are being provided.

### **E. Variances.**

The Board of Zoning Appeals shall hear and decide all petitions requesting a variance of use or a variance from the development standards in accordance with the criteria established in Subsection E 1, below.

## **Zoning Ordinance of Scott County, Indiana**

A variance from the terms of this ordinance shall not be granted by the Board unless and until:

1. An application for variance is submitted indicating whether the request is for a variance of use or a variance from the development standards, and noting the specific terms of this ordinance from which the variance is sought, and demonstrating all of the following:
  - a. The approval will not be injurious to the public health, safety, and general welfare of the community;
  - b. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
  - c. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property; and
  - d. The variance granted is the minimum necessary and does not correct a hardship caused by an owner, previous or present, of the property.
  - e. All such conditions and commitments as deemed necessary in the public interest may be required by the Board. Such conditions and commitments shall be subject to the requirements of Article 3 I of the Subdivision Control Ordinance.
2. Notice is given to parties in interest in accordance with this Article and Indiana law.
3. The Board shall make written findings of fact that all of the requirements of Subsection E 1 of this Section have been met by the applicant for a variance.
4. The Board shall make written findings in support of decisions that deny a variance petition.

### **F. Administrative Powers, Conditions and Commitments**

In exercising the powers it has, the Board of Zoning Appeals may, so long as such action is in conformity with the articles of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirements, decision or determination appealed from and may make such order, requirements, decision or determination as in its opinion ought to be made, and to that end shall have the powers of the administrative official or body from whom the appeal is taken.

The majority vote of the members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Executive Director.

Whenever the decision of the Board is conditioned upon the petitioner's compliance with a requirement imposed by the Board concerning construction or site development (e.g., installation of landscaping, fencing, paving, curb stops or any comparable requirement) and such condition is recited in the notice to the petitioner of the Board's decision, petitioner shall be required to notify the staff in writing of the timely fulfillment of such requirement. If the time for fulfillment of the condition is stated in the Board's decision, the written notification must be received within ninety (90)



## **Zoning Ordinance of Scott County, Indiana**

days after the commencement of the use or completion of construction authorized by the Board's decision, whichever is earlier.

- a.** Failure to comply with any conditions imposed by the Board of Zoning Appeals shall constitute a violation enforceable by governmental authority pursuant to the provisions of Article 10.

### **2. Commitments**

If deemed advisable, the Board may require or permit the petitioner to make written commitments concerning the use or development of the subject property. The commitments shall be reduced to writing in recordable form and signed by the owner(s) of the real estate. The commitments shall authorize their recording by the Executive Director in the office of the Recorder of Scott County, Indiana. After the recording of the commitments, the Executive Director shall return the original recorded commitments to petitioner or legal owner and shall retain a copy of the recorded commitments in the file.

The Board may require in such commitment the designation of any specially affected persons or categories of specially affected persons, who (in addition to persons entitled to receive notice of the hearing under Article 9 shall be entitled to enforcement thereof pursuant to Article 10 of this Ordinance.

The commitments may only be modified or terminated by a decision of the Board of Zoning Appeals made at public hearing after proper notice has been given. Any modification or termination of the commitments approved by the Board shall not be in full force and effect until reduced to writing by the present owner(s) of the real estate, endorsed by the Executive Director, and recorded in the office of the Recorder of Scott County, Indiana.

### **G. Appeal on Writ of Certiorari.**

Any person aggrieved by any decision of the Board of Zoning Appeals may seek court review by certiorari procedure. A petition for certiorari shall specify the grounds upon which the petition alleges the illegality of the Board's action and must be filed in Circuit or Superior Court of the County within thirty (30) days after the date of such decision.

## **Zoning Ordinance of Scott County, Indiana**

### **Article 10. Violations and Penalties**

#### **A. Civil Zoning Violation**

Any person who uses property in violation of this ordinance shall be deemed to have committed a civil zoning violation, and the staff may issue a citation. Each day a violation remains uncorrected is a distinct and separate civil zoning violation subject to an additional citation

The owner or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, realtor, agent or other person who commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

#### **B. Nuisance Declared**

Any buildings erected, raised or converted, or land or premises used in violation of any section of this Ordinance or regulation thereof is hereby declared to be a common nuisance and the owner thereof shall be liable for maintaining a common nuisance, which may be restrained or enjoined or abated in any appropriate action or proceeding.

#### **C. Ordinance Violation**

Any person who violates any article of this Ordinance or regulation thereof or fails to comply with any of its requirements, including violations of conditions and safeguards established in connection with this Ordinance, shall be guilty of an ordinance violation

#### **D. Complaint**

Whenever a violation of this Ordinance occurs or is alleged to have occurred, any person may file a telephone or written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the staff and the name of the complainant held confidential.

The Executive Director shall immediately investigate and properly record the results of the investigation. If evidence elicited by such investigation is sufficient to establish a reasonable belief that a violation has occurred on the part of the party investigated, the staff will send a letter notifying the owner of the violation and of the necessary corrective action. A suspense of five (5) workdays will be set. If no action is begun within the suspense, the Executive Director will issue a warning ticket in accordance with this Section A suspense of five (5) workdays will be set. If no action is begun within the suspense, the Executive Director will issue a citation, assess fines or request the Plan Commission Attorney to take such legal action as may be required.

#### **E. Penalties**

Any person who violates any Section of this Ordinance or regulation thereof or fails to comply with any of its requirements, including violations of conditions and safeguards established in connection with this Ordinance, shall be guilty of an

## **Zoning Ordinance of Scott County, Indiana**

ordinance violation and upon conviction, shall be fined in a sum not less than \$100 nor more than \$500 for each day' s violation.

### **1. Corrective Actions**

#### **a. Electing to Petition the Plan Commission or Board of Zoning Appeals**

A person who receives a notification letter, warning ticket or a citation may file a petition for an exception to the provisions of this ordinance, a variance, a conditional use variance, rezoning or other means provided by this ordinance to correct the violation. A person who elects to file such a petition shall indicate this intent on the warning ticket or citation and return it to the staff within the five (5) workday suspense specified in the notification letter, warning ticket or citation.. A person who elects to file a petition shall have five (5) workdays to do so. Additional monetary fines shall be stayed upon receipt of the petition.

If the petition is denied, withdrawn, or dismissed for want of prosecution, the Board shall establish a time limit for correction of the violation, not to exceed 30 calendar days. No fines shall be assessed during this correction period. After that time, if the civil zoning violation continues, then further enforcement proceedings will be considered.

#### **b. Electing to Stand Trial**

A person who receives a citation may elect to stand trial for the offense by indicating on the citation his intent to stand trial and returning a copy of the citation to the issuing agency within five (5) work days. The returned copy of the citation shall serve as notice of the person's intent to stand trial, and additional monetary fines shall be stayed upon receipt of the notice. The notice shall be given before the date of payment set forth on the citation. On receipt of the notice of intention to stand trial, a lawsuit will be commenced by the Area Plan Commission Attorney in a court of competent jurisdiction in Scott County. The matter shall be scheduled for trial, and a Summons and an Order to Appear shall be served upon the Defendant.

#### **c. Fines**

Fines for a civil zoning violation are as follows;

- |                              |       |
|------------------------------|-------|
| 1) First Violation           | \$100 |
| 2) Second Violation          | \$150 |
| 3) Third Violation           | \$250 |
| 4) Fourth Violation          | \$500 |
| 5) Each Subsequent Violation | \$500 |

In no event shall the total monetary fine for each violation exceed \$2,500.00. All fines prescribed by this article for civil zoning violations shall be paid in accordance with the provisions of Indiana.

The staff may issue a civil zoning violation to a person who commits a civil zoning violation, to the legal owner, the contract vendee, or any person or entity

## **Zoning Ordinance of Scott County, Indiana**

with an possessory interest in the real estate upon which the violation occurs. The citation may be served by personal service, by certified mail, or by placement in a conspicuous place on the property where the violation occurs and shall serve as notice to a person that he or she has committed a civil zoning violation.

No citation shall be issued for the first offense unless the person who commits a civil zoning violation, or the legal owner, the contract vendee, or any person or entity with a possessor interest in the real estate upon which the violation occurs has been issued a warning ticket. Unless a compliance deadline has already been established by the Executive Director, said person shall be allowed not less than five (5) workdays before the issuance of the citation to correct the violation. A longer time may be granted at the discretion of Executive Director, based upon the nature of the violation and the time required to correct it, provided that the time allowed shall not exceed 30 calendar days.

### **F. Referral**

If a person who receives a citation and fails to pay the assessed fine by the date of payment set forth in the citation and fails to give notice of his intention to stand trial as prescribed in Section E.1.above. of this Article, the Area Plan Commission Attorney may file a civil lawsuit as provided by applicable laws and seek penalties as prescribed in this Ordinance.

A person adjudged to have committed a civil zoning violation is liable for the Court costs and fees. No cost shall be assessed against the enforcement agency in any such action.

Seeking a civil penalty as authorized by this section does not preclude the Area Plan Commission, County or City from seeking alternative relief from the court in the same action, or from seeking injunctive relief or any other remedy in a separate action for the enforcement of this Ordinance.

### **G. Injunction**

The Commission or Board of Zoning Appeals may institute a suit or injunction in the Circuit or Superior Court of Scott County to restrain any person from violating the Sections of this Ordinance.

The Commission or Board of Zoning Appeals may institute a suit for mandatory injunction directing a person to remove a structure erected in violation of this Ordinance or to require compliance with this Ordinance.

Nothing herein contained shall prevent Scott County or The City of Scottsburg from taking such other lawful action as is necessary to prevent or remedy any violation.

### **H. Change of Venue**

A change of venue from Scott County shall not be granted in such a case, as provided in IC 36-7-4-1014.

### **I. Timeline**

A timeline of actions under this Ordinance could proceed as follows:

## Zoning Ordinance of Scott County, Indiana

|     |    |   |                                 |
|-----|----|---|---------------------------------|
| Day | 1  | Complaint                                   |                                 |
|     | 2  | Investigation                               |                                 |
|     | 3  | Investigation                               |                                 |
|     | 4  | Investigation                               |                                 |
|     | 5  | Notification Letter                         |                                 |
|     | 6  | Weekend                                     |                                 |
|     | 7  | Weekend                                     |                                 |
|     | 8  | Suspense Workday                            |                                 |
|     | 9  | Suspense Workday                            |                                 |
|     | 10 | Suspense Workday                            |                                 |
|     | 11 | Suspense Workday                            |                                 |
|     | 12 | Suspense Workday                            |                                 |
|     | 13 | Weekend                                     |                                 |
|     | 14 | Weekend                                     |                                 |
|     | 15 | If no action > Warning or referral          | If action > proceed with action |
|     | 16 | Suspense Workday                            |                                 |
|     | 17 | Suspense Workday                            |                                 |
|     | 18 | Suspense Workday                            |                                 |
|     | 19 | Suspense Workday                            |                                 |
|     | 20 | Weekend                                     |                                 |
|     | 21 | Weekend                                     |                                 |
|     | 22 | Suspense Workday                            |                                 |
|     | 23 | If no action > citation or referral         | If action > proceed with action |
|     | 24 | Letter and Notice of Fine \$100             | If action > proceed with action |
|     | 25 | Letter and Notice of Fine \$150             | If action > proceed with action |
|     | 26 | Weekend                                     |                                 |
|     | 27 | Weekend                                     |                                 |
|     | 28 | Letter and Notice of Fine \$250             | If action > proceed with action |
|     | 29 | Letter and Notice of Fine \$500             | If action > proceed with action |
|     | 30 | Letter and Notice of Fine \$500             | If action > proceed with action |
|     | 31 | Letter and Notice of Fine \$500             | If action > proceed with action |
|     | 32 | Letter and Notice of Fine \$500             | If action > proceed with action |
|     | 33 | Weekend                                     |                                 |
|     | 34 | Weekend                                     |                                 |
|     | 35 | Matter referred to Plan Commission Attorney |                                 |

## **Zoning Ordinance of Scott County, Indiana**

### **Article 11. Definitions**

#### **A. Meaning and Intent**

All provisions, terms, phrases, and expressions contained in this Ordinance shall be construed according to this Ordinance's stated purpose and intent.

#### **B. Text Controls**

In case of any difference of meaning or implication between the text of this Ordinance and any heading, drawing, table, or figure, the text shall govern.

#### **C. Lists and Examples.**

Unless otherwise specifically indicated, lists of items or examples that use terms such as "including," "such as," or similar language are intended to provide examples, not to be exhaustive lists of all possibilities.

#### **D. Computation of Time**

Unless the terms of a specific provision state otherwise (e.g., some provisions specify "business days"), periods of time defined by a number of days shall mean a number of consecutive calendar days, including all weekend days, holidays, and other non-business/working days; however, if the last day is a Saturday, Sunday, or legal holiday, that day shall be excluded.

#### **E. References to Other Regulations, Publications and Documents**

Whenever reference is made to a resolution, ordinance, statute, regulation, or document, that reference shall be construed as referring to the most recent edition of such regulation (as amended), resolution, ordinance, statute, regulation, or document or to the relevant successor document, unless otherwise expressly stated.

#### **F. Public Officials and Agencies**

All public officials, bodies, and agencies to which references are made are those of The City of Scottsburg or Scott County, unless otherwise expressly stated. Whenever reference is made to a public official, Ordinance or name of a public agency, that reference shall be construed as referring to the most up-to-date Ordinance or agency name, or to the relevant successor official or agency.

#### **G. Delegation of Authority**

Whenever a provision appears requiring the head of a department or another officer or employee of the County or City to perform an act or duty, that provision shall be construed as authorizing the department head or officer to delegate the responsibility to subordinates, unless the terms of the provision specify otherwise.

#### **H. Technical and Non-Technical Words**

Words and phrases not otherwise defined in this Ordinance shall be construed according to the common and approved usage of the language, but technical words and phrases not otherwise defined in this Ordinance that may have acquired

## Zoning Ordinance of Scott County, Indiana

a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

### I. Mandatory and Discretionary Terms

The word “shall” is always mandatory, and the words “may” or “should” are always permissive.

### J. Conjunctions

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

1. **And** indicates that all connected items, conditions, provisions, or events shall apply; and
2. **Or** indicates that one or more of the connected items, conditions, provisions, or events shall apply.

### K. Tense and Usage

Words used in one tense (past, present, or future) include all other tenses, unless the context clearly indicates the contrary. The singular shall include the plural, and the plural shall include the singular.

### L. Gender

The masculine shall include the feminine, and vice versa.

### M. Defined Words:

The following terms shall have the following meanings:

**Abandonment:** The relinquishment of property or a cessation of the use of the property for a continuous period of one year by the owner with the intention neither of transferring rights to the property to another owner nor of resuming the use of the property.

**Accessory Building, or Structure:** A structure detached from a principal building on the same real property and customarily incidental and subordinate to the principal building or use, including but not limited to, yard barns, sheds and portable buildings.

**Accessory Sign:** A sign on private property that is not designed nor intended to be read from a public right of way.

**Adjacent Property:** Any property adjacent to or directly diagonal to the subject property. Properties across a public right of way (ROW) are also considered adjacent.

**Agriculture:** The use of land for agriculture purposes, including farming, dairying, pasturage, apiculture, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any accessory uses shall be secondary to that of the normal agricultural activities. “Agriculture” does not include feed lots, stock yards, or the commercial feeding of garbage or offal to swine or other animals.

## Zoning Ordinance of Scott County, Indiana

**Alley:** A public right-of way, other than a street, road, crosswalk, or easement, that provides secondary access for the special accommodation of abutting property.

**Antenna:** Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic or radio waves.

**Applicant:** The owner, owners, or legal representative of real estate who makes application to the Scott County Area Plan Commission and/or Board of Zoning Appeals for action by said commission or board affecting the real estate owned thereby.

**Area Plan Commission:** The Scott County Area Plan Commission - A commission established by County and City ordinance to oversee the development of a comprehensive plan and implement that plan through execution of the Zoning Ordinance and the Subdivision Control Ordinance.

**Automobile Repair Use:** An automobile body shop or an automobile repair shop.

**Automobile Body Shop:** a use involving automobile painting and body repairs, straightening of frames and similar major repair work.

**Automobile Repair Shop:** a use involving such automobile maintenance, servicing, repair such as tire sales and repair; replacement of mufflers and tailpipes, hoses, belts, fluids, and similar equipment; radiator cleaning, flushing, replacement and repair; greasing and lubrication; servicing and repair of carburetors, brakes and wiring; and similar activities.

**Banner:** a sign on a lightweight fabric, or similar non-rigid material, that is attached by at least two corners of such sign, to a building or structure. Flags of any country, state, unit of local government, institution of higher learning, or similar institution is not considered to be banners.

**Bed and Breakfast:** a single-family dwelling in which overnight accommodations and a morning meal are provided to transients for compensation.

**Berm:** A man-made, formed, earth mound of definite height and width used for landscaping and screening purposes, the intent of which is to provide a transition between uses of differing intensity or to screen uses from sight.

**Block:** Property abutting on one side of a street and lying between the two (2) nearest intersecting or intercepting streets, intersecting railroad, intersecting waterway, or the end of a dead end street.

**Board:** The Board of Zoning Appeals of Scott County, Indiana.

**Board of Zoning Appeals:** The Scott County Board of Zoning Appeals or any division thereof.

**Boarding House:** A building or part of a building that contains accommodation facilities for lodging, and typically with meals reserved solely for the occupants thereof for a fee. Boarding houses do not include bed and breakfasts, multifamily dwellings, hotels or motels.

**Bond:** Any form of security including a cash deposit, surety bond, collateral, property, instrument of credit in an amount and form satisfactory to the Plan Commission Attorney. The Area Plan Commission Attorney shall approve all bonds wherever a bond is required by these regulations.



## Zoning Ordinance of Scott County, Indiana

**Buffer Landscaping:** Any trees, shrubs, walls, fences, berms, space, or related landscaping features required under this Ordinance for buffering lots from adjacent properties or public right-of-way for the purpose of increasing visual shielding of other aspects for privacy and/or aesthetics.

**Buffer Yards:** An area adjacent to front, side and rear property lines, measured perpendicularly from adjacent property lines and/or right-of-way lines, intended to provide attractive spaces to reduce the impacts of proposed uses on adjacent property or natural features and to screen incompatible uses from each other and from the right-of-way. Buffers also help to maintain existing trees or natural vegetation, to block or reduce noise, glare or other emissions and to maintain privacy. Buffer yards are in addition to (separate from) front, rear, or side yard setbacks.

**Building:** A structure having a roof, supported by columns or walls, for the shelter, support, or enclosure of persons, property, or animals; and when separated by division walls from the ground up and without openings, each portion of such building shall be deemed as a separate building.

**Building Area:** The horizontal area of the building on a lot, measured from the outside exterior walls, excluding open areas or terraces, unenclosed porches or decks, and architectural features that project no more than two feet.

**Building Height:** See Structure Height.

**Business Service:** an establishment primarily engaged in rendering financial or contractual services to businesses or individuals. These uses include but are not limited to financial institutions; insurance services, printing, mailing and packaging, photo finishing, billing services, employment services, protective services, and office equipment rental and leasing.

**BZA:** See Board of Zoning Appeals.

**Campground:** Any site, lot, field, or tract of land designed with facilities for short term occupancy by recreational vehicles and other camping equipment.

**Cemetery:** Property used for interring of the dead. It includes any crematory, mausoleum, or mortuary operated in conjunction with and on the same property.

**City:** The City of Scottsburg, Indiana.

**Clinic:** An establishment in which human patients are admitted for medical or dental study or treatment and in which the services of at least two physicians or dentists are provided.

**Commercial Recreation:** Establishments primarily engaged in providing recreational services to the general public, including auditorium, theater, bowling alley, billiard room, dance studio and amusement facility.

**Commercial Recreation, Outdoor:** Establishments primarily engaged in providing recreational services to the general public outside of an enclosed buildings, including sports stadiums, skateboard parks, go-kart tracks, shooting or archery ranges, and other such recreational amusements.

**Commission:** The Scott County Area Plan Commission.

**Commissioners:** The Scott County Board of Commissioners

**Comprehensive Plan:** The Scott County Comprehensive Plan adopted pursuant to the 500 Series of IC 36-7-4.

## Zoning Ordinance of Scott County, Indiana

**Conditional Use:** A land use permitted within a district only when approved by the Board of Zoning Appeals.

**Council:** The Common Council of The City of Scottsburg, Indiana

**County:** Scott County, Indiana.

**Cul-De-Sac:** A street having one (1) end open to traffic and being permanently terminated by a vehicular turnaround at the other end.

**Detached Building:** A building that has no structural connection with the primary building or any other building or structure

**Developer:** The owner or legal representative of land, proposed to be subdivided or residentially/commercially/industrially utilized.

**Discontinuance:** The cessation of the use of the property for a continuous period of one year by the owner with the intention neither of transferring rights to the property to another owner nor of resuming the use of the property.

**District:** Areas within Scottsburg or Scott County for which uniform zoning regulations governing use, height, area, size, intensity of use of building and land, and open spaces about building, are established by this Ordinance. Districts are drawn on the Official Zoning Map.

**Domestic Pets:** Animals commonly used as household pets, protection, companions, and for assistance to disabled persons. Domestic pets shall include animals that are created for and treated in a manner acceptable for pet dogs, cats and birds. Domestic pets shall include, but not be limited to, dogs, cats, parakeets, parrots, finches, lizards, spiders, guinea pigs, hamsters, gerbils, rats, mice, rabbits, aquarium fish, ferrets, and snakes if cared for in the manner described above.

**Duplex:** See Dwelling, Two-Family.

**Dwelling:** A structure or portion thereof that is used exclusively for human habitation.

**Dwelling, Single-family:** A building that contains one dwelling unit and is not attached to any other dwelling unit.

**Dwelling, Two-family:** A building that contains two dwelling units totally separated from each other by an unpierced wall (firewall) extending from ground to roof.

**Dwelling, multifamily:** A building containing three or more dwelling units, including units that are located one over the other.

**Dwelling Unit:** Any structure or portion thereof designed for or used for residential purposes as a self-sufficient or individual unit by one (1) family or other social association of persons and having permanently installed sleeping, cooking, and sanitary facilities.

**Easement:** A grant by a property owner to specific persons, the general public, corporations, utilities, or others, for the purpose of providing services or access to the property.

**Executive Director:** The officer appointed by and/or delegated the responsibility for the administration of this Ordinance's regulations by the Plan Commission.

**Expressway:** Any roadway that operates at a high service level, consists of limited access, is divided, carries region-wide traffic and is generally classified as part of the interstate system.

## Zoning Ordinance of Scott County, Indiana

**Family:** One or more persons each related to the other by blood, marriage, or adoption, maintaining a common household in a dwelling unit.

**Floodplain:** The relatively flat area or low land adjoining the channel or a river or stream, which has been or may be covered by flood water. The flood plain includes the channel, floodway, and floodway fringe. Flood plain boundaries are to be determined by using the Floodway-Flood Boundary Maps of the Federal Insurance Administration/Federal Emergency Management Administration.

**Floor Area:** The sum of all horizontal surface areas of all floors of all roofed portions of a building enclosed by and within the surrounding exterior walls or roofs, or to the center line(s) or party walls separating such buildings or portions thereof. Floor areas of a building shall exclude exterior open balconies and open porches.

**Foundation:** The supporting member of a wall or structure.

**Front Setback:**

A. For an interior or through lot, the line marking the boundary between the lot and the abutting street, right-of-way or a lake or watercourse; and

B. For a corner lot, the line marking the boundary between the lot and each of the abutting streets.

**Front Yard:** The horizontal space between the nearest foundation of a building or structural appurtenance, or roof eave (whichever is closer) to the front setback line, extending to the side lines of the lot, and measured as the shortest distance from that foundation to the front line of the building.

**Frontage:** See Lot Frontage.

**Garage:** An attached or detached structure whose principal use is to house motor vehicles or personal property for the accommodation of related dwelling units or related business establishments.

**Ground Sign:** Any sign, other than a pole sign, in which the entire bottom is in contact with or is closely associated with the ground and is independent of any other structure. **Group Home:** A single-family residential structure designed or adapted for occupancy by unrelated developmentally disabled persons.

**Halfway House:** A dwelling occupied by individuals attempting to find a new way of life which will restore them to health, dignity, self-respect and continued sobriety and freedom from alcohol and drug dependency.

**Height:** See Structure Height.

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

**Hotel:** A building in which temporary lodging or board and lodging are provided and offered to the public for compensation and in which ingress and egress to and

## Zoning Ordinance of Scott County, Indiana

from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public. Compensation is usually assessed on a day-to-day basis.

**Improvement Location Permit:** A permit issued under the Zoning Ordinance prior to receiving a building permit, permitting a person, firm, or corporation to erect, construct, enlarge, alter, repair, move, occupy, use, improve, remove, convert, or demolish any building or structure within its jurisdiction, or permitting a person to change the condition of the land. The Improvement Location Permit indicates that the use complies with the requirements of this Ordinance.

**Improvement:** Any permanent structure that becomes part of, placed upon, or is affixed to real estate, or any alteration to the land.

**Integral Sign:** A sign that is part of the structure or architecture of a building.

**Interstate:** See Expressway.

**Jurisdiction:** The right and power to interpret and apply the law;

**Junk:** An automobile, truck, other motor vehicle, watercraft, large appliances, furniture or like materials which have been damaged to such extent that they cannot be operated under their own power or used and/or will require major repairs before being made usable. This also includes such a vehicle which does not comply with State, County, or City vehicle licensing or other laws or ordinances.

**Junkyard:** A place, usually outdoors, where inoperative automobiles, farm implements and trucks, are salvaged for reuse or resale of parts. This does not include industrial scrap metal or accumulation of organic matter.

**Kennel (Commercial):** A business place primarily for keeping more than four (4) dogs, or other small animals that are ordinarily bred for sale as pets, including temporary care facilities for animals for compensation.

**Kennel (Private):** A non-commercial place usually for keeping up to four (4) dogs, or other small animals for personal use and enjoyment that is subordinate to the principal use. Private kennels are not regulated in this Ordinance and are permitted in all districts.

**Legal Nonconforming Building or Structure:** Any continuously occupied, lawfully established structure or building prior to the effective date of this Ordinance, or its subsequent amendments, that no longer meets the development standards.

**Legal Nonconforming Lot of Record:** Any legally established and recorded lot prior to the effective date of this Ordinance, or its subsequent amendments, that no longer meets the lot-specific development standards.

**Legal Nonconforming Sign:** Any sign lawfully existing on the effective date of this Ordinance, or amendment thereto, that does not conform to all the standards and regulations of this Ordinance.

**Lot:** A parcel or tract of land designated by its owner or developer to be used, developed or built upon as a unit under single or multiple ownership or control.

**Lot, Corner:** A lot situated at the intersection of two (2) streets or which fronts a street on two (2) or more sides forming an interior angle of less than one-hundred and thirty-five (135) degrees.

## Zoning Ordinance of Scott County, Indiana

**Lot Coverage:** The portion of the lot covered by buildings and structures, including decks, porches, and patios. Driveways, sidewalks and swimming pools are not included in this calculation.

**Lot Depth:** The horizontal distance between the front and rear lot lines.

**Lot, Developed:** A lot with buildings or structures situated thereon.

**Lot Frontage:** The length of the front lot line bordering upon a public right of way. The lot frontage is determined by measuring the total distance in which the front lot line touches a public right of way. Lot frontage requirement for a cul-de-sac lot is one half (1/2) the distance required for standard lots.

**Lot, Improved:** A lot upon which a structure or building can be constructed and occupied as a result of the fact that it has frontage on and access to an improved street, meets minimum setback requirements, and has all necessary utilities available to the lot as sewer, water, electricity, etc.

**Lot of Record:** A lot which is a part of a subdivision recorded in the office of the County Recorder, or a parcel or lot described by metes and bounds, a description of which has been so recorded.

**Lot Width:** The distance between the side lot lines as measured at the building setback line.

**Manufactured Home:** "Manufactured home" means a dwelling unit, designed and built in a factory, which bears a seal certifying that it was built in compliance with the federal Manufactured Housing Construction and Safety Standards Law of 1974 (42 U.S.C. 5401 et seq.). Mobile homes and modular homes built after 1974 are manufactured housing or manufactured homes.

**Manufacturing:** The mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, such as lubricating oils, plastics, resins, or liquors.

**Manufactured Home Park:** A parcel of land containing five or more dwellings sites, with required improvements and utilities, that are leased for the long term.

**Mini-warehouse:** A structure containing separate, individual, and private storage places of varying sizes, leased or rented on individual leases for varying periods of time.

**Mobile Home:** A structure, transportable on an integral frame with one or more axles, in one or more sections, which, in the traveling mode, is eight body feet or more in width at its narrowest dimension which when erected on site, is 320 or more square feet and includes the plumbing, heating, air conditioning, and electrical system contained therein, and which was manufactured prior to the effective date of the federal Manufactured Home Construction and Safety Act of 1974, which became effective June 15, 1976. After 1974 such homes are referred to as Manufactured Homes. (See Manufactured Home)

**Mobile Home Park:** (See IC16-41-27-5) A parcel of land containing five or more spaces, with required improvements and utilities, leased for the long-term placement of mobile homes.

**Modular Home:** A custom structure that is built in a factory, transported to the home site on flat bed and usually erected by crane. Modular homes are built to traditional code-site-building standards and leave the factory up to 90% complete

## Zoning Ordinance of Scott County, Indiana

therefore they require minimum finishing work. Average square footage of a modular home is around 1800 sq. feet. In this ordinance the term ‘Modular home’ refers to such homes which were manufactured prior to the effective date of the federal Manufactured Home Construction and Safety Act of 1974, which became effective June 15, 1976. After 1974 such homes are referred to as Manufactured Homes. (See Manufactured Home)

**Monument. Sign:** A ground sign that is supported by a base that is connected directly to the ground with a maximum height of four (4) feet.

**Motel:** An establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space, located on a single zoning lot, and designed for use by transient automobile travelers. A motel furnishes customary services such as maid service and laundering of linen, telephone, secretarial, or desk service, and the use and upkeep of furniture.

**Nonconforming Building:** A building, structure, or portion thereof, that was designed, erected, or structurally altered such that it does not conform to the regulation of the district in which it is located.

**Nonconforming Lot of Record:** A lot that was created such that it does not conform to the regulations of the district in which it is located.

**Nonconforming Sign:** A sign or portion thereof, that was designed, erected, or structurally altered such that it does not conform to the regulations of the district in which it is located.

**Nonconforming Use:** A use that does not conform with the use regulations of the district in which it is located.

**Nursing Home:** A private home for the care of the aged or infirm, or any person in need of nursing care; and which does not contain equipment for surgical care or for treatment of disease or injury, and is not primarily designed for patients being treated for mental illness or alcohol or drug addiction.

**Official Zoning Map:** A map of Scott County and the City of Scottsburg, Indiana, that legally denotes the boundaries of zoning districts as they apply to the properties within the planning jurisdiction.

**Open Space:** An area of land not covered by buildings, parking structures, or accessory uses except for recreational structures. Open space may include nature areas; streams and flood plains; meadows or open fields containing baseball, football, and soccer fields, golf courses, swimming pools, bicycle paths, etc. Open space does not include street rights-of-way, platted lot area, private yard, patio areas, or land scheduled for future development.

**Outdoor Sales Area** The display and sale of products and services primarily outside of a building or structure. Outdoor retail sales uses include but are not limited to automobile dealerships, boat sales, farm equipment sales, flea markets, auctions, lumber yards, and landscaping materials sales.

**Outdoor Storage:** See Storage, Outdoor.

**Owner** (legal title) means the person(s) listed in the most recent official records of the County Recorder.

**Parcel:** See Lot.

## Zoning Ordinance of Scott County, Indiana

**Parking Space, Automobile:** Space within a public or private parking area for the storage of one (1) passenger automobile or commercial vehicle under one and one-half (1-1/2) ton capacity.

**Permanent Foundation:** A structural system for transporting loads from a structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil.

**Person:** A corporation, firm, partnership, association, organization, unit of government, or any other group that acts as a unit, as well as a natural person.

**Personal Care Services:** facilities that offer supervision, assistance, and activities for special populations. Uses include but are not limited to day care centers for children or adults, children's homes, nursing homes, senior centers, and neighborhood social centers.

**Personal Services:** establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel. These uses include but are not limited to laundry, dry cleaning, beauty or barber shops, diaper service, and shoe repair.

**Plan Commission:** See Area Plan Commission.

**Plat:** A map or chart that shows a division of land and/or the layout for subdivisions that is intended to be filed for record.

**Pole Sign:** A sign that is supported by one or more uprights in the ground, with the sign surface mounted at a specified height above grade level to the bottom of the sign.

**Porch:** A roofed-over structure projecting out from the wall or walls or a main structure and commonly open to the weather in part.

**Primary Structure/Building:** The building or structure in which the principal use of the lot or premises is located or conducted, with respect to residential to residential uses, the principal building or structure shall be the main dwelling. Only one primary structure shall be allowed on any one lot at any time, with the exception of any recorded secondary plats involving multiple family residential development with more than one residential structure.

**Principal Use:** The main use of land or buildings as distinguished from an accessory use. A principal use may be either a permitted use or a special exception.

**Professional Office Use:** An office used by members of a recognized profession such as architects, artists, dentists, engineers, lawyers, musicians, planners, physicians, surgeons, pharmacists, and realtors or insurance agents and brokers.

**Public Improvement:** Any storm drainage facility, street, highway, parking, sidewalk, pedestrian-way, tree, lawn, off-street parking area, lot improvement, utility, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.

**Public Street:** See Street, Public.

**Public Utility:** Any person, firm, or corporation duly authorized to furnish under public regulation to the public, electricity, gas, steam, telephone, fiber optics, transportation, water, or sewage systems.

## Zoning Ordinance of Scott County, Indiana

**Rear Setback:** The distance from the lot line that is opposite the front lot line and farthest from it, except that for a triangular or other irregularly-shaped lot, the line ten feet long, parallel to the front lot line, and wholly within the lot, that is farthest from the lot line.

**Rear Yard:** The horizontal space between the nearest foundation or structural appurtenance of a building to a rear lot line and that rear lot line, extending to the side lines of the lot, and measured as the shortest distance from the foundation to the rear lot line. Corner lots do not have rear yards, rather they have two side yards.

**Recreational Vehicle:** A vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven and primarily designed as a temporary living accommodation for recreational, camping, and travel use and including, but not limited to, travel trailers, truck campers, camping trailers, boats, and self-propelled motor homes. A recreational vehicle shall not be used as living quarters.

**Recreational Vehicle Park:** Any commercially zoned site, lot, field, or tract of land under single ownership, or ownership of two or more people, designed with facilities for short term occupancy for recreational vehicles only.

**Religious Facility:** a structure or place in which worship, ceremonies, rituals, and education pertaining to a particular system of beliefs are held. This definition includes a parochial school and a cemetery operated as part of a religious facility.

**Research and Development Use:** An establishment for conducting investigation in the natural, physical, or social sciences, including engineering and product development.

**Retail Services:** Establishments primarily engaged in the sale of everyday household and consumer goods, including, but not limited to, drugstores, variety stores, book and stationery stores, newsstands, candy and ice cream stores, grocery stores, florist, gift, antique, art, music, toy and hobby shops, package liquor stores, paint and wallpaper stores, jewelry stores.

**Retail Use, Big Box:** A single retail establishment containing 75,000 square feet or more.

**Retail Uses, General:** Establishments primarily engaged in the sale of goods or provision of services to the general public, including but not limited to department stores, furniture, carpet, interior decorating, upholstering, furrier, and office supply stores; restaurants and catering establishments; hotels, taverns and nightclubs; and storage, processing and/or conditioning when incidental to any of these uses.

**Right-of-Way:** A strip of land occupied or intended to be occupied by transportation facilities, public utilities, or other special public uses. Rights-of-way intended for any use involving maintenance by a public agency shall be dedicated to the public use by the marker of the plat on which such right-of-way is established.

**Road:** See Street.

**Roadside Stand:** a structure or portion thereof for the shelter, display and sale of agricultural products produced on the premises with no space for customers within the structure itself.



## Zoning Ordinance of Scott County, Indiana

**Rural Business:** an activity catering to the public that is traditionally associated with agricultural or rural areas. Such uses include but are not limited to riding stables, commercial greenhouses and plant nurseries (including on-site product sales), wineries, cider mills, and farm markets.

**School:** A public or private institution which offers instruction in any of the branches of learning and study comparable to that taught in the public schools under the Indiana School Laws, including pre-kindergarten, kindergarten, elementary school, and junior and senior high schools, but excluding trade, business, or commercial schools.

**School, Trade, Business, or Commercial:** An educational facility which offers instruction specific to a trade, business, or commercial.

**Scrap Metal Yard:** A general industrial use established independent or ancillary to and connected with another general industrial use, which is concerned exclusive in new and salvaged metal pipes, wire, beams, angles, rods, machinery, parts, filings, clippings, and/or all other metal items of every type, and which acquired such items incidental to its connection with the other general industrial use or by purchase, consignment or bailment which stores, grades, process melts, cuts, dismantles, compresses, cleans, or in any way prepares said items for reuse by the connected other general industrial use or for storage, sale or shipment and/or use in other industries or businesses including open hearth, electric furnaces and foundry operations. Such an establishment shall not include junk yards, dumps, or automobile or other vehicle graveyards.

The storage, dealing in or the permitting of the accumulation of significant quantities of combustible, organic or nonmetal scrap materials such as wood, paper, rags, garbage, bones, and shattered glass on the premises of such an establishment will disqualify it from being classified as a scrap metal yard, and the same will be classified as a junk yard.

**Setback:** The minimum horizontal distance between the building line and the centerline of the roadway.

**Side Lot Line:** A lot boundary line other than a front or rear lot line.

**Side Yard:** The horizontal space between the nearest foundation or structural appurtenance of a building to the side lot line.

**Sign:** Any name, identification, description, display, or illustration which is affixed to, painted on, or is represented directly or indirectly upon a building, structure, or piece of land, and which directs attention to an object, product, place, activity, person, institution, organization, or business. Religious symbols on places of worship or structures owned and operated by religious organizations shall not be considered a sign unless accompanied with text.

**Sign, Ground:** A sign, in which the bottom edge of the sign is permanently affixed to the ground. A movement sign is another name for a Ground Sign.

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

## Zoning Ordinance of Scott County, Indiana

### **Sign, Off Premises:** Billboard

**Sign, Temporary:** An on-premise advertising device not fixed to a permanent foundation, for the purpose of conveying information, knowledge, or ideas to the public about a subject related to the activities on the premises upon which it is located.

**Stacking Space:** The queuing or line up area needed for waiting vehicles at a drive-through service.

**Storage Outdoor:** The outdoor accumulation of goods, junk, motor vehicles, equipment, products, or materials for permanent or temporary holding. Any portion of a story exceeding fourteen (14) feet in height shall be considered as an additional story for each fourteen (14) feet or fraction thereof.

**Street:** Any vehicular right-of-way that:

Is an existing state, county, or municipal roadway,

is shown upon a plat approved pursuant to law,

is approved by other official action, or

is shown on a plat duly filed and recorded in the office of the County Recording Officer prior to the appointment of a planning board and the grant to such board to review plats; includes the land between the street lines, whether improved or unimproved.

**Structural Alterations:** Any change in the supporting members of a building or structure such as bearing walls, partitions, columns, beams or girders, or any change in the footprint or increase in the size of living space. Also, substantial roofing and siding work when repairs are made to the structure beneath.

**Structure:** Anything constructed or erected which requires location on the ground or attachment to something having a location on the ground, including but not limited to buildings, sheds, detached garages, mobile homes, manufactured homes, above-ground storage tanks, free-standing signs and other similar items.

**Structure Height:** The vertical distance measured from the lot ground level to the highest point of the roof.

**Swimming Pool, Private:** An artificially constructed pool that is more than 10 feet in diameter and more than 30 inches in depth. This definition is not meant to include inflatable pools.

**Thoroughfare Plan:** The official plan, now and hereafter adopted, which includes a street plan, sets forth the location, alignment, dimensions, identification, and classification of existing and proposed streets, and other thoroughfares, as found in the Scott County Comprehensive Plan.

**Tower:** See Wireless Communications Tower.

**Townhouse:** Multi-story single-family dwellings abutting each other and sharing a common structural wall.

**Travel-Oriented Business:** An establishment catering to the traveling public, such as a hotel, motel, restaurant, fast-food restaurant, automobile service station or similar use.

**Use:** The purposes for which land, building, or structure thereon is designed, arranged, or intended, or for which it is occupied, maintained, let, or leased.

## Zoning Ordinance of Scott County, Indiana

**Variance:** A specific approval granted by the Board of Zoning Appeals in the manner prescribed by this Ordinance, to deviate from the provisions of this Ordinance or amendments thereto.

**Variance, Development Standards:** A specific approval granted by the Board of Zoning Appeals in the manner prescribed by this Ordinance, to deviate from the development standards (such as height, bulk, area) that the Ordinance otherwise prescribes.

**Waste Disposal Facility:** A tract of land that is used to store or process materials that are discarded by households, businesses, industries, or other entities. Waste includes both recyclable and non-recyclable materials.

**Wireless Communication Facility:** A site that houses a telecommunications tower, support structure, antennas, accessory structures and/or associated radio or cellular communications equipment.

**Wireless Communication Tower:** A monopole or lattice structure situated on a site used to support antennas and radio or cellular communications equipment

**Yard:** A space on the same lot with a principal building that is open and unobstructed except as otherwise authorized by this ordinance. All required yards shall be kept free of all materials including, but not limited to, buildings, structures, material for sale, storage, advertising or display to attract attention and parking lots.

**Zoning District:** See District.

**Zoning Map:** See Official Zoning Map.

# Zoning Ordinance of Scott County, Indiana

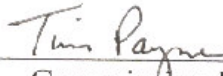
## Zoning Ordinance of Scott County, Indiana

### Article 12. Adoption

This Ordinance is forwarded to the Common Council of The City of Scottsburg and the Board of Commissioners of Scott County, Indiana with a favorable recommendation by the Scott County Area Plan Commission this -- day of June 2004.



Executive Director



Commission President

**Zoning Ordinance of Scott County, Indiana**

2004-13

**Zoning Ordinance of Scott County, Indiana**

Adoption (Continued)

This Ordinance shall be in force and effect from and after its passage by the Common Council of City of Scottsburg and the Board of Commissioners of Scott County, Indiana. Passed and adopted by the Common Council of the City of Scottsburg, Indiana this 28<sup>th</sup> day of June 2004.

Common Council

Charles M. Rose

Key E. [unclear]

Ruby J. Barrett

Ray Zellinger

[unclear]

Attest:

Kelly Neulansen

Clerk Treasurer

Approved:

Will Hill

Mayor

# Zoning Ordinance of Scott County, Indiana

## Zoning Ordinance of Scott County, Indiana

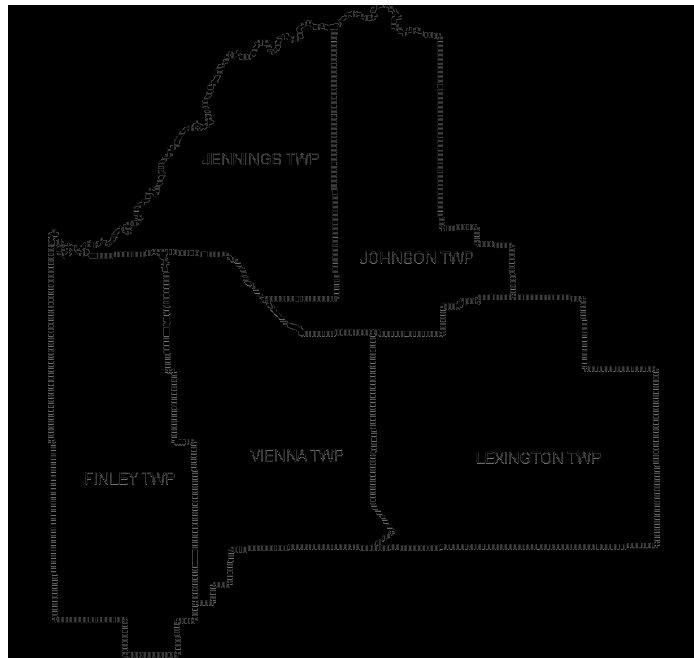
Adoption (Continued)

This Ordinance shall be in force and effect from and after its passage by the Common Council of City of Scottsburg and the Board of Commissioners of Scott County, Indiana

Passed and adopted by the Board of Commissioners of Scott County, Indiana this --- day of June 2024.

*Charles S. Meyer*  
\_\_\_\_\_  
*Derek Slag*  
\_\_\_\_\_  
*Carl A. Stout*  
\_\_\_\_\_

*Ira Gasaway*  
\_\_\_\_\_  
Auditor



# **Subdivision Control Ordinance Of Scott County, Indiana**

# Subdivision Control Ordinance of Scott County, Indiana

## Table of Contents

|   |           |
|---|-----------|
| <b>Article 1. General Provisions .....</b>  | <b>3</b>  |
| A. Title .....  | 3         |
| B. Authority .....  | 3         |
| C. Policy.....  | 3         |
| D. General Purpose .....  | 4         |
| E. Applicability and Jurisdiction .....   | 4         |
| F. Conflict or Consistency with Other Laws, Covenants, or Deed Restrictions ..... | 5         |
| G. Compliance.....  | 5         |
| H. Severability.....  | 6         |
| I. Effective Date and Transitional Provisions.....                                | 6         |
| <b>Article 2. Types of Subdivisions.....</b>                                      | <b>7</b>  |
| A. Basic Subdivisions .....   | 7         |
| B. Minor Subdivisions .....   | 7         |
| C. Major Subdivisions .....   | 8         |
| <b>Article 3. Administration.....</b>   | <b>9</b>  |
| A. Administrative and Decision-Making Bodies .....                                | 9         |
| B. Amendments.....  | 11        |
| C. Modifications of Requirements and Standards .....                              | 11        |
| D. Basic Subdivisions .....   | 12        |
| E. Minor Subdivisions .....   | 12        |
| F. Major Subdivisions .....   | 13        |
| G. Validity of Approval .....   | 14        |
| H. Improvements and Financial Guarantees .....                                    | 14        |
| I. Development Plans.....   | 17        |
| J. Planned Unit Development (PUD).....  | 18        |
| K. Commercial and Industrial Subdivision.....                                     | 19        |
| <b>Article 4. Development and Design Standards.....</b>                           | <b>21</b> |
| A. Minor Subdivisions .....   | 21        |
| B. Major Subdivisions .....   | 23        |
| <b>Table 4-1.....</b>   | <b>24</b> |
| <b>Minimum Driveway Separation Distance .....</b>                                 | <b>24</b> |
| <b>Table 4-2.....</b>   | <b>26</b> |
| <b>Minimum Right-of Way &amp; Pavement Widths.....</b>                            | <b>26</b> |
| <b>Table 4-4.....</b>   | <b>32</b> |
| <b>Minimum Intersection Design Standards .....</b>                                | <b>32</b> |
| <b>Article 5. Violations and Penalties ( ).....</b>                               | <b>39</b> |
| <b>Article 6. Definitions and Rules of Interpretation .....</b>                   | <b>43</b> |
| A. Meaning and Intent.....  | 43        |
| B. Text Controls.....   | 43        |
| C. Lists and Examples.....  | 43        |
| D. Computation of Time .....  | 43        |
| E. References to Other Regulations, Publications and Documents .....              | 43        |
| F. Public Officials and Agencies .....  | 43        |
| G. Delegation of Authority .....  | 43        |



## Subdivision Control Ordinance of Scott County, Indiana

|                   |  |                                     |
|-------------------|--|-------------------------------------|
| H.                | Technical and Non-Technical Words.....               | 44                                  |
| I.                | Mandatory and Discretionary Terms.....               | 44                                  |
| J.                | Conjunctions.....                                    | 44                                  |
| K.                | Tense and Usage.....                                 | 44                                  |
| L.                | Gender .....   | 44                                  |
| M.                | Definitions.....                                     | 44                                  |
| <b>Article 7.</b> | <b>Impact Fees (RESERVED).....</b>                   | <b>51</b>                           |
| <b>Article 8.</b> | <b>Transfer of Development Rights (RESERVED.....</b> | <b>52</b>                           |
| <b>Article 9.</b> | <b>Adoption.....</b>                                 | <b>Error! Bookmark not defined.</b> |

# Subdivision Control Ordinance of Scott County, Indiana

## Article 1. General Provisions

**ORDINANCE NO. 2004-9**  
*(Scott County)*

**ORDINANCE NO. 2004-14**  
*(City of Scottsburg)*

### A. Title

This Ordinance shall be known as, referred to, and cited as the "Subdivision Control Ordinance of Scott County, Indiana," and is hereinafter referred to as "this Ordinance."

### B. Authority

1. This Ordinance is adopted under the authority granted by the 700 Series of IC 36-7-4 of the Indiana Code and amendments thereto.
2. Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of valid police power delegated by the State of Indiana to Scott County and the City of Scottsburg. The subdivider has the duty of compliance with reasonable conditions laid down by the Plan Commission for design, dedication, improvement, and restrictive use of the land to conform to the physical and economic development of the County or City and to the health, safety, and general welfare of the future lot owners in the development and the community at large.

### C. Policy

1. It is declared to be the policy of Scott County and the City of Scottsburg to consider the subdivision of land and subsequent development of the land as subject to control of the County or City pursuant to the Comprehensive Plan for the orderly, planned, efficient, and economical development of the County and City.
2. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, and land shall not be subdivided until adequate infrastructure and services exist or are guaranteed in accordance with Article 3, and proper provision has been made for drainage, water, sewerage, and public facilities such as parks, recreational facilities, streets, and sidewalks.
3. All modifications of existing and proposed improvements shall conform with and be properly related to the Comprehensive Plan and the standards contained in other applicable ordinances and regulations.
4. This Ordinance is adopted for the following purposes:
  - a. to improve the health, safety, convenience, and welfare of their citizens and to plan for the future development of their communities to the end:
  - b. that highway systems be carefully planned;

## **Subdivision Control Ordinance of Scott County, Indiana**

- c.** that new communities grow only with adequate public way, utility, health, educational, and recreational facilities;
- d.** that the needs of agriculture, industry, and business be recognized in future growth;
- e.** that residential areas provide healthful surroundings for family life; and
- f.** that the growth of the community is commensurate with and promoting the efficient and economical use of public funds

### **D. General Purpose**

This Ordinance is adopted for the following purposes:

- 1.** To promote the public health, safety, morals and general welfare;
- 2.** To guide the future growth and development of the County and City in accordance with the Comprehensive Plan;
- 3.** To ensure that necessary facilities are available concurrent with development, in an amount and size commensurate with the size of the subdivision and the land uses to which the land will be allocated;
- 4.** To ensure that the community will bear no more than its fair share of the cost of providing facilities and services by requiring the developer to pay fees, furnish land, provide infrastructure, and establish mitigation measures to ensure that the development provides its fair share of the costs of expansion of City and County services and infrastructure generated by the development;
- 5.** To provide pedestrian and vehicular connectivity within subdivisions and not create traffic hazards within the City or County;
- 6.** To secure suitable sites for building purposes and protect the property values thereof;
- 7.** To provide assurance that future plats, subdivisions and dedications will be improved in accordance with an established public policy;
- 8.** To provide for open spaces through the most efficient design and layout of the subdivision;
- 9.** To preserve the natural beauty and topography of Scott County and to ensure appropriate development with regard to these features;
- 10.** To prevent the pollution of air and water, safeguard surface and groundwater, conserve and stabilize topsoil, and to otherwise encourage the wise use of resources throughout the County and City
- 11.** To supply proper land records for the convenience of the public and for appropriate identification and permanent location of real estate boundaries.

### **E. Applicability and Jurisdiction**

- 1.** The provisions of this Ordinance shall apply to all lands within the City of Scottsburg and the unincorporated portions of Scott County, including land owned by local, city, county, state, or federal agencies, to the extent allowed by law. Lots that straddle jurisdictional boundaries shall be

## **Subdivision Control Ordinance of Scott County, Indiana**

avoided wherever possible. If a subdivision is located in more than one jurisdiction, approval is required from each plan commission having jurisdiction, unless a valid interlocal agreement provides otherwise. If access to a subdivision is required across land in another jurisdiction, the applicant shall provide evidence that such access is legally established. The Commission shall permit such access only if it finds that the access complies with the standards of this Ordinance.

### **F. Conflict or Consistency with Other Laws, Covenants, or Deed Restrictions**

#### **1. Conflicts and Relationship with Other Regulations**

- a.** When the provisions of this Ordinance are inconsistent with one another, or when the provisions of this Ordinance conflict with provisions found in other ordinances, codes, or regulations adopted by Scott County or the City of Scottsburg, the more restrictive provision shall govern unless the terms of the provisions specify otherwise. This Ordinance shall govern over any inconsistent or conflicting provisions of the Scott County Zoning Ordinance.
- b.** It shall be the developer's or applicant's responsibility to determine and comply with all other applicable city, county, state, or federal codes or regulations governing development and land use activities.

#### **2. Relationship with Private-Party Easements, Covenants, or Agreements**

This Ordinance is not intended to interfere with or abrogate any easements, covenants, or agreements between parties, provided that wherever this Ordinance proposes a greater restriction upon the use of buildings or the use and division of land, access to parcels of land,, upon the location or height of buildings or structures, or upon requirements for open areas than those that are imposed or required by such easements, covenants, or agreements between parties, the provision of this Ordinance shall govern. In no case shall the County or City be obligated to enforce the provisions of any easements, covenants, or agreements between parties.

### **G. Compliance**

- 1.** No lot or parcel of a subdivision as defined herein be sold or advertised for sale. No permit to erect, alter or repair any building upon land in a subdivision shall be issued; and no building shall be erected in a subdivision, unless and until a final Basic, Minor or Major subdivision plat has been approved and recorded.
- 2.** No division of land shall be made after the effective date of this ordinance that creates a lot with width or area below the requirements stated in this Ordinance or the Zoning Ordinance
- 3.** For subdivisions recorded after a financial guarantee is posted for the improvements, no occupancy permit shall be issued for any building unless in addition to all requirements of the building code, the following

## **Subdivision Control Ordinance of Scott County, Indiana**

improvements are in place to provide for safe access to the building(s) for the occupants and for emergency vehicles:

- a.** Streets having a compacted subgrade and a binder course
- b.** Traffic control signs and street name signs

### **4. Minimum Requirements**

The provisions of this Ordinance shall be held to be minimum requirements necessary for the promotion of the public health, safety, and general welfare, and shall be liberally construed in favor of the County or City and shall not be construed to be a limitation or repeal of any other power now possessed by Scott County or Scottsburg.

### **H. Severability**

If any Court of competent jurisdiction rules any provision of this Ordinance invalid, that ruling shall not affect any provision not specifically included in the judgment. If any Court of competent jurisdiction rules invalid the application of any provision of this Ordinance to a particular property, building, or other structure, or use, that ruling shall not affect the application of the Ordinance provisions to any property, building, other structure, or use not specifically included in the judgment.

### **I. Effective Date and Transitional Provisions**

#### **1. Effective Date**

This Ordinance shall take effect after publication of the notice of adoption as provided by Indiana Law. On the date of adoption of this Ordinance, the Unified Subdivision Control Ordinance shall be repealed.

#### **2. Violations Continue**

Any violation under previous ordinances repealed by this Ordinance shall continue to be a violation under this Ordinance and be subject to penalties and enforcement under Article 5, unless the use, development, construction, or other activity complies with the provisions of this Ordinance.

#### **3. Approved Projects**

- a.** Any Commission approval of a primary subdivision plat granted before the effective date of this Ordinance shall remain valid, provided that the secondary subdivision plat approval is granted within 120 days after such effective date.
- b.** Any Commission approval of a final plat granted before the effective date of this Ordinance shall remain valid, provided that the final plat is recorded in the Office of the County Recorder within 180 days after such effective date.

# Subdivision Control Ordinance of Scott County, Indiana

## Article 2. Types of Subdivisions

### A. Basic Subdivisions

#### 1. Purpose and Intent

It is the intent of this section to provide a streamlined procedure for simple subdivisions or changes in lot lines. A subdivision complying with the following standards shall be submitted to the Executive Director for certification that it qualifies as a Basic Subdivision. Secondary approval to such subdivisions shall be given in accordance with Article 3 D.

#### 2. Applicability

A proposed subdivision may be processed under the provisions of this section if the Executive Director determines that the following conditions exist:

- a. There will be no opening of new public ways or easements.
- b. Those divisions of land or re-subdivisions that do not substantially affect the comprehensive plan
- c. Each lot shall conform to the Zoning District in which the property is located
- d. The subdivision does not result in more than 4 lots being divided from a single parent tract over any period of time.
- e. The subdivision of land shall not compel the City or County to extend public streets, roads or utilities.
- f. The subdivision complies with all provisions of this Ordinance and the Zoning Ordinance

### B. Minor Subdivisions

#### 1. Purpose and Intent

The purpose of a minor subdivision is to provide a simplified review and approval procedure for land divisions that do not involve construction of new streets or roads or the creation of an easement and that comply in all respects to the standards contained in this ordinance. Minor subdivisions require primary and secondary approval, in accordance with the procedures set forth in Article 3 E.

#### 2. Applicability

A proposed subdivision may be processed under the provisions of this section if the Executive Director determines that the following conditions exist

- a. No more than four parcels may be created from a single parent tract over any period of time. Divisions resulting in more than four parcels require plan commission approval.
- b. Each lot shall conform to the Zoning District in which the property is located.

## **Subdivision Control Ordinance of Scott County, Indiana**

- c.** Those divisions of land or re-subdivisions that do not substantially affect the comprehensive plan
- d.** Each lot shall have the minimum required frontage specified in the Zoning Ordinance on an existing public street or road or in the unincorporated areas of the County is served by an access easement meeting the design standards of this ordinance.
- e.** No more than two lots may gain access from a private access easement. A legal description of the easement and maintenance provisions for such easement shall be recorded in the Office of the Scott County Recorder for both the dominant and servant properties.
- f.** Each access easement shall be at least 50 feet wide and shall also serve as a utility easement if necessary.
- g.** The subdivision of land shall not compel the City or County to extend public streets, roads or utilities.

### **C. Major Subdivisions**

#### **1. Purpose and Intent**

The purpose of the major subdivision procedure is to ensure that new development is consistent with the Comprehensive Plan and with the standards of this Ordinance, to ensure that new developments will have adequate streets, utilities and other infrastructure elements, and to ensure satisfactory completion of all required improvements. Major subdivisions require a public hearing, and primary and secondary approval in accordance with the procedures set forth in Article 3 F.

#### **2. Applicability**

Any subdivision that does not meet the requirements to be considered as a Basic or a Minor subdivision shall be subject to the requirements applicable to major subdivisions.

# Subdivision Control Ordinance of Scott County, Indiana

## Article 3. Administration

### A. Administrative and Decision-Making Bodies

Table 3-1 summarizes the roles and responsibilities of the administrative and decision-making bodies with regard to subdivision control.

| Table 3-1   |       |                |                 |                                      |
|---|-------|----------------|-----------------|--------------------------------------|
| Administrative and Decision Making Authority  |       |                |                 |                                      |
| S = Staff Review   R = Review and Recommend   D = Final Decision   A = Appeal   G= Acceptance of Guarantees and Project Oversight |       |                |                 |                                      |
| Subdivision Action  | Staff | Plat Committee | Plan Commission | City Council or County Commissioners |
| Text Amendments   | S     |                | R               | D                                    |
| Interpretation  | D     | A              | A               |                                      |
| Basic Subdivisions  | D     |                | A               |                                      |
| Minor Subdivision Primary Approval  | S     | D              | A               |                                      |
| Minor Subdivision Secondary Approval  | D     |                | A               | G                                    |
| Major Subdivision Primary Approval  | S     |                | D               |                                      |
| Modifications   | S     |                | D               |                                      |
| Major Subdivision Secondary Approval  | D     |                | A               | G                                    |

#### 1. City Council or County Commissioners

- a. In accordance with IC 36-7-4-701, the City Council or County Commissioners has, in the Zoning Ordinance Article 2, designated the zoning districts. Subdivision of land may occur in these districts to facilitate land uses as permitted in Article 3 of the Zoning Ordinance. The City Council and County Commissioners also shall adopt the Subdivision Control Ordinance.
- b. The City Council or County Commissioners shall accept appropriate performance guarantees, maintenance guarantees, and dedications of rights-of-way or public improvements.



## **Subdivision Control Ordinance of Scott County, Indiana**

- c.** The County Commissioners or City Council reserve the right to waive any condition imposed in primary subdivision approval by the Area Plan Commission.

### **2. Plan Commission**

- a.** In accordance with IC 36-7-4-701, after the Subdivision Control Ordinance is adopted, the Scott County Area Plan Commission has exclusive authority over the approval of subdivisions.
- b.** In accordance with IC 36-7-4-704, the plan commission shall adopt uniform fees proportioned to the cost of checking and verifying proposed plats. (See Area Plan Commission Rules of Procedure)
- c.** The Commission shall, in accordance with IC 36-7-4-705, establish uniform rules with regard to investigations and hearings and shall maintain accurate records of proceedings before the Commission. Notice of public meetings and hearings shall be in accordance with IC 5-3-1. (See Area Plan Commission Rules of Procedure)
- d.** The Plan Commission shall appoint the members of the Plat Committee, as provided by IC 36-7-4-701 and the Commission's Rules of Procedure.
- e.** The Plan Commission shall conduct public hearings and make written findings as to whether the proposed subdivision complies with the standards of this Ordinance.

### **3. Plat Committee**

- a.** A Plat Committee is hereby established in accordance with IC 36-7-4-701. The membership shall be as described in the Plan Commission Rules of Procedure.
- b.** The Plat Committee is authorized to grant primary approval, without notice or hearing, of a minor subdivision that complies in all respects with the standards of this ordinance, subject to the right to appeal to the Plan Commission.
- c.** The Plat Committee shall keep accurate records of its proceedings and shall operate in accordance with the Plan Commission Rules of Procedure and the provisions of IC36-7-4-701.

### **4. Executive Director and Staff**

- a.** The Executive Director is hereby designated to administer and interpret this Ordinance. Any interpretation of the ordinance may be appealed to the Plan Commission.
- b.** The staff shall accept applications and filing fees for subdivisions.
- c.** In accordance with IC 36-7-4-705, the Executive Director shall review proposed subdivisions for technical conformity with the standards set forth in this Ordinance and shall set a date for a public hearing on each proposed subdivision.

## **Subdivision Control Ordinance of Scott County, Indiana**

- d.** The Executive Director is hereby authorized to grant Secondary Approval to Basic Subdivisions, provided that the it is found that all conditions of approval have been met. Appeal of such decisions by the Executive Director will be to the Area Plan Commission.
- e.** The Executive Director is hereby authorized to grant secondary approval to Minor and Major Subdivisions, provided that the she/he finds that all conditions of primary approval have been met.

### **B. Amendments**

In accordance with IC 36-7-4-701, this Ordinance may be amended in the same manner as the Zoning Ordinance.

### **C. Modifications of Requirements and Standards**

The Commission may modify the of Major Subdivision requirements and standards of this Ordinance as will not be contrary to the public interest, where owing to extraordinary conditions, fully demonstrated by the applicant on the basis of facts presented, strict compliance with the provisions of this Ordinance will result in practical difficulties or misuse of property. It is the intent of this Ordinance that this authority will be used sparingly and only when the applicant has clearly demonstrated that all criteria in Subsection 1. are met. The burden of proof is on the applicant.

- 1.** In the exercise of its authority under this section, the Commission shall grant modifications only upon finding that all of the following criteria are met:
  - a.** The modification will not be detrimental to the public health, safety, or general welfare;
  - b.** The modification will not adversely affect adjacent property;
  - c.** The modification is justified because of exceptional topographic or other physical conditions unique to the property involved and is not to correct mere inconvenience or financial disadvantage;
  - d.** The conditions upon which the modification request is based are unique to the property for which the relief is sought and are not applicable generally to other property;
  - e.** The modification is consistent with the intent and purposes of this ordinance and with the Comprehensive Plan
  - f.** The condition necessitating the modification was not created by the owner or applicant;
  - g.** The relief sought will not in any manner vary the provisions of the Zoning Ordinance.
- 2.** In granting modifications, the Commission may require such conditions as will, in its judgment secure substantially the purposes of this Ordinance.
- 3.** A request for a modification from the terms of this Ordinance shall be submitted in writing at the time when the subdivision is filed with the Commission for consideration for Primary Approval. The request shall

## **Subdivision Control Ordinance of Scott County, Indiana**

state fully the grounds for the application and all facts relied upon by the applicant.

### **D. Basic Subdivisions**

#### **1. General**

- a.** The Executive Director is hereby authorized to certify that subdivisions qualify as Basic under the terms of this ordinance.
- b.** The Executive Director shall review all Basic subdivision applications and shall determine whether such meets the requirements listed for Basic Subdivisions in Article 2 and shall issue a written finding to the applicant.

#### **2. Filing**

- a.** An application for approval of a Basic Subdivision shall be filed with the Plan Commission on forms specified by the Commission.
- b.** Applications for Basic Subdivisions shall contain all required materials as specified in the Plan Commission Rules of Procedure.

#### **3. Recording**

The approved plat or survey of the Basic Subdivision must be recorded in the Office of the Scott County Recorder within the time limit established in Table 3-2, or the approval will be null and void.

### **E. Minor Subdivisions**

#### **1. General**

- a.** The Plat Committee is hereby authorized to grant primary approval to Minor Subdivisions. The Committee may impose such conditions as are necessary to ensure compliance with the standards of this Ordinance.
- b.** The Executive Director is hereby authorized to grant secondary approval to Minor Subdivisions. Such approval shall be granted only after expiration of the appeal period and after all conditions of primary approval imposed by the Plat Committee have been met.

#### **2. Filing**

- a.** An application for approval of a Minor Subdivision shall be filed with the department on forms specified by the department.
- b.** Applications for Minor Subdivisions shall contain all required materials as specified in the Plan Commission Rules of Procedure.

#### **3. Modification**

If the applicant desires to make changes to a Minor Subdivision that has received primary approval from the Plat Committee, the applicant shall follow the same procedure as for the initial application for primary approval and the case will be heard by the Plan Commission.

## **Subdivision Control Ordinance of Scott County, Indiana**

### **4. Appeal**

A final decision of the Plat Committee may be appealed to the Plan Commission in accordance with the provisions of IC 36-7-4-700 et seq. or other applicable law or statute.

### **5. Recording**

The approved plat of the Minor Plat must be recorded in the Office of the Scott County Recorder within the time limit established in Table 3-2, or the approval will be null and void.

### **6. Waivers**

Refer to Article 3 Section A. 1 (c)

## **F. Major Subdivisions**

### **1. General**

- a.** The Plan Commission, in accordance with IC 36-7-5-702 is authorized to grant primary approval to Major Subdivisions after a duly advertised public hearing. The Committee may impose such conditions as are necessary to ensure compliance with the standards of this Ordinance.
- b.** The Executive Director or designee thereof is hereby authorized to grant secondary approval to Major Subdivisions. Such approval shall be granted only after all conditions of primary approval imposed by the Plan commission have been met.

### **2. Pre-Filing Conference**

- a.** Prior to formal application for subdivision approval, the subdivider shall present for discussion a sketch showing generally the boundaries of the proposed subdivision, the proposed street and lot pattern, dimensions, topography, proposed drainage pattern, north arrow, scale and any other pertinent information then known to the subdivider.
- b.** The Executive Director shall schedule a prefiling conference of the Commission and the City's Board of Public Works and Safety or the County Engineer as appropriate and of other public agencies, to discuss the improvements and uses of the subdivision and any potential problems involved in the proposed subdivision. See the Area plan Commission Rules of Procedure for details.

### **3. Modification**

If the applicant desires to make changes to a Major Subdivision that has received primary approval from the Plan Commission, the applicant shall follow the same procedure as for the initial application for primary approval and the case will be heard by the Plan Commission.

### **4. Filing**

- a.** An application for primary approval of a Major Subdivision shall be filed with the department on forms specified by the department.

## Subdivision Control Ordinance of Scott County, Indiana

b. Applications for Major Subdivisions shall contain all required materials as specified in the Plan Commission Rules of Procedure.

### 5. Recording

The approved drawing of the Major Plat must be recorded in the Office of the Scott County Recorder within the time limit established in Table 3-2, or the approval will be null and void.

### 6. Waivers

Refer to Article 3 Section A. 1 (c)

## G. Validity of Approval

### 1. Time Periods

Approvals granted under the terms of this Ordinance shall be valid for the time periods indicated on Table 3-2.

| Table 3-2<br>Validity of Approval       |                                    |  |
|---|------------------------------------|--|
| Type of Approval                        | Action Required                    | Deadline for Action                      |
| Basic Subdivision                       | Recording of drawing               | 30 days from date of staff approval      |
| Primary Approval of Minor Subdivision   | Application for Secondary Approval | 6 months from date of Primary Approval   |
| Secondary Approval of Minor Subdivision | Recording of Plat                  | 3 months from date of Secondary Approval |
| Primary Approval of Major Subdivision   | Application for Secondary Approval | 1 year from date of Primary Approval     |
| Secondary Approval of Major Subdivision | Recording of Plat                  | 30 days from date of Secondary Approval  |

### 2. Expiration

In the event that the required action is not taken within the specified time period, the approval shall be null and void.

### 3. Extensions

The Commission may grant extensions of time if the applicant demonstrates to the Commission's satisfaction that there are extenuating circumstances that necessitate or justify the extension. The applicant must request such extension before the expiration of the approval period.

## H. Improvements and Financial Guarantees

### 1. Completion of Improvements

All improvements required by the Plat Committee or Plan Commission shall be shown on the improvement plans and must be completed within two years from the date of approval, with the following exceptions:

a. If sidewalks are to be installed as lots are developed, the Commission may approve time extensions for sidewalk completion with the

## **Subdivision Control Ordinance of Scott County, Indiana**

submission of an appropriate financial guarantee. Each extension shall be for a maximum of two years, and no more than 3 such extensions may be granted. In deciding whether to grant the extension, the Commission shall consider the degree of completion of construction in the subdivision, the effect of the extension on property owners in the subdivision, and weather or other conditions affecting construction.

- b.** The County Highway Engineer or City Board of Public Works and Safety may approve a time extension for installing the final paving course (surface coat) with the submission of an appropriate financial guarantee. The time extension shall be for a maximum of two years, and only one such extension may be granted. In deciding whether to grant the extension, the Engineer or City Board of Public Works and Safety shall consider the degree of the completion of the subdivision, the effect of the extension on property owners in the subdivision, and weather or other conditions affecting the construction. A decision to deny an extension may be appealed to the City Council or County Commissioners as appropriate.
- c.** Other extensions of time may be approved by the Commission with the submission of an appropriate financial guarantee, if unusual conditions exist that impede timely completion.. In deciding whether to grant the extension, the Commission shall consider the degree of the completion of the subdivision, the effect of the extension on property owners in the subdivision, and weather or other conditions affecting the construction.

### **2. Secondary Approval and Performance Guarantees**

A subdivision plat may be recorded only after secondary approval has been given as specified in this article. Secondary approval shall not be given until one of the following has been accomplished:

- a.** All conditions included in Primary Approval are met. If bonds, paid contracts or a cashiers check are required as terms of primary approval they will be presented at the time application for Secondary Approval is made. Such performance guarantees will be retained until the County Commissioners or City Council have accepted required public improvements and all improvements have been satisfactorily completed in accordance with the approved plans.
- b.** The applicant has posted financial guarantees in an amount equal to one hundred twenty-five percent of the cost of public improvements to provide for their construction and maintenance cost for the first two years in the case that the developer cannot complete the work. The terms of the guarantees must be acceptable to the Area Plan Commission. If time extensions are granted under Subsection 1, the cost estimate must be reviewed and the amount of the guarantee increased if necessary.

## Subdivision Control Ordinance of Scott County, Indiana

### 3. Acceptable guarantees

Acceptable guarantees include an irrevocable letter of credit, certified check, performance bond, or other guarantee acceptable to the Plan Commission. Such guarantee shall be equal to one hundred (100) percent of the cost of the materials and installation and shall be accompanied by a written assurance that such improvement will be completed to the satisfaction of the City or County within a specified period. When the improvement is complete, the applicant shall so notify the City Board of Public Works and Safety or County Engineer, who shall then inspect the property. If the improvements have been completed in accordance with the approved plan, the City or County shall release the financial guarantee. If the improvements have not been completed in accordance with the approved plan by two months prior to the expiration of the guarantees, the City or County shall file a claim for the amount of the unfinished work.

### 4. Maintenance Guarantees

As a condition of the acceptance of improvements and/or release of financial guarantees posted under the terms of this section, the subdivider shall post with the Commissioners or City Council financial guarantees ensuring maintenance of satisfactorily completed improvements in good repair. These guarantees shall be in an amount equal to twenty-five percent of the estimated cost of all improvements and shall be in effect for a period of two years.

Acceptable guarantees include an irrevocable letter of credit, certified check, performance bond, or other guarantee acceptable to the Plan Commission. Such guarantee shall be equal to twenty-five (25) percent of the cost of the materials and installation and shall be completed in accordance with the approved plan and to the satisfaction of the City or County within a specified period. When the improvement is dedicated and accepted, The City or County shall release the financial guarantee.

### 5. Release of Financial Guarantees

- a. After completion of all public improvements and prior to the release of the performance guarantee on the improvements, the subdivider shall provide drawings showing the actual location of all installed street improvements, sanitary and storm sewer improvements, water mains, fire hydrants, improvements, valves and stubs, monuments and markers, drainage facilities and other installed permanent improvements. This map shall be certified by a registered engineer or land surveyor.. One copy of these plans shall be submitted to the County or City Engineer and one copy shall be submitted to the Planning Commission.
- ~~b.~~ The Commissioners or City Council may grant a partial release from a financial guarantee for portions of the improvements which are complete, dedicated and accepted by the Commissioners or City Board of Public Works and Safety

### 6. Inspection

- a. **Preconstruction.** Before beginning any work within the subdivision, the developer shall meet on the site with appropriate representatives

## Subdivision Control Ordinance of Scott County, Indiana

of the County or City. These representatives may include but are not limited to the County Highway Engineer or City Street Superintendent, the County Surveyor, the County Health Officer, the Building Commissioner and the County Extension Educator.

- b. Construction.** The appropriate County or City representatives shall inspect and require that the installation of all improvements take place in accordance with plans approved by the Area Plan Commission. The County or City representatives shall have authority over the schedule of construction, materials used, methods of construction, and workmanship to ensure compliance with the terms of the approved plans.

### I. Development Plans

A Development Plan is required to facilitate the review of projects in approved Waste Disposal and Planned Unit Development overlay Districts, for large scale redevelopment projects, and other projects that do not fall within the definition of Minor or Major Subdivisions. All Business and Industrial projects involving new structures or substantial renovation require a development Plan.

#### 1. Authority

In accordance with IC 36-7-4, the 1400 Series, the Plan Commission is hereby authorized to approve or disapprove Development Plans for the uses in the zoning districts for which they are required under the terms of this Ordinance.

#### 2. Criteria

The term "Development Plan" refers to a plan for a district, a neighborhood, the downtown, a Planned Unit Development or a highway corridor in which a large area with a common characteristic or economic connection is developed or revitalized. Development plans are intended to ensure that districts and uses with special needs for compatibility are developed in a responsible manner, consistent with the Comprehensive Plan and with the spirit and intent of this Ordinance. The Plan Commission shall approve a Development Plan only if the following criteria are met:

- (A) The development is compatible with surrounding land uses.
- (B) The development will have adequate sewage disposal, water supply, drainage, and other utilities.
- (C) Traffic will be managed in a manner that creates conditions favorable to health, safety, convenience, and the harmonious development of the community as described below:
  - (1) The design and location of proposed street and highway access points minimize safety hazards and congestion.
  - (2) The capacity of adjacent streets and highways is sufficient to safely and efficiently accept traffic that will be generated by the new development.



## **Subdivision Control Ordinance of Scott County, Indiana**

- (3) The entrances, streets, and internal traffic circulation facilities in the development plan are compatible with existing and planned streets and adjacent developments and are safe for pedestrian and vehicular traffic.

### **3. Review and Approval**

#### **a. Primary Approval**

(1) An applicant for development plan approval shall submit an application accompanied by all information, materials and fees required by the Plan Commission Rules of Procedure.

(2) The Plan Commission shall determine if the development plan is consistent with the comprehensive plan; and satisfies the development requirements specified in this Ordinance.

(3) The plan commission may do the following:

- i. Impose conditions on the approval of a development plan if the conditions are reasonably necessary to satisfy the design specifications for a Major Subdivision contained in this Article for approval of the development plan.
- ii. Provide that approval of a development plan is conditioned on the furnishing to the plan commission of a bond or written assurance that:
- iii. Guarantees the timely completion of a proposed public improvement in the proposed development; and
- iv. Is satisfactory to the plan commission.
- v. Permit or require the owner of real property to make a written commitment as provided in Section I (above).

(4) The Plan Commission shall make written findings concerning each decision to approve or disapprove a development plan. The Plan Commission president is hereby designated as the official authorized to sign the written findings.

#### **b. Secondary Approval**

The Executive Director is hereby authorized to grant secondary approval of Development Plans. After meeting all conditions of primary approval, the applicant may submit the development plan for secondary approval. The Executive Director shall review the application and if all conditions have been met, the Executive Director shall grant secondary approval. Any refusal to grant secondary approval may be appealed to the Plan Commission.

### **J. Planned Unit Development (PUD)**

#### **1. General**

- (a) Planned Unit Developments are provided for as overlay districts within the Zoning Ordinance and as such require Development Plan Approval by the APC as described in Section I (above).

## **Subdivision Control Ordinance of Scott County, Indiana**

- (b) Purpose. It is the intent of this overlay district to allow needed flexibility in the siting, development, and operation of mixed land uses. It also is the intent of this overlay district to establish regulations, which are necessary to promote the public health, safety, and general welfare of the community.

### **K. Commercial and Industrial Subdivision**

#### **1. General Compliance**

Application, Primary and Secondary Approval of Commercial and Industrial Subdivisions shall be as specified in the Major Subdivisions provisions.

#### **2. Lots**

A. Only approximate number of lots shall be shown on the Primary Subdivision drawing. Final lot arrangement need only be shown on Secondary Subdivision drawings.

B. The total lot area shall be sufficient to provide adequate space for off-street parking, loading, landscaping, drainage, and other needed facilities.

C. Whenever possible, commercial parcels should include enough land to provide for a group of commercial establishments, planned, developed, owned or managed as a unit.

#### **3. Street System Approval**

Approval of the proposed street system or pattern shall be determined by the following factors:

- a. Traffic movements in and out of and entrances and exits to commercial and industrial subdivisions shall not interfere with external or through traffic, nor shall they create hazards for adjacent residential areas.
- b. The design of streets, marginal service roads and pedestrian ways shall provide for safe and hazard-free internal circulation.
- c. Where a commercial or industrial subdivision fronts or abuts an arterial street, road or highway the Commission may require a service street approximately parallel to the arterial. The location, distance from the arterial and the width of any utility easement will be appropriate to the site, traffic conditions and the trend of development of the area
- d. Offsite improvements to the streets, roads or highways to accommodate the industrial or commercial development shall be included as conditions of the Primary Approval

### **L. Subdivision Replats**

For the purpose of this Ordinance, a subdivision replat shall be any revisions that create a new building lot of record to a recorded subdivision. The name of a replat shall not be identical to the original subdivision name, but the original name shall

## **Subdivision Control Ordinance of Scott County, Indiana**

be contained within the name of the replat. Subdivision Replat Procedures shall be the same as for Minor or Major Subdivisions whichever is applicable.

### **M. Vacation of Plats**

#### **1. General**

The Area Planning Commission has exclusive control over the vacation of:

- a.** plats or parts of plats; and
- b.** public ways, easements, or public places, or parts of any of them, whether or not they are included in an approved plat.

The Plan Commission shall adopt rules governing the procedure for the conduct of the hearing. The vacation of public ways, easements, or public places, or parts of any of them may be made only upon a finding by the Plan Commission that the vacation is in the public interest. The plat committee may accomplish the vacation of plats or parts of plats by proceeding in accordance with IC 36-7-3-10 or IC 36-7-3-11. Vacation or replatting may include the vacation or amendment of any recorded covenant running in favor of any governmental agency, or restriction, that was contained in the original plat.

# Subdivision Control Ordinance of Scott County, Indiana

## Article 4. Development and Design Standards

### A. Minor Subdivisions

#### 1. General Requirements

Applications for Approval of Minor Subdivisions shall be made in accordance with the Commission's Rules of Procedure.

#### 2. Lots

- a. All lots shall have suitable building sites, properly related to topography and other natural or man-made features. A suitable building site is an area not containing wetlands, floodway areas, soils with severe limitations for foundations, environmental hazards, or other similar conditions that are adverse to construction, and is large enough to accommodate the principal structure, on-site sewage disposal system (if applicable), and customary accessory structures such as garages, decks, and patios.
- b. All lots shall have the minimum frontage required by the zoning ordinance on a public street or road or approved private access easement.
- c. Whenever possible, residential lots shall be designed to have access from Subdivision Streets, not from streets of higher classification. Where access must be gained from a street of higher classification, the County Highway Engineer or City Street Superintendent may require that multiple lots be served by a single jointly used access drive in order to limit the points of traffic conflict on the street. When such a combined drive is required, the plat shall include an easement providing for joint use and maintenance.
- d. No subdivision of land shall be approved unless all of the lots created meet the minimum lot size and lot frontage requirements for the district in which the land is located.

#### 3. Streets and Access

- a. Access. All subdivision developments shall have adequate ingress and egress by way of existing roads or streets without the construction of any new streets or substantial improvement to existing streets.
  - 1) All lots shall have legal access to a platted or road that is or will be built to City or County standards whichever is Existing public streets or roads shall have a hard surface, suitable for vehicular traffic, that is at least eighteen feet in width, is in good repair, and has a geometry suitable for the traffic that it will carry after the proposed subdivision.
  - 2) Private access easement shall be a minimum of 50 feet wide, recorded on both the dominant and servient parcels. Access easements may also serve as utility easements.

## Subdivision Control Ordinance of Scott County, Indiana

- 3) Frontage on limited access streets on which driveways cannot open shall not constitute legal access.
  - 4) If by reason of topography, natural or man-made features, or other conditions relating to the property requested for subdivision, better access can be provided through construction of a new street, the petition shall be considered as a major subdivision.
  - 5) All lots shall have driveway locations that will provide adequate sight distance and will be properly spaced according to City or County standards.
- b.** Land adjacent to the property involved in the subdivision shall have adequate access according to the criteria contained in this section. New subdivisions shall not be permitted to landlock, nor to continue the landlocking of adjacent property.
- 4. Water Supply**
- a.** When a public water supply is available within  $\frac{1}{4}$  mile of any point on the boundary of the property to be subdivided, the subdivider shall extend such system to serve the lots in the minor subdivision. For purposes of this section, an available system is one with sufficient capacity that can be utilized via existing rights-of-way or easements. Additionally, the connection must be considered by the Plat Committee to be economically feasible for the subdivider to achieve.
  - b.** When a public water supply is not available, the Commission may approve the use of cisterns or individual wells. Wells and cisterns shall be located and/or constructed in accordance with the regulations of the Health Department. Any well serving an individual lot shall be located on such lot.
- 5. Sewage Disposal**
- a.** When a sanitary sewer system approved by IDEM is available within  $\frac{1}{4}$  mile of any point on the boundary of the property proposed for subdivision, the subdivider shall extend such sewer system to serve the lots in the minor subdivision. Such system shall meet the standards of IDEM. If the service provider imposes a higher standard, the higher standard shall apply. For purposes of this section, an available system is one with sufficient capacity that can be utilized via existing rights-of-way or easements and employing gravity flow, force main or lift station. Additionally, the connection must be considered by the Plat Committee to be economically feasible for the subdivider to achieve.
  - b.** When a public sewer system is not available as specified in Subsection a, septic systems may be used. Such system shall be designed and installed in accordance with the regulations of the Health Department. Any septic system serving only an individual lot shall be entirely located on such lot. Two filter field locations

## **Subdivision Control Ordinance of Scott County, Indiana**

(primary and contingency) approved by the Health Department should be included. The septic system and both filter fields shall be protected from damage during construction. Only one filter field will be constructed. The contingency field location will be reserved for use should the primary field fail.

### **6. Drainage**

- a.** Drainage board approval of a drainage plan is required prior to filing an application for Primary Subdivision Approval.

## **B. Major Subdivisions**

### **1. General Requirements**

- a.** Applications for primary or secondary approval of major subdivisions shall be made in accordance with the Commission's Rules of Procedure.
- b.** The developer shall complete all improvements and installations required by this Ordinance within the time limits established in Article 3.
- c.** If the major subdivision is to have a lot owners association that is responsible for ongoing compliance of the development with this ordinance, the association shall meet the following requirements:
  - 1) Membership shall be automatic for all owners of lots in the subdivision.
  - 2) The association shall be organized as a legal entity.
  - 3) The association shall be organized by the developer and shall be financed by the developer until a sufficient number of lots have been sold to enable the association to be financially solvent without a subsidy from the developer.
- d.** Major subdivisions may be accompanied by covenants. When necessary to ensure compliance with a provision of this ordinance the Commission may require that the County or City be a party to or have enforcement authority over specified covenants or restrictions. The covenants must be filed in the Office of the Scott County Recorder.
- e.** All materials and construction procedures required by this Ordinance shall conform with the most recent editions of The Indiana Department of Transportation Standard Specifications; and the following AASHTO publications: Road Design Manual, Bridge Design Manual, A Policy on Geometric Design of Highways and Streets

### **2. Lots**

- a.** All lots shall have satisfactory building sites properly related to topography and other features.
- b.** All lots shall be capable of containing driveways having sight distance that complies with the standards set forth on Table 4-3.

## Subdivision Control Ordinance of Scott County, Indiana

- c. Lot sizes and dimensions shall comply with the minimum standards of the Zoning Ordinance.
- d. Each lot shall have the full required frontage on a public street. To the fullest extent practical, residential lots shall front on residential subdivision streets in such a manner as to provide neighborhood cohesiveness. Lots with frontage on arterial, collector, or local streets shall not be permitted.
- e. Residential double-frontage lots shall be permitted only where necessary to provide separation of residential development from street traffic or due to conditions peculiar to the property. Non-residential double-frontage lots are acceptable; however, the Commission shall require a landscape buffer along any frontage that constitutes a rear or side yard. Such buffer shall be at least 10 feet in depth along the lot frontage.
- f. Residential lots shall be designed to have access from Subdivision Streets, not from streets of higher classification. Where no alternative exists to access from a street other than a subdivision or marginal access street, the Commission may require that multiple lots be served by a single jointly used access drive in order to limit the points of traffic conflict on the street. When such a combined drive is required, the plat shall include an easement providing for joint use and maintenance.
- g. The depth to width ratio of any single-family residential lot shall not be greater than 3:1 unless the Commission finds the proposed lot configuration is needed to provide for wise use of the land.
- h. Driveway separations shall be provided in accordance with Table4-2..

**Table 4-1  
Minimum Driveway Separation Distance**

| Street Type | Residential Drive (1- or 2-family) | Nonresidential or Multifamily Drive |
|-------------|------------------------------------|-------------------------------------|
| Arterial    | 200 feet <sup>1</sup>              | 200 feet                            |
| Collector   | 150 feet <sup>1</sup>              | 150 feet                            |
| Local       | 100 feet                           | 100 feet                            |
| Subdivision | 1 per lot <sup>2</sup>             | 100 feet                            |

<sup>1</sup>It is the intent of this Ordinance that residential driveways should not open onto arterial or collector streets and should be avoided on local streets. Where such driveways are necessary, the number of access points shall be kept to a minimum, and in such cases, accesses should be combined wherever possible.

<sup>2</sup> A circular driveway with two points of entry on a single lot is permitted provided the sight distance standards in Table 4-3. are met.

## Subdivision Control Ordinance of Scott County, Indiana

### 3. Blocks

- a. Blocks shall have sufficient width to provide for two tiers of lots of appropriate depth. The Commission may waive this requirement if the block is adjacent to a major street or railroad or if topography or other natural features preclude this arrangement.
- b. The lengths, widths, and shapes of blocks shall be appropriate for the location and the type of development permitted. Block lengths in residential areas shall not exceed 1500 feet nor be less than 300 feet in length. Cul-de-sacs shall not exceed 1500 feet in length. For purposes of this Section, a series of cul-de-sacs with only one point of access shall be considered to be a single cul-de-sac.

### 4. Streets or Roads

- ~~a.~~ The Commission shall not approve any major subdivision unless the area to be subdivided has access to an existing public street. Such access shall be wide enough to permit the construction of new intersecting streets meeting the minimum standards of this ordinance. If the Commission finds that existing streets that will provide access to the subdivision are not adequate to provide safe ingress and egress for the increased traffic resulting from the subdivision, the Commission shall deny the subdivision. Streets that by reason of pavement condition, topography, sight distance, width, or other conditions are not suitable for the increased traffic shall be considered inadequate, and subdivision shall be permitted only if the developer formulates methods acceptable to the Commission of mitigating the unsuitable conditions.
- ~~b.~~ The owners of property to be subdivided on existing streets shall deed to the County or City any additional right-of-way needed to comply with the minimum right-of-way widths for those streets as indicated in the Thoroughfare Plan. Where topography or design features necessitate additional right-of-way or easements to permit construction of a street to the established pavement width for such street, the Commission shall require the owner to dedicate to the County or the City such additional right-of-way.
- c. The subdivision plat shall indicate proposed street names. The Commission shall approve the street names for County Commissioners' or City Council's approval only if the street names are appropriate, do not duplicate existing street names, and will not be confusing to emergency personnel or others needing to locate addresses.
- d. Streets shall be laid out with due regard to topography, soil conditions, natural features, function, clarity of movement, and economy of street length. All streets shall be properly integrated with existing and proposed streets. Street and road design shall conform to the guidance in Design Manual INDOT Part 5 Vol-1 and 2.



## Subdivision Control Ordinance of Scott County, Indiana

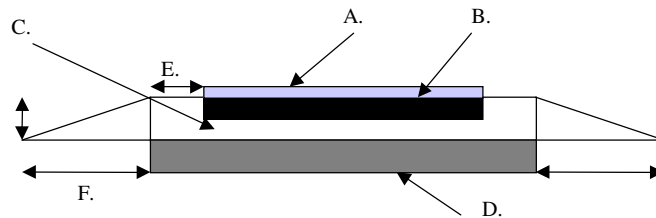
- e. New streets shall be extended to the boundary lines of the tract to be subdivided, unless topography or other physical conditions preclude such extension. Whenever practicable, the Commission shall require that streets be designed to provide connections to existing and future subdivisions.
- f. Subdivision streets shall be designed to discourage use by through traffic. Traffic calming measures shall be utilized within subdivisions. Such measures include but are not limited to traffic circles, frequent intersections, traffic control signs and markings, and medians
- g. Permanent dead-end streets shall not be permitted, excepting Cul-de-sacs.
- h. Temporary dead-end streets shall be permitted only when such streets are to be extended as part of street pattern approved by the Commission. Where temporary dead-end streets extend along more than one lot, a temporary turn-around with a minimum radius of 50 feet and a minimum 6-inch thick paved surface shall be provided.
- i. Private streets (excepting in Manufactured Housing or Mobile Home Parks), private access easements (except in the case of shared driveways) and half-streets shall not be permitted.
- j. The Commission shall not approve any Subdivision Street intersecting with a state highway unless the developer provides written approval from INDOT for such intersection.
- k. The minimum right-of-way widths for streets shall be as indicated on Table 4-2.

| Table 4-2<br>Minimum Right-of Way & Pavement Widths |                     |                     |  |  |
|---|---------------------|---------------------|--|--|
|   | Arterial            | Collector           | Local  | Marginal Access or Subdivision                     |
| <i>Right-of-way width</i>                           | 80 feet             | 60 feet             | 50 feet w/curb & gutter; 60 feet w/o curb & gutter | 50 feet w/curb & gutter; 60 feet w/o curb & gutter |
| Pavement width                                      | 12 feet/travel lane | 12 feet/travel lane | 24 feet  | 20 feet  |

- l. Streets and roads shall conform to the Typical Cross Sections and design standards contained in Standard Drawings contained in this section.

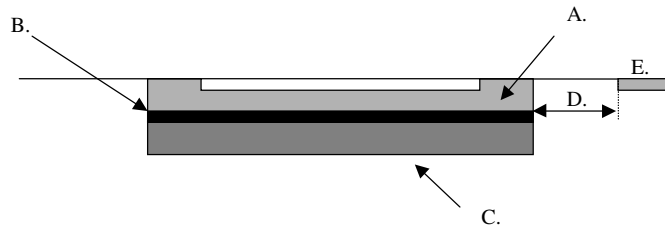
# Subdivision Control Ordinance of Scott County, Indiana

## Typical Cross Section Detail - Residential Streets & County Roads



### Hot asphalt street w/o curb

- A. 2" thick asphalt surface 11' wide lanes (14' w/curb) 2% slope from center crown
- B. 3" binder asphalt base
- C. 12" #53 compacted aggregate
- D. Compacted sub-base at 95% Standard Proctor
- E. 8' shoulder
- F. 4' slope to ditch at 6:1 slope

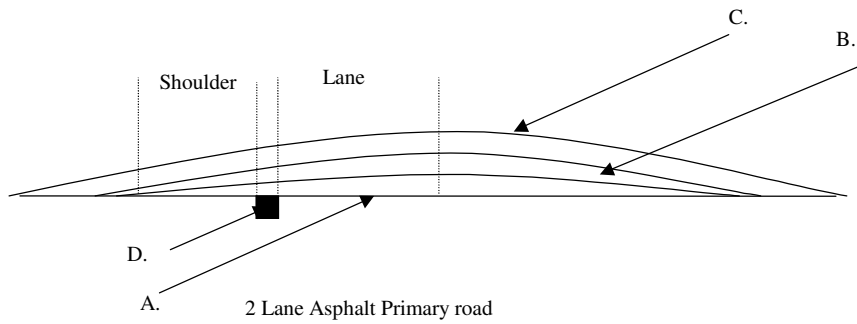


### Concrete street with curb

- A. 9" thick 4000 psi concrete surface. 14' wide lanes w/curb 2% slope from center crown
- B. 6" #53 compacted aggregate
- C. Compacted sub-base at 95% Standard Proctor
- D. 3' grass median
- E. 4' Sidewalk (5" plain or 4" reinforced 4000 psi concrete)

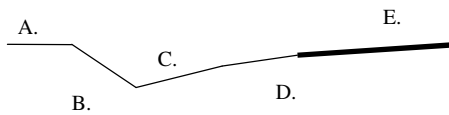
# Subdivision Control Ordinance of Scott County, Indiana

## Cross Section Detail for Rural Subdivision Roads



- A. 7" #53 aggregate compacted base
- B. 2" binder asphalt sub-base
- C. 1" asphalt surface layer 10' lanes 10' shoulders, 2% slope from center crown to shoulder, shoulder slope 1" per foot and slope from shoulder to grade 6:1
- D. Surface drain at minimum depth of 22 inches
- \*\* In urban areas add curbs

## Details of Rural Road



- A. Grade
- B. Slope 2:1
- C. 6' slope 4:1
- D. 8' slope at a slope of 1' per foot
- E. Lane

## Subdivision Control Ordinance of Scott County, Indiana

- m. Minimum sight distances for vehicles from access points on driveways or at intersections onto adjacent roads shall be as shown on Table 4-3.

| Table 4-3<br>Vehicle Sight Distances |         |         |           |         |           |         |           |
|--------------------------------------|---------|---------|-----------|---------|-----------|---------|-----------|
| 20 mph                               | 30 mph  | 40 mph  |           | 50 mph  |           | 60 mph  |           |
| 2-lane                               | 2-lane  | 2-lane  | 4 or more | 2-lane  | 4 or more | 2-lane  | 4 or more |
| 300 ft.                              | 300 ft. | 350 ft. | 390 ft.   | 520 ft. | 550 ft.   | 700 ft. | 750 ft.   |

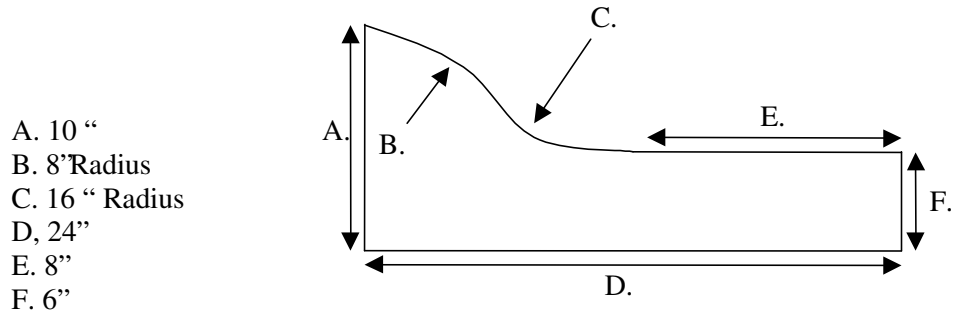
- n. All traffic control devices required by this ordinance shall comply with the Manual on Uniform Traffic Control Devices.
- o. No private access easement shall be created to facilitate the subdivision of a tract, parcel or lot.
- p. Only private easements of necessity and those public easements necessary to allow the use of roads and streets prior to dedication and acceptance by the City Council or County Commissioners will be approved for major subdivisions.

### 5. Curbs and Gutters

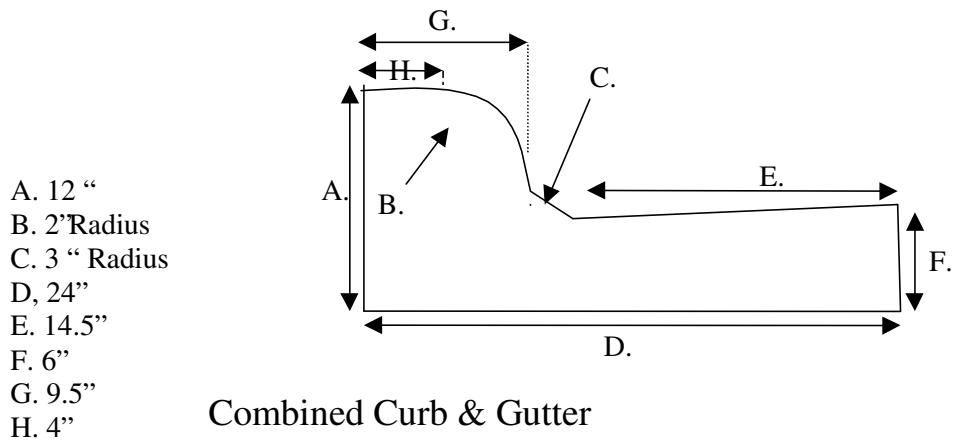
- a. The developer shall install curbs and gutters in all subdivisions having a gross density higher than one lot per acre.
- b. The curbs and gutters may be of the following types:
  - 1) Roll type and curb and gutter
  - 2) Six-inch vertical curb and gutter
- c. Curb and gutter shall conform to the Indiana Department of Transportation Standard Specifications, contained in Standard Drawings contained in this section.

# Subdivision Control Ordinance of Scott County, Indiana

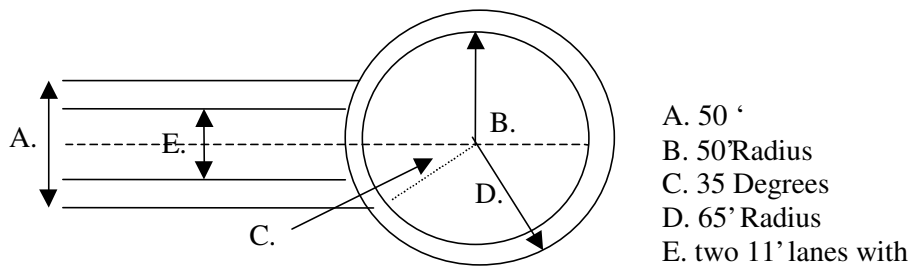
## Typical Details - Curbs, Gutters & Cul-de-sac



### Rolled Curb & Gutter



### Combined Curb & Gutter



### Typical Cul-de-sac

## Subdivision Control Ordinance of Scott County, Indiana

### 6. Other Installations

The subdivider shall be responsible for installing street name signs, traffic control devices, subdivision identification signs, and any other similar features shown on the subdivision plat.

### 7. Landscaping

When a subdivision is designed so that rear lot lines abut a street, a landscape screen shall be provided along such street frontage. A landscape (vegetation) buffer, at least 10 feet in width shall be included on the plat.

### 8. Utility Easements

- a. Each subdivision shall include appropriate easements for drainage and utilities, in accordance with the drainage plan. When located along streets, such easements shall have a minimum width of 10 feet. When located along side or rear property lines or interior to any lot, such easements shall have a minimum width of 15 feet or 7½ feet on each side of the lot line. The Commission shall require larger easements when necessary for carrying out the purposes of this Ordinance.
- b. **Utility** Easements shall have multiple functions wherever possible.
- c. **Utility** Easements shall provide reasonable continuity from block to block.
- d. The Commission shall require utility easements for the maintenance of dams or other features when such easements are necessary to provide access for personnel and/or equipment to perform such maintenance.

### 9. Intersections

- a. Streets shall be laid out so as to intersect as nearly as possible at right angles. In no case shall two new streets intersect at an angle less than 75 degrees. An oblique street shall be curved approaching an intersection and shall be approximately at right angles for at least 100 feet therefore. No more than two streets (four approaches) shall intersect at any one point.
- b. Street and road design shall conform to the guidance in Design Manual INDOT Part 5 Vol1 and 2.
- c. Proposed new intersections with an existing street shall, wherever practicable, coincide with any existing intersections on the other side of such street. Centerline offsets of less than 150 feet shall not be permitted, except where the intersected street has separated dual drive lanes with no median breaks at either intersection. Where new streets intersect collector or arterial streets, their alignment shall be continuous.
- d. Intersections shall be designed with a flat grade wherever practical. For intersections in areas with steep slopes, the developer shall

## Subdivision Control Ordinance of Scott County, Indiana

provide a leveling area having a rate no greater than 2% at a distance of 60 feet, measured from the nearest right-of-way line of the intersecting street.

- e. Intersections shall be separated in accordance with Table 4-4.

| Table 4-4<br>Minimum Intersection Design Standards |                 |
|--|-----------------|
| Design Criterion                                   | Standard        |
| Maximum approach speed                             | 25 mph          |
| <b>Minimum Curb Radius</b>                         |                 |
| Subdivision-Subdivision                            | 25 feet         |
| Local-Subdivision                                  | 25 feet         |
| Local-Local  | 25 feet         |
| Local-Collector                                    | 30 feet         |
| Collector-Collector                                | 40 feet         |
| <b>Minimum Centerline Offset</b>                   |                 |
| Subdivision-Subdivision                            | 100 feet        |
| Local-Subdivision                                  | 150 feet        |
| Local-Local  | 200 feet        |
| Local-Collector                                    | 250 feet        |
| Collector-Collector                                | 400 feet        |
| Collector-Arterial                                 | <i>600 feet</i> |

### 10. Drainage and Storm water.

- a. Natural drainage patterns and natural stream channels shall be maintained wherever possible. Stream channels subject to the jurisdiction of IDNR shall not be altered without IDNR approval.
- b. The subdivider shall design and construct a drainage system to handle surface water from the entire subdivision and the drainage area of which it is a part. The system shall meet the minimum standards contained in this section.
- c. The subdivider shall prepare a drainage report addressing the existing and proposed drainage conditions and shall evaluate the ability of the proposed watercourse, channels, drainage tiles, farm tiles, storm sewers, culverts, and other improvements to handle the runoff. A registered professional engineer or land surveyor shall prepare this report, which shall contain the following:
  - 1) Estimates of the water entering the subdivision. Estimates shall assume that the upper watershed will be fully developed according to the current zoning ordinance.
  - 2) Conditions of the watershed that may affect runoff, such as subsoil type, positive drainage channels, or obstructions.
  - 3) Quantities of flow at each pickup point or culvert.

## Subdivision Control Ordinance of Scott County, Indiana

- 4) Description of major and minor drainage systems. The minor system will usually consist of but not be limited to storm sewers, drainage ditches, drainage swales, storm inlets or infiltration structures. The minor system shall be designed to handle a 10-year storm. The major system will usually consist of but not be limited to roadways, culverts, bridges or overflow drainage ways. The major system shall be designed to handle a 50-year storm.
  - 5) The location of existing subsurface drainage tiles and a plan to preserve or relocate the tiles.
  - 6) Proposed facilities which may include holding lagoons, storm water ponds, or infiltration facilities shall be prepared by a registered professional engineer and shall include data coordinating field tests with design assumptions and estimates of expected annual maintenance costs.
- d. The storm drainage system shall be separate and independent of any sanitary sewer system. The storm water drainage system shall be designed by the Rational Method (Indiana Drainage Handbook) or other method approved by the County or City Engineer, and a copy of the design computations shall be submitted with the plans. Inlets shall be provided so that surface water is not carried across or around any intersection, nor for a distance of more than 600 feet in a gutter, or when the encroachment of stormwater into the street disrupts traffic. When calculations indicate that the curb capacities are exceeded at a point, no further allowance shall be made for flow beyond that point, and catch basins or inlets shall be used to intercept flow at that point. Surface water drainage patterns shall be shown for each lot and block.
  - e. Drainage systems shall be designed so that there is no increase in the rate of runoff leaving the property in the subdivision after development. The County or City engineer shall review the proposed drainage facilities and provide the Commission an evaluation as to whether the system is of sufficient size, based upon the provisions of the required construction standards and specifications, assuming conditions of maximum potential watershed development permitted by the zoning ordinance.
  - f. The applicant shall provide information regarding the effect of each proposed subdivision on existing drainage facilities outside the subdivision. Where it is anticipated that the additional runoff related to the development of the subdivision will overload an existing downstream drainage facility, the Commission shall not approve the subdivision until provision has been made for mitigating the drainage problem.
  - g. The Commission may approve for subdivision areas that are not in designated floodway or floodway fringe areas but contain soils that



## Subdivision Control Ordinance of Scott County, Indiana

are subject to flooding only if the subdivider fills the affected areas to an elevation sufficient to place building sites and streets two feet above ponding levels.

- h.** Each block shall be adequately drained, whether through the streets or by use of a ditch, culvert, or other approved method.
- i.** All roads abutting or included within property to be subdivided shall be provided with drainage systems in accordance with the standards contained in this Ordinance.
- j.** Any disturbed or graded area shall be protected from erosion.
- k.** The Commission may require retention ponds to regulate the flow at the outfall.
- l.** Off-road drainage shall be extended to a watercourse or ditch of adequate size to receive the stormwater.
- m.** Connection to a state drainage system is allowed only with written approval from INDOT. Connection to a county or city regulated drain is allowed only with written approval in accordance with the Indiana Code requirements for such drains. Connection to a county road or City Street ditch is allowed only with written approval from the County or City Engineer.

The commission shall not approve any subdivision for which there is not adequate provision for maintenance of drainage systems. Such provision may include but is not limited to acceptance of the system by the County Drainage Board or establishment of a lot owners association with responsibility to set and collect fees for drainage system maintenance. Roadside ditches shall not be filled without written approval of the County or City Engineer.

**n. Compliance**

In addition to the requirements of this Ordinance, compliance with the requirements set forth in other applicable ordinances with respect to submission and approval of primary and secondary subdivisions, site plan review, improvement plans, building and zoning permits, construction inspections, appeals, and similar matters, and compliance with applicable State of Indiana statutes and regulations, is required.

- o. Compliance with 327 IAC 15-5** All land-disturbing activities that disturb one (1) acres or more in total must comply with 327 IAC 15-5 (Rule 5) ‘Storm Water Runoff Associated With Construction Activity.’ It is the responsibility of the subdivider to determine if this rule applies to his/her project. The Commission will make no determination of the applicability of Rule 5 to individual projects. Copies of Notice of Intent (NOI) letters must also be filed with the Plan Commission prior to commencement of the land-disturbing activity.

### 11. Water Supply

## **Subdivision Control Ordinance of Scott County, Indiana**

- a.** Where a public water system is available within  $\frac{1}{4}$  mile of any point on the boundary of the proposed subdivision, the developer shall install a public water system to serve the project. The system shall comply with the Great Lakes Upper Mississippi River Board of State Public Health and Environmental Managers Recommended Standards for Water Works. If the service provider requires a higher standard, the subdivider shall comply with such standard. Such system shall include fire hydrants and water lines of adequate capacity to serve such hydrants. Additionally, the connection must be considered by the Plat Committee to be economically feasible for the subdivider to achieve.
- b.** The subdivider shall install fire hydrants with a maximum spacing of 500 feet from any residence and a maximum separation of 1000 feet throughout the subdivision.
- c.** The location of all fire hydrants and all water supply improvements shall be shown on the improvement plans, and all such improvements shall be installed at the cost of the developer.

### **12. Sewage Disposal**

- a.** When a sanitary sewer system approved by IDEM is available within  $\frac{1}{4}$  mile of any point on the boundary of the property proposed for subdivision, the developer shall extend such sewer system to serve the entire subdivision. Such system shall meet the standards of IDEM. If the service provider imposes a higher standard, the higher standard shall apply. For purposes of this section, an available system is one with sufficient capacity that can be utilized via existing rights-of-way or easements and employing gravity flow or lift stations. Additionally, the connection must be considered by the Plat Committee to be economically feasible for the subdivider to achieve.
- b.** The location of all sewer system improvements shall be shown on the improvement plans, and all such improvements shall be installed at the cost of the developer.
- c.** When a sanitary sewer system is not available as specified in Subsection A (above), the Commission may approve the use of septic systems. Such system shall be designed and installed in accordance with the regulations of the Health Department. Any septic system serving only an individual lot shall be entirely located on such lot. Two filter field locations approved by the Health Department shall be required. The septic system and both filter fields shall be protected from damage during construction.
- d.** Developers proposing to use septic systems shall provide a map showing the soil types within the subdivision.
- e.** Alternative systems such as drip systems and constructed wetlands are permitted with proper approval from ISDH and are permitted only where an approved public sanitary sewer system is not

## Subdivision Control Ordinance of Scott County, Indiana

available. Mixed systems are not permitted. When alternative systems are used, the developer shall include in the covenants a requirement that the lot owners association maintain the system. Such covenant shall be substantially similar to that contained in The Area Plan Commission Rules of Procedure.

- f. The Commission shall approve a cluster or package system only in cases where no other sanitary sewer system is available and only after making a specific finding that a management arrangement is in place to ensure the continued effective operation and maintenance of the system. The developer shall provide to the Commission the following:
  - 1) Assurance that fees will be collected sufficient to cover the cost of operating and maintaining the system.
  - 2) Assurance that a person or firm of suitable qualifications will be employed to ensure continued proper operation of the system.
  - 3) Assurance that there will be continuous operation of the system in the event of a power outage or natural disaster.
  - 4) Assurance that all inspections and reports required by the ISDH or IDEM will be completed and that copies of all such reports will be provided to the staff.
  - 5) Provisions authorizing the County or City to collect fees and levy fines against the property owners singly and collectively in the event that the management arrangement is not strictly adhered to.

### 13. Pedestrian System

- a. For any subdivision with a density of 3 lots per acre or higher, the developer shall provide sidewalks on at least one side of all new Subdivision Streets.
- b. When proposed subdivisions abut existing streets that do not have sidewalks, the developer shall install such sidewalks. If the property to be subdivided abuts only one side of the existing street, the developer shall be responsible for sidewalks only on that side.
- c. Sidewalks shall be separated from the curb by a grassed or landscaped area at least 4 feet in width.
- d. The sidewalks shall be constructed of grade 3000 concrete pavement in accordance with the requirements of the Americans With Disabilities Act and the Indiana Accessibility Code and shall meet the minimum specifications for sidewalks are shown on Table 4-5.

**Table 4-5**

**Sidewalk Requirements**

| Street Classification | Minimum Width | Minimum Concrete Depth |
|-----------------------|---------------|------------------------|
| Arterial              | 8 ft.         | 5 in.                  |

## Subdivision Control Ordinance of Scott County, Indiana

|                             |       |       |
|-----------------------------|-------|-------|
| Collector                   | 6 ft. | 5 in. |
| Local                       | 5 ft. | 4 in. |
| Subdivision/Marginal Access | 4 ft. | 4 in. |

- e. The Commission may permit alternative locations for sidewalks where such alternative design is justified because of topography, to preserve existing trees, or other similar conditions.

### 14. Monuments and Markers

The developer shall install monuments and markers in accordance with the standards of the County Surveyor. The locations and types of monuments and markers shall be shown on the improvement plans. Such monuments and markers shall be maintained in the required locations during the development of the subdivision. Financial guarantees for such monuments and markers shall not be released until all other subdivision improvements have been completed and accepted by the County or City and shall be released only if the monuments and markers are in place at that time.

### 15. Construction Practices

- a. All lots and other land included within a subdivision shall be graded in accordance with the approved construction plans. Except for land covered by buildings, included in streets, or where the grade has not been changed and natural vegetation not seriously disturbed, the land shall be covered with topsoil having an average finish depth of at least four inches. If the existing topsoil does not meet this depth requirement, the developer shall add a sufficient amount of topsoil to meet that standard. Topsoil shall not be removed from residential lots nor used as spoil but shall be redistributed so as to provide at least four inches of cover between sidewalks and curbs and between shoulders and right-of-way lines and shall be stabilized by seeding or planting.
- b. Seeding and planting shall be completed in accordance with standard nursery practices.
- c. When necessary to protect existing development, the Commission shall designate a construction entrance for the new subdivision. Construction signs and barricades shall comply with the Indiana Department of Transportation Manual of Uniform Traffic Control Devices.
- d. The developer shall manage the construction of the subdivision in such a manner as to minimize disturbance to neighboring property. Deposit of mud or other materials on public streets or neighboring property shall not be permitted.
- e. The developer shall employ best management practices as identified by the US DEM Rule 5 and shall adhere to the erosion control plan during construction and shall protect installations within the

## **Subdivision Control Ordinance of Scott County, Indiana**

subdivision, such as catch basins and other drainage structures, from damage during construction.

### **16. Maintenance and Ownership of Common Facilities and Open Space**

- a.** Any common facilities or open space areas designated in subdivisions shall remain undivided. Ownership of open space may be by an undivided interest of each lot owner, by the lot owners association, or by a recognized land trust or conservancy, such as but not limited to the Nature Conservancy or the Trust for Public Land, open space or recreation areas may be dedicated to the County or City only if the affected County or City agency agrees to accept such dedication. Any lot/home owners association that will have ownership of common facilities or open space shall meet the following criteria:
- 1) The association shall be responsible for insurance and taxes on the facilities or open space. The association shall have the authority to place liens on the property of any of its members who fail to pay their association dues in a timely manner.
  - 2) The association shall have adequate staff to manage the common facilities, maintain its property in good condition, and handle the financial and business affairs of the association.
  - 3) The association shall prepare an annual report and provide a copy of the report together with a list of association officers to the Area Plan Commission.
  - 4) Any land trust owning such property shall be an incorporated non-profit organization having as a primary purpose the conservation of open space, natural areas, and/or agricultural land.

### **17. Survey and Plat Preparation Standards**

- a.** All surveys shall be conducted and plats prepared in accordance with the Indiana Survey Standards adopted by the Indiana Society of Professional Land Surveyors and any amendments thereto. In the event of any difference between those standards and this Ordinance, the stricter requirement shall apply.
- b.** All plats shall be neat, legible, reproducible, and reducible.
- c.** All plats shall contain a legend using standard symbols.

# **Subdivision Control Ordinance of Scott County, Indiana**

## **Article 5. Violations and Penalties ()**

### **A. Civil Zoning Violation**

Any person who uses property in violation of this ordinance shall be deemed to have committed a civil zoning violation, and the staff may issue a citation. Each day a violation remains uncorrected is a distinct and separate civil zoning violation subject to an additional citation

The owner or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, realtor, agent or other person who commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

### **B. Nuisance Declared**

Any buildings erected, raised or converted, or land or premises used in violation of any section of this Ordinance or regulation thereof is hereby declared to be a common nuisance and the owner thereof shall be liable for maintaining a common nuisance, which may be restrained or enjoined or abated in any appropriate action or proceeding.

### **C. Ordinance Violation**

Any person who violates any article of this Ordinance or regulation thereof or fails to comply with any of its requirements, including violations of conditions and safeguards established in connection with this Ordinance, shall be guilty of an ordinance violation

### **D. Complaint**

Whenever a violation of this Ordinance occurs or is alleged to have occurred, any person may file a telephone or written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the staff and the name of the complainant held confidential. Complaints and resulting records will be held confidential and maintained in accordance with the Whistleblowers Act of 2001.

The Executive Director shall properly record such complaint and immediately investigate. If evidence elicited by such investigation is sufficient to establish a reasonable belief that a violation has occurred on the part of the party investigated, the staff will send a letter notifying the owner of the violation and of the necessary corrective action. A suspense of five (5) workdays will be set. If no action is begun within the suspense, the Executive Director will issue a warning ticket in accordance with this Section. A suspense of five (5) workdays will be set. If no action is begun within the suspense, the Executive Director will issue a citation in accordance with this Section and assess fines accordingly and/or file with the Area Plan Commission Attorney a complaint against the person cited requesting action thereon as provided by this Ordinance and in accordance with law

### **E. Penalties**

## **Subdivision Control Ordinance of Scott County, Indiana**

Any person who violates any Section of this Ordinance or regulation thereof or fails to comply with any of its requirements, including violations of conditions and safeguards established in connection with this Ordinance, shall be guilty of an ordinance violation and upon conviction, shall be fined in a sum not less than \$100 nor more than \$500 for each day' s violation.

### **1. Corrective Actions**

#### **a. Electing to Petition the Plan Commission or Board of Zoning Appeals**

A person who receives a notification letter, warning ticket or a citation may file a petition for an exception to the provisions of this ordinance, a variance, a conditional use variance, rezoning or other means provided by this ordinance to correct the violation. A person who elects to file such a petition shall indicate this intent on the warning ticket or citation and return it to the staff within the five (5) workday suspense specified in the notification letter, warning ticket or citation.. A person who elects to file a petition shall have five (5) workdays to do so. Additional monetary fines shall be stayed upon receipt of the notice of intent.

If the petition is denied, withdrawn, or dismissed for want of prosecution, the Board shall establish a time limit for correction of the violation, not to exceed 30 calendar days. No fines shall be assessed during this correction period. After that time, if the civil zoning violation continues, then a lawsuit will be commenced by the designated enforcement entity in a court of competent jurisdiction in Scott County, Indiana

#### **b. Electing to Stand Trial**

A person who receives a citation may elect to stand trial for the offense by indicating on the citation his intent to stand trial and returning a copy of the citation to the issuing agency within five (5) work days. The returned copy of the citation shall serve as notice of the person's intent to stand trial, and additional monetary fines shall be stayed upon receipt of the notice. The notice shall be given before the date of payment set forth on the citation. On receipt of the notice of intention to stand trial, a lawsuit will be commenced by the Area Plan Commission Attorney in a court of competent jurisdiction in Scott County. The matter shall be scheduled for trial, and a Summons and an Order to Appear shall be served upon the Defendant.

#### **c. Fines**

Fines for a civil zoning violation are as follows;

|                              |       |
|------------------------------|-------|
| 1) First Violation           | \$100 |
| 2) Second Violation          | \$150 |
| 3) Third Violation           | \$250 |
| 4) Fourth Violation          | \$500 |
| 5) Each Subsequent Violation | \$500 |

In no event shall the total monetary fine for each violation exceed \$2,500.00. All fines prescribed by this article for civil zoning violations shall be paid in

## **Subdivision Control Ordinance of Scott County, Indiana**

accordance with the provisions of Indiana law and the ordinances of The City of Scottsburg or Scott County.

The staff may issue a civil zoning violation to a person who commits a civil zoning violation, to the legal owner, the contract vendee, or any person or entity with a possessor interest in the real estate upon which the violation occurs. The citation may be served by personal service, by certified mail, or by placement in a conspicuous place on the property where the violation occurs and shall serve as notice to a person that he or she has committed a civil zoning violation.

No citation shall be issued for the first offense unless the person who commits a civil zoning violation, or the legal owner, the contract vendee, or any person or entity with a possessor interest in the real estate upon which the violation occurs has been issued a warning ticket. Unless a compliance deadline has already been established by the Board of Zoning Appeals or Plan Commission, an Improvement Location Permit, or Certificate of Occupancy, said person shall be allowed not less than five (5) workdays before the issuance of the citation to correct the violation. A longer time may be granted at the discretion of staff, based upon the nature of the violation and the time required to correct it, provided that the time allowed shall not exceed 30 calendar days.

### **F. Referral**

If a person who receives a citation and fails to pay the assessed fine by the date of payment set forth in the citation and fails to give notice of his intention to stand trial as prescribed in this Ordinance, the Area Plan Commission Attorney may file a civil lawsuit as provided by applicable laws and seek penalties as prescribed in this Ordinance.

A person adjudged to have committed a civil zoning violation is liable for the Court costs and fees. No cost shall be assessed against the enforcement agency in any such action.

Seeking a civil penalty as authorized by this section does not preclude the Area Plan Commission, County or City from seeking alternative relief from the court in the same action, or from seeking injunctive relief or any other remedy in a separate action for the enforcement of this Ordinance.

### **G. Injunction**

The Commission, Board of Zoning Appeals or any designated administrative official may institute a suit or injunction in the Circuit or Superior Court of Scott County to restrain any person from violating the Sections of this Ordinance.

The Commission may institute a suit for mandatory injunction directing a person to remove a structure erected in violation of the Sections of this Ordinance or to make the same comply with its terms. If such Commission is successful in its suit, the respondent shall bear the costs of the action including reasonable attorney' s fees.

Nothing herein contained shall prevent the County or City from taking such other lawful action as is necessary to prevent or remedy any violation.

### **H. Change of Venue**

A change of venue from Scott County shall not be granted in such a case, as provided in IC 36-7-4-1014.



# Subdivision Control Ordinance of Scott County, Indiana

## I. Timeline

A timeline of actions under this Ordinance could proceed as follows:

|     |    |   |                                 |
|-----|----|---|---------------------------------|
| Day | 1  | Complaint                                   |                                 |
|     | 2  | Investigation                               |                                 |
|     | 3  | Investigation                               |                                 |
|     | 4  | Investigation                               |                                 |
|     | 5  | Notification Letter                         |                                 |
|     | 6  | Weekend                                     |                                 |
|     | 7  | Weekend                                     |                                 |
|     | 8  | Suspense Workday                            |                                 |
|     | 9  | Suspense Workday                            |                                 |
|     | 10 | Suspense Workday                            |                                 |
|     | 11 | Suspense Workday                            |                                 |
|     | 12 | Suspense Workday                            |                                 |
|     | 13 | Weekend                                     |                                 |
|     | 14 | Weekend                                     |                                 |
|     | 15 | If no action > Warning or referral          | If action > proceed with action |
|     | 16 | Suspense Workday                            |                                 |
|     | 17 | Suspense Workday                            |                                 |
|     | 18 | Suspense Workday                            |                                 |
|     | 19 | Suspense Workday                            |                                 |
|     | 20 | Weekend                                     |                                 |
|     | 21 | Weekend                                     |                                 |
|     | 22 | Suspense Workday                            |                                 |
|     | 23 | If no action > citation or referral         | If action > proceed with action |
|     | 24 | Letter and Notice of Fine \$100             | If action > proceed with action |
|     | 25 | Letter and Notice of Fine \$150             | If action > proceed with action |
|     | 26 | Weekend                                     |                                 |
|     | 27 | Weekend                                     |                                 |
|     | 28 | Letter and Notice of Fine \$250             | If action > proceed with action |
|     | 29 | Letter and Notice of Fine \$500             | If action > proceed with action |
|     | 30 | Letter and Notice of Fine \$500             | If action > proceed with action |
|     | 31 | Letter and Notice of Fine \$500             | If action > proceed with action |
|     | 32 | Letter and Notice of Fine \$500             | If action > proceed with action |
|     | 33 | Weekend                                     |                                 |
|     | 34 | Weekend                                     |                                 |
|     | 35 | Matter referred to Plan Commission Attorney |                                 |

# Subdivision Control Ordinance of Scott County, Indiana

## Article 6. Definitions and Rules of Interpretation

---

### **A. Meaning and Intent**

All provisions, terms, phrases, and expressions contained in this Ordinance shall be construed according to this Ordinance's stated purpose and intent.

### **B. Text Controls**

In case of any difference of meaning or implication between the text of this Ordinance and any heading, drawing, table, or figure, the text shall control.

### **C. Lists and Examples**

Unless otherwise specifically indicated, lists of items or examples that use terms such as "including," "such as," or similar language are intended to provide examples, not to be exhaustive lists of all possibilities.

### **D. Computation of Time**

Unless the terms of a specific provision state otherwise (e.g., some provisions specify "business days"), periods of time defined by a number of days shall mean a number of consecutive calendar days, including all weekend days, holidays, and other non-business/working days; however, if the last day is a Saturday, Sunday, or legal holiday, that day shall be excluded.

### **E. References to Other Regulations, Publications and Documents**

Whenever reference is made to a resolution, ordinance, statute, regulation, or document, that reference shall be construed as referring to the most recent edition of such regulation (as amended), resolution, ordinance, statute, regulation, or document or to the relevant successor document, unless otherwise expressly stated.

### **F. Public Officials and Agencies**

All public officials, bodies, and agencies to which references are made are those of The City of Scottsburg or Scott County, unless otherwise expressly stated. Whenever reference is made to a public official, Ordinance or name of a public agency, that reference shall be construed as referring to the most up-to-date Ordinance or agency name, or to the relevant successor official or agency.

### **G. Delegation of Authority**

Whenever a provision appears requiring the head of a department or another officer or employee of the County or City to perform an act or duty, that provision shall be construed as authorizing the department head or officer to delegate the responsibility to subordinates, unless the terms of the provision specify otherwise.

# Subdivision Control Ordinance of Scott County, Indiana

## H. Technical and Non-Technical Words

Words and phrases not otherwise defined in this Ordinance shall be construed according to the common and approved usage of the language, but technical words and phrases not otherwise defined in this Ordinance that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

## I. Mandatory and Discretionary Terms

The word “shall” is always mandatory, and the words “may” or “should” are always permissive.

## J. Conjunctions

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

1. And indicates that all connected items, conditions, provisions, or events shall apply; and
2. Or indicates that one or more of the connected items, conditions, provisions, or events shall apply.

## K. Tense and Usage

Words used in one tense (past, present, or future) include all other tenses, unless the context clearly indicates the contrary. The singular shall include the plural, and the plural shall include the singular.

## L. Gender

The masculine shall include the feminine, and vice versa.

## M. Definitions

1. **AASHTO** means the American Association of State Highway and Transportation Officials
2. **Access easement** means a private way meeting the standards of this Ordinance that provides access to lots, tracts or parcels of land in a “Minor” subdivision of land.
3. **Alley** means a minor way that provides vehicular access to the back side of property that abuts a street.
4. **Applicant** means the owner or authorized representative thereof of land proposed for subdivision.
5. **As-built plans** means a drawing or drawings accurately indicating the location and design details of all improvements installed in relation to the subdivision.
6. **Basic subdivision** means a subdivision meeting the criteria in Article 2.

## Subdivision Control Ordinance of Scott County, Indiana

7. **Block** means property abutting on one side of a street, and lying between the two nearest intersecting or intercepting streets, or between the nearest intersection of an intercepting street and railroad right-of-way, waterway or other definite barrier. For purposes of this definition, a cul-de-sac less than 100 feet in length does not constitute an intersecting or intercepting street.
8. **Building line** means a line parallel to the street line touching that part of a building closest to the street. (See setbacks)
9. **Building site** means the three-dimensional space within which a structure is permitted to be built on a lot and that is defined by maximum height regulations, and minimum yard setbacks and is large enough to accommodate the principal structure, any on-site sewage disposal system, and customary accessory structures such as garages, decks, and patios.
10. **Cluster septic treatment system** means a waste disposal system serving more than one lot and in which solids and grease are removed in one or more septic tanks and the effluent discharged to a common drainage field.
11. **Commission** means the Scott County Plan Commission.
12. **Community sewer system** means a package wastewater treatment plant or a cluster septic treatment system.
13. **Comprehensive Plan** means the complete plan or any of its parts for the development of Scott County adopted in accordance with the 500 Series of the Indiana Code as is now or may hereafter be in effect.
14. **Construction plans** means any maps or drawing accompanying a subdivision plat showing the location and design details of improvements to be installed for the subdivision in accordance with the requirements of this Ordinance.
15. **County Commissioners** means the Board of County Commissioners of Scott County, Indiana.
16. **County Extension Educator** means the Scott County Extension Educator.
17. **County Highway Engineer** means the Scott County Highway Engineer.
18. **County Health Department** means the Scott County Health Department.
19. **County Surveyor** means the Scott County Surveyor.
20. **Covenant** means a restriction placed on the development or use of land through a written, recorded instrument.
21. **Department** means the Scott County Area Plan Commission.
22. **Developer** means any individual subdivider, firm, association syndicate, partnership, corporation, trust or any other legal entity commencing proceedings under these regulations to effect a subdivision of land. (See Subdivider)
23. **Development agreement** means a document that establishes the contractual relationship between the developer of a subdivision and the

## Subdivision Control Ordinance of Scott County, Indiana

County or City for the installation of improvements in accordance with the standards and specifications set forth in this Ordinance.

24. **Drainage swale** means a natural or constructed waterway, usually broad and shallow, covered with erosion-resistant grasses, used to conduct surface water from a field, diversion or other site feature.
25. **Drainage system** means any combination of surface and/or subsurface drainage components fulfilling the drainage requirements of this Ordinance.
26. **Easement** means a grant by the property owner of the use of part of the owner's land by another for a specified purpose.
27. **Erosion** means the wearing away of the land surface by the action of wind, water or gravity.
28. **Floodway** means that area shown on the Scott County Flood Boundary and Floodway Maps of current adoption as meeting the definition of floodway promulgated by the Federal Emergency Management Agency and the Indiana Department of Natural Resources.
29. **Floodway fringe** means that area shown on the Scott County Flood Boundary Maps of current adoption as meeting the definition of floodway fringe. promulgated by the Federal Emergency Management Agency (FEMA) and the Indiana Department of Natural Resources.
30. **Flood hazard area** means any floodplain, floodway, floodway fringe district or any combination thereof as illustrated on the flood boundary and floodway map prepared by the Federal Emergency Management Agency (FEMA). This is the area immediately affected by floodwater during a "one-hundred-year flood."
31. **Floodplain** means the floodway and the floodway fringe and any other areas indicated on the Flood Boundary maps as "flood prone areas" for which no data are available.
32. **Flood protection grade** means the following:
  - a. For residential buildings, the elevation of the lowest floor of a building or structure. If a building contains a basement, the basement is considered the lowest floor.
  - b. For commercial and industrial buildings, the water surface elevation from which the building is protected according to standards and specifications established by the Federal Emergency Management Agency.
33. **IDEM** means the Indiana Department of Environmental Management.
34. **IDNR** means the Indiana Department of Natural Resources.
35. **INDOT** means the Indiana Department of Transportation
36. **Improvement plans or drawings** means the maps, drawings and text accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance

## Subdivision Control Ordinance of Scott County, Indiana

with the requirements of this chapter as a condition of the approval of the plat.

37. **ISDH** means the Indiana State Department of Health.
38. **Landscape screen** means any combination of fences, walls, hedges, shrubs, trees and other landscape materials which effectively provide a solid, dense and opaque mass, to prohibit view, absorb sound and provide site delineation. Such screen shall provide total opacity throughout the year.
39. **Legal description** means a property description recognized by law that defines boundaries by reference to government surveys, coordinate systems, or recorded maps and is sufficient to locate property with oral testimony.
40. **Legal Lot of Record** means a lot created in accordance with applicable land use regulations and shown on a plat and described on a deed in the Office of the County Recorder.
41. **Legal Standing** determines whether a person, company or organization is allowed to bring legal action or testify. Only an injured or directly affected party has legal standing
42. **Lot** means, for the purpose of these regulations, a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on a dedicated, maintained public street, approved private street, or access easement.
43. **Lot, Corner** means a lot having frontage on two perpendicular streets or that fronts on two streets/roads that intersect at the boundaries of the lot.
44. **Lot, double-frontage** means a lot having frontage on two parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lot.
45. **Lot frontage** means the linear distance of a lot measured at and along the front lot line where the lot abuts a street or other approved access.
46. **Lot width** means the distance between side lot lines as measured at and along the front setback line.
47. **Manual on Uniform Traffic Control Devices** means the book by that title prepared by the Joint Committee on Traffic Control Devices, U.S. Department of Commerce, Bureau of Public Roads, as amended.
48. **Major subdivision** means all subdivisions other than Basic and Minor Subdivisions, meeting the applicability requirements set forth in Article 2 (minor plat applicability) or the definition of “Basic subdivision.”
49. **Minor subdivision** means a division of land fronting an existing public right-of-way, not requiring any new streets, alleys, roads or opening of a new public right-of-way and which complies in all other respects with this subdivision control ordinance and the zoning ordinance of the County.

## Subdivision Control Ordinance of Scott County, Indiana

50. **NRCS** means the Natural Resources Conservation Service
51. **Open space** means any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment.
52. **Open space, common** means 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 and their guests of the development and may include such complementary structures and improvements as are necessary and appropriate.
53. **Owner (legal title)** means the person(s) listed in the most recent official records of the County Recorder.
54. **Package wastewater treatment plant** means a prefabricated mechanical treatment facility installed to treat the sewage generated from the lots in a subdivision.
55. **Parent tract or property** means the land from which the new lot or tract of land is being taken, as recorded in the recorder' s office at the time of adoption of this Ordinance. No lot created after the effective date of this Ordinance shall be considered to be a parent tract.
56. **Person** includes an individual, corporation, firm, partnership, association, organization or any other unit or legal entity.
57. **Petitioner** means the owner(s) of land proposed to be subdivided or his/her representative.
58. **Plat** means a map indicating the subdivision or resubdivision of land, and intended to be recorded in the Scott County Recorder' s plat books.
59. **Plat committee** means a committee appointed by the Commission to review and act upon minor plats.
60. **Plat, Final** means a drawing prepared in accordance with the provisions of this ordinance, submitted for secondary approval and intended for recording.
61. **Plat, Minor.** See minor subdivision.
62. **Primary approval** means approval granted by the Commission to a preliminary plat for a Minor or Major Subdivision. The primary approval shall include all conditions needed to bring the plat into conformance with this ordinance.
63. **Principal building** means a building in which the principal use of the lot on which it is located is conducted, including a building that is attached to such a building in a substantial way, such as by a roof (with respect to residential uses, it means the main dwelling).
64. **Resubdivision or replat** means any change in a map of a recorded subdivision plat affecting any street layout, easement, area reserved for public use, lot line, or affecting any map or plan legally recorded prior to the adoption of any regulations controlling subdivision. A replat shall be considered a minor plat, provided, that no new streets or roads or utility

## Subdivision Control Ordinance of Scott County, Indiana

extensions are required. If streets or utility extensions are required, then the plat shall be considered a major subdivision of land.

65. **Secondary approval** means the final approval granted to a subdivision by the Commission or a designated representative. This approval authorizes the owner or agent to record the plat.
66. **Setback** means the distance between a building and any lot line.
67. **Setback line** means the line that is the required minimum distance from any lot line and that establishes the area within which the building or structure must be erected or placed.
68. **Street** means a right-of-way dedicated or otherwise legally established for public use, which affords the principal means of access to abutting property. A street may be designated as a highway, thoroughfare, parkway, boulevard, road, avenue, lane, drive or other appropriate name. A street may also be classified according to function as follows:
  - a. Expressways are limited-access highways that carry large volumes of traffic and are of more importance regionally than locally. They provide continuous, high-speed traffic flow.
  - b. Arterial streets are high-capacity, high-volume streets that provide access to and through the City or County. The primary function of these streets is traffic movement, not access to property.
  - c. Collector streets are medium-volume roads that collect and distribute traffic from lower-classification streets to arterials and expressways or activity centers. Traffic movement on these roads is a higher priority than access to property.
    - 1) Major collector streets are intended primarily for non-residential traffic. Direct access to property from these streets is extremely limited.
    - 2) Minor collector streets are intended primarily for residential traffic. Direct access to property from these streets is permitted under specified circumstances.
  - d. Local streets are medium-volume roads that form the majority of the County road or City Street network. Often they are part of the numbered County road or named City Street system and are typically longer than subdivision streets. While in some cases these streets may provide direct access to property, their primary function is traffic movement.
  - e. Subdivision streets are low-capacity, low-speed roads intended primarily to serve as direct access to property.
69. **Street, dead-end** means any street with only one outlet but having no paved turn-around at the closed end.
70. **Street, half** means a street for which only half the required right-of-way is dedicated or improved.



## Subdivision Control Ordinance of Scott County, Indiana

71. Subdivider means any person who (1) having an interest in land, causes it, directly or indirectly, to be subdivided as defined herein, or (2) directly or indirectly, sells, leases or develops or offers to sell, lease or develop, or advertises to sell, lease, or develop, any interest, lot, parcel, site, or unit in a subdivision, or (3) engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or any interest, lot, parcel, site, or unit in a subdivision, or (4) is directly or indirectly controlled by or under direct or indirect common control with any of the foregoing. (See Developer)
72. **Subdivision** means the division of a parcel of land into two or more lots, parcels, sites, units, plats or interests for the purpose of offer, sale, lease, or development. It also includes re-subdivision or the grant of a right-of-way or other land interest.
73. **Subdivision, basic.** See Basic subdivision.
74. **Subdivision, major.** See Major subdivision.
75. **Subdivision, minor.** See Minor subdivision.
76. **Subsurface drainage** means a system of pipes, tile, conduit or tubing installed beneath the ground surface used to collect ground water from individual parcels, lots or building footings.
77. **Surface drainage** means a system by which the storm water runoff is conducted to an outlet. This would include the proper grading of parking lots, streets, driveways, yards, etc., so that the stormwater runoff is removed without ponding and flows to a drainage swale, open ditch or a storm sewer.
78. **Thoroughfare plan (official)** means the part of the comprehensive plan, now or hereafter adopted which includes a major street and highway plan and sets the location, alignment, identification, and classification of existing and proposed public streets, highways and other thoroughfares.
79. **Wetland** means those areas where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which have soils indicative of wet conditions. The Indiana Wetlands Inventory Maps produced by the Indiana Department of Natural Resources Division of Water will be used as references in determining the size and location of wetlands.
80. **Zone A** means floodplain or floodway.
81. **Zoning Ordinance** means the Zoning Ordinance of Scott County, Indiana

**Subdivision Control Ordinance of Scott County, Indiana**

**Article 7. Impact Fees (RESERVED)**

**Subdivision Control Ordinance of Scott County, Indiana**

**Article 8. Transfer of Development Rights (RESERVED)**

# Subdivision Control Ordinance of Scott County, Indiana

## Subdivision Control Ordinance of Scott County, Indiana

### Article 9. Adoption

This Ordinance is forwarded to the Common Council of The City of Scottsburg and the Board of Commissioners of Scott County, Indiana with a favorable recommendation by the Scott County Area Plan Commission this ----- day of June 2004.

  
\_\_\_\_\_  
Executive Director

  
\_\_\_\_\_  
Commission President

# Subdivision Control Ordinance of Scott County, Indiana

2004-14

## Subdivision Control Ordinance of Scott County, Indiana

### Adoption (Continued)

This Ordinance shall be in force and effect from and after its passage by the Common Council of City of Scottsburg and the Board of Commissioners of Scott County, Indiana. Passed and adopted by the Common Council of the City of Scottsburg, Indiana this 26<sup>th</sup> day of June 2004.

Common Council

Charles M. Rose

Ray E. Johnson

Ricky Bantz

Ray Zallman

James Whitworth

Attest:

Kelly Pedraza

Clerk Treasurer

Approved:

William H. [Signature]

Mayor

# Subdivision Control Ordinance of Scott County, Indiana

## Subdivision Control Ordinance of Scott County, Indiana

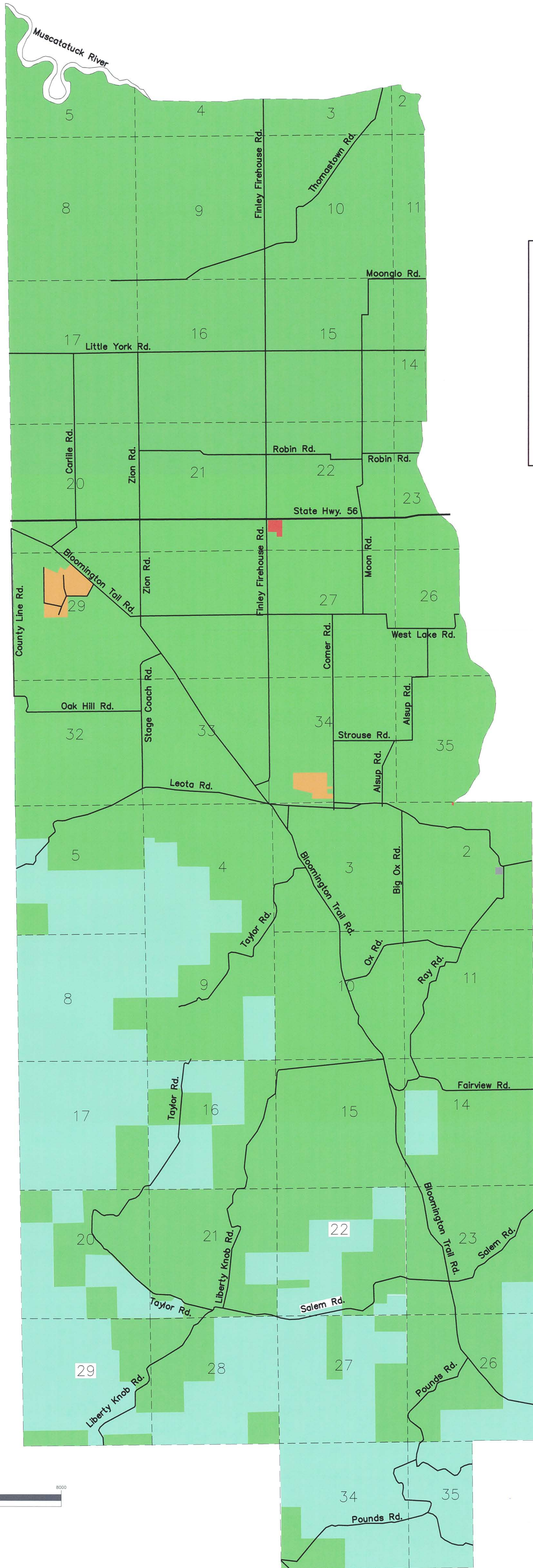
### Adoption (Continued)

This Ordinance shall be in force and effect from and after its passage by the Common Council of City of Scottsburg and the Board of Commissioners of Scott County, Indiana

Passed and adopted by the Board of Commissioners of Scott County, Indiana this --- day of June 2004.

*Charles S. Meyer*  
\_\_\_\_\_  
*Mark Spur*  
\_\_\_\_\_  
*Carl A. Stout*  
\_\_\_\_\_

*Ira Gasaway*  
\_\_\_\_\_  
Auditor



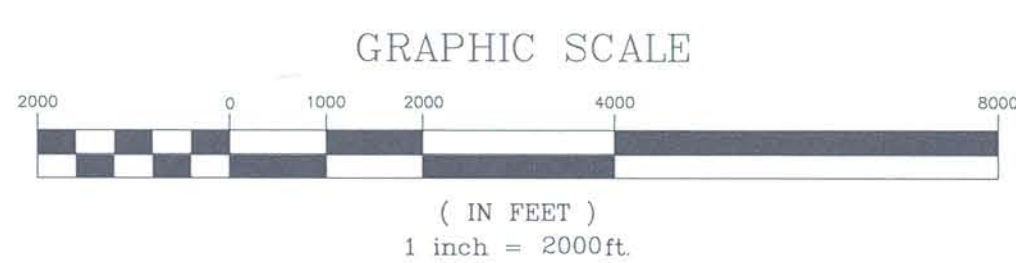
| ZONING DISTRICT LEGEND    |  |
|---------------------------|--|
| A Agriculture.....        |  |
| R-1 Residential.....      |  |
| R-2 Residential.....      |  |
| R-3 Residential.....      |  |
| B1 Local Business .....   |  |
| B2 General Business ..... |  |
| B3 General Business.....  |  |
| I-1 Industrial .....      |  |
| I-2 Heavy Industrial..... |  |
| Parks.....                |  |

SAEGESSER ENGINEERING, INC.  
 88 West McClain Ave. Scottsburg, Indiana 47170  
 January 2007

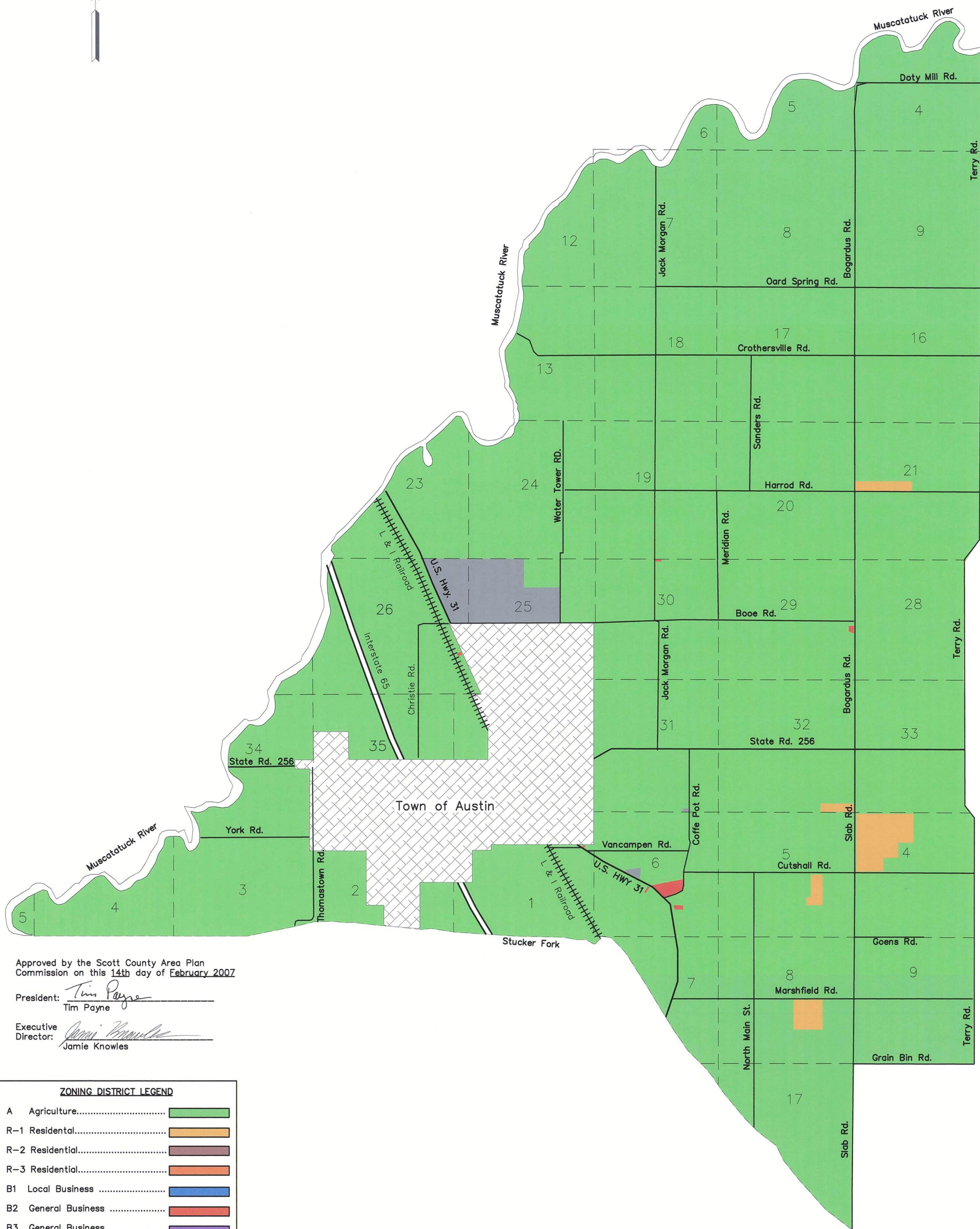
Approved by the Scott County Area Plan Commission on this 14th day of February 2007

President: *Tim Payne*  
 Tim Payne

Executive Director: *Jamie Knowles*  
 Jamie Knowles



Finley Township

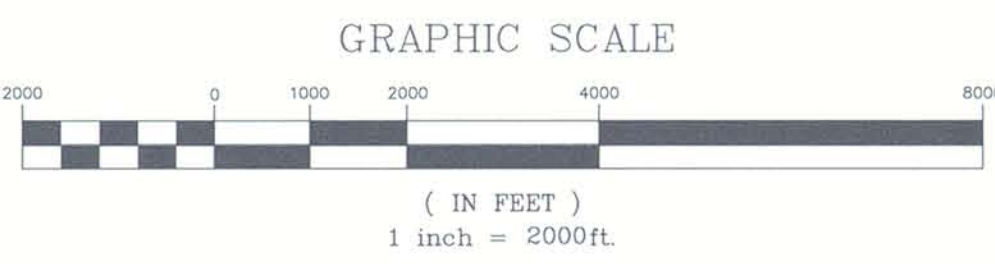


Approved by the Scott County Area Plan Commission on this 14th day of February 2007

President: Tim Payne  
Tim Payne

Executive Director: Jamie Knowles  
Jamie Knowles

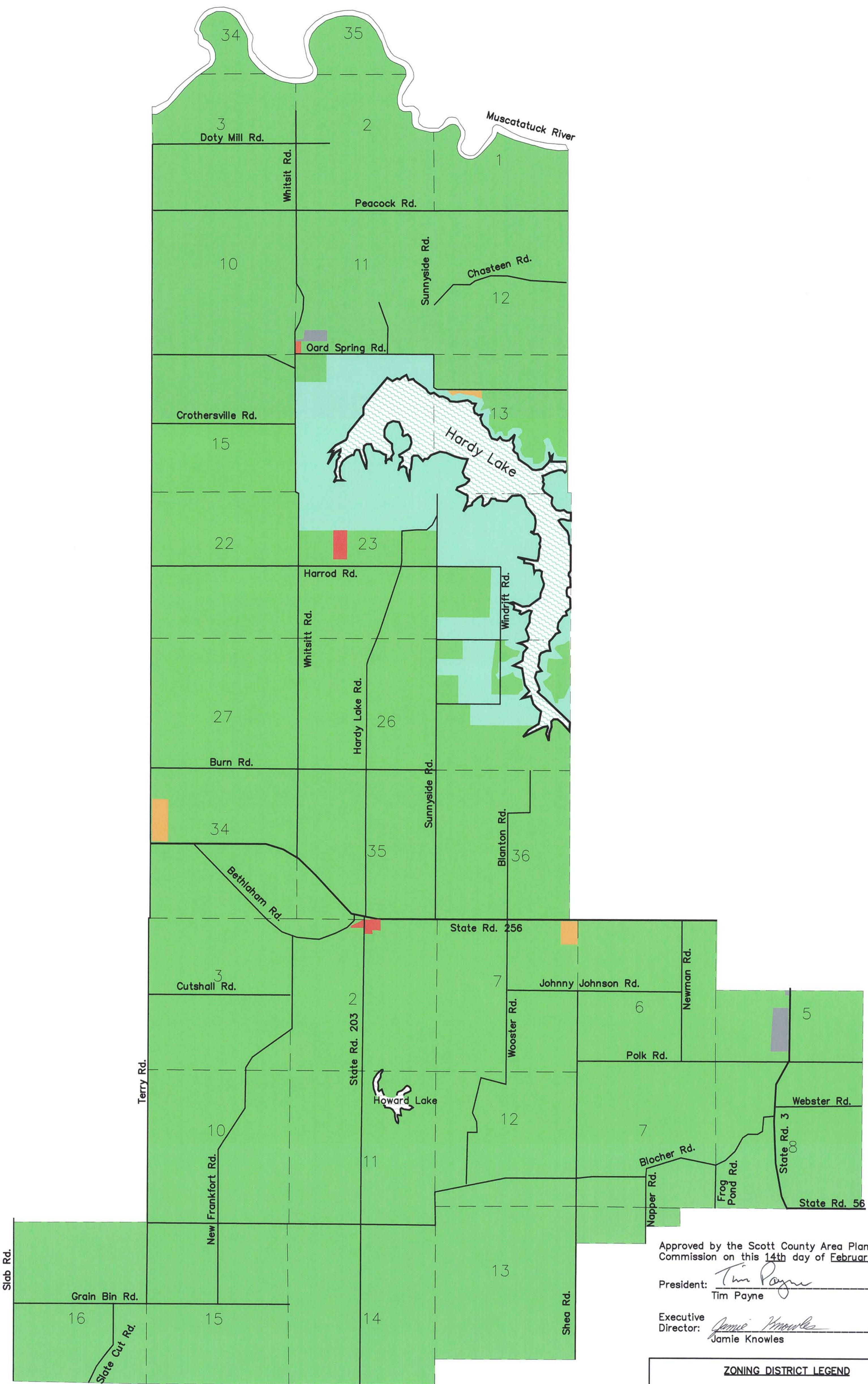
| ZONING DISTRICT LEGEND    |  |
|---------------------------|--|
| A Agriculture.....        |  |
| R-1 Residential.....      |  |
| R-2 Residential.....      |  |
| R-3 Residential.....      |  |
| B1 Local Business .....   |  |
| B2 General Business ..... |  |
| B3 General Business.....  |  |
| I-1 Industrial .....      |  |
| I-2 Heavy Industrial..... |  |
| Parks.....                |  |



SAEGESSER ENGINEERING, INC.  
88 West McClain Ave. Scottsburg, Indiana 47170  
January 2007

Jennings Township



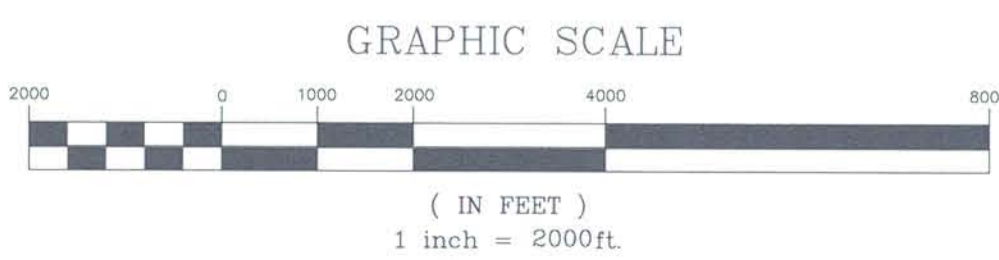


Approved by the Scott County Area Plan Commission on this 14th day of February 2007

President: *Tim Payne*  
Tim Payne

Executive Director: *Jamie Knowles*  
Jamie Knowles

| ZONING DISTRICT LEGEND    |  |
|---------------------------|--|
| A Agriculture.....        |  |
| R-1 Residential.....      |  |
| R-2 Residential.....      |  |
| R-3 Residential.....      |  |
| B1 Local Business .....   |  |
| B2 General Business ..... |  |
| B3 General Business.....  |  |
| I-1 Industrial .....      |  |
| I-2 Heavy Industrial..... |  |
| Parks.....                |  |



Johnson Township

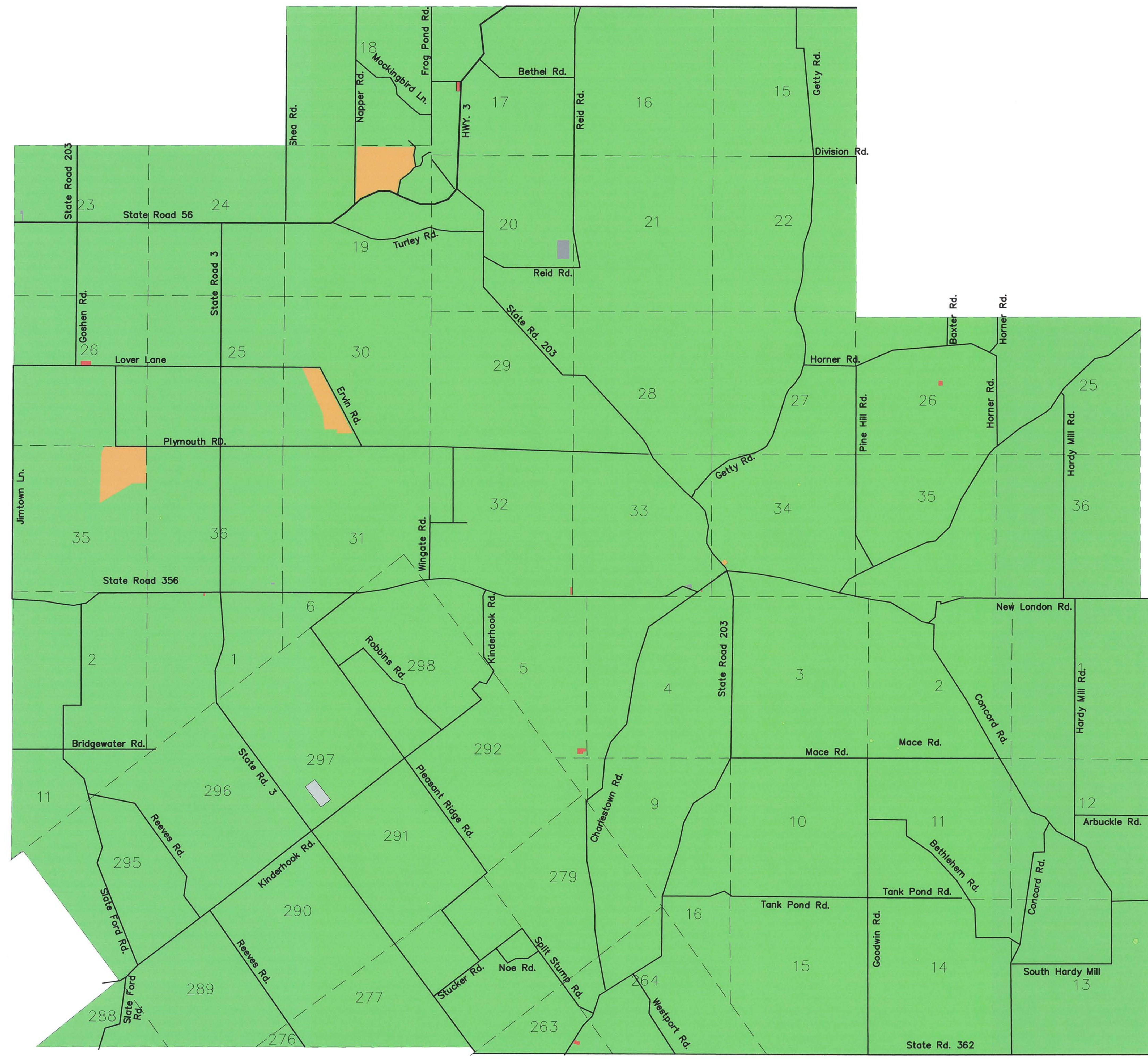
SAEGESSER ENGINEERING, INC.  
88 West McClain Ave. Scottsburg, Indiana 47170  
January 2007



Approved by the Scott County Area Plan Commission on this 14th day of February 2007

President: Tim Payne  
Tim Payne

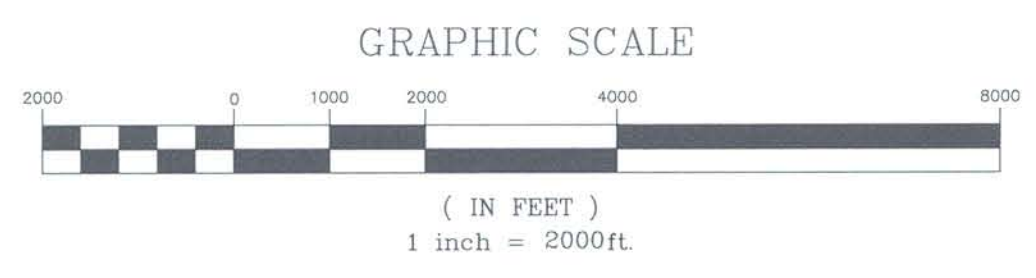
Executive Director: Jamie Knowles  
Jamie Knowles



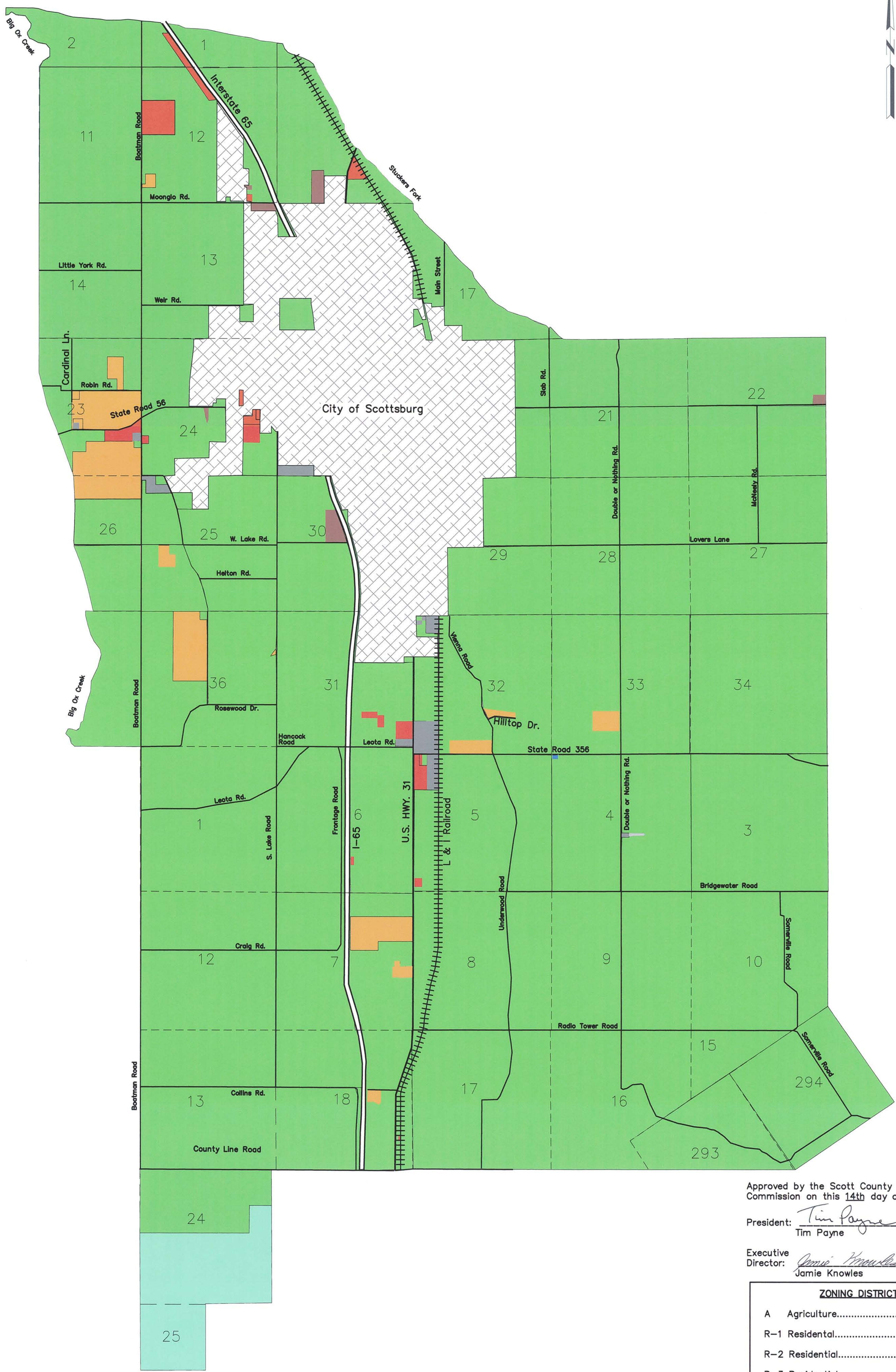
**ZONING DISTRICT LEGEND**

|                           |  |
|---------------------------|--|
| A Agriculture.....        |  |
| R-1 Residential.....      |  |
| R-2 Residential.....      |  |
| R-3 Residential.....      |  |
| B1 Local Business .....   |  |
| B2 General Business ..... |  |
| B3 General Business.....  |  |
| I-1 Industrial .....      |  |
| I-2 Heavy Industrial..... |  |
| Parks.....                |  |

SAEGESSER ENGINEERING, INC.  
88 West McClain Ave. Scottsburg, Indiana 47170  
January 2007



Lexington Township

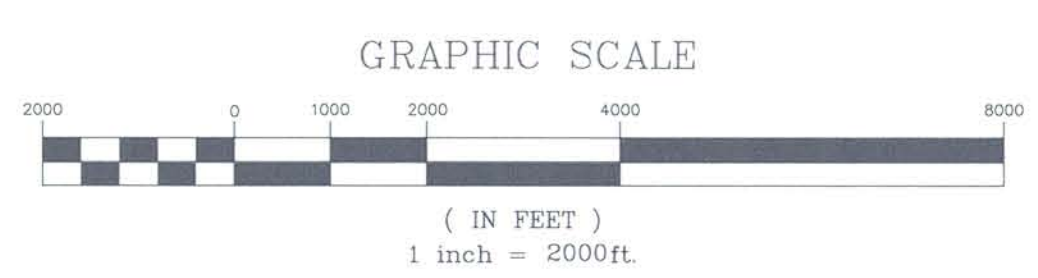


Approved by the Scott County Area Plan Commission on this 14th day of February 2007

President: Tim Payne  
Tim Payne

Executive Director: Jamie Knowles  
Jamie Knowles

| ZONING DISTRICT LEGEND    |  |
|---------------------------|--|
| A Agriculture.....        |  |
| R-1 Residential.....      |  |
| R-2 Residential.....      |  |
| R-3 Residential.....      |  |
| B1 Local Business .....   |  |
| B2 General Business ..... |  |
| B3 General Business.....  |  |
| I-1 Industrial .....      |  |
| I-2 Heavy Industrial..... |  |
| Parks.....                |  |



Vienna Township

SAEGESSER ENGINEERING, INC.  
88 West McClain Ave. Scottsburg, Indiana 47170  
January 2007