

ORDINANCE NO. 2023- 9

AN ORDINANCE AMENDING THE JEFFERSON COUNTY, INDIANA, UNIFIED DEVELOPMENT ORDINANCE

WHEREAS, the Jefferson Co. Commissioners is advised that the Jefferson County Plan Commission has held a public hearing, following the giving of required notice, on proposed amendment of the Jefferson County, Indiana, Unified Development Ordinance, and

WHEREAS, said Commission has given a favorable recommendation for amendment of the Jefferson County, Indiana, Unified Development Ordinance, and

WHEREAS, this Board concurs in the recommendation of said Commission.

NOW, THEREFORE, BE IT ORDAINED BY THE JEFFERSON COUNTY BOARD OF COMMISSIONERS, STATE OF INDIANA:

That the Jefferson County, Indiana, Unified Development Ordinance is amended as shown in the attached "**Exhibit A.**"

The foregoing Ordinance was passed and adopted by the Jefferson County, State of Indiana this 16th day of Nov, 2023.

State of Indiana

Ralph Smith
_____, President

Ron Lee
_____, Member

David A. Br...
_____, Member

Attest:

Heather Hupp

**RESOLUTION RECOMMENDING THE AMENDMENT OF
THE JEFFERSON COUNTY UNIFIED DEVELOPMENT ORDINANCE**

WHEREAS, notice was given in accordance with Ind. Code Sec. 5-3-1, 36-7-4-500 and 36-7-4-600 et. seq. that the Plan Commission of Jefferson County, Indiana would conduct a public hearing on a proposal to recommend the amendment of the Unified Development Ordinance for Jefferson County, Indiana, to include amendment to certain terms and addition of a definition.

WHEREAS, the public hearing was held on November 8, 2023, following the giving of required notice, with opportunity for all interested persons to offer evidence and present their views to this Commission, and

WHEREAS, this Commission has heard evidence concerning the content and effect of the proposed amendment,

NOW THEREFORE, BE IT RESOLVED BY THE PLAN COMMISSION OF THE COUNTY OF JEFFERSON, STATE OF INDIANA, that the following be forwarded to the Board of Commissioners of the County of Jefferson with a favorable recommendation to Amend the Unified Development Ordinance of Jefferson County as follows:

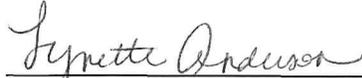
See attached exhibit A.

Dated this the 8th day of November 2023.



Warren Auxier
President, Jefferson County Plan Commission

Attest:



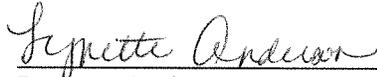
Lynette Anderson
Secretary, Jefferson County Plan Commission

CERTIFICATION OF RECOMMENDATION

I, the undersigned duly appointed and acting Secretary of the Plan Commission of the County of Jefferson, State of Indiana, do hereby certify that:

1. The Commission did, following the giving of notice, conduct a public hearing on November 8, 2023, concerning proposed amendment of the Jefferson County, Indiana, Unified Development Ordinance.
2. The Commission did, following the public hearing, conduct a public meeting on November 8, 2023, where they passed a resolution giving a favorable recommendation for the amendment of the Unified Development Ordinance.

Dated this the 8th day of November 2023.



Lynette Anderson

Secretary, Jefferson County Plan Commission

ATTORNEY CERTIFICATION

I, Patrick Magrath, attorney for the Jefferson County Plan Commission, hereby certify that the foregoing is a true and accurate copy of the proposed amendment of the Jefferson County, Indiana, Unified Development Ordinance as approved and recommended by the Jefferson County Plan Commission at the close of the public hearing and public meeting held on November 8, 2023.

/s/ Patrick Magrath
Patrick Magrath
Attorney, Jefferson County Plan Commission

| AG Structure Standards | | | |
|---|---------------------|---|----------------------|
| | | Residential Uses | Non-Residential Uses |
| Maximum height of structure | Primary structure | 40 feet | 50 feet |
| | Accessory structure | 30 feet | 50 feet |
| Minimum living area | | 600 sq. ft. | N/A |
| AG Lot Standards | | | |
| Minimum lot width | | 200 feet ¹ or 100 feet on cul-de-sac | |
| Minimum lot area* | With sewer | 50,000 sq. ft. (1.15 acres) | |
| | Without sewer | 50,000 sq. ft. (1.15 acres) or larger if required for septic | |
| Minimum front yard setback | | 50 feet from right-of-way or 80 feet from center of road if right-of-way is not dedicated by written, recorded document | |
| Minimum side yard setback | Primary structure | 20 feet | |
| | Accessory structure | 5 feet | |
| Minimum rear yard setback | Primary structure | 10 feet | |
| | Accessory structure | 5 feet | |
| Maximum impervious surface coverage | | 35% | |
| AG Utility Standards | | | |
| Municipal water and sewer required | | No | |
| AG Additional Site Development Standards | | | |
| <p>The following site development standards may also apply to development in this district. See <i>CHAPTER 4: Site Development Standards</i></p> <ul style="list-style-type: none"> • Accessory Structure Standards • Bufferyard Separation and Planting Standards • Driveway and Access Management Standards • Lighting Standards • Parking and Loading Standards • Sign Standards • Storage Standards • Structure Standards • Trash and Dumpster Standards | | | |

1 – Flag lots shall comply with lot width standards as defined by *CHAPTER 2: Zoning Districts Lot Width, Flag Lots*.

***IRREGULARLY SHAPED LOTS:** in the case of an irregularly shaped lot which is unable to meet the 250' lot depth, the depth shall be waived provided that said lot contains enough acreage to meet all setback requirements for dwellings or other structures.

|  R1 Structure Standards | | | |
|--|---------------------|--|-----------------------------------|
| | | Residential Uses | Non-Residential Uses |
| Maximum height of structure | Primary structure | 35 feet | 35 feet |
| | Accessory structure | 20 feet ¹ | 20 feet |
| Minimum living area | | 950 sq. ft. per unit | N/A |
| Minimum width of primary structure | | 18 feet | N/A |
|  R1 Lot Standards | | | |
| Minimum lot width | | 100 feet or 50 feet on cul-de-sac but cannot exceed 1:8 width to depth ratio ² | 100 feet or 50 feet on cul-de-sac |
| Minimum lot area | | 10,000 sq. ft. (0.23 acres) | |
| Minimum front yard setback | | 25 feet from right-of-way or 55 feet from center of road if right-of-way is not dedicated by written, recorded document | |
| Minimum side yard setback | Primary structure | 10 feet | 20 feet |
| | Accessory structure | 5 feet | 10 feet |
| Minimum rear yard setback | Primary structure | 15 feet | 20 feet |
| | Accessory structure | 5 feet | 10 feet |
| Maximum impervious surface coverage | | 50% | 50% |
|  R1 Utility Standards | | | |
| Municipal water and sewer required | | YES | |
|  R1 Additional Site Development Standards | | | |
| The following site development standards may also apply to development in this district. See <i>CHAPTER 4: Site Development Standards</i> | | | |
| <ul style="list-style-type: none"> • Accessory Structure Standards • Bufferyard Separation and Planting Standards • Driveway and Access Management Standards • Lighting Standards • Parking and Loading Standards | | <ul style="list-style-type: none"> • Sign Standards • Storage Standards • Structure Standards • Trash and Dumpster Standards | |

1 – Accessory structures shall comply with *CHAPTER 4: Site Development Standards Accessory Structure Standards*, including height and square footage.

2 – Flag lots shall comply with lot width standards as defined by *CHAPTER 2: Zoning Districts Lot Width, Flag Lots*.

c. I1 Use and Development Standards.

| I1 Permitted Uses | | |
|--|--|--|
| <p>ACCESSORY USES</p> <ul style="list-style-type: none"> • *Solar Energy System, Accessory • *Wind Energy Conversion System, Small and Mini <p>AGRICULTURAL USES</p> <ul style="list-style-type: none"> • Agricultural Support Services | <p>COMMERCIAL USES</p> <ul style="list-style-type: none"> • Adult Day Care Facility • Bar, Tavern, and Club • Bed and Breakfast • *Campground and Recreational Vehicle Park, Public or Private • Child Care Center • Farm Chemical Supply and Seed Sales • General Retail • Golf Course and Driving Range • Hotel and Motel • Kennel, Public and Private • Liquor Store • Medical Offices and Outpatient Services • Parking Garage or Lot (as a primary purpose) • Professional Services and Business Offices • Recreational Facility, Public and Private • Service-Oriented Retail • Shooting Range and Gun Club, Indoor • Stadium, Arena, and Race Track • *Wind Energy Conversion Systems, Large • Winery, Brewery, and Distillery | <p>INDUSTRIAL USES</p> <ul style="list-style-type: none"> • Manufacturing, Light • Research and Development • Storage, Non-Hazardous • Warehousing and Distribution <p>OTHER USES</p> <ul style="list-style-type: none"> • Airport and Heliport, Public and Private • Auditorium and Assembly • Cemetery, Columbaria, and Mausoleum • Church and Place of Worship • Crematory • Emergency Response Facility • Funeral Home and Mortuary • Governmental Office • Hospital • Library • Parks, Public and Private • Penal and Correction Facility • School and Preschool • Utility Facility, Public and Private • *Wireless Communication Facility |
| I1 Special Exception Uses | | |
| <p>AGRICULTURAL USES</p> <ul style="list-style-type: none"> • Timber Processing | <p>INDUSTRIAL USES</p> <ul style="list-style-type: none"> • Trucking Terminal • Vehicle Impound Lot • Waste Transfer Facility | <p>COMMERCIAL USES</p> <ul style="list-style-type: none"> • *Rural Event Venue, Permanent or Temporary • *Solar Energy System, Primary • Shooting Range and Gun Club, Outdoor • *Wireless Communication Facility |

7. Manufactured Homes Occupancy.

- a. **Permanent Occupancy.** Manufactured homes may be permanently occupied when located in any district where a single-family dwelling is permitted provided the following requirements are met:
 - i. The manufactured home is built to the Manufactured Home Construction and Safety Standards (HUD Code) and displays a red certification label on the exterior of each transportable section.
 - ii. The development standards for the respective zoning district, including minimum square footage, are met as established in *CHAPTER 2: Zoning Districts*
 - iii. .
 - iv. The structure is attached and anchored to a permanent foundation in conformance with the appropriate building code and with manufacturer's installation specifications.
 - v. The entire area between the floor joists of the structure and the underfloor grade is completely enclosed (skirted) in accordance with the terms of the appropriate building code; the manufacturer's installation specifications; and requirements set forth by the Indiana Administrative Building Council.
 - vi. The structure possesses all necessary building, water, and sewage disposal permits prior to placement of the structure upon the lot.
 - vii. The hitches are removed.
 - viii. The front door faces the primary street from which it gains access.
 - ix. The structure is covered with an exterior material and roof material customarily used on site-built structures.
 - ~~x. The manufactured home is no more than ten (10) years in age when structure is initially placed on the lot.~~
- b. **Temporary Occupancy.** Temporary residential occupancy of a manufactured home is permitted during construction of a single-family dwelling on the same parcel provided the following requirements are met:
 - i. An ILP is obtained for placement of the manufactured home and an ILP for the single-family dwelling to be constructed on the same parcel has also been issued.
 - ii. Temporary occupancy of the manufactured home is limited to one (1) year and may be renewed for up to two (2) additional six (6) month periods if construction of the dwelling has been started but is not completed.
 - iii. The manufactured home is built to the Manufactured Home Construction and Safety Standards (HUD Code) and displays a red certification label on the exterior of each transportable section.
 - iv. The manufactured home is served by the same address, water supply, and sewage facilities serving the dwelling under construction. If the dwelling under construction utilizes a septic system, approval shall be subject to the Jefferson County Health Department.
 - v. The manufactured home shall remain on its wheels and shall not be placed on a permanent foundation.

GRADE. Defined as:

- 1) The average elevation of the land around a building;
- 2) The percent of rise or descent of a sloping surface.

GRADE, FINISHED. The final elevation of the average ground level adjoining a building at all exterior walls after development.

GROSS FLOOR AREA. See FLOOR AREA, GROSS.

GROUND FLOOR AREA. See FLOOR AREA, GROUND.

GROUP HOME. A non-profit or for-profit providing sheltered care of persons in need of care, support, or supervision, which, in addition to providing food and shelter, may also provide some combination of personal care, social or counseling services, and transportation. Examples include but are not limited to residential treatment facilities, halfway houses, intermediate care facilities, youth homes/shelters, developmentally disabled care, and homeless shelters. For purposes of this UDO, group homes do not include nursing home or assisted living facilities.

GUARANTEE. Cash, letters of credit, bonds, or similar financial instruments deposited with the municipality to ensure that required improvements will be constructed or installed.

GUN RANGE. See SHOOTING RANGE

HARDSHIP. A perceived difficulty with regard to one's ability to improve land stemming from the application of the development standards of this UDO, which may or may not be subject to relief by means of variance. In and of themselves, self-imposed situations and claims based on a perceived reduction of or restriction on economic gain shall not be considered hardships. Self-imposed situations include: the purchase of land with actual or constructive knowledge that, for reasons other than physical characteristics of the property, the development standards herein will inhibit the desired improvement; any improvement initiated in violation of the standards of this UDO; any result of land division requiring variance from the development standards of this UDO in order to render that site buildable.

HAZARDOUS WASTE. A waste or combination of wastes that, because of its quantity; concentration; or physical, chemical, and/or infectious characteristics; may 1) cause or significantly contribute to an increase in mortality or increase in serious irreversible, or incapacitating reversible illness; or 2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

HISTORIC STRUCTURE. Any structure that is:

- 1) Listed individually on the National Register of Historic Places (a listing maintained by the Department of the Interior) or determined by the United States Secretary of the Interior as eligible for individual listing on the National Register; or
- 2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district; or
- 3) Listed on or determined eligible for the National Register of Historic Places as contributing to the significance of a historic district; or
- 4) Individually listed on the Indiana Register of Historic Sites and Structures; or

SEXUALLY ORIENTED BUSINESS. An adult entertainment or service business that is part of the sex industry and is a site of erotic performance, erotic paraphernalia sales, and/or other sexually-oriented places. Sexually oriented businesses may include an adult bookstore, adult cabaret, adult mini motion picture theater, adult motion picture theater, adult service establishment, semi-nude model studio, sexual device shop, or a sexual encounter center as defined in this ordinance. The term "sexually oriented business" shall also include adult drive-in theater, adult live entertainment arcade, and adult motion picture arcade.

SHIPPING CONTAINER. See CARGO CONTAINER.

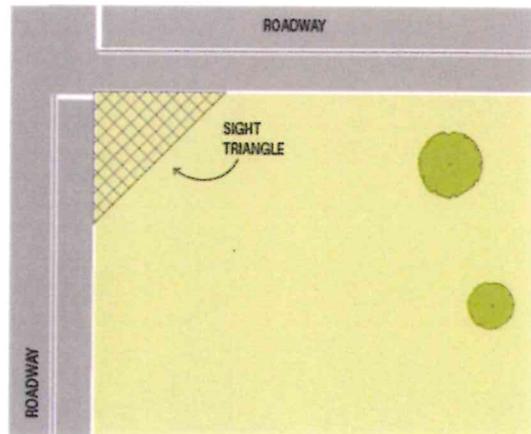
SHOOTING RANGE. Any land, property, premises, place, or facility that is used, designed, intended, or operated on a regular or structured basis for the purpose of the discharge of firearms and/or shooting of archery equipment, whether publicly or privately owned and whether or not operated for profit. "Shooting range" does not include a facility owned or operated by a municipal corporation, county, township police district, or joint police district. "Shooting range" does not include accessory or incidental target practice areas on private property infrequently used by the private property owner.

SHORT-TERM RENTAL. In accordance with IC 36-1-24-6, the rental of a single-family home, an accessory dwelling, a duplex, a multi-family dwelling, or a condominium for terms of less than thirty (30) days at a time through a short-term rental platform.

SHORT-TERM RENTAL PLATFORM. In accordance with IC 36-1-24-7, an entity that provides an online platform through which unaffiliated parties offer to rent a short-term rental to an occupant and collects fees for the rental from the occupant.

SIDEWALK. A paved, surfaced, or leveled area, paralleling and usually separated from the traveled way, used as a pedestrian walkway.

SIGHT TRIANGLE. A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.



Example of Sight Triangle

SIGN. Any name, number, symbol, identification, description, display, graphic, or illustration which is affixed to, painted on, or is represented directly or indirectly upon a structure or parcel, visible from any public right-of-way which directs attention to an object, product, place, activity, person, institution, organization, or business. This definition includes backlighted plastic panels or strip lighting affixed to any wall or roof where any such panels or lighting serve to identify a business and attract attention rather than to illuminate space for human activity.

SIGN, ABANDONED. A sign that is:

- 1) Associated with an abandoned use;
- 2) Remains after the termination of the business; and/or
- 3) On its immediate premises but not adequately maintained or repaired.

SIGN, AREA. The entire face of a sign, including the advertising surface and any framing, trim, or molding, but not including the supporting structure.