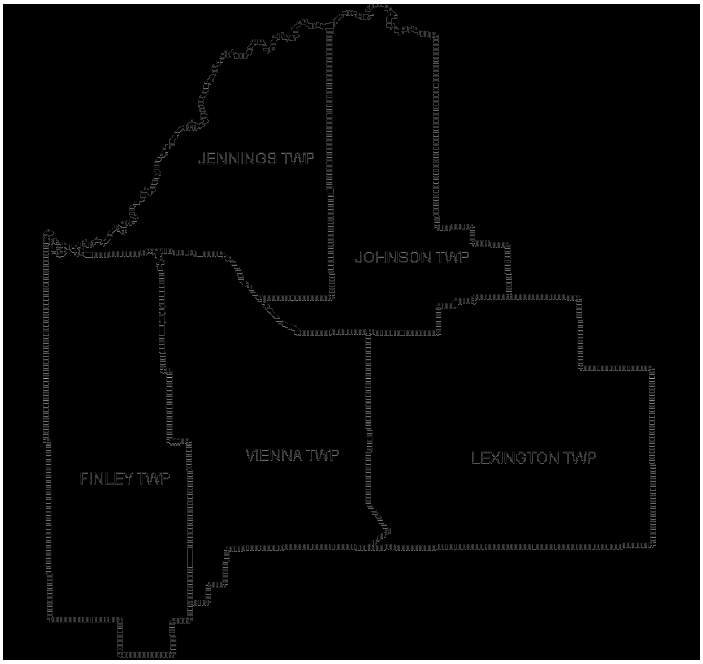

Zoning Ordinance of Scott County, Indiana

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Article 1. Basic Provisions

ORDINANCE NO. 2004-8
(Scott County)

ORDINANCE NO. 2004-13
(City of Scottsburg)

A. Title

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

B. Defined Words

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

C. Authority

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

D. Purpose

This Ordinance is adopted for the following purposes:

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

E. Compliance

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

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

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

F. Severability

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

G. Interpretation

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

H. Ordinance Jurisdiction

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

I. Application

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

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

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

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

K. Saving Provision

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

L. Repealer

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

M. Transition Rules

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

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

4. All new building sites shall meet the requirements of this Ordinance unless:

a. A building permit was issued and is still valid, or

b. A parcel was approved as a buildable lot by Plan Commission or the Board of Zoning Appeals prior to the effective date of this ordinance.

Article 2. General Zoning Districts

A. Establishment of Districts

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

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

B. Unlisted or Questionable Land Uses.

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

Article 3. District Regulations

A. Agricultural District; A

1. Purpose. The A district is intended for low-density residential and agricultural uses.

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

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

3. Conditional Uses.

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

a. Private clubs, private lodges and private recreational buildings and areas

b. Permanent roadside stands for the sale of farm products grown on the premises

c. Rural business, as defined in Article 11

d. Home based businesses not qualifying as permitted uses under Section 1. above.

e. Recreational Vehicle Parks in accordance with the minimum requirements of Article 5.

f. Outdoor Commercial Recreational as defined in Article 11

g. Junkyards or automotive wrecking yards may be permitted as conditional uses by the Board of Zoning Appeals. Though other conditions may be imposed, the following minimum requirements shall be imposed:

1) All setbacks for the district must be met.
2) The junkyard or auto wrecking yard must be fenced or screened so it is not visible from the road or neighboring dwellings.
3) All outside storage and parking must be within or behind the fence or screen.
4) The land comprising the front, side and back setbacks shall be planted in grass and mowed so that it does not exceed a height of six (6) inches.
5) Excepting the sale of used parts and scrap, no other business shall be conducted on the property.
6) Compliance with provisions of IC 8-23-20 is required.

4. Other uses the Board of Zoning Appeals deems compatible with the uses permitted in this district.

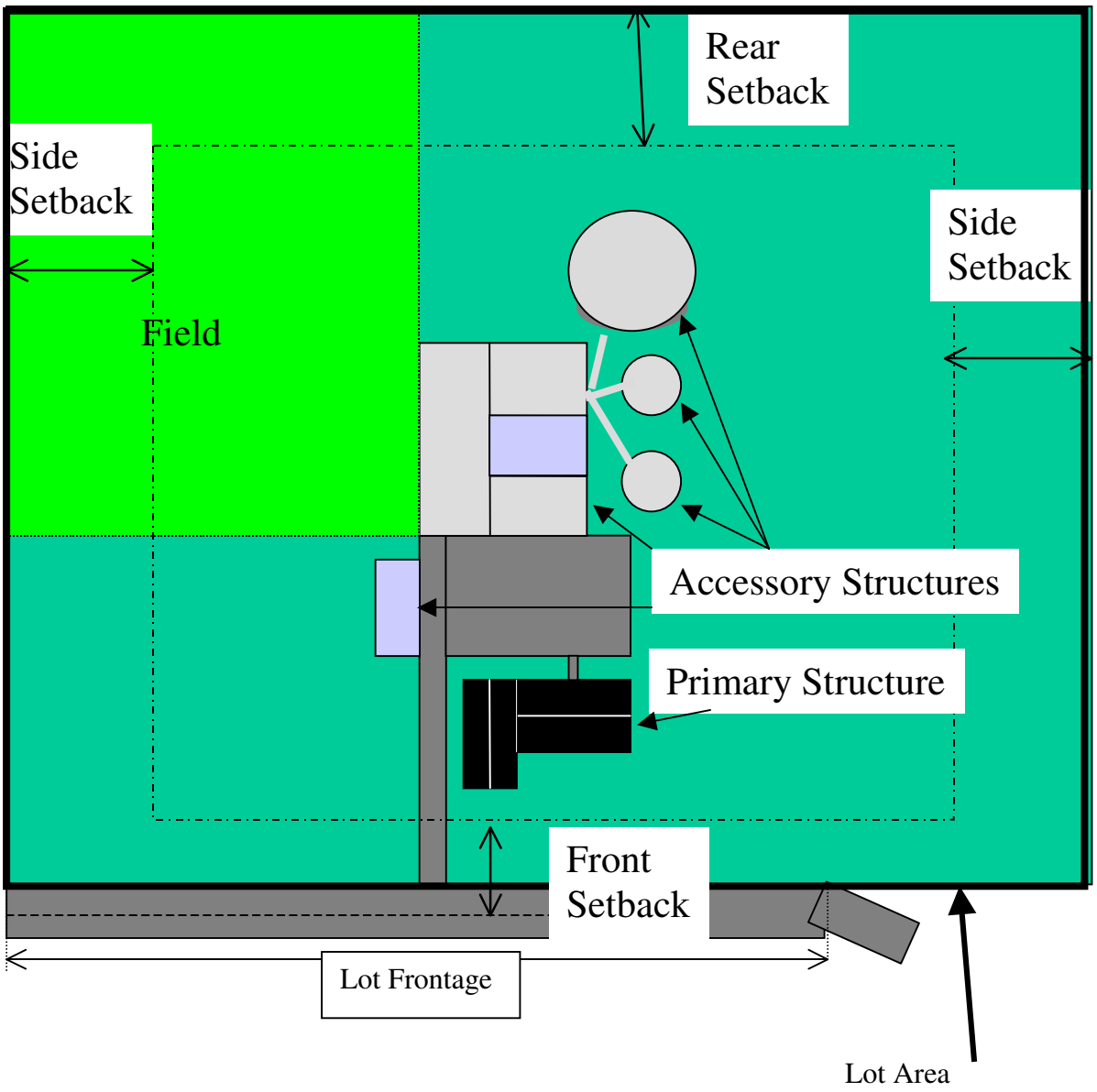

Fig 3-1 A-1 Agricultural (Rural Residential) Lot Diagram

5. Dimensional Requirements Agricultural District A-1 (See Fig 3-1)

a. Minimum Lot Size requirements

1) Area: 2 Acres
2) Street Frontage: 200 Ft

b. Minimum Setbacks on a City Street (From Centerline)

1) Front: In built up area use the average front setback otherwise 55 Ft
2) Side: 30 Ft (Corner lots have 2 front setbacks)
3) Back: 30 Ft

c. Minimum Setbacks on a County Road (From Centerline)

1) Front: In built up area use the average front setback otherwise 65 Ft
2) Side: 30 Ft (Corner lots have 2 front setbacks)
3) Back: 30 Ft

d. Minimum Setbacks on a State Road(From Centerline)

1) Front: In built up area use the average front setback otherwise 100 Ft
2) Side: 30 Ft (Corner lots have 2 front setbacks)
3) Back: 30 Ft

e. Maximum Lot Coverage (structures and paving): 35%

f. Minimum First Floor Area:

1) Total: 950 SF

g. Minimum Width of Primary Structure: 20 Ft

h. Maximum Height

1) Primary Structure: 35 Ft
2) Accessory Structure: 35 Ft (no restriction for Agricultural Structures}
3) Front Yard Fence: 4 Ft (Corner lots have 2 front yards)

6. Manufactured Homes (which bears a seal certifying that it was built in compliance with the federal Manufactured Housing Construction and Safety Standards Law of 1974 (42 U.S.C. 5401 et seq.) must meet the standards for conventional single family dwelling.

B. Single Family Residential District; R-1

1. Purpose.

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

2. Permitted Uses.

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

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

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

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

8) Home based businesses not qualifying as permitted uses in accordance with Article 3 (B.)(6) above.

c. Other uses the Board of Zoning Appeals deems compatible with the uses permitted in this district.

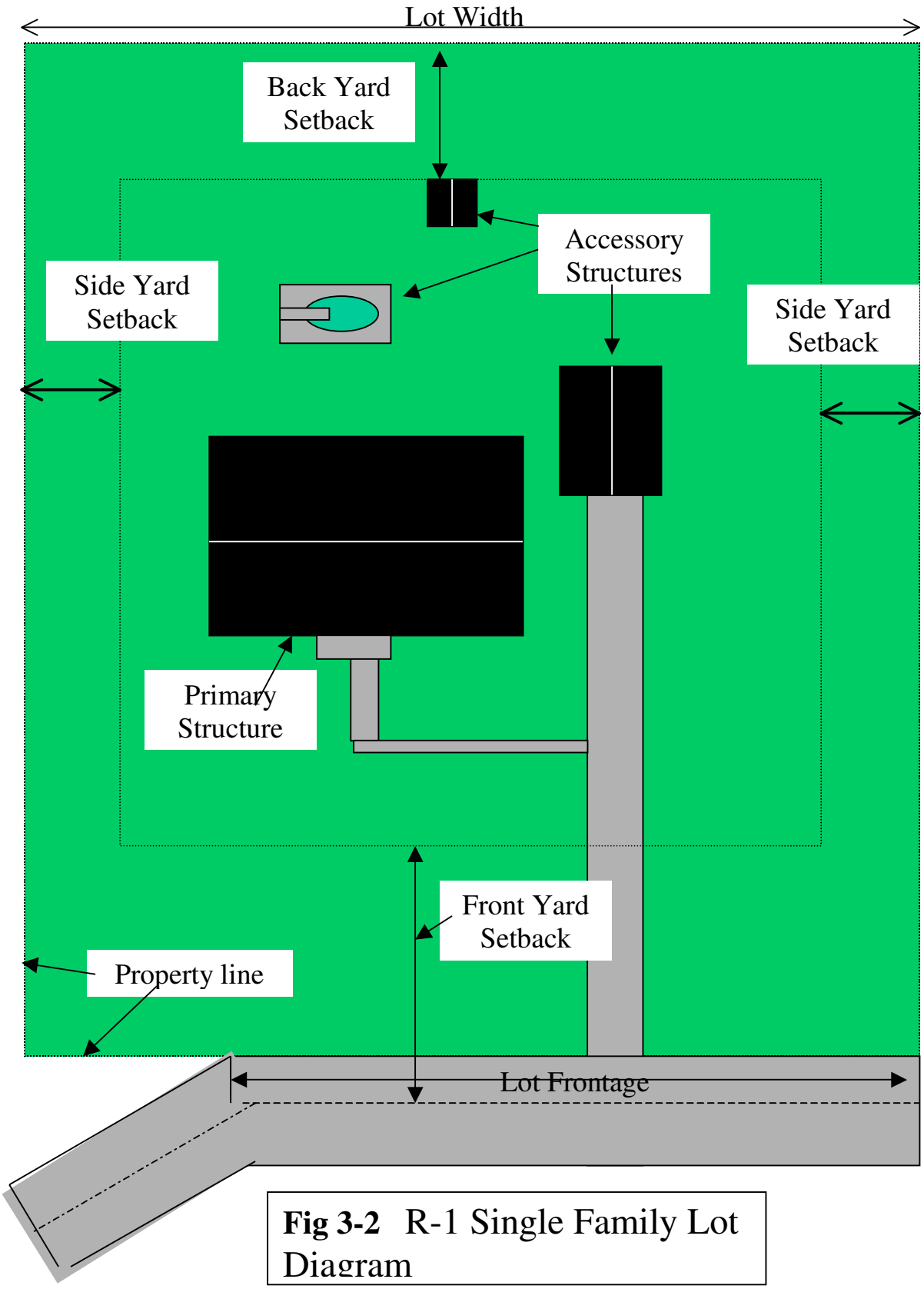

Fig 3-2 R-1 Single Family Lot Diagram

4. Dimensional Requirements Residential Single Family(Districts Zoned R-1 (see Fig 3-2)

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

5. Manufactured Homes

- **a.** 950 SF floor area

C. Two-family Residential District; R-2

1. Purpose.

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

2. Permitted uses.

The following uses are permitted in an R-2 District

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

3. Conditional Uses.

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

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

c. Conversion of a single-family dwelling to a multifamily dwelling

d. Other uses the Board of Zoning Appeals deems compatible with the uses permitted in this district

e. Institutions of an educational, medical, charitable or philanthropic nature..

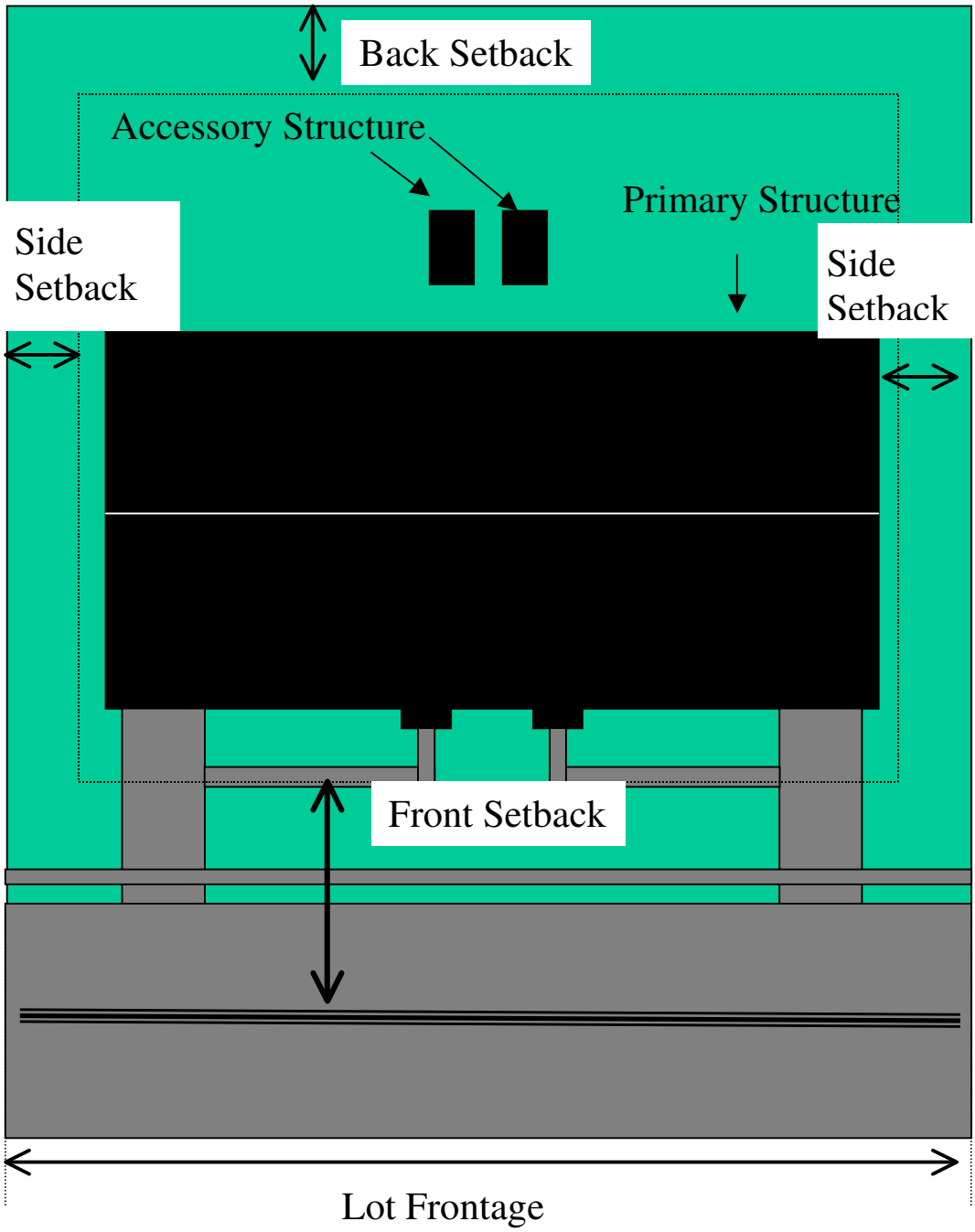

Fig 3-3 R-2 Duplex Lot Diagram

4. Dimensional Requirements Two and Multi-Family Residential (Districts Zoned R-2 (Fig 3-3)

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

5. Manufactured Homes

- **a.** 950 SF Floor Area

D. High-Density Housing Development; R-3

1. Purpose.

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

2. Permitted Uses.

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

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

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

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

5) The business shall be conducted entirely within the residence and not in any accessory building.
6) There shall be no display of goods or other external evidence of the home occupation.
7) There shall be no signage except as permitted in Article 5

b. Other uses the Board of Zoning Appeals deems compatible with the uses permitted in this district.

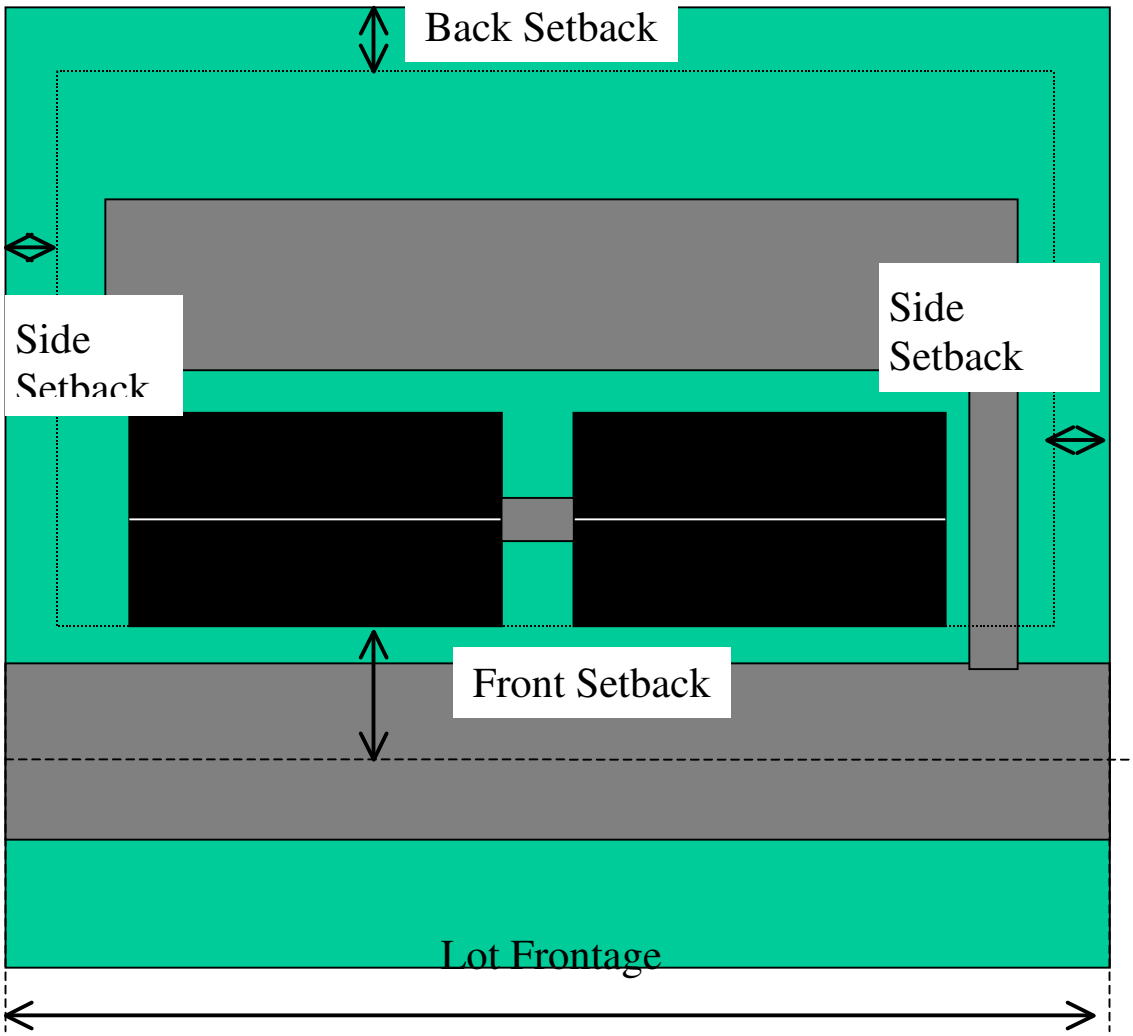

Fig 3-4 R-3 High Density Multi-Family (Apartment) Lot Diagram

4. Dimensional Requirements High Density Multifamily Residential (Districts Zoned R-3) (see Fig 3-4)

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

5. Manufactured Homes in Manufactured Home Parks

E. Neighborhood Business, B-1

1. Purpose.

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

2. Permitted Uses.

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

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

3. Development Standards:

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

4. Conditional Uses.

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

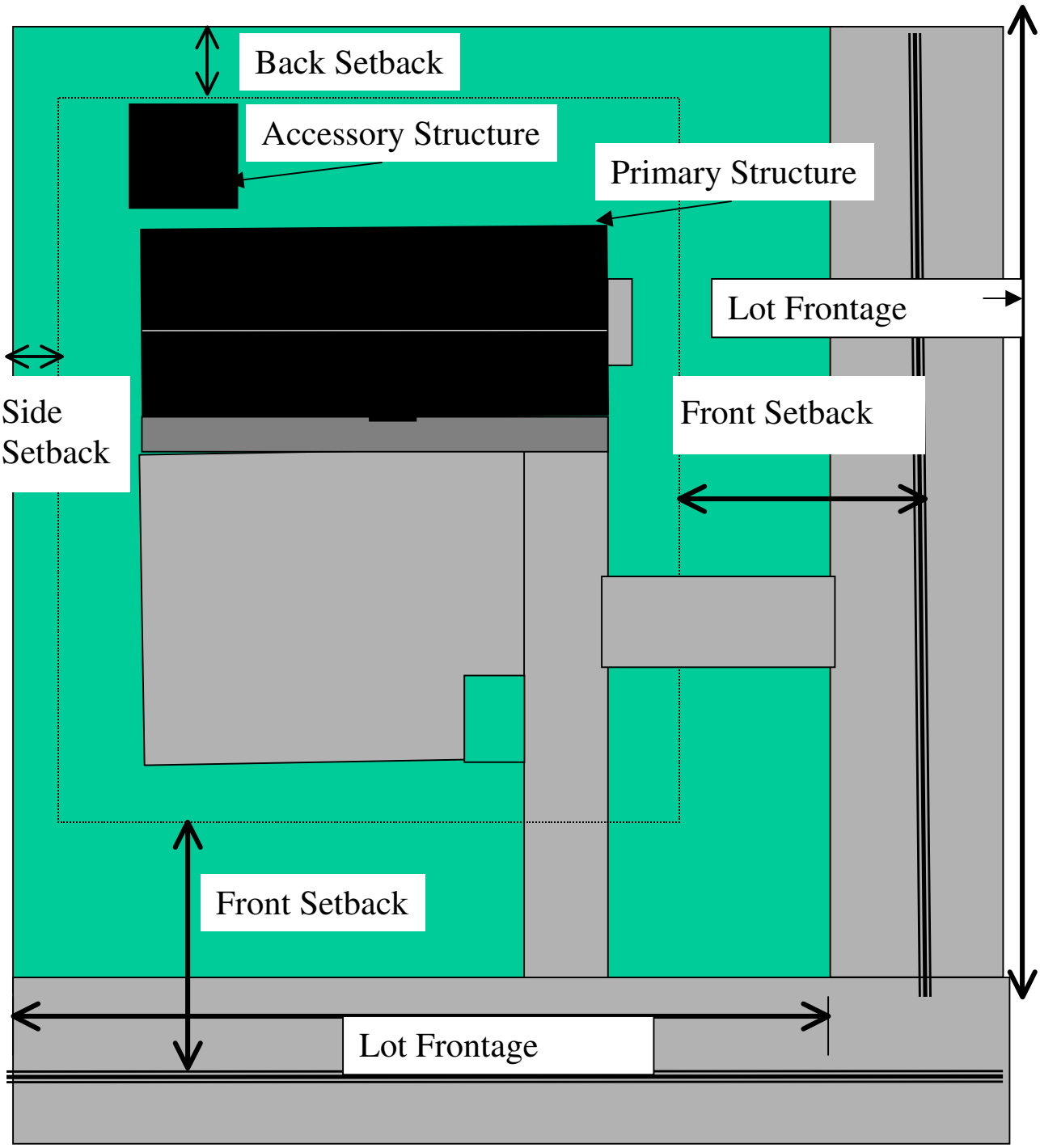

Fig 3-5 B-1Neighborhood Business Lot Diagram

5. Dimensional Requirements Neighborhood Business (Districts Zoned B-1 (see Fig 3-5)

a. Minimum Lot Size requirements

1) Area: 8400 SF
2) Street Frontage: 70 Ft

b. Minimum Setbacks on a City Street (From Centerline)

1) Front: In built up area use the average front setback otherwise 35 Ft
2) Side: 8 Ft (Corner lots have 2 front setbacks)
3) Back: 20 Ft

c. Minimum Setbacks on a County Road (From Centerline)

1) Front: In built up area use the average front setback otherwise 65 Ft
2) Side: 8 Ft (Corner lots have 2 front setbacks)
3) Back: 20 Ft

d. Minimum Setbacks on a State Road (From Centerline)

1) 1. Front: In built up area use the average front setback otherwise 100 Ft
2) 2. Side: 8 Ft (Corner lots have 2 front setbacks)
3) 3. Back: 20 Ft

e. Maximum Lot Coverage (structures and paving): 65%

f. Minimum First Floor Area:

1) Total: 1000 SF per dwelling unit
2) First Floor: 1000 SF per dwelling unit

g. Minimum Width of Primary Structure: 20 Ft

h. Maximum Height

1) Primary Structure: 35 Ft
2) Accessory Structure: 18 Ft
3) Front Yard Fence: 4 Ft (Corner lots have 2 front yards)

F. General Business B-2

1. Purpose

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

2. Permitted Uses.

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

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

3. Development Standards.

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

4. Conditional Uses.

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

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

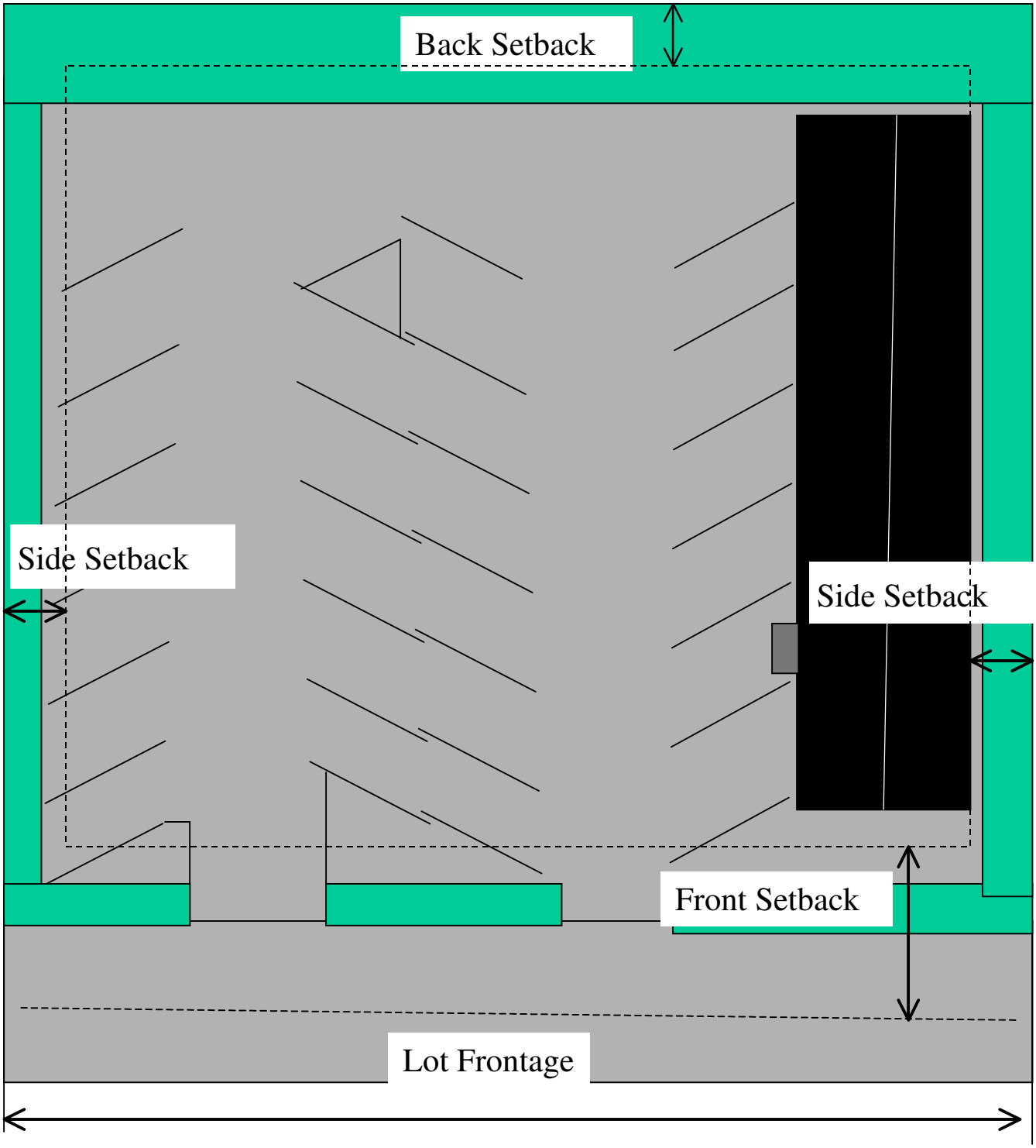

Fig 3-6 B-2 General Business Lot Diagram

5. Dimensional Requirements General Business (Districts Zoned B-2) (see Fig 3-6)

a. Minimum Lot Size requirements
1) Area 10,800 SF
2) Street Frontage: 100 Ft

b. Minimum Setbacks on a City Street (From Centerline)
1) Front: In built up area use the average front setback otherwise 50 Ft
2) Side: 15 Ft (Corner lots have 2 front setbacks)
3) Back: 20 Ft

c. Minimum Setbacks on a County Road (From Centerline)
1) Front: In built up area use the average front setback otherwise 65 Ft
2) Side: 15 Ft (Corner lots have 2 front setbacks)
3) Back: 20 Ft

d. Minimum Setbacks on a State Road(From Centerline)
1) Front: In built up area use the average front setback otherwise 100 Ft
2) Side: 15 Ft (Corner lots have 2 front setbacks)
3) Back: 20 Ft

e. Maximum Lot Coverage (structures and paving): 70%

f. F. Minimum First Floor Area:
1) Total: N/A
2) First Floor: N/A

g. Minimum Width of Primary Structure: 35 Ft

h. Maximum Height
1) Primary Structure: 60 Ft
2) Accessory Structure: 65 Ft

i. Front Yard Fence: 4 Ft (Corner lots have 2 front yards)

G. Highway Business, B-3

1. Purpose.

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

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

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

3. Development Standards.

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

4. Conditional Uses:

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

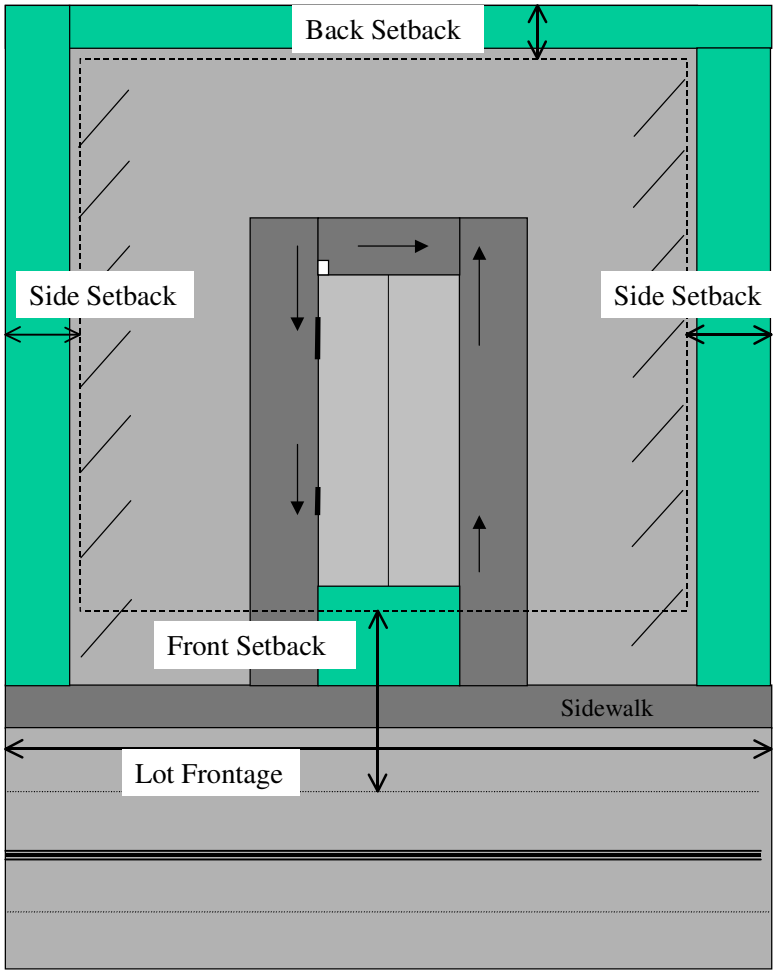

Fig 3-7 B-3 Highway Business Lot Diagram

5. Dimensional Requirements Highway or Travel Related Business (Districts zoned B-3) (see Fig 3-7)

a. Minimum Lot Size requirements
1) Area: 10800 SF 3000 per dwelling unit
2) Street Frontage: 100 Ft

b. Minimum Setbacks on a City Street (From Centerline)
1) Front: In built up area use the average front setback otherwise 50 Ft
2) Side: 15 Ft (Corner lots have 2 front setbacks)
3) Back: 20 Ft

c. C. Minimum Setbacks on a County Road(From Centerline)
1) Front: In built up area use the average front setback otherwise 65 Ft
2) Side: 15 Ft (Corner lots have 2 front setbacks)
3) Back: 20 Ft

d. Minimum Setbacks on a State Road (From Centerline)
1) Front: In built up area use the average front setback otherwise 100 Ft
2) Side: 15 Ft (Corner lots have 2 front setbacks)
3) Back: 20 Ft

e. Maximum Lot Coverage (structures and paving): 70%

f. Minimum First Floor Area:
1) Total: N/A
2) First Floor N/A

g. Minimum Width of Primary Structure: 35 Ft

h. Maximum Height
1) Primary Structure: 40 Ft
2) Accessory Structure: 18 Ft
3) Front Yard Fence: 4 Ft (Corner lots have 2 front yards)

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

1. Purpose.

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

2. Permitted Uses.

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

a. Enclosed wholesaling, warehousing, packaging, storage, or distribution facilities

b. Research and development

c. Religious facilities

d. Accessory uses, including but not limited to retail sales directly related to the industrial use (i.e., factory store), and outside storage that is completely screened from view from the street or from neighboring non-industrial property.

3. Development Standards

a. All operations in this district shall be conducted within enclosed buildings.

b. All uses in this district shall comply with all federal and state air and water quality standards.

c. Development in this district shall be served by a state-approved sewage disposal system.

d. Development in the I-1 District shall comply with all applicable development standards contained in Article 5 of this Ordinance.

4. Conditional Uses.

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

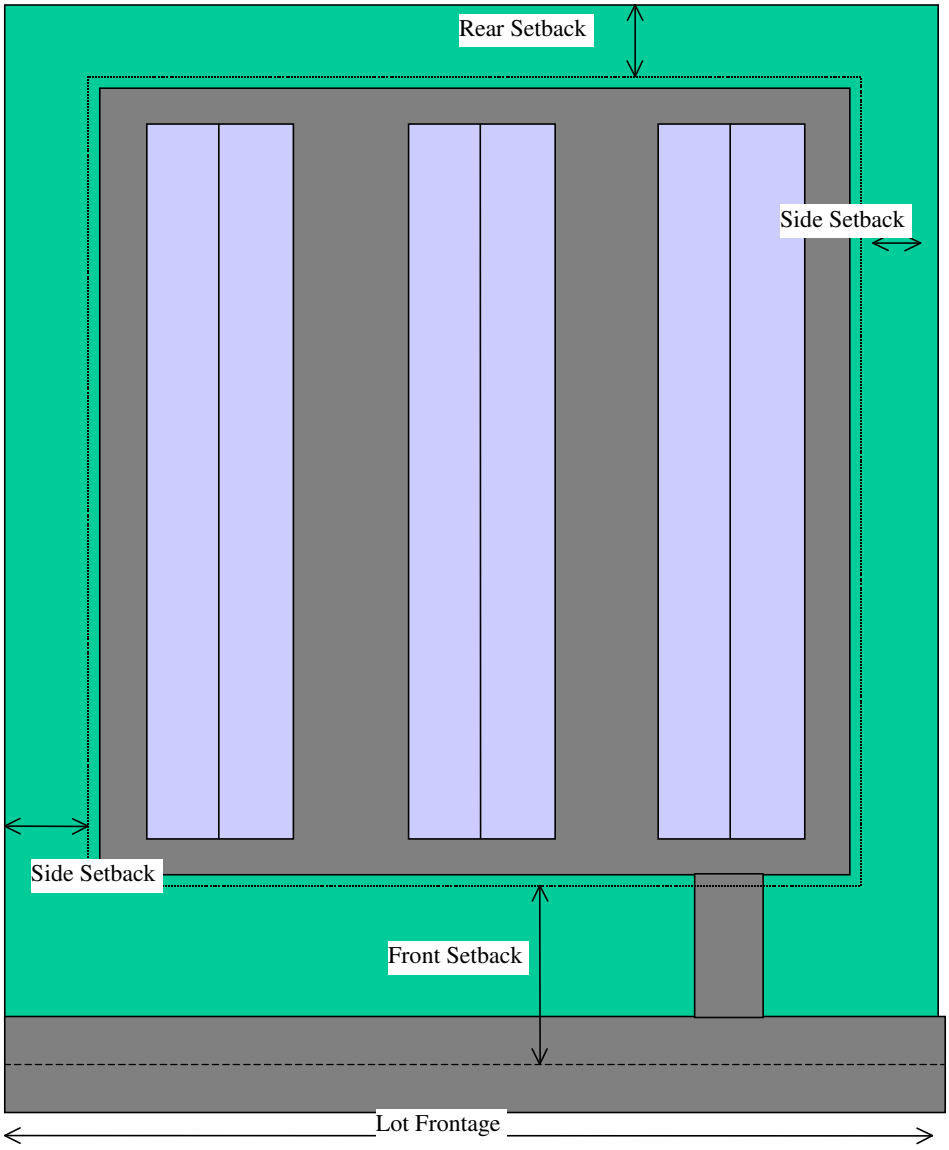

Fig 3-8 I-1 Light Industrial Lot Diagram

5. Dimensional Requirements, I-1 Light Industrial (City and County Districts Zoned I-1) (see Fig 3-8)

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

General Industrial District I-2

1. Purpose.

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

2. Permitted Uses.

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

a. All uses permitted in the I-1 District

b. Manufacturing

c. Any other industrial use meeting the development standards of this Section

3. Development Standards

a. All uses in this district shall comply with all federal and state air and water quality standards.

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

4. Conditional Uses.

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

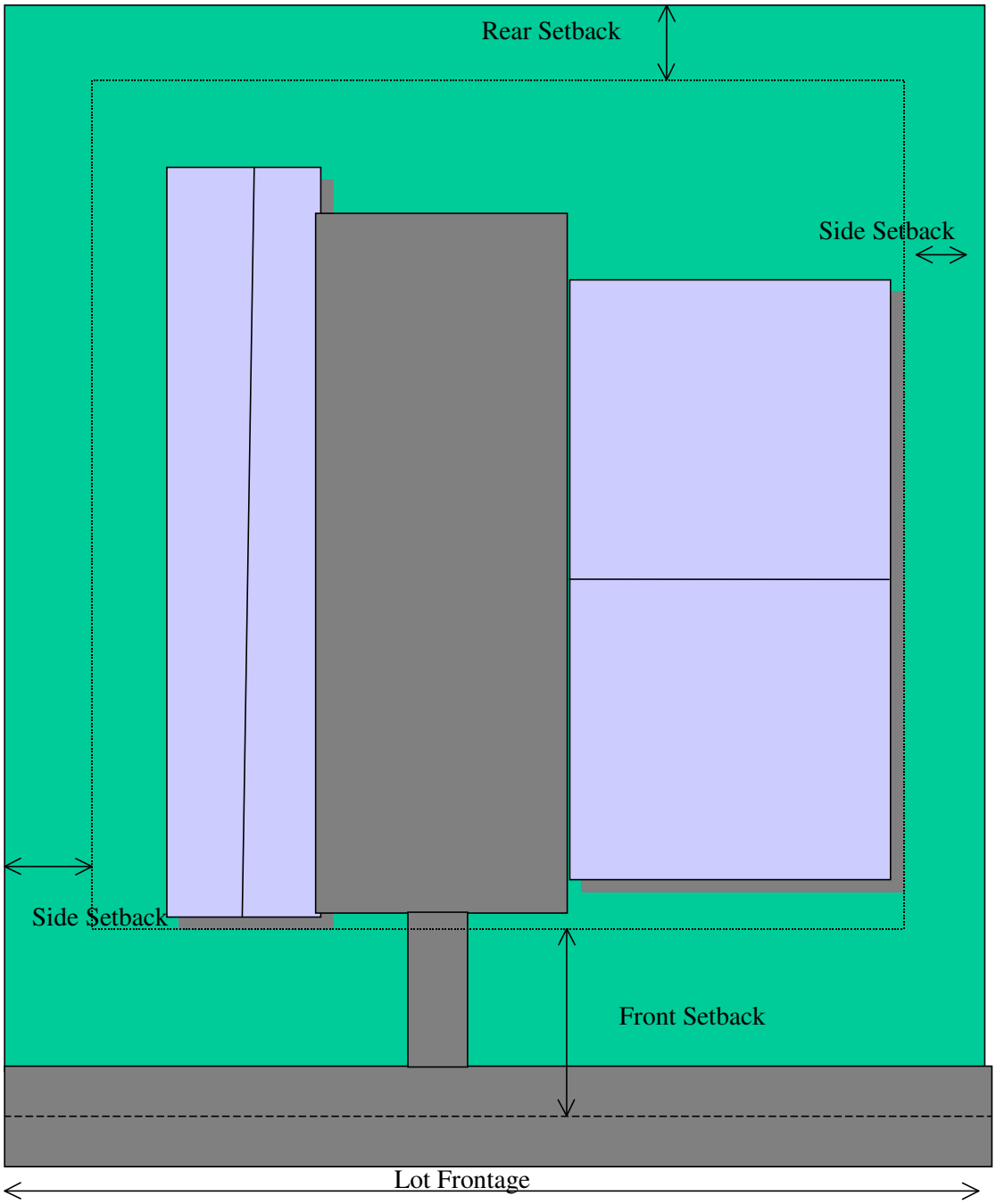

Fig 3-9 I-2 General Industrial Lot Diagram

5. Dimensional Requirements I-2 General Industrial (Districts zoned I-2) see Fig 3-9)

a. A. Minimum Lot Size requirements

1) Area: 2 Acres
2) Street Frontage: 150 Ft

b. Minimum Setbacks on a City Street (From Centerline)

1) Front: In built up area use the average front setback otherwise 50 Ft
2) Side: 30 Ft (Corner lots have 2 front setbacks)
3) Back: 30 Ft
4) Minimum Setbacks on a County Road (From Centerline)
5) Front: In built up area use the average front setback otherwise 65 Ft
6) Side: 30 Ft (Corner lots have 2 front setbacks)
7) Back: 30 Ft

c. Minimum Setbacks on a State Road (From Centerline)

1) Front: In built up area use the average front setback otherwise 100 Ft
2) Side: 30 Ft (Corner lots have 2 front setbacks)
3) Back: 30 Ft

d. Maximum Lot Coverage (structures and paving): 70%

e. Minimum First Floor Area:

1) Total: N/A
2) First Floor N/A

f. Minimum Width of Primary Structure: Ft

1) Maximum Height
2) Primary Structure: 60 Ft
3) Accessory Structure: 35 Ft

I. Waste Disposal Overlay District

1. Purpose. This district is established to provide suitable locations for handling and disposal of wastes on land in Scottsburg or Scott County. Because these uses often are temporary, the underlying zoning remains in effect to govern uses of the land before and after waste disposal activities take place on the property. In establishing this district, the City and County recognize that disposal of waste is an essential function in the community and that the specific requirements of such and operation will vary with the nature of the operation and its location. It is the intent of this district to allow needed flexibility in the siting, development, and operation of waste disposal facilities. It also is the intent of this district to establish regulations, which are necessary to promote the public health, safety, and general welfare of the community.

2. Procedure for Designating Waste Disposal Overlay Districts

a. Application for designation of a Waste Disposal Overlay District shall be made to Scott County Area Plan Commission in the same manner as an amendment to the zoning map. The application shall include the following materials:

1) Legal description of the property included in the request
2) Drawing indicating the existing features of the site and property within one half mile of the site, including significant vegetation, water features, topography, soil characteristics, flood hazard areas, drainage, structures, land uses, zoning, and any other pertinent features
3) Site plan showing the details of the proposed development, including proposed structures, fill areas and maximum heights of fill, borrow areas, access drives, parking areas, screening and /or buffering, and any other similar information the City or County deems pertinent to the request
4) Proposed hours of operation
5) Southeastern Indiana Solid Waste Management District needs assessment finding that Scott County produces sufficient quantities of waste, and that regional waste disposal facilities have insufficient capacity for such waste warranting planning for a waste disposal facility within Scott County..

3. The Plan Commission shall hold a public hearing on the request and make a favorable recommendation, unfavorable recommendation, or no recommendation to the Board of County Commissioners or City Council regarding it. Such hearing shall be conducted in accordance with IC 36-7-4 and with the Commission's Rules of Procedure.

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

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

c. All waste disposal facilities shall be adequately screened and buffered from neighboring land uses. Screening may consist of berms, landscaping, fencing, or a combination thereof. Outdoor storage may not exceed the height of the screen. The County or City may require minimum separation distances between the facility and adjacent land uses.

d. The County or City shall impose such requirements as are necessary to reasonably mitigate adverse effects of waste disposal facilities. Such requirements include, but are not limited to, height limitations, dust control, erosion control, noise control, and limitations on the hours of operation.

e. Signs associated with the waste disposal facility shall comply with the provisions of the Scott County Zoning Ordinance, unless the County or City approves the specific modifications to those regulations as part of the approval of the overlay district.

f. The County or City may require financial guarantees of performance in order to provide assurance that the waste disposal facility will be completed in conformance with the approved plan.

g. The County or City may impose such other conditions as are appropriate and deemed necessary for consistency with the spirit and intent of this ordinance

J. Planned Unit Development (PUD) Overlay District

1. Purpose. This district is established to provide suitable locations for mixed land use developments on land in The City of Scottsburg or Scott County. Because these uses are related to others within the development the underlying zoning remains in effect to govern uses of the land surrounding the development. In establishing this district, the City and County recognize that Planned Unit Developments are a method to control growth, reduce reliance on automobiles and encourage a sense of community. It is the intent of this district to allow needed flexibility in the siting, development, and operation of mixed land uses. It also is the intent of this district to establish regulations, which are necessary to promote the public health, safety, and general welfare of the community.

2. Procedure for Designating Planned Unit Development (PUD) Overlay Districts

a. Application for designation of a Planned Unit Development Overlay District shall be made to Scott County Area Plan Commission in the same manner as an amendment to the zoning map. The application shall include the following materials:

1) Legal description of the property included in the request
2) Drawing indicating the existing features of the site and property within one half mile of the site, including significant vegetation, water features, topography, soil characteristics, flood hazard areas, drainage, structures, land uses, zoning, and any other pertinent features
3) Site plan showing the details of the proposed development, including proposed structures, fill areas and maximum heights of fill, borrow areas, access drives, parking areas, screening and /or buffering, and any other similar information the City or County deems pertinent to the request.

b. The Plan Commission shall hold a public hearing on the request and make a favorable recommendation, unfavorable recommendation, or no recommendation to the Board of County Commissioners or City Council, regarding it. Such hearing shall be conducted in accordance with IC 36-7-4 and with the Commission's Rules of Procedure.

c. In making a favorable recommendation to the Board of County Commissioners or City Council, the Plan Commission may recommend such conditions of approval as it deems appropriate to ensure consistency with the spirit and intent of this ordinance.

d. The Board of County Commissioners or City Council shall approve or deny the request in the same manner as an amendment to the zoning map. The Board of County Commissioners or City Council shall hold a public hearing at the meeting at which the ordinance will be decided. In approving the request, the Board of County Commissioners or City Council may impose such conditions as it deems appropriate to ensure consistency with the spirit and intent of this ordinance. These conditions may be, but are not required to be, those recommended by the Plan Commission.

e. If a Planned Unit Development Overlay District is approved by the Board of County Commissioners or City Council, the property may be developed for said uses only in accordance with the approved plan for the district. Any material changes to said plan must be approved by the Board of County Commissioners or City Council, which may refer proposed changes to the Area Plan Commission for review and recommendation.

f. No construction may be commenced until all required permits are obtained, including, but not limited to, an Indiana Department of Environmental Management permit and an improvement location permit. Construction includes any grading, filling, excavation, structural alterations or other similar activity. Any such activity which is required in order to obtain needed permits, such as soil borings, is excluded from this provision.

3. The Planned Unit Development (PUD) Overlay District may be applied to any underlying zoning district established by the Scott County Zoning Ordinance, provided the proposed Planned Unit Development complies with the requirements of this section and supplementary regulations in Article 5 of this Ordinance.

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

Article 4. Text and Map

A. Official Zoning Map

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

B. Zoning District Boundaries

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

C. Interpretation

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

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

D. Damaged, Destroyed or Lost Official Zoning Map

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

E. Map Maintenance

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

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

F. Zoning Ordinance

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

G. Procedures Governing Amendments

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

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

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

- **a.** In approving written commitments for developmental standards, the legislative body may stipulate that such commitments may not be modified by the Plan Commission without the legislative body's consent. . In making the stipulation, the legislative body shall be deemed to be modifying the written commitments.
- **b.** If the legislative body wishes to initiate or modify the written commitments recommended by the Plan Commission, the legislative body shall refer the new commitments or modifications to the Plan Commission for consideration. The legislative body or commission may require notice and a public hearing if either body regards such notice and hearing to be needed to afford adequate opportunity for public input.
- **c.** After considering the new or modified conditions, the Plan Commission must agree or disagree with the legislative body's action.
- **d.** If the Plan Commission agrees with the new or modified commitments, they take effect immediately.
- **e.** If the Plan Commission disagrees with the new or modified commitments, the commission shall forward them to the legislative body with the reasons for disagreement. The commitments shall take effect only if the legislative body again votes to require said modified commitments.

8. Modifications or termination of commitments after initial zoning - The Plan Commission may modify or terminate written commitments relating to the development standards after notice is provided in accordance with the commissions rules of procedure. The modification may be initiated by the owner of the property, by the commission, or by the legislative body. In such a case such modification must be certified to the legislative body for review and approval. Only one modification to the written commitments may be approved by the Plan Commission per year.

9. Modifications or termination of commitments involving permitted uses may be allowed only through the same procedure as the initial rezoning. In approving, modifying, or terminating commitments, the Commission shall consider the factors listed in IC 36-7-4-603

10. The written commitments shall be recorded in accordance with I.C. 36-7-4-615. Recorded commitments are binding on the owner of the parcel, a subsequent owner of a parcel, and any person who acquires an interest in the parcel. An ordinance amending the zoning map that includes written commitments shall not be effective until the commitments are recorded. After the ordinance is adopted and the commitments are recorded, the zoning map shall be amended to indicate the new district designation with the letter "C" app ended to indicate that commitments accompany the

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

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

Article 5. Supplementary District Regulations

A. Rights of way

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

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

B. Easements

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

C. Buffering

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

Table 5-1
Buffer Setback Requirements

Zoning District/Use	Front Setback (from pavement centerline)		Side or Rear Setback (ft.)
	Road Type	Min. Setback (ft.)	
B-1	State	100	25
	County	80	
	City	50	
B-2	State	120	30
	County	90	
	City	70	
B-3	State	120	30
	County	100	
	City	70	
I-1	State	120	40
	County	100	
	City	70	
I-2	State	120	50
	County	100	
	City	70	
Multifamily	State	100	30
	County	80	
	City	**35**	

1. Setback Measurements

a. Lot lines

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

b. Cul-de-sacs

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

c. Setbacks in Improved Areas

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

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

d. Height Exceptions

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

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

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

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

e. Yard Exceptions

The following are permitted within the setback area:

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

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

4) Architectural projections including, wing walls, belt courses, and bay windows may project into any yard, but such projection shall not exceed 3 feet.

5) Ornamental fences, walls and structural screens may be permitted in any required side or rear yard or setback distance, in accordance with the accessory structure height requirements of the respective zone district.

6) Ornamental fences, walls and structural screens may be permitted in any required side yard in accordance with the accessory structure height requirements of the respective zone district; provided, that no fence, wall, or structural screen in a front yard toward which a structure is oriented may be allowed to exceed 48" in height. The height shall be determined by measurement perpendicular from the nearest ground level.

7) Nothing contained in this section shall be deemed to prohibit the erection or maintenance of an open fence in connection with agricultural uses, recreation use or the public safety or a security fence in nonresidential districts.

8) The provisions of this section shall not apply to retaining walls.

f. Subdivision Exception

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

D. Parking and Loading

1. Permanent off-street automobile parking spaces shall be provided in accordance with the requirements of this section.

2. Each automobile parking space shall be a minimum of 9 feet by 18 feet.

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

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

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

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

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

Table 5-3 PARKING SPACE REQUIREMENTS		
Use		**Minimum No. of Required Spaces**
Community Center Uses, including clubs, lodges, community centers, libraries, museums and similar places of assembly		1 space for each 100 square feet of assembly area
Drive-through Uses (other than restaurants), including banks, dry cleaners, and similar uses		1 space for each 400 square feet of gross floor area, plus stacking spaces as required in Article 5, Section D.
Dwelling Unit		2 spaces
For employees		1 space per employee
Funeral Service		1 space for each 35 square feet of seating area
Group Housing, including rooming and boarding houses, dormitories, fraternities and sororities, elderly housing, halfway houses, nursing homes and similar group quarters		1 space for each 2 beds, sleeping units, rooming units or dwelling units plus 1 space for each 100 square feet of assembly or common area
Health Club Uses, including athletic clubs and spas		1 space for each 400 square feet of gross floor area
Health Uses, including hospitals, in-patient clinics, and similar uses		1 space for each patient bed
Hotel Uses, including hotels, motels, apartment hotels and other facilities for the transient public		1 space for each guest room
Higher Education Uses, including colleges, universities, professional schools, junior colleges, and vocational schools		0.8 spaces for each student, based upon the maximum number of students attending classes on the premises during any 24-hour period. If the school provides on-site housing, the requirement may be reduced to 0.5 spaces for each student
Industrial Uses, including manufacturing and similar uses, not catering to the retail trade	Less than 3000 square feet	1 space for each 250 square feet of gross floor area
	3000 to 5000 square feet	1 space for each 500 square feet of gross floor area
	5001 to 10,000 square feet	1 space for each 750 square feet of gross floor area

Table 5-3 PARKING SPACE REQUIREMENTS		
Use		**Minimum No. of Required Spaces**
	More than 10,000 square feet	1 space for each 1,250 square feet of gross floor area
Open Air Business Uses		1 space for each 1,000 square feet of outdoor storage/display area
Professional Office Uses	Medical and Dental	1 space for each 200 square feet of gross floor area
	Other	1 space for each 300 square feet of gross floor area
Religious Facility	Place of worship	1 space for each 4 seats in the sanctuary
Restaurant Uses	Drive-through or fast-food	1 space for each 75 square feet of gross floor area plus stacking spaces as required by this Article
	General	1 space for each 100 square feet of gross floor area
Retail Uses	Furniture, appliances or other large consumer goods	1 space for each 500 square feet of gross floor area
	Convenience stores	1 space for each 200 square feet of gross floor area
	Other retail	1 space for each 250 square feet of gross floor area
Schools	Elementary or middle school	3 spaces for each classroom for staff
	High school	3 spaces for each classroom for staff 0.3 spaces per student based on capacity
Theater Uses, including auditoriums, movie theaters, performing arts facilities, and sports arenas		1 space for each 4 seats
Warehouse	Mini-warehouse	1 space for each 50 lockers or each 10 pods/bays

Table 5-3 PARKING SPACE REQUIREMENTS		
Use		Minimum No. of Required Spaces
	General	1 space for each 750 square feet of gross floor area

6. The minimum required number of off-street parking or loading spaces shall be calculated as follows:
   a. If the unit of measurement is any fraction of the unit specified in relation to the number of spaces to be provided, such fraction shall be considered as being the next unit and shall be counted as requiring one space.
   b. In sports arenas, religious facilities and other places of assembly in which patrons occupy benches, pews or other similar seating facilities, each 20 inches of such seating shall be counted as one seat for the purpose of determining requirements hereunder.
   c. In the case of open floor areas used for temporary seating purposes, an area of 16 square feet usable for seating shall be counted as one seat for the purpose of determining requirements hereunder.
   d. For uses involving more than one activity (i.e., manufacturing and office, office and retail, automobile service and convenience store), the requirements for each use shall be calculated separately and then aggregated.

7. The Board of Zoning Appeals may permit special parking arrangements, such as shared parking, small car parking, and overflow parking, as a conditional use upon a finding that such arrangement is consistent with the spirit and intent of this ordinance and that such finding complies with all applicable criteria for the conditional use.
8. For any use not listed, the Executive Director shall make a determination as to the required number of parking spaces. In making this decision, the staff shall consider the number of spaces required for similar uses and available studies as to the number of spaces needed to accommodate the use.
9. Accessible Parking for Physically Challenged Persons
   a. A portion of the total number of required off-street parking spaces in each off-street parking area shall be specifically designated, located and reserved for use by persons with physical challenges.
   b. The minimum number of accessible spaces to be provided shall be a portion of the total number of off-street parking spaces required, as determined from the following exhibit. Parking spaces reserved for persons with physical challenges shall be counted toward fulfilling off-street parking standards. Spaces shall be provided in accordance

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

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

c. Minimum Dimensions

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

d. Car-Accessible Spaces

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

e. Van-Accessible Spaces

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

10. Location of Spaces

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

11. Signs and Marking

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

E. Off-Street Loading Requirements

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

Table 5-5
LOADING SPACE REQUIREMENTS

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

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

a. Parking and Loading Space Specifications

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

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

4) No repair work, sales or service of any kind shall be permitted in association with accessory off-street parking facilities unless such facilities are enclosed in a building and otherwise permitted in the zone district.

5) All open off-street parking and loading areas, including driveways and other circulation areas, shall be surfaced with an all-weather paving material to adequately provide a durable and dust-free surface which shall be maintained in good condition and free of weeds, dirt, trash and debris.

6) Parking areas shall be graded and properly drained in such a manner that there will be no free flow of water onto either adjacent property or public sidewalks.

F. Temporary Uses

1. General

a. Temporary uses shall be subject to applicable time limits as provided in this section.

b. Temporary uses shall be subject to all the regulations of the applicable zone district.

c. Applications for renewal shall be subject to all applicable provisions of this Section.

2. Permitted Temporary Uses

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

a. Temporary office, model home or model apartment and incidental signs therefore, both incidental and necessary for the sale, rental or lease of real property in the zone district, for a maximum of twenty-four (24) months.

b. Concrete batching plant, both incidental and necessary to construction in the zone district, for a maximum of twenty-four (24) months

c. Temporary building or yard for construction materials and equipment, both incidental and necessary to construction in the zone district, for a maximum of twenty-four (24) months.

d. Use of a parking lot for a designated special event for a maximum of thirty (30) days in any calendar year.

e. Bazaars, carnivals, rummage or garage sales and similar temporary uses for a maximum of ten (10) consecutive days and no more than twenty (20) days in any calendar year.

f. Seasonal sales, such as Christmas trees or fireworks, for a maximum of (60) days

g. Parking of recreational vehicles for visitation for a maximum of fourteen (14) days.

h. Emergency or temporary parking or stopping of a recreational vehicle is permitted on any street or highway for not longer than twenty-four (24) hours; provided, that such parking or stopping shall be subject to any prohibitions or limitations imposed by the traffic and parking regulations for such street or highway.

i. A recreational vehicle temporarily parked or stored in the open in connection with the following:

1) A public health program sponsored by a public health department
2) A program sponsored by any unit of government.
3) A carnival or other public affair or function authorized by proper authority.

j. Construction trailers for storage of materials or as a temporary office, for no more than twenty-four (24) months, subject to the following regulations:

1) There shall be a valid permit for construction of a permanent building or structure on the site.
2) The construction trailer shall be situated at the construction site and occupied only by persons directly engaged in the supervision of the construction of the structure or development.
3) The construction trailer shall meet all yard and setback requirements of the district in which the construction trailer is located.
4) The construction trailer shall comply with all health and sanitary regulations of the County Health Department and the State Board of Health.
5) Temporary connection to the electrical utility system shall be made in a manner approved by the Building Official.

k. Other similar uses deemed temporary by the Board of Zoning Appeals and attached with such time period, conditions and safeguards as the Board may deem necessary.

3. Standards for Temporary Uses

a. Adequate access and off-street parking facilities shall be provided.

b. No public address systems or other noise producing devices shall be permitted in a residential district from 7 PM to 9 AM.

c. Any floodlights or other lighting shall be directed upon the premises and shall not be detrimental to adjacent properties.

d. The property shall be put in clean conditions devoid of temporary use remnants upon termination of the temporary period.

G. Public Utility Use or Structures

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

H. Signs

1. Purpose

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

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

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

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

2) The height of a sign shall be the vertical distance from finished grade at the base of the sign to the highest point on the sign structure.

3) The setback distance shall be measured from the property line to the closest element of the sign.

b. No portion of any sign may be erected within ten (10) feet of the edge of the pavement or from the curb.

c. Permitted free-standing signs shall include the following types of signs:

1) Pole signs.

2) Ground signs.

3) Monument signs.

4) "A" shaped sidewalk signs common in the historic square

d. Free-standing signs shall be located no closer to the side property line than a distance fifteen (15) feet or the setback required by another subsection, whichever is larger.

e. Free-standing signs shall be no greater than ten (10) feet in height, except as otherwise permitted in this section.

~~f.~~ No portion of any sign may be erected so as to obstruct sight lines along any right-of-way or so as to obstruct sight lines to traffic control devices, street name signs at intersections, directional signs, or signals and/or railroad grade crossings

4. Maintenance

a. All signs shall be maintained in a state of good repair, including,, but not limited to,, repair of defective parts, painting and cleaning. The replacement of the structural members of a non-conforming sign for the purpose of extending the life of such non-conforming sign, shall not constitute maintenance as defined in this section, but shall be considered as new construction and must, therefore, satisfy all requirements of this Ordinance.

b. The owner of any property on which a sign is located, and those responsible for maintenance of the sign, shall be jointly responsible for the maintenance of the area in the vicinity of the sign and shall be required to keep this area mowed in accordance with County or City standards and maintained in a safe, clean and sanitary condition, free of noxious or offensive substances and rubbish.

c. When any sign or adjacent area is not maintained within the provisions of this Ordinance, or determined otherwise unsafe, the Director or authorized representative shall send written notice to both the owner of the property on which such sign is located and the sign owner. Notice shall direct the owners to remove, repair or alter the sign or to maintain the property in accordance with County or City standards. If said sign is not removed, replaced, or altered, or

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

5. Nonconforming Signs

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

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

a. There shall be no increase in the size of the sign face or an increase in the height of the sign;

b. The sign shall not be relocated from its original place of installation;

c. If the sign is removed for any reason other than fire or a storm, it shall not be replaced;

d. Any sign that is obsolete as defined in Subsection 5 G 16, Prohibited Signs shall not be permitted to continue nor be replaced for any reason.

6. Exempt Signs

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

a. Holiday Decorations

b. Integral Signs as defined in Article 11.

7. Business Identification Sign

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

8. Damaged Sign Replacement

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

9. Parking Signs

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

10. Private Traffic Directional Signs

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

11. Public Signs

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

12. Nameplate

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

13. Historical Markers

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

14. Window Signs

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

15. Accessory Signs

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

16. Prohibited Signs

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

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

n. Signs that purport to be, or are an imitation of, or resemble, an official traffic sign or signal, or that bear the words "Stop," "Go Slow," "Caution," "Danger," "Warning," or similar words .

o. Signs that by reason of their size, location, movement, content, coloring or manner of illumination, may be confused with or construed as a traffic control sign, signal, or device, or the light of an emergency or road equipment vehicle, or that hide from view any traffic or roadway sign, signal or device.

17. Temporary Signs

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

18. Portable Signs (including "a-frame" and "arrow" signs)

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

19. Garage Sale Signs

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

20. Construction Signs

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

21. Real Estate Signs

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

22. Street Banners

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

23. Subdivision or Multifamily Construction Signs

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

24. Inflatable Signs

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

25. Produce Signs

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

26. Campaign Signs

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

27. Sign Illumination

a. Sign illumination shall be designed so as not to cause glare that may result in traffic hazards or interfere with the customary use and enjoyment of nearby residences, in accordance with Article 5, Sign Performance Standards, of this Ordinance.

b. For externally illuminated signs, lighting shall be mounted on top of the sign and directed downward towards the copy in order to prevent spillover onto surrounding uses or into the night sky.

c. In residential districts, only nameplates, bulletin boards used by religious facilities or public buildings, and permanent, on-site subdivision identity signs may be illuminated. In nonresidential districts, all signs may be illuminated provided they meet other provisions established in this Ordinance.

d. Signs displaying electronically changing or animated messages are permitted, provided that the following criteria are met:

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

I. Sign Performance Standards by Zoning District

1. Residential

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

a. For each duplex and/or multi-family building, one (1) nameplate per dwelling unit, not to exceed two (2) square feet in area, is permitted.

b. One (1) free-standing sign for a religious facility, school, municipal building or other public building, not exceeding thirty-two (32) square feet in area, and one (1) wall sign, not exceeding one and one-half (1½) square feet in area for each lineal foot of building frontage shall be permitted; however, in no instance shall the total wall sign area exceed fifty (50) square feet.

c. Home occupations are permitted one (1) nameplate not to exceed two (2) square feet in area. The nameplate is to be affixed to the exterior wall of the dwelling adjacent to the entrance to the home occupation

d. Signs listed under Exempt Signs and Temporary Signs are permitted; however, portable signs, including A-frame and arrow signs, are prohibited.

e. One (1) free-standing identification sign for a subdivision or multifamily project is permitted. Such sign shall not exceed thirty-two (32) square feet in area. In the event there is more than one entrance or the subdivision or multifamily project fronts on more than one public street, additional signage may be permitted as a conditional use by the Board of Zoning Appeals.

2. Business and Industrial

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

a. Free-standing buildings, not in an unenclosed shopping center or enclosed shopping mall, including free-standing buildings located at unenclosed and enclosed shopping centers:

1) Only one (1) freestanding sign shall be permitted for each lot. The sign shall not exceed sixty four (64) square feet in area.
2) Wall sign. No specific limit is imposed on the number of wall signs; however, the total maximum sign area for all wall signs on a given building frontage shall be two (2) square feet in area

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

3) Projecting signs may be used instead of wall or freestanding signs, provided that they do not project beyond the property line or public right-of-way line and maintain a clearance of ten (10) feet over pedestrian areas.

b. Unenclosed Shopping Centers

1) One (1) freestanding sign shall be permitted for the shopping center, and shall meet the following requirements:

(a) Mall designation sign shall have a maximum face area of one hundred (100) square feet.

(b) Where there is more than one entrance, one (1) additional freestanding sign shall be permitted. The distance between signs shall be at least five hundred (500) feet.

(c) Wall sign. No specific limit is imposed on the number of wall signs per business within the unenclosed shopping center; however, the total maximum sign area for all wall signs for a single business shall be two (2) square feet in area for each lineal foot of building frontage. In no case shall the sign area for all signs for a single business exceed one hundred (100) square feet in area.

c. Enclosed Mall Shopping Centers

1) One (1) free-standing sign shall be permitted for the shopping center, and shall meet the following requirements:

(d) Such sign shall have a maximum face area of three hundred (300) square feet.

2) Where a shopping center has in excess of six hundred (600) feet of frontage along any street or highway right-of-way, one (1) additional freestanding sign shall be permitted. The distance between signs shall be at least five hundred (500) feet.

3) Wall signs shall be permitted on each wall facing the enclosed mall shopping center's parking lot. There is no specific limit on the number of wall signs; however, the total maximum sign area for all wall signs shall be two (2) square feet for each linear foot of building frontage. In no case shall the total sign area for all wall signs exceed four hundred (400) square feet in area for each wall.

d. Business, Commercial and Industrial Parks

1) One (1) freestanding sign shall be permitted for business, commercial or industrial parks, and shall meet the following requirements:

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

e. Off-Premises Signs (Billboards)

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

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

Table 5-5
Off-Premises Sign Setback, Height, Area

Minimum Setback	Maximum Height	Maximum Area
40 feet from all lot lines	50 feet	672 sq. ft./side

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

f. High-Rise Signs

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

Table 5-6
High-Rise Sign Height, Setback, Area

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

g. Conditional Uses

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

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

J. Site Standards

1. Landscaping

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

~~**a.**~~ A 10-ft landscape area shall be provided along all street frontages. At least 80% of such area shall be covered by living plant materials

b. Parking areas for 100 or more vehicles shall include landscaped islands planted with trees at a rate of no less than one tree for every 40 parking spaces,

c. Wherever screening is required by this ordinance, such screen shall consist of living plant materials that will form an opaque screen at least six feet in height within three years.

d. Wherever a landscape buffer is required, such buffer shall contain shrubs, trees, or a combination thereof that cover at least 80% of the buffer area with living landscape material..

K. Drive-In Business

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

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

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

M. Dwellings

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

N. Manufactured Housing

1. Single-family Dwellings

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

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

O. Other Manufactured, Modular or Mobile Homes

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

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

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

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

a. The development shall contain at least 5 acres. Lot sizes shall conform to the zoning district in which the development is located.

b. The primary entrance to a dwelling shall be facing the street, unless otherwise required for handicap access.

1) The roof pitch shall not be less than 3:12 (nominal).

2) Every dwelling unit shall comply with the "International Residential Code" as it pertains to foundation, roofing and siding

Q. Manufactured Home Parks (lots are rented)

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

a. Permitted Uses

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

b. Dimensional and Intensity Standards

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

c. Development standards

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

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

R. Campgrounds and Recreational Vehicle Parks

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

Table 5-10
OCCUPANCY LIMITS
CAMPGROUNDS AND RV PARKS

Type of Camping Unit	Maximum Occupancy Time
Recreational vehicle (not permanently sited)	6 months/calendar year
Cabin	6 months/calendar year
Tent or other temporary abode	60 days per visit 48 hours between visits

   - b. Dimensional Requirements

Table 5-11
Dimensional Requirements
Campgrounds and Parks

Use	Minimum Area	Maximum Density	Minimum Width
Campground or RV Park	3 Acres	10	50’
RV or cabin campsite	3 Acres	30	35’
Other campsite	3 Acres	50	25’

c. Development Standards

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

S. Floodplain Regulations

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

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

T. Wireless Communication Facilities

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

1. Location

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

b. All guy mast towers and self-supporting towers greater than 180 feet shall be situated on the site to self contain all debris resulting from tower failure. In all cases, the tower shall be located no closer to the lot line than 66 percent of the tower height plus 25 feet. Also, in all cases, the guy wire anchors shall be located a minimum of 25 feet from the lot line or the prevailing yard requirement in Article 5 B & C, whichever is greater.

c. To protect from falling ice or parts, guyed towers shall be located a minimum of 1.25 feet for every foot of height from any public road right-of-way, residentially used parcel or home, occupied building, recreational field or playground. The Plan Commission may apply the criteria in this subsection to other structures or land if determined necessary to safeguard human life.

d. Towers greater than 180 feet in height shall be located a minimum distance of 1,500 feet from any residential subdivision.

e. The height of tower apparatus shall not be utilized in determining the setbacks required by this section. All tower apparatus shall be securely fastened to minimize noise emissions or damages from falling. Towers of 180 feet or less shall not exceed a total height of 200 feet, including attached tower apparatus.

2. Maintenance

a. All towers and sites shall be properly maintained and shall be kept in a condition as not to become a public nuisance or eyesore. Proper maintenance shall include but not be limited to regular lawn and landscaping care, painting of an accessory building, fences, and tower. Additionally, the site shall be kept free of junk and trash.

b. Any tower declared to be a public nuisance due to poor maintenance, noise emissions, or other situation shall be a violation of this Ordinance.

3. Co-location, Use, and Documentation

a. An application for a permit to erect a tower must include documentation showing that there is a need for tower space in the area of the proposed tower. New towers shall not be constructed except upon a showing of significant need.

b. The applicant shall have the burden of proving significant need by a preponderance of the evidence showing that the following criteria are met:

1) The proposed tower will replace an existing similar (i.e., height and other characteristics) tower in the County or City that has been or will be removed.

2) The proposed additional antennas cannot be placed on existing towers.

3) Existing towers in Scottsburg or Scott County cannot be re-engineered to accommodate additional antennas.

4) Existing towers cannot be extended to accommodate additional antennas.

5) Another communication technology in lieu of towers with antennas is not available.

6) A site containing an existing tower cannot accommodate an additional tower.

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

U. Sexually Oriented Businesses

1. Purpose

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

2. Prohibitions

a. The establishment, enlargement, reconstruction, resumption or structural alteration of any sexually oriented business shall be prohibited if such business is within three hundred (300) feet of another such business or within one thousand (1000) feet of any existing religious facility, school, park, or single-family (R-1), two-family (R-2) or high-density (R-3) residential district within the jurisdiction of the Scott County Area Plan Commission.

b. No sexually oriented business shall be established, enlarged, reconstructed, resumed or structurally altered unless the site or proposed site is located in a Light Industrial District (I-1) or a General Industrial District (I-2).

c. Adult cabarets, video viewing booths or arcade booths, as defined herein, are prohibited in all sexually oriented businesses in all zoning districts within the jurisdiction of the Scott County Area Plan Commission.

3. Measurement

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

b. The distance between a sexually oriented business and any religious facility, school, park, or residential zoning district (R-1, R-2 or R-3) shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior structural wall of the sexually oriented business to the nearest property line of the religious facility, school, park, or residential zoning district.

4. Exterior Display

a. No sexually oriented business shall be conducted in any manner that permits the observation of any material depicting, describing or relating to specified sexual activities or specified anatomical areas by display, decoration, sign, show window, or other opening from public view.

b. Sexually oriented businesses shall strictly comply with all regulations governing signs under Article 5 of this Ordinance.

5. Definitions

For purposes of this section, the following definitions apply:

a. Adult Cabaret: Any business, building, or portion thereof that features dancing or other live entertainment that is distinguished or characterized by the exhibition of "specified sexual activities" or "specified anatomical areas" for observation by customers or patrons.

b. Sexually Oriented Business: Any business establishment where all or part of the business is devoted to the offer for sale or view of material, sexually oriented toys or novelties, or performances that show "specified anatomical areas" or "specified sexual activities."

c. Specified Anatomical Areas: Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areolae; or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

d. Specified Sexual Activities: any of the following: human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; fondling or other erotic touchings of human genitals, pubic regions, buttocks or female breasts; flagellation or torture in the context of a sexual relationship; masochism, erotic or sexually oriented torture, beating or the infliction of pain; erotic touching, fondling or other such contact with an animal or latent object by a human being; or human excretion, urination, menstruation, vaginal or anal irrigation as part of or in connection with any of the activities set forth herein.

e. Sexually Oriented Toys or Novelties: Any instruments, devices, or paraphernalia either designed as representations of human genital

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

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

Article 6. RESERVED

Article 7. Nonconforming Uses

A. General Provisions

1. Purpose and Intent

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

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

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

a. Recognize the interests of property owners in continuing to use their property;

b. Promote reuse and rehabilitation of existing buildings; and

c. Place reasonable limits on the expansion and alteration of nonconformities that have the potential to adversely affect surrounding properties or the community as a whole

2. Applicability

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

3. Continuation Permitted

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

4. Determination of Nonconforming Status

a. The burden of establishing a legal nonconforming use rests with the party asserting the existace of such use..

b. An illegal nonconforming use shall not be validated by the adoption of this Ordinance.

c. The casual, intermittent, temporary or illegal use of land, buildings or premises shall not be sufficient to establish the existence of a nonconforming use and the existence of a nonconforming use on part of a lot or tract shall not be construed to establish a nonconforming use on the entire lot or tract.

5. Repairs and Maintenance

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

6. Nonconforming Use

a. Existing Nonconforming Use

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

7. Change of Use

a. Change to Conforming Use

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

b. Change to Other Nonconforming Use

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

c. Substitution of New Equipment

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

8. Expansion of use

a. Any legal nonconforming use of a structure may be extended throughout any parts of a building that were plainly arranged or designed for such use before the effective date of this Ordinance or amendment thereto.

b. No nonconforming outdoor or open-air use of land may be expanded nor extended to other parts of the property.

c. No building or structure or addition thereto may be constructed in connection with a nonconforming use.

9. Loss of Legal Nonconformity Status

a. Discontinuance or abandonment

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

b. Damage or Destruction

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

10. Residential Uses Excepted

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

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

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

c. Legal Lots of Record

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

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

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

11. Off-premises signs (billboards)

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

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

Article 8. Administration

A. General

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

B. Staff Powers and Duties

a. Executive Director

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

b. Staff

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

c. Inspections

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

d. Correction of Violations

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

e. Interpretation

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

C. Authority of Plan Commission and Board of Zoning Appeals

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

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

D. Improvement Location Permits.

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

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

Article 9. Board of Zoning Appeals

A. Rules and Records

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

B. Stays Pending Appeals.

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

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

C. Appeals of Administrative Decisions.

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

D. Conditional Uses

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

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

d. Before any conditional use shall be issued, the Board shall make written findings certifying compliance with the specific regulations governing individual conditional uses, and that satisfactory provision and arrangement has been made concerning the following, where applicable:

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

E. Variances**.**

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

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

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

F. Administrative Powers, Conditions and Commitments

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

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

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

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

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

2. Commitments

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

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

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

G. Appeal on Writ of Certiorari.

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

Article 10. Violations and Penalties

A. Civil Zoning Violation

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

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

B. Nuisance Declared

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

C. Ordinance Violation

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

D. Complaint

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

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

E. Penalties

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

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

1. Corrective Actions

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

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

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

b. Electing to Stand Trail

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

c. Fines

Fines for a civil zoning violation are as follows;

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

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

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

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

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

F. Referral

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

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

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

G. Injunction

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

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

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

H. Change of Venue

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

I. Timeline

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

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

Article 11. Definitions

A. Meaning and Intent

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

B. Text Controls

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

C. Lists and Examples.

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

D. Computation of Time

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

E. References to Other Regulations, Publications and Documents

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

F. Public Officials and Agencies

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

G. Delegation of Authority

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

H. Technical and Non-Technical Words

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

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

I. Mandatory and Discretionary Terms

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

J. Conjunctions

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

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

K. Tense and Usage

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

L. Gender

The masculine shall include the feminine, and vice versa.

M. Defined Words:

The following terms shall have the following meanings:

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

Accessory Building, or Structure: A structure detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Building Height: See Structure Height.

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

BZA: See Board of Zoning Appeals.

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

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

City: The City of Scottsburg, Indiana.

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

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

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

Commission: The Scott County Area Plan Commission.

Commissioners: The Scott County Board of Commissioners

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

Conditional Use: A land use permitted within a district only when approved by the Board of Zoning Appeals.
Couincil: The Common Council of The City of Scottsburg, Indiana
County: Scott County, Indiana.
Cul-De-Sac: A street having one (1) end open to traffic and being permanently terminated by a vehicular turnaround at the other end.
Detached Building: A building that has no structural connection with the primary building or any other building or structure
Developer: The owner or legal representative of land, proposed to be subdivided or residentially/commercially/industrially utilized.
Discontinuance: The cessation of the use of the property for a continuous period of one year by the owner with the intention neither of transferring rights to the property to another owner nor of resuming the use of the property.
District: Areas within Scottsburg or Scott County for which uniform zoning regulations governing use, height, area, size, intensity of use of building and land, and open spaces about building, are established by this Ordinance. Districts are drawn on the Official Zoning Map.
Domestic Pets: Animals commonly used as household pets, protection, companions, and for assistance to disabled persons. Domestic pets shall include animals that are created for and treated in a manner acceptable for pet dogs, cats and birds. Domestic pets shall include, but not be limited to, dogs, cats, parakeets, parrots, finches, lizards, spiders, guinea pigs, hamsters, gerbils, rats, mice, rabbits, aquarium fish, ferrets, and snakes if cared for in the manner described above.
Duplex: See Dwelling, Two-Family.
Dwelling: A structure or portion thereof that is used exclusively for human habitation.
Dwelling, Single-family: A building that contains one dwelling unit and is not attached to any other dwelling unit.
Dwelling, Two-family: A building that contains two dwelling units totally separated from each other by an unpierced wall (firewall) extending from ground to roof.
Dwelling, multifamily: A building containing three or more dwelling units, including units that are located one over the other.
Dwelling Unit: Any structure or portion thereof designed for or used for residential purposes as a self-sufficient or individual unit by one (1) family or other social association of persons and having permanently installed sleeping, cooking, and sanitary facilities.
Easement: A grant by a property owner to specific persons, the general public, corporations, utilities, or others, for the purpose of providing services or access to the property.
Executive Director: The officer appointed by and/or delegated the responsibility for the administration of this Ordinance's regulations by the Plan Commission.
Expressway: Any roadway that operates at a high service level, consists of limited access, is divided, carries region-wide traffic and is generally classified as part of the interstate system.

Family: A group of individuals not necessarily related by blood, marriage, adoption, or guardianship living together in a dwelling unit as a single housekeeping unit under a common management plan based on an intentionally structured relationship providing organization and stability. . This definition does not include a group occupying a hotel, motel, club, nurseing home, dormitory, or fraternity or sorority house.

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

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

Foundation: The supporting member of a wall or structure.

Front Setback:

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

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

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

Frontage: See Lot Frontage.

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

Ground Sign: Any sign, other than a pole sign, in which the entire bottom is in contact with or is closely associated with the ground and is independent of any other structure.

Group Home: A single-family residential structure designed or adapted for occupancy by unrelated developmentally disabled persons.

Halfway House: A residence for those who have completed treatment at a rehabilitation facility but are not yet ready to return to their community.

Height: See Structure Height.

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

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

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

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

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

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

Interstate: See Expressway.

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

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

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

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

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

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

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

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

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

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

Lot Coverage: The portion of the lot covered by buildings and structures, including decks, porches, and patios. Driveways, sidewalks and swimming pools are not included in this calculation.
Lot Depth: The horizontal distance between the front and rear lot lines.
Lot, Developed: A lot with buildings or structures situated thereon.
Lot Frontage: The length of the front lot line bordering upon a public right of way. The lot frontage is determined by measuring the total distance in which the front lot line touches a public right of way. Lot frontage requirement for a cul-de-sac lot is one half (1/2) the distance required for standard lots.
Lot, Improved: A lot upon which a structure or building can be constructed and occupied as a result of the fact that it has frontage on and access to an improved street, meets minimum setback requirements, and has all necessary utilities available to the lot as sewer, water, electricity, etc.
Lot of Record: A lot which is a part of a subdivision recorded in the office of the County Recorder, or a parcel or lot described by metes and bounds, a description of which has been so recorded.
Lot Width: The distance between the side lot lines as measured at the building setback line.
Manufactured Home: "Manufactured home" means a dwelling unit, designed and built in a factory, which bears a seal certifying that it was built in compliance with the federal Manufactured Housing Construction and Safety Standards Law of 1974 (42 U.S.C. 5401 et seq.).. Mobile homes and modular homes built after 1974 are manufactured housing or manufactured homes.
Manufacturing: The mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, such a lubricating oils, plastics, resins, or liquors.
Manufactured Home Park: A parcel of land containing five or more dwellings sites, with required improvements and utilities, that are leased for the long term.
Mini-warehouse: A structure containing separate, individual, and private storage places of varying sizes, leased or rented on individual leases for varying periods of time.
Mobile Home: A structure, transportable on an integral frame with one or more axles, in one or more sections, which, in the traveling mode, is eight body feet or more in width at its narrowest dimension which when erected on site, is 320 or more square feet and includes the plumbing, heating, air conditioning, and electrical system contained therein, and which was manufactured prior to the effective date of the federal Manufactured Home Construction and Safety Act of 1974, which became effective June 15, 1976. After 1974 such homes are referred to as Manufactured Homes. (See Manufactured Home)
Mobile Home Park: (See IC16-41-27-5) A parcel of land containing five or more spaces, with required improvements and utilities, leased for the long-term placement of mobile homes.
Modular Home: A custom structure that is built in a factory, transported to the home site on flat bed and usually erected by crane. Modular homes are built to traditional code-site-building standards and leave the factory up to 90% complete

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

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

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

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

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

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

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

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

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

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

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

Outdoor Storage: See Storage, Outdoor.

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

Parcel: See Lot.

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

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

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

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

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

Plan Commission: See Area Plan Commission.

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

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

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

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

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

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

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

Public Street: See Street, Public.

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

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

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

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

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

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

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

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

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

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

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

Road: See Street.

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

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

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

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

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

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

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

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

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

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

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

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

Sign, Off Premises: Billboard
Sign, Temporary: An on-premise advertising device not fixed to a permanent foundation, for the purpose of conveying information, knowledge, or ideas to the public about a subject related to the activities on the premises upon which it is located.
Stacking Space: The queuing or line up area needed for waiting vehicles at a drive-through service.
Storage Outdoor: The outdoor accumulation of goods, junk, motor vehicles, equipment, products, or materials for permanent or temporary holding.
Any portion of a story exceeding fourteen (14) feet in height shall be considered as an additional story for each fourteen (14) feet or fraction thereof.
Street: Any vehicular right-of-way that:
Is an existing state, county, or municipal roadway,
is shown upon a plat approved pursuant to law,
is approved by other official action, or
is shown on a plat duly filed and recorded in the office of the County Recording Officer prior to the appointment of a planning board and the grant to such board to review plats; includes the land between the street lines, whether improved or unimproved.
Structural Alterations: Any change in the supporting members of a building or structure such as bearing walls, partitions, columns, beams or girders, or any change in the footprint or increase in the size of living space. Also, substantial roofing and siding work when repairs are made to the structure beneath.
Structure: Anything constructed or erected which requires location on the ground or attachment to something having a location on the ground, including but not limited to buildings, sheds, detached garages, mobile homes, manufactured homes, above-ground storage tanks, free-standing signs and other similar items.
Structure Height: The vertical distance measured from the lot ground level to the highest point of the roof.
Swimming Pool, Private: An artificially constructed pool that is more than 10 feet in diameter and more than 30 inches in depth. This definition is not meant to include inflatable pools.
Thoroughfare Plan: The official plan, now and hereafter adopted, which includes a street plan, sets forth the location, alignment, dimensions, identification, and classification of existing and proposed streets, and other thoroughfares, as found in the Scott County Comprehensive Plan.
Tower: See Wireless Communications Tower.
Townhouse: Multi-story single-family dwellings abutting each other and sharing a common structural wall.
Travel-Oriented Business: An establishment catering to the traveling public, such as a hotel, motel, restaurant, fast-food restaurant, automobile service station or similar use.
Use: The purposes for which land, building, or structure thereon is designed, arranged, or intended, or for which it is occupied, maintained, let, or leased.

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

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

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

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

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

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

Zoning District: See District.

Zoning Map: See Official Zoning Map.

Zoning Ordinance of Scott County, Indiana

Article 12. Adoption

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

Executive Director

Tim Payne
Commission President

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2004-13

Zoning Ordinance of Scott County, Indiana

Adoption (Continued)

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

Common Council

Charles M. Rose

Ray E. Clauson

Ricky J. Barrett

Ray Zellmann

Dennis McCorkle

Attest:

Kelly Nierhauser
Clerk Treasurer

Approved:

Mayor

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Zoning Ordinance of Scott County, Indiana

Adoption (Continued)

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

Passed and adopted by the Board of Commissioners of Scott County, Indiana this --- day of June 2004.

Charles S. Meyer

Frank Stay

Carl A. Stout

Ina Gasaway
Auditor