

# Zoning Ordinance of Scott County, Indiana

# Zoning Ordinance of Scott County, Indiana

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# Zoning Ordinance of Scott County, Indiana

## Article 1. Basic Provisions

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

#### **A. Title**

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

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

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

#### **C. Authority**

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

#### **D. Purpose**

This Ordinance is adopted for the following purposes:

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

#### **E. Compliance**

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

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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

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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

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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.

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## 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.

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### Article 3. District Regulations

#### A. Agricultural District; A

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

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

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- 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.

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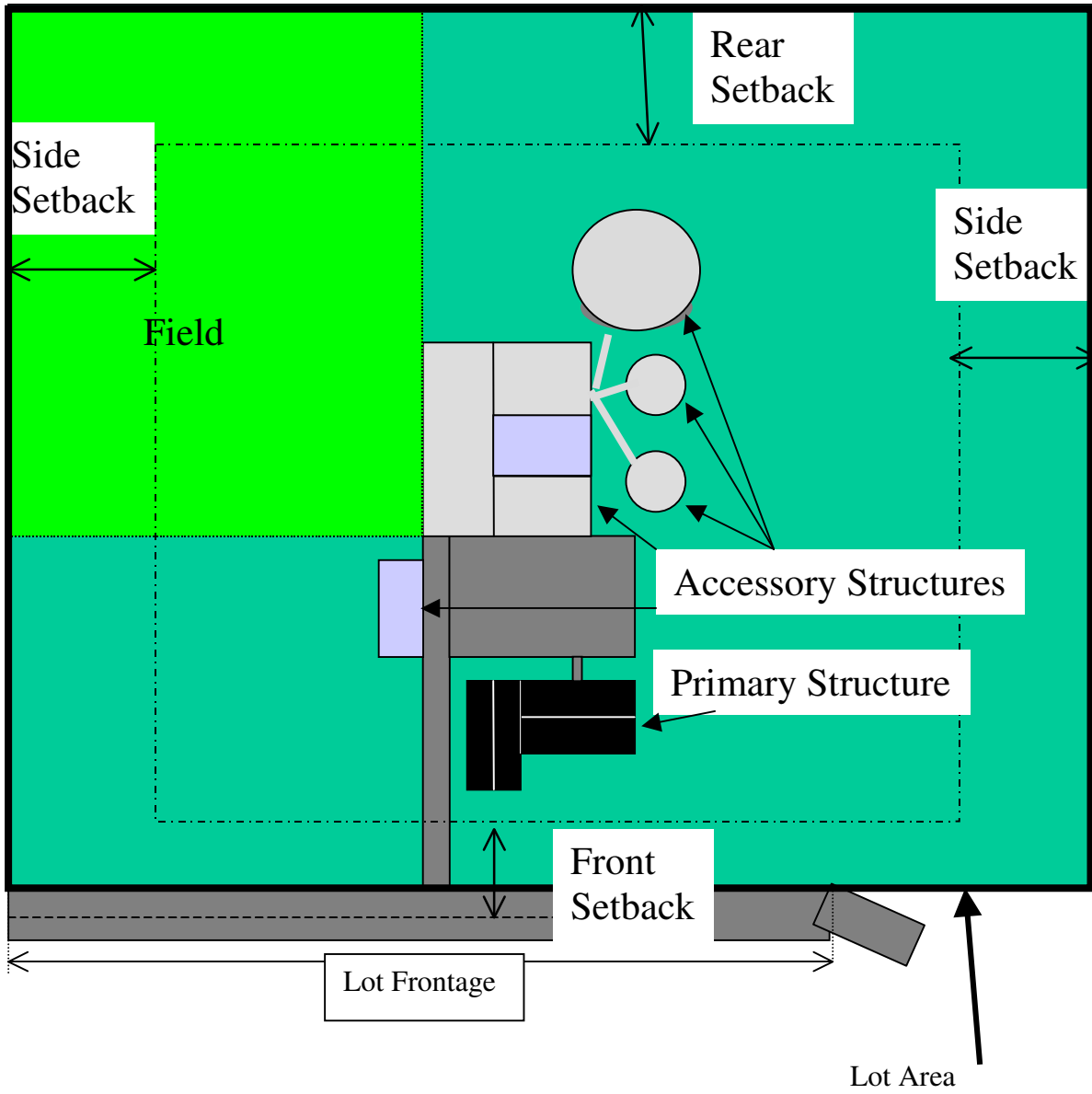


Fig 3-1 A-1 Agricultural (Rural Residential) Lot Diagram

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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.

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

#### 1. Purpose.

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

#### 2. Permitted Uses.

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

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

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

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

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- 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.



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

## Zoning Ordinance of Scott County, Indiana

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

#### 1. Purpose.

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

#### 2. Permitted uses.

The following uses are permitted in an R-2 District

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

#### 3. Conditional Uses.

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

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

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- 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..

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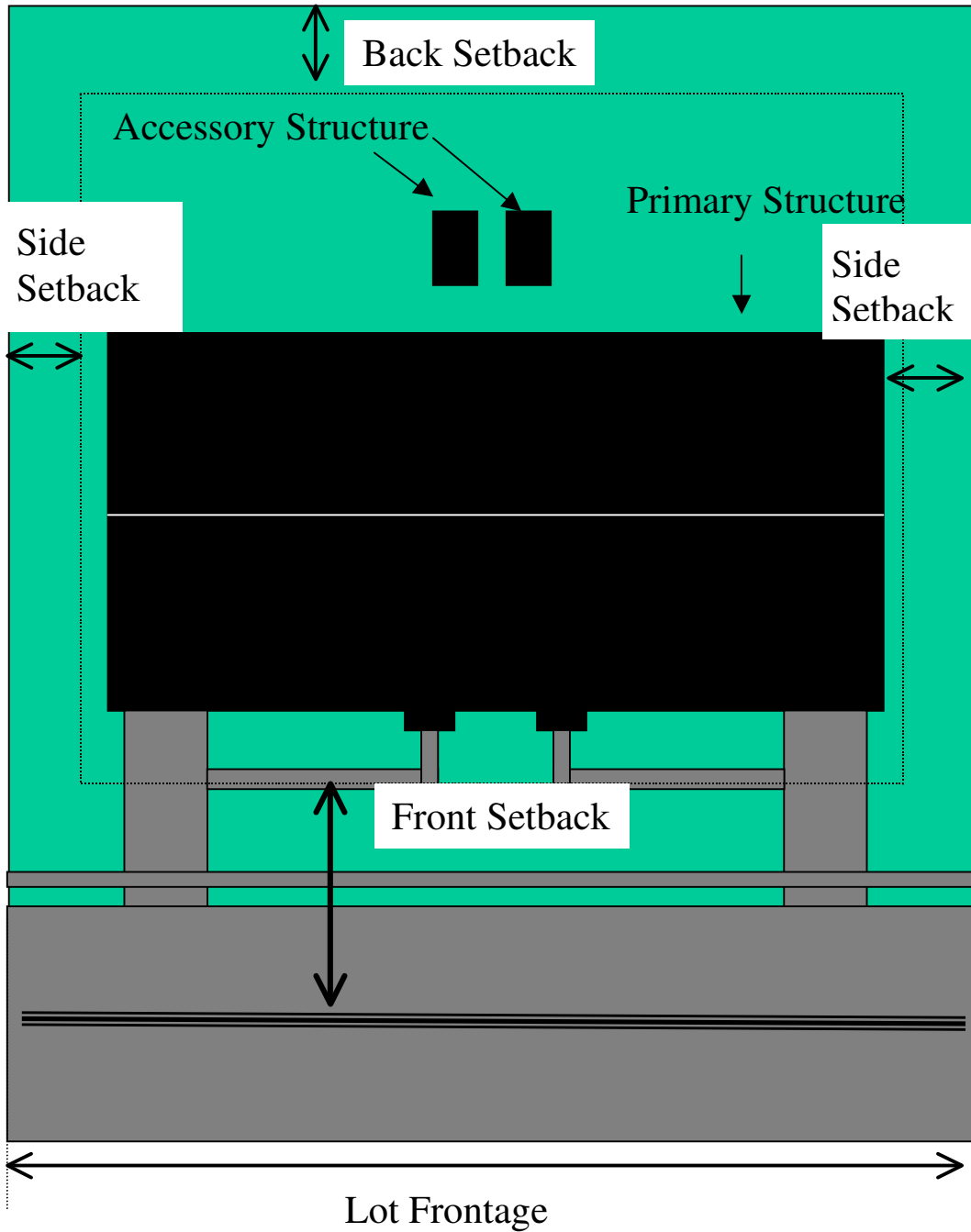


Fig 3-3 R-2 Duplex Lot Diagram

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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

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

#### 1. Purpose.

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

#### 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.

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- 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.

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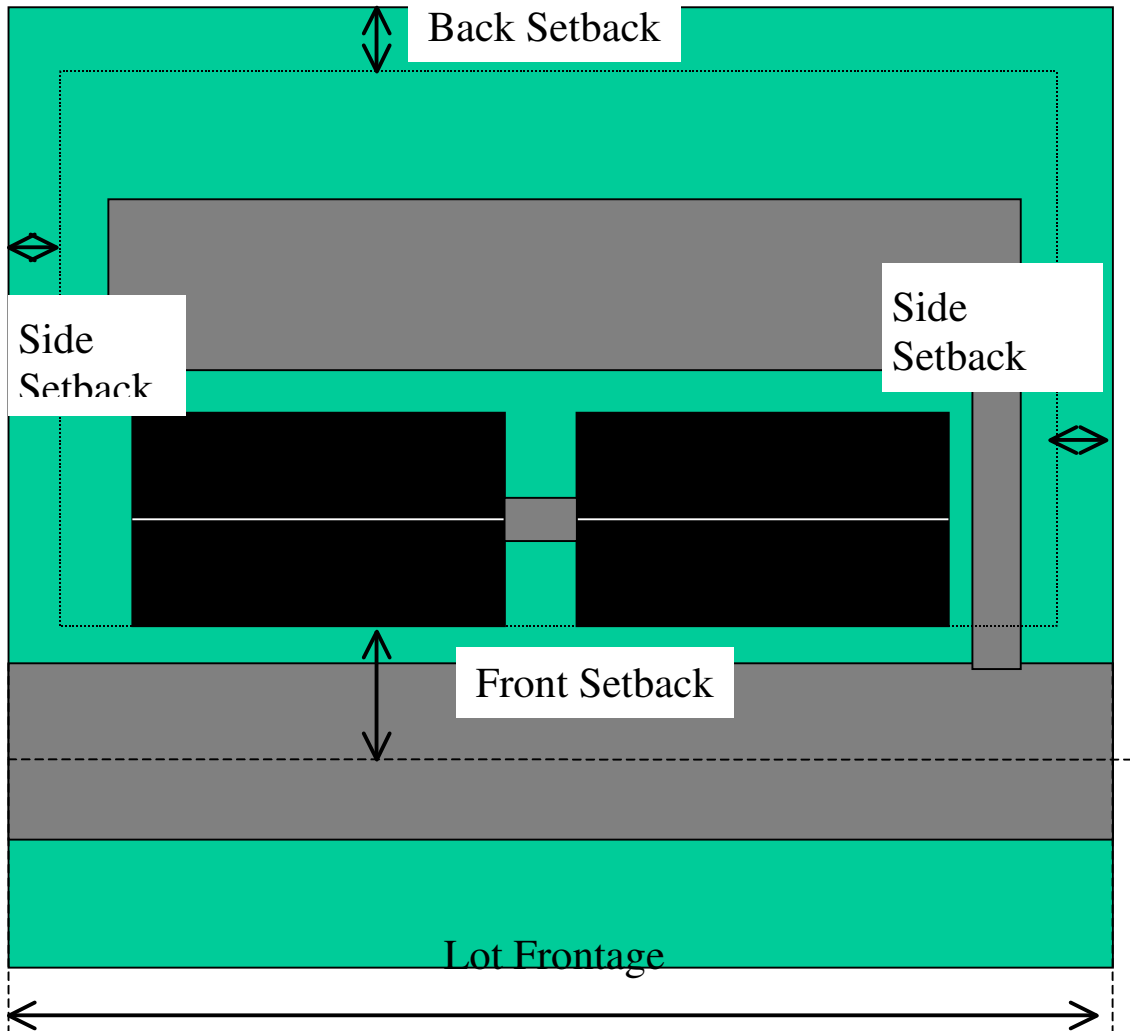


Fig 3-4 R-3 High Density Multi-Family (Apartment) Lot Diagram

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

## Zoning Ordinance of Scott County, Indiana

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

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

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

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

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

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

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

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

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

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

Zoning Ordinance of Scott County, Indiana

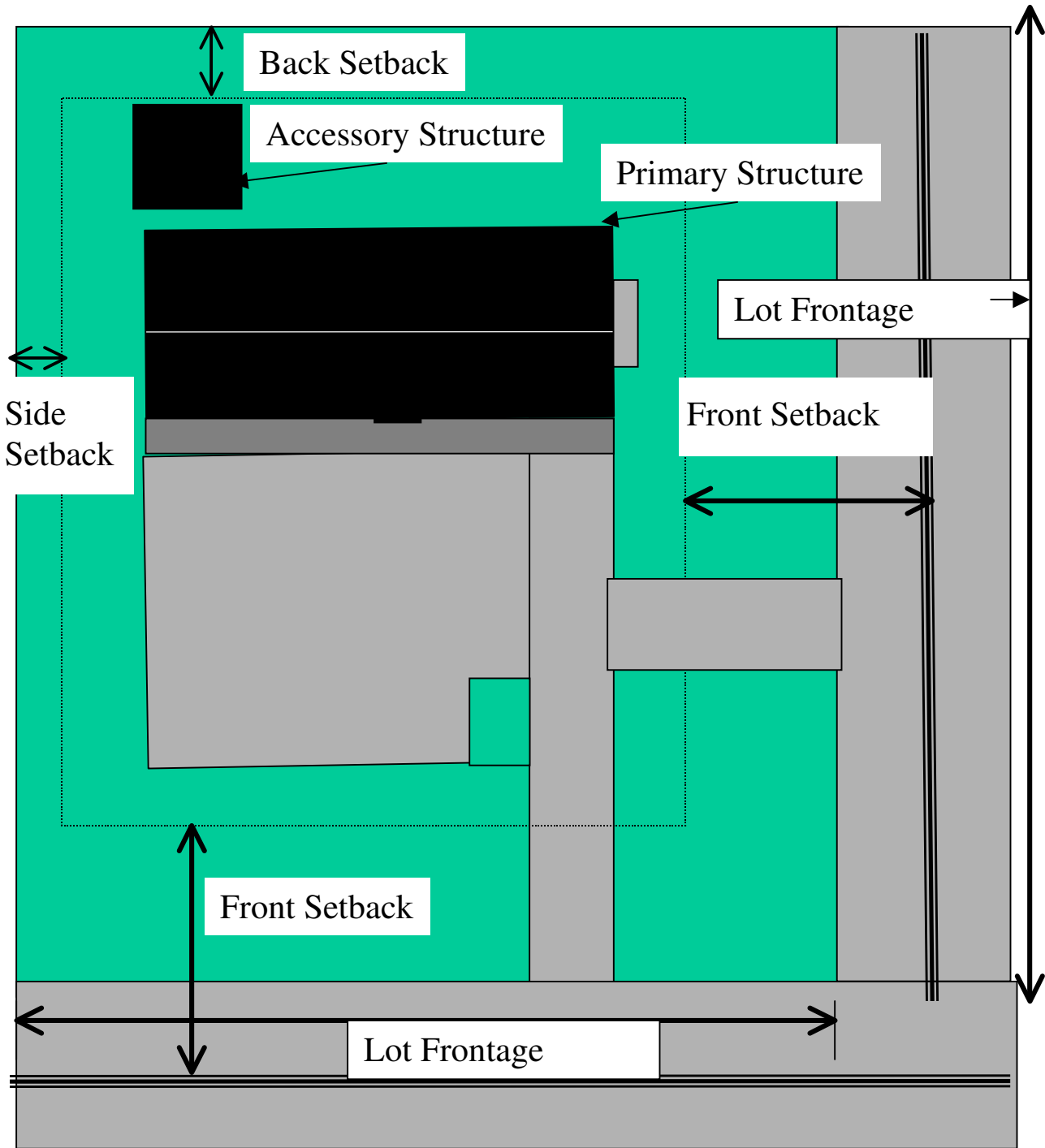


Fig 3-5 B-1 Neighborhood Business Lot Diagram

## Zoning Ordinance of Scott County, Indiana

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

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

### **F. General Business B-2**

#### **1. Purpose**

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

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

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

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

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

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

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

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

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

Zoning Ordinance of Scott County, Indiana

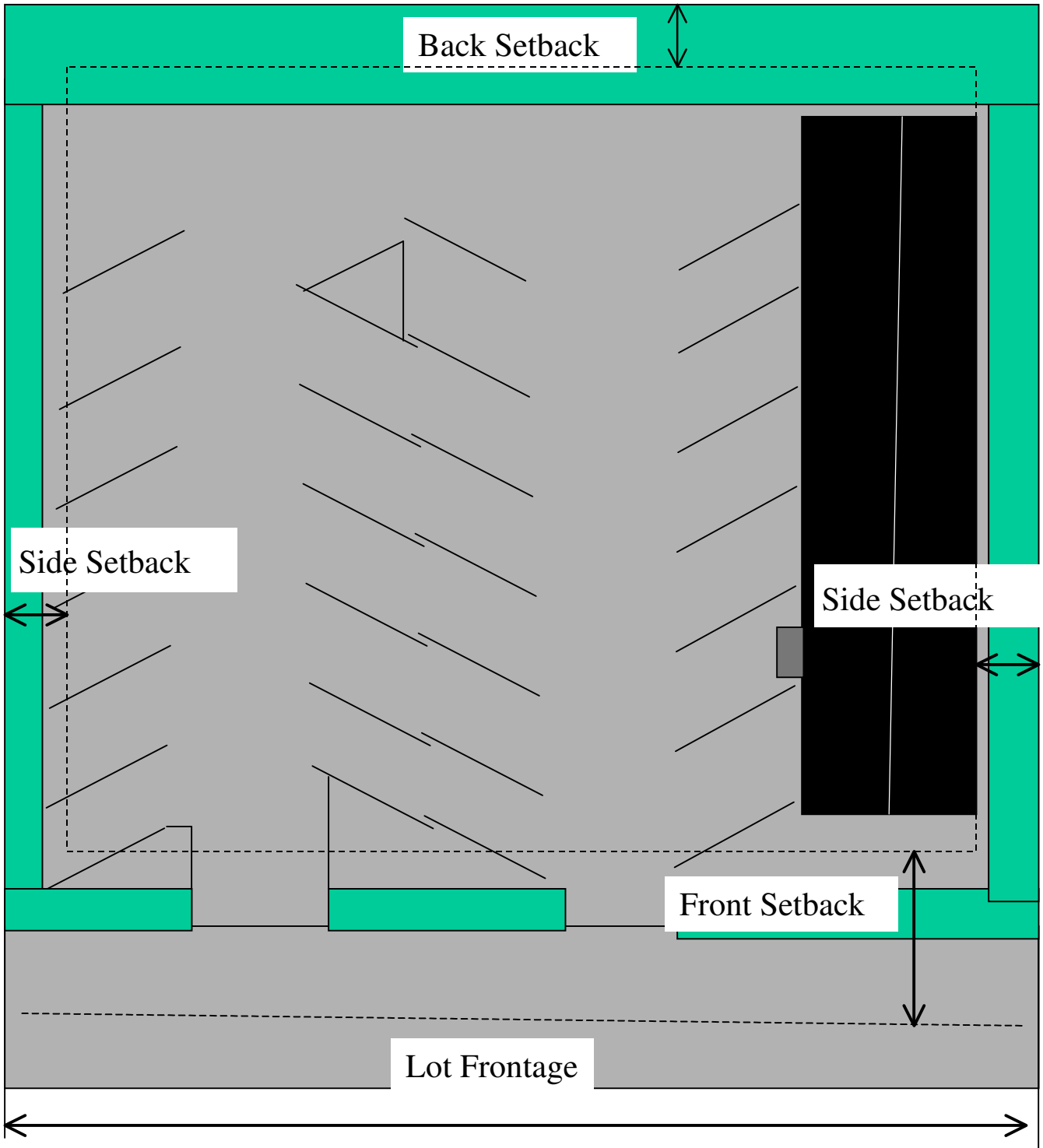


Fig 3-6 B-2 General Business Lot Diagram

## Zoning Ordinance of Scott County, Indiana

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

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

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

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

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

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

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

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

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

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

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

Zoning Ordinance of Scott County, Indiana

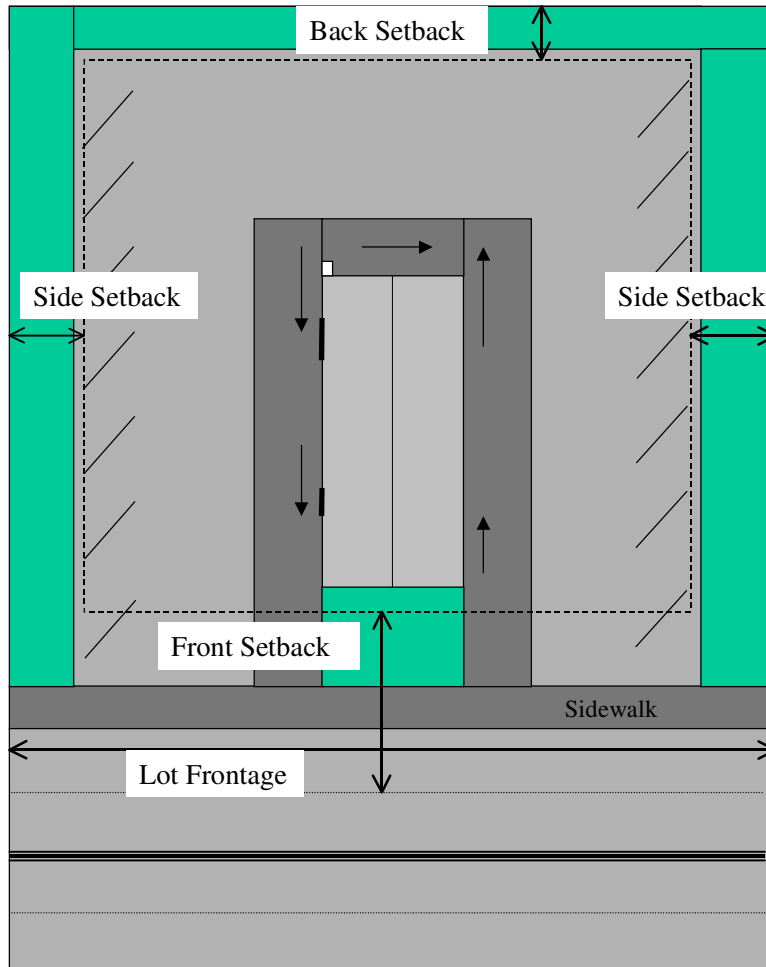


Fig 3-7 B-3 Highway Business Lot Diagram

## Zoning Ordinance of Scott County, Indiana

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

## Zoning Ordinance of Scott County, Indiana

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

#### 1. Purpose.

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

#### 2. Permitted Uses.

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

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

#### 3. Development Standards

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

#### 4. Conditional Uses.

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

Zoning Ordinance of Scott County, Indiana

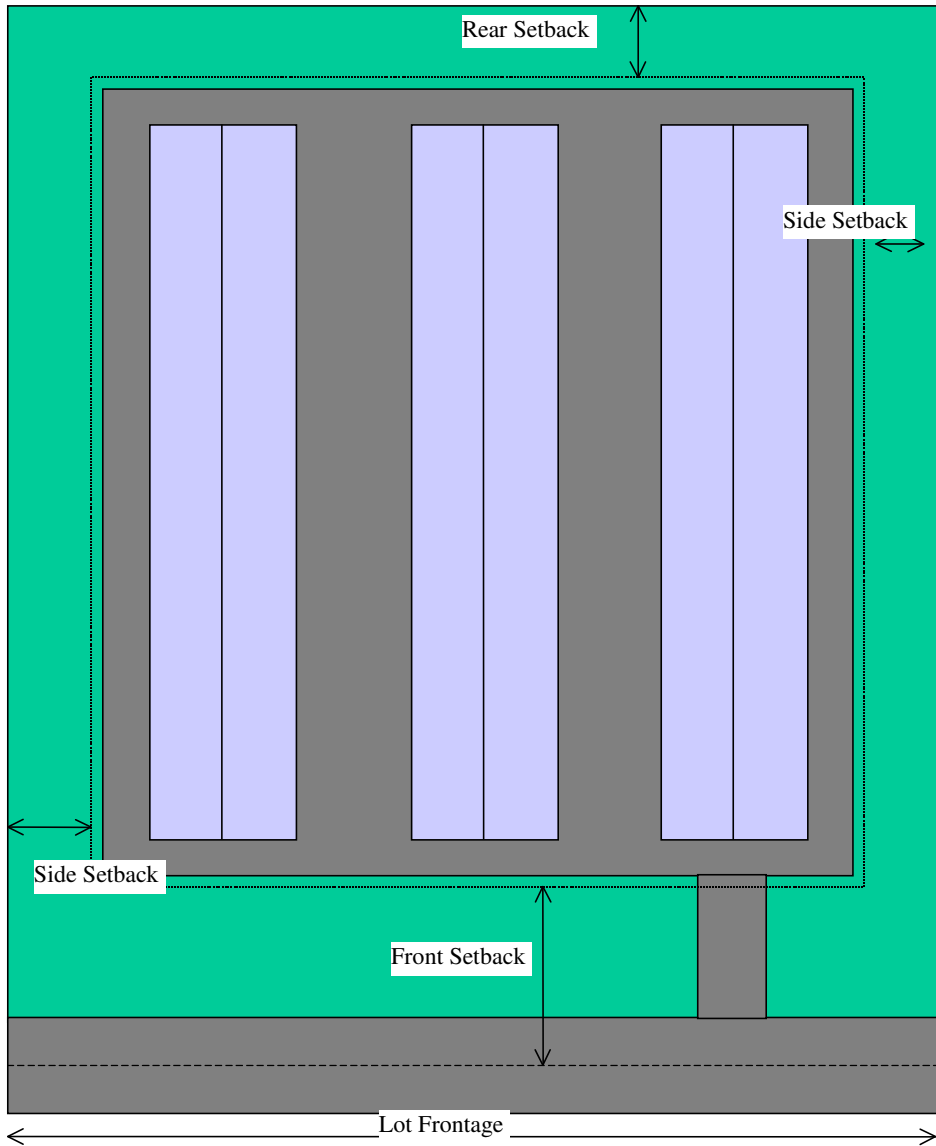


Fig 3-8 I-1 Light Industrial Lot Diagram

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

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

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

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

**1. Purpose.**

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

**2. Permitted Uses.**

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

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

**3. Development Standards**

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

**4. Conditional Uses.**

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

Zoning Ordinance of Scott County, Indiana

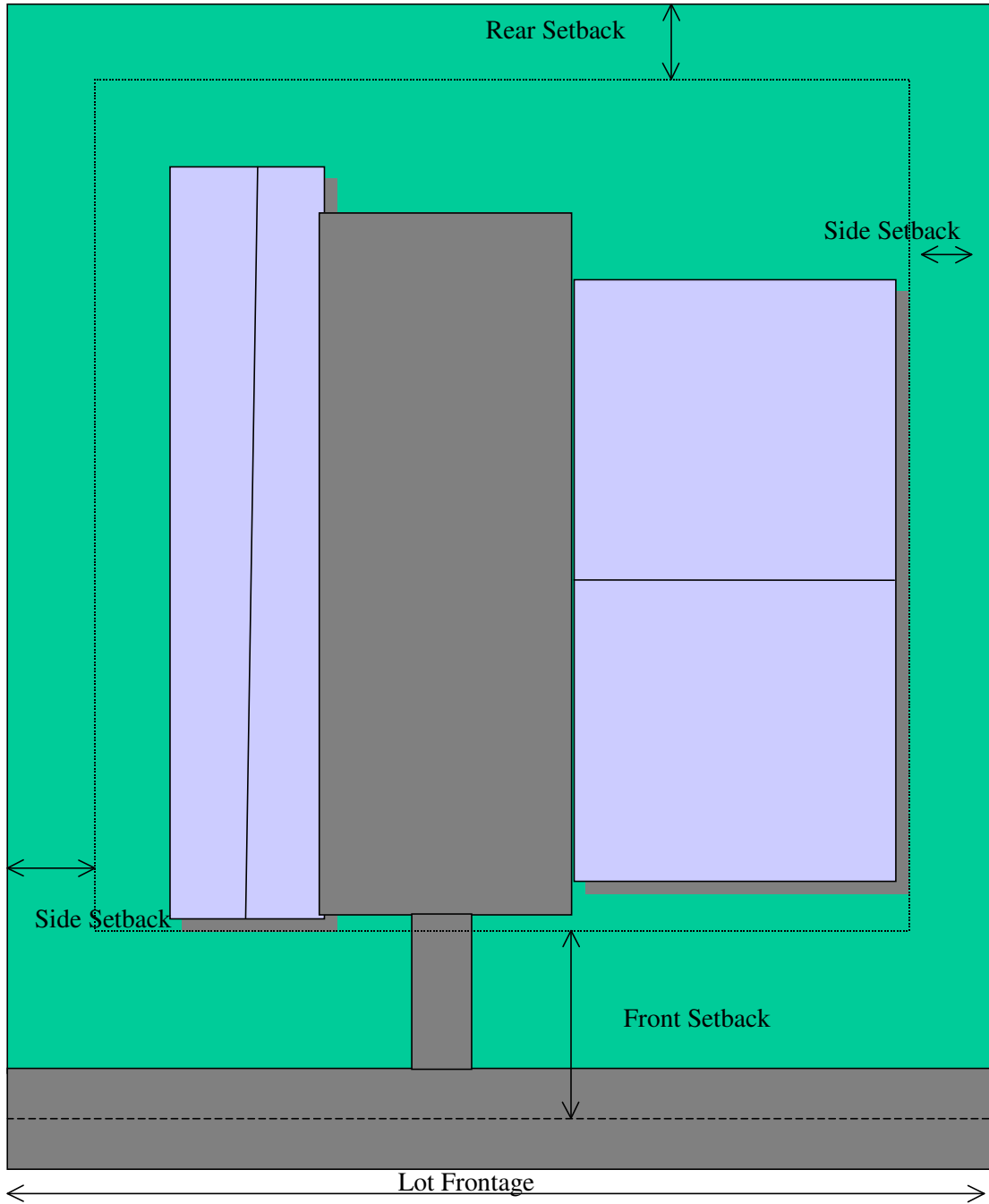


Fig 3-9 I-2 General Industrial Lot Diagram

## Zoning Ordinance of Scott County, Indiana

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

## Zoning Ordinance of Scott County, Indiana

### I. Waste Disposal Overlay District

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

## Zoning Ordinance of Scott County, Indiana

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **C. Interpretation**

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

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

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

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

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

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

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

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

### **F. Zoning Ordinance**

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

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

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

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

## Zoning Ordinance of Scott County, Indiana

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

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

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

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

## Zoning Ordinance of Scott County, Indiana

### Article 5. Supplementary District Regulations

#### A. Rights of way

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

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

#### B. Easements

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

#### C. Buffering

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

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

## Zoning Ordinance of Scott County, Indiana

### 1. Setback Measurements

#### a. Lot lines

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

#### b. Cul-de-sacs

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

#### c. Setbacks in Improved Areas

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

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

#### d. Height Exceptions

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

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

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

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

#### e. Yard Exceptions

The following are permitted within the setback area:

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

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

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

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

### **f. Subdivision Exception**

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

## **D. Parking and Loading**

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

## Zoning Ordinance of Scott County, Indiana

Table 5-2 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

## Zoning Ordinance of Scott County, Indiana

**Table 5-3**

### PARKING SPACE REQUIREMENTS

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

## Zoning Ordinance of Scott County, Indiana

**Table 5-3**

### PARKING SPACE REQUIREMENTS

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

## Zoning Ordinance of Scott County, Indiana

**Table 5-3**

**PARKING SPACE REQUIREMENTS**

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

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













































































































































