
CITY OF JEFFERSONVILLE

Zoning Ordinance

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Article One

Basic Provisions

Article One

Basic Provisions

1.1 Title

This Ordinance shall be formally known as the "Jeffersonville Zoning Ordinance," and it may be cited and referred to as the "Zoning Ordinance," or as the "Zoning Code."

1.2 Defined Words

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

1.3 Authority

This Zoning Ordinance is adopted by the City pursuant to its authority under the laws of the State of Indiana, 36-7-4 et seq. Whenever codes cited in this ordinance refer to Indiana Code which has been amended or superseded, this Ordinance shall be deemed amended in reference to the new or revised code.

1.4 Purpose

This Ordinance is intended to guide the growth and development of the City in accordance with the goals, objectives, and strategies stated within the Jeffersonville Comprehensive Plan and for the following purposes:

- A. To secure adequate light, air, and convenience of access; and safety from fire, flood, and other dangers.
- B. To promote the public health, safety, comfort, convenience, morals and general welfare.
- C. To plan for the future development of the City to the end:
 - a. That the community grows only with adequate public ways, utility, health, educational and recreational facilities;
 - b. That the needs of agriculture, industry and business are recognized in future growth;
 - c. That residential areas provide healthful surroundings for family life;
 - d. That the growth of the community is commensurate with and promotes the efficient and economical use of public funds; and
 - e. That the community strive for high aesthetic value and quality planning and design.

1.5 Compliance

No structure shall be located, erected, constructed, reconstructed, moved, altered, converted, enlarged or used, nor shall any piece of land be used, nor shall any existing use be expanded except when in full compliance with all provisions of this Ordinance and the permits and certificates required by this Ordinance have lawfully been issued.

1.6 Severability

If any provision or the application of any provision of this Ordinance is held unconstitutional or invalid by the courts, the remainder of the Ordinance or the application of such provision to other circumstances shall not be affected.

1.7 Interpretation

The provisions of this Ordinance are the minimum requirements necessary for the protection of the health, safety, comfort, morals, 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. If two or more provisions within this ordinance are in conflict or are inconsistent with one another, then the provision which is most restrictive shall control.

1.8 Ordinance Jurisdiction

This Ordinance applies to all land within the City of Jeffersonville, Indiana, and all land within two (2) miles of the corporate limits of the City that have been adopted as fringe areas on the official Zoning Map.

1.9 Application

When this Ordinance along with private covenants, private contracts, commitments, permits, agreements, state laws, federal laws or other regulations regulates a structure or parcel of land, the greater restriction shall control.

1.10 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.

1.11 Repealer

The City of Jeffersonville Zoning Code of June 1, 1991, Ordinance No. 91-OR-18 and its associated Zoning Map are hereby repealed. This Jeffersonville Zoning Ordinance and the referenced and updated Official Zoning Map replace the repealed ordinances.

1.12 Transition Rules

- A. Any application for an Improvement Location Permit that has been filed with the 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 Zoning Ordinance.
- B. Any application for a Zone 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 Planning Director shall amend the application such that the request for rezoning would accomplish the same end goal for the applicant.
- C. Any application before the Board of Zoning Appeals (i.e. special exception, 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 Subdivision Control and Zoning Ordinances that were in place at the time of filing, provided that:
 - a. If such application is no longer required by the terms of this Ordinance, the application will be dismissed; or,
 - b. If the proposed use or development requires additional approvals from the Board of Zoning Appeals pursuant to the terms of this Ordinance that were not required under the previous Ordinances, the application will be amended to include only those additional approvals that are now required and within the jurisdiction of the Board of Zoning Appeals.
- D. 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 the Plan Commission or the Board of Zoning Appeals prior to the effective date of this Ordinance.

1.13 Effective Date

This Ordinance shall become effective on January 1, 2001.

This Ordinance was approved by the Mayor and the City Council of Jeffersonville, Indiana on the 20th day of November, 2000.

Thomas Galligan, Mayor

ATTEST:

Clerk-Treasurer

Article Two

General Zoning Districts

Article Two

General Zoning Districts

2.1 Establishment of Districts

Each of the districts stand alone and are not a part of a hierarchy system of zoning. For example, what is permitted in the C1 district is NOT permitted in the C2 district.

Only those uses and development standards which are expressly permitted and noted for each district apply. For the purpose of this Ordinance, the Planning Jurisdiction is divided into the following zoning districts for the general uses as stated:

A1—Agriculture (Page 3-2 and 3-3): This district is established for typical agricultural uses.

R1—Low Density Residential (Page 3-4 and 3-5): This district is established for single family, detached, medium sized homes and medium sized lots.

R2—Medium Density Residential (Page 3-6 and 3-7): This district is established for single family, detached, small to medium sized homes, and medium sized lots.

R3—Old City Residential (Page 3-8 and 3-9): This district is established for existing older neighborhoods in the City of Jeffersonville.

M1—Low Density Multifamily Residential (Page 3-10 and 3-11): This district is established for duplex, "paired patio," triplex, quadplex, and similar types of developments.

M2—Medium Density Multifamily Residential (Page 3-12 and 3-13): This district is established for small-scale multifamily apartment or condominium developments.

M3—High Density Multifamily Residential (Page 3-14 and 3-15): This district is established for medium to large sized multifamily developments.

MP—Mobile Home Park (Page 3-16 and 3-17): This district is established for leased lot developments (typically mobile or manufactured home parks) which typically lease dwelling sites for single-wide and double-wide manufactured homes.

IS—Institutional Uses (Page 4-2 and 4-3): This district is established for institutional and municipal owned lands, both public or quasi-public, where the use is for public purpose and is anticipated to remain permanent.

PR—Parks and Recreation (Page 4-4 and 4-5): This district is established for parks, open space, and recreational areas both public and private.

NC—Neighborhood Commercial (Page 4-6 and 4-7): This district is established for small scale businesses that provide products and services primarily to local neighborhoods.

OC—Office Commercial (Page 4-8 and 4-9): This district is established for small to moderate scale office uses with provisions for some complementary uses.

DC—Downtown Commercial (Page 4-10 and 4-11): This district is established for special issues and land use goals for the downtown area in Jeffersonville.

HC—Highway Commercial (Page 4-12 and 4-13): This district is established for the special issues related to commercial developments in interchange areas.

C1—Small to Medium Scale General Commercial (Page 4-14 and 4-15): This district is established for a wide variety of retail, commercial, service, entertainment, and eating establishments that are small to medium in scale.

C2—Medium to Large Scale General Commercial (Page 4-16 and 4-17): This district is established for a wide variety of retail, commercial, service, entertainment, and eating establishments that are medium to large in scale.

IR—INAAP Redevelopment (Page 4-18 and 4-19): This district is established for a mixture of most offices, retail businesses, wholesale businesses, and moderate to heavy industrial facilities/uses.

NI—Neighborhood Industrial (Page 4-20 and 4-21): This district is established for existing industrial uses in older areas of Jeffersonville.

I1—Business Park/Light Industrial (Page 4-22 and 4-23): This district is established for small business parks, light manufacturing facilities, light manufacturing parks and utility usage.

I2—Industrial Park/Heavy Industrial (Page 4-24 and 4-25): This district is established for large industrial parks, manufacturing facilities, manufacturing parks and utility usage.

2.2 Establishment of Overlay Districts

For the purpose of this ordinance three (3) Overlay Districts have been established as stated below.

CC-OL— Commercial Corridor Overlay (Page 5-2): This district is established to promote community character and aesthetics goals and objectives along key corridors.

UP-OL—Utica Pike Overlay (Page 5-3): This district is established to promote and preserve the scenic and natural character of the Utica Pike corridor.

WH-OL—Wellhead Protection Overlay (Page 5-4): This district is established to protect the integrity and drinkability of the community's public water supply.

2.3 Planned Development Districts

The provisions of this ordinance allow the R1, R2, M1, M2, OC, HC, C1, C2, I1 and I2 districts to be rezoned for a planned development. No other districts can be rezoned into a planned development district.

On the Official Zoning Map a planned development district, once rezoned, shall be labeled as PD followed by the district it was created from. The following are the appropriate labels for Planned Development Districts: PD-R1, PD-R2, PD-M1, PD-M2, PD-OC, PD-HC, PD-C1, PD-C2, PD-I1 and PD-I2.

The provisions that regulate Planned Developments can be found in Article 8 beginning on page 8-2.

2.4 District Land Uses

Land uses are either Permitted, Non-Permitted or a Home occupation in each Zoning District. Jeffersonville's permitted and special exception uses for each district are noted in the Permitted Use and Special Exception columns in Article 3 and 4. These articles represent three (3) categories of Zoning Districts. They are:

Residential Districts (Article 3) found on page 3-1;

Institutional, Commercial, and Industrial Districts (Article 4) found on page 4-1; and,

Overlay Districts (Article 5) found on page 5-1.

2.5 Unlisted or Questionable Land Uses

Any land use not listed as a Permitted Use or Special Exception is considered Non-Permitted unless the Plan Commission or Planning Director makes a determination otherwise. The Plan Commission or Planning Director may determine into which category, if any, that a questionable use may be placed if it is not specifically listed and is significantly similar to another use that is Permitted by right or as a Special Exception. This determination may be appealed to the Board of Zoning Appeals.

Article Three

Residential Zoning Districts

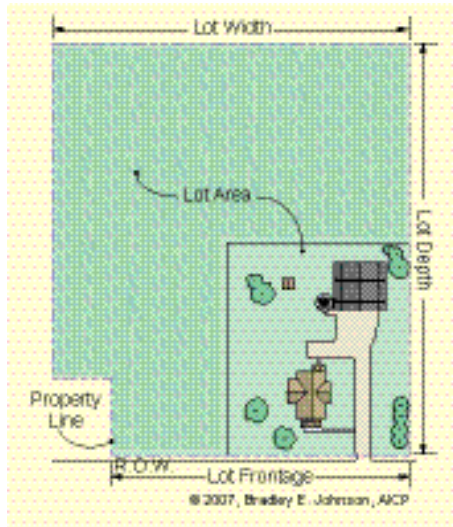
A1 District

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

District Intent	Permitted Uses	Special Exception Uses
The A1 (Agricultural Zone) District is intended to be used as follows: Use Type and Intensity • Agricultural operations Application of District • Existing agricultural land Development Standards • Recognize the need for strict development standards to maximize • Protection of agricultural practices Jeffersonville's Plan Commission and Board of Zoning Appeals should strive to protect this district from conflicting land uses, and non-family oriented agricultural operations, as well as encroachment from single-family residential development. The Plan Commission and Board of Zoning Appeals should strive to promote an average net density of 1 to 2 dwelling units per acre community-wide in the A1 district.	Agricultural Uses • agricultural crop production • farmstead • greenhouse • nursery • orchard • raising of farm animals* • sale of agricultural products • stable, private • storage of agricultural products • tree farm • vineyard • weaning calves • wild animal population control Commercial Uses • farmers market • plant nursery • stable, small commercial • stable, large commercial • winery Institutional Uses • church, temple, or mosque Residential • dwelling, single family • bed and breakfast * Does not include Concentrated Animal Feeding Operations (CAFOs) or Confined Feeding Operations	Agricultural Uses • processing of agricultural products Commercial Uses • kennel • gun clubs, skeet shoots, or target ranges • barber/beauty shop (home occupation) Business: Recreation • golf course • paintball facility (outdoor) Institutional/Public Facilities • public park/recreational center • cemetery/mausoleum Communication/Utility • public well • telecommunication facility Miscellaneous • artificial lake or pond over one (1) acre in size

A1 District

3.2 A1 District Development Standards



Minimum Lot Area:

- 5 acres

Minimum Lot Width:

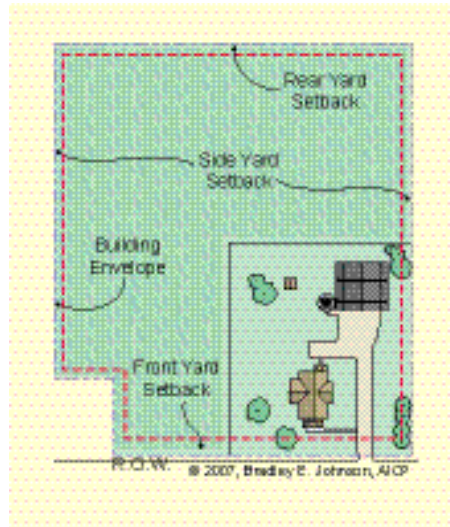
- 160 feet

Minimum Lot Frontage:

- 100 feet

Sewer and Water:

- Does not require municipal sewer hookup



Minimum Front Setback:

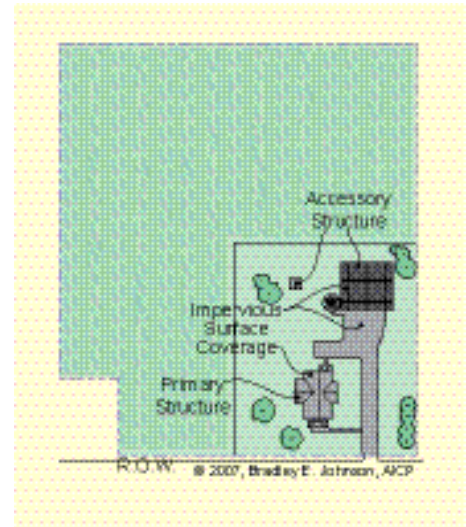
- 70 feet

Minimum Side Setback:

- 30 feet - Primary Structure
- 10 feet - Accessory Structure (<1000 square feet)
- 30 feet - Accessory Structure (>1000 square feet)

Minimum Rear Setback:

- Primary Structure: 30 feet
- Accessory Structure: 15 feet

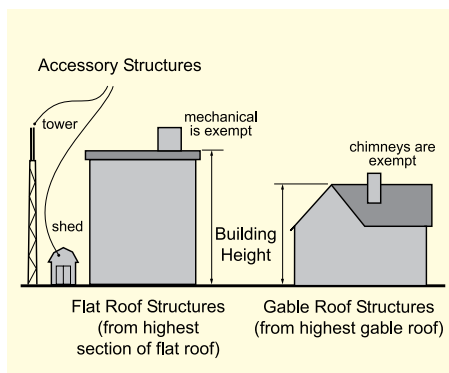


Maximum Lot Coverage:

- Square footage of all Primary and Accessory Structures, and impervious surface cannot exceed 25% of the Lot Area

Minimum Dwelling Size:

- 1,500 square feet



Maximum Structure Height:

- Primary Structure: 40 feet
- Agriculture-related accessory structures are exempt

Additional Development Standards that Apply

Lot, Yard, and Density (LY)

- LY-01 Page 7-3

Temporary Uses (TU)

- TU-01 Page 7-9

- TU-02 Page 7-9

Landscaping (LA)

- LA-01 Page 7-14

- LA-02 Page 7-15

Expressway Buffer (EB)

- EB-01 Page 7-24

Environmental (EN)

- EN-01 Page 7-25

Floodplain (FP)

- FP-01 Page 7-27

Performance (PF)

- PF-01 Page 7-30

Lighting (LT)

- LT-01 Page 7-31

General Signs (GS)

- GS-01 Page 7-32

Temporary Signs (TS)

- TS-01 Page 7-34

Permanent Signs (PS)

- PS-01 Page 7-35

Parking (PK)

- PK-01 Page 7-39

- PK-06 Page 7-41

- PK-07 Page 7-43

- PK-08 Page 7-43

Entrances/Drives (ED)

- ED-01 Page 7-45

Vision Clearance (VC)

- VC-01 Page 7-47

Telecommunication Facilities (TC)

- TC-01 Page 7-48

- TC-02 Page 7-51

Special Exception (SE)

- SE-01 Page 7-54

Miscellaneous (MC)

- MC-02 Page 7-55

- MC-04 Page 7-55

- MC-06 Page 7-55

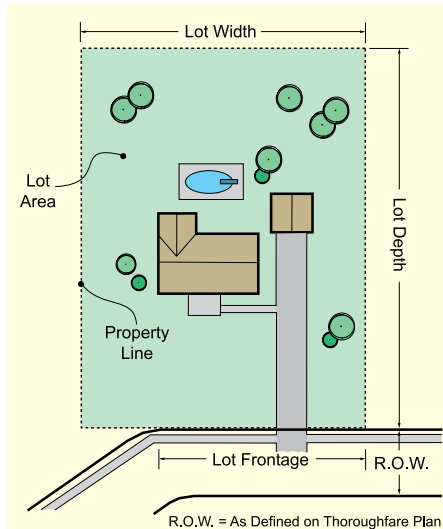
"R1" District

3.3 "R1" District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
The "R1" (Low Density Residential) District is intended to provide a land use category for medium lots and medium-sized single family detached homes. The provisions that regulate this land use district should protect, promote and maintain areas in Jeffersonville for existing and future housing growth. Jeffersonville's Plan Commission and Board of Zoning Appeals should strive to protect this district from conflicting land uses, and non-family oriented businesses. The Plan Commission and Board of Zoning Appeals should strive to promote an average net density of 3 to 4 dwelling units per acre community-wide in the "R1" district.	Residential • child care home (owner-occupied) • dwelling, single family • residential facility for developmentally disabled (4 bedrooms or less) • residential facility for mentally ill (4 bedrooms or less) Miscellaneous • accessory uses • home occupation #1	Residential • residential facility for developmentally disabled (over 4 bedrooms) Business: Recreation • golf course Institutional/Public Facilities • public park/recreational center • church, temple, or mosque Communication/Utility • public well • telecommunication facility Miscellaneous • artificial lake or pond over one (1) -acre in size • home occupation #2

"R1" District

3.4 "R1" District Development Standards



Minimum Lot Area:

- 10,000 square feet

Minimum Lot Width:

- 70 feet

Maximum Lot Depth:

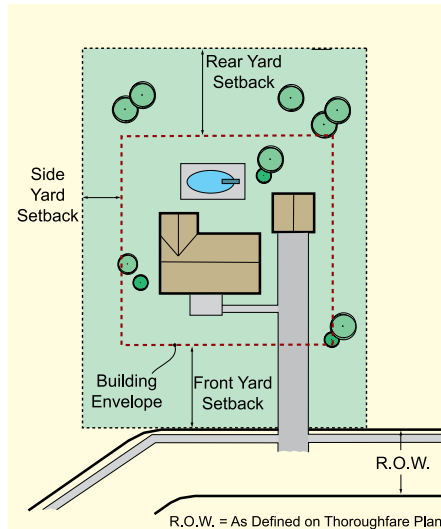
- 2.5 times the Lot Width

Minimum Lot Frontage:

- 50 feet on a Public Street with access from said Public Street

Sewer and Water:

- Requires municipal water and sewer hookup



Minimum Front Yard Setback:

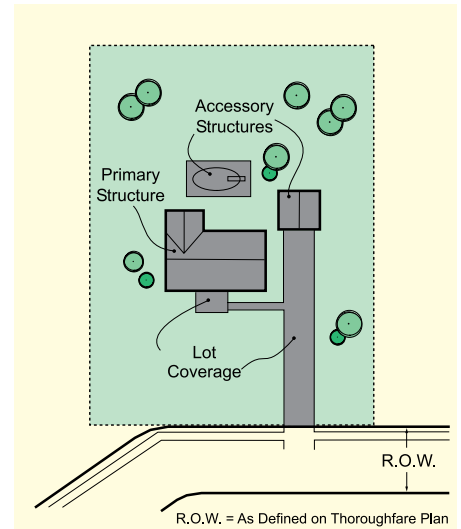
- 30 feet when adjacent to an Arterial
- 25 feet when adjacent to a Local Street

Minimum Side Yard Setback:

- 10% of the lot width per side Yard for Primary and Accessory Structures

Minimum Rear Yard Setback:

- 20 feet for the Primary Structure
- 5 feet for Accessory Structures

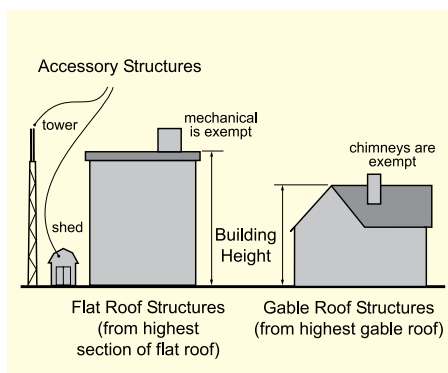


Maximum Lot Coverage:

- Square footage of all Primary and Accessory Structures, and impervious surface cannot exceed 35% of the Lot Area

Minimum Main Floor Area:

- 1,500 square feet for one story Primary Structures; or
- 1,100 square feet for the first floor of the Primary Structure, provided that the total Finished Floor Area is 1,500 square feet or more



Maximum Structure Height:

- 35 feet for the Primary Structure
- 18 feet for Accessory Structures

Additional Development Standards that Apply

Lot, Yard, and Density (LY)

- LY-01 Page 7-3

Height (HT)

- HT-01 Page 7-4

Accessory Structure (AS)

- AS-01 Page 7-5

- AS-02 Page 7-6

Fences and Walls (FW)

- FW-01 Page 7-8

Temporary Uses (TU)

- TU-01 Page 7-9

- TU-02 Page 7-9

Home Occupation (HO)

- HO-01 Page 7-10

- HO-02 Page 7-11

Public Improvement (PI)

- PI-01 Page 7-13

Landscaping (LA)

- LA-01 Page 7-14

- LA-02 Page 7-15

Expressway Buffer (EB)

- EB-01 Page 7-24

Environmental (EN)

- EN-01 Page 7-25

Floodplain (FP)

- FP-01 Page 7-27

Performance (PF)

- PF-01 Page 7-30

Lighting (LT)

- LT-01 Page 7-31

General Signs (GS)

- GS-01 Page 7-32

Temporary Signs (TS)

- TS-01 Page 7-34

Permanent Signs (PS)

- PS-01 Page 7-35

Parking (PK)

- PK-01 Page 7-39

- PK-07 Page 7-41

- PK-08 Page 7-43

- PK-09 Page 7-43

Entrances/Drives (ED)

- ED-01 Page 7-45

Vision Clearance (VC)

- VC-01 Page 7-47

Telecommunication Facilities (TC)

- TC-01 Page 7-48

- TC-02 Page 7-51

Special Exception (SE)

- SE-01 Page 7-54

Miscellaneous (MC)

- MC-02 Page 7-58

- MC-04 Page 7-58

- MC-06 Page 7-58

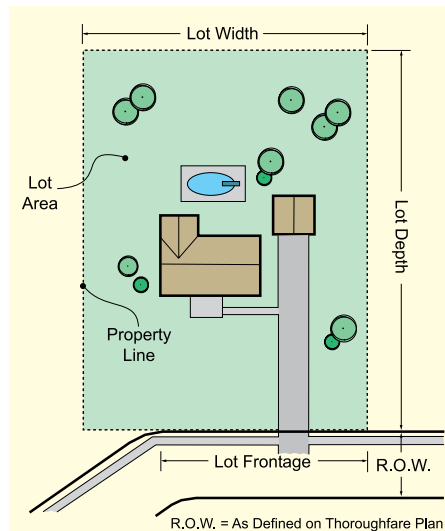
"R2" District

3.5 "R2" District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
The "R2" (Medium Density Residential) District is intended to provide a land use category for medium lots and small-sized single family detached homes. The provisions that regulate this land use district should protect, promote and maintain areas in Jeffersonville for existing and future housing growth. Jeffersonville's Plan Commission and Board of Zoning Appeals should strive to protect this district from conflicting land uses, and non-family oriented businesses. The Plan Commission and Board of Zoning Appeals should also strive to promote an average net density of 4 to 6 dwelling units per acre community-wide in the "R2" district.	Residential • child care home (owner-occupied) • dwelling, single family • residential facility for developmentally disabled (4 bedrooms or less) • residential facility for mentally ill (4 bedrooms or less) Miscellaneous • accessory uses • home occupation #1	Residential • bed and breakfast • residential facility for developmentally disabled (over 4 bedrooms) Business: Recreation • golf course Business: Personal Service • child care center (day care) Institutional/Public Facilities • public park/recreational center • church, temple, or mosque Communication/Utility • public well • telecommunication facility Miscellaneous • home occupation #2
		Miscellaneous Standards
		Incentives • Developments of five (5) acres or more may reduce the minimum lot area under certain parameters as outlined in Article Nine of this Ordinance. Process • Developments requesting incentives (above) require development plan review as defined in Article 9 of this Ordinance.

"R2" District

3.6 "R2" District Development Standards



Minimum Lot Area:

- 7,500 square feet

Minimum Lot Width:

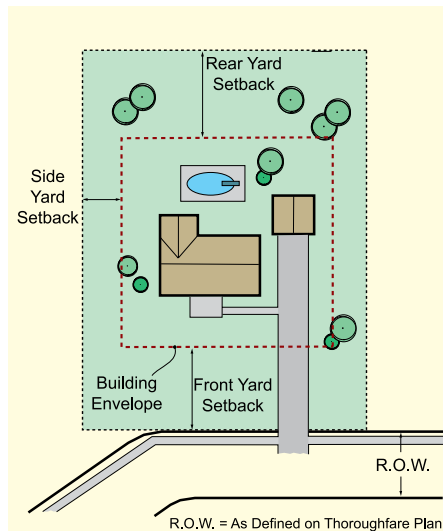
- 50 feet

Minimum Lot Frontage:

- 35 feet on a Public Street with access from said Public Street

Sewer and Water:

- Requires municipal water and sewer hookup



Minimum Front Yard Setback:

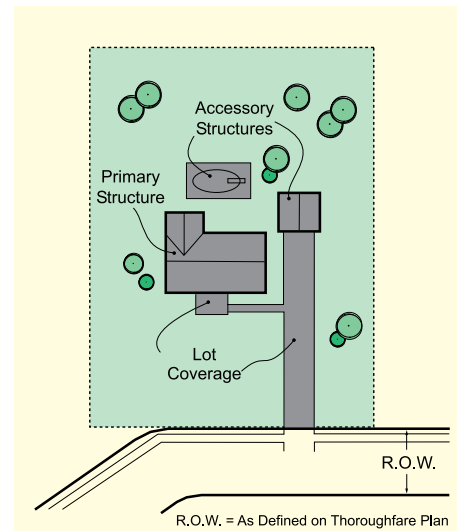
- 30 feet when adjacent to an Arterial
- 25 feet when adjacent to a Local Street

Minimum Side Yard Setback:

- 7 feet per side for the Primary Structure
- 3 feet per side for Accessory Structures

Minimum Rear Yard Setback:

- 20 feet for the Primary Structure
- 3 feet for Accessory Structures

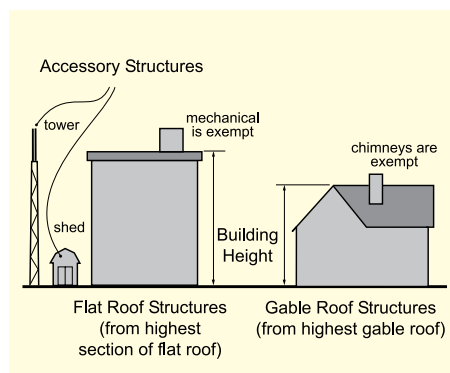


Maximum Lot Coverage:

- Square footage of all Primary and Accessory Structures, and impervious surface cannot exceed 45% of the Lot Area

Minimum Main Floor Area:

- 1,200 square feet for one story Primary Structures; or
- 900 square feet for the first floor of the Primary Structure, provided that the total Finished Floor Area is 1,200 square feet or more



Maximum Structure Height:

- 35 feet for the Primary Structure
- 18 feet for Accessory Structures

Additional Development Standards that Apply

Lot, Yard, and Density (LY)

- LY-01 Page 7-3

Height (HT)

- HT-01 Page 7-4

Accessory Structure (AS)

- AS-01 Page 7-5
- AS-02 Page 7-6

Fences and Walls (FW)

- FW-01 Page 7-8

Temporary Uses (TU)

- TU-01 Page 7-9
- TU-02 Page 7-9

Home Occupation (HO)

- HO-01 Page 7-10
- HO-02 Page 7-11

Public Improvement (PI)

- PI-01 Page 7-13

Landscaping (LA)

- LA-01 Page 7-14
- LA-02 Page 7-15

Expressway Buffer (EB)

- EB-01 Page 7-24

Environmental (EN)

- EN-01 Page 7-25

Floodplain (FP)

- FP-01 Page 7-27

Performance (PF)

- PF-01 Page 7-30

Lighting (LT)

- LT-01 Page 7-31

General Signs (GS)

- GS-01 Page 7-32

Temporary Signs (TS)

- TS-01 Page 7-34

Permanent Signs (PS)

- PS-01 Page 7-35

Parking (PK)

- PK-01 Page 7-39
- PK-07 Page 7-41
- PK-08 Page 7-43
- PK-09 Page 7-43

Entrances/Drives (ED)

- ED-01 Page 7-45

Vision Clearance (VC)

- VC-01 Page 7-47

Telecommunication Facilities (TC)

- TC-01 Page 7-48
- TC-02 Page 7-51

Special Exception (SE)

- SE-01 Page 7-54

Miscellaneous (MC)

- MC-02 Page 7-58
- MC-04 Page 7-58
- MC-06 Page 7-58

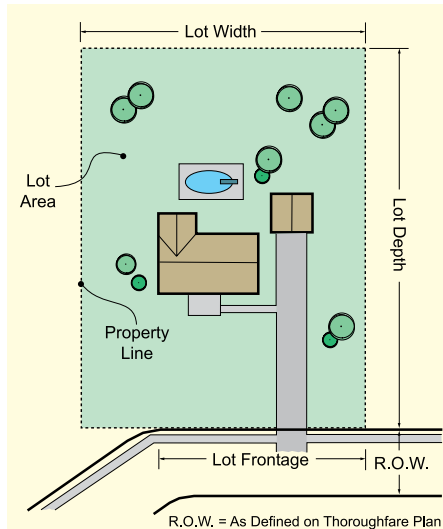
"R3" District

3.7 "R3" District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
The "R3" (Old City Residential) District is intended to provide a land use category for small lots and small-sized single family detached homes. The provisions that regulate this land use district should protect, maintain and promote where possible the "old city residential character" in Jeffersonville. Jeffersonville's Plan Commission and Board of Zoning Appeals should strive to protect this district from business encroachment, conflicting land uses, and non-family oriented businesses. The Plan Commission and Board of Zoning Appeals should strive to promote an average net density of 7 to 8 dwelling units per acre community-wide in the "R3" district.	Residential • child care home (owner-occupied) • dwelling, single family • residential facility for developmentally disabled (4 bedrooms or less) • residential facility for mentally ill (4 bedrooms or less) Miscellaneous • accessory uses • home occupation #1	Residential • bed and breakfast facility • boarding house (owner-occupied) • dwelling, two-family • residential facility for developmentally disabled (over 4 bedrooms) Business: Personal Service • child care center (day care) Institutional/Public Facilities • public park/recreational center • church, temple, or mosque Communication/Utility • public well • telecommunication facility Miscellaneous • home occupation #2

"R3" District

3.8 "R3" District Development Standards



Minimum Lot Area:

- 5,000 square feet/dwelling unit

Minimum Lot Width:

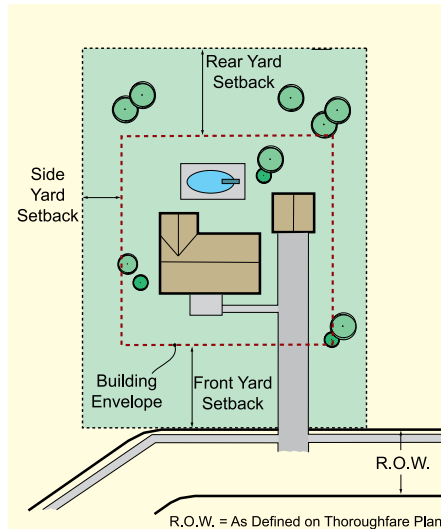
- 30 feet

Minimum Lot Frontage:

- 25 feet on a Public Street with vehicular access from said Public Street or rear alley

Sewer and Water:

- Requires municipal water and sewer hookup



Minimum Front Yard Setback:

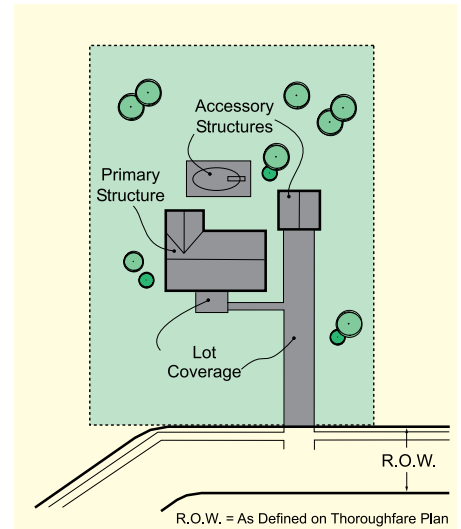
- 25 feet when adjacent to an Arterial or average setback whichever is less
- 20 feet when adjacent to a Local Street or average setback whichever is less

Minimum Side Yard Setback:

- 5 feet per side for the Primary and Accessory Structures

Minimum Rear Yard Setback:

- 15 feet for the Primary Structure
- 3 feet for Accessory Structures

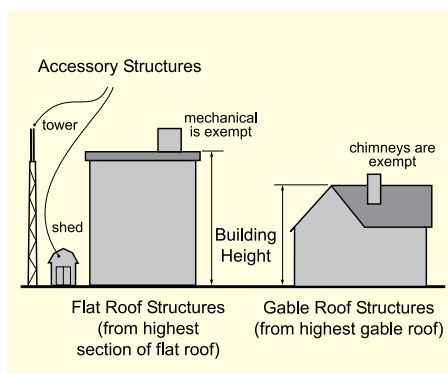


Maximum Lot Coverage:

- Square footage of all Primary and Accessory Structures, and impervious surface cannot exceed 75% of the Lot Area

Minimum Main Floor Area:

- 960 square feet for one story Primary Structures; or
- 700 square feet for the first floor of the Primary Structure, provided that the total Finished Floor Area is 960 square feet or more



Maximum Structure Height:

- 35 feet for the Primary Structure
- 18 feet for Accessory Structures

Additional Development Standards that Apply

Lot, Yard, and Density (LY)

- LY-01 Page 7-3

Height (HT)

- HT-01 Page 7-4

Accessory Structure (AS)

- AS-01 Page 7-5

- AS-02 Page 7-6

Fences and Walls (FW)

- FW-01 Page 7-8

Temporary Uses (TU)

- TU-01 Page 7-9

- TU-02 Page 7-9

Home Occupation (HO)

- HO-01 Page 7-10

- HO-02 Page 7-11

Public Improvement (PI)

- PI-01 Page 7-13

Landscaping (LA)

- LA-01 Page 7-14

- LA-02 Page 7-15

Expressway Buffer (EB)

- EB-01 Page 7-24

Environmental (EN)

- EN-01 Page 7-25

Floodplain (FP)

- FP-01 Page 7-27

Performance (PF)

- PF-01 Page 7-30

Lighting (LT)

- LT-01 Page 7-31

General Signs (GS)

- GS-01 Page 7-32

Temporary Signs (TS)

- TS-01 Page 7-34

Permanent Signs (PS)

- PS-01 Page 7-35

Parking (PK)

- PK-02 Page 7-39

- PK-07 Page 7-41

- PK-08 Page 7-43

- PK-09 Page 7-43

Entrances/Drives (ED)

- ED-01 Page 7-45

Vision Clearance (VC)

- VC-01 Page 7-47

Telecommunication Facilities (TC)

- TC-01 Page 7-48

- TC-02 Page 7-51

- TC-05 Page 7-52

Special Exception (SE)

- SE-01 Page 7-54

Miscellaneous (MC)

- MC-02 Page 7-58

- MC-04 Page 7-58

- MC-06 Page 7-58

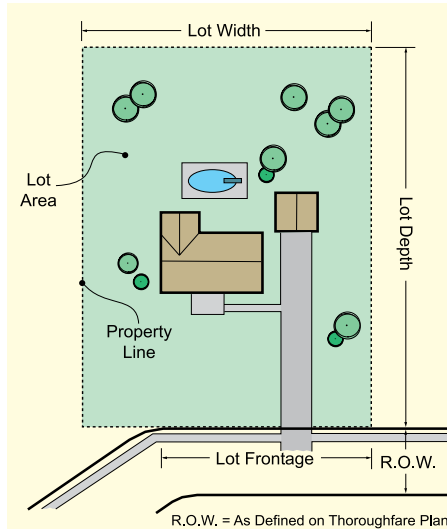
M1 District

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

District Intent	Permitted Uses	Special Exception Uses
The "M1" (Low Density Multifamily Residential) District is intended to provide a land use category for small-scale multifamily residential (i.e. duplex, triplex, and quadplex). The provisions that regulate this zoning district allow a limited mix of residential uses and up to two primary structure per lot. The "M1" district is applicable to new and existing developments, small in area, and development standards that recognize multifamily development requires more stringent development standards to protect the quality of life of tenants Jeffersonville's Plan Commission and Board of Zoning Appeals should use this district for existing developments and carefully for new residential developments. A special exception use should be granted only when a development is clearly comparable to the intent and standards of this district.	Residential • child care home • dwelling, multifamily (duplex) • dwelling, multifamily (3 to 4 units) • dwelling, single-family • residential facility for developmentally disabled (4 bedrooms or less) • residential facility for mentally ill (4 bedrooms or less) Miscellaneous Use • accessory uses	Institutional/Public Facilities • church, temple, or mosque Miscellaneous Use • home occupation #1

M1 District

3.10 M1 District Development Standards



Minimum Lot Area:

- 12,000 square feet

Minimum Lot Width:

- 70 feet

Maximum Lot Depth:

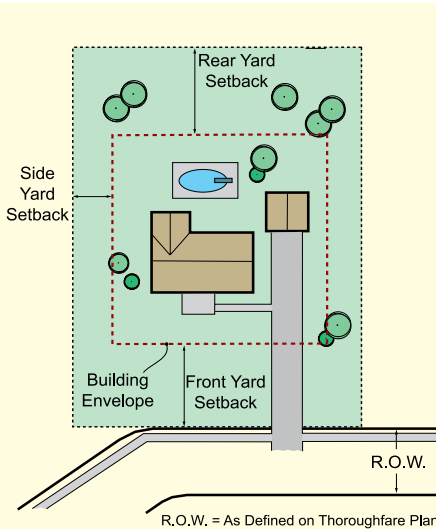
- 2.5 times the Lot Width

Minimum Lot Frontage:

- 50 feet on a Public Street with access from said Public Street

Sewer and Water:

- Requires municipal water and sewer hookup



Minimum Front Yard Setback:

- 30 feet when adjacent to an Arterial Street; or the established setback from neighboring lots
- 25 feet when adjacent to a Local Street; or the established setback from neighboring lots

Minimum Side Yard Setback:

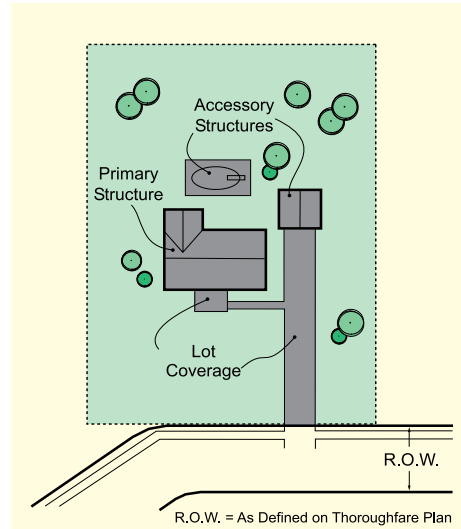
- 20 feet per side for the Primary Structure
- 5 feet per side for Accessory Structures

Minimum Rear Yard Setback:

- 15 feet for the Primary and Accessory Structures

Maximum Lot Coverage:

- Square footage of all Primary and Accessory Structures, and impervious surface shall not exceed 50% of the Lot Area



Maximum Density:

- 2 units per 12,000 square foot lot for existing infill lots, or
- 4 units per acre for new development

Minimum Main Floor Area:

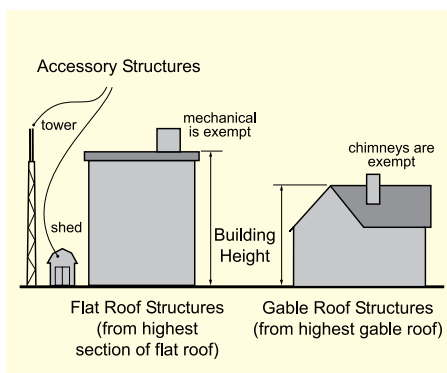
- 1,000 square feet per Primary Structure for single family or multifamily uses

Minimum Floor Area Per Unit:

- 1,000 square feet average per dwelling unit in a multiple-unit Primary Structure, with 500 square feet the absolute minimum
- 1,200 square feet for single family Primary Structures

Maximum Primary Structures:

- 1



Maximum Structure Height:

- 35 feet for the Primary Structure
- 18 feet for Accessory Structures

Additional Development Standards that Apply

Lot, Yard, and Density (LY) • LY-01 Page 7-3 Height (HT) • HT-01 Page 7-4 Accessory Structure (AS) • AS-01 Page 7-5 • AS-02 Page 7-6 Fences and Walls (FW) • FW-01 Page 7-8 Temporary Uses (TU) • TU-01 Page 7-9 • TU-02 Page 7-9 Home Occupation (HO) • HO-01 Page 7-10 • HO-02 Page 7-11 Public Improvement (PI) • PI-01 Page 7-13 Landscaping (LA) • LA-01 Page 7-14 • LA-02 Page 7-15 • LA-03 Page 7-17	Buffer Yard (BY) • BY-01 Page 7-19 Expressway Buffer (EB) • EB-01 Page 7-24 Environmental (EN) • EN-01 Page 7-25 Floodplain (FP) • FP-01 Page 7-27 Performance (PF) • PF-01 Page 7-30 Lighting (LT) • LT-01 Page 7-31 General Signs (GS) • GS-01 Page 7-32 Temporary Signs (TS) • TS-01 Page 7-34 Permanent Signs (PS) • PS-01 Page 7-35	Parking (PK) • PK-03 Page 7-39 • PK-07 Page 7-41 • PK-08 Page 7-43 • PK-09 Page 7-43 Entrances/Drives (ED) • ED-01 Page 7-45 Vision Clearance (VC) • VC-01 Page 7-47 Telecommunication Facilities (TC) • TC-01 Page 7-48 • TC-02 Page 7-51 Special Exception (SE) • SE-01 Page 7-54 Miscellaneous (MC) • MC-02 Page 7-58 • MC-04 Page 7-58 • MC-05 Page 7-58 • MC-06 Page 7-58
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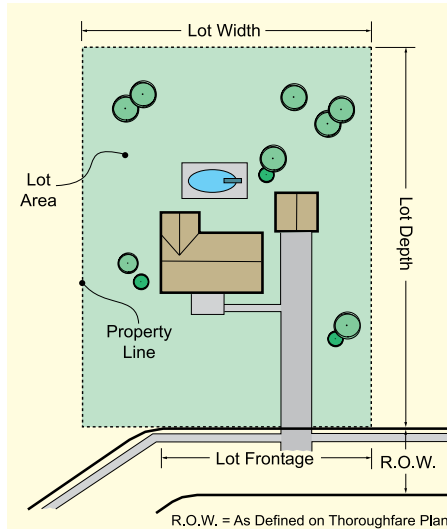
M2 District

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

District Intent	Permitted Uses	Special Exception Uses
The "M2" (Medium Density Multifamily Residential) District is intended to provide a land use category for small-scale multifamily apartment, townhouse, or condominium developments. The provisions that regulate this zoning district allow a limited mix of multifamily residential uses and one primary structure per lot. Jeffersonville's Plan Commission and Board of Zoning Appeals should strive to integrate this district near NC, OC, and DC Commercial Districts, and very sensitively near other residential districts. This district should also be within close proximity to parks, open space, services, and retail if possible. Avoid locating near conflicting land uses. The Plan Commission and Board of Zoning Appeals should strive to promote a maximum density of up to 8 dwelling units per acre in the "M2" district.	Residential • dwelling, multifamily (duplex) • dwelling, multifamily (3 to 4 units) • dwelling, multifamily (5 to 8 units) Miscellaneous • accessory uses	Residential • assisted living facility • dwelling, single-family • nursing home • retirement community • residential facility for developmentally disabled (4 bedrooms or less) • residential facility for mentally ill (4 bedrooms or less) Institutional/Public Facilities • church, temple, or mosque Communication/Utilities • telecommunication facility Miscellaneous • home occupation #1

M2 District

3.12 M2 District Development Standards



Minimum Lot Area:

- 25,000 square feet

Minimum Lot Width:

- 100 feet

Maximum Lot Depth:

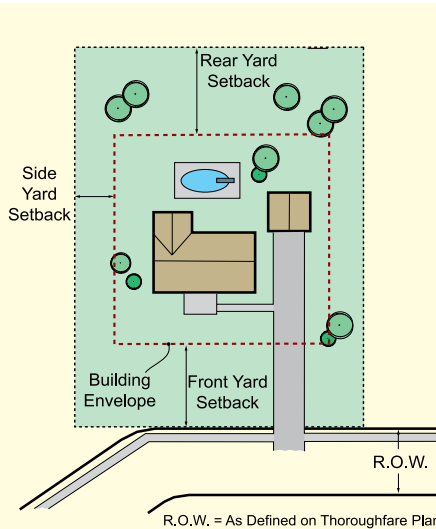
- 2.5 times the Lot Width

Minimum Lot Frontage:

- 50 feet on a Public Street with access from said Public Street

Sewer and Water:

- Requires municipal water and sewer hookup



Minimum Front Yard Setback:

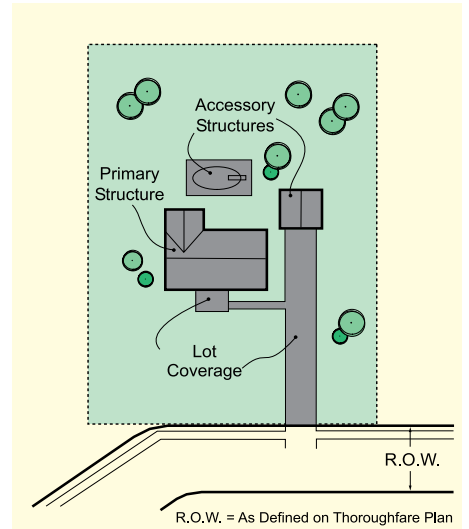
- 35 feet when adjacent to an Arterial Street
- 30 feet when adjacent to a Local Street

Minimum Side Yard Setback:

- 30 feet per side for the Primary Structure
- 15 feet per side for Accessory Structures

Minimum Rear Yard Setback:

- 20 feet for the Primary and Accessory Structures



Maximum Lot Coverage:

- Square footage of all Primary and Accessory Structures, and impervious surface cannot exceed 55% of the Lot Area

Maximum Density:

- 8 units per acre

Minimum Main Floor Area:

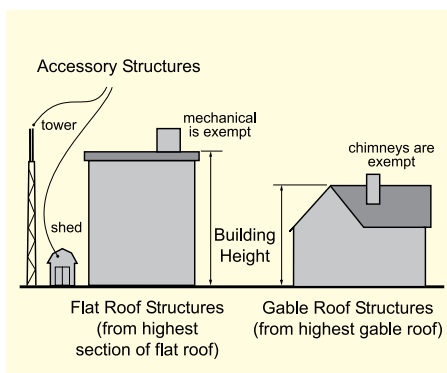
- 1,200 square feet per Primary Structure for multifamily uses

Minimum Floor Area Per Unit:

- 850 square feet average per dwelling unit in each multiple-unit Primary Structure, with 500 square feet the absolute minimum

Maximum Primary Structures:

- 10



Maximum Structure Height:

- 40 feet for the Primary Structure
- 18 feet for Accessory Structures

Maximum Stories:

- 2 Stories

Additional Development Standards that Apply

Lot, Yard, and Density (LY)

- LY-01 Page 7-3

Height (HT)

- HT-01 Page 7-4

Accessory Structure (AS)

- AS-01 Page 7-5

- AS-02 Page 7-6

- AS-05 Page 7-6

Fences and Walls (FW)

- FW-01 Page 7-8

Temporary Uses (TU)

- TU-01 Page 7-9

- TU-02 Page 7-9

Home Occupation (HO)

- HO-01 Page 7-10

- HO-02 Page 7-11

Public Improvement (PI)

- PI-01 Page 7-13

Landscaping (LA)

- LA-01 Page 7-14

- LA-02 Page 7-15

- LA-03 Page 7-17

- LA-05 Page 7-18

Buffer Yard (BY)

- BY-01 Page 7-19

Expressway Buffer (EB)

- EB-01 Page 7-24

Environmental (EN)

- EN-01 Page 7-25

Floodplain (FP)

- FP-01 Page 7-27

Performance (PF)

- PF-01 Page 7-30

Lighting (LT)

- LT-01 Page 7-31

General Signs (GS)

- GS-01 Page 7-32

Temporary Signs (TS)

- TS-01 Page 7-34

Permanent Signs (PS)

- PS-01 Page 7-35

Parking (PK)

- PK-03 Page 7-39

- PK-07 Page 7-41

- PK-08 Page 7-43

- PK-09 Page 7-43

Entrances/Drives (ED)

- ED-01 Page 7-45

Vision Clearance (VC)

- VC-01 Page 7-47

Telecommunication Facilities (TC)

- TC-01 Page 7-48

- TC-02 Page 7-51

Special Exception (SE)

- SE-01 Page 7-54

Miscellaneous (MC)

- MC-02 Page 7-58

- MC-04 Page 7-58

- MC-05 Page 7-58

- MC-06 Page 7-58

- MC-07 Page 7-59

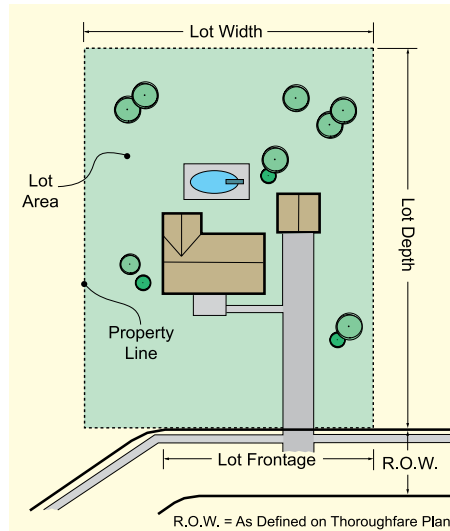
M3 District

3.13 M3 District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
The "M3" (High Density Multifamily Residential) District is intended to provide a land use category for medium- to large-scale multifamily developments. The provisions that regulate this zoning district allow a mix of multifamily residential uses and many primary structure per lot. Jeffersonville's Plan Commission and Board of Zoning Appeals should strive to integrate this district as a transition between commercial districts and single-family residential districts; or along major thoroughfares. This district should be within close proximity to parks, open space, services, and retail if possible. Avoid locating near conflicting land uses including low-density single-family residential and industrial districts. The Plan Commission and Board of Zoning Appeals should strive to promote a maximum density up to 16 dwelling units per acre in the "M3" district.	Residential • assisted living facility • dwelling, multifamily (3 to 4 unit) • dwelling, multifamily (5 to 8 units) • dwelling, multifamily (9 to 20 units) • nursing home • retirement community Miscellaneous • accessory uses	Residential • child care institution • dwelling, multifamily (duplex) • residential facility for developmentally disabled • residential facility for mentally ill Institutional/Public Facilities • church, temple, or mosque Communication/Utilities • telecommunication facility Miscellaneous • home occupation #1

M3 District

3.14 M3 District Development Standards



Minimum Lot Area:

- 43,560 square feet (1 acre)

Minimum Lot Width:

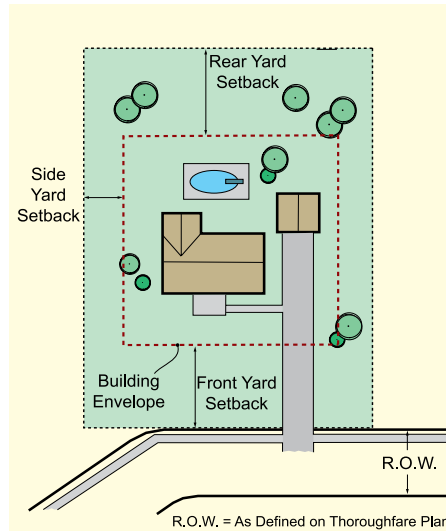
- 120 feet

Minimum Lot Frontage:

- 70 feet on a Public Street with access from said Public Street

Sewer and Water:

- Requires municipal water and sewer hookup



Minimum Front Yard Setback:

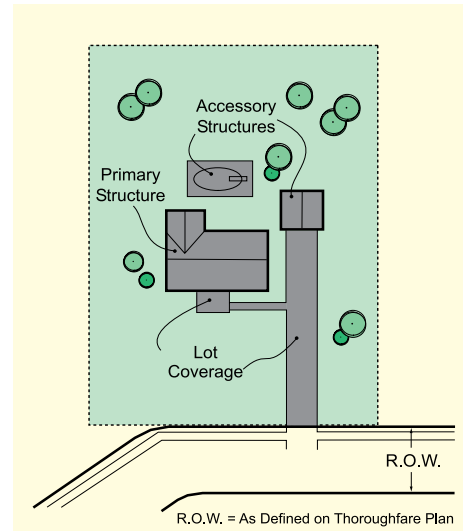
- 50 feet when adjacent to an Arterial Street
- 40 feet when adjacent to a Local Street

Minimum Side Yard Setback:

- 40 feet per side for the Primary Structures
- 30 feet per side for the Accessory Structures

Minimum Rear Yard Setback:

- 30 feet for the Primary and Accessory Structures



Maximum Lot Coverage:

- Square footage of all Primary and Accessory Structures, and impervious surface cannot exceed 60% of the Lot Area

Maximum Density:

- 16 units per acre

Minimum Main Floor Area:

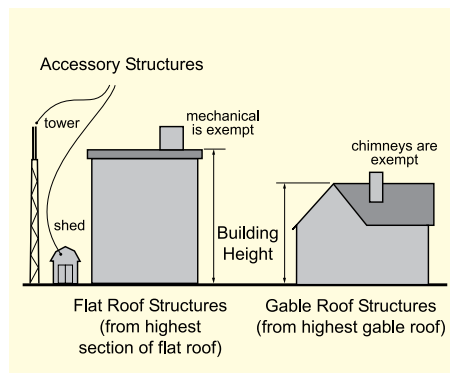
- 2,000 square feet per Primary Structure for multifamily uses

Minimum Floor Area Per Unit:

- 900 square feet average per dwelling unit in all multiple-unit Primary Structures in the development, with 500 square feet the absolute minimum

Maximum Primary Structures:

- 50



Maximum Structure Height:

- 55 feet for the Primary Structure
- 18 feet for Accessory Structures

Maximum Stories:

- 3 Stories

Additional Development Standards that Apply		
Lot, Yard, and Density (LY) • LY-01 Page 7-3 Height (HT) • HT-01 Page 7-4 Accessory Structure (AS) • AS-01 Page 7-5 • AS-02 Page 7-6 Fences and Walls (FW) • FW-01 Page 7-8 Temporary Uses (TU) • TU-01 Page 7-9 • TU-02 Page 7-9 Home Occupation (HO) • HO-01 Page 7-10 • HO-02 Page 7-11 Public Improvement (PI) • PI-01 Page 7-13 Landscaping (LA) • LA-01 Page 7-14 • LA-02 Page 7-15 • LA-03 Page 7-16 • LA-05 Page 7-18	Buffer Yard (BY) • BY-01 Page 7-19 Expressway Buffer (EB) • EB-01 Page 7-24 Environmental (EN) • EN-01 Page 7-25 Floodplain (FP) • FP-01 Page 7-27 Performance (PF) • PF-01 Page 7-30 Lighting (LT) • LT-01 Page 7-31 General Signs (GS) • GS-01 Page 7-32 Temporary Signs (TS) • TS-01 Page 7-34 Permanent Signs (PS) • PS-01 Page 7-35 Parking (PK) • PK-04 Page 7-39 • PK-07 Page 7-41 • PK-08 Page 7-43 • PK-09 Page 7-43	Entrances/Drives (ED) • ED-01 Page 7-45 Vision Clearance (VC) • VC-01 Page 7-47 Telecommunication Facilities (TC) • TC-01 Page 7-48 • TC-02 Page 7-51 Special Exception (SE) • SE-01 Page 7-54 Amenity Standards (AM) • SE-01 Page 7-55 Miscellaneous (MC) • MC-02 Page 7-58 • MC-04 Page 7-58 • MC-05 Page 7-58 • MC-06 Page 7-58 • MC-07 Page 7-59

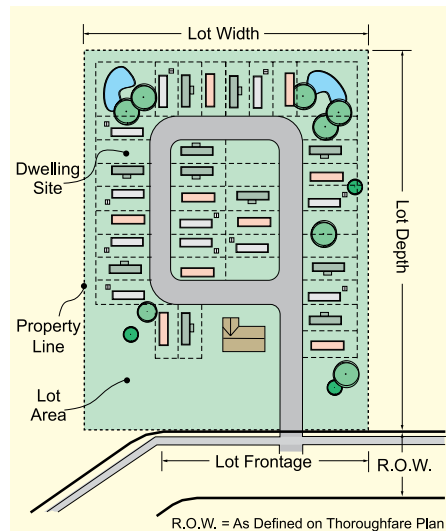
"MP" District

3.15 "MP" District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
The "MP" (Mobile Home Park) District is intended to provide a land use category for housing districts (typically mobile homes or manufactured home parks) where dwelling sites are leased. Manufactured home or mobile home parks shall be in accordance with IC 16-41-27 et. seq., Rule 410 IAC 6-6 and their subsequent amendments. Additionally all developments in this district are subject to the State Board of Health requirements, and the requirements of this Ordinance. This district should be within close proximity to parks, open space, services and retail if possible. Avoid locating near conflicting land uses. The Plan Commission and Board of Zoning Appeals should strive to promote an average net density of 7 to 8 dwelling units per acre community-wide in the "MP" district.	Residential • dwelling, mobile home • dwelling, manufactured • dwelling, single-family • manufactured home park • residential facility for developmentally disabled (4 bedrooms or less) • residential facility for mentally ill (4 bedrooms or less) Miscellaneous • accessory uses	Residential • child care home (owner-occupied) • child care institution Institutional/Public Facilities • community center • public park/recreational center Communication/Utility • telecommunication facility Miscellaneous • home occupation #1

"MP" District

3.16 "MP" District Development Standards



Minimum Lot Area:

- 5 acres

Minimum Lot Width:

- 250 feet

Maximum Lot Depth:

- 3.5 times the Lot Width

Minimum Dwelling Site Size:

- 4,000 square feet

Minimum Dwelling Site Width:

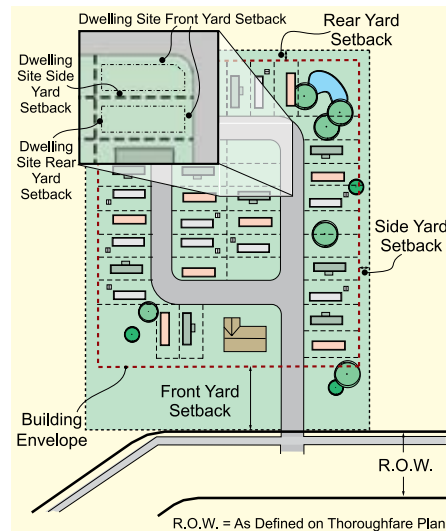
- 30 feet

Minimum Lot Frontage:

- 70 feet on a Public Street with access from said Public Street

Sewer and Water:

- Requires municipal water and sewer hookup



Minimum Front Yard Setback:

- 40 feet

Minimum Side Yard Setback:

- 20 feet for the Primary and Accessory Structures

Minimum Rear Yard Setback:

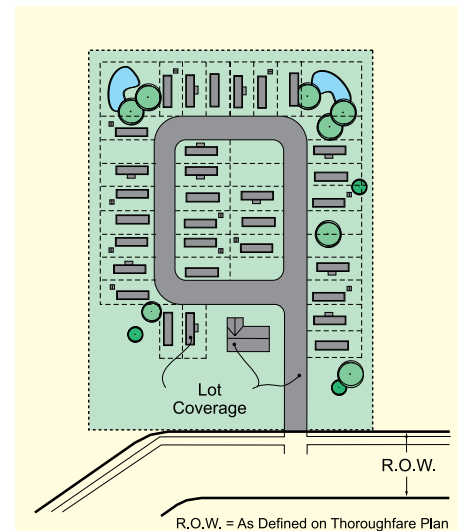
- 20 feet for the Primary and Accessory Structures

Minimum Dwelling Site Front Yard Setback:

- 10 feet from edge of pavement of interior roads

Minimum Dwelling Site Side Yard Setback:

- 7 feet for the Primary Structures and 3 feet for Accessory Structures



Minimum Dwelling Site Rear Yard Setback:

- 5 feet for the Primary Structures and 2 feet for Accessory Structures

Minimum Rear Yard Setback:

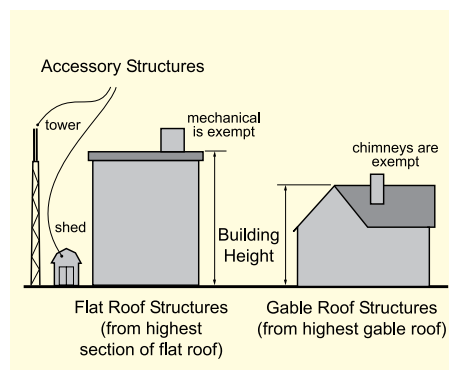
- 7 feet for the Primary and Accessory Structures

Maximum Lot Coverage:

- Square footage of all Primary and Accessory Structures, and impervious surface cannot exceed 65% of the Lot Area.

Minimum Main Floor Area per Unit:

- 750 square feet per Primary Structure on a Dwelling Site.



Maximum Structure Height:

- 20 feet for the Primary Structure
- 15 feet for Accessory Structures

Additional Development Standards that Apply

Lot, Yard, and Density (LY)

- LY-01 Page 7-3

Height (HT)

- HT-01 Page 7-4

Accessory Structure (AS)

- AS-01 Page 7-5

- AS-04 Page 7-7

Fences and Walls (FW)

- FW-01 Page 7-8

Temporary Uses (TU)

- TU-01 Page 7-9

- TU-02 Page 7-9

Public Improvement (PI)

- PI-01 Page 7-13

Landscaping (LA)

- LA-01 Page 7-14

- LA-02 Page 7-15

- LA-03 Page 7-17

Buffer Yard (BY)

- BY-01 Page 7-19

Expressway Buffer (EB)

- EB-01 Page 7-24

Environmental (EN)

- EN-01 Page 7-25

Floodplain (FP)

- FP-01 Page 7-27

Performance (PF)

- PF-01 Page 7-30

Lighting (LT)

- LT-01 Page 7-31

General Signs (GS)

- GS-01 Page 7-32

Temporary Signs (TS)

- TS-01 Page 7-34

Permanent Signs (PS)

- PS-01 Page 7-35

Parking (PK)

- PK-05 Page 7-39

- PK-07 Page 7-41

- PK-08 Page 7-43

- PK-09 Page 7-43

Entrances/Drives (ED)

- ED-01 Page 7-45

- ED-02 Page 7-46

Vision Clearance (VC)

- VC-01 Page 7-47

Telecommunication Facilities (TC)

- TC-01 Page 7-48

- TC-02 Page 7-51

Special Exception (SE)

- SE-01 Page 7-54

Miscellaneous (MC)

- MC-01 Page 7-58

- MC-02 Page 7-58

- MC-04 Page 7-58

- MC-05 Page 7-58

- MC-06 Page 7-58

- MC-07 Page 7-59

Article Four

Institutional and Commercial Zoning Districts

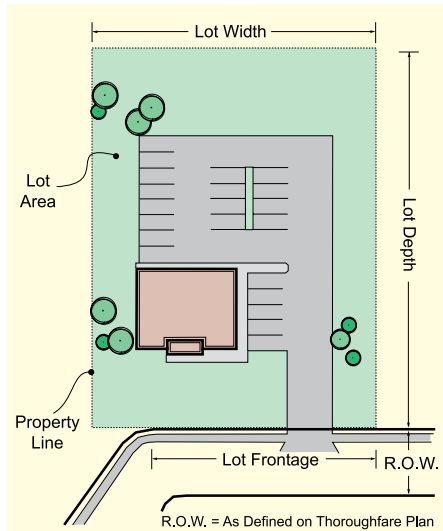
"IS" District

4.1 "IS" District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
The "IS" (Institutional Uses) District is intended to provide a land use category for institutionally owned lands, including state, county, and city facilities. The IS district is also intended for social service oriented uses; and similar nonprofit quasi-public institutions where the use is for public purpose and is anticipated to remain so permanently. The Plan Commission and Board of Zoning Appeals should encourage institutional structures and uses to set a standard for development throughout the planning jurisdiction.	Institutional/Public Facilities • community center • church, temple or mosque • government building • government office • library • museum • police/fire station • post office • public/private parking area • school • trade or business school Business: General Business • funeral home or mortuary	Residential • child care institution (children's home) • nursing home • residential facility for the developmentally disabled (large) • residential facility for the mentally ill Institutional/Public Facilities • cemetery or crematorium • drug/alcohol rehabilitation clinic • hospital • public park/recreation center • recycling collection point Business: General Business • airport • helipad or heliport • light rail station • motor-bus station • railroad station Communication/Utilities • public well • sewage treatment plant • telecommunication facility • telephone exchange • utility substation

"IS" District

4.2 "IS" District Development Standards



Minimum Lot Area:

- 10,000 square feet

Minimum Lot Width:

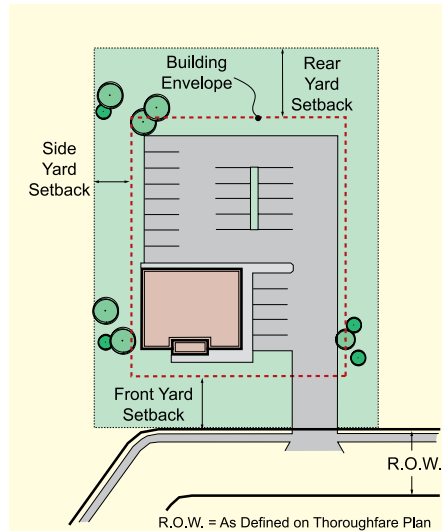
- 70 feet

Minimum Lot Frontage:

- 65 feet on a Public Street with access from said Public Street

Sewer and Water:

- Requires municipal water and sewer hookup



Minimum Front Yard Setback:

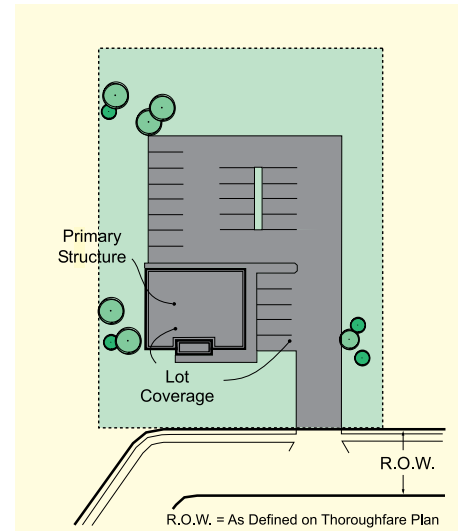
- 35 feet when adjacent to an Arterial
- 25 feet when adjacent to a Local Road

Minimum Side Yard Setback:

- 15 feet for Primary and Accessory Structures

Minimum Rear Yard Setback:

- 20 feet for Primary and Accessory Structures

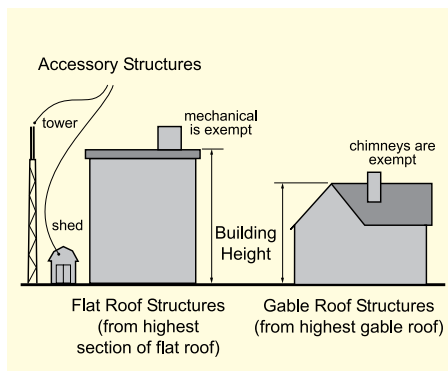


Maximum Lot Coverage:

- Square footage of all primary and accessory structures, and impervious surface cannot exceed 65% of the Lot Area

Minimum Main Floor Area:

- 900 square feet for Primary Structures



Maximum Structure Height:

- 35 feet for the Primary Structure
- 25 feet for Accessory Structures

Additional Development Standards that Apply

Lot, Yard, and Density (LY)

- LY-01 Page 7-3

Height (HT)

- HT-01 Page 7-4

Accessory Structure (AS)

- AS-01 Page 7-5

Fences and Walls (FW)

- FW-01 Page 7-8

Temporary Uses (TU)

- TU-01 Page 7-9

- TU-03 Page 7-9

Public Improvement (PI)

- PI-01 Page 7-13

Landscaping (LA)

- LA-01 Page 7-14

- LA-02 Page 7-15

- LA-03 Page 7-17

Buffer Yard (BY)

- BY-01 Page 7-19

Expressway Buffer (EB)

- EB-01 Page 7-24

Environmental (EN)

- EN-01 Page 7-25

Floodplain (FP)

- FP-01 Page 7-27

Performance (PF)

- PF-01 Page 7-30

Lighting (LT)

- LT-01 Page 7-31

General Signs (GS)

- GS-01 Page 7-32

Temporary Signs (TS)

- TS-02 Page 7-34

Permanent Signs (PS)

- PS-02 Page 7-35

Parking (PK)

- PK-06 Page 7-40

- PK-07 Page 7-41

- PK-08 Page 7-43

Loading (LD)

- LD-01 Page 7-44

Entrances/Drives (ED)

- ED-01 Page 7-45

Vision Clearance (VC)

- VC-01 Page 7-47

Telecommunication Facilities (TC)

- TC-01 Page 7-48

- TC-02 Page 7-51

Special Exception (SE)

- SE-01 Page 7-54

Miscellaneous (MC)

- MC-02 Page 7-58

- MC-04 Page 7-58

- MC-05 Page 7-58

- MC-06 Page 7-58

- MC-07 Page 7-59

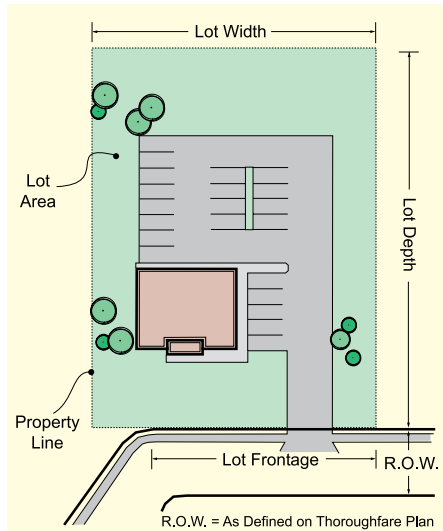
"PR" District

4.3 "PR" District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
The "PR" (Parks and Recreation) District is intended to provide a land use category for parks, open space, playgrounds, and recreational areas. This zoning district may also serve as a buffer between commercial or industrial uses and adjacent residential districts. The Plan Commission and Board of Zoning Appeals should strive to minimize lighting, noise and other potential harmful effects of recreational uses. In addition, environmentally sensitive use of land should be encouraged.	Institutional/Public Facilities • public park/recreation center Business: Recreation • ball fields • community swimming pool • golf course • nature center • nature preserve • public docks • skating rink	Institutional/Public Facilities • cemetery or crematorium • community center • museum • school • school, trade/business • school, university/college Business: Recreation • banquet hall • campground • country club • driving range • fairgrounds • marina • miniature golf • theater, outdoor Communication/Utilities • telecommunication facility

"PR" District

4.4 "PR" District Development Standards



Minimum Lot Area:

- 5,000 square feet
- 100 square feet without improvements

Minimum Lot Width:

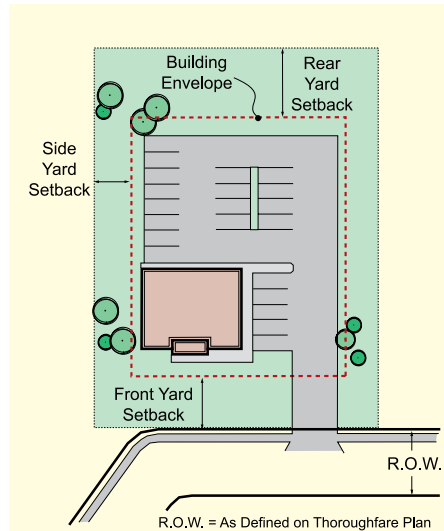
- 50 feet with improvements
- 0 feet without improvements

Minimum Lot Frontage:

- 30 feet on a Public Street with access from said Public Street.
- 10 feet on a Public Street and without improvements.

Sewer and Water:

- Requires municipal water and sewer hookup



Minimum Front Yard Setback:

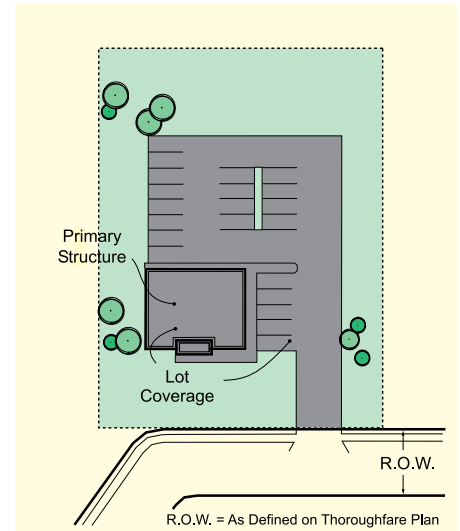
- 35 feet when adjacent to an Arterial
- 25 feet when adjacent to a Local Street

Minimum Side Yard Setback:

- 15 feet for Primary and Accessory Structures

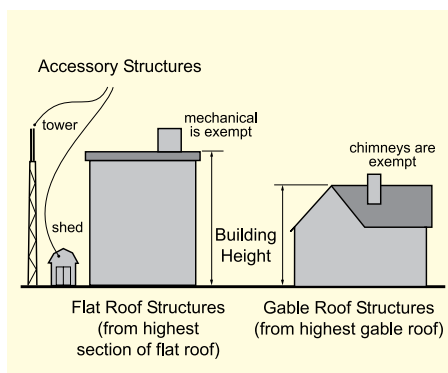
Minimum Rear Yard Setback:

- 20 feet for Primary and Accessory Structures



Maximum Lot Coverage:

- Square footage of all primary and accessory structures, and impervious surface cannot exceed 60% of the Lot Area



Maximum Structure Height:

- 35 feet for the Primary Structure
- 25 feet for Accessory Structures

Additional Development Standards that Apply

Lot, Yard, and Density (LY)

- LY-01 Page 7-3

Height (HT)

- HT-01 Page 7-4

Accessory Structure (AS)

- AS-01 Page 7-5

Fences and Walls (FW)

- FW-01 Page 7-8

Temporary Uses (TU)

- TU-01 Page 7-9

- TU-03 Page 7-9

Public Improvement (PI)

- PI-01 Page 7-13

Landscaping (LA)

- LA-01 Page 7-14

- LA-02 Page 7-15

- LA-03 Page 7-17

Buffer Yard (BY)

- BY-01 Page 7-19

Expressway Buffer (EB)

- EB-01 Page 7-24

Environmental (EN)

- EN-01 Page 7-25

Floodplain (FP)

- FP-01 Page 7-27

Performance (PF)

- PF-01 Page 7-30

Lighting (LT)

- LT-01 Page 7-31

General Signs (GS)

- GS-01 Page 7-32

Temporary Signs (TS)

- TS-02 Page 7-34

Permanent Signs (PS)

- PS-02 Page 7-35

Parking (PK)

- PK-06 Page 7-40

- PK-07 Page 7-41

- PK-08 Page 7-43

Loading (LD)

- LD-01 Page 7-44

Entrances/Drives (ED)

- ED-01 Page 7-45

Vision Clearance (VC)

- VC-01 Page 7-47

Telecommunication

Facilities (TC)

- TC-01 Page 7-48

- TC-02 Page 7-51

Special Exception (SE)

- SE-01 Page 7-54

Miscellaneous (MC)

- MC-02 Page 7-58

- MC-04 Page 7-58

- MC-05 Page 7-58

- MC-06 Page 7-58

- MC-07 Page 7-59

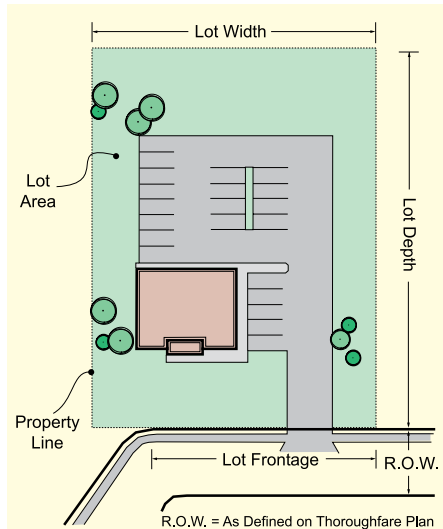
"NC" District

4.5 "NC" District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
The "NC" (Neighborhood Commercial) District is intended to provide a land use category for small scale commercial uses that provide products and services to neighborhoods. The provisions that regulate this land use district should promote appropriate commercial uses that are clearly nonconflicting with neighborhoods in Jeffersonville. Jeffersonville's Plan Commission should strive to use this district sparingly and appropriately as a "spot zone" in the community. The Plan Commission and Board of Zoning Appeals should also strive to exclude businesses from the "NC" district that are not family oriented or that have an adverse effect on the existing or future adjacent neighborhoods.	Residential • dwelling, single-family (upper stories) • dwelling, two-family (upper stories) Business: Food Sales/Service • bakery, retail • convenience store (without gas pumps) • delicatessen • ice cream shop • coffee shop • meat market • small specialty • grocery Business: General Business • print shop/copy center Business: Office/Professional • bank machine/ATM • medical/dental clinic • photographic studio • professional offices Business: Personal Service • barber/beauty shop • coin laundry • child care center (day care) • dry cleaning service • fitness center/gym • health spa Business: Recreation • video store Business: Retail • antique shop • art gallery • art and craft studio • boutique • consignment store • flower shop • jewelry store • music store • news dealer/bookstore (not adult entertainment) • thrift store Miscellaneous • accessory uses	Residential • dwelling, multifamily (upper stories) Institutional/Public Facilities • church, temple or mosque • community center • government office • library • police/fire station • post office • public park/recreation center • recycling collection point (no outdoor storage) • school Business: Food Sales/Service • restaurant • convenience store (with gas pumps) Business: Office/Professional • drive-thru bank machine/ATM Business: Recreation • public docks Communication/Utilities • telecommunication facility • telephone exchange • public well • utility substation Miscellaneous • home occupation #1

"NC" District

4.6 "NC" District Development Standards



Minimum Lot Area:

- 6,000 square feet

Maximum Lot Area:

- 20,000 square feet

Minimum Lot Width:

- 60 feet

Maximum Lot Depth:

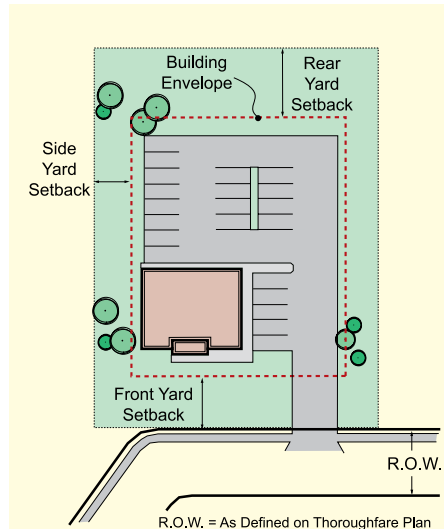
- 2 times the Lot Width

Minimum Lot Frontage:

- 50 feet on a Public Street with access from said Public Street or rear alley

Sewer and Water:

- Requires municipal water and sewer hookup



Minimum Front Yard Setback:

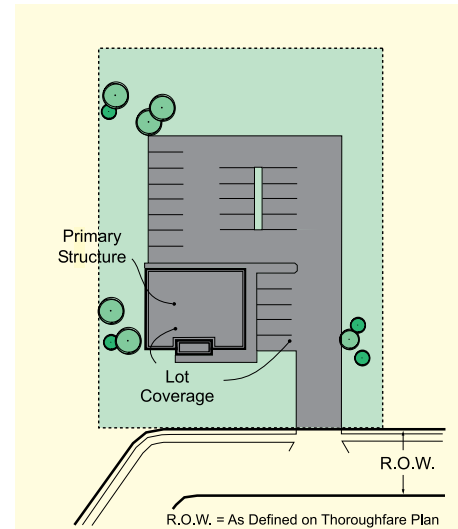
- 20 feet when adjacent to an Arterial
- 15 feet when adjacent to a Local Street

Minimum Side Yard Setback:

- 12 feet for the Primary and Accessory Structures

Minimum Rear Yard Setback:

- 12 feet for the Primary and Accessory Structures



Maximum Lot Coverage:

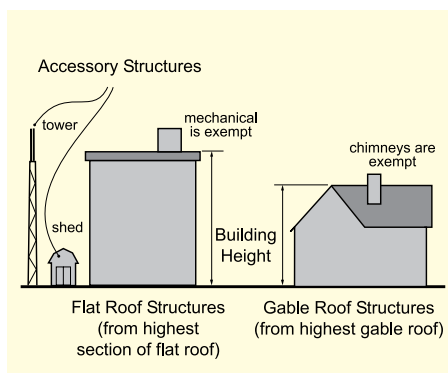
- Square footage of all primary and accessory structures, and impervious surface cannot exceed 70% of the Lot Area

Minimum Main Floor Area:

- 800 square feet for Primary Structures

Maximum Main Floor Area:

- 7,000 square feet for Primary and Accessory Structures combined



Maximum Structure Height:

- 28 feet for the Primary Structure
- 15 feet for Accessory Structures

Additional Development Standards that Apply

Lot, Yard, and Density (LY)

- LY-01 Page 7-3

Height (HT)

- HT-01 Page 7-4

Accessory Structure (AS)

- AS-01 Page 7-5

Fences and Walls (FW)

- FW-02 Page 7-8

Temporary Uses (TU)

- TU-01 Page 7-9

- TU-03 Page 7-9

Public Improvement (PI)

- PI-01 Page 7-13

Landscaping (LA)

- LA-01 Page 7-14

- LA-02 Page 7-15

- LA-04 Page 7-18

Buffer Yard (BY)

- BY-01 Page 7-19

Expressway Buffer (EB)

- EB-01 Page 7-24

Environmental (EN)

- EN-01 Page 7-25

Floodplain (FP)

- FP-01 Page 7-27

Performance (PF)

- PF-01 Page 7-30

Lighting (LT)

- LT-01 Page 7-31

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- GS-01 Page 7-32

Temporary Signs (TS)

- TS-02 Page 7-34

Permanent Signs (PS)

- PS-03 Page 7-35

Parking (PK)

- PK-06 Page 7-40

- PK-07 Page 7-41

- PK-08 Page 7-43

Loading (LD)

- LD-01 Page 7-44

Entrances/Drives (ED)

- ED-01 Page 7-45

Vision Clearance (VC)

- VC-01 Page 7-47

Telecommunication

Facilities (TC)

- TC-01 Page 7-48

- TC-03 Page 7-51

Special Exception (SE)

- SE-01 Page 7-54

Miscellaneous (MC)

- MC-02 Page 7-58

- MC-04 Page 7-58

- MC-05 Page 7-58

- MC-06 Page 7-58

- MC-07 Page 7-59

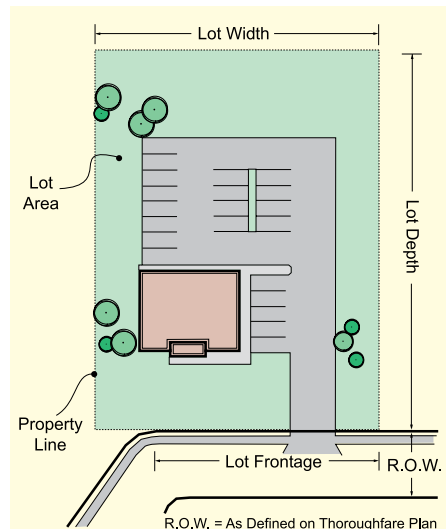
"OC" District

4.7 "OC" District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
The "OC" (Office Commercial) District is intended to provide a land use category for low impact office commercial uses. The provisions that regulate this land use district should make the district compatible with residential districts. This district can be used as a buffer between any residential district and high impact or conflicting land uses. Jeffersonville's Plan Commission should strive to use this district where office uses are to be encouraged. The Plan Commission and Board of Zoning Appeals should strive to minimize the impacts of lighting, parking lots, traffic generation, traffic conflicts, and noise generation on neighboring residential uses.	Institutional/Public Facilities • drug/alcohol rehabilitation clinic Business: Office/Professional • architecture firm • bank/credit union • bank machine/ATM • design services • insurance office • investment firm • consulting firm • medical/dental clinic • planning firm • professional office • reading clinic • real estate office • employment service • service organization office • temporary service agency • title company • travel agency Business: General Business • print shop/copy center Business: Personal Service • barber/beauty shop Miscellaneous • accessory uses	Residential • dwelling, single-family (upper floors) • dwelling, two-family (upper floors) • dwelling, multifamily (upper floors) Institutional/Public Facilities • church, temple or mosque • community center • government office • library • police/fire station • post office • public park/recreation center • school Business: Food Sales/Service • restaurant Business: Office/Professional • contractor office (no outdoor storage) • drive-thru bank machine/ATM • drive-thru bank/credit union • veterinarian office/hospital Business: Personal Service • child care center (day care) • fitness center/gym • health spa Communication/Utilities • telecommunication facility Miscellaneous • home occupation #1 • recycling collection point

"OC" District

4.8 "OC" District Development Standards



Minimum Lot Area:

- 7,000 square feet

Minimum Lot Width:

- 70 feet

Maximum Lot Depth:

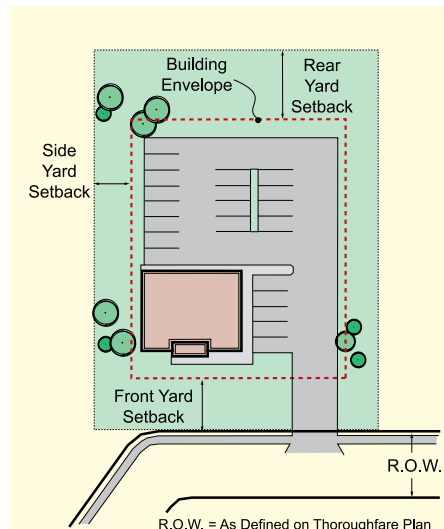
- 3 times the Lot Width

Minimum Lot Frontage:

- 50 feet on a Public Street with access from said Public Street

Sewer and Water:

- Requires municipal water and sewer hookup



Minimum Front Yard Setback:

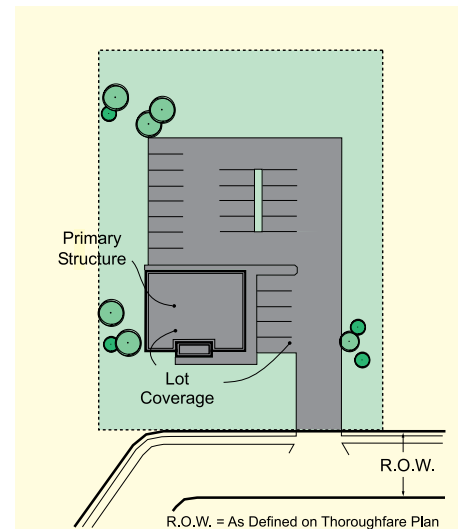
- 25 feet when adjacent to an Arterial
- 20 feet when adjacent to a Local Street

Minimum Side Yard Setback:

- 12 feet for the Primary and Accessory Structures

Minimum Rear Yard Setback:

- 12 feet for the Primary and Accessory Structures

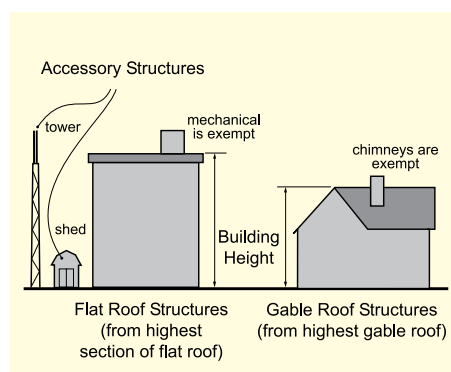


Maximum Lot Coverage:

- Square footage of all primary and accessory structures, and impervious surface cannot exceed 70% of the Lot Area

Minimum Main Floor Area:

- 1,000 square feet for Primary Structures



Maximum Structure Height:

- 30 feet for the Primary Structure
- 15 feet for Accessory Structures

Additional Development Standards that Apply

Lot, Yard, and Density (LY)

- LY-01 Page 7-3

Height (HT)

- HT-01 Page 7-4

Accessory Structure (AS)

- AS-01 Page 7-5

Fences and Walls (FW)

- FW-02 Page 7-8

Temporary Uses (TU)

- TU-01 Page 7-9

- TU-03 Page 7-9

Public Improvement (PI)

- PI-01 Page 7-13

Landscaping (LA)

- LA-01 Page 7-14

- LA-02 Page 7-15

- LA-04 Page 7-18

Buffer Yard (BY)

- BY-01 Page 7-19

Expressway Buffer (EB)

- EB-01 Page 7-24

Environmental (EN)

- EN-01 Page 7-25

Floodplain (FP)

- FP-01 Page 7-27

Performance (PF)

- PF-01 Page 7-30

Lighting (LT)

- LT-01 Page 7-31

General Signs (GS)

- GS-01 Page 7-32

Temporary Signs (TS)

- TS-02 Page 7-34

Permanent Signs (PS)

- PS-04 Page 7-36

Parking (PK)

- PK-06 Page 7-40

- PK-07 Page 7-41

- PK-08 Page 7-43

Loading (LD)

- LD-01 Page 7-44

Entrances/Drives (ED)

- ED-01 Page 7-45

Vision Clearance (VC)

- VC-01 Page 7-47

Telecommunication

Facilities (TC)

- TC-01 Page 7-48

- TC-03 Page 7-51

Special Exception (SE)

- SE-01 Page 7-54

Miscellaneous (MC)

- MC-02 Page 7-58

- MC-04 Page 7-58

- MC-05 Page 7-58

- MC-06 Page 7-58

- MC-07 Page 7-59

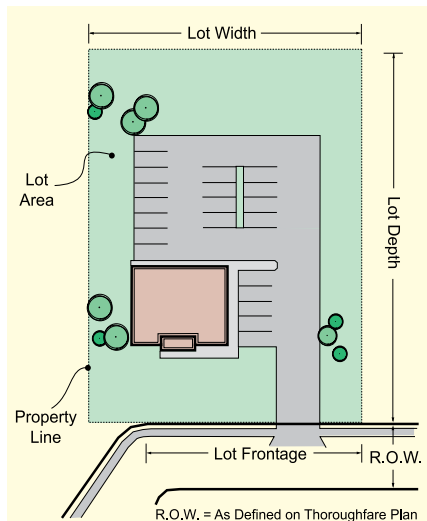
"DC" District

4.9 DC District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Permitted Uses
The "DC" (Downtown Commercial) District is intended to provide a land use category for normal commercial uses in the downtown. The provisions that regulate this land use district should make the district compatible with the R3, M1 and M2 residential districts, and OC and C1 commercial districts. Jeffersonville's Plan Commission should strive to use this district only in the historic downtown area and its immediate surroundings. Petitions in the DC district may be subject to the Historic District Ordinance and the Historic District Guidelines. The Plan Commission and Board of Zoning Appeals should strive to minimize parking lots in front of or between buildings, rather, encouraging parking behind buildings and on the street.	• Bed and Breakfast • Hotel • Museum • Print Shop/Copy Center/Book Binding/Lithograph Business: Personal Service • Barber/Beauty Shop • Child Care (Day Care) • Fitness Center • Health Spa • Shoe Repair • Tailor/Pressing Shop Business: Office/Professional • Architecture/Planning/Design Firm • Bank/Credit Union • Consulting Firm • Insurance Office • Investment Firm • Medical/Dental Center • Photography Studio • Professional Office • Reading Clinic • Real Estate Office • Secretarial Service • Service Organization Offices • Temporary service agency • Title Company • Travel Agency Business: Recreation • Billiard/Arcade Room • Bowling Alley • Dance Aerobics/Gymnastics studio • Entertainment Venue (e.g. indoor paint-ball; laser tag, etc.) • Lodge/private Club • Theater, Indoor (not adult entertain't) • Video Store Business: Retail • Antique Shop • Apparel Shop • Art Gallery • Arts/Crafts Studio • Beer/Wine/Liquor Shop • Department Store • Drug Store • Exposition Hall • Fabric Shop	• Flower Shop • Furniture Store/Upholstery Repair • Gift Shop • Hardware Store • Jewelry Store • Music Store • News Dealer/Bookstore (not adult entertainment) • Office Supplies • Paint Store • Shoe Store • Sporting Goods Store
Permitted Uses	Special Exemption Uses	
Residential (upper floors only) • Dwelling, Single-family • Dwelling, Two-family • Dwelling, multi-family Business: Food Sales/Service • Bakery, retail • Coffee Shop • Delicatessen • Farmers Market • Grocery • Ice Cream Shop • Meat Market • Microbrewery/Microdistillery (size limits on production area) • Pubs • Restaurant Business: General • Assisted Living Facility	Residential • Boarding House (Owner occupied) Institutional/Public Facilities • Church, Temple, or Mosque • Community Center • Government Office • Library • Police/Fire Station • Post Office • Public Park/Recreation Center • Public Private Parking Area Business: Food Sales/Service • Convenience Store (no gas pumps) Business: Office/Professional • Drive Thru Bank/Credit Union • Drive Thru Bank Machine/ATM Business: Personal Service • Coin Laundry • Dry Cleaning Service (Drop off) • Dry Cleaning Service (Drive Thru) • Nail Salon • Tattoo/Piercing Shop Business: Recreation • Karate Studio • Night Club (not adult entertainment) Business: Retail • Consignment Store Communications/Utilities • Telecommunications Facility Miscellaneous • Home Occupation #1	

"DC" District

4.10 "DC" District Development Standards



Minimum Lot Area:

- 2,000 square feet

Minimum Lot Width:

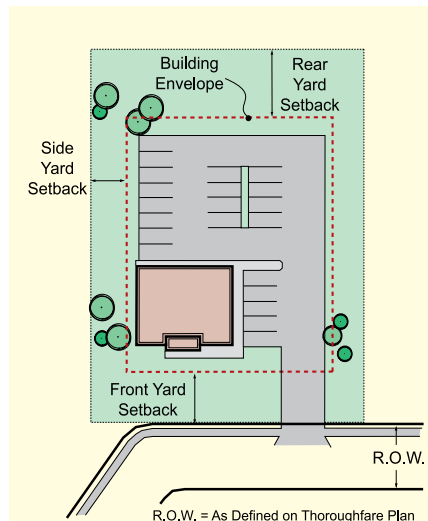
- 25 feet

Minimum Lot Frontage:

- 25 feet on a Public Street with access from said Public Street

Sewer and Water:

- Requires municipal water or sewer hookup



Minimum Front Yard Setback:

- 0 feet when adjacent to an Arterial
- 0 feet when adjacent to a Local Street.

Minimum Side Yard Setback:

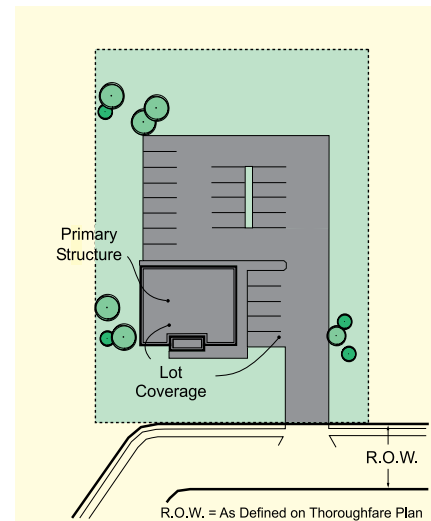
- 0 feet

Maximum Side Yard Setback:

- 0 feet

Minimum Rear Yard Setback:

- 0 feet for the Primary Structure
- 0 feet for Accessory Structures



Minimum Lot Coverage:

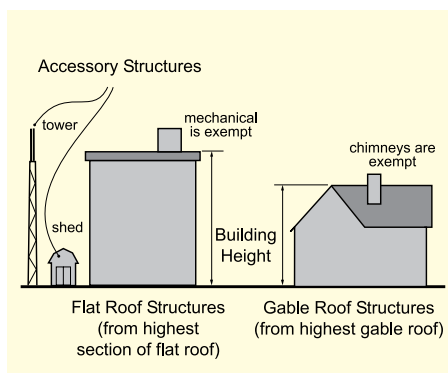
- Square feet of all impervious areas, and primary and accessory structures, cannot be below 80% of the Lot Area

Minimum Main Floor Area:

- 1,000 square feet for Primary Structures

Minimum Floor Area Per Unit:

- 850 square feet average per Dwelling Unit in a multiple-unit Primary Structure



Maximum Structure Height:

- 40 feet for the Primary Structure
- 15 feet for Accessory Structures

Minimum Height:

- Two Stories for all Primary Structures unless 2 or more structures on either side are single story

Additional Development Standards that Apply

Lot, Yard, and Density (LY)

- LY-01 Page 7-3

Height (HT)

- HT-01 Page 7-4

Accessory Structure (AS)

- AS-01 Page 7-5

Fences and Walls (FW)

- FW-02 Page 7-8

Temporary Uses (TU)

- TU-01 Page 7-9

- TU-03 Page 7-9

Home occupation (HO)

- HO-01 Page 7-10

- HO-02 Page 7-11

Public Improvement (PI)

- PI-01 Page 7-13

Landscaping (LA)

- LA-01 Page 7-14

- LA-02 Page 7-15

- LA-04 Page 7-18

Buffer Yard (BY)

- BY-01 Page 7-19

Expressway Buffer (EB)

- EB-01 Page 7-24

Environmental (EN)

- EN-01 Page 7-25

Floodplain (FP)

- FP-01 Page 7-27

Performance (PF)

- PF-01 Page 7-30

Lighting (LT)

- LT-01 Page 7-31

General Signs (GS)

- GS-01 Page 7-32

Temporary Signs (TS)

- TS-02 Page 7-34

Permanent Signs (PS)

- PS-04 Page 7-36

Parking (PK)

- PK-06 Page 7-40

- PK-07 Page 7-41

- PK-08 Page 7-43

Loading (LD)

- LD-01 Page 7-44

Entrances/Drives (ED)

- ED-01 Page 7-45

Vision Clearance (VC)

- VC-01 Page 7-47

Telecommunication

Facilities (TC)

- TC-01 Page 7-48

- TC-03 Page 7-51

- TC-05 Page 7-52

Special Exception (SE)

- SE-01 Page 7-54

Miscellaneous (MC)

- MC-02 Page 7-58

- MC-04 Page 7-58

- MC-05 Page 7-58

- MC-06 Page 7-58

- MC-07 Page 7-59

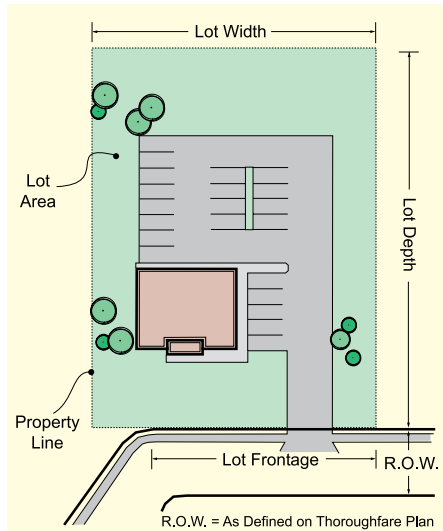
"HC" District

4.11 "HC" District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
The "HC" (Highway Commercial) District is intended to provide a land use category for the special type of commercial activity that locates around interchange areas. This district should be used around Interstate 65 (I-65) and Interstate 265 (I-265) interchange areas. The provisions that regulate this land use district should be sensitive to the special needs and characteristics of interchange areas. Jeffersonville's Plan Commission and Board of Zoning Appeals should strive to use this district to minimize lighting, large parking lots facing major roadways, hazardous traffic patterns, traffic conflicts, and excessive use of signs. The use of access roads/frontage roads should be required for all commercial uses in this district. Road cuts onto existing arterial or collector roads shall be restricted.	Business: Auto Sales/Services • auto body repair shop • auto parts store • auto repair shop • auto sales (open air, with showroom, full service mechanical with or without body shop) • auto service (tire or muffler shop) • auto wash (automatic and self) • filling/gas station Business: Food Sales/Service • bakery retail • convenience store • delicatessen • drive-in restaurant • drive-thru restaurant • restaurant Business: General Business • hotel • motel Business: Office/Professional • bank machine/ATM Business: Recreation • miniature golf Business: Retail • drive-thru drugstore • drug store • gift shop • news dealer/bookstore (not adult entertainment) • variety store Miscellaneous • accessory uses	Business: Auto Sales/Services • auto sales (open air, limited mechanical services or body shop) • auto sales (open air, no services) • auto service station • oil change service (enclosed) • truck stop Business: Food Sales/Service • roadside food stand • roadside product stand Business: Recreation • golf course • country club Communication/Utilities • telecommunication facility

"HC" District

4.12 "HC" District Development Standards



Minimum Lot Area:

- 20,000 square feet

Minimum Lot Width:

- 85 feet

Maximum Lot Depth:

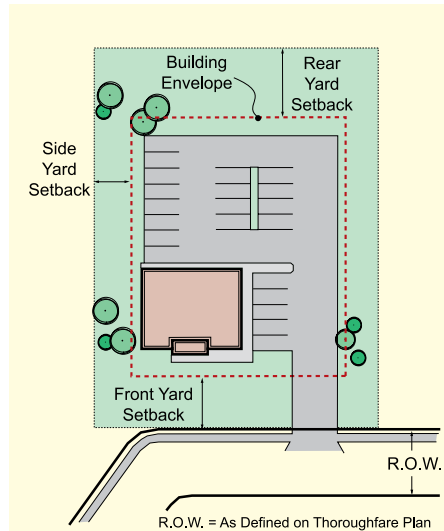
- 3 times the Lot Width

Minimum Lot Frontage:

- 85 feet on a Public Street with access from said Public Street

Sewer and Water:

- Requires municipal water and sewer hookup



Minimum Front Yard Setback:

- 35 feet when adjacent to an Arterial
- 25 feet when adjacent to a Local Street

Maximum Primary Structure Setback:

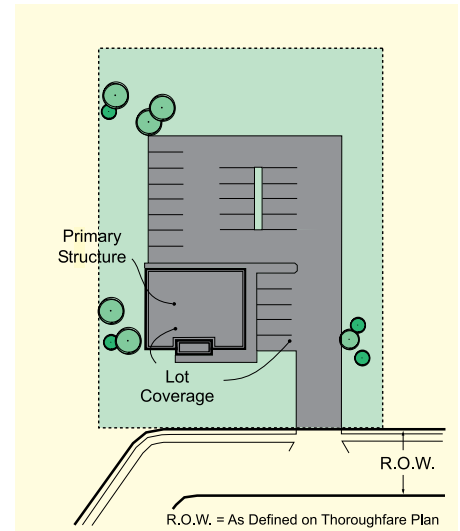
- 100 feet

Minimum Side Yard Setback:

- 15 feet for the Primary Structure and Accessory Structures

Minimum Rear Yard Setback:

- 15 feet for the Primary Structure
- 10 feet for Accessory Structures



Maximum Lot Coverage:

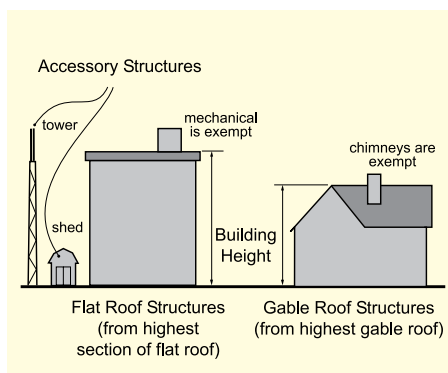
- Square footage of all primary and accessory structures, and impervious surface cannot exceed 75% of the Lot Area

Minimum Main Floor Area:

- 1,000 square feet for Primary Structures

Maximum Main Floor Area:

- 20,000 square feet for Primary Structures



Maximum Structure Height:

- 20 feet for the Primary Structure
- 15 feet for Accessory Structures

Additional Development Standards that Apply

Lot, Yard, and Density (LY)

- LY-01 Page 7-3

Height (HT)

- HT-01 Page 7-4

Accessory Structure (AS)

- AS-01 Page 7-5

Fences and Walls (FW)

- FW-02 Page 7-8

Temporary Uses (TU)

- TU-01 Page 7-9

- TU-03 Page 7-9

Public Improvement (PI)

- PI-01 Page 7-13

Landscaping (LA)

- LA-01 Page 7-14

- LA-02 Page 7-15

- LA-03 Page 7-17

Buffer Yard (BY)

- BY-01 Page 7-19

Expressway Buffer (EB)

- EB-01 Page 7-24

Environmental (EN)

- EN-01 Page 7-25

Floodplain (FP)

- FP-01 Page 7-27

Performance (PF)

- PF-01 Page 7-30

Lighting (LT)

- LT-01 Page 7-31

General Signs (GS)

- GS-01 Page 7-32

Temporary Signs (TS)

- TS-02 Page 7-34

Permanent Signs (PS)

- PS-05 Page 7-37

Parking (PK)

- PK-06 Page 7-40

- PK-07 Page 7-41

- PK-08 Page 7-43

Loading (LD)

- LD-01 Page 7-44

Entrances/Drives (ED)

- ED-01 Page 7-45

Vision Clearance (VC)

- VC-01 Page 7-47

Telecommunication Facilities (TC)

- TC-01 Page 7-48

- TC-03 Page 7-51

Special Exception (SE)

- SE-01 Page 7-54

Miscellaneous (MC)

- MC-02 Page 7-58

- MC-04 Page 7-58

- MC-05 Page 7-58

- MC-06 Page 7-58

- MC-07 Page 7-59

- MC-08 Page 7-60

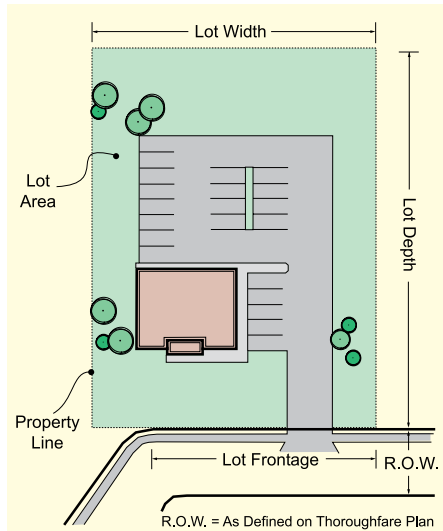
"C1" District

4.13 "C1" District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Permitted Uses
The "C1" (Small to Medium Scale General Commercial) District is intended to provide a land use category for most small scale general business uses. The provisions that regulate this land use district should not overly restrict normal business practices. This district can be used adjacent to all other commercial districts and the "R3," "M1" and "M2" residential districts. Jeffersonville's Plan Commission should strive to use this district with the "C2" District to encourage a strong and stable area for commerce. The Plan Commission and Board of Zoning Appeals should not encourage "strip development", rather development in clusters which share resources and minimize the cost of public utilities and services. The Plan Commission and Board of Zoning Appeals should also strive to minimize lighting, parking lots fronting the major streets, and traffic conflicts in the "C1" District.	Business: Auto Sales/Services • auto body repair shop • auto parts store • auto wash (automatic and self) • oil change service (enclosed) Business: Food Sales/Service • bakery retail • convenience store (without gas pumps) • delicatessen • drive-in restaurant • drive-thru restaurant • grocery/supermarket • meat market • restaurant Business: Recreation • bar/night club (not adult entertainment) • billiard/arcade room • bowling alley • dance/aerobics/gymnastics studio • theater, indoor (not adult entertainment) • video store Business: Office/Professional • bank/credit union • drive-thru bank machine/ATM • insurance office • real estate office • travel agency • office complex • professional offices Business: Personal Service • barber/beauty shop • coin laundry • child care center (day care) • drive-thru dry cleaning service • dry cleaning service • fingernail salon • shoe repair • tailor/pressing shop • tanning salon Business: Retail • antique shop • apparel shop • drug store • electrical supplies • fabric shop • floor coverings • flower shop • furniture store • garden shop • gift shop • hardware store • home electronics/appliance store • jewelry store • liquor sales • music store	Business: Retail (cont.) • news dealer/bookstore (not adult entertainment) • office supplies • paint store • shoe sales store • sporting goods • variety store Miscellaneous • accessory uses Special Exception Uses Business: Auto Sales/Services • auto service station Business: Food Sales/Service • convenience store (with pumps) • open, unenclosed business (farmer's market, etc.) Business: Office/Professional • contractor office • landscape business Business: Recreation • lodge or private club • miniature golf • public docks • theater, outdoor (not adult entertainment) Business: Retail • kennel (commercial) • satellite dish sales/service Communication/Utilities • telecommunication facility

"C1" District

4.14 "C1" District Development Standards



Minimum Lot Area:

- 20,000 square feet

Minimum Lot Width:

- 70 feet

Maximum Lot Depth:

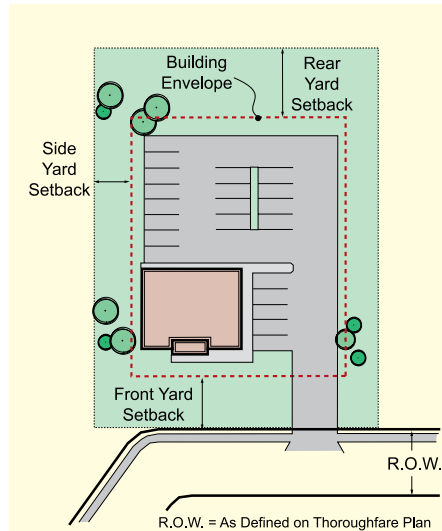
- 2.5 times the Lot Width

Minimum Lot Frontage:

- 70 feet on a Public Street with access from said Public Street

Sewer and Water:

- Requires municipal water or sewer hookup



Minimum Front Yard Setback:

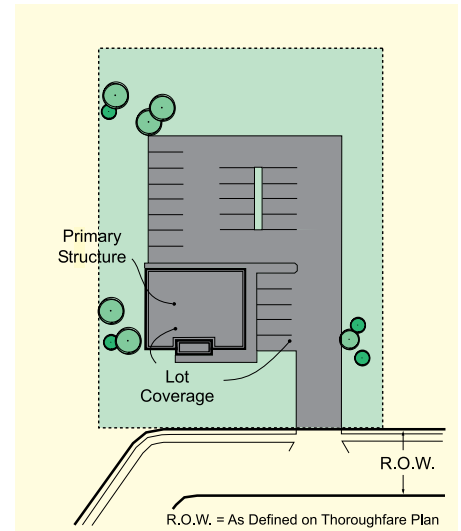
- 35 feet when adjacent to an Arterial
- 25 feet when adjacent to a Local Street

Minimum Side Yard Setback:

- 25 feet for the Primary and Accessory Structures

Minimum Rear Yard Setback:

- 25 feet for the Primary and Accessory Structures



Maximum Lot Coverage:

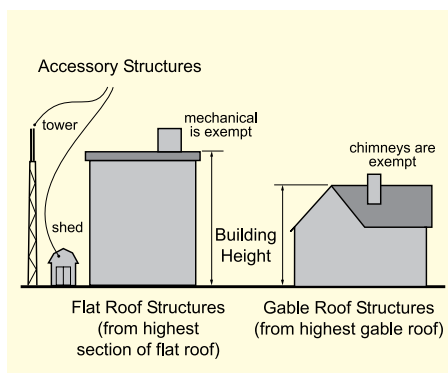
- Square feet of all primary and accessory structures, and impervious surface cannot exceed 65% of the Lot Area

Minimum Main Floor Area:

- 1,000 square feet for Primary Structures

Maximum Main Floor Area:

- 21,000 square feet for Primary and Accessory Structures



Maximum Structure Height:

- 22 feet for the Primary Structure
- 15 feet for Accessory Structures

Additional Development Standards that Apply

Lot, Yard, and Density (LY)

- LY-01 Page 7-3

Height (HT)

- HT-01 Page 7-4

Accessory Structure (AS)

- AS-01 Page 7-5

Fences and Walls (FW)

- FW-02 Page 7-8

Temporary Uses (TU)

- TU-01 Page 7-9

- TU-03 Page 7-9

Public Improvement (PI)

- PI-01 Page 7-13

Landscaping (LA)

- LA-01 Page 7-14

- LA-02 Page 7-15

- LA-03 Page 7-17

Buffer Yard (BY)

- BY-01 Page 7-19

Expressway Buffer (EB)

- EB-01 Page 7-24

Environmental (EN)

- EN-01 Page 7-25

Floodplain (FP)

- FP-01 Page 7-27

Performance (PF)

- PF-01 Page 7-30

Lighting (LT)

- LT-01 Page 7-31

General Signs (GS)

- GS-01 Page 7-32

Temporary Signs (TS)

- TS-02 Page 7-34

Permanent Signs (PS)

- PS-05 Page 7-37

Parking (PK)

- PK-06 Page 7-40

- PK-07 Page 7-41

- PK-08 Page 7-43

Loading (LD)

- LD-01 Page 7-44

Entrances/Drives (ED)

- ED-01 Page 7-45

Vision Clearance (VC)

- VC-01 Page 7-47

Telecommunication

Facilities (TC)

- TC-01 Page 7-48

- TC-03 Page 7-51

Special Exception (SE)

- SE-01 Page 7-54

Miscellaneous (MC)

- MC-02 Page 7-58

- MC-04 Page 7-58

- MC-05 Page 7-58

- MC-06 Page 7-58

- MC-07 Page 7-59

- MC-08 Page 7-60

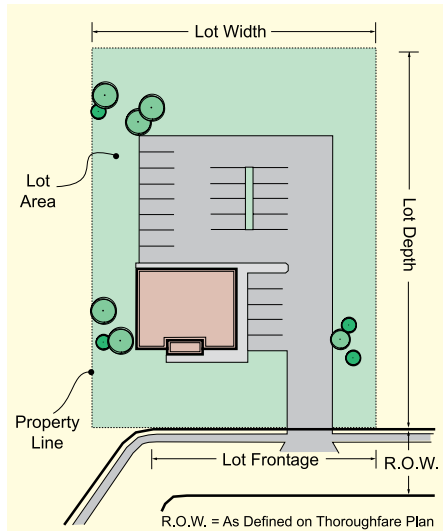
"C2" District

4.15 "C2" District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	
The "C2" (Medium to Large Scale General Commercial) District is intended to provide a land use category for most large scale general business uses. The provisions that regulate this land use district should not overly restrict normal business practices. This district can be used adjacent to all other commercial districts and the "R3," "M1" and "M2" residential districts. However, buffering should be provided between this district and any residential district. Jeffersonville's Plan Commission and Board of Zoning Appeals should strive to use this district with the "C1" District to encourage a strong and stable area for commerce. The Plan Commission and Board of Zoning Appeals should not encourage "strip development", rather development in clusters which share resources and minimize the cost of public utilities and services. The Plan Commission and Board of Zoning Appeals should also strive to minimize lighting, un-landscaped large parking lots, parking lots fronting major streets, and traffic conflicts in the "C2" District.	Institutional/Public Facilities • hospital Business: Auto Sales/Services • auto body repair shop • auto parts store • auto repair shop • auto sales (open air, with showroom, full service mechanical with or without body shop) • auto service (tire or muffler shop) Business: Food Sales/Service • convenience store (with gas pumps) • drive-in restaurant • grocery/supermarket • restaurant Business: General Business • hotel • motel • plant nursery • wholesale business Business: Office/Professional • bank/credit union • bank machine/ATM • drive-thru bank machine/ATM • drive-thru bank/credit union • office complex • medical/dental clinic Business: Personal Service • barber/beauty shop • drive-thru dry cleaning service • dry cleaning service • fingernail salon • fitness center/gym • health spa • tanning salon Business: Recreation • banquet hall • bowling alley • theater, indoor (not adult entertainment) • video store Business: Retail • antique shop • apparel shop • department store • drug store • electrical supplies • fabric shop • floor coverings • flower shop • furniture store • enclosed shopping mall • gift shop • hardware store • heating & cooling sales/service	• home electronics/appliance store • jewelry store • liquor sales • music store • news dealer/bookstore (not adult entertainment) • office supplies • paint store Permitted Uses • plumbing supplies • sporting goods store • variety store Miscellaneous • accessory uses
		Special Exception Uses
		Business: Auto Sales/Services • auto sales (open air, limited mechanical services or body shop) • auto sales (open air, no services) • auto service station • auto wash (automatic and self) • oil change service (enclosed) • recreational vehicle sales (motor home sales) Business: Food Sales/Service • convenience store (with gas pumps) Business: General Business • airport • boat sales/service • funeral home or mortuary • helipad or heliport • light rail station • sign painting/fabrication • mini-storage facility (mini warehouse) • motor bus station • railroad station Business: Recreation • ball fields • bar/night club (not adult entertainment) • theater, outdoor (not adult entertainment) Business: Retail • lumber yard • satellite dish sales/service • kennel (commercial) Communication/Utilities • public wells • radio/TV station • telecommunication facility

"C2" District

4.16 "C2" District Development Standards



Minimum Lot Area:

- 2 acres (87,120 sq. ft.)

Minimum Lot Width:

- 250 feet

Maximum Lot Depth:

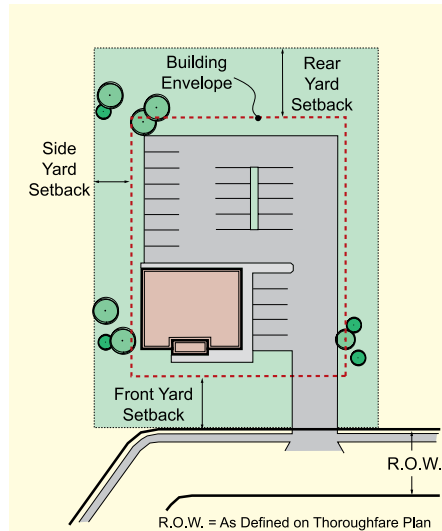
- 2.5 times the Lot Width

Minimum Lot Frontage:

- 150 feet on a Public Street with access from said Public Street

Sewer and Water:

- Requires municipal water or sewer hookup



Minimum Front Yard Setback:

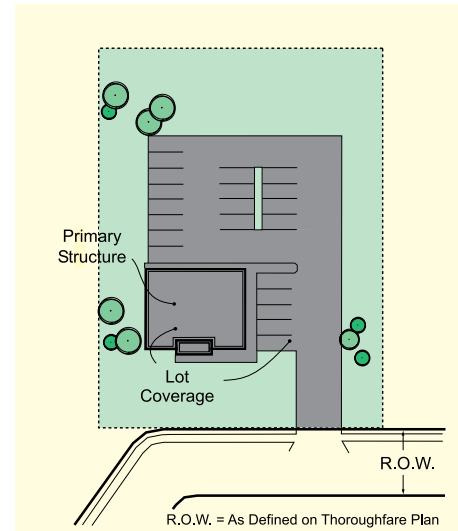
- 35 feet when adjacent to an Arterial
- 25 feet when adjacent to a Local Street

Minimum Side Yard Setback:

- 25 feet (plus Buffer Yard)

Minimum Rear Yard Setback:

- 30 feet for the Primary/Accessory Structure (plus Buffer Yard)

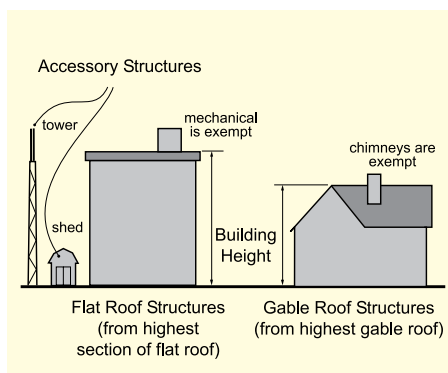


Maximum Lot Coverage:

- square feet of all primary and accessory structures, and impervious surface cannot exceed 70% of the Lot Area

Minimum Main Floor Area:

- 5,000 square feet for Primary Structures



Maximum Structure Height:

- 25 feet for the Primary Structure
- 20 feet for Accessory Structures

Additional Development Standards that Apply

Lot, Yard, and Density (LY)

- LY-01 Page 7-3

Height (HT)

- HT-01 Page 7-4

Accessory Structure (AS)

- AS-01 Page 7-5

Fences and Walls (FW)

- FW-02 Page 7-8

Temporary Uses (TU)

- TU-01 Page 7-9

- TU-03 Page 7-9

Public Improvement (PI)

- PI-01 Page 7-13

Landscaping (LA)

- LA-01 Page 7-14

- LA-02 Page 7-15

- LA-03 Page 7-17

Buffer Yard (BY)

- BY-01 Page 7-19

Expressway Buffer (EB)

- EB-01 Page 7-24

Environmental (EN)

- EN-01 Page 7-25

Floodplain (FP)

- FP-01 Page 7-27

Performance (PF)

- PF-01 Page 7-30

Lighting (LT)

- LT-01 Page 7-31

General Signs (GS)

- GS-01 Page 7-32

Temporary Signs (TS)

- TS-02 Page 7-34

Permanent Signs (PS)

- PS-05 Page 7-37

Parking (PK)

- PK-06 Page 7-40

- PK-07 Page 7-41

- PK-08 Page 7-43

Loading (LD)

- LD-01 Page 7-44

Entrances/Drives (ED)

- ED-01 Page 7-45

Vision Clearance (VC)

- VC-01 Page 7-47

Telecommunication

Facilities (TC)

- TC-01 Page 7-48

- TC-03 Page 7-51

Special Exception (SE)

- SE-01 Page 7-54

Miscellaneous (MC)

- MC-02 Page 7-58

- MC-04 Page 7-58

- MC-05 Page 7-58

- MC-06 Page 7-58

- MC-07 Page 7-59

- MC-08 Page 7-60

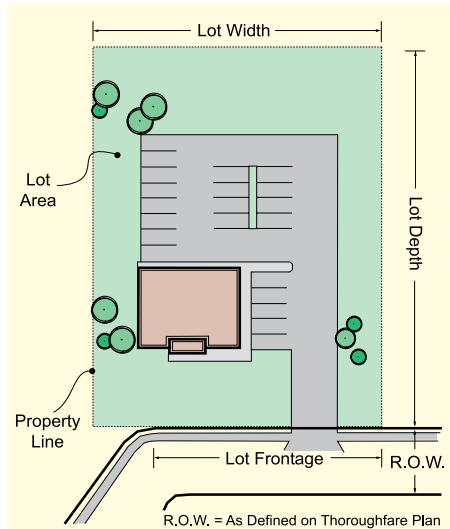
"IR" District

4.17 IR District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
The IR (INAAP Redevelopment) District is intended to provide a land use category for a mixture of most offices, retail businesses, wholesale businesses, and moderate to heavy industrial facilities/uses. This district should be limited to the geographic area within the City of Jeffersonville that was formerly known as the Indiana Army Ammunition Plant (INAAP) and that is currently controlled by the INAAP Reuse Authority. The Plan Commission should strive to assist the INAAP Reuse Authority in their effort to redevelop this district as a commerce center that will benefit the community, state, and region. The Plan Commission and Board of Zoning Appeals should also strive to minimize lighting, parking lots fronting major streets, excessive use of signs, and traffic conflicts in the IR District. Buffer yards should be strictly upheld and outdoor storage is discouraged.	Agricultural Uses/Service • farm equipment sales/service • storage of agricultural products • processing agriculture products Institutional/Public Facilities • ALL Business: Auto Sales/Services • auto body shop (enclosed) • auto repair, major (enclosed) • auto part sales (new) • auto wash (automatic and self) • oil change service (enclosed) Business: General Business • ALL Business: Office / Professional • ALL Business: Retail • ALL Industrial Uses • bottled gas storage/distribution • distribution center • flex-space • heavy manufacturing • light manufacturing • office complex • research center Communication/Utility • radio/TV station • storage tanks nonhazardous • telephone exchange Miscellaneous • accessory uses * All Proposed Uses Must be Approved by the INAAP Reuse Authority or its designee.	Business: Auto Sales/Services • automobile/truck storage (outdoor) • auto service station • filling/gas station Business: Food Sales/Service • ALL Business: Personal Service • ALL Business: Recreation • ALL Industrial Uses • incinerator • liquid fertilizer storage/distribution Communication/Utility • electrical generator • pipeline pumping station • public wells • sewage treatment plants • telecommunication facility • utility substation

"IR" District

4.18 IR District Development Standards



Minimum Lot Area:

- 3 acres (130,680 square feet) for Industrial Uses
- 1 acre (43,560 square feet) for Non-Industrial Uses

Minimum Lot Width:

- 250 feet

Maximum Lot Depth:

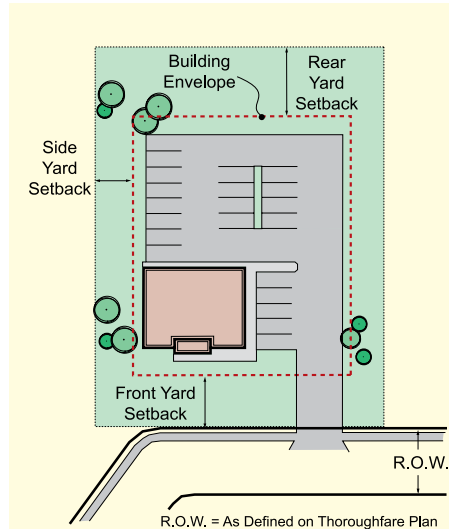
- 3 times the Lot Width

Minimum Lot Frontage:

- 200 feet on a Public Street with access from said Public Street

Sewer and Water:

- Requires municipal or other approved water and sewer hookup



Minimum Front Yard Setback:

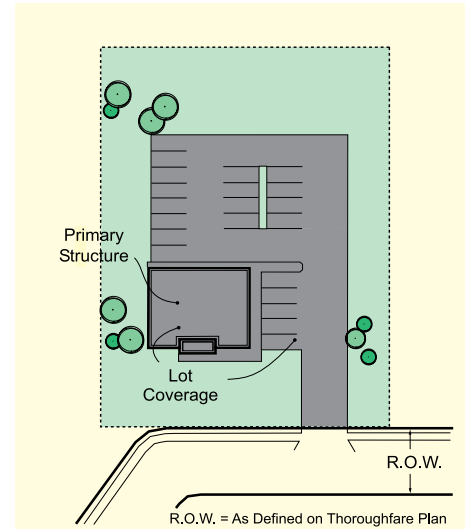
- 75 feet

Minimum Side Yard Setback:

- 50 feet for the Primary and Accessory Structures

Minimum Rear Yard Setback:

- 50 feet for the Primary and Accessory Structures

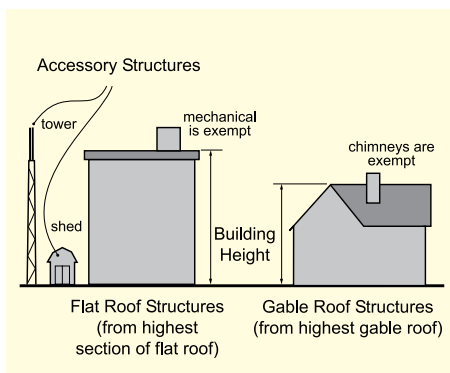


Minimum Setback From Water Body:

- 50 feet for the Primary and Accessory Structures

Maximum Floor Area Ratio:

- 50% (one-half)



Maximum Structure Height:

- 60 feet for the Primary Structures
- 25 feet for Accessory Structures

Additional Development Standards that Apply

Lot, Yard, and Density (LY) LY-01Page 7-3	Environmental (EN) EN-01Page 7-25	Telecommunication Facilities (TC) TC-01Page 7-48 TC-04Page 7-52
Height (HT) HT-01Page 7-4	Floodplain (FP) FP-01Page 7-27	Special Exception (SE) SE-01Page 7-54
Accessory Structure (AS) AS-01Page 7-5 AS-03Page 7-6	Performance (PF) PF-01Page 7-30	Miscellaneous (MC) MC-02Page 7-55 MC-04Page 7-55 MC-05Page 7-55 MC-06Page 7-55 MC-07Page 7-56
Fences and Walls (FW) FW-02Page 7-8	Lighting (LT) LT-01Page 7-31	
Temporary Uses (TU) • TU-01Page 7-9 • TU-03Page 7-9	Parking (PK) PK-05Page 7-40 PK-06Page 7-41 PK-07Page 7-43	
Public Improvement (PI) PI-01Page 7-13	Loading (LD) LD-01Page 7-44	
Landscaping (LA) LA-01Page 7-14 LA-03Page 7-17	Entrances/Drives (ED) ED-01Page 7-45	
Buffer Yard (BY) BY-01Page 7-19	Vision Clearance (VC) VC-01Page 7-47	

***All Proposed Developments shall meet the requirements set forth in the River Ridge Commerce Center Development Covenants**

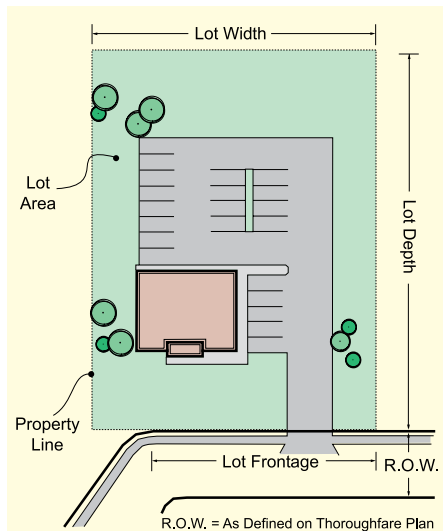
"NI" District

4.19 "NI" District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
The "NI" (Neighborhood Industrial) District is intended to provide a land use category for existing industrial uses in older areas of Jeffersonville. The provisions that regulate this land use district should mitigate industrial impacts on surrounding neighborhoods and the environment, yet provide some growth potential for the industries. Jeffersonville's Plan Commission and Board of Zoning Appeals should only use this district for existing industrial uses and their expansion. The Plan Commission and Board of Zoning Appeals should be very careful in allowing this district. Environmental concerns, public safety, public welfare, and protection from all forms of pollution should be the highest priority. The Plan Commission and Board of Zoning Appeals should also strive to minimize lighting, parking lots fronting major streets, excessive use of signs, and traffic conflicts in the "NI" District. Buffering should be strictly upheld and outdoor storage discouraged.	Institutional/Public Facilities • public park/recreation center Business: Auto Sales/Services • auto body repair shop • auto parts store • auto repair shop • auto service (tire or muffler shop) Business: General Business • mini-storage facility (mini warehouse) • trade shops • warehouse • welding Industrial Uses: • bottled gas storage/distribution • distribution center • flex-space • heavy manufacturing (within enclosed buildings) • light manufacturing • office complex • research center Communication/Utility • radio/TV station • telephone exchange Miscellaneous • accessory uses	Institutional/Public Facilities • police/fire station Business: General Business • storage (indoor or outdoor with screening) Communication/Utilities • electrical generator • pipeline pumping station • public wells • sewage treatment plants • storage tanks nonhazardous • telecommunication facility • utility substation

"NI" District

4.20 "NI" District Development Standards



Minimum Lot Area:

- 1 acre

Minimum Lot Width:

- 100 feet

Minimum Lot Depth:

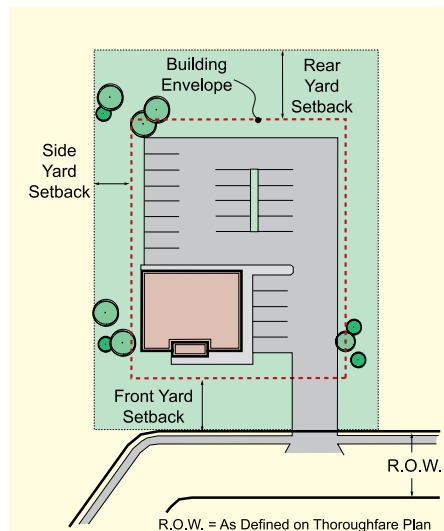
- 3 times the Lot Width

Minimum Lot Frontage:

- 80 feet on a Public Street with access from said Public Street

Sewer and Water:

- Requires municipal water or sewer hookup



Minimum Front Yard Setback:

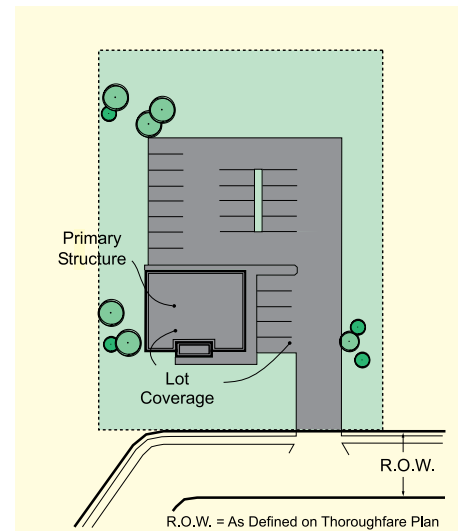
- 25 feet when adjacent to an Arterial
- 20 feet when adjacent to a Local Street

Minimum Side Yard Setback:

- 20 feet for the Primary and Accessory Structures

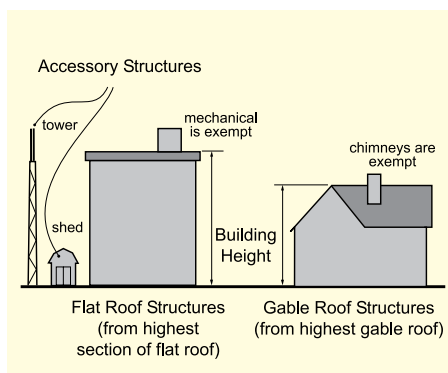
Minimum Rear Yard Setback:

- 25 feet for the Primary and Accessory Structures



Maximum Lot Coverage:

- Square feet of all primary and accessory structures, and impervious surface cannot exceed 70% of the Lot Area



Maximum Structure Height:

- 35 feet for the Primary Structure
- 25 feet for Accessory Structures

Additional Development Standards that Apply

Lot, Yard, and Density (LY)

- LY-01 Page 7-3

Height (HT)

- HT-01 Page 7-4

Accessory Structure (AS)

- AS-01 Page 7-5

Fences and Walls (FW)

- FW-02 Page 7-8

Temporary Uses (TU)

- TU-01 Page 7-9

- TU-03 Page 7-9

Public Improvement (PI)

- PI-01 Page 7-13

Landscaping (LA)

- LA-01 Page 7-14

- LA-02 Page 7-15

- LA-04 Page 7-18

Buffer Yard (BY)

- BY-01 Page 7-19

Expressway Buffer (EB)

- EB-01 Page 7-24

Environmental (EN)

- EN-01 Page 7-25

Floodplain (FP)

- FP-01 Page 7-27

Performance (PF)

- PF-01 Page 7-30

Lighting (LT)

- LT-01 Page 7-31

General Signs (GS)

- GS-01 Page 7-32

Temporary Signs (TS)

- TS-02 Page 7-34

Permanent Signs (PS)

- PS-04 Page 7-36

Parking (PK)

- PK-06 Page 7-40

- PK-07 Page 7-41

- PK-08 Page 7-43

Loading (LD)

- LD-01 Page 7-44

Entrances/Drives (ED)

- ED-01 Page 7-45

Vision Clearance (VC)

- VC-01 Page 7-47

Telecommunication

Facilities (TC)

- TC-01 Page 7-48

- TC-03 Page 7-51

Special Exception (SE)

- SE-01 Page 7-54

Miscellaneous (MC)

- MC-02 Page 7-58

- MC-04 Page 7-58

- MC-05 Page 7-58

- MC-06 Page 7-58

- MC-07 Page 7-59

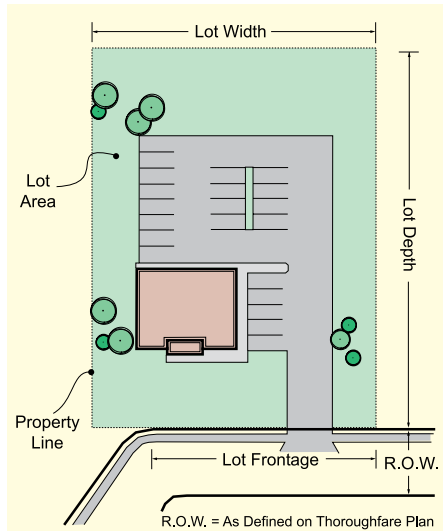
"I1" District

4.21 "I1" District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
The "I1" (Business Park/Light Industrial) District is intended to provide a land use category for most low to moderate impact business park and light industrial facilities. This district can be used adjacent to all other commercial districts, and the "M1" and "M2" residential districts. Jeffersonville's Plan Commission should strive to use the "I1" district to develop a contiguous area, or cluster, for commerce and job creation. The Plan Commission should not use this district for "spot zoning". The Plan Commission and Board of Zoning Appeals should strive to minimize lighting, parking lots fronting major streets, excessive use of signs, and traffic conflicts in the "I1" District. Buffering should be strictly upheld and outdoor storage discouraged.	Institutional/Public Facilities • public park/recreation center Business: Auto Sales/Services • auto body repair shop • auto parts store • auto repair shop • auto sales (open air, with showroom, full service mechanical with or without body shop) • auto service (tire or muffler shop) • auto service station • oil change service (enclosed) • recreational vehicle sales (motor home sales) Business: General Business • trade shops • warehouse • welding Industrial Uses • distribution center • flex-space • light manufacturing • office complex • research center Communication/Utility • radio/TV station Miscellaneous • accessory uses	Agricultural Uses/Service • commercial processing agriculture products • commercial storage of agricultural products • farm equipment sales/service Institutional/Public Facilities • police/fire station Business: Auto Sales/Services • automobile/truck storage (outdoor) • automobile sales (open air, limited mechanical services or body shop) • automobile sales (open air, no services) Business: General Business • outside storage facility (shall be enclosed with privacy fence) • truck stop • truck terminal Industrial Uses • bottled gas storage/distribution • general manufacturing • quarry Communication/Utility • pipeline pumping station • public wells • telecommunication facility • utility substation Miscellaneous • artificial lake or pond over one (1) acre in size

"I1" District

4.22 "I1" District Development Standards



Minimum Lot Area:

- 2 acres (87,120 square feet)

Minimum Lot Width:

- 200 feet

Minimum Lot Depth:

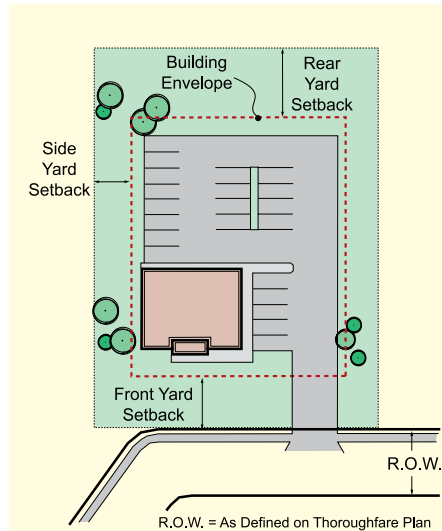
- 3 times the Lot Width

Minimum Lot Frontage:

- 100 feet on a Public Street with access from said Public Street

Sewer and Water:

- Requires municipal water and sewer hookup



Minimum Front Yard Setback:

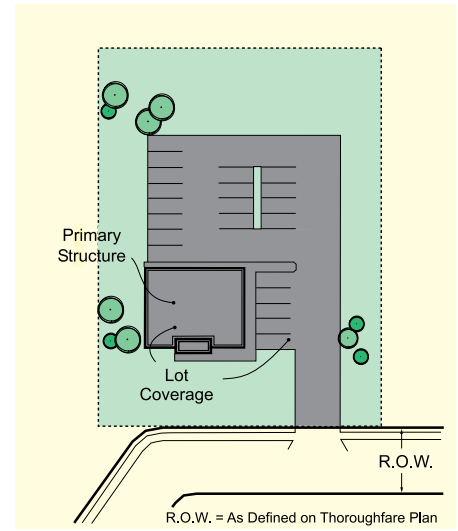
- 35 feet when adjacent to an Arterial
- 25 feet when adjacent to a Local Street

Minimum Side Yard Setback:

- 30 feet for the Primary and Accessory Structures

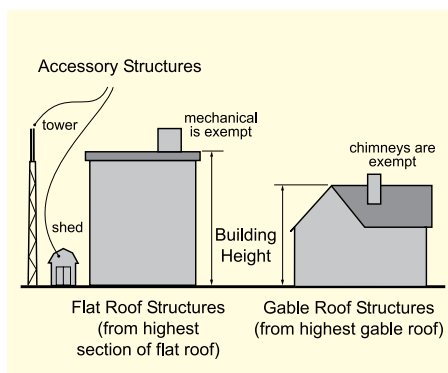
Minimum Rear Yard Setback:

- 30 feet for the Primary and Accessory Structures



Maximum Lot Coverage:

- Square feet of all primary and accessory structures, and impervious surface cannot exceed 60% of the Lot Area



Maximum Structure Height:

- 45 feet for the Primary Structure
- 35 feet for Accessory Structures

Additional Development Standards that Apply

Lot, Yard, and Density (LY)

- LY-01 Page 7-3

Height (HT)

- HT-01 Page 7-4

Accessory Structure (AS)

- AS-01 Page 7-5

Fences and Walls (FW)

- FW-02 Page 7-8

Temporary Uses (TU)

- TU-01 Page 7-9

- TU-03 Page 7-9

Public Improvement (PI)

- PI-01 Page 7-13

Landscaping (LA)

- LA-01 Page 7-14

- LA-02 Page 7-15

- LA-03 Page 7-17

Buffer Yard (BY)

- BY-01 Page 7-19

Expressway Buffer (EB)

- EB-01 Page 7-24

Environmental (EN)

- EN-01 Page 7-25

Floodplain (FP)

- FP-01 Page 7-27

Performance (PF)

- PF-01 Page 7-30

Lighting (LT)

- LT-01 Page 7-31

General Signs (GS)

- GS-01 Page 7-32

Temporary Signs (TS)

- TS-02 Page 7-34

Permanent Signs (PS)

- PS-06 Page 7-38

Parking (PK)

- PK-06 Page 7-40

- PK-07 Page 7-41

- PK-08 Page 7-43

Loading (LD)

- LD-01 Page 7-44

Entrances/Drives (ED)

- ED-01 Page 7-45

Vision Clearance (VC)

- VC-01 Page 7-47

Telecommunication

Facilities (TC)

- TC-01 Page 7-48

- TC-04 Page 7-52

Special Exception (SE)

- SE-01 Page 7-54

Miscellaneous (MC)

- MC-02 Page 7-58

- MC-04 Page 7-58

- MC-05 Page 7-58

- MC-06 Page 7-58

- MC-07 Page 7-59

- MC-08 Page 7-60

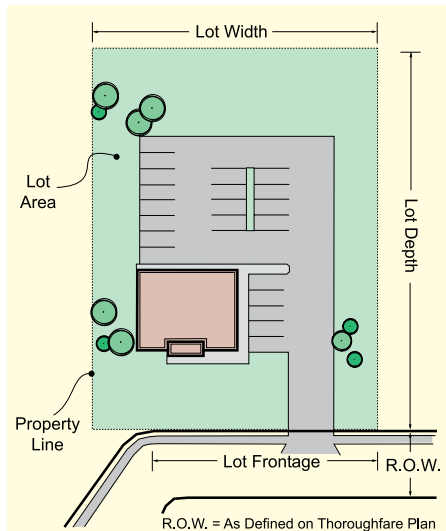
"I2" District

4.23 "I2" District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
The "I2" (Industrial Park/Heavy Industrial) District is intended to provide a land use category for most moderate to high impact industrial park and heavy industrial facilities. This district can be used adjacent to the "C2" and "I1" commercial districts, and agriculture districts where there are no negative effects on the environment. Jeffersonville's Plan Commission should strive to use the "I2" district on a case-by-case basis. Vacant land should not be zoned "I2". Further, The Plan Commission should not rezone without written commitments. The Plan Commission should be very careful when allowing this district. Environmental, public safety, public welfare, and protection from all forms of pollution should be the highest priority when considering a proposed rezoning. The Plan Commission and Board of Zoning Appeals should also strive to minimize lighting, parking lots fronting major streets, excessive use of signs, and traffic conflicts in the "I1" District. Buffer yards should be strictly upheld and outdoor storage is discouraged.	Agricultural Uses/Service • farm equipment sales/service • storage of agricultural products Institutional/Public Facilities • public park/recreation center Business: Auto Sales/Services • auto body repair shop • auto parts store • auto repair shop • auto sales (open air, with showroom, full service mechanical with or without body shop) • auto service (tire or muffler shop) Business: General Business • mini-storage facility (mini warehouse) • trade shops • warehouse • welding Business: Recreation • bar/night club • theater, indoor • theater, outdoor Business: Retail • news dealer/bookstore Industrial Uses • bottled gas storage/distribution • distribution center • flex-space • heavy manufacturing • light manufacturing • office complex • research center Communication/Utility • radio/TV station • telephone exchange Miscellaneous • accessory uses	Agricultural Uses/Service • processing agriculture products Institutional/Public Facilities • police/fire station Business: Auto Sales/Services • automobile/truck storage (outdoor) • automobile sales (open air, limited mechanical services or body shop) • automobile sales (open air, no services) Business: General Business • storage (indoor or outdoor with screening) Industrial Uses • incinerator • liquid fertilizer storage/distribution Communication/Utility • electrical generator • pipeline pumping station • public wells • sewage treatment plants • storage tanks nonhazardous • telecommunication facility • utility substation Miscellaneous • artificial lake-one (1) or more acres

"I2" District

4.24 "I2" District Development Standards



Minimum Lot Area:

- 3 acres (130,680 square feet)

Minimum Lot Width:

- 250 feet

Maximum Lot Depth:

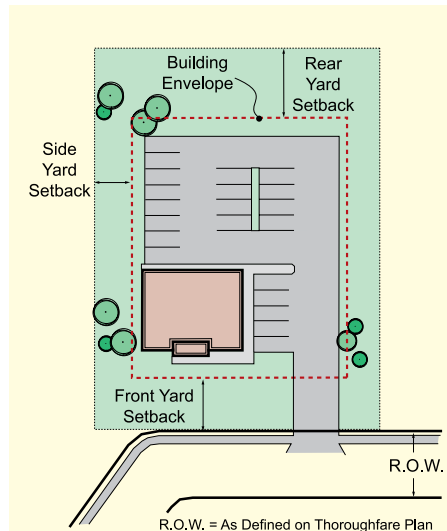
- 3 times the Lot Width

Minimum Lot Frontage:

- 50 feet on a Public Street with access from said Public Street

Sewer and Water:

- Requires municipal water and sewer hookup



Minimum Front Yard Setback:

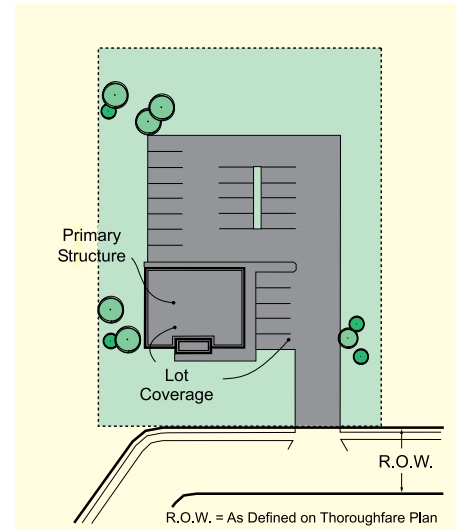
- 35 feet when adjacent to an Arterial
- 25 feet when adjacent to a Local Street

Minimum Side Yard Setback:

- 30 feet for the Primary and Accessory Structures

Minimum Rear Yard Setback:

- 30 feet for the Primary and Accessory Structures

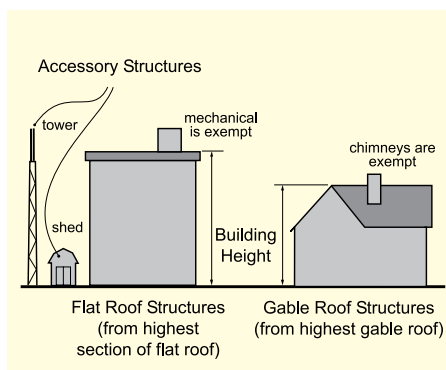


Maximum Lot Coverage:

- Square feet of all primary and accessory structures, and impervious surface cannot exceed 65% of the Lot Area

Minimum Main Floor Area:

- 5,000 square feet for Primary Structures (cell towers are exempt from this requirement)



Maximum Structure Height:

- 35 feet for the Primary Structure
- 25 feet for Accessory Structures

Additional Development Standards that Apply

Lot, Yard, and Density (LY) • LY-01 Page 7-3 Height (HT) • HT-01 Page 7-4 Accessory Structure (AS) • AS-01 Page 7-5 Fences and Walls (FW) • FW-02 Page 7-8 Temporary Uses (TU) • TU-01 Page 7-9 • TU-03 Page 7-9 Public Improvement (PI) • PI-01 Page 7-13 Landscaping (LA) • LA-01 Page 7-14 • LA-02 Page 7-15 • LA-03 Page 7-17 Buffer Yard (BY) • BY-01 Page 7-19 Expressway Buffer (EB) • EB-01 Page 7-24 Environmental (EN) • EN-01 Page 7-25	Floodplain (FP) • FP-01 Page 7-27 Performance (PF) • PF-01 Page 7-30 Lighting (LT) • LT-01 Page 7-31 General Signs (GS) • GS-01 Page 7-32 Temporary Signs (TS) • TS-02 Page 7-34 Permanent Signs (PS) • PS-06 Page 7-38 Parking (PK) • PK-06 Page 7-40 • PK-07 Page 7-41 • PK-08 Page 7-43 Loading (LD) • LD-01 Page 7-44 Entrances/Drives (ED) • ED-01 Page 7-45 Vision Clearance (VC) • VC-01 Page 7-47	Telecommunication (TC) • TC-01 Page 7-48 • TC-04 Page 7-52 Adult Uses (AU) • AU-01 Page 7-53 Special Exception (SE) • SE-01 Page 7-54 Miscellaneous (MC) • MC-02 Page 7-58 • MC-04 Page 7-58 • MC-05 Page 7-58 • MC-06 Page 7-58 • MC-07 Page 7-59 • MC-08 Page 7-60
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Article Five

Overlay Districts

5.1 District Intent, Permitted Uses and Miscellaneous Standards

District Intent The Commercial Corridor Overlay District (CC-OL) has been created to promote community goals and objectives for character and aesthetics along key corridors within the planning jurisdiction of this ordinance. The general intent is to promote commercial development that is compatible with its surrounding areas and to minimize the negative impacts caused by strip commercial development. The Plan Commission should strive to minimize sign clutter, lighting, negative visual impacts and proliferation of access points. In addition, the Plan Commission should strive to strengthen the quality of life through design that contributes to the unique character of Jeffersonville.	Permitted Uses All uses permitted in the Base Zone District.	Miscellaneous Standards Commercial Corridor Overlay District Boundaries - The boundaries for the Commercial Corridor Overlay District are shown on the Official Zoning Map. The Commercial Overlay District is marked with a hatch pattern as designated on the Official Zoning Map's legend. Process - All proposed developments in this District require development plan review as defined in Article Nine of this Ordinance. District Standards - All district standards as per the Base Zone District and as outlined in Article Nine of this Ordinance.
	Special Exceptions All uses permitted as special exceptions in the Base Zone District.	

5.2 District Intent Permitted Uses, and Miscellaneous Standards

District Intent The Utica Pike Overlay District (UP-OL) has been created to promote and preserve the scenic, natural and historic character of the Utica Pike corridor. Utica Pike is unique in many ways, but most specifically it is part of the Ohio River Scenic Route. The general intent is to promote appropriate and sensitive designs that contribute to the special characteristics of Utica Pike. The Plan Commission should strive to encourage appropriate landscaping, setbacks and other characteristics that contribute to an enhanced quality of life and that are in the spirit and intent of the Comprehensive Plan.	Permitted Uses All uses permitted in the Base Zone District.	Miscellaneous Standards Utica Pike Overlay District Boundaries - The boundaries for the Utica Pike Overlay District are shown on the Official Zoning Map. The Utica Pike Overlay District is marked with a hatch pattern as designated on the Official Zoning Map's legend. Process - All proposed developments in this District require development plan review as defined in Article Nine of this Ordinance. District Standards All district standards as per the Base Zone District. Lots with a Base Zone District of R1 and lots that do not adjoin the Ohio River are subject to the standards of the R1 District except as follows: Minimum Lot Area 10,000 square feet or the average of the adjacent lots facing Utica Pike Minimum Lot Area for Planned Unit Developments 10 acres Minimum Lot Width 70 feet or the average of the adjacent lots Minimum Lot Frontage - The average of the adjacent lots Minimum Side Yard Setback 10% of the lot width per side for primary and accessory structures or the average of the adjacent lots Minimum Front Yard Setback 75 feet or the average of the adjacent lots Minimum Rear Yard Setback 20 feet or the average of the adjacent lots for primary structures 5 feet or the average of the adjacent lots for accessory structures Maximum Lot Coverage 35%
	Special Exceptions All uses permitted as special exceptions in the Base Zone District.	

"WH-OL" District

5.3 District Intent, Permitted Uses and Miscellaneous Standards

District Intent	Permitted Uses	Miscellaneous Standards
The Wellhead Protection Overlay District (WH-OL) has been created to protect the safety and drinkability of the community's public water supply. This District delineates protection areas around wellheads that provide the community's water supply. The general intent is to prevent potential contamination of the ground water that may be caused by certain types of land uses and/or development. The Plan Commission, in conjunction with local water companies, should be mindful of the use and storage of chemicals which may pose a risk to ground water quality.	All uses permitted in the Base Zone District. Special Exceptions All uses permitted as special exceptions in the Base Zone District.	Commercial Corridor Overlay District Boundaries • The boundaries for the Wellhead Protection District are shown on the Official Zoning Map. The Wellhead Protection Overlay District is marked with a hatch pattern as designated on the Official Zoning Map's legend. Process • All proposed developments in this District require review by the water company. • Written or oral communication from the water company concerning the effect the proposed development may have on the Wellhead Protection Area shall be given to the Planning Director prior to the issuance of an Improvement Location Permit. District Standards • All district standards as per the Base Zone District.

EXHIBIT “C”

Tenth Street Traditional Marketplace Overlay (TTMO) District

5.4 District Intent & Effect on Uses

TTMO; District Intent
The Tenth Street Overlay District (TTMO) is intended to guide both new development and redevelopment activities as follows: • Support and implement the vision of the Traditional Marketplace Planning District identifies in the Comprehensive Plan including: A. wide sidewalks, street furniture and shade trees to contribute to a pedestrian friendly environment that invites shoppers to make multiple shopping stops without moving their vehicle; and B. easy access by pedestrians, transit and bicycle users; and C. appropriate land use standards that contain a mixture of uses and distinguish uses that are appropriate for location at nodes or within the balance of the corridor; and D. create a vibrant marketplace corridor; • Attract new businesses that make 10th Street a destination with a focus on shopping, sit-down dining and offices • Encourage the use of the “TM1” (Small to Medium Scale Traditional Marketplace) District which provides a commercial land use category that permits a vertical mix of commercial and residential uses within the same building; • Encourage a pattern of development that exhibits the physical design characteristics of pedestrian-oriented, storefront-style shopping streets; • Accommodate mixed-use buildings with neighborhood-serving retail, service, and other uses on the ground floor and residential units above the nonresidential space; • Encourage development that is varied in use and pedestrian-scale; • Promote commercial areas of redevelopment adjacent to existing residential neighborhoods. • The Plan Commission and Board of Zoning Appeals should strive to minimize parking lots in front of or between buildings, rather encouraging parking behind buildings and on the street. A shared parking strategy with adjoining TM2 properties should always be encouraged. Drive-thru uses are discouraged in TTMO and should be minimized.
TTMO; Applicability
• Properties located along the 10th Street, between Spring Street and Trailer Court as defined in the official zoning map.

EXHIBIT “C”

Tenth Street Traditional Marketplace Overlay (TTMO) District

5.4 District Intent & Effect on Uses

TTMO; Effect on Uses

Uses within the base zoning district are permitted throughout the Tenth Street Overlay District (TTMO) with the exception of those listed below. The following uses are not permitted:

Excluded Uses:

Business: Auto Sales/Services

- auto parts sales
- auto body repair
- auto mechanical or body repair, major
- auto mechanical repair
- auto accessory installation
- auto sales (open air, with showroom, full service mechanical with or without body shop)
- auto sales (open air, limited mechanical services or body shop)
- auto sales (open air, no services)
- commercial truck sales
- auto rental
- recreational vehicle sales
- auto service facility (tire or muffler shop)
- oil change service
- auto wash
- filling/gas station***
- truck stop
- automobile/truck storage, outdoors
- auto impound facility
- motor-bus station
- institutional fleet storage (open air)

***Properties that were historically gas stations may revert back to gas stations.

Article Six

Zoning Map

Article Six

Zoning Map

6.1 Official Zoning Map

The “Jeffersonville Zoning Map” is hereby included as part of this ordinance. The Zoning Map shall be formally known as the “Jeffersonville Zoning Map” and it may be cited and referred to as the “Official Zoning Map” or the “Zoning Map.”

6.2 Official Zoning Map Copies

Copies of the Official Zoning Map may be made and distributed to interested persons. The Official Zoning Map Copies shall be labeled as copies and have the date which they were last modified printed on them.

6.3 Location of the Official Zoning Map

The Official Zoning Map will be located in the office of the Planning Director.

6.4 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. Planned developments shall be shown on the map by abbreviations as noted in this ordinance and shall also be identified by the number and date of passage of the Ordinance approving the Planned Development.

6.5 Regular Revisions

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. Copies may be made after the amendments are noted, and each copy shall be noted as an update with the “date last changed” noted on the map. Other revisions may be made to correct drafting or other errors and omission in the prior map, but shall not have the effect of amending the Official Zoning Map except as adopted by the City Council.

6.6 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 City Council 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.

6.7 Official Zoning Map Standards

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

- A. 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 the affected road, easement, or right-of-way.
- B. 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.
- C. 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.
- D. District boundaries indicated as approximately following the center line of streams, rivers, or other bodies of water shall be construed to follow such center lines.
- E. Where a district boundary line divides a lot at the time such line is adopted, the regulations for the less restricted portion of such lot shall extend not more than twenty-five (25) feet into the more restricted portion, provided the lot has frontage on a street in the less restricted district. Further, the exact location of where the line crosses the property shall be determined by the Planning Director.
- F. The vacation of streets shall not affect the location of the district boundaries.
- G. When the Planning Director cannot definitely determine the location of a district boundary by the center lines, by scale or dimensions stated on the Official Zoning Map, because the boundary does not clearly coincide with a property line, the Director may refuse action and the Plan Commission may interpret the location of the district boundary with reference to the scale of the Official Zoning Map and the purposes set forth in all relevant provisions of this Ordinance.

Article Seven

Development Standards

Article Seven

Development Standards

7.1 Introduction

All structures, buildings, land uses, land use changes, structural alterations, structural relocations, demolitions, structural additions, and structural enlargements that are constructed, created, established, or occur after the effective date of this ordinance (except as may otherwise be provided within this ordinance) are subject to all development standards and regulations for the applicable zoning district.

7.2 Development Standards that Apply

Under the sections in this article are Development Standards which are arranged by category. To determine which development standards apply to the subject Zoning District, refer to the "Additional Development Standards that Apply" section on the Two-Page Layout for that subject Zoning District. The four digit codes noted in the "Additional Development Standards that Apply" sections for each Zoning district can be found in the sections below. Only the four digit codes noted in the "Additional Development Standards that Apply" section apply to that Zoning District.

[As an example, on page 4-6, the four digit code "LY-01" can be found under the "Additional Development Standards that Apply" section in the Neighborhood Commercial (NC) District. Therefore, the Development Standards following the section below labeled "LY-01" (on page 7-3) would apply to Neighborhood Commercial (NC) Districts.]

Lot, Yard and Density Standards (LY).....	7-3	Lighting Standards (LT)	7-31
Height Standards (HT).....	7-4	General Sign Standards (GS).....	7-32
Accessory Structure Standards (AS)	7-5	Temporary Sign Standards (TS).....	7-34
Fence and Wall Standards (FW)	7-8	Permanent Sign Standards (PS)	7-35
Temporary Use/Structure Standards (TU).....	7-9	Parking Standards (PK)	7-39
Home Occupation Standards (HO)	7-10	Loading Standards (LD).....	7-44
Public Improvement Standards (PI).....	7-13	Entrance/Drive Standards (ED)	7-45
Landscaping Standards (LA).....	7-14	Vision Clearance Standards (VC).....	7-47
Buffer Yard Standards (BY)	7-19	Telecommunications Facility Standards (TC).....	7-48
Expressway Buffer Standards (EB)	7-24	Adult Use Standards (AU).....	7-53
Environmental Standards (EN).....	7-25	Special Exception Standards (SE)	7-54
Floodplain Standards (FP).....	7-27	Amenity Standards (AM).....	7-55
Performance Standards (PF).....	7-30	Miscellaneous Standards (MC)	7-59

Lot and Yard Standards (LY)

7.3 Lot, Yard and Density Standards (LY)

LY-01: This Lot, Yard and Density Standards section applies to the following districts:



No building or structure shall be erected or changed unless such building or structure conforms to the Lot, Yard and Density Standards for the district in which it is located. Also, no building or structure shall be altered, enlarged or reconstructed unless such alteration, enlargement, or reconstruction conforms with the Lot, Yard and Density Standards of the district in which it is located. The following Lot, Yard and Density Standards apply to the District when it is found on the Two-Page Layout in Articles 3 and 4. If the a type of Lot, Yard and Density Standard does not appear on the Two-Page Layout for a District, it does not apply to that particular District. The Lot, Yard and Density Standards that may be found in this Ordinance include:

- A. Minimum Lot Area
- B. Maximum Lot Area
- C. Minimum Lot Width
- D. Maximum Lot Depth
- E. Minimum Dwelling Site Area
- F. Minimum Dwelling Site Width
- G. Minimum Lot Frontage
- H. Sewer and Water
- I. Minimum Front Yard Setbacks
- J. Minimum Dwelling Site Front Yard Setbacks
- K. Minimum Side Yard Setbacks
- L. Maximum Side Yard Setbacks
- M. Minimum Dwelling Site Side Yard Setbacks
- N. Minimum Rear Yard Setbacks
- O. Minimum Dwelling Site Rear Yard Setbacks
- P. Minimum Lot Coverage
- Q. Maximum Lot Coverage
- R. Maximum Density
- S. Minimum Main Floor Area
- T. Maximum Main Floor Area
- U. Minimum Floor Area Per Unit

Buildings or structures are not permitted within any setback. Parking lots are allowed to project into the front and side yard setbacks in commercial districts. Driveways are considered exempt from setback requirements.

Height Standards (HT)

7.4 Height Standards (HT)

HT-01: This Height Standards section applies to the permitted uses within the following districts:



No structure may be erected or changed so as to make its height greater than specified in its applicable Zoning District, except as noted below:

- A. Church steeples,
- B. Municipal water towers, and
- C. Chimneys

The above specified height exceptions may exceed the permitted height regulations by twofold (x2) or sixty (60) feet; whichever is less.

Additional exceptions to height standards include:

- A. Necessary mechanical appurtenances, and
- B. Elevator bulkheads

These above specified height exceptions may exceed the permitted height standards by up to fifteen (15) feet, but must be shielded from view by design features of the building.

Accessory Structure Standards (AS)

7.5 Accessory Structure Standards (AS)

AS-01: This Accessory Structure Standards section applies to the permitted uses within the following districts:



- A. Accessory Structures shall comply with all Development Standards for the subject Zoning District.
- B. Accessory Structures must relate to the Primary Structure and its uses.
- C. Accessory Structures may not encroach on any platted easement unless the owner of the easement gives written consent.
- D. Enclosed structures such as detached garages, mini-barns, barns, pool houses, etc. are counted toward the total accessory building area. Unenclosed structures such as gazebos, picnic shelters, etc. are not counted.
- E. Dumpsters, compactors, and all other trash receptacles must be enclosed and screened as per 7.28 MC-07 in this Ordinance.
- F. An accessory structure may only be located to the rear or side of the primary structure unless as specified in 7.5 AS-01(H).
- G. Antennas or Satellite Dishes are only permitted to the rear of the primary structure.
- H. Swimming pools, hot tubs, mini barns, campers, recreational vehicles, bath houses or saunas may only be located to the rear of the primary structure except in the case of corner or through lots; in that instance, the structures may be placed on the side of the primary structure.
- I. No mobile home or manufactured home may be used as an accessory structure in any district unless otherwise permitted in this ordinance.

Accessory Structure Standards (AS)

(Continued)

AS-02: This Accessory Structure Standards section applies to the permitted uses within the following districts:



- A. Accessory Structures are not permitted on a lot prior to any Primary Structure being constructed except where the accessory structure is being used for personal storage or agricultural purposes.
- B. The following Accessory Structures are permitted, but must abide by all applicable standards:
 - antennas or satellite dishes
 - bath houses or saunas
 - decks
 - garages
 - gazebos
 - greenhouses, private
 - hot tubs
 - mini barns
 - storage building
 - pole barn
 - agricultural buildings
 - sheds
 - boat docks
 - sport courts
 - carports
 - swimming pools (swimming pools must abide by 675 IAC 20)
- C. Accessory Structures are not deemed to include swing sets, doghouses, tree houses, playhouses, and other such incidentals except as otherwise stated in this Ordinance.
- D. No more than three (3) Accessory Structures are permitted on a lot.
- E. An Accessory Structure cannot exceed one-thousand (1000) square feet or one-hundred percent (100%) of the square footage of the primary structure, whichever is less.

AS-03: This Accessory Structure Standards section applies to the permitted uses within the following districts:



- A. The following Accessory Structures are permitted and shall abide by all applicable Standards:
 - antennas or satellite dishes
 - decks
 - gazebos
 - storage buildings
 - sheds
 - dumpsters
 - restroom facilities
- B. Accessory Structures are not allowed on a lot prior to a Primary Structure being constructed.
- C. No more than two (2) Accessory Structures are permitted on a lot.

Accessory Structure Standards (AS)

(Continued)

AS-04: This Accessory Structure Standards section applies to the permitted uses within the following district:



- A. Management offices, sales offices, storage, mini-warehouses, laundry, dry cleaning facilities, and other structures customarily incidental to manufactured home parks or mobile home parks are permitted, provided the following criteria are met.
 - a. The Accessory Structure is subordinate to the residential component of the park and adds aesthetic value to the park;
 - b. The Accessory Structure is located, designed and intended to serve only the needs of the park; and
 - c. The establishments located within the Accessory Structure present no visible evidence of their business nature to areas outside the park.
- B. Each manufactured home or mobile home is entitled to one (1) accessory structure in addition to a carport or garage. Attached or detached garages, and carports are to be counted toward the total accessory building area. The total area of all accessory structures may not exceed twenty percent (20%) of the dwelling site. Permitted accessory structures are as follows:
 - decks /patios
 - attached/detached garages
 - gazebos
 - greenhouses
 - hot tubs
 - mini barns
 - sheds
 - sport courts
 - boat houses
- C. Model manufactured or mobile homes as sales units are permitted provided that the number of model homes is limited to five percent (5%) of the authorized number of dwelling sites in the park. Model homes must comply with all standards set forth in the MP District. One (1) unit may be used as a sales office.

Fence and Wall Standards (FW)

7.6 Fence and Wall (FW)

FW-01: This Fence and Wall Standards section applies to the following districts:



All fences and walls:

- A. Must present the non-structural face outward.
- B. Are permitted up to the property line.
- C. May not be greater than six (6) feet in height in the side yard and rear yard or greater than three (3) feet in height in the front yard.
- D. May not be closer than two (2) feet to any public right-of-way.
- E. May not be placed within the vision clearance triangle as defined in 7.23 Vision Clearance Standards.
- F. May not incorporate security wire or sharpened top spikes.

FW-02: This Fence and Wall Standards section applies to the following districts:



All fences and walls:

- A. Must present the non-structural face outward.
- B. Are permitted up to the property line.
- C. May not be greater than eight (8) feet in height in the side yard and rear yard or greater than five (5) feet in height in the front yard.
- D. May not be closer than two (2) feet to any public right-of-way.
- E. May not be placed within the vision clearance triangle as defined in 7.23 Vision Clearance Standards.

Temporary Use/Structure Standards (TU)

7.7 Temporary Use/Structure Standards (TU)

TU-01: This Temporary Use/Structure Standards section applies to the following districts:



The following standards pertain to temporary uses or structures.

- A. Temporary uses or structures that are intended to transition into a permanent use or structure must meet all standards for a permanent use or structure. In the event that the intent is not noted upon the application, the transition to a permanent use or structure will not be permitted for one (1) year from the application date.
- B. The Planning Director may extend the duration of a temporary use or structure one (1) time with findings of substantial need. The duration of the extension cannot exceed the lengths of the permitted time without the application for another temporary use or structure permit.
- C. All temporary uses or structures must be removed and the original site reverted to its original condition, and be completed within the duration of the permit.

TU-02: This Temporary Use/Structure Standards section applies to the following districts:



The following temporary uses are permitted as described below.

- A. Garage/yard sales are permitted for a total of seven (7) days per calendar year, per lot. No permit is required unless the applicant wishes to exceed the permitted duration.
- B. Children's roadside stands are permitted for a total of twenty-one (21) days per calendar year, per lot. No permit is required unless the applicant wishes to exceed the permitted duration.
- C. Tents for a private party or event are permitted for a total of seven (7) days per calendar year, per lot. No permit is required unless the applicant wishes to exceed the permitted duration.
- D. Construction trailers are permitted for up to twelve (12) months. A temporary improvement location permit is required.

TU-03: This Temporary Use/Structure Standards section applies to the following district



The following temporary uses are permitted as described below.

- A. Construction trailers are permitted for up to twelve (12) months. A temporary improvement location permit is required.
- B. A roadside sales vehicle or structure is permitted for up to three (3) months up to two (2) times per calendar year, with permission of the property owner. A temporary improvement location permit is required.
- C. Outdoor sales or events (i.e. tent sale, product specials, seasonal sales) are permitted for up to fourteen (14) days, up to two (2) times per calendar year. A temporary improvement location permit is required.
- D. Roadside sales of fireworks are not permitted under any circumstances.

Home Occupation Standards (HO)

7.8 Home Occupation Standards (HO)

HO-01 This Home Occupation Standards section applies to the following districts:



Home Occupation #1: The intent of the Home Occupation #1 provisions are to allow minimal business practices within certain Zoning Districts. Further, the intent is to protect the district's character or function. To regulate reasonable business practices and character, the following development standards apply:

- A. The home occupation must not involve retail sales or manufacturing operations.
- B. The home occupation must not involve the employment of any person other than those residing at the location of the home occupation.
- C. The equipment used for the business must be limited to computers, fax machines, telephones, copy machines, and other small equipment.
- D. There may not be any exterior storage or display of products, equipment or materials used in connection with the home occupation.
- E. No more than twenty-five percent (25%) of the total floor area of the primary structure may be used for the home occupation.
- F. There may not be any exterior, structural or aesthetic alterations to the dwelling unit to accommodate the home occupation.
- G. There may not be any room additions, structural or aesthetic alterations that change the residential character of the dwelling unit.
- H. There may not be additional entrances to the dwelling unit for the purpose of conducting business or to accommodate the business.
- I. Accessory structures may be used provided the use does not create a nuisance.
- J. The home occupation may not generate any additional traffic.
- K. No signage for the business is allowed on or off the property.
- L. The home occupation may not create electrical interference, odors, noise, vibration, light, smoke, fumes, or any other offensive problems.
- M. The home occupation may not demand increasing or enhancing the size, capacity, or flow of the water, gas, septic, sewer, or electrical systems beyond what is standard for a residence.
- N. No additional parking may be added to the lot(s) on which the residence is located to accommodate the home occupation.
- O. Use of commercial vehicles for pickup and deliveries other than from the U.S. Postal Service, UPS, and other express couriers is not permitted.

Home occupation uses that meet the above described standards are deemed permitted until the Plan Commission rules the use to be a nuisance, or until one or more of the adjacent neighbors petition to the Commission that the use is a nuisance and the Commission rules it to be so thereby prohibiting the use.

The following types of business are not permitted as home occupations:

- A. medical clinics of any kind,
- B. retail dress shops,
- C. funeral homes,
- D. tourist homes,
- E. animal hospitals,
- F. kennels,
- G. trailer rentals,
- H. automobile, motor vehicles, equipment repair of any kind,
- I. painting of automobiles, motor vehicles, or equipment of any kind,
- J. photo developing,

Home Occupation Standards (HO)

(Continued)

- K. television, radio or other electronics repair,
- L. tooling, welding, or machining of any kind,
- M. retail or manufacturing of any kind,
- N. tool or equipment rental of any kind,
- O. restaurants or similar establishments,
- P. salvage operations of any kind,
- Q. freight or trucking operations of any kind,
- R. contractors business, and
- S. landscaping/lawn care business.

HO-02 This Home Occupation Standards section applies to the following districts:



Home Occupation #2: The intent of the Home Occupation #2 provisions are to allow reasonable business practices within certain Zoning Districts. Further, the intent is not to allow the loss of the district's character or function. To regulate reasonable business practices and character, the following development standards apply:

- A. The home occupation must not involve the employment of any more than one (1) person who is not related and does not reside at the location of the home occupation.
- B. At least one (1) member residing on the premises must be the primary operator of the business and that business must be that person's primary work.
- C. There shall not be any use of mechanical equipment other than what is usual for purely domestic or hobby purposes.
- D. There must not be any exterior storage or display of equipment or materials used in connection with the home occupation.
- E. No more than twenty-five percent (25%) of the total floor area of any level of the primary structure shall be used for the home occupation.
- F. There shall not be any exterior structural or aesthetic alterations to the dwelling unit to accommodate the home occupation.
- G. There shall not be any room additions or other structural/aesthetic alterations that change the residential character of the dwelling unit.
- H. There shall not be an additional entrances to the dwelling unit for the purpose of conducting business or to accommodate the business.
- I. Business practice in all Accessory Structures is not permitted.
- J. Minimal traffic generation due to the business will be permitted.
- K. A small sign not exceeding two (2) square feet will be allowed on the primary structure. No off-site signs or signs in the yard of the property shall be permitted.
- L. No business practice, function, equipment, or process shall create electrical interference, odors, noise, vibration, light, smoke, fumes, or any thing offensive beyond the property lines for the Dwelling Unit.
- M. No home occupation that demands increasing or enhancing the size, capacity, or flow of the water, gas, septic, sewer, or electrical system beyond what is standard for a residence will be allowed.
- N. No additional parking may be added to the Lot(s) the residence is located on to accommodate the home occupation.
- O. Use of commercial vehicles for pickup and deliveries other than from the U.S. Postal Service, UPS, and other express couriers is not permitted.

Home Occupation Standards (HO)

(Continued)

- P. The permitted uses shall be limited to domestic crafts, professional service, catalog businesses, and internet businesses, including but not limited to:
 - a. dressmaking,
 - b. sewing,
 - c. weaving,
 - d. tailoring,
 - e. ironing,
 - f. washing,
 - g. computer/internet based sales,
 - h. catalog order business,
 - i. furniture repair,
 - j. hair grooming - one (1) chair,
 - k. home office for a lawyer, doctor, architect, engineer, accountant, or planner,
 - l. home office for a real estate, insurance, notary public, or manufacturer's agent,
 - m. office for clergy,
 - n. art studio, writing studio, music studio, photography studio, and
 - o. teaching art, writing, or music for one student at one time.
- Q. The following types of business shall not be permitted:
 - a. medical clinics of any kind,
 - b. retail dress shops,
 - c. funeral homes,
 - d. tourist homes,
 - e. animal hospitals,
 - f. kennels,
 - g. trailer rentals,
 - h. automobile, motor vehicles, equipment repair of any kind,
 - i. painting of automobiles, motor vehicles, or equipment of any kind,
 - j. photo developing,
 - k. television, radio or other electronics repair,
 - l. tooling, welding, or machining of any kind,
 - m. retail or manufacturing of any kind,
 - n. tool or equipment rental of any kind,
 - o. restaurant or similar establishment,
 - p. salvage operations of any kind,
 - q. freight or trucking operations of any kind
 - r. contractors business, and
 - s. landscaping/lawn care business.
- R. Permitted uses are deemed so until the City Council, Commission or BZA rule the use to be a nuisance, or until all adjacent neighbors petition to the City that the use is a nuisance.
- S. Uses not specifically mentioned will be interpreted by the Planning Director or BZA as to whether the use is permitted or not.

Public Improvement Standards (PI)

7.9 Public Improvement Standards (PI)

PI-01: This Public Improvement Standards section applies to the following districts:



The following public improvement standards apply:

- A. Developments are permitted only if the public streets, drainage facilities, and utilities are adequate to serve the proposed development. Any public streets which will carry the increased traffic from the development must be adequate to accommodate such traffic.
 - a. Drainage facilities and public utilities must have sufficient capacity to serve the development.
 - b. The Planning Director or his/her designee must make a determination as to needed street and drainage improvements.
 - c. The Planning Director or his/her designee must make a determination as to needed utility improvements.
 - d. When public improvements are required, the developer or authorized representative is required to post performance and maintenance guarantees for such improvements in a manner specified in the Subdivision Control Ordinance.
- B. All private streets must be constructed to the public street standards set forth in the Subdivision Control Ordinance.
- C. Manufactured or Mobile Home Parks must be in accordance with IC 16-11-27-1 et. seq., Rule 410 IAC 6-6 and their subsequent amendments, the State Board of Health requirements, and the requirements of this Ordinance.

Landscaping Standards (LA)

7.10 Landscaping Standards (LA)

LA-01: This Landscaping Standards section applies to the following districts:



Landscaping is an essential part of the design and development of a site. Landscape plantings are a benefit to the environment, public health, air quality, safety, comfort, convenience and general welfare of the community. These standards will result in the reduction of storm water runoff, glare, and heat buildup. They may reduce energy costs in structures and will improve the aesthetics of the community. The following general standards apply.

- A. No landscaping materials, shrubs, trees, retaining walls, lighting, or mounds may extend into any existing or proposed right-of-way without permission from the Jeffersonville Board of Public Works and/or the City Engineer.
- B. No landscaping materials, trees, retaining walls, lighting, or mounds may extend into any existing or proposed easement without the written permission from the easement holder.
- C. Trees, vegetation, irrigation systems, fences, walls and other landscape elements are considered elements of a project in the same manner as parking and other site details. The applicant and/or landowner and their successors in interest are responsible for the regular maintenance of all landscaping elements so that they are kept in good condition. All landscaping shall be maintained free from disease, pests, weeds and litter. All landscape structures, such as fences and walls, shall be repaired and replaced periodically to maintain a structurally and aesthetically sound condition.
- D. Nothing in these standards shall preclude the use and enjoyment of a wildlife area that is certified by a state or nationally recognized organization.
- E. Any landscape element required by this Ordinance, the Plan Commission, or the Board of Zoning Appeals that dies, or is otherwise removed, must be replaced within sixty (60) days of death or removal or be subject to fines and penalties as a civil violation. The Planning director may grant an extension due to weather to comply, but not more than thirty (30) days in total.
- F. Under no circumstances may the species identified and listed in Schedule 1 - Pest Plants or any artificial plant be installed and/or counted as part of the minimum plantings required by use or parking lot planting.

Schedule 1: Pest Plants	
Scientific Name	Common Name
Acer ginnala	Amur maple
Acer platanoides	Norway maple
Ailanthus altissima	Tree-of-heaven
Albizia julibrissin	Mimosa
Euonymus alata	Winged wahoo-burning bush
Euonymus fortunei	Winter creeper
Ligustrum spp.	Privets
Ligustrum vulgare	Privet
Lonicera japonica	Japanese honeysuckle
Lythrum salicaria	Purple loosestrife
Pinus nigra	Austrian pine
Polygonum cuspidatum	Japanese knotweed
Pueraria lobata	Kudzu vine
Rhamnus cathartica	Common buckthorn
Rhamnus davurica	Dahurian buckthorn
Rhamnus frangula	Alder buckthorn

Landscaping Standards (LA)

(continued)

- G. Nothing in these standards shall preclude the use and enjoyment of a wildlife area that is certified by a state or nationally recognized organization.
- H. All site plans must contain the species and caliper size at DBH of all existing trees, bushes and significant plants.
- I. Care should be taken to attempt to preserve all trees with a caliper size of twenty-four (24) inches or greater.

LA-02: This Landscaping Standards section applies to the following districts:



Minimum Plantings Required by Use:				
USE	TYPE	NUMBER	PER	SIZE
Single Family (Option 1)	Deciduous	3	lot < 10,000 sq. ft. and 1 per additional 10,000 sq. ft.	2" caliper
Single Family (Option 2)	Deciduous, and	2	lot < 10,000 sq. ft. and 1 per additional 10,000 sq. ft.	2" caliper
	Evergreen	1	lot < 10,000 sq. ft. and 1 per additional 10,000 sq. ft.	6 feet tall
Multiple Family	Deciduous, and	1	2 dwelling units	2" caliper
	Evergreen, and	1	2 dwelling units	6 feet tall
	Flowering Ornamental, and	1	4 dwelling units	6 feet tall
	Foundation Plantings	1	10 ln. ft. of perimeter	12" tall
Retail Commercial (Not DC district)	Deciduous, and	1	1000 sq. ft. floor area	2" caliper
	Evergreen, and	1	1000 sq. ft. floor area	6 feet tall
	Flowering Ornamental, and	1	1000 sq. ft. floor area	6 feet tall
	Foundation Plantings	1	20 ln. ft. of perimeter	18" tall
Office Commercial (Not DC district)	Deciduous, and	1	1000 sq. ft. floor area	2" caliper
	Evergreen, and	1	1000 sq. ft. floor area	6 feet tall
	Ornamental, and	1	1000 sq. ft. floor area	6 feet tall
	Foundation Plantings	1	10 ln. ft. of perimeter	18 tall "
Institutional (Not DC district)	Deciduous, and	1	1000 sq. ft. floor area	2" caliper
	Evergreen, and	1	1000 sq. ft. floor area	6 feet tall
	Flowering Ornamental, and	1	1000 sq. ft. floor area	6 feet tall
	Foundation Plantings	1	10 ln. ft. of perimeter	18" tall
Industrial (Not DC district) (Not NI district)	Deciduous, and	1	3000 sq.. ft. floor area	2" caliper
	Evergreen, and	1	3000 sq. ft. floor area	6 feet tall
	Flowering Ornamental, and	1	3000 sq. ft. floor area	6 feet tall
	Foundation Plantings	1	30 ln. ft. of perimeter	24" tall

- A. All tree caliper's must be measured at DBH.
- B. The plantings required to meet Buffer Yard or Parking lot standards may not be counted toward this minimum landscaping requirement listed above.

Landscaping Standards (LA)

(continued)

- C. The use of species native to the region is encouraged. A reduction of up to twenty percent (20%) of the total number of trees or shrubs required may be granted by the Planning Director if eighty percent (80%) or more of the trees and/or shrubs to be planted are native species as identified and listed in Schedule 2.

Schedule 2: Native Plants	
Canopy Trees	
Scientific Name	Common Name
Quercus alba	White oak
Quercus rubra	Red oak
Quercus velutina	Black oak
Acer rubrum	Red maple
Acer sacharum	Sugar maple
Diospyros virginiana	Common persimmon
Fraxinus americana	White ash
Nyssa sylvatica	Black tupelo
Pinus enhinata	Short-leaf pine
Quercus coccinea	Scarlet oak
Quercus falcata	Southern red oak
Quercus marilandica	Blackjack oak
Quercus muhlenbergii	Chinkapin oak
Quercus shumardii	Shumard's oak
Quercus stellata	Post oak
Ulmus rubra	Slippery elm
Sassafras albidum	Sassafras
Fagus grandifolia	American beech
Liriodendron tulipifera	Tulip tree
Aesculus glabra	Ohio buckeye
Gymnocladus dioicus	Kentucky coffeetree
Juglans nigra	Black walnut
Liquidambar styraciflua	Sweet gum
Platanus occidentalis	American sycamore
Woody Understory and Shrubs	
Scientific Name	Common Name
Amelanchier arborea	Downy service-berry
Ceanothus americanus	New Jersey - tea
Cercis canadensis	Redbud
Cornus drummondii	Rough-leaf dogwood
Cornus florida	Flowering dogwood
Cornus racemosa	Gray dogwood
Parthenocissus quinquefolia	Virginia-creeper
Rhus aromatica	Fragrant sumac
Symphoricarpos orbiculatus	Coral-berry
Ostrya virginiana	Eastern hop-hornbeam
Hamamelis virginiana	American witch-hazel
Asimina triloba	Common pawpaw
Carpinus caroliniana	American hornbeam
Wetland Systems - Canopy	
Scientific Name	Common Name
Acer saccharinum	Silver maple
Ulmus Americana	American elm
Fraxinus pennsylvanica	Green ash
Wetland Systems - Understory	
Scientific Name	Common Name
Campsis radicans	Trumpet-creeper
Ilex decidua	Deciduous holly

Landscaping Standards (LA)

(continued)

- D. Any existing deciduous tree over six (6) inches in caliper at DBH counts as three (3) new trees of the same "type"; and any existing evergreen tree over ten (10) feet tall counts as two (2) new trees of the same "type".
- E. Existing vegetation on site may be counted toward the minimum landscaping requirements if it meets or exceeds the above size requirements, and is in good health.
- F. Plantings within a certified wildlife area may be counted toward the minimum landscaping requirements if they meet or exceed the above size requirements.
- G. Orange construction fencing must be installed during construction at or beyond the dripline of each tree to be preserved and be marked "Do Not Remove" on the site plan. This requirement may be waived by the Planning Director.
- H. Any trees marked "Do Not Remove" on the site plan that are removed or injured beyond repair will be subject to civil violations as outlined in Article 13. Each tree removed or injured shall be considered a single civil violation.
- I. All foundation plantings must be within ten (10) feet of the structure's foundation and should consist of shrubs, ornamental shrubs, ornamental plants, or flowering plants.
- J. Substitutions of minimal plantings required (table above) must be reviewed and approved by the Planning Director and must be equal to or greater than that which is required.

LA-03: This Landscaping Standards section applies to the following districts:



Minimum parking lot and perimeter standards:

- A. Trees must be provided at a ratio of one (1) tree per twenty-five (25) lineal feet along a public street and one (1) tree per thirty-five (35) lineal feet along a side and rear lot line setback area. Trees may be spaced irregularly in informal groupings or be uniformly spaced, as consistent with larger overall planting patterns and organization. Perimeter landscaping along a street may be located in, and should be integrated with, the streetscape in the street right-of-way. Plantings within the right-of-way require permission from Jeffersonville Board of Public Works
- B. Parking lots with six (6) or more spaces must be screened from adjacent uses and the street. Screening must consist of an earthen berm, plant material or a combination of such elements which must have a minimum height of thirty-six (36) inches. The screening must extend a minimum of seventy percent (70%) along the street frontage and rear and side lot lines.
- C. To eliminate excessive heat build-up and emission from large parking areas, landscape islands must be provided for every thirty (30) parking spaces. All landscape islands must be at least three hundred (300) square feet in size, contain at least one six (6) foot tall tree that will exceed thirty (30) feet when fully mature, and be designed such that any root ball of a tree is not within four (4) feet of any edge of the island.
- D. Plans submitted shall include a graphic depiction of the parking lot screening and islands as seen from the street.

Landscaping Standards (LA)

(continued)

LA-04: This Landscaping Standards section applies to the following districts:



Minimum parking lot and perimeter standards:

- A. Trees must be provided at a ratio of one (1) tree per twenty-five (25) lineal feet along a public street and one (1) tree per forty (40) lineal feet along a side and rear lot line setback area. Trees may be spaced irregularly in informal groupings or be uniformly spaced, as consistent with larger overall planting patterns and organization. Perimeter landscaping along a street may be located in, and should be integrated with, the streetscape in the street right-of-way. Plantings within the right-of-way require permission from the Jeffersonville Board of Public Works.
- B. Parking lots with six (6) or more spaces must be screened from adjacent uses and the street. Screening must consist of a masonry wall, planter, earthen berm, plant material or a combination of such elements, which shall have a minimum height of thirty-six (36) inches. Concrete block fences are not permitted. The screening must extend a minimum of seventy percent (70%) along the street frontage and rear and side lot lines. Plans submitted shall include a graphic depiction of the parking lot screening as seen from the street.

LA-05: This Landscaping Standards section applies to the following districts:



- A. Any part of a property adjacent to a public street shall be required to install landscaping as described:
 - a. When adjacent to an arterial or collector street:
 - 1. An additional ten (10) feet of setback is required and must be designated on the development plan or site plan as a landscape easement.
 - 2. Either a decorative fence or undulating berm must be required as described below:
 - i. Fence: A minimum six (6) foot tall decorative metal fence. The fence must be between ten (10) and twenty (20) feet from the property line. The fence shall have a "finished" look to both sides and shall be black or other very dark color. The fence must have the character of a wrought iron fence.
 - ii. Undulating Berm: A five (5) foot tall undulating berm parallel to the property line. The undulating berm must not have slopes exceeding one (1) unit of rise for every three (3) unit of run (1:3 ratio). The slope of the undulating berm must maintain at least five (5) feet of separation from the right-of-way.
 - 3. One (1) evergreen tree and two (2) deciduous canopy trees must be planted for every forty (40) feet of contiguous boundary with the street.
 - 4. All required trees must be planted between five (5) and fifteen (15) feet from the property line.
 - b. When adjacent to a local street:
 - 1. An additional five (5) feet of setback is required and must be designated on the development plan or site plan as a landscape easement.
 - 2. Either a decorative fence or undulating berm must be required as described below:
 - i. Fence: A minimum four (4) foot tall decorative metal fence. The fence shall have a "finished" look to both sides and shall be black or other very dark color. The fence must have the character of a wrought iron fence.
 - ii. Undulating Berm: A three (3) foot tall undulating berm parallel to the property line. The undulating berm must not have slopes exceeding one (1) unit of rise for every three (3) unit of run (1:3 ratio).
 - 3. One (1) evergreen tree and one (1) deciduous canopy tree must be planted for every forty (40) feet of contiguous boundary with the street, planted within twenty (20) feet of the property line.

Buffer Yard Standards (BY)

7.11 Buffer Yard Standards (BY)

BY-01: This Buffer Yard Standards section applies to the following districts:



- A. The general purpose of a buffer yard is to soften the potential conflicts between potential uses in one zoning district from the potential uses in another adjacent district by using distance, plantings, fences, and mounds. The potential degree (or intensity) of conflict (or potential conflict) between two Zoning Districts will determine the extent of Buffer Yard required.
- B. The following Buffer Yard Standards apply to all buffer yards.
 - a. The Buffer Yard Standards only apply along the property lines where the two (2) conflicting Zoning Districts meet.
 - b. The developer or owner of the subject property is responsible for installing the Buffer Yard.
 - c. The adjacent property owner does not have to participate in installing the Buffer Yard.
 - d. An irregular row and spacing of trees is preferred. However, trees shall be a maximum of twenty (20) feet apart.
 - e. All deciduous canopy trees must have at least a two (2) inch caliper and all evergreen must be six (6) feet in height when planted.
 - f. Trees, vegetation, irrigation systems, fences, walls and other landscape elements shall be considered as elements of the project in the same manner as parking and other site details. The applicant and/or landowner, and their successors in interest are responsible for the regular maintenance of all landscaping elements so that they are kept in good condition. All landscaping must be maintained free from disease, pests, weeds and litter. All landscape structures such as fences and walls must be repaired or replaced periodically to maintain a structurally sound and aesthetic condition.
 - g. If the applicant can produce evidence that the planting area is too wet for evergreen trees, the applicant may substitute another type of tree as approved by the Planning Director.
 - h. Nothing in these standards precludes the use and enjoyment of a wildlife area that is certified by a state or nationally recognized organization.
 - i. Plantings within a certified wildlife area may be counted toward the minimum landscaping requirements if they meet the size requirements.
 - j. Any existing deciduous tree in the buffer yard and over six (6) inches in caliper at DBH counts as three (3) new trees of the same "type"; and any existing evergreen tree in the buffer yard over ten (10) feet tall counts as two (2) new trees of the same "type".

Buffer Yard Standards (BY)

(continued)

- k. Under no circumstances may the species identified in Schedule 1 - Pest Plants be planted and/or counted as part of a buffer yard planting.

Schedule 1: Pest Plants	
Scientific Name	Common Name
Acer ginnala	Amur maple
Acer platanoides	Norway maple
Ailanthus altissima	Tree-of-heaven
Albizia julibrissin	Mimosa
Euonymus alata	Winged wahoo-burning bush
Euonymus fortunei	Winter creeper
Ligustrum spp.	Privets
Ligustrum vulgare	Privet
Lonicera japonica	Japanese honeysuckle
Lythrum salicaria	Purple loosestrife
Pinus nigra	Austrian pine
Polygonum cuspidatum	Japanese knotweed
Pueraria lobata	Kudzu vine
Rhamnus cathartica	Common buckthorn
Rhamnus davurica	Dahurian buckthorn
Rhamnus frangula	Alder buckthorn

- l. Any buffer yard element required by this Ordinance, Plan Commission, or the Board of Zoning Appeals that dies, or is otherwise removed, must be replaced within sixty (60) days of death or removal or be subject to fines and penalties as a civil violation. The Planning director may grant an extension due to weather to comply, but not more than thirty (30) days in total.

Buffer Yard Standards (BY)

(continued)

- m. The use of species native to the region is encouraged. A reduction of up to twenty percent (20%) of the total number of trees or shrubs required may be granted by the Planning Director if eighty percent (80%) or more of the trees and/or shrubs to be planted are native species as identified and listed in Schedule.

Schedule 2: Native Plants	
Canopy Trees	
Scientific Name	Common Name
Quercus alba	White oak
Quercus rubra	Red oak
Quercus velutina	Black oak
Acer rubrum	Red maple
Acer sacharum	Sugar maple
Diospyros virginiana	Common persimmon
Fraxinus americana	White ash
Nyssa sylvatica	Black tupelo
Pinus enhinata	Short-leaf pine
Quercus coccinea	Scarlet oak
Quercus falcata	Southern red oak
Quercus marilandica	Blackjack oak
Quercus muhlenbergii	Chinkapin oak
Quercus shumardii	Shumard's oak
Quercus stellata	Post oak
Ulmus rubra	Slippery elm
Sassafras albidum	Sassafras
Fagus grandifolia	American beech
Liriodendron tulipifera	Tulip tree
Aesculus glabra	Ohio buckeye
Gymnocladus dioicus	Kentucky coffeetree
Juglans nigra	Black walnut
Liquidambar styraciflua	Sweet gum
Platanus occidentalis	American sycamore

Woody Understory and Shrubs	
Scientific Name	Common Name
Amelanchier arborea	Downy service-berry
Ceanothus americanus	New Jersey - tea
Cercis canadensis	Redbud
Cornus drummondi	Rough-leaf dogwood
Cornus florida	Flowering dogwood
Cornus racemosa	Gray dogwood
Parthenocissus quinquefolia	Virginia-creeper
Rhus aromatica	Fragrant sumac
Symphoricarpos orbiculatus	Coral-berry
Ostrya virginiana	Eastern hop-hornbeam
Hamamelis virginiana	American witch-hazel
Asimina triloba	Common pawpaw
Carpinus caroliniana	American hornbeam

Wetland Systems - Canopy	
Scientific Name	Common Name
Acer saccharinum	Silver maple
Ulmus Americana	American elm
Fraxinus pennsylvanica	Green ash

Wetland Systems - Understory	
Scientific Name	Common Name
Campsis radicans	Trumpet-creeper
Ilex decidua	Deciduous holly

Buffer Yard Standards (BY)

(continued)

- C. The following matrix determines the type of Buffer Yard which must be installed as part of the subject development. First find the Zoning District of the Subject Property (across the top). Second, find the Zoning District of the Adjacent property (in the left column). Where the two intersect on the matrix there is a letter (A, B, C, etc.) or a blank space. When there is a blank space no Buffer Yard is necessary. If an "A", "B", "C" or other letter is indicated in the matrix, a Buffer Yard is mandatory.

Adjacent District	Zoning District of Subject Property												
	M1	M2	M3	MP	IS	PR	OC	HC	C1	C2	NI	I1	I2
R1	E	D	G	B	C	A	B	E	C	C	F	D	D
R2	E	D	G	B	C	A	B	E	C	C	F	D	D
R3	E	D	G	B	C	A	B	E	C	C	F	D	D
M1		E	G	E	C	A	B	E	C	C	F	D	D
M2	E		G	E	C	A	B	E	C	C	F	D	D
M3			A	E	E	A	E	E	E	D	F	D	D
MP	E	E	G		C	A	B	E	C	C	F	D	D
IS	B	B	G	B				B	E	E	F	C	D
PR			G					B	E	E	F	C	D
NC			G								F	C	E
OC			B								F	C	E
DC			E								F	C	E
HC			E								F	C	E
C1			D								F	C	E
C2			D								F	C	E
NI			B										
I1			C										
I2			C										
A = "A" Buffer Yard E = "E" Buffer Yard B = "B" Buffer Yard F = "F" Buffer Yard C = "C" Buffer Yard G = "G" Buffer Yard D = "D" Buffer Yard													

- D. Buffer Yard "A":
- One (1) deciduous canopy tree every twenty (20) feet and one (1) evergreen tree every forty (40) feet shall be planted for of contiguous boundary with the conflicting district.
 - All trees must be planted between five (5) and fifteen (15) feet from the property line that is contiguous to the conflicting property.
- E. Buffer Yard "B":
- An additional ten (10) feet of setback is required in addition to the normal setback.
 - One (1) deciduous canopy tree and one (1) evergreen tree must be planted for every twenty (20) feet of contiguous boundary with the conflicting district.
 - All trees must be planted between five (5) and fifteen (15) feet from the property line that is contiguous to the conflicting property.

Buffer Yard Standards (BY)

(continued)

- F. Buffer Yard "C":
 - a. An additional twenty (20) feet of setback is required in addition to the normal setback.
 - b. One (1) deciduous canopy tree and two (2) evergreen trees must be planted for every twenty (20) feet of contiguous boundary with the conflicting district.
 - c. All trees must be planted between five (5) and fifteen (15) feet from the property line.
- G. Buffer Yard "D":
 - a. An additional thirty-five (35) feet of setback is required in addition to the normal setback.
 - b. A row of deciduous canopy trees must be planted no more than twenty (20) feet apart from one another.
 - c. Additionally, a five (5) foot tall fence, or five (5) foot tall undulating berm, or a row of evergreen trees no more than twelve (12) feet apart shall also be installed parallel to the property line and at least five (5) feet from the deciduous canopy trees.
 - d. All trees must be planted between ten (10) and thirty (30) feet from the property line.
- H. Buffer Yard "E":
 - a. An additional ten (10) feet of setback is required in addition to the normal setback.
 - b. A six (6) foot tall fence, or five (5) foot tall undulating berm, or a row of evergreen trees planted no more than twelve (12) feet apart, must also be placed parallel to the property line.
- I. Buffer Yard "F":
 - a. A six (6) foot tall fence or a row of evergreen trees planted no more than twelve (12) feet apart, must be placed parallel to the property line.
 - b. All trees must be planted between five (5) and fifteen (15) feet from the property line which is contiguous to the conflicting property.
- J. Buffer Yard "G":
 - a. An additional fifteen (15) feet of setback is required in addition to the normal setback.
 - b. Either a fence or undulating berm shall be required as described below:
 - 1. Fence: A six (6) foot tall decorative metal or decorative wood privacy fence. The fence must be at least fifteen (15) feet but no more than twenty-five (25) feet from the property line. The fence shall have a "finished" look to both sides of the fence.
 - 2. Undulating Berm: A five (5) foot tall undulating berm must be installed parallel to the property line. The undulating berm must not have slopes exceeding one (1) unit of rise for every three (3) unit of run (1:3 ratio). Also, in addition to the trees required below, at least two (2) understory trees or woody bushes must be planted on the berms for every thirty (30) feet of contiguous boundary with the conflicting district.
 - c. One (1) evergreen tree and two (2) deciduous canopy trees must be planted for every thirty (30) feet of contiguous boundary with the conflicting district.
 - d. All trees must be planted between five (5) and fifteen (15) feet from the property line.

Expressway Buffer Standards (EB)

7.12 Expressway Buffer Standards (EB)

EB-01: This Expressway Buffer Yard Standards section applies to those properties within the following districts which are adjacent to an expressway:



- A. The intent of an expressway buffer yard is to mitigate and buffer land uses from the negative effects of an expressway such as noise and safety concerns.
- B. The Primary Structure must be a minimum of one-hundred (100) feet from the lot line that is adjacent to the expressway. In addition the following buffer requirements apply:
 - a. Two staggered rows of deciduous canopy trees must be planted such that there is one tree every (20) feet along the entire property line that abuts the expressway.
 - b. Additionally, a six (6) foot tall fence, or five (5) foot tall undulating berm, or a row of evergreen trees no less than twelve (12) feet apart must also be planted parallel to the property line and the evergreen trees must be at least twenty (20) feet from the deciduous canopy trees.
 - c. All trees must be planted between ten (10) and forty (40) feet from the property line and within the subject property.
- C. Trees, vegetation, irrigation systems, fences, walls and other landscape elements shall be considered as elements of the project in the same manner as parking and other site details. The applicant and/or landowner, and their successors in interest, are responsible for the regular maintenance of all landscaping elements so that they are kept in good condition. All landscaping must be maintained free from disease, pests, weeds and litter. All landscape structures such as fences and walls must be repaired and replaced periodically to maintain a structurally and aesthetically sound condition.
- D. Any landscape element that dies, or is otherwise removed, must be promptly replaced based on the requirements of this Article.
- E. The Planning Director may waive the requirements for a wall or berm if the expressway has a natural or built feature that serves the same purpose.

Environmental Standards (EN)

7.13 Environmental Standards (EN)

EN-01: This Environmental Standards section applies to the following districts:



No land shall be used or structure erected where the land is unsuitable for such use or structure due to pre-development slopes greater than twenty-five percent (25%), adverse soil or rock formation, erosion susceptibility, low percolation rate or bearing strength, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics, and general welfare of the community. In addition the following standards must be met:

- A. Drainage and Surface Water: All development which requires official review and approval of Plan Commission or its Plat Review Committee, Board of Zoning Appeals, Board of Public Works and Safety, City Engineer or Building Commissioner is also subject to drainage review by the Jeffersonville Drainage Board as described in the *Storm, Drainage, Erosion and Sediment Control Ordinance (Ord. #98-OR-36)*. Single family dwellings and two-family dwellings and their accessory structures are exempt from drainage review. For those structures the following regulations apply.
 - a. It is the responsibility of the owner of any lot or parcel of land developed for any use to provide for adequate surface water drainage. Existing natural surface drainage must be maintained. Whenever the natural surface drainage is inadequate the owner must provide the parcel with an adequate surface water drainage system that is integrated into the drainage pattern of surrounding properties. Swales must be placed in an easement to prohibit future filling or constructing.
 - b. Drainage: Drainage swales (ditches) along dedicated roadways and within the right-of-way or on dedicated drainage easements may not be altered, except for maintenance as originally constructed and as approved by the Planning Director, City of Jeffersonville, the Jeffersonville Drainage Board, or Indiana Department of Transportation. Driveways may be constructed over these or other approved structures, only as permitted by the appropriate agency.
- B. Preservation of Natural / Historic Features: Existing natural and historic features which would add value to development of natural or man-made assets of the city such as trees, streams, vistas, lakes, historical landmarks, and similar irreplaceable assets must be preserved, when possible, through harmonious and careful design. Land to be developed must be designed and improved as far as practical in conformity to existing topography in order to minimize storm water runoff, and conserve the natural cover and soil.
- C. Landscaping: Any part or portion of a non-farm parcel which is not used for structures, loading or parking spaces, sidewalks and accessory uses must be landscaped or left in a natural state. If landscaped, the parcel must be planted with an all season ground cover, must be landscaped with trees and shrubs in accordance with the site plan, and shall be in keeping with natural surroundings.
- D. Cut / Fill Grade: No cut or fill grade may exceed a slope of 3:1 or 33-1/3 percent. This provision applies to all cuts and fills exceeding 100 square feet in exposed surface area, including cuts or fills on land naturally exceeding 3:1 in slope.
- E. Erosion Prevention: All land, regardless of slope, from which structures or natural cover has been removed or otherwise destroyed, must be appropriately graded and seeded within thirty (30) days after the removal or destruction of said natural cover to prevent erosion.
- F. Alterations to Shoreline: No alteration of the shoreline or bed of a river or public lake shall be made until written approval is obtained from the Indiana Department of Natural Resources and Army Corp of Engineers, and the provisions of this ordinance are complied with. Alterations include, among other things, filling of a river or wetlands, dredging of a riverbed, and ditch excavation within one half mile of a water body.

Environmental Standards (EN)

(Continued)

- G. Retention, Detention, and Pond Edges: All retention, detention, and pond edges must be maintained with a buffer of natural plantings within twenty (20) feet of the peak elevation. The use of engineered hard edges is not permitted except around inlets and outlets. The use of engineered hard edges may not exceed five percent (5%) of lineal feet of the total edge of any retention facility, detention facility, or pond. Under no circumstances is "rip-rap" permitted.
- H. Code Compliance/Hazardous Waste: All development must be in compliance with Title 7 of the Indiana Code, as amended, as it relates to hazardous waste, low level nuclear waste, underground storage tanks, waste tires, and other applicable chapters of said Title.
- I. Code Compliance/ Environmental Quality: All development must be in compliance with Title 13 of the Indiana Code, as amended, as it relates to air pollution control, water pollution control, solid waste management, and other applicable chapters of said Title.
- J. Waste Disposal: No waste materials such as garbage, rubbish, trash, construction material, gasoline, oil, flammables, soils, tars, chemicals, greases, industrial or agricultural waste, or any other material of such nature, quantity, obnoxiousness, toxicity, or temperature that may contaminate, pollute, or harm the waters may be deposited, located, stored, or discharged on any lot in a way that would be likely to runoff, seep, or wash into surface or ground water.
- K. Fuel Storage: No flammable or explosive liquids, solids, or gasses as specified by the State Fire Marshal may be stored in bulk above ground, except tanks or drums of fuel connected directly with energy devices or heating appliances located and operated on the same lot as the tanks or drums of fuel.
- L. Debris/Refuse: Debris, refuse, trash, construction material, garbage, litter, unfinished buildings, or rotting wood may not accumulate on any property, in any zoning district.
- M. Sedimentation /Public Health: No debris, weeds, trash, or construction material may accumulate along the curb, gutter or ditches in front of any property.
- N. Treatment of Fill: Material used for fill where permitted by this ordinance and/or by the IDEM, IDNR, or other governmental agency, must be promptly covered and seeded.
- O. View Requirements: Where a proposed structure will eliminate more than fifty percent (50%) of an adjacent structure's view or exposure to the sun, an additional yard area setback may be required by the Planning Director so that at least a fifty percent (50%) view or exposure may be maintained.
- P. Improvement Location Permit/Building Permit Requirements: The following activities are permitted with no Improvement Location Permit/Building Permit required, provided all other applicable standards are met.
 - a. Normal plowing and preparing the land for farming, gardens, and yards.
 - b. Normal trimming and/or removal of trees and shrubs for maintenance and/or site preparation.
 - c. Earth movements related to farming and other agricultural activity.
 - d. Drain tile laying and ditch cleaning.
- Q. Projects Affecting Regulated Drains: Regulated drains are under the jurisdiction of the Jeffersonville Drainage Board. The Jeffersonville Drainage Board or Jeffersonville City Engineer shall review and approve all development or projects directly affecting a regulated open ditch or tile per I.C. 36-9-27-13 of the Indiana Drainage Code.

Floodplain Standards (FP)

7.14 Floodplain Standards (FP)

FP-01: This Floodplain Standards section applies to the following districts:



Intent: The intent of floodplain standards are to protect from loss of property and maintain natural areas that help mitigate flooding downstream. Jeffersonville's Plan Commission and Board of Zoning Appeals should strive to prevent any infilling of land in the floodplain, or constructing of any structures. The floodplain includes the channel, floodway, and floodway fringe of a 100 year flood. Floodplain boundaries are to be determined by using the Floodway-Flood Boundary Maps of the Federal Insurance Administration/Federal Emergency Management Administration or best available information. The Planning Director may require a applicant to acquire a surveyor or engineer to whether a parcel of land lies partially or entirely within the floodplain.

Statement of Purpose: Under the authority granted to local units of government to control land use within their jurisdiction, which includes taking into account the effects of flooding, the City Council adopts the following floodplain management regulations in order to accomplish the following:

- to prevent unwise developments from increasing flood or drainage hazards to others,
- to protect new buildings and major improvements to buildings from flood damage,
- to protect human life and health from the hazards of flooding,
- to lessen the burden on the taxpayer for flood control projects, repairs to flood-damaged public facilities and utilities, and flood rescue and relief operations, and
- to maintain property values and a stable tax base by minimizing the potential for creating flood-blighted areas.
- to make federally subsidized flood insurance available for structures and their contents in the City of Jeffersonville by fulfilling the requirements of the National Flood Insurance Program.

All development shall be prohibited within the floodplain except as outlined below.

A. The following uses shall be permitted, provided they are permitted by the underlying district:

- a. Agricultural uses such as crop production, pastures, orchards, tree farms, plant nurseries, vineyards, and general farming.
- b. Forestry, wildlife areas and nature preserves.
- c. Parks and recreational uses.
- d. Public streets, bridges, and roadways.

B. Uses permitted as a Special Exception are as follows:

- a. Unenclosed riding stables or trails,
- b. Telephone exchange,
- c. Utility substations ,
- d. Public wells,
- e. Water treatment plants,
- f. Water management use facilities such as dams, docks, channel improvements, dikes, jetties, marinas, piers, wharves, levees, seawalls, floodwalls, and irrigation facilities,
- g. Public/private parking areas of any type,
- h. Golf courses,
- i. Driving ranges, and
- j. Artificial lakes of one (1) or more acres.

Floodplain Standards (FP)

(Continued)

- C. An Improvement Location Permit is required if any structure or use (except farming activities other than the construction of structures) is proposed to be erected, any excavation opened, or any material deposited in the floodplain. The application for an Improvement Location Permit must be accompanied by the following:
 - a. A description of the proposed development.
 - b. Location of proposed development - sufficient to accurately pinpoint the property and structure in relation to existing roads and streams.
 - c. A legal description of the property site.
 - d. A site development plan showing existing and proposed structure locations and existing and proposed land grades.
 - e. Elevation of lowest floor (including basement) of all proposed structures.
 - f. Base flood elevations. If the stream or waterway is located outside the FEMA detailed study areas base flood elevations must be approved by IDNR.
- D. If the site is in the floodway the staff shall require the applicant to forward the application, along with all pertinent plans and specifications, to IDNR and apply for a permit for construction in a floodway. Under the provisions of IC 13-2-22 a permit from IDNR is required prior to any excavation, deposit, construction or obstruction activity located in the floodway. This includes land preparation such as filling, grading, clearing, and paving, etc. undertaken before the actual start of construction of the building. No action shall be taken by the staff until a permit has been granted by IDNR granting approval for construction in a floodway. The Planning Director may issue an Improvement Location Permit provided that the provisions contained in FP-01 of this Ordinance and *The Storm, Drainage, Erosion and Sediment Control Ordinance* have been met.
- E. If the site is located in the floodway fringe, the Planning Director may issue an Improvement Location Permit provided that the provisions contained in FP-01 of this Ordinance and *The Storm, Drainage, Erosion and Sediment Control Ordinance* have been met.
- F. Facilities (nonresidential) may be constructed within the floodplain provided that the flood protection grade for all buildings is at least two (2) feet above the regulatory flood profile. Floodproofed nonresidential may also be constructed; provided, that the plans and necessary specifications are certified by a professional engineer or registered architect licensed to practice in the State of Indiana. A registered professional engineer or architect shall certify that below the flood protection grade the structure and attendant facilities are watertight and capable of resisting the affects of regulatory flood. The building design must take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice. Also, on-site waste disposal systems may be permitted only in accordance with the policies of the Clark County Health Department.
- G. The Planning Director and/or Jeffersonville Drainage Board may require any or all of the following measures as conditions of approval of new construction:
 - a. Retention or detention of stormwater runoff to minimize the increase in floodflows due to watershed urbanization.
 - b. Erosion and sedimentation control during construction projects to reduce siltation resulting in loss of channel carrying capacity.
 - c. Additional fill to reduce flood danger.
- H. Under no circumstance may there be a net loss of flood water capacity. No development is permitted that acting alone or in combination with existing or future similar works, will cause any increase in the elevation of the regulatory flood.

Floodplain Standards (FP)

(Continued)

- I. The Jeffersonville Board of Zoning Appeals when hearing variance requests from this section of the Ordinance shall consider the following:
 - a. The potential damage to personal property belonging to private individuals other than the property or building owner.
 - b. The increased hazard the proposed structure may cause to other structures and properties.
 - c. The potential risk to stranded individuals and rescue workers.
 - d. Whether the site is subject to more frequent flooding than the 100-year flood.
 - e. Whether there are other options for locating the structure.
 - f. The necessity of the particular use or structure within the floodplain.
- J. The applicant must demonstrate that there will be no net loss of flood storage capacity. All fill must come from subject property in order to ensure flood water storage capacity.

Performance Standards (PF)

7.15 Performance Standards (PF)

PF-01: This Performance Standards section applies to the following districts:



All uses established or placed into operation after the effective date of this Ordinance shall comply with the following performance standards in the interests of protecting public health, safety, and general welfare and lessening damage to property. No use on a property shall exhibit obnoxious characteristics to the extent that it constitutes a public nuisance or interferes with reasonable enjoyment of neighboring properties. No use in existence on the effective date of this Ordinance shall be altered or modified to conflict with these standards:

- A. Air Pollution: No use on a property shall release fly ash, dust, smoke, vapors, noxious, toxic or corrosive matter or other air pollutants in such concentration as to be detrimental to health, animals, vegetation or property, or to conflict with public air quality standards.
- B. Electrical Disturbance: No use on a property shall cause electrical disturbance adversely affecting radio, television or other equipment in the vicinity.
- C. Fire Protection: Fire fighting equipment and prevention measures acceptable to the local Fire Departments shall be readily available and apparent when any activity involving the handling and storage of flammable or explosive materials is conducted.
- D. Noise: No use on a property shall produce noise in such a manner as to be objectionable because of volume, frequency, intermittence, beat, shrillness, or vibration. Such noise shall be muffled or otherwise controlled so as not to become detrimental. Public safety sirens and related apparatus used solely for public purposes shall be exempt from this standard.
- E. Odor: No use on a property shall emit across lot lines any gas or matter with a bad odor in such quantity as to be readily detectable at any point along such lines.
- F. Vibration: No use on a property shall cause vibrations detectable beyond lot lines without the aid of instruments.
- G. Heat and Glare: No use on a property shall produce heat and glare in such a manner as to create a hazard to neighboring property. Nor shall any such heat or glare interfere with the reasonable enjoyment of neighboring property, or transportation function.
- H. Waste Matter: No use on a property shall accumulate within the lot or discharge waste matter beyond the lot lines.
- I. Water Pollution: No use on a property shall produce erosion or other pollutants in such a quantity as to be detrimental to adjacent properties or to conflict with public water quality standards.

Lighting Standards (LT)

7.16 Lighting Standards (LT)

LT-01: This Lighting Standards section applies to the following districts:



The intent of lighting standards is to provide a level of illumination necessary for adequate, safe and efficient movement of vehicles and persons without affecting neighboring properties. Further the level of illumination may vary according to the type of use on a lot. The intensity of light created on any site may not significantly go beyond the property line of the subject property.

The following lighting standards apply:

- A. All lighting must be shielded with opaque material to prevent direct lighting on streets, alleys, and adjacent properties.
- B. All lighting elements used to cast light on building facades, features of buildings or signs must have cutoff luminaires with less than a ninety-degree (90) angle ("down lighting").
- C. Lighting for parking lots must all be consistent in color, size, height, and design. Further, all parking lot lights must have cutoff luminaires with less than a ninety-degree (90) angle (down lighting) and may be no more than twenty (20) feet in height.
- D. All freestanding lights and lights mounted on walls or facades must have cutoff luminaires with less than a ninety-degree (90) angle.
- E. All lights within a single development must be consistent in style, design, height, size and color throughout the development.
- F. Lighting from a property may not cause more than a one-half (1/2) foot candle of illumination beyond the property line of that property. The only exception to this standard is as follows:
 - a. When the subject property is zoned for business use and the adjacent property is also zoned for business or industrial use, then the allowable light at the property line is one (1) foot candle (only on the sides of the property that are adjacent to the similar Zoning District) .
 - b. When the subject property is zoned for industrial use and the adjacent property is also zoned for industrial use, then the allowable light at the property line is two and one half (2 1/2) foot candles (only on the sides of the property that are adjacent to the similar Zoning District).
- G. Measurements of light readings shall be taken along any property line of the subject property with a light meter facing the center of the property at a height of six (6) feet.

7.17 General Sign Standards (GS)

GS-01: This General Sign Standards section applies to the following districts:



The intent of sign standards is to further the goals of the Comprehensive Plan; avoid the proliferation of signage; encourage signs to be compatible with the scale of buildings and the surrounding area; to maintain and enhance the aesthetic environment of the city; eliminate potential hazards to motorists and pedestrians resulting from sign clutter; and, to promote the health, safety, and welfare of the citizens of Jeffersonville.

- A. Except as otherwise provided herein, it shall be unlawful for any person to erect, construct, enlarge, move or convert any sign, or change the permanent copy on an existing sign structure within the jurisdiction of the Jeffersonville Plan Commission, or cause the same to be done, without first obtaining a sign permit from the Planning Director or its designee. Legal nonconforming signs shall comply with all provisions of this ordinance upon major change or alterations as defined in Article 10, Section 10.6.
- B. Inspection: Signs for which a permit is required may be inspected periodically by the Plan Commission or Planning Director for compliance with this ordinance and other codes of the City.
- C. Removal of Signs: The Plan Commission or Planning Director may order the removal of any sign erected or maintained in violation of this Article. A thirty (30) day written notice describing the violation and ordering either the removal of the sign or requiring the sign to be brought into compliance shall be given to the owner and/or business operator. No notice shall be given for temporary or portable signs. The Plan Commission or Planning Director may remove a sign immediately and without notice if the condition of the sign presents an immediate threat to the safety of the public. Any cost associated with signs removed by the Plan Commission and/or his agent, pursuant to the provisions of this Article, shall be reimbursed by the owner of said sign. Should said sign not be redeemed within forty-five (45) days of its removal, it may be disposed of in any manner deemed appropriate by the City.
- D. Maintenance: All signs and components thereof shall be kept in good repair and in safe, neat, clean and attractive condition. If failure to maintain a sign is determined by the Plan Commission or Planning Director, a written notice will be given to the owner, business operator or lessee of the property. Thirty (30) days notice shall be given to the owner, business operator, or lessee of the property to comply with the regulations. After thirty (30) days if the owner/business operator fails to comply, penalties shall be imposed according to Article 13.
- E. Abandoned Signs: A sign, all mountings, and related components shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer conducted on the premises. If the owner or lessee fails to remove the sign, the Plan Commission or Planning Director shall give the owner thirty (30) days written notice to remove it. Upon failure to comply with this notice, the Plan Commission or Planning Director may remove the sign. Any cost associated with signs removed by the Plan Commission and/or its designee, pursuant to the provisions of this Article shall be reimbursed by the owner of said sign. Should said sign not be redeemed within forty-five (45) days of its removal, it may be disposed of in any manner deemed appropriate by the City.

General Sign Standards (GS)

- F. Electronic Variable Message Signs: All signs must meet the standards as specified in the State Electrical Code, as adopted and amended by the State of Indiana. In addition all signs containing an EVMS as a component in part or in whole shall comply with the following standards:
- EVMS signs are only permitted on ground signs.
 - The message on the sign cannot move, appear to move, flash, scroll, or fade.
 - The message on the sign must hold for a minimum of one hour.
 - The sign must have equipped an automatic dimmer control/photocell sensor, to produce a distinct, stepped luminance change from a higher luminance level to a lower luminance level in order to comply with the luminance levels in subsection (e.), and to adjust sign brightness based on ambient lighting levels (i.e. cloudy days). The automatic dimmer control/photocell sensor must be activated at all times that the sign is in operation.
 - The sign shall operate at a luminance level not to exceed 700 nits thirty minutes before sunset to thirty minutes after sunrise and not to exceed 10,000 nits at all other times.
 - EVMS signs are not permitted in any residential zoning district, Downtown Commercial, Neighborhood Commercial, or Neighborhood Industrial zoning districts.
 - No EVMS shall be located within 600 feet of a residential zoning district or the downtown commercial zoning district unless the sign is visibly obstructed.
 - No sign containing an EVMS as a component shall be located within one hundred fifty (150) feet of any signalized intersection of two (2) or more streets if any of these streets is designated as a Collector, Arterial, Freeway/Expressway or Interstate Ramp by INDOT.
 - All luminated elements shall be kept in satisfactory working condition and immediately repaired or replaced if damaged or burned out.
 - All electrical wiring for permanent signs shall be in conduit. All electricity for signs shall have a disconnecting switch located in a readily accessible place to the Planning Director or its designee in the event the sign must be shut off because the sign presents an immediate threat to the safety of the public or is in violation of City ordinances.
 - The direct or reflected light from a primary light source shall not create a traffic hazard to operators of motor vehicles on public and/or private roadways.
 - The light from any sign shall be so directed such that the light intensity or brightness will not be objectionable to the surrounding properties. No light shall shine directly onto adjacent property.
- G. Illuminated Signs: All illuminated signs must meet the standards as specified in the State Electrical Code, as adopted and amended by the State of Indiana. In addition, all illuminated signs shall comply with the following standards:
- No sign shall have blinking, flashing, or fluttering lights, nor shall any device be utilized which has a changing light intensity, brightness of color, or give such illusion except that portion of the sign reserved for time and temperature.
 - All illuminating elements shall be kept in satisfactory working condition and immediately repaired or replaced if damaged or burned out.
 - All electrical wiring for permanent signs shall be in conduit. All electricity for signs shall have a disconnecting switch located in a readily accessible place.
 - The direct or reflected light from a primary light source shall not create a traffic hazard to operators of motor vehicles on public and/or private roadways.
 - The light from any illuminated sign shall be so shaded, shielded, or directed such that the light intensity or brightness will not be objectionable to the surrounding properties. No light shall shine directly onto adjacent property.
- H. Exempt Signs: The following signs are exempt from all provisions of this ordinance.

General Sign Standards (GS)

- a. Flags of any country, state, unit of local government, institution of higher learning, or similar institutional flags.
- b. Names of buildings, date of erection, monumental citations, commemorative tablets and the like when carved into stone, concrete or similar material or made of bronze, aluminum, or other permanent type construction and made an integral part of the structure. No commercial messages or logos are permitted on such integral signs.
- c. Public signs of a noncommercial nature and in the public interest erected by or on the order of public officer(s) in the performance of public duty, such as signs to promote safety, no trespassing, or traffic signs, memorial plaques, signs of historical interest, and signs directing people to public and quasi-public facilities.
- d. Utility signs used to mark cables and lines for public and private utilities except if determined to be a hazard by the Plan Commission.
- e. Political signs (addressed in this section or in Temporary Sign Standards)
- I. Prohibited Signs: The following types of signs are expressly prohibited in all Zoning Districts.
 - a. Signs that utilize any motion picture, laser, or visual projection of images or copy in conjunction with any business or advertisement.
 - b. Signs that emit audible sound, odor or visible matter.
 - c. Signs that purport to be or are in imitation of, or resemble an official traffic sign or signal or which bear the words "Stop", "Slow", "Caution", "Danger", "Warning", or similar words.
 - d. Signs that may be construed as a light of an emergency or road equipment vehicle.
 - e. Signs in the Right-of-Way or that hide from view any traffic or roadway sign, signal or device.
 - f. Signs that interfere with the vision clearance triangle as defined in this Article, Section 7.23.
 - g. Signs that extend above the roof line or parapet of a building.
 - h. Roof signs.
 - i. Signs that have blinking, flashing, or fluttering lights or which has a changing light intensity, brightness or color, or give such illusion, except that portion of a sign reserved for time and temperature.
 - j. Signs that obstruct any door, fire escape, stairway, or any opening intended to provide entrance or exit for any building or structure.
 - k. Signs placed on vehicles parked on public or private property primarily for the purpose of displaying the sign. Prohibited signs do not include those displayed on vehicles parked for the purpose of lawfully making deliveries or random sales or service. Prohibited signs do not include vehicles which are customarily used for transporting persons or properties, and vehicles parked at a driver's place of residence during non-business hours or for incidental purposes.
 - l. Outdoor advertising signs (billboards).
 - m. Inflatable Animated or Moving signs.
 - n. Any sign that is not expressly permitted in this Ordinance.
- J. Noncommercial message: Noncommercial messages are permitted on all signs permitted by this Article.
- K. Landscaping: All permanent ground signs are required to be wrapped in a contiguous boundary of plantings around their base. All plantings must be within four (4) feet of the sign base and should consist of shrubs, ornamental shrubs, ornamental plants, flowering plants or other ornamental ground covers. Plantings should cover an area of ground at least equal to one-half (1/2 X) times the square footage of the sign at the time of installation.

Temporary Sign Standards (TS)

7.18 Temporary Sign Standards (TS)

TS-01: This Temporary Sign Standards section applies to the following districts:



The following temporary signs shall be permitted. No permit is required.

- A. Ground signs not to exceed five (5) feet in height and sixteen (16) square feet in commercial message area used to advertise the property for sale or lease.
- B. A sign not to exceed sixteen (16) square feet advertising a legally permitted event which must be removed ten (10) days after the event has transpired.
- C. Political Signs not exceeding eight (8) feet in height and thirty-two (32) square feet in message area.
 - a. Political sign must not be displayed greater than (60) days before the election will transpire.
 - b. Political sign must be removed ten (10) days after the election has transpired.

The following temporary signs shall be permitted and requires a Temporary Sign permit.

- A. One (1) construction sign up to 32 square feet in size for one (1) year and renewable in one (1) year increments in conjunction with a new sign permit being issued. Upon 90% build out of the development, a construction sign is no longer permitted as temporary sign.

The following development standards apply.

- A. No temporary sign shall be located within the vision clearance triangle as described in section
- B. Ground signs shall be a minimum of ten (10) feet from any property line.

TS-02: This Temporary Standards section applies to the following districts:



The following temporary signs shall be permitted. A Temporary Sign permit is required unless otherwise specified.

- A. The following standards apply to all Temporary signs:
 - a. All Attention-Seeking Signs shall apply for a Temporary Sign permit.
 - b. Temporary signs shall be a minimum of ten (10) feet from the property line.
 - c. No temporary sign shall be located within the vision clearance area as described in section 7.23.
 - d. A sign advertising a legally permitted special event shall be removed ten (10) days after the event has transpired unless otherwise specified for quicker removal by sign type.
- B. Temporary Ground signs may include Flag, Yard, Banner and Self-Supporting Freestanding signs.
 - a. Two (2) ground signs are permitted per street frontage.
 - b. Ground signs shall not be used for a time to exceed thirty (30) days in a year.
 - c. Ground signs may be no larger than thirty-two (32) square feet.
- C. All Attention-Seeking signs are permitted for grand openings or special promotions under the following conditions.
 - a. Such devices shall not be used for a time to exceed thirty (30) days in a year.
 - b. Such devices shall not contain any flashing lights at anytime.
- D. Portable signs are permitted for grand openings or special promotions under the

Temporary Sign Standards (TS)

following conditions.

- a. Such signs shall not be not be used for a time to exceed thirty (30) days in a year.
- b. Such signs shall not exceed thirty-two (32) square feet.
- c. One (1) portable sign is permitted per street frontage.
- d. The number of portable signs permitted per multi-tenant building shall be determined by the Planning Director or its designee.
- e. Such signs shall not contain any flashing lights at anytime.
- f. Such signs shall not exceed six (6) feet in height.
- E. Off-site directional signs associated with a grand opening or special promotion are not to exceed six (6) square feet of commercial message or three (3) feet in height. Such signs are only permitted for the duration of the grand opening or special promotion.
- F. One (1) construction sign up to 32 square feet of commercial message for one (1) year and renewable in one (1) year increments in conjunction with a new sign permit being issued. Upon 90% build out of the development, a construction sign is no longer permitted as temporary sign.
- G. Portable Electronic Variable Message signs (EVMS) are permitted under the following conditions:
 - a. The sign area shall not exceed thirty-two (32) square feet of commercial message.
 - b. Such signs shall not be used for a time to exceed two (2) days in a six (6) month period.
 - c. Such signs shall not exceed six (6) feet in height.
 - d. All Temporary EVMS signs shall be subject to the standards of Section 7.17 General Sign Standards: Subsection (F.) Electronic Variable Message Signs.
- H. Political Signs not exceeding eight (8) feet in height and thirty-two (32) square feet in message area.
 - a. Political signs shall not be displayed greater than (60) days before the election will transpire.
 - b. Political signs shall be removed ten (10) days after the election has transpired.

Permanent Sign Standards (PS)

7.19 Permanent Sign Standards (PS)

PS-01: This Permanent Sign Standards section applies to the following districts:



R1 – Low Density Residential, R2 – Medium Density Residential, R3 – Old City Residential, M1 – Low Density Multifamily Residential, M2 – Medium Density Multifamily Residential, M3 – High Density Multifamily Residential, MP – Mobile Home Park

The following sign regulations apply. All signs require a permit unless otherwise specified.

A. The following signs are permitted as long as they do not exceed the total quantity allowed per lot.

Building Signs

- Wall

Ground Signs

- Monument (Subdivision Identification signs only)

Other Signs & Components

- EVMS not permitted

B. Development standards per type of sign are as follows.

- a. Wall Sign: One (1) wall sign not too exceed one (1) square foot is permitted on the primary structure. No permit is required. No illumination is permitted.
- b. Ground Sign: Two (2) Subdivision Identification signs (Monument sign style) per vehicular subdivision or complex entrance. No ground sign shall be located within the vision clearance area.
 - Monument sign: Sign not to exceed four (4) feet in height and thirty-two (32) square feet in message area, per side. Sign shall be placed a minimum of fifteen (15) feet from the right-of-way. The height of the monument base must be equal to or lesser than one and one-quarter ($1 \frac{1}{4}$ X) times the height of the commercial message. All monument signs must have a minimum of one (1) foot of base.

PS-02: This Permanent Sign Standards section applies to the following districts:



PR – Parks and Recreation, IS – Institutional Uses

The following sign regulations shall apply. All signs require a permit unless otherwise specified.

- A. Total sign area allowed per lot: The total square footage in message area of all combined sign facings shall not exceed one-hundred twenty-five (125) square feet per lot.
- B. The following signs are permitted as long as they do not exceed the total area or quantity allowed per lot.

Building Signs

- Projecting
- Wall
- Awning
- Window

Ground Signs

- Monument
- Post

Wayfinding Signs

Permanent Sign Standards (PS)

- Directional

Other Signs & Components

- EVMS
- Time & Temperature

C. Development standards per type of sign are as follows.

- a. Projecting sign: A projecting sign shall not exceed twelve (12) square feet in commercial message area, per side. No projecting sign shall be at its lowest point (except for the supporting building, structure, or column) less than eight and one-half (8 1/2) feet above grade level. In no case shall it extend more than four (4) feet beyond its supporting structure. Permission must be granted by the Board of Public Works if the proposed sign extends into the right-of-way.
- b. Wall Sign: Wall signs not too exceed fifty (50) square feet in message area.
- c. Awning sign: Awning signs shall not exceed twenty-five (25) square feet and shall be counted toward the total sign area. Awning signs require a sign permit.
- d. Window signs: Non-illuminated window signs not exceeding twenty-five percent (25%) of the window area are permitted. No permit is required. Illuminated window signs containing a commercial message that can be seen from the road shall be counted toward the total sign area and require a sign permit.
- e. Ground Sign: One (1) ground sign per entrance from the following. No ground sign shall be located within the vision clearance area.
 - Monument Sign: Sign not to exceed eight (8) feet in height and forty-eight (48) square feet in message area, per side. Sign shall be placed a minimum of ten (10) feet from the right-of-way. The height of the monument base must be equal to or lesser than one and one-quarter (1 ¼ X) times the height of the commercial message. All monument signs must have a minimum of one (1) foot of base.
 - Post Sign: Sign not to exceed five (5) feet in height and sixteen (16) square feet in commercial message area, per side. Sign area must be within the total sign area allotted per lot. Sign shall be placed a minimum of ten (10) feet from the right-of-way. No more than one (1) post sign per site. The ground to bottom of sign height must be equal to or lesser than 18 inches.
 - EVMS Component: Any ground sign containing an EVMS as a component shall not exceed four (4) feet in height. Monument signs containing an EVMS as a component shall not exceed thirty-two (32) square feet in commercial message area.
- f. Directional signs: Signs must be no more than three (3) feet in height and no more than three (3) square feet in area. No permit is required and they shall not be counted toward the total area allowed per lot.
- g. Time & Temperature: Monocolor Time, Temperature, Sign must be no more than three (3) square feet in area. Sign must be installed on a ground sign that is at least one and one-half (1 1/2) times the square footage of the Monocolor Time, Temperature sign. No permit is required for the component if installed on a permitted ground sign. Sign shall not be counted toward the total sign area allowed per lot.

Permanent Sign Standards (PS)

PS-03: This Permanent Sign Standards section applies to the following district:



NC – Neighborhood Commercial

The following sign regulations shall apply. All signs require a permit unless otherwise specified.

- A. Total sign area allowed per lot. The total square footage in commercial message area of all combined sign facings shall not exceed the lesser of the following per lot:
- One multiplied (1 X) by the length of building that faces the road [For example: If a building is fifty (50) feet wide then fifty (50) square feet of signage would be allowed for the lot.]
 - OR one-hundred and twenty-five (125) square feet.

- B. The following signs are permitted as long as they do not exceed the total area or quantity allowed per lot.

Building Signs

- Projecting
- Wall
- Awning
- Window

Ground Signs

- Monument
- Post
- Suspended

Wayfinding Signs

- Directional

Other Signs & Components

- EVMS are not permitted

- C. Development standards per type of sign are as follows.

- a. Projecting sign: A projecting sign shall not exceed twelve (12) square feet in commercial message area, per side. No projecting sign shall be at its lowest point (except for the supporting building, structure, or column) less than eight and one-half (8 1/2) feet above grade level. In no case shall it extend more than four (4) feet beyond its supporting structure. Permission must be granted by the Board of Public Works if the proposed sign extends into the right-of-way.
- b. Wall Sign: A wall sign shall not exceed fifty (50) square feet in commercial message area.
- c. Awning sign: Awning signs shall not exceed twenty-five (25) square feet and shall be counted toward the total sign area. Awning signs require a sign permit.
- d. Window signs: Non-illuminated window signs not exceeding twenty-five percent (25%) of the window area are permitted. No permit is required. Illuminated window signs containing a commercial message that can be seen from the road shall be counted toward the total sign area and require a sign permit.
- e. Ground sign: One (1) ground sign per lot from the following.
 - Monument sign: Sign not to exceed five (5) feet in height and sixteen (16) square feet in commercial message area, per side. Sign area must be within the total sign area allotted per lot. Sign shall be placed a minimum of two (2) feet from the right-of-way. No more than one (1) monument sign per site. The height of the monument base must be equal to or lesser than one and one-quarter (1 ¼ X) times the height of the commercial message. All monument signs must have a minimum of one (1) foot of base.
 - Post Sign: Sign not to exceed five (5) feet in height and sixteen (16) square feet in

Permanent Sign Standards (PS)

commercial message area, per side. Sign area must be within the total sign area allotted per lot. Sign shall be placed a minimum of two (2) feet from the right-of-way. No more than one (1) post sign per site. The ground to bottom of sign height must be equal to or lesser than 18 inches.

- Suspended Sign: Sign not to exceed four (4) feet in height and four (4) square feet in commercial message area, per side. Sign area must be within the total sign area allotted per lot. Sign shall be placed a minimum of two (2) feet from the right-of-way. No more than one (1) suspended signs per site. The height from ground to the bottom of the sign must be equal to or lesser than 30 inches.
- f. Directional Signs: Signs must be no more than three (3) in height and no more than three (3) square feet in area. No permit is required and they shall not be counted toward the total area allowed per lot.

PS-04: This Permanent Sign Standards section applies to the following districts:



DC – Downtown Commercial

The following sign regulations shall apply. All signs require a permit unless otherwise specified.

- A. Total sign area allowed per lot. The total square footage in commercial message area of all combined sign facings shall not exceed the lesser of the following per lot:

- One and one-quarter multiplied (1 1/4 X) by the length of building that faces the road [If a building is one hundred (100) feet wide then one-hundred and twenty-five (125) square feet of signage would be allowed for the lot.]
- OR one-hundred and twenty-five (125) square feet

- B. The following signs are permitted as long as they do not exceed the total area or quantity allowed per lot.

Building Signs

- Projecting
- Wall
- Awning
- Window

Ground Signs

- Monument
- Post
- Suspended

Wayfinding Signs

- Directional

Other Signs & Components

- EVMS are not permitted

- C. Development standards per type of sign are as follows.

- a. Projecting sign: A projecting sign shall not exceed twelve (12) square feet in commercial message area, per side. No projecting sign shall be at its lowest point (except for the supporting building, structure, or column) less than eight and one-half (8 1/2) feet above grade level. In no case shall it extend more than four (4) feet beyond its supporting structure. Permission must be granted by the Board of Public Works, if the proposed sign extends into the right-of-way.
- b. Wall Sign: A wall sign shall not exceed fifty (50) square feet in commercial message area.
- c. Awning sign: Awning signs shall not exceed fifty (50) square feet and shall be counted toward the total sign area. Awning signs require a sign permit.

Permanent Sign Standards (PS)

- d. Window signs: Non-illuminated window signs not exceeding twenty-five percent (25%) of the window area are permitted. No permit is required. Illuminated window signs containing a commercial message that can be seen from the road shall be counted toward the total sign area and require a sign permit.
- e. Ground Sign: One (1) ground sign per lot from the following.
 - Monument sign: Sign not to exceed five (5) feet in height and sixteen (16) square feet in commercial message area, per side. Sign area must be within the total sign area allotted per lot. Sign shall be placed a minimum of two (2) feet from the right-of-way. No more than one (1) monument sign per site. The height of the monument base must be equal to or lesser than one and one-quarter ($1 \frac{1}{4} \times$) times the height of the commercial message. All monument signs must have a minimum of one (1) foot of base.
 - Post Sign: Sign not to exceed five (5) feet in height and sixteen (16) square feet in commercial message area, per side. Sign area must be within the total sign area allotted per lot. Sign shall be placed a minimum of two (2) feet from the right-of-way. No more than one (1) post sign per site. The ground to bottom of sign height must be equal to or lesser than 18 inches.
 - Suspended Sign: Sign not to exceed five (4) feet in height and four (4) square feet in commercial message area, per side. Sign area must be within the total sign area allotted per lot. Sign shall be placed a minimum of two (2) feet from the right-of-way. No more than one (1) suspended signs per site. The height from ground to the bottom of the sign must be equal to or lesser than 30 inches.
- f. Directional Signs: Signs must be no more than three (3) in height and no more than three (3) square feet in area. No permit is required and they shall not be counted toward the total area allowed per lot.

PS-05: This Permanent Sign Standards section applies to the following districts:



OC – Office Commercial

The following sign regulations shall apply. All signs require a permit unless otherwise specified.

- A. Total sign area allowed per lot. The total square footage in commercial message area of all combined sign facings shall not exceed the lesser of the following per lot:
 - One and one-quarter multiplied ($1 \frac{1}{4} \times$) by the length of building that faces the road [If a building is one hundred (100) feet wide then one-hundred and twenty-five (125) square feet of signage would be allowed for the lot.]
 - OR one-hundred and twenty-five (125) square feet
- B. The following signs are permitted as long as they do not exceed the total area or quantity allowed per lot.

Building Signs

- Projecting
- Wall
- Awning
- Window

Ground Signs

- Monument

Wayfinding Signs

- Directional

Other Signs & Components

Permanent Sign Standards (PS)

- EVMS
- Time & Temperature

C. Development standards per type of sign are as follows.

- a. Projecting sign: A projecting sign shall not exceed twelve (12) square feet in commercial message area, per side. No projecting sign shall be at its lowest point (except for the supporting building, structure, or column) less than eight and one-half (8 1/2) feet above grade level. In no case shall it extend more than four (4) feet beyond its supporting structure. Permission must be granted by the Board of Public Works, if the proposed sign extends into the right-of-way.
- b. Wall Sign: A wall sign shall not exceed fifty (50) square feet in commercial message area.
- c. Awning sign: Awning signs shall not exceed fifty (50) square feet and shall be counted toward the total sign area. Awning signs require a sign permit.
- d. Window signs: Non-illuminated window signs not exceeding twenty-five percent (25%) of the window area are permitted. No permit is required. Illuminated window signs containing a commercial message that can be seen from the road shall be counted toward the total sign area and require a sign permit.
- e. Ground Sign: One (1) ground sign per lot from the following.
 - Monument sign: Sign not to exceed six (6) feet in height and thirty-two (32) square feet in commercial message area, per side. Sign area must be within the total sign area allotted per lot. Sign shall be placed a minimum of two (2) feet from the right-of-way. No more than one (1) monument sign per site. The height of the monument base must be equal to or lesser than one and one-quarter (1 ¼ X) times the height of the commercial message. All monument signs must have a minimum of one (1) foot of base.
 - EVMS Component: Any ground sign containing an EVMS as a component shall not exceed four (4) feet in height. Monument signs containing an EVMS as a component shall not exceed thirty-two (32) square feet in commercial message area.
- f. Directional Signs: Signs must be no more than three (3) in height and no more than three (3) square feet in area. No permit is required and they shall not be counted toward the total area allowed per lot.
- g. Time & Temperature: Monocolor Time, Temperature, Sign must be no more than three (3) square feet in area. Sign must be installed on a ground sign that is at least one and one-half (1 1/2) times the square footage of the Monocolor Time, Temperature sign. No permit is required for the component if installed on a permitted ground sign. Sign shall not be counted toward the total sign area allowed per lot.

PS-06: This Permanent Sign Standards section applies to the following districts:



HC – Highway Commercial, C1 – Small to Medium General Commercial, C2 – Medium to Large Scale General Commercial

The following sign regulations shall apply. All signs require a permit unless otherwise specified.

- A. Total sign area allowed per lot. The total square footage in commercial message area of all combined sign facings shall not exceed the lesser of the following per lot:
 - One and one-half multiplied (1 1/2 X) by the length of building that faces the road [If a building is one hundred (100) feet wide then one-hundred and twenty-five (150) square feet of signage would be allowed for the lot.]
 - OR two-hundred (200) square feet

Permanent Sign Standards (PS)

- B. The following signs are permitted as long as they do not exceed the total area or quantity allowed per lot.

Building Signs

- Projecting
- Wall
- Awning
- Window

Ground Signs

- Monument
- Post
- Suspended

Wayfinding Signs

- Directional

Other Signs & Components

- EVMS
- Time & Temperature

- C. Development standards per type of sign are as follows.

- a. Projecting sign: A projecting sign shall not exceed twelve (12) square feet in commercial message area, per side. No projecting sign shall be at its lowest point (except for the supporting building, structure, or column) less than eight and one-half (8 1/2) feet above grade level. In no case shall it extend more than four (4) feet beyond its supporting structure. Permission must be granted by the Board of Public Works, if the proposed sign extends into the right-of-way.
- b. Wall Sign: A wall sign shall not exceed fifty (50) square feet in commercial message area.
- c. Awning sign: Awning signs shall not exceed fifty (50) square feet and shall be counted toward the total sign area. Awning signs require a sign permit.
- d. Window signs: Non-illuminated window signs not exceeding fifty percent (50%) of the window area are permitted. No permit is required. Illuminated window signs containing a commercial message that can be seen from the road shall be counted toward the total sign area and require a sign permit.
- e. Ground Sign: For single-tenant buildings, one (1) ground sign per lot from the following. For multi-tenant buildings, one (1) ground sign for each 400 feet of length of multi-tenant building that faces the road from the following.
 - Monument sign: Sign not to exceed eight (8) feet in height and forty-eight (48) square feet in commercial message area, per side. Sign area must be within the total sign area allotted per lot. Sign shall be placed a minimum of ten (10) feet from the right-of-way. No more than one (1) monument sign per site. The height of the monument base must be equal to or lesser than one and one-quarter (1 ¼ X) times the height of the commercial message. All monument signs must have a minimum of one (1) foot of base.
 - EVMS Component: Any ground sign containing an EVMS as a component shall not exceed four (4) feet in height. Monument signs containing an EVMS as a component shall not exceed thirty-two (32) square feet in commercial message area.
- f. Directional Signs: Signs must be no more than three (3) in height and no more than three (3) square feet in area. No permit is required and they shall not be counted toward the total area allowed per lot.
- g. Time & Temperature: Monocolor Time, Temperature, Gas Price Sign must be no more than three (3) square feet in area. Sign must be installed on a ground sign that is at least

Permanent Sign Standards (PS)

one and one-half (1 1/2) times the square footage of the Monocolor Time, Temperature, Gas Price sign. No permit is required for the component if installed on a permitted ground sign or gas canopy. Sign shall not be counted toward the total sign area allowed per lot.

PS-07: This Permanent Sign Standards section applies to the following districts:



NI – Neighborhood Industrial

The following sign regulations apply. All signs require a permit unless otherwise specified.

- A. Total sign area allowed per lot: The total square footage in commercial message area of all combined sign facings shall not exceed the lesser of the following per lot:
- One and one-half multiplied (1 1/4 X) by the length of building that faces the road [If a building is one hundred (100) feet wide then one-hundred and twenty-five (125) square feet of signage would be allowed for the lot.]
 - OR one hundred twenty (125) square feet

Any combination of the following signs are permitted as long as they do not exceed the total area allowed per lot.

Building Signs

- Projecting
- Wall
- Awning
- Window

Ground Signs

- Monument

Wayfinding Signs

- Directional

Other Signs & Components

- EVMS are not permitted

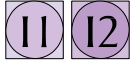
C. Development standards per type of sign are as follows.

- a. Projecting sign: A projecting sign shall not exceed twelve (12) square feet in commercial message area, per side. No projecting sign shall be at its lowest point (except for the supporting building, structure, or column) less than eight and one-half (8 1/2) feet above grade level. In no case shall it extend more than four (4) feet beyond its supporting structure. Permission must be granted by the Board of Public Works, if the proposed sign extends into the right-of-way.
- b. Wall Sign: A wall sign shall not exceed fifty (50) square feet in commercial message area.
- c. Awning sign: Awning signs shall not exceed fifty (50) square feet and shall be counted toward the total sign area. Awning signs require a sign permit.
- d. Ground Sign: One (1) ground sign per lot from the following.
 - Monument sign: Sign not to exceed six (6) feet in height and thirty-two (32) square feet in commercial message area, per side. Sign area must be within the total sign area allotted per lot. Sign shall be placed a minimum of ten (10) feet from the right-of-way. No more than one (1) monument sign per site. The height of the monument base must be equal to or lesser than one and one-quarter (1 1/4 X) times the height of the commercial message. All monument signs must have a minimum of one (1) foot of base.
- e. Window signs: Non-illuminated window signs not exceeding twenty-five percent (25%) of the window area are permitted. No permit is required. Illuminated window signs containing a commercial message that can be seen from the road shall be counted toward the total sign area and require a sign permit.

Permanent Sign Standards (PS)

- f. Directional Signs: Directional signs must be no more than three (3) feet in height and no more than three (3) square feet. No permit is required and they shall not be counted toward the total area allowed per lot.

PS-08: This Permanent Sign Standards section applies to the following districts:



I1 – Business Park / Light Industrial, I2 – Industrial Park / Heavy Industrial

The following sign regulations shall apply. All signs require a permit unless otherwise specified.

- A. Total sign area allowed per lot. The total square footage in commercial message area of all combined sign facings shall not exceed the lesser of the following per lot:
- Two multiplied (2 X) by the length of building that faces the road [If a building is one hundred (100) feet wide then two-hundred (200) square feet of signage would be allowed for the lot.]
 - OR four-hundred (400) square feet
- B. The following signs are permitted as long as they do not exceed the total area or quantity allowed per lot.
- Building Signs
- Wall
 - Awning
 - Window
- Ground Signs
- Monument
 - Post
 - Suspended
- Wayfinding Signs
- Directional
- Other Signs & Components
- EVMS
 - Time & Temperature

- C. Development standards per type of sign are as follows.
- a. Wall Sign: Wall signs shall not exceed they do not exceed the total sign area per lot.
 - b. Awning sign: Awning signs shall not exceed fifty (50) square feet and shall be counted toward the total sign area. Awning signs require a sign permit.
 - c. Window signs: Non-illuminated window signs not exceeding fifty percent (50%) of the window area are permitted. No permit is required. Illuminated window signs containing a commercial message that can be seen from the road shall be counted toward the total sign area and require a sign permit.
 - d. Ground Sign: One (1) ground sign per lot from the following.
 - Monument sign: Sign not to exceed ten (10) feet in height and forty-eight (48) square feet in commercial message area, per side. Sign area must be within the total sign area allotted per lot. Sign shall be placed a minimum of ten (10) feet from the right-of-way. No more than one (1) monument sign per site. The height of the monument base must be equal to or lesser than one and one-quarter (1 ¼ X) times the height of the commercial message. All monument signs must have a minimum of one (1) foot of base.
 - EVMS Component: Any ground sign containing an EVMS as a component shall not exceed five (5) feet in height. Monument signs containing an EVMS as a component shall not exceed thirty-two (32) square feet in commercial message area.

Permanent Sign Standards (PS)

- e. Directional Signs: Signs must be no more than five (5) in height and no more than six (6) square feet in area. No permit is required and they shall not be counted toward the total area allowed per lot.
- f. Time & Temperature: Monocolor Time, Temperature, Sign must be no more than three (3) square feet in area. Sign must be installed on a ground sign that is at least one and one-half (1 1/2) times the square footage of the Monocolor Time, Temperature sign. No permit is required for the component if installed on a permitted ground sign. Sign shall not be counted toward the total sign area allowed per lot.

Article 14: Definitions

Mural: A picture, scene, diagram, or graphic applied on the exterior of a building, wall, or structure generally for the purposes of decoration or artistic expression, including but not limited to painting, fresco, or mosaic which may display as artwork or depicts a scene or event of natural, social, cultural, or historic significance. Murals printed on a textile or vinyl and installed on a frame or wrapping the exterior of a building are also considered murals. A mural that does not function as a sign is not regulated by this Ordinance.

NITS: A metric unit of luminance defined as candela per square meter (cd/m²). The unit is based on the candela, the modern metric unit of luminous intensity; and the square meter.

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

Sign, Area: The area of the commercial message. The area of a sign shall be calculated by multiplying its maximum vertical dimension by its maximum horizontal dimension, excluding the structural support. The Sign Area of a Ground Sign with back-to-back identical copy mounted on the same standard(s) shall be the total area on one (1) side of the sign.

Sign, Attention-Seeking: Any flag, streamer, spinner, pennant, costumed character, inflatable static, balloon, continuous string of pennants, flags, or fringe, or similar devices or signs for ornamentation used primarily for the purpose of attracting attention for promotion or advertising a business or commercial activity which is visible by the general public from any public right-of-way or public area. All Attention-Seeking signs are considered Temporary signs.

Sign, Balloon: Hot-air or gas-filled balloons which are not designed or approved for navigable flight. Balloon signs are considered Temporary signs.

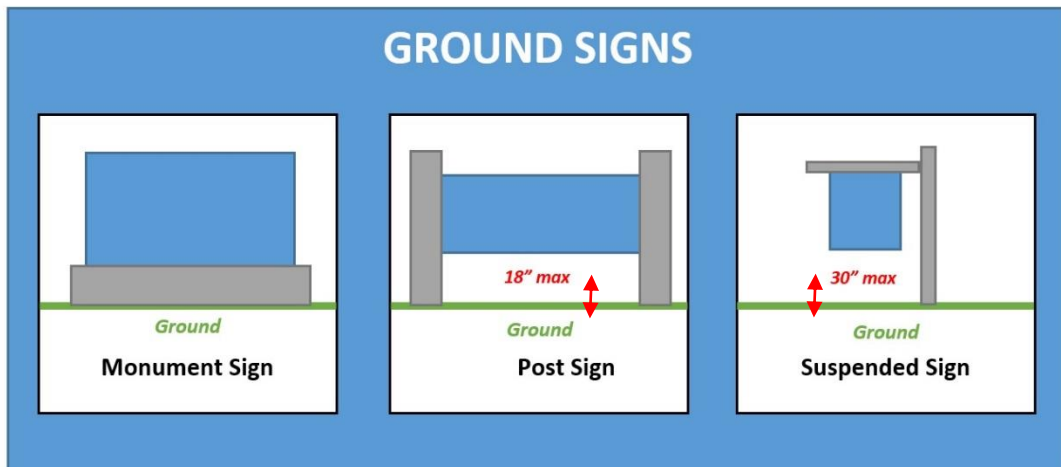
Sign, Banner: A sign made of flexible materials and supported by any combination of staples, tape, wires, ropes, strings, poles, posts or rods or other materials that are not built as a permanent foundation for the sign. Banner signs are considered Temporary signs.

Sign, Construction: A temporary sign providing information about future development or current construction on a site and the parties involved in the project.

Sign, Electronic Variable Message (EVMS): A sign, or component of a sign, such as an electrically or electronically controlled message center, where the characters, letters, or illustrations can be changed or rearranged either in the field, or from a remote location, without physically altering the face or the surface of the sign. A monocolour time, temperature, gas station price sign shall not be considered an EVMS.

Sign, Flag: Any fabric or other flexible material attached to or designed to be flown from a pole or similar device designed and fashioned in such a manner as to move when subjected to wind pressure. Flag signs are considered Temporary signs.

Sign, Ground: A sign anchored directly to the ground or supported by one or more posts, columns, or other vertical structures or supports, and not attached to or dependent for support from any building.



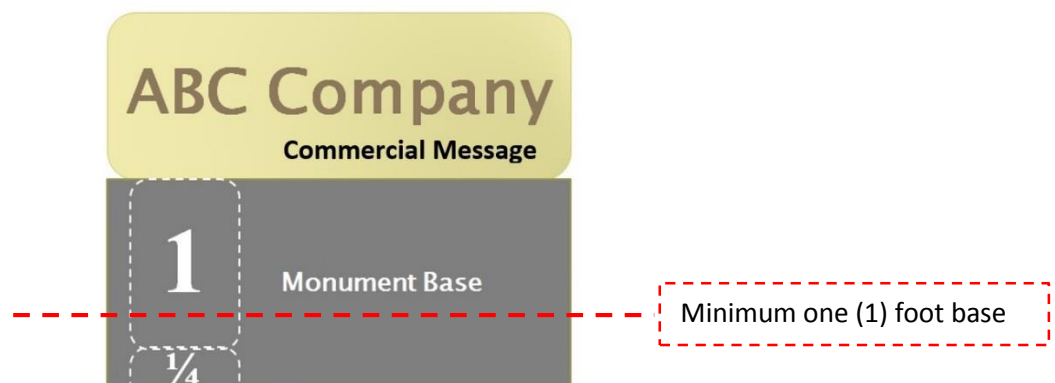
Sign, Height: The vertical distance measured from the ground level upon which the sign is established to the highest point of the Sign Structure.

Sign, Inflatable Animated or Moving: A logo, branded character, or other branding which is inflated by forced air and changes physical position by any movement or rotation or that gives the visual impression of such movement through deflation and inflation or other means. Inflatable Animated or Moving signs are considered Temporary signs.

Sign, Inflatable Static: A logo, branded character, or other branding which is inflated by forced air. Inflatable Static signs are considered Temporary signs.

Sign, Monocolor Time, Temperature, Gas Station Price: A changeable copy sign using LEDs to advertise gasoline price, current time, or current temperature. A Monocolor time, temperature, gas station price sign shall not be considered an EVMS.

Sign, Monument: A sign in which the bottom edge of the sign is permanently affixed to the ground by masonry, stone, block, brick, EIFS or other similar hard, aggregate materials (excluding metal). A Monument sign is a type of Ground sign. The height of the monument base must be equal to or lesser than one and one-quarter ($1 \frac{1}{4}$ X) times the height of the commercial message. All monument signs must have a minimum of one (1) foot of base.



Sign, Mural: A mural painted on the side of a building, wall, or structure that displays a brand logo, graphic, or type with the intent to sell a product, good or service. Murals that function as a sign are regulated in this Ordinance as a Wall Sign.

Sign, Non-Commercial: Any sign wording, logo or other representation that, directly or indirectly,

does not name, advertise, or call attention to a business, product, service, or other commercial activity.

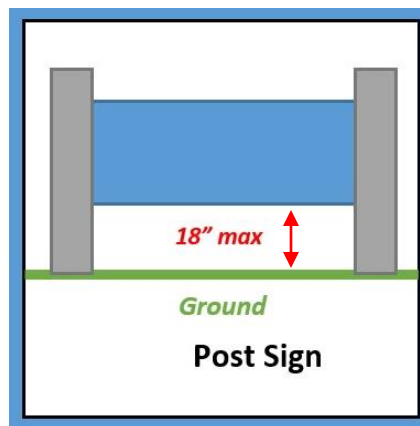
Sign, Outdoor Advertising: A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises where such sign is located or to which it is affixed. Also called billboard or off-premise sign.

Sign, Pennant: Any geometric shaped cloth, fabric, or other lightweight material normally fastened to a stringer and limited to a maximum area of one and one-half square feet which is secured or tethered so as to allow movement of the pennant when subjected to wind pressure. Pennant signs are considered Temporary signs.

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

Sign, Portable Electronic Variable Message (EVMS): An EVMS that is mounted upon a trailer, bench, wheeled carrier, or other nonmotorized mobile structure with or without wheels. Portable Electronic Variable Message signs are considered Temporary signs.

Sign, Post: A sign suspended or supported by two uprights or braces anchored in the ground with no more than 18 inches clearance from the bottom of the sign to the lowest point of the ground below the sign. A Post sign is a type of Ground sign.



Sign, Sandwich Board: An advertising or business ground sign constructed in such a manner as to form an "A" or a tent-like shape, hinged or not hinged at the top.

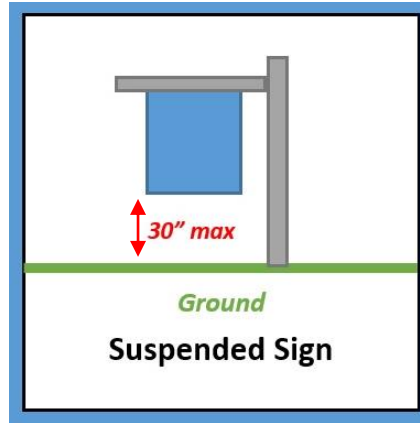
Sign, Self-Supporting Freestanding: A sign whose principal supporting structure is intended, by design and construction, to be used by resting upon the ground for support and may be easily moved or relocated for reuse. Self-Supporting Freestanding signs are considered Temporary signs.

Sign, Streamer: Any display of thin strips of cloth, fabric, or other lightweight material designed and fashioned in such a manner as to move when subjected to wind pressure. Streamer signs are considered Temporary signs.

Sign, Subdivision Identification: A permanent sign by means of symbol or name identifies a vehicular entrance to a residential subdivision or residential complex. A Subdivision Identification sign is a type of Ground sign and should follow the standards of a Monument

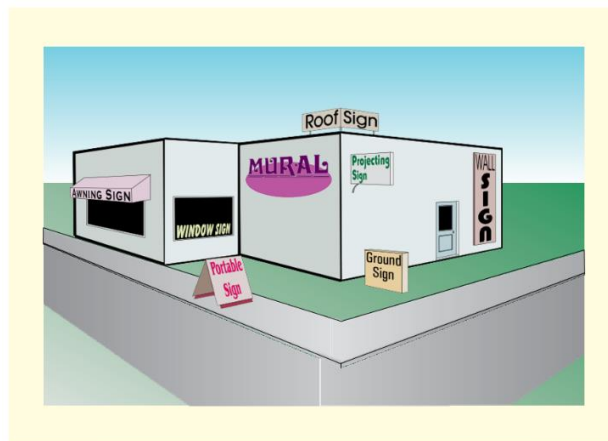
sign in the residential districts.

Sign, Suspended: A Ground Sign suspended from and installed on an arm or spar attached to one (1) upright, decorative pole with no more than 30 inches clearance from the bottom of the sign to the lowest point of the ground below the sign. A Suspended sign is a type of Ground sign.



Sign, Temporary: An on-premise advertising device not fixed to a permanent foundation, for the purpose of conveying information, knowledge, or ideas to the public about a subject related to the activities on the premises upon which it is located.

Signs, Types of: The graphic below depicts the primary types of signs. Regulations for the type of signs permitted will vary by zoning district.



Sign, Yard or Lawn: Small signs, typically under knee height, used for local advertising of special promotions of goods or services using metal wire or small stakes driven directly into the ground. Yard or Lawn signs are considered Temporary signs.

Parking Standards (PK)

7.20 Parking Standards (PK)

PK-01 This Parking Standards section applies to the following districts:



Two (2) off-street paved parking spaces are required per dwelling unit. Neither of the off-street parking spaces required may include spaces within car ports or garages. Further, off-street parking spaces may not fully or partially be in a public right-of-way or utility easement. Each space must be at least nine (9) feet wide and eighteen (18) feet long.

PK-02 This Parking Standards section applies to the following districts:



Two (2) paved off-street parking spaces are required per dwelling unit. All others are required to be within thirteen-hundred twenty (1,320) feet of the subject property. Parking spaces required may include spaces within car ports or garages. Each space shall be at least nine (9) feet wide and eighteen (18) feet long.

PK-03 This Parking Standards section applies to the following districts:



Two (2) paved off-street parking spaces are required per dwelling unit. In addition, at least one (1) space per two (2) units is required for visitor parking and shall be spread evenly throughout the development. Visitor parking spaces shall not include spaces in car ports or garages. Further, any required off-street parking space shall not fully or partially be in a public right-of-way or utility easement. Each space shall be at least nine (9) feet wide and eighteen (18) feet long. Parking lots shall have the same setbacks as the primary structure in the district which they are located. Entrance and exit drives may be within the setback area.

PK-04 This Parking Standards section applies to the following districts:



Two (2) paved off-street parking spaces are required per dwelling unit. Fifty percent (50%) of all required parking spaces are required to be in either an attached garage or detached garage. In addition, at least one (1) space per two (2) dwelling units is required for visitor parking and shall be spread evenly throughout the development. Visitor parking spaces shall not include spaces in car ports or garages. Further, any off-street parking space shall not fully or partially be in a public right-of-way or utility easement. Each space shall be at least nine (9) feet wide and eighteen (18) feet long. Parking lots shall have the same setbacks as the primary structure in the district which they are located. Entrance and exit drives may be within the setback area.

PK-05 This Parking Standards section applies to the following districts:



Two (2) paved off-street parking spaces are required per dwelling site. In manufactured or mobile home parks at least one (1) space per dwelling site is required for visitor parking and shall be spread evenly throughout the development. Visitor parking spaces shall not include spaces in car ports or garages. Further, any off-street parking space shall not fully or partially be in a public right-of-way or utility easement. Each space shall be at least nine (9) feet wide and eighteen (18) feet long.

Parking Standards (PK)

(Continued)

PK-06 This Parking Standards section applies to the following districts:



All parking lots for commercial, industrial, institutional, business, public and private employee parking, offices, organizations, and places of assembly must be paved. Expansion of an existing gravel, stone, rock, dirt, sand or grass lot is not permitted. In addition, parking lots must conform to all the following requirements:

- A. All ingress/egress into parking areas must be paved.
- B. Parking lots may project into the front yard setback by twenty-five percent (25%) of the minimum front yard setback. Parking lots may project into the side yard setback by fifty percent (50%) of the minimum front yard setback. Entrance and exit drives may be located within the setback area.
- C. Parking spaces shall be installed as follows:
 - a. Maximum of thirty percent (30%) in front of the primary structure
 - b. Maximum of seventy percent (70%) to the side of the primary structure
 - c. Minimum of ten percent (10%) to the rear of the primary structure
 - d. Under no circumstances shall parking be permitted within any required setback or buffer areas.
- D. Parking spaces shall be a minimum of nine (9) feet by eighteen (18) feet and be striped so as to show each parking space.
- E. Parking aisle widths shall be as follows:
 - a. 90 degree angle space - twenty-four (24) feet wide parking aisle
 - b. 60 degree angle space - eighteen (18) feet wide parking aisle
 - c. 45 degree angle space - fourteen (14) feet wide parking aisle
- F. Parking areas shall be designed to prevent vehicles from maneuvering in the public right-of-way.
- G. Parking areas must be constructed to allow proper drainage.
- H. Parking spaces prescribed in this section must be located either on the premises or on a lot approved by the Plan Commission. All required off-street parking spaces, however, must be located within six-hundred (600) feet of the subject lot.
- I. A group of adjacent properties may provide a joint parking area if the number of spaces required for all properties is adequate, and the joint lot provides at least seventy percent (70%) of the total spaces required for each use and if the Planning Director approves the joint parking area. A written reciprocal parking agreement signed by all property owners involved is required and must include provisions concerning at least the following items: maintenance, snow removal, ownership, and liability and must be recorded in the office of the Clark County Recorder. The agreement must be reviewed/approved by the Planning Director and/or City Attorney. A copy of the recorded agreement must also be kept in the office of the Plan Commission.

Parking Standards (PK)

(Continued)

PK-07: This Parking Standards section applies to the following districts:



- A. To reduce traffic congestion and hazards along roadways, off-street parking shall be required for business and industrial uses. The minimum number of parking spaces shall be determined by adding up the spaces required for each applicable statement below. The numbers below do not guarantee the quantity needed per use, only minimums are expressed. The developer/builder must calculate additional parking spaces that may be necessary.

Land Use	Parking Requirement
Employee parking for office, commercial, institutional, communication/utilities, and industrial uses.	One (1) parking space per employee that potentially can be working at any given time. Businesses with multiple shifts must also provide one (1) additional parking space per two (2) employees on the largest abutting shift. Subtract one (1) parking space per sixty (60) employees and subtract one thirtieth (1/30) of the total employee spaces if the property is within five hundred (500) feet of a bus or mass transit stop.
Visitor parking for office, institutional and industrial uses.	One (1) visitor parking space per twenty (20) employees working at any given time up to three hundred (300) total employees, plus one (1) visitor space per fifty (50) employees for the amount over three hundred (300) employees.
Visitor parking for nursing home, hospital, or similar facilities.	One (1) visitor space per three (3) beds in a hospital or nursing home facility.
Visitor parking for hotel, motel and other overnight stay facilities.	One (1) visitor parking space per rental unit.
Automobile, tractor, boat, bus, or similar sales facility.	Two (2) parking space plus one (1) per sales person working on any given shift.
Restaurants, food services, theater, community center, auditorium, conference center, church, racetrack, or similar facility that seats people.	Parking spaces must equal one third (1/3) of the allowable seating capacity.
Furniture, appliance, or similar large item sales facility.	One (1) parking space per four hundred (400) sq. ft. of GFA up to 30,000 sq. ft. and one (1) parking space per six hundred (600) sq. ft. above 30,000 sq. ft.
Hardware, home improvement, lumberyard, auto parts stores, or similar moderate-size item sales facility.	One (1) parking space per three hundred (300) sq. ft. of GFA up to 30,000 sq. ft. and one (1) parking space per four hundred (400) sq. ft. above 30,000 sq. ft.
Fitness center, health spa, skating rink, or similar facilities.	One (1) parking space per three hundred (300) sq. ft. of GFA.
Retail stores, grocery stores, gasoline stations, banks, liquor stores, and similar high volume and/or small item sales facilities.	One (1) parking space per two hundred fifty (250) sq. ft. of GFA up to 40,000 sq. ft. and one (1) per four hundred (400) sq. ft. up to 80,000 sq. ft. and one (1) per six hundred (600) sq. ft. above 80,000 sq. ft.
Day-care or similar facility.	One (1) parking space per every ten (10) children enrolled. This number of spaces may be reduced by one-quarter (1/4) in trade for passenger loading spaces.
Airport, heliport, or similar facility.	One (1) parking space per five (5) aircraft tie-downs and hangar spaces, plus one (1) per every three (3) waiting room and classroom seats.
Self-storage, warehouse, or similar facility.	One (1) parking space per 5000 sq. ft. for a single tenant facility or one (1) space per six leasable storage units. Loading areas may account for up to one-quarter (1/4) of this requirement.
Body shop, vehicle repair, car wash, or similar facility.	One (1) parking space per interior service bay and per car wash stall.
Medical facility, clinic, doctor's office, or similar facility.	One (1) parking space per treatment or examination room/space.
Barber/beauty shop, fingernail salon, tanning salon, or similar facility	One and one-half (1.5) parking space per operator station and tanning booth.

Parking Standards (PK)

(Continued)

Land Use	Parking Requirement
Governmental offices, service commercial, libraries, organizational office, repair shop, or similar facility.	One (1) parking space per eight hundred (800) sq. ft. of GFA.
Public or private school, trade or business school, or similar functioning facility.	One (1) parking space per two (2) elementary classrooms; and two (2) parking spaces per junior high classroom; and one (1) parking space per five (5) high school students; and one (1) parking space per two (2) students in a trade or business school.
Swimming pool, sport fields, recreational fields, or similar facility.	Twenty (20) parking spaces per sport/recreational field; and one (1) parking space per one hundred (100) sq. ft. of water surface.
Golf course, driving range, batting cages, bowling alley, or similar facility.	Thirty (30) parking spaces per nine (9) holes; and one (1) space per driving range or batting cage; and two (2) parking spaces per bowling alley lane.

- B. Additional parking spaces may be required by the Plan Commission or Board of Zoning Appeals if deemed necessary.
- C. If a use is not clearly noted above, the Planning Director may determine into which category the uses best fits, therefore determining the parking requirements.
- D. A maximum number of spaces applies to all parking requirements listed above in the matrix. The maximum number of parking spaces allowed is twenty-five percent (25%) more than the minimum required.

Parking Standards (PK)

(Continued)

PK-08 This Parking Standards section applies to the following district:



- A. Vehicles or trailers of any type without current license plates or in an inoperable condition shall be prohibited in residential zone districts other than in completely enclosed buildings and prohibited in commercial zone districts unless fully screened, and shall not be parked or stored in any zone unless specifically authorized under the terms of this Ordinance.
- B. No vehicle or tractor/trailer of any type may be used predominantly for the purpose of personal storage.

PK-09 This Parking Standards section applies to the following district:



- A. The parking of a commercial vehicle in residential zone districts shall be prohibited; except that one commercial vehicle of not more than three (3) tons capacity may be parked on any lot where there is a principal building as long as it is:
 - a. Used by a resident of the premises, and
 - b. Parked in an enclosed garage or accessory building, or is located in the rear yard at least ten (10) feet from the rear property line, and on a paved surface.
- B. This regulation shall not be interpreted to prohibit commercial vehicles from temporary loading and unloading in a residential district.
- C. All off-street parking areas and driveways located within residential zoning districts, as defined by the Jeffersonville Zoning Code, shall be surfaced with an all-weather paving material capable of carrying a wheel load of 4,000 pounds, or improved with concrete or a compacted macadam based and surfaced with an asphaltic pavement, to adequately provide a durable and dust-free surface which shall be maintained in good condition and free of weeds, dirt, trash and debris. All motor vehicles and utility trailers shall be parked on said surfaces and shall be prohibited from being parked on grass, gravel, or on any other unimproved surface. Exceptions:
 - a. A gravel surface may be used for a period not exceeding six months after the date of granting the Occupancy Permit where the Building Commissioner finds that the ground conditions are not immediately suitable for permanent surfacing as specified herein.
 - b. Any residential structure constructed prior to September 1, 2004, or any residential structure constructed while within Clark County's jurisdiction and was subsequently annexed that utilizes a gravel driveway and/or parking area as of the effective date of this ordinance shall be permitted to retain and maintain said improvements. However, the gravel driveway and/or parking area shall not be expanded, nor shall any motor vehicle(s) be permitted to be parked on grass or any other unimproved portion of the lot.
 - c. Recreational vehicles, as defined by the Jeffersonville Zoning Code, shall be permitted to be parked on unimproved or gravel surfaces as long as they are located in accordance with the provisions of the Jeffersonville Zoning Code.

Loading Standards (LD)

7.21 Loading Standards (LD)

LD-01: This Loading Standards section applies to the following districts:



There shall be provided off-street loading berths not less than the minimum requirements specified in this section in connection with any building or structure which is to be erected or substantially altered, and which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles.

- A. Location: All required off-street loading berths shall be located on the same lot as the use to be served, and no portion of the vehicle shall project into a street right-of-way or alley easement. No permitted or required loading berth shall be located within twenty-five (25) feet of the nearest point of intersection of any two (2) streets, nor shall it be located in front of the primary structure, or on the side of the primary structure adjoining a street.
- B. Size: Off-street loading berths for over-the-road tractor-trailers shall be at least fourteen (14) feet in width by at least sixty (60) feet in length with a sixty (60) foot maneuvering apron, and shall have a vertical clearance of at least fifteen (15) feet. For local pick-up and delivery trucks, off-street loading berths shall be at least twelve (12) feet in width by at least thirty (30) feet in length with a thirty (30) foot maneuvering apron, and shall have a vertical clearance of at least twelve (12) feet.
- C. Access: Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements. There shall be no maneuvering in the right-of-way.
- D. Surfacing: All open off-street loading berths shall be improved with a compacted base of asphalt or concrete.
- E. Space Allowed: Space allowed to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements of any off-street parking areas or portions thereof.
- F. Off-Street Loading Berth Requirements:

Minimum Loading Berths Required	Gross Floor Area
1	up to 40,000 sq. ft.
2	40,000 to 80,000 sq. ft.
3	80,000 to 120,000 sq. ft.
4	120,000 to 160,000 sq. ft.

One (1) additional off-street loading space shall be required for each additional 80,000 sq. ft. after 160,000 sq. ft.

In situations where the structure clearly does not need and will not in the foreseeable future need loading docks, the Planning Director and/or Plan Commission may reduce the number required or eliminate the requirement all together.

Entrance/Drive Standards (ED)

7.22 Entrance/Drive Standards (ED)

ED-01: This Entrance/Drive Standards section applies to the following districts:



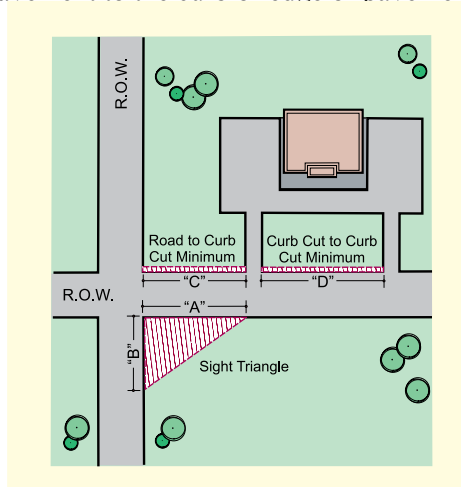
The intent of Entrance and Drive Standards is to provide for a safe and efficient vehicular and pedestrian transportation system. The following standards apply to entrances and drives.

- A. All classification of roads shall be based on the Thoroughfare Plan as found and maintained in the Jeffersonville Comprehensive Plan.
- B. No entrance or drive shall be permitted to begin within:
 - a. Two-hundred (200) feet of any intersecting road if along an Arterial (see "C" below in the illustration).
 - b. One-hundred fifty (150) feet of any intersecting road if along a Local Road (see "C" below in the illustration).

The distances for the above standards shall be determined by measuring from Right-of-Way line to the curb or edge of pavement (whichever is less) of the entrance or drive.

- C. No two entrances or drives shall be within:
 - a. One-hundred (100) feet of one another if along an Arterial (see "D" below in the illustration).
 - b. Fifty (50) feet of one another if along a Local Street (see "D" below in the illustration).

The distances for the above standards shall be determined by measuring from the curb or edge of pavement to the curb or edge of pavement (whichever is less) of each entrance, or drive.



- D. No entrance or drive shall be permitted within:
 - a. One-hundred forty (140) feet of the apex of a curve (30 degrees or greater) where the road is an Arterial.
 - b. Seventy (70) feet of the apex of a curve (30 degrees or greater) where the road is a Local Road.

The location of drives on or near curves may be investigated individually by the Planning Director or City Engineer and evaluated for their sight distance and the design speed of the roadway or the posted speed limit, whichever is greater. In no case shall the Planning Director or City Engineer be able to reduce the above stated distances by greater than fifty percent (50%).

Entrance/Drive Standards (ED)

(Continued)

- E. No entrance or drive shall exceed the following pavement widths for two-way traffic (if one-way, the measurements shall be one-half (1/2) of the below measurements):
 - a. Thirty (30) feet if from a commercial, industrial, or institutional zoning district onto an Arterial.
 - b. Twenty-six (26) feet if from a commercial, industrial, or institutional zoning district onto a Local Street.
 - c. Thirty (30) feet if from a multifamily residential zoning district onto an Arterial.
 - d. Twenty-eight (28) feet if from a multifamily residential zoning district onto a Local Street.
 - e. Twenty-eight (28) feet if from a single-family residential zoning district onto any type of street.

The distances for the above standards shall be determined by measuring from the outside edges of the curb or pavement (whichever is more) of the entrance, or drive.
- F. The Plan Commission may determine if the following are necessary:
 - a. An acceleration or deceleration lane, or
 - b. A passing blister at a new entrance or drive.
- G. All curb cuts require an Improvement Location Permit as specified in Article 12, Section 12.3(I)(g).

ED-02: This Entrance/Drive Standards section applies to the following districts:



In manufactured or mobile home parks with forty (40) or more dwelling sites:

- A. Two (2) access points shall be required into and out of the manufactured or mobile home park.
- B. Individual dwelling sites may only have driveways on interior roads.

Vision Clearance Standards (VC)

7.23 Vision Clearance Standards (VC)

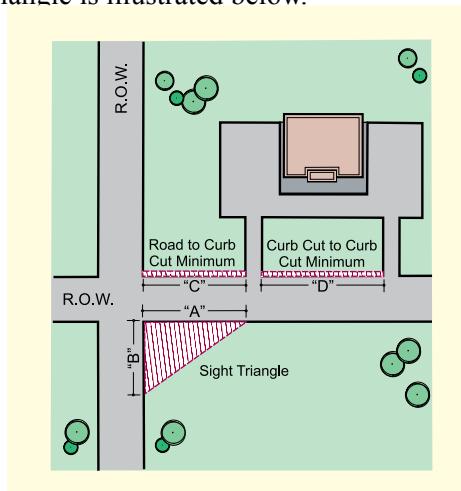
VC-01: This Vision Clearance Standards section applies to the following districts:



The intent of Vision Clearance Standards are to provide for a safe vehicular and pedestrian transportation system. The visibility at intersections, driveways, curb cuts, and entrances are particularly important for the safe movement of vehicles and pedestrians.

The following Vision Clearance Standards apply to all intersections, drives, curb cuts, and entrances.

- A. No entrance, curb cut, or drive shall be permitted if within:
 - a. One-hundred sixty (160) feet of the crest of a hill where the slope on either side of the crest is six percent (6%) or greater, or the visibility is determined to be impaired by the Planning Director or City Engineer, and the speed limit is 45 MPH or greater.
 - b. One-hundred (100) feet of the crest of a hill where the slope on either side of the crest is six percent (6%) or greater, or the visibility is determined to be impaired by the Planning Director or City Engineer, and the speed limit is 30 MPH or greater.
 - c. Eighty (80) feet of the crest of a hill where the slope on either side of the crest is six percent (6%) or greater, or the visibility is determined to be impaired by the Planning Director or City Engineer, and the speed limit is under 30 MPH.
- B. All intersections must maintain a vision clearance triangle where no Primary or Accessory Structures, or signs other than road signs are allowed to be placed or to project into. The vision clearance triangle is illustrated below.



The following triangle leg lengths will apply to the determination of a clear vision triangle.

- a. Along Arterials 45 feet
- b. Along Local Roads 20 feet

Telecommunication Facility Standards (TC)

7.24 Telecommunication Facilities Standards (TC)

TC-01: This Telecommunication Facilities Standards section applies to the following districts:



Statement of Purpose: The purpose of these standards is to provide for sensible and reasonable land uses to allow for the provision of adequate reliable public and private telecommunication service; and whereas, there is a need to maximize the use of any telecommunications transmission towers in order to reduce the total number of towers needed to serve the telecommunications needs of the area; and whereas, there is a need to minimize the adverse, undesirable visual effects of such telecommunications towers and to provide for the reasonable location of such towers in the City of Jeffersonville

General Provisions: All Wireless Telecommunication Facilities must comply with the following provision.

- A. **Buffer Requirements:** The location of the tower and equipment buildings must comply with all local, state and federal natural resource protection standards. The following buffer plantings must be located around the perimeter of the outer most perimeter or security fence of a telecommunications facility:
 - a. A live evergreen screen consisting of a hedge, planted three (3) feet on center maximum, or a row of evergreen trees planted a maximum of ten (10) feet on center must be planted around the entire telecommunication facility and each of the guy wires and anchors, if used, and the height of all plants at the time of planting may be no less than five (5) feet;
 - b. Existing vegetation (trees and shrubs) must be preserved to the maximum extent possible on the entire site; and
 - c. An eight (8) foot high wooden privacy and security fence shall completely surround the entire telecommunications facility.
- B. **Access to Site:** Proposed telecommunications towers and antennas must meet the following access requirements:
 - a. Vehicular access to the tower and equipment building must be provided along any existing driveways, whenever feasible.
 - b. The wireless telecommunications facility must be fully automated and unattended on a daily basis, and may be visited only for periodic maintenance, emergencies, installations or equipment removal.
- C. **Design Requirements:** Proposed telecommunications towers and antennas must meet the following design requirements:
 - a. Telecommunications towers and antennas must be designed to blend into the surrounding environment through the use of color, camouflaging and architectural treatment, except in an instance where the color is dictated by federal or state authorities such as the Federal Aviation Administration.
 - b. The entire facility must be aesthetically and architecturally compatible with its environment. The use of materials compatible with the surrounding environment such as wood, brick, or stucco is required for associated support structures, which must be designed to architecturally match the exterior of residential or commercial structures within the neighborhood or area. Only if the facility will be one hundred percent (100%) screened during all seasons, with an eight (8) foot high wooden privacy fence and evergreen shrubs, will other materials be approved.
 - c. Only lighting that is for safety or security reasons, or required by the Federal Aviation Administration or other federal or state authority is permitted. All required lighting must be oriented inward so as not to project onto surrounding residential properties.

Telecommunication Facility Standards (TC)

(Continued)

D. Co-location Requirements:

- a. At a minimum, a monopole must be constructed to support the initial user plus the anticipated loading of the number of additional users required in accordance with this ordinance.
- b. The site of the initial telecommunications tower and telecommunication facility must be of sufficient area to allow for the location of one (1) additional telecommunications tower and associated telecommunications facility.
- c. Any proposed telecommunication tower must be designed, and engineered structurally, electrically and in all other respects, to accommodate both the and the number of additional users as required in accordance with this ordinance. Telecommunication towers must be designed to allow for future rearrangement of cellular communication equipment and antennas upon the tower and to accept cellular communication equipment and antennas mounted at varying heights.

E. Siting Requirements: A proposal for a new telecommunications tower shall not be approved unless the applicant submits verification that the telecommunication equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or buildings or other structure due to one or more of the following reasons:

- a. The planned cellular communications equipment would exceed the structural capacity of the existing or approved towers, buildings, or structures as documented by a qualified and licensed professional engineer, and the existing or approved towers, buildings or structures cannot be reinforced, modified, or replaced to accommodate the planned cellular communication equipment at a reasonable cost.
- b. The planned cellular communications equipment would cause interference impacting the usability of other existing cellular communications equipment at the site if placed on existing structures. Supportive documentation by a qualified and licensed professional engineer indicating that the interference cannot be prevented at a reasonable cost.
- c. The existing or approved towers, buildings or structures within the search radius cannot accommodate the planned cellular communications equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer.
- d. Other unforeseen reasons that make it unfeasible or impossible to locate the planned cellular communications equipment upon an existing or approved tower, building or structure.
- e. The applicant has been unable to enter a commonly reasonable lease term with the owners of existing towers, buildings or structures.
- f. Additional land area is not available at the base of existing towers, buildings or structures to accommodate the proposed telecommunications facility.

F. Construction Requirements: All antennas, telecommunications towers, accessory structures and any other wiring constructed within the Jeffersonville Plan Commission jurisdiction shall comply with the following requirements:

- a. All applicable provisions of this ordinance and the Building Code of the State of Indiana, as amended, and the Federal Communications Commission when applicable.
- b. All telecommunications towers and cellular communications equipment shall be certified by a qualified and licensed professional engineer to conform to the latest structural standards and wind loading requirements of the Uniform Building Code, as amended, and the Electronics Industry Association.
- c. With the exception of necessary electric and telephone service and connection lines approved by the Board of Zoning Appeals, no part of any cellular communications equipment or telecommunications tower nor any lines, cables, equipment or wires or braces in connection with either shall at any time extend across or over any part of a right-of-way, public street, highway, sidewalk, trail or property line without appropriate approval in writing.

Telecommunication Facility Standards (TC)

(Continued)

- d. All telecommunications towers and cellular communications equipment shall be designed to conform with accepted electrical engineering methods and practices and to comply with the provisions of the National Electrical Code, as amended.
 - e. All telecommunications towers and cellular communications equipment shall be constructed to conform with the requirements of Occupational Safety and Health Administration.
 - f. All signal and remote control conductors of low energy extending substantially horizontally above the ground between a tower and other cellular communications equipment, or between towers, shall be at least ten (10) feet above the ground at all points, unless buried underground.
 - g. All telecommunications towers and cellular communications equipment shall be designed and constructed to all applicable standards of the American National Standards Institute manual, as amended.
 - h. An engineer's certification shall be submitted for all telecommunications towers and all other cellular communications equipment to document and verify the design specifications, including, but not limited to, the foundation for all towers, anchors for all guy wires (if used), the location of all co-location sites, strength requirements to withstand natural forces such as ice, wind, earth movements, etc.
 - i. All telecommunications towers and cellular communication equipment shall be designed and constructed, at a minimum, to withstand wind gusts of at least eighty (80) miles per hour with one-half (1/2) inch of ice and to accommodate all co-location sites as required by this ordinance.
- G. Existing Structures: The following shall apply to existing antennas, telecommunications towers and cellular communications equipment:
- a. May continue in use for the purpose now used and as now existing, but may not be replaced or significantly structurally altered without complying in all respects to the requirements set out in this Ordinance.
 - b. All requests to install any cellular communications equipment on an existing approved or "grandfathered" tower, building or structure must be submitted to the Department of Planning and Zoning for approval. All such requests will only require an electrical permit, staff zoning approval, and the contract between the applicant and the owner of the existing tower, building or structure, unless other approvals are required as set out in this ordinance.
- H. Inspection of Towers: The following shall apply to the inspection of telecommunications towers:
- a. All towers may be inspected at least once every year, or more often as needed to respond to complaints received, by an official of the Department of Planning and Zoning, the City Engineer, and/or a qualified and licensed consulting engineer to determine compliance with the original construction standards. Deviation from original construction for which a permit was obtained constitutes a violation of this Ordinance.
 - b. Notice of Violations will be sent by registered mail to the owner and the owner will have thirty (30) days from the date the notification is issued to make repairs. The owner is required to notify the Planning Director that the repairs have been made, and as soon as possible thereafter, another inspection will be made and the owner notified of the results of same.
- I. Abandoned Towers: Any tower unused or left abandoned for six (6) months will be removed by the tower owner at its expense. Should the telecommunications tower owner fail to remove the tower after thirty (30) days from the date a Notice of Violation is issued, the City of Jeffersonville may remove the tower and bill the owner for the costs of removal and cleanup of the site.

Telecommunication Facility Standards (TC)

(Continued)

TC-02 This Telecommunication Facilities Standards section applies to the following districts



- A. All telecommunications facilities require a Special Exception approval from the Board of Zoning Appeals and must meet the following and all other requirements of this ordinance;
- B. All telecommunications towers must be set back from any property line a distance equal to at least one hundred percent (100%) the height of the tower;
- C. Maximum height: tower, one hundred (100) feet - accessory structure, fifteen (15) feet;
- D. Telecommunications towers are not permitted in front yards;
- E. Minimum number of additional co-location sites to be provided on a one hundred (100) foot tower is two (2);
- F. All telecommunications towers must be a monopole design; and
- G. All telecommunications towers must be camouflaged through the use of color, materials and landscaping as specified by this ordinance and the Planning Director.

TC-03 This Telecommunication Facilities Standards section applies to the following districts

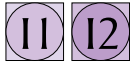


- A. All telecommunications facilities require a Special Exception approval from the Board of Zoning Appeals and must meet the following and all other requirements of this ordinance;
- B. All telecommunications towers must be set back from any property line a distance equal to at least eighty percent (80%) of the height of the tower;
- C. Telecommunications towers are generally not permitted in front yards, except where evidence provided by the applicant demonstrates that placement in a front yard would provide the best camouflage for the tower;
- D. Maximum height: tower one hundred fifty (150) feet - accessory structure fifteen (15) feet;
- E. Minimum number of additional antenna sites to be provided on a one hundred fifty (150) foot tower is four (4);
- F. A tower may not be placed closer to any residential structure than five hundred (500);
- G. All telecommunications towers must be a monopole design; and
- H. All telecommunications towers must be camouflaged through the use of color, materials and landscaping as specified by this ordinance and the Planning Director.

Telecommunication Facility Standards (TC)

(Continued)

TC-04: This Telecommunication Facilities Standards section applies to the following districts:



- A. All telecommunications facilities require a Special Exception approval from the Board of Zoning Appeals and must meet the following and all other requirements of this ordinance;
- B. All telecommunications towers must be set back from any property line a distance equal to at least fifty percent (50%) of the height of the tower;
- C. Telecommunications towers are generally not permitted in front yards, except where evidence provided by the applicant demonstrates that placement in a front yard would provide the best camouflage for the tower;
- D. Maximum height: The tower shall be a maximum of one hundred fifty (150) feet. The accessory structure shall be a maximum of fifteen (15) feet;
- E. Minimum number of additional co-location sites to be provided on a one hundred fifty (150) foot tower is four (4);
- F. A tower may not be placed closer to any residential structure than five hundred (500) feet; and
- G. All telecommunications towers must be camouflaged through the use of color, materials and landscaping as specified by this ordinance and the Department of Planning and Zoning.

TC-05 This Telecommunication Facilities Standards section applies to all property located in the Jeffersonville Historic District within the following districts:



- A. An antenna or cellular communications equipment may be located on an existing building or structure that is located in a Jeffersonville Historic or Conservation District only after obtaining a Certificate of Appropriateness from the Jeffersonville Historic Preservation Commission, and thereafter obtaining all other necessary and required approvals from the Planning Director;
- B. A telecommunication facility or telecommunication tower is not permitted in or within one quarter (1/4) of a mile of a Jeffersonville Historic or Conservation District.

Adult Uses Standards (AU)

7.25 Adult Uses Standards (AU)

AU-01: This Adult Uses Standards section applies to the following districts:

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- A. Adult bookstores or adult entertainment businesses shall be sited a minimum of twenty-five-hundred (2500) feet from churches, parks or schools.
- B. Adult entertainment businesses shall comply with the City of Jeffersonville's general ordinance no. 95-OR-35, *Operation of Live Adult Entertainment Businesses* and its subsequent amendments.

Special Exception Standards (SE)

7.26 Special Exception Standards (SE)

SE-01: This Special Exception Standards section applies to the following districts:



- A. The development standards assigned to each zoning district are considered appropriate for the permitted uses within that district. However, the development standards are not considered appropriate for all special exception uses within a zoning district. For instance, some business uses are allowed in residential districts as special exceptions. In this case, residential development standards would not necessarily be applicable.
- B. The Board of Zoning Appeals shall determine which development standard sections within this Article shall apply to all Special Exception Uses. The development standards determined to apply shall be documented in the application and approval.
- C. If the special exception use is a permitted use within another district, the development standards for that district must be used as a guideline.
- D. In situations where the special exception use is not a permitted use in any district, the most stringent development standards may be assigned by the Board of Zoning Appeals as appropriate.
- E. The approval process and criteria for Special Exceptions is in Article 12 of this Ordinance.
- F. All special exceptions must meet the following requirements:

Special Exception	Development Standard Requirements
All Single Family Residential Uses	Development standards from R1 District
All Two-family and Three-family Residential Uses	Development standards from M1 District
All Multifamily Residential Uses	Development standards from M3 District
All Other Residential Uses	Development standards from R1 District
Institutional/Public Facility Uses	Development standards from IS District
Business: Auto Sales/Services Uses	Development standards from C2 District
Business: Food Sales/Service Uses	Development standards from C1 District
Business: General Business Uses	Development standards from C1 District
Business: Office/Professional Uses	Development standards from OC District
Business: Retail Uses	Development standards from C2 District
Business: Personal Service Uses	Development standards from C1 District
Business: Recreation Uses	Development standards from PR District
Communication/Utility Uses	Development standards from I1 District
Industrial Uses	Development standards from I2 District

Amenity Standards (AM)

7.27 Amenity Standards (AM)

AM-01: This Amenity Standards section applies to the following district:



- A. Multifamily residential developments shall be required to provide on-site amenities to its inhabitants. The following amenities are required for each multifamily development, based on the number of dwelling units in the development:
- a. 30 to 59 dwelling unit developments are required to provide a:
 1. Small fitness center.
 - b. 60 to 99 dwelling unit developments are required to provide a:
 1. Small fitness center, and
 2. Small park.
 - c. 100 to 149 dwelling unit developments are required to provide a:
 1. Medium fitness center, and
 2. Medium park (Alternate: Small park and Sport court).
 - d. 150 to 199 dwelling unit developments are required to provide a:
 1. Medium fitness center,
 2. Medium park or Small clubhouse (Alternate: Small park and Sport court), and
 3. Small clubhouse.
 - e. 200 to 299 dwelling unit developments are required to provide a:
 1. Large fitness center,
 2. Large park (Alternate: Medium park and Sport court),
 3. Sport court, and
 4. Small clubhouse.
 - f. 300 to 399 dwelling unit developments are required to provide a:
 1. Large fitness center,
 2. Large park (Alternate: Medium park and Sport court),
 3. Small park in location away from other park, and
 4. Small clubhouse.
 - g. 400 to 499 dwelling unit developments are required to provide a:
 1. Large fitness center,
 2. Large park (Alternate: Medium park and Sport court),
 3. Small park in location away from other park,
 4. Sport court, and
 5. Large clubhouse (Alternate: Small clubhouse and Swimming pool).
 - h. 500 or more dwelling unit developments are required to provide a:
 1. Large fitness center,
 2. Large park (Alternate: Medium park and Sport court),
 3. Small park in location away from other park,
 4. Large clubhouse, and
 5. Swimming pool.
- A. Minimum standards for each type of amenity facility.
- a. Small Fitness Center:
 1. Minimum square feet: 225.
 2. Minimum variation in cardiovascular equipment: At least four (4) different types of equipment.
 3. The facility shall be fully contained in one (1) of the primary structures.
 - b. Medium Fitness Center:
 1. Minimum square feet: 300.
 2. Minimum pieces of cardiovascular equipment: Six (6) commercial grade pieces.

Amenity Standards (AM)

3. Minimum variation in equipment: At least four (4) different types of equipment.
 4. Minimum pieces of strength equipment: At least four (4) commercial grade pieces (e.g. Life Fitness or Hammer equipment).
 5. Minimum variation in strength equipment: At least four (4) different types of equipment each for different muscle groups.
 6. The minimum required equipment shall be located in one (1) location and be contained within a primary structure or community structure.
- c. Large Fitness Center:
1. Minimum square feet: 450.
 2. Minimum pieces of cardiovascular equipment: Ten (10) commercial grade pieces.
 3. Minimum variation in equipment: At least four (4) different types of equipment.
 4. Minimum pieces of strength equipment: At least ten (10) commercial grade pieces (e.g. Life Fitness or Hammer equipment).
 5. Minimum variation in strength equipment: At least six (6) different types of equipment each for different muscle groups.
 6. The minimum required equipment shall be located in one (1) or two (2) locations and be contained within a primary structure or community structure.
- d. Small Park:
1. Land area: One-quarter (1/4) acre contiguous area at least eighty (80) feet in width.
 2. Minimum equipment: One (1) slide, two (2) swings, one (1) climbing apparatus and one (1) additional piece of equipment, but different apparatus; all commercial grade.
 3. Ground cover: Six (6) inches of mulch under and extending at least fifteen (15) feet in every direction from each piece of equipment.
- e. Medium Park:
1. Land area: One-third (1/3) acre contiguous area at least ninety (90) feet in width.
 2. Minimum equipment: Two (2) slides, four (4) swings, two (2) climbing apparatuses and one (1) additional piece of equipment, but different apparatus; all commercial grade.
 3. Ground cover: Six (6) inches of mulch under and extending at least fifteen (15) feet in every direction from each piece of equipment.
- f. Large Park:
1. Land area: One-half (1/2) acre contiguous area at least one-hundred (100) feet in width.
 2. Minimum equipment: Three (3) slides, six (6) swings, three (3) climbing apparatuses and two (2) additional pieces of equipment, but different apparatus; all commercial grade.
 3. Ground cover: Six (6) inches of mulch under and extending at least fifteen (15) feet in every direction from each piece of equipment.
 4. Fence: Decorative metal fence not more than four (4) feet in height, safe for children, surrounding one-hundred percent (100%) of the playground equipment and with at least two (2) gates at opposite ends.
- g. Sport Court:
1. Tennis: Regulation sized and surfaced court (with regulation striping) with at least twelve (12) feet of same surface at each end and eight (8) feet of same surface on each side for comfortable and safe play; minimum eight foot (8') tall fence surrounding hard surface with at least two (2) gates at opposite ends; commercial grade net, poles, and striping.
 2. Basketball: Minimum three-quarter (3/4) length regulation-sized asphalt court (with regulation striping) with at least ten (10) feet of same surface extending the ends and sides for comfortable and safe play; minimum eight foot (8') tall fence surrounding hard surface with at least two (2) gates at opposite ends; and commercial grade goals, rims, and nets at opposite ends.
 3. Volleyball: Minimum regulation-sized sand volleyball court (with court boundary tape) with at least eight (8) feet at each end and six (6) feet of same surface on each side for comfortable and safe play; commercial quality net, poles, and boundary (court) tape; and at least ten

Amenity Standards (AM)

- (10) inches of very fine sand.
- h. Small Clubhouse:
 - 1. Minimum size: Six-hundred (600) square feet of usable space for gatherings; and a men's and women's rest room; and one-hundred (100) square feet additional space for secure storage.
 - 2. Features: HVAC for four-season use; designed to reflect the character of primary structures; and three-hundred (300) square feet of usable outdoor gathering space at least fifteen (15) feet in width; plus sidewalks to each ingress/egress of the building from the street, sidewalk, and/or parking areas adjacent to the building.
 - 3. Furnishings: Portable chairs and tables to seat thirty (30) people.
 - i. Large Clubhouse:
 - 1. Minimum size: One-thousand (1,000) square feet of usable space for gatherings; and a men's and women's rest room; and one-hundred fifty (150) square feet additional space for secure storage.
 - 2. Features: HVAC for four-season use; designed to reflect the character of primary structures; and five-hundred (500) square feet of usable outdoor gathering space at least twenty (20) feet in width; plus sidewalks to each ingress/egress of the building from the street, sidewalk and/or parking areas adjacent to the building.
 - 3. Furnishings: Indoor portable chairs and tables to seat sixty (60) people; outdoor (commercial grade) chairs and tables to seat sixteen (16) people.
 - j. Swimming Pool:
 - 1. Minimum size: One-thousand (1,000) square feet of pool surface area; and a men's and women's rest room/locker room if not contained within a clubhouse with such facilities.
 - 2. Features: Non opaque fencing surrounding the entire pool area per State Statute; hard surface extending at least twelve (12) feet in all directions from the pool's edge; and notable landscaping along the outside of at least seventy percent (70%) of the fence.
 - 3. Furnishings: Seating for at least thirty (30) people using lounge chairs; as well as chair and table sets.
 - B. The Plan Commission shall have the authority to accept a clearly equivalent or greater equivalent amenity in-lieu-of what is required. The developer shall provide plan view drawings, two (2) elevation drawings, supportive illustrations, and a description of the facility, products, and furnishings proposed to be used for the Plan Commission to determine equivalency.
 - C. Once twenty-five percent (25%) of the total number of dwelling units in a development have received a certificate of occupancy, the required amenity facilities shall be ready for use by tenants prior to any more dwelling units being constructed or issued a certificate of occupancy.
 - D. If two (2) or more multifamily developments are:
 - a. Contiguous; and/or
 - b. Separated by a right-of-way; and/or
 - c. Separated by an easement; and/or
 - d. Within two-hundred (200) feet of the boundary of each other;And is
 - e. Developed by a single developer, partners, corporation, or associate organizations; or
 - f. Built-out by a single builder or dominantly built-out by a single builder; then:

The developments shall aggregately be subjected to the amenity standards above. For example, if a one-hundred ten (110) unit multifamily development is separated by a local street from a three-hundred fifty (350) unit multifamily development constructed by the same developer, then the amenity standards shall apply to the two (2) developments as if they were a single development. Together they would be regulated as if they were a four-hundred sixty (460) unit development. This provision applies even if the two (2) or more developments are approved at different times (e.g. months or years).

Fireworks (FI)

7.28 Fireworks Standards (FI)

FI-01: These Fireworks Standards section applies to the following districts:



- A. Any structure (temporary or permanent) that is used for the storage/sale of 500 pounds or more of consumer fireworks shall only be located within an industrial zoning district.
- B. No use that includes the storage/sale of consumer or retail fireworks of 500 pounds or more shall be located within 1,000 feet of a primary or secondary school.
- C. All consumer or retail fireworks businesses located in a zoning district that is not industrial also requires a Special Exception approval from the Board of Zoning Appeals.
- D. All consumer and retail fireworks businesses shall comply with all development standards generally applicable to the zoning district in which they are located.

Miscellaneous Standards (MC)

7.29 Miscellaneous Standards (MC)

MC-01: This Miscellaneous Standards section applies to the following districts:



- A. Each manufactured or mobile home in a manufactured or mobile home park must be tied down and have perimeter skirting.

MC-02: This Miscellaneous Standards section applies to the following districts:



Storage or parking of recreational vehicles is subject to the following conditions:

- A. At no time may anyone occupy or use a parked or stored recreational vehicle for living, sleeping or housekeeping purposes, except as outlined below.
- B. A property owner may allow a recreational vehicle to park on the owner's property for up to fifteen (15) consecutive days, but not to exceed thirty (30) total days in any one calendar year to allow a visit by the recreational vehicle's occupant.
- C. No more than one (1) recreational vehicle may be stored or parked outdoors on a residential parcel at any one time.
- D. A recreational vehicle shall not be parked on a parcel without a primary building.
- E. The owner of a recreational vehicle may store or park the recreational vehicle behind or alongside the primary building in such a manner that no part of the vehicle projects beyond the front of the primary structure, side yard setback, or rear yard setback.
- F. A recreational vehicle shall not block a sidewalk.
- G. A recreational vehicle shall not be used for personal storage.

MC-04: This Miscellaneous Standards section applies to the following districts:



All side property lines must be within ten (10) degrees of perpendicular to the street center line or radial on curve.

MC-05: This Miscellaneous Standards section applies to the following districts:



- A. Temporary outdoor storage of construction materials, palettes and like materials must be shielded from view with a six (6) foot privacy fence on all sides.
- B. Outdoor storage of products or materials for sale must be approved by the Planning Director.

MC-06: This Miscellaneous Standards section applies to the following districts:



Street addresses must be posted on all primary structures and be visible from primary roadway and/or be posted on mailbox or other suitable structures visible from primary roadway.

Miscellaneous Standards (MC)

(Continued)

MC-07: This Miscellaneous Standards section applies to the following districts:



Dumpsters, compactors and similar containers must be screened on all sides by a fence or wall and must be constructed with the same exterior building materials as the primary structure. However, glass or similar translucent and breakable materials shall not be used. The height of the enclosure must be five (5) feet tall or higher if the height does not block the view of the dumpster, compactor or similar container.

MC-08: This Miscellaneous Standards section applies to the following districts:



- A. The following standards applies exclusively to Auto Body Repair Shop when it is either a permitted use or special exception use in the HC, C1, C2, NI, I1, or I2 zoning districts, or when it is attached to the same campus as Auto Sales (With Showroom, Open Air, Full Service Mechanical, With or Without Body Shop) as described in Section 7.29 MC-08(F):
- Minimum lot size is one-half (1/2) acre.
 - Shop Size: One bay is required for each three vehicles on site with a minimum of three bays. Restrooms and waiting area for customers are required and any vending machines shall be located inside.
 - Storage Lot: Buffering is required on all sides of the storage lot.
 - Vehicle Storage Limit: Inoperable or parts vehicles shall be restricted to on-site storage for a maximum of ninety (90) days or until the State Department of Transportation can schedule and conduct an auction. All other vehicles shall be salvaged and crushed and hauled away.
 - Maximum Cars per Lot: No more than ten (10) cars per paint or service bay are permitted.
 - Screening and Landscaping: All storage in the rear of building shall be screened with eight (8) foot fencing or other opaque buffering as approved in the development plan. Front landscaping shall be integrated with customer parking. Landscape plan shall be submitted for approval.
 - Lighting: Security light plan shall be submitted for approval.
 - Vehicle Sales: No sales of vehicles as routine business is permitted other than to collect liens or to sell abandoned vehicles.
 - Outside Noise: No outside bells, buzzers, or intercoms are allowed.
 - Setbacks: Per zoning district.
 - Buffering: A buffering plan must be approved to keep noise and smells away from neighboring property.
 - Property owners or business operators must keep their property properly maintained in a clean, safe, and healthy condition. Failure to do so may result in revocation of the special exception.
- B. The following standards applies exclusively to Auto Parts Store when it is either a permitted use or special exception use in the HC, C1, C2, NI, I1, or I2 zoning districts, or the Commercial Corridor if development plan meets the Corridor requirements:
- Minimum lot size is per the zoning district.
 - Setbacks: Per zoning district.
 - Customer Parking: Per zoning district.
 - Lighting: Cut-off fixtures are required and shown on the lighting plan presented for approval.
 - Outside Display: No outside display of products.
 - Vehicle Sales: No sales of vehicles.

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- C. The following standards applies exclusively to Auto Repair Shop when it is either a permitted use or special exception use in the HC, C1, C2, NI, I1, or I2 zoning districts:
- a. Minimum lot size is one-half (1/2) acre.
 - b. Shop Size: One bay is required for each three vehicles on site with a minimum of three bays. Restrooms and waiting area for customers are required and any vending machines shall be located inside.
 - c. Screening and Landscaping: Both the side and rear with plan to be approved.
 - d. Lighting: Cut-off fixtures are required and shown on the light plan to be approved.
 - e. Vehicle Storage Limit: Inoperable or parts vehicles shall be restricted to on-site storage for a maximum of ninety (90) days or until the State Department of Transportation can schedule and conduct an auction. All other parts vehicles to be scrapped and crushed and hauled away. These vehicles shall be screened from view of traffic on the public road and by other neighboring uses.
 - f. Vehicle Sales: No sales of vehicles as routine business is permitted other than to collect liens or to sell abandoned vehicles.
 - g. Outside Noise: No outside bells, buzzers, or intercoms are allowed.
 - h. Other conditions may be required as set out by the Special Exception.
- D. The following standards applies exclusively to Auto Sales (Open Air, Limited Mechanical Services, or Body Shop) when it is either a permitted use or special exception use in the HC, C1, C2, NI, I1, or I2 zoning districts:
- a. Minimum lot size is one-half (1/2) acre.
 - b. Maximum Number of Vehicles Allowed on the Lot: There is a maximum ratio of ten (10) cars to each garage bay, three bay minimum. The Display lot shall have the majority of all vehicles in the front of the office.
 - c. Lighting: Cut-off fixtures are required and shown on the lighting plan presented for approval.
 - d. Landscaping Plan: To be submitted with monument sign for approval.
 - e. Setbacks: All vehicles to be parked eight (8) feet from edge of paved surface of road with rubber parking bumpers or lane restraints in front. All intersecting roads or drives to be kept free of visual obstruction.
 - f. Off-street Parking: One (1) parking space for each ten (10) vehicles offered for sale.
 - g. Features: Permanent office with restrooms for patrons and staff with all vending machines secured inside.
 - h. Outside Storage: No outside storage of inoperable vehicles, supplies, or parts cars.
 - i. Outside Noise: No outside bells, buzzers, or intercoms are allowed.
 - j. Minimum Staff: At least one service technician or mechanic on duty during regular business hours.
 - k. Other conditions as set out in the Special Exception.

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- E. The following standards applies exclusively to Auto Sales (Open Air, No Services) when it is either a permitted use or special exception use in the HC, C1, C2, NI, I1, or I2 zoning districts, and the reuse of existing lots is subject to approval by the Board of Zoning Appeals approval with conditions.:
- a. Minimum lot size for new lots is one-half (1/2) acre.
 - b. The business must meet all the minimum standards of the Bureau of Motor Vehicles.
 - c. Maximum number of cars displayed for sale on lot: Because of varying sizes and shapes of properties that could possibly be used, a plan of usage must be adopted during the approval hearing. Display area of usage must be identified, and vehicle may not be shown for sale in area other than approved display areas. Display areas must be shown in usage plan with parking spaces measuring 8 feet wide, 17 feet long minimum. Vehicles may be displayed double-parked or back-to-back only if vehicles may exit to a minimum of a 14 foot wide drive in display area (neither side exiting to street or alley). Any other double- parking of vehicles is not allowed. Drive/isle ways must measure a minimum of 14' in width.
 - d. Usage Restrictions: Display lot is restricted to display of motor vehicles only. All
 - e. vehicles on display must be for sale.
 - f. Other Areas Identified: Customer parking, office, area for storage of trades, repossessions, and auction cars are stored until made ready for resale. Any vehicle not for sale may not be stored over 90 days, unless it is in a screened area. Screened area would be blocked from view on all sides by a six-foot privacy fence.
 - g. Lighting: Cut off fixtures with lighting plan to be presented for approval.
 - h. Landscaping Plan: Required landscaping plan to be presented for approval, using berms and plantings between sales lot and other uses that might be impacted by lot sales. Monument sign to be included in plan.
 - i. Setbacks: All Vehicles to be parked 8 feet from edge of paved surface of road with rubber parking bumpers or lane restraints in front. All intersecting roads or drives to be kept free of visual obstruction Lot may display vehicles for sale on up to three of four sides, any side adjoining residential must have acceptable buffer or privacy fencing, 4th side must have a 15 foot set back or privacy fence if set back is not possible because of land configuration. Off street parking for patrons and employees required with a minimum of 1 spot for every 10 vehicles offered for sale.
 - j. Lot paved with hard dust free surface.
 - k. No lot storage of inoperable vehicles or outside storage of materials.
 - l. Permanent office (minimum of 100 square feet) with restrooms for patrons and staff with all vending machines secured inside.
 - m. Outside Noise: No outside bells, buzzers, or intercoms are allowed.
 - n. Other conditions as set out by the Special Exception and requirements as listed by the Indiana Bureau of Motor Vehicles.
 - o. Property owners or business operators must keep their property properly maintained in a clean, safe, and healthy condition. Failure to do so may result in revocation of the special exception.

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- F. The following standards applies exclusively to Auto Sales (With Showroom, Open Air, Full Service Mechanical, With or Without Body Shop) when either is a permitted use or special exception use in the HC, C1, C2, NI, I1, or I2 zoning districts:
- a. Minimum lot size is one (1) acre.
 - b. Must comply with Commercial Corridor development plan requirements.
 - c. Maximum number of cars: Ratio of One garage bay for every 10 vehicles for sale with a 4-bay minimum. Showroom to have a 3 car minimum size plus offices and restrooms. The Outside Display lot shall proportion the vehicles offered for sale to either side of the structure or in the front of the building with flexibility to reposition the vehicles for display.
 - d. Outside sales lot to have 1 off street parking spot for every 10 cars offered for sale.
 - e. Lighting: cut off fixtures required with lighting plan to be approved. Security wall packs allowed on building rear.
 - f. Landscape Plan: to be submitted for approval, including lighted monument sign.
 - g. Setbacks: No parking of sale vehicles within 8 feet of road surface. All parking to have rubber bumpers or marked lane restraints. All intersecting roads or drives to be kept visually unobstructed.
 - h. Outside Noise: No outside bells, buzzers, or intercoms are allowed.
 - i. Full time service department required daily during normal business hours.
 - j. Any outdoor parking of vehicles under repair to be screened and secured from vision from street or neighboring property.
- G. The following standards applies exclusively to Auto Service (Tire or Muffler Shop) when either is a permitted use or special exception use in the HC, C1, C2, NI, I1, or I2 zoning districts:
- a. Minimum lot size is one-half (1/2) acre.
 - b. Landscaping: Plan to be submitted for approval to include monument sign and for national brands, a logo sign on the building is allowed.
 - c. Setbacks and Screening: Plan to be provided for site to be approved.
 - d. Lighting: Cut-off fixtures required for lighting plan to be approved.
 - e. Customer Parking: One (1) parking spot for every bay assuming that another consumer will be waiting for the vehicle in the bay to be completed.
 - f. No outside storage of products.
 - g. No sales of motor vehicles allowed on premises.
 - h. Outside Noise: No outside bells, buzzers, or intercoms are allowed.
 - i. Waiting rooms for patrons with restrooms.
 - j. Any vending machines to be secured inside the building.
- H. The following standard applies exclusively to Gasoline Service Station and/or Convenience Store when either is a permitted use or special exception use in the HC, C1, C2, NI, I1, or I2 zoning districts:
- a. No commercial sales of motor vehicles is permitted on the premises of any business which sells gasoline.

Article Eight

Planned Developments

"PD" District Intent and Permitted Uses

8.1 District Intent, Permitted Uses and Miscellaneous Standards

District Intent	Permitted Uses	Miscellaneous Standards
The purposes of these regulations are to provide greater design flexibility in the development of land when consistent with the Comprehensive Plan and intent of the Zoning Ordinance and Subdivision Control Ordinance. The use of Planned Development zoning classifications shall be encouraged when the use of such regulations promotes a harmonious variety of uses, and/or provides for an economy of shared services and facilities, and/or is compatible with surrounding areas and/or fosters the creation of attractive, healthful, efficient and stable environments for living, shopping or working. The Planned Development regulations and procedures may apply to the further development of existing developed lands or to vacant lands. Further, they generally only apply to large tracts of land. Planned Development regulations are intended to encourage innovations in land development techniques so that the growing demands of the community may be met with greater flexibility, variety in type, design and layout of sites and buildings. Planned Development projects should also encourage a more efficient use of land so that resulting economies may accrue to the benefit of the community at large. Examples of this concept would include the preservation of existing trees or wetlands, and the inclusion of recreation areas within new subdivisions.	All uses are subject to the discretion and approval of the Plan Commission. No uses are granted by right. In general, the uses that will be considered in a Planned Development are: Uses designated as Permitted Uses or Special Exceptions in the Base Zone District. [For example if the previous zoning was R2 and the proposed Planned Development district would be PD-R2, the Permitted Uses and Special Exceptions in the R2 District would generally be appropriate.] All other land uses will be reviewed and considered at the discretion of the Plan Commission. Mixed uses will be considered and may be encouraged when appropriate. All land uses proposed in a PD must be nonconflicting and in the spirit of the Comprehensive Plan, the previous Zoning District, surrounding land uses and Zoning Districts.	Minimum Land Area: • 10 acres to qualify for any PD Minimum Lot Frontage: • 300 feet on a Public Street with access from said Public Street Maximum Lot Coverage: • Square footage of all primary and accessory structures, and impervious surface cannot exceed 65% of the Lot Area Minimum Floor Area: • Based on Base Zone District Maximum Structure Height: • 50 feet for the Primary Structure • 20 feet for Accessory Structures Minimum Open Space: • 30% (gross area) for residentially dominant Planned Developments • 15% (gross area) for commercially dominant Planned Developments

8.2 General

Planned Developments are a special district that can be pursued by an applicant.

8.3 Rezoning to a Planned Development District

A. Planned Development districts can only be created from the R1, R2, M1, M2, OC, HC, C1, C2, I1 and I2 Zoning Districts. From each of these Zoning Districts (called Base Zone District during the application process) the following Planned Development Districts can be created once the Detailed Development Plans are approved by the Plan Commission. They are:

- R1 Districts can only be rezoned to PD-R1
- R2 Districts can only be rezoned to PD-R2
- M1 Districts can only be rezoned to PD-M1
- M2 Districts can only be rezoned to PD-M2
- OC Districts can only be rezoned to PD-OC
- HC Districts can only be rezoned to PD-HC
- C1 Districts can only be rezoned to PD-C1
- C2 Districts can only be rezoned to PD-C2
- I1 Districts can only be rezoned to PD-I1
- I2 Districts can only be rezoned to PD-I2

B. No other Zoning District can be rezoned directly to a PD District. An applicant may first ask that a property be rezoned to a Zoning District that allows PD Districts. Further, if an applicant wants a PD district based on a different Base Zone a successful rezoning request to change the existing Zoning District to the preferred Base Zone must first be accomplished.

8.4 Planned Development Uses

Planned developments may contain mixed uses. Depending on the previous zoning the maximum overall square footage allowed by type is as follows:

Base Zone District	PD District	Residential	Commercial	Manufacturing
R1	PD-R1	100%	15%	0%
R2	PD-R2	100%	20%	0%
M1	PD-M1	100%	40%	0%
M2	PD-M2	100%	50%	0%
OC	PD-OC	50%	70%	0%
HC	PD-HC	30%	100%	0%
C1	PD-C1	40%	100%	0%
C2	PD-C2	40%	100%	0%
I1	PD-I1	0%	40%	80%
I2	PD-I2	0%	20%	85%

8.5 Origination of Proposals

Any applicant may propose a Planned Development District in accordance with the procedures hereinafter established. Further, the applicant making such a proposal must intend to act as developer or sponsor of the development. A parcel or site proposed for a Planned Development need not be under single ownership. However, if not under single ownership, the multiple owners must have a contractual agreement not to develop the parcels separately, but in accordance with a single, unified plan, and in which the separate owners have given their express intentions to enter into such private agreements and to assure its completion as planned to the satisfaction of the Plan Commission.

8.6 General Procedure

The general procedure for establishing a Planned Development (PD) is as follows:

- A. Prior to filing for a rezone petition, the applicant must submit a conceptual sketch plan to the Planning Director. The Planning Director will make a cursory review of the conceptual plan and give the applicant comments within thirty (30) days of submission.
- B. The applicant files a rezone petition to the PD classification and detailed development plan to the Plan Commission. If a subdivision plat is necessary prior to an Improvement Location permit it shall be filed at this time and shall follow those procedures set forth in the Jeffersonville Subdivision Control Ordinance.
- C. The Plan Commission will schedule a public hearing for the rezoning of the property and for review of the detailed development plan.
- D. The Plan Commission will give a favorable or unfavorable recommendation to the City Council to grant or deny the rezoning request.
- E. The City Council will, within thirty (30) days, review the rezoning petition, the recommendation from the Plan Commission and vote to approve or disapprove the request.
- F. If the City Council approves the rezoning, the land is officially rezoned and the applicant may move forward with the detailed development plan approval process.
- G. The Official Zoning Map must be amended to reflect the zoning change, date of approval by the City Council, and the docket number.
- H. The Plan Commission must approve the detailed development plan prior to the issuance of an Improvement Location Permit. If a subdivision plat is required, the secondary plat must be approved prior to the issuance of an Improvement Location Permit pursuant to the Jeffersonville Subdivision Control Ordinance.
- I. When approved, the detailed development plan shall be stamped and signed by the Plan Commission president and secretary. The applicant may then begin procedures for obtaining Improvement Location and Building Permits.

Detailed descriptions of each general step outlined above are discussed in the following sections.

8.7 Conceptual Site Plan Review

- A. Prior to filing for a rezone petition, the applicant shall submit a conceptual site plan to the Planning Director. The Planning Director shall review the conceptual site plan and give the applicant comments within thirty (30) days of submission.
- B. In reviewing the conceptual site plan the extent to which the proposal fulfills the intent of this Article and the spirit and intent of the Comprehensive Plan will be considered.
- C. The applicant may, if desired, also submit the conceptual site plan for the Plan Commission to review.
- D. After the applicant has received conceptual review, he/she may file a rezone petition to the PD classification and detailed development plan to the Plan Commission.

8.8 Conceptual Site Plan Data

The scale of the plan shall not exceed 1"=100'. The conceptual site plan may include any additional graphics which will explain the features of the development. The following shall be included in the conceptual site development plan submission:

- A. Description.
 - a. Name and address of the applicant.
 - b. Proof of ownership.
 - c. Proposed name of development (if applicable).
 - d. Address of the site.
 - e. Legal description of the real estate.
 - f. Name and address of land surveyor.
 - g. Legend and notes, including a graphic scale, north point, and date.
 - h. A separate location map, to scale, showing the boundary lines of adjacent land and the existing zoning of the area proposed to be developed as well as the adjacent land.

B. Existing and Proposed Conditions.

- a. Existing and proposed layout of streets, open space and other basic elements of the plan.
- b. Existing and proposed easements and their purpose.
- c. Location of natural streams, regulated drains, 100-year floodplains, floodway, water courses, marshes, wooded areas, isolated preservable trees, wetlands, historic features, existing structures, dry wells, utility lines, fire hydrants and any other significant feature(s) that may influence the design of the development.
- d. General description of, location of, and types of structures on the site.
- e. Proposals and plans for handling traffic, parking, sewage disposal, tree preservation and removal, lighting, signage, landscaping, and other pertinent development features.
- f. A general statement of the covenants to be made a part of the Planned Development as well as the order and estimated time of development.
- g. A statement of the proposed order of development of the major elements of the project. This includes phasing, if applicable, and the order and content of each phase.
- h. The land use categories within the development, including proposed densities of said uses.

8.9 Filing Procedure

- A. The applicant shall submit for review the rezoning request and detailed development plan thirty (30) days prior to a scheduled Plan Commission public hearing.
- B. The petition shall be signed by the owner or owners of all real estate involved in the petition for the Planned Development, or shall have attached thereto letters of consent to change to a PD classification by all such owners prior to the filing.
- C. If a subdivision plat is necessary in conjunction with the rezone petition, the primary (preliminary) plat shall also be filed at this time for review by the Plat Review Committee and shall follow those procedures set forth in the Jeffersonville Subdivision Control Ordinance. However, any such approval shall be conditioned upon City Council approving the rezone request to a PD district.
- D. The Plan Commission will schedule a public hearing for the rezoning of the property and for review of the detailed development plan.

8.10 Detailed Development Plan Data

The scale of the plan shall not exceed 1"=100'. The detailed development plan may include any additional graphics which will explain the features of the development. The following shall be included in the detailed development plan submission:

- A. All documents and information included in the conceptual site plan, as updated and/or amended.
- B. Written approval from the Jeffersonville Drainage Board.
- C. Improvement plans for all infrastructure improvements required or proposed in the PD.
- D. Proposed covenants, conditions or restrictions.
- E. Compilation of information shall:
 - a. Include an index identifying all documents included in the detailed development plan.
 - b. Include a cover sheet indicating that it is the detailed development plan and indicating the date and case number.
 - c. Be bound together and all documents submitted on paper 8-1/2 x 11 inches in dimension, except for the maps, sketches, plans and conceptual layout(s) which must be folded to 8 1/2 x 11 inches.

8.11 Public Hearing

Any planned development approval which is reviewed by the Plan Commission shall have a public hearing. Notification of public hearing shall be per Article 12, Section 12.2 of this Ordinance.

8.12 Detailed Development Plan Approval

- A. In their review of the detailed development plan the Plan Commission should consider the extent to which the proposal fulfills the intent of this Article and the spirit and intent of the Comprehensive Plan.
- B. Upon review, the Plan Commission will give a favorable or unfavorable recommendation to the City Council to grant or deny the rezoning.
- C. The Plan Commission may permit or require written commitments concerning the use or development of the property in connection with a favorable recommendation of the rezoning request or detailed development plan approval of a PD.
- D. If the Plan Commission gives an unfavorable recommendation, the applicant may revise the proposed detailed development plan and resubmit the revised detailed development plan within thirty (30) days to the Plan Commission.
- E. The City Council will, within thirty (30) days, review the rezoning petition, the recommendation from the Plan Commission and vote to approve or disapprove the request.
- F. If the City Council disapproves the rezoning, the applicant must wait one (1) year before resubmitting another petition.
- G. If the City Council approves the rezoning, the land is officially rezoned.
- H. The Official Zoning Map must be amended to reflect the Zoning Change, date of approval by the City Council, and the docket number.
- I. Prior to signing of the detailed development plan surety shall be posted (if applicable) in an amount that is consistent with the cost of improvements outlined in the approved improvement plans.
- J. Detailed development plan approval is required prior to the issuance of an Improvement Location Permit. If a subdivision plat is required, the secondary (final) plat must be approved prior to the issuance of an Improvement Location Permit pursuant to the Jeffersonville Subdivision Control Ordinance.
- K. The Plan Commission may specify any additional plan documentation or supporting information not already stated that is required prior to the issuance of an Improvement Location Permit.
- L. When approved, the detailed development plan shall be stamped and signed by the Plan Commission President and Secretary.
- M. All written commitments shall be recorded with the Clark County Recorder and must clearly state that they are enforceable by, as a minimum, the Plan Commission.
- N. Upon 100% completion of the development the public properties shall be dedicated to the City if required or allowed by the Detailed Development Plan. Also, the Plan Commission or representative(s) will review the completed project for compliance to the Detailed Development Plan.

8.13 Minor Modifications

The Planning Director may from time to time in its administration of the PD, approve minor modifications of the Development Plan or Improvement (construction) Plans without a public hearing in a manner consistent with the purpose or intent of the overall development. Such modifications shall not include any increase in density, any reduction in aesthetic treatment, any alteration of frontage, any change in type of use, or any change in access points.

An adversely affected party may appeal any decision by the Planning Director to the Plan Commission within thirty (30) days of the determination. The Plan Commission has the authority to establish rules governing the nature of proceedings and notice required to make a modification under this Article.

8.14 Covenants and Maintenance

Covenants, when required by the Plan Commission, shall be set forth in detail. Furthermore, covenants shall provide for the release of restrictions upon execution of a document so stating and suitable for recording, bearing signatures of the Plan Commission President and Secretary, upon authorization by the Plan Commission and signatures of all the owners of property in the area involved in the petition for whose benefit the covenant was created. Covenants required by the Plan Commission shall provide that their benefits be specifically enforceable by the Commission. An executed recorded copy shall be provided to and maintained in the Plan Commission office.

Adequate provision shall be made for a private organization (i.e., Homeowners Association) with direct responsibility to, and control of the property owners involved to provide for the operation and maintenance of all common facilities if such facilities are a part of the Planned Development, and, in such instance legal assurances shall be provided which show that the private organization is self-perpetuating.

All common facilities not dedicated to the public shall be maintained by the aforementioned private organization in such a manner that adequate access is provided at all times to vehicular traffic so that fire, police, health, sanitation, and public utility vehicles can serve the properties contiguous or adjacent thereto, and so that said vehicles will have adequate turning area. All streets and roadways not dedicated to the public shall be operated and maintained at no expense to any governmental unit.

8.15 Recording

All approved detailed plans, covenants, commitments, plats, and modifications thereof shall be recorded in the office of the Clark County Recorders Office within ten (10) days of approval. The developer shall provide two (2) copies bearing recording information to the Plan Commission for its records.

8.16 Construction

No construction or installation work may commence on any public improvements until satisfactory improvement plans and specifications have been submitted and approved by the Plan Commission and until the applicant provides, at least forty-eight (48) hours notice to the City Engineer or entity having jurisdiction of the public facility, in order that inspections may be made as the work progresses.

All development shall be in conformity with the approved detailed development plan and improvement plans. Any material deviation from the plans is subject to appropriate enforcement action.

8.17 Extension, Abandonment, Expiration

An extension, not to exceed twelve (12) months, for accomplishing any matters set forth within this Article may be granted by the Plan Commission for good cause shown.

Upon the abandonment of a development authorized under this section (abandonment shall be deemed to have occurred when no (or minimal) improvements have been made pursuant to the approved detailed development and improvement plans for nine (9) consecutive months), or upon the expiration of three (3) years from the approval of the detailed development and improvement plans for a development which has not been completed, the land will revert to the Base Zoning District. The Plan Commission may grant one (1) twelve (12) month extension. If an extension for expiration is granted such extension shall be recorded.

8.18 Rules of Procedure

All proceedings brought under this section are subject to the Rules of Procedure of the Plan Commission, where not described otherwise herein.

8.19 Limitation of Rezoning

Any initiative of the Plan Commission to amend the Zoning Ordinance or Subdivision Control Ordinance that would affect an approved Planned Development before its completion, shall not be enforced on the Planned Development. Only in the case that the Planned Development is no longer in conformity with the Approved Detailed Construction or Development Plans or is not proceeding in accordance with the time requirements imposed herein or by agreement, will the new amendments of the Zoning Ordinance or Subdivision Control Ordinance apply.

Article Nine

Development Plans

Article Nine

Development Plans

9.1 Intent

The purpose of these regulations is to encourage innovative and creative design within the spirit and intent of the Comprehensive Plan and this Ordinance in areas with special characteristics and opportunity.

9.2 Development Plan Required

- A. A development plan is required if the applicant wants specified development incentives in the following district:
 - a. Medium Density Residential (R2)..... page 9-2
- B. A development plan is required in the following districts:
 - a. Limited Multifamily Residential (M1)..... page 9-4
 - b. General Multifamily Residential (M2)..... page 9-4
 - c. Mobile Home Park (MP) page 9-4
 - d. Commercial Corridor Overlay (CC-OL) page 9-6
 - e. Utica Pike Overlay District (UP-OL)..... page 9-9

9.3 Development Plans Generally

- A. Development requirements per district are located in Sections 9.4 through 9.7. When considering filing a development plan petition, it is suggested that these requirements be reviewed first.
- B. After the development requirements per district have been reviewed, the basic process for development plan approval is described in Section 9.8 Plan Commission will review all development plans unless stated otherwise in this Article.

9.4 Cluster Incentive for Medium Density Residential (R2)

Intent: To encourage innovative and creative design which will benefit the community as a whole by preserving desirable open space, wetlands, woodlands, and other natural assets through the clustering of single-family homes.

- A. The following information is required at the time of filing for development plan approval in this District.
 - Site Plan (see page 9-12 for more information)
 - Building elevations (see page 9-13 for more information)
 - Sign Plan (see page 9-13 for more information)
 - Lighting Plan (see page 9-13 for more information)
 - Landscape Plan (see page 9-14 for more information)
- B. Plan Commission may decrease the minimum lot size from 9,000 square feet to 7, 200 in the R2 district under the following conditions.
 - a. *Density:* Lot dimensions may be reduced to 7, 200 square feet provided the number of residential lots shall be no greater than if the land area was subdivided under the minimum lot sizes in the R2 district.
 - b. *Open Space:* For each square foot of land gained through the reduction of lot size below the minimum requirements, equal amounts of land shall be dedicated to the common use of the lot owners in the development. In order to ensure continued maintenance of the open space the owner/developer must record a permanent written covenant establishing ownership, responsibility for maintenance and liability in a homeowner or equivalent entity. The agreement must be reviewed/approved by the Planning Director and/or City Attorney. The developer must record the restrictive covenant in the office of the Clark County Recorder prior to the city issuing a Building Permit.
 - c. *Open Space Minimum:* The area to be dedicated for the common use of the development's residents may not be less than one (1) acre (43,560 sq. ft.) and must receive Plan Commission approval as to location and configuration.

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1. A parcel that is transected by a stream will be considered one (1) parcel.
 2. The land area necessary to meet the minimum requirements of this section may not include easements, bodies of water, swamps or lands with excess grades making it unsuitable for recreation.
- d. *Contiguous Open Space:* If the proposed open space is contiguous to other open space, the Plan Commission may reduce the open space required in Section 9.4B.b. of this Article at its discretion. However, the reduction of required open space may not exceed twenty percent (20%). In addition, the following conditions apply:
1. The open area must appear to be one space.
 2. Residents of the development must have access to both spaces.
 3. The applicant must be able to assure that the contiguous open space will remain as such.
 4. The owner/developer must sign a permanent written agreement establishing ownership, responsibility for maintenance and liability. The agreement must be reviewed/approved by the Planning Director and/or City Attorney. The developer must record the agreement in the office of the Clark County Recorder prior to receiving a Building Permit. A copy of the recorded agreement will be kept in the office of the Plan Commission.
- e. *Pedestrian Access:* The open space must be accessible to all owners or residents within the development or project and their guests by sidewalk or other finished footpath.
- f. *Detached/attached:* All cluster housing units must be detached; however the Plan Commission may allow up to twenty percent (20%) of the total project units to be attached when it is shown to and accepted by the Plan Commission that the use of attached housing units are necessary to reduce the impact of development on the site.
- C. In order to further encourage innovative site designs that enhance the quality of the built environment in medium density residential districts, the Plan Commission may grant a waiver of any landscaping or set-back standards outlined in Article Seven. To grant this waiver the Plan Commission must specifically find that the proposed development:
- a. Displays an innovative use of building design, building materials, site design features, open space or landscaping which will enhance the use and value of neighboring properties;
 - b. Is consistent with the intent of the subject zoning district; and,
 - c. Is consistent with the intent of Section 9.4 of this Article, "Cluster Incentive for Medium Density Residential (R2).
- D. The Plan Commission shall make written findings concerning each decision to approve or disapprove a development plan. In order to approve a development plan in this district the Planning Director must find that the proposed development plan:
- a. Displays an innovative use of building design, building materials, site design features, open space or landscaping which will enhance the use and value of neighboring properties;
 - b. Is consistent with the Comprehensive Plan;
 - c. Is consistent with the intent of Section 9.4 of this Article, "Cluster Incentive for Medium Density Residential (R2); and,
 - d. Satisfies the development requirements specified in this Article.

9.5 Limited Multifamily Residential (M1), General Multifamily Residential (M2) and Mobile Home Park (MP) Districts

Intent: To promote innovative and creative design in higher density residential districts in order to further enhance the quality of life for the citizens of Jeffersonville.

- A. In proposed developments with less than three (3) primary structures, development plan review is delegated to the Planning Director.
- B. In proposed developments with three (3) or more primary structures, the Plan Commission must review the development plan.
- C. The applicant is required to provide the following information at the time of filing for development plan approval in these Districts.
 - Site Plan (see Section 9-11 for more information)
 - Building elevations (see Section 9-12 for more information)
 - Sign Plan (see Section 9-13 for more information)
 - Lighting Plan (see Section 9-14 for more information)
 - Landscape Plan (see Section 9-15 for more information)
 - Tree Preservation (see Section 9-16 for more information)
- D. In order to receive development plan approval, the applicant must satisfy all of the development standards of the proper district (M1, M2 or MP). In addition, the following development standards apply.
 - a. *Signage*: All signs must be designed to create a unified and consistent sign package for the development.
 - b. *Interior private roads*: Interior private roads must meet construction criteria for public roads as set forth in the Subdivision Control Ordinance. (Note: this does not apply to road widths, so long as emergency access is possible.)
 - c. *Traffic Management*: The design and location of proposed street access points must minimize congestion. The entrances, streets and internal traffic facilities must be compatible with existing and planned streets in adjacent developments. Additional driveways may be required to ensure safe emergency access based on fire department and City Engineer review.
 - d. *Traffic circulation pattern*: The design and layout of the development must have a clear circulation pattern that is sensitive to topography and other natural features.
 - e. *Pedestrian Access*: The design of the proposed development plan must provide adequate pedestrian connections within the development and safe street crossings to adjacent land uses. This includes a sidewalk along adjacent street(s). The Plan Commission may determine that an alternative to a sidewalk along adjacent street(s) better serves the purpose of connecting commercial destinations.
 - f. *Lighting*: All lighting must be designed to create a unified and consistent lighting package for the development. Lighting standards in parking areas may not exceed twenty (20) feet in height. All lighting must be Metal Halide, have cutoff luminaires (shielded down lighting), and be consistent with the architectural style of the primary building.
 - g. *Variation in housing type*: In order to prevent monotony, at least every third structure must vary the housing type/design.
 - h. *Open Space*: Developments that are four (4) or more acres must have a minimum of ten percent (10%) of the total lot area developed as recreational open space. Open space shall be configured for the activity for which it is designed. Additional recreational open space requirements are as follows:
 - 1. At least seventy-five percent (75%) of the open space created must consist of tracts of land at least fifty (50) feet wide.
 - 2. The open space shall be accessible to all owners or residents within the development or project and their guests by way of sidewalk or other finished footpath.
 - 3. If the development or project is adjacent to a city park facility a direct linkage to such park shall be provided.

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- i. *Additional Open Space for the MP District:* The minimum dwelling site size may be reduced provided that the amount the site size is reduced is devoted to recreational open space and the dwelling site size is not less than 3200 square feet.
 - E. In order to further encourage innovative building designs capable of enhancing the quality of the built environment in higher density residential districts, the Plan Commission or Planning Director (depending on who reviews the proposal) may grant a waiver of any landscaping or setback standards outlined in Article Seven. In order to grant this waiver the Plan Commission or Planning Director must find that the proposed development:
 - Displays an innovative use of sign design, building design, building materials, site design features, open space or landscaping that will enhance the use and value of neighboring properties; and
 - Is consistent with the intent of the subject zoning district.
 - F. The Plan Commission or Planning Director (depending on who reviews the proposal) must make written findings concerning each decision to approve or disapprove a development plan. In order to approve a development plan in these districts the Plan Commission or Planning Director must find that the proposed development plan:
 - a. Is consistent with the Comprehensive Plan,
 - b. Is consistent with the intent of the District, as described in Article Three, and
 - c. Satisfies the development requirements specified in this Article.

9.6 Commercial Corridor Overlay District

Intent: To promote innovative and creative design along major corridors in Jeffersonville; To minimize the negative impacts caused by strip commercial development, loading facilities, storage facilities, sign clutter and proliferation of access points; To ensure commercial development is compatible with its surrounding areas; and, To strengthen the quality of life through design that contributes to the unique character of Jeffersonville.

- A. The following information is required at the time of filing for development plan approval in this District. Detailed descriptions of what is required on these plans is provided later in this Article.
 - Site Plan (see Section 9-11 for more information)
 - Building elevations (see Section 9-12 for more information)
 - Sign Plan (see Section 9-13 for more information)
 - Lighting Plan (see Section 9-14 for more information)
 - Landscape Plan (see Section 9-15 for more information)
 - Tree Preservation Plan (see Section 9-16 for more information)
- B. In order to receive development plan approval the applicant must satisfy all of the development standards of the Commercial Corridor Overlay District. In addition, the following development standards apply.
 - a. *Signage:* All signs must be designed to create a unified and consistent sign package for the development. Signs may not be constructed of materials that are inferior to the principal materials of the building and landscape.
 - b. *Outdoor Storage:* No un-screened outdoor storage is permitted.
 - c. *Mechanical Equipment:* All mechanical equipment must be screened by vegetation, fencing or a building feature (i.e. a parapet). Screening must eliminate the sight of mechanical equipment from any spot within four hundred (400) feet of the mechanical equipment.
 - d. *Lighting:* All lighting must be designed to create a unified and consistent lighting package for the development. Lighting standards in parking areas may not exceed twenty (20) feet in height. All lighting must be Metal Halide, have cutoff luminaires (shielded down lighting), and be consistent with the architectural style of the Primary Building.
 - e. *Roofs:* Roofs must be a gable design with slopes between fifteen (15) and forty-five (45) degrees. Multiple roof planes are encouraged.

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- f. *Traffic Management:* The design and location of proposed street access points must minimize congestion. The entrances, streets and internal traffic facilities must be compatible with existing and planned streets in adjacent developments. Shared driveways and internal connections to adjacent sites are required wherever feasible.
- g. *Pedestrian Access:* The design of the proposed development plan must provide adequate pedestrian connections within the development and safe street crossings to adjacent land. This includes a sidewalk along adjacent street(s). The Plan Commission may determine that an alternative to a sidewalk along adjacent street(s) better serves the purpose of connecting commercial destinations.
- h. *Facades greater than one-hundred (100) feet in length:* In order to add architectural interest and variety and avoid the effect of a single, long or massive wall with no relation to human size, the following additional standards apply for facades greater than one-hundred (100) feet in length. A standardized prototype design must be modified if necessary to meet the provisions of this Article.
1. No wall that faces a street or connecting walkway may have a blank, uninterrupted length exceeding one-hundred (100) feet without including at least two (2) of the following design elements:
 - change in plane (recess or projection),
 - change in texture or masonry pattern,
 - windows, or
 - an equivalent element that subdivides the wall into human scale proportions.
 2. Any change in wall plane such as projections or recesses must have a depth of at least three (3) percent of the length of the facade.
 3. Building facades must include a repeating pattern that includes color change and texture change. At least one (1) element (texture or color change) must repeat horizontally. Both elements must repeat at intervals of no more than thirty (30) feet, either horizontally or vertically.
 4. Overhanging eaves must extend no less than three (3) feet past the supporting walls must be provided.
- i. *Facades less than one-hundred (100) feet in length:* In order to add architectural interest and variety and avoid the effect of a single, long or massive wall with no relation to human size, the following additional standards apply for facades less than one-hundred (100) feet in length. A standardized prototype design must be modified if necessary to meet the provisions of this Article.
1. No wall that faces a street or connecting walkway shall have a blank, uninterrupted length exceeding thirty (30) feet without including at least two (2) of the following: change in plane (recess or projection), change in texture or masonry pattern, windows, treillage with vines, or an equivalent element that subdivides the wall into human scale proportions.
 2. Any change in wall plane such as projections or recesses shall have a depth of at least three (3) percent of the length of the facade.
- j. *Facades Generally:* The building facade facing any adjacent street must have a finished facade. No loading docks or trash collection bins may be placed on or along the facades that face any adjacent street.
- k. *Entrances:* Each establishment on a site shall have clearly defined, highly visible customer entrances featuring at least two (2) of the following:
- canopies or porticos,
 - recesses/projections,
 - arcades,
 - peaked roof forms,
 - arches,
 - display windows, or
 - architectural details such as tile work and moldings which are integrated into the building structure and design.

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1. *Central Features and Community Space*: Proposed developments or projects that include over one-hundred fifty thousand (150,000) square feet must comply with the following standards. This square footage requirement applies to any combination of buildings or lots in a cohesive commercial project or development.
 1. Each development or project must contribute to the establishment or enhancement of community and public spaces by providing at least two (2) of the following:
 - patio/seating area,
 - pedestrian plaza with benches,
 - transportation center (bus station, etc.),
 - window shopping walkway,
 - outdoor playground area,
 - water feature,
 - clock tower, or
 - other such deliberately shaped area and/or a focal feature or amenity that, in the judgment of the Plan Commission, adequately enhances the development's community and public spaces.
 2. Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principal materials of the building and landscape.
 - C. The Plan Commission may increase the maximum amount of parking permitted in front of the primary structure under the following conditions:
 - a. If the applicant adds landscaping, additional greenspace, berms and/or walkways to better screen and/or break up the visual appearance of a large parking lot from the street.
 - b. The Plan Commission must find that the visual impact of additional parking is lessened in direct correlation to the amount of additional parking area.
 - c. The Plan Commission must find that this waiver of development requirements complies with the spirit and intent of the Comprehensive Plan.
 - D. In order to further encourage innovative building designs capable of enhancing the quality of the built environment along key commercial corridors, the Plan Commission may grant a waiver of any landscaping, sign or setback standards outlined in Article 7. In order to grant this waiver the Plan Commission must find that the proposed development:
 - Displays an innovative use of sign design, building design, building materials, site design features or landscaping that will enhance the use and value of neighboring properties, and
 - Is consistent with the intent of the Commercial Corridor Overlay district.
 - E. The Plan Commission must make written findings concerning each decision to approve or disapprove a development plan. To approve a development plan in this district, the Plan Commission must find that the proposed development plan:
 - a. Is consistent with the Comprehensive Plan;
 - b. Is consistent with the intent of the Commercial Corridor Overlay District; and,
 - c. Satisfies the development requirements specified in this Article.

9.7 Utica Pike Overlay District

Intent: To promote and preserve the scenic, natural character of Utica Pike; and, to promote innovative development that contributes to the special characteristics of Utica Pike.

- A. The following information is required at the time of filing for development plan approval in this District. Detailed descriptions of what is required on these plans is provided later in this Article.
- Site Plan (see Section 9-12 for more information)
 - Sign Plan (see Section 9-13 for more information)
 - Lighting Plan (see Section 9-14 for more information)
 - Landscape Plan (see Section 9-15 for more information)
 - Tree Preservation Plan (see Section 9-16 for more information)
- B. In order to receive development plan approval the applicant must satisfy all of the applicable development requirements of the Utica Pike Overlay District. In addition, the following development standards apply.
- a. *Signage*: All signs shall be designed to create a unified and consistent sign package for the development.
 - b. *Tree Preservation*: Trees over six (6) inch caliper at four and one-half (4 1/2) feet above grade and all flowering trees and shrubs over six (6) feet in height shall be retained and preserved whenever possible. If for whatever reason the trees can not be retained or preserved, they shall be replaced with a tree or shrub of like kind at a ratio of 2:1. Minimum planting sizes are as follows: 2" caliper deciduous shade tree, 6' evergreen tree, 18" shrub or 6' ornamental tree. Trees or shrubs that are dead or dying prior to any development disturbance are exempt from this provision.
 - c. *Maintenance of Landscaping*: Trees and vegetation, irrigation systems, fences, walls and other landscape elements shall be considered as elements of the project in the same manner as parking and other site details. The applicant, landowner or successors in interest are responsible for regularly maintaining all landscaping elements in good condition. All landscaping shall be maintained free from disease, pests, weeds and litter, and all landscape structures such as fences and walls shall be repaired and replaced periodically to maintain an aesthetically and structurally sound condition. This does not preclude the use and enjoyment of a wildlife area that is certified by a state or nationally recognized organization. Plantings within a certified wildlife area may be counted toward the minimum landscaping requirements as determined by the Planning Director.
 - d. *Building Facades*: The building facade facing any adjacent street must have a finished facade. No loading docks or trash collection bins may be placed on or along the facades that face any adjacent street.
 - e. *Outdoor Storage*: No un-screened outdoor storage shall be permitted.
 - f. *Parking*: Off -street parking shall be screened from view all year round. Screening shall promote and preserve the scenic natural character of Utica Pike.
 - g. *Mechanical Equipment*: All mechanical equipment must be screened by vegetation, fencing or a building feature (i.e. a parapet). Screening must eliminate the sight of any mechanical equipment from any spot within four hundred (400) feet of the mechanical equipment.
 - h. *Scenic Views*: Where a proposed structure will eliminate more than fifty percent (50%) of an adjacent structure's scenic view, an additional lot area setback may be required by the Planning Director so that the fifty percent (50%) scenic view may be maintained. Scenic view shall be measured by determining the horizontal field of vision of the scenic amenity.
 - i. *Traffic Management*: The design and location of proposed street access points shall minimize congestion. The entrances, streets and internal traffic facilities shall be compatible with existing and planned streets in adjacent developments.

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- C. The Plan Commission shall make written findings concerning each decision to approve or disapprove a development plan. To approve a development plan in this district the Plan Commission must find that the proposed development plan:
- Is consistent with the Comprehensive Plan,
 - Is consistent with the intent of the Utica Pike Overlay District as described in Article Five, and
 - Satisfies the development requirements specified in this Article.

9.8 Development Plan Approval Process

- A. The applicant is encouraged to submit a conceptual site plan to the Planning Director for an informal conference to discuss the existing conditions of the site and the proposed development thereof.
- B. No later than fifteen (15) days after the Planning Director has received the conceptual site plan and other data, he/she will return a copy of said plan to the applicant with recommendations.
- C. All development plan petitions shall:
- a. Be filed at least thirty days (30) prior to the initial public hearing at which they are to be considered by the Plan Commission.
 - b. Specify approvals requested. Any items, including requests for waiver of development requirements in connection with a development plan approval, even if indicated on the proposed plans, may not be considered a part of the request presented to the Plan Commission unless such requests are specified in the petition.
 - c. Include all relevant plan and documentation as required below.
- D. Development plan petitions shall undergo drainage review per *The Jeffersonville Storm, Drainage, Erosion and Sediment Control Ordinance* **prior** to development plan approval.
- E. Any development plan approval the Plan Commission reviews shall have a public hearing. Notification of public hearing will be as outlined in Article 12, Section 12.2 of this Ordinance.
- F. The Plan Commission shall either approve or disapprove the proposed development plan petition.
- G. The Plan Commission may impose conditions or require written commitments as a condition of approval if they are reasonably necessary to satisfy the development requirements specified in this Article.
- H. The Plan Commission may provide that an approval of a development plan petition is conditional on the applicant/developer furnishing a surety that guarantees the timely completion of a proposed public improvement in the development plan petition. The surety must be in an amount satisfactory to the Plan Commission.
- I. The Plan Commission will make written findings concerning each decision to approve or disapprove a development plan. The Planning Director is responsible for signing written findings of the Plan Commission.

9.9 Development Plan Approval Process for Petitions Delegated to the Planning Director

- A. Applicants are encouraged to submit a conceptual site plan to the Planning Director for an informal conference to discuss the existing conditions of the site and the proposed development thereof.
- B. No later than fifteen (15) days after the Planning Director has received the conceptual site plan and other data, he/she will return a copy of the plan to the applicants with recommendations.
- C. All development plan petitions shall:
- a. specify approvals requested. Any items, including requests for waiver of development requirements in connection with a development plan approval, even if indicated on the proposed plans, may not be considered a part of the request presented to the Planning Director unless such requests are specified in the petition.
 - b. include all relevant plan and documentation as required in this Article.
- D. The Planning Director may refer the proposed development to the Plan Commission if, because reason of location, design, intensity or other element related to the proposal, the Planning Director decides the full Commission review is warranted. Upon referral to the Plan Commission, the petition will follow the process set forth in Section 9.3.

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- E. Development plan petitions shall undergo drainage review per *The Jeffersonville Storm, Drainage, Erosion and Sediment Control Ordinance* **prior** to development plan approval.
 - F. Any development plan approval which has been delegated to the Planning Director may occur without public notice and without a public hearing.
 - G. The Planning Director will have thirty (30) days from the date of filing to approve or disapprove a development plan petition in writing.
 - H. Any interested party may appeal the decision of the Planning Director to the Plan Commission within thirty (30) days of the written decision.
 - I. The Planning Director may impose conditions or require written commitment as a condition of approval, if the conditions are reasonably necessary to satisfy the development requirements specified in this Article.
 - J. The Planning Director may provide that an approval of a development plan is conditioned on the furnishing of a surety that guarantees the timely completion of a proposed public improvement in the proposed development and is in an amount satisfactory to the Planning Director.
 - K. The Planning Director shall make and sign written findings concerning each decision to approve or disapprove a development plan.

9.10 Amendments and Minor Modifications

- A. The applicant may amend the development plan prior to a vote by the Plan Commission. If the Plan Commission feels that the proposed amendment needs additional time for review; the Plan Commission may continue the consideration until the next Plan Commission Meeting.
- B. The applicant may amend the development plan anytime prior to determination by the Planning Director. If the Planning Director feels that the proposed amendment needs additional time for review; the amended development plan may be considered a new filing and reviewed within the time frame set forth above for the review of development plans by the Planning Director.
- C. Minor Modifications to an approved development plan may be approved by the Planning Director if the modification is in the spirit and intent of the overall development and does not involve:
 - an increase in height, area, bulk or intensity of land uses,
 - the designation of additional land uses,
 - the reduction of buffer yards,
 - the addition of driveways or access points, or
 - the reduction of parking for any use.
- D. The Planning Director shall report in writing to the Plan Commission the authorized minor modifications. Any interested party may appeal a decision of the Planning Director regarding the minor modification of an approved development plan to the Plan Commission within thirty (30) days of the decision.

9.11 Site Plan Data

A site plan submitted in pursuit of development plan approval shall be drawn to a scale of not more than 1" = 100' and shall include the following information. The Planning Director at his/her discretion may waive or relax any of the site plan requirements below, as circumstances dictate.

A. Description:

- a. Name and address of the applicant.
- b. Proof of ownership.
- c. Proposed name of development (if applicable).
- d. Address of the site.
- e. Legal description of the real estate.
- f. Name and address of land surveyor.
- g. Legend and notes, including a graphic scale, north point, and date.

B. Existing and Proposed conditions:

- a. Boundary line of site indicated by a solid heavy line including all dimensions of the site.
- b. Layout, number and dimensions of lots.
- c. Building setback lines.
- d. Location and dimensions of all existing structures including paved areas.
- e. Location and dimensions of all proposed structures including paved areas indicated by crosshatching.
- f. Layouts of existing and proposed streets, alleys and access easements; including their names, within two-hundred (200) feet of the development. The names of streets shall conform so far as practicable to the names of streets on the same approximate alignment existing in the vicinity of the development.
- g. Location of any proposed and existing driveway and its width at the lot line.
- h. All proposed improvements to the street system both on and off-site.
- i. Measurement of curb radius and/or taper.
- j. Parcels of land proposed to be dedicated or temporarily reserved for public use or set aside for use in the development such as parks, recreation, conservation areas, wetlands, etc., which shall be designated and labelled as such including dimensions.
- k. Location of natural streams, regulated drains, 100-year floodplains, floodway, water courses, marshes, wooded areas, wetlands, historic features, existing structures, dry wells, utility lines, fire hydrants and any other significant feature(s) that may influence the design of the development.
- l. The species and caliper size at breast height of all trees over six (6) inch caliper and all flowering trees and shrubs over six (6) feet in height.
- m. All trees and/or shrubs to be preserved. These shall be marked "Do Not Remove" ("DNR"). Care should be taken to attempt to preserve all trees with a caliper size of twenty-four (24) inches at breast height or greater.
- n. Location of orange construction fencing that is required to be installed during construction around the dripline of each tree to be preserved that is marked "DNR".
- o. Location, width and purpose of existing and proposed easements.
- p. Use of each structure including parking labelled with approximate density or size. For example, no. of parking spaces required and provided, gross floor area of office or retail space (labelling whether office or retail).
- q. Structures designated to be razed shall be indicated as such.
- r. Distance of all structures including parking from the front, rear and side lot lines. This distance is measured from the point where the structure is closest to the lot line.
- s. Any other information requested in writing by the Plan Commission or the Planning Director.

9.12 Building elevation Data

Building elevations submitted in pursuit of development plan approval shall include the following information. The Planning Director may waive or relax any of the building elevation requirements below, as circumstances dictate.

- A. Description:
 - a. Proposed name of development (if applicable).
 - b. Address of the site.
 - c. Legend and notes, including a graphic scale, and date.
- B. Proposed conditions:
 - a. Elevations for each facade of the building.
 - b. Type of building materials to be used for all wall, window, roof and architectural features shall be specified.
 - c. Proposed colors for all materials and features shall be specified.
 - d. Any other information requested in writing by the Plan Commission or the Planning Director.

9.13 Sign Plan Data

Sign Plans submitted in pursuit of development plan approval shall include the following information. The Planning Director may waive or relax any of the Sign Plan requirements below, as circumstances dictate.

- A. Description:
 - a. Proposed name of development (if applicable).
 - b. Address of the site.
 - c. Legend and notes, including a graphic scale, and date.
- B. Existing and Proposed conditions:
 - a. A site plan indicating the location of any existing and proposed freestanding or ground signs.
 - b. Elevations of proposed signs including size, materials, color and illumination details.
 - c. Placement, size, color and illumination details for any existing or proposed wall, projecting or window sign.
 - d. Any other information requested in writing by the Plan Commission or the Planning Director.

9.14 Lighting Plan Data

Lighting Plans submitted in pursuit of development plan approval shall include the following information. The Planning Director may waive or relax any of the Lighting Plan requirement below, as circumstances dictate.

- A. Description:
 - a. Proposed name of development (if applicable).
 - b. Address of the site.
 - c. Legend and notes, including a graphic scale, and date.
 - d. Boundary lines of the site including all dimensions of the site.
- B. Existing and Proposed conditions:
 - a. Location and dimensions of all existing and proposed structures, parking areas, etc.
 - b. Type and location of all exterior lighting fixtures, including wattage and type of light.
 - c. Intensity of lighting at base of light structure and at the lot line measured in foot candles. Measurements shall be given as if the light meter were facing the center of the property at a height of six (6) feet.
 - d. If building lighting is proposed, elevations for each facade of the building indicating the location, type and intensity of lighting at the lot line measured in foot candles. Measurements shall be given as if the light meter were facing the center of the property at a height of six (6) feet.
 - e. Any other information requested in writing by the Plan Commission or the Planning Director.

9.15 Landscape Plan Data

Landscape Plans submitted in pursuit of development plan approval shall include the following information. The Planning Director may waive or relax any of the Landscape Plan requirements below, as circumstances dictate.

- A. Description:
 - a. Proposed name of development (if applicable).
 - b. Address of the site.
 - c. Legend and notes, including a graphic scale, and date.
 - d. Boundary Lines of the site.
- B. Existing and Proposed conditions:
 - a. Location and dimensions of all existing and proposed structures, parking areas, etc.
 - b. Location of all floodway and floodway fringe areas within the site.
 - c. Existing elevations and proposed contour lines at two (2) foot intervals
 - d. Proposed sidewalk or pedestrian ways
 - e. Size, species and spacing (on center) of all proposed landscaping material
 - f. Location of any existing and proposed freestanding or ground signs.
 - h. Any other information requested in writing by the Plan Commission or the Planning Director.
- C. Preparation of plans by a landscape architect is encouraged.

9.16 Tree Preservation Plan Data

Tree Preservation Plans submitted in pursuit of development plan approval shall include the following information. The Planning Director may waive or relax any of the tree preservation requirements below, as circumstances dictate.

- A. Description:
 - a. Proposed name of development (if applicable).
 - b. Address of the site.
 - c. Legend and notes, including a graphic scale, and date.
 - d. Boundary lines of the site including all dimensions of the site.
- B. Existing and Proposed conditions:
 - a. Survey all existing vegetation on site indicating species and caliper size at breast height.
 - b. All trees and/or shrubs to be preserved. These shall be marked "Do Not Remove" ("DNR"). All trees and shrubs that are not within twenty (20) feet of the footprint of any structure must be preserved. This requirement may be reduced upon approval of the Planning Director. The Planning Director may also reduce this requirement to allow for parking areas provided no other open areas exist already that could accommodate parking.
 - c. Description of methods to preserve trees without injury and with sufficient area for the root system to sustain the tree.
 - d. Description of protective care and physical restraint barriers at the drip line to prevent alteration, compaction or increased depth of the soil in the root system area prior to and during groundwork.
 - e. Location of orange construction fencing that is required to be installed around the dripline of each tree to be preserved that is marked "DNR" during construction.

Article Ten

Nonconforming Structures, Lots, and Uses

Article Ten

Nonconforming Structures, Lots, and Uses

10.1 Intent

Upon adoption of this Ordinance and Zoning Map, some buildings, structures, lots, and uses may no longer conform to the regulations of the Zoning District in which they are located. For this reason, this Article has been generated to provide the rules, policies and regulations that apply to these buildings, structures, lots, and uses referred to as Legal-Nonconforming (Grandfathered).

10.2 Distinction Between Illegal-Nonconforming and Legal-Nonconforming

A building, structure, or lot which was constructed or is being used without an approved Building Permit, Improvement Location Permit or approval from the BZA or Plan Commission is considered illegal-nonconforming. An illegal-nonconforming property shall be subject to actions and penalties allowed by this Ordinance and all other applicable Municipal law and shall be altered to conform with all applicable standards and regulations of this Ordinance. Further, an illegal-nonconforming building, structure, lot or use is created at the fault of the owner, tenant or property manager.

Legal-Nonconforming differs from Illegal-Nonconforming (illegal) in that the reason for the nonconformance is caused by a change to the Zoning Ordinance. The building, structure, lot or use has not changed, but due to the Ordinance change, the property no longer conforms to the policies and standards of the Zoning District in which the property resides. When this situation occurs, the property is deemed Legal-Nonconforming or another term commonly used is "Grandfathered."

10.3 Nonconforming Buildings and Structures

- A. Any continuously occupied, lawfully established structure or building prior to the effective date of this Ordinance, or its subsequent amendments, that no longer meets the design standards due to the reasons listed below shall be deemed a Legal-Nonconforming Building or Structure.
- B. Legal-Nonconforming Building(s) or Structure(s) no longer meet one (1) or more of the following development standards of this Ordinance: -
 - Front, Side and Rear Yard Setbacks,
 - Maximum Lot Coverage,
 - Minimum Main Floor Area,
 - Minimum Finished Floor Area,
 - Height,
 - Temporary Structures,
 - Landscaping,
 - Parking,
 - Accessory Structures, or
 - any other provision of this Ordinance that is applicable to the building or structure.
- C. A Legal-Nonconforming building or structure may continue provided that it remains the same or fits within the below described tolerances:
 - a. Any Legal-Nonconforming building(s) or structure(s) shall not be enlarged or altered in a manner that increases its nonconformity but any building(s) or structure(s) or portion thereof may be altered to decrease its nonconformity.
 - b. Any Legal-Nonconforming building or structure which is damaged or destroyed by more than sixty-six percent (66%) of its fair market value shall thereafter conform to the regulations of the district in which it is located.
- C. If a building or structure is moved for any reason, for any distance, it shall thereafter conform to the provisions of this Ordinance.

10.4 Nonconforming Lots of Record

- A. All legally established and recorded lots prior to the effective date of this Ordinance, or its subsequent amendments, that no longer meet the lot standards listed below shall be deemed a Legal-Nonconforming Lot of Record. A Legal-Nonconforming Lot of Record no longer meets one (1) or more of the following lot standards of this Ordinance:
- Lot Area,
 - Lot Width,
 - Lot Depth,
 - Lot Frontage, or
 - Any other provision of this Ordinance that is applicable to Lots.
- B. Legal-Nonconforming Lots of Record may be built upon only if the proposed use is permitted and all development standards of the applicable Zoning District of this Ordinance are met.

10.5 Nonconforming Uses of Structures, Land, or Structures and Land in Combination

Any continuous, lawful use of structures, land, or structures and land in combination established prior to the effective date of this Ordinance or its subsequent amendments that is no longer a permitted use in the district where it is located shall be deemed a Legal-Nonconforming Use. A Legal-Nonconforming use may continue provided that it remains otherwise lawful, subject to the following conditions:

- A. No existing structure devoted to a Legal-Nonconforming use shall be enlarged, expanded, increased, extended, constructed, reconstructed, moved, or structurally altered unless it:
- a. complies with section 10.5 D for limited and small expansions, or
 - b. changes the use of the structure to a use permitted in the district in which it is located, or
 - c. changes the use to a less intensive Nonconforming Use and is approved by the Planning Director or Plan Commission.
- B. No building or structure shall be constructed in connection with an existing Legal-Nonconforming use of land.
- C. Any Legal-Nonconforming use of a structure may be extended throughout any parts of a building which were plainly arranged or designed for such use at the effective date of this Ordinance or its subsequent amendments, but no such use shall be extended to occupy any land outside the building.
- D. In the case of a Legal-Nonconforming use of structure, the structure may be expanded two times only. Each of the two expansions may not exceed ten percent (10%) of the existing floor area. The expansion shall conform to all applicable development standards except for landscaping, unless a variance of developmental standards is received from the Board of Zoning Appeals. If the structure is a commercial or industrial use in a residential district, sections 7.20 PK-06 and PK-07 shall be used for parking standards.
- E. If no structural alterations are made, a Legal-Nonconforming use of structure or structure and land in combination may be changed to another Legal-Nonconforming use, provided that the Planning Director shall make specific findings that the proposed use is equally appropriate or more appropriate to the district than the existing Legal-Nonconforming use. However, if the new use requires more parking or loading area than the previous use, such new use will comply with the requirements of Section 7.20 and Section 7.21 of this Ordinance, unless a variance from developmental standards is granted by the Board of Zoning Appeals.
- F. If a Legal-Nonconforming use is discontinued or abandoned for six (6) consecutive months, except when government action impedes access to the premises, any subsequent use of such land, structure or land and structure shall conform to the provisions of this Ordinance.
- G. When a Legal-Nonconforming use is superseded by a permitted use, it shall thereafter conform to regulations of the district, the Legal-Nonconforming use may not thereafter be resumed.
- H. Where a Legal-Nonconforming use applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming structure of the land. Destruction is defined as damage of more than sixty-six percent (66%) of its fair market value at the time of destruction.

10.6 Nonconforming Signs

Any sign lawfully existing on the effective date of this ordinance, or amendment thereto, that does not conform to all the standards and regulations of this Ordinance and has been registered within the allotted time period as described in 10.7 of this Article is considered a Legal-Nonconforming sign. The following applies to registered Legal-Nonconforming signs.

- A. Signs which existed prior to the time this ordinance was passed and were in conformance with previous ordinances will be legally nonconforming if registered until such time a major change is made to the sign. Major changes include changing the copy, changing the size, changing the height, adding lights, and/or relocation.
- B. All registered Legal-Nonconforming signs shall be kept in good repair, safe, neat, clean and attractive condition. In the event nonconforming signs are not kept in said condition or are demolished by any force whatsoever to the extent of fifty percent (50%) or more of the fair market value of the sign structure, said signs shall then be made to conform to this ordinance.
- C. A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer conducted on the premises. If the owner or lessee fails to remove the sign, the Plan Commission or Planning Director shall give the owner thirty (30) days written notice to remove it. Upon failure to comply with this notice, the Plan Commission or Planning Director may remove the sign at cost to the property owner or lessee.
- D. Legal nonconforming signs which are structurally altered by a major change, relocated, or replaced shall comply immediately with all provisions of this Ordinance.

10.7 Registration of Nonconforming Signs

Regulation of nonconforming signs is required in order to: be aware of those signs that will become nonconforming upon the passage of this Ordinance; provide ease in administration; discourage the proliferation of signage; and promote the health, safety, welfare and aesthetics of Jeffersonville. Registration of nonconforming signs is required as follows.

- A. All signs that will be rendered nonconforming by this ordinance must be registered with the Planning Department within six (6) months from the effective date of this Ordinance. If a sign is not registered within the six (6) month period it shall be considered illegal and shall be subject to actions and penalties allowed by this Ordinance and shall be altered to conform with all applicable standards and regulations of this Ordinance.
- B. Illegal signs cannot be registered.
- C. Registration applications will be kept on file at the Planning Department. Applications will include:
 - a. Name, address and phone of both the owner and the renter of the sign.
 - b. Location of sign, dimensions of sign and a photograph of the sign.
- D. Renewal of Registration: Registration must be renewed if there is a change in owner or renter of the sign. If Registration is not renewed within three (3) months of change of ownership or renter, it shall be considered illegal and shall be subject to actions and penalties allowed by this Ordinance and shall be altered to conform with all applicable standards and regulations of this Ordinance.

10.8 Repairs and Maintenance

The following applies to Legal-Nonconforming structures or buildings, and Legal-Nonconforming uses of structures, or structures and land in combination.

- A. Work may be done for ordinary repairs or replacement of walls, heating, fixtures, wiring, or plumbing; under the condition that the square footage and volume of usable space existing when the structure became nonconforming shall not be increased.
- B. If a structure or portion of a structure were to become unsafe or condemned due to lack of repairs or maintenance, and is declared by an authorized official to be unsafe or condemned due to physical condition; the building or structure shall be restored, repaired or rebuilt within six (6) months of the declaration. If the improvements have not been made within the six (6) months, all future improvements must conform to all standards and regulations within this ordinance.
- C. If a building or structure becomes unsafe or unlawful due to physical condition and is razed, the building or structure shall be rebuilt in conformity with the district in which it is located.
- D. Nothing in this Section shall be deemed to prevent the strengthening, repairing, or restoring to a safe condition of any building or structure or part thereof declared to be unsafe by any official charged with protecting public safety upon order of such official.

Article Eleven

Administration

Article Eleven

Administration

11.1 Administrative Officer

The Planning Director will have the principal responsibility for administration and enforcement (or coordination of enforcement) of this Ordinance within the Plan Commission's planning jurisdiction.

11.2 Effect on Annexation or Vacation on Zoning

- A. After the effective date of this Ordinance, areas annexed by the City of Jeffersonville shall retain the Zoning District prior to annexation. If the Zoning District of the subject property(ies) does not exist in this Jeffersonville Zoning Ordinance, the district most similar to its current district will be applied.
- B. Whenever any street, alley, public way, railroad right-of-way, waterway, or other similar area is vacated by proper authority, the Zoning Districts adjoining each side of vacated areas shall be extended automatically to the center of the vacated area. All areas included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended Zoning Districts. In the event of a partial vacation, the adjoining Zoning District, or Zoning District nearest the portion vacated, shall be extended automatically to include all of the vacated area. Any disputes as to the exact zoning district boundaries shall be determined by the Planning Director.

11.3 Summary of Powers and Duties of the City Council

The powers and duties of the City Council are described below. Duties should be interpreted as activities that are obligations. Powers should be interpreted as activities that are optional to be initiated.

- A. City Council Duties:
 - a. Adopt, reject or amend the Comprehensive Plan, Strategic Plans, Zoning Ordinance, or Subdivision Control Ordinance that have been certified and submitted by the Plan Commission.
 - b. Adopt, reject or amend proposals to amend or partially repeal the text of the Comprehensive Plan, Strategic Plans, Zoning Ordinance, or Subdivision Control Ordinance that has been certified and submitted by the Plan Commission.
 - c. Adopt, reject or amend proposals to amend the Official Zoning Map certified and submitted by the Plan Commission.
 - d. Adopt, reject or amend a Fee Schedule that has been proposed or amended and submitted by the Plan Commission.
 - e. Enforce regulations and procedures of the Comprehensive Plan, Zoning Ordinance, and Subdivision Control Ordinance to the extent of the local Resolutions, Ordinances, and State of Indiana Law.
 - f. Other duties as permitted by Indiana State Code.
- B. City Council Powers:
 - a. Initiate amendments to the text of the Comprehensive Plan, Strategic Plans, Zoning Ordinance, or Subdivision Control Ordinance by making said proposal to the Plan Commission.
 - b. Initiate amendments to the Official Zoning Map by making said proposal to the Plan Commission.
 - c. Other powers as permitted by Indiana State Code.

11.4 Summary of Powers and Duties of the Plan Commission

The powers and duties of the Plan Commission are described below. Duties should be interpreted as activities that are obligations. Powers should be interpreted as activities that are optional to be initiated.

A. Plan Commission Duties:

- a. Adopt and maintain a City Council approved Comprehensive Plan, Zoning Ordinance and Subdivision Control Ordinance as authorized under Indiana State Law.
- b. Adopt and maintain rules and procedures for holding meetings, holding public hearings, and administering and enforcing the Comprehensive Plan, Zoning Ordinance, and Subdivision Control Ordinance.
- c. Maintain complete records of all meetings, hearings, correspondences, and affairs of the Plan Commission.
- d. Record and file bonds and contracts for development and land use functions.
- e. Publish and make available to the public all plans, ordinances, and other related material that are the responsibility of the Plan Commission.
- f. Adopt and maintain a permitting process and seal used to certify official or approved documents.
- g. Certify and submit recommendations to the City Council including new versions of and revisions to the Comprehensive Plan, Zoning Ordinance, Subdivision Control Ordinance, and Official Zoning Map.
- h. Certify and submit recommendations to the City Council for adopting a Planned Development District.
- i. Maintain monetary and fiscal records of the Plan Commission.
- j. Prepare and submit an annual budget to the City Council.
- k. Approve or deny plats or replats of Subdivisions.
- l. Approve or deny development plans and amendments to development plans.
- m. Assign street numbers to new lots and structures, renumber lots and structures, assign street names, and approve or deny proposed street names in new developments.
- n. Establish and maintain a City Council approved fee schedule that assigns a fee to permits, processes, and official actions of the Plan Commission in order to defray the administrative costs of such duties and powers.
- o. Enforce regulations and procedures of the Comprehensive Plan, Zoning Ordinance, and Subdivision Control Ordinance to the extent of the local Resolutions, Ordinances, and State of Indiana Law.
- p. Other duties as permitted by Indiana State Code.

B. Plan Commission Powers:

- a. Delegate to a committee or person the role of Planning Director.
- b. Hire, remove, and determine job descriptions for support staff (as necessary).
- c. Establish advisory committees as necessary made up of City officials and the general public.
- d. Establish an executive committee.
- e. Seek funding assistance through grant programs as necessary.
- f. Distribute copies or summaries of the Comprehensive Plan, Zoning Ordinance, or Subdivision Control Ordinance to the general public and development community.
- g. Determine the compensation for support staff and members as provided within the budget submission to City Council.
- h. Other powers as permitted by Indiana State Code.

11.5 Summary of Powers and Duties of the Board of Zoning Appeals

The powers and duties of the Board of Zoning Appeals are described below. Duties should be interpreted as activities that are obligations. Powers should be interpreted as activities that are optional to be initiated.

A. Board of Zoning Appeals Duties:

- a. Review and hear appeals of decisions made under this Ordinance by the Planning Director, Plan Commission Staff, Building Commissioner, Committees or Administrative Boards or other body except Plan Commission.
- b. Review, hear and approve or deny all petitions for special exceptions based on the provisions of this ordinance and Indiana State Code.
- c. Review, hear, and approve or deny all petitions for variances from development standards (such as height , bulk, or area) of this Ordinance.
- d. Review, hear, and approve or deny all petitions for variances of use regulations in this Ordinance.
- e. Other duties as permitted by Indiana State Code.

B. Board of Zoning Appeals Powers:

- a. Hire, remove, and determine job descriptions for support staff (as necessary).
- b. Determine the compensation for support staff and BZA members as provided within the annual budget of the Board of Zoning Appeals.
- c. Other powers as permitted by Indiana State Code.

Article Twelve

Processes, Permits and Fees

Article Twelve

Processes, Permits, and Fees

12.1 Types of Petitions

The City of Jeffersonville hereby requires that an application and filing fee be submitted for the following formal petitions:

- Variances (developmental standards or use),
- Special Exceptions,
- Administrative Appeals,
- Zoning Amendments (Zoning Map change/rezoning),
- Planned Unit Developments,
- Development Plan Approval,
- Sign Permits/Permanent Signs,
- Sign Permits/Temporary Signs,
- Improvement Location Permits/Permanent,
- Improvement Location Permit/Temporary, and
- Certificates of Occupancy.

All applications may be obtained through the Planning Director's office. Fees shall be paid at the Planning Director's office at the time of assignment of a Docket Number.

12.2 Notification for Public Hearing

The following information pertains to processes that require a public hearing.

- A. Public notice in accordance with IC 5-3-1-2 and IC 5-3-1-4 and due notice to interested parties shall be given at least ten (10) days before the date set for the hearing.
- B. The party pursuing the request shall be required to assume costs of public notice and notice to interested parties. Interested parties shall include, but are not limited to, all properties adjacent within two (2) properties deep of the subject lighting boundaries within the planning jurisdiction and only directly adjacent properties if outside the planning jurisdiction.
- C. In addition, notice shall be posted by the applicant in a conspicuous place on the subject property at least ten (10) days prior to the date of the hearing. Notice signs will be provided and posted by the City of Jeffersonville.

12.3 Processes per Type of Petition

- A. Variances: The following procedure applies to Variance Petitions.
 - a. The applicant shall submit a variance application, required supportive information, and application fee thirty (30) days prior to the regularly scheduled Board of Zoning Appeals meeting.
 - b. The Board of Zoning Appeals (BZA) will then review:
 - The variance application,
 - Required supportive information,
 - Testimony of the applicant, and
 - Testimony of the public.
 - c. The BZA may approve, deny or table the petition (the Board has discretionary powers). The BZA may add conditions to an approval. Approvals shall only be granted upon findings of fact in compliance with 36-7-4-900 et seq. and the requirements of this Ordinance.
 - d. The intensity of the variance may be reduced at the public hearing if approved by the BZA.
 - e. The Planning Director shall refuse to accept a petition for a variance within six (6) months of the date of denial when said petition involves the same subject matter. However, the Planning Director shall have the authority and discretion to determine that a petition containing major changes may justify re-filing within a six (6) month period.

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- B. BZA approval of Development Standards Variances
- a. The Board may grant a variance from the development standards of this Ordinance (such as height, bulk, area) if, after a public hearing, it makes findings of facts in writing, that:
 1. the approval will not be injurious to the public health, safety, morals, and general welfare of the community; and
 2. the use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
 3. the strict application of the terms of this Ordinance will result in a Practical Difficulty. This situation shall not be self-imposed, nor be based on a perceived reduction of or restriction of economic gain.
 - b. The Board may permit or require the owner of a parcel of property to make written commitments and record it in the County Recorder's Office concerning the use or development of that parcel or may impose conditions upon that grant of variance.
 - c. A developmental standards variance granted by the Board shall run with the parcel until such time as the property conforms with this Ordinance as written.
 - d. The Board of Zoning Appeals may enforce any condition and/or commitment it has imposed as if it were a standard of this Ordinance.
- C. BZA approval of Use Variances
- a. The Board may grant a variance from use if, after a public hearing, it makes findings of facts in writing, that:
 1. the approval will not be injurious to the public health, safety, morals, and general welfare of the community; and
 2. the use and value of the adjacent areas to the subject property are not adversely affected; and
 3. the need for a variance stems from a condition unusual or peculiar to the subject property itself; and
 4. the strict application of the terms of this Ordinance will results in an unnecessary hardship if they were applied to the subject property; and
 5. the approval of the variance does not contradict the goals and objectives of the Comprehensive Plan.
 - b. The Board may permit or require the owner of a parcel of property to make written commitments and record it in the County Recorder's Office concerning the use or development of that parcel or may impose conditions upon that grant of variance.
 - c. A use variance granted by a Board may run with the parcel or applicant until such time as:
 1. the use of the variance ends, is vacated, or unused for three (3) months consecutively;
 2. the property conforms with the Ordinance as written; or,
 3. the property is sold.
 - d. The Board of Zoning Appeals may enforce any condition and/or commitment it has imposed as if it were a standard of this Ordinance.
- D. Special Exceptions: The following procedure applies to Special Exception Petitions.
- a. The applicant shall submit a Special Exception application, required supportive information, and application fee thirty (30) days prior to the regularly scheduled Board of Zoning Appeals meeting.
 - b. At their next regularly scheduled public meeting, the BZA shall then review:
 - The special exception application,
 - Required supportive information,
 - Testimony of the applicant, and
 - Testimony of the public.

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- c. The BZA may approve, deny, or table the petition. The BZA may add conditions to an approval.
 - d. The Planning Director shall refuse to accept a petition for a special exception within six (6) months of the date of denial when said petition involves the same subject matter. However, the Planning Director shall have the authority and discretion to determine that a petition containing major changes may justify re-filing within a six (6) month period.
- E. BZA approval of Special Exceptions: To be eligible for the granting of a special exception under this section, a person must first receive a determination from the Planning Director that a special exception is required for the intended use, change of use or for the expansion, extension, or enlargement of a use.

There shall be no cases or applications, nor any particular situation in which these rules authorize special exceptions without the approval of the BZA. Further, no previous applications shall set a precedence for any other application before the BZA.

- a. The Board may grant a special exception for a use in a district if, after a hearing, it makes findings of facts in writing, that:
 - 1. the proposal will not be injurious to the public health, safety, morals, and general welfare of the community;
 - 2. the requirements and development standards for the requested use as prescribed by this Ordinance will be met;
 - 3. granting the exception will not subvert the general purposes served by this Ordinance and will not permanently injure other property or uses in the same district and vicinity; and,
 - 4. the proposed use will be consistent with the character of the district therein, the spirit and intent of this Ordinance, and the Jeffersonville Comprehensive Plan.
- b. When considering a Special Exception the Board of Zoning Appeals may take into consideration the following items as they relate to the proposed use:
 - 1. topography and other natural site features;
 - 2. zoning of the site and surrounding properties;
 - 3. driveway locations, street access and vehicular and pedestrian traffic;
 - 4. parking amount, location, design;
 - 5. landscaping, screening, buffering;
 - 6. open space and other site amenities;
 - 7. noise production and hours of operation;
 - 8. design, placement, architecture, and building material of the structure;
 - 9. placement, design, intensity, height, and shielding of lights;
 - 10. traffic generation; and,
 - 11. general site layout as it relates to its surroundings.
- c. The Board may impose such reasonable conditions upon its approval as it deems necessary to find that the above criteria will be served.
- d. The Board may permit or require the owner of the parcel of property to make a written commitment concerning the use or development of the parcel as specified under IC 36-7-4-921 and have such commitment recorded in the County Recorder's Office.
- e. The Board may limit special exceptions to a specific individual and/or a specific time period and for a specific use.
- f. A use authorized by special exception may not be changed, expanded, extended, or enlarged unless reauthorized by the Board under the procedures set forth in these rules for granting a special exception.
- g. If the Board grants the special exception, it shall direct the applicant to apply for a Building Permit and/or an Improvement Location Permit within four (4) months or the special exception will be void. If such application complies with all Ordinances and rules, a Building Permit and/or an Improvement Location Permit for the use authorized by special exception shall be issued.

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- h. A special exception granted for a specific use ceases to be authorized and is void if that use is not 50% established within a twelve-month period of the date the special exception was granted. A special exception, granted for a specific use ceases to be authorized and is void if that use is discontinued at that site for a consecutive six (6) months.
 - i. A special exception may be terminated by the Board of Zoning Appeals as follows:
 1. Upon the filing of an application by an interested person or a member of the staff, and after which a public hearing is held with notice to the property owner; and,
 2. At the public hearing a finding is made by the Board that one or more of the following has not been complied with:
 - The terms of this Ordinance,
 - The conditions placed on approval, and
 - The written commitments made in conjunction with the original special exception application.
- F. Administrative Appeal: The following procedure applies to Administrative Appeal Petitions:
- a. The applicant shall submit a written statement specifying the grounds for the appeal and any applicable supporting material within thirty (30) days of the decision alleged to be in error.
 - b. The administrative official or body from the which appeal is taken shall transmit to the Board of Zoning Appeals all documents, plans and papers constituting the record of action from which the appeal is taken.
 - c. Administrative appeals require public notice in the newspaper per I.C. 5-3-1-2 and 5-3-1-4.
 - d. At their next regularly scheduled public meeting, the BZA shall then review:
 - The written statement and supportive material submitted by the applicant;
 - The record of action supplied by the administrative official or body from the which appeal is taken;
 - The testimony of the applicant; and
 - The testimony of the administrative official or body from which the appeal is taken.
 - e. The BZA may grant, deny, or table the appeal. The BZA may add conditions to any application which was approved at the appeal stage.
- G. Zoning Amendments: The following procedure applies to Zoning Amendment Petitions (Zoning Map/re-zoning).
- a. The applicant shall submit an application, required supportive information, and application fee thirty (30) days prior to the regularly scheduled Plan Commission meeting.
 - b. The Plan Commission will then review the application and required supportive information. The Plan Commission may recommend approval, recommend denial or table the petition.
 - c. If the petition has not been tabled, it will then be forwarded to City Council for review. The City Council will review the application, required supportive material and Plan Commission recommendation. The Council may approve, deny or table the petition.
 - d. Upon reviewing a zoning amendment petition the following should be considered:
 1. The Comprehensive Plan;
 2. Current conditions and character of structures and uses in each district;
 3. The most desirable use for which the land in each district is adapted;
 4. The conservation of area values throughout the jurisdiction;
 5. Responsible development and growth;
 6. The Jeffersonville Comprehensive Plan Land Use Map identifies the Utica Pike (Market Street) corridor as a major transportation thoroughfare;
 7. The Comprehensive Plan mentioned the need for signature entrances near the city boundaries for other thoroughfares including Utica Pike;
 8. There are several undeveloped tracts within the UP-OL that are zoned M1;
 9. There are several homes within the UP-OL that would not meet the minimum floor area standards that petitioners propose;

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10. Any such home destroyed as a result of fire or natural hazard would have to meet the new floor area standards, according to the proposal; and
 11. There are other non-residential zones that are located within the UP-OL; and
 12. Variances are allowed by State Law.
- H. Planned Unit Developments: The following procedure applies to Planned Unit Development Petitions. For more detailed procedure information, refer to Article Eight of this Ordinance.
- a. Prior to filing a rezone petition, the applicant shall submit a conceptual sketch plan to the Planning Director. The Planning Director shall make a cursory review of the conceptual plan and give the applicant comments within fifteen (15) days of submission.
 - b. The applicant shall submit an application for a rezone to the PD classification and detailed development plan, required supportive information, and application fee thirty (30) days prior to the regularly scheduled Plan Commission meeting. If a subdivision plat is necessary prior to an Improvement Location Permit it shall be filed at this time and shall follow those procedures set forth in the Jeffersonville Subdivision Control Ordinance.
 - c. The Plan Commission will then review the application and required supportive information. The Plan Commission may recommend approval, recommend denial or table the petition.
 - d. If the petition has not been tabled, it will then be forwarded to City Council for review. The City Council will review the application, required supportive information and Plan Commission recommendation. The Council may approve, deny or table the petition.
 - e. In their review of the detailed development plan the Plan Commission and City Council should consider the extent to which the proposal fulfills the intent of Article Eight of this Ordinance and the spirit and intent of the Comprehensive Plan.
- I. Development Plans: The following procedure applies to Development Plan Petitions. For more detailed procedure information, refer to Article Nine of this Ordinance.
- a. The applicant shall submit an application, required supportive information, and application fee thirty (30) days prior to the regularly scheduled Plan Commission meeting.
 - b. The Plan Commission will then review the application and required supportive information. The Plan Commission may approve, deny or table the petition.
 - c. If Development Plan approval is delegated to the Planning Director, the Planning Director will have thirty (30) days from the date of filing to approve or disapprove a development plan petition in writing. Any interested party may appeal the decision of the Planning Director to the Plan Commission within thirty (30) days of the written decision.
 - d. The Plan Commission or Planning Director may impose conditions or require written commitments as a condition of approval, if the conditions are reasonably necessary.
 - e. The Plan Commission or Planning Director shall make written findings concerning each decision to approve or disapprove a development plan. The Planning Director shall be responsible for preparing and signing written findings of the Plan Commission.
- J. Sign Permits for Permanent Signs: The following procedure applies to Sign Permit Petitions for Permanent Signs.
- a. An application for a permit shall be filed with the Planning Director and shall be accompanied by information as may be required by the Planning Director to assure compliance with the laws and regulations of the City, including:
 - Name and address of the property owner of the premises on which the sign is located or is to be located.
 - Name and address of the owner of the sign.
 - Clear and legible drawings with description showing the dimensions of the proposed sign and its proposed location.
 - The size and location of all signs on the same parcel or owned by the same business.

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- b. An application for a permit shall be reviewed and approved by the Planning Director.
 - c. The permit fee as specified by the Official Fee Schedule shall be delivered to the Building Commissioner or Planning Director. If any sign is hereafter erected, placed, installed or otherwise established on any property before obtaining a permit as required herein, the fees specified shall be doubled. Payment of such double fee shall not relieve any person from compliance with other provisions of this code and penalties prescribed herein.
 - c. A sign permit issued under the provisions of this Ordinance shall not be deemed to constitute permission or authorization to maintain an unlawful sign nor shall it be deemed as a defense in an action to remove an unlawful sign.
 - d. A sign permit shall become null and void if work has not been started within twelve (12) months of the date of the permit or completed within eighteen (18) months of the date of the permit.
 - e. The following shall not be considered as creating a sign and therefore shall not be required to have a sign permit unless other specified.
 - 1. Changeable Copy - The changing of advertising copy or messages on an approved sign such as a theater marquee and similar approved signs which are specifically designed for the use of replaceable copy.
 - 2. Maintenance - Painting, repainting, cleaning or other normal maintenance and repair of a sign or sign structure unless a structural change is involved, or a change in copy is involved.
 - 3. Exempt Signs - exempt signs as described in Section 7.17G.
- K. Sign Permits for Temporary Signs: The following procedure applies to Sign Permit Petitions for Temporary Signs.
- a. An application for a permit shall be filed with the Planning Director and shall be accompanied by information as may be required by the Planning Director to assure compliance with the laws and regulations of the City, including:
 - 1. Name and address of the property owner of the premises on which the sign is located or is to be located.
 - 2. Name and address of the owner of the sign.
 - 3. Clear and legible drawings with description showing the dimensions of the proposed sign and its proposed location.
 - 4. Nature of device to be used.
 - 5. Period of time the device is to be used.
 - b. An application for a permit shall be reviewed and approved by the Planning Director.
 - c. The permit fee as specified by the Official Fee Schedule shall be paid to the Building Commissioner or Planning Director. If any sign is hereafter erected, placed, installed or otherwise established on any property before obtaining a permit as required herein, the fees specified shall be doubled. Payment of such double fee shall not relieve any person from compliance with other provisions of this code and penalties prescribed herein.
- L. Improvement Location Permit: The following procedure applies to Improvement Location Permit Petitions.
- a. No building, structure, or major infrastructure shall be erected, moved, added to, demolished or structurally altered without an Improvement Location Permit approved by the Planning Director and issued by the Building Commissioner or Planning Director. No Improvement Location Permit shall be issued by the Building Commissioner or Planning Director unless the project is in conformity with the provisions of this Ordinance. Changes of use or expansions of use also require an Improvement Location Permit.
 - b. An application for an Improvement Location Permit shall be submitted at least fifteen (15) days prior to the issuance of an improvement location permit and shall include the following items.
 - 1. The common address for the subject property and parcel number,

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2. A site location map showing the context around the subject property (aerial or USGS maps are preferred),
 3. Plans drawn to scale showing the actual dimensions and shape of the lot to be built upon,
 4. The exact sizes and locations of all buildings, wells, and septic systems already existing, if any,
 5. The location and dimensions of the proposed building(s) or alteration, including all paved areas,
 6. Building setback distances from all property lines, and from existing and proposed road right of ways,
 7. Width and length of all entrances and exits to and from the real estate, and
 8. Location of floodplain boundaries or wetlands.
- c. The application shall also include such other information as lawfully may be required by the Plan Commission or Planning Director to determine conformance with and provide for the enforcement of this ordinance including but not limited to:
 - Elevations of the existing or proposed building or alteration,
 - Detailed description of the existing or proposed uses of the building and land,
 - The number dwelling units or rental units the building is designed to accommodate,
 - Natural, physical or hazardous conditions existing on the lot,
 - Landscape plan,
 - Lighting Plan and
 - Copy of Drainage approval (if applicable).
 - d. The approved plans and application materials are retained by the Plan Commission, Planning Director or Building Commissioner's Office. Site plans must be prepared by a land surveyor licensed in the State of Indiana.
 - e. Expiration of Permits:
 1. If the work described in any Improvement Location Permit has not begun within four (4) months from the date of issuance, said permit shall expire. No written notice shall be given to the persons affected.
 2. Completion of Work: If the work described in any Improvement Location Permit has not been completed within one (1) year for a primary structure or accessory structures or other improvements of the date of issuance thereof, said permit shall expire. No written notice of expiration shall be given to the persons affected. Work shall not proceed unless and until a new Improvement Location Permit has been obtained.
 3. The Planning Director may give three (3) extensions for up to three (3) months each for work completion. Requests for extensions must be received within one (1) month of the expiration. A fee will be charged.
 - f. Construction According to Permits and Permit Application: Improvement Location Permits issued on the basis of plans and applications only authorize the use, arrangement, and construction set forth in such approved plans and applications. Any other use, arrangement, or construction not authorized shall be deemed as a violation of this ordinance and subject to an order of removal, mitigation, or penalty fees.

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- g. The City of Jeffersonville hereby requires that an Improvement Location Permit be obtained for the following:

- All residential dwellings,
- Mini-barns over 120 square feet without a foundation; or any size with a foundation,
- Other detached residential accessory buildings (with foundation or overhead structures),
- Detached and attached garages, carports, and stables,
- Temporary structures,
- Swimming pools (in ground or above ground),
- Alterations, modification, exterior remodeling, or additions to all structures,
- Tents (commercial only),
- All commercial, industrial, multifamily and institutional buildings,
- Structures other than buildings (including satellite dish, towers, antennas),
- Surface and subsurface drainage work (including land alteration but excluding agricultural uses),
- Street cuts,
- Curb cuts,
- Removal of trees and plants within buffer yards required by this ordinance,
- Removal of trees and plants required by the landscaping provisions of this ordinance,
- Adding or subtracting dwelling units or leased space in multifamily or commercial structures,
- Placement or moving of manufactured or mobile homes,
- Parking lot construction, alteration, expansion, or removal, and paving of a gravel lot,
- Construction of or alterations to ponds or lakes,
- Mineral extraction,
- Telecommunication facilities,
- Any exterior construction that adds to or alters the height of the existing structure, and
- Any change of use or expansion of use of property.

M. Certificate of Occupancy: The following procedures apply to a Certificate of Occupancy Petition.

- a. It shall hereby be declared unlawful and in violation of the provisions of this ordinance for any builder or property owner to allow any new or significantly remodeled structure to become occupied or utilized prior to:
 1. Legally obtaining an Improvement Location Permit and Building Permit,
 2. Passing a final inspection to be conducted by the Building Commissioner's Office; and
 3. Receiving an approval on the Certificate of Occupancy from the Planning Director.
- b. A Certificate of Occupancy shall only be received if all requirements of the Improvement Location Permit /Building Permit have been completed. Due to weather or other circumstances, a Certificate of Occupancy may be issued without all the required landscaping installed if a landscape bond is provided. The landscape bond shall be one and half times (1 1/2) the cost of the planting and installation cost. In order to determine the bond amount, a quote of the actual cost will be provided by the developer's landscape contractor.

12.4 Schedule of Fees

The City Council shall maintain an Official Fees Schedule for permits and processes outlined in this Ordinance. Penalties, collection procedures for permits and penalties, appeals process, and other petition processes pertaining to this Ordinance are considered a part of this Ordinance. The Fees Schedule shall be available to the public in the office of the Clerk-Treasurer and the Planning Director. The Fees Schedule may be amended by a recommendation submitted to the City Council by the Plan Commission followed by the City Council approving said amendments by resolution.

Until all applicable fees, charges, and expenses have been paid in full, no final action shall be taken on any permit application, appeal, or petition.

Article Thirteen

Enforcement and Penalties

Article Thirteen

Enforcement and Penalties

13.1 Authority

The Plan Commission, Board of Zoning Appeals, City Council, and/or the Planning Director, the Building Commissioner, the Fire Marshal, and their delegates are designated to enforce the provisions, regulations, and intent of this Ordinance.

13.2 Violations

Complaints made pertaining to the Zoning Ordinance may be investigated by the Planning Director, the Building Commissioner, the Fire Marshal and/or their delegates. Also, any violations suspected by the Plan Commission, City Council or Planning Director shall be investigated by the Planning Director or his/her delegate. Action may or may not be taken depending on the findings. The degree of action will be at the discretion of the investigating person(s) and should reflect what is warranted by the violation.

13.3 Inspection of Property

Investigations of property may be conducted by the Planning Director, the Building Commissioner, the Fire Marshal, and/or their delegates either from a right-of-way without permission of the property owner, or adjacent property (with permission), or from the property suspected of a violation once the inspector has presented sufficient evidence of their authorization and described the purpose of the inspection to the owner, tenant, or occupant at the time of the inspection.

In the event that the investigator(s) is (are) denied entry, and providing there is evidence of violation of this Ordinance, the Plan Commission, City Council or Planning Director may apply to the court of jurisdiction to invoke legal, equitable, or special remedy for the enforcement of this Ordinance or any applicable ordinances adopted under State Code. The application shall include the purpose, violation(s) suspected, property address, owner's name if available, and all relevant facts. Additional information may be necessary as requested by the court.

The warrant issued shall order the owner, tenant, and/or occupant to permit entry by the Planning Director, the Building Commissioner, the Fire Marshal, and/or their delegates for the purposes documented in the application for the warrant.

13.4 Responsibility of Violations

The owner, tenant, and/or occupant of any property or building, or part thereof, shall be responsible for the violation. Architects, builders, developers, or agents thereof may also be found responsible for the violation if evidence of their involvement or negligence is found. Ultimately, if fault is not clearly found in whole or in part in persons other than the Owner, the Owner shall be held responsible in whole or in part as warranted by the Plan Commission, Board of Zoning Appeals, City Council, or Planning Director.

13.5 Liability

A structure that is raised or converted, or land used in violation of this Ordinance or its subsequent amendments may be deemed a common nuisance and the owner or possessor of the structure, or land is liable for said nuisance.

13.6 Violations During the Construction/Building Process

The Plan Commission or Planning Director may place a stop-work-order or violation notice on any lot improvement process. Stop-work-orders shall be issued by written notice which shall state the violation and that work or the illegal activity must stop immediately until the matter is resolved. This letter shall be posted in a conspicuous place or be delivered/mailed to the owner, developer, property manager, tenant, or occupant. The Plan Commission or Planning Director must meet with the person(s) served the stop-work-order notice within seven (7) days of such a request. A memorandum of agreement shall be drafted stating the conditions in which construction or action may be resumed. This memorandum of agreement must be signed by the owner, developer, property manager, tenant, or occupant that has caused or is responsible for the violation and the Planning Director or Plan Commission President.

A. Reasons for a Stop-Work-Order include:

- Not complying with Development Standards and/or any regulations of the Zoning or Subdivision Control Ordinance.
- Not obtaining an Improvement Location Permit.
- Not meeting the conditions or commitments of a special exception, variance, or Building Permit.
- Not meeting the conditions of Development Commitments, Development Plans, Detail Plans, or covenants which are enforceable by the Plan Commission.
- Not obtaining any other permit necessary for site/property improvement as called out in local Code, Zoning Ordinance, or Subdivision Control Ordinance.
- Illegal use or expansion of use of building/structures or building/structures and land in combination.

13.7 Types of Violations

The following items shall be deemed civil zoning violations, enforceable by the Plan Commission, City Council and/or Planning Director. Penalties may be imposed based on the provisions set forth in this Article.

- A. The placement of a primary structure, accessory structure, sign, structures or any other element which does not conform with the provisions or explicit intent of the Zoning Ordinance as determined by the Plan Commission or Planning Director.
- B. The erection of a primary structure, accessory structure, sign, structures or any other element which does not conform with the provisions or explicit intent of the Zoning Ordinance as determined by the Plan Commission or Planning Director.
- C. The failure to maintain a primary structure, accessory structure, sign, or any other element including property maintenance as determined by the Plan Commission or Planning Director.
- D. Failure to obtain an Improvement Location Permit or any other required permit under this Ordinance when required prior to initiation of improvements, change of land use, or other modifications regulated under this Ordinance.
- E. Conducting a use or uses that do not comply with the provisions or explicit intent of the Zoning Ordinance.
- F. Any failure to comply with and/or any regulations of the Zoning Ordinance, including, but not limited to the following: Development Standards, Improvement Location Permit, Development Plan, Planned Development, or Conditions imposed.
- G. Proceeding with work under a Stop-Work-Order or a violation of a Memorandum of Agreement.
- H. Any failure to comply with commitments made in connection with a rezoning, approval of a Development Plan, Detailed Plan, Special Exception, Variance, or other similar or documentable commitment, including verbal agreements during official Plan Commission, City Council, or BZA meetings.
- I. Failure to obtain a Certificate of Occupancy.

13.8 Procedure for Violations

There shall be a three step procedure for violations of this Ordinance. These steps are as follows:

- A. The Plan Commission, Planning Director or designated representative of the Plan Commission or City Council shall issue a Notice of Violation letter to the person(s) who have committed, in whole or in part, a violation. The Notice of Violation letter will state that a Violation has been determined and that it must be corrected within fifteen (15) days of the postmarked date of notice. If the Violation is not corrected within fifteen (15) days the fines for First Violation will be imposed. The Notice of Violation letter may include a listing of fines and penalties for informational purposes. If the violation has been corrected within the fifteen (15) days from the postmarked date of the Notice of Violation letter, no further action will be taken and no fines will be imposed.
- B. If the violation stated in the Notice of Violation letter is not corrected within fifteen (15) days the fines for a First Violation shall be imposed. The person(s) in violation will have fifteen (15) days to pay said fees and comply with the penalties. The person(s) in violation must correct the violation within fifteen (15) days or face additional Notices of Violation. The Plan Commission may extend the time period needed to correct the violation if the violator is working in good faith to remedy the problem.
- C. If the person(s) in violation refuses to pay or comply with the penalties, or correct the violation, after the first Notice of Violation, the Plan Commission or City Council or their designee may progressively impose fines as outlined in the Fines and Penalties section (13.9) or may impose liens against the property and/or take legal action through the court system.
- D. It is not mandatory for a violator to be Noticed multiple times before liens or court action are sought. The Plan Commission or City Council must determine which course of action will best result in the correction of the violation after a first Notice of Violation is noneffective.

13.9 Fines and Penalties

- A. Monetary fines will be imposed with the First Notice of Violation for each civil violation determined upon a single inspection as follows:

First Notice	\$100.00 first civil violation determined
	\$150.00 second civil violation determined
	\$200.00 fore each additional civil violation determined

- B. Additional monetary fines will be imposed for each subsequent notification and for each civil violation. Notices for violations shall be sent no sooner than fifteen (15) days after the previous notice.

Second Notice	\$ 150.00 first civil violation determined
	\$ 200.00 second civil violation determined
	\$ 250.00 for each additional civil violation determined

Third Notice	\$ 250.00 first civil violation determined
	\$ 300.00 second civil violation determined
	\$ 350.00 for each additional civil violation determined

Each Additional Notice	\$500.00 per civil violation
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- C. Payment of any violation shall be delivered to the Planning Director who shall deposit the funds in the General Fund or Plan Commission Fund as determined by the City Council. A receipt of payment must be recorded and a receipt issued to the person making payment.
- D. The Board of Zoning Appeals by mandatory injunction in the circuit court and/or superior of the county against the owner or possessor of the real estate, may require the removal of a structure erected in violation of this Ordinance, or the removal of any use or condition in violation of this Ordinance.
- E. Any person who initiates site or structural changes, or change of use of structure or property prior to obtaining an Improvement Location Permit or any other required permit will pay three times (3x) the amount of the normal permit fee as the First Notice of Violation. Said person will be subject to additional fines and penalties as per the schedule in (13.9B) above for civil violations if a permit is not filed within fifteen (15) days of the First Notice.

13.10 Appeals or Trials

Any person receiving a notice of violation and/or fines may appeal the violation and/or fine to the Board of Zoning Appeals or to the court of jurisdiction. A written statement from the person in violation shall be submitted to the Planning Director via Certified Mail at least three (3) days prior to the date the fine is due in order to appeal the violation.

No additional notices will be issued by the Plan Commission in the event the person(s) in violation has (have) submitted a written statement of their intention to Appeal or go to trial.

The person(s) in violation shall have thirty (30) days to file for a hearing with the BZA or court of jurisdiction. Also the person(s) in violation shall have a maximum of two (2) years to complete the hearing process with the BZA. Failure to meet these deadlines will reinstate all fines due by the person(s) in violation.

Fines due will be postponed until the BZA or court of jurisdiction have made a ruling as to the violation and/or fine.

13.11 Enforcement, Remedies, and Injunctive Relief

All remedies and enforcement shall comply with the powers set forth in IC 36-7-4-1000 et. al. and all other applicable state law.

- A. The Plan Commission or any enforcement official designated by this Ordinance may bring an action in the Circuit or Superior Court of the County to evoke any legal, equitable, or special remedy, for the enforcement of any ordinance or regulation created under IC 36-7-4, and its subsequent amendments. This includes but its not limited to the Zoning Ordinance, Subdivision Control Ordinance, etc.
- B. The Plan Commission or any enforcement official designated by this Ordinance may also bring an action in the Circuit or Superior Court of the County to enforce:
 - Agreements between the Plan Commission or its designees which have been recorded as covenants in connection with a subdivision plat, a development plan, or a planned development.
 - Commitments made in accordance with IC 36-7-4 et al.
 - Conditions imposed in accordance with IC 36-7-4 et al.
- C. The Board of Zoning Appeals, or any enforcement official designated by this Ordinance may bring action in the Circuit or Superior Court of the County to restrain a person violating IC 36-7-4 et al. or any ordinance adopted under IC 36-7-4 et al. which includes but its not limited to the Zoning Ordinance, Subdivision Control Ordinance, Sign Ordinance, etc.
- D. The Board of Zoning Appeals or any enforcement official designated by this Ordinance may also bring an action in the Circuit or Superior Court of the County for a mandatory injunction, directing to remove a structure erected in violation of this Ordinance or applicable State Code. If the Board of Zoning Appeals, or its designated enforcement official is successful in its action, the respondent shall bear all costs of the action.
- E. An action to enforce a commitment made in accordance with IC 36-7-4 et al. may be brought in the Circuit or Superior Court of the County by:
 - Any person who is entitled to enforce a commitment made in accordance with IC 36-7-4 et al. under the rules of the Plan Commission or the Board of Zoning Appeals in force at the time the commitment was made; or
 - Any other specially affected person who was designated in the commitment.

Article Fourteen

Definitions

Article Fourteen

Definitions

14.1 General:

The definitions contained in this Article shall be observed and applied in the interpretation of all Articles in this Ordinance, except where the context clearly indicates otherwise. Words used in the present tense shall include the future; words used in the singular number shall include the plural and the plural the singular; words used in the masculine gender shall include the feminine.

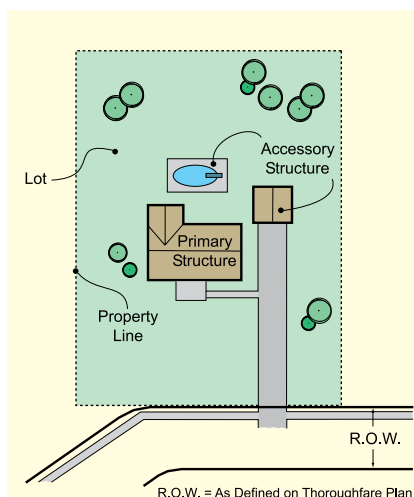
14.2 Defined Words:

The following terms shall have the following meanings:

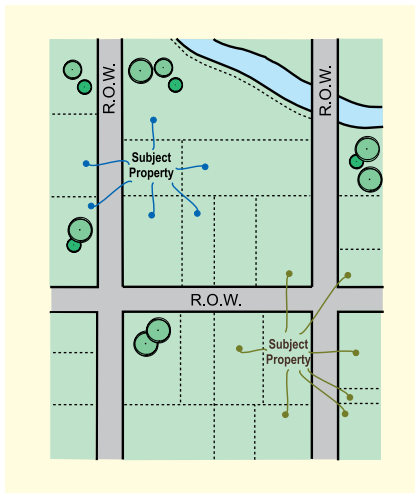
Abandonment: The relinquishment of property or a cessation of the use of the property for a continuous period of one year by the owner with the intention neither of transferring rights to the property to another owner nor of resuming the use of the property.

Accessory Building, or Structure: A building or structure which:

- Is subordinate to a primary building or structure in area, intent, and/or purpose,
- Contributes to the comfort, convenience, or necessity of occupants of the primary building, structure, or principal use,
- Does not alter or change the character of the premises,
- Is located on the same zoning lot as the primary building, structure, or use,
- Conforms to the setback, height, bulk, lot coverage, and other requirements of this Ordinance unless otherwise provided for by this Ordinance,
- May not be constructed prior to the time of construction of the primary building or structure, unless used for agricultural or personal storage or otherwise specified in this Ordinance,
- Is not designed for human occupancy as a dwelling or commercial use, and,
- In the case of a telecommunications tower, antenna, or other radio or cellular communications or equipment, a subordinate structure detached from but located on the same site, the use of which is incidental and accessory to that of the principal telecommunications tower, antenna, or other radio or cellular communications equipment.



Adjacent Property: Any property adjacent to or directly diagonal to the subject property. Properties across a public right-of-way (ROW) are also considered adjacent. The illustration below notes the properties that would be considered adjacent to two different subject properties.



Adult Bookstore: An establishment having more than ten percent (10%) of its stock in trade or its dollar volume in books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, tapes, records or other forms of visual or audio representations which are distinguished or characterized by their emphasis on matter depicting, describing or relating to sexual activities or sexual anatomical areas.

Adult Entertainment: An adult bookstore, adult retail store, adult motion picture theater, or adult strip club or like uses.

Adult Motion Picture Theater: A facility for audio and visual productions and performing arts specifically for adult motion pictures and adult entertainment.

Adult Retail Store: An establishment having more than ten percent (10%) of its stock in trade or its dollar volume in devices, toys, audio or visual recordings, games, attire, or other items intended for adult sexual activities or used for erotic, pornographic, or related sexual activities.

Adult Strip Club: A facility (indoor or outdoor; and private or public) for audiences or individuals to observe nudity or partial nudity of any person, or any other services appealing to or designed to appeal to erotic or sexual appetites or inclinations.

Advisory Plan Commission: A plan commission serving a single local government jurisdiction established as defined under the Indiana Code, 36-7-1-2 (1983) as amended. The Jeffersonville Plan Commission is an Advisory Plan Commission.

Agriculture: The use of land for agriculture purposes, including farming, dairying, pasturage, apiculture, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any accessory uses shall be secondary to that of the normal agricultural activities.

"Agriculture" does not include feed lots, stock yards, or the commercial feeding of garbage or offal to swine or other animals.

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

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

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

Arterial Street: See Street, Arterial.

Assisted Living Facility: A residential facility where assistance with daily activities, such as taking medicine, dressing, grooming, and bathing are provide for the aged or infirm, or any other reasonably independent person in need of nursing care; and which does not contain equipment for surgical care or for treatment of disease or injury, and is not inclusive of patients being treated for mental illness or alcohol or drug addiction. Assisted living facilities have private rooms that are not shared by non-related persons.

Attached Building: A building that is structurally connected to another building by a foundation, wall, or roof line. Carports, garages, porch awnings and the like are considered attached buildings and must abide by all regulations pertaining to primary structures.

Auto Body Repair Shop: Any building or premissis for the major or minor repair or rebuilding of body, frame, or paint. This does not include those services typically performed by mechanical repair shops, except minor mechanical repairs will be allowed if done in conjunction with body repair.

Auto Parts Stores: Chain or local stores who sell parts, supplies, and products normally used by personal consumers or others who commercially do auto repair. It is the intent that any item purchased at the site is removed and taken off site for use.

Auto Repair, Major: Engine rebuilding or major reconditioning of worn or damaged motor vehicles or trailers; collision service, including body, frame, or fender straightening or repair; and overall painting of vehicles.

Auto Repair Shop: Any building or premissis for major or minor repair or rebuilding of electronic systems or mechanical drivelines of motor vehicles, both private and commercial. THis does not include those services typically performed by auto body repair shops, except minor body work or paint may be done in conjunction with repair of mechanical or electronic systems.

Auto Sales (Open Air, Limited Mechanical Services or Body Shop): Any building or premissis for the sale of primarily pre-owned vehicles and light trucks or recreational vehicles conducted with a service facility for light maintenance and repairs.

Auto Sales (Open Air, No Services): Any building or premissis for the sale of primarily pre-owned vehicles ande light trucks conducted with no showroom or mechanical repair facilities for consumer automobile maintenance and repair.

Auto Sales (With Showroom, Open Air, Full Service Mechanical, With or Without Body Shop): Any building or premissis for the sale of new or pre-owned vehicles, including light and medium trucks, motorcycles, and recreational vehicles. The service facility shall offer major and minor repairs to vehicles sold or to individuals seeking service only. This would also include a warranty repair center.

Auto Service (Tire or Muffler Shop): Any building or premissis for the quick lubrication and oil change as well as the removal and installation of brakes, mufflers and tires, and related quick service. This is not to normally be used for lengthy repairs, but for tasks that can be accomplished in brief periods where individual customers would normally wait for the service to be provided.

Auto Service Station: Any building or premises used for the dispensing, sale, or offering for sale to the public, automobile fuels stored only in underground tanks and located wholly within the lot lines; lubricating oil or grease for the operation of automobiles; and the sale and installation of tires, batteries, other minor accessories,

and minor auto repair, but not including a bulk plant, conducting of major auto repairs, automobile wrecking, automobile sales, or car washes; provided, however, that the washing of individual automobiles where no chain conveyor is employed may be included.

Average Setback: An average of the front yard setbacks of structures on either side of the subject property. If the average setback encroaches into the right-of-way, permission is not required from the Jeffersonville Board of Zoning Appeals. If the subject property is a corner lot, the average of the front yard setback of structures adjacent to the subject property, along with the front yard setback of structures directly across the street of the subject property must be used.

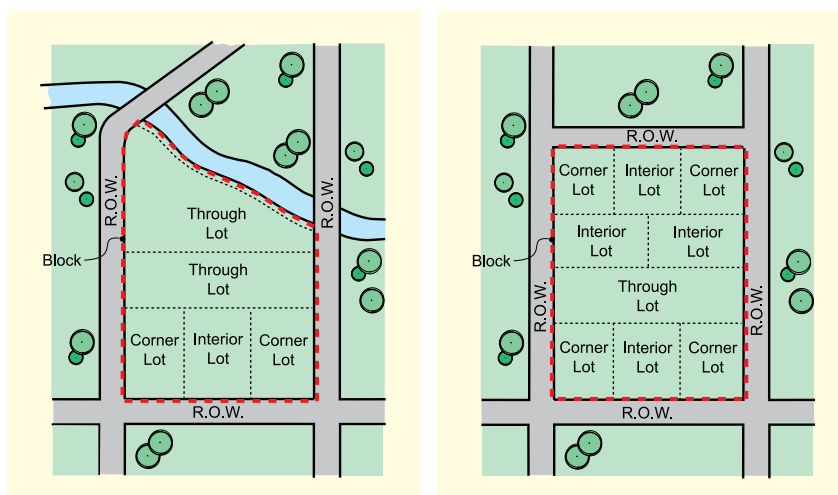
Base District Zone: A base district zone is the existing zoning district of the subject lot:

- prior to the approval of a planned development, or
- prior to the effects of an overlay district.

Bed and Breakfast Facility: An owner occupied or owner employee occupied residence containing no more than six (6) guest rooms for hire, for lodging by prearrangement for periods not to exceed three (3) consecutive weeks and providing for occasional meals daily (usually breakfast) and not a hotel, boarding house or motel.

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

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



Board: See Board of Zoning Appeals.

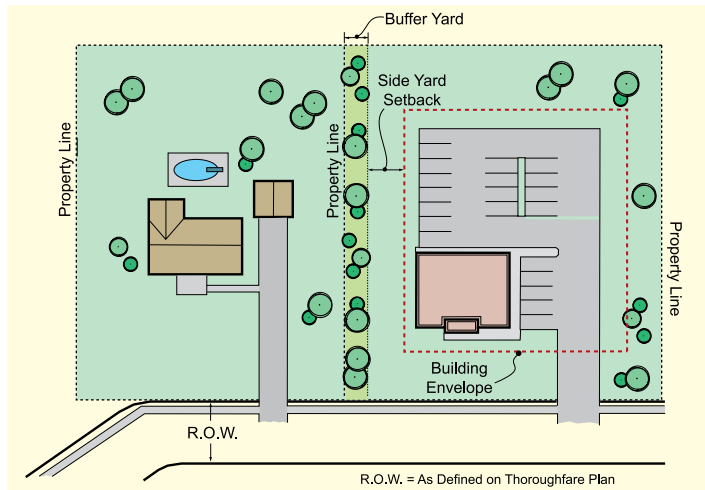
Board of Zoning Appeals: The Jeffersonville Board of Zoning Appeals or any division thereof.

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

Bond: Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Plan Commission. All bonds shall be approved by the Commission wherever a bond is required by these regulations.

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

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



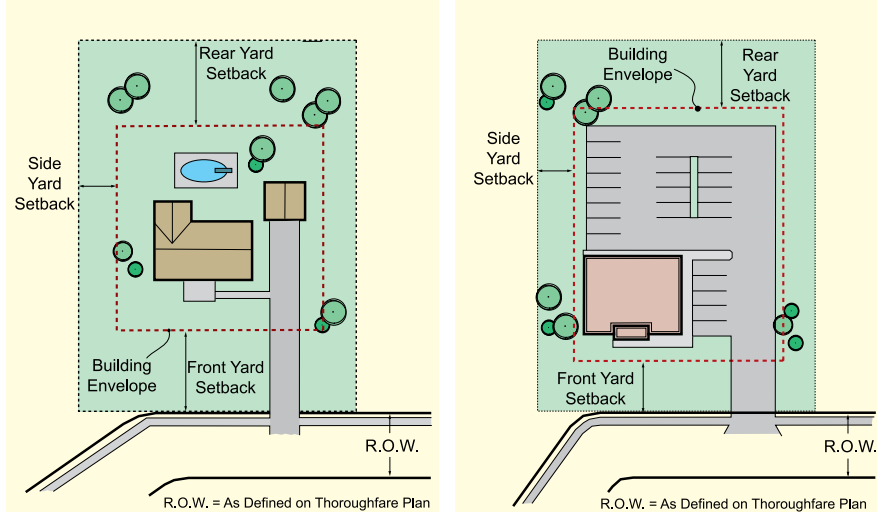
Building: A structure having a roof, supported by columns or walls, for the shelter, support, or enclosure of persons, property, or animals; and when separated by division walls from the ground up and without openings, each portion of such building shall be deemed as a separate building.

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

Building Code: The Indiana Building Code which establishes and controls the standards for constructing all forms of permanent structures and related matters. Also referred to herein as the Jeffersonville Building Code.

Building Height: see Structure Height.

Building Envelope: The setback lines that establishes an area on a lot in which building can occur.



Business: The engaging in the purchase, sale, barter, or exchange of goods, wares, merchandise, or services, or the maintenance or operation of offices, recreational, or amusement enterprises.

Business Districts: Refers to the NC, OC, DC, HC, C1 and C2 Districts.

BZA: See Board of Zoning Appeals.

Campground: Any site, lot, field, or tract of land designed with facilities for short term occupancy by recreational vehicles and other camping equipment but not including mobile homes.

Cellular Communication Equipment: Antennas and other transmitting and/or receiving device or other associated devices used in the provision of telecommunications service.

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

Central Water System: A community water supply system including existing and new wells and/or surface water sources and intakes, treatment facilities, and distribution lines and includes such of the above facilities established by the developer to serve a new subdivision or commercial/ industrial development.

Central Sewer System: A community sewer system including collection and treatment facilities owned and maintained by the City of Jeffersonville.

Certificate of Compliance: A certificate that is issued prior to the Certificate of Occupancy stating that the building, structure or use has been constructed and complies with the provisions of this Ordinance, Developer Commitments, and all conditions of the Plan Commission or BZA. A posting of bond may be accepted for incomplete requirements that will be completed as per a written agreement. The time period and amount of bond shall be determined by the Planning Director.

Certificate of Occupancy: A certificate stating that the occupancy and use of a building or structure complies with the provisions of all applicable Jeffersonville Codes and Ordinances.

Child Care Home: An establishment providing non-overnight care, supervision, and protection of children in private residences which is ancillary to the primary use as residential. A residential structure in which at least (6) children (not including the children for whom the provider is parent, stepparent, guardian, custodian, or other relative) at any time receive child care from a provider: (1) while unattended by a parent, legal guardian or custodian; (2) for regular compensation; and (3) for more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays, and holidays. The term includes class I child care home and class II child care home as defined in IC 12-7-2-33.7 and IC 12-7-2-33.8.

Child Care Center: Any institution operated for the care of children, licensed pursuant to I.C. 12-3-2-3.1, et seq., and as defined by Indiana Code Section 12-3-2-3.

Child Care Institution: (A) a residential facility that provides child care on a twenty-four (24) hour basis for more than ten (10) children; or
(B) a residential facility with a capacity of not more than ten (10) children that does not meet the residential structure requirements of a group home; or
(C) operates under a license issued under IC 12-17.4; provides for delivery of mental health services that are appropriate to the needs of the individual; and complies with the rules adopted under IC 4-22-2 by the Division of Family and Children.

Children's Home: see Child Care Institution.

City: The City of Jeffersonville.

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

Co-location Site: A site on an existing or proposed telecommunication tower that can be used for the installation and/or mounting of antennas or radio or cellular communication equipment that operates on a different frequency from the initial user.

Commission: See Advisory Plan Commission.

Comprehensive Plan: Refers to the Jeffersonville Comprehensive Plan. The plan includes goals, objectives and strategies for land use, growth management, transportation/thoroughfares, community facilities and services, environment concerns, infrastructure, aesthetics and identity, economic development, and parks and recreation. The plan was developed and adopted by the Commission pursuant to the I.C. 36-7-4-500 series and includes any part and/or policies separately adopted and any amendment to such plan and/or policies, or parts thereof.

Condition of Approval: Stipulations or provisions set forth by the Board of Zoning Appeals or Plan Commission required as a prerequisite for approval of a petition.

Condominium: Real estate lawfully subject to I.C. 32-1-6 (1-31), (the Horizontal Property Law), by the recording of condominium instruments, in which undivided interests in the common areas and facilities are vested in the condominium unit owners.

Construction Plan(s): The maps or drawings showing the specific location and design of improvements to be installed in accordance with the requirements of this Ordinance and the Indiana Building Code as a condition of approval.

County: Clark County, Indiana.

Covenants: Private and legal restrictions of various kinds on the usage of lots, typically within a subdivision and applied by the subdivider. In the case of public health, safety and welfare, covenants may be applied by the Plan Commission, that are recorded with the plat and deed. Covenants can also be placed on commercial and industrial developments. Unless specifically agreed to, covenants are not enforceable by the Plan Commission or its designees. However, they are enforceable in civil court by interested or affected parties.

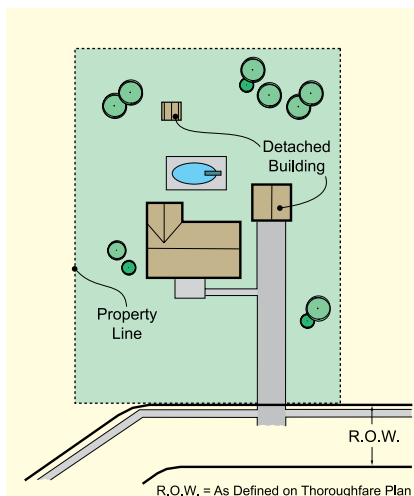
Cul-De-Sac: A street having one (1) end open to traffic and being permanently terminated by a vehicular turnaround at the other end.

DBH: Diameter-at-breast-height is a tree trunk diameter measured in inches at a height of 4.5 feet above the ground. If a tree splits into multiple trunks below 4.5 feet, the trunk is measured at its most narrow point beneath the split.

Day Care Center: See Child Care Center.

Dedication: The setting apart of land or interests in land for use by the municipality or public by ordinance, resolution, or entry in the official minutes as by the recording of a plat.

Detached Building: A building that has no structural connection with the primary building or any other building or structure.



Developer: The owner or legal representative of land proposed to be subdivided or residentially/commercially/industrially utilized.

District: Areas within the City of Jeffersonville for which uniform zoning regulations governing use, height, area, size, intensity of use of buildings and land, and open spaces about buildings, are established by this Ordinance. Districts are drawn on the Official Zoning Map.

Domestic Pets: Animals commonly used as household pets, protection, companions, and for assistance to disabled persons. Domestic pets shall include animals that are cared for and treated in a manner acceptable for pet dogs, cats, and birds. Domestic pets shall include, but not be limited to, dogs, cats, parakeets, parrots, finches, lizards, spiders, guinea pigs, hamsters, gerbils, rats, mice, rabbits, aquarium fish, ferrets, and snakes if cared for in the manner described above.

Drives, Private: See Street, Private.

Duplex: See Dwelling, Two-Family.

Dwelling: A building or structure or portion thereof, conforming to all requirements applicable to the District in which it is located, all Building Codes, and that is used exclusively for residential occupancy, including single-family dwelling units, two-family dwelling units, and multifamily dwelling units, but excluding hotels, motels, and boarding houses.

Dwelling, Manufactured Home: A single-family dwelling unit designed and built in a factory, installed as a permanent residence, which bears a seal certifying that it was built in compliance with the federal Manufactured Housing Construction and Safety Standards Law (1974 U.S.C. 5401 et seq.), and which also complies with the following specifications:

- Was constructed after January 1, 1981, and exceeds nine hundred fifty (950) square feet of occupiable space per I.C. 36-7-4(d),
- Is attached to a permanent foundation of masonry construction and has a permanent concrete or concrete block perimeter enclosure constructed in accordance with the One and Two Family Dwelling Code,
- Has wheels, axles, and towing chassis removed,
- Has a pitched roof with a minimum rise of 2/12, and
- Consists of two (2) or more sections which, when joined, have a minimum dimension of 23' in width for at least 60% of its length.

Dwelling, Mobile Home: A transportable dwelling unit which is a minimum of 8' in width and which is built on a permanent foundation or tied down with perimeter skirting when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical system contained therein, and which was manufactured either:

- Prior to June 15, 1976 and bears a seal attached under Indiana Public Law 135, 1971, certifying that it was built in compliance with the standards established by the Indiana Administrative Building Council, or
- Subsequent to or on June 15, 1976 and bears a seal, certifying that it was built in compliance with the Federal Mobile Home Construction and Safety Standards.

Dwelling, Multifamily: A residential building designed for or occupied by three (3) or more families, with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling, Single-Family: A detached residential dwelling unit designed for and occupied by one (1) family. A single family dwelling shall be at least 23 feet wide for sixty percent of its length.

Dwelling Site: A site within a manufactured home park and/or mobile home park with required improvements and utilities that is leased for the long term placement of a manufactured home and/or mobile home.

Dwelling, Two-Family: A residential building containing two (2) dwelling units designed for occupancy by not more than two (2) families.

Dwelling Unit: Any structure or portion thereof designed for or used for residential purposes as a self-sufficient or individual unit by one (1) family or other social association of persons and having permanently installed sleeping, cooking, and sanitary facilities.

Easement: A grant by a property owner to specific persons, the general public, corporations, utilities, or others, for the purpose of providing services or access to the property.

Established Setback: The average setback for existing primary structures on the two (2) lots on either side of the subject lot. If primary structures do not exist on one (1) or both sides of the subject lot, an established setback cannot be determined.

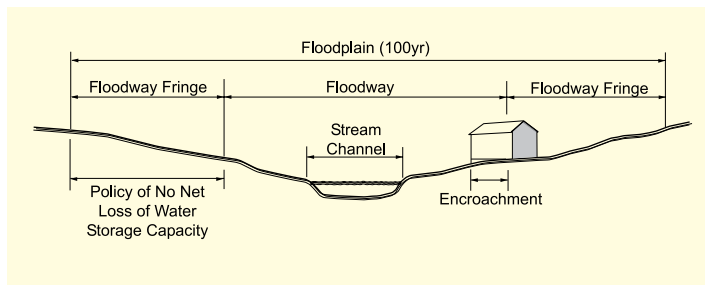
Expressway: Any roadway that operates at a high service level, consists of limited access, is divided, carries region-wide traffic and is generally classified as part of the interstate system.

Family: An individual, or two (2) or more persons related by blood, marriage, or adoption, or a group of not more than three (3) persons, not related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit.

Finished Floor Area: See Floor Area, Finished.

Fireworks: Any composition or device for the purpose of producing a visible and/or audible effect by combustion, deflagration, or detonation for entertainment purposes. Such devices include but are not limited to everything from sparklers and ground spinners to bottle rockets, roman candles, and fire crackers. Such devices are 1.4 G (Class C) fireworks. This definition includes consumer or retail fireworks as specified in IC 22-11-14-8 and any other product authorized under Indiana Law for wholesale sale to be used outside the boundaries of Indiana.

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



Flood Protection Grade: The elevation of the lowest point around the perimeter of a building at which a one hundred (100) year flood may enter any Finished Floor Area.

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

Floor Area, Finished: That portion of floor area constructed, completed, and usable for living purposes with normal living facilities which includes sleeping, dining, cooking, working, entertainment, common space linking rooms, areas for personal hygiene, or combination thereof. Floor area or portion thereof used only for storage purposes and not equipped for the facilities mentioned above shall not be considered Finished Floor Area.

Floor Area, Main: That portion of Finished Floor Area located on the first (or nearest ground level) floor of the dwelling unit. The Main Floor Area of a primary structure does not include a garage, carport, deck, unfinished storage, patio, or open porch.

Foundation: The supporting member of a wall or structure.

Freeway: See Expressway.

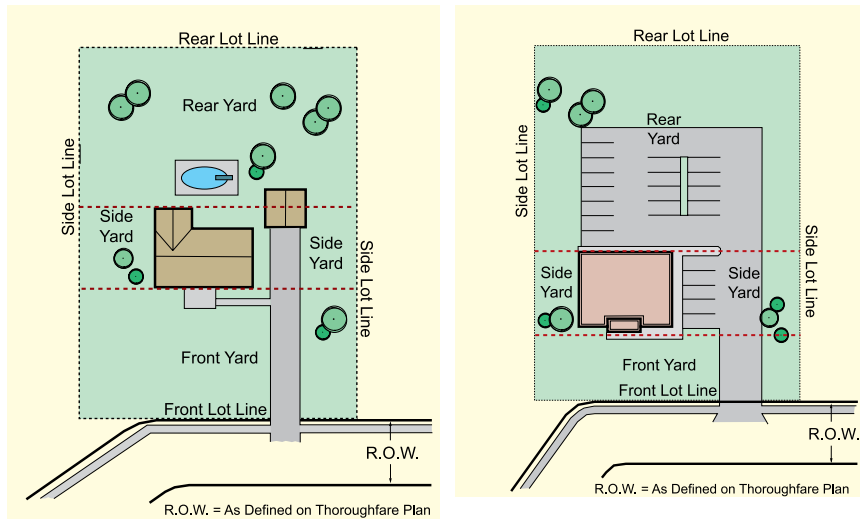
Front Line: With respect to a building, the foundation line that is nearest the front lot line.

Front Lot Line:

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

(SEE GRAPHICS FOR "FRONT YARD")

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



Frontage: See Lot Frontage.

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

Ground Floor Area: See Floor Area, Main.

Group Home: A facility that houses not more than ten (10) children that are either (A) in need of service under IC 31-34-1; or (B) children who have committed a delinquent act under IC 31-37-2-2, IC 31-37-2-3, or IC 31-37-2-5. Group homes are not subject to Covenants, deeds or other instruments pertaining to the transfer, sale, lease, or use of property that would permit the residential use of property but prohibit the use of that property as a group home as a matter of State public policy reasons. Group homes cannot be prohibited on the grounds that they are a business, the persons living in a group home are not related, or any other reason. All group homes must abide by IC 12-17.4-5 and must be a licensed facility with the State, meeting fire codes, building codes, and specific group home regulations.

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

Height: See Structure Height.

Hobby Farming: The use of land for purposes, including: dairying, pasturage, apiculture, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry. Processing and storage of harvested produce or other end products shall not be allowed on site. The hobby farming use(s) shall not exceed 40% of the land area of the lot and shall abide by all setback regulations. Hobby farming cannot be the principal income source for the owner, operator or household on site.

Hobby farming shall not include feed lots, stock yards, or the commercial feeding of garbage or offal to swine or other animals.

Home Occupation #1: Specified activities or business practices that may be carried on in a residence that have little to no impact to structure or surroundings within residential Zoning Districts. These activities or business practices do not allow the loss of the residential district's character or function as a residential area or neighborhood. To regulate minimal business practices within residential districts, development standards for home occupations have been established and can be found in Article 7 Section 7.18 Subsection HO-01.

Home Occupation #2: Reasonable business practices that may be carried on in a residence that have minimal impact within residential Zoning Districts. These business practices do not allow the loss of the residential district's character or function as a residential area or neighborhood. To regulate reasonable business practices for home occupations, development standards have been established and can be found in Article 7 Section 7.18 Subsection HO-02.

Hotel: A building in which temporary lodging or board and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public. Compensation is usually assessed on a day-to-day basis.

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

Impervious Surface: Any material that prevents absorption of stormwater into the ground such as concrete or asphalt. This does not include gravel, rock, or stone.

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

Improvement: Any permanent structure that becomes part of, placed upon, or is affixed to real estate, or any alteration to the land. In the case of the Park and Recreation District, this excludes paved walkways and plantings.

Incidental: A minor occurrence or condition which is customarily associated with a permitted use and is likely to ensue from normal operations.

Industry, Light: See Manufacturing, Light.

Industry, Heavy: See Manufacturing, Heavy.

Industrial District: Refers to the NI, I1, and I2 Districts.

Initial User: The applicant, person, organization or corporation that originally applies to the City of Jeffersonville for approval for the installation of an antenna or other radio or cellular communication equipment or for approval for the construction of a telecommunication tower or facility.

Interior Lot: See Lot, Interior.

Interstate: See Expressway.

Jurisdiction: See Planning Jurisdiction.

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

Junk Yard: A place, usually outdoors, where waste or discarded used property, including but not limited to automobiles, farm implements and trucks, is accumulated and is or may be salvaged for reuse or resale. This does not include industrial scrap metal or accumulation of organic matter.

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

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

Landscaping: The improvements of a lot with grass, shrubs, trees, and other vegetation and/or ornamental objects. Landscaping may include pedestrian walks, flower beds, berms, fountains and other similar natural and man-made objects designed and arranged to produce an aesthetically pleasing effect.

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

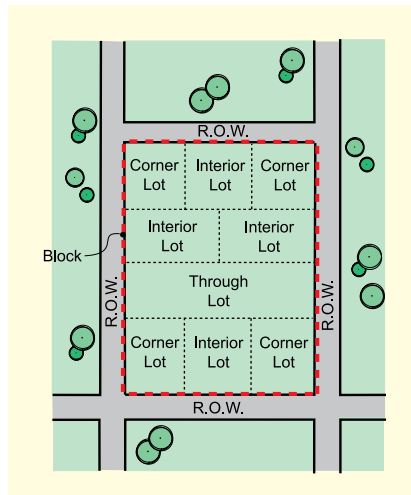
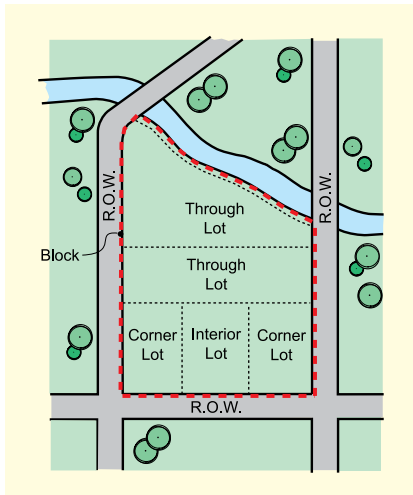
Legal Nonconforming Lot of Record: Any legally established and recorded lot prior to the effective date of this Ordinance, or its subsequent amendments, that no longer meet the lot-specific development standards.

Legal Nonconforming Sign: Any sign lawfully existing on the effective date of this ordinance, or amendment thereto, that does not conform to all the standards and regulations of this Ordinance and has been registered within the allotted time period as described in 10.7 of this Ordinance.

Legal Nonconforming Use: Any continuous, lawful use of structures, land, or structures and land in combination established prior to the effective date of this Ordinance or its subsequent amendments that is no longer a permitted use in the district where it is located.

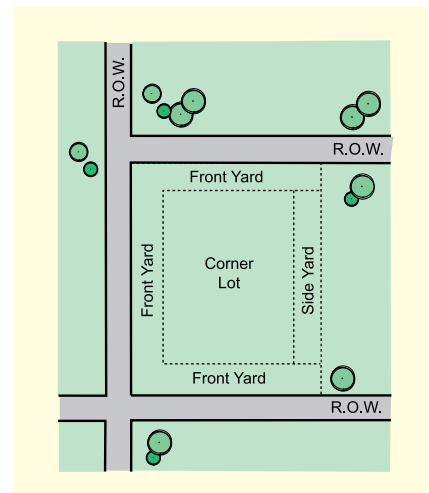
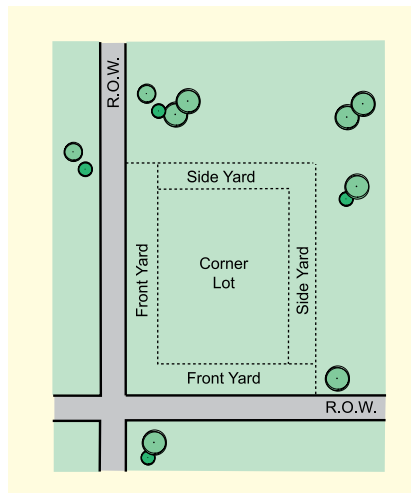
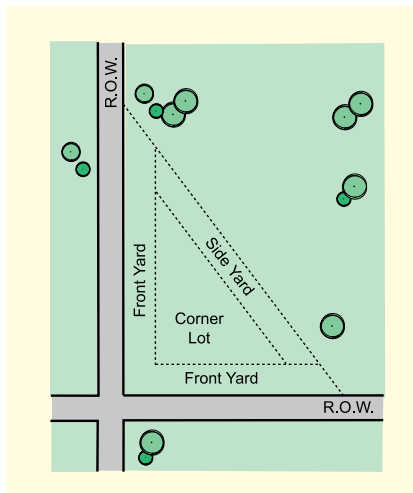
Local Street: See Street, Local.

Lot: A piece, parcel or tract of land designated by its owner or developer to be used, developed or built upon as a unit under single or multiple ownership or control. There are generally three types of lots identified in this Ordinance: Interior Lots, Corner Lots, and Through Lots. In all other Districts, a lot may only contain one primary structure. In M1 and M2 Districts, a lot may contain more than one primary structure.



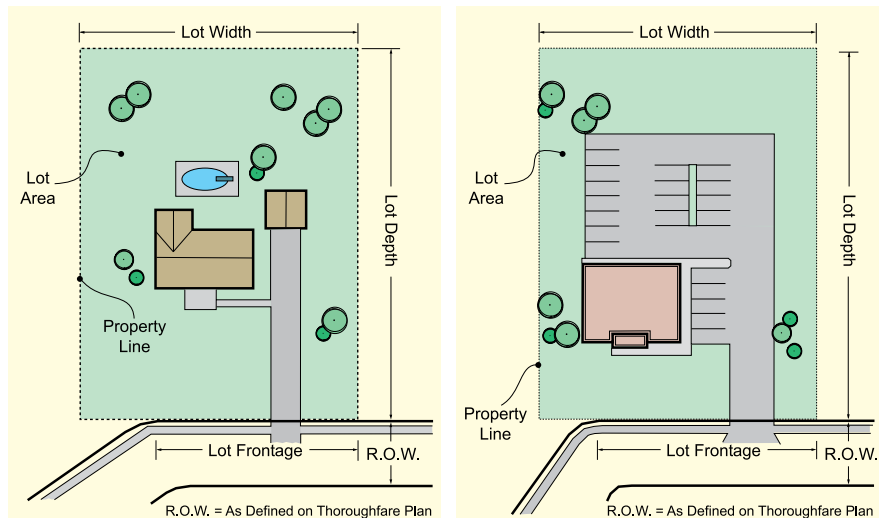
Lot, Buildable: See Lot, Improved.

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



Lot Coverage: The area of a lot occupied by the primary building, any accessory structures and impervious surface.

Lot Depth: The horizontal distance between the front and rear lot lines.

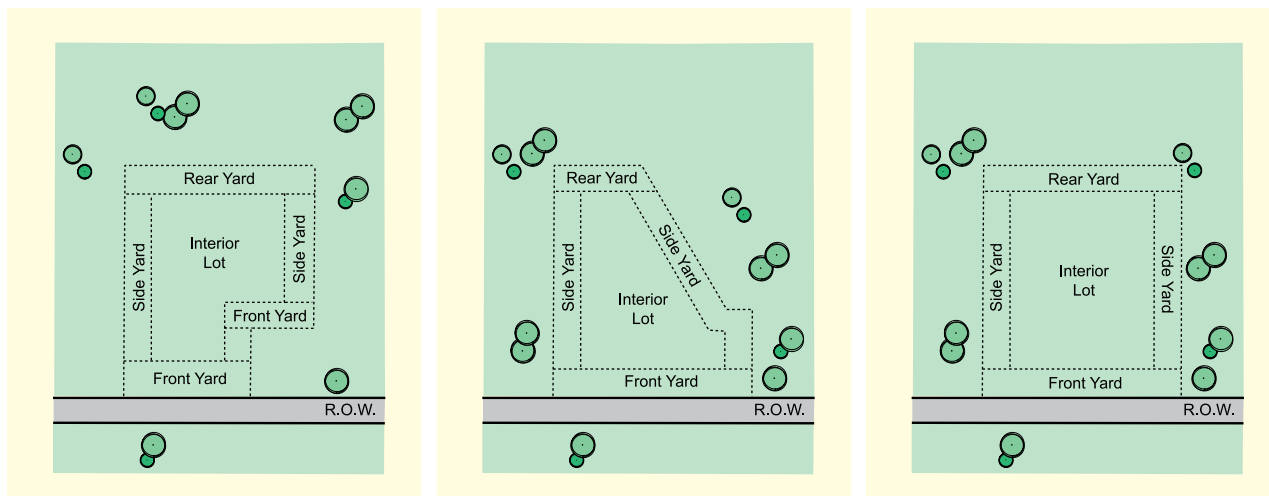


Lot, Developed: A lot with buildings or structures situated thereon.

Lot Frontage: The length of the front lot line bordering upon a public right-of-way. The lot frontage is determined by measuring the total distance in which the front lot line touches a public right-of-way. Lot frontage requirement for a cul-de-sac lot is one half (1/2) the distance required for standard lots.

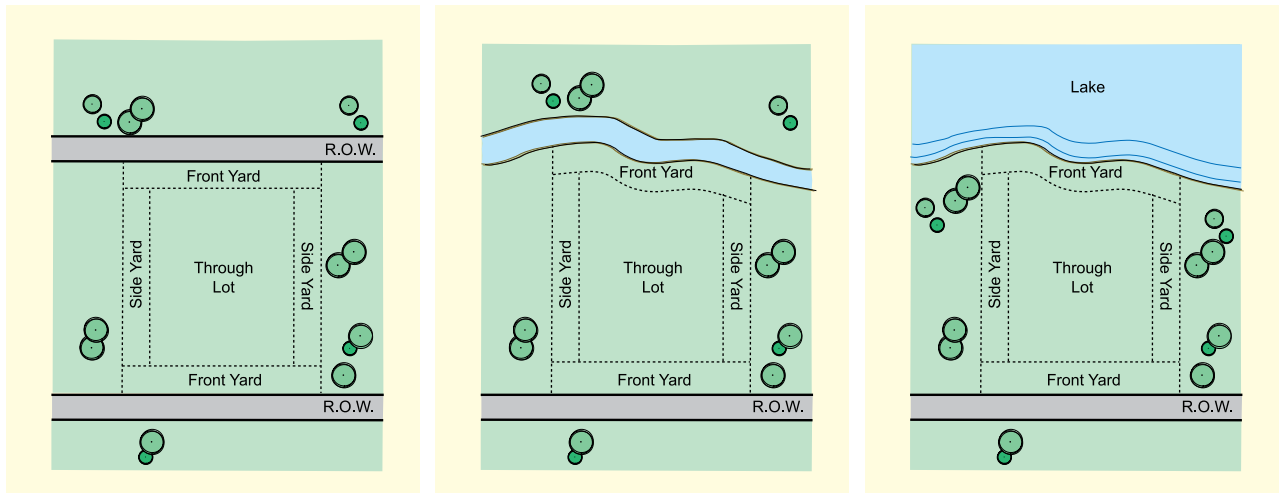
Lot, Improved: A lot upon which a structure or building can be constructed and occupied as a result of the fact that it has frontage on and access to an improved street, meets minimum setback requirements, and has all necessary utilities available to the lot such as sewer, water, electricity, etc.

Lot, Interior: A lot other than a corner lot or a through lot.

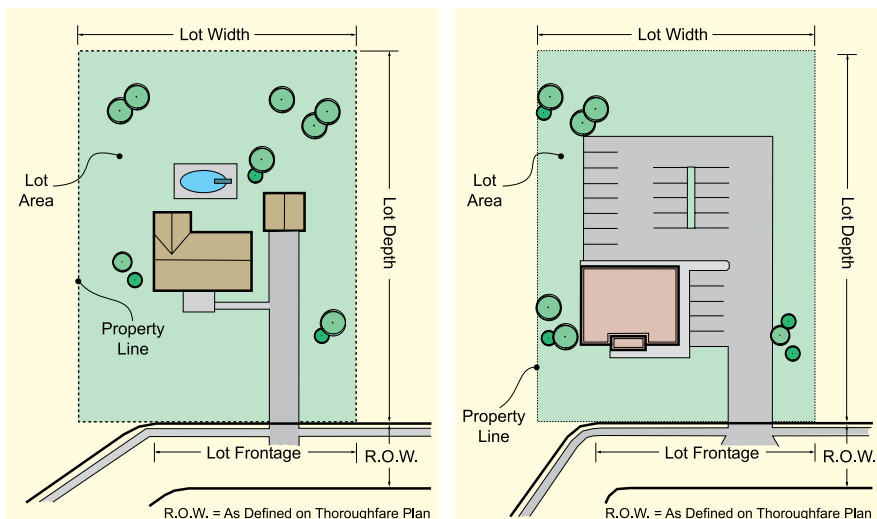


Lot of Record: A lot which is a part of a subdivision recorded in the office of the County Recorder, or a parcel or lot described by metes and bounds, a description of which has been so recorded.

Lot, Through: A lot fronting on two (2) parallel or approximately parallel streets, or abutting two (2) streets which do not intersect at the boundaries of the lot. Also includes lots fronting on both a street and watercourse or lake. Accessory buildings are allowed in front yards facing watercourses or lakes.



Lot Width: The distance between the side lot lines as measured on the front lot line. Cul-de-Sac and irregular shaped lots shall measure their front lot widths along the front setback line from one side lot line to the other.



Main Floor Area: see Floor Area, Main.

Maneuvering Space: An open space in a parking area which:

- Is immediately adjacent to a parking space,
- Is used for and/or is necessary for turning, backing or driving forward a motor vehicle into such parking space, but
- Is not used for the parking of or storage of motor vehicles.

Manufactured Home: See Dwelling, Manufactured Home.

Manufactured Home Park: A parcel of land containing two or more dwelling sites, with required improvements and utilities, that are leased for the long term placement of Mobile Home Dwellings and/or Manufactured Home Dwellings, and shall include any street used or intended for use as part of the facilities of such Manufactured Home Park. A Manufactured Home Park does not involve the sales of Mobile Home Dwellings or Manufactured Home Dwellings in which unoccupied units are parked for inspection or sale.

Manufacturing, Heavy: The assembly, fabrication or processing of goods and materials using processes that ordinarily have greater than minimal impacts on the environment, or that otherwise do not constitute light manufacturing, and which may include open uses and outdoor storage. Heavy manufacturing generally includes processing and fabrication of products made from extracted or raw materials. Heavy manufacturing shall not include any use that is otherwise listed specifically in any zoning district as a permitted use or special exception.

Manufacturing, Light: The assembly, fabrication or processing of goods and materials using processes that ordinarily do not create noise, smoke, fume, odors, glare or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing of goods are housed entirely within an enclosed building. Light manufacturing generally includes processing and fabrication of finished products predominantly from previously prepared materials. Light manufacturing shall not include any use that is otherwise listed specifically in any zoning district as a permitted use or special exception.

Marker (survey): A stake, pipe, rod, nail, or any other object which is not intended to be a permanent point for record purposes.

Master Plan: See Comprehensive Plan.

Mobile Home: See Dwelling, Mobile Home.

Mobile Home Park: See Manufactured Home Park.

Monument (survey): A permanent physical structure which marks the location of a corner or other survey point.

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

Motor Home: See Recreational Vehicle.

Motor Vehicle: Any passenger vehicle, truck, tractor, tractor-trailer, truck-trailer, trailer, boat, recreational vehicle, semi-trailer, or any other vehicle propelled or drawn by mechanical power.

Mural: A painting on the side of a building, wall, or structure; or a painting on the ground or the ceiling of a building or structure. A mural that does not function as a sign is not regulated by this Ordinance. Murals that function as a sign are regulated in this Ordinance as a Wall Sign.

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

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

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

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

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

Official Zoning Map: A map of the City of Jeffersonville, Indiana, that legally denotes the boundaries of zoning districts as they apply to the properties within the planning jurisdiction. There is only one Official Zoning Map, and it is kept up to date by the Plan Commission and the Planning Director.

Official Zoning Map Copies: A map of the City of Jeffersonville, Indiana, that legally denotes the boundaries of zoning districts as they apply to the properties within the planning jurisdiction. These maps may be out of date.

Off-site Improvements: Any premises not located within the area of the property to be subdivided, used, or built upon whether or not in the same ownership of the applicant for subdivision approval.

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

Outdoor Storage: See Storage, Outdoor.

Overlay District: A special resource or development area which is superimposed upon and placed over the zoning map's general zoning district designations within that area designated as an Overlay District. The purpose of the Overlay District is to conserve natural resources or realize development objectives without unduly disturbing the expectations created by the zoning ordinance and general zoning districts within the ordinance. The Overlay District establishes land use regulations that must be enforced by local authorities under the special tenor of each such Overlay District. An Overlay District operates under additional zoning requirements placed on a geographic area without changing the underlying zoning district guidelines.

Owner: Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations, or their legal representative.

Parcel: See Lot.

Parent Tract: A lot of record as recorded on the effective date of this ordinance. Multiple pieces (lots) owned by one person, persons in partnership, or a company and that are contiguous shall together be considered one (1) parent tract. Roads, rivers, easements, and other built or natural features shall not constitute a separation of two or more pieces of land owned by one person, persons in partnership, or a business.

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

Paved: A durable surface for parking, driving, riding or similar activities that utilizes asphalt, concrete, brick, paving blocks or similar material. Crushed gravel, stone, rock, or dirt, sand or grass are not permitted as a paved surface.

Performance Bond: An amount of money or other negotiable security paid by the subdivider, developer, or property owner or his/her surety to the City which guarantees that the subdivider will perform all actions required by the City regarding an approved plat or in other situations as stated forth in this Ordinance and/or as deemed by the Planning Director that provides that if the subdivider, developer, or property owner defaults and fails to comply with the provisions of his/her approval, the subdivider, developer, or property owner or his/her surety will pay damages up to the limit of the bond, or the surety will itself complete the requirements of the approval.

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

Permanent Perimeter Enclosure: A permanent perimeter structural system completely enclosing the space between the floor joists of the home and the ground, except for the necessary openings, constructed in accordance with the One and Two Family Dwelling Code.

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

Plan Commission: See Advisory Plan Commission.

Planned Development: A large-scale unified development meeting the requirements for zoning approval under the provisions of Article Five of this ordinance. Generally a planned development consists of a parcel or parcels of land, controlled by a single landowner, to be developed as a single entity which does not correspond in size of lots, bulk or type of buildings, density, lot coverage, and required open space to the regulations established in any district of this Ordinance. This may result in more attractive and affordable development than conventional developments would allow. Clustered housing (dwellings built in innovative lot arrangements around common open space) and zero lot line housing (dwellings built immediately adjacent to lot lines) are possible as part of planned developments. A planned development requires approval through an Official Zoning Map amendment.

Planning Director: The officer appointed by and/or delegated the responsibility for the administration of this ordinance's regulations by the Plan Commission.

Planning Jurisdiction: All land within the corporate limits of Jeffersonville, Indiana, including the land within 2-miles of the corporate boundaries of Jeffersonville, as set out on the Official Zoning Map.

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

Plat, Primary: The primary plat, pursuant to I.C. 36-7-4-700 series, is the plat and plans upon which the approval of a proposed subdivision are based. The primary plat and plans shall be subject to public notice and public hearing according to law and according to Plan Commission rules. (Under former state statutes, the primary plat was referred to as a "preliminary" plat.)

Plat, Secondary: The secondary plat, pursuant to I.C. 36-7-4-700 series, is the final plat document in recordable form. A secondary plat shall substantially conform with the preceding primary plat, or section thereof. The secondary plat and plans are not subject to public notices and public hearings.

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

Practical Difficulty: A difficulty with regard to one's ability to improve land stemming from regulations of this Ordinance. A practical difficulty is not a "hardship," rather it is a situation where the owner could comply with the regulations within this Ordinance, but would like a variance from the Development Standards to improve his site in a practical manner. For instance, a person may request a variance from a side yard setback due to a large tree which is blocking the only location that would meet the Development Standards for a new garage location.

Primary Arterial: See Street, Primary Arterial.

Primary Plat: See Plat, Primary.

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

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

Private Street: See Street, Private.

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

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

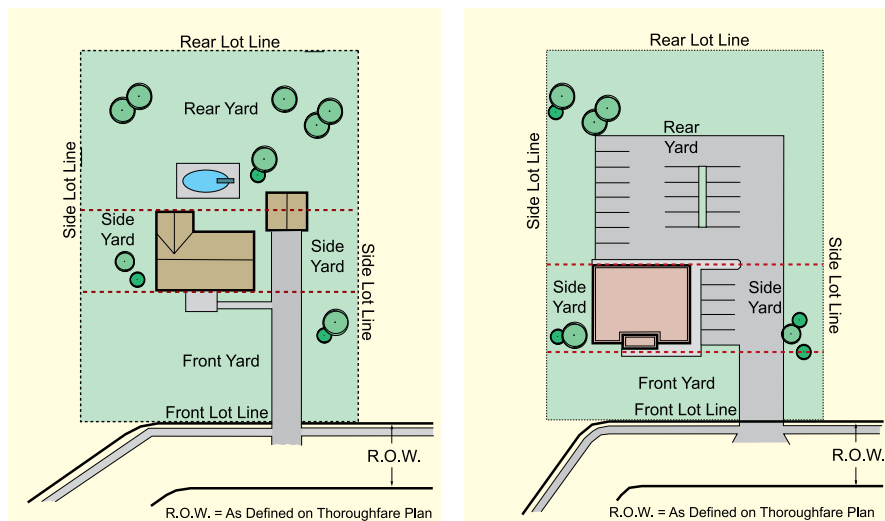
Public/Private Parking Area: A group of parking spaces in an open area not including any part of a street or alley, designed or used for temporary parking of motor vehicles.

Public Street: See Street, Public.

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

Rear Lot Line: The lot line that is opposite the front lot line and farthest from it, except that for a triangular or other irregularly-shaped lot, the line ten feet long, parallel to the front lot line, and wholly within the lot, that is farthest from the lot line. (See Graphic for Rear Yard)

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



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

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

Registered Land Surveyor: A land surveyor properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.

Registered Professional Engineer: An engineer properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.

Regulatory Flood: A flood having a peak discharge which can be equalled or exceeded on the average of once in a one hundred (100) year period, as calculated by a method and procedure which is acceptable to and approved by the Indiana Natural Resources Commission; Further, this flood is equivalent to a flood having a one percent (1%) probability of occurrence in any given year.

Regulatory Floodway: The channel of a river or stream and those portions of the flood plains adjoining the channel which are reasonably required to efficiently carry and discharge peak flow of the regulatory flood of any river or stream and, is that area covered by floodwaters in significant downstream motion or covered by significant volumes of stored water during the occurrence of the regulatory flood.

Residential District: Refers to the R1, R2, R3, M1, M2, M3, and MP Districts.

Residential Facility for the Developmentally Disabled (large): A residential facility which provides residential services for more than eight (8) developmentally disabled individuals as described in I.C. 12-28-4.

Residential Facility for the Developmentally Disabled (small): A residential facility which provides residential services for eight (8) developmentally disabled individuals or less as described in I.C. 12-28-4.

Residential Facility for the Mentally Ill: A residential facility which provides residential services for mentally ill individuals as described in I.C. 12-28-4. No two Residential Facilities for the Mentally Ill shall be within three thousand (3,000) feet of one another in the Jeffersonville planning jurisdiction as stated in Indiana Code.

Re-subdivision: A change in a recorded subdivision plat if such change affects any street layout or area reserved thereon for public use or any lot line or easement; or if it affects any map or plan legally recorded.

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

Retirement Community: An age-restricted development, which may include detached and attached dwelling units, apartments, and may also have a nursing home component.

ROW: See Right-of Way.

Road: See Street.

Satellite Dish/Antenna: An apparatus capable of receiving communications from a transmitter relay located in a planetary orbit, or broadcasted signals from transmitting towers.

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

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

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

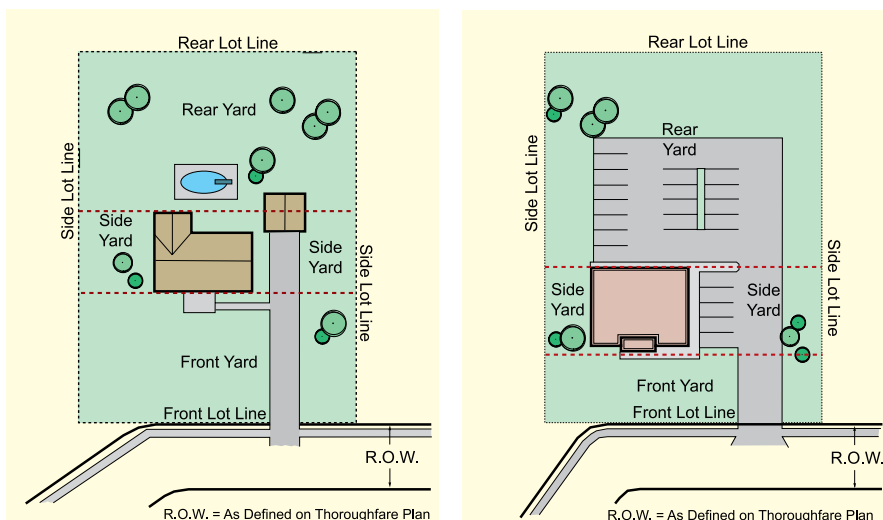
The storage, dealing in or the permitting of the accumulation of significant quantities of combustible, organic or nonmetal scrap materials such as wood, paper, rags, garbage, bones and shattered glass on the premises of such an establishment will disqualify it from being classified as a scrap metal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

Setback: The minimum horizontal distance between the building line and a lot line or right-of-way.

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

(SEE GRAPHIC UNDER "SIDE YARD")

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



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

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

Sign, Mural: A sign painted onto the side of a building, wall, ground, or structure. A mural sign is regulated as a wall sign in this Ordinances. Mural's without a commercial message are not regulated by this Ordinance.

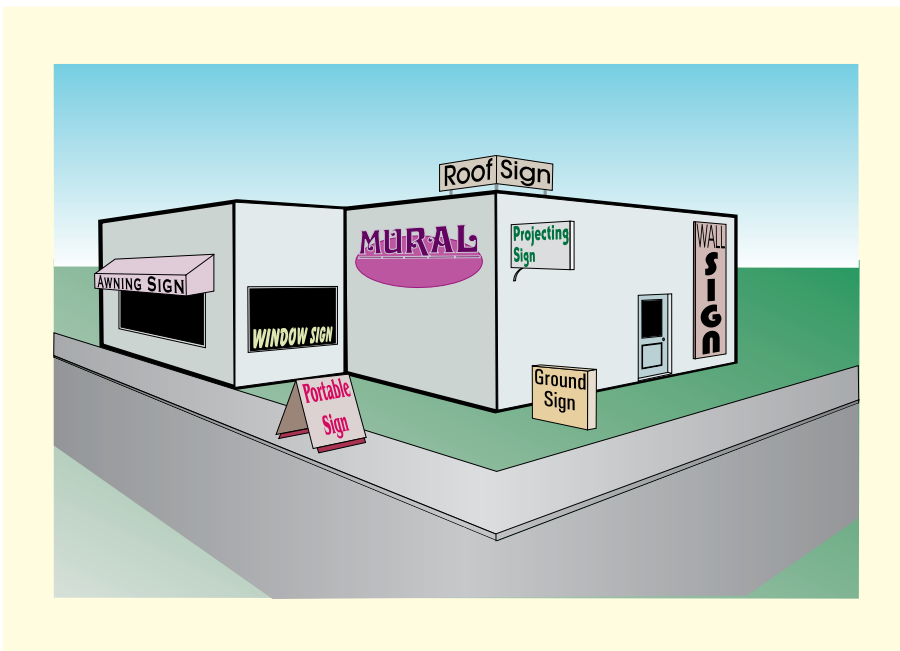
Sign, Non-Commercial: Any sign wording, logo or other representation that, directly or indirectly, does not name, advertise, or call attention to a business, product, service, or other commercial activity.

Sign, Outdoor Advertising: A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises where such sign is located or to which it is affixed. Also called billboard or off-premise sign.

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

Sign, Temporary: An on-premise advertising device not fixed to a permanent foundation, for the purpose of conveying information, knowledge, or ideas to the public about a subject related to the activities on the premises upon which it is located.

Signs, Types of: The graphic below depicts the primary types of signs. Regulations for the type of signs permitted will vary by zoning district.



Special Exception: The authorization of a use that is designated as such by this ordinance as being permitted in the district concerned if it meets special conditions, is found to be appropriate and upon application, is specifically authorized by the BZA.

Storage, Outdoor: The outdoor accumulation of goods, junk, motor vehicles, equipment, products, or materials for permanent or temporary holding.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

Any portion of a story exceeding fourteen (14) feet in height shall be considered as an additional story for each fourteen (14) feet or fraction thereof.

Street: Any vehicular right-of-way that:

- Is an existing state, county, or municipal roadway,
- is shown upon a plat approved pursuant to law,
- is approved by other official action, or
- is shown on a plat duly filed and recorded in the office of the county recording officer prior to the appointment of a planning board and the grant to such board to review plats; includes the land between the street lines, whether improved or unimproved.

Street, Local: A street designed primarily to provide access to abutting properties and discourage through traffic, as depicted by the Thoroughfare Plan within the Comprehensive Plan.

Street, Primary Arterial: A street with access control, restricted parking, and that collects and distributes traffic to and from secondary arterials, as depicted by the Thoroughfare Plan within the Comprehensive Plan.

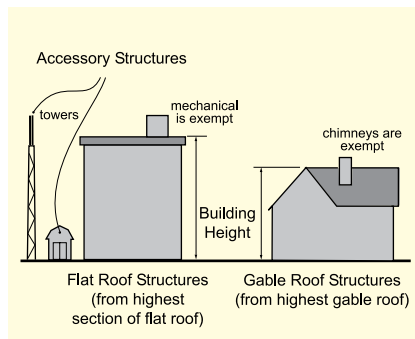
Street, Private: Vehicular streets and driveways, paved or unpaved, which are wholly within private property except where they intersect with other streets within public rights-of-way and that are maintained by the owner(s).

Street, Public: All property dedicated or intended for public highway, freeway, or roadway purpose or subject to public easements therefore.

Structural Alterations: Any change in the supporting members of a building or structure such as bearing walls, partitions, columns, beams or girders, or any change in the footprint or increase in the size of living space. Also, substantial roofing and siding work when repairs are made to the structure beneath.

Structure: Anything constructed or erected which requires location on the ground or attachment to something having a location on the ground, including but not limited to buildings, sheds, detached garages, mobile homes, manufactured homes, above-ground storage tanks, free-standing signs and other similar items.

Structure Height: The vertical distance measured from the lot ground level to the highest point of the roof.



Subdivision: The division of a parent tract or other piece of land into at least two (2) smaller lots or the combination of two or more smaller lots into one lot so that, either now or in the future, the subdivider can, transfer ownership, construct buildings or establish a use other than vacant, or create new building sites for leasehold, and as further defined in the Jeffersonville Subdivision Control Ordinance.

Secondary Plat: See Plat, Secondary.

Swimming Pool: A self-contained body of water at least eighteen (18) inches deep and eight (8) feet in diameter or width and used for recreational purposes. It may be above or below ground level, and shall be considered an accessory structure/use.

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

Two-Page Layout: Two-Page Layout refers to the two-page layout accompanying each zoning district in articles three (3) and four (4) of this Ordinance. The two-page layout includes permitted uses, special exception uses, and basic zone district information. Below is an example from Article 3.

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

Zoning District: See District.

Zoning Map: See Official Zoning Map.

Appendix

Use Matrix

City of Jeffersonville Land Use Matrix

TYPE OF LAND USE	A1	R1	R2	R3	M1	M2	M3	MP	IS	PR	NC	OC	DC	HC	C1	C2	IR	NI	I1	I2
Agricultural Uses/Service																				
agricultural crop production	P																		S	
commercial processing of agriculture products																			S	
commercial storage of agricultural products																			S	
farm equipment sales/service																	P		S	
farmstead	P																			
greenhouse	P																			
nursery	P																			
orchard	P																			
processing of agriculture products																	P			
raising of farm animals	P																			
sale of agricultural products	P																			
stable, private	P																			
storage of agricultural products	P																P			
tree farm	P																			
vineyard	P																			
weaning calves	P																			
wild animal population control	P																			

TYPE OF LAND USE	A1	R1	R2	R3	M1	M2	M3	MP	IS	PR	NC	OC	DC	HC	C1	C2	IR	NI	I1	I2
Residential																				
assisted living facility						S	P													
bed and breakfast facility	P			S									S							
boarding house													S							
boarding house (owner occupied)				S																
child care home (owner occupied)		P	P	P	P			S	S											
child care institution (children's home)								S	S	S										
dwelling, single-family	P	P	P	P	P	S		P												
dwelling, single-family (upper floors)											P	S	P							
dwelling, multi-family duplex				S	P	P	S													
dwelling, multi-family duplex (upper floors)											P	S	P							
dwelling, multi-family (3 to 4 units)					P	P	P													
dwelling, multi-family (5 to 8 units)						P	P													
dwelling, multi-family (9 to 20)							P													
dwelling, multi-family (upper floors)											S	S	P							
manufactured home								P												
manufactured home park								P												
mobile home								P												
nursing home						S	P		S											
residential facility for the developmentally disabled, small		P	P	P	P	S		P												
residential facility for the developmentally disabled		S	S	S			S		S											
residential facility for the mentally ill, small		P	P	P	P	S		P	S											
residential facility for the mentally ill							S													
retirement community						S	P													

City of Jeffersonville Land Use Matrix

TYPE OF LAND USE	A1	R1	R2	R3	M1	M2	M3	MP	IS	PR	NC	OC	DC	HC	C1	C2	IR	NI	I1	I2
Institutional/Public Facilities																				
cemetery/mausoleum or crematory	S								S	S							P			
church, temple, or mosque	P	S	S	S	S	S	S		P		S	S	S				P			
community center								S	P	S	S	S	S				P			
drug/alcohol rehabilitation clinic									S			P					P			
government building									P								P			
government office									P		S	S	S				P			
hospital									S							P	P			
library									P		S	S					P			
museum									P	S			S				P			
police/fire station									P		S	S	S				P	S	S	S
post office									P		S	S	S				P			
public park/recreation center	S	S	S	S				S	S	P	S	S	S				P	P	P	P
public/private parking area									P				S				P			
recycling collection point									S								P			
recycling collection point (no outdoor storage)											S						P			
school									P	S	S	S					P			
school, university/college										S							P			
trade or business school									P	S							P			
Business: Auto Sales/Services																				
auto body repair shop														P	P	P		P	P	P
auto body shop, enclosed																	P			
auto part sales, new													P				P			
auto parts store														P	P	P		P	P	P
auto repair, major (enclosed)																	P			
auto repair shop														P		P		P	P	P
auto sales (open air, limited mechanical services, or body shop)														S		S		S	S	
auto sales (open air, no services)														S		S		S	S	
auto sales (with showroom, open air, full service mechanical with or without body shop)														P		P		P		
auto service (tire or muffler shop)														P		P		P	P	P
auto service station														S	S	S	S	P		
automobile/truck storage, outdoors																	S		S	S
auto wash, automatic and self														P	P	S	P			
filling/gas station														P			S			
oil change service, enclosed														S	P	S	P		P	
truck stop															S				S	
recreational vehicle sales (motor home sales)																S			P	

City of Jeffersonville Land Use Matrix

TYPE OF LAND USE	A1	R1	R2	R3	M1	M2	M3	MP	IS	PR	NC	OC	DC	HC	C1	C2	IR	NI	I1	I2
Business: Food Sales/Service																				
bakery, retail											P		P	P	P		S			
convenience store													S	P			S			
convenience store, without gas pumps											P				P	P	S			
convenience store, with gas pumps											S				S	S	S			
delicatessen											P		P	P	P		S			
drive-in restaurant														P	P	P	S			
drive-thru restaurant														P	P		S			
farmer's market													S				S			
grocery											P				P	P	S			
ice cream shop											P						S			
meat market											P				P		S			
open, unenclosed business (farmer's market, etc.)															S		S			
restaurant											S	S	P	P	P	P	S			

TYPE OF LAND USE	A1	R1	R2	R3	M1	M2	M3	MP	IS	PR	NC	OC	DC	HC	C1	C2	IR	NI	I1	I2
Business: General Business																				
airport									S							S	P			
boat sales/service																S	P			
funeral home or mortuary									P							S	P			
gun clubs, skeet shoots, or target ranges	S																P			
landscape business																	P			
helipad or heliport									S							S	P			
hotel														P		P	P			
light rail station									S							S	P			
motel														P		P	P			
kennel, commercial	S														S	S	P			
mini-storage facility (mini warehouse)																S	P	P		P
motor-bus station									S							S	P			
outside storage facility (shall be enclosed with privacy fence)																	P		P	
print shop/copy center											P	P	P				P			
railroad station									S							S	P			
sign painting/fabrication																S	P			
stable, large commercial	P																P			
stable, small commercial	P																P			
storage (indoor or outdoor with screening)																	P	S		S
trade shop																	P	P	P	P
warehouse																	P	P	P	P
welding																	P	P	P	P
wholesale business																P	P			

City of Jeffersonville Land Use Matrix

TYPE OF LAND USE	A1	R1	R2	R3	M1	M2	M3	MP	IS	PR	NC	OC	DC	HC	C1	C2	IR	NI	I1	I2
Business: Office/Professional																				
architecture firm												P	P				P			
bank/credit union												P	P		P	P	P			
bank machine/ATM											P	P		P		P	P			
contractor office															S		P			
contractor office (no outdoor storage)												S					P			
drive-thru bank/credit union												S	S			P	P			
drive-thru bank machine/ATM											S	S	S		P	P	P			
design services												P	P				P			
employment service												P					P			
insurance office												P	P		P		P			
investment firm												P	P				P			
medical/dental clinic											P	P				P	P			
photographic studio											P						P			
planning firm												P	P				P			
professional office											P	P	P		P		P			
reading clinic													P				P			
real estate office												P	P		P		P			
secretarial service												P	P				P			
service organization office												P	P				P			
temporary service agency												P	P				P			
title company												P	P				P			
travel agency												P	P		P		P			
veterinarian office/hospital												S					P			
Business: Personal Service																				
barber/beauty shop	S										P	P	P		P	P	S			
coin laundry											P		P		P		S			
child care center (day care)				S							P	S			P		S			
drive-thru dry-cleaning service													S			P	S			
dry-cleaning service											P		P		P	P	S			
fingernail salon															P	P	S			
fitness center/gym											P	S				P	S			
health spa											P	S				P	S			
shoe repair													P		P		S			
tailor/pressing shop													P		P		S			
tanning salon															P	P	S			

City of Jeffersonville Land Use Matrix

TYPE OF LAND USE	A1	R1	R2	R3	M1	M2	M3	MP	IS	PR	NC	OC	DC	HC	C1	C2	IR	NI	I1	I2
Business: Recreation																				
ball fields										P						S	S			
banquet hall										S						P	S			
bar/night club												S			P	S	S			
billiard/arcade room												S			P		S			
bowling alley															P	P	S			
campground									S								S			
community swimming pool									P								S			
country club									S				S				S			
dance/aerobics/gymnastics studio												S			P		S			
driving range									S								S			
fairgrounds									S								S			
golf course	S	S	S						P					S			S			
karate studio												S					S			
lodge or private club												S			S		S			
marina									S								S			
miniature golf									S					P	S		S			
nature center									P								S			
nature preserve									P								S			
paintball facility (outdoor)	S																S			
public docks									P	S					S		S			
skating rink									P								S			
theater, indoor												S			P	P	S			
theater, outdoor									S						S	S	S			
video store											P		P		P	P	S			

City of Jeffersonville Land Use Matrix

TYPE OF LAND USE	A1	R1	R2	R3	M1	M2	M3	MP	IS	PR	NC	OC	DC	HC	C1	C2	IR	NI	I1	I2
Business: Retail																				
antique shop											P		P		P	S	P			
apparel shop													P		P	P	P			
art and craft studio											P		P				P			
art gallery											P		P				P			
boutique											P						P			
consignment store											P		P				P			
department store													P			P	P			
drug store															P	P	P			
electrical supplies															P	P	P			
fabric shop													P		P	P	P			
floor coverings															P	P	P			
flower shop											P		P		P	P	P			
furniture store													P		P	P	P			
garden shop															P		P			
gift shop													P		P	P	P			
hardware store													P		P	P	P			
heating & cooling sales/service																P	P			
home electronics/appliance store															P	P	P			
jewelry store											P		P		P	P	P			
liquor sales															P	P	P			
lumber yard																S	P			
music store											P		P		P	P	P			
news dealer/bookstore (not adult entertainment)											P		P		P	P	P			
office supplies													P		P	P	P			
paint store															P	P	P			
plant nursery	P																P			
plumbing supplies																P	P			
satellite dish sales/service															S	S	P			
shoe store													P		P		P			
sporting goods store													P		P	P	P			
thrift store											P						P			
variety store													P		P	P	P			
winery	P																P			

TYPE OF LAND USE	A1	R1	R2	R3	M1	M2	M3	MP	IS	PR	NC	OC	DC	HC	C1	C2	IR	NI	I1	I2
Industrial Uses																				
bottled gas storage/distribution																	P	P	S	P
distribution center																	P	P	P	P
flex-space																	P	P	P	P
general manufacturing																			S	
heavy manufacturing																	P	P		P
incinerator																	S			S
light manufacturing																	P	P	P	P
liquid fertilizer storage/distribution																	S			S
office complex																	P	P	P	P
research center																	P	P	P	P

TYPE OF LAND USE	A1	R2	R3	M1	M2	M3	MP	IS	PR	NC	OC	DC	HC	C1	C2	IR	NI	I1	I2
Communication/Utilities																			
electrical generator																S	S		S
pipeline pumping station																S	S	S	S
public well	S	S	S					S		S					S	S	S	S	S
radio/TV station															S	P	P	P	P
sewage treatment plant								S							S	S	S		S
storage tanks non-hazardous																P	S		S
telecommunication facility	S	S	S		S	S	S	S	S	S	S		S	S	S	S	S	S	S
telephone exchange								S		S						P	P		P
utility substation								S		S						S	S	S	S

TYPE OF LAND USE	A1	R1	R2	R3	M1	M2	M3	MP	IS	PR	NC	OC	DC	HC	C1	C2	IR	NI	I1	I2
Miscellaneous																				
accessory uses		P	P	P	P	P	P	P			P	P	P	P	P	P	P	P	P	P
artificial lake or pond over one (1) acre in size	S	S																	S	S
home occupation #1		P	P	P	S	S	S	S			S	S	S							
home occupation #2		S	S	S																

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