

**Title 17
LAND USE AND ZONING**

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Chapter 17.04
COMPREHENSIVE PLAN ADOPTED

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17.04.010 Adoption of plan.

The document consisting of text, maps, and charts entitled "The Comprehensive Plan for Evansville and Vanderburgh County," and dated 2004-2025, is adopted as the comprehensive plan of Vanderburgh County.

(Comprehensive Plan dates amended to 2004-2025 from 1996-2015 on 12/11/2007)

(Prior code § 155.01)

17.04.020 Biannual review.

In order that the comprehensive plan shall at all times be current with the needs of the city of Evansville, the town of Darmstadt, and Vanderburgh County, and shall represent the best thinking of the city council, mayor, county commissioners, area plan commission, Darmstadt town board, and boards, commissions, and departments of the city and county in light of changing conditions, the area plan commission shall biannually review the comprehensive plan and recommend to the city, county, town board, and county commissioners extensions, changes, or additions to the plan which the commission considers necessary.

(Prior code § 155.02)

17.04.030 Scope of plan.

A. The comprehensive plan shall be the policy guide for decision making that affects the physical development of the county.

B. All matters affecting physical development of the city and county submitted to the area plan commission shall be reviewed and a report shall be prepared to the city council, Darmstadt town board, and county commissioners as to consistency with the comprehensive plan.

(Prior code § 155.03)

**Chapter 17.08
GENERAL PROVISIONS**

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17.08.010 Title.

This title may be cited as the zoning code.

(Prior code § 153.001)

17.08.020 Purpose.

The purpose of this title is to promote the public health, safety, and general welfare of the county, to enhance the use and enjoyment of property, and to provide for the regulation of land use in the community, while preserving the right of the individual property owner to use and enjoy his property. These purposes require a zoning ordinance which will define the districts into which the county is divided, the restriction on the uses within the districts, and the minimum standards for the use of buildings, structures, and land within the districts.

(Prior code § 153.002)

17.08.030 Definitions.

For the purpose of this title the following definitions shall apply unless the context clearly indicates or requires a different meaning. The area plan commission shall have the right to adopt reasonable rules and regulations further defining the terms used in this title.

“Abutting property owner” means the official owner of record, whose property is contiguous to the subject property; any property which would touch at any point the subject property ignoring all rights-of-way, easements, alleys and the like.

“Accessory structure” means a structure subordinate to the principal use of a building on the same lot, and serving a purpose customarily incidental and subordinate to the use of the principal building.

“Adult arcade” means a commercial establishment where, for any form of consideration, one (1) or more still or motion picture projectors, slide projectors or similar machines, or other image producing machines, for viewing by five (5) or fewer persons per machine at any one (1) time, in which a substantial portion (thirty percent (30%) or more) of the total presentation time of the images so displayed is devoted to the showing of material which meets the definition of “harmful to minors” as specified in I.C. 35-49-2-2 (and as it may from time to time be amended) and/or represents or displays “sexual conduct” as defined in I.C. 35-42-4-4 (and as it may from time

to time be amended).

“Adult bookstore” “Adult Novelty Store” or “Adult Video Store” means a commercial establishment which has a substantial (thirty percent (30%) or more) portion of its revenues, floor space or advertising associated with the sale or rental for any form of consideration, of any one (1) or more of the following:

A. Books, magazines, periodicals or other printed matter or photographs, films, motion pictures, video cassettes, slides, tape, records, CD-roms or other forms of visual or audio representations which meet the definition of “harmful to minors” under I.C. 35-49-2-2 (and as it may from time to time be amended) and/or represent or display “sexual conduct” as defined in I.C. 35-42-4-4 (and as it may from time to time be amended).

B. Instruments, devices or paraphernalia which are designed for use in connection with “sexual misconduct” as defined in I.C. 35-42-4-4 (and as it may from time to time be amended).

“Adult cabaret” means nightclub, bar, restaurant, or similar establishment which features live performances which meet the definition of “harmful to minors” as set forth in I.C. 35-49-2-2 (and as may from time to time be amended) and/or represents or displays “sexual conduct” as defined in I.C. 35-42-4-4 to a clientele who pays any form of consideration for such live performance.

“Adult motion picture theater” means an indoor or outdoor facility with a capacity of six (6) or more persons, where for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are shown, and in which a substantial portion (thirty percent (30%) or more) of the total revenue derived from or substantial time (thirty percent (30%) or more) is devoted to the showing of such material which meets the definition of “harmful to minors” as defined in I.C. 35-49-2-2 (and as may from time to time be amended) and/or displays “sexual conduct” as set forth in I.C. 35-42-4-4 (and as it may from time to time be amended), for observation by patrons.

“Adult theater” means a theater, concert hall, auditorium or similar establishment, either indoor or outdoor, which for any form of consideration, regularly features live performances, a substantial portion (thirty percent (30%) or more) of the total presentation time is distinguished or characterized by an emphasis on activities which meet the definition of “harmful to minors” as set forth in I.C. 35-49-2-2 and/or “sexual conduct” as set forth in I.C. 35-42-4-4.

“Agricultural use” means the production of livestock or livestock products, commercial aquaculture, equine or equine products, pastureland, poultry or poultry products, horticultural or nursery stock, fruit, vegetables, forage, grains, timber, trees, bees and apiary products, tobacco, viticulture, orchard, or other agricultural crops.

“Agrivoltaic” means a solar energy system or commercial solar energy generating facility co-located on the same parcel of land with an agricultural use such as crop production, grazing, apiaries, etc.

“Alley” means a public right-of-way intended as a means of access to the rear or side of property.

“Apartment dwelling unit” means a portion of a building containing a room or set of rooms fitted with living, sleeping and/or kitchen facilities and used as a dwelling for one or more persons but incidental to the principal use. This includes multi-family dwellings rented or leased by bedroom unit.

“Bedroom unit” means a single bedroom with or without living facilities in an apartment dwelling unit.

“Board” means the board of zoning appeals.

“Board of health” means the Evansville-Vanderburgh County health department.

“Building” means a structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals or property.

“Building-integrated solar energy system” means a type of system that is integrated into, replaces or substitutes for an architectural component of a building, rather than being a separate mechanical device (e.g. photovoltaic or hot water solar energy systems contained within roofing materials, windows, skylights, and awnings), and which is used primarily for on-site energy consumption.

“Club” means a building or portion thereof or premises owned or operated for a social, literary, political, educational, or recreational purpose primarily for the exclusive use of members and their guests, but not including any organization, group, or association, the principal activity of which is to render a service usually and ordinarily carried on as a business.

“Commercial” means the purchase, sale, barter, or exchange of goods, wares, merchandise or services intended for profit, or the maintenance or operation of offices or enterprises intended for profit.

“Commercial solar energy generating facility” means solar arrays and related equipment (including battery storage, but not inclusive of off-site transmission lines or fiber) that are considered to be a principal use; that convert sunlight into electrical energy expressly for the purpose of selling the electricity for off-site use; and that are grouped into two categories by size – community and large-scale.

“Commercial vehicle” means any vehicle other than private passenger vehicles, designed, intended, or used for transportation of persons, goods, or things. The term “commercial vehicle” shall also include private passenger vehicles such as pick-up trucks, vans, and automobiles which have been structurally or materially altered for use in connection with a commercial use.

“Commission” means the Evansville-Vanderburgh County Area Plan Commission.

“Completely-enclosed building” means a building separated on all sides from adjacent open space or from other buildings or other structures by a permanent roof and by exterior walls or party walls, pierced only by windows and entrance and exit doors.

“Community-scale solar energy system” means a type of commercial system that is a principal use in and of itself; where the electrical energy is generated to sell in either wholesale or retail transactions for off-site use; and where the system covers an area of less than 10 acres in size allowing it to fit at an appropriate scale into the community.

“Confined Feeding Operation” or “CFO” is a use involving the confinement and feeding of animals within the boundaries of the entire parcel on which the use occurs where:

A. the number of confined animals exceeds:

300 cattle (including dairy cows, veal calves, beef cattle, breeding cattle or otherwise);

600 swine;

600 sheep;

30,000 fowl;

500 horses; or

300 animals not otherwise described herein of the same species;

B. animals are confined, fed, and maintained for at least 45 days during any 12 month period; and

C. ground cover or vegetation is not sustained over at least 50% of the animal confinement area;

However, a CFO does not include a livestock market where animals are assembled from at least two sources to be sold on a commission basis and that is required to operate under state or federal supervision, nor a livestock sale barn or auction market where animals are kept for not more than 10 days each.

“Confined Feeding Operation Facility” or “CFO Facility” means structures that together make up a CFO, including the structures containing animals, and any structures, including without limitation lagoons, ponds, or satellite storage facilities used to store animal waste, but a CFO Facility does not include a structure used to store CFO animal feed if separate from any structure containing animals or animal waste.

“Corner lot” means a lot abutting on two or more streets at their intersection or on two parts on the same street, the streets or parts of the same street forming an interior angle of less than one hundred thirty-five degrees.

“Detached building” means a building having no party wall in common with another building.

“Director” means the director of the Evansville-Vanderburgh area plan commission.

“Duplex” means a dwelling consisting of two dwelling units which may either be attached by a common wall or one above the other.

“Dwelling” means a building or a portion of a building occupied by one family for living and sleeping purposes with kitchen facilities.

“Dwelling unit” means a building or portion of a building occupied by one family for living and sleeping purposes with kitchen facilities.

“Easement” means an authorization or grant by a property owner to specific persons or to the public to use land for specific purposes.

“Efficiency dwelling unit” means a building or a portion of a building occupied by one family with living, sleeping, and kitchen facilities in one room.

“Family” means one or more persons occupying a single dwelling unit, provided that, unless all members are related by blood, adoption, or marriage, no such family shall contain over five persons. However, any such unrelated family must provide off-street parking for all “family” vehicles.

“Floodway” means the channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge peak flood flow of the regulatory flood of any river or stream.

“Floor area” means the sum, in square feet, of all roofed portions of a building, as measured from the outside measurements. Floor area includes the total of all space on all floors of the building.

“Front lot line” means a line separating a lot from a street. In the case of a corner lot, the front lot line is the shorter of any two adjacent lines separating the lot from a street.

“Frontage” means the property abutting one side of a street as measured along the street line, or as measured

along the building line of a curve.

“Garage/yard sale” means a public or private sale conducted by the owner or occupant of the premises, conducted within a residence, garage, or other accessory building or outside thereof, which sale is of an item or items of personal property owned or in the possession of the occupant of the premises, which personal property was not acquired by the owner or occupant for the purposes of resale.

“Ground-mounted” means a solar energy system mounted on a rack or pole that rests on or is attached to the ground.

“Group home/community residential facility” means a facility which provides residential services for persons in a supervised group living program.

“Home occupation” means uses specifically listed in use group 2, conducted entirely within a dwelling and carried on by an occupant thereof, which is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. Subject to restrictions as listed in Section [17.16.040\(A\)\(2\)](#). Home occupation may also include any such use approved as special use per Section [17.28.010](#) et seq.

“Juice Bar” means an adult cabaret which does not serve alcoholic beverages.

“Junk yard, salvage yards, buildings used principally for the storage of junk, shops selling principally junk, and similar operations” means any land, property, structure, building, or combination of the same, where junk is stored or processed. Junk or salvage includes but is not limited to wrecked or inoperable vehicles, parts of vehicles, scrap iron and other metals, wood, paper, rags, rubber, tires, bottles, etc.

“Land” means and includes water surface and land under water.

“Large-scale solar energy system” means a type of commercial system that is a principal use in and of itself; where the electrical energy is generated to sell in wholesale transactions for off-site use; and where the system covers an area 10 acres or more in size, including collection and feeder lines, substations, ancillary buildings, solar monitoring stations and other related structures or accessory equipment.

“Lot” means an identifiable parcel of land having frontage on a public street or right-of-way, approved private streets, or acceptable easements.

“Manufactured/modular home” means a dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Code or IC 22 et seq., as promulgated by the Indiana Administrative Building Council. A modular housing unit is constructed in part or in whole at a place other than the foundation site, transported to the foundation site, and assembled on site to create one whole structure. The manufactured home or modular housing unit should include but not be limited to these features: asphalt roof, roof pitch of at least 2.5:12, house-type windows, doors and siding, and must be placed on a permanent foundation. Modular homes, prefabricated homes, and other such implied terms shall be deemed to be the same as “manufactured homes.”

“Massage parlor” means any building, room, place or establishment where massages are practiced on the human body with or without the use of mechanical or bath devices, by anyone not a physician, surgeon, or of similar status, duly registered with and licensed by the state.

“Maximum tilt” means orientation of a tilt-adjustable solar panel or array at the point closest to vertical, i.e.

perpendicular to the ground.

“Mobile home” means a factory-constructed, transportable structure designed for permanent residential use when placed on a lot and connected to utilities.

“Mobile home site” means that plot of ground within a mobile home park (as defined and controlled by the Indiana State Board of Health) designed for the accommodation of one mobile home.

“Nude model studio” means a place where a person who appears in a state of nudity is observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or any other form of consideration or such display is characterized by an emphasis on activities which meet the definition of “harmful to minors” as set forth in I.C. 35-49-2-2 (and as it may from time to time be amended) and/or “sexual conduct” as set forth in I.C. 35-42-4-4 (and as it may from time to time be amended). This definition shall not apply to colleges or universities who are accredited by a nationally recognized accrediting organization.

“Nudity” means the showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of covered male genitals in a discernible turgid state. “Buttock” means either of the two (2) rounded prominences of the human torso that are posterior to the hips and formed by the gluteal muscles to the hips and underlying structures.

“Opaque Fence” means a fence constructed of brick, stone, treated wood, painted rustproof metal, chain link with vinyl or metal screening inserts, vinyl, or other commercially produced synthetic fencing material so long as it is durable, uniform, and attractive. Opaque gates matching the type, height, etc. of the fence shall be provided for access. The use of chain link fencing or gates with mesh screening, tarps, and similar materials shall not be considered as opaque.

“Open use” means that use of a lot without a building or with a building incidental to the use, with a ground floor area of five percent or less of the area of the lot (e.g., car sales lots, flea markets, etc.).

“Owner-occupied bed and breakfast/boarding-house” means a bed and breakfast facility or boardinghouse which is individually owned, occupied and managed by the owner-operator who resides in the dwelling as their primary residence.

“Parking garage” means a building, except a “private garage,” used exclusively for public parking of motor vehicles.

“Peep show facility” means an establishment utilizing a device operated manually, mechanically, magnetically, electrically or electronically which exhibits, displays, projects or illuminates photographed, videotaped, or magnetically reproduced images, or exposes live entertainment to the viewer which the viewer is in a booth or stall distinguished or characterized by an emphasis on matter depicting “sexual conduct” as defined by I.C. 35-42-4-4 (and as may from time to time be amended) or nudity for observation by patrons thereof.

“Photovoltaic system” means a solar energy system that converts solar energy into electricity.

“Platted ground” means ground platted as provided by the subdivision ordinance.

“Pollinator-friendly habitat” means vegetation that consists of flowering or naturalized plant species providing opportunities for pollinator foraging on these sources of nectar and pollen; while also serving as larval host plants for egg-laying or nesting.

“Premises” means a lot and the structures located on the lot.

“Principal building” means a building in which is conducted the principal use of the building site on which it is situated.

“Private garage” means a structure for inside parking of motor vehicles (or storage of tools) used solely by the occupants of the principal building.

“Public park” means property owned by Vanderburgh County, Indiana or any city or town within the County (excluding the City of Evansville, Indiana) and designated for use as a park or for recreational activities.

“Public uses” means public parks, schools, fire stations, police stations, libraries, museums, zoological gardens and parks, city and town halls, county courthouses, utility complexes, including, but not limited to, public land or buildings devoted solely to the storage and maintenance of equipment and materials, and public service facilities.

“Religious Institution” means a church, synagogue, mosque, temple or building which is used primarily for religious worship of a supreme being or beings.

“Residence” and “residential” applies to a lot, a structure, or a portion of a structure which is used for any of the uses permitted in the residential districts.

“Right-of-way” means a strip of land occupied or intended to be occupied by transportation facilities, public utilities, or other special public uses. A right-of-way intended for any use involving maintenance by a public agency shall be dedicated to the public use by the maker of the plat on which the right-of-way is established.

“Roof-mounted” means a solar energy system mounted on a rack that is fastened to or ballasted on the roof of a structure.

“Setback” means the minimum distance between the street right-of-way, rear or side lot lines, and the front line, rear line, or side line of the building or any projection.

“Sexual encounter center” an enterprise that as one (1) of its business purposes, offers for any form of consideration:

- a. Physical contact in the form of wrestling or tumbling between persons of the opposite sex, or
- b. activities between male and female persons and/or persons of the same sex where one (1) or more persons appears in a state of nudity or where the activities in (a) or (b) herein are characterized by an emphasis on activities which meet the definition of “harmful to minors” as set forth in I.C. 35-49-2-2 (as it may from time to time be amended) and/or “sexual conduct” as set forth in I.C. 35-42-4-4- (and as it may from time to time be amended.)

“Site plan” means a map of a site showing lot dimensions, location and size of all buildings, setbacks, green space, ingress-egress, curb cuts, traffic flow plan, parking, or other improvements, whether existing or proposed.

“Small Cell Facility”: means a short antenna and related equipment (as defined by IC 8-1-32.3) placed on a utility pole or other vertical asset providing a low powered wireless signal for cellular and data service in a small geographic coverage area. Multiple small cell facilities form a connected network.

“Solar array” means the group of solar panels (or collectors) that are part of a non-commercial solar energy

system or a commercial solar generating facility.

“Solar carport” means a solar energy system that is installed on a carport structure covering a parking area.

“Solar collector” means the device (or solar panel) which provides the surface on which sunlight is “collected” for the purpose of transforming solar radiant energy into thermal, mechanical, chemical or electrical energy, but does not include the frames, supports, hardware or other components of a mounting structure.

“Solar energy system for on-site consumption” means a system that is not a stand-alone principal use, but is co-located with another use and is under the same ownership as the overall site; that has a solar array less than 10 acres in size; that converts sunlight into either electrical or thermal energy through the use of ground, roof or building-mounted solar arrays or individual collectors and related equipment (including battery storage); and that the energy generated is to be at least partially used on-site to meet the energy needs of the principal use.

“Street” means a public way established by or maintained under public authority, or a right-of-way dedicated to public use, whether constructed or not.

“Structural alterations” means a change in the structural members of a building, such as walls, columns, beams or girders.

“Structure” means anything constructed or erected on the ground, or attached to something with a fixed location on the ground including, but not limited to buildings, walls, signs and pools.

“Thoroughfare plan” means the portion of the thoroughfare plan adopted by the area plan commission for the development, improvement, or extension of streets and roads in Evansville and Vanderburgh County, which includes an official map indicating the general location for controlled access, major arterial, minor arterial, and collector streets and roads.

“Thoroughfare setback” means a minimum setback line established by the thoroughfare plan which defines the distance between a structure and the centerline of the street. Thoroughfare line includes both right-of-way line and building setback.

“Use” means the purpose for which land or a structure is designed, occupied or maintained.

“Use or development commitment” means a written commitment which conforms with IC 36-7-4-1015 concerning real estate.

“Yard” means space on the same lot with a structure or use, open and unobstructed.

“Zoning” means an enactment by the legislative body of local governments, in which the community is divided into districts of zones in which permitted and special uses are established, as are regulations governing lot size, building bulk, placement, and other development standards. Requirements vary from district to district, but they must be uniform within districts. The zoning ordinance consists of two parts: a text and a map.

(Ord. 06-22-006 § 1, amended, 06/28/2022; Ord. 05-19-005 § 1, amended, 04/30/2019; Ord. 04-17-007 § 1, amended, 04/04/2017; Ord. 04-17-006 §§ 1, 2, Amended, 04/04/2017; 17.08.030 Amended 1/2/2007; amended “apartment dwelling” definition and added “bedroom unit definition”(Ord. dated 2/22/94 § 1(a); prior code § 153.003)(Portions amended 8/10/98)

17.08.040 Private agreements or deeds.

This title establishes minimum requirements and does not abrogate private agreements or covenants between

parties which impose stricter requirements. Where those agreements or deeds impose less strict requirements, however, this title controls.

(Prior code § 153.004)

17.08.050 Zoning districts.

A. For the purpose of this title in regulating use of land, water, and buildings, the county is divided into the following districts:

1. Residential districts:

Symbol	District Name
R-1	One-family residence
R-2	Two-family residence
R-3	Multiple residential
R-4	Multiple residential
R-5	Multiple residential

2. Commercial districts:

Symbol	District Name
CO-1	Commercial office
CO-2	Commercial office
C-1	Light commercial
C-2	Community Commercial
C-4	General commercial

3. Waterfront districts:

Symbol	District Name
W-R	Waterfront recreational/residential
W-I	Waterfront industrial

4. Industrial districts:

Symbol	District Name
M-1	Light industrial
M-2	General industrial
M-3	Heavy industrial

5. Special districts:

Symbol	District Name
F-1	Floodway district
PUD	Planned unit development

A	Agricultural district
AIR	Airport district

B. For the purpose of this title in regulating use of land, water, and buildings, all properties zoned R-0 prior to enactment of the ordinance codified in this title shall henceforth be designated CO-2.

(Prior code § 153.005)

17.08.060 Annexed areas.

All areas annexed to the city will retain the same zoning classification as before annexation, except that all areas zoned agricultural in the county before annexation will be zoned R-1 single-family residential in the city after annexation.

(Prior code § 153.006)

17.08.070 Water areas.

The water surface and land under the water surface of all canals, creeks, rivers, waterways, ponds, lakes, and other water areas in the county are in the same zoning district as the land which it abuts as shown on the zoning district maps. Where the zoning districts shown on the zoning district maps are different on opposite sides of the water area, zoning district on each side extends to the centerline or midpoint of the water area. For convenience of mapping and clarity, the zoning of water areas is not shown on the zoning district maps, but is determined by the provisions of this title.

(Prior code § 153.007)

17.08.080 District boundaries.

A. Unless otherwise shown, the district boundaries are centerlines of streets, alleys, or the subdividing or boundary lines of recorded plats or their extensions. If the districts designated on the zoning district maps are approximately bounded by street lines, alley lines, or the subdividing or boundary lines of recorded plats, those lines or their extensions are district boundaries.

B. If, due to the scale or illegibility of the zoning district maps, or due to the absence of a street, alley, or recorded subdividing or plat lines, there is any uncertainty, contradiction, or conflict about the location of a district boundary, the area plan commission shall recommend the designation to the county commission. The county commission shall designate the location for that district boundary in accordance with the provisions of this title.

C. If the boundary line of a zoning district classification divides a lot, the provisions of this title covering the less restrictive portion of that lot apply to the entire lot, unless the frontage of the lot is in the more restricted district, in which case the provisions covering the more restricted portion apply to the entire lot.

D. The provisions of subsection C of this section do not apply to situations where specific portions of a lot are rezoned to accommodate a different use from that use of the remainder of the lot.

(Prior code § 153.008)

**Chapter 17.12
GENERAL STANDARDS**

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17.12.010 Standards for principal structures and uses on individual lots.

The standards established by Table A, at the end of this title, are the standards for principal structures or uses on individual lots.

(Prior code § 153.015)

17.12.020 Minimum floor area.

Standards for minimum floor area are as follows:

Single-family dwelling	720 sq. ft. or as per Indiana State Building Code Requirements*
Duplex and multiple dwellings:	
Efficiency unit	400 sq. ft. or as per Indiana State Building Code Requirements*

One-bedroom unit	500 sq. ft. or as per Indiana State Building Code Requirements*
Two-bedroom unit	600 sq. ft. or as per Indiana State Building Code Requirements*
Three plus bedroom unit	700 sq. ft. or as per Indiana State Building Code Requirements*

*Floor area per unit measured by outside measurements. Subject to any applicable Covenants and Restrictions.

(Ord. 07-19-016 § 1, amended, 02/11/2020; prior code § 153.016)

17.12.030 Platting and replatting.

- A. A building or structure, except a building for agricultural uses, may not be constructed on unplatted ground.
- B. A parcel of land platted after the effective date of the ordinance codified in this title must conform to the minimum lot area and lot width established for the district in which it is located.
- C. In all districts, a parcel of land may not be divided into two or more lots until a subdivision plat has been approved and recorded, with the exception of divisions of land qualifying as a parcelization, in accordance with Title 16 of this Code; however, parcels and lots established by a deed containing a legal description thereof and recorded prior to April 30, 2019, shall not be considered the result of an unlawful subdivision. Subdivision plats, including amended subdivision plats, must conform to the minimum lot area and lot widths established for the district in which they are located. (See Title 16, Subdivisions)
- D. In all districts, adjoining platted lots, those lots having a common lot line in common zoning, may adjust their common lot lines without replatting, provided that the newly-created sites meet all requirements of the zoning code for the district and create no additional lot(s).
- E. Corner lots may be refaced provided that the newly-created sites meet the minimum lot requirements for the district.

(Ord. 05-19-008 § 2, amended, 12/10/2019; prior code § 153.017)

17.12.040 Street frontage.

- A. A residential lot must meet the requirements for minimum front lot width in Table A, at the end of this title. On a curve, frontage may be measured at the building line.
- B. If a lot is bound on two opposite sides by streets, minimum front yard setbacks shall be maintained on both front yards. Accessory buildings or structures may not be located in either front yard setback. The area plan commission may make exceptions to this requirement through the subdivision approval process.

(Prior code § 153.018)

17.12.050 Setback requirements.

- A. In all districts, the requirements of Table A, at the end of this title, apply to minimum front, rear, and side yards.
- B. If the permitted use does not include buildings, the required yards must still be maintained.

C. Every part of every required yard shall be open and unobstructed from the ground to the sky except as follows:

1. Sills or belt courses may project not over twelve (12) inches into required yard;
2. Cornices, eaves, gutters, or other projections from a building or structure may project not over three feet into a required yard, but may not extend closer than one foot to any lot line;
3. Chimneys, fireplaces, pilasters, bay windows, or similar uses may project not over two feet into a required yard;
4. Movable awnings may be placed over doors or windows in any required yard, but awnings may not project closer than two feet to any lot line, and may not be vertically supported;
5. Unenclosed fire escapes, stairways, decks, and balconies may project not over five feet into a required rear yard and not over three feet, eight inches into a required side yard. Unenclosed decks and balconies may not project over three feet into a required front yard, but may not extend closer than one foot to any lot line;
6. Unroofed terraces, patios, or decks, not over three feet six inches above the ground except for railings, may extend five feet into a required front yard, ten (10) feet into a required rear yard, and three feet into a required side yard, but may not extend closer than one foot to any lot line;
7. Hoods, canopies, or marquees may project not over three feet into a required yard, but may not extend closer than one foot to any lot line;
8. With the exception of permitted driveways, all required front yards shall be planted and maintained in grass and/or other natural ground cover which establishes comparable aesthetic standards.

D. All required yards and setbacks are measured from the property line or the right-of-way line, whichever is more restrictive.

E. "Front yard" means the yard extending across the full width of the lot between the front line of the building and the front lot line. On a corner lot, the front lot line is the shorter of any two adjacent lot lines having frontage on a street.

F. "Rear yard" means the yard extending across the full width of the lot between the rear line of the building, structure, or use and the rear line of the lot.

G. "Side yard" means the yard between the foundation line of any part of the building, structure, or use and the side line of the lot, and extending from the front yard to the rear yard.

H. If a commercial lot abuts a residential lot, an unobstructed yard at least ten (10) feet wide shall be provided adjacent to the residential lot. No primary or accessory uses or structures may be placed in this ten (10) foot yard.

I. If an industrial lot abuts a residential lot, an unobstructed yard at least twenty (20) feet wide shall be provided adjacent to the residential lot. No primary or accessory uses or structures may be placed in this twenty (20) foot yard.

J. If a commercial or industrial lot abuts a residential lot in the same block frontage, the yard requirements in

the residential district apply to the commercial or industrial district.

(Prior code § 153.019)

17.12.060 Fences, walls and hedges.

A. The height of fences, walls, or hedges in required yard setbacks may not exceed the following:

1. Three feet in all required front yards on corner lots, and four feet in all other required front yards;
2. Six feet along a side or rear lot line of residential property; and
3. Eight feet along a side or rear lot line of nonresidential property.

B. A six-foot impassable fence shall surround all swimming pools, all accessories thereto, and all entries thereto. Swimming pools shall include but are not necessarily limited to pools over two feet in depth at any point. Swimming pools shall not include lakes.

C. All junkyards, salvage yards, storage yards, outside storage areas, commercial vehicle and equipment parking lots, scrap yards, scrap metal reduction operations, garbage reduction operations, or similar operations to any of the above shall be completely enclosed with an opaque fence not less than eight feet high. This fencing requirement is mandatory for all storage areas for inoperable vehicles or inoperable equipment in conjunction with repair shops or similar operations when such storage areas abut residential areas or are visible from public thoroughfares.

(Prior code § 153.020)

17.12.070 Accessory uses and structures.

A. A structure or use that is clearly incidental to a principal structure or use, and which is located on the same lot or an adjacent undeveloped lot with the principal structure or use and with the same ownership, is an accessory use. All accessory uses are subject to the restrictions in this section.

B. All accessory uses and structures must meet the following requirements:

1. Accessory uses and structures must be operated and maintained under the same ownership and use as the principal use or structure, and must be a permitted use in the zoning classification in which they are located.
2. Except as otherwise provided in this subsection, accessory structures and uses must be subordinate in height, area (lot coverage), and purpose to the principal residential structure or use.
3. Total lot coverage for all structures on the lot must not exceed the maximum allowed per Table A, at the end of this Title.
4. Accessory structures must not be located in front of the principal residential structure or use unless the accessory structure is at least two hundred (200) feet from the front property line.
5. Except as otherwise provided in this subsection, in a rear or side yard, all residential accessory structures and uses not attached to or part of the principal residential structure or use shall be located at least two (2) feet from any lot line. All residential accessory uses attached to or part of the principal residential structure must meet all minimum requirements established by Table A, at the end of this title.
6. In the "A" Agricultural zoning district, on a lot or parcel of 2.50 acres or more, the following apply

notwithstanding any other provision in this subsection:

- a. Accessory structures and uses may be constructed prior to the principal structure if, and only if, the owner records a commitment guaranteeing that the principal structure will be completed, and a Certificate of Occupancy granted and provided to the Area Plan Commission Office, within eighteen (18) months from the issuance of the Improvement Location Permit for the accessory structure.
- b. Accessory structures may exceed the height and area of the principal residential structure, provided that:
 - i. the aggregate lot coverage of all accessory structure(s) must not exceed the greater of five thousand (5,000) sq. ft; and;
 - ii. accessory structures exceeding the height of the principal structure must be set back from any lot line by an amount equal to or greater than the height of the accessory structure.

7. No structure shall be located in or over any easement or within the right of entry of any regulated drain as defined in Indiana Code 36-9-27.

C. Docks for noncommercial watercraft are permitted as an accessory use. A dock may not project more than ten (10) feet beyond the waterway, property, or bulkhead line, or ten (10) percent of the width of the waterway, whichever is less.

(Ord. 08-18-015 § 1, Amended, 8/22/2017; Ord. 04-17-007 § 2, Amended, 4/4/2017; prior code § 153.021)

17.12.080 Exclusion from height limitation.

Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building; fire or parapet walls; skylights; television aerials; steeples; cupolas, flagpoles; chimneys; smokestacks; wireless masts; water tanks; grain elevators; silos; gas containers; industrial installations requiring a vertical production procedure such as flour mills, steel mills and refineries or similar structures may be erected above the height limits. However, no penthouse or roof structure or any space above the height limit may be used for residential, commercial, or industrial use.

(Prior code § 153.022)

17.12.090 Standards for mixed uses.

- A. If a structure contains both residential use and a nonresidential use and the gross floor area occupied by the residential use exceeds twenty-five (25) percent of the total floor area of the structure, the structure is a residential use and must conform with the regulations of the R-5 residential district.
- B. If the gross floor area occupied by the residential use is twenty-five (25) percent or less of the total floor area of the structure, the structure is a nonresidential use and must conform with the regulations of the commercial district in which it is located.

(Prior code § 153.023)

17.12.100 Commercial vehicle parking.

A. Commercial vehicles and equipment, other than those used in the principal use, may not be parked or stored on property in an A, R-1, R-2, R-3, R-4, R-5, CO-1, CO-2, C-1 or C-2 district. Vehicles designed and intended for agricultural use are permitted in agricultural zoning districts.

B. A commercial vehicle originally designed or intended as a private passenger vehicle (pick-up truck up to and including one-ton pick-up truck, passenger van, automobile, or station wagon) which has been materially or structurally altered for use in connection with a commercial use may be parked on residential property when used as a commuter vehicle by the owner or resident of the premises. However, said vehicles while parked on the property may not be loaded with trash or debris.

(Prior code § 153.024)

17.12.110 Use of residentially zoned property.

Residentially zoned property may not be used for public access to nonresidential property.

(Prior code § 153.025)

17.12.120 Residential lots of record.

Any lot in a recorded subdivision may be considered a lot suitable for building purposes. A lot of record which existed in its present configuration and size prior to 1957, may be considered a lot suitable for building purposes.

(Prior code § 153.026)

17.12.130 House cars, trailers and mobile homes.

The following may not be used as living or sleeping quarters within the county except within the confines of an approved mobile home court:

- A. Recreational vehicles;
- B. Trailers;
- C. Mobile homes;
- D. Manufactured homes with an inside area of less than seven hundred twenty (720) square feet.

(Prior code § 153.027)

17.12.140 Garage or yard sale.

A. A garage or yard sale may be conducted not more than two times in any one calendar year on any premises located in any R-1, R-2, R-3, R-4, R-5, CO-1 and CO-2 zones; no sale shall be conducted for more than three consecutive days.

B. All personal property exhibited for sale outside any structure during such garage or yard sale shall be removed from the outside and placed within a structure immediately following the last day of such sale. All signs erected for such garage or yard sale shall likewise be removed.

(Prior code § 153.028)

17.12.150 Nonconforming uses.

Within the zoning districts of this title or by amendments which may later be adopted, there exist nonconforming structures; nonconforming uses of land; nonconforming uses of land and structures in combination; and nonconforming characteristics of uses which lawfully exist as of the effective date of the ordinance codified in this title, but which would be prohibited, regulated, or restricted under the terms of this title or future amendments thereto. It is the intent of this title to permit these nonconforming uses to continue until they are removed, but not to encourage their survival. It is further the intent of this title that nonconforming uses shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other uses or structures which are

prohibited elsewhere in the same zoning district. Note: illegal uses existing at the time the ordinance codified in this title is enacted shall not be validated by virtue of its enactment.

A. Nonconforming Uses of Land. Where, at the time of enactment of the ordinance codified in this title, lawful uses of land exist which would not be permitted by the regulations imposed by this title, the uses may be continued so long as they remain otherwise lawful, provided:

1. No such nonconforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of the ordinance codified in this title.
2. No such nonconforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of the ordinance codified in this title.
3. If any such nonconforming uses of land are discontinued, or if such nonconforming uses are abandoned for more than six months, any subsequent use of such land shall conform to the regulations specified by this title for the district in which such land is located.
4. No additional structure not conforming to the requirements of this title shall be erected in connection with such nonconforming use of land.

B. Nonconforming Structures. Where a lawful structure exists at the effective date of the ordinance codified in this title that could not now be built under the terms of this title by reason of restrictions on area, lot coverage, height, yards, its location on the lot, bulk, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following restrictions:

1. No such nonconforming structure may be enlarged or altered in any way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
2. Should such nonconformity structure or nonconforming portion of structure be destroyed by any means to the extent of more than double its assessed value immediately prior to the damage, it shall not be reconstructed or repaired except in conformity with the provisions of this title.
3. Should such structure be moved for any reason for any distance whatever, or removed from the property for any reason, it shall thereafter conform to the regulations for the district in which it is located after it is moved or rebuilt.

C. Nonconforming Uses of Structures or of Structures and Land in Combination. If a lawful use involving individual structures, or if a structure and land in combination, exists at the effective date of the ordinance codified in this title that would not be an allowed use in the district under the terms of this title, the lawful use may be continued so long as it remains otherwise lawful, subject to the following restrictions:

1. No existing structure devoted to a use not permitted by this title in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
2. A nonconformity use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of the effective date of the ordinance codified in this title, but no such use shall be extended to occupy land outside such building.

3. If no structural alterations are made, any nonconforming use of a structure or a structure and land may, upon approval of a zoning use permit be changed to another nonconforming use provided that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such a change, the area plan commission may require appropriate conditions and safeguards in accordance with other provisions of this title.

4. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.

5. When the nonconforming use of a structure, or a structure and land in combination, is discontinued, or the nonconforming use is abandoned for more than six months, the structure or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.

6. Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

D. Incompatibility of Nonconforming Uses. Nonconforming uses are declared by this title to be incompatible with permitted uses in the district in which such use is located. A nonconforming use of a structure, a nonconforming use of land, or nonconforming use of a structure and land in combination shall not be extended or enlarged after the effective date of the ordinance codified in this title by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses which would be generally prohibited in the district in which such use is located.

E. Repairs and Maintenance. On any nonconforming structure or portion of a structure containing nonconforming use, work can be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, to the extent not exceeding double the assessed value of the nonconforming structure, or nonconforming portion of the structure, whichever the case may be, providing that the floor area existing when it became nonconforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the public safety, upon such order from such official. If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful because of neglect of its physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

F. Special Uses Are Not Nonconforming Uses. Any use which is permitted as a special use in a district under the terms of this title shall not be deemed a nonconforming use in such district, but shall be considered a conforming use.

(Prior code § 153.029)

17.12.160 Standards for small cell facilities.

Recodified as 17.13.010 by Ord. 06-22-006.

Chapter 17.13
DEVELOPMENT STANDARDS FOR SPECIFIC USES

Sections:

[17.13.010 Small cell facilities.](#)

[17.13.020 Solar energy systems for on-site consumption, ground, roof or building mounted.](#)

[17.13.030 Commercial solar energy generating facilities.](#)

[17.13.040 Commercial solar energy generating facilities, Community-Scale.](#)

[17.13.050 Commercial solar energy generating facilities, Large-Scale.](#)

[17.13.060 Summary Chart for Ground-Mounted Community & Large-Scale Solar Standards](#)

17.13.010 Small cell facilities.

- A. Small cell facilities on utility poles or other wireless support structures are permitted uses in any zoning district. Small cell facilities owned or operated by commercial telecommunication providers and placed on new (not pre-existing) support structures are subject to the requirements of this section.
- B. Site Review Committee approval must be obtained for all small cell facilities and support structures that are subject to the requirements of this section and will require submission of the following:
1. Commercial site plans meeting the requirements for Commercial Review by the Site Review Committee, including a surveyor certification of the exact location of the support structure from property lines and center lines of abutting streets or rights-of-way;
 2. Structural plans including elevation and plan views showing height above grade level and dimensions, and information demonstrating the ability of the support structure to safely accommodate the facilities, including, if applicable, information regarding other facilities co-located or planned for co-location on the support structure;
 3. Evidence in any form, written or otherwise, demonstrating that no existing structure can accommodate applicant's proposed facilities, either because there are no existing structures meeting the applicant's engineering requirements within the geographic area that the facilities are intended to serve, or if there are structures in the geographic area, evidence that such structures do not have sufficient dimensions or structural strength to meet the applicant's engineering requirements. This section shall not be interpreted to mandate, but rather only to encourage, co-location.

C. All support structures that are no longer used shall be removed within six (6) months of the cessation of operations at the site unless a time extension is approved by the Board of Commissioners of Vanderburgh County. In the event support structures are not removed within six (6) months of the cessation of use, they may be removed by the County and the costs of removal assessed against the property.

(Ord. 06-22-006 § 2, amended, 06/28/2022; Ord. 05-19-005 § 2, added, 04/30/2019. Formerly 17.12.160)

17.13.020 Solar energy systems for on-site consumption, ground, roof or building mounted.

A. Compliance with the limited standards and requirements specific to On-site consumption systems (having a solar array of less than 10 acres in size) established herein allows installation of such a system without obtaining an Improvement Location Permit as long as the energy generated is at least partially used on-site for the principal use.

B. Size for ground-mounted systems.

1. Systems for on-site consumption with a solar array of 10 acres or more shall meet the requirements for large-scale systems in Sections [17.13.030](#) and [17.13.050](#), and Chapter [17.28](#) of this Title.
2. For systems in the A, R-1 or R-2 districts where the lot or parcel contains a principal residential structure, the solar array shall not be larger than the footprint of the structure unless:
 - a. The system is located on a lot or parcel of 2.5 acres or more, in which case the array may exceed the footprint of the structure, but shall not exceed 5,000 square feet; or
 - b. The system is on a lot or parcel that also contains an active agricultural use.

C. Location. Solar energy systems for on-site consumption are permitted in all zoning districts, however, ground-mounted systems shall be prohibited in certain settings as described below:

1. In front yard setbacks, and in side yard setbacks on the street side of a corner lot;
2. In front of the principal structure or use unless:
 - a. they are located at least 200 feet from the front property line; or
 - b. they are located in an AIR, C-4, M-1, M-2, M-3 or W-1 district.
3. In any easement or right-of-way;
4. Over an operational septic field unless approved by the Vanderburgh County Health Department; or
5. Within any storm water conveyance system in a manner that would alter or impede water flow into a constructed storm water conveyance system.

D. Height.

1. While roof or building-mounted solar energy systems are exempt from the height standards of any zoning district, roof mounted systems that are visible from the right-of-way (excluding alleys) must meet the following additional standards:
 - a. Systems mounted on pitched roofs shall be no more than 10 inches above the roof as measured parallel to the roof line; and
 - b. In A, R-1 and R-2 districts, systems mounted on flat roofs shall not exceed 5 feet above the finished roof when oriented at maximum tilt.
 - c. In all other districts, systems on flat roofs shall not exceed 10 feet above the roof.
2. Ground-mounted solar energy systems shall not exceed 15 feet in height when oriented at maximum tilt. Systems attached to light or utility poles are exempt from this height requirement, but shall not exceed the maximum height for the zoning district.
3. Solar carports (including the supporting structure and the array) in non-residential districts shall not exceed 20 feet in height when oriented at maximum tilt.

- E. Setbacks (superseding or in addition to those shown in 17.38.010 Table A)
1. Roof or building-mounted solar energy systems shall not project into the front setback of the district in which the lot is located.
 2. Solar energy systems may be located in a side yard setback that is not on a street corner, or in a rear yard setback, as long as they meet the following requirements:
 - a. Roof or Building-mounted Solar Energy Systems – The collector surface and mounting devices for solar energy systems shall not overhang the roof of a building to the extent that they project closer than 2 feet from a property line. Solar collectors mounted on the sides of buildings and serving as awnings are building-integrated systems and are regulated as awnings. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure except when the structure is built to the property line.
 - b. Ground-mounted Solar Energy Systems – The collector surface and mounting devices shall not be located closer than 2 feet from a side or rear property line, even where there is no minimum district side or rear yard setback.
 3. Setback distance should be measured from the nearest corner or edge of the solar energy array to the property line.
- F. Visibility. Solar energy systems in residential districts that are visible from the public right-of-way shall meet the following:
1. Roof-mounted systems on pitched roofs shall have the same finished pitch as the roof (does not apply to flat roofs).
 2. All solar energy systems using a reflector to enhance solar production shall be designed so that they do not cause glare onto adjacent properties or into the right-of-way where it could present a safety hazard for street traffic.
- G. Lot Coverage and Accessory Structure Area
1. Ground-mounted systems shall be exempt from lot coverage or impervious surface standards where there is vegetation under the collector.
 2. Ground-mounted systems shall not count toward any maximum accessory structure area.
- H. Other Requirements. Building-Integrated solar energy systems are permitted if the building component in which the system is integrated meets all required setbacks, land use, and performance standards for the district in which the building is located.

(Ord. 06-22-006 § 2, added, 06/28/2022)

17.13.030 Commercial solar energy generating facilities.

- A. General requirements for Commercial solar projects are established herein and apply to both types of Commercial solar energy generating facilities-- Community-Scale and Large-Scale.
- B. Location.
1. Commercial solar energy systems are prohibited in:

- a. front yard setbacks, and in side yard setbacks on the street side of a corner lot;
 - b. any easement or right-of-way;
 - c. over an operational septic field unless approved by the Vanderburgh County Health Department;
or
 - d. within any storm water conveyance system in a manner that would alter or impede water flow into a constructed storm water conveyance system.
- C. Height. Commercial solar energy generating facilities shall not exceed 20 feet in height when oriented at maximum tilt.
- D. Setbacks.
1. Setback distance should be measured from the nearest corner or edge of the solar energy generating facility array (excluding security fencing, screening, or berm) to the property line or the residential structure whichever applies.
 2. Property line setbacks between separate parcels which are participating in a solar energy system project, where one of the parcels contains a residence, may be waived upon written agreement of the landowner(s) and such agreement shall be recorded, and a recorded copy provided to the Area Plan Commission as part of any rezoning or special use petitions, or submittals for an Improvement Location Permit application.
- E. Screening.
1. Due to the large amounts of land area that can be involved in commercial solar energy generating facilities, two types of landscaped buffers (Street and Property Buffers) with required tree plantings are established herein to help screen these facilities and mitigate any potential impacts.
 - a. Street Buffer. Along any portion of a solar energy generating facility located adjacent to a street, a landscape buffer with tree plantings is required to be installed and maintained through the life of the project to help enhance the visual appeal of the roadside. The landscape buffer shall comply with the following:
 - i. It shall be located between the edge of the street right-of-way and the perimeter fencing, and can be within the setback area.
 - ii. Berms may be incorporated in the buffer area, as long as all plantings are installed along the street side of the berm.
 - iii. Only trees from the small and medium size tree lists in Appendix B and C of the Evansville Arbicultural Specifications Manual (hereafter referred to as "the Manual") shall be planted in a street buffer.
 - iv. The number of trees required to be planted over the total street frontage shall be calculated at: one tree for every 25 linear feet.
 - b. Property Buffer. Screening in the form of a landscape buffer with tree plantings is also required to be installed and maintained through the life of the project to help provide transition between the

proposed Commercial solar energy generating facility and any abutting residential use(s), and to enhance the visual appeal of the site border. The requirements for the property buffer are:

- i. The trees shall be located along the length of the common property line between the Commercial solar energy generating facility site and an abutting parcel that contains a residence and that does not contain a commercial solar energy generating facility.
 - ii. Placement of the trees shall also be on the exterior edge of the setback between the property line of the abutting residential property and the perimeter fence.
 - iii. Only evergreen trees from the tree lists in the Appendixes of the Evansville Arboricultural Specifications Manual shall be planted in a property buffer (except for Arborvitae trees which are not allowed).
 - iv. Trees shall be spaced at the minimum separation as recommended in Section 4.4.6 of the Manual (1/3 of the mature canopy spread or width as shown on the tree lists) so that at maturity they will generally form a continuous screen.
 - v. No screening is required when the abutting residential structure is more than 400 feet from the solar array.
 - vi. Along an improved right-of-way where both types of buffers could be required due to an abutting residence, the property buffer shall supersede, meaning that the street buffer requirement would not apply.
- c. General tree requirements for required plantings.
- i. A variety of tree species shall be included (native species preferred).
 - ii. All tree stock shall be balled and burlapped.
 - iii. Size at planting – meet specifications in Section 4.2 of the Manual.
 - iv. Prohibited trees -- No dwarf or multi-trunk trees are allowed.
2. Details on the number and location of tree species to be planted to meet these landscape requirements shall be shown on a landscape plan prepared by a Registered Landscape Architect and submitted to the APC with an Improvement Location Permit Application and site plan. The landscape plan drawing shall be reviewed for a recommendation by a temporary member of the Site Review Committee with expertise in trees (Arborist) to be appointed by the Director, and considered in the permit approval process.
3. Where there are established trees along the site perimeter, the petitioner may provide documentation that the existing trees provide adequate screening, as an alternative to the required plantings, and any existing trees that will provide buffer screening shall be shown on the landscape plan. The tree expert (Arborist) appointed to review the landscape plan must consider whether the use of existing trees provides screening equivalent to or better than the required plantings.
4. The Director may grant waivers or partial waivers of the landscaping requirements where it is reasonable and justified due to specific site conditions or use of existing trees for screening, but only when the appointed tree expert (Arborist) recommends that the plantings be waived.
5. Guidance on planting methods and tree maintenance is also included in the Manual.

- F. Power and Communication Lines. Power and communication lines running between banks of solar panels and to nearby project electric substations or interconnections with buildings shall be buried underground.
- G. Fencing. Perimeter fencing for the site shall not include barbed wire or razor wire designs.
- H. Other Standards and Codes. All solar energy system projects shall comply with all applicable local, state and federal regulatory codes, statutes, ordinances, and permit requirements, including without limitation those addressing building standards, erosion and sediment control provisions, nonpoint pollution discharge elimination system permit requirements and storm water drainage plans.
- I. Site Plan and Additional Submittals. In addition to having the appropriate zoning for a commercial solar energy generating facility, an applicant shall submit to the Area Plan Commission an Improvement Location Permit Application and a site plan for Commercial Site Review in accordance with Section [17.36.020 B.](#), along with the following in regard to a proposed solar project:
1. The site plan shall include: locations for the solar array, landscaping, fencing, power grid to be connected to, the location of the connection and its easements, and any other related equipment/structures on the site.
 2. If applicable, commitment letters from the utility company(ies) involved for the purchase of electricity to be generated on the proposed site, and/or interconnection letter/agreement for grid-tied solar energy systems.
 3. If required, a landscaping plan and the other plan submittals as specified in this Chapter.
 4. Normal and emergency shutdown procedures, potential hazards to adjacent properties, public roadways and to the community in general that may be created.
 5. A name and phone number of the person responsible for inquiries and complaints throughout the life of the project. The owner/operator shall make reasonable efforts to respond to all inquiries and complaints.
 6. Provide a copy of the final construction plans (as-builts) to the APC and to all the Site Review Committee agencies with the required dimensions shown. The Director and the Site Review agencies will determine whether the as-builts meet requirements for issuance of a Certificate of Occupancy.
 7. It is the responsibility of the owner or operator listed in the application to inform the Area Plan Commission of all changes of ownership and operation during the life of the project, including the sale or transfer of ownership or operation, and to update as needed the contact information for the person responsible to respond to inquiries and complaints.
- J. Aviation Protection. For solar projects located within the AIR district, within 500 feet of the boundary of the AIR district, or within approach zones of an airport, the applicant must complete and provide the results of a qualitative glare analysis of potential impact, field test demonstration, or geometric analysis of ocular impact in consultation with the Federal Aviation Administration (FAA) Office of Airports, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or its most recent version adopted by the FAA. Documentation of FAA approval of the analysis shall be provided to the Area Plan Commission before an Improvement Location Permit can be issued.

(Ord. 06-22-006 § 2, added, 06/28/2022)

17.13.040 Commercial solar energy generating facilities, Community-Scale.

A. Standards and requirements specific to Community-Scaled solar (on sites less than 10 acres in size) are established herein to ensure that these facilities fit appropriately into the community with minimal impact on surrounding uses.

B. Rooftop Shared Solar.

1. Rooftop systems are permitted in all districts without a special use;
2. Height. Can exceed the maximum height for the district as long as the solar panels are not taller than 10 feet above the roof line.

C. Ground-Mounted Systems.

1. Setbacks (superseding or in addition to those shown in 17.38.010 Table A);
 - a. All solar energy system arrays shall have at least a 20-foot setback from any improved right-of way that abuts the solar energy system site;
 - b. The setback along any solar system property line that is adjacent to a residential use or district shall be a minimum of 20 feet;
 - c. No setback shall be less than 5 feet along any other property line.
2. Screening. Due to the tighter urban spaces that may be typical for Community-Scaled solar projects, the trees used for the street and property buffers shall have a width of 25 feet or less as shown on the tree lists in the Manual.
3. Ground Cover.
 - a. The petitioner shall plant, establish and maintain for the life of the project perennial vegetative ground cover on the solar energy system site including the landscaped tree buffer areas.
 - b. The use of pollinator seed mixes and native or naturalized species for this ground cover is strongly encouraged.
 - c. Maintenance practices shall control for invasive and noxious species.
4. Decommissioning.
 - a. Upon filing the site plan for the project, the petitioner shall also submit a written decommissioning and site restoration commitment signed by the owner. This commitment shall acknowledge the owner's intent to comply with the requirements of this Section for discontinuation of the commercial energy generating activity on the site.
 - b. At least 60 days before discontinuing the commercial energy generating activity on the site, the owner shall provide to the APC a written notice of intent to decommission the project including a proposed date for completion of final decommissioning.
 - c. All structures, foundations, roads, other surface gravel, concrete or pavement areas, and cables associated with the project shall be removed.

- d. The ground surface of the site shall be restored so that it is reasonably similar to its pre-construction condition.
- e. The work to remove the project assets of the solar energy system must be completed no later than one (1) year from the proposed date of final decommissioning provided in the notice.

(Ord. 06-22-006 § 2, added, 06/28/2022)

17.13.050 Commercial solar energy generating facilities, Large-Scale.

- A. Standards and requirements specific to ground-mounted, Large-Scale solar (on sites of greater than 10 acres) are established herein to address potential impacts of these facilities on surrounding uses.
- B. Setbacks (superseding or in addition to those shown in 17.38.010 Table A).
 1. When locating adjacent to a parcel that contains a residence and that does not contain a commercial solar energy generating facility, the solar array shall be setback a minimum of 50 feet from the common lot line(s) between the two properties, or 250 feet from the principal residential structure, whichever is greater.
 2. Property line setbacks between separate parcels which are participating in a solar energy system project, where one of the parcels contains a residence, may be waived upon written agreement of the landowner(s) and such agreement shall be recorded, and a recorded copy provided to the Area Plan Commission as part of any rezoning petition or submittals for an Improvement Location Permit application.
 3. When locating adjacent to a right-of-way for any public road, the solar array shall have a forty (40) foot setback from the right-of-way.
 4. Setbacks for all other property lines shall meet the district setback or be a minimum of ten (10) feet whichever is greater.
- C. Screening. Trees acceptable for planting in a property buffer for a Large-Scale solar project shall be evergreens from the medium tree lists in Appendix C of the Manual.
- D. Ground Cover.
 1. Ground around and under solar panels and in buffer areas shall be planted, established, and maintained for the life of the solar project in perennial vegetated ground cover meeting the definition of "Pollinator-Friendly Habitat" in Section [17.08.030](#), except in any areas of the site where agrivoltaics will be incorporated.
 2. A Pollinator-Friendly seed mix and native plants plan, referred to herein as the "ground-cover plan", shall be prepared by a Registered Landscape Architect, a Certified Ecologist or a Licensed Horticulturalist and submitted to the Area Plan Commission with the proposed site plan for review by the Site Review Committee.
 3. In regard to the seed mix and the implementation of the ground cover requirements, the applicant shall complete and submit the most recent version of the Indiana Solar Site Pollinator Habitat Planning Scorecard developed by Purdue University, or a similar third-party solar pollinator standard designed for eco-systems and conditions found in the Midwest.
 4. The ground-cover plan shall be reviewed for a recommendation by a temporary member of the Site Review Committee with expertise in landscaping, ecology or horticulture to be appointed by the Director,

and such recommendation shall be considered in the permit approval process.

5. If scorecard results show that the project does not meet the habitat standard (< 100), the applicant shall submit revisions to the seed mix/ground cover plan so that it meets the habitat standard; or detail the site conditions that prevent the project from qualifying with the desired minimum habitat score and propose an alternative means of meeting the habitat and water quality goals of the pollinator-friendly standard.

6. Alternatives to the ground cover plan may be submitted for consideration by the Area Plan Commission, but can only be approved if the alternative first receives a positive recommendation from the local expert appointed to review the ground cover plan in combination with the City Engineer or County Surveyor. Any approval for an alternative ground cover plan shall be granted as part of the rezoning process and recorded with the County Recorder. Approval for a ground cover alternative is not required where agrivoltaics will be incorporated.

7. Best management practices for the on-going maintenance of the pollinator-friendly habitat shall be used so that the ground cover plantings can get established and thrive throughout the life of the project. Sites that do not meet these requirements will be in violation of this Section.

8. The solar energy system site shall be planted and maintained to be free of invasive or noxious species, as listed by the Indiana Invasive Species Council.

9. No insecticide use is permitted on the site, except for use within on-site buildings, around electrical boxes, or for spot control of noxious weeds.

E. Fencing. Perimeter fencing for the site shall be wildlife-friendly allowing for small-to-medium sized, ground-based animals to pass through the bottom portion of the fence, or to pass underneath the fence through appropriately sized and spaced piping or other means. Alternative fencing can be used if the site is incorporating agrivoltaics.

F. Site Plan and Additional Submittals. An applicant for a solar energy generating facility, large-scale, shall submit to the Area Plan Commission an Improvement Location Permit Application and a site plan for Commercial Site Review in accordance with Section [17.36.020 B.](#), along with the following in regard to a proposed solar project as required in this Chapter:

1. If required, a landscaping plan showing the type of trees and the locations of required buffer plantings;
2. A ground cover plan showing the locations and other details of the required pollinator plantings;
3. A decommissioning and site restoration plan to address restoring the site to an acceptable condition at the end of the project's life; and
4. Other submittals as required herein.

G. Decommissioning.

1. A decommissioning plan shall be submitted to the APC with an Improvement Location Permit Application to ensure that facilities are properly removed after their useful life. The decommissioning plan should address the following items:

- a. The anticipated life of the project;
- b. The estimated cost of decommissioning and restoration, net of salvage value, in current dollars;

- c. A projected time table for decommissioning and restoration to be complete.
- 2. The applicant shall submit a letter of credit, performance bond or surety bond to the Area Plan Commission prior to issuance of the Improvement Location Permit in the amount of the approved decommissioning cost estimate to ensure that funds will be available for decommissioning and restoration;
- 3. Periodic review of the cost estimate to account for inflation and current removal costs shall be completed every 5 years, for the life of the project, and be provided to the Area Plan Commission for approval, and any increase in the cost estimate shall be addressed in a corresponding amendment to the surety amount.
- 4. Decommissioning of the system must occur in the event the project does not produce power for 12 consecutive months. An owner may petition for an extension of this period upon showing of reasonable circumstances that have caused the delay in the start of decommissioning.
- 5. At least 60 days before discontinuing the commercial energy generating activity on the site, the owner shall provide to the APC a written notice of intent to decommission the project including a proposed date for completion of final decommissioning.
- 6. All structures, foundations, roads, other surface gravel, concrete or pavement areas, and cables associated with the project shall be removed.
- 7. The ground surface of the site shall be restored so that it is reasonably similar to its pre-construction condition.
- 8. All structures that are no longer used at the site shall be removed within six months from the end of the 12-month period referred to above unless a time extension is approved by the Area Plan Commission.

(Ord. 06-22-006 § 2, added, 06/28/2022)

17.13.060 Summary Chart for Ground-Mounted Community & Large-Scale Solar Standards

SITE CRITERIA	COMMUNITY-SCALE SOLAR SYSTEMS	LARGE-SCALE SOLAR SYSTEMS
Size	Less than 10 Ac.	10 Ac. or more
Setbacks	Adjacent to a residence 20 ft. min	the greater of 50 ft. from the lot line or 250 ft. from a residence
	Adjacent to improved R-O-W 20 ft. min.	Adjacent to improved R-O-W 40 ft. min.
	Meet district setback or 5 ft. whichever is greater	Meet district setback or 10 ft. whichever is greater
Height	20 ft max.	20 ft max.
Tree Buffer:	Yes	Yes, except when a residence is greater than 400 ft away
Adjacent to a residence;		
Adjacent to R-O-W	Yes	Yes, 1 tree every 25 LF

Ground Cover - Pollinator plantings	Yes, encouraged	Yes, required
ZONING DISTRICTS		
AIR	Permitted ¹	Permitted ¹
A	Permitted	Special Use
Residential & PUD	Special Use	Prohibited
CO-1, CO-2, C-1 & C-2	Special Use	Prohibited
C-3 (CBD)	Prohibited	Prohibited
C-4	Permitted	Special Use
W-R	Special Use	Prohibited
W-I	Permitted	Special Use
Manufacturing	Permitted	Permitted

FOOTNOTE: Solar energy systems located within the EVAAD require prior approval of the EVAAD.

(Ord. 06-22-006 § 2, added, 06/28/2022)

Chapter 17.16
SPECIFIC DISTRICT REQUIREMENTS

Sections:

[17.16.010 Airport districts.](#)

[17.16.020 Agricultural district.](#)

[17.16.030 Conservancy district.](#)

[17.16.040 Residential-1 district.](#)

[17.16.050 Residential-2 district.](#)

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[17.16.090 Commercial office-1 \(CO-1\) district.](#)

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[17.16.110 Neighborhood commercial \(C-1\) district.](#)

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[17.16.130 General commercial \(C-4\) district.](#)

[17.16.140 Waterfront recreational/ residential \(W-R\) district.](#)

[17.16.150 Waterfront industrial \(W-I\) district.](#)

[17.16.160 Light industrial \(M-1\) district.](#)

[17.16.170 General industrial \(M-2\) district.](#)

[17.16.180 Industrial \(M-3\) district.](#)

[17.16.190 Floodway \(F-1\) district.](#)

17.16.010 Airport districts.

A. Uses in AIR District. A building or land may not be used except for one or more of the following uses:

1. Use group 10;
2. Use group 11;
3. Use group 13;
4. Use group 14;
5. Use group 15;

6. Use group 17;
7. Use group 18;
8. Use group 19;
9. Special uses; and
10. Accessory uses to any of the above.

B. The uses in AIR are subject to the following requirements:

1. All uses shall conform to the rules and regulations of the Federal Aviation Commission;
2. Maximum height and lot coverage and minimum lot size, width, and yard, as shown in Table A;
3. Parking restrictions as provided in Chapter [17.24](#);
4. Restrictions on signs and off-premises advertising;
5. Use of the land will not create interference with the operations of radio or electronic facilities on the airport or with radio or electronic communications between the airport and aircraft, or make it difficult for pilots to distinguish between airport lights and other lights, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, or otherwise endanger the landing, taking off, or maneuvering of aircraft.

(Prior code §153.040)

17.16.020 Agricultural district.

A. Uses in "A" District. A building or land may not be used, and a building may not be erected or altered, except for one or more of the following uses:

1. Use group 1;
2. Use group 2-subject to the restrictions provided in Section [17.16.040\(A\)\(2\)](#);
3. Use group 17;
4. Use group 18;
5. Use group 19 (if approved as a special use);
6. Special uses; and
7. Accessory uses to any of the above.

B. The uses permitted in "A" are subject to the following requirements:

1. Maximum height and lot coverage and minimum lot size, width, and yard as shown in Table A;
2. Parking restrictions as provided in Chapter [17.24](#);
3. Restrictions on signs and off-premises advertising;

4. Minimum floor area for dwellings as shown in Section [17.12.020](#);
5. Uses in use group 18 and 19 may not be within five hundred (500) feet of a residential district or a residence. This subsection shall not apply to those uses listed in Use Group 18 and 19 which are lawful existing and/or previous uses as of the effective date of this ordinance.

(Ord. 04-17-006 § 3, Amended, 04/04/2017; prior code § 153.041)

17.16.030 Conservancy district.

A. For the purpose of this section, the term “conservancy district” means a conservancy district established pursuant to IC 13-3-3-1 et seq., as it may from time to time be amended.

B. Uses in “CON” District. A building or land may not be used, and a building may not be erected or altered, except for one or more of the following uses:

1. Use group 17;
2. Use group 18;
3. Special uses; and
4. Accessory uses to any of the above.

C. The uses permitted in “CON” are subject to the following requirements:

1. Maximum height and lot coverage and minimum lot size, width, and yard as shown in Table A;
2. Parking restrictions as provided in Chapter [17.24](#);
3. Restrictions on signs and off-premises advertising;
4. Minimum floor area for dwellings as shown in Section [17.12.020](#); and
5. Uses in use group 18 and 19 may not be within five hundred (500) feet of a residential district or a residence. (Prior code § 153.042)

17.16.040 Residential-1 district.

A. Uses in “R-1” District. A building or land may not be used, and a building may not be erected or altered, except for one or more of the following uses:

1. Use group 1;
2. Use group 2 as accessory uses subject to the following restrictions:
 - a. The home occupation must be conducted entirely within the dwelling by a person who is a resident member of the family residing on the premises, and with no additional employees,
 - b. The floor area devoted to the use may not exceed twenty-five (25) percent of the floor area of the dwelling,
 - c. An outside entrance may not be provided solely for the home occupation,
 - d. A display of goods or services relating to the home occupation may not be visible from the

exterior of the building,

e. Maximum two square-foot sign which denotes name and title of resident(s) only, such sign must be flush-mounted on the residence,

f. An occupancy permit must be issued by the plan commission for each home occupation;

3. Special uses; and

4. Accessory uses to any of the above.

B. The uses permitted in R-1 are subject to the following requirements:

1. Maximum height and lot coverage and minimum lot size, width, and yard as shown in Table A;

2. Parking restrictions as provided in Chapter [17.24](#);

3. Restrictions on signs and off-premises advertising;

4. Minimum floor area for dwellings as shown in Section [17.12.020](#).

(Prior code § 153.043)

17.16.050 Residential-2 district.

A. Uses in "R-2" District. A building or land may not be used, and a building may not be erected or altered, except for one or more of the following uses:

1. Use group 1;

2. Use group 2 as accessory uses subject to the same restrictions as shown in Section [17.16.040\(A\)](#) (2);

3. Use group 3;

4. Special uses; and

5. Accessory uses to any of the above.

B. The uses permitted in R-2 are subject to the following requirements:

1. Maximum height and lot coverage and minimum lot size, width, and yard as shown in Table A;

2. Parking restrictions as provided in Chapter [17.24](#);

3. Restrictions on signs and off-premises advertising; and

4. Minimum floor area for dwellings as shown in Section [17.12.020](#).

(Prior code § 153.044)

17.16.060 Residential-3 district.

A. Uses in "R-3" District. A building or land may not be used, and a building may not be erected or altered, except for one or more of the following uses:

1. Use group 1;

2. Use group 2 as accessory uses subject to the same restrictions as shown in Section [17.16.040\(A\)](#) (2);
 3. Use group 3;
 4. Use group 4;
 5. Special uses; and
 6. Accessory uses to any of the above.
- B. The uses permitted in R-3 are subject to the following requirements:
1. Maximum height and lot coverage and minimum lot size, width, and yard as shown in Table A;
 2. Parking restrictions as provided in Chapter [17.24](#);
 3. Restrictions on signs and off-premises advertising;
 4. Minimum floor area for dwellings as shown in Section [17.12.020](#).

(Ord. dated 2/22/94 § 1(b); prior code § 153.045)

17.16.070 Residential-4 district.

A. Uses in "R-4" District. A building or land may not be used, and a building may not be erected or altered, except for one or more of the following uses:

1. Use group 1;
 2. Use group 2 as accessory uses subject to the same restrictions as shown in Section [17.16.040\(A\)](#) (2);
 3. Use group 3;
 4. Use group 4;
 5. Use group 6;
 6. Special uses; and
 7. Accessory uses to any of the above.
- B. The uses permitted in R-4 are subject to the following requirements:
1. Maximum height and lot coverage and minimum lot size, width, and yard as shown in Table A;
 2. Parking restrictions as provided in Chapter [17.24](#);
 3. Restrictions on signs and off-premises advertising; and
 4. Minimum floor area for dwellings as shown in Section [17.12.020](#).

(Ord. dated 2/22/94 § 1(c); prior code § 153.046)

17.16.080 Residential-5 district.

A. Uses in "R-5" District. A building or land may not be used, and a building may not be erected or altered, except for one or more of the following uses:

1. Use group 1;
2. Use group 2 as accessory uses subject to the same restrictions as shown in Section [17.16.040\(A\)](#) (2);
3. Use group 3;
4. Use group 4;
5. Use group 6;
6. Special uses; and
7. Accessory uses to any of the above.

B. The uses permitted in R-5 are subject to the following requirements:

1. Maximum height and lot coverage and minimum lot size, width, and yard as shown in Table A;
2. Parking restrictions as provided in Chapter [17.24](#);
3. Restrictions on signs and off-premises advertising;
4. Minimum floor area for dwellings as shown in Section [17.12.020](#).

(Prior code § 153.047)

17.16.090 Commercial office-1 (CO-1) district.

A. Uses in "CO-1" District. A building or land may not be used, and a building may not be erected or altered, except for one or more of the following uses:

1. Use group 1;
2. Use group 3;
3. Use group 4;
4. Use group 5;
5. Use group 6;
6. Use group 20;
7. Special uses; and
8. Accessory uses to any of the above.

B. The uses permitted in CO-1 are subject to the following requirements:

1. Maximum height and lot coverage and minimum lot size, width, and yard as shown in Table A;
2. Parking restrictions as provided in Chapter [17.24](#);

3. Restrictions on signs and off-premises advertising;
4. Minimum floor area for dwellings as shown in Section [17.12.020](#); and
5. Office buildings limited to maximum floor area of three thousand (3,000) square feet.

(Ord. dated 2/22/94 § 1(d); prior code § 153.048)

17.16.100 Commercial office-2 (CO-2) district.

A. Uses in "CO-2" District. A building or land may not be used, and a building may not be erected or altered, except for one or more of the following uses:

1. Use group 1;
2. Use group 3;
3. Use group 4;
4. Use group 5;
5. Use group 6;
6. Use group 20;
7. Special uses; and
8. Accessory uses to any of the above.

B. The uses permitted in CO-2 are subject to the following requirements:

1. Maximum height and lot coverage and minimum lot size, width, and yard as shown in Table A;
2. Parking restrictions as provided in Chapter [17.24](#);
3. Restrictions on signs and off-premises advertising; and
4. Minimum floor area for dwellings as shown in Section [17.12.020](#).

(Ord. dated 2/22/94 § 1(e); prior code § 153.049)

17.16.110 Neighborhood commercial (C-1) district.

A. Uses in "C-1" District. A building or land may not be used, and a building may not be erected or altered, except for one or more of the following uses:

1. Use group 4;
2. Use group 5;
3. Use group 6;
4. Use group 7;
5. Use group 20;

6. Special uses; and
7. Accessory uses to any of the above.

B. The uses permitted in C-1 are subject to the following requirements:

1. Maximum height and lot coverage and minimum lot size, width, and yard as shown in Table A;
2. Parking restrictions as provided in Chapter [17.24](#);
3. Restrictions on signs and off-premises advertising;
4. Minimum floor area for dwellings as shown in Section [17.12.020](#); and
5. The sale, display, preparation, or storage of materials must be conducted entirely within a completely enclosed building.

(Ord. dated 2/22/94 § 1(f); prior code § 153.050)

17.16.120 Community commercial (C-2) district.

A. Uses in "C-2" District. A building or land may not be used, and a building may not be erected or altered, except for one or more of the following uses:

1. Use group 4;
2. Use group 5;
3. Use group 6;
4. Use group 7;
5. Use group 8;
6. Special uses; and
7. Accessory uses to any of the above.

B. The uses permitted in C-2 as subject to the following requirements:

1. Maximum height and lot coverage and minimum lot size, width, and yard as shown in Table A;
2. Parking restriction as provided in Chapter [17.24](#);
3. Restrictions on signs and off-premises advertising;
4. Minimum floor area for dwellings as shown in Section [17.12.020](#); and
5. The sale, display, preparation, or storage of materials must be conducted entirely within a completely enclosed building.

(Prior code § 153.051)

17.16.130 General commercial (C-4) district.

A. Uses in "C-4" District. A building or land may not be used, and a building may not be erected or altered, except for one or more of the following uses:

1. Use group 5;
2. Use group 7;
3. Use group 8;
4. Use group 9;
5. Use group 10;
6. Use group 11;
7. Use group 19 if approved as SU No. 25;
8. Use Group 21 subject to the provisions of 17.20.240;
9. Special uses; and
10. Accessory uses to any of the above.

B. The uses permitted in C-4 are subject to the following requirements:

1. Maximum height and lot coverage and minimum lot size, width, and yard as shown in Table A;
2. Parking restrictions as provided in Chapter [17.24](#);
3. Restrictions on signs and off-premises advertising; and
4. The sale, display, preparation, or storage of materials must be conducted entirely within a completely enclosed building except for uses listed in use group 11.

(Added (A) (8), 7/15/2008)(Ord. dated 2/22/94 § 1(g); prior code § 153.052)

17.16.140 Waterfront recreational/ residential (W-R) district.

A. Uses in "W-R" District. A building or land may not be used, and a building may not be erected or altered, except for one or more of the following uses:

1. Use group 1;
2. Use group 3;
3. Use group 4;
4. Use group 12;
5. Use group 19 if approved as SU No. 25;
6. Use group 20;
7. Special uses; and

8. Accessory uses to any of the above, including one dwelling unit.

B. The uses permitted in W-R are subject to the following requirements:

1. Maximum height and lot coverage and minimum lot size, width, and yard as shown in Table A;
2. Parking restrictions as provided in Chapter [17.24](#); and
3. Restrictions on signs and off-premises advertising.

(Ord. dated 2/22/94 § 1(h); prior code § 153.053)

17.16.150 Waterfront industrial (W-I) district.

A. Uses in "W-I" District. A building or land may not be used, and a building may not be erected or altered, except for one or more of the following uses:

1. Use group 10;
2. Use group 11;
3. Use group 13;
4. Use group 14;
5. Use group 15;
6. Use group 16;
7. Special uses; and
8. Accessory uses to any of the above.

B. The uses permitted in W-I are subject to the following requirements:

1. Maximum height and lot coverage and minimum lot size, width, and yard as shown in Table A;
2. Parking restrictions as provided in Chapter [17.24](#); and
3. Restrictions on signs and off-premises advertising.

(Prior code § 153.054)

17.16.160 Light industrial (M-1) district.

A. Uses in "M-1" District. A building or land may not be used, and a building may not be erected or altered, except for one or more of the following uses:

1. Use group 5;
2. Use group 7;
3. Use group 8;
4. Use group 9;

5. Use group 10;
 6. Use group 11;
 7. Use group 14;
 8. Use group 19 if approved as SU No. 25;
 9. Use group 21 subject to the provisions of 17.20.240;
 10. Special uses; and
 11. Accessory uses to any of the above.
- B. Use group 14 (industrial) and use group 19 uses permitted in M-1 are subject to the following requirements:
1. Maximum height and lot coverage and minimum lot size, width, and yard as shown in Table A;
 2. Parking restrictions as provided in Chapter [17.24](#); and
 3. Restrictions on signs and off-premises advertising.
- C. Use group 5, 7, 8, 9, 10 and 11 (commercial) uses permitted in the M-1 district are restricted to the height and lot coverage requirements of the C-4 district.

(Added (A) (9), 7/15/2008) (Prior code § 153.055)

17.16.170 General industrial (M-2) district.

A. Uses in "M-2" District. A building or land may not be used, and a building may not be erected or altered, except for one or more of the following uses:

1. Use group 7;
2. Use group 8;
3. Use group 9;
4. Use group 10;
5. Use group 11;
6. Use group 13;
7. Use group 14;
8. Use group 15;
9. Use group 19 if approved as SU No. 25;
10. Use group 21 subject to provisions 17.20.240;
11. Special uses; and
12. Accessory uses to any of the above.

B. Use groups 13, 14, 15 (industrial) and use group 19 uses permitted in M-2 are subject to the following requirements:

1. Maximum height and lot coverage and minimum lot size, width, and yard as shown in Table A;
2. Parking restrictions as provided in Chapter [17.24](#); and
3. Restrictions on signs and off-premises advertising.

C. Use group 7, 8, 9, 10 and 11 (commercial) uses permitted in the M-2 district are restricted to the height and lot coverage requirements of the C-4 district.

(Added (A) (10), 7/15/2008)(Prior code § 153.056)

17.16.180 Industrial (M-3) district.

A. Uses in "M-3" District. A building or land may not be used, and a building may not be erected or altered, except for one or more of the following uses:

1. Use group 10;
2. Use group 11;
3. Use group 13;
4. Use group 14;
5. Use group 15;
6. Use group 16;
7. Use group 21 subject to provisions of 17.20.240;
8. Special uses; and
9. Accessory uses to any of the above.

B. Use groups 13, 14, 15, and 16 uses permitted in M-3 are subject to the following requirements:

1. Maximum height and lot coverage and minimum lot size, width, and yard as shown in Table A;
2. Parking restrictions as provided in Chapter [17.24](#); and
3. Restrictions on signs and off-premises advertising.

C. Use group 10 and 11 (commercial) uses permitted in the M-3 district are restricted to the height and lot coverage requirements of the C-4 district.

(Added (A) (7), 7/15/2008)(Prior code § 153.057)

17.16.190 Floodway (F-1) district.

A. Uses in "F-1" District Without a Permit. A building or land may be used, and a building may be erected or altered in an F-1 district for one or more of the following uses if a permit is not required by the State Natural

Resources Commission:

1. Agricultural uses, including crop production, pastures, orchards, nurseries, and vineyards;
2. Forestry, wildlife areas, and nature preserves;
3. Parks; and
4. Recreational areas, including golf courses and driving ranges.

B. Uses in F-1 With a Permit. A structure or land may be used, and a structure may be erected or altered for one or more of the following uses if a permit has been granted by the Natural Resources Commission as provided in IC 13-2-22-1 et seq.

1. Water management and use facilities, including dams, docks, dolphins, channel improvements, dikes, jetties, marinas, piers, wharves, levees, seawalls, floodwalls and irrigation facilities;
2. Transportation facilities, including streets, bridges, roadways, fords, airports, pipelines, railroads, and utility transmission facilities;
3. Temporary or seasonal occupancy uses including circus sites, fair sites, carnival sites, boat ramps, camps, roadside stands, and transient amusement facility sites;
4. Water-related urban uses, including waste-water treatment facilities, storm sewers, sanitary sewers if inlets are protected from the one hundred (100) year flood levels, electric generating and transmission facilities, and water treatment facilities; and
5. Flood-tolerant or open space urban uses, including floodproofed industrial and commercial buildings, racetracks, tennis courts, park buildings, outdoor theaters, fills, truck freight terminals, radio or television towers, parking lots and mineral extractions.

C. The uses in the F-1 district are subject to the following requirements:

1. Maximum height and lot coverage and minimum lot size, width, and yard as shown in Table A;
2. Parking restrictions as provided in Sections [17.24.010](#) through [17.24.100](#);
3. Restrictions on signs and off-premises advertising;
4. Requirements of IC 13-2-11-1 et seq.; and
5. Any requirements or restrictions imposed by the Natural Resources Commission under IC 13-2-22.5-2 of any requirements imposed by the area plan commission under authority of IC 13-2-22-1 et seq.

D. Nonconforming Uses in F-1 Districts. A nonconforming use of a building or land lawfully existing on the effective date of the ordinance codified in this title may be continued and the structure or land maintained subject to the following restrictions:

1. A nonconforming use may not be enlarged unless a permit for construction has been obtained from the Natural Resources Commission;
2. If the market value of a nonconforming structure is reduced by forty (40) percent or more by damage from fire, explosion, flood, riot, or any natural cause, it may be restored only for use designated in this title

or a use approved by the issuance of a permit by the State Natural Resources Commission or the area plan commission;

3. If a nonconforming use is discontinued for one year or more, future use must conform to this title.

E. Board of Zoning Appeals Variance in F-1 District. The board of zoning appeals may not issue a variance from the requirements set by this title or from the requirements set by the State Natural Resources Commission or the area plan commission unless a permit for the construction of the variance has been obtained from the Natural Resources Commission, or the requirement of the Natural Resources Commission has been waived by the Natural Resources Commission.

F. Floodway Fringe Areas. In those areas determined by the building commission of Evansville and Vanderburgh County to be designated by the State Natural Resources Commission as floodway fringe areas, a building may not be constructed unless it has a flood protection grade at least two feet above the regulatory flood profile established by the Natural Resources Commission.

(Prior code § 153.058)

**Chapter 17.20
USE GROUPS**

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17.20.010 Zoning district use groups.

The uses in zoning districts are separated into use groups as enumerated in this chapter.

(Prior code § 153.065)

17.20.020 Additions to use groups.

A use which is not included in any of the use group lists may be added by the area plan commission to the use group which, in the judgment of the commission, contains uses most similar to that use. The addition is from the date of addition a listed use. The addition of a use in a use group must be approved by the county commission as an amendment to this code.

(Prior code § 153.066)

17.20.030 Restrictions on uses.

Uses enumerated in this title are subject to the restrictions in each district in which the use group is permitted and any restrictions in Table 17.20.030 following this chapter and other chapters in this code.

(Ord. dated 2/22/94 § 1(i); prior code § 153.067)

USE GROUPS	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19*	20	21	
A	X	X															X	X	X			A
R-1	X	X																				R-1
R-2	X	X	X																			R-2
R-3	X	X	X	X																		R-3
R-4	X	X	X	X		X																R-4
R-5	X	X	X	X		X																R-5
CO-1	X		X	X	X	X														X		CO-1
CO-2	X		X	X	X	X															X	CO-2
C-1				X	X	X	X													X		C-1
C-2				X	X	X	X	X														C-2
C-4				X		X	X	X	X	X									X		X	C-4
M-1				X		X	X	X	X	X			X					X		X		M-1
M-2						X	X	X	X	X		X	X	X				X		X		M-2
M-3									X	X		X	X	X	X						X	M-3
F-1																						F-1
AIR										X	X		X	X	X		X	X	X			AIR
CON																	X	X				CON
W-1										X	X		X	X	X	X						W-1
W-R	X		X	X								X								X	X	W-R

(17.20.030 Added Use Group 21, 7/15/2008)

17.20.040 Use group 1.

Use permitted in the A, R-1, R-2, R-3, R-4, R-5 CO-1, CO-2, and W-R districts which meet the requirements and

restrictions of that zone: one single-family dwelling per platted lot or ground.

(Prior code § 153.068)

17.20.050 Use group 2.

A. List of uses permitted in the A, R-1, R-2, R-3, R-4, R-5, as home occupations, which meet the requirements and restrictions of that zone; providing that the following uses must meet all other requirements as a home occupation as listed in Section [17.16.040](#).

B. Offices and services for the following professions and businesses, providing that there be no sales from the site: Accountant, Architect, Artist, Attorney, Bookkeeper, Computer services, Consultant, Counselor, Draftsman, Engineer, Interior decorator, Musician, Seamstress or tailor, Telephone order service, Tutor.

(Prior code § 153.069)

17.20.060 Use group 3.

Use permitted in the R-2, R-3, R-4, R-5, CO-1, CO-2, and W-R districts, which meet the requirements and restrictions of that zone: one duplex per platted lot or ground.

(Prior code § 153.070)

17.20.070 Use group 4.

List of uses permitted in the R-3, R-4, R-5, CO-1, CO-2, C-1, C-2, and W-R districts, which meet the requirements and restrictions of that zone: Apartment dwelling unit(s), Multiple dwellings (a dwelling for three or more families).

(Ord. dated 2/22/94 § 1(j); prior code § 153.071)

17.20.080 Use group 5.

List of uses permitted in the CO-1, CO-2, C-1, C-2, C-4 and M-1 districts, which meet the requirements and restrictions of that zone: Business and professional offices, Child care center, Nursery or nursery school, Photographer studio.

(Ord. dated 2/22/94 § 1(k); prior code § 153.072)

17.20.090 Use group 6.

List of uses permitted in R-4, R-5, CO-1, CO-2, C-1, and C-2 districts, which meet the requirements and restrictions of that zone:

(A) Group home/community residential facility and similar facilities which provide residential services for persons in a supervised group living program, but excluding community-based correction programs, residential reentry centers, halfway houses or similar facilities for prison inmates or former inmates.

(B) Sororities and fraternities.

(Ord. 09-13-009 § 1, amended, 10/22/2013; Ord. dated 2/22/94 § 1(l); prior code § 153.073)

17.20.100 Use group 7.

List of uses permitted in the C-1, C-2, C-4, M-1 and M-2 districts, which meet the requirements and restrictions of that zone:

A. Retail stores specializing in the sale or rental of any of the following: Art galleries, Bakery goods, Books,

Candy, China, ceramics, and pottery, Clothing or shoes, Crafts, Drug stores-limited to stores with a total area less than 3,000 square feet, Film exchange, Flowers or plants, Fruits or vegetables, Gifts, Groceries-limited to stores with a total area less than 3,000 square feet, Hardware, Hobbies, Home appliances-small, Ice cream, Jewelry, Leather goods, Meal or delicatessen items, Musical items, Newspapers and magazines, Novelties and souvenirs, Optical goods, Photographic supplies, Radios

Sporting goods, Stationery supplies, Stereophonic equipment, Televisions, Variety items,

Video tapes and/or equipment,

B. Offices for the following businesses and professions: Broadcasting station, Financial institution,

C. The following service uses: Barber shop, Beauty shop, Catering service, Dry-cleaning and laundry pickup station, Duplicating and reproduction services, Letter service and mimeograph, Locksmith, Public utility business offices and exchange or repair facilities, Radio, television, stereo, small appliance repair, Restaurant and cafeteria-a building or a portion of a building where food is prepared and served for compensation and for consumption on the premises (including restaurants with drive-through windows), Seamstress or tailor, Shoe repair shop, Telegraph office, Watch and jewelry repair.

(Ord. dated 5/17/93 § 1(a); prior code § 153.074)

17.20.110 Use group 8.

List of uses permitted in the C-2, C-4, M-1 and M-2 districts, which meet the requirements and restrictions of that zone:

A. Retail stores specializing in the sale or rental of any of the following: Antiques, Automobiles new parts, equipment, and accessories, Bicycles or mopeds, Carpets, Drug stores-with a total area greater than 3,000 square feet, Electrical and plumbing fixtures, Household furnishings, including large appliances and furniture, Ice, Lawnmowers, Office equipment and furniture, Package liquor stores, Paint, Pawnshop, Pets or pet supplies, Rugs and floor coverings, Shrubbery or plants.

B. The following service uses: Business school - a private school or college conducted as a commercial enterprise for teaching business or secretarial skills, Commercial trade school - a private school conducted as a commercial enterprise for teaching barber or beauty skills or industrial skills in which machinery is used in the instruction, Dance/theatrical school or studio, Furniture repair shop, Home appliance repair-large, Laundromats, Lawnmower repair, Lawnmowing service, Medical, dental, or research laboratory, Mortuary, Office equipment repair, Pet grooming, Taxidermist, Upholstery shop.

C. Department store.

D. Supermarket-retail stores with a total floor area of more than 3,000 square feet specializing in the sale of food and grocery items.

E. The following recreational uses: Arcade, Indoor archery range, Bar, Bowling alley, Dancehall, meeting hall, or party house, Exercise or sports club, Health or reducing studio, Lodges and private clubs, Music conservatory, Nightclub, Pool and billiard room, Skating rink, Tavern and restaurants serving alcoholic beverages, Tennis courts (indoor), Theater, Trampoline center.

F. Automotive service station-limited to the sale of gasoline, oil products, automobile accessories, and incidental services such as lubricating and minor repair.

- G. Shopping center-building designed to accommodate three or more business enterprises.
- H. Hotels and motels.
- I. Union hall/trade association meeting hall.

(Prior code § 153.075)

17.20.120 Use group 9.

List of uses permitted in the C-4, M-1 and M-2 districts which meet the requirements and restrictions of that zone: Auction house or gallery, Blueprinting and photostating, Lithographing and engraving, Parking lot or garage, off-track betting facility.

(Prior code § 153.076) (Amended 8/20/01)(17.20.120, Amended, 02/21/2002, Added off-track betting facility.)

17.20.130 Use group 10.

List of uses permitted in the C-4, M-1, M-2, M-3, AIR, and W-I districts, which meet the requirements and restrictions of that zone:

- A. Retail stores specializing in the sale or rental of any of the following: Awnings, Dairy supplies, Feed, Restaurant and hobby supplies and equipment, Welding supplies and equipment.
- B. The following service uses: Aluminum can collection/recycling center, Ambulance service, Automobile repair and specialized service, excluding overhauling, rebuilding, painting, and body work, Automobile seatcover installation, Automobile washing Awning and canvas shop, Battery repair and rebuilding, Bookbinding, Bottling plant, Cabinet or carpenter shop, Crating, packaging, or shipping service, Dairy or milk distribution station, Dry-cleaning, dyeing, laundry, or rug cleaning plant, Food vendor operation, Glass shop, Janitorial service, Linen service, Motorcycle repair, Pest control, Photographic development laboratory, Taxi service, Tool sharpening or grinding, Welding shop.
- C. The following warehouse, wholesale, and storage uses: Cold storage or frozen food plant, Ice storage plant, Storage warehouse, Wholesale broker or establishment.

(Prior code § 153.077)

17.20.140 Use group 11.

List of uses permitted in the C-4, M-1, M-2, M-3, AIR, and W-I districts, which meet the requirements and restrictions of that zone, and which may require outside storage or display:

- A. Retail stores specializing in the sale or rental of any of the following: Agricultural implements, Automobile, Boats and marine supplies, Building supplies, Construction equipment, Flea markets, Industrial equipment, Lawn and garden equipment, Lumber, Machinery, Monuments, Motorcycles, Shrubs and trees, Swimming pool supplies and equipment, Trailers, Trucks.
- B. The following service uses: Boat repair, Contractor shops, Excavating contractor, Landscaping and tree trimming, Lawn and garden treatment service, Railroad transfer, storage and team tracks, Rental goods, Shrub and plant nursery, Sign shop, Tire recapping or retreading, Trailer repair, Truck repair.
- C. The following outdoor recreational uses: Archery range, Drive-in/open air restaurant, Miniature golf and golf driving range, Tennis courts.

(Prior code § 153.078)

17.20.150 Use group 12.

List of uses permitted in the W-R district, which meet the requirements and restrictions of that zone: Boating, fishing, swimming, and marine supply sales, display, rental, and repair, Boat docks, clips, piers, wharves, anchorage and moorage for yachts and pleasure boats, Boat sales, rentals, and repair, Fishing pier, Restaurant and refreshment stand, Seasonal and recreational housing, Seaplane bases, Yacht clubs.

(Prior code § 153.079)

17.20.160 Use group 13.

List of uses permitted in the M-2, M-3, AIR, and W-I districts, which meet the requirements and restrictions of that zone: Boat and ship building and repairing, Boat parts, accessories, and equipment manufacture, not involving foundry or forging operations, Boat sales, rental, and repairs, Boat storage, Commercial docks, wharves, and piers, Dredging base, Electrical shop-manufacturer, Freight handling, Freight storage shed, Freight terminal, Marine construction yard, Marine railway, Marine salvage base, Marine shop, Marine warehouse, Petroleum bulk storage, Railroad lines and sidings to serve wharves and piers, Shipyards and drydocks.

(Prior code § 153.080)

17.20.170 Use group 14.

List of uses permitted in the M-1, M-2, M-3, W-I and AIR districts which meet the requirements and restrictions of that zone:

A. Manufacturing of any of the following products: Artificial flowers, Brooms and brushes, Business machines, Buttons, Canvas products, Carbon paper and ink ribbons, Children's vehicles, Clay products, Cosmetics and toiletries, Electrical supplies, Felt and feather products, Glass products from previously manufactured glass, Hair products, Jewelry, Leather products and luggage, Medical appliances, Metal awnings, Musical instruments, Nonalcoholic beverages, Novelties, Optical equipment, Paper products from previously manufactured paper, Pharmaceutical and nutritional products, Photographic equipment, Plastic products from previously manufactured plastic, Precision instruments, Scenery, Signs and displays, Soap and detergents, Stamps, Toys and games, Umbrellas and parasols, Venetian blinds, Window shades.

B. The following packaging, finishing, processing, and service uses: Automobile engine overhauling or rebuilding, Automobile painting and body work, Automobile parts, Blacksmith services, Chemical packaging, Electrical apparatus and appliance assembly,

Experimental or testing research laboratory, Fur finishing, Motion picture production, Pharmaceutical products compounding, Printing and publishing, Sheetmetal shop.

(Prior code § 153.081)

17.20.180 Use group 15.

List of uses permitted in the M-2, M-3, AIR, and W-I districts, which meet the requirements and restrictions of that zone:

A. The manufacturing of any of the following products: Agricultural or farm implements, Aircraft and aircraft parts, Aluminum paint and powder, Artificial leather, Athletic or sports equipment, Baskets and hampers, Bedding, Boilers, Boxes and crates,

Bricks, Carpets, Concrete products, Culverts, Disinfectants, Dry or natural ice, Electrical appliances and equipment, Firearms, Food and food products, Foundry products, Fungicides, Graphite and graphite products,

Hardware, Ink, Insecticides, Industrial and household chemicals, Lead oxide, Linoleum and hard surfaces floor coverings, Mechanical tools, Matches, Metal alloys or foil, Metal products from stamping or extrusion, Motion picture equipment, Oil treated products, Paint, lacquer, shellac, and varnish, Paper and paperboard, Pencils, Photographic film and equipment, Plumbing supplies, Porcelain products, Pulp goods pressed or molded, Railroad equipment, Raw plastic, Roofing materials, Rubber and rubber products, Silverware, Stone products, Storage batteries, Synthetic fibers, Textile products, Tile, Wallboard, plasterboard, insulation, and composition flooring, Wax products, Wood products,

B. The following assembly, packaging, processing, or refinery uses: Aluminum extrusion, rolling, and fabrication, Automobile, bicycle, motorcycle, trailer, truck, and rebuilt engine assembly, Brewery, Concrete mixing or concrete batch plant, Cotton processing, Distillery, Feather processing, Felt processing, Food processing, slaughtering, and packaging, Foundries, Grain blending and packaging, Hair processing, Iron or steel fabrication or assembly, Machine or tool and die shop, Metal or metal products treatment, processing, and refining, Mill work and planing, Mineral processing, Perfumes or perfumed soap compounding, Plating and electrolytic processing, Scrap metal reduction, Steel grinding, Steel works and rolling mills, Stone processing, Textile bleaching, Tire retreading and vulcanizing, Tobacco curing, Wood or lumber processing, Wood pulling and scouring, Wood pulp or fiber reduction or processing, including paper mills.

C. The following services uses: Heavy machinery repair, Motor testing.

D. Storage yard.

E. Animal pound.

F. Livery stable or riding academy.

(Prior code § 153.082)

17.20.190 Use group 16.

List of uses permitted in the M-3 and W-I districts, which meet the requirements and restrictions of that zone:

A. The manufacturing of any of the following products: Acid, Asphalt, Carbon black, Cement, Charcoal and related products, Chemicals other than industrial and household chemicals, fungicides, insecticides, and disinfectants, Coal, coke, and tar products, Explosives, Fertilizer, Gas, Glue, Gypsum, Lime, Plaster of paris, Tar.

B. The following refinery or processing uses: Asphalt, bone, coal, tar, or wood distillation, Coal refining, Fat rendering, Garbage reduction, Metal smelting, Petroleum refining.

C. The following storage uses: Explosives, Gasoline and petroleum storage.

(Prior code § 153.083)

17.20.200 Use group 17.

List of uses permitted in the A, AIR, and CON districts, which meet the requirements of that zone: Agricultural operations, Crop and tree farming, Forestry operations, Greenhouses and nurseries, Seasonal roadside stands for agricultural products.

(Prior code § 153.084)

17.20.210 Use group 18.

List of uses permitted in the A, AIR, and CON districts, which meet the requirements and restrictions of that zone: Animal and poultry raising except in a Confined Feeding Operation, Agricultural workshops or repair shops, for owner's agricultural equipment, located on the same lot with the owner's residence, Boarding/breeding kennel, Cattle and dairy ranches except in a Confined Feeding Operation, Livery stable, Livestock grazing except in a Confined Feeding Operation, Riding stables or guest ranches, Veterinary clinic.

(Ord. 04-17-006 § 4, Amended, 04/04/2017; prior code § 153.085)

17.20.220 Use group 19.

"List of Uses permitted with Special Use No. 25 in the A, C-4, M-1, M-2, AIR & W-R districts which meet the requirements & restrictions of the zone"

A. The following recreational and service uses: Amusement park or theme park; Animal or vehicle racetrack, Campground-premises used for temporary parking of trailers, campers, or recreational vehicles, Child care center, Drive-in theater, Permanent circus or carnival grounds

B. Use permitted in the A district only with Special Use No. 25.

Farm Products Processing and Sales - where fruits, vegetables, or other planted crops grown on site are processed including but not limited to cooking, mixing with other ingredients, bottling, packaging, etc. that transforms the fruits, vegetables, or other crops into higher valued farm products for human ingestion ("value added farm products"). Such processing may involve the making of wines, ciders, jams, jellies, and other consumable food or beverage products.

1. Written requests for temporary use of substitute crops grown off site may be submitted to and approved by the APC Director upon the review of documentation provided with the request of an unusually low on site crop harvest or other special circumstances.
2. The sale of these value added farm products is allowed as follows:
 - a. The sale of other foods and beverages is allowed as long as these items are associated with or commonly consumed with the value added farm product, are incidental to the primary farm use, and do not involve cooking or preparation on-site;
 - b. The sale of other incidental items commonly associated with the value added farm product or the farm use is also allowed.
3. Facilities for the on-site processing, retail display, sales, and sampling of value added farm products are allowed within the following parameters:
 - a. The facilities must be strictly ancillary and incidental to the primary farming use;
 - b. The facilities may include patio seating or other outdoor areas for picnics, agri-tourism gatherings, private noncommercial gatherings hosted by the property owner or the farm use operator, or other activities incidental to the farm use.

C. Use permitted in the A district only with Special Use No. 25. Confined Feeding Operations (CFOs). In addition to meeting all regulatory standards and permitting requirements established by the Indiana Department of Environmental Management, and any other regulatory agency, the following requirements must also be met:

1. Minimum Parcel Size: a CFO shall not be located on any property that is less than 25 acres.

2. Minimum Facility Setbacks: All CFO Facilities shall be set back a minimum of 100 feet from all property lines, including all street or road rights-of-way.
3. Minimum Separation Distances: CFOs and CFO Facilities shall be separated from other properties and/or land uses as specified below:
 - a. Residential Zoning Districts and Subdivisions: A CFO Facility shall be no closer than 1,320 feet to the boundary line of any Residential zoning district or of any major subdivision that has been granted primary or secondary approval.
 - b. Non-Farm Residential Properties in Agricultural Zoning Districts: A CFO Facility shall be no closer than 1,320 feet to the nearest residence of any residential parcel located in an Agricultural zoning district and that is not used for any uses included in Use Group 17 or Use Group 18, or uses that require a permit for Special Use No. 25.
 - c. Certain Properties with Community Facilities: A CFO Facility shall be no closer than 1,320 feet to the nearest property line of any property on which is located any:
 - i. school (including a trade or business school, college or university, and day-care center);
 - ii. health care facility (including a hospital, clinic, nursing home or assisted living facility);
 - iii. church or religious institution; or
 - iv. recreational facility (including all park uses and all outdoor recreational uses, public or private and excluding trails).
 - d. Wells for Potable Water: A CFO Facility shall be no closer than the setbacks as defined in the Indiana Administrative Code 327 IAC 19-12-3, latest edition to the wellhead of any well providing potable water.
 - e. Exemptions: No minimum separation distance shall be required from a CFO Facility to any residential properties, farm dwellings, specified community facilities or wells that are established after the CFO Facility is established, and such establishment shall therefore not constrain the future expansion of the previously established CFO Facility. The CFO facility, as well as farm dwellings and community facilities, shall be considered established upon the start of their construction. Residential properties shall be considered established upon the recording of the approved subdivision plat, parcelization, etc. for any new lots. Wells shall be considered established upon being placed in operation.
4. No CFO Facility shall be located or maintained within the Special Flood Hazard Areas as defined in Title 18 of this Code.
5. The CFO Facility shall have and maintain a tree buffer zone meeting the following requirements:
 - a. Tree buffer zones must be a minimum of ten feet (10') in depth, measured from the centerline of each tree, and located no more than one hundred feet (100') from any point on a CFO Facility, and surrounding all CFO Facilities included in the CFO, except that:
 - i. the buffer zone may be bisected by a single access drive no wider than 24 feet, and

- ii. no tree buffer zone is required between CFO Facilities within the same CFO.
- b. All trees must be of a non-invasive evergreen species with a minimum height at maturity of 25'.
- c. All trees must have a minimum height of 6', 1.5" trunk diameter, and 3' in spread at the time of planting.
- d. Trees must be spaced at a minimum of ten feet apart, measured from the centerline of each tree.
- e. Prior to the issuance of the Improvement Location Permit, tree buffer zones must be incorporated in use and development commitments to be executed and recorded in the County Recorder's office, defining the area as exclusively dedicated for the tree buffer zone with the exception of a perpendicular crossing for an access drive and utility lines only.
- f. Tree buffer zones shall be perpetually maintained, including the replacement of any dead trees.
- g. A tree planting plan must be provided on, or separately accompanying, any site plan submitted for the issuance of an Improvement Location Permit.

D. The following service uses (no special use required in agricultural zone—permitted use per use group 18): Boarding/breeding kennel: premises on which four or more small animals at least four months old are kept, Veterinarian or veterinarian clinic.

(Ord. 04-17-006 § 5, Amended, 04/04/2017; Ord. 06-13-007 § 1, amended, 06/18/2013; prior code § 153.086)

17.20.230 Use group 20.

List of uses permitted in CO-1, CO-2, C-1, and W-R districts, which meet the requirements and restrictions of that zone: Owner-occupied/owner-operated bed and breakfast, limited to ten rental rooms, Owner-occupied/owner-operated boarding house limited to ten rental rooms.

(Ord. dated 2/22/94 § 1(m): prior code § 153.087)

17.20.240 Use group 21.

A. List of uses permitted in C-4, M-1, M-2 and M-3 which meet the requirements and restrictions of that zone:

Adult Arcade

Adult Bookstore, Adult Novelty Store or Adult Video Store

Adult Cabaret or Juice Bar or Bikini Bar

Adult Motion Picture Theater

Adult Theater

Nude Model Studio

Sexual Encounter Center

Peep Show Facility

B. In addition to all other requirements of the zoning code, these businesses shall comply with the following restrictions:

1. Shall not be located within 1,000 feet of any dwelling unit, duplex or other building used for any residential use or any recorded subdivision in the A zoning district;
2. Shall not be located within 1,000 feet of any property zoned for any residential use in the R-1, R-2, R-3, R-4 or R-5 zoning districts;
3. Shall not be located within 500 feet of any property permitted for use as a religious institution or public or private school containing any grade of kindergarten through grade 12;
4. Shall not be located within 500 feet of any public park; and
5. Shall not be located within 500 feet of any other use group 21 facility or pre-existing non-conforming use which is an Adult Bookstore, Adult Novelty Store, Adult Video Store, Adult Arcade, Adult Cabaret, Juice Bar, Bikini Bar, Adult Motion Picture Theater, Adult Theater, Nude Model Studio, Sexual Encounter Center or Peep Show Facility. However, more than one such facility may be located on the same parcel or property so long as it meets the other requirements of the Zoning Code.

C. The distances provided above shall be measured by following a straight line, without regard to intervening buildings, structures, other obstacles, from the nearest point of the property upon which the proposed use is to be located, to the nearest point of the property from which the proposed land use is to be separated.

D. The applicant for an Improvement Location Permit or Zoning Use Permit for Use Group 21 shall provide the Area Plan Commission staff with certified distance measurements as required above by a land surveyor registered by the State of Indiana who shall certify that there are no residential properties, public or private schools with a grade kindergarten through 12th grade, public park or a pre-existing nonconforming use which is an Adult Bookstore, Adult Novelty Store, Adult Video Store, Adult Arcade, Adult Cabaret, Juice Bar, Bikini Bar, Adult Motion Picture Theater, Adult Theater, Nude Model Studio, Sexual Encounter Center or Peep Show Facility within the required distances. If the proposed adult use business meets the spacing distance requirement from such uses, is zoned for this use, and meets the other requirements of the Zoning Code, the Area Plan Commission staff shall issue the appropriate Improvement Location Permit or Zoning Use Permit after the approval of the permit by the Site Review Committee. The approval of the Site Review Committee shall expire if the permit is not obtained by the applicant within (180) calendar days of said approval.

(17.20.240 Added 7/15/2008)

17.20.250 Use group 22.

List of uses permitted in the districts identified below, for the two types of Commercial solar energy generating facilities.

A. List of uses permitted in the AIR, A, C-4, W-I, M-1, M-2 and M-3 districts, which meet the requirements and restrictions of that zone; and list of uses permitted with Special Use No. 47 in the R-1, R-2, R-3, R-4, R-5, CO-1, CO-2, C-1, C-2, W-R and PUD districts, which meet the requirements and restrictions of that zone: Commercial solar energy generating facilities, Community-Scale.

B. List of uses permitted in the AIR, M-1, M-2 and M-3 districts, which meet the requirements and restrictions of that zone; and list of uses permitted with Special Use No. 48 in the A, C-4 and W-I districts: Commercial solar energy generating facilities, Large-Scale.

(Ord. 06-22-006 § 3, added, 06/28/2022)

Chapter 17.24
OFF-STREET PARKING AND LOADING

Sections:

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[17.24.120 Interior parking area green space.](#)

17.24.010 Application of requirements.

A. A person who constructs or structurally alters a building, or who initiates or alters a use after the effective date of the ordinance codified in this title shall provide and maintain off-street parking facilities as provided in this title.

B. The owner or operator of a building or use shall not discontinue or reduce the off-street parking facilities required by this title.

C. Permits. All parking areas shall be installed after issuance of an improvement location permit; site review committee approval required.

(Prior code § 153.090)

17.24.020 Location.

A. Off-street parking facilities shall be on the same lot as the principal use except as provided in subsection B of this section.

B. If the size or shape of the lot or the existence of a nonconforming building or use prevents providing the parking facilities on the lot, the owner may provide the facilities on an alternate lot within three hundred (300) feet if he files a copy of the deed or lease agreement to the alternate lot with the area plan commission. The alternate lot may not be subsequently used for any other use unless the subsequent use has been approved by the area plan commission.

C. Parking spaces for all uses may be in either garages or open parking areas; providing however, that garages must meet all requirements of Section [17.12.070](#).

D. Automotive vehicles, including campers and motor homes of any kind or type, without current license plates, shall not be parked or stored on any residential property other than in completely enclosed buildings.

(Prior code § 153.091)

17.24.030 Type and size of facilities.

- A. A parking space must be a minimum of nine feet wide and eighteen (18) feet long.
- B. Except on lots occupied by single-family or two-family residences, aisles shall be provided depending on the angle of parking from the curb as follows:

Angles in degrees from curb	Aisles	
	One-Way	Two-Way
0	10 feet	18 feet
15	8 feet	18 feet
30	10 feet	18 feet
45	12 feet	18 feet
60	18 feet	22 feet
90	24 feet	24 feet

C. Except on lots occupied by single- or two-family dwellings, access drives or driveways to or from any parking space or lot shall provide an access drive measured at right angles to the centerline of the drive, as follows: (Widths do not include required entrance and exit radii.)

Residential	One-Way Two-Way	
	Min.-Max.	Min.-Max.
1—2 units	10	10—20
3—8 units	10	20—30
8 or more	12—20	24—40
Commercial	12—20	24—40
Industrial	12—20	24—40

A divided entrance drive must be between twenty (20) feet and thirty (30) feet for each divided section with a median width of four feet minimum.

(Ord. dated 5/17/93 § 1(b); prior code § 153.092)

17.24.040 Parking areas not in or adjacent to residential districts.

Parking areas shall be constructed and maintained in accordance with the following requirements:

- A. Limitations on Use.
 - 1. A building other than a parking garage shall not be constructed in a parking area.
 - 2. The parking area must be designed to eliminate vehicles backing out into street right-of-way.

3. Off-street parking areas located on a lot separate from the lot occupied by the principal use shall not be used for the storage, display, advertisement, sale, repair, dismantling, or wrecking of any vehicle, equipment or materials.
- B. Signs. Exit and entrance signs may not be more than three square feet in size each and may not display the business name or logo.
- C. Yards. Minimum required yards as shown on Table A found in Section [17.38.010](#) must be planted and maintained in grass or other natural ground cover.
- D. Paving.
1. Parking area and access drives shall be installed and maintained with a hard and sealed surface except for residences and agricultural uses in R-1, R-2 and AG where any durable surface is permitted, and except as provided in paragraphs 2 and 3 of this subsection.
 2. Commercial Exceptions.
 - a. This paragraph 2 applies only to parking for the following uses:
 - i. mini-storage facilities
 - ii. cell towers
 - iii. campgrounds
 - iv. inventory storage and display for the commercial sale or leasing of: agricultural and construction equipment, semi trucks and trailers, recreational vehicles (motor homes), manufactured / modular housing, and yard barns.
 - b. A hard and sealed surface is required for the portion of all entrance and exit drives within fifty feet (50') of the existing edge of pavement of the public way or private access easement to which the drive connects.
 - c. Any durable surface, such as gravel, is permitted for the remainder of the drive and lot not covered by subparagraph D.2.b.
 - d. Notwithstanding subparagraph D.2.b., any durable surface is permitted on any portion of the lot and drive(s) if the lot is only accessible from a non-paved public way or private access easement and the owner provides an executed use and development commitment requiring the installation of a hard and sealed surface as required by this section if and when the public way or private access easement becomes paved with a hard and sealed surface.
 - e. Gravel may be used as a durable surface only if it is Number 53 stone or larger, meeting the latest version of the Indiana Department of Transportation standard specifications, and is installed to a minimum depth of six inches (6").
 - f. Tree Buffer Zone. Except as provided in subparagraph D.3., for purposes of dust control, the use of any durable surface in lieu of hard and sealed paving for off-street parking and aisles must be accompanied by a tree buffer zone meeting the following requirements:

- i. Tree buffer zones must be a minimum of ten feet (10') in depth adjacent to the front, side, and rear property lines, except where section [17.12.050](#) requires a front and rear yard setback of greater depth.
 - ii. Only non invasive species of evergreen trees with a minimum height at maturity of 25' can be used.
 - iii. Trees must have a minimum height of 6', 1.5" trunk diameter, and 3' in spread at the time of planting.
 - iv. Trees must be spaced at a minimum of one tree for every 15 linear feet of buffer zone, with the exception of the front property line buffer zone on property used for inventory storage and display for commercial sales and leasing as described in subparagraph D.2.a.iv. above, in which trees must be spaced at a minimum of one tree for every 30 linear feet of buffer zone.
 - v. Prior to the issuance of the Improvement Location Permit, tree buffer zones must be incorporated in use and development commitments to be executed and recorded in the County Recorder's office, defining the area as exclusively dedicated for the tree buffer zone with the exception of perpendicular crossings for access drives and utility lines only, unless and until the durable surface is replaced by hard and sealed paving;
 - vi. Tree buffer zones shall be perpetually maintained, including the replacement of any dead trees, unless and until the durable surface is replaced by hard and sealed paving.
 - vii. A tree planting plan must be provided on any site plan for new development or submitted separately with the site plan.
- g. Except as provided in subparagraph D.3., if fencing is required or provided, it shall be located adjacent and interior to the site from the tree buffer zone. The planting of trees does not eliminate the fencing requirement of Paragraph 17.12.060.C.
3. Combined Residential and Commercial/Industrial Exception. Parcels containing a residence and a small non-residential use that has an off-street parking requirement of five spaces or less only need to comply with subparagraphs D.2.b through D.2.e of this subsection.
 4. The parking area surface shall be graded and drained so that there will be no flow of water onto either adjacent properties or sidewalks.
 5. When the front end of a parking space is adjacent to the perimeter of the parking area, a bumper guard shall be provided to prevent any part of a parked vehicle from extending beyond the parking area.

E. Maintenance. Off-street parking areas shall be maintained in good condition and be kept free of weeds, trash and debris.

F. Lighting. Lighting must be shaded and shall be located so that it does not cause glare onto adjacent properties or interfere with street traffic.

(Ord. 12-13-013 § 1, amended 12/17/2013; Ord. 03-10-004 § 1, amended 03/16/2010; prior code § 153.093)(Ord. 17.24.040, Amended, 04/17/1995)(17.24.040, Amended, 04/17/1995, amended D/1)

17.24.050 Parking areas in or adjacent to residential districts.

Off-street parking areas for all nonresidential uses located in or adjacent to residential districts are required to meet the provisions of Section [17.24.040](#) and also the following restrictions:

A. Limitations in residential districts.

1. SU No. 10 approval is required for parking lots located on a lot separate from the lot occupied by the principal use.
2. No charge shall be made for parking.
3. The parking area shall be used only for parking of passenger motor vehicles.

B. Access.

1. Access to the parking area shall not be through a required front yard, unless no other access is reasonably available.
2. Access shall be through the principal use lot or from a public alley.

C. Yards.

1. Required yards shall be maintained in grass or natural ground cover. Minimum front and side yards shall meet or exceed the minimum front and side yards required in Table A following this title.
2. If a setback line has already been established in the same block as the parking area, the minimum front yard shall be equal to the average setback of existing buildings on the same side of the street.
3. Required side and rear yards shall not be less than five feet.

D. Buffer Screens Around the Parking Area. Along the length of all required yards adjacent to a residential lot there shall be a wall or fence as described below:

1. An opaque wall or fence of ornamental block, brick, solid wood fencing, or a combination of these materials at least forty-two (42) inches in height.
2. A compact hedge of evergreen or deciduous shrubs at least thirty-six (36) inches in height at the time of planting.

(Prior code § 153.094)(Ord. 17.24.050, Amended, 04/17/1995)(17.24.050, Amended, 04/17/1995)

17.24.060 Mixed or multi-uses.

A. In the case of mixed or multi-uses, the total requirements for off-street parking are the sum of the requirements of the various uses computed separately unless specifically listed.

B. Except as provided in Section [17.24.070](#), off-street parking spaces for one use may not be considered spaces for another use.

(Prior code § 153.095)

17.24.070 Joint uses.

A. An off-street parking area for one use may be included in the requirements for another use if the area plan commission determines that the periods of usage are not concurrent.

B. Theaters and churches may reduce the off-street parking facilities by the number of spaces available in commercial or industrial parking areas within five hundred (500) feet of the theater or church, if the areas are not used during theater and church usage hours.

(Prior code § 153.096)

17.24.080 Amount of off-street parking.

A. Off-street parking facilities are required for uses as follows:

1. Use group 1 (one-family dwelling): two spaces per dwelling; provided, however, that all extended families, as defined in this title, must provide adequate off-street parking for all such family vehicles;
2. Use group 2 (residential occupations): two spaces per dwelling plus one space for each two hundred (200) square feet used for home occupation;
3. Use group 3 (duplex): two spaces per dwelling unit;
4. Use Group 4.

Multiple-family dwelling:

Efficiency or bedroom unit-1 per unit

One-bedroom-1.5 per unit

Two-bedroom-2 per unit

3-plus bedroom-2 per unit

Plus one visitor space for each three units;

5. Use Group 5.
 - a. Nursery, nursery school, child care center: one space for each six children, plus one space for each two employees of the largest working shift, plus one space for each company vehicle,
 - b. All other listed uses: one parking space for each two hundred (200) square feet of gross floor area;
6. Use Group 6.
 - a. Group home/community residential facility- one space for each three residents plus one space for each staff member of the largest working shift,
 - b. Sorority and fraternity: 1.5 spaces for each two beds;
7. Use Group 7.
 - a. Restaurants and cafeterias: one parking space for each three customer seats,
 - b. Beauty and barber shops: two spaces per barber or beautician or one space for each two hundred (200) square feet of gross floor area, whichever is more restrictive,

- c. All other listed uses: one parking space for each two hundred (200) square feet of gross floor area;
8. Use Group 8.
- a. Business and commercial trade schools, dance/theatrical school or studio: one parking space for each classroom, plus one and one-half spaces for each two students of largest enrollment,
 - b. Nightclub, bar, tavern, and similar uses: one space for each two customer seats,
 - c. Archery range, trampoline center, pool or billiard room, arcade, skating rink, exercise or sports club and similar uses: one space for each five hundred (500) square feet of gross floor area,
 - d. Bowling alley: four parking spaces for each alley,
 - e. Theater: one parking space for each four seats, plus one space for each employee of the largest working shift,
 - f. Automobile service station: one parking space for each employee of the largest working shift, two spaces for each service stall, plus adequate for visitors,
 - g. Tennis courts: four parking spaces for each court, plus one space for each employee of the largest working shift,
 - h. Party houses, lodges, private clubs, dancehall, and meeting halls: one-half parking space per person as calculated by building capacity,
 - i. Supermarkets, drug stores, package liquor stores, and department stores: five and one-half spaces for each one thousand (1,000) square feet of gross floor area for buildings over three thousand (3,000) square feet; all smaller buildings, one space for each two hundred (200) square feet,
 - j. Hotels and motels (exclusive of retail uses): one parking space for each rental dwelling unit, plus one space for each five employees of the largest working shift,
 - k. Laundromat: one parking space for each three washing or dry-cleaning machines,
 - l. Shopping centers over twenty-five thousand (25,000) square feet in size: five spaces for each one thousand (1,000) square feet of gross lease area; shopping centers less than twenty-five thousand (25,000) square feet in size-one space for each two hundred (200) square feet of gross floor area,
 - m. Mortuary: one space for each two hundred (200) square feet of gross floor area,
 - n. All other listed uses: one parking space for each five hundred (500) square feet of gross floor area;
9. Use Group 9. All listed uses: one parking space for each two hundred (200) square feet of gross floor area;
10. Use Group 10.
- a. Retail uses: one space for each five hundred (500) square feet of gross floor area; minimum two spaces,

- b. Service, storage, warehouse, and wholesale uses: one parking space for each two employees of the largest working shift, one space per company vehicle, plus adequate spaces for visitors; minimum two spaces;
11. Use Group 11.
- a. Plant and shrub nursery: one parking space for each employee of the largest working shift plus an adequate number of spaces to serve the public,
 - b. Retail use: one space for each five hundred (500) square feet of gross floor or sales area; minimum two spaces,
 - c. Service, storage, warehouse and wholesale uses: one parking space for each two employees of the largest working shift, one space per company vehicle, plus adequate spaces for visitors; minimum two spaces,
 - d. Recreational uses: parking spaces in an amount to be determined by site review committee to be reasonably adequate to serve the public for customers, patrons, visitors, and employees;
12. Use Group 12.
- a. Restaurants and refreshment stands: one space for each three customer seats,
 - b. All other listed uses: one parking space for each two employees of the largest working shift plus an adequate number of spaces to serve the public;
13. Use Group 13, 14, 15, and 16. All listed uses: one parking space for each two employees of the largest working shift, one space per company vehicle, plus an adequate number of spaces for visitors;
14. Use Group 17. Agricultural and forestry operations: one parking space for each employee;
15. Use Group 18. All listed uses: one parking space for each employee plus an adequate number of spaces for visitors;
16. Use Group 19.
- a. Drive-in theater: two parking spaces for each one hundred (100) square feet of gross floor area plus one space for each employee of the largest working shift in addition to patron parking,
 - b. All other listed uses: one parking space for each employee plus an adequate number of spaces for visitors;
17. Use Group 20. Bed and breakfast, boardinghouse, and similar uses: two spaces per dwelling unit plus one space per rental unit.
18. Use Group 21

Adult uses shall provide the following number of parking spaces:

Adult Arcade - One (1) parking space for each two (2) customer seats or arcade devises (which ever is greater) plus one (1) parking space for each employee of the largest working shift.

Adult Bookstore, Adult Novelty Store or Adult Video Store - One (1) parking space for each two hundred (200) square feet of floor space.

Adult Cabaret, Juice Bar, or Bikini Bar - One (1) parking space for each two (2) customer seats, plus one (1) parking space for each employee of the largest working shift.

Adult Motion Picture Theater - One (1) parking space for each four (4) seats, plus one (1) parking space for each employee of the largest working shift.

Adult Theater - One (1) parking space for each four (4) seats, plus one (1) parking space for each employee of the largest working shift.

Nude Model Studio - Two (2) parking spaces for each employee of the largest working shift.

Sexual Encounter Center - Two (2) parking spaces for each employee of the largest working shift.

Peep Show Facility - Two (2) parking spaces for each employee of the largest working shift.

B. Special Uses.

1. As provided by Chapter [17.28](#) and the special use approved by the board of zoning appeals:

SU 1	Elementary and middle schools: one per staff member plus adequate for visitors and buses. High schools: 0.2 per student plus one per staff member, plus adequate for visitors and buses.
SU 2	0.3 per seat.
SU 3	Hospitals: 1.5 per bed; Nursing homes, convalescent and custodial care centers: 1 space for each 300 square feet of gross floor area.
SU 4	See subsection B.2 of this section.
SU 5	See subsection B.2 of this section.
SU 6	See subsection B.2 of this section.
SU 7	See subsection B.2 of this section.
SU 8	See subsection B.2 of this section.
SU 9	0.5 per employee.
SU 10	See subsection B.2 of this section.
SU 11	See subsection B.2 of this section.
SU 12	See subsection B.2 of this section.
SU 13	See subsection B.2 of this section.
SU 14	See subsection B.2 of this section.
SU 15	See subsection B.2 of this section.
SU 16	0.3 per seat.
SU 17	One per employee plus 2 for each service stall.
SU 18	One in addition to residential requirements.
SU 19	0.5 per employee.
SU 20	0.5 per employee.

- SU 21 See subsection B.2 of this section.
- SU 22 One per employee, plus an adequate number for visitors.
- SU 23 See subsection B.2 of this section.
- SU 24 See subsection B.2 of this section.
- SU 25 See subsection B.2 of this section.
- SU 26 One per 200 square feet.
- SU 27 See subsection B.2 of this section.
- SU 28 One space for each six children plus one space for each two employees, in addition to residential requirements.
- SU 29 One per 200 square feet.
- SU 30 One parking space for each 200 square feet of gross floor area or one space for each three students, whichever is more restrictive.
- SU 31 One space in addition to residential requirements.
- SU 32 Two spaces in addition to residential requirements.
- SU 33 See subsection A.17 of this section.
- SU 34 See subsection A.17 of this section.
- SU 35 – SU 42 Repealed by Ordinance 7/15/08
- SU 43 – SU 45 Reserved by Ordinance
- SU 46 One space for each 3 residents, one space for each employee of the largest working shift, plus one space for each company vehicle

2. Parking spaces in an amount to be determined by the board of zoning appeals to be reasonably adequate to serve the public for customers, patrons, visitors, and employees.

C. Gross floor area for the purposes of this section means the total horizontal areas of the floors of the building or portion of the building, including accessory storage areas located within selling and working space and basement floors devoted to retail activities, production or processing of goods, or offices. Gross floor area does not include area devoted entirely and permanently to parking, loading, restrooms, utilities, elevator shaft, or stairwells.

D. Whenever a use is added to use groups as provided in Section [17.20.020](#), the off-street parking facilities are those for the use within that use group most similar to the added use, unless otherwise provided by the commission.

E. One-half or more of a fractional parking space in a computation requires providing one full parking space.

(Ord. 09-13-009 § 5, amended, 10/22/2013; 17.24.080(A (18) added & SU35 through SU 42 deleted, 7/15/2008; amended subsection (A)(4) 1/2/2007; Ord. dated 2/22/94 § 1(n); prior code § 153.097; portion amended 8/10/98)

17.24.090 Access and service drives.

A. An access or service drive for any use may not be constructed over a public sidewalk or right-of-way without approval from the county engineer as provided in Section [17.36.020](#).

- B. All uses are subject to the following requirements:
1. Access drives are determined as follows:
 - a. Zero to two hundred (200) feet of road frontage: one access drive;
 - b. Two hundred (200) to four hundred (400) feet: two access drives;
 - c. Over four hundred (400) feet: access drives to be determined.
 2. An access drive must be at least fifty (50) feet from any parallel access drive on the same property, provided that in Residential-1 districts, by a unanimous vote of the site review committee, that distance may be reduced on local streets only.
 3. An access drive must be at least two hundred (200) feet from the base of a bridge incline, measured from the centerline of access drive to the base of the bridge incline.
 4. An access drive must be at least four hundred (400) feet from an interchange ramp, measured from the centerline of access drive to the nearest edge of the ramp.
 5. Access drives in Residential-1 must be at least thirty (30) feet from a parallel public street, provided that by a unanimous vote of the review committee the thirty (30) foot requirement may be reduced to not less than fifteen (15) feet on local streets only. The distance is measured from the nearest side line of the drive to the nearest right-of-way line of the street. Access drives in all other districts must be at least fifty (50) feet from any parallel public street, measured from the nearest curb line of the street.
 6. All access drives shall be in conformance with the current Evansville urban transportation access standards manual.
 7. Auxiliary lanes, such as passing blisters and turn lanes, shall be installed, when required, according to the current Evansville urban transportation access standards manual.
 8. Where an access drive is located in front of a garage on a public street, the garage shall be setback a minimum of twenty (20) feet from the right-of-way or the driveway to the garage shall be at least twenty (20) feet long to provide enough space for a vehicle to park without overhanging into the right-of-way, if the garage door is closed. This shall not be interpreted to waive a larger required minimum setback required by the zoning district.
 9. Access drives for a single-family residential use, located on a street classified as local, and that has a front or side load three (3) car garage may have an access drive of a maximum width of thirty (30) feet located directly in front of the garage door location. All access drive standards above still apply.
- C. The site review committee shall also consider the following factors in approval of a site plan.
1. Automotive and pedestrian safety;
 2. Traffic flow and control;
 3. Accessibility for emergency vehicles; and
 4. Effects of the access drives on abutting properties.

D. If the location or site of a lot prevents development in accordance with the above requirements, access shall be provided which most closely complies with these requirements. Access may not be denied to any property.

(Ord. 09-22-018 § 4, amended, 09/27/2022; prior code § 153.098)

17.24.100 Off-street loading.

- A. A use shall provide space separate from off-street parking areas, streets, and alleys for loading and unloading, and shall not block off-street parking, streets, or alleys.
- B. Vehicles may not be parked or stored in the required off-street loading areas during the time the use is in operation, except for loading and unloading purposes.
- C. Off-street loading space shall be provided and maintained in accordance with the following schedule:
1. For each commercial and industrial use not specified in subsection (C)(3) of this section which has an aggregate floor area of the following:
 - a. Ten thousand (10,000) to twenty-five thousand (25,000) square feet: one space,
 - b. Twenty-five thousand one (25,001) to sixty thousand (60,000) square feet: two spaces,
 - c. Sixty thousand one (60,001) to one hundred twenty thousand (120,000) square feet: three spaces,
 - d. One hundred twenty thousand one (120,001) to two hundred thousand (200,000) square feet: four spaces,
 - e. Two hundred thousand one (200,001) to two hundred ninety thousand (290,000) square feet: five spaces,
 - f. For each additional ninety thousand (90,000) square feet or fraction thereof: one additional space;
 2. For each apartment building with twenty-five (25) or more dwelling units: one space;
 3. For each hotel or motel, office building or public use which has an aggregate floor area of the following:
 - a. Ten thousand (10,000) to forty thousand (40,000) square feet: one space,
 - b. For each additional forty thousand (40,000) square feet or fraction thereof: one additional space.
- D. Each space must be at least twelve (12) feet by thirty-five (35) feet in an area with a fourteen (14) foot clearance to classify as a required space.
- E. The site review committee may recommend the reduction of a space to twelve (12) feet by thirty (30) feet in an area with an eight-foot clearance if the use will not normally involve the service by vehicles requiring the larger space.
- F. Plans for buildings or uses requiring off-street loading facilities by this title shall clearly indicate the location, dimensions, clearance, and loading facilities.

(Prior code § 153.099)

17.24.110 Combining off-street loading spaces.

Off-street loading spaces may be combined for two or more uses if the combined spaces are equal to the requirements of all the uses and may be used conveniently by all the uses.

(Prior code § 153.100)

17.24.120 Interior parking area green space.

A. Interior parking area green space shall be provided in landscaped islands, bumpouts and/or strips within all new surface parking areas or expansions of existing parking areas having 30 or more parking spaces to reduce the visual and environmental impact of large parking lots. The term "Landscaped Island" shall refer to this required parking area green space. These requirements are in addition to any required front, side and rear yard setbacks, and shall meet the following standards:

1. Parking lots shall provide one landscaped island for every 15 parking spaces. When computing results in a fraction of 0.5 of an island or higher, the fraction shall be rounded up to the next whole number. The parking area shall be considered as the pavement devoted to parking spaces and adjoining aisles. To the extent possible, islands should be dispersed throughout the parking area. Paved areas for site loading/unloading and opaque fenced storage areas are exempt from this Section.
2. The minimum size of a landscaped island that can be applied towards these requirements shall be 136 square feet. The minimum dimension for an island without a tree is 6 feet. The dimensions for an island shall be measured from the inside of the curb or other barrier provided.
3. Barriers such as permanent curbing or wheel stops shall be installed around islands to minimize damage to landscaping and for easier parking area maintenance. Pavement (at or below the surface) is prohibited inside the island barriers. However, light pole standards, storm inlets, electrical boxes and other utility/drainage facilities are allowed within landscaped islands provided they do not occupy more than 25% of the island area, do not block a drainage way and they meet any applicable drainage requirements.

B. The preferred design option for landscaped islands is an island strip placed in the parking area between rows of head to head parking (see Figure A).

1. To encourage this form of landscaped island, a credit will be provided for the area where a vehicle could overhang the island strip as long as the strip is at least 10 feet wide. This credit allows two feet of the island adjacent to the front end of the parking spaces to be counted as part of the parking spaces, reducing the paved length of the spaces from 18' to 16' (see Figure B). Only ground cover plants are allowed within the overhang area.
2. The design grade of landscaped strips can be above or below the parking lot surface (see Figure A). Island strips with an elevation below the parking lot also function as bio-swales that can be integrated into the project drainage system. Gaps must be provided in curb or other barriers around this type of an island to allow for storm water flow into the area. Bio-swale islands are a best management practice for dealing with storm water and can lower drainage system cost. Design criteria for bio-swales must meet applicable drainage requirements.

C. Landscaped islands can also be used to safely separate parking spaces and pedestrians, and to define access drives that help direct vehicle circulation.

D. Each island shall contain plantings and be maintained as green space. Appropriate ground cover species, flowers, shrubs and/or trees shall be used to create an appealing landscape with shade and color. Trees are strongly encouraged, as well as use of native plantings. Lists of native trees by size recommended for planting

can be obtained from the City of Evansville Arboricultural Specifications Manual. This document also offers guidance on planting procedures, soil treatment, irrigation and maintenance. Additional advice can be obtained from the City Arborist in the Evansville Urban Forestry Office, and from the County Extension Horticulture Educator.

1. Site plans for new development must show islands and indicate the species of trees to be planted.
2. The island plantings must be installed on a site of new or expanded development within 6 months of the date a Certificate of Occupancy (C of O) is issued. For attached multi-tenant businesses in a common structure, the 6 months shall start from the date a C of O is issued for the first business in the structure. After 6 months, enforcement actions will be taken including the possibility of fines if plantings have not been installed per these requirements.
3. In parking lots with 60 or more parking spaces, trees are required to be planted in islands at a rate of one tree for every 30 parking spaces. When computing results in a fraction of 0.5 of a tree or higher, the fraction shall be rounded up to the next whole number. All required trees are to be from the Medium and Large tree lists in the document referenced herein (no dwarf trees are allowed), unless other equivalent sized trees are approved by the City Arborist or the County Extension Horticulture Educator. At least 50% of required trees must be from the Large tree list. Any existing trees to be preserved that meet these requirements as shown on a site plan approved by the City Arborist or the County Extension Horticulture Educator shall also count toward the required tree total.
 - a. Minimum size of islands containing trees:
 - small/medium tree – 136 sq. ft. with a minimum dimension of 8 ft.
 - large tree – 315 sq. ft. with a minimum dimension of 10 ft.
 - b. Minimum distance from tree to pavement:
 - small tree – 3 feet
 - medium tree – 4 feet
 - large tree – 5 feet
 - c. The minimum sizes for islands with trees can be reduced upon approval by the City Arborist or the County Extension Horticulture Educator. To obtain approval, a site plan and island construction details must be submitted for commercial review indicating the use of structural soil, permeable pavement or an equivalent material or design (e.g. landscaped bumpouts adjacent to perimeter green space).
 - d. The size of the tree stock at the time of planting shall be as follows:
 - small tree – at least 1.5" caliper for single trunk
 - medium/large tree – 2.5" caliper for single trunk
 - evergreen or multi-stem trees:
 - small – 10' in height
 - medium/large – 12' tall
 - e. Parking Deduction For Islands With Trees – For islands that contain Medium or Large trees, the

amount of parking spaces that these required island areas represent shall be deducted from the total amount of the parking spaces needed to comply with the off street parking requirements as follows:

Island Size	Island Parking Deduction
136 to 314 square feet	1 parking space deducted/island
315 square feet or larger	2 spaces deducted/island

This parking deduction shall also be granted for parking areas smaller than 30 spaces as long as the islands meet these standards.

f. Islands in addition to those required to meet these standards are not eligible for the parking deduction unless they contain trees. This parking deduction shall not exceed 15 percent of the total required parking spaces before deductions are applied.

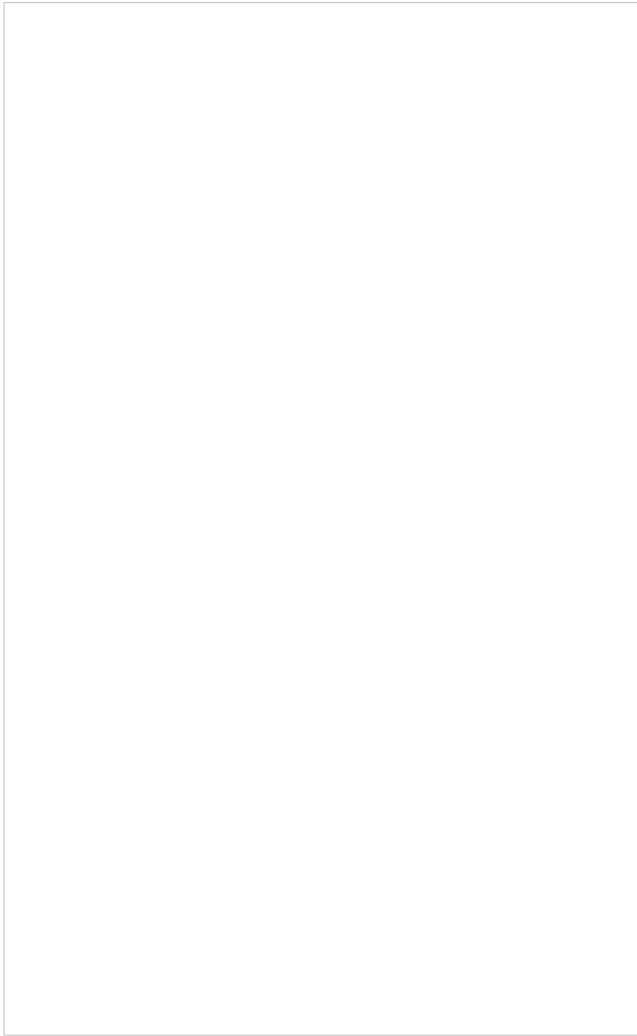
4. In areas where sight distance is needed, landscaping shall not obstruct visibility between 3 and 6 feet above the pavement surface (no evergreens).

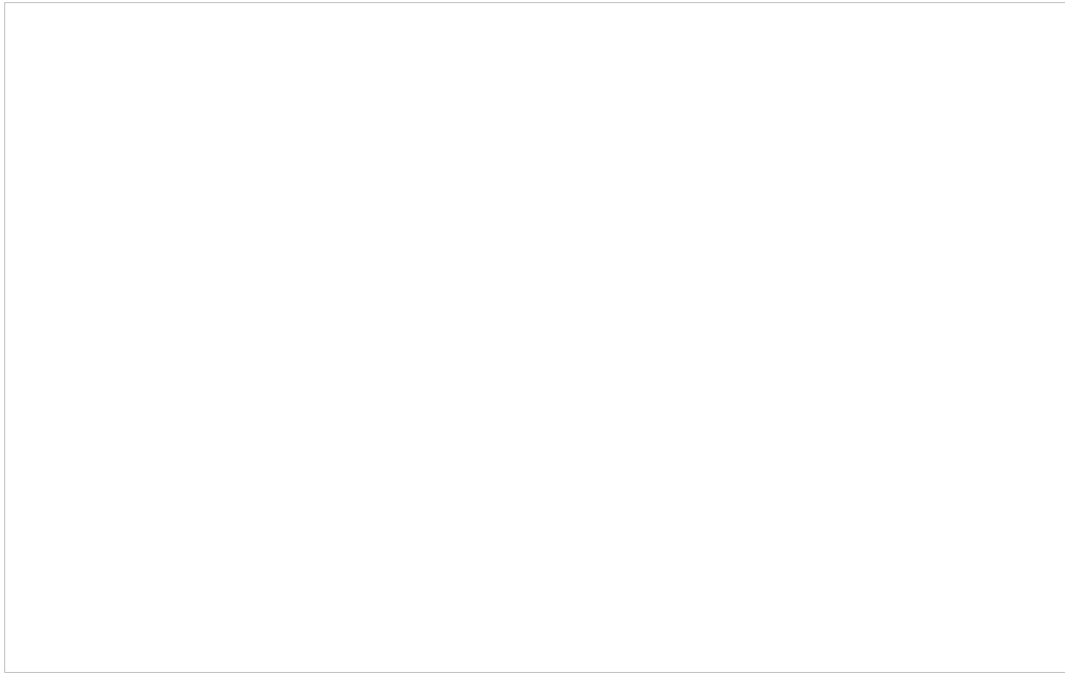
E. The land owner and tenant, if any, of the parking area shall be jointly responsible for the ongoing maintenance of the islands and the landscaping to ensure the green space is kept in good condition. This shall include any necessary island repairs and replacement of landscaping as needed. If any trees die for which parking deductions were granted pursuant to this Section, they shall be replaced in kind with healthy specimens on the appropriate Medium or Large tree lists.

F. The Area Plan Commission Director may allow a land owner to retrofit islands into an existing parking lot provided that ample parking spaces will remain.

Summary Chart

Requirement/Standard (parking lots smaller than 30 spaces are exempt)
Minimum Landscape Island Size – 136 square feet With Large Tree – 315 sq. ft.
Islands Required – 1 island/15 parking spaces Trees Required – 1 tree/30 spaces (in parking lots with 60 or more spaces)
Results with a fraction of 0.5 or higher shall be rounded up to the next whole number.





(Ord. 03-10-004 § 2, added 3/16/2010)

**Chapter 17.26
SIGNS**

Sections:

[17.26.005 Purpose and substitution.](#)

[17.26.020 General provisions.](#)

[17.26.030 Exempt signs.](#)

[17.26.040 Prohibited signs.](#)

[17.26.080 Permitted use by district.](#)

[17.26.090 Maintenance and removal.](#)

[17.26.100 Enforcement.](#)

[17.26.110 Off-premises signs – Examples.](#)

17.26.005 Purpose and substitution.

A. The purpose of the following sign standards and regulations is to set forth provisions governing the installation and construction of signs and other advertising devices. In addition, it is the purpose of and intent of this chapter to: recognize the function and importance of signs for the business community and Vanderburgh County; recognize the integral part played by signs in the overall appearance of the County; provide a reasonable set of controls that will allow and encourage creative and effective signs that adequately identify a business; and provide standards, guidance and direction for sign users and sign designers as to what constitutes appropriate signage within the jurisdiction of Vanderburgh County.

B. The owner of any sign which is otherwise allowed by this sign ordinance may substitute noncommercial copy in lieu of any other commercial or noncommercial copy. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message. This provision prevails over any more specific provision to the contrary, with the exception of prohibitions against obscenity as defined by Indiana law.

(Ord. 01-18-001 § 1, added, 01/02/2018)

17.26.020 General provisions.

A. Definitions.

1. A "sign" means an identification, description, display, or illustration which is placed upon, affixed to, painted, or represented directly or indirectly on a building or land and which directs attention to a product, person, business or service. Different types and categories of signs are as follows:
 - a. An "on-premises sign" is a sign directing attention to the use, business, or activity offered or sold as the primary use, business, or activity on the premises where it is located.
 - b. An "off-premises sign" is a sign directing attention to a product, person, business, or service not offered or sold as the primary use, business, or activity on the premises where it is located.
 - c. A "pole sign" is a sign supported by one or more poles which elevate the sign.

- d. A “monument sign” is a freestanding sign constructed upon a solid-appearing base or pedestal affixed to the ground. This definition applies to pole signs when the poles have been covered by cladding, and thus are not visible.
- e. A “banner” is a temporary sign constructed of cloth, canvas, plastic fabric or similar lightweight nonrigid material and fastened at all corners or edges to a building or other permanent structure.
- f. A “flashing sign” is one that employs a pattern of changing light where the sign illumination suddenly, instantaneously, rapidly and/or repeatedly changes for the purpose of drawing attention.
- g. A “feather banner,” sometimes also referred to as a “feather sign,” “bow sign,” or “bow banner,” is a sign that is constructed of cloth, canvas, plastic fabric or similar lightweight nonrigid material and that is supported by a single horizontal or vertical pole mounted into the ground or on a permanent structure.
- h. A “pennant” is a geometric-shaped cloth, fabric or other lightweight nonrigid material normally fastened to a stringer and limited to a maximum sign area of one and one-half square feet which is secured or tethered to a building or other permanent structure so as to allow movement of the sign caused by movement in the atmosphere.
- i. A “construction sign” is a sign that contains a message relating to construction work that is in progress or upcoming on the premises where the sign is displayed, regardless of whether the sign relates to a contractor, financing provider, or the business being built.
- j. A “portable sign” is a sign that is not permanently attached or designed to be permanently attached to the ground, a building, or a pole or other temporary or permanent support. This includes a sign that is, or is designed to be, mounted on wheels or built to roll or slide or to be moved.
- k. An “electronic message sign (EMS)” is a sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.

2. A “sign permit” means an improvement location permit for a sign, issued in accordance with this chapter.

3. “Copy” means any word, number, letter, picture or emblem that is a feature of a sign.

B. Improvement Location Permit.

1. Permit Required. Except as otherwise provided for in this chapter, it shall be unlawful for any person to erect, construct, enlarge or move any sign, or cause the same to be done without first obtaining an improvement location permit (also known as a “sign permit”) issued by the Planning Department.

2. Application Requirements.

a. On-Premises Signs. Items required for a sign permit for an on-premises sign include the following: a completed sign permit application detailing the existing and proposed signage; a site plan detailing the location of any signs not affixed to a building; and a frontal elevation showing the size of sign and height above street elevation.

b. Off-Premises Signs. Items required for a sign permit for an off-premises sign include the following:

- i. Engineered structural plans, including elevation and plan views showing height above grade level, dimensions, spacing between faces, and degree of angle for V-type signs;
- ii. Commercial site plans meeting the requirements for commercial review by the Site Review Committee, including a surveyor certification of the exact location of sign from property lines; centerlines of abutting streets or rights-of-way; distance to the nearest point of any existing off-premises sign within a 500-foot radius; distance to the nearest point of any existing off-premises sign within a 600-foot radius along controlled access thoroughfares; distance to the nearest off-premises sign within 900 feet along the same side of the street; distance to the nearest off-premises sign within 1,100 feet along the same side of a controlled access thoroughfare; distance to the nearest residential district or residence within a 200-foot radius; and distance to the nearest property line of any public park, church, school, or museum within a 300-foot radius; distance to the centerline of any portion of the Greenway Passage path which has been purchased, leased or completed and for which a legal description has been placed of record;
- iii. Legal description or boundary description of the property where the sign is to be located;
- iv. Proof of consent from the owner of the site;
- v. Outline of the pole must be clearly indicated on the site at the time of application, prior to inspection of the site.

3. Prior Conforming Use. Use of a sign which exists and conforms with all applicable ordinances prior to the effective date of the adoption or amendment of this title, but which is prohibited, regulated or restricted by this title as adopted or amended, may be continued; however, after the effective date of this title or the amendment thereof, any previously conforming sign or use of a sign that is removed or discontinued for any intentional or unintentional reason shall only be reconstructed or restored in accordance with this chapter, and no nonconforming usage may be enlarged, increased, extended, or transferred to another property, business or sign.

C. Permission. No sign shall be placed on private or public property without the consent of the owner or agent thereof.

D. Sign Placement in Right-of-Way. No sign shall be placed in or overhang any public right-of-way or thoroughfare setback except publicly owned signs, such as traffic control signs and directional signs, or as allowed by a recorded encroachment permit or thoroughfare permit issued pursuant to the requirements of VCC Title 12. The right-of-way dimension shall be determined by the county engineer and the thoroughfare setback dimension shall be determined per this title. In addition, signs must not block any type of accessibility including, but not limited to, sidewalks, driveways, etc.

E. Measurement. The area of all signs shall be calculated by multiplying the maximum vertical dimension by the maximum horizontal dimension, otherwise known as the square footage.

1. For on-premises signs, the area is that of the smallest rectangle that can be used to enclose the sign.
2. For off-premises signs:
 - a. The area is that of the smallest rectangle that can be used to enclose the sign. The apron of a sign is not included in the calculation of area.
 - b. Temporary Embellishments. The total area of a temporary addition to the sign on which a

continuation of the advertising message is placed may not exceed 10 percent of the total area of the sign to which it is added.

c. Examples 1 and 2 in VCC [17.26.110](#) further illustrate and define the requirements.

3. The height of all signs is measured from the average surface grade surrounding the base of a sign and includes any poles or other supports unless otherwise specified in this chapter. In no case is sign height measured from the top of any berm or artificial grade.

4. Fees for off-premises signs are based on total display area of both faces.

5. Off-premises tri-vision signs which consist of fixed advertising copy which is changed not more frequently than in eight-second intervals by a mechanical means to another fixed advertising copy shall be permitted, and only the actual display area shall be included in the requirements set forth in VCC 17.26.080.B.

F. Double-Faced Signs.

1. For all signs allowed by this chapter, a double-faced sign may be erected. For the purpose of calculating square footage of the sign, the face area of one of the two sides shall be considered face area of the entire sign if it meets the following requirements:

a. The face used to calculate area shall be equal to or larger than the other face.

b. The two faces shall be placed back-to-back and parallel in the case of on-premises signs.

c. The maximum distance between the two faces shall not exceed:

i. Two feet at any point for on-premises signs;

ii. Ten feet for parallel back-to-back off-premises signs;

iii. Fifteen feet at the farthest point between the two faces for V-type off-premises signs.

2. Off-premises double-faced signs meeting the above requirements are considered to be one sign for purposes of the spacing requirements between two signs.

3. For double-faced signs, the structural support shall not bear any message or additional signage, except as allowed as an embellishment under subsection E.2.b. of this section.

G. Illumination. Lights used to illuminate a sign shall be shielded from adjacent properties to prevent glare across property lines or into any thoroughfare.

1. All electronic message signs shall either utilize automatic dimming technology which electronically adjusts the sign's brightness in direct correlation with ambient light conditions, or from sunset to sunrise display only messages that have a dark colored background.

2. Existing signs that do not have the automatic dimming ability and are determined to be a nuisance or safety hazard must be turned off from sunset to sunrise or otherwise be adjusted to comply with this chapter.

(Ord. 01-18-001 § 1, added, 01/02/2018)

17.26.030 Exempt signs.

- A. Exemptions provided under this section do not waive or alter requirements except as expressly identified in this section as they relate to sign permits, and do not create any exemptions from:
1. Any requirement found outside of this title, including without limitation those found in VCC Title 12 relating to signs placed in the public right-of-way;
 2. Any requirement under the jurisdiction of any agency other than the Planning Department, the Area Plan Commission or the Board of Zoning Appeals; or
 3. Requirements in this chapter relating to public safety, owner consent, placement in the public right-of-way, maintenance, or removal.
- B. An exempt sign may be illuminated, except as provided for in this section, but may not be flashing or animated.
- C. Signs that meet the following descriptions and criteria do not require a sign permit, are exempt from all sign permit application requirements, are not taken into account when calculating the total number of signs or the total square footage of signs allowed for a property or business, and are not limited in number nor in the length of time they may be maintained, except as provided below.
1. **Name and Address Identification.** Signs not exceeding two square feet in area which identify the names and addresses of occupants but do not denote commercial activity.
 2. **Flags and Insignias.** Flags and insignias of a governmental unit, not-for-profit organization, or church, except in connection with a commercial promotion.
 3. **Integral Identification Features.** Names of buildings, date of erection, monumental citations, commemorative tablets and the like when carved into stone, concrete or similar construction or similar material made of bronze, aluminum, or other permanent type construction and made an integral part of the structure.
 4. **Public Signs.** Public signs placed on-premises or off-premises by or at the instruction of public officer(s) in the performance of public duty, such as signs to promote safety, legal notices, no trespassing, or traffic signs; public memorial plaques; signs of public historical interest; signs directing people to public and quasi-public facilities; and signs no larger than 18 square feet, placed by a charitable county-wide beautification organization at a landscaped site identifying an adopter of an adopt-a-spot location.
 5. **Emergency Signs.** On-premises or off-premises emergency signs, such as those used by the fire or police departments.
 6. **Political Signs.** On-premises or off-premises political campaign signs.
 7. **Utility Marker Signs.** Utility signs necessary to mark cables and lines for public and private utilities unless such signs are determined to be a hazard by the Executive Director of the Planning Department or by any other governmental agency.
 8. **Sandwich Board Signs.** For commercial businesses only, one sandwich board sign per business use located on a property does not require a sign permit if it meets the following requirements:
 - a. It must not exceed 12 square feet in area.

- b. It must not be illuminated.
- c. It must be removed from display at the close of business each day.
- d. It must not be placed in the public right-of-way except as permitted by the board of commissioners pursuant to VCC Title 12.

9. Directional Signs. On-premises directional signs are allowed without a sign permit if they meet the following requirements:

- a. The signs must be no more than four feet in height.
- b. Each sign must be no more than three square feet in area.

10. Window Signs. Window signs are allowed without a sign permit; provided, that all window signs displayed at any one time do not cover more than 25 percent of the total window area for each business use.

D. Signs that meet the following descriptions and requirements do not require a sign permit and are not taken into account when calculating the total number of signs or the total square footage of signs allowed for a property or business; however, only one category of exempt sign of the categories listed in this subsection D. is allowed except as provided below, and no such exemptions are allowed when used in conjunction with an electronic message sign. Signs that meet the descriptions but that do not comply with the requirements for exemption will be allowed only with a sign permit, and are subject to all requirements and limitations for sign permits as to the property or business.

1. Real Estate Signs. Real estate signs are not subject to sign permit requirements if they meet the following requirements:

- a. There must be no more than two signs advertising the sale, rental, or lease displayed on the premises it is intended to advertise.
- b. The sign face must not exceed nine square feet in area for residential districts and 50 square feet in area for commercial or industrial districts.
- c. The sign must not hide any traffic or roadway sign, signal or device from view.
- d. The sign must be removed within 14 days of the sale, rental, or lease of the property.
- e. The sign must not reflect advertising or promotional material other than to indicate the party or agency listing the property for sale, rental or lease; however, a dispenser box for flyers or handbills advertising the property in detail may be attached to the sign.
- f. Two off-premises directional signs for an open house are allowed without a sign permit if they meet the following requirements:
 - i. Must not exceed four square feet in area;
 - ii. Must not obstruct the line-of-sight for vehicular traffic;
 - iii. Must not exceed a height of 30 inches;

- iv. Must not be erected more than three days prior to the open house; and
 - v. Must not remain erected more than six hours after the end of the open house.
 - g. One off-premises “lead in” sign is allowed to be placed at the intersection nearest to the property being sold. An off-premises “house for sale” sign that does not specifically advertise an open house is a “lead in” sign and not directional signage for an open house.
2. Auction Signs. Auction signs do not require sign permits if they meet the following requirements:
- a. No more than two signs advertising the sale may be displayed on the premises being sold or the premises where the personal property being sold is located prior to the sale.
 - b. The sign face must not exceed 16 square feet in area.
 - c. The sign must not hide any traffic or roadway sign, signal or device from view.
 - d. The sign must be removed within 14 days of the sale.
 - e. The sign must not reflect advertising or promotional material other than to indicate the party listing the property for sale.
 - f. Two off-premises directional signs for an auction are allowed without a sign permit if they meet the following requirements:
 - i. They must not exceed nine square feet in area.
 - ii. They must not obstruct the line-of-sight for vehicular traffic.
 - iii. They must not exceed a height of 30 inches.
 - iv. They must not be displayed more than three days prior to the auction.
 - v. They must be removed no more than six hours after the end of the auction.
 - g. One off-premises “lead in” sign is allowed to be placed at the intersection nearest to the property being sold or to the property where the auction is taking place.
3. Banners. For commercial businesses and not-for-profit organizations, only one of the following banners (total) is allowed without a sign permit if it meets the following requirements:
- a. General Banners. For banners having a primary purpose other than advertising receipt of an award, one banner per property or organization is allowed without a sign permit and is not subject to time limitations, provided it does not exceed 32 square feet in face area. Additionally:
 - i. An on-premises banner may not be used as a permanent sign except within the first six months of the opening of a new business.
 - ii. An off-premises banner may not be used as permanent sign.
 - b. Award Banners. For banners having the primary purpose of advertising receipt of an award, one banner per business or organization is allowed without a sign permit specific to the business or organization displaying the banner if it meets the following requirements:

- i. The banner face must not exceed 18 square feet in area.
 - ii. The banner face must show the year for which the award was given.
 - iii. The banner must be removed after the year for which the award was given.
 - iv. Prior to display of the banner, the organization presenting the award must have obtained a determination by the Board of Zoning Appeals at a regularly scheduled meeting that the proposed banners for that award are exempt; the award event must receive this exempt determination for each time period for which the award is given.
- c. Feather Banners. A business or organization may display one feather banner without a permit for no more than 30 consecutive days within any given one-year period; once the display is removed, no further display is allowed within the same one-year period.
4. Pennants, Streamers, Inflatables. A business or organization may display one pennant, streamer, wind dancer or other inflatable without a permit for no more than 30 consecutive days within any given one-year period; once the display is removed, no further display is allowed within the same one-year period.
5. Garage Sale Signs. One on-premises sign advertising the sale of miscellaneous household items for the purpose of a residential garage or yard sale is allowed without a sign permit, and one off-premises "lead in" sign is allowed to be placed at the intersection nearest to the property where the garage sale is taking place, if they meet the following requirements:
 - a. Each sign must not exceed four square feet in area.
 - b. Each sign must be posted no earlier than one week in advance of the sale.
 - c. Each sign must be removed within six hours after the sale ends.
 - d. No sign may be posted on a utility pole.
6. Construction Signs. Signs posted on construction sites are allowed without a sign permit to the following extent:
 - a. No more than two construction signs are allowed per property.
 - b. At single-family and duplex uses, signs must not exceed nine square feet per sign or 18 square feet if only one sign is used; at multifamily and nonresidential uses, signs must not exceed 50 square feet per sign.
 - c. They must be removed upon issuance of a certificate of occupancy for the building.
 - d. They must not be used in conjunction with other types of exempt signs.
7. Sponsorship Signs. Sponsorship signs at a public or private recreational facility are allowed without a sign permit if they meet the following requirements:
 - a. They must be placed on structures that are part of the facility, e.g., a scoreboard, fence, or spectator stands.

- b. They must be visible only to the participants or spectators at the facility by placing the sign to face the facility, field or complex.
8. Special Event Signs. On-premises (at the location of the special event) and off-premises special event signs are allowed without sign permits if they meet the following requirements:
- a. The sign face area must not exceed:
 - i. On-premises: 32 square feet.
 - ii. Off-premises: six square feet; however, there is no size limitation if the sign is placed on a public structure or in a public way in accordance with an encroachment permit, thoroughfare permit, or similar permit issued by an authorized regulating authority.
 - b. The number of signs must not exceed:
 - i. On-premises: unlimited.
 - ii. Off-premises: one sign per property.
 - c. The sign must not hide any traffic or roadway sign, signal or device from view.
 - d. The signs must be placed no more than 30 days prior to the event and removed no more than seven days after the event.
 - e. The sponsoring organization for the special event must obtain a determination by the Site Review Committee that the special event qualifies for exemption for signage purposes. The special event must receive this classification only one time in its lifetime. To qualify for special event status for signage purposes the event must meet all of the following criteria:
 - i. The event must occur no more than once per calendar year.
 - ii. The event must be scheduled to occur over a limited and fixed duration of no more than seven consecutive days.
 - iii. The event must be organized and controlled by one or more organizations, which may include not-for-profit organizations, and the event must not be utilized for a commercial purpose only.
 - iv. Implementation of the event must be planned and controlled.
 - v. The event must be a live audience other than the organizers present at the physical event location.
 - vi. The nature and scope of the event must not be injurious to the public health, safety, morals, and general welfare of the community.
9. Electronic/digital signs that display time and temperature or gas prices and do not otherwise advertise a product or service are not considered as electronic message signs.

(Ord. 01-18-001 § 1, added, 01/02/2018)

17.26.040 Prohibited signs.

The following types and placement of signs are prohibited in all zoning districts, whether on-premises or off-premises:

A. **Portable Signs.** Any portable signs not defined in VCC [17.26.030](#), Exempt signs; provided, however, that arrow boards and other rigid portable signs and marquees may be used if a sign permit is obtained for the use, which is subject to the following conditions and restrictions in addition to those otherwise required for a sign permit:

1. One sign per development site.
2. Maximum area: 32 square feet.
3. Maximum freestanding height: six feet.
4. Setback from edge of pavement: 15 feet.
5. Placement limitation: six times per year.
6. Time limitation: 30 days per placement.
7. Must not be used at the same time as any sign exempt under VCC 17.26.030.D.

B. **Emissions.** Signs that emit audible sound, odor, or visible matter.

C. **Imitation of Official Signs.** Signs that purport to be, are in imitation of, or resemble, but that are not, an official traffic sign or signal, or which bear words such as "Stop," "Slow," "Caution," "Danger," "Warning," "Look," or any other word, phrase, symbol or character in a manner that creates a danger of interfering with, misleading, or confusing motorists or other individuals; however, use of the words listed in this subsection is not prohibited if the use does not create such danger.

D. **Imitation of Emergency Vehicles or Lights.** Signs or displays that may be mistakenly construed as a light of an emergency or road equipment vehicle, or lights resembling danger or emergency lights of any kind.

E. **Visual Impairment.** Signs that hide any traffic or roadway sign, signal, or device from view.

1. No sign or sign structure is allowed at any location where it may interfere with a motorist's or pedestrian's view of other traffic or pedestrians at any street or highway intersection, or in such a manner as to materially impede view at an intersection of a street or highway with a railroad grade crossing.
2. On a corner lot, no sign is allowed in the area bounded by:
 - a. Lines on each side of the corner, drawn along the edge of pavement on each side and extended toward the intersection to the point of intersection; and
 - b. A line joining the points on each edge of pavement line 25 feet from the point of their intersection;

for purposes of illustration, this area is depicted as the "Sight Triangle" in Figure 1, below.

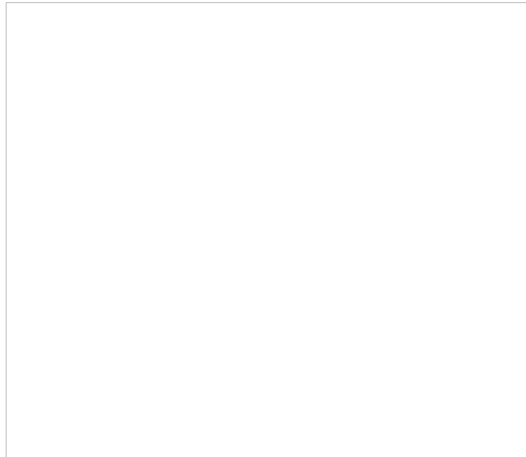


Figure 1.

- F. Obscenity. Signs that contain statements, words or pictures which are obscene as defined by IC 35-49-2-1.
- G. Encroachment. Signs that are located in any right-of-way or thoroughfare setback including projecting signs and signs posted on utility poles or street signs, except pursuant to an encroachment permit approved by the board of county commissioners and the entity that owns the structure, and by the Executive Director of the Planning Department in the case of signs located in a thoroughfare setback.
- H. Obstruction. Signs that obstruct the visibility or use of any door, fire escape, stairway, or any opening intended to provide entrance or exit for any structure.
- I. Vehicle and Trailer Signs. Any sign attached to, or placed on, a vehicle or trailer moving or parked on public or private property except for signs meeting the following requirements:
1. The primary purpose or use of the vehicle or trailer for any period of time must not be the display of signs.
 2. The sign must be:
 - a. A magnetic sign attached to a steel body panel of the vehicle or trailer;
 - b. An adhesive decal, including an adhesive vehicle wrap;
 - c. Painted onto the vehicle itself;
 - d. A delivery vehicle sign; or
 - e. An integral part of the vehicle or equipment as originally designed by the manufacturer.
 3. The vehicle or trailer on which the sign appears is in operating condition, currently registered and licensed to operate on public streets when applicable, and actively used or available for use in the daily function of the business to which such signs relate.
 4. When not in use, the vehicle must be parked within a legal parking space on the premises where the business is located or where the business is being conducted.

J. Temporary Signs. Properties that have an electronic message sign shall not be eligible to have temporary signs.

K. Lighting. Signs that are improperly illuminated/shielded resulting in glare being shed across property lines creating a nuisance for any abutting property owner or into any thoroughfare creating a hazard or distraction for traffic.

L. Flashing Signs. Signs that pose significant distraction to drivers by the rapid and repeated changes in the sign illumination.

M. Parking Interference. Signs placed in such a manner as to displace, obstruct or interfere with the use of a required parking space, and signs placed in any parking or access aisle without approval by the Site Review Committee.

N. Unplatted Lots, Partially Developed Subdivisions. Placement of off-premises signs on any unplatted lot prior to establishment of any fixed commercial or industrial improvement on the lot, built after obtaining all required improvement location permits, building permits, and after installation of all proper roadway, water, and waste disposal infrastructure. Notwithstanding anything above, on any subdivision plat recorded in the manner required by law with less than 10 lots, placement of off-premises signs is not allowed until construction work with all necessary permits has begun on at least 50 percent of the lots; on any subdivision plat recorded in the manner required by law with 10 or more lots, placement of off-premises signs is not allowed until construction work with all necessary permits has begun on at least 10 percent of the lots.

O. Greenway Passage. Placement of off-premises signs within 300 feet of the center of a portion of the Greenway Passage path which has been purchased, leased or completed and for which a legal description has been placed of record.

P. Electronic message signs are not allowed in a historic district established by ordinance or recognized by the National Register of Historic Places.

(Ord. 01-18-001 § 1, added, 01/02/2018)

17.26.080 Permitted use by district.

A. In all districts, on-premises signs must not be erected or maintained unless they conform to the requirements shown on the following Table 17.26.080.A.

ON-PREMISES SIGNS

TABLE 17.26.080.A

DISTRICT	A, CON, R-1, R-2	R-3 to CO-2	C-1	C-2	W-R, C-4	M-1 to M-3, W-1
Max. Area of Signage	10 ft ²	200 ft ²	300 ft ²	500 ft ²	500 ft ²	500 ft ²
Number of Signs per Street Frontage	1	1	2	2	3	3
Special Restrictions	100 ft ² if approved as a special use by the	Bed and breakfast and boarding	Flat signs: Maximum coverage	Same as C-1		

	BZA	house limited to maximum 6 ft ² sign; if lighted must be externally illuminated	of wall area 50%; Canopy signs: maximum extension above canopy 6 ft.			
Max. Area for EMS (see Figure 2)	18 ft ² of 100 ft ² allowed in sp. use	18 ft ² of max. area of signage allowed	32 ft ² of max. area of signage allowed	32 ft ² of max. area of signage allowed	50 ft ² of max. area of signage allowed	50 ft ² of max. area of signage allowed
Max. Ht.* of EMS (Top of Electronic Screen, Measured from Grade)	6 ft. (see Figure 2)	6 ft. (see Figure 2)	Subject to overall sign height.			

* All signs are subject to overall height requirements in 17.38.010, Table A.

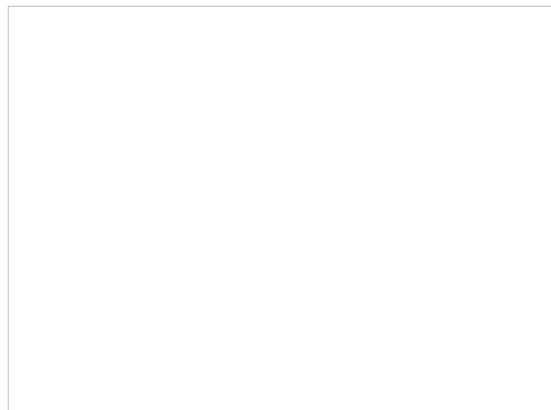


Figure 2

B. The following requirements shall apply to electronic message signs:

1. All electronic message signs shall be located at least 200 feet from any residence/dwelling.
2. The specific requirements for on-premises electronic message signs including those located inside of a structure but designed or placed to advertise outside are:
 - a. In agricultural, conservation, R-1 and R-2 districts, electronic message signs are not permitted and not eligible for Special Use 13 unless Special Use 1, 2, 3, or 30 has been established on the site.
 - b. In all districts other than agricultural, conservation, R-1 and R-2, electronic message signs are a permitted use and Special Use 13 approval is not required.

c. The size of an on-premises electronic message sign shall not exceed the maximum area for the EMS allowed in Table 17.26.080.A. for the district or use.

d. Message Duration. Static message displays for on-premises electronic message signs shall display each message for at least four seconds before transitioning to another message; however, such messages displayed on an electronic message sign that is only capable of displaying one line of text at a time and that has a display area no more than 12 inches in height shall display each line of text for at least three seconds before transitioning to another line of text.

e. Only one electronic message sign per business on single-use commercial lots/parcels; and for uses such as commercial shopping centers, institutional campuses, etc., which could incorporate multiple parcels under common ownership with unified, integrated development such as a shared roof, facade, parking, drainage or similar facilities.

C. An off-premises advertising sign may be erected in C-2, C-4, M-1, M-2, and M-3 districts limited to the size, height, and setbacks as shown on the following Table 17.26.080.C.

OFF-PREMISES SIGNS

TABLE 17.26.080.C

DISTRICT	C-2	C-4	M-1, M-2, M-3
Maximum size of sign	300 square feet	700 square feet	700 square feet
Maximum height	30 feet	50 feet	50 feet
Minimum setback from right-of-way	Equal to VCC 17.38.010 setbacks		
Minimum setback from right-of-way: controlled access thoroughfares*	Equal to VCC 17.38.010 setbacks		
Minimum spacing between signs: controlled access thoroughfares*	Minimum 500 feet; 1,000 feet along same side of street	Minimum 500 feet; 1,000 feet along same side of street	Minimum 500 feet; 1,000 feet along same side of street
Minimum spacing between signs	Minimum 400 feet; 800 feet along same side of street	Minimum 400 feet; 800 feet along same side of street	Minimum 400 feet; 800 feet along same side of street
Minimum distance from residential property	200 feet from a residential dwelling; 200 feet from property line of undeveloped residential district property; absolute minimum 60 feet from any residential property line		
Minimum distance from public park, school, church, or museum	300 feet		
Electronic message signs	300-foot spacing from a residential dwelling or undeveloped R district		

Special provisions	Nonilluminated signs only after 10:00 p.m.	Height limit increased along elevated roads; Maximum 65 feet	Height limit increased along elevated roads; Maximum 65 feet
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* Streets defined within VCC [17.34.030](#), Classification of thoroughfares.

D. Message Duration on Electronic Message Signs. Static message displays for off-premises electronic message signs shall display each message for at least eight seconds before transitioning to another message.

(Ord. 01-18-001 § 1, added, 01/02/2018)

17.26.090 Maintenance and removal.

A. When the product, business, or service that is advertised on a sign is abandoned or altered, or when the event or purpose advertised by the sign has passed or no longer exists, the sign and its structural elements must be removed or altered within 60 days to depict an existing product, person, business, service, or event, or to communicate an existing purpose. The owner and tenant of the land are equally responsible for removal or alteration of the sign and its structural elements.

B. All off-premises signs must display copy encompassing the entire display face at all times. If copy is not displayed for a period exceeding 60 days, the permit for the off-premises sign may be revoked and the sign and structure may be removed, or required to be removed, pursuant to this section.

C. Except in the case of a face change of an off-premises sign or as otherwise provided in this section, prior to the alteration of a sign or the erection of a previously removed or abandoned sign, an improvement location permit and compliance with VCC [17.26.020](#) are required.

D. Every sign shall be maintained in a safe, presentable, and good structural condition at all times including the replacement of defective parts, painting, re-painting, cleaning, and other acts required for maintenance of the sign. Compliance shall be required with all standards of this chapter and with all standards in this code that are applicable to signs.

E. A sign is considered not functional when any of the following conditions exist:

1. Its essential elements are no longer readable or recognizable;
2. It is physically obstructed from view;
3. A condition of dilapidation or danger exists;
4. The area that is leased for or within 25 feet of an off-premises sign is not kept free of weeds, debris, or refuse; or
5. Copy is not displayed on an off-premises sign for a period of 60 days.

F. The Building Commissioner, or the Executive Director of the Planning Department, or a designee of either official, has the right of entry to inspect signs to determine whether they are functional.

G. If a sign is not made to comply with adequate safety standards, not kept in a presentable or good structural condition, is not functional, has been abandoned, or is not removed or altered as required under subsection A. of this section, its removal will be required as follows:

1. The Executive Director of the Planning Department or designee(s) thereof shall provide a 10-day written notice to the owner or lessee of the sign in violation to either remove the sign or to bring it into compliance.
2. Upon failure to comply with the written notice of violation, the Executive Director of the Planning Department, the Building Commissioner, or the respective designee(s) of either, may do either or both of the following:
 - a. Remove the sign, its structure, or both, with all cost of removal to be borne by all owner(s) or lessee(s) of the sign, jointly and severally;
 - b. Issue a notice of violation with fines pursuant to Chapter [17.36 VCC](#).

3. The Building Commissioner or designee(s) may remove a sign, its structure, or both, immediately and without notice and with all cost of removal to be borne by the owner(s) and lessee(s) of the sign, jointly and severally, if in the opinion of the Building Commissioner or designee the condition of the sign is such as to present an immediate threat to the safety of the public.

H. When relocation or removal of an off-premises sign becomes necessary, and documentation is provided from the owner of the site that the relocation of the sign is necessary due to construction, expansion, or other development planned for the site where the sign is located, the sign may be moved by the sign owner to another location on that same site within 20 feet of the original location of the sign, providing the location within 20 feet of the original sign does not create nonconformity of the sign. Once the sign has been removed from its original location, it may remain removed for a period of up to 90 days without requiring a permit, and will be considered to remain in existence at its original location or within 20 feet thereof during that period for purposes of locating other signs. At or before the expiration of the 90-day period, a new sign permit must be obtained for the sign being relocated or replaced. Permit fees may be waived if the sign structure is the same configuration and erected in the same manner as the original sign and is of the same or smaller size than the original sign. Removal or relocation of a sign under this subsection does not waive or alter the need for permits required by the Planning Department, Building Commission or any other agency.

I. When replacement of an off-premises sign becomes necessary, and documentation is provided from the Building Commissioner, OSHA or other governmental agency of competent jurisdiction that replacement of the sign is necessary due to the unsafe or dangerous condition of the off-premises sign, a safety upgrade by the sign owner is allowed on that same site within 20 feet of the original location of the sign, provided the safety upgrade or the location within 20 feet of the original location does not create nonconformity of the sign. Once the sign has been removed from its original location, it may remain removed for a period of up to 90 days without requiring a permit, and will be considered to remain in its existence at its original location or within 20 feet thereof during that period for purposes of locating other signs. At or before the expiration of the 90-day period, a new sign permit must be obtained for the sign being relocated or replaced. Permit fees may be waived if the off-premises sign structure is the same configuration and erected in the same manner as the original sign, is of the same or smaller size as the original structure, and documentation is provided from the Building Commissioner, OSHA or other governmental agency of competent jurisdiction that replacement of the sign is necessary due to the unsafe or dangerous condition of the off-premises sign. Removal or relocation of a sign under this subsection does not waive or alter the need for permits required by the Planning Department, Building Commission or any other agency.

J. When a legal nonconforming sign is removed, no permit may be issued to replace the sign.

K. Electronic message signs shall be immediately turned off in the event of a malfunction.

(Ord. 01-18-001 § 1, added, 01/02/2018)

17.26.100 Enforcement.

A. Except as otherwise provided in this chapter, the enforcement of the requirements of this chapter shall be as follows:

1. The Executive Director of the Planning Department or designee thereof will issue a warning letter to the person(s) committing, in whole or in part, a violation. The letter will identify the violation, set out required corrective measures, and specify the time frame for such corrective measures.
2. In the event there is no response or action taken by the violator within 10 days of the notice of the violation, one additional violation letter shall be reissued explaining the violation and making demand that the violator comply or risk fine.
3. If the violator fails to respond to the notice of violation after 30 days from the issuance of the original letter sent in subsection A.1. of this section, the Executive Director of the Planning Department or designee thereof shall issue a notice of violation with fines pursuant to VCC Chapter [17.36](#).
4. If at any time a person to whom a violation notice has been issued commits another signage violation in regards to this chapter, whether of the same section or otherwise, the Executive Director of the Planning Department shall issue a notice of violation along with fines pursuant to VCC Chapter [17.36](#) without any further warning or notice. This provision does not apply in the event the Board of Zoning Appeals or a court of competent jurisdiction has found that the person did not commit any of the alleged violations referred to in the prior notices.

B. The enforcement procedures in this chapter are subject to modifications at the discretion of the Executive Director of the Planning Department to include additional notices, extensions of time limits, or expedited or delayed steps to address immediate threats to public safety.

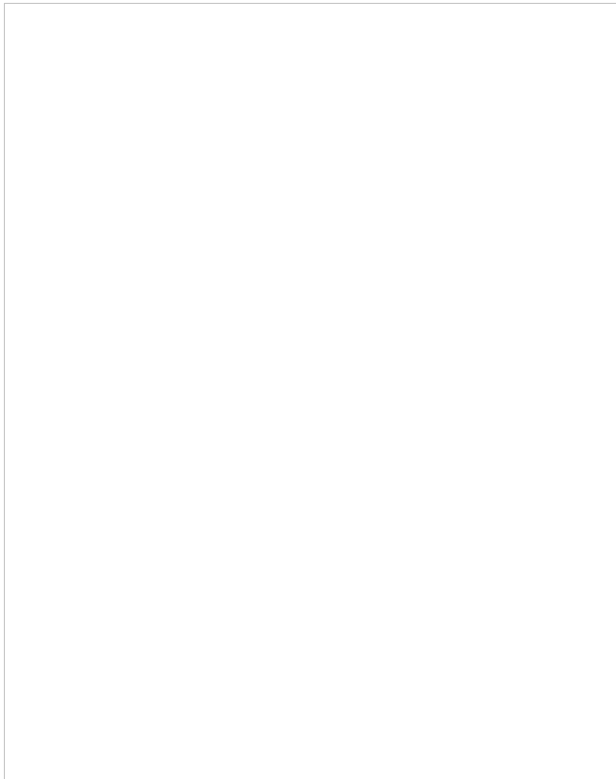
(Ord. 01-18-001 § 1, added, 01/02/2018)

17.26.110 Off-premises signs – Examples.

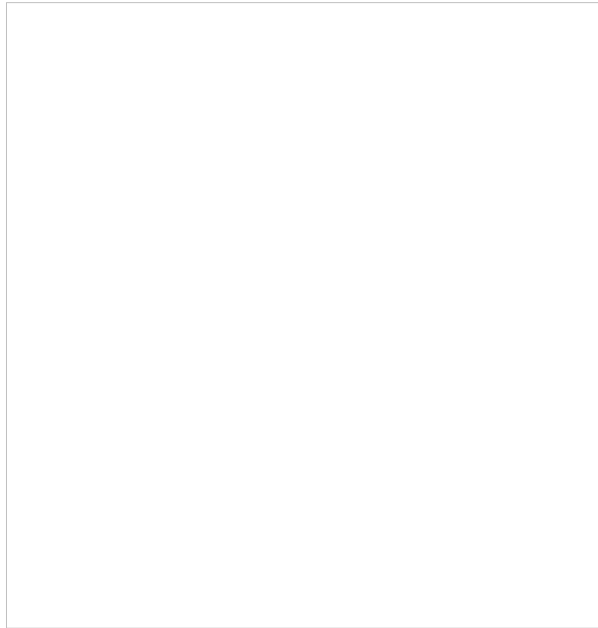
EXAMPLE 1



EXAMPLE 2



EXAMPLE 3



(Ord. 01-18-001 § 1, added, 01/02/2018)

Chapter 17.27
OUTDOOR ADVERTISING DISPLAYS

(Repealed 01/02/2018)

**Chapter 17.28
SPECIAL USES**

Sections:

[17.28.010 Objectives.](#)

[17.28.020 Special uses as secondary classifications.](#)

[17.28.030 Procedure.](#)

[17.28.040 Discontinuance of special use.](#)

[17.28.050 List of special use designations.](#)

[17.28.060 Time limits.](#)

[17.28.070 Limitations on special uses.](#)

17.28.010 Objectives.

Certain uses are necessary to the life and economic health of the community, but have characteristics of operation that do not readily permit classification in the usual residential, commercial, or industrial districts. Because of the various types of uses and locations requiring this special consideration, the specific conditions under which each use may be permitted must be considered. These uses are specifically listed in Section [17.28.050](#). Conditions for the approval of a special use are enumerated in Section [17.28.030](#).

(Prior code § 153.130)

17.28.020 Special uses as secondary classifications.

Special uses are secondary classifications. If land is approved by the board of zoning appeals for a special use, the special use designation shall be placed on the zoning map in addition to its primary zoning classification.

(Prior code § 153.131)

17.28.030 Procedure.

A. A person desiring a special use classification must submit an application to the Board of Zoning Appeals at the Area Plan Commission office. The application must contain a site plan showing the following:

1. The proposed use of the land;
2. The location and size of all buildings and structures, including signs;
3. The location of streets, access drives, and off-street parking and loading facilities;
4. Buffer landscaping and required green area;
5. Any other plans or specifications which the staff of the Area Plan Commission deems necessary.

B. After receipt of the application, the Board of Zoning Appeals shall conduct a public hearing pursuant to IC 36-7-4 for which 12 days' prior notice has been given by the applicant by certified mail, return receipt requested, to abutting property owners and to registered neighborhood associations, pursuant to VCC 2.06.030, whose boundaries include and/or are contiguous to the subject property, and to the public by legal advertisement. Also, no less than twelve (12) days prior to the hearing, a notice containing the date, time, place, and purpose of the hearing must be posted conspicuously on the property by the petitioner. Should the petitioner fail to comply with

the notice requirements, as provided by this section, before the second regular meeting of the Board of Zoning Appeals following the date said petition is filed, the petition shall be withdrawn by the Board of Zoning Appeals and the time limits imposed by VCC [17.36.120](#) shall apply. After public hearing, the Board of Zoning Appeals shall make its determination for approval, denial, or modification of the special use classification based on the following criteria:

1. Whether the specific site is an appropriate location for the use;
2. Whether the use as developed will adversely affect the surrounding area;
3. Whether there will be a nuisance or serious hazard to vehicles, pedestrians, or residents;
4. Whether adequate and appropriate facilities will be provided for proper operation of the use;
5. Whether the use is in harmony with the Evansville and Vanderburgh County Comprehensive Plan;
6. Whether the use is essential or desirable to the public convenience and welfare.

C. The Board of Zoning Appeals approval or modification of a special use classification may include whatever reasonable conditions, limitations, or temporary uses necessary for the protection of the public interest including the following:

1. Greater front, side, and rear yards than the minimum for the area;
2. More off-street parking and screening;
3. Modification of exterior design or materials;
4. Limitations on the lot coverage and occupancy of the building or structure;
5. Limitations on signs and sign coverage;
6. Time limitations.

D. To protect the public interest and to ensure compliance with requirements to be included in the site plan, the Board of Zoning Appeals may require whatever evidence and guarantees are necessary to assure compliance with conditions, limitations, and temporary uses.

E. In addition to all other limitations and provisions contained in this title, all towers and installations permitted with SU 15 approval shall be required to submit the following additional information:

1. Commercial site plans meeting the requirements for commercial review by the Site Review Committee, including a surveyor certification of the exact location of tower from property lines; centerlines of abutting streets or rights-of-way; distance to the nearest residential district, residence, or recorded residential subdivision;
2. Structural plans including elevation and plan views showing height above grade level and dimensions is required in addition to site plan;
3. Information regarding the number of antennas that the proposed new tower or structure is designed to or can safely accommodate;
4. Evidence demonstrating that no existing tower or structure can accommodate applicant's proposed

antenna, either because there are no existing towers or structures meeting the applicant's engineering requirements within the geographic area that the antenna is intended to serve, or if there are towers or structures in the geographic area, evidence that such structures do not have sufficient height or structural strength to meet the applicant's engineering requirements. This section shall not be interpreted to mandate, but rather only to encourage co-location.

F. Each operator of a telecommunications facility must send to the Area Plan Commission a copy of any notice sent to the FCC of intention to cease operations. All abandoned or unused towers and associated facilities shall be removed within six (6) months of the cessation of operations at the site unless a time extension is approved by the Board of Zoning Appeals. A copy of the relevant portions of a signed lease which requires the applicant to remove the tower and associated facilities upon cessation of operations at the site shall be submitted prior to issuance of the required improvement location permit, shall be incorporated as part of the permit, and permit approval shall be conditioned upon removal of the structure(s) within six (6) months after cessation of the use. In the event that the tower is not removed within six (6) months of the cessation of operations at a site, the tower and associated facilities may be removed by the County and the costs of removal assessed against the property.

G. REPEALED (7/15/2008)

H. REPEALED (7/15/2008)

I. Repealed 04/30/19.

J. In addition to all other limitations and provisions contained in the zoning code, any tower permitted with SU 15 approval shall be set back from any residential dwelling, property line of an undeveloped residential district or recorded residential subdivision a distance of two feet for each foot of height of the tower or 300 feet, whichever is greater.

K. Wireless communications facilities that include towers are not permitted in residential districts or in CO-1, CO-2, C-1, and C-2 districts. However, in these districts, commercial telecommunications antennas attached to existing buildings or structures are permitted on any property with a commercial use or an institutional use such as church, park, library, government, school, hospital, utility or similar use. Commercial antennas mounted on roofs, walls, and existing structures may be approved by Site Review Committee, providing the antennas meet the requirements of the district in which they are located and do not exceed the building height by more than 20 feet.

L. The use of a wireless telecommunications facility by more than one wireless telecommunications provider (co-location) is encouraged, and when new towers are necessary, construction that can accommodate multiple users is encouraged. Co-location of antennas on a single tower, antennas attached to existing structures/buildings, or replacement towers to be constructed at the site of a current tower are permitted uses and will not be subject to the special use permitting process.

M. Repealed 04/30/19.

(Ord. 05-19-005 § 5, amended, 04/30/2019; Ord. 09-13-009 § 4, amended, 10/22/2013; prior code § 153.132; portion amended 8/10/98; amended 5/15/00; 17.28.030(I-M), amended, 05/15/2000, added I through M; SU35 through SU42 repealed, 7/15/2008)

17.28.040 Discontinuance of special use.

A. If a special use is abandoned for one year or has not been established within one year after the date

granted, the special use classification shall be null and void.

B. A special use may not be altered to become any use other than that approved by the board of zoning appeals.

(Prior code § 153.133)

17.28.050 List of special use designations.

The following uses are subject to the requirements of this chapter:

USE	DESIGNATION
Schools	SU 1
Churches and church-operated incidental/accessory facilities (on same site), including Sunday schools, child care, preschools, adult day care, offices, soup kitchens, shelters and similar service uses	SU 2
Hospitals, nursing homes, convalescent or custodial care centers	SU 3
Golf courses and golf driving ranges (excluding miniature golf)	SU 4
Charitable and philanthropic institutions	SU 5
Cemeteries, mausoleums, columbaria, or crematoria	SU 6
Public parks or public recreational facilities	SU 7
Mobile home parks	SU 8
Land or structure used for the storage of junk or salvage; business selling principally junk or salvage	SU 9
Parking lots and parking garages open to the public	SU 10
Bus or railroad passenger stations, garages or lots	SU 11
Airports or heliports	SU 12
Repealed 01/02/2018	SU 13
Public buildings and public uses other than permitted uses	SU 14
Electric power or steam generating plants, radio or television towers, wireless communication towers and installations, cellular antenna towers, and similar uses, but excluding solar energy systems for on-site consumption, commercial solar energy generating facilities and small cell facilities	SU 15
Stadiums, auditoriums, or arenas	SU 16
Sale of gasoline except in all districts where specifically permitted	SU 17
One-operator barber or beauty shops in residence, resident-occupied and resident-operated	SU 18
Mineral extraction, storage, and processing, limited to that reasonably related to the preparation for sale of the type of mineral primarily extracted from the site (limited processing shall not include the refining of oil products)	SU 19
Sanitary landfills, including garbage dumping	SU 20

Livestock sales or auctions, stockpens	SU 21
Animal breeding and raising for fur production or experimental use, but not including a Confined Feeding Operation	SU 22
Gun clubs, skeet shoots, or target ranges	SU 23
Private recreational use	SU 24
Use Group 19	SU 25
Mobile offices, not for living or sleeping quarters	SU 26
Uses desiring outside storage, displays, or sales	SU 27
Resident-occupied and resident-operated preschools, adult day care facilities or similar operations which keep up to 12 persons on a daily basis, but not including 24-hour care	SU 28
Massage parlors	SU 29
Colleges and universities	SU 30
Accessory living quarters clearly complementary to main use and not for rental purposes	SU 31
Home occupations not specifically listed in Section 17.20.050 (subject to the additional requirements listed in Section 17.28.070.E)	SU 32
Owner-occupied/owner-operated bed and breakfast facility or boardinghouse limited to five rental rooms	SU 33
Owner-occupied/owner-operated bed and breakfast facility or boardinghouse limited to 10 rental rooms	SU 34
Repealed 7/15/2008	SU 35 – SU 42
Reserved	SU 43 – SU 45
Community-based correction programs, residential reentry centers, halfway houses, or similar facilities for prison inmates or ex-inmates	SU 46
Commercial solar energy generating facilities, Community-Scale	SU 47
Commercial solar energy generating facilities, Large-Scale	SU 48

(Ord. 06-22-006 § 4, amended, 06/28/2022; Ord. 05-19-005 § 3, amended, 04/30/2019; Ord. 01-18-001 § 3, amended, 01/02/2018; Ord. 04-17-006 § 6, amended, 04/04/2017; Ord. 09-13-009 § 2, amended, 10/22/2013; SU35 through SU42 repealed, 7/15/2008; Ord. dated 2/22/94 § 1(p); Ord. dated 5/17/93 § 1(c); prior code § 153.134; portions amended 8/10/98; amended SU15 5/15/00; SU35 through SU42 repealed, 7/15/2008; 17.28.050 SU15, amended, 05/15/2000, amended SU15 only)

17.28.060 Time limits.

The time limits established in Section [17.36.120](#) shall apply to special use permits.

(Prior code § 153.135)

17.28.070 Limitations on special uses.

A. Only those special uses which are indicated on Table 17.28.070 which follows this section shall be

permitted in the zoning districts indicated by the table.

B. Community-based correction programs, residential reentry centers, halfway houses, or similar facilities for prison inmates or ex-inmates under Special Use 46 may not be located less than 1000 feet from the nearest property line of any elementary or secondary school, preschool, or child day care facility.

C. SU 32 shall be limited as follows:

1. No identifying or business sign shall be erected or placed on any site for which an SU 32 has been granted by the Board of Zoning Appeals.
2. Except for the shipment and receipt of goods, products or items necessary for the SU 32, the use shall not be visible from the exterior of the premises.
3. The maximum time for which the first SU 32 may be granted is two years from the date of approval; thereafter, a subsequent grant of an SU 32 for the same parcel of property for the same use shall be for such length of time as approved by the Board of Zoning Appeals.
4. No person or persons may be employed in the SU 32 home occupation at the site other than the resident (or residents) of the site for which the SU 32 has been granted.
5. The use may not be varied from the specified home occupation identified by the applicant for which it is granted.

D. Any tower permitted with SU 15 approval shall be set back from any residential dwelling, property line of an undeveloped residential district or recorded residential subdivision a distance of two feet for each foot of height of the tower or 300 feet, whichever is greater.

E. Wireless communications facilities that include towers are not permitted in residential districts or in CO-1, CO-2, C-1, and C-2 districts. However, in these districts, commercial telecommunications antennas attached to existing buildings or structures are permitted on any property with a commercial use or an institutional use such as church, park, library, government, school, hospital, utility or similar use. Commercial antennas mounted on roofs, walls, and existing structures may be approved by the Site Review Committee, providing the antennas meet the requirements of the district in which they are located and do not exceed the building height by more than 20 feet.

F. The use of a wireless telecommunications facility by more than one wireless telecommunications provider (co-location) is encouraged, and when new towers are necessary, construction that can accommodate multiple users is encouraged. Co-location of antennas on a single tower, antennas attached to existing structures/buildings, or replacement towers to be constructed at the site of a current tower are permitted uses and will not be subject to the special use permitting process.

TABLE 17.28.070

SPECIAL USES	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35 – 42	43 – 45	46	47	48
A	X	X	X	X	X	X	X	X	X	X	X	X	Repealed 01/02/18	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	Repealed 7/15/08	Reserved			X	
R-1	X	X	X	X	X	X	X	X	X	X	X	X	Repealed 01/02/18	X			X							X				X									X		
R-2	X	X	X	X	X	X	X	X	X	X	X	X	Repealed 01/02/18	X			X						X				X										X		

**Chapter 17.32
PLANNED UNIT DEVELOPMENT**

Sections:

[17.32.010 Purpose.](#)

[17.32.020 Uses.](#)

[17.32.030 General requirements.](#)

[17.32.040 Procedures for primary approval.](#)

[17.32.050 Procedures for secondary approval.](#)

[17.32.055 Modifications.](#)

[17.32.056 Alternative review and approval procedures.](#)

[17.32.060 Abandonment or expiration.](#)

[17.32.070 Procedural rules.](#)

17.32.010 Purpose.

Planned unit development recognizes the need to vary the zoning code to provide residential, commercial, and industrial areas or a combination of the above which match the creative approaches of the building industry with the unique land and housing demands of the county. This classification is designed to allow more flexible regulations while preserving the purpose of this zoning code. In return for allowing more flexible zoning regulations the developer shall be required to preserve common open space or any environmentally sensitive areas.

(Ord. 06-20-005 § 1, amended, 6/23/2020; prior code § 153.145)

17.32.020 Uses.

A building or land may be used, and a building may be erected or altered for any residential, commercial, or industrial use which is part of a planned unit development. Common open space must be provided unless specifically waived by the area plan commission. Detention basins will not be considered as open space in a planned unit development.

(Ord. 06-20-005 § 1, amended, 6/23/2020; prior code § 153.146)

17.32.030 General requirements.

In residential developments, the nonresidential uses must be planned and established primarily to serve the residents of the development. The developer shall follow the proposed time and order of completion approved by the area plan commission.

(Ord. 06-20-005 § 1, amended, 6/23/2020; prior code § 153.147)

17.32.040 Procedures for primary approval.

A. Preliminary Action.

1. A person desiring the creation of a planned unit development district must submit to the area plan commission a proposed planned unit development district ordinance ("PUD District Ordinance") containing the following information and general development requirements applicable to the proposed PUD (the

“General Plan”):

- a. Proposed dimensional layout to a scale not exceeding one hundred (100) feet to an inch of streets, buildings or building envelopes, open space, lots, and other elements basic to the proposed use as related to the site;
- b. Proposed locations, and amounts and types of uses;
- c. Proposed plan for handling traffic flow, parking, sewage disposal, drainage, water supply, and other pertinent development features;
- d. Boundary lines of adjacent lands within one hundred (100) feet of the PUD District;
- e. Existing zoning classification;
- f. Proposed time and order of completion, including phasing of development and platting, if applicable, provided however that this is for information only and does not become a binding element of the General Plan if the proposed PUD District Ordinance receives primary approval;

2. The proposed PUD District Ordinance may contain an approximate drawing so long as it adequately states the information required in subsection (A)(1) of this section.

3. Unless the proposed PUD District Ordinance is submitted with a subdivision plat for concurrent approval pursuant to Section [17.32.056](#) B., the proposed PUD District Ordinance shall be submitted to the review committee established by Section [17.36.020](#), but its review and recommendations under this Chapter shall not be appealable to the Board of Zoning Appeals. The director shall consult with the person submitting the proposal to notify the petitioner of the modifications necessary prior to submission of the proposed PUD District Ordinance to the area plan commission.

B. Plan Commission Action.

1. The proposed PUD District Ordinance shall be considered, along with any modifications recommended by the applicable review committee, at a regular meeting of the area plan commission in the same manner as a petition for an amendment to the zoning code.

2. The area plan commission shall recommend approval or denial, or make no recommendation, of the proposed PUD District Ordinance to the county commission. The APC may at their discretion, place additional conditions or limitations on the recommended approval of the PUD District Ordinance as are necessary to ensure that the development will conform to the purposes of this chapter, and may require written commitments pursuant to IC 36-7-4-1015.

C. County Commission Action. At the conclusion of the area plan commission hearing, which may be continued from time to time, the proposed PUD District Ordinance and the area plan commission's recommendation for primary approval, approval with conditions, or disapproval shall be forwarded to the county commission for consideration in the same manner as a petition for amendment to the zoning code.

D. On adoption by the county commission, the PUD District Ordinance shall be returned to the area plan commission which shall retain jurisdiction over the development.

(Ord. 06-20-005 § 1, amended, 6/23/2020; prior code § 153.148)

17.32.050 Procedures for secondary approval.

A. When a PUD District Ordinance has received primary approval from the county commission with only a General Plan, a detailed site plan containing development requirements (the "Detailed Plan") must be submitted to the area plan commission for consideration, and must receive approval by the area plan commission ("secondary approval") prior to the commencement of any development within the PUD District. The petitioner may choose their own development requirements/standards, which shall apply to the proposed PUD District, choose the existing (pre-PUD) zoning or subdivision standards, or any combination thereof. For any requirements/standards that are not specified, those of the existing (pre-PUD) zoning district shall apply.

The Detailed Plan must include the exact locations, composition, and engineering features of all the following items:

1. Lots, buildings, and structures, including:
 - a. Provisions for the ownership and maintenance of areas held in common and remedies available to the county if deterioration of these areas occurs;
 - b. Lot area;
 - c. Building or building envelope size (area);
 - d. Ratios of building or building envelope area to lot area;
 - e. Areas in which buildings or structures may be built;
 - f. Open space;
 - g. Height of buildings and structures;
 - h. Signs;
 - i. Off-street parking and loading space;
 - j. Streets and rights-of-way;
2. Drainage facilities;
3. Sewage and water facilities;
4. Recreational areas;
5. Any other pertinent features the area plan commission may require.

B. The area plan commission may approve or deny the Detailed Plan, but may not approve if it is significantly inconsistent with the PUD District Ordinance that received primary approval. A denial does not impair future secondary approval. The Detailed Plan will become part of the PUD District Ordinance upon secondary approval.

C. The Detailed Plan must be submitted to the area plan commission for secondary approval within one year after primary approval by the county commission of the PUD District Ordinance, or the provisions of Section [17.32.060](#) regarding abandonment will be invoked. The area plan commission may extend the time limit for good cause.

D. Detailed Plans for limited portions of the development may be submitted for secondary approval in phases.

(Ord. 06-20-005 § 1, amended, 6/23/2020; prior code § 153.149)

17.32.055 Modifications.

A. Approval by Executive Director. The Executive Director shall have the authority to review and approve minor modifications from certain dimensional or numeric standards of the PUD District Ordinance without additional public hearings or consideration by the site review committee. Minor modifications allowable by this subsection include the following:

STANDARDS	ALLOWABLE MODIFICATIONS (MAXIMUM PERCENTAGE)
Lot Area	10
Lot Width	10
Lot Coverage	10
Height	10
Front Yard	15
Side Yard	15
Rear Yard	15
Accessory Building Height	10
Parking for single family residential lots	50

B. Approval by site review committee. Minor modifications beyond those standards identified above may be approved by the site review committee without repeating primary or secondary approval if the modifications meet the intent of the General Plan for the PUD District Ordinance. Such additional minor modifications include parking requirements, landscape requirements, pavement widths, changing the location of a building or building envelope on a lot, flipping a building footprint, curving or straightening a road, and similar changes that would not result in a change in additional traffic, water runoff, buffering, or land use impacts to adjacent properties or the overall character and function of the PUD. The removal of right-of-way for a public street that precludes street construction or compliance with the requirements of the Detailed Plan, additions to the total number of lots, any decrease to the total common area, and any removal of needed offsite utility or drainage easements, are not minor modifications.

C. Approval by the area plan commission. The area plan commission may review and approve:

1. Minor modification requests referred to it by the executive director or the Site Review Committee, which the director and committee may do at their discretion; and
2. All other non-minor modifications to the Detailed Plan that are consistent with the General Plan.

D. The applicant may appeal the decision of the Executive Director or the site review committee regarding any minor modification to the area plan commission.

(Ord. 06-20-005 § 1, added, 6/23/2020)

17.32.056 Alternative review and approval procedures.

A. A proposed PUD District Ordinance may be submitted including both the General Plan and the Detailed

Plan, and may be approved without the need for subsequent secondary approval after approval by the county commission, if the level of detail of the proposed PUD District Ordinance meets all requirements for both the General Plan and the Detailed Plan as set forth in the Application for the PUD District Ordinance. Once the PUD District Ordinance is approved, the requirements for obtaining an Improvement Location Permit within the PUD District are the same as for non-PUD districts, including requirements for the plan documentation and supporting information that must be submitted.

B. A proposed PUD District Ordinance may include a subdivision plat as part of the Detailed Plan, in which case both the General Plan and the plat shall be forwarded to the subdivision review committee established under the subdivision control ordinance Section 16.04.010. In such case the review of the PUD District Ordinance by the area plan commission shall include concurrent review of the plat for primary approval, with such approval being conditioned upon the approval of the PUD District Ordinance by the county commission, and the Executive Director shall not grant secondary approval of a plat unless and until the PUD District Ordinance receives primary approval from the county commission. All requirements for plat approval for non-PUD districts shall otherwise apply.

(Ord. 06-20-005 § 1, added, 6/23/2020)

17.32.060 Abandonment or expiration.

If no improvements, developments, or construction pursuant to an approved detailed site plan/subdivision plat have been made for thirty-six (36) consecutive months, the area plan commission shall initiate an amendment to the zoning code to rezone the real estate zoned "PUD" to its previous zoning district.

(Ord. 06-20-005 § 1, amended, 6/23/2020; prior code § 153.150)

17.32.070 Procedural rules.

The area plan commission may establish rules governing the nature of the proceedings and any notice required to conduct secondary review, grant an approval, or make a modification under this chapter.

(Ord. 06-20-005 § 1, added, 6/23/2020)

Chapter 17.34
THOROUGHFARE PLAN

Sections:

[17.34.010 Applicability.](#)

[17.34.020 Definitions.](#)

[17.34.030 Classification of thoroughfares.](#)

[17.34.040 Compliance with chapter.](#)

[17.34.050 Requirements for variance.](#)

17.34.010 Applicability.

To promote public safety, thoroughfare regulations are adopted and established. These thoroughfare regulations shall be applied in the development review process including all rezoning petitions, applications for zoning use permits, and proposed plats submitted to the area plan commission. All development proposals shall allocate adequate access for streets in conformity with the thoroughfare plan and shall designate and label all such streets in accordance with the following definitions, specifications, and requirements regarding control of access, platted width, and setback requirements.

(Ord. dated 10/4/93 § 2 (part): prior code § 153.170)

17.34.020 Definitions.

As used in this chapter:

Collector. Any street designed and labeled as a “collector” shall be planned, designed, and intended to serve as a collector and distributor of vehicular traffic, in conformance with the comprehensive plan, with partial control of access thereof. A collector street collects traffic from local streets and channels it into the arterial system.

Controlled Access. Any street designated and labeled as “controlled access” shall be a divided arterial street planned, designed, and intended for through vehicular traffic in conformance with the comprehensive plan with full control of access thereto.

“Control of access” means the condition where the right of owners or occupants of abutting land, or other persons, to access, including its location in connection with public ways, streets, highways or roads, is fully or partially controlled by public authority, including but not limited to, the area plan commission.

“Full control of access” means the condition where access, including its location, is fully controlled in connection with public ways, streets, highways or roads, to give preference to through traffic by providing access connections only with selected public ways, streets, highways or roads, and by prohibiting both crossings at grade and direct private driveway connections.

Major Arterial. Any street designed and labeled as a “major arterial” shall be an arterial street planned, designed, and intended for through vehicular traffic in conformance with the comprehensive plan with partial control of access thereto. Major arterials are intended to move through traffic to and from such major attractors as central business district, regional shopping centers, and major industrial areas, or as a route for traffic between communities or large developed areas.

Minor Arterial. Any street designated and labeled as a “minor arterial” shall be an arterial street planned, designed, and intended to serve as a distributor of through vehicular traffic, in conformance with the

comprehensive plan, from interstates and major arterials to collector streets with partial control of access thereof. Minor arterials are similar to major arterials, except that these streets service minor traffic-generating areas such as neighborhood commercial areas, primary and secondary educational facilities, hospitals, churches and offices.

“Partial control of access” means the condition where access, including its location, is partially controlled in connection with public ways, streets, highways or roads to give preference to through traffic to a degree that in addition to access connections with selected public ways, streets, highways or roads, there may be permitted some crossing at grade and some direct driveway connections, with design and location approved by public authority, including the area plan commission.

(Ord. dated 10/4/93 § 2 (part): prior code § 153.172)

17.34.030 Classification of thoroughfares.

These thoroughfare and building setbacks apply regardless of zoning classification.

A. Controlled Access. From the centerline of the thoroughfare the total setback shall be determined by the state of Indiana or the U.S. Federal Government, whichever is appropriate. The following streets are included in the “controlled access” classification:

Diamond Avenue (Posey County line to Morgan Avenue)

Lloyd Expressway/SR 66 (U.S. 41 to Warrick County line)

I-64 (that portion in Vanderburgh County)

I-164 (that portion in Vanderburgh County)

Lloyd Expressway/SR 62 (Posey County line to U.S. 41)

Riverside Drive/Veterans Memorial Parkway (Fulton Avenue to U.S. 41)

U.S. 41 (that portion in Vanderburgh County)

B. Major Arterial. The following streets are included in the major arterial classification:

1. From the centerline of the thoroughfare the total setback shall be ninety (90) feet.

Green River Road (I-164 to Pigeon Creek)

Morgan Avenue (U.S. 41 to Warrick County line)

2. From the centerline of the thoroughfare the total setback shall be seventy-five (75) feet.

First Avenue (Pigeon Creek to Mill Road)

C. Minor Arterial. From the centerline of the thoroughfare the total setback shall be seventy (70) feet. The following streets are included in the minor arterial classification:

Burkhardt Road (Lincoln to Morgan)

Covert Avenue (Green River Road to Warrick County line)

Darmstadt Road (City limits to Evergreen Road)
Eichhoff/Koressel (SR 62 to I-64)
First Avenue (Mill Road to city limits)
Fulton Avenue (Lloyd to Diamond)
Green River Road (Pigeon Creek to Millersburg Road)
Lynch Road (U.S. 41 to I-164)
Mill Road (St. Joseph to U.S. 41)
St. Joseph Avenue (Maryland to Schenk Road)
State Road 57 (U.S. 41 to Gibson County line)
Upper Mt. Vernon Avenue (Peerless Road to Tekoppel Avenue)

D. Collector. From the centerline of the thoroughfare the total setback shall be sixty (60) feet. The following streets are included in the collector classification:

Boonville-New Harmony (Posey County line to I-164)
Burkhardt Road (Covert Avenue to Lincoln Avenue)
Burkhardt Road (Morgan Avenue to Olmstead Road)
Campground Road (Old State Road to Stringtown Road)
Darmstadt Road (Evergreen Road to Boonville-New Harmony Road)
First Avenue (Lloyd/SR 62 to Pigeon Creek)
Fuquay Road (Pollack Avenue to Newburgh Road)
Green River Road (Millersburg Road to SR 57)
Oak Hill Road (Pigeon Creek to SR 57)
Old State Road (Campground Road to U.S. 41)
Pollack Avenue (Green River Road to Warrick County line)
St. Joseph Avenue (Schenk Road to Boonville-New Harmony Road)
Stringtown Road (Pigeon Creek to Campground)
Telephone Road (I-164 to Warrick County line)
Upper Mt. Vernon Road (Posey County line to Peerless Road)
Virginia Street (Green River Road to Burkhardt Road)
Vogel Road (Green River Road to Burkhardt Road)
Western Connector (Eichhoff/Koressel Road to St. Joseph Avenue)

(Ord. dated 10/4/93 § 2 (part): prior code § 153.173)

17.34.040 Compliance with chapter.

A. No improvement location permit or building permit shall be issued and no construction or improvement of real property shall take place without compliance with this chapter.

B. All plats of proposed subdivisions and replats of subdivisions in the city of Evansville and Vanderburgh County shall comply with the requirements of Sections [17.34.010](#) through [17.34.050](#).

(Ord. dated 10/4/93 § 2 (part): prior code § 153.175)

17.34.050 Requirements for variance.

A. A person desiring a variance from the requirements of this chapter must file a petition with the board of zoning appeals according to Sections [17.36.090](#) and [17.36.100](#).

B. Thoroughfare Setback Encroachment Permit. In addition to the items required in Section [17.36.100](#) for a variance petition, the petitioner shall file a thoroughfare setback encroachment permit, incorporated herein by reference and made a part hereof, with the variance petition on the form attached to the ordinance codified in this chapter. The thoroughfare setback encroachment permit shall be recorded in the office of the Vanderburgh County recorder by the area plan commission at the time of variance approval by the board of zoning appeals. Cost of the recording will be borne by the petitioner; a certified check shall be filed for the cost of the recording at the time of filing of a variance petition.

(Ord. dated 10/4/93 § 2 (part): prior code § 153.176)

**Chapter 17.36
ADMINISTRATION AND ENFORCEMENT**

Sections:

[17.36.010 Enforcement by plan commission.](#)

[17.36.020 Improvement Location Permits – Zoning Use Permits.](#)

[17.36.030 Temporary Improvement Location and Occupancy Permits.](#)

[17.36.040 Amendments.](#)

[17.36.050 Commission action and commitments.](#)

[17.36.060 County commission action.](#)

[17.36.070 Time limits.](#)

[17.36.080 Board of zoning appeals.](#)

[17.36.090 Procedures--Board of zoning appeals.](#)

[17.36.100 Requirements for variance.](#)

[17.36.110 Appeals before the board of appeals.](#)

[17.36.120 Time limits.](#)

[17.36.130 Appeals from board decisions.](#)

[17.36.140 Fees.](#)

[17.36.150 Violation--Penalty.](#)

17.36.010 Enforcement by plan commission.

A. The area plan commission shall enforce this title by doing the following:

1. Conduct inspections of buildings and/or uses to determine compliance with this title;
2. Order discontinuance of violations in a written notice or in a Notice of Ordinance Violation sent or issued to the person responsible for the violation.
3. Issue civil penalties when appropriate to help bring about compliance with this title as prescribed in 17.36.150 A.1.

B. The director, who may delegate to employees under his jurisdiction, shall have the following duties:

1. Issue improvement location permits, temporary and occupancy permits, and special use permits;
2. Maintain permanent records of improvement location permits, variances, special use permits, and amendments to this title;
3. Make amendments to the zoning district maps upon enactment, publication, and recording of rezoning ordinance;

4. Prepare factual reports pertaining to any variance, special use, or amendment to this title;
5. Prepare variances and special uses provided for in this title, and prepare amendments to this title.

(Ord. 07-09-013 § 1, amended 8/11/09; prior code § 153.155)

17.36.020 Improvement Location Permits – Zoning Use Permits.

A. For the purposes of this title, the terms “Improvement Location Permits” and “Zoning Use Permits” have the same meaning.

B. Issuance.

1. No building or other structure shall be erected, moved, relocated, added to or structurally altered; nor shall any building, structure or land be established or changed in use; nor any building be changed in use per Building Code, without first obtaining an Improvement Location Permit from the Area Plan Commission.

2. An application for an Improvement Location Permit must be filed with the Area Plan Commission and must include the following:

a. An accurate site plan drawn to scale for the principal and accessory structures and uses, existing and proposed, shall show at a minimum the following: dimensions, size and height of structure(s), location on lot indicating dimensions from the edge of the structure(s) to all lot lines, lot size, required setbacks for front, rear, and side yards, easements, location and width of existing and proposed driveways, location and height of existing and proposed fencing, and address as assigned by the Area Plan Commission;

b. Except for one- and two-family dwellings, agricultural, and accessory structures, the site plan must also show the following:

i. The exact property lines of the lot or parcel, including existing street edge of pavement and centerline, and right-of-way lines, alleys, and easements located adjacent to or within the lot;

ii. Adjacent properties on the same and the opposite frontage, indicating the entrance and exits to those properties;

iii. The exact location and dimension of access drives to the property, service drives, existing and proposed curb cuts, and proposed directions of traffic flow on the property and into and from public rights-of-way and ingress and egress easements;

iv. The exact location and dimensions of any necessary frontage roads, acceleration and deceleration lanes, passing blisters and any other auxiliary lanes;

v. The exact location, dimensions, and type of off-street parking and loading facilities;

vi. The exact location and size of the landscape islands and types of trees to be installed, if required, as detailed in 17.24.120 (Interior Parking Area Green Space).

vii. The exact location, type, and size of existing and proposed on- or off-premises signs including dimensions to lot lines from the edge of the sign;

viii. The exact location, type, and height of existing and proposed fences including dimensions

- to lot lines from the edge of the fence; and
- ix. Any special site plan requirements of this Title for the proposed use.
- c. The name and contact information, as specified on the Improvement Location Permit Application, of the person and business seeking approval;
- d. Properties which abut any street designated as requiring a thoroughfare setback must indicate the appropriate setback on the site plan;
- e. Any other plans or specifications which the Site Review Committee deems necessary to determine whether the plans conform to this title.
3. Any application for an Improvement Location Permit for one-family dwellings, duplexes, and residential accessory structures shall not be forwarded to the Site Review Committee, but shall be approved if applicable code requirements are met. All other applications shall be forwarded to the Site Review Committee consisting of the following persons:
- a. The Director of the Area Plan Commission or a representative appointed by the Director of the Area Plan Commission, who shall serve as chairman;
- b. The Building Commissioner or a representative appointed by the Building Commissioner;
- c. The County Surveyor or a representative appointed by the County Surveyor;
- d. The County Engineer or a representative appointed by the County Engineer;
- e. A representative from the Evansville Water and Sewer Utility;
- f. A representative from the Health Department, when applicable. (i.e. restaurant, packaged food, outdoor smoking areas, etc.); and
- g. Any other agency as deemed necessary by the Director of the Area Plan Commission.
4. The Site Review Committee shall either approve unanimously the Improvement Location Permit Application, state in writing its reasons the application does not meet county ordinances, or state the specific requirements of any Site Review Committee agency(s), that must be met before approval of the application can be granted. The decision of the Site Review Committee pertaining to the requirements of this Title can be appealed to the Board of Zoning Appeals.
5. The Director of the Area Plan Commission shall, after approval of the Improvement Location Permit Application by each member of the Site Review Committee, issue an Improvement Location Permit when the building and use conform to this title.
6. The Site Review Committee may allow exceptions from this section if the purposes of this title and of the general welfare of the community are not adversely affected. Any member of the committee may appeal decisions of the committee concerning exceptions to the Board of Zoning Appeals.
7. Land and buildings may be used or constructed only for the use for which the current Improvement Location Permit was issued.
8. A representative for the applicant must be present at the meeting for the Improvement Location Permit

application to be heard by the Site Review Committee.

C. Improvement Location Permits – Revocation, Voiding, and Denial.

1. An Improvement Location Permit may be revoked after at least 10 days' written notice, if the conditions of this title's requirements and/or the conditions of the permit are not met. A revoked Improvement Location Permit is void.
2. An Improvement Location Permit must be obtained within six months after approval of the Site Review Committee or the application shall be void.
3. An Improvement Location Permit is void if construction has not been started, or the use has not been established, within six months of the date of issuance.
4. Upon inspection for the Certificate of Occupancy, if changes are determined to have been made on the site from the approved Improvement Location Permit Application, and upon request of any member of the Site Review Committee, the owner or contractor must furnish to the Site Review Committee an as-built site plan to confirm that the site conforms to the county ordinances and applicable Improvement Location Permits before approving the Certificate of Occupancy.
5. Improvement Location Permits issued on the basis of plans and applications only authorize the use, arrangement, and construction shown in the approved plans. Any other use or construction not authorized shall be deemed a violation and will require corrected site plans or will be subject to all penalties and other enforcement actions provided for in this title.
6. Violation of another Section of this Title concerning the subject parcel(s) shall be grounds for denial of the Improvement Location Permit application until the parcel(s) is brought into compliance.

D. Schedule of Fees. The fees for obtaining an Improvement Location Permit are stated on the Schedule of Fees as determined by the Area Plan Commission, and two (2) copies of the Schedule of Fees are on file in the office of the County Auditor for public inspection.

(Ord. 05-19-008 § 3, amended, 12/10/2019; Ord. 02-14-002 § 1, added 2-25-2014)

17.36.030 Temporary Improvement Location and Occupancy Permits

Temporary Improvement Location and Occupancy Permits may be granted by the Director of the Area Plan Commission after approval of the Site Review Committee.

(Ord. 02-14-002 § 2, added 2-25-2014)

17.36.040 Amendments.

- A. A proposed ordinance for amendment or repeal of the zoning code may be proposed by a member of the County Commission to the County Commission, by the Area Plan Commission to the County Commission, or by petition of owners of property of at least fifty (50) percent of the area involved in the petition either to the County Commission or to the Area Plan Commission.
- B. No later than twenty-one (21) days prior to first reading by the County Commission, the petitioner must provide to the County Commission the following:
 1. A petition describing the property that is the subject of the desired amendment, the amendment desired, and any facts pertinent to the request;

2. A location map;
3. An ordinance;
4. A site plan;
5. Costs of publication of the ordinance;
6. Costs of recording the ordinance;
7. List of abutting property owners and registered neighborhood associations for notice by petitioner.

C. All petitions shall be filed with the required number of copies on eight and one-half by eleven-inch (8 1/2" x 11") paper with the petition as the first document, the map as the second document, the ordinance as the third document, and the site plan as the fourth document.

D. The petitioner shall determine from the designated newspaper the costs of publication of the ordinance and shall file with his petition a certified check made payable to that designated newspaper for required amount.

E. The petitioner will file with his petition a certified check made payable to the County Recorder for the costs of recording the ordinance if and when it is approved.

F. The County Commission shall assign the petition and ordinance to the Area Plan Commission for hearing and recommendations. A proposed ordinance for the amendment or repeal of the zoning code must be referred to the Area Plan Commission for consideration and report before any final action is taken by the legislative body. Upon receiving or initiating a proposed ordinance, the Area Plan Commission shall, within sixty (60) days, hold a public hearing on the proposed ordinance.

1. Notice of the public hearing shall be published one time at least ten (10) days before the date of the Area Plan Commission hearing.
2. A notice must be posted on the property by the petitioner, in a place visible to the public, no less than twelve (12) days prior to the Area Plan Commission hearing.
3. A notice of hearings must be mailed by the petitioner to each of the abutting property owners, and to each registered neighborhood association, pursuant to VCO 2.06.030, whose boundaries include or are contiguous to the subject property. Notice must be postmarked no less than ten (10) days prior to the Area Plan Commission hearing, and the petitioner shall provide proof of mailing in accordance with the rules established by the Area Plan Commission.
4. Costs of the notices shall be borne by the petitioner.

G. Prior to the public hearing by the Area Plan Commission, the petitioner must file with the Area Plan Commission a copy of the letter of notice, an affidavit listing the abutting property owners and registered neighborhood associations, and the date notices were mailed and return receipts. The Area Plan Commission shall submit the documents to the County Auditor.

H. Whenever the County Commissioners shall change by ordinance the district boundaries or classifications of property, the County Auditor shall record a copy of the ordinance, including any use and development commitment, with the county Recorder immediately after the effective date.

I. Use or Development Commitments.

1. At the time of filing the petition to amend zoning maps, the petitioner may file a use or development commitment, or both, as defined in Section [17.08.030](#).
2. A use or development commitment may be filed or amended after the Area Plan Commission considers the rezoning petition and prior to hearing by the County Commissioners.
 - a. No further action of the Area Plan Commission is required for a new written commitment to be effective. A written commitment will be considered “new” only if no other commitment has been submitted covering the same petition and the same subject matter of restrictions or conditions. All other written commitments will be deemed modifications and are subject to the requirements of subsection (I)(2)(b) of this section.
 - b. If a written commitment is modified after hearing by the Area Plan Commission, no further action of the Area Plan Commission is required if the effect of the amended commitment is to make the commitment more stringent. If the effect of the amendment to the commitment is to make the written commitment less stringent, the modified ordinance, together with the use or development commitment, must be reheard by the Area Plan Commission to enable the Area Plan Commission to vote on the petition with the less restrictive use or development commitment.
3. If the petition is to be reheard by the Area Plan Commission as provided in subsection (I)(2)(b) of this section, the petitioner shall again notify all abutting property owners and registered neighborhood associations, pursuant to VCO 2.06.030, whose boundaries include or are contiguous to the subject property (listed in the affidavit filed pursuant to subsection (F) of this section) and counsel of record by certified mail.
4. If a use and development commitment is included in an ordinance adopted by the County Commissioners to rezone property, the ordinance shall include the following language:

The subject property herein rezoned shall be used and developed only in accordance with the use and development commitment which is incorporated as part of this Petition for Rezoning and recorded in the office of the Recorder of Vanderburgh County, Indiana on _____ [date] at Instrument No. _____. No improvement location permit shall be issued unless the proposed use is in compliance with said recorded use and development commitment.

- J. An amendment to the submitted ordinance documents after the publication of notice shall be cause for automatic continuance of the hearing by Area Plan Commission. The petitioner shall notify the abutting property owners and registered neighborhood associations, pursuant to VCO 2.06.030, whose boundaries include or are contiguous to the subject property pursuant to subsection (F) of this section.

(Ord. 06-22-010 § 1, amended, 06/28/2022; Ord. 03-12-002 §§ 1 – 8, amended 4/3/2012; 17.36.041 Subsections H & I amended 4/1/2008) (Ord. dated 2/22/94 §§ 1, 2; prior code § 153.158)

17.36.050 Area Plan Commission action and commitments.

- A. Following a public hearing at which any interested person may appear to testify against or support the petition, the Area Plan Commission shall recommend either the passage, denial, or passage with amendments of the petition and ordinance. Any amendment or change to the ordinance after Area Plan Commission approval must be submitted in writing with the required number of copies and

filed with the County Auditor and Area Plan Commission at least five business days prior to hearing by the County Commission.

B. The Area Plan Commission and the County Commission shall pay reasonable regard to the following:

1. The amendment conforms to the comprehensive plan;
2. Current conditions and the character of current structures and uses in each district;
3. The most desirable use for which the land in each district is adapted;
4. The conservation of property values throughout the jurisdiction;
5. Responsible development and growth;
6. The zoning classification of the property is improper and the amendment will correct the improper classification;
7. Major physical, economic, or social changes have substantially altered the area in a manner not anticipated in the comprehensive plan, and the amendment will assist the development of the area consistent with the changes.

C. The commitments and recommendations of the Area Plan Commission shall become part of the record.

(Ord. 03-12-002 § 9, amended 4/3/2012; prior code § 153.159)

17.36.060 County Commission action.

Within thirty (30) days after the hearing on the proposed ordinance for amendment or repeal of the zoning code, the secretary of the Area Plan Commission shall provide to the County Commission a written report that indicates the recommendations of the commission concerning the ordinance. Within ninety (90) days after receiving the report of the Area Plan Commission concerning the proposed ordinance, the County Commission shall vote on the proposed ordinance. If no vote is taken within ninety days after the commission's recommendations, the action of the Area Plan Commission is final.

(Ord. 03-12-002 § 10, amended 4/3/2012; prior code § 153.160)

17.36.070 Time limits.

A. The denial of a petition by the county commission or the withdrawal of a petition by the petitioner from the county commission prohibits the area plan commission or county commission from hearing a petition for amendment of that property or any part thereof for twelve (12) months after the date of denial or withdrawal by the commission or petitioner.

B. An exception may be made to subsection A of this section by unanimous vote of the county commission.

(Prior code § 153.161)

17.36.080 Board of zoning appeals.

Establishment. The board of zoning appeals is established by this title. The appointment and terms of the board shall be in accordance with IC 36-7-4-900 et seq.

(Prior code § 153.162)

17.36.090 Procedures--Board of zoning appeals.

A. The board of zoning appeals shall approve or deny all variances, special uses and appeals from the terms

of the zoning code, but only in the classes of cases or in the specific situations specified in the zoning code. The board may impose reasonable conditions as part of its approval.

- B. The board shall set a date for a public hearing on the petition.
1. Notice of the public hearing shall be published one time before the date of the hearing.
 2. Prior to the public hearing by the board of zoning appeals, the petitioner must file in the area plan commission office proof of notification.
 3. Cost of the notice must be borne by the petitioner.
 4. When an appeal is filed by a member of the review committee regarding a decision made by that committee as set forth in Section [17.36.020\(A\)\(5\)](#), notice shall only be sent to all other members of that review committee.
 5. A person may not communicate with any member of the board before the hearing with the intent to influence the members' action on a matter pending before the board. Not less than five days before the hearing, however, the staff of the area plan commission may file with the board a written statement setting forth any facts or data pertinent to the matter.
 6. Should the petitioner fail to comply with the notice requirements, as provided by this section, before the second regular meeting of the board of zoning appeals following the date said petition is filed, the petition shall be withdrawn by the board of zoning appeals and the time limits imposed by Section [17.36.120](#) shall apply.

(Prior code § 153.163)

17.36.100 Requirements for variance.

- A. A person desiring a variance from the requirements of this title must file a petition with the board of zoning appeals describing the property that is the subject of the variance, the type of variance required, the facts pertinent to the variance desired, and a site plan as defined in Section [17.36.020](#).
- B. Following the public hearing on the variance, the board of appeals must either grant or deny the petition. No variance may be granted except on a finding of all the following factors:
1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
 2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
 3. The strict application of the terms of the zoning code will result in practical difficulties in the use of the property;
 4. The variance is not a variance of the use of the property;
 5. The petitioner's property is not located in a planned unit development; and
 6. The need for the variance is not created by the applicant.
- C. The board of zoning appeals may not grant a variance from a use district or classification. The grant of a

variance is by resolution of the board of zoning appeals and is not an amendment of this title.

D. The board may incorporate into the granting of a variance whatever conditions or limitations are necessary to protect adjacent properties and the surrounding neighborhood and effectuate the purpose of this title.

(Prior code § 153.164)

17.36.110 Appeals before the board of appeals.

A. The board of zoning appeals shall hear and determine appeals from and review:

1. Any order, requirement, decision or determination made by an administrative official or staff member under the zoning code;
2. Any order, requirement, decision or determination made by an administrative board or other body except the Evansville and Vanderburgh County area plan commission in relation to the enforcement of an ordinance requiring the procurement of an improvement location permit or occupancy permit.

B. An appeal filed with the board of zoning appeals must specify the grounds of the appeal and must be filed within such time and in such form as prescribed by the board of zoning appeals by rule.

C. The administrative official, administrative board, or other body from whom the appeal is taken shall, on the request of the board of zoning appeals, transmit to it all documents, plans, and papers constituting the record of the action from which an appeal was taken.

D. Upon appeal, the board may reverse, affirm, or modify the order, requirement, decision, or determination appealed. For this purpose, the board has all the powers of the official, officer, board, or body from which the appeal was taken.

E. Within five days, the board of zoning appeals shall file in the office of the board a copy of its decision.

(Prior code § 153.165)

17.36.120 Time limits.

A. The denial of a petition for a variance, special use, or an appeal by the board of zoning appeals or the withdrawal of such a petition by the petitioner shall prohibit the board of zoning appeals from

hearing a petition for a variance, special use, or an appeal for the subject property or a part thereof for twelve (12) months from the date of the denial or withdrawal.

B. An exception may be made to this section upon unanimous vote of the board of zoning appeals.

(Prior code § 153.166)

17.36.130 Appeals from board decisions.

A person aggrieved by a decision of the board of zoning appeals may appeal the decision in the manner provided in IC 36-7-4-1000 et seq.

(Prior code § 153.167)

17.36.140 Fees.

A. The area plan commission shall establish and collect a schedule of reasonable

fees associated with processing and hearing administrative appeals, petitions for rezoning, special uses, variances, subdivisions, reviewing permit applications, issuing permits, and other official actions taken under IC Title 36. The fee schedule shall be posted in a prominent place within the area plan commission office where the fee schedule is readily available to the public.

B. Where construction, remodeling, erection of a structure or placement of a sign, change of use of land or a structure, or any other use for which a permit, rezoning, variance, or special use is required, is started or proceeded with prior to obtaining the required permit, the fee above shall be doubled; but payment of the double fee shall not relieve any person from fully complying with the requirements of this title in the execution of the work or use, nor from any other penalties proscribed.

(Prior code § 153.168)(Updated 12/1/97 (part))

17.36.150 Violation--Penalty.

A. Any person who violates any provision of this title shall be subject to the penalties (or fines) set forth in Section 1.12.010 and the penalties (or fines) set forth below:

1. Any person who violates any provision of the County Zoning Code, Chapters [17.04](#) through [17.38](#), and who has received a citation from the Area Plan Commission in the form of a Notice of Ordinance Violation pursuant to Section 1.14.040 shall be subject to a civil penalty (or fine) of up to \$500.00 for a first violation. Additional violations within any consecutive 12 month period shall be as follows:

Second violation - \$1,000.00 penalty;

Third violation - \$2,500.00 penalty;

Fourth violation - \$5,000.00 penalty; and

Any additional violation - \$7,500 penalty.

2. A court of law may assess additional civil penalties for non-compliance.

3. The civil penalties shall be paid to the County Treasurer within 30 days of the date the citation is issued and corrective action(s) shall be taken as soon as possible to immediately bring the property into compliance with this title as required by ordinance. Violations of a continuing nature shall each be considered a separate offense for each day the property is not in compliance with any provision in this title.

4. Failure to pay the penalty and take the necessary corrective action in a timely manner could result in the County filing suit in Vanderburgh Superior Court for payment of the civil penalty and all related court costs, and to bring about compliance of such property.

B. Any person, firm or corporation, or anyone acting in behalf thereof who shall violate or fail to comply with any of the provisions of this title by conduct or activity or the erection, construction, enlargement, conversion, moving, or maintenance of any building, structure, or use which is continued, operated or maintained, on land or water, used in whole or in part, contrary to any of the provisions of this title is declared to be in violation of this title. The Area Plan Commission may institute appropriate legal action to remove the violation and bring about compliance with this title. The action may also be instituted by any property owner who may be especially damaged by any violation of this title. The remedy provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

C. The Area Plan Commission may put a hold on issuing any new Improvement Location Permits authorized under this title for any property that is in violation of any provision of this title.

D. A change of venue from the County may not be granted in an action to enforce the provisions of this title.

(Ord. 07-09-013 § 2, amended 8/11/09; prior code § 153.999)

**Chapter 17.38
TABLES**

Sections:

[17.38.010 Table A.](#)

17.38.010 Table A.

TABLE A

Standards for Principal Buildings on Individual Lots

DISTRICT	MAXIMUM HEIGHT (FEET)	MINIMUM LOT SIZE (FEET)	MINIMUM WIDTH (FEET)	MINIMUM FRONT YARD (FEET)	MINIMUM SIDE YARD (FEET)	MINIMUM SIDE STREET SIDE CORNER LOT (FEET)	MINIMUM REAR YARD (FEET)	LOT COVERAGE	GREEN SPACE REQUIRED
A, AIR	35	6,000	60	25 ⁶	5 ⁵	10	25	30%	100% FRONT YARD IN ALL ZONES
R-1	35	6,000	60	25 ⁶	5 ⁵	10	25	30%	
R-2	35	5,000	50	25 ⁶	5 ⁵	10	25	40%	
R-3	35	5,000	50	20	5 ⁵	10	20	40%	
R-4	40	5,000	50	20	5 ⁵	10	20	40%	
R-5	150	5,000	50	20	5 ⁵	10	20	40%	
CO-1	35	6,000	60	20	5 ^{1,5}	10	20	40%	
CO-2	35	6,000	60	20	5 ^{1,5}	10	20	40%	
C-1	35	NONE	NONE	10 ⁴	5 ^{1,5}	10	NONE ¹	75%	
C-2	50	NONE	NONE	10 ⁴	NONE ¹	5	NONE ¹	75%	
C-4	50	NONE	NONE	10 ⁴	NONE ¹	5	NONE ¹	75%	
W-R	35	NONE	NONE	20 ^{2,4}	NONE ¹	5	NONE ¹	75%	
W-I	NONE	NONE	NONE	10 ^{2,4}	NONE ³	5	NONE ³	75%	
M-1	NONE	NONE	NONE	10 ^{2,4}	NONE ³	5	NONE ³	75%	
M-2	NONE	NONE	NONE	10 ^{2,4}	NONE ³	5	NONE ³	75%	
M-3	NONE	NONE	NONE	10 ^{2,4}	NONE ³	5	NONE ³	75%	
F-1	NONE	NONE	NONE	NONE	NONE ³	5	NONE ³	10%	
PUD	AS APPROVED IN THE DEVELOPMENT PLAN								
CON	35	NONE	NONE	NONE	NONE	NONE	NONE	30%	

1. See 17.12.050 (H)
2. Applies only to lots fronting on dedicated street right-of-way
3. See 17.12.050 (I)

4. See 17.12.050 (J)
5. On lots smaller than 40 feet in width which were platted before the effective date of this ordinance, a percentage computation will apply: Every yard shall have a side yard on each side, each of which shall be at least 10% of the width of the lot in width, and the aggregate width of both side yards on any lot shall be at least 25% of the width of the lot in width.
6. A twenty-foot front yard for residential lots with frontage on a cul-de-sac.