





UNIFIED DEVELOPMENT ORDINANCE

Ordinance No. 2016-30
Effective: January 1, 2017

CITY OF JASPER

Amended by Ordinance 2017-25
Amended by Ordinance 2019-8
Amended by Ordinance 2019-41
Amended by Ordinance 2021-1
Amended by Ordinance 2021-39
Amended by Ordinance 2022-42
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Prepared by:



Legal Review by John Molitor, Attorney At Law

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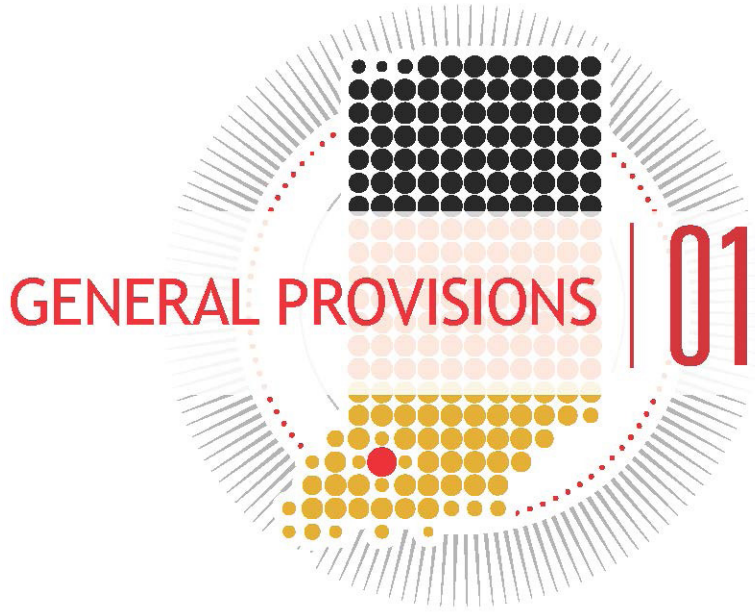
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01 GENERAL PROVISIONS

1.1 TITLE

THE OFFICIAL TITLE OF THIS ORDINANCE IS: "UNIFIED DEVELOPMENT ORDINANCE FOR THE CITY OF JASPER, INDIANA AND ITS EXTRA-TERRITORIAL PLANNING JURISDICTION." THIS ORDINANCE MAY BE CITED AND REFERRED TO AS THE "ORDINANCE". THIS ORDINANCE IS CODIFIED AS NO. 2016-30

1.2 INTENT AND PURPOSE

A. INTENT. This Ordinance shall apply to all incorporated land within the City of Jasper, Indiana, hereinafter referred to as the "City" and the unincorporated land within the City's extra-territorial jurisdiction as shown on the Jurisdictional Area map on file in the Plan Commission Office and the Dubois County Recorder's Office, hereinafter referred to in the Ordinance as the "jurisdiction." Combining the Zoning Ordinance and the Subdivision Control Ordinance into this Ordinance reduces redundancy and improves efficiency in the application of land development laws for the jurisdiction.

B. PURPOSE. The purpose of this Ordinance is to regulate the use and development of land within the planning jurisdiction of the City. It is intended to promote the public health, safety, morals, and general welfare and more specifically to:

1. Guide the orderly, responsible and sustainable development and redevelopment in accordance with the City of Jasper Comprehensive Plan and all of its components;
2. Reduce traffic congestion in public streets and ensure safe, convenient, and efficient traffic circulation;
3. Ensure the provision of drainage facilities, the safeguarding of the water table, and the protection from flooding or the causing of increased risk of flooding;
4. Provide adequate light and air, convenience of access, and safety from fire and other danger, which may include providing adequate open spaces for light, air, and outdoor uses;
5. Prevent the pollution of air, water, and soil;
6. Protect the character and stability of residential, institutional, business, industrial, and natural areas;
7. Encourage compatibility between different land uses and to protect the scale and character of existing development from the encroachment of incompatible uses;
8. Regulate and restrict the location and intensity of the use of buildings, structures, and land for commerce, industry, institutions, residence, and other uses;
9. Preserve and enhance the appearance, aesthetics, and natural environment of the planning jurisdiction;
10. Protect the historic and architectural heritage of the jurisdiction;
11. Facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public facilities;
12. Avoid scattered and uncontrolled development of land that would result in excessive expenditure of public funds for infrastructure and/or services;
13. Ensure that the cost of design and installation of improvements in new, platted subdivisions are borne by the developer and persons purchasing the lots, and to avoid any direct or indirect burden placed upon adjacent property owners or the planning jurisdiction as a whole;

14. Ensure ongoing compliance with the provisions of this Ordinance by requiring regular maintenance and replacement, as needed, of required improvements, including but not limited to landscaping;
15. Establish reasonable standards and procedures for subdivisions, in order to further the orderly layout and use of land;
16. Ensure proper legal descriptions, recording, and monumenting of subdivided land;
17. Define the powers and duties of administrative officers and bodies as provided herein, and establish procedures for the implementation and enforcement of this Ordinance;
18. Establish corrective and punitive recourse for violations or noncompliance regarding the provisions of this Ordinance;
19. Accomplish the purposes of Indiana Code (IC) 36-7-4 et seq. and Local Planning and Zoning; and to further such other purposes as are stated hereinafter within specific provisions of this Ordinance.

1.3 INTERPRETATION

A. CONFLICTING REQUIREMENTS. Whenever regulations or restrictions imposed by this Ordinance are either more or less restrictive than regulations or restrictions imposed by any governmental authority through legislation, rule or regulations, the regulations, rules, or restrictions which are more restrictive or which impose higher standards or requirements shall govern.

B. OVERLAPPING REGULATIONS. When this Ordinance, along with private covenants, private contracts, commitments, permits, agreements, state or federal laws, or other regulations applies to a structure or parcel of land, the greater restriction shall control. In no instance shall this Ordinance be interpreted as altering or negating any other applicable regulations.

C. REPLACEMENT OF ZONING ORDINANCE. Pursuant to IC 36-7-4-606(a) and IC 36-7-4-610(h), the Council hereby adopts this Ordinance as a replacement zoning ordinance for the jurisdiction. Except as provided in Subsection D, the provisions of the Ordinance shall be construed as prescribing the zoning standards for the jurisdiction.

D. REPLACEMENT OF SUBDIVISION CONTROL ORDINANCE. Pursuant to IC 36-7-4-606(a), IC 36-7-4-610(h) and IC 36-7-4-701(b), the Council hereby adopts this Ordinance as a replacement subdivision control ordinance for the jurisdiction. The provisions of Chapter 9 of this Ordinance shall be construed as prescribing the subdivision control standards for the jurisdiction.

E. REPLACEMENT OF ZONE MAPS. Pursuant to IC 36-7-4-606(a) and IC 36-7-4-610(h), the Council hereby adopts the Zoning Map described in Section 1.7 as a replacement zone map for the jurisdiction.

1.4 APPLICABILITY AND COMPLIANCE

A. SHALL FOLLOW ORDINANCE. After the effective date of this Ordinance, no building or structure or any portion thereof, or use of land, whether existing or hereafter established, shall be established, altered, changed, erected, constructed, reconstructed,

moved, divided, enlarged, demolished, or maintained except in accordance with all the provisions of this Ordinance and after the lawful issuances of the permits required by this Ordinance or in IC 36-7-4-1109, except as otherwise hereinafter provided.

B. PART OF MUNICIPAL CODE. This Ordinance shall be read in terms of and shall be interpreted to include as an integral part thereof any and all other provisions of the Jasper Municipal Code which are necessary for an understanding of Title 18 including be not limited to the Zoning Map which is incorporated by reference and attached as Exhibit 1.A: the Unified Development Ordinance for Jasper, Indiana and its Extra-Territorial Planning Jurisdiction and the attainment of its purposes.

C. PRIOR ORDINANCE ACTIONS. This Ordinance shall not be construed as abating any action now pending under, or by virtue of, the prior existing zoning Ordinance or subdivision control Ordinance; or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue; or as affecting the liability of any person, firm or corporation; or as waiving any right of the City under any section or provision existing at the time of the effective date of this Ordinance; or as vacating or annulling any rights obtained by any person by lawful action of the City, except as shall be expressly provided for in this Ordinance.

1.5 TRANSITION RULES

A. APPLICABILITY IN TRANSITION. In determining the applicability of this Ordinance with respect to land, uses, buildings, structures, permits, approvals, and applications for permits, plats, or approvals, existing immediately before the effective date hereof, the following rules shall apply.

1. Uses Rendered Special Exceptions. When a use lawfully existing on the effective date of this Ordinance was classified as a permitted use prior to the effective date of this Ordinance, and this Ordinance classifies such use as a "Special Exception", such use shall be deemed a legal nonconforming use. Such use may be granted a Special Exception Permit pursuant to Section 10.5 Special Exception, if applicable criteria are met.
2. Uses Rendered Nonconforming. When a use was lawfully existing as a permitted use on the effective date of this Ordinance and this Ordinance , or any amendment thereto, no longer classifies such use as a permitted use in the district in which it is located, such use shall be deemed a legal nonconforming use and shall be subject to the provisions of Chapter 3 Nonconforming Uses, Lots, and Structures.
3. Buildings, Structures, and Lots Rendered Nonconforming. Where any building, structure or lot lawfully existing on the effective date of this Ordinance does not meet all development standards set forth in this Ordinance, or any amendment thereto, such building, structure, or lot shall be deemed lawfully nonconforming and shall be subject to the provisions of Chapter 3 Nonconforming Uses, Lots, and Structures.
4. Previously Granted Variances. Any variance granted prior to the effective date of this Ordinance shall remain in full force and effect subject to the expiration provision in effect at the time the variance was granted and subject to any specific conditions or provisions relating to expiration that are imposed upon the particular variance approval by the approving entity. Such variance shall apply only to the specific Use Variance or Development Standards Variance granted. Provided, however, in the event of a conflict between this Subsection and Subsection 1.5(B) Effect of Change in the Law after Filing of Complete Application, the provisions of Subsection 1.5(B) shall govern.

See Also:

Section 1.11 for Effective Date of this Ordinance.

5. Previously Granted Special Exceptions. All Special Exceptions granted prior to the effective date of this Ordinance shall remain in full force and effect subject to the expiration provisions established in Section 10.5 Special Exceptions of this Ordinance and subject to any specific conditions or provisions relating to expiration that are imposed upon the particular special exception approval by the Jasper Board of Zoning Appeals (JBZA). Expansion or change in use shall require compliance with this Ordinance. Provided, however, in the event of a conflict between this Subsection and Subsection 1.5(B) Effect of Change in the Law after Filing of Complete Application, the provisions of Subsection 1.5(B) shall govern.

6. Previously Approved Planned Unit Developments. A Primary Plan approved under a previous Ordinance and retained as a Planned Unit Development on the Zoning map adopted as part of this Ordinance shall constitute an approved Primary Plan. A Development or Secondary Plan approved under a previous Ordinance where the Planned Unit Development is retained on the Zoning map adopted as part of this Ordinance shall constitute an approved Secondary Plan, subject to the expiration provisions in effect at the time of approval. Where an Outline or Primary Plan has been approved, but a Development or Secondary Plan has not been approved, or has been approved but has expired, prior to the effective date of this Ordinance, the Secondary Plan shall require Plan Commission (Commission) review, unless the Commission, at a public hearing, determines that the staff should review the Secondary Plan; moreover, such Secondary Plans shall be subject to the development standards of this Ordinance, except to the extent that different development standards were expressly set forth in the approved Primary Plan. Provided, however, in the event of a conflict between this Subsection and Subsection 1.5(B) Effect of Change in the Law after Filing of Complete Application, the provisions of Subsection 1.5(B) shall govern.

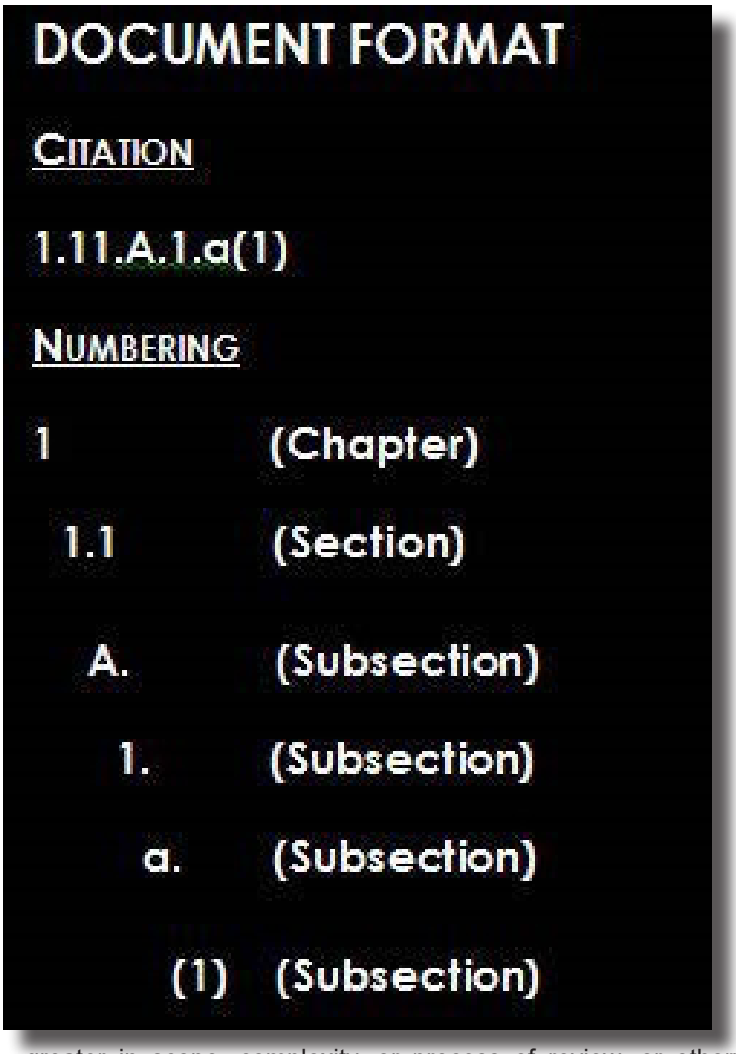
7. Previously Approved Subdivisions. Except as otherwise provided by Subsection 1.5(B) Effect of Change in the Law after Filing of Complete Application, Primary and Secondary Plats approved prior to the effective date of this Ordinance shall be governed by this Subsection. A Primary Plat and/or Secondary Plat approved prior to the effective date of this Ordinance, whether or not yet recorded, shall remain in full force and effect, subject to applicable expiration provisions. Secondary Plats may be recorded as approved; Primary Plats shall be entitled to approval of a Secondary Plat consistent with the Primary Plat approval; lots in such subdivisions shall be established in their platted size and configuration as lots of record. Such lots shall be subject to use and development standards of this Ordinance, other than minimum lot dimensions.

8. Violations Continue. Any violation under previous ordinances repealed by this Ordinance shall continue to be a violation under this Ordinance and be subject to penalties and enforcement in Chapter 11: Enforcement, unless the use, development, construction, or other activity complies with the provisions of this Ordinance.

B. EFFECT OF CHANGE IN THE LAW AFTER FILING OF COMPLETE APPLICATION.

1. Prior to the Effective Date of this Ordinance. For any application filed with the City prior to the effective date of this Ordinance for any permit or approval listed in Subsection(B)(3) below, the effect of any change in the applicable law after such application but prior to the grant or denial of the permit or approval sought shall be governed by the transition rules of the prior Zoning Ordinance that was in effect on the date of application.

2. On or After The Effective Date of this Ordinance. Whenever a complete application is filed with the City on or after the effective date of this Ordinance for any of the permits or approvals listed in Subsection(B)(3) below, the grant or denial of such permit or approval, and the grant or denial of any secondary, additional, or related permit or approval required by the City with respect to the general subject matter of the first complete application, shall be governed by the statutes, Ordinances, rules, development standards, and regulations applicable to the property in question (hereinafter "Requirements") that were in effect at the time of the first complete application, for the time periods listed in Subsection B(4) below, notwithstanding any change in such requirements that occurs after such first application but prior to the grant or denial of such permit or approval, except as otherwise provided herein.
3. Permits and Approvals Covered. The permits and approvals covered by this section are:
    a. Certificate of Zoning Compliance (Section 10.15);
    b. Development Plan Approval (Section 10.11);
    c. Special Exception (Section 10.5);
    d. Preliminary Plat (Section 10.9);
    e. Secondary Plat (Section 10.10);
    f. Grading and Disturbance Permit (Section 10.16);
    g. Planned Unit Development (Section 10.8).
4. Requirements in Effect. The requirements in effect at the time of the first complete application for a permit or approval described in above shall continue to govern such first complete application and any secondary, additional, or related permits described in that subsection for a period of at least three (3) years from the date of the first complete application. If no construction or other activity to which the permit or approval relates is commenced within that three-year period, then thereafter the renewal of any expired permit, and the grant or denial of any new application for any secondary, additional or related permit, shall be governed by then-current regulations if the Director of Community Development/Planning, (henceforth the Administrator), based upon advice from the City Attorney, determines that such action is lawful and does not deprive the owner or applicant of any vested right. Moreover, if construction or other activity to which the permit or approval relates is not completed within three (3) years of the date upon which such construction or other activity commenced, then thereafter the renewal of any expired permit, and the grant or denial of any new application for any secondary, additional or related permit, shall be governed by then- current regulations if the Administrator, based upon advice from the City Attorney, determines that such action is lawful and does not deprive the owner or applicant of any vested right.
5. Non-conforming Permits and Approvals. Where a permit or approval is rendered nonconforming pursuant to Section 1.5 above, any construction, use, or other activity authorized by such permit or approval shall be treated as legally nonconforming to the extent such activity does not conform to the current requirements of this Ordinance and shall be subject to the provisions of Chapter 3: Nonconforming Uses, Lots, and Structures.
6. Amended Application. For purposes of Subsection 1.5(B)(1) above, amendment or modification to an application for a permit or approval shall not constitute a new application unless the changes are such that the proposed activity is substantially



greater in scope, complexity, or process of review, or otherwise significantly increases the land use issues and impacts that are presented, compared to the original application.

7. Complete Applications before Adoption of Ordinance. Any petition for variance or zoning map change (other than for a PUD designation) for which a full and complete application was properly filed prior to the effective date of this Ordinance shall be processed pursuant to the terms and conditions of the Zoning Ordinance and Subdivision Ordinance that were in effect at the time of filing, provided that the approval is still required under the terms of this Ordinance. Provided, other than as specifically set forth in Subsection 1.5(B)(4) above, the property and the proposal for which variance or map change was sought will be subject to all regulations of this Ordinance, unless otherwise required by these transition rules or by law.

1.6 HOW TO USE THIS DOCUMENT

A. STRUCTURE: The structure of the text of this Ordinance is as follows: Chapter (indicated by 1, etc.), Section (indicated by 1.1, etc.), and subsequent Subsections (indicated by A, 1, a, etc.). See format diagram on following page.

B. APPLICABLE DISTRICTS: The district designations are located in various places throughout the document. If one of these identifiers appears within a section, then that

section will apply to the corresponding district. A complete list of the identifiers can be found at the beginning of Chapter 4 Districts.

C. DEFINED WORDS: Words used in a special sense in this Ordinance are defined in Chapter 12: Definitions. All other words shall have the meaning inferred from their context in this Ordinance or their ordinarily accepted definitions.

D. MEANINGS: The following rules of construction shall apply to the text of this Ordinance:

1. The particular and specific provisions of this Ordinance shall supersede any general requirements that are established by it.
2. The words “shall” “must” and “will” are always mandatory and not discretionary. The words “may” and “should” are permissive.
3. Words used in the present tense include the future; and words used in the singular number include the plural; and the plural includes the singular; words of the masculine gender will include the feminine and the neuter gender will refer to any gender as required, unless the context plainly indicates the contrary.
4. The phrase “used for” includes “arranged for, designed for, intended for, maintained for, or occupied for.”
5. Unless it is plainly evident from the context that a different meaning is intended, a regulation which involves two (2) or more items, conditions, provisions, or events connected by the conjunction “and”, “or”, or “either . . . or,” the use of the conjunction is defined as follows:
   a. “And” means that all the connected items, conditions, provisions, and events apply together and not separately.
   b. “Or” means that the connected items, conditions, provisions, or events apply separately or in any combination.
   c. “Either . . . or” means that the connected items, conditions, provisions, or events shall apply separately but not in combination.
6. The word “includes” does not limit a term to the specified examples, but is intended to extend the term’s meaning to all other instances or circumstances of like kind or character.

1.7 Zoning Map

A. OFFICIAL ZONING MAP. The location and boundaries of the districts are hereby established on a map entitled “Official Zoning Map" (Zoning map) adopted as it may be amended from time to time, which accompanies and is hereby incorporated in and made a part of this Ordinance. The Zoning map shall be maintained in electronic form, and depicted in various formats and scales as appropriate to the need.

B. MAP RESPONSIBILITY. The Administrator is the official custodian of the Zoning map and shall ensure that it is maintained and updated regularly to reflect lawfully granted changes of zoning. No changes of any nature shall be made on the zoning map except in conformity with the procedures set forth in this Ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Ordinance and punishable as provided under Chapter 11 Enforcement, of this Ordinance.

C. CERTIFICATION OF OFFICIAL ZONING MAP. The Zoning map shall be identified by the signature of the Mayor, attested by the Clerk-Treasurer, and bearing the seal of the City under the following words: “This is to certify that this is the Zoning map referred to in the Jasper Ordinance”.

D. **ZONING MAP COPIES**. The Administrator may authorize printed copies of the Zoning map to be produced, and shall maintain digital or printed copies of superseded versions of the Zoning map for historical reference. The Clerk-Treasurer shall also keep two (2) copies of the Zoning map in the Clerk-Treasurer's office; these copies shall be kept on file in that office for public inspection, and additional copies of the Zoning map shall also be kept in that office for the purpose of sale or distribution.

E. **AVAILABILITY OF OFFICIAL ZONING MAP.** One (1) copy of the Zoning map shall be on file and available for public inspection in the Planning Department, at all times during normal office hours. This map shall be the final authority as to the current zoning status of property within the jurisdiction.

F. **REPLACEMENT ZONING MAP.** In the event the Zoning map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of amendments, the City Council may direct the Commission to prepare a new Zoning map, which upon adoption by the City Council shall supersede the prior map, and shall contain the following words, “This is to certify that this zoning map supersedes and replaces on this day (insert date) the Official Zoning Map adopted as part of Ordinance No. 1993-17, as amended, of the City of Jasper, Indiana."

1.8 ANNEXATION AND INITIAL ZONING

A. **PROCEDURE.** See Indiana Code 36-4-3, Chapter 3 Municipal Annexation and Disannexation.

B. **ZONING FOR NEW EXTRA-TERRITORIAL PROPERTY**. All territory that may hereafter become part of the City of Jasper’s extra-territorial planning jurisdiction shall be classified into one or more of the districts set forth in this Ordinance. Newly included property that does not have an accompanying development proposal, shall automatically be classified as the district, “A1 - Agriculture General”.

1.9 REPEALER

A. **ORDINANCES REPEALED**. The following City ordinances are hereby repealed and are replaced by this Ordinance (No. 2016-30) and Official Zoning Map:

1. Zoning Ordinance -- The City of Jasper Zoning Ordinance of 1993, Ordinance No. 1993-17, as amended.
2. Official Zoning Map -- The City of Jasper Official Zoning Map of 1993, incorporated in and adopted as a part of Ordinance No.1993-17, as amended.
3. Subdivision Control Ordinance -- The City of Jasper Subdivision Control Ordinance of 1993, Ordinance No. 1993-17, as amended.

B. **SIGN ORDINANCE.** The City of Jasper Sign Ordinance 2012-35, Section 16.035 adopted December 19, 2012, ("Sign Regulations") is not repealed and replaced by this Ordinance. Notwithstanding this Subsection, the owner of any sign that is otherwise allowed by the Sign Regulations has the right to substitute copy in accordance with Section 3.5 C of this Ordinance.

C. **FLOOD DISTRICTS AND FLOOD DAMAGE PREVENTION.** The City of Jasper Flood District and Flood Damage Prevention Ordinance 2014-23, Section 16.033, adopted September 17, 2014, is not repealed by this Ordinance.

1.10 SEVERABILITY CLAUSE

A. SEVERABILITY. If any of the provisions of this Ordinance are declared invalid, the other provisions shall remain in full force and effect.

1.11 EFFECTIVE DATE

A. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after January 1, 2017, or in accordance with IC 36-7-4-610(e).



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02 ADMINISTRATION

2.1 DUTIES AND POWERS OF CITY COUNCIL

A. JURISDICTION AND AUTHORITY. The City Council shall have the following jurisdiction and authority subject to the provisions of this Ordinance and the applicable provisions of Indiana Code (IC) 36-7-4 et seq. and other applicable sections of Indiana law.

1. City of Jasper Comprehensive Plan. To initiate, approve, amend, or reject proposed amendments to the Comprehensive Plan and its components, including but not limited to the Downtown and Riverfront Master Plan and any other plan elements;
2. Unified Development Ordinance. To initiate, adopt, or reject any amendment to the text of this Ordinance in accordance with IC 36-7-4-600 Series: Zoning Ordinance;
3. Zoning Map. To initiate, adopt, or reject any amendment to the Zoning map in accordance with IC 36-7-4-600 Series: Zoning Ordinance;
4. Planned Unit Developments. To adopt, amend or reject a Planned Unit Development (PUD) district Ordinance in accordance with IC 36-7-4-1500 Series: Planned Unit Development.
5. Conditions and Commitments. To impose reasonable conditions, condition the issuance of an improvement location permit on the providing of certain assurances, and to allow or require the property owner to make written commitments in accordance with IC 36-7-4-1015 or IC 36-7-4-1512.
6. Other Powers and Duties. To exercise such other powers and perform such other duties as are allowed by Indiana law in connection with this Ordinance.

See Also:

Indiana Code (IC) 36-7-4 et seq, Planning and Zoning Law

http://iga.in.gov/legislative/laws/2016/ic/#code-tab

2.2 DUTIES AND POWERS OF THE JASPER PLAN COMMISSION

A. JURISDICTION AND AUTHORITY. The Jasper Plan Commission (Commission) is hereby authorized to perform those duties and functions specified in Indiana Code (IC) 36-7-4-400 et seq. and other applicable sections of Indiana law. The Commission shall have the following jurisdiction and authority:

1. Comprehensive Plan. To initiate, hear, review, and approve to the Council on replacement of, or proposed amendments to, the Comprehensive Plan in accordance with IC 36-7-4-500 Series: Comprehensive Plan, and its components, including but not limited to the Downtown and Riverfront Master Plan and any other plan elements;
2. Unified Development Ordinance. To initiate, hear, review, and certify recommendations to the City Council on replacement of, or any proposed amendment to, the text of this Ordinance in accordance with IC 36-7-4-600 Series: Zoning Ordinance;
3. Zoning Map. To initiate, hear, review, and certify recommendations to the Council on replacement of, or proposed amendments to, the Zoning map in accordance with IC 36-7-4-600 Series: Zoning Ordinance;
4. Planned Unit Development. To hear, review, and certify recommendations to the Council on the PUD District Ordinance and Preliminary Plan for a proposed Planned Unit Development, and to review and approve the Final Plan for a Planned Unit Development in accordance with IC 36-7-4-1500 Series: Planned Unit Development;

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5. Subdivisions. To review and approve or disapprove plats and replats of subdivisions, as required pursuant to Chapter 9: Subdivisions, in accordance with IC 36-7-4-700 Series: Subdivision Control Ordinance, which shall include the power to approve with conditions, to permit or require commitments, and to require bonding or other financial assurances for public improvements;
6. Development Plans. To review and approve or disapprove Development Plans and amendments to Development Plans, as required pursuant to Section 10.11 Development Plan Approval, in accordance with IC 36-7-4-1400 Series: Development Plans, which shall include the power to approve with conditions, to permit or require commitments, and to require bonding or other financial assurances for public improvements;
7. Planning Assistance. To aid and assist others, including the Council, the Mayor, other local elected officials, City Departments, City Boards, or other City Commissions. This planning assistance may include:
    a. Implementation of the Comprehensive Plan;
    b. Planning, developing, and completing specific projects;
    c. Reviewing and reporting on any matters referred to it by the Council or the Mayor;
    d. Upon reasonable written request, to make its special knowledge and expertise available to any to aid them in the performance of their respective duties relating to the planning and development of the City.
8. Delegation of Responsibilities. To delegate responsibilities relating to Ordinance administration and enforcement to the Administrator and to other appropriate executive departments and personnel;
9. Rules and Procedures. To adopt rules for the administration and conduct of the Commission and its business, including uniform rules pertaining to investigations and hearings. Adopting and maintaining a schedule of uniform fees for permits, processes and official actions of the Council and the Community Development and Planning Department may be included in the Commission's rules;
10. Records. To keep a complete record of all proceedings, and to record and file all bonds and contracts and assume responsibility for the custody and preservation of all papers and documents of the Commission;
11. Materials. To prepare, publish and distribute reports, Ordinances, and other materials relating to the activities authorized under this chapter;
12. Seal. To adopt a Commission seal;
13. Certification. To certify to all official acts;
14. Addressing. To approve or delegate the assignment of street numbers to lots and structures and the naming of streets, including renumbering or renaming pursuant to Per IC 36-7-4-405;
15. Plat Committee. To authorize a Plat Committee pursuant to IC 36-7-4-701(e);
16. Hearing Officer. If so desired, to authorize a Hearing Officer pursuant to IC 36-7-4-923, and to establish rules prescribing and limiting the authority and procedures therefor pursuant to IC 36-7-4-923 and IC 36-7-4-924;
17. Written Commitments. To permit, require, modify, and terminate commitments, in accordance with IC 36-7-4-1015: Commitments; enforcement;

18. Other Powers and Duties. To exercise such other powers and perform such other duties as are allowed by Indiana law in connection with this Ordinance.

B. MEMBERSHIP, TERMS AND ORGANIZATION. The Commission shall be composed in accordance with Indiana statute IC-36-7-4-200 Series: Commission Establishment and Membership.

C. QUORUM AND OFFICIAL ACTION. No official action shall be taken by the Commission without a quorum being present. A quorum is defined by IC 36-7-4-301 as a majority of the entire membership of the Commission, who are qualified by IC 36-7-4-300 Series: Plan Commission Organization to vote. Official action of the Commission requires authorization by a majority of the entire membership of the Commission at a regular or special meeting.

D. ALTERNATE MEMBERS. In accordance with IC 36-7-4-220, the appointing authority may also appoint an alternate member to participate with the Commission in a hearing or decision if the regular member appointed by the appointing authority has a disqualification under IC 36-7-4-223(c). An alternate member has all the powers and duties of a regular member while participating in the hearing or decision.

E. MEETINGS, HEARINGS AND PROCEDURES.

1. Meetings. Regular meetings of the Commission shall be held as provided by the Commission Rules of Procedure.
    a. All meetings and hearings of the Commission shall be open to the public except when closed pursuant to the provisions of applicable State law.
    b. The Commission shall adopt its own Rules of Procedure, subject to the limitations of the Indiana Code. The adoption, amendment, or revision of such rules shall be by a majority vote of all members of the Commission.
    c. The Commission shall determine whether a citizen member meets all applicable residency requirements for appointment in accordance with uniform rules prescribed by the Commission.
2. Special meetings of the Commission may be called as provided by IC 36-7-4-307.

F. RECORD. The transcript of testimony, if any; minutes; all applications, exhibits, and papers filed in any proceeding before the Commission; the staff report if provided; and the decision of the Commission shall constitute the record. The record shall be maintained for public inspection in the Community Development and Planning Department.

G. DECISIONS. Every recommendation or decision of the Commission upon an application filed pursuant to this Ordinance shall be repeated in the summary minutes prepared by the Administrator. Where required by law, such decisions shall include written findings of fact upon criteria used in making the decision. The minutes shall expressly set forth any limitations, commitments, or conditions recommended or imposed by the Commission.

H. CONFLICTS.

1. Conflicts per Indiana Code. Pursuant to IC 36-7-4-223, a member of either the Commission or the Council may not participate in a hearing or decision of the Commission or Council concerning a zoning or subdivision matter in which he has a direct or indirect financial interest or determines that he may not act impartially. The Commission or Council shall enter in its records the fact that its member has

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such a disqualification. As used in this section, "zoning matter" does not include the preparation or adoption of a Comprehensive Plan.

2. Representation Conflict. A member of the Commission or the Council may not directly or personally represent another person in a hearing before the Commission or Council concerning a zoning or subdivision matter.

I. ESTABLISH COMMITTEES. The Commission may establish advisory and review committees as necessary, and shall determine the powers and duties, authority and membership of said committees. These committees may include, but are not limited to:

1. Plat Committee: The Commission shall establish a Plat Committee to review and decide petitions for minor plats, secondary plats, and administrative subdivisions.

   a. Committee membership shall be divided into two classes:

      1) Statutory Members. There shall be three (3) statutory members: the Director of Community Development and Planning; the City Engineer, and one (1) member appointed by the Commission who is not otherwise employed by the City or its subdivisions or instrumentalities.

      2) Ex-officio Members. Ex-officio members shall be the Technical Assistance Committee (TAC).

   b. The Commission shall appoint each member for one year. The Commission may remove a member from the committee upon mailing written reasons for removal to the member.

   c. The committee may take action only upon a majority vote. Only statutory members of the Plat Committee shall be entitled to vote on matters requiring official action by the Plat Committee. In the event of any uncertainty as to compliance or classification of any subdivision, the Plat Committee shall forward such subdivision to the Commission for consideration.

2. Technical Assistance Committee: A Technical Assistance Committee (TAC) is hereby established to assist the Commission in the technical review of planned unit developments, development plans, and subdivision plats, and to perform such duties as are outlined for the Committee by the Ordinance.

   a. Committee membership shall be at the request of the Administrator. The Planning Director may request the assistance of members of public and semi-public local and state departments, agencies, and organizations, including but not limited to: the Jasper Community Development and Planning Department, the Jasper City Engineer, Jasper Municipal Utilities, the Jasper Fire Department, the Jasper Parks Department, the Jasper Street Department, the School Board, the Mayor's Office, the Dubois County Surveyor, the Dubois County Storm Water Board, the Dubois County Soil and Water Conservation District, the Indiana Department of Transportation, the Indiana Department of Natural Resources, and the Commission.

   b. The duties of the TAC shall be to give technical expertise to the Commission regarding plans and proposals; and to perform such duties assigned to it by the Commission. When required by this Ordinance, the TAC shall meet with the subdivider or applicants as per the meeting schedule established by the Administrator.

   c. The findings of the TAC shall be advisory only and neither the applicant or subdivider nor the City shall be bound by any decision reached during a TAC meeting. Findings of the TAC shall be submitted to the Commission prior to

the Commission's review of any PUD concept plan, any development plan, any subdivision proposal, or a rezoning when requested. The JBZA may also request review and written findings from the TAC of a site plan accompanying a special exception or variance request.

2.3 JASPER BOARD OF ZONING APPEALS (JBZA)

A. JURISDICTION AND AUTHORITY. The Jasper Board of Zoning Appeals (JBZA) is hereby authorized to perform those duties and functions specified in IC 36-7-4-900: Board of Zoning Appeals and other applicable sections of Indiana law as well as have the following jurisdiction and authority subject to the provisions of this Ordinance:

1. Development Standards Variances. To review, hear, and decide upon applications for Development Standards Variances from this Ordinance.
2. Use Variances. To review, hear, and decide upon applications for Use Variances from this Ordinance.
3. Special Exceptions. To hear and decide upon applications for Special Exceptions.
4. Appeals. To hear and determine appeals from any order, requirement, decision, or determination made by a Hearing Officer, if established, or the Administrator under this Ordinance.
5. Time Limits. To establish or extend time limitations placed upon variances and Special Exceptions.
6. Delegation of Responsibilities. To delegate responsibilities relating to Ordinance administration and enforcement to the Administrator and to other appropriate executive departments and personnel.
7. Rules and Procedures. To adopt rules for the administration and conduct of the JBZA and its business, including uniform rules pertaining to investigations and hearings. The JBZA shall determine whether a citizen member meets all applicable residency requirements for appointment in accordance with uniform rules prescribed by the JBZA.
8. Record. To keep records including minutes; all applications, exhibits, and papers filed in any proceeding before the JBZA. The staff report, if provided, and the decision of the JBZA shall also be included in the record. The record shall be maintained for public inspection in the Planning Department.
9. Materials. To prepare, publish, and distribute reports and other materials relating to the activities authorized under this chapter.
10. Written Commitments. To permit, require, modify, and terminate commitments for variances or Special Exceptions, in accordance with IC 36-7-4-1015: Commitments; Enforcement.
11. Zoning Assistance. To make its special knowledge and expertise available upon reasonable written request, to any official, department, board, or commission of the City, to aid them in the performance of their respective duties relating to this Ordinance and its administration.
12. Other Powers and Duties. The JBZA may exercise such other powers and perform such other duties as are allowed by Indiana law in connection with this Ordinance.

B. MEMBERSHIP, TERM AND ORGANIZATION. The JBZA shall be composed as set out in accordance with Indiana statute IC 36-7-4-900 Series: Board of Zoning Appeals.

C. QUORUM AND OFFICIAL ACTION. Three (3) members shall constitute a quorum to conduct business. Three (3) concurring votes of the JBZA membership shall be required for rendering a final decision on any matter.

D. ALTERNATE MEMBER. In accordance with IC 36-7-4-907, the appointing authority may also appoint an alternate member to participate with the JBZA in a hearing or decision if the regular member appointed by the appointing authority has a disqualification due to conflict of interest, or is otherwise unavailable to participate in the hearing or decision. An alternate member has all the powers and duties of a regular member while participating in the hearing or decision.

E. MEETINGS, HEARINGS AND PROCEDURES. Regular meetings of the JBZA shall be held as provided by the JBZA Rules of Procedure.

1. All meetings and hearings of the JBZA shall be open to the public except when closed pursuant to the provisions of applicable State law.
2. The JBZA shall adopt its own Rules of Procedure, subject to the limitations of the Indiana Code. The adoption, amendment, or revision of such rules shall be by a majority vote of all members of the JBZA.

F. RECORD. The transcript of testimony, if any; minutes; all applications, exhibits, and papers filed in any proceeding before the JBZA; the staff report and the decision of the JBZA shall constitute the record. The record shall be maintained for public inspection in the Planning Department.

G. DECISIONS. The JBZA shall keep minutes of its proceedings and record the vote on all actions taken, which shall expressly set forth any limitations or conditions imposed. All minutes and records shall be filed in the office of the JBZA and are public records. The JBZA shall, in all cases heard by it, make written findings of fact.

H. CONFLICTS.

1. A person shall not communicate with any member of the JBZA before hearings with intent to influence the member's action on a matter pending before the JBZA. A member who feels his or her impartiality has been compromised in this manner is allowed to disqualify himself or herself from the petition hearing. The Administrator may, however, file with the JBZA a written statement setting forth any facts or opinions relating to the application no less than five (5) days before the hearing.
2. A member of the JBZA shall not participate in a hearing or decision of the JBZA concerning a zoning matter in which he or she has a direct or indirect financial interest or determines that he may not act impartially. The JBZA shall enter in its records the fact that its member has such a disqualification and the name of the alternate member, if such an alternate member participates in the hearing or decision in place of the regular member.
3. A member of the JBZA may not directly or personally represent another person in a hearing before the Board.

2.4 DUTIES OF THE DIRECTOR OF COMMUNITY DEVELOPMENT/PLANNING

A. JURISDICTION AND AUTHORITY. The Director of Community Development/Planning (Administrator) shall be charged with the administration of this Ordinance and, in particular, shall have the jurisdiction, authority, and duties described in this chapter:

1. Assistance to Commission and JBZA. To provide such technical and clerical assistance as the Commission and JBZA may require, including:
    a. Attend the meetings of each such body;
    b. Inform each such body of all facts and information at the Planning Department's disposal with respect to any matter brought before each such body;
    c. Assist each such body by performing research and making recommendations on matters brought before each such body; and
    d. Perform such other duties as may be assigned to the Administrator by this Ordinance.
2. Secondary Plat Approvals. If authorized by the Commission, to approve Secondary Plats of subdivisions pursuant to this Ordinance;
3. Ordinance Interpretation. To make written interpretations, as necessary, of permitted use and other specific provisions of this Ordinance;
4. Public Information. To provide and maintain a public information service relative to all matters of the Commission and arising out of the Ordinance, other questions of land use, and related City ordinances, plans, and policies;
5. Applications. To receive all applications for any petition, permit, or process required to be filed pursuant to this Ordinance. Upon receipt of any such application, the Administrator shall see to its processing, which may include its prompt referral to and retrieval from each official, department, board, or commission of the City or any other governmental unit or agency with any interest or duty with respect to such application.
6. Compliance. To conduct Zoning Compliance Reviews regarding any Commission or JBZA application, or any permit pertaining to the alteration, erection, construction, reconstruction, moving, division, enlargement, demolition, use or maintenance of lands, buildings or structures, and to issue or refuse to issue Certificates of Zoning Compliance;
7. Enforcement. To initiate investigations and inspections as warranted, and to take all actions necessary and appropriate to abate and redress such violations, pursuant to the provisions of Chapter 11 Enforcement, of this Ordinance.
8. Permits. To review, approve, or disapprove all Improvement Location Permits and other permits (Chapter 10 Permits and Procedures) and keep permanent records of applications made and actions taken;
9. Inspections. To conduct inspections of structures and properties to determine compliance with the requirements of this Ordinance and all approvals granted by the Commission, JBZA, Plat Committee, or other body in the execution of its duties as established by this Ordinance and the Indiana Code.
10. Applications. To receive, process, docket, and refer to the Commission and JBZA all matters upon which those bodies are authorized to act under this Ordinance and Indiana Code.

11. Technical Assistance Committee. To act as coordinator for the TAC, including receiving, processing, docketing, and referring to the TAC all appropriate applications, and convey the findings of the group to the appropriate body.
12. Analysis. To conduct research and collect and analyze, on a continuing basis, all pertinent data on the growth and development of the City and its extraterritorial jurisdiction in order to provide a foundation for the planning program.
13. Temporary Uses. To approve temporary uses requiring administrative approval.
14. Other Duties. To exercise such other powers and perform such other duties as are allowed by Indiana law.

B. RECORDS. The Administrator shall maintain permanent and current records of the Commission and JBZA:

1. Ordinance. The Administrator shall prepare and have available for examination in the Planning Department the compiled text of this Ordinance, including all amendments thereto;
2. Zoning Map. The Administrator shall prepare and have available for examination in the Planning Department, the Zoning map of this Ordinance, showing the districts, divisions and classifications, including all amendments thereto.
3. Planning Body Records. The Administrator shall collect all maps, amendments, special exception, variance, subdivision plat, development plan, and planned unit development approvals and denials, interpretations, and decisions rendered respectively by the JBZA, the Hearing Officer (if appointed), the Commission, the Plat Committee, and the Administrator, together with relevant background files and materials. The records shall be maintained for public inspection in the Planning Department.
4. GIS. The City maintains a current geographic information system (GIS). All applicants shall have the affirmative duty to inform the City Engineer in writing of any errors in the GIS maps they receive or have access to as part of the application process.

C. FEE SCHEDULE. The Administrator shall maintain a schedule of fees, as approved by the Council, for all applications, permits, and other processes outlined in this Ordinance.

1. Fee Basis. All fees shall be intended to reimburse the City for the time and cost of processing the required materials. In no instance shall a fee be used as a means of discouraging or encouraging any particular types of application.
2. Public Access. The fee schedule shall be made available to the public by the Administrator.
3. Establishment and Revisions. The fee schedule shall be prepared by the Administrator and reviewed by the Commission and adopted by the Council. The Administrator shall review the fee schedule annually and bring any necessary revisions to the consideration of the Commission and the Council.
4. Payment Required. Until all applicable fees have been paid in full, no action shall be taken on any application or petition.
5. Fines for Failing to Obtain a Permit. The Administrator may require any person who initiates construction of a structure or the alteration of land prior to obtaining any required permit to pay fines in accordance with the schedule in Chapter 11 Enforcement of this Ordinance. In addition to any enforcement cost, attorney's fees for such activity may be included in addition to the established fine/penalty.

D. CALENDAR. The Administrator shall prepare and maintain an annual calendar of meeting and filing dates for the TAC, Plat Committee, Commission, and JBZA. The existence of this calendar shall not be interpreted as prohibiting special meetings of the Committees, the Commission, or Board.

1. Coordination of Calendars. The calendars of the TAC, Plat Committee, and Commission shall be coordinated to ensure the efficient processing of applications.
2. Conformance with Indiana Code. All meeting and filing dates shall be based on the requirements of this Ordinance and the laws of the State of Indiana.
3. Approval of Calendars. The calendar of meeting and filing dates shall be prepared by the Administrator for the Commission and JBZA, and approved by the corresponding body. The Commission shall also be responsible for approving a coordinated calendar for the TAC and the Plat Committee.

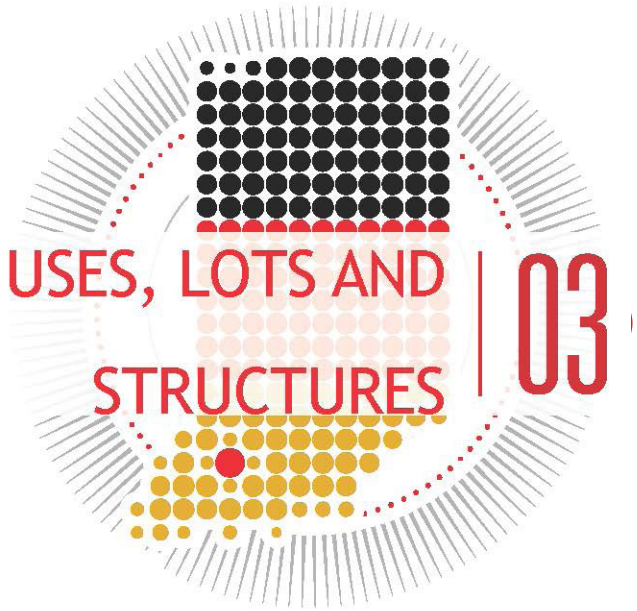
E. DELEGATION OF AUTHORITY. The Director of Community Development/Planning may delegate authority granted to the Administrator under this Section to any person employed by the Planning Department, or with the consent of the Mayor, to any other person employed by an executive department of the City. (Ord. 2017-24, S2, Oct. 18, 2017)

2.5 ADOPTION BY REFERENCE OF RULES AND PROCEDURES

A. RULES AND PROCEDURES. The Jasper Plan Commission Rules and Procedures dated December 7, 2005, as amended, is incorporated by reference into this Ordinance subject to future amendment by the Commission. In the event the provisions of this Ordinance conflict with the Rules of Procedure, then the Ordinance shall control.

2.6 JURISDICTION (CORPORATE AND EXTRA-TERRITORIAL)

A. JURISDICTION. The jurisdiction of the Commission includes the corporate jurisdiction of the City of Jasper, in addition to an extra-territorial area extending up to two (2) miles from the municipal boundary, as described in writing or illustrated on a map filed January 14, 2002 with the Dubois County Recorder, as allowed by IC 36-7-4-205.



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3.1 GENERAL NON-CONFORMING REGULATIONS

A. INTENT. Upon adoption of this Ordinance and Zoning map, or by amendments to said documents, some previously legal lots, sites, structures, and land uses may no longer conform to the regulations herein. For this reason, Chapter 3 Nonconforming Uses, Lots, and Structures specifies the rules, policies, and regulations that apply to these lots, sites, structures, and land uses referred to as lawfully nonconforming.

B. LEGAL NONCONFORMING STATUS. Legal nonconforming status may result from the enactment of this Unified Development Ordinance (Ordinance) or a change to this Ordinance, including the Zoning map. The structure, site, lot, sign, or use has not changed but due to this Ordinance enactment or change, the property no longer conforms to the standards of the district in which it is located. A legal nonconforming lot, site, structure, signs and use may continue in the manner and to the extent that it existed or was used at the time the change in this Ordinance was enacted provided that it does not, subsequent to the adoption of this Ordinance, become more nonconforming. A change in ownership shall not affect the legal nonconforming status of the property.

C. ILLEGAL STATUS. A structure, lot, site, sign, or use that does not conform to this Ordinance, and that was established or constructed without an approved Improvement Location Permit or approval from the JBZA or Commission, is considered illegal. Said lot, site, sign, or use shall be subject to actions and penalties allowed by this Ordinance (Chapter 11 Enforcement) and all other applicable city Ordinances, and shall be altered to conform with all applicable standards and regulations of this Ordinance. Illegal status existing at the time this Ordinance is enacted shall not be validated by virtue of its enactment.

D. HONORING PREVIOUS PERMITS. Nothing herein contained shall require any change in the plans for the construction or designated use of a building, structure, lot, site, or sign for which a Improvement Location Permit has been issued, and the actual construction begun within ninety (90) days of the date of such permit, and which entire building, structure, lot, site, or sign shall be completed within three (3) years according to such plans filed or on file before the effective date of this Ordinance. Actual construction is hereby defined as work done which is beyond the preparation stage and into that stage where the changes or additions are made permanent.

E. NONCONFORMITY BY PUBLIC ACQUISITION. Any property, lot, or structure which is rendered nonconforming by the action of a governmental agency in opening, closing, widening, paving, or improvement of any street, shall absent any other reason for nonconformity, be exempt from the nonconformance provisions of this Subsection.

3.2 NONCONFORMING USES

A. CERTIFICATE OF NONCONFORMING USE. In order to protect the legal nonconforming status of a nonconforming use, a person who owns or operates a nonconforming use may request a Certificate of Nonconforming Use from the Administrator on a form available in the Planning Department. The applicant shall demonstrate that the use is a legal nonconforming use prior to the issuance of the certificate.

B. CHANGES TO NONCONFORMING USE IN REGULATED FLOODPLAINS. Any use located in a regulated floodplain shall be governed by the general regulations of Chapter 3 Nonconforming Uses, Lots, and Structures to the extent that nonconformance is related

to requirements other than those governing regulated floodplains. See Title 17 Flood District(s) and Flood Damage Prevention.

C. CHANGES IN USE RESTRICTED.

1. Expansion Prohibited. A legal nonconforming use shall not be intensified, expanded, enlarged, extended or relocated to another portion of the lot or another part of the structure, nor may any structure containing or associated with such use be expanded, enlarged, extended, relocated, or altered without permission granted by the JBZA.
2. Change to Conforming Use. A legal nonconforming use may be changed to any conforming use, subject to compliance with all development standards and other requirements of this Ordinance, but shall not be changed to another nonconforming use.
3. New Buildings or Structures. No building or structure shall be constructed in connection with an existing legal nonconforming use without permission granted by the JBZA.

D. ABANDONMENT. A legal nonconforming use shall be deemed abandoned when the nonconforming use has been replaced by a conforming use or when the nonconforming use has ceased and has not been resumed for a continuous period of six (6) months, or when the furnishings have been removed and not replaced for a continuous period of six (6) months.

3.3 NONCONFORMING STRUCTURES

A. ENFORCEMENT AFFECT OF OTHER ORDINANCES. The legal nonconforming status shall not affect the uniform enforcement of all other Ordinances designed for the protection of the health, welfare, and safety of the citizens of the City and its planning jurisdiction. No permits shall be issued for other work or to expand the floor area or add residential units to said legal nonconforming uses.

B. STRUCTURE DAMAGED OR DESTROYED. Any legal nonconforming structure which, by fire, flood, explosion, earthquake, war, riot, or act of God or man, is damaged to an extent of more than fifty percent (50%) of its replacement value above the foundations, shall not be reconstructed and used as before such calamity; but if less than fifty percent (50%) of its replacement value is damaged, it may be reconstructed or used provided that an Improvement Location Permit is obtained and such reconstruction or use be accomplished within twelve (12) months of such calamity.

C. STRUCTURAL ALTERATION OR ENLARGEMENT. A nonconforming structure shall not be enlarged, increased, or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance or a later amendment. No increase in the degree of nonconformity with any development standard is permitted except as expressly provided herein.

D. REPAIRS AND MAINTENANCE.

1. Ordinary Repairs And Maintenance. On any nonconforming structure or portion of a structure, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing, to an extent not exceeding ten percent (10%) of the gross floor area (cumulative).

2. Buildings May Be Made Safe. Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building, either conforming or nonconforming, declared unsafe by proper authority.

E. COMPLIANCE. A legally nonconforming structure may continue in its existing condition unless and until full or limited compliance with the development standards of this Ordinance is required as set forth in the following provisions.

1. Limited Compliance, Non-Single-Family Uses. A legal nonconforming structure, where any use is non-single-family, shall be brought into compliance with current development standards to the extent required by this Subsection whenever the following occurs with the structure: any change in use, including expansion, enlargement, or relocation of any use; reestablishment of a prior conforming use that has been discontinued for a period of six (6) months or longer; or addition to any building of more than twenty percent (20%) of the gross floor area, cumulative.

   a. Structure Setback/Height: Existing structures shall not be subject to current setback or height standards and shall remain legal nonconforming uses unless completely demolished and replaced, in which case this Subsection shall apply.

   b. Parking Setback/Impervious Surface Coverage: If a site can be brought closer to compliance with required setbacks or impervious surface coverage standards through the removal of excess parking above the maximum number of permitted spaces, then such setbacks or impervious surface coverage standards shall be met with the removal of paved and gravel covered areas and the addition of vegetation. If all setbacks cannot be achieved through the removal of such paved and gravel covered areas, priority shall be given to the front setback.

   c. Parking: Any change in use or reestablishment of an abandoned conforming use must meet parking requirements of Section 7.5 Parking Standards. Any expansion, enlargement, or relocation of an existing conforming use, or addition to any building of more than twenty percent (20%) of the gross floor area cumulative may not increase the degree of nonconformity regarding the required number of parking spaces.

   d. Paving: Any substandard parking surfaces shall be brought into compliance with Section 7.5 Parking Standards.

   e. Striping: All parking areas must be striped in accordance with Section 7.5 Parking Standards.

   f. Handicap Parking: All required handicap parking spaces must be installed in accordance with Section 7.5 Parking Standards. If no additional room for parking is available, the number of parking spaces provided may be decreased enough to provide adequate handicap accessible aisles.

   g. Bike Parking: All recommended bicycle parking must be installed per Section 7.5 Parking Standards.

   h. Landscaping: If full compliance with Section 7.8 Landscaping Standards cannot be achieved due to lack of adequate planting area, all yard areas must be landscaped to the maximum practicable density with a priority given to shade tree installation.

   i. Outdoor Storage: All outdoor storage facilities must be brought into compliance with Subsection 7.8(K)(3) Landscaped Buffer and Screen Requirements.

j. Pedestrian Facilities: Any street frontage without existing pedestrian facilities shall be required to install pedestrian facilities per Section 9.11 Pedestrian Network Standards. If substandard pedestrian facilities exist, new facilities shall not be required if existing facilities are in functional condition.

k. Handicap Ramps: Any existing sidewalks that do not have adequate handicap ramps shall install required ramps per the City of Jasper Design Standards and Specifications Manual.

l. Dumpster Enclosures: All outdoor waste collection facilities must be brought into compliance with Subsection 7.8(K)(2) Landscape Buffer and Screen Requirements.

m. Lighting: All lighting shall be brought into compliance with Section 7.15 Exterior Lighting Standards.

2. Minor Additions to Non-Single-Family Uses. In all cases, a legal nonconforming site or structure shall be brought into compliance with current development standards to the extend required by this Subsection.

a. Impervious Surface Coverage: Such additions or accessory structures may not increase the degree of nonconformity regarding the required maximum impervious surface coverage.

b. Parking: Such additions or accessory structures may not increase the degree of nonconformity regarding the required number of parking spaces.

3. Limited Compliance, Single-family Uses. A legal nonconforming structure for a single-family use is not required to be brought into compliance with current development standards at such time as an addition or modification occurs, except that the addition or modification may not increase the degree of nonconformity regarding parking requirements.

F. CHANGES TO NONCONFORMING STRUCTURES IN REGULATED FLOODPLAINS. Any structure located in a regulated floodplain shall be governed by the general regulations of this Chapter to the extent that nonconformance is related to requirements other than those governing regulated floodplains. See Title 17 Flood District(s) and Flood Damage Prevention.

G. REPLACEMENT IN A FLOODPLAIN. A legal nonconforming structure or any structure which contains a legal nonconforming use which has been partly or completely destroyed or removed by accidental cause, including Acts of God, may be replaced, provided the elevation of the lowest floor, including the basement floor, must be at least two (2) feet above the regulatory flood elevation; all necessary permits must be obtained from the Department of Natural Resources and all other applicable requirements of State law are met; and that application for a Improvement Location Permit must be made within six (6) months of the date of destruction or removal.

3.4 NONCONFORMING LOTS AND SITES

A. COMPLIANCE. A legally nonconforming lot or site may continue in its existing condition unless and until full or limited compliance with the development standards of this Ordinance is required as set forth in the following provisions.

1. Nonconforming Lots of Record. All lots legally established and recorded prior to the effective date of the Ordinance or its subsequent amendments that do not

meet the lot area and lot width standards of this Ordinance shall be deemed a substandard lot, otherwise known as a legal nonconforming lot of record. A legal nonconforming lot of record may be used and developed or redeveloped without compliance with the lot area and lot width standards of this Ordinance as long as all use restrictions and development standards of this Ordinance are met.

2. Full Compliance for Sites. A legal nonconforming site shall be brought into full compliance with all applicable Chapters of this Ordinance with any application for new building construction or in connection with demolition of existing and construction of new buildings or structures.

3. Limited Compliance, Non-Single-family Uses. A legal nonconforming site, where any use is non-single-family, shall be brought into compliance with current development standards to the extent required by this section whenever the following occurs upon the site: any change in use, including expansion, enlargement, or relocation of any use; reestablishment of a prior conforming use that has been discontinued for a period of twelve (12) months or longer; or addition to any building of more than twenty percent (20%) of the gross floor area, cumulative.

   a. Parking Setback/Impervious Surface Coverage: If a site can be brought closer to compliance with required setbacks or impervious surface coverage standards through the removal of excess parking above the maximum number of permitted spaces, then such setbacks or impervious surface coverage standards shall be met with the removal of paved and gravel covered areas and the addition of vegetation. If all setbacks cannot be achieved through the removal of such paved and gravel covered areas, priority shall be given to the front setback.

   b. Parking: Any change in use or reestablishment of an abandoned conforming use must meet parking requirements of Section 7.5 Parking Standards. Any expansion, enlargement, or relocation of an existing conforming use, or addition to any building of more than twenty percent (20%) of the gross floor area cumulative may not increase the degree of nonconformity regarding the required number of parking spaces.

   c. Paving: Any substandard parking surfaces shall be brought into compliance with Section 7.5 Parking Standards.

   d. Striping: All parking areas must be striped in accordance with Section 7.5 Parking Standards.

   e. Handicap Parking: All required handicap parking spaces must be installed in accordance with Section 7.5 Parking Standards. If no additional room for parking is available, the number of parking spaces provided may be decreased enough to provide adequate handicap accessible aisles.

   f. Bike Parking: All recommended bicycle parking must be installed per Section 7.5 Parking Standards.

   g. Landscaping: If full compliance with Section 7.8 Landscaping Standards cannot be achieved due to lack of adequate planting area, all yard areas must be landscaped to the maximum practicable density with a priority given to shade tree installation.

   h. Pedestrian Facilities: Any street frontage without existing pedestrian facilities shall be required to install pedestrian facilities per Section 9.10 Pedestrian Network Standards. If substandard pedestrian facilities exist, new facilities

shall not be required if existing facilities are in functional condition.

i. Handicap Ramps: Any existing sidewalks that do not have adequate handicap ramps shall install required ramps per the "City of Jasper Design Standards and Specifications Manual."

j. Dumpster Enclosures: All outdoor waste collection facilities must be brought into compliance with Subsection 7.8(K)(2) Landscaped Buffer and Screen Requirements.

k. Outdoor Storage: All outdoor storage facilities must be brought into compliance with Subsection 7.8(K)(3) Landscaped Buffer and Screen Requirements.

l. Lighting: All lighting shall be brought into compliance with Section 7.15 Exterior Lighting Standards.

B. MINOR ADDITIONS TO NON-SINGLE-FAMILY USES. In all cases, a legal nonconforming site or structure shall be brought into compliance with current development standards to the extent required by this Subsection.

1. Impervious Surface Coverage. Such additions or accessory structures may not increase the degree of nonconformity regarding the required maximum impervious surface coverage.

2. Parking. Such additions or accessory structures may not increase the degree of nonconformity regarding the required number of parking spaces.

C. LIMITED COMPLIANCE, SINGLE-FAMILY USES. A legal nonconforming site for a single-family use is not required to be brought into compliance with current development standards at such time as an addition or modification occurs, except that the addition or modification may not increase the degree of nonconformity regarding parking requirements.

3.5 NONCONFORMING SIGNS

A. LEGAL NONCONFORMING SIGNS. All signage shall comply with City of Jasper Ordinance 2012-35, S16.035, adopted December 19, 2012. to the extent practicable, although freestanding signs may utilize existing setbacks where the sign is not located within a restricted vision clearance area.

1. No Increase in Height or Area. Notwithstanding any other provision of Chapter 3: Nonconforming Uses, Lots, and Structures or any other provision of this Ordinance, a legal nonconforming sign may not be altered, relocated or expanded, which includes any increase in height or area, except as expressly provided in this Section.

2. Maintenance. Ordinary maintenance is permitted, and shall include replacement of supports with different materials or design from the previous supports, but shall not include any increase in the dimensions or numbers of supports.

3. Relocation. A legal nonconforming sign may be relocated only where the sign cannot be left in its existing location as a result of right-of-way acquisition and/or construction, widening, or other improvement to any public sidewalk, path, trail, street, road, alley, or other public way or facility, by local or state government. For purposes of this Section, a sign cannot be left in its existing location where it would be within the new public right-of-way; or would physically obstruct the public improvements; or, where its location would pose a safety hazard, which shall include but not be limited to being within a redefined visibility triangle.

a. Existing Conforming Signs: In the case of a legally established sign that would become a legal nonconformity due to its setback from the new right-of-way line or its position within a redefined sight visibility triangle by virtue of the right-of-way acquisition by any government entity, the sign shall be required to be relocated to a position that would bring it into compliance with the regulations of Section 7.2 Sight Visibility Triangle. The property owner or lessee shall be responsible for accomplishing the relocation.

b. Existing Legal Nonconforming Signs: In the case of a legal nonconforming sign for which the nonconformity is increased due to its setback from the new right-of-way line or its position within a redefined sight visibility triangle by virtue of right-of-way acquisition by any government entity, the sign shall be required to be relocated to a position that would bring it into compliance with the regulations of City of Jasper Ordinance 2012-35, S16.035, adopted December 19, 2012, and Section 7.2 Sight Visibility Triangle. The cost of such relocation should be factored into the price paid for the additional right-of-way during the condemnation proceedings, and the property owner or lessee shall be responsible for accomplishing the relocation within ninety (90) days of receiving payment for the right-of-way.

c. Existing Illegal Signs: In the case of illegal signs that may be discovered during right-of-way acquisition by any government entity the sign shall be removed immediately at the cost of the property owner or lessee.

4. Compliance. A sign that is relocated hereunder shall be brought into compliance with all development standards in its new location to the extent practicable, as determined by the Administrator.

B. SIGN REMOVAL UPON CLOSING OF BUSINESS. A nonconforming sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business it advertises is no longer conducted on the premises. If the owner or lessee fails to remove the sign, the Administrator shall give the owner thirty (30) days written notice to remove it. Upon failure to comply with this notice, the Administrator may remove the sign at cost to the property owner or lessee.

C. SUBSTITUTION CLAUSE. The owner of any sign that otherwise complies with all City ordinances may substitute non-commercial copy in lieu of any other commercial or non-commercial copy. This substitution of copy may be made without the issuance of any additional permit. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or the favoring of any particulate non-commercial message over any other non-commercial message. This Subsection prevails over any more specific ordinance to the contrary.



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4.1 ESTABLISHMENT OF DISTRICTS

A. ESTABLISHMENT OF DISTRICTS. For zoning purposes, the territory within the planning and zoning jurisdiction of the City is hereby divided into the following classes of districts, which either exist or are being established within this jurisdiction. Each of the districts stands alone and is not part of a hierarchy-system of zoning. Only those uses and standards that are expressly indicated and noted for each district apply to that district. These districts, including Planned Unit Development, are graphically represented on the Official Zoning Map, which is hereby declared to be a part of this chapter.

B. BASE DISTRICTS INCLUDE:

1. A1 - Agricultural General
2. A2 - Agricultural Intensive
3. RR - Rural Residential
4. R1 - Low Density Residential
5. R2 - Single Family Residential
6. R3 - Medium Density Residential
7. R4 - Higher Density Residential
8. MH - Manufactured Home Park
9. B1 - Neighborhood Business
10. B2 - Central Business
11. B3 - General Business
12. I1 - Light Industrial
13. I2 - Heavy Industrial
14. CP - Conservation Park

C. PLANNED UNIT DEVELOPMENT (PUD) DISTRICT ESTABLISHED. The PUD District is hereby established. This Ordinance allows for any real property to be rezoned for the creation of a PUD. All PUDs shall be consistent with the requirements of Chapter 5 Planned Unit Development.

D. OVERLAY DISTRICTS ESTABLISHED. The following overlay districts are being established in order to provide additional enhancements to prominent corridors or areas of unique character. The overlay districts are detailed in Chapter 6 Overlay Districts and include:

1. US 231 Thoroughfare Overlay District
2. Mixed-Use Overlay District
3. Medical Related Office Overlay District

E. SUBDIVISION OF LAND. The subdivision of land in every district shall be consistent with the provisions and requirements of Chapter 9 Subdivisions of this Ordinance.

4.2 AGRICULTURAL GENERAL (A1)

The "A1", (Agriculture General) district is intended to provide locations for agricultural operations and related land uses. This district is further intended to reduce conflicts between residential and agricultural uses, preserve the viability of agricultural operations, and limit development in areas with minimal infrastructure. This district should be used to protect agricultural operations from land uses that are incompatible with the available infrastructure.

A. A1 Permitted Uses

Agriculture
crop processing & storage (materials produced on-site)
crop production
greenhouse (commercial)
agricultural product sales, distribution, & storage facility
animal boarding/stables - minimum 3-acre tract
farm (general)
farm co-op. facility
farm equipment sales and service
farmer's market (permanent)
floriculture
grazing, pasture land
nursery, wholesale
raising and breeding of non-farm fowl and animals, commercially
viticulture (vineyard)
community garden

Residential
dwelling single-family (including manufactured homes)
dwelling, accessory
residential facility for individuals with developmental disabilities (RFIDD)
residential facility for the mentally ill

Entertainment Services
swimming pool (private)

Park, Recreation, Natural Areas
nature preserve / center
park or recreational facility (playgrounds and athletic facilities)
riding stable (commercial) - minimum 3-acre tract

Retail/Wholesale Sales
roadside sales stand

Institutional/Public Uses
animal shelter
cemetery
religious institution
community center
fire station or police station
kindergarten or day nursery
library
school (any combination of k -12), public and private

Food Sales & Service
microbrewery/brewpub/winery

Personal Services
auto detailing
animal boarding/kennel (small or medium)

B. A1 Special Exception Uses

Agriculture
livestock auction/sales facility
seed sales, distribution and storage
fertilizer sales, distribution and storage

Residential
bed & breakfast facility
boarding house
child day care (home)
home occupation

Transportation Services
airstrip (private)
airport
heliport

Park, Recreation, Natural Areas
artificial lake of three or more acres
campground / RV park
country club / golf course / driving range

Institutional/Public Uses
government facility (non-office)
penal or correctional institution

Entertainment Services
recreational development (private)
seasonal fishing or hunting lodge
swimming pool (public)
shooting/archery (outdoor)
shooting/archery (indoor)

Personal Services
child care / day-care center
animal boarding/kennel (large)

Communication/Utlities
Solar Farm

Note 1. This district will be the default zoning classification for initial zoning during annexation for applications without a development proposal.

C. A1 District Standards

Minimum Lot Area (square feet per unit)	66,000 s.f.
Minimum Lot Width (measured at lot line)	180 feet
Minimum Lot Frontage (measured at lot line)	180 feet
Minimum Front Setback (measured from right-of-way)	
• Principal Arterial and Minor Arterial	50 feet
• Major Collector, Minor Collector and Local Road/Rural Road	40 feet
Minimum Side Setback	50 feet
Minimum Rear Setback	50 feet
Minimum Accessory Structure Setback	15 feet
Maximum Height	
• Principal Structure	40 feet
• Accessory Structure	40 feet
• All structures that are used in agricultural product storage and/or processing may exceed the permitted height standards for that district and be erected to any height that is necessary for their operation.	
Maximum Lot Coverage (for all impervious surfaces)	25%
Minimum Total Living Area per unit	1,000 s.f.

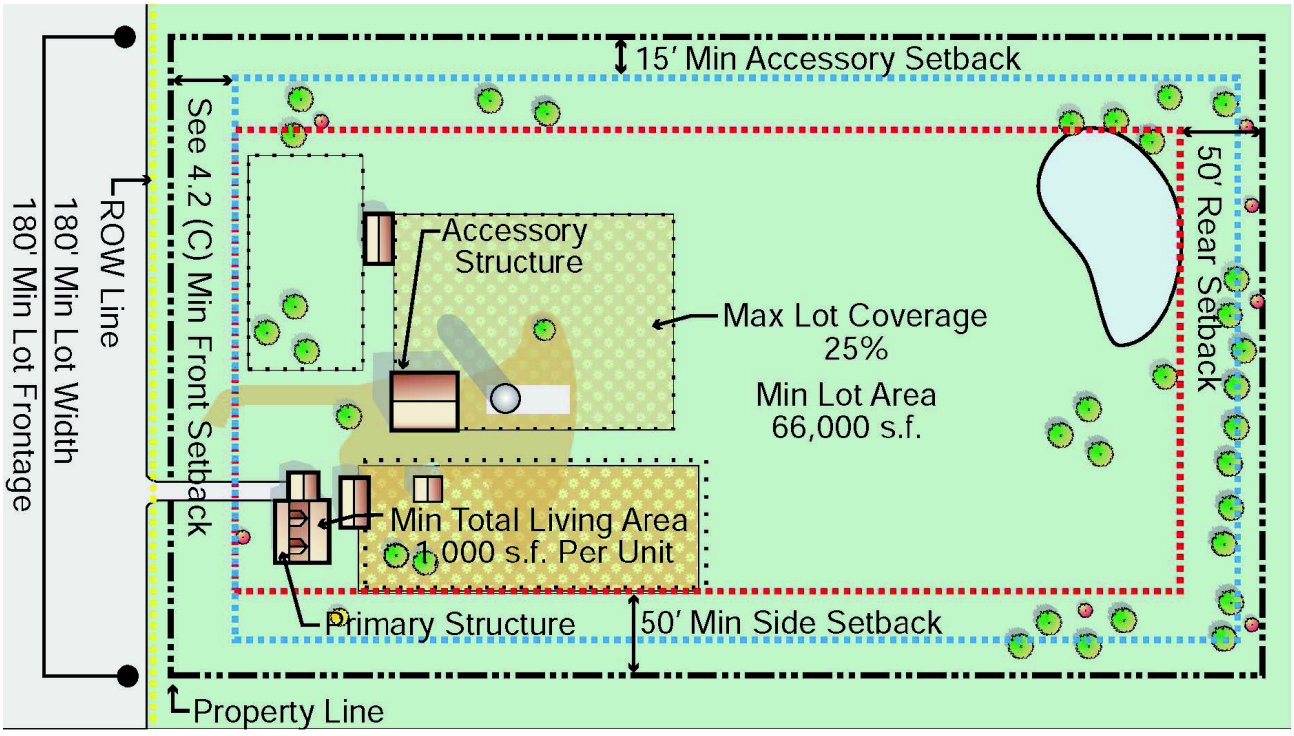
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See Also:

Table 4.3 Lot Standards Matrix, page 78.



4.3 AGRICULTURAL INTENSIVE (A2)



The "A2", (Agricultural Intensive) district is intended to provide locations for intensive agricultural operations and related land uses. The intent of this district is to provide orderly and responsible growth of large scale agricultural operations (including confined animal feeding operations).

A. A2 Permitted Uses

Agriculture
intensive agriculture
confined animal feeding operation
crop production
farm (general)
grazing, pasture land

Personal Services
auto detailing

B. A2 Special Exception Uses

Agriculture
crop processing & storage
(materials produced on site)
animal processing and
packaging facility (slaughterhouse/abattoir)

C. A2 District Standards

See Also:

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Minimum Lot Area (acreage does not need to be contiguous)

- Slaughter, or feeder cattle, dairy cows, swine, horses, sheep, lambs, goats, and other similar animals — 50 acres
- Turkeys or other similar animals — 40 acres

Minimum Lot Width (measured at lot line) — 660 feet

Minimum Setbacks for Dwellings

- From an existing dwelling in an A1 district — 300 feet
- From an existing dwelling in an adjacent district — 600 feet

Minimum Front Setback (measured from right-of-way)

- All Thoroughfares — 50 feet

Minimum Side Setback — 100 feet

Minimum Rear Setback — 100 feet

See Also:

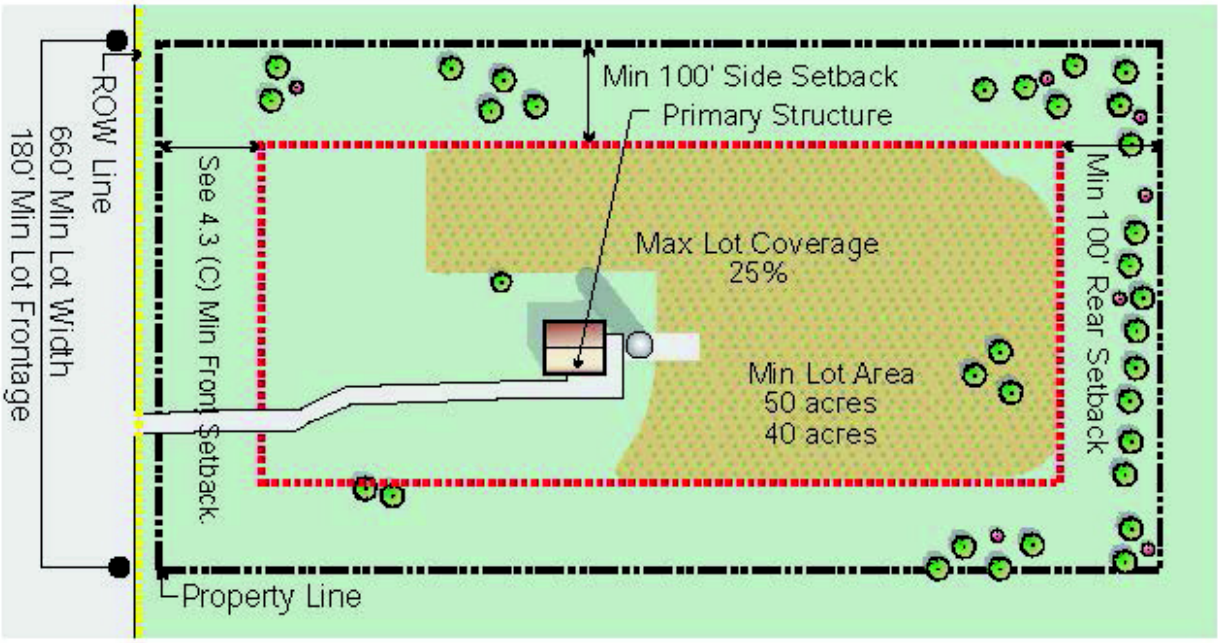
Table 4.3: Lot Standards Matrix, page 78.

All intensive agricultural operations shall be set back at least 1000 feet from residential subdivisions, schools (any combination of K -12), public and private, restaurants,religious institution, public, or private wells and/or water intakes, nature preserve / center, park, or recreational facility (playgrounds and athletic facilities.

Maximum Height

- Principal Structure — 40 feet
- Accessory Structure — 40 feet
- All structures that are used in agricultural product storage and/or processing may exceed the permitted height standards for that district and be erected to any height that is necessary for their operation.

Maximum Lot Coverage (for all impervious surfaces) — 25%



4.4 RURAL RESIDENTIAL (RR)

The "RR", (Rural Residential) district is intended to provide areas for a mixture of agricultural and residential land uses. This mixture is intended to promote and maintain agricultural operations, while also allowing increased development in areas adjacent to developed infrastructure. This district should be used to provide unique rural housing options.

A. RR Permitted Uses

Agriculture
community garden
crop production
grazing, pasture land

Residential
dwelling single-family (including manufactured homes)
dwelling, accessory
residential facility for individuals with developmental disabilities (RFIDD)
residential facility for the mentally ill

Entertainment Services
swimming pool (private)

Park, Recreation, Natural Areas
nature preserve / center
park or recreational facility (playgrounds and athletic facilities)
retreat center
riding stable (commercial) - minimum 3-acre tract
amenity area

Institutional/Public Uses
cemetery
religious institution
community center
fire station or police station
kindergarten or day nursery
school (any combination of k -12), public and private
library

B. RR Special Exception Uses

Agriculture
farm (general)
viticulture (vineyard)
nursery, wholesale
farm co-op. facility
farmer's market (permanent)
floriculture

Residential
bed & breakfast facility
boarding house
child day care (home)
home occupation
transitional housing

Park, Recreation, Natural Areas
artificial lake of three or more acres
country club / golf course / driving range

Institutional/Public Uses
animal shelter
government facility (non-office)

Entertainment Services
recreational development (private)
swimming pool (public)
shooting/archery range (outdoor)

Retail / Wholesale Sales
roadside sales stand

Food Sales & Service
microbrewery/brewpub/winery

Personal Service
animal boarding/kennel **(small or medium)**
auto detailing

C. RR District Standards

Minimum Lot Area (square feet per unit)	
• With septic system	66,000 s.f.
• With Jasper municipal sewer or approved self-contained system	23,000 s.f.
Minimum Lot Width (measured at setback line)	115 feet
Minimum Front Setback (measured from right-of-way)	
• Principal Arterial and Minor Arterial	50 feet
• Major Collector	40 feet
• Minor Collector and Local Road/Rural Road	35 feet
Minimum Side Setback	15 feet
Minimum Rear Setback	
• Principal Structure	25 feet
• Accessory Structure	15 feet
Maximum Height	
• Principal Residential Structure	40 feet
• Accessory Structure	22 feet
Maximum Lot Coverage (Structures and Buildings)	35%
Minimum Total Living Area per unit	1,200 s.f.
Minimum Ground Floor Living Area per unit	1,200 s.f.
Minimum Separation from Agricultural Uses	50 feet

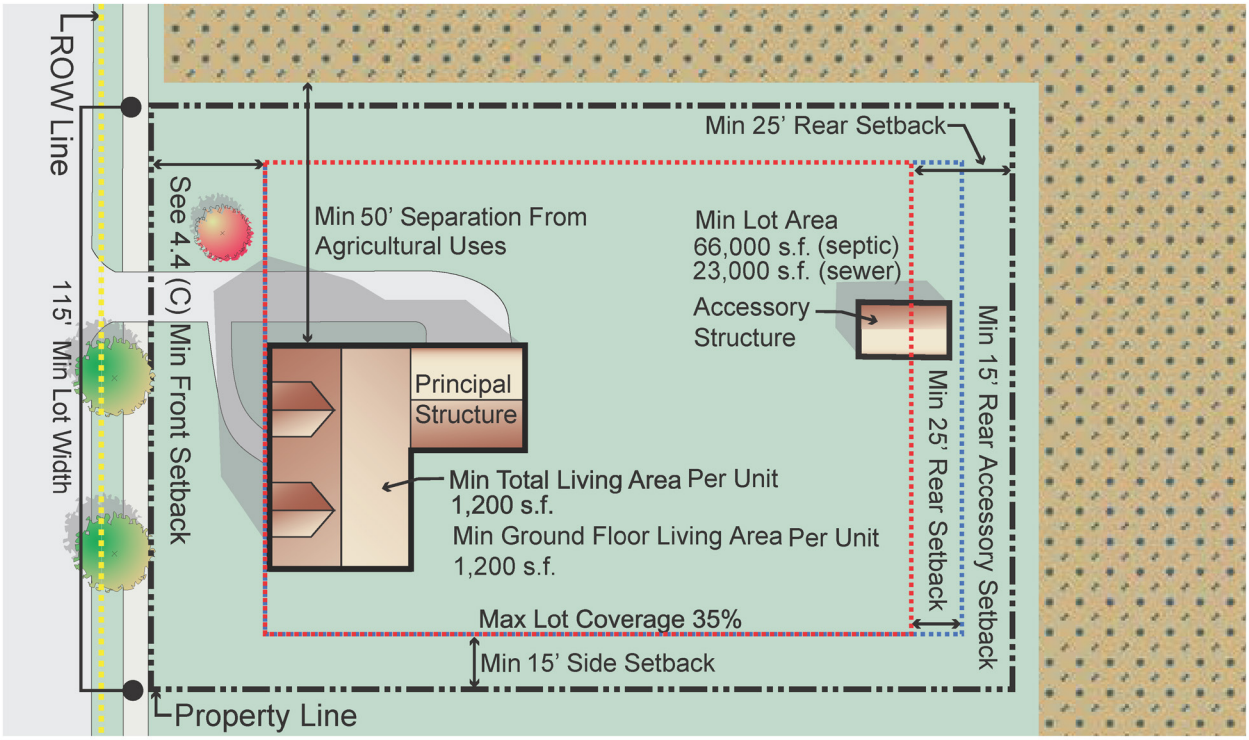
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See Also:

Table 4.3 Lot Standards Matrix, page 78.



4.5 LOW DENSITY RESIDENTIAL (R1)

The R1 (Low Density Residential) district is intended to provide areas for low density, single-family residential land uses developed in suburban-style subdivisions and as a transition between rural areas and higher density residential development. Development in this district should be located adjacent to existing developed areas, and be connected to municipal or community infrastructure and services.

A. R1 Permitted Uses

Agriculture
community garden

Residential
dwelling, single-family (including manufactured homes)
dwelling, accessory
residential facility for individuals with developmental disabilities (RFIDD)
residential facility for the mentally ill

Entertainment Services
swimming pool (private)

Park, Recreation, Natural Areas
amenity park

B. R1 Special Exception Uses

Agriculture
floriculture
grazing, pasture land
viticulture (vineyard)

Residential
bed & breakfast facility
boarding house
child day care (home)
home occupation
transitional housing

Park, Recreation, Natural Areas
artificial lake of 3 or more acres
country club / golf course / driving range
nature preserve / center
park or recreational facility (playgrounds and athletic facilities)

Institutional/Public Uses
cemetery
religious institution
community center
fire station or police station
kindergarten or day nursery
library
school (any combination of k -12), public and private

Personal Services
child care / day-care center
animal boarding/kennel **(small or medium)**
auto detailing

Retail/Wholesale Sales
roadside sales stand

C. R1 District Standards

Minimum Lot Area (square feet per unit)	15,000 s.f.
Minimum Lot Width (measured at setback)	100 feet
Minimum Front Setback (measured from right-of-way)	
• Principal Arterial and Minor Arterial	50 feet
• Major Collector	40 feet
• Minor Collector	35 feet
• Local Road	30 feet
Minimum Side Setback	10 feet
Minimum Rear Setback	
• Principal Structure	20 feet
• Accessory Structure	15 feet
Maximum Height	
• Principal Structure	35 feet
• Accessory Structure	22 feet
Minimum Total Living Area per unit	1,200 s.f.
Minimum Ground Floor Living Area per unit	1,200 s.f.
Maximum Lot Coverage (Structures and Buildings)	35%

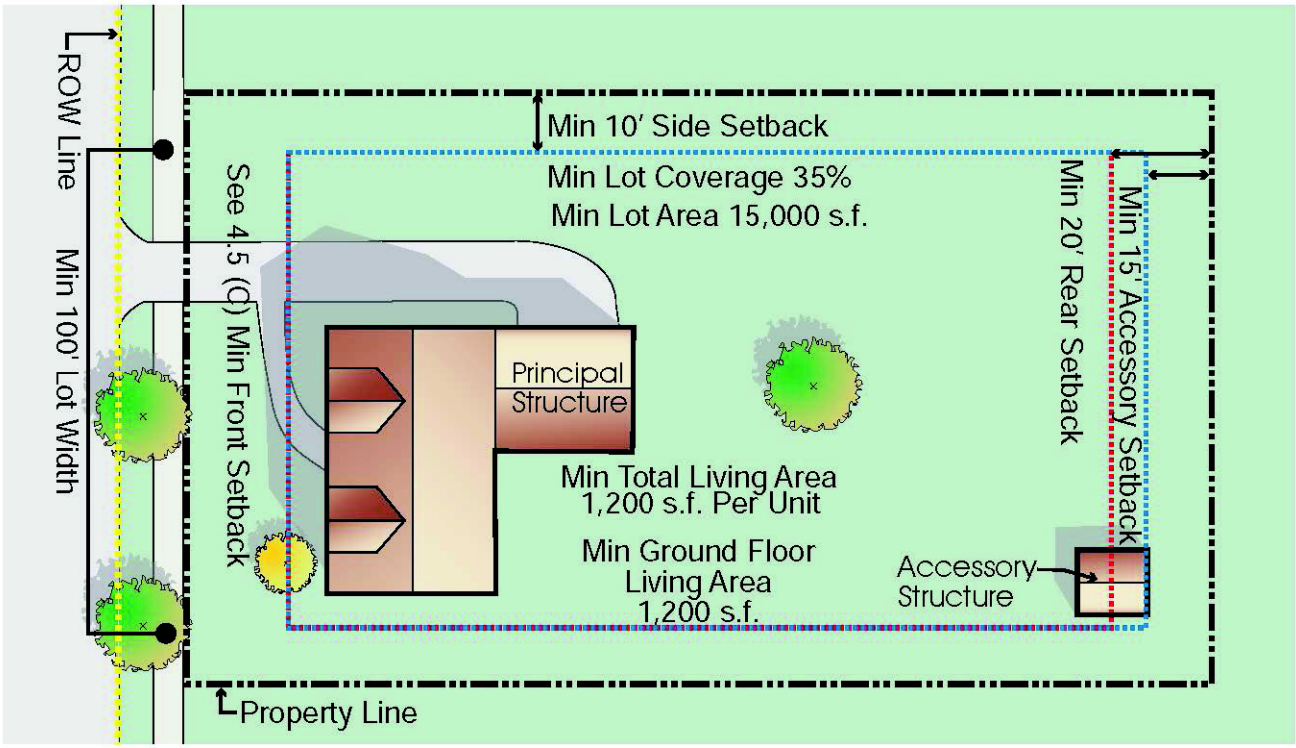
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See Also:

Table 4.3 Lot Standards Matrix, page 78.



4.6 SINGLE FAMILY RESIDENTIAL (R2)

The R2 (Single-family Residential) district is intended to provide areas for single-family residential land uses. Development in this district should be located adjacent to existing developed areas, and be connected to municipal or community infrastructure and services.

A. R2 Permitted Uses

Agriculture
community garden

Residential
dwelling, single-family (including manufactured homes)
dwelling, accessory
dwelling two-family
residential facility for individuals with developmental disabilities (RFIDD)
residential facility for the mentally ill

Entertainment Services
swimming pool (private)

Park, Recreation, Natural Areas
amenity area

B. R2 Special Exception Uses

Residential
child day care (home)
home occupation
transitional housing

Entertainment Services
recreational development (private)
swimming pool (public)

Park, Recreation, Natural Areas
artificial lake of three or more acres
country club / golf course / driving range
park or recreational facility (playgrounds and athletic facilities)

Institutional/Public Uses
religious institution
community center
fire station or police station
kindergarten or day nursery
library
school (any combination of K -12), public and private

Personal Services
child care / day-care center
amimal boarding/kennel **(small or medium)**

C. R2 District Standards

Minimum Lot Area (square feet per unit)	10,000 s.f.
Minimum Lot Width (measured at setback)	80 feet
Minimum Lot Frontage (measured at lot line)	40 feet
Minimum Front Setback (measured from right-of-way)	
• Principal Arterial and Minor Arterial	50 feet
• Major Collector	40 feet
• Minor Collector	35 feet
• Local Road	30 feet
Side Setback	7.5 feet
Minimum Rear Setback	
• Principal Structure	15 feet
• Accessory Structure	5 feet
Maximum Height	
• Principal Structure	35 feet
• Accessory Structure	22 feet
Minimum Total Living Area per unit	1,000 s.f.
Minimum Ground Floor Living Area per unit	1,000 s.f.
Maximum Lot Coverage (Structures and Buildings)	35%

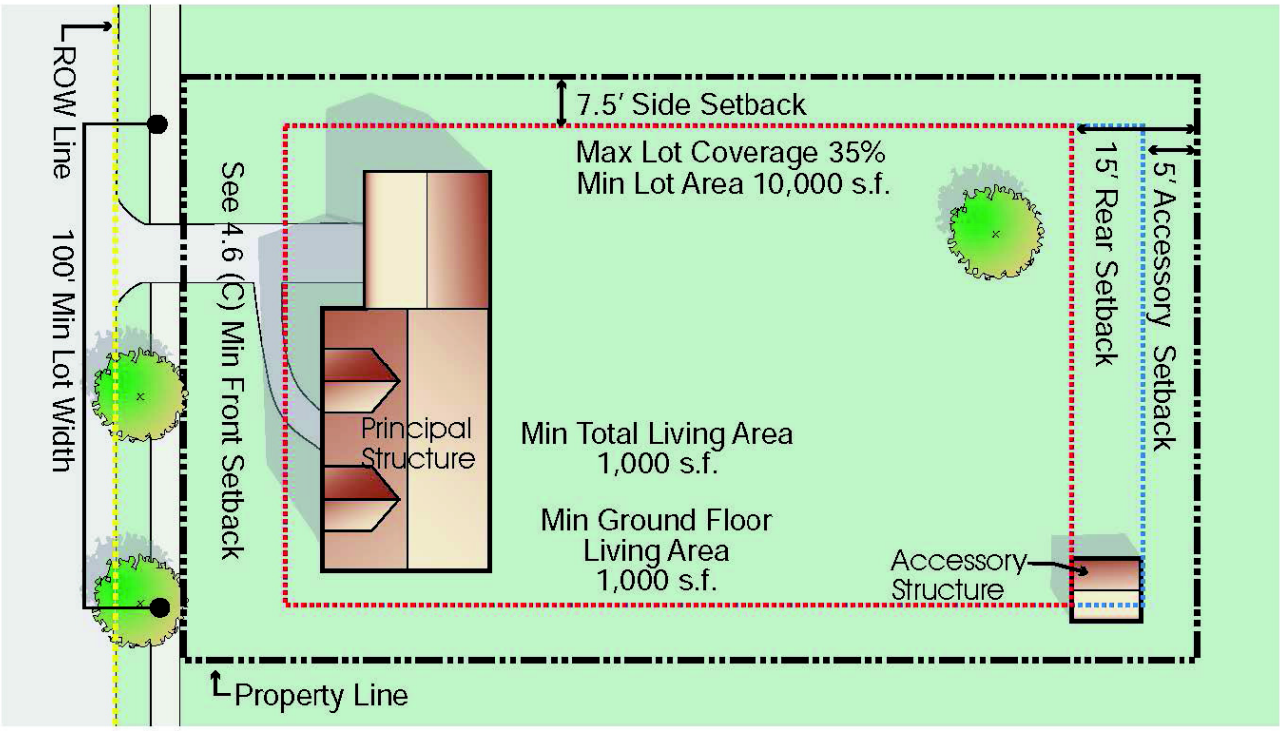
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See Also:

Table 4.3 Lot Standards Matrix, page 78.



4.7 MEDIUM DENSITY RESIDENTIAL (R3)

The R3 (Medium Density Residential) district is intended to provide for moderate density single-family and two-family residential development on smaller lots than permitted in the R1 and R2 residential districts. Residential transitioning to neighborhood-scaled, low intensity commercial uses while maintaining the residential character Development in this district shall be connected to municipal or community infrastructure and services.

A. R3 Permitted Uses

Agriculture
community garden

Residential
dwelling, single-family (including manufactured homes)
dwelling, accessory
dwelling, two-family
residential facility for individuals with developmental disabilities (RFIDD)
residential facility for the mentally ill

Entertainment Services
swimming pool (private)

Park, Recreation, Natural Areas
amenity area

Professional Services
professional medical office/clinic *

* See also **Chapter 6.3**: Medical-Related Office /Residential Overlay District) for additional permitted uses and for standards for residential to commercial conversions in the vicinity of the Jasper Memorial Hospital and Health Care Center.

B. R3 Special Exception Uses

Residential
child day care (home)
home occupation
transitional housing

Park, Recreation, Natural Areas
artificial lake of three or more acres
country club / golf course / driving range
park or recreational facility (playgrounds and athletic facilities)

Institutional/Public Uses
community center
fire station or police station
hospital
kindergarten or day nursery
library
religious instituion
school (any combination of k -12), public and private

Entertainment Services
recreational development (private)
swimming pool (public)

Personal Services
child care / day-care center
amimal boarding/kennel **(small or medium)**

Retail/Wholesale Sales
pharmacy

C. R3 District Standards

Minimum Lot Area (square feet per unit)	7,200 s.f.
Minimum Lot Width (measured at setback)	60 feet
Minimum Lot Frontage (measured at lot line)	40 feet
Minimum Front Setback (measured from right-of-way)	
• Principal Arterial	45 feet
• Minor Arterial	40 feet
• Major Collector	35 feet
• Minor Collector and Local Road	25 feet
Minimum Side Setback	7.5 feet
Minimum Rear Setback	
• Principal Structure	15 feet
• Accessory Structure	5 feet
Maximum Height (Feet)	
• Principal Structure	35 feet
• Accessory Structure	22 feet
Maximum Lot Coverage (Structures and Buildings)	35%
Minimum Total Living Area per unit	900 s.f.
Minimum Ground Floor Living Area per unit	750 s.f.

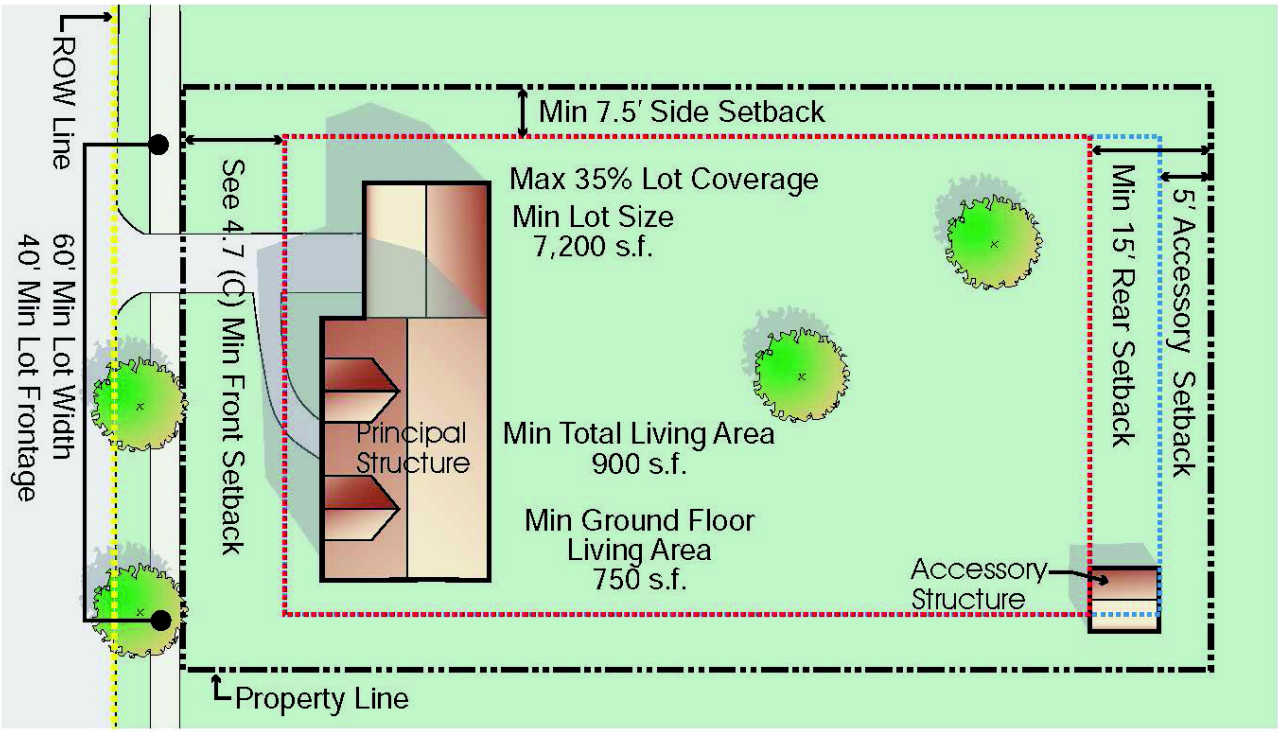
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7.18 Design Standards 158

See Also:

Table 4.3 Lot Standards Matrix, page 78.



4.8 HIGHER DENSITY RESIDENTIAL (R4)



The R4 (Higher Density Residential) district is intended to provide areas for large or small multi-family developments for a variety of housing and ownership types such as two-family dwellings, townhomes, apartment homes, and condominiums. The district may also accommodate neo-traditional subdivisions and the pattern of development that may occur in town centers where a compact urban form is desired. The development of a range of convenience retail uses, personal, and professional services required to meet the needs of the immediate neighborhood is permitted. Development in this district shall be connected to municipal or community infrastructure and services.

A. R4 Permitted Uses

Residential
dwelling, accessory
dwelling, multi-family
dwelling, multi-family (studio/micro apartment)
dwelling, two-family
assisted living facility
nursing / convalescent home
retirement facility (senior housing)
residential facility for individuals with developmental disabilities (RFIDD)
residential facility for the mentally ill

Food Sales & Service
bakery (retail)
coffee shop
delicatessen
meat market
microbrewery/brew-pub/winery
restaurant

Personal Services
barber / beauty salon
body art salon
child care / day-care center
fitness center
funeral home
health spa / tanning salon
laundry (self-service)
massage therapy (by licensed massage therapist)

Entertainment Services
swimming pool (private)

Park, Recreation, Natural Areas
amenity area

B. R4 Special Exception Uses

Agriculture
community garden

Residential
child day care (home)
dwelling, secondary (on upper floors or in rear of ground floor retail/office/industrial use)
home occupation
transitional housing

Park, Recreation, Natural Areas
artificial lake of three or more acres
country club / golf course / driving range
park or recreational facility (playgrounds and athletic facilities)

Institutional/Public Uses
religious institution
community center
fire station or police station
institution for the developmentally disabled/ mentally ill
kindergarten or day nursery
library
museum or gallery
school (any combination of k -12), public and private

Entertainment Services
recreational development (private)
swimming pool (public)

Personal Services
animal boarding/kennel **(small or medium)**

Retail/Wholesale Sales
pharmacy

C. R4 District Standards

Minimum Lot Area (square feet per unit)
- 2,500 s.f.

Minimum Lot Width (measured at setback line)	100 feet
Minimum Lot Frontage (measured at lot line)	50 feet

Minimum Front Setback (measured from right-of-way)

• Principal Arterial and Minor Arterial	50 feet
• Major Collector, Minor Collector and Local Road	40 feet

Minimum Side Setback

• Development	40 feet
• Building Separation	25 feet
• Accessory Structure	7.5 feet

Minimum Rear Setback

• Principal Structure	25 feet
• Accessory Structure	10 feet

Maximum HeightW

• Principal Structure	45 feet
• Accessory Structure	22 feet
Maximum Lot Coverage (Structures and Buildings)	50%

See Also:

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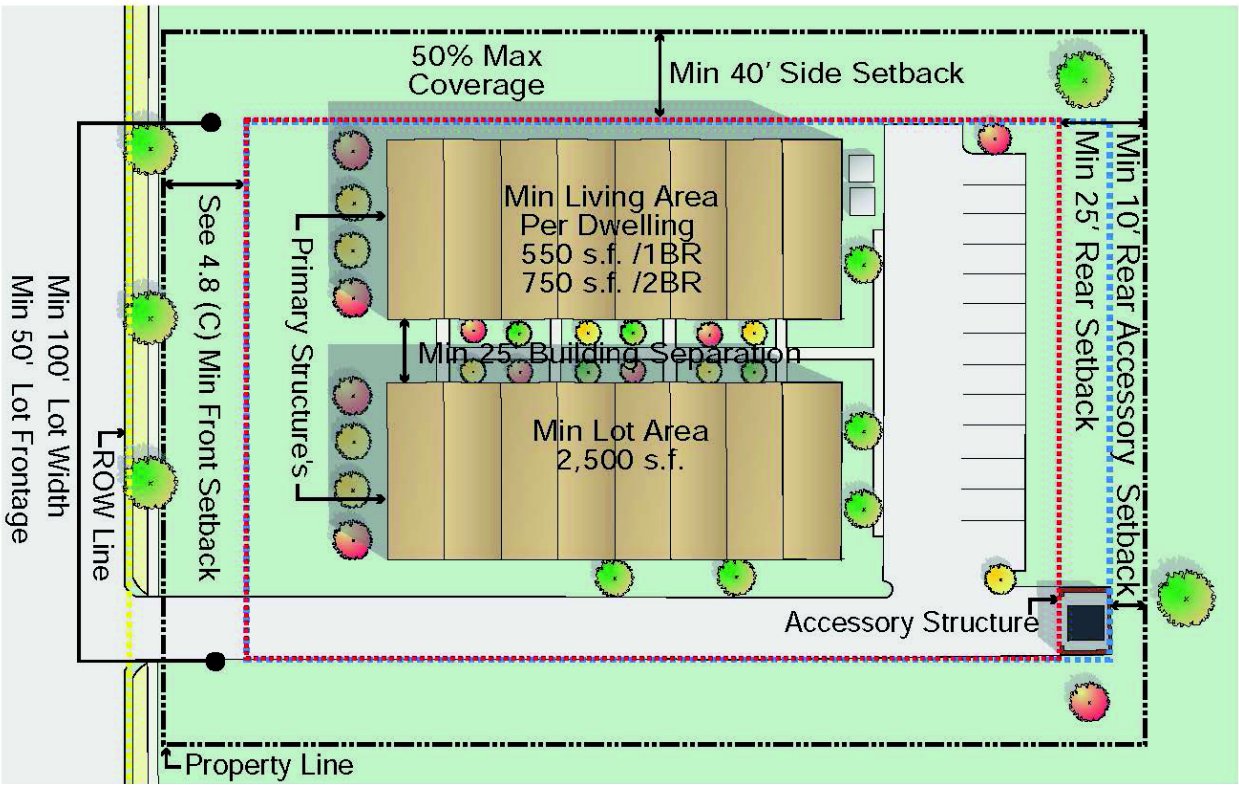
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7.10 Accessory Use & Structures..... 142
7.12 Home Occupation 145
7.14 Fence and Wall..... 148
7.18 Design Standards 158

See Also:

Table 4.3 Lot Standards Matrix, page 78.

Minimum Total Living Area per unit

• Studio/micro-apartment	400 s.f.
• 1 bedroom	550 s.f.
• 2 bedroom	750 s.f.
Minimum Required Open Space (percent of net land area)	6%



4.9 MANUFACTURED HOME PARK (MH)

The MH (Manufactured Home Park) district is intended to provide for leased-lot neighborhoods of manufactured homes. This district should be used to establish and maintain locations for these facilities near compatible infrastructure (streets and utilities), commercial services, other high density housing, or open space. These developments are similar to multi-family developments with greater setbacks, smaller living spaces, and higher densities. Development in this district shall be connected to municipal or community infrastructure and services.

A. MH Permitted Uses

Residential
dwelling single-family (including manufactured homes)
mobile home park/ manufactured home park
residential facility for individuals with developmental disabilities (RFIDD)
residential facility for the mentally ill

Entertainment Services
swimming pool (private)

Park, Recreation, Natural Areas
amenity area

B. MH Special Exception Uses

Agriculture
community garden

Residential
child day care (home)
home occupation

Park, Recreation, Natural Areas
artificial lake of three or more acres
country club / golf course / driving range
park or recreational facility (playgrounds and athletic facilities)

Institutional/Public Uses
religious institution
community center
fire station or police station
kindergarten or day nursery
library
museum or gallery
school (any combination of k -12), public and private

Entertainment Services
recreational development (private)
swimming pool (public)

Personal Services
child care / day-care center

Note 1. Development Plan required for new Manufactured Home Park development.

C. MH District Standards

Minimum Lot Size
- Park 5 acres
- Site 4,000 s.f.

Minimum Lot Width (Measured At Setback Line)
- Park 100 feet
- Site 30 feet

Minimum Lot Frontage (Measured At Lot Line)
- Park 100 feet

Minimum Front Setback
- Park 50 feet
- Site 10 feet

Minimum Side Setback
- Park 50 feet
- Site 10 feet

Rear Setback
- Park 50 feet
- Site 15 feet

Maximum Height
- Principal Structure 35 feet
- Accessory Structure 20 feet

Maximum Lot Coverage (for all impervious surfaces) 50%

Minimum Total Living Area per unit 720 s.f.

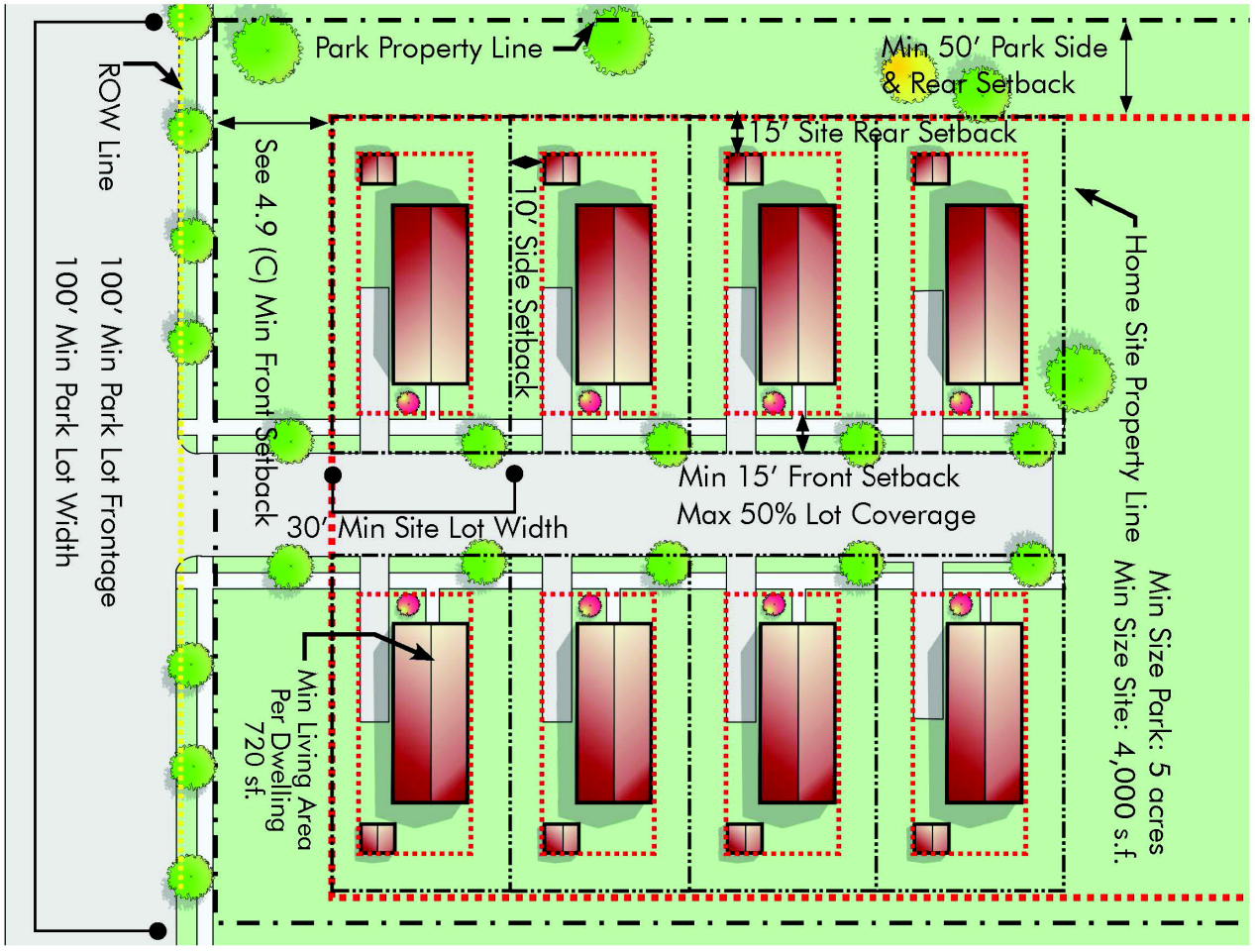
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See Also:

Table 4.3 Lot Standards Matrix, page 78.



4.10 NEIGHBORHOOD BUSINESS (B1)

B1

The B1 (Neighborhood Business) district is a mixed-use neighborhood district in close proximity to downtown, convenience goods, services, and amenities. Lot sizes are smaller and densities higher. This district permits mixed-use development. Large-scale development such as "big box" retail, planned business parks, or industrial uses are discouraged. Development in this district shall be connected to municipal or community water and sewer.

A. B1 Permitted Uses

Residential
dwelling, secondary (on upper floors or in rear of ground floor retail/office/industrial use)
dwelling, single-family
dwelling, accessory
residential facility for individuals with developmental disabilities (RFIDD)
residential facility for the mentally ill
nursing/convalescent home

Park, Recreation, Natural Areas
retreat center

Communications / Utilities
utility company business office

Institutional/Public Uses
community center
fire station or police station
government facility (non-office)
government office
hospital
kindergarten or day nursery
library
museum or gallery
post office
social services organization
outpatient care facility

Entertainment Services
banquet or assembly hall
bowling alley
dancing academy / martial arts / gymnastics studio
lodge or private club
miniature golf course
skating rink (roller/ice)
swimming pool (private)
theater (indoor); excluding, adult motion picture theater; and adult mini-motion picture theater

Professional Services
administrative/professional office
bank / financial institution
business/financial services office
clinic (medical/dental) or health center
conference center
employment service
investment firm
office building
print shop/copy center
medical office
laboratory (medical/dental/diagnostic)
blood donor center

Retail / Wholesale Sales
antique shop
apparel shop
art or photo gallery
auction facility (excluding livestock)
book store
building finishes shop (paint, carpet, wallpaper, etc.)
convenience store (without gas station)
craft/fabric store
dress shop
flower shop
garden shop / retail nursery
gift shop
grocery store
hardware store
ice cream shop
jewelry store
liquor store
newsdealer
office supply store
pet store
record/CD/video/musical instrument shop
sporting goods shop
stationery shop
supermarket
variety store
vendor, temporary (farmer's market, street fair, etc.)
pharmacy

Equipment Services
electric appliance shop
home electronics/appliance store
repair services (small appliances, jewelry, alterations, etc.)

Food Sales & Service
bakery (retail)
coffee shop
delicatessen
meat market
microbrewery/brew-pub/winery
restaurant

Personal Services
barber /beauty salon
body art salon
child care / day-care center
dry cleaning establishment (retail)
fitness center
funeral home
health spa / tanning salon
laundry (self-service)
massage therapy (by licensed massage therapist)
photographic studio
shoe repair shop
tailor/dressmaking/pressing shop
auto detailing

B. B1 Special Exception Uses

Agriculture
farmer's market (permanent)
community garden

Residential
bed & breakfast facility
boarding house
child day care (home)
dwelling, accessory apartment ("granny flat")
dwelling two-family
dwelling multi-family
home occupation
assisted living facility
retirement facility (senior housing)

Park, Recreation, Natural Areas
artificial lake of three or more acres
park or recreational facility (playgrounds and athletic facilities)

Communications / Utilities
utility substation

Institutional/Public Uses
religious institution
institution for the developmentally disabled/mentally ill
school (any combination of k -12), public and private
trade or business school
university or college
ambulance company

Entertainment Services
axe throwing
bar or tavern or night club
billiard room or arcade
outdoor commercial recreational enterprise (carnival, amusement park, etc.)
recreational development (private)
swimming pool (public)

Professional Services
data processing / call center
reserach/development/testing/training facility

B. B1 Special Exception Uses (continued)

Retail / Wholesale Sales
construction service
department store, including any facility (whether or not attached) associated with such department store for the sale of tires, batteries, automobile accessories and lubrication and for the servicing and repair of motor vehicles incidental to such sales
shopping center

Personal Service
animal boarding/kennel **(small)**
veterinary hospital for small animals
hotel/motel

Food Sales & Service
drive through restaurant

Manufacturing / Warehousing
mini-warehouse self-storage facility

C. B1 District Standards

Minimum Lot Area*	10,000s.f.
Minimum Lot Width (measured at setback line)	100 feet
Minimum Lot Frontage (measured at lot line)	50 feet
Minimum Front Setback (measured from right-of-way)	
• Principal Arterial /Minor Arterial	35 feet
• Major Collector	25 feet
• Minor Collector /Local Street	20 feet
Side Setback	10 feet
Rear Setback	
• Principal Structure	20 feet
• Accessory Structure	10 feet
Maximum Height	
• Principal Structure	35 feet
• Accessory Structure	22 feet
Minimum Total Living Area (upper story)	550s.f.
Maximum Lot Coverage (Structures and Buildings)	85%
Minimum Ground Floor Occupied Area	2,000s.f.

See Also:

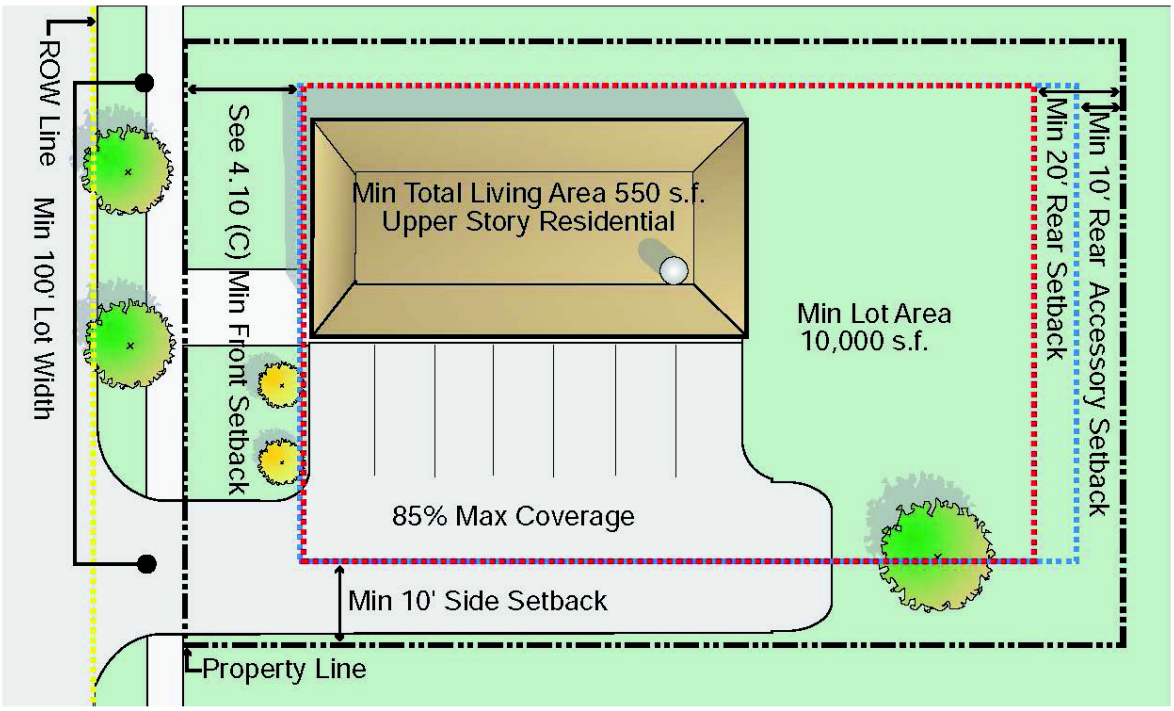
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See Also:

Table 4.3 Lot Standards Matrix, page 78.

* Allows upper story residential use, minimum 550 sf. per unit.



4.11 CENTRAL BUSINESS (B2)



The B2 (Central Business) district covers the central business district of Jasper. Its intent is to protect the unique historic character of the downtown area while establishing the district as a specialty business, residential, and shopping district. This district is further intended to permit traditional mixed-use development which would include upper story residential or office above retail commercial. Development in this district shall be connected to municipal or community water and sewer.

A. B2 Permitted Uses

Residential
- dwelling, secondary (on upper floors or in rear of ground floor retail/office/industrial use)
- dwelling, single family
- dwelling, accessory
- bed & breakfast facility
- residential facility for individuals with developmental disabilities (RFIDD)
- residential facility for the mentally ill
- nursing and convalescent home

Transportation Services
- auto parts sales (without on-site repair)

Communications / Utilities
- utility company business office
- radio/TV business office
- radio/TV studio

Institutional/Public Uses
- community center
- fire station or police station
- government facility (non-office)
- government office
- kindergarten or day nursery
- library
- museum or gallery
- post office
- social services organization
- outpatient care facility

Entertainment Services
- axe throwing
- banquet or assembly hall
- bowling alley
- dancing academy / martial arts / gymnastics studio
- lodge or private club
- skating rink (roller/ice)
- swimming pool (private)
- theater (indoor); excluding, adult motion picture theater; and adult mini-motion picture theater
- billiard room or arcade
- bar or tavern or night club

Park, Recreation, Natural Areas
- retreat center

Professional Services
- administrative/professional office
- bank / financial institution
- business/financial services office
- clinic (medical/dental) or health center
- medical office
- laboratory (medical, dental, diagnostic)
- blood donor center
- conference center
- data processing / call center
- employment services
- investment firm
- office building
- print shop/copy center

Retail / Wholesale Sales
- antique shop
- apparel shop
- art or photo gallery
- book store
- building finishes shop (paint, carpet, wallpaper, etc.)
- convenience store (without gas station)
- craft/fabric store
- dress shop
- flower shop
- garden shop / retail nursery
- gift shop
- grocery store
- hardware store
- ice cream shop
- jewelry store
- liquor store
- newsdealer
- office supply store
- pet store
- pharnacy
- record/CD/video/musical instrument shop
- sporting goods shop
- stationery shop
- supermarket
- variety store
- vendor, temporary (farmer's market, street fair, etc.)

Equipment Services
- electric appliance shop
- home electronics/appliance store
- repair services (small appliances, jewelry, alterations, etc.)

Food Sales & Service
- bakery (retail)
- coffee shop
- delicatessen
- meat market
- microbrewery/brew-pub/winery
- restaurant

Personal Services
- auto detailing
- barber shop
- beauty salon
- body art salon
- child care / day-care center
- dry cleaning establishment (retail)
- fitness center
- funeral home
- health spa
- laundry (self-service)
- massage therapy (by licensed massage therapist)
- photographic studio
- shoe repair shop
- tailor/dressmaking/pressing shop
- tanning salon
- hotel/motel

B. B2 Special Exception Uses

Agriculture
- community garden
- farmer's market (permanent)

Residential
- boarding house
- child day care (home)
- dwelling accessory apartment ("granny flat")
- dwelling two-family/multifamily
- home occupation
- assisted living facility
- retirement facility (senior housing)

Park, Recreation, Natural Areas
- artificial lake of three or more acres
- country club / golf course / driving range
- park or recreational facility (playgrounds and athletic facilities)

Communications / Utilities
- utility substation

Institutional/Public Uses
- ambulance company
- religious institution
- hospital
- institution for the developmentally disabled/mentally ill
- school (any combination of k -12), public and private
- trade or business school
- university or college

Transportation Services
- parking lot or structure (as principal use)

Entertainment Services
- recreational development (private)
- swimming pool (public)

Food Sales & Service
- distillery

Professional Services
- research/development/ testing facility
- training/development facility

Retail/Wholesale Sales
- construction services
- shopping center
- shopping mall
- department store, including any facility (whether or not attached) associated with such department store for the sale of tires, batteries, automobile accessories and lubrication and for the servicing and repair of motor vehicles incidental to such sales

C. B2 District Standards

Minimum Lot Area *	5,000 s.f.
Minimum Lot Width (measured at setback line)	30 feet
Front Setback	
• Minimum Front Setback	0 feet
• Maximum Front Setback	5 feet
Side Setback	0 feet
Rear Setback	
• Principal Structure	5 feet
• Accessory Structure	5 feet
Maximum Height	
• Principal Structure	50 feet
• Accessory Structure	NA
Minimum Total Living Area (upper story)	550 s.f.
Maximum Lot Coverage (Structures & Buildings)	100%
Minimum Lot Area	5,000s.f.
Minimum Lot Frontage (Measured at Property Line)	30 feet
Minimum Ground Floor Occupied Area	2,000s.f.

* Allows upper story residential use, minimum 550 sf. per unit.

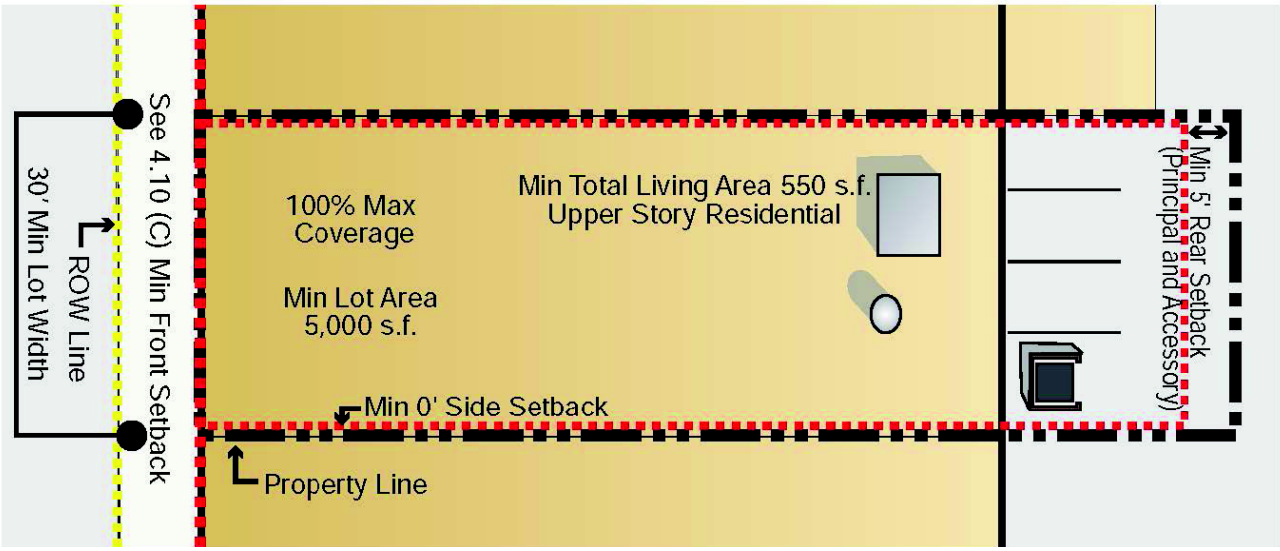
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See Also:

Table 4.3 Lot Standards Matrix, page 78.



4.12 GENERAL BUSINESS (B3)

B3

The B3 (General Business) district is designed to encourage well-planned commercial uses, as well as, small-scale manufacturing, assembly, research and development facilities, and similar uses that are completely contained within structures and do not involve the outdoor storage of materials. Development shall have unified design, safe ingress and egress, adequate parking and service facilities, and convenient and safe pedestrian access. B3 District development is typically located on visually prominent corridors and shall be connected to municipal or community water and sewer.

A. B3 Permitted Uses

Agriculture
farm equipment sales and service (enclosed)

Residential
assisted living facility
retirement facility (senior housing)
residential facility for individuals with developmental disabilities (RFIDD)
residential facility for the mentally ill
nursing/convalescent home

Transportation Services
auto parts sales (without on-site repair)
gas station
automobile / motor vehicle repair
automobile / motorcycle sales area and leasing
recreational vehicle sales and service

Communications / Utilities
radio and television studios
utility company business office

Institutional/Public Uses
community center
fire station or police station
government facility (non-office)
government office
hospital
kindergarten or day nursery
library
museum or gallery
post office
social services organization
outpatient care facility

Entertainment Services
axe throwing
banquet or assembly hall
billiard room or arcade
bowling alley
dancing academy / martial arts / gymnastics studio
lodge or private club
miniature golf course
skating rink (roller/ice)
swimming pool (private)
theater (indoor); excluding, adult motion picture theater; and adult mini-motion picture theater
bar or tavern or night club

Professional Services
administrative/professional office
bank / financial institution
business/financial services office
clinic (medical/dental) or health center
conference center
data processing / call center
employment services
investment firm
print shop/copy center
medical office
laboratory (medical, dental, diagnostic)
blood donor center

Retail / Wholesale Sales
antique shop
apparel shop
art or photo gallery
auction facility (excluding livestock)
book store
building finishes shop (paint, carpet, wallpaper, etc.)
building supply store
construction services
convenience store (without gas station)
craft/fabric store
department store, including any facility (whether or not attached) associated with such department store for the sale of tires, batteries, automobile accessories and lubrication and for the servicing and repair of motor vehicles incidental to such sales
dress shop
garden shop / retail nursery
flower shop
grocery store
hardware store
ice cream shop
jewelry store
liquor store
newsdealer
office supply store
pet store
record/CD/video/musical instrument shop
shopping center
shopping mall
sporting goods shop
stationery shop
supermarket
variety store
vendor, temporary (farmer's market, street fair, etc.)
wholesale establishment
pharmacy
gift shop

Equipment Services
electric appliance shop
home electronics/appliance store
repair services (small appliances, jewelry, alterations, etc.)

Food Sales & Service
bakery (retail)
bakery (wholesale)
coffee shop
delicatessen
drive thru restaurant
meat market
microbrewery/brew-pub
restaurant
winery

Personal Services
body art salon
child care / day-care center
dry cleaning establishment (retail)
fitness center
funeral home
health spa
hotel/motel
laundry (self-service)
tailor and pressing shop
animal boarding/kennel (small or medium)
auto detailing
car wash

Manufacturing/Warehousing
fabrication facility
food & beverage production
packaging facility
printing/publishing facility
tool and die shop

Park, Recreation, Natural Areas
nature preserve / center
park or recreational facility (playgrounds and athletic facilities)
retreat center

B. B3 Special Exception Uses

Agriculture
farmer's market (permanent)
seed sales, distribution, & storage

Residential
bed & breakfast facility
boarding house
dwelling secondary (on upper floors or in rear of ground floor retail/office/industrial use)

Park, Recreation, Natural Areas
artificial lake of three or more acres
country club / golf course / driving range
outdoor commercial recreation

Communications/Utilities
wireless support structure/ radio / television tower
utility substation
power generating plant

Institutional/Public Uses
ambulance company
animal shelter
cemetery
crematory
religious institution
school (any combination of k -12), public and private
stadium or coliseum
trade or business school
university or college

Professional Services
research/development/ testing facility
training/development facility

Entertainment Services
outdoor commercial recreational enterprise (carnival, amusement park, etc.)
recreational development (private)
shooting/archery range (indoor)

Retail / Wholesale Sales
Manufactured home sales area and leasing
roadside sales stand

Food Sales & Service
produce terminal, wholesale

Manufacturing/Warehousing
assembly facility
boat/RV storage facility (indoor)
contractor's warehouse/storage facility (enclosed)
lumber yard
mini-warehouse self-storage

Transportation
parking lot or structure (as principal use)
truck wash

C. B3 District Standards

Minimum Lot Area 23,000 s.f.

Minimum Lot Width 150 feet

Minimum Front Setback
(measured from right-of-way)
- Principal Arterial 50 feet
- Minor Arterial 45 feet
- Major Collector, Minor Collector, and Local Street 40 feet

Minimum Side Setback 15 feet

Minimum Rear Setback
- Principal Structure 25 feet
- Accessory Structure 15 feet

Maximum Height
- Principal Structure 55 feet
- Accessory Structure 22 feet

Maximum Lot Coverage (Structures & Buildings) 75%

Minimum Ground Floor Occupied Area 2,000s.f.

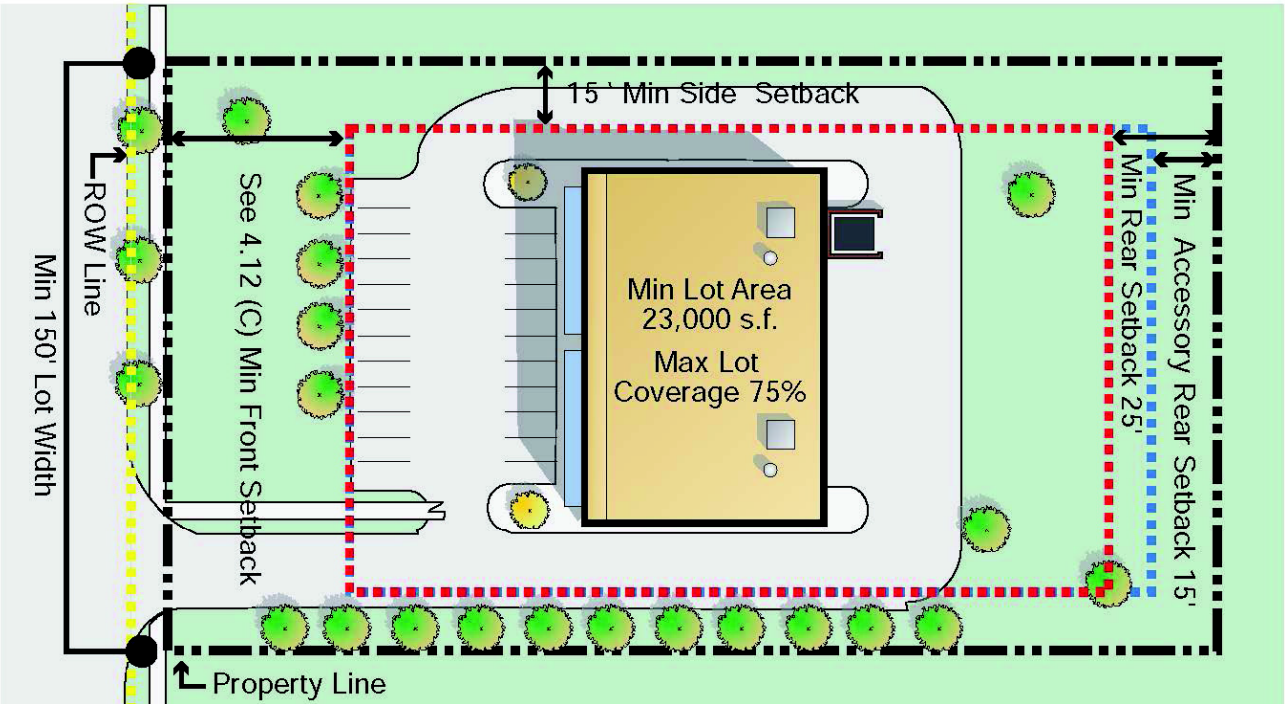
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9.5 Major Subdivision 181

See Also:

Table 4.3 Lot Standards Matrix, page 78.



4.13 LIGHT INDUSTRIAL (I1)

The Light Industrial (I1) district provides locations for light production, assembly of semifinished products, packaging, research & development, storage, sales, distribution, and similar uses. The activities are intended to accommodate to be generally contained within structures and do not involve the release of potential environmental pollutants. Finished materials may be stored outdoors pending shipment. Development in this district shall be connected to municipal or community water and sewer.

A. I1 Permitted Uses

Agriculture
fertilizer and seed sales, distribution, & storage
crop processing & storage (materials produced on-site)
farm equipment sales and service
greenhouse, commercial

Transportation Services
automobile/motorcycle sales area and leasing (open)
automobile/motor vehicle repair (minor)
automobile/motor vehicle repair (major)
motor vehicle sales (large)
boat & recreational vehicle sales and service

Park, Recreation, Natural Areas
nature preserve / center
retreat center
park or recreational facility (playgrounds and athletic facilities)
riding stable (commercial) - minimum 3-acre tract

Communications / Utilities
radio and television studios
recycling center (enclosed)
utility company business office
power generation plant

Institutional/Public Uses
animal shelter
bus/train terminal
fire station or police station
government facility (non-office)
government office
penal or correctional facility
post office
daycare / education / learning center
sporting facility/recreational development
social services organization
outpatient care facility

Entertainment Services
banquet or assembly hall
dancing academy / martial arts / gymnastics studio
indoor/outdoor recreation facility
shooting / archery range (outdoor)
shooting / archery range (indoor)
theater/entertainment facility
recreational development (private)
fitness center

Professional Services
administrative/professional office
bank/financial institution
business/financial services office
conference center
data processing / call center
employment services
print shop/copy center
clinic/treatment facility
research/testing facility
medical office
laboratory (medical, dental, diagnostic)
blood donor center
research and development facility
training/development facility
medical and dental facility

Retail / Wholesale Sales
auction facility (excluding livestock)
building finishes shop (paint, carpet, wallpaper, etc.)
supply store
construction services
convenience store
greenhouse, commercial, landscape sales
retail business
wholesale business
outfitter (kayak/canoe)
sporting goods facility
pet store
pharmacy
roadside sales stand
dress shop
grocery store
office supply store

Equipment Services
repair services (small applicances, jewelry, alternations, etc.)
electric applicance shop
home electronics/appliance store

Food Sales & Service
bakery (retail)
bakery (wholesale)
produce terminal, wholesale
microbrewery/brew pub/winery
restaurant/food service
bakery/catering wholesale
food market/grocery
distillery

Personal Services
car wash
auto detailing
dry cleaning establishment (retail)
fitness center
animal boarding/kennel (small or medium)
hotel/motel
laundry service (large scale)
tailor and pressing shop
veterinary hospital for small animals

Manufacturing/Warehousing
boat/RV storage facility (outdoor)
contractor's warehouse/storage facility (unenclosed)
contractor's warehouse/storage facility (enclosed)
light industrial processing and distribution
fabrication facility
food & beverage production
mini-warehouse self-storage facility
packaging facility
printing/publishing facility
distribution facility
tool and die shop
truck terminal
warehouse & distribution facility

Residential
dwelling, secondary (on upper floors or in rear of ground floor retail/office/industrial use)

B. I1 Special Exception Uses

Agriculture
nursery, wholesale
raising and breeding of non-farm fowl and animals, commercially, except kennel

Park, Recreation, Natural Areas
artificial lake of 3 or more acres
country club/golf course/driving range

Transportation Services
airport
airstrip (private)
gas station
heliport
motorbus, railroad, taxi passenger service
parking lot or structure
truck stop / travel center
truck sales, service center, wash
truck freight terminal

Retail/Wholesale Sales
manufactured homes sales area and leasing (open)

Communications / Utilities
wireless support structure / radio / television tower
utility substation
water tower
solid waste transfer station
power generation facility (commercial)

Institutional/Public Uses
cemetery
crematory
trade or business school
assembly halls, coliseums, stadiums
hospital
community center
religious institution
ambulance company

Entertainment Services
miniature golf
bowling alley

Manufacturing/Warehousing

B. I1 Special Exception Uses (continued)

petroleum & chemical processing facility and storage
wholesale facility
assembly facility
lumber yard
semi-tractor/trailer storage

Personal Services
animal boarding/kennel **(large)**

C. I1 District Standards

Minimum Lot Area	1 acre *
Minimum Lot Width (measured at setback line)	150 feet
Minimum Lot Frontage (measured at lot line)	150 feet
Minimum Front Setback (measured from right-of-way)	
• Principal Arterial	50 feet
• Minor Arterial	45 feet
• Major Collector	40 feet
• Minor Collector and Local Road	35 feet
Minimum Side Setback	20 feet
Minimum Rear Setback	
• Principal Structure	25 feet
• Accessory Structure	25 feet
Maximum Height (feet)	50 feet
Minimum Ground Floor Occupied Area	2,000s.f.

See Also:

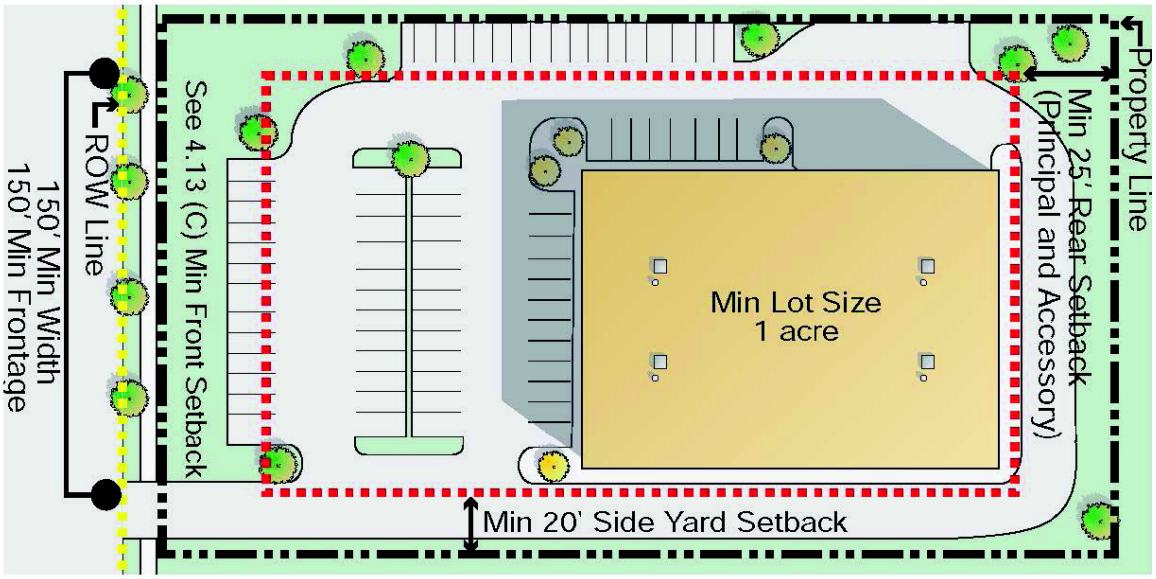
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7.14 Fence and Wall..... 148

See Also:

Table 4.3 Lot Standards Matrix, page 78.

* Lot standards apply to lots in a planned light industrial park or subdivision development. Individual parcels platted and zoned prior to the effective date of this Ordinance are excluded.



4.14 HEAVY INDUSTRIAL (I2)

I2

The Heavy Industrial (I2) district is intended for high-impact processing and manufacturing of materials or products predominately from extracted or raw materials, or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions. This district is intended to be located in areas that minimize land use conflicts, and with good access to major thoroughfares (truck traffic does not disrupt traffic on local streets). Development in this district shall be connected to municipal or community water and sewer.

A. I2 Permitted Uses

Agriculture
farm equipment sales and service, parts and repair,
fertilizer sales, distribution & storage
seed sales, distribution & storage
crop processing & storage (materials produced on-site)
agricultural product sales, distribution and storage facility

Transportation Services
automobile / motor vehicle repair, (major): engine rebuilding or major reconditioning of motor vehicles, including body work, frame or fender straightening or repair, transmission repair and painting of vehicles
automobile/truck sales, service, parts and repairs
automobile/motor vehicle repair (minor)
automobile/motor vehicle repair (major)
bus or railroad passenger station
truck freight terminal
truck stop / travel center
truck sales & service center
auto part sales (without on site repair)
gas station
boat & recreational vehicle sales and service
automobile / motorcycle sales area and leasing (open)
motor vehicle sales and service
truck wash

Communications / Utilities
substation/management facility
recycling center (enclosed)
water tower
wellfield/water treatment facility
utility/radio/TV business office
solid waste transfer station
power generating plant

Institutional/Public Uses
fire station or police station
government facility (non-office)
penal or correctional institution
animal shelter
bus/train terminal
community center
hospital
daycare/education/learning center
sporting facility/recreational development
government office
post office
stadium or coliseum

Park, Recreation, Natural areas
riding stable (commercial) minimum 3-acre tract
park or recreational facility (playgrounds and athletic facilities

Professional Services
data processing / call center
laboratory (medical, dental, diagnostic)
training/development facility
reserach and development facility

Retail / Wholesale Sales
building supply store
construction services
greenhouse, landscape
auction facility (excluding livestock)
building finishes shop (paint, carpet, wallpaper, etc.)
convenience store
outfitter (kayak/canoe)
sporting goods facility
roadside sales stand

Food Sales & Service
bakery / catering (wholesale)
produce terminal (wholesale)
brewery/winery
distillery

Personal Services
laundry service (large-scale)
animal boarding/kennel (small or medium)
car wash

Manufacturing / Warehousing
agricultural products terminal
boat/RV storage facility (outdoor)
contractor's warehouse/storage facility (unenclosed)
contractor's warehouse/storage facility (enclosed)
fabrication facility
food and beverage production
supply yard
manufacturing facility
mini-warehouse self-storage facility
packaging facility
printing/publishing facility
semi-tractor/trailer storage
tool and die shop
warehouse / distribution facility
industrial processing and distribution
assembly facility
wholesale facility
lumber yard
distribution facility

Equipment Services
electric applicance shop
repair service (small appliances, jewelry, alterations, etc.)

B. I2 Special Exception Uses

Agriculture
nursery (wholesale)
raising and breeding of non-farm fowl and animals, commercially, except kennel

Transportation Services
airport
airstrip (private)
heliport
parking lot or structure as a principal use

Communications / Utilities
composting facility (indoor)
composting facility (outdoor)
garbage transfer station
recycling center
sanitary fill or refuse dump
sewage treatment plant
wireless support structure / radio / television tower
utility substation
power generation facility (commercial)
waste incinerator

Institutional/Public Uses
crematory
social services organization
ambulance company

Entertainment Services
adult businesses
outdoor commercial recreational enterprise (carnival, amusement park, etc.)
recreational development (private)
seasonal fishing or hunting lodge
shooting/archery range (outdoor)
shooting/archery range (indoor)
theater (outdoor); excluding adult drive-in theater
theater (indoor); excluding, adult motion picture theater; and adult mini-motion picture theater

Retail / Wholesale Sales
fireworks sales (permanent)
manufactured home sales
wholesale establishment

Manufacturing/Warehousing
animal & animal products processing
bottle gas storage & distribution
concrete/asphalt production facility
explosive manufacturing and storage
inoperable vehicle storage
junk/scrap metal yard
mineral extraction, borrow pit, top soil removal, and their storage areas
petroleum and chemical processing and storage

Professional Services
administrative/professional office
bank/financial institution
business/financial services office

Personal Services
animal boarding/kennel (large)

C. I2 District Standards

Minimum Lot Area	2 acres*
Minimum Lot Width (measured at setback line)	200 feet
Minimum Front Setback (measured from right-of-way)	
• Principal Arterial	50 feet
• Minor Arterial	45 feet
• Major Collector, Minor Collector and Local Street	40 feet
Minimum Side Setback	25 feet
• Tanks (hazardous materials)	50 feet
Minimum Rear Setback	
• Principal Structure	25 feet
• Accessory Structure	25 feet
• Tanks (hazardous materials)	50 feet
Maximum Height	50 feet
Minimum Ground Floor Occupied Area	2,000s.f.

* Lot standards apply to lots in a planned light industrial park or subdivision development. Individual parcels platted and zoned prior to the effective date of this Ordinance are excluded.

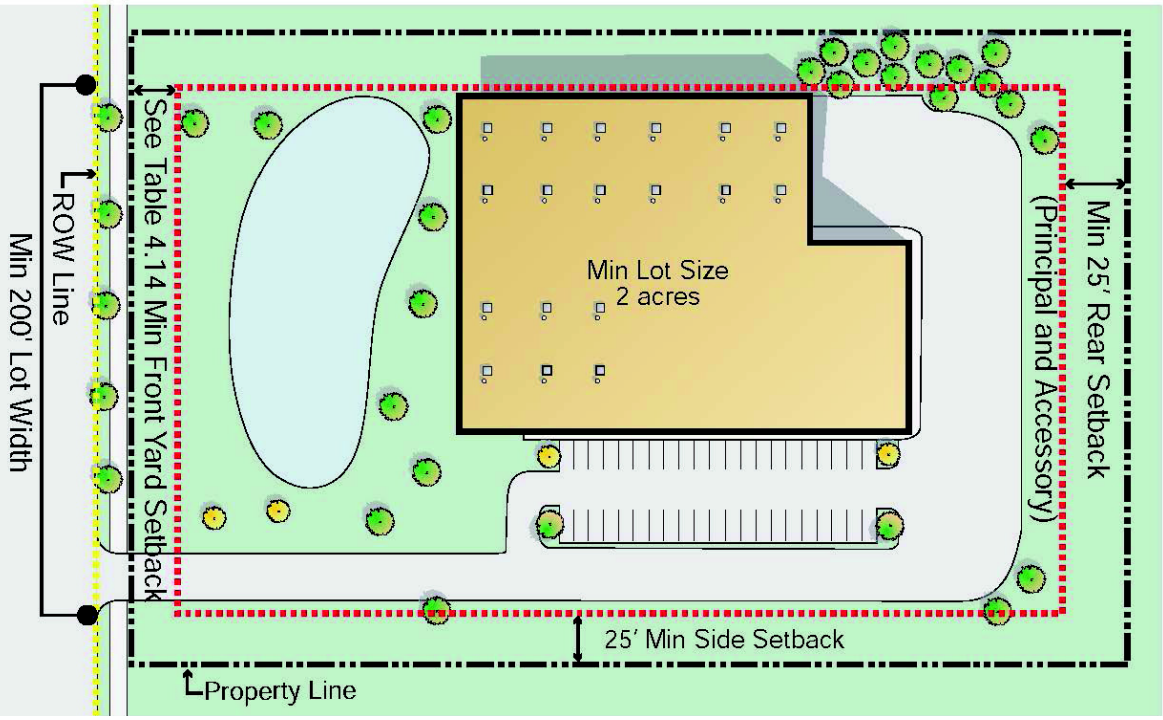
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See Also:

Table 4.3 Lot Standards Matrix, page 78.



4.15 CONSERVATION PARK CP

The CP (Conservation Park) district is intended to encourage and provide the means for permanent preservation of open spaces, floodways, riparian areas, wetlands, woodlands, and other natural areas. The use of this district is also encouraged for the creation of active or passive recreation including parks, nature preserves, greenway corridors, and multi-use trails. Connection to municipal or community sewer/water is required.

A. CP Permitted Uses

Agriculture
crop production
community garden
grazing pasture

Park, Recreation, Natural Areas
artificial lake of three or more acres
country club / golf course / driving range
park or recreational facility (playgrounds and athletic facilities)
nature preserve / center
retreat center
riding stable (commercial) - minimum 3-acre tract
amenity area
campground / RV park

B. CP Special Exception Uses

Food Sales & Service
bakery (retail)
coffee shop
delicatessen
microbrewery/brewpub/winery
restaurant

Retail / Wholesale Sales
outfitter (kayak/canoe)
sporting goods shop
convenience store

Institutional/Public Uses
cemetery
sports facility
community center
fairgrounds
fire station or police station
government facility (non-office)
government office
hospital
kindergarten or day nursery
library
museum or gallery
post office
school (any combination of k-12), public and private

Transportation Services
airport
airstrip (private)
heliport
parking lot or structure (as a principal use)

Communications / Utilities
composting facility (indoor)
recycling center
utility substation
water tower
wireless support structure /radio/ television tower

Entertainment Services
recreational development (private)
skating rink (roller/ice)
swimming pool (public)
water park

C. CP District Standards

Minimum Lot Area	10 acres
Maximum Lot Coverage (for all impervious surfaces)	10%
Minimum Front Setback (measured from right-of-way)	
• Principal Arterial	50 feet
• Minor Arterial	45 feet
• Major Collector	40 feet
• Minor Collector	35 feet
• Local Road	35 feet
Minimum Side Setback	25 feet
Minimum Rear Setback	25 feet

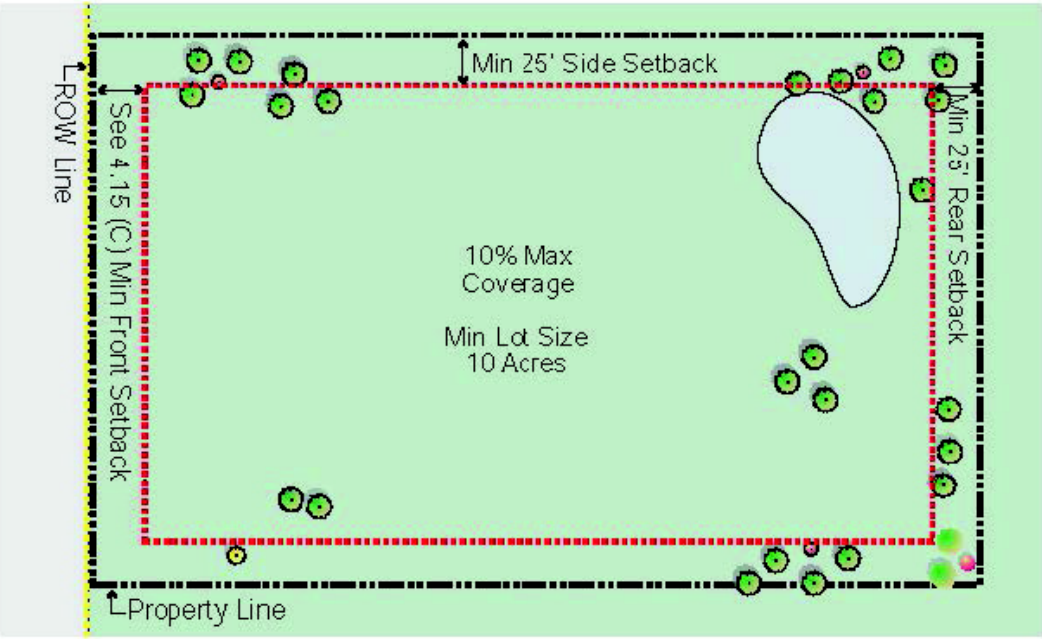
See Also:

Chapter/Section.....Page #

7.5 Parking..... 115
7.8 Landscaping 136
7.14 Fence and Wall..... 148

See Also:

Table 4.3 Lot Standards Matrix, page 78.



4.16 USE MATRIX

A. USE MATRIX.

1. Use Designation. For Table 4.2 Use Matrix, specific uses located in the left column are designated as either permitted uses “P” or Special Exception Uses ”S”. If there is no designation, that use is not permitted within that district.
2. Approval Process for Uses. The Subdivision or Development Plan procedure is required for approval for all uses except for those specifically labeled as such.

B. EXPLANATION OF USE CLASSIFICATIONS.

1. Permitted Uses. Permitted uses are those uses allowed by right.
2. Principal Use. A Principal Use is defined as the primary use to which a property is devoted and as the main purpose for which the property exists. A principal use may be authorized as either a Permitted use or a Special Exception Use.
3. Special Exception Uses. Special Exception Uses are those uses that, because of potential incompatibility and negative impact on the immediate neighborhood, require additional review in order to determine compliance with city standards and to determine their suitability in a given location. In order to achieve balance between the public benefit and the local impact, Special Exception Uses are only permitted following a public hearing and approval by the JBZA, as per IC 36-7-4-918.2 and Chapter 2 Administration of this Ordinance.
4. Unlisted or Questionable Land Uses. Any use not listed as a Permitted Use or Special Exception Use within the Use Matrix, is considered to be not permitted within the applicable district. The Administrator may determine where an unlisted use falls within the Use Matrix if it is not specifically listed but is similar to another use that is. This determination may be appealed to the JBZA consistent with the provisions of Section 2.3 Jasper Board of Zoning Appeals for Administrative Appeal Applications.

See Also:

Section 10.6 Administrative Appeals

Table 4.2: Use Matrix

PRINCIPAL LAND USE

P - Permitted Use
S - Special Exception Use

	A1	A2	RR	R1	R2	R3	R4	MH	B1	B2	B3	I1	I2	CP
Agriculture														
agricultural product sales, distribution, & storage facility	P												P	
animal boarding/stables - minimum 3-acre tract	P													
animal processing and packaging facility (slaughterhouse/abattoir)		S												
community garden	P		P	P	P	P	S	S	S	S				P
confined animal feeding operation		P												
crop processing & storage (materials produced on-site)	P	S										P	P	
crop production	P	P	P											P
farm (general)	P	P	S											
farm co-op. facility	P		S											
farm equipment sales and service	P										P	P		
farm equipment sales and service, parts and repair													P	
farmer's market (permanent)	P		S						S	S	S			
fertilizer sales, distribution & storage	S											P	P	
floriculture	P		S	S										
grazing, pasture land	P	P	P	S										P
greenhouse (commercial)	P											P		
intensive agriculture		P												
livestock auction/sales facility	S													
nursery, wholesale	P		S									S	S	
raising and breeding of non-farm fowl and animals, commercially	P											S	S	
seed sales, distribution and storage	S										S		P	
viticulture (vineyard)	P		S	S										

Table 4.2: Use Matrix (continued)

	A1	A2	RR	R1	R2	R3	R4	MH	B1	B2	B3	I1	I2	CP
Residential														
assisted living facility							P		S	S	P			
bed & breakfast facility	S		S	S					S	P	S			
boarding house	S		S	S					S	S	S			
child day care (home)	S		S	S	S	S	S	S	S	S				
dwelling, accessory	P		P	P	P	P	P		P	P				
dwelling, accessory apartment ("granny flat")									S	S				
dwelling, multi-family							P		S	S				
dwelling, multi-family (studio/micro apartment)							P							
dwelling, single-family									P	P				
dwelling, single-family (including manufactured homes)	P		P	P	P	P		P						
dwelling, secondary (on upper floors or in rear of ground floor retail/office/industrial use)							S		P	P	S	P		
dwelling, two-family					S	P	P		S	S				
home occupation	S		S	S	S	S	S	S	S	S				
mobile home park / manufactured home park								P						
nursing / convalescent home							P		P	P	P			
residential facility for individuals with developmental disabilities (RFIDD)	P		P	P	P	P	P	P	P	P	P			
residential facility for the mentally ill	P		P	P	P	P	P	P	P	P				
retirement facility (senior housing)							P		S	S	P			
transitional housing			S	S	S	S	S							

Table 4.2: Use Matrix (continued)

	A1	A2	RR	R1	R2	R3	R4	MH	B1	B2	B3	I1	I2	CP
Transportation Services														
airport	S											S	S	S
airstrip (private)	S											S	S	S
auto parts sales (without on-site repair)										P	P		P	
automobile/motor vehicle repair											P			
automobile/motor vehicle repair (major)												P	P	
automobile/motor vehicle repair, (major): engine rebuilding or major reconditioning of motor vehicles, including body work, frame or fender straightening or repair, transmission repair and painting of vehicles.													P	
automobile/motor vehicle repair, (minor)												P	P	
automobile/motorcycle sales area and leasing (open)											P	P	S	
automobile/truck sales, service, parts and repair													P	
boat & recreational vehicle sales and service												P	P	
bus or railroad passenger station													P	
gas station											P	S	P	
heliport	S											S	S	S
motor vehicle sales (large)												P		
motor vehicle sales and service													P	
motorbus/railroad/taxi passenger station												S		
parking lot or structure (as a principal use)										S	S	S	S	S
recreational vehicle sales and service											S			
truck freight terminal												S	P	
truck stop / travel center												S	P	
truck sales & service center													P	
truck sales, service center, wash												S		
truck wash											S			
Park, Recreation, Natural Areas														
amenity area			P	P	P	P	P	P						P
artificial lake of three or more acres	S		S	S	S	S	S	S	S	S	S	S		P
campground / RV park	S													P
country club / golf course / driving range	S		S	S	S	S	S	S		S	S	S		P
nature preserve / center	P		P	S							P	P		P
outdoor commercial recreation											S			
park or recreational facility (playgrounds and athletic facilities)	P		P	S	S	S	S	S	S	S	S	P	P	P
retreat center			P						P	P	P	P		P
riding stable (commercial) - min 3-acre tract	P		P									P	P	P

Table 4.2: Use Matrix (continued)

	A1	A2	RR	R1	R2	R3	R4	MH	B1	B2	B3	I1	I2	CP
Communications / Utilities														
composting facility (indoor)													S	S
composting facility (outdoor)													S	
garbage transfer station													S	
power generating plant											S	P	P	
power generating facility (commercial)												S	S	
radio/TV business office										P				
radio/TV studio										P	P	P		
recycling center													S	S
recycling center (enclosed)												P	P	
sanitary fill or refuse dump													S	
sewage treatment plant													S	
solar farms	S													
solid waste transfer station												S	P	
substation/management facility													P	
utility company business office									P	P	P	P		
utility / radio / TV business office													P	
utility substation									S	S	S	S	S	S
waste incinerator													S	
water tower												S	P	S
wellfield / water treatment facility													P	
wireless support structure/radio/ television tower											S	S	S	S
Institutional/Public Uses														
ambulance company									S	S	S	S	S	
animal shelter	P		S								S	P	P	
animal shelter, care/riding facility													P	
assembly halls, coliseums, stadiums												S		
bus/train terminal												P	P	
cemetery	P		P	S							S	S		S
community center	P		P	S	S	S	S	S	P	P	P	S	P	S
crematory											S	S	S	
daycare/education/learning center												P	P	
fairgrounds														S
fire station or police station	P		P	S	S	S	S	S	P	P	P	P	P	S
government facility (non-office)	S		S						P	P	P	P	P	S
government office									P	P	P	P	P	S
hospital						S			P	S	P	S	P	S
institution for the developmentally disabled/mentally ill							S		S	S				
kindergarten or day nursery	P		P	S	S	S	S	S	P	P	P			S
library	P		P	S	S	S	S	S	P	P	P			S
museum or gallery							S	S	P	P	P			S

Table 4.2: Use Matrix (continued)

	A1	A2	RR	R1	R2	R3	R4	MH	B1	B2	B3	I1	I2	CP
Institutional/Public Uses (continued)														
outpatient facility									P	P	P	P		
penal or correctional institution	S											P	P	
post office									P	P	P	P	P	S
religious institution	P		P	S	S	S	S	S	S	S	S	S		
school (any combination of k -12), public and private	P		P	S	S	S	S	S	S	S	S			S
social services organization									P	P	P	P	S	
sports facility												P	P	S
stadium or coliseum											S		P	
trade or business school									S	S	S	S		
university or college									S	S	S			
Entertainment Services														
adult businesses													S	
axe throwing									S	P	P			
banquet or assembly hall									P	P	P	P		
bar or tavern or night club									S	P	P			
billiard room or arcade									S	P	P			
bowling alley									P	P	P	S		
dancing academy / martial arts / gymnastics studio									P	P	P	P		
fitness center											P	P		
indoor/outdoor recreation facility												P		
lodge or private club									P	P	P			
miniature golf course									P		P	S		
outdoor commercial recreational enterprise (carnival, amusement park, etc.)									S		S		S	
recreational development (private)	S		S		S	S	S	S	S	S	S	P	S	S
seasonal fishing or hunting lodge	S												S	
shooting/archery range (outdoor)	S		S									P	S	
shooting/archery range (indoor)	S										S	P	S	
skating rink (roller/ice)									P	P	P			S
swimming pool (private)	P		P	P	P	P	P	P	P	P	P			
swimming pool (public)	S		S		S	S	S	S	S	S				S
theater (indoor); excluding, adult motion picture theater; and adult mini-motion picture theater									P	P	P			S
theater (outdoor); excluding adult drive-in theater													S	
theater/entertainment facility												P		
water park														S

Table 4.2: Use Matrix (continued)

	A1	A2	RR	R1	R2	R3	R4	MH	B1	B2	B3	I1	I2	CP
Professional Services														
administrative/professional office									P	P	P	P	S	
bank / financial institution									P	P	P	P	S	
blood donor center									P	P	P	P		
business/financial services office									P	P	P	P	S	
clinic (medical/dental) or health center									P	P	P	P		
clinic/treatment facility												P		
conference center									P	P	P	P		
data processing / call center									S	P	P	P	P	
employment service									P	P	P	P		
investment firm									P	P	P			
laboratory (medical/dental/diagnostic)									P	P	P	P	P	
medical office									P	P	P	P		
medical and dental facility												P		
office building									P	P				
print shop/copy center									P	P	P	P		
professional medical office/clinic						P								
research and development facility												P	P	
research/development/testing facility										S	S			
research/development/testing/training facility									S					
research/testing facility												P		
training/development facility										S	S	P	P	
Retail/Wholesale Sales														
antique shop									P	P	P			
apparel shop									P	P	P			
art or photo gallery									P	P	P			
auction facility (excluding livestock)									P		P	P	P	
book store									P	P	P			
building finishes shop (paint, carpet, wallpaper, etc.)									P	P	P	P	P	
building supply store											P		P	
construction services									S	S	P	P	P	
concenience store												P	P	S
convenience store (without gas station)									P	P	P			
craft/fabric store									P	P	P			
department store, including any facility (whether or not attached) associated with such department store for the sale of tires, batteries, automobile accessories and lubrication and for the servicing and repair of motor vehicles incidental to such sales									S	S	P			

Table 4.2: Use Matrix (continued)

	A1	A2	RR	R1	R2	R3	R4	MH	B1	B2	B3	I1	I2	CP
Retail/Wholesale Sales (continued)														
dress shop									P	P	P	P		
fireworks sales (permanent)													S	
flower shop									P	P	P			
garden shop / retail nursery									P	P	P			
gift shop									P	P	P			
greenhouse, commercial, landscape sales												P	P	
grocery store									P	P	P	P		
hardware store									P	P	P			
ice cream shop									P	P	P			
jewelry store									P	P	P			
liquor store									P	P	P			
manufactured home sales area and leasing											S	S	S	
newsdealer									P	P	P			
office supply store									P	P	P	P		
outfitter (kayak/canoe)												P	P	S
pet store									P	P	P	P		
pharmacy						S	S		P	P	P	P		
record/CD/video/musical instrument shop									P	P	P			
retail business												P		
roadside sales stand	P		S	S							S	P	P	
shopping center									S	S	P			
shopping mall										S	P			
sporting goods store									P	P	P	P	P	S
stationery shop									P	P	P			
supermarket									P	P	P			
supply store												P		
variety store									P	P	P			
vendor, temporary (farmer's market, street fair, etc.)									P	P	P			
wholesale business											P	P	S	

Table 4.2: Use Matrix (continued)

	A1	A2	RR	R1	R2	R3	R4	MH	B1	B2	B3	I1	I2	CP
Equipment Services														
electric appliance shop									P	P	P	P	P	
home electronics/appliance store									P	P	P	P		
repair services (small appliances, jewelry, alterations, etc.)									P	P	P	P	P	
Food Sales & Service														
bakery (retail)							P		P	P	P	P		S
bakery (wholesale)											P	P		
bakery/catering wholesale												P	P	
coffee shop							P		P	P	P			S
delicatessen							P		P	P	P			S
distillery										S		P	P	
drive-through restaurant									S		P			
food market/grocery												P		
meat market							P		P	P	P			
microbrewery/brewpub/winery	P		S				P		P	P	P	P	P	S
produce terminal, wholesale											S	P	P	
restaurant							P		P	P	P	P		S
Personal Services														
animal boarding/kennel (small)									S					
animal boarding/kennel (small or medium)	P		S	S	S	S	S				P	P	P	
animal boarding/kennel (large)	S											S	S	
auto detailing	P	P	S	S					P	P	P	P		
barber/beauty salon							P		P	P				
body art salon							P		P	P	P			
car wash										P	P	P		
child care / day-care center	S			S	S	S	P	S	P	P	P			
dry cleaning establishment (retail)									P	P	P	P		
fitness center							P		P	P	P	P		
funeral home							P		P	P	P			
health spa / tanning salon							P		P	P	P			
hotel / motel									S	P	P	P		
laundry (self-service)							P		P	P	P			
laundry service (large-scale)												P	P	
massage therapy (by licensed massage therapist)							P		P	P				
photographic studio									P	P				
shoe repair shop									P	P				
tailor / dressmaking / pressing shop									P	P	P	P		
veterinary hospital for small animals									S			P		

Table 4.2: Use Matrix (continued)

	A1	A2	RR	R1	R2	R3	R4	MH	B1	B2	B3	I1	I2	CP
Manufacturing / Warehousing														
agricultural products terminal													P	
animal & animal products processing													S	
assembly facility											S	S	P	
boat/RV storage facility (indoor)											S			
boat/RV storage facility (outdoor)												P	P	
bottle gas storage & distribution													S	
concrete/asphalt production facility													S	
contractor's warehouse/storage facility (enclosed)											S	P	P	
contractor's warehouse/storage facility (unenclosed)												P	P	
distribution facility												P	P	
explosive manufacturing and storage													S	
fabrication facility											P	P	P	
food & beverage production											P	P	P	
industrial processing and distribution													P	
inoperable vehicle storage													S	
junk/scrap metal yard													S	
light industrial processing and distribution												P		
lumber yard											S	S	P	
manufacturing facility													P	
mineral extraction, borrow pit, top soil removal, and their storage areas													S	
mini-warehouse/self-storage facility									S		S	P	P	
packaging facility											P	P	P	
petroleum and chemical processing facility and storage												S	S	
printing/publishing facility											P	P	P	
semi-tractor/trailer storage												S	P	
supply yard													P	
tool and die shop											P	P	P	
truck terminal												P		
warehouse & distribution facility												P	P	
wholesale facility												S	P	

4.17 LOT STANDARDS

A. INTERPRETING THE LOT STANDARDS TABLE. The following explanations of terms should be consulted when interpreting the Lot Standards Matrix, Table 4.3. For more information on the meaning of terms in this Ordinance, see Chapter:12 Definitions.

B. SPECIFIC LOT STANDARDS. The lot standards for each district shall be as specified in the description of each district in Chapter 4: Districts of the Ordinance. Lot standards shall include, but not be limited to, front setback, side setback, rear setback, lot area, lot width, lot frontage, lot depth, height, living and ground floor areas, principal structure s, accessory structures, and lot coverage.

C. GENERAL LOT STANDARDS. In addition to the district's specific lot standards, all lots shall comply with the general lot standards below.

1. Compliance Requirements: Except as provided in this Ordinance, no structure shall be erected, altered, enlarged or reconstructed unless such alteration, enlargement, or reconstruction conforms with the lot regulations of the district in which it is located, including an overlay district.

2. Setback Standards: No portion of any structure is allowed to be located within the required setbacks. Structures, as defined in Chapter 12 Definitions, include, but are not limited to principal structure , garages, carports, above normal grade level.

    a. At-Grade Improvements: Interior drives and sidewalks shall be permitted within the required setbacks at normal grade level subject to the standards of this Ordinance, provided however, parking spaces shall not be allowed within the front setback.

    b. Minor Appurtenances: Steps, ramps, fire escapes and other similar features may encroach into the setbacks by a maximum of five (5) feet.

    c. Easements: No building or other structure shall be located in any easement (including fences and walls). The property owner is responsible for compliance with these standards. Minor Appurtenances: Steps, ramps, fire escapes and other similar features may encroach into the setbacks by a maximum of five (5) feet.

    d. In any residential district where at least twenty-five (25) percent of the lots in a block are occupied by existing residential structures, the minimum depth of a front yard shall not be any more than the average of the depths of the front yards of the existing residential structures ("existing setback average") plus or minus 10% of the existing setback average. Provided, however, where the referenced occupied existing residential structures consist of only 1 or 2 such structures, then the setback must adhere to the existing setback average; the 10% variation shall not apply. For such lots, this section shall have precedence over the established setback requirements.

    e. Where any building, fence, or wall is permitted by ordinance or variance to be built within less than 5' of a setback line, applicant shall have the affected boundary line corners staked, prior to permit approval, by a professional land surveyor licensed in accordance with the laws of the State of Indiana.

3. Access Requirements: Every structure and/or use erected, moved, or established shall be located on a lot with the minimum lot frontage required by the applicable district. Every lot shall have frontage on a public street or where approved by the Plan Commission in its discretion, an access easement. Where approved, the use of access easements shall be subject to all applicable requirements and criteria of this Ordinance.

See Also:

Table 4.3 Lot Standards Matrix

4. Division of Lots: No lot shall hereafter be divided into two or more lots for the purpose of transfer of ownership, unless the division shall conform to the applicable regulations of this Ordinance.

5. Building Orientation. Primary structures on a residentially zoned lot shall be oriented to the street (with the front facade including the main entrance facing the public street abutting the front property line). Multi-Family housing and two-family housing may be exempt if two or more buildings are built on a single lot. Accessory structures (including residential garages, storage buildings, etc.) shall be located behind the principal building.

D. LOT STANDARDS MEASUREMENT. The measurement and calculation of the lot standards established by this Ordinance shall be as described below. All figures shall be rounded to the nearest whole number. All fractions of one-half (1/2) or greater and all percentages of 0.5% or greater shall be rounded up to the next highest whole number.

1. Minimum Lot Area. The smallest area established by this Ordinance on which a use, structure or building may be located in a particular district and which does not include any street right-of-way.

2. Minimum Lot Width. This refers to the minimum width a lot must have in order to be considered developable by this Ordinance. The minimum lot width is the minimum allowable horizontal distance between the side property lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the front setback line. Lot width on cul-de-sac lots and other lots with curving frontages is measured as a line parallel to the frontage and at the front setback line.

3. Minimum Lot Frontage. The frontage of a lot shall be construed to be the portion nearest the street. For the purpose of determining setback requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontages. The minimum length of a lot frontage shall be measured between side lot lines at the street right-of-way or private street easement.

4. Maximum Building Height. The maximum allowable vertical distance of a building or structure. "Height" means the measurement of a Structure from average adjacent grade level to the highest point of the Structure, excluding the necessary appurtenances such as chimneys, cupolas, church spires, steeples, clock or bell towers, cooling towers, elevator bulkheads, fire towers, penthouses, stacks, tanks, water towers, transmission towers, or essential mechanical equipment not prohibited by provisions of this Ordinance or other Laws.

5. Front Setback. The horizontal space between the front lot line and the front setback line, extending to the side lines of the lot, generally parallel with and measured from the front lot line, defining the area in which no building or structure may be located above ground, except as may be provided in this Ordinance. The front setback applies to all frontages of a lot facing a street or right-of-way.

6. Side Setback. The horizontal space between the side lot lines and the side setback lines, extending to the front and rear lot lines, generally parallel with and measured from each side lot line, defining the area in which no building or structure may be located above ground, except as may be provided in this Ordinance. However, for corner and through lots, any side of a structure that faces a street shall meet front setback requirements.

7. Rear Setback. The horizontal space between the rear lot line and the rear setback line, extending to the side lines of the lot, generally parallel with and measured from the rear lot line, defining the area in which no building or structure may be located above ground, except as may be provided in this Ordinance. For through lots, the rear of the

structure facing a street shall meet front setback requirements. Rear setbacks for corner lots will apply to the portion of the lot that is furthest in the opposite direction of the front facade of the structure.

8. Naturally Sensitive Areas Setback. This minimum setback distance shall exist when structural development occurs on a lot that is adjacent to naturally sensitive areas including but not limited to riparian areas and wetlands. The Planning Director, City Engineer, or TAC, may determine if a feature constitutes a naturally sensitive area. This setback shall overlap front, side, and rear setbacks. The setback with the largest width shall apply.

9. Setbacks Between Dissimilar Districts. On any lot or parcel of land in industrial districts, no structure shall be erected or maintained within a minimum of a 100-foot setback distance beginning at the zone boundary line of any:

   a. Adjacent improved and unplatted parcel of any residential or conservation district.

   b. Adjacent unimproved and platted parcel of any residential or conservation district.

   c. Any parcel of an agricultural district currently being used in any manner listed under Section 4.2 (A) Permitted Uses, except “Agriculture” or Section 4.2 (B) Special Exception Uses, except “Agriculture.”

   On any lot or parcel of land in industrial districts, no structure shall be erected or maintained within a minimum of a 50-foot setback distance beginning at the zone boundary line of any adjacent unimproved and unplatted parcel of any residential or conservation district.

   On any lot or parcel of land in industrial districts, no structure shall be erected or maintained within a minimum of a 25-foot setback distance beginning at the zone boundary line of any adjacent unimproved and unplatted parcel of any agricultural district.

   On any lot or parcel of land in business and commercial districts, B-1 and B-3, which lies adjacent to any residential, conservation or agricultural district, no structure shall be erected or maintained within a minimum side yard as follows: 48 feet of the boundary line of any improved, unplatted or unimproved platted parcel of any R-R or R-1, CP or A district; within 36 feet of any R-2 district or within 24 feet of any R-3 district. Rear setbacks shall be a minimum of 25 feet.

   Landscape buffer requirements shall apply to these setback distances per Section 7.6

10. Minimum Separation. This distance, measured between the points of shortest distance on the exterior facades of two (2) structures, shall determine the minimum separation of multiple structures within one (1) developed lot.

11. Minimum Ground Floor Living Area (Per Unit). The sum of the livable horizontal areas on the ground level of a building measured from the interior faces of the exterior walls, exclusive of basements, unfinished attics, and attached garages. The minimum for a specific residential structure shall be dependent on the number of stories within the residential structure.

12. Total Minimum Living Area (Per Unit). The sum of the livable horizontal areas on all levels of a building measured from the interior faces of the exterior walls, exclusive of basements, unfinished attics, and attached garages. Each residential dwelling unit shall have separate and individual kitchen and bathroom facilities.

13. Maximum Lot Coverage (structures and buildings). The maximum amount of enclosed ground floor area of all buildings on a lot expressed as a percentage of the horizontally projected area representing the bulk and mass on the lot.
14. Maximum Lot Coverage (all impervious surfaces). The maximum amount of ground floor area occupied by buildings, structures, parking lots, or other impervious surfaces on a lot expressed as a percentage of the horizontally projected area of the lot.
15. Primary Structures per Lot. Primary Structures per lot shall be measured as the total number of principal structures and/or separate structures housing different primary uses on any lot. Except in the case of a Multi-Tenant Commercial Center located in an Industrial or Commercial District or as may be allowed pursuant to a PUD Ordinance, no more than one primary use and no more than one principal structure may be located on a single lot of record or a single zoning lot. In an R4 District, Multi-Family housing and two-family housing may be exempt if two or more buildings are built on a single lot.

Table 4.3: Lot Standards Matrix

		Min. Lot Width (Measured At Setback Line)	Min. Lot Frontage (Measured)			Max. Lot Coverage	MIn. Total Living Area	MIn. Ground Floor Living Area
Agricultural Zoning District								
A1	66,000 s.f.	180 ft.	180 ft.	40 ft.	40 ft.	25% [1]	1,000 s.f.	NA
A2	50 acres 40 acres	660 ft.	NA	40 ft.	40 ft.	25% [1]		
	66,000 s.f. (septic) 23,000 s.f. (sewer)	115 ft.	NA	40 ft.	22 ft.	30%	1,200 s.f.	1,200 s.f.
R1	15,000 s.f.	100 ft.	NA	35 ft.	22 ft.	35%	1,200 s.f.	1,200 s.f.
R2	10,000 s.f.	80 ft.	40 ft.	35 ft.	22 ft.	35%	1,200 s.f.	1,200 s.f.
R3	7,200 s.f.	60 ft.	40 ft.	35 ft.	22 ft.	35%	900 s.f.	750 s.f.
R4	4,000 (1br) s.f. 5,000 (2br) s.f. 6,000 (3br) s.f.	100 ft.	50 ft.	45 ft.	22 ft.	50%	500 s.f. (1 Bedroom) 750 s.f. (2+ Bedrooms)	NA
MH	5 acres (Park) 4,000 s.f. (Site)	100 ft. (Park) 30 ft. (Site)	100 ft (Site)	35 ft.	20 ft.			
Commercial Zoning Districts								
B1	10,000 s.f.	100 ft.	50 ft.	35 ft.	22 ft.	85%	550 s.f. (Upper Story)	NA
B2	5,000 s.f.	30 ft.	30 ft.	50 ft.	NA	100%	1,200 s.f.	NA
B3	23,000 s.f.	150 ft.	NA	55 ft.	NA	75%	NA	NA
Industrial Zoning Districts								
I1	1 acre	150 ft.	150 ft.	50 ft.	NA	NA	NA	NA
I2	N/A	200 ft.	NA	50 ft.	NA	NA	NA	NA
Other								
CP	10 acre	NA	NA	NA	NA	10 %	NA	NA

Table 4.3: Lot Standards Matrix

Zoning District	Min. Front Setback [2]					Min Side Setback	Min. Rear Setback	Min. Accessory Structure Setback
Agricultural Zoning District								
A1	50 ft. (Principal Arterial)	50 ft. (Minor Arterial)	40 ft. (Major Collector)	40 ft. (Minor Collector)	40 ft. (Local Street/Rural Road)	50 ft.	50 ft.	15 ft.
Residential Zoning Districts								
RR	50 ft. (Principal Arterial)	50 ft. (Minor Arterial)	40 ft. (Major Collector)	35 ft. (Minor Collector)	35 ft. (Local Street/ Rural Road)	15 ft.	25 ft.	15 ft.
R1	50 ft. (Principal Arterial)	50 ft. (Minor Arterial)	40 ft. (Major Collector)	35 ft. (Minor Collector)	30 ft. (Local Street/ Rural Road)	10 ft.	20 ft.	15 ft.
R2	50 ft. (Principal Arterial)	50 ft. (Minor Arterial)	40 ft. (Major Collector)	35 ft. (Minor Collector)	30 ft. (Local Street)	7.5 ft.	15 ft.	5 ft.
R3	45 ft. (Principal Arterial)	40 ft. (Minor Arterial)	35 ft. (Major Collector)	35 ft. (Minor Collector)	25 ft. (Local Street) [3]	7.5 ft.	15 ft.	5 ft.
R4	50 ft. (Principal Arterial)	50 ft. (Minor Arterial)	40 ft. (Major Collector)	40 ft. (Minor Collector)	40 ft. (Local Street)	40 ft.	25 ft.	10 ft.
Commercial Zoning Districts								
B1	35 ft. (Principal Arterial)	35 ft. (Minor Arterial)	25 ft. (Major Collector)	20 ft. (Minor Collector)	20 ft. (Local Street)	10 ft.	20 ft.	5 ft.
B2	0 ft. min. (5 ft. max)					0 ft.	5 ft.	5 ft.
B3	50 ft. (Principal Arterial)	45 ft. (Minor Arterial)	40 ft. (Major Collector)	40 ft. (Minor Collector)	40 ft. (Local Street)	15 ft.	25 ft.	10 ft.
Industrial Zoning Districts								
I1	50 ft. (Principal Arterial)	45 ft. (Minor Arterial)	40 ft. (Major Collector)	35 ft. (Minor Collector)	35 ft. (Local Street) [3]	20 ft.	25 ft.	25 ft.
I2	50 ft. (Principal Arterial)	45 ft. (Minor Arterial)	40 ft. (Major Collector)	40 ft. (Minor Collector)	40 ft. (Local Street)	25 ft. [4]	25 ft. [4]	25 ft.
Other								
CP	50 ft. (Principal Arterial)	45 ft. (Minor Arterial)	40 ft. (Major Collector)	40 ft. (Minor Collector)	40 ft. (Local Street) [3]	25 ft.	25 ft.	NA

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RATIO

5.1 GENERAL PROVISIONS

See Also:

IC 36-7-4-1500 series - Planned Unit Development

Chapter 7: Development Standards

Commission Rules & Procedures

A. DESCRIPTION OF DISTRICT.

1. Indiana State Statute. A PUD district is one that (IC 36-7-4-1503):
    a. Designates a parcel of real property as a planned unit development district;
    b. Specifies uses or a range of uses permitted in the planned unit development district;
    c. Specifies development requirements in the planned unit development district;
    d. Specifies the plan documentation and supporting information that may be required;
    e. Specifies any limitation applicable to a planned unit development district.

B. DEVELOPMENT STANDARDS. All various types of development, i.e. residential, commercial, or industrial shall meet the requirements of this Ordinance, as they apply to those classifications.

C. STATEMENT OF PURPOSE. This district is intended to provide more development flexibility and innovative approaches than are possible through the application of customary zoning regulations. The PUD district allows for mixed-uses and mixed densities under one zoning classification to reflect this development trend. This Ordinance allows any zoning district to be rezoned for the creation of a PUD district. All PUD Districts shall be consistent with the requirements of this Ordinance.

D. APPLICABILITY.

1. Minimum Size. The provisions of this section shall apply only to a tract of land proposed to be a minimum of ten (10) acres for residential uses and twenty-five (25) acres for non-residential uses.
2. New Developments. The provisions of this section shall apply only to proposed new developments and shall not apply to any Planned Unit Development which is now fully or partially developed, nor to any such development for which a final authorization has been granted pursuant to a previous Ordinance. However, a applicant may, upon application and approval of the Commission, become subject to all the benefits and requirements of this section, subject to such rights as shall have vested in the owners of the area affected by development under this Ordinance.

E. FORMATTING. In order to allow comparative and efficient review, applicants shall utilize the existing district and development standards in Subsection 5.1(B) of this Ordinance as a guide for developing the subdistrict(s) within the PUD. During the development of the draft PUD, the actual text of the existing district(s) shall be utilized and any desired deviations from the existing district and development standards shall be clearly shown for the purpose of comparison.

F. USES. All permitted uses shall be specified in the PUD Ordinance. No uses are considered Special Exceptions. All land uses proposed in a PUD shall be compatible with the intent of the Comprehensive Plan and the characteristics of surrounding land uses and zoning districts.

G. DEVELOPMENT REQUIREMENTS. Development requirements for all proposed PUDs shall be as required by this chapter and as created by the applicant. All proposed development requirements shall be included in the PUD Ordinance and are subject to the review of the Commission and approval of the Council. Generally, the Planned Unit Development shall provide standards for the development that replace (1) the lot standards established by Chapter 4 Zoning Districts; (2) development standards regulated by Chapter 7 Development Standards; and (3) standards established by Chapter 9 Subdivisions. Minimum standards shall utilize or enhance standards set forth in Chapter 7 Development Standards.

H. RULES & PROCEDURES. All proceedings brought under this Chapter are subject to the Rules & Procedures of the Commission.

I. ORIGINATION OF PROPOSALS. Any applicant may propose a PUD district in accordance with the procedures established in this Chapter. The applicant making the proposal must intend to act as developer or sponsor of the development. A parcel or site proposed for a PUD may be under single ownership. However, if not under single ownership, the multiple owners must have a contractual agreement (1) not to develop the parcels separately, but in accordance with a single, unified plan; and (2) in which the separate owners have given their express intentions to enter into such private agreements, and to assure its completion as planned and to the satisfaction of the Commission.

5.2 PUD APPLICATION

A. GENERAL APPLICATION REQUIREMENTS. All application packets and Rules and Procedures may be obtained through the Administrator. Fees shall be paid at the Planning Department at the time the applications are submitted.

B. REVIEW SCHEDULE. Incomplete applications shall not be accepted. All applications shall be assigned reference and/ or docket numbers by the Administrator. Applications shall be scheduled by the Administrator, for the appropriate review, public meetings, or public hearings based on the completeness of the application consistent with the requirements of this Chapter and the adopted calendar of filing.

C. PUD APPLICATION PROCESS. Applicants should contact the Planning Department directly for an application packet and guidance, prior to submitting an application.

See Also:

www.jasperindiana.gov to view Rules and Procedures and to obtain applications, forms and Commission filing & meeting dates

5.3 PRELIMINARY PLAN

A. DESCRIPTION. The purpose of the Preliminary Plan is to provide a formal opportunity for the Applicant and the Commission to discuss the general elements of the proposed PUD. The Preliminary Plan functions as a Concept Plan. The Preliminary Plan prepares the Commission for a future discussion of details and minimizes the risk incurred by the Applicant in creating the Final Detailed Plan.

B. APPLICATION. The Applicant shall submit a Preliminary Plan Review Application Packet which may be obtained at the Planning Department. The Preliminary Plan Application Packet includes a description of the procedure and all needed information to be contained within.

C. TECHNICAL REVIEW. The application materials shall be reviewed by the TAC in a meeting scheduled based on the adopted calendar of meeting and filing dates.

1. Representation: The Applicant(s) or a representative of the Applicant(s) shall be present during the review to answer questions regarding the petition. The TAC shall review, and may provide commitments to the Applicant(s) within fifteen (15) days of the completion of review.
2. Revisions: Any revisions to the application materials or the proposal, requested by the TAC, shall either be addressed during the review meeting or through revised application materials submitted prior to the subsequent Commission hearing.

D. PUBLIC MEETING NOTIFICATION. Notification for the scheduled public meeting regarding the Preliminary Plan shall be completed consistent with the requirements of Chapter 10 Procedures & Permits.

E. COMMISSION PUBLIC MEETING. The Commission will, in a public meeting scheduled consistent with the adopted calender of filing and meeting dates, review the application and required supporting information.

See Also:

Subsection 2.2(I) Technical Assistance Committee (TAC)

Section 10.2 Procedures for Notice of Public Hearing

F. PRELIMINARY PLAN DECISION CRITERIA. In reviewing the Planned Unit Development Preliminary Plan petition, the Commission shall pay reasonable regard to the following, consistent with IC 36-7-4-603:

1. The Comprehensive Plan;
2. Current conditions and the character of current structures and uses in each district;
3. The most desirable use for which the land in each district is adapted;
4. The conservation of property values throughout the jurisdiction;
5. Responsible development and growth.

G. DECISION AND FINDINGS OF FACT. After review, the Commission may approve, approve with modifications, or deny the Preliminary Plan. The Administrator shall also prepare and sign written findings of fact documenting action taken by the Commission at the public meeting or meetings at which the Plan was reviewed. The approval of the Preliminary Plan is only a prerequisite step to the filing of the proposed PUD under Section 5.4 Final Detailed Plan and Rezoning. Approval of a Preliminary Plan by the Commission does not constitute the issuance of a Permit or give rise to any Vested Right in the Applicant.

H. PRELIMINARY PLAN FILING. The approved Preliminary Plan, including any commitments relating to the subject property which the Applicant intends to make, shall be filed with the Planning Department by the Applicant. The documents must clearly state that any written commitments to be filed with the Final Detailed Plan will be prepared in recordable form and are enforceable by the Commission.

I. EXPIRATION OF PRELIMINARY PUD PLAN. The Final Detailed Plan filing shall occur within three (3) years of the date of Preliminary Plan approval by the Commission. If no Final Detailed Plan filing has occurred within that period, the Preliminary Plan approval shall expire. An extension may be granted upon request to the Commission at their discretion, without the need for a public hearing. If the project is phased and was part of the Preliminary Plan, the applicant may submit partial Final Detailed Plans which correspond to the phases involved.

5.4 FINAL DETAILED PLAN AND REZONING

See Also:

Chapter 9 Subdivisions

Chapter 2.2(I) Technical Assistance Committee

Commission Calendar of Filing & Meeting Dates

A. DESCRIPTION. The purpose of the Final Detailed Plan and Rezoning Application is to finalize the details of the proposed PUD, document those details, and obtain final PUD recommendation from the Commission and approval from the Council.

B. PRE-APPLICATION MEETING. A PUD Final Detailed Plan shall only be filed after a Preliminary Plan has been approved for the subject property under Section 5.3 Preliminary Plan

C. APPLICATION. The Applicant shall submit a PUD Final Detailed Plan Review Application, an affidavit and consent of property owner (if the owner is someone other than the Applicant), a copy of the deed(s) for the property involved, the required filing fee, the Detailed Plan, the PUD Ordinance, and any other supporting

information. The Final Detailed Plan filing shall occur before the expiration of the Preliminary Plan approval under Section 5.3(I) Expiration of Preliminary PUD Plan. If no Final Detailed Plan filing has occurred within that time, a new Preliminary Plan for the PUD must be submitted and approved before the PUD Final Detailed Plan may be filed.

D. PLAT/SITE DEVELOPMENT PLAN REQUIREMENT. PUDs shall be required to comply with the Ordinance (per IC 36-7-4-1513) and the provisions for Subdivision and/or development plan provisions of the Ordinance as applicable. In no instance shall the approval of a PUD be interpreted as waiving or modifying any Site Development Plan processes, including, but not limited to, platting.

E. REVIEW BY STAFF. Upon submittal review, the Administrator shall review the Final Detailed Plan prior to submission to the applicable TAC and Commission meetings.

F. TECHNICAL REVIEW. The application materials shall be reviewed by the TAC in a meeting scheduled based on the adopted calendar of meeting and filing dates.

G. PUBLIC HEARING NOTIFICATION. Notification for the scheduled public hearing regarding the Final Detailed Plan and Rezoning shall be completed consistent with the requirements of the Rules & Procedures of the Commission.

H. COMMISSION PUBLIC HEARING. The Commission shall, in a public hearing scheduled consistent with an adopted calender of filing and meeting dates (but no later than sixty (60) days following the receipt of the Final Detailed Plan Application), review the application and required supporting information. Upon review, the Commission, shall make a recommendation on the Final Detailed Plan and Rezoning to the Council. The Council may approve, approve with modifications, or deny the Final Detailed Plan Application and Rezoning in accordance with Section 10.7 Zoning Map Amendment/Rezoning. Pursuant to IC 36-7-4-1512, the Council may also do the following:

1. Impose reasonable conditions on the proposed PUD.
2. Condition issuance of an Improvement Location Permit on the furnishing of a bond or a satisfactorily written assurance guaranteeing the timely completion of a proposed public improvement in the PUD or serving the PUD.
3. Allow or require the applicant to make a written commitment in the manner authorized under IC 36-7-4-1015.

I. RECORDING. All approved Final Detailed Plans and modifications thereof shall automatically expire and become null and void unless recorded in the office of the Dubois County Recorder within sixty (60) days of approval. Applicant is responsible for recording and bringing proof of recording back to the Commission.

5.5 SUBDIVISION DEVELOPMENT

A. REFERENCE CHAPTER 9 SUBDIVISIONS.

See Also:

Section 10.11 Development Plan Approval

5.6 DEVELOPMENT PLAN

A. REFERENCE SECTION 10.11 DEVELOPMENT PLANS.

5.7 COVENANTS

A. REFERENCE SECTION 9.1(F) RELATIONSHIP WITH PRIVATE-PARTY EASEMENTS, COVENANTS OR AGREEMENTS.

5.8 EXPIRATION, ABANDONMENT, & EXTENSIONS

A. EXPIRATION. Final Detailed Plans shall expire three (3) years from the date of adoption of the PUD District Ordinance (re-zoning) by the Council if, in the opinion of the Administrator, no construction activity has begun. Any corresponding Preliminary Plat approval shall also expire at the time of Final Detailed Plan expiration. Upon expiration, the entire PUD will expire and revert to the previous zoning.

B. ABANDONMENT. The Planned Unit Development may be considered officially abandoned if, in the opinion of the Commission, the development is incomplete and no, or minimal, construction activity has occurred for a period of five (5) consecutive years. Any outstanding surety for the project may be used by the City of Jasper consistent with Chapter 9: Subdivisions.

C. EXTENSIONS. An extension, not to exceed six (6) months, for accomplishing any processes required by this Chapter, or for resuming construction activity in an abandoned development may be granted by the Commission upon a written request from the applicant. All requests for extensions must occur within a minimum of thirty (30) days prior to the applicable deadline

D. COMMISSION REZONING. The Council may initiate a rezoning for any property included in a PUD that has been abandoned or for which the Detailed Plan approval has expired. Any rezoning proposal by the Commission shall meet all applicable requirements for the rezoning process provided by Section 10.9 Zoning Map Amendments/Rezones.

5.9 AMENDMENT

A. MINOR AMENDMENT.

1. Administrative Approval. Minor Amendments to PUD zoning districts may be approved by the Administrator.
2. Procedure. Any such amendment shall be requested in writing, confirmed in writing, added to the petition file, and reported to the Commission at the next scheduled meeting.
3. Limitations. Only proposed amendments not identified in Subsection 5.9(B) Detailed Amendment below, shall be eligible for consideration as a minor amendment.

4. Appeal. Appeal of any denial of a minor amendment shall be in accordance with procedures established in Section 10.6.

B. DETAILED AMENDMENT.

1. When Required. A detailed amendment shall be required when proposing to:
   a. Modify or terminate a condition of approval;
   b. Modify or terminate a commitment imposed upon approval;
   c. Increase the density or intensity of the project (e.g. additional structures, additional square footage);
   d. Add a new public way;
   e. Remove a public way from the approved PUD zoning district, final detailed plan, and zoning, Development Plan Review or Primary Plat for the project;
   f. Increase the ratio of platted lot area to common area and/or open space;
   g. Alter the boundaries of the PUD District when more or less land is being included or removed from the area previously shown in the approved final detailed plan.
2. Process. A detailed amendment shall follow the same procedures for approval as those listed in Section 5.3 Preliminary Plan.

See Also:

Section 10.6 Administrative Appeals



Contents

6.1 US 231 Thoroughfare Overlay District 90
6.2 Mixed-Use Overlay District 95
6.3 Medical-Related Office/Residential Overlay District 110

RATIO

6.1 US 231 THOROUGHFARE OVERLAY DISTRICT

A. INTENT. The intent of the US 231 Thoroughfare Overlay District, also referred to as the Thoroughfare Overlay District, is to promote cohesive, quality development for all development sites, buildings, structures abutting designated major thoroughfares within the City of Jasper. Moreover this district shall establish basic standards which promote high quality, innovative site design and at the same time encourage efficient land use; and to encourage capital investments for the development of adjacent properties.

B. DISTRICT BOUNDARIES. The boundaries of the Thoroughfare Overlay District are hereby established as shown on the Official Zoning Map for the City of Jasper. The boundaries extend one hundred (100) feet from the centerline of US 231. If any portion of the parcel/tract/lot lies in the Overlay District, the entire parcel/tract/lot is considered to be in the Overlay District.

C. APPLICABILITY. All new development and any existing lots, structures or buildings proposing an expansion of the lot, structure, or building by fifty (50) percent (cumulative) or more of the existing. Individual single- or two-family lots are not subject to the requirements of the overlay district.

D. INTERPRETATION. The Thoroughfare Overlay District regulations apply to all new development, but only to existing structures when they are proposed to be expanded by fifty percent (50%) or more. In the case that this overlay district overlaps other overlay districts, or where conflicting regulations occur, the following shall apply.

1. The regulations of the Mixed-Use Overlay District shall supersede the regulations of the Thoroughfare Overlay District. Where no special regulations are included within a specific overlay district, the regulations of the underlying overlay district shall apply, or in the case of no underlying overlay district, the regulations of the underlying zoning district shall apply.
2. In the case of conflicting regulations between the Thoroughfare Overlay District regulations of this section and other regulations in this Ordinance, the hierarchy detailed in Subsection 6.1(D)(1) above shall determine which regulations control.

E. COMMISSION APPROVAL.

1. A Development Plan is required for all proposed development in the Thoroughfare Overlay District per Subsection 10.11(B) Development Plan. Individual single- or two-family lots are not subject to the requirements of the overlay district and only require approval by the Commission when they are part of a major subdivision.

F. PERMITTED USES & SPECIAL EXCEPTIONS. All uses which are permitted in a given site's underlying zoning district except those expressly prohibited in Subsection 6.1(G) below, are permitted in the Thoroughfare Overlay District. All uses which are Special Exceptions in a given site's underlying zoning district shall be considered Special Exceptions in the Thoroughfare Overlay District.

G. PROHIBITED USES

1. Airport
2. Heliport
3. Highway Maintenance Garage
4. Radio or Television Transmission Tower
5. Boat or Marine Equipment Sales & Service
6. Penal or Correctional Institution
7. Sanitary Fill

8. Sewage Treatment or Disposal Plant
9. Wholesale/Warehousing/Industrial Services not contained entirely within buildings
10. Junk Yard, Salvage yard Operation
11. Raising of Non-Farm Fowl and Animals, Commercially (except kennel)
12. Auction Houses
13. Building Material Sales
14. Car Washes
15. Commercial Parking Lot & Parking Garage
16. Off-premise Advertising
17. Recycling/Recovery Center
18. Sexually Oriented Businesses

H. VEHICULAR ACCESS. Refer to Subsections 7.18(B) and (C) for vehicular access design standards for multifamily and non-residential development.

See Also:

Table 4.2 Use Matrix

I. ACCESSORY BUILDINGS AND USES. All accessory buildings and uses which are permitted in the underlying zoning district(s) shall be permitted, except that any detached accessory building shall be architecturally compatible with the principal building(s) with which it is associated.

J. SITE LAYOUT. Development plans shall address the entire parcel. Ownership patterns may limit the degree to which this can be shown. Plans should indicate phasing and be prepared in accordance with the requirements of Section 10.11 Development Plan Approval.

1. Site layout shall consider the relationship between all buildings on site. Building entries shall generally be oriented towards the adjacent streets.
2. Pedestrian access on all public and private streets shall be provided at the time of initial development.
3. Pedestrian connectivity between uses shall be included.
4. Internal drive aisles that connect multiple lots shall be used to minimize points of access for safe vehicular circulation.
5. The orientation and access of outlots shall be considered and illustrated on the plan.
6. This overlay discourages new curb cuts and a reduction in existing curb cuts along the Thoroughfare. Where parcels can be accessed via connection to a secondary arterial, collector, or adjoining parking lot, curb cuts shall not be established on primary arterials within the Thoroughfare Overlay District. In lieu of access to the thoroughfare, tracts shall be accessed via connection to another arterial street, collector street, local street, or access easement constructed by the developer through an adjoining parking lot when possible (cross-access easement).
7. Bicycle circulation to and through the site shall be coordinated with vehicular access, landscaping and parking.

See Also:

Section 9.18 Entrance and Drive Standards

K. NON-RESIDENTIAL USES.

1. Parking. In addition to the standards contained in Section 7.5 Parking Standards the following shall apply:
   a. Off-street parking between the street and the front facade of the structure shall not exceed twenty five percent (25%) of the required parking, or a maximum of two (2) rows.

1) Parking which exceeds fifty percent (50%) of the required parking and is located in the front yard and is visible from the public right-of-way shall require an increase in the required parking lot interior landscaping standards by ten percent (10%).

2) Parking located between the street and the front facade shall not be allowed within the required front yard or within the required corridor buffer.

b. Pedestrian areas in parking lots shall be demarcated with special paving, color, height or striping for increased safety.

c. Shared parking may be utilized in accordance with Section 7.5 Parking Standards.

2. Architectural Standards.

a. Building Materials.

1) Stucco, concrete block (including but not limited to split face), prefabricated steel panels and vinyl siding shall not be used as primary exterior finish materials within the Thoroughfare Overlay District. Stucco may only be used as accent materials, covering the balance of the wall after the masonry is applied. Coating or painting of a prohibited material shall not constitute a permitted material.

See Also:

Section 7.18 Design Standards

2) Structures located in the overlay districts shall be constructed using a minimum of fifty percent (50%) masonry as described below.

i. Masonry construction may consist of brick, granite, sandstone, slate, limestone, marble, or other hard and durable all weather stone. Ashlar, cut stone, and dimension stone construction techniques are acceptable.

ii. Brick material used for masonry construction shall be composed of hard fired all-weather standard size brick or other all-weather facing brick.

3) All facade wall exterior building materials shall be high quality, and shall be limited to any combination of the following:

i. Brick or face tile;

ii. Wood;

iii. Native stone;

iv. Glass (reflective glass shall be limited to a maximum of fifty percent (50%) of the area of any facade wall on which glass is used);

v. Tinted and/or textured concrete masonry units (such as split-face block and burnished block);

vi. Architectural precast concrete or tilt-up concrete panels that are textured using the following techniques: exposed aggregate, bush-hammered, sand blasted, or other concrete finish as approved by the Commission or designee;

vii. Architectural metal, limited to a maximum of fifty percent (50%) of the area of any facade wall on which architectural metal is used; and

viii. Fiber cement board, nine (9) inch lap.

b. Facade Detail. Facade detail elements such as color, lighting, display windows, and roof design shall meet the requirements of Section 7.18 Design Standards.

c. Minimum Height. Buildings in the Overlay District shall have a minimum height of twenty (20) feet.

d. Street Orientation. All structures shall be sited to front on public ways or give the appearance of a front-like facade on public ways. The main entrance of the structure must face the street and be clearly articulated through the use of architectural detailing. Where there are two street frontages the entrance on the thoroughfare of highest classification shall be the main entrance.

e. Transparency. Retail buildings shall provide windows on a minimum of 35% of the ground floor front façade. Side elevations shall contain a minimum of 10% windows of the ground floor. Nothing in these requirements shall be construed as prohibiting the use of stained glass windows for places of worship.

3. Landscaping.

See Also:

Section 7.8 Landscaping

a. Coordination. The landscaping is intended to visually tie an entire development together, define entryways and vehicular and pedestrian circulation, buffer dissimilar uses and to mitigate the effect of heat build up on dark paved surfaces. All landscape requirements of the underlying zoning district shall apply.

b. Live Material. Areas required to be landscaped shall be covered in live material such as trees, shrubs, ground cover, and sod. Areas not required by this Ordinance may be covered by woody mulch, rock mulch, or other natural materials other than exposed gravel and aggregate rock.

c. Corridor Buffer. A corridor buffer of minimum twenty (20) feet in width shall be established. The incorporation of walkways and bikeways into the design is encouraged. Parking lots, through roads, frontage roads, drive aisles, buildings, and accessory structures, etc. shall not be established within this area.

d. Lot Plantings. Plantings shall be included on a lot on all sides of a building or structure. Plantings for nonresidential uses shall constitute seventy-five percent (75%) of the building's perimeter excluding entryways and service bays. The minimum average width of the planting area shall be five (5) feet. Landscaping materials used adjacent to buildings shall include shrubs, ground cover, and ornamental grasses in addition to turf. Trees are encourage in larger planting spaces. Invasive species shall not be used for required planting material. Refer to the Indiana Department of Natural Resources list of invasive species.

e. Street Trees. Street trees shall be planted parallel to the street. Trees may not be planted within the sidewalk right-of-way without permission from the Board of Public Works and Safety.

f. Tree spacing shall be determined by tree type with a maximum spacing of forty (40) feet on center. Street trees shall be seedless hardwood shade/canopy trees. Species should be selected based upon hardiness, durability, root systems that do not damage sidewalks, and leaf and fruit litter that will not clog storm drains.

g. Landscape Buffer/Screening. Requirements for buffer/screening can be found in Subsection 7.8(K) Landscaping.

4. Trash Collection. Trash, garbage, grease and recycling collection areas shall be enclosed and screened on all sides with a minimum six (6) foot tall opaque wall constructed of materials which are architecturally compatible with the design of the principal building(s). Gates shall be used on the unit's side and shall be functional. Trash collection and recycling areas shall be integral to the building or located in the rear of the site.

5 Pedestrian Facilities.

a. Sidewalks shall be provided along the frontage adjacent to a public or private street. The sidewalk shall be a minimum of five (5) feet wide.

b. Sidewalks shall be provided along both sides of the major access drive and one side of a secondary access drive.

c. A continuous, delineated pedestrian pathway network no less than six (6) feet wide, that continues from the perimeter public sidewalk to the principal customer entrance of all principal buildings on the site shall be provided.

d. Sidewalks, no less than eight (8) feet wide, must be provided along the full length of the building along any facade that features a customer entrance.

e. All pedestrian walkways may be distinguished from driving surfaces through the use of special pavers, bricks, or scored concrete.

6. Lighting.

a. Design. All light standards, building-mounted lights, security lights, and other architectural lights shall be of compatible design and materials.

b. Height. Freestanding and wall-mounted outdoor light fixtures used to illuminate a surface parking or service area shall utilize full cutoff fixtures. The Commission may approve cutoff, semi- cutoff, or other decorative lighting should it be more appropriate to the overall site design.

c. Gas stations. Refer to Section 7.15 Exterior Lighting Standards.

d. Intensity / Light Trespass. Lighting levels shall not exceed three- tenths (0.3) foot candles at the property line abutting a residential use or district. Light levels shall not exceed one-half (0.5) foot candle of light at the property line adjacent to a nonresidential district. Light levels shall not exceed six-tenths (0.6) at property lines adjacent to street right-of-way.

7. Signs. Signs for each proposed use shall be in conformance with the requirements of City of Jasper Ordinance 2012-35, S16.035 adopted December 19, 2012, and compatible in character as to color and architectural design with the structures located on the site.

8. Drive-through Windows.

a. Drive-throughs shall be designed as a related, integrated architectural element and part of the overall design composition of the building;

b. All components of a drive-through, including stacking spaces, menu boards, and pick-up windows shall be located within the side or rear yards of a lot. In no case shall any of these drive-through components be located within the front yard, or in the case of a corner lot, shall not be located in the front yard that faces the Thoroughfare which is part of the overlay

9. Loading Docks. Loading docks shall be permitted per the needs of business establishments and shall be identified on the development plan. Loading docks and overhead doors shall face to the rear of all buildings. Should a loading berth be

located adjacent to or visible from a public right-of-way, or established on the side of a building through any circumstance, it shall be screened from view with an opaque wall constructed of materials which are architecturally compatible with the design of the principal building(s).

10. Screening.
    a. All rooftop mechanical equipment shall be enclosed in building material that matches the structure or is visually compatible with the structure.
    b. All ground- or building-mounted mechanical and electrical equipment located adjacent to the building and visible from a public thoroughfare or residential use shall be screened from view by means of walls, landscaping, camouflage, or other approved method. All screening shall be architecturally compatible with the principal structure.
    c. Sound attenuation to mechanical equipment is also encouraged.

L. CONVERSION STANDARDS.

1. Refer to Section 7.20 Single-family to Multifamily Conversion Standards.

M. ACCESSORY USES AND BUILDING MECHANICAL.

1. Accessory uses and building mechanical shall be located to the side or rear of the principal structure and shall be placed in the location of least visibility from the public right-of-way. Mechanical equipment shall be screened in accordance with Section 7.8 Landscaping.

6.2 MIXED-USE OVERLAY DISTRICT

A. INTENT. The intent of the Mixed-Use Overlay District is to acknowledge the mix of uses that are typical for historic and urban areas. Further, the purpose is: 1.) to maintain the historic character and architectural scale of existing development; 2.) to promote increased pedestrian traffic, while accommodating the vehicular traffic generated by the permitted businesses of limited commercial size; 3.) to allow alternative mixed uses which include residential/commercial “live-work” units; and 4.) to encourage the conversion of existing buildings in a manner which maintains the traditional urban downtown style. All Mixed-Use developments shall be served by centralized sewer and water and shall be located within the corporate limits of Jasper.

B. BOUNDARIES. The boundaries of the Mixed-Use Overlay District are shown on the Official Zoning Map. More specifically, the Mixed-Use Overlay District is applied to properties within the B2 Central Business District and the designated Historic District.

C. GENERAL PROVISIONS / APPLICABILITY.

1. Sites or structures being located, erected, constructed, reconstructed, moved, altered, converted, or enlarged that would require a Development Plan. Projects requiring an Improvement Location Permit or other permit may need to comply with requirements of these sections at the discretion of the Administrator.
2. Lots being used, altered, or excavated.
3. Existing uses, including parking lots, being expanded by fifty (50) percent

(cumulative) or more of the existing, changed, or new uses added.

4. Streetscape improvements including exterior facades, landscaping, lighting, street furnishings, or other improvements.

D. RELATION TO UNDERLYING ZONING. In the case that this overlay district overlaps other overlay districts, or where conflicting regulations occur, the following shall apply.

1. The regulations of the Mixed-Use Overlay District shall supersede the regulations of the Thoroughfare Overlay District. Where no special regulations are included within a specific overlay district, the regulations of the underlying overlay district shall apply, or in the case of no underlying overlay district, the regulations of the underlying zoning district shall apply.
2. In the case of conflicting regulations between the Thoroughfare Overlay District regulations of this section and other regulations in this Ordinance, the Administrator will interpret the hierarchy and applicability of regulations.

E. HOW TO APPLY THE OVERLAY DISTRICT STANDARDS.

1. Development and design standards for the Mixed-Use Overlay District focus on the form of infill development with less emphasis on land use, though certain land uses are prohibited in all “building types” (see Subsection 6.2(F) Prohibited Uses).
2. To further this goal, five examples of “building types” have been created to serve as guidelines for infill development. The applicability of these building types will be determined in an informal meeting with the Administrator as it conforms to current and planned adjacent land uses on a project-by-project basis.

F. PROCEDURES.

1. A Development Plan is required for proposed new development or expansion of developments constituting more than thirty percent (30%) of the existing gross floor area in the Mixed-Use Overlay District. The Commission shall review all Development Plan applications in accordance with Section 10.11 Development Plan.
2. Single-family uses on individual lots do not require Commission approval and may be reviewed administratively by the TAC. The Administrator may grant approval. Single-family uses on individual lots are subject to development plan approval by the Commission only when they are part of a major subdivision.

G. DEVELOPMENT AND DESIGN STANDARDS. The guidelines and standards contained herein provide guidance for quality design and compatible development consistent with the area that defines the Mixed-Use Overlay as specified on the official map.

1. Streets. The existing city street grid shall be maintained including provisions for alleys where possible. New construction shall observe maximum setbacks and locate close to the right-of-way to engage the pedestrian and encourage street activity.
2. Sidewalks.
    a. Minimum sidewalk width shall be five (5) feet.
    b. Special paving is encouraged for sidewalks in the downtown core.
    c. Special paving shall be used for crosswalks to distinguish the pedestrian areas from vehicular areas.
    d. Supporting columns, landscaping, street furniture, street trees, and signs as permitted in City of Jasper Ordinance 2012-35, S16.035 adopted December 19, 2012, shall be permitted within the sidewalk area, provided that a minimum horizontal clearance of forty-two (42) inches is maintained at all times.

e. The minimum vertical clearance between the established grade of the public right-of-way and the underside of the encroaching structure shall be a minimum of eight feet six inches (8'6").

3. Off-Street Parking.
   a. Minimum off-street parking requirements within the Mixed-Use Overlay District shall be one-half (1/2) of the required spaces specified in Table 7.5(2) Schedule of Parking Standards. There should be no required parking within the designated historic district.
   b. Off-street parking shall not be located in the front yard of any structure within the Mixed-Use District.
   c. Shared and off-site parking shall be permitted in accordance with Section 7.5 Parking Standards.
   d. Parking lots within the Mixed-Use Overlay District must be screened in accordance with Section 7.8 Landscaping.
   e. Bicycle Parking is recommended in accordance with Section 7.5 Parking Standards.
4. Loading. Loading dock entrances for nonresidential uses shall be screened so that loading docks and related activity are not visible from the public street right-of-way or adjacent residential uses.
5. Vehicle and Driveway Access.
   a. Shared driveways are encouraged for lots that do not abut alleys.
6. Landscaping and Screening.
   a. Parking lot screening may include brick or masonry walls, instead of plant materials.
   b. A corridor buffer is not required in the Mixed-Use Overlay District.
7. Street Trees.
   a. Street trees shall be planted a minimum distance of two (2) feet from the curb.
   b. Street trees shall not be planted within the sidewalk right-of-way without special permission from the Board of Public Works and Safety.
8. Lighting.
   a. Pedestrian-scaled street lighting (not including site lighting).
      1) Ornamental street lights reflect the style established by existing lighting on the Court House Square.
      2) Maximum light pole height shall be twenty (20) feet.
      3) The light fixture shall direct light downward and be full cutoff, cutoff, or semi-cutoff per Section 7.15 Exterior Lighting Standards.
      4) Wall-mounted lighting that washes the building facade with light or highlights the architecture is encouraged.
9. Fencing and Walls.
   a. Only historically appropriate fencing shall be located within a front yard. Chain link and barbed wire fencing shall be prohibited in the Mixed Use Overlay District, except that chain link fencing may be used if it is not visible from a public street.
   b. Retaining walls located adjacent to a sidewalk along a public street shall not exceed a height of two (2) feet. Retaining walls shall be split-face or textured

See Also:

Subsection 7.8(F) for Parking Landscaping

finish concrete block faced with stone, brick, or stucco.

10. Signs - For general sign standards refer to City of Jasper Ordinance 2012-35, S16.035 adopted December 19, 2012, unless stated otherwise below.
    a. Sign area for uses in the Mixed-Use Overlay District shall be one and one-half (1/2) square feet per one (1) linear foot of building frontage for an aggregate maximum of one hundred (100) square feet. The total aggregate sign area may be increased to one hundred fifty (150) square feet if a combination of sign types (awning, projecting, suspended) is used.
    b. Ground signs shall not be permitted in the Mixed Use Overlay.
    c. Electronic Message Board signs are not permitted within the Central Business District.
11. Public Art.
    a. Public art including sculptures, play equipment, children's fountains, bicycle racks, and street furniture shall be permitted and is encouraged on private property, within public spaces, and within off-street public right-of-way, provided that a horizontal sidewalk clearance of forty-two (42) inches is maintained. Public Art must first be approved by the Jasper Community Arts Commission.
12. Indoor/Outdoor Operations.
    a. All uses and operations must be indoor except:
        1) Off-street parking or loading areas, automated teller machines (ATM's), outdoor seating areas (alone or associated with a restaurant), or similar uses, provided that a horizontal sidewalk clearance of forty-two (42) inches is maintained.
13. Use Location.
    a. Commercial Uses. Single-family residential uses on individual lots are exempt from this standard.
        1) General. Ground floor commercial uses should be oriented to the street.
        2) Mixed-Use District. All commercial and mixed-use structures in the Mixed-Use District shall have commercial uses located on one-hundred-percent (100%) of the ground floor.
    b. Residential Uses. For mixed-use, and multifamily residential structures, residential uses shall not be placed in any location within the first floor of a building that faces a collector street or arterial street.
14. Architectural Standards. Section 7.18 Design Standards shall apply in addition to the following.
    a. Transparency (building facade/windows).
        1) Minimum of fifty percent (50%) of each facade between two (2) feet and ten (10) feet high shall be transparent. First-floor residential buildings and places of worship are excluded from this requirement.
    b. Front Porch. New residential construction in neighborhoods where more than seventy percent (70%) of homes have front porches of thirty-two (32) square feet or more shall be required to have a front porch of at least thirty-two (32) square feet.
    c. Building Mass.

1) Residential.

i. Single- and Two-Family Residential. New residential construction shall be of similar scale as the adjacent two (2) homes on either side of the lot, and the three (3) homes across the street, equaling a total of six (7) homes for comparison.

2) Nonresidential and Multifamily.

i. New construction and renovations shall be compatible with existing development patterns and shall be oriented to the street.

ii. Within the Mixed-Use Overlay District the minimum building height shall be twenty (20) feet.

d. "Story" Change. There shall be a clear delineation between each "story" of the structure provided by a consistent cornice line.

e. Residential Garages.

1) Garages shall be accessed from the alley or side street. If front-loading, the garage face shall be set back ten (10) feet from the front living area facade.

f. Storefronts.

1) Storefronts are encouraged to provide internal illumination in the evening if closed to contribute to street scape ambiance.

15. Maximum Front Setback. Front setbacks shall be as shown in Subsections 6.2(J), (K), (L), (M), (N) and (O).

H. CONVERSION STANDARDS. See Section 7.20 Single-family to Multifamily Conversion Standards.

I. PROHIBITED USES.

1. All uses prohibited by the Thoroughfare Overlay District are prohibited in the Mixed- Use Overlay District.
2. Drive-through facilities (not including pedestrian-only service windows) are prohibited in the Mixed-Use Overlay District.

J. ACCESSORY USES AND BUILDING MECHANICAL.

1. Accessory uses and building mechanical equipment shall be located to the side or rear of the principal structure and shall be located in the location of least visibility from the public right-of-way. Mechanical equipment shall be screened in accordance with Section 7.8(K) Landscaped Buffer and Screen Requirements.

K. TYPE A | CORE DEVELOPMENT GUIDELINES.

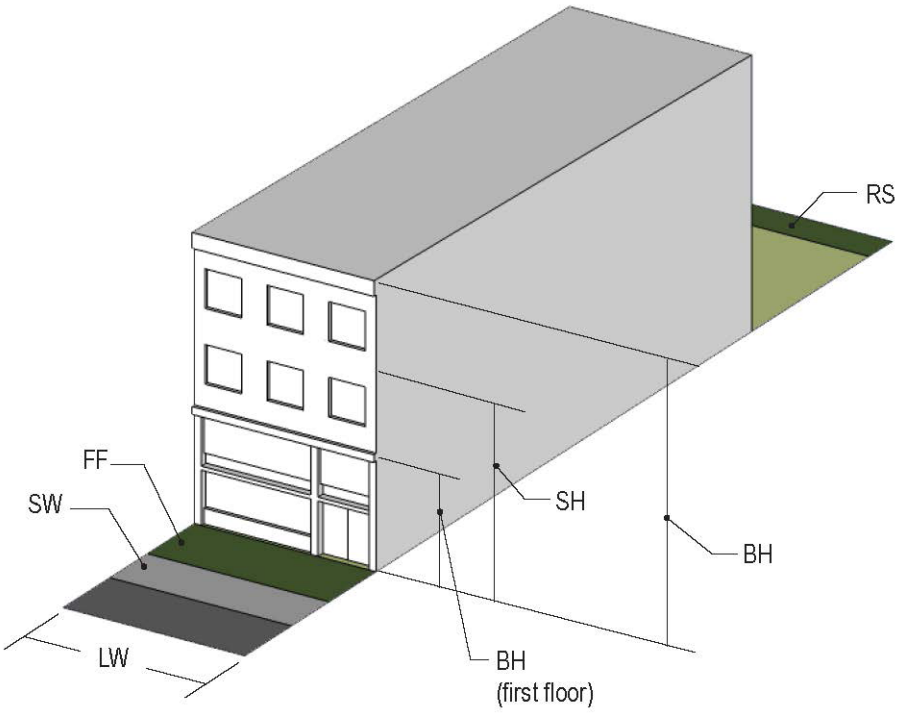
1. Description: This building type represents mixed-use developments that allow a mix of retail, office, residential, and entertainment uses in a neighborhood. The streetscape will be designed to include a wider sidewalk and a variety of amenities, on-street parking, and prominent crosswalks.
   a. Structures shall be at least seventy-five percent (75%) transparent at ground level. At least fifty percent (50%) of the area between the height of two feet (2') and ten feet (10') shall be transparent.





Examples of building design that is suitable for Type A development.

2. Lot Guidelines.



LC	Lot Coverage	NA
DN	Density	NA
LA	Lot Area	3,000 sf min
LW	Lot Width	25' min
FF	Front Facade Zone	0-10'
RS	Rear Yards	5' min 0' min (alley adjacent>
SS	Side Yards (Each)	NA
SW	Sidewalk Width	8' min
BH	Building Height	50' max 14' first floor height min
SH	Minimum Streetwall Height* *Applies to attached structure groups	1 Story within the Front Facade Zone

Note: The graphics contained in this section including illustrative plans, sketches, photographs, etc., are intended to portray design intent and not final architecture or site design. Final architecture and site design will vary depending upon end uses and review of submitted development proposals.

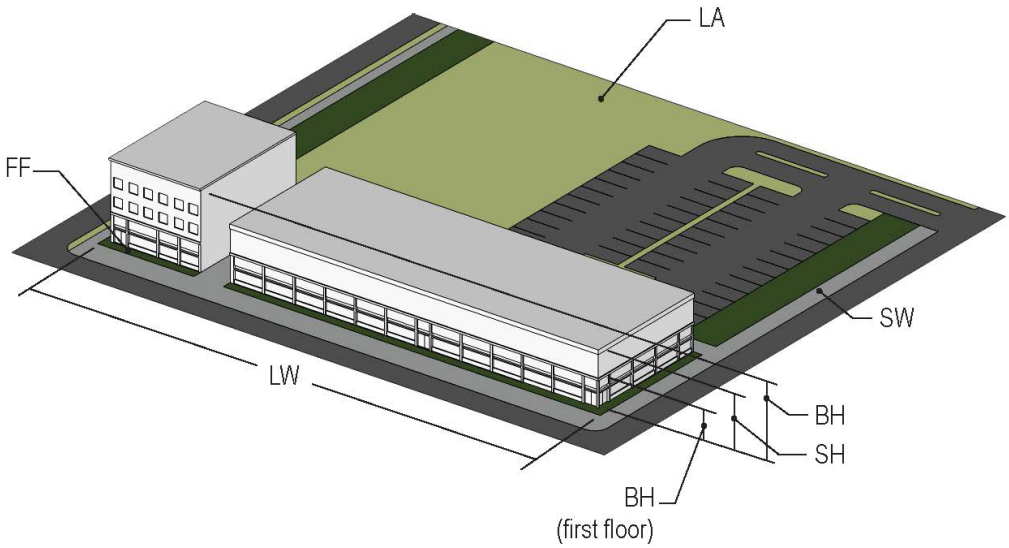
L. Type B | Corridor Development.

1. Description: The corridor development building type is typical of late 20th Century commercial development and will generally be found adjacent to highly traveled corridors. To provide safe, buffered pedestrian movement and enhance it aesthetically, a greenbelt is used. This building type should set the image and be designed to provide a good first impression. Structures will be developed at a moderate density with consideration for medium-scale retail uses on reduced lot sizes.
    a. This area will include a mixture of community- and regionally-scaled commercial and office uses. Parking should not be located between developed structures and the street corridor, but rather behind or to the side of buildings in landscaped parking lots.
2. Special Requirements.
    a. Driveways should be shared to reduce ingress and egress points.
    b. Additional curb cuts from public streets shall not be permitted unless an alley entry or side yard ingress/egress is not practical, as determined by the City Engineer.
    c. Parking areas shall be screened per Section 7.8(H) of the Ordinance.
    d. Retail facades should be at least fifty percent (50%) transparent on the ground floor. Glass should be clear and not highly tinted or reflective in order to engage the customer.
    e. Blank, unarticulated facades are discouraged.



One possible development pattern for the Mixed-Use District Overlay

3. Lot Guidelines.



LC	Lot Coverage	NA
DN	Density	NA
LA	Lot Area	1/4 acre min
LW	Lot Width	100' min
FF	Front Facade Zone	0-20'
RS	Rear Yards	10' min
SS	Side Yards (Each)	NA
SW	Sidewalk Width	8' min
BH	Building Height	45' max 14' first floor height min
SH	Minimum Streetwall Height*	1 Story within the Front Facade Zone

*Applies to attached structures

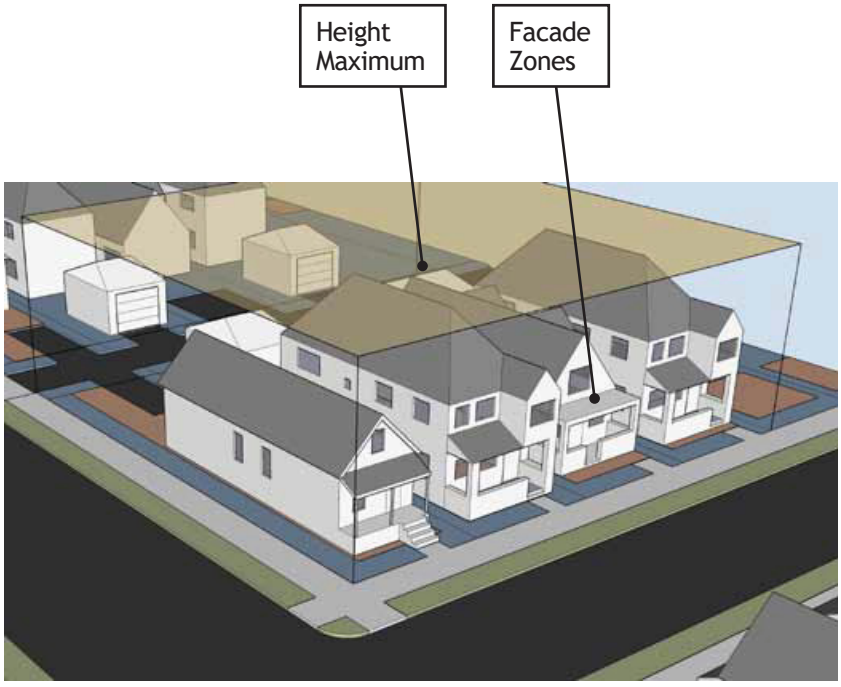
Note: The graphics contained in this section including illustrative plans, sketches, photographs, etc., are intended to portray design intent and not final architecture or site design. Final architecture and site design will vary depending upon end uses and review of submitted development proposals.

M. TYPE C | DETACHED HOUSING DEVELOPMENT.

1. Description: This building type is suitable for residential infill that fits into the context of the existing, residential areas. The structure is placed within a twenty-foot (20') front facade zone creating a small front yard between the street and the sidewalk. Structures are limited to three (3) stories in height.
   a. Accessory residential uses are permitted on the same lot but to the rear and are preferably accessed from the alley. The side yard setback shall be a minimum of five feet (5'), with a minimum aggregate distance between structures of ten feet (10').
2. Special Requirements.
   a. If proposed, garages shall be in the rear and preferably alley accessible.
   b. In areas with existing residential uses, an alternate front facade zone may be determined by averaging the front setbacks of the three existing structures either side of the infill.
   c. Accessory residential uses (carriage house, granny flat, in-law unit, etc.) shall be under common ownership with the primary residential use.
   d. Signs shall be non-illuminated, mounted flush to the wall of the structure, and shall not exceed one (1) square foot in size.
   e. A front porch, no less than six (6) feet in depth is required.
   f. Cedar shake, wood, and cement fiberboard siding are preferred as primary siding.

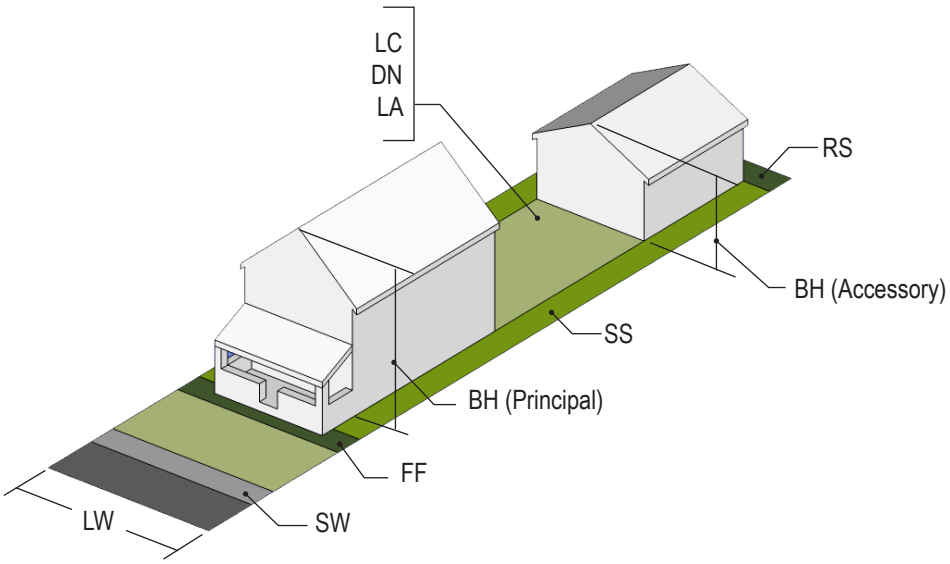
See Also:

City of Jasper Sign Ordinance 2012-35, S16.035 adopted December 19, 2012



This massing model illustrates some of the development standards for Type C Buildings.

3. Lot Guidelines.



LC	Lot Coverage	50% max
DN	Density	8 dwelling unit/acre min
LA	Lot Area	3,600 sf min
LW	Lot Width	30' min
FF	Front Facade Zone	15'-20'
RS	Rear Yards	5' min
SS	Side Yards (Each)	5' min
SW	Sidewalk Width	5' min
BH	Building Height	35' max (principal) 20' max (accessory)
	Building Separation*	10' min

*Applies to attached structures

Note: The graphics contained in this section including illustrative plans, sketches, photographs, etc., are intended to portray design intent and not final architecture or site design. Final architecture and site design will vary depending upon end uses and review of submitted development proposals.

N. TYPE D | ATTACHED HOUSING DEVELOPMENT.

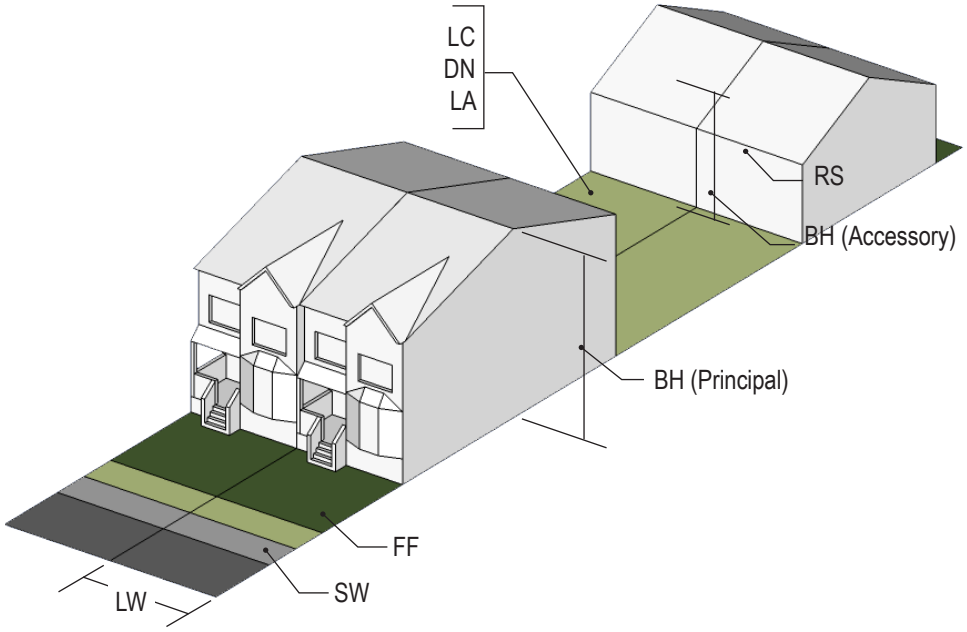
1. Description. Building Form Type D is representative of attached row housing. This type of housing may serve the needs of students, empty nesters, people who work in or adjacent to the neighborhood, or others wanting to live downtown. There is an opportunity for limited office or business uses within appropriately designed structures.
2. Special Requirements.
   a. Structures may be developed as independent properties, or as property under common ownership.
   b. Parking facilities shall be located behind structures, accessible from alleys or drives, and not visible from public streets.
   c. Parking facilities may be provided independently for each principal structure or as a shared parking area with appropriate easements. At least fifty percent (50%) of the required parking shall be covered except where existing conditions suggest otherwise.





Examples of building design that is suitable for Type D development.

3. Lot Guidelines.



LC	Lot Coverage	NA
DN	Density	10 dwelling unit/acre min
LA	Lot Area	1,875 sf min
LW	Lot Width	15' min
FF	Front Facade Zone	5'-20'
RS	Rear Yards	5' min
SS	Side Yards (Each)	NA
SW	Sidewalk Width	5' min
BH	Building Height	40' max (principal) 25' max (accessory)
	Building Separation*	20' min

*Applies to attached structures

Note: The graphics contained in this section including illustrative plans, sketches, photographs, etc., are intended to portray design intent and not final architecture or site design. Final architecture and site design will vary depending upon end uses and review of submitted development proposals.

O. TYPE E | MULTI-FAMILY HOUSING DEVELOPMENT.

1. Description: Building Form Type E is representative of multi-family housing. This type of development suggests larger structures. The proportions, mass, and scale should respect the neighborhood context. Market rate apartments, condominiums, assisted living facilities, and nursing homes are typical uses in these structures.

2. Special Requirements,

    a. In areas with existing residential uses, an alternate front facade zone may be determined by averaging the front setbacks of the three existing structures either side of the infill.

    b. Multi-family residential building forms should be sited in ways that protect the privacy of residents yet present the building to the street.

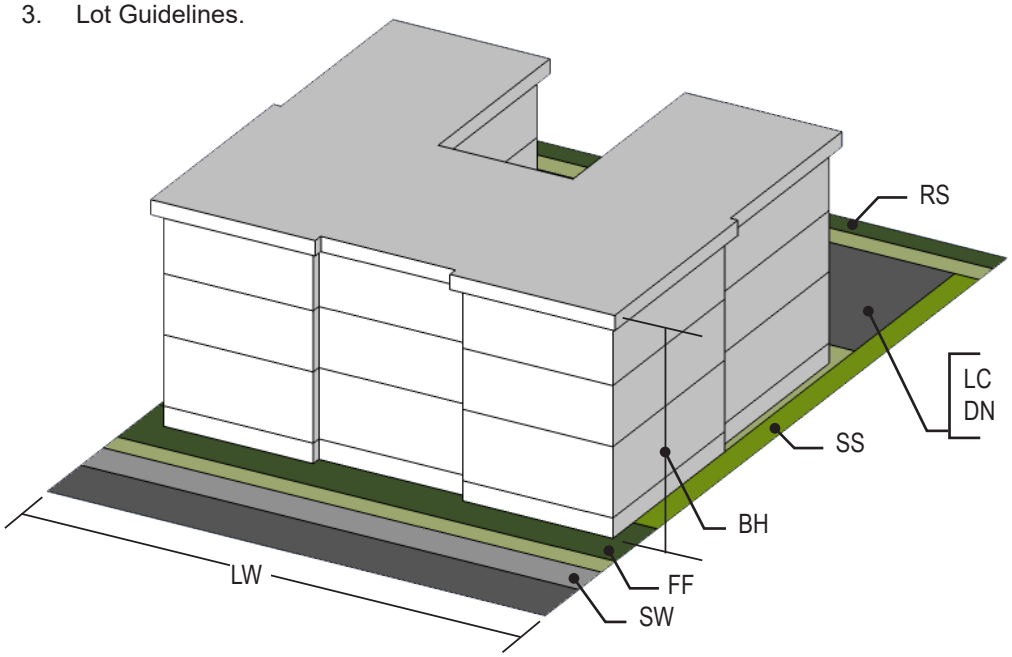
    c. Gathering spaces should be provided.





Examples of building design that is suitable for Type E development.

3. Lot Guidelines.



LC	Lot Coverage	50% Max
DN	Density	15 dwelling unit/acre min
LA	Lot Area	N/A
LW	Lot Width	60' min
FF	Front Facade Zone	5'-20'
RS	Rear Yards	5' min
SS	Side Yards (Each)	5' min
SW	Sidewalk Width	8' min
BH	Building Height	45' max (principal) 25' max (accessory)
	Building Separation*	20' min

*Applies to attached structures

Note: The graphics contained in this section including illustrative plans, sketches, photographs, etc., are intended to portray design intent and not final architecture or site design. Final architecture and site design will vary depending upon end uses and review of submitted development proposals.

6.3 MEDICAL-RELATED OFFICE/RESIDENTIAL OVERLAY DISTRICT

A. INTENT. The Medical-Related Office /Residential Overlay District) is established to provide a land use category for commercial and residential uses primarily in the R-3 District in the vicinity of the Jasper Memorial Hospital. Further, the intent is:

1. To allow a mix of small, medical related specialty commercial and office and residential uses that promote conversion of existing buildings;
2. To promote development in a manner that maintains the visual character and architectural scale of existing development;
3. To promote development that is designed for pedestrian and limited vehicular traffic;
4. To require visual buffers where commercial uses occur adjacent to existing residential.

See Also:

The Official Zoning Map for District Boundaries

B. DISTRICT BOUNDARIES. The boundaries of the Medical-Related Office/Residential Overlay District are hereby established as shown on the Official Zoning Map for the City of Jasper. The boundaries are described as follows: West right-of-way line of Bartley Street from Eighth Street to a point approximately 630 feet north of Thirteenth Street; West to the east right-of-way line of Robert Street; South to a point approximately 300 feet north of Thirteenth Street, then west to the east right-of-way line of Dorbett Street, then south to the south right-of-way line of Thirteenth Street, then west to the east right-of-way line of Emily Street, then south to the north right-of-way line of Tenth Street, then east approximately 200 feet, then south to the north right-of-way line of State Road 56, then along State Road 56 to the west right-of-way line of Dorbett Street, then north to the north right-of-way line of Eight Street, then east to the west right-of-way line of Bartley Street. If any portion of the parcel/tract/lot lies in the Overlay District, the entire parcel/tract/lot is considered to be in the Overlay District.

See Also:

Table 4.3 Use Matrix

C. APPLICABILITY. The Medical-Related Office/Residential Overlay District regulations apply to all new development and to existing structures that convert to medical-office or commercial uses.

D. PERMITTED USES and SPECIAL EXCEPTION USES. All uses which are permitted in a given site's underlying zoning district except those expressly prohibited in Subsection 6.3(E) below, are permitted in the Overlay District. All uses which are Special Exceptions in a given site's underlying zoning district shall be considered Special Exceptions in the Overlay District.

1. Permitted
   a. Commercial and Service Uses:
      1) Day care, home
      2) Day care facility, small
      3) Massage / physical therapy services
      4) Personal care services
      5) Medical supply
      6) Blood donor center
      7) Medical / dental clinic
      8) Medical/ dental lab

b. Institutional Uses:
   1) Public safety facility
c. Office Uses:
   1) General office
   2) Medical office
d. Residential Uses:
   1) Dwelling, multi-family
   2) Dwelling, single-family (detached)
   3) Keeping of domestic pets
   4) Residential within commercial buildings or in accessory structures associated with commercial buildings
   5) Townhouse

2. Special Exceptions
   a. Specialty retail (flower, book, gift, ice cream, delicatessen, cafe)

E. DEVELOPMENT STANDARDS.

1. Maximum Floor Area.
   a. No principal structure shall exceed 7,500 square feet in total gross floor area.
2. Maximum impervious surface coverage.
   a. Impervious surfaces shall not exceed 75%.
3. Lighting.
   a. Parking lot lights shall not exceed twenty (20) feet in height including the base.
   b. Bollard lighting, uplights, and downlights are encouraged to light pathways, signs, building facades, etc.
4. City public parking areas may be used to satisfy on-site parking requirements if they are located within six hundred (600) feet of the subject property.
   a. Businesses may share parking lots by agreement of property owners.
   b. On-street parking of one (1) space per twenty (20) feet of street frontage may be counted towards required parking. On-street parallel parking shall be allowed.
5. Aesthetics
   a. The scale of new development shall be compatible to that of the adjacent properties.
   b. The roof of new buildings shall include such styles as pitched, gabled, hipped or other styles typically found in areas of residential development.
   c. Exterior materials shall be natural in appearance. Predominant exterior building materials shall be high-quality, including, but not limited to brick, native stone, and wood. Upon approval by the director of development synthetic materials can be used that simulate natural materials.

See Also:

Section 7.8 Landscaping and Section 7.18 Design Standards

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DEVELOPMENT STANDARDS | 07

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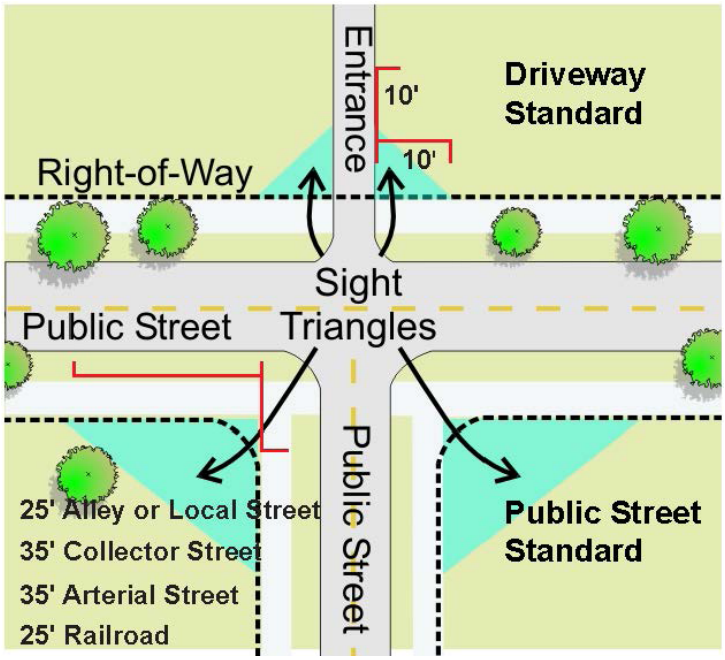
7.1 APPLICATION

A. STANDARDS. These Development Standards apply to all zoning districts unless otherwise noted. All structures and land uses, including any alterations thereto, that are established or otherwise occur after the effective date of this Ordinance shall conform to the development standards provided by this Ordinance.

7.2 SIGHT VISIBILITY TRIANGLE

A. SIGHT VISIBILITY TRIANGLE. All properties, with the exception of those located in the B2 zoning district, shall maintain a clear vision area (the "sight visibility triangle") at all street, alley, railroad and driveway intersections. In B2 Zones, buildings may be erected within the sight visibility triangle according to established setbacks. In all zones, within the sight visibility triangle, nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede vision between a height of two and one-half (2-1/2) feet and ten (10) feet above the above the center line grades of intersecting streets, driveways and/or alleys. A sight visibility triangle area shall be established for all streets whether public or private and shall meet the following requirements.

Sight Visibility Triangle Illustration



B. CORNER LOT. The sight visibility triangle area is formed by the street right-of-way lines and the diagonal line connecting points measured on a:

1. Alley or Local Street: twenty-five (25) feet along the right-of-way line(s) from the intersection of a Local street or alley right-of-way line with another right-of-way line, or in case of a round or cut property corner, from the intersection of the street right-of-way lines extended.
2. Collector Street: thirty-five (35) feet along the right-of-way line(s) from the intersection of a Collector street right-of-way line with another right-of-way line, or in case of a round or cut property corner, from the intersection of the street right-of-way lines extended.

3. Arterial Street: thirty-five (35) feet along the right-of-way line(s) from the intersection of an Arterial street right-of-way line with another right-of-way line, or in case of a round or cut property corner, from the intersection of the street right-of-way lines extended.

C. ADJACENT TO AN AT-GRADE RAILROAD CROSSING. The sight visibility triangle area is formed by the side lot line sharing a boundary with the railroad right-of-way, the street right-of-way line, and the diagonal line connecting points measured twenty-five (25) feet from the intersection of such lines.

D. DRIVEWAY. On a non-single-family zoned lot which is adjacent to a lot which has a driveway, the sight visibility triangle area is formed by the intersection of the street right-of-way line and the surface edge of the driveway, and the diagonal line connecting points measured ten (10) feet along the driveway line from its intersection with the street right- of-way line and the appropriate right-of–way line measurement as listed above.

See Also:

Table 4.3 Lot Standards Matrix

7.3 HEIGHT STANDARDS

A. HEIGHT STANDARDS. The height standards for each zoning district shall be as specified in the description of each district in this Ordinance. Refer to individual Zoning Districts in Chapter 4 for minimum and/or maximum height standards.

7.4 LOT STANDARDS

A. PURPOSE. Lot Standards for each district dictate the minimum and/or maximum standards that apply to lots within certain zoning districts. These regulations for property developed within the jurisdiction or the City are shown in Chapter 4, Table 4.3 Lot Standards Matrix.

7.5 PARKING STANDARDS

A. GENERAL PARKING STANDARDS. The standards in this section apply to all zoning districts, including overlay zoning districts, unless otherwise specified.

1. Minimum Required Parking. Unless specifically stated otherwise in the Ordinance, the minimum number of on-site parking spaces shall be as specified in Table 7.2 Off-Street Parking Schedule.
2. Maximum Number of Parking Spaces Permitted. Unless specifically stated otherwise in Table 7.2 Off-Street Parking Schedule, the maximum number of on-site parking spaces shall be as specified in this section. For sites where one hundred (100) or more parking spaces are required by this Ordinance, the Administrator may reduce the required number of off-street parking spaces up to twenty-five (25%), on the request of the developer.
3. Units of Measure. The following standards of measurement shall apply to the calculation of the minimum required number of parking spaces. When units of measurement determining the minimum number of required parking spaces result in a fractional space, any fraction shall be considered as an additional required parking space.
    a. Gross Floor Area (GFA). Unless otherwise noted, gross floor area of all structures on the site shall be used to determine the required number of off-street parking spaces.

b. Employees. Where the number of spaces required is based on the number of employees, calculations shall be based upon the maximum number of employees most likely to be on the premises during the peak shift.

c. Bench Seating. Every 24 inches of width provided as a bench, pew, or similar type of seating shall be counted as 1 seat.

d. Open Floor Areas. Every 16 square feet of open floor areas associated with places of assembly shall be counted as 1 seat.

4. Downtown Exemptions.

a. No minimum parking is required for new or redevelopment in the B-2 Central Business District.

b. Minimum off-street parking requirements within the Mixed-Use Overlay District shall be one-half (1/2) of the required spaces specified in Table 7.2 Off-Street Parking Schedule accepting that there should be no required parking within the designated historic district. See also Section 6.2.

5. On-premise Requirements. All required parking spaces shall be located on the same property with the use(s) for which they are required.

6. Uses Not Specifically Listed. The minimum number of parking spaces required for uses not specifically listed in the Parking Schedule shall be determined by the Administrator based on the consistency of the use with those that are specified.

7. Parking for Similar Use. If a use is not clearly noted in Table 7.2 Off-Street Parking Schedule. The Administrator shall determine which land use is most similar to the proposed development, and determine the required number of parking spaces based on that similar use.

8. Display Vehicles. Parking spaces for vehicles that are specifically displayed for purchase or rental shall not be included in the calculation of parking requirements.

9. Mixed Uses. Each individual use in a mixed-use development shall provide off-street parking spaces in accordance with the Table 7.2 Off-Street Parking Schedule, unless the property is subject to a shared or off-site parking agreement consistent with the requirements of Subsection 7.5(C) Shared and Off-Site Parking.

10. Change of Use or Intensity of Use. Where the use of an existing building, structure or site is changed; or where the intensity of a use is changed through addition of dwelling units, gross floor area, or other units of measurement, adequate parking and loading facilities in accordance with the standards of this Chapter shall be provided for the new use or the change in intensity.

11. Parking Space Reductions. Any area required by this Ordinance for off-street parking shall not be changed to any other use unless and until approval is granted through the issuance of an Improvement Location Permit or Certificate of Zoning Compliance, and alternate facilities meeting the requirements of this Chapter are provided. In no instance shall existing off-street parking that is already less than the minimum required by this Ordinance be further reduced.

B. USE OF OFF-STREET PARKING SPACES

1. Exclusive Use. Unless a shared parking agreement has been established in accordance with the requirements of Subsection 7.5(C) Shared Parking and Off-Site Parking, required on-site parking spaces shall be designed, maintained, and used exclusively for the tenants, occupants and customers of the buildings or uses on the site.

2. Storage of Vehicles or Equipment. Parking areas, spaces and aisles, including both required minimum excess parking spaces, shall not be used for storing vehicles that are not used in conjunction with the primary use of the lot.
3. Storage or Display of Merchandise: Parking areas, spaces and aisles, including both required and excess parking spaces, shall not be used for storing merchandise or display of merchandise.
4. Motor Vehicle Repair: Motor vehicle repair work in parking areas shall be permitted in residential districts, provided that the vehicle under repair is owned by the occupant of the residential property; the frequency, duration and scope of such use is reasonable and customary as accessory to the residential use; and no business is being conducted in conjunction with such repair use. Motor vehicle repair work in parking areas, including both required and excess parking spaces, shall be prohibited in all other zoning districts.
5. Parking of Nuisance Vehicles:
    a. Vehicles and Trailers: The parking of any vehicle or trailer of any type without current license plates or in an inoperable condition shall be prohibited within a parking area.
    b. Storage, Occupancy, Sales or Similar Uses: Vehicles, campers or tractor/trailers of any type shall not be parked and used for the purpose of storage, occupancy, sales or similar use.
    c. Wrecked Motor Vehicle Repair: No wrecked motor vehicle shall be stored in an unscreened parking area while awaiting repair.

C. SHARED AND OFF-SITE PARKING. In all non-residential zoning districts parking spaces may be (1) located on the lot with the use(s) for which they are required per Subsection 7.5 (A)(5)(2) located off-site, and/or (3) shared with other uses(s) under the following conditions.

1. Off-Site Parking. Two or more uses may provide off-site parking collectively on one (1) or more lots; however, the total number of spaces shall not be less than the highest minimum spaces required for the subject uses.
2. Shared Parking. The owners of two (2) or more properties may join together to provide the required parking spaces for their respective uses. The property owners shall demonstrate and document that the normal hours of operation do not substantially overlap. After review of the request, the Administrator may authorize the shared use of parking facilities.
3. Location Requirements. Any property utilizing shared parking facilities shall be located within three hundred fifty (350) feet of such parking facility, and shall be served by an existing sidewalk or all-weather trail. The shared and/or off-site parking shall not be located in any agricultural or residential zoning district.
4. Approval Requirements. All off-site and shared parking space arrangements are subject to the approval of the JBZA as a Conditional Use. Approvals shall be based on the determination that the use of off-site and/or shared parking will not provide hardships for pedestrians, will not result in potentially hazardous traffic conditions, and will provide the minimum number of parking spaces for the uses involved. The parking needs of possible future uses of the property shall also be considered by the JBZA.

5. Required Documentation: Documentation of any off-site and/or shared parking agreement must be signed by all involved property owners. The written agreement shall include, but is not limited to the following items: maintenance, snow removal, ownership, and liability. The agreement shall be subject to approval by the City Attorney. Upon approval, the agreement shall be recorded in the office of the Dubois County Recorder and a copy of the recorded agreement shall be retained for the files of the Commission.

D. BARRIER FREE PARKING. This section is intended to represent the minimum requirements of the ADA and the Indiana Code and shall be deemed to be updated and amended consistent with any ADA and/or Indiana Code amendments:

1. Accessible spaces. Spaces shall be provided per the specifications of the Federal Americans with Disabilities Act (ADA), the Fair Housing Act (FHA), and the Indiana Building Code (IBC), as represented by the Barrier Free Parking Standards Table 7.1 below.
2. Location of Space. Each barrier free space shall be located on the shortest accessible route of travel to an accessible facility entrance, or the parking lot entrance if the parking area does not serve a specific building. Where buildings have multiple accessible entrances with adjacent parking, the accessible parking spaces must be dispersed and located closest to the accessible entrances. Accessible parking spaces may be clustered in one or more lots if equivalent or greater accessibility is provided in terms of distance from the accessible entrance, parking fees, and convenience.
3. Size of Space. Each barrier free space shall be at least ninety-six (96) inches wide, per IC 5-16-9-4.
4. Van Clearance. Van-accessible spaces shall have a minimum 98-inch high clearance at the parking space, access aisle, and on the vehicular route to and from the van space. Van-accessible parking spaces located in parking garages may be clustered on one floor to accommodate the 98-inch minimum vertical height requirement.
5. Access Aisles. Each barrier free space shall be located adjacent to an access aisle and in proximity to the building entrance most accessible for the disabled. The access aisle must be level (1:50) or two (2) percent maximum slope in all directions), be the same length as the adjacent parking space(s) it serves and must connect to an accessible route to the building. Ramps must not extend into the access aisle. Two parking spaces may share an access aisle.

Table 7.1: Barrier Free (Accessible) Parking Standards

Total Spaces in Parking Area	Total Minimum Number of Barrier Free Spaces Required (60" and 96" aisles)	Van-Accessible Parking Spaces with Minimum 96" wide access aisle	Accessible Parking Spaces with 60" wide access aisle
1-25	1	1	0
26-50	2	1	1
51-75	3	1	2
76-100	4	1	3
101-150	5	1	4
151-200	6	1	5
201-300	7	1	6
301-400	8	1	7
401-500	9	2	7
510-1000	2% of total parking provided in each lot	1/8 of Total Barrier Free Spaces required	7/8 of Total Barrier Free Spaces required
1001 and over	20 spaces + 1 for each additional 100 spaces over 1000		

* Per IC 5-16-9-2, a facility that provides medical care or other services for persons with mobility impairments must provide accessible parking spaces according to the following schedule:
(1) An outpatient facility or unit: Ten percent (10%) of the total number of parking spaces serving the facility or unit must be accessible parking spaces.
(2) A facility or unit that specializes in treatment or services for persons with mobility impairments: Twenty percent (20%) of the total number of parking spaces serving the facility or unit must be accessible parking spaces.

Table 7.2: Off-Street Parking Schedule

Land Use	Minimum Required Number of Motor Vehicle Spaces	Maximum Allowed Number of Motor Vehicle Spaces	Minimum Recommended Number of Bicycle Spaces
Agricultural retail/ service uses	1 space per 1,500 sq. ft. GFA	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	None
Airport/heliport	1 space per 3 aircraft within a hanger, plus 1 per 5 aircrafts using tie-downs	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 10 required motor vehicle spaces
Amusements, indoor	1 space per 250 sq. ft. GFA	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 10 required motor vehicle spaces
Amusements, outdoor	1 space per 400 sq. ft. of site area accessible to the public	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 10 required motor vehicle spaces
Animal shelter	1 space per 12 cages, plus 1 per employee	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 10 required motor vehicle spaces
Antique sales	1 space per 400 sq. ft. GFA	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 10 required motor vehicle spaces
Apparel and shoe stores	1 space per 250 sq. ft. GFA	None	1 space per 10 required motor vehicle spaces
Art gallery	1 space per 300 sq. ft. GFA	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 10 required motor vehicle spaces
Art/craft/hobby store	1 space per 300 sq. ft. GFA	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 10 required motor vehicle spaces
Assisted Living Facility	1 space per employee on the largest shift plus 1 for each 2 beds	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 8 employees on the largest shift
Athletic fields	12 spaces per athletic field	None	2 spaces per athletic field
Auto body shop	1 space per employee on the largest shift plus 2 spaces per repair bay	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 8 employees on the largest shift
Auto parts sales	1 space per 300 sq. ft. GFA	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 10 required motor vehicle spaces
Bank/credit union	1 space per 250 sq. ft. GFA	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 10 required motor vehicle spaces

Table 7.2: Off-Street Parking Schedule

Land Use	Minimum Required Number of Motor Vehicle Spaces	Maximum Allowed Number of Motor Vehicle Spaces	Minimum Recommended Number of Bicycle Spaces
Banquet hall/ conference center	1 space per 250 sq. ft. GFA	None	1 space per 10 required motor vehicle spaces
Bar/night club	1 space per 250 sq. ft. GFA	None	1 space per 10 required motor vehicle spaces
Barber/beauty shop	2 spaces per operator station	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 4 stations
Bed and breakfast	Per single family standard plus 1 space per guest room	None	1 space per guest room
Billiard/arcade room	1 space per 250 sq. ft. GFA	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 10 required motor vehicle spaces
Boat sales	1 space per 1500 sq. ft. indoor and outdoor display area	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 10 required motor vehicle spaces
Bookstore	1 space per 200 sq. ft. GFA	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 8 required motor vehicle spaces
Bottled gas storage/distribution	1 space per 2 employees	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 10 required motor vehicle spaces
Bowling alley	3 spaces per bowling lane	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 8 required motor vehicle spaces
Brewpub/winery	1 space per 200 sq. ft. GFA of tavern/restaurant/tasting space plus 1 space per employee on the largest shift of brewery	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 8 required motor vehicle spaces
Building supply store	1 space per 500 sq. ft. GFA	None	1 space per 10 required motor vehicle spaces
Building trade shop	1 space per employee on the largest shift	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 10 required motor vehicle spaces
Business/ professional office	1 space per 300 sq. ft. GFA	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 10 required motor vehicle spaces
Call center	1 space per 200 sq. ft. of GFA	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 10 required motor vehicle spaces
Camp ground	1 space per camp site	None	1 space per 4 campsites

Table 7.2: Off-Street Parking Schedule

Land Use	Minimum Required Number of Motor Vehicle Spaces	Maximum Allowed Number of Motor Vehicle Spaces	Minimum Recommended Number of Bicycle Spaces
Car wash, full service	1 space per employee on the largest shift plus 8 stacking spaces per washing bay	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 10 required motor vehicle spaces
Car wash, self service	4 stacking spaces per washing bay	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	None
Cellular phone/ pager services	1 space per 250 sq. ft. GFA	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 10 required motor vehicle spaces
Cemetery/ mausoleum	1 space per 50 grave sites	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 10 required motor vehicle spaces
Check cashing	1 space per 300 sq. ft. GFA	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 10 required motor vehicle spaces
Coin laundry	1 space per 3 washing machines	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 10 required motor vehicle spaces
Communication facility	1 space	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 10 required motor vehicle spaces
Community center	1 space per 300 sq. ft. GFA	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 8 required motor vehicle spaces
Computer sales and services	1 space per 300 sq. ft. GFA	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 10 required motor vehicle spaces
Convenience store (with gas pumps)	1 space per employee on the largest shift plus 1 spaces per double-sided pump; 1 space per 3 restaurant seats; 1 space per 1000 sq. ft. GFA of convenience store space	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 10 required motor vehicle spaces
Convenience store (without gas pumps)	1 space per employee on the largest shift plus 1 space per 3 restaurant seats and 1 space per 500 sq. ft. GFA of convenience store space	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 8 required motor vehicle spaces
Copy center	1 space per 300 sq. ft. GFA	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 10 required motor vehicle spaces

Table 7.2: Off-Street Parking Schedule

Land Use	Minimum Required Number of Motor Vehicle Spaces	Maximum Allowed Number of Motor Vehicle Spaces	Minimum Recommended Number of Bicycle Spaces
Country club	3 spaces per golf hole plus 1 space per 300 sq. ft. GFA customer seating area in an accessory restaurant or bar use	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 10 required motor vehicle spaces
Crematory	1 space per employee on the largest shift plus 3 visitor spaces	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 10 required motor vehicle spaces
Day-care center, adult/child	1 space per 4 persons of licensed capacity	None	1 space per 10 required motor vehicle spaces
Day-care home, adult/child	Per single family standard	None	None
Department store	1 space per 200 sq. ft. GFA	None	1 space per 10 required motor vehicle spaces
Distribution facility	1 space per employee on the largest shift	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 10 required motor vehicle spaces
Drive-through window	None for drive-through window; See stacking space requirements and parking space requirements for rest of structure.	N/A	None for drive-through window; See parking space requirements for rest of structure.
Drugstore	1 space per 250 sq. ft. GFA	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 10 required motor vehicle spaces
Dry-cleaning service	1 space per employee on the largest shift plus 1 space per 300 sq. ft. accessible to the public	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 10 required motor vehicle spaces
Dwelling, multifamily	1.5 spaces per dwelling unit plus 1 space for each bedroom over 2	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 8 required motor vehicle spaces
Dwelling, single-family	2 spaces per dwelling	None	None
Equipment/party/event rental (indoor)	1 space per 500 sq. ft of building space,	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 10 required motor vehicle spaces
Equipment/party/event rental (outdoor)	1 space per 500 sq. ft of building space, plus 1 space per 3,000 sq. ft. of outdoor storage	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 10 required motor vehicle spaces

Table 7.2: Off-Street Parking Schedule

Land Use	Minimum Required Number of Motor Vehicle Spaces	Maximum Allowed Number of Motor Vehicle Spaces	Minimum Recommended Number of Bicycle Spaces
Fitness center/gym	1 space per 300 sq. ft. GFA	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 8 required motor vehicle spaces
Fairgrounds	1 space per 300 sq. ft. GFA	None	1 space per 10 required motor vehicle spaces
Farmer's market	5 spaces per 100 sq. ft. of sales area	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 5 required motor vehicle spaces
Fitness/training studio	1 space per 400 sq. ft. GFA	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 8 required motor vehicle spaces
Flower shop	1 space per 300 sq. ft. GFA	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 10 required motor vehicle spaces
Food production/ processing	1 space per employee on the largest shift	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 10 required motor vehicle spaces
Fraternity house/ sorority house	0.6 spaces per resident	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 2 residents
Furniture store	1 space per 500 sq. ft. GFA	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 10 required motor vehicle spaces
Garden shop	1 space per 400 sq. ft. GFA	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 10 required motor vehicle spaces
Gift shop/boutique	1 space per 400 sq. ft. GFA	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 10 required motor vehicle spaces
Golf course	3 spaces per golf hole	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 10 required motor vehicle spaces
Golf driving range, outdoor	1 space per tee box	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 10 required motor vehicle spaces
Government office	1 space per 300 sq. ft. GFA	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 10 required motor vehicle spaces
Government operations (non-office)	1 space per employee on the largest shift	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 10 required motor vehicle spaces
Gravel/sand/ cement production	1 space per employee on the largest shift	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 10 required motor vehicle spaces

Table 7.2: Off-Street Parking Schedule

Land Use	Minimum Required Number of Motor Vehicle Spaces	Maximum Allowed Number of Motor Vehicle Spaces	Minimum Recommended Number of Bicycle Spaces
Grocery/ supermarket	1 space per 200 sq. ft.	None	1 space per 10 required motor vehicle spaces
Group care home for developmentally disabled/mentally ill	1 space per 2 beds	None	1 space per 4 employees
Group/residential care home	1 space per employee on the largest shift plus one space per 6 persons maximum occupancy	None	1 space per 4 employees
Hardware store	1 space per 300 sq. ft.	None	1 space per 10 required motor vehicle spaces
Health spa	2 spaces per spa suite	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 10 required motor vehicle spaces
Heavy equipment sales/rental	1 space per 2000 sq. ft. indoor and outdoor display area	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 10 required motor vehicle spaces
Home electronics/ appliance sales	1 space per 250 sq. ft GFA	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 10 required motor vehicle spaces
Homeless shelter	1 space per employee on the largest shift plus 1 space per 30 beds	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 4 beds
Hospital, in-patient or out-patient	3 spaces per bed	None	1 space per 10 required motor vehicle spaces
Hotel/motel	1 space per lodging unit	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 4 lodging units
Impound vehicle storage	1 space per employee on the largest shift	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 10 required motor vehicle spaces
Indoor recreation, excluding bowling alleys	1 space per 200 sq. ft. GFA	None	1 space per 8 required motor vehicle spaces
Jail	1 space per employee on the largest shift plus 1 visitor space per 8 cells	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 4 employees
Jewelry store	1 space per 300 sq. ft. GFA	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 10 required motor vehicle spaces

Table 7.2: Off-Street Parking Schedule

Land Use	Minimum Required Number of Motor Vehicle Spaces	Maximum Allowed Number of Motor Vehicle Spaces	Minimum Recommended Number of Bicycle Spaces
Junk/salvage yard	1 space per employee on the largest shift	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 4 employees
Juvenile detention facility	1 space per employee on the largest shift plus 1 visitor space per 10 beds	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 4 employees
Kennel	1 space per employee on the largest shift, plus 1 space per 500 sq. ft. GFA	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 4 employees
Library	1 space per 500 sq. ft. GFA	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 8 required motor vehicle spaces
License branch	1 space per 300 sq. ft. GFA	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 10 required motor vehicle spaces
Liquor and tobacco sales	1 space per 250 sq. ft. GFA	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 10 required motor vehicle spaces
Livestock auction, sales facility	1 space per 3 persons by capacity in the assembly area	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	None
Lodge	1 space per 250 sq. ft. GFA	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 10 required motor vehicle spaces
Manufactured or mobile home park	2 spaces per unit plus 1 visitor space per 2 units	None	1 space per 8 mobile home spaces in a mobile home park or subdivision
Manufactured housing sales	1 space per 2000 sq. ft. indoor and outdoor display area	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 10 required motor vehicle spaces
Manufacturing, heavy/light	1 space per 2 employees on largest shift	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 10 required motor vehicle spaces
Medical care clinic, immediate/urgent	1 space per 275 sq. ft. GFA	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 10 required motor vehicle spaces
Medical clinic	1 space per 275 sq. ft. GFA	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 10 required motor vehicle spaces
Medical office	1 space per 275 sq. ft. GFA	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 10 required motor vehicle spaces

Table 7.2: Off-Street Parking Schedule

Land Use	Minimum Required Number of Motor Vehicle Spaces	Maximum Allowed Number of Motor Vehicle Spaces	Minimum Recommended Number of Bicycle Spaces
Miniature golf	1 space per golf hole	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 8 required motor vehicle spaces
Mini-warehouse facility	1 space per employee on largest shift plus 1 space per 25 storage units	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 10 required motor vehicle spaces
Mortuary/funeral home	1 space per 4 chapel or parlor seats	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 10 required motor vehicle spaces
Multi-tenant commercial center, <100,000 sq. ft. GFA	1 space per 250 sq. ft. GFA	None	1 space per 10 required motor vehicle spaces
Multi-tenant commercial center, 100,000 sq. ft. GFA or greater	1 space per 300 sq. ft. GFA	None	1 space per 10 required motor vehicle spaces
Museum	1 space per 300 sq. ft. GFA	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 10 required motor vehicle spaces
Musical instrument sales	1 space per 250 sq. ft. GFA	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 10 required motor vehicle spaces
Music/media sales	1 space per 250 sq. ft. GFA	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 10 required motor vehicle spaces
Nursing/ convalescent home	1 space per two beds	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 8 employees on the largest shift
General office	1 space per 350 sq. ft. GFA	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 10 required motor vehicle spaces
Office supply sales	1 space per 250 sq. ft. GFA	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 10 required motor vehicle spaces
Oil change shop	1 space per employee on the largest shift also see stacking space requirements	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 8 employees on the largest shift

Table 7.2: Off-Street Parking Schedule

Land Use	Minimum Required Number of Motor Vehicle Spaces	Maximum Allowed Number of Motor Vehicle Spaces	Minimum Recommended Number of Bicycle Spaces
Orchard/tree farm	0.75 spaces per employee on the largest shift plus 1 space per 500 sq. ft. GFA of retail sales	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 8 employees on the largest shift
Outdoor storage	1 space per 2,000 square feet of storage area	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 10 required motor vehicle spaces
Outpatient care facility	1 space per 275 sq. ft. GFA	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 10 required motor vehicle spaces
Park (excluding athletic fields)	5 spaces per acre	None	1 space per acre
Pawn shop	1 space per 300 sq. ft. GFA	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 10 required motor vehicle spaces
Personal service use	2 per station, chair or activity area	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 4 stations
Pet grooming	1 space per 400 sq. ft. GFA	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 10 required motor vehicle spaces
Pet store	1 space per 250 sq. ft. GFA	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 10 required motor vehicle spaces
Photographic studio	1 space per 400 sq. ft. GFA	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 10 required motor vehicle spaces
Place of worship	1 space per 4 fixed seats or 1 space per 50 square feet of seating area in sanctuary, whichever results in the greater number of spaces	None	1 space per 10 required motor vehicle spaces
Plant nursery/ greenhouse	0.75 spaces per employee on the largest shift plus 1 space per 500 sq. ft. GFA of retail sales	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 10 required motor vehicle spaces
Police, fire or rescue station	1 space per employee on the largest shift	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 10 required motor vehicle spaces
Post office	1 space per employee on the largest shift plus 1 per 200 sq. ft. GFA accessible to the public	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 10 required motor vehicle spaces

Table 7.2: Off-Street Parking Schedule

Land Use	Minimum Required Number of Motor Vehicle Spaces	Maximum Allowed Number of Motor Vehicle Spaces	Minimum Recommended Number of Bicycle Spaces
Print shop	1 space per employee on the largest shift	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 10 required motor vehicle spaces
Prison	1 space per employee on the largest shift plus 1 visitor space per 15 cells	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 8 employees on the largest shift
Quarry	1 space per 2 employees on the largest shift	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 8 employees on the largest shift
Radio/TV station	1 space per employee on the largest shift plus 1 visitor space per 3 employees	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 10 required motor vehicle spaces
Recreation center	1 space per 250 sq. ft. GFA	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 8 required motor vehicle spaces
Rehabilitation clinic	One (1) space per two-hundred fifty (250) square feet gross floor area	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 8 employees on the largest shift
Research center	1 space per employee on the largest shift plus 1 visitor space per 10 employees	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 8 required motor vehicle spaces
Restaurant, <5,000 sq. ft. GFA	1 space per 200 sq. ft. GFA	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 6 required motor vehicle spaces
Restaurant ,5,000 sq. ft. GFA or greater	1 space per 100 sq. ft. GFA	None	1 space per 8 required motor vehicle spaces
Retail, low intensity	1 space per 300 sq. ft. GFA	None	1 space per 10 required motor vehicle spaces
Retail, outdoor	1 space per 500 sq. ft. of outdoor display area	None	1 space per 10 required motor vehicle spaces
Rooming house	2 spaces plus 1 space for each room for rent	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	None
School, business/ trade	1 space per employee plus 1 space per 2 students maximum capacity	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 8 employees, plus 1 space per 8 students maximum capacity
School, college/ university	1 space per two employees plus 1 space per 4 students maximum capacity	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 8 employees, plus 1 space per 8 students maximum capacity

Table 7.2: Off-Street Parking Schedule

Land Use	Minimum Required Number of Motor Vehicle Spaces	Maximum Allowed Number of Motor Vehicle Spaces	Minimum Recommended Number of Bicycle Spaces
School, preschool	1 space per employee plus 1 space per 6 students maximum capacity	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 8 employees, plus 1 space per 12 students maximum capacity
School, primary/ secondary	1 space per employee plus 1 space per 10 students maximum capacity	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 8 employees, plus 1 space per 10 students maximum capacity
Sexually oriented business	1 space per 200 sq. ft. GFA	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 10 required motor vehicle spaces
Shoe repair	1 space per 400 sq. ft. GFA	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 10 required motor vehicle spaces
Social services	1 space per 250 sq. ft. GFA	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 8 required motor vehicle spaces
Sporting goods sales	1 space per 250 sq. ft. GFA	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 8 required motor vehicle spaces
Stone processing	1 space per 2 employees on the largest shift	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 8 employees on the largest shift
Storage tanks	1 space	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	None
Tailor/seamstress shop	1 space per 400 sq. ft. GFA	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 10 required motor vehicle spaces
Tanning salon	1 space per tanning bed	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 4 stations
Tattoo/piercing parlor	2 spaces per operator station	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 4 stations
Testing lab	1 space per 2 employees on the largest shift plus 1 visitor space per 10 employees	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 8 employees, plus 1 space per 4 visitor spaces
Theater, drive-in	1 space per vehicle maximum capacity	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	None

Table 7.2: Off-Street Parking Schedule

Land Use	Minimum Required Number of Motor Vehicle Spaces	Maximum Allowed Number of Motor Vehicle Spaces	Minimum Recommended Number of Bicycle Spaces
Theater, indoor	1 space per 4 seats	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 10 required motor vehicle spaces
Tool and die shop	1 space per employee on the largest shift	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 10 employees on the largest shift
Truck terminal, sales and service	1 space per 800 sq. ft. of GFA, plus 1.5 per loading dock/service bay	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 10 required motor vehicle spaces
Truck stop/travel center	1 space per 200 sq. ft. of GFA	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 10 required motor vehicle spaces
Utility substation and transmission facility	1 space	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	None
Vehicle accessory installation	1 space per employee on the largest shift plus 2 spaces per bay	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 8 employees on the largest shift
Vehicle repair	1 space per employee on the largest shift plus 2 spaces per bay	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 8 employees on the largest shift
Vehicle sales/ rental	1 space per 1,000 sq. ft. GFA indoor display area	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 10 required motor vehicle spaces
Veterinary clinic	1 space per 300 sq. ft. GFA	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 10 required motor vehicle spaces
Video rental	1 space per 200 sq. ft. GFA	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 10 required motor vehicle spaces
Warehouse	1 space per 2 employees on the largest shift	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 8 employees on the largest shift
Welding	1 space per 2 employees on the largest shift	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 8 employees on the largest shift
Wholesale facility	1 space per 500 sq. ft. of GFA	See Subsection 7.5 (A)(2), Maximum Number of Parking Spaces Permitted	1 space per 10 required motor vehicle spaces

E. PARKING LAYOUT AND DESIGN. Parking areas shall be designed to minimize dangerous traffic movements, achieve efficient traffic flow in accordance with standards in the Institute of Traffic Engineers (ITE) Transportation and Traffic Engineering Handbook, conform to the applicable parking requirements and provide for the optimum number of parking spaces, while maintaining design standards and preserving green space.

1. Parking Plan Required: An application for an improvement location permit for a commercial, institutional, industrial, or multi-family development or remodel, shall include a parking site plan, drawn to scale and fully dimensioned, showing all proposed parking or loading facilities to be provided.

See Also:

Section 10.12 Improvement Location Permits

2. Minimum Motor Vehicle Parking Space Dimensions: Parking spaces shall conform to the dimensions provided in Table 7.3 Parking Dimensions below.
3. Except in the case of single- and two-family residential uses, all parking spaces shall be striped to clearly mark each space.
4. Motor Vehicle Parking Aisle Dimensions: Parking aisle widths shall be as follows:
   a. Parallel Spaces: on-street.
   b. 45° Angle Space: One-way: 14-foot wide aisle; (ii) Two-way: 24-foot wide aisle.
   c. 60° Angle Space: One-way: 18-foot wide aisle; (ii) Two-way: 24-foot wide aisle.

See Also:

Table 7.1 Barrier Free Parking Standards

Table 7.3: Parking Dimensions

Type of Parking Space	Minimum Space Width (feet)	Minimum Space Length (feet)	Minimum Aisle Width
Accessible	Refer to ADA Guidelines	Refer to ADA Guidelines	Refer to ADA Guidelines
Parallel	8	22	on-street
Perpendicular (90°)	9	18	24 feet (two-way aisle)
Angled (60°)	10	20	18 feet (one-way aisle)
Angled (45°)	10	20	14 feet (one-way aisle)

   d. 90° Angle Space: One-way: 24-foot wide aisle; (ii) Two-way: 24-foot wide aisle.
5. Defined Areas: All driving lanes and parking aisles in parking lots shall be clearly striped or shall be curbed.
6. Back-out Parking: On-site parking areas shall be designed to prevent motor vehicles from backing onto public streets. Provided, however that single-family residential parking is excluded from this requirement unless specifically determined by the Administrator.
7. Storm Water Drainage.
   a. Parking areas shall be constructed such that all surface water is directed into a storm water drainage system.
   b. Water draining from a parking area shall not flow across a sidewalk.
   c. Storm Water Drainage Plans for off-street motor vehicle parking areas shall

be reviewed and approved by the City Engineer.

d. All parking areas, excluding drives that do not afford direct access to abutting parking spaces, shall have a slope of five percent (5%) or less.

e. For all new parking lots of twenty-five (25) spaces or greater, the following best management practices shall be used to improve storm water infiltration and water quality:

1) Permeable pavement materials. If such materials are the only practice employed from this list, then they must cover at least twenty five percent (25%) of the total parking lot area; or

2) Treatments such as rain gardens, bio-retention basins, or vegetated swales designed in consultation with the City Engineer; or

3) Other combinations of best management practices subject to approval by the City Engineer.

f. Areas utilizing permeable parking pavers shall not count towards impervious surface calculations.

See Also:

Subsection 7.8(F) for Parking Lot Landscaping which allows a reduction in planting requirements if techniques to reduce runoff, including pervious pavement or vegetated swales, are used.

8. Surface Material. All off-street parking, including access drives and aisles, shall be paved with bituminous, concrete, or other all-weather, dust-proof surfacing, or other approved material, such as permeable pavement materials approved by the City Engineer, and shall be provided with bumper guards or barrier curbs where needed. A crushed stone or gravel surface may be used for a period not exceeding one (1) year, after the parking area is opened for use where ground conditions are not immediately suitable for permanent surfacing.

9. Location. On-site parking spaces shall not be located within public rights-of-way.

F. BICYCLE PARKING SPACE DESIGN RECOMMENDATIONS.

1. Bicycle parking spaces shall be a minimum of four (4) feet wide and six (6) long, and a bicycle rack shall be provided.
2. The minimum vertical clearance for a bicycle parking space shall be seven(7) feet.
3. Each bicycle rack shall be designed to accommodate a minimum of two (2) bicycles, one (1) per side parked parallel to the rack.
4. Bicycle racks shall be spaced 48 inches on center.
5. Bicycle racks shall be designed to resist cutting, bending, rust and warping and shall be securely anchored to the ground.
6. The bicycle parking shall be located on a paved surface, which is maintained as mud, ice and snow free.
7. The bicycle rack shall be maintained in good condition.
8. Recommended bicycle parking shall be distributed around each public building entrance, and bicycle racks may be grouped.
9. Bicycle parking shall not impede pedestrian circulation or block access to the building.
10. Bicycle parking shall be located as close or closer than the nearest off-street motor vehicle parking space to the building entrance, other than barrier-free spaces.
11. Bicycle racks shall be located so as to protect parked bicycles from motor vehicle damage.

7.6 LOADING STANDARDS

A. OFF-STREET LOADING SPECIFIC REQUIREMENTS. The requirements for off-street loading facilities shall be provided in accordance with the following table for any building or structure which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles.

B. LOCATION. The following requirements shall pertain to the location of loading berths.

1. All required loading berths shall be located on the same lot as the use served.
2. No portion of the vehicle shall project into a street or alley.
3. In no case shall a loading berth be located in such a manner as to require loading/unloading vehicles to back into a public right-of-way or overhang adjacent property.
4. A plan shall be submitted and approved during the review process that shows how the loading will occur.
5. No permitted or required loading berth shall be located within fifty (50) feet of the nearest point of intersection of any two streets.

C. SIZE. Unless otherwise specified, a required off-street loading berth shall be as follows:

1. For local pick up and delivery trucks: Twelve (12) feet in width by thirty (30) feet in length with a forty-five (45) foot maneuvering apron, and shall have a vertical clearance of at least twelve (12) feet. Maneuvering apron shall be at least twenty (20) feet from the centerline of the street/road.
2. For over-the-road tractor-trailers: Twelve feet, six inches (12' 6") in width by sixty (60) feet in length with a seventy (70) foot maneuvering apron, and shall have a vertical clearance of at least fifteen (15) feet. In no case, shall the loading berth be less than 145 feet from the centerline of the street/road.

D. ACCESS. Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement, and shall be subject to approval by the Administrator, or the Commission, as procedurally required.

E. SURFACING. All off-street loading berths shall be surfaced with concrete or other appropriate material meeting the durability requirements and as approved by the Administrator. Bituminous asphalt may be used on the portions of the apron outside of the landing/parking space.

F. UTILIZATION. Space allocated for off-street loading use shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.

G. MINIMUM FACILITIES. Uses for which off-street loading facilities are required herein, but which are located in buildings of less floor area than the minimum prescribed, shall provide adequate receiving facilities accessible by motor vehicles off any adjacent alley, service, drive, or open space on the same lot.

H. SCREENING STANDARDS. Vehicle loading areas shall be screened from adjacent residential districts or uses with a twenty-five (25) foot buffer area that is inclusive of the setback distances as required per Section 4.17 (D). Within the required setback, the buffer area shall consist of six (6) foot high landscaped earthen berm planted with eight (8) trees and fifteen (15) shrubs per one hundred (100) linear feet of buffer or a

Table 7.4: Required Loading by Use

Use Type	Required # of Loading Spaces
Retail/ Commercial	
7,500 - 75,000 sq. ft. of gross floor area	1 loading space
Each additional 50,000 sq. ft. of gross floor area	1 loading space
Office	
10,000 - 100,000 sq. ft. of gross floor area	1 loading space
Each additional 100,000 sq. ft. of gross floor area	1 loading space
Institutional and Recreational	
10,000 - 100,000 sq. ft. of gross floor area	1 loading space
Each additional 75,000 sq. ft. of gross floor area	1 loading space
Industrial	
5,000 - 25,000 sq. ft. of gross floor area	1 loading space
25,000 - 75,000 sq. ft. of gross floor area	2 loading spaces
Each additional 50,000 sq. ft. of gross floor area	1 loading space

six (6) foot tall opaque fence. A minimum of fifty percent (50%) of the buffer area plants shall be evergreen.

I. **SEMI-TRUCK PARKING.** Public streets shall not be used for semi-truck parking, standing or backing. The overnight parking of semi-trucks shall not occur between the hours of 10 p.m. and 7 a.m. except in designated areas of semi-truck travel centers (truck stops).

See Also:

Subsection 7.8(K)(5) Loading Area Buffer yards

7.7 RESERVED FOR FUTURE USE

7.8 LANDSCAPING STANDARDS

A. **LANDSCAPING INTENT.** The intent of this section is to establish minimum standards for the provision, installation, and maintenance of landscaped areas to:

1. Improve the overall aesthetics and enhance the appearance of the City,
2. Increase the compatibility of development with adjacent development and the natural environment,

3. Improve environmental quality by reducing noise, glare, stormwater run-off, and heat buildup.

B. GENERAL PROVISIONS.

1. Applicability. This Section shall apply to all public, private, and institutional development, except that previously approved development need not comply Section 1.5 Transition Rules, unless new site development approval is being sought.
2. Plans. Projects requiring a Development Plan are encouraged to submit a landscape plan as part of the construction set. A conceptual landscaping plan to accompany Preliminary plans and Primary Plats is also encouraged.
3. Visibility. Where the rigid enforcement of these standards creates a conflict with the site visibility triangle (Section 7.2), the site visibility triangle shall take precedence, and the landscape requirements may be relocated or reduced to the extent necessary to alleviate the conflict upon approval of the Administrator.
4. Preservation Of Existing Features. Existing trees and shrubs shall be preserved wherever feasible.
    a. When existing healthy trees or significant natural landscape features impede strict compliance with the standards, the submittal of an alternative landscape plan which incorporates such existing features into the overall site design is encouraged and the Commission has authority to grant a waiver from these standards.
    b. Existing trees may be used to fulfill tree planting requirements if such trees are in a healthy and growing condition. The Administrator may approve existing trees which are not included on the plant lists. This information shall also be shown on the Site Grading and Demolition Plans.
    c. Tree wells, tree walls, or specialized fill and pavement designs shall be required in cut and fill situations and shall be fully detailed on the Landscape Plan.

C. CONTENT OF LANDSCAPE PLAN. If submitted, a landscape plan should follow the recommended guidelines below:

1. The landscape plan should be prepared by a landscape professional or nurseryman experienced in landscape design and the installation and care of plant materials.
2. The plan should be submitted to scale on 24” x 36” sheets and contain the following information:
    a. The location and dimensions of all existing and proposed structures, parking lots and drives, roadways and rights-of-way, sidewalks, refuse disposal areas, utility lines and easements, freestanding structural features, signs, and other landscape improvements, such as earth berms, walls, fences, screens and paved areas;
    b. The name and address of the owner, developer, and who prepared the plan, the date the plan was prepared, scale, and north arrow;
    c. The location, size, and common name of existing trees and individual shrubs, areas of dense trees or shrubs, and other natural features, indicating which are to be preserved and which are to be removed;

See Also:

Section 10.11 Development Plan Process

d. Invasive species shall not be used for required plant material. Refer to the Indiana Department of Natural Resources list of invasive species.

e. Details indicating specific grading measures or other protective devices where trees are to be preserved in areas of cut and fill; and

f. Planting and installation details as necessary to ensure conformance with all required standards.

D. INSTALLATION.

1. Plants shall conform to the measurements specified below.

   a. Caliper measurements shall be taken six inches above grade for trees under four inches in diameter and twelve (12) inches above grade for trees four inches or larger in diameter.

   b. Minimum branching height for all shade trees shall be four feet.

   c. Minimum size for shade trees shall be two and one-half (2.5) inches in caliper.

   d. Minimum size for ornamental trees shall be one and one half (1.5) inches in caliper.

   e. Minimum size for evergreen trees shall be five (5) feet high.

   f. The minimum size for required screening shrubs is twenty-four (24) inches. Species selected shall attain the required minimum mature height of thirty-six (36) inches within 2 years.

E. MAINTENANCE.

1. Maintenance Requirements. Trees, vegetation, irrigation systems, fences, walls and other landscape elements are considered elements of a project in the same manner as parking and other site details. The owner of the property shall be responsible for the continuous proper maintenance of all landscaping materials, and shall keep them free from refuse and debris and in good repair at all times.

   a. Replacing Landscaping Materials. All plant material which dies shall be replaced with plant material of the required size within one hundred eighty (180) days of the plant material's death. This period may be extended if weather conditions inhibit installation of new plant materials.

   b. Trimming Plant Material. Landscape materials are intended to grow, spread and mature over time. Landscaping materials used to fulfill requirements of this chapter may not be pruned or otherwise treated so as to reduce overall height or level of opacity. Pruning, limbing-up, topping, and other inhibiting measures including removal may only be practiced to insure the public safety or to preserve the relative health of the material involved (e.g. parking lot screen plantings shall not be lower than thirty-six (36) inches three (3) years past installation). Where a continuous solid screen is required, the frequency of the planting shall accomplish the formation of a solid visual screen within three (3) years of the date of planting.

F. UTILITY EASEMENT CONFLICTS. Plant material shall not be located in drainage and utility easements. Plant material shall not be placed in the road/street right-of-way without permission from the City of Jasper Board of Public Works and Safety or Indiana Department of Transportation.

G. ENFORCEMENT. Failure to implement the approved landscape plan, including preservation of existing features, or to maintain the landscaping in accordance with the provisions of this section shall be a violation of this Ordinance subject to the penalties

outlined in Chapter 11 Enforcement and Penalties.

H. PARKING.

1. Wheel Stops. All landscaped areas at the front line of off-street parking spaces shall be protected from encroachment or intrusion of vehicles through the use of concrete wheel stops. Wheel stops shall have a minimum height of six inches above the finish surface of the parking area, be properly anchored, and continuously maintained in good condition. As an alternative, curbing can be extended to serve the same purpose.
2. Parking Lot Interior Landscaping. Parking areas (including loading, unloading and storage areas) containing more than twenty-five (25) vehicular parking spaces, shall provide interior landscaping. A minimum of six percent (6%) of the gross area of the interior vehicular use area of a parking lot shall be landscaped. The interior of the a parking lot being calculated by multiplying the number of parking spaces by 270 square feet. Manufacturing and warehousing uses in the I-1 and I-2 Industrial Districts shall be exempt from these requirements, except in the case where the primary use is office.
    a. Plantings located along the perimeter of a parking lot shall not be considered as part of the interior landscaping requirement.
    b. Required landscaping areas shall be located in planting islands or median strips with interior dimensions of not less than ten (10) feet in width and sixteen (16) feet in length.
    c. Landscaping areas shall be reasonably dispersed throughout the parking lot. No more than fifteen (15) parking spaces shall be permitted in a continuous row.
    d. The primary landscaping materials used shall be deciduous shade trees with a minimum of two and one half (2½) inch caliper, as measured 6 inches above the ground, and a minimum of 10 to 12 feet in height.
    e. If the amount of parking provided exceeds the required minimum by more than ten (10) percent, an additional ten (10) percent of interior landscaping shall be required. Some of the landscaping requirements for excess parking may be waived if either pervious pavement or landscape islands that function as swales and provide stormwater filtration are used.
    f. Appropriate ground cover may include shade trees, ornamental trees, shrubbery, hedges, and grasses. However, at least one shade tree shall be provided for every one hundred eighty (180) square feet of required interior landscaped area.
3. Parking Lot Perimeter Landscaping: A landscape buffer of at least ten (10) feet in width shall be provided adjacent to the right-of-way line within the front setback. All on- or off-street parking regulated by this section shall have a perimeter landscaped area at least five (5) feet wide. Such perimeter landscaping shall extend the full perimeter of the parking lot. Manufacturing and warehousing uses in the I-1 and I-2 Industrial Districts shall be exempt from these requirements, except in the case where the primary use is office.

I. STREETS.

1. Residential Streets:
    a. One (1) canopy tree is recommended per forty-five (45) linear feet.

See Also:

Subsection 7.5(E)(7) for Best Management Practices (BMP's) for stormwater.

Coordinate street tree planting with the Tree Board and Board of Public Works and Utilities

b. Per Subsection 7.8(F)street trees shall be located in a planting strip between the street and the drainage easement.

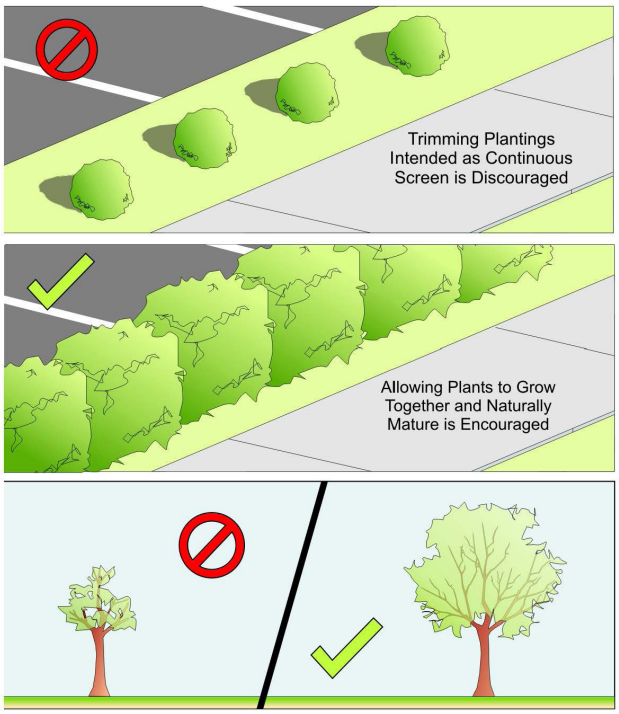
J. RETENTION POND LANDSCAPING.

1. Shrubs and emergent vegetation are encouraged to be planted on pond perimeters. The use of this plant material is more desirable than non-native manicured turf in order to provide color, filter runoff, limit waterfowl, and improve water quality.
   a. Choose plant material that is native to Indiana;
   b. Pond edge seed mixes are available from local suppliers. Pond edge landscaping may also be established from seed;
   c. Maintenance shall be consistent as it may take up to three (3) years to mature.

K. LANDSCAPED BUFFER AND SCREEN REQUIREMENTS.

1. Determination Of Landscape Buffer Requirements. Buffering and screening standards are employed to minimize the appearance of service and utilitarian areas, and dissimilar uses and districts. The potential degree of conflict between the zoning districts determines the extent of the buffer required. Where a setback distance is required per Subsection 4.17(D), the Commission may require appropriate visual buffers or greenbelts within the setback area. The standards shall be as follows. The Commission may waive the requirement for a wall, fence or greenbelt if equivalent screening is provided by existing or planned parks, parkways, and recreation areas or by topography or other natural conditions.
   a. Buffer yards are only required along property boundaries where dissimilar districts or uses are adjacent. Existing mature vegetation shall be credited toward the requirements. The existing adjacent property owner shall not be required to participate in the provision or installation of the buffer yard.
   b. Implementation of the buffer or greenbelt shall be completed before occupancy.
   c. The buffer or greenbelt shall be maintained by the property holder.
   d. Planting Location. Required buffer trees may be placed either at regular intervals or in irregular patterns representing a natural landscape providing the screen is continuous and effective. No buffer yard or required landscape materials shall be placed within any easement, right-of-way, or septic field. Evergreens shall be distributed throughout the buffer yard in such as manner as to ensure that a continuous screen is still visible year round.
   e. Plant Types. All required plant material for screening purposes shall be a minimum of fifty percent (50%) evergreen.
   f. Groundcover. All portions of the buffer yard not planted with trees, shrubs or other landscaped materials shall be covered with grass, landscaping stone or other suitable groundcover.
2. Dumpster Screening. Nonresidential and multi family refuse, grease and recycling disposal dumpsters shall be screened on three sides by the construction of permanent opaque wooden, brick, solid PVC/vinyl or masonry screens. Such screening shall be a minimum of six (6) feet in height and a maximum of eight (8) feet in height. The fourth side which provides access to the dumpster for refuse collectors shall be gated and situated so that the container is not visible at an angle greater than forty-five degrees (45°) from adjacent public streets.

3. Outdoor Storage Screening. All nonresidential manufacturing, assembling, construction, repairing, maintenance, and storage which takes places outdoors adjacent to a residential zoning district shall require a landscape buffer twenty-five (25) feet wide comprised of a six (6) foot high landscaped earthen berm planted with eight (8) trees and fifteen (15) shrubs per one-hundred (100) linear feet of buffer or a six (6) foot tall opaque fence. A minimum of fifty percent (50%) of the buffer area plants shall be evergreen.
4. Roof-, Ground-, And Building Mounted Equipment in B1, B2, and B3 Districts. All roof-top and ground-mounted mechanical equipment, such as HVAC units, shall be screened from the view of all public streets by parapets, dormers, or other screens. The material of all such screens shall be consistent with the exterior materials used on the facade of the structure.
5. Loading Area Buffer yards. Vehicle loading areas shall be screened from adjacent residential districts or uses with a twenty-five (25) foot buffer area that is inclusive of the setback distances as required per Section 4.17 (D). Within the required setback, the buffer area shall consist of a six (6) foot high landscaped earthen berm planted with eight (8) trees and fifteen (15) shrubs per one hundred (100) linear feet of buffer or six (6) foot tall opaque fence. A minimum of fifty percent (50%) of the buffer area plants shall be evergreen.



Trimming of plant materials intended for screening or buffering is discouraged.

7.9 ENVIRONMENTAL STANDARDS

A. ENVIRONMENTAL HAZARDS.

1. General Performance Standards. In the interests of protecting the public health, safety and welfare, and to lessen injury to property, all uses established or placed into operation after the effective date of this Ordinance of Jasper, Indiana, shall comply with the following performance standards. No use shall exhibit obnoxious characteristics to the extent that it constitutes a public nuisance as further prescribed hereinafter. No use in existence on the effective date of this Ordinance shall be so altered or modified to conflict with these standards.
    a. Fire Protection. Fire fighting equipment and prevention measures acceptable to the Jasper Fire Department shall be readily available and apparent when any activity involving the handling or storage of flammable or explosive materials is conducted.
    b. Electrical Disturbance. No use shall cause electrical disturbance adversely affecting radio, television, or other equipment in the vicinity.
    c. Noise. No use shall produce noise in such a manner as to be objectionable because of volume, frequency, intermittence, beat, shrillness or vibration. Said noise shall be muffled or otherwise controlled so as not to become detrimental, and shall meet the following specifications:

1) No use shall produce noise in excess of seventy-five (75) decibels, day or night.

2) No activity or operation producing noise, other than ordinary vehicle noise, shall be conducted so that noise from the activity or operation can be detected at any point off of the lot on which that use is located.

3) Public safety sirens and related apparatus used solely for public safety purposes shall be exempt from this standard.

d. Vibration. No use shall cause vibrations or concussions detectable beyond the lot lines without the aid of instruments.

e. Odor. Uses shall conform to all Indiana Department of Environmental Management (IDEM) regulations for emissions of odors, hazardous air pollutants, injurious fumes and gases, and follow the IDEM air permitting processes. If tests or studies for determination of compliance are required, the City of Jasper shall seek reimbursement from the property owner for associated costs.

f. Smoke and Particulate Matter. Uses shall not discharge fly ash, dust, smoke, vapors, noxious, toxic or corrosive matter, or other air pollutants across lot lines in such concentration as to be detrimental to health, animals, vegetation or property. Uses shall conform to all Indiana Department of Environmental Management (IDEM) regulations. If tests or studies for determination of compliance are required, the City of Jasper shall seek reimbursement from the property owner for associated costs.

g. Heat And Glare. No use on a property shall produce any glare or heat that is detectable without the aid of instruments at the property lines of the lot on which the use is located.

h. Water Pollution. No use shall produce erosion or other pollutants whether liquid, solid or gas in such quantity, as to be detrimental to adjacent properties or in conflict with public water quality standards, or without the necessary required approvals of the Indiana Department of Environmental Management (IDEM), and conformance with City of Jasper wastewater and stormwater ordinances.

i. Waste Matter. No use shall accumulate within the lot or discharge beyond the lot lines, any waste matter, debris, refuse, trash, construction material, garbage, litter unfinished buildings, scrap metals, inoperable vehicles or rotting wood, whether liquid or solid, in conflict with applicable public health, safety and welfare, City of Jasper, Dubois County or IDEM regulations.

j. Ground Absorption. Any and all chemicals or liquids that are a potential hazard for contamination must be contained in conformance with IDEM's Ground Water regulations so that there is no opportunity for ground absorption and contamination.

2. Exemptions. The industrial standards provided by this chapter shall be subject to the following exemptions:

a. Farming and Forestry Operations. The provisions of this Ordinance are subject to the Right to Farm Law, IC 32-30-6-9, as amended, as well as the Forestry Operations Law, IC 32-30-6-11, as amended.

b. Exemptions. If IDEM has granted an exemption to the standards for said

environmental hazards, the exemption shall be presented to the applicable Board for review, unless it has been publicly posted in the local newspaper.

c. The following uses, activities, and circumstances shall be exempt from the standards established by this chapter:

1) Motor Vehicles. The operation of motor vehicles for the transportation of personnel, material, or products; and

2) Public Safety Alerts. Public safety sirens and related apparatus used solely for public purposes and/or necessary for the protection of life, limb, or property.

3. Applicability. All uses shall conform with any and all applicable requirements of the City, County, State and Federal governments (including the standards of the Indiana Occupational Safety and Health Administration - IOSHA, IDEM, and Environmental Protection Agency). No use on a property shall exhibit obnoxious characteristics to the extent that it constitutes a public nuisance defined by and subject to the City of Jasper Code. In cases where the requirements of this Ordinance are in conflict with other applicable requirements, the most restrictive shall apply. The Administrator shall issue violations for non-compliance in accordance with the Enforcement and Penalties Provisions of this Ordinance.

4. Interpretation. The industrial standards established by this chapter provide general guidelines for discussing expectations with new and expanding industrial operations. They also provide references to applicable State and Federal regulations. Where applicable the determination of conformance of industrial operations with the requirements of this chapter shall be determined by the Commission, JBZA, or Administrator when consistent with the petition review procedures established by this Ordinance.

7.10 ACCESSORY USES AND STRUCTURES

A. ALLOWANCE. Accessory uses and structures are allowed in all zoning districts. The following restrictions do not apply to Accessory Structures located in A1 or A2. In all other zones, an Accessory Structure shall be subject to all limitations identified for its zone and provided the accessory structure shall be:

1. Incidental to the principal use or structure;

2. Operated and maintained on the same lot as the principal use or structure;

3. No more than two in number;

4. Subordinate in height to the principal structure, with a maximum height of twenty-two (22) feet or as otherwise stated in Table 4.3 Lot Standards Matrix;

5. Subordinate in area (as measured by footprint of primary structure);

6. Subordinate in purpose, and location to the principal use or structure;

7. Such detached accessory structures shall not be allowed in the required front yard of any district; and

8. For accessory structures located in residential zones, compatible in style and materials with the principal use or structure, consistent with these specific accessory development standards:

a. All detached accessory structures measuring at least 300 square feet in base floor area shall be consistent with the architectural style of the principal

residential structure located on the property at the time such detached accessory structure is established, and shall be required to adhere to the following design guidelines:

1) In any residential district, the detached accessory structure must use identical exterior wall siding materials as then exist on the principal residential structure on the property. Siding panels must approximate the size and dimensions of those siding materials on the principal residential structures. No metal coverings or corrugated siding materials shall be used on the detached accessory structure. No vertical siding materials shall be used unless similar vertical siding materials are then used on the principal residential structure. No steel siding materials shall be permitted unless the principal residential structure then uses steel siding materials. In the case of residential structures using brick siding materials, similar brick or masonry materials must be used on all side(s) of the accessory structure with a minimum brick/masonry coverage to be not less than 1/3 of the wall height but in any case, not less than 36 inches.

2) Roofing materials used on the detached accessory structure must be similar to roofing materials used on the principal residential structure. Metal roofing materials may be used only if the principal residential structure on the property then uses metal roofing materials.

3) For preexisting structures that are enlarged or improved resulting in a structure size 300 sq. ft. in base floor area or larger, the entire enlarged or improved structure shall comply with the standards stated herein.

4) Every property owner applying for a detached accessory structure in a residential zoning district measuring at least 300 square feet in base floor area shall submit to the city planning office renderings illustrating materials and design characteristics on all four sides of the proposed detached accessory structure, along with then-current photographs of all four sides of the principal residential structure on the property, and a description of the siding and roofing materials and colors of those materials along with a description of the roof pitch on the principal residential structure and how those features compare with the proposed detached accessory structure. City planning staff shall evaluate the architectural consistency between the proposed detached accessory structure and the principal residential structure based upon the guidelines set forth in this subsection, before issuing an improvement location permit. In the case of a dispute or uncertainty between city planning staff and the property owner relating to architectural details or features, or in the event the Planning Department staff does not approve the architectural/design plans submitted by the property owner, the application for the proposed detached accessory structure shall be submitted to the Board of Zoning Appeals for architectural/design review purposes.

B. LOCATION. Except as provided elsewhere in this Ordinance, no accessory use, building, or structure or portion thereof, shall be located forward of the front building line of the principal building. For lots with more than one front yard, this standard applies to all front yards. Furthermore, each accessory use, building, or structure or portion thereof, shall adhere to the setback requirements of the district in which it is located.

C. AFTER PRINCIPAL BUILDING. No accessory use, building, or structure shall be permitted prior to the construction and operation of the principal building.

D. SPECIFIC ACCESSORY USE STANDARDS. In addition to other applicable standards within this Ordinance, additional accessory use standards include:

1. Wireless Support Structures. Where authorized by this Ordinance, wireless support structures facilities may be considered an accessory use.
2. Solar Panel. W here authorized by this Ordinance, Solar Panel Installations may be considered an accessory use.
3. Electric Vehicle (EV) Charging Stations. Where authorized by this ordinance, Electric Vehicle Charging Stations may be considered an accessory use.

7.11 TEMPORARY USES

A. AUTHORIZATION. Subject to the general and specific regulations set forth herein and all other applicable regulations of the district in which a temporary use may be located, the temporary uses set forth below may be allowed provided, a temporary use permit is first obtained, pursuant to Section 10.14 of this Ordinance.

B. GENERAL REGULATIONS.

1. Significant Negative Impact Prohibited. No temporary use shall be permitted in a district if it would have a significant negative impact, including aesthetic impact, on any adjacent property or on the area, as a whole, in which it is located.
2. Public Safety Threat Prohibited. No temporary use shall be permitted that causes or threatens to cause an on-site or off-site threat to the public safety.
3. Undue Negative Traffic Impact Prohibited. No temporary use shall be permitted if the additional vehicular traffic reasonably expected to be generated by such temporary use would have undue detrimental effects on surrounding streets and uses.
4. No Conflicts with Previously Permitted Temporary Use. No temporary use shall be permitted if such use would conflict with another previously authorized temporary use.
5. Temporary Signs. Temporary signs shall be permitted only in accordance with City of Jasper Ordinance 2012-35, S16.035, adopted December 19, 2012.
6. Compliance with District Regulations. Except as expressly provided otherwise, every temporary use shall comply with the regulations applicable in the district in which such temporary use is located.
7. Conditions for Temporary Use. Every temporary use shall comply with any such other conditions as may be imposed by the Administrator designed to be reasonably necessary to achieve the purposes of this Ordinance or to protect the public health, safety, and general welfare.
8. Interpretation. If the proposed temporary use is not listed in this section, the Administrator shall determine which category it shall be regulated by.
9. Plot Plan. A plot plan, drawn to scale, shall be submitted to the Administrator for approval. Minimum requirements for the plot plan include:
    a. The proposed location of the temporary use on the site and any permitted temporary structures, such as tents and signs, with the distance to existing structures, right-of-way and property lines noted;
    b. Driveway location(s), existing parking spaces, provisions for handicapped parking and any proposed parking additions or modifications to existing parking layout and circulation; a layout displaying adequate ingress and egress routes for emergency vehicles with no dead-end aisles; and

c. Any other information deemed necessary for review by the Administrator or other public official.

C. TEMPORARY USES PERMITTED.

1. Seasonal Sales. Seasonal Sales of merchandise or the display of merchandise may be allowed in any commercial district, provided however, that:
   a. Maximum Annual Number and Length of Time. Such use shall be limited to thirty (30) consecutive days, and no more than four (4) such sales may be held each year.
   b. Tents and Canopies. Where free standing tents, canopies or other tent-like structures are used, such structures shall not cover more than 800 square feet in surface area and shall be inspected by the Fire Marshall.
2. Holiday Tree Sales. Holiday tree sales may be allowed in any district other than a residential district subject to the following conditions.
   a. Duration. Such use shall be limited to a period not to exceed forty-five (45) days.
   b. Removal. Trees and other remaining merchandise and evidence of the sale remaining on hand after December 25th shall be removed from the premises no later than December 31, of the same calendar year.
   c. Traffic. Such use shall provide adequate customer parking, traffic access, and the absence of an adverse impact on surrounding properties.
3. Fireworks Sales. Fireworks sales may be permitted in any commercial or industrial district subject to the following conditions.
   a. Duration. Such use shall be limited to a period not to exceed sixty (60) days.
   b. Location Limitations. No more than two (2) temporary use permits for the sale of fireworks shall be issued per site within any twelve (12) month period.
   c. Traffic. Such use shall provide adequate customer parking, traffic access, and the absence of an adverse impact on other properties.
4. Contractors' Structures. Contractors' offices and equipment sheds may be allowed in any district subject to the following conditions.
   a. Active Construction. The use shall be accessory to an active construction project and shall be located on the same lot or within the same phase of the subdivision under construction.
   b. Use. The use shall contain no living (sleeping or full kitchen) accommodations.
   c. Duration. The use shall be limited to a period not to exceed the duration of the active construction phase of such project.
5. Miscellaneous Shows and Sales. Other miscellaneous shows and sales, including but not limited to indoor and outdoor art, craft, and plant shows, outdoor exhibits and display of merchandise and outdoor sales may be allowed in any non-residential district, subject to following conditions.
   a. Traffic. Such use shall provide adequate customer parking, traffic access, and the absence of an adverse impact on other properties.
   b. Limits. Every such sale shall be limited to a period not to exceed three consecutive (3) days, and no more than two (2) sales shall be permitted in the same location in any twelve (12) month period.
   c. Non-temporary Outdoor Sales. Permanent outdoor sales of merchandise, or any temporary outdoor sales not defined as a temporary use in Chapter 12

See Also:

Section 10.5 Special Exception

Definitions, shall not be permitted in any district unless express permission is granted by the Commission through the development plan process for an approved permitted use or use already granted a special exception.

6. Farm Product Sale. Farm Product Sales may be allowed in any district subject to the following conditions.

   a. No Permanent Structure. The farm product sale shall use no permanent structures, unless they are existing, permitted farm structures.

   b. Product. The sale of products or merchandise shall be limited to fresh (never having been frozen or packaged) dairy goods, fruits, vegetables, nuts, honey, juices, flowers, plants, herbs, teas and spices produced or grown by the vendor; and baked goods made by the vendor.

7.12 HOME OCCUPATION STANDARDS

A. HOME OCCUPATION STANDARDS. In addition to conforming with all other applicable laws and ordinances, including the general regulations for accessory uses and structures set forth in this Ordinance, It shall be the burden of proof on the applicant to prove that the standards of this section will be met and that all home occupations shall comply with each of the following requirements.

1. Occupancy. The operator of every home occupation shall reside in the dwelling unit in which the home occupation operates.
2. Location. The home occupation shall be conducted entirely within the principal residential structure or in subordinate accessory structures, and shall be incidental and subordinate to the principal residential use of the property.
3. Storage. Limited storage may be allowed in the residence or accessory structures, provided such storage does not create a nuisance or prevent the utilization of a garage for parking of motor vehicles.
4. Utilities and Services. The home occupation shall not interfere with the delivery of utilities or other services to the neighborhood in which the principal residential structure is located.
5. Traffic and Parking. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and the need for off-street parking shall be accommodated on site. The home occupation shall not cause a significant increase in the amount of traffic or parking on any residential street. Furthermore, the use shall not require the parking, storage or regular servicing by a vehicle with an aggregate gross vehicle weight of more than 12,000 pounds, except for deliveries, and the use shall not involve the parking or storage of more than 2 trucks of any type on the lot at any period of time.
6. Impacts/nuisances. The activity shall not generate any noise, vibrations, smoke, dust, odors, heat, glare, or interfere with radio or television reception in the area that would exceed that normally produced by a dwelling unit used solely for residential purposes. Based on the potential nuisances of a proposed home occupation, the Board may determine that a particular type or intensity of use is unsuitable to be a home occupation or that the proposed lot area or setbacks are not sufficient.
7. Materials. No toxic, explosive, flammable, radioactive, or other hazardous materials shall be used, sold, or stored on the site. However, materials common to ordinary household use are permitted, provided the quantity of such materials

does not exceed that found in an ordinary household.

8. Residential Alteration. Alteration of the residential appearance of the principal residential structure or accessory structure designed to promote or draw attention to the home occupation shall not be permitted. Furthermore, no displays or other indications of a home occupation in the yard, on the exterior of a structure, or visible from anywhere outside of the property shall be permitted.
9. Visitors. No visitors in conjunction with the home occupation (clients, customers, patrons, pupils, salespersons, employees, etc.) shall be permitted between the hours of 9:00 p.m. and 6:00 a.m.
10. Deliveries. Deliveries for the home occupation shall not restrict traffic circulation and may only occur between 8:00 a.m. and 8:00 p.m. Monday through Saturday.
11. Outdoor Display or Storage. No outdoor display or storage of materials, goods, supplies, or equipment shall be permitted on the premises.
12. Maximum Size. The total floor area used for the home occupation shall not exceed twenty-five percent (25%) of the total floor area of the dwelling and fifty percent (50%) of any accessory structures in use, provided that in no case shall the area of a home occupation exceed six hundred (600) square feet.
13. On-site Employee. No more than one (1) person who is not an actual resident of the dwelling unit may be employed on the site in connection with the home occupation.
14. Uses. Certain uses by their very nature of investment or operation have a pronounced tendency, once commenced, to expand beyond the scope of activity permitted for home occupation uses, and thereby impair the integrity of the residential district in which they are located. For this reason, the following uses, regardless of their possible compliance with the standards set for accessory use or home occupations are strictly prohibited:
    a. Animal hospitals, kennels, or exotic bird or wildlife retailing;
    b. Clubs, including fraternities and sororities;
    c. Funeral parlors;
    d. Retail store;
    e. Firearm and ammunition sales;
    f. Medical or dental clinics;
    g. Nursing homes;
    h. Restaurants;
    i. Vehicle or machine repair;
    j. Welding or machine shops;
    k. Spray painting of vehicles;
    l. Trucking company terminal;
    m. Other similar uses as interpreted by the Administrator
15. The main office of a medical doctor, chiropractor, dentist or attorney shall only be allowed as a home occupation if the property abuts an arterial street and has a minimum lot area of 10,000 square feet.

See Also:

Subsection 7.8(K) for additional screening and buffering standards.

B. LIGHT HOME OCCUPATION. In addition to the standards listed above, the following,

more restrictive standards shall apply to a "Light Home Occupation" for which Board approval is not needed:.

1. Only involves persons working on the premises who are permanent residents of the dwelling;
2. Does not involve more persons regularly visitng the premises for business purposes, but instead primarily involves the operator visiting clients at their home or business;
3. Is limited to only the following types of activities:
    a. Office-type work (such as writing, editing, researching, drafting, tax preparation, computer programing and computer data entry);
    b. Clerical work (such as typing, stenography, addressing and sending mail);
    c. Custom sewing and fabric crafts;
    d. Creation of visual arts (such as painting, sculpture or wood carving); or
    e. Sales and surveys over the internet or phone.

7.13 Outdoor Sales, Display, and Storage

A. OUTDOOR SALES, DISPLAY, AND STORAGE.

1. Containers. Shipping containers, cargo containers, portable on-demand storage units, portable soft-sided dumpsters and similar units shall only be permitted if they are providing storage for construction projects or are in the process of being loaded or unloaded, the duration of which can be no more than seventy two (72) hours.
2. Storage of Vehicles, Boats, RV's and Trailers. Storage of vehicles, boats, recreational vehicles, motor homes trailers and similar vehicles shall not occur on property where the zoning district does not allow storage of vehicles as a primary use. Storage of vehicles is differentiated from parking of vehicles related to an associated use. See also Subsection 7.5(B), Use of Parking Spaces.
    a. Unimproved Surface. Vehicles, boats, recreational vehicles, motor homes trailers and similar vehicles shall not be stored or parked on an unimproved surface.
    b. Sidewalk Encroachment. Stored or parked vehicles, boats, recreational vehicles, motor homes, trailers and similar vehicles shall not block, impede, or otherwise encroach upon a sidewalk.
    c. Use: Stored or parked vehicles boats, recreational vehicles, motor homes, trailers and similar vehicles shall not be used for other purposes, including, but not limited to, living quarters, or storage of materials.
    d. Use of Parking Areas. Parking areas, spaces and aisles, including both required and excess parking spaces, shall not be used for storing vehicles boats, recreational vehicles, motor homes trailers and similar vehicles that are not regularly used in conjunction with the primary use of the lot.
    e. Repair. Repair work on vehicles, boats, recreational vehicles, motor homes, trailers and similar vehicles in storage shall be permitted, provided that the vehicle under repair is one stored on the premises and is within a roofed and enclosed building. No wrecked vehicle, boat, recreational vehicle, motor home, trailer or similar vehicle shall be stored in an unscreened area while awaiting repair.

3. Trash Receptacles.
    a. Location. Outdoor trash receptacles, dumpsters, recycling containers, compactors, and similar containers shall be placed on an improved surface.
    b. Screening. Outdoor trash receptacles, dumpsters, recycling containers, compactors and similar containers shall be effectively screened on all sides by a fence or wall that is constructed of wood, brick, stone, or exterior building materials similar to those used on the primary structure. At least one (1) side of such fence or wall shall incorporate a movable gate for access.
    c. Enclosure Height. The height of the enclosure shall be a minimum of six (6) feet, and shall be high enough to ensure that the contents of the enclosure are not visible from adjacent parcels or public rights-of-way.
    d. Setbacks. Outdoor trash receptacle, recycling containers, dumpster, compactor, and similar container enclosures shall meet the setback requirements in Subsection 7.4 (A), Lot Standards, and shall not be placed within a front or side yard.
    e. Protected and Maintained Screened outdoor storage facilities shall be properly maintained and kept in good repair at all times.
4. Outdoor Sales Outdoor display of merchandise for sale is allowed only if it is listed as a permitted use in the zoning district or meets the standards for a Temporary Use. If permitted, the following criteria shall be met:
    a. All outdoor display of merchandise shall be contained on an improved surface such as asphalt, concrete, or pavers. Use of display area shall not block handicapped parking areas, parking lot access aisles, or sidewalk areas.
    b. Parking spaces shall not be displaced below minimum code requirements.
5. Outdoor Storage of Some Materials. This section applies to all zoning districts except I-1 and I-2.
    a. Equipment and Scrap. Outdoor storage of equipment, materials, waste or scrap materials, pallets and like materials is prohibited unless specifically allowed in that Zoning District. Where permitted, outdoor storage of equipment, materials, waste or scrap materials, pallets, and like materials shall be effectively screened on all sides with a minimum six (6) foot tall opaque privacy fence or wall, and shall be high enough to ensure that the contents of the enclosure are not visible from adjacent parcels or public rights-of-way. Fences or walls shall meet the applicable fence and wall standards in Section 7.14 Fence and Wall Standards.
    b. Flammable Products. In all business and industrial zoning districts, outdoor storage of fuel, raw materials and flammable products within two hundred 200 feet of a residential district, shall be enclosed by a fence, wall, or plant material adequate to conceal such storage from adjacent properties and public right-of-way. No outdoor storage of fuel, raw materials and flammable products shall permitted within fifty (50) feet of a residential district or use.

7.14 FENCE AND WALL STANDARDS

A. INTENT. The intent of the fence, hedge, and wall standards is to ensure public

safety by maintaining sufficient visibility within front yards and other areas where vehicles or pedestrians may frequent. The requirements are also intended to provide a degree of uniformity of regulation, provide adequate protection for individual properties from certain nuisances, and promote the public welfare.

B. GENERAL STANDARDS. These general fence and wall standards apply to all zoning districts.

1. Swimming Pools. Swimming pool fencing shall conform to the regulations of the State of Indiana and the City of Jasper Municipal Code (7.26).
2. Wireless Support Structure. Fencing for wireless support structures shall comply with the requirements of Section 7.16 of this Ordinance.
3. Outdoor Storage, Display and/or Sales Areas. Fences required for the screening of areas of outdoor storage, display, and/or sales shall comply with the provisions of Section 7.13 of this Ordinance.
4. Fences Setback from Property Lines. In all zones except Agriculture (A1 and A2) all fences shall be setback from the property line by at least two (2) feet.
5. Correctional Facilities. All fences and other barriers used at correctional facilities are exempt.

C. GENERAL RESTRICTIONS. The following general restrictions apply to all fences and wall as specified below:

1. Rights of Way. No fence or wall shall be constructed in or allowed to encroach upon any public right-of-way.
2. Easements. No fence or wall shall cross a public or private easement.
3. Required Buffer Yards. Fences or walls shall not be located in any required buffer yard, unless specifically required or permitted in this Ordinance.
4. Intersection Visibility. No fence or wall shall be erected or maintained within the Site Visibility Triangle as required by Section 7.2 of this Ordinance.
5. Prohibited Materials. Chicken wire, concertina wire, or razor wire, razored edges, broken glass, affixed spikes, projecting nails or other pointed instruments of any kind are prohibited unless expressly permitted by this Section. Decorative spikes that are a part of an ornamental fence shall be permitted.
6. Structural Orientation. Fences shall be erected with the structural side, including all structural members, braces, bolts, etc., facing the interior of the property that the fence encloses.

D. RESIDENTIAL USE RESTRICTION. The following restrictions shall apply to all residential uses:

1. Prohibited Fence Types. Chain link and similar woven metal fences shall not be permitted in the front yard of any residential use. This prohibited material includes any such woven or welded wire metal fence that is flexible or rolled fencing. This prohibited material does not include solid metal fencing panels made with solid, formed joints. All electrified and barbed wire fences are prohibited on all residential properties, except in an agricultural zoning district.
2. Height Limits. No fence or wall shall exceed six (6) feet in height in any side yard, eight (8) feet in height in any rear yard, or four (4) feet in any front yard. When applying this subsection to through lots (which technically have two (2) front yards), the front yard onto which the primary structure faces shall be considered the front yard, and the other front yard shall be considered a rear yard. When

applying this subsection to corner lots (which also technically have two (2) front yards), both the front yard onto which the primary structure faces and the other front yard shall be considered front yards.

E. NON-RESIDENTIAL/NON-AGRICULTURAL USE RESTRICTIONS. The following restrictions shall apply to all non-residential / non-agricultural uses:

1. Prohibited Fence Types. All electrified and stockade fences are prohibited. Barbed wire fences are permitted for the purposes of security.
2. Height and Location Limits.
    a. In the case of properties with multiple front yards, this restriction shall apply only to the front yard providing primary access to the property.
    b. Commercial districts: Fences shall not be permitted forward of the building face. No fence or wall shall exceed six (6) feet in height in any side or rear yard.
    c. Industrial Districts: Fences enclosing industrial uses shall not exceed six (6) feet in height in a required front yard and shall not exceed eight (8) feet in a required side or rear yard. Fences in a required front yard shall have at least seventy-five (75%) of its area open to allow visibility through the fence.

F. HEIGHT MEASUREMENT. Fences and walls shall be measured from the adjacent grade, including the base of any berms, to the top of the fence.

7.15 EXTERIOR LIGHTING STANDARDS

A. GENERAL EXTERIOR LIGHTING STANDARDS. These standards are applicable to all new or replaced lighting in multi family, commercial and industrial zoning districts.

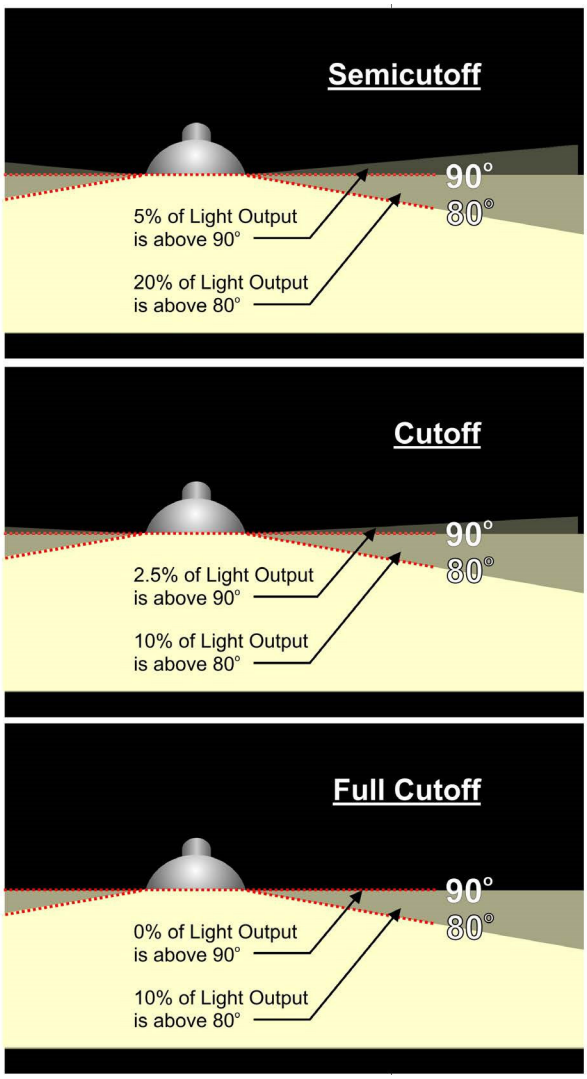
1. Lighting Plan. A lighting plan shall be required as part of an application for a Development Plan, Secondary Plat, PUD, or approved Detailed Plan, or any other instance as determined by the Administrator. The lighting plan shall include the following information:
    a. Plan that shows the buildings, landscaping and parking areas with locations of proposed exterior fixtures;
    b. A photometric plan;
    c. Manufacturer's catalog cuts;
    d. Proposed mounting height of all exterior features.
2. Mounting Height Measurement. For the purposes of this chapter, the mounting height of all light fixtures shall be defined as the vertical distance between the adjacent grade level of the surface being illuminated and the top of the lighting fixture (luminaire).
3. Cutoff. All freestanding lights and lights mounted on walls or facades shall use cutoff, semi-cutoff, or full-cutoff luminaires.
4. Shielding. All lighting shall be fully shielded with opaque material to prevent direct lighting on streets, alleys, and adjacent properties.
5. Use of Timers/Dimmers. Wherever practicable, exterior lighting shall include timers, dimmers, and/or sensors to reduce overall energy consumption and eliminate unneeded lighting.
6. Light Trespass. Light trespass into the night sky and onto neighboring

properties shall be prevented through the use of such techniques as recessed lamps (bulb), horizontally mounted lamps with reflectors, glass, polycarbonate or acrylic refractors, louvered optics, and house-side shields.

7. Electrical Service. The electrical service to all outdoor lighting fixtures shall be underground, unless the fixtures are mounted directly on buildings or utility poles.

8. Holiday Lighting. Holiday lighting shall be exempt from the provisions of this chapter.

9. Architectural Accent Lighting. All ground lighting used to cast light on building facades, building features or signs shall have shields to ensure that light does not project beyond the building or sign, and shall utilize the minimum amount of light necessary to light the facade, building feature or sign. The light fixture and bulb shall be shielded from view of any street, sidewalk, or parking lot.



Example of lighting trespass by fixture type.

B. RESIDENTIAL LIGHTING. These following standards shall apply to residential uses or zoning districts.

1. The maximum height of light fixtures including the base shall not exceed fifteen (15) feet.
2. Light fixtures shall be coordinated and used to enhance the overall design and character of the neighborhood.
3. Light levels shall not exceed three-tenths (0.3) footcandles at the property line. Facial identification is possible at five-tenths (0.5) footcandles.
4. In the absence of residential street lighting, yard post or wall-mounted dusk-to-dawn coach lights may be provided on each residence.

C. COMMERCIAL LIGHTING. Street and parking lot lighting shall be part of the overall design concept and addressed as part of the Development Plan. The requirements are as follows:

1. Uniformity. Lights shall be arranged in order to provide uniform illumination throughout the parking lot.
2. Levels. The average maximum maintained illumination shall be three (3) footcandles. The maximum footcandles at the property line shall not exceed five-tenths (0.5) footcandles. If adjacent to residential district or use, the light level shall not exceed three-tenths (0.3) footcandles at the property line. If adjacent to an intersection of two public rights-of-way, or at the intersection of a private entrance drive and a public right-of-way, the illumination may be an average maximum of six-tenths (0.6) footcandles at the property line for up to seventy-five (75) feet from the intersection right-of-way.
3. Shielding. Lights shall be placed and employ shields as to avoid glare and direct illumination away from adjacent properties or streets.
4. Placement. Lighting shall be considered for entrances, drive aisles, parking lots, pedestrian areas and to highlight the building.
5. Lighting Fixtures. All lighting fixtures providing illumination shall be full cutoff, cutoff, or semi-cutoff fixtures (most to least restrictive) and directed downward at ground level. All luminaires with these features comply with “dark sky” recommendations for exterior lighting. Refer to Illumination Engineering Society of North America (IESNA) guidelines.
6. Maximum Mounting Height. The maximum mounting height for street and parking lot light fixtures shall be twenty four (24) feet in multifamily residential, institutional, and commercial zoning districts; and thirty (30) feet in all industrial zoning districts.

D. ILLUMINATED CANOPY REQUIREMENTS. Lighting levels under canopies for gas stations, convenience stores, drive-up banking centers, and similar locations shall be adequate to facilitate the activities taking place on the property, and shall not be used for the purpose of illuminating signs. Such lighting shall conform with the following requirements:

1. All light fixtures mounted on the canopies shall be recessed so that the lens cover is recessed or flush with the bottom surface (ceiling) of the canopy, or;
2. The lighting of the canopy shall use indirect lighting through which light is beamed upward and then reflected down from the underside of the canopy by light fixtures that are shielded so that illumination is focused exclusively on the underside of the canopy;
3. The minimum illumination under canopies shall not exceed five (5.0) footcandles at grade level, and the average maintained illumination shall not exceed thirty (30) footcandles;

4. Lights shall not be mounted on the top or sides of any canopy and the sides of the canopy shall not be illuminated. In no instances shall this be interpreted as prohibiting the placement of signs on the canopy which are illuminated consistent with the standards for sign illumination in this chapter;
5. Lighting for drive-through bays used for car wash, oil change, or similar, must be fully shielded as if located outside.

E. LIGHTING OF EXTERIOR DISPLAY/SALES AREAS. Lighting levels on exterior display/sales areas shall be adequate to facilitate the activities taking place in such locations. Such lighting shall conform with the following requirements:

1. Lighting Fixtures. All lighting fixtures used to illuminate exterior display/sales areas shall be cutoff, semi-cutoff, or full cutoff fixtures (luminaires) focused directly downward onto the display/sales area. Such light fixtures shall be located, mounted, aimed, and shielded so that direct light is not cast onto adjacent streets or properties.
2. Fixture Location. All lighting fixtures and mounting poles shall be located within the areas being illuminated.
3. Light Levels. The average horizontal illumination at grade all not exceed five (5.0) footcandles on average and minimum illumination shall not exceed four to one (4:1).

F. LIGHTING OF OUTDOOR ATHLETIC/PERFORMANCE FACILITIES. Lighting for all outdoor athletic and performance facilities and events shall provide adequate light for the event or facility while minimizing light pollution and the illumination of adjacent streets and properties.

1. Play/Performance Area Lighting. Lighting fixtures for the playing fields and/or performance areas shall be specifically mounted and aimed so that their beams fall directly within the play/performance area and its immediate surroundings and does not spill onto adjacent streets or properties.
2. Dual Lighting System. The use of spotlights and/or floodlights to illuminate the play/performance area shall be permitted. However, each facility shall be designed and constructed with a dual lighting system which permits the main lighting for the event (spotlighting, floodlighting, etc.) to be turned off, with an alternate low level lighting system used for clean-up, night maintenance and other activities.
3. Certified. Limits on light trespass as stated above apply to such outdoor facilities. Every lighting system design and installation of this type shall be certified by a registered engineer as conforming to all applicable restrictions of this Ordinance.
4. Maximum Levels. The maximum level of illumination shall not exceed the standard established by the Indiana High School Athletic Association.
5. Exemptions. Outdoor athletic fields and courts established as accessory uses to single and two-family residences shall be exempt from these requirements.

G. SECURITY LIGHTING. Security lighting shall be coordinated with other lighting on the property to the extent possible and shall otherwise conform with the following requirements:

1. Nonresidential Lighting Fixtures. All security lighting in nonresidential areas shall be shielded and specifically aimed so that illumination is directed only to the intended area. The light source for any security lighting shall include shields that prevent their light source or lens from being visible from adjacent properties and/or streets.

2. Residential Lighting Fixtures. Security lighting fixtures in residential areas shall make use of indirect and reflected lighting techniques to provide soft lighting under canopies, entry porches, or soffits.

H. LIGHTING OF BUILDING FACADES OR OTHER VERTICAL STRUCTURES. Building facades or other structures may be illuminated, subject to the following requirements:

1. Lighting Fixtures. Lighting fixtures shall be located, aimed, and shielded so that light is directed only onto the building facade. Lighting fixtures shall not be directed toward adjacent streets or roads.
2. Lighting Direction. Lighting fixtures shall be designed to wash the facade of the building with light (rather than providing a spot or floodlight affect) and may be directed upward or downward onto the facade. Exterior facade lighting shall be contained on the building facade or in the landscape areas adjacent to the building and shall focus on entries and architectural features.
3. Upward Lighting. If upward lighting is used to illuminate flags, only spotlights shall be used; floodlights directed above the horizontal shall not be used to illuminate a flag.

I. ILLUMINATED SIGNS.

1. External Illumination. External lighting fixtures illuminating signs shall be located, aimed, and shielded so that light is directed onto only the sign face, with minimal light spillage. Lighting fixtures shall not be aimed toward adjacent streets, roads, or properties.
2. Internal Illumination. Internally illuminated signs constructed with an opaque background and lighter contrasting imagery are preferred. When within six hundred (600) feet of a residential use or district, the average level of illumination on the vertical surface of the sign shall not exceed three (3) footcandles.

7.16 WIRELESS SUPPORT STRUCTURES

A. GENERALLY. The purpose of this Section is intended to implement the provisions of IC 8-1-32.3, but otherwise to comply with IC 36-7-4, in regard to the City's regulation of the placement, construction, or modification of wireless support structures.

B. DELEGATION OF AUTHORITY. For purposes of IC 8-1-32.3 and Section 332(c)(7)(B) of the Federal Telecommunications Act of 1996 as in effect on July 1, 2015, the JBZA shall exercise the authority to conduct hearings, to make decisions, and to approve the issuance or denial of improvement location permits (except for collocation) under this Section. The Administrator shall exercise the authority to review applications for completeness, within the meaning of IC 36-7-4-1109, and to issue improvement location permits under this Section.

C. REVIEW OF APPLICATIONS. The Administrator shall promptly review for completeness every application duly filed with the City which requests authorization to place, construct, or modify wireless support structures. Every applicant shall be notified within ten (10) business days of the City's receipt of an application whether its application is complete and whether a public hearing will be required regarding its request. When no public hearing is required, the Administrator shall take final action on the request within a reasonable period of time after the request is duly filed. When a public hearing is required regarding a request, the JBZA shall conduct the hearing and take final action on the request within a reasonable period of time. For purposes of this Section, any application that contains all of the following information shall be considered complete:

1. A statement that the applicant is a person that either provides wireless

communications service or owns or otherwise makes available infrastructure required for such service.

2. The name, business address, and point of contact for the applicant.
3. The location of the proposed or affected wireless support structure or wireless facility.
4. A construction plan that includes evidence of conformance with all applicable improvement location permit requirements.
5. Except for an application that requests collocation only, evidence showing that the land use is permitted in the applicable zoning district or districts, or that the application complies with the applicable criteria for a variance of use under IC 36-7-4-918.4.
6. If the application requests an improvement location permit for the construction of a new wireless support structure, a construction plan that describes the proposed wireless support structure and all equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment, along with evidence supporting the choice of location for the proposed wireless support structure, including a sworn statement from the individual responsible for the choice of location demonstrating that collocation of wireless facilities on an existing wireless support structure is not a viable option because collocation:
    a. Would not result in the same wireless service functionality, coverage, and capacity;
    b. Is technically infeasible; or
    c. Is an economic burden to the applicant.
7. If the application requests an improvement location permit for substantial modification of a wireless support structure, a construction plan that describes the proposed modifications to the affected wireless support structure and all equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment.

D. FAILURE TO NOTIFY. Any failure by the Administrator to notify an applicant within ten (10) business days whether its application is complete shall be considered a nonfinal zoning decision within the meaning of IC 36-7-4-1602(c), with the applicant consequently entitled to expedited judicial review of the nonfinal zoning decision.

E. DEADLINES FOR FINAL ACTION. For purposes of Subsection C above, a reasonable period of time shall be determined as follows:

1. If the request involves an application for collocation only, a reasonable period of time is not more than forty-five (45) days from the date that the applicant is notified by the Administrator that the application is complete. An application for collocation only is not subject to a public hearing before the JBZA. After confirming that the request involves an application for collocation only, the Administrator shall issue the applicant an improvement location permit.
2. If the request involves an application for an improvement location permit to construct a new wireless support structure or for substantial modification of a wireless support structure, a reasonable period of time is not more than ninety (90) days from the date that the applicant is notified that the application is complete, or not more than one hundred twenty (120) days in any case in which the approval of a variance of use is necessary. The JBZA shall conduct a public hearing on the request and shall make a decision on the request at the meeting at which it

is first presented. Decisions made by the JBZA after a public hearing required in accordance with this Section are considered zoning decisions for purposes of IC 36-7-4 and are subject to judicial review under the IC 36-7-4-1600 series.

3. If an applicant has requested additional time to amend its application or requested or agreed to a continuance during the review or hearing process, then the period of time prescribed by Subsection 7.16(F)(1) or (2) above shall be extended for a corresponding amount of time. However, any failure by the JBZA to take final action on a request within a reasonable period of time, shall be considered a non-final zoning decision within the meaning of IC 36-7-4-1602(c), with the applicant consequently entitled to expedited judicial review of the nonfinal zoning decision.

F. ADDITIONAL RULES. Notwithstanding IC 36-7-4 or any rules adopted by the JBZA under that chapter, the following provisions apply to all applications submitted under this Section:

1. In reviewing applications and conducting hearings, the Administrator and the JBZA shall comply with all applicable provisions of Section 332(c)(7)(B) of the Federal Telecommunications Act of 1996 as in effect on July 1, 2015, and Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 as in effect on July 1, 2015.
2. Neither the Administrator nor the JBZA may require an applicant to submit information about or evaluate an applicant's business decisions with respect to the applicant's designed service, customer demand, service quality, or desired signal strength to a particular location.
3. All meetings of the JBZA are subject to the Open Door Law (IC 5-14-1.5). However, neither the Administrator nor the JBZA may release to the public any records that are required to be kept confidential under Federal or State law, including the trade secrets of applicants, as provided in the Access to Public Records Act (IC 5-14-3) and other applicable laws.
4. The Administrator shall allow an applicant to submit a single consolidated application to collocate multiple wireless facilities, or for multiple small cell facilities that are located within the jurisdiction of the JBZA and that comprise a single small cell network. Whenever a consolidated application is approved, the Administrator shall issue the applicant a single improvement location permit for the multiple facilities, or for the small cell network, in lieu of issuing multiple permits for each respective facility.
5. The JBZA may not impose on an applicant a fall zone requirement for a wireless support structure that is larger than the area within which the structure is designed to collapse, as set forth in the applicant's engineering certification for the structure, unless evidence submitted by a professional engineer demonstrates that the engineering certification in the application is flawed. This subsection does not apply to any setback requirement prescribed by this Ordinance for the land use which is not based on the height of the wireless support structure.
6. Neither the JBZA nor the Administrator may require or impose conditions on an applicant regarding the installation, location, or use of wireless service facilities on utility poles or electrical transmission towers.
7. Neither the Administrator nor the JBZA may require an applicant to pay a fee associated with the submission, review, processing, or approval of the application unless the same or a similar fee also applies to applications for permits for similar types of commercial or industrial development within the jurisdiction of the JBZA. In addition, if a fee is imposed in connection with the submission, review,

processing, or hearing of an application, including a fee imposed by a third party that provides review, technical, or consulting assistance to the Administrator or the JBZA, the fee must be based on actual, direct, and reasonable costs incurred for the review, processing, and hearing of the application, and may not include:

a. Travel expenses incurred by a third party in its review of an application; or

b. Direct payment or reimbursement of third party fees charged on a contingency basis.

G. REMOVAL OF ABANDONED STRUCTURES. Notwithstanding IC 36-7-4 or any rules adopted by the JBZA under that chapter, if a wireless support structure is abandoned or remains unused for a period of six (6) months, the owner shall remove the structure and all associated facilities from the site. Such removal shall be completed within twelve (12) months of the cessation of operations at the site. In the event that a wireless support structure is not removed within the required twelve (12) month period, the Administrator may remove the structure and the associated facilities, and the costs of such removal shall be assessed against the owner of the parcel.

7.17 ADULT BUSINESSES STANDARDS

A. ESTABLISHMENT. The establishment of a sexually oriented business shall be permitted only as a special exception in the I-2, Heavy Industrial Zoning District; provided, that no person shall cause or permit the establishment of sexually oriented businesses, as defined, within 500 feet of another sexually oriented business or; religious institution; school; boys or girls club, or similar existing youth organization; or public park or recreation area; or public building; or residential district; or residential use (the foregoing uses are hereinafter collectively referred to as "sensitive uses"). In the event that a business meets the definition of a Sexually Oriented Business under this Title, but may also be considered another type of business under this Title or other applicable section of the Municipal Code of the City of Jasper, the rules and regulations pertaining to Sexually Oriented Businesses shall supersede and take precedence over the rules and regulations for any other type of business and said business shall be required to meet Sexually Oriented Business rules and regulations, including, but not limited to, locating in an "I-2" Zoning District and receiving a special exception.

B. MEASUREMENT OF DISTANCE. For the purpose of determining the distance requirements set forth in this Section, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of each business. The distance between any sexually oriented business and any "sensitive uses" shall be measured from the nearest portion of the building or structure used as part of the premises where the sexually oriented business is conducted, to the nearest property line of the premises of the sensitive use. The City may require that the owner or operator of a sexually oriented business certify all distance measurements by a land surveyor registered by the State of Indiana.

C. REGULATIONS GOVERNING EXISTING SEXUALLY ORIENTED BUSINESSES. Any sexually oriented businesses lawfully operating prior to April 21, 2004 that is not in violation of this chapter, shall be deemed a nonconforming use and subject to the provisions of this Section; Chapter 3 Nonconforming Uses, Lots, and Structures; and any other applicable City of Jasper Code sections, and applicable state law governing nonconforming uses. Such non-conforming uses shall not be enlarged, extended, constructed, reconstructed, moved or structurally altered except that the use may be changed to a conforming use. If two or more sexually oriented businesses are within 500 feet of each other and otherwise in a permissible location, the sexually oriented

business which was first established and continually operating at the particular location is the conforming use and the later established business is nonconforming.

1. A sexually oriented business lawfully operating as a conforming use is not rendered a non-conforming use by the subsequent location of a religious institution; school; boys or girls club, or similar existing youth organization; or public park or recreation area; or public building; or residential district; or residential use within 500 feet of the sexually oriented business.

D. EXTERIOR PORTIONS OF SEXUALLY ORIENTED BUSINESSES. It shall be unlawful for the owner or operator of a sexually oriented business, regardless of whether or not a permit is required or has been issued for said business under this Ordinance or any other ordinances of the City, to display or otherwise exhibit the materials and/or performances at such sexually oriented business in any advertising or any portion of the interior premises which is visible outside the premises. This prohibition shall not extend to advertising of the existence or location of such sexually oriented business. It shall be unlawful for the owner or operator of a sexually oriented business, regardless of whether or not a permit is required or has been issued for said business under this Ordinance or any other ordinances of the City, to allow the exterior portion of the sexually oriented business to have flashing lights, or any words, lettering, photographs, silhouettes, drawings, or pictorial representations of any manner except to the extent permitted by the provisions of this Ordinance.

E. SIGNAGE AND LIGHTING REGULATIONS. It shall be unlawful for the owner or operator of a sexually oriented business, regardless of whether or not a permit is required or has been issued for said business under this Ordinance or any other ordinance of the City, to advertise the presentation of any activity prohibited by any applicable state statute or local Ordinance. It shall be unlawful for the owner or operator of a sexually oriented business, regardless of whether or not a permit is required or has been issued for said business under this Ordinance or any other ordinance of the City, to erect, construct or maintain any sign for the sexually oriented business other than as permitted by the City of Jasper Ordinance 2012-35, S16.035 adopted December 19, 2012 or other applicable Code sections. All off-street parking areas and premise entries of the sexually oriented business shall be illuminated from dusk to dawn with a lighting system to provide for visual inspection or video monitoring to prohibit loitering and in order to provide sufficient illumination of the parking areas and walkways serving the sexually oriented business for the personal safety of patrons and employees and to reduce the incidence of vandalism and criminal conduct. The lighting shall be shown on the sketch or diagram of the premises, as required in Section 7.15 Exterior Lighting Standards.

F. SEXUAL ENCOUNTER ESTABLISHMENTS PROHIBITED. No person shall operate a sexual encounter establishment as defined in this chapter. Operation of such an establishment shall constitute a nuisance per se and will additionally result in imposition of penalties for violation of this Ordinance.

7.18 DESIGN STANDARDS

A. RESIDENTIAL DESIGN. Subject to IC 36-7-4-1109, these standards apply to new single-family detached, attached, and two-family housing in the jurisdiction. In addition to new residential development, these standards shall apply to any existing residential buildings if any expansion or alteration exceeds fifty percent (50%) of the building's gross assessed value at the time of expansion or alteration.

1. Anti-monotony. Neighborhoods shall have a diversity of housing styles. This

Subsection 1, shall apply to any residential subdivision with ten (10) lots or greater.

a. No house shall be of the same front elevation design as any other adjacent lot on the same block face, nor directly across the street.

b. Mirror images of the subject lot's floor plan, brick color change, paint color change, or minor alterations to the floor plan shall not constitute a unique front elevation but are encouraged to further create a non-duplicative look.

c. No single-family house front elevation design may constitute more than twenty-five (25%) of the front elevation house designs within any single phase of a subdivision or PUD.

d. In an R4, two-family housing may be exempt if two or more buildings are built on a single lot.

2. Chimneys. Exterior chimneys for fireplaces shall be entirely masonry if the building or structure is more than fifty percent (50%) masonry, unless placed on the rear exterior wall of the residence. Chimneys that do not originate on an exterior wall that protrude through the roof may be of material other than masonry.

3. Fences. Refer to Section 7.14 for standards for fencing in single-family residential zoning districts RR, R1, R2, and R3. Additional requirements follow.

a. Fences in the street sideyard (corner lots) are permitted provided the fences are at least fifty percent (50%) open.

b. Chainlink fences are prohibited in the front and street sideyard.

c. A fence may be located no closer than five (5) feet from the right-of-way and shall be located no closer than ten feet from the primary facade of the residence.

d. Fences shall be placed so that the property owner has room to maintain both sides of the fence.

e. A fence shall not be located within any easement.

4. Prohibited Exterior Materials. The following materials are prohibited in the RR, R1, R2 and R3 zoning districts: unfinished smooth faced concrete masonry units, unfinished poured concrete walls with smooth face, traditional metal wall panels when used as a full wall height, asbestos, tile, paper and asphalt siding.

B. MULTIFAMILY DESIGN. All new multifamily developments (apartments, townhouses) of three (3) units or more shall require development plan review and are subject to the following standards. Multifamily development in the Mixed-Use Overlay District may be subject to additional design guidelines.

1. Zoning Compliance: When a residential use is converted from a single- or two-family use to a multifamily use, a Zoning Compliance Certificate shall be obtained, in compliance with Section 10.15.

2. Layout and Site .

a. Natural Features: Attempts shall be made to preserve existing vegetation and natural features.

b. Building Orientation. Multifamily building(s) shall be oriented to the street, a common open space, or clustered to form neighborhoods. Accessory buildings (including residential garages, storage buildings, etc.) shall be located behind the principal building. No principal or accessory building shall have service doors, garage doors, loading doors, or similar service entrances opening toward or oriented to the street.

1) Buildings shall be located so that the window to window distance shall not be less than twenty-five (25) feet, with said distance to be measured by a line perpendicular to the plane of the surface of said window. This distance may be reduced to not less than thirty (30) feet for an exposure where a room is a bathroom or laundry/utility room, or is used as a community or group meeting room or for a similar purpose.

2) Individual buildings shall be located to avoid more than two (2) buildings with parallel orientations to a public street. Vary the orientation to lessen the massing. The maximum length of a multifamily building shall not exceed 200 feet.

c. Parking. Off-street parking, driveway, drive aisles, carport, garage or service facilities may encroach into the side or rear yard as specified in Section 7.10 Accessory Structures, but shall be no closer than ten (10) feet to any lot line. In no event shall parking be located in the required front setback, nor encroach into any required landscaping.

3. Open Space. All new multifamily developments shall provide a minimum of six percent (6%) of the gross site acreage as usable common open space for active or passive recreation.

a. The following areas shall not count toward open space.

1) Private yards, patios

2) Streets, drives or parking areas

3) Land areas between buildings of less than twenty-five (25) feet

4) Required perimeter setbacks

5) Land designated as floodplain unless it is designated as common area and accessible to all owners of the common area.

6) Detention / Retention facilities unless accessible by all residents of the development and usable recreation areas as determined by the Administrator.

4. Vehicular and Pedestrian Circulation. Create a hierarchy of internal drives.

a. Drives shall be a minimum of twenty-four (24) feet wide and adhere to all applicable City of Jasper Design Standards and Specifications Manual for paving. The City may request wider drives if on-street parking is permitted.

b. A minimum of two (2) means of access shall be provided for:

1) Any residential subdivision with fifty (50) or more single- or two-family residential lots;

2) Any development having one (1) or more commercial, multifamily, or industrial structure, of three (3) stories or greater in height; or

3) Any development having three (3) or more commercial, multi-family, or industrial structures of any height.

c. The internal street system shall connect to surrounding neighborhood and local streets.

d. All internal sidewalks shall meet MUTCD, ADAAG or PROWAG requirements.

e. All internal sidewalks shall connect at property lines to adjacent commercial areas, schools, parks, places of worship, and other points of public interest.

5. Mechanical and Utility Equipment Screening. In all multi-family zoning district, all mechanical equipment (ground-, roof- and building-mounted, shall be screened from view. Screening can be achieved by landscaping, fences or walls for ground-placed equipment, and the use of parapet walls or other roof designs for roof-mounted equipment. Screening enclosures shall be architecturally compatible with the principal structure.
6. Fire Safety. The Fire Chief of the City of Jasper shall have the authority to inspect a Fire-Protection Rating in any structural assembly of an approved multifamily dwelling or mixed-use occupancy that includes a residential occupancy.
7. Dumpster and Storage Area Screening. Dumpsters and storage areas shall be enclosed with a solid enclosure that complements the architecture of the principal structure, is a minimum of six (6) feet in height, and contains a solid gate. Shrub plant material shall be provided where possible to further enhance the wall enclosure. Dumpster enclosures attached to the principal structure shall be designed as an architecturally integrated part of the principal structure.

C. NONRESIDENTIAL.

1. Applicability. All nonresidential developments except in I-1 and I-2 zoning districts shall meet or exceed the requirements of this chapter, in addition to all other applicable development standards established by this Ordinance. These nonresidential standards shall apply to the following:
   a. Improvement location permit applications for new structures submitted on or after the effective date of this Ordinance;
   b. Expansions greater than fifty percent (50%) of pre-existing site, structure or building; and
   c. Expansions to other structures that result in a structure greater than twenty thousand (20,000) square feet in gross floor area.
2. Site Layout.
   a. Site which encourages compatibility between the site and the buildings and between all buildings on the site is encouraged. Where natural or existing topographic patterns contribute to a development, they shall be preserved and developed. Modification to topography shall be permitted where it contributes to the overall development.
   b. The orientation of buildings shall promote interaction with the street and provide a pedestrian friendly environment. All principal and outlot site buildings shall be arranged so that they complement existing development. The buildings shall frame a corner or enclose a “main street” type corridor. Islands surrounded by parking should be avoided.
   c. Newly installed infrastructure and service revisions necessitated by exterior alterations shall be underground. To the extent possible, all existing overhead utilities shall be relocated underground.
   d. All structures shall be evaluated in terms of scale, mass, color, proportion, and compatibility with adjoining developments.
   e. Establishments where the principal use is the drive-through type of business (e.g. coffee or ATM kiosks) are not permitted.
3. Vehicular Access: Major and minor arterials and major collector streets must have reasonable restrictions as to the numbers and location of access points. To provide safe and sufficient traffic movement to and from adjacent lands:

a. Frontage roads, access roads, and other internal drives may have to be constructed to create a hierarchy of roads for safe on-site circulation. These internal drives shall provide pedestrian access and landscaping.

b. Shared access shall be coordinated with contiguous lots and designed to preserve the aesthetic benefits provided by the greenbelt areas. Access at the side or rear of buildings is encouraged.

c. New access points onto the major and minor arterials within the corridor overlay zone shall be coordinated with existing access points whenever possible and approved by the City Engineer.

d. Cross access easements shall be required between adjacent compatible developments.

1) No curb cuts shall be within one hundred fifty (150) feet of any intersection of a collector street and one hundred (100) feet of any intersection of a local street.

2) Opposing curb cuts shall align squarely or be offset no less than one hundred twenty-five (125) feet.

3) Stub Streets shall be built in all cases where adjacent lots have reasonable potential for development.

e. The commercial entry drive should be appropriate to the size of the development, incorporate signage, lighting, landscaping and set the tone for the development.

4. Parking Layout. Refer to Section 7.5 Parking Standards.

5. Architectural Design. All nonresidential building walls shall have architectural features which increase visual interest, reduce undifferentiated masses and relate to the human scale.

a. Facades shall have a defined base or foundation, a middle or modulated wall, and a top formed by a pitched roof or articulated cornice, in each instance appropriate to the building style.

b. Buildings with continuous facades that are ninety (90) feet or greater in width, shall be designed with offsets (projecting or recessed) not less than two (2) feet deep, and over intervals of not greater than sixty (60) feet.

c. Prohibited exterior building materials include unfinished smooth faced concrete masonry units, unfinished poured concrete walls with smooth face, traditional metal wall panels when used as a full wall height, asbestos, tile, paper and asphalt siding.

d. Roof Design. The materials and finishes for roofs shall complement those materials used for the exterior walls. Roofs may be pitched, use stepped parapet walls, three dimensional cornices, dimensioned or integrally-textured materials, include architectural detailing such as moldings, trims, or variations in brick coursing, or be sloped with overhangs and brackets. Parapets shall not exceed more than one-third (1/3) the height of the supporting wall.

e. The architectural style, materials, color and design on the front elevation shall be applied to all elevations of the structure adjacent to a public street, primary internal drive or residential zoning district.

f. Entryway features are only required at the primary entrance to the structure and shall include elements such as: covered entries, integral planters,

awnings, raised corniced parapets over the door, peaked roof forms having an average slope greater than or equal to a minimum 5/12 pitch, arches, or architectural details such as tile work and moldings that are integrated into the building structure and design.

6. Maintenance. The exposed walls and roofs of buildings shall be maintained in a clean, orderly, and attractive condition, and be free of cracks, dents, punctures, breakage, and other forms of visible marring. Materials that become excessively faded, chalked, or otherwise deteriorated shall be refinished, repainted, or replaced.
7. Screening. Refuse and waste removal areas, service yards, storage yards, and exterior work areas shall be screened from view with fencing, walls or landscaping.
8. Materials. All accessory buildings shall be constructed with materials that are similar and compatible with materials used in the principal structure.
9. Mechanical Equipment Screening.
    a. Roof-mounted equipment on exposed roofs shall be screened from view. The appearance of roof screens shall be coordinated with the building to maintain a unified appearance.
    b. All ground and building mounted mechanical and electrical equipment shall be screened from view. The screens and enclosures shall be treated as an integral element of the building's appearance. Landscaping may be used for this purpose.
    c. Ground-mounted, Commercial-grade.
        1) The unit shall be screened by a wall that complements the architecture of the principal structure. Walls attached to the principal structure shall be designed as an architecturally integrated part of the principal structure. The wall shall be sufficient to dampen any noise generated while the unit is in operation.
        2) The wall shall be equal to the height of the unit plus two (2) feet.
        3) The enclosure shall be accessed via an opaque gate.
        4) The gate shall not face a residential property, or a right-of-way within fifty (50) feet.
        5) All mechanical equipment shall be located a minimum of fifty (50) feet from the property line, and shall not be located within an established or required front setback or in a required side setback.
10. Signage. Signage shall be permitted in accordance with the City of Jasper Ordinance 2012-35, S16.035 adopted December 19, 2012. Signage shall be designed to be an integral part of the architectural and landscaping plans. The colors, materials, and style of signage shall be architecturally compatible and accentuate the buildings and landscaping on the site. The colors, materials, and lighting of every sign shall be restrained and harmonious with the building and site to which it principally relates.
11. Landscaping Plan. Landscaping shall be in conformance with Section 7.8 Landscaping of this Ordinance. Plans may be prepared and submitted with the development plan.

a. Landscaping materials selected should be appropriate to local growing and climatic conditions. Wherever appropriate, existing trees should be conserved and integrated into the landscaping plan; credit toward required in-kind landscaping may be given.

12. Site Amenities. Site amenities provide attractive spaces and the possibility of interaction. Site amenities such as patios, plazas, mini-parks, squares, water features and public art should be incorporated in the required open space for the development.

13. Lighting. Refer to Section 7.15 Lighting Standards

14. Operational Compatibility. The Commission may impose conditions on the approval of a project including but not limited to:

    a. The placement of trash receptacles;

    b. Location of delivery and loading zones;

    c. Hours of refuse removal;

    d. Hours of sign illumination.

15. All restaurants or other building used to make or prepare food, or as deemed necessary by the City of Jasper Wastewater Manager, shall comply with Jasper Municipal Code §11.16.240, 675 IAC 16-1.4-1 et seq., as amended or replaced from time to time, and the City of Jasper Design Standards and Specification Manual as amended or replaced from time to time.

7.19 MANUFACTURED HOME PARK STANDARDS

A. INTENT. The purpose of these manufactured home standards is to identify the minimum requirements for the installation and use of manufactured homes consistent with the requirements of IC 36-7-4-1106 and the intent of this Ordinance.

B. GENERAL STANDARDS.

1. Design Standards. Manufactured Homes in a single-family residential zoning district shall comply with the minimum development and design standards as set forth in Section 7.18.

2. Storage Space. Each home shall have an enclosed, waterproof storage space a minimum of twenty (20) square feet, either as an accessory structure on each home site, behind the skirting, or at a central storage facility.

3. Emergency Shelter. Each development or manufactured home park shall be equipped with a structure of adequate construction to provide shelter for residents from tornados and other severe weather events. The shelter shall be of sufficient size to accommodate a population equal to two and one-half (2.5) persons per home site present in the development.

4. Entrances and Interior Roads. All interior manufactured home park streets shall constructed to standards included in the City of Jasper Design and Specifications Manual. If private streets, easements shall be substituted for the interior streets right-of-way.

5. Compliance Verification. Prior to the release of an Improvement Location Permit for construction of the manufactured home park, the following shall be provided to the Administrator:

    a. A letter from the City of Jasper Street Department, verifying the approval of the design of access points to public streets.

b. A letter from Jasper Municipal Utilities verifying that adequate sanitary sewer service shall be available to the homes.

c. A letter from City of Jasper Stormwater Board verifying drainage approval for the site.

6. Subdivision Standards. See Chapter 9: Subdivisions for requirements.

7.20 SINGLE-FAMILY TO MULTIFAMILY CONVERSION STANDARDS

A. CONVERSIONS. These provisions shall apply in all zoning districts whether the use is permitted, conditional, accessory, or temporary. Various conditional and permitted uses may also be subject to fencing and screening regulations. Dwellings converted for use as more than a two-family dwelling shall comply with the standards set forth for multifamily development in this Ordinance.

1. Conversion of Existing Buildings. It is the purpose of this Ordinance to discourage the conversion of existing dwellings originally designed for occupancy by two families or less to occupancy by more than two families when such conversion is likely to lead to overcrowding, lack of privacy, lack of sufficient light and air, unsafe or unsanitary living conditions or inadequate provisions for off-street parking and open space.

2. Dwelling Conversion. Dwellings initially erected as single or two-family dwellings may be converted to provide occupancy for three (3) or more units, up to five (5) units, subject to the following conditions:

a. Conversions to three or more units may only take place in a district which permits such a use.

b. Only buildings erected more than thirty (30) years before such a conversion may be converted to provide occupancy for three (3) or more dwellings.

c. Any new dwelling created by conversion shall be completely self-contained (separate and individual kitchen and bathroom facilities) and shall conform to all applicable provision portions of the Indiana State Building Code, including housing and building codes and fire safety and utility programs.

d. Each dwelling unit shall have a total floor space of at least five hundred (500) square feet, plus an additional one hundred fifty (150) square feet for each bedroom over one (1).

e. No addition shall be made to a dwelling which increases either the lot coverage of the building or the height of the building.

f. In connection with such conversion, there shall be no evidence of change in the building to indicate the extra dwelling units, except as may be required by the aforementioned ordinances and programs; all fire escapes or stairways leading to a second or higher floor shall be completely enclosed within the converted building, and; no dwelling shall be so converted unless in connection therewith it be placed in a reasonable state of repair.

7.21 SPECIFIC USE STANDARDS

A. MINERAL EXTRACTION STANDARDS. These General Mineral Extraction Standards apply to all zoning districts where the use is permitted.

1. Location. The following locational criteria shall both be satisfied for a mineral extraction operation to be allowed:

2. Zoning. Mineral extraction shall be approved as a special exception in Agricultural and Industrial Districts and shall be prohibited in all other zoning districts.
3. Urban Area. Mineral extraction shall be permitted on any property that is not part of an urban area.

B. EXCEPTIONS. The following activities shall be exempt from the requirements of this Chapter:

1. Earth removal that is approved and incidental to an activity for which an Improvement Location Permit has been issued;
2. Earth removal involving only typical landscaping, driveway installation and repairs, or other minor projects;
3. Earth removal involving less than 2,500 cubic yards;
4. Earth removal for construction of a swimming pool.

C. ACCESSORY USES. The site may be used for accessory uses, except for disposal of refuse. Accessory uses include but are not limited to:

1. Parking and loading areas;
2. Offices, guard houses and similar employee facilities;
3. Storage buildings for the mineral extraction operation only;
4. Concrete batch processing plants;
5. Stone and mineral processing and classifying; and
6. Other accessory uses clearly incidental and ancillary to the mineral extraction operation.

D. SITE AND LOCATION REQUIREMENTS. All mineral extraction operations shall comply with the following site and location requirements:

1. Minimum Area: A minimum lot area of ten (10) acres shall be required for mineral extraction operations.
2. Excavation Limits: No excavation shall be made closer than 100 feet from the right-of-way line of any existing or platted street, road or highway; except, that mining of sand, gravel, borrow and other mineral and earthen materials may be conducted within these limits in order to reduce the elevation of the excavation area to conform to the existing elevation of the adjoining and existing or platted street, road or highway.
3. Equipment Setback: All fixed equipment, machinery and processing operations shall be located at least 200 feet from any lot line.
4. Entrance and Exit Road: There shall be a paved surface for all on-site entrance and exit roads for at least 300 feet from the edge of the public right-of-way into the site for the purpose of minimizing the deposit of dirt and gravel onto any public street, road, or highway.
5. Sight Barriers: Sight barriers shall be provided along the exterior perimeter bordering on all highways streets and roads, and along the property line abutting any residentially zoned or used property of five (5) acres in area or less. Existing landscaping and natural features shall be preserved where possible and may be incorporated into the sight barriers. Sight barriers shall meet the requirements for a landscape buffer established by Section 7.8 of this Ordinance.

E. OPERATIONAL REQUIREMENTS. All mineral extraction operations shall comply

with the following operational requirements:

1. Noise Levels: Noise levels shall not exceed sixty-five (65) decibels at any exterior property line of the site. Upon request of the Administrator, the operator shall submit reports on noise levels from an engineer registered in the State of Indiana stating actual noise levels during mineral extraction
2. Excess Water: All excess water shall be drained from trucks or other vehicles hauling materials from the location prior to entering onto a public street.
3. Injurious Condition : Excavation operations shall not cause or result in erosion, land slides, alteration of the ground water table, sand blows, stagnant water pools, bogs, or any other type of injurious condition on the removal site or adjacent premises.
4. All Slopes: No operation shall be permitted which creates a slope steeper than 1 foot horizontal to 1 foot vertical with the exception of rock quarrying, in which case a vertical face will be accepted.
5. Slope of Excavations: Except for rock-quarried areas as provided above, the banks of all excavations not backfilled after cessation of extraction activities shall be sloped to the water line at a slope which shall not be less than 1-1⁄2 feet horizontal, to 1 foot vertical, and the bank shall be sodded or surfaced with a maximum of 6 inches of suitable soil and seeded with grass seed.

F. EXPANSION OF OPERATIONS. No permitted extraction operation shall expand beyond the areas allowed in the original approval. Any expansion may only be allowed upon approval of an additional Special Exception Permit or Improvement Location Permit.

G. COMPLETION OF OPERATIONS. Following completion of excavation operations, all facilities and equipment shall be entirely removed from the property and all stockpiles shall be removed or backfilled into the pits within 1 year after completion.

H. PERFORMANCE GUARANTEE. Before commencing the operation of rock and gravel removal, each operator shall post a performance guarantee with the city or county, as applicable, to assure reclamation of the property to a safe condition in the event extraction activities are abandoned. The City Attorney may accept a similar performance guarantee required to be posted with another unit of government, such as the State of Indiana, as fulfilling this requirement.

1. Amount: The performance guarantee shall be 125% of the engineer's estimate of the cost per acre to restore the site to a safe condition. This estimate shall be subject to review and acceptance by the City Engineer. For the purposes of this Chapter, "safe condition" shall mean the grading or leveling of any slopes that exceed 4:1; except that around any lake or body of water with a maximum depth exceeding 4 feet, slopes along the water's edge shall not exceed 3:1.
2. Term: The performance guarantee shall run for a minimum of 3 years. The performance guarantee shall be renewed as necessary to cover the time period of the excavation and rehabilitation.

I. APPLICATION REQUIREMENTS. In addition to the requirements provided in Section 10.12 for the receipt of an Improvement Location Permit or Section 10.5 for a Special Exception approval, an application for mineral extraction operations shall include the following:

1. Site Plan: The site plan for mineral removal shall be drawn and sealed by an engineer registered in the State of Indiana, and shall, in addition to the requirements

provided elsewhere in this Ordinance, include the following, at a minimum:

a. Shading indicating the extent of land area on which extraction operations and activities will take place, along with the surface area in square feet and acres of the excavation area;

b. The location and direction of all water courses and flood control channels that may be affected by the extraction opera-ions;

c. Existing elevations of the lands at contour intervals of not more than 5 feet;

d. Typical cross sections showing the estimated extent of over- burden, and estimated extent of mineral material location in, or on the lands.

e. Details of any anticipated impacts on groundwater, including depth to the water table and water quality;

f. Mineral processing and storage areas (including crushing, washing, asphalt plants, etc.);

g. Details of proposed barrier fencing and security gates;

h. Roads for ingress to, and egress from the lands, including on- site roads, other areas to be used for movement of vehicles and a description of the proposed measures to limit dust generated by mineral removal activities and movement of vehicles;

i. A map showing access routes between the subject lands and the nearest public street(s) or road(s);

j. Areas to be used for ponding, and;

k. Proposed method of managing overburden (e.g., seeding, grading, dust control, erosion and sedimentation control, etc.)

2. Narrative: A narrative description and explanation of the proposed extraction operations and activities, including:

a. The date of commencement and estimate of the time period for the proposed extraction operations;

b. Proposed hours and days of operation;

c. Estimate of type and quantity of mineral materials to be removed;

d. Description of extraction and processing methods, including proposed equipment and the noise rating of any equipment or activity involved;

e. A summary of the procedures and practices that will be used to ensure compliance with the requirements of this Section;

f. Description of size/haul capacity of trucks and estimated daily volume of traffic entering and leaving the site; and

g. Haul route for trucks leaving the site to the nearest state or federal highway.

3. Site Rehabilitation Plan: A site rehabilitation plan, including the following:

a. A written description of planned site rehabilitation and end- use(s), including potential methods of accomplishment and phasing demonstrating that the end-use is feasible and can comply with all applicable requirements of this Ordinance.

b. A written statement describing how the end use is consistent with the Comprehensive Plan.

c. Final grades of the lands as rehabilitated, at contour intervals not exceeding

5 feet;

d. Water courses, ponds, or lakes, if any;

e. Landscaping and plantings;

f. Areas of cut and fill; and

g. All of the general components of the proposed end-use(s).

4. Other Permits: Applications for permits required by any other agency of the state and federal governments, and/or any permits previously granted.

5. Additional Information: The JBZA or City Engineer may require an assessment of potential environmental effects, engineering data, or other additional information concerning the need for, and consequences of, the extraction that may have consequences on groundwater, drainage, water bodies, flood plains, or other natural features.

J. CONDITIONAL USE REQUIREMENTS. The following requirements shall apply to all Special Exception approvals for mineral extraction operations:

1. Time Period: The JBZA, in approving the special exception permit, may set a specific time period for the initial permit. After the initial time period has elapsed, the JBZA may approve extensions of the permit, provided that the owner applies in writing for an extension at least six (6) months prior to the expiration of the current permit. Requests for extensions shall be reviewed in the same manner as the original special exception request.

2. Conditions of Approval: The JBZA may approve conditions of development and operations, including, but not limited to, hours of operation, determination of truck hauling routes, additional setbacks from residential areas, conditions related to the proposed end use and rehabilitation plan, periodic review of the permit, periodic reports by the operator on the status of the project, or other conditions as may be warranted to meet the intent of this Section.

7.22 HISTORIC DISTRICT STANDARDS

A. RESERVED FOR FUTURE USE.

7.23 RESIDENTIAL FACILITY FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES STANDARDS

A. SPECIFIC PURPOSE. The purposes of these standards are to provide dimensional standards for group residential homes for individuals with developmental disabilities ("RFIDD"). No part of this division is intended to limit any right of any person or result in limitations that may limit a persons' equal opportunity to use and enjoy a dwelling or impose undue administrative or financial burdens or require a fundamental alteration in the nature of housing within the City of Jasper. Tenancy at RFIDD shall meet the same requirement of any dwelling in Jasper, including an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

B. DEVELOPMENT STANDARDS. A RFIDD is subject to the following:

1. A RFIDD shall be permitted in any zoning district that permits residential uses, per Table 4.2 use Matrix.
2. RFIDD must meet the same standards as other residential uses within the district in which it is located.

C. LIMITATIONS. There shall be 3,000 feet distance between residential facilities for the mentally ill as measured between lot lines.

7.24 SOLAR PANEL AND ELECTRIC VEHICLE CHARGING INSTALLATION STANDARDS

A. PERMITTED ACCESSORY USE. Solar energy systems are a permitted accessory use in all zoning districts where structures of any sort are allowed, subject to certain requirements as set forth below. Solar carports and associated electric vehicle charging equipment are a permitted accessory use on surface parking lots in all districts regardless of the existence of another building. Solar energy systems that do not meet the following design standards will require a Special Exception.

1. Height. Solar energy systems must meet the following height requirements:

i. Building or Roof-Mounted solar energy systems shall not exceed the maximum allowed height in any zoning district.

ii. Ground or pole-mounted solar energy systems shall not exceed 18 feet in height when oriented at maximum tilt.

iii. Solar Carports shall not exceed 20 feet in height.

2. Setback. Solar energy systems must meet the accessory structure setback for the zoning district and principal land use associated with the lot on which the system is located, as allowed below:

i. **Roof or Building-mounted Solar Energy Systems.** The collector surface and mounting devices for roof-mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the systems is mounted or built, unless the collector and mounting systems has been explicitly engineered to safely extend beyond the edge, and setback standards are not violated.

1. **Solar panel setbacks:**

a. **Ridge Line:** A minimum 18-inch setback for the ridgeline for panels that cover 33% or less of the roof face, and a minimum 36-inch setback for panels that cover more than 33% of the roof face. (NFPA 1, Section 11.12)

b. **Edges:** A minimum of 12" of space between solar panels and 36" from the edges of the roof.

ii. **Ground-mounted Solar Energy Systems.** Ground-mounted solar energy systems may not extend in the side-yard or rear setback when oriented at the minimum design tilt, except as otherwise allowed for building mechanical systems.

3. Visibility. Solar energy systems in residential districts shall be designed to minimize visual impacts (i.e. Glare) from the public right-of-way to the extent that doing so does not affect the cost or efficacy of the system, consistent with Indiana Code 36-7-2-8.

4. Aesthetic restriction. Roof-mounted or ground-mounted solar energy systems shall not be restricted for aesthetic reasons if the system is not visible from the closest edge of any public right-of-way other than an alley or if the system meets the following standards

i. Roof-mounted systems on pitched roofs that are visible from the nearest edge of the front right-of-way shall have the same finished pitch as the roof and be no more than ten (10) inches above the roof.

ii. Roof-mounted systems on flat roofs that are visible from the nearest edge of the front right-of-way shall not be more than five feet above the finished roof and are exempt from any rooftop equipment or mechanical system screening.

iii. Reflectors - All solar energy systems using a reflector to enhance solar production shall minimize glare from the reflector affecting adjacent or nearby properties.

5. **Lot Coverage**. Ground-mounted systems shall meet the existing lot coverage restrictions for the zoning district except as defined below.

i. Ground-mounted systems shall be exempt from lot coverage or impervious surface standards if the soil under the collector is maintained in vegetation and not compacted.

ii. Ground-mounted systems shall not count toward the maximum number of accessory structures permitted.

iii. Solar carports are exempt from lot coverage limitations.

6. **Plan Approval Required**. All solar energy systems requiring a building permit or other permit from the city of Jasper shall provide a site plan for review.

i. **Plan Applications** - Improvement Location Permit applications for solar energy systems shall be accompanied by to-scale horizontal and vertical (elevation) drawings which must show the location of the system on the building or on the property, including property lines.

ii. **Compliance with State Electric Code** - All photovoltaic systems shall comply with the Indiana State Electric Code.

iii. **Compliance with State Plumbing Code** - Solar thermal systems shall comply with the applicable Indiana State Plumbing Code requirements.

B. Commercial/Off-Site Generation (Solar Farm)

1. **Ground Mounted Solar Equipment**

i. Sites for ground mounted commercial solar facilities must be at least (3) acres m size.

ii. Ground mounted solar facilities must have groundcover planted and maintained under all panels.

iii. Equipment is subject to front yard and accessory structure setbacks according to UDO. Equipment is considered impervious and is, along with other structures and surfaces, subject to District Standards of the district Maximum Lot Coverage.

iv. Unless roof mounted, commercial solar facliities must set back a minimum of one hundred (100) feet from any neighboring house or business.

v. The maximum height limit permitted for equipment is eighteen (18) feet.

vi. Commercial/Off-Site (Solar Farms) are only allowable in Al zones as a Special Exception.

2. **Decommissioning**. A decommissioning plan shall be required to ensure that facilities are properly removed after their use.

i. 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 for this period upon showing of reasonable circumstances that have caused the delay.

3. Disposal of structures and/or foundations shall meet the provisions of the City of Jasper

Solid Waste Ordinance.

C. Process for Filing a Permit for Residential and Commercial Solar Energy Use

1. Submit a completed Improvement Location Permit (All Applicants) https://jasperindiana.gov/egov/documents/1596026531 78061.pdf
2. Submit an **Application for Interconnection** - (All Applicants)
3. Submit an **Interconnection Agreement for Self-Generation** application (All Applicants)
4. **Certificate of Insurance** (All applicants) Must provide COI (Certificate of Insurance)
5. **Power Purchase Agreement** - Required for some applicants that intend to sell excess power to IMPA (Indiana Municipal Power Agency)

   More information: https://www.impa.com/resources/customergeneration/

All applications required by this Section 7.24(C), may be obtained through the City's website or in person at the Jasper Municipal Utility Business Office and/or the City of Jasper Department of Community Development and Planning.

D. Definitions

1. **Glare minimization**; IC 8-1-42-14 adjacent properties and roadways; vehicular traffic, Except as otherwise allowed by IC 36-7-4-1109, a system installed by a project owner must be designed and constructed to: (1) minimize glare on adjacent properties and roadways; and (2) not interfere with vehicular traffic, including air traffic.
2. **Ground-Mounted** - A solar energy system mounted on a rack or pole that rests or is attached to the ground. Ground-mounted systems can be either accessory or principal uses.
3. **Photovoltaic System** - A solar energy system that converts solar energy directly into electricity.
4. **Pollinator-Friendly Solar Energy** - A community- or large-scale solar energy system that meets the requirements of the 2020 Indiana Solar Site Pollinator Habitat Planning Scorecard developed by Purdue University or another pollinator-friendly checklist developed by a third-party as a solar-pollinator standard designed for Midwestern eco-systems, soils, and habitat.
5. **Renewable Energy Easement, Solar Energy Easement** - An easement that limits the height or location, or both, of permissible development on the burdened land in terms of a structure or vegetation, or both, for the purpose of providing access for the benefited land to wind or sunlight passing over the burdened land.
6. **Roof-Mounted** - A solar energy system mounted on a rack that is fastened to or ballasted on a structure roof. Roof-mounted systems are accessory to the principal use.
7. **Roof Pitch** - The final exterior slope of a roof calculated by the rise over the run, typically but not exclusively expressed in twelfths such as 3/12, 9/12, 12/12.
8. **Solar Carport** - A solar energy system of any size that is installed on a carport structure that is accessory to a parking area, and which may include electric vehicle supply equipment or energy storage facilities.
9. **Solar Collector** - A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy. The collector does not include frames, supports, or mounting hardware.
10. **Solar Energy** - Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.
11. **Solar Energy System** - A device, array of devices, or structural design feature, the purpose of which is to provide for generation or storage of electricity from sunlight, or the collection,

storage, and distribution of solar energy for space heating or cooling, daylight for interior lighting, or water heating.

12. **Maximum Tilt** - The point at which the solar panel is at its most upright point (vertical). The overall height of a system is determined by its maximum tilt.

13. **Minimum Tilt** - The point at which the solar panel is at its least upright point (horizontal). The overall width of a system is determined by its maximum tilt.

E. Electric Vehicle Chargers

1. **Permitted Accessory Use.** Electric Vehicle (EV) Chargers are permitted accessory use in every zoning district, when accessory to the primary use and intended solely to charge vehicles that would otherwise be on site.

2. Parking Spaces associated with EV Chargers shall count toward minimum parking requirements.

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8.1 PURPOSES

A. GENERALLY. The general purposes of this Chapter are to:

1. Recognize the function and importance of signs for the business sector and the residents of the City;
2. Preserve and enhance the character and visual appearance of the City;
3. Recognize the integral part played by signs in the overall appearance of the City;
4. Provide a reasonable set of controls that will permit and encourage creative and effective signs that adequately identify a business;
5. Provide standards, guidance, and direction for sign users and sign designers as to what constitutes appropriate signage within the jurisdiction; and
6. Uphold the free interchange of thought and opinion, and the right of every person to speak, write, or print freely, on any subject whatsoever, as guaranteed by federal and state law.

B. RIGHT TO INSTALL SIGNAGE DURING ELECTION SEASON. Pursuant to IC 36-1-3-11, any provision of this Ordinance relating to the number or size of signs (the surface area of which is not greater than 32 square feet) is unenforceable during the following period:

1. Beginning sixty (60) days before an election, as described in IC 3-5-1-2; and
2. Ending at the beginning of the sixth day after the election.

However, this Subsection does not prohibit the City from enforcing this Ordinance as it relates to the number or size of signs at any time if necessary to ensure public safety. Therefore, all signs installed during the above described period must not extend into a public way and must comply with the regulations of Section 7.2 Sight Visibility Triangle.

C. RIGHT TO SUBSTITUTE NONCOMMERCIAL COPY. The owner of any sign that is otherwise allowed by this Ordinance may substitute noncommercial copy in place of any other commercial or noncommercial copy. This substitution of copy may be made without the issuance of any additional permit by the Planning Department or other local government agency. Pursuant to IC 36-7-4-1109(h), the purpose of this Subsection is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or the favoring of any particular noncommercial message over any other noncommercial message. This Subsection prevails over any more specific provision in this Ordinance to the contrary.

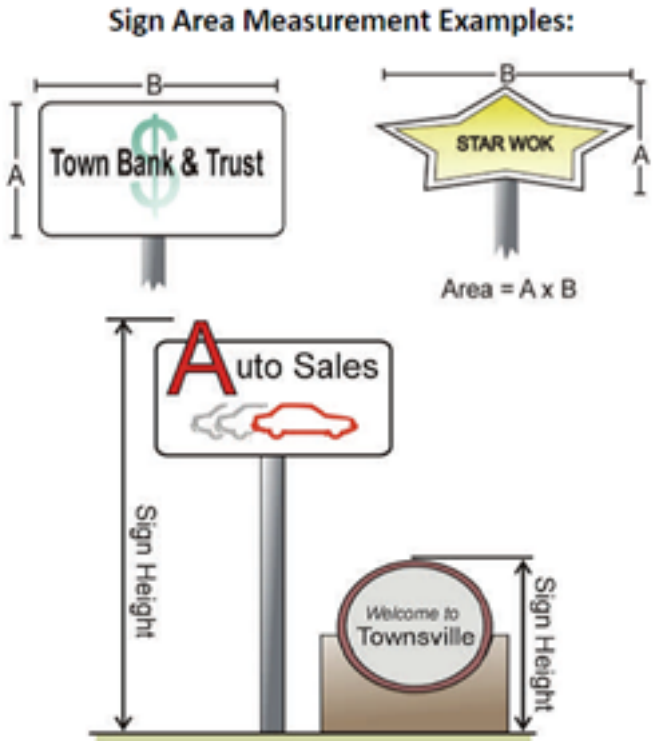
8.2 APPLICABILITY AND GENERAL REQUIREMENTS

A. REQUIREMENTS APPLICABLE TO ALL ZONING DISTRICTS. Except as otherwise provided in this Ordinance, it shall be unlawful for any person to erect, construct, enlarge, or move or any sign, or cause the same to be done, without first obtaining a sign permit. No sign may be erected, constructed, enlarged, or moved into a location which would cause it to violate the regulations of Section 7.2 Sight Visibility Triangle.

B. PERMISSION. No sign shall be placed on private or public property without the written consent of the owner or agent thereof. Off-premise commercial signs are prohibited throughout the jurisdiction, except as provided in Subsection 8.7(H) Billboards.

C. **MEASUREMENT.** The area of all signs shall be calculated by multiplying the maximum vertical dimension by the maximum horizontal dimension, otherwise known as square footage. For monument signs the measurement also includes post and supports. The area shall be that area which is enclosed by the smallest rectangle that can be used to enclose the sign. The height of all signs shall be measured from average surface grade surrounding the base of a sign or average surface grade of the road bed nearest the base of the sign, whichever is higher, and include any poles or other supports unless otherwise specified in this Ordinance. In no case shall sign height be measured from the top of any berm or artificial grade.

D. **EXAMPLES OF SIGN AREA MEASUREMENT:**



E. **DOUBLE-FACED SIGNS.** For all signs permitted by this Ordinance, 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 the face area of the entire sign. However, the two faces shall be identical in face area, and shall be placed back-to-back, and the maximum distance between the two faces shall not exceed 2 feet at any point.

F. **ILLUMINATION.** Lights used to illuminate a sign shall be shielded from residential properties and shall not glare into any thoroughfare so as to be a hazard or distraction to vehicular traffic. In application of high intensity lighting sources, or spot lights, no lighting fixture shall be located or positioned so that an observer standing on adjacent properties, or in the thoroughfare right-of-way, can see either the lamp bulb or the reflector source behind the lamp.

G. MAINTENANCE. Every sign shall be maintained in a safe, presentable, and good structural condition at all times, which shall include the replacement of defective parts, painting, repainting, cleaning, and other acts required for ordinary maintenance of the sign. Compliance shall be required with all standards of this Ordinance. If the sign is not made to comply with adequate safety standards, and/or not kept in a presentable or good structural condition, the Administrator may issue a citation to the owner of the sign in accordance with Section 11.3 Citation for Civil Zoning Violations.

H. ABANDONMENT. A commercial sign shall be considered abandoned when the business with which it was associated is no longer being conducted on the premises or when the event to which it is related has been held. The owner or lessee of the premises upon which the sign is located shall remove an abandoned sign within one year after abandonment. If the owner or lessee fails to remove the sign, the Administrator may issue a citation to the owner of the sign in accordance with Section 11.3 Citation for Civil Zoning Violations.

8.3 EXEMPTIONS

A. EXEMPT SIGNS. No permit shall be required for any of the following types of signs:

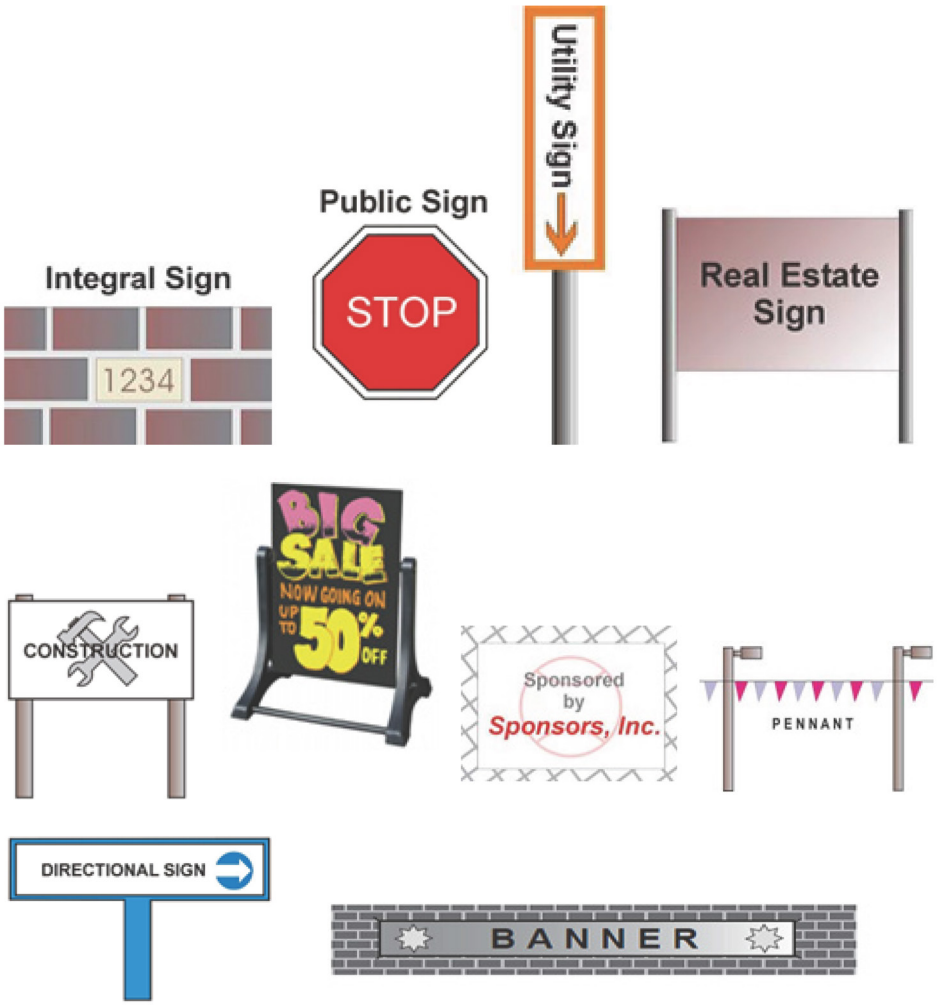
1. Integral Identification Features, including the names of buildings, their date of erection, monumental citations, commemorative tablets, and the like, when carved into stone, concrete, or similar construction, or similar material, or made of bronze, aluminum, or another permanent type of material and made an integral part of the structure.
2. Public Signs, including those placed by or at the instruction of the Board of Public Works and Safety, a federal, state, or county agency, or a firefighter or law enforcement officer while performing official duties, such as signs to promote public safety, no trespassing signs, traffic control signs, memorial plaques, historical markers, and directional signs related to public or quasi-public facilities or events.
3. Utility Marker Signs, which include those used to mark cables and lines for public utilities, unless determined by the Administrator to be a hazard.
4. Real Estate Signs, which shall be limited to one sign displayed on any premises while the premises are available for sale, lease, or rental, so long as:
    a. The face of the sign does not exceed 9 square feet in area (for premises located in residential districts) or 32 square feet in area (for premises located in other zoning districts); and
    b. The sign is removed within 14 days after the premises are no longer available for sale, lease, or rental.
5. Real Estate Open House Signs, which shall be limited to directional type signage that does not exceed 4 square feet in area and 30 inches in height, and which shall not be installed more than 72 hours before the respective open house and shall be removed within 6 hours after the respective open house.
6. Sandwich Board Signs, which shall be limited to one sign displayed on any premises used for business purposes, so long as:
    a. The sign does not exceed four (4) feet in height, two (2) feet in width or eight (8) square feet in area;
    b. The sign is located within 10 feet of the main entrance of the business for which it is established; and

c. The sign is not illuminated.

7. Sponsorship Signs, which include those located inside a publicly owned recreational facility, so long as:
   a. They are placed on areas that are part of the facility;
   b. They are visible only to participants or spectators at the facility; and
   c. They are approved by the Jasper Department of Parks and Recreation or other respective governing board of the facility before installation.
8. Pennants, so long as they do not extend into a public way and are used no more than 30 days during any 3 month period. However, pennants may not be used in conjunction with banners or other exempt signage.
9. Banners (when approved by the Administrator for installation at either or both of the following public locations):
   a. Near the water tower on North Newton Street; and
   b. Near the Maypole, at the corner of 6th Street and Newton Street.
10. Banners (for commercial uses only), so long as:
   a. They do not extend into a public way;
   b. They do not exceed one per property, or one per business (where more than one business is located on a property);
   c. They do not exceed: 45 square feet in face area for banners; or 18 square feet for feather banners; and
   d. They are used no more than 14 days during any 2 month period.
11. Construction Signs, which shall be limited to 2 signs displayed on any active construction site, so long as:
   a. The face of each sign does not exceed 6 square feet in area (for premises located in single-family residential districts) or 32 square feet in area (for premises located in other zoning districts);
   b. The signs comply with the regulations of Section 7.2 Sight Visibility Triangle; and
   c. The signs are removed within 14 days after completion of the respective construction activity.

   However, the Commission, in its discretion, may approve, in conjunction with any plan approval, additional signage to be displayed on any active construction site for the duration of the construction period.
12. Directional Signs, which shall be limited to signs providing directional information for vehicular or pedestrian traffic on premises used for business purposes, so long as no sign exceeds 4 feet in height or 4 square feet in area.
13. Event Promotional Signs, which include noncommercial signs promoting garage or yard sales or community events, so long as:
   a. The face of the sign does not exceed 4 square feet in area;
   b. The sign is installed not more than 7 days in advance of the sale or event; and
   c. The sign is removed within 48 hours after the close of the sale or event.

B. EXAMPLES OF EXEMPT SIGNS:



C. EXEMPTION WHERE CERTAIN OUTDOOR ADVERTISING SIGNS ARE OBSTRUCTED. Pursuant to IC 8-23-20-25.6, if a conforming outdoor advertising sign (which sign is located along the interstate and primary system, or any other highway where control of outdoor advertising signs is required under 23 U.S. C. 131) is no longer visible or becomes obstructed, or must me moved or removed, due to a noise abatement or safety measure, grade changes, construction, directional signage, highway widening, or aesthetic improvement made by any agency of the state along the interstate and primary system or any other highway, the owner or operator of the outdoor advertising sign, to the extent allowed by federal or state law, may:

1. Elevate the outdoor advertising sign; or
2. Relocate the outdoor advertising sign to a point within 500 feet of its prior location, if the outdoor advertising sign complies with the applicable spacing requirements and is located in a business or industrial district.

The elevated outdoor advertising sign or outdoor advertising sign to be relocated shall be the same size as the previous outdoor advertising sign. The purpose of

this Subsection is to permit the owner or operator of the described sign to modify the sign without obtaining a new or amended sign permit, either by elevating the sign so that the entire advertising content of the sign is again visible, or by reinstalling the sign at an angle that makes the entire advertising content of the sign again visible, or a combination of both.

D. INDOOR SIGNS. A sign that is located completely within an enclosed structure is exempt from this Chapter, unless the sign is placed inside of and within two (2) feet of a window, or upon the window panes or glass. The Administrator shall determine whether an indoor sign that is so placed can be viewed from outside the structure; upon a determination by the Administrator that the indoor sign can be viewed from outside the structure, it shall be treated as if it is an outdoor sign.

8.4 PROHIBITIONS

A. PROHIBITED SIGNS. The following types of signs are expressly prohibited in all zoning districts:

1. Emitting Signs, which include signs that emit audible sounds, odors, or visible matter.
2. Imitating Signs, including those that purport to be, are in imitation of, or resemble a Public Sign or signal, such as those bearing the words, STOP, SLOW, CAUTION, DANGER, WARNING, or any other word, phrase, symbol, or character in such a manner to suggest, interfere with, mislead, or confuse motorists.
3. Imitating Vehicles, including signs that may be construed as a light of an emergency or road equipment vehicle.
4. Visually Obstructing Signs, which include signs that hide any traffic or roadway sign, signal, or device from view, and signs that do not comply with the regulations of Section 7.2 Sight Visibility Triangle.
5. Obscene Signs, which shall be limited to those that contain statement, words, or pictures that are obscene within the meaning of IC 35-49-2-1.
6. Encroaching Signs, which include those located in a public way or posted on a utility pole or street sign, as well as signs that project into a public way, unless they are approved by the Board of Public Works and Safety. Encroaching signs do not include publicly-owned signs, such as traffic control signs and directional signs. The right-of-way dimension shall be determined by the City of Jasper Engineering Department. Signs directing and guiding traffic and parking on private property but bearing no advertising matter shall be permitted on any property. For safety purposes, informational signs shall not exceed a total of 4 square feet in area and shall not exceed 4 feet in height.
7. Physically Obstructing Signs, which include those that obstruct any door, fire escape, stairway, or other opening intended to provide ingress or egress for any structure.
8. Poster Signs, which include posters, placards, and other similar types of signage that are attached to utility poles, trees, or other outdoor fixtures, except those that are permitted under Subsection 8.7(G) as Temporary Business Signs.
9. Portable Signs, except those that are exempt under Section 8.3 Exemptions or permitted under Subsection 8.7(G) as Temporary Business Signs.
10. Inflatable signs or inflatable characters, and the like, including items that contain distinctive color, pattern or symbols, which refer to the offer for sale, or existence for sale of products, property, accommodations, services or attractions or activities

or attract attention to a business or to products, property, accommodations, services, or activities that are offered or exist for hire.

11. VEHICLES USED AS SIGNS. It shall be prohibited, in all zoning districts, to park or use a vehicle in such a way as to function as a sign, defined to include the parking of any vehicle, trailer or similar movable structure containing or supporting any signage between the right-of-way line and any public street; and the Front Line of a Building and the Front Lot Line of the Lot, whichever area is greater.

    EXCEPTIONS: However, this Subsection does not apply to a vehicle while:

    a. Vehicles actively involved in construction on or serving of the site;

    b. Vehicles delivering products to the site and parked temporarily in designated loading areas, including but not limited to those vehicles parked for staging;

    c. Vehicles parked in designated truck parking areas of a site or development that have been screened from or are not generally visible from the public right-of-way;

    d. Vehicles parked on sites where parking is not available one hundred-fifty (150) feet or more from the public right-of-way. In such cases, vehicles supporting signage shall be located as far as possible from the public right-of- way;

    e. A motorized vehicle of a size that can fully fit within a standard parking space, containing signs painted on or permanently affixed on the doors or integral body panels. The language included in this section “e.” shall not be interpreted to allow such motorized vehicles to be used as off-premise signs.

12. Electronic variable message signs. (“EVMS”) signs that flash, scroll, twirl, change color, fade in or out, display changeable copy, or imitate movement in any manner are prohibited.

    a. Should the Board authorize use of any future EVMS and for any EVMS currently authorized, the following performance standards shall apply:

        1) EVMS may scroll onto the screen and they may scroll off the screen. Time allowed for any given EVMS message, including scroll in/out, shall not be less than five (5) seconds. EVMS shall not otherwise turn any illumination on and off more frequently than five (5) seconds.

        2) Light intensity of the EVMS shall not cause glare. The sign shall be equipped with adjustable light sensors capable of adjusting light intensity according to ambient light levels (i.e., day and night). If the light intensity of the EVMS is glaring, the Department shall notify the owner or owner’s representative and the light intensity shall be corrected within 24 hours of notification to the owner or owner’s representative[1]. Owner shall maintain, at all times, current notification contact information with the City of Jasper’s Code Enforcement Officer.

    b. If an EVMS was a legal nonconforming sign in existence on January 1, 2017 (or was being installed as of that date), but the sign was no longer permitted by City of Jasper Ordinance 2019 - 8, adopted March 20, 2019, that sign may also be continued; however, if a legal nonconforming sign in existence on or being installed as of that date is removed for any reason (other than from a natural disaster), reconstruction or restoration of the sign shall be done in

[1] In reviewing the light intensity of an EVMS, the *"Night-time Brightness Level Recommendations for On-Premise Electronic Message Centers,"* International Sign Association, as updated, may be consulted.

accordance with this Chapter.

c. For any future EVMS, only: EVMS shall contain a default design that freezes the sign in a dark or blank position if a malfunction occurs.

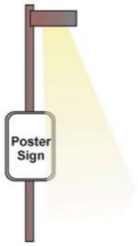
d. This Section 12 shall not be interpreted to prohibit signs otherwise allowed by Section 8.7 D.1[2].

B. EXAMPLES OF PROHIBITED SIGNS:











C. ENFORCEMENT.

1. **SEIZURE OF MATERIALS.** Any sign, structure, landscaping or other material that constitutes a violation may be seized by the Administrator in a manner that results in the least amount of damage to the material or the property on which it is located under the circumstances.
2. Any violation under previous ordinances repealed by this Ordinance shall continue to be a violation under this Ordinance and be subject to penalties and enforcement in "Chapter 11: Enforcement," unless the use, development, construction, or other activity complies with the provisions of this Ordinance.
3. **DELEGATION OF RESPONSIBILITIES.** Enforcement of the provisions of this Chapter shall be the responsibility of the Administrator or designee, the Jasper Police Department and the City of Jasper Code Enforcement Officer.

8.5 NONCONFORMING SIGNS

A. LEGAL NONCONFORMING STATUS OF SIGNS. Pursuant to Subsection 3.1.B Legal Nonconforming Status, a legal nonconforming sign may continue in the manner and to the extent that it existed on January 1, 2017, so long as it does not, after that time, become more nonconforming.

B. STATUS OF SIGNS UNDER 2012 ORDINANCE. In addition, if a sign was a legal nonconforming sign in existence on December 19, 2012 (or was being installed as of that date), but the sign was no longer permitted by City of Jasper Ordinance 2012-35, § 16.035, adopted December 19, 2012, that sign may also be continued; however, if a legal nonconforming sign in existence on or being installed as of that date is removed for any reason (other than from a natural disaster), reconstruction or restoration of the sign shall be done in accordance with this Chapter.

C. ALTERATIONS. Notwithstanding any provision of Chapter 3: Nonconforming Uses, Lots, and Structures, a legal nonconforming sign may not be altered, which includes any relocation, expansion, or increase in height or area, except as expressly provided in this Chapter.

D. RELOCATION IN CONNECTION WITH RIGHT-OF-WAY ACQUISITIONS. A legal nonconforming sign may be relocated only where the sign cannot be left in its existing location as a result of a right-of-way acquisition and/or construction widening, or other improvement to any public way by local or state government, subject to the following:

1. For purposes of this Subsection, the Administrator shall determine that a sign cannot be left in its existing location where it would be within the new public way, or would physically obstruct the public improvements, or where its location would pose a safety hazard, which shall include, but not be limited to, it being in violation of the regulations of Section 7.2 Sight Visibility Triangle.
2. A sign that is relocated under this Subsection shall be brought into compliance with all development standards of this Ordinance in its new location, to the extent practicable as determined by the Administrator.
3. In the case of a legally established sign that would become a legal nonconforming sign due to its setback from the new right-of-way line or its position within a redefined sight visibility triangle by virtue of the right-of-way acquisition, the sign shall be relocated to a position that would bring it into compliance with the regulations of Section 7.2 Sight Visibility Triangle. The property owner or lessee shall be responsible for accomplishing the relocation.
4. In the case of a legal nonconforming sign for which the nonconformity is increased

due to its setback from the new right-of-way line or its position within a redefined sight visibility triangle by virtue of the right-of-way acquisition, the sign shall be relocated to a position that would bring it into compliance with this Ordinance. The cost of such relocation should be factored into the price paid for the additional right-of-way during the condemnation proceedings. The property owner or lessee shall be responsible for accomplishing the relocation within 90 days after being compensated for the taking.

E. MAINTENANCE. Ordinary maintenance of a legal nonconforming sign is permitted, and shall include replacement of supports with different materials or design from the previous supports, but shall not include any increase in the dimensions or numbers of supports.

F. ILLEGAL SIGNS. Pursuant to Subsection 3.1.C Illegal Status, the illegal status of a sign existing on January 1, 2017, or at the time this Chapter is enacted, shall not be validated by virtue of the enactment of this Chapter. The Administrator shall order the prompt removal of any illegal sign that is discovered in the jurisdiction; if the owner or lessee fails to remove it, the Administrator may issue a citation to the owner of the sign in accordance with Section 11.3 Citation for Civil Zoning Violations. If an illegal sign is discovered during a right-of-way acquisition by any government entity, the sign shall be removed immediately at the cost of the property owner or lessee.

G. Where a variance is granted by the JBZA for a nonconforming sign after April 1, 2019, the JBZA shall specify the expiration date for the variance, which may not be more than 15 years after the date on which the JBZA grants the variance.

H. A legal nonconforming sign shall immediately lose its legal nonconforming status if:

1. the sign is not kept in good repair and in a safe condition and the state of disrepair or unsafe condition continues for six (6) months;
2. the sign is relocated;
3. the complete sign and sign structure are replaced; or
4. the sign permit or variance under which the sign was allowed or permitted expires.

I. On the happening of any one of the conditions specified in Subsection 8.9(H) above the sign shall be immediately brought into conformance with this Ordinance with a new sign permit secured therefor, or shall be removed. Nothing in this Section 8.9 shall relieve the owner or user of a legal nonconforming sign or owner of the property on which the legal nonconforming sign is located from the provisions of this Ordinance regarding safety, maintenance, and repair of signs.

8.6 STANDARDS FOR AGRICULTURAL AND RESIDENTIAL DISTRICTS

A. APPLICABILITY. The standards in this Section apply only to real property located in Agricultural (A1 and A2) and Residential (RR, R1, R2, R3, R4, and MH) zoning districts.

B. GENERALLY. The owner of every developed lot is entitled to install one sign without obtaining a sign permit, so long as the sign meets the following standards:

1. The sign shall not exceed 4 square feet in area or 5 feet in height.
2. The sign shall not extend into a public way or be located closer than 10 feet to any other property line.

C. PROFESSIONAL SIGNS. A person who lawfully maintains a home occupation may also install a professional nameplate or sign, which shall not exceed 4 square feet in area and shall be attached to the building in which the home occupation is maintained.

D. INSTITUTIONAL SIGNS. A person who lawfully maintains an institutional or public use, including those that may be permitted by special exception (such as a cemetery, park or recreational facility, religious institution, community center, government facility or office, hospital, library, museum, gallery, school, and the like), is also entitled to install institutional signs, so long as the signs meet the following standards:

1. Only one sign may be displayed per lot frontage.
2. The aggregate size of all signs located on the premises of the institutional or public use shall not exceed 24 square feet in area.
3. The height of any freestanding institutional sign shall not exceed 5 feet.

E. ADVERTISING SIGNS. Signs advertising commercial enterprises are not permitted, unless approved by variance granted by the JBZA.

8.7 STANDARDS FOR BUSINESS (EXCEPT B2), INDUSTRIAL, AND CONSERVATION PARK DISTRICTS

A. APPLICABILITY. The standards in this Section apply only to real property located in Business (B1 and B3), Industrial (I1 and I2), and Conservation Park (CP) zoning districts.

B. GENERALLY. The owner of every developed lot that contains a legal business or industrial use is entitled to apply for and obtain a sign permit and to install signs on the premises of the business or industrial use, so long as the signs meet the following standards:

1. The aggregate square footage of any wall, awning, and/or window sign area allowed for a use shall equal the linear footage of the front facade of the building that is occupied by the use. However, in no instance shall a use be limited to less than 40 square feet of sign area, regardless of its building frontage.
2. A use located on a corner lot is entitled to use the largest frontage for the purpose of determining the aggregate square footage of sign area. However, signs may be placed on any side of the building.

C. BUILDING SIGNS. Any combination of the following identified signs may be installed in connection with each use, so long as their total area does not exceed the aggregate square footage allowed under Subsection B:

1. Wall Signs. A wall sign must be located on the facade of the primary business or industrial structure. Wall signs are subject to the following:
   a. A sign painted on or mounted flat against a structure shall not have an aggregate size greater than 1 square foot for each foot of linear width of the front facade of the structure, or 100 square feet, whichever is less.
   b. If the primary business or industrial structure is located more than 50 feet from a public way and the front facade of the structure is used when measuring the distance, then a wall sign may have an aggregate size equal to 2 square feet for each foot of linear width of the front facade, or 200 square feet, whichever is less.
   c. The aggregate area of a wall sign that consists of individual letters mounted on a display board shall equal the area of the display board.
2. Awning Signs. An awning sign shall be printed or sewn on an awning or awnings mounted on the facade of the primary business or industrial structure. If an awning sign consists of individual letters, numbers, and/or other characters, then

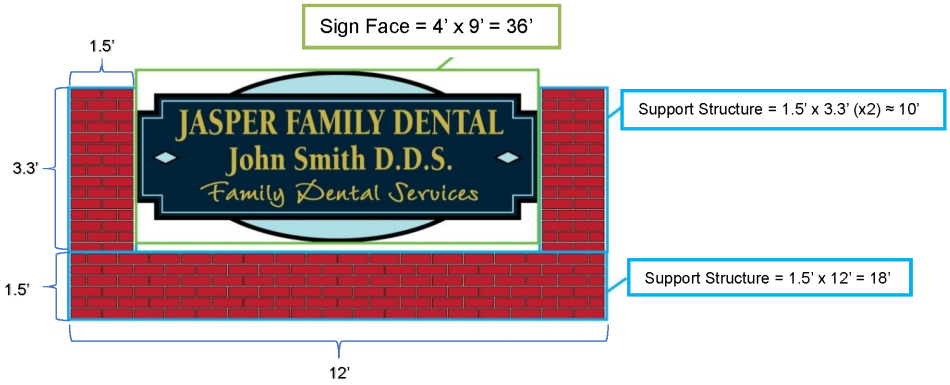
the sum of the total area of imaginary rectangle contiguous to and surrounding each character shall equal the aggregate area of the sign.

3. Window Signs. If window signs are used but the total area covered by the window signs is no more than 25% of the window area for the structure, the signs are allowed and may be installed without a sign permit. However, if the total area covered by window signs exceeds 25% of the window area for the structure, then the window signage area that exceeds 25% shall be counted toward the aggregate square footage allowed under Subsection B, and a sign permit must be obtained.

D. FREE-STANDING SIGNS. In addition to the signage allowed under Subsection B, the owner of every developed lot that contains a legal business or industrial use is entitled to apply for and obtain a sign permit to install either of the following types of signs, subject to the following:

1. Pole/Pylon Sign. The maximum surface area of a pole or pylon sign is 80 square feet. The minimum height of a pole or pylon sign is 14 feet (measured from the ground level to the bottom of the sign face or reader board, whichever is lower), and the maximum height is 30 feet. An Electric variable message sign ("EVMS"), which shall be limited in size to 32 square feet of surface area, may be added to a pole or pylon sign. Any pole/pylon sign with a height of seven (7) feet or less, shall be governed by standards that are applicable to Monument Signs, with the exception of materials requirements.

2. Monument Sign. The maximum surface area of a monument sign equals 50 square feet. This is calculated as 1) the area of one side of the face of the sign; plus 2) the support structure (calculated as 1/2 of the area of one side of the support structure). An Electronic variable message sign ("EVMS"), which shall be limited in size to 32 square feet of surface area, may be added to a monument sign. The maximum height of a monument sign is 7 feet (measured from the ground level to the top of the sign). Materials used on a monument sign must be generally consistent with the materials used on the primary business or industrial structure.

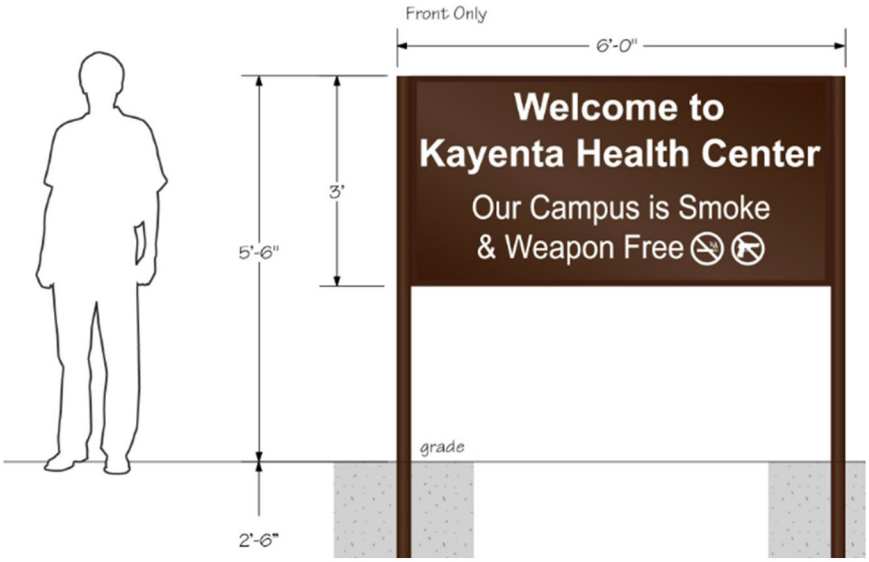


EXAMPLE OF A MONUMENT SIGN:

3. Post and Panel Sign. Post and Panel Sign: The maximum surface area of the panel is 15 square feet in a landscape orientation. (3hx5w). One or both sides of the panel may be used depending on how the sign is positioned on the lot. The maximum height of the post and panel sign is 5 1/2 feet or 66 inches (measured from the ground level to the upper most point of

the sign including the posts. The posts will be a minimum of 3" x 3". The overall width of the post and panel sign (including the posts) should not exceed 6 feet or 72 inches. The posts will be vinyl or aluminum. If wood is used for the frame and

EXAMPLE OF A POST AND PANEL SIGN:



E. MULTI-TENANT COMMERCIAL CENTERS. The owner or owners of a multi-tenant commercial center shall establish one free-standing sign, as described in Subsection D, for the entire center (including any out lots). Individual free-standing signs for each tenant of the center) including out lots) are not permitted, unless approved by variance granted by the JBZA. The maximum surface area of the sign for the center is 200 square feet; however, if a monument sign is selected, the area of the support structure shall not be counted toward this maximum. The maximum height of the sign for a center is 30 feet, regardless of whether a pole/pylon sign or monument sign is selected. For signage located on structures in a multi-tenant commercial center (whether wall, awning, and/or window signs), the following standards apply:

1. Submission of Plan. A signage plan for the center must be submitted to the Administrator for approval, before any sign is installed. The plan must include a layout that identifies the maximum number of tenants and proposed placement of all signs to be located on any structure.
2. Minimum Area per Tenant. In no instance shall the signage plan limit any single tenant business use to less than 40 square feet of signage area, regardless of the tenant's frontage.
3. Maximum Area per Tenant. In the event the signage plan proposes an aggregate area of signage for the center in excess of 300 square feet, the signage plan shall not allot more than 40 square feet to any single tenant business use in the center.
4. Updates. Any updates to a signage plan must provide for the plan to come into conformity with the provisions of this Subsection F within 5 years.

F. TEMPORARY BUSINESS SIGNS. In lieu of the signage otherwise allowed under this Ordinance, the owner of a new, legal business or industrial use is entitled to apply for and obtain a temporary sign permit to promote the establishment of the new use, subject to the following:

1. The temporary business sign shall not exceed 32 square feet in area.
2. The temporary business sign shall not be illuminated, or have blinking lights or arrows.
3. The temporary sign permit shall expire 6 months after issuance, but it may be renewed for not more than 6 additional months at the discretion of the Administrator.

G. BILLBOARDS. This Subsection applies only to real property located in the Heavy Industrial (I2) zoning district. A billboard (described as an outdoor sign that directs attention to a business, commodity, service, or entertainment not exclusively related to the premises where the sign is located or to which it is affixed) may be permitted by the JBZA, in its discretion, as a special exception, subject to all of the following:

1. The billboard shall not exceed 300 square feet in area, nor 25 feet in length, not 12 feet in height, and the total height from ground level shall not exceed 20 feet.
2. The billboard shall not be located closer than 250 feet from a road intersection, except for billboards that are less than 12 square feet in area.
3. In any event, the billboard must comply with the regulations of Section 7.2 Slight Visibility Triangle.
4. If the billboard exceeds 24 square feet in area, it shall not be located closer than 500 feet from any property used for residential (including playground), religious, school, or similar purposes.

8.8 STANDARDS FOR THE CENTRAL BUSINESS (B2) DISTRICT

A. APPLICABILITY. The standards in this Section apply only to real property located in the Central Business (B2) zoning district.

B. GENERALLY. The owner of every developed lot that contains a legal business use on the ground floor of the premises (or a business use occupying multiple floors of the premises, including the ground floor) is entitled to apply for and obtain a sign permit and to install signs on the premises of the business use, so long as each sign meets the following standards:

1. The signage area shall not exceed 1 square foot for every linear foot on the facade of the ground floor of the structure that is occupied by the use. However, in no instance shall a use be limited to less than 40 square feet of signage area, regardless of its frontage, or be allowed more than 200 square feet of signage area, regardless of its lot frontage.
2. Any combination of wall signs, awning signs, projecting signs, and window signs may be used for a use, so long as they are consistent with the aggregate area allowed for that use and they comply with the development standards in Subsection C.

C. DEVELOPMENT STANDARDS BY SIGN TYPE. The development standards for each type of sign are as follows:

1. Wall Signs. A wall sign must be located on the facade of the primary business structure.
2. Awning Signs. An awning sign shall be printed or sewn on an awning or awnings mounted on the facade of the primary business structure. If an awning sign consists of individual letters, numbers, and/or other characters, then the sum of the total area of an imaginary rectangle contiguous to and surrounding each character shall equal the aggregate area of the sign.
3. Blade or Projecting Signs. A blade or projecting sign must not be, at its lowest point, less than 8½ feet above ground level. A maximum of one projecting sign per business use is permitted. For signs extending into the right-of-way, an Encroachment Agreement shall be required per Jasper Municipal Code § 13.04.070.
4. Window Signs. If window signs are used but the total area covered by the window signs is no more than 25% of the window area for the structure, the signs are allowed and may be installed without a sign permit. However, if the total area covered by window signs exceeds 25% of the window area for the structure, then the window signage area that

exceeds 25% shall be counted toward the aggregate square footage allowed under Subsection B, and a sign permit must be obtained.

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RATIO

9.1 GENERAL PROVISIONS FOR ALL SUBDIVISIONS

A. AUTHORITY. This Chapter is adopted pursuant to IC 36-7-4-700 SUBDIVISION CONTROL and any amendments thereto. In accordance with the provisions of said statute, the Commission has exclusive control over the approval of plats and re-plats involving land within the City of Jasper and within the extra-territorial jurisdiction of the City in unincorporated Dubois County.

B. PURPOSE. This Chapter is adopted for the following purposes:

1. To protect and provide for the public health, safety, and general welfare of the City and its planning jurisdiction.
2. To guide the future development of the City and its planning jurisdiction in accordance with the Comprehensive Plan.
3. To provide for the safety, comfort, and soundness of the built environment and related open spaces.
4. To protect the compatibility, character, economic stability, and orderliness of all development through reasonable design standards.
5. To insure that adequate public facilities will be provided in conjunction with new development.
6. To supply proper land boundary records.
    a. To provide for the survey, documentation, and permanent monumentation of land boundaries of property.
    b. To provide for identification of property.
    c. To provide public access to land boundary records.

C. CODE COMPLIANCE REQUIRED. All land subdivided or platted under the terms of this chapter shall comply with the minimum standards prescribed in this Ordinance. Except as provided in IC 36-7-4-702(c), the Commission and the Board of Public Works and Safety shall not have the authority to approve any subdivision that does not comply with this Ordinance.

D. TRANSITION RULES. Refer to Subsections 1.5(A)(7) and 1.5(B).

E. MINIMUM STANDARDS. The standards contained in this Chapter, the rest of the Ordinance and the City of Jasper Design Standards and Specification Manual are minimum standards. In any case where another chapter or document incorporated by reference contains stricter or more stringent standards than those contained in this chapter, the stricter standards shall apply.

F. RELATIONSHIP WITH PRIVATE-PARTY EASEMENTS, COVENANTS, OR AGREEMENTS. This Ordinance is not intended to interfere with or abrogate any easements, covenants, or agreements between private parties, provided that wherever this Ordinance proposes a greater restriction upon the use of buildings or land, upon the location or height of buildings or structures, or upon requirements for open areas than those that are imposed or required by such easements, covenants, or agreements between parties, the provision of this Ordinance shall govern. In no case shall the Commission be obligated to enforce the provisions of any easements, covenants, or agreements between parties.

G. COMPLIANCE REQUIRED FOR PERMIT ISSUANCE. No permit shall be issued for, nor any improvements be commenced upon, any parcel of land which was created

by subdivision or sold in violation of this chapter after the effective date of and not in conformity with the provisions of this chapter. No road shall be laid out or constructed unless it is consistent with the Thoroughfare Plan Map of the Jasper Comprehensive Plan and/or has been approved by the Commission as part of a subdivision.

See Also:

Section 9.20 Standards for Surveys and Preparation of Plats

The City shall establish a policy with the County Recorder office to allow review by the City to ensure subdivided lots are buildable.

H. PLAT PREPARATION BY SURVEYOR. All plats and surveys shall be prepared by or under the direct supervision of a professional land surveyor licensed in accordance with the laws of the State of Indiana, who shall be responsible for the monumentation thereof.

I. PLAN PREPARATION BY SURVEYOR OR ENGINEER. Infrastructure improvements shall be constructed in accordance with plans and specifications prepared by a licensed engineer or land surveyor and approved by the Commission. The Developer shall be responsible for the certification of completion.

9.2 ADMINISTRATION

A. GENERAL. The standards contained in this section apply to all minor and major subdivisions. All subdivisions shall be designed with consideration given to the topography of the land and other natural characteristics of the site and surrounding property.

B. JURISDICTION. Because the planning jurisdiction of the Commission covers the City of Jasper and part of unincorporated Dubois County, responsibility for some aspects of the subdivision process will vary, depending on the location of the property.

1. Performance Guarantees. Appropriate performance guarantees, and maintenance guarantees shall be accepted and enforced as follows:
    a. Within incorporated Jasper: The Board of Public Works and Safety.
    b. Within unincorporated Dubois County: The Board of County Commissioners.
2. Dedications – Dedication of rights-of-way or public improvements shall be accepted as follows:
    a. Within incorporated Jasper: The Board of Public Works and Safety.
    b. Within unincorporated Dubois County: The Board of County Commissioners.

C. LAND SUITABILITY. If the Commission finds that the property requested to be subdivided is unsuitable for development because of flooding, topography, inadequate water supply, inadequate sewage disposal, or other conditions which may endanger health, life, or property, the Commission shall not approve the land for subdivision. As a minimum, the Commission is empowered to approve the subdivision of land only after the Commission finds that the land meets the following criteria:

See Also:

Subsection 2.2(I) Establish Committees

1. Water Bodies. Each lot will contain a contiguous land area providing a suitable building site that is at least seventy-five (75)% of the minimum lot size established by the applicable zoning district. The remaining twenty-five (25)% of the required minimum lot size may contain permanent or seasonal water bodies.
2. Sewage Disposal. Each lot will be served by an existing public or private sewer system or a proposed system design approved by the Indiana Department of Health and the Dubois County Health Department, or each lot will contain enough land of a soil type suitable for septic tanks to permit installation of an individual subsurface disposal system of sufficient size to accommodate the wastewater

generated by the uses permitted on the property.

3. Water Service. Each lot will have an adequate supply of potable water through a public or community system approved by the Indiana Department of Health or by individual wells. If the lots are to be served by individual wells, a letter from the Dubois County Health Department certifying that a well meeting the locational requirements of current applicable regulations can be located on each lot shall be required.

4. Flood Hazards. Each lot will contain enough land which is not located in a floodway to accommodate the permitted use(s) of the property and, if required, an individual subsurface disposal system.

9.3 ADMINISTRATIVE SUBDIVISIONS

A. General. Administrative subdivisions are subject only to a certification by Administrator that such subdivision is within one (1) of the categories included in the definition of "SUBDIVISION, ADMINISTRATIVE," in Chapter 12 Definitions. Replats that meet the conditions of administrative subdivisions also may be considered under the terms of this section.

B. Filing Fee. A request for review of a subdivision shall be accompanied by the filing fee as established by the Commission.

C. Submission Materials. The following materials shall be submitted by an applicant for approval of an administrative subdivision:

1. Signed Application. Application signed by the owner(s) of record of all property involved in the subdivision.

2. Drawing. A drawing prepared in accordance with all applicable standards set forth in Section 9.20 of this Ordinance, showing the property involved in the subdivision, indicating the area of each lot or parcel in acres (for parcels larger than 20,000 square feet in area) or square feet and indicating the configuration of the property and any easements thereon before and after the proposed administrative subdivision.

3. Quitclaim or Warranty Deed. At the time that an administrative subdivision is submitted for secondary approval, the submission shall include quitclaim or warranty deed(s) containing the legal description for each parcel of property for which ownership is transferred within and by said administrative subdivision.

4. Interior Lot Line Removal. For removal of interior lot lines, a legal description of the property and the new lot number(s).

5. Platted Easement Removal. For removal of platted easements, signed and notarized letters of approval of the proposed action by all utilities having an interest in such easements, and in the case of drainage easements, any neighboring property owners affected by such easements. The easements shall be vacated by the Council and the Utilities Service Board and recorded at the Dubois County Recorder's Office.

6. Adjoining Land

   a. Platted Land. For sale or exchange of adjoining land where one (1) or more of the affected parcels is platted, a legal description and indication on the drawing of the tract to be divided and the tract to be added and certification by a registered land surveyor that monuments have been or will be set to

indicate the relocated property lines. If the land involved in the subdivision has not been monumented, no monumentation is required.

b. Unplatted Land. For sale or exchange of adjoining unplatted land, a legal description and indication on the drawing of the tract to be divided and the tract to be added.

c. Boundary Dispute. For subdivision where the purpose is to resolve a boundary dispute or to establish a mutually agreed upon boundary line, an affidavit signed by all affected property owners stating the purpose of the subdivision.

7. Corrections of Legal Descriptions. For corrections of legal descriptions, an affidavit signed by the affected owners stating that the description was in error and a corrected legal description. Such correction shall be recorded, and an appropriate notation shall be placed on the recorded plat.

8. Granting of Non-access Easements. For dedication or granting of easements for purposes other than access, a legal description shall be required. Such easements and appropriate notation shall be recorded.

9. Dedication of Right-of-Way. For dedication of right-of-way or access easements, a legal description and a plat showing the parcels and the location of the right-of-way or easement. In addition, for right-of-way dedication, certification by a registered land surveyor that monuments will be set indicating the relocated property lines.

10. Agricultural Parent Tract Dwelling Site. For division of a building site containing an existing dwelling from an agricultural parent tract, evidence that the dwelling has been on the site for at least three (3) years, and a survey by a registered land surveyor meeting the minimum standards of this section and monumentation as required by this section.

D. Review Procedure. For Review Procedure see Section 2.4 Duties of the Director of Community Development /Planning (Administrator).

E. Length of Approval.

1. Subdivision Recording Deadline. The Petitioner shall record the approved administrative subdivision in the Dubois County Recorder's Office within sixty (60) days of certification. Petitioner shall provide evidence of recordation to the Commission. Any such subdivision and certification not recorded within that period shall become null and void unless an extension is granted.

2. Subdivision and Deed Recording Deadline. The approved administrative subdivision and any deed as required for corrections of legal descriptions shall be recorded by the petitioner concurrently in the Dubois County Recorder's Office within sixty (60) days of certification by the Petitioner. The Petitioner shall provide evidence of recordation to the Commission. Any such subdivision, deed(s) and certification not recorded within that period shall become null and void.

9.4 MINOR SUBDIVISIONS

A. General. Those subdivisions meeting the definition of "SUBDIVISION, MINOR," contained in Chapter 12 Definitions of this Ordinance, may be considered under the provisions of this section. Generally a minor subdivision results in the creation of no more than four lots from a parent tract. Re-plats meeting the conditions of eligibility

contained herein, also may be considered under the provisions of this section. After a subdivision request has been filed, the Administrator shall determine whether the petition may be considered as a minor subdivision. The Administrator's decision may be appealed to the Commission. Minor subdivisions may receive primary approval by the Plat Committee or Commission and secondary approval by the Administrator, as designated in this Section.

B. Conditions of Eligibility. Before determining that a subdivision is eligible to be considered under this section, the Administrator shall find that all of the following criteria are satisfied:

1. Orderly Development. The subdivision will not impede orderly development of land or the provision of public services and improvements.
    a. Comprehensive Plan. The subdivision will not interfere with the implementation of the Comprehensive Plan.
    b. Future Access. The subdivision will not interfere with the provision of streets to provide access to adjoining or nearby property in the event that such property is developed in the future.
    c. Rights-of-way. Dedication of rights-of-way as established by the Thoroughfare Plan as indicated on Table 9.1 may be required.
2. Utilities and Drainage. All parcels in the subdivision will have adequate utilities and drainage. Subdivisions requesting connection to municipal utilities shall be reviewed under and Section 9.5 Major Subdivisions, and treated as such.
    a. Sewers. All lots shall be served by a sanitary sewer or other sewerage system approved by the Indiana Department of Health, or they shall have the capability to contain a subsurface disposal system that complies with all requirements of the Indiana Department of Health and the Dubois County Health Department. Any subdivision of land that requires the extension of existing sewers or the construction of new treatment facilities shall be considered as a major subdivision. Proposed subdivisions with access to an existing sewer line within 300 feet of a property boundary, shall be required to connect. If extension of sewer service is found to be a feasible alternative and is desirable because of soil conditions, topography, lot sizes, or other factors, the petition shall be considered as a major subdivision.
    b. Water. All lots shall be served by a public or quasi-public water system or shall have the capability to contain a well that complies with all requirements of the Indiana Department of Health and the Dubois County Health Department.
    c. Drainage. All lots shall be provided with drainage improvements as necessary to comply with the requirements of the City of Jasper Design Standards and Specification Manual.
3. Access. All parcels in the subdivision and adjacent land will have adequate ingress and egress without the construction of any new public streets or substantial improvement to existing public streets.
4. Legal Access. All lots will have legal access to a previously constructed private street or to a public street which has been accepted for maintenance by, or has been continuously maintained for a period of ten (10) years immediately preceding the filing of the subdivision, by a public agency regularly having responsibility for such maintenance.

a. Private Streets. The use of any private street is discouraged. Private streets shall be constructed to the same standards as public streets and as detailed in the City of Jasper Design Standards and Specification Manual.

b. Driveway Access. Frontage on limited access streets on which driveways cannot open shall not constitute legal access.

c. Better Access. If by reason of topography, natural or man-made features, or other conditions relating to the property requested for subdivision, better access can be provided through construction of a new street, the petition shall be considered as a major subdivision.

1) For the purposes of this section, a minor subdivision excluding any that are permitted through an administrative subdivision process, shall not require road improvements or the construction of new streets.

2) Access Easement not a Private Street. The use of an access easement, consistent with this Ordinance shall not be considered as the extension or construction of a private street.

d. Driveway Locations. All lots will have driveway locations that will provide for adequate sight distance and will be properly spaced in accordance with Section 9.18 Entrance and Drive Standards.

e. Adequate Access for Adjacent Land. Land adjacent to the property involved in the subdivision also will have adequate access according to the criteria contained in this section.

3. Endangerment. The subdivision will not be detrimental to nor endanger the public health, safety, or general welfare.

C. Minor Subdivisions. Primary Approval.

1. Required Submission Materials. All requests for primary approval of a minor subdivision shall be submitted with the items listed in this section:

a. Filing Fee. Filing fee as established by the Commission.

b. Preliminary Plat. An original drawing conforming to the survey and drafting standards set forth in Section 9.20 Standards for Surveys and Preparation of Plats and copies (with the number to be specified by the Administrator) of the drawing showing the following:

1) Legal description. Legal description of the subdivision.

2) Scale. Bar scale (the scale shall be 50 feet to the inch or larger, unless the property involved in the subdivision is of a size or shape which requires a smaller scale to fit on the required sheet size, in which case another scale approved by the Administrator, or City Engineer may be used).

3) Lot Sizes. Lot numbers, dimensions, and sizes in square feet or acres.

4) Floodplain. Boundary lines of floodway and floodway fringe areas on each lot as scaled from the maps of current adoption, appropriately labeled.

5) Remainder. If there will be a parent tract remainder, such land shall be shown on the plat either with the new lot(s) or as a part of a location map or other image separate from the drawing of the new lot(s). Such remainder may be shown based upon a metes and bounds or other

deed description. If the size and configuration of the property makes it impractical to show the parent tract remainder at the same scale as the new lot(s), a smaller scale may be used, provided that except in extreme circumstances, the scale shall be no smaller than one (1) inch = 400 feet. The term "lot" shall only be applied to the parent tract remainder if it is surveyed, monumented, verified as having acceptable septic system sites, and otherwise reviewed and found to comply with the requirements of this Ordinance to the same extent as the new "lots" being created by the subdivision.

6) Easements. Any easements (existing or proposed, including but not limited to utility easements, drainage easements, access easements, etc.), shall be vacated by the Council and Jasper Utility Service Board.

7) Rights-of-way. Rights-of-way as established by the Thoroughfare Plan and included in Table 9.1: Road Standards.

8) Location Map. A legible location map showing the vicinity around the subject property, complete with street names, railroads, water features and similar identifiers.

9) Notations. Notations for each lot, tract, and/or parent tract remainder describing any future subdivision rights allocated to that property in accordance with the Ordinance, as applicable.

c. Physical Features Map. A drawing, at the same scale as the preliminary plat and copies (with the number to be specified by the Administrator) showing all significant topographical and other physical features to be retained and/or created on the proposed lots, including the following:

1) Water bodies.

2) Existing buildings to be retained.

3) Roads, shared driveways, alleys, streets, or other forms of access shared by more than one (1) lot.

4) For lots proposed to include existing or new water bodies, the number of acres or square feet of contiguous land area shall comply with the minimum lot area for the zoning district in which each lot is located.

5) For lots that will be served by individual subsurface disposal systems the following is required; a statement describing the amount of each lot that includes soils indicated by the Soil Survey of Dubois County to have severe limitations for septic systems, and the location of all soil borings used to determine the suitability of each lot for a septic system.

6) Existing topography as shown on the USGS quad sheet (or better source) and proposed grades at an increment of one (1) foot and two (2) feet if slope exceeds ten (10) percent.

7) The names of the owners, as well as lot numbers and subdivision names (if any), keyed to all properties immediately adjacent to the subdivision site on the same side of the road.

d. Supporting Material. The following supporting material shall be submitted with the preliminary plat:

1) Modifications. A list specifically citing any requirements of this Section for which modifications are requested and the reasons for such request.

2) Evidence of Sanitary Sewer. Evidence that an approved wastewater connection can be obtained from the City of Jasper Wastewater Utility and or the Dubois County Health Department (in the form of an approved septic system permit) or evidence that other acceptable sewer service is available to all building lots in the subdivision. This requirement also applies to parent tract remainders that are less than five (5) acres in area.

3) Design Standards. Documentation sufficient to show that all applicable design standards in the City of Jasper Design Standards and Specification Manual and this Ordinance are met by the proposed subdivision.

4) Erosion Control Plan. Erosion control plan, if necessary to comply with the development standards of the City of Jasper Municipal Stormwater Code Title 14.

5) Drainage Report. Drainage report, if necessary to comply with the design standards of this Chapter.

6) INDOT Permit. If any lot in a minor subdivision is to receive its access from a State highway, evidence that a driveway permit can be issued by the Indiana Department of Transportation shall be submitted (such as a letter or permit issued by INDOT).

2. Length of Approval. Primary approval of a minor subdivision shall be valid for 180 days, unless the Plat Committee or Commission grants an extension. If secondary approval is not granted before the expiration of three (3) years, the primary approval shall be null and void.

D. Secondary Approval. Minor Subdivisions

1. General. After all conditions of primary approval have been met, the applicant may request secondary approval. A final subdivision plat shall be reviewed by the Administrator, and if approved, signed by the Administrator. The final subdivision plat shall be filed by the petitioner with the Dubois County Recorder.

2. Required Submission Materials. All requests for secondary approval shall be accompanied by the materials listed in this section.

a. Final Plat. An original drawing (which may be the same drawing submitted as the preliminary plat) prepared in accordance with the standards set forth in Section 9.20 Standards for Surveys and Preparation of Plats, and two copies showing all information required on the primary approval drawing, as approved by the Commission or Plat Committee.

b. Supporting Material. Documentation sufficient to show that all conditions of approval have been met.

3. Length of Approval. Secondary approval of a minor subdivision shall be valid for a period of three (3) years from the date of such approval. If the subdivision is not recorded before the expiration of three (3) years, it shall become null and void.

4. Review Procedure. See Section 2.2 Duties and Powers of the Commission.

9.5 MAJOR SUBDIVISION

A. General. Major subdivisions for residential, multifamily, commercial, and industrial development require primary approval by the Commission. Secondary approval shall be granted by the Commission, Plat Committee, or Administrator. Before filing a major subdivision, applicants are required to present conceptual plans for the subdivision

to the TAC Committee for informational discussion. Replats that require extension of streets or utilities shall be considered under the terms of this Section.

B. Concept Plan.

See Also:

Section 2.2(I)(2) for TAC duties.

1. Purpose. In order to assist the applicant in preparing an acceptable major subdivision proposal, the Technical Assistance Committee (TAC) shall review and discuss the applicant's concept plan with him/her and any designated representatives. The purpose of this discussion is for the applicant to receive guidance from the Commission as to the suitability of the land for the development proposed, any aspects of the proposal that do not meet the minimum requirements established by the Ordinance. Accurate surveys and detailed engineering data are not required nor recommended at this stage in the subdivision process.
2. Required Submission Materials. All applications for concept plan review shall be accompanied by the materials listed in this section.
    a. Filing Fee. The concept plan submittal (which may portray multiple concepts) shall be accompanied by the required filing fee as published in the Development Fee Schedule.
    b. Concept Plan Contents. The following materials shall be submitted for the Administrator's review, with the number of copies to be specified by the Administrator:
        1) Base Map. A legible base map with a scale no smaller than one inch equals 200 feet, with minimum 10-foot contours.
        2) Subdivision Name. Proposed name of the subdivision.
        3) North arrow and date.
        4) Boundary. Approximate site boundary.
        5) Land Use and Zoning. Existing land use and zoning on the site and in the surrounding area within one-half mile of the perimeter of the site.
        6) Roads. Existing roads on and/or adjacent to the site and in the surrounding area within one-half mile of the perimeter of the site, including Thoroughfare Plan classification, road name, and approximate right-of way width (if readily apparent).
        7) Soils and Drainage. Soil classifications and existing drainage patterns on the site.
        8) Natural Features. Any significant natural or other features of the site, such as streams, ponds, flood plains, wooded areas, existing utilities and/or structures.
        9) Layout. Areas proposed for development, proposed uses, areas reserved for future development, and tentative street layout. This drawing shall show all contiguous holdings of the owner with an indication of the portion that is proposed to be subdivided.
        10) Open Space. Any areas to be reserved for open space or recreation.
3. Commission Consideration. Before providing guidance to the applicant regarding the proposed subdivision, the Administrator shall give consideration to the following:
    a. The arrangement, location, and width of roads.
    b. Lot sizes and arrangement.

c. Drainage, both on site and within the general area.

d. Sewage disposal, water supply, and other utilities.

C. Primary Approval. Major Subdivisions.

1. Required Submission Materials. All requests for primary approval shall be submitted with the items listed in this section:

a. Fee. Filing fee as established by the Commission.

b. Preliminary Plat. A set of drawings conforming to the survey and drafting standards contained in Section 9.20 Standards for Surveys and Preparation of Plats, except that scaled rather than computed dimensions may be shown and copies (with the number to be specified by the Administrator) of the drawing(s) showing the following:

1) Legal description of the subdivision.

2) Bar scale (the scale shall be fifty (50) feet to the inch or larger, unless the property involved in the subdivision is of a size or shape which requires a smaller scale to fit on the required sheet size, in which case another scale approved by the Administrator may be used).

3) Lot number, scaled layout, dimensions, and sizes in square feet or acres. If there will be a parent tract remainder, such land shall be shown on the plat either with the new lot(s) or as a part of a location map or other image separate from the drawing of the new lot(s). Such remainder may be shown based upon a metes and bounds or other deed description. If the size and configuration of the property makes it impractical to show that parent tract remainder at the same scale as the minor subdivision, a smaller scale may be used, provided that except in extreme circumstances, the scale shall be no smaller than one (1) inch = 400 feet. The term “lot” shall only be applied to the parent tract remainder if it is surveyed, monumented, verified as having acceptable septic system sites, and otherwise reviewed and found to comply with the requirements of this Ordinance to the same extent as the new “lots” being created by the subdivision.

4) Accurate locations of all existing and platted streets intersecting the boundaries of the tract.

5) Source of the owner's title to the land as shown by the last entry in the records of the County Recorder.

6) All notations as shown in the City of Jasper Design Standards and Specifications Manual.

7) Street rights-of-way as established by the City of Jasper Thoroughfare Plan in the Comprehensive Plan.

8) Notations for each lot, tract, and/or parent tract remainder describing any future subdivision rights allocated to that property in accordance with the Ordinance, as applicable.

9) Delineation of flood plain boundaries, indicating the classification of each flood plain area.

10) The location, size, elevation, and other appropriate description of all existing and proposed permanent features of the property, either natural or manmade, including but not limited to streets, sewers, drains, water bodies, wetlands, railroads, transmission towers, existing structures,

regulated drains, water mains, culverts, utility lines, fire hydrants, drainage structures, and significant topographic features. This material shall also include the following:

11) Water elevations of adjoining lakes and ponds at the date of the survey and the approximate high- and low-water elevations. All elevations shall be referred to in the USGS datum plane (with an indication of the datum used).

12) For lots proposed to include existing or new water bodies, the number of acres or square feet of contiguous land area shall comply with the minimum lot area for the zoning district in which each lot is located.

13) For lots that will be served by individual subsurface disposal systems:

    i. A statement describing the amount of each lot that includes soils indicated by the Soil Survey of Dubois County to have severe limitations for septic systems, and

    ii. The location of all soil borings used to determine the suitability of each lot for a septic system.

14) The names of the owners, as well as lot numbers and subdivision names (if any), keyed to all properties immediately adjacent to the subdivision site on the same side of the road.

15) Location of pedestrian circulation system, if any, and the materials to be used for such system.

16) Delineation of the phases, if any, of the development, indicating the lots and improvements to be included in each phase.

2. Supporting Material. The following supporting material shall be submitted with the preliminary plat:

    a. One application, on forms specified by the Administrator.

    b. Topographic contours at vertical intervals of two (2) feet for areas containing land with 10 percent slope or greater, and at intervals of one (1) foot for areas containing land with less than 10 percent slope. The Topography may be shown on a separate print, but it shall be shown at the same scale as the original plat.

    c. Erosion control plan.

    d. Drainage report.

    e. Zoning classifications of the property included in the subdivision.

    f. Specifications for any required improvements to existing roads.

    g. Delineation on a USGS base map of the drainage area in which the subdivision is located and of the location of drainage courses and surface water flow within the drainage area.

    h. For any improvements or systems which are to be owned and/or maintained by the property owners in the subdivision, a plan for establishing such ownership and for providing and financing such maintenance. Documents and/or plans submitted under this section are subject to determination by the Commission that they are adequate to ensure that the City will not be held responsible in the future for such maintenance.

i. Sewage system approval.

1) If the development is to contain individual subsurface disposal systems, the applicant must show that the design criteria in this Ordinance are met, and in addition, the applicant must provide for each lot, and any parent tract remainder of less than five (5) acres, a certificate from the Dubois County Health Department indicating that such a system can be installed on the property and detailing any conditions to be placed upon such installation. The Commission may require these as written commitments to be recorded as part of the approved subdivision.

2) If the development is to be served by a municipal or community sewer system, the applicant must provide evidence that such system has the capacity and capability to serve the development and guarantee a sufficient number of connections to serve all lots and any parent tract remainder of less than five (5) acres in the subdivision.

3) If the development is to be served by a private system, the applicant must provide evidence that the system design has been approved by the Indiana Department of Environmental Management, that there are arrangements to ensure continued operation and maintenance of the system, that the system has or will have sufficient capacity to serve the development and guarantee a sufficient number of connections to serve all lots and any parent tract remainder of less than 5 acres in the subdivision.

j. A list specifically citing any requirements of this Section for which modifications are requested and the reasons for such request.

k. Documentation sufficient to show that all design standards as set forth in this Ordinance are met.

l. If any lot or road in a major subdivision is to receive access from or intersect with a state highway, a copy of the driveway permit or approval letter issued by the Indiana Department of Transportation shall be submitted.

3. Review Procedure Authority. See Subsection 2.2 (A).

4. Action by Commission. Upon receipt of the Preliminary Plat application, and following meeting of the Technical Assistance Committee, the Commission shall hold a public hearing pursuant to procedures outlined in Section 10.2 Notice of Public Hearing. Within sixty (60) days after the public hearing, the Commission shall approve, approve with conditions, or deny the Primary Plat.

5. Administrator to Notify Subdivider. The Administrator shall return one (1) copy of the Primary Plat application to the subdivider with the date of approval, conditional approval, or disapproval and the reasons therefore, in writing, accompanying the application. The Administrator shall maintain one (1) file copy of the Primary Plat application.

6. Length of Approval. Primary approval shall be valid for three (3) years from the date of approval by the Commission. If the Commission approves development in phases, secondary approval of each phase shall automatically continue the primary approval of the remaining phases to the same expiration date as that for the secondary approval.

D. Secondary Approval - Major Subdivisions. After all conditions of primary approval have been met, a final plat meeting such conditions, may be submitted for secondary approval. A final subdivision plat shall be reviewed by the Technical Assistance Committee,

and the Administrator, and if approved, signed by the President and Secretary of the Commission. The final subdivision plat shall be filed by the petitioner with the Dubois County Recorder.

1. Required Submission Materials. An application for secondary approval shall be accompanied by all materials specified in this section.
    a. Final Plat. An applicant for secondary approval shall submit original drawings prepared in accordance with the standards set forth in Section 9.20 Standards for Surveys and Preparation of Plats, and copies showing all information listed in (with computed lot dimensions and sizes), as specified by the Administrator.
    b. Phasing. The plat may include all or only part of the approved plan as proposed in the application.
    c. The original drawing of the plat of the subdivision shall, if possible,
        1) Be drawn to a scale of fifty (50) feet to one (1) inch; provided, that if the resulting drawing would be over thirty-six (36) inches in shortest dimension, a scale of one hundred (100) feet to one (1) inch may be used.
        2) Be submitted in hardcopy (number of copies to be specified in the application)and digital format. One hardcopy shall be a reproducible print.
    d. The following basic information shall be shown:
        1) All plat boundary lines with lengths of courses to tenths of a foot and degrees-minutes-seconds; these boundaries are to be determined by an accurate survey in the field which shall be balanced and closed with an error of closure not to exceed 1 to 10,000;
        2) The exact location and width along the property line of all existing recorded streets intersecting or paralleling the boundaries of the tract;
        3) True bearings and distances to nearest established street bounds, patent or other official monuments, which monuments shall be located or accurately described on the plat. Any patent or other established survey or corporation lines shall be accurately monument-marked and located on the plat, and their names shall be lettered on them;
        4) The accurate location and type of material of all permanent reference monuments;
        5) The exact layout, including:
            i. Street and alley lines - their names, bearings, angles of intersection and widths (including widths along the line of any obliquely intersecting street);
            ii. The length of all arcs-radii, points of curvature and tangent bearings;
            iii. All easements, when provided for or owned by public services (with the limitation of the easement rights definitely stated on the plat);
            iv. All lot lines with dimensions in feet and hundredths and with degrees-minutes-seconds if other than right angles to the street and alley lines;
        6) Lots numbered in numerical order;
        7) The accurate outline of all property which is offered for dedication for public use; and of all property that may be reserved by covenant in the deeds

for the common use of the property owners in the subdivision, with the purpose indicated thereon;

8) In case the subdivision is traversed by a watercourse, channel, stream or creek, the prior and present location of such watercourse, channel, stream, or creek;

9) Setback building lines as fixed by the Ordinance and any other setback lines or street lines established by public authority, and those stipulated in the deed restrictions;

10) Private restrictions, if any:

   i. Boundaries of each type of use restriction;

   ii. Other private restrictions for each definitely restricted section of the subdivision;

11) Names and locations of adjoining subdivisions and location and ownership of adjoining unsubdivided property;

12) Names and addresses of the owner of record, the subdivider, and of the engineer or surveyor;

13) North point, scale (numerical or graphic), and date;

14) Statement that any lot transferred will have a width and area the same as those shown on the plat;

15) Certification by a registered professional engineer or licensed surveyor to the effect that:

   i. The plat represents a survey made by said engineer, and indicates that all monuments on the plat actually exist, and that the location, size and material are correctly shown; and

   ii. That all requirements of the Subdivision Regulations have been fully complied with.

16) Certification that all requirements of Indiana Regulation 327 IAC 15-5 (Rule 5) regulating storm water runoff associated with construction activity shall be met.

2. Final Plat Review Procedure. An application for Final Plat approval shall be processed in accordance with the procedures set forth below:

3. Action by the Administrator. Upon receipt of a completed Secondary Plat application and all information required by Subsection 9.5(D) above, the Administrator shall:

   a. Review for Consistency With Preliminary Plat.

   b. The Administrator shall review the Final Plat application and determine that it meets all the requirements of this Ordinance and of the Commission's Primary Plat approval. The lack of information under any item specified herein, or improper information supplied by the subdivider, shall be cause for disapproval of a Secondary Plat.

   c. Transmit Final Plat Application to Technical Assistance Committee for Review.

   d. Notify Subdivider. After review by the Technical Assistance Committee, the

report and recommendations of the Committee shall be submitted to the subdivider. The Administrator shall return one (1) copy of the final plat to the subdivider, with the date of approval, conditional approval, or disapproval noted thereon; and the reasons therefore, in writing, accompanying the plat. The Administrator shall maintain one (1) file copy of the Final Plat application.

4. Action by the Subdivider.

   a. Conditionally Approved and Disapproved Final Plat. If the final plat has been conditionally approved or disapproved by the Administrator, the subdivider shall make the changes necessary to earn approval of the final plat and shall resubmit the secondary plat to the Commission in accordance with this Section. Secondary Plats not approved and signed within three (3) years of the Primary Plat approval shall expire.

5. Completion of Public Improvements; Performance Bond. If the Secondary Plat has been approved by the Administrator, the subdivider shall complete all public improvements in the subdivision. In submitting the Final Plat, it shall be accompanied by one of the following:

   a. A certificate that all improvements and installations to the subdivision required by this Section and all applicable City of Jasper Design Standard and Specification Manual have been made or installed in accordance with specifications; or

   b. The Commission may waive the requirement that the subdivider complete all public improvements prior to the signing of the secondary plat provided that the subdivider shall post a bond securable by the City, referred to as Performance Bond. The Performance Bond shall be sufficient to secure to the City or County the satisfactory completion of any uncompleted portion of required public improvements, and the amount of the Bond shall be equivalent to 110% of the estimated cost of completion of the required public improvements. A Performance Bond which shall:

      1) Run to the City;

      2) Be in an amount approved by the Commission to be sufficient to complete the improvements and installations in compliance with these Subdivision Regulations;

      3) Be with surety or provide surety satisfactory to the City of Jasper; and

      4) Specify the time for the completion of the improvements and installations, which shall not exceed two (2) years and will be provided one (1) year at a time. A request for renewal of the Performance Bond may be made to the Board of Public Works and Safety prior to the expiration of the two year time period, but, unless extraordinary circumstances exist, the bond should not be extended for longer than one additional year and construction of all required improvements and installations shall be completed by the expiration of the additional year.

   c. With respect to the installation or extension of water, sewer, or other utility service:

      1) The applicant shows by written evidence that approval has been granted by the City of Jasper or Jasper Utility Service Board providing the service;

and,

2) Provides satisfactory assurance that the service will be installed or extended in compliance with this Ordinance.

d. Upon a finding by the Administrator that the Final Plat submitted is in accordance with the requirements of this Section, the Final Plat shall be signed and certified by the Commission's President, Secretary, and City Engineer.

6. Maintenance/Damage Bond. That unless waived by the Board of Public Works and Safety prior to the time that the Board of Public Works and Safety releases the Performance Bond that was required by this section, a Maintenance/Damage Bond shall be submitted to the City meeting the following requirements:

a. Shall run to the City;

b. Be in a form acceptable to the City guaranteeing against any defects resulting from faulty materials, faulty workmanship or faulty design AND guaranteeing the repair of subsequent damage done to any improvements and installations (i.e. streets, curbs and gutter, storm sewer, water, sewer, etc) provided in the development and accepted by the City;

c. Be for the time period required herein;

d. Be in an amount that is no less that 25% of the amount of the original Performance Bond for completion of the streets, curbs and gutters and storm sewer (although Maintenance/Damage Bond may be used for repairs to utilities as well);

e. Be with surety satisfactory to the City of Jasper.

f. During the first year that a performance bond is in place, if a request is made to release said bond, upon approval, the subsequent and related maintenance/damage bond shall remain in place for a period of two (2) years. However, at the end of the two-year period for the above-referenced maintenance/damage bond, if the subdivision has not yet achieved 80% completion, measured by number of lots on which the primary structure is complete, then the maintenance/damage bond shall be extended for an additional one-year period.

g. After the first year that a performance bond is in place, if a request is made to release said bond, upon approval, the subsequent and related maintenance/damage bond shall remain in place for a period of one (1) year. However, at the end of the one-year period for the above-referenced maintenance/damage bond, if the subdivision has not yet achieved 80% completion, measured by number of lots on which the primary structure is complete, then the maintenance/damage bond may be extended for an additional one-year period, at the discretion of the City of Jasper.

7. Phases. The Commission may permit the development of a subdivision to take place in phases. In reviewing a request for phased development, the Commission shall consider the factors listed in this section.

a. Design Standards. The relationship of the number and configuration of the lots in each phase shall conform to the design standards of this Chapter and the City of Jasper Design Standards and Specifications Manual.

b. Improvements. The improvements in each phase shall be adequate to serve the lots to be developed in that phase.

c. Non-Completion of Subdivision. The Commission shall attempt to ensure that each phase of the subdivision will conform to the intent and purposes of this Ordinance in the event that some phases are not completed.

8. Recording. After the Commission has granted final approval of the plat for record, the officers shall affix their signatures to the original tracing and the subdivider shall record the plat with the Dubois County Recorder within sixty (60) days. If not recorded within the specified time, the approval shall be null and void. The subdivider shall pay the recording fee, and file with the Commission three (3) prints of the approved Final Plat, including restrictive covenants, as recorded. Until such prints have been filed, no improvement location permit, or other such permits, shall be issued for any lot shown upon said plat.

9.6 CONSERVATION SUBDIVISIONS

PURPOSE. This Conservation Subdivision subsection is intended to encourage environmentally sound planning to protect open space and natural resources, and create attractive living environments, and through creative placement of dwelling units, discourage consumption of scenic, forested, agricultural, and recreational land for development, thus maintaining the rural character of the extra-territorial planning jurisdiction and advancing the goals stated in the Comprehensive Plan.

E. OBJECTIVES

1. To maintain rural character, preserving farmland, forests, and rural views.
2. To preserve those areas of the site with the highest value for conservation purposes.
3. To locate buildings and structures on those portions of the site that is the most appropriate for development considering both the development suitability of the site and its conservation value.
4. To preserve identified historic, known archeological and identified cultural features located on the site.
5. To create contiguous network of open spaces or “greenways” by linking the common open spaces within the subdivision and to open space on adjoining lands wherever possible.
6. To reduce the impacts on water resources by minimizing land disturbance and the creation of impervious surfaces and runoff.
7. To reduce the amount of roads, sidewalks, and storm water management structures that must be built and maintained.
8. To minimize the impact of residential development on the neighboring properties and the natural environment.

C. AUTHORITY AND APPLICABILITY. This conservation subdivision option shall be used for single-family detached subdivisions of five (5) or more lots in the Agriculture General (A1) and Rural Residential (RR) districts.

D. CONSERVATION SUBDIVISION STANDARDS. A conservation subdivision shall comply with the standards for Major Subdivisions as specified in Section 9.5 above, in addition to the following standards:

1. Location. Conservation subdivisions shall be limited to the Agriculture General (A1) and Rural Residential (RR) districts.
2. Minimum Project Size. Conservations subdivisions shall be at least ten (10) acres in area.

3. Required Conservation Area. In no instance shall the conservation area occupy less than 50 percent of the gross acreage of the conservation subdivision site.

4. Dimensional Requirements. Lots within a conservation subdivision are not required to meet the minimum dimensional requirements for the zoning district where located, but the conservation subdivision, as a whole, shall comply with the requirements in this section.

5. Setbacks. Lots in a conservation subdivision shall not be subject to minimum yard setback standards, except as required from streets, wetlands/surface waters, or other protected natural areas.

6. Maximum Lot Coverage. Conservation subdivisions shall ensure that development on a lot does not exceed a maximum lot coverage of sixty (60) percent.

E. DELINEATION OF CONSERVATION AREAS AND DEVELOPMENT AREAS. The conservation area and development area on the conservation and development areas map shall comply with the following standards:

1. Primary Conservation Areas.

   a. Features to be Preserved. The following features shall be located and delineated on the conservation and development areas map, and shall be preserved in the following priority order as primary conservation areas:

      1) Wetlands and wetland buffers;

      2) Watershed areas;

      3) Rivers and streams;

      4) Riparian buffers;

      5) Habitat utilized by endangered or threatened species; and

      6) Steep slopes (slopes greater than twenty-five (25) percent).

   b. Amount to be Preserved. All areas occupied by features comprising a primary conservation area shall be set aside and reserved for conservation purposes in accordance with the following standards:

      1) Primary Conservation Area is Less than Minimum Required. In cases where the geographic area occupied by all features comprising the primary conservation area is less than the minimum required conservation area, then all lands comprising the primary conservation area shall be set aside.

      2) Primary Conservation Area Exceeds the Minimum Required.

         i. In the event the geographic area of all features identified and prioritized as the primary conservation area results in a primary conservation area exceeding the conservation area requirement (for example, conservation of the first type of prioritized features constitute forty-seven (47) percent of a site, and the next prioritized feature consists of five percent and the minimum required conservation area is fifty (50) percent of the site area, the applicant may identify which portions of the features exceeding the fifty (50) percent conservation area requirement will be designated for conversion to development area). To the maximum extent practicable, priority for retention shall be given to the highest quality portion of the features to be conserved.

         ii. Development on lands made available for conversion to development area shall be in accordance with the standards in this Ordinance.

c. Allowable Uses. Uses located within a primary conservation area shall be limited to:

1) Unpaved pedestrian trails, walkways, and boardwalks;

2) Above ground and below ground public utilities and associated easements, provided no feasible alternative exists;

3) Street or driveway crossings, provided such crossings do not violate this Ordinance, or other State or Federal laws; and

4) Stormwater management systems, where no practicable alternative exists.

2. Secondary Conservation Areas.

a. Features to be Preserved. In addition to primary conservation areas, the conservation and development areas map shall also identify secondary conservation areas, which shall be preserved in the following priority order:

1) Historic, archaeological, and cultural resources;

2) Prime agricultural lands, including existing pastures (whether in use or otherwise);

3) Existing and mature woodland forests, natural fields, and meadows (especially those greater than five acres);

4) Scenic corridors and views; and

5) Areas that could serve to extend existing greenways, trails, parks, or recreation areas.

b. Amount to be Preserved. All areas occupied by features comprising a secondary conservation area shall be set aside and reserved as a part of the conservation area in accordance with the following standards:

1) Primary Conservation Area Occupies More than that Required. In the event that the geographic area set aside as the primary conservation area is more of the required conservation area, no additional lands occupied by secondary conservation features shall be required to be included in the conservation area.

2) Primary Conservation Area Occupies Less than that Required. In the event the geographic area set aside as the primary conservation area is less than the required conservation area, then lands containing secondary conservation features shall also be set aside as part of the conservation area in priority order.

c. Allowable Uses. Uses located within a secondary conservation area shall be limited to:

1) All uses allowed in a primary conservation area;

2) Uses allowed in the Crop Production subsection of the Agricultural Use classification;

3) Individual or community water supply and septic systems;

4) Stormwater management systems;

5) Required drainage or other utility easements;

6) Mitigation of development activities, including restoration of disturbed or degraded areas to enhance habitat and scenic value.

3. Ownership.
    a. Landowner or Association. A conservation area shall be owned jointly or in common by the owners of the development or through a recognized homeowners or property owners association, which shall be established in accordance with Section 9.17 Common Area Maintenance or Homeowners Association.
    b. Nonprofit Organization. The landowners may decide to convey a conservation area to a nonprofit organization such as a land trust or land conservancy for management and maintenance if the City is provided adequate assurance the area will be properly managed and maintained.
    c. Dedicated to City or Other Public Agency. In some cases, certain lands designated as conservation areas, such as greenways, may be dedicated to the City, a nonprofit organization, or other public agency during the development review process, at the landowner's discretion. If offered by the landowner, the Council shall determine whether that land is appropriate for dedication to the City or other public agency.
4. Development Areas. After identifying the primary and secondary conservation areas, the development area shall be identified. It is the area within which development may occur, and shall include the area within the site where:
    a. Any clearing or grading activities will take place;
    b. Ingress and egress will be located;
    c. Individual or community wells and septic systems may be located (if not located within the secondary conservation area);
    d. Streets, utilities, and other similar structures will be located; and
    e. All allowable uses may be located.

9.7 EXEMPTIONS AND WAIVERS

A. EXEMPTIONS FROM SUBDIVISION REQUIREMENTS. The applicant shall cause to have recorded all exempt subdivisions in the Dubois County Recorder's Office. Proof of recordation shall be submitted to the Commission.

1. Corrections. Change(s) to lot lines to correct errors in an existing legal description. No additional building sites shall be created.
2. Utility Easement. Transfer of land to a utility for an easement.
3. Right-of-Way. Right-of-way acquisition for a federal, state or local government project that results in a division of land.

B. WAIVERS.

1. Authority. The standards fixed in this Chapter may be waived at the discretion of the Commission (or Plat Committee acting on behalf of the Commission); however, to be approved, a plat must still meet all applicable standards prescribed in the other chapters of this Ordinance (other than standards modified by variance granted by the JBZA).
2. Waiver Application. Any request for waiver(s) from the standards of this Chapter and the City of Jasper Design Standard and Specification Manual, shall be

submitted in writing as part of the application for approval of a subdivision. Such request shall make specific reference to the section of this Chapter from which such waiver is requested. The application shall also state the reasons for the request and shall include written findings of fact explaining why the request meets the required criteria listed in the Commission's Rules and Procedures. The Commission shall act only on standards that are specifically listed in the application.

3. Waiver Action. The Commission may only grant waivers during a public hearing. In approving or denying a waiver request, the Commission shall make specific findings on each of the criteria in this section. If the Commission approves a waiver request, it may impose such conditions or written commitments as the Commission deems necessary and proper to carry out the intent and purposes of this Ordinance. The JBZA does not have the authority to hear or grant requests for waivers from the standards fixed in this Chapter.

C. FAMILY FARM RESIDENCE EXCEPTION

1. In the case of a farm where the owner wishes to convey a parcel of land, either with or without consideration, to a member or members of his family for the purpose of locating a residence to be occupied by the family member, said owner may be authorized by the Commission to convey said parcel as an exception from this ordinance.
    a. Any exception thus authorized is required to be entered in writing in the minutes of the Commission and the reasoning on which the exception was authorized shall be set forth.
2. The exception shall be authorized in accordance with the following provisions:
    a. For the purpose of this Section, a farm shall be defined as an area containing forty (40) acres or more, used for agricultural purposes (as defined) by the resident owner or tenant, and producing an annual income.
    b. No more than two parcels shall be conveyed as exceptions from any one farm.
    c. The new parcel shall be subject to all requirements of this Ordinance and other local ordinances now or hereafter adopted.
    d. The parcel shall be subject to the sewer provisions of this ordinance.
    e. For the purpose of this Section, a member of the family shall be defined only as mother, father, son, or daughter, .
    f. The original occupant of the residence to be located shall be the family member to whom the parcel was conveyed.
    g. In a case where the new parcel is located other than on an existing public right-of-way, access to the parcel shall be provided by a private way. This private access shall not be considered by the Dubois County Commissioners for a public thoroughfare until such time that the access shall be improved in accordance with the applicable County's improvement requirements for a county road.

9.8 STREET STANDARDS

A. STREETS. Streets must be designed with regard to topography, soil characteristics, natural features, function, clarity of movement, and economy of street length. The layout of new streets shall be designed in relation to existing streets. Where deemed appropriate by the Commission, access to existing streets shall be provided. The Commission may require the subdivision to have more than one point of ingress and egress. The arrangement and character of all streets shall conform to the Comprehensive Plan Thoroughfare Plan Mp.

1. Right-of-way. The owners of property to be subdivided on existing streets shall dedicate any additional right-of-way necessary to comply with the minimum standards of the Thoroughfare Plan. Where topography, design features, or other conditions necessitate additional right-of-way or easements to permit construction of a street to the established standards for such street, the Commission may require dedication of such right-of-way or establishment of such easements.
2. Extension of Streets. Where the Commission deems appropriate, streets shall be extended to the subdivision boundary line to provide for existing and future traffic circulation.
3. Dead-End Streets. Permanent dead-end streets shall not be permitted. Temporary dead-end streets shall be permitted only as part of a continuing street plan and if more than one lot long, must be provided with temporary turnarounds meeting the specifications in City of Jasper Design Standards and Specifications Manual.
4. Street Signs. The subdivider shall provide, at their expense, standard or decorative city street signs and posts as required by the Jasper Street Department for all streets within the subdivision, including, but not limited to, street markers, stop signs, and speed limit signs. Said signs shall be High Intensity grade and in compliance with the specifications in the Manual on Uniform Traffic Control Devices.
5. Alleys. Alleys may be permitted in subdivisions if the Commission finds that alleys are the best means of serving the subdivision. Such alleys shall have a minimum right-of-way width of twenty (20) feet and a minimum pavement width of sixteen (16) feet.
6. Cul-de-sacs. All cul-de-sacs shall terminate in a circular right-of-way with a minimum diameter as set forth in the City of Jasper Design Standards and Specifications Manual
    a. Length. Cul-de-sacs shall not exceed 600 feet in length. The length of a cul-de-sac street shall be measured from the center of the two intersecting streets to the center of the terminal radius of the cul-de-sac. The length of the cul-de-sac shall include any connecting street that does not have multiple points of access.
7. Traffic Calming. All new developments may include traffic calming measures in the design of the street system. The traffic calming measures shall be based on standard engineering practice and the guidelines in City of Jasper Design Standards and Specifications Manual. The traffic calming measures shall be shown on the Conceptual Plan and Plat.
8. Geometric Standards. The minimum geometric standards shall be:
    a. The pavement cross slope shall be 1/4 inch per foot (2%).

b. The shoulder cross slope shall be between 1/2 inch per foot (4%) and one inch per foot (8%).

c. The minimum grade shall be one-half (0.5)%.

d. For arterial and collector streets, at least two (2) feet of shoulders shall be paved.

e. The right-of-way shall be adequate for construction and maintenance of pavement, shoulders, and ditches. The Commission may require such additional right-of-way as it deems necessary for these purposes, or may reduce the required right-of-way widths if the applicant provides justification deemed adequate by the Commission.

Table 9.1: Road Standards

		Lane Width	Center Turn Lane Width	Median Divider Maximum Width	Curb&Gutter (each side)	Shoulder (each side)	Bicycle Lane*** (each side)	Tree Lawn** Minimum Width (each side)	Minimum Sidewalk	Minimum Multi-use path width ****
Rural Road	60′	12′-0″	None	None	None	2′-0″	5′-0″	5′-0″ (swale)		10′-0″
Local Street*	60′	12′-0″	None	None	2′-0″	None	5′-0″	5′-0″	5′-0″	8′-0″
Minor Collector	70′	12′-0″	13′-0″	None	2′-0″	None	5′-0″	5′-0″	5′-0″	8′-0″
Major Collector	80′	12′-0″	16′-0″	None	2′-0″	None	5′-0″	5′-0″	5′-0″	8′-0″
Secondary Arterial	100′	12′-0″	None	16′-0″	2′-0″	None	5′-0″	10′-0″	5′-0″	8′-0″
Principal Arterial	120′	12′-0″	None	16′-0″	2′-0″	None	5′-0″	10′-0″	5′-0″	8′-0″

* Allows the flexibility for the city accommodate on-street parking on one side at appropriate locations/conditions. Includes cul-de-sac.
** Tree Lawn includes unpaved area for landscaping, swale, utilities, and trees
*** Potential Bicycle Lane locations determined by Multi-use Trails Map. Bicycle lanes can be created by a road diet or reducing the width of travel and turn lanes as stated in this table.
**** Multi-use trails are not required in addition to sidewalks. Multi-use trails can replace sidewalks as deemed appropriate by the city.
See Subsection 9.8 (A)(5) for alley standards.

f. The pavement widths shown on Table 9-1: Road Standards indicate a typical cross-section based on road classification. There shall be no permanent dead-end streets, but the Commission may approve a "T" or "L" shaped space in place of the turn-around on a cul-de-sac.

g. The minimum outside radius and approach radius of the pavement of a cul-de-sac shall be fifty (50) feet. Cul-de-sac streets shall not exceed 600 feet in length. In all other respects, cul-de-sac streets shall meet all standards for subdivision streets.

h. The minimum outside radius of a temporary turnaround shall be fifty (50) feet. Any such turnaround shown on the construction plans shall be installed in conformance with the standards set forth in this Ordinance and the City of Jasper Design Standards and Specifications Manual.

9. Intersection Design Standards.

a. Proposed streets shall intersect one another as nearly at right angles as topography and other limiting factors of good design permit, but at not less than seventy (70) degrees for a local road or eighty (80) degrees for arterials or collectors.

b. At street and alley intersections, property line corners shall be rounded by an arc, the minimum radius of which shall be thirty (30) and ten (10) feet

respectively. In business districts, a chord may be substituted for such arc.

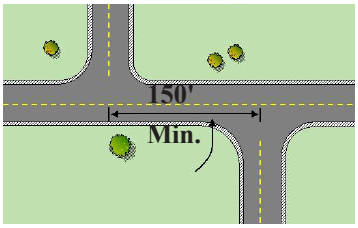
c. Street curb intersections shall be rounded by radii of at least thirty (30) feet.

d. The above minimum radii shall be increased when the smallest angle of intersection is less than ninety (90) degrees.

e. Intersections of more than two (2) streets at one point shall be avoided.

f. Street intersections with centerline offsets of less than one hundred fifty (150) feet shall not be permitted.

g. Maximum distance between intersections shall be 1000 feet.



Centerline offset

10. Vertical Alignment. All changes of grade shall be connected by vertical curves of a minimum length equivalent to thirty-five (35) times the algebraic difference in the rate of grade, expressed in feet per hundred, for arterial streets, fifty-five (55) times the algebraic difference for collector streets, and thirty-five (35) times the algebraic difference for local and other minor streets. The minimum length of the vertical curve shall be one hundred twenty (120) feet for arterial, one hundred twenty (120) feet for collectors and ninety (90) feet for local or minor streets.

11. Street Grades, Curves and Sight Distances.

a. The minimum vertical grade for all streets shall not be less than one-half (0.5)%.

b. The maximum vertical grade for arterial streets shall not exceed 7.5%, for collector streets shall not exceed 10%, and for other local access streets shall not exceed 12%; provided, however that within the first ten (10) feet off the outer edge of the pavement of a street or railway intersection, pavement will be designed on a two percent (2%) downward grade corrected by a twenty (20) foot vertical curve to a maximum grade.

c. Clear visibility, measuring along the centerline of the street on a plane of four (4) feet above street grade, shall be in compliance with recommendations as set forth in the last version of the AASHTO's Policy on Geometric Design of Highways and Streets.

d. The maximum length cul-de-sac street shall be six hundred (600) feet measured along the centerline from the intersection at origin to the center of circle. Each cul-de-sac shall have a terminus of nearly circular shape with minimum right-of-way radius of fifty five (55) feet, unless the Commission approved an equally safe and convenient form of space instead of the required turning circle.

e. To insure adequate sight distances, when the street centerline deflects more than ten (10) degrees, connections shall be made by horizontal curves. The minimum centerline radius shall be one hundred fifty (150) feet for local access streets, three hundred (300) feet for collector streets, and five hundred (500) feet for arterial streets.

f. A tangent of at least one hundred (100) feet shall be introduced on collector streets, and a tangent of at least five hundred (500) feet shall be introduced on Arterial Streets.

12. Half Streets. Dedication of new half-streets shall not be permitted. Where a dedicated or platted half- street is adjacent to a tract being subdivided, the other half of said half-street shall be platted and constructed.

13. State Highways. If any subdivision or any lot therein abuts a state highway, evidence of compliance with all applicable regulations of the Indiana Department of Transportation shall be required.

14. Improvements. When subdividing property that involves the construction of new streets, the subdivider shall be required to install all improvements specified by the Commission in accordance with this section. When a subdivider owns and proposes to subdivide property on only one side of an existing street, the subdivider shall be required to install improvements specified by the Commission in accordance with this Ordinance for a minimum of one-half of the road and right-of-way width. The Commission may require such additional improvements as it deems necessary to make such existing street suitable for the safe movement of traffic to be generated by the proposed subdivision.

15. Topography and Arrangement.

    a. Topography. Streets shall be related appropriately to the natural topography. Where appropriate to the topography, streets shall be arranged so as to provide building sites that are at or above the grades of the streets to the maximum practical extent. Grades of streets shall conform as closely as possible to the original topography.

    b. Thoroughfare System. All streets shall be properly integrated with the existing and proposed system of thoroughfares.

    c. Arterial and Collector Streets. All arterial and collector streets shall be properly related to special traffic generators such as industries, business districts, schools, churches, and shopping centers; to population densities, and to the pattern of existing and proposed land uses.

    d. Local and Subdivision Streets. Local and subdivision streets shall be laid out to conform as nearly as possible to the topography, to discourage use by through traffic and to permit efficient drainage and utility systems.

    e. Continuation of Street. Proposed collector streets shall, where the Commission deems appropriate, be extended to the boundary lines of the tract to be subdivided.

15. Bicycle Lanes.

    a. All street designs shall consider any applicable bike lane requirements. Where bike lanes are required they shall be designed consistent with AASHTO standards and the requirements of the City Engineer.

9.9 CURB AND GUTTER

A. CURB REQUIREMENTS. Poured concrete curbs and gutters shall be provided on all streets designed in an urban cross-section. Street side swales may be used in more rural road cross-sections and in approved Conservation Subdivision development.

B. CURB LOCATIONS. Where curbs are required, they shall be installed on each side of the street surface and are to be considered as part of the street.

C. CURB DESIGN. The curb and gutter shall be as shown in the City of Jasper Design Standards and Specifications Manual, and shall be constructed according to the following specifications:

1. The base for the curb and gutter shall be well-compacted on the existing base or grade.

2. Gutter Grade Requirements: The minimum grade of any street gutter shall not be less than one-half percent (0.5)%.
3. Additional inlets shall be required when encroachment of storm water into the street will disrupt traffic under the ten (10)-year storm design. Inlet grates should be depressed slightly below the plane of the gutter to improve removal of runoff water. Inlet grates shall be heavy-duty type and appropriate for bicycle traffic.

9.10 PEDESTRIAN NETWORK STANDARDS

A. SIDEWALKS REQUIRED.

1. Sidewalks shall be required on both sides of the streets if adjacent to or between other subdivisions which have been provided with sidewalks to match existing systems and encourage connectivity.
2. Sidewalks shall be required on each side of the street when the subdivision has a density of three or more lots per acre to promote walkability and wellness and provide access to schools, parks and commercial sites. Sidewalks shall not be required in the Rural Residential (RR), Low Density Residential (R1) districts, and Industrial districts.

B. CONSTRUCTION. Sidewalks shall be constructed of Portland cement in accordance with "Standard Specifications" of the Indiana Department of Transportation, latest edition or the City of Jasper Design Standards and Specifications Manual, based upon the jurisdiction of the right-of-way. Sidewalks shall be at least six (6) inches thick at drives and at least five (5) inches thick at all other locations.

C. SIDEWALK WIDTH. Sidewalks shall be a minimum of five (5) feet wide.

D CURB RAMPS. Curb ramps for handicapped accessibility shall be provided at all intersections with streets, alleys and drives. Overhead obstructions shall be cleared to a height of at least fourteen (14) feet. Curb ramps shall comply with INDOT Standard Details or the City of Jasper Design Standards and Specifications Manual, based upon the jurisdiction of the right-of-way.

E. PEDESTRIAN / MULTI-USE PATHS. Pedestrian multi-use paths, when provided, shall be a minimum of eight feet in width in order to accommodate a service vehicle. These off-street paths typically are concrete or asphalt and shall be constructed in accordance with the specifications in the City of Jasper Design Standards and Specifications Manual.

F. SAFETY DEVICES. When sidewalks or pathways cross major street intersections within or adjacent to the subdivision, necessary safety devices such as painted crosswalks, signs, or other traffic control devices shall be installed at the subdivider's expense.

G. EASEMENTS. If not located within the public right-of-way, easements of appropriate width shall be secured.

9.11 TRAFFIC CALMING STANDARDS

A. TRAFFIC CALMING. The following traffic calming measures are encouraged in the layout and design of a subdivision:

1. Appropriate street layout

2. Roundabouts/Circles
3. Curb extensions
4. Medians
5. The primary means of traffic calming shall be by appropriate street layout. The City Engineer shall consider the use of traffic calming measures other than street layout on a case-by-case basis. The use of these methods is not intended to replace appropriate street layout. These measures should be used to enhance the safety of the traveling public and pedestrians.

B. STREET LAYOUT.

1. Collector Street. A collector street network should be incorporated into all subdivision designs to provide inter-connectivity between subdivisions and to provide access to adjacent major roadways and the local street network.
2. Local Street. Local streets shall not connect directly to arterials and the traffic volumes should not exceed 500 vehicles per day. Uncontrolled lengths for local streets means stop condition to stop condition (the use of all way stop conditions will not be allowed. Stop sign locations shall be per the Manual of Uniform Traffic Control Devices).

C. TRAFFIC CALMING DEVICES.

1. Traffic Circles/Roundabouts. The use of traffic circles/roundabouts should be limited to collector/collector intersections and may with approval of the City Engineer be used at local/collector intersections under special circumstances. The use of circles at ultra-high pedestrian volume intersections such as school sites should be avoided. Traffic circles and roundabouts shall be designed to accommodate emergency and delivery vehicles. Where circles are placed at an intersection with a local street any residential lots shall be large enough so that the driveway may be located outside of the active area of the circle.
2. Narrowed Road Sections. The use of narrowed road sections can have multiple benefits in subdivision design. Narrowed road sections can help reduce speeds, decrease pedestrian crossing distances and increase the area behind walk that can be landscaped thereby enhancing the development. Narrowed road sections should not be used where on street parking will be needed for parks, schools, homes, or open space. The typical location that a narrowed road section will be used is collector streets where residential lots are rear loaded or side loaded on the street. The use of narrowed road sections should be discussed with the City Engineer prior to implementation.
    a. During the design of narrowed road sections special consideration should be given at intersections to assure adequate turning radiuses for larger vehicles. The curb return radius should be increased at intersections especially when two roadways with a narrowed section intersect.
3. Medians. The use of medians within subdivisions can help to enhance the visual appeal of the street as well as reduce the crossing time and the conflict issues associated with pedestrian crossings. Where medians are being used at pedestrian crossing locations such as regional trails the use of a raised pedestrian crossing should be incorporated into the design.

4. Other. Traffic calming technology and innovation is an ever-changing industry and the City recognizes that these are not all of the options available to the design engineer. If the developer/design engineer wishes to propose other traffic calming alternatives, the City Engineer will evaluate the possibility for implementation if appropriate for the proposed development.

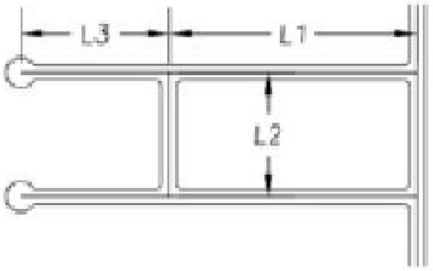
9.12 BLOCK STANDARDS

A. WIDTH. Blocks shall have sufficient width to provide for two tiers of lots of appropriate depths except where an interior street parallels a street of higher classification or a railroad right-of-way. The Commission may also approve a single tier of lots if special land features prevent the use of two tiers of lots. Examples may include but not be limited to common spaces, recreation areas, waterfront lots, or preservation of woodland and wetlands.

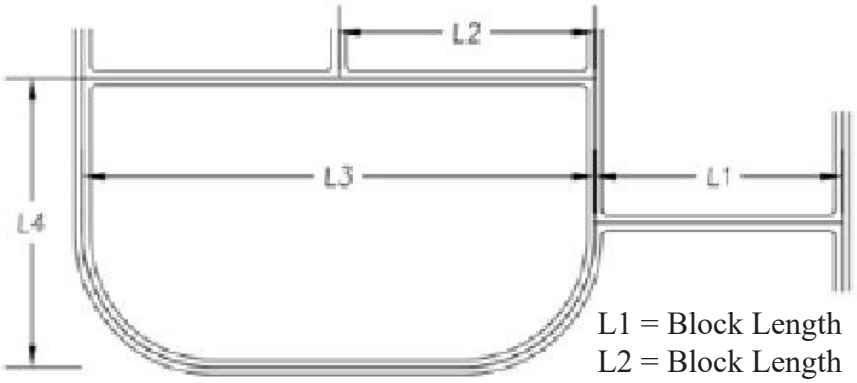
B. ARRANGEMENT. The lengths, widths, and shapes of blocks shall be such as are appropriate for the locality and the type of development permitted. The Commission may approve irregularly shaped blocks if it finds that such a pattern is appropriate to the land to be subdivided and is properly designed.

C. BLOCK LENGTH. Block length shall meet the requirements shown in Figures 9-1 and

FIGURES 9-1 AND 9-2. BLOCK LENGTH

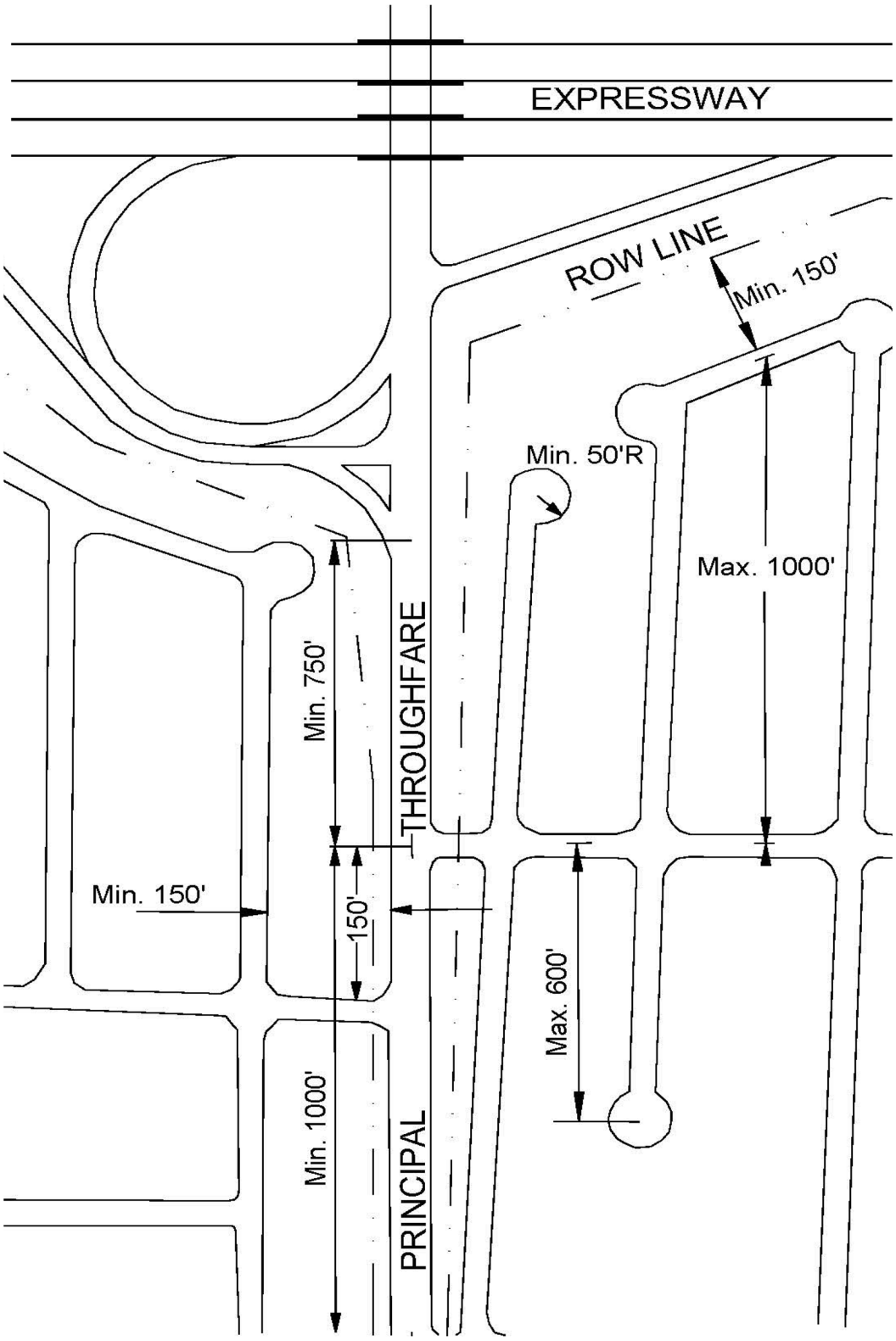


L1 = Block Length
L2 = Block Length
L3 = Cul-de-sac Length



L1 = Block Length
L2 = Block Length
L3 = Block Length
L4 = Block Length

FIGURE 9.3 STREET AND BLOCK LAYOUT STANDARDS



9-2 below. The length shall be measured between intersections of street centerlines and shall not exceed 1,000 feet.

D. CUL-DE-SAC. Where a subdivision layout is unique due to environmental or topographic restrictions and evidence is provided to show that an alternate layout cannot be achieved, a layout incorporating block or cul-de-sac with lengths in excess of those in Figure 9.1 may be approved by the Commission.

9.13 LOT STANDARDS

A. ARRANGEMENT. The lot arrangement shall be such that all lots will have satisfactory building sites, properly related to topography and surrounding land and uses. Each lot shall comply with the minimum requirements of this Ordinance and with all applicable health regulations. Each lot shall be capable of providing safe, usable driveway access.

B. FRONTAGE. Each lot shall have its full frontage on, and with access to, a dedicated street. To the fullest extent practical, residential lots shall front on residential subdivision streets in such a manner as to provide neighborhood cohesiveness. Lots laid out in long lines along arterial, collector, or local streets shall be avoided.

C. LOT SIZE. The minimum lot size shall be as provided in this Ordinance.

D. DEPTH. The depth to width ratio of any single-family residential lot shall not be greater than two (2) to one (1) for any lot smaller than one (1) acre.

E. SIDE LOT LINES. All side lot lines shall be at right angles to street lines and radial to curved street lines, except where the Commission determines that a variation to this rule would provide a better layout.

F. CORNER LOTS. Corner lots shall be sufficiently larger than interior lots to allow maintenance of setback lines on both streets.

G. SHAPE. Lots shall be designed to provide suitable building sites and related yard areas. The Commission may permit irregularly shaped lots where it deems such a pattern to be more appropriate to the site conditions than regular shapes. Financial advantage for the subdivider and/or the ability to create a larger number of lots is not in itself sufficient reason for allowing irregular shapes.

H. ACCESS FROM ARTERIAL STREETS. In general, lots shall not derive direct access from an arterial street. Where driveway access from such street is the only possible access for several adjoining lots, the Commission shall require that a combined marginal access street serve such lots in order to limit the possible traffic hazards from multiple access to such streets. The Commission shall require that driveways be designed and arranged so as to avoid the necessity for vehicles to back into traffic on arterial, collector, or local streets.

1. Residential lots fronting or abutting on arterial streets should have a minimum depth of one hundred fifty (150) feet to permit buildings to be set back greater than minimum distance from such travelways.

I. DRIVEWAY SEPARATION. Driveway locations shall conform to the requirements for

separation as shown in Table 9.2 below.

1. It is the intent of this Ordinance to avoid residential driveways directly onto arterial streets whenever possible. When such driveways are necessary, it is preferable to have a minimum number of access points. Therefore, in some cases, it may be preferable to locate two driveways immediately adjacent, rather than to use the 300 ft. separation.

TABLE 9-2. MINIMUM DISTANCE BETWEEN DRIVES OR TO THE NEAREST INTERSECTION

Street Type	Residential	Commercial/Industrial
Arterial	300 ft	300 ft
Collector	200 ft	200 ft
Local	100 ft	100 ft
Subdivision	One per lot	100 ft

9.14 EASEMENT STANDARDS

A. EASEMENT. Easements shall be provided for utilities, drainage, and access or installation and maintenance of utilities, storm drainage, common areas and any other purpose the Commission deems necessary for the development of land.

1. Utility easements shall be:
   a. enforceable,
   b. binding,
   c. recorded on the secondary plat, and
   d. exclusive of other easements.
2. Adjacent to Right-of-Way. Easements must maintain a minimum width of fifteen (15) feet when located adjacent and parallel to street right of way. When easements are not along streets, a minimum width of twenty (20) feet shall be provided. When located along lot lines the easement may be divided between adjacent lots along the lot line.
3. Whenever practicable, the subdivider shall be encouraged to design for the placement of utility lines underground, following the required standards and specifications established by each utility company. The location of each underground utility system shall be shown by appropriate easement lines on the proposed plat.
4. Drainage Easements.
   a. Easements shall be provided where the Commission deems them necessary to provide proper drainage for the subdivision. Such easements shall be at least twenty (20) feet in width.
   b. Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, adequate areas for storm water or drainage easements shall be allocated for the purpose of widening, deepening, sloping, improving or protecting said watercourses in accordance with the requirements of the City Board of Works and Safety..

c. Regulated Drains. Where a regulated drain traverses a subdivision, the easement for the regulated drain shall be established in accordance with IC 36-9-27.

5. Maintenance Easements. Where the Commission deems appropriate, easements for the maintenance of dams or adjoining property may be required.

9.15 OPEN SPACE STANDARDS/COMMON AREA

A. DEDICATION OR RESERVATION. Where sites for parks, schools, playground or other public uses are located within the subdivision area, the Commission may request their dedication for such purposes, or their reservation for a up to a period of two (2) years following the date of the final approval of the plat.

B. RESIDENTIAL SUBDIVISIONS. Residential subdivisions containing more than fifty (50) lots are strongly encouraged to provide common open space which shall be accessible to all residents in the development by means of walking, hiking, biking or automobile.

1. When provided, the minimum amount of common open space shall be no less than one-half (0.5) acre in area.
2. The common open space shall be maintained by the Homeowner's Association per Section 9.17 Common Area Maintenance or Homeowners Association.

C. MINIMUM STANDARDS. In order to be counted, open space shall meet the following standards:

1. No portion of the open space is less than fifty (50) feet wide;
2. The area designated as open space is contiguous with existing undeveloped, open space on adjacent parcels, whenever possible.

D. NOT INCLUDED. Portions of the parcel that comprise part of an individual house lot, roadway, driveways, access roads, roadway right-of-way, utility easements, or other new or existing rights-of-way, detention basins, and retention ponds not visually and physically accessible to all owners of the common area, shall not count toward the calculation of the designated open space.

E. COMMON USE. The following uses are permitted on up to fifty percent (50)% of the designated open space if allowed by the Commission, unless such uses are specifically prohibited by the zoning district or as a condition of the subdivision approval:

1. Agriculture involving animal husbandry, but not including confined feeding operations;
2. Active outdoor recreation uses;
3. Facilities, including parking, provided that any building shall have a gross floor area of less than two hundred (200) square feet and the total gross floor areas of all such buildings shall be less than 1000 square feet;
4. Indoor community or recreational facilities that primarily serve residents of the subdivision, have a total gross floor area for all such facilities of less than 2,000 square feet, and are compatible with the overall scale and character of the subdivision;
5. Small community storage buildings, and similar buildings and structures that are needed for the operation of the subdivision but not including personal storage buildings or sheds;

6. Support facilities necessary for the subdivision including community wells, community leach fields, storm water management facilities, underground utility lines and related facilities such as sewer pump stations;
7. Individual or group wells and/or underground wastewater disposal systems or parts thereof, provided that this use was approved as part of the subdivision plan and that appropriate legal arrangements are established and approved by the Commission for the maintenance and operation of these facilities.

9.16 UTILITY STANDARDS

A. DESIGN SPECIFICATIONS. All utility systems (water, wastewater, gas, electric, stormwater) shall be designed and constructed to include all required appurtenances and equipment, including, lift stations and shall be constructed so as to comply with the City of Jasper Design Standards and Specification Manual, as amended from time to time, and with the applicable Ten State Standards.

B. SANITARY SEWAGE DISPOSAL.

1. Interpretation. The phrase “the subdivider shall provide” shall be interpreted to mean that the subdivider shall install the facility referred to.
2. Design and Installation. The subdivider shall design and install a complete sanitary sewer system, which shall connect with a sanitary sewer outlet in conformance with the standards of the Jasper Utility Service Board and the Dubois County Board of Health.
    a. A complete sanitary sewer system to convey the sewage to a treatment plant to be provided by the subdivider in accordance with the minimum requirements of the County and State Health Departments. When a sanitary sewer system is installed it shall include all laterals and service sewers to the property line of lots to be served; or
    b. Private sewage disposal system on individual lots consisting of a septic tank and tile absorption field or other approved sewage disposal system, when laid out in accordance with standards of the Dubois County Health Department.
3. Installation Plans. The plans for the installation of a sanitary sewer system shall be provided by the subdivider and approved by the City Engineer. Upon the completion of the sanitary sewer installation, “as-built” drawings in paper (hard copy) and electronic format (if possible), shall be filed with the Jasper Municipal Utilities and Engineering Department.
4. Design Specifications. The system shall be provided with all necessary supplemental equipment or machinery (including, but not limited to, lift stations) and be in such lengths, sizes, dimensions and specifications as be required by the Ten State Standards and the City of Jasper Design Standards and Specifications Manual.
5. General Location. Sewer mains and transmission lines and structures, with the exception of any above ground structures such as lift stations or pumps, shall generally be located underground in the right-of-way provided along public streets. In all instances, the required drawings of these transmission lines shall be shown with the locations of any street trees and all other utilities to be provided. The placement of the sewer mains and laterals, where possible, shall be compatible with the landscape plan.

C. WATER.

1. Interpretation. The phrase “the subdivider shall provide” shall be interpreted to mean that the subdivider shall install the facility referred to.
2. Water Main Supply System. The subdivider shall provide the subdivision with a complete water main supply system, which shall be connected to a municipal or a community water supply approved by the City Engineer, in accordance with the requirements and procedures of the Public Service Commission’s Rule 24, “Extension of Water Mains by Public Utilities”. When such municipal or community water supply is not available because the subdivision is not located within the urban service area, the subdivider shall provide an individual water supply on each lot in the subdivision in accordance with the requirements of the Dubois County Health Department.
3. Layout. The plans for the installation of a water main supply system shall be prepared by the subdivider and approved by the City Engineer or the Jasper Utility Service Board. Upon completion of the water supply installation, the plans for such system as built shall be filed with Jasper Municipal Utilities and Engineering Department.
4. Design Specifications. The water system shall include all necessary supplemental equipment and machinery including, but not limited, to all pipes, fire hydrants, and valves.
5. General Location. Water supply mains shall be located either in the right-of-way adjacent to public streets (opposite any sanitary sewer also included in that right-of-way) or in the front yard of lots in easements immediately adjacent to the rights-of-way. The placement of water utilities should be compatible with, and not preclude the landscape plan requirements, where possible.
6. In this section, the phrase “ the subdivider shall provide” shall be interpreted to mean that the subdivider shall install the facility referred to, or in the case of an individual water supply, that the subdivider shall require, as a condition of the sale of each parcel in the subdivision, that the facilities referred to in these paragraphs shall be installed by the owner of the lots in accordance with these regulations.

D. STORM DRAINAGE.

1. The subdivider shall comply with the standards and regulations in Title 14: Jasper Storm Water Ordinance.
2. The subdivider shall provide a storm water sewer system, of the type approved by the Storm Water Board or Commission, and designed as per the City of Jasper Design Standards and Specifications Manual. When the natural surface drainage is deemed adequate by the Commission and curb and gutter is not installed, easements shall be provided for surface drainage.
3. In this section, the phrase “the subdivision shall provide” shall be interpreted to mean that the subdivider shall install the facility referred to.

9.17 COMMON AREA MAINTENANCE OR HOMEOWNERS ASSOCIATION

A. MAINTENANCE OR HOMEOWNERS ASSOCIATION. In developments which include any of the following: common areas or open space, landscaped entryway which requires regular or annual maintenance, amenities including a clubhouse, pool, playground or retention pond that is accessible to subdivision residents shall be required to establish a maintenance or homeowners association in accordance with the laws of the State of Indiana prior to transferring title to any property within the development.

1. The covenants of the subdivision secondary plat shall include the following language:
    a. Association. Each lot owner in the subdivision or addition, by acceptance of a deed conveying title thereto, whether from the Developer or a subsequent owner of such lot, shall accept such deed subject to the provisions of the bylaws of the (insert the name of the association) Maintenance or Homeowners Association, Inc., and thereby becomes a member of the (insert the name of the association) Maintenance or Homeowners Association, Inc., for the purposes outlined herein. The (insert the name of the association) Maintenance or Homeowners Association, Inc. shall be self-perpetuating and will not be disbanded.
    b. Maintenance. The maintenance or homeowners association shall be professionally managed by a licensed property manager which shall be required by the association bylaws. The laws of the association shall further require that revisions to the bylaws, covenants, and/or the management firms' contract may occur only upon the consent of eighty percent (80%) or more of the lien holders of the property in the subdivision (not the property owners).

9.18 ENTRANCE AND DRIVE STANDARDS

A. INTENT. The purpose of these entrance and drive standards is to provide for a safe and efficient vehicular and pedestrian transportation system by establishing minimum standards for site entrances, driveways, and interior drives. If a lot must have direct access to a collector or arterial street, the access points shall be kept to a minimum.

B. GENERAL ENTRANCE/DRIVE STANDARDS. These standards are applicable to all zoning districts, except as noted below. All driveways and interior drives shall conform to the following design requirements:

1. Entrance Width Maximum. No entrance shall exceed the following pavement widths at the point which they intersect the public right-of-way. The distances for these standards shall be determined by measuring from the outside edges of the curb or pavement (whichever is more) of the entrance or drive at the public right-of-way which it accesses, and shall not include any acceleration or deceleration lanes or turning radii.
    a. Fourteen (14) feet per lane (exclusive of any medians), if from a nonresidential or multifamily residential use onto any type of street.
    b. Twenty-four (24) feet total if from a single-family or two-family use onto any type of street.
    c. Thirty (30) feet for driveways except in the two Industrial zoning districts.
2. Residential Driveway Spacing. Residential driveways along subdivision streets shall be spaced at least ten (10) feet apart. When lots are less than 100 feet apart, one driveway will be permitted on each lot.
3. Permits. Right-of-Way permits shall be obtained for all driveways with direct access to public streets. Where the driveway is necessary to access directly onto a state highway, the permit must be obtained from INDOT.
4. Radius or Flare. All driveway returns should have at least a three (3) foot radius or flare where the edge of the drive meets the curb line of the street.
5. Gradient. All driveways shall provide a gradient to allow for a sidewalk or other pedestrian facility to cross the drive at grades in compliance with ADA. If a drive cannot be made at grade with the adjacent sidewalk, appropriate ADA ramps shall be installed in the sidewalk.

6. Intersection Sight Distance. Driveways shall provide minimum intersection sight distance in accordance with city policy. If areas existing in the subdivision where minimum intersection sight distances are not met, those areas shall be reviewed by the City Engineer.

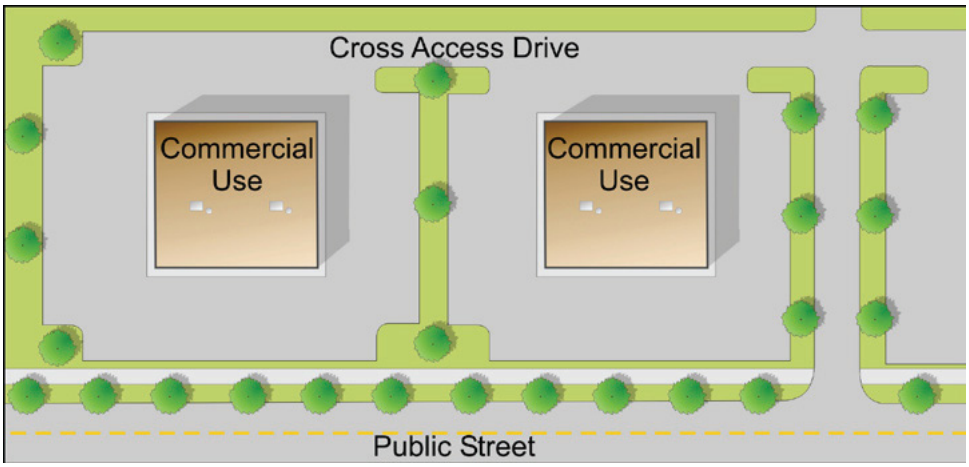
C. SHARED ENTRANCES AND DRIVES. Shared entrances and drives are permitted for all uses in all zoning districts, specifically for any multifamily residential or nonresidential uses accessing a Major Collector or Arterial street.

1. Access Easements. All shared entrances and drives shall be shall be constructed only in appropriate access easements which easements must be recorded before usage commences.
2. Required Documentation. A permanent documentation of any shared entrance and drive agreement must be signed by all involved property owners. The permanent written agreement shall include, but is not limited to the following items: maintenance, snow removal, ownership, and liability. The agreement, which can be amended and assigned shall be reviewed and approved by the Board of Public Works and Safety and duly recorded with the County Recorder. Any changes to the agreements must be accomplished with the consent Administrator. A copy of the agreement shall be retained for the files of the Commission. The agreement shall be recorded prior to the issuance of any permits.
3. Interior Drive Widths. The minimum pavement widths for driveways and interior drives when shared, shall meet the following requirements, exclusive of any parking spaces:
    a. For single and two-family residential uses the minimum driveway width shall be twelve (12) feet.
    b. Multifamily drives shall be a minimum of twenty (20) feet.
    c. Driveways in commercial developments shall be a minimum of twenty (20) feet.
4. Curbs. All entrances and interior drives for property used for purposes other than agriculture, single-family residential, two-family residential, or industrial shall generally be completely curbed. Curbing shall not be required if, in the opinion of the City of Jasper Engineering Department, the drainage system for the property shall be best served if curbs were not present.
5. Commercial Area Internal Linkages. All uses located in a commercial zoning district are encouraged to provide interior drives, when needed, that allow access between existing and proposed commercial uses on adjacent properties. Traffic calming measures may be required at the owner's expense.
    a. Cross-Access Required. The drives must be designed as a single two-way drive or a pair of one-way drives that provide access between the parking lots and interior drives of all adjoining commercial uses.
    b. Separation. Interior drives providing cross-access between adjacent parcels shall be separated from the right-of-way of any such street based on the vehicle stacking requirements of the entrance(s) to the property from the public street.

9.19 RETENTION POND STANDARDS

A. RETENTION STANDARDS. Retention ponds are one instrument to control storm water runoff resulting from the development of property.

FIGURE 9-3 Cross Access Drives



Interior drive with a rear cross-access drive in a commercial subdivision.

1. To the extent possible, all subdivision retention requirements shall be accommodated in the least number of ponds or dry areas. One large pond or area shall be preferred to a series of smaller ponds or areas.
2. All retention areas shall be placed under the responsibility of the lot owners for the subdivision in which they are located, in order to ensure and provide for long term maintenance and functionality.
3. Covenants for the subdivision homeowners or maintenance, shall outline the authority of the city of Jasper to both require and complete necessary maintenance.

9.20 STANDARDS FOR SURVEYS AND PREPARATION OF PLATS

A. SURVEY STANDARDS. All surveys shall be conducted and all plats shall be prepared in accordance with 865 IAC 1-12 as it hereafter may be amended (Rule 12. Land Surveying; Competent Practice).

9.21 STREET CONSTRUCTION

A. STREET IMPROVEMENTS AND CONSTRUCTION. All streets required to be constructed or improved under the terms of this Section shall conform to the standards and specifications contained in the City of Jasper Design Specifications and Standards Manual. The Commission, upon recommendation by the City Engineer, may increase the requirements where existing or anticipated conditions indicate that more than ten (10%) percent of the vehicles to be carried by a street will be trucks, and/or consist of trucks requiring oversize load permits.

9.22 DITCHES

A. STANDARDS. All roadside ditches required to be constructed or improved under the terms of this subsection, shall conform to the standards and specifications contained in the City of Jasper Design Specifications and Standards Manual.

9.23 CULVERTS

A. STANDARDS. All culverts installed within street rights-of-way or under the roadway shall conform to the standards and specifications contained in the City of Jasper Design Specifications and Standards Manual.

9.24 Development Bond Requirements for Protection of Public Infrastructure

A. AUTHORITY. Pursuant to Indiana Code §§ 36-7-4-700 et seq., § 36-7-4-1109, and Section 2.2(A)(5) of this Unified Development Ordinance, the Plan Commission is authorized to impose reasonable conditions on subdivision and development approvals, including the requirement of bonding or other financial assurances for the protection of public improvements and public infrastructure, as a condition of approval of any primary plat, secondary plat, replat, or other qualifying development under this Chapter.

B. QUALIFYING DEVELOPMENTS. A Development Bond Agreement may be required for any development that, in the determination of the City or the Plan Commission, is reasonably anticipated to generate heavy construction traffic or other activity that may cause damage to City streets, rights- of-way, utilities or other public infrastructure. Qualifying Developments expressly include, but are not limited to, the following:

1. Major subdivisions as defined by this Unified Development Ordinance;
2. Commercial and institutional developments;
3. Industrial developments; and
4. Any development involving more than four (4) lots, whether or not a subdivision plat is required.

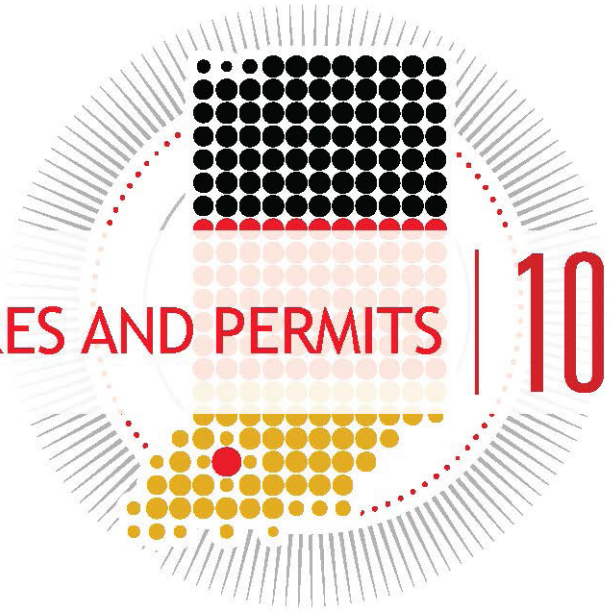
C. APPLICABILITY TO PLAT APPROVAL. In addition to any performance bond, maintenance bond, or other financial guarantee otherwise required under this Chapter, the Plan Commission may require the subdivider or developer to execute a Development Bond Agreement with the City of Jasper and posting of the required financial assurance as a condition of the plat approval and recordation.

D. APPLICABILITY TO IMPROVEMENT LOCATION PERMITS. When a qualifying development does not require subdivision plat approval, execution of a Development Bond Agreement and posting of the required financial assurance may be required as a condition precedent to issuance of an Improvement Location Permit pursuant to Chapter 10 of this Ordinance. No Improvement Location Permit shall be issued for a qualifying development until the Development Bond Agreement has been fully executed and all required financial assurances have been approved by the City.

E. FORM OF AGREEMENT. The Development Bond Agreement shall be in a form approved by the City and shall be substantially consistent with the City's adopted Development Bond Agreement template, as amended from time to time. The Agreement shall be in addition to, and not in lieu of, any subdivision improvement guarantees otherwise required by this Ordinance.

F. ENFORCEMENT. Failure to execute the required Development Bond Agreement or to maintain the required financial assurance shall constitute a violation of this Ordinance and shall be grounds for:

1. Withholding approval or recordation of any plat;
2. Denial, suspension, or revocation of an Improvement Location Permit;
3. Issuance of a stop-work order, or other enforcement action authorized under Chapter 11 of this Ordinance; and
4. Any other enforcement remedy available under this Ordinance or Indiana law.



PROCEDURES AND PERMITS | 10

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10.1 PERMIT AND APPLICATION TYPES

A. APPLICATION REQUIREMENTS. The City of Jasper requires that an application and fee be submitted for the following types of petitions and permits. It should be noted that the following list may not be exhaustive and that applicants should inquire with the Planning Department prior to submitting. The following petitions and permits are explained in full detail within the Application Packets. All applications shall be made on forms provided by the Planning Department.

B. PETITIONS. Applicants should refer to the Application Packet for more information. Petitions are not detailed within this Ordinance. The reviewing and approval bodies are in parentheses.

1. Development Standards Variance (Jasper Board of Zoning Appeals - JBZA)
    a. Description: Specific approval granted by JBZA in the manner prescribed by this Ordinance and IC 36-7-4-918.5, to deviate from the development standards (such as height, bulk, area) that the Ordinance otherwise prescribes for the purpose of assuring that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and district.
2. Special Exception (JBZA)
    a. Description: An approval of a use that is designated by this Ordinance as being permitted in a specific zoning district if it is found to be appropriate and upon application, is specifically authorized by the JBZA, in accordance with IC 46-7-4-918.2.
3. Administrative Appeal (JBZA)
    a. Description: The JBZA may hear an appeal of any decision, interpretation, or determination made by the Administrator charged with the duty of enforcing this Ordinance, an in accordance with IC 46-7-4-918.1.
4. Zoning Map Amendment /Rezoning (Commission) (Council)
    a. Description: A Map Amendment or Rezoning is initiated by the Commission which has the affect of removing real property from one zoning district in accordance with IC 36-7-4-602.
5. Planned Unit Development (subject to regulations included within Chapter 5) (Commission) (Common Council)
    a. Description: A large-scale unified development which meets the requirements of the Ordinance. Generally a planned unit development provides design flexibility (e.g. mixed use) for a parcel or parcels to be developed as a single entity which does not correspond in size of lots, layout, bulk or type of buildings, density, lot coverage, and required open space to the regulations established in any zoning district of this Ordinance.
6. Subdivisions, Primary Plat (Commission) (Council)
    a. Description: The primary plat, pursuant to IC 36-7-4-700 series, is the plat and plans upon which the primary approval of a proposed subdivision is based.
7. Subdivisions, Secondary Plat (Administrator) / (Commission)
    a. Description: The Secondary Plat (Final Detailed Plat), pursuant to IC 36-7-4-700 series, is the plat document of a subdivision which meets all of the requirements of the Ordinance and the City of Jasper prepared in a recordable form.
8. Development Plan Review (Commission)
    a. Description: The review, by the Commission of applications for a site development plan pursuant to requirements for development approval contained within the Ordinance and IC 36-7-4-1400 Series.

See Also:

Section 2.4 JBZA and Section 2.2 Commission

C. PERMITS. Applicants should refer to the Application Packet for more information. Permits are not detailed within this Ordinance.

1. Improvement Location Permit:
   a. Description: A permit allowing a person to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any structure; change the use or occupancy (for a property that has been previously occupied) of a property; or otherwise cause any change to occur that is subject to the requirements of this Ordinance.
2. Sign Permit:
   a. Description: A permit that must be obtained before temporary and permanent signs are erected.

See Also:

For procedures related to select permits at right refer to Sections 10.13, 10.14, 10.15, 10.16 and 10.17.

3. Temporary Use Permit:
   a. Description: A permit that must be obtained before a temporary use can commence.
4. Zoning Compliance Letter:
   a. Description: A determination by the Administrator that a proposed activity would be in compliance with the zoning regulations of this Ordinance and any other applicable ordinance.
5. Grading/Land Disturbance Permit:
   a. Description: A permit that must be obtained before any grading or land disturbance can commence.
6. Fence Permit:
   a. Description: A permit that must be obtained before a fence or wall may be erected.
7. Swimming Pool Permit:
   a. Description: A permit that must be obtained before a swimming pool, hot tub or other similar structure may be installed.
8. Demolition Permit:
   a. Description: A permit that must be obtained before a structure, principal or accessory is removed.

10.2 NOTICE OF PUBLIC HEARING

A. NOTICE REQUIREMENTS. The Administrator, shall require the applicant to prepare and submit a legal notice consistent with the requirements of IC 5-3-1 for publication in the local newspaper, be placed on the newspaper's website, and consistent with the requirements of the American with Disabilities Act. The applicant shall pay for said legal notice. Per IC 5-3-1 legal notice shall appear in the newspaper no less than one time at least 10 days prior to the public hearing, not including the date of the hearing. For all public hearings, the notice shall be provided to the public consistent with the requirements of this Ordinance and the Rules and Procedures of the JBZA and Commission.

10.3 DEVELOPMENT STANDARDS VARIANCE

A. AUTHORITY. In no case shall any variance to the terms of this Ordinance be authorized without the approval of the JBZA. Further, no decisions on previous applications shall serve to set a precedent for any other application before the JBZA.

B. PROCEDURE. The following procedure is detailed fully in the Application Packet available from the Planning Department. This procedure shall apply to Development Standards Variance applications:

1. Application. The application shall submit a variance application, affidavit and consent of property owner (if owner is someone other than the applicant), a copy of the deed for the property involved, a site plan (to scale), statement of intent, the required filing fee, and all other required supporting information detailed withing the application packet. Prior to application, the applicant shall submit an Improvement Location application.
2. Notification. Notification for the scheduled public hearing regarding the variance request shall be completed consistent with Section 10.2 Notice of Public Hearing and the Rules of Procedure of the JBZA.
3. Public Hearing. The JBZA will then, in a public hearing, review the variance application and required supporting information consistent with IC-36-7-4-920 and the Rules of Procedure of the JBZA.
4. Decision Criteria. In taking action on all variance requests, the JBZA shall use the following decision criteria, consistent with the requirements of the Indiana Code (IC-36-7-4-918.5) described fully within the JBZA Rules of Procedure:
    a. General Welfare: The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
    b. Adjacent Property: The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
    c. Practical Difficulty: The strict application of the terms of this Ordinance will result in a practical difficulty in the use of the property. This situation shall not be self-imposed, nor be caused by the property owner (previous or present), or be based on a perceived reduction of, or restriction on, economic gain. The variance shall be the minimum amount necessary.
5. Conditions. The JBZA may impose such reasonable conditions upon its approval as it deems necessary to find that the decision criteria for approval have been met.
6. Commitments. The JBZA may require the owner of the property to make written commitments concerning the use or development of the property as specified under IC 36-7-4-1015 and specified within the JBZA Rules of Procedure.

10.4 USE VARIANCE

A. PROCEDURE. A Use Variance will follow the same procedure as detailed in 10.3, Development Standards Variance.

1. The JBZA may grant a variance from use requirement and limitations of this Ordinance if, after a public hearing, it makes a determination that the following criteria have been met.
2. If the following criteria are met consistent with the requirements of the Indiana Code (IC-36-7-4-918.4) the JBZA may issue a Use Variance:
    a. General Welfare. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
    b. Adjacent Property. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
    c. Peculiarity of Property. The need for the variance arises from some condition peculiar to the Property involved;
    d. Unnecessary Hardship. The strict application of the terms of this Ordinance will constitute an unnecessary hardship as they are applied to the property for which the variance is sought; and
    e. Comprehensive Plan. The granting of the variance does not interfere substantially with the Comprehensive Plan.

10.5 SPECIAL EXCEPTION

A. PROCEDURE. In no case shall special exception uses be authorized without the approval of the JBZA. Further, no decisions on previous applications shall serve to set a precedent for any other application before the JBZA. The following procedure applies to special exception applications:

1. Application. The applicant shall submit a special exception application, affidavit and consent of property owner(s) (if the owner is someone other than the applicant), a copy of the deed for the property involved, the required filing fee, site plan, statement of intent, and required supporting information. All required supporting information is detailed within the application packet.
2. Notification. Notification for the scheduled public hearing regarding the variance request shall be completed consistent with Section 10.2 Notice of Public Hearing and the Rules of Procedure of the JBZA.
3. Public Hearing. The JBZA will then, in a public hearing, review the variance application and required supporting information consistent with IC-36-7-4-920 and the Rules of Procedure of the JBZA.
4. Decision Criteria. In taking action on all special exception requests, the JBZA shall use the following decision criteria:
    a. The special exception can be served with adequate utilities, access roads, drainage, and other necessary facilities.
    b. The special exception shall not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property or persons, and shall comply with the performance standards of Section 7.9.
    c. The special exception shall be sited, oriented, and landscaped to produce harmonious relationship of buildings and grounds to adjacent buildings and property.
    d. The special exception shall produce a total visual impression and environment which is consistent with the environment of the neighborhood.
    e. The special exception shall organize vehicular access and parking to minimize traffic congestion in the neighborhood.
    f. The special extension shall preserve the purpose of this Ordinance.
5. When the JBZA is considering a special exception for a single-family dwelling in the Agricultural District, they shall also consider the following:
    a. The current or potential use of the land.
    b. The limitations or suitability of the soils.
    c. Any possible conflicts with an agricultural operation. The needs for crop land or grazing lands in the area.
    d. The character of the area.
6. Conditions and Termination. The JBZA may impose such reasonable conditions upon its approval as it deems necessary to find that the decision criteria for approval have been met. The JBZA may also terminate a special exception use provided grounds for termination have been met and a public hearing of the JBZA is held and inclusive of a vote to terminate the Special Exception use. Conditions and termination are detailed fully within the Special Exception application and the JBZA Rules of Procedure.
7. Written Commitments. The JBZA may require the owner(s) of the property to make written commitments in recordable form concerning the use or development of the property as specified under IC 36-7-4-1015 and detailed fully within

the Special Exception application and the JBZA Rules of Procedure.

8. Permits. If the JBZA grants a special exception or a variance, it shall direct the applicant to apply for an Improvement Location Permit. If such application complies with all requirements established by the JBZA and this Ordinance, an Improvement Location Permit for the execution of the approved special exception or variance shall be issued.
9. Failure to Obtain an Improvement Location Permit or Complete Construction. A special exception or variance ceases to be authorized and is said to expire if the obtaining of an Improvement Location Permit, or the execution of the approval, has not been completed within three (3) years of the date the special exception or variance is granted. The variance or special exception shall also expire if the approved construction has not been completed and approved by the Administrator as being consistent with all written commitments, conditions, the requirements of this Ordinance, and all applicable permits within two years of the date the approval was granted.
10. Modification of Termination of Commitments. Pursuant to IC 36-7-4-1015(c), the JBZA may adopt a rule providing that the criteria to be considered by the JBZA when an owner applies for the modification or termination of a commitment are the same criteria that applied to the respective variance or special exception when the JBZA originally granted its approval of that variance or special exception.

10.6 ADMINISTRATIVE APPEAL

A. PROCEDURE. The JBZA may grant an appeal of any decision, interpretation, or determination made by the Administrator, other Commission staff members, or any other administrative official or board charged with the duty of enforcing and interpreting this Ordinance. The Administrative Appeal packet is available from the Planning Department.

10.7 ZONING MAP AMENDMENT/REZONING

A. PROCEDURE. The following procedure shall apply to all zoning map amendments (rezoning) applications. The text of this Ordinance and the Official Zoning Map incorporated by reference into this Ordinance may be amended as necessary by the passage of a petition duly adopted by Council in accordance with IC 36-7-4-602 and with the procedures set forth herein. Proposals for zoning map amendments may be initiated by either the Commission, the Council, or through an application signed by property owners of at least 50% of the land involved. The Zoning Map/Amendment packet is available from the Planning Department.

1. Council Initiation: The Commission shall prepare the application for zoning map amendment if either the Commission or Council has initiated the application. The Administrator, shall serve as the representative of the applicant for such proposals.
2. Property Owner Initiation: Any property owners requesting a zoning map amendment shall be the applicants and assume responsibility for preparing application materials.

B. APPLICATION. The applicant shall submit a rezoning application, affidavit and consent of property owner(s) (if the owner is someone other than the applicant), to the Planning Department, with a copy of the deed for the property involved, the required filing fee, and required supporting information.

C. COMMISSION PUBLIC HEARING. The Commission will then, in a public hearing scheduled consistent with the adopted calendar of filing and meeting dates (but no

later than 60 days following the receipt of a complete application per IC 36-7-4-608 and all required materials), review the rezoning application and required supportive information.

D. **COMMITMENTS.** Pursuant to IC 36-7-4-1015(a), as a condition to the adoption of a rezoning proposal, primary approval of a proposed subdivision plat or development plan, or approval of a vacation of all or part of the plat, the Commission may require or allow the owner of a parcel of real property to make a commitment to the Commission concerning the use or development of that parcel. Pursuant to IC 36-7-4-1015(c), the Commission may adopt a rule providing that the criteria to be considered by the Commission when an owner applies for the modification or termination of a commitment are the same criteria that applied to the respective proposal when the Commission originally recommended adoption or granted approval, as the case may be.

E. **POSSIBLE ACTION.** The Commission shall either forward the application to the Council with a favorable recommendation, an unfavorable recommendation, or no recommendation; or continue the request with or without conditions.

F. **CERTIFICATION.** The Commission shall certify its recommendation in writing to the Council within 10 business days of its determination (per IC 36-7-4-608).

G. **COUNCIL ACTION.** The Council will review the rezoning application and the materials forwarded from the Commission. The Council may then take action on the application in accordance with Indiana Code. If the Council fails to act within the 90 days of the ordinances' certification to the Council, the ordinance shall become effective or be defeated with the provisions of IC 36-7-4- 608. The Council may also seek modifications or additions to any written commitments in recordable form as described in this Section and in the application packet.

H. **STANDARDS FOR AMENDMENTS/REZONING.** The Commission and the Council shall pay reasonable regard to, the following pursuant to IC 36-7-4-603.

1. Whether the proposed amendment is consistent with the goals, objectives, and policies of the City of Jasper Comprehensive Plan, as adopted and amended as necessary by the Council.
2. Whether the proposed amendment is compatible with current conditions and the overall character of existing development in the immediate vicinity of the subject property.
3. Whether the proposed amendment is the most desirable use for which the land in the subject property is adapted.
4. Whether the proposed amendment will have an adverse effect on the value of properties throughout the jurisdiction.
5. Whether the proposed amendment reflects responsible standards for development and growth.

10.8 PLANNED UNIT DEVELOPMENT

A. **PROCEDURE.** Reference Chapter 5: Planned Unit Development (PUD) for standards, application information, and required supportive materials.

10.9 SUBDIVISIONS, PRIMARY PLAT

A. **PROCEDURE.** Reference Chapter 9: Subdivisions for standards, application information, and required supportive materials.

10.10 SUBDIVISIONS, SECONDARY PLAT

B. **PROCEDURE.** Reference the Chapter 9: Subdivisions, Secondary Plat (Final Detailed Plat) for standards, application information, and required supportive materials.

10.11 DEVELOPMENT PLAN APPROVAL

A. STAFF REVIEW. To ensure all petitions adhere to this Ordinance and the Indiana State Statute, the Planning Department, acting under the authorization of the Commission is hereby authorized to review and make findings on all development plans, petitions and permits described within this Ordinance. The applicant should include a Development Plan application as described within the Application Packet and supporting required information available from the Planning Department.

B. REQUIRED. Development Plan, or Plot Plan approval is required for all non-single family structures, including commercial, industrial and multi-family and including within overlay districts. The Development Plan or Plot Plan shall be required for new structures, additions, and accessory structures. Prospective applicants should contact the Planning Department to determine if permits is required for all projects. Improvement Location Permits shall not be issued until the conditions and requirements of this ordinance have been met.

C. TECHNICAL ASSISTANCE COMMITTEE (TAC) REVIEW.

1. The applicant shall refer to the application packet to determine the procedures regarding the Technical Assistance Committee.
2. The applicant shall refer to the Schedule of Meeting Dates to determine the filing deadline for any given meeting of the TAC.

D. REJECTION STATEMENT. The Administrator may reject any submittal for the following reasons:

1. Incomplete application;
2. The drawing set or supporting documents not complete nor stapled; or
3. Poor legibility.

E. DEVIATION FROM THE APPROVED DEVELOPMENT PLAN. If the installation of the elements on the development plan materially deviate from the approved development plan (as determined by the Administrator, the site plan shall be resubmitted to the Commission for a new development plan approval in accordance with the procedures and requirements for Development Plan approval.

F. FINANCIAL ASSURANCES. Subject to 36-7-4-709, the City reserves the right to require financial assurances to guarantee construction according to plans of all public improvements proposed in a development plan and for certain private improvements, described within the application packet and supporting required materials. Such assurances of performance shall be in an amount and form as prescribed by the City. Maintenance bonds shall be required for public improvements. Public improvements shall be dedicated within three (3) years of the date of Commission approval unless time extensions are granted by the City. If public improvements are not dedicated within two (2) years, the City may take any action deemed necessary to insure completion to a point of dedication.

G. RECORD DRAWINGS AND CERTIFICATE OF COMPLETION AND COMPLIANCE. The developer or owner shall cause record drawings to be prepared and submitted to the Administrator for all streets, drainage ditches and facilities, utility pipes and structures, and finished grade elevations for the project. Said record drawings shall be filed with the Administrator, prior to the release of any performance assurances. The recorded drawings/plans shall be accompanied by a Certificate of Completion and Compliance properly executed in the form prescribed by the Commission by the licensed engineer, or surveyor preparing the development plan and/or record drawings. Record drawings, including the approved final plat shall be submitted on the forms specified by the Commission.

H. EXPIRATION DEADLINES.

1. Approval of development plans shall expire two years from the date of Commis-

See Also:

Section 9.3 Subdivision Types

sion approval if necessary land improvements have not been completed. The Commission, at its discretion, may grant extensions for a period up to three (3) years.

2. Bonded improvements must be completed within three (3) years of issuance of development plan approval.
3. Request for extension must be submitted in writing to the Administrator stating the justification for the extension.

10.12 IMPROVEMENT LOCATION PERMIT

A. REQUIREMENT. Within the Jurisdiction of the Commission, no structure, improvement, or use of land may be altered, changed, placed, removed, erected, or located on platted or unplatted lands unless the structure, improvement, or use, and its location conform to this ordinance and an Improvement Location Permit for such structure, improvement, or use has been obtained from the Administrator, by the owner of the property or his agent. The Administrator, shall only issue an improvement location permit when the proposed structure, improvement, or use, and its location have met all the applicable requirements of this Ordinance and other relevant city ordinances.

B. STANDARDS. An Improvement Location Permit must be obtained for any addition which 1) expands the roof or footprint of a structure; 2) has a permanent foundation (including structures other than buildings such as towers and antennas), 3) changes the use, and 4) any of the actions listed on the Improvement Location Permit application and required supportive information. A single Improvement Location Permit may be issued for a combination of these actions, if they occur together. The Administrator shall determine if the application requires review by the TAC.

C. EXEMPTIONS. Decks are exempt from the requirements of this section. Other types of improvements not requiring an Improvement Location Permit are described in detail within the Improvement Location Permit application and required supportive information. Any such improvement shall comply with any applicable requirements of this Ordinance and any other adopted standards of the City of Jasper.

D. EXPIRATION OF PERMITS. An Improvement Location Permit shall lapse and become null and void if the work or use authorized by said permit is not commenced within six (6) months of the date that the permit was issued. Unless otherwise permitted by this Ordinance, the permit shall automatically be deemed expired. At the discretion of the Administrator, and with substantial completion within two (2) years, the Administrator, may extend the work completion time.

1. No extension shall be granted unless any appropriate fees, as defined by the adopted fee schedule, are paid to the City and the project continues to be in compliance with all applicable requirements of the City of Jasper.

E. SEWAGE DISPOSAL. An application for an Improvement Location Permit for any use shall not be approved until the applicant submits evidence that it meets the minimum standards for a sewage disposal system as evidenced by a septic permit from the Dubois County Health Department, or written approval to connect from the City of Jasper Municipal Utilities or other public utility entity.

F. CONSTRUCTION ACCORDING TO PERMITS AND PERMIT APPLICATION. Improvement Location Permits issued on the basis of plans and applications only authorize the use, arrangement, and construction set forth in such approved plans and applications. Current approved plans and the permit shall remain on the construction site. Any other use, arrangement, or construction not authorized shall be deemed a violation of this Ordinance and subject to the provisions of Title 17 Flood

District(s) and Flood Damage Prevention.

G. **SPECIAL FLOOD HAZARD AREAS (SFHA).** Applications for Improvement Location Permits in the SFHA shall meet all the specifications set forth in Title 17 Flood District(s) and Flood Damage Prevention.

10.13 SIGN PERMIT

A. **STANDARDS.** Refer to sign regulations contained within the City of Jasper Ordinance 2012-35, S16.035 adopted December 19, 2012 Sign Regulations for more detailed information on standards for permanent and temporary signage. The Sign Permit, and required supportive information may be obtained from the Administrator.

B. **EXEMPTIONS.** No sign shall be constructed, replaced, erected, or modified within the jurisdiction without first obtaining a Sign Permit, except for exempt signage, as listed in the City of Jasper Ordinance 2012-35, S16.035 adopted December 19, 2012.

C. **EFFECT OF SIGN PERMIT ISSUANCE**. A sign permit issued under the provisions of this section shall not be deemed to constitute permission or authorization to maintain an unlawful sign nor shall it be deemed as a defense in an action to remove an unlawful sign.

D. **EXPIRATION.** A sign permit shall become null and void if work has not been started within thirty (30) days of the date the permit is issued or completed within two (2) years of the date the permit is issued. If the sign has not been erected upon expiration of the permit, the holder of a sign permit may apply through the Administrator for a three (3) month extension on the permit within an additional ten (10) working days of the expiration date. A sign permit shall be renewed only once, after which time the permit shall be null and void.

E. **INSPECTION.** The Administrator, shall have the right of entry in order to inspect all signs for compliance with the provisions of the Ordinance.

F. **NOTICE.** When any sign becomes insecure, in danger of falling, or otherwise unsafe, the Administrator shall send written notice to the owner of the sign to remove or repair the sign, in accordance with the City of Jasper Ordinance 2012-35, S16.035 adopted December 19, 2012.

10.14 TEMPORARY USE PERMIT

A. **REQUIREMENTS.** For all permitted temporary uses, an application including Property owner(s) name and address, and a letter from the property owner(s) granting permission to operate the temporary use at the proposed location if the property owner(s) is someone other than the application. The applicant should reference the Temporary Use Application and required supportive information.

B. **EXPIRATION.** A Temporary Use permit shall be granted with an expiration date not to exceed one (1) year to be determined by the Administrator. The Temporary Use Permit may be renewed only once for up to a period of one (1) year, after which time the permit shall be null and void.

C. **COMMITMENTS.** The Administrator may require the owner(s) of the property to make written commitments concerning the use or development of the property as specified under IC 36-7-4-1015. Such commitments shall be recorded in the Dubois County Recorder's Office. A copy of the recorded commitments shall be provided to the Administrator for inclusion in the petition file at the time an application is submitted and prior to the issuance of any Improvement Location Permit. No Improvement Location Permit shall be issued for a permit application which does not comply with the recorded commitments.

10.15 ZONING COMPLIANCE LETTER

A. INTENT. The issuance of a Zoning Compliance Letter (Zoning Letter) establishes that a project or proposal is permitted in the subject zoning district for a specific site.

B. REQUIREMENTS. For all Zoning Letters, an application including property owner(s) name and address, and a site plan of the property, drawn to scale, shall be submitted.

C. COMPLIANCE. A Zoning Letter shall be issued by the Administrator, showing compliance or non-compliance with zoning on the date of issuance. If the applicant does not submit adequate information, the Administrator may decline to issue a Zoning Letter.

D. EXPIRATION. The Zoning Letter is not considered a permit and is not a guarantee that zoning district or standards will remain the same in the future. Likewise, issuance of a Zoning Letter does not guarantee that a permit, including an Improvement Location Permit, may be issued at a future time.

10.16 GRADING/LAND DISTURBANCE PERMIT

A. INTENT. To eliminate any non-allowable discharges to the municipal utility system that may impact water quality, and to ensure compliance with TAC review and Commission approval.

B. REQUIRED. Any development that disturbs more than one-half (1/2) acre of land is required to obtain a Grading/Land Disturbance Permit (inclusive of all subdivisions and development plans after Commission Approval).

C. EXEMPTIONS. No grading/land disturbance permit is required for the following activities:

1. Any emergency activity that is immediately necessary for the protection of life, property or natural resources.
2. Agricultural land management activities (except where the clearing of the land, forest or other agriculture activity results in activities other than further agriculture or forest use).
3. Additions or modifications to existing detached single-family dwellings.
4. Developments that do not disturb more than half (0.5) acre of land use. This exemption may not be applied for contiguous properties that may have been sub-divided and/or are attributed to multiple separate owners. This exemption does not apply to any discharge of sediment or other form of water pollution that may leave a small site.

10.17 DEMOLITION PERMIT

A. REQUIRED. A demolition permit is required for any demolition or partial demolition of any building or structure within the City.

B. APPLICATION. Application for a Demolition Permit shall be made to the Administrator and shall contain information detailed within the Application Packet and required supporting materials available from the Planning Department.

C. APPROVAL. The Demolition Permit approval must come from the Administrator and the Jasper Fire Department. If the property is on septic, the approval of the Dubois County Health Department or Jasper Municipal Utilities is required. If the property is within a county drainage easement, the approval of the Dubois County Surveyor is required.

D. EXPIRATION. The Demolition Permit shall expire if work has not commenced within three (3) years from the date the permit is issued or is suspended for a period of six (6) months.

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11.1 ENFORCEMENT OPTIONS

A. OPTIONS FOR ENFORCEMENT: The Administrator has the following options to enforce or otherwise effect compliance with the provisions of this Ordinance:

1. To issue a citation to a person alleged to have committed a violation of this Ordinance, which citation may be processed through the JOVB, pursuant to IC 33-36 and Section 11.3.
2. To issue a stop work order under Section 11.4.
3. To enter onto property and take action to bring that property into compliance with this Ordinance, pursuant to IC 36-1-6-2 and Section 11.5 or 11.6.
4. To initiate enforcement through an administrative proceeding before the JBZA, pursuant to IC 36-1-6-9 and Section 11.7.
5. To bring a civil action in the Dubois Superior Court, pursuant to IC 34-28-5-1 and Section 11.8.

B. EXERCISE OF OPTIONS: Neither the Administrator's exercise of one or more of the options specified in this Section 11.1, nor the imposition of any penalty for an Ordinance violation, shall be a bar against, or a prerequisite for, taking any other action against an alleged violator of this Ordinance.

C. WARNINGS: Before exercising any of the options listed in this Section 11.1, the Administrator also has the discretion to issue a warning to a person alleged to be committing a violation of this Ordinance, and to give the person a reasonable opportunity of at least ten (10) days but not more than sixty (60) days to cease the alleged violation.

11.2 PENALTY SCHEDULE

A. MAXIMUM PENALTIES: Pursuant to IC 36-1-3-8 and IC 36-7-4-1018, the maximum civil penalty for the first violation of a provision of this Ordinance is a fine of two thousand five hundred dollars ($2,500). The maximum civil penalty for the second or subsequent violation of a provision of this Ordinance (other than a provision that regulates parking) is a fine of seven thousand five hundred dollars ($7,500).

B. PROCESSING THROUGH ORDINANCE VIOLATIONS BUREAU: Pursuant to IC 33-36-3-1(a), the Council hereby designates the following schedule of Ordinance provisions that are subject to the jurisdiction of the JOVB under Chapter 2.02 of the Municipal Code of Jasper. The first and second (or subsequent) admissions of the same code violation within a twelve (12) month period are subject to the fixed civil penalty set forth in Section 2.02.040 of the Municipal Code of Jasper.

Ordinance violation subject to the jurisdiction of the Jasper Ordinance Violations Bureau	Class of first code violation	Class of subsequent code violation
Temporary signage without permit	Class C	Class B
Permanent signage without permit	Class B	Class A
Parking on an unimproved surface	Class D	Class C
Temporary use without permit	Class B	Class A
Illegal nonconforming use	Class A	Class A
Alteration of land without ILP	Class C	Class B
Failure to comply with commitments	Class B	Class A
Occupancy/use without Certificate of Occupancy	Class B	Class A
Failure to comply with Zoning Letter	Class C	Class B
Failure to comply with development standards	Class C	Class B
Any other violation of this Ordinance	Class D	Class C

C. **SUBSEQUENT VIOLATIONS:** The penalties for subsequent code violations apply whenever the responsible party commits an additional violation of the same provision within twelve (12) months of the first violation, regardless of whether the additional violation is on the same property as the first violation. Each day a violation described in this Ordinance continues constitutes a separate violation of this Ordinance.

11.3 CITATIONS FOR ZONING VIOLATIONS

A. **NOTICE TO ALLEGED VIOLATOR:** An enforcement official may issue a notice citation for a violation of this Ordinance. The enforcement official shall advise the alleged violator that the violation may be admitted and, if admitted, is subject to payment of the fixed civil penalty provided for that violation by Section 2.02.040 of the Municipal Code of Jasper and Section 11.2(B) of this Ordinance. A copy of the citation shall be filed with the JOVB no later than the next business day following its issuance. However, a failure to file a copy of the citation does not affect its validity or the alleged violator's option to admit the violation and pay the fixed civil penalty.

B. **FORM OF CITATION:** Citations shall be numbered and contain the following information:

1. The date and time of issuance;
2. The specific Ordinance violation for which the citation is issued;
3. The amount of the civil penalty provided for that violation by Section 2.02.040 of the Municipal Code of Jasper and Section 11.2(B) of this Ordinance;
4. The date and location of the violation;
5. The name and address of the person alleged to have committed the violation, if known or readily obtainable;

6. The signature of the enforcement official issuing the citation, which may be affixed manually or electronically, or the enforcement official's name (and badge number, if any) in computer generated form; and
7. The duty of the alleged violator to appear.

C. SERVICE OF CITATION: A citation shall be served by the enforcement official upon the alleged violator. If the alleged violator is present, the citation shall be delivered personally to the alleged violator. If the alleged violator is not present and the violation involves specific premises, it shall be served on the owner or other person in possession of the premises either in person or by first class mail.

D. DUTY TO APPEAR: Any person upon whom a citation is served shall appear in person or by attorney at the JOVB, or such other place as is approved by the violations clerk, to either admit or deny the alleged violation within ten (10) days of the date of issuance of the citation. For purposes of this Section 11.3, payment of the civil penalty within ten (10) days of the date of issuance of the citation fulfills the duty to appear in person or by attorney and shall be deemed an admission of the violation.

E. PROCEDURE ON ADMISSION OF VIOLATION: If a code violation is admitted to the JOVB, the civil penalty provided for that violation by Section 2.02.040 of the Municipal Code of Jasper and Section 11.2(B) of this Ordinance shall be paid to the City in a manner authorized by the Clerk-Treasurer. Whenever a person assessed a civil penalty fails to mail or deliver payment to the JOVB within ten (10) days after issuance of the citation, the JOVB shall add a late charge in the amount of twenty-five dollars ($25). Late payments shall be accepted by the JOVB only with the consent of the Administrator if the violation has been referred to the Administrator under Subsection (F).

F. PROCEDURE ON DENIAL OF VIOLATION, FAILURE TO APPEAR, OR FAILURE TO PAY: If a person upon whom a citation is served:

1. appears and denies the alleged violation;
2. fails to appear and either admits or denies the alleged violation within ten (10) days of the issuance of the citation; or
3. fails to pay the civil penalty within ten (10) days after admitting the violation;

the JOVB shall report the circumstances to the Administrator for the initiation of appropriate administrative or judicial proceedings against the person.

G. LIMITATIONS: The fixed civil penalties provided for a violation by Section 2.02.040 of the Municipal Code of Jasper and Section 11.2(B) of this Ordinance apply only to violations admitted as provided in this Section 11.3 and shall be considered offers in compromise. If administrative or judicial proceedings are initiated for an alleged violation, the maximum penalty specified for the violation in Section 11.2(A) of this Ordinance shall be applicable to the violation.

11.4 STOP WORK ORDERS

A. OCCURRENCE OF VIOLATION: If the Administrator finds that a violation is occurring or has occurred on a construction site, the Administrator may place a Stop Work Order on any land/property improvement processes.

B. PROCEDURE: Stop Work Orders must be in the form of a written letter that states the nature of the violation and that the work and any other illegal activity must stop immediately until the matter is resolved. If someone other than the property owner occupies the property,

a copy of the Stop Work Order shall be provided to the occupant. This letter shall be posted in a conspicuous place and be delivered or mailed to the property owner.

C. REASONS: Reasons for a Stop-Work Order include, but are not limited to:

1. Not complying with any element of the development standards or any regulation of this Ordinance.
2. Not obtaining an Improvement Location Permit or any other required permit or approval prior to the construction or installation of any improvement for which an approval or permit is required by this Ordinance.
3. Not completing structures or other site improvements consistent with any approved Improvement Location Permit, variance, special exception, development plan, or other approval.
4. Not meeting the commitments imposed upon the approval of a special exception, variance, rezoning, development plan, subdivision plat, or other approval, whether recorded or not.
5. Not meeting the conditions of a PUD Ordinance or other rezoning, or any written commitment imposed upon the approval thereof, whether recorded or not.
6. Illegal use or expansion of use of structures, or structures and land in combination.

D. APPEALS: Any Stop Work Order may be appealed to the JBZA. The Stop-Work Order shall be lifted, and construction activity may resume upon the resolution of the violation(s) to the satisfaction of the Administrator or the JBZA.

11.5 MUNICIPAL ACTION TO ENFORCE COMPLIANCE

A. ENTRY INTO PROPERTY: Pursuant to IC 36-1-6-2(a), if a condition violating a provision of this Ordinance exists on real property, the Administrator may opt to have employees or contractors of the City enter onto that property and take appropriate action to bring the property into compliance with that provision.

B. NOTICE REQUIREMENT: Before the Administrator may take action to bring a property into compliance under this Section 11.5, all persons holding a substantial interest in the property must be given a reasonable opportunity of at least ten (10) days but not more than sixty (60) days to bring the property into compliance. Notice shall be served on all such persons either in person or by first class mail. In addition, continuous enforcement orders (as defined in IC 36-7-9-2) may be enforced, and liens may be assessed, without the need for additional notice.

C. EXPENSES CONSTITUTE A LIEN: Whenever the Administrator takes action to bring compliance under this Section 11.5, the expenses incurred by the City to bring the property into compliance constitute a lien against the property. The lien attaches when notice of the lien is recorded in the office of the Dubois County Recorder. The lien is superior to all other liens except liens for taxes, in an amount that does not exceed:

1. ten thousand dollars ($10,000) for real property that (A) contains one (1) or more occupied or unoccupied single or double family dwellings or the appurtenances or additions to those dwellings, or (B) is unimproved; or
2. twenty thousand dollars ($20,000) for all other real property not described in subdivision (1).

D. **ISSUANCE OF BILL TO OWNER:** Pursuant to IC 36-1-6-2(b), the Administrator may issue a bill to the owner of the real property for all expenses incurred by the City in bringing the property into compliance, including administrative costs and removal costs. Pursuant to IC 36-1-6-2(c), a bill issued under this Section 11.5 is delinquent if the owner of the property fails to pay the bill within thirty (30) days after the date the bill is issued.

E. **COLLECTION OF FEES AND PENALTIES:** Pursuant to IC 36-1-6-2(d), the Administrator may prepare a list of delinquent fees and penalties that are enforceable under this Section 11.5, including:

1. the name or names of the owner or owners of each lot or parcel of real property on which fees or penalties are delinquent;
2. a description of the premises, as shown on the records of the Dubois County Auditor; and
3. the amount of the delinquent fees or penalties.

F. **PREPARATION AND RECORDING OF INSTRUMENT:** The Administrator may then prepare an instrument for each lot or parcel of real property on which fees or penalties are delinquent. The instrument shall be recorded with the Dubois County Recorder, who shall charge a fee for recording the instrument under the fee schedule established in IC 36-7-2-10.

G. **PLACEMENT OF LIEN ON TAX DUPLICATE:** Pursuant to IC 36-1-6-2(f), the amount of a lien shall be placed on the tax duplicate by the Dubois County Auditor. The total amount, including any accrued interest, shall be collected in the same manner as delinquent taxes are collected and shall be disbursed to the general fund of the City.

H. **ENFORCEMENT OF LIEN AGAINST SUBSEQUENT OWNER:** Pursuant to IC 36-1-6-2(g), a fee is not enforceable as a lien against a subsequent owner of property unless the lien for the fee was recorded before conveyance to the subsequent owner. If the property is conveyed before the lien is recorded, the City shall notify the person who owned the property at the time the fee became payable. The notice must inform the person that payment, including penalty fees for delinquencies, is due no later than fifteen (15) days after the date of the notice. If payment is not received within one hundred eighty (180) days after the date of the notice, the amount may be considered a bad debt loss.

I. **RELEASE OF LIEN:** Pursuant to IC 36-1-6-2(h), the City shall release:

1. liens filed with the Dubois County Recorder after the recorded date of conveyance of the property; and
2. delinquent fees incurred by the seller;

upon receipt of a written demand from the purchaser or a representative of the title insurance company or the title insurance company's agent that issued a title insurance policy to the purchaser. The demand must state that the delinquent fees were not incurred by the purchaser as a user, lessee, or previous owner and that the purchaser has not been paid by the seller for the delinquent fees.

J. **REMOVAL OF LIEN FROM TAX DUPLICATE:** Pursuant to IC 36-1-6-2(i), the Dubois County Auditor shall remove the fees, penalties, and service charges that were not recorded before a recorded conveyance to a subsequent owner, upon receipt of a copy of the written demand under Subsection (I).

11.6 CORRECTING IMMEDIATE PUBLIC RISK VIOLATIONS

A. GENERAL REQUIREMENTS: Pursuant to IC 36-1-6-2(a), if a condition violating a provision of this Ordinance presents an immediate risk to public health, safety, or welfare or to property in the Jurisdiction, the Administrator may opt to have employees or contractors of the City enter onto that property and take immediate action to bring the property into compliance with that provision. The Administrator is not required to provide prior notice to the property owner or other person responsible for the violation.

B. IMMEDIATE PUBLIC RISKS: Immediate Public Risk violations shall include but not be limited to:

1. Obstructions. Signs, structures, landscaping, or other materials placed in an easement, sight visibility triangle, or rights-of-way in violation of this Ordinance;
2. Distractions. Any sign, structure, landscaping, or other material located on private property that serves to distract or inhibit operators of motor vehicles on adjacent public ways, pedestrians, or other members of the general public; and
3. Other Threats. Any other immediate threat to public welfare as determined by the Mayor or the JBZA, based upon the advice and recommendation of the Administrator.

C. SEIZURE OF MATERIALS: Any sign, structure, landscaping or other material that constitutes an immediate public risk violation may be seized by the Administrator in a manner that results in the least amount of damage to the material or the property on which it is located under the circumstances.

D. NOTICE OF VIOLATION: The Administrator shall provide notice to the owner of the property, as listed in the records of the Dubois County Auditor, upon which the violation was located, or any discernible appropriate owner of materials placed within a public way in violation of this Ordinance, by placing a notice in a conspicuous place on the property and by mailing a letter to that property owner. All notice letters shall be sent to the property owner via certificate of mailing within twenty-four (24) hours of the seizure. Any notice that is to be posted on the property shall be posted at the time the material is seized. The letter and posted notice shall include the following:

1. A description of the materials seized;
2. A citation of the section(s) of this Ordinance that were violated and the characteristic(s) of the violation that posed an immediate threat to public health, safety, or welfare, or to property in the Jurisdiction;
3. The address and phone number of the Administrator and the name of the person to be contacted by the property owner to discuss the violation and request the return of the seized item(s); and
4. Instructions describing how, where, and when the seized items may be claimed.

E. STORAGE AND RETRIEVAL OF SEIZED MATERIALS: The Administrator shall store any sign, structure, landscape materials or other items seized in a secure location for a period of no less than thirty (30) days from the date notice was mailed to the property owner. The property owner may claim the seized property at any time following its seizure, upon the payment of any civil penalty imposed and the establishment of a Memorandum of Agreement between the property owner and Administrator regarding the future use of the item in a manner consistent with this Ordinance.

F. LIABILITY: Neither the Administrator, the City, nor any other official or entity involved in the seizure shall be liable for any damage to the seized materials or the property from which they were taken.

11.7 ADMINISTRATIVE ENFORCEMENT

A. PROVISIONS THAT RESTRICT OR PROHIBIT ACTIONS HARMFUL TO THE LAND, AIR, OR WATER: Pursuant to IC 36-1-6-9, the Administrator may opt to enforce any provision of this Ordinance that restricts or prohibits actions harmful to the land, air, or water in the Jurisdiction, through an administrative proceeding before the JBZA. The JBZA must find that the violation has been proven by a preponderance of the evidence. Upon finding a violation, the JBZA may assess a civil penalty within the limits set forth in Section 11.2(A).

B. APPEAL TO COURT: Pursuant to IC 36-1-6-9(e), a person who is assessed a civil penalty under this section may appeal the JBZA's order imposing the penalty to the Dubois Circuit or Superior Court. An appeal under this section must be filed not more than sixty (60) days after the date on which the JBZA enters the order.

C. PAYMENT OF CIVIL PENALTY: Unless a person who is assessed a civil penalty under this section files an appeal, the person shall pay the penalty to the City in a manner authorized by the Clerk-Treasurer. Whenever a person liable for a civil penalty under this section fails to deliver payment to the City within seventy-five (75) days after the date on which the administrative body enters the order imposing the penalty, the Clerk-Treasurer shall report the circumstances to the Administrator for the initiation of appropriate judicial proceedings against the person.

D. EFFECT OF ADMINISTRATIVE PROCESS: An Ordinance violation processed under this section does not constitute a judgment for the purposes of IC 33-37. An ordinance violation fee may not be collected from the defendant under IC 33-37-4.

11.8 ENFORCEMENT THROUGH JUDICIAL PROCEEDINGS

A. INITIATION: Pursuant to IC 36-7-4-1014, the Administrator or the JBZA may opt to bring a civil action to enforce a provision of this Ordinance, or any conditions imposed by the Commission or JBZA under the Advisory Planning Law. The action shall be brought in the name of the Administrator or the JBZA as plaintiff. Pursuant to IC 34-28-5-1, the plaintiff need not prove that this Ordinance is valid, unless its validity is controverted by an affidavit. The plaintiff may invoke any legal, equitable, or special remedy in an action brought under this section. Actions shall be filed on the minor offenses and violations docket of the Dubois Superior Court.

B. PROCEDURE IN GENERAL. An action to enforce a provision of this Ordinance must be brought within two (2) years after the alleged violation occurred. Proceedings initiated under this section shall be conducted in accordance with the Indiana Rules of Trial Procedure. The plaintiff must prove the commission of a violation by a preponderance of the evidence. The complaint and summons described in IC 9-30-3-6 (without the provisions relating to the operation of a vehicle) may be used in any Ordinance enforcement case.

C. RIGHT TO TRIAL. A person charged with an Ordinance violation is entitled to a court

trial as provided by law, unless the person waives the right to trial and enters an admission of the violation.

D. JUDGMENT. A judgment may be entered against the defendant upon a finding by the court that the defendant violated this Ordinance. A judgment up to the amount requested in the complaint may be entered for the violation. A defendant against whom a judgment for a violation is entered is liable for costs. Costs are part of the judgment and may not be suspended; however, whenever a judgment is entered against a person for the commission of two (2) or more ordinance violations, the court may waive the person's liability for costs for all but one of the violations, as specified by the court.

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12.1 DEFINITIONS

A

"Abandonment" means the relinquishment of property or a cessation of the use of the property for a continuous period of six (6) months by the Owner with the intention neither of transferring rights to the property to another Owner nor of resuming the use of the property.

"Abandoned Vehicle" means any of the following:

A. A vehicle located on public property illegally.

B. A vehicle left on public property without being moved for twenty-four (24) hours.

C. A vehicle located on public property in such a manner as to constitute a hazard or obstruction to the movement of pedestrian or vehicular traffic on a public right-of-way.

D. A vehicle that has remained on private property without the consent of the Owner or person in control of that property for more than forty-eight (48) hours.

E. A vehicle from which the engine, transmission, or differential has been removed or that is otherwise partially dismantled or inoperable and left on public property.

F. A vehicle that has been removed by a towing service or public agency upon request of an officer enforcing a statute or an ordinance other than this chapter if the impounded vehicle is not claimed or redeemed by the Owner or the Owner's agent within twenty (20) days after the vehicle's removal.

G. A vehicle that is at least three (3) model years old, is mechanically inoperable, and is left on private property continuously in a location visible from public property for more than twenty (20) days. For purposes of this subdivision, a vehicle covered by a tarpaulin or other plastic, vinyl, rubber, cloth, or textile covering is considered to be visible.

H. A vehicle: (A) that was repaired or stored at the request of the Owner; (B) that has not been claimed by the Owner; and (C) for which the reasonable value of the charges associated with the repair or storage remain unpaid more than thirty (30) days after the date on which the repair work is completed or the vehicle is first stored.

I. The term also includes any other meaning that may hereafter be set forth in IC 9-13-2-1.

"Abutting" means having a common border, including being separated from such a common border by a public way, easement, body of water, or other feature.

In some cases, where specified by this Ordinance, the term also includes Lots or other features within a specific vicinity.

"Access Point" means a driveway or other means of physical connection for the movement of vehicles or individuals between a property and an adjacent property or Public Way.

"Accessory Structure" means a building or other Structure that:

A. Is subordinate to a Principal Building or Structure in area, intent, and/or purpose;

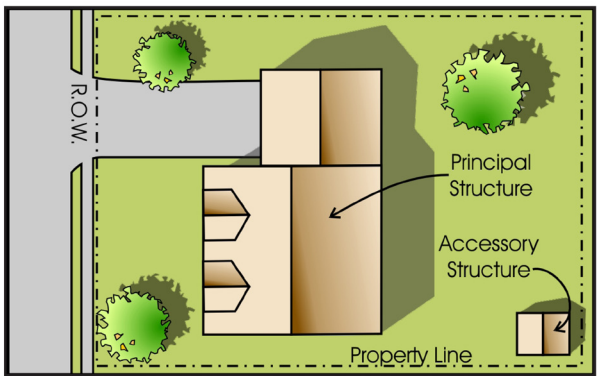
B. Contributes to the comfort, convenience, or necessity of occupants of the Principal Building, Structure, or principal use;

C. Does not alter or change the character of the premises;

D. Is located on the same zoning Lot as the Principal Building, Structure, or use;

E. Conforms to the setback, height, bulk, Lot coverage, and other requirements of this Ordinance unless otherwise provided for by this Ordinance; and

F. Is not designed for human occupancy as a Dwelling or commercial use.



"Accessory Use" means a use that:

A. Is subordinate to and serves a Principal Building or principal use;

B. Is subordinate in area, extent, and purpose to the Principal Building or principal use served;

C. Contributes to the comfort, convenience, or necessity of occupants of the Principal Building or principal use served; and

D. Is located on the same lot as the Principal Building or principal use served, except for accessory off-street parking facilities

"Acreage, Gross" means the total area within a parcel of land.

"Addition" means any construction that increases the size of a

Structure in terms of site coverage, floor area, volume, and/or height.

"Address" means the number or other designation assigned to a housing unit, business establishment, other Structure, or Lot for the purposes of mail delivery, emergency services, and general identification.

"Administrative/Professional Office" means an office establishment primarily engaged in overall management and general supervisory functions, such as executive, personnel, finance, legal, and sales activities.

"Administrator" means the Director of Community Development/ Planning of the City or a person to whom the Director delegates authority under this Ordinance.

"Adult Arcade" means an establishment where, for any form of consideration, one or more still or motion picture machines, projectors, or other image-producing devices are regularly used to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of Specified Sexual Activities or Specified Anatomical Areas.

"Adult Bookstore, Adult Novelty Store, or Adult Video Store" means a commercial establishment that has as a significant or substantial portion of its stock-in-trade or derives a significant or substantial portion of its revenues or devotes a significant or substantial portion of its interior business or advertising to the sale or rental, for any form of consideration, any one or more of the following:

A. Books, magazines, periodicals or other printed matter, or photographs, films, motion picture, video cassettes or video reproductions, slides, or other visual representations that depict or describe Specified Sexual Activities or Specified Anatomical Areas.

B. Instruments, devices, or paraphernalia that are designed for use in connection with Specified Sexual Activities.

C. For purposes of this definition, a commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing Specified Sexual Activities or Specified Anatomical Areas and still be categorized as an Adult Bookstore, Adult Novelty Store, or Adult Video Store. Such other business purposes will not serve to exempt such a commercial establishment from being categorized as an Adult Bookstore, Adult Novelty Store, or Adult Video Store so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials that depict or describe Specified Sexual Activities or Specified Anatomical Areas. A principal business purpose need not be a primary use of an establishment so long as it is a significant use based upon the visible inventory or commercial activity of the establishment.

"Adult Cabaret" means a nightclub, bar, juice bar, restaurant, or similar commercial establishment, whether or not alcoholic beverages are served, that regularly features:

A. Persons who appear in a state of nudity or semi-nudity;

B. Live performances that are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities;

C. Films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas; or

D. Persons who engage in erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.

"Adult Motel" means a Hotel, Motel or similar commercial establishment that:

A. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas, and has a sign visible from a public way that advertises the availability of this adult type of photographic reproductions; or

B. Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or

C. Allows a tenant or occupant of a sleeping room to sub-rent the room for a price.

"Advisory Planning Law" consists of those parts of IC 36-7-4 which are applicable to advisory planning. Sections and subsections of that statute with headings that include "ADVISORY" apply to advisory planning. In addition, sections and subsections of that statute without headings apply to advisory planning.

"Agricultural Products Sales, Distribution, and Storage" means a principal use engaged in the sale or rental of farm tools and equipment, grain, tack, Animal care products, and farm supplies. The term excludes the sale of large farm implements, such as tractor and combines, but does include food sales and farm machinery repair services that are incidental to the principal use.

"Agricultural Products Terminal" means a commercial facility for the transfer, pickup, storage, or discharge of agricultural goods.

"Agriculture" means the use of land or structures for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and Animal and poultry husbandry, and the necessary Accessory structures and uses for the packing, treating, or storing of produce, so long as the operation of any such accessory uses are secondary to that of the normal agricultural activities. The term does not include feed

lots, stock yards, or the commercial feeding of garbage or offal to swine or other Animals.

"Agriculture Structure" means a Structure located on a farm and designed and constructed to house farm implements, livestock, hay, grain, fruit, and/or other agricultural products, supplies, and equipment used by the operators of the farm. The term does not include Dwellings or structures used for the processing, treating, or packaging of agricultural products, or used by the public.

"Agriculture Zoning District" refers to an A1 or A2 District.

"Air Pollution" means the presence in or the threatened discharge into the atmosphere of one (1) or more contaminants in sufficient quantities and of the characteristics and duration that:

A. Is injurious to or threatens to be injurious to human health, plant or Animal life, or property; or

B. Interferes unreasonably with the enjoyment of life or property.

"Airport" means any location either on land or water which is used for the landing and taking off of aircraft.

"Alley" means a public way that normally affords a secondary means of access to abutting property.

"Alley Line" means a lot line bordering on an Alley.

"Alteration" means any Addition, change, or other modification in construction or use of an existing Structure or property.

"Animal" means a member of the Animal Kingdom, except humans. For purposes of this Ordinance, a "Domestic Animal" means an Animal that is not wild. However, Domestic Animals are limited to the following:

A. Cattle, calves, horses, mules, swine, sheep, goats, dogs, cats, poultry, ostriches, rhea, emus, or other birds.

B. Other Animals of the bovine, equine, ovine, caprine, porcine, canine, feline, avian, camelid, cervidae, or bison species.

C. Aquatic Animals that may be the subject of aquaculture as defined in IC 15-11-7-1.

"Animal Boarding" means the use of any Structure and/or land for the lodging, breeding, or care of Domestic Animals for profit, excluding Livestock.

"Animal Shelter" means a facility used to care for and house lost, stray, homeless, abandoned, or unwanted Animals, including those found running at-large or otherwise subject to impoundment consistent with applicable laws. The term includes facilities for adoption, medical treatment, and cremation.

"Animal, Small" means any animal, other than livestock or animals considered to be predatory or wild, which is kept either inside or outside a dwelling unit. Small animals include, but are not limited to dogs, cats, rabbits, domestic fowl, birds, snakes, rodents, and miniature pot-bellied pigs.

"Animal Stables" means any Structure equipped with stalls or compartments and/or land where Domestic Animals, excluding dogs and cats, are sheltered and fed.

"Antenna" means any communications equipment that transmits or receives electromagnetic radio signals used in the provision of wireless communications service.

"Antique Shop" means any premises used for the sale or trading of articles of which eighty percent (80%) or more are over thirty (30) years old or have collectible value. The term does not include a secondhand store.

"Apartment" means one (1) or more rooms in an Apartment Building or combination Apartment and Commercial Building, arranged, intended, designed, or occupied on a rental basis as a Dwelling Unit of a single family, an individual, or a group of individuals.

"Apartment Building" means a multi-family housing Structure designed and constructed to accommodate three (3) or more apartments, in contrast to single or two (2) family Dwellings converted for multi-family use.

"Apparel Shop" means a retail store where clothing is sold or accepted for sale at retail prices.

Apiary. Apiary (also known as a bee yard) is a place where beehives of honey bees are kept. Also, this use may include incidental retail related to the honey (honey, candy, soaps, etc.) provided the honey is produced by the apiary operator, manufacture, and sale of beekeeping supplies, equipment and other uses related to apiary agritourism and education.

"Applicant" means a person who submits to the City a Complete Application for a Permit or any related approval, including a proposal under IC 36-7-4-608 to change the zone maps incorporated by reference into this Ordinance, a request for a waiver under the IC 36-7-4-700 series or the IC 36-7-4-1400 series, an appeal or a variance application under the IC 36-7-4-900 series, or a request for a commitment modification or termination under IC 36-7-4-1015. The term does not include a person who files a petition for judicial review of a zoning decision under the IC 36-7-4-1600 series.

"Application, Complete" means a form or forms completed by an Applicant, as required by this Ordinance or by the rules of the Commission or BZA, to apply either for a Permit or for any related approvals required from the City with respect to the same general subject matter.

"Appurtenance" means a minor element of a larger Structure, such as a bay window, stairs, light post, etc.

"Arcade" means a building or part of a building containing four (4) or more video, pinball, or similar player-operated amusement devices, in any combination, for commercial use.

"Archery Range" means a facility designed and/or used for target practice with bows and arrows.

"Art or Photo Gallery" means a room or Structure in which original works of art or limited editions of original art are bought, sold, loaned, appraised, or exhibited to the general public. The term does not include libraries or museums.

"Art, Public" – Any visual work of art, accessible to public view, on public or private property within the city including residential, commercial, industrial, apartment and condominium complexes, parks, mixed-use development, and similar facilities. The work of art may include but is not limited to sculptures, murals, monuments, frescoes, fountains, paintings, stained glass, or ceramics, and should not contain characteristics of an advertising sign or identify or draw attention to a business, profession, or industry or to the type of products sold or services or entertainment offered or available on the premises.

"Athletic Field" means a wide stretch of open land used for outdoor games such as baseball, basketball, football, or soccer.

"Auction Facility" means a Structure or property used for the storage of goods and materials that are to be sold on the premises by public auction, and for the sale of the said goods and materials by public action on an occasional basis only.

"Automobile/Motorcycle/Mobile Home Sales Area and Leasing" means an open area, other than a Public Way, used for the display, sale, or rental of new or used Motor Vehicles, motorcycles, or mobile homes are displayed, sold, or rented on the premises.

"Automobile Parts Sales" means the use of any Structure and/or property for the display and sale or new or used parts for Motor Vehicles. The term does not include any Junk Yard or the storage of inoperable vehicles.

"Auto Repair, Major" means engine rebuilding or major reconditioning of worn or damaged Motor Vehicles or trailers; collision service, including body, frame, or fender straightening or repair; and overall painting of vehicles.

"Auto Repair, Minor" means incidental repairs, replacement of parts, and motor service to Motor Vehicles but excluding any operation specified under "Automobile Repair, Major".

"Automobile Service Station" means any Structure or premises used for the dispensing, sale, or offering for sale at retail to the public automobile fuels stored only in underground tanks and located wholly within the lot lines; lubricating oil or grease for the operation of automobiles; and the sale and installation of tires, batteries, other minor accessories, and minor auto repair. The term does not include a bulk plant, a facility for conducting Major Auto Repairs, automobile wrecking, or Motor Vehicle sales or car washes (except for the occasional washing of an individual Motor Vehicle where no chain conveyor is employed).

"Awning" means a roof-like cover, often of fabric, metal, or glass designed and intended for protection from the weather or as a decorative embellishment, that projects from a wall or roof of a Structure over a window, walk, or door, including those that may be retracted or folded against the face of a supporting Structure.

B

"Bakery, Retail" means an establishment primarily engaged in the retail sale of baked products for consumption off-site, whether or not the products are prepared on or off-site.

"Bakery, Wholesale" means a place for preparing, cooking, baking, and wholesale selling of products intended for off-site distribution and retail sales.

"Bar" means a facility or area used primarily for the serving of alcoholic beverages, and in which the serving of food is only incidental to the consumption of alcohol.

"Barber Shop" means any establishment or place of business within which the practice of cutting hair is engaged in or carried on by one (1) or more employees.

"Base Station" means a station located at a specific site that is authorized to communicate with mobile stations. The term includes all radio transceivers, Antennas, coaxial cables, power supplies, and other electronics associated with a station.

"Basement" means that portion of a Structure which is partially or completely below grade, but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average to the ceiling. A Basement is not considered a Story of a Dwelling.

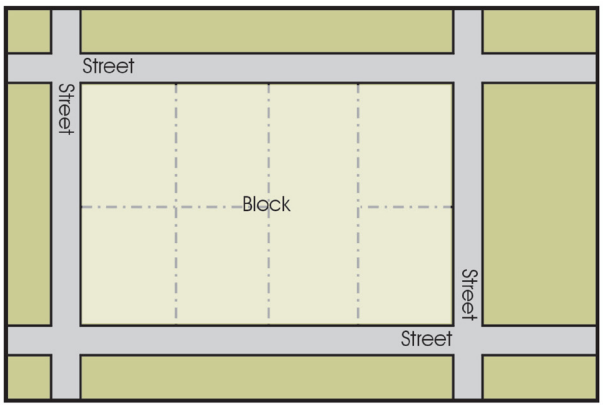
"Beauty Shop" means any commercial establishment where cosmetology is offered or practiced on a regular basis for compensation.

"Bed and Breakfast Facility" means an Owner occupied or Owner/employee occupied residence containing no more than six (6) guest rooms for hire, for lodging by prearrangement for periods not to exceed three (3) consecutive weeks and providing for occasional meals daily (usually breakfast) and not a Hotel, Boarding House, Lodging House, or Motel.

"Berm" means a man-made, formed, earth mound of definite height and width used for landscaping and obscuring purposes, the intent of which is to provide a transition between uses of differing intensity.

"Billiard Room" (or "Pool Hall") means a business establishment containing more than two (2) pool or billiard tables for the use by patrons where pool or billiard activities are the principal use.

"Block" means the property abutting on one (1) side of a public way and lying between the two (2) nearest intersecting or intercepting public ways (or intersecting railroad or intersecting waterway), or the end of a dead end street.



"Block Face" means the edge of one (1) side of a public way between intersections that face the public way.

"Board of Zoning Appeals", unless preceded by a qualifying adjective, means a board of zoning appeals under either the Advisory Planning Law, the Area Planning Law, or the Metropolitan Development Law. For purposes of this Ordinance, "JBZA" refers to the Jasper Board of Zoning Appeals which is established as an advisory board of zoning appeals by the Council under the Advisory Planning Law.

"Boarding House" means a Structure that is not open to transients where lodging and/or meals are provided for three (3) or more, but not more than thirty (30) persons regularly.

"Boat Storage Facility" means a Structure or area designed for the storage of watercraft and marine equipment.

"Body Art" means to adorn the body through the permanent applicationof a tattoo or insertion of an object, such as jewelry, inito a hole for display purposes. Body art is the collective term for any single activity or combination of activities defined herein as tattooing, body piercing or the application of permanent cosmetics. It shall not include activities such as, or similar to, cutting of the skin or subcutaneous tissue, cutting or modification of cartilage or bone, implantation, branding, deep tissue penetration, threading, stapling or any other invasive procedure, whether or not such act would constitute the practice of medicine requiring licensure as a physician.

"Body Art Salon" means any permanent commercial establishment where body art, including but not limited to, body piercing, permanent cosmetics, or tattoos where applied on a regular basis for compensation.

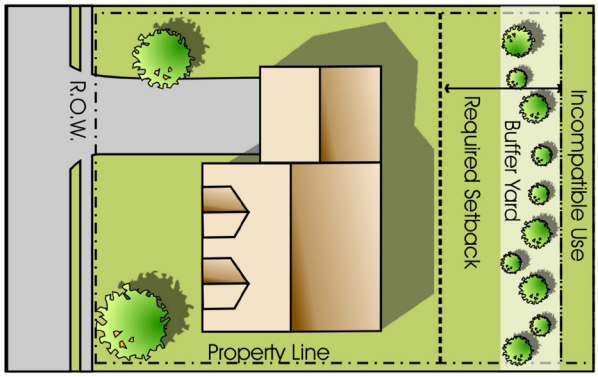
"Body Piercing" means the creation of an opening in the human body for purpose of inserting jewelry or other decorations. This includes, but is not limited to, creating such an opening in the ear, lip, tongue, nose, eyebrow or navel for the purpose of inserting jewelry or other decorations.

"Bookstore" means a retail establishment that, as its primary business, engages in the sale, rental, or other charge-for-use of books, magazines, newspapers, greeting cards, postcards, videotapes, computer software, and/or any other printed or electronically conveyed media.

"Bottle Gas Storage and Distribution" means the storage and distribution of bottle gases including propane, carbon dioxide, helium, and other commercially used gases.

"Bowling Alley" means an establishment that devotes a majority of its gross floor area to bowling lanes, equipment, and playing areas, including incidental uses, such as other recreation activities, a restaurant, or a bar.

"Buffer Yard" means an area adjacent to front, side, and rear property lines, measured perpendicularly from adjacent property lines and/or Public Way lines, intended to provide attractive spaces to reduce the impacts of proposed uses on adjacent property or natural features and to screen incompatible uses from each other. The term does not include Front, Rear, or Side Yard setbacks as required by this Ordinance.



"Buffer Landscaping" means any trees, shrubs, walls, fences, berms, space, or related landscaping features required under this Ordinance on private lots, and privately maintained, for buffering Lots from adjacent properties or Public Ways for the purpose of increasing visual or other aspects of privacy and aesthetics.

"Building Code" means the Indiana Building Code as adopted by the Indiana Fire Prevention and Building Safety Commission.

"Building Finishes Shop" means a store devoted to the sale of wall treatments, window treatments, floor coverings, cabinets, and other building finishes.

"Building, Front Line Of" means the line of the face of a Structure nearest the Front Lot Line.

"Bus or Railroad Passenger Station" means a centralized and/or primary community facility for the transient housing or parking

of buses, trains, or similar mass transit modes of transportation, and the loading and unloading of passengers.

"Business" means engagement in the purchase, sale, barter, or exchange of goods, wares, merchandise, or services, or the maintenance or operation of offices, recreational, or amusement enterprises.

C

"Campground" means any site, Lot, field, or tract of land designed with facilities for short term occupancy by recreational vehicles and other camping equipment but not including mobile homes.

"Campus" means an area of land constituting and making up the grounds of an institution, such as a college or university, a business complex, or a manufacturing park.

"Car Wash" means the use of a property for the washing, cleaning, polishing, and/or waxing of passenger vehicles, recreational vehicles, or other light duty equipment, where the method of washing, cleaning, polishing, and/or waxing is done either through automated machinery, or through self-service open bays.

"Car Wash, Self-Service" means the use of a property for the washing, cleaning, polishing, and/or waxing of passenger vehicles, recreational vehicles, or other light duty equipment, where the method of washing, cleaning, polishing, and/or waxing is done through self-service open bays.

"Carport" means a permanent Structure that includes a roof and roof-supports but not enclosed by walls, and that is used as an accessory to a Dwelling Unit for the purpose of providing shelter to one or more Motor Vehicles.

"Cemetery" means any land or Structure in Indiana that is dedicated to, and used for, or intended to be used for, the interment, entombment, or inurnment of human remains.

"Certificate of Occupancy" refers to a certificate stating that the occupancy and use of a Structure complies with the provisions of this Ordinance and all other applicable City Code provisions.

"Child Care" means a service that provides for the care, health, safety, and supervision of a child's social, emotional, and educational growth.

"Child Care Center" means a nonresidential building where at least one (1) child receives child care from a provider:

A. While unattended by a parent, legal guardian, or custodian;

B. For regular compensation; and

C. For more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays, and holidays.

"Child Care Home" means a residential Structure in which at least six (6) children (not including the children for whom the provider is a parent, stepparent, guardian, custodian, or other relative or any child who is at least fourteen (14) years of age and does not require child care) at any time receive child care from a provider:

A. While unattended by a parent, legal guardian, or custodian;

B. For regular compensation; and

C. For more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays, and holidays.

"Circus" (or "Carnival") means a temporary outdoor amusement center, bazaar, or fair, either involving use of special purpose equipment or conducted by professional operators, or both, and where activities include such things as rides, exhibitions, food service, sales, or small-scale games.

"City" refers to the City of Jasper, unless the reference is to Indiana cities generally.

"Clinic" means any establishment where human patients are examined and treated by doctors or dentists but not hospitalized overnight.

"Club" means a Structure and facilities owned or operated by a person or organization for a social, educational, or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

"Coffee Shop" means an informal restaurant that primarily serves non-alcoholic beverages, including coffee and tea, as well as desserts and limited food items.

"Collocation" means the placement or installation of Wireless Facilities on Existing structures that include a Wireless Facility or Wireless Support Structure, including water towers, and other Buildings or structures. This term includes the placement, replacement, or modification of Wireless Facilities within an approved Equipment Compound.

"Commitment" means an obligation concerning the use or development of a parcel of real property which is made in writing by the Owner of that parcel or an Applicant, either voluntarily or in accordance with an order or request of the JBZA, the JPC, or the Council, in accordance with IC 36-7-4-1015. The term does not include Covenants.

"Common Area" refers to land within a development which is not individually owned or dedicated to the public, but which is designed and intended for the use, enjoyment, and maintenance of the property Owners within that development or other specific area. The term may include complementary structures and/or other improvements.

"Common Ownership" refers to ownership by the same Person,

including ownership by different Persons with at least one (1) common stockholder, partner, member, or associate.

"Community Center" means a meeting place where people living in the same community and their guests may carry on cultural, recreational, or social activities.

"Compatible" means having harmony and consistency in design, function, and/or appearance.

"Composting Facility" means an off-site facility where the organic component of municipal solid waste is decomposed under controlled conditions. Examples of organic components include leaves, yard trimmings, wood debris, manure, and other naturally occurring elements.

"Comprehensive Plan" means a composite of all materials prepared by the JPC and approved by the Council under the IC 36-7-4-500 series or under prior Law. It includes a master plan adopted under any prior law. The Comprehensive Plan of the City is separate from this Ordinance.

"Concept Plan" means an illustration of the layout of a proposed PUD which is required prior to PUD rezoning consideration, and in connection with to the filing of a Preliminary Plan for a PUD or a Primary Plat for a Subdivision.

"Concrete/Asphalt Production Facility" means a facility where raw materials are processed into concrete or asphalt for sale and/or immediate use, which typically includes all necessary equipment for both transport and application of the finished product.

"Condominium" means real estate:

A. Lawfully subjected to IC 32-25 by the recordation of condominium instruments with the Dubois County Recorder; and

B. With respect to which the undivided interests in the common areas and facilities are vested in the condominium unit Owners.

"Conference Center" means a facility used for service organizations, business and professional conferences, and seminars which is limited to accommodations for conference attendees such as sleeping, eating, and recreation. The term does not include a facility that is designed to be utilized only by the general public for overnight purposes.

"Confined Feeding" means the confined feeding of Animals for food, fur, or pleasure purposes in Lots, pens, ponds, sheds, or buildings where:

A. Animals are confined, fed, and maintained for at least forty-five (45) days during any twelve (12) month period; and

B. Ground cover or vegetation is not sustained over at least fifty percent (50%) of the Animal confinement area.

However, the term does not include the following:

A. A livestock market:

1. Where Animals are assembled from at least two (2) sources to be publicly auctioned or privately sold on a commission basis; and
2. That is under State or Federal supervision.

B. A livestock sale barn or auction market where Animals are kept for not more than ten (10) days.

"Confined Feeding Operation", for purposes of this Ordinance, means:

A. Any Confided Feeding of 300 or more cattle, 600 or more swine or sheep, or 30,000 or more fowl; or

B. Any Confined Feeding facility, regardless of the number of Animals confined, that includes a waste lagoon or holding pit.

"Construction Plans" means the maps or drawings showing the specific location and design of improvements to be installed in accordance with the requirements of this Ordinance and the Building Code as a condition of the approval.

"Construction Services" means any of the activities commonly referred to as construction, including such activities as plumbing, heating, roofing, interior remodeling, and excavating.

"Construction Trailer" means a manufactured mobile unit without cooking or bathroom facilities, not designed for Dwelling purposes, and used as a temporary office during construction.

"Contractor's Warehouse/Storage Yard" means an unenclosed portion of a Lot or parcel upon which a construction contractor maintains a facility for the storage of construction equipment and other materials customarily used in the trade carried on by the contractor.

"Convenience Store" means a small retail establishment that offers for sale a limited line of groceries, convenience goods, tobacco products, periodicals, and other household products. The term may include an Gas Station.

"Country Club" means an establishment operated for social or recreational purposes that is open only to members and not to the general public.

"Council" refers to the Common Council of the City of Jasper, which functions as the Legislative Body of the City.

"Covenants" means private and legal restrictions of various kinds on the usage of Lots, typically within a Subdivision and applied by the Subdivider.

"Craft/Fabric Store" means any business that produces on

the premises articles for sale of artistic quality or handmade workmanship, or businesses that primarily sell items and materials used in the creation of crafts and other such handiwork.

"Crematory" means an establishment containing a furnace (called a retort) used for the cremation of human remains, whether owned by or dealing directly only with funeral homes, or having open access to the public.

"Crop Processing and Storage" means the processing of harvested crops, as well as the storage of both the raw and processed crops. Crop processing includes any or all of the following or similar activities as they relate to crop produce: cleaning, shelling, drying, cooking, and packaging.

"Crop Production" means the production and management of agricultural crops, including planting, cultivation, and harvesting.

"Crosswalk" means a strip of land dedicated to public use, which is reserved across a Block to provide pedestrian access to adjacent areas.

"Cul-de-sac" means a short street having only one (1) end open to traffic and permanently terminated by a vehicular turnaround.

"Curb" means a concrete boundary marking the edge of a Public Way or other paved area and providing for a change in grade between the surface of the pavement and the adjacent unpaved portions.

"Curb Cut" refers to the providing of vehicular ingress and/or egress between property and an abutting Public Way.

"Curb Radius" means the curved edge of a Public Way, private driveway, or other paved area at an intersection with another paved area.

D

"Dancing Academy/Martial Arts/Gymnastics Studio" means an establishment where patrons learn and/or practice dance, martial arts, or gymnastics.

"Data Processing/Call Center" means facilities where electronic data is processed by employees, including data entry storage, conversion, or analysis; subscription and credit card transaction processing; telephone sales and order collection; mail order and catalogue sales; and mailing list processing.

"Deck" means a platform, either freestanding or attached to a Structure, that is supported by pillars or posts.

"Dedication" means the setting apart of land or interests in land for use by the City or other public entity by ordinance, resolution, or entry in the official minutes of the Council or the JPC, such as by the recording of a plat.

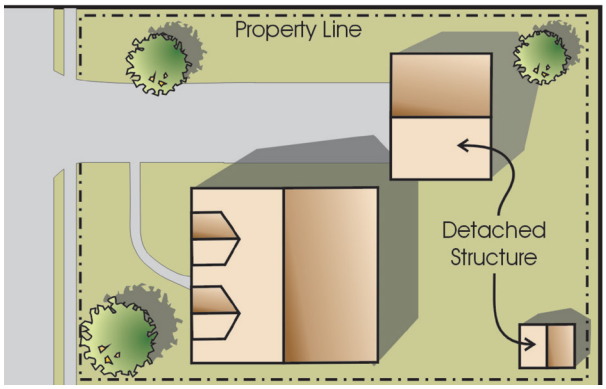
"Delicatessen" means an establishment where food is sold for consumption either on or off premises, excluding groceries and supermarkets.

"Density" means the number of Dwelling Units per acre.

"Department Store" means a business conducted under a single name that directly exhibits and sells a variety of unrelated merchandise and services to customers. The term includes discount stores.

"Design" means a planned arrangement of forms, shapes, massing, colors, and materials intended to serve a useful purpose or be decorative or artistic. The essence of a design resides not in the elements individually, nor in their method of arrangement, but in the total ensemble that awakens some sensation in the observer's mind.

"Detached Structure (Building)" means a Structure that has no structural connection with a Principal Building or any other Structure.



"Development Plan" means a specific plan for the development of real property that:

A. Requires approval by the JPC under the IC 36-7-4-1400 series;

B. Includes a site plan;

C. Satisfies the Development Requirements specified in this Ordinance regulating the development; and

D. Contains the plan documentation and supporting information required by this Ordinance.

"Development Requirement" means a requirement:

A. For development of real property in a zoning district for which a Development Plan is required; and

B. That conforms to IC 36-7-4-1403.

"Distribution Facility" means a use where goods are received and/or stored for delivery to the final consumer at remote locations.

"District" means an area within the Jurisdiction for which uniform zoning regulations governing use, height, area, size, intensity of use of structures and land, and open spaces are established by this Ordinance. Districts are drawn on the zone maps incorporated by reference into this Ordinance.

"Distillery" - An establishment engaged in the production and distribution of spirituous beverages. The establishment may include uses permitted in the district, in accordance with state and local laws.

"Dormitory" means a Structure specifically designed to provide sleeping and living quarters for long-term stay by students of a college, university, or other institution. The term includes a common kitchen and common gathering rooms, where these are provided.

"Dress Shop" means a retail store where custom clothing is made and sold, or where alterations of clothing are done.

"Drive-through / Drive-in / Drive-up facility" means a small scale establishment developed so that its retail or service character is dependent on providing a driveway approach or parking spaces for Motor Vehicles so as to serve patrons while in the Vehicle, rather than within a Structure. "Drive-through Service" refers to the provision of sales and/or services, to patrons who remain in their Vehicles, via an opening or openings in the wall of a Structure designed and intended to be used for these purposes.

"Driveway" means a private roadway providing access for vehicles to a parking space, garage, Dwelling, or other Structure.

"Driveway, Common" is an access shared by adjacent property Owners.

"Driving Range" means an area equipped with distance markers, clubs, balls, and tees for practicing golf drives and putting, whether or not it includes a snack bar and pro shop. The term does not include golf courses and miniature golf courses.

"Dry Cleaners" means an establishment that cleans fabrics, textiles, wearing apparel, or articles of any sort by immersion and agitation in volatile solvents, and all related processes. Retail cleaners serve individuals on a walk-in basis, generally with patrons dropping off and picking up their clothing.

"Dumpster" means a receptacle container that has a hooking mechanism that allows it to be raised and dumped into a sanitation truck, including dumpsters for trash, compacted materials, and recycling.

"Dwelling" means a Structure or portion thereof, conforming to all requirements applicable to the District it is located, all Building Codes, that is used exclusively for residential occupancy, including single-family Dwelling Units, two (2) family Dwelling Units, and multi-family Dwelling Units, but excluding Hotels, Boarding Houses, and Lodging Houses. The term does not include a Basement.

"Dwelling, Accessory" refers to a second Dwelling Unit either in or added to an existing single-family detached Dwelling, or in a separate Accessory Structure on the same lot as the main Dwelling, for use as a complete, independent living facility with provision for cooking, eating, sanitation, and sleeping. Accessory Dwelling may also be called a "Granny Flat", "Mother-in-Law Apartment", or an "ADU".

"Dwelling, Multi-Family" means a residential Structure designed for or occupied by three (3) or more families, with the number of families in residence not exceeding the number of Dwelling Units provided.

"Dwelling, Secondary" see Dwelling, Accessory.

"Dwelling, Single-Family" means a detached residential Dwelling Unit designed for and occupied by one (1) family.

"Dwelling Site" means a site within a manufactured home park and/or mobile home park with required improvements and utilities that is leased for the long term placement of a manufactured home and/or mobile home.

"Dwelling, Two (2) Family" means a residential building containing two (2) Dwelling Units designed for occupancy by not more than two (2) families.

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

E

"Electric Appliance Shop" means a retail store that sells electric appliances used for domestic functions such as washers, dryers, refrigerators, freezers, ovens/ranges, dishwashers, vacuum cleaners, televisions, toasters, hairdryers, mixers, fans, radios, and food processors.

"Electric vehicle (EV) charger" means a device, system, or piece of equipment designed and used to safely supply electricity from a power source to an electric vehicle to recharge its battery. It acts as an intermediary, managing power flow and communication between the grid and the vehicle. An electric vehicle charger may provide alternating current (AC) or direct current (DC) power and may include associated infrastructure such as conduit, wiring, mounting equipment, pedestals, cabinets, meters, signage, and payment or access controls.

"Electrical Transmission Tower" means a Structure that physically

supports high voltage overhead power lines. The term does not include a Utility Pole.

"Emergency" means a situation that could not reasonably be foreseen and that threatens the public health, welfare, or safety and requires immediate action.

"Employee", with respect to a Sexually Oriented Business, means an individual who performs any service on the premises of the business on a full or part time basis, on a contractual basis, or on an independent basis, whether or not the individual is denominated as an employee, an agent, an independent contractor, or otherwise, and whether or not the individual is paid a salary, a wage, or other compensation by the operator of the business. However, an individual who is exclusively on the premises of the business for the purpose of repairing or maintaining the premises or equipment on the premises, or for the purpose of delivering goods to the premises, is not considered to be an Employee of the Sexually Oriented Business, nor is an individual who is exclusively on the premises as a patron or customer of the business considered to be an Employee of the Sexually Oriented Business.

"Employment Service" means an establishment that seeks and identifies available jobs for patrons seeking employment. This definition does not apply to employment at a Sexually Oriented Business.

"Enforcement Official" means the Administrator or any other individual who has been delegated enforcement authority under Chapter 2 or any other provision of this Ordinance.

"Equipment Compound" means the area that:

A. Surrounds or is near the base of a Wireless Support Structure; and

B. Encloses Wireless Facilities.

"Erosion" means the removal of natural surface materials (soil and rock fragments) by flowing surface or subsurface water or by wind.

"Escort" means an individual who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

"Escort Agency" means a person who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

Establishment", with respect to a Sexually Oriented Business, means any of the following:

A. The opening or commencement of any Sexually Oriented Business as a new business.

B. The conversion of any existing business, whether or not previously operated as a Sexually Oriented Business, to any Sexually Oriented Business.

C. The addition of any Sexually Oriented Business to any other existing Sexually Oriented Business.

D. The relocation of any Sexually Oriented Business.

The term includes the premises on which any Sexually Oriented Business is located or operated.

"Essential Service" means the erection, construction, alteration, or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, telephone, sewer, water transmission drains, sewers, pipes, conduit cables, fire alarms boxes, police call boxes, traffic signals, hydrants, street signs, and other similar equipment and for the furnishing of adequate services by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare but not including buildings."Excavation" means any act by which earth, sand, gravel, rock, or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated, or bulldozed. The term includes the conditions resulting therefrom.

"Existing Structure" does not include a Utility Pole or an Electrical Transmission Tower.

"Existing Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of Public Ways, and either final site grading or the pouring of concrete pads) was completed before July 1, 1993.

"Explosive Manufacturing and Storage" means the manufacture and storage of any chemical compound, mixture, or device of which the primary and common purpose is to function by explosion with substantially simultaneous release of gas and heat, the resulting pressure being capable of producing destructive effects.

F

"Fabrication Facility" means an establishment where employees and machinery are used to assemble product components created off-site.

"Façade" means the portion of any exterior elevation on a building, extending from grade level to the top of the parapet, wall, or eaves for the entire width of the building.

"Fairgrounds" means an area of land used for agricultural related office buildings, Animal shows and judging, carnivals, circuses, community meeting and recreational facilities, concerts, food booths and stands, games, rides, rodeos, sales and auctions, storage, and theaters.

"Family" means a group of one (1) or more individuals occupying a building and living as a single housekeeping unit and therefore using common facilities for cooking, sanitation, and gathering, but excluding any group of four (4) or more individuals who are not related to one another by blood, marriage, adoption, or foster care. The term does not include any society, club, fraternity, sorority, or other group living in a boarding house, Hotel, Motel, bed and breakfast facility, lodging house, rooming house, assisted living facility, or nursing home.

"Farm Co-op Facility" means a cooperative business owned by farmers to produce and/or store and market agricultural products.

"Farm" means a property or an area exceeding twenty (20) acres in size that is devoted to agricultural operations such as forestry; the growing of crops; pasturage; the production of livestock and poultry; the growing of trees, shrubs, and plants; and other recognized agricultural pursuits. The term includes all related structures and the storage of equipment and materials used on-site for the agricultural operation. The term does not include the commercial raising of Animals, confined feeding, or the commercial feeding of garbage or offal to swine or other Animals.

"Farm Equipment Sales and Service" means a use primarily engaged in the sale/rental and/or service of farm tools and implements, and/or the sale of feeds, grain, tack, Animal care products, and farm supplies. The term does not include the sale or distribution of agricultural chemicals, including fertilizer.

"Farmer's Market" means the seasonal selling at retail of home-grown vegetables or produce, occurring in a pre-designated area, where the vendors are the same individuals who have raised the products for sale.

"Feather Banner" means 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, e.g.



"Fence" means any Structure, solid or otherwise, that is a barrier and is used as a boundary or means of protection, confinement, or concealment. A Stockade Fence (100% opaque) consists of a Fence constructed of vertical wood strips, with no intervening spaces, providing a complete visual barrier.

"Fence, Barbed-Wire/Razor-Wire" means one (1) or more strands of wire or other material having intermittent sharp points of wire or metal that may puncture, cut, tear, or snag individuals, clothing, or Animals.

"Fertilizer Sales, Distribution, and Storage" refers to an establishment that stores, distributes, and sells fertilizers primarily for agricultural crop production use.

"Financial Guarantee" means any guarantee that may be accepted in lieu of a requirement that certain improvements be made before the approval of a Secondary Plat, such as performance bonds, escrow agreements, letters of credit, deposit agreements, and other similar collateral or surety arrangements approved as valid and enforceable by the JPC.

"Financial Institution" means any bank, trust company, corporate fiduciary, savings association, credit union, savings bank, bank of discount and deposit, or industrial loan and investment company organized or reorganized under Indiana law, and includes licensees under IC 24-4.4, IC 24-4.5, and 750 IAC 9.

"Fireworks Sales" refers to the retail sale of devices defined as consumer fireworks in IC 22-14-1I-1.

"Fitness Center" means a place or building where passive or active exercises and related activities are performed for the purpose of physical fitness, improved circulation or flexibility, and/or weight control.

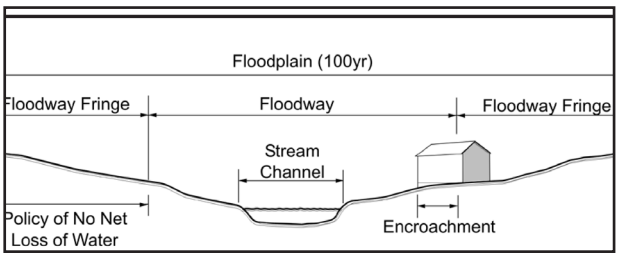
"Flag" means any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

"Flat Roof" means the silhouette formed by a roof line, including a roof Structure that has a slope for drainage purposes. The roof line of a Flat Roof can be stepped or flat in appearance by using architectural elements such as cornices, mansards, and parapets.

"Flea Market" means an occasional or periodic market held in an open area or Structure where goods are offered for sale to the general public by individual sellers from open or semi-open facilities or temporary Structures. The term does not include informal garage or Yard sales.

"Floodlight" means a reflector type light fixture that produces unshielded and undirected illumination.

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



"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 the peak flood flow of the regulation flood of any river or stream.

"Floodway Fringe" means those portions of the floodplain lying outside the floodway. The floodway fringe is not necessary for carrying and discharging peak flood flow, but is subject to flooding.

"Floor Area" means, for the purpose of determining the off-street parking and loading requirements applicable to any building, the sum of the gross horizontal areas of the several floors of the building, or portion thereof, which are devoted to a specific use, including accessory storage areas located within selling or working space such as counters, racks, or closets; and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices.

"Floor Area, Finished" means that portion of a floor area constructed, completed, and usable for living purposes with normal living facilities which includes sleeping, dining, cooking, working, entertainment, common space linking rooms, areas for personal hygiene, or combination thereof. The term does not include any area or portion thereof which is used only for storage purposes and not equipped for the facilities mentioned above.

"Floor Area, Gross" (GFA) means that portion of the total horizontal areas of the one (1) or several floors of a building or portion thereof which is devoted to a particular use, including accessory storage areas located within selling or working space such as counters, racks, or closets and any basement floor area devoted to retailing activities, to the production or processing of goods or to offices. The term does not include any area devoted entirely and permanently to storage purposes, parking and loading facilities, or space used for restrooms, utilities, stairwells, or elevator shafts.

"Floor Area, Ground" means the area of a building in square feet, as measured in a horizontal plane at the ground level within its largest outside dimensions, exclusive of open porches, breezeways, terraces, garages, and exterior stairways.

"Floor Area, Net" means the total area, computed on a horizontal plane, used for a particular business category; exclusive of entrances, hallways, stairs, and other accessory areas used for ingress or egress.

"Floriculture" means the cultivation of flowers or flowering plants, especially for ornamental purposes.

"Flower Shop" means an indoor or outdoor facility that primarily sells flowers, bulbs, and seeds for planting by patrons. The term includes small greenhouse operations and incidental sales of small gardening equipment and accessories.

"Food and Beverage Production" means the large scale processing of raw ingredients and materials to create finished or unfinished foods and beverages.

"Foundation" means the supporting member of a wall or Structure.

"Fraternity, Educational" means a club or social activity officially associated with and recognized and supervised by an institution for higher education whose membership is limited exclusively to students of the institution.

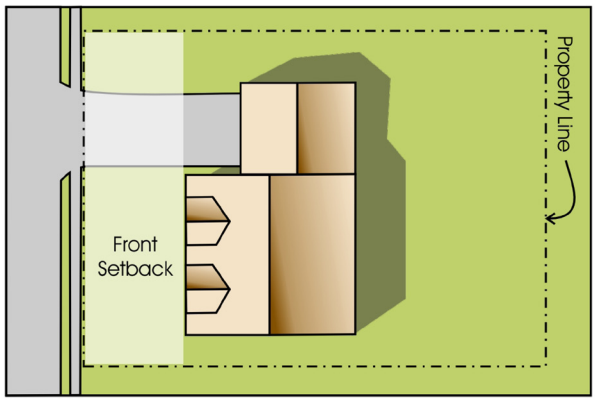
"Fraternity, Social" means a private club of individuals organized around a civic, social, or intellectual goal or pursuit.

"Front Lot Line" means:

A. For an interior or through lot, the line marking the boundary between the Lot and the abutting Public Way or watercourse.

B. For a corner Lot, the line marking the boundary between the Lot and each of the abutting Public Ways.

"Front Setback (Front Yard)" means the horizontal space not containing any structures between the nearest structural appurtenance of a Structure and a Public Way, watercourse, or approved access easement. See Subsections 4.17 (C)(3) and 4.17 (D)(5).



"Frontage Road" means a Public Way that parallels a major arterial or collector street, providing access from abutting property and separated from the thoroughfare by a common dividing strip.

"Frontage, Street" means all the property on one side of a Public Way between two intersecting Public Ways (crossing or terminating), measured along the line of the Public Way or if the Public Way is a dead-end street, then all of the property abutting on one (1) side between an intersecting Public Way and the dead end.

"Funeral Home" means a facility used for the preparation of the deceased for display and burial and the conducting of rituals and religious programs associated with burial.

G

"Garage" means an attached or detached Structure whose

principal use is to house Motor Vehicles or other personal property for the accommodation of related Dwelling Units or related business establishments.

"Garage/Yard Sale" means the sale or offering for sale to the general public of six (6) or more items of personal property on any portion of a Lot in a residential zoning district, either within or outside of a Structure.

"Garbage Transfer Station" means a facility that compacts trash from curbside collection trucks, and from which the compacted trash can then be reloaded onto larger trucks for long-distance transfer to landfill facilities.

"Garden Shop" means a retail establishment that primarily sells garden implements, plants, landscaping materials, and related accessories.

"Gas Station" means structures and premises where gasoline and other petroleum products are supplied and dispensed at retail, and where light automobile maintenance activities may be conducted. The term does not include facilities where major mechanical repair and body work, straightening of frames or body parts, painting, welding, storage of Motor Vehicles not in operating condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in Automobile Service Stations.

"Gift Shop" means an establishment that primarily sells keepsakes, trinkets, jewelry, cards, stationary, and other small gift related items.

"Glare" means the reflection of harsh, bright light producing an effect that causes annoyance, discomfort, or loss of visual performance and visibility.

"Golf Course" means a tract of land laid out with at least nine (9) holes improved with tees, greens, fairways, and hazards for playing a game of golf, including any associated clubhouse or shelters. The term does not include miniature golf courses and other similar commercial enterprises.

"Golf Course, Miniature" means a theme-oriented recreational facility composed of a series of putting greens where patrons pay a fee to move in consecutive order from one green to the next.

"Government Office" means an office occupied by a public entity that provides a governmental service to the public.

"Governing Documents" means:

A. The articles of incorporation and bylaws of a Homeowners Association and all adopted amendments to the articles of incorporation and bylaws; and

B. Any applicable covenants filed with the Dubois County Recorder, whether contained in a declaration of covenants, contained in conditions and restrictions (or similarly titled document), or contained within a Plat approved by the JPC.

"Grade, Adjacent" means the average of grade immediately adjacent to a particular Structure.

"Grade, Finished" means the final elevation of the ground surface after man-made alterations have been completed.

"Grading" means any stripping, cutting, filling, stockpiling, or combination thereof.

"Grading Plan" means the drawing and supporting documents that describe the process and result of the excavating, filling, or leveling of a property by mechanical or other artificial methods.

"Grazing and Pasture Land" means a fenced area used for the feeding and upkeep of livestock.

"Greenhouse" means a Structure constructed primarily of translucent materials which is devoted to the protection or cultivation of flowers and other tender plants. A Commercial Greenhouse is a Greenhouse used for the growing of plants, all or some of which are sold at retail or wholesale either on or off-site.

"Grocery Store" means a small-scale retailer of food and grocery supplies.

"Ground Cover" means landscaping elements that include living plant material. However, the term does not include landscaping elements, such as mulch, and landscaping stones, such as colored pebbles and gravel.

"Group Home" see definition for Residential Facility for Individuals with Developmental Disabilities.

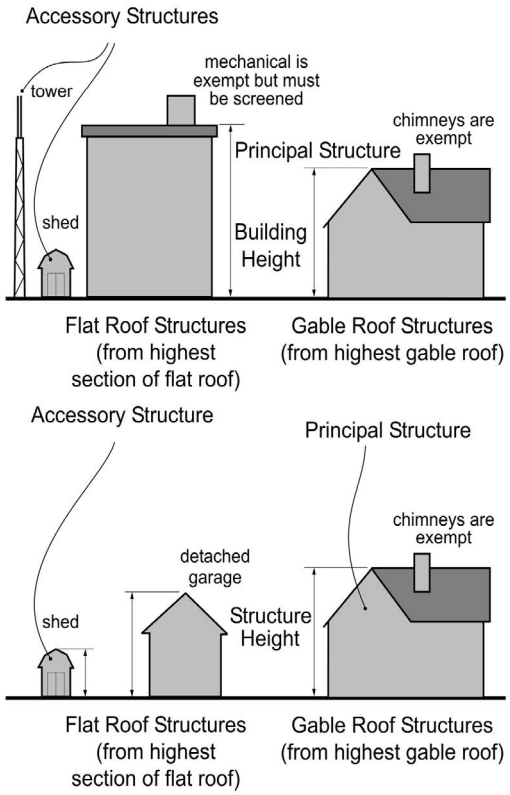
H

"Hardware Store" means a small or medium-scale facility primarily engaged in the retail sale of various basic hardware lines, such as tools, builder's hardware, plumbing and electrical supplies, paint and glass, housewares and household appliances, and garden supplies and cutlery. The term may include a lumberyard as an incidental use.

"Hazardous Material" means any substances or materials that by reason of their toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental to the health of any person handling or otherwise coming into contact with such material or substance. The term includes any other substances or materials that may hereafter be included in the definition set forth in IC 13-11-2-96.

"Hedge" means a row of closely planted shrubs, bushes, or any other kind of plant used as a compact, dense, living barrier that protects, shields, separates, or demarcates an area.

"Height" means the measurement of a Structure from average



adjacent grade level to the highest point of the Structure, excluding the necessary appurtenances such as chimneys, cupolas, church spires, steeples, clock or bell towers, cooling towers, elevator bulkheads, fire towers, penthouses, stacks, tanks, water towers, transmission towers, or essential mechanical equipment not prohibited by provisions of this Ordinance or other Laws.

Note: Agricultural structures in A1 and A2 distrcits are exempt from maximum height regulations.

"Heliport" means an area used for the landing and take-off of helicopters, including any structures and equipment associated with that use.

"Historic Property" means:

A. A historic site or historic Structure identified as such in accordance with IC 14-21-1; or

B. Other personal or real property located on or in a historic site or historic Structure.

"Home Electronics/Appliance Store" means an establishment that primarily sells home appliances, electronics, and related accessories.

"Home Occupation" means an occupation or activity conducted entirely within a Dwelling or Accessory Structure, by the occupants thereof, that is clearly incidental and secondary to the use of the building for Dwelling purposes.

"Homeowners Association" means a corporation or another entity that:

A. Is organized and operated exclusively for the benefit of two (2) or more persons who each own a Dwelling in fee simple;

B. Acts, in accordance with the articles, bylaws, or other documents governing the corporation or entity, to:

1. Acquire, transfer, manage, repair, maintain, or engage in construction on or in the land and improvements on the land related to the use of the Dwellings owned by the members of the corporation or entity;
2. Purchase insurance to cover a casualty or an activity on or in the land and improvements on the land;
3. Engage in an activity incidental to an activity described in clause (A) or (B); or
4. Engage in more than one (1) of the activities described in clauses (1) through (3); and

C. May be governed by a board that serves the purpose of setting policy and controlling or otherwise overseeing the activities or functional responsibilities of the corporation or entity.

The term also includes any other meaning that may hereafter be set forth in IC 32-25.5-2-4.

"Hospital" refers to a hospital that is licensed under IC 16-21-2.

"Hotel" means a building in which lodging or board and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours.

"Housekeeping Unit" means a group of individuals functioning as a single household, making common use of a single kitchen and other social quarters.

"Ice Cream Shop" means any establishment that primarily offers ice cream and frozen desserts to be eaten on or off premises.

"Illumination, External" means illumination of a sign that is affected by an artificial source of light not contained within the sign itself.

"Illumination, Internal" refers to a sign that has characters, letters, fixtures, designs, or outlines illuminated from the inside or behind the sign by electric lights or tubes.

"Impervious Surface" means any material that prevents absorption of stormwater into the ground such as concrete or asphalt. The term does not include gravel, rock, or stone.

"Improvement" means the construction, equipment, remodeling, extension, repair, and betterment of structures and land. The term includes:

A. Sanitary sewers and sanitary sewer tap-ins;

B. Sidewalks;

C. Curbs;

D. Streets;

E. Alleys;

F. Pedestrian-ways or malls set aside entirely or partly, or during restricted hours, for pedestrian rather than vehicular traffic;

G. Other paved public places;

H. Parking facilities;

I. Lighting;

J. Electric signals;

K. Landscaping, including trees, shrubbery, flowers, grass, fountains, benches, statues, floodlighting, gaslighting, and structures of a decorative, educational, or historical nature;

L. Water main extensions from the water utility; and

M. Sewage works that are (A) overhead plumbing or backflow prevention devices; (B) installed in private Dwellings; and (C) financed in whole or in part through assistance provided under IC 36-9-25-42.

"Improved" refers to a parcel of property containing the following:

A. Any permanent structure designed for any use permitted by Section 4.2 (A) or any special exception use listed in Section 4.2 (B);

B. Any utilities, intentionally installed and/or paid for by the owner of the subject property for purposes of use and/or future development.

"Improvement Location Permit" means a Permit issued under this Ordinance that allows a person to erect, construct, enlarge, alter, repair, move, occupy, use, improve, remove, convert, or demolish any Structure or pursue changes to the condition of the land.

"Incidental" refers to a minor occurrence or condition that is customarily associated with a permitted use and is likely to ensue from normal operations.

"Incinerator" means a facility that uses thermal combustion processes to destroy or alter the character or composition of medical waste, sludge, soil, or municipal solid waste (excluding Animal or human remains).

"Industrial, Heavy" means the manufacturing, storage, processing, assembling, fabrication, or repairing of any materials or products where no continuous process involved will produce noise, vibration, electrical disturbance, air pollution, water pollution, heat, glare, waste matter, odor, or fire hazard that will disturb or endanger any neighboring property and where operations and storage may be in open areas.

"Industrial, Light" means the manufacturing, storage, processing, assembly, fabrication, or repairing of certain materials or products where no process involved will produce noise, vibration, electrical disturbances, air pollution, water pollution, heat, glare, waste matter, odor, or fire hazard that will disturb or endanger any neighboring property and where all operations and storage are entirely within enclosed buildings or fenced areas.

"Investment Firm" means any office where the primary occupation is concerned with businesses that buy and sell stocks, bonds, and other notes of purchase.

J

"Jewelry Store" means any store that primarily sells new jewelry, with some sales of used merchandise.

"Junk" means Motor Vehicles, large appliances, furniture, or like materials that have been damaged to such an extent that they cannot be operated or used, or will require major repairs before being made usable.

"Junk Yards" means open areas where Junk, waste, or scrap materials not in running or operable condition or parts thereof are bought, sold, exchanged, stored, baled, packed, disassembled, or handled. The term does not include uses established entirely within closed buildings.

"Jurisdiction" means the area inside the corporate boundaries of the City, as well as any contiguous unincorporated area that is outside of the corporate boundaries of the City and over which the JPC has exercised territorial jurisdiction under IC 36-7-4-205 by filing with the Dubois County Recorder a description or map defining the limits of that area.

K

"Kennel" means a place primarily for keeping more than four (4) adult dogs, or other small animals that are ordinarily bred for sale as pets. The term also includes a temporary care facility for compensation. The term does not include a private kennel, which is an accessory use for keeping up to four (4) adult dogs or other small animals for personal use and enjoyment and which is subordinate to the principal residential use.

"Kennel, Large" means a kennel containing more than 40 run cages, pens and/or animal housing units and accommodating more than 40 animals.

"Kennel, Medium" means a kennel containing 26 to 40 run cages, pens and/or animal housing units and accommodating no more than 40 animals.

"Kennel, Small" means a kennel containing 5 to 25 run cages, pens and/or animal housing units and accommodating no more than 25 animals.

L

"Landscaping" means the improvement of a Lot with grass, shrubs, trees, and other vegetation and/or ornamental objects. The term includes pedestrian walks, flower beds, berms, fountains and other similar natural and man-made objects designed and arranged to produce an aesthetically pleasing effect.

"Laundry, Self Service" means a business with vending machine type washing, drying, dry-cleaning, and ironing equipment for use by customers on site.

"Laundry Service, Large Scale" means a large scale establishment that cleans fabrics, textiles, wearing apparel, or articles of any sort by immersion and agitation in volatile solvents, and all related processes. The term includes business services that serve businesses and individuals, generally with the cleaners picking up and delivering the clothing or uniforms to their clients.

"Law" includes the Constitution of the State of Indiana, Statutes, and ordinances.

"Legal Nonconforming Lot" means any Lot that was legally established and recorded before July 1, 1993 (or that has been granted a variance from this Ordinance), and that does not meet the Lot-specific development standards.

"Legal Nonconforming Use" means any continuous, lawful use of structures, land, or structures and land in combination which was legally established before July 1, 1993, and that does not meet the requirements of this Ordinance for a permitted use in the zoning district in which it is located.

"Library" means a public facility for the use, but not sale, of literary, musical, artistic, or reference materials.

"Light Industrial Processing and Distribution" means the processing and distribution of materials and products from processed or previously manufactured materials where the industry is capable of operation in such a manner as to control the external effects of processing such as smoke, noise, odor, etc.

"Liquor Store" means a place or establishment that meets the requirements provided in IC 7.1-3-10 and whose exclusive business is the retail sale of alcoholic beverages and commodities that are permissible under IC 7.1 for use or consumption only off the licensed premises. The term also includes any other meaning that may hereafter be set forth in IC 7.1-1-3-28.

"Livestock" means Domestic Animals, such as cattle, sheep, swine, goats, bison, farm raised cervidae, ratitae, and horses, mules, and other equines, but excluding aquatic Animals, fish, dogs, cats, and poultry and other birds (other than ratites). The term also includes any other meaning that may hereafter be set forth in IC 15-17-2-47.

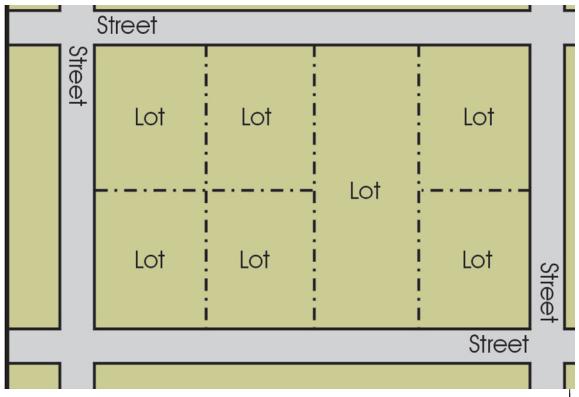
"Livestock Auction/Sales Facility" means a commercial establishment where Livestock are collected and auctioned and/or sold and where the Livestock are housed on a temporary basis, for immediate sale only, and not long term.

"Livestock Raising and Breeding" means the production and upkeep of Livestock for the purposes of sale, including the feeding, sheltering, grazing, and shipping of Livestock, including the storage of all necessary materials and equipment.

"Loading Spaces/Loading and Unloading Berths" refers to the off-street area required for the receipt or distribution by vehicles of material or merchandise.

"Lodge or Private Club" means a membership organization that holds regular meetings and that may, subject to other regulations controlling such uses, maintain dining facilities, serve alcohol, or engage professional entertainment for the enjoyment of dues paying members and their guests. The term does not include any establishment that has sleeping facilities.

"Lot" means a parcel of land of at least sufficient size to meet the minimum zoning requirements of the district in which it is located, and that has frontage and access on an improved Public Way, or on an approved private street. The term includes a single parcel separately described in a deed that is recorded with the Dubois

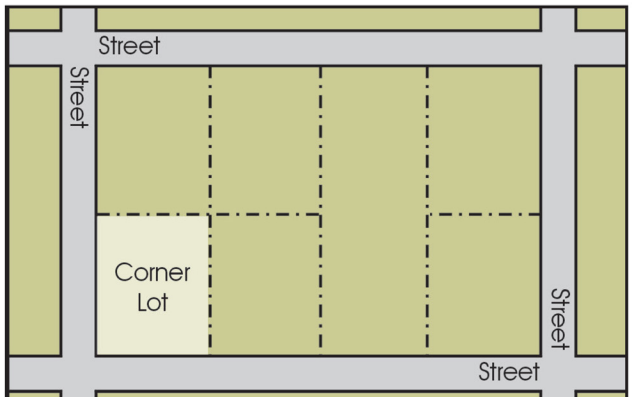


County Recorder, a single parcel separately described in a survey that is recorded with the Dubois County Recorder, or a parcel that is contained in a Subdivision plat that is recorded with the Dubois County Recorder. The term includes parcels that consist of parts of, or a combination of, any such parcels that are adjacent to one another and are used as one.

"Lot Area" means the horizontal area within the exterior lines of a Lot, including any easements, but excluding any Public Ways or other similar dedications to the public.

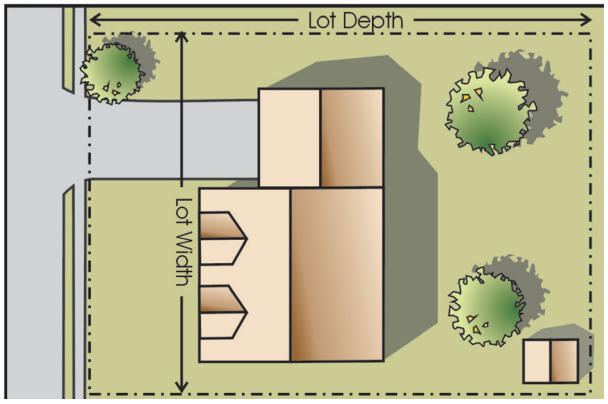
"Lot, Buildable" means any Lot upon which improvements are allowed to be constructed, or that is otherwise allowed to be occupied and used consistent with all applicable requirements of this Ordinance.

"Lot, Corner" means a Lot that is situated at the intersection of two (2) streets or that fronts a street on two (2) or more sides forming an interior angle of less than one-hundred and thirty-five (135) degrees.



"Lot Coverage" refers to the area of a Lot which is occupied by the Principal Building and any Accessory structures.

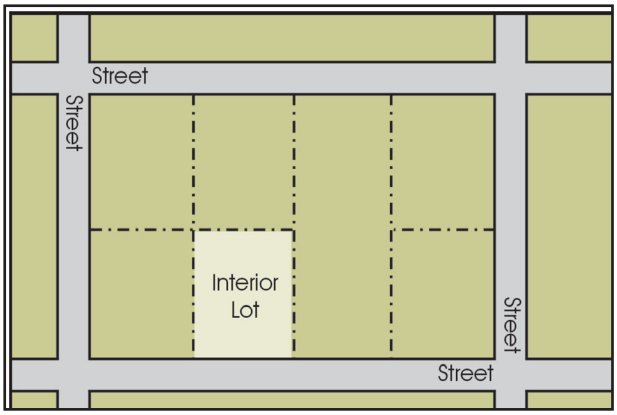
"Lot Depth" means the mean horizontal distance between the Front Lot Line and the Rear Lot Line of a Lot, measured within the Lot boundaries.



"Lot, Developed" means a Lot that includes buildings or other structures.

"Lot Frontage" means all property of a Lot fronting on a Public Way, measured along the planned right-of-way as set forth in the Comprehensive Plan, as measured between Side Lot Lines.

"Lot, Interior" means a Lot other than a Corner Lot or a Through Lot (see left).



"Lot, Irregular" means a Lot that is characterized by elongations, angles, shapes, and/or configuration that is inconsistent with the topography, street systems, other Lots, and other features of the area in which it is located.

"Lot Line, Front" means, for an Interior or Through Lot, the line marking the boundary between the Lot and the abutting Public Way; or, for a Corner Lot, the line marking the boundary between the Lot and each of the abutting Public Ways.

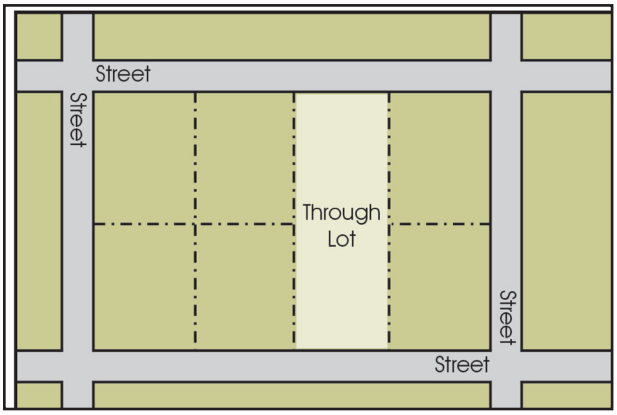
"Lot Line, Rear" means a Lot Line that is opposite and most distant from the Front Lot Line and, in the case of an Irregular or triangular-shaped Lot, a line ten (10) feet in length within the Lot which is parallel to and at the maximum distance from the Front Lot Line.

"Lot Line, Side" means any Lot boundary line that is not a Front Lot Line or a Rear Lot Line.

"Lot Lines" refers to the property lines that define a Lot.

"Lot of Record" means a Lot that is part of a Subdivision, the plat of which has been recorded with the Dubois County Recorder, or any parcel of land, whether or not part of a Subdivision, that has been officially recorded by a deed, if the Lot was of a size that met the minimum dimensions for Lots in the district in which it was located at the time of the recording or was recorded prior to July 1, 1993.

"Lot, Through" means a Lot having frontage on two non-intersecting Public Ways as distinguished from a Corner Lot. Both street lines shall be deemed Front Lot Lines.



"Lot Width" means the horizontal distance between the Side Lot Lines of a Lot, measured at right angles to the Lot Depth at the established Front Building Line (see Lot Depth illustration).

"Lot, Zoning" means a single tract of land that, at the time of application for an Improvement Location Permit, is designated by the Applicant for the purpose of complying with this Ordinance as the tract to be used, developed, or built upon. A Zoning Lot or Lots may coincide with one or more Lots of Record.

"Lumber Yard" means an area used primarily for the storage, distribution, and sale of finished or rough-cut lumber and lumber products.

M

"Manufactured Home" means a Dwelling Unit, designed and built in a factory, which bears a seal certifying that it was built in compliance with the Federal Manufactured Housing Construction and Safety Standards Law of 1974.

"Manufactured Home Park" means a parcel of land containing two (2) or more Dwelling sites, with required improvements and utilities, that are leased for long term placement of Manufactured Homes, and which includes any street used or intended for use as part of the facilities of the Manufactured Home Park.

The term does not include sales of Manufactured Homes in which unoccupied units are parked for inspection or sale.

"Manufactured Home Sales" means the sale and incidental storage of single-family detached housing which includes Manufactured Homes.

"Manufactured Home Site" means the area of land in a Manufactured Home Park for the placement of one Manufactured Home.

"Manufacturing Facility" means a facility for the mechanical or chemical transformation of Materials or substances into new products, including the assembling of component parts, the manufacturing of products, and the blending of Materials, such as lubricating oils, plastics, resins, or liquors.

"Maneuvering Space" means an open space in a parking area which:

A. A. Is immediately adjacent to a parking space; and

B. Is used for and/or is necessary for turning, backing, or driving forward a Motor Vehicle into the parking space;

C. But which is not used for the parking of or storage of Motor

D. Vehicles.

"Masonry" means construction material that consists of brick, stone, tile, rock, granite, marble, or other built-up panels of these Materials, or molded concrete that is held together with mortar, as long as the molded concrete does not make up a continuous wall section.

"Massage Parlor" means any place where, for any form or consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment or manipulation of the human body which occurs as a part of or in connection with Specified Sexual Activities, or where any person providing such treatment, manipulation, or service related thereto, exposes his or her Specified Anatomical Areas. The term does not include the practice of massage in or by a Hospital, nor by a licensed physician, surgeon, chiropractor, or osteopath; nor by a nurse or technician working under the supervision of a licensed physician, surgeon, chiropractor, or osteopath; nor by trainers for any amateur, semiprofessional, or professional athlete or athletic team or school athletic program; nor by any person licensed in accordance with Indiana Law.

"Massing" refers to the shape and form a Structure takes on through architectural design. The term includes the following architectural design elements:

A. Building silhouette (similar pitch and scale to a roof line),

B. Spacing between building facades (setbacks or notches between primary facades that frame the Structure),

C. Setback from property line (building setback and/or primary facade setback from the property line),

D. Proportion of windows, bays, and doorways (vertical or horizontal elements tied together in bands across facade lengths),

E. Proportion of primary facade (size of facades similar in area and height to width ratios),

F. Location and treatment of entryway (important visual commonality between structures),

G. Exterior materials used (similar materials and treatment add to detail and monumentality of a building),

H. Building scale (similarity of building height and configuration),

I. Landscaping (ties together buildings and defines space), and

J. Shadow patterns that form decorative features (the light and dark surfaces from materials used and projections from windows, bays, and setbacks create visual breaks).

"Materials" means supplies, goods, machinery, packaged software, and equipment.

"Mayor" refers to the Mayor of the City, who functions as the Executive of the City

"Meat Market" means a market that primarily offers retail and/or wholesale meats, but may also sell related incidental products.

"Mechanical Equipment" means equipment installed for a use which is appurtenant to a principal use. The term includes heating and air conditioning equipment, solar collectors, parabolic antennas, and power generating devices.

"Medical or Health Clinic" means a facility in which human patients are admitted for medical or dental study or treatment on an out-patient only basis, and in which the services of at least two (2) physicians or dentists are provided.

"Medical Office" means a Structure, other than a Hospital, that is used by one or more licensed physicians for the purpose of receiving and treating patients.

"Metes and Bounds" means a description of land prepared by a State-registered land surveyor providing measured distances and courses from known or established points on the surface of the earth.

"Microbrewery (Brew-Pub)" means a facility for the production and packaging of malt beverages of low alcoholic content for distribution, retail, or wholesale, on or off premise, with a capacity of not more than 15,000 barrels per year. The term includes other uses such as a standard restaurant, bar, or live entertainment.

"Mineral Extraction" means the extraction of metallic and nonmetallic minerals or materials from the earth for use off-site, including incidental uses and facilities such as rock crushing, screening, and the necessary storage and use of explosives.

"Mini-Warehouse Facility" means a storage structure containing separate storage spaces of varying sizes, each for individual purchase or rental for the storage of household goods.

"Mixed-Use Development" means an area, parcel of land, or Structure developed for two (2) or more different land uses.

"Mobile Home" means a factory-fabricated building built on a chassis and so constructed as to permit its being towed upon Public Ways and designed to be used for year-round living when connected to the required utilities. The term includes expandables.

"Monument Sign" means any freestanding sign that is detached from a building or structure and sits on the ground on a solid-appearing base with no exposed structural supports.

"Monument (survey)" means a permanent physical Structure that marks the location of a corner or other survey point.

"Motel" means an establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space, located on a single Zoning Lot, and designed for use by transient tourists with Motor Vehicles. A Motel use includes the furnishment of customary services such as maid service and laundering of linen, telephone, secretarial, or desk service, and the use and upkeep of furniture.

"Motor Vehicle" means a vehicle that is self-propelled. The term does not include a farm tractor, an implement of agriculture designed to be operated primarily in a Farm field or on Farm premises, or an electric personal assistive mobility device.

"Multi-Tenant Commercial Center" means a grouping of two (2) or more business establishments that either share common parking on the Lot where they are located, or that occupy a single Structure or separate structures that are physically or functionally related or attached.

"Mural" means a graphic displayed on the exterior of a building generally for the purposes of decoration or artistic expression, including but not limited to painting, fresco, or mosaic, and not interpreted by the Administrator to be a sign.

"Museum" means a Structure having public significance by reason of its architecture or former use or occupancy, or that houses a specific collection of natural, scientific, or literary materials, objects of interest, or works of art, and which is designed to be used by the public with or without an admission charge. The term includes as an accessory use the sale of related goods to the public.

"Municipal Corporation" means Unit, School Corporation, library district, Housing Authority, fire protection district, public transportation corporation, local building authority, local hospital authority or corporation, local airport authority, special service district, or other separate local governmental entity that may sue and be sued under Indiana Law. The term does not include Special Taxing District.

"Municipality" means City or Town.

N

"Nature Preserve/Center" means an area in which plants, Animals, and topographic features are protected in their current, natural condition.

"Newsdealer" means an establishment that primarily sells newspapers, magazines, and other periodicals.

"Night Club" means a commercial establishment operated as a

place of entertainment featuring live, recorded, or televised

musical, comedy, or magic performances; dancing; and/or the serving of alcoholic beverages.

"Nonconforming Lot" means a Lot that does not conform to the regulations of the zoning district in which it is located.

"Nonconforming Structure" means a Structure that does not conform to the regulations of the zoning district in which it is located.

"Nonconforming Use" means any use or arrangement of land or structures that was legally existing before July 1, 1993, but does not currently conform to the provisions of this Ordinance.

"Nudity" refers to the appearance of a human bare buttock, anus, anal cleft or cleavage, pubic area, male genitals, female genitals, or vulva, with less than a fully opaque covering; or a female breast with less than a fully opaque covering of any part of the areola; or human male genitals in a discernibly turgid state even if completely and opaquely covered.

"Nuisance" means any interference with the enjoyment and use of property which is defined as such by this Ordinance.

"Nursery" means an enterprise that conducts the retail and/or wholesale of plants grown on the premises, as well as accessory items (but not power equipment, such as gas or electric lawn mowers and farm implements) directly related to their care and maintenance.

"Nursing Home" means a private home for the care of the aged or infirm, or any other individual in need of nursing care which does not contain equipment for surgical care or for treatment of disease or injury, and is not primarily designed for mental patients or alcoholics.

O

"Occupancy" refers to the use of any land or Structure.

"Office Supply Store" means a large establishment that offers retail and wholesale office supplies including items such as paper, writing utensils, computer equipment, and office furniture.

"Office Use/Building" refers to uses that are administrative, executive, professional, research, or the like, including laboratories, where occupants have only limited contact with the public, and no merchandise is sold on the premises.

"Off-premise Sign" means a sign displaying advertising copy that pertains to a business, person, organization, activity, event, place, service or product that is not principally located or primarily manufactured or sold on the premises on which the sign is located.

"Offstreet Parking" means the provision of parking spaces that are not located on any Public Way.

"Off-Site Improvements" refers to the improvement of any premises that are not located within the area of a tract to be subdivided, used, or built upon whether or not in the same ownership of an Applicant for Subdivision approval.

"Oil Change Facility" means a facility that provides lubrication, checking, changing, and the addition of those fluids and filters needed for automobile maintenance.

"Open Space" refers to an area of land not covered by buildings, parking garages, or accessory uses except for recreational structures. The term includes nature areas; streams and flood plains; meadows or open fields containing baseball, football, and soccer fields, golf courses, swimming pools, bicycle paths, etc. The term does not include Public Ways, platted Lot areas, private yards, patio areas, or land scheduled for future development.

"Operate" means to cause to be operated. The term "Operator" includes an owner, permit holder, custodian, manager, or other individual in charge of any Sexually Oriented Business.

"Ordinance Violations Bureau (JOVB)" means the ordinance violations bureau established for the City of Jasper under Section 2.02.010 of the Municipal Code of Jasper.

"Outdoor Commercial Recreational Enterprise" means an establishment the main purpose of which is to provide the general public with an amusing or entertaining activity and where tickets are sold or fees are collected for the activity, such as skating rinks, water slides, go-cart tracks, carnivals, and amusement parks.

"Outdoor Storage" means the keeping of items for sale, the products of manufacturing, materials used in production, vehicles, and other similar materials and/or equipment in an area outside of any building. "Seasonal Outdoor Storage" refers to the Outdoor Storage of items for retail sale that are, by their nature, sold during a peak season, such as fruits and vegetables, Christmas trees, lawn accessories, and bedding plants.

"Outlot" means a Lot platted as part of a larger development which is intended for the development of uses and structures that are complementary to but of a smaller scale than the principal use or Structure in the development.

"Overlay Zoning District" means a zoning district that extends across one or more other zoning districts and that is intended to provide additional or alternate regulations for a specific critical feature or resource.

"Owner" includes any Person having legal title to or sufficient proprietary interest in land sought to be subdivided under this Ordinance. The term includes a Person's legal representative.

P

"Packaging Facility" means a facility that packages supplies and products that are manufactured off site.

"Parapet" means the portion of a wall which extends above the roof line.

"Parent Tract" refers to a Lot of Record as recorded on July 1, 1993. However, multiple tracts owned by one (1) Person which are contiguous shall together be considered one (1) Parent Tract. Roads, rivers, easements, and other built or natural features do

not constitute a separation of two (2) or more tracts where they are owned by one (1) Person.

"Park" means any public or private land and related structures, including athletic facilities, shelter houses, and maintenance facilities that are designed to provide recreational, educational, cultural, or aesthetic use to the community.

"Parking Facility" includes the:

A. Land;

B. Structures and other improvements above, at, or below ground level;

C. Entrances, exits, equipment, and fences; and

D. Other accessories or appurtenances that are necessary or desirable for safety and convenience in the off-street parking of vehicles, are owned or leased by the City, and are used for the off-street parking of vehicles.

"Parking, On-Street" means a storage space for a Motor Vehicle which is located within a Public Way.

"Parking, Shared" refers to parking spaces or facilities that are used jointly by two (2) or more uses or structures.

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

"Parking Garage" means a structure of two (2) or more stories, whether privately or publicly owned, which is used for the parking of Motor Vehicles.

"Particulate Matter" means finely divided liquid or solid material that is discharged and carried along in the air. The term does not include water droplets (commonly called steam).

"Pathway" means a designated route for travel by pedestrians, bicycles, and other non-motorized methods of personal transportation and recreation which is surfaced with crushed rock, concrete, or asphalt and separated from Public Ways by distance or striping.

"Paved Surface" means a durable surface for parking, driving, riding or similar activities that utilizes asphalt, Portland cement, concrete, brick, paving blocks or similar material. The term does not include crushed gravel, street grindings, stone, rock, dirt, sand, or grass.

"Penal (Correctional) Institution" means a publicly or privately operated facility for the housing of individuals awaiting trial or serving a sentence after being found guilty of a crime.

"Performance Bond" means an amount of money or other negotiable security paid by a subdivider, developer, or Owner or their surety to the City which guarantees that the subdivider will perform all actions required by the City regarding the issuance of a Permit or in other situations as provided in this Ordinance and which provides that if the subdivider defaults and fails to comply with the provisions of the Permit approval, the subdivider or surety will pay damages up to the limit of the bond, or the surety will itself complete the requirements of the approval.

"Permanent Cosmetics" mean the application of pigments to or under the human skin for the purpose of permanently changing the color or other appearance of the skin. "Permanent Cosmetics" shall include, but are not limited to, the application of permanent eyeliner, eye shadow or lip color. Nothing in this definition shall be deemed to restrict the activities of any licensed physician or surgeon.

"Permanent Foundation" means a structural system for transposing loads from a Structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil.

"Permit" refers to any of the following:

A. An Improvement Location Permit.

B. A Building Permit.

C. A Certificate of Occupancy.

D. Approval of a site-specific Development Plan.

E. Approval of a Primary or Secondary Plat.

F. Approval of a contingent use, conditional use, Special Exception, or special use.

G. Approval of a PUD Ordinance.

"Person" means individual, firm, limited liability company, corporation, association, fiduciary, or governmental entity.

"Personal Services" refers to a use or an establishment or place of business primarily engaged in the provision of frequent and recurrent services of a personal nature, such as a beauty or barber shop, shoe repair shop, or tanning salon.

"Pet Store" means a retail sales facility primarily involved in the sale of Domestic Animals, such as cats, dogs, fish, birds, and reptiles as well as domestic pet accessories. The term does not include sales of Livestock or wild or exotic Animals.

"Petroleum Processing and Storage" refers to a use or an establishment that processes and stores petroleum and its raw ingredients.

"Pharmacy" means a place where drugs and medicines are prepared and dispensed. The term includes the incidental retail sale of medical accessories and convenience goods and services.

"Photographic Studio" means a facility engaged in onsite photography, processing, and development, including limited retail sale, lease, and service of photography equipment and supplies.

"Plan Commission (Commission)", unless preceded by a qualifying adjective, means an advisory plan commission, an area plan commission, or a metropolitan development commission established by a Unit under IC 36-7-4. The term does not include a regional plan commission established under IC 36-7-7. The term "Commission" refers to the Jasper Plan Commission established as a municipal plan commission by the Council under the Advisory Plan Law.

"Planned Unit Development" or "PUD" means a development of real property:

A. In the manner set forth by the Council in Chapter 5 of this Ordinance; and

B. That meets the requirements of a specific PUD Ordinance.

"Planning Department" refers to the Planning Department of the City.

"Planting Season" refers to the spring and fall time periods during which new plant material is installed and is most likely to survive the planting process, or generally from April 15 to June 15 in the spring and from October 15 to November 15 in the fall.

"Plat Committee" means a committee appointed by the JPC under IC 36-7-4-701 to hold hearings on and approve plats and replats on behalf of the JPC.

"Playground" means a recreational area for use primarily by children.

"Plot Plan" means a plat of a lot, drawn to scale, showing the actual measurements, the size and location of any existing buildings or buildings to be erected, the location of the lot in relation to abutting streets, and other such information. Also known as a site survey.

"Police, Fire, or Rescue Station" means an outpost station that serves as an office of operation for police, fire, and/or rescue services. The term includes facilities for personnel, training, equipment, and Motor Vehicles.

"Political Subdivision" means Municipal Corporation or Special Taxing District.

"Porch" means a roofed-over Structure projecting out from the wall or walls of a main Structure and commonly open to the weather in part.

"Post Office" means a facility operated by the United States Postal Service which houses service windows for mailing packages and letters, post office boxes, offices, vehicle storage areas, and sorting and distribution facilities for mail.

"Power Generation Facility" means a facility that produces usable electricity by harnessing any array of resources including fossil fuels, water, wind, and solar sources.

"Primary Plat" means a plat that qualifies for primary approval under the standards prescribed by Chapter 8 of this Ordinance. The term includes a preliminary plat that was approved under prior law.

"Primary Structure" means the structure in which the principal use of the respective Lot or premises is located or conducted.

With respect to residential uses, the main Dwelling is considered the Principal Building.

"Principal Use" means the main use of land or structures as distinguished from any accessory use.

"Print Shop (Copy Center)" means a facility for the custom reproduction of written or graphic materials on a custom order basis for individuals or businesses. The term includes the provision of such services as photocopying, blueprint, and facsimile sending and receiving, and includes offset printing.

"Printing Facility" means any facility that prints publications including books, magazines, and newspapers for the purposes of sale and/or distribution.

"Private Club" means a facility or property owned or operated by a person or persons for a social, educational, or recreational purpose and for which membership is required for participation.

"Processing" means the preparation of material for efficient shipment, or to an end-user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and remanufacturing.

"Processing Plant" means a Structure or other enclosed space used for the collection and processing of material.

"Produce Terminal" means a large warehouse facility that sells produce at wholesale to retailers, Hotels, catering services, and other businesses.

"Professional Office" shall mean an office used by a member or members of a recognized profession, such as architects, artist,

dentists, engineers, lawyers, musicians, counselors and social service providers, physicians, surgeons, pharmacists, real estate brokers, and insurance agents and brokers.

"Public Art" means any visual work of art that is accessible to public view and located on public or private property.

"Public Improvements" refers to any storm drainage facility, Public Way, tree, lawn, Parking Facility, or other facility for which the City may ultimately assume the responsibility for maintenance and operation, or which may affect such an improvement.

"Public Place" includes any tract owned by the State of Indiana or a Political Subdivision.

"Public Record" means any writing, paper, report, study, map, photograph, book, card, tape recording, or other material that is created, received, retained, maintained, or filed by or with a public agency and which is generated on paper, paper substitutes, photographic media, chemically based media, magnetic or machine readable media, electronically stored data, or any other material, regardless of form or characteristics. The term also includes any other meaning that may hereafter be set forth in IC 5-14-3-2.

"Public Utility" means a Person that may own, operate, manage, or control any plant or equipment within this State for the (1) conveyance of telegraph or telephone messages; (2) production, transmission, delivery, or furnishing of heat, light, water, or power; or (3) collection, treatment, purification, and disposal in a sanitary manner of liquid and solid waste, sewage, night soil, and industrial waste. The term does not include a Municipality that may acquire, own, or operate any of the foregoing facilities, nor does it include an entity (1) that only transmits communications through Internet Protocol enabled retail services, including (A) voice, (B) data, (C) video, or (D) any combination of voice, data, and video communications; or (2) that only provides the necessary software, hardware, transmission service, or transmission path for voice, data, and video communications.

"Public Utility Structure" includes electrical and telephone substations and distribution centers, filtration plants, pumping stations, water reservoirs, public or package sewage treatment plants, telephone exchanges, radio and television transmitting or relay stations, antenna towers, and other similar utility service Structures.

"Public Way" includes highway, street, avenue, boulevard, road, lane, or alley.

"PUD Ordinance" means an ordinance adopted by the Council under the IC 36-7-4-1500 series to establish a specified Planned Unit Development district in accordance with IC 36-7-4-1502.

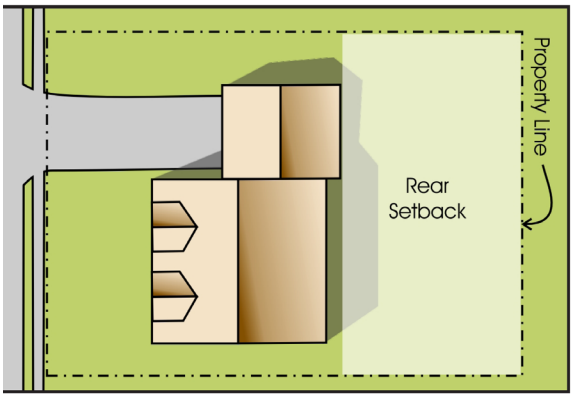
Q

"Quarry" means a Lot or any part of a Lot which is used for the extracting of stone, sand, gravel, or any other material to be processed for commercial purposes.

R

"Rear Lot Line" means the Lot Line that is opposite the Front Lot Line and farthest from it, except that for a triangular or other irregularly-shaped Lot, the line ten (10) feet long, parallel to the Front Lot Line, and wholly within the Lot, that is farthest from the Lot Line. With respect to a Corner Lot, the Rear Lot Line consists of the portion of the lot that is furthest in the opposite direction of the front façade of the structure.

"Rear Setback (Rear Yard)" means the horizontal space between the nearest structural appurtenance of a Structure to the Rear Lot Line, extending to the Side Lines of the Lot and measured as the shortest distance from the structural appurtenance to the Rear Lot Line. With respect to a Corner Lot, the Rear Yard consists of the Yard at the opposite end of the Lot from the Front Yard. See Subsection 4.17(D)(7).



"Recreational Vehicle" means a vehicular-type portable Structure without permanent foundation that can be towed, hauled, or driven and primarily designed as a temporary living accommodation for recreational, camping, and travel use. The term includes travel trailers, truck campers, camping trailers, and self-propelled motor homes.

"Recreational Vehicle Park" means any commercially zoned site, Lot, field, or tract of land, regardless of ownership, which includes facilities for short term occupancy for two (2) or more recreational vehicles only.

"Recreational Vehicle Sales" refers to the sale and incidental storage of Recreational Vehicles.

"Recycling Center" means a facility for the collection, sorting,

storing, and processing of paper products, glass, plastics, aluminum cans, or tin cans prior to shipment for remanufacture into new materials.

"Redevelopment" includes the following activities:

A. Acquiring real property in areas needing redevelopment.

B. Replatting and determining the proper use of real property acquired.

C. Opening, closing, relocating, widening, and improving public ways.

D. Relocating, constructing, and improving sewers, utility services, offstreet parking facilities, and levees.

E. Laying out and constructing necessary public improvements, including parks, playgrounds, and other recreational facilities.

F. Restricting the use of real property acquired according to law.

G. Repairing and maintaining buildings acquired, if demolition of those buildings is not considered necessary to carry out the redevelopment plan.

H. Rehabilitating real or personal property to carry out the redevelopment or urban renewal plan, regardless of whether the real or personal property is acquired by the unit.

I. Investigating and remediating environmental contamination on real property to carry out the redevelopment or urban renewal plan, regardless of whether the real property is acquired by the unit.

J. Disposing of property acquired on the terms and conditions and for the uses and purposes that best serve the interests of the units served by the redevelopment commission.

K. Making payments required or authorized by IC 8-23-17.

L. Performing all acts incident to the statutory powers and duties of a redevelopment commission.

"Refuse Dump" means a facility designated to receive and hold municipal solid waste and other waste matters. The term does not include a Sanitary Landfill.

"Registered Architect" means an architect properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.

"Registered Land Surveyor" means a land surveyor properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.

"Registered Professional Engineer" means an engineer properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.

"Regulated Drain" means an open drain, a tiled drain, or a combination thereof, which is regulated by the Dubois County Drainage Board under IC 36-9-27.

"Remediation" means all actions necessary to prevent, minimize, or mitigate damages to the public health or welfare or to the environment which may otherwise result from a release or threat of a release of a Hazardous Material into the environment. The term includes the cleanup or removal of released Hazardous Material from the environment. The term also includes all actions consistent with a permanent remedy taken instead of or in addition to removal actions, if a release or threatened release of a Hazardous Material into the environment occurs, to eliminate the release of Hazardous Materials so that the Hazardous Materials do not migrate to cause substantial danger to present or future public health or welfare or the environment. The term also includes any other meaning that may hereafter be set forth in IC 13-11-2-186.

"Regularly Featured" or "Regularly Shown", with respect to a Sexually Oriented Business, refers to a consistent or substantial course of conduct such that the films or performances exhibited constitute a substantial portion of the films or performances offered as a part of the ongoing business.

"Religious Institution" (Church or Temple) means any Structure and property used by a non-profit group for the purpose of religious worship together with all incidental uses commonly associated with such a facility, such as a Child Care Center or School. The term includes church, synagogue, temple, mosque, or any other like facility used for worship and religious activities.

"Repair Services" refers to establishments that provide repair services to individuals and households, rather than businesses, not including automotive and equipment repair. The term includes such services as the repair of appliances, watches, jewelry, and musical instruments.

"Replat" means any change in a recorded plat which does not result in the creation of additional Lots. The term includes the inclusion of all or any part of a previously approved plat.

"Research Laboratory" means a Structure or group of Structures used primarily for applied and developmental research where product testing is an integral part of the operation and goods or products used in the testing may be manufactured and stored.

"Residential District" includes any area zoned RR (Rural Residential), R1, R 2, R3 or R4, MH (Residential District).

"Residential Facility for Individuals with a Developmental Disability (or RFIDD)" means a facility that provides residential services for not more than eight (8) individuals with a developmental disability established under a program authorized by IC 12-11-1.1-1(e)(1) or IC 12-11-1.1-1(e)(2).

"Retail Uses" refers to commercial enterprises that provide goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the business.

"Retirement Facility" means a residential complex containing

multifamily Dwellings designed for and occupied by senior citizens (individuals sixty (60) years of age or older, or couples where either spouse is sixty (60) years of age or older). The term includes common gathering and dining facilities, but does not include a facility that provides nursing care.

"Retreat Center" means a facility used for professional, educational, or religious meetings, conferences, or seminars which provides meals, housing, and recreation for participants during the period of the retreat or program.

"Riding Stable" means an establishment that shelters and offers upkeep to horses for use by patrons and private owners. The term includes grazing pastures and land designated for horseback riding.

"Right-of-Way Line" means the limit of publicly owned land encompassing a Public Way.

S

"Sales, Incidental" refers to sales that are related and subordinate to the primary service or retail activities of a commercial use.

"Sales, Temporary/Seasonal" refers to uses that are indoor or outdoor and operate on a temporary basis for the sale of seasonal fruits and vegetables, fireworks, Christmas trees, and/or other holiday, event, or season related products.

"Sanitary Landfill" means the designated area where nonhazardous and non-medical farm, residential, institutional, commercial, or industrial waste is buried.

"School" means any public or private educational facility. The term includes Child Care Centers, nursery schools, preschools, kindergartens, elementary schools, primary schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, colleges and universities. The term includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as an educational facility.

"Scrap Metal Yard" refers to a general industrial use established independent or ancillary to and connected with another general industrial use, which is concerned exclusively with new and salvaged metal pipes, wire, beams, angles, rods, machinery, parts, filings, clippings, and all other metal items of every type, and which acquires such items incidental to its connection with the other general industrial use or by purchase, consignment, or bailment which stores, grades, processes, melts, cuts, dismantles, compresses, cleans, or in any way prepares such items for reuse by the connected other general industrial use or for storage, sale, or shipment and use in other industries or businesses including open hearth, electric furnaces, and foundry operations. The term does not include Junk Yards or Refuse Dumps.

"Secondary Plat" means a plat that qualifies for secondary approval under the standards prescribed by Chapter 8 of this Ordinance. The term includes a final plat that was approved under prior law.

"Seed Sales, Distribution, and Storage" refers to an establishment that sells, stores, and distributes agricultural seed for farm planting, which primarily sells in bulk for commercial farm purposes.

"Semi-Nudity" refers to the appearance of the female breast below a horizontal line across the top of the areola at its highest point. The term includes display of the entire lower portion of the human female breast, but does not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel where the areola is not exposed in whole or in part.

"Semi-Nude or Nude Model Studio" means any place where an individual who appears in a state of nudity or displays Specified Anatomical Areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other individuals for money or any other type of consideration. However, a School that meets all of the following criteria shall not be considered a Semi-Nude or Nude Model Studio:

A. The School is a proprietary School licensed by the State of Indiana; a college, junior college, or university supported entirely or in part by public taxation; a private college or university that maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation.

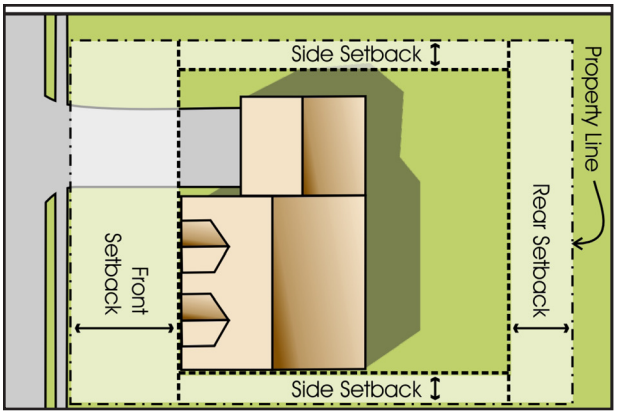
B. The School has no sign visible from the exterior of the Structure housing the School and no other advertising that indicates a nude or semi-nude individual is available for viewing.

C. The School requires students to enroll at least three (3) days in advance in order to participate in a class.

D. The School allows no more than one (1) nude or semi-nude model on the premises of the School at any one time.

"Semi-Tractor/Trailer Storage" means the storage of any vehicle without motive power designed to be coupled with or drawn by a Motor Vehicle and constructed so that some part of its weight and that of its load rests upon or is carried by another vehicle.

"Setback" means the minimum horizontal distance required by this Ordinance between the nearest structural appurtenance of a structure and the Front Lot Line, Rear Lot Line or the Side Lot Line as the case may be.



"Sexual Encounter Establishment" means a business or commercial enterprise that, as one (1) of its principal business purposes, offers for any form of consideration a place where two (2) or more persons may congregate, associate, or consort for the purpose of engaging in Specified Sexual Activities or the exposure of Specified Anatomical Areas or activities when one (1) of more of the persons is in a state of nudity or semi-nudity. The term does not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the State engages in medically approved and recognized sexual therapy.

"Sexually Oriented Business" means an Adult Arcade, Adult bookstore, Adult novelty store, Adult Video store, Adult Cabaret, Adult Motel, Adult Motion Picture Theater, Adult Theater, Escort Agency, Massage Parlor, Semi-Nude or Nude Model Studio, or Sexual Encounter Establishment.

"Sexually Oriented Entertainment Activity" means the sale, rental, or exhibition for any form of consideration, of books, films, video cassettes, magazines, periodicals, or live performances that are characterized by an emphasis on the exposure or display of Specified Sexual Activities or Specified Anatomical Areas.

"Shoe Repair Shop" means an establishment that primarily repairs shoes, with incidental sales of shoe related items.

"Shooting Range, Indoor" means any establishment at which firearms are discharged for the purpose of recreation and entertainment, and at which all shooting areas and targets are completely enclosed in a Structure.

"Shooting Range, Outdoor" means any establishment at which firearms are discharged for the purpose of recreation and entertainment, and at which any portion of the shooting areas or targets are located outside of a completely enclosed Structure.

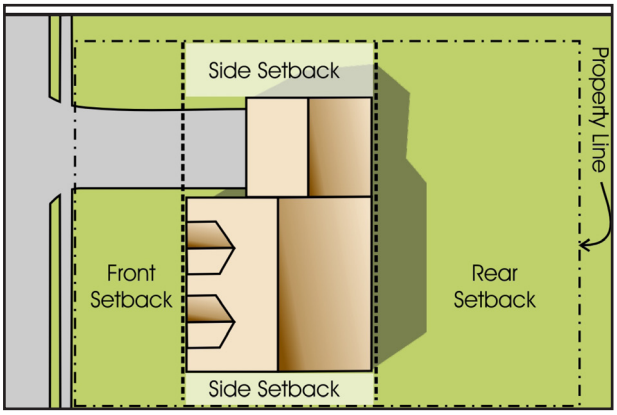
"Shopping Center" means an architectural and functional grouping of retail stores and appropriate associated and accessory uses, generally oriented around a supermarket or department store, and designed to serve residential neighborhoods or communities. For purposes of this Ordinance, any development consisting of two (2) or more professional office uses, personal service uses, retail service uses, or any combination thereof, shall be considered a shopping center.

"Shopping Mall" means a shopping center where numerous stores front on a pedestrian way that may be enclosed or open.

"Shrub, Ornamental" means a shrub planted primarily for its ornamental and screening value.

"Side Lot Line" means a Lot boundary line other than a Front or Rear Lot Line.

"Side Setback (Side Yard)" means the horizontal space between the nearest structural appurtenance of a Structure to the Side Lot Line. See Subsection 4.17(D)(6).



"Sight Distance" means the measurement from a driver's eyes, which are assumed to be three and three-quarters (3.75) feet above the pavement surface, to an object six (6) inches high on the pavement.

"Sight Visibility Triangle" refers to the triangular shaped areas on each corner of an intersection which are looked through by drivers approaching or departing an intersection to view oncoming traffic on crossing streets and roadways (see Subsection 7.2 Sight Visibility Triangle graphic).

"Sign" means an outdoor sign, display, device, notice, bulletin, figure, painting, drawing, message, placard, poster, billboard, or other thing that is designated, intended, or used to advertise or inform. The term also includes any other meaning that may hereafter be set forth in IC 8-23-1-38. However, the term does not include a flag.

"Skating Rink" means an establishment that provides facilities for patron skating.

"Small Cell Facility" means either:

A. A personal wireless service facility (as defined by the Federal Telecommunications Act of 1996 as in effect on July 1, 2015);

B. A wireless service facility that satisfies the following requirements:

1. Each antenna, including exposed elements, has a

volume of three (3) cubic feet or less.

2. All antennas, including exposed elements, have a total volume of six (6) cubic feet or less.

3. The primary equipment enclosure located with the facility has a volume of seventeen (17) cubic feet or less. For purposes of this clause (C), the volume of the primary equipment enclosure does not include the following equipment that is located outside the primary equipment enclosure: electric meters; concealment equipment; telecommunications demarcation boxes; ground based enclosures; back up power systems; grounding equipment; power transfer switches; cut off switches.

"Small Cell Network" means a collection of interrelated Small Cell Facilities designed to deliver wireless service.

"Smoke" means a suspension of fine particles, excluding water droplets, in a gaseous plume, which more or less obscures the transmission of light.

"Social Service Organization" means a public or quasi-public establishment providing social and/or rehabilitation services, serving persons with social or personal problems requiring special services, the handicapped, and the otherwise vulnerable or disadvantaged. Examples of this land use include: counseling centers, welfare offices, job counseling and training centers, or vocational rehabilitation agencies. Includes organizations soliciting funds to be used directly for these and related services, and establishments engaged in community improvement and neighborhood development. Does not include day care services, emergency shelters and transitional housing, or other residential care facilities.

"Sorority, Educational" means a club or social activity officially associated with and recognized and supervised by an institution for higher education whose membership is limited exclusively to students of the institution.

"Sorority, Social" means a private club of individuals organized around a civic, social, or intellectual goal or pursuit.

"Specified Anatomical Areas" means any of the following:

A. The human male genitals in a discernibly turgid state, even if fully and opaquely covered.

B. Less than completely and opaquely covered human genitals, pubic region, buttocks, or a female breast below a point immediately above the top of the areola.

"Specified Sexual Activities" means any of the following:

A. The fondling or other erotic or intentional touching of human genitals, pubic region, buttocks, anus, or female breasts, whether covered or uncovered.

B. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy.

C. Human genitals in a state of sexual stimulation, arousal, or tumescence.

D. Ultimate sexual acts, normal or perverted, actual or simulated, including intercourse, masturbation, excretory functions, or lewd exhibition of the genitals, whether between humans, a human and an Animal, or for the purpose of sadomasochistic sexual abuse or stimulation.

"Sporting Goods Shop" means an establishment that primarily sells sporting equipment, sporting apparel, and related items.

"Spotlight" means a fixture designed to direct a narrow intense beam of light on a desired area.

"Special Taxing District" means a geographic area within which a special tax may be levied and collected on an ad valorem basis on property for the purpose of financing local public improvements that are:

A. Not political or governmental in nature; and

B. Of special benefit to the residents and property of the area.

"Stadium or Coliseum" means a large open or enclosed space that is used for games or major events, especially sporting events, and is partly or completely surrounded by tiers of seats for spectators.

"Stationery Shop" means an establishment that primarily sells stationery, paper, cards, writing utensils, and various related items.

"Statute" means a law enacted by the Indiana General Assembly.

"Stop-Work Order" means a written document issued by the Administrator which requires the cessation of an activity.

"Story" means that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. However, any portion of a Story exceeding fourteen (14) feet in height shall be considered as an additional Story for each fourteen (14) feet or fraction thereof. A Half Story consists of that portion of a building under a sloping, gable, hip, or gambrel roof, the wall plates on at least two opposite exterior walls of which are not more than three (3) feet above the floor level of the Half Story.

"Street" means any Public Way designed or intended for vehicular traffic which:

A. Is an existing State, County, or Municipal Public Way;

B. Is shown upon an approved plat;

C. Is approved by other official action; or

D. Was shown on a plat duly filed and recorded with the Dubois County Recorder before the establishment of the JPC.

"Street, Arterial" means a Public Way that serves the major traffic movements within the Jurisdiction, as depicted on the Thoroughfare Plan.

"Street, Collector" means a Public Way designed to facilitate the collection of traffic from Local Streets and to provide circulation within neighborhood areas and convenient ways to reach Arterial Streets, as depicted on the Thoroughfare Plan.

"Street, Cul-de-sac" means a Public Way with a single common ingress and egress and with a turn-around at the end.

"Street Improvement" means the construction of a Public Way to its full thickness, commencing at the subgrade according to the specifications contained in this Ordinance. However, the placing of a new surface over an existing paved or closed surface Public Way shall not be considered as a Street Improvement but as maintenance.

"Street Intersection" means the point of crossing or meeting of two (2) or more Public Ways.

"Street, Local" means a Public Way designed primarily to provide access to abutting properties and discourage through traffic, as depicted on the Thoroughfare Plan.

"Street Orientation" means the direction of the architectural front facade of a Structure in relation to an abutting Public Way.

"Street, Primary Arterial" means a Public Way with access control, restricted parking, which is designed primarily to collect and distribute traffic to and from Secondary Arterials, as depicted on the Thoroughfare Plan.

"Street, Private" means a vehicular street or driveway, paved or unpaved, that is wholly within private property except where it intersects with a Public Way.

"Street, Residential" means any Public Way where the principal land use of the Lots to which the Public Way provides access, as well as the Lots on either side of the Public Way, is residential.

"Street, Secondary Arterial" means a Public Way that is designed to collect and distribute traffic to and from Collector Streets and Primary Arterial Streets, as depicted on the Thoroughfare Plan.

"Street Width" means the width of the paved surface of a Public Way, measured from back-of-curb to back-of-curb or from edge-of-pavement to edge-of-pavement where curbs are not present.

"Structural Alteration" means any change in the supporting members of a Structure such as bearing walls, partitions, columns, beams or girders, or any substantial change in the footprint or increase in the size of living space. The term includes substantial roofing and siding work when repairs are made to the Structure beneath.

"Structure" means anything constructed or erected which requires location on the ground or attachment to something having a location on the ground, including but not limited to buildings, sheds, detached garages, mobile homes, manufactured homes, above-ground storage tanks, free-standing signs, and other similar items. The term includes building.

"Subdivision" means the division of a Parent Tract or other parcel into at least two (2) smaller Lots or the combination of two (2) or more smaller Lots into one (1) Lot so that, either now or in the future, the Applicant can do any of the following with one (1) or more of the subdivided Lots:

A. Transfer ownership.

B. Construct structures or establish a use other than vacant.

C. Create new building sites for leasehold.

D. A division of land into two (2) or more tracts all of which are at least ten (10) acres in size and have at least 200 feet of public road frontage.

E. Transfer a tract or tracts to correct errors in an existing legal description, so long as no additional principal use building sites are created by the division.

F. Transfer land to a Federal or State agency, or a Political Subdivision, for right-of-way or another public purpose.

G. Transfer a tract or tracts between adjoining Lots, so long as no additional principal use building sites are created by the division.

"Subdivision" means an Administrative Subdivision, Conservation Subdivision, Major Subdivision, or Minor Subdivision.

"Subdivision, Administrative" means the creation of one (1) or more Tracts from an existing Tract, or the combination of two (2) or more Tracts into one (1) Tract, for any of the following purposes:

A. To correct errors in an existing legal description, so long as no additional principal use building sites are being created.

B. To transfer land to a Federal or State agency, or a Political Subdivision, for a Public Way or other public purpose.

C. To transfer land between adjoining Tracts, so long as no additional principal use building sites are being created.

D. To accomplish a Replat that involves only the removal of interior lot lines, with the outside perimeter of the subject property remaining unchanged.

E. To accomplish a Replat that involves only the removal or relocation of easements on the plat.

F. To accomplish a Replat that involves only the changing of notations written on the plat or correction of errors thereon.

G. To accomplish a Replat that does not involve the dedication of any new Public Ways or utility expansions.

H. To effect a division of land pursuant to an allocation of land by court decree.

I. To divide land into cemetery plots.

J. To divide land into two (2), three (3) or four (4) Tracts all of which are at least ten (10) acres in size and have at least 200 feet of frontage on a Public Way.

"Subdivision, Conservation" means a Major Subdivision in the Agricultural General (A1) or Rural Residential (RR) district that also meets the standards set forth in Section 9.6(D) Conservation Subdivision Standards.

"Subdivision, Major" means the division of a Parent Tract or other parcel that results in the creation of five (5) or more lots, whether at the same time or over the course of time, for the purpose of transferring ownership, constructing structures, establishing a use (other than vacant), or creating new building sites for leasehold.

"Subdivision, Minor" means the division of a Parent Tract or other parcel that results in the creation of not more than four (4) lots, whether at the same time or over the course of time, for the purpose of transferring ownership, constructing structures, establishing a use (other than vacant), or creating new building sites for leasehold, unless the division is certified as an Administrative Subdivision by the Administrator.

"Substantial Modification of a Wireless Support Structure" means the mounting of a Wireless Facility on a Wireless Support Structure in a manner that either:

A. Increases the height of the Wireless Support Structure by ten percent (10%) of the original height of the Wireless Support Structure, or twenty (20) feet, whichever is greater;

B. Adds an appurtenance to the Wireless Support Structure that protrudes horizontally from the Wireless Support Structure more than twenty (20) feet, or the width of the Wireless Support Structure at the location of the appurtenance, whichever is greater; or

C. Increases the square footage of the equipment compound in which the Wireless Facility is located by more than two thousand five hundred (2,500) square feet.

D. However, notwithstanding subdivisions (A), B), and (C), the term does not include any of the following:

E. Increasing the height of a Wireless Support Structure to avoid interfering with an existing Antenna.

F. Increasing the diameter or area of a Wireless Support Structure to shelter an Antenna from inclement weather, or to connect an Antenna to the Wireless Support Structure by cable.

G. Any modification of a Wireless Support Structure or Base Station that involves only collocation, removal of transmission equipment, or replacement of transmission equipment.

"Supermarket" means a large-scale retailer of food and grocery supplies, which may also include a flower shop, pharmacy, bakery, branch bank, and any other complementary or incidental use.

"Supply Yard" means a commercial establishment storing or offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods. The term does not include the wrecking, salvaging, dismantling, or storage of Motor Vehicles.

"Surety" refers to the amount of money or a negotiable instrument provided by a developer to the City which guarantees the performance of all actions required by the City regarding the issuance of Permit.

"Swimming Pool" means a self-contained body of water at least eighteen (18) inches deep and eight (8) feet in diameter or width and used for recreational purposes. The term includes both above and below ground level facilities. A Private Swimming Pool is one that is used only by the owner of the Pool and the owner's invited guests and constitutes an accessory use at a private residence or private commercial establishment.

T

"Tailor Shop" means an establishment that alters and repairs clothing for patrons.

"Tanning Salon" means any business that provides a service using artificial lighting systems to produce a tan on an individual's body, including the incidental sale of tanning products.

"Technical Advisory Committee (TAC)" means any committee established by the Administrator or the JPC to assist with the technical evaluation of developments by reviewing sketch plats and the like.

"Temporary Use/Structure" refers to a land use or Structure that is established for a limited and fixed period of no more than four (4) months where the owner's intent is to discontinue the use or remove the Structure upon the expiration of the time period.

"Textured" refers to any of the following:

A. The visual or tactile surface, characteristic, and appearance of something.

B. An impressive and exciting pattern.

C. A basic scheme or Structure.

D. Character.

E. The overall Structure.

"Theater" means a facility for audio and visual productions and performing arts, excluding Adult Motion Picture Theaters and Adult Entertainment Businesses.

"Thoroughfare" means a Public Way or Public Place that is included in the Thoroughfare Plan of the City. The term includes the entire right-of-way for public use of the Thoroughfare and all surface and subsurface improvements on it such as sidewalks, curbs, shoulders, and utility lines and mains.

"Thoroughfare Plan" means a statement of policy for the development of Public Ways which is included in the Comprehensive Plan under IC 36-7-4-506. The term includes any short or long range plan for the location, general design, and assignment of priority for construction of Thoroughfares in the Jurisdiction for the purpose of providing a system of major Public Ways which allows effective vehicular movement, encourages effective use of land, and makes economic use of public funds.

"Tool and Dye Shop" means an establishment that processes, cuts, and molds metal into tools, molds, machine components, and similar products.

"Townhouse" means a single-family Dwelling Unit with a private entrance that is attached horizontally to other Dwelling Units in a linear arrangement, with a front and a rear wall that are totally exposed for light, access, and ventilation.

"Tract" means an area of land that is:

A. Under common fee simple ownership;

B. Contained within a continuous border; and

C. A separately identified parcel for property tax purposes.

"Trade or Business School" means a school conducted as a commercial enterprise that provides on-site training for business or secretarial skills, instrumental music, dancing, barbering or hair dressing, drafting, and the like; or for industrial or technical arts. The term includes vocational schools and career centers.

"Traffic Calming" refers to methods of reducing the negative impact of Motor Vehicles on surrounding land uses and other methods of personal transportation through street design that decreases the speed of vehicles and provides increased space and comfort for pedestrians.

"Trail" means a Public Way, separate from a street, alley, or other vehicle roadway, designed for and used by pedestrians, cyclists, and others using non-motorized transportation and recreation equipment

"Transfer of Ownership or Control", with respect to a Sexually Oriented Business, means the sale, lease, or sublease of the business. The term also includes the transfer of securities that form a controlling interest in the business, whether by sale, exchange, or similar means; or the establishment of a trust, gift, or other similar legal device that transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of an individual possessing the ownership or control.

"Transitional housing" means a supportive, yet temporary, type of accommodation that is meant to bridge the gap from homelessness or unsafe living environment to permanent housing by offering structure, supervision, support for conditions such as addictions and mental health, life skills, and in some cases, education and training.

"Tree Farm" means a farm where trees, shrubs, and similar plant materials are grown.

"Tree, Ornamental" means a deciduous tree possessing qualities such as flowers or fruit, attractive foliage, bark or shape, which has a mature height generally under forty (40) feet.

"Tree, Shade" means a deciduous tree planted primarily for its high crown of foliage or overhead canopy.

"Truck Freight Terminal" means an area and/or Structure where trucks and cargo are stored, where loading and unloading is carried on regularly, and where minor truck maintenance is performed.

"Truck Stop" means a facility designed and used to provide services to the trucking industry including fuel stations, repair shops, truck washes, restaurants, convenience stores, weight scales, and shower facilities, all as part of a unified facility.

"Truck Sales and Service" refers to any establishment that sales and services semis, grain trucks, and other Motor Vehicles similar in size. The term does not include any facility where inoperable trucks are stored, unless they are stored on a temporary basis for the purpose of being serviced.

U

"University (or college)" means an institution for post-secondary education, public or private, offering courses in general, technical, or religious education and operated not-for-profit, which operates in structures owned or leased by the institution for administrative and faculty offices, student and faculty housing, classrooms, laboratories, chapels, auditoriums, lecture halls, libraries, student and faculty centers, community rooms and facilities, athletic facilities, fraternities, and sororities. The term may include facilities used by for-profit businesses that are incidental to the educational, cultural, and athletic functions and that lease space from the institution. The term does not include trade schools operated for profit.

"Urban Area" includes any of the following:

A. All lands and lots within the corporate boundaries of the City.

B. Any other lands or lots used for residential purposes where there are at least eight (8) residences within any quarter mile

square area.

C. Other lands or lots within the jurisdiction that have been or are planned for residential areas.

The term also includes any other meaning that may hereafter be set forth in IC 36-7-4-1103(b).

"Use Category" means a group of similar use types that are associated with each other to such an extent that they are grouped together for the purpose of identifying land uses by this Ordinance, such as retail uses, office uses, personal service uses, and general industrial production.

"Use, Permitted" means any use that is listed as a permitted use in this Ordinance or that is an Accessory or Temporary Use associated with a use that is permitted in the zoning district in which it is located.

"Utility Pole" means a Structure (other than a Wireless Support Structure or Electrical Transmission Tower) that is:

A. Owned or owned or operated by a public utility, a communications service provider, a Political Subdivision, an electric membership corporation, or a rural electric cooperative; and

B. Designed and used to carry lines, cables, or wires for telephony, cable television, or electricity, or to provide lighting.

V

"Variety Store" means a retail establishment that sells a multitude of consumer goods.

"Vehicle Detailing/Accessory Shop" means an establishment that provides auto-detailing services and/or sells associated merchandise. The term does not include the servicing of Motor Vehicles or mechanical upgrades or repairs.

"Vehicle Sales" means the storage and display for sale of more than two (2) motor vehicles where repair work, body work, and parts sales are incidental to the sales operation.

"Vending Machines" refers to a use involving machines that, for a fee, distribute drinks, newspapers, and other items, and where the machines are owned by a Person other than the property or business owner.

"Vested Right" means a right vested in an Applicant or other Person to whom or which a Permit or other approval has been issued or granted within the meaning of IC 36-7-4-1109.

"Veterinary Office" means an establishment for the care, observation, or treatment of Domestic Animals.

"Vibration" refers to oscillatory motion transmitted through the ground.

"Video Store" means an establishment primarily engaged in the retail rental of DVD, videotapes, films, CD-ROMS, laser discs, video games, or other electronic media.

"Viticulture" means the cultivation of grapevines and the growing of grapes.

W

"Waiver" means a decision of the JPC, the Plat Committee, any other committee, or a hearing examiner to waive or modify either a standard fixed in Chapter 8 of this Ordinance or a Development Requirement.

"Warehouse" means a facility for the storage, wholesale, and distribution of manufactured products, supplies, and equipment.

"Water Tower" means a tower or standpipe that functions as a reservoir providing water to the community.

"Watercourse" includes lakes, rivers, streams, and any other body of water. The term does not include an underground aquifer or water in an underground aquifer.

"Wellfield" means an area of land which contains one (1) or more existing or proposed wells for supplying water to a water utility.

"Wholesale Facility" means an establishment or place of business primarily engaged in selling and/or distributing merchandise to retailers, to industrial, commercial, institutional, or professional business users, or to other wholesalers.

"Winery" means a facility in which wine products are grown and processed for commercial sales. The term includes related uses such as a retail shop, standard restaurant, bar, or live entertainment.

"Wireless Communications Service" means service provided in accordance with the Federal Telecommunications Act of 1996.

"Wireless Facility" means the set of equipment and network components necessary to provide Wireless Communications Service. The term does not include a Wireless Support Structure.

"Wireless Support Structure" means a freestanding Structure designed to support Wireless Facilities. The term does not include a Utility Pole or Electrical Transmission Tower.

"Works Board" means the Jasper Board of Public Works and Safety.

Y

"Yard" means an open space on the same Lot with a Structure, unoccupied and unobstructed from its lowest level upward, except as otherwise permitted by this Ordinance (see Setback).

"Yard, Front" means a Yard extending along the full length of the Front Lot Line between the Side Lot Lines (see Front Setback).

"Yard, Rear" means a Yard extending along the full length of the Rear Lot Line between the Side Lot Lines (see Rear Setback).

"Yard, Side" means a Yard extending along a side Lot from the Front to the Rear Yard (see Side Setback).

Z

"Zoning Letter" refers to a certificate that is issued prior to the Certificate of Occupancy stating that the Structure or use has been constructed and complies with the provisions of this Ordinance, Developer Commitments, and any conditions imposed by the JPC or JBZA, with respect to which the Administrator may accept a posting of a bond regarding any incomplete requirements that will be completed as per a written agreement.

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HISTORY TABLE

SECTION OF UDO	ORDINANCE NUMBER	DATE OF ADOPTION	SUPPLEMENT NUMBER
4.2	2021-1	1/20/2021	REPUB
	2023-37	12/20/2023	3
	2026-2	2/18/2026	5
4.3	2023-37	12/20/2023	3
4.4	2021-1	1/20/2021	REPUB
	2023-37	12/20/2023	3
4.5	2021-1	1/20/2021	REPUB
	2023-37	12/20/2023	3
4.6	2021-1	1/20/2021	REPUB
	2023-37	12/20/2023	3
	2024-27	1/22/2025	4
4.7	2021-1	1/20/2021	REPUB
	2023-37	12/20/2023	3
4.8	2021-1	1/20/2021	REPUB
	2021-39	12/22/2021	1
	2023-37	12/20/2023	3
	2024-27	1/22/2025	4
4.9	2023-37	12/20/2023	3
4.10	2021-1	1/20/2021	REPUB
	2023-37	12/20/2023	3
4.11	2021-1	1/20/2021	REPUB
	2023-37	12/20/2023	3
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4.12	2021-1	1/20/2021	REPUB
	2023-37	12/20/2023	3
	2024-27	1/22/2025	4
4.13	2021-1	1/20/2021	REPUB
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	2023-37	12/20/2023	3
	2026-2	2/18/2026	5
4.14	2021-1	1/20/2021	REPUB
	2022-42	2/22/2022	2
	2023-37	12/20/2023	3
	2026-2	2/18/2026	5
4.15	2023-37	12/20/2023	3

SECTION OF UDO	ORDINANCE NUMBER	DATE OF ADOPTION	SUPPLEMENT NUMBER
4.16	2021-1	1/20/2021	REPUB
	2022-42	2/22/2022	2
	2023-37	12/20/2023	3
	2026-2	2/18/2026	5
4.17	2022-42	2/22/2022	2
	2024-27	1/22/2025	4
	2026-2	2/18/2026	5
5.7	2024-27	1/22/2025	4
6-3	2021-1	1/20/2021	REPUB
7.2	2024-27	1/22/2025	4
7.5	2024-27	1/22/2025	4
7.10	2022-42	2/22/2022	2
	2024-27	1/22/2025	4
	2026-2	2/18/2026	5
7.12	2021-39	12/22/2021	1
7.14	2021-1	1/20/2021	REPUB
	2021-39	12/22/2021	1
	2024-27	1/22/2025	4
	2026-2	2/18/2026	5
7.15	2022-42	2/22/2022	2
7.18	2026-2	2/18/2026	5
7.24	2024-27	1/22/2025	4
	2026-2	2/18/2026	5
8.3	2021-39	12/22/2021	1
8.4	2021-39	12/22/2021	1
8.7	2023-37	12/20/2023	3
	2026-2	2/18/2026	5
8.8	2024-27	1/22/2025	4
9.5	2021-39	12/22/2021	1
	2026-2	2/18/2026	5
9.16	2026-2	2/18/2026	5
9.24	2026-2	2/18/2026	5
10.3	2026-2	2/18/2026	5
ch. 12	2021-1	1/20/2021	REPUB
	2021-39	12/22/2021	1
	2022-42	2/22/2022	2
	2024-27	1/22/2025	4
	2026-2	2/18/2026	5