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Vermillion County
Unified Development Ordinance

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Article

1

Ordinance Foundation

Vermillion County

Unified Development Ordinance

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Basic Provisions

1.01 Title

This ordinance shall be formally known as the "Vermillion County Unified Development Ordinance," and may be informally cited and referred to as the "Unified Development Ordinance," "Subdivision Control Ordinance" or "Zoning Ordinance."

1.02 Unified Development Ordinance

The Zoning Ordinance and Subdivision Control Ordinance have been combined into one (1) ordinance for the purpose of maintaining consistency between the two (2) sets of regulations, shortening the overall length of the document by sharing content, and to improve user-friendliness. Articles 1, 7, 8, 9, 10, and 11 are shared by both the Zoning Ordinance and Subdivision Control Ordinance. Articles 2, 3, 4, and 5 are exclusively Zoning Ordinance regulations. Article 6 is exclusively Subdivision Control Ordinance regulations.

1.03 Defined Words

Words used in a special sense in this Unified Development Ordinance are defined in *Article 11: Definitions*.

1.04 Authority

This Unified Development Ordinance is adopted through the Vermillion County Area Plan Commission, Vermillion County Commissioners and City of Clinton Common Council (and any other participating municipality's common council) pursuant to the authority under the laws of the State of Indiana, *IC 36-7-4* et seq.

1.05 Jurisdiction

The Vermillion County Area Plan Commission Unified Development Ordinance applies to all unincorporated land within Vermillion County and all lands within the incorporated City of Clinton; and all land within any other municipality that elects to join the Vermillion County Area Plan Commission in the future.

1.06 Changes in Plan Commission Structure

If at any point in the future, Vermillion County is required to or chooses to evolve to an Advisory Plan Commission, the regulations in the Vermillion County Unified Development Ordinance shall still apply to all unincorporated areas in Vermillion County. Any citations to a municipality or regulations specifically for a municipality shall be considered superfluous until removed by amendment. Citations to "Area Plan Commission" shall be assumed to read as "Advisory Plan Commission."

1.07 Purpose and Intent

This Unified Development Ordinance shall guide the growth and development of the Vermillion County Area Plan Commission's Jurisdiction for the following purposes and intents include, but are not limited to:

A. Basic Rights: To secure adequate light, clean air, convenience of access, and safety from fire, flood, industrial hazards, and other dangers which may include providing adequate open spaces for light, clean air, and outdoor uses.

B. General Welfare: To promote the public health, safety, morals, comfort, convenience, and general welfare.

C. Life Safety: To vehemently disallow any use, structure, building, pipeline, mining operation, disposal operation, storage operation, injection well, or collection of materials or products that pose high risk to citizen's life safety if or when an error, failure, rupture, miscalculation, material failure, human error, or the like occurs.

D. Quality of Life: To assure residents are not subject to potentially adverse noise, flicker, glare, odors, vapors, hazardous gas, smoke, particulates, vibration, flood, or earthquake.

E. Development and Growth: To promote the orderly, responsible and beneficial development and growth of the areas within the planning jurisdiction in accordance with the Vermillion County Comprehensive Plan and/or any other relevant planning documents.

F. Quality Divisions of Land: When land is being subdivided, promote divisions of land that:
   1. Memorialize and record the lot splits and establish development rights;
   2. Establish proper access, arrangement, configuration, design, and construction of streets and pedestrian facilities;
   3. Utilize proper planning, location of, design, installation, and protections for public utilities and other public facilities; and
   4. Other requirements that will promote conditions favorable to the health, convenience, and prosperity of the jurisdiction's citizens.

G. Emergency Services Capacity: To disallow uses, buildings, infrastructure, and structures that exceed the capacity and capabilities of emergency services, especially situations that risk serious injury or loss of life.

H. Character: To protect the rural and small town character, scenic beauty, aesthetics, and charm throughout Vermillion County.

I. Circulation and Safety: To ensure safe, convenient, and efficient vehicular and pedestrian circulation.

J. Compatibility: To avoid compatibility issues between different intensity land uses and protect existing uses from the encroachment of incompatible uses or hazards.

K. Intensity: To regulate and limit the use of buildings, structures, and land when necessary to assure compatibility with adjacent uses, and such to not exceed municipal infrastructure capacity.

L. Right to Farm: Protect the agricultural economy and minimize encroachment of non-compatible uses and activities that conflict with established and future agricultural uses that utilize common and ordinary agricultural practices.

M. Environmental Impact from Intense Uses: Strictly regulate or disallow intense uses that would likely have a high impact, or that have a history elsewhere of having a high impact to ground water, surface water, soils, or air quality.

N. Environmental Impact: To preserve and protect surface water quality, ground water quality, and ground water reserves; especially to prevent the exploitation and export of the county's water resources.

O. Public Service: To define the powers and duties of administrative officials and bodies, and to establish procedures for the implementation and enforcement of the Unified Development Ordinance.

P. Compliance: To require ongoing compliance with the regulations and punitive recourse for noncompliance regarding the regulations of this Unified Development Ordinance.

Q. Removal and Remediation: To require the complete removal and/or remediation of abandoned or non-compliant energy generation systems, industrial structures, utility structures, meteorological towers, and similar structures.

1.08 Compliance

A. Zoning Regulations: Except as hereinafter allowed, no structure shall be placed, erected, constructed, reconstructed, moved, structurally altered, converted, enlarged, or used; nor shall any land be used; nor shall any existing use be changed or expanded except when in full compliance with all provisions of the Unified Development Ordinance and the permits and approvals required by the Unified Development Ordinance have lawfully been issued. Compliance shall also include instances that have been legally granted a variance by a Board of Zoning Appeals. Existing land uses, lots, and structures that do not comply with the Unified Development Ordinance shall be grandfathered (i.e. a legal nonconformance) if they were legally established under a prior zoning ordinance or subdivision control ordinance.

B. Subdivision Control Regulations: No subdivision of land, merging of parcels, shifting of a lot line, replat, amendments to a plat, conversion of common area, modification to a written commitment or condition imposed by the Area Plan Commission during the platting process, or any other alteration to a platted lot or subdivision shall be permitted except when in full compliance with all applicable provisions of the Unified Development Ordinance; or as may have been permitted by a waiver by the Area Plan Commission.

1.09 Severability

If any provision or the application of any provision of the Unified Development Ordinance is held unconstitutional or invalid by any court of competent jurisdiction, all remaining provisions of the Unified Development Ordinance shall not be affected.

1.10 Interpretation

A. Minimum Requirements: The provisions of this Unified Development Ordinance are the minimum requirements necessary to achieve the purpose and intent (See, *Section 1.07 Purpose and Intent (pg 1-2)*).

B. Conflict or Inconsistency:

1. *Internal Conflict or Inconsistencies*: Unless otherwise specifically stated within this Unified Development Ordinance, if two (2) or more provisions of this Unified Development Ordinance are in conflict or are inconsistent with one another, then the most restrictive provision shall apply.
2. *Federal, State and Local Regulations*:
   a. Whenever a provision of the Unified Development Ordinance imposes a greater restriction or a higher standard than is required by any State or Federal regulation, or any other County or City ordinance, the provision of the Unified Development Ordinance shall apply.
   b. Whenever a provision of any State or Federal regulation, or other County or City ordinance imposes a greater restriction or a higher standard than is required by the Unified Development Ordinance, the provision of the State or Federal regulation, or other County or City ordinance shall apply.
3. *Other*: Whenever a private covenant, contract, commitment, agreement, or other similar private regulation imposes a greater restriction or a higher standard than is required by a provision of the Unified Development Ordinance, the stricter standard shall apply, albeit by a non-governmental regulation. However, when a proposed project complies with the Unified Development Ordinance, the Area Plan Commission is obligated to issue the permit or otherwise approve the project. In other words, the Area Plan Commission shall not be responsible to enforce private covenants, contracts, commitments, agreements, and the like.

C. Illustrations: If differences are found between the meaning or implication of any illustration or drawing compared to the regulatory text, the regulator text of this Unified Development Ordinance shall apply. Illustrations and drawings are generally considered secondary to text, unless clearly intended otherwise, or when the illustration or drawing complements or adds value to the text.

D. Text and Tables: If differences are found between the meaning or implication of any table compared to the regulatory text, the stricter of the provisions shall apply.

E. Time Frames: Time frames stated within this Unified Development Ordinance shall be calculated to include weekdays, weekends and holidays. If a time frame ends on a Saturday, Sunday, or holiday that the local government offices are closed, the time frame will be extended to the end of the first business day thereafter.

F. Delegation of Authority: If a provision in this Unified Development Ordinance requires a specific authorized person to perform an act or duty, then that provision shall also include any person working under the authority and/or supervision of the authorized person, unless specified otherwise.

G. Mandatory and Permissive Terms: The words “shall” or “must” are always mandatory. The words “may” or “should” are always permissive, unless clearly intended or noted otherwise.

H. Words Used: Any non-legal or non-technical words used in the Unified Development Ordinance and that are not defined in *Article 11: Definitions*, shall be interpreted to be the common usage of the language, as found in a Dictionary. Similarly, any legal or technical words not defined in the Unified Development Ordinance shall be interpreted to be as defined by the appropriate technical lexicon or legal dictionary. Under all circumstances the ordinance intent, and context and inference from surrounding text shall be considered

I. Tense: If words are used in a specific tense (i.e. past, future, or present) it shall be construed to include all tenses, unless the context clearly indicates a specific tense.

J. Singular/Plural Form: If words are used in singular form, the plural form shall apply and vice versa, unless the context clearly indicates the contrary.

K. Gender: If a feminine term is used, the masculine shall also apply and vice versa.

L. Conjunctions: The word “and” shall be construed to include all connected items in a series, conditions, and/or regulation. The word “or” shall be construed to include one or more of the items in a series, conditions, and/or regulation, unless the context clearly suggests the contrary.

M. Rounding: If a regulatory formula is used within this Unified Development Ordinance and results in a non-whole number of an indivisible object or feature (e.g. a parking space), the non-whole number shall be rounded up to the next highest whole number.

N. Building or Structure: The word “building” or “structure” includes any part thereof, unless clearly indicated otherwise.

O. Petitioner or Applicant: The word “petitioner” and “applicant” may be used interchangeably, unless clearly indicated otherwise.

P. Statutory Changes: Whenever Indiana Code cited in this Unified Development Ordinance has been amended or superseded, this Unified Development Ordinance shall be deemed amended in reference to the new or revised code.

Q. References: Whenever any agency, department, position, document, map, or publication referenced in the Unified Development Ordinance changes, the new or substitute agency, department, position, document, map, or publication shall be deemed incorporated into the Unified Development Ordinance.

1.11 Repealer

The following ordinances are hereby repealed and are replaced by the Unified Development Ordinance and Official Zoning Map:

A. County Zoning Ordinance: The Vermillion County Area Plan Commission Zoning Ordinance, as amended, and its associated Zoning Map.

B. County Subdivision Control Ordinance: The Vermillion County Area Plan Commission Subdivision Control Ordinance, as amended.

C. City of Clinton Zoning Ordinance: The City of Clinton's Zoning Ordinance, as amended, and its associated Zoning Map.

1.12 Administration

The Vermillion County Zoning Administrator shall have the primary responsibility for administration of the Unified Development Ordinance within the unincorporated planning jurisdiction. The City of Clinton's Zoning Administrator shall have the primary responsibility for administration of the Unified Development Ordinance within the City of Clinton's municipal jurisdiction. Any municipality that joins the Vermillion County Area Plan Commission shall also have its own local Zoning Administrator or may elect to use the county's staff.

1.13 Administrative Discretion

A. Limits of Discretion: The Vermillion County Zoning Administrator and the City of Clinton Zoning Administrator shall have minimal discretion to allow clearly incidental variations to measurable provisions in the Unified Development Ordinance. Under no circumstance shall variations exceed a ten percent (10%) variation in the applicable provision. Non-measurable provisions are not applicable (i.e. required connection to public sewer). Further, discretion shall only be granted for practical difficulties or when the owner/petitioner clearly is striving to meet the intent of the regulations.

B. Documentation: To exercise discretion, the Zoning Administrator shall prepare a written description of the discretion granted on letterhead from the applicable jurisdiction and then be signed by the Zoning Administrator. Verbal authorization or undocumented authorization shall not constitute official authorization.

C. Preservation of Documentation: One (1) copy shall be provided to the property owner and one (1) copy shall be placed in the permanent record for that property, or recorded.

D. Report to Board of Zoning Appeals: Any use of administrative discretion shall be reported to the applicable board of zoning appeals at their next official meeting.

E. Refusal to Exercise Discretion: Under no circumstances shall the zoning administrator be required to use the authorized discretion. The zoning administrator may forward any request for discretion to the applicable board of zoning appeals for processing as a development standards variance for any reason, especially if the discretion involves a sensitive issue.

F. Notice: The zoning administrator shall not be required to offer or inform an owner or petitioner of the discretion clause.

1.14 Code Enforcement

Enforcement of the Unified Development Ordinance shall be the responsibility of the Enforcement Official as determined by the Area Plan Commission for the unincorporated planning jurisdiction; and as determined by the City of Clinton Common Council for the city's incorporated planning jurisdiction. Any municipality that joins the Vermillion County Area Plan Commission shall also have its own local Enforcement Official or may elect to use the county's Enforcement Official.

1.15 Effect of Annexation or Vacation on Zoning

A. Annexation: Any area annexed into the City of Clinton or any other participating municipality, now or in the future, shall be assigned an "initial zoning" as part of the legal process of annexation. In the event a zoning district is not assigned by the legislative body, the land shall be considered Rural Residential (RR).

B. Vacation: Any public land (e.g. alley or right-of-way) vacated by law shall be assigned a zoning district as part of the legal process to vacate public land. In the event a zoning district is not assigned, the established parcel shall be zoned the same as the adjacent parcels, or split fractionally to match two (2) or more differing adjacent properties zoning districts.

Establishment of Zoning Districts

1.16 Establishment of Standard Zoning Districts

Each of the standard zoning districts in this Unified Development Ordinance stand alone and are not a part of a hierarchy or pyramidal system of zoning. Only those uses and development standards which are expressly permitted and noted for each zoning district apply to that zoning district.

For the purpose of the Unified Development Ordinance, Vermillion County Area Plan Commission has established the following standard zoning districts:

Standard District Code	Standard District Name	Standard District Purpose
CO	Conservation	This district is established for fish and wildlife areas, land banks, and other state-owned land in conservation
A1	General Agricultural	This district is established for general agricultural uses
A2	Intense Agriculture	This district is established for sate/federal regulated confined feeding operations
PR	Parks and Recreation	This district is established for active recreation, parks, recreational areas, and linear trails
RR	Rural Residential	This district is established for very large to large lot rural residential and for “hobby farms”
R1	Low Intensity Single-family Residential	This district is established for single-family detached residential on large sized lots
R2	Medium Intensity Single-family Residential	This district is established for single-family detached residential on medium sized lots
UR	Urban Residential	This district is established for single-family detached residential, primarily on small lots and located within the boundaries of the City of Clinton and unincorporated towns
M1	Low Intensity Multiple-family Residential	This district is established for duplexes
M2	Multiple-family Residential	This district is established for triplexes, quadplexes, and small apartment complexes
IS	Institutional	This district is established for institutional and municipal owned lands for public purpose and use
UC	Urban Commercial	This district is established to accommodate the unique mix of retail, commercial, entertainment, governmental, and professional uses with appropriate upper floor uses in the City of Clinton and unincorporated towns
GC	General Commercial	This district is established for a wide variety of retail, business, service, entertainment, and eating establishments
HC	Highway Commercial	This district is established for commercial uses that are closely related to the special needs of the traveling public, interstate commerce, trucking, and in general, vehicular traffic along interstates and major state highways
I1	Low to Moderate Intensity Industrial	This district is established for low to moderate intensity industrial uses and light manufacturing facilities
I2	High Intensity Industrial	This district is established for high intensity industrial uses and heavy manufacturing facilities
HI	High Impact	This district is established for specific uses that may have a particularly high impact on the community

1.17 Establishment of Overlay Districts

The overlay district noted below has been established to modify the applicability of development standards and land uses:

Overlay District Code	Overlay District Name	Overlay District Purpose
WP-O	Wellhead Protection Overlay	This district is established to protect the integrity and potability of the community's public water supply

1.18 Establishment of Planned Unit Development District

As provided for in the Unified Development Ordinance, only the following standard zoning districts may be rezoned to a Planned Unit Development District: A1, A2, RR, R1, R2, M1, M2, IS, UC, GC, HC, I1, and I2.

Land Use Interpretation

1.19 Zoning District Land Uses

The two-page layout for each standard zoning district in *Article 2: Zoning Districts* identifies land uses allowed in that district. Such land uses are of two kinds: permitted uses and special exception uses. Vermillion County's permitted and special exception uses for each district shall be as noted in the "Permitted Use" and "Special Exception Use" columns on each two-page layout.

1.20 Unlisted Land Uses

Any land use not listed in either the permitted use or special exception use column of a particular standard zoning district, shall be prohibited in that particular standard zoning district.

1.21 Administrative Interpretation

Any land use not listed in either the permitted use or special exception use column of a particular standard zoning district, but that is significantly similar or related to a use that is a permitted use or a special exception use in that standard zoning district may be deemed permitted through a Administrative Interpretation Process as described in *Article 9: Processes*.

1.22 Official Zoning Map

A. Description: The "Vermillion County Area Plan Commission Official Zoning Map" is hereby incorporated into the Vermillion County Area Plan Commission Unified Development Ordinance and shall be the official record of the application of zoning district to each parcel within Vermillion County Area Plan Commission's jurisdiction. The map shall may be informally cited and referred to as the "Official Zoning Map" or "Zoning Map."

B. Location: The Official Zoning Map as approved by the Area Plan Commission and as adopted by the legislative body shall be located in the Area Plan Commission Office. Each participating municipality may also maintain an official zoning map for its jurisdiction. Optionally, the Official Zoning Map may be maintained on an official GIS system if available to the public via an online portal.

C. Zoning District Boundaries:

1. *Standard Zoning Districts*: The standard zoning district boundaries shall be shown on the Official Zoning Map. The two-digit abbreviations for the standard zoning districts appearing in the Unified Development Ordinance or a specific color noted on the map legend shall be used to identify the standard zoning districts on the map.
2. *Overlay District*: The overlay district boundaries shall be denoted by on the Official Zoning Map with a hatch or textured pattern, and shall be interpreted as follows:
    a. Fully Covered: A lot that is fully covered by an overlay district shall be interpreted to be subject to the overlay district standards found in *Article 3: Overlay District*.
    b. Partially Covered: A lot that is partially covered (i.e. transected) by an overlay district boundary shall be interpreted to be subject to the overlay district standards where the lot area is covered by the overlay district. Therefore, only the denoted portions of the subject lot would be required to meet the overlay district's regulations.
3. *Interpretation*: Zoning district boundaries on the Official Zoning Map shall be interpreted as follows:
    a. Streets: Zoning district boundaries that look like they exactly or roughly follow a street easement, right-of-way, and/or apparent right-of-way boundary shall be interpreted as following the actual easement, right-of-way, and/or apparent right-of-way boundary.
    b. Section Lines: Zoning district boundaries that look like they exactly or roughly follow a section line, fractional sectional line, platted lot lines, parcel boundary, or incorporated community's boundary line shall be interpreted as following the actual section line, fractional section line, platted lot line, parcel boundary, or community boundary.
    c. Water: Zoning district boundaries that look like they exactly or roughly following the edge or centerline of a stream, river, or other body of water shall be construed to follow such edge or centerline.
4. *Disputes*: Any disputes as to the exact zoning district boundaries shall be determined by the Zoning Administrator. The Zoning Administrator may refuse to make a determination when he/she cannot definitively determine the location of a zoning district boundary. The Area Plan Commission may then interpret the location of the zoning district boundary. In either case, historic research and references to past and present Official Zoning Maps should be used to assure the most accurate interpretation. If sufficient evidence cannot be located, the Area Plan Commission shall conduct a public hearing and make a ruling on the matter.

D. Regular Revisions: The Official Zoning Map shall be formally revised by the Area Plan Commission as changes are made (e.g. rezonings, planned unit developments, or annexations), but in no greater increment than quarterly. During the time it takes for each revision to be made, hand drawn lines and written text on a printout of the previous Official Zoning Map may be used.

E. Copies: Print copies of a zoning map may be distributed. The date of the latest revision shall be printed on zoning map. Any printed map without a last updated date shall not be considered a valid map.

F. Damage, Destruction or Loss: In the event the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret, the Area Plan Commission may prepare a map to replace the Official Zoning Map based on the best information and knowledge available. The replacement map shall become the Official Zoning Map upon conducting a public hearing by the Area Plan Commission followed by its adoption by the applicable legislative bodies.

APC Certification and Adoption

1.23 Area Plan Commission Certification

The Vermillion County Unified Development Ordinance was certified with a favorable recommendation for adoption on the 9th day of January 2025, by the Vermillion County Area Plan Commission after holding a legally announced public hearing. The certification was made by the following Area Plan Commission vote:

Signatures: The Area Plan Commission of Vermillion County, Indiana.

AYE		NAY
Signature on File	Lary Langley, President	
Signature on File	Bob Alexander, Vice President	
Signature on File	Barbara Phillips, Secretary	
Signature on File	Joe Ellis, Member	
Signature on File	Brandon Ruth, Member	
Signature on File	Brian Stevens, Member	
Signature on File	Ron Mack, Member/Surveyor	

Date:

January 9, 2025

Legislative Adoption

1.24 Unified Development Ordinance, Vermillion County Adoption/Effective Date

The Unified Development Ordinance was adopted by the Board of Commissioners of the County of Vermillion, Indiana on the 1st Day of April, 2025, and shall become effective upon publishing of a legal notice.

Signatures: The Board of Commissioners of the County of Vermillion, Indiana:

AYE		NAY
Signature on File	Misty Hess District 1	
Signature on File	Bill Peebles, District 2	
Signature on File	RJ Dunavan, District 3	

Attest:

Signature on File

Ron Dunavan, County Auditor,
Vermillion County, Indiana

Date:

April 1, 2025

1.25 Unified Development Ordinance, City of Clinton Adoption/Effective Date

The Unified Development Ordinance was adopted by the Common Council of the City of Clinton, Indiana on the ___ Day of _____, 2025, and shall become effective on _____ ___, 2025.

Signatures: Common Council of the City of Clinton, Indiana:

AYE		NAY
Signature on File	JT Walker, Ward 1	
Signature on File	Chuck Procarioine, Ward 2	
Signature on File	Dean Strohm, Ward 3	
Signature on File	Dorothy Lindsay, Ward 4	
Signature on File	Bob Alexander, At Large	

Attest:

Signature on File

Nancy Willis, Clerk-Treasurer,
City of Clinton, Indiana

Date:

Article

2

Zoning Districts

Vermillion County

Unified Development Ordinance

© 2025, Bradley E. Johnson

GroundRules
website www.groundrulesinc.com

Conservation (CO) District

2.01 CO District Intent, Permitted Uses, and Special Exception Uses

District Intent

The CO (Conservation) District is intended to be used as follows:
- Land set aside for passive recreation, hunting, research, open space, and/or wildlife protection

Application of District
- Existing and new conservation areas

Development Standards
- Preserve high quality natural areas for conservation or for public use and enjoyment

Appropriate Adjacent Districts
- CO, A1, A2, PR, RR, R1, R2, M1, M2, IS, GC, HC, I1, I2, and HI

Area Plan Commission
- Do not allow conservation areas to be encroached upon by land uses that will be detrimental to the natural lands, habitat or migration routes
- Do not allow properties zoned CO to be subdivided for development

Board of Zoning Appeals
- Do not grant variances on or near conservation area when those variances would be detrimental to the natural lands, habitat or migration routes

Permitted Uses

Accessory Permitted Uses
- solar array (small)
- utility facility, above ground (small)

Agricultural Permitted Uses
- agricultural crop production
- land conservation

Institutional Permitted Uses
- nature center
- nature preserve
- wildlife preserve

Special Exception Uses

Accessory Special Exception Uses
- wind turbine system (small)

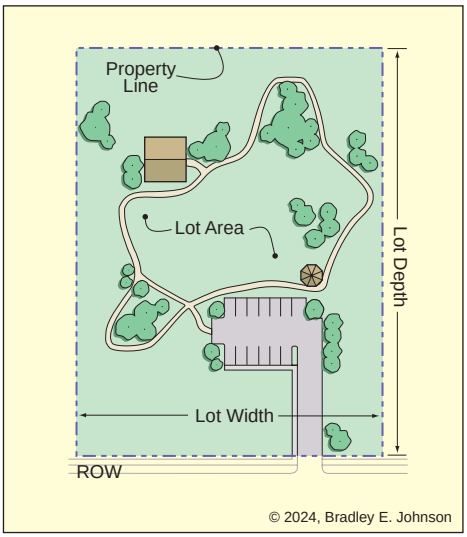
Commercial Special Exception Uses
- campground (primitive)
- conservation club
- hunting club

Institutional Special Exception Uses
- park, public

Residential Special Exception Uses
- caretakers residence

Conservation (CO) District

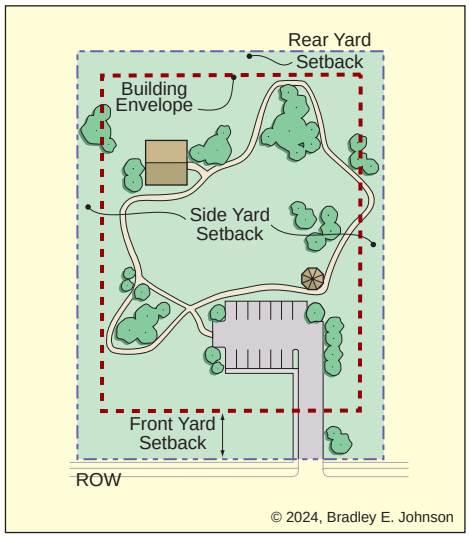
2.02 CO District Development Standards



Minimum Lot Area
- no minimum

Minimum Lot Width
- no minimum

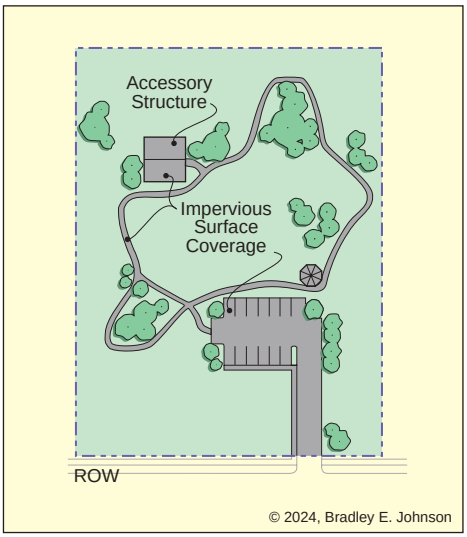
Sewer and Water
- Public sanitary sewer and water utility not required



Minimum Front Yard Setback
- 50 feet

Minimum Side Yard Setback
- 50 feet

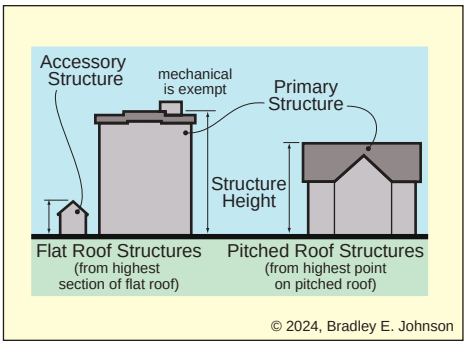
Minimum Rear Yard Setback
- 50 feet



Maximum Lot Coverage
- 5% of lot area

Minimum Main Floor Area
- no minimum

Maximum Primary Structures
- no limit



Maximum Structure Height
- 35 feet for primary structure
- 20 feet for accessory structure
- 2 stories for primary structures

Additional Development Standards that Apply

Accessory Structures
- AS-01 5-4
- AS-02 5-4

Density and Intensity
- DI-01 5-19

Driveway
- DW-01 5-20
- DW-02 5-22

Environmental
- EN-01 5-25

Fence and Wall
- FW-01 5-26
- FW-02 5-26

Floodplain
- FP-01 5-30

Floor Area
- FA-01 5-31

Height
- HT-01 5-32

Landscaping
- LA-01 5-39
- LA-04 5-40

Lot
- LO-01 5-42

Parking
- PK-01 5-44

Setback
- SB-01 5-47

Sewer and Water
- SW-01 5-48

Signs
- SI-01 5-49
- SI-03 5-54

Solar Array
- SA-01 5-60

Stormwater Drainage
- SD-01 5-65

Structure
- ST-01 5-66

Temporary Use
- TU-01 5-68

Vision Clearance
- VC-01 5-70

Wind Turbine Systems
- WT-01 5-71

General Agriculture (A1) District

2.03 A1 District Intent, Permitted Uses, and Special Exception Uses

District Intent

The A1 (General Agriculture) District is intended to be used as follows:

Use, Type, and Intensity
- General agricultural operations

Application of District
- Existing agriculturally used land

Development Standards
- Enact development standards to protect traditional agricultural practices

Appropriate Adjacent Districts
- CO, A1, A2, PR, RR, IS, GC, HC, I1, I2, and HI

Area Plan Commission
- Discourage "strip residential" development along county streets

Board of Zoning Appeals
- Protect the integrity of land and operations within the General Agriculture District

Permitted Uses

Accessory Permitted Uses
- agricultural tourism
- bio-diesel production ≤ 5,000 gallons per year with on-site consumption
- home business (type 1)
- home business (type 2)
- home business (type 3)
- solar array (small)
- utility facility, above ground (small)

Agricultural Permitted Uses
- agricultural crop production
- agricultural crop production, greenhouse
- agricultural crop production, organic
- agricultural products, storage
- forestry
- land conservation
- orchard
- plant nursery, wholesale
- raising of farm animals
- stable (private)
- stable (public)
- tree farm, wholesale
- vineyard

Institutional Permitted Uses
- cemetery or mausoleum

Residential Permitted Uses
- dwelling, single-family detached

Temporary Permitted Uses
- seasonal sale of farm produce [TU-02]

Special Exception Uses

Accessory Special Exception Uses
- home business (type 4)
- meteorological tower
- solar array (large)
- wind turbine system (small)

Agricultural Special Exception Uses
- confined feeding (level 1)

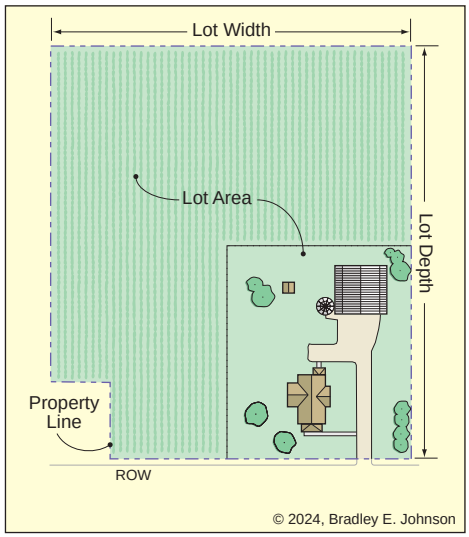
Commercial Special Exception Uses
- animal grooming
- conservation club
- veterinarian

Industrial Special Exception Uses
- bulk energy storage
- solar power plant
- telecommunication facility
- utility facility, above ground (large)

Temporary Special Exception Uses
- accessory dwelling (RV) [TU-04]

General Agriculture (A1) District

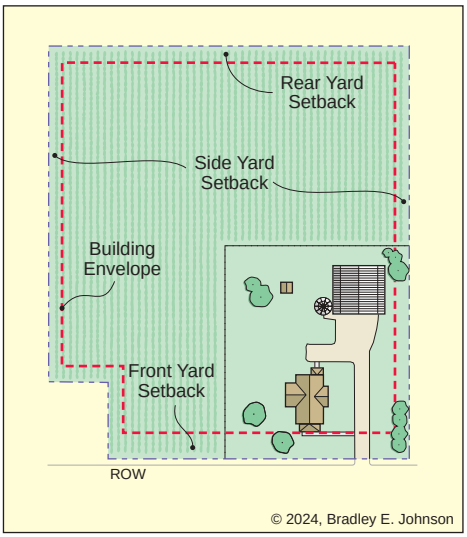
2.04 A1 District Development Standards



Minimum Lot Area
- 2 acres

Minimum Lot Width
- 200 feet

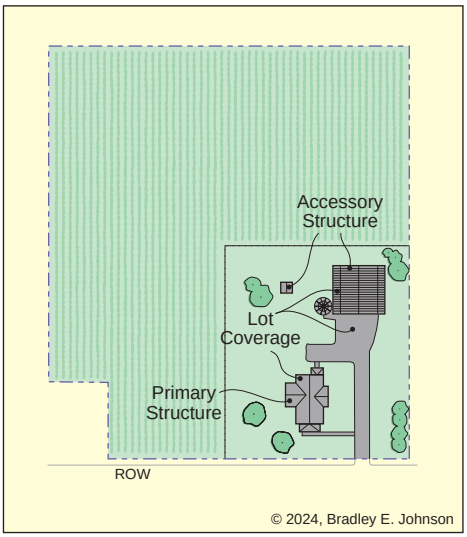
Sewer and Water
- Public sanitary sewer and water utility not required



Minimum Front Yard Setback
- 50 feet

Minimum Side Yard Setback
- 30 feet for primary structure
- 30 feet for accessory structure

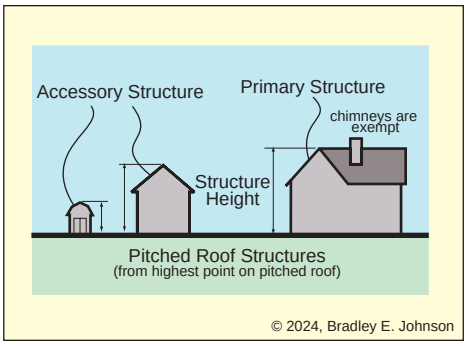
Minimum Rear Yard Setback
- 35 feet for primary structure
- 10 feet for accessory structure



Maximum Lot Coverage
- 20% of lot area

Minimum Dwelling Size
- 1,000 square feet

Maximum Primary Structures
- 1



Maximum Structure Height
- 45 feet for primary structure
- 45 feet for accessory structure
- 2 ½ stories for primary structures

Additional Development Standards that Apply

Accessory Structures
- AS-01 5-4
- AS-03 5-5

Bulk Energy
- BE-01 5-11

Confined Feeding
- CF-01 5-12

Density and Intensity
- DI-01 5-19

Driveway
- DW-01 5-20
- DW-02 5-22

Environmental
- EN-01 5-25

Fence and Wall
- FW-01 5-26
- FW-03 5-27

Floodplain
- FP-01 5-30

Floor Area
- FA-01 5-31

Height
- HT-01 5-32

Home Business
- HB-01 5-33
- HB-02 5-34
- HB-03 5-35
- HB-04 5-36

Keeping of Animals
- KA-01 5-37

Kennel
- KL-01 5-38

Landscaping
- LA-01 5-39
- LA-04 5-40

Lot
- LO-01 5-42

Meteorological Tower
- MT-01 5-43

Parking
- PK-01 5-44
- PK-02 5-44

Setback
- SB-01 5-47

Sewer and Water
- SW-01 5-48

Signs
- SI-01 5-49
- SI-02 5-53

Solar Array
- SA-01 5-60

Solar Power Plant
- SP-01 5-61

Stormwater Drainage
- SD-01 5-65

Structure
- ST-01 5-66

Telecommunication
- TC-01 5-67

Temporary Use
- TU-01 5-68
- TU-02 5-68
- TU-04 5-69

Vision Clearance
- VC-01 5-70

Wind Turbine Systems
- WT-01 5-71

Intense Agriculture (A2) District

2.05 A2 District Intent, Permitted Uses, and Special Exception Uses

District Intent

The A2 (Intense Agriculture) District is intended to be used as follows:

Use, Type, and Intensity
- Intense agricultural operations

Application of District
- Existing confined feeding operations

Development Standards
- Enact development standards to maximize protection of traditional agricultural practices

Appropriate Adjacent Districts
- CO, A1, A2, and PR

Area Plan Commission
- Rezone when the development will not cause notable impact to nearby residences, schools, churches, or other sensitive land uses
- Rezone when the street network can support truck traffic to the operation.
- Legally document if surrounding properties, under the same ownership, are being used to meet buffering or setback requirements

Board of Zoning Appeals
- Consider existing (and potential future) nearby sensitive land uses if considering setback or buffering variances
- Consider granting special exceptions that run with the owner instead of with the land; unless all permitted uses and special exception uses would clearly be fitting of the subject property's location
- Evaluate potential risks to waterways and ground water

Permitted Uses

Accessory Permitted Uses
- agricultural tourism
- bio-diesel production ≤ 5,000 gallons per year with on-site consumption
- home business (type 1)
- home business (type 2)
- home business (type 3)
- solar array (small)
- utility facility, above ground (small)

Agricultural Permitted Uses
- agricultural crop production
- agricultural crop production, greenhouse
- agricultural crop production, organic
- agricultural products, storage
- confined feeding (level 1)
- confined feeding (level 2)
- forestry
- hobby farming
- orchard
- plant nursery, wholesale
- raising of farm animals
- stable (private)
- tree farm, wholesale
- vineyard

Institutional Permitted Uses
- cemetery or mausoleum

Residential Permitted Uses
- dwelling, single-family detached

Special Exception Uses

Accessory Special Exception Uses
- home business (type 4)
- home enterprise kennel
- meteorological tower
- roadside sales
- solar array (large)
- wind turbine system (small)
- wind turbine system (utility)

Agricultural Special Exception Uses
- agricultural products, processing
- confined feeding (level 3)
- grain elevator
- stable (public)

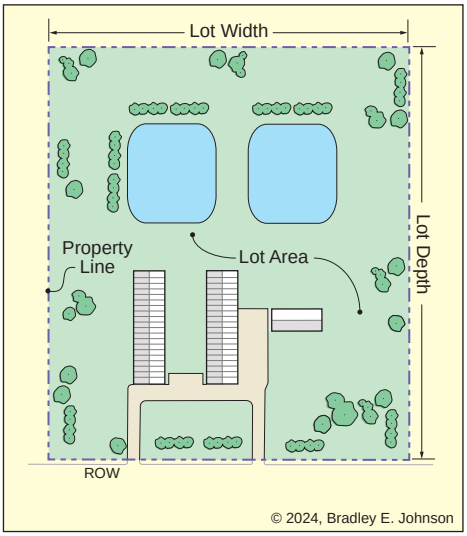
Commercial Special Exception Uses
- farm equipment sales
- farm equipment service
- fertilizer sales
- nursery, plant
- veterinarian
- veterinary hospital
- winery

Industrial Special Exception Uses
- saw mill
- telecommunication facility
- utility facility, above ground (large)
- wind power plant

Residential Special Exception Uses
- bed and breakfast

Intense Agriculture (A2) District

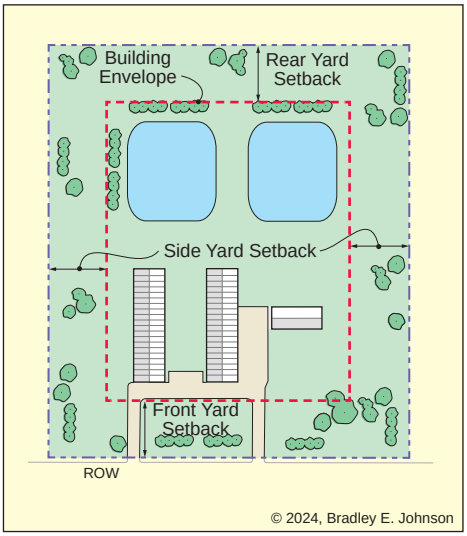
2.06 A2 District Development Standards



Minimum Lot Area
- 5 acres
- 20 acres for a confined feeding operation

Minimum Lot Width
- 500 feet

Sewer and Water
- Public sanitary sewer and water utility not required

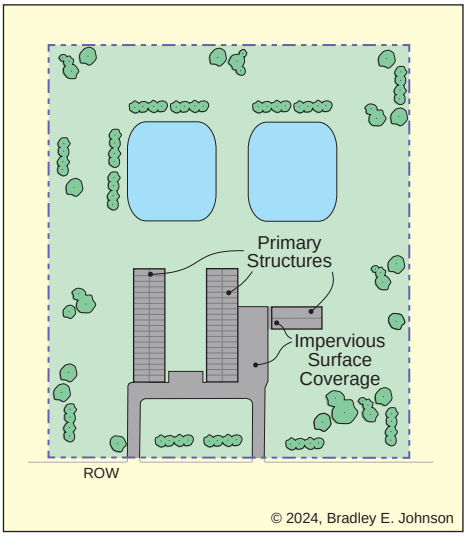


Minimum Front Yard Setback
- 50 feet
- 100 feet for a confined feeding operation*

Minimum Side Yard Setback
- 40 feet for primary structure
- 20 feet for accessory structure
- 100 feet for a confined feeding operation*

Minimum Rear Yard Setback
- 25 feet for primary structure
- 20 feet for accessory structure
- 100 feet for a confined feeding operation*

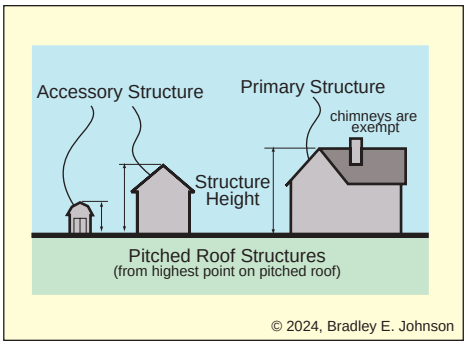
* See Confined Feeding regulations in Article 5 for additional setback regulations.



Maximum Lot Coverage
- 30% of lot area
- 40% of lot area for a confined feeding operation

Minimum Dwelling Size
- 1,000 square feet

Maximum Primary Structures
- 1 residential primary structure
- 10 primary structures for a confined feeding operation



Maximum Structure Height
- 45 feet for primary structure
- 45 feet for accessory structure
- 2 ½ stories for primary structures

Additional Development Standards that Apply

Accessory Structures
- AS-01 5-4
- AS-03 5-5
- AS-04 5-6

Confined Feeding
- CF-01 5-12
- CF-02 5-14
- CF-03 5-16

Density and Intensity
- DI-01 5-19

Driveway
- DW-01 5-20
- DW-02 5-22

Environmental
- EN-01 5-25

Fence and Wall
- FW-01 5-26
- FW-03 5-27

Floodplain
- FP-01 5-30

Floor Area
- FA-01 5-31

Height
- HT-01 5-32

Home Business
- HB-01 5-33
- HB-02 5-34
- HB-03 5-35
- HB-04 5-36

Keeping of Animals
- KA-01 5-37

Kennel
- KL-01 5-38

Landscaping
- LA-01 5-39
- LA-04 5-40

Lot
- LO-01 5-42

Meteorological Tower
- MT-01 5-43

Parking
- PK-01 5-44
- PK-02 5-44

Setback
- SB-01 5-47

Sewer and Water
- SW-01 5-48

Signs
- SI-01 5-49
- SI-02 5-53

Solar Array
- SA-01 5-60

Stormwater Drainage
- SD-01 5-65

Structure
- ST-01 5-66

Telecommunication
- TC-01 5-67

Temporary Use
- TU-01 5-68
- TU-02 5-68

Vision Clearance
- VC-01 5-70

Wind Turbine Systems
- WT-01 5-71
- WT-02 5-73

Parks and Recreation (PR) District

2.07 PR District Intent, Permitted Uses, and Special Exception Uses

District Intent

The PR (Parks and Recreation) District is intended to be used as follows:

Use Type and Intensity
- All intensities of active recreation areas including parks, picnic areas, trails, playgrounds, golf courses, and sports fields
- Public and privately owned areas

Application of District
- Existing and new facilities
- Small geographic areas on the zoning map
- Generally distributed to serve residents living in the jurisdiction
- Can be used as a buffer or transitional district

Development Standards
- Promote high quality parks and recreation for public health, enjoyment, and recreation

Appropriate Adjacent Districts
- CO, PR, A1, A2, RR, R1, R2, UR, M1, M2, IS, UC, GC, HC, I1, I2, and HI

Permitted Uses

Accessory Permitted Uses
- farmers market
- solar array (small)
- utility facility, above ground (small)

Commercial Permitted Uses
- country club
- golf course
- sports field (outdoor)

Institutional Permitted Uses
- nature center
- park, public

Temporary Permitted Uses
- sale of seasonal items [TU-03]
- food trucks [TU-03]

Special Exception Uses

Accessory Special Exception Uses
- meteorological tower
- wind turbine system (small)

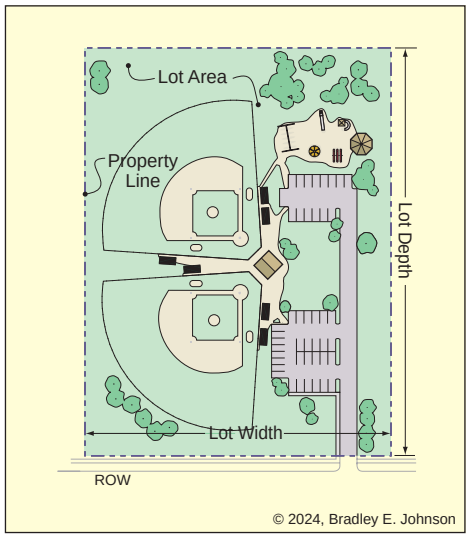
Commercial Special Exception Uses
- campground (primitive)
- campground (serviced)
- driving range
- fishing club
- hunting club
- paintball facility
- recreation center (indoor)
- recreation center (outdoor)
- recreation vehicle park
- skate park, commercial
- sports field (indoor)
- water park

Industrial Special Exception Uses
- telecommunication facility
- utility facility, above ground (large)

Residential Special Exception Uses
- caretakers residence

Parks and Recreation (PR) District

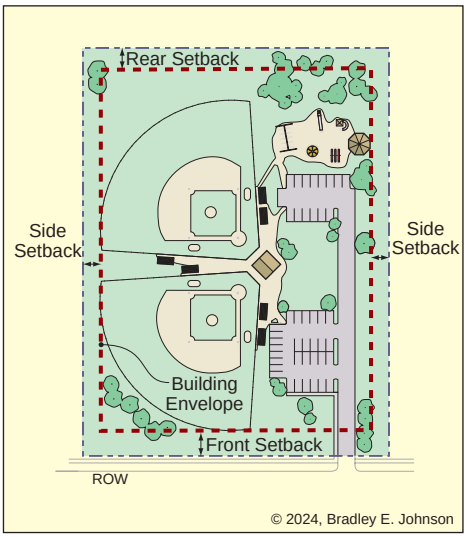
2.08 PR District Development Standards



Minimum Lot Area
- no minimum

Minimum Lot Width
- no minimum

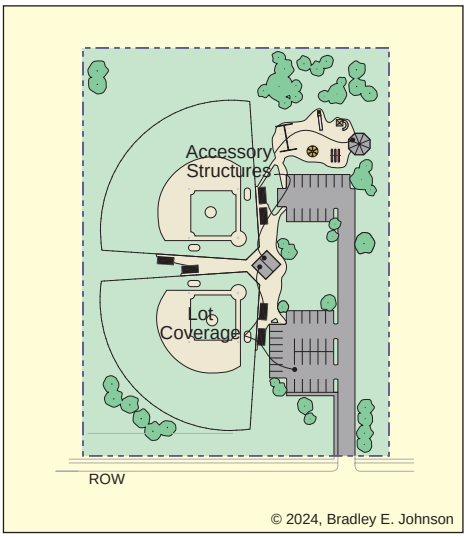
Sewer and Water
- Public sanitary sewer and water utility not required



Minimum Front Yard Setback
- 40 feet for primary and accessory structures

Minimum Side Yard Setback
- 25 feet for primary and accessory structures

Minimum Rear Yard Setback
- 25 feet for primary and accessory structures

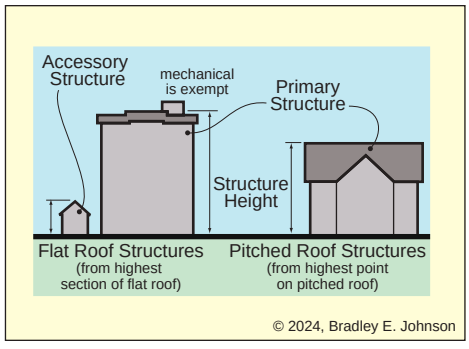


Maximum Lot Coverage
- 50% of lot area

Minimum Main Floor Area
- no minimum

Minimum Dwelling Unit Size
- no minimum

Maximum Primary Structures
- no limit



Maximum Structure Height
- 45 feet for primary structures
- 25 feet for accessory structures
- 2 stories for primary structures

Additional Development Standards that Apply

Accessory Structures
- AS-01 5-4

Density and Intensity
- DI-01 5-19

Driveway
- DW-01 5-20
- DW-02 5-22

Environmental
- EN-01 5-25

Fence and Wall
- FW-01 5-26
- FW-02 5-26

Floodplain
- FP-01 5-30

Floor Area
- FA-01 5-31

Height
- HT-01 5-32

Landscaping
- LA-01 5-39
- LA-04 5-40

Lot
- LO-01 5-42

Meteorological Tower
- MT-01 5-43

Parking
- PK-01 5-44

Setback
- SB-01 5-47

Sewer and Water
- SW-01 5-48

Signs
- SI-01 5-49
- SI-03 5-54

Solar Array
- SA-01 5-60

Stormwater Drainage
- SD-01 5-65

Structure
- ST-01 5-66

Telecommunication
- TC-01 5-67

Temporary Use
- TU-01 5-68
- TU-03 5-68

Vision Clearance
- VC-01 5-70

Wind Turbine Systems
- WT-01 5-71

Rural Residential (RR) District

2.09 RR District Intent, Permitted Uses, and Special Exception Uses

District Intent

The RR (Rural Residential) District is intended to be used as follows:

Use, Type, and Intensity
- Residential estates and hobby farming
- Very Low Intensity Single-family detached dwellings

Application of District
- Existing and new development
- Single lot or a small cluster of lots on the zoning map

Development Standards
- Promote low-impact development in harmony with neighboring agricultural uses and the natural environment

Appropriate Adjacent Districts
- CO, A1, A2, PR, RR, R1, and IS

Area Plan Commission
- Use this zoning district for existing developments and minimally for new residential development

Board of Zoning Appeals
- Allow a special exception use only when it is clearly compatible with surrounding agricultural, residential and conservation areas

Permitted Uses

Accessory Permitted Uses
- agricultural tourism
- home business (type 1)
- home business (type 2)
- solar array (small)
- utility facility, above ground (small)

Agricultural Permitted Uses
- hobby farming
- stable (private)

Residential Permitted Uses
- dwelling, single-family detached

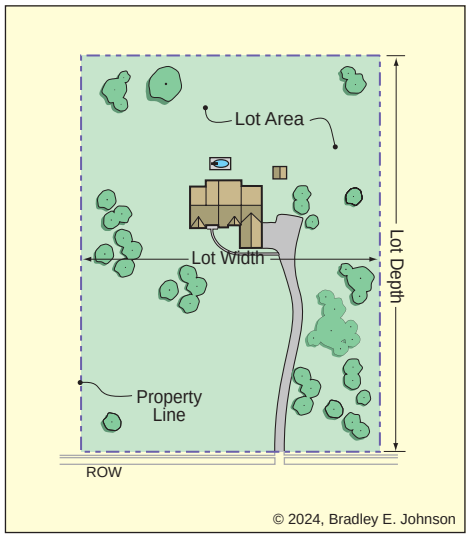
Special Exception Uses

Accessory Special Exception Uses
- home business (type 3)
- roadside sales
- wind turbine system (small)

Residential Special Exception Uses
- bed and breakfast

Rural Residential (RR) District

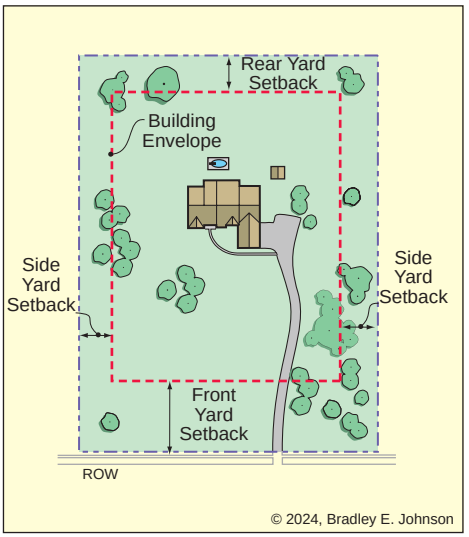
2.10 RR District Development Standards



Minimum Lot Area
- 1 acre

Minimum Lot Width
- 200 feet

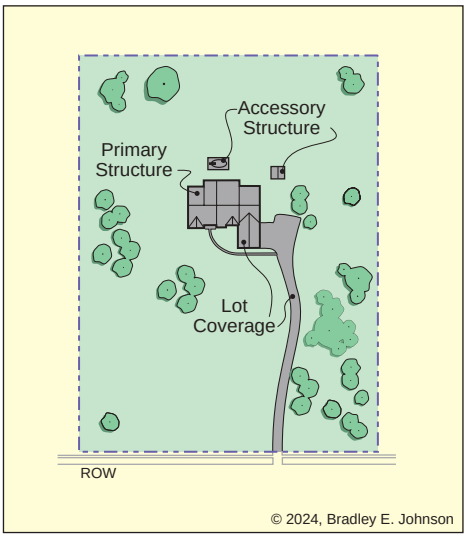
Sewer and Water
- On-site sewer system permitted only when a public sanitary sewer is not available
- Private well permitted only when a public water utility is not available



Minimum Front Yard Setback
- 50 feet

Minimum Side Yard Setback
- 30 feet for primary and accessory structures

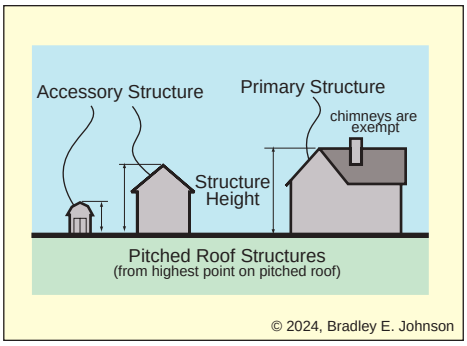
Minimum Rear Yard Setback
- 30 feet for primary and accessory structures



Maximum Lot Coverage
- 20% of lot area

Minimum Dwelling Size
- 1,000 square feet

Maximum Primary Structures
- 1



Maximum Structure Height
- 35 feet for primary structure
- 35 feet for accessory structure
- 2 ½ stories for primary structures

Additional Development Standards that Apply

Accessory Structures
- AS-01 5-4
- AS-03 5-5

Density and Intensity
- DI-01 5-19

Driveway
- DW-01 5-20
- DW-02 5-22

Environmental
- EN-01 5-25

Fence and Wall
- FW-01 5-26
- FW-03 5-27

Floodplain
- FP-01 5-30

Floor Area
- FA-01 5-31

Height
- HT-01 5-32

Home Business
- HB-01 5-33
- HB-02 5-34
- HB-03 5-35

Keeping of Animals
- KA-02 5-37

Landscaping
- LA-01 5-39
- LA-04 5-40

Lot
- LO-01 5-42

Parking
- PK-01 5-44
- PK-02 5-44

Right to Farm
- RF-01 5-46

Setback
- SB-01 5-47

Sewer and Water
- SW-01 5-48

Signs
- SI-01 5-49
- SI-03 5-54

Solar Array
- SA-01 5-60

Stormwater Drainage
- SD-01 5-65

Structure
- ST-01 5-66

Temporary Use
- TU-01 5-68

Vision Clearance
- VC-01 5-70

Wind Turbine Systems
- WT-01 5-71

Single-family Residential (R1) District

2.11 R1 District Intent, Permitted Uses, and Special Exception Uses

District Intent

The R1 (Single-family Residential) District is intended to be used as follows:

Use, Type, and Intensity
- Low Intensity Single-family detached dwellings on large sized lots

Application of District
- Existing and new development
- Incorporated municipal jurisdictions
- Unincorporated towns
- Small geographic areas on the zoning map

Development Standards
- Promote low-impact residential setting

Appropriate Adjacent Districts
- CO, PR, RR, R1, R2, UR, M1, M2, and IS

Area Plan Commission
- Use this zoning district for existing developments and for new residential development when not detrimental to the county and surrounding properties

Board of Zoning Appeals
- Allow a special exception use only when it is compatible with the surrounding residential areas

Permitted Uses

Accessory Permitted Uses
- home business (type 1)
- solar array (small)
- utility facility, above ground (small)

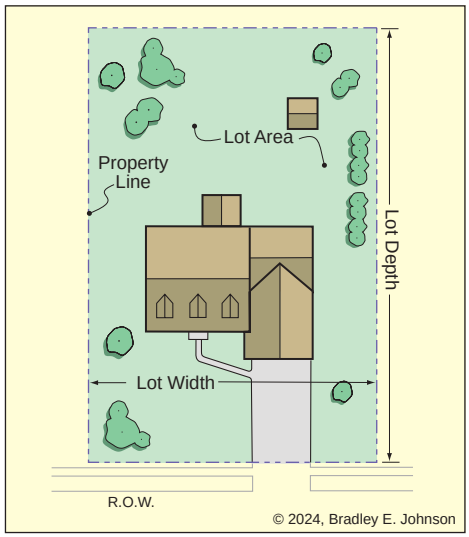
Residential Permitted Uses
- dwelling, single-family detached
- fair housing facility (small)

Special Exception Uses

Accessory Special Exception Uses
- home business (type 2)

Single-family Residential (R1) District

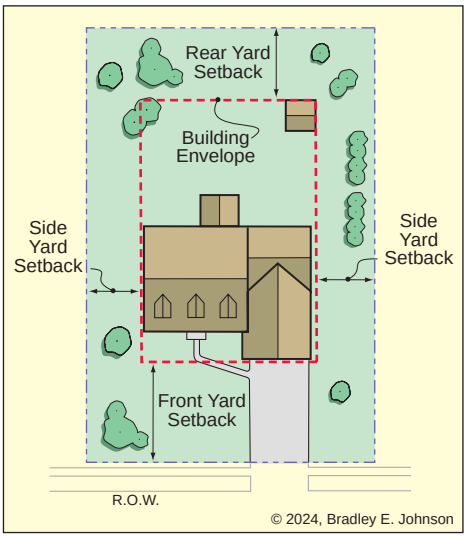
2.12 R1 District Development Standards



Minimum Lot Area
- ⅓ acre (14,520 sq ft) with sanitary sewer
- ½ acre (21,780 sq ft) without sanitary sewer

Minimum Lot Width
- 80 feet with sanitary sewer
- 100 feet without sanitary sewer

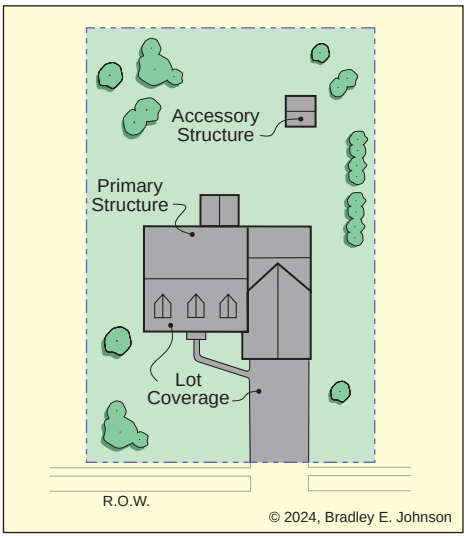
Sewer and Water
- On-site sewer system permitted only when a public sanitary sewer is not available
- Private well permitted only when a public water utility is not available



Minimum Front Yard Setback
- 30 feet

Minimum Side Yard Setback
- 20 feet for primary structures
- 10 feet for accessory structures

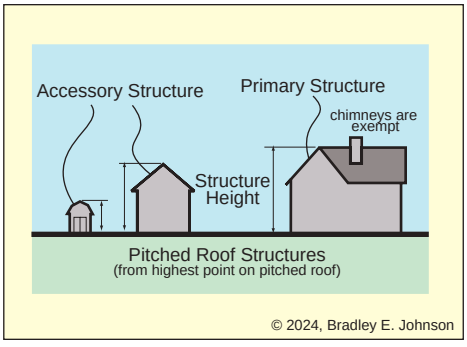
Minimum Rear Yard Setback
- 25 feet for primary and accessory structures



Maximum Lot Coverage
- 30% of lot area

Minimum Dwelling Size
- 1,000 square feet

Maximum Primary Structures
- 1



Maximum Structure Height
- 35 feet for primary structure
- 20 feet for accessory structure
- 2 ½ stories for primary structures

Additional Development Standards that Apply

Accessory Structures
- AS-01 5-4
- AS-05 5-6

Architectural
- AR-01 5-10

Density and Intensity
- DI-01 5-19

Driveway
- DW-01 5-20
- DW-03 5-23

Environmental
- EN-01 5-25

Fence and Wall
- FW-01 5-26
- FW-04 5-27

Floodplain
- FP-01 5-30

Floor Area
- FA-01 5-31

Height
- HT-01 5-32

Home Business
- HB-01 5-33
- HB-02 5-34

Keeping of Animals
- KA-03 5-37

Landscaping
- LA-01 5-39
- LA-02 5-39
- LA-04 5-40

Lot
- LO-01 5-42

Parking
- PK-01 5-44
- PK-02 5-44

Right to Farm
- RF-01 5-46

Setback
- SB-01 5-47

Sewer and Water
- SW-01 5-48

Signs
- SI-01 5-49
- SI-03 5-54

Solar Array
- SA-01 5-60

Stormwater Drainage
- SD-01 5-65

Structure
- ST-01 5-66

Temporary Use
- TU-01 5-68

Vision Clearance
- VC-01 5-70

Single-family Residential (R2) District

2.13 R2 District Intent, Permitted Uses, and Special Exception Uses

District Intent

The R2 (Single-family Residential) District is intended to be used as follows:

Use, Type, and Intensity
- Medium Intensity Single-family detached dwellings on medium sized lots

Application of District
- Existing and new development
- Incorporated municipal jurisdictions
- Unincorporated towns
- Small geographic areas on the zoning map
- Not in agricultural areas

Development Standards
- Promote low-impact residential setting

Appropriate Adjacent Districts
- CO, PR, RR, R1, R2, UR, M1, M2, and IS

Area Plan Commission
- Use this zoning district for existing developments and for new residential development when not detrimental to the county and surrounding properties

Board of Zoning Appeals
- Allow a special exception use only when it is compatible with the surrounding residential areas

Permitted Uses

Accessory Permitted Uses
- home business (type 1)
- solar array (small)
- utility facility, above ground (small)

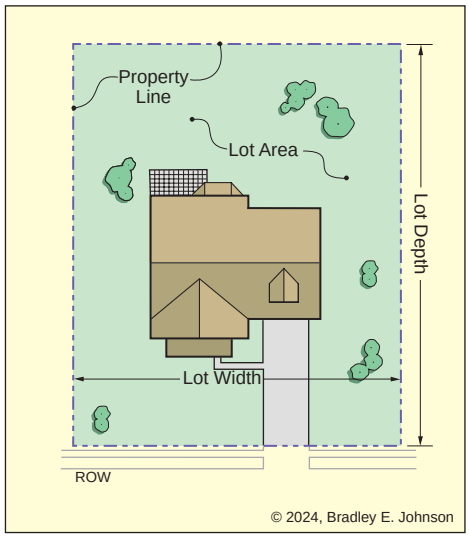
Residential Permitted Uses
- dwelling, single-family detached
- fair housing facility (small)

Special Exception Uses

Accessory Special Exception Uses
- home business (type 2)

Single-family Residential (R2) District

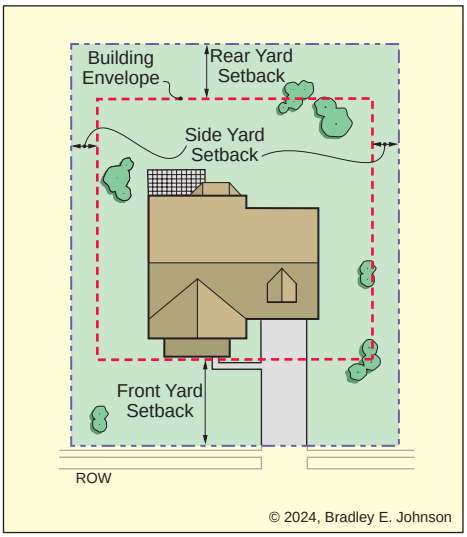
2.14 R2 District Development Standards



Minimum Lot Area
- ¼ acre (10,890 sq ft)

Minimum Lot Width
- 60 feet

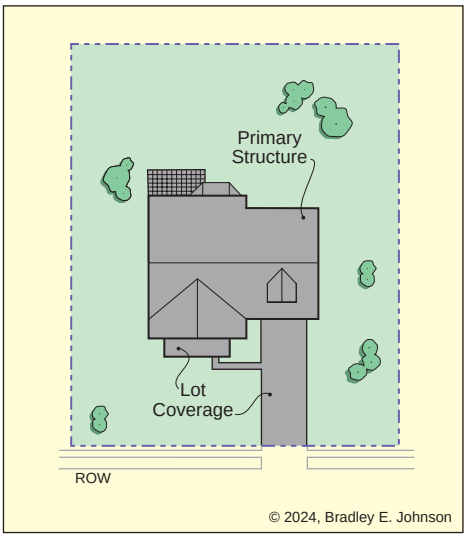
Sewer and Water
- On-site sewer system permitted only when a public sanitary sewer is not available
- Private well permitted only when a public water utility is not available



Minimum Front Yard Setback
- 20 feet

Minimum Side Yard Setback
- 8 feet for primary and accessory structures

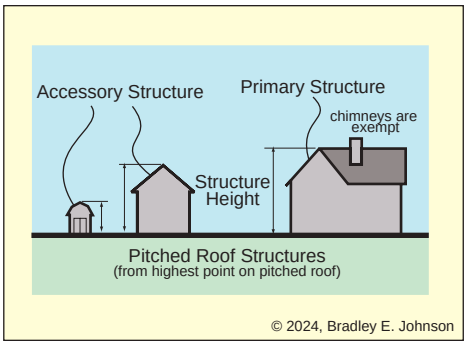
Minimum Rear Yard Setback
- 25 feet for primary and accessory structures



Maximum Lot Coverage
- 45% of lot area

Minimum Dwelling Size
- 1,000 square feet

Maximum Primary Structures
- 1



Maximum Structure Height
- 35 feet for primary structure
- 20 feet for accessory structure
- 2 ½ stories for primary structures

Additional Development Standards that Apply

Accessory Structures
- AS-01 5-4
- AS-05 5-6

Architectural
- AR-01 5-10

Density and Intensity
- DI-01 5-19

Driveway
- DW-01 5-20
- DW-03 5-23

Environmental
- EN-01 5-25

Fence and Wall
- FW-01 5-26
- FW-04 5-27

Floodplain
- FP-01 5-30

Floor Area
- FA-01 5-31

Height
- HT-01 5-32

Home Business
- HB-01 5-33
- HB-02 5-34

Keeping of Animals
- KA-03 5-37

Landscaping
- LA-01 5-39
- LA-02 5-39
- LA-04 5-40

Lot
- LO-01 5-42

Parking
- PK-01 5-44
- PK-02 5-44

Right to Farm
- RF-01 5-46

Setback
- SB-01 5-47

Sewer and Water
- SW-01 5-48

Signs
- SI-01 5-49
- SI-03 5-54

Solar Array
- SA-01 5-60

Stormwater Drainage
- SD-01 5-65

Structure
- ST-01 5-66

Temporary Use
- TU-01 5-68

Vision Clearance
- VC-01 5-70

Urban Residential (UR) District

2.15 UR District Intent, Permitted Uses, and Special Exception Uses

District Intent

The UR (Urban Residential) District is intended to be used as follows:

Use, Type and Intensity
- Medium Intensity Single-family detached dwellings on small sized lots

Application of District
- Existing historic or near-downtown residential areas
- Limited use for new development
- Incorporated municipal jurisdictions
- Unincorporated towns
- Not in rural or agricultural areas

Development Standards
- Flexible development standards to accommodate existing developments

Appropriate Adjacent Districts
- PR, R1, R2, UR, M1, M2, IS and UC

Area Plan Commission
- Use this zoning district for existing development in incorporated communities (City of Clinton), unincorporated towns, and limited use for new development

Board of Zoning Appeals
- Limit commercial special exceptions to run with the owner, not run with the land
- Allow a special exception use only when it is clearly compatible with the surrounding residential areas
- Only approve a commercial special exception when adjacent to a commercial district and when the use will clearly not negatively impact neighboring residential uses

Permitted Uses

Accessory Permitted Uses
- home business (type 1)
- solar array (small)
- utility facility, above ground (small)

Residential Permitted Uses
- dwelling, single-family detached
- fair housing facility (small)

Special Exception Uses

Accessory Special Exception Uses
- home business (type 2)

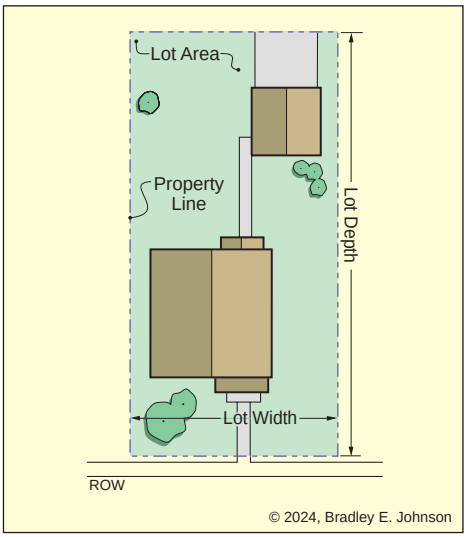
Commercial Special Exception Uses
- office, general
- retail, very low intensity

(see District Intent, green column, for BZA guidance)

Residential Special Exception Uses
- dwelling, duplex (2 units)
- dwelling, upper floor (1 unit)

Urban Residential (UR) District

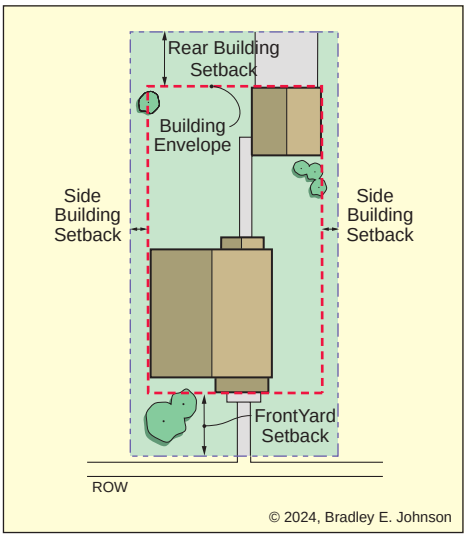
2.16 UR District Development Standards



Minimum Lot Area
- 5,000 square feet

Minimum Lot Width
- 40 feet

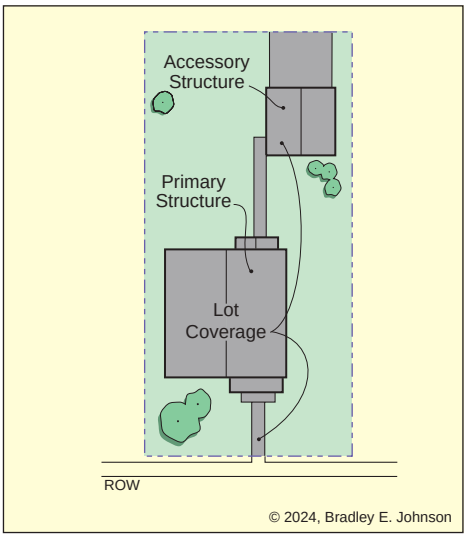
Sewer and Water
- On-site sewer system permitted only when a public sanitary sewer is not available
- Private well permitted only when a public water utility is not available



Minimum Front Yard Setback
- 10 feet

Minimum Side Yard Setback
- 5 feet for primary structure
- 3 feet for accessory structure

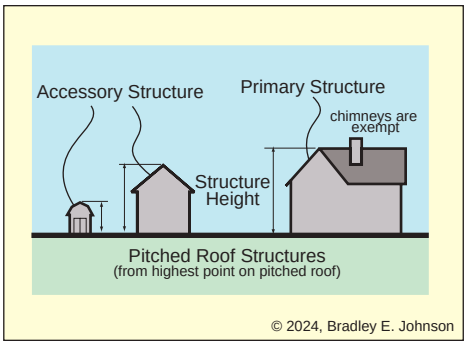
Minimum Rear Yard Setback
- 20 feet for primary structure
- 5 feet for accessory structure



Maximum Lot Coverage
- 75% of lot area

Minimum Dwelling Size
- 600 square feet

Maximum Primary Structures
- 1



Maximum Structure Height
- 35 feet for primary structure
- 20 feet for accessory structure
- 2 ½ stories for primary structures

Additional Development Standards that Apply

Accessory Structures
- AS-01 5-4
- AS-05 5-6

Architectural
- AR-02 5-10

Density and Intensity
- DI-01 5-19

Driveway
- DW-01 5-20
- DW-03 5-23

Environmental
- EN-01 5-25

Fence and Wall
- FW-01 5-26
- FW-05 5-28

Floodplain
- FP-01 5-30

Floor Area
- FA-01 5-31

Height
- HT-01 5-32

Home Business
- HB-01 5-33
- HB-02 5-34

Keeping of Animals
- KA-03 5-37

Landscaping
- LA-01 5-39
- LA-04 5-40

Lot
- LO-01 5-42

Parking
- PK-01 5-44
- PK-03 5-44

Setback
- SB-01 5-47

Sewer and Water
- SW-01 5-48

Signs
- SI-01 5-49
- SI-03 5-54

Solar Array
- SA-01 5-60

Stormwater Drainage
- SD-01 5-65

Structure
- ST-01 5-66

Temporary Use
- TU-01 5-68

Vision Clearance
- VC-01 5-70

Multiple-family Residential (M1) District

2.17 M1 District Intent, Permitted Uses, and Special Exception Uses

District Intent

The M1 (Low Intensity Multiple-family Residential) District is intended to be used as follows:

Use, Type, and Intensity
- Medium Intensity Single-family attached dwellings (e.g. duplex) on medium sized lots

Application of District
- Existing and new development
- Incorporated municipal jurisdictions
- Unincorporated towns
- Single lots and Small geographic areas on the zoning map

Development Standards
- Enact development standards to protect the quality of life for tenants and surrounding residential areas

Appropriate Adjacent Districts
- CO, PR, R1, R2, UR, M1, M2, IS, UC, GC, and HC

Area Plan Commission
- Use this zoning district for existing developments and for new multiple-family residential development when not detrimental to the county and surrounding properties

Board of Zoning Appeals
- Allow a special exception use only when it is compatible with the surrounding residential areas

Permitted Uses

Accessory Permitted Uses
- home business (type 1)
- solar array (small)
- utility facility, above ground (small)

Residential Permitted Uses
- dwelling, duplex (2 units)
- dwelling, single-family detached
- fair housing facility (small)

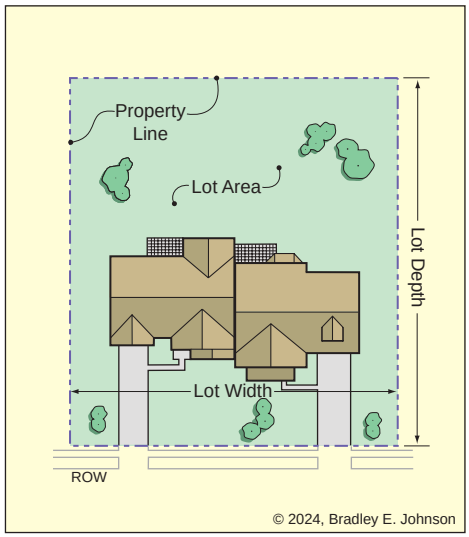
Special Exception Uses

Accessory Special Exception Uses
- home business (type 2)

Residential Special Exception Uses
- assisted living facility
- dwelling, multiple-family (3 to 4 units)

Multiple-family Residential (M1) District

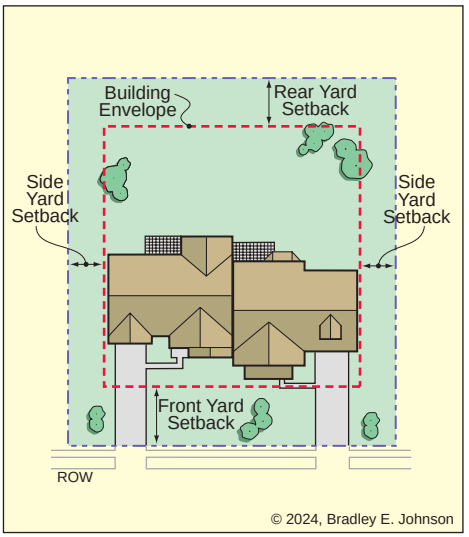
2.18 M1 District Development Standards



Minimum Lot Area
- 7,000 square feet per dwelling unit

Minimum Lot Width
- 70 feet

Sewer and Water
- Public sanitary sewer and water utility required

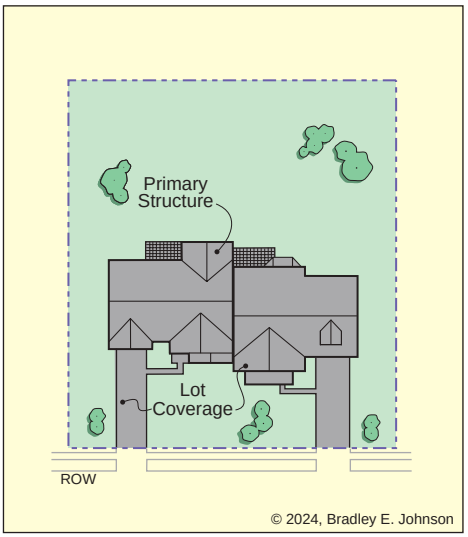


Minimum Front Yard Setback
- 25 feet for primary and accessory structures

Minimum Side Yard Setback
- 10 feet for primary and accessory structures

Minimum Rear Yard Setback
- 25 feet for primary and accessory structures

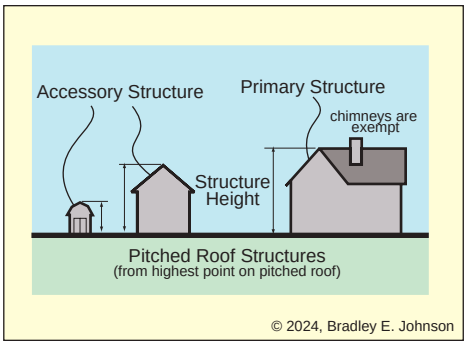
Minimum Building Separation
- A primary structure shall be at least 20 feet from another on-site primary structure
- An accessory building shall be at least 10 feet from any primary or accessory structure



Maximum Lot Coverage
- 45% of lot area

Minimum Dwelling Unit Size
- 900 square feet per dwelling unit

Maximum Primary Structures
- 2 per development



Maximum Structure Height
- 35 feet for primary structure
- 20 feet for accessory structure
- 2 stories for primary structures

Additional Development Standards that Apply

Accessory Structures
- AS-01 5-4
- AS-05 5-6

Architectural
- AR-01 5-10

Density and Intensity
- DI-01 5-19

Driveway
- DW-01 5-20
- DW-03 5-23

Environmental
- EN-01 5-25

Fence and Wall
- FW-01 5-26
- FW-04 5-27

Floodplain
- FP-01 5-30

Floor Area
- FA-01 5-31

Height
- HT-01 5-32

Home Business
- HB-01 5-33
- HB-02 5-34

Keeping of Animals
- KA-04 5-37

Landscaping
- LA-01 5-39
- LA-02 5-39
- LA-04 5-40

Lot
- LO-01 5-42

Parking
- PK-01 5-44
- PK-03 5-44

Setback
- SB-01 5-47

Sewer and Water
- SW-01 5-48

Signs
- SI-01 5-49
- SI-03 5-54

Solar Array
- SA-01 5-60

Stormwater Drainage
- SD-01 5-65

Structure
- ST-01 5-66

Temporary Use
- TU-01 5-68

Vision Clearance
- VC-01 5-70

Multiple-family Residential (M2) District

2.19 M2 District Intent, Permitted Uses, and Special Exception Uses

District Intent

The M2 (Multiple-family Residential) District is intended to be used as follows:

Use, Type, and Intensity
- Assisted living
- Medium to high density multiple-family buildings on large sized lots
- Nursing home
- Retirement community

Application of District
- Existing and new development
- Incorporated municipal jurisdictions
- Single lot or a small cluster of lots on the zoning map

Development Standards
- Enact stringent development standards to protect the quality of life for tenants and surrounding residential areas

Appropriate Adjacent Districts
- CO, PR, R1, R2, UR, M1, M2, IS, UC, GC, HC, and I1

Area Plan Commission
- Use this zoning district for existing developments and for new multiple-family residential development when not detrimental to the county and surrounding properties
- Multiple-family residential should never be permitted without sanitary sewer and municipal water

Board of Zoning Appeals
- Allow a special exception use only when it is compatible with the surrounding residential areas

Permitted Uses

Accessory Permitted Uses
- home business (type 1)
- solar array (small)
- utility facility, above ground (small)

Residential Permitted Uses
- assisted living facility
- dwelling, multiple-family (3 to 4 units)
- dwelling, multiple-family (5 to 8 units)
- nursing home
- retirement community

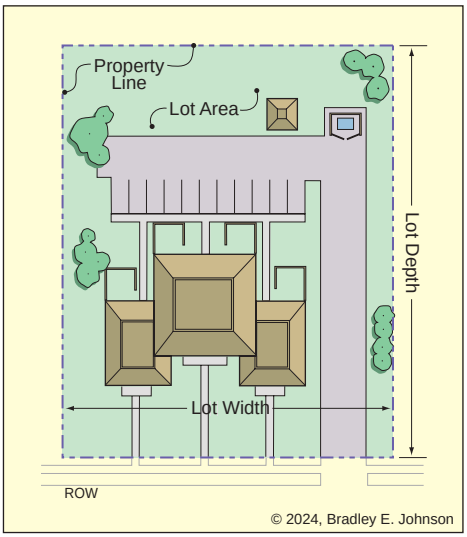
Special Exception Uses

Accessory Permitted Uses
- solar array (large)

Residential Special Exception Uses
- dwelling, duplex (2 units)
- dwelling, multiple-family (9 to 14 units)
- dwelling, multiple-family (15 to 24 units)

Multiple-family Residential (M2) District

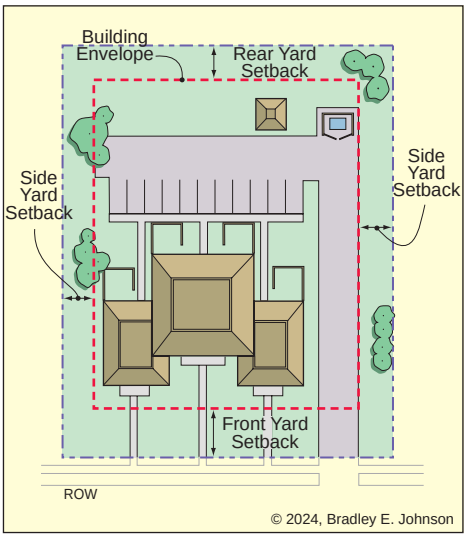
2.20 M2 District Development Standards



Minimum Lot Area
- 1 acre (43,560 sq ft)

Minimum Lot Width
- 300 feet

Sewer and Water
- Public sanitary sewer and water utility required

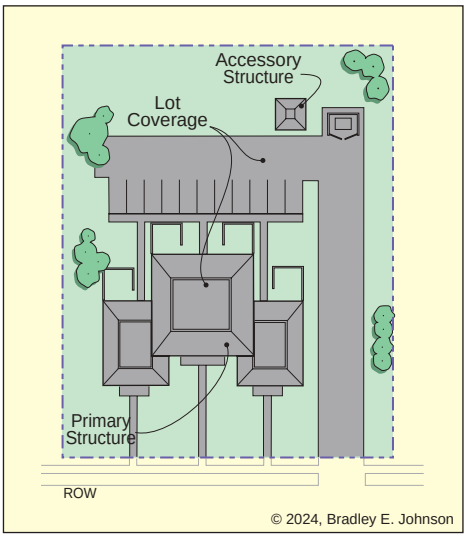


Minimum Front Yard Setback
- 40 feet for primary and accessory structures

Minimum Side Yard Setback
- 40 feet for primary and accessory structures

Minimum Rear Yard Setback
- 40 feet for primary and accessory structures

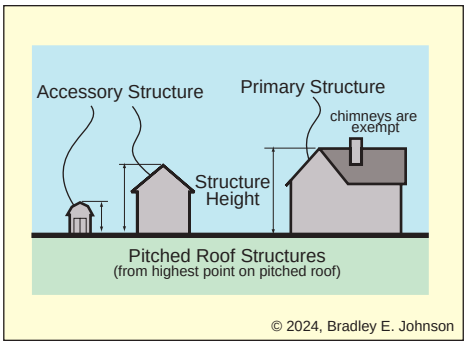
Minimum Building Separation
- A primary structure shall be at least 30 feet from another on-site primary structure
- An accessory structure shall be at least 15 feet from any primary or accessory structure



Maximum Lot Coverage
- 60% of lot area

Minimum Dwelling Unit Size
- 700 square feet per unit for multiple-family dwelling units with a minimum average of 900 square feet

Maximum Primary Structures
- 6 per development



Maximum Structure Height
- 50 feet for primary structure
- 20 feet for accessory structure
- 3 stories for primary structures

Additional Development Standards that Apply

Accessory Structures
- AS-01 5-4

Architectural
- AR-01 5-10

Density and Intensity
- DI-01 5-19

Driveway
- DW-01 5-20
- DW-03 5-23

Environmental
- EN-01 5-25

Fence and Wall
- FW-01 5-26
- FW-04 5-27

Floodplain
- FP-01 5-30

Floor Area
- FA-01 5-31

Height
- HT-01 5-32

Home Business
- HB-01 5-33
- HB-02 5-34

Keeping of Animals
- KA-04 5-37

Landscaping
- LA-01 5-39
- LA-02 5-39
- LA-04 5-40

Lot
- LO-01 5-42

Parking
- PK-01 5-44
- PK-04 5-44

Setback
- SB-01 5-47

Sewer and Water
- SW-01 5-48

Signs
- SI-01 5-49
- SI-05 5-57

Solar Array
- SA-01 5-60

Stormwater Drainage
- SD-01 5-65

Structure
- ST-01 5-66

Temporary Use
- TU-01 5-68

Vision Clearance
- VC-01 5-70

Institutional (IS) District

2.21 IS District Intent, Permitted Uses, and Special Exception Uses

District Intent

The IS (Institutional) District is intended to be used as follows:

Use, Type, and Intensity
- Varying intensity institutionally-owned lands, including City, County, State and County buildings and operations

Application of District
- Existing and new development
- Single lot or a small cluster of lots on the zoning map

Development Standards
- Apply development standards that optimize accessibility and necessary use while minimizing the impacts to surrounding areas

Appropriate Adjacent Districts
- CO, A1, A2, PR, RR, R1, R2, UR, M1, M2, IS, UC, GC, HC, I1, I2 and HI

Area Plan Commission
- Use this zoning district for existing and new institutional sites
- Because the permitted uses can vary in intensity, be sensitive to surrounding residential and environmental areas

Board of Zoning Appeals
- Allow a special exception use only when it is clearly compatible with the surrounding areas

Permitted Uses

Accessory Permitted Uses
- solar array (small)
- utility facility, above ground (small)

Institutional Permitted Uses
- cemetery or mausoleum
- child care institution
- community center
- fairground
- fire, police, or rescue station
- government office
- government operations facility
- hospice facility
- hospital
- library
- museum
- parking lot, public
- place of worship
- post office
- rehabilitation clinic, medical
- school (P-12), private
- school (P-12), public
- sewage treatment facility, public
- university or college
- water tower
- water treatment facility, public
- wellhead, public

Residential Permitted Uses
- fair housing facility (small)
- fair housing facility (large)
- nursing home

Temporary Permitted Uses
- sale of seasonal items [TU-03]
- food trucks [TU-03]

Special Exception Uses

Accessory Special Exception Uses
- meteorological tower
- solar array (large)
- wind turbine system (small)

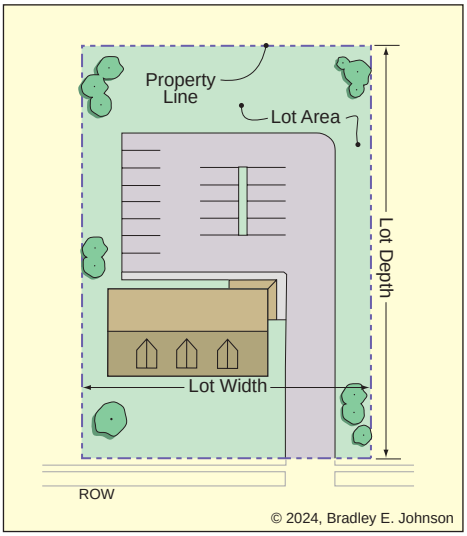
Commercial Special Exception Uses
- swimming pool

Institutional Special Exception Uses
- airport, public
- heliport
- jail
- juvenile detention facility
- recycling collection point
- solid waste transfer station (enclosed)
- transit station

Industrial Special Exception Uses
- telecommunication facility
- utility facility, above ground (large)

Institutional (IS) District

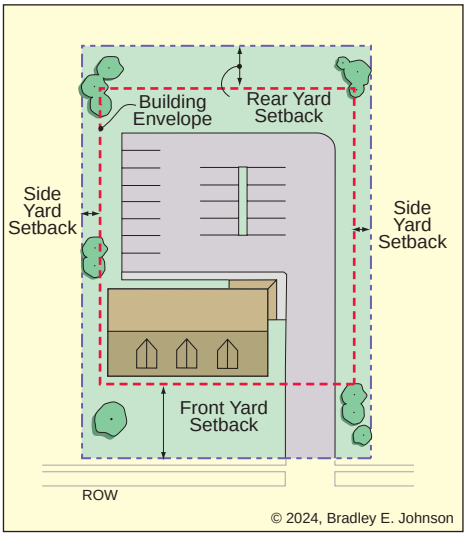
2.22 IS District Development Standards



Minimum Lot Area
- No minimum for lots without a building
- 6,000 square feet for lots with a building with sanitary sewer
- ½ acre (21,780 sq ft) without sanitary sewer
- 3,000 square feet when adjacent to UC or UR district

Minimum Lot Width
- No minimum for lots without a building
- 40 feet for lots with a building
- 20 feet for lots with a building adjacent to UC or UR district

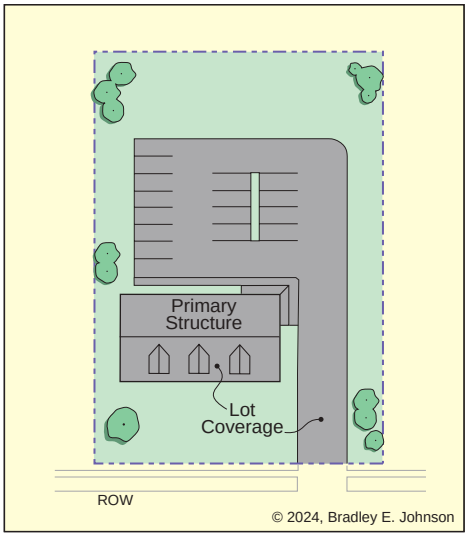
Sewer and Water
- On-site sewer system permitted only when a public sanitary sewer is not available
- Private well permitted only when a public water utility is not available



Minimum Front Yard Setback
- 20 feet
- 0 feet when adjacent to UC or UR district

Minimum Side Yard Setback
- 15 feet
- 0 feet when adjacent to UC or UR district

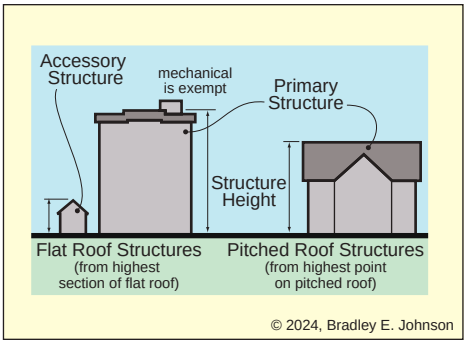
Minimum Rear Yard Setback
- 15 feet
- 5 feet when adjacent to UC or UR district



Maximum Lot Coverage
- 70% of lot area
- 95% of lot area when adjacent to UC or UR district

Minimum Main Floor Area
- no minimum

Maximum Primary Structures
- no limit



Maximum Structure Height
- 60 feet for primary structure
- 30 feet for accessory structure
- 4 stories

Additional Development Standards that Apply

Accessory Structures
- AS-01 5-4
- AS-06 5-7
- AS-07 5-8

Density and Intensity
- DI-01 5-19

Driveway
- DW-01 5-20
- DW-04 5-24

Environmental
- EN-01 5-25

Fence and Wall
- FW-01 5-26
- FW-06 5-28

Floodplain
- FP-01 5-30

Floor Area
- FA-01 5-31

Height
- HT-01 5-32

Landscaping
- LA-01 5-39
- LA-03 5-40
- LA-04 5-40

Lot
- LO-01 5-42

Meteorological Tower
- MT-01 5-43

Parking
- PK-01 5-44
- PK-05 5-45

Setback
- SB-01 5-47

Sewer and Water
- SW-01 5-48

Signs
- SI-01 5-49
- SI-05 5-57

Solar Array
- SA-01 5-60

Stormwater Drainage
- SD-01 5-65

Structure
- ST-01 5-66

Telecommunication
- TC-01 5-67

Temporary Use
- TU-01 5-68
- TU-03 5-68

Vision Clearance
- VC-01 5-70

Wind Turbine Systems
- WT-01 5-71

Urban Commercial (UC) District

2.23 UC District Intent, Permitted Uses, and Special Exception Uses

District Intent

The UC (Urban Commercial) District is intended to be used as follows:

Development Standards
- Urban buildings built to the property line
- In combination with other buildings, an urban commercial district is formed

Building form and design
- Generally 2-story buildings
- Generally built up to the side and front property lines

Use, Type, and Intensity
- Mixed-use buildings including medium intensity commercial, institutional, office, and residential uses

Application of District
- Existing downtown in the City of Clinton
- Existing urban buildings in unincorporated towns
- New building adjacent to existing urban commercial buildings
- New "village center" development

Development Standards
- Pedestrian friendly development
- Downtown style buildings
- Build-to front property line
- Parking in rear or on-street
- Discourage suburban-type buildings and drive-up windows

Appropriate Adjacent Districts
- PR, UR, M1, M2, IS, UC, and GC

Area Plan Commission
- Strive to create and protect a critical mass of complementary uses
- Discourage adjacent residential structures from converting to businesses

Board of Zoning Appeals
- Drive-up windows should clearly not conflict with pedestrian traffic
- Restrict drive-up window lanes from creating new curb cuts or from breaking up the continuity of building facades

Permitted Uses

Accessory Permitted Uses
- solar array (small)
- utility facility, above ground (small)

Commercial Permitted Uses
- atm, walk-up
- bakery
- bank
- bar or tavern
- brew pub
- club or lodge
- coffee shop
- computer service
- copy center
- counseling center
- delicatessen
- design services
- dry cleaning pickup and drop-off
- express shipping center
- farmers market
- ice cream shop
- media rental
- mobile device dealer
- office, general
- office, medical
- parking lot, private
- personal services (e.g. barber, beauty salon, massage therapy, spa, tanning)
- pharmacy
- real estate office
- repair shop, electronics
- restaurant
- retail (type 1) very low intensity
- retail (type 2) low intensity
- seamstress/tailor
- shoe repair
- studio arts (e.g. art, dance, karate, photography)
- title company
- travel agency
- wellness facility (e.g. fitness center, gym, yoga studio)

Institutional Permitted Uses
- community center
- fire, police, or rescue station
- government office
- information center
- library
- museum
- parking lot, public
- post office

Residential Permitted Uses
- assisted living facility, upper floor
- dwelling, upper floor (multiple-family)
- dwelling, upper floor (1 unit)

Temporary Permitted Uses
- sale of seasonal items [TU-03]
- food trucks [TU-03]

Special Exception Uses

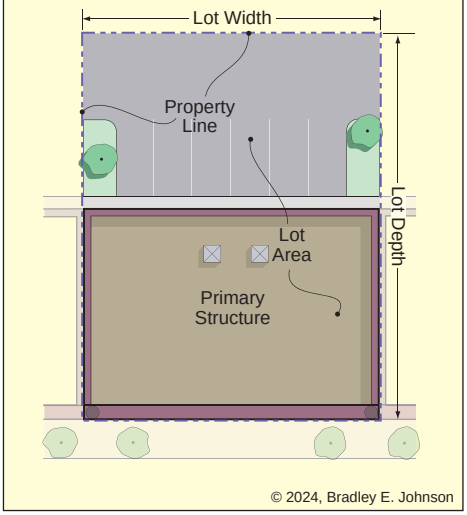
Commercial Special Exception Uses
- atm, drive-up
- automobile oriented business (type 1)
- banquet facility
- billiard hall or arcade
- day care
- funeral home
- hotel
- medical clinic
- party facility
- repair shop, general
- retail (type 3) medium intensity
- retail (type 4) high intensity
- tattoo/piercing parlor
- theater, movie (indoor)
- tobacco/vape shop

Institutional Special Exception Uses
- hospice facility
- performing arts center
- place of worship
- shelter
- transit station
- university or college

Residential Special Exception Uses
- bed and breakfast
- dwelling, single-family (ground floor)

Urban Commercial (UC) District

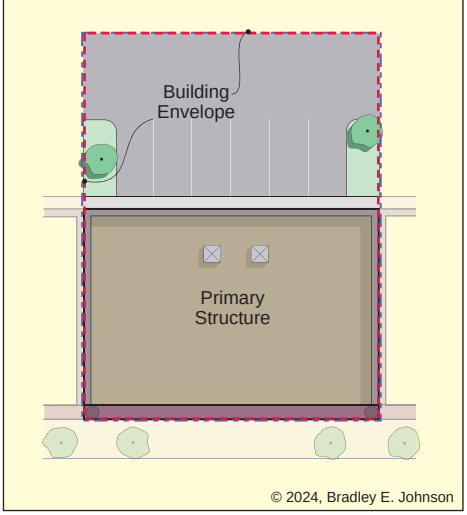
2.24 UC District Development Standards



Minimum Lot Area
- 1,500 square feet

Minimum Lot Width
- 15 feet

Sewer and Water
- Public sanitary sewer and water utility required

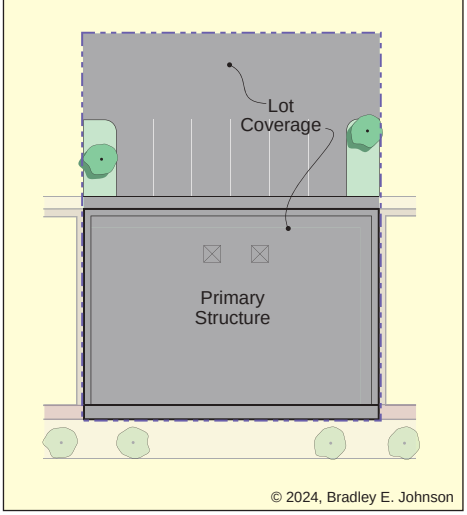


Minimum Front Yard Setback
- 0 feet for primary structure
- 40 feet for accessory structure

Maximum Front Yard Setback
- 20 feet for primary structure

Minimum Side Yard Setback
- 0 feet

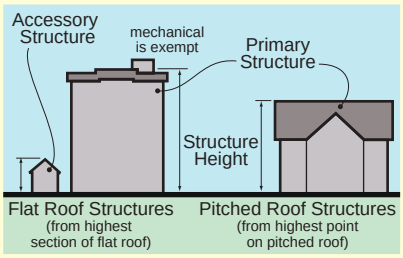
Minimum Rear Yard Setback
- 5 feet



Maximum Lot Coverage
- 90% of lot area

Minimum Main Floor Area
- no minimum

Maximum Primary Structures
- 1



Maximum Structure Height
- 45 feet for primary structure
- 20 feet for accessory structure
- 3 stories for primary structures

Additional Development Standards that Apply

Accessory Structures
- AS-01 5-4
- AS-08 5-8

Density and Intensity
- DI-01 5-19

Driveway
- DW-01 5-20
- DW-04 5-24

Environmental
- EN-01 5-25

Fence and Wall
- FW-01 5-26
- FW-06 5-28

Floodplain
- FP-01 5-30

Floor Area
- FA-01 5-31

Height
- HT-01 5-32

Landscaping
- LA-01 5-39
- LA-03 5-40
- LA-04 5-40

Lot
- LO-01 5-42

Parking
- PK-01 5-44
- PK-06 5-45

Setback
- SB-01 5-47

Sewer and Water
- SW-01 5-48

Signs
- SI-01 5-49
- SI-04 5-55

Solar Array
- SA-01 5-60

Stormwater Drainage
- SD-01 5-65

Structure
- ST-01 5-66

Temporary Use
- TU-01 5-68
- TU-03 5-68

General Commercial (GC) District

2.25 GC District Intent, Permitted Uses, and Special Exception Uses

District Intent

The GC (General Commercial) District is intended to be used as follows:

Use, Type, and Intensity
- Moderate to high intensity commercial, retail, service, eating, and entertainment establishments
- Stand alone buildings and multiple tenant buildings

Application of District
- Existing and new development
- Single lot, and small to medium-sized clusters of lots on the zoning map

Development Standards
- Require quality development standards to minimize impacts on adjacent properties while encouraging economic vitality
- Minimize light, noise, water, and air pollution

Appropriate Adjacent Districts
- CO, PR, M1, M2, IS, UC, GC, and HC

Area Plan Commission
- Use this zoning district for existing developments and for new commercial development when not detrimental to surrounding properties

Board of Zoning Appeals
- Allow a special exception use only when it is compatible with the surrounding areas
- Be sensitive to the potential for light pollution, noise pollution, and vehicular safety

Permitted Uses

Accessory Permitted Uses
- home business (type 1)
- solar array (small)
- utility facility, above ground (small)

Commercial Permitted Uses
- animal grooming
- atm, drive-up
- atm, walk-up
- automobile oriented business (type 1)
- automobile oriented business (type 2)
- bakery
- bank
- bar or tavern
- billiard hall or arcade
- bowling alley
- brew pub
- car rental
- catering service
- club or lodge
- coffee shop
- coin laundry
- computer service
- counseling center
- day care
- delicatessen
- design services
- donation collection point
- dry cleaning pickup and drop-off
- express shipping center
- exterminator
- farmers market
- gas station
- hotel
- ice cream shop
- media rental
- medical clinic
- mobile device dealer
- office, general
- office, medical
- personal services (e.g. barber, beauty salon, massage therapy, spa, tanning)
- pharmacy
- printing, commercial
- repair shop, electronics
- repair shop, general
- restaurant
- restaurant, drive-in
- restaurant, drive-through only
- restaurant with drive-up window
- retail (type 1) very low intensity
- retail (type 2) low intensity
- retail (type 3) medium intensity
- seamstress/tailor
- shoe repair
- studio arts (e.g. dance, karate, photography studio)
- theater, movie (indoor)
- title company
- travel agency
- veterinarian
- wellness facility (e.g. fitness center, gym, yoga studio)

Institutional Permitted Uses
- community center
- fire, police, or rescue station
- government office
- hospital
- library
- museum
- post office
- rehabilitation clinic, medical
- school (P-12), private

Temporary Permitted Uses
- sale of seasonal items [TU-03]
- food trucks [TU-03]

Special Exception Uses

Accessory Special Exception Uses
- solar array (large)

Commercial Special Exception Uses
- auction (indoor)
- automobile oriented business (type 3)
- banquet facility
- broadcast studio
- country club
- crematory
- funeral home
- kennel
- motel
- night club
- office, construction trade
- recreation center (indoor)
- recreation center (outdoor)
- retail (type 4) high intensity
- retail (type 5) very high intensity
- self-storage warehouse
- sexually oriented entertainment
- shooting range (indoor)
- sports field (indoor)
- swimming pool
- tattoo/piercing parlor
- tobacco/vape shop
- tool/equipment rental (indoor)
- trade or business school
- winery

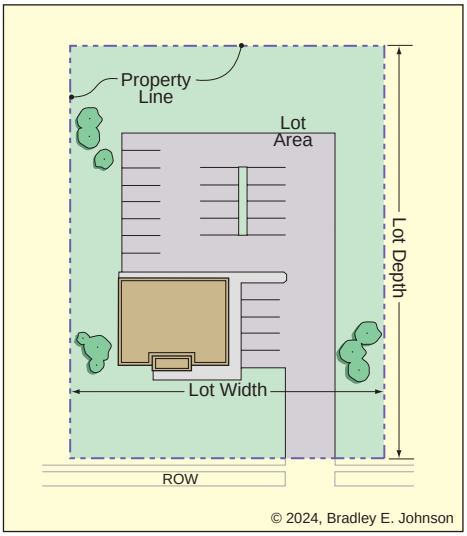
Industrial Special Exception Uses
- utility facility, above ground (large)
- welding service

Institutional Special Exception Uses
- hospice facility
- place of worship
- recycling collection point
- school (P-12), private

Residential Special Exception Uses
- assisted living facility
- dwelling, upper floor (1 unit)
- dwelling, upper floor (multiple-family)

General Commercial (GC) District

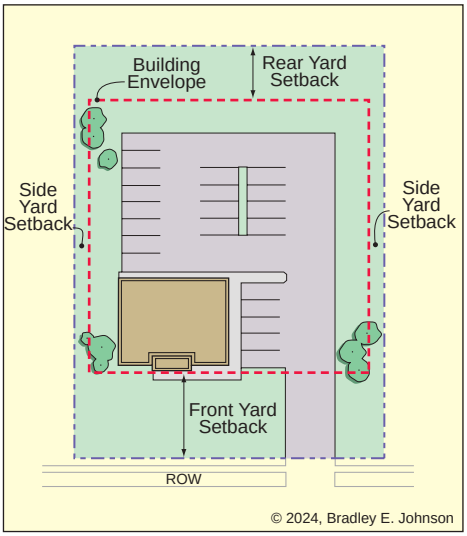
2.26 GC District Development Standards



Minimum Lot Area
- 10,000 square feet

Minimum Lot Width
- 100 feet

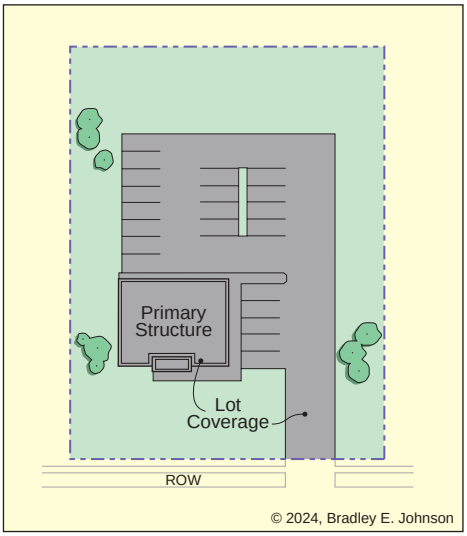
Sewer and Water
- On-site sewer system permitted only when a public sanitary sewer is not available
- Private well permitted only when a public water utility is not available



Minimum Front Yard Setback
- 40 feet for primary structure

Minimum Side Yard Setback
- 15 feet

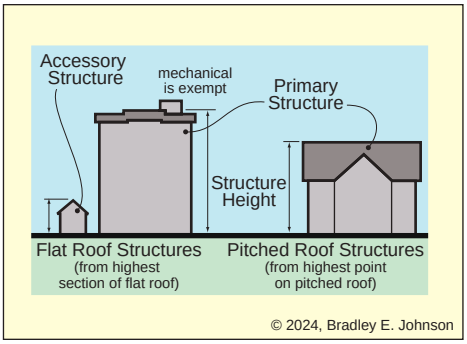
Minimum Rear Yard Setback
- 15 feet



Maximum Lot Coverage
- 65% of lot area

Minimum Main Floor Area
- 800 square feet

Maximum Primary Structures
- 3



Maximum Structure Height
- 50 feet for primary structure
- 25 feet for accessory structure
- 2 stories for primary structures

Additional Development Standards that Apply

Accessory Structures
- AS-01 5-4
- AS-09 5-9

Density and Intensity
- DI-01 5-19

Driveway
- DW-01 5-20
- DW-04 5-24

Environmental
- EN-01 5-25

Fence and Wall
- FW-01 5-26
- FW-06 5-28

Floodplain
- FP-01 5-30

Floor Area
- FA-01 5-31

Height
- HT-01 5-32

Landscaping
- LA-01 5-39
- LA-03 5-40
- LA-04 5-40

Lot
- LO-01 5-42

Parking
- PK-01 5-44
- PK-05 5-45

Setback
- SB-01 5-47

Sewer and Water
- SW-01 5-48

Signs
- SI-01 5-49
- SI-05 5-57

Solar Array
- SA-01 5-60

Stormwater Drainage
- SD-01 5-65

Structure
- ST-01 5-66

Temporary Use
- TU-01 5-68
- TU-03 5-68

Vision Clearance
- VC-01 5-70

Highway Commercial (HC) District

2.27 HC District Intent, Permitted Uses, and Special Exception Uses

District Intent

The HC (Highway Commercial) District is intended to be used as follows:

Use, Type, and Intensity
- Highway oriented commercial uses

Application of District
- Permitted within proximity of an interstate interchange or intersection of two highways and/or major arterial streets
- Existing and new development
- Small geographic areas on the zoning map

Development Standards
- Require development standards that optimize vehicular accessibility while minimizing the impacts on surrounding areas
- Minimize light, noise, and water pollution

Appropriate Adjacent Districts
- CO, A1, PR, M1, M2, IS, GC, HC, and I1

Area Plan Commission
- Use this zoning district for existing developments and for new commercial development when not detrimental to the surrounding properties

Board of Zoning Appeals
- Allow a special exception use only when it is clearly compatible with the surrounding areas
- Be sensitive to aesthetics and the potential for light pollution, noise pollution, pedestrian safety, and vehicular safety

Permitted Uses

Accessory Permitted Uses
- solar array (small)
- utility facility, above ground (small)

Commercial Permitted Uses
- automobile oriented business (type 1)
- bakery
- atm, drive-up
- coffee shop
- delicatessen
- gas station
- hotel
- ice cream shop
- restaurant
- restaurant, drive-in
- restaurant, drive-through only
- restaurant with drive-up window
- retail (type 1) very low intensity
- retail (type 2) low intensity

Institutional Permitted Uses
- fire, police, or rescue station
- information center
- parking lot, public

Temporary Permitted Uses
- sale of seasonal items [TU-03]
- food trucks [TU-03]

Special Exception Uses

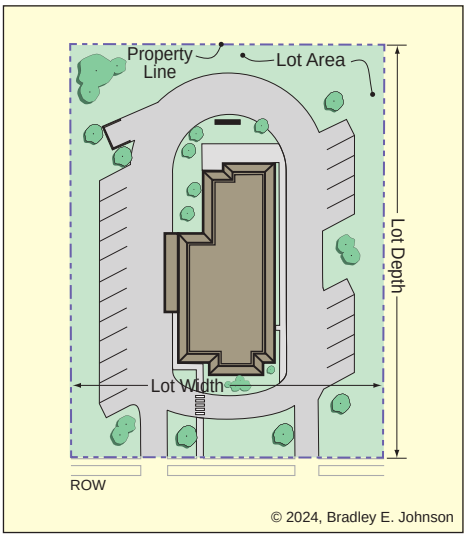
Accessory Permitted Uses
- solar array (large)

Commercial Special Exception Uses
- automobile oriented business (type 2)
- day care
- motel
- recreation center (indoor)
- recreation center (outdoor)
- retail (type 3) medium intensity
- retail (type 4) high intensity
- truck stop

Industrial Special Exception Uses
- utility facility, above ground (large)

Highway Commercial (HC) District

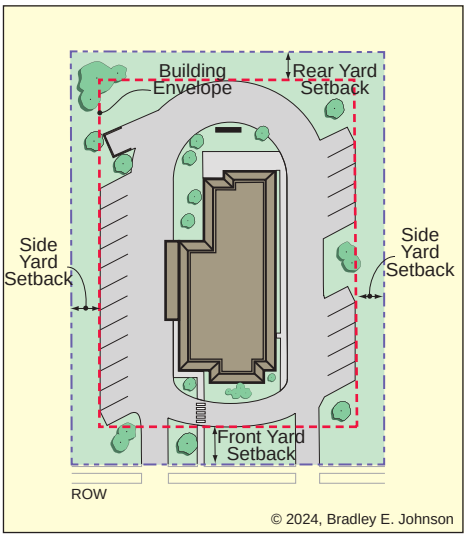
2.28 HC District Development Standards



- 10,000 sq ft with sanitary sewer
- ½ acre (21,780 sq ft) without sanitary sewer

Minimum Lot Width
- 80 feet with sanitary sewer
- 100 feet without sanitary sewer

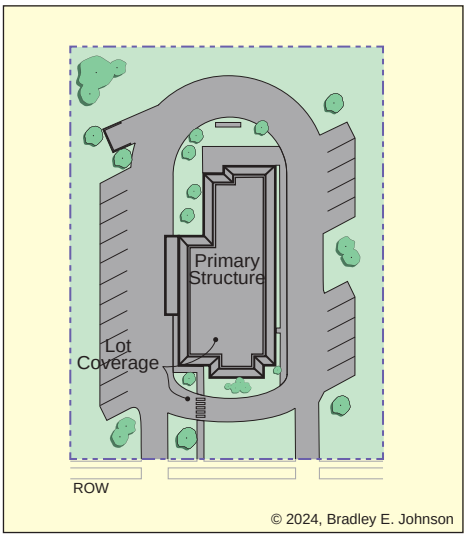
Sewer and Water
- On-site sewer system permitted only when a public sanitary sewer is not available
- Private well permitted only when a public water utility is not available



Minimum Front Yard Setback
- 60 feet for primary structure

Minimum Side Yard Setback
- 15 feet

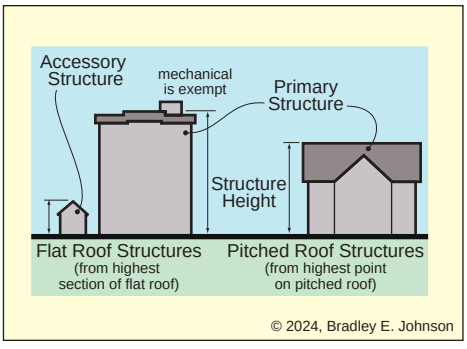
Minimum Rear Yard Setback
- 15 feet



Maximum Lot Coverage
- 70% of lot area

Minimum Main Floor Area
- 800 square feet

Maximum Primary Structures
- 2



Maximum Structure Height
- 50 feet for primary structure
- 20 feet for accessory structure
- 3 stories for primary structures

Additional Development Standards that Apply

Accessory Structures
- AS-01 5-4
- AS-09 5-9

Density and Intensity
- DI-01 5-19

Driveway
- DW-01 5-20
- DW-04 5-24

Environmental
- EN-01 5-25

Fence and Wall
- FW-01 5-26
- FW-06 5-28

Floodplain
- FP-01 5-30

Floor Area
- FA-01 5-31

Height
- HT-01 5-32

Landscaping
- LA-01 5-39
- LA-03 5-40
- LA-04 5-40

Lot
- LO-01 5-42

Parking
- PK-01 5-44
- PK-05 5-45

Setback
- SB-01 5-47

Sewer and Water
- SW-01 5-48

Signs
- SI-01 5-49
- SI-05 5-57

Solar Array
- SA-01 5-60

Stormwater Drainage
- SD-01 5-65

Structure
- ST-01 5-66

Temporary Use
- TU-01 5-68
- TU-03 5-68

Vision Clearance
- VC-01 5-70

Low Intensity Industrial (I1) District

2.29 I1 District Intent, Permitted Uses, and Special Exception Uses

District Intent

The I1 (Low Intensity Industrial) District is intended to be used as follows:

Use, Type, and Intensity
- Low to moderate intensity industrial uses
- Distribution operations and industrial parks
- Stand alone buildings or multiple primary structures

Application of District
- Existing and new development
- Serves as a buffer between heavier industrial uses and lower intensity districts
- Small to medium geographic areas on the zoning map

Development Standards
- Require development standards that minimize the impacts on surrounding areas
- Allow small outdoor storage areas with screening
- Minimize light, noise, water, and air pollution

Appropriate Adjacent Districts
- CO, A1, A2, PR, M2, IS, HC, I1, I2, and HI

Area Plan Commission
- Use this zoning district for existing developments and for new industrial development when not detrimental to the county and surrounding properties

Board of Zoning Appeals
- Allow a special exception use only when it is compatible with the surrounding areas
- Be sensitive to the potential for light pollution, noise pollution, loading berth placement, pedestrian safety, and vehicular safety

Permitted Uses

Accessory Permitted Uses
- solar array (large)
- utility facility, above ground (small)

Commercial Permitted Uses
- automobile oriented business (type 3)
- broadcast studio
- exterminator
- office, construction trade
- office, general
- printing, commercial
- recreation center (indoor)
- self-storage warehouse
- software development
- sports field (indoor)
- studio arts (e.g. dance, karate, photography studio)
- tool/equipment rental (indoor)
- tool/equipment rental (outdoor)
- trade or business school
- veterinary hospital

Industrial Permitted Uses
- assembly
- bottling/canning
- brewery
- composting facility
- distribution facility
- dry cleaning processing
- flex space
- freight terminal
- manufacturing, light
- materials recycling (type 1)
- printer, industrial
- produce terminal
- research center, general
- research center, medical
- sign fabrication
- stone cutting and fabrication (indoor)
- storage tanks (non-hazardous)
- testing lab, electronics
- testing lab, materials
- tool and die shop
- utility facility, above ground (large)
- warehouse
- welding service
- wholesale business

Institutional Permitted Uses
- government operations facility
- recycling collection point
- water tower

Temporary Permitted Uses
- sale of seasonal items [TU-03]
- food trucks [TU-03]

Special Exception Uses

Accessory Special Exception Uses
- wind turbine system (small)

Agricultural Special Exception Uses
- agricultural products, processing
- agricultural products, storage
- grain elevator

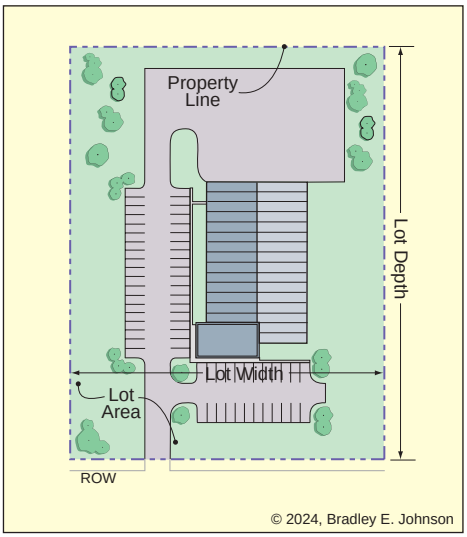
Commercial Special Exception Uses
- restaurant

Industrial Special Exception Uses
- bio-diesel production
- broadcast facility
- bulk energy storage
- fleet vehicle storage
- food processing
- liquid fertilizer distribution
- materials recycling (type 2)
- metal casting
- outdoor storage
- pharmaceutical manufacturing
- server farm
- solar power plant
- telecommunication facility
- transfer station

Institutional Special Exception Uses
- jail
- juvenile detention facility

Low Intensity Industrial (I1) District

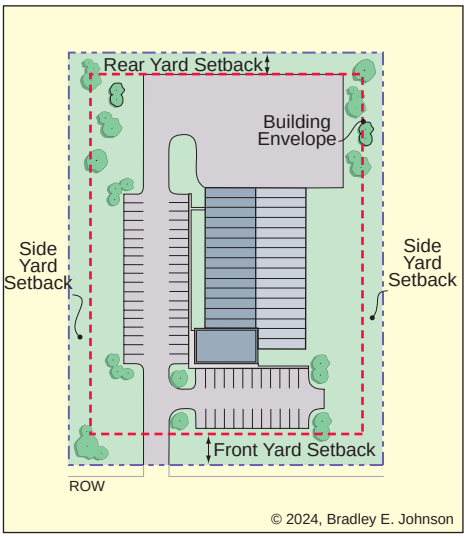
2.30 I1 District Development Standards



Minimum Lot Area
- ½ acre (21,780 sq ft)

Minimum Lot Width
- 100 feet

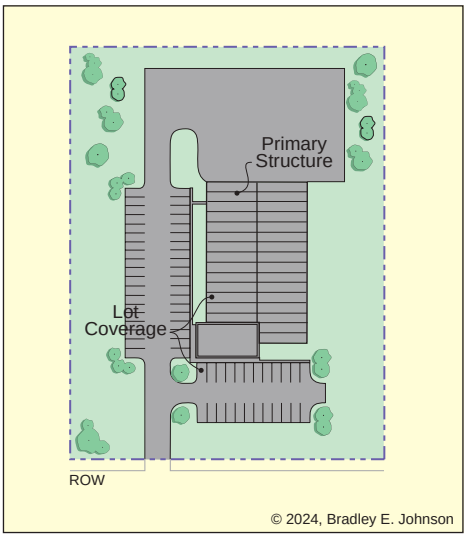
Sewer and Water
- Public sanitary sewer and water utility required



Minimum Front Yard Setback
- 40 feet

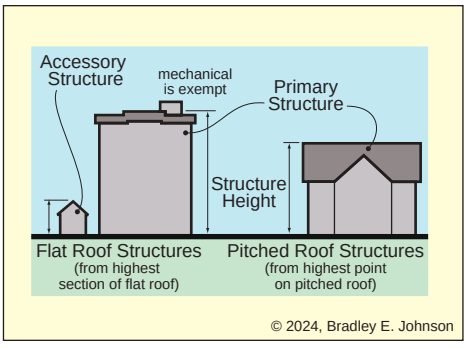
Minimum Side Yard Setback
- 30 feet

Minimum Rear Yard Setback
- 30 feet



Maximum Lot Coverage
- 60% of lot area

Maximum Primary Structures
- no limit



Maximum Structure Height
- 60 feet for primary structure
- 20 feet for accessory structure

Additional Development Standards that Apply

Accessory Structures
- AS-01 5-4
- AS-10 5-9

Bulk Energy Storage
- BE-01 5-11

Density and Intensity
- DI-01 5-19

Driveway
- DW-01 5-20
- DW-04 5-24

Environmental
- EN-01 5-25

Fence and Wall
- FW-01 5-26
- FW-07 5-29

Floodplain
- FP-01 5-30

Floor Area
- FA-01 5-31

Height
- HT-01 5-32

Landscaping
- LA-01 5-39
- LA-03 5-40
- LA-04 5-40

Lot
- LO-01 5-42

Parking
- PK-01 5-44
- PK-05 5-45

Setback
- SB-01 5-47

Sewer and Water
- SW-01 5-48

Signs
- SI-01 5-49
- SI-05 5-57

Solar Array
- SA-01 5-60

Solar Power Plant
- SP-01 5-61

Stormwater Drainage
- SD-01 5-65

Structure
- ST-01 5-66

Telecommunication
- TC-01 5-67

Temporary Use
- TU-01 5-68
- TU-03 5-68

Vision Clearance
- VC-01 5-70

Wind Turbine Systems
- WT-01 5-71

High Intensity Industrial (I2) District

2.31 I2 District Intent, Permitted Uses, and Special Exception Uses

District Intent

The I2 (High Intensity Industrial) District is intended to be used as follows:

Use, Type, and Intensity
- Moderate to high intensity industrial uses
- Industrial parks, manufacturing facilities, and utility usage
- Enclosed industrial uses
- Stand alone buildings or multiple primary structures

Application of District
- Existing and new development
- Small to medium geographic areas on the zoning map

Development Standards
- Require development standards that minimize the impacts on surrounding, less intense areas
- Allow outdoor storage areas
- Exclude general business uses
- Minimize light, noise, water, and air pollution

Appropriate Adjacent Districts
- CO, A1, PR, IS, I1, I2, and HI

Area Plan Commission
- Use this zoning district for existing developments and for new industrial development when not detrimental to the county and surrounding properties

Board of Zoning Appeals
- Allow a special exception use only when it is compatible with the surrounding areas
- Be sensitive to the potential for light pollution, noise pollution, loading berth placement, pedestrian safety, and vehicular safety

Permitted Uses

Accessory Permitted Uses
- solar array (large)
- utility facility, above ground (small)

Agricultural Permitted Uses
- agricultural products, processing
- agricultural products, storage

Commercial Permitted Uses
- crematory
- tool/equipment rental (outdoor)

Industrial Permitted Uses
- assembly
- bio-diesel production
- bottling/canning
- brewery
- broadcast facility
- bulk energy storage
- composting facility
- distribution facility
- dry cleaning processing
- fleet vehicle storage
- flex space
- food processing
- freight terminal
- heavy equipment repair
- liquid fertilizer distribution
- manufacturing, light
- materials recycling (type 1)
- materials recycling (type 2)
- metal casting
- outdoor storage
- pharmaceutical manufacturing
- printer, industrial
- produce terminal
- research center, general
- sign fabrication
- stone cutting and fabrication (indoor)
- storage tanks (non-hazardous)
- testing lab, electronics
- testing lab, materials
- tool and die shop
- transfer station
- utility facility, above ground (large)
- warehouse
- welding service
- wholesale business

Institutional Permitted Uses
- government operations facility
- recycling collection point
- water tower

Temporary Permitted Uses
- sale of seasonal items [TU-03]
- food trucks [TU-03]

Special Exception Uses

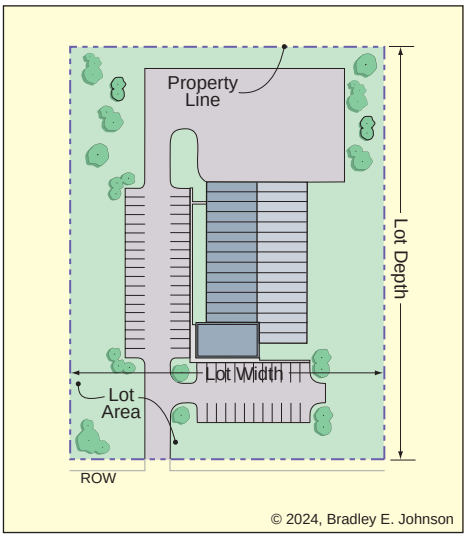
Accessory Special Exception Uses
- wind turbine system (small)

Commercial Special Exception Uses
- restaurant
- sports field (indoor)

Industrial Special Exception Uses
- asphalt plant
- chemical manufacturing
- concrete plant
- incinerator
- manufacturing, heavy
- meat processing
- mining, rock or sand
- server farm
- solar power plant
- stone cutting and fabrication (outdoor)
- telecommunication facility

High Intensity Industrial (I2) District

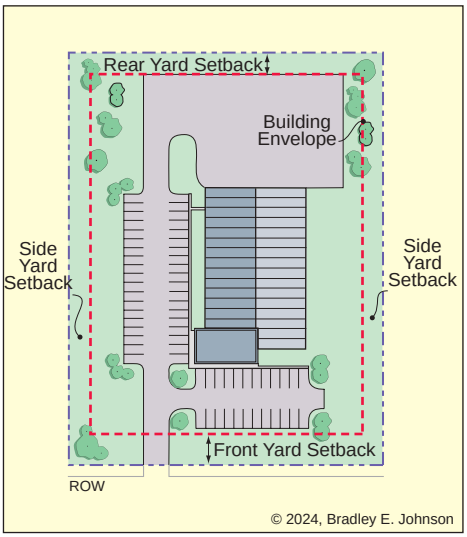
2.32 I2 District Development Standards



Minimum Lot Area
- 1 acres (43,560 sq ft)

Minimum Lot Width
- 150 feet

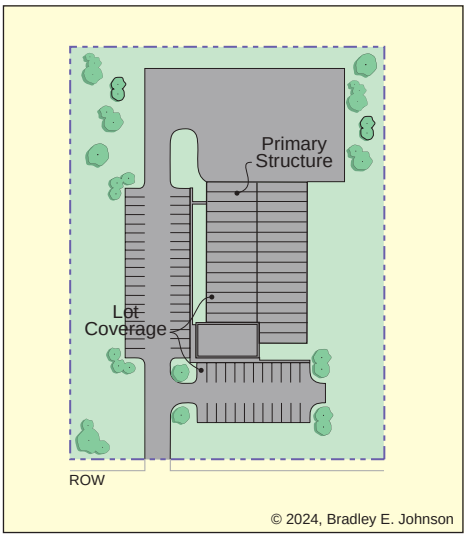
Sewer and Water
- Public sanitary sewer and water utility required



Minimum Front Yard Setback
- 50 feet

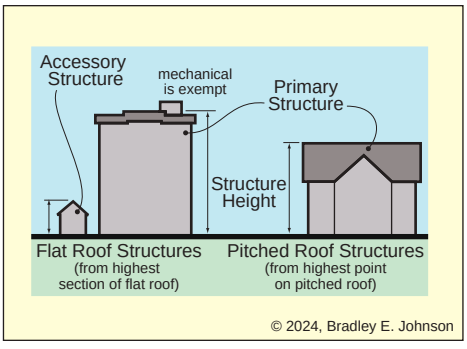
Minimum Side Yard Setback
- 40 feet

Minimum Rear Yard Setback
- 40 feet



Maximum Lot Coverage
- 70% of lot area

Maximum Primary Structures
- no limit



Maximum Structure Height
- 60 feet for primary structure
- 25 feet for accessory structure

Additional Development Standards that Apply

Accessory Structures
- AS-01 5-4
- AS-10 5-9

Bulk Energy Storage
- BE-01 5-11

Density and Intensity
- DI-01 5-19

Driveway
- DW-01 5-20
- DW-04 5-24

Environmental
- EN-01 5-25

Fence and Wall
- FW-01 5-26
- FW-07 5-29

Floodplain
- FP-01 5-30

Floor Area
- FA-01 5-31

Height
- HT-01 5-32

Landscaping
- LA-01 5-39
- LA-03 5-40
- LA-04 5-40

Lot
- LO-01 5-42

Parking
- PK-01 5-44
- PK-05 5-45

Setback
- SB-01 5-47

Sewer and Water
- SW-01 5-48

Signs
- SI-01 5-49
- SI-05 5-57

Solar Array
- SA-01 5-60

Solar Power Plant
- SP-01 5-61

Stormwater Drainage
- SD-01 5-65

Structure
- ST-01 5-66

Telecommunication
- TC-01 5-67

Temporary Use
- TU-01 5-68
- TU-03 5-68

Vision Clearance
- VC-01 5-70

Wind Turbine Systems
- WT-01 5-71

High Impact (HI) District

2.33 HI District Intent, Permitted Uses, and Special Exception Uses

District Intent

The HI (High Impact) District is intended to be used as follows:

Use, Type, and Intensity
- All intensities of high impact uses

Application of District
- New development
- Single lot or a small cluster of lots on the zoning map

Development Standards
- Enact development standards to minimize impacts on adjacent properties
- Minimize light, noise, water, and air pollution

Appropriate Adjacent Districts
- CO, A1, PR, I1, I2, and HI

Applicable Legislative Body
- As a condition of rezoning, allow only the use petitioned for and presented

Area Plan Commission
- Use this zoning district for existing high impact developments and for new high impact development when clearly beneficial to the county and when compatible with nearby properties
- Be sensitive to environmental protection
- As a condition of rezoning, allow only the use petitioned for and presented

Board of Zoning Appeals
- Allow a special exception use only when it is compatible with the surrounding areas
- Be sensitive to the potential for light pollution, noise pollution, water pollution, air pollution, ingress/egress of heavy vehicles, buffering, pedestrian safety, and vehicular safety

Permitted Uses

Accessory Permitted Uses
- meteorological tower
- solar array (large)
- wind turbine system (small)

Industrial Permitted Uses
- bio-fuels production
- blast furnace
- chemical manufacturing
- coke oven
- construction materials landfill
- electrical generation plant
- explosives manufacturing
- fireworks manufacturing
- junk yard
- materials recycling (type 3)
- motorsports park
- petroleum processing
- rendering plant
- rock crushing
- sanitary landfill/refuse dump
- saw mill
- scrap metal yard
- smelting
- solar power plant
- storage tanks (hazardous)

Institutional Permitted Uses
- prison

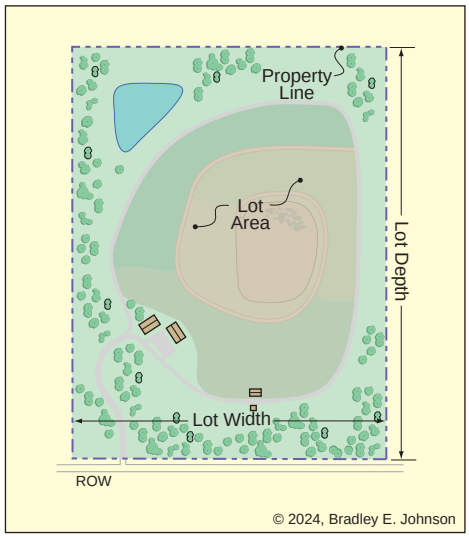
Special Exception Uses

Accessory Special Exception Uses
- wind turbine system (utility)

Industrial Special Exception Uses
- wind power plant

High Impact (HI) District

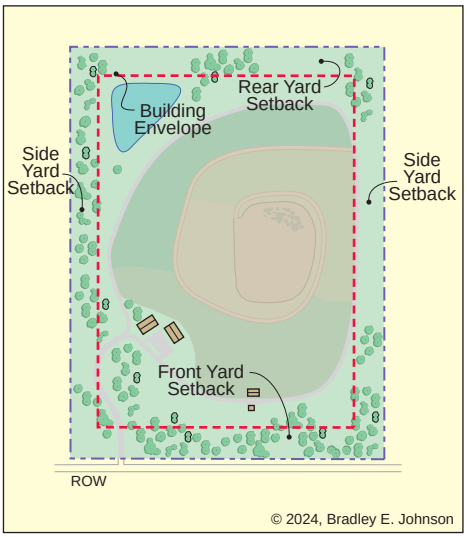
2.34 HI District Development Standards



Minimum Lot Area
- 20 acres

Minimum Lot Width
- 300 feet

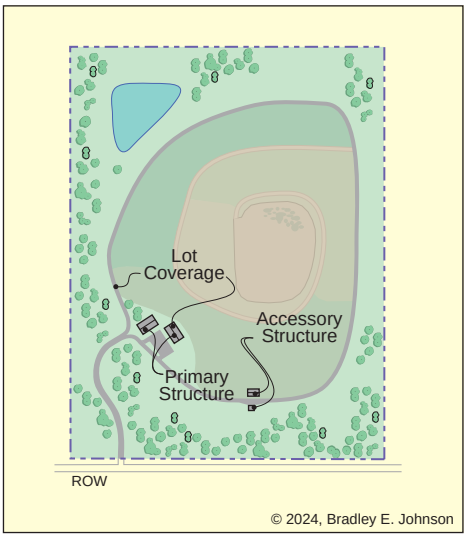
Sewer and Water
- On-site sewer system permitted only when a public sanitary sewer is not available
- Private well permitted only when a public water utility is not available



Minimum Front Yard Setback
- 150 feet

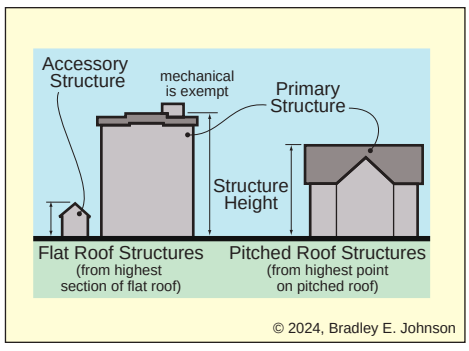
Minimum Side Yard Setback
- 150 feet

Minimum Rear Yard Setback
- 150 feet



Maximum Lot Coverage
- 20% of lot area

Maximum Primary Structures
- no limit



Maximum Structure Height
- 60 feet for primary structure
- 35 feet for accessory structure

Additional Development Standards that Apply

Accessory Structures
- AS-01 5-4
- AS-10 5-9

Density and Intensity
- DI-01 5-19

Driveway
- DW-01 5-20
- DW-04 5-24

Environmental
- EN-01 5-25

Fence and Wall
- FW-01 5-26
- FW-07 5-29

Floodplain
- FP-01 5-30

Floor Area
- FA-01 5-31

Height
- HT-01 5-32

Landscaping
- LA-01 5-39
- LA-03 5-40
- LA-04 5-40

Lot
- LO-01 5-42

Meteorological Tower
- MT-01 5-43

Parking
- PK-01 5-44
- PK-05 5-45

Setback
- SB-01 5-47

Sewer and Water
- SW-01 5-48

Signs
- SI-01 5-49
- SI-05 5-57

Solar Array
- SA-01 5-60

Solar Power Plant
- SP-01 5-61

Stormwater Drainage
- SD-01 5-65

Structure
- ST-01 5-66

Temporary Use
- TU-01 5-68
- TU-03 5-68

Vision Clearance
- VC-01 5-70

Wind Turbine Systems
- WT-01 5-71
- WT-02 5-73

Appropriate Adjacent Districts Summary

2.35 Appropriate Adjacent Districts Summary

Adjacent District	Zoning District of Subject Property																
	CO	A1	A2	PR	RR	R1	R2	UR	M1	M2	IS	UC	GC	HC	I1	I2	HI
CO	X	X	X	X	X	X	X		X	X	X		X	X	X	X	X
A1	X	X	X	X	X						X			X	X	X	X
A2	X	X	X	X													
PR	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
RR	X	X		X	X	X					X						
R1	X			X	X	X	X	X	X	X	X						
R2	X			X		X	X	X	X	X	X						
UR				X		X	X	X	X	X	X	X					
M1	X			X		X	X	X	X	X	X	X	X	X			
M2	X			X		X	X	X	X	X	X	X	X	X	X		
IS	X	X		X	X	X	X	X	X	X	X	X	X	X	X	X	X
UC				X				X	X	X	X	X	X				
GC	X			X					X	X	X	X	X	X			
HC	X	X		X					X	X	X		X	X	X		
I1	X	X		X						X	X			X	X	X	X
I2	X	X		X							X				X	X	X
HI	X	X		X							X				X	X	X

Article

3

Overlay Districts

Vermillion County

Unified Development Ordinance

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GroundRules
website www.groundrulesinc.com

Wellhead Protection Overlay (WP-O) District

3.01 WP-O District Intent, Effect on Uses, and Effect on Standards

District Intent

The Wellhead Protection Overlay (WP-O) District is intended to protect the public drinking water supplies by minimizing the potential for contamination and by reducing export outside of the county.

Land Use Restrictions
- Uses that utilize or contain volatile, poisonous, toxic, or other material hazardous to the potability of water are restricted or prohibited.

Development Standard Restrictions
- Require certain land uses to connect to municipal sewer if in the Wellhead Protection Overlay District
- Prevent underground storage tanks in the Wellhead Protection Overlay District
- Disallow pipelines that export water to areas outside the county

Application of District
- Areas within the 5-year recharge area for a public water supply or well field as delineated by study or by rule in the Indiana Administrative Code.
- Wellhead recharge areas for municipal wells or other “shared” wellhead.

Concerns
- Pollutants released on the surface of the ground or released below ground can migrate into an aquifer or more directly into a public water well, so uses that are known to be the greatest risk to potable water should be restricted and/or monitored.
- If a public well has to be abandon due to contamination or because the aquifer has been depleted it would be very expensive for tax payers and a logistical burden to local authorities. There is significant cost and challenge to identifying potential well sites, testing those sites for capacity and quality, drilling a new well at the optimal location, and installing new water mains, pumps and potentially a new water tower. For those reasons, at all costs, existing public water wells should be protected.
- Excessive removal of water from an aquifer has shown to reduce land elevation, changing drainage patterns and impacting foundations.
- An inverse of the saying “the solution to pollution is dilution” is a concern; meaning that removal of large volumes of water from an aquifer can concentrate local pollutants in the remaining water.
- Any wellhead, or system of wellheads, extracting very large volumes of water would create a exceptionally large wellhead recharge area, thus restricting an excessive number of acres from their highest and best use.

Effect on Uses

All permitted uses in the base zoning district are permitted in the WP-O District except as prohibited below. All special exception uses permitted in the base zoning district are allowed as special exceptions in the WP-O District except as prohibited below.

The following land uses and features shall not be permitted in the WP-O District:
- animal feed lot
- animal mortality storage or disposal
- asphalt plants
- auto repair shops
- cemetery
- chemical manufacturing
- chemical research facility
- chemical storage or distribution
- chrome plating
- confined feeding operation
- construction material landfill
- crematorium
- dry cleaning
- ethanol plant (or other biofuel plant)
- export of water from a water well, for the purpose of public consumption outside Vermillion County
- fertilizer storage or distribution
- fuel storage, over 200 gallons (single tank), or over 200 gallons cumulatively over any 10 square acre area
- golf course
- incinerator
- industry that uses heavy metals or toxic chemicals in its manufacturing process or other operations
- industry that has heavy metals or toxic chemicals as a by-product from its manufacturing process or other operations
- injection wells for sequestered carbon
- junk yard
- mining of any type
- pipelines, petroleum
- pipelines, sequestered carbon
- pipelines, holding over 100 lbs of pressure
- power plant, coal
- power plant, nuclear
- recycling processing
- rendering plant
- street salt storage
- sanitary landfill or refuse dump
- scrap metal yard
- septic tanks sized for more than a single-family dwelling
- settling ponds from industrial processes
- sewage lagoons
- spreading of animal waste on land
- spreading of sewage treatment plant sludge or slurry on land
- storage tanks (hazardous)
- turf farm
- waste/garbage transfer station
- wastewater treatment facility

Effect on Standards

The development standards from the base zoning district shall apply to the WP-O District in addition to the development standards described in *Section 3.05 WP-O District Development Standards*.

Wellhead Protection Overlay (WP-O) District

3.02 WP-O District Applicability

The following requirements apply to all land within the WP-O District as defined in *Section 3.04 WP-O District Boundary*.

3.03 Affect of Planned Unit Developments or Rezoning

Under no circumstances shall a planned unit development or rezoning of property change or supercede the applicability of the WP-O District's land use restrictions and/or additional development standards.

3.04 WP-O District Boundary

The boundaries for the WP-O District shall be any 5-year recharge area shown on any map, drawn to scale, certified by a licensed engineer, and may be shown on the Official Zoning Map as a hatched or textured pattern and noted on the map legend as the WP-O District.

3.05 WP-O District Development Standards

A. Exemptions: Single-family and two-family dwelling units connected to a municipal sewer system are exempt from the WP-O District requirements

B. Sewer and Water Standards

1. *Abandoned Wells*: All known abandoned wells shall be identified and sealed at the surface or capped with impervious materials in accordance with Rule 10 in the Indiana Administrative Code, 312 IAC 13.
2. *Sanitary Sewer*: Connection to a municipal sanitary sewer system shall be required unless the cost to connect to the municipal sanitary sewer exceeds three times (3X) the cost of a septic (i.e. on-site waste treatment) system.

C. Chemical or Fuel Storage Tank Standards:

1. *Above Ground Storage Tanks*:
   a. If permitted, any above-ground storage tanks used for chemicals, liquid fertilizer or fuels shall have corrosion protection for the tank and piping. Corrosion protection measures shall include elevating tanks, resting tanks on continuous concrete slabs, installing double-walled tanks, cathodically protection (or equivalent) of the tanks, internally lining tanks, or a combination of the aforementioned options. All piping to the tank shall be double-walled or located above ground or cathodically protected (or equivalent).
   b. Above ground storage of liquid and/or petroleum products shall be limited to 2,000 cumulative gallons in all on-site storage tanks.
   c. Storage of more than 300 gallons of liquid chemical or petroleum products for more than twenty-four (24) hours shall meet the following secondary containment requirements:
      i. Secondary containment shall be capable of containing 110% of the volume of the tank.
      ii. Secondary containment shall be designed to prevent and control the escape of the contaminant into ground water for a minimum of seventy-two (72) hours; or designed and built with an outer shell and a space between the tank wall and the outer shell that allows and includes monitoring between the tank wall and outer shell.
      iii. The secondary containment structure shall be properly maintained and shall be free of vegetation, cracks, open seams, open drains, siphons, or other openings that jeopardize the integrity of the structure.
      iv. The secondary containment structure shall be designed to prevent the infiltration of precipitation.
2. *Underground Storage Tanks*:
   a. New underground storage tanks (USTs) shall not be permitted.
   b. Existing underground storage tanks shall only be replaced or upgraded with above ground storage tanks.

3.06 WP-O Process Supplement

A. Additional Reviews: If a subdivision of land, planned unit development, special exception, variance, rezoning, or Zoning Compliance Permit is applied for related to a property that lies fully or partially within the WP-O District, the application or petition shall be subject to a review by the water utility or entity who maintains the wellhead; and then be subject to reasonable requirements from said entity deemed necessary to protect the public water supply. The review of an application may include research on the proposed use or feature, professional study, professional evaluation and site visits. Therefore, the water utility or entity who maintains the wellhead may take up to ninety (90) days to review and respond to a petition, however shall strive to provide a review and response within two (2) weeks for low-risk projects.

B. Additional Water Utility Notice: In addition to any notice an applicant is required to give, an applicant shall give notice to the water utility or entity who maintains the wellhead when the subject property is fully or partially within a WP-O District. See *Article 9: Processes*.

C. Additional Public Notice: Any variance that requests relief from the Prohibited Land Uses or features listed in *Section 3.01 WP-O District Intent, Effect on Uses, and Effect on Standards (pg 3-2)*, or that seeks relief from a development standard in *Section 3.05 WP-O District Development Standards* shall be required to provide notice to all property owners that utilize the water supply that would be impacted by a contaminated water well.

3.07 WP-O Inspection, Monitoring, Reporting and Cleanup

A. Inspection: A property owner that uses, stores, distributes, conveys, or manufactures chemicals, fertilizers, or fuels that can contaminate potable water is subject to periodic inspection by the Fire Marshall, the water utility, or other entity that maintains the wellhead. The scope of inspections shall be limited to issues related to the storage and use of potential contaminants and shall occur no more frequent than one (1) time per year, unless:

1. *Self-Reported*: Any leak or spill is self-reported by the Owner or tenant, necessitating one (1) or more special inspections,
2. *Whistle-Blower*: A leak or spill is made know by a whistle-blower, necessitating a special inspection, or
3. *Evidence is Witnessed*: A leak or spill is suspected based on an odor or physical evidence is observed from a neighboring property, public easement, or right-of-way, necessitating a special inspection.

B. Testing: After a spill or leak has been confirmed, the water utility or other entity that maintains the wellhead may require monitoring wells or other effective testing to determine the extent of contamination, migration over time, and to document environmental impacts. The required testing shall be proportionate to the quantity and potency of chemical, fertilizer, or petroleum product believed to have leaked or spilled. Testing shall be conducted with the least invasive, but effective method available to determine risk to the public water supply.

C. Reporting: The water utility or other entity that maintains the wellhead shall be notified within twenty-four (24) hours from the time a leak or spill is discovered that exceeds one (1) gallon onto or into the soil; or any leak that is suspected of leaking for more than fourteen (14) days. Failure to do so is a violation of the Unified Development Ordinance and subject to fines and penalties.

D. Cleanup Responsibility: Any property owner that uses, stores, distributes, conveys, or manufactures chemicals, fertilizers, or fuels that can contaminate potable water, or that allows a tenant to do the same, assumes the risks of being the cause of a contaminating event. Therefore, the property owner shall be fully responsible for cleanup and remediation of any leak or spill, including the cost associated with such cleanup or remediation. Further, the Owner shall be responsible for testing and/or monitoring for up to five (5) years, as may be required by the water utility or entity that maintains the wellhead.

Article

4

Planned Unit Development District

Vermillion County

Unified Development Ordinance

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Planned Unit Development (PD) District

4.01 PD District Intent, Regulations, and Prerequisites

District Intent

The PD (Planned Unit Development) District is intended to provide flexible design standards and development standards for medium to large scale developments that do not easily comply to zoning district standards due to any of the following:

- Developer interest in an integrated mixed-use development,
- Existence of unique geological or natural features that prevent traditional development practices, or
- Developer interest in unique or innovative development designs and/or concepts.
- However, the need for waivers and/or variances shall not by itself justify the pursuit of a Planned Unit Development.

Application of District

- Should be used to allow developments that meet the spirit of the Unified Development Ordinance and that will enhance not only the undeveloped site, but the entire community.

Area Plan Commission

- Any parcel that meets the prerequisites specified herein may be rezoned to a Planned Unit Development District after Area Plan Commission review and certification, and after the legislative body adopts the Planned Unit Development Ordinance in accordance with *Article 4: Planned Unit Development District* and *Article 9: Processes*.
- Under no circumstances is the Area Plan Commission or applicable legislative body required to rezone a property to a PD District.

Regulations

Permitted Uses

- Predominantly consistent with the permitted uses in the original zoning district
- Generally complementary to the *Vermillion County Comprehensive Plan*
- Compatible with surrounding land uses and adjacent zoning districts
- Flexible only to the extent permitted in *Article 4: Planned Unit Development District*

Development Standards

- Generally consistent with the intent of the original zoning district
- Complementary to surrounding land uses and adjacent zoning districts
- Flexible only to the extent permitted in *Article 4: Planned Unit Development District*

Design Standards

- Predominantly consistent with applicable design standards in *Article 7: Design Standards*
- Flexible only to the extent permitted in *Article 4: Planned Unit Development District*

Construction Standards

- Fully in compliance with any applicable construction and engineering standards

Prerequisites

Ownership

- The site proposed for a Planned Unit Development shall be under single ownership, or if multiple owners, legal proof of an arrangement, partnership, or corporation shall be provided indicating that all owners of property support and desire to develop the land. If applicable, it shall also be communicated in writing who the Owner(s) appoint as their legal representative(s).

Site Area

- The minimum site area required for a Planned Unit Development is 5 acres

Planned Unit Development (PD) District

4.02 General

A. Description: A Planned Unit Development (PD) District is a special district that can be pursued by a property owner in which a stand-alone ordinance regulating a development is drafted and which, if adopted by ordinance, would bind the development to its unique regulatory language.

B. Creation: The procedure for the creation of a PD District shall be consistent with the process set forth in *Article 9: Processes* of the Unified Development Ordinance.

C. Maps: PD Districts shall be identified as such on the Official Zoning Map with a color or hatching pattern, and have a label with the official ordinance number (e.g. PD 2024-01).

D. Regulations:

1. *Development Standards and Design Standards*: The requirements of *Article 5: Development Standards* and *Article 7: Design Standards* of the Unified Development Ordinance shall apply to Planned Unit Developments unless alternate standards are deemed appropriate by the Area Plan Commission in order to accomplish the intent of the Planned Unit Development. Any lessening of the required standards of the Unified Development Ordinance shall be directly linked to the intent of the Planned Unit Development to provide a mixed-use development, accommodate a creative and unique design not otherwise achievable using standard zoning districts and subdivision control regulations, or address unusual geological or physical conditions.
2. *Preliminary Plan*: The Preliminary Plan shall indicate the proposed land uses, location of proposed improvements, and a proposed ordinance that includes development standards, design standards, and other specifications which shall govern the Planned Unit Development. If the Preliminary Plan is silent or does not address a particular land use, development standard, design standard, or other specification, the standard of the base zoning district or other applicable regulations shall apply.

4.03 Origination of Proposals

A proposal for a PD District shall be initiated by the property Owner(s). The site proposed for a Planned Unit Development shall be under single ownership, or if multiple owners exist, a legal document, legal partnership, or corporation shall be provided indicating that all owners of property support and desire to develop the land. Said legal document shall also indicate who the Owner(s) appoint as their representative, if applicable.

4.04 Rules of Procedure

All proceedings brought under *Article 4: Planned Unit Development District* are subject to the Rules of Procedure of the Area Plan Commission.

4.05 Subdivision

All applications that involve subdivision of land shall also be subject to the subdivision procedures established by *Article 9: Processes* of the Unified Development Ordinance.

4.06 Limitation of Revisions to the Unified Development Ordinance

A. Public Health and Safety: A Planned Unit Development ordinance shall not void, change or otherwise usurp any public health and safety regulation in the Unified Development Ordinance. Further, any future amendments to public health and safety regulations in the Unified Development shall apply the Planned Unit Development in perpetuity.

B. Failure to Comply: If a Planned Unit Development is no longer proceeding in accordance with its regulating ordinance, commitments, or conditions of approval, the Vermillion County Area Plan Commission may seek remedy per *Article 10: Enforcement*.

C. Rezoning to Standard District: All Planned Unit Developments or subdistricts thereof, once 90% built-out are subject to being rezoned into an appropriate standard zoning district if the Vermillion County Area Plan Commission deems it necessary to better administer the development in perpetuity.

4.07 Designation of Permanent Open Space

A. Designation: No PD District shall be approved, unless the design provides for permanent landscaped or natural open space. Natural open space may be designated through the use of common space or other mechanisms such as conservation easements to the satisfaction of the Vermillion County Area Plan Commission and/or applicable legislative body. Open space shall be provided in at least the following percentage of the total gross area of the Planned Unit Development by type of use:

1. *Single-family and multiple-family residential use*: 15%
2. *Office use*: 10%
3. *All other uses*: 5%

B. Development in Stages: If the Preliminary Plan provides for the Planned Unit Development to be constructed in stages, open space shall be provided and installed for each stage of the development in proportion to that stage.

Article

5

Development Standards

Vermillion County

Unified Development Ordinance

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Development Standards Overview

5.01 How to Use this Article

Article 5: Development Standards contains the development standards for each zoning district. There are two ways to determine which development standards apply to a specific zoning district. They are:

A. Blue Boxes: Refer to the two-page layouts in *Article 2: Zoning Districts* for a specific zoning district. In the "Additional Development Standards that Apply" box for that specific zoning district are listed four-digit codes that determine which development standards apply. Only the development standards referenced by the four-digit codes listed in the "Additional Development Standards that Apply" section apply to that zoning district.

[Example: On page 2-5, the four digit code "AS-03" can be found under the "Additional Development Standards that Apply" section in the General Agricultural (A1) zoning district. Therefore, the Development Standards in the section labeled "AS-03" (on page 5-5) would apply to the General Agricultural (A1) zoning district.]

B. District Icons: Refer to the icons used at the top of each development standard section in *Article 5: Development Standards*. Each development standard section begins with a four-digit code and introductory sentence followed by one (1) or more icons with zoning district abbreviations (e.g. RR for the Rural Residential District). These zoning district icons indicate that the development standard written in that section applies to that zoning district.

[Example: On page 5-6, the R1 icon can be found under *Section 5.06 AS-03: Single-family and Low Intensity Multiple-family Residential Accessory Structure Standards*. Therefore, the language in the AS-05 section would apply to the R1 zoning district.]

Section Name	Page Number	Section Name	Page Number
Accessory Structure Standards (AS)	5-4	Lot Standards (LO)	5-42
Architectural Standards (AR)	5-10	Meteorological Tower Standards (MT)	5-43
Bulk Energy Storage (BE)	5-11	Parking Standards (PK)	5-44
Confined Feeding Standards (CF)	5-12	Right to Farm Standards (RF)	5-46
Density and Intensity Standards (DI)	5-19	Setback Standards (SB)	5-47
Driveway Standards (DW)	5-20	Sewer and Water Standards (SW)	5-48
Environmental Standards (EN)	5-25	Sign Standards (SI)	5-49
Fence and Wall Standards (FW)	5-26	Solar Array Standards (SA)	5-60
Floodplain Standards (FP)	5-30	Solar Power Plant Standards (SP)	5-61
Floor Area Standards (FA)	5-31	Stormwater Drainage Standards (SD)	5-65
Height Standards (HT)	5-32	Structure Standards (SR)	5-66
Home Business Standards (HB)	5-33	Telecommunication Facilities Standards (TC)	5-67
Keeping of Animals Standards (KA)	5-37	Temporary Use and Structure Standards (TU)	5-68
Kennel Standards (KL)	5-38	Vision Clearance Standards (VC)	5-70
Landscaping Standards (LA)	5-39	Wind Turbine System Standards (WT)	5-71

District Icons

5.02 Icon Key

- CO Conservation District
- A1 General Agricultural District
- A2 Intense Agriculture District
- PR Parks and Recreation District
- RR Rural Residential District
- R1 Low Intensity Single-family Residential District
- R2 Medium Intensity Single-family Residential District
- UR Urban Residential District
- M1 Low Intensity Multiple-family Residential District
- M2 Multiple-family Residential District
- IS Institutional District
- UC Urban Commercial District
- GC General Commercial District
- HC Highway Commercial District
- I1 Low Intensity Industrial District
- I2 High Intensity Industrial District
- HI High Impact District

Accessory Structure Standards (AS)

5.03 AS-01: General Accessory Structure Standards

This Accessory Structure Standards (AS) section applies to the following zoning districts:

CO A1 A2 PR RR R1 R2 UR M1 M2 IS UC GC HC I1 I2 HI

The following standards shall apply:

A. Cross Reference: Some accessory structures are regulated independent of the Accessory Structure Standards. The following types of structures are regulated in other sections.
   1. *Fences and Walls*: See *Fence and Wall Standards (FW)*.
   2. *Signs*: See *Sign Standards (SI)*.
   3. *Swimming Pools*: Swimming pools shall meet the regulations within these Accessory Structure Standards sections and the Indiana Administrative Code (675 IAC 20: Swimming Pool Code).
   4. *Telecommunication Facilities*: See *Telecommunication Facility Standards (TC)*.
   5. *Wind Turbines*: See *Wind Turbine Standards (WT)*.

B. Applicability:
   1. *Minimum Front Yard Setback*: The minimum front yard setback for accessory structures shall be as indicated on the applicable two-page layout in *Article 2: Zoning Districts*.
   2. *Minimum Side Yard Setback*: The minimum side yard setback for accessory structures shall be as indicated on the applicable two-page layout in *Article 2: Zoning Districts*.
   3. *Minimum Rear Yard Setback*: The minimum rear yard setback for accessory structures shall be as indicated on the applicable two-page layout in *Article 2: Zoning Districts*.
   4. *Maximum Structure Height*: The maximum structure height shall be as indicated on the applicable two-page layout in *Article 2: Zoning Districts*.

C. Permits: A Zoning Compliance Permit shall be required prior to installation or construction of an accessory structure unless specifically noted otherwise.

D. Permit Exemptions: See *Section 9.02(B): Exemption from Zoning Compliance Permit*. In all circumstances where a permit is not required, the accessory structure shall still meet all applicable Accessory Structure Standards.

E. Types:
   1. *Prohibited Accessory Structures*: A school bus, motor coach, bus, motor home, mobile home, manufactured home, recreational vehicle, semi-tractor trailer boat, motor vehicle, portable on-demand storage unit, enclosed trailer or of the like; in part or wholly, shall not be permitted as an accessory structure, unless clearly permitted otherwise.

F. Prohibited for Occupancy: A permitted accessory building shall not be used for human occupancy.

G. Maintenance: Accessory structures shall be properly maintained and kept in good condition.

5.04 AS-02: Conservation Accessory Structure Standards

This Accessory Structure Standards (AS) section applies to the following zoning districts:

CO

The following standards apply:

A. Types:
   1. *Storage-based*: Storage-based accessory structures shall be permitted. Storage-based accessory structures shall include barns, mini-barns, sheds.
   2. *Recreation-based*: Recreation-based accessory structures shall be permitted. Recreation-based accessory structures shall include decks, gazebos, boardwalks, information kiosks.

B. Relationship:
   1. *Use*: An accessory structure shall relate to the primary use of the lot or the zoning district's permitted uses.
   2. *Timing of Installation or Construction*: An accessory structure may be installed or built on a lot prior to the existence of a primary structure or without the existence of a primary structure.

C. Quantity and Size: There is no limit on the quantity or size of storage-based or recreation-based accessory structures.

D. Location: There is no restriction on the location of storage-based or recreation-based accessory structures.

5.05 AS-03: Agricultural and Rural Residential Accessory Structure Standards

This Accessory Structure Standards (AS) section applies to the following zoning districts:

A1 A2 RR

The following standards apply:

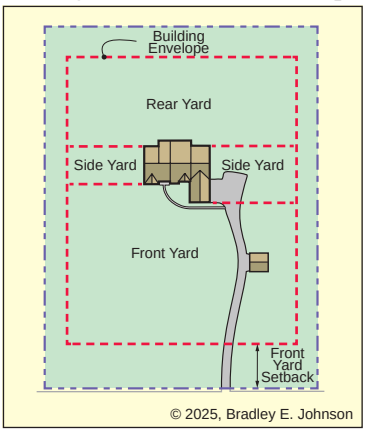
A. Types:
   1. *Storage-based*: Storage-based accessory structures shall be permitted. Storage-based accessory structures shall include barns, grain storage silos, stables, detached garage, fruit/vegetable stands, or storage sheds.
   2. *Special Storage*: A semi-tractor trailer or cargo container shall be permitted when used for long-term fertilizer, pesticide, herbicide, or fungicide storage and when located fully on a concrete pad.
   3. *Recreation-based*: Recreation-based accessory structures shall be permitted. Recreation-based accessory structures shall include decks, gazebos, hot tubs, ground-mounted satellite dishes, sport courts, swimming pools, and other structures used primarily for recreational and leisure purposes.

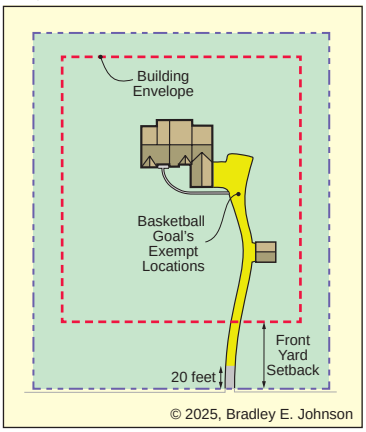
B. Exemption: Any barn, grain storage silos, stable, or accessory structure used predominantly for agricultural purposes shall be exempt from *Section 5.05(D): Quantity and Size*, and *Section 5.05(E): Location*.

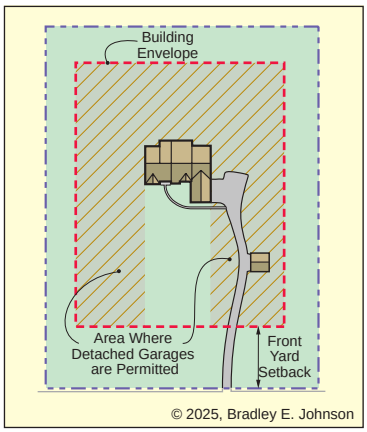
C. Relationship:
   1. *Use*: An accessory structure shall relate to the primary use of the lot or the zoning district's permitted uses.
   2. *Timing of Installation or Construction*: An accessory structure may be installed or built on a lot prior to the existence of the primary structure or without the existence of a primary structure.

D. Quantity and Size:
   1. *Maximum Number*: No more than three (3) storage-based accessory structures shall be permitted on a lot. There is no limit on recreation-based accessory structures.
   2. *Maximum Size*: The cumulative square feet of all storage-based accessory structures shall not exceed three times (3X) the square feet of the primary structure's footprint or 3,000 square feet, whichever is less.

E. Location: Storage-based and recreation-based accessory structures shall only be allowed in side yards and rear yards with the following exceptions:
   1. *Basketball Goals*: A basketball goal along a driveway or mounted on the garage shall not be considered a sport court. However, a basketball goal shall be setback at least twenty (20) feet from the front property line or street edge, whichever is greater.
   2. *Detached Garage*: A detached garage may be placed forward of a primary structure, but only if it is side loading and to the side of the primary structure's facade.







5.06 AS-04: Parks and Recreation Accessory Structure Standards

This Accessory Structure Standards (AS) section applies to the following zoning districts:

PR

A. Types:
   1. *Support-based*: Support-based accessory structures shall be permitted. Support-based accessory structures shall include concession stands, restroom facilities, first aid stations, food preparation, grandstands, ticket booths, emergency service facilities, or other structures used in support of the permitted primary use.
   2. *Storage-based*: Storage-based accessory structures in the form of garages, barns, and sheds shall be permitted.
   3. *Recreation-based*: Recreation-based accessory structures shall include a gazebo, fountain, pavilion, picnic shelter, public art display, sport court, dugout, terrace, play equipment, or similar structures that support recreation and leisure.

B. Relationship:
   1. *Use*: An accessory structure shall relate to the primary use of the land and be solely used in connection with the specific primary use.
   2. *Timing of Installation or Construction*: An accessory structure may be installed or built on a lot prior to the existence of the primary structure or without the existence of a primary structure.

C. Quantity and Size: No more than five (5) storage-based accessory structures shall be permitted on a lot. There is no limit on quantity or size of support-based or recreation-based accessory structures.

D. Location: There is no restriction on the location of support-based, storage-based, or recreation-based accessory structures.

5.07 AS-05: Single-family and Low Intensity Multiple-family Residential Accessory Structure Standards

This Accessory Structure Standards (AS) section applies to the following zoning districts:

R1 R2 UR M1

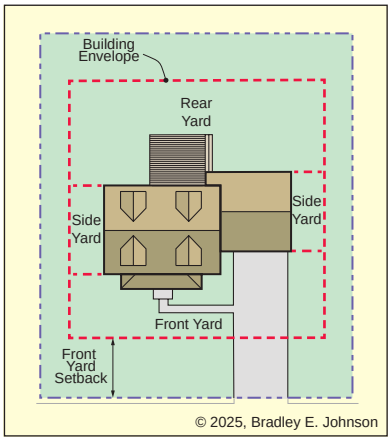
The following standards apply:

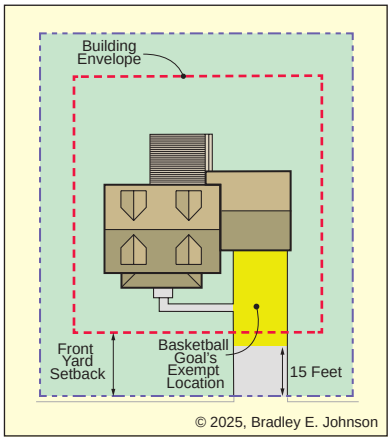
A. Types:
   1. *Storage-based*: Storage-based accessory structures shall be permitted. Storage-based accessory structures shall include barns, carports, detached garages, greenhouses, mini-barns, swimming pool houses, sheds, and other structures used primarily for storage purposes.
   2. *Recreation-based*: Recreation-based accessory structures shall be permitted. Recreation-based accessory structures shall include a deck, gazebo, pergola, hot tub, outdoor play equipment, ground-mounted satellite dish, sport court, swimming pool, and other structures used primarily for recreational and leisure purposes.

B. Relationship:
   1. *Use*: An accessory structure shall relate to the primary use of the lot.
   2. *Timing of Installation or Construction*: An accessory structure shall not be installed or built on a lot prior to the existence of the primary structure. However, they may be built and completed simultaneously.

C. Quantity and Size:
   1. *Maximum Number*: No more than two (2) storage-based accessory structures shall be permitted on a lot. There is no limit on recreation-based accessory structures.
   2. *Maximum Size*: The cumulative square footage of all storage-based accessory structures shall not exceed one-hundred percent (100%) of the footprint of the primary structure.

D. Location: Storage-based and recreation-based accessory structures shall only be allowed in side and rear yards with the following exception:
   1. *Basketball Goals*: A basketball goal along a driveway or mounted on the garage shall not be considered a sport court. However, a basketball goal shall be setback at least fifteen (15) feet from the front property line or street edge, whichever is greater.





5.08 AS-06: Multiple-family Accessory Structure Standards

This Accessory Structure Standards (AS) section applies to the following zoning district:

M2

The following standards apply:

A. Types:
   1. *Support-based*: Support-based accessory structures shall be permitted. Support-based accessory structures may include a management office, sales office, maintenance facility, indoor fitness room, indoor or outdoor sport courts, indoor or outdoor swimming pool, pergola, indoor or outdoor play equipment, enclosed vending, laundry, and other structures customarily incidental to the development. All support-based accessory structures shall be subordinate to the residential component of the development; be located, designed, and intended to serve only the needs of the development and its residents; and shall present no visible evidence of its non-residential nature to areas outside the development.
   2. *Storage-based*: Except for detached garages and detached carports, storage-based accessory structures specific to each dwelling unit shall not be permitted.

B. Relationship:
   1. *Use*: An accessory structure shall relate to the primary use of the land and be solely used in connection with the primary use.
   2. *Timing of Installation or Construction*:
      a. Support-based: A support-based accessory structure may be installed or built on a lot prior to the existence of a primary structure.
      b. Storage-based: A storage-based accessory structure shall not be installed or built on a lot prior to the existence of a primary structure. However, they may be built and completed simultaneously.

C. Quantity: No more than four (4) support-based accessory structures shall be permitted for any development. There is no limit on storage-based accessory structures.

D. Materials: The exterior finish and facade of all accessory structures shall match, closely resemble, or significantly complement the materials and colors used on the primary structure.

E. Location: Support-based accessory structures shall be central or to the rear of the development. Storage-based accessory structures shall not be located between primary structures and an adjacent street.

5.09 AS-07: Institutional Accessory Structure Standards

This Accessory Structure Standards (AS) section applies to the following zoning districts:

IS

The following standards apply:

A. Types:
   1. *Support-based*: Support-based accessory structures shall be permitted. A support-based accessory structure shall include a maintenance facility, mechanical structure, freestanding canopy, stand-alone restroom facilities, storage building, enclosed vending, kiosk, or structures used in support of the primary structure.
   2. *Recreation-based*: Recreation-based accessory structures shall be permitted. A recreational-based accessory structure shall include a deck, patio, fountains, pavilion, picnic shelter, public art display, sport courts, terrace, playground equipment, or other structures that add a recreational element to the primary use of the land.

B. Relationship:
   1. *Use*: An accessory structure shall relate to the primary use of the land and be solely used in connection with the specific primary use.
   2. *Timing of Installation or Construction*: An accessory structure may be installed or built on a lot prior to the existence of a primary structure.

C. Quantity and Size: Up to eight (8) support-based accessory structures shall be permitted on a lot. There is no limit on recreation-based accessory structures.

D. Location: Support-based accessory structures shall be allowed in front yards, side yards and rear yards. There is no restriction on the location of recreation-based accessory structures.

5.10 AS-08: Urban Commercial Accessory Structure Standards

This Accessory Structure Standards (AS) section applies to the following zoning districts:

UC

The following standards apply:

A. Types:
   1. *Support-based*: Support-based accessory structures shall be permitted. Support-based accessory structures shall include a storage building, refrigeration or freezer unit, mechanical structure, or other structure used in support of the primary structure.
   2. *Recreation-based*: Recreation-based accessory structures shall be permitted. Recreation-based accessory structures shall include a deck, patio, fountain, pavilion, public art display, terrace, or other structures that add a recreational or leisure element to the primary structure that is consistent with the intent of the district.

B. Relationship:
   1. *Use*: An accessory structure shall relate to the primary use of the land and be solely used in connection with the specific primary use.
   2. *Timing of Installation or Construction*: An accessory structure shall not be installed or built on a lot prior to the existence of the primary structure.

C. Quantity and Size:
   1. *Maximum Number*: One (1) support-based accessory structure shall be permitted on a lot. There is no limit on recreation-based accessory structures.
   2. *Maximum Size*: A support-based accessory structure shall not exceed 300 square feet in area or five percent (5%) of the area of the footprint of the primary structure, whichever is larger.

D. Materials: The exterior finish and facade of any accessory structure shall match, closely resemble, or significantly complement the materials and color used on the primary structures.

E. Location: Support-based and recreation-based accessory structures shall only be allowed in side yards and rear yards.

5.11 AS-09: Commercial Accessory Structure Standards

This Accessory Structure Standards (AS) section applies to the following zoning districts:

GC HC

The following standards apply:

A. Types:
   1. *Support-based*: Support-based accessory structures shall be permitted. Support-based accessory structures shall include a storage building, refrigeration or freezer unit, mechanical structure, or other structure used in support of the primary structure.
   2. *Recreation-based*: Recreation-based accessory structures shall be permitted. Recreation-based accessory structures shall include a deck, patio, fountain, pavilion, public art display, terrace, or other structures that add a recreational or leisure element to the primary structure that is consistent with the intent of the district.

B. Relationship:
   1. *Use*: An accessory structure shall relate to the primary use of the land and be solely used in connection with the specific primary use.
   2. *Timing of Installation or Construction*: An accessory structure shall not be installed or built on a lot prior to the existence of the primary structure.

C. Quantity and Size:
   1. *Maximum Number*: Two (2) support-based accessory structure shall be permitted on a lot. There is no limit on recreation-based accessory structures.
   2. *Maximum Size*: A support-based accessory structure shall not exceed 500 square feet in area or five percent (5%) of the area of the footprint of the primary structure, whichever is larger.

D. Location: Support-based accessory structures and recreation-based accessory structures shall only be allowed in side yards and rear yards.

5.12 AS-10: Industrial Accessory Structure Standards

This Accessory Structure Standards (AS) section applies to the following zoning districts:

I1 I2 HI

The following standards apply:

A. Types:
   1. *Support-based*: Support-based accessory structures shall be permitted. Support-based accessory structures shall include a cooling tower, maintenance facility, mechanical structure, storage building, water tower, or other structures used in support of the primary structure.
   2. *Recreation-based*: Recreation-based accessory structures shall be permitted. Recreation-based accessory structures shall include a deck, patio, fountain, pavilion, picnic shelter, public art display, sport court, terrace, or other structures that add a recreational or leisure element to the primary use of the land.

B. Relationship:
   1. *Use*: An accessory structure shall relate to the primary use of the land and be solely used in connection with the specific primary use.
   2. *Timing of Installation or Construction*: Accessory structures may be installed or built on a lot prior to the existence of the primary structures.

C. Quantity and Size: There is no limit on support-based or recreation-based accessory structures, other than they cumulatively need to be subordinate to the primary structure or permitted primary use.
   1. *Maximum Number*: There is no maximum number of support-based or recreation-based accessory structures.
   2. *Maximum Size*: There is maximum size limit on support-based or recreation-based accessory structures, other than they cumulatively need to be subordinate to the primary structure or permitted primary use.

D. Location: Support-based accessory structures and recreation-based accessory structures shall only be allowed in side yards and rear yards.

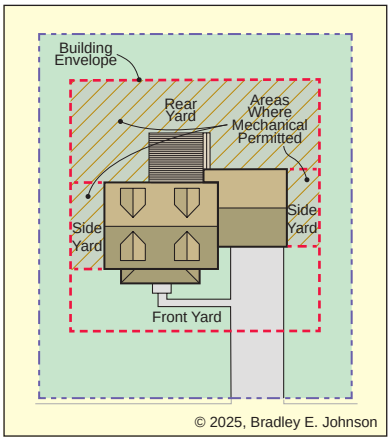
5.13 AR-01: Single-family and Multiple-family Residential Architectural Standards

This Architectural Standards (AR) section applies to the following districts:

R1 R2 M1 M2

The following standards shall apply:

A. Mechanical Equipment: All mechanical equipment, air conditioner units, propane tanks, and the like shall not be located forward of the front facade. On corner lots this standard only applies to the facade used to determines the property's address.



5.14 AR-02: Urban Residential Architectural Standards

This Architectural Standards (AR) section applies to the following district:

UR

The following standards shall apply:

A. Front Facade: The front facade of all primary structures shall face the public or private street to which the home gains primary access, except on corner lots, the front facade may face either street. If infill, the home shall face the direction consistent with neighboring properties.

B. Mechanical Equipment: All mechanical equipment, air conditioner units, propane tanks, and the like shall not be located forward of the front facade. On corner lots this standard applies to each facade that faces the public right-of-way.

Bulk Energy Storage (BE)

5.15 BE-01: Bulk Energy Storage Standards

This Bulk Energy Storage (BE) section applies to the following districts:

A1 I1 I2

The following standards shall apply:

A. Height:

1. *Skid/Pad*: The skid or pad used to mount bulk energy storage (battery farm), meters, controllers, inverters, and the like shall not exceed:
   a. Pad/Skid: The concrete pad or metal structure installed to mount equipment shall not exceed three (3) feet above grade.
   b. Equipment Mounted on a Pad or Skid: The equipment mounted on a pad or skid shall not exceed ten (10) feet in height measured from the top of the pad or skid.
2. *Other Equipment*: Any other structures, equipment, or components associated with the bulk energy storage facility and/or its operations shall not exceed ten (10) feet above grade.

B. Setbacks:

1. *Building Setbacks and Features*: Primary and accessory buildings are subject to the setback regulations of the subject zoning district. The design of the buildings and accessory buildings associated with the solar power plant shall use materials, colors, textures, screening, and landscaping that will, to the greatest extent possible, blend into the natural setting and neighboring structures; or resemble a residence or historic farmstead in character and scale.
2. *Bulk Energy Storage Facility Setbacks from Non-Participating Properties*: All components of a Bulk Energy Storage Facility shall be set back at least fifty (50) feet from all non-participating property lines; and, at least three hundred (300) feet from all non-participating homes (measured to the home's foundation). The Bulk Energy Storage Facility owner or operator may work with nonparticipating property owners to reduce these setbacks (e.g. through incentive), which will be honored when a signed contract and proof of recording the contract can be provided.
3. *Bulk Energy Storage Facility Setbacks from Streets*: All components of a Bulk Energy Storage Facility shall be set back at least sixty (60) feet from the centerline of any county street, or at least thirty (30) feet from a known right-of-way boundary (e.g. a State Road right-of-way); whichever is greater.
4. *Bulk Energy Storage Facility Perimeter Fence Setback*: The required perimeter fence shall meet the same setbacks from non-participating properties, non-participating homes, and streets. The required perimeter fence shall be setback a minimum of five (5) feet from all other property lines.
5. *Setback Exception*: There shall not be a required setback from an immediately adjacent substation.

C. Perimeter Fence: The Bulk Energy Storage Facility shall have a perimeter fence a minimum of seven (7) feet and maximum of ten (10) feet tall surrounding the entire development. Fences shall not incorporate: razor wire, electrified wires, broken glass, sharpened top spikes, or similarly hazardous device or material.

D. Electrical Components: All electrical components shall conform to applicable state and national codes, and best practices.

E. Outside Storage: Permanent outside storage of materials, equipment out of service, and the like shall be prohibited on a Bulk Energy Storage Facility after its initial construction.

F. Underground Utilities: All communication lines and power cables shall be located and maintained underground if within a required bufferyard or setback. All other communication lines and power cables may be located and maintained above ground.

G. Emergency Services Training: The owner or operator of the Bulk Energy Storage Facility shall provide specifications related to health and safety for all equipment used; and educational material and in-person training for police, fire, and rescue services so they can safely respond to events and emergencies. Further, the owner or operator shall provide current contact information for at least two (2) person's (e.g. an operations manager, site engineer, safety manager, or contractor) authorized and qualified to advise emergency services during an event or emergency. A twenty-four (24) hour a day call center may be substituted for one (1) of the names.

H. Emergency Contact Signage: At each access point into the solar power plant from a city street, county road, or State Road, a two (2) square foot sign shall be posted with an emergency contact number.

Confined Feeding Standards (CF)

5.16 CF-01: Level 1, Confined Feeding Standards

This Confined Feeding Standards (CF) section applies to the following district:

A1 A2

The following standards shall apply:

A. Applicability: The development standards in this section apply to the following improvements.
   1. *New Confined Feeding Operation*: Any new level 1 confined feeding operation in the A1 or A2 zoning district.

B. Minimum Setback: The minimum setback shall be 400 feet measured from any building, structure, storage area or maneuvering area of the confined feeding operation to the property line of neighboring properties.
   1. *Allowance to Use Contiguous Lots*: The Area Plan Commission shall allow contiguous property to be used to meet the minimum setback requirements. Contiguous lots include lots owned by the confined feeding operation, lots owned by a legal partner or stakeholder in the confined feeding operation, or an unassociated lot owner who has signed and recorded an agreement acknowledging the terms of their lot's use as a minimum required setback. Lots used to meet the minimum setbacks are considered "Confined Feeding Participants," but shall only do so as a legal Commitment from the property owner(s) and confined feeding operation owner.
   2. *Application*: The contiguous participating lots used to meet minium setbacks shall be considered one (1) lot for the purposes of meeting the minimum setback requirements. A stream, street, or railroad that separates commonly owned properties shall not negate contiguity.
   3. *Subject Lot*: When participating lots are used to meet the minimum setback standards the following provisions apply to the subject site (i.e. the actual lot the confined feeding operation is located). Contiguous lots shall not be used to meet these setback requirements.
      a. Setback from a Street: The minimum front setback shall be 100 feet measured from any building, structure, storage area, or maneuvering area of the confined feeding operation to a public right-of-way, or public street's edge of pavement, if a right-of-way does not exist.
      b. Setback to a Property Line: The minimum front, side, and rear setback shall be 100 feet measured from any building, structure, storage area, or maneuvering area of the confined feeding operation to the front, side, and rear property lines.
   4. *Breach of Commitment*: If contiguous lots used to meet the setback requirement is thereafter subdivided, sold, or transferred to any other person or entity, such that the confined feeding operation no longer meets the minimum required setbacks, the confined feeding operation shall be in breach of commitment and shall necessitate the immediate closure of the confined feeding operation.
   5. *Zoning Violation*: If contiguous lots used to meet the setback requirement is thereafter subdivided, sold, or transferred to any other person or entity, such that the confined feeding operation no longer meets the minimum required setbacks, the confined feeding operation shall be in violation of the Unified Development Ordinance as an illegal non-conforming use and for no longer meeting a development standard.

C. Separation: Any new Level 1 confined feeding operations shall be a minimum of 750 feet from any school, church, platted neighborhood, R1 or R2 zoning, corporate limit of a municipality, restaurant, public park, and nature preserve at the time of its establishment. This separation requirement shall not be punitive in any way, if at a later date, a school, church, platted neighborhood, R1 or R2 zoning, restaurant, public park, or nature preserve elects to locate or be established closer than 750 feet from an established confined feeding operation. Similarly, if a corporate limits of a municipality is extended such that it is less than 750 feet from an established confined feeding operation, no violation or non-conformance of the confined feeding operation shall be applicable.

D. Animal Mortalities: Animal mortalities are subject to the following standards.

1. *Time Limit for Disposal*: The carcass of each animal that dies at the confined feeding operation shall be disposed of or moved to a holding facility within twenty four (24) hours from the time that the death of the animal is known.
2. *Disallowed Methods*: Animal landfills are not permitted.
3. *Allowed Methods*: Animal carcasses may be disposed of on site by incineration or composting. Transporting animal mortalities to an off-site incinerator, composting facility, or rendering plant is also permissible.
4. *Storage for Removal to Off-site Facility*: All animal mortalities shall be stored in a generally leak-proof container, hard surface containment, or similar containment facility, and be fully enclosed within a building or by an opaque fence (i.e. privacy fence) at least six (6) feet in height with a gate to gain access.
5. *Setbacks for Stored Animal Mortalities*: Any permitted short-term containment area for animal mortalities shall be a minimum of 200 feet from any property line or street.
6. *Frequency of Removal*: All animal mortalities shall be removed from the site frequently to assure the on-site storage container or containment facility does not exceed its designed capacity, or cause significant odor at any point along the property line with adjacent lots.

5.17 CF-02: Level 2, Confined Feeding Standards

This Confined Feeding Standards (CF) section applies to the following district:

A2

The following standards shall apply:

A. Applicability: The development standards in this section apply to the following improvements.
   1. *New Confined Feeding Operation*: Any new level 2 confined feeding operation in the A2 zoning district.
   2. *Expansion of a Confined Feeding Operation*: Any existing confined feeding operation that wants to expand to house additional animal units that would, after the expansion, meet the definition for a level 2 confined feeding operation.

B. Minimum Setback: The minimum setback shall be 1,000 feet measured from any building, structure, storage area, or maneuvering area of the confined feeding operation to the property line of neighboring properties.
   1. *Allowance to Use Contiguous Lots*: The Area Plan Commission shall allow contiguous property to be used to meet the minimum setback requirements. Contiguous lots include lots owned by the confined feeding operation, lots owned by a legal partner or stakeholder in the confined feeding operation, or an unassociated lot owner who has signed and recorded an agreement acknowledging the terms of their lot's use as a minimum required setback. Lots used to meet the minimum setbacks are considered "Confined Feeding Participants," but shall only do so as a legal Commitment from the property owner(s) and confined feeding operation owner.
   2. *Application*: The contiguous participating lots used to meet minium setbacks shall be considered one (1) lot for the purposes of meeting the minimum setback requirements. A stream, street, or railroad that separates commonly owned properties shall not negate contiguity.
   3. *Subject Lot*: When participating lots are used to meet the minimum setback standards the following provisions apply to the subject site (i.e. the actual lot the confined feeding operation is located). Contiguous lots shall not be used to meet these setback requirements.
      a. Setback from a Street: The minimum front setback shall be 400 feet measured from any building, structure, storage area, or maneuvering area of the confined feeding operation to a public right-of-way, or public street's edge of pavement, if a right-of-way does not exist.
      b. Setback to a Property Line: The minimum front, side, and rear setback shall be 200 feet measured from any building, structure, storage area, or maneuvering area of the confined feeding operation to the front, side, and rear property lines.
   4. *Breach of Commitment*: If contiguous lots used to meet the setback requirement is thereafter subdivided, sold, or transferred to any other person or entity, such that the confined feeding operation no longer meets the minimum required setbacks, the confined feeding operation shall be in breach of commitment and shall necessitate the immediate closure of the confined feeding operation.
   5. *Zoning Violation*: If contiguous lots used to meet the setback requirement is thereafter subdivided, sold, or transferred to any other person or entity, such that the confined feeding operation no longer meets the minimum required setbacks, the confined feeding operation shall be in violation of the Unified Development Ordinance as an illegal non-conforming use and for no longer meeting a development standard.

C. Separation: Any new level 2 confined feeding operations shall be a minimum of 1,230 (1/4 mile) feet from any school, church, platted neighborhood, R1 or R2 zoning, corporate limit of a municipality, restaurant, public park, and nature preserve at the time of its establishment. This separation requirement shall not be punitive in any way, if at a later date, a school, church, platted neighborhood, R1 or R2 zoning, restaurant, public park, or nature preserve elects to locate or be established closer than 1,230 feet from an established confined feeding operation. Similarly, if a corporate limits of a municipality is extended such that it is less than 1,230 feet from an established confined feeding operation, no violation or non-conformance of the confined feeding operation shall be applicable.

D. On-site Maneuvering: The driveway, parking, turn around, and loading areas that serve the confined feeding operation shall meet these requirements:
   1. *Driveway Minimum Width*: The minimum width of the driveway (i.e. the connection between the subject property line and the street to which the operation gains access) shall be twenty (20) feet. The driveway shall include, on each side, a ten (10) foot radius flare at the intersection of the driveway and the public street.
   2. *On-site Parking and Maneuvering*: All large vehicles that serve the operation shall have sufficient area on site to park, turn around, maneuver, and unload.
   3. *Driveway and Maneuvering Surface*: The driveway, parking, turn around, and loading areas shall be paved or graveled with compactible stone. The first twenty (20) feet of the driveway shall be paved from the edge of pavement of the perimeter street to provide a durable surface able to handle the stress of turning trucks.

E. Animal Mortalities: Animal mortalities are subject to the following standards.
   1. *Time Limit for Disposal*: The carcass of each animal that dies at the confined feeding operation shall be disposed of or moved to a holding facility within twenty four (24) hours from the time that the death of the animal is known.
   2. *Disallowed Methods*: Animal landfills are not permitted.
   3. *Allowed Methods*: Animal carcasses may be disposed of on site by incineration or composting. Transporting animal mortalities to an off-site incinerator, composting facility, or rendering plant is also permissible.
   4. *Storage for Removal to Off-site Facility*: All animal mortalities shall be stored in a generally leak-proof container, hard surface containment, or similar containment facility, and be fully enclosed within a building or by an opaque fence (i.e. privacy fence) at least six (6) feet in height with a gate to gain access.
   5. *Setbacks for Stored Animal Mortalities*: Any permitted short-term containment area for animal mortalities shall be a minimum of 200 feet from any property line or street.
   6. *Frequency of Removal*: All animal mortalities shall be removed from the site frequently to assure the on-site storage container or containment facility does not exceed its designed capacity, or cause significant odor at any point along the property line with adjacent lots.

F. Street Capacity: The width, base, weight capacity, and condition of streets used by the confined feeding facility shall be adequate to safely and efficiently convey vehicular traffic generated by or necessitated by the operation. The streets shall be able to withstand the generated truck traffic without atypical deterioration compared to streets without said truck traffic.

G. Complying with Pollution Regulations: The confined feeding operation shall comply with all applicable State and Federal air, soil, and water pollution control regulations and shall comply with all storm water drainage requirements of the applicable jurisdiction.

H. Complying with Animal Waste Disposal Regulations: The confined feeding operation shall comply with all applicable State and Federal regulations for the handling and disposal of animal waste.

I. Inspection: Confined feeding facilities are subject to periodic inspection by the Zoning Administrator to assure that Vermillion County Unified Development Ordinance's required standards are being met. Inspections shall not occur more frequently than one (1) time per year unless responding to a valid complaint or whistle-blower. In such cases, an inspection may be conducted in addition to the annual allowance.

J. Poultry Manure Handling: All confined feeding facilities for poultry shall dry the resulting manure with a dry manure handling system.

K. Number of Animal Types: Only one (1) specie of animal shall be permitted in a confined feeding operation on a single lot. However, this does not restrict having different breeds of the same species.

Confined Feeding Standards (CF)

5.18 CF-03: Level 3, Confined Feeding Standards

This Confined Feeding Standards (CF) section applies to the following district:

A2

The following standards shall apply:

A. Applicability: The development standards in this section apply to the following improvements.
   1. *New Confined Feeding Operation*: Any new level 3 confined feeding operation as may be allowed in *Article 2: Zoning Districts* for the subject zoning district as special exception use.
   2. *Expansion of a Confined Feeding Operation*: Any existing confined feeding operation that wants to expand to house additional animal units that would, after the expansion, meet the definition for a level 3 confined feeding operation.

B. Minimum Setback: The minimum setback shall be 1,320 feet measured from any building, structure, storage area, or maneuvering area of the confined feeding operation to the property line of neighboring properties.
   1. *Allowance to Use Contiguous Lots*: The Area Plan Commission shall allow contiguous property to be used to meet the minimum setback requirements. Contiguous lots include lots owned by the confined feeding operation, lots owned by a legal partner or stakeholder in the confined feeding operation, or an unassociated lot owner who has signed and recorded an agreement acknowledging the terms of their lot's use as a minimum required setback. Lots used to meet the minimum setbacks are considered "Confined Feeding Participants," but shall only do so as a legal Commitment from the property owner(s) and confined feeding operation owner.
   2. *Application*: The contiguous participating lots used to meet minium setbacks shall be considered one (1) lot for the purposes of meeting the minimum setback requirements. A stream, street, or railroad that separates commonly owned properties shall not negate contiguity.
   3. *Subject Lot*: When participating lots are used to meet the minimum setback standards the following provisions apply to the subject site (i.e. the actual lot the confined feeding operation is located). Contiguous lots shall not be used to meet these setback requirements.
      a. Setback from a Street: The minimum front setback shall be 700 feet measured from any building, structure, storage area, or maneuvering area of the confined feeding operation to a public right-of-way, or public street's edge of pavement, if a right-of-way does not exist.
      b. Setback to a Property Line: The minimum front, side, and rear setback shall be 400 feet measured from any building, structure, storage area, or maneuvering area of the confined feeding operation to the front, side, and rear property lines.
   4. *Breach of Commitment*: If contiguous lots used to meet the setback requirement is thereafter subdivided, sold, or transferred to any other person or entity, such that the confined feeding operation no longer meets the minimum required setbacks, the confined feeding operation shall be in breach of commitment and shall necessitate the immediate closure of the confined feeding operation.
   5. *Zoning Violation*: If contiguous lots used to meet the setback requirement is thereafter subdivided, sold, or transferred to any other person or entity, such that the confined feeding operation no longer meets the minimum required setbacks, the confined feeding operation shall be in violation of the Unified Development Ordinance as an illegal non-conforming use and for no longer meeting a development standard.

C. On-site Maneuvering: The driveway, parking, turn around and loading areas that serve the confined feeding operation shall meet these requirements:
   1. *Driveway Minimum Width*: The minimum width of the driveway (i.e. the connection between the subject property line and the street to which the operation gains access) shall be twenty-two (22) feet. The driveway shall include, on each side, a ten (10) foot radius flare at the intersection of the driveway and the public street.
   2. *On-site Parking and Maneuvering*: All large vehicles that serve the operation shall have sufficient area on site to park, turn around, maneuver and unload.
   3. *Driveway and Maneuvering Surface*: The driveway, parking, turn around, and loading areas shall be paved or graveled with compactible stone. The first forty (40) feet of the driveway shall be paved from the edge of pavement of the perimeter street to provide a durable surface able to handle the stress of turning trucks.

D. Street Capacity: The width, base, weight capacity, and condition of streets used by the confined feeding facility shall be adequate to safely and efficiently convey vehicular traffic generated by or necessitated by the operation. The streets shall be able to withstand the generated truck traffic without atypical deterioration compared to streets without said truck traffic. The Vermillion County Highway Department may recommend a primary route for heavy trucks to protect the county street network from truck damage, and if the recommended route is approval by the Vermillion County Commissioners it shall become a mandated route. The Owner and operator of such confined feeding operation shall be responsible for repairing any street on the designated route that prematurely deteriorate (as directed from time to time by the Vermillion County Commissioners). The improvements shall meet or exceed the standards of the Vermillion County Highway Department.

E. Animal Mortalities: Animal mortalities are subject to the following standards.

1. *Time Limit for Disposal*: The carcass of each animal that dies at the confined feeding operation shall be disposed of or moved to a holding facility within twenty four (24) hours from the time that the death of the animal is known.
2. *Disallowed Methods*: Animal landfills are not permitted.
3. *Allowed Methods*: Animal carcasses may be disposed of on site by incineration or composting. Transporting animal mortalities to an off-site incinerator, composting facility, or rendering plant is also permissible.
4. *Storage for Removal to Off-site Facility*: All animal mortalities shall be stored in a generally leak-proof container, hard surface containment, or similar containment facility, and be fully enclosed within a building or by an opaque fence (i.e. privacy fence) at least six (6) feet in height with a gate to gain access.
5. *Setbacks for Stored Animal Mortalities*: Any permitted short-term containment area for animal mortalities shall be a minimum of 200 feet from any property line or street.
6. *Frequency of Removal*: All animal mortalities shall be removed from the site frequently to assure the on-site storage container or containment facility does not exceed its designed capacity, or cause significant odor at any point along the property line with adjacent lots.

F. Complying with Pollution Regulations: The confined feeding operation shall comply with all applicable State and Federal air, soil, and water pollution control regulations and shall comply with all storm water drainage requirements of the applicable jurisdiction.

G. Complying with Animal Waste Disposal Regulations: The confined feeding operation shall comply with all applicable State and Federal regulations for the handling and disposal of animal waste.

H. Inspection: Confined feeding facilities are subject to periodic inspection by the Zoning Administrator to assure that Vermillion County Unified Development Ordinance's required standards are being met. Inspections shall not occur more frequently than one (1) time per year unless responding to a valid complaint or whistle-blower. In such cases, an inspection may be conducted in addition to the annual allowance.

I. Poultry Manure Handling: All confined feeding facilities for poultry shall dry the resulting manure with a dry manure handling system.

J. Number of Animal Types: Only one (1) specie of animal shall be permitted in a confined feeding operation on a single lot. However, this does not restrict having different breeds of the same species.

K. Anaerobic Digesters: Each confined feeding use that exceeds the threshold of 1,000 beef cattle or dairy cattle (defined as an animal exceeding 600 lbs) as part of an expansion or upon initial establishment shall be required to install and utilize an anaerobic digester for animal waste.

L. Shelterbelt Requirements: Each Confined Feeding Level 3 use shall be required to install and maintain a shelterbelt as described below:

1. *Required Trees*: The shelterbelt shall consist of the following types of trees planted in the following manner:

Type of Tree	Number of Trees to be Planted	Where Planted in Relation to Other Trees
Canopy tree (tall deciduous tree)	One tree for every 40 feet of shelterbelt length	30 feet from any other canopy tree, 30 feet from any ornamental tree or evergreen tree, and 15 feet from any understory tree
Understory or ornamental deciduous tree	One tree for every 70 feet of shelterbelt length	30 feet from any canopy tree, 15 feet from any other ornamental tree or understory tree, and 15 feet from any evergreen tree
Evergreen tree	One tree for every 50 feet of shelterbelt distance	30 feet from any canopy tree, 30 feet from any ornamental tree or understory tree, and 10 feet from any other evergreen tree

2. *Tree Specifications*: Deciduous trees used shall be at least six (6) feet in height when planted. Evergreen trees shall be at least four (4) feet in height. Existing trees shall count toward this requirement when their size and location fulfill the intent of this requirement.
3. *Replacement of Trees*: A tree that dies shall be replaced within six (6) months, however, trees only need to be replaced after ten percent (10%) of the cumulative trees have been lost, and shall only be required to be maintained at the ninety percent (90%) level.
4. *Location*: The shelterbelt shall be located at least fifty (50) feet outside the area used for the confined feeding operation (i.e. including areas used for animal confinement, feed storage, manure storage, and animal mortalities storage). It shall also be contained fully within the property line of the subject lot where the confined feeding operation is carried out (i.e. not on adjacent lots of common ownership).

5.19 DI-01: Density and Intensity Standards

This Density and Intensity Standards (DI) section applies to the following districts:

CO A1 A2 PR RR R1 R2 UR M1 M2 IS UC GC HC I1 I2 HI

The following standards shall apply:

A. Applicability: If any of the following density or intensity standards appear on the two-page layout for a zoning district, then that density or intensity standard applies to that particular zoning district.

1. *Maximum Density*: The maximum density for the subject zoning district shall be as indicated on the applicable two-page layout in *Article 2: Zoning Districts*.
2. *Maximum Lot Coverage*: The maximum lot coverage for the subject lot shall be as indicated on the applicable two-page layout in *Article 2: Zoning Districts*.
3. *Maximum Primary Structures*: The maximum number of primary structures on the subject lot shall be as indicated on the applicable two-page layout in *Article 2: Zoning Districts*.

B. Non-Applicability: If any density or intensity standard above does not appear on the two-page layout for a zoning district, then that floor area standard shall not apply to that particular zoning district.

Driveway Standards (DW)

5.20 DW-01: General Driveway Standards

This Driveway Standards (DW) section applies to the following zoning districts:

CO A1 A2 PR RR R1 R2 UR M1 M2 IS UC GC HC I1 I2 HI

The following standards shall apply:

A. Permits: A Zoning Compliance Permit shall be required for all driveway cuts onto public streets. If the State Department of Transportation requires a permit for driveway access onto a State Highway, a local Zoning Compliance Permit shall not be required, but a copy of the issuance of an Indiana Department of Transportation permit shall be required for the property record.

B. Qualification as a Driveway: Any means of access used to convey motor vehicles, construction equipment, farm equipment, and the like, from the subject lot to a public street shall be considered a driveway except as described:
   1. *Access to Undeveloped Land*: Any access-way to agriculture fields, animal pastures, natural areas, and forested areas shall not be regulated as a driveway.

C. Culvert Requirement: The County Highway Superintendent (for County Jurisdiction) and the Board of Public Works and Safety (for Municipal Jurisdictions) shall specify the type, shape, elevation, and diameter of culvert to be installed to maintain drainage along a street. Modification to the drainage swale along the street may be required of the applicant to assure proper drainage along the lot's frontage.

D. Measurement Rules:
   1. *Distance Between Driveways and Street Intersection*: The distance shall be determined by measuring from the intersection right-of-way line to the edge of pavement of the driveway.
   2. *Between Multiple Driveways*: The distance shall be determined by measuring from the edge of pavement to the edge of pavement of each driveway.
   3. *Driveway Width*: Driveway width shall be determined by the smallest distance from the edge of pavement to the edge of pavement (or gravel when permitted) at the right-of-way line, or anywhere along the driveway within twenty (20) feet of the right-of-way. A driveway's width shall not include flares or rounded corners added for maneuverability.

E. Opposing Driveways on Arterial Streets: To the extent possible, the centerline of two (2) driveways accessing an arterial street from opposite sides of the street shall align with one another or be within ten (10) feet of being aligned; or shall meet the applicable minimum spacing requirements later in this section.

F. Clear Vision of Driveways: All driveways shall be located such to reasonably prevent collisions with cross traffic. The following requirements apply in order to provide clear vision of the areas where driveways gain access to public streets.
   1. *Speed Limits Less Than Forty (40) MPH*: Driveways gaining access to streets with a posted speed limit of thirty-five (35) MPH or less shall be located such that they are visible by a driver for at least fifty (50) feet after cresting a hill, rounding a curve, or passing any other physical barriers that prevent clear vision.
   2. *Speed Limits Forty (40) MPH or Greater*: Driveways gaining access to streets with a posted speed limit of Forty (40) MPH or greater shall be located such that they are visible by a driver for at least 100 feet after cresting a hill, rounding a curve, or passing any other physical barriers that prevent clear vision.
   3. *Discretion to Assure Safe Ingress and Egress*: The County Highway Superintendent (for County Jurisdiction) or Board of Public Works and Safety (for Municipal Jurisdictions) may deny a proposed driveway location or require additional separation due to obvious safety concerns, including but not limited to: width of the public street, condition of the public street, lack of shoulder, natural or man-made hazards, adverse shadowing from natural or man-made features, and adverse drainage on or around the public street.

G. Long Driveways: Any driveway greater than 150 feet shall meet the following standards for emergency service vehicles to be able to access the primary structure:

1. *Turn Around*: A loop, hammer-head, or similar type of turn-around designed for a minimum thirty (30) foot long vehicle with a fifty (50) foot turning radius shall be constructed at or near the end of the driveway.
2. *Weight Bearing*: The driveway surface, turn-arounds, culverts used, and bridges that the driveway crosses shall be constructed to safely convey a 50,000 pound vehicle using gross vehicle weight.
3. *Width and Turning Radius*: The driveway surface shall be a minimum of eleven (11) feet wide and not have any curve or turn that restricts a thirty (30) foot long vehicle from gaining access to the primary structure without having to leave the driveway's surface; a minimum fifty (50) foot turning radius is required.
4. *Free of Obstacles*: The driveway shall have an unobstructed width of twenty (20) feet and height of fourteen (14) feet. Unobstructed width includes being free of tree trunks, tree canopies, sculpture, signs, poles, accessory structures, gateway arches, or other natural or architectural features that would restrict a thirty (30) foot long vehicle from being able to utilize the driveway from the public street to the required turn around.
5. *Distance to the Primary Structure*: The driveway shall extend to within at least thirty (30) feet of the primary structure to allow emergency vehicles to easily reach the structure.
6. *Width of Improved Surface*: The driveway's surface shall widen near the primary structure such that two (2) emergency vehicles may park/stage within sixty (60) feet of the primary structure.
7. *Gates*: Any gated driveway shall install a Knox Box on a post within four (4) feet of the gate's latch side (i.e. opposite of the hinge side) and be four (4) feet above the ground to provide emergency services twenty-four (24) hour access to the property.
8. *Signage*: Any driveway greater than 150 feet in length that does not meet the above standards may be required by the Authority Having Jurisdiction (AHJ) (e.g. the primary fire department responding to that property) to install a sign stating "Driveway is Not Safe for Emergency Services Vehicles," "No Emergency Service Vehicles Beyond this Point," or "Limited to Emergency Service Vehicles Less Than _____ lbs and ____ feet in length." Said sign shall be mounted on both sides of the mailbox post if within ten (10) feet of the driveway and on the same side of the street as the driveway. Otherwise a double-sided sign shall be installed on a metal post within ten (10) feet of the driveway and on the same side of the street as the driveway, but shall be at least five (5) feet from the street's edge of pavement (or edge of gravel if a gravel street). The sign may be double-sided or single-sided. The sign shall not exceed one and one-half (1½) square feet in area.
9. *Variances*: Any property owner with a driveway greater than 150 feet may request provisional relief from the long driveway standards by contacting the fire chief from the Authority Having Jurisdiction (AHJ). If provisional relief is agreed upon in writing, the owner shall submit that documentation along with a Development Standards Variance application to the Board of Zoning Appeals to attempt to make the relief official. The Board of Zoning Appeals may or may not agree with the fire chief, thus approve or deny the request for development standards variance.

Driveway Standards (DW)

5.21 DW-02: Agricultural and Rural Residential Driveway Standards

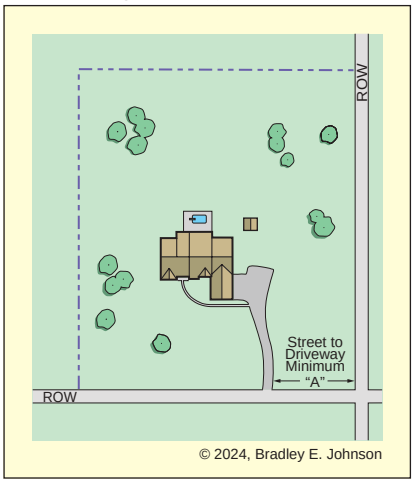
This Driveway Standards (DW) section applies to the following zoning districts:

CO A1 A2 PR RR

The following standards shall apply:

A. Separation:

1. *From a Street Intersection*: No single driveway shall be permitted to be installed within 100 feet of any intersecting street (see "A" measurement below).



B. Width: No driveway shall exceed thirty (30) feet in width or be less than eleven (11) feet in width.

C. Materials: Asphalt, concrete, other non-porous materials, crushed limestone, or compactible gravel shall be acceptable driveway surface materials.

D. Distance to Side Property Line: All driveways shall be at least ten (10) feet from the side property line.

Driveway Standards (DW)

5.22 DW-03: Single-family Residential and Multiple-family Driveway Standards

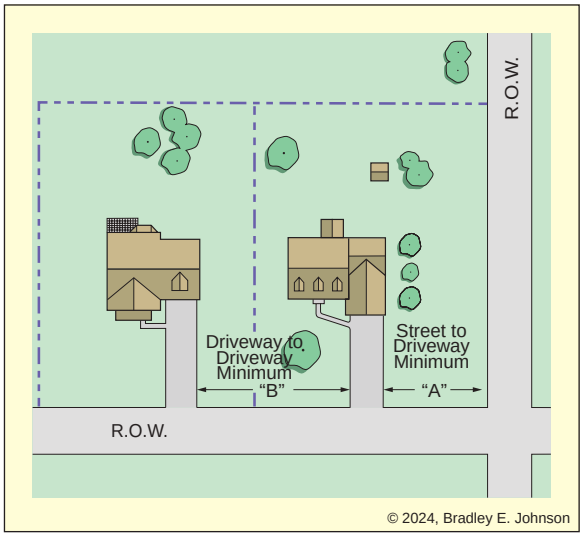
This Driveway Standards (DW) section applies to the following zoning districts:

R1 R2 UR M1 M2

The following standards shall apply:

A. Separation:

1. *From a Street Intersection*: No single driveway shall be permitted to be installed:
   a. Within fifty (50) feet of any intersecting street if that street is an arterial street (see "A" measurement below).
   b. Within forty (40) feet of any intersecting street if that street is a collector street (see "A" measurement below).
   c. Within thirty (30) feet of any intersecting street if that street is a local street (see "A" measurement below).
   d. If the parcel is not large enough to achieve the required separation, then the driveway shall be installed at a location farthest from the intersection.
   e. Under no circumstances shall a driveway be allowed within twenty (20) feet of any intersection.
2. *From Another Driveway*: A new driveway shall not be permitted to be installed:
   a. Within forty (40) feet of one another if access is along an arterial (see "B" measurement below).
   b. Within twenty-five (25) feet of one another if access is along a collector street (see "B" measurement below).
   c. Within five (5) feet of one another if access is along a local street (see "B" measurement below).



B. Width: No driveway shall exceed the following widths.
   1. *Onto an Arterial or Collector Street*: Minimum of eleven (11) feet and a maximum of twenty-four (24) feet.
   2. *Onto a Local Street*: Minimum of ten (10) feet and a maximum of twenty-four (24) feet.

C. Materials: Driveways are encouraged to be asphalt, concrete or other non-porous material, but may be crushed limestone or compactible gravel.

D. Distance to Side Property Line: All driveways shall be at least three (3) feet from the side property line.

5.23 DW-04: Non-residential Driveway Standards

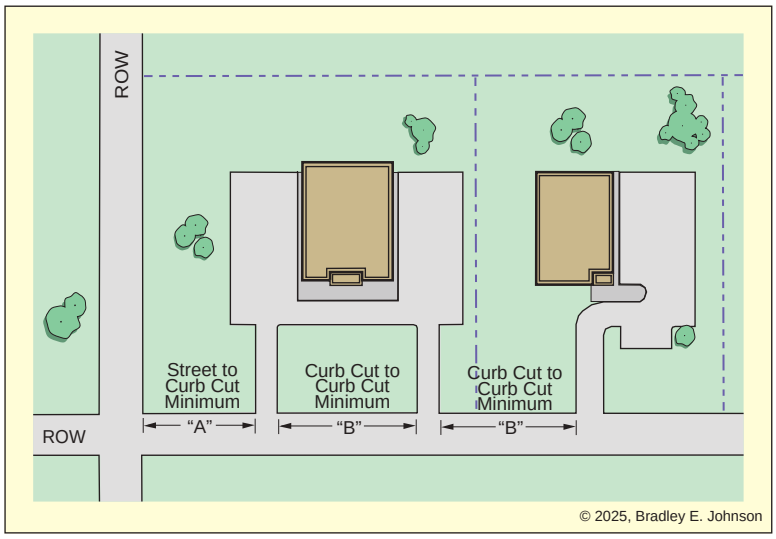
This Driveway Standards (DW) section applies to the following zoning districts:

IS UC GC HC I1 I2 HI

The following standards shall apply:

A. Separation:

1. *From a Street Intersection*: No single driveway shall be permitted to be installed:
   a. Within eighty (80) feet of any intersecting street if that street is an arterial street (see "A" measurement below).
   b. Within sixty (60) feet of any intersecting street if that street is a collector street (see "A" measurement below).
   c. Within forty (40) feet of any intersecting street if that street is a local street (see "A" measurement below).
   d. If the parcel is not large enough to achieve the required separation, then the driveway shall be installed at a location farthest from the intersection.
   e. Under no circumstances shall a driveway be allowed within thirty (30) feet of any intersection in incorporated areas or within fifty (50) feet in unincorporated areas.
2. *From Another Driveway*: A new driveway shall not be permitted to be installed:
   a. Within eighty (80) feet of one another if access is along an arterial or collector street (see "B" measurement below).
   b. Within forty (40) feet of one another if access is along a local street or access street (see "B" measurement below).



B. Width: No driveway shall exceed the following widths.

1. *Onto Arterial or Collector*: Minimum of ten (10) feet per lane and maximum of twelve (12) feet per lane, with a maximum overall width of thirty-six (36) feet.
2. *Onto Local Street*: Minimum of ten (10) feet per lane and maximum of twelve (12) feet per lane, with a maximum overall width of thirty (30) feet.

C. Materials: All driveways within incorporated areas shall consist of asphalt, concrete or other non-porous material approved by the Zoning Administrator. Driveways in unincorporated areas may use crushed limestone or compactible gravel.

D. Distance to Side Property Line: All driveways shall be at least three (3) feet from the side property line.

E. Turn-around: Any driveway with access to a State Road or Highway shall have an on-site means for turning around vehicles.

5.24 EN-01: Environmental Standards

This Environmental Standards (EN) section applies to the following zoning districts:

CO A1 A2 PR RR R1 R2 UR M1 M2 IS UC GC HC I1 I2 HI

The following standards shall apply:

A. Air Quality: No use shall discharge fly ash, dust, smoke, vapors, noxious, toxic, corrosive matter, or other air pollutants in such concentration detrimental to humans, animals, vegetation, or property; or in a concentration or manner that exceeds air quality standards, laws, and rules established by the State of Indiana and/or any United States environmental agencies; except as may be allowed by open burning laws in Vermillion County and the City of Clinton.

B. Soil and Water Quality:

1. *Erosion Control*:
   a. Exemption: The below erosion control requirements do not apply to single-family residential.
   b. Lots Over 1 Acre: Any lot where one (1) acre or more of land will be disturbed shall be required to submit an Erosion and Sediment Control Plan and obtain a Rule 5 Permit from the local soil and water conservation office.
   c. Off-Site: Sedimentation of adjoining lots, drainage systems, floodplains, and watercourses caused from the development or use of a lot shall not be permitted. If such sedimentation occurs, it shall be the responsibility of the owner of the source lot to remove the sedimentation.
2. *Fill*: When fill material is being dumped or used on a lot, that fill materials shall be free of environmentally hazardous materials and the Zoning Administrator may request representative samples of the fill material for testing purposes.
3. *Production*: No use shall produce, store, or use pollutants in such a quantity and/or manner as to cause polluted soils, water bodies, adjacent properties, or conflict with public water standards.
4. *Storage*: No lot shall be permitted to accumulate, temporarily store, or permanently store: putrescible waste, garbage, trash, construction material, construction waste, products with residual fuels or oils, flammable chemicals, contaminated soils, tars, chemicals, greases, industrial or agricultural waste debris, yard waste, discarded appliances, scrap metals, rotting materials, or any other items that may contaminate, pollute, or otherwise harm surface water, ground water, water bodies, or soils; unless expressly permitted by the Unified Development Ordinance.
5. *Discharge Beyond Lot Lines*: When permitted on a lot, it shall be prohibited to allow any putrescible waste, garbage, trash, construction material, construction waste, products with residual fuels or oils, flammable chemicals, contaminated soils, tars, chemicals, pesticides (not applicable to agricultural operations in an A1 District), greases, industrial or agricultural waste, debris, yard waste, discarded appliances, scrap metals, rotting materials, or any other items that may contaminate, pollute, or otherwise harm surface water, ground water, water bodies, or soils to be discharged or released beyond the building setback lines applicable to a primary structure (i.e. the building envelope).

C. Exportation of Surface or Ground Water: The exportation of water collected in Vermillion County to users outside the county shall not be permitted. Specifically, water harvested in Vermillion County from a well, river, or stream shall not be piped or hauled out of the county to non-county users. The following exceptions shall apply:

1. *Adjacent or Transected Properties*: Any property that is partially inside or immediately adjacent to the Vermillion County line shall be permitted to use water harvested in Vermillion County up to 5,000 gallons per day.
2. *Swimming Pool Filling Services*: A swimming pool filling operation shall be permitted to haul water outside the county in quantities not to exceed 30,000 gallons per day and a yearly maximum of 600,000 gallons.
3. *Fire Services*: Fire departments may transport any amount of water outside the county to put out fires.

D. Noise Pollution: Noise levels measured at the property line shall not exceed fifty decibels (50 dBA L90) when located adjacent to residential or institutional uses, or sixty decibels (60 dBA L90) when adjacent to any other use.

Fence and Wall Standards (FW)

5.25 FW-01: General Fence and Wall Standards

This Fence and Wall Standards (FW) section applies to the following zoning districts:

CO A1 A2 PR RR R1 R2 UR M1 M2 IS UC GC HC I1 I2 HI

The following standards shall apply:

A. Cross Reference:
   1. *Vision Clearance*: Fences and walls shall meet all vision clearance standards in *Section 5.73 VC-01: Vision Clearance Standards (pg 5-70)*.
   2. *Covenants*: Property owners within subdivisions are advised to investigate applicable covenants which may impose greater restrictions than are found in the Unified Development Ordinance. The stricter standard of the two apply to lots with covenants.

B. Permits: No permit shall be required for the installation of a fence or wall. However, fences shall still be required to meet all fence and wall standards in *Article 5: Development Standards*.

C. Positioning:
   1. *Presentation*: Fences and walls shall present the non-structural face outward. However, fences used for containment of pastured animals may have the structural side facing inward or outward.
   2. *Setbacks*: Unless clearly stated otherwise, the following setbacks shall apply to all fences and walls. Fences and walls shall be permitted up to the side and rear property line. Fences and walls shall be permitted up to the front property line, but shall not be closer than five (5) feet from the edge of street, or within fifteen (15) feet from the centerline of any street, whichever is a greater setback.
   3. *Easement*: No wall shall be located within a public or private easement unless written permission from the easement holder has been granted.

D. Maintenance: All fences and walls are required to be properly maintained and kept in good condition.

5.26 FW-02: Conservation and Parks Fence and Wall Standards

This Fence and Wall Standards (FW) section applies to the following zoning districts:

CO PR

The following standards shall apply:

A. Height: Fences and walls shall not exceed sixty-six inches (5' 6") in height when located on a property line or within ten (10) feet of the subject lot's property lines. All other fences shall not exceed 126 inches (10' 6") in height.

B. Height Exceptions: Fences and walls that surround swimming pools, sport courts, sport fields and similar amenities that are located within the building envelope are allowed to be any height deemed necessary to protect players, spectators, vehicles, and adjacent property; or deemed an essential element to conduct the sport, recreation or game (e.g. a backstop behind home plate in a baseball field or a solid wall for solo tennis practice).

C. Types:
   1. *Permitted Materials*: Vinyl, zinc or powder coated chain link, galvanized chain link, wood, stone, brick, masonry, wrought iron, decorative metal, composite wood, and PVC shall be permitted fence and wall materials.
   2. *Prohibited Material and Devices*: Fences and walls shall not incorporate: barbed wire, razor wire, electrified wires, broken glass, sharpened top spikes, any lethal or potentially lethal device, or similarly hazardous device or material.
   3. *Exceptions*: Fences that are located fully within the building envelope for a primary structure (i.e. meeting all minimum setbacks for a primary structure), shall be permitted to use barbed wire and electrified wires.

5.27 FW-03: Agricultural and Rural Residential Fence and Wall Standards

This Fence and Wall Standards (FW) section applies to the following zoning districts:

A1 A2 RR

The following standards shall apply:

A. Height:

1. *Residential Lot or Farmstead*: Fences and walls around a residential lot or farmstead shall not exceed seventy-eight inches (6' 6") in height in the front yard, and 102 inches (8' 6") in height in the side and rear yard.
2. *Livestock Containment and Farm Fields*: Containment fences for livestock or fences bordering a farm field shall not exceed 102 inches (8' 6") in height. Containment fences for livestock that are at least twenty-five (25) feet from all property lines are allowed up to 126 inches (10' 6") in height.

B. Types:

1. *Permitted Materials*: Vinyl, zinc or powder coated chain link, galvanized chain link, chicken wire, wire mesh, agricultural wire, wood, composite outdoor wood, stone, masonry, wrought iron, decorative metal, composite wood, and PVC shall be permitted fence and wall materials for containment and for around farm land.
2. *Prohibited Materials and Devices*: Fences and walls shall not incorporate: barbed wire, razor wire, electrified wires, broken glass, sharpened top spikes, any lethal or potentially lethal device, or similarly hazardous device or material.
3. *Exceptions*: Any permitted containment fence for livestock may utilize electrified wires. Additionally, any fence or wall that is located fully within the building envelope for an accessory structure (i.e. meeting all minimum setbacks for an accessory structure) shall be permitted to use barbed wire and electrified wires.

5.28 FW-04: Residential Fence and Wall Standards

This Fence and Wall Standards (FW) section applies to the following zoning districts:

R1 R2 M1 M2

The following standards shall apply:

A. Height:

1. *Front Yard*: Fences and walls in front yards shall not exceed fifty-two inches (4' 4") in height.
2. *Side or Rear Yard*: Fences and walls in side or rear yards shall not exceed seventy-eight inches (6' 6") in height.

B. Height Exceptions: Fences and walls that are located fully within the building envelope for a primary structure (i.e. meeting all minimum setbacks), and in a side or rear yard, shall be permitted to be up to 102 inches (8' 6") in height.

C. Types:

1. *Permitted Materials in Front and Side Yards*: Wood, stone, brick, masonry, wrought iron, decorative metal, composite wood, and PVC shall be permitted fence and wall materials.
2. *Permitted Materials in Rear Yards*: Vinyl, zinc or powder coated chain link, galvanized chain link, wood, stone, brick, masonry, wrought iron, decorative metal, composite wood, and PVC shall be permitted fence and wall materials.
3. *Prohibited Material and Devices*: Fences and walls shall not incorporate: metal or plastic slats in chain link fences, barbed wire, razor wire, electrified wires, broken glass, sharpened top spikes, any lethal or potentially lethal device, or similarly hazardous device or material.

5.29 FW-05: Urban Residential Fence and Wall Standards

This Fence and Wall Standards (FW) section applies to the following zoning district:

UR

The following standards shall apply:

A. Height:
   1. *Front Yard and Side Yard*: Fences and walls in front or side yard shall not exceed fifty-two inches (4' 4") in height and shall be decorative in character.
   2. *Rear Yard*: Fences and walls in rear yards shall not exceed seventy-eight inches (6' 6") in height.

B. Height Exceptions: Fences and walls that are located fully within the building envelope for a primary structure (i.e. meeting all minimum setbacks), and in a rear yard, shall be permitted to be up to 102 inches (8' 6") in height.

C. Types:
   1. *Permitted Materials in Front and Side Yards*: Wood, stone, brick, masonry, wrought iron, decorative metal, composite wood, and PVC shall be permitted fence and wall materials.
   2. *Permitted Materials in Rear Yards*: Vinyl, zinc or powder coated chain link, galvanized chain link, wood, stone, brick, masonry, wrought iron, decorative metal, composite wood, and PVC shall be permitted fence and wall materials.
   3. *Prohibited Material and Devices*: Fences and walls shall not incorporate: metal or plastic slats in chain link fences, barbed wire, razor wire, electrified wires, broken glass, sharpened top spikes, any lethal or potentially lethal device, or similarly hazardous device or material.

5.30 FW-06: Institutional and Commercial Fence and Wall Standards

This Fence and Wall Standards (FW) section applies to the following zoning districts:

IS UC GC HC

The following standards shall apply:

A. Height:
   1. *Front Yard*: Fences and walls in the front or side yard shall not exceed fifty-two inches (4' 4") in height.
   2. *Side and Rear Yard*: Fences and walls in the side and rear yard shall not exceed 102 inches (8' 6") in height.

B. Height Exceptions: Fences and walls that are located fully within the building envelope for an accessory structure (i.e. meeting all minimum setbacks for an accessory structure), and in a side or rear yard, shall be permitted to be up to 126 inches (10' 6") in height.

C. Types:
   1. *Permitted Materials in Front Yards*: Wood, stone, brick, masonry, wrought iron, decorative metal, composite wood, and PVC shall be permitted fence and wall materials.
   2. *Permitted Materials in Side and Rear Yards*: Vinyl, zinc or powder coated chain link, galvanized chain link, wood, stone, brick, masonry, wrought iron, decorative metal, composite wood, and PVC shall be permitted fence and wall materials.
   3. *Prohibited Material and Devices*: Fences and walls shall not incorporate: metal or plastic slats in chain link fences, barbed wire, razor wire, electrified wires, broken glass, sharpened top spikes, any lethal or potentially lethal device, or similarly hazardous device or material.
   4. *Exceptions*: Any fence or wall that is located fully within the building envelope for a primary structure (i.e. meeting all minimum setbacks for a primary structure), and that is in the rear yard, shall be permitted to use barbed wire.

5.31 FW-07: Industrial Fence and Wall Standards

This Fence and Wall Standards (FW) section applies to the following zoning districts:

I1 I2 HI

The following standards shall apply:

A. Height:

1. *Front Yard*: Fences and walls in the front or side yard shall not exceed fifty-two inches (4' 4") in height.
2. *Side and Rear Yard*: Fences and walls in the side and rear yard shall not exceed 102 inches (8' 6") in height.

B. Height Exceptions: Fences and walls that are located fully within the building envelope for an accessory structure (i.e. meeting all minimum setbacks for an accessory structure), and in a side or rear yard, shall be permitted to be up to 126 inches (10' 6") in height.

C. Types:

1. *Permitted Materials in Front, Side and Rear Yards*: Vinyl, zinc or powder coated chain link, galvanized chain link, wood, stone, brick, masonry, wrought iron, decorative metal, composite wood, and PVC shall be permitted fence and wall materials.
2. *Prohibited Material and Devices*: Fences and walls shall not incorporate: barbed wire, razor wire, electrified wires, broken glass, sharpened top spikes, any lethal or potentially lethal device, or similarly hazardous device or material.
3. *Exceptions*: Any fence or wall that is located fully within the building envelope for an accessory structure (i.e. meeting all minimum setbacks for an accessory structure) shall be permitted to use barbed wire.

Floodplain Standards (FP)

5.32 FP-01: Floodplain Standards

This Floodplain Standards (FP) section applies to the following zoning districts:

CO A1 A2 PR RR R1 R2 UR M1 M2 IS UC GC HC I1 I2 HI

The following standards shall apply:

A. Cross Reference: See the applicable jurisdiction's Flood Hazard Area Ordinance,

B. Vermillion County: See Ordinance Number 2013-007.

Floor Area Standards (FA)

5.33 FA-01: Floor Area

The Floor Area Standards (FA) section applies to the following zoning districts:

CO A1 A2 PR RR R1 R2 UR M1 M2 IS UC GC HC I1 I2 HI

The following standards shall apply:

A. Applicability: If any of the following floor area standards appear on the two-page layout for a zoning district, then that floor area standard applies to that particular zoning district.

1. *Minimum Main Floor Area*: The minimum main floor area shall be per each two-page layout in *Article 2: Zoning Districts*.
2. *Minimum Dwelling Unit Size*: The minimum dwelling unit size shall be per each two-page layout in *Article 2: Zoning Districts*.

B. Non-Applicability: If any floor area standard above does not appear on the two-page layout for a zoning district, then that floor area standard shall not apply to that particular zoning district.

Height Standards (HT)

5.34 HT-01: Height Standards

This Height Standards (HT) section applies to the following zoning districts:

CO A1 A2 PR RR R1 R2 UR M1 M2 IS UC GC HC I1 I2 HI

The following standards shall apply:

A. Cross Reference: Height standards can also be found in Fence and Wall Standards, Sign Standards, Solar Array Standards, Telecommunication Facility Standards, and Wind Turbine Standards sections in *Article 5: Development Standards*.

B. Applicability: If any of the following height standards appear on the two-page layout for a zoning district, then that floor area standard applies to that particular zoning district.

1. *Maximum Primary Structure Height*: The maximum primary structure height shall be per each two-page layout in *Article 2: Zoning Districts*.
2. *Maximum Accessory Structure Height*: The maximum accessory structure height shall be per each two-page layout in *Article 2: Zoning Districts*.
3. *Maximum Height and Stories*: The applicable maximum height may also include the maximum number of stories

C. Non-Applicability: If any height standard above does not appear on the two-page layout for a zoning district, then that floor area standard shall not apply to that particular zoning district.

D. Exceptions: The following types of structures or features shall be exempt or partially exempt from the maximum structure height standards, assuming they are permitted uses or structural features, as stated:

1. *Agriculture*: Grain elevators, barns and grain silos used exclusively for common and ordinary agricultural purposes may exceed the maximum structure height applicable to primary and accessory structures, but shall not exceed 160 feet in height.
2. *Religious Institution*: Church steeples, bell towers, and religious symbols may exceed the maximum primary structure height but shall not exceed 200% of the height of the primary structure.
3. *Chimney*: Functional residential or commercial chimneys may exceed the maximum structure height but shall not extend more than ten (10) feet above the roof's highest point.
4. *Roof-Mounted Antenna*: A roof-mounted antenna, dish, or receiver may exceed the maximum structure height but shall not exceed ten (10) feet above the primary structure's height as long as the antenna, dish or receiver is not located on a front facing roof plane.
5. *Pole-Mounted Antenna*: A pole-mounted antenna, dish or receiver may exceed the maximum structure height but shall not exceed twenty (20) feet over the maximum primary structure height, as long as the pole is located in the rear yard.
6. *Roof-Mounted Mechanical*: Roof-mounted mechanical equipment on agricultural, institutional, commercial, and industrial buildings may exceed the maximum structure height but shall not extend any more than ten (10) feet above the roof's highest point; provided that it is either located on a building setback from all streets by 100 feet or not located on a front facing roof plane.
7. *Elevator Bulkheads*: Elevator bulkheads may exceed the maximum structure height, but shall not exceed fifteen (15) feet above the primary structure's roof height.
8. *Flagpoles*: Flagpoles in all circumstances may be twenty-five (25) feet in height. Taller flagpoles are permitted when the flagpole is at least one (1) foot from the property line for every foot of its height above the ground (e.g. a 100 foot tall flagpole is permitted if it is at least 100 feet from all property lines).
9. *Ham Radio Towers*: Ham radio towers shall be exempt from the maximum structure height if the ham radio tower is located on a lot owned or occupied by a ham radio operator that has a valid and active license from the Federal Communication Commission (FCC). Ham radio towers shall be limited to 150 feet in residential zoning districts, and 199 feet in all other zoning districts.
10. *Public Utility Structures*: Public utility structures and private utility water towers may exceed the maximum structure height but shall not exceed 195 feet, including any appurtenance attached to the structure.
11. *Industrial Facilities*: Up to ten percent (10%) of the footprint of a primary structure may exceed the applicable maximum structure height by up to forty (40) feet, including equipment and supply vessels attached to or immediately adjacent to the primary structure.

5.35 HB-01: Type 1 Home Business Standards

This Home Business Standards (HB) section applies to the following zoning districts:

A1 A2 RR R1 R2 UR M1 M2

The following standards shall apply:

A. Applicability: The standards in this section shall apply to any business being operated out of a dwelling, dwelling unit, or accessory building on a residential lot, or on a residential lot. However, home business regulations do not apply to agriculture operations, as agricultural uses are regulated as a primary use (e.g. crop production and wholesale nursery) in this document.

B. Permits: A permit for a Type 1 Home Business is not required.

C. Prohibited Home Businesses: A Type 1 Home Business shall not include a kennel or walk-in retail sales.

D. Personnel:

1. *Residency*: The operator of the Type 1 Home Business shall reside in the house.
2. *Employees*: Only family members of the operator living in the house shall be employed by the Type 1 Home Business. There is no limit to employees that do not work on site.

E. Operations:

1. *Nuisance*: The Type 1 Home Business shall not generate offensive noise, vibration, smoke, odors, dust, heat, glare, or electrical disturbances.
2. *Traffic*: The Type 1 Home Business shall not generate vehicular traffic in greater volumes than would normally be expected in a rural area or neighborhood in which it is located.
3. *Large Vehicles*: The Type 1 Home Business shall not necessitate or utilize large vehicles that will regularly or periodically be parked on the driveway or on a street near the dwelling, including a box truck, construction trucks, construction equipment, oversized pick-up truck, dually pick-up truck, full-sized van, delivery truck, bus, semi-tractor trailer, and the like.
4. *Branded Vehicles*: The Type 1 Home Business shall not necessitate or utilize branded vehicles that will regularly or periodically be parked on the driveway or on a street near the dwelling unit, including passenger vehicles, vans, motorcycles, or the like that have super-graphics, branding colors, or designs that advertise or draw attention to the Type 1 Home Business.
5. *Customers*: The Type 1 Home Business shall be limited to eight (8) advisors, patrons, or customers visit to the home on any given day, and in no greater frequency than one (1) per hour. For the purpose of this provision, an advisor, patron, or customer shall be inclusive of a family unit and/or their representative visiting the home for the same appointment. For instance, an accountant may meet with a husband and wife to do their taxes. However, under no circumstance shall an advisor, patron, or customer group exceed four (4) adult persons.
6. *Hours*: The hours of operation of the Type 1 Home Business shall not interfere with the use or quality-of-life of adjacent or nearby residential properties or occupants; and shall be strictly restricted to the hours of 8:00 a.m. to 8:00 p.m. EST.

F. Design:

1. *Primary Structure*:
   a. The Type 1 Home Business shall be conducted entirely within the primary structure.
   b. The Type 1 Home Business shall not exceed fifteen percent (15%) of the square footage of the structure.
   c. There shall be no visible evidence of the Type 1 Home Business, including but not limited to alterations to the exterior of the residence which change the character of the residence, exterior displays, or the outdoor storage of materials or equipment used in the home business.
2. *Accessory Structure*: No accessory structure shall be utilized for any part of the Type 1 Home Business.
3. *Parking and Loading*: No off-street parking or loading facilities, other than what is customary and ordinary for a residential dwelling, shall be permitted.
4. *Mechanical Equipment*: The Type 1 Home Business shall not require the installation of mechanical equipment other than that which is common in a residential structure.
5. *Utility Service*: The Type 1 Home Business shall not require the installation of a sewer, water, or electrical utility service that is beyond what is common in a residential structure. Exceeding typical phone, cable or internet services for residential property is permitted.
6. *Signs*: Signs are prohibited.

5.36 HB-02: Type 2 Home Business Standards

This Home Business Standards (HB) section applies to the following zoning districts:

A1 A2 RR R1 R2 UR M1 M2

The following standards shall apply:

A. Applicability: The standards in this section shall apply to any business being operated out of a dwelling, dwelling unit, or accessory building on a residential lot, or on a residential lot. However, home business regulations do not apply to agriculture operations, as agricultural uses are regulated as a primary use (e.g. crop production and wholesale nursery) in this document.

B. Permits: All Type 2 Home Businesses shall obtain a Zoning Compliance Permit.

C. Prohibited Home Businesses: A Type 2 Home Business shall not include a kennel or walk-in retail sales.

D. Personnel:

1. *Residency*: The operator of the Type 2 Home Business shall reside in the house.
2. *Employees*: One (1) employee who does not reside in the house may work on site at any given time. There is no limit to employees that do not work on site.

E. Operations:

1. *Nuisance*: The Type 2 Home Business shall not generate offensive noise, vibration, smoke, odors, dust, heat, glare, or electrical disturbances.
2. *Traffic*: The Type 2 Home Business shall not generate vehicular traffic in greater volumes than would normally be expected in the rural area or neighborhood in which it is located.
3. *Customers*: The Type 2 Home Business shall be limited to fourteen (14) advisors, patrons, or customers visit to the home on any given day, and in no greater frequency than one (1) per thirty (30) minutes. For the purpose of this provision, an advisor, patron, or customer shall be inclusive of a family unit and/or their representative visiting the home for the same appointment. For instance, an accountant may meet with a husband and wife to do their taxes. However, under no circumstance shall an advisor, patron, or customer group exceed four (4) adult persons.
4. *Hours*: The hours of operation of the Type 2 Home Business shall not interfere with the use or quality-of-life of adjacent or nearby residential properties or occupants; and shall be strictly restricted to the hours of 7:00 a.m. to 9:00 p.m. EST.

F. Design:

1. *Primary Structure*:
   a. The Type 2 Home Business shall be conducted entirely within the primary structure and in up to 160 square feet of an accessory building.
   b. The Type 2 Home Business shall not exceed twenty percent (20%) of the square footage of the primary structure.
   c. There shall be no visible evidence of the Type 2 Home Business, including but not limited to alterations to the exterior of the residence which change the character of the residence, exterior displays, or the outdoor storage of materials or equipment used in the home business.
2. *Accessory Structure*: No more than fifty percent (50%) of all storage-based accessory structures shall be utilized for any part of the home business.
3. *Parking and Loading*:
   a. No off-street parking or loading facilities, other than what is customary and ordinary for a residential dwelling, shall be permitted.
   b. No part of a front yard or side yard shall be used for off-street parking or loading purposes.
4. *Mechanical Equipment*: The Type 2 Home Business shall not require the installation of mechanical equipment other than that which is common in a residential structure.
5. *Utility Service*: The Type 2 Home Business shall not require the installation of a sewer, water, or electrical utility service that is beyond what is common in a residential structure. Exceeding typical phone, cable or internet services for residential property is permitted.
6. *Signs*: One (1) wall sign is permitted on the primary structure and it shall not exceed three (3) square feet in sign area. The wall sign shall be fully located within five (5) feet of either the front door or side door of the primary structure. Materials shall be aesthetically compatible and complementary to the primary structure, specifically to make sure the sign is subtle and consistent with residential and neighborhood character. No special lighting shall be permitted to illuminate the sign.

5.37 HB-03: Type 3 Home Business Standards

This Home Business Standards (HB) section applies to the following zoning districts:

A1 A2 RR

The following standards shall apply:

A. Applicability: The Type 3 Home Business standards apply to any business being operated out of a dwelling and/or storage-based accessory building on the subject lot. Home business regulations do not apply to permitted agriculture uses (e.g. crop production).

B. Permits: Type 3 Home Businesses shall not be required to obtain a Zoning Compliance Permit.

C. Prohibited Home Businesses: A Type 3 Home Business shall not include a kennel.

D. Personnel:
   1. *Residency*: The operator of the Type 3 Home Business shall reside in an on-site dwelling.
   2. *Employees*: Up to two (2) employees may work on site at any given time. There is no limit to employees that do not work on site.

E. Operations:
   1. *Nuisance*: The Type 3 Home Business shall not generate offensive noise, vibration, smoke, odors, dust, heat, glare, or electrical disturbances.
   2. *Hours*: The hours of operation of the Type 3 Home Business shall not interfere with the use or quality-of-life of adjacent or nearby residential properties or occupants; and shall be strictly restricted to the hours of 7:00 a.m. to 9:00 p.m. EST.
   3. *Retail*: Walk-in retail is permitted but shall be limited to "home business retail" as defined.

F. Design:
   1. *Primary Structure*:
      a. The administration component of the Type 3 Home Business may utilize up to ten percent (10%) of the square footage of the primary structure (i.e. the home).
      b. There shall be no exterior evidence of the Type 3 Home Business from alterations to the primary structure.
   2. *Accessory Structures and Property*:
      a. The Type 3 Home Business may be fully or predominately conducted within one (1) storage-based accessory structure, but shall not exceed 3,000 square feet in area.
      b. The character of the property may show minimal evidence of its business use, including: enclosed exterior storage of materials and on-site commercial vehicles used by the Type 3 Home Business. Generally, the property should be in character with a common and ordinary farm or residence, not a business or industry.
   3. *Parking and Loading*:
      a. All off-street parking or loading facilities related to the home business shall be located behind the front facade of the primary structure (i.e. the home).
      b. There shall be no more than four (4) operable passenger vehicles related to the home business parked outside, on the site, at any time.
   4. *Commercial Vehicles*: There shall be no more than one (1) operable commercial vehicles related to the home business parked outside, on the site, at any time. Up to three (3) additional commercial vehicles, trailers, or construction equipment pieces may be parked on-site if parked or stored behind the storage-based accessory structure or otherwise in an inconspicuous area. There is no limit to commercial vehicles stored inside.
   5. *Outdoor Storage*: No outdoor storage of products, materials, supplies, scrap, or the like shall be permitted unless fully enclosed within a privacy fence enclosure with gate, and tall enough to screen the outdoor storage. Fences used for screening shall not exceed eight (8) feet in height. The fenced enclosure shall not exceed 1,000 square feet in area and shall meet all setback requirements for a primary structure. A fenced enclosure for outdoor storage shall not be located forward of the storage-based accessory structure used for the Type 3 Home Business, or forward of the primary structure.
   6. *Signs*: One (1) wall sign is permitted on the storage-based accessory structure and shall not exceed ten (10) square feet in sign area. No special lighting shall be permitted to illuminate the sign.
   7. *Very Large Lots*: The provision for commercial vehicles and outdoor storage shall not apply to very large lots where the commercial vehicles would be parked and the outdoor storage would be placed more than 400 feet from any property line. However, under no circumstances shall there be more than eight (8) total vehicles, trailers, or construction equipment pieces; or more than 3,000 square feet of outdoor storage.

5.38 HB-04: Type 4 Home Business Standards

This Home Business Standards (HB) section applies to the following zoning districts:

A1 A2

The following standards shall apply:

A. Applicability: The Type 4 Home Business standards apply to any business being operated out of a dwelling, agricultural building, and/or storage-based accessory building on the subject lot. Home business regulations do not apply to permitted agriculture uses (e.g. crop production).

B. Permits: Type 4 Home Businesses shall be required to obtain a Zoning Compliance Permit.

C. Prohibited Home Businesses: A Type 4 Home Business shall not include a kennel or walk-in retail sales.

D. Personnel:
   1. *Residency*: The operator of the Type 4 Home Business shall reside in an on-site dwelling, or be the owner of the subject lot where an agricultural building is being used and live within two (2) miles of the subject lot.
   2. *Employees*: Up to eight (8) employees may work on-site at any given time. There is no limit to employees that do not work on site.

E. Operations:
   1. *Nuisance*: The Type 4 Home Business shall not generate offensive noise, vibration, smoke, odors, dust, heat, glare, or electrical disturbances.

      Hours: The hours of operation of the Type 4 Home Business shall not interfere with the use or quality-of-life of adjacent or nearby residential properties or occupants; and shall be strictly restricted to the hours of 5:00 a.m. to 10:00 p.m. EST.

F. Design:
   1. *Primary Structure*:
      a. The administration component of the Type 4 Home Business may utilize up to ten percent (10%) of the square footage of the primary structure (i.e. the home).
      b. There shall be no exterior evidence of the Type 4 Home Business from alterations to the primary structure.
   2. *Accessory Structure*:
      a. The Type 4 Home Business may be fully or predominately conducted within a storage-based accessory structure.
      b. The Type 4 Home Business may consume one hundred percent (100%) of the square feet of any permitted storage-based accessory structure.
      c. The character of the property may show minimum evidence of its business use. Evidence of business use shall be limited to: screened exterior storage, parking area for employee and patron vehicles, a sign as permitted, and a public entrance into the storage-based accessory structure.
   3. *Parking and Loading*:
      a. All off-street parking or loading facilities related to the home business shall be located behind the front facade of the primary structure (i.e. the home).
      b. There shall be no more than ten (10) parking spaces and ten (10) cars related to the home business parked on the site at any time.
   4. *Commercial Vehicles*: There shall be no more than two (2) operable commercial vehicles related to the home business parked outside, on the site, at any time. Up to five (5) additional commercial vehicles, trailers, or construction equipment pieces may be parked on-site if parked or stored behind the storage-based accessory structure or otherwise in an inconspicuous area. There is no limit to commercial vehicles stored inside.
   5. *Outdoor Storage*: Outdoor storage of products, materials, supplies, scrap, or the like shall not be permitted unless fully enclosed within a privacy fence enclosure with gate, and tall enough to screen the outdoor storage. Fences used for screening shall not exceed ten (10) feet in height. The fenced enclosure shall not exceed 2,000 square feet in area and shall meet all setback requirements for a primary structure. The fenced enclosure shall not be located forward of the storage-based accessory structure used for the Type 4 Home Business.
   6. *Signs*: One (1) wall sign is permitted on the accessory structure and it shall not exceed fourteen (14) square feet in sign area. No special lighting shall be permitted to illuminate the sign.
   7. *Very Large Lots*: The above provision for commercial vehicles and outdoor storage shall not apply to very large lots where the commercial vehicles would be parked and the outdoor storage would be placed more than 400 feet from any property line. However, under no circumstances shall there be more than ten (10) total vehicles, trailers, or construction equipment pieces; or more than 5,000 square feet of outdoor storage.

Keeping of Animals Standards (KA)

5.39 KA-01: Agricultural Keeping of Farm Animals Standards

This Keeping of Animals Standards (KA) section applies to the following zoning districts:

A1 A2

The following standards shall apply:

A. Exotic Animals: Exotic animals are prohibited.

B. Farm Animals: Pastured farm animals of any quantity and confined farm animals below the number threshold of being considered a confined feeding operation shall be permitted.

5.40 KA-02: Rural Keeping of Farm Animals Standards

This Keeping of Animals Standards (KA) section applies to the following zoning district:

RR

The following standards shall apply:

A. Outdoor Pets: Outdoor pets are permitted, and shall meet the following standards.

1. *Minimum Lot Area*: One-eighth (1/8) acre per outdoor dog and no restriction on other outdoor pets.
2. *Maximum Number*: Five (5) outdoor dogs and no limit on other outdoor pets.

B. Exotic Animals: Exotic animals are prohibited.

C. Farm Animals: Pastured farm animals and confined farm animals are permitted as follows:

1. *Limitation on Farm Animal*: Only the animal types listed in the table below are permitted.
2. *Maximum Animal Units*: The absolute maximum number of animals and the minimum fenced pasture per animal is listed in the table below. Minimum area shall be exclusive to one (1) farm animal and not counted again for a different animal type.

Animal Type	Max. Animal	Minimum Pasture Area
Cow	4	minimum of 1 acre of fenced pasture (for 1 or 2 cows) plus 0.5 acres per cow above 2
Horse or Donkey	6	minimum of 1.5 acre of fenced pasture (for 1 or 2 horses or donkeys) plus 0.75 acres per horse or donkey above 2
Goat, Sheep, Llamas	4	minimum of .25 acres of fenced pasture (for 1 or 2 goats, sheep or llama) plus 0.1 acres per goat, sheep or llama above 2
Swine	8	minimum of 60 sq ft of enclosure (for 1 or 2 swine) plus 30 sq ft per swine above 2
Chickens	30	no minimum

5.41 KA-03: Single-family Residential Keeping Animal Standards

This Keeping of Animals Standards (KA) section applies to the following zoning districts:

R1 R2 UR

The following standards shall apply:

A. Outdoor Pets: Outdoor pets are permitted, and shall meet the following standards.

1. *Minimum Lot Area*: One-eighth (1/8) acre per outdoor pet.
2. *Maximum Number*: Three (3) outdoor pets.

B. Exotic Animals: None permitted.

C. Farm Animals: None permitted in incorporated communities. Eight (8) chickens shall be permitted in unincorporated areas on lots greater than 6,000 square feet.

5.42 KA-04: Multiple-family Residential Keeping of Household and Outdoor Pets Standards

This Keeping of Animals Standards (KA) section applies to the following zoning districts:

M1 M2

The following standards shall apply:

A. Outdoor Pets: Outdoor pets are not permitted.

B. Exotic Animals: Exotic animals are not permitted.

C. Farm Animals: Farm animals are not permitted.

Kennel Standards (KL)

5.43 KL-01: Kennel Standards

This Kennel Standards (KL) section applies to the following zoning district:

A1 A2

The following standards shall apply:

A. Prerequisites:
   1. *Minimum Lot Area*: All commercial kennels shall be located on a lot with a minimum of two (2) acres.
   2. *Fenced Yard*: All commercial kennels shall maintain a minimum 1⁄80 acre (544½ square feet) of outdoor fenced area for each boarding unit for dogs on premises (i.e. the commercial kennel's dog capacity).
   3. *Minimum Fenced Area*: As a minimum, all commercial kennels that provide services for dogs shall have a one-quarter (¼) acre fenced area.

B. Exempt: This commercial kennel standards section does not apply to commercial kennels permitted in other zoning districts.

C. Minimum Main Floor Area: A commercial kennel shall be a minimum of 1,000 square feet. Newly constructed commercial kennels, as well as commercial kennels to be located in an existing building shall, have a minimum of forty (40) square feet of main floor area per one (1) domestic pet.

D. Commercial Kennel Building: The building required in *Section 5.43(C): Minimum Main Floor Area* shall be mechanically air conditioned and ventilated to eliminate the need to open windows or doors during warm or hot days. Only the building areas used to board or predominantly keep animals shall be subject to this requirement.

E. Hours of Operation: The commercial kennel may be staffed twenty-four (24) hours per day. However, the use of outdoor runs, training areas, and the like shall be limited to fourteen (14) hours between 7:30 a.m. and 9:30 p.m. daily. A Board of Zoning Appeals may restrict the hours of operation further if noise complaints are validated and/or excessive noise is observed coming from the commercial kennel.

F. Setback Standards: All buildings and outdoor containment areas used by the commercial kennel shall be a minimum of fifty (50) feet from all property lines.

G. Noise Containment: The commercial kennel shall keep all windows closed; and all doors closed except when conveying people in and out.

H. Fence Enclosures: All outdoor facilities for domestic pets shall be fully fenced-in with vinyl, zinc or powder coated chain link fence, or similar quality product. Electronic (e.g. invisible) fences shall not constitute a sufficient barrier to keep domestic pets contained or to prevent intrusion by other animals.

I. Waste Management: The animal waste shall be managed either by composting, septic system, sanitary sewer or other method approved by Vermillion County Health Department. The commercial kennel shall submit a waste management plan to the Vermillion County Health Department for consideration and determination of waste management options.

J. Board of Zoning Appeals Mitigation: A Board of Zoning Appeals may impose condition during the approval to address foreseen issues, or may impose conditions to mitigate newly discovered impacts to neighbors, the natural environment or other nuisances discovered after operations commence. Conditions must be specific to address noise, traffic, waste management, lighting, pollution, or other issue regarding quality-of-life, health, safety and welfare.

5.44 LA-01: General Landscaping Standards

This Landscaping Standards (LA) section applies to the following zoning districts:

CO A1 A2 PR RR R1 R2 UR M1 M2 IS UC GC HC I1 I2 HI

The following standards shall apply:

A. Cross Reference:

1. *Vision Clearance Standards*: All landscape materials shall be located to avoid interference with visibility per *Section 5.73 VC-01: Vision Clearance Standards (pg 5-70)*.

B. Project Applicability: Landscape materials consistent with the requirements of the Unified Development Ordinance shall be required when a Zoning Compliance Permit for a new primary structure is obtained.

C. Positioning:

1. *Right-of-way*: Woody trees and shrubs shall not be planted in rights-of-way without permission from the applicable Legislative Body. A tree canopy may project over a right-of-way or easement.
2. *Infrastructure*: Trees shall be located to avoid significant interference with overhead or underground utilities.

D. Tree Credits: The preservation of an existing healthy tree shall constitute an in-kind credit toward meeting the landscape requirements in the Unified Development Ordinance. A credit shall be granted per tree that contributes to or fulfills any landscaping standard.

E. Minimum Tree Size:

1. *Deciduous Trees*: All required deciduous trees shall be at least one and one-half ($1^1/_2$) inch DBH at the time of planting. Under no circumstance shall these caliper standards apply to trees someone elects to plant.
2. *Evergreen Trees*: All required evergreen trees shall be at least five (5) feet in height at the time of planting. Under no circumstance shall these height standards apply to trees someone elects to plant.

5.45 LA-02: Single-family Residential and Multiple-family Residential Lot Planting Landscaping Standards

This Landscaping Standards (LA) section applies to the following zoning districts:

R1 R2 M1 M2

The following standards shall apply:

A. Quantity Requirements: A minimum of one (1) deciduous tree per residential lot shall be required, which may be planted anywhere on the lot.

5.46 LA-03: Non-residential Lot Planting Landscaping Standards

This Landscaping Standards (LA) section applies to the following districts:

IS UC GC HC I1 I2 HI

The following standards shall apply:

A. Quantity Requirements: A minimum of one (1) deciduous tree per acre is required, but under no circumstances shall more than three (3) trees be required for a new development. Said tree(s) may be planted anywhere on the lot. Under no circumstance shall this provisions prevent someone from planting more trees than are required.

5.47 LA-04: Buffer Yard Landscaping Standards

This Landscaping Standards (LA) section applies to the following zoning districts:

CO A1 A2 PR RR R1 R2 UR M1 M2 IS UC GC HC I1 I2 HI

The following standards shall apply:

A. Applicability: Buffer yard standards shall apply along the front, side, and rear property lines where conflicting zoning districts meet, as indicated on *Table LA-A: Buffer Yards Required*.

B. Arrangement: Plant material shall be installed within the buffer yard such that views between two differing intensity land uses are disrupted. A natural pattern or irregular row of trees is preferred in the buffer yard.

C. Responsibility:

1. *Higher Intensity Use*: The property which is zoned for higher intensity uses at the time of application for a Zoning Compliance Permit or subdivision approval is responsible for installing the buffer yard as indicated in *Table LA-A: Buffer Yards Required*.
2. *Developed Property*: Any previously developed lot shall not be required to install a buffer yard when any adjacent property is developed.
3. *New Lower Intensity Use*: If a property is being developed adjacent to an existing more intense land use the new lower intense land use shall install at a minimum a Buffer Yard "A" or elect to install a greater buffer. This requirement shall not be required if the higher intense use has a buffer yard or equivalent screening in place.

D. Substitution: The Zoning Administrator may lessen the requirements of the buffer yard standards by twenty percent (20%) due to unique site conditions or features that prevent appropriate and healthful installation of the trees. These site conditions or features may include existing vegetation that exceeds the buffer yard requirements in size and quantity or topography that shields the adjacent property in a more thorough way than the buffer yard requirements.

E. Buffer Yard "A": One (1) canopy tree and one (1) ornamental or evergreen tree shall be planted for every seventy (70) feet of contiguous boundary with the adjacent lot. Each tree shall be planted within twenty (20) feet of the property line, but no closer than five (5) feet to the property line.

F. Buffer Yard "B": One (1) canopy tree and two (2) ornamental or evergreen trees shall be planted for every sixty (60) feet of contiguous boundary with the adjacent lot. Each tree shall be planted within fifteen (15) feet of the property line, but no closer than five (5) feet to the property line.

G. Buffer Yard "C":

1. *Canopy Tree*: One (1) canopy tree shall be planted for every forty-five (45) feet of contiguous boundary with the adjacent lot. Each tree shall be planted within twenty-five (25) feet of the property line; and
2. *Ornamental or Evergreen Tree*: Two (2) ornamental or evergreen trees shall be planted for every fifty (50) feet of contiguous boundary with the adjacent lot. Each tree shall be planted within fifteen (15) feet of the property line.
3. *Substitution*: A six (6) foot tall opaque fence or four (4) foot tall undulating mound may be installed along seventy-five percent (75%) of the contiguous lot in substitution for twenty-five percent (25%) of the canopy trees and fifty percent (50%) of the ornamental or evergreen trees required.

H. Buffer Yard "D":

1. *Canopy Tree*: One (1) canopy tree shall be planted for every forty (40) feet of contiguous boundary with the adjacent lot. Each tree shall be planted within twenty (20) feet of the property line; and
2. *Ornamental or Evergreen Tree*: Two (2) ornamental or evergreens tree shall be planted for every fifty (50) feet of contiguous boundary with the adjacent lot. Each tree shall be planted within twenty (20) feet of the property line; and
3. *Row of Evergreens*: One (1) evergreen tree shall be planted for every twelve (12) feet of contiguous boundary with the adjacent lot. The evergreen trees shall be planted in an irregular row spaced no closer than nine (9) feet apart or more than fifteen (15) feet apart. The irregular row shall be planted at least twenty-five (25) feet from the property line; and
4. *Fence or Mound*: A minimum six (6) foot tall opaque fence or a minimum five (5) foot tall undulating mound shall be installed roughly parallel to the property line. The fence or undulating mound shall be installed at least twenty-five (25) feet from the property line.

Table LA-A: Buffer Yards Required

Adjacent District	Zoning District of Subject Property																
	CO	A1	A2	PR	RR	R1	R2	UR	M1	M2	IS	UC	GC	HC	I1	I2	HI
CO		-	-	-	-	-	-		-	-	-		-	-	-	A	C
A1	-		-	-	-	-	-		A	A	-		B	-	-	A	C
A2	-	-		-	-	-	-		A	A	-		B	-	-	A	C
PR	-	-	-		-	-	-	-	A	A	-	B	A	A	A	A	D
RR	-	-	-	-		-	-		A	B	A		B	B	B	C	D
R1	-	-	-	-	-		-	A	A	B	A	C	C	C	C	D	D
R2	-	-	-	-	-	-		-	A	B	A	C	C	C	C	D	D
UR				-		-	-		-	A	A	C	C				
M1	-	-	-	-	-	-	-	-		-	A	C	C	C	C	D	D
M2	-	-	-	-	-	-	-	-	-		A	C	B	B	C	D	D
IS	-	-	-	-	-	-	-	-		-		-	-	-	A	B	D
UC				-		-	-	-	B	A	-		-				
GC	-	-	-	-	-	-	-	-	B	A	-	-		-	A	B	D
HC	-	-	-	-	-	-	-		B	A	-		-		A	B	D
I1	-	-	-	-	-	-	-		B	B	A		A	A		B	C
I2	-	-	-	-	-	-	-		B	C	B		B	B	-		C
HI	-	-	-	-	-	-	-		B	C	C		C	C	-	-	

Solid shading in the above table indicates these two zoning districts should never be adjacent to one another.

Lot Standards (LO)

5.48 LO-01: Lot Standards

This Lot Standards (LO) section applies to the following zoning districts:

CO A1 A2 PR RR R1 R2 UR M1 M2 IS UC GC HC I1 I2 HI

The following standards shall apply:

A. Applicability: If any of the following lot standards appear on the two-page layout for a zoning district, then that lot standard applies to that particular zoning district.

1. *Minimum Lot Area*: The minimum lot area shall be per each two-page layout in *Article 2: Zoning Districts*.
2. *Maximum Lot Area*: The maximum lot area shall be per each two-page layout in *Article 2: Zoning Districts*.
3. *Minimum Lot Width*: The minimum lot width shall be per each two-page layout in *Article 2: Zoning Districts*.

B. Non-Applicability: If any lot standard above does not appear on the two-page layout for a zoning district, then that lot standard shall not apply to that particular zoning district.

C. Measurement: The minimum lot width shall be measured at the established setback for lots with a primary structure, or for lots with a primary structure under review for approval; and the minimum lot width for undeveloped lots shall be measured at the minimum setback line.

Meteorological Tower Standards (MT)

5.49 MT-01: Meteorological Tower Standards

This Meteorological Tower Standards (MT) section applies to the following zoning districts:

A1 A2 PR IS HI

The following standards shall apply:

A. Design Requirements: A proposed meteorological tower shall meet the following design requirements:

1. *Meteorological Tower Height*: A meteorological tower shall not exceed 100 feet in height, including all meteorological instruments.
2. *Meteorological Tower Setbacks*: A meteorological tower shall meet the following setback requirements:
   a. Front, Side and Rear Setback: A meteorological tower shall be set back from any adjacent right-of-way or property line a minimum distance equal to fifty percent (50%) of the tower height, including the height of all meteorological instruments mounted on top of the tower. Any structure, associated feature (e.g. parking), or ground mounted equipment, excluding the tower, related to a meteorological tower shall be setback a minimum of fifty (50) feet from any property line.
   b. A meteorological tower shall be set back from the property line of any residentially zoned property, or any residential structure, if not in a residential district, by a minimum distance equal to 110% of the tower's height, including the height of all meteorological instruments mounted on top of the tower.
3. *Lighting*: A meteorological tower shall not be illuminated with lighting or be used to mount lighting.
4. *Signs*: A meteorological tower shall not be used to mount a sign.

B. Construction Standards: A meteorological tower is subject to inspection by the Zoning Administrator, Building Inspector, and/or a licensed engineer during the construction process for compliance with any applicable building code, electrical code, and/or engineering standards.

C. Inspection of Towers: The following shall apply to the inspection of a meteorological tower:

1. *Frequency*: A meteorological tower may be inspected up to one (1) time per calendar year by the Zoning Administrator, Building Inspector, and/or a licensed engineer to inspect structural integrity and determine continued compliance with any applicable building code, electrical code, and/or engineering standards; or more frequently if responding to a complaint received.
2. *Investigation*: Based on the 'Frequency' standard, the Zoning Administrator, Building Inspector, and/or a licensed engineer may enter onto the property and inspect the meteorological tower. A reasonable attempt shall be made to notify the owner seven (7) days prior to the inspection, but confirmation of receiving the communication shall not be required.

D. Abandoned Systems: A meteorological tower shall be considered abandoned if it is no longer being used to collect meteorological data or the meteorological instruments or equipment has been inoperable for more than six (6) months. Any above ground structure, equipment, driveway surface, parking surface (e.g. gravel), concrete pad, and/or foundation related to the meteorological tower shall be removed within three (3) months after being abandoned. Underground wire and cables may be abandoned in the ground if deeper than twenty (20) inches.

Parking Standards (PK)

5.50 PK-01: General Parking Standards

This Parking Standards (PK) section applies to the following zoning districts:

CO A1 A2 PR RR R1 R2 UR M1 M2 IS UC GC HC I1 I2 HI

The following standards shall apply:

A. Dimensions: Required parking spaces shall be a minimum of nine (9) feet wide and eighteen (18) feet in length.

B. Right-of-way: Parking spaces and parking lots shall not be located within a public or private right-of-way or access easement.

5.51 PK-02: Single-family Residential Parking Standards

This Parking Standards (PK) section applies to the following zoning districts:

A1 A2 RR R1 R2

The following standards shall apply:

A. Minimum Number: A minimum of two (2) off-street parking spaces shall be required per dwelling unit, including accessory dwelling units, when permitted.

B. Location:
   1. *Same Lot*: The parking spaces required shall be located on the same lot as the dwelling unit.
   2. *Garages*: The parking spaces shall not include spaces within car ports or garages.

5.52 PK-03: Urban Residential and Multiple-family Residential Parking Standards

This Parking Standards (PK) section applies to the following zoning districts:

UR M1

The following standards shall apply:

A. Minimum Number: A minimum of one (1) off-street parking spaces shall be required per dwelling unit, including accessory dwelling units, when permitted.

B. Location:
   1. *Same Lot*: The parking spaces required shall be located on the same lot as the dwelling unit.
   2. *Garages*: The parking spaces shall not include spaces within car ports or garages.

5.53 PK-04: Multiple-family Residential Parking Standards

This Parking Standards (PK) section applies to the following zoning districts:

M2

The following standards shall apply:

A. Minimum Number: A minimum of two (2) off-street parking spaces shall be required per dwelling unit.

B. Location: Required parking spaces shall be located within 200 feet of each dwelling unit within a multiple-family residential development.

C. Visitor Parking:
   1. *Quantity*: A minimum of one (1) off-street parking space per three (3) dwelling units is required for visitor parking and shall be spread evenly throughout the development.
   2. *Garages*: Visitor parking spaces shall not include spaces in car ports or garages.

D. Surface: Required parking areas shall be paved. Existing gravel parking lots may be expanded one (1) time by up to ten percent (10%) of its existing size and shall require a Zoning Compliance Permit. Expanding by more than ten percent (10%) or any second expansion shall require the entire parking lot to be paved.

5.54 PK-05: Non-residential Parking Standards

This Parking Standards (PK) section applies to the following zoning districts:

IS GC HC I1 I2 HI

The following standards shall apply:

A. Parking Lot Standards:

1. *Setbacks*:
   a. Front, Side, and Rear: Parking lots may project into the front, side, and rear yard setback by fifty percent (50%) of the minimum required front, side, or rear yard setback applicable to primary structures; but under no circumstance shall a parking lot be closer than three (3) feet to a property line.
2. *Parking Aisle Exits*: All parking aisles shall have an outlet or turn around. Dead-end parking aisles shall not be permitted.
3. *Drainage*: Parking lots shall be constructed to allow proper drainage.
4. *Connectivity to Adjacent Parking Lots*:
   a. Where a parking lot abuts one (1) or more lots zoned for commercial use, a parking lot shall be laid out in a manner that will allow for connection of the parking lots. If the adjacent lot has already been developed, the two (2) parking lots shall be connected, and if the adjacent land is vacant, the subject lot shall provide a stub to the property line with the vacant lot for future connection. The Zoning Administrator may waive this requirement when not significantly feasible.
5. *Minimum Number of Vehicle Spaces*:
   a. Off-street parking shall be required to accommodate guests, clients, patrons, members, owners, employees, fleet vehicles, and the like. There is no minimum number of spaces required, but the tables in *Appendix C: Minimum Parking Guidelines* can be used for guidance.
   b. All uses shall provide enough parking spaces or areas such that vehicles do not need to park on unimproved surfaces, like dirt, mud, grass, or landscaping.
   c. All uses shall provide enough area to safely maneuver vehicles into and out of parking spaces.
   d. To the extent practical, parking spaces, rows of parking, and driving aisles shall be easily distinguishable by drivers.
   e. To the extent practical, parking lots shall be free of hazards and safe for pedestrians and drivers.

5.55 PK-06: Urban Commercial Parking Standards

This Parking Standards (PK) section applies to the following zoning districts:

UC

The following standards apply:

A. Quantity and Location:

1. *Non-Residential*: Fifty percent (50%) of the recommended parking spaces from *Appendix C: Minimum Parking Guidelines* should be available within 600 feet of the subject lot and may be:
   a. Off-street parking (i.e. on the subject property's lot),
   b. On-street parking (i.e. public parking),
   c. Private off-street parking lot (i.e. an agreement with a nearby private parking lot owner), and/or a
   d. Public off-street parking (i.e. a public parking lot).
2. *Residential*: One (1) off-street parking space should be required per residential dwelling unit on the subject lot, when applicable.

Right to Farm Standards (RF)

5.56 RF-01: Right to Farm Standards

This Right to Farm Standards (RF) section applies to the following zoning districts:

RR R1 R2

The following standards shall apply:

A. Trees, Landscaping and Garden Setback: Any new tree, shrub, vegetable garden, flower garden, and other landscaping, excluding lawn grasses, shall be located at least twenty (20) feet from any property line that is adjacent to land zoned as a A1 or A2 zoning district.

B. Wellhead Setback: A new wellhead shall not be located any closer than 100 feet from any property line that is adjacent to land zoned as a A1 or A2 zoning district.

C. Waiver of Right to Remonstrate: Prior to building a residential dwelling, the property owner of a property adjacent to either an A1 or A2 zoning district, shall be required to sign a legal document indicating that they will not remonstrate against neighboring agricultural uses and recognize that they are aware that the adjacent land is permitted to:

1. *Apply Manure*: Apply manure from animal operations that may cause odor;
2. *Operate Large Equipment*: Operate large equipment at any time of day, including late at night, that could be loud, bright, and cause vibration, and can cause temporary inconveniences on streets;
3. *Apply Chemicals*: Apply pesticides, herbicides, fungicides, and the like that could cause odors and other temporary inconveniences;
4. *Apply Fertilizers*: Apply natural or chemical fertilizers that could cause odors and other temporary inconveniences;
5. *Generate Dust*: Work the land generating dust that can drift and collect on the subject lot;
6. *Work Crops*: Work with crops, including harvesting which can cause plant debris to be cast or blown onto the subject lot;
7. *Lie Fallow*: Let land lie fallow for any number of months or years before using it for productive agriculture;
8. *Change Crops*: Alternate and change crops being grown from year-to-year as they see fit;
9. *Change to Animal Pasture*: Alternate between raising of animals and crop production as they see fit; and
10. *Other Common and Ordinary Practices*: Continue to operate the farm in a manner consistent with common and ordinary agricultural practices.

D. Recording the Legal Document: The legal document (e.g. an affidavit) shall be recorded with the Vermillion County Recorder as a Deed Restriction prior to issuance of a Zoning Compliance Permit and shall be binding on all future owners. However, the deed restriction shall expire immediately upon the adjacent zoning district being changed to any non-agricultural zoning district.

Setback Standards (SB)

5.57 SB-01: Setback Standards

This Setback Standards (SB) section applies to the following zoning districts:

CO A1 A2 PR RR R1 R2 UR M1 M2 IS UC GC HC I1 I2 HI

The following standards shall apply:

A. Applicability: If any of the following setback standards appear on the two-page layout in *Article 2: Zoning Districts* for a zoning district, then that setback standard applies to that particular zoning district.
   1. *Minimum Front Setback*
   2. *Minimum Side Setback*
   3. *Minimum Rear Setback*

B. Non-Applicability: If any setback standard above does not appear on the two-page layout in *Article 2: Zoning Districts* for a zoning district, then that setback standard shall not apply to that particular zoning district.

C. Exemption for Established Setbacks: Where a subdivision has been platted and substantially built-out utilizing a front setback standard less than that currently being required by *Article 2: Zoning Districts*, an infill lot may abide by an established setback as defined in *Article 11: Definitions*. The same shall apply to side setbacks and rear setbacks.

D. Front Setback Measurement: All front setbacks shall be measured from the existing right-of-way line. If no right-of-way exists, then the front setback shall be measured from the sidewalk or street edge of pavement, whichever results in the greatest setback.

E. 5 foot or Less Side Setbacks: For new construction or additions, when a side yard is permitted to be five (5) feet or less from a side property line, the exterior building materials on the side elevation of the primary structure shall be comprised of at least ninety-five percent (95%) non-combustible material (e.g. brick, fiber-cement, stone, or masonry). This regulation is in support of Fire Code which requires any two (2) primary structures within ten (10) feet of one another to be constructed of non-combustible building materials.

F. Natural Feature Setbacks:
   1. *Lakes, Streams, and Rivers*: All buildings and parking lots shall be set back from the water's edge of natural lakes, streams, and rivers by a minimum of seventy-five (75) feet.
   2. *Wetlands*: All buildings and parking lots shall be set back from the delineated boundary of a wetland by a minimum of twenty (20) feet.
   3. *Floodplain*: All buildings shall be set back from the delineated boundary of a floodplain by a minimum of twenty (20) feet.

G. Exceptions: The following types of structures or building features are exempt or partially exempt from the setback standard as stated:
   1. *Architectural Features*: Architectural features (e.g. eave, sills, awning, chimney) may extend into a required setback by up to three (3) feet. However, under no circumstance shall it be closer than three (3) feet to the property line.
   2. *Stairs*: Stairs or an open platform or landing used to gain access to the first floor of the primary structure may extend into a required front, side, and/or rear setback not more than five (5) feet, however, they shall never be closer than four (4) feet to a property line.
   3. *Retaining Walls*: A retaining wall, four (4) feet tall or less, may be located at the property line. Taller retaining walls may be located in the required setback but shall be no closer to the property line than its height.
   4. *HVAC Equipment*: Heating, ventilation and air conditioning equipment may extend into a required side or rear setback by up to three (3) feet. However, under no circumstance shall it be closer than three (3) feet to the property line.
   5. *Satellite Dishes*: A facade-mounted satellite dish may extend into a required side or rear setback by up to two (2) feet. However, under no circumstance shall it be closer than four (4) feet to the property line.
   6. *Utilities*: Utility poles, lines, and junction boxes are exempt from the minimum setbacks.
   7. *Fences and Walls*: Per the applicable fence and wall standards in *Article 5 Development Standards*.
   8. *Parking Lots*: Per the applicable parking standards in *Article 5 Development Standards*.
   9. *Freestanding Signs*: Per the applicable sign standards in *Article 5 Development Standards*.

Sewer and Water Standards (SW)

5.58 SW-01: Sewer and Water Standards

This Sewer and Water Standards (SW) section applies to the following zoning districts:

CO A1 A2 PR RR R1 R2 UR M1 M2 IS UC GC HC I1 I2 HI

The following standards shall apply:

A. Cross Reference: All on-site sewer systems and on-site wells are additionally regulated by the Vermillion County Health Department. All development shall conform to the stricter standards of the two (2).

B. Applicability: If a sewer and water standard appears on the two-page layout in *Article 2: Zoning Districts* for a zoning district, then that sewer and/or water standard shall apply to that particular zoning district.

1. *Temporary Uses*: Sanitary sewer and Municipal water requirement shall not apply to temporary uses or temporary structures. However, public or large events shall be required to provide portable toilets in a quantity to serve the event's needs.

C. Non-Applicability: If a sewer and water standard does not appear on the two-page layout in *Article 2: Zoning Districts* for a zoning district, then a sewer and/or water standard shall not apply to that particular zoning district.

D. Requirement for Connecting to Sewer System: A septic system (i.e. on-site waste system) shall not be permitted if either of the following conditions exist:

1. *Proximity to Gravity Sewer Line*: If the subject lot is located within 300 feet of a gravity sewer line, any new primary structure located on the subject lot shall connect to that sewer.
2. *Proximity to Pressurized Sewer Line*: If the subject lot is located within 300 feet of a pressurized sewer line, any new primary structure located on the subject lot shall connect to that pressurized sewer line if it is a:
   a. Multiple-family use in the M2 District,
   b. Manufactured home park,
   c. Any use in a business zoning district, or
   d. Any use in an industrial or high impact zoning district.

E. Requirement for Connecting to Water System: A private well shall not be permitted if the following condition exists:

1. *Proximity to a Water Main*: If the subject lot is located within 300 feet of a water main, any new primary structure located on the subject lot shall connect to that municipal or public water supply.

Sign Standards (SI)

5.59 SI-01: General Sign Standards

This Sign Standards (SI) section applies to the following zoning districts:

CO A1 A2 PR RR R1 R2 UR M1 M2 IS UC GC HC I1 I2 HI

The following standards shall apply:

A. Applicability: The following standards only apply to commercial signs. Text, symbols, colors, shapes, and logos used for communicating information shall not be considered a commercial message unless their intent is to promote, advertise, identify or brand a business, institution, organization, or individual for monetary gain, growth in membership, improvement in mission, or similar gains.

B. Cross Reference:

1. *Home Businesses*: Signs associated with a home business are not permitted unless clearly permitted per the applicable Home Business Standards in *Article 5: Development Standards*.

C. Precedent: Signs that were reviewed and permitted in the past shall not be a precedent for approvals in the future.

D. Permits:

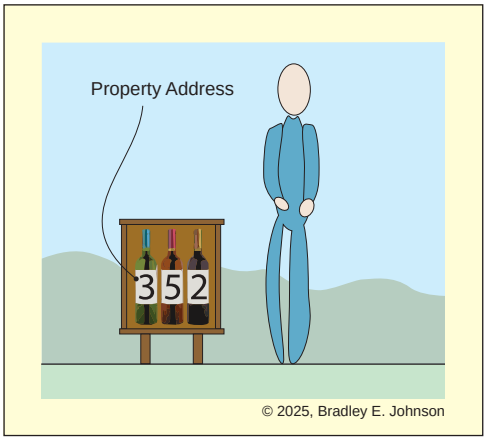
1. *Required Permit*: A Zoning Compliance Permit shall be required for all signs located, erected, constructed, reconstructed, enlarged, moved, or structurally altered unless otherwise specified or exempted.
2. *Exempted from Permit Requirement*:
   a. Relocation of Temporary Signs: A permitted and legally complying temporary sign that is replaced due to storms, mowing, or site maintenance; or when intentionally removed at end of business hours and replaced at the beginning of business hours (e.g. an A-frame sign outside a front door) shall be allowed without a Zoning Compliance Permit.
   b. Changing a Sign's Content: Changing of the sign's message (i.e. content) shall be allowed without a permit; assuming the sign area, sign height, projection from a wall face, dimension, mechanics, illumination, (e.g. changing a non-electronic sign to a LED sign), and other "time, place, and manner" standards are not changed. For example: Changing a 3' tall by 5' wide plastic face saying "Dave's Pizza" to a new 3' tall by 5' wide plastic face saying "Mary's Cakes" shall be permitted without an improvement location permit.
   c. Changeable Copy: Any changeable copy sign area that was legally established shall not be required to get a Zoning Compliance Permit for each new message conveyed on the changeable copy sign area.
   d. Replacement Due to Inadvertent Damage or Mother Nature: Permanent and legally complying permanent signs or temporary signs damaged by fire, motor vehicle accident or act of mother nature shall be allowed without a permit; when replaced with an exact replacement sign (e.g. same size, materials, color, etc.).
3. *State Permit*: All signs proposed to be located along a State-owned or managed interstate or highway shall obtain a permit or written authorization from the Indiana Department of Transportation prior to seeking a Zoning Compliance Permit.

E. Maintenance: Signs undergoing periodic or routine maintenance shall be allowed to do such work without a Zoning Compliance Permit, including: painting, repainting, cleaning, replacing electronic parts, and changing burnt-out light elements. Maintenance does not include increasing the intensity or brightness of internal or external lighting.

F. Exemptions: The following items as described are not considered commercial messages and shall be exempt from the Sign Standards and therefore, exempt from obtaining a Zoning Compliance Permit. Items that do not meet the exempted description and that are used as part of a commercial message shall be regulated as a sign.

1. *Freedom of Speech*: Any permanent sign or standard temporary sign permitted by the Sign Standards may be used for freedom of speech (e.g. the expression of opinions not including commercial messages) for any length of time.
2. *Flags*: A flag of any nation, state, municipality, or other political unit shall be exempt. However, when a flag or insignia of any nation, state, municipality, or other political unit is used as an integral component of a commercial message, it shall comply with the applicable sign standards for the subject zoning district. For example, an American flag used as part of a corporation's brand or logo would not be exempt.
3. *Political Signs*: All political campaign signs shall be exempt.
4. *Public Street Signs*: Any street sign used for public information, public safety, or to convey rules and laws related to driving, cycling, walking, or any other use of the public right-of-way, whether placed in or outside the right-of-way shall be exempt.

5. *Non-Public Signs in the Right-of-Way*: Any sign permitted by the County Commissioners (for County Jurisdiction) or Board of Public Works and Safety (for Municipal Jurisdiction), in writing, to exist in the right-of-way for a business, organization, or private citizen's needs shall be exempt.
6. *Emergency Services Sign*: Any sign used by emergency services to warn pedestrians or drivers of a hazard, closure, or the like, shall be exempt.
7. *Construction Sign*: Any sign used to convey a vehicular or pedestrian hazard or closure in relation to a legally permitted construction activity, installed by a contractor or the Highway (for County) and Street (for Municipality) Department shall be exempt.
8. *Public Safety Message*: Posting of a public safety or privacy message by a private property owner shall be exempt, provided that no individual posting exceeds four (4) square feet. Examples include "Beware of Dog," "Private Property," "No Trespassing," "Weight Limit," "Video Surveillance," and "No Turnaround."
9. *Operational Limitations or Information*: Posting of operational limitations and information shall be exempt, provided the letters are not greater than eight (8) inches in height in Agricultural or Residential zoning districts or twelve (12) inches in height in commercial or industrial zoning districts. Examples include hours of operation, admittance requirements, "Employees Only," "Men," "Women," "Visitor Parking," and "No deliveries."
10. *Indoor Commercial Messages*: Commercial messages displayed inside a building that cannot be viewed legibly by pedestrians or drivers outside the building shall be exempt. Examples include a commercial message on a scoreboard inside a gymnasium, a wall clock inside a restaurant with a branded logo, or product signs hanging or mounted on the wall of a retail store or restaurant.
11. *Minuscule Commercial Messages*: Minuscule commercial messages displayed on or near a primary entrance, on a gas pump, or other incidental location on a site shall be exempt, provided that the area of each minuscule commercial message does not exceed eighty (80) square inches and the cumulative area of all minuscule commercial messages does not exceed five (5) square feet per primary entrance, or two (2) square feet per gas pump. Examples include "Visa," "Master Card," "ATM Inside," sales messages for products sold on-site, video commercials displayed on pumps, and corporate logos.
12. *Price Tags*: A price tag in conjunction with outdoor merchandise shall not be considered a sign if less than eighty (80) square inches.
13. *Residential Nameplate*: Posting of the occupant's name in a single-family residential districts when the text is not greater than eight (8) inches in height shall be exempt (e.g. "Smith Family" or "Jones' Place").
14. *Property Name*: A name given to a property and posted by the owners, and that does not exceed six (6) square feet in sign area is exempt. For example "Dream Cottage" or "Wild Air Farm." However, if the sign is related to the property's use as identification for a commercial operation (e.g. a home business, bed and breakfast, vacation rental, or agricultural tourism) the property name sign shall not be exempt.
15. *Addresses*: Posting of a street address on a mailbox, building, or other prominent location to provide essential property identification for visitors and emergency services shall be exempt. However, when a street address is greater than twelve (12) inches in height in Agricultural or Residential zoning districts or eighteen (18) inches in height in commercial or industrial zoning districts; or when an address integrates graphics that convey a commercial message, then it shall be regulated as a commercial sign. For example, an address posted on a sign illustrated with bottles of wine for a wine shop would not be exempt.



16. *Required Postings*: Public information, notices, and warning messages required by a local, state or federal agency, public utility, local ordinance, state law, or federal law shall be exempt, provided the area of the message and height of posting are consistent with the requirement by the agency or by law.
17. *Historical Identification*: Words and numbers used to describe a historic building, structure, site, landmark or event as part of a designation by a Federal, State or local governments shall be exempt.
18. *Integral Text*: Name of building, date of erection, monumental citations, commemorative tablets, and the like, when carved into stone, cast into concrete, or the like; or made of bronze, aluminum, stainless steel, or other permanent material, and when made a permanent and an integral part of the building shall be exempt.
19. *Religious Symbols*: Religious symbols (e.g. Cross, Star of David, or Star and Crescent) incorporated into a building's architecture, places of worship site, or location occupied by a religious organizations shall be exempt. Logos, brands, or slogans used by religious organizations shall not be considered religious symbols.
20. *Murals*: A mural shall be exempt, provided it conveys no commercial message. Murals with a commercial message shall be regulated as a Wall Sign.
21. *Limited Audience*: Any advertising or sponsor signs mounted on an outdoor scoreboard, dugout, press box, fence, bleachers, concession stand, restroom, or similar structures used in conjunction with a legally-established arena, amphitheater, sport field, sport court, or similar shall be exempt if designed to be predominantly seen by the audience. However, if the advertising is visible from a public street and contains a commercial message intended for the non-attending public, it shall comply with the sign standards for the applicable zoning district.
22. *Directional Devices*: Directional devices used to mark the entrance or exit of an establishment for vehicle safety and information purposes that does not exceed the following limitations shall be exempt:
    a. Applicable Zoning Districts: Directional devices shall only be permitted in the M2, IS, GC, HC, I1, and I2.
    b. Device Area: Directional devices shall not exceed six (6) square feet in area per face.
    c. Device Height: Directional devices shall not exceed five (5) feet in height.
    d. Quantity: Up to two (2) directional devices may be installed per street frontage in which the property has legally established curb cuts; with an absolute maximum of four (4) per property.
    e. Message: Directional devices shall either contain the words "In," "Enter," "Entrance," "Out," "Exit," "Do Not Enter," or very similar information; and/or have directional arrows indicating desired traffic movement. Further, directional devices may include corporate colors, business name, or business logo as long as the business name or logo does not exceed fifty percent (50%) of the device area.
23. *Wayfinding System Signs*: Wayfinding systems may be permitted for large developments that encompass many lots and/or multiple buildings. The Area Plan Commission may grant approval for wayfinding system signs at its discretion.

G. Prohibited Signs: The following type of signs shall be prohibited unless clearly permitted by a section in this Unified Development Ordinance or by variance.
1. *Flashing Messages*: Flashing messages shall be prohibited.
2. *Animated*: Signs that gain attention through animation shall not be permitted, including any of the following.
    a. Signs that utilize any motion picture or animation from an LED display, LED projector, film projector, video projector, or the like shall be prohibited.
    b. Signs that emit audible sound, odor, or visible matter shall be prohibited.
    c. Signs that have blinking, flashing, scrolling, or fluttering lights; or changing light intensity, brightness, or color; or that give such illusion shall be prohibited.
3. *Message-casting Signs*: Signs that "shoot" laser light, "cast" intense or visible light beams, or cast laser or projector-created light images onto the ground, sidewalk, wall or other visible surface shall be prohibited.
4. *Vehicle Signs*: Vehicles with signs greater than eighteen (18) square feet in cumulative area shall be prohibited to be parked for the primary purpose of displaying the sign. Vehicles that are moved to new conspicuous locations or that are used from time-to-time then parked conspicuously shall be subject to this regulation. Prohibited signs shall not be construed to include vehicles with signs on them that:
    a. Are lawfully parked overnight or during non-business hours in a discreet location.
    b. Are making deliveries, sales calls, transporting persons or property, or conducting customary practices relating to operating the business.
    c. Are used in conjunction with customary construction operations on a construction site.

5. *Driver Hazard*: Signs that emulate emergency service vehicles or common traffic signs or signals shall not be permitted. For example, a sign that uses "Stop," "Slow," "Caution," "Danger," "Warning," or similar words mounted on a sign using similar shape, scale, color, and location, potentially resulting in driver confusion or otherwise creating an unsafe condition shall be prohibited.
6. *Non-Permitted*: Any sign type not specifically permitted or that isn't meeting the intent of the Sign Standards shall be prohibited.

H. Prohibited Content: The following content shall not be displayed on a sign.
1. *Fighting Words*: Signs that contain "fighting words" as defined by the "fighting words doctrine" established by the US Supreme Court in Chaplinsky v. New Hampshire (1942) shall not be permitted on any sign;
2. *Obscene, Indecent or Profane Imagery*: Obscene, indecent or profane imagery not permitted on broadcast television or radio during 6:00 AM to 10:00 PM, according to the *Obscene, Indecent and Profane Broadcasts Guide* (or as may be amended, renamed, or replaced) published by the FCC, or similar rule or guidelines for obscene, indecent, or profane content upheld by Federal Court, shall not be permitted on any sign;
3. *Obscene or Profane Words or Violent Imagery*: Any content that would result in an NC-17 rating by the Motion Picture Association of America, or similar rule or guidelines for obscene or profane words upheld by Federal Court, shall not be permitted on any sign; and
4. *Pornographic Images*: Content determined to be "internet pornography" or otherwise considered to be adult material by the Children's Internet Protection Act (CIPA) of 2000, as upheld by the US Supreme Court, shall not be permitted on any sign.

I. Prohibited Locations: Signs, regardless of type, shall not be permitted in any of the following locations, except as may be expressly permitted elsewhere in this Unified Development Ordinance:
1. *Vision Clearance*: Signs shall not be permitted within twenty-five (25) feet of an intersection, measured from the intersecting street's right-of-way.
2. *Right-of-way*: Signs shall not be located partially or fully within, or projecting over, any right-of-way unless authorized in writing by the County Commissioners (for County Jurisdiction) or Board of Public Works and Safety (for Municipal Jurisdiction).
3. *Street Signs and Utility Poles*: Signs shall not be permitted on any traffic control device or pole, street sign, construction sign, or utility pole.
4. *Fences*: Permanent signs shall not be permitted to be mounted on any fence except for minuscule commercial messages identifying the fence manufacturer and/or fence installer that do not exceed eighty (80) square inches each and not exceed a total of four (4) minuscule commercial messages. Temporary signs may be mounted to a fence.
5. *Trees*: Signs shall not be permitted to be attached to any tree, shrub, or other natural object.
6. *Benches*: Signs shall not be permitted to be attached to or integrated into any bench in the public right-of-way unless authorized in writing by the County Commissioners (for County Jurisdiction) or Board of Public Works and Safety (for Municipal Jurisdiction).
7. *Towers*: Signs shall not be permitted to be attached to or integrated with any telecommunication antennae, telecommunication tower, television antennae, or similar towers.
8. *Roofs*: Signs shall not be permitted to be placed on, set upon, attached to, or be perceived to be attached to the roof of a building or structure. This provision includes signs integrated into the roofing material.
9. *Fire Safety*: Signs shall not be permitted on a fire escape or in a manner that substantially blocks movement away from a building through a fire-door, or that substantially blocks the view from the right-of-way to a fire door.
10. *Obstructs Circulation*: Signs that obstruct or interfere with safe internal or external movement of vehicular, bicycle or pedestrian traffic shall not be permitted.
11. *Wall Signs over Windows*: No permanent Wall Sign shall be installed such that it covers windows in the building.

5.60 SI-02: Agriculture Sign Standards

This Sign Standards (SI) section applies to the following zoning districts:

A1 A2

A. Permitted Sign Types: Standard Temporary Signs, Special Temporary Signs, and Entry Feature Signs.

B. Sign Permit: A sign permit is required for a Special Temporary Sign and Entry Feature Sign, but not a Standard Temporary Sign.

C. Standard Temporary Signs:

1. *Permitted Types*: Only yard signs shall be permitted as a Standard Temporary Sign.
2. *Quantity*: One (1) Standard Temporary Sign shall be permitted per lot. Corner lots with a minimum of 300 feet of combined frontage shall be permitted one (1) additional Standard Temporary Sign.
3. *Sign Area*: The maximum sign area shall be eight (8) square feet per side.
4. *Height*: The maximum sign height shall not exceed six (6) feet above the ground.
5. *Location*: At least one (1) foot from any edge of pavement and property line. However, if front yard setbacks do not allow this separation, the sign shall be located as far as practical from any public sidewalk or street.
6. *Illumination*: A Standard Temporary Signs shall not be illuminated.
7. *Duration*: A Standard Temporary Signs may stay in place for the duration of the temporary event.

D. Special Temporary Signs:

1. *Permitted Types*: Only yard signs and yard cards shall be permitted as a Special Temporary Sign.
2. *Quantity*: One (1) Special Temporary Sign shall be permitted per lot.
3. *Sign Area*: The maximum sign area shall be twenty-four (24) square feet per side.
4. *Height*: The maximum sign height shall not exceed eight (8) feet above the ground.
5. *Location*: At least one (1) foot from any edge of pavement and property line.
6. *Illumination*: A Special Temporary Signs shall not be illuminated.
7. *Duration*: A Special Temporary Sign may stay in place for fourteen (14) continuous days, but no lot shall have a special temporary signs for more than thirty (30) total days in any calendar year.

E. Ground Sign:

1. *Quantity*: Up to one (1) single-sided or double-sided Ground Sign shall be permitted. However, on lots with 1,000 feet or more frontage, a second Ground Sign may be permitted if the two (2) signs are located a minimum of 500 feet from one another.
2. *Sign Area*: The identification portion (i.e. the text and logo) of the Ground Sign shall be a maximum of fifty (50) square feet per side.
3. *Height*: The identification portion (i.e. the text and logo) of a Ground Sign shall be a maximum of ten (10) feet above the ground.
4. *Location*: A Ground Sign shall be located a minimum of ten (10) feet from a right-of-way or edge of street pavement, or twenty-five (25) feet from any street centerline; whichever is greater.
5. *Illumination*: A Ground Sign shall not be illuminated.

F. Temporary Marker Signs: Signs used in A1, A2 and RR districts to mark rows of crops shall be permitted, but each sign shall not exceed three (3) square feet and not exceed eight (8) feet in height above the ground.

5.61 SI-03: Open Space and Residential Sign Standards

This Sign Standards (SI) section applies to the following zoning districts:

CO PR RR R1 R2 UR M1

A. Permitted Sign Types: Standard Temporary Signs, Special Temporary Signs, and Entry Feature Signs.

B. Sign Permit: A sign permit is required for a Special Temporary Sign and Entry Feature Sign, but not a Standard Temporary Sign.

C. Standard Temporary Signs:

1. *Permitted Types*: Only yard signs shall be permitted as a Standard Temporary Sign.
2. *Quantity*: One (1) Standard Temporary Sign shall be permitted per lot. Corner lots with a minimum of 300 feet of combined frontage shall be permitted one (1) additional Standard Temporary Sign.
3. *Sign Area*: The maximum sign area shall be eight (8) square feet per side.
4. *Height*: The maximum sign height shall not exceed six (6) feet above the ground.
5. *Location*: At least one (1) foot from any edge of pavement and property line. However, if front yard setbacks do not allow this separation, the sign shall be located as far as practical from any public sidewalk or street.
6. *Illumination*: A Standard Temporary Signs shall not be illuminated.
7. *Duration*: A Standard Temporary Signs may stay in place for the duration of the temporary event.

D. Special Temporary Signs:

1. *Permitted Types*: Only yard signs and yard cards shall be permitted as a Special Temporary Sign.
2. *Quantity*: One (1) Special Temporary Sign shall be permitted per lot.
3. *Sign Area*: The maximum sign area shall be twenty-four (24) square feet per side.
4. *Height*: The maximum sign height shall not exceed eight (8) feet above the ground.
5. *Location*: At least one (1) foot from any edge of pavement and property line.
6. *Illumination*: A Special Temporary Signs shall not be illuminated.
7. *Duration*: A Special Temporary Sign may stay in place for fourteen (14) continuous days, but no lot shall have a special temporary signs for more than thirty (30) total days in any calendar year.

E. Entry Feature Sign:

1. *Applicability*: Residential developments with internal streets and a minimum of four (4) lots may establish an Entry Feature Sign. Similarly, multiple-family developments with internal streets, at least two (2) buildings, and a minimum of ten (10) dwelling units may establish an Entry Feature Sign.
2. *Permitted Types*: Only ground signs shall be permitted as an Entry Feature Sign.
3. *Quantity*: Up to two (2) single-sided entry feature signs flanking the entrance, or one (1) double-sided sign shall be permitted per vehicular entrance.
4. *Sign Area*: The identification portion (i.e. the text and logo) of the Entry Feature Sign shall be a maximum of thirty-two (32) square feet per side for the primary entrance and sixteen (16) square feet or less per side for each additional vehicular entrance.
5. *Height*: The identification portion (i.e. the text and logo) of an Entry Feature Sign shall be a maximum of six (6) feet above the ground.
6. *Location*: An Entry Feature Sign shall be located a minimum of two (2) feet from the right-of-way, sidewalk, curbs and edge of pavement.
7. *Materials*: An Entry Feature Sign shall be constructed of stone, metal, or masonry.
8. *Landscaping*: The area around an Entry Feature Sign shall be landscaped to create a positive aesthetic for the overall entrance into the subdivision or development.
9. *Illumination*: An Entry Feature Sign may be illuminated by external ground lighting. Internal lighting shall not be permitted.

5.62 SI-04: Urban Commercial Sign Standards

This Sign Standards (SI) section applies to the following zoning districts:

UC

The following standards shall apply:

A. Permitted Sign Types:

Sign Types	Specific Regulations	Single-tenant Building	Multiple-tenant Building	Permit Required
Wall Sign	See *Section 5.62(C): Wall Sign*	Permitted	Permitted	Yes
Projecting Sign	See *Section 5.62(D): Projecting Sign*	Permitted	Permitted	Yes
Awning Sign	See *Section 5.62(E): Awning Sign*	Permitted	Permitted	Yes
Window Sign	See *Section 5.62(F): Window Sign*	Permitted	Permitted	No
Standard Temporary Sign	See *Section 5.62(G): Standard Temporary Sign*	Permitted	Permitted	No
Special Temporary Sign	See *Section 5.62(H): Special Temporary Sign*	Permitted	Permitted	Yes

B. Cumulative Cap for All Permanent Signs:

Regulation Category	Single-tenant Building Sign Regulation	Multiple-tenant Building Sign Regulation
The maximum sign area of all permitted permanent signs in combination on a site shall be:	2 square feet per every lineal foot of front facade or 100 square feet; whichever is less	2 square feet per every lineal foot of front facade or 100 square feet; whichever is less

C. Wall Sign:

Regulation Category	Single-tenant Building Sign Regulation	Multiple-tenant Building Sign Regulation
Maximum Quantity	2 per facade, not to exceed 3	1 per ground floor tenant space
Maximum Sign Area	1 square foot per linear foot of front facade; maximum of 60 square feet; per Wall Sign	1 square foot per linear foot of front facade; maximum of 40 square feet; per Wall Sign
Cumulative Cap	Counts toward cumulative cap	Counts toward cumulative cap
Changeable Copy	If changeable copy is used, it shall be integrated into the Wall Sign and shall only include cyclical or static messages, regardless if the sign is capable of flashing messages	
Changeable Copy Ratio	Up to 50% of the sign area of any single Wall Sign may be changeable copy	Up to 50% of the sign area of any single tenant's Wall Sign may be changeable copy
Height Above Ground	15 feet maximum	15 feet maximum
Maximum Projection	8 inches from building facade	8 inches from building facade
Illumination	Wall Signs may be illuminated internally or by externally-mounted lights	

D. Projecting Sign:

Regulation Category	Single-tenant Building Sign Regulation	Multiple-tenant Building Sign Regulation
Maximum Quantity	1	2; minimum of 20 feet apart
Maximum Sign Area	10 square feet	10 square feet per sign
Cumulative Cap	Counts toward cumulative cap	Counts toward cumulative cap
Changeable Copy	Not permitted	Not permitted
Changeable Copy Ratio	Not applicable	Not applicable
Height Above Ground	8 feet minimum; 14 feet maximum	8 feet minimum; 14 feet maximum
Maximum Projection	6 feet from building facade; however, shall not project over a street	
Illumination	Projecting Signs may be illuminated by externally-mounted lights	

E. Awning Sign

Regulation Category	Single-tenant Building Sign Regulation	Multiple-tenant Building Sign Regulation
Maximum Quantity	2	1 per ground floor tenant
Maximum Sign Area	20 square feet total; per awning sign	20 square feet per tenant; per awning sign
Cumulative Cap	Counts toward cumulative cap	Counts toward cumulative cap
Height Above Ground	8 feet minimum; 14 feet maximum	8 feet minimum; 14 feet maximum
Maximum Projection	6 feet from building facade	6 feet from building facade
Illumination	not permitted	

F. Window Sign:

Regulation Category	Single-tenant Building Sign Regulation	Multiple-tenant Building Sign Regulation
Maximum Quantity	No maximum	No maximum
Maximum Sign Area	20 square feet or 30% of each window's glass area, whichever is less	
Cumulative Cap	Counts toward the cumulative cap	
Height Above Ground	Any ground floor window at any height in the window	

G. Standard Temporary Signs:

Regulation Category	Single-tenant Building Sign Regulation	Multiple-tenant Building Sign Regulation
Permitted Temporary Sign Forms	A-frame sign, T-frame sign, yard sign, or a sign panel placed in a window	
Maximum Quantity	2 per lot, at least 20 feet apart from any other permitted temporary sign	1 per tenant, at least 20 feet apart from any other permitted temporary sign
Maximum Sign Area	9 square feet	
Cumulative Cap	Does not count toward cumulative cap	
Height Above Ground	5 feet maximum, or 10 feet maximum if a sign panel posted in a first floor window	
Location	Maintain at least 4 feet of clear sidewalk width	
Illumination	Standard temporary signs shall not be illuminated	
Duration	A standard temporary sign may stay in place for the duration of the temporary event. The standard temporary sign may be put in place up to 5 days prior to the temporary event. All standard temporary signs shall be taken down within 7 days after the standard temporary sign's purpose no longer exists	

H. Special Temporary Signs:

Regulation Category	Single-tenant Building Sign Regulation	Multiple-tenant Building Sign Regulation
Permitted Temporary Sign Forms	Inflatable signs, A-frame, T-frame, wall mounted banners, window panels, and yard signs	
Maximum Quantity	1 per lot	1 per ground floor tenant
Maximum Sign Area	40 square feet	
Cumulative Cap	Does not count toward cumulative cap	
Height Above Ground	6 feet maximum for A-frame, T-frame, and yard signs; 15 feet maximum for all other temporary signs	
Location	Maintain at least 4 feet of clear sidewalk width	
Illumination	Special temporary signs shall not be illuminated	
Duration	Cumulatively, the use of special temporary signs shall not exceed 30 total days in any calendar year. For example, a subject lot may have 2 special temporary events for 15 days each time. No additional days shall be provided for setup or removal.	

Sign Standards (SI)

5.63 SI-05: Non-Residential Sign Standards

This Sign Standards (SI) section applies to the following zoning district:

M2 IS GC HC I1 I2 HI

The following standards shall apply:

A. Permitted Sign Types:

Sign Types	Specific Regulations	Single-tenant Building	Multiple-tenant Building	Permit Required
Wall Sign	See *Section 5.63(C): Wall Sign*	Permitted	Permitted	Yes
Ground Sign	See *Section 5.63(D): Ground Sign*	Permitted	Not Permitted	Yes
Gateway Sign	See *Section 5.63(E): Gateway Sign*	Not Permitted	Permitted	Yes
Pole Sign	See *Section 5.63(F): Pole Sign*	Permitted	Not Permitted	Yes
Awning Sign	See *Section 5.63(G): Awning Sign*	Permitted	Permitted	Yes
Standard Temporary Sign	See *Section 5.63(H): Standard Temporary Sign*	Permitted	Permitted	No
Special Temporary Sign	See *Section 5.63(I): Special Temporary Sign*	Permitted	Permitted	Yes

B. Cumulative Cap for All Permanent Signs: The maximum sign area of all permitted permanent signs in combination on a lot shall be as indicated in the below table. Cumulative Cap Ratio shall be used to determine the maximum allowable square feet of sign area. However, under no circumstances shall all signs in total exceed the Max Cumulative Cap indicated in the below table.

Regulation Category	Zoning District						
	M2	IS	GC	HC	I1	I2	HI
Cumulative Cap Ratio	N/A	2 sq. ft. per linear foot of building frontage			3 sq. ft. per linear foot of building frontage		
Max Cumulative Cap (square feet)	200	300	400*	500*	700	800	800

* Plus 50 square feet for every 100 feet the primary structure is setback from the front property line.

C. Wall Sign:

Regulation Category	Single-tenant Building Sign Regulation	Multiple-tenant Building Sign Regulation
Maximum Quantity	3 per building facade; not to exceed 6 total	2 per tenant space with an exterior entrance
Maximum Sign Area for all Wall Signs on a facade	3 square feet per lineal foot of facade on which the sign will be placed, maximum of 300 square feet, whichever is less	3 square feet per lineal foot facade on which the sign will be placed; maximum of 80 square feet, whichever is less
Cumulative Cap	Counts toward cumulative cap	Counts toward cumulative cap
Changeable Copy	If changeable copy is used, it shall be integrated into the Wall Sign and shall only include cyclical or static messages, regardless if the sign is capable of flashing messages	
Changeable Copy	Up to 80% of the sign area of any single sign may be changeable copy	Up to 50% of the sign area of any single sign may be changeable copy
Maximum Projection	14 inches from the building facade	14 inches from the building facade
Illumination	Wall Signs may be illuminated internally or externally	

D. Ground Sign:

Regulation Category	Single-tenant Building Sign Regulation
The following standards do not apply to multiple-tenant buildings	
Maximum Quantity	2; or 3 for corner lots with a minimum of 400 feet of combined street frontage
Maximum Sign Area	1½ square foot per lineal foot of front facade; maximum 100 square feet per side, whichever is less
Cumulative Cap	Counts toward cumulative cap
Changeable Copy	If changeable copy is used, it shall be integrated into the ground sign and shall only include cyclical or static messages, regardless if the sign is capable of flashing messages
Changeable Copy Ratio	Up to 80% of the sign area of any ground sign may be changeable copy
Height Above Ground	8 feet maximum
Location	At least 10 feet from any edge of street pavement and front property line, and 20 feet from all other property lines. No closer than 100 feet from another ground sign
Illumination	A ground sign may be illuminated internally or by externally-mounted ground lighting

E. Gateway Sign:

Regulation Category	Multiple-tenant Building Sign Regulation
The following standards do not apply to single-tenant buildings	
Prerequisite	Gateway signs shall be permitted for multiple-tenant buildings that have a minimum of two (2) tenant spaces
Maximum Quantity	1
Maximum Sign Area	2 square foot per lineal foot front facade; maximum of 120 square feet per side, whichever is less
Cumulative Cap	Counts toward cumulative cap
Maximum Tenant Sign Area	60 square feet
Changeable Copy	If changeable copy is used, it shall be integrated into the gateway sign and shall only include cyclical or static messages, regardless if the sign is capable of flashing messages
Changeable Copy Ratio	Up to 50% of the sign area of any gateway sign may be changeable copy
Height above Ground	8 feet maximum for a 2 tenant building, plus 1 foot for each additional tenant over 2 with an absolute maximum of 20 feet.
Location	At least 10 feet from any edge of street pavement and front property line, and 20 feet from all other property lines. No closer than 200 feet from another gateway sign
Illumination	A gateway sign may be illuminated internally, but not externally

F. Pole Sign:

Regulation Category	Single-tenant Building Sign Regulation
Prerequisite	The subject lot shall be fully or partially within 600 feet of an interstate interchange or intersection of 2 state highways.
Maximum Quantity	1
Maximum Sign Area	2 square foot per lineal foot front facade; maximum of 100 square feet, whichever is less
Cumulative Cap	Counts toward cumulative cap
Changeable Copy	If changeable copy is used, it shall be integrated into the pole sign and shall only include cyclical or static messages, regardless if the sign is capable of flashing messages
Changeable Copy Ratio	Up to 60% of the sign area of any single sign may be changeable copy
Height Above Ground	Pole signs shall be at least 20 feet above the ground, but no part of the sign shall exceed 50 feet above the ground
Location	At least 20 feet from any edge of street pavement and front property line, and 40 feet from all other property lines. No closer than 200 feet from another pole sign.
Illumination	Pole signs may be illuminated internally, but not externally

G. Awning Sign:

Regulation Category	Single-tenant Building Sign Regulation	Multiple-tenant Building Sign Regulation
Maximum Quantity	6 per side of building, total cap of 8	2 per tenant space with exterior entrance
Maximum Sign Area	25 square feet total; per awning sign	25 square feet per tenant; per awning sign
Cumulative Cap	Counts toward cumulative cap	Counts toward cumulative cap
Maximum Projection	8 feet from the building facade	6 feet from the building facade
Illumination	Awning signs may be illuminated internally or externally	

H. Standard Temporary Signs:

Regulation Category	Single-tenant Building Sign Regulation	Multiple-tenant Building Sign Regulation
Permitted Temporary Sign Forms	A-frame, T-frame, yard sign, or a window panel	
Maximum Quantity	2 per lot as long as the 2 signs are at least 80 feet apart from one another	1 per tenant
Maximum Sign Area	16 square feet for lots 2 acres or less; 32 square feet for all other lots	
Cumulative Cap	Does not count toward cumulative cap	
Height Above Ground	8 feet maximum, or 10 feet maximum if in a first floor window	
Location	At least 5 feet from any edge of street pavement and front property line, and 10 feet from all other property lines.	
Illumination	Standard temporary signs shall not be illuminated	
Duration	A standard temporary sign may stay in place for the duration of the temporary event. The standard temporary sign may be put in place up to 30 days prior to the temporary event. All standard temporary signs shall be taken down within 7 days after the standard temporary sign's purpose no longer exists	

I. Special Temporary Signs:

Regulation Category	Single-tenant Building Sign Regulation	Multiple-tenant Building Sign Regulation
Permitted Temporary Sign Forms	Air dancers, feather flags, banners, changeable copy portable sign, freestanding banner, inflatable signs, A-frame sign, T-frame sign, wall mounted banners, window panels, and yard signs	
Maximum Quantity	3 per lot	3 per development
Maximum Sign Area	36 square feet	
Cumulative Cap	Does not count toward cumulative cap	
Height Above Ground	8 feet maximum if a changeable copy portable sign, freestanding banner, A-frame sign, T-frame sign, or yard sign; 20 feet maximum if an air dancer, feather flag, banner, inflatable sign, wall mounted banner, or window panel	
Location	At least 5 feet from any edge of street pavement and front property line, and 10 feet from all other property lines.	
Illumination	Special temporary signs shall not be illuminated	
Duration	The use of special temporary signs shall not exceed 30 total days in any calendar year. For example, a subject lot may have 2 special temporary permits for 15 days each time. No additional days shall be provided for setup or removal.	
Miscellaneous	Pennants, streamers, and strings of flags without commercial messages or branding may be used in any quantity and at a maximum height of 25 feet on the site in addition to the special temporary signs listed above. However, the duration shall comply with the same duration provision above.	

Solar Array Standards (SA)

5.64 SA-01: Solar Array Standards

This Solar Array Standards (SA) section applies to the following zoning districts:

CO A1 A2 PR RR R1 R2 UR M1 M2 IS UC GC HC I1 I2 HI

The following standards shall apply:

A. Applicability: The following regulations apply to a solar array (small) and solar array (large) when permitted in the subject zoning district.

B. Reference: The definition for Solar Array (small) and Solar Array (large) can be found in *Article 11: Definitions*.

C. General:

1. *Timing*: A solar array shall not be installed prior to the subject lot having a primary structure or established use that consumes the generated electricity.
2. *Electrical Components*: All electrical components shall conform to applicable state and national codes, and best practices.
3. *Wind Load*: A ground-mounted solar array shall be affixed to the ground using an engineered mount and/or licensed engineer certified structure designed to withstand a 100 mph wind load. Similarly, a building-mounted solar array shall be designed and installed to withstand a 100 mph wind load. Installation shall be per the manufacturer's instructions and/or per specifications of a licensed engineer.

D. Building-Mounted Solar Array Standards:

1. *Minimum Lot Area Standards*: There is no minimum lot size for the subject lot to qualify for a building-mounted solar array.
2. *Height Restriction*: Building-mounted solar arrays attached to the roof shall not extend more than one (1) foot above the roof plane to which its attached.
3. *Setbacks*: Building-mounted solar arrays shall meet the same setback as the building to which it is attached.
4. *Location Restriction*: No limitation.
5. *Roof or Facade Attached*: Building-mounted solar arrays may be attached to the building's facade or roof. If attached to a roof, see "Building-Mounted Solar Arrays Height Restriction" below. If attached to a facade, no part of the solar array may project more than six (6) inches from the plane of the facade to which it is attached.
6. *Building Material Integrated*: Building-mounted solar arrays may replace traditional roofing materials (e.g. Tesla Solar Roof), siding materials (e.g. Mitrex Solar Facades), or windows (e.g. Ubiquitous Energy's partnership with Andersen Widows).

E. Ground-Mounted Solar Array Standards:

1. *Minimum Lot Area Standards*: The minimum lot size for the subject lot shall be 14,520 square feet (1/3 acre) to qualify for a ground-mounted solar array.
2. *Height Restriction*: Ground-mounted solar arrays shall not exceed fifteen (15) feet in height. For tracking mounts (i.e. mounts that move with the sun), the maximum height shall apply to the array at any capable angle.
3. *Setbacks*: Any ground-mounted solar array shall be a minimum of twenty (20) feet from any property line, or meet the minimum setbacks applicable to a primary structure; whichever is greater.
4. *Location Restriction*: A ground-mounted solar array shall not be located in a front yard.

Solar Power Plant Standards (SP)

5.65 SP-01: Solar Power Plant Standards

This Solar Power Plant Standards (SP) section applies to the following zoning districts:

A1 I1 I2 HI

The following standards shall apply:

A. Applicability: The following regulations apply to solar power plants when permitted.

B. Minimum Lot Area: The minimum lot area for any solar power plant is five (5) acres.

C. Height:

1. *Primary and Accessory Buildings*: Occupiable buildings and accessory buildings (i.e. structures with a roof) directly associated with the solar power plant are limited to the height limitations for primary and accessory structures for the subject zoning district.
2. *Ground-Mounted Solar Arrays*: Ground-mounted solar arrays may not exceed twenty-five (25) feet in height when at maximum tilt.
3. *Skid/Pad*: The skid or pad used to mount inverters, bulk energy storage (battery farm), meters, MDAS (meteorological data acquisition system), controllers, transformers, and the like shall not exceed:
   a. Pad/Skid: The concrete pad or metal structure installed to mount equipment shall not exceed three (3) feet above grade.
   b. Equipment Mounted on a Pad or Skid: The equipment mounted on a pad or skid shall not exceed ten (10) feet in height measured from the top of the pad or skid.
4. *Grid Connection Interface*: On-site transmission lines, main transformers, substations, and switch yards shall not exceed fifty (50) feet in height.

D. Setbacks:

1. *Building Setbacks and Features*: Primary and accessory buildings are subject to the setback regulations of the subject zoning district. The design of the buildings and accessory buildings associated with the solar power plant shall use materials, colors, textures, screening and landscaping that will, to the greatest extent possible, blend into the natural setting and neighboring structures; or resemble a residence or historic farmstead in character and scale.
2. *Solar Power Plant Setbacks from Non-Participating Properties*: All components of a solar power plant shall be set back at least fifty (50) feet from all non-participating property lines; and, at least three hundred (300) feet from all non-participating homes (measured from the foundation). The solar power plant owner or operator may work with nonparticipating property owners to reduce these setbacks (e.g. through incentive), which will be honored when a signed contract and proof of recording the contract can be provided.
3. *Solar Power Plant Setbacks from Streets*: All components of a solar power plant shall be set back at least sixty (60) feet from the centerline of any county street, or at least thirty (30) feet from a known right-of-way boundary (e.g. a State Road right-of-way); whichever is greater.
4. *Solar Power Plant Setbacks from Participating Properties*: Any component of a solar power plant may cross or be located up to the property line of another participating property. However, the required perimeter fence shall not be located within five (5) feet of any property line of a property without solar power plant components.
5. *Solar Power Plant Perimeter Fence Setback*: The required perimeter fence shall meet the same setbacks from non-participating properties, non-participating homes, and streets. Additionally, the required perimeter fence shall be setback a minimum of five (5) feet from any participating property without solar power plant components.
6. *Setback Exception*: Lateral connections to the power grid or an off-site substation shall be exempt from setbacks, but shall be located to minimize impact to non-participating residential properties.

E. Co-Use or Plantings:

1. *Co-Use of Site*: To the extent possible, using the solar power plant property for other productive uses is encouraged, so long as those uses are consistent with the subject zoning district's permitted uses, or are agricultural in nature. Agrivoltaics, apiculture (i.e. bee keeping), pasturing of animals, and crop production around solar arrays, and in buffer and setback areas are permissible and encouraged.
2. *Sites Without a Co-Use*: The solar power plant's shall be planted with native pollinator-friendly seed mixes, native plants, and/or native prairie grasses. Said planting material shall be established and maintained for the life of the solar power plant. Turf grasses shall be prohibited. Gravel can be used as ground cover under solar arrays but shall not exceed fifteen percent (15%) of the overall solar power plant (all participating properties).

F. Invasive Species: The solar power plant shall be kept free from invasive plant species listed as "High" in the "Invasive Rank" as identified by the Indiana Invasive Species Council.

G. Insecticides: No insecticide use is permitted on a solar power plant (all participating properties), except spot use around buildings, wood structures, substations, and skids/pads.

H. Neonicotinoids: Under no circumstances shall neonicotinoids be applied anywhere on the solar power plant area (all participating properties), nor any other insecticides identified as potentially harmful to pollinators.

I. Perimeter Fence: The solar power plant shall have a perimeter fence a minimum of seven (7) feet and maximum of ten (10) feet tall surrounding the entire development. Fences shall not incorporate: razor wire, electrified wires, broken glass, sharpened top spikes, or similarly hazardous device or material.

J. Glare: Solar power plants shall be designed, constructed, and sited to minimize glare or reflections on adjacent properties and roadways; and to not interfere with vehicular traffic, air traffic, or otherwise create a safety hazard.

K. Electrical Components: All electrical components shall conform to applicable state and national codes, and best practices.

L. Outside Storage: Permanent outside storage of materials, equipment out of service, and the like shall be prohibited on a solar power plant after its initial construction.

M. Underground Utilities: All communication lines and power cables shall be located and maintained underground if within a required bufferyard or setback. All other communication lines and power cables may be located and maintained above ground.

N. Bulk Energy Storage: If bulk energy storage (e.g. battery farm) is desired as a co-use it may be permitted on a nearby or adjacent lot, and regulated independently per *Section 5.15 BE-01: Bulk Energy Storage Standards (pg 5-11)*, or may be integrated into the solar power plant operation. If integrated into a solar power plant project, it shall be subordinate to the solar power plant and not exceed twenty-five percent (25%) of the solar power plant's footprint of solar arrays. Under either scenario, the solar power plant and bulk energy storage facility may be owned and operated by separate entities.

O. Emergency Services Training: The owner or operator of the solar power plant shall provide specifications related to health and safety for all equipment used; and educational material and in-person training for police, fire and rescue services so they can safely respond to events and emergencies. Further, the owner or operator shall provide current contact information for at least two (2) person's (e.g. an operations manager, site engineer, safety manager, or contractor) authorized and qualified to advise emergency services during an event or emergency. A twenty-four (24) hour a day call center may be substituted for one (1) of the names.

P. Temporary Construction or Laydown Yards: Temporary construction or laydown yards are subject to a temporary improvement location permit. A gravel yard surface, temporary offices, temporary structures, and the like may be installed on a participating property for project staging. However, any area used during construction for such purpose shall be restored to its original condition including removal of gravel surfaces and replanting ground cover upon substantial completion of the solar power plant project.

Q. Decommissioning Plan: A decommissioning plan shall be submitted by the owner or operator of the solar power plant to the Zoning Administrator and shall meet the following performance standards. Decommissioning and removal shall apply to end of serviceable life, economic change rendering the energy from the solar power plant unnecessary, abandonment, bankruptcy, or the like.

1. *Time Frame*: The solar power plant shall be removed in its entirety within eighteen (18) months. The Board of Zoning Appeals may extend the timeframe for good cause or if removal work has been proceeding at a professional and acceptable rate.
2. *Extent of Removal*: All structures, concrete pads, solar panels, underground wiring, gravel ground cover, parking areas, and associated equipment shall be removed. A perimeter fence, buffer landscaping, and any co-use related plantings, buildings, and equipment may be left intact, unless the property owner wishes them to be removed. Cables buried over three (3) feet deep and foundation material that would remain at least three (3) feet deep may be left below the surface.
3. *Recycling, Reuse or Disposal*: All items being removed from the site shall either be recycled or reused; or disposed of according to local, state and federal solid waste and hazardous waste standards.
4. *Ground Cover and Stabilization*: Any areas left bare of vegetation shall be replanted. Any mounds of dirt or unnatural contours shall be graded to a natural contour. Any steep slopes shall be stabilized with appropriate vegetation and/or regraded and planted to avoid erosion.

R. Financial Guarantee of Decommissioning and Removal: In the event of bankruptcy or otherwise failure to decommission and remove the solar power plant, the applicable governmental entity shall be awarded financial means to commission the solar power plant's removal.

1. *Financial Guarantee*: The owner or operator of the solar power plant, or the property owner shall provide a bond, letter of credit, cash, or other acceptable surety to the applicable legislative body for the express purpose of decommissioning and removing the solar power plant in the event of the owner/operator failing to fulfill the decommissioning plan, even in the event of a bankruptcy. The amount to be collected to decommission the solar power plant shall be as follows.
2. *Cost Estimate*: An independent contractor specializing in such endeavors or licensed engineer shall provide a cost estimate to remove the solar power plant in today's dollars, including administration costs, and to the Extent of Removal listed above. This estimate shall then be increased by 3.30% (i.e. the long term average annual inflation rate based on data from 1914 to 2024) compounded annually, to reach a prediction of the cost to remove the solar power plant five (5) years into the future. That future amount shall be used for the Financial Guarantee.
3. *Financial Guarantee Amendments*: Every five (5) years, an independent contractor specializing in such endeavors or licensed engineer shall provide a revised cost estimate to remove the solar power plant in today's dollars. This estimate shall then be increased by 3.30% (i.e. the long term average annual inflation rate based on data from 1914 to 2024) compounded annually, to reach a prediction of the cost to remove the solar power plant five (5) years into the future. The Financial Guarantee shall then be amended to include the new projected cost to remove the solar power plant.
4. *Phasing In the Initial Financial Guarantee*: Twenty-five percent (25%) of the total guarantee shall be in full effect at the time a permit for construction is issued. Another twenty-five percent (25%) shall be in full effect upon completion of site work and foundations. The last fifty percent (50%) shall be in full effect within ninety (90) days after the solar power plant is connected to the grid and generating energy.
5. *Financial Guarantee Requirements*: A bond or letter of credit shall be provided to the Vermillion County Commissioners, in the amount of the cost estimate (above) for decommissioning. The bond or letter of credit shall be collect in the event the solar power plant owner or operator fails to conduct the decommissioning as committed and required, so that the county can contract for the solar power plants removal.
6. *Additional Financial Guarantee Requirements*:
   a. The bond or letter of credit shall run to and be in favor of the Vermillion County Commissioners,
   b. The Vermillion County Area Plan Commission shall get notice one (1) time per year that the surety is in good standing.
7. *Duration of Financial Guarantee*: The financial guarantee shall be maintained for the duration of the solar power plant. Any gap or lapse in the financial guarantee shall be an ordinance violation and subject to all enforcement options, including a cessation of power generation and expeditious decommissioning of the solar power plant.

S. Implementation of the Decommissioning Plan: Solar power plants that have not produced energy to the grid for a period of one (1) year or more shall be presumed abandoned or otherwise ready to implement the decommissioning plan. The following regulations apply to an abandoned solar power plant.

1. *Notification*: The owner or operator of the solar power plant, or the owner of the land shall notify the Zoning Administrator by phone, email, or letter that the solar power plant will discontinue operations prior to its cessation. The Zoning Administrator shall document the communication and add it to the permanent records for the solar power plant and its participating lots.
2. *Failure to Notify*: If the owner or operator, or property owner fails to notify the Zoning Administrator prior to cessation, it shall be a code violation and subject to enforcement and/or penalties.
3. *Required Meeting*: The Zoning Administrator and the owner or operator of the solar power plant shall meet to review the decommissioning plan, to review deadlines, and any other logistics related to the solar power plant's removal.

T. Maintenance: The owner or operator shall be responsible for keeping the entire site and operation in good condition, including routine maintenance, equipment repairs, grounds-keeping, structural repairs, security measures, driveway access to perimeter streets, and parking areas.

U. Proof of Qualifications: The owner or operator shall demonstrate or provide evidence of their capability and expertise in regard to constructing, maintaining, and operating all aspects of the solar power plant.

V. Submittal Requirements: In addition to the normal submittal requirements for new development (e.g. site plan, property boundaries, physical features, desired building foot prints, and flood hazard areas), the following unique items shall be submitted with an application for a solar power plant:

1. *Physical Location*: The physical location of each solar array, grid connection interface, skid/pad, and wiring/cable locations shall be shown on the site plan.
2. *Solar System Information*: Total rated output, total number of panels and arrays, spacing and mounting system to be used
3. *Wind Load Specifications*: The rated wind load for the mounting system and array as a whole after installation, stamped and certified by a licensed engineer.
4. *Grid Interface*: If off-site, how the solar power plant plans to connect to the grid, including location of power lines, above or below ground.
5. *Identification of Off-Site Improvements*: Any other know improvements being made by the grid operator or owner, power company, and the like as a result of the proposed solar power plant.
6. *Operation and Maintenance Plan*: The operations and maintenance plan, including safety, employee or contractor on-site maintenance schedules (estimated), storm water management, and the like.
7. *Purchase Agreement Confirmation*: A letter or contract assuring there is a long-term purchase agreement with the solar power plant owner or operator and the power company or the Midcontinent Independent System Operator (MISO). If such an agreement is not available at the time of application, it shall be provided prior to issuance of a building permit or zoning compliance permit for the project.
8. *Insurance*: Proof of liability insurance.
9. *Emergency Response*: Initial information relating to the needs and training for local emergency services and a commitment to provide yearly training to the police, fire and rescue services, for their safety, response time, and to protect the general public's health and safety.
10. *Decommissioning Plan*: Provide a decommissioning plan as required in this section.
11. *Construction Mitigation of Damage and Inconvenience*: A conceptual plan to minimize and mitigate impact to county and State Roads during construction. A final plan shall be submitted and approved by the County Commissioners prior to issuance of a building permit or zoning compliance permit. The final plan shall include all county and State Roads proposed to be used during construction, the type of vehicles and estimated weight of construction vehicles, needs for detours or temporary closures, documentation and assessment of street conditions, with images, of streets to be used during construction, needs for additional street signs, and the like.
12. *Avoidance of Subsurface Drainage Facilities*: Submit a preliminary report on subsurface drainage that would or might be impacted by the project. Prior to issuance of a building permit or zoning compliance permit, submit a final report that identifies any and all known subsurface drainage systems (e.g. tiles) through the areas to be disturbed by construction and how damage to the tile will be avoided or mitigated. The report shall be submitted to the County Drainage Board and County Surveyor for approval of avoidance and mitigation strategies prior to issuance of any permits.
13. *Commitment to Repair*: A signed statement that indicates that any unusual damage to streets, impact to waterways or potable water sources, or unintended damage to subsurface drainage systems will be repaired at the owner or operator's expense and done so promptly to avoid unnecessary impacts or inconveniences.

W. Prohibition: Concentrated solar power systems, of any scale, shall be prohibited.

X. Emergency Contact Signage: At each access point into the solar power plant from a city street, county road, or State Road, a two (2) square foot sign shall be posted with an emergency contact number.

Y. Special Review Reimbursement: To assure compliance with regulations and to protect the interests of Vermillion County residents and its governmental entities; and due to the unique and technical knowledge necessary to review a solar power plant, the submittal of a solar power plant application shall include all costs for the Area Plan Commission to hire a qualified consultant to aid in the review. The initial fee for special review shall be $50,000, but any portion of that fee not used for the qualified consultant's services shall be returned to the applicant.

Stormwater Drainage Standards (SD)

5.66 SD-01: Stormwater Drainage Standards

This Stormwater Drainage Standards (SD) section applies to the following zoning districts:

CO A1 A2 PR RR R1 R2 UR M1 M2 IS UC GC HC I1 I2 HI

The following standards shall apply:

A. Cross Reference: Any earth disturbing, contouring of land, development, or construction in unincorporated areas in Vermillion County shall comply with the *Vermillion County Stormwater Management Standards and Specifications for Development or Construction Within the County*, adopted April 16, 2019, including any amendments or replacements.

5.67 ST-01: Structure Standards

This Structure Standards (ST) section applies to the following zoning districts:

CO A1 A2 PR RR R1 R2 UR M1 M2 IS UC GC HC I1 I2 HI

The following standards shall apply:

A. Applicability: If the following structure standard appears on the two-page layout for a zoning district, then that structure standard applies to that particular zoning district.

1. *Maximum Primary Structure*: The maximum number of primary structures shall be per each two-page layout in *Article 2: Zoning Districts*.

B. Non-Applicability: If the structure standard above does not appear on the two-page layout for a zoning district, then that structure standard shall not apply to that particular zoning district.

Telecommunication Facilities Standards (TC)

5.68 TC-01: Telecommunication Facility Standards

This Telecommunication Facilities Standards (TC) section applies to the following zoning districts:

A1 A2 PR IS I1 I2

The following standards shall apply:

A. Permits Required: Telecommunication facilities shall not be constructed, erected, placed, modified or altered until a Zoning Compliance Permit has been obtained.

B. Design Requirements: A proposed or modified telecommunication facility shall meet the following design requirements:

1. *Telecommunication Facility Height*:
   a. Towers: A telecommunication tower shall not exceed 100 feet in height.
   b. Facility Equipment: All structures and equipment, excluding the tower, related to a telecommunication facility shall not exceed fifteen (15) feet in height.
   c. Integrated: Any telecommunication antenna on a church steeple, water tower, utility pole, and the like shall be limited by the maximum height applicable to the building feature, building, or structure to which it's integrated.
2. *Telecommunication Facility Setbacks*:
   a. Front, Side and Rear Yard Setback: Telecommunication towers shall be set back from any adjacent right-of-way or property line a minimum distance equal to fifty percent (50%) of the tower height, including antennae and attachments. Any structure, associated feature (e.g. parking), or ground mounted equipment, excluding the tower, related to a telecommunication facility shall be setback a minimum of fifty (50) feet from any property line.
   b. Telecommunication towers shall be set back from the property line of any residentially zoned property, or any residential structure if not in a residential district by a minimum distance equal to 110% of the tower's height, including all antennae and attachments.
   c. Any telecommunication antenna on a church steeple, water tower, utility pole, and the like shall be limited by the minimum setback applicable to the building feature, building, or structure to which it's integrated.
3. *Co-location*: Any proposed telecommunication facility shall be designed structurally, electrically, and in all related respects to accommodate both the applicant's antennae, and comparable antennae for other service providers and emergency services needs.
4. *Security Fence*: Telecommunication facilities shall be protected by a security fence at least six (6) feet tall.

C. Appurtenances: A telecommunication facility shall not have any appurtenances (e.g. lighting, flags, signs, or decorations) attached to it except for equipment and instruments directly related to its operation as a telecommunication facility.

D. Construction Standards:

1. *Easement*: If an easement is required for location of a telecommunication facility on the property, the easement shall be defined by a legal description prepared for recording and staked by a licensed land surveyor so as to provide proof the facility has been constructed within the easement. The legal description shall be recorded prior to issuance of a Zoning Compliance Permit.
2. *Building, Electrical and Engineering Standards*: A telecommunication facility shall be constructed per applicable building codes, electrical codes, and engineering standards and subject to inspections by the Zoning Administrator, Building Inspector, and/or licensed engineer during construction.

E. Inspection of Facilities after Construction:

1. *Frequency*: A telecommunication facility may be inspected one (1) time per year by the Zoning Administrator, Building Inspector, and/or licensed engineer to determine continued compliance with any applicable building code, electrical code, and/or engineering standards; or more frequently if responding to complaints received.
2. *Investigation*: Based on the 'Frequency' standard, the Zoning Administrator, Building Inspector, and/or a licensed engineer may enter onto the property and inspect the telecommunication facility. The owner will be contacted thereafter to report if a violation was discovered or not.

F. Abandoned Systems: A telecommunication facility shall be considered abandoned if its use as a telecommunication facility is discontinued or the telecommunication facility has been inoperable for more than six (6) months. Any above ground structure, equipment, driveway surface, parking surface (e.g. gravel), concrete pad, and foundation related to the telecommunication facility shall be removed within three (3) months after being abandoned. Underground wire and cables may be abandoned in the ground.

5.69 TU-01: General Temporary Use and Structure Standards

This Temporary Use and Structure Standards (TU) section applies to the following zoning districts:

CO A1 A2 PR RR R1 R2 UR M1 M2 IS UC GC HC I1 I2 HI

The following standards shall apply:

A. Permit Required: All permitted temporary uses require a Temporary Zoning Compliance Permit except for a farmers market, garage sale, yard sale, and estate auction.

B. Termination and Removal: Temporary uses and structures shall be terminated and removed at the end of the permitted event period.

C. Parking: A temporary use or temporary structure may be denied or a permit revoked if adequate parking is not available causing life safety risk to drivers or pedestrians.

D. Signs: Signs shall be regulated by the applicable Sign Standards in *Article 5: Development Standards*.

E. Garage Sales,Yard Sales and Estate Auctions:

1. *Frequency*: A maximum of three (3) cumulative sales events (e.g. garage sale, yard sale, and/or auction) shall be permitted per calendar year per site.
2. *Duration*: A sales event shall not be more than ten (10) days long.

5.70 TU-02: Agricultural Temporary Use and Structure Standards

This Temporary Use and Structure Standards (TU) section applies to the following zoning districts:

A1 A2

The following standards shall apply:

A. Seasonal Sale of Farm Produce: The seasonal sale of farm produce shall be permitted with the following requirements:

1. *Duration*: The seasonal sale of farm produce shall be permitted up to six (6) months per calendar year.
2. *Space*: The sales space may be permanent, portable, or seasonal construction.
3. *Temporary Stands*: Any temporary stand shall be removed in off-seasons.
4. *Permanent Stands*: Any permanent stand shall be closed up with finish material and kept in good repair.

5.71 TU-03: Non-residential Temporary Use and Structure Standards

This Temporary Use and Structure Standards (TU) section applies to the following zoning districts:

PR IS UC GC HC I1 I2

The following standards shall apply:

A. Sale of Seasonal Items: The sale of seasonal items such as Independence Day fireworks, Christmas trees, and Halloween pumpkins is permitted with the following requirements:

1. *Duration*: The Temporary Improvement Location Permit is valid for forty-five (45) days. All unsold merchandise shall be removed within five (5) days after the holiday;
2. *Location*: The lot shall front a collector or arterial street and the temporary use shall be located a minimum of fifty (50) feet from residential zoning districts.

B. Food Trucks: Food trucks or trailers may be permitted as a Special Exception from the applicable Board of Zoning Appeals. This subsection only applies to food trucks located on private property and serving food to the general public or a private party. A food truck shall meet the following standards:

1. *Department of Health*: A food truck shall meet all required state and local regulations for preparing and dispensing food, including fresh water, hand and dish washing facilities, refrigeration, waste water management, lighting, qualified equipment, and the like.
2. *Certified Food Handler*: A food truck shall have at least one (1) certified food handler in the food truck at all times.
3. *Hours*: A food truck may operate between the hours of 7:00 AM and 10:00 PM, but shall not be in a single location more than five (5) hours on any given day.
4. *Repetition*: A food truck shall not serve to the public more than two (2) days in any given week, Monday through Sunday, nor more than two (2) days concurrently from the same lot, or lots used in combination.
5. *Overnight Storage*: A food truck shall not remain on the lot from which it is serving food. It shall be removed within one (1) hour after food service has ceased.

5.72 TU-04: Temporary Accessory Dwelling

This Temporary Use and Structure Standards (TU) section applies to the following zoning districts:

A1

A. Accessory Dwelling RV: A Recreational Vehicle (RV) may be used for up to six (6) months per calendar year on a lot without a primary structure, or up to thirty (30) days per calendar year on a lot with a permanent single-family dwelling unit, but shall meet the following standards.

1. *Basic Living Features*: The RV shall have a bed and bathroom.
2. *Kitchen*: The RV shall have a working sink, stove, and refrigeration.
3. *Electricity*: The RV shall be connected to shore power (e.g. electrical grid) or have a solar array for electricity. A generator shall only be used for emergencies and shall not exceed ten percent (10%) of all electrical use over the course of any week.
4. *Sewer*: The RV shall be connected to a sanitary sewer or septic system, or utilize a means to properly dispose of human waste approved by the Vermillion County Health Department. Emptying black-water or grey-water tanks on the ground or anywhere other than an approved system is a health hazard, a zoning violation, and a State Board of Health violation.
5. *Water*: The RV shall be connected to a public water utility or an approved private well for potable water.

Vision Clearance Standards (VC)

5.73 VC-01: Vision Clearance Standards

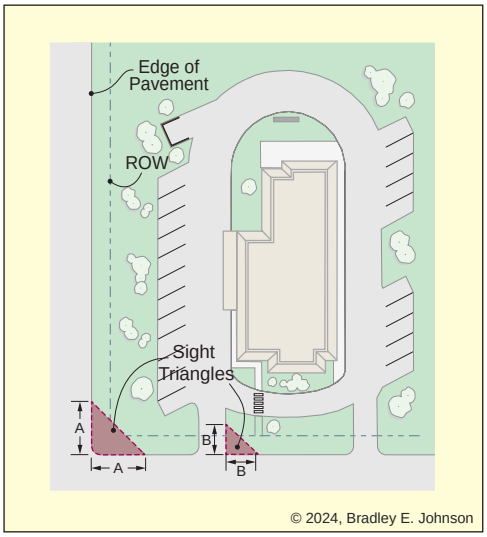
This Vision Clearance Standards (VC) section applies to the following zoning districts:

CO A1 A2 PR RR R1 R2 UR M1 M2 IS GC HC I1 I2 HI

The following standards shall apply:

A. Vision Clearance Triangle: A vision clearance triangle shall be maintained at every intersection of two (2) or more streets, and intersection of any driveway with a street.

1. *Horizontal Area*:
   a. Residential Districts: The vision clearance triangle leg lengths shall be ten (10) feet as measured from the edge of pavement (see "B" measurement below in the illustration).
   b. Non-residential Districts: The vision clearance triangle leg lengths shall be twenty (20) feet as measured from the edge of pavement (see "A" measurement below in the illustration) along local and collector streets. The vision clearance triangle leg along arterial streets shall be forty (40) feet.
2. *Vertical Area*: No primary structures, accessory structures, landscaping, fences or walls, signs or the like are allowed to be placed in or to project into the vision clearance triangle between the heights of two (2) feet and nine (9) feet above the crown of the adjacent street.
3. *Exceptions*: Street signs and utility poles shall be exempt from the vision clearance standards but are encouraged to be located where they would not block visibility at intersections.



Wind Turbine System Standards (WT)

5.74 WT-01: Small Wind Turbine System Standards

This Wind Turbine System Standards (WT) Section applies to the following zoning districts:

CO A1 A2 PR RR IS I1 I2 HI

The following standards shall apply:

A. Applicability: The following regulations apply to wind turbine systems (small) when permitted.

B. Prerequisites:

1. *Energy Production Purpose*: Small wind turbine systems shall be primarily sized and installed for the purpose of generating energy for an on-site use (i.e. farmstead, institution or industry).
2. *Rated Power Limits*: A small wind turbine system shall be sized to produce a maximum of 150% of the average daily electricity needs. Under no circumstances shall a small wind turbine system's rated power exceed fifteen kilowatts (15kW).
3. *Lot Size*: A minimum three-quarter (3⁄4) acre lot shall be required for a small wind turbine system to be installed.
4. *Manufacturer Installation Specifications*: Any permitted small wind turbine system shall be installed according to the manufacturer's specifications unless in conflict with applicable standards in the Vermillion County Unified Development Ordinance. When conflicts exist, The following standards shall apply:
   a. Manufacturer Specifications are More Strict: When the manufacturer's specifications are more strict than the Unified Development Ordinance, the manufacturer's specifications shall be followed.
   b. Zoning Standards are More Strict: When the Unified Development Ordinance is more strict than the manufacturer's specifications, the Unified Development Ordinance shall prevail.

C. Turbine System Limitations:

1. *Minimum Ratings*: A small wind turbine system shall be Underwriters Laboratories (UL) listed, have Conformité Européenne marking (CE Mark) for Europe-based manufacturers, be certified by the Canadian Standards Association (CSA) for Canada-based manufacturers, or otherwise approved by an equivalent region-based or county-based standards association recognized as equivalent to the Underwriters Laboratories (UL).
2. *Experimental Turbines*: Any small wind turbine system that does not meet the Minimum Ratings shall be considered experimental and shall not be permitted.
3. *Connection to the Grid*: Any small wind turbine system that is intended to be connected to the power grid shall be IEEE 1547 compliant (Institute of Electrical and Electronics Engineers Standard for Interconnecting Distributed Resources with Electric Power Systems).

D. Supporting Structure:

1. *Tower Mounted*: A horizontal axis small wind turbine system, designed for tower mounting, may be mounted on a monopole, pole with guy wires, lattice tower, or lattice tower with guy wires.
2. *Roof Mounted*: A horizontal or vertical axis small wind turbine system, designed for roof mounting, may be mounted to the roof of a primary or accessory building.
3. *Ground Mounted*: A vertical axis small wind turbine system, designed for ground mounting, shall be mounted on the ground.

E. Height Limitations:

1. *Tower Mounted*: The maximum tower height for a small wind turbine system shall be thirty-five (35) feet for lots under five (5) acres, and fifty (50) feet for lots five (5) acres or greater.
2. *Roof Mounted*: The maximum height of all components of a roof mounted small wind turbine system shall be six (6) feet above the highest point of the roof for residential buildings and ten (10) feet above the highest point on the roof for agricultural, institutional, and industrial buildings.
3. *Ground Mounted*: The maximum height of all components of a ground mounted small wind turbine system shall be twenty (20) feet.

F. Maximum Number of Turbine Systems: Any qualifying lot shall be limited to one (1) vertical axis or one (1) horizontal axis wind turbine system.

G. Wind Load: A small wind turbine system shall be engineered and rated to survive a 100 mph wind load.

H. Rotor Diameter: The maximum rotor diameter shall be twenty (20) feet for a horizontal axis small wind turbine system.

I. Location Restrictions:

1. *Setback from Property Line*: A small wind turbine system, not including guy wires, shall be setback from all property lines. The minimum distance shall be thirty-five (35) feet or a distance equal to 120% of the height of the tower, whichever is greater.
2. *Setback from On-Site Buildings*: A ground-mounted small wind turbine system, not including guy wires, shall be setback from any on-site occupiable building. The minimum distance shall be thirty-five (35) feet.
3. *Setback from Utilities*: A small wind turbine system, not including guy wires, shall be setback from any above ground electrical line. The minimum distance shall be thirty-five (35) feet or a distance equal to 120% of the height of the tower, whichever is greater.
4. *Setback for Guy Wires*: Guy wire anchors shall be at least ten (10) feet from all property lines.

J. Safety:

1. *Roof Mounted Systems*: Any roof-mounted small wind turbine system shall be a vertical access system designed for roof-mounting.
2. *Ground Clearance*: The rotors (blades) of a horizontal axis wind turbine mounted on a tower shall not extend vertically to within fifteen (15) feet of the ground.
3. *Overspeed Protection*: A small wind turbine system shall have a fail-safe breaking system, auto-furling system, or similar system to prevent structural failure due to excessive revolutions per minute (rpm). Overspeed protection shall be a proven industry standard.

K. Nuisance Prevention:

1. *Noise*: A small wind turbine system shall not generate more than pre-construction ambient sound level plus 5dBA (ambient dBA L90 + 5dBA) or forty-five decibels (45dBA L90), whichever is greater, measured at the property line.
2. *Illumination*: A small wind turbine system shall not be illuminated in any way.
3. *Feeder Lines*: Feeder lines for wind turbines (i.e. electrical connection between the wind turbine and the on-site structure in which the power is utilized) shall be placed underground.

L. Appurtenances: A small wind turbine system shall not have any appurtenances (e.g. lighting, flags, signs, or decorations) attached to it except for meteorological measuring instruments.

M. Abandoned Systems: A small wind turbine system shall be considered abandoned if its use as a wind turbine system is discontinued or the wind turbine has been inoperable for more than six (6) months. Any above ground structure, equipment, driveway surface, parking surface (e.g. gravel), concrete pad, and foundation related to the small wind turbine system shall be removed within three (3) months after being abandoned. Underground wire and cables may be abandoned in the ground.

N. Development Standards Variances: Any development standards variance requesting additional energy generation from a small wind turbine system may be accommodated by the Board of Zoning Appeals, but the applicant should consider the following order of priority for the Area Plan Commission's jurisdiction.

1. *Additional Height*: Increasing the overall height of the permitted small wind turbine system by up to fifteen (15) feet to gain more annual wind potential; but not increasing the system's energy rating max or quantity of small wind turbine systems.
2. *Additional Energy Rating*: Increasing the energy production rating from fifteen kilowatts (15kW) to no greater than twenty kilowatts (20kW); but not increasing the maximum height or quantity of small wind turbine systems.
3. *Additional Turbines*: Increasing the total number of small wind turbine systems allowed on the site by up to two (2), a total of three (3); but not increasing the energy rating maximum or maximum height.
4. *Combinations*: Combinations of the above options would be considered, as required by law, by the Board of Zoning Appeals, but with a very high degree of scrutiny and allowed only when there is clearly no impact to neighboring properties or potential impacts are clearly mitigated.

5.75 WT-02: Utility Wind Turbine System Standards

This Wind Turbine System Standards (WT) Section applies to the following zoning districts:

A2 HI

The following standards shall apply:

A. Applicability: The following regulations apply to a single utility wind turbine system, multiple utility wind turbine systems, or a wind power plant. Additionally, ownership of the land is irrelevant, but most commonly each utility wind turbine system is placed on land leased to a developer, operator, and/or owner of the utility wind turbine system from a host property owner.

B. Special Exception:

1. Required Special Exception: Utility wind turbine systems and wind power plants shall be subject to Special Exception approval and all requirements for Special Exception in accordance with the Rules of Procedure for the Vermillion County Board of Zoning Appeals, Article IV. In addition to the general standards of approval for Special Exception, a utility wind turbine system shall comply with the following:
    a. A proposed utility wind turbine system shall meet all regulations in *Section 5.75: Utility Wind Turbine System Standards*.
    b. All decommissioning, removal and land restoration money paid to Vermillion County shall be placed in an interest accruing account controlled by Vermillion County prior to the approval of any permits.
    c. As specified in *Section 5.75(F)(2)(a)*, a noise study shall be conducted and submitted including satisfactory mitigation measures.
    d. A Special Exception for a proposed project, if granted by the Board of Zoning Appeals, shall be valid for a period of one (1) year. If an application for a Zoning Compliance Permit has not been submitted within the one (1) year period, the Special Exception shall automatically be null and void. The applicant shall be granted a single one (1) year extension subject to the applicant submitting a report to the Board of Zoning Appeals which demonstrates substantive progress made on the project.
2. *Application Requirements*: The applicant shall obtain the following:
    a. A Special Exception from the Board of Zoning Appeals;
    b. Drainage approval as required under the Vermillion County Stormwater and Erosion Control Ordinance when deemed necessary, and
    c. A Zoning Compliance Permit from the Area Plan Commission.
3. *Notice Requirement*: A minimum of thirty (30) days prior the public hearing for a Special Exception, the applicant shall notify every household and landowner within a two (2) mile radius of the property(ies) for which said Special Exception is being sought. Such notifications shall be by U.S. Postal Service's certified mail.
4. *Application for Special Exception*: The application shall include the following items:
    a. A utility wind turbine system project summary, including, to the extent available:
        i. Each wind turbine's location, including its name plate generating capacity, the make and model of the utility wind turbine system that would be installed, the maximum height of the utility wind turbine system measured from the base to the tip of the blade in vertical position, and diameter of the utility wind turbine system rotors; and
        ii. A description of the applicant, owner, and operator, including their respective business structures.
    b. The names, addresses, and phone numbers of the applicant, owner, and operator, and all participating property owners. All leases for participating properties shall be filed in the Vermillion County Recorder's Office within forty-five (45) days of the lease being signed.
    c. A topographic map of all properties owned by the utility wind turbine system owner and all participating properties (i.e. utility wind turbine system project site), and the surrounding area which shall encompass an area at least a two (2) mile radius from the proposed utility wind turbine system project site with contours of not more than five (5) foot intervals.

d. A site plan of at an appropriate scale to fit on a standard sheet (24 x 36 inches) and individual tower areas at a scale not greater than one (1) inch equals twenty (20) feet showing the proposed location of each utility wind turbine system facility, access streets, substations, electrical cabling, communication lines, construction staging areas, temporary storage yards, temporary buildings, and ancillary equipment. In addition, the site plan shall show primary structures within a two (2) mile radius of any utility wind turbine system; property lines, including identification of adjoining properties, setback lines, public streets, location of all above-ground utility lines within a distance of a two (2) mile radius, recognized historic or heritage sites as noted by the Division of Historic Preservation and Archeology, and any wetlands based upon a delineation prepared in accordance with the applicable U.S. Army Corps of Engineer requirements and guidelines.

e. Location of all existing underground utility lines associated with the utility wind turbine system site.

f. All required filing fees as prescribed by *Section 5.75(B)(5)*.

g. An executed Agricultural Impact Mitigation Agreement (AIMA) with the Vermillion County Board of Commissioners as referenced in *Section Exhibit B Agricultural Impact Mitigation Agreement (AIMA) (pg B-3)*.

h. An executed Street Use Agreement with the Vermillion County Board of Commissioners.

i. A letter of project plan approval by the INDNR and the US Fish & Wildlife Service, see Appendix B, Exhibit A.

5. *Special Exception Application Fee*: Due to the unique complexities necessary to review an application for a Special Exception for a proposed utility wind turbine system and the cost of hiring specialists to aid the Board of Zoning Appeals in its review, a fee of $50,000 for the first utility wind turbine system, plus $10,000 for each additional utility wind turbine system shall be required.

C. Zoning Compliance Permit

1. *The Application for Zoning Compliance Permit*: If the application for a Special Exception is granted to build a utility wind turbine system, prior to construction, the applicant shall apply to the Area Plan Commission for a Zoning Compliance Permit. In addition to the information required on the Zoning Compliance Permit application, the applicant shall provide the following information to the Area Plan Commission for determination of compliance:

a. Location of all utility lines within a two (2) mile radius of the proposed utility wind turbine system.

b. Location of all underground utility lines associated with the utility wind turbine system site.

c. Stamped engineer drawings of the structural components of the tower construction including the base and footings.

d. Schematic of electrical systems associated with the utility wind turbine system, including all existing and proposed electrical connections.

e. Manufacturer's specifications, installation and operation instructions, and an unredacted operations safety manual for the model of utility wind turbine system that will be installed.

f. Stamped drawings, or equivalent, by a licensed engineer that the utility wind turbine system's tower design is sufficient to withstand wind load requirements for a structure as defined by the current and applicable Indiana Building Code.

g. Necessary recorded access easements and necessary recorded utility easements.

h. A transportation plan showing how vehicles would access the site and describing the impacts of the proposed utility wind turbine system project on the local and regional street system during construction and during operations thereafter.

i. A revegetation and decompaction plan for restoring areas temporarily disturbed during construction.

j. A fire protection plan for the construction phase and for operations thereafter (See Fire Prevention and Emergency Response Plan and Requirements).

k. Any other item reasonably requested by the Board of Zoning Appeals.

l. A drainage plan for the construction phase and operations thereafter, developed under the standards of the Stormwater Management Standards and Specifications for Development or Construction within the County.

m. An erosion control plan developed and provided in compliance with the Vermillion County Stormwater Management Standards and Specifications for Development or Construction within the county, approved by the Vermillion County Soil and Water Conservation District and the Vermillion County Drainage Board.

n. Each utility wind turbine system shall require a separate Zoning Compliance Permit. The fee for each Zoning Compliance Permit shall be subject to the fee schedule established under of Vermillion County Unified Development Ordinance.

2. *Issuing a Zoning Compliance Permit*: For a utility wind turbine system to be issued a Zoning Compliance Permit, the project shall meet all requirements of *Section 5.75: Utility Wind Turbine System Standards*, all applicable standards in the Unified Development Ordinance, and any applicable Indiana or Federal Standards.
3. *Zoning Compliance Permit per Utility Wind Turbine System*: Due to the unique complexities necessary to review an application for a Zoning Compliance Permit for a proposed utility wind turbine system and the cost of hiring specialists to aid the Area Plan Commission in its review, a fee of $5,000 for each utility wind turbine system shall be required.

D. Pre-Construction Submission of Information:
1. *Fire Prevention and Emergency Response Plan and Requirements*: The developer shall provide:
   a. A description of the potential fire and emergency scenarios that may require a response from fire, emergency medical services, police or other emergency responders.
   b. A designation of the specific agencies that would respond to potential fire or other emergencies.
   c. All emergency response training and equipment needed to respond to a fire and other emergencies, including an assessment of the trainings.

E. Project-Wide Design Standards:
1. *Minimum Site Area Per Wind Turbine*: The minimum site area for a Utility Wind Turbine System shall be based on the ratio of sixty (60) acres per megawatt produced. Therefore, one (1) two megawatt (2MW) wind turbine system shall require a minimum of 120 acres.
2. *Wind Power Plant Limitation*: No wind power plant project shall exceed 100 megawatts, or 6,000 acres, whichever is more restrictive; including all phases of construction.
3. *Setbacks*:
   a. A utility wind turbine system shall be setback from any adjacent property line, street right-of-way, railroad right-of-way, or overhead electrical transmission or distribution lines by a minimum distance of two (2) miles measured from the base of the tower.
   b. A utility wind turbine system shall be setback from any platted subdivision, city or town corporate limit, healthcare facility, and school by a minimum distance of two (2) miles measured from the base of the tower.
   c. Required setbacks shall not apply to a participating property when the legal documents have been recorded in the office of the Vermillion County Recorder within forty-five (45) days of their execution date (i.e. signing by all parties). Further, said legal document shall be cross referenced to the current recorded deeds. Submittal of a summary document or non-executed legal documents shall not be acceptable for the purposes of this setback rule's relief. Legal documents not submitted for a participating property to the Vermillion County Recorder's office within forty-five (45) days of execution shall not be considered a participating property for the purpose of this setback rule's relief.
4. *Not Considered an Essential Service*: A utility wind turbine system shall not be considered a public utility or essential service and shall be regulated and permitted per the Vermillion County Unified Development Ordinance.
5. *Utility Interconnection*: The utility wind turbine system, if interconnected to the electrical grid, shall meet the requirements for interconnection and operate as set forth by the electrical utility's then-current service regulations applicable to utility wind turbine system.
6. *Risk to Life and Safety*: Any area or component of a utility wind turbine system or wind power plant that poses a significant risk of electrical shock or other risk of injury or life safety, that area or component shall be enclosed with a fence a minimum of six (6) feet in height. Barbed wire may be used as an additional deterrent. Conspicuous signs warning of high voltage shall be placed in appropriate locations.
7. *Sewer and Water*:
   a. All utility wind turbine system or wind power plant facilities shall comply with existing septic and well regulation as required by the Vermillion County Health Department and the State of Indiana Department of Public Health.

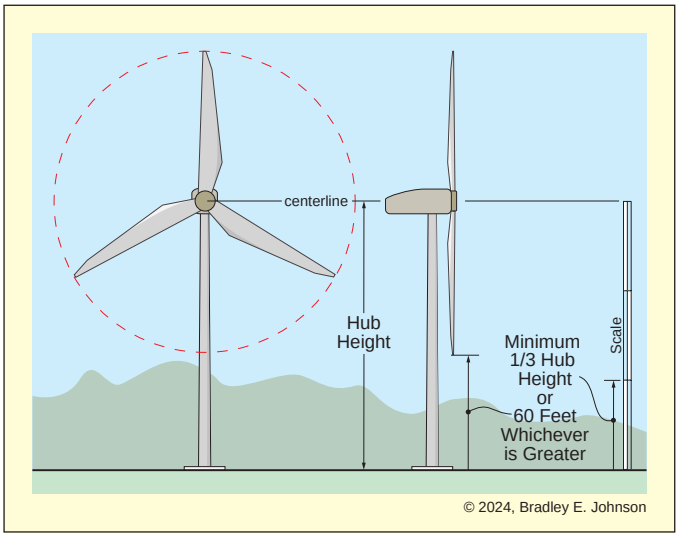
b. All wells, water towers, and pipes within a two (2) mile radius of each utility wind turbine system site shall be inspected by an Indiana licensed well installer prior to and following construction, annually for a period of ten (10) years. All expenses associated with the inspections shall be at the expense of the wind power plant owner. Any damage or contamination caused by vibration or any operations of utility wind turbine system or wind power plant or its construction, decommissioning and removal, shall be repaired at the expense of the wind power plant owner and the wind power plant owner is required to provide commercial water tanks and water to affected homes until an investigation is complete and problems are mitigate, assuming they were caused by the utility wind turbine system or wind power plant's construction, operation, or removal.

8. *Mitigation of Impacts*: The applicant's site plan and other documents shall illustrate and describe mitigation measures to minimize potential impacts on the natural environment including, but not limited to wetlands, avian and wildlife (migratory bird patterns and bat population effects), other fragile ecosystems, historical/cultural sites and antiquities, and all agricultural economies. The U.S. Fish & Wildlife Service shall be consulted with in accordance with the USFWS Land-based Wind Energy Guidelines (March 23, 2012) as referenced in *Appendix B*.

9. *Property Value Guarantee*: A property value guarantee shall be offered by the applicant to all landowners within a two (2) mile radius of a utility wind turbine system. Fair market value will be established by, at minimum, two (2) reputable appraisers of the landowners' choice to establish baseline data for property values at the applicants expense. If the value of a property decreases or a landowner is unable to sell his property after a utility wind turbine system is erected, the applicant shall pay that landowner the difference or buy the property at the baseline fair market value determined prior to construction of a utility wind turbine system.

F. Utility Wind Turbine System Design Standards:

1. *Minimum Clearance*: The lowest point of the arc created by rotating wind vanes or blades on a utility wind turbine system shall be no less than sixty (60) feet, or one-third (⅓) hub height, whichever is greater.



2. *Maximum Noise Levels*: Any proposed utility wind turbine system shall not produce sound greater than thirty-two decibels (32dBA L90), measured at any point along the development's boundary. The following shall be provided for all utility wind turbine system and wind power plants:

a. A noise study conducted by a licensed sound engineer or similar professional, chosen by the Vermillion County Area Plan Commission (Area Plan Commission) and paid for by the developer, shall be submitted with the application for a utility wind turbine system. Said study shall include:

i. A description and map of the project's noise producing features, including the range of noise levels expected, and the basis of the expectation;

ii. A survey and report that analyzes the preexisting ambient noise (including seasonal variation) and the potentially affected residences, schools, public buildings, and other noise sensitive land uses located within a two (2) mile radius of the proposed project site. Study shall include decibels measured in both A and C weighted scales.

iii. A description and map of the cumulative noise impacts and any problem areas identified.

iv. A description of the project's proposed noise control features and specific measures proposed to mitigate noise impacts for sensitive land uses.

3. *Maximum Vibrations*: A utility wind turbine system shall not produce vibrations perceptible beyond the property on which it is located, cause vibration that could be detected in nearby structures, or damage underground wells.
4. *Electrical Components*:
   a. Conform to Codes: All electrical components of a utility wind turbine system shall conform to applicable local, state, and national codes; and relevant national and international standards.
   b. Electric Transmission Lines: All electrical transmission lines related to a utility wind turbine system or wind power plant shall be located a minimum of six (6) feet underground.
   c. Communication Lines: All low voltage communication lines related to a utility wind turbine system or wind power plant shall be located a minimum of three (3) feet underground.
   d. Crossing Property Lines: No electrical transmission lines or communication lines may cross any non-participating property without the express written consent of the property owner and approval of the Area Plan Commission. Participating properties with agreements that address electrical transmission lines and communication lines shall not require the Area Plan Commission's approval.
5. *Interference with Reception*: No component of a utility wind turbine system or wind power plant shall interfere with broadcast television or radio signals, cellular communication, microwave transmissions, ham radio signals, GPS, military radar or communication, emergency services communication, aviation navigation and the like.
6. *State or Federal Requirements*: A utility wind turbine system shall meet or exceed all local, state, or federal standards and regulations.
7. *Aesthetics*: A utility wind turbine system may use a monopole, monotube, or lattice style tower. Towers that would require guy wires shall not be permitted.
8. *Aviation Safety Lighting*: Each utility wind turbine system shall have Aircraft Detection Lighting System unless the Federal Aviation Administration (FAA) clearly does not require such lighting. A lighting plan for the development shall be provided to the Board of Zoning Appeals. The applicant shall provide the Zoning Administrator a copy of the FAA approval of the required ADLS prior to the installation of any utility wind turbine system.
9. *Required Signs*: A sign no greater than four (4) square feet and no less than two (2) square feet in area shall be used to displaying an address, telephone number, and a tower identification number in the event of an emergency, for reports of issues, for reports of violations, or for informational inquiries. Said required signs shall be posted on the tower base of the utility wind turbine system.
10. *New Equipment*: All components of a utility wind turbine system shall be new. Used, experimental or prototype equipment still in testing shall not be permitted.
11. *Wind Load*: A utility wind turbine system shall be able to withstand a 115 mph wind load without damage.
12. *Climb Prevention*: All utility wind turbine system designs shall include features to deter climbing of towers, when applicable, such as:
    a. Fences with locking portals at least six (6) feet high; or
    b. Anti-climbing devices fifteen (15) feet vertically from the base of the tower.
    c. Locked tower doors.
13. *Appurtenances*: No appurtenances other than those associated with the utility wind turbine system's operations shall be connected to any wind turbine tower.
14. *Height*: A utility wind turbine system or wind power plant approved by Special Exception is subject to the height regulations as specified in the applicable zoning district. Additional height allowances shall only be permitted by Development Standards Variance.

G. Performance and Operations Standards: The following regulations apply during and after construction, and during decommissioning of utility wind turbine systems and wind power plants.

1. *Use of Roads*: An Applicant proposing to use any county streets for the purpose of transporting a utility wind turbine system, substation parts or equipment for construction, operations, or maintenance of the utility wind turbine system or wind power plant, shall comply with the following:
   a. All proposed routes that will be used for construction and maintenance purposes shall be identified. If the route includes a public street, it shall be approved by the Vermillion County Board of Commissioners and have a signed Street Use Agreement on file in the Vermillion County Auditor's Office. The Vermillion County Board of Commissioners shall conduct a pre-construction baseline survey to determine existing street conditions for assessing potential future damage.
   b. All street damage caused by the construction or installation of a utility wind turbine system or wind power plant, or the removal of same, shall be repaired to the satisfaction of the Vermillion County Board of Commissioners. The Vermillion County Board of Commissioners may choose to require either remediation of street repair upon completion of the project or are authorized to collect fees for oversized load permits. Further, a corporate surety bond in an amount to be fixed by a licensed engineer shall be required by the Vermillion County Board of Commissioners to insure that future repairs are completed to the satisfaction of the county. The cost of a performance bond or similar surety is to be paid by the applicant.
   c. Newly constructed utility wind turbine system or wind power plant access streets may not impede the flow of water.
   d. All repairs shall be completed in the time period agreed upon by the Vermillion County Board of Commissioners.
   e. Throughout the life of the project as repairs to utility wind turbine system are made, street repairs will be completed each time the Applicant's equipment uses county streets and as the Vermillion County Board of Commissioners deem necessary, at the applicant's expense.
   f. The location of all utility wind turbine system or wind power plant access streets shall be approved by the Vermillion County Board of Commissioners and may not be located closer than 3,000 feet to any residence as measured from the center of the access street to the corner of the residence.
2. *Dust Control*: Reasonable dust control measures shall be required by the county during construction of the utility wind turbine system or wind power plant. Treating with a suitable dust suppressant approved by the Vermillion County Board of Commissioners shall be used. The frequency of application shall be as needed.
3. *Preservation of Topsoil*: At any time during the construction, operation, or decommissioning of a utility wind turbine system, any excavation, trenching, grading, digging, or any other soil disturbance work shall first be required to remove, store and hold separate the topsoil for future restoration of the affected site; or transfer to a location in need of topsoil when the topsoil is clearly not needed for restoration of the affected site.
4. *Tilling*: After construction and installation of any component of a utility wind turbine system, any disturbed area intended for crop production or vegetation shall be tilled. The area to be tilled shall extend 100 feet in all directions or up to areas that have not been disturbed and have established vegetation or crops. Disturbed areas shall be tilled using a sub-soiler to a minimum depth equal to that of the soil disturbance. Then the original topsoil that was removed shall be returned to the disturbed area followed by a minimum of two (2) opposing passes with a tiller.
5. *Shadow Flicker*: At no time shall a utility wind turbine system create shadow flicker on any non-participating property.
6. *Waste Management*: All solid waste whether generated from supplies, equipment, parts, packaging, operations or maintenance of the utility wind turbine system facility, including old parts and equipment, shall be removed from the site in a timely manner consistent with industry standards. All hazardous waste generated by the operation and maintenance of the utility wind turbine system, including but not limited to lubricating materials, shall be handled in a manner consistent with all local, state and federal rules and regulations.

7. *Drainage Repair*: Damages to county maintained waterways, drainage ditches, field tiles, or any other drainage infrastructures caused by the construction or maintenance of the utility wind turbine system shall be completely repaired to meet or exceed original condition, and so as not to impede the natural flow of water. All repairs shall be completed within thirty (30) days, or as approved by the Vermillion County Surveyor. Alterations, maintenance, and repairs are subject to annual inspection by the Vermillion County Surveyor. Inspections of impacted drainage facilities may be inspected and repairs enforced for a period of five (5) years from the date of construction, or decommissioning and dismantling, as it may apply.
8. *Coordination with Local Fire Department*: The applicant, owner or operator shall submit to all providers of emergency services serving the utility wind turbine system, a copy of the as-built drawings and site map in digital format, if requested.
9. *Ongoing Emergency Service Training*: The owner or operator of the utility wind turbine system shall provide annual training to fire, police, and rescue services. If unique equipment is needed by first responders to respond to a possible emergency at a utility wind turbine system, it shall be provided at the expense of the owner or operator.
10. *Ongoing Emergency Response Planning*: The owner or operator shall cooperate with the applicable police, fire, and rescue services to develop and annually maintain an emergency response plan. Nothing in this subsection shall alleviate the need to comply with all other applicable fire laws and regulations.
11. *Responding to Complaints*: If, the Zoning Administrator receives a verbal or written complaint the utility wind turbine system owner or operator shall be notified in writing and shall take reasonable steps to respond within five (5) business days from the day of notice to resolve the complaint. The applicant, owner, or operator shall take actions to resolve drainage issues, natural resources, agricultural economies, electromagnetic signals, wireless signals, radio waves, GPS and the like if caused by the utility wind turbine system. In addition, the applicant, owner, or operator shall comply with the following:
    a. Failure to Remedy a Complaint: If the Zoning Administrator determines that an owner or operator has unreasonably failed to remedy a verified interference within fifteen (15) days after the owner or operator received the written complaint, the Zoning Administrator shall take appropriate action to rescind any permit or approval associated with the utility wind turbine system in question. Upon such rescission, the Owner or Operator shall be required to begin the decommissioning process.
12. *Materials Handling, Storage and Disposal*:
    a. All solid wastes related to the construction, operation and maintenance of the utility wind turbine system or wind power plant shall be removed from the site promptly and disposed of in accordance with all federal, state and local laws.
    b. All hazardous materials or waste related to the construction, operation and maintenance of the utility wind turbine system or wind power plant shall be handled, stored, transported and disposed of in accordance with all applicable local, state and federal laws.
13. Maintenance Logs: An ongoing log of maintenance activities performed on each utility wind turbine system shall be submitted to the Zoning Administrator on an annual basis.

H. Decommissioning of Utility Wind Turbine Systems:

1. *Removal of Abandoned or Unsafe Utility Wind Turbine System*:
    a. Any utility wind turbine system that is not operated for a continuous period of six (6) months shall be considered abandoned.
    b. Any tower structure found to be damaged, deteriorated, corroded, or otherwise unsafe shall be abandoned due to lack of maintenance, flawed design, natural deterioration, or other factor resulting in unsafe operational conditions.
    c. Any utility wind turbine system that is abandoned shall be removed within twelve (12) months of notice from the Zoning Administrator.
    d. In addition to removing the utility wind turbine system, its foundation, electric transmission lines, communication lines, aggregate, rebar, and any other components, the owner shall return the property and complete agronomic soil conditions to pristine pre-construction condition.
    e. Upon completion, the required restoration shall be approved in writing by the property owner and is also subject to Area Plan Commission approval.

Article

6

Subdivision Types

Vermillion County

Unified Development Ordinance

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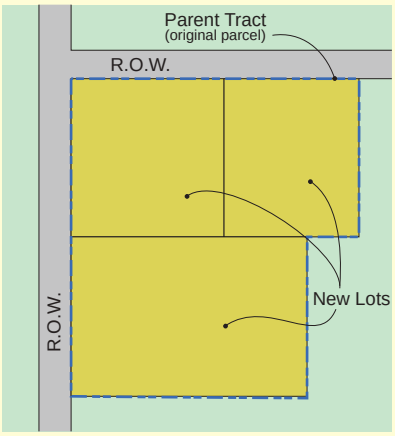
GroundRules
website www.groundrulesinc.com

Simple Subdivision (SS)



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6.01 Simple Subdivision Intent

Applicability
- very small divisions of land

Pedestrian Network
- sidewalks installed along perimeter streets when required by the Unified Development Ordinance

Vehicular Network
- assure separation of driveways

Site Feature Preservation
- strive to save existing quality tree stands
- avoid land-locking parcels behind frontage lots

6.02 Simple Subdivision Prerequisites

Prerequisite Base Zoning
- CO, A1, A2, PR, RR, R1, R2, UR, M1, M2, IS, UC, GC, HC, I1, I2, and HI

Maximum Lot Splits
- lot splits that result in 5 or less lots, including remnants of the parent tract

Disqualification
- any subdivision with internal streets or common area shall not qualify as a Simple Subdivision.

6.03 Simple Subdivision Standards

Required Open Space
- not required

Minimum Block Length
- not applicable

Maximum Block Length
- not applicable

Minimum Cul-de-sac Length
- not applicable

Maximum Cul-de-sac Length
- not applicable

Sidewalks
- sidewalks are required along perimeter streets in incorporated areas

Minimum Right-of-Way
- not applicable

Design Speed
- not applicable

Minimum Lane Width
- not applicable

On-street Parking
- not applicable

Minimum Tree Plot Width
- not applicable

Minimum Sidewalk Width
- not applicable

Additional Design Standards that Apply

Access
- AC-01 7-3

Easement
- EA-01 7-7

Erosion Control
- EC-01 7-12

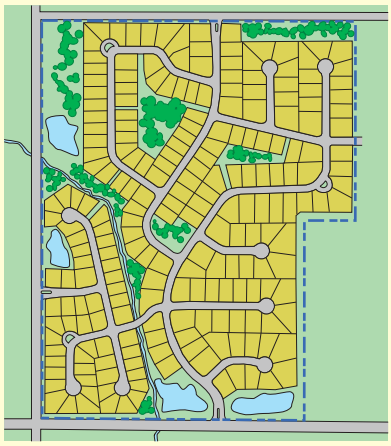
Floodplain
- FL-01 7-13

Lot Establishment
- LE-01 7-14

Monument and Marker
- MM-01 7-16

Prerequisite
- PQ-01 7-19

Standard Subdivision (ST)



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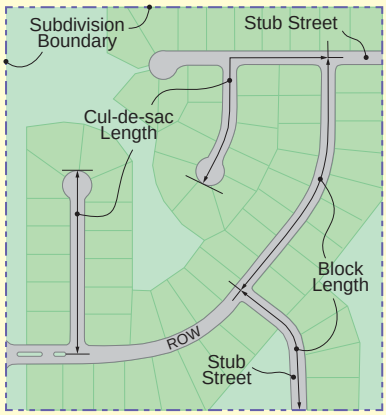

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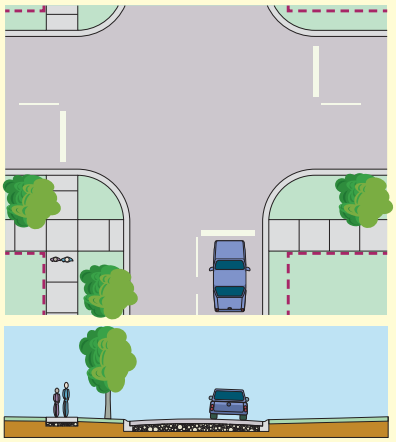

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6.04 Standard Subdivision Intent

Applicability
- residential subdivisions containing any number of lots with or without new streets and infrastructure

Pedestrian Network
- sidewalks on at least one side of internal streets
- sidewalks along perimeter streets

Vehicular Network
- large radius corners and curves

Site Feature Preservation
- strive to save existing quality tree stands

6.05 Standard Subdivision Prerequisites

Prerequisite Base Zoning
- RR, R1, R2, M1, or M2

Maximum Lot Splits
- no maximum

Disqualification
- no disqualifications

6.06 Standard Subdivision Standards

Required Open Space
- 10% in subdivisions with the average lot size being less than 1 acre
- 0% in subdivisions with the average lot size being greater than 1 acre

Minimum Block Length
- 150 feet

Maximum Block Length
- 1,200 feet

Minimum Cul-de-sac Length
- 150 feet

Maximum Cul-de-sac Length
- 600 feet

Sidewalks
- sidewalks are required on one side of internal local and collector streets when 20 lot or greater subdivisions
- sidewalks are required along perimeter streets in incorporated areas

Minimum Right-of-Way
- 36 feet for all internal local streets
- 40 feet for all perimeter streets, not including perimeter state roads

Design Speed
- 20 to 30 mph

Minimum Street Width
- 20 feet for 2 travel lanes, when on-street parking is not permitted
- an additional 6 feet of internal street width shall be installed per side that parking is allowed

On-street Parking
- not required

Minimum Tree Plot Width
- 5 feet

Minimum Sidewalk Width
- 5 feet along internal streets
- 5 feet along perimeter streets

Additional Design Standards that Apply

Access
- AC-01 7-3

Dedication of Public Improvements
- DD-01 7-5

Development Name
- DN-01 7-6

Easement
- EA-01 7-7

Entryway Feature
- EF-01 7-11

Erosion Control
- EC-01 7-12

Floodplain
- FL-01 7-13

Lot Establishment
- LE-01 7-14

Monument and Marker
- MM-01 7-16

Open Space
- OP-01 7-17

Owner Association
- OA-01 7-18

Prerequisite
- PQ-01 7-19

Storm Water
- SM-01 7-20

Street and Right-of-Way
- SR-01 7-21

Street Lighting
- SL-01 7-23

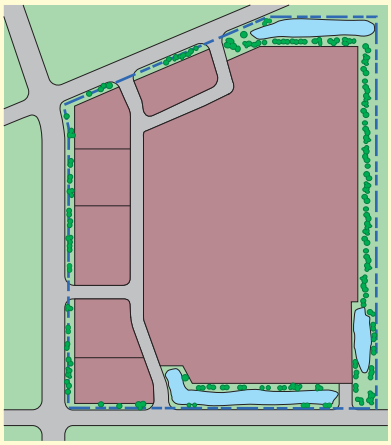
Street Name
- SN-01 7-24

Street Sign
- SS-01 7-25

Surety
- SY-01 7-26

Utility
- UT-01 7-27

Commercial Subdivision (CM)



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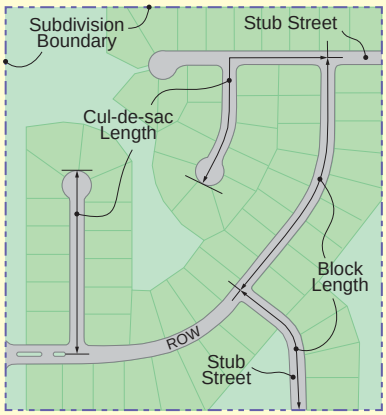

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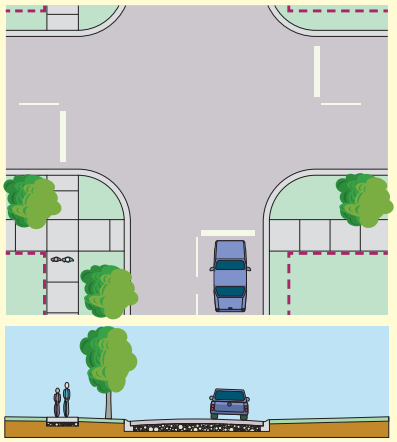

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6.07 Commercial Subdivision Intent

Applicability
- commercial subdivisions containing any number of lots with or without new streets

Pedestrian Network
- safe movement to primary buildings from public streets in incorporated areas
- safe movement between primary structures
- sidewalks along perimeter streets in incorporated areas

Vehicular Network
- internal connectivity to adjacent lots
- good accessibility for deliveries
- use of frontage streets when practical
- minimal driveway cuts off collector streets
- no driveway access off arterial streets
- limited access off arterial streets and highways

Site Feature Preservation
- strive to save quality existing tree stands

6.08 Commercial Subdivision Prerequisites

Prerequisite Base Zoning
- PR, IS, UC, GC, or HC

Maximum Lot Splits
- no maximum

Disqualification
- no disqualifications

6.09 Standard Subdivision Standards

Required Open Space
- not required

Minimum Block Length
- 140 feet

Maximum Block Length
- 1,000 feet

Minimum Cul-de-sac Length
- 140 feet

Maximum Cul-de-sac Length
- 600 feet

Sidewalks
- sidewalks are required on at least one side of all internal streets
- sidewalks are required along perimeter streets in incorporated areas

Minimum Right-of-Way
- 38 feet for internal local streets
- 50 feet for all perimeter streets, not including perimeter state roads

Design Speed
- 20 to 30 mph

Minimum Street Width
- 22 feet for 2 travel lanes

On-street Parking
- not permitted on internal streets

Minimum Tree Plot Width
- 5 feet

Minimum Sidewalk/Sidepath Width
- 5 feet along internal streets
- 5 feet along perimeter streets

Additional Design Standards that Apply

Access
- AC-02 7-4

Dedication of Public Improvements
- DD-01 7-5

Development Name
- DN-01 7-6

Easement
- EA-01 7-7

Entryway Feature
- EF-01 7-11

Erosion Control
- EC-01 7-12

Floodplain
- FL-01 7-13

Lot Establishment
- LE-02 7-15

Monument and Marker
- MM-01 7-16

Owner Association
- OA-01 7-18

Prerequisite
- PQ-01 7-19

Storm Water
- SM-01 7-20

Street and Right-of-Way
- SR-01 7-21

Street Lighting
- SL-02 7-23

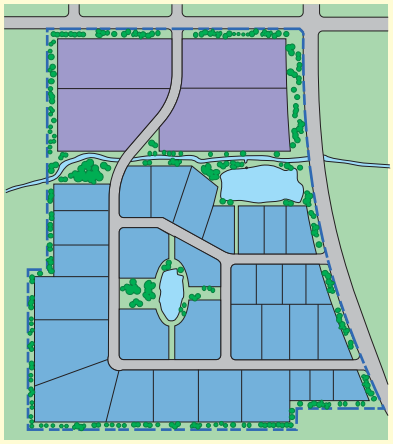
Street Name
- SN-01 7-24

Street Sign
- SS-01 7-25

Surety
- SY-01 7-26

Utility
- UT-01 7-27

Industrial Park Subdivision (IP)



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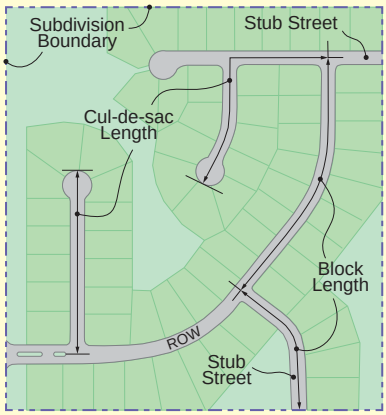

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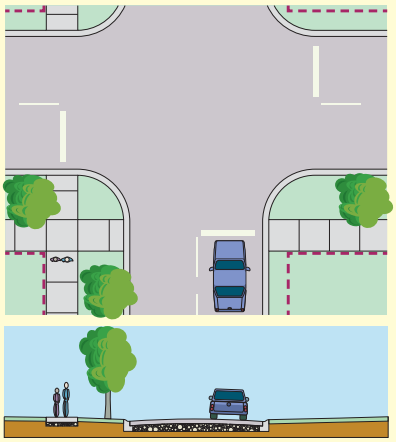

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6.10 Industrial Subdivision Intent

Applicability
- industrial subdivisions containing any number of lots with or without new internal streets

Pedestrian Network
- sidewalks along perimeter streets

Vehicular Network
- connectivity to adjacent parcels
- use of frontage streets when practical
- safe and efficient integration of vehicular and truck traffic
- minimal driveway cuts
- limited access off arterial streets and highways

Site Feature Preservation
- strive to save quality existing tree stands

6.11 Industrial Subdivision Prerequisites

Prerequisite Base Zoning
- I1 or I2

Maximum Lot Splits
- no maximum

Disqualification
- no disqualifications

6.12 Standard Subdivision Standards

Required Open Space
- not required

Minimum Block Length
- no minimum

Maximum Block Length
- no maximum

Cul-de-sac Length
- cul-de-sacs are not permitted

Sidewalks
- sidewalks encouraged on at least one side of internal streets
- sidewalks are required along perimeter streets in incorporated areas

Minimum Right-of-Way
- 40 feet for internal local streets
- 50 feet for all perimeter streets, not including perimeter state roads

Design Speed
- 20 to 30 mph

Minimum Street Width
- 24 feet for 2 travel lanes

On-street Parking
- not permitted on internal streets

Minimum Tree Plot Width
- 5 feet

Minimum Sidewalk/Sidepath Width
- 5 feet along internal streets
- 5 feet along perimeter streets

Additional Design Standards that Apply

Access
- AC-02 7-4

Dedication of Public Improvements
- DD-01 7-5

Development Name
- DN-01 7-6

Easement
- EA-01 7-7

Entryway Feature
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Owner Association
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Prerequisite
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Storm Water
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Utility
- UT-01 7-27

Article

7

Design Standards

Vermillion County

Unified Development Ordinance

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GroundRules
website www.groundrulesinc.com

Design Standards

7.01 Purpose of Design Standards

A. Intent: It is the purpose of *Article 7: Design Standards* to establish and define the design standards that shall be required by the Vermillion County Area Plan Commission for any subdivision of land and Planned Unit Development.

7.02 Using This Section

The following pages contain the design standards for developments which will result in new buildable lots, public infrastructure (e.g. water or sewer), public or private streets, multiple primary structures, common area, and/or easements. These developments typically are processed as subdivisions, or planned unit developments.

There are two ways to determine which design standards apply to a specific type of petition. They are:

A. Using Two-Page Layouts: Refer to the two-page layouts in *Article 6: Subdivision Types* for a specific subdivision type. Applicable design standards for that specific subdivision type are identified by four-digit codes in the "Additional Design Standards that Apply." Only the four-digit codes noted in the "Additional Design Standards that Apply" section apply to that subdivision type.

B. Using Icons: Refer to the project icons used at the top of each design standards section in *Article 7: Design Standards*. Each design standard section begins with a four-digit code and introductory sentence followed by square icons that stand for subdivision or project type. These project icons note that the design standards written in that section applies to that type of petition.

7.03 Icon Key

Simple Subdivision

Standard Subdivision

Commercial Subdivision

Industrial Park Subdivision

Planned Unit Development (From *Article 4: Planned Unit Development District*)

Section Name	Page Number
Access Street Standards (AC)	7-3
Dedication of Public Improvement Standards (DD)	7-5
Development Name Standards (DN)	7-6
Easement Standards (EA)	7-7
Entryway Feature Standards (EF)	7-11
Erosion Control Standards (EC)	7-12
Floodplain Standards (FL)	7-13
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Monument and Marker Standards (MM)	7-16
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Street and Right-of-way Standards (SR)	7-21
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Street Sign Standards (SS)	7-25
Surety Standards (SY)	7-26
Utility Standards (UT)	7-27

Access Street Standards (AC)

7.04 AC-01: Access Standards; Residential Developments

This Access Street Standards (AC) section applies to the following types of development:

A. Driveway Access onto a Perimeter Street:
   1. *Driveway Access onto a Collector, Arterial Street or Highway*: Any lot adjacent to a perimeter street classified as a collector, an arterial street, or highway shall not have driveway access onto the perimeter street. These lots shall gain access from an internal street.
   2. *Driveway Access onto a Local Street*: Subdivisions with twenty (20) or less lots may have driveway access onto the perimeter street. Subdivisions with twenty-one (21) or more lots shall have no more than ten (10) of the created lots gaining access to the perimeter street. All other lots shall gain access from an internal street.

B. Maximum Driveway Access onto a Perimeter Street: When driveway access is allowed, only one (1) driveway access is permitted onto the perimeter street per lot (e.g. no U-shaped driveways).

C. Internal Street Connection to a Perimeter Street:
   1. *Maximum Number*:
      a. Developments with twenty (20) lots or less shall be limited to one (1) street connection to a perimeter street.
      b. Developments with twenty-one (21) to ninety-nine (99) lots shall be limited to two (2) street connections to a perimeter street.
      c. Developments with 100 lots or greater shall be required to have at least two (2) street connections to a perimeter street, but shall not exceed four (4) total connections.
   2. *Safe Location*: All street connections to a perimeter street shall be at a safe location where the following requirements are met.
      a. The vertical alignment (i.e. hills) or horizontal alignment (i.e. curves) of the perimeter street shall not prevent clear view of the internal street's connection for:
         i. 400 feet if the perimeter street has a 55 MPH or greater speed limit.
         ii. 250 feet if the perimeter street has a 35 to 50 MPH speed limit.
         iii. 100 feet if the perimeter street has a 30 MPH or less speed limit.
      b. The distance between two (2) streets when intersecting the same perimeter street shall not be:
         i. Less than 500 feet if the perimeter street has a 55 MPH or greater speed limit.
         ii. Less than 350 feet if the perimeter street has a 35 to 50 MPH speed limit.
         iii. Less than 200 feet if the perimeter street has a 30 MPH or less speed limit.

7.05 AC-02: Access Standards; Nonresidential Developments

This Access Street Standards (AC) section applies to the following types of development:

A. Driveway Access onto a Perimeter Street:

1. *Driveway Access onto an Arterial Street or Highway*: Any lot adjacent to a perimeter street classified as an arterial street or highway shall not have driveway access onto the perimeter street. However, if the lot width and lot frontage is at least 500 feet and a driveway is able to be located at least 450 feet from any intersection and 100 feet from any other driveway, one (1) driveway shall be permitted. If these standards cannot be met, the lot shall gain access from an internal street or frontage street.
2. *Driveway Access onto a Collector Street*: Any lot adjacent to a perimeter street classified as a collector street may have driveway access onto the perimeter street if the lot width and lot frontage are wide enough to maintain at least 100 feet of separation from any intersecting street and fifty (50) feet of separation from any other driveway. If these standards cannot be met, the lot shall gain access from an internal street or frontage street.
3. *Driveway Access onto a Local Street*: Any lot adjacent to a perimeter street classified as a local street may have driveway access onto the perimeter street if the lot width and lot frontage are wide enough to maintain at least sixty (60) feet of separation from any intersecting street and thirty (30) feet of separation from any other driveway. If these standards cannot be met, the lot shall gain access from an internal street or frontage street.

B. Maximum Driveway Access onto a Perimeter Street: When driveway access is allowed, only one (1) driveway access is permitted onto a perimeter street per frontage.

C. Internal Street Connection to a Perimeter Street:

1. *Maximum Number*:
   a. Developments with twenty (20) lots or less shall be limited to two (2) internal street connections to a perimeter street.
   b. Developments with more than twenty (20) lots shall be required to have at least two (2) internal street connections to a perimeter street, but shall not exceed three (3) total connections.
2. *Safe Location*: All internal street connections to a perimeter street shall be at a safe location where the following requirements are met.
   a. The vertical alignment (i.e. hills) or horizontal alignment (i.e. curves) of the perimeter street shall not prevent clear view of the internal street's connection for:
      i. 400 feet if the perimeter street has a 55 MPH or greater speed limit.
      ii. 250 feet if the perimeter street has a 35 to 50 MPH speed limit.
      iii. 100 feet if the perimeter street has a 30 MPH or less speed limit.
   b. The distance between two (2) internal street's connection with the perimeter street, when intersecting the same perimeter street shall not be:
      i. Less than 500 feet if the perimeter street has a 55 MPH or greater speed limit.
      ii. Less than 350 feet if the perimeter street has a 35 to 50 MPH speed limit.
      iii. Less than 200 feet if the perimeter street has a 30 MPH or less speed limit.

Dedication of Public Improvement Standards (DD)

7.06 DD-01: Dedication of Public Improvement Standards

This Dedication of Public Improvement Standards (DD) section applies to the following types of development:

A. Cross Reference: See *Section 7.24 SY-01: Surety Standards (pg 7-26)* for standards relating to Public Improvements.

B. Dedication of Right-of-way: All right-of-way on an approved final plat shall be considered dedicated upon its approval. Improvements within the right-of-way shall be subject to the Surety Standards in *Section 7.24 SY-01: Surety Standards (pg 7-26)*, to make sure the committed public improvements (e.g. streets) are done so correctly and in a timely manner.

C. Dedication of Streets: The intent of legislative body is to take ownership of all improvements within the right-of-way, and to maintain them in perpetuity, but shall only do so if the following criteria is met:

1. *Construction Standards*: All improvements have been constructed as per any applicable construction and engineering standards.

D. Dedication of Other Facilities: Other infrastructure, drainage facilities, and open space may, at the election of the applicable legislative body, be dedicated to the applicable government entity. These facilities may include parks, open space, retention ponds, drainage facilities, utilities, street lighting, or other facilities that the applicable government entity may have interest in. If dedicated and accepted, the operation and maintenance costs shall be transferred to the applicable legislative body. A maintenance surety for such improvement may be required by the applicable government entity at the time of dedication, and may be for up to three (3) years.

Development Name Standards (DN)

7.07 DN-01: Development Name Standards

This Development Name Standards (DN) section applies to the following types of development:

A. Proposed Development Name: The petitioner shall propose a unique name for the development to the Area Plan Commission.

B. Approval Authority: While development names proposed by petitioners shall be considered, the approval of development names is hereby delegated to the Area Plan Commission. Existing development names and development names that have been approved by the Area Plan Commission shall not be changed without the approval of the Area Plan Commission.

C. Authority to Rename a Proposed Development: The Area Plan Commission shall have authority to require a new unique name for the development if the name proposed by the petitioner is found to be too similar to that of another development. If an acceptable and unique development name is not proposed by the petitioner, the Area Plan Commission shall rename the development prior to final approval.

D. Development Name Criteria: Within the jurisdiction of the Area Plan Commission, the following standards shall apply:

1. *Root Name*: The proposed root name of the development shall not duplicate, or closely approximate phonetically, the name of any other development.
2. *Suffix Name*: Deviations in suffix names (e.g. Place, Woods, Glen, or Creek) shall not constitute a unique name and shall be prohibited except as described below (for example, if Sutton Woods exists as a development name, the name Sutton Creek shall not be permitted).
3. *Large Developments*: Unique subareas within a large development or separate developments within close geographic proximity shall be authorized to use the same root name if deemed not to be confusing or unsafe by the Area Plan Commission and applicable emergency service agencies that would be serving the development.

Easement Standards (EA)

7.08 EA-01: Easement Standards

This Easement Standards (EA) section applies to the following types of development:

A. Easements:

1. *Drainage and Utility Easements*: All proposed developments submitted for Area Plan Commission approval under the provisions of *Article 7: Design Standards* shall allocate areas of suitable size and location, wherever necessary, for drainage and/or utility easements. All easements and corresponding utility location plans shall be complete and approved prior to the final approval of any plat.
2. *Surface and Subsurface Drainage*: All development-serving drainage infrastructure, including surface (e.g. drainage swales and creeks) and subsurface drainage (e.g. tile), shall be located in a drainage easement. The easement shall follow the centerline of the drainage facility. The width for a drainage facility that is or will be a regulated drain shall be determined by the Vermillion County Drainage Board. All other drainage facilities shall have an minimum easement width of twenty (20) feet (10 feet per side from the centerline) or minimum of two (2) feet beyond the top of bank, whichever results in a larger easement. The easement shall allow access by an owner association, County Surveyor, County Drainage Board and/or municipal departments for the purpose of widening, deepening, sloping, improving, maintaining, replacing tile, or protecting said drainage swale or subsurface tile.

B. Other Easements:

1. *Easement Instrument Specifications*: Where an easement is required by the Unified Development Ordinance but the standards for the easement type are not specified, or an easement is required per a commitment or condition of approval, the property owner of record ("grantor") shall execute the easement instrument in favor of the appropriate grantee. Said instrument shall:
   a. Specify the project approval with which the easement is associated, when applicable.
   b. Specify those activities the grantee is authorized and prohibited to perform in the easement.
   c. Specify those activities the grantor is authorized and prohibited from performing in the easement.
   d. Be binding on all heirs, successors, and assigns to the property on which the easement is located.
   e. Be enforceable by the grantee, grantor, and the jurisdictional municipality.
   f. Specify any other specially affected persons and classes of specially affected persons that are entitled to enforce the easement.
   g. Provide for terms for modification in the manner consistent with the Unified Development Ordinance.
   h. Be cross-referenced to the most recently recorded deed to the property on which the easement is to be established.
   i. Include a plat with a description of the easement and measurements. If a plat is not available, a metes and bounds survey should be submitted.
   j. Be signed by an authorized representative of the property owner of record granting the easement and by an authorized representative of the grantee accepting the easement.
2. *Easement Certificate*:
   a. When a development (e.g. Secondary Plat) is being recorded, the petitioner may forego a separate easement instrument in favor of printing an easement certificate, the content of which has been approved by the Zoning Administrator, on the plan.
   b. Declaration of Covenants: If a Declaration of Covenants is included as part of a development (e.g. Secondary Plat), the easement certificate shall not be incorporated into the Declaration of Covenants, and shall be clearly separate from the Declaration of Covenants.

C. Cross-access Easements:

1. *Easement Instrument Specifications*: When required by this Unified Development Ordinance, each property owner of record ("grantor") shall execute a cross-access easement instrument in favor of the adjoining property owner ("grantee"). Said instrument shall:
   a. Specify the project approval with which the easement is associated, when applicable.
   b. Grant the public the right to utilize the easement for purposes of accessing adjoining parking lots.
   c. Prohibit any person from parking vehicles within the easement.
   d. Prohibit the property owners or any other person from placing any obstruction within the easement.
   e. Be binding on all heirs, successors, and assigns to the properties on which the easement is located.
   f. Be enforceable by each party to the easement and by the appropriate government entity.
   g. Specify any other specially affected persons and classes of specially affected persons that are entitled to enforce the easement.
   h. Provide for modification or termination in the manner stipulated in the Unified Development Ordinance.
   i. Be cross-referenced to the most recently recorded deeds to the properties on which the easement is to be established.
   j. Include a metes and bounds description of the easement.
   k. Be signed by a duly authorized representative of each property owner of record granting the easement and by duly authorized representatives of each property owner accepting the easement.
2. *Cross-access Easement Certificate*:
   a. When a plan (e.g. Secondary Plat) is being recorded, the petitioner may forego a separate easement instrument in favor of printing the following cross-access easement certificate on the plan: "*There are shown on this instrument areas that are designated as 'Cross-access Easement' or abbreviated as 'C-A.E.' Such easements are hereby established in favor of the adjoining property owner ('grantee'), and grant the public the right to enter the easement for purposes of accessing adjoining parking lots. These easements prohibit any person from parking vehicles within the easement, and prohibit the property owners or any other person from placing any obstruction within the easement. These easements are binding on all heirs, successors, and assigns to the property on which they are located. The grantee or the County may enforce the provisions of the easement. [_____] is also entitled to enforce the provisions of the easement. The easement shall only be modified or vacated in the manner stipulated in the Unified Development Ordinance, or its successor ordinance.*"
   b. The dedication and acceptance of easements shown on a recordable instrument shall be accomplished via a Certificate of Dedication signed by the property owner of record, and a Certificate of Acceptance signed by the grantee or its agent.
   c. Declaration of Covenants: If the Declaration of Covenants is included on the plan (e.g. Secondary Plat), the cross-access easement certificate shall not be incorporated into the Declaration of Covenants, and shall be clearly separate from the Declaration of Covenants.

D. Private Street Easements:

1. *Easement Instrument Specifications*: When required by this Unified Development Ordinance, the property owner of record ("grantor") shall execute a private street easement instrument in favor of the Owner of the lot ("grantee") to which the private street provides access. Said instrument shall:
   a. Specify the project approval with which the easement is associated, when applicable.
   b. Grant the grantee the right to access the easement for purposes of accessing their lot.
   c. Specify the grantee's financial responsibilities with respect to the alteration, repair, maintenance, and removal of the improvements.
   d. Prohibit the grantee or any other person from placing any obstruction within the easement;
   e. Require that the private street be built to the standards of the County.
   f. Be binding on all heirs, successors, and assigns to the property on which the easement is located;
   g. Be enforceable by the grantee and the County.
   h. Specify any other specially affected persons and classes of specially affected persons that are entitled to enforce the easement.
   i. Provide for modification or termination in the manner stipulated in the Unified Development Ordinance.
   j. Be cross-referenced to the most recently recorded deeds to the properties on which the easement is to be established.
   k. Include a metes and bounds description of the easement.
   l. Be signed by a duly authorized representative of each property owner of record granting the easement and by duly authorized representatives of each property owner accepting the easement.
2. *Private Street Easement Certificate*:
   a. When a plan (e.g. Secondary Plat) is being recorded, the petitioner may forego a separate easement instrument in favor of printing the following private street easement certificate on the plan: "*There are shown on this instrument areas that are designated as 'Private Street Easement' or abbreviated as 'P.S.E.' Such easements are hereby established in favor of the adjoining property owners ('grantee'), and grant the grantee the right to enter the easement for purposes of accessing their lot. These easements prohibit the property owners or any other person from placing any obstruction within the easement. These easements are binding on all heirs, successors, and assigns to the property on which they are located. The grantee or the County may enforce the provisions of the easement. [_____] is also entitled to enforce the provisions of the easement. The easement shall only be modified or vacated in the manner stipulated in the Unified Development Ordinance, or its successor ordinance.*"
   b. The dedication and acceptance of easements shown on a recordable instrument shall be accomplished via a Certificate of Dedication signed by the property owner of record, and a Certificate of Acceptance signed by the grantee or its agent.
   c. Declaration of Covenants: If the Declaration of Covenants is included on the plan (e.g. Secondary Plat), the private street easement certificate shall not be incorporated into the Declaration of Covenants, and shall be clearly separate from the Declaration of Covenants.

E. Temporary Turnaround Easements:

1. *Easement Instrument Specifications*: When a temporary turnaround is required by this Unified Development Ordinance, the property owner of record ("grantor") shall execute a temporary turnaround easement instrument in favor of the general public through the applicable Legislative Body ("grantee"). Said instrument shall:
   a. Specify the project approval with which the easement is associated, when applicable;
   b. Grant the general public the right to access the easement for purposes of maneuvering vehicles;
   c. Grant the County the right to alter, repair, maintain, or remove the improvements;
   d. Prohibit any person from parking vehicles within the easement;
   e. Prohibit the property owner or any other person from placing any obstruction within the easement;
   f. Be binding on all heirs, successors, and assigns to the property on which the temporary turnaround easement is located;
   g. Be enforceable by the applicable Legislative Body, the Area Plan Commission, or the Zoning Administrator; or their legal representatives;
   h. Specify any other specially affected persons and classes of specially affected persons that are entitled to enforce the temporary turnaround easement;
   i. Provide for modification or termination in the manner stipulated in the Unified Development Ordinance;
   j. Provide for automatic termination upon the acceptance of the reciprocal stub street;
   k. Be cross-referenced to the most recently recorded deed to the property on which the temporary turnaround easement is to be established.
   l. Include a metes and bounds description of the temporary turnaround easement.
   m. Be signed by a duly authorized representative of the property owner of record granting the temporary turnaround easement and by duly authorized representatives of the applicable Legislative Body accepting the easement.
2. *Temporary Turnaround Easement Certificate*:
   a. When a plan (e.g. Secondary Plat) is being recorded, the petitioner may forego a separate easement instrument in favor of printing the following temporary turnaround easement certificate on the plan: *"There are shown on this instrument areas that are designated as 'Temporary Turnaround Easement' or abbreviated as 'T.T.E.' Such easements are hereby established in favor of the general public ('grantee'), and grant the grantee the right to enter the easement for purposes of maneuvering vehicles. The easement also grants the County the right to alter, repair, maintain, or remove the improvements. The easement prohibits any person from parking vehicles within the easement and prohibits the property owner or any other person from placing any obstruction within the easement. These easements are binding on all heirs, successors, and assigns to the property on which they are located. The grantee or the County may enforce the provisions of the easement. [_____] is also entitled to enforce the provisions of the easement. The easement shall only be modified or vacated in the manner stipulated in the Unified Development Ordinance, or its successor ordinance."*
   b. The dedication and acceptance of easements shown on a recordable instrument shall be accomplished via a Certificate of Dedication signed by the property owner of record, and a Certificate of Acceptance signed by the grantee or its agent.
   c. Declaration of Covenants: If the Declaration of Covenants is included on the plan (e.g. Secondary Plat), the subdivision sign easement certificate shall not be incorporated into the Declaration of Covenants, and shall be clearly separate from the Declaration of Covenants.

Entryway Feature Standards (EF)

7.09 EF-01: Entryway Feature Standards

This Entryway Feature Standards (EF) section applies to the following types of development:

A. General: Where entryway features are established, they shall be attractive and constructed of durable materials. Entryway features shall be designed, installed, and maintained to be safe and to preserve their aesthetic. Entryway features shall not be located within the right-of-way.

B. Cross Reference:

1. *Intense Multiple-family Residential*: For intense multiple-family residential entryway features, the signs are subject to "entry feature sign" allotment in the applicable Sign Standards in *Article 5: Development Standards*.
2. *Commercial and Industrial Subdivisions*: For commercial and industrial entryway features, the signs are subject to "gateway sign" allotment in the applicable Sign Standards in *Article 5: Development Standards*.

C. Site Plan: A Site Plan shall be submitted for consideration and approval for entryway features in all subdivisions, multiple-family developments, and planned unit developments. This includes all signs that will be utilized on the site, including but not limited to project identification, project directory, individual occupancy (identification or advertisement).

D. Project Identification for Single-family Residential Developments: The number and size of signs shall depend on the number of entrances and size of the street from which the entrance is located.

1. *Main Entryway Feature*:
   a. One (1) large entryway feature is permitted per development.
   b. However, if the development has more than 200 dwelling units or the parent tract is greater than 100 acres, and the development has primary entrances off of two (2) different arterial or collector streets, it shall be permitted to have two (2) large entryway features.
   c. The identification portion (i.e. the name of the development) of the entryway feature incorporated into a large entryway feature shall not exceed forty (40) square feet.
2. *Secondary Entryway Feature*:
   a. One (1) small entryway feature is permitted for every secondary entrance.
   b. This entryway feature shall be significantly smaller in scale than the large entryway feature.
   c. The identification portion (i.e. the name of the development) of the entryway feature incorporated into a small entryway feature shall not exceed twenty (20) square feet.

E. Landscaping: Landscaping shall enhance the entryway feature.

7.10 EC-01: Erosion Control Standards

This Erosion Control Standards (EC) section applies to the following types of development:

A. General: No changes shall be made in the contour of the land, nor shall grading, or excavating begin until an Erosion and Sedimentation Control Plan has been reviewed and approved by the Zoning Administrator. Any development over one (1) acre of land shall be required to submit an Erosion and Sediment Control Plan, obtain a Rule 5 Permit from the local Soil and Water Conservation Office, and shall be reviewed by the Indiana Department of Environmental Management. A copy of the an approved Erosion and Sedimentation Control Plan shall be held in the office of the Zoning Administrator.

B. Off-site Sedimentation: Whenever off-site sedimentation is caused by on-site earthwork or other development activities, it shall be the responsibility of the petitioner to remove it from all adjoining surfaces, drainage systems, and watercourses, and to repair any damage at the petitioner's expense.

C. Off-site Fill: The petitioner shall ensure to the Zoning Administrator's satisfaction that fill material hauled from an off-site location is free of environmental contaminants, hazardous material, or non-organic debris. The source of fill material may be required by the Zoning Administrator. The Zoning Administrator may require the petitioner to provide testing performed on representative samples of the fill material to determine if environmental contaminants or hazardous materials are present in the fill.

D. Other Fill:

1. *Organic Material*: Detrimental amounts of mulch, tree roots, branches, and similar material shall not be permitted in fills.
2. *Irreducible Material*: No rock or similar irreducible material with a dimension greater than twelve (12) inches shall be buried or placed in fills unless included and approved as part of a Zoning Compliance Permit.
3. *Construction Waste*: No construction waste, including waste concrete, shall be buried or placed in fills unless included and approved as part of a Zoning Compliance Permit.
4. *Compaction*: All fills shall be compacted in layers to prevent erosion. Areas filled shall not be used for building sites unless a licensed engineer certifies that the fill was properly compacted and can support the building's foundation.

E. Health, Safety and Welfare: If the Zoning Administrator determines that any existing excavation or embankment or fill has become a hazard to life or limb, or endangers property, or adversely affects the safety, use or stability of a public way or drainage channel, the petitioner or owner of said property, upon receipt of notice in writing from the Zoning Administrator, shall within the period specified therein repair or eliminate such excavation or embankment to eliminate the hazard.

F. Disturbance of Protected Areas: If any "no disturb" areas identified on an approved plat or plan are driven over, altered, disturbed, or damaged in any way, the petitioner or property owner shall be in violation and subject to *Article 10: Enforcement*.

7.11 FL-01: Floodplain Standards; Provisions for Flood Hazard Reduction

This Floodplain Standards (FL) section applies to the following types of development:

A. Cross Reference: See the applicable jurisdiction's Flood Hazard Area Ordinance,

B. Vermillion County: See Ordinance Number 2013-007 et seq.

Lot Establishment Standards (LE)

7.12 LE-01: Lot Establishment Standards; Residential

This Lot Establishment Standards (LE) section applies to the following types of development:

A. General: The shape, location, and orientation of all lots within a development shall be appropriate for the uses proposed and be in accordance with the zoning districts, except as allowed by *Article 6: Subdivision Types*.

B. Standards: Every lot shall meet the following standards.

1. *Street Frontage*: Residential lots shall be laid out to only have frontage on interior streets, including frontage streets. All residential lots shall have frontage on a public street built to the County street standards or an existing street which was built according to the standards in place at that time.
2. *Side Lot Lines*: Residential lots shall have side lot lines that are as close to right angles as possible, but shall be within fifteen degrees (15°) of a right angle to the street and right-of-way.
3. *Corner Lots*: Residential corner lots shall be twenty-five percent (25%) larger than the minimum lot area required by the applicable zoning district.
4. *Through Lots*: Residential lots shall not be designed to be through lots, unless the lot does not establish access to the second frontage.
5. *Special Lots*: Residential lots abutting a watercourse, drainage way, channel, or stream shall be twenty-five percent (25%) larger than the minimum lot area indicated for the zoning district. This space shall be allocated on the side of the property that abuts the water feature as a "no-disturb" zone.
6. *Property Line Corners*: At intersections of streets, property line corners shall be rounded by arcs of at least fifteen (15) feet in radius.
7. *Lot Number Signs*: Upon Secondary Plat approval, the applicant shall install lot number signs, clearly visible from the street, on each lot.

7.13 LE-02: Lot Establishment Standards; Commercial and Industrial

This Lot Establishment Standards (LE) section applies to the following types of development:

A. General: The shape, location, and orientation of all lots within a development shall be appropriate for the uses proposed and be in accordance with the zoning districts, except as allowed by *Article 6: Subdivision Types*.

B. Standards: Every lot shall meet the following standards.

1. *Interior Street Frontage*: Commercial lots shall be laid out to only have frontage on interior streets or access streets. Individual lots shall only be laid out to have direct access on public streets if expressly permitted to do so by the Zoning Administrator, or if a state highway, then the Indiana Department of Transportation (INDOT).
2. *Side Lot Lines*: Commercial lots shall have side lot lines that are as close to right angles as possible, but shall be within fifteen degrees (15°) of a right angle to the street and right-of-way. Said side lot lines shall extend in a straight line from the street right-of- way for at least twenty percent (20%) of the property's depth.
3. *Corner Lots*: Commercial corner lots shall be ten percent (10%) larger than the minimum lot area required by the applicable zoning district.
4. *Special Lots*: Commercial lots abutting a watercourse, drainage way, channel, or stream shall be twenty-five percent (25%) larger than the minimum lot area indicated for the zoning district. This space shall be allocated on the side of the property that abuts the water feature as a "no-disturb" zone.
5. *Cohesive Design*: Commercial and industrial developments (e.g. shopping centers, commercial areas, and office parks) shall be designed holistically as a single project no matter how many lots are generated. All areas of the parent tract shall be shown as it is intended to be laid out and used.
6. *Sensitivity to Context*: Commercial and industrial developments shall be laid out to be sensitive to neighboring developments (if built), or neighboring zoning districts if undeveloped.
7. *Property Line Corners*: At intersections of streets the property line corners shall be rounded by arcs of at least twenty-five (25) feet in radius.

7.14 MM-01: Monument and Marker Standards

This Monument and Marker Standards (MM) section applies to the following types of development:

A. Installation of Monuments and Markers: All monument and marker improvements shall be installed per 865 IAC 1-12-18.

B. Corner Pins: A licensed surveyor or engineer shall certify by affidavit that all corner pins are in place for each lot after final grading.

Open Space Standards (OP)

7.15 OP-01: Open Space Standards

This Open Space Standards (OP) section applies to the following types of development:

A. Applicability: The below standards only applies to subdivisions with all resulting lots less than one (1) acre in lot area.

B. Minimum Open Space: The minimum open space required for each development shall be as indicated on the two-page layouts for each type of subdivision in *Article 6: Subdivision Types*.

C. Qualifying Areas: The following features count toward the minimum open space requirements as described:

1. *Conservation Areas*: Any tree stands preserved or areas set aside as environmental conservation shall count one hundred percent (100%) toward minimum open space requirements.
2. *Man-made Water Features*: Any man-made water feature (including retention facilities) over 10,890 square feet (¼ acres) in area shall count one hundred percent (100%) toward the minimum open space requirements.
3. *Dry Detention Facilities*: Man-made storm water detention facilities (dry) shall count one hundred percent (100%) toward minimum open space requirements if they meet the following standards:
   a. Area: The facility shall have at least 10,890 square feet of flat bottom (¼ acre).
   b. Depth: The man-made depth of the detention facility shall not exceed six (6) feet from top of bank.
   c. Slope: Slopes within the detention facility shall not exceed a 4:1 ratio.
4. *Floodplain*: The floodplain area of any natural stream, regulated drain, or natural river shall count toward the minimum open space requirements.
5. *Common Area*: Any common areas set aside.

7.16 OA-01: Owner Association Standards

This Owner Association Standards (OA) section applies to the following types of development:

A. Applicability: The following regulations apply to any development with common area, private streets, shared parking, amenity centers, shared or private utilities, community retention pond, and the like.

B. Legal Mechanism for Long-term Maintenance:

1. *Perpetuity*: An owners association shall be created in perpetuity in order to make decisions about and to maintain all common property or facilities.
2. *Organization Options*: An owner association may be a legally incorporated entity or other legal mechanism which provides shared ownership or shared responsibility in common property or facilities. A board of directors or other means for representation in decision making shall be established.
3. *Recording of Legal Mechanism*: The legal mechanism binding all property owners or vested parties shall be recorded with the County Recorder as being assigned to each applicable property.
4. *Declaration of Covenants*: Covenants may be utilized to further restrict improvements and uses in the development. The Declaration of Covenants shall be recorded in the Office of the County Recorder following final approval of the development and prior to selling a lot, parcel or condominium unit. A cross reference to the recorded Declaration of Covenants instrument shall be recorded on the deed for every lot, parcel, condominium unit, or other applicable division of ownership within the development.
5. *Commitments or Conditions of Approval*: Any covenant language that resulted as a developer commitment or condition of approval by the County shall be included in the covenants or other legal document, and shall be clearly denoted as non-amendable by the owner association.
6. *Association Fee*: An association fee or other financial mechanism shall be included in the legal mechanism and be equal to the financial needs of the owner association to maintain common property or facilities, and to accumulate a reserve account for long-term large expenditures, emergencies, and contingencies.

C. Contractual Obligation: The developer shall not enter into any contractual relationship on behalf of the owner association prior to transitioning control to local lot or unit owners that exceeds a period of one (1) year. Once the owner association is under the lot or unit owners' control, the renewal of such a contract shall be at the discretion of the owner association.

D. Required Language: The following language is required in the legal mechanism when applicable:

1. *Street Lighting*: When street lighting is voluntarily installed or required to be installed, the County shall not now or in the future be obligated to accept the lights as public property, nor shall the County bear any financial responsibility for operation or maintenance.
2. *Snow Removal*: When private streets are installed, the County shall not now or in the future be obligated to provide snow removal service on streets within the development. If snow removal is desired, the owner association shall use its own resources to maintain streets free from snow.
3. *Private Streets*: When private streets are voluntarily installed or required to be installed, the County shall not now or in the future be obligated to accept the private streets as public property, nor shall the County bear any financial responsibility for maintenance or replacement.
4. *Private Sidewalks*: When sidewalks are voluntarily installed or required to be installed outside of a right-of-way, the County shall not now or in the future be obligated to accept the sidewalks as public property, nor shall the County bear any financial responsibility for maintenance or replacement.
5. *Landscaping*: When landscaping is voluntarily installed or required to be installed in common area, easements, or right-of-way, the owner association shall be responsible for maintaining the plant material in healthy condition, removing dead or diseased vegetation, and/or replacing landscaping, as necessary.
6. *Vegetation in Right-of-way*: Once right-of-way is platted, the County gains ownership of the area within the right-of-way and retains the right to reasonably trim or remove any tree or shrub impeding vehicular or pedestrian flow, or that is diseased, or that is necessary in order to perform public improvements within the right-of-way, regardless if the owner association is assigned financial, maintenance, or replacement responsibility.

E. Enforcement: Failure of the owner association to maintain an effective legal mechanism for maintaining common property or facilities shall be subject to *Article 10: Enforcement*.

Prerequisite Standards (PQ)

7.17 PQ-01: Prerequisite Standards

This Prerequisite Standards (PQ) section applies to the following types of development:

A. General: All developments shall meet the prerequisites as indicated on the two-page layouts for each type of subdivision in *Article 6: Subdivision Types*.

B. Types of Prerequisites: To qualify for a type of subdivision the following prerequisites apply:

1. *Prerequisite Base Zoning*: The prerequisite base zoning shall be as indicated on the two-page layout for each type of subdivision in *Article 6: Subdivision Types*.
2. *Disqualification*: Anything that disqualifies a development from using a subdivision type shall be as indicated on the two-page layout for each type of subdivision in *Article 6: Subdivision Types*.

C. Unlisted Types of Prerequisites: If any the above listed prerequisite standards do not appear for a particular type of subdivision in *Article 6: Subdivision Types*, then it does not apply to that particular subdivision type.

7.18 SW-01 Stormwater Standards

This Stormwater Standards (SW) section applies to the following types of development

A. General: All proposed subdivisions and planned developments submitted to the Area Plan Commission for approval shall provide a system for the collection and management of stormwater drainage.

B. Cross Reference: For unincorporated areas in Vermillion County see the *Vermillion County Stormwater Management Standards and Specifications for Development or Construction Within the County Ordinance*, adopted April 16, 2019, as amended or replaced, for specific regulations.

C. Drainage Facility Requirements: A drainage facility shall be provided to allow water runoff from all of the upstream drainage area and from all areas within the proposed development to a place adequate to receive such runoff.

1. *Standards*: Drainage facilities shall:
    a. Have at-grade inlets and sub-grade mains, not utilizing drainage swales for movement of water,
    b. Be designed and constructed in accordance with any applicable construction and engineering standards.
    c. Be durable, easily maintained, retard sedimentation, and retard erosion,
    d. Shall not endanger the public health and safety, or cause significant damage to property,
    e. Be sufficient to accept the water runoff from the site after development and the present water runoff from all areas upstream, and
    f. Be designed such that the low points of entry for residential, commercial and industrial structures are two (2) feet above and free from a 100-year flood. In addition, avenues of ingress-egress shall also be free from the 100-year flood.
2. *Inspection*: Be inspected during construction by a professional engineer or land surveyor registered in the State at the expense of the petitioner.

D. Restoration of Drainage: It is the responsibility of the petitioner to restore any stream, watercourse, swale, flood-plain, or floodway that is disturbed during the period of development, to return these areas to their original or equal condition upon completion.

E. Obstruction of Drainage: The petitioner shall not block, impede the flow of, alter, construct any structure, deposit any material or object, or commit any act which will affect normal or flood flow in any ditch, stream, or water-course without having obtained prior approval from the Vermillion County Drainage Board, Indiana Department of Natural Resources, Indiana Department of Environmental Management, and/or Army Corps of Engineers, whichever entity has jurisdiction.

Street and Right-of-way Standards (SR)

7.19 SR-01: Street and Right-of-way Standards

This Street and Right-of-way Standards (SR) section applies to the following types of development:

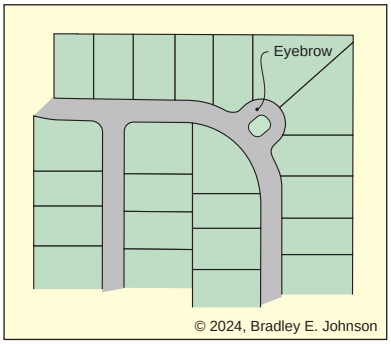
A. Private Streets:

1. *Standards*: Private streets are permitted, but shall conform to all construction and right-of-way standards within the Unified Development Ordinance and any applicable construction and engineering standards.
2. *Private Street Easements*: Private streets shall be established in access easements within common area, rather than rights-of-way.
3. *Required Language*: When a private street easement appears on a plat, the following language shall be printed on the plat, "The Owner/Developer expressly covenants and warrants on behalf of itself and all future owners of lots within this subdivision that because the streets are private, all maintenance, repairs, and replacement now and forever shall be undertaken at the expense of the lot owners in accordance with the terms and conditions set forth in the owner association bylaws and articles. No governmental entity has any duty or responsibility to maintain, repair, or replace any private street."
4. *Usage*: When the term right-of-way is used in this section, it shall also apply to private street easements.

B. Street Design Principles:

1. *General Street Layout*: Streets laid out on the parent tract shall meet all of the following standards:
   a. Shall create conditions favorable to health, safety, convenience, and the harmonious development of the community;
   b. Shall be in an orderly and logical manner;
   c. Shall give consideration to connectivity to adjacent parcels;
   d. Shall give consideration to pedestrian and vehicular safety; and
   e. Shall provide reasonably direct access to the primary circulation system.
2. *Regard to Contour of the Land*: Streets shall be adjusted to the contour of the land so as to produce usable lots and streets of reasonable gradient.
3. *Gated Entrances*: Gated development entrances shall have apparatus installed such that emergency vehicles (e.g. fire trucks, police cars, and ambulances) can quickly and easily gain access to the development. Further, the gates shall be sized to allow the largest fire truck in service in the County to easily turn into the development.
4. *Boulevard Entrances*: Developments may have a boulevard entrance, but such entrance shall extend at least fifty (50) feet from the perimeter street's right-of-way. The width of the center planting strip shall be at least ten (10) feet. Maintenance of the center planting strip shall be the responsibility of one (1) or more adjacent property owners, or an Owner Association.
5. *Intersections*:
   a. All intersections of two (2) streets shall be as close to right angles as possible, but shall be within fifteen degrees (15°) of right angles to each other as measured at the street center lines.
   b. Intersections of more than two (2) streets at one (1) point shall not be permitted.
   c. Wherever possible, new local streets shall be aligned with existing local streets. Local street intersection with center line offsets of less than 125 feet shall not be permitted.
6. *Pavement Width*: The minimum street width shall be as indicated on the applicable subdivision type in *Article 6: Subdivision Types*; or as indicated in *Article 4: Planned Unit Development District* for Planned Unit Developments.
7. *Curb Type*: Requirement for rolled or vertical curbs shall be as indicated on the applicable subdivision type in *Article 6: Subdivision Types*.
8. *Block Length*: The maximum block length shall be as indicated on the two-page layout for each type of subdivision in *Article 6: Subdivision Types*; or as indicated in *Article 4: Planned Unit Development District* for Planned Unit Developments. If not indicated, the Zoning Administrator shall determine the appropriate maximum length.
9. *Cul-de-sac Length*: The maximum cul-de-sac length shall be as indicated on the two-page layout for each type of subdivision in *Article 6: Subdivision Types*; or as indicated in *Article 4: Planned Unit Development District* for Planned Unit Developments. If not indicated, cul-de-sacs are not permitted in that type of development.

10. *Cul-de-sac Terminus*: A cul-de-sac shall have a minimum outside radius of fifty (50) feet.
11. *Dead-end Streets*: Permanent dead-end streets shall be prohibited. Dead-end streets do not include cul-de-sacs or stub streets.
12. *Eyebrows*: Eyebrow street designs shall be permitted but shall be placed in common area or easement and outside of the public rights-of-way.



13. *Passing Blisters, Acceleration Lanes, and Deceleration Lanes*: If necessary for life safety, passing blisters, acceleration lanes, and deceleration lanes shall be installed. If the Area Plan Commission requires a passing blister, acceleration lane, and/or deceleration lane, the petitioner may contract for and present a stamped traffic and design study conducted by a licensed engineer for consideration by the Area Plan Commission.
14. *Right-of-way Width*: The minimum right-of-way width shall be as indicated on the two-page layout for each type of subdivision in *Article 6: Subdivision Types*; or as indicated in *Article 4: Planned Unit Development District* for Planned Unit Developments. If not indicated, the Zoning Administrator shall utilize the *Vermillion County Thoroughfare Plan* to determine the appropriate width for each development.

C. Dedication of Right-of-way: Developments shall dedicate right-of-way for all internal streets. The width of the dedicated right-of-way shall be as indicated on the applicable subdivision type in *Article 6: Subdivision Types*. For perimeter streets, the developer shall dedicate the frontage necessary to establish one-half (1/2) the required right-of-way, measured from the existing street's centerline. The minimum perimeter street's right-of-way shall be as indicated on the applicable subdivision type in *Article 6: Subdivision Types*.

1. *Passing Blister*: Where a passing blister is necessary due to concern for life safety, and adequate right-of-way does not exists to install the passing blister, the petitioner shall make a good faith effort to acquire property sufficient for the installation of the passing blister. If the owner of the property on which the passing blister is to be installed refuses to sell the property to the petitioner, the petitioner shall provide the Zoning Administrator copies of all surveys, appraisals, written offers made by the petitioner to the property owner, and correspondence from the property owner. Because of life safety concerns, the Area Plan Commission may chose to not approve the proposed development as designed, to issue a waiver (if applied for), or to require an alternative design to mitigate the lack of a passing blister.
2. *Acceleration and Deceleration Lanes*: Where an acceleration lane and/or deceleration lane is necessary due to concern for life safety, and the petitioner does not control street frontage adequate to install the lane, the petitioner shall make a good faith effort to acquire property sufficient for the installation of the acceleration lane and/or deceleration lane. If the owner of the property on which the acceleration lane and/or a deceleration lane is to be installed refuses to sell the property to the petitioner, the petitioner shall provide the Zoning Administrator copies of all: surveys; appraisals; written offers made by the petitioner to the property owner; and correspondence from the property owner. Because of life safety concerns, the Area Plan Commission may chose to not approve the proposed development as designed, to issue a waiver (if applied for), or to require an alternative design to mitigate the lack of a passing blister.

D. Construction and Installation Standards for All Street Improvements: All street improvements, private or public, are to be designed, constructed and installed per any local construction and/or engineering standards. If none exist, the petitioner shall install internal streets based on current Indiana Department of Transportation standards and specifications.

Street Lighting Standards (SL)

7.20 SL-01: Street Lighting Standards; Residential Development

This Street Lighting Standards (SL) section applies to the following types of development:

A. Street Lights at Entrances: The petitioner shall install, or cause to be installed, a street lights at all intersections with perimeter streets (i.e. entrances).

B. Ownership: All street lighting fixtures shall retain private ownership by the petitioner and/or applicable Owner Association. The applicable governmental jurisdiction shall not be responsible for any operation or maintenance costs associated with street lighting.

C. Street Lights at Entrances:

1. *Design*: The petitioner shall propose a lighting fixture to the Area Plan Commission for their approval that provides the minimum amount of light necessary for vehicular and pedestrian safety at perimeter street intersections.
2. *Height*: Fixtures installed shall not exceed thirty (30) feet in height.

D. Shielding: Street lights shall be cutoff fixtures to prevent glare to drivers, and to prevent light trespass onto neighboring properties.

7.21 SL-02: Street Lighting Standards; Commercial and Industrial Development

This Street Lighting Standards (SL) section applies to the following type of development:

A. Street Lights at Entrances: The petitioner shall install, or cause to be installed, a street lights at all intersections with perimeter streets (i.e. entrances).

1. *Existing Standard*: If a street light standard exists along the street on which the entrance is located, the petitioner shall install the same lighting standard.
2. *No Standard*: If there is no established street light standard along the corridor, the petitioner shall propose a lighting fixture to the Area Plan Commission for their approval that provides the minimum amount of light necessary for vehicular and pedestrian safety.

B. Street Lights at Internal Intersections: The petitioner shall install, or cause to be installed, street lights at all internal intersections.

1. *Design*: The petitioner shall propose a lighting fixture to the Area Plan Commission for their approval that provides the minimum amount of light necessary for vehicular and pedestrian safety at all internal intersections within the development.
2. *Height*: Fixtures installed shall not exceed thirty (30) feet in height.

C. Ownership: All street lighting fixtures shall retain private ownership by the property owner and/or applicable owner association. The applicable governmental jurisdiction shall not be responsible for any operation or maintenance costs associated with street lighting.

D. Shielding: Street lights shall be cutoff fixtures to prevent glare to drivers, and to prevent light trespass onto neighboring residential properties when applicable

Street Name Standards (SN)

7.22 SN-01: Street Name Standards

This Street Name Standards (SN) section applies to the following types of development:

A. Proposed Street Name: The petitioner shall propose a unique name for each street within the development at the time of initial application.

B. Emergency 911 Review: The Zoning Administrator will conduct a review of the proposed street name in consideration of Emergency 911 standards. If the street name passes the review, it is approved administratively. If the street name fails the review, the petitioner shall propose a different name for that street and another Emergency 911 review will be conducted on that street name. The Area Plan Commission has final authority to name a street and will make that determination if an appropriate street name cannot be selected by the petitioner.

C. Approval Authority: While street names proposed by petitioners shall generally be considered favorably, the approval of street names is the authority of the Area Plan Commission. Existing street names and street names that have been approved by the Area Plan Commission shall not be changed without the approval of the Area Plan Commission.

D. Authority to Rename a Proposed Street: The Area Plan Commission shall have the authority to require a new name to be chosen for any proposed street name. If an acceptable name is not proposed by the petitioner, the Area Plan Commission shall rename the street prior to final approval.

E. Street Name Standards: Within the jurisdiction of the Area Plan Commission the following standards shall apply:

1. *Street Extensions*: Streets which are extensions or continuations of, or obviously in alignment with, any existing streets, either constructed or appearing on any validly recorded plat or survey, or valid plat previously approved by the Area Plan Commission, shall bear the names of such existing streets.
2. *Root Name*: The proposed root name shall not duplicate or closely approximate phonetically, the name of an existing street.
3. *Suffix Name*: Deviations in suffix names (e.g. Street, Court, Avenue, or Lane) shall not constitute a unique name and shall be prohibited except as described below (for example, if Elm Avenue exists as a street name, the name Elm Lane shall not be permitted).
4. *Large Developments*: Streets within a large development or separate developments within close geographic proximity shall be authorized to use the same root name if deemed not to be confusing or unsafe by the Area Plan Commission.
5. *Address Numbers*: Street address numbers for all lots shall be assigned by the Zoning Administrator or 911 Coordinator.

Street Sign Standards (SS)

7.23 SS-01: Street Sign Standards

This Street Sign Standards (SS) section applies to the following types of development:

A. General: Each street within a residential, commercial, or industrial development shall have signs necessary to:
   1. *Safety*: Provide a safe environment for drivers and pedestrians.
   2. *Information*: Provide information so that a visitor can efficiently find a certain street, address, or development amenity.

B. Applicable Street Sign Regulations: The petitioner shall install street signs according to the Indiana Manual on Uniform Traffic Control Devices for Streets and Highways (current version adopted by the Indiana Department of Transportation) which shall be used to determine the type, size, height, and location of street signs.

C. Special Sign Design: Decorative or otherwise unique street sign may be proposed by the applicant. The Zoning Administrator, County Highway Department or City Street Department, as may be applicable, shall meet jointly to approve or deny a proposal.

D. Petitioner's Responsibilities:
   1. *Public Safety Related Street Signs*: Public safety related street signs shall be installed prior to any street being opened to public. These signs shall be installed in the location and to the height determined by the County Highway Department, City Street Department, and/or INDOT, as applicable.
   2. *Street Name Signs*: A minimum of one (1) street name sign shall be installed at each street intersection within the subdivision, as streets are constructed and opened, and at all perimeter street intersections.
   3. *Cost*: The petitioner is responsible for purchasing all street signs in consultation with the County Highway Department, City Street Department, and/or INDOT, as applicable.
   4. *Installation*: The petitioner shall be responsible for installing all street signs. However, the County Highway Department or City Street Department, as applicable, may elect to conduct the installation.
   5. *Temporary Signs During Construction*: Temporary signs for street name and addresses shall be required for public safety reasons prior to issuance of building permits within the subdivision.

7.24 SY-01: Surety Standards

This Surety Standards (SY) section applies to the following types of development:

A. Construction/Performance Surety:

1. *Cross Reference*: See *Section 7.06 DD-01: Dedication of Public Improvement Standards (pg 7-5)*.
2. *General*:
   a. The Area Plan Commission shall not grant Secondary Plat Approval without a bond or irrevocable letter of credit to cover the cost and installation of the proposed public improvements.
   b. All petitioners shall provide a Performance Surety to the applicable legislative body for any street, sidewalk, path, utility, drainage facility, or any other facility that is intended to be dedicated to the applicable legislative body. All such facilities on-site, any off-site improvements committed to by the petitioner, and any off-site improvements required as a condition of approval shall be covered by the performance surety.
3. *Requirements*: The bond or irrevocable letter of credit shall:
   a. Be in an amount of one hundred ten percent (110%) of the estimated construction cost to complete the improvements and installations in compliance with the Unified Development Ordinance and any applicable construction and engineering standards.
   b. Be payable to the legislative body of the applicable governmental jurisdiction upon non-performance, defect, or default of the petitioner occurs,
   c. Specify the time for the completion of the improvements and installations, and
   d. Include language describing the terms of the bond and be reviewed and approved by the legislative body's legal counsel.
4. *Duration of Surety*: All Performance Sureties shall be effective from Secondary Plat Approval until the final construction is approved by the applicable legislative body. The Performance Surety shall not be released until the Zoning Administrator has certified the improvements have been inspected during construction and after completion, and that they have been installed in accordance with the intent of the approved construction plans and specifications.
5. *Alternative Surety*:
   a. At the election of the applicable legislative body, a dedicated account in a form acceptable to the State Board of Accounts which may be established to hold and accumulate funds paid pursuant to the provisions of this section and which shall not thereafter be appropriated for any use unless it is associated with the completion of infrastructure improvements which had been approved by the applicable legislative body and which had not been completed after having been initiated for any reason whatsoever.
   b. A developer may request that a payment in-lieu-of a bond or letter of credit be made to the applicable legislative body as a surety of completion or maintenance. The payment shall be no less than one and one tenth percent (1.1%) of the estimated construction cost for the improvement or installation and is non-refundable.
   c. Nothing in this section shall in any way limit the ability of the applicable legislative body to give consideration to other alternative forms of insuring the proper completion of public improvement projects involving infrastructure which is to be dedicated to the applicable legislative body or for the benefit of the public.

7.25 UT-01: Utility Standards; General

This Utility Standards (UT) section applies to the following types of development:

A. Utility Burial: All electric and communication wires and fibers shall be installed underground in utility easements throughout the development. All sewer, water, and storm water pipes shall be installed underground in designated utility and drainage easements.

Article

8

Nonconformances

Vermillion County
Unified Development Ordinance

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GroundRules
website www.groundrulesinc.com

Nonconforming Structures, Uses, and Lots

8.01 Overview

As new zoning regulations are adopted or zoning map changes are made, lots, structures, and uses that were previously compliant with zoning regulation are sometimes made noncompliant. *Article 8: Nonconformances* specifies the provisions that apply to these legal nonconforming (informally referred to as "grandfathered") lots, structures, and uses.

8.02 Distinction Between Conforming, Illegal Nonconforming, and Legal Nonconforming

Each structure, use, and lot is either "conforming" or "nonconforming." Conforming is used to describe a structure, use, or lot as being in full compliance with the current Unified Development Ordinance. Nonconforming is used to describe a structure, use, or lot that is in violation of the current Unified Development Ordinance. Nonconforming structures, uses, and lots are either "illegal nonconforming" or "legal nonconforming." The following sections determine the nonconforming status of a structure, use, or lot:

A. Illegal Nonconforming:
   1. *Structure*: A structure constructed in violation of the Zoning Ordinance that was in effect when the structure was constructed and which remains in violation of the current Unified Development Ordinance is an illegal nonconforming structure.
   2. *Use*: A use that was in violation of the Unified Development Ordinance that was in effect when the use was initiated and which remains in violation of the current Unified Development Ordinance is an illegal nonconforming use. In addition, a use that was legally established and is not permitted under the current Unified Development Ordinance, but has been abandoned or discontinued for a period of at least one (1) year, is an illegal nonconforming use.
   3. *Lot*: A lot established in violation of the zoning or subdivision control ordinance that was in effect at the time of establishment and which remains in violation of the current Unified Development Ordinance is an illegal nonconforming lot.

B. Legal Nonconforming:
   1. *Structure*: A structure that does not meet one (1) or more development standards of the Unified Development Ordinance, but was legally established prior to the effective date of the Unified Development Ordinance shall be deemed a legal nonconforming structure. Generally, a structure is rendered legal nonconforming by an amendment to the zoning regulations or a zoning map change. However, a legal nonconformity may be a result of government use of eminent domain or right-of-way acquisition.
   2. *Use*: The use of a structure or land (or a structure and land in combination) that was legally established and has since been continuously operated, that is no longer permitted by the Unified Development Ordinance in the zoning district in which it is located, shall be deemed a legal nonconforming use. Generally, a use is rendered legal nonconforming by an amendment to the zoning regulations or a zoning map change.
   3. *Lot*: A lot that does not meet one (1) or more lot standards of the Unified Development Ordinance, but was legally established as a buildable lot prior to the effective date of the Unified Development Ordinance shall be deemed a legal nonconforming lot of record. Generally, a lot is rendered legal nonconforming by an amendment to the zoning regulations or a zoning map change. However, a legal nonconformity may be a result of government use of eminent domain or right-of-way acquisition.

C. Setback Exemption: Any primary structure or accessory structure that was established prior to the effective date of the Unified Development Ordinance, and that has an established front setback, side setback, or rear setback less than the minimum required setback in this Unified Development Ordinance shall not be considered legal non-conforming. Said buildings shall be considered legal as they exist. Expansion of a primary structures or accessory structures, as described, shall be permitted as long as said expansion is either in compliance with the applicable setback (i.e. the current applicable setback) standards or does not reduce the established setback (e.g. change an established setback of 5 feet to a new setback of 4 feet).

D. Sewer and Water Exemption: Any developed property that was established prior to the effective date of the Unified Development Ordinance, and that does not meet the applicable sewer and water standards shall not be considered legal non-conforming. Said developed properties shall be considered legal as they exist.

8.03 Illegal Nonconforming Structures, Uses, and Lots

An illegal nonconforming structure, use, or lot is subject to the enforcement procedures and penalties of the current Unified Development Ordinance. The enforcement and penalties of the Unified Development Ordinance in place at the time the violation occurred shall no longer be in effect.

Nonconforming Structures

8.04 Legal Nonconforming Structures

The following provisions apply to legal nonconforming structures, structures associated with legal nonconforming uses, and structures associated with legal nonconforming lots.

A. Legal Nonconforming Building Provisions: The provisions for legal nonconforming buildings, a subcategory of structures, are as follows:

1. *Building Expansion*: A legal nonconforming building shall be permitted to expand in area and height as long as the nonconformity is not increased and the expansion otherwise meets the current Unified Development Ordinance. For example, if a building is in violation of the maximum height standard, it can be expanded in area as long as the new addition does not exceed the maximum height standard and is otherwise in compliance with current Unified Development Ordinance.
2. *Building Exterior Alteration*: The exterior walls of a building shall not be moved except as provided in the previous clause. Otherwise, the roof and exterior walls may be maintained, repaired, re-faced, and modified, resulting in the original aesthetic character or an altered exterior character, as long as the building's nonconformity is not increased and the alteration otherwise meets the current Unified Development Ordinance.
3. *Building Interior Alteration*: Ordinary repair and replacement of interior finishes, heating systems, fixtures, electrical systems, or plumbing systems; and interior wall modifications are not regulated by the Unified Development Ordinance.
4. *Building Relocating*: A legal nonconforming building may be relocated if, by moving the building, it decreases the legal nonconformity and the relocation otherwise meets the current Unified Development Ordinance.

B. Legal Nonconforming Structure Provisions: The provisions for legal nonconforming structures, excluding the subcategory of buildings, are as follows:

1. *Structure Alteration*: A legal nonconforming structure shall be permitted to be altered in height, area, mass, and time as long as the nonconformity is not increased and the alteration otherwise meets the current Unified Development Ordinance. For example, if a permanent sign is in violation of the maximum height standard, it can be altered as long as the alteration does not exceed the maximum height standard currently permitted and is otherwise in compliance with Unified Development Ordinance.
2. *Structure Relocating*: A legal nonconforming structure may be relocated if, by moving the structure, it decreases the legal nonconformity and the relocation otherwise meets the current Unified Development Ordinance.
3. *Conversion for Longevity*: Converting a structural component of a legal nonconforming structure to a more permanent material in order to prolong legal nonconformity shall not be permitted. For example, a legal nonconforming permanent pole sign would not be permitted to replace its existing wood posts with metal posts even if dimensionally the same size.

C. Loss of Legal Nonconforming Structure Status: The following provisions apply to all types of structures:

1. *Condemned Structures*: If a structure, through lack of maintenance, is declared by an authorized official to be condemned due to its physical or unsafe condition, it shall lose its legal nonconforming status and become illegal nonconforming; unless the structure is restored or repaired within six (6) months of the declaration. The Zoning Administrator may grant an appropriate extension of time if work was started within the initial six (6) month period and reasonable attempts are being made by the owner to remedy the condemnation.
2. *Removal of Permanent Structures*: If a permanent structure is fully or significantly removed or razed (e.g. eighty percent (80%) or more of the structure), the remaining permanent structure shall lose its legal nonconforming status and become illegal nonconforming; unless by significantly removing or razing the permanent structure the remaining permanent structure is in compliance or more in compliance with the current Unified Development Ordinance.
3. *Removal of Temporary Structures*: If a temporary structure is removed (e.g. moved inside, taken off-site, or replaced by a new temporary structure), the temporary structure shall lose its legal nonconforming status and become illegal nonconforming.
4. *Flood*: If a structure is severely damaged from a flood, resulting in a loss of either fifty percent (50%) of its market value or fifty percent (50%) of its structure, all reconstruction shall be required to meet the current Unified Development Ordinance. All other flood damaged structures shall be allowed to rebuild the structure that previously existed.
5. *Acts of Nature and Fire*: If a structure is severely damaged from an act of nature or fire, excluding flooding, resulting in a loss of either seventy percent (70%) of its market value or seventy percent (70%) of its structure, all reconstruction shall be required to meet the current Unified Development Ordinance. All lesser damages caused by an act of nature or fire shall be allowed to rebuild the structure that previously existed.

D. Maintenance and Repair: Nothing in this section shall be deemed to prevent the maintenance or repair of a structure to keep it in a safe, aesthetic, and functional condition.

8.05 Legal Nonconforming Lots

The following provisions apply to legal nonconforming lots:

A. Legal Nonconforming Lot Provisions: A legal nonconforming lot shall be permitted to be developed as long as the proposed structure(s) and use(s) meets the current Unified Development Ordinance. All standards other than the minimum lot area, maximum lot area, minimum lot width, and minimum frontage shall still apply. However, if applying the current Unified Development Ordinance renders the lot undevelopable (e.g. applying the current setbacks does not permit a reasonably developable building envelope), a Board of Zoning Appeals shall research the Unified Development Ordinance that was in place at the time of the lot's establishment and shall consider all current circumstances and from that information shall set reasonable standards applicable to the lot, rendering it reasonably developable.

B. Loss of Legal Nonconforming Lot Status:

1. *Combining Lots Results in Conformity*: If a legal nonconforming lot is combined with an adjacent lot resulting in conformity with the current Unified Development Ordinance, it shall lose its legal nonconforming status. Therefore, future division of the combined lot shall conform to the current Unified Development Ordinance.
2. *Lots in Combination*: If a legal nonconforming lot is owned by the same person as the adjacent lot, and the owner uses both lots in combination for a duration of more than five (5) years, the legal nonconforming lot shall lose its legal nonconforming status; provided the two (2) or more lots in combination would constitute a single conforming lot.
3. *Permanent Structure Across Property Lines*: If a legal nonconforming lot is owned by the same person as the adjacent lot, and the owner constructs a permanent structure across the property line, thus permanently using two (2) lots in combination, the legal nonconforming lot shall lose its legal nonconforming status; provided the two (2) lots in combination would constitute a single conforming lot.

8.06 Legal Nonconforming Use

The following provisions apply to legal nonconforming uses:

A. Cross Reference:

1. *Agricultural*: With respect to agricultural legal nonconforming uses, nothing in this section shall be interpreted in a manner that is inconsistent with IC 36-7-4-616: Unified Development Ordinance; agricultural nonconforming use.

B. Legal Nonconforming Use Provisions: The provisions for legal nonconforming uses are as follows:

1. *Utilizing Existing, Enlarged, New, or Relocated Buildings*: A legal nonconforming use shall be permitted to occupy or use an existing building, enlarged existing building, newly constructed building, or relocated building, provided the building meets the current Unified Development Ordinance.
2. *Utilizing Existing, Altered, New, or Relocated Structures*: A legal nonconforming use shall be permitted to utilize an existing structure, altered existing structure, newly constructed structure, or relocated structure, provided the building meets the current Unified Development Ordinance.
3. *Utilizing Land*: Any legal nonconforming use shall be permitted to utilize its lot, or lots owned in combination upon the effective date of the Unified Development Ordinance.
4. *Increase in Nonconformity*: No legal nonconforming use shall be permitted to increase its nonconformity. The size of operation, number of employees, increase to vehicular traffic and similar increases in size does not increase nonconformity of a use. For example, a five (5) acre legal nonconforming junk yard that expands its operations onto five (5) more acres of land it previously owned, does not qualify as an increase in nonconformity. It's still a junk yard. However, if the same junk yard adds a compactor or shredding facility which previously did not exist, that would qualify as an increase in nonconformity.

C. Loss of Legal Nonconforming Use Status:

1. *Abandonment of Use*: If a legal nonconforming use is abandoned or is discontinued for six (6) or more months, except when a government action impedes access to the premises, it shall lose its legal nonconforming status. Any subsequent use shall conform to the provisions of the current Unified Development Ordinance.
2. *Change of Use*: When a legal nonconforming use is changed, altered, or evolves to be in compliance or more in compliance with the current Unified Development Ordinance, the legal nonconforming use status is lost or incrementally lost. The current use cannot revert back to the original legal nonconforming use or increments thereof.

Article 9

Processes

Vermillion County
Unified Development Ordinance

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Types of Applications

9.01 Types of Applications

Article 9: Processes recognizes and outlines each permit, formal approval process, and appeal process.

A. Requirements: Vermillion County hereby requires that an application and filing fee be submitted for the following formal applications:

1. *Administrative Appeal*: 9-3
2. *Administrative Interpretation*: 9-4
3. *Planned Unit Development; General*: 9-5
4. *Planned Unit Development; District Ordinance*: 9-5
5. *Planned Unit Development; Detailed Site Plan*: 9-7
6. *Planned Unit Development; Final Site Plan*: 9-9
7. *Special Exception Use*: 9-10
8. *Subdivision; Administrative*: 9-11
9. *Subdivision, Major; Primary Plat*: 9-13
10. *Subdivision, Major; Final Plat*: 9-16
11. *Subdivision, Minor; Primary Plat*: 9-18
12. *Subdivision, Minor; Final Plat*: 9-21
13. *Text Amendment*: 9-23
14. *Variance of Development Standards*: 9-24
15. *Variance of Use*: 9-25
16. *Waiver from Design Standard*: 9-26
17. *Zoning Compliance Permit*: 9-29
18. *Zoning Compliance Permit; Temporary*: 9-32
19. *Zoning Map Amendment (Rezoning)*: 9-34

B. Application Forms: All application forms may be obtained through the Plan Commission Office. Fees shall be paid at the Plan Commission Office at the time of assignment of a docket number.

C. Prerequisite: A project shall not proceed without first successfully being granted the applicable permit, approval, and/or appeals. Any project that proceeds otherwise is subject to fines, penalties, and court action (see *Article 10: Enforcement*).

Administrative Appeal

9.02 Administrative Appeal

A. Applicability: An Administrative Appeal applies to an applicant, petitioner, or interested party that wants a decision, interpretation, order, determination, and/or action of the Zoning Administrator to be overturned or corrected by the Board of Zoning Appeals. Any decision, interpretation, order, determination, or action of the Area Plan Commission shall not be the subject of an Administrative Appeal, but may be litigated in a court of competent jurisdiction.

B. Filing Requirements:
   1. *Petition*: A Petition for an Administrative Appeal shall be made on a form provided by the Zoning Administrator.
   2. *Required Information*: The required information for an Administrative Appeal shall be as requested on the application form.
   3. *Submittal Discretion*: The Zoning Administrator may waive any of the requirements requested on the application form for an Administrative Appeal, when it is clearly not necessary for the appeal of a decision, interpretation, order determination, and/or action. Likewise, the Zoning Administrator may request additional information that is not requested on the application form for an Administrative Appeal, when more information is clearly necessary for the appeal of a decision, interpretation, order determination, and/or action.
   4. *Deadline*: A petition for an Administrative Appeal shall be filed with the Board of Zoning Appeals within ninety (90) days of the decision, interpretation, order determination, or action that is the subject of the appeal.
   5. *Suspension of Work*: Work related to the decision, interpretation, order determination, or action being appealed shall be suspended until the Administrative Appeal is complete, or until the Board of Zoning Appeals authorizes full or partial work to resume prior to a Board of Zoning Appeals decision.
   6. *Fees*: The applicable fee shall be paid at the time the petition for Administrative Appeal is filed.

C. Appeal Procedure:
   1. *Substantially Complete Application*: An application for an Administrative Appeal shall not be issued a docket number or be scheduled for hearing before the Board of Zoning Appeals until it is determined to be substantially complete by the Zoning Administrator. The Zoning Administrator shall verify that the application form and required supplemental information has been submitted correctly, and the applicable application fee is paid.
   2. *Assignment*: Once an application for an Administrative Appeal has been determined substantially complete, the Zoning Administrator shall assign a case number and place the appeal on the agenda of the Board of Zoning Appeals. The Zoning Administrator shall inform the applicant, in writing, of the date and time of the Board of Zoning Appeals meeting at which the appeal is to be heard.
   3. *Public and Interested Party Notice*: The applicant shall be responsible for providing public notice in accordance with the Board of Zoning Appeals Rules of Procedure. The applicant shall also be responsible for returning proof of required notice to the Zoning Administrator prior to the start of the Board of Zoning Appeals meeting at which the appeal is to be heard. Failure to submit proof of notice may result in the Administrative Appeal being continued to the following month's Board of Zoning Appeals meeting.
   4. *Transfer of Information*:
      a. The Zoning Administrator shall provide the applicant for an Administrative Appeal any additional information which is being conveyed to the Board of Zoning Appeals in preparation for the meeting.
      b. The Zoning Administrator or Enforcement Official that is the subject of the appeal shall transmit the documents, plans, and any other material constituting the record regarding the case to the Board of Zoning Appeals.
      c. The Zoning Administrator or the Enforcement Official that is the subject of the appeal may provide a written report explaining the final decision or action on the case.
   5. *Review*: The Board of Zoning Appeals shall hear the Administrative Appeal at a regularly scheduled public meeting according to their Rules of Procedure. The Board of Zoning Appeals may consider information conveyed to them in writing and testimony during the hearing in making a decision.
   6. *Decision*: Following the hearing and review, the Board of Zoning Appeals may affirm, modify or reverse the decision, interpretation, order, determination, and/or action from which the appeal stems. The Board of Zoning Appeals may also add conditions to its decision when warranted.
   7. *Appeal*: Any person aggrieved by the decision of the Board of Zoning Appeals may appeal such decision to a court of jurisdiction.

9.03 Administrative Interpretation

A. Introduction: The interpretation authority established by this section is intended to recognize that the provisions of this Unified Development Ordinance, though detailed and extensive, cannot address every specific situation to which they may have to be applied. Many situations can be addressed by an interpretation of the specific provisions of this Unified Development Ordinance in light of the general and specific purposes for which those provisions have been enacted. Because the interpretation authority established is an administrative rather than a legislative authority, an interpretation shall not have the effect of adding to or changing the essential content of this Unified Development Ordinance but is intended only to allow authoritative application of that content to specific cases.

B. Prerequisites: Applications for Administrative Interpretations may be filed by the Owner of the property where an Administrative Interpretation is necessary; provided that Administrative Interpretation shall not be sought based solely on hypothetical circumstances or where the Administrative Interpretation would have no effect other than as an advisory opinion.

C. Applicability:

1. *Zoning Administrator*: The Zoning Administrator, subject to the procedures, standards, and limitations of *Section 9.04: Administrative Appeal*, may render written Administrative Interpretation of the provisions of this Unified Development Ordinance and/or of any rule or regulation issued pursuant to it.
2. *Area Plan Commission*: The Zoning Administrator may forward requests for Administrative Interpretations to the Area Plan Commission, when, in the opinion of the Zoning Administrator, he/she cannot make a clear interpretation of the purpose and/or intent of the rule or regulation.

D. Application:

1. *Petition*: A Petition for an Administrative Interpretation shall be made on a form provided by the Zoning Administrator.
2. *Required Information*: The required information for an Administrative Interpretation shall be as requested on the application form.
3. *Submittal Discretion*: The Zoning Administrator may waive any of the requirements requested on the application form for an Administrative Interpretation, when it is clearly not necessary. Likewise, the Zoning Administrator may request additional information that is not requested on the application form for an Administrative Interpretation, when more information is clearly necessary for the interpretation.
4. *Deadline*: There is no filing deadline for and Administrative Interpretation.
5. *Fees*: The applicable fee shall be paid at the time the petition for Administrative Appeal is filed.

E. Office of the Zoning Administrator: The Zoning Administrator shall inform the applicant in writing of his Administrative Interpretation. The Zoning Administrator may include any specific precedent, the reasons, rationale, and the analysis upon which the determination is based.

F. Board of Zoning Appeals: The Board of Zoning Appeals shall hear and decide appeals from any Administrative Interpretation by the Zoning Administrator acting pursuant to his/her authority and duties under this Section.

G. Appeals Deadline: An Administrative Appeal of an Administrative Interpretation shall be made within 30 days of the Administrative Interpretation.

H. Duration: An Administrative Interpretation of the Unified Development Ordinance only expires when there is an amendment to the section of the Unified Development Ordinance upon which it was based. If the Unified Development Ordinance is amended, a new Administrative Interpretation may be requested by an applicant.

Planned Unit Development; General

9.04 Planned Unit Development; General

A. Introduction:
   1. *Generally*: A Planned Unit Development zoning district may be used to provide for:
      a. Greater flexibility in applying the ordinances to mixed zoning classifications,
      b. Innovative approaches to meet the demands of the housing, commercial, and business markets,
      c. The recognition of the interdependency of the housing, commercial, and business markets, and/or
      d. The establishment of creative and unique developments that would not otherwise be able to be developed using the Unified Development Ordinance's standard zoning districts.
   2. *Process Outline*: The three (3) steps of the Planned Unit Development process are listed below and explained in detail in the following sections.
      a. *Section 9.05 Planned Unit Development; District Ordinance.*
      b. *Section 9.06 Planned Unit Development; Detailed Site Plan.*
      c. *Section 9.07 Planned Unit Development; Final Site Plan.*

9.05 Planned Unit Development; District Ordinance

A. Introduction:
   1. *Planned Unit Development District Ordinance*: The purpose of the Planned Unit Development District Ordinance is to:
      a. Designate, or rezone, a parcel of land as a Planned Unit Development zoning district.
      b. Specify uses or a range of uses permitted in the Planned Unit Development zoning district.
      c. Specify development requirements in the Planned Unit Development zoning district.
      d. Specify the plan documentation and supporting documentation that may be required.
      e. Specify any limitation applicable to the Planned Unit Development zoning district.
      f. Specify how the development will meet or exceed the intent of the Vermillion County Unified Development Ordinance.
      g. Specify how the development will mitigate monotony and result in a better product than would have resulted from the application of the Unified Development Ordinance.
      h. Meet the requirements of *IC 36-7-4-1500* et seq.
   2. *Site Plan*: The purpose of an Site Plan is to delineate basic elements such as land uses, vehicular and pedestrian traffic patterns, drainage, and perimeter buffer yards.

B. Project Applicability: Proposals for a Planned Unit Development shall meet the standards of this section.

C. Prerequisites:
   1. *Ownership*: A Planned Unit Development shall be initiated by the Owner of the land involved in the development.
   2. *Pre-application Meeting*: Prior to submitting an application for a Planned Unit Development, the applicant shall meet with the Zoning Administrator to review the zoning classification of the site, review regulatory ordinances and materials, review the procedures, and examine the proposed use and development of the property.

D. Filing Requirements:
   1. *Application*: An application for a Planned Unit Development District Ordinance shall be made on a form provided by the Zoning Administrator.
   2. *Required Information*: The required information for a Planned Unit Development District Ordinance shall be as requested on the application form.
   3. *Submittal Discretion*: The Zoning Administrator may waive any of the requirements requested on the application form for a Planned Unit Development District Ordinance, when it is clearly not necessary for the proposed development. Likewise, the Zoning Administrator may request additional information that is not requested on the application form for a Planned Unit Development District Ordinance, when more information is clearly necessary for the proposed development.
   4. *Deadline*: The application for a Planned Unit Development District Ordinance, all supporting information, and drawings shall be submitted thirty (30) days prior to the public meeting at which it is first to be heard by the Area Plan Commission.
   5. *Fees*: Applicable fees shall be paid at the time the Application for a Planned Unit Development is filed. Fees shall include reimbursement for any cost to hire a professional engineer, professional planner, or other professional technician necessary to subsidize the Zoning Administrator's capabilities for review of the application or proposed project.

E. Formal Procedure: The process for a Planned Unit Development, including filing, public notice, public hearing, and review, shall be per the Area Plan Commission's Rules of Procedure.
   1. *Decision*: The Area Plan Commission shall take final action or continue the application for a Planned Unit Development to a defined future meeting date.
      a. Final Action: The Area Plan Commission shall certify and forward the application for a Planned Unit Development to the applicable legislative body with:
         i. A favorable recommendation.
         ii. A favorable recommendation with recommendations for commitments and/or conditions.
         iii. An unfavorable recommendation.
         iv. No recommendation.
      b. Revisions: If the certified version of the Planned Unit Development District Ordinance or Site Plan was revised during the process of Area Plan Commission review, the Zoning Administrator shall make the revisions to the Planned Unit Development District Ordinance and the applicant shall make the revisions to the Site Plan so the applicable legislative body receives the certified versions of the Planned Unit Development District Ordinance and Site Plan.
   2. *Commitments and Conditions*: In conjunction with its recommendation to the applicable legislative body, the Area Plan Commission may recommend written commitments and/or conditions for approval. Commitments and/or conditions shall be recorded by the applicant in the office of the Vermillion County Recorder within thirty (30) days of the applicable legislative body's approval of the Planned Unit Development District Ordinance and Site Plan, and on a form approved by the Area Plan Commission or provided by the Zoning Administrator. The applicant shall deliver a copy of the recorded commitments and/or conditions to the Zoning Administrator before proceeding with filing a Detailed Site Plan.

F. Duration: If a Planned Unit Development Detailed Site Plan, has not been filed within one (1) year of the date the applicable legislative body approved the Planned Unit Development District Ordinance and the Site Plan, the approval expires and a new application for a Planned Unit Development shall be submitted.

G. Modification:
   1. *Planned Unit Development District Ordinance*: An amendment to the text of the Planned Unit Development District Ordinance shall follow the process in *Section 9.14 Text Amendment (pg 9-23)*.
   2. *Site Plan*: Modification to a Site Plan shall be explained and illustrated during a Planned Unit Development Detailed Site Plan review and approval process, unless the Zoning Administrator determines the modification is significant enough to change the character and intent of the Planned Unit Development. In such cases, a new public hearing shall be required.
   3. *Commitments and Conditions*: Commitments and conditions associated with a Planned Unit Development District Ordinance and Site Plan shall only be modified or terminated with a recommendation from the Area Plan Commission following a public hearing and with a decision of the applicable legislative body made at a public hearing.

9.06 Planned Unit Development; Detailed Site Plan

A. Introduction: The Planned Unit Development Detailed Site Plan shall provide the Area Plan Commission with the opportunity to review the details of the site plan and determine compliance with the Planned Unit Development District Ordinance. If the Planned Unit Development involves the subdivision of land, this step also serves as the Primary Plat.

B. Project Applicability: Proposals for a new Planned Unit Development shall meet the standards of this section.

C. Prerequisites:

1. *Planned Unit Development District Ordinance and Site Plan*: The Planned Unit Development District Ordinance and Site Plan shall be approved by the applicable legislative body prior to submitting a Planned Unit Development Detailed Site Plan. If approval included commitments and/or conditions, those commitments and/or conditions shall be recorded in the Office of the Vermillion County Recorder.

D. Filing Requirements:

1. *Application*: An application for a Planned Unit Development Detailed Plan shall be made on a form provided by the Zoning Administrator.
2. *Required Information*: The required information for a Planned Unit Development Detailed Plan shall be as requested on the application form.
3. *Submittal Discretion*: The Zoning Administrator may waive any of the requirements requested on the application form for a Planned Unit Development Detailed Plan, when it is clearly not necessary for the proposed development. Likewise, the Zoning Administrator may request additional information that is not requested on the application form for a Planned Unit Development Detailed Plan, when more information is clearly necessary for the proposed development.
4. *Deadline*: The Application for a Planned Unit Development Detailed Plan, all supporting information, and any drawings shall be submitted thirty (30) days prior to the public meeting at which it is first to be heard by the Area Plan Commission.
5. *Fees*: Applicable fees shall be paid at the time when the Planned Unit Development Detailed Plan is filed. Fees shall include reimbursement for any cost to hire a professional engineer, professional planner, or other professional technician necessary to subsidize the Zoning Administrator or Area Plan Commission's capabilities for review of the application or proposed project.

E. Formal Procedure: The process for Planned Unit Development; Detailed Site Plan, including filing, public notice, public hearing, and review, shall be per the Area Plan Commission's Rules of Procedure.

1. *Decision*: The Area Plan Commission shall make findings of fact and take final action or continue the Planned Unit Development Detailed Site Plan to a defined future meeting date.
    a. Findings of Fact: The Area Plan Commission shall make findings of fact on the following criteria:
        i. The Planned Unit Development Detailed Site Plan is consistent with the applicable *Comprehensive Plan*.
        ii. The Planned Unit Development Detailed Site Plan is consistent with *Article 4: Planned Unit Development*.
        iii. The Planned Unit Development Detailed Site Plan satisfies the development standards of the approved Planned Unit Development District Ordinance.
        iv. The Planned Unit Development Detailed Site Plan substantially fulfills the intent of the Vermillion County Unified Development Ordinance and does not supersede important elements in the Vermillion County Unified Development Ordinance's regulations.
        v. The Planned Unit Development Detailed Site Plan satisfies any applicable construction and engineering standards.
        vi. The Planned Unit Development Detailed Site Plan would result in a very high quality development which meets or exceed expectations.

b. Final Action: Based on the findings of fact, the Area Plan Commission shall approve, approve with conditions, or deny the Planned Unit Development Detailed Site Plan. If conditions are required, the applicant shall record the conditions in the Office of the Vermillion County Recorder within thirty (30) days of the Area Plan Commission's approval of the Planned Unit Development Detailed Site Plan on a form approved by the Area Plan Commission (or provided by the Zoning Administrator). The applicant shall deliver a copy of the recorded conditions to the Zoning Administrator for placement in the Planned Unit Development file before filing a Planned Unit Development Final Site Plan.

c. The findings and final decision shall be signed by the President of the Area Plan Commission.

d. The Zoning Administrator shall provide the applicant a copy of the final decision.

F. Duration: An approved Planned Unit Development Detailed Site Plan shall be valid for two (2) years from the date the Area Plan Commission granted approval. The Zoning Administrator may grant one (1), six (6) month extension. The applicant shall submit the request for extension in writing, and the Zoning Administrator shall make a written determination regarding the decision. Both the request and the determination shall be made part of the Planned Unit Development record. If substantial progress in the development of the project has not been made by the end of the two (2) year period (or by the end of the six-month extension), the approval expires and a new application for a Planned Unit Development (District Ordinance and Site Plan) shall be required.

G. Modification:

1. *Minor Amendments*: A minor amendment to an approved Planned Unit Development Detailed Site Plan which does not involve an increase in height, area, bulk or intensity of land uses; the designation of additional land uses; a reduction in yards; the addition of driveways or access points; or a reduction in the amount of parking may be authorized by the Zoning Administrator without a public hearing, if the requested minor amendment does not adversely impact the purpose or intent of the overall development. Minor amendments authorized by the Zoning Administrator shall be reported in writing to the Area Plan Commission at the next regular meeting of the Area Plan Commission.

2. *Major Amendments*: If the Zoning Administrator determines that the proposed modification may adversely impact the purpose or intent of the overall development; or if the proposed modification includes an increase in intensity of any land use; or if the proposed modification includes the designation of an additional land use, a new public hearing shall be conducted to address the major amendment.

9.07 Planned Unit Development; Final Site Plan

A. Introduction: The Planned Unit Development Final Site Plan shall clearly define all construction matters and special conditions such as construction techniques, materials and the like, as well as prepare the plans and documents for recording. If the Planned Unit Development involves the subdivision of land, this step also serves as the Final Plat Approval.

B. Project Applicability: A proposals for new Planned Unit Development shall meet the standards of this section.

C. Prerequisites:

1. *Planned Unit Development Detailed Site Plan*: The Planned Unit Development Detailed Site Plan shall be approved by the Area Plan Commission prior to submitting a Planned Unit Development Final Site Plan.
2. *Infrastructure*: A Planned Unit Development shall have all of the infrastructure improvements proposed in the Planned Unit Development Detailed Site Plan that are intended to be dedicated to the county or applicable municipality, installed to meet any applicable construction and engineering standards, or the applicant shall have financial security for the cost of the infrastructure improvements.

D. Filing Requirements:

1. *Application*: The applicant shall submit a letter stating the status of infrastructure improvements and requesting Planned Unit Development Final Site Plan Approval. The original application for a Planned Unit Development should be on file with the Zoning Administrator from the Planned Unit Development District Ordinance and the Site Plan
2. *Supporting Information*: The following information shall accompany the applicant's letter requesting Planned Unit Development Final Site Plan Approval
   a. Accurate location of all monumentation on a set of as-built site plans, if applicable.
   b. If infrastructure improvements are complete, the supporting information shall include as-built drawings of each infrastructure system, and copies of any required inspections or certifications.
   c. If infrastructure improvements intended to be dedicated to Vermillion County are not complete, the supporting information shall include detailed descriptions and locations of infrastructure to be installed, estimates from contractors for all infrastructure improvements, and a performance bond for the total amount of the infrastructure improvements.
   d. Any other information necessary to support a thorough review of the project that is requested, in writing, by the Zoning Administrator or Area Plan Commission.
3. *Deadline*: Planned Unit Development Final Site Plan Approval shall be requested within two (2) years of the approval of Planned Unit Development Detailed Site Plan by the Area Plan Commission.
4. *Fees*: Applicable fees shall be paid at the time the request for Planned Unit Development Final Development Approval is filed. Fees shall include reimbursement for any cost borne by the Area Plan Commission or Zoning Administrator to hire a professional engineer, professional planner, attorney, or other professional technician necessary to subsidize the Zoning Administrator or Area Plan Commission's capabilities for review of the application or proposed project.

E. Formal Procedure: Formal Procedure: The process for Planned Unit Development; Final Site Plan, including filing, public notice, public hearing, review and decision, shall be per the Area Plan Commission's Rules of Procedure.

F. Duration: An approved Planned Unit Development Final Site Plan and any conditions shall be recorded by the applicant in the Office of the Vermillion County Recorder within ninety (90) days of the date of approval or shall become null and void. A copy and proof of recording shall be delivered to the Zoning Administrator within seven (7) days of completion.

9.08 Special Exception Use

A. Introduction: A Special Exception Use is a use for which certain criteria must be met before it can be established on the subject lot. A Special Exception Use shall only be permitted by the Board of Zoning Appeals.

B. Project Applicability: Only uses listed as a "Special Exception Use" in the applicable two-page layouts in *Article 2: Zoning Districts* shall be considered for approval by the Board of Zoning Appeals.

C. Prerequisites: An application for a Special Exception Use shall be filed by the Owner.

D. Filing Requirements:
   1. *Application*: An application for a Special Exception shall be made on a form provided by the Zoning Administrator.
   2. *Required Information*: The required information for a Special Exception shall be as requested on the application form.
   3. *Submittal Discretion*: The Zoning Administrator may waive any of the requirements requested on the application form for a Special Exception, when it is clearly not necessary for the application. Likewise, the Zoning Administrator may request additional information that is not requested on the application form for a Special Exception, when more information is clearly necessary to make a decision or review for compliance.
   4. *Deadline*: An Application for a Special Exception shall be filed at least twenty-one (21) days prior to the public meeting at which it is first to be considered by the Board of Zoning Appeals.
   5. *Fees*: Applicable fees shall be paid at the time the Application for a Variance is filed. Fees shall include reimbursement for any cost to hire a professional engineer, professional planner, attorney, or other professional technician necessary to subsidize the Board of Zoning Appeals' capabilities for review of the proposed project.

E. Formal Procedure: The process for Special Exception, including filing, public notice, public hearing, and review, shall be per the Board of Zoning Appeal's Rules of Procedure.
   1. *Decision*:
      a. The Board of Zoning Appeals shall make findings of fact on the following criteria. Approval of findings may be in the form of a general statement. Disapproval of findings shall specify the reason for non-compliance.
         i. The proposed Special Exception Use is consistent with the intent of the zoning district and the Comprehensive Plan.
         ii. The proposed Special Exception Use will not be injurious to the public health, safety, morals and general welfare of the community.
         iii. The proposed Special Exception Use is in harmony with all adjacent land uses.
         iv. The proposed Special Exception Use will not alter the character of the district; and
         v. The proposed Special Exception Use will not substantially impact property value in an adverse manner.
      b. Final Action:
         i. If the Board of Zoning Appeals finds all of the findings of fact in the affirmative, it shall approve or approve with conditions, and/or approve with commitments the application for a Special Exception Use.
         ii. If the Board of Zoning Appeals does not find all of the findings of fact in the affirmative, it shall deny the application for a Special Exception Use.
      c. Commitments and Conditions:
         i. Commitments: The Board of Zoning Appeals may require the Owner to make a written commitment consistent with information presented to the Board of Zoning Appeals. A recorded commitment is binding on the Owner of the land and any subsequent owner of the land.
         ii. Conditions: The Board of Zoning Appeals may impose conditions for approval. Conditions should be limited to changes that, if not done, would result in denial of the application based on findings.

F. Duration: The granting of a Special Exception Use authorizes the use to run with the land unless conditions to the contrary are placed on the approval. If the Special Exception Use is not commenced within two (2) years of the date the Special Exception Use was granted by the Board of Zoning Appeals, the approval shall be null and void.

9.09 Subdivision; Administrative

A. Introduction: An Administrative Subdivision provides the Area Plan Commission with the opportunity to expedite adjustments to property lines and mergers of existing lots into fewer lots when such adjustments are considered non-impacting to the Area Plan Commission's interests or surrounding properties.

B. Project Applicability: An Administrative Subdivision can be used to modify the division of property within the planning jurisdiction, but only if the proposed modification meets the "Applicable Districts," "Applicable Actions," and "Prerequisites" standards listed below. All other divisions of land or alterations to property lines shall be processed as a Minor Subdivision or Major Subdivision.

1. *Applicable Districts*: An Administrative Subdivision of land shall be permitted in the following zoning districts:

2. *Applicable Actions*: The following actions may use the Administrative Subdivision process. However, any action that does not clearly fit the below described actions, or that for any other reason necessitates more extensive review, can be denied use of the Administrative Subdivision process by the Zoning Administrator. Such cases shall then be processed as a minor or major subdivision application.
   a. Merging Common Ownership Lots: When the Owner of two (2) to ten (10) lots may merge them together as fewer buildable lots when the resulting lot(s) do(es) not create any new nonconformance or an escalation in nonconformance; and when there is no increase in public service demand, change to streets, or increase in the intensity of utilities.
   b. Splitting a Lot and Merging its Pieces with Two or More Adjacent Lots: When two (2) or more owners adjacent to a vacant lot may jointly purchase the lot, divide it, and merge all of the pieces with their buildable lot. If the lot is not vacant, any primary structure would have to first be demolished and/or primary use dissolved, prior to application for an Administrative Subdivision.
   c. Adjusting Lot Lines: When the Owners of contiguous properties mutually agree to adjust a lot line separating their two (2) properties due to either a survey error or both owners mutually desiring the adjustment; as long as the adjustment does not result in a new nonconformance or an escalation in an existing nonconformance; or does not reduce either's lot area by more than twenty percent (20%).
   d. Creating Non-Developable Land for Utilities and Infrastructure: When a public utility or municipality acquires land for non-development purposes (e.g. expanding a right-of-way) it may process the transition and/or adjustment to property lines as an Administrative Subdivision. Non-development purposes excludes non-occupiable structures, communication towers, streets, utilities, and treatment facilities. It is the expectation of this provision to be used for below-grade pipes, wires and fiber, and at-grade drainage ways, junction boxes, lift stations, inlets, and similar common and incidental utility features.

C. Prerequisites:

1. *Eligible Applicant*: An application for an Administrative Subdivision shall be initiated by the owner(s) of all applicable lots.
2. *Removing Unnecessary Driveway(s)*: Under the actions listed in *Section: 9.09(B)(2)(a)* and *Section 9.09(B)(2)(b)* above, pre-existing driveway(s) established for the dissolved lots shall be vacated and removed, including the apron within the right-of-way.

D. Administrative Subdivision Filing Requirements:

1. *Application*: An application for an Administrative Subdivision shall be made on forms provided by the Zoning Administrator.
2. *Supporting Information*: The following supporting information shall accompany a completed application for an Administrative Subdivision. The Zoning Administrator may waive in writing the submittal of unnecessary information relative to the application.
   a. Legal description of all lots involved, and
   b. Address for each lot involved.

3. *Site Plan*: A Site Plan, drawn to a scale not less than one inch equals one hundred feet (1" = 100'), that includes the following items:
   a. Name and address of the Owner(s),
   b. North arrow and graphic scale,
   c. Adjacent streets and/or sidewalks
   d. Easements,
   e. Boundary lines of each lot including all lot dimensions,
   f. Proposed adjustments with lot dimensions, lot area, and building setback lines on the resulting lots,
   g. Footprint and dimensions of existing structures with measurements to property lines pre and post adjustments,
   h. Stamp of registered professional engineer or surveyor, and
   i. Any other information necessary to support a thorough review of the project as requested on the application form or from the Zoning Administrator.
4. *Deadline*: Not applicable.
5. *Submittal Material*: Two (2) hard copies of the application for an Administrative Subdivision; two (2) hard copies of all supporting information; and one (1) digital copy of the application for an Administrative Subdivision and all supporting information in .pdf (portable document format) shall be submitted.
6. *Fees*: Applicable fees shall be paid at the time the application for an Administrative Subdivision is filed. An application without the appropriate application fee shall not be considered substantially complete. Fees shall include reimbursement for any cost to hire a professional engineer, professional planner, attorney, or other professional technician necessary to subsidize the Zoning Administrator or Area Plan Commission's capabilities for review of the application or proposed project.

E. Procedure and Approval:
1. *Review of Material*: An application for an Administrative Subdivision, which is determined to be complete and in proper form by the Zoning Administrator, shall be reviewed by the Zoning Administrator for compliance with the Unified Development Ordinance.
2. *Decision*: The Zoning Administrator shall make a determination as to whether the application complies with the "Applicable Districts," "Applicable Actions," and "Prerequisites" standards written in *Section 9.09(B)(2)* and *Section 9.09(C)*. If the application is in compliance it shall be approved and signed by the Area Plan Commission President and attested by the Zoning Administrator.
3. *Report to Area Plan Commission*: After approved, the Zoning Administrator shall report said approval at the first regularly schedule Area Plan Commission meeting.
4. *Proof of Recording*: To officially complete the process the Owner(s) shall record the plat with the Vermillion County Recorder's office within forty-five (45) days.
5. *Submittal for the Record*: Two (2) hard copies of the approved Administrative Plat; two (2) copies of applicable supporting information; one (1) electronic copy of the plat and supporting information in .pdf (portable document format); and proof of its recording shall be submitted to the Zoning Administrator for the record.
6. *Failure to Record*: If an approved administrative subdivision is not recorded within forty-five (45) days from the date of approval and signature, the application and approval shall be deemed null and void. The Zoning Administrator shall report any failures to record to the Area Plan Commission at the first regularly scheduled Area Plan Commission meeting after discovering default occurred; and shall notify the applicant, and shall clearly note failure to record in the County's records.

F. Zoning Compliance Permits: No building permit shall be issued for the subject lot(s) until proof of recording has been submitted.

9.10 Subdivision, Major; Primary Plat

A. Introduction: A Major Subdivision Primary Plat allows the Area Plan Commission the opportunity to review the details of a subdivision of land to determine compliance with the provisions of this Unified Development Ordinance. A Major Subdivision Primary Plat also ensures the statutory requirements established in Indiana Code for the subdivision of land are met.

B. Project Applicability: A Major Subdivision Primary Plat shall be prepared in conjunction with any proposal to subdivide land, modify a plat, or vacate a plat within the jurisdictional area of the Area Plan Commission.

1. *Applicable Districts*: The subdivision of land shall occur only in the following zoning districts:

2. *Exemptions*:
   a. Condominiums regulated by *IC 32-25* are exempt from this subdivision process outlined in this Unified Development Ordinance. However, developments subject to *IC 32-25* are not exempt from *Article 7: Design Standards*.
   b. Divisions of land that qualify for Minor Subdivision Primary Plat or Administrative Subdivisions.

C. Prerequisites:

1. *Eligible Applicant*: An application for Major Subdivision Primary Plat shall be initiated by the Owner of the land involved in the development.
2. *Pre-application Meeting*: Prior to submitting an application for Major Subdivision Primary Plat, the applicant shall meet with the Zoning Administrator to review the applicable zoning district(s), review applicable regulatory ordinances, review the procedures, determine the best subdivision type for the development, discuss external street and pedestrian systems the development will have to connect into, determine what submittal material will be necessary, and the like. The Zoning Administrator shall advise the applicant in preparing the application and supportive documents as necessary.
3. *Disqualifications*: A proposed division of land that wants to use the "Simple Subdivision Type" in *Article 6: Subdivision Types* shall not be allowed to use the Major Subdivision Primary Plat process.

D. Filing Requirements:

1. *Application*: An application for a Major Subdivision Primary Plat shall be made on a form provided by the Zoning Administrator.
2. *Required Information*: The required information for a Major Subdivision Primary Plat shall be as requested on the application form.
3. *Declaration of Subdivision Type*: The application shall include a declaration of the Subdivision Type (See *Article 6: Subdivision Types*) it wants to be applicable to the Major Subdivision Primary Plat application.
4. *Submittal Discretion*: The Zoning Administrator may waive any of the requirements requested on the application form for a Major Subdivision Primary Plat, when it is clearly not necessary for the proposed development. Likewise, the Zoning Administrator may request additional information that is not requested on the application form for a Major Subdivision Primary Plat, when more information is clearly necessary for the proposed development.
5. *Deadline*: The Application for a Major Subdivision Primary Plat, all supporting information, site plan, plat map, and drawings shall be submitted thirty (30) days prior to the public meeting at which it is first to be heard by the Area Plan Commission.
6. *Fees*: Applicable fees shall be paid at the time the Application for a Major Subdivision Primary Plat is filed. Fees shall include reimbursement for any cost to hire a professional engineer, professional planner, or other professional technician necessary to subsidize the Zoning Administrator's capabilities for review of the application or proposed project.

E. Formal Procedure:

1. *Assignment*: An application for Major Subdivision Primary Plat, which is determined to be complete and in proper form by the Zoning Administrator, shall be assigned a case number and placed on the Area Plan Commission agenda pursuant to the Area Plan Commission's Rules of Procedure. The Zoning Administrator shall notify the applicant of the meeting date.
2. *Staff Report*: The Zoning Administrator shall submit a written report to the Area Plan Commission stating any facts concerning the physical characteristics of the area involved in the subdivision of land, the surrounding land use, public facilities available to service the area, and/or other pertinent facts. The written report may also contain opinions of the Zoning Administrator concerning the subdivision of land and information submitted from the other agencies and departments that have reviewed the proposed development. A copy of such report shall be made available to the applicant.
3. *Submittal of Revised Plans*: The applicant will be given the opportunity to submit revised plans reflecting the outcome of the Zoning Administrator's comments. The revised plans should address concerns or lack of compliance identified by the technical review process.
4. *Public Notice*: The requirements for public notice shall be per the Area Plan Commission's Rules of Procedures.
5. *Attendance*: The Owner shall be present at the Area Plan Commission meeting to present and explain the application for Major Subdivision Primary Plat and address and discuss comments and concerns posed by the Area Plan Commission. Failure to appear may result in the dismissal of the application for lack of prosecution.
6. *Public Hearing*: A public hearing shall be held in accordance with the Area Plan Commission Rules of Procedure.
7. *Review*: At their regularly scheduled public meeting, the Area Plan Commission shall review:
   a. The application for Major Subdivision Primary Plat.
   b. All supporting information including the site plan and site access and circulation plan, drainage plan, etc.
   c. The testimony of the applicant.
   d. Information presented in writing or verbally by the Zoning Administrator or other applicable agencies or departments.
   e. Input from the public during the public hearing.
   f. Any applicable provisions of this Unified Development Ordinance.
   g. Any applicable construction and engineering standards.
   h. Conformance with the goals, objectives and intent described in the *Comprehensive Plan*.
   i. Any other information as may be required by the Area Plan Commission to evaluate the application.
8. *Decision*:
   a. The Area Plan Commission shall make findings of fact and take final action or continue the application for Major Subdivision Primary Plat to a defined future meeting date.
   b. Findings of Fact: The Area Plan Commission shall make the following findings of fact.
      i. The subdivision of land is consistent with the *Comprehensive Plan*.
      ii. The subdivision of land satisfies the prerequisites, minimum development requirements and design standards for the applicable subdivision type in *Article 6: Subdivision Types*.
      iii. The subdivision of land satisfies the applicable design standards in *Article 7: Design Standards*.
      iv. The subdivision of land satisfies any other applicable provisions of this Unified Development Ordinance.
      v. The subdivision of land satisfies any applicable construction and engineering standards.
   c. Final Action
      i. If the Area Plan Commission finds all of the findings of fact in the affirmative, it shall approve, approve with commitments, and/or approve with conditions the application for Major Subdivision Primary Plat.
      ii. If the Area Plan Commission does not find all of the findings of fact in the affirmative, it shall deny the application for Major Subdivision Primary Plat; or impose conditions of the approval that remedy areas of concern.

d. Commitments: Any verbal commitment made by, submitted in writing by, or illustration provided by the applicant or assigned representatives during a Area Plan Commission meeting shall be binding and required to be recorded. The Area Plan Commission may dismiss verbal, written, or illustrated commitments if they do not believe they are necessary. Commitments shall be recorded in the Office of the Vermillion County Recorder within thirty (30) days of the Area Plan Commission's final action.

e. The findings, final action, any conditions, and/or any commitments shall be signed by the President of the Area Plan Commission and be attested by the Zoning Administrator.

f. The Zoning Administrator shall provide the applicant a copy of the decision.

F. Duration: An approved Major Subdivision Primary Plat shall be valid for three (3) years from the date the Area Plan Commission granted approval. Phased projects shall have three (3) years for each phase from the date the previous phase's final plat was approved. For instance, a third phase's three (3) year timeframe starts when the second phase final plat is approved.

G. Modification:

1. *Minor Amendments*: A minor amendment to an approved Major Subdivision Primary Plat which does not involve: an increase in the number of lots or intensity of land uses; the addition of new land uses; changes to circulation; the addition of driveways or access points; lessening of connectivity, significantly altering the streetscape or character of the development, or reduction in the amount of parking may be authorized by the Zoning Administrator without a public hearing. An example of a minor amendment could be the adjustment or relocation of an easement or slight realignment of a street due to a discovered geological feature. A minor amendment authorized by the Zoning Administrator shall be reported, in writing, to the Area Plan Commission at its next regular meeting and entered into the project file.

2. *Major Amendments*: If the Zoning Administrator determines that the proposed modification adversely impacts or significantly changes the overall development; includes an increase in the number of lots; includes the designation of an additional land use, or requires a variance or waiver then the applicant shall be required to file a new application for Major Subdivision Primary Plat.

9.11 Subdivision, Major; Final Plat

A. Introduction: The Major Subdivision Final Plat is used to check compliance with the Major Subdivision Primary Plat, to resolve all construction matters and special conditions such as construction techniques, materials and the like, as well as prepare the plans and documents for recording.

B. Project Applicability: Major Subdivisions shall meet the standards of this section.

C. Prerequisites:

1. *Primary Plat*: The Application for Major Subdivision Primary Plat shall be approved by the Area Plan Commission prior to submitting for Final Plat approval.
2. *Conditions or Commitments*: If the Primary Plat approval included commitments or conditions, those commitments and/or conditions shall be recorded in the Office of the Vermillion County Recorder; or shall be included on or with the Final Plat to be recorded.
3. *Infrastructure*: All public infrastructure improvements proposed in the Major Subdivision Primary Plat shall be installed per any applicable construction and engineering standards, or the applicant shall have posted a performance surety that complies with *Section 7.24 SY-01: Surety Standards (pg 7-26)*.
4. *Time Limitation*: The application and supporting material for Major Subdivision Final Plat approval shall be filed within three (3) years from the date the Major Subdivision Primary Plat was approved by the Area Plan Commission. If approved as a phased project, only the first phase's Final Plat needs to be filed within three (3) years.

D. Filing Requirements:

1. *Application*: An application for a Major Subdivision Final Plat shall be made on a form provided by the Zoning Administrator.
2. *Required Information*: The required information for a Major Subdivision Final Plat shall be as requested on the application form. Additionally, a statement from a licensed surveyor or engineer indicating that required monuments and markers have been placed, or a memorandum of agreement shall be submitted from the applicant to comply with monument and marker requirement within ninety (90) days from the date the Final Plat is approved.
3. *Submittal Discretion*: The Zoning Administrator may waive any of the requirements requested on the application form for a Major Subdivision Final Plat, when it is clearly not relative to the application. Likewise, the Zoning Administrator may require additional information that is not requested on the application form for a Major Subdivision Final Plat, when more information is clearly necessary to review for compliance.
4. *Deadline*: The Application for a Major Subdivision Final Plat shall be submitted to the Zoning Administrator for a formal review at any time upon its completion.
5. *Fees*: Applicable fees shall be paid at the time the Application for a Major Subdivision Final Plat is filed. Fees shall include reimbursement for any cost to hire a professional engineer, professional planner, or other professional technician necessary to subsidize the Zoning Administrator's capabilities for review of the application or proposed project.

E. Formal Procedure:

1. *Assignment*: The Zoning Administrator shall review the application requesting Final Plat and all supporting information.
2. *Area Plan Commission Approval*: The Zoning Administrator shall assign the Final Plat a case number and place it on the Area Plan Commission agenda.
3. *Review*: The Zoning Administrator shall provide the application requesting Final Plat and the supporting information to any department, agency, or advisor as necessary for review. Through this review process, the Zoning Administrator shall determine if the infrastructure improvements installed or proposed to be installed meets any applicable construction and engineering standards; and if the improvements include adequate connection to existing and future systems. The Zoning Administrator shall forward all reviewer's input to the Area Plan Commission for consideration at the meeting.
4. *Public Notice*: Notice and public hearing shall not be required for Final Plat.
5. *Review and Decision*: The Area Plan Commission shall, based on comments from the reviewer's comments and their own review, approve, approve with conditions, or deny the Major Subdivision Final Plat. The Area Plan Commission shall review and take action at one of its regularly scheduled public meetings.

F. Recording: The Major Subdivision Final Plat, including applicable supporting information, easement agreements, covenants, commitments, and conditions shall be recorded at the Vermillion County Recorder's office within forty-five (45) days from the date it was signed by the Area Plan Commission President and Attested by the Zoning Administrator.

1. *Limitation*: The approved Major Subdivision Final Plat shall be recorded in the Office of the Vermillion County Recorder prior to any lots created by the Plat to be sold or otherwise change ownership.

G. Submittal for Area Plan Commission's Records: Two (2) hard copies of the approved Major Subdivision Final Plat; one (1) copy of the applicable supporting information, easement agreements, covenants, conditions or commitments; one (1) electronic copy of the plat and supporting information in .pdf (portable document format); and proof of its recording shall be submitted to the Zoning Administrator for the Area Plan Commission's records.

H. Replats: A replat of an existing major subdivision plat shall consist of two (2) processes. First, the plat, or the portion of the plat, shall be vacated in accordance with *Indiana Code*. Then, the property shall be platted using the Major Subdivision Plat process. The two (2) processes may be conducted in the same meeting with one combined vote.

9.12 Subdivision, Minor; Primary Plat

A. Introduction: A Minor Subdivision Primary Plat allows the Area Plan Commission the opportunity to expedite a subdivision approval when the major subdivision process requires unnecessary elements or scrutiny. A Minor Subdivision Plat is streamlined by requiring less application and support material, and by allowing final plat approval to be conducted administratively following the primary plat approval.

B. Project Applicability: A Minor Subdivision Plat can be used to subdivide property within the planning jurisdiction, but only if the proposed division meets the "Applicable Districts" and "Prerequisites" standards written below.

1. *Applicable Districts*: The minor subdivision of land shall occur only in the following zoning districts:

2. *Exemptions*:
   a. Condominiums regulated by *IC 32-25* are exempt from this subdivision process outlined in this Unified Development Ordinance. However, developments subject to *IC 32-25* are not exempt from *Article 7: Design Standards*.

C. Prerequisites:

1. *Eligible Applicant*: An application for a Minor Subdivision Primary Plat shall be initiated by the Owner of the land involved in the development.
2. *Pre-application Meeting*: Prior to submitting an application for Major Subdivision Primary Plat, the applicant may meet with the Zoning Administrator to review the zoning district of the site, review applicable regulatory ordinances, review the procedures, discuss external street and pedestrian systems the development will have to connect into, determine what submittal material will be necessary, and the like. The Zoning Administrator shall advise the applicant in preparing the application and supportive documents as necessary.
3. *Disqualifications*: A proposed division of land that includes one (1) or more of the following shall not be permitted to utilize the Minor Subdivision Plat process:
   a. Utilizing any subdivision type other than the "Simple Subdivision Type."
   b. The project will include a new street or improvements to an existing street,
   c. Divisions of land that result in six (6) or more total lots (i.e. splitting one lot into six),
   d. Divisions of land that result in new or modified easements; excluding a shared driveway easement,
   e. Divisions that requires waivers from the applicable design standards, or
   f. Divisions that require, or elect to have, common area or features that will be in common ownership; excluding a shared driveway.

D. Filing Requirements:

1. *Application*: An application for a Minor Subdivision Primary Plat shall be made on a form provided by the Zoning Administrator.
2. *Required Information*: The required information for a Minor Subdivision Primary Plat shall be as requested on the application form.
3. *Submittal Discretion*: The Zoning Administrator may waive any of the requirements requested on the application form for a Minor Subdivision Primary Plat, when it is clearly not necessary for the proposed development. Likewise, the Zoning Administrator may request additional information that is not requested on the application form for a Minor Subdivision Primary Plat, when more information is clearly necessary for the proposed development.
4. *Deadline*: The Application for a Minor Subdivision Primary Plat, all supporting information, site plan, plat maps, and any drawings shall be submitted thirty (30) days prior to the public meeting at which it is first to be heard by the Area Plan Commission.
5. *Fees*: Applicable fees shall be paid at the time the Application for a Minor Subdivision Primary Plat is filed. Fees shall include reimbursement for any cost to hire a professional engineer, professional planner, or other professional technician necessary to subsidize the Zoning Administrator's capabilities for review of the application or proposed project.

E. Formal Procedure:

1. *Assignment*: An application for Minor Subdivision Primary Plat, which is determined to be complete and in proper form by the Zoning Administrator, shall be assigned a case number and placed on the Area Plan Commission agenda pursuant to the Area Plan Commission's Rules of Procedure. The Zoning Administrator shall notify the applicant of the meeting date.
2. *Zoning Administrator Review*: The Zoning Administrator shall review the proposed Minor Subdivision Primary Plat and submit a written report to the Area Plan Commission stating pertinent facts. A copy of such report shall be made available to the applicant. The Zoning Administrator may also consult or meet with other agencies, departments, or advisors when desired or necessary.
3. *Public Notice*: The requirements for public notice shall be per the Area Plan Commission's Rules of Procedures.
4. *Attendance*: The Owner shall be present at the Area Plan Commission meeting to present and explain the application for a Minor Subdivision Primary Plat, and address and discuss comments and concerns posed by the Area Plan Commission or interested parties. Failure to appear may result in the dismissal of the application for lack of prosecution.
5. *Public Hearing*: A public hearing shall be held in accordance with the Area Plan Commission Rules of Procedure.
6. *Review*: At their regularly scheduled public meeting, the Area Plan Commission shall review:
   a. The application for Minor Subdivision Primary Plat.
   b. All supporting information including the site plan, lot access, elevations, etc.
   c. The testimony of the applicant.
   d. Information presented in writing or verbally by the Zoning Administrator, other applicable agencies or departments.
   e. Input from the public during the public hearing.
   f. Any applicable provisions of this Unified Development Ordinance.
   g. Conformance with the goals, objectives and intent described in the *Comprehensive Plan*.
   h. Any other information as may be required by the Area Plan Commission to evaluate the application.
7. *Decision*:
   a. The Area Plan Commission shall make findings of fact and take final action, or continue the application for a Minor Subdivision Primary Plat to a defined future meeting date.
   b. The Area Plan Commission shall make the following findings of fact. Findings, or lack of findings, may be in the form of a general statement.
      i. The subdivision of land is consistent with the *Comprehensive Plan*.
      ii. The subdivision of land satisfies the prerequisites, development requirements and design standards for the applicable Simple Subdivision Type in *Article 6: Subdivision Types*.
      iii. The subdivision of land satisfies the applicable design standards in *Article 7: Design Standards*.
      iv. The subdivision of land satisfies the applicable development standards in *Article 2: Zoning Districts* and *Article 5: Development Standards*.
      v. The subdivision of land satisfies all other applicable provisions of this Unified Development Ordinance.
   c. Final Action
      i. If the Area Plan Commission finds all of the findings of fact in the affirmative, it shall approve, approve with commitments, and/or approve with conditions the application for Minor Subdivision Primary Plat.
      ii. If the Area Plan Commission does not find all of the findings of fact in the affirmative, it shall deny the application for Minor Subdivision Primary Plat; or impose conditions of the approval that remedy areas of concern.

d. Commitments: Any verbal commitment made by, submitted in writing by, or illustration provided by the applicant or assigned representatives during a Area Plan Commission meeting shall be binding and are required to be recorded. The Area Plan Commission may dismiss verbal, written, or illustrated commitments if they do not believe they are necessary. Commitments shall be recorded in the Office of the Vermillion County Recorder within thirty (30) days of the Area Plan Commission's final action.

e. The findings, final action, any conditions, and/or any commitments shall be signed by the President of the Area Plan Commission and be attested by the Zoning Administrator.

f. The Zoning Administrator shall provide the applicant a copy of the decision.

F. Duration: An approved Minor Subdivision Primary Plat shall be valid for three (3) years from the date the Area Plan Commission granted approval. Lots being changed or created are not considered buildable until the Minor Subdivision Final Plat process is completed.

G. Modification:

1. *Minor Amendments*: Minor amendment to an approved Minor Subdivision Primary Plat which does not involve: an increase in the number of lots or intensity of land uses; the addition of new land uses; or the addition of driveways may be authorized by the Zoning Administrator without a public hearing. An example of a minor amendment could be the adjustment of a property line. A minor amendment authorized by the Zoning Administrator shall be reported, in writing, to the Area Plan Commission at its next regular meeting and entered into the project file.

2. *Major Amendments*: If the Zoning Administrator determines that the proposed modification adversely impacts or significantly changes the overall subdivision, or requires a variance or waiver, then the applicant shall be required to file a new application for Minor Subdivision Primary Plat.

9.13 Subdivision, Minor; Final Plat

A. Introduction: The Minor Subdivision Final Plat shall assure that the Primary Plat and support information were prepared and officially recorded.

B. Delegation of Powers: In accordance with *IC 36-7-4-709* as amended, the Area Plan Commission may delegate Final Plat approval authority to staff. The Area Plan Commission hereby delegates this authority to the Zoning Administrator for Minor Subdivision Final Plat approval.

C. Prerequisites:
   1. *Primary Plat*: A Minor Subdivision Primary Plat shall have already been approved by the Area Plan Commission.
   2. *Time Limitation*: The application and supporting material for Minor Subdivision Final Plat approval shall be filed within three (3) years from the date the Minor Subdivision Primary Plat was approved by the Area Plan Commission.

D. Filing Requirements:
   1. *Application*: An application for a Minor Subdivision Final Plat shall be made on forms provided by the Zoning Administrator.
   2. *Supporting Information*: The following information shall accompany the application for a Minor Subdivision Final Plat.
      a. Statement from a licensed surveyor or engineer indicating that required monuments and markers have been placed, or a memorandum of agreement shall be submitted from the applicant to comply with monument and marker requirement within ninety (90) days from the date the Final Plat is approved.
      b. Any other information necessary to review the Minor Subdivision Final Plat as requested on the application form or from the Zoning Administrator.
   3. *Deadline*: The Application for a Minor Subdivision Final Plat shall be submitted to the Zoning Administrator for a formal review at any time upon its completion.
   4. *Fees*: Applicable fees shall be paid at the time the Application for a Minor Subdivision Final Plat is filed. Fees shall include reimbursement for any cost to hire a professional engineer, professional planner, or other professional technician necessary to subsidize the Zoning Administrator's capabilities for review of the application or proposed project.

E. Formal Procedure:
   1. *Determining Substantially Complete*: An application for Minor Subdivision Final Plat, which is determined to be substantially complete and in proper form by the Zoning Administrator, shall be reviewed.
   2. *Review*: Upon determining substantial completion, the Zoning Administrator shall review the Minor Subdivision Final Plat and support material for compliance with the Unified Development Ordinance and the Primary Plat.
   3. *Submittal of Revised Plans*: The applicant will be given opportunity to revise plans to address issues if deficiencies are identified by the Zoning Administrator.
   4. *Decision*:
      a. The Zoning Administrator shall make the following finding of fact.
         i. The division of land is consistent with the Minor Subdivision Primary Plat as approved by the Area Plan Commission.
      b. Final Action:
         i. When the Zoning Administrator determines the finding of fact in the affirmative, he/she shall take final action and approve the application for Minor Subdivision Final Plat.
         ii. If the Zoning Administrator does not find all of the findings of fact in the affirmative, he/she shall deny the application for Minor Subdivision Final Plat.
      c. If the Minor Subdivision Final Plat is approved the plat shall be signed and dated by the Zoning Administrator.

F. Building Permit Limitation: No building permit shall be issued until proof of recording of the Final Plat has been submitted.

G. Recording: The Minor Subdivision Final Plat, including applicable supporting information, covenants, commitments, and conditions shall be recorded at the Vermillion County Recorder's office within forty-five (45) days from the date it was signed by the Zoning Administrator.

1. *Limitation*: The approved Minor Subdivision Final Plat shall be recorded in the Office of the Vermillion County Recorder prior to any lots created by the Plat to be sold or otherwise change ownership.

H. Submittal for Area Plan Commission's Records: Two (2) hard copy of the approved Minor Subdivision Final Plat; two (2) copies of the applicable supporting information, covenants, conditions or commitments; one (1) electronic copy of the plat and supporting information in .pdf (portable document format); and proof of its recording shall be submitted to the Zoning Administrator for the Area Plan Commission's records.

I. Replats: A replat of an existing minor subdivision plat shall consist of two (2) processes. First, the plat, or the portion of the plat, shall be vacated in accordance with Indiana Code. Then, the property shall be platted using the Minor (or Major if applicable) Subdivision Plat process. The two (2) processes may be conducted in the same meeting with one combined vote.

9.14 Text Amendment

A. Introduction: It may become necessary to amend the text of the Unified Development Ordinance from time to time. The Area Plan Commission has the authority to hear a proposal to amend the text of the Unified Development Ordinance. Any proposed amendment to the Unified Development Ordinance would be required to be heard at a public hearing, a favorable recommendation for adopting the amendment by vote of the Area Plan Commission, and formal adoption of the amendments by all applicable legislative bodies.

B. Project Applicability: Any proposal to add, remove, or alter a provision of the Unified Development Ordinance (i.e. Text Amendment) shall follow the process outlined in this section.

C. Prerequisites:
   1. *Eligible Applicants*: Members of an applicable legislative body or members of the Area Plan Commission shall initiate a proposal to amend the text of the Unified Development Ordinance. Property owners who wish to propose an amendment to the text of the Unified Development Ordinance and who are not members of a legislative body or the Area Plan Commission shall find a sponsor on a legislative body or the Area Plan Commission to introduce the proposal.

D. Filing Requirements:
   1. *Proposal*: A proposal for an amendment to the text of the Unified Development Ordinance shall be prepared by the Zoning Administrator upon the direction of either an applicable legislative body or the Area Plan Commission.

E. Formal Procedure: The process for a Unified Development Ordinance Text Amendment, including public notice, public hearing, and review, shall be per the Area Plan Commission's Rules of Procedure and Indiana Code.
   1. *Effective Date*:
      a. Unless an amendment to the text of the Unified Development Ordinance provides for a later effective date, the amendment shall be effective when it is adopted under *IC 36-7-4-607*.

F. Correcting Errors: Any non-substantive error found in the Unified Development Ordinance may be brought to the Area Plan Commission's attention. If the Area Plan Commission believes the error can be corrected without changing the regulations or the intent of the regulations, those text amendments may be made after a majority vote by the members of the Area Plan Commission. Changes that can get approved include, duplicate words, a grammatical error, a terminology error, misspelling, punctuation error, and the like. Any proposed change that is possibly substantive should be approved through the amendment process described in *Section 9.14(A)* through *Section 9.14(E)*.

9.15 Variance of Development Standards

A. Introduction: The Board of Zoning Appeals may grant relief from the development standards regulations (e.g. height or setbacks) of the Unified Development Ordinance for projects that meet the criteria set forth in this section.

B. Jurisdiction: Proposed projects within the jurisdictional area of the Area Plan Commission that are unable to meet the provisions of the Unified Development Ordinance may apply for a Development Standards Variance.

C. Prerequisites
   1. *Eligible Applicants*: An application for a Development Standards Variance shall be filed by the Owner of the subject property.
   2. *Pre-application Meeting*: Prior to submitting an application for a Development Standards Variance, the applicant may meet with the Zoning Administrator to review the zoning classification of the site, ordinance provisions, the application packet, and the procedure involved.

D. Filing Requirements:
   1. *Application*: An application for a Development Standards Variance shall be made on a form provided by the Zoning Administrator.
   2. *Required Information*: The required information for a Development Standards Variance shall be as requested on the application form.
   3. *Submittal Discretion*: The Zoning Administrator may waive any of the requirements requested on the application form, when it is clearly not relative to the application. Likewise, the Zoning Administrator may request additional information that is not requested on the application form, when more information is clearly necessary for the Board of Zoning Appeals to make a decision.
   4. *Deadline*: An Application for a Development Standards Variance shall be filed at least twenty-one (21) days prior to the public meeting at which it is first to be considered by the Board of Zoning Appeals.
   5. *Fees*: Applicable fees shall be paid at the time the Application for a Variance is filed. Fees shall include reimbursement for any cost to hire a professional engineer, professional planner, attorney, or other professional technician necessary to subsidize the Board of Zoning Appeals' capabilities for review of the proposed project.

E. Formal Procedure: The process for a Development Standards Variance, including filing, public notice, public hearing, and review, shall be per the Board of Zoning Appeal's Rules of Procedure.
   1. *Decision*:
      a. Development Standards Variance Findings of Fact: The Board of Zoning Appeals shall make findings of fact for a Development Standards Variance on the following criteria:
         i. The approval of the Development Standards Variance will not be injurious to the public health, safety, morals and general welfare of the community.
         ii. The use and value of the area adjacent to the subject property of the Development Standards Variance will not be affected in a substantially adverse manner.
         iii. The strict application of the terms of the ordinance will result in practical difficulties in the use of the property.
      b. Final Action:
         i. If the Board of Zoning Appeals finds all of the findings of fact in the affirmative, it shall approve, approve with conditions, and/or approve with commitments the application for a Variance.
         ii. If the Board of Zoning Appeals does not find all of the findings of fact in the affirmative, it shall deny the application for a Variance.
      c. Commitments and Conditions:
         i. Commitments: The Board of Zoning Appeals may require the Owner to make a written commitment. A documented commitment is binding on the Owner of the land and any subsequent owner of the land.
         ii. Conditions: The Board of Zoning Appeals may require certain conditions for an approval. A documented condition is binding on the Owner of the land and any subsequent owner of the land.

F. Duration:
   1. *Development Standards Variance*: A Development Standards Variance granted by the Board of Zoning Appeals shall run with the land until such time as the applicable property and/or structure conforms with the Unified Development Ordinance.

Variance of Use

9.16 Variance of Use

A. Use Variance: Use Variances shall not be permitted.

9.17 Waiver from Design Standard

A. Introduction: When the Area Plan Commission finds that an extraordinary hardship or practical difficulty would result from strict compliance with *Article 7: Design Standards* and/or that the purposes of these regulations may be served to a greater extent by an alternative proposal, the Area Plan Commission may approve a Design Standard Waiver such that substantial benefit be achieved or the public interest served, provided that such Design Standard Waivers does not have the effect of subverting the intent and purpose of these regulations.

B. Prerequisites:
   1. *Primary Plat Application*: The applicant shall only file a Design Standard Waiver application in conjunction with a Minor Subdivision Primary Plat, Major Subdivision Primary Plat, or Replat application.
   2. *Design Standards*: The waiver shall be in regard to *Article 7: Design Standards*, and shall not be a request for relief from *Article 5: Development Standards*. Any relief request from *Article 5: Development Standards* shall be subject to the Variance procedure with the Board of Zoning Appeals.

C. Filing Requirements:
   1. *Application*: An application for a Design Standard Waiver shall be made on a form provided by the Zoning Administrator.
   2. *Required Information*: The required information for a Design Standard Waiver shall be as requested on the application form. The application shall identify the Design Standards provision that is being requested to be waived or reduced, the justification for the request, and a statement as to why the waiver will not subvert or diminish the intent and purpose of the Unified Development Ordinance, particularly the subdivision type's intent and the applicable Design Standards.
   3. *Submittal Discretion*: The Zoning Administrator may waive any of the requirements requested on the application form for a Design Standard Waiver, when it is clearly not necessary for the proposed development. Likewise, the Zoning Administrator may request additional information that is not requested on the application form for a Major Subdivision Primary Plat, when more information is clearly necessary for the proposed development.
   4. *Deadline*: The Application for a Design Standard Waiver, all supporting information, and drawings shall be submitted thirty (30) days prior to the public meeting at which it is first to be heard by the Area Plan Commission.
   5. *Fees*: Applicable fees shall be paid at the time the Application for a Design Standard Waiver is filed. Fees shall include reimbursement for any cost to hire a professional engineer, professional planner, or other professional technician necessary to subsidize the Zoning Administrator's capabilities for review of the application or proposed project.

D. Formal Procedure:
   1. *Assignment*: An application for Design Standard Waiver, which is determined to be complete and in proper form by the Zoning Administrator, shall be assigned a case number and placed on the Area Plan Commission agenda pursuant to the Area Plan Commission's Rules of Procedure. The Zoning Administrator shall notify the applicant of the meeting date.
   2. *Staff Report*: The Zoning Administrator shall submit a written report to the Area Plan Commission stating any facts concerning the application. The written report may also contain opinions of the Zoning Administrator concerning the information submitted from the other agencies and departments that have reviewed the proposed waiver request. A copy of such report shall be made available to the applicant.
   3. *Public Notice*: The requirements for public notice shall be per the Area Plan Commission's Rules of Procedures.
   4. *Attendance*: The Owner shall be present at the Area Plan Commission meeting to present and explain the application for Design Standard Waiver and address and discuss comments and concerns posed by the Area Plan Commission. Failure to appear may result in the dismissal of the application for lack of prosecution.
   5. *Public Hearing*: A public hearing shall be held in accordance with the Area Plan Commission Rules of Procedure.

6. *Review*: At their regularly scheduled public meeting, the Area Plan Commission shall review:
   a. The application and supportive material submitted by the applicant;
   b. The Primary Plat;
   c. The testimony of the applicant;
   d. Relevant evidence presented by other persons;
   e. The *Comprehensive Plan*;
   f. Any applicable provisions of the Unified Development Ordinance;
   g. Any applicable construction and engineering standards;
   h. The Zoning Administrator report; and
   i. Such other additional information as may be necessary or required by the Area Plan Commission to evaluate the application.
7. *Findings of Fact*:
   a. The Area Plan Commission shall not approve a Design Standard Waiver unless it makes favorable findings based upon the evidence presented to it in each specific case. Specifically, the findings shall include that:
      i. The granting of the Design Standard Waiver will not be detrimental to the public safety, health, or welfare, or otherwise be injurious to other adjacent or nearby properties; and
      ii. The conditions upon which the request for a Design Standard Waiver is based are unique to the property for which the Design Standard Waiver is sought and are not applicable generally to other property; and
      iii. Because of the particular situation or physical feature on the subject lot, a particular practical difficulty to the property owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out. A financial difficulty shall not constitute grounds for a Design Standard Waiver as upheld by the US Supreme Court..
      iv. The Design Standard Waiver shall not in any manner subvert the provisions of *Article 5: Development Standards* or the *Comprehensive Plan*.
   b. Certification:
      i. Signed: The findings document, whether finding in the affirmative or not, shall be signed by the President of the Area Plan Commission and filed with the Primary Plat.
      ii. Notification: The Area Plan Commission shall furnish the applicant with a copy of its decision.
8. *Decision*: The Area Plan Commission shall either:
   a. Approve the application;
   b. Approve the application with conditions and/or commitments;
   c. Deny the application; or
   d. Continue the application to a definite future meeting date.
9. *Commitments*:
   a. Acceptance: In conjunction with the approval of a Design Standard Waiver, the Area Plan Commission may permit or require the applicant to make written commitments that remedy concerns.
   b. Form: The applicant shall prepare the commitment instrument, if applicable, in a form approved by the Area Plan Commission Attorney. The applicant and the President of the Area Plan Commission shall sign the commitment instrument.
   c. Recording: The applicant shall record the commitment instrument in the Vermillion County Recorder's office with the Primary Plat. The applicant shall deliver receipt and a copy of the recorded commitment instrument to the Zoning Administrator before submitting a Final Plat application.
   d. Modification or Termination: A commitment made under this section may be modified or terminated only by a decision of the Area Plan Commission made at a public hearing. Public notice of the public hearing shall be provided per the Area Plan Commission Rules of Procedure. The applicant shall prepare and record a commitment modification instrument or commitment termination instrument in the same manner required for a commitment instrument. A modified commitment shall be enforced in the same manner as any other commitment.
   e. Enforcement: The Area Plan Commission may enforce any commitment accepted as if the commitment were a design standard of the Unified Development Ordinance.

10. *Conditions of Approval*:
    a. Requirement: In conjunction with the approval of a Design Standard Waiver, the Area Plan Commission may impose conditions of approval concerning the use or development of the parcel that will, in its judgment, substantially secure the objectives of these regulations.
    b. Form: The Zoning Administrator shall prepare the conditions of approval instrument in a form approved by the Area Plan Commission Attorney. The President of the Area Plan Commission shall sign the conditions of approval instrument.
    c. Recording: The applicant shall record the conditions of approval instrument in the County Recorder's office with the Primary Plat. The applicant shall deliver receipt and a copy of the recorded conditions of approval instrument to the Zoning Administrator before submitting a Final Plat application.
    d. Modification or Termination: A condition of approval imposed under this section may be modified or terminated only by a decision of the Area Plan Commission made at a public hearing. Public notice of the public hearing shall be provided per the Area Plan Commission Rules of Procedure. The applicant shall prepare and record a conditions of approval modification instrument or conditions of approval termination instrument in the same manner required for a conditions of approval instrument. A modified condition of approval shall be enforced in the same manner as any other condition of approval.
    e. Enforcement: The Enforcement Official may enforce any condition of approval the Area Plan Commission has imposed as if the condition were a design standard of the Unified Development Ordinance.
11. *Revisions to the Primary Plat*: Following Area Plan Commission approval of a waiver, the applicant shall submit revised copies of the Primary Plat that address the comments and concerns of the Area Plan Commission, when applicable. The Zoning Administrator shall determine if the submitted changes are consistent with the Area Plan Commission's decisions prior to the applicant recording the Primary Plat.

Zoning Compliance Permit

9.18 Zoning Compliance Permit

This process applies to the following zoning districts:

CO PR A1 A2 RR R1 R2 UR M1 M2 IS UC GC HC I1 I2 HI

A. Applicability: A Zoning Compliance Permit (a.k.a. Improvement Location Permit) shall be required prior to permanent construction, installation, addition, alteration, or relocation of a structure and prior to permanent alteration to the land when one-half (1/2) acre or greater land area will be disturbed.

B. Exemption from Zoning Compliance Permit: This exemption is only from having to obtain a Zoning Compliance Permit and from paying any application fee. It is not an exemption from having to meet all other applicable regulations in the Unified Development Ordinance. Any project exempt from having to acquire a Zoning Compliance Permit that is in violation of the Unified Development Ordinance is subject to *Article 10: Enforcement*. The following projects are exempt from having to obtain a Zoning Compliance Permit.
   1. *Standard Temporary Signs*: A standard temporary sign that is in full compliance with the Unified Development Ordinance shall be exempt from obtaining a Zoning Compliance Permit.
   2. *Sign Content Change*: Changes to sign content (e.g. changeable copy, or replacing a sign face) shall be exempt from obtaining a Zoning Compliance Permit.
   3. *Small Structures*: An accessory structure that is one-hundred twenty (120) square feet or less in area, and not on a permanent foundation is exempt from obtaining a Zoning Compliance Permit.
   4. *Softscaping and Hardscaping*: Installing trees, shrubs, plants, and flowers; applying mulch or soil enhancers; raising of planting beds around foundations; and installing accent hardscaping (e.g. stone steps, stone edging, and small retaining walls) is exempt from obtaining a Zoning Compliance Permit.
   5. *Deck or Patio*: A deck or patio that is one-hundred twenty (120) square feet or less, cumulatively on a lot, is exempt from obtaining a Zoning Compliance Permit.
   6. *Flag Pole*: Flag poles may be installed without obtaining a Zoning Compliance Permit.
   7. *Play Set*: Play sets may be installed without obtaining a Zoning Compliance Permit.
   8. *Type 1 Home Business*: Type 1 home businesses may commence without obtaining a Zoning Compliance Permit.

C. Cross Reference:
   1. *Building Permit*: A Zoning Compliance Permit does not address or authorize compliance with building codes. The review for compliance with the Building Code is conducted by a Building Inspector and is a separate process from the Zoning Compliance Permit.
   2. *Stormwater Permit*: A Zoning Compliance Permit does not authorize compliance with the Vermillion County Stormwater Management Ordinance. See *Stormwater Management Ordinance* for the specific process and applicable regulations.
   3. *Other Permits*: A Zoning Compliance Permit does not authorize compliance with any state, or federal Permits. It is the responsibility of the property owner to acquire any other required permits prior to making any improvement, including other local government permits that may be applicable.

D. Filing Requirements:
   1. *Application*: Application for a Zoning Compliance Permit shall be made on a form provided by the Zoning Administrator.
   2. *Required Information*: The required information for a Zoning Compliance Permit shall be as requested on the application form.
   3. *Plans or Illustrations*: Plans or illustrations filed as part of an application shall be drawn to a scale sufficient to permit a clear and precise understanding of the proposal being made.
   4. *Submittal Discretion*: The Zoning Administrator may waive any of the requirements requested on the application form for a Zoning Compliance Permit, when it is clearly not necessary for the proposed improvement. Likewise, the Zoning Administrator may request additional information that is not requested on the application form for a Zoning Compliance Permit, when more information is clearly necessary to make a decision or review for compliance.
   5. *Deadline*: Applications for a Zoning Compliance Permit shall be submitted to the Zoning Administrator during normal business hours. There is no deadline.
   6. *Fees*: Applicable fees shall be paid at the time the application for a Zoning Compliance Permit is filed. Fees shall include reimbursement for any cost to hire a professional engineer, professional planner, or other professional technician necessary to subsidize the Zoning Administrator's capabilities for review of the application or proposed project.

E. Permit Procedure:
   1. *Substantially Complete Application*: An application for a Zoning Compliance Permit shall not be reviewed for approval until it is determined to be substantially complete by the Zoning Administrator. The Zoning Administrator shall first verify that the application form and any required supplemental information has been submitted correctly, and the applicable application fee has been paid.
   2. *Review the Project's Compliance*: The Zoning Administrator shall review the project to determine whether it complies with the Unified Development Ordinance. The Zoning Administrator may consult with other local government staff, or any other person, department, or group to determine if the project complies with all of the provisions of the Unified Development Ordinance. During the review process, the Zoning Administrator may:
      a. Request Additional Information: During the process of rendering a decision, the Zoning Administrator may request additional information deemed necessary to determine whether the project complies with the Unified Development Ordinance.
      b. Exercise Discretion: Some provisions within the Unified Development Ordinance allow the Zoning Administrator to apply discretion to a decision. If such discretion is exercised, the Zoning Administrator shall describe the decision and cite the authority for that discretion.
      c. Interpret the Unified Development Ordinance: Because the Unified Development Ordinance cannot address every possible unique detail or situation the Zoning Administrator shall interpret the intent of the Unified Development Ordinance as necessary. Interpretations shall not be a substitute for a Variance.
   3. *Render a Decision*: The Zoning Administrator shall render a "decision to deny" or "decision to approve" based on the information submitted, project review, discretion exercised, and interpretations made.
   4. *Issuing a Zoning Compliance Permit*: When the proposed project complies with the Unified Development Ordinance, the Zoning Administrator shall render a decision to approve, document the terms of the approval on the permit, and then issue a Zoning Compliance Permit. The Zoning Administrator may also issue a placard to the applicant. The placard is to be posted in a conspicuous place on the subject property for the duration of the project.
   5. *Decision to Deny a Zoning Compliance Permit*: When the proposed project does not comply with the Unified Development Ordinance, the Zoning Administrator shall not issue a Zoning Compliance Permit. The Zoning Administrator shall document the reasons for not issuing a Zoning Compliance Permit and send that information to the applicant by email, US Mail, or by phone. Similarly, if a phone call is used to communicate denial, documentation of the phone call shall be included in the file.
   6. *Allowance for Revision Prior to a Decision*: At the discretion of the Zoning Administrator, the applicant may be permitted to modify any part of the application prior to a decision by the Zoning Administrator.
   7. *Allowance for Revision After a Decision*: After a decision to deny, the applicant may promptly revise the application in order to comply with the Unified Development Ordinance without terminating the process. The applicant may submit revisions up to two (2) times within thirty (30) days from the decision to deny, after said limitation, a full reapplication shall be necessary, including paying the applicable fee.
   8. *Pursuit of Relief*: After a decision to deny, the applicant may promptly pursue an Administrative Appeal or Development Standards Variance. During an appeal for relief, the application for Zoning Compliance Permit shall be suspended until the Board of Zoning Appeals rules on the matter.

F. Duration:
   1. *Procedural Expiration*: An application for a Zoning Compliance Permit shall expire and be void after the applicant is notified of a decision to deny unless the applicant makes revisions to the application or pursues relief through the Board of Zoning Appeals within thirty (30) days from notification.
   2. *Commencement*: After a Zoning Compliance Permit is issued, the project shall begin within twelve (12) months of the issuance date or the Zoning Compliance Permit shall become null and void.
   3. *Expiration*: After a Zoning Compliance Permit is issued, the project shall be completed within two (2) years of the issuance date or the Zoning Compliance Permit shall become null and void.
   4. *Extensions*: Upon request by the applicant, a Zoning Compliance Permit may be extended one (1) time for up to twelve (12) months. The Zoning Administrator may grant the requested extension if the Owner is believed to be making progress in a timely manner. Both the request for the extension and the Zoning Administrator's decision concerning the extension shall be made part of the Zoning Compliance Permit file.

G. Modification After Issuance of a Zoning Compliance Permit: At the discretion of the Zoning Administrator, a Zoning Compliance Permit may be modified if:
   1. *Warranted*: Warranted due to discoveries during construction or other significant finding, and
   2. *Requested Prior to Initiation*: Requested prior to construction, installation, addition, alteration, or relocation of a structure; prior to alteration to the land; and prior to establishment of a new land or change an existing land use.

   or if:
   1. *Warranted*: Warranted due to discoveries during construction or other significant finding,
   2. *Component is Not Completed*: Requested prior to the applicable component of the project being completed, and
   3. *Not Correcting a Violation*: The modification is not an attempt to correct a violation.

H. Modifications: If a modification is allowed, the Zoning Administrator shall request any necessary information, shall review the modification for its compliance to the Unified Development Ordinance, and then render a decision. If the proposed modification meets the provisions of the Unified Development Ordinance the modification request may be approved. If the proposed modification does not meet the provisions of the Unified Development Ordinance, the modification request shall be denied.

I. Record of Zoning Compliance Permit: Records of Zoning Compliance Permits that were approved or denied pursuant to this section shall be kept on file for the period as specified by the Indiana State Code and shall be available as public record.

Zoning Compliance Permit; Temporary

9.19 Zoning Compliance Permit; Temporary

A. Applicability: A Temporary Zoning Compliance Permit (a.k.a. Temporary Improvement Location Permit) shall be required prior to establishment of a temporary use of land or structure. The following are examples of projects necessitating a Temporary Zoning Compliance Permit:
   1. *Temporary Uses*:
      a. Roadside sale of produce
   2. *Temporary Structures*:
      a. Tents
      b. Construction trailers
      c. Special temporary signs
      d. Portable storage units

B. Filing Requirements:
   1. *Application*: Application for a Temporary Zoning Compliance Permit shall be made on a form provided by the Zoning Administrator.
   2. *Required Information*: The required information for a Temporary Zoning Compliance Permit shall be as requested on the application form. The number of days the permit is needed for shall be included in the permit application.
   3. *Plans or Illustrations*: Plans or illustrations filed as part of an application shall be drawn to a scale sufficient to permit a clear and precise understanding of the proposal being made.
   4. *Submittal Discretion*: The Zoning Administrator may waive any of the requirements requested on the application form for a Temporary Zoning Compliance Permit, when it is clearly not necessary for the proposed improvement. Likewise, the Zoning Administrator may request additional information that is not requested on the application form for a Temporary Zoning Compliance Permit, when more information is clearly necessary to make a decision or review for compliance.
   5. *Deadline*: Applications for a Temporary Zoning Compliance Permit shall be submitted to the Zoning Administrator during normal business hours.
   6. *Fees*: Applicable fees shall be paid at the time the application for a Zoning Compliance Permit is filed. Fees shall include reimbursement for any cost to hire a professional engineer, professional planner, or other professional technician necessary to subsidize the Zoning Administrator's capabilities for review of the application or proposed project.

C. Permit Procedure:
   1. *Substantially Complete Application*: An application for a Temporary Zoning Compliance Permit shall not be reviewed for approval until it is determined to be substantially complete by the Zoning Administrator. The Zoning Administrator shall first verify that the application form and any required supplemental information has been submitted correctly, and the applicable application fee is paid.
   2. *Review the Project's Compliance*: After the application is verified as being substantially complete, the Zoning Administrator shall review the project to determine whether it complies with the Unified Development Ordinance. The Zoning Administrator may consult with any other person, department, or group to determine if the project complies with all of the provisions of the Unified Development Ordinance. During the review process, the Zoning Administrator may:
      a. Request Additional Information: During the process of rendering a decision, the Zoning Administrator may request additional information deemed necessary to determine whether the project complies with the Unified Development Ordinance.
      b. Exercise Discretion: Some provisions within the Unified Development Ordinance allow the Zoning Administrator to apply discretion to a decision. If such discretion is exercised, the Zoning Administrator shall describe the decision and cite the authority for that discretion.
      c. Interpret the Unified Development Ordinance: Because the Unified Development Ordinance cannot address every possible unique detail or situation the Zoning Administrator shall interpret the intent of the Unified Development Ordinance as necessary. Interpretations shall not be a substitute for a Variance.

3. *Render a Decision*: The Zoning Administrator shall render a "decision to deny" or "decision to approve" based on the information submitted, project review, discretion exercised, and interpretations made.
4. *Issuing a Temporary Zoning Compliance Permit*: If the proposed project complies with the Unified Development Ordinance the Zoning Administrator shall render a decision to approve, document the terms of the approval on the permit, and then issue a Temporary Zoning Compliance Permit. The Zoning Administrator may also issue a placard to the applicant. The placard is to be posted in a conspicuous place on the subject property for the duration of the temporary use or structure.
5. *Decision to Deny*: When the proposed project does not comply with the Unified Development Ordinance, the Zoning Administrator shall not issue a Temporary Zoning Compliance Permit. The Zoning Administrator shall document the reasons for not issuing a Temporary Zoning Compliance Permit and send that information to the applicant by email, US Mail, or by phone. Similarly, if a phone call is used to communicate denial, documentation of the phone call shall be included in the file.
6. *Allowance for Revision Prior to a Decision*: Not applicable.
7. *Allowance for Revision After a Decision to Deny*: After a decision to deny, the applicant may promptly revise the application in order to comply with the Unified Development Ordinance without terminating the process. The applicant may submit revisions up to two (2) times within thirty (30) days from the decision to deny, after said limitation, a full reapplication shall be necessary, including paying the applicable fee.
8. *Pursuit of Relief*: After a decision to deny, the applicant may promptly pursue an Administrative Appeal or Development Standards Variance. During an appeal for relief, the application for Temporary Zoning Compliance Permit shall be suspended until the Board of Zoning Appeals rules on the matter.

D. Duration: When a Temporary Zoning Compliance Permit is issued, the following duration standards apply:
   1. *Procedural Expiration*: An application shall expire and be void after the applicant is notified of a decision to deny unless the applicant makes revisions to the application or files an appeal with the Board of Zoning Appeals within thirty (30) days from notification.
   2. *Permit Expiration*: A Temporary Zoning Compliance Permit shall be issued for the dates requested by the applicant and within the ordinance limits as described. The permitted dates shall be displayed on the Temporary Zoning Compliance Permit and placard.
   3. *Extensions*: Not applicable.

E. Modification After Issuance of a Temporary Zoning Compliance Permit: Not applicable.

F. Record of Temporary Zoning Compliance Permit: Records of Temporary Zoning Compliance Permits that were approved or denied pursuant to this section shall be kept on file in the County Planning Office for the period as specified by the Indiana State Code and shall be available as public record.

9.20 Zoning Map Amendment (Rezoning)

A. Introduction: It may become necessary to change the zoning of an area or a lot, thereby amending the Official Zoning Map. The Area Plan Commission has the authority to hear a proposal to amend the Official Zoning Map. This process is typically known as a "rezoning" of land. The Area Plan Commission shall make a recommendation to the applicable legislative body concerning a proposal to amend the Official Zoning Map. The applicable legislative body has the final authority to approve or deny a proposal to amend the Official Zoning Map.

B. Project Applicability:
   1. *Jurisdiction*: Areas or lots shall be located within the jurisdictional area of the Area Plan Commission.
   2. *Previously Denied Applications*: The Zoning Administrator shall refuse to accept an application for a Rezoning that has been denied by the applicable legislative body within the last three (3) months. However, the Zoning Administrator shall have the authority and discretion to determine that an application for a Rezoning containing significant changes that may justify re-filing within the aforementioned three (3) month period.

C. Prerequisites
   1. *Eligible Applicants*: An application for a Rezoning shall be filed by the Owner. Also, the Area Plan Commission or legislative body may act as an applicant and initiate a Rezoning.
   2. *Pre-application Meeting*: Prior to submitting an application for a Rezoning the applicant may meet with the Zoning Administrator to review the current zoning district, the proposed zoning district, adjacent zoning districts and land uses, applicable ordinance provisions, *Comprehensive Plan*, the application packet, and the procedure involved.

D. Filing Requirements:
   1. *Application*: An application for a Zoning Map Amendment shall be made on a form provided by the Zoning Administrator.
   2. *Required Information*: The required information for a Zoning Map Amendment shall be as requested on the application form.
   3. *Submittal Discretion*: The Zoning Administrator may waive any of the requirements requested on the application form for a Zoning Map Amendment, when it is clearly not relative to the application. Likewise, the Zoning Administrator may request additional information that is not requested on the application form for a Zoning Map Amendment, when more information is clearly necessary to make a decision.
   4. *Deadline*: An Application for a Rezoning shall be filed at least thirty (30) days prior to the public meeting at which it is first to be considered by the Area Plan Commission.
   5. *Fees*: Applicable fees shall be paid at the time the Application for a Rezoning is filed. An application without the appropriate application fee shall not be considered substantially complete. Fees shall include reimbursement for any cost to hire a professional engineer, professional planner, attorney, or other professional technician necessary to subsidize the Zoning Administrator or Area Plan Commission's capabilities for review of the application or proposed project.

E. Formal Procedure: The process for a Rezoning, including public notice, public hearing, and review, shall be per the Area Plan Commission's Rules of Procedure.
   1. *Decision*:
      a. Final Action: The Area Plan Commission shall consider the proposed amendment in a legally advertised public hearing, including concerns of nearby property owners. Upon closing the public hearing, the Area Plan Commission shall certify the amendment to the Official Zoning Map and forward the application to the applicable legislative body with a favorable recommendation, an unfavorable recommendation, or no recommendation. The Area Plan Commission may also recommend commitments and conditions concerning the use and/or development of the land in connection with the application for Rezoning. The legislative body shall make the final determination regarding an application for Rezoning; and may add conditions, and/or may accept or reject commitments made by the applicant or proposed by the Area Plan Commission.

F. Effective Date: A Rezoning shall be effective from the date of its final approval by the applicable legislative body.

G. Modification: The only means to modify a Rezoning is through a new application for Rezoning, even if the zoning district remains the same. For instance, to remove a condition imposed on the Rezoning, a new petition for Rezoning must be successfully approved by the Area Plan Commission and applicable legislative body.

Article

10

Enforcement

Vermillion County

Unified Development Ordinance

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Enforcement

10.01 Actionable Violations

It shall be an actionable violation of the Unified Development Ordinance to:

A. Non-permitted Structures: Construct, place, or modify a structure in a manner that is not expressly permitted by the Unified Development Ordinance;

B. Permitted Structures: Construct, place, or modify a structure in a manner permitted by the Unified Development Ordinance without first being issued all permits and/or other approvals required by the Unified Development Ordinance;

C. Exempt Permitted Structures: For structures that are exempt from needing a permit; construct, place, or modify a structure in a manner that is not expressly permitted by the Unified Development Ordinance;

D. Non-permitted Uses: Utilize a property for a use that is not expressly permitted by the Unified Development Ordinance in the applicable zoning district;

E. Permitted Uses: Utilize a property for a use expressly permitted by the Unified Development Ordinance without first being issued a permit and/or other approvals required by the Unified Development Ordinance;

F. Non-compliance with Approvals: Fail to fully comply with procedural requirements, payment of fees, conditions, enforceable covenants, or commitments associated with any approval; or

G. Other Violations: Otherwise fail to comply with any component of the Unified Development Ordinance.

10.02 Enforcement Official

Enforcement of the Unified Development Ordinance shall be conducted by an enforcement official as determined by the Area Plan Commission for the unincorporated areas and by the legislative body for participating municipalities. When a type of enforcement action or role is assigned to a specific board, body or individual by Indiana Code or applicable rules of procedure, then that board, body, or individual shall participate as specified.

10.03 Discovery of Violations

An enforcement official may survey the jurisdiction or may investigate alleged violations in order to discover whether a violation occurred or exists. It is not mandatory for an enforcement official to actively seek out violations.

10.04 Inspection of Property

A. Identification: If requested by the alleged violator or any other person during an inspection, the enforcement official shall present identification and describe the purpose of the inspection. Under no circumstance shall an enforcement official present false information or false reason for the visit, especially as to trick the person into revealing or disclosing information.

B. Limitations: An enforcement official shall conduct the minimum necessary inspection related to an alleged violation and shall not ask to see non-essential areas; to be thorough but highly sensitive to property rights. Drones shall not be flown over the subject property to inspect without the owner or occupant's permission.

C. Standard Inspections:

1. *Exterior*: Inspections of property or structures may be conducted by the enforcement official from the property where the alleged violation is located with permission from the property owner, occupant, or alleged violator. A occupant shall allow an inspection if the enforcement official has written permission to conduct the inspection from the property owner.
2. *Interior*: The enforcement official shall not enter a single family residence, multiple-family residence, or non-residential building without spaces open to the public without permission from the alleged violator, property owner, or occupant; or a search warrant from a court of jurisdiction. Any non-residential building open to the public may be entered, but shall be restricted to areas open to the public; or non-public areas may be entered with permission from the alleged violator, property owner, or occupant; or a search warrant from a court of jurisdiction.

D. Denial of Access to Property: In the event the enforcement official is denied entry to a property or structure where there is an alleged violation, the enforcement official may apply to a court of jurisdiction to secure a search warrant authorizing inspection of the property or structure; or may seek permission from an adjacent property owner to look at the subject property or conduct the inspection from public land or right-of-way.

E. Surrender of Right to Deny Access: A property owner and/or occupant of the property surrenders their right to deny an enforcement official access to his property or structure upon filing for any approval. The surrender to deny access shall commence upon filing a complete application and shall cease upon being issued a certificate of occupancy or other documentation of completion and compliance. The right surrendered shall be the minimum necessary access for the enforcement official to conduct an inspection of the improvement being made to the property.

Enforcement

10.05 Responsibility for Violations

The owner or occupant of a structure, land, and/or premises shall be liable for violations of the Unified Development Ordinance. If the occupant of the property or structure is determined to be liable for the violation, but fails to comply or otherwise cannot be sufficiently pursued, the Owner shall be held liable for the violation.

10.06 New Permits at Location Where a Violation Exists

When an alleged violation of the Unified Development Ordinance has been identified on a property and notice of the alleged violation has been conveyed in writing to the violator, any new filing for any building, zoning or subdivision approval shall be held by the Zoning Administrator until the alleged violation is resolved, provided that the desired approval would complicate, escalate, or add to the alleged violation. All other filings for an approval shall be processed as described in the Unified Development Ordinance.

10.07 Enforcement Options

When an alleged violation exists and when it is determined that enforcement is necessary, the type of enforcement action will be at the discretion of the enforcement official and generally should reflect what is warranted by the evidence, severity of the alleged violation, and history of violations on the same property or by the same owner or occupant. The following options, as described in subsequent sections, may be used to enforce the Unified Development Ordinance:

- Request to stop work;
- Stop work order;
- Enforcement as a common nuisance;
- Request to remedy;
- Bring action to local court to invoke any legal, equitable or special remedy;
- Bring action to local court to enforce a condition, covenant or commitment;
- Bring action to local court to request a prohibitory or permanent injunction to restrain;
- Bring action to local court to request a mandatory injunction to remove a structure;
- Impose a fine for violations;
- Bring action to a local court to invoke a fine for violations; or
- Any remedy or actions set forth in Indiana Code, common law, or other applicable State regulations.

10.08 Request to Stop Work

A. Authority: The enforcement official may issue a request to stop work.

B. Cause: A request to stop work may be issued for any alleged violation of the Unified Development Ordinance when one (1) or more of the following statements apply:

1. *Cost to Remedy*: The alleged violation is in regard to an active project, such that if work is not stopped, the cost to remedy the violation will likely increase;
2. *Non-compliance*: The alleged violation is in regard to an active project, such that if work is not stopped, the violation will likely escalate in non-compliance;
3. *Quantity of Violations*: The alleged violation is in regard to an active project, such that if work is not stopped, the number of violations will likely increase; or
4. *Public Risk*: The alleged violation is in regard to an active project, such that if work is not stopped, the continuance will put the health, safety, or welfare of the public at risk.

C. General Procedure:

1. *Issue Notice*: The request to stop work shall, in writing (i.e. notice), describe the alleged violation and request the immediate cessation of work until the matter is resolved.
2. *Post Notice*: The request to stop work shall be posted in a conspicuous place on the property. A copy may also be delivered or mailed to the property owner, developer, builder, property manager, tenant, occupant, or other interested parties.
3. *Effective*: The request to stop work shall become effective upon posting on the property.
4. *Conditions*: An enforcement official may describe the conditions under which the request to stop work will be lifted on the notice. Otherwise, it is the responsibility of the violator to schedule a meeting with the enforcement official.
5. *Agreement*: To lift a request to stop work, a memorandum of agreement identifying the process and steps necessary to resolve the violation shall be signed by the property owner and the enforcement official; or a court of jurisdiction shall rule on the matter; or the enforcement official shall rescind the request to stop work.

6. *Failure to Abide*: An enforcement official may seek a court of jurisdiction to issue a temporary or preliminary injunction (i.e. stop work order) to the violator if they fail to abide by the request to stop work.
7. *Refusal to Sign Terms*: An enforcement official may seek a court of jurisdiction to issue a temporary or preliminary injunction (i.e. stop work order) to the violator if they refuse to sign the terms of the memorandum of agreement, giving the enforcement official time necessary to pursue other enforcement options without furtherance of the alleged violation.

10.09 Stop Work Order

A. Authority: The enforcement official may bring action to a court of jurisdiction. A court of jurisdiction may issue a stop work order.

B. Cause: A temporary or preliminary injunction may be issued when one or more of the following statements apply:
   1. *Cost to Remedy*: The alleged violation is in regard to an active project, such that if work is not stopped, the cost, time, or challenge to remedy the violation will likely increase;
   2. *Non-compliance*: The alleged violation is in regard to an active project, such that if work is not stopped, the violation will likely escalate in non-compliance;
   3. *Quantity of Violations*: The alleged violation is in regard to an active project, such that if work is not stopped, the number of violations will likely increase; or
   4. *Public Risk*: The alleged violation is in regard to an active project, such that if work is not stopped, the continuance will put the health, safety, or welfare of the public at risk.

C. General Procedure:
   1. *Issue Notice*: Before or after filing with the court, the enforcement official shall mail a notice letter to the violator, the property address, or to the tax record address if mail is undeliverable to the property (e.g. a vacant site) describing the alleged violation.
   2. *Investigation*: Before or after filing with the court, the enforcement official shall make a reasonable attempt to investigate an alleged violation to determine if there is a violation.
   3. *Stop Work Order*: The enforcement official shall file for an action for temporary or preliminary injunction, or temporary restraining order (i.e. stop work order) in the court of jurisdiction to restrain a person from violating or further violating the Unified Development Ordinance.
   4. *Post Notice*: If the court grants the stop work order, the stop work order shall be posted in a conspicuous place on the property. A copy may also be delivered or mailed to the property owner, developer, builder, property manager, tenant, occupant, or other interested parties.
   5. *Effective*: The stop work order shall become effective upon court issuance and either phone notification to the violator or posting the notice on site.
   6. *Conditions*: The court of jurisdiction may determine and describe the conditions and terms under which the stop work order will be lifted. Otherwise, it is the responsibility of the violator to schedule a meeting with the enforcement official and/or court of jurisdiction to resolve the violation.

10.10 Enforcing a Violation as a Common Nuisance

A. Authority: The enforcement official may initiate enforcement action.

B. Cause: According to Indiana Code, a structure that is erected, raised, or converted, or land or premises are used in violation of this Unified Development Ordinance is a common nuisance and the Owner or occupant of the structure or land is liable for maintaining a common nuisance.

C. General Procedure:
   1. *Issue Notice*: The enforcement official shall mail a notice letter to the violator, the property address, or to the tax record address if mail is undeliverable to the property (e.g. a vacant site) describing the alleged violation.

10.11 Request to Remedy

A. Authority: The enforcement official may initiate a request to remedy.

B. Cause: An alleged violation exists on a property.

C. General Procedure:

1. *Investigation*: Before or after sending a notice letter, the enforcement official shall make reasonable attempt to investigate an alleged violation to determine if there is a violation.
2. *Issue Notice*: The enforcement official shall mail a notice letter to the violator, the property address, or to the tax record address if mail is undeliverable to the property (e.g. a vacant site) describing the alleged violation.
3. *Time Frame*: The enforcement official shall grant the violator an opportunity to provide evidence that there is not a violation or to bring the violation into compliance; including a time frame of at least one (1) day but not more than twenty-one (21) days. The time frame granted shall be reasonably tied to the time necessary to remedy the violation (e.g. the time to remove an A-frame portable sign could be one day).
4. *Time Frame Extension*: A time frame extension may be granted upon request by the enforcement official if the violator is making satisfactory progress.
5. *Timely Correction*: If corrective measures have not been initiated in a timely manner, or corrective measures are not effectively being conducted, or corrective measures are significantly behind schedule, or the violation remains after the time frame given for remedy, then the enforcement official may choose another enforcement option. If the violator is making satisfactory progress and will likely meet the time frame for remedy, the enforcement official shall not begin another enforcement option until the time frame has expired and a violation remains unresolved.

D. Safety from Fines: The enforcement official shall not impose a fine to a violator if a request to remedy is the first enforcement action and the violation is remedied within the granted time frame.

10.12 Invoke a Legal, Equitable, or Special Remedy

A. Authority: The Area Plan Commission may bring action to a court of jurisdiction as an independent enforcement action or concurrent to another enforcement action; except as stated in *Section 10.11 Request to Remedy*. A court of jurisdiction may issue a legal, equitable, or special remedy.

B. Cause: An alleged violation exists on a property.

C. General Procedure:

1. *Issue Notice*: Before or after bringing an action to the court of jurisdiction, the Area Plan Commission shall mail a notice letter to the violator, the property address, or to the tax record address if mail is undeliverable to the property (e.g. a vacant site) describing the alleged violation.
2. *Investigation*: Before or after bringing an action to the court of jurisdiction, the Area Plan Commission shall make reasonable attempt to investigate an alleged violation to determine if there is a violation.
3. *Court-imposed Remedy*: The Area Plan Commission shall bring an action to the court of jurisdiction to invoke a legal, equitable or special remedy for an alleged violation.
4. *Liability*: Any violator found liable for a violation shall be subject to any court-imposed legal, equitable or special remedy. The legal, equitable or special remedy shall force compliance with the Unified Development Ordinance or be a unique court ruling that fulfills the intent of the *Vermillion County Comprehensive Plan* and Unified Development Ordinance. The severity of the court ruling may consider the severity of the violation, impact to property values in the area, impact to quality of life in the area, impact to the health, safety and welfare of the public, repetitiveness of similar violations by the same violator, and/or the precedent that may be set by the ruling. If successful in the enforcement of the Unified Development Ordinance, the court of jurisdiction may award Vermillion County or applicable municipality recuperation of its legal fees and administrative costs.

10.13 Enforce a Condition or Commitment

A. Authority: The Area Plan Commission may bring action to a court of jurisdiction as an independent enforcement action or concurrent to another enforcement action; except as stated in *Section 10.11 Request to Remedy*. A court of jurisdiction may enforce compliance with a condition or commitment.

B. Cause: A condition or commitment is not in compliance with terms of an approval.

C. General Procedure:

1. *Issue Notice*: Before or after bringing an action to the court of jurisdiction, the Area Plan Commission shall mail a notice letter to the violator, the property address, or to the tax record address if mail is undeliverable to the property (e.g. a vacant site) describing the non-compliance.
2. *Investigation*: Before or after bringing an action to the court of jurisdiction, the Area Plan Commission shall make reasonable attempt to investigate an alleged violation to determine if there is non-compliance.
3. *Conditions*: The Area Plan Commission shall bring an action to a court of jurisdiction to enforce a condition or commitment.
4. *Court-imposed Remedy*: Any non-compliance shall be subject to any court-imposed remedy. The court-imposed remedy may include enforcing the condition or commitment, or be a unique court ruling that fulfills the intent of the *Comprehensive Plan* and Unified Development Ordinance. The severity of the court ruling may consider the severity of the non-compliance, impact to property values in the area, impact to quality of life in the area, impact to the health, safety and welfare of the public, repetitiveness of similar violations by the same violator, and/or the precedent that may be set by the ruling. If successful in the enforcement of the Unified Development Ordinance, the court of jurisdiction may award Vermillion County or applicable municipality recuperation of its legal fees and administrative costs.

10.14 Request a Prohibitory or Permanent Injunction to Restrain

A. Authority: The enforcement official may bring action to a court of jurisdiction as an independent enforcement action or concurrent to another enforcement action; except as stated in *Section 10.11 Request to Remedy*. A court of jurisdiction may issue a prohibitory or permanent injunction against a violator or potential violator.

B. Cause: A violation, alleged violation, or intent to violate exists.

C. General Procedure:

1. *Issue Notice*: Before or after bringing an action to the court of jurisdiction, the enforcement official shall mail a notice letter to the violator, the property address, or to the tax record address if mail is undeliverable to the property (e.g. a vacant site) describing the violation, alleged violation, or intent to violate.
2. *Investigation*: Before or after bringing an action to the court of jurisdiction, the enforcement official shall make reasonable attempt to investigate an alleged violation to determine if there is a violation, an alleged violation, or an intent to violate.
3. *Request for Injunction*: The enforcement official shall bring an action to a court of jurisdiction to request a prohibitory or permanent injunction to restrain a violation of the Unified Development Ordinance.
4. *Violation*: Any violator found liable for a violation or intending to violate the Unified Development Ordinance shall be subject to prohibitory or permanent injunction to restrain. The court-imposed restraint may instead result in a unique court ruling that fulfills the intent of the *Vermillion County Comprehensive Plan* and Unified Development Ordinance. The severity of the court ruling may consider the severity of the violation, impact to property values in the area, impact to quality of life in the area, impact to the health, safety and welfare of the public, repetitiveness of similar violations by the same violator, and the precedent that may be set by the ruling. If successful in the enforcement of the Unified Development Ordinance, the court of jurisdiction may award Vermillion County or applicable municipality recuperation of its legal fees and administrative costs.

10.15 Request a Mandatory Injunction to Remove a Structure

A. Authority: The Board of Zoning Appeals may bring action to a court of jurisdiction as an independent enforcement action or concurrent to another enforcement action; except as stated in *Section 10.11 Request to Remedy*. A court of jurisdiction may issue a mandatory injunction against a violator.

B. Cause: A structure was constructed, modified or installed in alleged violation.

C. General Procedure:

1. *Issue Notice*: Before or after bringing an action to the court of jurisdiction, the Board of Zoning Appeals shall mail a notice letter to the violator, the property address, or to the tax record address if mail is undeliverable to the property (e.g. a vacant site) describing the alleged violation.
2. *Investigation*: Before or after bringing an action to the court of jurisdiction, the Board of Zoning Appeals shall make reasonable attempt to investigate an alleged violation to determine if there is a violation.
3. *Request for Injunction*: The Board of Zoning Appeals may bring an action to a court of jurisdiction to request a mandatory injunction to remove a structure in violation of the Unified Development Ordinance.
4. *Violation*: If a structure is found in violation, the violator shall be subject to a mandatory injunction to remove the structure and all costs associated with the action. The court-imposed remedy may instead result in a unique court ruling that fulfills the intent of the *Vermillion County Comprehensive Plan* and Unified Development Ordinance. The severity of the court ruling may consider the severity of the violation, impact to property values in the area, impact to quality of life in the area, impact to the health, safety and welfare of the public, repetitiveness of similar violations by the same violator, and/or the precedent that may be set by the ruling. If successful in the enforcement of the Unified Development Ordinance, the court of jurisdiction may award Vermillion County or applicable municipality recuperation of its legal fees and administrative costs.

10.16 Impose a Fine for Violation

A. Authority: The enforcement official may impose a fine for violation as an independent enforcement action or concurrent to another enforcement action; except as stated in *Section 10.17 Invoke a Fine for Violation* or *Section 10.11 Request to Remedy*.

B. Cause: A violation exists.

C. General Procedure:

1. *Collect Evidence*: Before imposing a fine, the enforcement official shall collect evidence to conclude there is a violation.
2. *Issue Notice*: The enforcement official shall mail a notice letter to the violator or the property address (or to the tax record address if mail is undeliverable to the property (e.g. a vacant site)) describing the violation. The notice letter shall also include the terms of the fine, including the fine amount and the date payment is due.
3. *Time Frame*: If not addressed in a concurrent enforcement action, the enforcement official shall grant the violator an opportunity to provide evidence that there is not a violation or to bring the violation into compliance, including a time frame of at least one (1) day but not more than twenty-one (21) days. The time frame granted shall be reasonably tied to the necessary time to remedy the violation (e.g. the time to remove an A-frame portable sign in violation could be one day).
4. *Time Frame Extension*: A time frame extension may be granted upon request by the enforcement official if the violator is making satisfactory progress.
5. *Financial Liability*: The enforcement official may impose a fine in an amount not less than $50.00 or higher than $2,500 for the first violation and not less than $50.00 or higher than $7,500 for the second or subsequent violations. Each unique violation from the day it was confirmed as a violation is subject to a fine; and each new day the violation persists, excluding days granted to remedy the violation, shall constitute another fine. The fine for a violation shall be reasonably in proportion to the severity of the violation, repetitiveness of similar violations by the same violator, and the costs associated with enforcing, mitigating, administering, researching, inspecting the violation, court fees, legal fees, and the like.
6. *Appeals*: Fines imposed by the enforcement official may be appealed to a Board of Zoning Appeals.

10.17 Invoke a Fine for Violation

A. Authority: The enforcement official may bring action to a court of jurisdiction as an independent enforcement action or concurrent to another enforcement action; except as stated in *Section 10.17: Invoke a Fine for Violation* or *Section 10.11 Request to Remedy*. A court of jurisdiction may issue a fine for violation.

B. Cause: A violation exists.

C. General Procedure:

1. *Collect Evidence*: Before or after bringing an action to the court of jurisdiction, the enforcement official shall collect evidence to conclude there is a violation.
2. *Issue Notice*: Before or after bringing an action to the court of jurisdiction, the enforcement official shall mail a notice letter to the violator or the property address (or to the tax record address if mail is undeliverable to the property (e.g. a vacant site) describing the violation.
3. *Court-imposed Fine*: The enforcement official shall bring an action to a court of jurisdiction to invoke a fine for a violation.
4. *Financial Liability*: A violator found liable for a violation shall be subject to a court-imposed fine. The fine for a violation shall be reasonably in proportion to the severity of the violation, repetitiveness of similar violations by the same violator, and the costs associated with enforcing, mitigating, administering, researching, inspecting the violation, court fees, legal fees, and the like. Fines imposed by the court of jurisdiction shall be no higher than $2,500 for the first violation, and no higher than $7,500 for the second or subsequent violations according to *IC 36-1-3-8*.

10.18 Other Remedy

Any action allowed by Indiana Code, common law, or other applicable State regulations may be used to force a violation to be in compliance with the Unified Development Ordinance, remedy, or compliance with the terms of an approval.

Article

11

Definitions

Vermillion County

Unified Development Ordinance

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Definitions

11.01 General

The definitions contained in *Article 11: Definitions* shall be observed and applied in the interpretation of all Articles in the Unified Development Ordinance, except where the context clearly indicates otherwise. Words used in the present tense shall include the future; words used in the singular number shall include the plural and the plural the singular; words used in the masculine gender shall include the feminine.

11.02 Defined Words

The following terms shall have the following meanings:

Definitions - Abandonment

Abandonment: The relinquishment of property or a cessation of the use of the property for a continuous period of one (1) year by the Owner without trying to sell or transfer the property and not resuming the use of the property. Abandonment does not apply to fallow agricultural land.

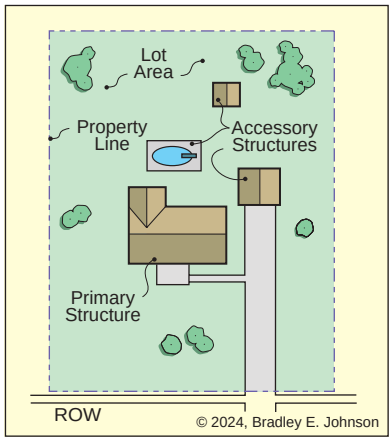
Above Ground Utility Facility (large): Substations, switching facilities, pumping stations with backup generators, buildings or roofed structures used to house utility infrastructure and the like. Includes utility facilities not recognized as its own land use. Shall not include a small above ground utility facility as defined (See, "Above Ground Utility Facility (small)."

Above Ground Utility Facility (small): Junction boxes for communication utilities and electric utilities, ground-mounted transformers, junctions with forced sewer mains, small lift stations, and other minor utility facilities, including facilities that may be predominantly underground with some above ground elements. Under no circumstances shall above ground utility facilities exceed that which is used to serve a single lot, adjacent lots, or nearby properties; nor shall they require a backup generator, outdoor lighting, dedicated parking, or buildings on permanent foundations. Utility facilities serving a whole community or a region shall not be considered small above ground utility facilities.

Accessory Building: See "Accessory Structure."

Accessory Structure: A structure which generally:

1. Is subordinate to a primary structure in area, intent, and/or purpose,
2. Contributes to the comfort, convenience, or necessity of occupants of the primary structure or primary use,
3. Is located on the same lot as a primary structure or primary use,
4. Conforms to the setback, height, bulk, lot coverage, and other requirements of the Unified Development Ordinance,
5. Is not designed for human occupancy (i.e. a dwelling), and



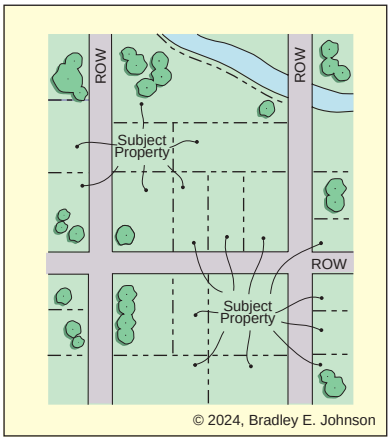
Accessory Structure, Recreation-based: A detached accessory structure placed on a lot and primarily used for recreation, entertainment, and lounging. Examples of recreation-based accessory structures include decks, docks, gazebos, hot tubs, ground-mounted satellite dishes, piers, sport courts, and swimming pools

Accessory Structure, Storage-based: An accessory structure placed on a lot and primarily used to store, keep, shelter or contain material items. Examples of storage-based accessory structures include barns, boat houses, carports, detached garages, greenhouses, mini-barns, post frame structures, swimming pool houses, and sheds.

Accessory Structure, Support-based: A detached accessory structure placed on a lot and primarily used to provide essential services to a primary structure, primary land use, or another accessory structure. Examples of support-based accessory structures include maintenance facility, mechanical structure, freestanding canopy, stand-alone restroom facilities, storage building, enclosed vending, kiosk, or structures used in support of the primary structure.

Definitions - Adjacent Property

Adjacent Property: Any property adjacent to or directly diagonal to the subject property. Properties across a public right-of-way (ROW) are also considered adjacent. The illustration below notes the properties that would be considered adjacent to two (2) different subject properties.



Administrator: See "Zoning Administrator."

Agricultural Districts: Refers to the A1 or A2 districts.

Agriculture: The art or science of cultivating the ground, and raising and harvesting crops, often including feeding, breeding, and management of livestock; tillage; husbandry; farming; in a broader sense, the science and art of the production of plants and animals useful to man, including to a variable extent the preparation of these products for human use and their disposal by marketing or otherwise. In this broad use, it includes farming, horticulture, forestry, and sugar making. It also includes "Raising of Farm Animals" as defined.

Agriculture Tourism: A use that is clearly secondary to an agricultural use where the general public, school groups, and/or organization members are invited from time-to-time to experience agricultural operations. Experiences shall be for educational, harvest festival, self-harvest and/or agricultural participation activities. Examples include, but are not limited to, school group tours of a dairy farm, pumpkin festival, self-pick apple orchard, Girl Scout service projects, and 'learn how to milk goats' classes.

Airport: Any area which is used or intended to be used for the taking off and landing of aircraft, including helicopters, and any appurtenant areas which are used or intended to be used for airport structures or facilities, including open spaces, taxiways, apron, hangers, terminal, maintenance facilities, and tie-down areas.

Animal, Exotic: Animals cared for, raised, and/or bred in a healthy and humane manner for unique pets, entertainment, public education, foster abandoned animals, and/or rescues from the wild or zoos. Exotic animals are primarily securely caged or enclosed animals. Exotic animals do not include outdoor pets, household pets, or farm animals. Examples of exotic animals include: lions, tigers, wolves, coyotes, giraffes, and elephants.

Animal, Farm: Animals raised and bred healthy and humanely for meat, milk or similar food products, or for wool, fur, or similar textiles, or for estrogen or similar chemical or pharmaceutical products. Farm animals are primarily pastured, penned, or confined in buildings. Farm animals do not include outdoor pets, household pets, or exotic animals. Examples of farm animals include: cows, horses, sheep, swine, chickens, turkeys, ducks, goats, alpaca, bison, or rabbits.

Animal Landfill: An on-site area used to bury farm animals between layers of compacted soil, and within an area lined with impermeable material to prevent leachate from contaminating soils, or getting into waterways or ground water; or as may be designed and authorized by State or Federal Statute.

Animated Message: See, "Changeable Copy, Animated."

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

Aquatic Life: An underwater and on-water ecosystem able to sustain fish, frogs, turtles, and aquatic plants.

Applicant: The owner who makes application to the Zoning Administrator, Area Plan Commission and/or Board of Zoning Appeals for action affecting the subject real estate. An authorized agent, tenant, or operator shall only be recognized as the applicant if a signed and notarized consent form from the actual property owner is presented; or an executed lease agreement is presented granting applicable authorization. See the definition for "Owner" for related information.

Area Plan Commission: The Vermillion County Area Plan Commission established under *IC 36-7-4-100* series, as amended.

Arterial, Major: See "Street, Major Arterial."

Arterial, Minor: See "Street, Minor Arterial."

Assisted Living Facility: A residential facility where assistance with daily activities, such as taking medicine, dressing, grooming, and bathing are provide for the aged or infirm, or any other reasonably independent person not in need of nursing care; and which does not contain equipment for surgical care or for treatment of disease or injury, and is not primarily designed for patients being treated for mental illness, or alcohol or drug addiction. Assisted living facilities have private rooms for one (1) or two (2) persons, related or not related.

ATM: See "Automated Teller Machine."

Attached Structure: A structure that is structurally connected to another structure by a foundation, wall, breezeway, or roof line. Carports, garages, porch awnings, and the like are considered attached structures and shall abide by all regulations pertaining to primary structures.

Automobile Oriented Business (Type 1): A low intensity business that provides services rendered directly on, to, or for motor vehicles. Vehicle service businesses that meet the characteristics listed below in *Table 11-A: Limits of Automobile Oriented Businesses*. Example businesses may include: accessory installation, glass tinting, or oil change facility. Under no circumstances is an auto salvage business, junk yard, or gas station considered an automobile oriented business.

Automobile Oriented Business (Type 2): A moderate intensity business that provides services rendered directly on, to, or for motor vehicles. Vehicle service businesses that meet the characteristics listed below in *Table 11-A: Limits of Automobile Oriented Businesses*. Example businesses may include: detail shop, tune-up service, small repair shop, mechanic, tire center, muffler shop, or car wash. Under no circumstances is an auto salvage business, junk yard, or gas station considered an automobile oriented business.

Automobile Oriented Business (Type 3): A high intensity business that provides services rendered directly on, to, or for motor vehicles. Vehicle service businesses that meet the characteristics listed below in *Table 11-A: Limits of Automobile Oriented Businesses*. Example businesses may include: semi-tractor repair shop, engine rebuilding, or major repair service. Under no circumstances is an auto salvage business, junk yard, or gas station considered an automobile oriented business.

Table 11-A: Limits of Automobile Oriented Business

Vehicle Service Business Types	Size/Weight of Vehicles Serviced	Outdoor Storage or Queuing of Vehicles to be Serviced	Outdoor Storage of Serviced Vehicles	Outdoor Storage of Parts, Equipment, or Waste Products	Percentage of Service Operation Allowed to be Outdoors	Maximum Height of Outdoor Storage	Hours of Operation
Type 1: Low Intensity	passenger vehicles and light duty trucks	up to 3 operable vehicles	up to 2 operable vehicles	not allowed	none	outdoor storage is not allowed	between 7 AM and 7 PM
Type 2: Moderate Intensity	passenger vehicles, light duty trucks, and tri-axle trucks	up to 10 operable vehicles and/ or 4 inoperable vehicles	up to 8 operable vehicles	up to 10% of lot area or 3,000 square feet, whichever is more restrictive	up to 25%	up to 6 feet	between 6 AM and 10 PM
Type 3: High Intensity	no limit	no limit	no limit	no limit	no limit	no limit	no limit

Automated Teller Machine (ATM): An electronically operated device used to conduct financial transactions on site, by means of direct computerized access.

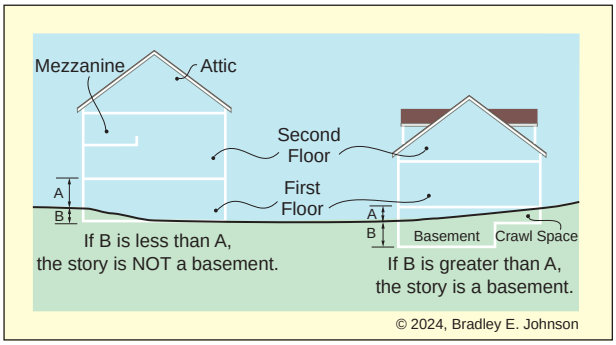
Average Setback: See "Setback, Average."

Base Zoning District: A base zoning district is the existing zoning district of the subject lot. In relation to planned unit developments and overlays, the base zoning district is the subject lot's zoning district:

- Prior to the approval of a planned unit development, or
- Prior to the effects of an overlay district.

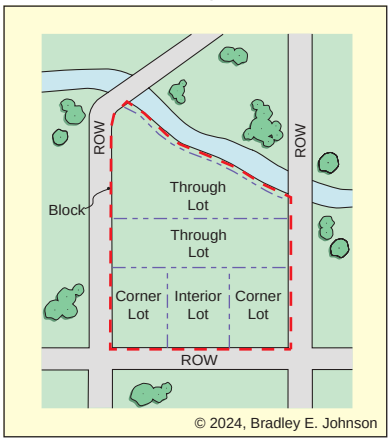
Definitions - Basement

Basement: That portion of a structure below the first floor and having more than one-half (1/2) of its floor height below ground level. Average ground level and average portions above and below ground level shall be used for calculations. A basement shall not be considered a story for the purposes of determining structure height.



Bed and Breakfast: An owner occupied, or employee of the owner 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 meeting the definition for a hotel, motel, or boarding house.

Block: Property abutting on one (1) side of a street and lying between the two (2) nearest intersecting or intercepting streets, intersecting railroad, intersecting waterway or the end of a dead end street.



Board: See "Board of Zoning Appeals."

Board of Zoning Appeals: The Vermillion County Board of Zoning Appeals for all unincorporated land, the City of Clinton Board of Zoning Appeals for all land within Clinton's city limits, and any other municipality's Board of Zoning Appeals for all land within their corporate limits.

Bond: Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Area Plan Commission. All bonds shall be approved by the Area Plan Commission wherever a bond is required by the Unified Development Ordinance.

Broadcast Facility: A place where voice or video programing is prepared, recorded, edited, or broadcast, or where programming is received for editing or re-broadcasting; with on-site telecommunication tower, on-site antennae, and/or on-site commercial satellite dishes.

Broadcast Studio: A place where voice or video programing is prepared, recorded, edited, or broadcast, or where programming is received for editing or re-broadcasting; without on-site telecommunication towers, on-site antennae, or on-site commercial satellite dishes greater than five (5) feet in diameter. See "Broadcast Facility" for broadcast studios with on-site towers, antennae, and/or commercial satellite dishes.

Buffer Landscaping: Any trees, shrubs, walls, fences, earthen berms, green space, or related landscaping features required under the Unified Development Ordinance for buffering lots from adjacent properties for the purpose of decreasing visibility to adjacent lots; or other aspects of privacy and/or aesthetics.

Definitions - Car Wash

Buffer Yard: An area adjacent to front, side, and rear property lines, measured perpendicularly from adjacent property lines, intended to provide attractive spaces that reduce the impacts to less intensive uses on adjacent property; particularly to screen incompatible uses from each other. Buffers yards also help to block or reduce noise, glare, and/or emissions, and to maintain privacy. Buffer yards are in addition to (separate from) front, rear or side yard setbacks unless otherwise indicated.

Buildable Lot: See "Lot, Buildable."

Building: A structure having a roof, supported by columns or walls, for the shelter, support, or enclosure of persons, property, or animals.

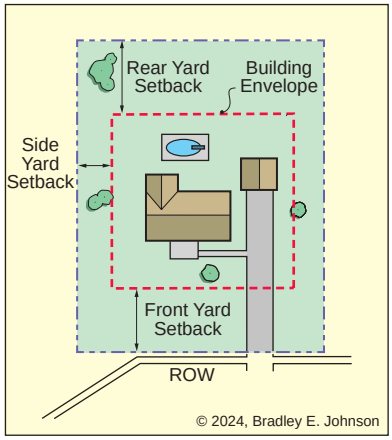
Building Area: The horizontal area (i.e. footprint) of a building on a lot, using the outside-most plane of exterior walls or the foundation, whichever is greater. Building area excludes patios, porches, decks, and steps that are not enclosed or covered by the building's roof.

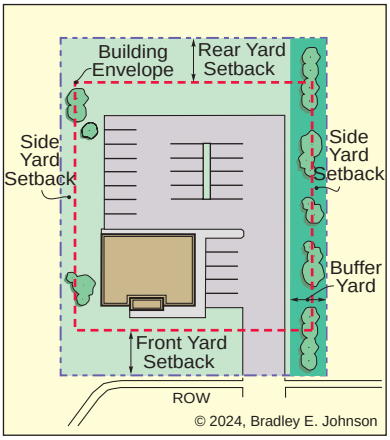
Building Code: The Indiana Building Code which establishes and controls the standards for constructing all forms of permanent structures and related matters.

Building, Detached: See "Detached Structure."

Building Height: See "Structure Height."

Building Envelope: The setback lines that establish an area on a lot in which building can occur.





Bulk Energy Storage: A means to capture, store, and transmit energy to and from a co-located solar power plant, wind power plant, or coal or gas power plant; and/or the bulk electric system operated by the Midcontinent Independent System Operator (MISO). A battery farm is an example of a bulk energy storage facility.

Business: The engaging in the purchase, sale, barter or exchange of goods, wares, merchandise, or services, or the maintenance or operation of offices, recreational, or amusement enterprises; whether for profit or not; whether legally established (e.g. having a tax ID) or not; whether being operated by an adult or minor; whether a corporation, individual or other type of entity; whether historically or currently profitable or not profitable; whether intermittent, seasonal or full-time; whether having a business name or not; and including the formal preparation for conducting business. However, a business does not include an operation that has not marketed, advertised, employed, manufactured, assembled a product, provided a service, prepared for the release of a product, maintained a business sign, conducted trade or sales and the like in over twelve (12) months.

Business Districts: See "Commercial Districts."

BZA: See "Board of Zoning Appeals."

Campground: Any site, lot, field or tract of land designed with facilities for short term occupancy by recreational vehicles and other camping equipment but not including mobile tiny homes or mobile homes.

Car Wash: A structure, or portion of a structure, containing facilities for washing one (1) or more automobiles at any one time, using production line methods such as a chain conveyor, blower, steam cleaning device, or other mechanical devices; or providing bays with pressure washers, equipment, and/or cleaning products for the complete or partial cleaning of automobiles, whether by operator or by customer. Car washes are regulated as an Automobile Oriented Business. (See, "Automobile Oriented Business")

Definitions - Cemetery

Cemetery: Property used for interring of the dead, including any mausoleum or monuments, memory garden, ponds, vehicular access, parking lots, maintenance garage, sales office, and restroom facilities on the same property.

Certificate of Occupancy: A certificate stating that the owner may occupy and use the building, structure, or lot issued after improvements are made and that it complies with all applicable Unified Development Ordinance provisions.

Changeable Copy (Ratio): The portion of a permitted sign that is used for cyclical messages or flashing messages.

Changeable Copy, Static: The changing of any sign copy, character, graphic, color, or pixel, light element, or light intensity on a sign once every one (1) hour or greater increment (e.g. once every day).

Changeable Copy, Cyclical: The changing of any sign copy, character, graphic, color, or pixel, light element, or light intensity on a sign at a frequency between eight (8) second and fifty nine and nine-tenth (59.9) minutes (e.g. once every 10 seconds).

Changeable Copy, Animated: The changing of any sign copy, character, graphic, color, or pixel, light element, or light intensity on a sign every seven and nine tenths (7.9) seconds or lesser increment (e.g. once every 5 seconds). Animated changeable copy includes a sign that projects or releases video, motion picture, audible sound, odor, visible matter, and laser beams.

Child Care Home: An establishment providing non-overnight care, supervision, and protection of children in private residences which is ancillary to the primary use as a residence. A residential structure in which at least six (6) children (not including the children for whom the provider is parent, stepparent, guardian, custodian, or other relative) at any time receive child care from a provider:

1. While unattended by a parent, legal guardian or custodian;
2. For regular compensation; and
3. 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.

The term includes class I child care home and class II child care home as defined in *IC 12-7-2-33.7* and *IC 12-7-2-33.8*

Child Care Center: Any institution operated for the care of children, licensed pursuant to *IC 12-3-2-3.1*, et seq., and as defined by *IC 12-3-2-3.*

Child Care Institution:

- A residential facility that provides child care on a twenty-four (24) hour basis for more than ten (10) children; or
- A residential facility with a capacity of not more than ten (10) children that does not meet the residential structure requirements of a group home; or
- Operates under a license issued under *IC 12-17.4*; provides for delivery of mental health services that are appropriate to the needs of the individual; and complies with the rules adopted under *IC 4-22-2* by the Division of Family and Children. A child care institution does not include a juvenile detention facility.

Children's Home: See “Child Care Institution.”

Church: See “Place of Worship.”

City Council: The City of Clinton Common Council or any other participating city in the Vermillion County Area Plan Commission.

Clinic: An establishment in which human patients come for medical or dental diagnosis or to undergo treatments, and in which the services of at least two (2) physicians or dentists provide services in the facility.

Clubhouse: A structure used in association with a golf course, in which may be locker rooms, golf course administration offices, golf cart storage and maintenance, rest rooms, lounges, meeting space, snack bar, banquet facilities and retail sales of golf related products. Retail sales shall constitute no more than fifteen percent (15%) of the space accessible to public space of the clubhouse.

Collocation: A space on an existing or proposed telecommunication tower that can be used for the installation and/or mounting of antennae or radio or cellular communication equipment that operates on a different frequency from the initial user.

Commercial Districts: Refers to the UC, GC, and HC districts.

Commercial Wireless Communications Service: A licensed commercial wireless telecommunications service, including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging and similar devices that are marketed to the general public.

Definitions - Confined Feeding, Level 2

Community Center: A structure available to the public for community activities, meetings, banquets, projects, gatherings and the like. A community center may be able to be reserved by the public for private parties and events.

Comprehensive Plan: Refers to the *Vermillion County Comprehensive Plan* or the Comprehensive Plan for a specific participating municipality, developed and adopted by the Area Plan Commission pursuant to the *IC 36-7-4-500 Series*.

Condition of Approval: Stipulations or provisions set forth by a Board of Zoning Appeals or Area Plan Commission required as a prerequisite for approval of an application or petition.

Condominium: Real estate lawfully subject to *IC 32-25, et seq.* (the Condominium Law), by the recording of condominium instruments, in which undivided interests in the common areas and facilities are vested in the condominium unit owners.

Confined Feeding: The raising of animals for pleasure, recreation, transportation, food, fur, pharmaceutical, or other commodity purpose in lots, pens, ponds, sheds or buildings, where they are confined, fed, and maintained for at least forty-five (45) days during any year, and where there is no plant or grass ground cover or vegetation present over at least half of the animals' confinement area.

Confined Feeding Facilities: Any size of Confined Feeding Operation (CFO) including animal barns/sheds, lagoons, waste management facilities, animal mortalities storage facilities, animal mortalities composting facilities, incinerators, feed storage, mechanical equipment, truck maneuvering areas, loading docks, parking lots, medical facilities, air handling systems, accessory facilities, and other essential equipment, structures, and operations.

Confined Feeding, Level 1: Any operation located on a lot or a combination of lots involving feeding of animals for pleasure, food, fur, pharmaceutical or other commodity purpose in paved or unpaved feed lots, pens, ponds, sheds, or buildings or structures where animals are confined, fed, and maintained for at least forty-five (45) days during any twelve (12) month period and ground cover or vegetation is not sustained over at least fifty percent (50%) of the animal confinement area with:

- 50 or more horses, but less than 150,
- 75 or more dairy cattle, but less than 200,
- 100 or more cattle or calves (excluding dairy cattle), but less than 300,
- 200 or more swine, but less than 600,
- 200 or more sheep or lambs, but less than 600,
- 500 or more ducks, but less than 1,500,
- 3,000 or more turkeys, but less than 16,500, or
- 5,000 or more chickens, but less than 30,000.

Confined Feeding, Level 2: Any operation located on a lot or a combination of lots involving feeding of animals for pleasure, food, fur, pharmaceutical or other commodity purpose in paved or unpaved feed lots, pens, ponds, sheds, or buildings or structures where animals are confined, fed, and maintained for at least forty-five (45) days during any twelve (12) month period and ground cover or vegetation is not sustained over at least fifty percent (50%) of the animal confinement area with:

- 150 or more horses, but less than 300,
- 200 or more dairy cattle, but less than 1,500,
- 300 or more cattle or calves (excluding dairy cattle), but less than 1,500,
- 600 or more swine, but less than 4,000,
- 600 or more sheep or lambs, but less than 4,000,
- 1,500 or more ducks, but less than 35,000,
- 16,500 or more turkeys, but less than 60,000, or
- 30,000 or more chickens, but less than 400,000.*

* Note: IDEM begins environmental regulations for confined feeding, either as a CFO or CAFO, at 150 horses, 200 dairy cows, 300 cattle or veil calves, 600 swine, 600 sheep, 1,500 ducks, 16,500 turkeys, or 30,000 chickens.

Definitions - Confined Feeding, Level 3

Confined Feeding, Level 3: Any operation located on a Lot or a combination of Lots involving feeding of animals for food, fur, pharmaceutical or other commodity purpose in paved or unpaved feed lots, pens, ponds, sheds, or buildings or structures where animals are confined, fed, and maintained for at least forty-five (45) days during any twelve (12) month period and ground cover or vegetation is not sustained over at least fifty percent (50%) of the animal confinement area with:

- more than 300 horses,
- more than 1,500 dairy cattle,
- more than 1,500 cattle or calves (excluding dairy cattle),
- more than 4,000 swine,
- more than 4,000 or more sheep or lambs,
- more than 35,000 ducks,
- more than 60,000 turkeys,
- more than 400,000 chickens.

Conservation Club: A lot and structures owned by a not-for-profit organization with a mission to protect and conserve natural resources, primarily the land to which is owned by the conservation club. Although conservation clubs sometimes utilize their property for a shooting range, this land use shall not be inclusive of a shooting range.

Conservation District: Refers to the CO district.

Construction Plan(s): The maps or drawings showing the specific location and design of improvements to be installed in accordance with the requirements of the Unified Development Ordinance and the Indiana Building Code as a condition of approval.

Corner Lot: See "Lot, Corner."

County: Vermillion County, Indiana.

County Commissioners: The Board of Commissioners of the County of Vermillion.

County Official: A County Commissioner, a County Councilor, an Area Plan Commission member or its staff, a Board of Zoning Appeals member, County Surveyor, or an employee of Vermillion County.

Covenants: Private and legal restrictions of various kinds on the usage of lots, typically within a subdivision and applied by the subdivider. Unless specifically agreed to, covenants are not enforceable by the Area Plan Commission. However, they are enforceable in civil court by interested or affected parties.

Cul-de-sac: A street having one end open to traffic and being permanently terminated by a vehicular turnaround at the other end.

Cyclical Message: See, "Changeable Copy, Cyclical."

Dance/Night Club: An establishment for entertainment with table seating, stage (or area) for musical performances and floor area designated for dancing.

Day Care Center: See "Child Care Center."

Deciduous Tree: Any tree which sheds its leaves annually followed by regeneration of its foliage in the spring.

Dedication: The setting apart of land or interests in land for use by the municipality or public by ordinance, resolution or entry in the official minutes as by the recording of a plat.

Demolition: The complete or substantial removal or destruction of any structure excluding its foundation.

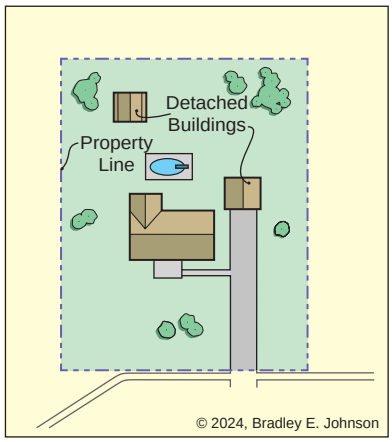
Design Services Office: See "Office, Design Services."

Designed Fail Area: The area surrounding a tower in which the tower could fall should it fail as structurally designed. The designed fail area is quantified in terms of linear distance from the tower to the perimeter of the designed fail area. The designed fail area shall be certified by a structural engineer.

Detached Building: See "Detached Structure."

Detention Pond: An engineered facility used to temporarily collect storm water and outlet it over a designated period of time or at a specific rate of release.

Detached Structure: A structure that has no structural connection with the primary structure.



Developed Lot: See "Lot, Developed."

Developer: Includes any entity that acquires or options land, leases, wind energy rights, air rights, mineral rights, and the like; and/or that finances, designs, manages, builds-out, and/or seeks all applicable permits necessary to improve or make changes to a property. When the developer is not the true owner of the subject lot(s), it shall not be recognized as an 'Owner' or 'Applicant' unless a signed and notarized consent form from the actual property owner is presented; or an executed purchase agreement is presented granting applicable authorization. See the definition for 'Owner' and 'Applicant' for more information.

Development Standards: Regulations as set forth in this Unified Development Ordinance, located in *Article 2: Zoning Districts* and *Article 5: Development Standards*. For example, regulations for accessory structures, building height, setback, density, environmental performance, fences, landscaping, and parking.

Development Standards Variance: See "Variance, Development Standards."

District: See, "Zoning District."

Domestic Pets: Animals commonly used as household pets, personal protection, companionship, and for assistance to disabled persons. Domestic pets shall include animals that are cared for and treated humanely. Domestic pets shall include, but not be limited to, dogs, cats, parakeets, parrots, finches, lizards, spiders, guinea pigs, hamsters, gerbils, rats, mice, rabbits, aquarium fish, ferrets, and snakes if cared for and used in the manner described above. A domestic pet shall not be considered a farm animal, or vice-versa.

Drive, Private: See "Street, Private."

Drive-Through Establishment: A place of business, being operated for the sale and purchase at retail of food and other goods, services or entertainment, which is laid out and equipped so as to allow its patrons to be served or accommodated while remaining in their automobiles.

Dumpster: A trash receptacle larger than 100 gallons in volume used primarily by commercial, institutional, and industrial uses, and construction projects for collection of trash. Generally constructed of durable metal in box shaped vessels and designed to be easily transported off-site and emptied.

Duplex: A building with two (2) dwelling units attached by common wall and with both dwelling units located on the same lot, thus having one (1) owner of the building and lot. A duplex does not include units created using condominium laws.

Dwelling: A building or structure or portion thereof, conforming to all requirements applicable to the district in which it is located, all Building Codes, and that is used exclusively for residential occupancy, including single-family attached dwelling units, single-family detached dwelling unit, duplexes, manufactured home dwelling, and multiple-family dwelling units, but excluding hotels, motels, and boarding houses.

Dwelling, Manufactured Home: A residential structure that is predominantly constructed in a factory. A manufactured home may either be a mobile home dwelling or a modular home dwelling depending on whether it complies with the applicable definition. A manufactured home dwelling does not include a trailer home dwelling.

Definitions - Dwelling, Mobile Home

Dwelling, Mobile Home: A transportable dwelling unit which is a minimum of eight (8) feet in width and which is built on a permanent foundation or tied down with perimeter skirting when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical system contained therein, and which was manufactured either:

- Prior to June 15, 1976 and bears a seal attached under Indiana Public Law 135, 1971, certifying that it was built in compliance with the standards established by the Indiana Administrative Building Council, or
- Subsequent to or on June 15, 1976 and bears a seal, certifying that it was built in compliance with the Federal Mobile Home Construction and Safety Standards.

Dwelling, Modular Home: A residential structure that is predominantly constructed in a factory and that is transported to the site in two (2) or more sections. A Modular Home Dwelling that complies with the definition for a Single-family Dwelling shall be considered a Single-family Dwelling.

Dwelling, Multiple-family: A residential structure designed to be occupied by four (4) or more families, with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling, Single-family: See "Dwelling, Single-family Attached" or "Dwelling, Single-family Detached."

Dwelling, Single-family Attached: A building with two (2) or more dwelling units attached by common wall and with each dwelling unit located on its own lot. Therefore, a common wall rests on the dividing property line.

Dwelling, Single-family Detached: A permanent residence designed and constructed to be occupied by one (1) family and not physically connected to another dwelling unit.

Dwelling Site: A site within a manufactured home park with required improvements and utilities, and that is leased for the long-term placement of a modular home dwelling and/or mobile home dwelling. Placement of a trailer home dwelling, recreational vehicle, or camper is not inclusive of the definition for a dwelling site.

Dwelling Size: The overall square footage of a dwelling unit, not including an attached garage, carport, deck, unfinished storage, patio, or non-enclosed porch.

Dwelling, Trailer Home: A transportable dwelling unit which is either:

- Less than eight (8) feet in width,
- Not built on a permanent foundation or tied down to permanent anchors, or
- Built prior to June 15, 1976 and does not bear a seal certifying that it was built in compliance with the Indiana Building Council standards, per Indiana Public Law 135, 1971.

Dwelling, Two-family: See "Dwelling, Single-family Attached" or "Duplex."

Dwelling Unit: A single unit for owner occupancy or for rent/lease, physically separated from any other dwelling units which may be in the same structure, and providing complete and independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, cooking, and sanitation. A dwelling unit shall have running potable water from a public water utility or a functioning, permitted on-site well. A dwelling unit shall have a sanitary waste disposal system, either provided by a public sanitary sewer system or with a permitted and properly functioning septic system (or other on-site waste treatment system approved by the Health Department). A dwelling shall have electricity. Examples of a dwelling unit include a single-family detached dwelling, an apartment unit in a multiple-family building, mobile home dwelling, modular home dwelling, and farmstead. A recreational vehicle (RV), boat, tent, camper, shipping container, detached garage, or shed shall not be considered a dwelling unit.

Easement: A grant by a property owner ("grantor") to a specific person(s), the general public, corporation, utility(ies), or others ("grantee" or "easement holder"), for the purpose of providing utility services, drainage, temporary turn-around, or access to another property.

Enforcement Official: A person or persons determined by the Area Plan Commission for the unincorporated areas and by the legislative body for participating municipalities to conduct enforcement of the Unified Development Ordinance. When a type of enforcement action or role is assigned to a specific board, body, or individual by Indiana Code or applicable rules of procedure, then that board, body, or individual shall participate in enforcement as specified. If no person is officially determined, as stated above, the Enforcement Official shall be the Zoning Administrator and/or his or her designees. In the event the Zoning Administrator role is vacant or otherwise indisposed, the president of the Area Plan Commission shall be the defacto Zoning Administrator until an enforcement official can be named by the Area Plan Commission.

Erosion: The wearing away of the land surface by water, wind, ice, gravity or other geological agents.

Executive Director: See, "Zoning Administrator."

Fair Housing Facility (large): To prevent the discrimination of mentally or physically disabled persons, these facilities have been identified as types of housing that are permitted in certain districts, but still shall meet "nondiscriminatory" health, fire, safety and building regulations. These facilities include:

- Group homes for children in need of service under *IC 31-34-1* or children who have committed a delinquent act under *IC 31-37-2-2*, *IC 31-37-2-3*, or *IC 31-37-2-5*; and specifically a facility that houses more than ten (10) children.
- Residential Facility for the Developmentally Disabled which provides residential services for more than eight (8) developmentally disabled individuals as described in *IC 12-28-4*.

Fair Housing Facility (small): To prevent the discrimination of mentally or physically disabled persons, these facilities have been identified as types of housing that are permitted in any single-family or multiple-family residential zoning districts, but still shall meet "nondiscriminatory" health, fire, safety, and building regulations. These facilities include:

- Group homes for children in need of service under *IC 31-34-1* or children who have committed a delinquent act under *IC 31-37-2-2*, *IC 31-37-2-3*, or *IC 31-37-2-5*; and specifically a facility that houses not more than ten (10) children.
- Residential Facility for the Developmentally Disabled which provides residential services for eight (8) developmentally disabled individuals or less as described in *IC 12-28-4*.
- Residential Facility for the Mentally Ill which provides residential services for mentally ill individuals as described in *IC 12-28-4*. No two (2) Residential Facilities for the Mentally Ill shall be within 3,000 feet of one another in the planning jurisdiction as stated in Indiana Code.

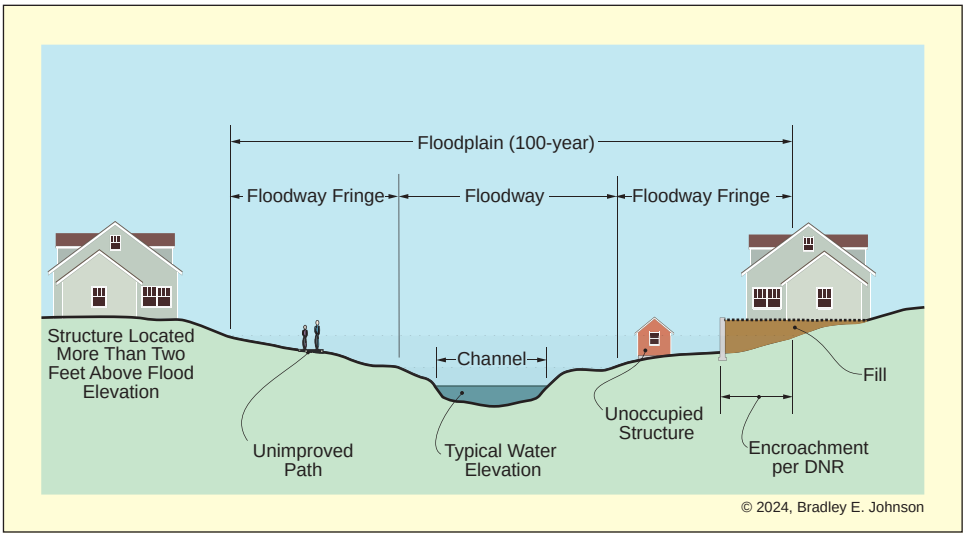
Family: An individual, or two (2) or more persons related by blood, marriage, or adoption, or a group of not more than four (4) persons, not related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling unit.

Farm Animal: See "Animal, Farm."

Financial Services Office: See "Office, Financial Services."

Flood, Regulatory: A flood having a peak discharge which can be equalled or exceeded on the average of once in a 100-year period, as calculated by a method and procedure which is acceptable to and approved by the Indiana Natural Resources Commission. Further, this flood is equivalent to a flood having a one percent (1%) probability of occurrence in any given year.

Floodplain: The relatively flat area or low land adjoining the channel of a river or stream which has been or may be covered by flood water. The floodplain 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.



Floodway, Regulatory: The channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge peak flow of the regulatory flood of any river or stream and, is that area covered by floodwaters in significant downstream motion or covered by significant volumes of stored water during the occurrence of the regulatory flood.

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

Floor Area, Main: That portion of 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 of those areas located on the first (or nearest ground level) floor of the structure. The Main Floor Area of a primary structure does not include a garage, carport, deck, unfinished storage, patio, or open porch.

Foundation: The engineered supporting structure of a building or structure, typically made from poured concrete and/or block walls. Other engineered products may constitute a foundation if certified and approved to do so.

Front Building Line: With respect to a building, the foundation line that is nearest the front lot line.

Front Lot Line: See "Lot Line, Front."

Front Yard: See "Yard, Front."

Frontage: See "Lot Frontage."

Garage: An attached or detached building whose primary use is to house automobiles or personal property.

Gas Station: A commercial establishment where gasoline, diesel, electricity, or other fuels are available for purchase and may be dispensed by the customer from pump or device to a motor vehicle. Gas stations may include restrooms, convenience store, and counter-service food. A gas station may include a small restaurant when the restaurant occupies less than fifty percent (50%) of the gross floor area of the primary building. A gas station is inclusive of underground fuel storage tanks, air for tire inflation, DEF fluid dispensing, trash cans, ice vending, windshield cleaning stations, above ground safety devices, and a canopy over dispensing devices and/or pumps. A gas station is not inclusive of restaurants (i.e. occupying 50% or greater of the gross floor area), overnight truck parking (e.g. truck stop), automobile repair and maintenance (e.g. oil change, tire installation), outdoor displays of merchandise, outdoor storage, or outdoor sales (excluding ice vending). However, when the applicable zoning district lists a permitted use or special exception use (e.g. a restaurant), that use may be incorporated into a gas station if approved as a special exception.

General Services Office: See "Office, General Services."

Geographic Information System (GIS): Computer software that stores and links non-graphic attributes or geographically referenced data with a graphic map features to allow a wide range of information processing and display operations, as well as map production, analysis and modeling.

GFA: See "Gross Floor Area."

Gift Shop: A retail store offering a variety of small gift items, as opposed to stores offering primarily specific lines of merchandise such as toys, clothing, or sporting goods.

GIS: See "Geographic Information System (GIS)."

Glare: The blinding effect or decrease in visibility caused by a bright light or by viewing a lighting element (e.g. the bulb). Clinically, glare is the contrast-lowering effect of stray light in a visual scene that reduces a persons ability to see a desired target or direction. Glare is difficult to measure because it impacts each person differently based on age, eye health, anatomy, and eye color. For instance, glare is particularly troublesome to persons with cataracts or that have had laser eye correction. Variations in impact include the amount of vision lost, the field-of-vision lost, and duration of recovery.

Golf Course: An area of terrain on which the game of golf is played during daylight hours. A golf course includes greens, fairways, natural areas. A golf course may also include a driving range when integrated with the golf course operations and hours.

Grade, Finished: The average elevation of the finished surface of the ground within ten (10) feet of the structure after final grading.

Grantee: A person to whom an interest in property is granted.

Gross Floor Area: The sum of all horizontal floor area of all floors within a building.

Ground Floor Area: See "Floor Area, Main."

Group Home: A facility that houses not more than ten (10) children that are either:

- In need of service under *IC 31-34-1*; or
- Children who have committed a delinquent act under *IC 31-37-2-2*, *IC 31-37-2-3*, or *IC 31-37-2-5*.

Group homes are not subject to covenants, deeds or other instruments pertaining to the transfer, sale, lease, or use of property that would permit the residential use of property but prohibit the use of that property as a group home as a matter of State public policy reasons. Group homes cannot be prohibited on the grounds that they are a business, the persons living in a group home are not related, or any other reason. All group homes shall abide by *IC 12-17.4-5* and shall be a licensed facility with the State, meeting fire codes, building codes, and specific group home regulations.

Habitable Space: Any space in a structure or building that is suitable for living, sleeping, eating or cooking purposes, excluding such enclosed places as closets, pantries, bath or toilet rooms, hallways, laundries, storage spaces, utility rooms and similar spaces.

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

Height: See "Structure Height."

High Impact District: Refers to the HI district.

Hobby Farming: The use of land for purposes, including: dairying, pasturage, apiculture, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry. Processing and storage of harvested produce or other end products shall not be allowed on site. The hobby farming use(s) shall not exceed forty percent (40%) of the land area of the lot and shall abide by all setback regulations. Hobby farming cannot be the primary income source for the owner, operator or household on site. Hobby farming shall not include feed lots, stock yards, or the commercial feeding of garbage or offal to swine or other animals.

Home Business Retail: See "Retail, Home Business."

Home Business (Type 1): A very low intensity business activity conducted completely within a dwelling unit, operated by a lawful resident of the property, and which is predominantly incidental and secondary to the residential use. Home Business (Type 1) is further defined by the regulations in *Section 5.35 HB-01: Type 1 Home Business Standards (pg 5-33)*.

Home Business (Type 2): A low intensity business activity conducted completely within a dwelling unit, operated by a lawful resident of the property, and which is significantly incidental and secondary to the residential use. Home Business (Type 2) is further defined by the regulations in *Section 5.36 HB-02: Type 2 Home Business Standards (pg 5-34)*.

Home Business (Type 3): A low to moderate intensity business activity located in an agricultural area, conducted primarily within an accessory building, operated by a lawful resident of the property, and which is incidental and secondary to the residential use. Home Business (Type 3) is further defined by the regulations in *Section 5.37 HB-03: Type 3 Home Business Standards (pg 5-35)*.

Home Business (Type 4): A moderate intensity business activity located in an agricultural area, conducted primarily within an accessory building, operated by a lawful resident of the property (or adjacent property), and which is incidental and secondary to the residential use. Home Business (Type 4) is further defined by the regulations in *Section 5.38 HB-04: Type 4 Home Business Standards (pg 5-36)*.

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

Hotel: A structure in which temporary lodging or board and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public. Compensation is usually assessed on a day-to-day basis.

Household Pets: See "Pets, Household.

Hub Height: The distance measured from grade to the central axis of the rotors on a horizontal axis wind turbine.

IAC: Indiana Administrative Code.

IC: Indiana Code.

Illuminance: The total amount of visible light illuminating (incident upon) a point on a surface from all directions above the surface (i.e. how brightly a surface is illuminated). Illuminance is measured in lux.

Impervious Surface: Any material, structure, or building that prevents absorption of stormwater into the ground such as concrete, asphalt, paver patio, house, detached garage, and the like. This includes gravel, rock, stone and porous pavers used for driveways or parking lots. Gravel, rock, stone and porous pavers shall not be considered an impervious surface when used for a sidewalk or landscape bed.

Impervious Surface Coverage: The area of a lot occupied by any primary structure(s), any accessory structure(s), and any other impervious surface.

Improved Lot: See "Lot, Buildable."

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

Improvement Location Permit: See "Zoning Compliance Permit."

Improvement, Off-site: Any premises not located within the area of the property to be subdivided, used, or built upon whether or not in the same ownership of the applicant for subdivision approval.

Indecent Content: Indecent content portrays sexual or excretory organs or activities in a way that is patently offensive but does not meet the three-prong test for obscenity.

Incidental: A minor occurrence or condition which is customarily associated with a permitted use and is likely to ensue from normal operations.

Industry, Light: See "Manufacturing, Light."

Industry, Heavy: See "Manufacturing, Heavy."

Industrial District: Refers to the I1 and I2 districts.

Institutional District: Refers to the IS district.

Interior Lot: See "Lot, Interior."

Interstate: See "Street, Interstate."

Junk: Any automobile, truck, trailer, recreational vehicles, ATV, motorcycle, other motor vehicle, watercraft, mobile homes, farm equipment, farm implements, machinery, appliances, furniture, plumbing fixtures, construction materials, vehicle parts, tools, scrap, debris, packaging, pallets, waste, used property, discarded items, and/or items that are damaged to such an extent that they cannot be operated under their own power or otherwise be used. Junk includes items that are obsolete, are highly undesirable, and/or will require major repairs, often cost prohibitively, before being made usable or collectable. Junk also includes unlicensed automobiles, trucks, watercraft, trailers, and recreational vehicles stored outside.

Junk Yard: An industrial land use, permitted in the High Impact (HI) zoning district, where junk is accumulated, sometimes sorted, for recycling, resale, or reuse. A junk yard also includes any property where two (2) or more items of junk has accumulated outdoors on a property for any reason.

Inoperable farm equipment and/or farm implements on a farm actively engaged in crop production and in the A1 or A2 zoning districts shall not be deemed a junk yard; except when the amount of farm equipment and/or farm implements accumulation exceeds over fifty (50) items or the area it covers is greater than one-half (1/2) acre. Construction material on any lot where a building permit has been issued and work is being completed shall not be considered a junk yard, unless the junk is unrelated to the permitted construction.

Jurisdiction: See "Planning Jurisdiction."

Juvenile Detention Facility: A facility that holds children or minors (typically under 18 years of age) for punishment and/or counseling as a result of sentencing by a court of jurisdiction for criminal or antisocial behavior.

Kennel, Commercial: A commercial establishment involving boarding, breeding, buying, keeping, training, selling or similar services offered to owners of dogs, cats or other domestic animals. This definition is not inclusive of a veterinarian clinic or home business kennel. Commercial kennels are not inclusive of a residential dwelling unit.

Landscape Buffer: A continuous landscaped area designed, maintained and used for screening and separation of uses, lots or structures.

Landscaping: The improvements of a lot with grass, shrubs, trees, and other vegetation and/or ornamental objects. Landscaping may include pedestrian walks, flower beds, berms, fountains and other similar natural and man-made objects designed and arranged to produce an aesthetically pleasing effect.

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

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

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

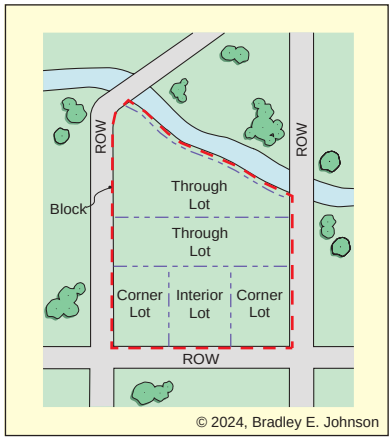
Legal Nonconforming Use: Any continuous, lawful use of structures, land, or structures and land in combination established prior to the effective date of the Unified Development Ordinance or its subsequent amendments that is no longer a permitted use or special exception use in the district where it is located.

Legislative Body: Either the Vermillion County Board of Commissioners or the City of Clinton Common Council, or any other common council for a participating municipal jurisdiction.

Loading Dock: An off-street space for temporary parking of delivery and pickup vehicles.

Local Street: See "Street, Local."

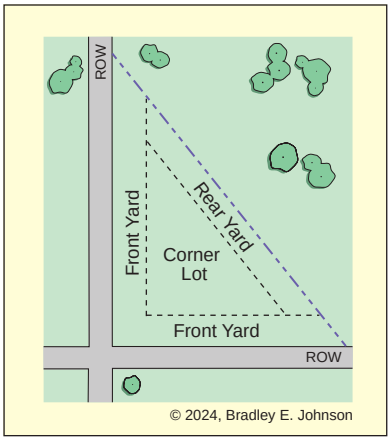
Lot: A piece, parcel or tract of land designated by its owner or developer to be used, developed or built upon as a unit under single or multiple ownership or control. There are generally three (3) types of lots identified in the Unified Development Ordinance: interior lots, corner lots, and through lots.

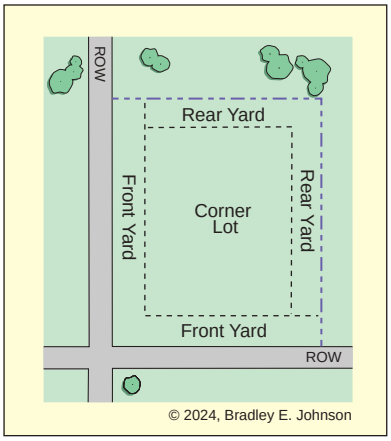


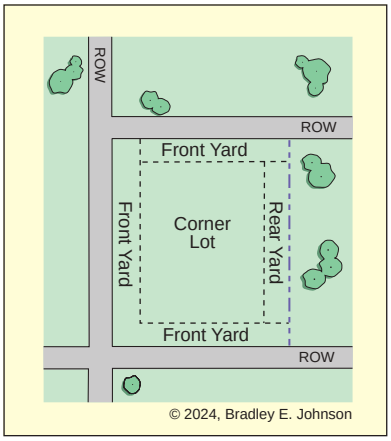
Definitions - Lot, Buildable

Lot, Buildable: A lot upon which a structure may be constructed and occupied as a result of the fact that it has frontage on and access to an improved street, is large enough to meet minimum setback requirements, and was legally established by subdivision or is a legacy lot with building rights. A buildable lot shall also have a well or water utility service; an approved and functioning septic system or sewer utility service; and on-site electric generation or an electric utility service.

Lot, Corner: A lot situated at the intersection of two streets or which fronts a street on two (2) or more sides forming an interior angle of less than 135°.

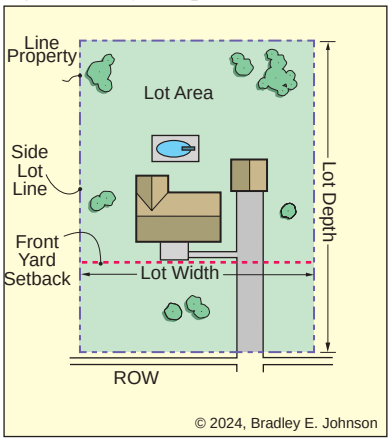


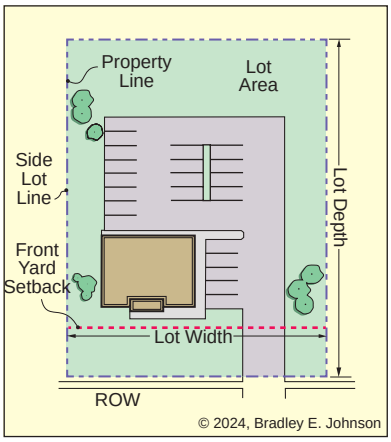




Lot Coverage: The area of a lot occupied by the primary structure, all storage-based accessory structures, and impervious surface. A septic field shall not be considered as lot coverage.

Lot Area: The area of a horizontal plane bounded by the front, side, and rear lot lines, excepting any easement or right-of-way for public streets.





Lot Depth: The horizontal distance between the front and rear lot lines. (See Graphics for "Lot Area")

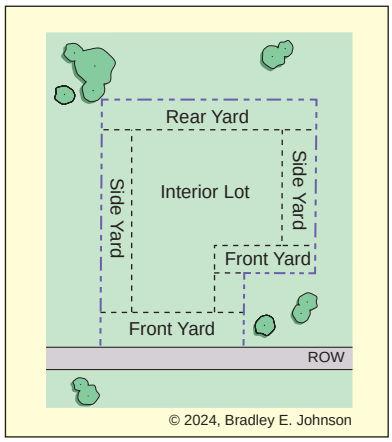
Lot, Developed: A lot with structures situated thereon.

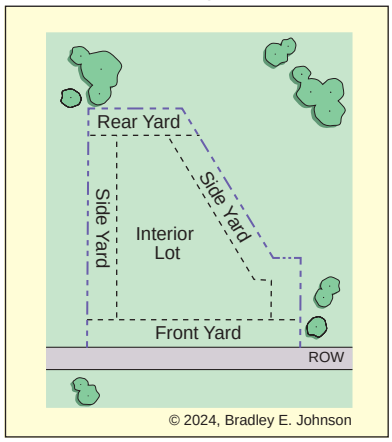
Lot Frontage: The length of the front lot line bordering upon a public right-of-way. The lot frontage is determined by measuring the total distance in which the front lot line touches a public right-of-way. Lot frontage requirement for a cul-de-sac lot is one-half ($^1/_2$) the distance required for standard lots.

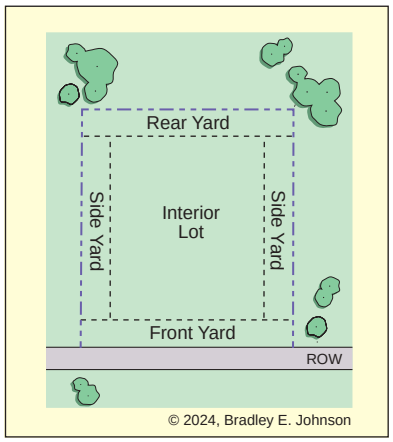
Lot, Improved: See "Lot, Buildable."

Definitions - Lot of Record

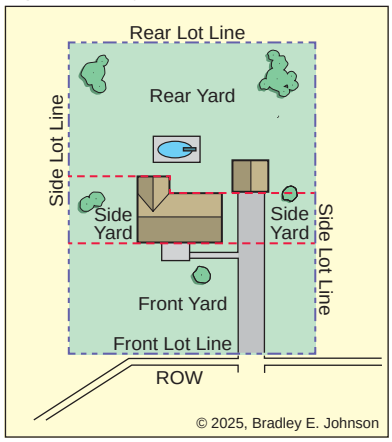
Lot, Interior: A lot other than a corner lot or a through lot.

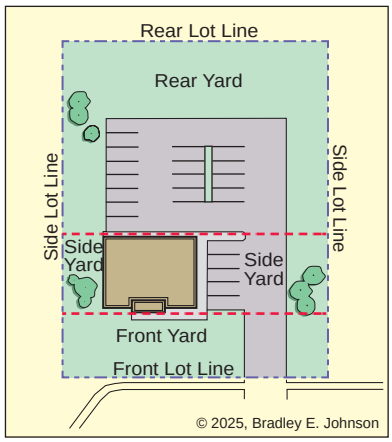




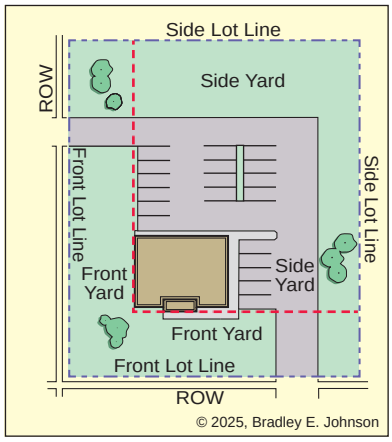


Lot Line, Front (interior or through lot): The line marking the boundary between the lot and the abutting street, right-of-way or a Lake or watercourse





Lot Line, Front (corner lot): The line marking the boundary between the lot and each of the abutting streets.



Lot Line, Side: A lot boundary line other than a front or rear lot line. (See graphic for "Lot Line, Front")

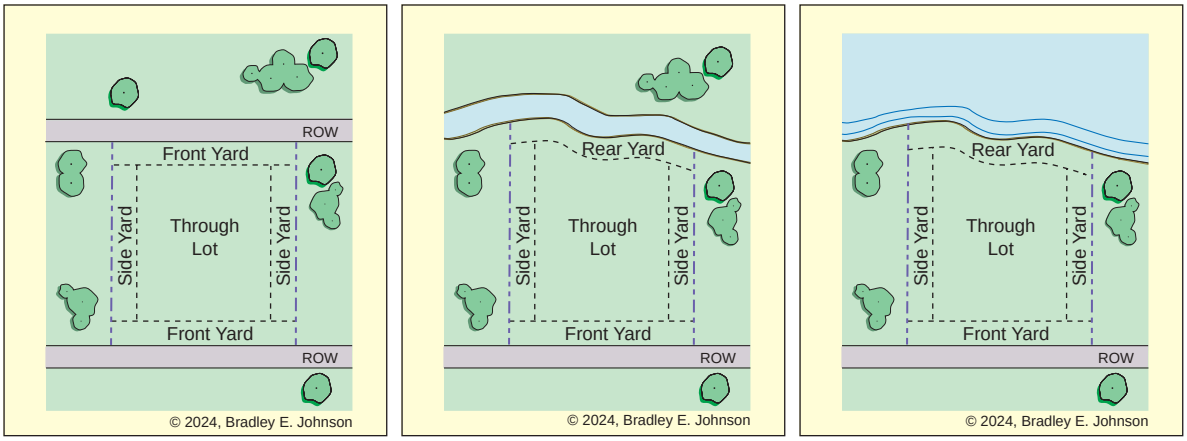
Lot Line, Rear: The lot line that is opposite the front lot line and farthest from it, except that for a triangular or other irregularly-shaped lot, the line ten feet long, parallel to the front lot line, and wholly within the lot, that is farthest from the lot line. (See graphic for "Lot Line, Front")

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

Definitions - Lot, Subject

Lot, Subject: The lot to which an action has been petitioned for or otherwise being considered for action.

Lot, Through: A lot fronting on two (2) parallel or approximately parallel streets, or abutting two (2) streets which do not intersect at the boundaries of the lot. Also includes lots fronting on both a street and a watercourse or lake. Accessory structures are allowed in front yards facing watercourses or lakes.



Lot Width: The distance between the side lot lines as measured on the front setback line. Cul-de-sac and irregular shaped lots shall measure their front lot widths along the front setback line from one side lot line to the other. (See graphic for "Lot Area")

Main Floor Area: See "Floor Area, Main."

Maneuvering Space: An open space in a parking area which:

- Is immediately adjacent to a parking space,
- Is used for and/or is necessary for turning, backing or driving forward a motor vehicle into such parking space, but
- Is not used for the parking of or storage of motor vehicles.

Manufactured Home: See "Dwelling, Manufactured Home."

Manufactured Home Park: A parcel of land containing two (2) or more dwelling sites, with required improvements and utilities, that are leased for the long term placement of mobile home dwellings and/or modular home dwellings, and shall include any street used or intended for use as part of the facilities. A manufactured home park does not include the retail sales of mobile home dwellings or modular home dwellings in which unoccupied units are parked for inspection or sale. Placement of a trailer home dwelling, recreational vehicle, or camper is not inclusive of the definition for manufactured home park.

Manufacturing, Heavy: The assembly, fabrication or processing of goods and materials using processes that ordinarily have greater than minimal impacts on the environment, or that otherwise do not constitute light manufacturing, and which may include open uses and outdoor storage. Heavy manufacturing generally includes processing and fabrication of products made from extracted or raw materials. Heavy manufacturing shall not include any use that is otherwise listed specifically in any zoning district as a permitted use or special exception.

Manufacturing, Light: The assembly, fabrication or processing of goods and materials using processes that ordinarily do not create noise, smoke, fume, odors, glare or health or safety hazards outside of the structure or lot where such assembly, fabrication, or processing of goods are housed entirely within an enclosed building. Light manufacturing generally includes processing and fabrication of finished products predominantly from previously prepared materials. Light manufacturing shall not include any use that is otherwise listed specifically in any zoning district as a permitted use or special exception.

Marker (survey): A stake, pipe, rod, nail, or any other object which is not intended to be a permanent point for record purposes.

Massage Parlor: Any place where for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations; electric or magnetic treatments, or any other treatment or manipulation of the human body occurs as part of or in connection with sexual conduct, or where any person providing such treatment, manipulation or service related thereto exposes specified anatomical areas.

Massage Therapist: A person licensed by the State of Indiana and certified by the National Certification Board for Therapeutic Massage and Bodywork, or the American Massage Therapy Association, or under the direct supervision of a licensed physician).

Master Plan: See "Comprehensive Plan."

Materials Recycling (Type 1): Material recycling operations that meet the characteristics listed below in *Table 11-B: Limits of Material Recycling Uses*. Example operations may include: cloth/rag or electronics recycling.

Materials Recycling (Type 2): Material recycling operations that meet the characteristics listed below in *Table 11-B: Limits of Material Recycling Uses*. Example operations may include: pelletizing waste drywall or pelletizing waste plastic.

Materials Recycling (Type 3): Material recycling operations that meet the characteristics listed below in *Table 11-B: Limits of Material Recycling Uses*. Example operations may include: scrap metal yards, outdoor metal grinders, or pallet shredding.

Table 11-B: Features of Material Recycling Uses

Material Recycling Types	Heavy Vehicle Trips per Week (loads over 40,000 lbs)	Outdoor Storage of Materials To Be Recycled	Outdoor Storage of Final Recycled Product	Height of Any Outdoor Storage	Percentage of Recycling Process Allowed to be Outdoors	Outdoor Grinders or Shredders	Hours of Operation
Type 1: Low Intensity	20 trips in and/ or out	not allowed	up to 10% of lot area or ½ acre, whichever is more restrictive	no greater than 8 feet in height	none	not allowed	between 6 AM and 7 PM
Type 2: Moderate Intensity	60 trips in and/ or out	up to 15% of lot area or ½ acre, whichever is more restrictive	up to 30% of lot area or 2 acres, whichever is more restrictive	no greater than 12 feet in height	up to 20%	not allowed	between 5 AM and 10 PM
Type 3: High Intensity	no limit	no limit	no limit	no limit	no limit	allowed	no limit

Maximum Lot Coverage: The highest amount of impervious surface coverage permitted by the Unified Development Ordinance.

Medical Office: See "Office, Medical."

Meteorological Tower (MET): A tower that hosts weather instrumentation to evaluate meteorological conditions used by weather monitoring and predicting agencies, meteorologists, and weather hobbyist. In regard to the wind energy industry, they are used to measure and collect wind speed and direction data, plus other data relevant to siting one (1) or more wind turbines. Meteorological Towers shall not include weather radars.

Mining: A land use involving the extraction of rock, sand, minerals, fossil fuel, or other raw material from the earth.

Mobile Home: See "Dwelling, Mobile Home."

Monument (survey): A permanent physical structure which marks the location of a corner or other survey point.

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

Motor Home: See "Recreational Vehicle."

Motor Vehicle: Any passenger vehicle, truck, tractor, tractor-trailer, truck-trailer, trailer, boat, recreational vehicle, semitrailer, or any other vehicle propelled or drawn by mechanical power.

Multiple-family Districts: Refers to the M1 and M2 district.

Mural: See "Sign, Wall."

Nacelle: A housing, cover, or structure that surrounds a gear box, generator, mechanical equipment, electrical components, meteorological instruments, and/or communication instruments associated with a wind turbine.

Noise Sensitive Land Use: The use of a structure for a purpose that would be adversely impacted by noise associated with nearby aircraft operations including aircraft overflights. Noise Sensitive Land Uses include but are not limited to residences, schools, churches, child care facilities, medical facilities, retirement homes and nursing homes.

Nonconforming Building: See "Nonconforming Structure."

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

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

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

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

Non-participating Property: When referring to a wind power plant or solar power plant, a property whose owner has not signed a lease agreement, solar access agreement, wind access agreement, or similar with the owner or operator of a solar power plant, wind power plant, or other entity related to a solar power plant or wind power plant.

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

Obscene Content: Obscene content does not have protection by the First Amendment. For content to be ruled obscene, it must meet a three-pronged test established by the Supreme Court: It must appeal to an average person's prurient interest; depict or describe sexual conduct in a "patently offensive" way; and, taken as a whole, lack serious literary, artistic, political or scientific value.

Occupant: A person or entity (e.g. corporation) leasing, borrowing, using, or otherwise occupying, temporarily or permanently, a property owned by another person or entity. Occupant shall include a person working for the owner (e.g. a property manager, business manager, realtor, builder, or developer).

Office: A place in which business, professional and/or clerical activities are conducted. Offices shall include medical offices, government offices and office functions which serve other off-site land uses.

Office, Construction Trade: Electrical contractor, general contractor, heating and cooling contractor, landscaping contractor, plumbing contractor office and the like.

Office, Design Services: Architecture firm, engineering firm, graphic design firm, planning firm and the like.

Office, Financial Services: Accounting office, bank or credit union, investment firm and the like. Check cashing and quick loan establishments are not considered a financial services office.

Office, General Services: Employment service, insurance office, law office, membership association, publishing corporate office, reading clinic, real estate office, secretarial service, service organization, temporary service agency, title company, trade office, travel agency and the like.

Office, Medical: Emergency medical clinic, dental clinic, medical clinic, optical clinic, rehabilitation clinic, veterinarian clinic/hospital and the like.

Official Zoning Map: A map of the Vermillion County Area Plan Commission's jurisdiction that legally denotes the boundaries of zoning districts as they apply to the properties within the planning jurisdiction. There is only one Official Zoning Map, and it is kept up to date by the Area Plan Commission and the Zoning Administrator. The official zoning map may be kept on an online GIS system.

Official Zoning Map Copies: A map of the Vermillion County Area Plan Commission's jurisdiction that legally denotes the boundaries of zoning districts as they apply to the properties within the planning jurisdiction. These maps may be out of date.

Off-site Improvement: See "Improvement, Off-site."

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

Operator: Includes any entity that is responsible for day-to-day maintenance, management, decision making, operations, and the like for the subject lot's use and structures; including third-party contractors. An operator shall not be recognized as an 'Owner' or 'Applicant' unless a signed and notarized consent form from the actual property owner is presented; or an executed lease agreement is presented granting applicable authorization. See the definition for 'Owner' and 'Applicant' for more information.

Outdoor Pets: See "Pets, Outdoor.

Outdoor Storage: See "Storage, Outdoor."

Owner: Any person, corporation, association, or any other legal entity having legal title to or majority interest in the subject lot(s).

1. In regard to processes and proceedings, 'owner' may include their authorized agent, tenant, operator, or legal representative. An authorized agent, tenant, developer, or operator shall only be recognized as the 'owner' for processes and proceedings if a signed and notarized consent form from the actual property owner is presented; or an executed lease agreement is presented granting applicable authorization. Owner shall be inclusive of any successors and assigns.
2. In regard to enforcement, owner may include a tenant, operator, or lender who has a financial interest, minority or majority, in the subject property.
3. In regard to a wind power plant, owner includes any entity with an equity interest in the development, its operation, and/or its decommissioning. Further, owner shall not include any person holding a security interest in the wind power plant solely to secure an extension of credit, or a person foreclosing on such security interest provided that after foreclosure, such person seeks to sell the utility wind turbine system and wind power plant components within one (1) year of such event.

Parcel: See "Lot."

Parent Tract: A lot of record as recorded on the effective date of this Unified Development Ordinance.

Park, Public: A parcel of land available to the public for passive and active recreation. Public parks may include, but are not limited to a playground, sport court, open space, trail, picnic area, a swimming pool, restroom, shelter, parking lot, conservation area, community building, gazebo, and/or plaza.

Parking, Required: The minimum number of off-street parking spaces specified for a particular use or uses by the Unified Development Ordinance.

Parking Space: Space within a public or private parking area for the storage of one (1) passenger automobile or commercial vehicle under a one and one-half (1½) ton capacity.

Participating Property: When referring to a utility wind turbine system, wind power plant, or solar power plant, a property whose owner has signed a lease agreement, solar access agreement, wind access agreement, or similar with the owner or operator of a solar power plant, wind power plant, or other entity related to a solar power plant or wind power plant. Participating property may include a property whose owner has signed an agreement to not remonstrate against a wind power plant or solar power plant project; and may or may not be receiving a one-time or ongoing payments for potential negative impact to their property value or quality-of-life.

Paved: A durable surface for parking, driving, riding or similar activities that utilizes asphalt, concrete, brick, paving blocks or similar material. Crushed gravel, stone, rock, or dirt, sand or grass are not permitted as a paved surface.

Performance Bond: An amount of money or other negotiable security paid by the subdivider, developer, or property owner or his/her surety to Vermillion County which guarantees that the subdivider will perform all actions required by Vermillion County regarding an approved plat or in other situations as stated forth in the Unified Development Ordinance and/or as deemed by the Zoning Administrator that provides that if the subdivider, developer, or property owner defaults and fails to comply with the provisions of his/her approval, the subdivider, developer, or property owner or his/her surety will pay damages up to the limit of the bond, or the surety will itself complete the requirements of the approval.

Permanent Foundation: 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.

Permanent Perimeter Enclosure: A permanent perimeter structural system completely enclosing the space between the floor joists of the home and the ground, except for the necessary openings, constructed in accordance with the One- and Two-family Dwelling Code.

Permitted Use: See "Use, Permitted."

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

Personal Services: An establishment, other than an office uses and health care, in which services are rendered to consumers on an individual basis, such as a barber shop, beauty salon, nail salon, massage therapy, day spa, tanning salon, and the like.

Pets, Household: Domestic pets maintained healthy and humanely within the confines of the dwelling unit. Household pets includes hobby breeding of domestic animals as long as the frequency of breeding is limited to one (1) litter per year per household. Household pets do not include outdoor pets, farm animals, pigmy goats, potbelly pigs, or rabbits. Examples of household pets include: dogs, cats, mice, snakes, hamsters, ferrets, and birds.

Pets, Outdoor: Domestic pets maintained healthy and humanely within the confines of the lot. Outdoor pets includes hobby breeding of domestic animals as long as the frequency of breeding is limited to one (1) litter per year per household. Outdoor pets do not include farm animals, rabbits, mice, snakes, hamsters, ferrets, or birds. Examples of outdoor pets include: dogs and cats.

Place of Worship: Buildings, outdoor structures, and outdoor spaces used for public worship (e.g. church, temple, or mosque).

Planned Unit Development: A large-scale unified development meeting the prerequisites and requirements of *Article 4: Planned Unit Development District*. Generally a planned unit development consists of a parcel or parcels of land, controlled by a single landowner, to be developed as a single entity which does not correspond in size of lots, bulk or type of buildings, density, lot coverage, and required open space to the regulations established in any district of the Unified Development Ordinance. This may result in more attractive and affordable development than conventional developments would allow. Clustered housing (dwellings built in innovative lot arrangements around common open space) and zero lot line housing (dwellings built up to lot lines) are possible as part of planned unit developments. A planned unit development requires special approval per Indiana Code and the Unified Development Ordinance.

Planning Director: See "Zoning Administrator."

Planning Jurisdiction: The unincorporated areas of Vermillion County, Indiana and the incorporated City of Clinton; and any other incorporated area that elects to participate in the Vermillion County Area Plan Commission.

Planning Staff: See "Zoning Administrator."

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

Plat Amendment: A change in a recorded subdivision plat if such change affects any street layout or area reserved thereon for public use or any lot line or easement; or if it affects any map or plan legally recorded.

Plat, Primary: The primary plat, pursuant to the *IC 36-7-4-700 Series*, is the plat and plans upon which the approval of a proposed subdivision are based. The primary plat and plans shall be subject to public notice and public hearing according to law and according to Area Plan Commission rules. (Under former state statutes, the primary plat was referred to as a "preliminary" plat.)

Plat, Secondary: The secondary plat, pursuant to *IC 36-7-4-700 Series*, is the final plat document in recordable form. A secondary plat shall substantially conform with the preceding primary plat, or section thereof. The secondary plat and plans are not subject to public notices and public hearings.

Pool, Swimming: See "Swimming Pool."

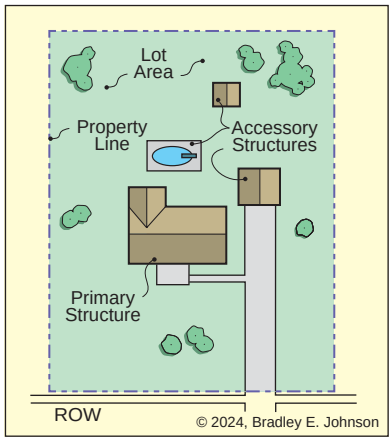
Porch: A roofed-over structure projecting out from the wall or walls of a main structure and commonly open to the weather in part.

Practical Difficulty: A difficulty with regard to one's ability to improve land stemming from regulations of this Unified Development Ordinance. A practical difficulty is not a "hardship," rather it is a situation where the Owner could comply with the regulations within this Unified Development Ordinance, but would like a variance from the Development Standards to improve his site in a practical manner. For instance, a person may request a variance from a side yard setback due to a large tree which is blocking the only location that would meet the Development Standards for a new garage location.

Primary Arterial: See "Street, Major Arterial."

Primary Plat: See "Plat, Primary."

Primary Structure: The structure in which the primary use of the lot or premises is located or conducted. With respect to single-family residential use, the primary structure shall be the home.



Primary Use: See "Use, Primary."

Principal Use: See "Use, Primary."

Private Street: See "Street, Private."

Profane Content: Profane content includes "grossly offensive" language that is considered a public nuisance.

Prohibited Use: A use that is not permitted under any circumstances.

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

Public Place: Any area on public or private property that is easily accessible and clearly visible to the general public. If located on private property, the area shall be open to the general public and clearly visible from adjacent public property such as a street or other public thoroughfare or sidewalk.

Public/Private Parking Area: A group of parking spaces in an open area not including any part of a street designed or used for temporary parking of motor vehicles.

Public Street: See "Street, Public."

Public Utility: See "Utility, Public."

Public Way: Highways, streets, avenues, boulevards, lanes, or alleys.

Radio/TV Station: The broadcast building for the production of radio and television programing, not to include and telecommunication towers.

Raising of Farm Animals: Feeding and caring for animals for pleasure, food, fur, pharmaceutical, or other commodity purpose. Raising of farm animals includes confined feeding where the maximum number of animals does not exceed:

- 49 horses,
- 74 dairy cattle,
- 99 cattle or veal calves (excluding dairy cattle),
- 199 swine,
- 199 sheep or lambs,
- 499 ducks,
- 2,999 turkeys, or
- 4,999 chickens.

Raising of farm animals does not include Confined Feeding, Level 1; Confined Feeding, Level 2; or Confined Feeding, Level 3 as defined.

Any number of pastured animals are permitted as long as they are confined for less than forty-five (45) days during any twelve (12) month period, and as long as vegetated cover is managed and maintained in pasture areas.

Rear Lot Line: See "Lot Line, Rear."

Rear Yard: See "Yard, Rear."

Recreation Center/Play Center: An enclosed structure containing recreational facilities, such as a tennis court, swimming pool, and/or gymnasium. This shall not include outdoor amphitheaters, tennis courts or swimming pools.

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

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

Registered/Licensed Land Surveyor: A land surveyor properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.

Registered Professional Engineer: An engineer properly licensed and registered, or through reciprocity, permitted to practice in the State of Indiana.

Regulatory Flood: See "Flood, Regulatory."

Regulatory Floodway: See "Floodway, Regulatory."

Residential Districts: Refers to the RR, R1, and R2 districts.

Residential Facility for the Developmentally Disabled (large): A residential facility which provides residential services for more than eight (8) developmentally disabled individuals as described in *IC 12-28-4*.

Residential Facility for the Developmentally Disabled (small): A residential facility which provides residential services for eight (8) or less developmentally disabled individuals as described in *IC 12-28-4*.

Residential Facility for the Mentally Ill: A residential facility which provides residential services for mentally ill individuals as described in *IC 12-28-4*. No two (2) Residential Facilities for the Mentally Ill shall be within 3,000 feet of one another in the planning jurisdiction as stated in Indiana Code.

Responsible Party: For purposes of issuing notice of violation, the following persons shall be considered responsible parties, with liability for fines and responsibility for remedy of the violation: the property owner(s); persons with any possessory interest in the property, and/or any persons and/or their agents who have caused the violation. Any owner, tenant, builder, developer, possessor of interest, architect, designer, property manager, equipment operator known or suspected to be responsible in part or in whole for a violation of the Unified Development Ordinance.

Restaurant: An establishment whose use is the selling of food in a ready-to-consume state, in individual servings, in which the customer consumes these foods while seated at tables or counters located in or immediately adjacent to the building in which the use is located, and which may include carry-out service. "Restaurant" shall include that portion of any establishment which sells prepared food, such as a bakery or a delicatessen, and which is used for seating for the consumption of food on the premises. (See also "Drive-Through Establishment.")

Definitions - Retail (Type 5) Very High Intensity

Retail, Agriculture Related: Retail uses that primarily provide products to farmers and agricultural uses, including, but not limited to farm equipment sales, seed sales, fertilizer sales, seed sales, part sales for farm equipment, farm building materials and repair products, and tack shop.

Retail, Home Business: An extremely low intensity retail business that provides products to all or portions of the general public and that meets the applicable characteristics listed in *Table 11-C: Limits of Retail Types* below. A very low intensity retail business also includes ancillary uses, customarily associated with the primary retail business. A very low intensity retail business shall not include business-to-business wholesale operations.

Retail (Type 1) Very Low Intensity: A very low intensity retail business that provides products to all or portions of the general public and that meets the applicable characteristics listed in *Table 11-C: Limits of Retail Types* below. A very low intensity retail business also includes ancillary uses, customarily associated with the primary retail business. A very low intensity retail business shall not include business-to-business wholesale operations.

Retail (Type 2) Low Intensity: A low intensity retail business that provides products to all or portions of the general public and that meets the applicable characteristics listed in *Table 11-C: Limits of Retail Types* below. A low intensity retail business also includes ancillary uses, customarily associated with the primary retail business. A low intensity retail business shall not include business-to-business wholesale operations.

Retail (Type 3) Medium Intensity: A medium intensity retail business that provides products to all or portions of the general public and that meets the applicable characteristics listed in *Table 11-C: Limits of Retail Types* below. A medium intensity retail business also includes ancillary uses, customarily associated with the primary retail business. A medium intensity retail business shall not include business-to-business wholesale operations. Up to 2% of retail floor area or 2% of gross revenue whichever is more restrictive may be sexually oriented retail products.

Retail (Type 4) High Intensity: A high intensity retail business that provides products to all or portions of the general public and that meets the applicable characteristics listed in *Table 11-C: Limits of Retail Types* below. A high intensity retail business also includes ancillary uses, customarily associated with the primary retail business. A high intensity retail business shall not include business-to-business wholesale operations. Up to 100% of retail floor area or 100% of gross revenue whichever is more restrictive may be sexually oriented retail products.

Retail (Type 5) Very High Intensity: A very high intensity retail business that provides products to all or portions of the general public and that meets the applicable characteristics listed in *Table 11-C: Limits of Retail Types* below. A very high intensity retail business also includes ancillary uses, customarily associated with the primary retail business. A very high intensity retail business shall not include business-to-business wholesale operations. Up to 2% of retail floor area or 2% of gross revenue whichever is more restrictive may be sexually oriented retail products.

Table 11-C, Limits of Retail Types

Retail Types	Max. Vehicle per Day	Max. Retail Floor Area	Max. Outdoor Display of Merchandise	Max. Frequency of Dumpster Emptying	Outdoor Storage	Hours of Operation	Drive Through	Delivery Vehicles Per Week
Retail, Home Business	20	500 sq ft interior	2% of retail floor area or 25 sq ft, whichever is more restrictive	1 per week or use of residential service	not allowed	any time between 8 AM and 8 PM	not allowed	2 per week, limited to small box trucks and vans during business hours
Type 1: Very Low Intensity	150	3,000 sq. ft. interior	5% of retail floor area or 50 sq ft whichever is more restrictive	1 per week	not allowed	any time between 7 AM and 9 PM	not allowed	7 per week, limited to box trucks and vans during business hours
Type 2: Low Intensity	500	10,000 sq. ft. interior	10% of retail floor area or 300 sq ft whichever is more restrictive	2 per week	not allowed	any time between 5 AM and 10 PM	not allowed	14 per week, box trucks and vans during business hours and semis after hours
Type 3: Medium Intensity	2,000	40,000 sq. ft. interior	20% of retail floor area or 1,000 sq ft whichever is more restrictive	3 per week	10% of retail floor area	any time between 5 AM and 11 PM	allowed	28 per week, no limit on type of trucks or delivery times
Type 4: High Intensity	10,000	150,000 sq. ft. interior	40% of retail floor area or 20,000 sq ft whichever is more restrictive	1 per day	20% of retail floor area or 10,000 sq ft whichever is more restrictive	no limit	allowed	no limit
Type 5: Very High Intensity	no limit	no limit	no limit	no limit	no limit	no limit	allowed	no limit

Retention Pond: A facility use to indefinitely hold water, like a natural pond, and concurrently used to temporarily collect storm water and outlet it over a designated period of time or at a specific rate of release.

Retirement Community: An age-restricted development, which may include detached and attached dwelling units and apartments.

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

ROW: See "Right-of-way."

Road: See "Street."

Roadside Sales: An accessory land use related to agricultural crop production where at least ninety percent (90%) of produce and products sold are grown and/or produced by the land owner using produce grown on site or on adjacent farmland owned by the land owner. For example, a farmer selling sweet corn, or selling containers of popcorn where the popcorn was grown by the land owner.

Satellite Dish/Antenna: An apparatus capable of receiving communications from a transmitter relay located in a planetary orbit, or broadcast signals from transmitting towers.

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

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

Scrap Metal Yard: A general industrial use established independent or ancillary to and connected with another general industrial use, which is concerned exclusively in new and salvaged metal pipes, wire, beams, angles, rods, machinery, parts, filings, clippings, and/or all other metal items of every type, and which 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 said items for reuse by the connected other general industrial use or for storage, sale or shipment and/or use in other industries or businesses including open hearth, electric furnaces and foundry operations. Such an establishment shall not include junk yards, dumps, or automobile or other vehicle graveyards.

Secondary Plat: See "Plat, Secondary."

Setback: The minimum horizontal distance between the building line and a lot line. Or in a case where the property runs to the centerline of the street, the minimum horizontal distance between the building line and the right-of-way as proposed in the *Vermillion County Thoroughfare Plan*.

Setback, Average: An average of the front yard setbacks of structures on either side of the subject property. If the average setback encroaches into the right-of-way, permission is not required from a Board of Zoning Appeals. If the subject property is a corner lot, the average of the front yard setback of structures adjacent to the subject property, along with the front yard setback of structures directly across the street of the subject property shall be used.

Sexually Oriented Materials: Materials including still or motion pictures, books, magazines, other periodicals, or other depiction recorded on paper, electronic, digital, video, magnetic or other media, which are distinguished or characterized by their emphasis on matter depicting, describing or relating Specified Sexual Activities" or "Specific Anatomical Areas"; or, instruments, devices, or paraphernalia either designed as a representation of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs.

Sexually Oriented Retail Business: An establishment with at least ten percent (10%) of its stock in trade or gross floor area devoted to the sale, rental, or display of sexually oriented materials. Or an establishment which advertises or holds itself in any forum as "XXX", "adult" or "sex", or which has stock in trade or floor area devoted to the sale, rental, or display of sexually oriented materials.

Sexually Oriented Entertainment Business: An establishment which regularly offers live entertainment, lingerie or nude modeling, presentation of motion pictures, or publications by any photographic, electronic, digital, magnetic or other media which are distinguished or characterized by their emphasis on matter depicting, describing or relating "Specified Sexual Activities" or "Specific Anatomical Areas"; or, offers massage therapy or body work (not including when performed by a licensed massage therapist); or, advertises or holds itself in any forum as "XXX", "adult", or "sex." This also includes businesses, clubs, organizations, or associations that organize or plan sex engagements or adult oriented entertainment with two (2) or more persons (e.g. swingers clubs or fetish clubs).

Definitions - Sign Area

Shooting Range: An outdoor area or indoor space designed and used for discharging firearms safely; primarily for sport, maintaining proficiency, and training.

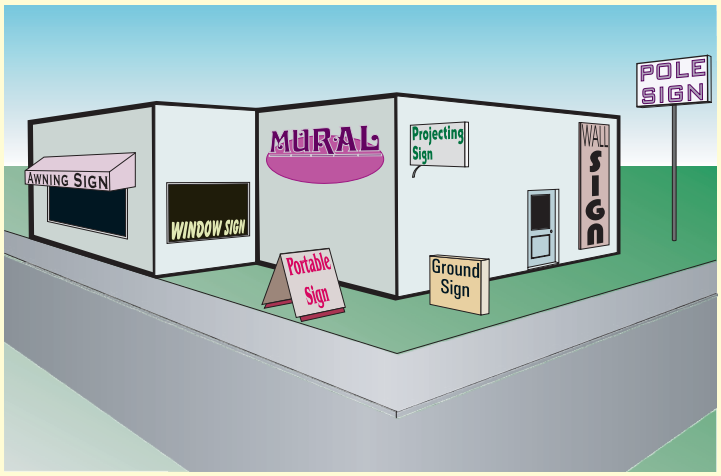
Shooting Range (Indoor): A shooting range fully contained within a building.

Shooting Range (Outdoor): A shooting range which is not fully contained within a building.

Side Lot Line: See "Lot Line, Side."

Side Yard: See "Yard, Side."

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



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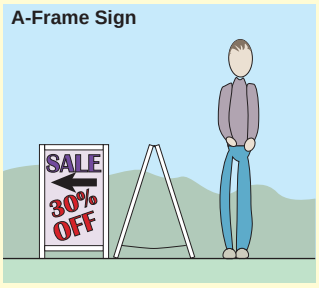
Sign, A-Frame: A type of temporary sign or device that is self-supporting with one (1) or two (2) faces connected at or near the top with each face angled outward making a triangular shape. This type of sign is generally designed to be setup on a sidewalk or other flat surface to attract pedestrians.



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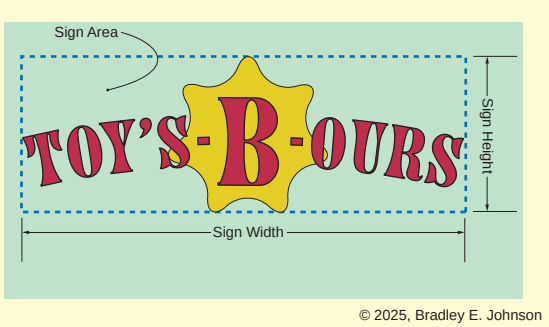
Sign Area: The entire area within a single continuous perimeter enclosing the extreme limits of a sign, including all background area figures and letters. However, such perimeter shall not include any structural elements lying outside the limits of the sign which are not part of the information, visual attraction or symbolism of the sign.



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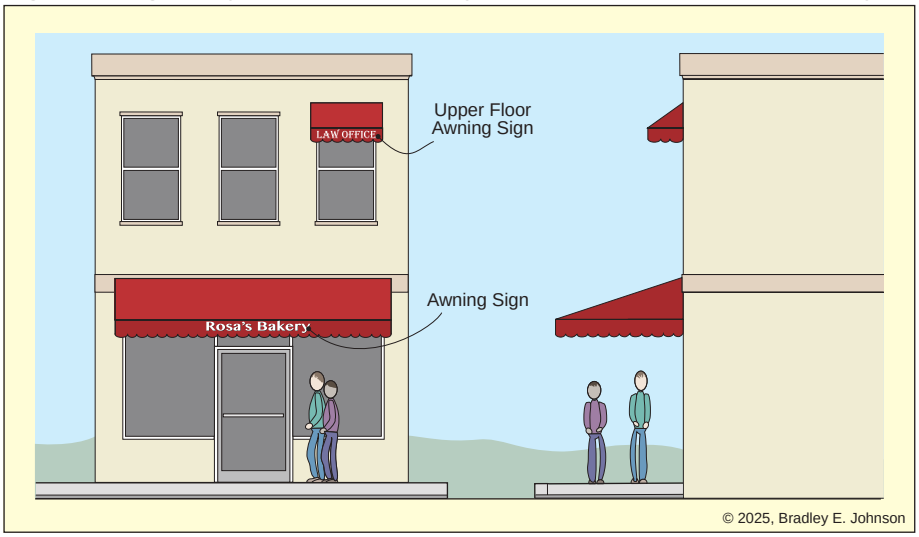
Definitions - Sign, Accessory

Sign, Accessory: A sign which is related to the primary use of the premises.

Sign, Awning: A sign attached to or integrated into the material of an awning mounted on a building.



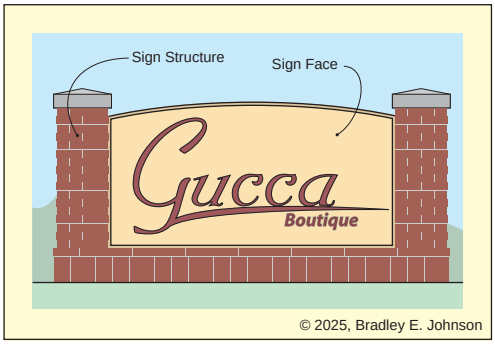
Sign, Banner: A sign composed of lightweight fabric, plastic, vinyl, or similar material that is mounted to a building. Banner signs are typically related to a special event or promotion.

Sign, Changeable Copy: A type of sign or device that allows a message to be changed by mechanical, electronic, or manual means. Changeable copy signs may be capable of animated messages, cyclical messages, or static messages. However, the zoning regulations limit the frequency of messages changing even if a changeable copy sign is capable of features not permitted.

Sign, Directional: A sign intending to direct the safe flow of vehicular and pedestrian traffic and includes "enter," "exit," and "arrow" signs.

Sign, Drive-Up Menu: Any sign containing a menu or offerings for restaurant, coffee shop, or other food establishment designed to be visible from and intended for persons in vehicles in drive-through lanes to read and order from. May also include walk-up menus intended for persons afoot.

Sign Face: The surface intended for the display of information on the sign.



Sign, Flashing: See, "Changeable Copy, Animated."

Sign, Gateway: A common sign, typically located near a major entrance, indicating the presence of multiple-tenants on a property being owned or managed as a single development. Such developments include, but are not limited to: shopping centers, office parks, and industrial parks.

Sign, Ground: A sign in which the bottom edge of the sign is permanently affixed to the ground. A monument sign is another name for a Ground Sign. (See graphic for "Sign")

Sign, Illuminated: A sign which has characters, letters, figures, designs, or outline illuminated by electric lights or luminous tubes as a part of the sign proper, or which is illuminated by reflectors.

Sign, Monument: See, "Sign, Ground."

Sign, Mural: A sign painted onto the side of a building, wall, ground, or structure. A mural sign is regulated as a wall sign in the Unified Development Ordinance. (See graphic for "Sign")

Sign, Non-accessory: A sign which is not related to the primary use of the premises.

Sign, Nonconforming: See "Nonconforming Sign."

Sign, Non-Commercial: Any sign wording, logo or other representation that, directly or indirectly, does not name, advertise, or call attention to a business, product, service, or other commercial activity.

Sign, Off-Premises: A sign directing attention to a specific business, product, service, entertainment, or any other activity offered, sold, or conducted elsewhere than upon the lot where the sign is displayed.

Sign, On-Premises: A name, identification, description, display of illustration or symbol which is affixed to, or painted, or represented directly upon a structure or piece of land, and which directs attention to an object, product, place, activity, person, institution, organization, or business located on, in, or within such structure or on such piece of land and which is visible from any public street, right-of-way, sidewalk, park, or other public property.

Sign, Outdoor Advertising: A sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises where such sign is located or to which it is affixed. Also called billboard or off-premise sign.

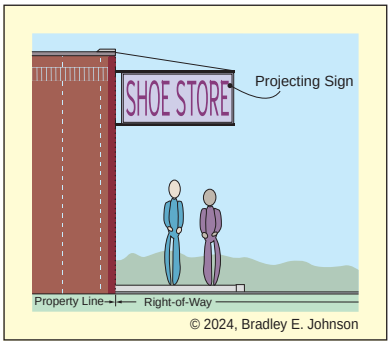
Sign, Permanent: A sign that is designed or intended to be used indefinitely, or used indefinitely without change in the same state or place, including, but not limited to, business signs, directional signs, residential complex or subdivision signs, and illuminated signs.

Sign, Pole: A sign that is supported by one (1) or more poles, posts, or braces upon the ground, not attached to or supported by any building, with a clear space in excess of six (6) feet from the finished grade to the bottom of the sign face. (See graphic for "Sign")

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

Definitions - Sign, Projecting

Sign, Projecting: A sign which is mounted perpendicular to and extending away from a structure (e.g. facade) (See graphic for "Types of Signs").



Sign, Sandwich Board: See, "Sign, A-Frame."

Sign, Scrolling: See, "Changeable Copy, Animated."

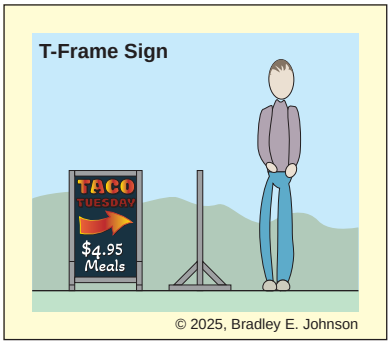
Sign, Public Information: A sign displaying public information as the principal message in addition to information designed to assist, alert, or inform the public. Such signs may display only the name and corporate logo of the business or agency providing such information

Sign, Menu: See, "Sign, Drive-Up Menu."

Sign, Roof: A sign which is erected, constructed, and maintained above any portion of the roof. (See graphic for "Sign")

Sign Surface: See "Sign Face."

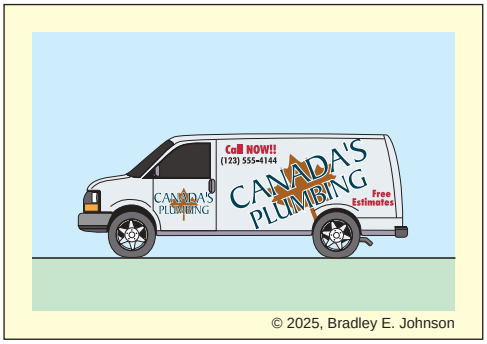
Sign, T-Frame: A type of temporary sign or device that is self-supporting with one (1) or two (2) faces supported at the bottom with horizontal legs, with or without angular braces. This type of sign is generally designed to be setup on a sidewalk or other flat surface to attract pedestrians.



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

Sign, Tenant Listing: An sign affixed to an exterior wall near a public entrance, or interior wall in a common area of a development used to identify businesses within the building and to direct the public to those businesses within.

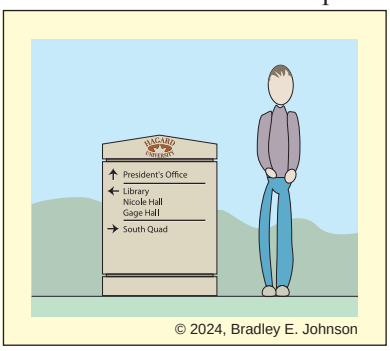
Sign, Vehicle: A sign on a vehicle not customarily and regularly used to transport persons or properties and parked or placed so that the sign is visible from a public street or right-of-way and also parked primarily for the purpose of displaying the sign.



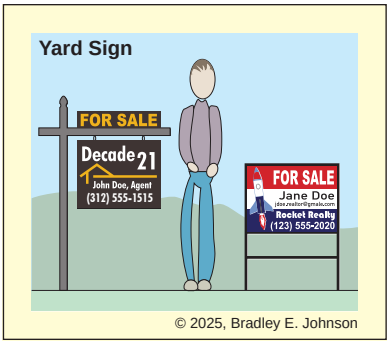
Definitions - Solar Array (Utility)

Sign, Wall: A sign attached to and/or integral with exterior wall or window surface of a building, the face of which is parallel to the surface and which does not project more than nine (9) inches from the surface. (See graphic for "Sign")

Sign, Wayfinding: A sign used within a development to provide directions to an amenity, a common destination, or businesses within the development.



Sign, Yard: A type of temporary sign or device with one (1) or two (2) faces affixed to one (1) or two (2) legs that are pressed into the ground. Yard sign shall not include signs affixed with concrete or similar foundation.



Site Plan: A map of a site, drawn accurately to scale, showing existing and proposed features of the site including but not limited to buildings, and other structures, circulation, grading, trees, and landscaping, sufficient for review.

Solar Array (Large): One (1) or more solar panels (photovoltaic or similar) used to generate electricity for consumption by a permitted use on a lot, and/or one (1) or more adjacent or very nearby properties. A solar array (large) is limited to 150% of the annual (actual or estimated) average of on-site electrical needs of the subject lot and/or participating lots. A solar array (large) includes panels on roofs, ground mounted units, solar roof shingles, and other hybrid building materials, whether clustered together, connected to one another, or located independently around the property(ies). Solar array (large) includes the mounting system, inverters, wiring, lightning arrester and battery storage systems. Solar array (large) shall never exceed a 700kW system. Solar array (large) is intended for, but not limited to, a single large business or industry, an industrial park, a neighborhood, an apartment complex, or a subdistrict of multiple properties.

Solar Array (Small): One (1) or more solar panels (photovoltaic or similar) used to generate electricity for consumption by a permitted use on a subject lot. A solar array (small) is limited to 150% of the annual (actual or estimated) average on-site electrical needs. A solar array includes panels on roofs, ground mounted units, solar roof shingles, and other hybrid building materials, whether clustered together, connected to one another, or located independently around the property. Solar array (small) includes the mounting system, inverters, wiring, lightning arrester, and battery storage systems. Solar array (small) shall never exceed a 25kW system. Solar array (small) is intended for, but not limited to, a single home, small to medium sized business, or a single apartment building. For example, an average household in Indiana, in 2024, uses 14,100kWh/year and there is 4.3 average peak sun hours per day in Indiana. 14,100kWh per year X 150% maximum oversized = 21,150kWh per year. 21,150kWh per year ÷ 365 = 57.94kWh per day. 57.94kWh per day ÷ 4.21 average peak sun hours = 13.76kWh system maximum for the average home in Indiana.

Solar Array (Utility): See "Solar Power Plant."

Definitions - Solar, Building-Mounted

Solar, Building-Mounted: One (1) or more solar panels mounted to an engineered rack, affixed to the roof of a building, using durable materials, and rated to withstand 100 mph wind loads. Building-mounted solar includes, solar shingles, solar awnings, solar siding, and similar building products with integrated solar cells. Building-mounted solar does not include "Solar, Ground-Mounted."

Solar Cell: A device or material using photovoltaic or similar technology to produce electricity from sunlight, but not including the generation of heat to be used to generate electricity.

Solar Farm: See "Solar Power Plant."

Solar, Ground-Mounted: One (1) or more solar panels mounted to an engineered rack, post, or tracking unit affixed to the ground, made from durable materials, and rated to withstand 100 mph wind loads. Ground-mounted solar includes bifacial solar fences. Ground mounted solar does not include "Solar, Building Mounted."

Solar Panel: A collection multiple interconnected solar cells arranged and laminated under glass (or other protective skin) in the form of a flat or curved surface, most commonly a rectangle, and used to produce electricity from direct or indirect sunlight. Solar panels are often arranged into an array where multiple rectangular panels are combined and mounted together. However, technology is allowing solar panels to take many forms, like roof shingles, fences, and facade cladding (e.g. siding). These technologies are also considered solar panels.

Solar Power Plant (aka Solar Farm): An electric power plant using solar panels to produce large amounts of electricity and conveying that energy to the power grid, based on a power purchase agreement (PPA) with a utility or the Midcontinent Independent System Operator (MISO). Solar power plants include solar arrays, mounting systems, bulk energy storage (e.g. battery farm), grid connection interfaces, inverters, meters, MDAS (meteorological data acquisition system), controllers, transformers, wiring, lightning arrester, cables interconnecting each component, communication lines, maintenance sheds, access streets, parking areas for maintenance workers, and other elements essential to the solar power plant's operations and maintenance. When permitted by ordinance, solar power plants may include co-uses like agrivoltaics, crop production, apiculture, and pasturing animals. Any 700kW or larger solar energy system shall be considered a solar power plant. A solar energy system, of any size, where the at least seventy-five percent (75%) of the energy generated is not used by an on-site use shall be considered a solar power plant.

Special Exception: The authorization of a use that is designated as such by this ordinance as being permitted in the district concerned if it meets special conditions, is found to be appropriate and upon application, is specifically authorized by a Board of Zoning Appeals. A Special Exception is regulated by *IC 36-7-4-900.*

State: The State of Indiana.

Static Message: Any changeable copy on a sign which is not changed more frequently than once every one (1) hour on any given day.

Storage, Outdoor: The outdoor accumulation of goods, junk, motor vehicles, equipment, products or materials for permanent or temporary holding.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. Any portion of a story exceeding fourteen (14) feet in height shall be considered as an additional story for each fourteen (14) feet or fraction thereof.

Street: Any vehicular facility that:

- Is an existing state, county, or municipal roadway,
- Is shown on a plat as a right-of-way and approved pursuant to law,
- Was built on common area or an easement intended to provide access to individual lots,
- Was established on a historic plat as a public way, and/or
- Includes any right-of-way or vehicular easement, whether improved or unimproved.

Street, Arterial: A street with access control, no on-street parking outside urban areas, and that conveys traffic across the county and to collector streets. State and Federal highways are considered arterials.

Street, Interstate: A divided highway with significant access control that facilitates the movement of traffic from one region to another.

Street, Collector: A street designed to facilitate traffic from local streets to arterial streets. A collector can provide circulation within commercial areas and convenient access from neighborhoods to arterials. Collector streets include moderate to high volume county streets.

Street, Local: A street designed primarily to provide access within neighborhoods, to residential lots. Local streets include low volume county streets.

Street, Unpaved: A local street with and unpaved surface designed to provide access to minimally developed areas.

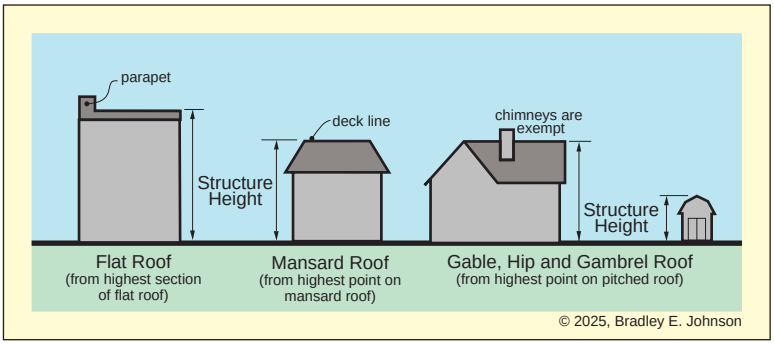
Street, Private: Any street intended for use by owners in a development and that is within an easement and/or on common area.

Street, Public: Any street intended for public use and that is within a right-of-way.

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

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

Structure Height: The vertical distance measured from ground level to the highest point of the roof. When a lot is sloped, ground level shall be the average elevation adjacent to the front facade.



Studio Arts: Artist studio, dance studio, karate studio, photography studio, and the like.

Subdivision: The division of a parent tract or other piece of land into two (2) or more buildable lots, or the combination of two (2) or more lots into one (1) buildable lot utilizing the subdivision regulations and process in the Vermillion County Unified Development Ordinance. Quit claim deeds and recorded divisions of land shall not be considered a subdivision resulting in buildable lots.

Subject Lot: See "Lot, Subject."

Swimming Pool: A self-contained body of water at least eighteen (18) inches deep and eight (8) feet in diameter or width and used for recreational and leisure purposes. It may be above or below ground level, and shall be considered an accessory structure.

Telecommunications Facility: A land based facility, consisting of towers, antennae, accessory structures or other structures intended for use in connection with the commercial transmission or receipt of radio or television signals, or any other spectrum-based transmissions/receptions.

Telecommunications Tower: A engineered structure that is designed and constructed primarily for the purpose of supporting one (1) or more antennae. The term includes radio and television transmission towers, microwave towers, cellular telephone, emergency service communication towers, wireless communication towers, and the like.

Temporary Use/Structure: See "Use, Temporary."

Tenant: Includes any entity that is leasing land, a fraction of land, a building, a fraction of a building, mineral rights, air rights, and/or the like from the owner of the subject lot. A tenant shall not be recognized as an 'Owner' or 'Applicant' unless a signed and notarized consent form from the actual property owner is presented; or an executed lease agreement is presented granting applicable authorization. See the definition for 'Owner' and 'Applicant' for more information.

Theater: A facility for audio and visual productions and performing arts, excluding adult motion picture theaters and adult entertainment businesses.

Thoroughfare: A public way or public place that is included in the *Vermillion County Thoroughfare Plan*. 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: he official plan, now and hereafter adopted, which includes a street plan, sets forth the location, alignment, dimensions, identification, and classification of existing and proposed streets, and other thoroughfares, as found in the *Vermillion County Comprehensive Plan*.

Through Lot: See "Lot, Through."

Tower: See "Telecommunications Tower."

Tower Accessory Structure: Any structure located at or near the base of a tower for housing receiving or transmitting equipment.

Tower Setback: The horizontal distance from the base of the tower to an abutting property line and/or proposed right-of-way.

Trash Receptacles: Any container used to store trash and that is less than 120 gallons in volume.

Truck Stop: A facility primarily designed for and to service over-the-road trucks (e.g. long-haul trucking). A truck stop shall include a gas station (as defined), scales, truck wash, overnight parking for semi tractor trailers and the like, shower facility, wifi service, multiple restaurants, laundry facility, lounge, fitness center, office space, minor truck repair and service facilities, recreation area, movie theater, game room, and security stations. Truck stops are inclusive of long-term parking and overnight parking of non-idling trucks and there is no limit on duration if the trucks are not idling. Truck stops are not inclusive of long-term idling of trucks (2 hour or more over the course of any 12 hour period). Truck stops are also not inclusive of massage therapy, bars, taverns, night clubs, or adult entertainment establishments.

Two-Page Layout: Two-Page Layout refers to the two-page layout accompanying each zoning district in *Article 2: Zoning Districts* of this Unified Development Ordinance. The two-page layout includes district intents, permitted uses, special exception uses, and basic zoning district information.

Underlying District: See "Base Zoning District"

Unpaved Street: See "Street, Unpaved."

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

Use, Permitted: A use which may be lawfully established in a particular district or districts provided it conforms with all applicable requirements, regulations and standards.

Use, Primary: The main use of land or buildings as distinguished from an accessory use. A primary use may be either a permitted use or a special exception.

Use, Temporary: A land use or structure established for a limited and fixed period of no more than four (4) months with the intent to discontinue such use or structure upon the expiration of the time period.

Use Variance: See "Variance, Use."

Utility: Every plant or equipment used for:

- The conveyance of telegraph and telephone messages;
- The production, transmission, delivery, or furnishing of heat, light, water, or power, either directly or indirectly to the public; or
- Collection, treatment, purification, and disposal in a sanitary manner of liquid and solid waste, sewage, night soil, and industrial waste.
- The term does not include a municipality that may acquire, own, or operate facilities for the collection, treatment, purification, and disposal in a sanitary manner of liquid and solid waste, sewage, night soil, and industrial waste. A warehouse owned or operated by any person, firm, limited liability company, or corporation engaged in the business of operating a warehouse business for the storage of used household goods is not a public utility within the meaning of *Article 11: Definitions*.

Utility Facility, Above Ground: See, "Above Ground Utility Facility (large)."

Utility Facility, Above Ground (small): See, "Above Ground Utility Facility (small)."

Utility, Public: Any person, firm, or corporation duly authorized to furnish under public regulation to the public, electricity, gas, steam, telephone, fiber optics, transportation, water, or sewage systems. The term does not include a municipality that may acquire, own, or operate any of the foregoing facilities.

- Or every corporation, company, partnership, limited liability company, individual, association of individuals, their lessees, trustees, or receivers appointed by a court, that may own, operate, manage, or control any plant or equipment within the State for the:
- Conveyance of telegraph or telephone messages;
- Production, transmission, delivery, or furnishing of heat, light, water, or power; or
- Collection, treatment, purification, and disposal in a sanitary manner of liquid and solid waste, sewage, night soil, and industrial waste.

Definitions - Variance, Development Standards

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

Variance, Use: The approval of a use other than that prescribed by the Unified Development Ordinance.

Variety Store: A retail establishment that sells a multitude of consumer goods.

Vehicle: See "Motor Vehicle."

Warehouse Storage Facility: A structure or group of structures containing individual storage units of 200 square feet or less with access to each unit only for the storage and warehousing of personal property. Warehouse storage facilities do not include activities of any kind including wholesaling, retailing, servicing or repair of household or commercial goods in conjunction with storage.

Waste: Discarded or previously used boxes, paper, plastic, rags, clothing, food, garbage, containers, bottles, cans, packaging, household decor, household items, and the like.

WECS: See "Wind Turbine System (Utility)."

Wellhead Protection Overlay District: Refers to the WP-O district.

Wellness Facility: Fitness center, gym, pilates studio, yoga studio, and the like.

Wind Developer: See "Developer."

Wind Energy Conversion System ("WECS"): See "Wind Turbine System (Utility)."

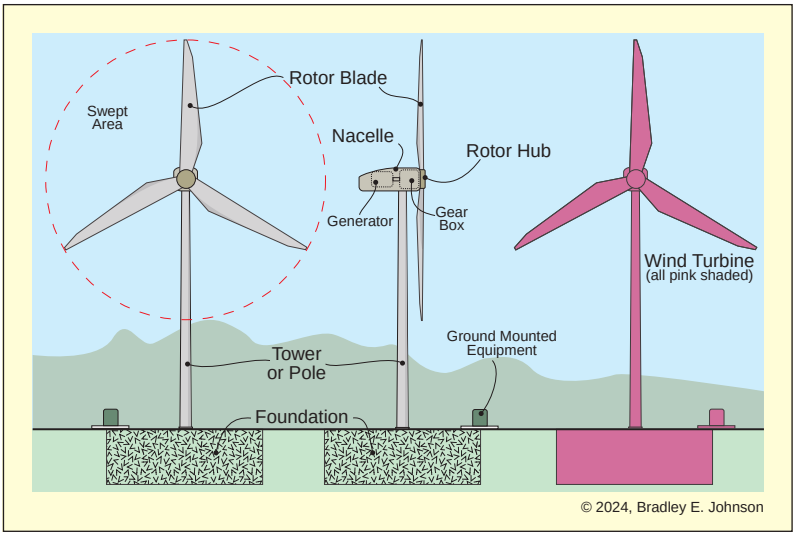
Wind Farm: See definition for "Wind Power Plant."

Wind Farm Operator: See definition for "Operator."

Wind Farm Owner: See definition for "Owner."

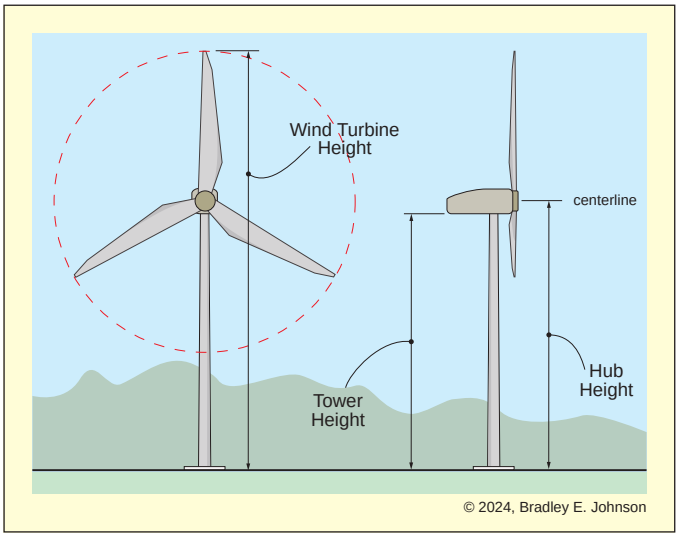
Wind Power Plant (aka Wind Farm): An electric power plant using twenty (20) or more utility wind turbine systems to produce large amounts of electricity and conveying that energy to the grid, based on a power purchase agreement (PPA) with a utility or the Midcontinent Independent System Operator (MISO). A wind power plant includes bulk energy storage (e.g. battery farm), wind power plant control center, grid connection interfaces, inverters, meters, controllers, transformers, wiring, lightning arrester, cables interconnecting each component, communication lines, maintenance sheds, access streets, parking areas for maintenance workers, and other elements essential to the solar power plant's operations and maintenance. Wind power plants may include co-uses like crop production and pasturing animals. Interstate and intrastate transmission lines (i.e. the power grid) shall not be considered part of a wind power plant.

Wind Turbine: A conversion system designed to generate electricity from wind, consisting of a generator, rotor blades, directional control, mounting pole or tower, braking system foundation and essential electrical controls. A wind turbine may have nacelle, tail vane for direction control, weather instruments, and ground mounted electrical controls for each turbine located near the tower, and/or guy wires.



Definitions - Wind Turbine Height

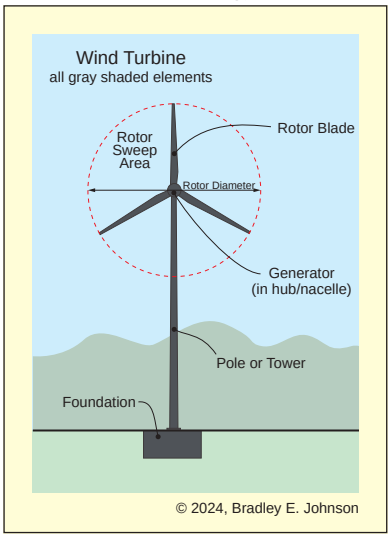
Wind Turbine Height: The distance measured from grade to the highest point of the wind turbine, including the highest sweep of the rotor blades.

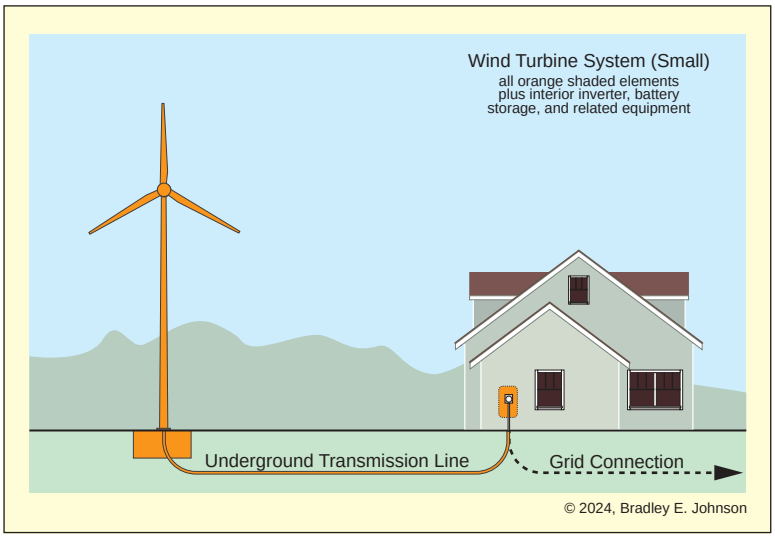


Wind Turbine Hub Height: The distance measured from grade to the centerline of the rotor hub (see definition for Wind Turbine Height for an illustration).

Wind Turbine System (Large): A wind turbine, underground transmission lines, underground communication wires, inverter equipment within or attached to a primary or accessory building, battery storage within or attached to a primary or accessory structure, and wires conveying electricity to the primary structure's distribution panel. A large wind turbine system includes a wind turbine with the capability of generating more than fifteen kilowatts (15kW) but less than 500kW of electricity (based on the manufacturer's rating); and where at least seventy five percent (75%) of annual electricity produced is used by an on-site use. Note: The Vermillion County Unified Development Ordinance currently does not permit large wind turbine systems.

Wind Turbine System (Small): A wind turbine, underground transmission lines, underground communication wires, inverter equipment within or attached to a primary or accessory building, battery storage within or attached to a primary or accessory structure, and wires conveying electricity to the primary structure's distribution panel; and where at least seventy five percent (75%) of annual electricity produced is used by an on-site use. A small wind turbine system does not include a wind turbine capable of generating more than fifteen kilowatts (15kW) of electricity (based on the manufacturer's rating).





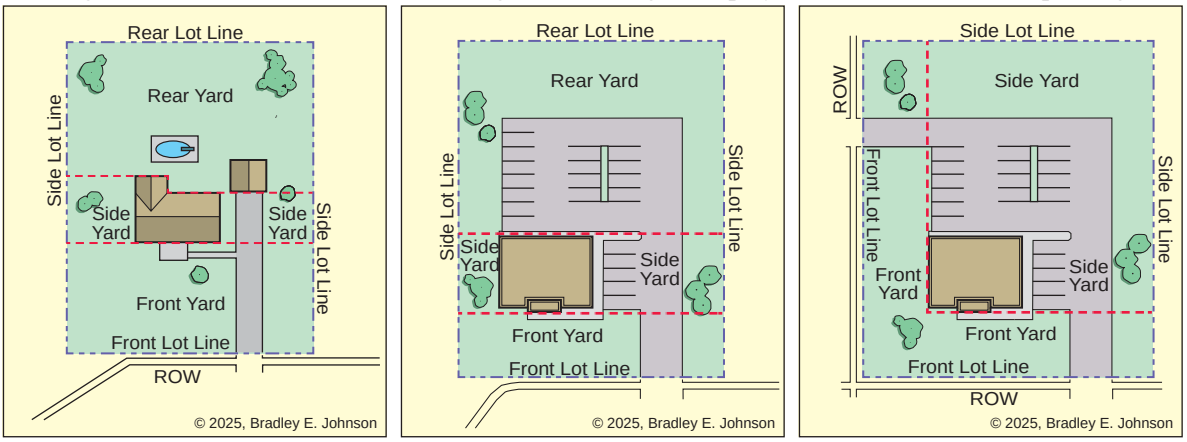
Definitions - Wind Turbine System (Utility)

Wind Turbine System (Utility): One (1) or more wind turbines capable of generating 500kW to 2MW of electricity, grid connection interfaces, substations, transformers, inverters, meters, MDAS (meteorological data acquisition system), controllers, lightning arresters, underground transmission lines interconnecting each component of the system, underground communication lines, access streets, and parking spaces for maintenance workers. Utility wind turbine systems do not include maintenance sheds, wind power plant control centers, above ground transmission lines (except at the grid interface), or bulk energy storage (e.g. battery farm).

Wind Turbine Tower: A component of a wind turbine comprised of an engineered structure, pole or tower, used to mount a generator and rotor blades (see Wind Turbine definition for an illustration).

Wind Turbine Tower Height: The distance measured from grade to the bottom of the nacelle (see definition for Wind Turbine Height for an illustration).

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



Yard, Front: The horizontal space between the nearest foundation of a building or structural appurtenance, or roof eave (whichever is closer) to the Front Lot Line, extending to the side lines of the lot, and measured as the shortest distance from that foundation to the Front Lot Line. (See graphic for "Yard").

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

Yard, Side: The horizontal space between the nearest foundation or structural appurtenance of a building to the side lot line. (See graphic for "Yard").

Zoning Administrator: The officer delegated the responsibility for the administration of this Unified Development Ordinance's regulations by the Area Plan Commission. The term "Zoning Administrator" includes his/her authorized representatives.

Zoning Compliance Permit: A permit issued when a proposed project is in full compliance with the Unified Development Ordinance, permitting the Owner to start work or make the requested changes to their property or structures.

Zoning District: A designation applied to every property within the Vermillion County Area Plan Commission's jurisdiction assigning zoning regulations that govern use, height, area, size, intensity and other regulations applicable to how buildings and land may be altered, developed and used. There are 17 zoning districts in the Vermillion County Unified Development Ordinance. Zoning districts are shown on the Official Zoning Map.

Zoning Map: See "Official Zoning Map.

Appendix A

Land Use Matrix

Vermillion County
Unified Development Ordinance

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GroundRules
website www.groundrulesinc.com

Accessory Uses

Exhibit A: Accessory Uses

	CO	A1	A2	PR	RR	R1	R2	UR	M1	M2	IS	UC	GC	HC	I1	I2	HI
Accessory Uses																	
agricultural toursim		P	P		P												
bio-diesel production • ≤ 5,000 gallons per year with on-site consumption		P	P														
farmers market				P													
home business (type 1)		P	P		P	P	P	P	P	P			P				
home business (type 2)		P	P		P	S	S	S	S								
home business (type 3)		P	P		S												
home business (type 4)		S	S														
home enterprise kennel			S														
meteorological tower		S	S	S							S						P
roadside sales			S		S												
solar array (large)		S	S							S	S		S	S	P	P	P
solar array (small)	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
utility facility, above ground (small)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
wind turbine system (small)	S	S	S	S	S						S				S	S	P
wind turbine system (utility)			S														S

Agricultural Uses

Exhibit B: Agricultural Uses

	CO	A1	A2	PR	RR	R1	R2	UR	M1	M2	IS	UC	GC	HC	I1	I2	HI
Agricultural Uses																	
agricultural crop production	P	P	P														
agricultural crop production, greenhouse		P	P														
agricultural crop production, organic		P	P														
agricultural products, processing			S												S	P	
agricultural products, storage		P	P												S	P	
confined feeding (level 1)		S	P														
confined feeding (level 2)			P														
confined feeding (level 3)			S														
forestry		P	P														
grain elevator			S												S		
hobby farming			P		P												
land conservation	P	P															
orchard		P	P														
plant nursery, wholesale		P	P														
raising of farm animals		P	P														
stable (private)		P	P		P												
stable (public)		P	S														
tree farm, wholesale		P	P														
vineyard		P	P														

Commercial Uses

Exhibit C: Commercial Uses

	CO	A1	A2	PR	RR	R1	R2	UR	M1	M2	IS	UC	GC	HC	I1	I2	HI
Commercial Uses																	
animal grooming		S											P				
atm, drive-up												S	P	P			
atm, walk-up												P	P				
auction (indoor)													S				
automobile oriented business (type 1)												S	P	P			
automobile oriented business (type 2)													P	S			
automobile oriented business (type 3)													S		P		
bakery												P	P	P			
bank												P	P				
banquet facility												S	S				
bar or tavern												P	P				
billiard hall or arcade												S	P				
bowling alley													P				
brew pub												P	P				
broadcast studio													S		P		
campground (primitive)	S			S													
campground (serviced)				S													
car rental													P				
catering service													P				
club or lodge												P	P				
coffee shop												P	P	P			
coin laundry													P				
computer service												P	P				
conservation club	S	S															
copy center												P					
counseling center												P	P				
country club				P									S				
crematory													S			P	
day care												S	P	S			
delicatessen												P	P	P			
design services												P	P				
donation collection point													P				
driving range				S													
dry cleaning pickup and drop-off												P	P				
express shipping center												P	P				
exterminator													P		P		
farm equipment sales			S														
farm equipment service			S														
farmers market												P	P				
fertilizer sales			S														
fishing club				S													
funeral home												S	S				
gas station													P	P			
golf course				P													
hotel												S	P	P			
hunting club	S			S													
ice cream shop												P	P	P			
kennel													S				
media rental												P	P				
medical clinic												S	P				

Commercial Uses

	CO	A1	A2	PR	RR	R1	R2	UR	M1	M2	IS	UC	GC	HC	I1	I2	HI
Commercial Uses																	
mobile device dealer												P	P				
motel													S	S			
night club													S				
nursery, plant			S														
office, construction trade													S		P		
office, general								S				P	P		P		
office, medical												P	P				
paintball facility				S													
parking lot, private												P					
party facility												S					
personal services • barber shop • beauty salon • nail salon • massage therapy • spa • tanning salon												P	P				
pharmacy												P	P				
printing, commercial													P				
real estate office												P					
recreation center (indoor)				S									S	S	P		
recreation center (outdoor)				S									S	S			
recreational vehicle park				S													
rehabilitation clinic, medical																	
repair shop, electronics												P	P				
repair shop, general												S	P				
restaurant												P	P	P	S	S	
restaurant, drive-in													P	P			
restaurant, drive-through only													P	P			
restaurant with drive-up window													P	P			
retail (type 1) very low intensity								S				P	P	P			
retail (type 2) low intensity												P	P	P			
retail (type 3) medium intensity												S	P	S			
retail (type 4) high intensity												S	S	S			
retail (type 5) very high intensity													S				
seamstress/tailor												P	P				
self-storage warehouse													S		P		
sexually oriented entertainment													S				
shoe repair												P	P				
shooting range (indoor)													S				
skate park, commercial				S													
software development															P		
sports field (indoor)				S									S		P	S	
sports field (outdoor)				P													
studio arts • art studio • dance studio • karate studio • photography studo												P	P		P		
swimming pool											S		S				
tattoo/piercing parlor												S	S				
theater, movie (indoor)												S	P				
title company												P	P				
tobacco/vape shop												S	S				
tool/equipment rental (indoor)													S		P		

Commercial Uses

	CO	A1	A2	PR	RR	R1	R2	UR	M1	M2	IS	UC	GC	HC	I1	I2	HI
Commercial Uses																	
tool/equipment rental (outdoor)															P	P	
trade or business school													S		P		
travel agency												P	P				
truck stap														S			
veterinarian		S	S										P				
veterinary hospital			S												P		
water park				S													
wellness facility • fitness center • gym • pilates studio • yoga studio												P	P				
winery			S										S				

Industrial Uses

Exhibit D: Industrial Uses

	CO	A1	A2	PR	RR	R1	R2	UR	M1	M2	IS	UC	GC	HC	I1	I2	HI
Industrial Uses																	
asphalt plant																S	
assembly															P	P	
bio-fuels production															S	P	P
blast furnace																	P
bottling/canning															P	P	
brewery															P	P	
broadcast facility															S	P	
bulk energy storage		S													S	P	
chemical manufacturing																S	P
coke oven																	P
composting facility															P	P	
concrete plant																S	
construction materials landfill																	P
distribution facility															P	P	
dry cleaning processing															P	P	
electrical generation plant																	P
explosives manufacturing																	P
fireworks manufacturing																	P
fleet vehicle storage															S	P	
flex space															P	P	
food processing															S	P	
freight terminal															P	P	
heavy equipment repair																P	
incinerator																S	
junk yard																	P
liquid fertilizer distribution															S	P	
manufacturing, heavy																S	
manufacturing, light															P	P	
materials recycling (type 1)															P	P	
materials recycling (type 2)															S	P	
materials recycling (type 3)																	P
meat processing																S	
metal casting															S	P	
mining, rock or sand																S	
motorsports park																	P
outdoor storage															S	P	
petroleum processing																	P
pharmaceutical manufacturing															S	P	
printer, industrial															P	P	
produce terminal															P	P	
rendering plant																	P
research center, general															P	P	
research center, medical															P		
rock crushing																	P
sanitary landfill/refuse dump																	P
saw mill			S														P
scrap metal yard																	P
server farm															S	S	

Industrial Uses

	CO	A1	A2	PR	RR	R1	R2	UR	M1	M2	IS	UC	GC	HC	I1	I2	HI
Industrial Uses																	
sign fabrication															P	P	
smelting																	P
solar power plant		S													S	S	P
stone cutting and fabrication (indoor)															P	P	
stone cutting and fabrication (outdoor)																S	
storage tanks (hazardous)																	P
storage tanks (non-hazardous)															P	P	
telecommunication facility		S	S	S							S				S	S	
testing lab, electronics															P	P	
testing lab, materials															P	P	
tool and die shop															P	P	
transfer station															S	P	
utility facility, above-ground (large)		S	S	S							S		S	S	P	P	
warehouse															P	P	
welding service													S		P	P	
wholesale business															P	P	
wind power plant			S														S

Institutional Uses

Exhibit E: Institutional Uses

	CO	A1	A2	PR	RR	R1	R2	UR	M1	M2	IS	UC	GC	HC	I1	I2	HI
Institutional Uses																	
airport, public											S						
cemetery or mausoleum		P	P								P						
child care institution											P						
community center											P	P	P				
fairground											P						
fire, police, or rescue station											P	P	P	S			
government office											P	P	P				
government operations facility											P				P	P	
heliport											S						
hospice facility											P	S	S				
hospital											P		P				
information center												P		S			
jail											S				S		
juvenile detention facility											S				S		
library											P	P	P				
museum											P	P	P				
nature center	P			P													
nature preserve	P																
park, public	S			P													
parking lot, public											P	P		S			
performing arts center												S					
place of worship											P	S	S				
post office											P	P	P				
prison																	P
recycling collection point											S		S		P	P	
rehabilitation clinic, medical											P		P				
school (P-12), private											P		S				
school (P-12), public											P		P				
sewage treatment facility, public											P						
shelter												S					
solid waste transfer station (enclosed)											S						
transit station											S	S					
university or college											P	S					
water tower											P				P	P	
water treatment facility, public											P						
wellhead, public											P						
wildlife preserve	P																

Residential Uses

Exhibit F: Residential Uses

	CO	A1	A2	PR	RR	R1	R2	UR	M1	M2	IS	UC	GC	HC	I1	I2	HI
Residential Uses																	
assisted living facility									S	P			S				
assisted living facility, upper floor												P					
bed and breakfast			S		S							S					
caretakers residence	S			S													
dwelling, duplex (2 units)								S	P	S							
dwelling, multiple-family (3 to 4 units)									S	P							
dwelling, multiple-family (5 to 8 units)										P							
dwelling, multiple-family (9 to 14 units)										S							
dwelling, multiple-family (15 to 24 units)										S							
dwelling, single-family (ground floor)												S					
dwelling, single-family detached		P	P		P	P	P	P	P								
dwelling, upper floor (multiple-family)												P					
dwelling, upper floor (1 unit)								S				P	S				
dwelling, upper floor (multiple-family)													S				
fair housing facility (large)											P						
fair housing facility (small)						P	P	P	P		P						
nursing home										P	P						
retirement community										P							

Appendix B

Wind Power Plant Regulation Exhibits

Vermillion County

Unified Development Ordinance

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GroundRules
website www.groundrulesinc.com

Exhibit A for Wind Power Plant Regulations

Exhibit A: Protection of Wildlife

A. Protection of Wildlife

1. The U.S. Fish & Wildlife Service shall be consulted with by the Wind Energy Facility owner early in the utility wind turbine system or wind power plant planning process. USFWS Land-based Wind Energy Guidelines March 23, 2012 shall be used to assist developers in identifying species of concern that may potentially be affected by their proposed project, including migratory birds, bats, bald and golden eagles and other birds of prey; and listed, proposed, or candidate endangered and threatened species. These impacts may include:
   a. Collisions with wind turbines and associated infrastructure; loss and degradation of habitat from turbines and infrastructure;
   b. Fragmentation of large habitat blocks into smaller segments that may not support sensitive species;
   c. Displacement and behavioral changes; and
   d. Indirect effects such as increased predator populations or introduction of invasive plants.
2. Tiered Approach: The Guidelines use a "tiered approach" for assessing potential adverse effects to species of concern and their habitats. The tiered approach is an iterative decision-making process for collecting information in increasing detail; quantifying the possible risks of proposed wind energy projects to species of concern and habitats; and evaluating those risks to make siting, construction, and operation decisions. During the pre-construction tiers (Tiers 1, 2, and 3), developers will work with the Service to identify and avoid and minimize risks to species of concern. During post-construction tiers (Tiers 4 and 5), developers will assess whether actions taken in earlier tiers to avoid and minimize impacts are successfully achieving the goals and, when necessary taking additional steps to reduce impacts, subsequent tiers refine and build upon issues raised and efforts undertaken in previous tiers. Each tier offers a set of questions to help the developer evaluate the potential risk associated with developing a project at the given location.
3. *Tier Summary*: Briefly, the tiers address:
   a. Tier 1: Preliminary site evaluation (landscape-scale screening of possible project sites)
   b. Tier 2: Site characterization (broad characterization of one or more potential project sites)
   c. Tier 3: Field studies to document site wildlife and habitat and predict project impacts
   d. Tier 4: Post-construction studies to estimate impacts
   e. Tier 5: Other post-construction studies and research
4. The tiered approach provides the opportunity for evaluation and decision-making at each stage, enabling a developer to abandon or proceed with project development, or to collect additional information if required. This approach does not require that every tier, or every element within each tier, be implemented for every project.
5. If sufficient data are available at a particular tier, the following outcomes are possible:
   a. The project proceeds to the next tier in the development process without additional data collection.
   b. The project proceeds to the next tier in the development process with additional data collection.
   c. An action or combination of actions, such as project modification, mitigation, or specific post-construction monitoring, is indicated.
   d. The project site is abandoned because the risk is considered unacceptable.
6. The final Guidelines and all associated materials are available at www.fws.gov/windenergy

Exhibit B for Wind Power Plant Regulations

Exhibit B: Agricultural Impact Mitigation Agreement (AIMA)

The Agricultural Impact Mitigation Agreement (AIMA) shall be Between _____ and the Vermillion County Board of Commissioners

Pertaining to the Construction of a Commercial Wind Energy Facility in Vermillion County, Indiana

The following standards and policies are required by Vermillion County, Indiana to help preserve the integrity of any Agricultural Land that is impacted by the Construction and Deconstruction of a wind energy facility. This AIMA is made and entered into between the Commercial Wind Energy Facility Owner and the Vermillion County Board of Commissioners. _____ LLC, an _____ limited liability company authorized to transact business in Indiana, hereafter referred to as "Commercial Wind Energy Facility Owner or Facility Owner", plans to develop an approximately _____MW Commercial Wind Energy Facility or "Facility" in Vermillion County, which will consist of approximately turbines, access streets, an underground collection line, a switchyard, a substation, and an operation and maintenance building site.

If Construction does not commence within four years after this AIMA has been fully executed, this AIMA will be revised, with the Facility Owner's input, to reflect Vermillion County's current Wind Energy Conversion System Ordinance. This AIMA, and any updated AIMA, will be filed with the Vermillion County Board of Commissioners by the Facility Owner.

This AIMA is applicable to Construction and Deconstruction activities occurring partially or wholly on privately owned Agricultural Land.

A. Conditions of the AIMA: The actions set forth in this AIMA shall be implemented in accordance with the conditions listed below:
   1. *County or Local Requirements*: All Construction or Deconstruction activities may be subject to County or other local requirements. However, the specifications outlined in this AIMA shall be the minimum standards applied to all Construction or Deconstruction activities.
   2. *Subject to Negotiation*: All actions set forth in this AIMA are subject to modification through negotiation by Landowners and a representative of the Facility Owner, provided such changes are negotiated in advance of any respective Construction or Deconstruction activities.
   3. *Negotiated Landowner Performance*: The Facility Owner may negotiate with Landowners to carry out the mitigative actions that Landowners wish to perform themselves. In such instances, the Facility Owner will offer Landowners the area commercial rate for their machinery and labor costs.
   4. *Extension*: All mitigative actions will extend to associated future construction, maintenance, repairs, and Deconstruction of the Commercial Wind Energy Facility.
   5. *Effort to Identify Affected Landowners*: The Facility Owner will exercise Best Efforts to determine all Landowners and Tenants affected by the Construction and Deconstruction of a Facility. The Facility Owner shall keep the Landowners and Tenants informed of the project's status, meetings, and other factors that may have an impact upon their farming operations.
   6. *Inclusion of Statement of Adherence*: The Facility Owner agrees to include a statement of its adherence to this AIMA in any environmental assessment and/or environmental impact statement that may be prepared in connection with the Project.
   7. *Condition of Special Exception*: Execution of this AIMA shall be made a condition of any Special Exception approval. A copy of this AIMA shall be mailed to each Landowner. Within thirty (30) days of execution of this AIMA, the Facility Owner shall provide postage and mailing labels to the Area Plan Commission for mailing to all Landowners. If the Facility Owner becomes aware that a Landowner was not included on the list of Landowners to which a copy of this AIMA was mailed, the Facility Owner shall notify the Area Plan Commission and provide postage and a mailing label as soon as possible.
   8. In the case of a new Underlying Agreement with a Landowner, the Facility Owner shall incorporate this AIMA into such Underlying Agreement.
   9. *Abide by Federal, State and Local Regulations*: The Facility Owner will implement all mitigative actions to the extent that they do not conflict with the requirements of any applicable federal, state and local rules and regulations and other permits and approvals that are obtained by the Facility Owner for the Project.
   10. *Severability*: If any mitigative action(s) is held to be unenforceable, no other provision shall be affected by that holding, and the remainder of the mitigative actions shall be interpreted as if they did not contain the unenforceable provision.

11. *Provide Contact Phone Number*: No later than forty-five (45) days prior to the Construction or Deconstruction of a Commercial Wind Energy Facility, the Facility Owner will provide the Landowner(s) with a phone number the Landowner can call to alert the Facility Owner should the Landowners) have questions or concerns with the work which is being done or has been carried out on his/her property.
12. *Notice of Sale*: If the Facility is sold or transferred, the Facility Owner assuming ownership of the facility shall provide notice of such sale or transfer within ninety (90) days to the County and to Landowners, and the existing Financial Assurance requirements, plus the other terms of this AIMA, shall apply to the new Facility Owner.
13. *As Built Drawings and Identity of Damaged Drain Tiles*: After Construction, the Facility Owner will provide the Area Plan Commission with "as built" drawings (strip maps) showing the location of all tiles lines damaged in the construction of the wind power plant. The drawings and GPS tile lines repair coordinates will be provided for distribution by the Area Plan Commission to the Soil and Water Conservation District (SWCD) and the County Surveyor for the purpose of assisting Landowners with future drainage needs.
14. *Share Tile Repair and Coordinates of Electric Cable*: In addition, after all Construction is complete, all affected Landowners will receive a copy of the tile repairs location map with GPS coordinates identified as the electric cable crosses their property.
15. *Worker Protection*: The Facility Owner shall comply with all local, state and federal laws and regulations, specifically including the worker protection standards to protect workers from pesticide exposure.

B. Definitions

Abandonment: Occurs when Deconstruction has not been completed within twelve (12) months after the wind energy facility reaches the end of its Useful Life.

Above Ground Cable: Electrical power lines installed above grade to be utilized for conveyance of power from the Wind Turbine(s) to the Wind Facility substation.

Agricultural Impact Mitigation Agreement (AIMA): The Agreement between the Commercial Wind Energy Facility Owner and the Vermillion County Board of Commissioners described herein.

Agricultural Land: Land used for Cropland, hayland, pasture land, managed woodlands, truck gardens, farmsteads, commercial ag-related facilities, feedlots, livestock confinement systems, land on which farm buildings are located, and land in government set-aside programs used for purposes as set forth above.

Best Efforts: Diligent, good faith, and commercially reasonable efforts to achieve a given objective or obligation.

Commercial Operation Date: The calendar date on which the Commercial Wind Energy Facility produces power for commercial sale, not including test power. Within ten (10) calendar days of the Commercial Operation Date, the Commercial Wind Energy Facility Owner shall notify the County and the Department of the Commercial Operation Date in writing.

Commercial Wind Energy Facility Owner (Facility Owner): A commercial enterprise that owns or operates a Wind Energy Facility of equal to or greater than 500 kilowatts in total nameplate capacity.

Construction: The installation, preparation for installation and/or repair of a Commercial Wind Energy Facility.

Cropland: Land used for growing row crops, small grains, vegetables or hay; includes land Which was formerly used as Cropland, but is currently in a government set-aside program and pasture land.

Deconstruction: The removal of a Commercial Wind Energy Facility from the property of a Landowner and the restoration of that property as provided in the Agricultural Impact Mitigation Agreement. The terms "Deconstruction" and "Decommissioning" have the same meaning and, therefore, may be interchanged with each other.

Deconstruction Plan: A plan prepared by a Professional Engineer, at the Commercial Wind Energy Facility Owner expense, that includes:

1. The estimated Deconstruction cost per turbine, in current dollars at the time of filing, for the Commercial Wind Energy Facility, taking into account, among other things:
   a. The number of Wind Turbines and related Commercial Wind Energy Facilities involved,
   b. The original Construction costs of the Commercial Wind Energy Facilities,
   c. The size and capacity of the Wind Turbines,
   d. The salvage value of the Commercial Wind Energy Facilities,
   e. The Construction method and techniques for the Wind Turbines and other Commercial Wind Energy Facilities, and
2. A comprehensive detailed description of how the Commercial Wind Energy Facility Owner plans to pay for the Deconstruction of the Commercial Wind Energy Facility.

Financial Assurance: A reclamation bond or other commercially available Financial Assurance that is acceptable to Vermillion County, with the County as primary beneficiary and the Landowners as secondary beneficiaries.

Landowner(s): Any person with an ownership interest in property that is used for agricultural purposes and that is party to an Underlying Agreement.

Professional Engineer: An engineer licensed to practice engineering in the State of Indiana, and who is determined to be qualified to perform the work described herein by mutual agreement of Vermillion County and the Commercial Wind Energy Facility Owner.

Soil and Water Conservation District (SWCD): A local unit of government that provides technical and financial assistance to eligible Landowners for the conservation of soil and water resources.

Tenant: Any person lawfully residing or leasing/renting land that is subject to an Underlying Agreement.

Topsoil: The uppermost layer of the soil that has the darkest color or the highest content of organic matter; more specifically, it is defined as the "A" horizon.

Underlying Agreement: The written agreement with a Landowners) including, but not limited to, an easement, option, lease, or license under the terms of which another person has constructed, constructs, or intends to construct a Commercial Wind Energy Facility on the property of the Landowner.

Underground Cable: Electrical power lines installed below grade to be utilized for conveyance of power from the Wind Turbine(s) to the Wind Facility substation.

USDA Natural Resources Conservation Service (NRCS): NRCS provides America's farmers with financial and technical assistance to voluntarily put conservation on the ground, not only helping the environment but agricultural operations too.

Useful Life: A Commercial Wind Energy Facility will be presumed to have no remaining Useful Life if:

1. No electricity is generated for a continuous period of twelve (12) months and
2. The Commercial Wind Energy Facility Owner fails, for a period of six (6) consecutive months, to pay the Landowner amounts owed in accordance with the Underlying Agreement.

Wind Turbine: A wind energy conversion unit equal to or greater than 500 kilowatts in total nameplate generating capacity.

C. Construction and Deconstruction Requirements

1. *Support Structures*:
   a. On Agricultural Land, only single pole support structures will be used for overland transmission not located adjacent to the Commercial Wind Energy Facility substation.
   b. Where the electric line is adjacent and parallel to highway and/or railroad right-of-way, but on privately owned property, the support structures will be placed as close as reasonably practicable and allowable by the applicable County Engineer or other applicable authorities to the highway or railroad right-of-way.
   c. The only exceptions may be at jogs or weaves on the highway alignment or along highways or railroads where transmission and distribution lines are already present.
   d. The highest priority will be given to locating the electric line parallel and adjacent to highway and/or railroad right-of-way. When this is not possible, Best Efforts will be expended to place all support poles in such a manner so as to minimize their placement on Cropland (i.e. longer than normal spans will be utilized when traversing Cropland).
2. *Above Ground Facilities*: Locations for Facilities shall be selected in a manner so as to be as unobtrusive as reasonably possible to ongoing agricultural activities occurring on the land that contains the facilities. The Facility Owner's compliance with applicable local, county, state, and federal statutes, rules, regulations, and ordinances, and its securing any variations or waivers to such statutes, rules, regulations, and ordinances in accordance with applicable law, in selecting such locations shall constitute compliance with this provision.
3. *Guy Wires and Anchors*:
   a. Best Efforts will be made to place guy wires and their anchors out of Cropland, pasture land and hayland, placing them instead along existing utilization lines and on land not used for row crops, pasture or hay. Where this is not feasible, Best Efforts will be made to minimize guy wire impact on Cropland.
   b. All guy wires will be shielded with highly visible guards.

4. *Underground Cabling Depth*:
   a. Underground electrical cables will be buried with:
      i. A minimum of six (6) feet of top cover where it crosses Cropland and pasture land,
      ii. A minimum of six (6) feet of top cover where it crosses wooded/brushy land.
   b. Notwithstanding the foregoing, in those areas where
   c. Rock in its natural formation and/or
   d. A continuous strata of gravel exceeding 200 feet in length are encountered, the minimum top cover will be thirty (30) inches .
5. *Topsoil Removal and Replacement*:
   a. Any excavation shall be performed in a manner to preserve Topsoil. Best Efforts will be made to store the Topsoil near the excavation site in such a manner that it will not become intermixed with subsoil materials.
   b. Best Efforts will be made to store all disturbed subsoil material near the excavation site and separate from the Topsoil.
   c. When backfilling an excavation site, the stockpiled subsoil material will be placed back into the excavation site before replacing the Topsoil.
   d. Refer to *Subsection (7)(a) through (7)(d)* for procedures pertaining to rock removal from the subsoil and Topsoil
   e. Refer to Items *Subsection (8)(a) through (8)(d)* for procedures pertaining to the alleviation of compaction of the Topsoil.
   f. Best Efforts will be performed to place the Topsoil in a manner so that after settling occurs, the Topsoil's original depth and contour (with an allowance for settling) will be restored as close as reasonably practicable. The same shall apply where excavations are made for street, stream, drainage ditch, or other crossings. In no instance will the Topsoil materials be used for any other purpose unless agreed to otherwise by the Landowner.
   g. Excess subsoil material resulting from Wind Turbine foundation excavation shall be removed from Landowner's property, unless otherwise agreed to by Landowner.
   h. Topsoil stripping or separation is not required for the excavation of narrow trenches, those twenty-four (24) inches wide or less.
6. *Repair of Damaged Tile Lines*: If underground drainage tile is damaged by Construction or Deconstruction, it will be repaired in a manner that assures the tile line's proper operation at the point of repair. The following shall apply to the tile line repair:
   a. The Facility Owner will work with the Landowner to identify the tile lines traversing the property included within the Underlying Agreement which will be crossed or disturbed by the Construction of the Facility. All tile lines identified in this manner will be shown on the Construction and Deconstruction Plan and staked or flagged in the locations where expected crossing or disturbance is anticipated prior to Construction or Deconstruction to alert Construction and Deconstruction crews to the possible need for tile line repairs.
   b. Tile lines that are damaged, cut, or removed shall be staked or flagged with stakes or flags placed in such a manner they will remain visible until the permanent repairs are completed. In addition, the location of damaged drain tile lines will be recorded using Global Positioning Systems (GPS) technology.
   c. If water is flowing through any damaged tile line, the Facility Owner shall utilize Best Efforts to immediately and temporarily repair the tile line until such time that the Facility Owner can make permanent repairs. If the tile lines are dry and water is not flowing, temporary repairs are not required if the permanent repairs can be made by the Facility Owner within fourteen (14) days (weather and soil conditions permitting) of the time damage occurred; however, the exposed tile lines will be screened or otherwise protected to prevent the entry of foreign materials or animals into the tile lines.
   d. Where tile lines are severed by an excavation trench (repairs shall be made using the Drain Tile Repairs, *Figure 1* and *Figure 2*). If there is any dispute between the Landowner and the Facility Owner on the method of permanent tile line repair, the appropriate Soil and Water Conservation District's opinion shall be considered by the Facility Owner and the Landowner.

e. To the extent practicable, there will be a minimum of one foot of separation between the tile line and the Underground Cable whether the Underground Cable passes over or under the tile line. If the tile line was damaged as part of the excavation for installation of the Underground Cable, the Underground Cable will be installed with a minimum one foot clearance below or over the tile line to be repaired or otherwise to the extent practicable.

f. The original tile line alignment and gradient shall be maintained. A laser transit shall be used to ensure the proper gradient is maintained. A laser operated tiling machine shall be used to install or replace tiling segments of 100 linear feet or more.

g. During Construction stage, all permanent tile line repairs shall be made within fourteen (14) days of identification or notification of the damage, weather and soil conditions permitting. At other times, such repairs shall be made at a time mutually agreed upon by the Facility Owner and the Landowner.

h. Following Construction and/or Deconstruction activities, the Facility Owner will utilize best practices to restore the drainage in the area to the condition it was before the commencement of the Construction/ Deconstruction activities. If the Facility Owner cannot agree upon a reasonable method to complete this restoration, the Facility Owner may, but is not required to, implement the recommendations of the Vermillion County SWCD and such implementation would resolve the dispute.

i. Following completion of the work, the Facility Owner will be responsible for correcting or paying for the correction of all tile line repairs that fail due to Construction and/or Deconstruction, provided any such failure was identified by Landowner within twenty-four (24) months after Construction or Deconstruction. The Facility Owner will not be responsible for tile line repairs that the Facility Owner pays the Landowner to perform. Facility Owner shall use Best Efforts to utilize a local drain tile repair company.

7. *Rock Removal*: The following rock removal procedures only pertain to rocks found in the uppermost forty-two (42) inches of soil, which emerged on Landowner property as a result of Construction and/or Deconstruction.

   a. Before replacing any Topsoil, Best Efforts will be taken to remove all rocks greater than three (3) inches in any dimension from the surface of exposed subsoil which were brought to the site as a result of Construction and/or Deconstruction.

   b. As Topsoil is replaced, all rocks greater than three (3) inches in any dimension will be removed from the Topsoil which emerged at the site as a result of Construction and/or Deconstruction activities.

   c. If trenching, blasting, or boring operations are required through rocky terrain, precautions will be taken to minimize the potential for oversized rocks to become interspersed with adjacent soil material.

   d. Rocks and soil containing rocks removed from the subsoil areas, Topsoil, or from any excavations, will be hauled off the Landowner's premises or disposed of on the Landowner's premises at a location that is mutually acceptable to the Landowner and the Facility Owner.

8. *Compaction and Rutting*:

   a. Unless the Landowner opts to do the restoration work, after the Topsoil has been replaced, all farmland areas that were traversed by vehicles and Construction and/or Deconstruction equipment will be ripped at least eighteen (18) inches deep, and all pasture and woodland will be ripped at least twelve (12) inches deep to the extent practicable. The existence of tile lines or underground utilities may necessitate less depth. The disturbed area will then be disked. Decompaction shall be conducted according to the guidelines provided in *Figure 3: Guidelines for Conducting Proper and Successful Decompaction*.

   b. To the extent practicable, all ripping and disking will be done at a time when the soil is dry enough for normal tillage operations to occur on land adjacent to the right-of-way.

   c. The Facility Owner will restore all rutted land to a condition as close as possible to its original condition.

   d. If there is any dispute between the Landowner and the Facility Owner as to what areas need to be ripped/ disked or the depth at which compacted areas should be ripped/disked, the Vermillion County SWCD's opinion shall be considered by the Facility Owner and the Landowner.

9. *Construction During Wet Weather*: Except as provided below, Construction activities are not allowed on farmland where normal farming operations, such as plowing, disking, planting or harvesting, cannot take place due to excessively wet soils. Wet weather conditions are to be determined on a field by field basis and not for the project as a whole.

   a. Construction activities on prepared surfaces, surfaces where Topsoil and subsoil have been removed, heavily compacted in preparation, or otherwise stabilized (e.g. through cement mixing) may occur at the discretion of the Facility Owner in wet weather conditions.

b. Construction activities on unprepared surfaces will be done only when work will not result in rutting which results in a mixing of subsoil and Topsoil. Determination as to the potential of subsoil and Topsoil mixing will be in consultation with the underlying Landowner, or, if approved by the Landowner, his/her designated Tenant.

10. *Land Leveling*:
    a. Following the completion of Construction and /or Deconstruction of a Commercial Wind Energy Facility, the Facility Owner will utilize Best Efforts to restore the disturbed area to its original pre-construction elevation and contour should uneven settling occur or surface drainage problems develop as a result of said activity.
    b. If, within twenty-four (24) months after Construction or Deconstruction, uneven settling occurs or surface drainage problems develop as a result of the Construction or Deconstruction of a Facility, the Facility Owner will provide such land leveling services within forty-five (45) days of a Landowner's written notice, weather and soil conditions permitting.
    c. If there is any dispute between the Landowner and the Facility Owner as to what areas need additional land leveling beyond that which is done at the time of Construction, the Facility Owner may, but is not required to, implement the recommendations of the Vermillion County SWCD and such implementation will resolve the dispute.
11. *Prevention of Soil Erosion*:
    a. The Facility Owner will work with Landowners to prevent excessive erosion on land that has been disturbed by Construction or Deconstruction of a Commercial Wind Energy Facility. Consultation with the local SWCD by the Facility Owner will take place to determine the appropriate methods to be implemented to control erosion. This is not a requirement, however, if the land is bare Cropland that the Landowner intends to leave bare until the next crop is planted.
    b. If the Landowner and Facility Owner cannot agree upon a reasonable method to control erosion on the Landowner's right-of-way, the Facility Owner may, but is not required to, implement the recommendations of the SWCD and such implementation will resolve the dispute.
12. *Repair of Damaged Soil Conservation Practices*: Consultation with the Vermillion County SWCD by the Facility Owner will be carried out to determine if there are soil conservation practices (such as terraces, grassed waterways, etc.) that will be damaged by the Construction and/or Deconstruction of a Commercial Wind Energy Facility. Those conservation practices will be restored to their pre-construction condition as close as reasonably practicable in accordance with USDA Natural Resources Conservation Service technical standards. All repair costs shall be borne by the Facility Owner.
13. *Damages to Private Property*: The Facility Owner will reasonably compensate Landowners for damages caused by the Facility Owner. Damage to Cropland will be reimbursed to the Landowner as prescribed in the applicable Underlying Agreement
14. *Clearing of Trees Brush*:
    a. If trees are to be removed for the Construction or Deconstruction of a Commercial Wind Energy Facility, the Facility Owner will consult with the Landowner to determine if there are trees of commercial or other value to the Landowner.
    b. If there are trees of commercial or other value to the Landowner, the Facility Owner will allow the Landowner the right to retain ownership of the trees to be removed with the disposition of the removed trees to be negotiated prior to the commencement of land clearing.
    c. Unless otherwise restricted by federal, state or local regulations, the Facility Owner will follow the Landowner's desires regarding the removal and disposal of trees, brush, and stumps of no value to the Landowner by burning, burial, etc., or complete removal from any affected property.
15. *Interference with Irrigation Systems*:
    a. If the Construction or Deconstruction of a Commercial Wind Energy Facility interrupts an operational (or soon to be operational) spray irrigation system, the Facility Owner will establish with the Landowner an acceptable amount of time the irrigation system may be out of service.
    b. If, as a result of Construction or Deconstruction of a Facility, an irrigation system interruption results in crop damages, the Landowner will be compensated for all such crop damages per the applicable Underlying Agreement.
    c. If it is feasible and mutually acceptable to the Facility Owner and the Landowner, temporary measures will be implemented to allow an irrigation system to continue to operate across land on which a Facility is also being Constructed or Deconstructed.

16. *Access Roads*:
    a. To the extent practicable, access streets will be designed to not impede surface drainage and will be built to minimize soil erosion on or near the access streets.
    b. Access streets may be left intact through mutual agreement of the Landowner and the Facility Owner unless otherwise restricted by federal, state, or local regulations after the Useful Life.
    c. If the access streets are removed, Best Efforts will be expended to assure that the land shall be restored to equivalent condition(s) as existed prior to their Construction, or as otherwise agreed to by the Facility Owner and the Landowner. All access streets that are removed shall be ripped to a depth of eighteen (18) inches. All ripping will be done consistent with *Subsection (8)(a) through (8)(d)*.
17. *Weed Control*:
    a. The Facility Owner will provide for weed control in a manner that prevents the spread of weeds onto Agricultural Land affected by Construction or Deconstruction. Spraying will be done by a pesticide applicator that is appropriately licensed for doing such work in the State of Indiana.
    b. The Facility Owner will be responsible for reimbursing all reasonable costs incurred by owners of Agricultural Land affected by Construction or Deconstruction where it has been determined that weeds have spread from land impacted by the Facility. Reimbursement is contingent upon written notice to the Facility Owner and failure to respond within forty-five (45) days after notice is received.
18. *Pumping of Water from Open Excavations*:
    a. In the event it becomes necessary to pump water from open excavations, the Facility Owner will pump the water in a manner that will avoid damaging Agricultural Land affected by Construction or Deconstruction. Such damages include, but are not limited to: inundation of crops for more than twenty-four (24) hours, deposition of sediment in ditches and other water courses, and the deposition of subsoil sediment and gravel in fields and pastures.
    b. If it is impossible to avoid water-related damages as described in *Subsection (18)(a)*, the Facility Owner will compensate the Landowner for damages to crops as prescribed in the applicable Underlying Agreement.
    c. All pumping of water shall comply with existing drainage laws, local ordinances relating to such activities and any other applicable laws, specifically including the Clean Water Act.
19. *Advance Notice of Access to Private Property*:
    a. The Facility Owner will provide the Landowner or Tenant with a minimum of forty-eight (48) hours prior notice before accessing his/her property for the purpose of Construction or Deconstruction of a Commercial Wind Energy Facility.
    b. Prior notice shall consist of either:
        i. A personal contact, telephone contact or email contact, whereby the Landowner or Tenant is informed of the Facility Owner's intent to access the land; or
        ii. The Facility Owner mails or hand delivers to the Landowner or Tenant's home a dated, written notice of the Facility Owner's intent.
    c. Such written or hand delivered notice shall include a phone number at which agents of the Facility Owner can be reached. The Landowner or Tenant need not acknowledge receipt of the written notice before the Facility Owner can enter the Landowner's property.
20. *Indemnification*: The Commercial Wind Energy Facility Owner will indemnify all Landowners, their heirs, successors, legal representatives, and assigns from and against all claims, injuries, suits, damages, costs, losses, and reasonable expenses resulting from or arising out of Construction and/or Deconstruction, including damage to such Commercial Wind Energy Facility or any of its appurtenances, except where claims, injuries, suits, damages, costs, losses, and expenses are caused by the negligence or intentional acts, or willful omissions of such Landowners, and/or the Landowners heirs, successors, legal representatives, and assigns. In such circumstances, the Landowners, and the Landowners' heirs, successors, legal representatives, and assigns will indemnify the Facility Owner, its heirs, successors, legal representatives, and assigns from and against said claims, injuries, suits, damages, costs, losses, and reasonable expenses including but not limited to attorneys' fees and costs.

Exhibit B for Wind Power Plant Regulations (cont)

D. Concurrence of the Parties to this AIMA

The _____an _____, LLC concur that this AIMA is the complete AIMA governing the mitigation of agricultural impacts that may result from the construction of the wind power plant project in Vermillion County within the State of Indiana.

The effective date of this AIMA commences on the date of execution.

State of Indiana

Board of Commissioners

_____

Commissioner Name

_____

Commissioner Name

_____

Commissioner Name

_____, LLC a state name limited liability company

_____

Name, Title

_____

Address

Exhibit B for Wind Power Plant Regulations (cont)

Figure 1: Temporary Drain Tile Repair

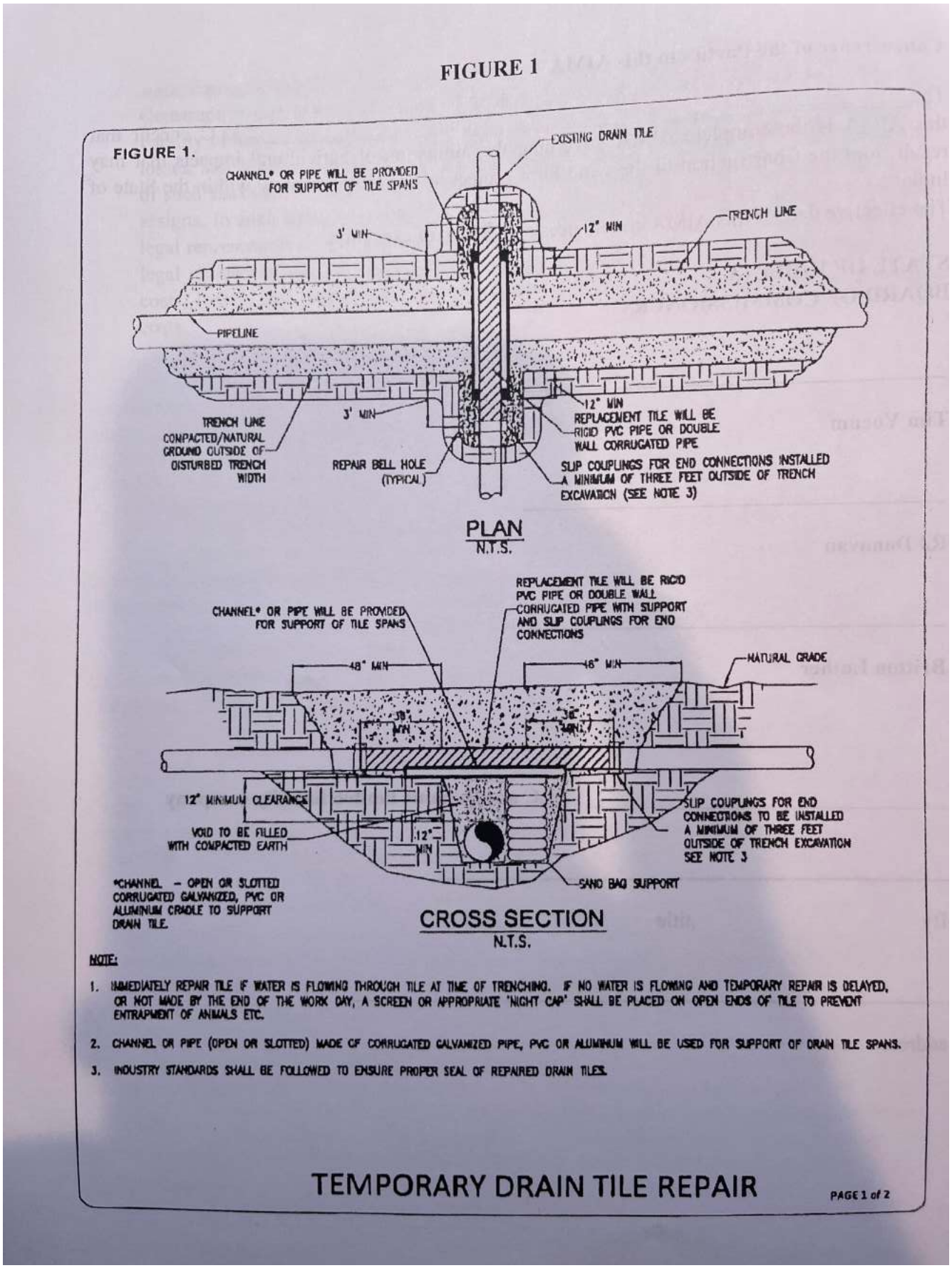
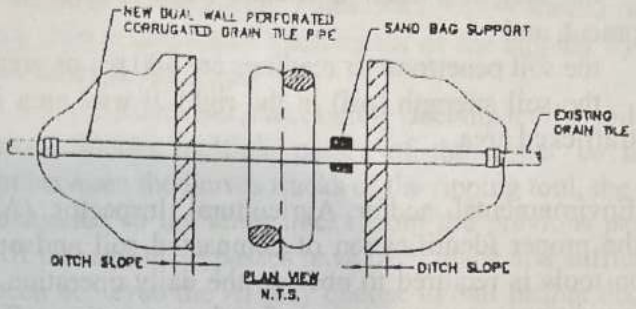


Exhibit B for Wind Power Plant Regulations (cont)

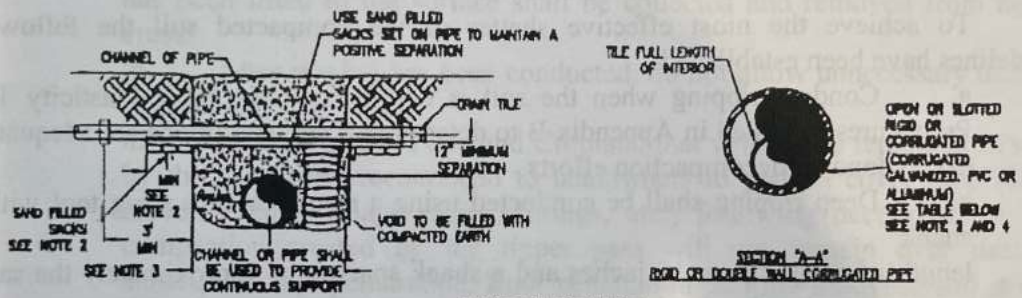
Figure 2: Permanent Drain Tile Repair

FIGURE 2

FIGURE 2.



PLAN VIEW



END VIEWS

MINIMUM SUPPORT TABLE

TILE SIZE	CHANNEL SIZE	PIPE SIZE	
3"	4" @ 5.4 [illegible]	4"	STD. W.T.
4"-5"	5" @ 6.7 [illegible]	6"	STD. W.T.
6"-8"	7" @ 9.8 [illegible]	8"-10"	STD. W.T.
10"	10" @ 16.3 [illegible]	12"	STD. W.T.

NOTE:

1. TILE REPAIR AND REPLACEMENT SHALL MAINTAIN ORIGINAL ALIGNMENT GRADIENT AND WATER FLOW TO THE GREATEST EXTENT POSSIBLE. IF THE TILE NEEDS TO BE RELOCATED, THE INSTALLATION ANGLE MAY VARY DUE TO SITE SPECIFIC CONDITIONS AND LANDOWNER RECOMMENDATIONS.
2. 1'-0" MINIMUM LENGTH OF CHANNEL OR RIGID PIPE (OPEN OR SLOTTED CORRUGATED GALVANIZED, PVC OR ALUMINUM CRADLE) SHALL BE SUPPORTED BY UNDISTURBED SOIL, OR IF CROSSING IS NOT AT RIGHT ANGLES TO PIPELINE, EQUIVALENT LENGTH PERPENDICULAR TO TRENCH. SHIM WITH SAND BAGS TO UNDISTURBED SOIL FOR SUPPORT AND DRAINAGE GRADIENT MAINTENANCE (TYPICAL BOTH SIDES).
3. DRAIN TILES WILL BE PERMANENTLY CONNECTED TO EXISTING DRAIN TILES A MINIMUM OF THREE FEET OUTSIDE OF EXCAVATED TRENCH LINE USING INDUSTRY STANDARDS TO ENSURE PROPER SEAL OF REPAIRED DRAIN TILES INCLUDING SLIP COUPLINGS.
4. DIAMETER OF RIGID PIPE SHALL BE OF ADEQUATE SIZE TO ALLOW FOR THE INSTALLATION OF THE TILE FOR THE FULL LENGTH OF THE RIGID PIPE.
5. OTHER METHODS OF SUPPORTING DRAIN TILE MAY BE USED IF ALTERNATE PROPOSED IS EQUIVALENT IN STRENGTH TO THE CHANNEL/PIPE SECTIONS SHOWN AND IF APPROVED BY COMPANY REPRESENTATIVES AND LANDOWNER IN ADVANCE. SITE SPECIFIC ALTERNATE SUPPORT SYSTEM TO BE DEVELOPED BY COMPANY REPRESENTATIVES AND FURNISHED TO CONTRACTOR FOR SPANS IN EXCESS OF 20', TILE GREATER THEN 10" DIAMETER, AND FOR "HEADER" SYSTEMS.
6. ALL MATERIAL TO BE FURNISHED BY CONTRACTOR.
7. PRIOR TO REPAIRING TILE, CONTRACTOR SHALL PROBE LATERALLY INTO THE EXISTING TILE TO FULL WIDTH OF THE RIGHTS OF WAY TO DETERMINE IF ADDITIONAL DAMAGE HAS OCCURRED. ALL DAMAGED/DISTURBED TILE SHALL BE REPAIRED AS NEAR AS PRACTICABLE TO ITS ORIGINAL OR BETTER CONDITION.

PERMANENT DRAIN TILE REPAIR

PAGE 2 of 2

Exhibit C: Guidelines for Conducting Proper and Successful Decompaction

A. When Required: Decompaction is required when all three conditions apply.
   1. The area has been trafficked or traversed by vehicles or construction equipment, and
   2. The soil penetrometer readings are 300 psi or greater, and
   3. The soil strength (psi) in the right-of-way area is greater than that of the non-trafficked area.

B. Required Observer: An Environmental and/or Agricultural Inspector (Inspector), with experience and training in the proper identification of compacted soil and operation methods of deep decompaction tools is required to observe the daily operation of the ripper/subsoiler to ensure the conditions are appropriate for decompaction efforts and that the proper equipment is utilized and that equipment is set-up and operated correctly.

C. Guidelines: To achieve the most effective shatter of the compacted soil the following guidelines have been established:
   1. Conduct ripping when the soil is dry. Follow *Figure 4: Soil Plasticity Test Procedure* to determine if soil conditions are adequately dry to conduct decompaction efforts.
   2. Deep ripping shall be conducted using a ripper or subsoiling tool with a shank length of no less than eighteen (18) inches and a shank spacing of approximately the same measurement as the shank length.
   3. Use a ripper with a knife length of no less than two (2) inches more than the desired depth of decompaction.
   4. To best promote revegetation and restore crop production, a total depth of thirty (30) or more inches of soil (Topsoil plus subsoil) is required.
   5. The minimum depths of decompaction stated above in (C)(3) are required where possible. A safe distance from sub-surface structures (tile drains, pipelines, buried utilities, bedrock, etc.) shall be maintained at all times. Where such structures exist, a lesser depth of decompaction will be required to prevent damage to equipment and the structures as well as to maintain a safe work environment. The allowable decompaction depth in these instances will be determined on a site by site basis.
   6. When the knives are in the soil to the desired depth, the tongue of the ripper should be parallel to the surface of the ground.
   7. Select a tractor that has enough horsepower to pull the ripper at a speed of one and one-half (1½) to two (2) mph and whose footprint is of equal or lesser width than the ripper. Tracked equipment is preferred and typically required to achieve this criteria.
   8. The ripper shanks should not create ruts, channels, or mixing of the subsoil with Topsoil. A speed of one and one-half (1½) to two (2) mph is recommended to minimize the risk of rutting and soil mixing. The ideal operating speed can vary with soil characteristics, tractor and ripping tool used. An excessive travel speed will often increase mixing of soil horizons.
   9. When the equipment is set up and operated correctly, the ripper should create a wave across the surface of the ground as it lifts and drops the soil.
   10. Make one ripping pass through the compacted area. Using a penetrometer, the Inspector will measure the PSI between the ripped knife tracks to determine if the single ripping pass was successful. Additional passes should only be used where needed as they may reduce the effectiveness of the ripping by recompacting the soil shattered in the previous pass.
   11. If the first pass does not successfully decompact the soil, additional passes will be needed. Should multiple passes of the ripper be needed to achieve decompaction between the knives tracks of the ripping tool, the subsequent passes should be positioned so the knife tracks from the previous pass are split by the second pass. If three or more passes have been made and sufficient decompaction has not yet been achieved the Inspector may choose to halt further decompaction efforts in that area until conditions improve or better methods are determined.
   12. Following ripping, all stone and rock three or more inches in size which has been lifted to the surface shall be collected and removed from agricultural areas.
   13. After ripping has been conducted, do not allow unnecessary traffic on the ripped area.
   14. In Agricultural Land and Cropland that will not be replanted to vegetation by the Company, recommend to landowners to plant a cover crop (cereal rye, clover, alfalfa, tillage radish, turnips, etc.) following decompaction. Reduced compaction created by the ripper pass will not remain over time without subsequent root penetration. Root penetration into the shattered soil is necessary to establish permanent stabilized channels to conduct air and water into the soil profile. Two good sources for landowner cover crop education are http://*www.mccc.msu.edu/CCinfo/cropbycrop.html* and *http://mcccdev.anr.msu.edu/*. For local expertise, consult with your county's Soil and Water Conservation District /USDA Natural Resource Conservation Service (NRCS) office for cover crop selection and compliance with NRCS planting deadlines.

Exhibit D for Wind Power Plant Regulations

Exhibit D: Soil Plasticity Test Procedures

A. Soil Plasticity Test Procedures: The Agricultural Inspector will test the consistency of the surface soil to a depth of approximately four (4) to eight (8) inches using the Field Plasticity Test procedure developed from the Annual Book of ASTM Standards, Plastic Limit of Soils (ASTM D-4318).

1. Pull a soil plug from the area to be tilled, moved, or trafficked to a depth of four (4) to eight (8) inches.
2. Roll a portion of the sample between the palms of the hands to form a wire with a diameter of one-eighth (⅛) inch.
3. The soil consistency is:
   a. Tillable (able to be worked) if the soil wire breaks into segments not exceeding three-eights (3/8) of an inch in length.
   b. Plastic (not tillable) if the segments are longer than three-eights (3/8) of an inch before breaking.
4. This Procedure is to be used to aid in determining when soil conditions are dry enough for construction activities to proceed.
5. Once the soil consistency has been determined to be of adequate dryness, the plasticity test is not required again until the next precipitation event.

Appendix C

Minimum Parking Guidelines

Vermillion County
Unified Development Ordinance

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GroundRules
website www.groundrulesinc.com

Minimum Parking Guidelines

Appendix C

Exhibit A: Guidelines to Determine the Minimum Number Of Parking Spaces Per Use:

Land Use	Parking Types	
	Employee/Tenant Parking	Visitor/Client/Customer Parking
Commercial Uses		
animal grooming	1 space per employee on the largest shift	1 space per 400 sq. ft. of GFA
auction, indoor	1 space per employee on the largest shift	1 space per 2 seats or 2 per 100 sq. ft. of GFA, whichever is greater
automobile accessory installation	1 space per employee on the largest shift	2 spaces per bay
automobile body shop	1 space per employee on the largest shift	2 spaces per bay
automobile oil change facility	1 space per employee on the largest shift	2 spaces per bay
automobile rental	2 spaces per employee on the largest shift	-
automobile repair/service station	1 space per employee on the largest shift	2 spaces per bay
automobile wash	1 space per employee on the largest shift	2 spaces per bay (full or self-service)
bank	-	1 space per 250 sq. ft. of GFA
bank machine/atm, drive-up	-	1 space for the ATM machine to be serviced
bank machine/atm, walk-up	-	1 spaces per ATM
bar/tavern	-	1 space per 2 persons of maximum capacity
barber or beauty salon	-	3 spaces per chair
campground (primitive)	-	1 per designated campsite
campground (serviced)	-	1.2 per designated campsite
club or lodge	-	1 space per 3 persons of maximum capacity
coffee shop	-	1 space per 2 seats
coin laundry	-	1 space per 3 washing machines
computer service	1 space per employee on the largest shift	1 space per 400 sq. ft. of GFA
counseling center	1 space per employee on the largest shift	1 space per 200 sq. ft. of GFA , a minimum of 4 spaces
country club	-	1 space per 3 persons of maximum seating capacity
crematory	1 space per employee on the largest shift	5 visitor spaces
day care	-	1 space per 4 persons of licensed capacity
delicatessen	-	1 space per 2 seats
donation collection point	1 space per employee on the largest shift	5 visitor spaces
driving range	-	2 spaces per 3 tee boxes
express shipping center	1 space per employee on the largest shift	1 space per 300 sq. ft. of GFA
farmers market	-	1 space per 200 sq. ft. GFA
funeral home	-	1 space per 4 chapel or parlor seats
gas station	1 space per employee on the largest shift	3 spaces per double-sided pump for refueling and staging; and 1 space per 3 restaurant seats; and 1 space per 200 gross sq. ft. of convenience store space
golf course	-	20 spaces per 9 holes
hotel or motel	1 space per employee on the largest shift	1 space per unit
ice cream shop	-	1 space per 3 seats
kennel	-	1 space per 10 pet accommodation spaces
medical clinic	-	4 spaces per treatment room
office, general	-	1 space per 300 sq. ft. of GFA
office, general (upper floors only)	-	1 space per 300 sq. ft. of GFA
office, medical	-	4 spaces per treatment room
paintball facility	-	1 space per 3 person of maximum capacity
physical fitness center		1 space per 250 sq. ft. of GFA
plant nursery, retail	-	1 space per 1,000 sq. ft. of floor area accessible to the public; and 1 space per 2,000 sq. ft. of outdoor display area
printer, commercial	1 space per employee on the largest shift	1 space per 600 sq. ft. of GFA
recreation center (indoor)	-	1 space per 500 sq. ft. of GFA or 20 spaces per sport field, whichever is less
GFA = Gross Floor Area		

Minimum Parking Guidelines (cont)

Land Use	Parking Types	
	Employee/Tenant Parking	Visitor/Client/Customer Parking
Commercial Uses		
recreation center (outdoor)	-	0 spaces per sport field, whichever is less
recreation vehicle park	-	1.5 spaces per recreation vehicle site
restaurant	1 space for each employee of largest shift	1 per 3 seats
restaurant with drive-up window	-	1 space per 2 seats
seamstress/tailor	-	1 space per 300 sq. ft. of GFA
self-storage warehouse	1 space per employee on the largest shift	1 space per 100 individual storage spaces
shooting range (indoor)	-	1 space per station
shooting range (outdoor)	-	2 spaces per target
skate park, commercial	-	1 space per 500 sq. ft. of skating surface
software development	1 space per employee on the largest shift	-
sports field (indoor)	1 space per employee on the largest shift	20 spaces per field or court
sports field (outdoor)	1 space per employee on the largest shift	20 spaces per field or court
studio arts (e.g. dance, karate, photography studio)	-	1 space per 3 persons of maximum capacity
tool/equipment rental (indoor)	1 space per employee on the largest shift	1 space per 500 sq. ft. of indoor showroom space
tool/equipment rental (outdoor)	1 space per employee on the largest shift	1 space per 500 sq. ft. of indoor showroom space; 1 space per 20 outdoor units (vehicles) displayed
trade or business school	1 space per teacher, staff, administrator	1 space per 3 students
travel agency	-	4 spaces per 1,000 sq. ft. of GFA
truck stop	1 space per employee on the largest shift	1 space per truck normally parked on the premises; and 1 space per 3 patrons at maximum capacity
veterinarian	1 space per employee on the largest shift	3 additional space per doctor on the largest shift
water park	1 space per employee on the largest shift	1 space per 3 persons of maximum capacity
winery	1 space per employee on the largest shift	1 space per 300 sq. ft. of floor area accessible to the public
GFA = Gross Floor Area		

Land Use	Parking Types	
	Employee/Tenant Parking	Visitor/Client/Customer Parking
Institutional Uses		
airport, public	1 space per employee on the largest shift	1 space per average daily operations
cemetery or mausoleum	-	1 space per 50 grave sites
child care institution	1 space per employee on the largest shift	1 space per 3 persons client capacity
community center	-	1 space per 3 persons of maximum capacity
fairground	-	-
fire, police, or rescue station	1 space per employee on the largest shift	-
government office	-	1 space per 500 gross sq. ft. or 1 per 2 seats in the largest assembly space capacity, whichever results in the largest number
government operations facility	1 space per employee on the largest shift	1 space per 600 square feet
heliport, public	-	1 space per average daily operations
hospice facility	1 space per employee on the largest shift	3 spaces per hospice suite
hospital	-	2 spaces per 1 bed
jail	1 space per employee on the largest shift	1 visitor space per 8 cells
juvenile detention facility	1 space per employee on the largest shift	1 visitor space per 8 cells
library	-	1 space per 3 persons of maximum capacity
museum	-	1 space per 2.5 persons of maximum capacity
nature center	-	1 space per 3 persons of maximum capacity
GFA = Gross Floor Area		

Minimum Parking Guidelines (cont)

Land Use	Parking Types	
	Employee/Tenant Parking	Visitor/Client/Customer Parking
Institutional Uses		
nature preserve	-	2 spaces
park, public	-	1 space per acre; 20 spaces per sport court or field; and 1 space per 75 sq. ft. of water surface of pools
place of worship	-	3 spaces per 7 seats
post office	1 space per employee on the largest shift	1 space per 150 sq. ft. accessible to the public
prison	1 space per employee on the largest shift	1 visitor space per 15 cells
recycling collection point	1 space per employee on the largest shift	1 space per collection bin
rehabilitation clinic, medical	1 space per employee on the largest shift	4 spaces per treatment room or doctor
school (P-12), private	1 space per teacher, staff, administrator	3 spaces per elementary or junior high classroom; 1 space per 10 high school student capacity; and 1 space per 4 seats in the largest assembly space in the school (based on occupancy)
school (P-12), public	1 space per teacher, staff, administrator	3 spaces per elementary or junior high classroom; 1 space per 10 high school student capacity; and 1 space per 4 seats in the largest assembly space in the school (based on occupancy)
sewage treatment facility, public	1 space per employee on the largest shift	1 visitor space per 10 employees
sports stadium	-	4 spaces per seat
transit station	-	8 spaces per bus bay
university or college	1 space per teacher, staff, administrator	1 space per 3 students
water tower	1 space per facility	-
water treatment facility, public	1 space per employee on the largest shift	1 visitor space per 10 employees
wellhead, public	-	2 spaces
wildlife preserve	-	5 spaces
GFA = Gross Floor Area		

Minimum Parking Guidelines (cont)

Land Use	Parking Types	
	Employee/Tenant Parking	Visitor/Client/Customer Parking
Industrial Uses		
asphalt plant	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
assembly	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
bio-diesel production	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
bio-fuels production	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
bottling/canning	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
broadcast facility	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
chemical manufacturing	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
composting facility	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
concrete plant	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
construction materials landfill	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
distribution facility	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
electrical generation plant	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
farm equipment repair	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
food processing	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
freight terminal	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
heavy equipment repair	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
incinerator	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
junk yard	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
liquid fertilizer distribution	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
manufacturing, heavy	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
manufacturing, light	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
materials recycling (type 1)	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
materials recycling (type 2)	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
materials recycling (type 3)	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
mining, rock or sand	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
outdoor storage	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
petroleum processing	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
printer, industrial	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
recycling processing	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
rendering plant	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
research center, general	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
research center, medical	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
rock crushing	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
sanitary landfill/refuse dump	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
scrap metal yard	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
sewage treatment facility, private	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
sign fabrication	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
storage tanks (hazardous)	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
storage tanks (non-hazardous)	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
telecommunication facility	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
testing lab, electronic	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
testing lab, materials	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
tool and die shop	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
transfer station	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
warehouse	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
water treatment facility, private	1 space per employee on the largest shift	1 visitor space per 15 employees
welding service	1 space per employee on the largest shift	1 visitor space per 5 employees
wholesale produce terminal	1 space per employee on the largest shift	1 visitor space per 5 employees
GFA = Gross Floor Area		

Land Use	Parking Types	
	Employee/Tenant Parking	Visitor/Client/Customer Parking
Residential Uses		
fair housing facility (large)	as per single-family standard	1 space per 4 persons of client capacity
nursing home	1 space per employee on the largest shift	1 space per 3 rooms

Minimum Parking Guidelines (cont)

Land Use	Parking Types	
	Employee/Tenant Parking	Visitor/Client/Customer Parking
Retail Uses		
agriculture supply store	1 space per employee on the largest shift	1 space per 300 sq. ft. of GFA
antique shop	-	1 space per 300 sq. ft. of GFA
apparel shop	-	1 space per 300 sq. ft. of GFA
art and craft supplies	-	1 space per 300 sq. ft. of GFA
art and craft gallery	-	1 space per 300 sq. ft. of GFA.
automobile parts sales	-	1 space per 300 sq. ft. GFA
automobile sales	1 space per employee on the largest shift	1 space per 500 sq. ft. of indoor showroom space; 1 space per 20 outdoor units (vehicles) displayed
bakery	-	1 space per 300 sq. ft. of GFA
boat sales	1 space per employee on the largest shift	1 space per 500 sq. ft. of indoor showroom space; 1 space per 20 outdoor units (vehicles) displayed
book store	-	1 space per 300 sq. ft. of GFA
boutique	-	1 space per 300 sq. ft. of GFA
building supply store (large)	-	1 space per 500 sq. ft of GFA
building supply store (small)	-	1 space per 300 sq. ft. of GFA
construction vehicle sales	1 space per employee on the largest shift	1 space per 500 sq. ft. of indoor showroom space; 1 space per 20 outdoor units (vehicles) displayed
convenience store	-	1 space per 300 sq. ft. of GFA
craft gallery	-	1 space per 300 sq. ft. of GFA
department store (large)	-	1 space per 500 sq. ft of GFA
department store (small)	-	1 space per 300 sq. ft. of GFA
drug store	-	1 space per 300 sq. ft. of GFA
fabric shop	-	1 space per 300 sq. ft. of GFA
farm equipment sales	1 space per employee on the largest shift	1 space per 500 sq. ft. of indoor showroom space; 1 space per 20 outdoor units (equipment) displayed
farm implement sales and service	1 space per employee on the largest shift	1 space per 500 sq. ft. of indoor showroom space; 1 space per 20 outdoor units (equipment) displayed
fireworks sales	-	1 space per 300 sq. ft. of GFA
flower shop	-	1 space per 300 sq. ft. of GFA
furniture store (large)	-	1 space per 500 sq. ft of GFA
furniture store (small)	-	1 space per 300 sq. ft. of GFA
garden shop	-	1 space per 300 sq. ft. of GFA
gift shop	-	1 space per 300 sq. ft. of GFA
grocery/supermarket (large)	-	1 space per 500 sq. ft of GFA
grocery/supermarket (small)	-	1 space per 300 sq. ft. of GFA
gun sales	-	1 space per 300 sq. ft. of GFA
home electronics/appliance (large)	-	1 space per 500 sq. ft of GFA
home electronics/appliance (small)	-	1 space per 300 sq. ft. of GFA
hunting store	-	1 space per 300 sq. ft. of GFA
jewelry store	-	1 space per 300 sq. ft. of GFA
liquor sales	-	1 space per 300 sq. ft. of GFA
manufactured home sales	1 space per employee on the largest shift	1 space per 1,000 sq. ft. of indoor showroom space; 1 space per 20 outdoor units (homes) displayed
meat market	-	1 space per 300 sq. ft. of GFA
music/media shop	-	1 space per 300 sq. ft. of GFA
news dealer	-	1 space per 300 sq. ft. of GFA
office supply store (large)	-	1 space per 500 sq. ft of GFA
office supply store (small)	-	1 space per 300 sq. ft. of GFA
party/event store (large)	-	1 space per 500 sq. ft of GFA
party/event store (small)	-	1 space per 300 sq. ft. of GFA
pro shop	-	1 space per 300 sq. ft. of GFA
semi tractor-trailer sales	1 space per employee on the largest shift	1 space per 500 sq. ft. of indoor showroom space; 1 space per 20 outdoor units (vehicles) displayed
sexually oriented retail	-	1 space per 300 sq. ft. of GFA
shoe store	-	1 space per 300 sq. ft. of GFA
sporting good store (large)	-	1 space per 500 sq. ft of GFA
sporting goods (small)	-	1 space per 300 sq. ft. of GFA
GFA = Gross Floor Area		

Minimum Parking Guidelines (cont)

Land Use	Parking Types	
	Employee/Tenant Parking	Visitor/Client/Customer Parking
Retail Uses		
tool/equipment sales	1 space per employee on the largest shift	1 space per 500 sq. ft. of indoor showroom space; 1 space per 20 outdoor units (vehicles) displayed
variety store (large)	-	1 space per 500 sq. ft of GFA
watercraft sales	1 space per employee on the largest shift	1 space per 500 sq. ft. of GFA; 1 space per 20 outdoor units (vehicles) displayed
winery	1 space per employee on the largest shift	1 space per 300 sq. ft. of GFA
GFA = Gross Floor Area		

Appendix D

Tracking Table

Vermillion County
Unified Development Ordinance

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GroundRules
website www.groundrulesinc.com

Amendment Tracking Table

Exhibit A: Amendment Tracking Table

Ordinance Number	APC/County Commissioner Approval Date	Effective Date	Sections Affected	Pages Changed	Brief Description of Changes	Date Codified