









City of Jeffersonville, IN
2021 Unified Development Ordinance



CITY OF JEFFERSONVILLE

Unified Development Ordinance

Revised November 16, 2026

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Article One

Basic Provisions

Article One
Basic Provisions

1.1 Title:

This Ordinance shall be formally known as the "Jeffersonville Unified Development Ordinance," and it may be cited and referred to as the "Development Ordinance," or as the "UDO."

1.2 Unified Development Ordinance:

The City of Jeffersonville's Zoning Ordinance and Subdivision Control Ordinance have been combined into one unified ordinance for the purpose of maintaining consistency, shortening the overall length of the document, and to improve usability. Articles 1, 2, 9, 10, 11, and 12 are shared by both the Zoning Ordinance and Subdivision Control Ordinance. Articles 3, 4, 5, 7, and 8 are exclusively Zoning Ordinance Components. Article 6 is exclusively a Subdivision Control Ordinance Component.

1.3 Defined Words:

Words used in a special sense in this Ordinance are defined in Article 12.

1.4 Authority:

This Unified Development 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 Whenever codes cited in this ordinance refer to Indiana Code which has been amended or superseded, this Ordinance shall be deemed amended in reference to the new or revised code.

1.5 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.

1.6 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.

1.7 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.

1.8 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, the provision which is most restrictive shall control.

1.9 Ordinance Jurisdiction:

This Ordinance applies to all land within the corporate boundaries of the City of Jeffersonville, Indiana.

1.10 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.

1.11 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.

1.12 Repealer:

The following Ordinances are hereby repealed. This Unified Development Ordinance and the referenced and updated Official Zoning Map replace the repealed ordinances.

A. The City of Jeffersonville Subdivision Control Ordinance (Ordinance No. 1996-OR-28), and all subsequent amendments,
B. The City of Jeffersonville Zoning Ordinance (Ordinance No. 2000-OR-61), all subsequent amendments, and its associated Zoning Map, and all amendments thereto.
C. The City of Jeffersonville Mobile Vendor Ordinance (Ordinance No. 2014-OR-26 and 2020-OR-57).
D. The City of Jeffersonville Landscape Fee-in-Lieu (Ordinance No. 2016-OR-67).
E. The City of Jeffersonville Official Fee Schedule (Ordinance No. 2016-OR-88).

1.13 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 Zoning Map Amendment that was filed with the Plan Commission or its designees, and is full and complete prior to the effective date of this Ordinance, shall continue through the process to completion pursuant to the terms and conditions of the Zoning Ordinance that was in place at the time of filing. However, if the proposed use would no longer be permitted in the proposed zoning district or the proposed zoning district no longer exists in the new ordinance, the 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, administrative appeal) 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:
    1. If such application is no longer required by the terms of this Ordinance, the application will be dismissed; or,
    2. 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:
   1. A Building Permit was issued and is still valid, or
   2. 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.

1.14 Establishment of Zoning Districts

For the purpose of this Ordinance, the planning jurisdiction is divided into a number of zoning districts with specified uses and development standards. Zoning Districts and their standards are defined in Article 3.

1.15 Establishment of Overlay Districts

In addition to the general zone districts, this ordinance defines a number of Overlay Districts. These overlay districts have special development standards and regulations on use that apply to some or all parcels in a defined area of the jurisdiction. Specific details on each of the overlay districts are laid out in Article 4.

1.16 Planned Unit Developments (PUD)

The provisions of this ordinance allow for the creation of Planned Unit Developments that have their own development standards and regulations on allowable uses. These standards must be created by the developer and approved by Plan Commission and City Council per the provisions of Article 5. Once rezoned to a Planned Unit Development, the property or cluster of properties shall be labeled “PD” on the Official Zoning Map and its approved regulations shall be kept on file at City Hall and be made publicly available to any who request them.

1.17 Land Uses

A. Land uses are listed under each Zone District in Article 3 as either permitted or permitted by Special Exception. Land uses not listed are not permitted in that zone district.

B. 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.

1.18 Unlisted or Questionable Land Uses

When an unlisted or questionable land use is proposed, it shall be the responsibility of the Planning Director to determine how this use shall be handled. If it is determined that the unlisted or questionable land use is significantly similar to another use listed in this ordinance, the Planning Director may decide to treat said use as it would the similar land use category. Where significantly different from any other use listed, the Planning Director shall ask the applicant to pursue a Use Variance. The determination of the Planning Director may be appealed to the Board of Zoning Appeals.

1.19 Administrative Officer

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

1.20 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 Unified Development 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.

1.21 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:
   1. Adopt, reject, or amend the Unified Development Ordinance, when certified and submitted by the Plan Commission.
   2. Adopt, reject or, amend proposed amendments to the Unified Development Ordinance when certified and submitted by the Plan Commission.
   3. Adopt, reject, or amend proposed amendments to the Official Zoning Map when certified and submitted by the Plan Commission.
   4. Adopt, reject, or amend the Fee Schedule when proposed or amended and submitted by the Plan Commission.
   5. Enforce regulations and procedures of the Unified Development Ordinance to the extent of the local Resolutions, Ordinances, and State of Indiana Law.
   6. Any other duties as permitted by Indiana State Code.

B. City Council Powers:
   1. 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.
   2. Initiate amendments to the Official Zoning Map by making said proposal to the Plan Commission.
   3. Any other powers as permitted by Indiana State Code.

1.22 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:
   1. Adopt and maintain rules and procedures for the affairs of the Commission.
   2. Maintain complete records of all meetings, hearings, correspondences, and affairs of the Plan Commission.
   3. Prepare, publish and make available to the public all plans, ordinances, and other related material that are the responsibility of the Plan Commission.
   4. Adopt and maintain a seal used to certify official or approved documents.
   5. Certify all official acts.
   6. Supervise the fiscal affairs of the Commission.
   7. Record and file bonds and contracts and assume responsibility for the custody and preservation of all papers and documents of the Commission.
   8. Prepare and submit an annual budget to the City Council. Said budget shall be limited in all expenditures to the provisions made for the Commission by the City Council.

9. Make recommendations to the City Council concerning:
    a. The adoption of or text amendments to the Unified Development Ordinance and its schedule of fees
    b. The adoption of or amendments to Planned Unit Developments, and
    c. Zone map changes.
10. Prepare the City's Comprehensive Plan and other strategic plans and certify them to the City Council
11. Approve or deny Development Plans, when asked to do so by the applicant or City Staff.
12. Approve or deny subdivision plats and amendments to subdivision plats, including any modifications of the subdivision standards.
13. Assign street addresses, and approve or deny proposed street names in new developments, and
14. Any other duties as permitted by Indiana Code 36-7-4-400 series.

B. Plan Commission Powers:
1. Establish advisory committees as necessary, composed of specific members and organized for specific purposes.
2. Establish an executive committee.
3. Seek funding assistance through grant programs as necessary.
4. Appoint and fix duties of the secretary.
5. Contract for special or temporary services and professional counsel.
6. Any other powers as permitted by Indiana Code 36-7-4-400 series.

1.23 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:
1. 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.
2. Review, hear and approve or deny all petitions for special exceptions based on the provisions of this Ordinance and Indiana State Code.
3. Review, hear, and approve or deny all petitions for variances from development standards.
4. Review, hear, and approve or deny all petitions for variances of use regulations in this Ordinance.
5. Any other duties as permitted by Indiana Code 36-7-4-900 series.

B. Board of Zoning Appeals Powers:
1. Any other powers as permitted by Indiana Code 36-7-4-900 series.

1.24 Effective Date

This Unified Development Ordinance was publicly posted in the News and Tribune and shall become effective on July 8, 2021.

This Ordinance, 2021-OR-36, was approved by the Mayor and the City Council of Jeffersonville, Indiana on the 5th day of July, 2021.

_____

Mike Moore, Mayor

ATTEST:

_____

City Clerk

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Article Two

Zoning Map

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Article Two
Zoning Map

2.1 Official Zoning Map
The City of Jeffersonville's Official 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."

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

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

2.4 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 Unit Developments (PUD's) shall be shown on the map by abbreviations and noted as such in this ordinance.

2.5 Regular Revisions
The Official Zoning Map should be formally revised periodically as amendments are made, or as the Plan Commission determines necessary. Other revisions may be made to correct drafting or other errors and omissions in the prior map, but shall not have the effect of amending the Official Zoning Map except as adopted by the City Council.

2.6 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.

2.7 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 rights-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, the appropriate zone district 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, scale, or dimensions stated on the Official Zoning Map, or 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 Three

Zone Districts

Article Three
Zone Districts

3.1 General

A. 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 set forth in this section.

B. For the purpose of this Ordinance, the planning jurisdiction is divided into the following zoning districts for the general uses as stated. Only those uses and Development Standards which are expressly permitted and noted for each district apply. The specific uses and development standards for each zone district are listed in this Article. Each of these districts stand-alone and are not part of a cumulative system of zoning.

1. **A1 – Agriculture:** This district is established for typical agricultural uses.
2. **CD – Commercial – Downtown:** This district is established for special land use goals and objectives for the downtown area of Jeffersonville.
3. **CG – Commercial General:** This district is established for a wide variety of medium to large-scale commercial activities. The district also has provisions for mixed use commercial and residential development.
4. **CH – Commercial – Highway:** This district is established for the land use goals and objectives related to commercial developments along highways and in freeway interchange areas.
5. **CN – Commercial – Neighborhood:** This district is established for small-scale, neighborhood-serving businesses located on primary streets, generally in older parts of the community.
6. **CO – Commercial – Office Only:** This district is established for small scale office uses located in otherwise residential areas.
7. **I1 – Business Park/Light Industrial:** This district is established for small business parks, light manufacturing facilities, light manufacturing parks and utility usage.
8. **I2 – Industrial Park/Heavy Industrial:** This district is established for large industrial parks, manufacturing facilities, manufacturing parks and utility usage.
9. **IN – Industrial – Neighborhood:** This district is established for existing industrial uses in older areas of Jeffersonville.
10. **IR – Industrial, River Ridge:** This district is established for a mixture of commercial and industrial uses within the River Ridge Commerce Center.
11. **M1 – Multi-Family Residential – Small Scale**: This district is established for small-scale multi-family residential developments, generally consisting of one building on a small lot (e.g. a duplex).
12. **M2 – Multi-Family Residential – Medium Scale:** This district is established for medium-scale multi-family developments. These may be single buildings or small complexes of buildings.
13. **M3 – Multi-Family Residential – Large Scale:** This district is established for large-scale multi-family developments. These may be large single buildings or large complexes of buildings.
14. **MP – Mobile Home Park:** This district is established for developments that lease lots for the placing of manufactured homes.
16. **PR – Parks, Recreation & Public Services:** This district is established for parks, open space, and recreational areas, both public and private as well as public institutions.

17. **R1 –Single Family Residential – Large Lot:** This district is established for single family, detached homes on large-sized lots.
18. **R2 –Single Family Residential – Medium Lot:** This district is established for single family, detached homes on medium-sized lots.
19. **R3 –Single Family Residential – Small Lot:** This district is established for single family homes on smaller lots. If platted for individual sale, this zone district may contain attached units.
20. **R4 – Single Family Residential – Old City:** This district is established specifically for the dense residential areas in close proximity to Downtown Jeffersonville which were generally developed before 1940.

C. **District Development Standards.**

1. No building or structure shall be altered, erected, enlarged, or reconstructed unless such building or structure conforms to the District Development Standards for the subject property's zone district as listed in this Article.
2. The Development Standards that may be found in this Ordinance include, but are not limited to:
   a. Minimum Lot Area: The minimum area required for development in this district. When rezoning an existing parcel, the number should be seen as a guideline rather than a requirement (e.g. a parcel which is smaller than the minimum lot area in a given district may be rezoned to said district if the Plan Commission and City Council deem that the proposed use can generally fit on the smaller lot).
   b. Maximum Lot Area: The maximum area allowed for the development of a parcel in this zone district.
   c. Minimum Dwelling Site Size: The minimum area allowed to be allotted for each dwelling site (e.g. mobile home, cohousing) on a communal parcel where dwelling areas and sites are leased.
   d. Minimum Lot Width: The minimum width required for the creation of a new parcel in this zone district. Where the lot is not rectangular, it may be calculated by taking the average of the front and rear property lines or such other method that makes logical sense given the geometry of the lot.
   e. Minimum Dwelling Site Width: This number is the minimum width allowed for each dwelling site (e.g. mobile home, cohousing) on a communal parcel where dwelling areas and sites are leased.
   f. Minimum Lot Frontage: The required linear feet of frontage on a public street (with access to said public street) required for a parcel in this district.
   g. Minimum Front Yard Setbacks: The minimum distance the primary structure may be constructed from the front property line of a parcel. This number may be the same as the "build line" on a plat, however the build line may not be less than the front yard setback per the specified zoning district in the UDO.
   h. Maximum Front Yard Setbacks: The maximum distance from the front property line of a parcel the primary structure may be constructed.
   i. Minimum Side Yard Setbacks: The minimum distance a structure may be located from the side property line of a parcel. If there is an easement along the side property line that is wider than the minimum side yard setback, the minimum side yard setback shall meet or exceed the depth of the easement.
   j. Maximum Side Yard Setbacks: The maximum distance a structure may be located from the side property line of a parcel.
   k. Minimum Rear Yard Setbacks: The minimum distance a structure may be located from the rear property line of a parcel. If there is an easement along the rear property line that is wider than the minimum rear yard setback, the minimum rear yard setback shall meet or exceed the depth of the easement.
   l. Minimum Lot Coverage: The minimum allowed percentage of impervious material coverage on a parcel.

m. Maximum Lot Coverage: The maximum allowable percentage of impervious coverage on a parcel. This includes the square footage all primary and accessory structures, as well as all impervious surfaces (e.g. paved sidewalks, driveways, parking, and patios).

n. Minimum Main Floor Area: The minimum size the main floor of a structure must be, as measured in square feet. This calculation shall not include a garage, carport, deck, unfinished storage, patio, or open porch.

o. Maximum Main Floor Area: The maximum size the main floor area of a structure must be, measured in square feet.

p. Minimum Residential Unit Size: The minimum finished floor area for an individual living unit as measured in square feet. This number may be calculated as an average of all units in a multi-family residential structure.

q. Maximum Structure Height: The maximum height of a building in the district. This is measured to the peak of the gable, or the top of the parapet wall on a building with a flat roof. Should the finished grade be on a slope, the average of the finished grades shall be used. Exceptions as follows:

i. Elevator bulkheads and rooftop mechanical equipment may exceed the permitted height standards by up to 15 feet, but must be shielded from view by design features of the building

ii. The following may exceed the permitted height regulations by 2 times the allowable height within the applicable zoning district.

- Church steeples,
- Chimneys, and
- Mechanical equipment (tanks, towers, elevators, conveyors, etc.) necessary for the primary function of industrial uses in IN, I1, I2 and IR zone districts.

iii. Wireless communication facilities and towers shall be exempt from maximum structure height per Indiana State code.

r. Maximum Number of Primary Structures: The maximum number of primary structures allowed on a single parcel.

s. Maximum Number of Dwelling Units: The maximum number of dwelling units allowed on a single parcel.

3. If the District Development Standard listed above does not appear on the Two-Page Layout for then it does not apply to that particular district.

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

E. Sewer and Water service is required for properties in all zone districts except A1 and PR.

F. Additional standards may apply – see Articles 7 and 8.

G. Downtown and Adjacent Neighborhoods: Some standards in this section are noted to be different when applied to properties in the "Downtown and Adjacent Neighborhoods." For a map of these neighborhoods, see Appendix C.

H. 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. The Planning Director or their designee must make a determination as to needed street, drainage, and utility improvements. 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 Article 6.

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A1 District (Agricultural)

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

District Intent

The "A1" (Agricultural Zone) District is intended as a "place holder" for existing agricultural properties, rural estates, and natural areas in the far northwest portion of Jeffersonville.

The A1 district allows for continued agricultural production in this district as well as a few other agriculturally related uses.

The Plan Commission and Board of Zoning Appeals should strive to balance the needs of property owners in this district with that of encroaching development.

Permitted Uses

Agricultural Uses
- agricultural crop production
- farmstead
- greenhouse (non-commercial)
- nursery/tree farm
- orchard/vineyard
- raising of farm animals[1]
- sale of agricultural products
- stable, commercial

Commercial: Recreation/Fitness
- nature center/preserve

Institutional Uses
- church, temple, or mosque
- public rec center/pool
- public park
- school, elementary/secondary

Residential
- bed and breakfast
- dwelling - accessory dwelling unit
- dwelling - single family
- short-term rental (See Article 8.11)

Miscellaneous Uses
- child care/day care: owner occupied
- home occupation#1
- home occupation#2

Special Exception Uses

Agricultural Uses
- agritourism uses[2]
- commercial storage/processing of agricultural products

Commercial: General
- barber/beauty salon/nails[3]
- kennel, commercial

Commercial: Recreation/Fitness
- ball fields
- banquet hall/event space
- campground
- fraternal org./lodge/private club
- golf course/country club
- gun club, skeet shoot, paintball, or target range
- outdoor entertainment venue

Communications/Utilities
- electrical generation
- public well
- telecommunications facility

Institutional uses
- cemetery/mausoleum

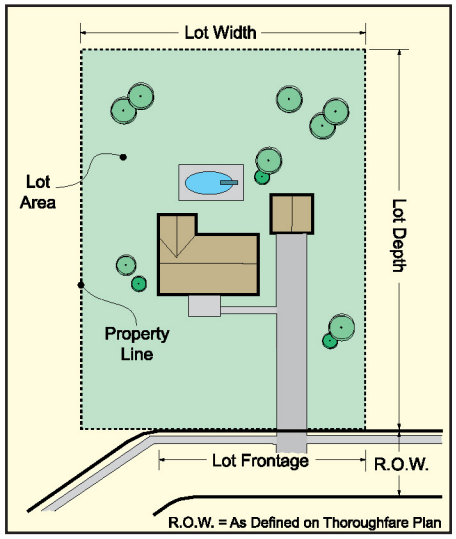
Miscellaneous Uses
- accessory uses

Additional Notes:
1. Subject to non-commercial Livestock standards in Article 7
2. See definition in Article 12
3. If performed as a home occupation

A1 District (Agricultural)

3.3 A1 District Development Standards

Lot Dimensions

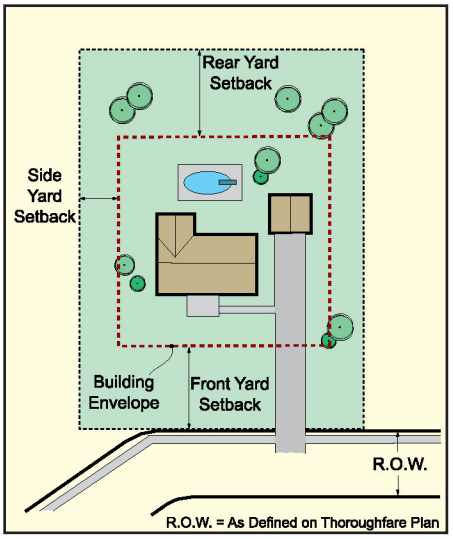


Minimum Lot Area:
- 5 acres

Minimum Lot Width:
- 160 feet

Minimum Lot Frontage:
- 100 feet

Setbacks

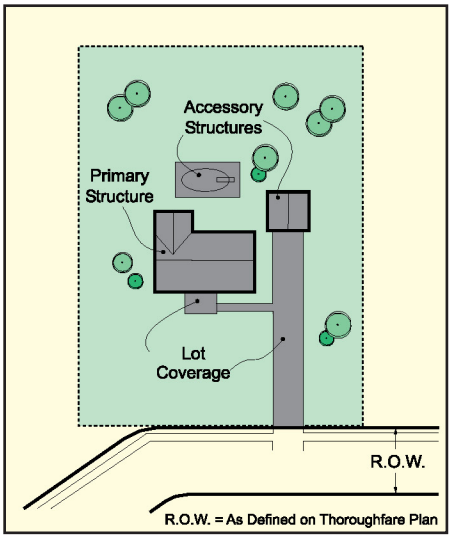


Minimum Front Yard Setback:
- 70 feet

Minimum Side Yard Setback:
- 30 feet - Primary Structure
- 10 feet - Accessory Structure (<1000 square feet)
- 30 feet - Accessory Structure (>1000 square feet)

Minimum Rear Yard Setback:
- 30 feet - Primary Structure
- 15 feet - Accessory Structure

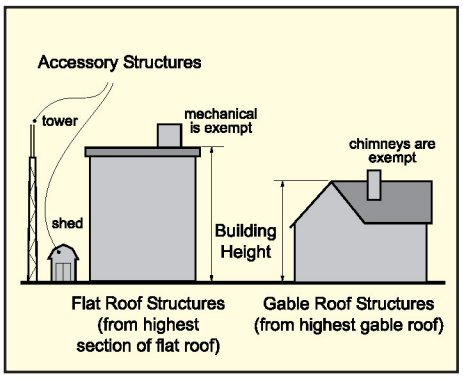
Other Requirements



Maximum Lot Coverage:
- 35% of the lot area

Minimum Dwelling Size
- 1,000 square feet

Height



Maximum Structure Height:
- Primary Structure: 40 feet
- Accessory Structure: 18 feet[1]

Miscellaneous Notes:

1. Agriculture-related accessory structures are exempt from the maximum structure height.

See Article 6 for subdivision regulations
See Article 7 for additional development standards
See Article 8 for additional use-specific standards

CD District (Commercial - Downtown)

3.4 CD District Intent, Permitted Uses, and Special Exception Uses

District Intent

The "CD" (Commercial - Downtown) District is intended to provide a land use category for normal commercial uses and associated activities in the Downtown. The provisions that regulate this land use district should make the district compatible with the R4, M1 and M2 residential districts, and other small-scale commercial districts.

A number of residential uses have been listed as a special exception in the CD district and may be used to create a greater mix of commercial and residential uses in the Downtown.

Jeffersonville's Plan Commission should only use this district in the historic downtown area and its immediate surroundings. They should strive to minimize parking lots in front of or between buildings and ensure that development and encourage high quality design that enhances the pedestrian experience in Downtown Jeffersonville.

Petitions in the CD district may be subject to the Jeffersonville Historic District Ordinance and its guidelines.

Permitted Uses

Commercial: Food Sales/Service
- butcher shop/meat market
- food service: small scale
- food/farmers market (food hall)
- grocery store
- microbrew/distillery (ltd production)[2]
- restaurant/pub

Commercial: General
- artisan studio/artisan center
- barber/beauty salon/nails/tanning
- bank/credit union/ATM[3]
- child care center (day care)
- clothing alterations/shoe repair
- health spa
- hotel
- medical/dental/physical therapy/ chiropractor office
- photography studio

Permitted Uses

Commercial: General (cont.)
- print shop/copy center
- professional office[1]
- retail 1 (small scale)[1]
- retail 5 (used goods)[1]
- tattoo studio/piercing shop
- temporary service agency

Commercial: Recreation/Fitness
- bar/night club/cigar bar
- cross fit/training center
- dance/aerobics/gymnastics/martial arts studio
- fitness center/gym
- fraternal org./lodge/private club
- indoor entertainment venue[1]
- theater, indoor[4]

Institutional/Public Facilities
- church, temple, or mosque
- convention/business center
- library
- museum
- post office
- public park
- public recreation center/pool
- school, elementary/secondary
- school, higher ed - single facility

Residential Uses
- bed and breakfast
- dwelling, duplex[5]
- dwelling, multi-family - 3-4 units[5]
- dwelling, multi-family - 5-6 units[5]
- dwelling, multi-family - 7-12 units[5]
- dwelling, multi-family - >12 units[5]
- dwelling: single family[5]
- short-term rental (See Article 8.11)[5]

Miscellaneous Uses
- accessory uses
- child care/day care: owner occupied
- home occupation#1
- home occupation#2

Special Exception Uses

Commercial: Food Sales/Service
- convenience store without gas pumps

Commercial: General
- drive thru bank/credit union
- drive thru bank machine/ATM
- coin laundry
- dry cleaning service
- funeral home/mortuary
- pet care/grooming (no outdoor kennels)
- retail 2 or 6[1]
- veterinarian office/hospital

Commercial: Recreation/Fitness
- banquet hall/event space
- theater, outdoor (no adult ent.)

Commercial: Retail
- consignment store

Communications/Utilities
- telecommunications facility (other than micro-cellular)

Institutional/Public Facilities
- community center
- government office
- parking lot (public or private)
- police/fire station
- substance abuse treatment - outpatient (counseling only)[7]

Residential Uses
- assisted living facility
- boarding house (owner occupied)
- dwelling: accessory dwelling unit[6]
- senior living/retirement community (not assisted living/nursing home)

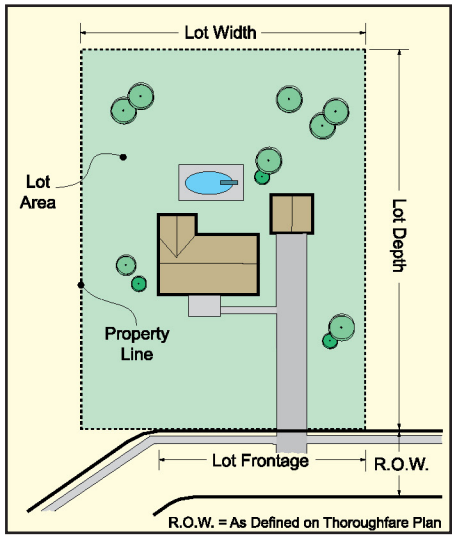
Additional Notes:

1. See definition in Article 12
2. Production area limited to 2,000 square feet
3. Without drive-thru
4. Not adult entertainment
5. Permitted on upper floors only, may be permitted on ground level with special exception approval from the BZA
6. See Article 8.2 for additional standards.
7. See Article 8.12 for addtional standards.

CD District (Commercial - Downtown)

3.5 CD District Development Standards

Lot Dimensions

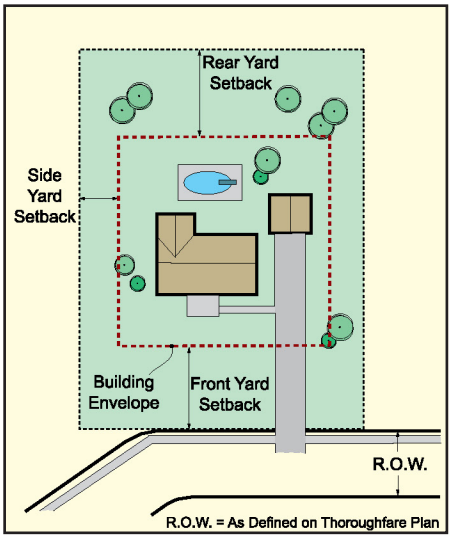


Minimum Lot Area:
- 2,000 sq.ft.

Minimum Lot Width:
- 25 ft.

Minimum Lot Frontage:
- 25 ft.

Setbacks



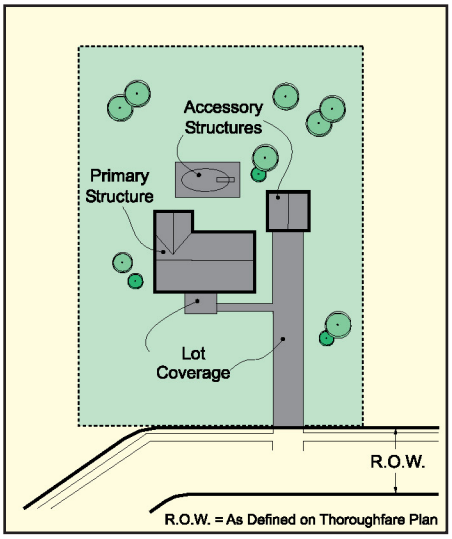
Minimum Front Yard Setback:
- 2 ft.[1]

Maximum Front Yard Setback:
- 5 ft.

Minimum Side Yard Setback:
- 0 ft. for the Primary Structure[2]
- 0 ft. for an Accessory Structure[2]

Minimum Rear Yard Setback:
- 0 ft. for the Primary Structure[2]
- 0 ft. for an Accessory Structure[2]

Other Requirements



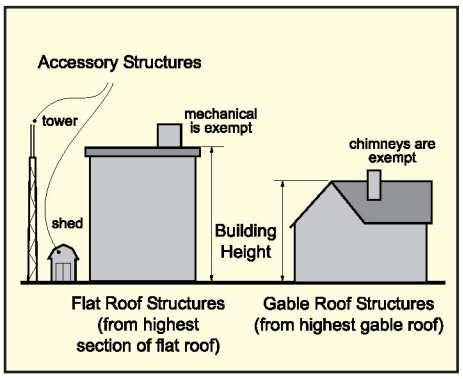
Maximum Lot Coverage:
- 100% of the lot area

Minimum Lot Coverage:
- 80% of the lot area

Minimum Main Floor Area:
- 1,000 sq.ft. for primary structures

Minimum Floor Area per Unit:
- 500 sq.ft. average per Dwelling Unit in a multiple-unit primary structure, with 400 sq. ft. the absolute minimum

Height



Maximum Structure Height:
- Primary Structure: 40 ft.[3]
- Accessory Structure: 20 ft.

Minimum Structure Height:
- 24 ft. for primary structures[4]

Miscellaneous Notes:

1. Where immediately adjacent to an existing building with a setback less than 2 feet, the building may match the existing building's front setback.
2. Side and Rear Yard setbacks shall be increased to 2 feet off any alley.
3. Architectural elements at street corners may exceed the height allowance by 5 feet for a max. height of 45 feet)
4. Structures that do not contain two functional stories shall be designed so as to give the appearance of having a second story.

See Article 6 for subdivision regulations
See Article 7 for additional development standards
See Article 8 for additional use-specific standards

CG District (Commercial - General)

C2

3.6 CG District Intent, Permitted Uses, and Special Exception Uses

District Intent

The "CG" (Commercial - General) District is intended to provide a land use category for most medium to large-scale commercial uses. This district can be used adjacent to all other commercial, industrial, and multi-family residential districts. Adequate buffering should be provided where located adjacent to any single family residential district.

Uses within the CG district also include some multi-family uses that may be used to create mixed use commercial and residential districts within the city and/or help rejuvenate aging commercial corridors.

The Plan Commission and Board of Zoning Appeals should encourage a mix of uses and development types that 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, large, un-landscaped parking lots, parking lots fronting major streets, and traffic conflicts in the CG District.

Permitted Uses

Commercial: Auto & Vehicle
- auto accessory installation
- auto repair, minor[1]
- auto parts sales

Commercial: Food Sales/Service
- butcher shop/meat market
- convenience store without gas pumps
- drive thru/drive in restaurant
- food service: small scale[2]
- food/farmers market (food hall)
- grocery store
- microbrew/distillery (ltd production)[3]
- restaurant/pub

Commercial: General
- artisan studio/artisan center
- barber/hair salon/nails/tanning
- bank/credit union/ATM[2]
- building/landscape/civil contractor[4]
- coin laundry
- child care center/day care
- clothing alterations/shoe repair
- dry cleaning service
- funeral home/mortuary
- government offices
- health spa
- hotel or motel
- medical/dental/physical therapy/ chiropractor office
- pet care/grooming/vet. clinic[9]
- photography studio
- print shop/copy center
- professional office[1]
- retail 1,2,4 or 5[1]
- tattoo studio/piercing shop
- temporary service agency

Commercial: Recreation/Fitness
- banquet hall/event space
- bar/night club/cigar bar[6]
- dance/aerobics/gymnastics/ martial arts studio
- crossfit/training/fitness center/gym
- fraternal org./lodge/private club
- indoor entertainment venue[1,5]
- indoor shooting range
- theater, indoor[5]

Institutional/Public Facilities
- church/temple/mosque, etc.
- convention/business center
- government building/offices
- hospital
- library
- post office
- public park
- school, elementary/secondary
- school, higher ed. - single facility

Residential Uses
- assisted living facility
- nursing home

Miscellaneous
- accessory uses
- child care/day care (owner-occ.)

Special Exception Uses

Commercial: Auto & Vehicle
- auto body repair shop
- auto repair, major[1]
- auto rental
- auto sales (limited or no services)
- auto sales (with showroom and/or full services)
- auto wash
- boat sales and service
- motor bus station
- small engine repair

Commercial: Food Sales/Service
- convenience store with gas pumps

Commercial: General
- building/landscape/civil contractor (with outdoor storage)
- kennel,commerical/dog daycare
- retail 3, 6[1]
- sign fabrication
- storage:indoor[6]

Commercial: Recreation/Fitness
- ball fields
- marina
- outdoor entertainment venue[1,5]
- theater, outdoor

Communications/Utilities
- public well
- radio/TV station
- telecommunication facility

Institutional/public facilities
- parking lot, stand alone
- substance abuse treatment - outpatient (counseling only)[7]

Residential uses
- co-housing community
- dwelling: duplex
- dwelling: multi-family 3-4 units
- dwelling: multi-family 5-6 units
- dwelling: multi-family 7-12 units
- dwelling: multi-family > 12 units
- dwelling: single-family
- dwelling: single family attached[8]
- senior living/retirement community

Miscellaneous
- helipad

Additional Notes:

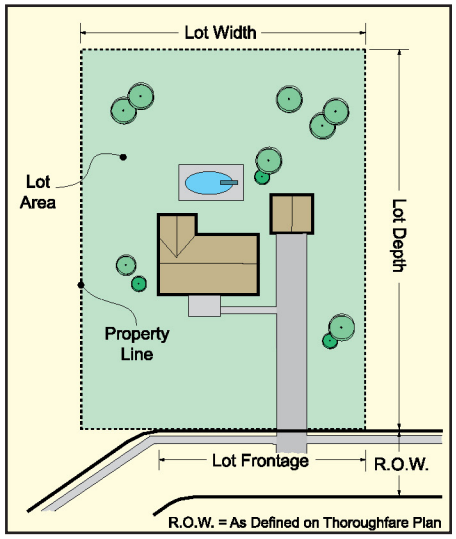
1. See definition(s) in Article 12
2. With or without drive-thru
3. Production area limited to 2,000 square feet
4. No outdoor storage
5. Not adult entertainment uses
6. Less than 40% of building and not located on street front.
7. See article 8.12 for addtional standards.
8. 200 foot maximum building length for all attached units
9. Outdoor kennels allowed only by Special Exception

CG District (Commercial - General)

C2

3.7 CG District Development Standards

Lot Dimensions

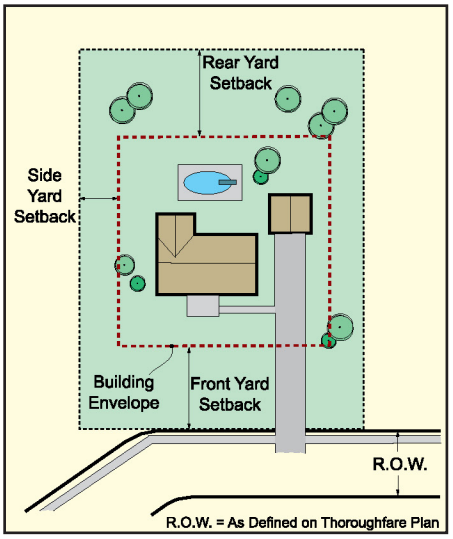


Minimum Lot Area:
- 20,000 sq.ft.

Minimum Lot Width:
- 70 ft.

Minimum Lot Frontage:
- 70 feet

Setbacks

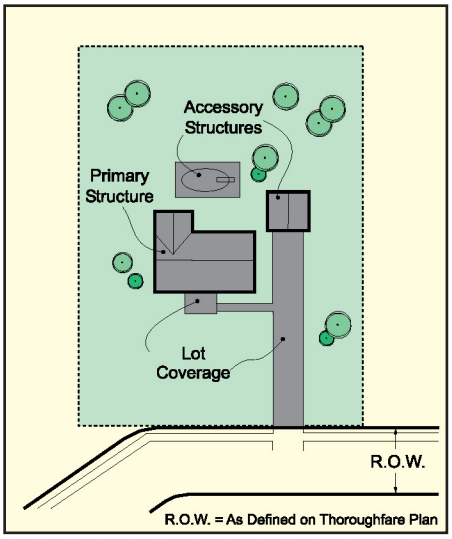


Minimum Front Yard Setback:
- 30 ft. when adjacent to an arterial
- 20 ft. when adjacent to a local street

Minimum Side Yard Setback:
- 20 ft. for the Primary Structure[1,2]
- 8 ft. for an Accessory Structure[3]

Minimum Rear Yard Setback:
- 20 ft. for the Primary Structure[1,2]
- 8 ft. for an Accessory Structure[3]

Other Requirements

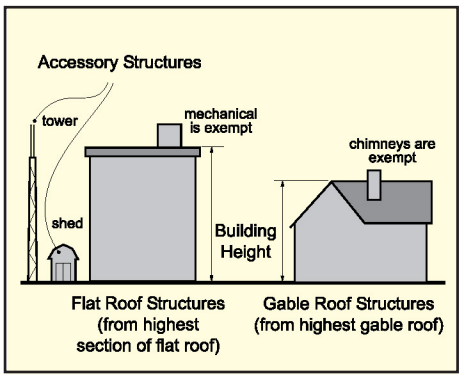


Maximum Lot Coverage:
- 75% of the lot area

Minimum Main Floor Area:
- 1,000 sq.ft. for primary structures[6]

Minimum Floor Area per Unit:
- 700 sq.ft. average per Dwelling Unit in a multiple-unit primary structure, with 400 sq. ft. the absolute minimum

Height



Maximum Structure Height:
- Primary Structure: 35 ft.[4]
- Accessory Structure: 20 ft.

Miscellaneous Notes:

1. Side and Rear Yard setbacks may be reduced to 10 feet where they abut another commercially or industrially zoned property
2. Side and Rear Yard Setbacks for residential buildings (not mixed use) may be reduced to 10 feet regardless of the neighboring zone district
3. Side and Rear Yard setbacks may be reduced to 5 feet where they abut another commercially or industrially zoned property
4. Maximum Height may be increased to 45 feet if the building includes hotel or residential units.
5. In large developments a privately maintained road or access drive may count toward this requirement.
6. If the use is "Commercial: Food sales/services", any outdoor seating areas may be counted toward the Minimum Main Floor Area.

See Article 6 for subdivision regulations
See Article 7 for additional development standards
See Article 8 for additional use-specific standards

CH District (Commercial - Highway)

3.8 CH District Intent, Permitted Uses, and Special Exception Uses

District Intent

The "CH" (Commercial - Highway) 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.

Jeffersonville's Plan Commission and Board of Zoning Appeals should strive to use this district to minimize lighting, parking lots fronting 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.

Permitted Uses

Agricultural Uses/Service
- farm equipment sales/service

Commercial: Auto Sales/Services
- auto accessory installation
- auto repair, minor[1]
- auto parts sales
- auto rental
- auto sales: limited or no services
- auto sales: w/ showroom and/or full service
- auto wash
- auto mechanical repair
- boat sales and service
- recreational vehicle sales & service

Permitted Uses

Commercial: Food Sales/Service
- convenience store with or without gas pumps
- drive-thru/drive-in restaurant
- food service, small scale[1]
- food service, small scale with drive thru
- restaurant/pub

Commercial: General
- barber/hair salon/nails/tanning
- bank/credit union/ATM
- bank/credit union/ATM with drive thru
- hotel
- motel
- photography studio
- professional office
- retail 1 (small scale)[1]
- retail 3 (w/outdoor product sales)[1]
- retail 4 (w/drive-thru service)[1]
- retail 6 (Alcohol/Tobacco Sales)[1]
- storage: indoor

Commercial: Recreation/Fitness
- indoor entertainment venue[1]
- indoor shooting range
- outdoor entertainment venue[1]

Institutional/Public Facilities
- church, temple, or mosque
- convention/business center
- public park
- school, elementary/secondary

Miscellaneous Uses
- accessory uses

Special Exception Uses

Commercial: Auto Sales/Services
- auto body repair
- auto repair, major[1]
- truck stop/filling station

Commercial: General
- kennel,commerical/dog daycare

Communications/Utilities
- telecommunications facility (other than micro-cellular)

Institutional/Public Facilities
- parking lot, stand alone

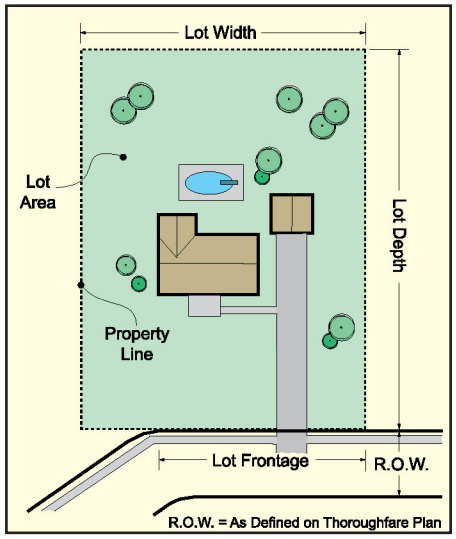
Additional Notes:

1. See definition in Article 12

CH District (Commercial - Highway)

3.9 CH District Development Standards

Lot Dimensions

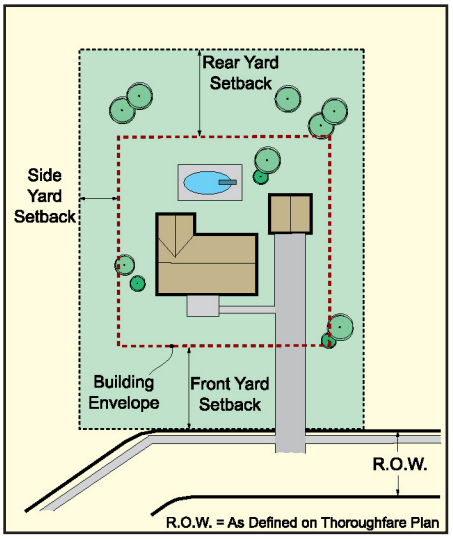


Minimum Lot Area:
- 20,000 sq.ft.

Minimum Lot Width:
- 70 ft.

Minimum Lot Frontage:
- 70 ft.

Setbacks

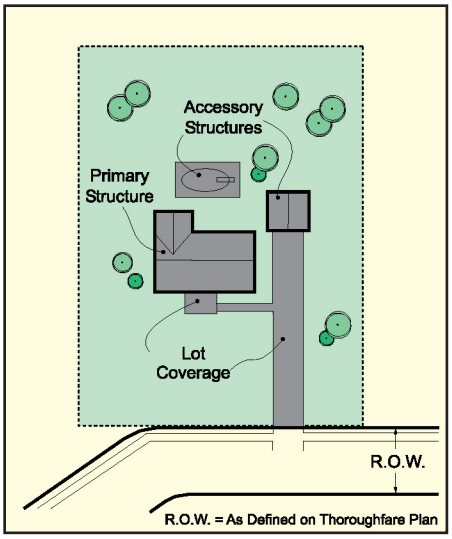


Minimum Front Yard Setback:
- 30 ft. when adjacent to an arterial
- 20 ft. when adjacent to a local street

Minimum Side Yard Setback:
- 20 ft. for the Primary Structure[1]
- 10 ft. for an Accessory Structure[2]

Minimum Rear Yard Setback:
- 20 ft. for the Primary Structure[1]
- 10 ft. for an Accessory Structure[2]

Other Requirements

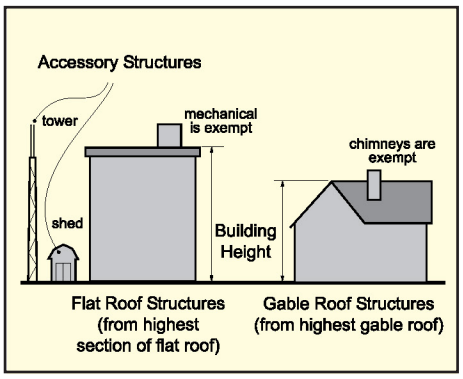


Maximum Lot Coverage:
- 75% of the lot area

Minimum Main Floor Area:
- 1,000 sq.ft. for primary structures

Maximum Main Floor Area:
- 20,000 sq.ft. for primary structures

Height



Maximum Structure Height:
- Primary Structure: 35 ft.[3]
- Accessory Structure: 20 ft.

Miscellaneous Notes:

1. Side and Rear Yard setbacks may be reduced to 15 ft. where they abut another commercially or industrially zoned property
2. Side and Rear Yard setbacks may be reduced to 5 ft. where they abut another commercially or industrially zoned property
3. Maximum Height for hotels and office buildings may be increased to 40 feet.

See Article 6 for subdivision regulations
See Article 7 for additional development standards
See Article 8 for additional use-specific standards

CN District (Commercial - Neighborhood Scale)

3.10 CN District Intent, Permitted Uses, and Special Exception Uses

District Intent

The "CN" (Commercial - Neighborhood Scale) 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 non-conflicting with adjacent neighborhoods in Jeffersonville.

Jeffersonville's Plan Commission should strive to use this district exclusively for small, existing lots along important road corridors in older portions of the City.

The Plan Commission and Board of Zoning Appeals should strive to exclude businesses from the "CN" district that are not family oriented or that have an adverse effect on the existing adjacent neighborhoods.

Permitted Uses

Commercial: Food Sales/Service
- butcher shop/meat market
- convenience store without gas pumps
- food service: small scale[1,2]
- grocery store
- restaurant/pub[2]

Commercial: General
- artisan studio/artisan center
- barber/hair salon/nails/tanning
- building/landscape/civil contractor[2,3]
- coin laundry
- child care center (day care)
- clothing alterations/shoe repair
- health spa
- medical/dental/physical therapy/ chiropractor office
- pet care/grooming/vet clinic[4]
- photography studio
- print shop/copy center
- professional office
- retail-1 (small scale)[1]
- retail 5 (used goods)[1,2]

Commercial: Recreation/Fitness
- dance/aerobics/gymnastics/ martial arts studio
- fitness center/gym

Institutional/Public Facilities
- church/temple/mosque
- public park
- school, elementary/secondary

Residential
- bed and breakfast
- dwelling: duplex
- dwelling: multi-family - 3 to 4 units
- dwelling: single family
- short-term rental (See Article 8.11)

Miscellaneous Uses
- accessory uses
- child care/day care: owner occupied
- home occupation #1
- home occupation #2

Special Exception Uses

Commercial: General
- dry cleaning service
- funeral home/mortuary

Commercial: Recreation/Fitness
- fraternal org./lodge/private club

Communications/Utilities
- telecommunications facility (other than micro-cellular)

Institutional/Public Facilities
- government offices
- library
- Police/Fire Station
- Post Office

Residential
- boarding house (owner-occupied)
- dwelling: accessory dwelling unit[5]

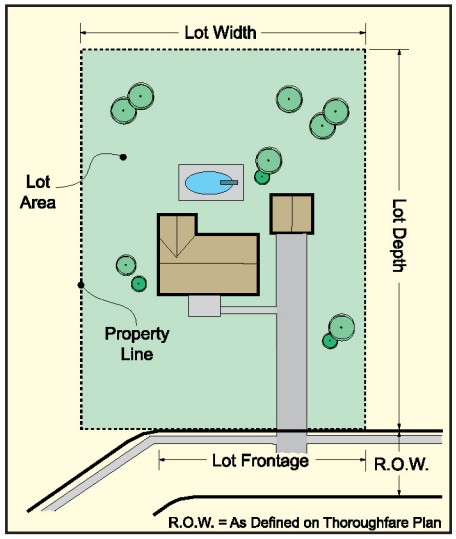
Additional Notes:

1. See definition in Article 12
2. Limited to 1,500 SF - Special exception where greater
3. No outdoor storage
4. No outdoor kennels
5. See Article 8.2 for additional standards.

CN District (Commercial - Neighborhood Scale)

3.11 CN District Development Standards

Lot Dimensions



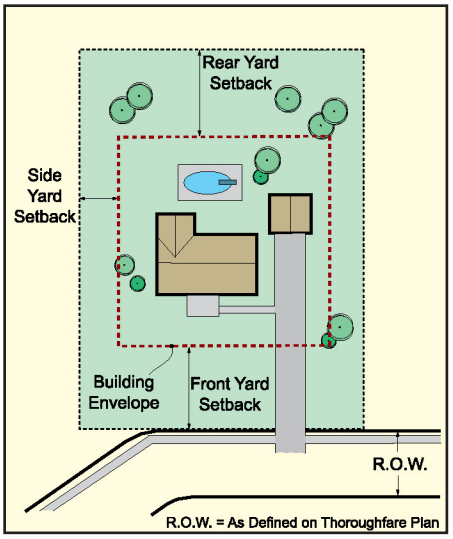
Minimum Lot Area:
- 5,000 sq.ft.

Maximum Lot Area:
- 20,000 sq.ft.

Minimum Lot Width:
- 50 ft.

Minimum Lot Frontage:
- 50 ft.

Setbacks

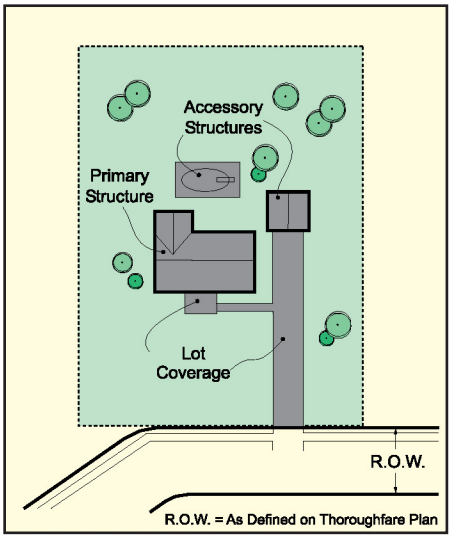


Minimum Front Yard Setback:
- 10 ft. when adjacent to an arterial or average setback whichever is less.
- 5 ft. when adjacent to a local street or average setback whichever is less.

Minimum Side Yard Setback:
- 5 ft. for the Primary Structure[2]
- 2 ft. for an Accessory Structure

Minimum Rear Yard Setback:
- 12 ft. for the Primary Structure
- 2 ft. for an Accessory Structure

Other Requirements

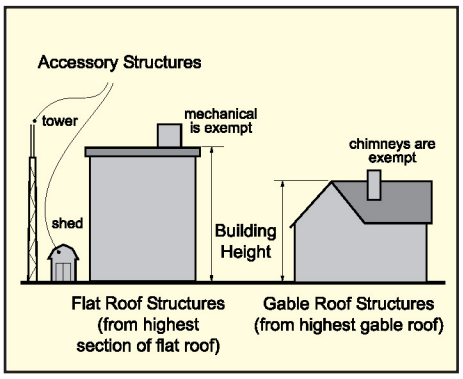


Maximum Lot Coverage:
- 85% of the lot area

Min./Max. Main Floor Area:
- 800 sq. ft. min. for primary struct.
- 5,000 Sq.ft. max. for primary struct.

Minimum Floor Area per Unit:
- 500 square feet average per Dwelling Unit in a multiple-unit primary structure, with 400 square feet being the absolute minimum.

Height



Maximum Structure Height:
- Primary Structure: 28 ft.[1]
- Accessory Structure: 20 ft.

Miscellaneous Notes:

1. Maximum of two stories for fully commercial structures; structures with residential units may utilize third floor, attic-like spaces under a pitched roof.
2. Primary Structures and/or their additions must maintain a minimum of 6 feet of clearance between any other Primary Structure.

See Article 6 for subdivision regulations
See Article 7 for additional development standards
See Article 8 for additional use-specific standards

CO District (Commercial - Office Only)

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

District Intent

The "CO" (Commercial - Office Only) District is intended to provide a land use category for small-scale , low-impact commercial uses that provide services to neighborhoods. The provisions that regulate this land use district should promote appropriate commercial uses that are clearly non-conflicting with adjacent neighborhoods in Jeffersonville.

Jeffersonville's Plan Commission should strive to use this district exclusively for existing lots along road corridors in the City.

The Plan Commission and Board of Zoning Appeals should strive to exclude businesses from the "CO" district that are not family oriented or that have an adverse effect on the existing adjacent neighborhoods.

Permitted Uses

Commercial: General
- barber/hair salon/nails/tanning
- bank/credit union/ATM
- child care center (day care)
- clothing alterations/shoe repair
- health spa
- medical/dental/physical therapy/ chiropractor office
- photography studio
- professional office

Institutional/Public Facilities
- public park
- school, elementary/secondary

Residential
- dwelling: single family
- short-term rental (See Article 8.11)

Miscellaneous Uses
- accessory uses
- child care/day care: owner occupied
- home occupation #1
- home occupation #2

Special Exception Uses

Commercial: General
- bank/credit union/ATM (w/drive thru)
- building/landscape/civil contractor[2]
- pet care/grooming/vet clinic[3]

Business: Recreation/Fitness
- fitness center/gym

Communications/Utilities
- telecommunications facility (other than micro-cellular)

Institutional/Public Facilities
- church, temple, or mosque

Residential
- dwelling: accessory dwelling unit[4]

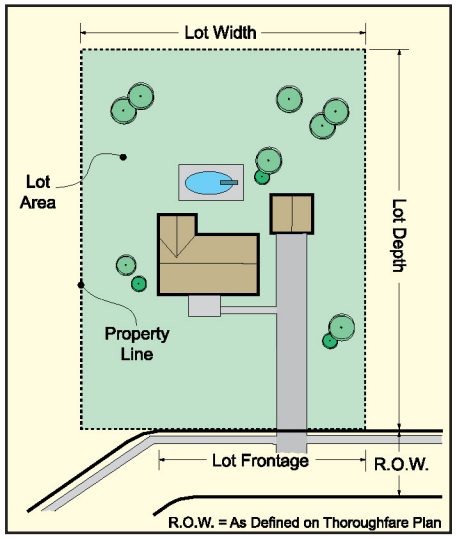
Additional Notes:

1. See definition in Article 12
2. No outdoor storage
3. No outdoor kennels
4. See Article 8.2 for additional standards.

CO District (Commercial - Office Only)

3.13 CO District Development Standards

Lot Dimensions



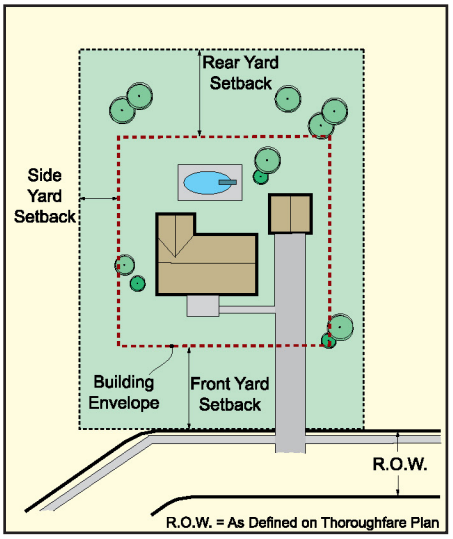
Minimum Lot Area:
- 7,000 sq.ft.

Maximum Lot Area:
- 1.5 acres

Minimum Lot Width:
- 70 ft.

Minimum Lot Frontage:
- 50 ft.

Setbacks

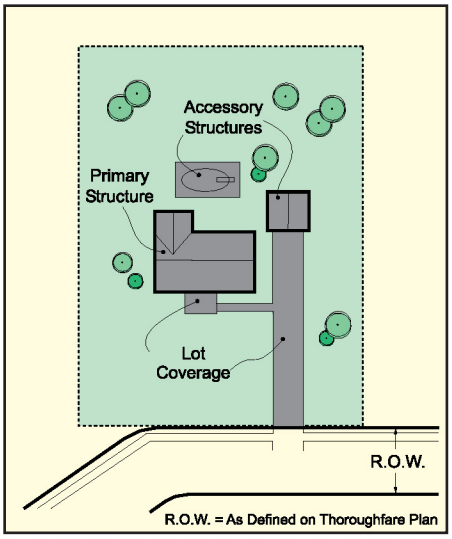


Minimum Front Yard Setback:
- 30 ft. when adjacent to an arterial or average setback whichever is less.
- 25 ft. when adjacent to a local street or average setback whichever is less.

Minimum Side Yard Setback:
- 10 ft. for the Primary Structure
- 5 ft. for an Accessory Structure

Minimum Rear Yard Setback:
- 20 ft. for the Primary Structure
- 5 ft. for an Accessory Structure

Other Requirements

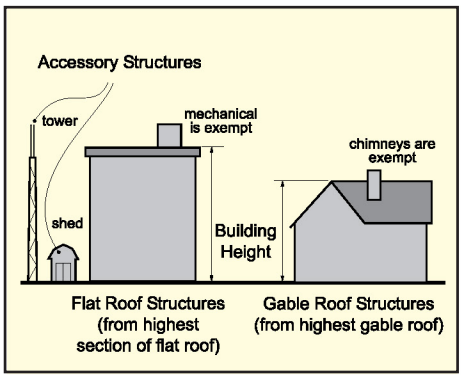


Maximum Lot Coverage:
- 60% of the lot area

Min./Max. Main Floor Area:
- 800 sq. ft. min. for primary struct.
- 5,000 Sq.ft. max. for primary struct.

Maximum Primary Structures
- 1 Primary Structure

Height



Maximum Structure Height:
- Primary Structure: 28 ft.[1]
- Accessory Structure: 20 ft.

Miscellaneous Notes:

1. Maximum of two stories for fully commercial structures; structures with residential units may utilize third floor, attic-like spaces under a pitched roof.

See Article 6 for subdivision regulations
See Article 7 for additional development standards
See Article 8 for additional use-specific standards

I1 District (Business Park/Light Industrial)

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

District Intent

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 by used adjacent to all other commercial districts, and the M1 and M2 residential districts.

Jeffersonville's Plan Commission should strive to use this 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.

Permitted Uses

Agricultural Uses/Service
- farm equipment sales/service

Commercial: Auto Sales/Services
- auto accessory installation
- auto body repair shop
- auto repair, major[1]
- auto repair, minor[1]
- auto parts sales
- auto rental
- auto sales; limited or no services
- auto sales; with showroom and/or full services
- auto wash
- auto/truck/bus storage - no sales
- boat sales and service
- commercial truck sales
- filling/gas station (accessory)[2]
- recreational vehicle sales/service
- small engine repair

Commercial: Food Sales/Services
- Microbrewery/Microdistillery

Commercial: General
- bldg./landscape/civil contractor[3]
- kennel, commercial/dog daycare
- mini-storage facility
- sign fabrication
- storage: indoor

Commercial: Recreation/Fitness
- cross fit/training center

Communications/Utilities
- utility maintenance yard

Industrial Uses
- construction equipment rental
- flex space
- manufacturing: light
- offices (associated with mfg facility)
- research center/laboratories
- trade shop(s)
- warehouse/distribution/wholesale

Institutional/Public Facilities
- public park
- school, elementary/secondary
- school, higher ed.-single facility
- substance abuse treatment - outpatient (counseling only)[6]

Miscellaneous
- accessory uses

Special Exception Uses

Agricultural Uses/Service
- comm. storage/processing of agricultural products

Commercial: Auto Sales/Services
- motor bus station

Commercial: General
- storage; outdoor[4]

Communications/Utilities
- electrical generation
- internet server facility
- pipeline pumping station
- public well
- radio/tv station
- recycling center (public)
- telecommunications facility (other than micro-cellular)
- utility substation

Industrial Uses
- bottled gas storage/distribution
- industrial storage[5]

Institutional/Public Facilities
- church, temple, mosque, etc.
- parking lot, stand alone
- police/fire station
- public recreation center/pool
- substance abuse treatment - outpatient[6]

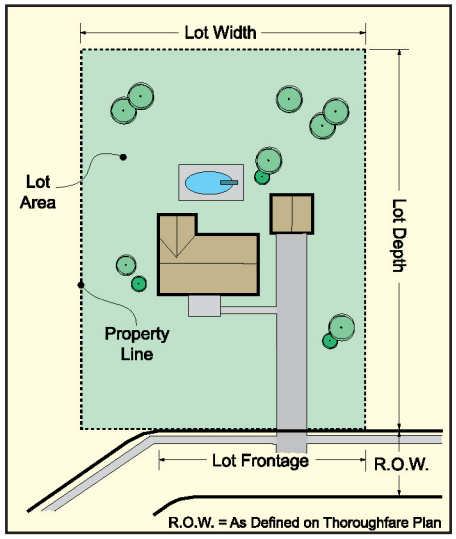
Additional Notes:

1. See definition in Article 12
2. Only where accessory to another approved use in this district
3. With or without outdoor storage
4. Enclosed with privacy fence
5. Not accessory to another use
6. See Article 8.12 for addtional standards.

I1 District (Business Park/Light Industrial)

3.15 I1 District Development Standards

Lot Dimensions

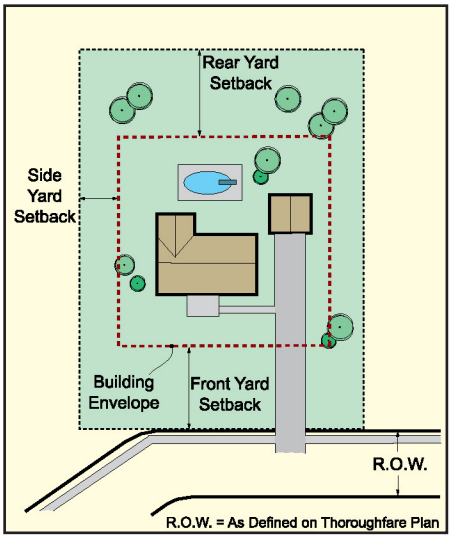


Minimum Lot Area:
- 2 acres (87,120 sq.ft.)

Minimum Lot Width:
- 200 ft.

Minimum Lot Frontage:
- 80 ft.

Setbacks

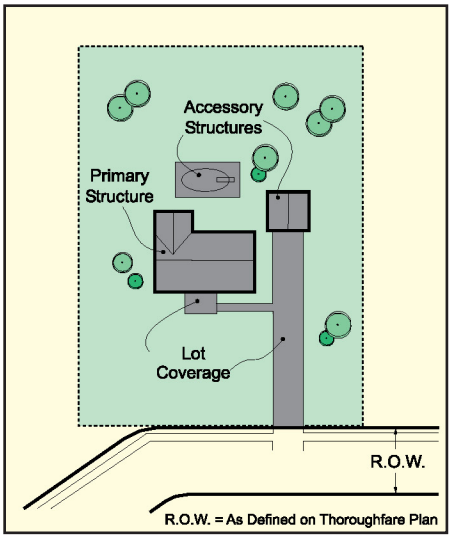


Minimum Front Yard Setback:
- 35 ft. when adjacent to an arterial
- 25 ft. when adjacent to a local street

Minimum Side Yard Setback:
- 30 ft. for the Primary Structure[1]
- 20 ft. for an Accessory Structure[2]

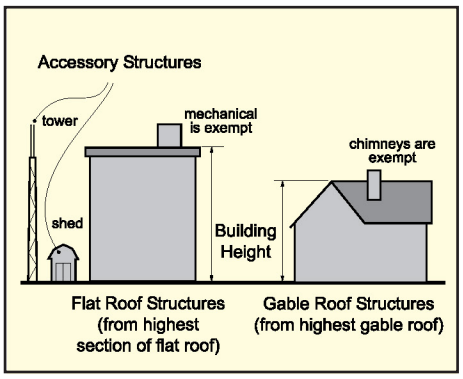
Minimum Rear Yard Setback:
- 30 ft. for the Primary Structure[1]
- 20 ft. for an Accessory Structure[2]

Other Requirements



Maximum Lot Coverage:
- 65% of the lot area

Height



Maximum Structure Height:
- Primary Structure: 45 ft.[3]
- Accessory Structure: 35 ft.[3]

Miscellaneous Notes:

1. Side and Rear Yard setbacks for primary structures may be reduced to 15 feet where they abut another industrially zoned property.
2. Side and Rear Yard setbacks for accessory structures may be reduced to 5 feet where they abut another industrially zoned property.
3. See height exceptions in Article 3.1.C

See Article 6 for subdivision regulations
See Article 7 for additional development standards
See Article 8 for additional use-specific standards

I2 District (Industrial Park/Heavy Industrial)

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

District Intent

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 CG, I1, and A1 zoning districts where there are few negative effects on the built environment.

The Plan Commission should be very careful when allowing this district. Environmental concerns, 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 I2 District.

Buffer yards should be strictly upheld and outdoor storage discouraged.

Permitted Uses

Agricultural Uses/Service
- comm. storage/processing of agricultural products
- farm equipment sales/service

Commercial: Auto Sales/Services
- auto accessory installation
- auto body repair shop
- auto repair, major[1]
- auto repair, minor[1]
- auto parts sales
- auto rental
- auto sales; limited or no services
- auto sales; with showroom and/or full services
- auto wash

Permitted Uses

- auto/truck/bus storage - no sales
- boat sales and service
- commercial truck sales
- filling/gas station (accessory)[2]
- parking lot, stand alone
- motor bus station
- recreational vehicle sales/service
- small engine repair

Commercial: Food Sales/Services
- Microbrewery/Microdistillery

Commercial: General
- bldg./landscape/civil contractor[3]
- kennel, commercial/dog daycare
- mini-storage facility
- sign fabrication
- storage: indoor

Commercial: Recreation/Fitness
- cross fit/training center

Communications/Utilities
- utility maintenance yard

Industrial Uses
- bottled gas storage/distribution
- construction equipment rental
- flex space
- manufacturing: light
- manufacturing: heavy
- offices (associated with mfg facility)
- research center/laboratories
- trade shop(s)
- warehouse/distribution/wholesale

Institutional/Public Facilities
- Public park
- school, elementary/secondary
- school, higher ed.-single facility
- substance abuse treatment - outpatient (counseling only)[6]

Miscellaneous
- accessory uses

Special Exception Uses

Commercial: Auto Sales/Services
- auto impound facility
- salvage yard

Commercial: General
- adult entertainment/adult retail[7]
- storage; outdoor[4]

Communications/Utilities
- electrical generation
- internet server facility
- pipeline pumping station
- public well
- radio/tv station
- recycling center (public)
- sewage treatment plant
- storage tanks (non-hazardous)
- telecommunications facility (other than micro-cellular)
- utility substation

Industrial Uses
- concrete processing/shipping
- incinerator
- industrial storage[5]
- liquid fertilizer storage/distribution
- material extraction (quarry/sand/gravel pit)
- recycling center (private)
- salvage yard

Institutional/Public Facilities
- church, temple, mosque, etc.
- police/fire station
- public recreation center/pool
- substance abuse treatment - outpatient[6]

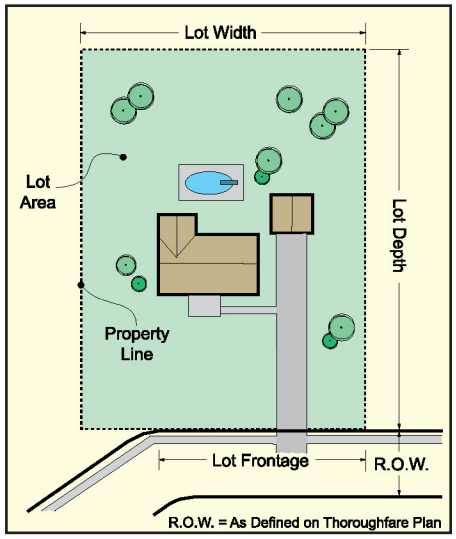
Additional Notes:

1. See definition in Article 12
2. Only where accessory to another approved use in this district
3. With or without outdoor storage
4. Enclosed with privacy fence
5. Not accessory to another use
6. See Article 8.12 for additional standards.
7. See Article 8.3 for additional standards.

I2 District (Industrial Park/Heavy Industrial)

3.17 I2 District Development Standards

Lot Dimensions

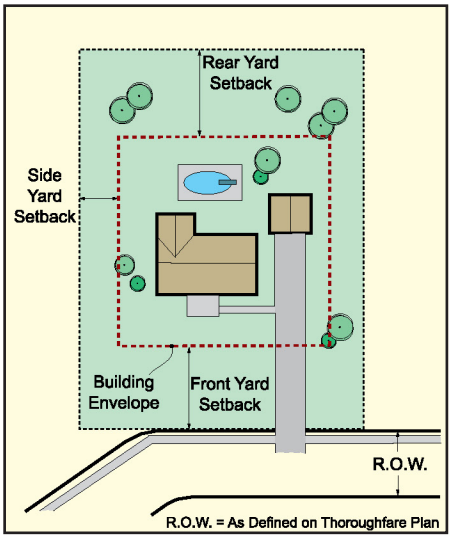


Minimum Lot Area:
- 3 acres (130,680 sq.ft.)

Minimum Lot Width:
- 250 ft.

Minimum Lot Frontage:
- 80 ft.

Setbacks

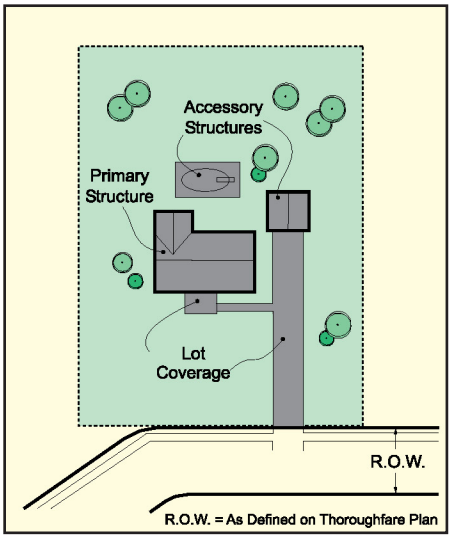


Minimum Front Yard Setback:
- 35 ft. when adjacent to an arterial
- 25 ft. when adjacent to a local street

Minimum Side Yard Setback:
- 30 ft. for the Primary Structure[1]
- 20 ft. for an Accessory Structure[2]

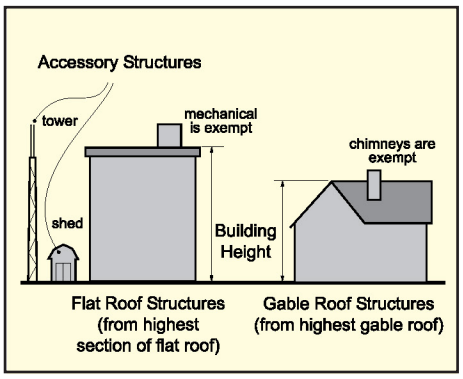
Minimum Rear Yard Setback:
- 30 ft. for the Primary Structure[1]
- 20 ft. for an Accessory Structure[2]

Other Requirements



Maximum Lot Coverage:
- 65% of the lot area

Height



Maximum Structure Height:
- Primary Structure: 45 ft.[3]
- Accessory Structure: 35 ft.[3]

Miscellaneous Notes:

1. Side and Rear Yard setbacks for primary structures may be reduced to 15 feet where they abut another industrially zoned property.
2. Side and Rear Yard setbacks for accessory structures may be reduced to 5 feet where they abut another industrially zoned property.
3. See height exceptions in article 3.1.C

See Article 6 for subdivision regulations
See Article 7 for additional development standards
See Article 8 for additional use-specific standards

IN District (Industrial - Neighborhood Scale)

3.18 IN District Intent, Permitted Uses, and Special Exception Uses

District Intent

The "IN" (Industrial - Neighborhood Scale) 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 existing 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 IN District.

Buffering should be strictly upheld and outdoor storage discouraged.

Permitted Uses

Commercial: Auto & Vehicle
- auto parts sales

Commercial: Food Sales/Service
- microbrewery/microdistillery

Commercial: General
- artisan studio/artisan center
- building/landscape/civil contractor (not outdoor storage)
- building/landscape/civil contractor (w/ outdoor storage)
- mini-storage facility
- sign fabrication
- storage: indoor

Commercial: Recreation/Fitness
- crossfit/training center

Industrial Uses
- flex space
- manufacturing, light[1]
- offices (associated with manufacturing facility)
- research center/laboratories
- trade shop
- warehouse/distribution/ wholesale business
- minor expansion or minor modification of existing industrial uses

Institutional/Public Facilities
- convention/business center
- library
- museum
- public park
- public recreation center/pool
- school, elementary/secondary
- school, higher education - single facility

Miscellaneous Uses
- accessory uses

Special Exception Uses

Commercial: Auto & Vehicle
- auto accessory installation
- auto body repair shop
- auto repair, major[1]
- auto repair, minor[1]
- automobile/truck storage/bus, (open air) - no sales
- small engine repair

Commercial: General
- storage: outdoor (enclosed with privacy fence)

Communication/Utilities
- public well
- radio/TV station
- telecommunications facility (other than micro-cellular)
- utility maintenance yard
- utility substation

Industrial Uses
- construction equipment rental

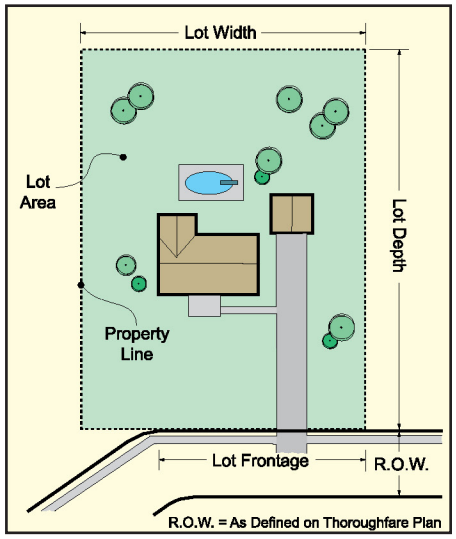
Institutional/Public Facilities
- church, temple, mosque
- government building
- police/fire station

Additional Notes:
1. See definition in Article 12
2. No outdoor storage

IN District (Industrial - Neighborhood Scale)

3.19 IN District Development Standards

Lot Dimensions

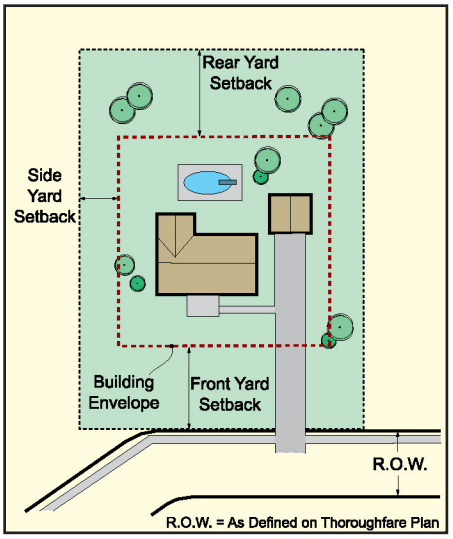


Minimum Lot Area:
- 1 acre (43,560 sq.ft.)

Minimum Lot Width:
- 100 ft.

Minimum Lot Frontage:
- 80 ft.

Setbacks

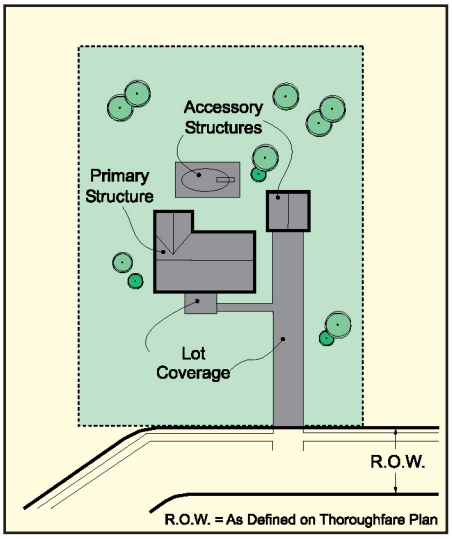


Minimum Front Yard Setback:
- 25 ft. when adjacent to an arterial
- 20 ft. when adjacent to a local street

Minimum Side Yard Setback:
- 20 ft. for the Primary Structure[1]
- 10 ft. for an Accessory Structure[2]

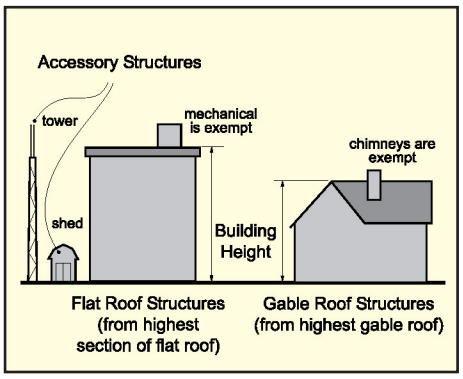
Minimum Rear Yard Setback:
- 20 ft. for the Primary Structure[1]
- 10 ft. for an Accessory Structure[2]

Other Requirements



Maximum Lot Coverage:
- 70% of the lot area

Height



Maximum Structure Height:
- Primary Structure: 35 ft.[3]
- Accessory Structure: 25 ft.[3]

Miscellaneous Notes:

1. Side and Rear Yard setbacks for primary structures may be reduced to 15 feet where they abut another industrially zoned property.
2. Side and Rear Yard setbacks for accessory structures may be reduced to 5 feet where they abut another industrially zoned property.
3. See height exceptions in article 3.1.C

See Article 6 for subdivision regulations
See Article 7 for additional development standards
See Article 8 for additional use-specific standards

IR District (Industrial - River Ridge Commerce Center)

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

District Intent

The "IR" (Industrial - River Ridge Commerce Center) District has been created for the sole purpose of the development of the River Ridge Commerce Center (RRCC). The RRCC contains a mix of most office, commercial and industrial uses. The district shall be limited to the geographic area with the City of Jeffersonville that was formerly known as the Indiana Army Ammunition Plant (INAAP) and is now being developed by the River Ridge Development Authority (RRDA).

Jeffersonville's Plan Commission should strive to assist the RRDA in their effort to develop this district as a general 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.

Buffering should be strictly upheld and outdoor storage discouraged.

Permitted Uses

All proposed uses as approved by the RRDA or its designee[1]

Special Exception Uses

No special exception uses in this district.

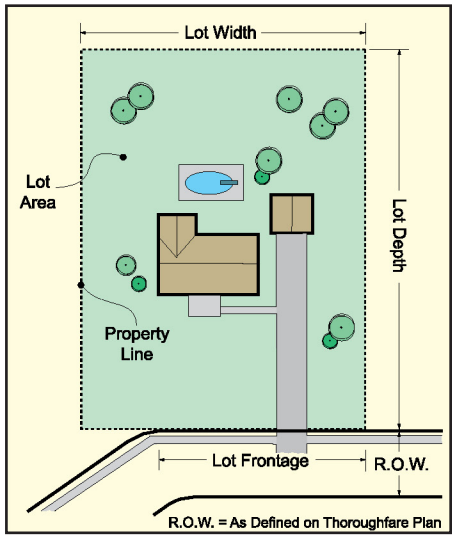
Additional Notes:

1. Written approval from RRDA required.

IR District (Industrial - River Ridge Commerce Center)

3.21 IR District Development Standards

Lot Dimensions

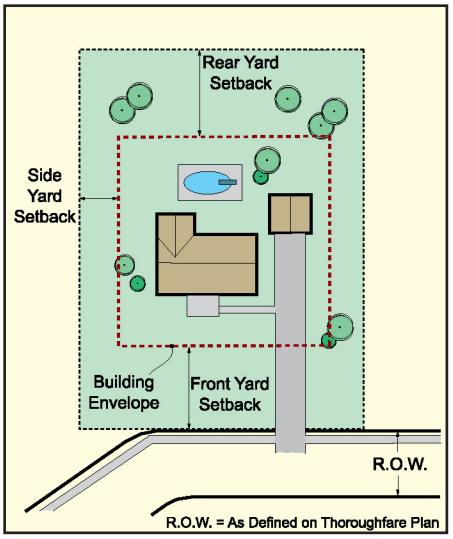


Minimum Lot Area:
- As allowed/established by RRCC

Minimum Lot Width:
- As allowed/established by RRCC

Minimum Lot Frontage:
- As allowed/established by RRCC

Setbacks

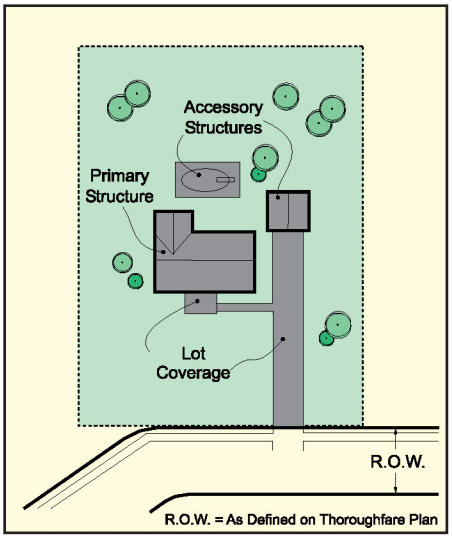


Minimum Front Yard Setback:
- 75 ft. for industrial uses
- 35 ft. for non-industrial uses

Minimum Side Yard Setback:
- 50 ft. for industrial uses
- 35 ft. for non-industrial uses

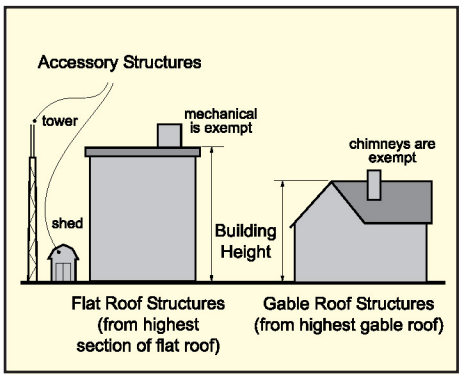
Minimum Rear Yard Setback:
- 50 ft. for industrial uses
- 35 ft. for non-industrial uses

Other Requirements



Maximum Lot Coverage
- 75% of the lot area

Height



Maximum Structure Height:
- Primary Structure: 60 ft.[1]
- Accessory Structure: 25 ft.[1]

Miscellaneous Notes:

1. See height exceptions in article 3.1.C

See Article 6 for subdivision regulations
See Article 7 for additional development standards
See Article 8 for additional use-specific standards

M1 District (Multi-Family - Small Scale)

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

District Intent

The M1 (Multi-Family - Small Scale) District is intended to provide a land use category for small-scale multi-family residential development. Such developments should consist of no more than four dwelling units in a single building on an individual lot.

The M1 district is applicable to new and existing developments. The zone district may be used for a single, isolated lot, but it may also be used to create larger developments comprised of similarly small lots.

Where small isolated projects occur (e.g. a new duplex in an existing residential neighborhood) the Plan Commission should strive to ensure that development is generally compatible with the surrounding properties.

Where M1 subdivisions are created, Jeffersonville's Plan Commission and Board of Zoning Appeals should exercise greater caution in order to protect the quality of life of adjacent property owners.

Permitted Uses

Residential
- dwelling: duplex
- dwelling: multi-family - 3 to 4 units
- dwelling: single family
- dwelling: single family, attached[1]
- residential clubhouse/community room[2]
- residential facility for developmentally disabled/mentally ill (4 bedrooms or less)
- senior living/retirement community[2]
- short-term rental (See Article 8.11)

Institutional/Public Facilities
- public park
- school, elementary/secondary

Miscellaneous Uses
- child care/day care: owner occupied
- home occupation #1

Special Exception Uses

Communications/Utilities
- telecommunications facility (other than microcellular)

Institutional/Public Facilities
- church, temple, or mosque

Residential Uses
- bed and breakfast
- co-housing community
- dwelling: multi-family - 5-6 units[3]
- residential facility for developmentally disabled/mentally ill (more than 4 units)

Miscellaneous Uses
- home occupation #2

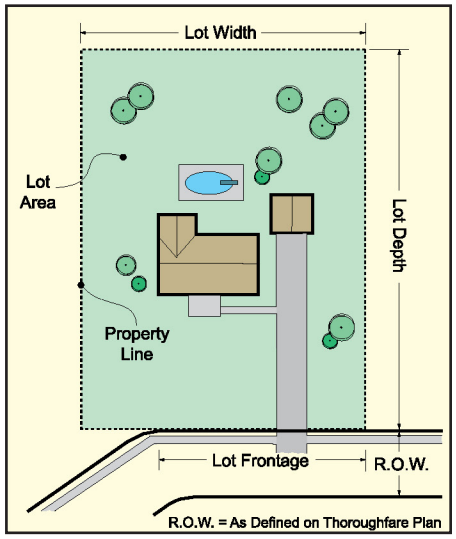
Additional Notes:

1. 200' maximum building length for all attached units, refer to Article 6 for subdivision of lots
2. Only where a multiple-lot M1 subdivision is created.
3. Shall only be granted for a single stand alone property (e.g. a large home in the downtown converted into smaller units)

M1 District (Multi-Family - Small Scale)

3.23 M1 District Development Standards

Lot Dimensions

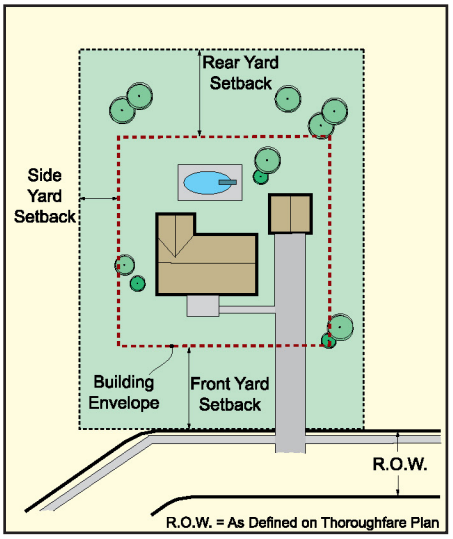


Minimum Lot Area:
- 5,000 sq.ft. (stand alone property)
- Average of 7,500 sq.ft. (in multi-lot development)

Minimum Lot Width:
- 30 ft. (stand alone property)
- 50 ft. (in multi-lot development)

Minimum Lot Frontage:
- 30 ft. (stand alone property)
- 40 ft. (in multi-lot development)

Setbacks

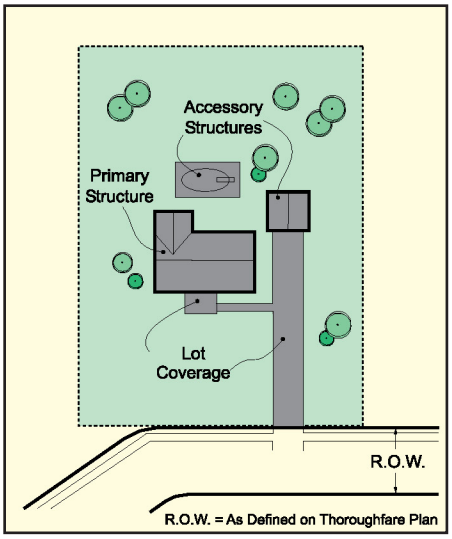


Minimum Front Yard Setback:
- 30 ft. when adjacent to an arterial
- 20 ft. when adj. to a local street or average setback whichever is less

Minimum Side Yard Setback:
- 5 ft. for the Primary Structure[1,6]
- 2 ft. for an Accessory Structure[2]

Minimum Rear Yard Setback:
- 15 ft. for the Primary Structure
- 2 ft. for an Accessory Structure[2]

Other Requirements

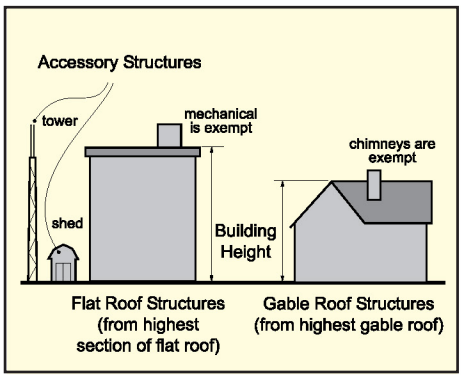


Maximum Lot Coverage
- See formula below[5]

Minimum Residential Unit Size
- 700 sq.ft. average per dwelling unit in with 400 sq.ft. the minimum[3]

Maximum no. of Dwelling Units
- 12 dwelling units

Height



Maximum Structure Height:
- Primary Structure: 35 ft.
- Accessory Structure: 18 ft.

Maximum Stories
- 2 stories[4]

Miscellaneous Notes:

1. In multi-lot developments, side yard setbacks for primary structures shall be increased to 10 feet.
2. In multi-lot developments, side and rear yard setbacks for accessory structures shall be increased to 5 feet.
3. The minimum residential unit size in the Downtown and Adjacent Neighborhoods may be reduced to an average of 500 square feet with 400 square feet the minimum.
4. Buildings may utilize third floor loft or attic-like spaces under a pitched roof.
5. 0.25 x [Lot Area in sq.ft.] + 2,000. Maximum of 90% coverage.
6. Primary Structures and/or their additions must maintain a minimum of 6 feet of clearance between any other Primary Structure.

See Article 6 for subdivision regulations
See Article 7 for additional development standards
See Article 8 for additional use-specific standards

M2 District (Multi-Family - Medium Scale)

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

District Intent

The M2 (Multi-Family - Medium Scale) District is intended to provide a land use category for medium-scale multi-family apartment, townhouse, or condominium developments. Such developments generally consist of a number of medium-scale buildings with no more than 12 units in a single building and no more than 100 units in a single development.

The Jeffersonville's Plan Commission and Board of Zoning Appeals should strive to integrate this district near other commercial districts and exercise greater sensitivity where this district is adjacent to other residential districts. This district should also be within close proximity to parks and open spaces that serve the residents.

Permitted Uses

Residential
- assisted living facility
- child care institution (children's home)
- co-housing community
- dwelling: duplex
- dwelling: multi-family - 3 to 4 units
- dwelling: multi-family - 5 to 6 units
- dwelling: multi-family - 7 to 12 units
- dwelling: single family
- dwelling: single family, attached[1]
- nursing home
- residential clubhouse/community room
- senior living/retirement community[2]
- short-term rental (See Article 8.11)

Institutional/Public Facilities
- public park
- school, elementary/secondary

Miscellaneous Uses
- child care/day care: owner occupied
- home occupation #1

Special Exception Uses

Communications/Utilities
- telecommunications facility (other than microcellular)

Institutional/Public Facilities
- church, temple, or mosque

Residential
- dwelling: multi-family (>12 units)[3]
- residential facility for developmentally disabled/mentally ill (4 units or less)
- residential facility for developmentally disabled/mentally ill (more than 4 units)

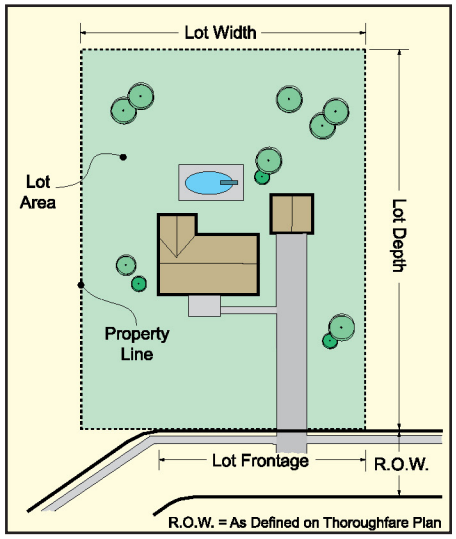
Additional Notes:

1. 320' maximum building length for all attached units, refer to M1 standards in Article 6 for subdivision of lots
2. Not assisted living or nursing home
3. This may be acceptable where only a single building is proposed and there are less than 25 units

M2 District (Multi-Family - Medium Scale)

3.25 M2 District Development Standards

Lot Dimensions

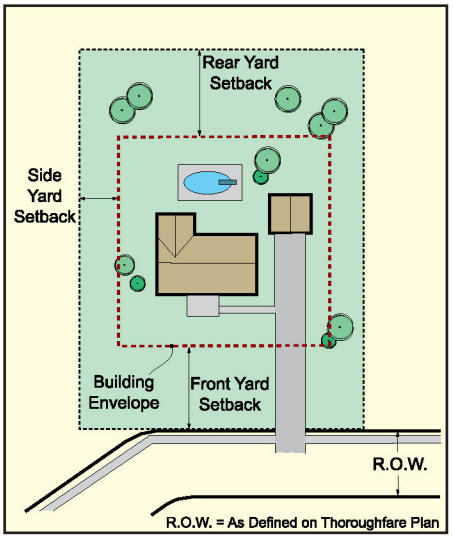


Minimum Lot Area:
- 20,000 sq.ft.

Minimum Lot Width:
- 80 ft.

Minimum Lot Frontage:
- 50 ft.

Setbacks

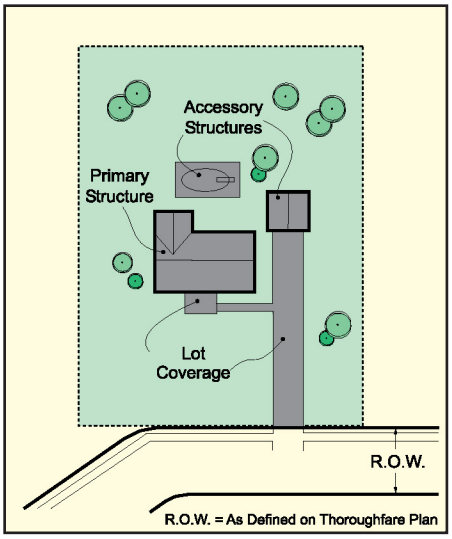


Minimum Front Yard Setback:
- 30 ft. when adjacent to an arterial
- 20 ft. when adj. to a local street or average setback whichever is less

Minimum Side Yard Setback:
- 25 ft. for the Primary Structure[1,2]
- 10 ft. for an Accessory Structure[3]

Minimum Rear Yard Setback:
- 25 ft. for the Primary Structure
- 10 ft. for an Accessory Structure[3]

Other Requirements

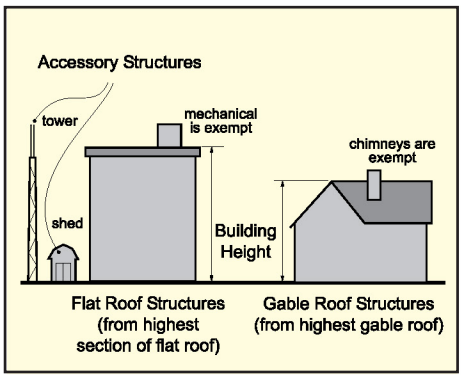


Maximum Lot Coverage
- 65% of the lot area

Minimum Residential Unit Size
- 700 sq.ft. average per dwelling unit in all multi-family structures in the development, with 400 sq.ft. the minimum

Maximum no. of Dwelling Units
- 100 units per development

Height



Maximum Structure Height:
- Primary Structure: 40 ft.
- Accessory Structure: 18 ft.

Maximum Stories
- 3 stories

Miscellaneous Notes:

1. Side yard setbacks may be reduced to 15 feet where adjacent to any of the following districts: CG, CH, CO, M1, M2, & M3.
2. Side yard setbacks my be reduced to 10 feet where adjacent to any of the following districts: CD, CN, and R4.
3. Side yard setbacks for accessory structures may be reduced to 5 feet in any of the districts listed in notes 1 or 2 above.

See Article 6 for subdivision regulations
See Article 7 for additional development standards
See Article 8 for additional use-specific standards

M3 District (Multi-Family - Large Scale)

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

District Intent

The M3 (Multi-Family - Large Scale) District is intended to provide a land use category for large-scale multi-family apartment, townhouse, or condominium developments with over 100 dwelling units. Such developments may consist of one very large building or be divided among smaller buildings on site.

The Jeffersonville's Plan Commission and Board of Zoning Appeals should strive to integrate this district near other commercial districts and exercise greater sensitivity where this district is adjacent to other residential districts. Given the scale of projects in this district it should only be utilized on or near major arterial streets or in areas with a robust local street network to distribute traffic. This district should also be within close proximity to parks and open spaces that serve the residents.

Permitted Uses

Residential
- assisted living facility
- child care institution (children's home)
- co-housing community
- dwelling: duplex
- dwelling: multi-family - 3 to 4 units
- dwelling: multi-family - 5 to 6 units
- dwelling: multi-family - >12 units
- dwelling: single family
- dwelling: single family, attached[1]
- nursing home
- residential clubhouse/community room
- senior living/retirement community
- short-term rental (See Article 8.11)

Institutional/Public Facilities
- public park
- school, elementary/secondary

Miscellaneous Uses
- child care/day care: owner occupied
- home occupation #1

Special Exception Uses

Communications/Utilities
- telecommunications facility (other than microcellular

Residential
- residential facility for developmentally disabled/mentally ill (more than 4 units)

Institutional/Public Facilities
- church, temple, or mosque

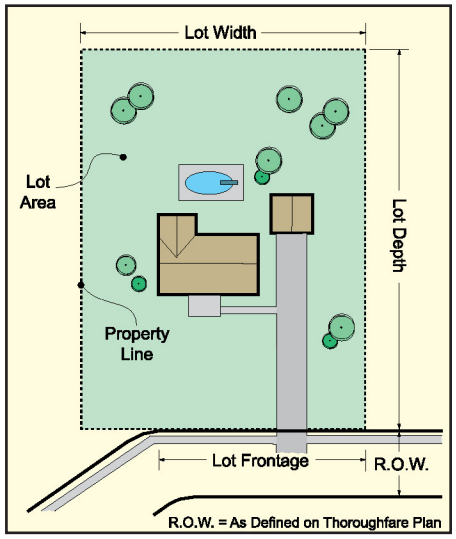
Additional Notes:

1. 320' maximum building length for all attached units; refer to M1 standards in Article 6 for subdivision of lots

M3 District (Multi-Family - Large Scale)

3.27 M3 District Development Standards

Lot Dimensions

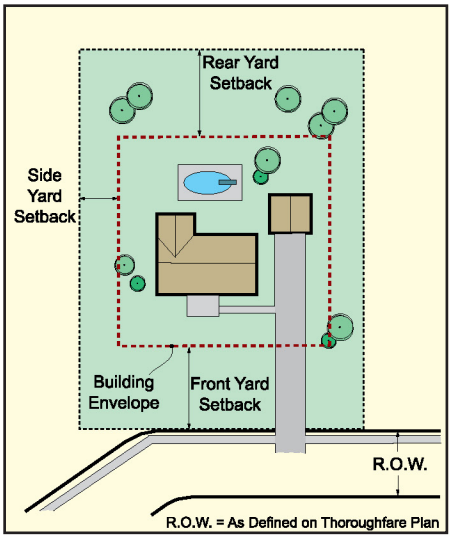


Minimum Lot Area:
- 1 acre (43,560) sq.ft.

Minimum Lot Width:
- 100 ft.

Minimum Lot Frontage:
- 50 ft.

Setbacks

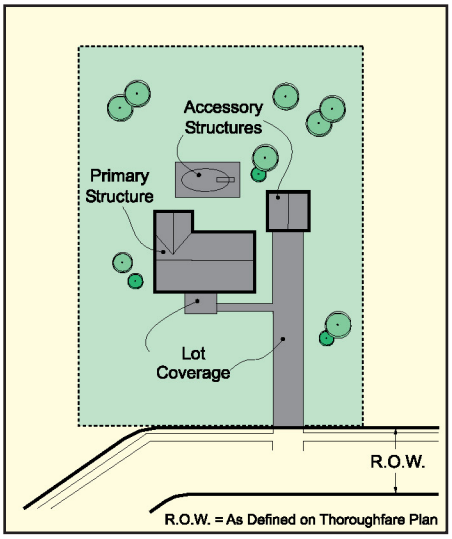


Minimum Front Yard Setback:
- 30 ft. when adjacent to an arterial
- 20 ft. when adj. to a local street or average setback whichever is less

Minimum Side Yard Setback:
- 25 ft. for the Primary Structure[1,2]
- 10 ft. for an Accessory Structure[3]

Minimum Rear Yard Setback:
- 25 ft. for the Primary Structure
- 10 ft. for an Accessory Structure[3]

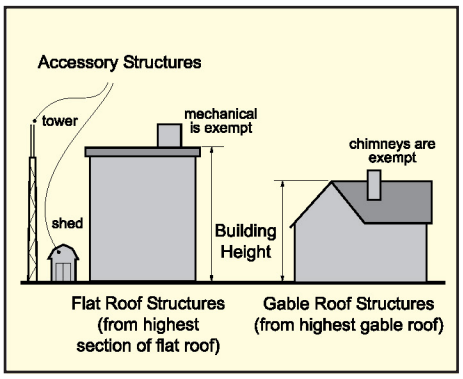
Other Requirements



Maximum Lot Coverage
- 65% of the lot area

Minimum Residential Unit Size
- 700 sq.ft. average per dwelling unit in all multi-family structures in the development, with 400 sq.ft. the minimum

Height



Maximum Structure Height:
- Primary Structure: 55 ft.
- Accessory Structure: 18 ft.

Miscellaneous Notes:

1. Side yard setbacks may be reduced to 20 feet where adjacent to any of the following districts: CG, CH, CO, M1, M2, & M3.
2. Side yard setbacks for primary structures may be reduced to 10 feet where adjacent to any of the following districts: CD, CN and R4.
3. Side yard setbacks for accessory structures may be reduced to 5 feet in any of the districts listed in notes 1 or 2 above.

See Article 6 for subdivision regulations
See Article 7 for additional development standards
See Article 8 for additional use-specific standards

MP District (Mobile Home Park)

3.28 MP District Intent, Permitted Uses, and Special Exception Uses

District Intent

The MP (Mobile Home Park) District is intended to provide a land use category housing districts, typically mobile 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, and commercial/retail services where possible. The Plan Commission should strive to avoid locating this district near conflicting land uses.

Permitted Uses

Residential
- dwelling: single family
- manufactured/mobile home park
- residential clubhouse/community room
- short-term rental (See Article 8.11)

Institutional/Public Facilities
- public park
- school, elementary/secondary

Miscellaneous Uses
- child care/day care: owner occupied[2]
- home occupation #1[2]

Special Exception Uses

Communications/Utilities
- telecommunications facility (other than microcellular

Institutional/Public Facilities
- church, temple, mosque
- public recreation center/pool

Residential
- co-housing community
- residential facility for developmentally disabled/mentally ill (less than 4 units)

Miscellaneous Uses
- home occupation #2[2]

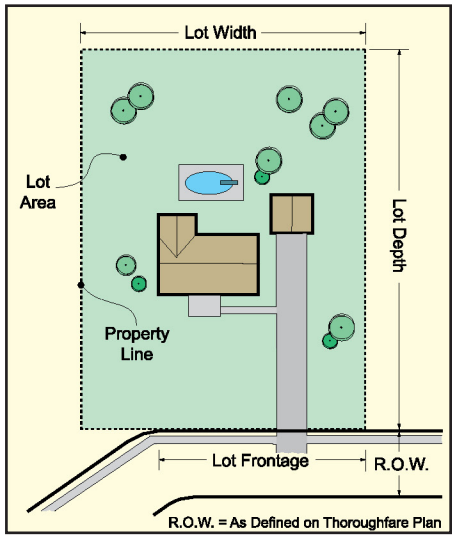
Additional Notes:

1. Manufactured or Mobile Home Parks must be in accordance with Rule 410 IAC 6-6 and its subsequent amendments, the State Board of Health requirements, and the requirements of this Ordinance.
2. Only with permission of the owner/manager of the mobile home park

MP District (Mobile Home Park)

3.29 MP District Development Standards

Lot Dimensions



Minimum Lot Area:
- 5 acres

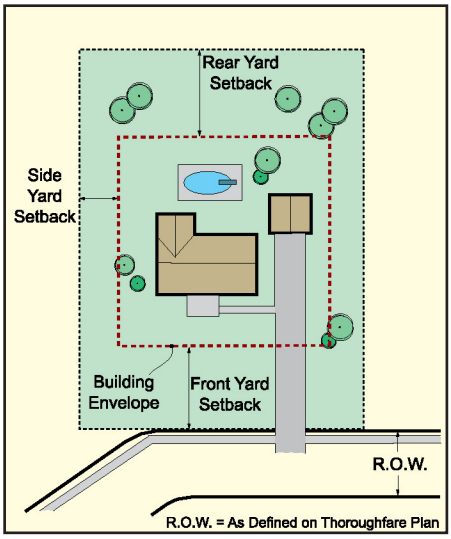
Minimum Lot Width:
- 250 ft.

Minimum Lot Frontage:
- 70 ft.

Minimum Dwelling Site Size
- 3,000 sq.ft.

Minimum Dwelling Site Width
- 30 sq.ft.

Setbacks



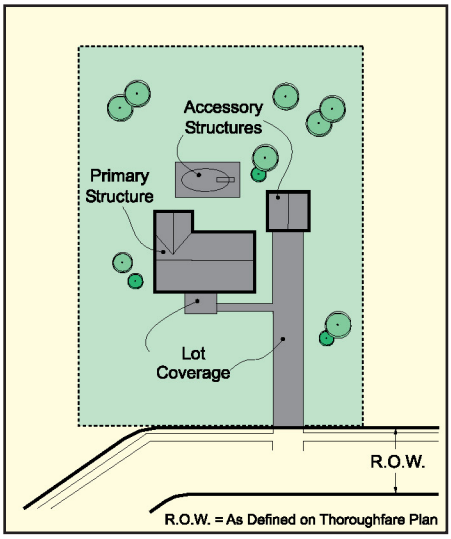
Minimum Front Yard Setback:
- 40 ft.

Minimum Side Yard Setback:
- 25 ft. for the Primary Structure
- 25 ft. for an Accessory Structure

Minimum Rear Yard Setback:
- 25 ft. for the Primary Structure
- 25 ft. for an Accessory Structure

Additional Setbacks[1,2,3]

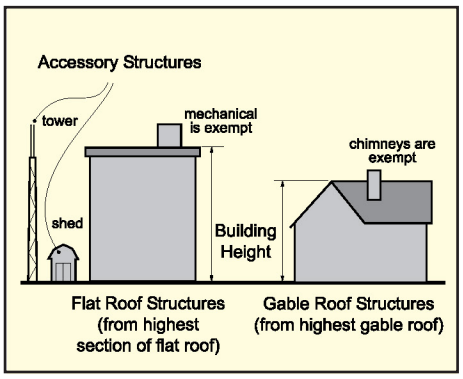
Other Requirements



Maximum Lot Coverage
- 65% of the lot area

Additional Requirements [4]

Height



Maximum Structure Height:
- Primary Structure: 20 ft.
- Accessory Structure: 15 ft.

Miscellaneous Notes:

1. Individual dwelling units (primary structures) shall be placed a minimum of 2 feet off any leasable lot line and at least 10 feet from the edge of any internal road.
2. Primary structures shall be placed a minimum of 14 feet from any other primary structure.
3. There shall be a minimum of 6 feet of space between any accessory structure(s) belonging to an individual dwelling unit and those belonging to any other dwelling unit.
4. Each manufactured or mobile home in a manufactured or mobile home park must be tied down and have perimeter skirting.

See Article 6 for subdivision regulations
See Article 7 for additional development standards
See Article 8 for additional use-specific standards

PR District (Parks, Recreation, & Public Serivces)

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

District Intent

The "PR" (Parks, Recreation, & Public Services) District is intended to provide a land use category for parks, open space, playgrounds, sports fields and other recreational areas/uses. This district also includes public services such as police and fire stations and other municipal service structures and lands.

This zoning district may exist as a stand alone use in any residential, commercial, or industrial area. Ideally, the land use can make an excellent buffer between higher-intensity commercial and/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 on adjacent residential uses. In addition, environmentally sensitive use of land should be encouraged.

Permitted Uses

Commercial: Recreation/Fitness
- ball fields
- golf course/country club
- nature center/preserve
- public docks/boat landing
- skating rink

Institutional/Public Facilities
- community center/senior center
- public park
- public recreation center/pool
- school, elementary/secondary

Additional Notes:

Special Exception Uses

Commercial: Recreation/Fitness
- banquet hall/event space
- campground
- marina
- outdoor entertainment venue
- theater, outdoor (no adult entertainment)

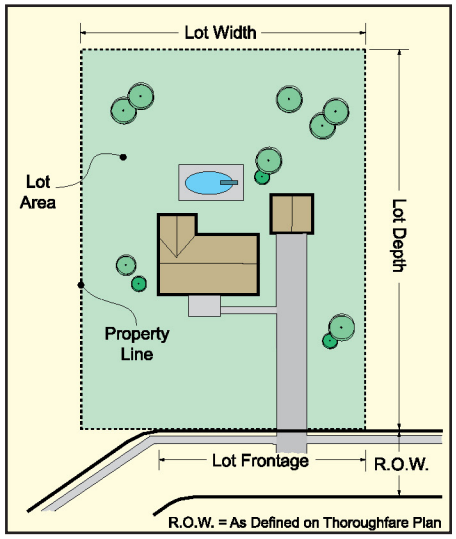
Communication/Utilities
- telecommunication facility (other than microcellular)

Institutional/Public Facilities
- cemetery/crematorium/mausoleum
- church/temple, mosque
- museum
- school, higher education - single facility

PR District (Parks, Recreation, & Public Services)

3.31 PR District Development Standards

Lot Dimensions

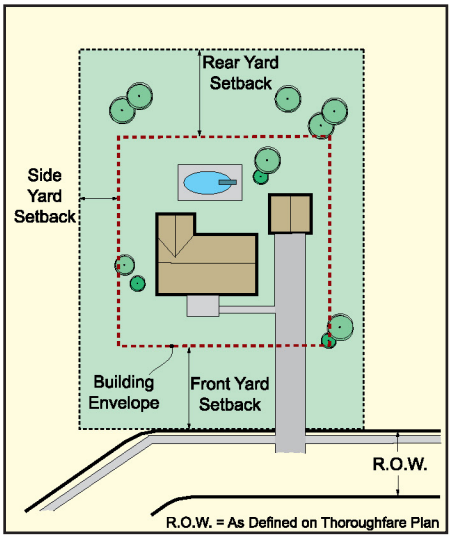


Minimum Lot Area:
- 10,000 sq.ft.

Minimum Lot Width:
- 70 feet

Minimum Lot Frontage:
- 65 feet

Setbacks

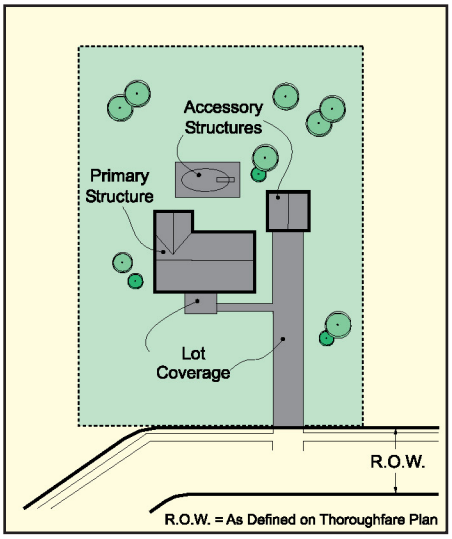


Minimum Front Yard Setback:[1]
- 35 ft. when adjacent to an arterial
- 25 ft. when adjacent to a local street

Minimum Side Yard Setback:
- 15 ft. for the Primary Structure[2]
- 5 ft. for an Accessory Structure[2]

Minimum Rear Yard Setback:
- 20 ft. for the Primary Structure[3]
- 5 ft. for an Accessory Structure[3]

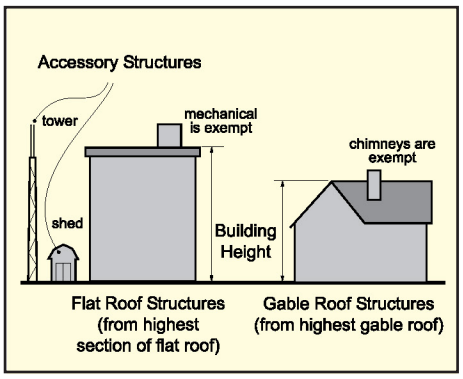
Other Requirements



Maximum Lot Coverage:
- 65% of the lot area[4]

Minimum Main Floor Area:
- 900 sq. ft. min. for primary struct.

Height



Maximum Structure Height:
- Primary Structure: 35 feet
- Accessory Structure: 25 feet

Miscellaneous Notes:

1. Where located in the Downtown or Downtown-adjacent neighborhoods, the front yard setback may be reduced to the average of the adjacent structures at the discretion of the planning director.
2. Where located in the Downtown or Downtown-adjacent neighborhoods, the side yard setback for primary structures may be reduced to 5 feet; the side yard setback for accessory structures may be reduced to 2 feet.
3. Where located in the Downtown or Downtown-adjacent neighborhoods, the rear yard setback for primary structures may be reduced to 12 feet; the side yard setback for accessory structures may be reduced to 2 feet.
4. Where located in the Downtown or Downtown-adjacent neighborhoods, the maximum lot coverage may be increased to 85%.

See Article 6 for subdivision regulations
See Article 7 for additional development standards
See Article 8 for additional use-specific standards

R1 District (Single Family Residential - Large Lot)

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

District Intent

The R1 (Single Family Residential - Large Lot) District is intended to provide a land use category for single family homes on large lots. The provisions that regulate this land use district should protect, promote and maintain existing residential areas in the City of Jeffersonville and may also be used for future housing growth.

The Jeffersonville's Plan Commission and Board of Zoning Appeals should strive to protect this district from conflicting land-uses such as industrial and large-scale commercial uses as well as non-family oriented businesses.

Article 6 of this ordinance includes additional options and incentives for the development of subdivisions that preserve natural open spaces, floodplains, etc. that exist on site and/or dedicate and construct public park facilities.

Permitted Uses

Residential
- dwelling: single family
- residential facility for developmentally disabled/ mentally ill (less than 4 units)
- short-term rental (See Article 8.11)

Institutional/Public Facilities
- public park
- school, elementary/secondary

Miscellaneous Uses
- child care/day care: owner occupied
- home occupation #1

Special Exception Uses

Commercial: Recreation/Fitness
- golf course/country club

Communications/Utilities
- public well
- telecommunications facility (other than microcellular)

Institutional/Public Facilities
- church, temple, mosque
- public recreation center/pool

Residential
- dwelling: accessory dwelling unit[1]
- dwelling: single family, attached[2]
- residential clubhouse/community rooms

Miscellaneous Uses
- home occupation #2

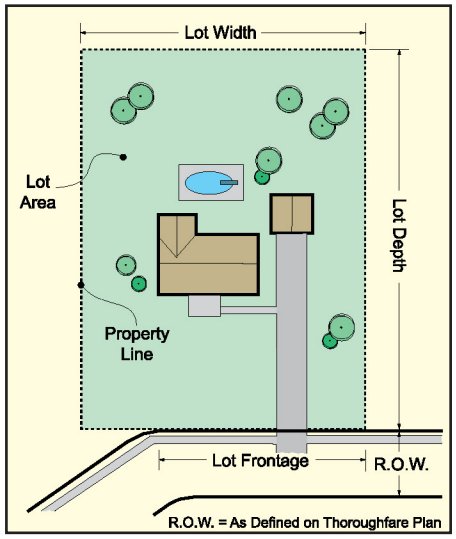
Additional Notes:
1. See Article 8.2 for additional standards.
2. 200 foot maximum building length for all attached units

R1 District (Single Family Residential - Large Lot)

R1

3.33 R1 District Development Standards

Lot Dimensions

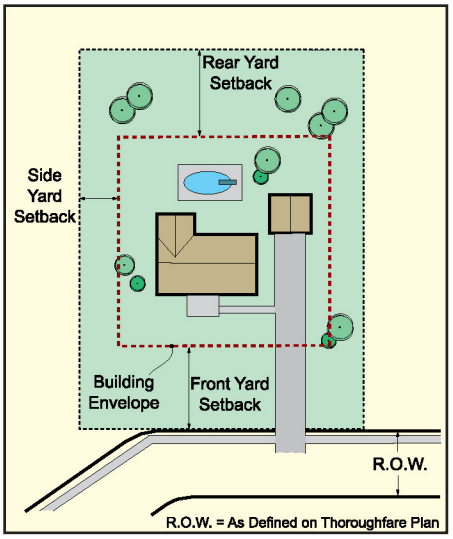


Minimum Lot Area:
- 9,000 Square feet

Minimum Lot Width:
- 60 feet[1]

Minimum Lot Frontage:
- 25 feet

Setbacks

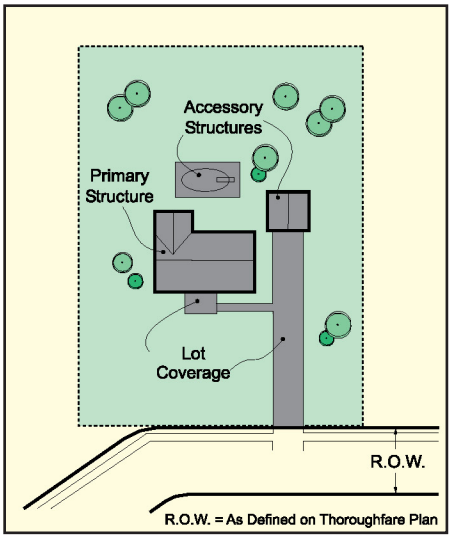


Minimum Front Yard Setback:[1]
- 30 ft. when adjacent to an arterial
- 25 ft. when adj. to a local street[2]

Minimum Side Yard Setback:
- 7 ft. for the Primary Structure[3]
- 5 ft. for an Accessory Structure

Minimum Rear Yard Setback:
- 20 ft. for the Primary Structure
- 5 ft. for an Accessory Structure

Other Requirements



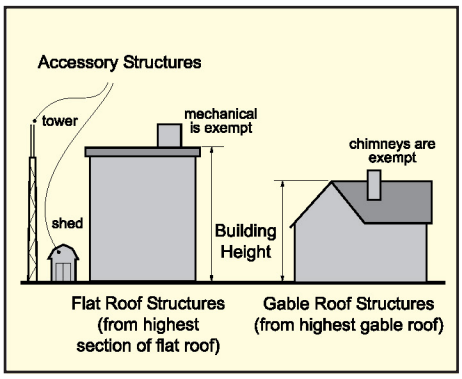
Maximum Lot Coverage
- See formula below[5]

Minimum Residential Unit Size
- 1,200 square feet

Minimum Structure Width
- 22 feet for at least 60% of its length.

Maximum Primary Structures
- 1 Primary Structure

Height



Maximum Structure Height:
- Primary Structure: 35 feet
- Accessory Structure: 18 feet[4]

Miscellaneous Notes:

1. In an established subdivision the front setback shall be the average of the adjacent homes, the build line of the property's approved plat, or the zoning district's front yard setback at the discretion of the Zoning Administrator; a 25% reduction may be taken on one face of a corner lot.
2. At corner lots on local streets, the front setback may be reduced to 20 feet
3. On wedge shaped lots along a road curve or at the end of a cul-de-sac, the setback may be reduced to a minimum of 5 feet so long as the average setback is greater than 7 feet.
4. Where larger structures are allowed per Article 7 the maximum height may be increased to 20 feet.
5. 0.25 x [Lot Area in sq.ft.] + 2,000. Maximum of 90% coverage.

See Article 6 for subdivision regulations
See Article 7 for additional development standards
See Article 8 for additional use-specific standards

R2 District (Single Family Residential - Medium Lot)

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

District Intent

The R2 (Single Family Residential - Medium Lot) District is intended to provide a land use category for single family homes on medium-sized lots. The provisions that regulate this land use district should protect, promote and maintain existing residential areas in the City of Jeffersonville and may also be used for future housing growth.

The Jeffersonville's Plan Commission and Board of Zoning Appeals should strive to protect this district from conflicting land-uses such as industrial and large-scale commercial uses as well as non-family oriented businesses.

Article 6 of this ordinance includes additional options and incentives for the development of subdivisions that preserve natural open spaces, floodplains, etc. that exist on site and/or dedicate and construct public park facilities.

Permitted Uses

Residential
- dwelling: single family
- dwelling: single family, attached[1]
- residential facility for developmentally disabled/mentally ill (less than 4 units)
- short-term rental (See Article 8.11)

Institutional/Public Facilities
- public park
- school, elementary/secondary

Miscellaneous Uses
- child care/day care: owner occupied
- home occupation #1

Special Exception Uses

Commercial: Recreation/Fitness
- golf course/country club

Communications/Utilities
- public well
- telecommunications facility (other than microcellular)

Institutional/Public Facilities
- church, temple, or mosque
- public recreation center/pool

Residential
- dwelling: accessory dwelling unit[2]
- residential clubhouse/community room

Miscellaneous Uses
- home occupation #2

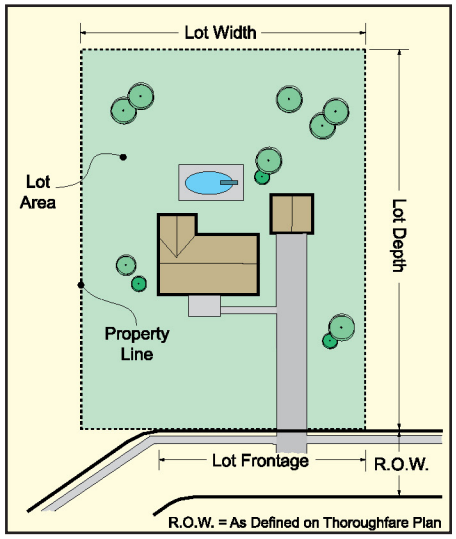
Additional Notes:
1. 200 foot maximum building length for all attached units
2. See Article 8.2 for additional standards.

R2 District (Single Family Residential - Medium Lot)

R2

3.35 R2 District Development Standards

Lot Dimensions

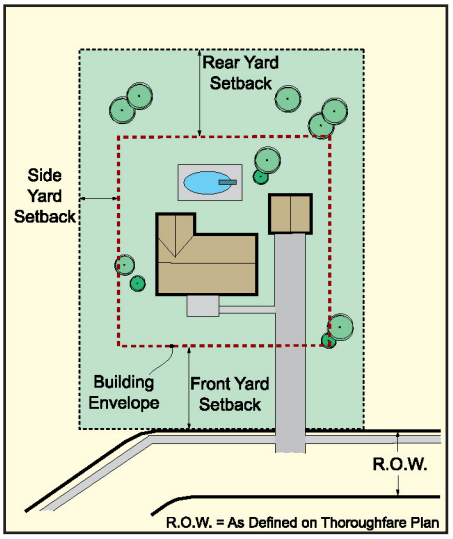


Minimum Lot Area:
- 6,500 Square feet

Minimum Lot Width:
- 45 feet

Minimum Lot Frontage:
- 25 feet

Setbacks

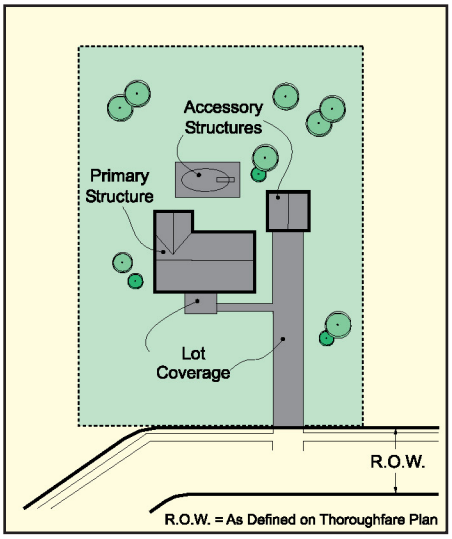


Minimum Front Yard Setback:[1]
- 30 ft. when adjacent to an arterial
- 25 ft. when adj. to a local street[2]

Minimum Side Yard Setback:
- 6 ft. for the Primary Structure[3]
- 3 ft. for an Accessory Structure

Minimum Rear Yard Setback:
- 20 ft. for the Primary Structure
- 3 ft. for an Accessory Structure

Other Requirements



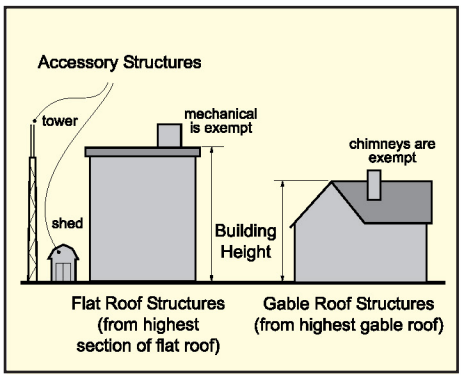
Maximum Lot Coverage
- See formula below[4]

Minimum Residential Unit Size
- 1,000 square feet

Minimum Structure Width
- 22 feet for at least 60% of its length.

Maximum Primary Structures
- 1 Primary Structure

Height



Maximum Structure Height:
- Primary Structure: 35 feet
- Accessory Structure: 18 feet

Miscellaneous Notes:

1. In an established subdivision the front setback shall be the average of the adjacent homes, the build line of the property's approved plat, or the zoning district's front yard setback at the discretion of the Zoning Administrator; a 25% reduction may be taken on one face of a corner lot.
2. At corner lots on local streets, the front setback may be reduced to 20 feet
3. On wedge shaped lots along a road curve or at the end of a cul-de-sac, the setback may be reduced to a minimum of 5 feet so long as the average setback is greater than 6 feet.
4. 0.25 x [Lot Area in sq.ft.] + 2,000. Maximum of 90% coverage.

See Article 6 for subdivision regulations
See Article 7 for additional development standards
See Article 8 for additional use-specific standards

R3 District (Single Family Residential - Small Lot)

3.36 R3 District Intent, Permitted Uses, and Special Exception Uses

District Intent

The R3 (Single Family Residential - Small Lot) District is intended to provide a land use category for single family homes on smaller-sized lots. The provisions that regulate this land use district should protect, promote and maintain existing residential areas in the City of Jeffersonville and may also be used for future housing growth.

The Jeffersonville's Plan Commission and Board of Zoning Appeals should strive to protect this district from conflicting land-uses such as industrial and large-scale commercial uses as well as non-family oriented businesses.

Article 6 of this ordinance includes additional options and incentives for the development of subdivisions that preserve natural open spaces, floodplains, etc. that exist on site and/or dedicate and construct public park facilities.

Permitted Uses

Residential
- child care/day care (owner-occupied)
- dwelling: single family
- dwelling: single family, attached[1]
- residential facility for developmentally disabled/mentally ill (less than 4 units)
- senior living/retirement community (not assisted living or nursing home)[3]
- short-term rental (See Article 8.11)

Institutional/Public Facilities
- public park
- school, elementary/secondary

Miscellaneous Uses
- child care/day care: owner occupied
- home occupation #1

Special Exception Uses

Commercial: General
- child care center (day care)

Communications/Utilities
- telecommunications facility (other than microcellular)

Residential
- boarding house (owner occupied)
- co-housing community
- dwelling: accessory dwelling unit[2]
- dwelling: duplex
- residential clubhouse/community room

Institutional/Public Facilities
- church, temple, or mosque
- public recreation center/pool

Miscellaneous Uses
- home occupation #2

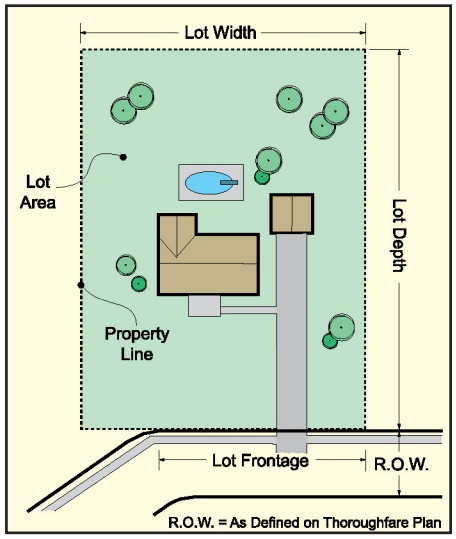
Additional Notes:

1. 200 foot maximum building length for all attached units
2. See Article 8.2 for additional standards.
3. Only if platted for individual sale in a new subdivision of more than 3 acres in size.

R3 District (Single Family Residential - Small Lot)

3.37 R3 District Development Standards

Lot Dimensions

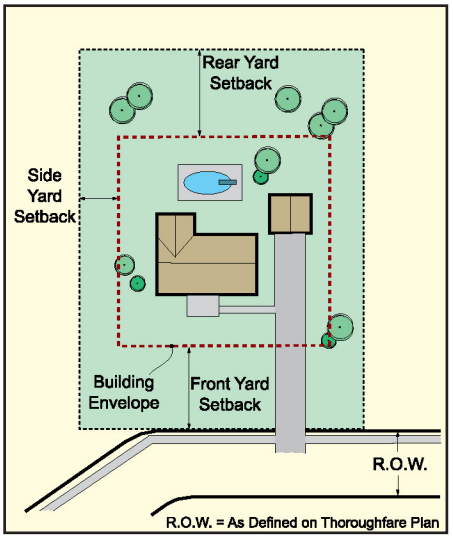


Minimum Lot Area:
- 4,000 Square feet

Minimum Lot Width:
- 30 feet

Minimum Lot Frontage:
- 25 feet

Setbacks

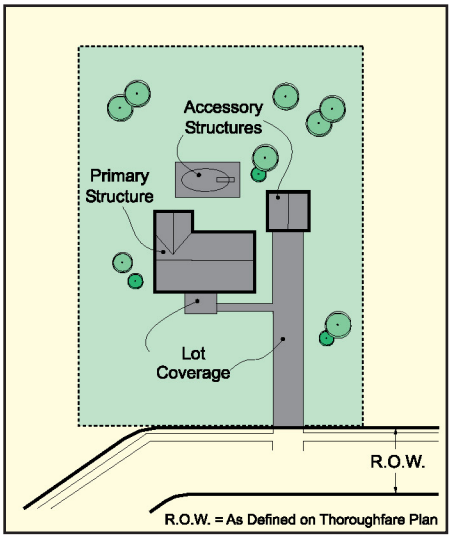


Minimum Front Yard Setback:[1]
- 30 ft. when adjacent to an arterial
- 20 ft. when adj. to a local street[2]

Minimum Side Yard Setback:
- 5 ft. for the Primary Structure[4]
- 2 ft. for an Accessory Structure

Minimum Rear Yard Setback:
- 15 ft. for the Primary Structure
- 2 ft. for an Accessory Structure

Other Requirements



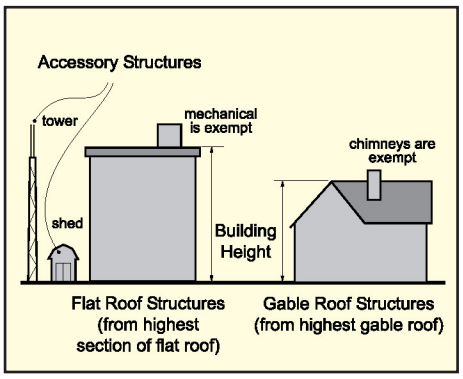
Maximum Lot Coverage
- See formula below[3]

Minimum Residential Unit Size
- 800 square feet.

Minimum Structure Width
- 20 feet for at least 60% of its length.

Maximum Primary Structures
- 1 Primary Structure

Height



Maximum Structure Height:
- Primary Structure: 35 feet
- Accessory Structure: 18 feet

Miscellaneous Notes:

1. In an established subdivision the front setback shall be the average of the adjacent homes, the build line of the property's approved plat, or the zoning district's front yard setback at the discretion of the Zoning Administrator; a 25% reduction may be taken on one face of a corner lot.
2. At corner lots on local streets, the front setback may be reduced to 15 feet.
3. 0.25 x [Lot Area in sq.ft.] + 2,000. Maximum of 90% coverage.
4. Primary Structures and/or their additions must maintain a minimum of 6 feet of clearance between any other Primary Structure.

See Article 6 for subdivision regulations
See Article 7 for additional development standards
See Article 8 for additional use-specific standards

R4 District (Single Family Residential - Old City)

3.38 R4 District Intent, Permitted Uses, and Special Exception Uses

District Intent

The R4 (Single Family Residential - Old City) District is intended to provide a land use category for a mix of residential uses within the oldest portions of the City. This district shall be seen as "fixed" and NOT be used for new developments outside the City's core, although existing lots surrounded by or within close proximity to other R4-zoned properties may be rezoned to this district on a case by case basis.

The Jeffersonville's Plan Commission and Board of Zoning Appeals should strive to protect this district from conflicting land-uses such as industrial and large-scale commercial uses as well as non-family oriented businesses.

Permitted Uses

Residential
- bed and breakfast
- child care/day care (owner-occupied)
- dwelling: duplex
- dwelling: multi-family - 3 to 4 units[1]
- dwelling: single family
- dwelling: single family, attached[2]
- residential facility for developmentally disabled/mentally ill (less than 4 units)
- short-term rental (See Article 8.11)

Institutional/Public Facilities
- public park
- school, elementary/secondary

Miscellaneous Uses
- child care/day care: owner occupied
- home occupation #1
- home occupation #2

Special Exception Uses

Commercial: General
- child care center (day care)

Communications/Utilities
- telecommunications facility (other than microcellular)

Institutional/Public Facilities
- church, temple, or mosque
- public recreation center/pool

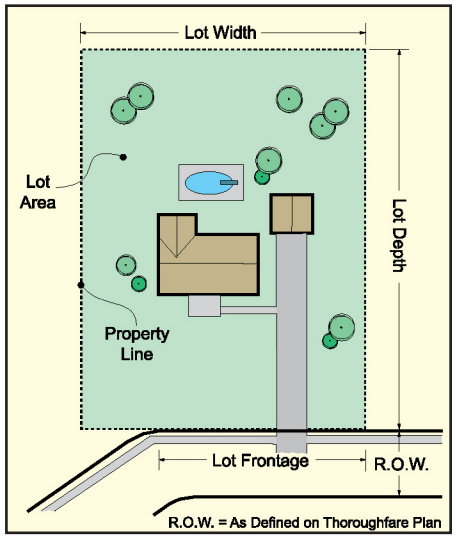
Residential
- boarding house (owner occupied)
- dwelling: accessory dwelling unit[3]
- dwelling: multi-family - 3 to 4 units[4]
- residential facility for developmentally disabled/mentally ill (more than 4 units)

Notes:
1. Where an existing building is converted to multiple units.
2. 100 foot maximum building length for all attached units.
3. See Article 8.2 for additional standards.
4. New building

R4 District (Single Family Residential - Old City)

3.39 R4 District Development Standards

Lot Dimensions

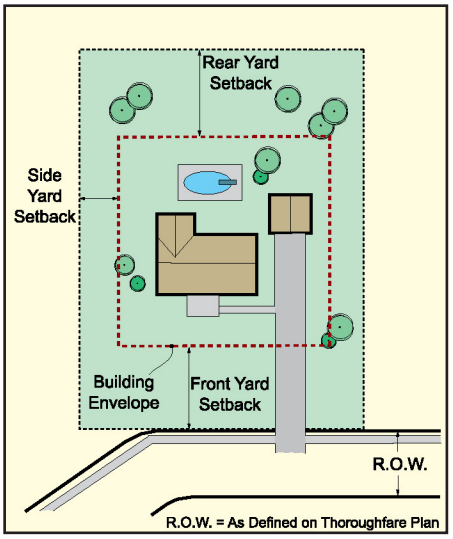


Minimum Lot Area:
- 2,500 Square feet

Minimum Lot Width:
- 25 feet

Minimum Lot Frontage:
- 20 feet

Setbacks

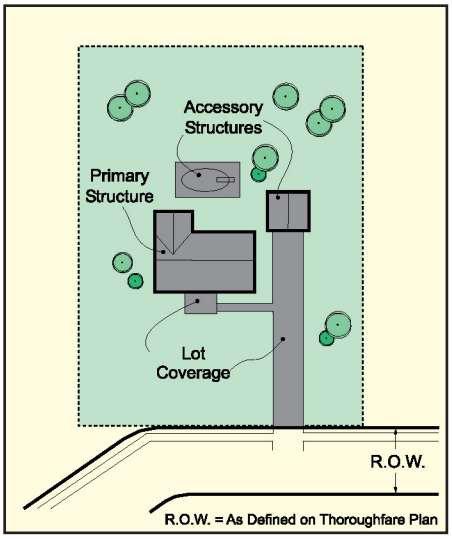


Minimum Front Yard Setback:
- Average of the setbacks of the adjacent structures[1]

Minimum Side Yard Setback:
- 3 ft. for the Primary Structure[3]
- 2 ft. for an Accessory Structure

Minimum Rear Yard Setback:
- 15 ft. for the Primary Structure
- 2 ft. for an Accessory Structure

Other Requirements



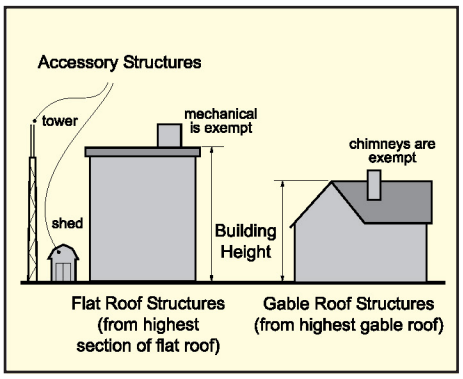
Maximum Lot Coverage
- See formula below[2]

Minimum Residential Unit Size
- 600 square feet.

Minimum Structure Width
- 18 feet.

Maximum Primary Structures
- 1 Primary Structure

Height



Maximum Structure Height:
- Primary Structure: 35 feet
- Accessory Structure: 18 feet

Miscellaneous Notes:

1. In an established subdivision the front setback shall be the average of the adjacent homes, the build line of the property's approved plat, or the zoning district's front yard setback at the discretion of the Zoning Administrator; a 50% reduction from the average setback may be taken on one face of a corner lot.
2. 0.25 x [Lot Area in sq.ft.] + 2,000. Maximum of 90% coverage.
3. Primary Structures and/or their additions must maintain a minimum of 6 feet of clearance between any other Primary Structure.

See Article 6 for subdivision regulations
See Article 7 for additional development standards
See Article 8 for additional use-specific standards

Article Four

Overlay Districts

Article Four
Overlay Districts

4.1 Overlay Districts - General

A. The intent of these regulations is to provide additional requirements for new development and redevelopment in unique areas of the City of Jeffersonville.
B. The subsections of this Article denote the special intents, effect upon uses, and development standards for parcels within each unique overlay district.
C. All applicants located within overlay districts are highly encouraged to submit a conceptual site plan to the Planning Staff for an informal conference to discuss the existing conditions of the site and the proposed development thereof, prior to application.
D. Schedule 1 lists all overlay districts in the City of Jeffersonville.

Schedule 1: Jeffersonville Overlay Districts

Article no.	Overlay District Name
4.2	Commercial Corridor Overlay District (CCOD)
4.3	Downtown Design Overlay District (DDOD)
4.4	Downtown Residential Overlay District (DROD)
4.5	Jeffersonville Historic District
4.6	Quartermaster/Census Overlay District (QCOD)
4.7	Tenth St. Traditional Marketplace Overlay District (TSOD)
4.8	Utica Pike Overlay District (UPOD)
4.9	Wellhead Protection Overlay District (WPOD)

4.2 Commercial Corridor Overlay District

A. District Intent

The Commercial Corridor Overlay District (CCOD) has been created to promote community goals and objectives for character and aesthetics along important commercial corridors within Jeffersonville.

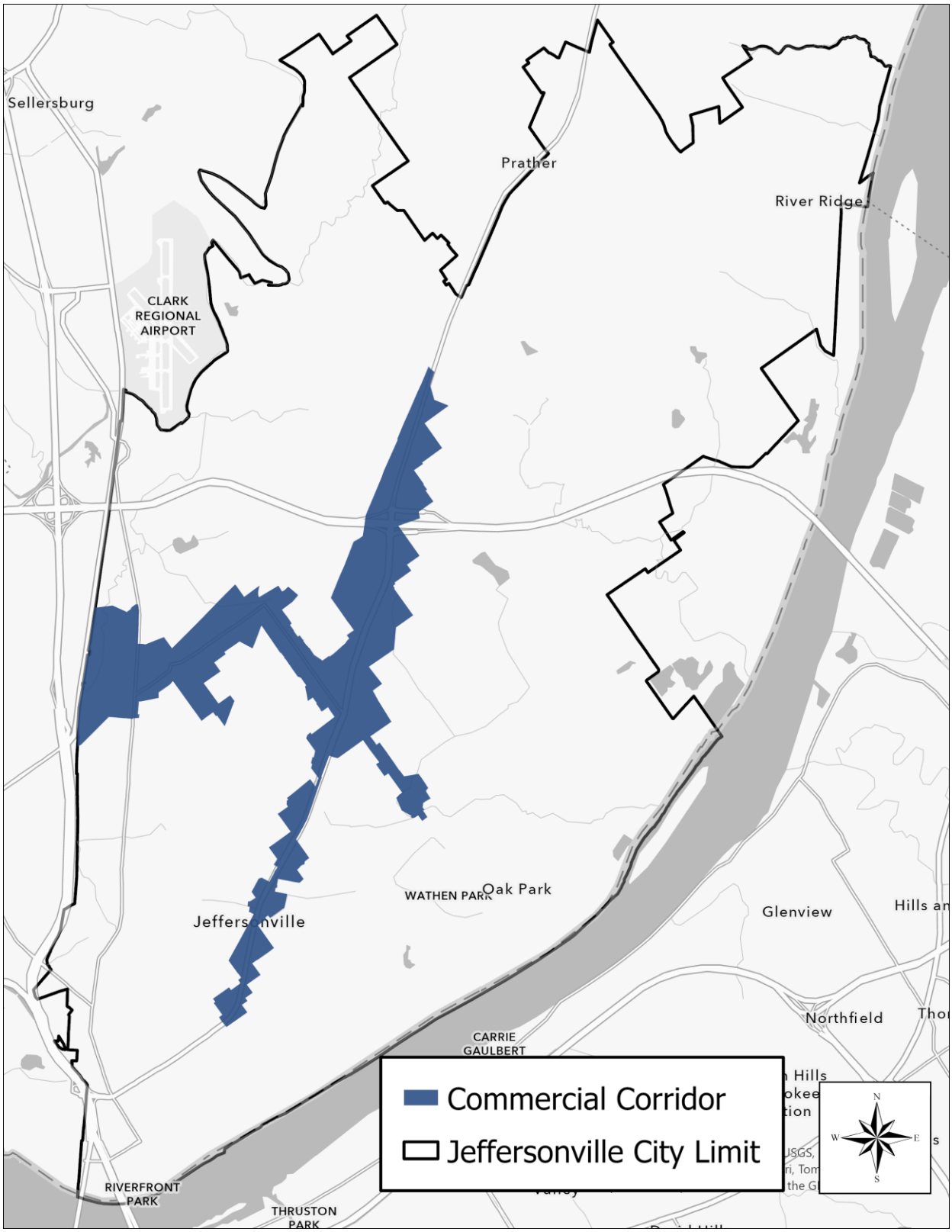
The general intent is to minimize the negative impacts caused by strip commercial development, loading facilities, storage facilities, sign clutter, and the proliferation of access points along these primary streets, and to ensure commercial development is compatible with its surrounding residential areas.

The Plan Commission should strive to minimize sign clutter, lighting, negative visual impacts and proliferation of access points in the district. In addition, the Plan Commission should strive to strengthen the City's quality of life through design that contributes to the unique character of Jeffersonville.

B. Boundaries

1. In general, the CCOD includes properties along the following corridors
   - 10th St./Hwy 62
   - Allison Ln./Holmans Ln.
   - Veterans Pkwy.
2. Exhibit A. shows the general boundaries of the CCOD.
3. The actual boundaries for the CCOD are shown on the Official Zoning Map. The CCOD is marked with a hatch pattern as designated on the Official Zoning Map's legend.

Exhibit A: General Map of the CCOD



C. **Process**

1. All proposed developments in the CCOD require development plan review as defined in Article 10.
    - Exception: Single family homes and duplexes
2. In order to receive development plan approval, the applicant must satisfy all of the development standards of the Base Zone District except as modified below.

D. **Effect on Uses:**

1. This Overlay District has no effect on the Permitted or Special Exception Uses as described in the Base Zone District.
2. Modifications to Development Standards and Additional Design Standards noted in this District shall not apply to the following:
    - New or existing single-family homes,
    - Any other exclusively residential structure with 4 or fewer dwelling units.

E. **Modifications to District Development Standards (Article 3):** There are no modifications to the Base Zone District Development Standards in this Overlay District.

F. **Modifications to other Development Standards (Article 7)**

1. Entrances and Drives:
    a. Existing entrances that do not meet the standards for Entrances and Drives in Article 7 shall be retrofitted, to the greatest extent possible, so as to improve traffic flow and reduce potentially dangerous access points.
    b. The design and location of newly 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.
    c. Shared driveways and internal connections to adjacent sites may be required wherever feasible.
    d. Where new developments have existing opportunities for shared access, or have access from the rear of the building/property, the City shall have the right to deny new access points to arterial streets.
2. Fences and Walls:
    a. Fences are generally discouraged in the front of the building. Fences constructed in the front setback shall be of a high quality design and constructed from high quality materials. No chain link or wood picket fences shall be allowed in the front yards of the CCOD.
    b. Walls constructed in the front setback shall be finished with stone, or mortared masonry with a finished stone, brick or concrete cap. Concrete masonry units, if used, shall be split-faced, ground-faced, or some other colored, textured and/or patterned surface.
3. Lighting: All exterior and site lighting must be designed to create a unified and consistent lighting package for the development. Lighting structures in parking areas may not exceed 20 feet in height. All lighting must have cutoff luminaires (shielded down lighting), and be consistent with the architectural style of the primary building.
4. Loading: Loading docks are not allowed on the street facing sides of any building.

G. **Additional Design Standards**

1. Exterior materials:
    a. All exterior materials shall be rated and certified for exterior usage and shall be fully compliant with all applicable building and fire codes, regulations and ordinances. PVC piping, plastics, pressboard, cardboard, or veneers or panels for interior applications are not permitted on any building elevation.
    b. The following materials are prohibited as exterior finishes throughout the district: unfinished wood, plywood, other pressed wood products, and vinyl siding.
    c. Sheet metal products may not comprise more than 25% of the front elevation.

d. Concrete block shall be split-faced, ground-faced, or some other colored, textured and/or patterned surface. These materials may not comprise more than 80% of any front or side elevation, exclusive of any windows.
e. Pre-cast concrete surfaces (other than decorative elements such as wainscots, trim, sills, etc.) shall be textured, stamped, colored, imprinted or otherwise finished with architectural designs.

2. Entrances: Each establishment on a site shall have clearly defined, highly visible customer entrances featuring at least 2 of the following:
    - Canopies, awnings, or porticos,
    - Recesses/projections,
    - Arcades, columns or pilasters
    - Peaked roof forms,
    - Display windows, or
    - Architectural details such as tile work and moldings which are integrated into the building structure and design.
3. Facades
    a. Walls that face a street or connecting walkway shall not have a blank face. All walls facing streets and walkways shall contain at least two of the features listed below
        - Primary entrance (as described above)
        - Windows
        - Changes in materials, texture, or masonry pattern
        - Arcades, columns, or pilasters
        - Change in plane of at least 2 feet
        - An equivalent design element that subdivides the wall into human scale proportions
    b. In addition, no street facing wall may have a blank, uninterrupted length exceeding 100 feet without including at least 2 of the following design elements:
        - Change of plane (recess or projection) of more than 2 feet
        - Change in texture or masonry pattern (not simply a change of masonry color)
        - Change in materials
4. Pedestrian Access: The design of the proposed development plan must provide adequate pedestrian connections within the development and a minimum sidewalk width of 5 feet along all adjacent street(s). Pedestrian connections to adjacent residential areas shall be made wherever possible. The Plan Commission may determine whether an alternative to a sidewalk along adjacent street(s) better serves the purpose of connecting commercial destinations.
5. Outdoor Storage: Outdoor storage shall be screened from view with an opaque fence or wall.
6. Mechanical Equipment: All mechanical equipment must be screened by vegetation, fencing, or a building feature (i.e. a parapet wall).
7. Central Features and Community Space: Proposed developments or projects that include over 150,000 square feet of building area 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.
    a. Each development or project must contribute to the establishment or enhancement of community and public spaces by providing at least 2 of the following:
        - patio/seating area
        - pedestrian plaza with benches
        - enhanced bus stop with sheltered seating and trash receptacle
        - outdoor playground area
        - water feature

- another 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.

b. 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.

4.3 Downtown Design Overlay District

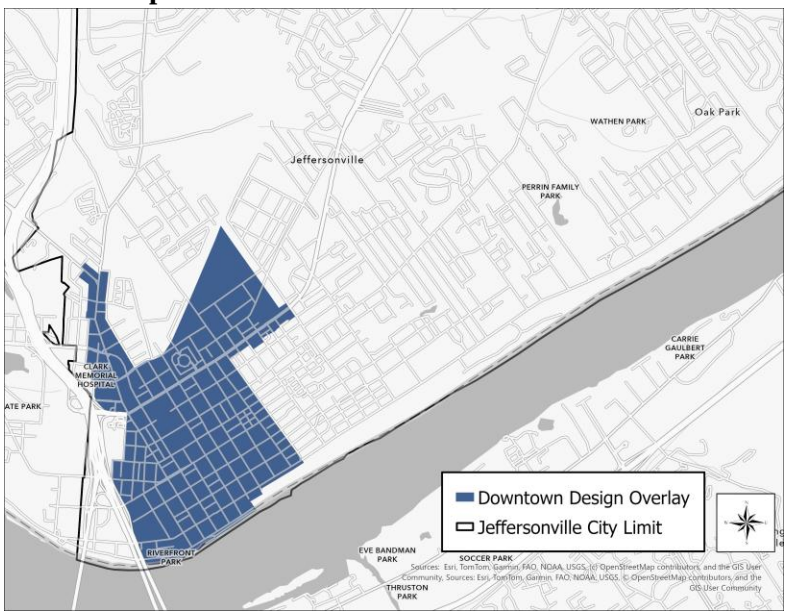
A. District Intent

The Downtown Design Overlay District (DDOD) is intended to guide the design of development and redevelopment projects in the Downtown Area. It aims to ensure quality design which enhances the historic character and general walkability of Downtown Jeffersonville.

B. District Boundaries

1. In general, the DDOD consists of properties bounded by I-65, 12th Street, B&O Railroad, Main Street, 10th Street, and the Ohio River.
2. Exhibit B shows the general location of the DDOD.
3. The actual boundaries for the DDOD are shown on the Official Zoning Map. The overlay district is marked with a hatch pattern as designated on the Official Zoning Map's legend.

Exhibit B: General Map of the DDOD



C. Process

1. Except as listed below, all proposed developments in the DDOD require development plan review as defined in Article 10. The following do not require development plan review:
   - Construction of any new single-family residential home,
   - Renovations/Additions to any existing single-family residence, or any historic home converted to multi-family use.
   - Construction of any residential or commercial accessory structures
   - Renovations to any existing building where the only exterior work is primarily restorative in nature (i.e. cleaning/repairing an existing façade, replacing windows, replacing signage, etc.)
2. In addition to those materials required for development plan review in Article 10, the applicant shall provide an illustrated drawing or materials board for all exterior finishes.
3. In order to receive development plan approval the applicant must satisfy all of the Development Standards of the Base Zone District except as modified elsewhere in Article 4 and meet the design criteria listed in sections E and F of this Article.

D. Effect on Uses

1. This Overlay has no effect on the Permitted or Special Exception Uses as described in the Base Zone District.

2. Modifications to Development Standards and additional design standards noted in this district shall not apply to the following:
    - New or existing single-family homes
    - Accessory structures under 150 square feet in area
    - Accessory structures over 150 square feet in area that do not directly front a public street
    - Historic homes converted into multi-family use, or
    - Any other exclusively residential structure with four or fewer dwelling units.

E. **Modifications to District Development Standards (Article 3)**

1. Setbacks:
    a. All zone districts other than CD may take advantage of the front, side and rear setback standards set forth in the CN zoning district.
    b. Canopies or awnings may extend over any street-front property line a distance of 4 feet. The bottom of said awnings must be a minimum of 8 feet above the sidewalk.
    c. The maximum front setback shall be 15 feet for all commercial and multi-family uses.
2. Building Height: For any mixed-use commercial/residential development or multi-family residential project within the district (not zoned CD), the maximum height may be increased to 40 feet.
3. Lot Coverage: In all zone districts other than CD, maximum lot coverages for all primary and accessory structures and impervious may be increased to 85%.
4. Minimum Floor Area per residential unit: where multi-family residential units are allowed, the minimum floor area per unit may be reduced to an average of 500 square feet with 300 square feet the absolute minimum.

F. **Modifications to Development Standards (Article 7)**

1. Fences and Walls:
    a. Screen walls and fences shall be constructed out of high quality materials such as brick, native stone, precast concrete, custom-designed and finished wood panels, aluminum, steel/wrought iron, etc. The use of chain-link, open wire, razor wire, barbed wire, corrugated metal, bright colored plastic, unfinished concrete block (CMU) or prefabricated wood fences is not permitted.
    b. Where a new wall would create a continuous surface greater than 20 feet in length, it shall be softened visually with pilasters, a change in materials, and a change in plane greater than one foot and/or with trees, shrubs or vine plantings.
2. Lighting: All lighting must be designed to create a unified and consistent lighting package for the development. Lighting structures in parking areas may not exceed 20 feet in height. All lighting shall be full cutoff or fully shielded fixtures and be consistent with the architectural style of the primary building.
3. Loading Standards: No loading docks or trash collection bins may be placed on or along the street frontage of any building.
4. Parking:
    a. Location: Parking lots shall not be located in front of any building in the district nor at any street corner. All parking lots shall be located to the side or rear of the structure. As with any development, off–street parking spaces shall not fully or partially be within a public right-of-way or utility easement.
    b. Quantity:
        i. Non-residential developments not in the CD or CN zone districts may reduce minimum parking requirements in the base zone district by 33%.
        ii. Multi-family residential developments may reduce parking standards as follows: Parking requirements shall be reduced to 1.33 paved off-street parking spaces per dwelling unit. In addition, at least one visitor space must be provided for every 8 units.
5. Outdoor Storage: No un-screened outdoor storage is permitted.

G. **Additional Design Standards**

1. Exterior materials:
    a. All exterior materials shall be rated and certified for exterior usage and shall be fully compliant with all applicable building and fire codes, regulations and ordinances. PVC piping, plastics, pressboard, cardboard, or veneers or panels for interior applications are not permitted on any building elevation
    b. The following materials are prohibited as exterior finishes throughout the district: unfinished wood, plywood, other pressed wood products, corrugated sheet metal, and vinyl siding.
    c. Concrete block shall not be permitted on any street-facing elevation; if used on the side or rear of a building, it must be split-faced, ground-faced, or some other colored and textured surface.
    d. Glass block shall not be used at street level on any front or side elevation.
    e. Fiber cement siding is permitted, however, fiber cement panels are only permitted on the upper levels of the building (i.e. 2nd floor or above).
2. Facades:
    a. Front elevation
        i. Front elevations may be comprised of any combination of approved materials provided that a minimum of 50% of the front elevation is composed of mortared masonry.
        ii. Front elevations shall take cues from adjacent historical buildings and have a visual base/middle/cap design.
        iii. All columns, pilasters, and pillars on the front elevation shall be clad in stone, brick, or ornamental iron.
        iv. The front entrance shall be defined by one or more of the following features: canopy, arcade, portico, stoop, building recess, awning, or other architectural details such as tile work, art-glass, sculpture, and moldings which are integrated into the building's design.
        v. Parapet walls shall be constructed with the same materials as the front façade (decorative cornices excepted) and shall return a minimum of 4 feet at the corner.
        vi. Blank, windowless walls in excess of 750 square feet are prohibited when facing a public street unless required by the Indiana Building Code. In instances where a blank wall exceeds 750 square feet, it shall be articulated with textures, patterns and/or changes in materials.
        vii. Garage and overhead doors are permitted on the fronts of buildings so long as they are glazed and part of a commercial storefront or eating establishment. Such doors shall not be used for loading.
    b. Side elevations
        i. Where side elevations are set back more than 5 feet from the property line and are intended to remain visible, they shall be fully clad in materials that comprise the front elevation. Said elevations shall not be left blank and must contain windows and or be otherwise articulated with textures, patterns and/or changes in materials.
        ii. Common walls and side elevations closer than 5 feet from the property line that are not generally visible shall be constructed in any manner that complies with all applicable building codes.
    c. Rear elevations
        i. Rear elevations may be clad in any materials other than those prohibited throughout the district.
    d. Balconies, if included, shall be incorporated into the façade of the structure and shall be constructed of, or clad in metal – including all railings.

e. In order to promote consistency at the pedestrian level, the height of the first floor (floor to ceiling) shall match those of adjoining historic buildings to the greatest extent possible. Taking cues from adjacent buildings for window sill and header heights, cornice lines, awnings, and other decorative features is also highly encouraged.

3. Roofs: In order to remain consistent with other downtown buildings, the use of pitched roofs should be limited to architectural details such as corner features, canopies, decorative window awnings, etc. unless they are visually hidden behind decorative parapets. Exceptions may be made for commercial conversions of existing residential properties and the expansion thereof.
4. Traffic Management: The design and location of proposed street access points shall minimize congestion and loss of on-street parking.
5. Pedestrian Access: The design of the proposed development must provide adequate pedestrian connections within the development. This includes installation of 5 feet minimum width sidewalks along all adjacent streets. Sidewalks shall be designed to be contiguous with adjacent sidewalks on the same block face. If no sidewalks exist on the block, the location/configuration of the new sidewalk shall be at the discretion of the Planning Director and City Engineer.
6. Mechanical Equipment: All major mechanical equipment must be screened by vegetation, fencing, wall or a building feature (i.e. a parapet wall). Minor mechanical equipment such as utility meters and electrical panels shall be located on the back or side of any building and not located on any street face.

4.4 Downtown Residential Overlay District

A. District Intent

The Downtown Residential Overlay District (DROD) is intended to guide both new development and redevelopment activities in the Downtown Area.
It aims to support the vision and goals set forth in the Comprehensive Plan whereby the City:

- Defines itself through vibrant downtown living options that capitalize on improved access and economic potential of [the] Ohio River Bridges,
- Promotes planned growth that results in distinct and deliberate development,
- Supports the revitalization and environmental clean-up of areas with potential for infill development,
- Provides a range of housing options and price ranges to attract a variety of residents, and
- Promotes economic development in targeted focus areas such as the downtown.

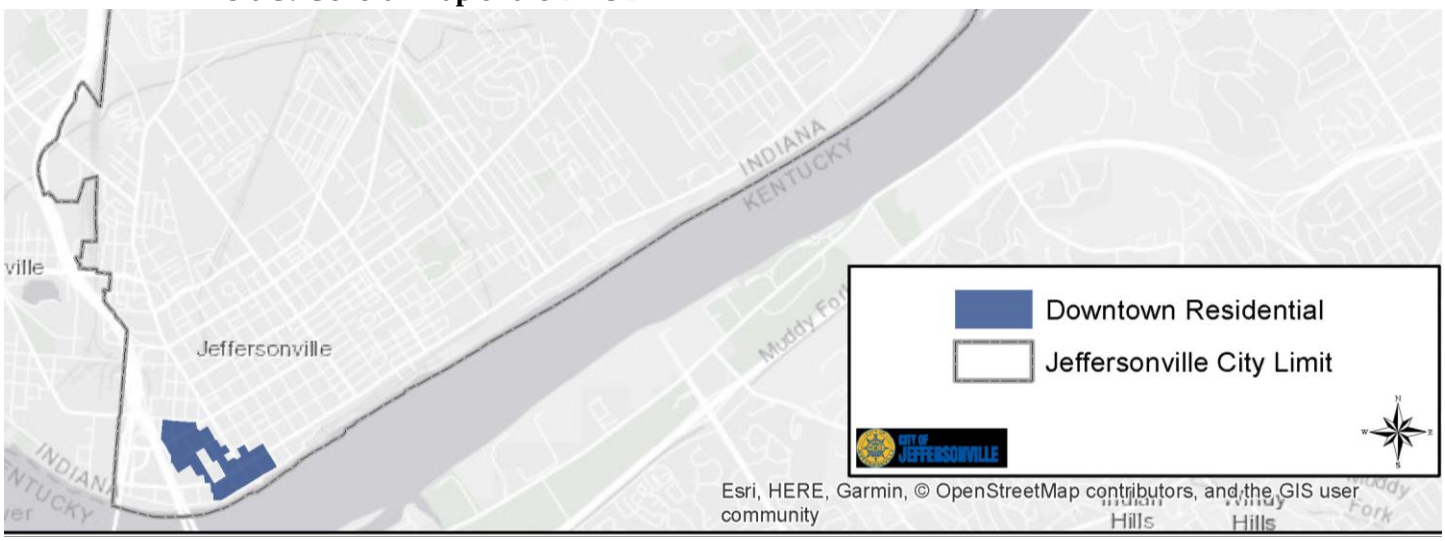
The district further intends to:

- Encourage multi-family housing in the downtown core to utilize existing infrastructure and to provide an additional local customer base for existing and future downtown businesses,
- Remove barriers that may otherwise deter residential development in the downtown area,
- Build upon existing successful investments that have helped create a compact, walkable core and lively pedestrian environment in the Downtown,
- Provide housing options for segments of the population (e.g. millennials, empty nesters, seniors) who are not interested in owning/maintaining a single family residence on the edge of the community, and
- Increase the number of residential units in the core of the City, thereby increasing property values and tax revenue.

B. District Boundaries

1. In general, the DROD consists of properties located around Big Four Station. This includes properties adjacent to the Downtown, historic Spring St., and Court Ave.
2. Exhibit C shows the general location of the DROD
3. The actual boundaries for the DROD are shown on the Official Zoning Map. The DROD is marked with a hatch pattern as designated on the Official Zoning Map's legend.

Exhibit C: General Map of the DROD



C. **Process**

1. Except as listed below, all proposed developments in the DROD require development plan review as defined in Article 10. The following do not require development plan review:
   - Construction or reconstruction of any new single-family residential homes in the district.
   - Renovations/Additions to any existing single-family residence, or any historic home converted to multi-family use.
   - Renovations to any existing building where the only exterior work is primarily restorative in nature (i.e. cleaning/repairing an existing façade, replacing windows, replacing signage, etc.)
2. In order to receive development plan approval, the applicant must satisfy all of the Development Standards of the Base Zone District except as modified below.

D. **Effect on Uses**

1. This Overlay has no effect on the Permitted or Special Exception Uses as described in the Base Zone District unless outlined elsewhere in this article.
2. The Overlay District shall not affect, existing or proposed single-family residences in the Overlay District.

E. **Modifications to District Development Standards (Article 3)**

1. Front Setbacks: In order to maintain and enhance the pedestrian experience within the downtown area all new buildings shall comply with the following:
   a. All new construction shall be constructed with buildings at a 2 foot maximum front yard setback for at least 75% of the total street frontage. Where located on a corner the maximum setback shall apply to 66% of the total street frontage.
      - Exception: Maximum Front Yard Setback may be increased to 10 feet when a design element enhances the use of public space. Design elements may include: oversized sidewalks; outdoor patio/seating area; pedestrian plaza with benches and/or flexible seating; bike racks or bike parking; 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. No drives or parking may be included in this additional maximum setback.
   b. Buildings located on Spring St. shall maintain a setback of no greater than 2 feet for 90% of the Spring St. face. Architectural details such as columns, pilasters, arcades, alcoves, recesses, etc., that give added depth at the street level may be provided so long as the predominant face of the building meets the setback requirements.
   c. Setbacks for accessory structures may be reduced to 2 feet. Accessory structures shall be located adjacent to alleys or side lot lines and shall not be placed along street faces.
      - Exception: If on a corner lot and placed within 10 feet of a public street, accessory structures shall be constructed to meet the architectural standards for the primary building or be screened by an appropriate wall or fence.
   d. New construction located between two existing residential units shall have a setback equal to the average of the two adjacent properties' setback.

2. Building Heights for Multi-Family or Mixed Use Development: Multi-unit residential developments or mixed-use residential/commercial developments (with less than 25% of space dedicated to commercial) in any zoning classification shall conform to the development standards of the CD zoning classification with the following modifications:
    a. Ground floor retail development is not required except for properties with building faces on Spring Street.
    b. Maximum structure height at all lot lines shall be 40 feet, but buildings may "step-up" to 100 feet at a line 5 feet from any front property line and 20 feet from any side property line.
        - Exception: When a new building directly shares a property line with a property in the R4 district the setback for additional height shall be 50 feet.
    c. All buildings with additional height shall have a strong visual cap or cornice that may project up to 4 feet into this setback.
3. Minimum floor areas per unit may be reduced to 500 square feet in a multiple-unit structure with 300 square feet the absolute minimum.

F. **Modifications to Development Standards (Article 7)** In addition to meeting the development standards set forth in the Downtown Design Overlay District, the following additional standards apply
    1. Parking
        a. Within the district, all commercial developments and any residential or mixed-use developments with less than 10 residential units shall abide by the parking standards for the CD zone district set forth in Article 7.
        b. Any development within the district with more than 10 residential units shall meet the following standards:
            i. Any portion of the building that is commercial shall follow the parking standards for the CD zone district set forth in Article 7.
            ii. Parking for residential units shall be provided at a rate of 1.25 spaces per dwelling unit. At least 50% of all required parking shall be provided in either an attached garage or detached garage.
            iii. For buildings with more than 20 dwelling units, one visitor parking space shall be provided for every 10 additional residential units over 20. Visitor spaces may be provided in a paved lot or in a publicly accessible parking structure.
    2. Signs: All signs must be designed to create a unified and consistent sign package for the development. All signs must be mounted to the building or a screen wall (i.e. wall signs, projecting signs, or awning signs). Signs may not be constructed of materials that are inferior to the principal materials of the building or landscape.

G. **Additional Design Standards:** Developments in this district must meet the additional design standards set forth in the Downtown Design Overlay District.

H. **Approval**
    a. The Plan Commission must make written findings concerning each decision to approve or disapprove a development plan. To approve a development plan in the district, the Plan Commission must find that the proposed development plan:
        i. Is consistent with the Comprehensive Plan;
        ii. Is consistent with the intent of the Downtown Residential Overlay District;
        iii. Is consistent with the intent of the Base Zone District, and
        iv. Satisfies the development requirements specified in this Article.

4.5 Jeffersonville Historic District

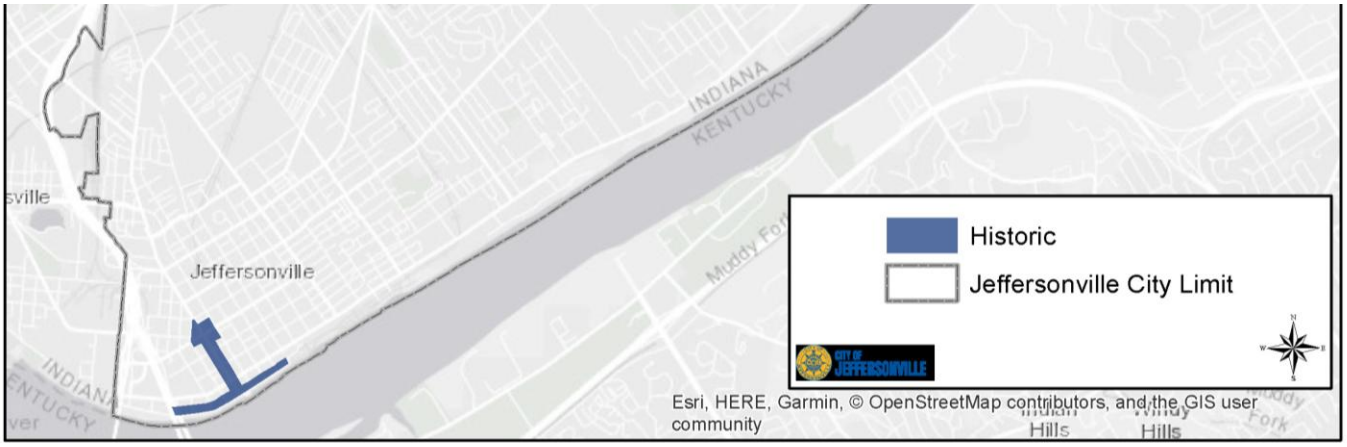
A. District Intent

The Jeffersonville Historic District has been created for the purpose of preserving the historic character of Spring Street and Riverside Drive in Jeffersonville's Downtown. All projects within the Historic District are reviewed by the Jeffersonville Historic Board. A "Certificate of Appropriateness" must be granted by the Jeffersonville Historic Board prior to any development in the Jeffersonville Historic District.

B. District Boundaries

1. In general, the Historic District consists of properties located along Spring Street from the Ohio River to 7th Street and on Riverside Drive from I-65 to its terminus east of Walnut St.
2. Exhibit D shows the general location of the Historic District.
3. The actual boundaries for the Historic District are shown on the Official Zoning Map. The overlay district is marked with a hatch pattern as designated on the Official Zoning Map's legend.

Exhibit D: General Map of the Jeffersonville Historic District



C. Process

1. All new buildings and renovations of existing buildings that involving exterior renovations/modifications (including signage) must be approved by the Historic Board.

D. Effect:

1. This District has no effect on Uses or Development Standards.

4.6 Quartermaster/Census Overlay District (QCOD)

A. District Intent

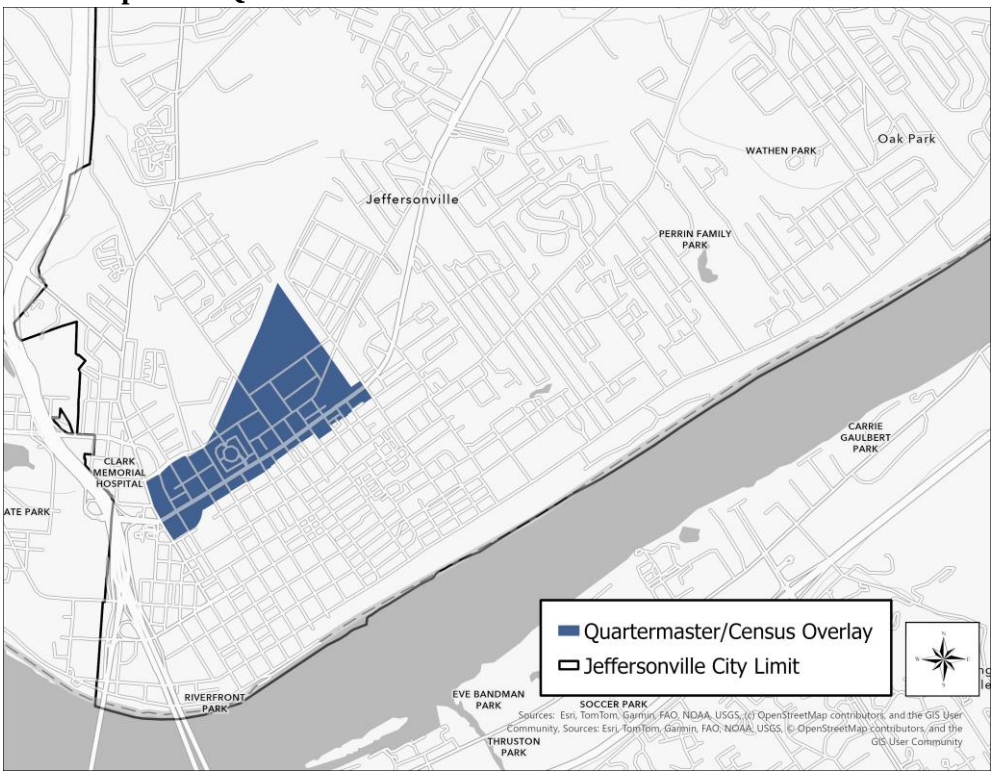
The Quartermaster/Census Overlay District (QCOD) is intended to guide both new development and redevelopment activities in and around Quartermaster Station and the Census Bureau site. The QCOD aims to:

- Promote commercial uses that are compatible with existing adjacent residential neighborhoods by limiting new automotive uses and other incompatible uses in this area.
- Provide additional flexibility to encourage investment and redevelopment in the area.
- Encourage unique redevelopment of the Census Bureau site if the Census vacates the area.

B. Boundaries

1. In general, the QCOD consists of properties bounded by Spring Street, E. 12th Street, B&O Railroad, Main Street, and properties along E. 10th Street.
2. Exhibit F shows the general location of the QCOD.
3. The actual boundaries for the QCOD are shown on the Official Zoning Map. The QCOD is marked with a hatch pattern as designated on the Official Zoning Map's legend.

Exhibit F: General Map of the QCOD



C. Effect on Uses

1. All uses listed in the Base Zone District are permitted within the QCOD with the exception of those uses listed in Schedule 1 below.
2. No use listed in Schedule 1 below shall be permitted as a special exception.
3. In addition to uses permitted in the Base Zone District, all uses listed in Schedule 2 below are permitted within the QCOD.

Schedule 1: List of prohibited uses in the QCOD

Commercial Uses: Auto Sales/Services

- auto accessory installation
- auto impound facility
- auto body repair shop
- auto repair, major
- auto repair, minor
- auto parts sales
- auto rental
- auto sales: limited or no services
- auto sales: with showroom and/or full services
- auto wash
- automobile/truck/bus storage (open air) – no sales
- boat sales and services
- commercial truck sales
- filling/gas station (as accessory use)
- motor bus station
- recreational vehicle sales and services
- salvage yard
- small engine repair
- truck stop/filling station

Commercial Uses: Retail 6 (Alcohol/Tobacco Sales)

- Alcohol Retail Store
- Smoking Retail Store

Schedule 2: List of additional permitted uses in the QCOD

Residential Uses

- Assisted Living Facility
- Dwelling: Duplex
- Dwelling: Multi-Family – 3-4 units
- Dwelling: Multi-Family – 5-6 units
- Dwelling: Multi-Family – 7-12 units
- Dwelling: Multi-Family – greater than 12 units

Commercial Uses:

- All Permitted Uses in the CN (Commercial – Neighborhood) Zone District

D. **Modification to District Development Standards (Article 3)**

1. The QCOD does not modify any of the District Development Standards set forth in the Base Zone District.

E. **Modifications to Other Development Standards**

1. The QCOD does not modify any other Development Standards specified for the Base Zone District.

4.7 Tenth Street Overlay District (TSOD)

A. District Intent

The Tenth Street Overlay District (TSOD) is intended to guide both new development and redevelopment activities along Tenth Street between Main St. and Trailer Court. The TSOD aims to:

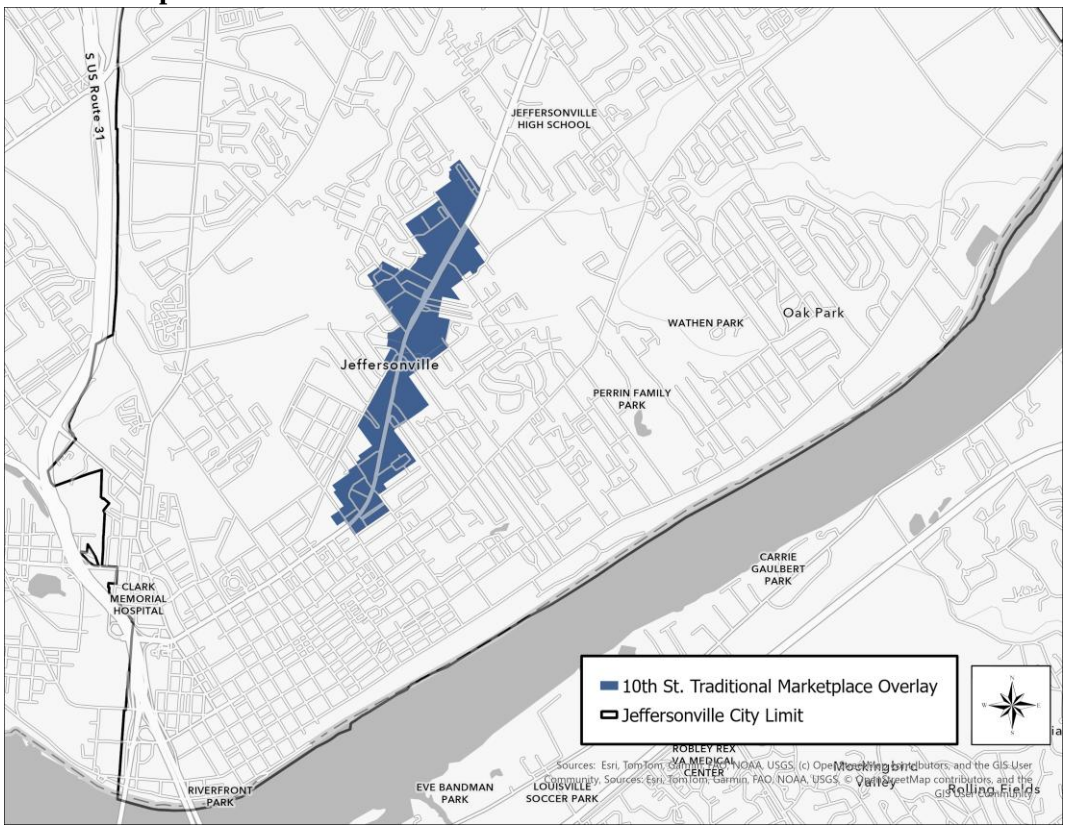
- Support and implement the vision of the Tenth Street Strategic Investment Plan and the Comprehensive Plan
- Encourage development of a more pedestrian-friendly business community on Tenth Street.
- Promote commercial uses that are compatible with existing adjacent residential neighborhoods.

The Plan Commission and Board of Zoning Appeals should strive to support only those uses that enrich the vibrancy and pedestrian experience along the corridor.

B. Boundaries

1. In general, the TSOD consists of properties along Tenth Street from Main St. to Trailer Ct.
2. Exhibit E shows the general location of the TSOD.
3. The actual boundaries for the TSOD are shown on the Official Zoning Map. The TSOD is marked with a hatch pattern as designated on the Official Zoning Map's legend.

Exhibit E: General Map of the TSOD



C. Effect on Uses

1. All uses listed in the Base Zone District are permitted within the TSOD with the exception of those uses listed in Schedule 1 below.
2. No use listed in Schedule 1 below shall be permitted as a special exception.

Schedule 1: List of prohibited uses in the TSOD

Commercial Uses: Auto Sales/Services

- auto accessory installation
- auto impound facility
- auto body repair shop
- auto repair, major
- auto repair, minor
- auto parts sales
- auto rental
- auto sales: limited or no services
- auto sales: with showroom and/or full services
- auto wash
- automobile/truck/bus storage (open air) – no sales
- boat sales and services
- commercial truck sales
- filling/gas station (as accessory use)
- motor bus station
- recreational vehicle sales and services
- salvage yard
- small engine repair
- truck stop/filling station

Commercial Uses: Retail 6 (Alcohol/Tobacco Sales)

- Alcohol Retail Store
- Smoking Retail Store

D. **Modification to District Development Standards (Article 3)**

1. The TSOD does not modify any of the District Development Standards set forth in the Base Zone District.

E. **Modifications to Other Development Standards**

1. The TSOD does not modify any other Development Standards specified for the Base Zone District.

4.8 Utica Pike Overlay District (UPOD)

A. District Intent

The Utica Pike Overlay District (UPOD) 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 Byway.

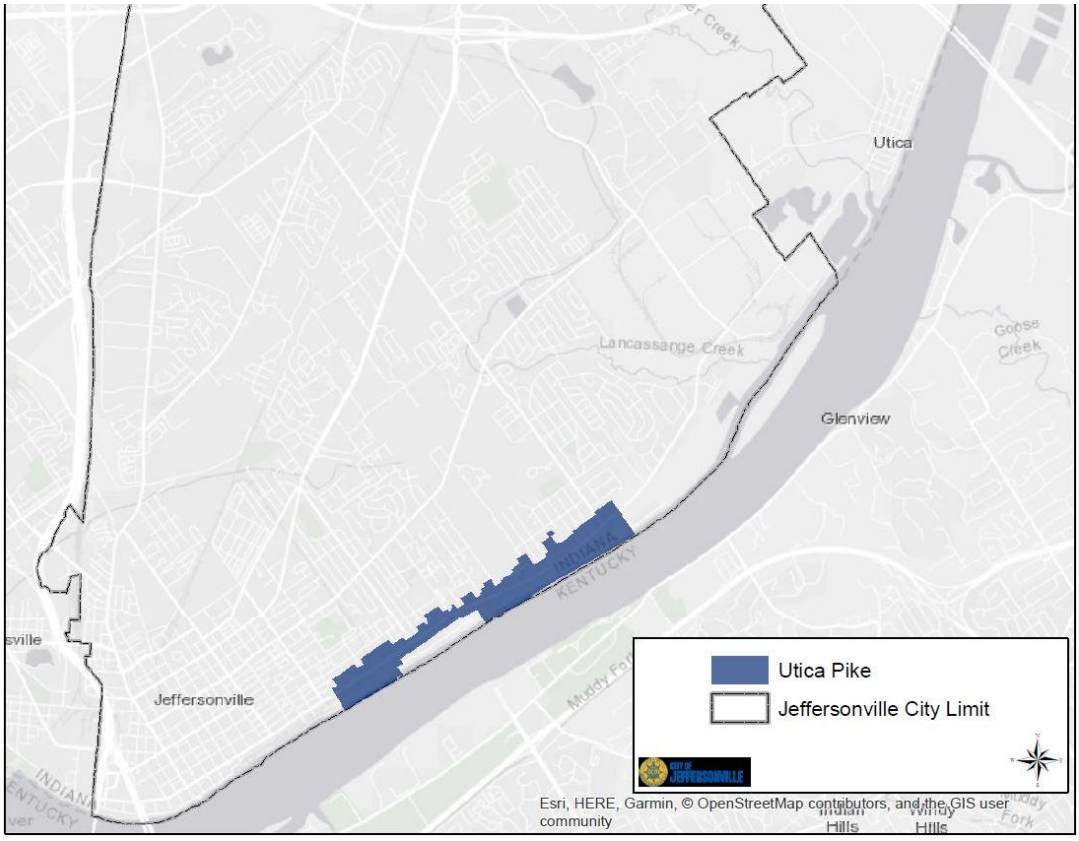
The general intent is to promote appropriate and sensitive designs that contribute to the special characteristics of Utica Pike.

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.

B. Boundaries

1. In general, the UPOD includes properties along Utica Pike from Main St. to Allison Ln.
2. Exhibit F shows the general boundaries of the UPOD.
3. The actual boundaries for the UPOD are shown on the Official Zoning Map. The UPOD is marked with a hatch pattern as designated on the Official Zoning Map's legend.

Exhibit F: General Map of the UPOD



C. **Process**

1. All proposed developments (including building additions) in the UPOD require development plan review as defined in Article 10. New single-family homes and additions to single family homes shall be exempt from the fee associated the Development Plan application, unless it is determined that such development must be approved by the Plan Commission.
2. In order to receive development plan approval the applicant must satisfy all of the Development Standards of the Base Zone District except as modified below.

D. **Effect on Uses**

1. This Overlay has no effect on the Permitted or Special Exception Uses as described in the Base Zone District.

E. **Modifications to District Development Standards (Article 3)**

1. Minimum Lot Area: 10,000 Square feet.
2. Minimum Lot Width: 70 feet.
3. Minimum Lot Frontage: 50 feet
4. Minimum Front Yard Setback: 75 feet or the average of the adjacent lots
5. Minimum Side Yard Setback: 10% of the average lot width up to a 15 foot maximum.
6. Maximum Lot coverage: 35%

F. **Modifications to other Development Standards**

1. Tree Preservation: When new development or building additions occur, shade trees over 8 inches in caliper at 4.5 feet above grade and all flowering trees and shrubs over 6 feet in height shall be retained and preserved to the greatest extent possible. If for whatever reason the trees cannot be retained or preserved, they shall be replaced with a tree or shrub of like kind at a ratio of 2:1 (sizes per the landscape standards set forth in Article 7). Trees or shrubs that are dead or noticeably dying prior to any development disturbance may be exempted from this provision at the discretion of the Planning Director.
2. Scenic Views: New construction shall make every effort to not significantly eliminate the scenic views of adjacent property owners. Where a proposed structure will eliminate a majority of an adjacent structure's scenic view, additional setbacks may be required at the discretion of the Planning Director.
3. Parking: Off-street parking shall be screened from view all year round. Screening shall promote and preserve the scenic natural character of Utica Pike.
4. Outdoor Storage: Outdoor storage shall be screened by an opaque fence or wall.
5. Mechanical Equipment: All mechanical equipment must be screened by vegetation, fencing or a building feature (i.e. a parapet wall). Screening must eliminate the sight of any mechanical equipment from any spot within 400 feet of the mechanical equipment.
6. Trash Collection: Trash collection bins/dumpsters shall not be placed on or along the facades that face any adjacent street.

4.9 Wellhead Protection Overlay District (WPOD)

A. District Intent

The Wellhead Protection Overlay District (WPOD) has been created to protect the safety and drinkability of the community's public water supply. The District delineates a protection area 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.

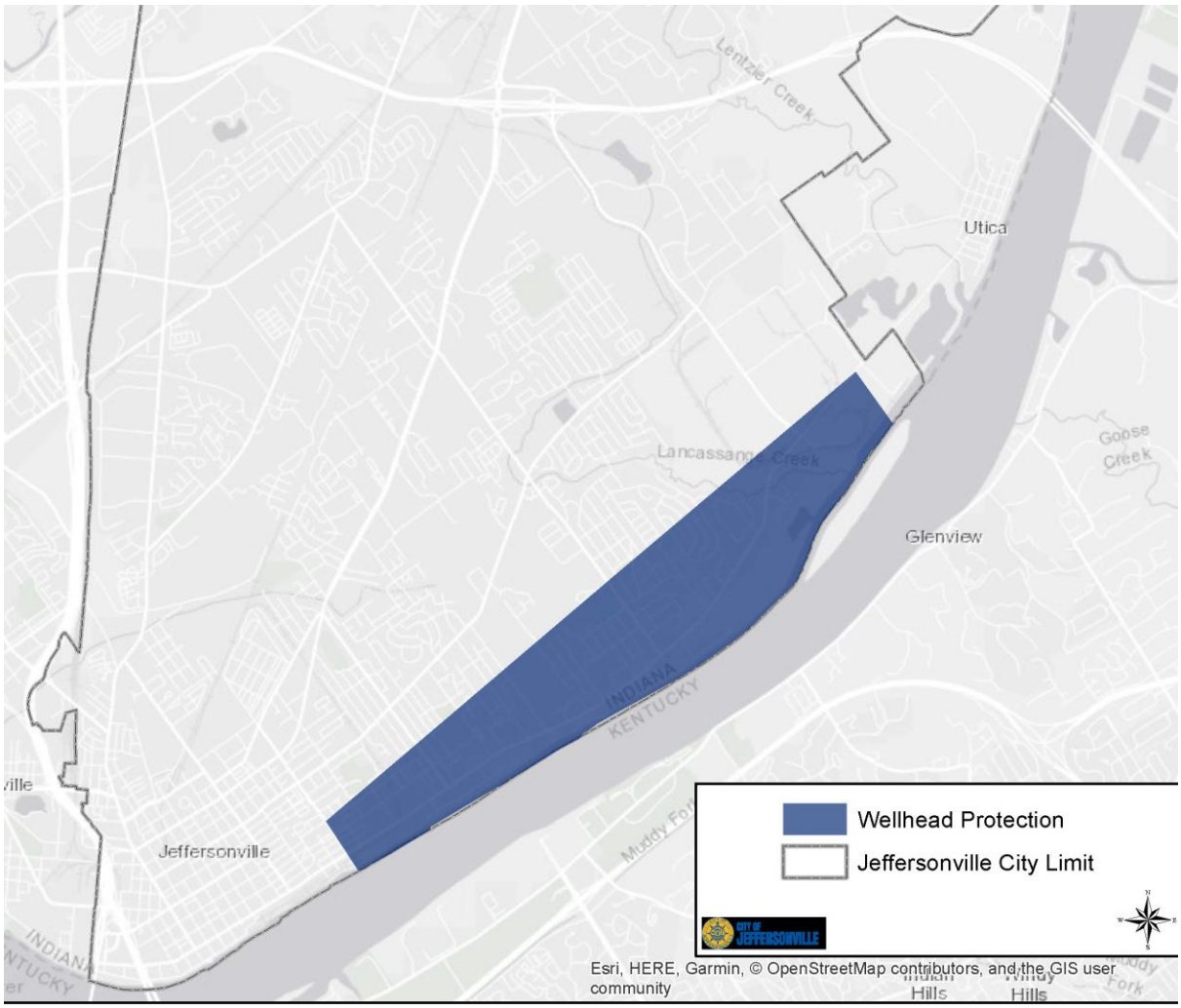
B. District Boundaries

1. In general, the WPOD consists of properties located along the Ohio River from Main St. to the Port of Indiana.
2. Exhibit G shows the general boundaries of the WPOD.
3. The actual boundaries for the WPOD are shown on the Official Zoning Map. The WPOD is marked with a hatch pattern as designated on the Official Zoning Map's legend.

C. Process

1. All proposed commercial, industrial or institutional developments or expansions thereof and all new residential development in this District require review by the water company. Expansions of existing residential structures and creation of new residential accessory structures are exempt from this requirement.
2. 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 at the time application submission of an Improvement Location Permit.

Exhibit G: General Map of the WPOD



D. **Effect on Uses**
   1. This Overlay has no effect on the Permitted or Special Exception Uses as described in the Base Zone District.

E. **Modifications to District Development Standards (Article 3)**
   1. The WPOD does not modify any of the District Development Standards set forth in the Base Zone District.

F. **Modifications to Other Development Standards**
   1. The WPOD does not modify any other Development Standards specified for the Base Zone District.

Article Five

Planned Unit Developments

Article 5
Planned Unit Developments

5.1 General

A. **Description:** A Planned Unit Development (PUD) District is a special zoning district that may be petitioned for by a property owner or group of property owners. This special district allows for development under a PUD District Ordinance (PUD Booklet) that is adopted by the City Council. Once adopted, all future development in the district is bound to the regulations set forth in the PUD Booklet.

B. **Intent:** The intent of the Planned Unit Development (PUD) is to allow more flexibility in the development of land than any single zone district can provide. PUD's shall only be created where there is a need for one or more of the following:

1. A greater mix of uses in a single development than any one district can provide;
2. Shared spaces, services and/or facilities within a development, and/or
3. Some other unusual combination of uses and development standards that could otherwise not be achieved through the development plan process.

C. **Origin of Proposals:** Any applicant may propose a Planned Unit Development in accordance with the procedures herein 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 Unit 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.

D. **Establishment:** The procedure for the establishment of a Planned Development District shall be consistent with the process that is outlined in Article 5.2 below.

E. **Applicability:**

1. The contents of the PUD Booklet shall only pertain to the uses and standards listed in Articles 3, 4, and 7.
2. Processes for subdivision and development plans shall still follow the UDO and cannot be amended through the PUD Booklet.
3. If a Planned Unit Development District Ordinance is silent or does not address a particular development standard, design standard, or other specification that is regulated by this UDO, then the standard of the most relevant Base Zoning District, as determined by the Planning Director, shall apply.

F. **Maps:** Planned Unit Developments shall be identified as such on the Official Zoning Map.

G. **Failure to Comply:** If a Planned Unit Development is no longer proceeding in accordance with its regulating ordinance, commitments, conditions, covenants, or time related requirements imposed by its regulating ordinance, the fullest extent of *Article 11: Enforcement and Penalties* in this UDO may be used by the enforcement official to cause remedy.

5.2 Required Documents: The following documentation is required for a Planned Unit Development application:

A. Conceptual Master Plan: The conceptual master plan shall be in color, and, at a minimum, show:

1. Proposed layout of streets, sidewalks, buildings, parking lots and all other proposed improvements (e.g. open space, retention/detention, landscaping).
2. Proposed development signage.
3. Anything else as requested in writing by the Plan Commission or Planning Director.

B. PUD Booklet: Upon approval, this booklet shall become the development ordinance for all development within the PUD. It should include all standards that are necessary to execute the Master Plan. The booklet, at a minimum, shall provide:
   1. Description of the subject site;
   2. Map of any distinct Planning Areas (sub districts of the PUD) ;
   3. Permitted and Special Exception Uses, (by Planning Area, if applicable);
   4. Written development standards such as: minimum/maximum lot size, minimum setbacks, maximum height, maximum lot coverage, etc. (See Article 3);
   5. Additional development standards for landscape, lighting, parking, signs, etc. (See Article 7);
   6. Building design characteristics;
   7. Details of any and all Rights-of-Way sections and/or street sections;
   8. Standards for sidewalks and pedestrian amenities; and
   9. Anything else as requested in writing by the Plan Commission or Planning Director.

5.3 Procedure

A. Prior to filing a formal application for approval of a Planned Unit Development, the applicant shall schedule a pre-design conference with the Planning & Zoning Department. The purpose of the pre-application conference shall be to:
   1. Allow the applicant to present a general concept and to discuss characteristics of the development concept.
   2. Allow the Planning Staff to inform the applicant of applicable policies, standards, and procedures for the Planned Unit Development.
   3. The pre-design conference is intended only for the above purposes. Neither the developer nor the jurisdiction is bound by any decision made during a pre-application conference.

B. After the conference, the applicant shall submit a draft conceptual sketch plan and draft PUD booklet to the Planning Director for review. The Planning Director shall make a cursory review of the plan and give the applicant comments within 30 days.

C. At least 30 days prior to the regularly scheduled Plan Commission meeting, the applicant shall submit an application for rezoning to the "PD" classification as well as the PUD booklet, a detailed Master Plan for the development site and the application fee. The rezoning petition shall be accompanied by signed and notarized affidavits of all property owners of all real estate involved in the petition for the Planned Unit Development prior to the filing of the application.

D. Any development plan or subdivision plat that is necessary in conjunction with the Planned Unit Development petition, must be filed after approval of the PUD.

E. Planned Unit Developments require public notice in the newspaper per IC 5-3-1-2 and IC 5-3-1-4. Public notification procedures are outlined in Article 10.3 of this UDO.

F. The Plan Commission will then review the application and required supportive information. The Plan Commission shall provide either a favorable, unfavorable, or no recommendation. The Plan Commission may require written commitments concerning the use or development of the property in connection with any recommendation of the rezoning request. Any required commitments shall be added to the PUD Ordinance by the Petitioner before recording said Ordinance with the Clark County Recorder. The ordinance shall clearly state the commitments are enforceable by, at a minimum, the Plan Commission.

G. When a recommendation is made by the Plan Commission, the Planning Director must certify the recommendation to the Council within 10 days of the PC hearing. The Council must then act within 90 days of the date of the Planning Director's certification.
H. If the Plan Commission gives an unfavorable recommendation, the applicant may ask to withdraw their application from the City Council docket and choose instead to revise the proposed PUD Ordinance and resubmit it to the Plan Commission within 30 days for reconsideration. The City Council, shall vote to allow the withdrawal/resubmission.
I. The City Council may approve, deny, or table the petition.
J. 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.
K. If the City Council denies the rezoning, the applicant must wait one year before resubmitting another petition.
L. The Official Zoning Map shall be amended to reflect the zoning change.

5.4 Permitted Uses

A. All uses are subject to the discretion and approval of the Plan Commission.
B. In general, the uses that will be considered in a Planned Unit Development are uses that are designated as permitted uses or special exception uses in the existing zone district and/or neighboring zone districts.
C. No unspecified land uses shall be permitted. Vague land uses or land use categories shall not be permitted in a Regulating Ordinance.
D. 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 Planned Unit Development shall be in the spirit of the Comprehensive Plan, and surrounding zoning districts. To the greatest extent possible, land uses within the PUD shall be complimentary to each other and not create significant conflict.

5.5 Miscellaneous Standards

A. To qualify for PUD consideration, the proposed land area shall be a minimum of 10 acres.
B. For residentially dominant Planned Unit Developments, a minimum of 30% of the subject property shall be open space.
C. For commercially dominant Planned Unit Developments, a minimum of 15% of the subject property shall be open space.
D. If the Planned Unit Development is to be constructed in phases, permanent open space shall be provided for each phase of the development.
E. In the case of mixed uses, permanent open space shall be allocated to the property in proportion to the uses assigned to the Planned Unit Development and shall be located in a reasonable proximity to those uses.
F. Once 80% built out, Planned Unit Developments, including phases or sub-districts, may be rezoned into an appropriate zoning district if the Plan Commission deems it necessary to better administer the development.

5.6 Construction

A. No construction or installation work may commence on any public or private improvements within the PUD until satisfactory Development Plan or Improvement Location Permit applications have been submitted and approved by Planning Staff, City Engineer and/or the Plan Commission.

B. All subsequent development plans within the PUD zone district, shall be in conformity with the adopted PUD Booklet. Planning staff will review all development plans against the PUD Booklet and, where omissions exist, the UDO. Any discrepancies shall be corrected by the applicant before approval.

C. Construction of any public improvements shall also require at least 48 hours' notice to the City Engineer (or other entity having jurisdiction of the public facility) in order that inspections may be made as the work progresses.

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

5.7 Minor Modifications

A. The Planning Director may from time to time in its administration of the Planned Unit Development, 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.

B. An adversely affected party may appeal any decision by the Planning Director to the Board of Zoning Appeals within 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.

5.8 Covenants and Restrictions

A. 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 Department of Planning & Zoning.

B. If common facilities (private roads, detention areas, open space, parks, plazas, etc.) are provided within the PUD, adequate provision shall be made for a private organization (i.e., Homeowners Association, Business Association) with direct responsibility to, and control of the property owners involved to provide for the operation and maintenance of all common facilities. In such instance legal assurances shall be provided which show that the private organization is self-perpetuating.

C. 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.

D. All approved covenants, commitments, plats, and modifications thereof shall be recorded in the office of the Clark County Recorder within 10 days of approval.

E. The developer shall provide copies of the recorded information to the Plan Commission. The quantity and format of the required copies shall be at the discretion of the Planning Director.

5.9 Expiration, Abandonment & Extension: A Planned Unit Development shall remain in effect until the property is rezoned except as noted below:

A. Expiration for no improvements: If no improvements have been made pursuant to the approved development plan within 3 years of the date of approval the Planned Unit Development the property shall revert to the previous zoning district.

B. Extension: Upon request, and at least 60 days prior to expiration, the Plan Commission may grant the owner/developer a single 12-month extension.

C. Abandonment: Where site-specific development plans and/or construction permits have been granted and site work has commenced (including land clearance, grading and drainage) within the Planned Unit Development and the project has subsequently been halted or abandoned without any physical buildings constructed, the property owner may petition the Plan Commission for reinstatement of the previous zone district without going through the rezoning process.

5.10 Limitation of Rezoning

Any initiative of the Plan Commission to amend the Unified Development Ordinance that would affect an approved Planned Unit Development before its completion, shall not be enforced on the Planned Unit Development. Only in the case that the Planned Unit 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 UDO apply.

Article Six

Subdivision Control

Article Six:
Subdivision Control

6.1 Intent

The purpose of this Article is to provide a consistent directive to the subdivision of land and to the design of streets and roadways in a way that is within the spirit and intent of the Comprehensive Plan.

6.2 Establishment of Control

A. No plat or re-plat of a residential, commercial, or industrial subdivision of land located within the jurisdiction of the Plan Commission shall be recorded until it shall have been approved by the Plan Commission or their designee, and such approval shall have been entered in writing on the plat by the president and secretary of the Commission or their designee.

B. Exemptions:
   1. The following divisions of land are exempt from the provisions of this UDO:
      a. A division of land for the transfer of a tract(s) to correct errors in an existing legal description, or the sale/exchange of a tract of land between adjoining landowners, provided that no additional primary use building sites or any nonconforming lots are created by the division.
      b. A division of land by the Federal, State, or Local Government for the acquisition of Right-of-Way or an easement.
      c. A division of land that combines or reconstitutes property lines such that no new building lots are created.
      d. An adjustment or shift in lot lines as shown on a recorded plat provided there is no reduction in the area, frontage, width, depth, or building setback lines of each building site that would place it below the minimum requirements of this UDO.
      e. The sale, exchange, or transfer of land between adjoining property owners which does not result in the change of the present land usage, create an additional building site, and does not create a parcel that does not conform to the standards of this UDO.
      f. The division or partition of land into parcels of more than 5 acres not involving the creation of any new streets or easements of access.
      g. A division of land that is government or court ordered.

C. Subdivider's Responsibility: It is the responsibility of the person subdividing the land to verify with the Department of Planning & Zoning their proposal meets the standards to qualify as an exempt subdivision.

6.3 Conformance

The subdivision plan shall generally conform to the principles outlined in the Comprehensive Plan. The secondary plat of the subdivision plan shall conform to the General Subdivision Design Standards as set forth in this Article.

6.4 Rights of the Plan Commission: The Plan Commission hereby reserves the right to:

A. Consider preservation of known or discovered scenic and historic landmarks.

B. Refuse changing natural watercourses, watersheds, ravines, etc.

C. Deny development if the land is considered by the Plan Commission to be unsuitable for use by reason of flooding or improper drainage, objectionable earth and rock formation, topography, or any other feature harmful to the health and safety of possible residents and the community as a whole.

D. Approve all of or only a section of any primary or secondary plat brought forward for their consideration.

E. Request additional changes in future sections of a multi-phase development when a final plat approval is requested for that section.

F. Refuse to accept a petition for a plat within 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 6-month period.

6.5. Plats: General

A. No land shall be subdivided for use unless adequate access to the land is provided via publicly dedicated streets or by private roads to be provided by the applicant.

B. Subdivision and subdivision street names:

1. Subdivision Names
   a. The proposed name of a subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision within the jurisdiction and surrounding areas.
   b. The Plan Commission shall have final authority to approve the name of the subdivision, which shall be determined at primary plat approval.
2. Street names
   a. Proposed public road names shall be submitted with and indicated on the primary plat. The Plan Commission shall approve the public road names at the time of primary plat approval. The Department of Planning & Zoning shall consult with Clark County 911 or the appropriate entities prior to rendering its decision.
   b. Names shall be sufficiently different in sound and spelling from other road names in the jurisdiction and surrounding areas so as to not cause confusion. A road which is (or is planned as) a continuation of an existing road shall bear the same name.

G. Terminology

1. Conventional terminology in this part of the state is often different than Indiana state statute. For the purposes of clarity:
   a. The primary plat may be locally referred to as the "preliminary plat".
   b. The secondary plat may be locally referred to as the "final plat" or "record plat".
2. Major vs. Minor Plats
   a. A Major Plat is required for any residential, commercial, or industrial subdivision that creates 5 or more separate tracts or parcels (including the remnant tract). It is also required for any subdivision that creates or dedicates land for a new public roadway.
   b. A Minor Plat may be obtained for any subdivision that creates 6 or fewer parcels (including the remnant tract) and does not dedicate any land for a public roadway. A Right-Of-Way dedication does not create a new lot.
   c. Specific requirements for Major and Minor plats are documented in Article 6.6 and 6.7, respectively.

6.6 Plats: Major

A. General

1. The major platting process is comprised of two parts – the primary plat, and the secondary plat.
2. All primary plats require review by the Plan Commission.

B. Primary Plat Procedure:

1. Applications for primary plats shall be filed, in accordance with the City's adopted application, at least 30 days prior to the initial public hearing at which they are to be considered by the Plan Commission.
2. Primary plats require public notice in the newspaper pursuant to IC 5-3-1-2 and IC 5-3-1-4. Public notification procedures are outlined in Article 10.3 of this UDO.
3. The Plan Commission shall either approve or deny the primary plat.
4. The Plan Commission may grant modifications to the standards presented in this article (Article 6) of the UDO.
5. The Plan Commission will make written findings concerning each decision to approve or deny a primary plat and its modifications if any. The Planning Director is responsible for signing written findings of the Plan Commission.
6. 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 and Article 3. These commitments shall be recorded on the secondary plat.

7. Primary plats shall undergo drainage review per The Stormwater Ordinance of the City of Jeffersonville (2021-OR-14) prior to review of the secondary plat.

C. Primary Plat Fees and Other Information:
   1. The application shall be accompanied by an application fee as shown in Appendix B.
   2. The applicant shall also be responsible for any fees required for notification sent to adjoining property owners, as shown in Appendix B. The amount due for adjoining property notification will be provided to the applicant by the Planning & Zoning Office and will be due prior to the date of the public hearing. The fee total for this can be found in Appendix B.
   3. The applicant shall provide a list and description of the protective covenants or private restrictions to be incorporated in the plat of the subdivision, if applicable.

D. Secondary Plat Procedure:
   1. Secondary plat petitions shall be submitted to the Planning Director for review along with the following:
      a. Completed secondary plat application.
      b. Letters of "intent to serve" from all necessary utility and service providers shall be submitted at time of application. Utility and service providers shall include, but not be limited to, the Jeffersonville Fire Department, natural gas providers; electrical providers; water providers; cable, phone, and internet providers, and any other entity that may be considered necessary by the Planning Director or their designee. Secondary plat applications shall not be deemed complete without these letters.
      c. Established fee as shown in Appendix B.
      d. Any other information as determined by the Planning Director.
   2. Review and Approval:
      a. Secondary plats that exactly match the previously approved primary plat shall be approved administratively by the Planning Director.
      b. Minor property lot line adjustments are permitted as long as all revised lots meet the standards of the subject zoning district or any approved waivers or variances from the primary plat approval. Such conforming plats shall also be approved administratively by the Planning Director.
      c. Secondary plats that do not do not meet the above conditions shall require review and approval by the Plan Commission
   3. Should the secondary plat require Plan Commission approval, public notice in the newspaper pursuant to IC 5-3-1-2 and IC 5-3-1-4 is required. Public notification procedures are outlined in Article 10.3 of this UDO.
   4. The Plan Commission shall either approve or deny the proposed secondary plat petition.
   5. The Plan Commission will designate the Planning Director to make written findings concerning each decision to approve or deny a secondary plat. The Planning Director is responsible for signing written findings of the Plan Commission.
   6. The City Engineer shall review all secondary plats to ensure the decisions of the Drainage Board are properly reflected on the plat.
   7. 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 as specified in this Article and Article 3. These items are to be recorded at the County Recorder's office by the applicant concurrently with the recording of the secondary plat. The applicant shall provide a copy of the recorded commitments to the Planning & Zoning Department.
   8. Upon secondary plat approval, the applicant can pick up the signed Mylar copy of the secondary plat from the Planning & Zoning Department for recording. Prior to release, the letter of credit/performance bond must be approved by the City Engineer.
   9. The applicant shall submit copies of the officially recorded plat and any covenants to the Planning & Zoning Department. The quantity and format of the required copies shall be at the discretion of the Planning Director.
   10. Approval for a major plat shall be valid for three years from the date of secondary plat approval. If the secondary plat is not recorded before the expiration of 18 months, the approval shall be null and void.

6.7 Plats: Minor

A. General:
   1. The Minor Platting process does not include a primary plat; only a secondary plat is required.
   2. All Minor Plat petitions are subject to review and approval by the Planning & Zoning Director.
   3. The Minor Plat process shall not be used repeatedly to create large, de-facto subdivisions. The Planning Director has the right to request that an applicant go through the Major Plat process if, for any reason, they feel that the applicant is attempting to create a larger development than should be allowed by Minor Plat.

B. Minor Plat Procedures:
   1. Applications for Minor Plats may be filed, in accordance with the City's adopted application, at any time.
   2. Before determining that a subdivision is eligible to be considered as a minor plat, the Planning Director shall find that all of the following criteria are satisfied:
      b. The subdivision will not impede orderly development of land or the provision of public services and improvements.
      c. The subdivision will be consistent with the Comprehensive Plan.
      d. The subdivision will not require the extension of municipal facilities or the creation any public improvements – including streets.
      e. The subdivision will not interfere with the provision of streets to provide access to adjoining or nearby property in the event that such property is developed in the future.
      f. The subdivision does not provide for or interfere with the acquisition of necessary public Right of Way dedications along abutting public streets.
      g. The subdivision does not contain more than 6 lots, including the remnant tract.
      h. The remnant tract must remain contiguous and of a realistic size/shape for future development.
      i. All parcels have adequate and approved access to local streets.
      j. All parcels are within 500 feet of a fire hydrant.
      k. All lots in the subdivision will provide suitable building site for the purpose for which the land is to be used.
   3. Where the above criteria is not met, the Plan Director shall request that the subject parcel go through the Major Plat process.
   4. Minor plats shall be approved administratively by the Planning Director if they meet all the development standards set forth in Article 3. Should the proposed minor plat not meet all the required standards, the applicant will submit application to the Plan Commission for approval.
   5. Approval for a minor plat shall be valid for one year from the date of secondary plat approval. If the minor subdivision secondary plat is not recorded before the expiration of one year, the approval shall be null and void.

6.8 General Subdivision Design

A. Blocks
   1. Blocks should not exceed 800 feet in length.

B. Building Setbacks
   1. Building setback lines shall be as provided in this UDO or greater as provided by the Plan Commission.

C. Easements
   1. Easement widths shall be negotiated with the utility provider who will hold the easement. Reference the Wastewater Technical Standards for more information regarding easements.
   2. Gate access shall be required for any easements not accessible to City Employees.

D. Lots

1. General
   a. All lots shall abut and gain access to a dedicated public or private street.
   b. Side lines of lots shall be approximately right angles to straight streets and on radial lines on curved streets. Some variation from this rule is permissible, but pointed or very irregular lots should be avoided. All side property lines must be within 10 degrees of perpendicular to the street centerline or radial on curve.
   c. All lots shall have adequate access provided. New subdivisions with one proposed entrance shall have no more than 40 lots. For subdivisions with 41 to 100 lots, a secondary entrance is required at least 300 feet from the primary entrance. A third entrance is required for subdivisions with more than 100 lots.
2. Lot Dimensions
   a. Widths and areas of all lots shall not be less than that provided in Article 3 the minimum standards for the district in which the subdivision is located, unless noted below as noted in the table below:

ZONING DISTRICT	DEVELOPMENT STANDARDS			
	Minimum Lot Area	Maximum Lot Area	Minimum Lot Width	Minimum Lot Frontage
A1	5 acres (217,800 sq. ft.)	N/A	160 ft.	100 ft.
CD	2,000 sq. ft.	N/A	25 ft.	25 ft.
CG	20,000 sq. ft.	N/A	70 ft.	70 ft.
CH	20,000 sq. ft.	N/A	70 ft.	70 ft.
CN	5,000 sq. ft.	20,000 sq. ft.	50 ft.	50 ft.
CO	7,000 sq. ft.	1.5 acres (65,340 sq. ft.)	70 ft.	50 ft.
I1	2 acres (87,120 sq. ft.)	N/A	200 ft.	80 ft.
I2	3 acres (130,680 sq. ft.)	N/A	250 ft.	80 ft.
IN	1 acre (43,560 sq. ft.)	N/A	100 ft.	80 ft.
IR	As allowed/established by RRCC	As allowed/established by RRCC	As allowed/established by RRCC	As allowed/established by RRCC
M1	7,500 sq. ft. (multi-lot development)	N/A	50 ft. (multi-lot development)	30 ft. (stand-alone property) 40 ft. (multi-lot development)
M2	20,000 sq. ft.	N/A	80 ft.	50 ft.
M3	1 acre (43,560 sq. ft.)	N/A	100 ft.	50 ft.
MP	5 acres (217,800 sq. ft.)	N/A	250 ft.	70 ft.
PR	10,000 sq. ft.	N/A	70 ft.	65 ft.
R1	9,000 sq. ft.	N/A	60 ft.	25 ft.
R2	6,500 sq. ft.	N/A	45 ft.	25 ft.
R3	4,000 sq. ft.	N/A	30 ft.	25 ft.
R4	2,500 sq. ft.	N/A	25 ft.	20 ft.

   b. In order to encourage quality design and accommodate the complexities of site design in residential subdivisions, up to 20% of newly created lots may be up to 500 square feet smaller than the minimum lot sizes above.

c. Subdivisions that provide public amenities and/or preserve open space may qualify for further reductions as outlined in Article 6.9.
d. Where "single-family, attached" housing is being proposed, minimum lot sizes may be reduced as follows:
1. Exterior/end lots may be 75% of the minimum lot size.
2. The minimum lot size shall not apply to any interior lots created, but they shall be sized consistently with the exterior lots and allow for the minimum residential unit sizes for the district.

3. Setbacks
a. Follow tables in Article 3 with the following exceptions:
b. The Plan Commission may waive the side setback requirements for the purpose of creating attached residences.

4. Thru lots with frontage on 2 streets should not be platted, except where desired along arterial streets. In such cases, a planting strip or screening and a no access easement at least 20 feet in width shall be provided along the back of the lot.
5. Corner residential lots shall be wide enough to permit appropriate setbacks from both streets.
6. Common areas created primarily for detention/retention must have dedicated access via frontage on a public right-of-way. This access must be a minimum of 12 feet in width. In commercial and industrial zoning districts, this access may be in the form of a platted easement. Maintenance of common areas is the responsibility of all property owners within the development.

E. Public Open Spaces
1. Where sites for parks, schools, playgrounds, or other public uses are located within the subdivision area as shown in the Comprehensive Plan, or other formally adopted plan, the Plan Commission may:
a. Request their dedication for such purposes, or
b. Request their reservation for a period of 2 years following the date of the approval of the secondary plat. In the event a governmental agency passes a resolution expressing its intent to acquire land so reserved, the reservation period shall be extended for an additional 6 months.

F. Streets, Alleys, & Cul-de-Sacs
1. Layout
a. The street and alley layout shall provide access to all lots and parcels of land within the subdivision, and where streets cross other streets, jogs shall not be created.
b. Proposed streets shall be adjusted to the contour of the land so as to produce usable lots and streets of reasonable gradient. No half-streets shall be permitted in any subdivision.
c. Where a development abuts an undeveloped (or underdeveloped) parcel greater than 2 acres in size, stub streets within the new subdivision shall be extended to the boundary of the abutting property to a point where a connection to an anticipated street is expected.
d. The requirement for a stub street may be waived when steep slopes more than 25%, freeways, waterways, railroad lines, pre-existing development, tree conservation areas, stream buffers, open space or easements would make the provision of a stub street infeasible, or when the abutting property is zoned for industrial uses.
e. Dead-end alleys are not permitted unless adequate turnaround space is provided. Alleys may make a 90° turn to provide access to a local street; a minimum 25 foot radius is provided on the inside corner.
f. New developments shall connect to any existing stub streets from adjacent properties.

2. Dimensions
   a. Wherever there exists a dedicated or platted portion of a street or alley abutting the proposed subdivision, the remainder of the street or alley to the prescribed width shall be platted within the proposed subdivision, with a minimum right-of-way width for streets of 50 feet and a minimum right-of-way width for alleys of 20 feet.
   b. Right-of-way widths of arterial streets and collector streets shall conform to the widths specified in the official Thoroughfare Plan.
   c. For proposed lots with frontage along urban collector roads, adequate right-of-way distances shall be set so there is a minimum distance of 25 feet from the centerline of the road to the abutting property line. (Example – if a ROW is supposed to be 50 feet, and there is only 15 feet of ROW from the centerline to the property line, an additional 10 feet of ROW shall be dedicated.) If the proposed lots have frontage along a minor arterial road, the minimum clearance shall be 40 feet from the centerline of the road to the abutting property line.
   d. The minimum right-of-way of streets and cul-de-sacs shall be 50 feet.
   e. All cul-de-sacs shall terminate in a circular right-of-way with a minimum diameter of 100 feet.
   f. The maximum lengths of a cul-de-sac, from the intersection of the center lines of the nearest side or cross street to the center of the radius of the cul-de-sac, shall be:
      1. 1,000 feet in the R1 zone district,
      2. 800 feet in the R2 zone district,
      3. 600 feet in the R3 zone district,
      4. Cul-de-sacs in all other zone districts shall not be subject to this standard.
   g. Alley rights-of-way, if platted, shall be at least 20 feet in width.
3. Design
   a. All public streets and alleys must be constructed to the public street standards set forth in Article 6.9 of the UDO. Additional standards for entrances and driveways are found in Article 7.5 of the UDO.
   b. Streets and alleys shall be graded, surfaced, and improved to the dimensions required by the cross-sections and the work shall be performed in the manner prescribed by the specifications of the City.
      1. In new subdivisions, the streets shall be a minimum width of 30 feet from back of curb to back of curb with 26 feet of pavement width. Alleys shall be surfaced to their full width.
      2. Where new streets are continuations of existing streets, they shall match the designed width of the existing street, but may taper down to the minimums set above within 200 feet of the connection with the existing street.
   c. The center lines of streets should intersect as nearly at right angles as possible.
   d. At intersections, property line corners shall be rounded by arcs of at least a 20-foot radius.
   e. If the smaller angle of intersection of 2 streets is less than 60 degrees, the radius of the arc at the intersection of property lines shall be increased as deemed advisable by the Plan Commission or its designee.
   f. Where parkways or special types of streets are involved, the Plan Commission may apply special standards to be followed in their design.
   g. Whenever the proposed subdivision contains or is adjacent to a railroad right-of-way or a highway designated as a limited access highway by the appropriate highway authorities, provision shall be made for a marginal access street, or a parallel street at a distance acceptable for the appropriate use of the land between the highway or railroad and such streets.

4. Miscellaneous Standards
    a. Horizontal visibility on curved streets and vertical visibility on all streets must be maintained along the center lines and follow the standards set forth in the FHWA Manual for Local and Rural Roads, or with the approval of the City Engineer or their designee.
    b. Curvature measured along the center line shall have a minimum radius as follows:
        1. Principal and Minor Arterial Streets: 500 feet
        2. Urban Collector Streets: 300 feet
        3. Local Roads: 200 feet
    c. Between reversed curves on arterial streets there shall be a tangent of not less than 100 feet and on feeder and residential streets such tangent shall be not less than 40 feet.
    d. Maximum grades for streets and alleys that are above 8% shall be approved by the City Engineer's.
    e. The minimum grade of any street gutter shall not be less than 0.5%, but 1.0% is preferred.
5. Cross-Access Standards for Commercial and Industrial Developments

    Required cross-access corridors shall be shown on any subdivision or site plan. A system of joint use driveways and cross-access easements shall be required to provide unified access and circulation among parcels and assist in local traffic movement. In such cases, the building site shall incorporate the following:
    a. A continuous cross-access or service drive with sufficient width to accommodate two-way travel aisles for automobiles, service vehicles, and loading vehicles.
    b. Stub-outs and other design features to make it visually obvious that abutting vacant properties should be tied in to provide cross-access at the time they are developed.
    c. Building sites shall be designed to ensure parking, access, and circulation may be easily tied in to future adjacent development.
6. Private Road Standards

    Subdivisions served by private roads shall follow the following standards:
    a. Subdivisions served by private roads shall not contain more than 10 living units.
    b. Subdivisions served by private roads shall file a Zoning Commitment with the Clark County Recorder's office showing the location of front yards, side yards, and rear yards and their respective setbacks at the time of their Secondary Plat.
    c. Private roads shall be a minimum of 24 feet wide. Rolled curbs may be included in this width measurement.
    d. Private roads shall be built to the standards found in Article 6.8 F and 6.9 B.
    e. Private cul-de-sacs and dead end roads shall provide adequate turn around space at the end of the road.
    f. No parking shall be allowed on private roads unless 24 feet of clearance can be obtained.
    g. Lots on private roads shall provide a minimum of two off-street parking spaces.
    h. Private roads may not be gated off.
    i. Any and all sidewalks and street lighting installed along private roads shall be the sole responsibility of the developer and property owners in the subdivision.
    j. Private roads shall be platted as an access easement across all lots in the subdivision.

G. Special Design Requirements for New Residential Developments
1. Mail delivery within a subdivision is the responsibility of the subdivider. The subdivider shall coordinate with the local Postmaster to confirm mail delivery requirements. The Primary plat will be required to designate how mail will be handled in the new subdivision. Additional confirmation of acceptable mail delivery may be required from the United States Postal Service.
2. Cluster Mailbox Standards
    a. When a cluster mailbox is created, the subdivider shall create dedicated parking for the mailbox. 1 parking space per 50 mailboxes shall be provided.

b. All cluster mailboxes shall be accessible via walkways or sidewalks meeting handicap accessibility width and paving requirements.
c. Cluster mailboxes shall be located at least 50 feet interior to the development.

6.9 Specific Standards of Improvement

A. Curbs and Gutters

1. The Plan Commission shall require curbs and gutters to be installed on each side of the street in every subdivision. Where a subdivision abuts an existing city street, curbs and gutters will be required along the boundary of the subdivision abutting the existing street.
2. The curb and gutter shall be of one of the two construction types shown in either Figure 6.1 or Figure 6.2, and shall be constructed according to the following specifications, subject to approval of the Plan Commission:
   a. The base for the curb and gutter shall be well compacted on the exiting base or grade.
   b. The minimum specifications shall be shown for the two types of cross- sections in either Figure 6.1 or Figure 6.2.
   c. All concrete used in the construction of curbs and gutters shall meet the 3,500 psi INDOT specifications.

B. Design of Streets and Alleys

1. For residential subdivisions, and local roads:
   a. Flexible pavements shall be one-inch compacted thickness of Indiana Department of Transportation (INDOT) hot asphaltic concrete, surface mixture No. 11, placed over two inches compacted thickness of INDOT hot asphaltic concrete bituminous binder course, mixture No. 9, placed over nine inches compacted thickness of INDOT, crushed limestone, compacted aggregate base, Type "O", placed over earth sub base which has been smooth graded, compacted and "proof-rolled".
   b. Portland cement concrete pavement shall be of a comparable design.
   c. All roads shall have a proof roll inspection by the Engineering Department prior to paving.
2. For commercial and industrial subdivisions, and collector and arterial roads:
   a. Flexible pavements for these types of streets shall be designed by the AASHTO method as per the Indiana Department of Transportation. One California Bearing Ratio (CBR) test shall be run for each 1,000 linear feet of street in the platted subdivision.
   b. Design calculations and CBR test results shall be submitted, with plans, for review.
   c. Portland cement concrete pavement shall be of comparable design.
   d. Regardless of the AASHTO/CBR design results, in no case shall the flexible pavement design result in a design section of less than one inch of INDOT No. 11 Surface, three inches of INDOT No. 9 Binder and 9 inches of INDOT Type "O" compacted aggregate base. Thicknesses are all "compacted" thicknesses.
3. Paving Methods:
   a. On all flexible pavements on all residential, commercial or industrial streets the final one inch of INDOT surface mixture No. 11 shall not be placed until 80% of all lots in the platted subdivision are occupied by houses or buildings.
   b. An inspection of the streets by the City shall be requested by the developer at 80% lot coverage and repairs made to the streets by the developer before the final one inch of surface asphalt is placed.

C. Street Lighting

1. The developer of the subdivision of land shall install lighting for public safety that meets this UDO. This street lighting shall be of a design appropriate to the design of the subdivision and its buildings.
2. Lighting should be installed every 200-300 feet to provide adequate lighting for the subdivision. Additionally, all subdivision entrances shall have adequate lighting.
3. Adequate lighting shall be provided at all Postal Cluster Box Units (CBU) areas.
4. All fixtures shall be compliant with the minimum standard of utility approved by the City Engineer or their designee.

D. Monuments and Markers
   1. Property corner monuments shall be placed so that the center of the monument shall coincide exactly with the intersections of lines to be marked, and shall be set so that the top of the monument or marker is level with the finished grade
   2. Property corner monuments shall be set at the intersection of all lines forming angles in the boundary of the subdivision.
   3. Monuments shall be set at:
      a. The beginning and ending of all curves along street property lines.
      b. All points where lot lines intersect curves, either front or rear.
      c. All angles in property lines of lots.
      d. All other lot corners not established by a monument.
      e. Front lot corners may be marked with cuts in the concrete curb on the side lot lines instead of as noted above.
   4. Monuments shall be set on all lot corners in accordance with the latest revision of IAC 865.

E. Sanitary Sewers
   1. The applicant shall provide the Wastewater Department and City Engineer at least two sets and an electronic version of plans for the installation of a sanitary sewer system. The sewer shall be designed by the applicant in accordance with the requirements as contained in the latest version of the Construction Standards as adopted by the Jeffersonville Sanitary Sewer Board. The plans and specifications shall be approved the by the City Engineer and/or City Wastewater Director. The capacity request for the new sanitary sewer system must be approved by the Jeffersonville Sanitary Sewer Board.
   2. The applicant shall comply with the requirements in the latest revision of the Jeffersonville Construction Standards.

F. Sidewalks
   1. The Plan Commission shall require sidewalks to be installed along all new streets within the subdivision. Where a subdivision abuts an existing city street, sidewalks will be required along the boundary of the subdivision abutting the existing city street.
   2. A pathway or sidewalk shall be provided to connect one cul-de-sac to an adjacent cul-de-sac, street, or common area to provide a direct connection between pedestrian destinations. These pedestrian connections shall constructed in accordance with Article 6.9 F-4 and 5 below, and located within an easement or dedicated commons area. An example of a typical pedestrian connection is shown in Figure 6.4.
   3. The builder shall be responsible to the developer for the sidewalks located on the lot where he or she builds. In the event that a lot should be divided between two neighbors or one resident purchases an extra lot the developer shall be responsible for constructing the sidewalk under these conditions.
   4. Minimum sidewalk widths:
      a. Where installed on both sides of the street, sidewalks shall be 5 feet in width
      b. Where installed on only one side of the street, the minimum sidewalk width shall be 8 feet.
   5. Sidewalk construction: Sidewalks shall be constructed of 3,500 psi Portland cement concrete, at least 4 inches thick, and placed in the right-of-way one foot from the property line. Sidewalks shall be scored every 5 feet with expansion points at 20-foot intervals. All sidewalks shall comply with the Americans with Disabilities Act (ADA).
   6. No point source discharges of water (e.g. sump pump discharges) shall be allowed to encroach upon or empty onto sidewalks.
   7. Sidewalk fee in-lieu: property owners/developers may opt out of required sidewalk construction through the City's sidewalk fee in-lieu program. All applications for fee in-lieu shall be submitted to the Planning Department and include sound, logical reasoning for opting out of the requirement.
      a. For residentially zoned parcels in districts M1, R1, R2, R3, and R4 districts, application for the sidewalk fee-in-lieu program may be administratively approved by the Planning Director and City Engineer.
      b. For all other developments, the fee in-lieu may only be granted by the Board of Zoning Appeals.

G. Storm Drainage
   1. Drainage and storm sewer system designs, plans, and specifications shall be approved by the Drainage Board and City Engineer prior to beginning any construction activities.
   2. Existing natural vegetation shall be retained in areas within 50 feet of the top of the bank of watercourses and lakes. See Article 7.6 for additional information.
   3. Watercourses and ponds (see Article 7.6 for additional information) shall be delineated on all plats. Additionally, the required 50-foot buffer from these watercourses and ponds shall also be delineated on all plats.

H. Streets
   1. Streets (and alleys where provided) shall be completed to grades shown on plans, profiles, and cross-sections, provided by the applicant, and prepared by a registered professional engineer or land surveyor and approved by the Plan Commission.
   2. The composition of impervious materials shall meet all applicable standards of the City Engineer.
   3. Prior to construction of the streets and alleys, adequate subsurface drainage for the street shall be provided by the applicant.

I. Street Signs
   1. The applicant shall provide the subdivision with the standard city street name signs at the intersection of all streets. Stop signs, street name signs, dead end signs and no-outlet signs shall be placed as directed by the City Engineer and in accordance with the Manual on Uniform Traffic Control Devices at the expense of the applicant.

J. Water Supply
   3. All subdivisions shall be provided, by the applicant, with a complete water distribution system from an approved public water system. Such water distribution systems shall provide fire hydrants with eight inch or larger mains at a spacing approved by the Fire Chief. All fire hydrants and water mains shall be designed by a registered professional engineer following the guidelines indicated herein, and shall follow standards of the AWWA (American Water Works Association).
   4. Water supply designs, plans, and dimensional specifications shall be determined and approved by the appropriate water company to provide service.
   5. All costs of installation of fire hydrants and water supply systems and hydrant rental, shall be the sole responsibility of the applicant. At such time as the City shall accept such subdivision, the City will then pay the fire hydrant rental fees, if applicable.
   6. Fire Hydrants
      a. In determining water supply and fire hydrant requirements the office of the Fire Chief shall review the developer's proposed plans of the fire protection facilities and shall submit recommendations before approval of said plans. The placement of hydrants shall conform to 2009-OR-10 (Mar 2009). Placing of fire hydrants requires a judgment and a feeling for the needs of the fire department. Hydrant placement is based on the possibility of a large fire occurring in the area. At least one fire hydrant shall be placed at entrance to subdivision before any structures are built.
      b. Fire hydrants shall be spaced no further than 500 feet apart in subdivision, but only as approved by the Fire Chief, and shall be placed so as to be accessible to the fire department (within 15 feet of pavement on the hard surface road).
   7. A construction permit for the water system shall be obtained from the Indiana Department of Environmental Management by the applicant in the name of the water company.

Figure 6.1 Rolled Curb and Gutter

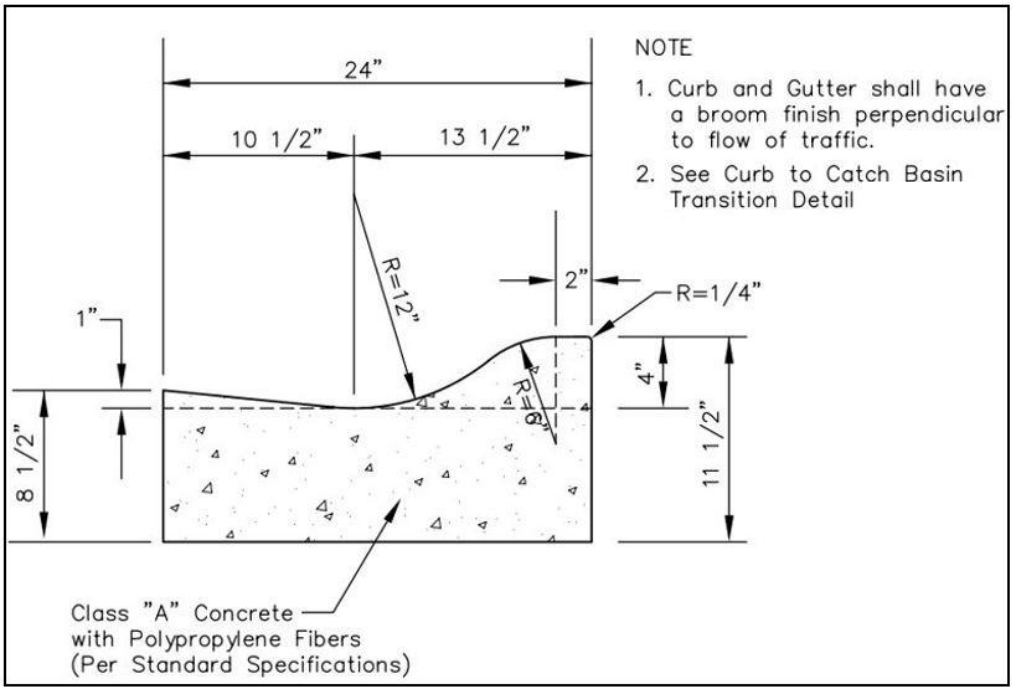


Figure 6.2 Vertical Curb and Gutter

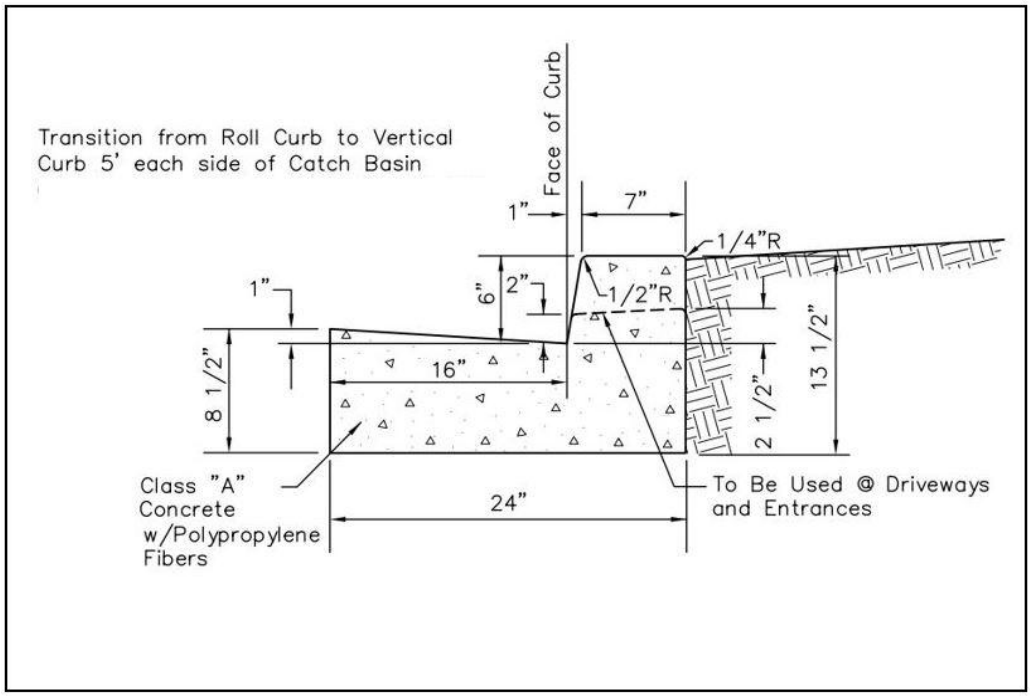


Figure 6.3 Typical Street Section

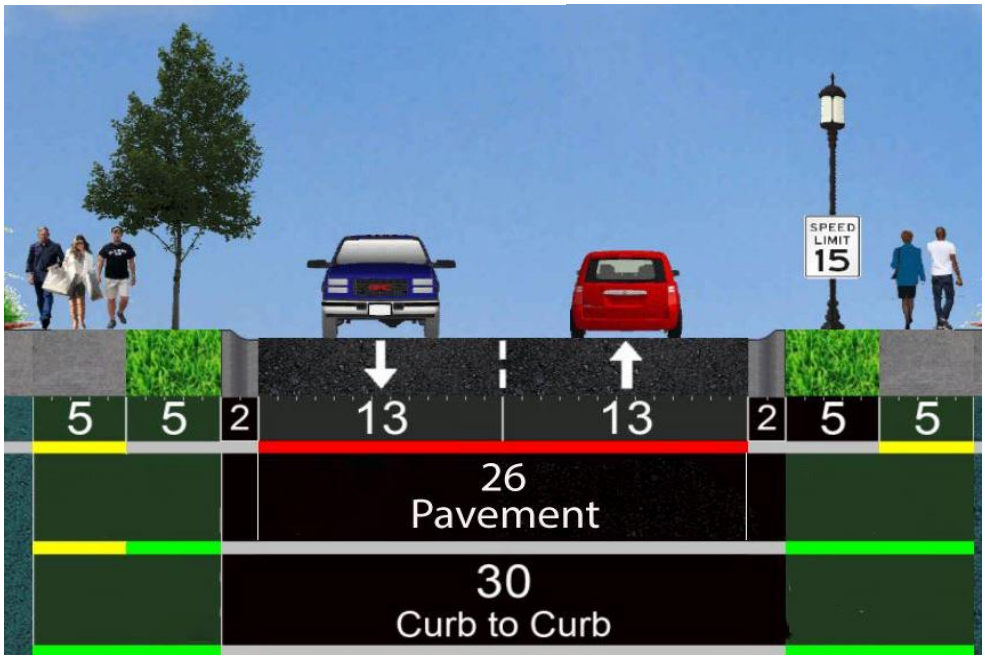
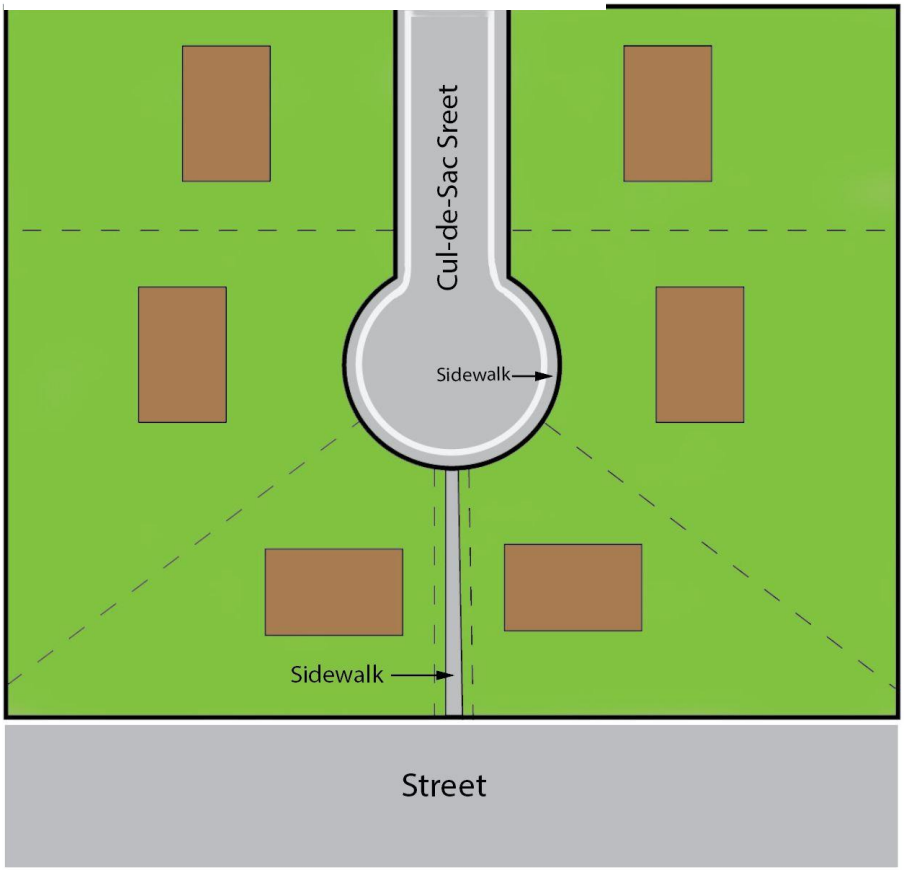


Figure 6.4 Typical Sidewalk Connection



6.10 Conservation Subdivisions

A. Intent: The intent of the Conservation Subdivision is to encourage innovative and creative design which will benefit the community as a whole by creating parks and/or preserving desirable open space, wetlands, woodlands, and other natural assets through the clustering of dwelling units. The Conservation Subdivision may be applicable to subdivisions within the M1, R1, R2, and R3 zone districts.

B. Lot size reductions: In exchange for the provision of parks and/or open space (as further outlined below):
    a. All lots may be reduced in size by up to 33%.
    b. In order to accommodate the complexities of quality site design, 20% of the lots may be reduced in size by up to 40%.

C. Open Space Provisions:
    1. General: Developments using the Conservation Subdivision option shall designate contiguous land for the common use of the property owners in the development and/or the greater public. The following general conditions apply:
        a. The open space plan, location, and configuration shall be approved by the Plan Commission.
        b. The open space must be open and accessible to the public via a public sidewalk or dedicated and improved trail easement.
        c. The open space dedication shall contain at least one public amenity including, but not limited to, picnic shelter or other shade structure, minimum ¼-mile improved-surface walking trail, playground, improved playing field, sports court, community garden, dog park, etc.
        d. The land area necessary to meet the minimum requirements of this section may not exclusively consist of utility easements, detention basins, bodies of water, swamps, or lands with excess grades making it unsuitable for recreation. While these areas may be part of the dedication, they may not constitute more than 75% of the dedication.
        e. Land dedicated shall consist of natural existing vegetation (forest, marsh, prairie, etc) and/or be attractively landscaped with trees, shrubs to accentuate the features therein. An open, unimproved lawn, or field shall not constitute the entirety of a dedication.
        f. 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 covenants in the office of the Clark County Recorder and provide a copy of these recorded covenants to the Planning Director prior to making application for an Improvement Location Permit.
    2. Minimum dedication: The area to be dedicated for common use, shall not be smaller than 10,000 square feet, and must be at least 20% of the entire development site.
    3. Mixed Housing types: Per approval by the Plan Commission, conservation subdivisions in otherwise single-family residential zone districts may include attached residential dwelling units not to exceed 25% of the total number of housing units to be constructed. Said units must be consistent in appearance with the adjacent housing units and must be spread evenly throughout the site (i.e. not clustered in one area of the site).

6.11 Modifications of Subdivision Regulations

Where the applicant can show that a provision of this ordinance would cause unnecessary hardship if strictly adhered to and where, in the opinion of the Plan Commission, because of topographical or other conditions peculiar to the site, a departure may be made without destroying the intent of such provisions, the Plan Commission may authorize a modification. Any modification thus authorized is required to be entered in writing in the minutes of the Plan Commission and the reasoning on which the departure was justified shall be set forth.

6.12 Plat Certificates

A. Certificate of the Jeffersonville Department of Planning & Zoning

Under authority provided by the Indiana Code Title 36, Article 7, Chapters 1 to 20, enacted by the General Assembly of the State of Indiana, and all acts amendatory thereto, and an ordinance adopted by the Common Council of the City of Jeffersonville, Indiana, this plat was given approval by the City of Jeffersonville as follows:

_____
Date

_____
President/Director

_____
Witness

B. Surveyor's Certificate

"I_____, hereby certify that I am a registered land surveyor licensed in compliance with the laws of the state of Indiana, that this plat correctly represents a survey completed by me on (date); that all the monuments shown thereon actually exist; and that the location, size, type and material are accurately shown.

_____Signature
_____Date

Deed of Dedication

We the undersigned, owners of the real estate shown and described herein, do hereby certify that we have laid off, platted and subdivided, and do hereby layoff, plat and subdivide, said real estate in accordance with the attached plat.

This subdivision shall be known and described as _____. All streets and alleys shown and not heretofore dedicated, are hereby dedicated to the public.

There are strips of ground as shown on this plat and marked "easement", reserved for the use of public utilities for the installation of water and sewer mains, drainage, storm sewers, poles, ducts, lines and wires, subject at all times to the proper authorities and to the easement herein reserved. An easement for sanitary sewer and drainage purposes is hereby reserved on, over and under the strips of land and spaces as defined and bounded by dashed lines marked "Sanitary Sewer and Drainage Easement", together with the right of ingress and egress over all lots to and from the easements, for construction, operation, and maintenance of sewers and drains over said land.

No permanent or other structures are to be erected or maintained upon said strips of land, but owners of lots in this subdivision shall take their titles subject to the rights of the public utilities or for the Jeffersonville Wastewater Department or the Jeffersonville City Engineer. The easement shall be for the benefit of the land in the subdivision and other land, which naturally drains therein.

The right to enforce the above provisions by injunction, together with the right to cause the removal, by due process of law, of any structure or part thereof erected or maintained in violation hereof, is hereby dedicated to the public, and reserved to the several owners of the several lots in this subdivision and to their heirs and assigns.

_____

Date Owner

_____

Date Owner

State of Indiana)
) ss:
County of Clark)

Before me, the undersigned notary public in and for the county and state, personally appeared

_____name

_____name

_____name

_____name

And each separately and severally acknowledge the execution of the foregoing instrument as his or her voluntary act and deed, for the purposes therein expressed.

Witness my hand and notarial seal this_____day of_____, 20_____

This Ordinance shall be in full force and effect from and after its passage and approval.

Article Seven

Development Standards

Article 7: 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

Development Standards in this article are arranged by category. To determine which development standards apply to the subject Zoning District, refer to the chart below and its continuation on the next page. Each category is presented alphabetically throughout Article 7 and page numbers for each category are listed in the chart.

Development Standard	A1	CD	CG	CH	CN	CO	I1	I2	IN	IR
Accessory Structures	•	•	•	•	•	•	•	•	•	•
Entrances / Drives	•	•	•	•	•	•	•	•	•	•
Environmental Standards	•	•	•	•	•	•	•	•	•	•
Fences and Walls	•	•	•	•	•	•	•	•	•	•
Landscaping		•	•	•	•	•	•	•	•	•
Lighting		•	•	•	•	•	•	•	•	•
Loading		•	•	•	•	•	•	•	•	•
Outdoor Dining		•	•	•	•	•				
Parking		•	•	•	•	•	•	•	•	•
Performance Standards		•	•	•	•	•	•	•	•	•
Signs	•	•	•	•	•	•	•	•	•	•
Vision Clearance	•	•	•	•	•	•	•	•	•	•
Miscellaneous Standards	•	•	•	•	•	•	•	•	•	•

Development Standard	M1	M2	M3	MP	PR	R1	R2	R3	R4
Accessory Structures	•	•	•	•	•	•	•	•	•
Entrances / Drives	•	•	•	•	•	•	•	•	•
Environmental Standards	•	•	•	•	•	•	•	•	•
Fences and Walls	•	•	•	•	•	•	•	•	•
Landscaping	•	•	•	•	•	•	•	•	•
Lighting	•	•	•	•	•	•	•	•	•
Loading					•				
Outdoor Dining									
Parking	•	•	•	•	•	•	•	•	•
Performance Standards	•	•	•	•	•	•	•	•	•
Signs	•	•	•	•	•	•	•	•	•
Vision Clearance	•	•	•	•	•	•	•	•	•
Miscellaneous Standards	•	•	•	•	•	•	•	•	•

Accessory Structure Standards (AS)

7.3 Accessory Structure Standards (AS)

AS-01: General Standards: This section applies within the following districts:



A. Except as otherwise provided herein, it shall be unlawful for any person to erect, construct, enlarge, or move any accessory structure without first obtaining a permit from the Planning Department.
B. Accessory Structures shall comply with all Development Standards for the subject Zoning District.
C. Accessory Structures must relate to the primary structure and its uses.
D. Accessory Structures may not encroach on any platted easement unless the owner of the easement gives written consent.
E. Dumpsters, compactors, all other trash receptacles, generators and mechanical equipment with a footprint greater than 16 square feet or more than 2 pieces of mechanical equipment must be enclosed and screened as per 7.19 MC-02 in this Ordinance.
F. Any proposed accessory structure that is over 500 square feet is required to submit an accurate, scaled site plan as well as a drawn rendering and elevation that shows the proposed overall height. Additional information may be required as determined by the Planning Director.

AS-02: This section applies within the following districts:



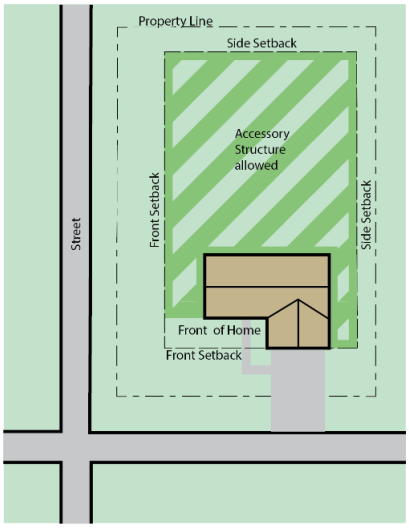
A. Permitted Structures:
   1. Accessory structures are not permitted on a lot prior to any primary structure being constructed except where the accessory structure is being used for agricultural purposes.
   2. The following accessory structures are permitted, but must abide by all applicable standards:
      - agricultural buildings
      - bath houses or saunas
      - boat docks
      - boat houses
      - carports
      - decks
      - dumpster enclosures (M2 & M3 only)
      - detached garages
      - gazebos or pergolas
      - greenhouses, private
      - hot tubs
      - pole barns
      - sheds / mini barns
      - sport courts
      - storage buildings
      - swimming pools, both in-ground and above ground
        - All swimming pools must abide by 675 IAC 20
        - Above-ground pools associated with a deck and hot tubs placed on decks shall count as one structure
      - treehouse/playhouse
      - Any other structure greater than 50 square feet
   3. Accessory structures smaller than 50 square feet shall not be deemed an accessory structure, but should still abide by accessory structure standards.

4. A fully roofed structure that is attached to the primary structure shall be considered part of the primary structure, and shall meet the standards for the primary structure as shown in Article 3.
5. No mobile home, manufactured home, shipping container, vehicle or portion thereof may be used as an accessory structure.

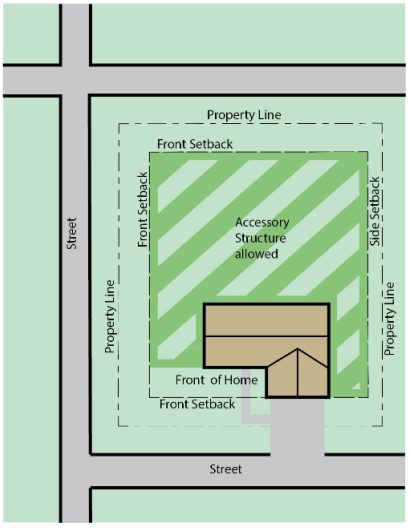
B. Size:
1. At R1 properties, which are less than one acre, no accessory structure shall exceed 1,400 square feet or 100% of the square footage of the footprint of the primary structure, whichever is less.
2. At R1 properties, which are one acre or greater, no accessory structure shall exceed 2,000 square feet.
3. At R2 properties, no accessory structure shall exceed 1,200 square feet or 100% of the square footage of the primary structure, whichever is less.
4. At R3 and M1 properties, no accessory structure shall exceed 1,000 square feet or 100% of the square footage of the primary structure, whichever is less.
5. At R4 properties, no accessory structure shall exceed 800 square feet or 100% of the square footage of the primary structure, whichever is less.
6. At M2 and M3 properties, no accessory structure shall exceed 100% of the building footprint of the primary structure.

C. Quantity:
1. Except as listed below, there shall be no more than 3 accessory structures permitted on any residential lot with one primary structure.
   a. Residential properties greater than one acre may have 4 accessory structures.
   b. In-ground pools and carports attached to primary structures shall not count toward the maximum quantity.
2. Multi-family properties in M2 and M3 zones may have 3 accessory structures plus one additional structure per primary structure.

D. Placement:
1. Accessory structures may only be located to the rear or side of the primary structure unless as specified below.
   a. At corner lots and through lots, accessory structures may be placed within the front yard and to the side and rear of the primary structure, as shown in the diagram below, so long as the accessory structure maintains the Minimum Front Yard setbacks for primary structures in the zoning district.



Accessory Structure locations for corner lot



Accessory Structure locations for through lot

b. At M2 and M3 properties, accessory structures may be constructed in the front yard of the property, provided the following:
   i. They meet the front yard setback requirement for the zone district
   ii. They are finished with materials to match the primary structure, and
   iii. Some combination of foundation plantings and/or evergreen trees/shrubs are provided around the street facing side(s) of the structure.

c. In all "R" districts, wooden decks are permitted in the front yard, provided:
   i. The sole function of the deck is to provide access the front door,
   ii. The size is not larger than 40 square feet,
   iii. The height of the deck off existing grade is less than 24 inches,
   iv. The underside of the deck is screened from the street with wood boards (not plywood or lattice),
   v. Any safety railings are opaque (i.e. no privacy screening around the deck), and
   vi. The deck does not project into the right-of-way.

d. In R1, R2, R3, R4, and M1 districts, porches (including stairs) on the fronts of residential buildings may be allowed to encroach into the front setback up to 6 feet provided they meet the following criteria:
   i. The structure is an existing building,
   ii. An elevation rendering and site plan is provided at the time of application,
   iii. The front plane of the porch is at least 5 feet from a sidewalk, if present. If there are no sidewalks present, the front plane of the porch must be at least 15 feet from the street,
   iv. The porch is covered and is a continuous extension of the building. The roof must be covered with the same material as the roof of the building and framed as a hip or gable.
   v. The porch is constructed of materials similar to that of the principle façade including the foundation,
   vi. Other than the roof, the porch shall be open and shall not be enclosed by any materials, including, without limitation, glass or screens,
   vii. The porch shall be limited to 80% of the width of the front façade,
   viii. Upper story structures are not permitted over porches that encroach into the front setback and no use is permitted above a porch,
   ix. Front porches shall not be included in calculating the average front yard setback,
   x. Front porches shall not be air conditioned or heated.

2. Additional setbacks for large structures: Setbacks for accessory structures over 1,000 square feet shall meet the setback requirements for primary structures.
3. Riverfront properties: At riverfront properties the following shall apply:
   a. A maximum of 2 accessory structures, may be constructed in the front yard on the street side of the property. Such structures must meet the front yard setback requirements for the zone district.
   b. Pools, decks, gazebos, docks, and other accessory structures related to the enjoyment of the riverfront are allowed in the front yard on the river side of the property. The front yard setback shall not apply. Structures in the floodplain may require additional approvals/permits from the appropriate agencies.

E. Design Standards:
1. Accessory structures over 200 square feet which are located in the front yard shall be clad in similar materials as the primary structure on the lot.

Accessory Structure Standards (AS) (Continued)

AS-03: This section applies within the following districts:



A. Permitted Structures:
   1. Accessory Structures are not permitted on a lot prior to any primary structure being constructed except where the accessory structure is being used for recreational or agricultural purposes.
   2. The following Accessory Structures are permitted, but must abide by all applicable standards:
      - large antennas or satellite dishes
      - canopies - permanent, not attached to building (e.g. gas canopy)
      - decks
      - dumpster enclosures
      - generators (commercial)
      - garages
      - gazebos
      - other large, ground-mounted mechanical equipment – single unit with footprint greater than 16 square feet or cluster of units with footprint greater than 16 square feet)
      - storage buildings
      - sheds
      - picnic shelters
      - restroom facilities
      - shade structures
      - sport courts
   3. No mobile home, manufactured home, or shipping containers may be used as an accessory structure.
   4. Accessory structures are not deemed to include ATM's, Vending Machines, Drive-thru message boards, dumpsters, playgrounds, recreation equipment and other such incidentals except as otherwise stated in this Ordinance.

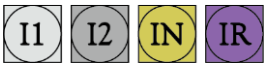
B. Size:
   1. An Accessory Structure cannot exceed 50% of the building footprint of the primary structure.

C. Quantity:
   1. No more than 3 Accessory Structures are permitted on a parcel.
   2. Properties in the PR district may have additional accessory structures at the discretion of the Planning Director.

D. Placement:
   1. Where not essential to the primary use of the property (e.g. a gas canopy), accessory structures shall be located to the rear or side of the primary structure unless as specified below:
      a. At corner and through lots, accessory structures may be placed in the front yard of any lot so long as the accessory structure maintains the minimum front yard setback for the zoning district. Such structures shall be screened from the street with fencing and/or landscape elements

Accessory Structure Standards (AS) (Continued)

AS-04: This section applies within the following districts:



A. Permitted Structures:
   1. Accessory Structures are not permitted on a lot prior to any Primary Structure being constructed except where the accessory structure is being used for agricultural purposes or for an industrial purpose that does not require a primary structure.
   2. The following Accessory Structures are permitted, but must abide by all applicable standards:
      - antennas or satellite dishes (large)
      - canopies - permanent, not attached to building (e.g. gas canopy)
      - decks
      - dumpster enclosures
      - generators (commercial)
      - garages
      - gazebos
      - other large, ground-mounted mechanical equipment – single unit with footprint greater than 20 square feet or cluster of units with footprint greater than 20 square feet)
      - mobile office trailers
      - restroom facilities
      - security buildings
      - shade structures
      - sheds
      - sport courts
      - storage buildings
      - other industrial structures incidental to the primary use.
   3. Accessory structures are not deemed to include ATM's, Vending Machines, dumpsters, playgrounds, recreation equipment and other such incidentals except as otherwise stated in this Ordinance.

B. Size:
   1. An Accessory Structure cannot exceed 66% of the building footprint of the primary structure.

C. Quantity:
   1. No more than 5 Accessory Structures are permitted on a parcel.

D. Placement:
   1. Accessory structures may be placed anywhere on the property within the minimum setbacks.
   2. Accessory structures located within the front setback shall be screened from the street with fencing and/or landscape elements.

E. Miscellaneous Standards
   1. Accessory structures in the IR district shall be constructed at the discretion of the River Ridge Development Authority. Written approval from the RRDA must be submitted prior to approval from the Planning Department.

AS-05: This section applies within the following district:



A. Management offices, sales offices, storage, mini-warehouses, laundry, and other structures customarily incidental to manufactured home parks or mobile home parks are permitted, provided the following criteria are met:
   1. The Accessory Structure is subordinate to the residential component of the park and adds aesthetic value to the park;
   2. The Accessory Structure is located, designed and intended to serve only the needs of the park; and
   3. 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 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 20% of the dwelling site. Permitted accessory structures are as follows:
   - boat docks
   - boat houses
   - carports
   - decks
   - garages
   - gazebos
   - greenhouses, private
   - hot tubs
   - sheds / mini barns
   - sport courts
   - storage buildings

C. Model manufactured or mobile homes as sales units are permitted provided that the number of model homes is limited to 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 unit may be used as a sales office.

D. Accessory structures in the MP district shall be constructed at the discretion of the mobile home park owner/manager. Written approval from the owner/manager must be submitted prior to approval from the Planning Department.

7.4 Article 7.4 has been removed.

Entrance/Driveway Standards (ED)

7.5 Entrance/Driveway Standards (ED)

The intent of Entrance and Drive Standards is to provide for a safe and efficient vehicular and pedestrian transportation system. These standards apply to entrances and driveways for individual properties as well as privately maintained entrances to subdivisions (i.e. not public streets.) The classifications of roads listed in these standards shall be based on the classifications shown in the map in Appendix D of this document. The diagrams below are used as a point of reference for this section:

Figure A

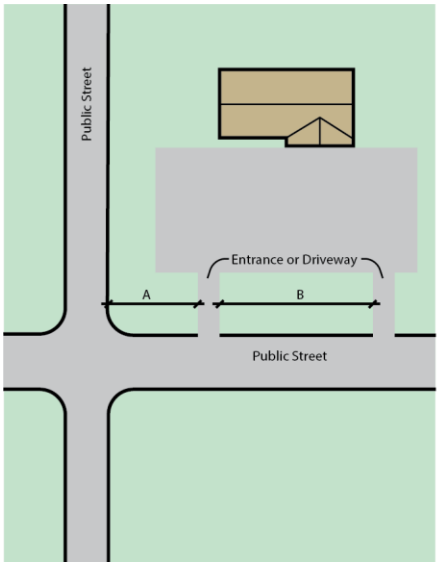
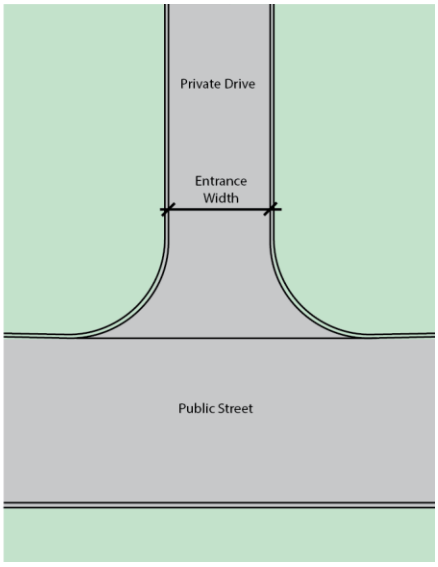


Figure B



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

CD CG CH CN CO I1 I2 IN IR M2 M3 MP PR

A. Proximity to street corners: No entrance or drive shall be permitted to begin within:
   1. 200 feet of any intersecting road if along an arterial (see "A" in Figure A above).
   2. 150 feet of any intersecting road if along a local road (see "A" in Figure A above).
   3. The distances for the above standards shall be determined by measuring from the street curb (or, if no curb, edge of paved street) to the nearest curb or edge of pavement of the entrance or driveway.

B. Entrances at road curves: No entrance or drive shall be permitted within:
   1. 140 feet of the apex of a curve (30 degrees or greater) where the road is an arterial.
   2. 70 feet of the apex of a curve (30 degrees or greater) where the road is a local road.
   3. 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 50%.

C. Proximity to other entrances: No 2 entrances or drives shall be within:
   1. 80 feet of one another if along an Arterial (see “B” in Figure A above).
   2. 40 feet of one another if along a local street (see “B” in Figure A above),

D. Entrance widths
   1. In industrial districts (I1, I2, IN, and IR), entrance drives shall not exceed
      a. 36 feet onto an Arterial.
      b. 36 feet onto a Local Street
   2. In all other districts, entrance drives shall not exceed
      a. 30 feet onto an Arterial
      b. 26 feet onto a Local Street
   3. The above measurements are taken from the inside face of curb to the inside face of curb as shown in Figure B on page 7-10.
   4. The above measurements are for two-way traffic. Where entrances are designed for one-way traffic the maximum widths shall be 60% of the above measurements

E. The Plan Commission may determine if the following are necessary:
   1. An acceleration or deceleration lane, or
   2. A passing blister at a new entrance or drive.

F. All new curb cuts, or expansions thereof, require an Improvement Location Permit as specified in Article 10.

G. For all M2 and M3 zoned properties and those CG properties that receive a special exception to allow multi-family residential, adequate vehicular access shall be provided. Proposed developments with between 101 and 300 dwelling units shall require a second entrance at least 300 feet from the primary entrance (and preferably off another street). A third entrance is required for new multi-family residential developments with more than 300 dwelling units (at least one entrance shall be off another street).

H. Cross-Access Standards for Commercial and Industrial Developments
   Required cross-access corridors shall be shown on any subdivision or site plan. A system of joint use driveways and cross-access easements shall be required to provide unified access and circulation among parcels and assist in local traffic movement. In such cases, the building site shall incorporate the following:
   1. A continuous cross-access or service drive with sufficient width to accommodate two-way travel aisles for automobiles, service vehicles, and loading vehicles.
   2. Stub-outs and other design features to make it visually obvious that abutting vacant properties should be tied in to provide cross-access at the time they are developed.
   3. Building sites shall be designed to ensure parking, access, and circulation may be easily tied in to future adjacent development.

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



A. Proximity to street corners: No entrance or drive shall be permitted to begin within:
   1. 80 feet of any intersecting road if along an Arterial (see "A" in Figure A above on page 7-10).
   2. 30 feet of any intersecting road if along a Local Road (see "A" in Figure A above on page 7-10).
   3. The distances for the above standards shall be determined by measuring from the street curb (or, if no curb, edge of paved street) to the nearest curb or edge of pavement of the entrance or driveway.

B. Proximity to other driveways: No 2 entrances or drives shall be within:
   1. 80 feet of one another if along an Arterial (see “B” in Figure A above on page 7-10).
   2. 10 feet of one another if along a local street (see “B” in Figure A above on page 7-10).
      Exception – This standard may be reduced where the driveway is located on a cul-de-sac, radiused street corner, or where warranted on another significantly curving portion of a street at the discretion of the Planning Director and City Engineer.

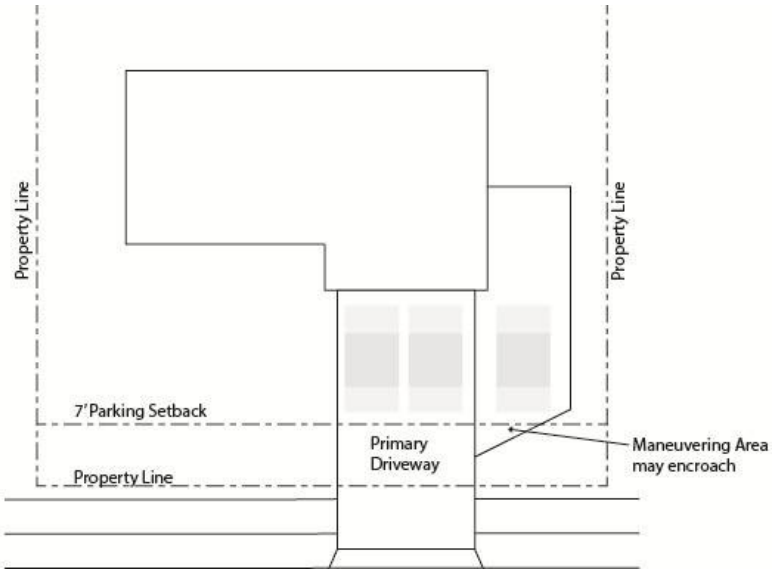
C. Entrance widths:
   1. No driveway for and individual home shall exceed 26 feet in width onto any type of street.
   2. Paired driveways for attached single family homes shall not exceed 36 feet onto any type of street
   3. The minimum driveway width shall be 12 feet.
   4. All driveway entrances shall be paved to the street, inclusive of the grass median between the sidewalk and street. Sidewalks shall not be paved over. Driveways that do not begin at the street must meet the setbacks show in the Parking setback diagram below.

D. Shared driveways may be permitted; however, the applicant(s) must provide a copy of a written and recorded access and maintenance agreement for such driveway.

E. Maximum number: On an individual parcel only one driveway is allowed per street face.
   - Exception: A looping, one-way driveway with two curb cuts on the same street may be permitted on lots with more than 100 feet of street frontage at the discretion of the Planning Director and City Engineer.

F. All new curb cuts, or expansions thereof, require an Improvement Location Permit as specified in Article 10.

Parking setback diagram:



Environmental Standards (EN)

7.6 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 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, 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 Stormwater Ordinance for the City of Jeffersonville, Indiana (2021-OR-14). Single family dwellings and duplexes and their accessory structures are exempt from drainage review. For those structures the following regulations apply.
   1. 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.
   2. 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 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 waterway.

G. Floodplains:
   1. The Jeffersonville Department of Planning and Zoning along with Jeffersonville's Plan Commission and Board of Zoning Appeals should strive to prevent significant development impacts within the floodplains located in the City.
   2. Where possible, the Department should strive to direct residential, commercial and industrial development to locations outside the floodplain, reserving low-lying areas for low-impact or natural uses that are not as susceptible to damage in a flood. So long as they are allowed under the base Zone District, uses that shall generally be seen as acceptable within floodplain areas include:
      - Agricultural uses such as crop production, pastures, orchards, tree farms, plant nurseries, vineyards, unenclosed equestrian facilities and general farming.
      - Forestry, wildlife areas and nature preserves.
      - Parks and recreational uses such as sports fields, golf courses, driving ranges, etc.
      - Pedestrian and/or bicycle trails of any type.
      - Utility development – especially where related to water and sewer provision and treatment.
      - Stormwater detention.
      - Water-related activities (i.e. docks, piers, boat launches, marinas, etc.).
      - Public/private parking areas of any type.
   3. All new development or expansion of existing development within the floodplain must meet the standards set forth in the City of Jeffersonville's Ordinance for Flood Hazard Areas (2014-OR-06) and subsequent amendments. Such development shall receive a Floodplain Development Permit from the City of Jeffersonville Building Commission.
   4. When development applications of any type are determined by Planning Staff to take place on parcels located entirely or partially within the floodplain, Staff shall consult with the Building Commission to determine the appropriate steps necessary to move the application forward.

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, with the following exceptions:
   - 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.
   - Storage of said materials needed for legal industrial, commercial, or institutional uses on the same lot.

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. 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.

P. Development Along Natural Watercourses and Lakes: Existing vegetation shall be retained in areas within 50 feet of the top of bank of any natural watercourses and lakes within the City- see the City's Stormwater Ordinance for definitions and additional information. Removal of exotic/non-native vegetation may be undertaken in said areas so long as it is replaced with native vegetation that promotes ecological improvement and sustainability. The removal of natural vegetation in these areas shall be subject to the following provisions:

   e. Selective removal of exotic/non-native vegetation shall be allowed, provided that sufficient vegetative cover remains to prevent soil erosion into the adjacent watercourse;
   f. The removal of any exotic/non-native vegetation is replaced with native vegetation to restrict surface runoff and soil erosion;
   g. Clear cutting of vegetation in these areas is prohibited.

Q. Gasoline Outlet Requirements: Gasoline outlets and refueling areas must install appropriate practices (as noted under "Hot Spots" provision in the Stormwater Technical Standards Manual) to reduce lead, copper, zinc, and polyromantic hydrocarbons in stormwater runoff. These requirements will apply to all new facilities and existing facilities that replace their tanks, regardless of the size of the facility.

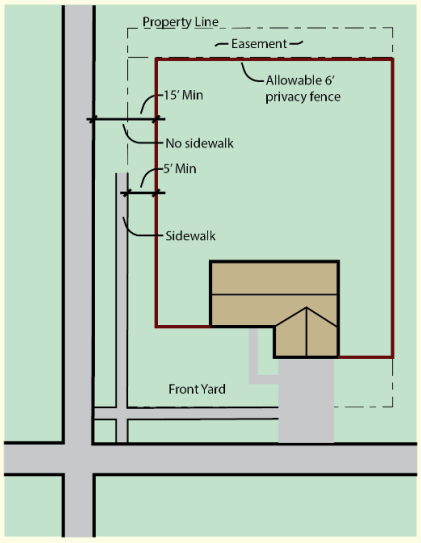
Fence and Wall Standards (FW)

7.7 Fence and Wall (FW)

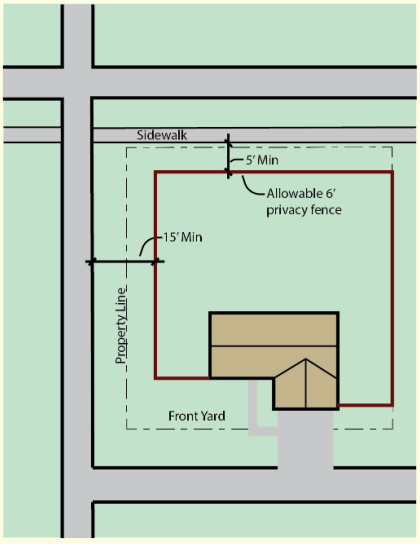
FW-01: This section applies to the following districts:

CD CN CO M1 M2 M3 MP PR R1 R2 R3 R4

A. All fences and walls must present the non-structural face outward.
B. Fences and walls may not incorporate security wire, barbed wire, or sharpened top spikes.
C. Location: Fences and walls are permitted up to the property line, but
   1. May not be closer than 2 feet to any road, public sidewalk or alley right-of-way.
   2. May not be placed within the vision clearance triangle as defined in 7.17 Vision Clearance Standards.
   3. May not be constructed within easements that otherwise prohibit the installation of fences (e.g., drainage and utility easements).
D. Heights:
   1. Fences and walls may not be greater than 6 feet in height in the side yard and rear yard.
   2. Fences shall not be greater than 4 feet in height in the front yard except as noted in FW-01 E.
   3. Walls shall not be greater than 3 feet in height in the front yard.
   4. Privacy fences shall not be constructed on top of other structures (e.g. decks).
E. Special Rules for Corner Lots: At Corner Lots and Through Lots, a 6-foot-high privacy fence may be constructed around the structure from the front corner of the structure nearest the street intersection to the side property line (as shown in the diagram below) so long as the following conditions are met.
   1. The fence shall be constructed a minimum of 15 feet from any street or, where a sidewalk is present, at least 5 feet from any sidewalk (see diagram below), the following exceptions apply:
      a. Where an existing or newly permitted home is closer to either the sidewalk or street than noted above, a 6 foot fence may not project forward of the primary façade of the structure facing said street or sidewalk.
   2. The fence shall not cross any driveway leading to an attached garage.



Example at Corner Lot



Example at Through Lot

Fence and Wall Standards (FW)……(Continued)

F. Fences in easements:
   1. Fence installations in or across drainage easements must receive approval from the City Engineer. The bottom of said fence must be at least 2 inches above the ground on said easement. Under no circumstances shall any structures, other than fences, be erected in said easements. This includes landscaping features such as trees and shrubs. If structures are erected or trees planted contrary to this UDO, the City shall have the right to remove said structures at owner's expense after written notification.
   2. Fences may be erected in or across any other utility easements without permission from the City.
   3. Property owners, who choose to erect fences on easements, must sign a release of liability that would allow the City or utility company to remove said fence at owner's expense from the easement to do necessary repairs and/or maintenance. It shall be the responsibility of the property owner, and at the property owner's expense, to replace and/or repair said fence if removal was necessary.

G. Where a fence abuts a drainage easement, a gate must be installed to allow access to the drainage area.

H. Replacement of existing non-conforming fences: Non-conforming fences that can be demonstrated to have been constructed prior to the adoption of this ordinance, may be replaced in their existing location at the discretion of the Planning Director. Such fences may not be increased in length, height, or area enclosed.

I. Permitting: The permit process for fences and walls is outlined in Article 10.

FW-02: This section applies to the following districts:



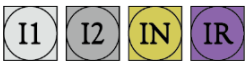
A. All fences and walls must present the non-structural face outward.

B. Fences and walls may not incorporate security wire, barbed wire, sharpened top spikes, engineered wood, or sheet metal.

C. Location: Fences and walls are permitted up to the property line, but
   1. May not be closer than 2 feet to any road, public sidewalk or alley right-of-way.
   2. May not be placed within the vision clearance triangle as defined in 7.17 Vision Clearance Standards.
   3. May not be constructed within easements that otherwise prohibit the installation of fences (e.g., drainage and utility easements).

D. Heights:
   1. Fences and walls may not be greater than 8 feet in height in the side yard and rear yard
   2. Fences shall not be greater than 4 feet in height in the front yard.
   3. Walls shall not be greater than 3 feet in height in the front yard.

FW-03: This Fence and Wall Standards section applies to the following districts:



A. All fences and walls must present the non-structural face outward.

B. Location: Fences and walls are permitted up to the property line, but
   1. May not be closer than 2 feet to any road, public sidewalk or alley right-of-way.
   2. May not be placed within the vision clearance triangle as defined in 7.17 Vision Clearance Standards.
   3. May not be constructed within easements that otherwise prohibit the installation of fences (e.g., drainage and utility easements).
   4. May not be greater than 8 feet in height in the side yard and rear yard or greater than 4 feet in height in the front yard except as noted in FW-03 C.

C. Heights:
   1. Fences and walls may not be greater than 8 feet in height in the side yard and rear yard
   2. Fences shall not be greater than 4 feet in height in the front yard except as noted in FW-03 D.
   3. Walls shall not be greater than 3 feet in height in the front yard.

D. In front yards/along public streets an 8-foot-tall fence may be constructed if:
   1. The fence is constructed a minimum of 5 feet from any sidewalk or, where no sidewalk is present, 15 feet from any street, and
   2. The fence is constructed with chain link, aluminum rails, or other construction that allows activity within to be seen from the street.

E. Fences and Walls in the IR district shall be constructed at the discretion of the River Ridge Development Authority. Written approval from the RRDA must be submitted prior to approval from the Planning Department.

FW-04: Retaining Walls. This section applies to the following districts:



A. Retaining walls,
   1. Location:
      a. Retaining walls constructed adjacent to the public right of way may be constructed up to the property line, but shall not be placed within the vision clearance triangle as defined in Article 7.17 Vision Clearance Standards.
      b. For the purposes of construction and maintenance, the base of any retaining walls constructed along a side or rear property line shall be placed at least 2 feet from the property line.
      c. Retaining walls shall not be constructed within drainage or other utility easements.
   2. Height:
      a. Retaining walls located in the front yard may not exceed 4 feet in height above finished grade. For safety purposes, said walls may have a railing attached to or placed just behind the top of the wall. The railing must be open (not opaque) and shall not exceed 3 feet 6 inches in height from the top of the retaining wall to the top of the railing.
      b. Retaining walls in the side and rear shall not exceed 6 feet in height above finished grade.
      c. Where retaining walls are constructed exclusively to control an existing natural slope, the wall shall not be more than one foot taller than the existing grade at the top of the wall.

Landscaping Standards (LA)

7.8 Landscaping Standards (LA)

LA-01: General Landscape Standards: This 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. Fences, retaining walls, lighting, or berms may not extend into any existing or proposed right-of-way without permission from the Jeffersonville Board of Public Works and/or the City Engineer. Trees and shrubs located in the Right-of-Way shall meet the standards of the Jeffersonville Tree Ordinance (2021-OR-09.)
B. Landscaping materials, trees, retaining walls, lighting, or berms may not extend into any existing or proposed easement without the written permission from the easement holder.
C. Native vegetation surrounding watercourses and lakes shall be preserved (See 7.6 EN-01 P for more details). They may, however, be enhanced with vegetative landscaping that is native and promotes ecological improvement and bank stability.
D. 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.
E. Nothing in these standards shall preclude the use and enjoyment of a wildlife area that is certified by a state or nationally recognized organization.
F. Special topographical and spatial situations may arise that can cause difficulty in meeting all the landscaping standards. In these situations, a landscape fee-in-lieu may be applied for, should certain criteria be met. Please see LA-07 for the landscape fee-in-lieu criteria.
G. 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 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 60 days in total.
H. **Landscape Material Definitions:** For the purpose of the landscaping standards sections in this article the following definitions apply:
    1. Deciduous Shade Tree: A deciduous tree that regularly reaches a maximum height of 25 feet or more at maturity. These may include deciduous conifers such as the bald cypress.
    2. Ornamental Tree: A deciduous tree that reaches a maximum height of less than 30 feet at maturity. Ornamental trees are usually known for their flowers, leaf colors, shape, or other unique features. Ornamental Trees are generally appropriate plantings under overhead power lines
    3. Evergreen Tree: An evergreen tree/shrub that reaches a height of at least 10 feet at maturity.
    4. Foundation Planting: Foundation plantings may consist of shrubs, or ornamental grasses or other appropriate perennial flowering plants that grow at least 2 feet tall at maturity. All foundation plantings shall be located within 10 feet of the structure's foundation.

I. **Existing Trees**
   1. Care should be taken to attempt to preserve all trees with a caliper size of 24 inches or greater.
   2. Existing vegetation on site may be counted toward the minimum landscaping per zone district (see LA-06 buffer yards) if it meets or exceeds the size requirements outlined below, and is in good health.
      a. Any existing deciduous shade tree over 12 inches diameter at breast height (DBH) counts as 3 new trees of the same "type."
      b. Any existing deciduous shade tree between 6 and 12 inches DBH height counts as 2 new trees of the same "type."
      c. Any existing deciduous shade tree between 2 and 6 inches DBH height counts as 1 new trees of the same "type."
      d. Any existing ornamental tree over 6' tall shall count as 1 ornamental tree.
      e. Any existing evergreen tree over 10 feet tall counts as 2 new trees of the same "type."
      f. Existing shrubs, ornamental grasses and appropriate perennial flowering plants, which are located at the base of a building or along parking lots may be counted toward foundation planting and parking lot screening requirements at the discretion of planning staff.
   3. If taking credit for existing vegetation, development plans must contain the species and DBH of all existing trees, as well as information on existing shrubs or other plantings to be counted toward parking lot screening or foundation plantings.
   4. For development plans taking credit for 10 or more existing trees, a tree survey by a licensed arborist or landscape architect is required.
   5. 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.
   6. 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 11. Each tree removed or injured shall be considered a single civil violation.

J. **Pest Plants:** Under no circumstances may the species identified and listed in Schedule 1 - Pest Plants or any artificial plants be installed and/or counted as part of the minimum plantings required.

K. **Native Plants:** The use of species native to the region is encouraged. A reduction of up to 20% of the total number of trees or shrubs required may be granted by the Planning Director if 80% or more of the trees and/or shrubs to be planted are native species as identified and listed in Schedule 2. No reductions shall be given for required buffer yard plantings.

L. **Species Diversity:** Landscape plans shall make efforts to include a diverse selection of species.

- Where 6 or more shade trees are required, no more than 33% of the trees shall be of the same species. The same percentages shall apply where 6 or more ornamental and/or evergreen trees are required.
- Where more than 20 plants are required as foundation plantings and/or parking lot screening, no more than 33% of the plantings shall be of the same species

M. **Minimum sizes:** The following are minimum sizes for all new landscape plants at the time of installation.

1. Deciduous Shade Trees	1.5" caliper
2. Ornamental Trees	6' tall
3. Flowering Ornamental Trees	6' tall
4. Foundation Plantings	12" tall
5. Parking lot Screening	12" tall

Schedule 1 Pest Plants*

Trees	
Scientific Name	**Common Name**
Acer campestre	Hedge maple / Field Maple
Acer ginnala	Amur maple
Acer plantonoides	Norway maple
Ailanthus altissima	Tree-of-heaven
Albizza julibrissin	Mimosa tree
Morus sp.(except Morus rubra)	Mulberry
Pinus nigra	Austrian pine
Pyrus calleryana	Callery Pear – AKA Bradford Pear
Robinia pseudoacacia	Black Locust
Rhamnus cathartica	Common buckthorn
Rhamnus davurica	Dahurian buckthorn
Rhamnus frangula	Alder buckthorn
Ulmus Pumila	Siberian Elm
Shrubs and other plants	
Scientific Name	**Common Name**
Euonyumus alata	Winged wahoo – burning bush
Euonyumus fortune	Winter creeper
Ligustrum sp.	Privet
Lonicera japonica & related species	Japanese, Amur, Morrow's, Bell's or Tatarian Honeysuckle
Lythrum salicaria	Purple loosestrife
Morus sp.(except Morus rubra)	Mulberry
Phyllostachys aurea - & Similar Species	Bamboo
Polygonum cuspidatum	Japanese knotweed
Pueraria lobata	Kudzu vine
Rosa Multiflora	Multi-flora Rose, Japanese Rose
*Note: The Indiana Department of Natural Resources maintains a full list of invasive plants on their website. No plant prohibited by state statute, whether listed here or not, shall be installed or counted toward any landscape minimums.	

Schedule 2 Native Plants

Shade/canopy Trees	
Scientific Name	Common Name
Aesculus glabra	Ohio Buckeye
Aesculus octandra	Yellow Buckeye
Acer nigrum	Black Maple
Acer rubrum	Red Maple
Acer saccharinum	Silver Maple
Acer saccharum	Sugar Maple
Betula Nigra	River Birch
Diospyros virginiana	Common persimmon
Carya sp.	Hickory
Celtis occidentalis	Hackberry
Fagus grandifolia	American beech
Fraxinus Sp.(see note 1)	Ash Trees (see note 1)
Gleditsia triocanthos	Honeylocust
Gymnocladus dioicus	Kentucky coffeetree
Juglans nigra	Black walnut
Liquidambar styraciflua	Sweetgum
Liriodendron tulipifera	Tulip tree/Tulip poplar
Nyssa sylvatica	Black tupelo / Black gum
Platanus occidentalis	American sycamore
Prunus Serotina	Black Cherry
Quercus alba	White Oak
Quercus bicolor	Swamp White Oak
Quercus coccinea	Scarlet Oak
Quercus falcata / pagoda	Southern Red / Cherrybark Oak
Quercus imbricaria	Shingle Oak
Quercus macrocarpa	Bur Oak
Quercus marilandica	Blackjack Oak
Quercus michauxii	Swamp Chestnut Oak
Quercus muehlenbergii	Chinkapin Oak
Quercus palustris	Pin Oak
Quercus prinus	Chestnut Oak
Quercus rubra	Red Oak
Quercus shumardii	Schumard Oak
Quercus stellate	Post Oak
Quercus velutina	Black Oak
Ulmus Americana	American elm
Ulmus Rubra	Slippery elm
Ulmus Rubra	Slippery elm

Ornamental Trees	
Scientific Name	Common Name
Amelanchier arborea	Downy serviceberry
Asimina triloba	Common pawpaw
Carpinus caroliniana	American hornbeam
Cercis canadensis	Redbud
Cornus alternafolia	Pagoda Dogwood
Cornus florida	Flowering dogwood
Crataegus crus-galli	Cockspur hawthorn
Crataegus mollis	Downy hawthorn
Crataegus punctata	Common hawthorn
Prunus Americana	American Plum
Ostrya virginiana	Eastern hop-hornbeam
Sassafras albidum	Sassafras
Viburnum rufidulum	Viburnum

Evergreen Trees	
Scientific Name	Common Name
Ilex opaca	American Holly
Juniperus virginiana	Eastern Red Cedar
Pinus enhinata	Short-leaf pine
Pinus Virginiana	Virginia Pine

Shrubs	
Scientific Name	Common Name
Aronia melanocarpa	Black Chokeberry
Ceanothus americanus	New Jersey Tea
Cephalantus occidentalis	Buttonbush
Cornus drummondi	Rough Leaf Dogwood
Cornus racemosa	Grey Dogwood
Ilex verticillata	Common Winterberry
Itea virginica	Virginia Sweetspire
Hamamelis virginiana	American Witchhazel
Lindera benzoin	Spicebush
Physocarpus opulifolius	Common Ninebark
Rhus aromatica	Fragrant Sumac
Symphoricarpos orbiculatus	Coralberry
Viburnum dentaum	Southern Arrowwood

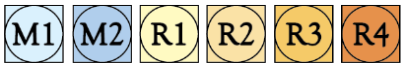
Notes:

1. Due to the emerald ash borer beetle infestation, Ash trees of any species shall not be counted toward any tree canopy requirements.
2. Due to the large number of native species to southern Indiana, there may be other native species not listed here. It is the responsibility of the applicant to demonstrate the native status of any plant not specifically listed here.

Landscaping Standards (LA) (continued)

LA-02: Minimum landscaping for new residential subdivisions:

This section applies to new subdivisions in the following districts:



A. For new single-family subdivisions, trees shall be provided along the street at a minimum of one deciduous shade tree every 50 feet. For trees placed in the Right-of-Way, please see the Jeffersonville Tree Ordinance (2021-OR-09.)
B. On M1 and M2 lots that contain one building with no more than 4 units, trees shall be provided as follows:
    1. Along the street at a minimum of one deciduous shade tree every 50 feet
    2. One additional deciduous shade tree per dwelling unit, and
    3. One ornamental or evergreen tree per dwelling unit
C. M1 and M2 lots with more than one building or more than 4 units shall follow standards set in LA-05.

LA-03: Minimum landscaping for Commercial Downtown and Commercial Neighborhood properties

This section applies to the following districts:



A. Street Trees:
    1. Deciduous Shade Trees must be provided at a ratio of one tree per 35 lineal feet along a public street.
    2. Where overhead utilities impede the planting of deciduous shade trees, ornamental trees will be accepted as a substitute.
    3. Street trees shall be integrated with the streetscape in the right-of-way where possible, but may be placed elsewhere on the site at the discretion of the Planning Director where there are significant issues that impede proper planting in the right-of way (e.g. fire hydrants, streetlights, vision clearance triangle, etc.).
    4. Trees shall be planted in a minimum 4-foot-wide grass planting strip, or a landscaped or grated tree well of at least 4 feet in width and 24 square feet in area.
    5. Trees in the public right-of-way shall also get approval of the Board of Public Works.
B. Site Trees:
    1. Deciduous Shade Trees shall also be provided at a ratio of one tree per 75 lineal feet of all side and rear property lines. These trees may be planted anywhere on the site
    2. This standard may be waived for any portion(s) of the building that has less than a 15-foot setback from the side or rear of the property.
    3. All site trees shall have a minimum of 24 square feet of pervious surface at the base of the tree.
C. Parking Lot Trees: To eliminate excessive heat build-up and emission from large parking areas, landscape islands must be provided for every 25 parking spaces. All landscape islands shall be curbed, must be at least 160 square feet in size and contain at least one deciduous shade tree that will exceed 30 feet when fully mature. Trees planted in parking lot islands may count toward the Site Tree requirement above.

D. Parking lot Screening: Parking lots with 6 or more spaces must be screened from adjacent uses and the street. Screening must consist of a masonry wall, decorative metal fence, planter(s), plant material or a combination of such elements, which shall have a minimum height of 36 inches. Concrete block fences are not permitted. Plant material shall be at least 18 inches tall at installation but mature to a height of at least 36 inches. The screening must extend a minimum of 70% along the street frontage and rear and side lot lines. Plans submitted shall include a graphic depiction of the parking lot screening.

LA-04: Minimum plantings for IR district.

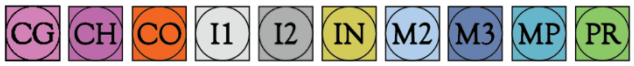
This section applies to the following districts:



A. Landscaping for new projects and additions to existing projects in the IR district shall meet the standards set forth by the River Ridge Development Corporation. Approval of landscaping by the RRDC shall constitute approval by the City of Jeffersonville.

LA-05: Minimum plantings for all other zone districts

This section applies to the following districts:



A. Street Trees: Deciduous Shade Trees must be provided at a ratio of one tree per 35 lineal feet along a public street. Street trees should be integrated with the streetscape in the street right-of-way where possible. Any plantings within the right-of-way require permission from the Jeffersonville Board of Public Works.

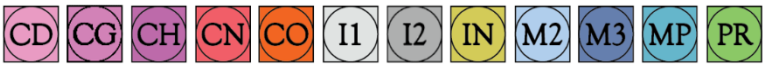
B. Site Trees: Trees shall be provided on site as follows
   1. Deciduous Shade Trees shall be provided at a ratio of 1 tree per 35 lineal feet of all side and rear property lines. These trees may be uniformly spaced around the perimeter, or spaced irregularly in informal groupings anywhere on the site.
   2. Ornamental and/or Evergreen trees shall be provided at a ratio of one tree per 20,000 square feet of site area – with a maximum of 10. These trees may be placed anywhere on the site.
   3. Parking Lot Trees: To eliminate excessive heat build-up and emission from large parking areas, landscape islands must be provided for every 25 parking spaces. All landscape islands must be at least 5 feet in width and at a minimum, the length of one standard parking space. Each island shall contain at least one deciduous shade tree that will exceed 30 feet when fully mature. Trees planted in parking lot islands may not count toward the Site Tree requirement above.
   4. Parking lot screening: Parking lots with 6 or more spaces must be screened from adjacent uses and the street. Screening must consist of a masonry wall, decorative metal fence, planter(s), plant material or a combination of such elements, which shall have a minimum height of 36 inches. Concrete block fences are not permitted. Plant material shall be at least 12 inches tall at installation but mature to a height of at least 36 inches. The screening must extend a minimum of 70% along the street frontage and rear and side lot lines. Plans submitted shall include a graphic depiction of the parking lot screening.

C. Foundation planting: Foundation plantings shall be provided around the building foundation at the following ratios:

Zone District	Ratio
M1, M2, M3	1 per 15 linear ft. of building perimeter
MP	3 per dwelling unit
CO, CH, CG	1 per 20 linear ft. of building perimeter
IN, I1, I2	1 per 30 linear ft. of building perimeter
PR	1 per 20 linear ft. of building perimeter

LA-06: Buffer Yard Standards:

This section applies to the following districts:



A. The general purpose of a Buffer Yard is to soften the possible conflicts between potential uses in one zoning district from the existing 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 standards apply to all Buffer Yards.

1. The Buffer Yard Standards only apply along the property lines where the 2 conflicting Zoning Districts meet.
2. The required Buffer Yard plantings may count toward the required minimum plantings in LA-05 B above, at the discretion of the Planning Director.
3. The developer or owner of the subject property is responsible for installing the Buffer Yard.
4. The adjacent property owner does not have to participate in installing the Buffer Yard.
5. The owner and their successors in interest are responsible for the regular maintenance of all buffer yards 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.
6. 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 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 60 days in total.
7. Under no circumstances may the species identified in LA-01, Schedule 1 - Pest Plants be planted and/or counted as part of a buffer yard planting.
8. If the applicant can produce evidence that the planting area is too wet for the required evergreen trees, the applicant may substitute another type of tree as approved by the Planning Director.
9. Existing vegetation:
   a. Existing vegetation on site may be counted toward the buffer yard requirements if it appears to meet or exceed the screening requirements for the adjacent zone district as determined by the Plan Director and/or Plan Commission.
   b. Developments intending to use existing vegetation as a buffer yard shall specify the vegetation protection area on the plan, note the approximate depth of natural vegetation to remain, and provide a general makeup of plant material (i.e. the primary tree & shrub species found in said area).
   c. Under no circumstances shall plant material found in the pest plant list be counted toward buffer yard screening requirements.

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, then the corresponding Buffer Yard (listed in LA-05 E) is mandatory.

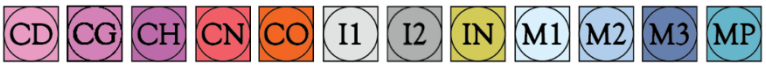
Adjacent District	CG	CH	CO	IN	I1	I2	M1	M2	M3	MP	PR
CD				F	C	G					
CG				F	C	G					
CH				F	C	G					
CN				F	C	G					
CO				F	C	G					
I1							H	H	H	H	
I2							H	H	H	H	
IN							H	H	H		
M1	C	E	B	H	D	D			G	G	A
M2	B	E	B	H	D	D			G	G	A
M3	B	E	E	H	D	D				G	A
MP	C	E	B	F	D	D	F	A	G		A
PR	E	B		F	D	D			A		
R1	C	E	B	H	D	D	E	G	G	G	A
R2	C	E	B	H	D	D	E	G	G	G	A
R3	B	E	B	H	D	D		B	G	G	A
R4	A	E		H	D	D				G	

D. Buffer Yard Descriptions
   1. Buffer Yard A
      a. One deciduous canopy tree shall be planted for every 30 feet of contiguous boundary with the adjacent use.
      b. One evergreen tree shall be planted for every 50 feet of contiguous boundary with the adjacent use.
      c. All trees must be planted within 20 feet of the property line contiguous to the adjacent use.
   2. Buffer Yard B
      a. An additional 10-foot setback is required in addition to the normal setback.
      b. One deciduous canopy tree shall be planted for every 30 feet of contiguous boundary with the adjacent use.
      c. One evergreen tree shall be planted for every 50 feet of contiguous boundary with the adjacent use.
      d. All trees must be planted within 20 feet of the property line contiguous to the adjacent use.
   3. Buffer Yard C
      a. An additional 20-foot setback is required in addition to the normal setback.
      b. One deciduous canopy tree shall be planted for every 30 feet of contiguous boundary with the adjacent use.
      c. One evergreen tree shall be planted for every 25 feet of contiguous boundary with the adjacent use.
      d. All trees must be planted within 20 feet of the property line contiguous to the adjacent use.
   4. Buffer Yard D
      a. An additional 35-foot setback is required in addition to the normal setback.
      b. One deciduous canopy tree shall be planted for every 30 feet of contiguous boundary with the adjacent use.
      c. Additionally, a 6-foot-tall fence, or 6-foot-tall berm, or a row of evergreen trees/shrubs (that will exceed 6 feet in height at maturity) no more than 12 feet apart shall also be installed parallel to the property line. The slope of the berm and the resulting run-off shall be contained entirely on the subject site.
      d. All trees must be planted within 20 feet of the property line contiguous to the adjacent use.
   5. Buffer Yard E
      a. An additional 10-foot setback is required in addition to the normal setback.
      b. One deciduous canopy tree shall be planted for every 30 feet of contiguous boundary with the adjacent use.
      c. Additionally, a 6-foot-tall fence, 6-foot-tall berm, or a row of evergreen trees/shrubs (that will exceed 6 feet in height at maturity) planted no more than 12 feet apart shall be installed parallel to the property line. The slope of the berm and the resulting run-off shall be contained entirely on the subject site.
      d. All trees must be planted within 20 feet of the property line contiguous to the adjacent use.
   6. Buffer Yard F:
      a. One deciduous canopy tree shall be planted for every 30 feet of contiguous boundary with the adjacent use.
      b. A 6-foot-tall fence, or a row of evergreen trees/shrubs (that will exceed 6 feet in height at maturity) planted no more than 12 feet apart shall be installed parallel to the property line.
      c. All trees must be planted within 20 feet of the property line contiguous to the adjacent use.

7. Buffer Yard G:
    a. An additional 15-foot setback is required in addition to the normal setback.
    b. One deciduous canopy tree must be planted for every 30 feet of contiguous boundary with the adjacent district.
    c. One evergreen tree must be planted for every 50 feet of contiguous boundary with the adjacent district.
    d. Additionally, a 6-foot-tall fence, 6-foot-tall berm, or a row of evergreen trees/shrubs (that will exceed 6 feet in height at maturity) planted no more than 12 feet apart shall be installed parallel to the property line. The slope of the berm and the resulting run-off shall be contained entirely on the subject site.
    e. All trees must be planted within 20 feet of the property line contiguous to the adjacent use.
8. Buffer Yard H:
    a. One deciduous canopy tree shall be planted for every 30 feet of contiguous boundary with the adjacent use.
    b. One evergreen tree shall be planted for every 50 feet of contiguous boundary with the adjacent use.
    c. Additionally, a 6-foot-tall fence, 6-foot-tall berm, or a row of evergreen trees/shrubs (that will exceed 6 feet in height at maturity) planted no more than 12 feet apart shall be installed parallel to the property line. The slope of the berm and the resulting run-off shall be contained entirely on the subject site.
    d. All trees must be planted within 20 feet of property line that is contiguous to the adjacent use.

LA-07: Landscape Fee-in-Lieu:

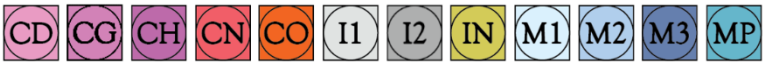
This section applies to the following districts



A. An applicant may request to waive a certain portion of the above required landscaping through a fee-in-lieu option. The fee-in-lieu waiver must be approved by the Planning Director and must be paid in full to the City Planning Department before a Certificate of Occupancy is obtained. Application procedures are outlined in Article 10.
B. The following quantities of landscaping may be waived:
    - No more than 33% of the required shade trees may be waived
    - No more than 33% of the required ornamental/evergreen trees may be waived.
    - No more than 50% of the required foundation plantings or parking lot screening may be waived.
    - No more than 25% of the required buffer yard plantings may be waived; The required setback or fencing/screening requirements may not be reduced by this program.
C. The Planning Director may choose to deny all or any part of such request if they feel that the landscape to be waived is critical for some other purpose such as screening undesirable views (mechanical, electrical, large blank walls, etc.), maintaining consistency of existing trees along a particular street, shading sidewalks, buffering a watercourse, etc. This decision may be appealed to the Board of Zoning Appeals.

LA-08: Landscape Compliance

This section applies to the following districts



A. Prior to the issuance of a Certificate of Occupancy, Planning and Zoning staff shall conduct an inspection of the required landscaping elements.

B. No Certificate of Occupancy shall be granted until the landscaping elements required by Article 7 of this UDO are properly installed. If the required landscaping has not been completed and a Temporary Certificate of Occupancy is requested, a full cash bond or irrevocable letter of credit from a banking institution with offices in Clark County shall be posted at that time. The amount of the bond or letter of credit shall be based upon the cost of the proper installation of the uninstalled landscape material shown in the submitted plan, with the cost certified by a landscape contractor. The amount of the bond or letter of credit shall also include an inflation factor and/or administrative contingency cost of no more than 25% of the base cost, as determined by the Planning Director, to complete the work in the event of the foreclosure of the bond or letter of credit.

C. After the cash bond or letter of credit has been posted, the landscaping material required in the approved landscape plan shall be installed within 3 months after the date of posting. A one-month extension of the planting period may be granted by the Planning Director upon demonstration by the property owner or developer that such an extension is warranted due to adverse weather conditions or unavailability of the required plant materials. No more than 3 such one-month extensions may be granted. The cash bond or letter of credit shall be called if the required landscaping has not been installed by the approved planting period, and the Planning Director shall apply the proceeds of the bond or letter of credit to complete the work.

Lighting Standards (LT)

7.9 Lighting Standards (LT)

LT-01: This 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 90-degree angle ("down lighting").

C. Site lighting for parking lots, docking spaces, outdoor storage yards, etc. must all be consistent in color, size, height, and design. Further, all site lighting must have cutoff luminaires with less than a 90-degree angle (down lighting) and may be no more than 20 feet in height. Exceptions: When the subject property is zoned, I1, I2, or IR, height of site lighting may be 35 feet in height. Site lighting may be 25 feet in height in the IN-zone district.

D. All freestanding lights and lights mounted on walls or facades must have cutoff luminaires with less than a 90-degree angle.

E. All lights within a single development must be consistent in style, design, height, size and color throughout the development.

F. Except as noted below, lighting from a property may not cause more than a half 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 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 2.5 foot candles (only on the sides of the property that are adjacent to the similar Zoning District).
   c. When lighting is placed along public and private sidewalks and roadways, the allowable light is 2.5 foot candles.

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 6 feet.

H. No lights shall blink, flash, or flutter, nor shall any lights which have a changing light intensity, brightness of color, or give such illusion be permitted. String lights and decorative lights related to legal holidays may be considered exempt from the provisions of this section.

Loading Standards (LD)

7.10 Loading Standards (LD)

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



A. 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 shall provide off-street loading berths not less than the minimum requirements specified in this section.

B. 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 25 feet of the nearest point of intersection of any 2 streets, nor shall it be located in front of the primary structure, except as noted below:

1. For properties zoned I1 or I2, off-street loading areas may be located in the front of a building.
   Exception: Loading areas shall not be allowed in the front of a building when located along an arterial street.
2. Properties in IR shall be allowed loading docks on any side so long as agreed upon by the River Ridge Development Corporation.

B. Size: Off-street loading berths for over-the-road tractor-trailers shall be at least 14 feet in width by at least 60 feet in length with a 60-foot maneuvering apron, and shall have a vertical clearance of at least 15 feet. For local pick-up and delivery trucks, off-street loading berths shall be at least 12 feet in width by at least 30 feet in length with a 30-foot maneuvering apron, and shall have a vertical clearance of at least 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.

Outdoor Dining Standards (OD)

7.11 Outdoor Dining Standards

OD-01: This section applies to the following districts:



The intent of outdoor seating standards is to provide guidance for adequate, safe and efficient placement of outdoor dining areas. Outdoor seating areas shall be designed in a way that allows sufficient space for the diner, as well as protect the diner from vehicular traffic.

The following lighting standards apply:

A. General

1. No outdoor seating/dining area may be located closer than 6 feet to the public right-of-way, except in the CD or CN districts or with approval of the Planning Director.
2. The floor of the outdoor seating area shall be a hard surface and maintained in a clean condition.
3. No outdoor seating area shall impede the safe access of pedestrians.
4. No outdoor seating area shall be located within the vision clearance triangle. See Article 7.17 for more information.
5. Outdoor seating and dining areas shall not interfere with entrances to any building.
6. At least one adequately sized trash receptacle for every 4 tables shall be located in the outdoor seating area. Trash should be emptied at least daily, and outdoor seating areas shall be kept neat and orderly.

B. Downtown/Spring St

The following standards are for businesses along Spring Street, from E. Riverside Drive north to Court Avenue, and one block east and one block west (Wall Street and Pearl Street, respectively.)

1. Each restaurant, food service, or hospitality-based business may use one on-street parking space for use as an outdoor seating area.
2. The restaurant, food service, or hospitality-based business shall request and receive approval from the Board of Public Works to turn the parking space into the outdoor seating area. Application shall be made to the Department of Planning & Zoning.
3. The approved business may only request space that is directly in front of the establishment, or adjacent to the establishment – should it be located on a corner. No handicap parking spaces shall be approved for outdoor seating. Handicap spaces shall not be blocked or obstructed for the use of outdoor seating.
4. Businesses must provide, at their cost, acceptable barriers to traffic to create a boundary around the outdoor seating area.
5. The business must provide acceptable trash receptacles and keep the outdoor seating area neat and free of debris.
6. Debris, trash, or refuse from the outdoor seating area shall not be swept into the street or drainage system.
7. The City has the right to revoke the use of the parking space should the stated guidelines not be followed or for any other reason deemed appropriate by the City. The City is not liable for any activity that may occur in the outdoor seating space, and shall be held harmless for any loss.

Parking Standards (PK)

7.12 Parking Standards (PK)

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

R1 R2 R3

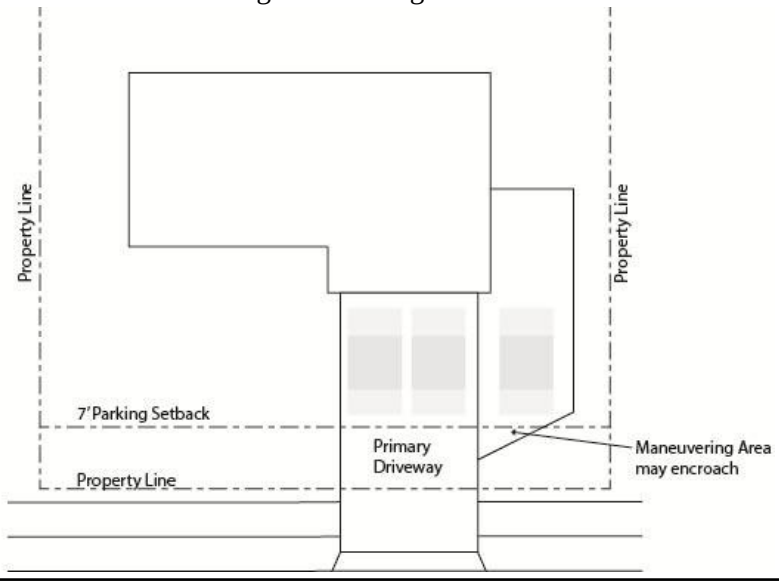
A. Two off-street paved parking spaces are required per dwelling unit. The off-street parking spaces required may include spaces within carports or garages.
B. Off-street parking spaces may not be fully or partially located in a public right-of-way or utility easement.
C. Parking setbacks: With the exception of legal driveways (including looping drives), paved parking areas shall have a minimum setback of 7 feet from the front property line. Existing driveways shall not be widened within this setback area. Paved area for maneuvering purposes may encroach into the setback area at the discretion of the Planning Director. (see diagram below).
D. Each space must be at least 9 feet wide and 18 feet long.
E. See PK-09 in this section for information about paving surfaces.

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

R4 M1

A. One paved off-street parking space is required per dwelling unit. Parking spaces required may include spaces within carports or garages.
B. Off-street parking spaces may not be fully or partially located in a public right-of-way or utility easement.
C. Parking setbacks: With the exception of legal driveways (including looping drives), paved parking areas shall have a minimum setback of 7 feet from the front property line. Existing driveways shall not be widened within this setback area. Paved area for maneuvering purposes may encroach into the setback area at the discretion of the Planning Director. (see diagram below)
D. Each space must be at least 9 feet wide and 18 feet long.
E. See PK-09 in this section for information about paving surfaces.

Parking setback diagram:



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



A. Off Street Parking shall be provided at one of the following ratios, as determined by the applicant. The selected option shall be noted on the development plan and calculations provided.
   1. 1.5 spaces per dwelling unit, or
   2. 1 space per studio or one bedroom unit and 1.75 spaces per unit with more than 2 bedrooms, or
   3. When proposed projects are strictly designated for senior housing, assisted living facilities, etc. 0.66 spaces per dwelling unit.

B. In addition, at least one space per 5 units is required for visitor parking and shall be spread evenly throughout the development. Where located in an area where on on-street parking is available within 500 feet of the subject property, up to 4 visitor parking spaces may be waived. Visitor parking spaces shall not include spaces in carports or garages.

C. Parking Reductions:
   a. Bus Stop – Projects within ¼ mile of an existing bus stop may reduce their minimum parking requirement by up to 5%.
   b. Bicycle parking – Projects within a two-mile radius of Big Four Station may reduce their minimum parking requirement by 5% by providing a secured bicycle storage area for residents.

D. Any required off-street parking space shall not be fully or partially in a public right-of-way or utility easement.

E. Parking lots shall have a minimum setback of 5 feet from the front, side and rear property lines. Entrance and exit drives may be located within the setback area.

F. Each space (including all Handicapped Spaces) shall be at least 9 feet wide and 18 feet long.

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



A. Two paved off-street parking spaces are required per dwelling site.

B. In manufactured or mobile home parks at least one space per two dwelling sites 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 9 feet wide and eighteen 18 feet long.

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



A. General:
   1. All parking lots for commercial, industrial, institutional, business, public and private employee parking, offices, organizations, and places of assembly including their ingress/egress must be paved. Expansion of an existing gravel, stone, rock, dirt, sand, or grass lot is not permitted.
      Exception: 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.
      In the I1, I2, IN, and IR districts, a gravel surface may be used for a period exceeding six months if it is used solely for the outdoor storage of non-vehicular equipment, materials, or supplies.
   2. Parking areas must be designed and constructed to allow proper drainage.
   3. Parking areas shall be designed to prevent vehicles from maneuvering into the public ROW
   4. Parking spaces prescribed in this section must be located either on the premises or on an adjacent lot approved by the Plan Commission.
   5. Parking areas shall abide by the landscape standards found in Article 7.8.

B. Setbacks: Parking lots shall have a minimum setback of 5 feet from the front, side and rear property lines measured from the property line to the back of curb. In the CD and CN districts, this may be reduced to zero. Entrance and exit drives may be located within the setback area.

C. Location: In order to improve the look and feel of street corridors, parking lots, to the greatest extent possible, should be located to the side(s) and the rear of buildings. Parking spaces shall be located as follows:
   1. Parking in front of Primary Structures:
      a. In the CD and CN districts no parking shall be allowed in front of the primary structure.
      b. In all other districts, a Maximum of 40% of the required spaces may be located in front of the primary structure. except as noted below:
         i. Where a structure is located on the corner of 2 streets, a maximum of 80% of parking shall be allowed in the front of the primary structure.
         ii. Where structures have street frontages on more than 2 parallel sides (e.g. thru lot), or street frontages on more than two sides, this maximum shall not apply.
         iii. At IR zoned properties see section 4 below.
         iv. The maximum amount of parking permitted in front of the primary structure may be increased to 60% if the applicant provides additional landscaping, screen walls, berms and/or other design features to better screen and/or break up the visual appearance of a large parking lot from the street. This increase shall be at the discretion of the Planning Director. At IR zoned properties see section 4 below.
   2. Where a rear yard exists, a Minimum of 10% of the required parking shall be located to the rear of the primary structure. This standard may be waived at the discretion of the Planning Director where physical access, topography, mandatory landscape buffers, etc. impede parking to the rear of the structure.
   3. Under no circumstances shall parking be permitted within any required buffer areas.
   4. Parking location and distribution for new projects and additions to existing projects in the IR District and River Ridge Commerce Center shall meet the standards set forth by the River Ridge Development Authority. Approval of parking location and distribution by the RRDA shall constitute approval by the City of Jeffersonville.

D. Size:
   1. All parking spaces (including handicapped spaces) shall be a minimum of 9 feet by 18 feet and be striped so as to show each parking space.
   2. Parking aisle widths shall be as follows:
      a. 90 degree angle space - 24 feet wide parking aisle
      b. 60 degree angle space - 18 feet wide parking aisle
      c. 45 degree angle space - 14 feet wide parking aisle

E. Parking Minimums/Maximums:
   1. In order to reduce traffic congestion and hazards along roadways, off-street parking shall be required for all commercial, industrial, and institutional uses unless otherwise excepted by this ordinance. For CD and CN zoned properties see PK-06 for further information on parking reductions in those districts.
   2. The table on the following page shows the suggested minimum parking to be provided. The applicant shall document the appropriate category(s) selected, the suggested minimum parking count for the site and the actual parking count for the site. Planning Staff may approve parking counts that are between 80% and 125% of the minimums set forth here. Any provision of parking above or below these thresholds shall require a variance.
   3. If a use is not clearly noted on the table, the Planning Director may determine into which category(s) the use(s) best fits, therefore determining the parking requirements. The Director's decision may be appealed to the BZA.

F. Additional Parking Reductions: The following reductions may be taken.
   1. Bus Stop – Projects within ¼ mile of an existing bus stop, may reduce their minimum parking requirement by up to 10%.
   2. Carpool parking – at office and industrial uses employing more than 50 people, a reduction of 3 spaces (6 maximum) may be taken for each designated carpool space provided (2 max). Such spaces shall be clearly labeled and located as close to the main entrance as possible.
   3. Bicycle rack – Projects within a two-mile radius of Big Four Station may reduce their minimum parking requirement by two spaces by providing a permanently-mounted, publicly-accessible, bicycle rack on the property.
   4. On Street Parking - Any parking space located on a public street directly abutting the property and on the same side of the street, may be counted toward the minimum parking requirement. Said spaces shall be at least 20 feet in length and 8 feet deep and shall be confirmed as viable parking spaces by the City Engineer.
   5. Mixed-Use – a 10% reduction in the minimum required number of spaces may be taken on any property that contains both residential and non-residential uses on site. This shall not apply to CD or CN properties (see PK-06 instead).

G. Allowable parking increase for pervious surface: Planning staff may approve parking counts that are up to 135% of the suggested minimum parking requirements if the additional spaces over and above the 125% maximum or an area equivalent to those spaces is constructed with a pervious pavement surface.

H. Shared Parking: A group of adjacent properties may provide a shared parking area if the total number of parking spaces provided is at least 70% of the total spaces required for each use and if the Planning Director approves the shared 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. The agreement must be reviewed/approved by the Planning Director and/or City Attorney and be recorded in the office of the Clark County Recorder. A copy of the recorded agreement must also be kept in the office of the Plan Commission.

PK-05 E: Suggested Minimum Parking Counts	
Land Use	**Parking Requirement**
Arenas, Auditoriums, Banquet Hall/Event Spaces, Churches, Conference Centers, Theaters and other similar spaces.	Parking spaces shall equal 40% of allowable seating capacity
Athletic fields (outdoor), Parks, Swimming pools	Parking counts shall be at the discretion of the Director
Automobile sales and services	Automotive Sales – 1 per 500 square feet of the primary structure Vehicular Repair and Maintenance – 1 per service bay plus 1 per 500 square feet of the primary structure
Education: Primary, Secondary and Day Care facilities	Parking counts shall be at the discretion of the Director
Educational: Post-secondary (business school, college, medical training, university, etc.	Parking counts shall be at the discretion of the Director
Fitness and Recreation facilities	1 per 250 square feet for indoor facilities, Parking for developed outdoor spaces shall be at the discretion of the Director
Hotel/Motel/Bed & Breakfast	1.25 per sleeping room
Industrial facilities and Warehouses	1 per 1,500 square feet, or 1 per employee at largest shift (minimum of 3 spaces)
Medical facilities and Personal Services	1 per 250 square feet
Multiple tenant commercial building	1 per 250 square feet (regardless of individual uses)
Museums and Libraries	Parking counts shall be at the discretion of the Director
Professional offices	1 per 400 square feet
Restaurant	1 per 100 square feet
Residential Uses (All)	See standards for M2&M3
Retail	1 per 400 square feet
Self-storage (indoor or outdoor)	1 per 500 square feet of office (minimum of 2) 1 per 20 climate controlled units

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



A. Lots in the CD and CN zone districts that are under 10,000 square feet shall be exempt from the parking minimums set forth in PK-05-E.
B. Lots in CD and CN zone districts that are over 10,000 square feet shall only require 50% of the values provided in PK-05-E: no further reductions may be taken for on street parking.
C. Residential parking shall be provided at a minimum of one space per residential unit. Maximum parking shall be 25% over the minimum.

PK-07: Miscellaneous Vehicle Parking. This section applies to the following districts:



A. Inoperable/unlicensed vehicles and trailers: Vehicles or trailers of any type without current license plates and/or in an inoperable condition shall be prohibited in residential zone districts other than in completely enclosed buildings. They shall be prohibited in commercial zone districts unless fully screened or otherwise specifically authorized under other terms of this Ordinance (i.e. Auto sales, Auto Service, Auto Body repair, etc.)
B. Storage in Vehicles: No vehicle or tractor/trailer of any type may be used predominantly for the purpose of personal storage.
C. Recreational Vehicles: Storage or parking of recreational vehicles is subject to the following conditions:
    1. At no time may anyone occupy or use a parked or stored recreational vehicle for living, sleeping or housekeeping purposes, except as outlined below.
    2. A property owner may allow a recreational vehicle to park on the owner's property for up to 15 consecutive days, but not to exceed 30 total days in any one calendar year to allow a visit by the recreational vehicle's occupant.
        a. Exception: Due to the regular potential for flooding along the Ohio River, properties along Riverview Drive shall be excepted from this provision. RV's in this area must be operable and abide by all floodplain regulations enforced by the Building Commission.
    3. No more than one recreational vehicle may be stored or parked outdoors on a residential parcel at any one time.
    4. A recreational vehicle shall not be parked on a parcel without a primary building.
        a. Exception: Properties along Riverview Drive shall be excepted as noted above.
    5. The owner of a recreational vehicle may store or park their unoccupied 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.
    6. A recreational vehicle shall not block a sidewalk.
    7. A recreational vehicle shall not be used for personal storage.

PK-08: Commercial Vehicles in Residential Districts: This section applies to the following districts:



A. The parking of a commercial vehicle in residential zone districts shall be prohibited; except that one commercial vehicle of not more than 3 tons capacity or one work trailer longer than 12 feet may be parked on any lot where there is a principal building as long as it is:
   1. Used by a resident of the premises, and
   2. Parked in an enclosed garage or accessory building, or is located in the rear yard at least 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.

PK-09: Parking Surfaces in Residential Districts This section applies to the following districts:

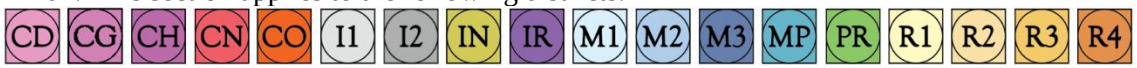


A. All off-street parking areas and driveways located within residential zoning districts, as defined by the Jeffersonville Zoning Code, shall be surfaced with an all-weather paving material capable of carrying a wheel load of 4,000 pounds, or improved with concrete or a compacted macadam based and surfaced 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, boats, 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:
   1. 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.
   2. 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. Recreational vehicles, as defined by the Jeffersonville UDO, 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.

Performance Standards (PF)

7.13 Performance Standards (PF)

PF-01: This 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: Firefighting 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.

Sign Standards: General (SSG)

7.14 Sign Standards: General (SSG)

SSG-01: This General Sign Standards section applies to ALL zone 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 any existing, permanent 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 their designee. Legal nonconforming signs shall comply with all provisions of this Ordinance upon a major change or alterations as defined in Article 9.7 of this Ordinance.

B. Exempt Signs: The following signs are exempt from all provisions of this Article and do not require a permit.
   1. The posting of a street address to provide property identification. When, however, a street address is used as a commercial message or is unnecessarily large, it shall comply with the sign standards for the applicable zoning district at the discretion of the Planning Director.
   2. Flags of any country, state, unit of local government, institution of higher learning, or similar institutional flags.
   3. Wall-mounted flags located in the Downtown Design Overlay District, provided they are no larger than 5 foot by 3 foot, are 8 ½ feet above the fished grade at their lowest point, and whose quantity are no more than 2 per building façade.
   4. 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 materials. No commercial messages or logos are permitted on such signs.
   5. Public signs of a non-commercial 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.)
   6. Utility signs used to mark cables and lines for public and private utilities except if determined to be a hazard by the Plan Commission.
   7. Political signs in accordance with IC 36-1-3-11 or any subsequent amendments.
   8. 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.
   9. General maintenance of existing signs (e.g. painting, repainting, cleaning, routine maintenance,) where no structural changes or changes in copy are involved.

C. Permitting: The permit process for signs is outlined in Article 10.

D. 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.

E. Removal of Signs: The Plan Commission or Planning Director may order the removal of any sign erected or maintained in violation of this Article.

1. Permanent Signs: A 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. 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 the removal of permanent signs by the Plan Commission, Planning Director, and/or their agent, pursuant to the provisions of this Article, shall be reimbursed by the owner of said sign. Should said sign not be redeemed within 45 days of its removal, it may be disposed of in any manner deemed appropriate by the City.

2. Temporary Signs: No notice shall be given for the removal of Temporary Signs or Portable Signs that are in direct violation of this code that are placed in City right-of-way. Said signs will be disposed of by City Officials and may not be reclaimed. For signs that are in violation of this code that are located on private property, violators shall be subject to notice of violation and asked to remove said signage. Signs not removed within 7 days of notice may be removed and disposed of by the City and/or violators may be subject to penalties per Article 11 of this code.

F. 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 30-day written notice shall be given to the owner, business operator, or lessee of the property to comply with the regulations. After 30 days, if the owner/business operator fails to comply, penalties shall be imposed according to Article 10.

G. Abandoned Signs: All signs, their mountings, and related components shall be removed by the owner or lessee of the premises upon which the signs are located when a business 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 a 30-day 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 sign removal by the Plan Commission, Planning Director, and/or their designee pursuant to the provisions of this Article shall be reimbursed by the owner of said sign. Should said sign not be redeemed within 45 days of its removal, it may be disposed of in any manner deemed appropriate by the City.

H. Electronic Displays/Digital Signage (EDDS) All electronic and/or digital 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 EDDS as a component in part or in whole shall comply with the following standards:

1. The message on the sign cannot move, appear to move, flash, scroll, or fade. Signs may not display full-motion video or use multiple pictures or graphics that give the appearance of full-motion video
2. The message on the sign must hold for a minimum of one minute.
3. EDDS must be equipped with a light detector/photocell that automatically adjusts the display's brightness according to natural ambient light conditions.
4. The sign shall operate at a luminance level not to exceed 5,000 nits during daylight hours and not to exceed 500 nits from dusk to dawn.
5. EDDS signs shall be sited and directed such that the light intensity or brightness will not be objectionable to the surrounding properties.
6. No EDDS shall be located within 500 feet of a M1, R1, R2, R3, or R4 residentially zoned district, or within the CD (Commercial Downtown) zoning district unless the sign is visibly obstructed from such zoning district at the discretion of the Administrator.

7. All illuminated elements shall be kept in satisfactory working condition and immediately repaired or replaced if damaged or burned out.
8. All electrical wiring for permanent EDDS shall be in conduit. All electricity for signs shall have a disconnecting switch located in a readily accessible place to the Planning Director or their designee in the event the sign must be shut off because it presents an immediate threat to the safety of the public or is in violation of City Ordinances.

I. Sign Illumination: All sign illumination 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:
   1. 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.
   2. All illuminating elements shall be kept in satisfactory working condition and immediately repaired or replaced if damaged or burned out.
   3. 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.
   4. 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.
   5. 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.

J. Prohibited Signs: The following types of signs are expressly prohibited in all Zoning Districts.
   1. Signs that utilize any motion picture, laser, or visual projection of images or copy in conjunction with any business or advertisement.
   2. Signs that have blinking, flashing, or fluttering lights or which have a changing light intensity, brightness or color, or give such illusion.
   3. Signs that emit audible sound, odor or visible matter.
   4. 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.
   5. Signs that may be construed as the lights of an emergency or road equipment vehicle.
   6. Signs in the Right-of-Way or that hide from view any traffic or roadway sign, signal or device.
   7. Signs that interfere with the vision clearance triangle as defined in Article 7.17.
   8. Roof-mounted signs.
   9. Wall mounted signs where more than 30% of the sign extends above the roof line or parapet of a building.
   10. Signs that obstruct any door, fire escape, stairway, or any opening intended to provide entrance or exit for any building or structure.
   11. Signs placed on vehicles parked on public or private property primarily for the purpose of displaying the sign. Prohibited signs do not include those signs displayed on legally parked vehicles regularly used for the purpose of making deliveries, transporting persons, and/or making sales or service calls.
   12. Billboards and any other off premise signage.
   13. Inflatable, animated, moving, or other attention seeking signs. See Section 12 for definitions.
   14. Pole signs.
   15. Any sign that is not expressly permitted in this Ordinance.

Sign Standards: Permanent (SSP)

7.15 Sign Standards: Permanent (SSP)

SSP-01: This section applies to the following districts:

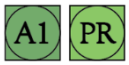


The following Permanent Signs shall be permitted, provided the respective development standards are met. A Sign Permit is required unless otherwise specified.

A. Permanent Monument Signs & Post Signs
   1. Size:
      a. In M1, R1, R2, R3, and R4 districts, signs shall not exceed 4 feet in height and 32 square feet in message area per side.
      b. In M2 and M3 districts, sign may be increased to 6 feet in height and 48 square feet in message area per side if
         i. Located along an arterial street, or
         ii. Located next to and across from other multi-family or non-residential uses
   2. Quantity:
      a. 2 signs per vehicular entrance to a subdivision or residential complex.
      b. One additional sign may be located at any community space within a residential subdivision or apartment complex (e.g. clubhouse, community park, etc.)
      c. No permanent monument and/or post signs are otherwise allowed on individual residential properties.
   3. Placement:
      a. Signs shall only be located on properties near the entrance to a subdivision or residential complex or at communal facilities as described above. Where communal signage is located on private property, it shall be the responsibility of the HOA or other communal organization for maintenance and upkeep of said sign.
      b. Signs shall not be located within the vision clearance triangle per Section 7.17.
      c. Signs shall be placed at least 10 feet from the right-of-way.
   4. Additional Standards:
      a. Monument Signs shall have a minimum one-foot monument base below the message area.
      b. Post Signs shall have at least 18 inches of clearance between the bottom of the sign and the lowest point of the ground below the sign.
      c. EDDS components are not permitted.

B. Permanent Wall Signs.
   1. Size: Sign shall not exceed two square foot in area.
   2. Quantity: One wall sign is permitted per lot.
   3. Placement: Sign must be placed on the primary structure.
   4. Additional Standards:
      a. No permit is required.
      b. No illumination is permitted.
      c. EDDS components are not permitted.

SSP-02: This section applies to the following districts:



The following Permanent Signs shall be permitted, provided the respective development standards are met. A Sign Permit is required unless otherwise specified.

A. General.
   1. This section shall only apply to signage located along public right-of-ways or on buildings clearly visible from the public right-of-way. Signage that is internal to a campus or park setting and is not visible from the public right-of-way may be constructed without a permit and does not count toward any cumulative area or maximum quantity restrictions herein.
   2. Cumulative Area: The total square footage in message area of all signs along or visible from the public right-of-way shall not exceed 150 square feet per development.

B. Permanent Awning Signs.
   1. Size: Sign shall not exceed 25 square feet.
   2. Quantity: There is no limit on the number of signs permitted.
   3. Placement: Signs must be placed on the primary structure.
   4. Additional Standards: No EDDS components are permitted.

C. Permanent Monument Signs.
   1. Size:
      a. Signs shall not exceed 6 feet in height and 40 square feet in message area per side.
      b. Signs may be increased to 8 feet in height and 48 square feet in message area per side if
         i. Located along an arterial street, or
         ii. Located next to and across from other multi-family or non-residential uses
   2. Quantity: One sign per vehicular entrance.
   3. Placement:
      a. Signs shall not be located within the vision clearance triangle per Section 7.17.
      b. Sign shall be placed a minimum of 10 feet from the right-of-way.
   4. Additional Standards.
      a. Signs shall have a minimum one-foot monument base below the message area.
      b. EDDS components shall not exceed 24 square feet in area.

D. Permanent Post Signs.
   1. Size: Sign shall not exceed 6 feet in height and 40 square feet in message area per side.
   2. Quantity: One sign per development.
   3. Placement:
      a. Signs shall not be located within the vision clearance triangle per Section 7.17.
      b. Sign shall be placed a minimum of 10 feet from the right-of-way.
   4. Additional Standards.
      a. The distance from the ground to the bottom of sign height must be 18 inches or greater.
      b. No EDDS components shall be allowed on post signs.

E. Permanent Projecting Signs.
   1. Size. Sign shall not exceed 12 square feet in area per side.
   2. Quantity. There is no limit on the number of signs permitted.
   3. Placement. Signs must be placed on the primary structure.
   4. Additional Standards.
      a. The lowest point of the sign shall be no less than 8 ½ feet above finished grade
      b. In no case shall the sign extend more than 4 feet beyond its supporting structure.
      c. Permission must be granted by the Board of Public Works for the sign to extend into the right-of-way.
      d. EDDS components are not permitted.

F. Permanent Wall Signs.
   1. Size: Sign shall not exceed 60 square feet in area.
   2. Quantity: There is no limit on the number of signs permitted.
   3. Placement: Signs must be placed on the primary structure.
   4. Additional Standards: EDDS components are not permitted.

G. Permanent Window Signs.
   a. Size:
      a. Illuminated window signs containing a message that can be seen from the road shall be counted toward the total sign area and require a Sign Permit.
      b. Non-illuminated window signs are permitted provided they do not exceed 25% of the window area per facade. A Sign Permit is not required.
   b. Quantity. There is no limit on the number of signs permitted.
   c. Placement. Signs must be placed on the primary structure.
   d. Additional Standards. EDDS components are not permitted.

SSP-03: This section applies to the following districts:



The following Permanent Signs shall be permitted, provided the respective development standards are met. A Sign Permit is required unless otherwise specified.

A. General.
1. Cumulative Area: The total square footage in message area of all combined sign facings shall not exceed the lesser of the following:
   a. 1 ¼ times the length of building (or where multiple tenants, the storefront portion thereof) that faces the road. *[For example: If a building or storefront is one 100 feet wide, then one 125 square feet of signage would be allowed for the lot.]*; or
   b. Maximum of 125 square feet.
   c. Mural signage within the boundaries of Court Avenue, Spring Street, and Ohio Avenue shall be exempt from the above standards as part of the NoCo Arts District.
2. Limitation on Freestanding Signs: The lot is limited to one Ground Sign: either a Monument Sign, a Post Sign, or a Suspended Sign.

B. Permanent Awning Signs.
1. Size: Sign shall not exceed 50 square feet.
2. Quantity: There is no limit on the number of signs permitted.
3. Placement: Signs must be placed on the primary structure.
4. Additional Standards: EDDS components are not permitted.

C. Permanent Monument Signs.
1. Size: Sign shall not exceed 5 feet in height and 20 square feet in message area per side
2. Quantity: One sign per lot.
3. Placement:
   a. Signs shall not be located within the vision clearance triangle per Section 7.17.
   b. Sign shall be placed a minimum of 2 feet from the right-of-way.
4. Additional Standards:
   a. Signs shall have a minimum one foot monument base below the message area
   b. EDDS components are not permitted.

D. Permanent Post Signs or Suspended Signs.
1. Size: Sign shall not exceed 5 feet in height and 20 square feet in message area per side.
2. Quantity: One sign per lot.
3. Placement:
   a. Signs shall not be located within the vision clearance triangle per Section 7.17.
   b. Sign shall be placed a minimum of 2 feet from the right-of-way.
4. Additional Standards:
   a. There shall be a minimum of 18 inches clearance from the bottom of the sign to the finished grade.
   b. EDDS components are not permitted.

E. Permanent Projecting Signs.
   1. Size: Sign shall not exceed 20 square feet in area per side.
   2. Quantity: There is no limit on the number of signs permitted.
   3. Placement: Signs must be placed on the primary structure.
   4. Additional Standards:
      a. The lowest point of the sign shall be no less than 8 ½ feet above finished grade.
      b. In no case shall the sign extend more than 4 feet beyond its supporting structure.
      c. Permission must be granted by the Board of Public Works for the sign to extend into the right-of-way.
      d. EDDS components are not permitted.

F. Permanent Wall Signs.
   1. Size: Sign shall not exceed 50 square feet in area.
   2. Quantity: There is no limit on the number of signs permitted.
   3. Placement: Signs must be placed on the primary structure.
   4. Additional Standards: EDDS components are not permitted.

G. Permanent Window Signs.
   1. Size:
      a. Illuminated window signs containing a message that can be seen from the road shall be counted toward the total sign area and require a Sign Permit.
      b. Non-illuminated window signs are permitted and do not require a Sign Permit provided they:
         i. Do not exceed 25% of the window area per façade
         ii. Do not exceed 25% of the window area on the ground floor
   2. Quantity: There is no limit on the number of signs permitted.
   3. Placement: Signs must be placed on the primary structure.
   4. Additional Standards: EDDS components are not permitted.

SSP-04: This section applies to the following districts:



The following Permanent Signs shall be permitted, provided the respective development standards are met. A Sign Permit is required unless otherwise specified.

A. General.
   1. Cumulative Area: The total square footage in message area of all combined sign facings shall not exceed the lesser of the following:
      a. 1½ times the length of building (or where multiple tenants, the storefront portion thereof) that faces the road, *[For example: If a building or storefront is 100 feet wide, then 150 square feet of signage would be allowed.]*; or
      b. Maximum of 250 square feet for any single tenant.
      c. Exception: The monument sign(s) for a large commercial building/development with multiple tenants shall not count toward the cumulative area allowed.
   2. Limitation on Freestanding Signs:
      a. For single-tenant buildings, the lot is limited to one Ground Sign. The sign may be either a Monument Sign, a Post Sign, or a Suspended Sign.
      b. For multi-tenant buildings, the lot is limited to one Ground Sign for each 400 feet of length of the multi-tenant building that faces the road. The sign may be either a Monument Sign, a Post Sign, or a Suspended Sign.
   3. Permit Not Required. A permit is not required to replace an existing tenant panel on an existing multi-tenant sign.

B. Permanent Awning Signs.
   1. Size. Sign shall not exceed 75 square feet.
   2. Quantity. There is no limit on the number of signs permitted.
   3. Placement. Signs must be placed on the primary structure.
   4. Additional Standards. EDDS or EDDS components are not permitted.

C. Permanent Monument Signs.
   1. Size:
      a. For single-tenant buildings, sign shall not exceed 8 feet in height and 56 square feet in message area per side.
      b. For large multi-tenant buildings (or groups of buildings under the same ownership) with more than 400 feet of road frontage, sign(s) shall not exceed 10 feet in height and 110 square feet of message area.
   2. Quantity: See limitation on free standing signage (SSP-04.A.2) above
   3. Placement.
      a. Signs shall not be located within the vision clearance triangle per Section 7.17.
      b. Sign shall be placed a minimum of 10 feet from the right-of-way.
   4. Additional Standards.
      a. Signs shall have a minimum one foot monument base below the message area.
      b. EDDS components shall not exceed 24 square feet in area.

D. Permanent Post Signs.
   1. Size: Sign shall not exceed 6 feet in height and 32 square feet in message area per side.
   2. Quantity: See limitation on free standing signage (SSP-04.A.2) above.

3. Placement:
   a. Signs shall not be located within the vision clearance triangle as per Section 7.17.
   b. Sign shall be placed a minimum of 10 feet from the right-of-way.
4. Additional Standards:
   a. There shall be a minimum of 18 inches clearance from the bottom of the sign to the finished grade.
   b. EDDS components are not permitted.

E. Permanent Projecting Signs.
1. Size. Sign shall not exceed 20 square feet in area per side.
2. Quantity. There is no limit on the number of signs permitted.
3. Placement. Signs must be placed on the primary structure.
4. Additional Standards.
   a. The lowest point of the sign shall be no less than 8 ½ feet above finished grade
   b. In no case shall the sign extend more than 4 feet beyond its supporting structure.
   c. Permission must be granted by the Board of Public Works for the sign to extend into the right-of-way.
   d. EDDS components are not permitted.

F. Permanent Suspended Signs.
1. Size: Sign shall not exceed 5 feet in height and 16 square feet in area per side.
2. Quantity: See limitation on free standing signage (SSP-04.A.2) above.
3. Placement: Sign shall be placed a minimum of 10 feet from the right-of-way.
4. Additional Standards:
   a. There shall be a minimum of 18 inches clearance from the bottom of the sign to the finished grade
   b. EDDS components are not permitted.

G. Permanent Wall Signs.
1. Size: Sign shall not exceed 100 square feet in area.
2. Quantity: There is no limit on the number of signs permitted.
3. Placement: Signs must be placed on the primary structure.
4. Additional Standards: EDDS components are not permitted.

H. Permanent Window Signs.
1. Size:
   a. Illuminated window signs containing a message that can be seen from the road shall be counted toward the total sign area and require a Sign Permit.
   b. Non-illuminated window signs are permitted provided they do not exceed 25% of the window area per facade. A Sign Permit is not required.
2. Quantity: There is no limit on the number of signs permitted.
3. Placement: Signs must be placed on the primary structure.
4. Additional Standards. EDDS components are not permitted.

SSP-05: This section applies to the following districts:



The following Permanent Signs shall be permitted, provided the respective development standards are met. A Sign Permit is required unless otherwise specified.

A. General:
   1. Cumulative Area: The total square footage in message area of all combined sign facings shall not exceed the lesser of the following per lot:
      a. 1¼ times the length of building that faces the road. *[For example: If a building is 100 feet wide then 125 square feet of signage would be allowed for the lot.]*; or
      b. Maximum of 125 square feet.
   2. Limitation on Freestanding Signs: The lot is limited to one Ground Sign: either a Monument Sign, a Post Sign, or a Suspended Sign.

B. Permanent Awning Signs.
   1. Size: Sign shall not exceed 50 square feet.
   2. Quantity: There is no limit on the number of signs permitted.
   3. Placement: Signs must be placed on the primary structure.
   4. Additional Standards: EDDS components are not permitted.

C. Permanent Monument Signs.
   1. Size: Sign shall not exceed 6 feet in height and 32 square feet in message area per side.
   2. Quantity: See limitations on permanent monument signage (SSP-05 A-2) above.
   3. Placement:
      a. Signs shall not be located within the vision clearance triangle per Section 7.17.
      b. Sign shall be placed a minimum of 10 feet from the right-of-way.
   4. Additional Standards:
      a. Signs shall have a minimum one-foot monument base below the message area.
      b. EDDS components are not permitted.

D. Permanent Post Signs.
   1. Size: Sign shall not exceed 6 feet in height and 32 square feet in message area per side.
   2. Quantity: See limitations on permanent post signage in (SSP-05 A-2) above.
   3. Placement:
      a. Signs shall not be located within the vision clearance triangle as per Section 7.17.
      b. Sign shall be placed a minimum of 10 feet from the right-of-way.
   4. Additional Standards:
      a. There shall be a minimum of 18 inches clearance from the bottom of the sign to finished grade.
      b. EDDS components are not permitted.

E. Permanent Projecting Signs.
   1. Size: Sign shall not exceed 20 square feet in area per side.
   2. Quantity: There is no limit on the number of signs permitted.
   3. Placement: Signs must be placed on the primary structure.
   4. Additional Standards:
      a. The lowest point of the sign shall be no less than 8 ½ feet above finished grade.

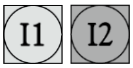
b. In no case shall the sign extend more than 4 feet beyond its supporting structure.
c. Permission must be granted by the Board of Public Works for the sign to extend into the right-of-way.
d. EDDS components are not permitted.

F. Permanent Suspended Signs.
1. Size: Sign shall not exceed 5 feet in height and 16 square feet in area per side.
2. Quantity: See SSP-05.A.2 above for limitations on freestanding signs.
3. Placement: Sign shall be placed a minimum of 10 feet from the right-of-way.
4. Additional Standards:
a. There shall be a minimum of 18 inches clearance from the bottom of the sign to the finished grade.
b. EDDS components are not permitted.

G. Permanent Wall Signs.
1. Size: Sign shall not exceed 75 square feet in area.
2. Quantity: There is no limit on the number of signs permitted.
3. Placement: Signs must be placed on the primary structure.
4. Additional Standards: EDDS components are not permitted.

H. Permanent Window Signs.
1. Size:
a. Illuminated window signs containing a message that can be seen from the road shall be counted toward the total sign area and require a Sign Permit.
b. Non-illuminated window signs are permitted provided they do not exceed 25% of the window area per facade. A Sign Permit is not required.
2. Quantity: There is no limit on the number of signs permitted.
3. Placement: Signs must be placed on the primary structure.
4. Additional Standards: EDDS components are not permitted.

SSP-06: This section applies to the following districts:



The following Permanent Signs shall be permitted, provided the respective development standards are met. A Sign Permit is required unless otherwise specified.

A. General.
1. Cumulative Area: The total square footage in message area of all combined sign facings shall not exceed the lesser of the following per lot:
a. 2 times the length of building that faces the road. *[For example: If a building is 100 feet wide then 200 square feet of signage would be allowed for the lot.]*; or
b. A maximum of 400 square feet.
2. Limitation on Freestanding Signs: The lot is limited to one Ground Sign: either a Monument Sign, a Post Sign, or a Suspended Sign.
a. Exception: properties over 5 acres in size with more than one road frontage may have an additional freestanding sign

3. Wayfinding: The Planning Director may approve the size and placement of signs used solely for the direction of traffic within large industrial sites. Such signage shall not count towards the quantity or area of signage permitted in this Article.

B. Permanent Awning Signs.
   1. Size: Sign shall not exceed 75 square feet.
   2. Quantity: There is no limit on the number of signs permitted.
   3. Placement: Signs must be placed on the primary structure.
   4. Additional Standards: EDDS components are not permitted.

C. Permanent Monument Signs.
   1. Size: Sign shall not exceed 10 feet in height and 54 square feet in message area per side.
   2. Quantity: (See SSP-06.A.2) above for limitations on freestanding signs.
   3. Placement.
      a. Signs shall not be located within the vision clearance triangle per Section 7.17.
      b. Sign shall be placed a minimum of 10 feet from the right-of-way.
   4. Additional Standards.
      a. Signs shall have a minimum one foot monument base below the message area.
      b. EDDS components shall not exceed 24 square feet in area.

D. Permanent Post Signs.
   1. Size: Sign shall not exceed 6 feet in height and 32 square feet in message area per side.
   2. Quantity: See limitation on free standing signage (SSP-06.A.2) above
   3. Placement.
      a. Signs shall not be located within the vision clearance triangle as per Section 7.17.
      b. Sign shall be placed a minimum of 10 feet from the right-of-way.
   4. Additional Standards.
      a. There shall be a minimum of 18 inches clearance from the bottom of the sign to finished grade
      b. EDDS components are not permitted.

E. Permanent Projecting Signs.
   1. Size: Sign shall not exceed 20 square feet in area per side.
   2. Quantity: There is no limit on the number of signs permitted.
   3. Placement: Signs must be placed on the primary structure.
   4. Additional Standards:
      a. The lowest point of the sign shall be no less than 8 ½ feet above finished grade.
      b. In no case shall the sign extend more than 4 feet beyond its supporting structure.
      c. Permission must be granted by the Board of Public Works for the sign to extend into the right-of-way.
      d. EDDS components are not permitted.

F. Permanent Suspended Signs.
   1. Size: Sign shall not exceed 5 feet in height and 16 square feet in area per side.
   2. Quantity: See limitation on free standing signage (SSP-06.A.2) above.
   3. Placement: Sign shall be placed a minimum of 10 feet from the right-of-way.
   4. Additional Standards:
      a. There shall be a minimum of 18 inches clearance from the bottom of the sign to finished grade.
      b. EDDS components are not permitted.

G. Permanent Wall Signs.
   1. Size: Sign shall not exceed 100 square feet in area.
   2. Quantity: There is no limit on the number of signs permitted.
   3. Placement: Signs must be placed on the primary structure.
   4. Additional Standards: EDDS components are not permitted.

H. Permanent Window Signs.
   5. Size:
      a. Illuminated window signs containing a message that can be seen from the road shall be counted toward the total sign area and require a Sign Permit.
      b. Non-illuminated window signs are permitted provided they do not exceed 25% of the window area per facade. A Sign Permit is not required.
   6. Quantity: There is no limit on the number of signs permitted.
   7. Placement: Signs must be placed on the primary structure.
   8. Additional Standards: EDDS components are not permitted.

SSP-07: This section applies to the following districts:



The following Permanent Signs shall be permitted, provided the respective development standards are met. A Sign Permit is required unless otherwise specified.

A. Location: All signage locations must be approved by the River Ridge Development Authority (RRDA) prior to installation.

B. Applicable Standards: Signage shall conform to all standards set forth in SSP-06 and, where more restrictive, those set by the RRDA.

Sign Standards Temporary (SST)

7.16 Sign Standards: Temporary (SST)

SST-01: General Standards**:** This section applies to All zone Districts:



A. A Sign Permit is not required for any temporary sign.
B. Placement of temporary signs on private property shall only occur with the permission of the property owner.
C. Temporary Signs that are damaged, broken, torn, or in an otherwise state of disrepair must be removed. Violators shall be subject to notice of violation and asked to remove said signage. Signs not removed within 7 days of notice may be removed and disposed of by the City.

SST-02: This section applies to the following districts:



A. The following Temporary Signs shall be permitted, provided the respective development standards are met.
    1. Temporary Suspended Signs and Yard signs provided they are:
        a. No more than 3 square feet in area,
        b. No more than 2 per residential lot, and
        c. Not located in the public right of way or the vision clearance triangle per Section 7.17.

B. The following Temporary Signs shall be permitted, provided the respective development standards are met.
    1. Temporary Ground Signs, Post Signs, Suspended Signs, and Yard Signs that are larger than 3 square feet shall be regulated as follows:
        a. Size: Signs shall not exceed 5 feet in height and 16 square feet in area
        b. Duration: Signs may only be displayed while:
            i. The property is for sale or lease;
            ii. A project is under construction; or
            iii. A legally permitted event is occurring and, in which case, the sign must not be posted more than 10 days prior to the event and be removed within 7 days after said event has transpired.
        c. Placement:
            i. Signs shall not be located within the vision clearance triangle per Section 7.17.
            ii. Signs shall be a minimum of 10 feet from any property line.
        d. Additional Standards:
            i. EDDS components are not permitted.

C. In accordance with IC 36-1-3-11, the code regulating temporary signage standards shall have limited enforcement beginning 60 days before an election and ending at the beginning of the sixth day after the election:
    1. The following exceptions apply:
        a. Signs shall not be not be located within the public right-of-way or the vision clearance triangle per Section 7.17.
        b. Signs shall be a minimum of 10 feet from any side or rear property line.
        c. The size of the signs is not larger than 32 square feet in area.

Sign Standards: Temporary (SST) (Continued)

SST-03: This section applies to the following districts:



A. The following Temporary Signs shall be permitted, provided the respective development standards are met.

1. Temporary Suspended Signs and Yard Signs provided they are
   a. No more than 3 square feet in area,
   b. No more than 2 per residential lot, and
   c. Not located in the public right of way or the vision clearance triangle per Section 7.17.

B. The following Temporary Signs shall be permitted, provided the respective development standards are met.

1. Temporary Ground Signs, Post Signs, Suspended Signs, and Yard Signs that are larger than 3 square feet shall be regulated as follows:
   a. Size. Signs shall not exceed 8 feet in height and 32 square feet in area
   b. Duration. Signs may be displayed while:
      i. the property is for sale or lease;
      ii. while a project is under construction; or
      iii. while a legally permitted event is occurring and, in which case, the sign must be removed 10 days after said event has transpired.
   b. Placement.
      i. Signs shall not be located within the vision clearance triangle per Section 7.17.
      ii. Signs shall be a minimum of 10 feet from any property line.
   c. Additional Standards. EVMS or EVMS components are not permitted.

2. Temporary Wall Signs.
   a. Size: Signs shall not exceed 50 square feet.
   b. Quantity: One sign is permitted per street frontage.
   c. Placement: Signs must be placed on primary structure.
   d. Duration.
      i. Signs shall not be used for more than 30 consecutive days, and no more than twice in a calendar year.
      ii. Signs may be displayed while a legally permitted special event is occurring and, in which case, the sign must be removed 10 days after the event has transpired.

C. In accordance with IC 36-1-3-11, this code shall be considered unenforceable beginning 60 days before an election and ending at the beginning of the sixth day after the election,

1. The following exceptions apply:
   a. Signs shall not be not be located within the public right-of-way or the vision clearance triangle per Section 7.17.
   b. Signs shall be a minimum of 10 feet from any side or rear property line.

Sign Standards: Temporary (SST) (Continued)

SST-03: This section applies to the following districts:



A. The following Temporary Signs shall be permitted, provided the respective development standards are met. **A Sign Permit is not required.**

A. Temporary Ground Signs, Post Signs, Suspended Signs and Yard Signs
   a. Size: Signs shall not exceed 8 feet in height and 32 square feet in area
   b. Quantity: 2 signs are permitted per street frontage.
   c. Placement.
      i. Signs shall not be located in the public right of way
      ii. Signs shall not be located within the vision clearance triangle per Section 7.17.
      iii. Signs shall be a minimum of 10 feet from any side or rear property line.
   d. Duration.
      i. Signs shall not be used for more than 30 consecutive days, and no more than twice in a calendar year.
      ii. Signs may be displayed while a project is under construction, in which case, the signs must be removed within 10 days of the issuance of a Certificate of Occupancy; or
      iii. Signs may be displayed while a legally permitted special event is occurring and, in which case, the sign must be removed 10 days after the event has transpired.
   e. EDDS components are not permitted.

B. Temporary Wall Signs.
   a. Size: Sign shall not exceed 50 square feet in area.
   b. Quantity: One sign per street frontage.
   c. Placement: Signs must be placed on the primary structure.
   d. Duration.
      i. Signs shall not be used for more than 30 consecutive days, and no more than twice in a calendar year.
      ii. Signs may be displayed while a legally permitted special event is occurring and, in which case, the sign must be removed 10 days after the event has transpired.
   e. EDDS components are not permitted.

C. Temporary Portable Signs
   a. Size: Signs shall not exceed 4 feet in height and 12 square feet in area.
   b. Quantity.
      i. One sign is permitted per street frontage.
      ii. For multi-tenant buildings, the number of signs permitted shall be determined by the Planning Director or their designee.
   c. Placement.
      i. Signs shall not be located within the vision clearance triangle as described in Section 7.17.
      ii. Signs shall not block public right-of-way.
   d. Duration: Signs may be posted only while the business is open to the public
   e. Additional Standards.
      i. Such signs shall not contain any flashing lights at any time.
      ii. Portable EDDS signs or components shall not be allowed

B. In accordance with IC 36-1-3-11, this code shall be considered unenforceable beginning 60 days before an election and ending at the beginning of the sixth day after the election,

1. The following exceptions apply:
   a. Signs shall not be not be located within the public right-of-way or the vision clearance triangle per Section 7.17.
   b. Signs shall be a minimum of 10 feet from any side or rear property line.

SST-04: This section applies to the following districts:



Temporary signage is only allowed with written permission from the River Ridge Development Authority (RRDA) and for a period of time not to exceed 3months. Temporary signage shall not exceed the dimensions set forth by the RRDA.

Vision Clearance Standards (VC)

7.17 Vision Clearance Standards (VC)

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

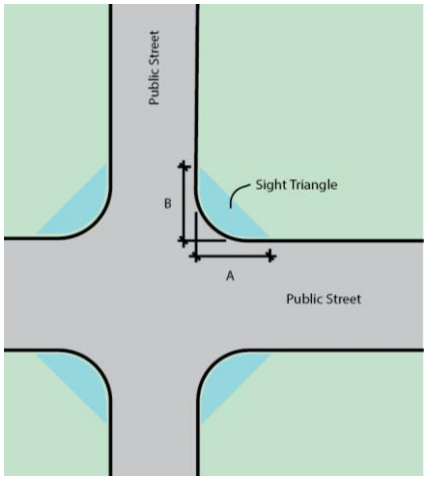
A1 CD CG CH CN CO I1 I2 IN IR M1 M2 M3 MP PR R1 R2 R3 R4

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:
   1. 160 feet of the crest of a hill where the slope on either side of the crest is 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.
   2. 100 feet of the crest of a hill where the slope on either side of the crest is 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.
   3. 80 feet of the crest of a hill where the slope on either side of the crest is 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. No Primary or Accessory Structures, or signs other than road signs are allowed to be placed or to project into the vision clearance triangle. The vision clearance triangle is illustrated below.



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

1. Along Arterials
   a. "A" = 45 feet
   b. "B" = 45 feet
   c. Exception: 10th St. from Spring St. to Main St. shall meet the standards below.
2. Along all other Streets
   a. "A" = 30 feet
   b. "B" = 30 feet

Miscellaneous Standards (MC)

7.18 Miscellaneous Standards (MC)

MC-01: Street Addresses: This section applies to ALL zoning districts:



Street addresses must be posted and be visible from primary roadway. Street addresses shall be posted either upon the primary structure or upon the mailbox (or other suitable structure visible from primary roadway).

MC-02: Dumpster/Mechanical Yard enclosures: This section applies to the following districts:



Dumpsters, compactors, similar containers, generators or mechanical equipment with a footprint greater than 16 square feet, or more than 2 pieces of electrical or mechanical equipment must be screened on all sides by a fence or wall. Walls must be constructed with the same exterior building materials as the primary structure. Dumpster enclosures shall not be constructed of glass or similar translucent and breakable materials, sheet metal, unfinished wood, plywood, or other pressed wood materials. The height of the enclosure must be at least 5 feet tall. If a 5-foot tall enclosure does not block the view of the dumpster, compactor or similar container from the public right-of-way, the height shall be increased in order to fully screen the equipment. A building permit is required prior to constructing the enclosure.

MC-03: Sidewalks: This Section applies to the following districts:



A. All new development in the above districts shall be required to install sidewalks along all abutting public streets except as excepted below. All sidewalk construction shall meet the standards set in Article 6.9-G, and shall meet all ADA requirements – including ramps at intersections.
   1. New single-family residences in established neighborhoods and small-scale multi-family buildings in the M1 zone shall be exempt from this standard if there are no sidewalks on the abutting properties. At a corner lot where a sidewalk is present on only one of the intersecting streets, sidewalk shall only be required on the street with existing sidewalk improvements.
   2. This standard may be waived for industrial developments in established industrial zones where existing sidewalks do not exist at the discretion of the Planning Director.

B. Sidewalks shall also be required of any substantial addition and/or renovation of a building/property in any of the above zone districts, where sidewalk exists on any abutting property. For purposes of this section, this shall include all additions and/or renovations greater than or equal to 50% of the assessed value of the property. All sidewalk construction shall meet the construction standards set in Article 6 and be consistent in design with adjacent sidewalks to the greatest extent possible.

C. Where new driveways or expansions of existing driveways impact the sidewalks, consultation with the City Engineer is required.

D. Sidewalk fee in-lieu: property owners/developers may opt out of required sidewalk construction through the City's sidewalk fee in-lieu program. All applications for fee in-lieu shall be submitted to the Planning Department and include sound, logical reasoning for opting out of the requirement.
   1. For residentially zoned parcels in districts M1, R1, R2, R3, and R4 districts, application for the sidewalk fee in-lieu program may be administratively approved by the Planning Director and City Engineer.
   2. For all other developments, the fee-in-lieu may only be granted by the Board of Zoning Appeals.

Article Eight

Special Use Standards

Article Eight

Special Use Standards

8.1 Introduction

The following standards have been created for specific uses throughout the City. These standards apply regardless of zone district, whether the use is permitted by right, special exception, or use variance. The intent of this section is to protect the health, safety, morals, and general welfare of the community from the potential negative impacts of these uses.

Contents of this Article

Article #	Use
8.2	Accessory Dwelling Units
8.3	Adult Entertainment
8.4	Automotive Uses (Auto Repair, Auto Sales, Parts Sales, Gas Stations, etc.)
8.5	Fireworks Sales
8.6	Home Occupations
8.7	Mobile Vendors / Transient Merchants
8.8	Multi-family Housing
8.9	Non-Commercial Livestock
8.10	Outdoor Storage
8.11	Short-Term Rentals
8.12	Substance Abuse Treatment
8.13	Telecommunication/Wireless Facilities
8.14	Temporary Use/Structure
8.15	Vehicle Charging Stations

8.2 Accessory Dwelling Standards (AD)

AD-01 General Intent:

The intent of the Accessory Dwelling standards is to provide standards on accessory dwelling units (ADU's), while ensuring the character and intent, as well as preserving the health, safety, and welfare of the zoning districts in which they are located.

AD-02 Accessory Dwelling Unit Standards

A. General Standards.
   1. An Accessory Dwelling Unit shall meet the applicable standards in the subject zoning district for accessory structures (if detached) or primary structures (if attached). These standards are found on the 2-page layouts for zoning districts in Article 3.
   2. An accessory dwelling unit shall not be built on a parcel prior to the construction of the primary structure (dwelling unit).
   3. A detached Accessory Dwelling shall not be permitted to have its own accessory structures; all accessory structures on the lot shall be considered an accessory to the primary structure.

B. Permits: An Improvement Location Permit shall be required prior to the construction or conversion of an Accessory Dwelling. The planning department shall review all applications for compliance with standards before granting of any permit.

C. Types: No shipping containers, recreational vehicles, semi-tractor trailer, boat, motor vehicle, or trailer, in part or in whole shall be used as an accessory dwelling unit.

D. Maintenance: All Accessory Dwellings shall be properly maintained and kept in good condition.

Accessory Dwelling Standards (AD)…… (continued)

E. Quantity and Size:
   1. No more than one Accessory Dwelling shall be permitted on any parcel, and it shall consist of one dwelling unit.
   2. The minimum size of the Accessory Dwelling Unit shall be 350 square feet.
   3. The maximum size of the Accessory Dwelling Unit shall be 800ft. If associated with a garage, the square footage of the garage shall not count toward this number.
   4. The footprint of the Accessory Dwelling Unit and any attached garage shall meet the maximum size standards for accessory structures in the zoning district in which the parcel is located.

F. Design:
   1. *Attachment:* The Accessory Dwelling may be attached to or detached from the primary dwelling. See subsection AD-02 A.1 above for setback requirements.
   2. *Minimum Components:* The Accessory Dwelling shall contain, at a minimum, a bathroom, kitchen, and sleeping facility. A floor plan shall be provided at time of application
   3. *Maximum Components:* The Accessory Dwelling may not contain more than one bedroom, bathroom, or kitchen.
   4. *Driveway:* Where the primary residence has street access only, an Accessory Dwelling shall utilize the existing driveway of the primary structure. If located on an alley, the ADU may have its own drive off the alley.
   5. *Parking:* At least one parking space shall be available for the Accessory Dwelling. ADU's in the R4 district shall be exempt from this standard.
   6. *Utilities:* An Accessory Dwelling shall utilize the utility connections that serve the primary structure.
   7. *Home Occupations:* Home occupations are not permitted in an occupied Accessory Dwelling.
   8. *Physical Appearance:* The exterior finish and façade of any Accessory Dwelling shall match, closely resemble, or significantly complement the materials and colors used on the primary structure. Elevations shall be provided at the time of application.

Adult Entertainment Standards (AE)

8.3 Adult Entertainment Standards (AE)

AE-01 General Intent:

The intent of this section is to protect the health, safety, and general welfare of the public from the negative impacts associated with these types of uses.

AE-02 Adult Entertainment Standards

A. Adult entertainment businesses shall comply with the City of Jeffersonville's general ordinance 2004-OR-17, *An Ordinance regulating Sexually Oriented Businesses* and its subsequent amendments.

B. Location: A person shall not operate or cause to be operated a sexually-oriented or adult entertainment business within 1,000 feet of:

1. A church, synagogue, mosque, temple, or other building which is used primarily for religious worship and related religious activities;
2. A public or private educational facility as further outlined in 2004-OR-17;
3. A boundary of a residential district;
4. A public park or recreational facility as further outlined in 2004-OR-17;
5. The property line of a lot platted for or occupied by a primarily residential use;
6. Any premises licensed pursuant to the alcoholic beverage control regulations of the state, or
7. Another sexually-oriented or adult entertainment business.

Automotive Use Standards (AU)

8.4 Automotive Use Standards (AU)

AU-01 General Intent**:**

The following standards are intended to ensure quality design and to minimize impacts of automotive uses on neighboring properties. These standards apply exclusively to specific automotive uses when they are listed as either a permitted or special exception use in the CH, CG, IN, I1, or I2 zoning districts.

AU-02 Auto Body Repair Shop Standards**:**

The following additional standards apply exclusively to Auto Body Repair Shops. Where associated with an Auto Sales facility with full services, see AU-06.

A. 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.
B. Vehicle Storage Limit: Inoperable or parts vehicles shall be restricted to on-site storage for a maximum of 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.
C. Maximum Cars per Lot: No more than 10 cars per paint or service bay are permitted.
D. Storage Screening and Landscaping:
    1. All storage shall be located in the side or rear of the building.
    2. An 8 foot tall fencing or other opaque landscape buffering shall be required on all sides of any storage lot.
    3. Front landscaping shall be integrated with customer parking.
    4. A landscape plan shall be submitted for approval.
E. Lighting: A security light plan shall be submitted for approval.
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. Buffering: A buffering plan must be approved to keep noise and smells away from neighboring properties.
I. 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 a special exception, if applicable.

AU-03 Auto Parts Store Standards**:**

The following additional standards apply exclusively to Auto Parts Stores:

A. Outside Display: No outside display of products.
B. Vehicle Sales: No sales of vehicles.

AU-04 Auto Repair (Major) Shop Standards**:**

The following additional standards apply exclusively to Auto Repair Shop:

A. All service bays shall be fully enclosed.
B. Shop Size: At least one fully enclosed service bay is required. Auto Repair Shops with 3 or more fully enclosed service bays shall provide restrooms and waiting areas for customers.
C. Screening and Landscaping: Both the side and rear with plan to be approved.
D. Vehicle Storage Limit: Inoperable or parts vehicles shall be restricted to on-site storage for a maximum of 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.
E. Vehicle Sales: One vehicle is allowed for sale per garage bay onsite.
F. Outside Noise: No outside bells, buzzers, or intercoms are allowed.

AU-05 Auto Sales (limited or no services) Standards**:**

The following additional standards apply exclusively to Auto Sales (limited or no services):

A. All cars listed for sale must be parked on a paved surface.
B. If limited services are offered, they must be provided in a fully enclosed garage service bay.
C. Setbacks: All vehicles to be parked 8 feet from edge of paved surface of road with rubber parking bumpers or lane restraints in front. No cars shall be parked within the vision clearance triangle as described in Article 7.17.
D. Sales shall be conducted from a permanent office with restrooms for patrons and staff.
E. Outside Storage: No outside storage of inoperable vehicles, supplies, or parts cars.
F. Outside Noise: No outside bells, buzzers, or intercoms are allowed.

AU-06 Auto Sales (with full showroom and/or full services) Standards:

The following standards applies exclusively to Auto Sales (with showroom and or full services):

A. All cars listed for sale must be parked inside the showroom or on a paved surface.
B. All services offered shall be provided in a fully enclosed garage service bay.
C. Showrooms shall include offices and restrooms for staff and customers.
D. Setbacks: No parking of sale vehicles within 8 feet of road surface. All parking to have rubber bumpers or marked lane restraints. No cars shall be parked within the vision clearance triangle as described in Article 7.17.
E. Outside Noise: No outside bells, buzzers, or intercoms are allowed.
F. Any outdoor parking of vehicles under repair are to be screened and secured from vision from the street or neighboring properties.

AU-07 Auto Repair (Minor) Shop Standards:

The following additional standards applies exclusively to Auto Repair (minor) shops (e.g. oil change facility, tire or muffler shop):

A. No outside storage of products.
B. No sales of motor vehicles allowed on premises.
C. Outside Noise: No outside bells, buzzers, or intercoms are allowed.
D. Waiting rooms and restrooms shall be provided for patrons.

AU-08 Gas Station Standards:

The following additional standards apply to Convenience Store with gasoline pumps and/or any other facility that sells gasoline, diesel, or alternative fuels to the public.

A. Location:
    1. No Convenience Store with gasoline pumps or any other facility that sells fuel to the public shall be located within:
        a. 2,640 feet (1/2 mile) of a primary or secondary school, and
        b. 5,280 feet (one mile) of an existing Convenience Store with gasoline pumps or any other facility that sells gas to the public.
    2. The distances above shall be determined by measuring in all directions from the real property lines and are inclusive of Rights-of-Way.
    3. Any filling/gas station lawfully operating on or before adopted March 5, 2018 that is in violation of the above dimensions shall be deemed a non-conforming use. The non-conforming use will be permitted to continue. Such non-conforming uses shall not be increased, enlarged, extended, or altered except that the use may be changed to a conforming use.
    4. The above standards shall not apply to a Planned Development, however no Planned Development shall contain more than one convenience store with gasoline pumps.
B. Co-location of Auto Sales: The commercial sales of motor vehicles is not permitted on the premises of any business which sells gasoline to the public.

Fireworks Sales Standards (FI)

8.5 Fireworks Sales Standards (FI)

FI-01 General Intent:

The intent of these standards is to protect the general public and neighboring properties from the inherent dangers of the explosive nature of these products.

FI-02 Firework Sales Standards

A. Any permanent structure used for the temporary or permanent storage/sale of 500 pounds or more of consumer fireworks shall only be located within an industrial zoning district. Locations in any other zone district shall require a use variance from the Board of Zoning Appeals.

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.

Home Occupation Standards (HO)

8.6 Home Occupation Standards (HO)

HO-01 General Intent and Description:

A. The intent of the Home Occupation provisions are to allow minimal business practices within certain residentially occupied structures. Further, the intent is to protect the district's character or function.

B. For the purpose of this section, two types of home occupations (Home Occupation #1 and Home Occupation #2) have been defined based on intensity of use. The specific regulations for each type are listed in HO-02 and HO-03 below.

HO-02 Home Occupation #1

A. In order to be classified as Home Occupation #1, the business must meet the following criteria:

1. The home occupation must not involve the employment of any person other than those residing in the primary residential structure on the same lot as the home occupation.
2. The equipment used for the business must be limited to computers, fax machines, telephones, copy machines, and other small equipment.
3. The home occupation must not involve in-person retail sales or manufacturing operations.
4. There may not be any exterior display of merchandise for retail sale.
5. There may not be any exterior storage of equipment or materials used in connection with the home occupation.
6. No more than 25% of the total floor area of the primary structure may be used for the home occupation.
7. There may not be any exterior, structural, or aesthetic alterations to the dwelling unit to accommodate the home occupation.
8. There may not be any room additions, structural, or aesthetic alterations that change the residential character of the dwelling unit.
9. There may not be additional entrances added to the dwelling unit for the purpose of conducting business or to accommodate the business.
10. Accessory structures may be used at the discretion of the Planning Director and with an operation agreement signed by the applicant.
11. The home occupation may not generate any additional traffic.
12. Signage shall be in compliance with the standards of the underlying zoning district.
13. The home occupation may not create electrical interference, odors, noise, vibration, light, smoke, fumes, or any other offensive problems.
14. 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.
15. No additional parking may be added to the lot(s) on which the residence is located to accommodate the home occupation.
16. Use of commercial vehicles for pickup and deliveries other than from the U.S. Postal Service, UPS, and other express couriers is not permitted.

B. Home occupation uses that meet the above described standards are deemed permitted until the Planning Director, Mayor, City Council, or two or more of the adjacent neighbor’s petition the BZA with an appeal to determine whether the use is a nuisance and the Commission rules it to be so thereby prohibiting the use.

Home Occupation Standards (HO)……(Continued)

HO-03 Home Occupation #2

A. In order to be classified as Home Occupation #2, the business must meet the following criteria:

1. The home occupation must not involve the employment of any more than one person who is not related and does not reside at the location of the home occupation.
2. At least one member residing on the premises must be the primary operator of the business and that business must be that person's primary work.
3. There shall not be any use of mechanical equipment other than what is usual for purely domestic or hobby purposes.
4. There must not be any exterior storage or display of equipment or materials used in connection with the home occupation.
5. No more than 25% of the total floor area of any level of the primary structure shall be used for the home occupation.
6. There shall not be any exterior structural or aesthetic alterations to the dwelling unit to accommodate the home occupation.
7. There shall not be any room additions or other structural/aesthetic alterations that change the residential character of the dwelling unit.
8. There shall not be an additional entrance to the dwelling unit for the purpose of conducting business or to accommodate the business.
9. Business practice in Accessory Structures is not permitted.
10. Minimal traffic generation due to the business will be permitted.
11. Signs shall be in accordance with the underlying zoning district.
12. No business practice, function, equipment, or process shall create electrical interference, odors, noise, vibration, light, smoke, fumes, or anything offensive beyond the property lines for the dwelling unit.
13. 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.
14. No additional parking may be added to the lot(s) the residence is located on to accommodate the home occupation.
15. Use of commercial vehicles for pickup and deliveries other than from the U.S. Postal Service, UPS, and other express couriers is not permitted.
16. Home occupation uses that meet the above described standards are deemed permitted until the Planning Director, Mayor, City Council, or two or more of the adjacent neighbor’s petition the BZA with an Appeal to determine whether the use is a nuisance and the Commission rules it to be so thereby prohibiting the use.

Mobile Vendor Standards (MV)

8.7 Mobile Vendor Standards

MV-01 Intent: The intent of this section is to provide standards for the operation of mobile vendors, transient merchants, and other similar entities operating in the City.

MV-02 General:

A. Definitions: The following terms used in this article are further defined in Article 12: Non-Commercial Door-to-Door Advocate, Food Truck (Mobile Retail Food Establishment), Peddler, Person, Professional Fundraiser, Solicitor, Temporary/Seasonal Merchant, and Transient Merchant (Street or Mobile vendor).

B. Exceptions to the definitions: The following shall be excepted from this article:

1. Any person selling or attempting to sell at wholesale any goods, wares, products, merchandise, or other personal property to a retail seller of the items being sold by the wholesaler.
2. Any person who makes initial contacts with other people for the purpose of establishing or trying to establish a regular customer delivery route for the delivery of perishable food and dairy products, such as baked goods or milk.
3. Any person making deliveries of perishable food and dairy products to the customers on his or her established delivery route.
4. Any person making deliveries of newspapers, newsletters, or other similar publications on an established customer delivery route, when attempting to establish a regular delivery route, or when publications are delivered to the community at large.
5. Any person conducting the type of sale commonly known as garage sales, rummage sales, or estate sales. Temporary Uses such as these are covered in Article 7.
6. Any person participating in an organized multi-person bazaar or flea market.
7. Any person conducting an auction as a properly licensed auctioneer.
8. Any officer of the court conducting a court-ordered sale. Exemption from these definitions shall not, for the scope of this chapter, excuse any person from complying with any other applicable statutory provision or requirement provided by this or any other city ordinance.
9. Any person going from house to house, door to door, business to business, street to street, or other type of place to place movement for the primary purpose of exercising that person's state or Federal Constitutional rights such as the freedom of speech, press, religion, political, or the like, except that this exemption may be lost if the person's exercise of Constitutional rights is merely incidental to a commercial activity.

MV-03: Food trucks (Mobile Retail Food Establishments):

A. Permit Required:
   1. State or county license required: No person shall conduct business in a Food Truck within the city limits without first having obtained the appropriate license from the State of Indiana or Clark County, including the Health Department that may be necessary for the purpose of such activity.
   2. No further permit shall be required by the City of Jeffersonville.

B. Locations: Food Trucks shall not operate
   1. Within the street or any portion of the street reserved for parking, within any City Parks or City-owned parking lots, except as part of a City-sanctioned event.
   2. Within any residentially zoned area except as part of a private, semi-private, or public event (e.g. private party, church festival, neighborhood street fair, etc.). Trucks must be located on private property, unless a street closure is granted by the City for the purposes of the event. All Food Trucks must be located on a paved surface except as part of a private, semi-private, or public event (e.g. private party, church festival, neighborhood street fair, etc.).

C. Prohibited activities. No food truck shall conduct business in any of the following manners:
   1. Calling attention to their business by means of blowing any horn or whistle, ringing any bell, crying out, or by any other noise, so as to be unreasonably audible within an enclosed structure.
   2. Using flashing lights or attention-seeking signage.
   3. Obstructing the free flow of either vehicular or pedestrian traffic on any street, alley, sidewalk or other public right-of-way.
   4. Conducting business in a way to create a threat to the health, safety and welfare of any individual or the general public.
   5. Failing to provide proof of license or registration, and identification, when requested.
   6. Using the license or registration of another person.
   7. Remaining on the property of another when requested to leave.
   8. Conducting business in a manner a reasonable person would find obscene, threatening, intimidating or abusive.

MV-04: Solicitors, peddlers, or other door-to-door merchants:

A. Locations: Solicitors, peddlers, or other door-to-door merchants shall not operate
   1. In the back or side yards of residential properties

B. License Requirements:
   1. City license required: Except as otherwise provided for by this article, no person shall conduct business within this jurisdiction as either a peddler, solicitor, transient or temporary merchant without first having obtained a license from the city. The license requirement shall not apply to a noncommercial advocate or professional fundraiser. Each individual operating as a peddler or solicitor shall be required to obtain a City License. A license for a peddler or solicitor will-not be granted in the name of a business or other entity. For licensing procedures, please see Article 10.
   2. Duration. A license granted under this chapter shall be valid through December 31 of the current calendar year. On January 1st of each year, the license shall automatically expire and be null and void.

C. Prohibited activities. No peddler, solicitor, non-commercial door-to-door advocate, or other person engaged in other similar activities shall conduct business in any of the following manners:

1. Calling attention to his or her business items to be sold by means of blowing any horn or whistle, ringing any bell, crying out, or by any other noise, so as to be unreasonably audible within an enclosed structure.
2. Using flashing lights or attention-seeking signage.
3. Obstructing the free flow of either vehicular or pedestrian traffic on any street, alley, sidewalk or other public right-of-way.
4. Conducting business in a way to create a threat to the health, safety and welfare of any individual or the general public.
5. Conducting business before 8:00 a.m. or after 8:00 p.m. unless receiving special permission from the Board of Public Works and Safety.
6. Failing to provide proof of license or registration, and identification, when requested.
7. Using the license or registration of another person.
8. Alleging false or misleading statements about the product or service being sold, including untrue statements of endorsement. No peddler, solicitor or transient merchant shall claim to have the endorsement of the City solely based on the city having issued a license or certificate of registration to that person.
9. Remaining on the property of another when requested to leave.
10. Conducting business in a manner a reasonable person would find obscene, threatening, intimidating or abusive.
11. Solicit funds or anything of value on the public streets of the City.

D. License ineligibility. The following shall be grounds for denying a license under this chapter:
1. The failure of an applicant to obtain and show proof of having obtained any required county license.
2. The failure of an applicant to provide completely and truthfully any of the information requested by the city as a part of the application or the failure to sign the application, or the failure to pay the required fee at the time of application.
3. The entry of a plea of guilt by the applicant or the conviction of the applicant within the past five years from the date of application for any violation of any federal or state statute or regulation, or of any local ordinance, which adversely reflects on the person's ability to conduct the business for which the license is being sought in a professional, honest and legal manner. Such violations shall include but not be limited to burglary, theft, larceny, swindling, fraud, unlawful business practices, and any form of actual or threatened physical harm against another person.
4. The revocation or cancellation within the past five years of any license issued to the applicant for the purpose of conducting business as a peddler, solicitor or transient merchant by any other local government unit, i.e., city, township, or county.
5. The applicant is found to have a bad business reputation. Evidence of a bad business reputation shall include, but not be limited to, the existence of more than three complaints against the applicant with the Better Business Bureau, the attorney general's office, civil adjudication in a court of this state of a violation of state or federal consumer protection laws, or other similar business or consumer rights office or agency, within the preceding 12 months, or three complaints filed against the applicant within the preceding five years upon which a finding of fault has been determined by that agency or the governmental unit.
6. An applicant that has been denied can reapply in the next calendar year. All competent evidence of rehabilitation will be considered upon reapplication.

E. Suspension and revocation.
   1. Any license issued under this section may be suspended or revoked at the discretion of the Director of Planning and Zoning for violation of the following:
      a. Subsequent knowledge by the City of fraud, misrepresentation or incorrect statements provided by the applicant on the application form.
      b. Fraud, misrepresentation or false statements made during the course of the licensed activity.
      c. Subsequent conviction of any offense for which granting of a license could have been denied under this ordinance.
      d. Engaging in any prohibited activity as provided under this ordinance.
      e. Violations of any of the provisions of this ordinance.
   2. Notice*:* Prior to revocation or suspension of any license issued under this ordnance, the Department of Planning and Zoning shall provide the license holder with written notice of the alleged violations and inform the licensee of his or her right to a hearing on the alleged violation. Notice shall be delivered in person or by mail to the permanent residential address listed on the license application, or if no residential address is listed, to the business address provided on the license application.
   3. Hearing*:* Upon receiving the notice provided in subsection (b) of this section, the licensee shall have the right to request a hearing in front of the city's Board of Public Works and Safety. If no request for a hearing is received by the Director of Planning and Zoning within 10 days following the service of the notice, the city may proceed with the suspension or revocation. If a hearing is requested within the stated timeframe, a hearing shall be scheduled within 20 days from the date of the request for the hearing. Within 10 regular business days of the conclusion of the hearing, the city's Board of Public Works and Safety shall notify the licensee of its decision.
   4. Emergency*:* If, in the discretion of the Board of Public Works and Safety, imminent harm to the health or safety of the public may occur because of the actions of a peddler or transient merchant licensed under this chapter, the Board of Public Works and Safety may immediately suspend the person's license and provide notice of the right to hold a subsequent hearing as prescribed in subsection (c) of this section.
   5. Appeals*:* Any person whose license is suspended or revoked under this section shall have the right to appeal that decision to the Circuit Court within 30 days.

F. Transferability: No license issued under this chapter shall be transferred to any person other than the person to whom the license was issued.

G. Badges and identification.
   1. Any person who shall exercise the vocation of a peddler or solicitor shall display a badge as proof of permit, which shall be worn in a conspicuous place on the person's outer garment or clothing.
   2. Any person who shall operate as a transient merchant shall post their permit in a conspicuous location in/on their place of business.

H. Exclusion by placard. Any resident of the city who wishes to exclude peddlers or solicitors from premises occupied by him may place upon or near the usual entrance to such premises a printed placard or sign bearing the following notice: "Peddlers and Solicitors Prohibited."
   1. Unless specifically invited by the property owner or tenant, no peddler, solicitor, or transient merchant, or other person engaged in other similar activities shall enter onto the property of another for the purpose of conducting business as a peddler, solicitor, or transient merchant,

or similar activity when the property is marked with a sign or placard. Such activity shall be considered trespassing.

2. No person other than the person occupying such premises shall remove, deface or otherwise tamper with such placard or sign.

I. Penalty: Any individual found in violation of any provision of this article shall be subject to the penalty provisions of the Jeffersonville Code of Ordinances Section 10.99. Each act in violation of this article shall constitute a separate punishable violation.

MV-05: Temporary/Seasonal Merchants and Transient Merchants:

A. Locations: Temporary/seasonal merchants shall not operate
   1. On residentially-zoned properties.
   2. In the public right-of-way
   3. On properties that lack a permanent structure.
   4. On non-paved surfaces

B. License Requirements:
   1. State or county license required: No person shall conduct business as a peddler, solicitor, or transient merchant within the city limits without first having obtained the appropriate license from the State of Indiana or Clark County, including the Health Department that may be necessary for the purpose of such activity.
   2. City license required: Except as otherwise provided for by this article, no person shall conduct business within this jurisdiction as either a peddler, solicitor, transient or temporary merchant without first having obtained a license from the city. The license requirement shall not apply to a noncommercial advocate or professional fundraiser. Each individual operating as a peddler or solicitor shall be required to obtain a City License. A license for a peddler or solicitor will not be granted in the name of a business or other entity. For licensing procedures, please see Article 10.
   3. Duration. A license granted under this chapter shall be valid through December 31 of the current calendar year. On January 1st of each year, the license shall automatically expire and be null and void.

C. Prohibited activities. No temporary or seasonal merchant or other person engaged in other similar activities shall conduct business in any of the following manners:
   1. A temporary/seasonal merchant may not conduct business at one single location for a period exceeding 45 days at a time and no more than 2 times in a calendar year, nonconsecutively.
   2. Calling attention to his or her business items to be sold by means of blowing any horn or whistle, ringing any bell, crying out, or by any other noise, so as to be unreasonably audible within an enclosed structure.
   3. Using flashing lights or attention-seeking signage.
   4. Obstructing the free flow of either vehicular or pedestrian traffic on any street, alley, sidewalk or other public right-of-way.
   5. Conducting business in a way to create a threat to the health, safety and welfare of any individual or the general public.
   6. Conducting business before 8:00 a.m. or after 8:00 p.m. unless receiving special permission from the Board of Public Works and Safety.
   7. Failing to provide proof of license or registration, and identification, when requested.
   8. Using the license or registration of another person.

9. No Temporary/Seasonal Merchants or Transient Merchants shall claim to have the endorsement of the City solely based on the city having issued a license or certificate of registration to that person.
10. Remaining on the property of another when requested to leave.
11. Conducting business in a manner a reasonable person would find obscene, threatening, intimidating or abusive.

D. License ineligibility. The following shall be grounds for denying a license under this chapter:

1. The failure of an applicant to obtain and show proof of having obtained any required county license.
2. The failure of an applicant to provide completely and truthfully any of the information requested by the city as a part of the application or the failure to sign the application, or the failure to pay the required fee at the time of application.
3. The entry of a plea of guilt by the applicant or the conviction of the applicant within the past five years from the date of application for any violation of any federal or state statute or regulation, or of any local ordinance, which adversely reflects on the person's ability to conduct the business for which the license is being sought in a professional, honest and legal manner. Such violations shall include but not be limited to burglary, theft, larceny, swindling, fraud, unlawful business practices, and any form of actual or threatened physical harm against another person.
4. The revocation or cancellation within the past five years of any license issued to the applicant for the purpose of conducting business as a peddler, solicitor or transient merchant by any other local government unit, i.e., city, township, or county.
5. The applicant is found to have a bad business reputation. Evidence of a bad business reputation shall include, but not be limited to, the existence of more than three complaints against the applicant with the Better Business Bureau, the attorney general's office, civil adjudication in a court of this state of a violation of state or federal consumer protection laws, or other similar business or consumer rights office or agency, within the preceding 12 months, or three complaints filed against the applicant within the preceding five years upon which a finding of fault has been determined by that agency or the governmental unit.
6. An applicant that has been denied can reapply in the next calendar year. All competent evidence of rehabilitation will be considered upon reapplication.

E. Suspension and revocation.

1. Any license issued under this section may be suspended or revoked at the discretion of the Director of Planning and Zoning for violation of the following:
   a. Subsequent knowledge by the City of fraud, misrepresentation or incorrect statements provided by the applicant on the application form.
   b. Fraud, misrepresentation or false statements made during the course of the licensed activity.
   c. Subsequent conviction of any offense for which granting of a license could have been denied under this ordinance.
   d. Engaging in any prohibited activity as provided under this ordinance.
   e. Violations of any of the provisions of this ordinance.
2. Notice: Prior to revocation or suspension of any license issued under this ordnance, the Department of Planning and Zoning shall provide the license holder with written notice of the alleged violations and inform the licensee of his or her right to a hearing on the alleged violation. Notice shall be delivered in person or by mail to the permanent residential address

listed on the license application, or if no residential address is listed, to the business address provided on the license application.

3. Hearing*:* Upon receiving the notice provided in subsection (b) of this section, the licensee shall have the right to request a hearing in front of the city's Board of Public Works and Safety. If no request for a hearing is received by the Director of Planning and Zoning within 10 days following the service of the notice, the city may proceed with the suspension or revocation. If a hearing is requested within the stated timeframe, a hearing shall be scheduled within 20 days from the date of the request for the hearing. Within 10 regular business days of the conclusion of the hearing, the city's Board of Public Works and Safety shall notify the licensee of its decision.
4. Emergency*:* If, in the discretion of the Board of Public Works and Safety, imminent harm to the health or safety of the public may occur because of the actions of a peddler or transient merchant licensed under this chapter, the Board of Public Works and Safety may immediately suspend the person's license and provide notice of the right to hold a subsequent hearing as prescribed in subsection (c) of this section.
5. Appeals*:* Any person whose license is suspended or revoked under this section shall have the right to appeal that decision to the Circuit Court within 30 days.

F. Transferability: No license issued under this chapter shall be transferred to any person other than the person to whom the license was issued.

G. Badges and identification.

1. Any person who shall exercise the vocation of a peddler or solicitor shall display a badge as proof of permit, which shall be worn in a conspicuous place on the person's outer garment or clothing.
2. Any person who shall operate as a transient merchant shall post their permit in a conspicuous location in/on their place of business.

H. Penalty: Any individual found in violation of any provision of this article shall be subject to the penalty provisions of the Jeffersonville Code of Ordinances Section 10.99. Each act in violation of this article shall constitute a separate punishable violation.

Multi-Family Housing Standards (MF)

8.8 Multi-Family Housing Standards (MF)

MF-01 Intent: The intent of this section is to provide additional standards for the construction of Multi-family dwellings. The standards shall apply to any new multi-family structure or group of structures with 8 or more units in any zoning district. It shall not apply to conversions of or additions to existing buildings.

MF-02 Amenity Standards

A. Multifamily residential developments with 8 or more units shall be required to provide on-site amenities to its inhabitants based on a system of "amenity units."

B. The number of dwelling units in the development shall dictate a minimum number of amenity units that must be provided (see table in Section D). Amenities that meet the minimum standards, as described in section F below, are prescribed a specific number of amenity units that they fulfill (see table in Section E). The Developer shall provide any combination of amenities that add up to the minimum number required with the following exceptions outlined here:
   1. With the exception of sport courts, a development may not count more than two of the same amenities for fulfillment of its minimum amenity requirement, if more than one of the same amenities are provided, they must be located in separate areas of the development.
   2. A development may count up to 4 sport courts toward their minimum amenity requirement, but they are required to be of at least 2 different sports.

C. Example: Based on the chart below, a 120-unit development will be required to provide a minimum of 4 amenity units. This requirement could be satisfied by providing the following:
   1. A medium fitness center (2 amenity units), a small clubhouse (one amenity unit), and a game room (1 amenity unit); or
   2. A swimming pool (3 amenity units), a small fitness center (one amenity unit), or
   3. Any other combination of amenities that adds up to 4 amenity units

D. Number of Amenity Units required

Number of dwelling units in development	Minimum Number of Amenity units to be provided
8 - 20	1
20 – 49	2
50 – 99	4
100 – 149	6
150 – 199	8
200 – 249	10
250 – 299	12
300 – 349	14
350 – 399	16
400 – 449	18
450 – 499	20
500+	22

E. Number of "Amenity Units" per Amenity

Amenity*	Number of Amenity Units
Small Fitness Center	1
Small Park	1
Small Clubhouse/Gathering Space	1
Roof deck/courtyard/patio	1
Game/TV Room	1
Indoor Theater	1
Dog Park	1
Sport Court	2
Walking loop/trail dedication	2
Medium Fitness Center	2
Medium Park	2
Swimming Pool	3*
Large Fitness Center	3
Large Park	3
Large Clubhouse/Gathering Space	3
*An extra credit may be granted based on facility provided: see details below.	

F. Minimum standards for each type of amenity facility.

1. Small Fitness Center:
   a. A small fitness center may be provided as a separate room within any primary structure or accessory clubhouse structure.
   b. Minimum square feet: 500
   c. Equipment shall include a reasonable mix of commercial-grade cardiovascular and strength equipment.
2. Medium Fitness Center:
   a. A medium fitness center may be provided as a separate room within any primary structure or accessory clubhouse structure.
   b. Minimum square feet: 700
   c. Equipment shall include a reasonable mix of commercial-grade cardiovascular and strength equipment.
3. Large Fitness Center:
   a. A large fitness center may be provided as a separate room within any primary structure or accessory clubhouse structure.
   b. Minimum square feet: 900
   c. Equipment shall include a reasonable mix of commercial-grade cardiovascular and strength equipment.
4. Small Park:
   a. Land area: at least 10,000 square feet of contiguous area at least 75 feet in average width.
   b. Minimum equipment: one slide, 2 swings, one climbing apparatus and one additional piece of equipment; all commercial grade.
   c. Ground cover: 6 inches of mulch under and extending at least 15 feet in every direction from each piece of equipment.
5. Medium Park:
   a. Land area: at least 20,000 square feet. of contiguous area at least 80 feet in average width.
   b. Minimum equipment: 2 slides, 3 swings, 2 climbing apparatuses and one additional piece of equipment; all commercial grade.
   c. Ground cover: 6 inches of mulch under and extending at least 15 feet in every direction from each piece of equipment.

6. Large Park:
    a. Land area: at least 40,000 square feet. of contiguous area at least 100 feet in average width.
    b. Minimum equipment: 3 slides, 4 swings, 3 climbing apparatuses and 2 additional pieces of equipment; all commercial grade.
    c. Ground cover: 6 inches of mulch under and extending at least 15 feet in every direction from each piece of equipment.
7. Sport Court:
    a. Tennis: Regulation sized and surfaced court (with striping) with at least 12 feet of same surface at each end and 8 feet of same surface on each side for comfortable and safe play; minimum 8 fool tall fence surrounding hard surface with at least 2 gates at opposite ends; commercial grade net, poles, and striping. Two regulation pickleball courts shall count toward this amenity credit.
    b. Basketball: Minimum junior-high regulation-sized asphalt court (with striping) with at least 10 feet of same surface extending the ends and sides for comfortable and safe play; and commercial grade goals, rims, and nets at opposite ends. Where adjacent to roads or parking, a fenced surround may be required for safety.
    c. Volleyball: Minimum regulation-sized sand volleyball court (with court boundary tape) with at least 8 feet at each end and 6 feet of same surface on each side for comfortable and safe play; commercial quality net, poles, and boundary (court) tape; and at least 10 inches of very fine sand.
    d. Other sport courts may be considered at the discretion of the planning commission
8. Small Clubhouse/Gathering Space:
    a. Clubhouse/Gathering Space may be constructed as part of primary structure or as separate building
    b. Minimum size: 400 square feet of usable space for gatherings plus a men's and women's rest room, 80 square feet additional space for secure storage, and 200 square feet of usable outdoor gathering space
    c. If constructed as a separate building, the Clubhouse/Gathering Space shall be designed to reflect the character of primary structures; and include HVAC for four-season use. The building shall have sidewalk access to each ingress/egress of the building from the street, sidewalk, and/or parking areas adjacent to the building.
    d. Furnishings: clubhouse/gathering space shall be furnished to accommodate 20 people.
9. Large Clubhouse/Gathering Space:
    a. Clubhouse/Gathering Space may be constructed as part of primary structure or as separate building
    b. Minimum size: 800 square feet of usable space for gatherings plus a men's and women's rest room, 150 square feet additional space for secure storage, and 300 square feet of usable outdoor gathering space
    c. If constructed as a separate building, the Clubhouse/Gathering Space shall be designed to reflect the character of primary structures; and include HVAC for four-season use. The building shall have sidewalk access to each ingress/egress of the building from the street, sidewalk, and/or parking areas adjacent to the building.
    d. Furnishings: clubhouse/gathering space shall be furnished to accommodate 40 people.
10. Game/TV room:
    a. A game room may be provided as part of any primary structure or as additional space to any accessory clubhouse structure.
    b. A game room shall consist of 300 square feet that is furnished specifically for indoor recreational activities, such as playing pool, shuffleboard, ping pong, and/or board or video games.
    c. This standard may be achieved by adding an additional 200 square feet to any clubhouse/gathering space and furnishing it specifically for any of the activities listed above.

11. Indoor Theater:
    a. An indoor theater may be provided as a separate room within any primary structure or accessory clubhouse structure.
    b. An indoor theater shall be at least 300 square feet accommodate at least 10 people for the purpose of watching movies.
12. Roof Deck/courtyard/patio:
    a. Any outdoor gathering space (not included as requirement for a clubhouse) of at least 250 square feet with a hard surface and built-in or movable, commercial-grade seating may be counted as one amenity unit
13. Swimming Pool:
    a. Minimum size: 700 square feet of pool surface area;
    b. Features: A men's and women's rest room / changing room if not contained within a clubhouse with such facilities.
    c. Landscaping: Hard surface extending at least 8 feet in all directions from the pool's edge; and non-opaque fencing surrounding the entire pool area per State Statute; and landscape plantings along at least 50% of the outside of the fence.
    d. Furnishings: Seating for at least 15 people using lounge chairs; as well as chair and table sets.
    e. An Extra Credit may be given for a facility that is substantially larger than the minimum at the discretion of the planning director.
14. Walking Loop/trail dedication:
    a. A walking loop or other trail dedication (e.g. trail connection to an adjacent public facility) shall be at least ¼ mile in length and at least 4 feet in width. The trail surface shall be improved at a minimum with compacted gravel or crusher fines and be regularly maintained for accessibility.
    b. Concrete sidewalks that are required along public streets or for building/parking lot access may account for up to 25% of any walking loop.

G. 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 drawings, other supportive illustrations, and a description of the facility, products, and furnishings proposed to be used for the Plan Commission to determine equivalency.

H. Timing of amenities in multiple-building developments: Once 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.

I. Adjacent Development: If 2 or more multifamily developments are contiguous, separated by a local (non-arterial) street or other public right-of-way, separated by an easement, and/or are within 200 feet of the boundary of each other; and they are developed by a single developer, partners, corporation, or associate organizations; or 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 110-unit multifamily development is separated by a local street from a 350-unit multifamily development constructed by the same developer, then the amenity standards shall apply to the 2 developments as if they were a single development. Together they would be regulated as if they were a 460-unit development. This provision may apply even if the 2 or more developments are approved at different times (e.g. months or years) at the discretion of the Planning Director.

MF-03 Design Standards

A. Exterior Materials:
   1. Masonry requirement: All facades shall incorporate stone, brick, integrally colored and textured concrete block, or other masonry materials. Any façade facing a public street or private drive shall utilize these materials for at least 50% of the building face. These materials shall not terminate at a corner, but rather be wrapped around the corner so as to convey the appearance of mass rather than a thin veneer.
   2. Prohibited materials:
      a. Smooth-face concrete block, unfinished wood, plywood, pressed wood products, and vinyl siding, are prohibited on any building façade.
      b. Sheet metal products may only be used for building trim work and/or decorative accents not to comprise more than 25% of the building elevation
      c. Pre-cast concrete surfaces (other than decorative elements, such windowsills, lintels, quoins, other decorative trim work, etc.) shall be integrally colored and textured, stamped, or otherwise finished with architectural designs.

B. Facades
   1. Windows shall be provided on all sides of the building – there shall be no windowless facades
   2. A change of plane of at least 18" in depth and at least one story in height shall be included on any wall in excess of 50' in length. Walls in excess of 100' shall have at least 2 such changes of plane. Changes of plane may include provision of open balconies.
   3. Where there are more than 2 stories, building designs shall use a combination of material, color variation, banding, stringcourse, or modulation to clearly distinguish between the ground level and upper stories

C. Entrances: Primary entries shall be clearly defined using some combination of architectural projections/recesses, roof elements, structural canopies, or material changes.

D. Stairwells: All stairwells shall be internal to the building or enclosed within the structure of the building so as to be sheltered from the elements.

E. Roofs: All roofs shall be broken into primary and secondary roof elements that correspond to horizontal and vertical modulations or divisions in the façade, and denote key architectural elements such as entries and porches/balconies.

F. Mechanical Equipment: All roof mounted mechanical equipment shall be screened from view with parapets. Mechanical equipment at the base of buildings shall be screened from view by walls, fences, or dense landscaping.

Non-Commercial Livestock (NL)

8.9 Non-Commercial Livestock (NL)

NL-01 Intent: The intent of this section is to provide standards and guidance for the residential use and enjoyment of animals and to ensure the protection of adjoining properties from the impacts of raising certain animals in the urban environment.

NL-02 General:

A. Non-commercial keeping of livestock is considered an accessory use for single family residentially occupied properties, subject to these regulations.

B. Nothing in these standards shall apply to domesticated dogs and cats.

C. Livestock structures permitted include: pens, sheds, coops, cages, barns, and similar structures, including livestock enclosures. Any livestock enclosures over 25 square feet in area shall be considered an accessory structure and shall be reviewed by the Department of Planning and Zoning for conformance to these standards prior to placement.

D. Lot Size and Density Restrictions

1. Large animals (e.g. horses, cows, llamas, mules and other similar sized animals) shall be permitted at a density of one animal for each acre of lot area set aside and dedicated to the housing and pasturing of livestock.
2. Medium animals (including goats, swine, sheep, or other similar sized animals) shall be permitted at a density of 2 animals for each ½ acre of lot area set aside and dedicated to the housing and pasturing of livestock.
3. Small animals (including chickens, fowl, game birds, rabbits, and any other animal which is by size and/or nature of a similar character to the aforementioned animals), shall be permitted at a density of one per 1,000 square feet of gross lot area, but not in excess of 8 total.
4. In the event that any livestock, excluding chickens and fowl, gives birth, thereby exceeding the number of livestock animals allowed by the minimum set forth in this subsection, the owner of said livestock and/or the occupier of the premises shall conform to the number of livestock animals for the dimensional requirements within 6 months of the birth of the animal. Chickens and fowl shall conform to the number for the dimensional requirements within 3 months of the birth of the animal.

E. Setback Requirements

1. Livestock structures for large animals as defined above shall be located a minimum of 35 feet from all property lines.
2. Livestock structures for chickens, fowl, game birds, rabbits, and other similar animal(s) shall meet the setback requirements for the primary structure within the zone district.
3. Livestock structures shall not be permitted in the front yard or side yard.

F. Fencing

1. All animals shall be kept within a livestock enclosure at all times when said animals are not leashed, haltered, or bridled and under the direct control of the owner or an authorized agent of the owner of the animals.
2. The height of fencing shall be sufficient to keep the animal(s) within the pen and shall be adequately constructed to prevent the animal(s) from being able to escape from its confines.

G. Manure Management

1. All animal wastes shall be properly stored and disposed of, so as not to be objectionable at the site's property line.
2. The keeper of such animal(s) shall show that adequate provisions are being implemented to collect, store and dispose of the manure and other litter associated with the keeping of the subject animal(s). The containers to be used in the process shall be kept covered and shall be cleaned on a regular basis to avoid the potential for detectable odors.

Non-Commercial Livestock (NL) (continued)

H. General Requirements
   1. Livestock structures shall comply with the accessory building height requirement of the zoning district.
   2. Livestock structures shall be kept in a sanitary condition and free from unpleasant odors and from conditions contributing to the breeding of flies.
   3. Animal feed that is not stored in the principal building shall be stored in sealed, rodent-proof containers.

I. Regulations Specific to Chickens/Fowl/Roosters: In addition to regulations applicable to all Livestock, the keeping of chickens/fowl/roosters is subject to the following additional regulations.
   1. The minimum coop size shall be sufficient to permit free movement of the animals.
   2. Outside runs shall provide at least 10 square feet per animal and shall be enclosed in a way that contains the animal(s) and is predator proof.
   3. Coops and outside runs shall be cleaned of hen droppings, uneaten feed, feathers and other waste on a regular basis and as necessary to ensure they do not become an, odor, nuisance, or health hazard.

Outdoor Storage (OS)

8.10 Outdoor Storage (OS)

OS-01 Intent: The intent of this section is to provide standards for the storage and display of items for sale in commercial and industrial districts. These standards aim to mitigate the visual impacts of outdoor storage on the surrounding properties.

OS-02 General:

A. Permanent or temporary outdoor storage of construction material & equipment, raw materials for industrial processes, pallets, and other like materials must be enclosed with a 6 foot fence on all sides.

B. Where outdoor storage is in view of a residentially zoned or used property, or an arterial or collector street, it shall be screened with a 6 foot opaque privacy fence.

C. Outdoor storage and display of products or materials for sale (e.g. lumber, landscape materials, trailers, building supplies, etc.) must be located in a well-defined space (at least partially enclosed by wall, roof overhang, fence, or another permanent barrier).

Short-Term Rentals (STR)

8.11 Short-Term Rentals (STR)

STR-01 General Intent and Description

A. The intent of the Short-Term Rental provisions is to protect the health, safety, and general welfare of the citizens of the City by requiring the registration and regulation of short-term rentals within the City. These standards are intended to ensure compatibility between short-term rentals and the residential character of the surrounding neighborhood. Short-term rentals must meet the standards contained in this section.

B. For the purpose of this section, two types of short-term rentals (Owner-Occupied and Non-Owner Occupied) have been defined based on the nature of the use. These definitions can be found in Article 12. The specific regulations are listed below.

STR-02 General Provisions

A. The City shall enforce its ordinances for short-term rentals in the same manner as enforcement of similar properties that are not short-term rentals.

B. All short-term rentals are subject to the following standards:

1. Rental of the dwelling is done in a manner consistent with the character of the surrounding neighborhood.
2. The appearance of the dwelling must not conflict with the residential character of the neighborhood. The dwelling must be properly maintained and kept in good repair, so the use does not detract from the general appearance of the neighborhood.
3. Renters must not encroach on neighboring properties.
4. The premises must be maintained free of debris and unwholesome substances. Garbage must be kept in a closed container and disposed of on a regular, weekly schedule.
5. Renters must not create a nuisance. For purposes of this chapter, a nuisance includes, but is not limited to, any activity that violates City noise or similar regulations.
6. Short-term rentals must not be used to house sex-offenders; operate a structured sober living home; manufacture, exhibit, distribute, or sell illegal drugs, liquor, pornography, or obscenity; or operate an adult business as defined in IC 12-7-2-1.8.
7. Registration of a short-term rental is required prior to the use of any property as a short-term rental. Any change in the use or construction of a dwelling resulting in noncompliance with City or State standards, as determined by the Zoning Administrator, will void the short-term rental permit approval.

STR-03 Permitted Locations

A. Owner-occupied short-term rentals shall be allowed in any zone district that allows residential use

B. Non-owner occupied units shall be allowed in any zone district that allows residential use EXCEPT where the unit:

1. is located in the Downtown and Adjacent Neighborhoods as designated in Appendix C, and
2. is located in an CN, CO, M1, R1, R2, R3, or R4, zoning district.

In these areas a special exception is required (see STR-06).

STR-04 Permits

A. Permits Required:

1. All short-term rentals within the City of Jeffersonville must obtain a permit (this includes owner-occupied units).
2. A permit covers all legal dwelling units located on the property that the owner offers to the public as a short-term rental, including those in accessory structures.
3. Where the owner of a multi-family building is leasing multiple units as short-term rentals, they shall only require one permit.

B. Application:
   1. Applications for a short-term rental permit must be made by the property owner on forms published by the City of Jeffersonville and include appropriate filing fees and documentation.
   2. An owner must submit a separate permit application for each property requiring a permit.
   3. If the owner is a corporation, partnership, or other legal entity, the permit application must be made by an officer or agent of the owner.

C. Application requirements:
   1. The following information is required at the time of application:
      a. The owner's name, street address, mailing address, e-mail address, and telephone number. If the owner is a corporation or partnership, the application must require
         i. owner's state of incorporation or organization; and
         ii. names, residence addresses, e-mail address, and telephone numbers of the owner's principal officers or partners.
      b. If a property manager is used, the property manager's name, street address, mailing address, e-mail address, and telephone number.
      c. A short description of how each of the owner's short-term rentals on the property are marketed or advertised including the following:
         i. the advertised occupancy limits of each short-term rental.
         ii. Whether the short-term rental is:
            1. a single-family home;
            2. a dwelling unit within a single-family home;
            3. a dwelling unit in a two-family or multi-family dwelling, or
            4. a dwelling unit in a condominium, cooperative, or time share.
   2. The Zoning Administrator may waive or relax any of the requirements listed deemed irrelevant or unnecessary for a thorough review of the application.

D. Permit Issuance:
   1. If an owner submits a permit application under this section that meets requirements set forth in this ordinance, the Zoning Administrator shall issue a permit to the owner within thirty (30) days of receipt of the application.
   2. Where an application requires a Special Exception or if the permit application is deficient, Staff shall notify the applicant within ten (10) days of receipt of the application.
   3. Where a special exception is required, a permit shall not be issued until after the special exception has been granted by the BZA.
   4. A permit shall not be issued if it is determined the short-term rental would violate the standards or procedures located in IC 36-1-24-10.

E. Permit Fee: A non-refundable fee of $150.00 must accompany each of type of the following short-term rental applications:
   1. An initial permit issued to an owner for the permitted property.
   2. The issuance of a subsequent permit to an owner for the permitted property after the owner's previous permit has been revoked.

F. Permit Duration: A short-term rental permit expires one (1) year after the date it is issued

G. Permit Renewal: The City shall renew Permits for no additional fee. The City will use reasonable efforts to notify owners of short-term rentals thirty (30) days prior to the expiration of their permit.

H. Duty to Update Permit Information: If any information provided by an owner to a unit in the permit application changes, the owner shall provide updated information for the unit, in writing, within thirty (30) business days.

I. Permit Transferability: If an owner sells all or part of a permitted property, the short-term rental permit is not transferable to the new owner. The new owner must submit an application for a new permit. Additionally, if there is a change of ownership, in any capacity or form, the change of ownership initiates the mandatory requirement to submit an application for a new permit.

STR-05 Existing Short-Term Rentals and Non-Conforming Status:

A. Short-Term Rental units that exist prior to adoption of this ordinance **and** do not meet the location standards listed above shall be considered legal non-conforming.

B. All such units shall register with the City within 120 days after the effective date of this ordinance or they will lose their legal non-conforming status and will need to go through the Special Exception process as noted in Article 12.

C. Failure to renew a Short-Term Rental permit within 6 months of the permit's expiration date will forfeit a property's non-conforming status.

STR-06 Violations:

A. Any owner and/or their occupant(s) must abide by all applicable state and federal laws and local ordinances, including but not limited to ordinances relating to parking, noise, and maximum occupancy limitations. Violation of any applicable local ordinance and/or state and federal laws shall receive a notice of violation and be subject to the appropriate penalties.

B. Operation without a permit: A property owner who has failed obtain a permit for their short-term rental shall be found in violation of this Ordinance and shall be subject to fines and penalties found in Article 11.9 of this Ordinance until such property is registered.

C. Violation of Special Exception Requirements: A property owner that is found to have established a short-term rental without receiving the necessary Special Exception shall be found in violation of this Ordinance and shall be subject to fines and penalties found in Article 11.9 of this Ordinance.

Substance Abuse Treatment Standards (SA)

8.12 Substance Abuse Treatment Standards (SA)

SA-01 Intent: The intent of this section is to provide standards and guidance as to the use and location of substance abuse treatment facilities in the City.

SA-02 General:

A. No category of substance abuse treatment facility (Substance Abuse Treatment – inpatient, outpatient, and outpatient (counseling only)) shall be operated in any zoning district other than those districts that allow such businesses.

B. No category of substance abuse treatment facilities (Substance Abuse Treatment – inpatient, outpatient, and outpatient (counseling only)) shall locate or be operated within 1,000 feet of:
   1. A public or private education facility for youth, including, but not limited to, child care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, secondary schools, and special education schools. "School" includes the school grounds, but does include facilities primarily for another purpose and only incidental as a school;
   2. A public park or recreational area including, but not limited to, a park, playground, nature trails, swimming pools, athletic fields, basketball or tennis courts, off-street pedestrian/bicycle paths, or other similar public land within the City which is under the control, operation, or management of the City Parks & Recreation authorities;
   3. Any premises licensed pursuant to the alcoholic beverage control regulations of the State.

C. No category of substance abuse treatment facility (Substance Abuse Treatment – inpatient, outpatient, outpatient (counseling only)) shall locate or be operated within 500 feet of:
   1. A boundary of a residential district, or the property line of a lot with an existing residential use, as defined by this Ordinance;

D. No category of substance abuse treatment facility (Substance Abuse Treatment – inpatient, outpatient, and outpatient (counseling only)) shall be established, or substantially enlarged within 1,000 ft. of another substance abuse treatment facility (Inpatient, Outpatient, Pain Mgt. Clinic).

E. Measurement:
   1. No more than one type of substance abuse treatment facility (Substance Abuse Treatment – inpatient, outpatient, and outpatient (counseling only)) shall be operated, established, expanded, or maintained in the same building or structure.
   2. For the purposes of subsections B, C, and D of this Section, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure where a substance abuse treatment facility (Substance Abuse Treatment – inpatient, outpatient, outpatient (counseling only)) is located, to the nearest property line of the premises of the other listed use. The presence of a city, county, or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this section.

F. Any substance abuse treatment facility (Substance Abuse Treatment – inpatient, outpatient, outpatient (counseling only)) lawfully operating prior to the date of adoption of this Ordinance that is in violation of subsections "A" through "F" of this Section shall be deemed a nonconforming use. The nonconforming use will be permitted to continue. Such nonconforming uses shall be subject to Article 9 Nonconformance.

Telecommunication/Wireless Facility Standards (TC)

8.13 Telecommunication/Wireless Facilities Standards (TC)

TC-01 Intent: The Purpose of these regulations is to provide standards and guidance for the siting of new telecommunication/wireless facilities, and that such facilities are appropriately placed and in compliance with current state statute procedures.

TC-02 General:

A. Definitions: Relative definitions can be found in Article 12.

B. General Provisions:

1. No telecommunication/wireless facility shall be constructed, erected, placed, modified or substantially altered until a permit has been obtained.
2. Any accessory structures necessary for telecommunications/wireless facilities (e.g. mechanical equipment rooms, maintenance buildings, etc.) shall meet the accessory structure requirements for the base zone district in which the facility is located.
3. 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.
4. Collocation of telecommunication/wireless facilities is highly encouraged. An application for the collocation of new wireless equipment on an existing wireless support structure is not subject to a public hearing before the BZA and may be permitted by the Planning Administrator if it is compliant with this and any other applicable building codes.
5. Construction/Installation of all Telecommunication/Wireless Facilities, shall be subject to all appropriate Federal, State and Local Building Code rules and regulations for structural stability, wind loading, electrical.
6. All Telecommunication/Wireless Facilities, their accessory structures, fences and grounds shall be maintained in a functional state. Damaged, derelict, and/or abandoned towers, buildings, fences, etc. shall be subject to a notice of violation. Facilities that are not repaired, or removed within 90 days of written notice may be removed by the City at the owner's expense.

C. Specific Standards for all Telecommunication/Wireless Facilities (Not Small Cell Facilities):

1. Wireless facilities shall not be located within the boundaries of any legally platted residential subdivision or the front yard of any single-family residence.
2. Wireless facilities are not permitted in or within 1/4 (0.25) of a mile of the Jeffersonville Historic District or other Conservation District defined by this ordinance.
3. All wireless facilities shall meet the development standards of the base zone district with the exception of maximum height standards.
4. All wireless facilities shall be located on site so that no existing buildings are damaged in the event of collapse. The Fall Zone shall be limited to the height of the tower and may include private property off site if it is demonstrated that such property is unlikely to be developed due to easements, setbacks, floodplains, slopes, etc.

5. Collocation:
   i. Any proposed wireless support structure shall be designed, and engineered structurally, electrically and in all other respects, to accommodate both the initial wireless facility and one additional wireless facility.
   ii. The support structure shall be designed to allow for future rearrangement of cellular communication equipment and antennas upon the structure and to accept cellular communication equipment and antennas mounted at varying heights.
   iii. Towers over 100 feet in height should be designed so as to support additional facilities where possible.
6. With the exception of necessary electric and telephone service and connection lines, no part of any Wireless Support Structure 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.

D. Specific Standards for Small Cell Facilities:
1. Small Cell Facilities shall be allowed to be installed on existing utility poles or electrical transmission towers. In such case, no conditions shall be imposed upon the applicant by the City.
2. Unless located on an existing utility pole or transmission tower, All Small Cell Facilities shall be located within the public right-of-way.
3. Small Cell Facilities may be located on an existing building or structure that is located in the Jeffersonville Historic 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.

E. Permitting: The application and permitting process for all telecommunication and wireless facilities is outlined in Article 10.

Temporary Use/Structure Standards (TU)

8.14 Temporary Use/Structure Standards (TU)

TU-01 Intent: The intent of this section is to provide standards for the different types of temporary uses and structures in the City.

TU-02: General:

A. All temporary uses or structures shall obtain an Improvement Location Permit from the Planning Department as required by this ordinance. Permitting processes are noted in Article 10.

B. 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.

C. Temporary uses or structures that are intended to transition into a permanent use or structure:

1. Must meet all development standards for a permanent use or structure.
2. May not remain in place for more than one year from the issuance of an Improvement Location Permit without application for a new permit, except that the Planning Director may grant a short extension of a temporary use or structure one time with findings of substantial need.

D. Temporary structures for the sale of agricultural products in A1 zone district shall be exempt from this article and shall not require a permit.

TU-03: Specific Temporary Use Standards

A. Garage/Yard Sales are permitted for a total of 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 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 7 days per calendar year, per lot. Tents over 100 square feet require a permit.

D. Construction Trailers are permitted for up to 12 consecutive months. A temporary improvement location permit is required as described in Article 10.

E. Outdoor Sales or Events (i.e. tent sale, product specials, seasonal sales, etc.) associated with an existing permanent retailer and involving the erection of tents or other structures are permitted for up to 14 consecutive days, up to 2 times per calendar year. A temporary improvement location permit is required.

F. Temporary/Seasonal Merchants are permitted for up to 3 consecutive months up to 2 times per calendar year, with permission of the property owner. A temporary improvement location permit is required.

G. Transient Merchants See 8.07 for standards for Mobile Vendors.

Vehicle Charging Stations (VC)

8.15 Vehicle Charging Stations (VC)

VC-01 General Intent:

A. The intent of this section is to provide standards and guidance for the residential and commercial use of electrical vehicle charging stations.

B. For the purpose of this section, three types of electric vehicle charging stations (Type A, Type B, and Type C) have been defined. The specific regulations for each type of station are listed in this section.

VC-02 Definitions:

C. Vehicle Charging Station (EV Station): a public or private parking space or spaces that is/are served by equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.

D. Vehicle Charging Station (EV Station), Stand-Alone: a public or private parking space or spaces on a lot without a permanent structure that is/are served by equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.

E. Type A Station: A wall mounted station that provides charging through plugging into an AC outlet.

F. Type B Station: A free-standing station that provides charging through an AC outlet.

G. Type C Station: A free-standing station that provides charging through DC current. Also known as Direct Current Fast Charging (DCFC), Supercharging, Fast Charging, or Rapid Charging.

VC-03 Electric Vehicle Station Standards:

A. Location Standards

1. EV stations shall not be placed in the right-of-way.
2. Type A stations shall be allowed in all zoning districts without additional standards.
3. Type B Stations shall be allowed in all zoning districts with the exception of R1, R2, R3, R4, and M1
4. Type C Stations shall be allowed only in the CG, I1, I2, and CH zoning districts. See VC-03 H for additional standards.

B. Permitting

1. All EV Stations will require an Electrical Permit.
2. Type B and Type C EV Stations require development review based on the use of the subject property.
3. Stand-Alone EV Stations shall only be permitted with a Special Exception.

C. Equipment Standards and Protection

1. Charging cords shall be retractable or have a place to hang the connector and cord sufficiently above the pedestrian surface. Any cords connecting the charger to a vehicle shall be configured so that they do not cross a driveway, sidewalk, or passenger unloading area.
2. Type B and Type C stations shall be protected through the use of curbs, pedestals, bollards, wheel stops, or other such protective devices.

D. Signage Standards

1. Signage shall only be allowed on the EV charging station and shall not exceed 4 square feet in area per charging station. See VC-03 H for additional standards.

E. Maintenance Standards

1. Charging station equipment shall be maintained in all respects, including the functioning of the charging equipment.
2. On Type B and Type C stations, a phone number or other contact information shall be

provided on the charging station equipment for reporting when the equipment is not functioning or other problems are encountered.

F. Parking Standards

1. All parking lots, spaces, and charging equipment shall meet the Parking Standards and parking setbacks in Section 7.

G. Lighting Standards

1. All lighting shall meet the Lighting Standards in Section 7.

H. Stand-Alone EV Station Standards

1. Stand-Alone EV Stations must meet the all standards in Section 7 per their zoning district.

Article Nine

Nonconformance

Article Nine
Nonconformance

9.1 Intent

Upon adoption of this Ordinance and Zoning Map, some buildings, structures, lots, uses, and combinations thereof 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 Nonconforming.

9.2 Distinction Between Illegal-Nonconforming and Legal-Nonconforming

A. Illegal Nonconforming

1. *Structure*: Any structure constructed in violation of the Zoning Ordinance, which was in effect when the structure was constructed, and which remains in violation of the current Unified Development Ordinance is considered an illegal nonconforming structure.
2. *Use*: Any use that was in violation of the Zoning Ordinance, which was in effect when the use was initiated and which remains in violation of the current Unified Development Ordinance, is an illegal nonconforming use. In addition, a use that was legally established and is not permitted under the current Unified Development Ordinance, but has been abandoned or discontinued for a period of at least 6 months, is an illegal nonconforming use.
3. *Lot*: Any lot established without the approval of the Plan Commission as part of the subdivision review process or is otherwise in violation of the subdivision regulations which were in effect at the time of establishment, and which remains in violation of the current UDO, is an illegal nonconforming lot.

B. Legal Nonconforming

1. Structure: Any structure that does not meet one or more development standards of the Unified Development Ordinance, but was legally established prior to the effective date of the Unified Development Ordinance, shall be deemed a legal nonconforming structure. Generally, a structure is rendered legally nonconforming by an amendment to the zoning regulations or a zoning map change. However, a legal nonconformity may be a result of government use of eminent domain or right-of-way acquisition.
2. Use: The use of a structure or land (or a structure and land in combination) that was legally established and has since been continuously operated, that is no longer permitted by the Unified Development Ordinance in the zoning district in which it is located, shall be deemed a legal nonconforming use. A use legally established and that is not permitted under the current Unified Development Ordinance, but has been abandoned or discontinued for a period of at least 6 months, is an illegal nonconforming use. EXCEPTION: Where there is a parcel with an existing, vacant gas station, a new gas station may redevelop and operate and be considered legally nonconforming.
3. Lot: A lot that does not meet one or more lot standards of the Unified Development Ordinance, but was legally established and recorded prior to the effective date of the Unified Development Ordinance shall be deemed a legal nonconforming lot of record. Generally, a lot is rendered legal nonconforming by an amendment to the zoning regulations or a zoning map change. However, a legal nonconformity may be a result of government use of eminent domain or right-of-way acquisition.

9.3 Illegal Nonconforming Structures and Uses

An illegal nonconforming building, structure, lot or use is created at the fault of the owner, tenant or property manager. 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, at no cost to the City, to conform to all applicable standards and regulations of this Ordinance.

9.4 Legal 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, which no longer meets the design standards due to the reasons listed below shall be deemed a legal nonconforming building or structure. The party alleging the existence of a legal nonconforming use or a variance granted by the Board of Zoning Appeals has the burden of proof on that issue.

B. A Legal-Nonconforming building or structure may continue to be used provided that it is not enlarged or altered in a manner that increases its nonconformity. Any building(s) or structure(s) or portion thereof may, however, be altered to decrease its nonconformity.

C. Damages:
   1. Residential: Whenever a legal nonconforming structure on a parcel of real property used for residential purposes is damaged or destroyed, the owner of the parcel shall be permitted to reconstruct, repair, or renovate the nonconforming structure if the reconstruction, repair, or renovation meets the following requirements:
      a. The structure will continue to be used for residential purposes
      b. The new foundation of the reconstructed, repaired, or renovated structure may not exceed the square footage of the foundation of the damaged or destroyed structure
   2. Non-Residential: Wherever a Legal Nonconforming building or structure not used for residential purposes is damaged or destroyed by more than 66% of its fair market value, it shall thereafter conform to the regulations of the district in which it is located.
   3. The requirements of subsection 1 & 2 above concerning the reconstruction, repair, or renovation of a damaged or destroyed legal nonconforming structure do not authorize the reconstruction, repair, or renovation of a damaged or destroyed nonconforming structure that is:
      a. Located within a flood plain (as defined in IC 14-8-2-99), or
      b. Subject to the jurisdiction of the Historic Preservation Commission (per IC-36-7-11).

D. If a building or structure is moved for any reason, for any distance, it shall thereafter conform to the provisions of this ordinance.

9.5 Legal 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 or more of the following lot standards of this Ordinance:
   1. Lot Area,
   2. Lot Width,
   3. Lot Depth,
   4. Lot Frontage, or
   5. 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.

9.6 Legal 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:
   1. Complies with Article 9.6 D for limited and small expansions, or
   2. Changes the use of the structure to a use permitted in the district in which it is located, or
   3. 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 10% of the existing floor area. The expansion shall conform to all applicable development standards except for landscaping, unless a variance of development standards is received from the Board of Zoning Appeals. If the structure is a commercial or industrial use in a residential district, Article 7.12 PK-05 and PK-06 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 Article 7.10 and Article 7.12 of this Ordinance, unless a variance from development standards is granted by the Board of Zoning Appeals.

F. If a Legal-Nonconforming use is discontinued or abandoned for 6 consecutive months, except when government action impedes access to the premises, any subsequent use of such land, structure or land and structure in combination 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 66% of its fair market value at the time of destruction.

9.7 Legal 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 is considered a Legal-Nonconforming sign. The following applies 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 until such time as a major change is made to the sign. Major changes include:
   1. Change of ownership
   2. Change of business entity
   3. Modifications to the size, shape or height,
   4. Adding lights,
   5. Adding/moving electronic components,
   6. Structural alterations, and/or
   7. Relocation of the sign.

B. All 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 50% or more of the sign area, 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 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.

9.8 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 6 months of the declaration. If the improvements have not been made within the 6 months, all future improvements must conform to all standards and regulations within this ordinance.
C. If a building or structure becomes unsafe due to physical condition and/or is razed, the building or structure shall be rebuilt in conformity with the district in which it is located except as noted below:
    1. If the subject building or structure is of a residential use and not subject to the jurisdiction of a preservation commission and/or located within a floodplain, it may be fully reconstructed without need for variances, so long as it is not expanded in any way and continues to be used for residential purposes.
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.

9.9 Compliance

Nonconforming structures, buildings, or uses shall be brought into compliance with the UDO when and if any of the following are met:

1. Seeking a change of use (per the land use matrix),
2. Needing a state construction design release,
3. Expanding the parking lot by 33% or greater, or
4. Expanding the impervious surface coverage of a parcel by 33% or greater.

A. If one or more of the above thresholds are met and/or requested, the following features shall be brought into compliance:
    1. Landscaping/buffer yards,
    2. Any required architectural features,
    3. Parking lot paving and landscaping,
    4. Signage
    5. Sidewalks, and
    6. Fencing

Article Ten

Processes and Procedures

Article Ten:
Processes and Procedures

10.1 Types of Petitions

A. The City of Jeffersonville hereby requires that an application and filing fee be submitted for the following formal petitions:
   1. Administrative Appeals
   2. Certificate of Occupancy
   3. Certificate of Zoning Compliance
   4. Development Plan Approval
   5. Fence and Wall Permits
   6. Improvement Location Permits (temporary and permanent)
   7. Mobile Vendor
   8. Plats, Major: Primary and Secondary
   9. Plats, Minor
   10. Planned Unit Developments
   11. Sign Permits (temporary and permanent)
   12. Special Exceptions
   13. Telecommunications/Wireless Facility
   14. Variance, Development Standards
   15. Variance, Use
   16. Zoning Amendments (Zoning Map change/rezoning)

B. All applications may be obtained through the City's website or in the office of the Department of Planning & Zoning. At the time of submission, the application, and all attachments are to be compiled and complete. Fees shall be paid at the time of application submittal.

10.2 Schedule of Fees

A. The City Council shall maintain an Official Fee Schedule for permits and processes outlined in this Ordinance. The Fees Schedule shall be available to the public in the Department of Planning & Zoning, as well as on the City's website. 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.

B. The Official Fee Schedule can be found in Appendix 2 of this document.

C. 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. The acceptance of the fee does not constitute approval of the permit/petition nor does it deem the application to be complete.

10.3 Notification for Public Hearing: The following information pertains only 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 10 days before the date set for the hearing.

B. The applicant 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 to the subject property, and all parcels within 200 feet of the property boundary line (this includes all such properties that may fall outside the City's jurisdiction).

C. Additionally, notice shall be posted in a conspicuous place on the subject property at least 10 calendar days prior to the date of the hearing. Notice signs will be provided and posted by the City of Jeffersonville.

10.4 Sunset Provision: Pursuant to Indiana Code 36-7-4-1109, the granting of any development plan, plat, special exception, planned unit development, building or location improvement permit, and/or any secondary, additional, or related permits or approvals are governed for 3 years after the person applies for the permit. Upon the expiration of the permit, reapplication will be required for approval.

10.5 Processes per Type of Petition: The following sections document the processes and procedures that are specific for each type of application.

10.6 Zoning Violations: A Petition may be delayed or denied if there are existing active Zoning violations on the subject property at the discretion of the Zoning Administrator. Appeals to this decision would be made through the Administrative Appeal process.

Administrative Appeal

10.5.01 Administrative Appeal: The following procedure applies to Administrative Appeal petitions:

A. The applicant shall submit an application, including a written statement specifying the grounds for the appeal and any applicable supporting material within 30 days of the decision alleged to be in error.
B. The administrative official or body from which the 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. Public notification procedures are outlined in Article 10.3 of this UDO.
D. At their next regularly scheduled public meeting, the BZA shall then review:
    1. The written statement and supportive material submitted by the applicant;
    2. The record of action supplied by the administrative official or body from the which appeal is taken;
    3. The testimony of the applicant; and
    4. 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.

Certificate of Occupancy

10.5.02 Certificate of Occupancy: The following procedures apply to Certificates of Occupancy.

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 either Development Plan approval and/or an Improvement Location Permit and obtaining a Building Permit,
    2. Passing a final inspection to be conducted by the Building Commissioner's Office; and
    3. Receiving an approval of the Certificate of Occupancy from the Building Commissioner.
B. A Certificate of Occupancy shall only be received if all requirements of the Improvement Location Permit /Building Permit have been completed. No Certificate of Occupancy shall be granted until all landscaping requirements of the approved development plan are installed. 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 per Article 7.8 LA-08.

Certificate of Zoning Compliance

10.5.03 Certificate of Zoning Compliance: The following procedures apply to Certificate of Zoning Compliance petitions.

A. A Certificate of Zoning Compliance is required for all businesses in Jeffersonville at the time of their establishment. This includes:
   1. New businesses,
   2. The relocation of existing businesses, or
   3. Home Occupations.

B. Exceptions
   1. A new or relocating business that goes through the Development Plan approval process or obtains a Use Variance or Special Exception through the BZA shall be exempted.
   2. New businesses in IR zone districts and the River Ridge Commerce Center shall be exempt from this requirement.

C. All new businesses, as outlined above, shall submit an application to the Planning Department along with the associated fee as noted in the Official Fee Schedule.

D. Staff will have 10 business days to review and render a decision. If the Certificate of Zoning Compliance is denied, applicant may appeal to the Board of Zoning Appeals within 30 days of the administrative decision. For more information, please see 10.5.01.

Development Plans

10.5.04 Development Plans: The following procedures apply to Development Plan petitions.

A. The City of Jeffersonville hereby requires that a Development Plan petition be submitted for the following:
   1. All new commercial, industrial, and institutional projects,
   2. All new multi-family projects in excess of two units,
   3. All new, or significantly reconfigured, manufactured home parks, and
   4. Any modification to an existing commercial, industrial, institutional, or multi-family structure (of more than two units) that involves:
      a. Expansion of the building footprint,
      b. Significant changes in height of the structure (e.g. adding a story), or
      c. Significant additions to or modifications of the parking/circulation layout and associated landscaping above and beyond simple restriping.

B. The applicant shall submit an application for Development Plan, required supportive information, and application fee to the Planning Director per the schedule contained in the application packet

C. Plans required at the time of application submission for development plan approval include: 1) Site Development Plan, 2) Landscaping Plan, 3) Lighting (Photometric) Plan, and 4) Building Elevation Data. If applicable, signage information and a Tree Preservation Plan may also be required.

D. Planning Staff will then review the application and required supportive information. Staff will determine whether or not the plan meets the standards set forth in this ordinance.

E. If the plan meets all standards, it may be delegated to the Planning Director for approval. If so delegated, the Planning Director will have 30 days from the date of filing to approve or deny the development plan petition in writing. Any interested party may appeal the decision of the Planning Director to the Board of Zoning Appeals within 30 days of the written decision.

F. If the Development Plan does not meet all the standards set forth in this ordinance, requested variances shall be heard by the Board of Zoning Appeals for approval. Once approval of all variances is granted, staff shall approve the development plan.
G. If at any time the Planning Director deems a development requires further review against the City's Comprehensive Plan, other plan documents, goals or objectives, or the UDO, and/or the applicant requests a hearing before the Plan Commission, the development shall be heard by the Plan Commission.
H. Development Plans that will appear before the Plan Commission or Board of Zoning Appeals require public notice in the newspaper per I.C. 5-3-1-2 and 5-3-1-4. Public notification procedures are outlined in Article 10.3 of this UDO.
I. The Plan Commission may approve, deny, or table the petition; it may also impose conditions or require written commitments as a condition of approval, if the conditions are reasonably necessary. Once approved, the applicant shall submit these written commitments to the County Recorder's office for recording. The applicant shall submit a copy of the recorded commitments to the Planning and Zoning Department for the official record.
J. 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.
K. Amendments and Modifications
    1. 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:
        a. An increase in height, area, bulk, or intensity of land uses,
        b. The designation of additional land uses,
        c. The reduction of buffer yards, or
        d. The addition of driveways or access points.
    2. 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 Board of Zoning Appeals within 30 days of the decision.
L. A Development Plan ceases to be authorized and is void if that use is not 50% established within a 24-month period of the date the Development Plan was approved or if the property is rezoned.

Fence and Wall Permit

10.5.05 Fence and Wall Permit: The following procedure applies to Fence and Wall Permit petitions.

A. The City of Jeffersonville hereby requires that a Fence and Wall Permit be obtained for the following:
    1. All new fences 2 feet tall or above,
    2. All walls and retention walls 2 feet tall or above,
    3. All fences or walls being rebuilt. Existing fences may be rebuilt without a permit if the structural posts are not removed and the fence's dimensions and structure are not changed.
B. A fence permit may be applied for by a property owner, provided the property owner is the one doing the work. Otherwise, a licensed general contractor must apply for the permit.
C. An application for a Fence and Wall Permit may be submitted at any time and shall include the following items:

1. The common address for the subject property and parcel number;
2. The location and dimensions of the proposed fence or wall;
3. Height of the fence;
4. Setback distances from existing and proposed roads, sidewalks, and alleys, as applicable;
5. Setback distances from property lines;
6. Location of easements, if applicable;
7. Location of floodplain boundaries or wetlands, if applicable.

D. 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:
   1. Fence materials;
   2. Approval from Homeowner's Associations, Historic Board, Oak Park, River Ridge, or other entities, as applicable;
   3. Signed agreement of the fence requirements by the applicant, which includes, but is not limited to:
      a. All fences shall present their non-structural side outward;
      b. Confirmation the fence will only be constructed on the owner's property.

E. Fence permits may be applied for by home owners if the owners will be building the fence. A licensed contractor must apply for fence permits the contractor will be building, for non-owner-occupied properties, and all commercial or industrial properties.

F. The Planning Department shall review the application and shall approve or deny the application within 12 days.

G. The approved plans and application materials are retained by the Plan Commission, Planning Director or Building Commissioner's Office.

H. Construction: Fence and Wall 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.

I. Expiration of Permits:
   1. Completion of Work: If the work described in any Fence or Wall Permit has not been completed within one year of the date of issuance of the permit, 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 Fence or Wall Permit has been obtained.
   2. The Planning Director may give 3 extensions for up to 3 months each for work completion. Requests for extensions must be received within one month of the expiration. A fee will be charged.

Improvement Location Permit

10.5.06 Improvement Location Permit: The following procedure applies to Improvement Location Permit petitions.

J. The City of Jeffersonville hereby requires that an Improvement Location Permit be obtained for the following:
   1. All single-family residential dwellings and duplexes,
   2. Additions to all primary structures, including any exterior construction that adds to or alters the height of the existing structure,
   3. Accessory structures over 25 square feet in area.

4. Patios and slabs over 200 square feet,
5. Detached and attached garages, carports, and stables,
6. Temporary tents or other temporary structures for commercial properties,
7. Swimming pools (in ground or above ground),
8. Telecommunication structures (including micro cell),
9. Placement of manufactured or mobile home (outside a mobile home park),
10. Construction, alteration, expansion, or removal of any residential driveway, and
11. Street/curb cuts (where associated new or expanded driveway).

K. The following activities are permitted with no Improvement Location Permit required, provided all other applicable standards are met:
   1. Normal plowing and preparing the land for farming, gardens, and yards.
   2. Normal trimming and/or removal of trees and shrubs for maintenance and/or site preparations. Please see the Jeffersonville Tree Ordinance (2021-OR-09) for further information.
   3. Earth movements related to farming and other agricultural activity.
   4. Drain tile laying and ditch cleaning.

L. An application for an Improvement Location Permit may be submitted at any time and shall include the following items.
   1. The common address for the subject property and parcel number;
   2. Plans drawn to scale showing the dimensions and shape of the lot to be built upon. Site plans for new single-family homes must be prepared by a land surveyor licensed in the State of Indiana;
   3. The exact sizes and locations of all buildings, wells, and septic systems already existing, if any;
   4. The location and dimensions of the proposed building(s) or alteration, including all paved areas;
   5. Building setback distances from all property lines, and from existing and proposed road right of ways;
   6. Width and length of all entrances and exits to and from the real estate; and
   7. Location of floodplain boundaries or wetlands, if applicable.

M. 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:
   1. Elevations of the existing or proposed building or alteration,
   2. Detailed description of the existing or proposed uses of the building and land,
   3. The number dwelling units or rental units the building is designed to accommodate,
   4. Natural, physical or hazardous conditions existing on the lot,
   5. Landscape plan,
   6. Lighting plan,
   7. Copy of Drainage Board approval (if applicable), and
   8. A copy of any recorded commitments that were required as part of a previous approval.

N. The Planning Department shall review the application and shall approve or deny the application within 12 days.

O. The approved plans and application materials are retained by the Plan Commission, Planning Director or Building Commissioner's Office.

P. Expiration of Permits:
   1. If the work described in any Improvement Location Permit has not begun within 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 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 3 extensions for up to 3 months each for work completion. Requests for extensions must be received within one month of the expiration. A fee will be charged.

Q. 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.

Landscape Fee-in-Lieu

10.05.06 Landscape Fee-in-Lieu The following apply to applicants for the Landscape Fee-in-Lieu program.

A. At the time of project submittal, a landscape-fee-in-lieu application shall be submitted as an attachment. Please see Article 10.05.04 for submittal procedures for Development Plans.
B. There are certain requirements and benchmarks to qualify for consideration of the landscape fee-in-lieu program. Please see Article 7.8 LA-07 for the landscape fee-in-lieu standards.
C. Approval of the requested landscape fee-in-lieu shall be granted by the Planning Director as set forth in Article 7.8 LA-07.
D. Payment of the approved landscape fee-in-lieu is required to the Department of Planning & Zoning prior to the issuance of a Certificate of Occupancy. No Certificate of Occupancy shall be granted without successful payment of the required fee-in-lieu.
E. A 10% discount may be applied on the approved total of the fee-in-lieu if paid within the first 30 days after the landscape fee-in-lieu is approved.

Mobile Vendor/Transient Merchant

10.5.07 Mobile Vendors/Transient Merchants: The following apply to applications for Mobile Vendors Transient Merchants, Solicitors, Peddlers, etc. This does not include Food Trucks or similar Mobile Retail Food Establishments.

A. Application: Application for a City license to conduct business as a peddler, solicitor, transient merchant, or temporary merchant shall be made at least 10 regular business days before the applicant desires to begin conducting business. The applicant must appear in person and show proper identification. Application for a license shall be made on a form prepared by the Department of Law and available at the Department of Planning and Zoning. All applications shall be signed by the applicant and include the following information:

1. Applicant's full legal name and any other names under which the applicant conducts business.
2. Full address of applicant's permanent residence.
3. Telephone number of applicant
4. Full legal name of any and all business operations owned, managed or operated by applicant, or for which applicant is an employee or agent.
5. Full address of applicant's regular place of business (if any).
6. The type of business for which the applicant is applying for a license including general description of items/services sold or provided.
7. The dates during which the applicant intends to conduct business.
8. Proof of any requested state or county license.
9. A list of the three most recent locations where the applicant has conducted business as a peddler or transient merchant.
10. The applicant's driver's license or other acceptable form of government- issued identification.
11. Peddlers and Solicitors shall provide the following additional information
    1. A physical description of the applicant (hair color, eye color, height, weight, distinguishing marks and features, etc.)
    2. A statement as to whether or not the applicant has been convicted within the last five years of any felony, gross misdemeanor, or misdemeanor for violation of any state or federal statute or any local ordinance, other than non-moving vehicle traffic offenses.
    3. A statement as to whether or not the applicant has any pending criminal charges.
12. All additional information deemed necessary by the Department of Planning and Zoning.

B. Non-Refundable Fee. All applications for a license under this chapter shall be accompanied by a non-refundable fee as outlined in the Planning Department's official Fee Schedule.

C. Background Check for Solicitors, Peddlers, or other Door-to-Door Merchants
   a. The Jeffersonville Police Department is required to do an investigation into the criminal record, driving record, business reputation and personal character on applicants for solicitors, peddlers, or other door-to-door merchants and the company represented by the applicant. In conducting the criminal history background investigation in order to screen such license applicants, the Police Department shall request a criminal history and driving record of the applicant through a third-party vendor.
   b. The applicant shall pay a separate, non-refundable background check fee of $100.00 to the Jeffersonville Police Department as reimbursement for the third-party criminal and driving record check.

D. Approval

a. Upon receipt of the completed application and payment of the license fee, the Director of Planning and Zoning or his designee, within two regular business days, will determine if the application is complete. An application is determined to be complete if all required information is provided and the applicant has included a signed consent form authorizing a background check through the Jeffersonville Police Department and/or any third-party vendor. If the Director of Planning and Zoning determines that the application is incomplete, they must inform applicant of the required necessary information that is missing. If the application is complete, the Director of Planning and Zoning or their designee must order an investigation including a criminal history and wanted persons check with the Jeffersonville Police Department and other background checks necessary to verify the information provided with the application. In the case of questioned identity, where it cannot be confirmed if a record exists based on name and date of birth alone, fingerprint verification will be required.

b. Within 10 regular business days of receiving a complete application and, when necessary, a completed background check, the Director of Planning and Zoning or their designee must issue the license unless there exists grounds for denying the license application under this ordinance, in which case the Director of Planning and Zoning or their designee must deny the request. If the Director of Planning and Zoning or their designee denies the license, the applicant must be notified in writing of the decision, the reason for the denial, and the applicant's right to appeal the denial by requesting, within 20 days of receiving notice of the rejection, a hearing before the city's Board of Public Works and Safety. The city's Board of Public Works and Safety shall hear the appeal within 20 days of the date of the request. The decision of the city's Board of Public Works and Safety can be appealed by petitioning the Circuit Court within 30 days of the board's decision.

Planned Unit Developments

10.5.08 Planned Unit Developments

A. Processes and procedures for the creation of a Planned Unit Development (PUD) are found in Article 5: Planned Unit Developments.

Plats, Major (Preliminary Plat and Final/Record Plat)

10.5.09 Plats, Major (Preliminary Plat and Final/Record Plat)

A. For the processes and procedures for the Major Platting Process, please see Article 6: Subdivision Control.

Plat, Minor

10.5.10 Plats, Minor

A. For the processes and procedures for the Minor Platting Process, please see Article 6: Subdivision Control.

Sign Permits (Permanent and Temporary)

10.5.11 Sign Permits for Permanent and/or Temporary 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:
   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. The size and location of all signs on the same parcel or owned by the same business.

B. Permits for temporary signage are not required; however, standards regulating signage in Article 7 shall still apply and be enforced.

C. An application for a permit shall be reviewed and approved by the Planning Director or their designee.

D. The permit fee as specified by the Official Fee Schedule shall be delivered to the Department of Planning and Zoning. 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.

E. Once an application has been deemed by the Planning Director or their designee to meet all standards of the zoning ordinance and the above fee is paid, a sign permit shall be issued to the applicant.

F. 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.

G. A sign permit shall become null and void if work has not been started within 12 months of the date of the permit or completed within 18 months of the date of the permit.

Special Exception

10.5.12 Special Exceptions: The following procedure applies to Special Exception Petitions.

A. The applicant shall submit an application for Special Exception, required supportive information, and application fee to the Planning Director per the schedule contained in the application packet.

B. 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 legal non-conforming 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.

C. Special Exceptions require public notice in the newspaper per I.C. 5-3-1-2 and 5-3-1-4. Public notification procedures are outlined in Article 10.3 of this UDO.

D. At their next regularly scheduled public meeting, the BZA shall then review:
   1. The Special Exception application,
   2. Required supportive information,
   3. Testimony of the applicant, and
   4. Testimony of the public.

E. 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.

F. The BZA may approve, deny, or table the petition. It may add special conditions to an approval. Further, the Board of Zoning Appeals may determine which, if any, additional development standards (e.g. greater setbacks, more landscaping, etc.) shall apply to the requested Special Exception use. The development standards determined to apply shall be documented in the application and approval.

G. The Planning Director shall refuse to accept a petition for a Special Exception within 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 6-month period.

H. 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.

I. A Special Exception granted for a specific use ceases to be authorized and is void if that use is not 50% established within a 12-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 6 months.
   1. A special exception may be terminated by the Board of Zoning Appeals as follows:
      a. 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,
      b. 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.

Telecommunications/Wireless Facility Permits

10.5.13 Telecommunications/Wireless Facility Permits: In accordance with IC 8-1-32.3, the following procedures shall apply to the application and approval for construction of a new wireless support structure, substantial modification of a wireless support structure, or collocation of a wireless facility.

A. *Application:* The following information must be submitted with an application for a new wireless support structure, a substantially modified wireless support structure, or collocation of a wireless facility:
   1. A statement that the applicant is a person that either provides wireless communications service or owns or otherwise makes available infrastructure required for each service.
   2. The name, business address, and point of contact for the applicant.
   3. The location of the proposed or affected wireless support structure or wireless facility.
   4. Evidence supporting the choice of the location for the proposed wireless support structure, including a sworn statement from the individual responsible for the choice of location demonstrating that collocation of wireless facilities on an existing wireless support structure was not a viable option because collocation:
      a. Would not result in the same wireless service functionality, coverage, and/or capacity.
      b. Is technically feasible; or
      c. Is an economic burden to the applicant.
   5. Construction Plan. A construction plan that describes the proposed wireless support structure and all equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment.
   6. Findings of Fact. For an application that requires a Special Exception, evidence showing that the application complies with the applicable criteria shall be submitted.
   7. Consolidation of multiple applications: The Administrator shall allow an applicant to submit a single consolidated application to collocate multiple wireless service facilities, or for multiple small cell facilities that are located within the City and that comprise a single small cell network. Whenever a consolidated application is approved, the Administrator shall issue the applicant a single permit for the multiple facilities, or for the small cell network, in lieu of issuing multiple permits for each respective facility.

B. Review of Application: Upon receipt of an application, the Administrator shall promptly review it for completeness. Within 10 business days of receiving the application, the Administrator shall notify the applicant of whether the application is complete and whether a public hearing will be required.

C. Public Hearing:

1. When a public hearing is required for special exception, the BZA shall conduct the hearing and take final action within a reasonable period of time.
2. When a public hearing is not required, the administrator shall take final action on the request within a reasonable period of time after the application is filed.

D. Deadline on Final Action:

1. Collocation of Equipment or Small Cell Structure(s). Applications for collocation of equipment or for new small cell structures shall be reviewed and permitted by the Administrator in a reasonable period of time no to exceed 45 days.
2. New Wireless Support Structures and Substantial Modification of Existing Structures. For applications involving new or substantially modified structures, the BZA shall conduct a public hearing on the request and shall make a decision on the request at the meeting at which it is first presented. Final action on the application shall be completed in a reasonable period of time not to exceed 90 days.
3. Additional time for applicant amendment. When an applicant fails to provide a complete application, or requests additional time to amend its application, or agrees to a continuance during the review or hearing process, then the period of time necessary for completion set forth above shall be extended for corresponding amount of time.
4. Failure to Take Action. Failure by the Administrator or the BZA to take final action on a request within a reasonable period of time shall constitute approval of said request.

Variance, Development Standards

10.5.14 Variance, Development Standards: The following procedure applies to Development Standards Variance petitions.

A. The applicant shall submit an application for Development Standards Variance, required supportive information, and application fee to the Planning Director per the schedule contained in the application packet

B. Development Standards Variances require public notice in the newspaper per I.C. 5-3-1-2 and 5-3-1-4. Public notification procedures are outlined in Article 10.3 of this UDO.

C. The Board of Zoning Appeals (BZA) will then review:

1. The variance application,
2. Required supportive information,
3. Testimony of the applicant, and
4. Testimony of the public.

D. 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.

E. The intensity of the variance may be reduced at the public hearing if approved by the BZA.

F. The Planning Director shall refuse to accept a petition for a variance within 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 6-month period.

G. 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.

H. The Board may permit or require the owner or applicant 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, and shall provide the Planning & Zoning Department with a copy of the recorded commitment.

I. A Development Standards Variance granted by the Board shall run with the parcel until such time as the property conforms with this Ordinance as written.

J. The Board of Zoning Appeals may enforce any condition and/or commitment it has imposed as if it were a standard of this Ordinance.

Variance, Use

10.5.15 Variance, Use: The following procedure applies to Use Variance petitions.

A. The applicant shall submit an application for Use Variance, required supportive information, and application fee to the Planning Director per the schedule contained in the application packet

B. Use Variances require public notice in the newspaper per I.C. 5-3-1-2 and 5-3-1-4. Public notification procedures are outlined in Article 10.3 of this UDO.

C. The Board of Zoning Appeals (BZA) will then review:
   1. The variance application,
   2. Required supportive information,
   3. Testimony of the applicant, and
   4. Testimony of the public.

D. The BZA 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 result 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.

E. The Planning Director shall refuse to accept a petition for a variance within 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 6-month period.

F. 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.

G. 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 3 months consecutively;
   2. The property conforms with the Ordinance as written; or,
   3. The property is sold.

H. The Board of Zoning Appeals may enforce any condition and/or commitment it has imposed as if it were a standard of this Ordinance.

Zoning Amendment (Rezoning)

10.5.16 Zoning Amendments: The following procedure applies to Zoning Amendment petitions (Zoning Map/Rezoning).

A. The applicant shall submit an application for Zoning Amendment, required supportive information, and application fee to the Planning Director per the schedule contained in the application packet

B. Zoning Amendment Petitions require public notice in the newspaper per I.C. 5-3-1-2 and 5-3-1-4. Public notification procedures are outlined in Article 10.3 of this UDO.

C. 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;

D. The Plan Commission will then review the application and required supportive information. The Plan Commission may recommend approval, recommend denial, table the petition or choose to pass on the petition to City Council with no recommendation. All recommendations may include conditions.

E. Once a recommendation has been made by the Plan Commission, it will then be forwarded to City Council for final consideration. The City Council will review the application, required supportive materials, and Plan Commission recommendation. The Council may approve, deny, or table the petition.

F. The Planning Director shall refuse to accept a petition for a rezoning within 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 6-month period.

Article Eleven

Enforcement and Penalties

Article Eleven
Enforcement and Penalties

11.1 Authority
The Planning Director, with assistance from the Plan Commission, Board of Zoning Appeals, City Council, Building Commissioner, Fire Marshal, and their delegates, is designated to enforce the provisions, regulations, and intent of this Ordinance.

11.2 Violations
Complaints made pertaining to the Zoning Ordinance shall be investigated by the Planning Director with assistance from the Building Commissioner, the Fire Marshal and/or their designees. Also, any violations suspected by the Plan Commission, City Council or Planning Director shall be investigated by the Planning Director or their designee. Action may or may not be taken depending upon the findings.

11.3 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.

11.4 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.

11.5 Nuisance Structures/Properties
A structure or property that is damaged, razed, unmaintained, converted to illegal use, etc. may be deemed a common nuisance. Common nuisances shall be governed by 2010-OR-30, which regulates the maintenance of existing buildings and property in the City.

11.6 Violations during the Construction/Building Process

A. The Planning Director or their designee 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 person(s) served the Stop-Work-Order notice shall contact the Planning Director regarding the notice with within 7 days of such a request. At that time, 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 as well as the Planning Director.

B. Reasons for a Stop-Work-Order include but are not limited to:
   1. Not complying with Development Standards and/or any regulations of this Unified Development Ordinance.
   2. Not obtaining an Improvement Location Permit.
   3. Not meeting the conditions or commitments of a Special Exception, Variance, or Building Permit.
   4. Not meeting the conditions of Development Commitments, Development Plans, Detail Plans, or covenants which are enforceable by the Plan Commission.
   5. Not obtaining any other permit necessary for site/property improvement as called in this Unified Development Ordinance.
   6. Illegal use or expansion of use of building/structures or building/structures and land in combination.

C. If said owner, developer, property manager, tenant, or occupant does not respond within 7 days, violations will proceed as described in 11.8.

11.7 Types of Violations

The following items shall be deemed civil zoning violations. Penalties may be imposed based on the provisions set forth in this Article.

A. The erection or placement of a primary structure, accessory structure, sign, or any other element, which does not conform with the provisions or explicit intent of the Unified Development Ordinance as determined by the Plan Commission or Planning Director.

B. 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.

C. 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.

D. Conducting a use or uses that do not comply with the provisions or explicit intent of the Zoning Ordinance.

E. Proceeding with work under a Stop-Work-Order or a violation of a Memorandum of Agreement.

F. Any failure to comply with commitments made in connection with a rezoning, or approval of a Development Plan, Special Exception, Variance, or other similar or documentable commitment, including verbal agreements during official Plan Commission, City Council, or BZA meetings.

G. Failure to obtain a Certificate of Occupancy.

11.8 Procedure for Violations:

There shall be a 3-step procedure for all violations of this Ordinance except the temporary sign code (see 11.9 of this article). These steps are as follows:

A. The Planning Director or their designee 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 15 days of the postmarked date of notice. If the Violation is not corrected within 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 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 15 days the fines for a Second Violation shall be imposed. The person(s) in violation will have 15 days to pay said fees and comply with the penalties. The person(s) in violation must correct the violation within 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 second Notice of Violation, the Plan Commission or City Council or their designee may progressively impose fines as outlined in the Fines and Penalties section (Article 11.9) 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 Planning Director shall determine which course of action will most effectively result in the correction of the violation after a first Notice of Violation is non-effective.

11.9 Fines and Penalties

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

		A1, R1, R2, R3, R4 & M1-zoned properties	All other zone districts.
First Notice	First Violation Determined	$200	$500
	Each additional Violation Determined	$200	$500

B. Additional monetary fines will be imposed for each subsequent notification and for each civil violation. Fines shall be additive in nature (e.g. a $250 second notice shall be assessed in addition to the $200 first notice). Notices for violations shall be sent no sooner than 15 days after the previous notice.

		A1, R1, R2, R3, R4 & M1-zoned properties	All other zone districts.
Second Notice	First Violation Determined	$250	$600
	Each additional Violation Determined	$250	$600
Third Notice	First Violation Determined	$300	$700
	Each additional Violation Determined	$300	$700
Each Additional Notice		$400 per civil violation	$800 per civil violation

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 against the owner or possessor of the real estate in the circuit court and/or superior court of the county, 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 (11.9B) above for civil violations if a permit is not filed within 15 days of the First Notice.

11.10 Temporary Sign Code Violations

Upon discovery of a violation of the temporary sign code, the Planning Director or their designee shall issue a Notice of Violation letter to the person(s) who have committed, in whole or in part, the violation. Thereafter the person receiving notice shall have 7 days to remove the sign and/or correct the issue. Signs not removed within 7 days, will be subject to a fine of $100 and may be removed by the City. If the sign cannot be removed by the City (e.g. it is attached to a building, mounted on a roof, etc.) the City shall issue a fine of $100 for each additional 7-day period the sign remains in place.

11.11 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. A written statement from the person in violation shall be submitted to the Planning Director in person or via Certified Mail at least 3 days prior to the date the fine is due in order to appeal the violation.

No additional notices will be issued 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 30 days to file for a hearing with the BZA or court of jurisdiction. Additionally, the person(s) in violation shall have a maximum of 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 has made a ruling on the violation and/or fine.

11.12 Enforcement, Remedies, and Injunctive Relief

All remedies and enforcement shall comply with the powers set forth in IC 36-7-4-1000 et. seq. 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 is not limited to the Unified Development Ordinance.
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 and conditions made in accordance with IC 36-7-4-1000 et seq.
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 seq. or any ordinance adopted under IC 36-7-4 et seq. which includes but is not limited to the Unified Development Ordinance.
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 seq. 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 seq. 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 Twelve

Definitions

Article Twelve
Definitions

12.1 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 tense; 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.

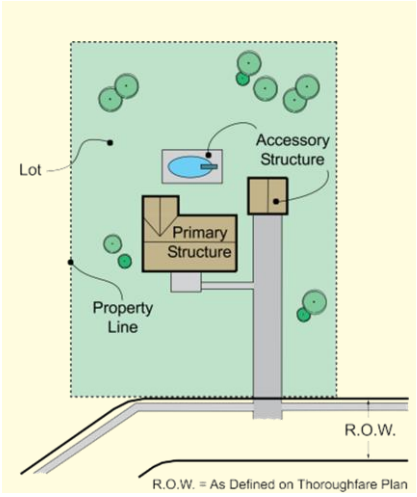
12.2 Defined Words:

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:

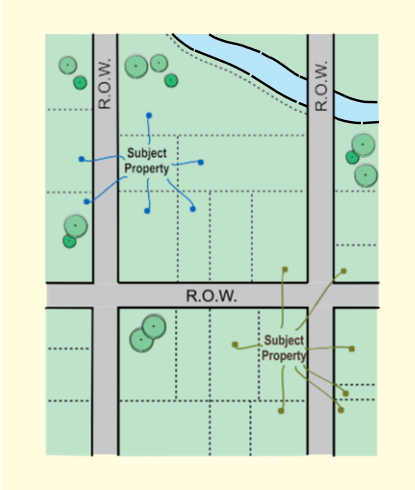
- Is generally subordinate to a primary building or structure in area, intent, and/or purpose,
- Contributes to the comfort, convenience, or necessity of occupants of the primary building, structure, or principal use,
- Does not alter or change the character of the premises,
- Is located on the same 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 storage.
- Is not designed for 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.



Accessory Dwelling Unit: A self-contained living unit internal to or on the same lot or parcel as a single family dwelling that includes its own cooking, sleeping, and sanitation facilities and complies with or is otherwise exempt from any applicable building codes, fire safety codes, and other public health and safety laws. Accessory dwelling units are generally smaller than the primary structure on the property.

Accessory Use: A use, located on the same lot and in the same zoning district as the principal use, that: (1) is subordinate in area, extent, and purpose to the principal use; and (2) contributes to the comfort, convenience, or necessity of the principal use.

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 Retail/Bookstore: An establishment having more than 10% of its stock in trade or its dollar volume 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. This also includes devices, toys, games, attire, or other items intended for adult sexual activities or used for erotic, pornographic, or related sexual activities.

Adult Entertainment Facility: 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, 36-7-4-200 as amended. The Jeffersonville Plan Commission is an Advisory Plan Commission.

Agriculture: The use of land for farming, dairying, pasturage, apiculture, 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.

Agricultural Crop Production: Crop production refers to the process of growing and harvesting crops for food, fiber, and other products. It involves various agricultural practices, including soil preparation, planting, irrigation, pest control, and harvesting.

Agritourism: An accessory activity at an agricultural, horticultural, or agribusiness operation where the general public is allowed or invited to participate in, view, or enjoy the activities for recreational, entertainment, or educational purposes, including farming, ranching, dining, sale of agricultural products, historic and cultural agricultural activities, or natural resource-based activities.

Alcohol Retail Store: A store that primarily sells packaged alcoholic products. For the purposes of this definition primarily means that either store devotes 10 percent or more of floor area of the retail space and/or derives 51 percent or more of gross sales receipts from the sale of alcoholic products.

Alcoholic Products: Any beverage in liquid form which contains not less than one-half of one percent (0.5%) alcohol by volume and is intended for human consumption.

Alley: A public right-of-way, other than a street, road, 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. Petitioner may also be used, and will be considered synonymous with "Applicant" and used interchangeably.

Arterial Street: See Street, Arterial.

Artisan Studio/Artisan Center: A building or portion thereof used for the creation of original handmade works of art or craft items.

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.

ATM (Automatic Teller Machine): A computerized electronic machine that performs basic banking functions (such as handling check deposits or issuing cash withdrawals).

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 may be considered attached buildings and when so must abide by all regulations pertaining to primary structures.

Auto Accessory Installation: A business whose primary service is the addition, upgrading, or customization of vehicles with aftermarket accessories to enhance its aesthetics, safety, or comfort.

Auto Body Repair Shop: Any building or premises 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 Impound Facility: A designated facility used for the temporary storage of vehicles that have been seized, towed, or otherwise removed from public or private property by law enforcement agencies or authorized towing companies. These facilities serve as secure holding areas for vehicles until they can be reclaimed by their owners, auctioned, or disposed of according to local regulations.

Auto Parts Sales: 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: Full service auto repair shop, performs engine repair, auto maintenance, as well as minor body work. This includes, but is not limited to, 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, Minor: Limited/specialized auto repair service such as muffler shop, tire shop, dent removal, window replacement, oil change service, etc.

Auto Rental: Any person or entity that provides vehicles for rent, lease, loan, or other similar use to the public or any segment thereof.

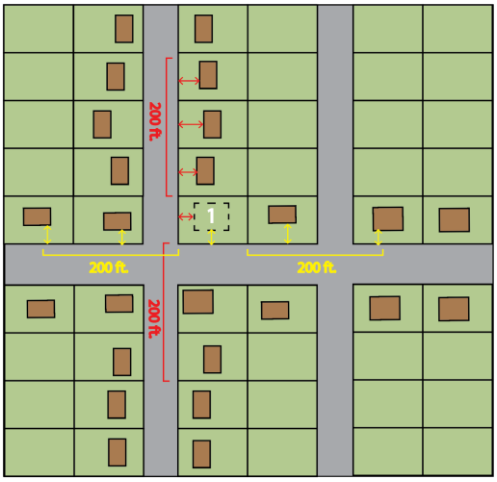
Auto Sales with Limited or No Services: Any building or premises for the sale of primarily pre-owned vehicles and light trucks or other non-commercial vehicles conducting with no, or very limited service facility for light maintenance or repairs.

Auto Sales with Showroom and/or Full Services: Any building or premises for the sale of new or pre-owned vehicles, including light and medium trucks, motorcycles, and other non-commercial 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 Wash: A business, either automatic or self-service, designed to clean the exterior and/or interior of vehicles

Automobile/Truck/Bus Storage (Open Air) – No Sales: The outdoor accumulation of vehicles for permanent or temporary holding. This does not include properties designated for the sale of vehicles.

Average Setback: Where adjacent structures are closer to the street than the minimum setback and/or there are significant inconsistencies in the setbacks of adjacent structures, a new structure may be constructed using an average setback. The average setback shall be a calculated average of structures on the same side of the street that are located within 200 feet of the proposed structure's lot lines. See the diagram below.



Ball Fields: An outdoor field designed for the playing and viewing of a sport.

Bank/Credit Union: Financial institutions including federally chartered banks, savings and loan associations, industrial loan companies, and credit unions providing retail banking services to individuals and businesses. This classification of bank does not include payday lending businesses or check cashing businesses.

Banquet Hall/Event Space: a location for the hosting of weddings, conferences, galas, and other similar events. Such use may include conference rooms, banquet halls, ceremonial spaces, and/or commercial kitchens serving such events. Part of the use may include the rental of property including audio-video equipment, seating, or clothing. For greater clarity this definition does not include a restaurant serving the traveling public.

Bar/Night Club/Cigar Bar (Not Adult Entertainment): An establishment for entertainment, typically serving alcoholic beverages for consumption on-site and offering music, dancing, or other entertainment.

Barber/Hair/Nails/Tanning Salon: A commercial establishment offering services related to fashion, hairdressing, and beauty.

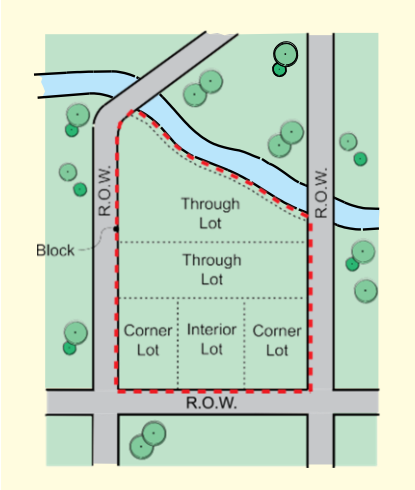
Base Zone District: A base zone district is the existing zoning district of the subject lot prior to the approval of a planned development or prior to the effects of an overlay district.

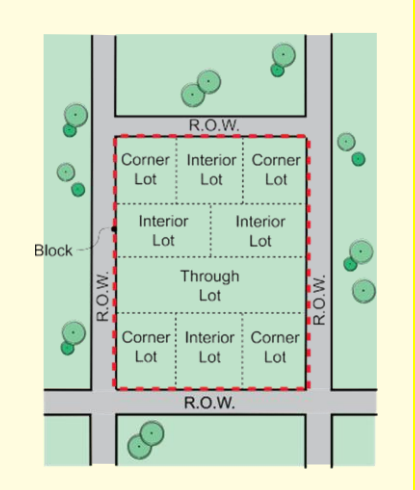
Base Station: Base station means a station located at a specific site that is authorized to communicate with mobile stations. The term includes all radio transceivers, antennas, coaxial cables, power supplies, and other electronics associated with a station.

Bed and Breakfast Facility: An owner-occupied or owner-employee-occupied residence, containing no more than 10 guest rooms for hire, for lodging by prearrangement 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 2 nearest intersecting or intersecting streets, intersecting railroad, intersecting waterway, or the end of a dead-end street.





Board of Zoning Appeals: The Jeffersonville Board of Zoning Appeals or any division thereof as established in IC-36-7-4-900 series.

Boarding House (owner-occupied): 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.

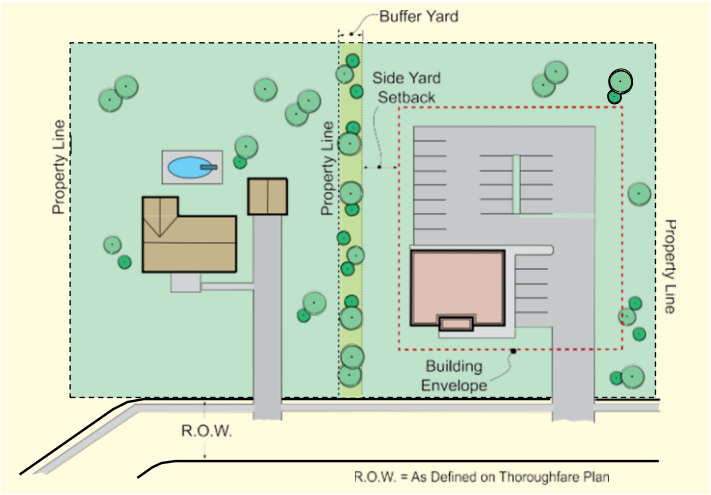
Boat Sales and Service: Any building or premises for the sale of new or pre-owned boats or boating equipment, including boats, personal watercrafts, and accessories for such vehicles. The service facility shall offer major and minor repairs to watercraft sold or to individuals seeking service only.

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.

Bottled Gas Storage/Distribution: The safe containment and movement of compressed, liquefied, or dissolved gases inside high-pressure cylinders (bottles) made of steel, aluminum, or composite materials.

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.

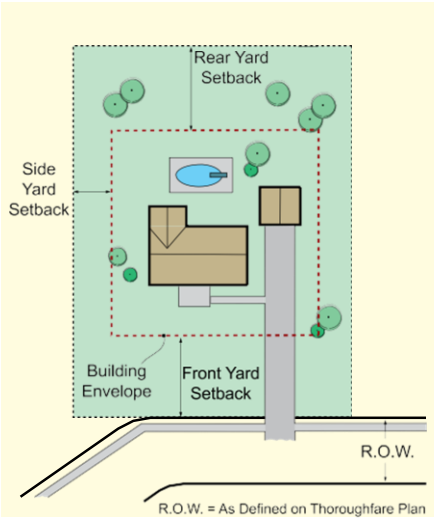
Building Area: The horizontal area of the buildings on a lot, measured from the outside exterior walls, excluding open areas or terraces, unenclosed porches or decks, and architectural features that project no more than 2 feet.

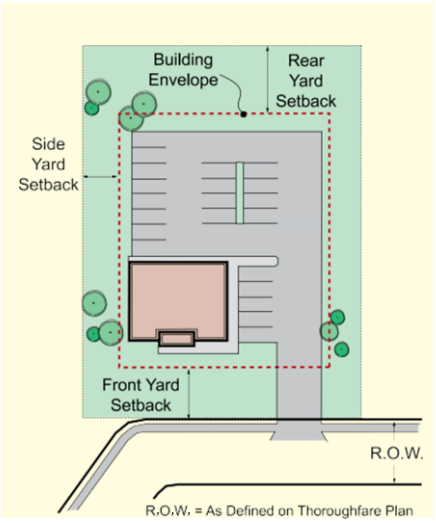
Building Code: The Indiana Building Code which establishes and controls the standards for constructing all forms of permanent structures and related matters. Also referred to herein as the Jeffersonville Building Code.

Building Height: see Structure Height.

Building/Landscape/Civil contractor: A business that is hired to complete construction, remodeling, landscaping, or other similar projects.

Building Setback Line: The line nearest the front of and across a lot establishing the minimum open space to be provided between the front line of buildings and structures and the front lot line.





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 Day: "Business Day" means a day other than a Saturday, a Sunday, or a legal holiday (as defined in IC 1-1-9-1).

Business Districts: Refers to the CD, CG, CH, CN, and CO Districts.

Butcher Shop/Meat Market: A shop specializing in the sale of meat, poultry, and fish.

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 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.

Certificate of Zoning Compliance: A compliance form that is required for all new business locating in Jeffersonville, and all existing businesses that are relocating in Jeffersonville. This form is used to review the proposed use and ensure it is permitted in the proposed zone district.

Chicken Coop: A structure for housing chickens or other fowl made of wood or similar materials that provides shelter from the elements.

Child Care Center (Day Care): A commercial, institutional or other accessory establishment providing non-overnight care, supervision and protection of children in a structure other than a private residence.

Child Care/Day Care (Owner-Occupied): An establishment providing non-overnight care, supervision and protection of children conducted in a structure which is also used as a private residence.

Child Care Institution (Children's Home): Defined as:

A. A residential facility that provides child care on a 24-hour basis for more than 10 children; or
B. A residential facility with a capacity of not more than 10 children that does not meet the residential structure requirement 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.

Church, Temple, or Mosque: A specially designed structure or space where individuals or a group of people such as a congregation come to perform acts of devotion, veneration, or religious study.

City: The City of Jeffersonville, Indiana.

Clothing Alterations/Shoe Repair: A business providing adjustments and repairs to clothing and similar attire.

Co-Housing Community: An intentional, collaborative neighborhood that combines private homes with shared indoor and outdoor spaces designed to support an active and interdependent community life.

Coin Laundry: A business providing self-service washing machines, dryers, and similar services for a fee.

Collocation: "Collocation" means the placement installation of wireless facilities on existing structures that include a wireless facility or a wireless support structure, including water towers and other buildings or structures. The term includes the placement, replacement, or modification of wireless facilities within an approved equipment compound.

Collocation 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.

Commercial Storage/Processing of Agricultural Products: The storage and processing of materials grown by agricultural crop production in facilities designed to ensure food security, quality, and organization prior to commercial sale.

Commercial Truck Sales: Any building or premises for the sale of new or pre-owned commercial vehicles and accessories for such vehicles.

Commercial Vehicle: Any motor vehicle or vehicle which displays a commercial license plate upon that vehicle or which the primary purpose or intent of operating the vehicle is to generate revenue to the operator of the vehicle.

Commission: Shall be referred to as The City of Jeffersonville Plan Commission.

Community Center/Senior Center: A public location where members of a community gather for group activities, social support, public information, and other purposes.

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 City Council 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.

Concrete Processing/Shipping: A facility that is used for the handling, preparation, and movement of concrete and similar materials.

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 Equipment Rental: A business primarily engaged in renting or leasing nonconsumer-type machinery and equipment. Such equipment is typically stored outdoors.

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.

Convenience Store: A small retail business that stocks a range of everyday items. A Convenience Store may exist on its own or may include the sale of gasoline.

Convention/Business Center: A large building that is designed to hold a convention, where individuals and groups gather to promote and share common interests

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.

Crematory: A building where dead people's bodies are disposed of by burning

Cross Fit/Training Center: Fitness centers that may open to the outside where activities occur both in and out of the building

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

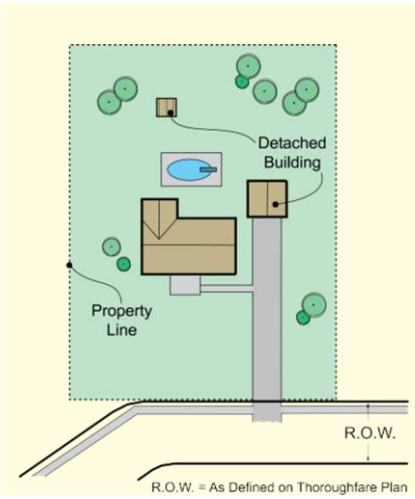
Dance/Aerobics/Gymnastics/Martial Arts Studio: A facility where classes are offered related to the physical fitness of participants which includes but is not limited to, personal training, yoga instructions, and aerobics instruction.

Day Care Center: See Child Care Center

DBH: Diameter-at-Breast-Height (DBH) 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.

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, or 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. May also be known as Zoning Districts.

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.

Drive thru/Drive-in Restaurant: A public eating and drinking establishment that also provides services to customers in vehicles who either drive up to a window or station or drive through to the building for purchases.

Drives, Private: See Street, Private.

Dry Cleaning Service: A business that cleans clothing and textiles using a solvent other than water.

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 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, and
- Has a pitched roof with a minimum rise of 2/12.

Dwelling, Mobile Home: A transportable dwelling unit 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:

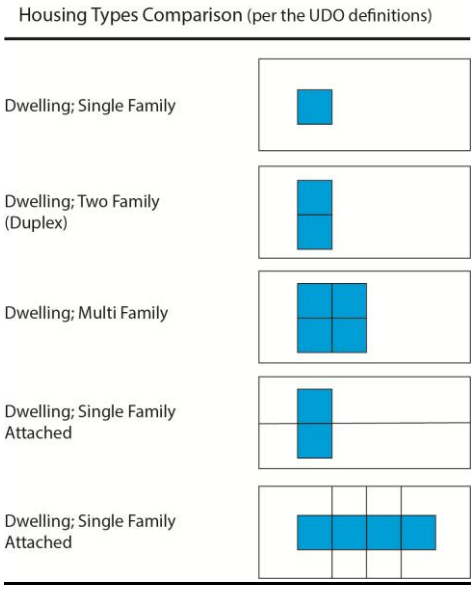
- Prior to June 15, 1976 and bears a seal attached under Indiana Public Law 135, 1971, certifying that it was built in compliance with the standards established by the Indiana Administrative Building Council, or
- Subsequent to or on June 15, 1976 and bears a seal, certifying that it was built in compliance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

Dwelling, Multi-Family: A residential building on a single lot designed for or occupied by 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 family.

Dwelling, Attached Single-Family: A residential dwelling unit designed for and occupied by one family that is attached to another residential dwelling or dwellings, but on a separate, platted lot from the other attached dwelling(s). There may be two or more dwellings attached, but the total number of dwelling units shall not exceed the number of lots platted.

Dwelling, Two-Family (Duplex): A residential building on a single lot designed for two families.



This diagram shows the differences between the above dwelling types. The black bounding boxes represent individual lots and each colored box is representative of one dwelling unit.

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 Unit: Any structure or portion thereof designed for or used for residential purposes as a self-sufficient or individual unit by one 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.

Electrical Generation: A facility that generates electricity or gas using fossil fuels or renewable fuels and deliver it to the power grid or Power Distribution facilities. This does not include solar panels that are placed on residential, commercial, or institutional buildings.

Electrical Transmission Tower: "Electrical transmission tower" means a structure that physically supports high voltage overhead power lines. The term does not include a utility pole.

Electronic Smoking Device: Any product containing or delivering nicotine, or any other substance intended for human consumption that can be used by a person in any manner or in any form for the purpose of inhaling vapor or aerosol from the product. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, ecigar, e-pipe, e-hookah. or vape pen, or under any other product name or descriptor. Electronic Smoking Device also includes any fitment, add-on, auxiliary or attachment type device that is designed to be utilized in conjunction with or during the usage of an electronic smoking device.

Equipment Compound: Sec. 6. As used in this chapter, "equipment compound" means the area that: (1) surrounds or is near the base of a wireless support structure, and (2) encloses wireless facilities.

Established Setback: See definition for Average Setback.

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.

Fall Zone: The minimum distance from the base of any tower to any property line, road, dwelling, business, institution, or public recreational are.

Family: An individual, or 2 or more persons related by blood, marriage, or adoption, or a group of not more than 4 persons, not related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit.

Farm Equipment Sales/Service: Any building or premises for the sale of new or pre-owned farm equipment, including tractors, plows, backhoes, balers, harrowers, harvesters, manure spreaders, seeders, and similar machinery. The service facility shall offer major and minor repairs to farm equipment sold or to individuals seeking service only.

Farmers Market: An area, open or partially enclosed, at which vendors gather to sell such items as fresh produce, seasonal fruits, fresh flowers, arts and crafts items, food, and beverages (but not to include second-hand goods).

Farmstead: The building and adjacent service areas of a farm.

Fence: An artificial structure, solid or otherwise, which is erected to enclose, screen, create a barrier, demark a boundary, or otherwise separate an area.

Filling/Gas Station (as accessory use): Gasoline and/or diesel fuel pumps Allowed only where accessory to another use listed under Commercial Uses: Auto & Vehicle. Otherwise, see "Convenience Store with Gas Pumps".

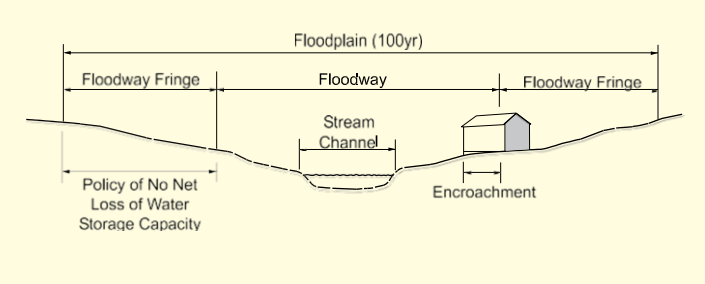
Finished Floor Area: See Floor Area, Finished.

Fitness Center/Gym: A facility where members or nonmembers use equipment or space for the purpose of physical fitness. This use may include space for physical fitness instruction.

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.

Flex Space: A facility that is designed for multiple tenants to conduct small-scale light-industrial, warehouse and/or commercial uses with separate office, retail, or showroom spaces.

Floodplain: The relatively flat area or low land adjoining the channel of a river or stream which has been or may be covered by flood water. The floodplain includes the channel, floodway, and floodway fringe. Floodplain boundaries are to be determined by using the 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 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.

Food Hall: An establishment that provides rental spaces for small restaurants and food vendors that surround a communal dining area.

Food Service, Small Scale: An establishment under 2,500 square feet in size where food and/or drinks are prepared and sold. These can include, but not be limited to bakeries, cafés, ice cream shops, and delicatessens.

Food Truck (Mobile Retail Food Establishment): A retail food establishment that is not intended to be permanent and is a motorized wheel vehicle, or a trailer that is licensed for use on public roadways, designed, and equipped to serve food and beverages. Such an establishment is readily movable or capable of being moveable that has or had wheels, is on skids, is mounted on a vehicle or trailer, or is a marine vessel. This term does not include a vehicle used solely to transport food.

Fowl: A domestic bird of any kind, not including chickens.

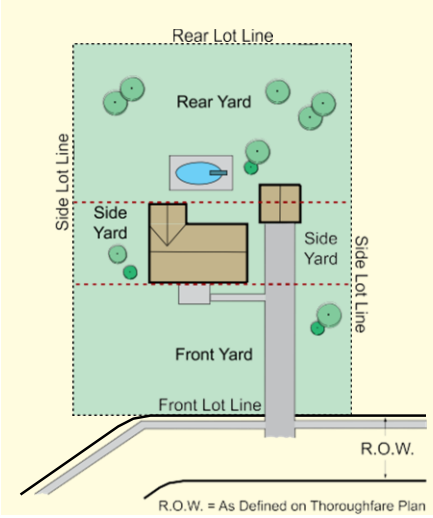
Freeway: See Expressway.

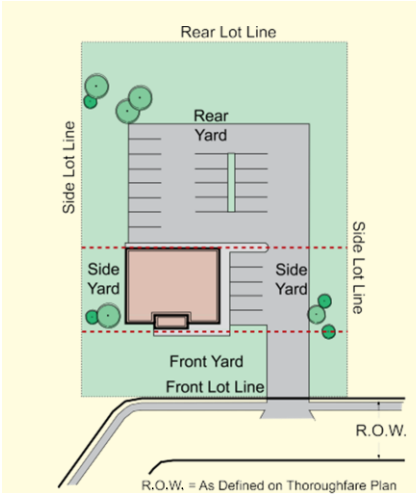
Front Line: With respect to a building, the foundation line that is nearest the front lot line.

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 under "Front Yard")

Front Yard: The horizontal space between the nearest foundation of a building to the Front Lot line, extending to the side property lines of the lot, and measured as the shortest distance from that foundation to the Front Lot line.





Frontage: See Lot Frontage.

Funeral Home/Mortuary: An establishment where the dead are prepared for burial or cremation, where the body may be viewed, and where funeral services are sometimes held.

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. Attached garages must share one wall with the primary structure on the lot and provide direct access into the primary structure.

Government Building: A structure owned, leased, or operated by federal, state, or local governments to house administrative, legislative, or judicial functions.

Greenhouse (Non-Commercial): A building made of glass, plastic, or fiberglass in which plants are cultivated with no retail sales of the plants or any other materials on-site.

Grocery Store: A large-scale retail business primarily selling fresh and packaged foods and household items.

Ground Floor Area: See Floor Area, Main.

Group Home: A facility that houses not more than 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.

Gun Club, Skeet Shoot, Paintball, or Target Range: An outdoor facility, venue, or field designed for the discharging, training, or practicing of firearms and similar weapons.

Half Street: A portion of the width of a street, usually along the edge of a subdivision where the remaining portion of the street cold be provided in another subdivision.

Hardship: A difficulty with regard to one's ability to improve land stemming from the application of the development standards of this UDO, Self-imposed situations and claims based on a perceived reduction of or restriction on economic gain shall not be considered hardships. Self-imposed situations may include, but are not limited to:

A. 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;
B. Any improvement initiated in violation of the standards of this UDO; or
C. Any result of land division requiring a variance from the development standards of this UDO in order to render that site buildable.

Health Spa: A business providing instruction, training, or assistance in physical culture, bodybuilding, exercising, reducing, figure development, or similar services to patrons or members.

Height: See Structure Height.

Helipad: A structural surface which is used for the landing and takeoff of helicopters which are used for fueling, maintenance, repairs, and storage.

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 8.6 HO-02.

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 8.6 HO-03.

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.

Illegal Nonconforming Building or Structure: Any structure constructed in violation of the Zoning Ordinance, which was in effect when the structure was constructed, and which remains in violation of the current Unified Development Ordinance is considered an illegal nonconforming structure.

Illegal Nonconforming Lot of Record: Any lot established in violation of the Zoning Ordinance or Subdivision Control Ordinance, which was in effect at the time of establishment and which remains in violation of the current Unified Development Ordinance, is an illegal nonconforming lot.

Illegal 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.

Illegal Nonconforming Use: Any use that was in violation of the Zoning Ordinance, which was in effect when the use was initiated and which remains in violation of the current Unified Development Ordinance, is an illegal nonconforming use. In addition, a use that was legally established and is not permitted under the current Unified Development Ordinance, but has been abandoned or discontinued for a period of at least 6 months, is an illegal nonconforming use

Impervious Surface: Any material that prevents absorption of storm water into the ground such as, but not limited to, concrete or asphalt.

Improvement Location Permit: A permit issued, often 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 Parks 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.

Incinerator: Any structure or furnace in which combustion takes place, the primary purpose of which is the reduction in volume and weight of unwanted material.

Indoor Entertainment Venue: A structure of facility for entertainment purposes to include, but not be limited to arcades, billiards, bowling alleys, indoor laser tag, trampoline parks, etc. Restaurants may be included as an accessory use.

Indoor Shooting Range: A fully enclosed facility designed and operated for the discharge of firearms, equipped with a bullet resistance backstop, ventilation system, and sound attenuation measures to prevent the escape of projectiles, excessive noise, or airborne contaminants.

Industry, Light: See Manufacturing, Light.

Industry, Heavy: See Manufacturing, Heavy.

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

Industrial Atorage: Land used primarily for the storage of materials, machinery, vehicles, or containers outside of enclosed structures.

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.

Jurisdiction of the Commission: The City of Jeffersonville, Indiana, and areas within two miles of the corporate limits.

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.

Kennel (Commercial)/Dog Day Care: A place primarily for keeping more than 4 adult dogs, or other small animals that are ordinarily bred for sale as pets, including temporary care and or lodging of animals for compensation.

Kennel (Private): A place for keeping up to 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 structure that does not meet one or more development standards of the Unified Development Ordinance, but was legally established prior to the effective date of the Unified Development Ordinance, shall be deemed a legal nonconforming structure. Generally, a structure is rendered legally nonconforming by an amendment to the zoning regulations or a zoning map change. However, a legal nonconformity may be a result of government use of eminent domain or right-of-way acquisition.

Legal Nonconforming Lot of Record: A lot that does not meet one or more lot standards of the Unified Development Ordinance, but was legally established and recorded prior to the effective date of the Unified Development Ordinance shall be deemed a legal nonconforming lot of record. Generally, a lot is rendered legal nonconforming by an amendment to the zoning regulations or a zoning map change. However, a legal nonconformity may be a result of government use of eminent domain or right-of-way acquisition.

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

Legal Nonconforming Use: The use of a structure or land (or a structure and land in combination) that was legally established and has since been continuously operated, that is no longer permitted by the Unified Development Ordinance in the zoning district in which it is located, shall be deemed a legal nonconforming use. A use legally established and that is not permitted under the current Unified Development Ordinance, but has been abandoned or discontinued for a period of at least 6 months, is an illegal nonconforming use. EXCEPTION: Where there is a parcel with an existing, vacant gas station, a new gas station may redevelop and operate and be considered legally nonconforming.

Library: A place in which literary, musical, artistic, or reference materials (such as books, manuscripts, recordings, or films) are kept for use but not for sale.

Liquid Fertilizer Storage/Distribution: A facility that is used for the handling, preparation, and movement of liquid fertilizer and similar materials.

Livestock: A class of animals that are customarily kept and housed outside the home or in enclosures such as pens, barns, corrals or paddock areas. Livestock includes, but is not limited to, horses, cattle (beef and dairy), llamas, alpacas, mules, swine, goats, chicken and fowl.

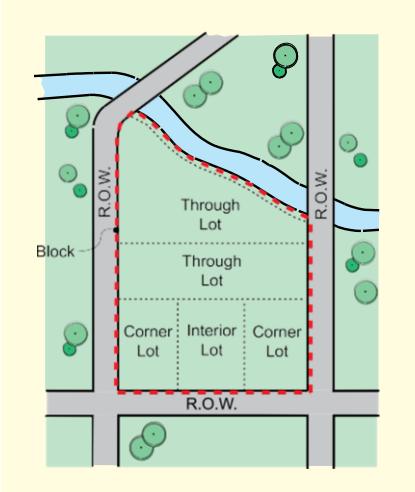
Livestock Enclosure: A fenced-in area that presents an adequate barrier round a field, yard, or other such expanse of land for the purpose of containing livestock or prohibiting intrusions from outside.

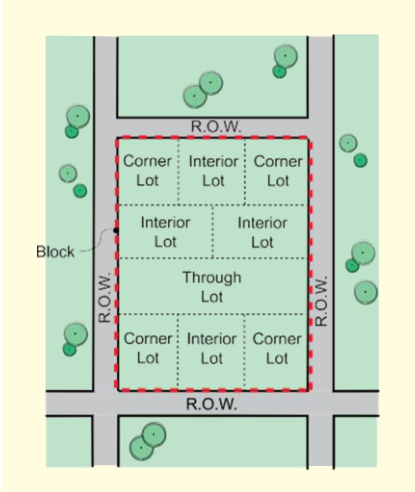
Livestock Structure: Any structure related to the practice of non-commercial keeping of livestock including, but not limited to, animal housing facilities, barns, stables, sheds, coops, cages, and similar structures, not including livestock enclosures.

Loading Dock/Area: Designated areas where trucks may load and unload cargo. Said areas shall be at least 10 feet by 50 feet with a minimum height clearance of 14 feet and shall have appropriate means of access. Such spaces are considered "on-street" if they are located on a dedicated street right-of-way and are considered "off-street" if they are not.

Local Street: See Street, Local.

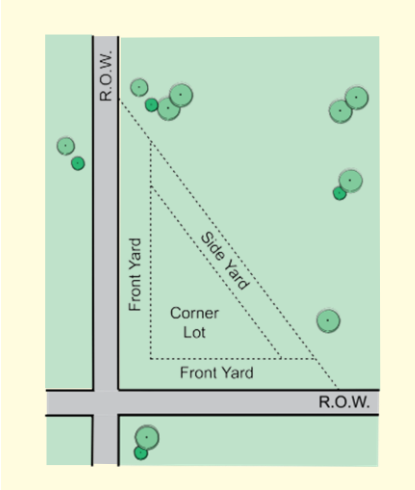
Lot: A piece, parcel or tract of land designated by its owner or developer to be used, developed or built upon as a unit under single or multiple ownership or control. There are generally three types of lots identified in this Ordinance: Interior Lots, Corner Lots, and Through Lots.

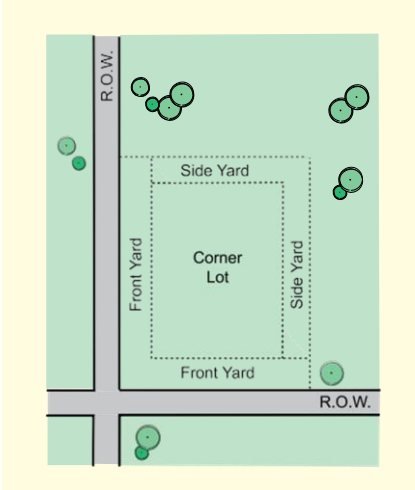


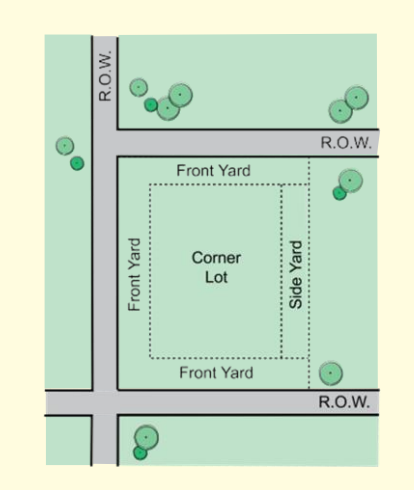


Lot, Buildable: See Lot, Improved.

Lot, Corner: A lot situated at the intersection of 2 streets or which fronts a street on 2 or more sides forming an interior angle of less than one-hundred and 135 degrees. The intersection of an alley and a street shall not constitute a corner lot.

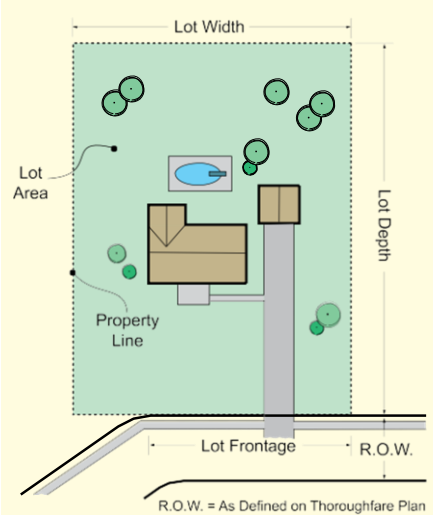


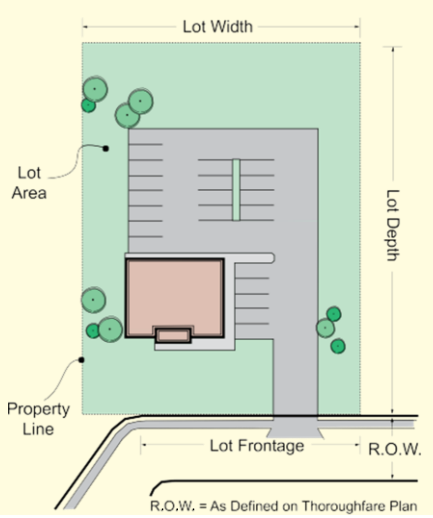




Lot Coverage: The area of a lot occupied by the primary building, any accessory structures and impervious surface.

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





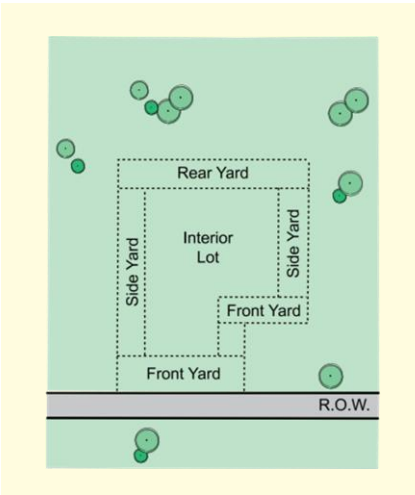
Lot, Developed: A lot with buildings or structures situated thereon.

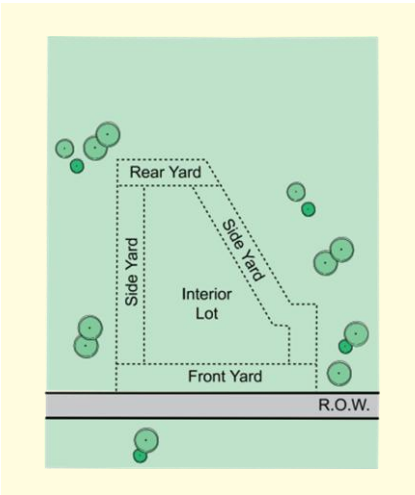
Lot, Flag: A lot which has a minimum frontage on a public or private street, the buildable area of which is reached via a private drive or lane, and whose width is some distance back from the street boundary line meets all ordinance requirements.

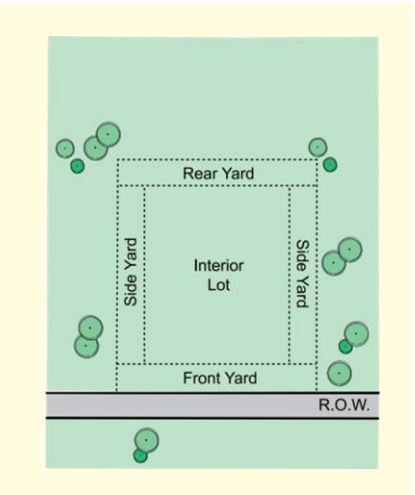
Lot Frontage: The length of the front lot line bordering upon a public right-of-way (not including alleys). The lot frontage is determined by measuring the total distance in which the front lot line touches a public right-of-way. Lot frontage requirement for a cul-de-sac lot is one half (1/2) the distance 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.



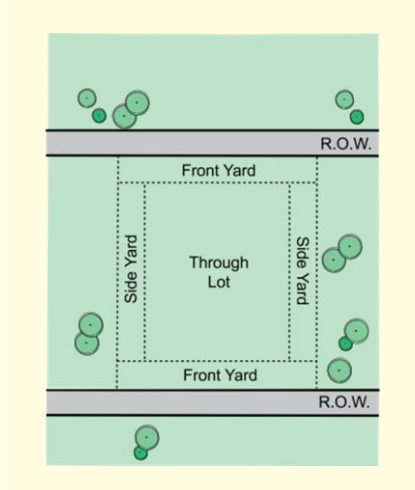


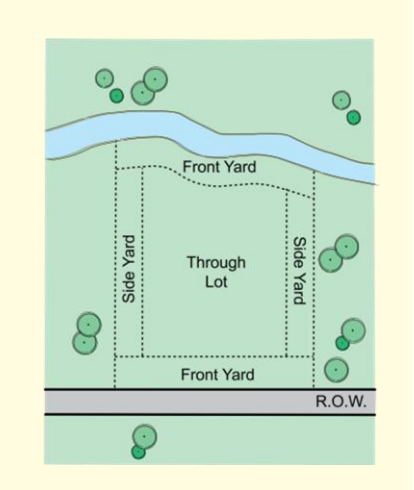


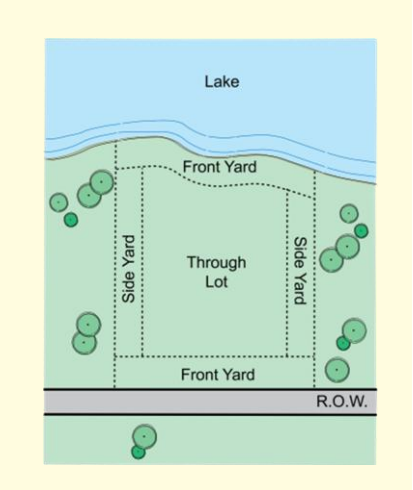
Lot, Landlocked: A lot which in inaccessible via a public thoroughfare, expect through an adjacent lot. On a landlocked lot, the side yard setback standards shall be applied to all sides.

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.

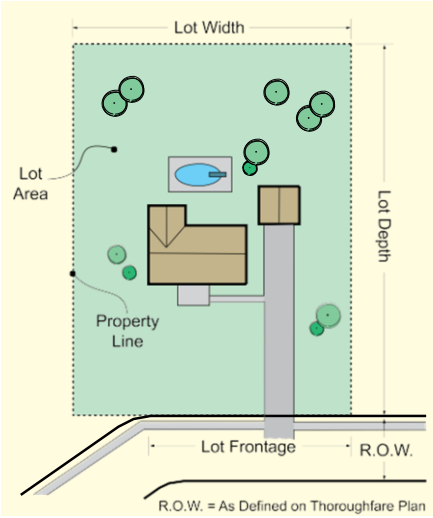
Lot, Through: A lot fronting on 2 parallel or approximately parallel streets, or abutting 2 streets which do not intersect at the boundaries of the lot. Also includes lots fronting on both a street and watercourse or lake.

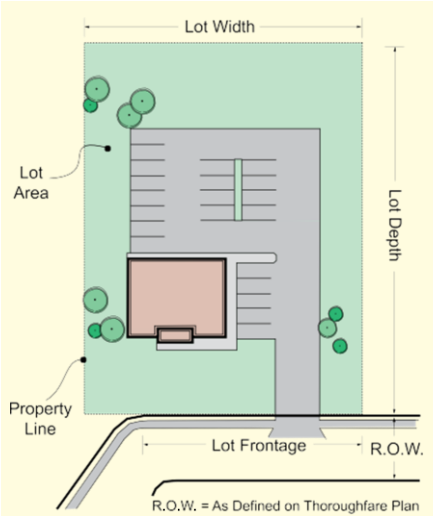






Lot Width: The distance between the side lot lines as measured on the front lot line. Cul-de-Sac and irregular shaped lots shall measure their front lot widths along the front setback line from one side lot line to the other.





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.

Material extraction (Quarry, Sand/Gravel Pit): A property used for the removal of sand and gravel, bedrock, crushed rock or soil from its natural site of geologic deposition or formation.

Medical/Dental/Physical Therapy/Chiropractor Office: An establishment providing therapeutic, preventative, corrective, healing and health-building treatment services on an out-patient basis by physicians, dentists and other practitioners. Typical uses include medical and dental offices and clinics and out-patient medical laboratories.

Microbrewery/Microdistillery (Limited Production): An establishment wherein beer, ale, wine, or liquors are produced which has a production area of 2,500 square feet or less. Such establishments may also include an on-site restaurant, tasting room, tours, or retail sale of the produced products.

Microbrewery/Microdistillery: An establishment wherein beer, ale, wine, or liquors are produced which has a production area of in excess of 2,500 square feet. Such establishments may also include an on-site restaurant, tasting room, tours, or retail sale of the produced products.

Microcellular Telecommunications Facility: A lower-powered antenna, along with accessory equipment, that provides cellular and data coverage to smaller geographic areas.

Mini-Storage Facility: A permanent structure and/or site used for containing separate secured indoor storage units, designed to be rented or leased for private storage of personal goods. Also known as a "Self-Storage Facility."

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 Bus Station: A building or structure used for the storage or layover of passenger buses or motor coaches, including waiting rooms, rest rooms, and other facilities for passenger convenience.

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 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. Murals are not regulated by this ordinance as long as they do not contain advertising for commercially available products or existing business and, therefore, function as a sign.

Museum: An institution dedicated to displaying and preserving culturally or scientifically significant objects.

Nature Center/Preserve: An area of land set aside and managed for conservation of wildlife, flora, fauna or features of geological or other special interest.

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.

Non-Commercial Keeping of Livestock: An accessory use to a dwelling unit involving the breeding, raising, caring for, housing, and/or use of products derived from livestock that is principally the hobby/personal use of the occupant, owner, or leaser of the lot on which such use is located.

Non-Commercial Door-to-Door Advocate: A person who goes door-to-door for the primary purpose of disseminating religious, political, social, or other ideological beliefs. For purpose of this article, the term door-to-door advocate shall not fall under the term solicitor and include door-to-door canvassing and pamphleteering intended for non-commercial purposes. Nothing within this article shall be interpreted to prohibit or restrict non-commercial door-to-door advocates and such persons shall not be required to register as a solicitor under this ordinance.

Normal Grade: For purposes of measuring sign height, normal grade shall be construed to be the average finished grade at the base of the sign. The average finished grade shall not count any filling, berming, mounding, or other earthwork constructed simply for the purpose of raising the sign.

Nursery/Tree Farm: A business that grows, offers for sale, or distributes plants and trees.

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 Thoroughfare Plan: The part of the comprehensive plan of the city, now or hereafter adopted which includes a major street and highway plan and sets forth the location, alignment, dimension, identification, and classification of existing and proposed streets, highways, and other thoroughfares.

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.

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.

Orchard/Vineyard: An area of land where fruiting trees and plants are grown for commercial purposes.

Outdoor Storage: See Storage, Outdoor.

Outdoor Entertainment Venue: A facility for entertainment purposes to include, but not be limited to driving ranges, go-kart tracks, mini-golf, ropes courses, etc. Restaurants may be included as an accessory use.

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 tenets 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 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 Lot, stand-alone (public or private): 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. This use shall have no other primary use on site.

Parking Space, Automobile: Space within a public or private parking area for the storage of one passenger automobile or commercial vehicle under a one and 1.5 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.

Peddler: A person who goes from house to house, door to door, business to business, street to street, or any other type of place to place movement, for the purpose of offering for sale, displaying or exposing for sale, selling or attempting to sell, and delivering immediately upon sale, the goods, wares, products, merchandise, other personal property, or services that the person is carrying or otherwise transporting.

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.

Permit Authority: A unit, a board, a commission, or any other governing body that makes legislative or administrative decisions concerning the construction, installation, modification, or siting of wireless facilities or wireless support structures. The term does not include:

(1) The Indiana Department of Transportation;
(2) The Indiana Finance Authority;
(3) The state or any of its agencies, departments, boards, commissions, authorities, or instrumentalities;
(4) The director of the department of natural resources; or
(5) A court or other judicial body that reviews decisions or rulings made by a permit authority.

Permitted Use: A use that is approved in a zoning district without the requirement of:

(1) A public hearing
(2) A variance, special exception, or other Board approval
(3) Other discretionary zoning action, other than a determination that a site plan conforms with applicable zoning regulations.

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.

Pet Care/Grooming/Veterinary Clinic: An establishment providing veterinary, grooming, or boarding services for pet animals. This use does not include outdoor boarding areas/kennels for pets.

Photography Studio: A space used for the taking, development, editing, and presentation of photography.

Pipeline/Pumping Station: A building or structure designed for the pumping and transportation of water.

Plan Commission: See Advisory Plan Commission.

Planned Unit Development: A Planned Unit Development (PUD) is a special zoning district that may be petitioned for by a property owner or group of property owners. This special district allows for development under a standalone ordinance (PUD Ordinance or PUD Booklet) that is adopted by the City. Once adopted, all future development in the district is bound to the regulations set forth in the PUD Ordinance.

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.

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 (sometimes referred to as the preliminary 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.

Plat, Secondary: The secondary plat (sometimes referred to as the final or record plat), pursuant to I.C. 36-7-4-700 series, is the final plat document in recordable form. A secondary plat shall substantially conform to the preceding primary plat, or section thereof. The secondary plat and plans may not be subject to public notices and public hearings.

Police/Fire Station: A facility operated by public safety personnel that serves to accommodate public safety services for the community.

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

Post Office: A public facility and a retailer that provides mail services, such as accepting letters and parcels, providing post office boxes, and selling postage stamps, packaging, and stationery.

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 Residence: A property whose owner uses as their personal domicile as defined by 45 IAC 3.1-1-22.5.

Primary Structure/Building: The building or structure in which the principal use of the lot or premises is located or conducted. With respect to single-family residential uses, the primary structure shall only include the principal dwelling.

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.

Print Shop/Copy Center: An establishment which provides custom printing services to the public.

Private Street: See Street, Private.

Professional Fundraiser: Any person, including a corporation or other entity, who, for compensation, performs any solicitations or other services for a religious, political, social, or other charitable organization. Nothing within this article shall be interpreted to prohibit or restrict such fundraising activities and such persons shall not be required to register as a solicitor under this ordinance.

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 Park: An area of land for the enjoyment of the public, having facilities for rest and/or recreation, such as a baseball diamond or basketball court, owned and/or managed by a city, county, state, federal government, or metropolitan park district.

Public Recreation Center/Pool: A building, room, or other facility open to the public that is used for social or recreational activities.

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.

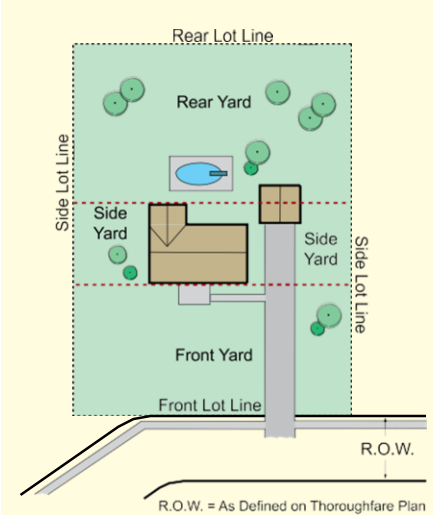
Public Well: A well that provides a source of water to a public water system

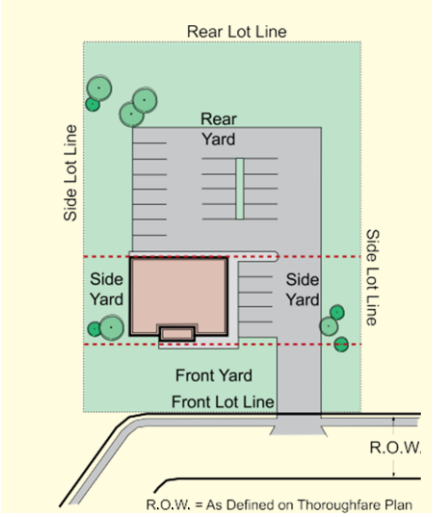
Radio/TV Station: A studio or building from where radio or television is broadcast from.

Raising of Farm Animals: The rearing, care, and housing of commercial livestock.

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: See Campground.

Recreational Vehicle Sales and Service: Any building or premises for the sale of new or pre-owned recreational vehicles including accessories for such vehicles. The service facility shall offer major and minor repairs to recreational vehicles sold or to individuals seeking service only.

Recycling Center (Open to the Public): An establishment engaged in the processing, collection and transfer of recyclable materials. Typical recyclable materials include: glass, paper, plastic, cans, motor oil, or other source-separated, non-decayable materials.

Recycling center (Private): A commercial establishment engaged in the processing, collection and transfer of recyclable materials. Typical recyclable materials include: glass, paper, plastic, cans, motor oil, or other source-separated, non-decayable materials.

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 equaled or exceeded on the average of once in a 100 year period, as calculated by a method and procedure which is acceptable to and approved by the Indiana Natural Resources Commission; Further, this flood is equivalent to a flood having a 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.

Research Center/Laboratories: A facility used for scientific, technical, or industrial research, design, testing, and development.

Residential Clubhouse/Community Room: A shared amenity building or room within a housing complex, apartment community, or homeowners association designed for social, recreational, and leisure activities.

Residential District: Refers to the R1, R2, R3, R4, M1, M2, M3, and MP Districts.

Residential Facility for the Development Disabled/Mentally Ill (More than 4 units): A residential facility which provides residential services for more than 4 developmentally disabled or mentally ill individuals as described in I.C. 12-28-4.

Residential Facility for the Development Disabled/Mentally Ill (less than 4 units): A residential facility which provides residential services for 4 or less developmentally disabled or mentally ill individuals as described in I.C. 12-28-4.

Restaurant/Pub: An establishment engaged in preparing, serving, and selling food for on- or off- premises consumption. Bars, night clubs, or similar establishments are not considered restaurants.

Re-Subdivision (Re-Plat): 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.

Retail 1 (small scale): A retail establishment associated with a permanent structure selling new merchandise, with the exception of Alcohol Retail Stores and Smoking Retail Stores, which is less than 20,000 square feet in total area.

Retail 2 (large scale): A retail establishment associated with a permanent structure selling new merchandise, which is greater than 20,000 square feet in total area.

Retail 3 (with outdoor product sales): A retail establishment of any size that is associated with a permanent structure selling goods and merchandise with displays and/or sales outside such as, but not limited to, lumber yards, nursery and landscape centers, equipment sales, etc. This does not include a temporary rack or display of merchandise on a temporary basis (i.e. sidewalk sale).

Retail 4 (with drive-thru service): A retail establishment of any size that is associated with a permanent structure, with the exception of Alcohol Retail Stores and Smoking Retail Stores, with some portion of sales happening via a drive thru.

Retail 5 (used goods): A retail establishment of any size that is associated with a permanent structure that sells primarily used goods such as, but not limited to, antique stores, consignment stores, thrift shops, etc.

Retail 6 (Alcohol/Tobacco Sales): A retail establishment associated with a permanent structure that meets the definition of Alcohol Retail Store or Smoking Retail Store as defined in this Article. No Retail 6 establishments shall be located within 1/3 of a mile of a Primary or Secondary school.

Retaining Wall: A wall or similar structure used at a change of grade that is built or designed to retain or restrain lateral forces of soil or other materials.

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.

Sale of Agricultural Products (e.g. Road Side Farm Stand): The temporary sale of fruits and vegetables on property associated with a permanent structure. Such sales shall be considered to be a form of temporary/seasonal merchant and subject to the regulation of such a use.

Salvage 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.

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, Elementary/Secondary: A public or private institution which offers instruction in any branches of learning. These institutions include elementary, middle, junior high, and high schools.

School, Higher Education (Campus): An educational facility which offers instruction for post-secondary education. This type of facility shall have multiple education buildings, and can include housing for full-time attendees.

School, Higher Education (Single Facility): An educational facility which offers instruction generally specific to a trade, business, or commercial endeavor. This facility is limited to one building on the subject property.

Senior Living/Retirement Community (Not Assisted Living or Nursing Home): A residential community or housing complex designed for older adults who are generally able to care for themselves.

Setback: The minimum horizontal distance between the building line and a lot line or right-of-way.

Sewage Treatment Plant: A facility which operates a sewerage system and sewage treatment facilities that collect, treat and dispose of human waste.

Short-Term Rental: As pursuant to IC 36-1-24-6, means the rental of:

(1) a single-family home;
(2) a dwelling unit in a single-family home;
(3) a dwelling unit in a two-family or multifamily dwelling; or
(4) a dwelling unit in a condominium, cooperative, or time share;

for terms of less than thirty (30) days at a time through a short-term rental platform. The term includes a detached accessory structure, including a guest house, or other living quarters that are intended for human habitation, if the entire property is designated for a single-family residential use. The term does not include property that is used for any nonresidential use.

The following shall not constitute a short-term rental:

(a) Family occupancy: Any member of a family and the family's guests may occupy a dwelling as long as owned by the family. Family occupancy extends to guest houses or similarly separate dwellings legally located on the same premises as the primary building and used without remuneration to the owner.
(b) House sitting: During the temporary absence of the owner and the owner's family, the owner may permit non-owner occupancy without remuneration to the owner.
(c) Dwelling sales: Occupancy of up to 90 days after closing by a prior owner after the sale of a dwelling is permitted.
(d) Estate representative: Occupancy by a personal representative, trustee, or guardian of the estate, with or without remuneration is permitted.

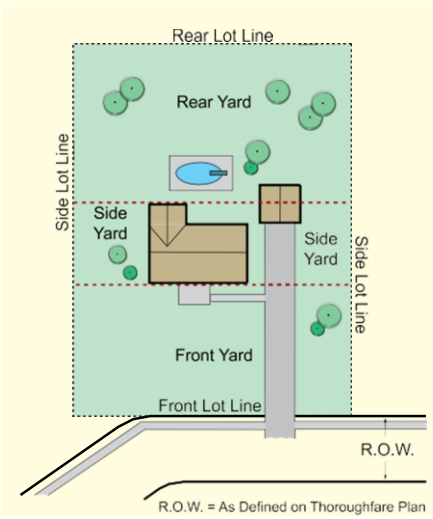
Short-Term Rental, Owner-Occupied: A property that is the owner's primary residence and is offered to the public as a short-term rental, pursuant to IC 36-1-24-3. For the purposes of short-term rental permits, a property owner may only identify one property they own as their primary residence.

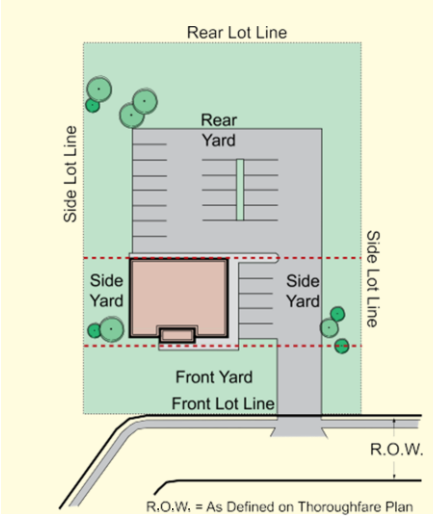
Short-Term Rental, Non-Owner-Occupied: A property that is not the owner's primary residence and is offered to the public as a short-term rental, pursuant to IC 36-1-24-3.

Short-Term Rental Platform: an entity that provides an online platform through which unaffiliated parties offer a short-term rental to an occupant and collects fees for the rental from the occupant, pursuant to IC 36-1-24-7.

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 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, 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 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.

Sign, Awning: A sign that is attached to an awning, canopy, or other fabric that serves as a structural protective cover over a door, entrance, window, or outdoor service area.

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, Billboard: A large, freestanding sign, typically greater than 400 square feet,

Sign, Electronic Digital Display (EDDS): 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.

Sign Fabrication: **A** business providing design services for signage as well as creation of signs through cutting, bending, and welding processes.

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 at normal grade 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, Monument: A type of Ground Sign in which the bottom edge of the sign is permanently affixed to the ground by masonry, stone, block, brick, EIFS, concrete, or other similar hard, aggregate materials.

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, Off-premise: A sign which relates in its subject matter to buildings, businesses, establishments, occupants, uses, functions, addresses, and other like identifying elements, products, accommodations, services, or activities found, located, sold, or offered elsewhere than upon the premises on which the sign is located. Off-premise signs include but are not limited to those signs commonly referred to as outdoor advertising signs, billboards, or poster boards.

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 1.5 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 EDDS: An EDDS that is mounted upon a trailer, bench, wheeled carrier, or other non-motorized mobile structure with or without wheels. Portable EDDS are considered Temporary Signs.

Sign, Post: A type of Ground Sign suspended or supported by 2 uprights or braces anchored in the ground with clearance from the bottom of the sign.



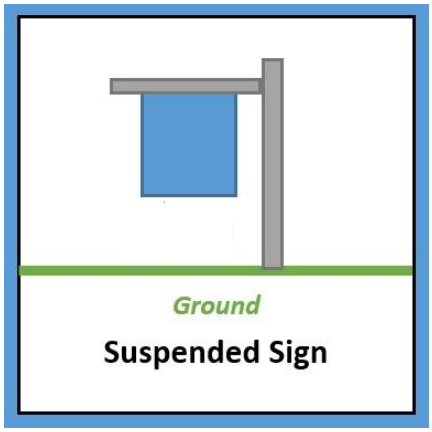
Sign, Projecting: A type of Wall Sign that is attached to a horizontal or vertical plane/structure surface and is supported by such plane/surface.

Sign, Roof-Mounted: A type of sign that is supported wholly or in part on or by the roof structure.

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

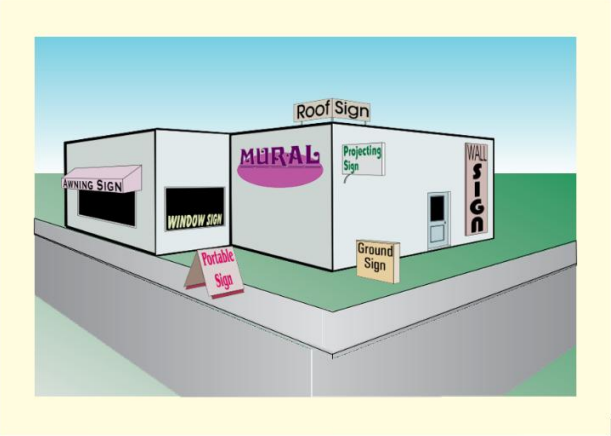
Sign, Streamer: Any display of thin strips of cloth, fabric, or other lightweight material designed and fashioned in such a manner as to move when subjected to wind pressure. Streamer Signs are considered Temporary Signs.

Sign, Suspended: A type of ground Sign suspended from and installed on an arm or spar attached to one upright, decorative pole.



Sign, Temporary: A sign not fixed to a permanent foundation.

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, Wall: Any sign attached to or erected against the wall of a structure with the exposed display surface of the sign in a plane parallel (or relatively parallel) to the plane of the structure. Wall signs shall not project above then fascia or parapet of the building.

Sign, Window: Any sign directly attached to the window of a structure or erected on the inside or outside of the window, which is legible from any part of a public right-of-way or adjacent property. For purposes of this definition, a "window" is defined as an opening in the wall or roof of a structure that is fitted with glass or other transparent material in a frame to admit light or air and to allow people to see out.

Sign, Yard or Lawn: Small signs, typically under knee height that are usually supported by metal wire or small stakes driven directly into the ground. Yard or Lawn Signs are considered Temporary Signs.

Small Cell Facility: As used in this ordinance, a Small Cell Facility refers to

A. A personal wireless service facility (as defined by the Federal Telecommunications Act of 1996 as in effect on July 1, 2015); or
B. A wireless service facility that satisfies the following requirements:
    1. Each antenna, including exposed elements, has a volume of 3 cubic feet or less
    2. All antennas, including exposed elements, have a total volume of 6 cubic feet or less. The primary equipment enclosure located with the facility has a volume of 17 cubic feet or less. The volume of the primary equipment enclosure does not include the following equipment that is located outside the primary equipment enclosure:
        a. Electric meters.
        b. Concealment equipment.
        c. Telecommunications demarcation boxes.
        d. Ground based enclosures.
        e. Backup power systems.
        f. Grounding equipment.
        g. Power transfer switches.
        h. Cutoff switches.

Small Cell Network: A collection of interrelated small cell facilities designed to deliver wireless service.

Small Engine Repair: A business performing repair and maintenance of small gasoline or electric power engines, such as lawnmowers, portable generators, or outboard motors.

Smoking Retail Store: A store that primarily sells tobacco, tobacco products, electronic smoking devices and/or other non-alcoholic intoxicating products. For the purposes of this definition primarily means that either store devotes 10 percent or more of floor area of the retail space and/or derives 51 percent or more of gross sales receipts from the sale of tobacco, tobacco products, electronic smoking devices and/or other non-alcoholic intoxicating products.

Solicitor: A person who goes from house to house, door to door, business to business, street to street, or any other type of place to place movement, for the purpose of obtaining or attempting to obtain orders for goods, wares, products, merchandise, other personal property, or services of which he or she may be carrying or transporting samples, or that may be described in a catalog or by other means, and for which delivery or performance shall occur at a later time. The absence of samples or catalogs shall not remove a person from the scope of this provision if the actual purpose of the person's activity is to obtain or attempt to obtain orders as discussed above. For purposes of this article, the term solicitor shall have the same meaning as the term canvasser.

Special Exception: The authorization of a use that is designated as such by this ordinance as being permitted in the subject zone district if it meets special conditions, is found to be appropriate, and upon application, is specifically authorized by the BZA.

Stable, Commercial: Any building, barn, or other premises whatsoever at which equine species are boarded, or from where they are let out for hire, for working, training, or riding, or from which equine species are provided and used to give instruction in riding.

Storage, Indoor: The indoor accumulation of foods, junk, motor vehicles, equipment, products, or materials for permanent or temporary holding.

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 above it, or if there be no floor above it, then the space between the floor and the ceiling above it.

Any portion of a story exceeding 14 feet in height shall be considered as an additional story for each 14 feet or fraction thereof. A basement or walk-out basement shall not be considered a story.

Street: A right-of-way, other than an alley, dedicated or otherwise legally established for the public use, usually affording the principal means of access to abutting property. A street may be designated as a highway, thoroughfare, parkway, boulevard, road, avenue, lane, drive, other appropriate name.

Street, Arterial: A street with access control, restricted parking, and that collects and distributes traffic to and from secondary arterials, as depicted by the map in Appendix D.

Street, Local: A street designed primarily to provide access to abutting properties and discourage through traffic, as depicted by the map in Appendix D.

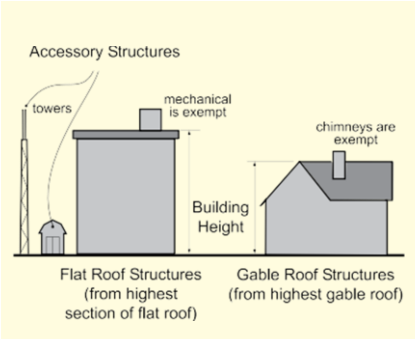
Street, Private: Vehicular streets and driveways, paved or unpaved, which are wholly within private property except where they intersect with other streets within public rights-of-way and that are maintained by the owner(s).

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 average ground level at the building perimeter to the highest point of the roof exclusive of chimneys, mechanical, etc. as shown in the diagram below.



Subdivider: Any person, persons, firm, or corporation engaged in developing or improving a tract of land which complies with the definition of a subdivision as defined in this ordinance.

Subdivision: The division of any parcel of land for residential, commercial, or industrial use into two or more parcels, sites, or lots. The subdivision may include the allocation of land as streets or other open spaces for common use by owners, occupants, or lease holders or as easements for extension and maintenance of public sewer, water, storm drainage, or other public utilities and facilities.

Substance abuse treatment facility, Inpatient: A privately owned clinic, facility, or other structure used for the treatment of the abuse of alcohol or other mind-altering drugs, where one or more patients are provided with care, meals, and lodging. The administration of drugs by licensed personnel in accordance with federal and state law is permitted.

Substance abuse treatment facility, Outpatient: Privately owned clinic, facility, office, or other structure used primarily for the treatment of chronic pain, where no meals or lodging are provided. The administration of drugs by licensed personnel in accordance with federal and state law is permitted.

Substance abuse treatment facility, Outpatient (Counseling Only): A privately owned clinic, facility, or other structure used for the treatment of the abuse of alcohol or other mind-altering drugs, where patients are generally provided with counseling services only. No meals, lodging or administration of drugs may be provided on the premises.

Substantial Modification of a Wireless Support Structure: The mounting of a wireless facility on a wireless support structure in a manner that:

A. Increases the height of the wireless support structure by the greater of:
   1. 10% of the original height of the wireless support structure;
   2. 20 feet;
B. Adds an appurtenance to the wireless support structure that protrudes horizontally from the wireless support structure more than the greater of:
   1. 20 feet; or
   2. The width of the wireless support structure at the location of the appurtenance; or
C. Increases the square footage of the equipment compound in which the wireless facility is located by more than 2,500 sq. ft.

The term does not include the following:

A. Increasing the height of a wireless support structure to avoid interfering with and existing antenna.
B. Increasing the diameter or area of a wireless support structure to:
   1. Shelter an antenna from inclement weather; or
   2. Connect an antenna to the wireless support structure by cable.

Secondary Plat: See Plat, Secondary.

Swimming Pool: A self-contained body of water at least 24 inches deep and 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.

Tattoo Studio/Piercing Shop: A business providing tattooing, piercing, or similar body modification services.

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

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

Temporary/Seasonal Merchant: A person who temporarily sets up business on a lot with a permanent structure and active use displaying for sale, selling or attempting to sell, and delivering goods, wares, products, merchandise, or other personal property in one single location for a period of no more than 45 days at a time and no more than 2 times in a calendar year, nonconsecutively.

Temporary Service Agency: An organization that connects businesses to workers for temporary or contract work.

Temporary Use/Structure: A land use or structure established for a limited and fixed period of no more than 4 months with the intent to discontinue such use or structure upon the expiration of the time period.

Theater: A facility for audio and visual productions and performing arts, excluding adult motion picture theaters and adult entertainment businesses.

Thoroughfare Plan: See Official Thoroughfare Plan.

Tobacco or Tobacco Products: Any cigarette, cigar, snuff, smokeless tobacco product, smoking tobacco, chewing tobacco, any kind or form of tobacco prepared in a manner suitable for chewing or smoking, or both, or any kind or form of tobacco that is suitable to be placed in a person's mouth. The definition of Tobacco Products also includes Tobacco Paraphernalia. Tobacco or tobacco products excludes any tobacco product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.

Tobacco Paraphernalia: Cigarette paper or wrappers, blunt wraps, pipes, holders of smoking materials of all types, cigarette rolling machines, or other instruments or things designed for the smoking or ingestion of tobacco products or any product containing or delivering nicotine or any other substance intended for human consumption. Tobacco Paraphernalia also includes any fitment, add-on, auxiliary or attachment type device that is designed to be utilized in conjunction with or during the usage of Tobacco Paraphernalia.

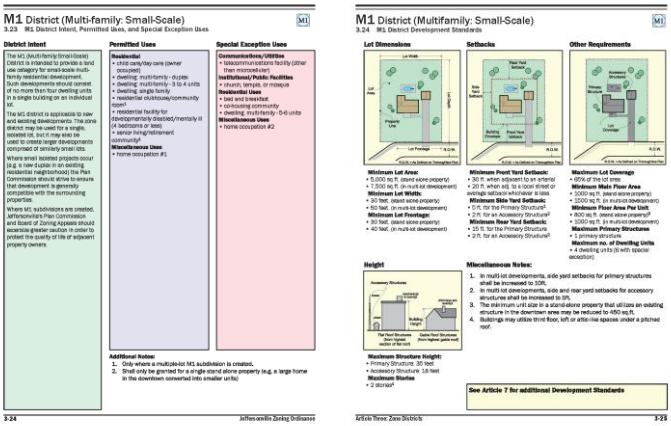
Tower: See Telecommunications Tower.

Trade shop(s): Establishments, also known as machine shops, primarily engaged in machining metal parts on a job or order basis. Generally machine shop jobs are low volume using machine tools, such as lathes (including computer numerically controlled); automatic screw machines; and machines for boring, grinding, and milling.

Transient Merchant (Street or Mobile Vendor): A person who temporarily sets up business out of a vehicle, trailer, boxcar, tent, other portable shelter, or empty storefront for the purpose of exposing or displaying for sale, selling or attempting to sell, and delivering goods, wares, products, merchandise, or other personal property and who does not remain in any one location for more than 14 consecutive days.

Truck Stop/Filling Station: A gas station, usually at the side of a major highway, where truck drivers stop for fuel, and often including a restaurant, sleeping and showering rooms, a store selling basic items, and other services to motorists and truck drivers.

Two-Page Layout: Two-Page Layout refers to the two-page layout accompanying each zoning district in Articles 3 of this UDO. The two-page layout includes permitted uses, special exception uses, and basic zone district information. Below is an example.


M1 District (Multi-family: Small-Scale)

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

District Intent

Permitted Uses

Residential
- child care/day care (owner occupied)
- dwelling: multi-family - duplex
- dwelling: multi-family - 3 to 4 units
- dwelling: single family
- residential clubhouse/community room
- residential facility for developmentally disabled/mentally ill (4 bedrooms or less)
- senior living/retirement community

Miscellaneous Uses
- home occupation #1

Special Exception Uses

Communication/Utilities
- telecommunications facility (other than microcell/att)

Institutional/Public Facilities
- church, temple, or mosque

Residential Uses
- bed and breakfast
- co-housing community
- dwelling: multi-family - 5-6 units

Miscellaneous Uses
- home occupation #2

Additional Notes:
1. Only where a multiple-lot M1 subdivision is created.
2. Shall only be granted for a single stand alone property (e.g. a large home in the downtown converted into smaller units)

3-24 Jeffersonville Zoning Ordinance

M1 District (Multifamily: Small-Scale)

3.24 M1 District Development Standards

Lot Dimensions

Minimum Lot Area:
- 5,000 sq.ft. (stand alone property)
- 7,500 sq.ft. (in multi-lot development)

Minimum Lot Width:
- 50 feet. (stand alone property)
- 50 feet. (in multi-lot development)

Minimum Lot Frontage:
- 30 feet. (stand alone property)
- 40 feet. (in multi-lot development)

Setbacks

Minimum Front Yard Setback:
- 30 ft. when adjacent to an arterial
- 20 ft. when adj. to a local street or average setback whichever is less

Minimum Side Yard Setback:
- 5 ft. for the Primary Structure
- 2 ft. for an Accessory Structure

Minimum Rear Yard Setback:
- 25 ft. for the Primary Structure
- 2 ft. for an Accessory Structure

Other Requirements

Maximum Lot Coverage
- 65% of the Lot area

Minimum Main Floor Area
- 1000 sq.ft. (stand alone property)
- 1200 sq.ft. (in multi-lot development)

Minimum Floor Area Per Unit
- 800 sq.ft. (stand alone property)
- 1000 sq.ft. (in multi-lot development)

Maximum Primary Structure
- 1 primary structure

Maximum no. of Dwelling Units
- 4 dwelling units (6 with special exception)

Height

Maximum Structure Height:
- Primary Structure: 35 feet
- Accessory Structure: 18 feet

Maximum Stories
- 2 stories

Miscellaneous Notes:
1. In multi-lot developments, side yard setbacks for primary structures shall be increased to 10ft.
2. In multi-lot developments, side and rear yard setbacks for accessory structures shall be increased to 5ft.
3. The minimum unit size in a stand-alone property that utilizes an existing structure in the downtown area may be reduced to 450 sq.ft.
4. Buildings may utilize third floor, loft or attic-like spaces under a pitched roof.

See Article 7 for additional Development Standards

Article Three: Zone Districts 3-25

Unified Development Ordinance: The official document, now or hereafter adopted, which includes an Ordinance and zone map which divides the jurisdiction of the Plan Commission into districts, with regulation, requirements and procedures for the establishment of land use and subdivision control.

Use: The purposes for which land, building, or structure thereon is designed, arranged, or intended, or for which it is occupied, maintained, let, or leased.

Utility Maintenance Yard: A secured facility, often owned by a municipality or public utility company, used for storing equipment, materials, and vehicles essential for repairing, operating, and maintaining public infrastructure like water, sewer, gas, and power lines.

Utility Pole: A structure that is:

(1)Owned or operated by:

(A)A public utility;

(B)A communications service provider;

(C) A municipality;

(D)An electric membership corporation; or

(E)A rural electric cooperative; and

(2)Designed and used to:

(A)Carry lines, cables, or wires for telephony, cable television, or electricity; or

(B)Provide lighting. The term does not include a wireless support structure or an electrical transmission tower.

Utility Substation: A facility including, but not limited to transformers, circuit breakers and metering devices where electrical currents are forwarded on through transmission lines

Variance, Use: The approval of a use other than that prescribed by the zoning ordinance, an act granted by I.C. 36-7-4-918.3.

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

Vehicle: See Motor Vehicle.

Warehouse/Distribution/Wholesale Business: A business which stores and processes goods, merchandise, or equipment for eventual distribution.

Wayfinding Structure: A structure erected by the municipality or a multi-tenant development that displays necessary identification information for the convenience and safety of residents and visitors, and contains no advertising. This includes public-erected structures found along highways and interstates that display logos for lodging, gasoline stations, and restaurants. This also includes directional structures that provide functional/directional information.

Wireless Facility: The set of equipment and network components necessary to provide wireless communications service. The term does not include a wireless support structure.

Wireless Support Structure: A freestanding structure designed to support wireless facilities. The term does not include a utility pole or an electrical transmission tower.

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 A

City of Jeffersonville Land Use Matrix

This page is for spacing purposes only

City of Jeffersonville Land Use Matrix

Note: Throughout this table: P = Permitted Use; S = Special Exception Use; RR = If allowed by RRDA

LAND USE BY TYPE	USE DISTRICT																		
Agriculture Uses	**A1**	**CD**	**CG**	**CH**	**CN**	**CO**	**I1**	**I2**	**IN**	**IR**	**M1**	**M2**	**M3**	**MP**	**PR**	**R1**	**R2**	**R3**	**R4**
Agricultural crop production[1]	P									RR									
Agritourism uses[2]	S									RR									
Commercial storage/processing of agricultural products	S						S	P		RR									
Farm equipment sales/service				P			P	P		RR									
Farmstead	P									RR									
Greenhouse (non-commercial)	P									RR									
Nursery / Tree Farm	P									RR									
Orchard / Vineyard	P									RR									
Raising of farm animals	P									RR									
Sale of agricultural products (e.g. road side farm stand)	P									RR									
Stable, commercial	P									RR									

Specific notes:

1. Includes local storage and processing of crops on site.
2. See definition in Article 11 for more information

City of Jeffersonville Land Use Matrix (Cont.)

Note: Throughout this table: P = Permitted Use; S = Special Exception Use; RR = If allowed by RRDA

LAND USE BY TYPE	USE DISTRICT																		
Commercial Uses: Auto & vehicle	**A1**	**CD**	**CG**	**CH**	**CN**	**CO**	**I1**	**I2**	**IN**	**IR**	**M1**	**M2**	**M3**	**MP**	**PR**	**R1**	**R2**	**R3**	**R4**
Auto accessory installation			P	P			P	P	S	RR									
Auto impound facility								S		RR									
Auto body repair shop			S	S			P	P	S	RR									
Auto repair, major[1]			S	S			P	P	S	RR									
Auto repair, minor[2]			P	P			P	P	S	RR									
Auto parts sales			P	P			P	P	P	RR									
Auto rental			S	P			P	P		RR									
Auto Sales: limited or no services			S	P			P	P		RR									
Auto Sales with showroom and/or full services			S	P			P	P		RR									
Auto Wash			S	P			P	P		RR									
Automobile/truck/bus storage (open air) – no sales							P	P	S	RR									
Boat sales and service			S	P			P	P		RR									
Commercial truck sales							P	P		RR									
Electric Vehicle Charging Station, Type B	P	P	P	P	P	P	P	P	P	RR		P	P	P	P				
Electric Vehicle Charging Station, Type C			P	P			P	P		RR									
Electric Vehicle Charging Station, Stand-alone Station	S	S	S	S	S	S	S	S	S	RR		S	S	S	S				
Filling/gas station (as accessory use)[3]							P	P		RR									
Motor bus station			S				S	P		RR									
Recreational vehicle sales and service				P			P	P		RR									
Salvage yard								S		RR									
Small engine repair							P	P	S	RR									
Truck Stop / filling station				S						RR									

Specific notes:

1. Full service auto repair shop, performs engine repair, auto maintenance, as well as minor body work.
2. Limited/specialized auto repair service such as muffler shop, tire shop, dent removal, window replacement, oil change service, etc.
3. Only where accessory to another use listed on this table. Otherwise see “Convenience store with gas pumps” under Business uses: food sales/service

City of Jeffersonville Land Use Matrix (Cont.)

LAND USE BY TYPE	USE DISTRICT																		
Commercial Uses: Food Sales/Service	**A1**	**CD**	**CG**	**CH**	**CN**	**CO**	**I1**	**I2**	**IN**	**IR**	**M1**	**M2**	**M3**	**MP**	**PR**	**R1**	**R2**	**R3**	**R4**
Butcher shop / meat market		P	P		P					RR									
Convenience store with gas pumps			S	P						RR									
Convenience store without gas pumps		S	P	P	P					RR									
Drive thru/Drive-in Restaurant			P	P						RR									
Food service: small scale[1]		P	P	P	P					RR									
Food service (small scale with drive-thru)			P	P						RR									
Food/farmers market (food hall)		P	P							RR									
Grocery Store		P	P		P					RR									
Microbrewery/Microdistillery (limited production)[2]		P	P							RR									
Microbrewery/Microdistillery							P	P	P	RR									
Restaurant/pub		P	P	P	P[3]					RR									

Specific notes:

1. Including, but not limited to: bakery, café, coffee shop, ice cream shop, delicatessen, etc. (under 2,500 square feet – no drive thru)
2. Production area limited to 2,000 square feet
3. Limits on size (see article 3)

LAND USE BY TYPE	USE DISTRICT																		
Commercial Uses: General	**A1**	**CD**	**CG**	**CH**	**CN**	**CO**	**I1**	**I2**	**IN**	**IR**	**M1**	**M2**	**M3**	**MP**	**PR**	**R1**	**R2**	**R3**	**R4**
Adult Entertainment/Adult Retail								S		RR									
Artisan studio/ Artisan center		P	P		P				P	RR									
Barber/hair salon/nails/tanning	S[1]	P	P	P	P	P				RR									
Bank/credit union/ATM		P	P	P		P				RR									
Bank/credit union/ATM with drive-thru		S	P	P		S				RR									
Building/landscape/civil contractor (no outdoor storage)			P		P	S	P	P	P	RR									
Building/landscape/civil contractor (w/ outdoor storage)			S				P	P	P	RR									
Coin laundry		S	P		P					RR									
Child care center (day care)		P	P		P	S				RR								S	S
Clothing alterations / shoe repair		P	P		P	P				RR									
Dry cleaning service		S	P		S					RR									
Funeral home/mortuary		S	P		S					RR									
Health spa		P	P		P	P				RR									
Hotel		P	P	P						RR									
Kennel, Commercial/dog daycare	S		S	S			P	P		RR									
Medical/dental/physical therapy/chiropractor office		P	P		P	P				RR									
Mini-storage facility							P	P	P	RR									
Motel			P	P						RR									
Pet care/grooming/Veterinary Clinic[2]		S	P		P	S				RR									

Specific notes:

1. If performed as a home occupation
2. External kennels are only allowed by Special Exception in CG

LAND USE BY TYPE	USE DISTRICT																		
Commercial Uses: General (continued)	**A1**	**CD**	**CG**	**CH**	**CN**	**CO**	**I1**	**I2**	**IN**	**IR**	**M1**	**M2**	**M3**	**MP**	**PR**	**R1**	**R2**	**R3**	**R4**
Photography studio		P	P	P	P	P				RR									
Print shop / copy center		P	P		P					RR									
Professional office		P	P	P	P	P				RR									
Retail 1 (small scale)[2]		P	P	P	P					RR									
Retail 2 (large scale)[3]		S	P							RR									
Retail 3 (with outdoor product sales)[4]			P	P						RR									
Retail 4 (with drive-thru service)[5]			P	P						RR									
Retail 5 (used goods)[6]		S	P		P					RR									
Retail 6 (Alcohol/Tobacco Sales)		S	S	P						RR									
Sign fabrication			S				P	P	P	RR									
Storage: indoor			S[7]				P	P	P	RR									
Storage: outdoor (enclosed with privacy fence)							S	S	S	RR									
Tattoo studio/piercing shop		P	P							RR									
Temporary service agency		P	P							RR									

Specific notes:

1. If performed as a home occupation
2. Retail store selling new merchandise which is less than 20,000 square feet in total area
3. Retail store selling new merchandise which is greater than 20,000 square feet in total area
4. Retail store of any size selling with goods and merchandise for display and/or sale outside such as, but not limited to, lumber yards, nursery and landscape centers, equipment sales, etc. (not to include a temporary rack for display of merchandise on a temporary basis (i.e. sidewalk sale)
5. Retail store of any size with some portion of sales happening via a drive thru
6. Retail store of any size that sells primarily used goods such as, but not limited to, antique stores, consignment shops, thrift stores, etc.
7. As an accessory use, maximum of 40% of building allowed, not allowed along street frontage

LAND USE BY TYPE	USE DISTRICT																		
Commercial Uses: Recreation/Fitness	**A1**	**CD**	**CG**	**CH**	**CN**	**CO**	**I1**	**I2**	**IN**	**IR**	**M1**	**M2**	**M3**	**MP**	**PR**	**R1**	**R2**	**R3**	**R4**
Ball fields	S		S							RR					P				
Banquet hall/event space	S	S	P							RR					S				
Bar/night club/cigar bar (not adult entertainment)		P	P							RR									
Campground	S									RR					S				
Cross fit/training center		P	P				P	P	P	RR									
Dance/aerobics/gymnastics/martial arts studio		P	P		P					RR									
Fitness center/gym		P	P		P	S				RR									
Fraternal organization/lodge/private club	S	P	P		S					RR									
Indoor entertainment venue[1]		P	P	P						RR									
Golf course / country club	S									RR					P	S	S		
Indoor shooting range			P	P						RR									
Gun club, skeet shoot, paintball, or target range	S									RR									
Marina			S							RR					S				
Nature center/preserve	P									RR					P				
Outdoor entertainment venue[2]	S		S	P						RR					S				
Public docks/boat landing										RR					P				
Theater, indoor (not adult entertainment)		P	P							RR									
Theater, outdoor (not adult entertainment)		S	S							RR					S				

Specific notes:

1. Including, but not limited to, arcade, billiards, bowling, indoor laser tag, trampoline park, etc.
2. Including, but not limited to, driving range, go-cart track, mini golf, ropes course, etc.

LAND USE BY TYPE	USE DISTRICT																		
Communications / Utilities	**A1**	**CD**	**CG**	**CH**	**CN**	**CO**	**I1**	**I2**	**IN**	**IR**	**M1**	**M2**	**M3**	**MP**	**PR**	**R1**	**R2**	**R3**	**R4**
Electrical generation[1]	S						S	S		RR									
Internet server facility							S	S		RR									
Pipeline/pumping station							S	S		RR									
Public well	S		S				S	S	S	RR						S	S		
Radio/TV station			S				S	S	S	RR									
Recycling center (open to the public)								S		RR									
Sewage treatment plant								S		RR									
Storage tanks (non-hazardous)								S		RR									
Telecommunications facility (other than micro cellular)	S	S	S	S	S	S	S	S	S	RR	S	S	S	S	S	S	S	S	S
Utility Maintenance yard							P	P	S	RR									
Utility Substation							S	S	S	RR									

Specific notes:

1. Does not include solar panels placed on residential, commercial, or industrial buildings.

LAND USE BY TYPE	USE DISTRICT																		
Industrial Uses	**A1**	**CD**	**CG**	**CH**	**CN**	**CO**	**I1**	**I2**	**IN**	**IR**	**M1**	**M2**	**M3**	**MP**	**PR**	**R1**	**R2**	**R3**	**R4**
Bottled gas storage/distribution							S	P		RR									
Concrete processing/shipping								S		RR									
Construction equipment rental							P	P	S	RR									
Flex space							P	P	P	RR									
Incinerator								S		RR									
Industrial storage[1]							S	S		RR									
Liquid fertilizer storage/distribution								S		RR									
Manufacturing: Heavy								P		RR									
Manufacturing: Light							P	P	P	RR									
Material extraction (quarry, sand/gravel pit)								S		RR									
Offices (associated with manufacturing facility)							P	P	P	RR									
Recycling center (private)								S		RR									
Research center / laboratories							P	P	P	RR									
Salvage yard								S		RR									
Trade shop(s)							P	P	P	RR									
Warehouse/distribution/wholesale business							P	P	P	RR									

Specific Notes:

1. Not accessory to another use

LAND USE BY TYPE	USE DISTRICT																		
Institutional/Public Facilities	**A1**	**CD**	**CG**	**CH**	**CN**	**CO**	**I1**	**I2**	**IN**	**IR**	**M1**	**M2**	**M3**	**MP**	**PR**	**R1**	**R2**	**R3**	**R4**
Cemetery/mausoleum or crematory	S									RR					S				
Church, temple, or mosque	P	P	P	P	P	S	S	S	S	RR	S	S	S	S	S	S	S	S	S
Community center/senior center		S								RR					P				
Convention/business center		P	P	P					P	RR									
Government building			P						S	RR									
Government offices		S	P		S					RR									
Hospital			P							RR									
Library		P	S		S				P	RR									
Museum		P							P	RR					S				
Parking lot (public or private)[1]		S	S							RR									
Police/fire station		S			S		S	S	S	RR									
Post office		P	P		S					RR									
Public park	P	P	P	P	P	P	P	P	P	RR	P	P	P	P	P	P	P	P	P
Public recreation center/pool	P	S					S	S	P	RR				S		S	S	S	S
School, elementary/secondary	P	P	P	P	P	P	P	P	P	RR	P	P	P	P	P	P	P	P	P
School, higher education – single facility		P	P				P	P	P	RR					S				
School, higher education – campus										RR									
Substance abuse treatment– in patient										RR									
Substance abuse treatment – out patient							S	S		RR									
Substance abuse treatment – out patient (counselling only)		S	S				P	P		RR									

Specific notes:

1. With no other primary use on site.

LAND USE BY TYPE	USE DISTRICT																		
Residential Uses	**A1**	**CD**	**CG**	**CH**	**CN**	**CO**	**I1**	**I2**	**IN**	**IR**	**M1**	**M2**	**M3**	**MP**	**PR**	**R1**	**R2**	**R3**	**R4**
Assisted living facility		S	P							RR		P	P						
Bed and Breakfast	P	P			P					RR	S								P
Boarding House (owner occupied)		S			S					RR								S	S
Child Care institution (children's home)										RR		P	P						
Co-housing community			S							RR	S	P	P	S				S	
Dwelling: Accessory Dwelling Unit	P	S			S	S				RR						S	S	S	S
Dwelling: Duplex		P[2]	S		P					RR	P	P	P					S	P[1]
Dwelling: Multi-Family – 3-4 units		P[2]	S							RR	P	P	P						P[1]
Dwelling: Multi-Family – 5-6 units		P[2]	S							RR	S	P	P						
Dwelling: Multi-Family – 7-12 units		P[2]	S							RR		P	P						
Dwelling: Multi-Family – greater than 12 units		P[2]	S							RR		S	P						
Dwelling: Single Family	P	P[2]	S		P	P				RR	P	P	P	P		P	P	P	P
Dwelling: Single Family Attached										RR	P	P	P			S	P	P	P
Manufactured/Mobile home park										RR				P					
Nursing home			P							RR		P	P						
Residential clubhouse / community room										RR	P	P	P	P		S	S	S	
Residential facility for the developmentally disabled/mentally ill: (less than 4 units)										RR	P	S		S		P	P	P	P
Residential facility for the developmentally disabled/mentally ill: (more than 4 units)										RR	S	S	S						S
Senior Living / Retirement Community (not assisted living or nursing home)		S	S							RR	P[1]	P	P					P[1]	
Short-term rental (See Article 8.10)										RR									

Specific notes:

1. With restrictions, see Article 3
2. Permitted on upper floors only, may be permitted on lower floors with special exception

LAND USE BY TYPE	USE DISTRICT																		
Miscellaneous Uses	**A1**	**CD**	**CG**	**CH**	**CN**	**CO**	**I1**	**I2**	**IN**	**IR**	**M1**	**M2**	**M3**	**MP**	**PR**	**R1**	**R2**	**R3**	**R4**
Accessory Uses	S	P	P	P	P	P	P	P	P	RR									
Child care/day care (owner occupied)[1]	P	P	P		P	P				RR	P	P	P	P		P	P	P	P
Helipad			S							RR									
Home occupation #1	P	P			P	P				RR	P	P	P	P[2]		P	P	P	P
Home occupation #2	P	P			P	P				RR	S			S[2]		S	S	S	P

Specific notes:

1. Generally permitted in all districts that allow residential uses by right or by special exception. Day Cares may be subject to other rules and restrictions where located in apartment complexes, condominiums, townhome communities, mobile home parks, etc. Permission from the management of the structure in which the day care is located is the responsibility of the day care operator.
2. Only with permission of the owner/management of the mobile home park

Appendix B

Official Fee Schedule

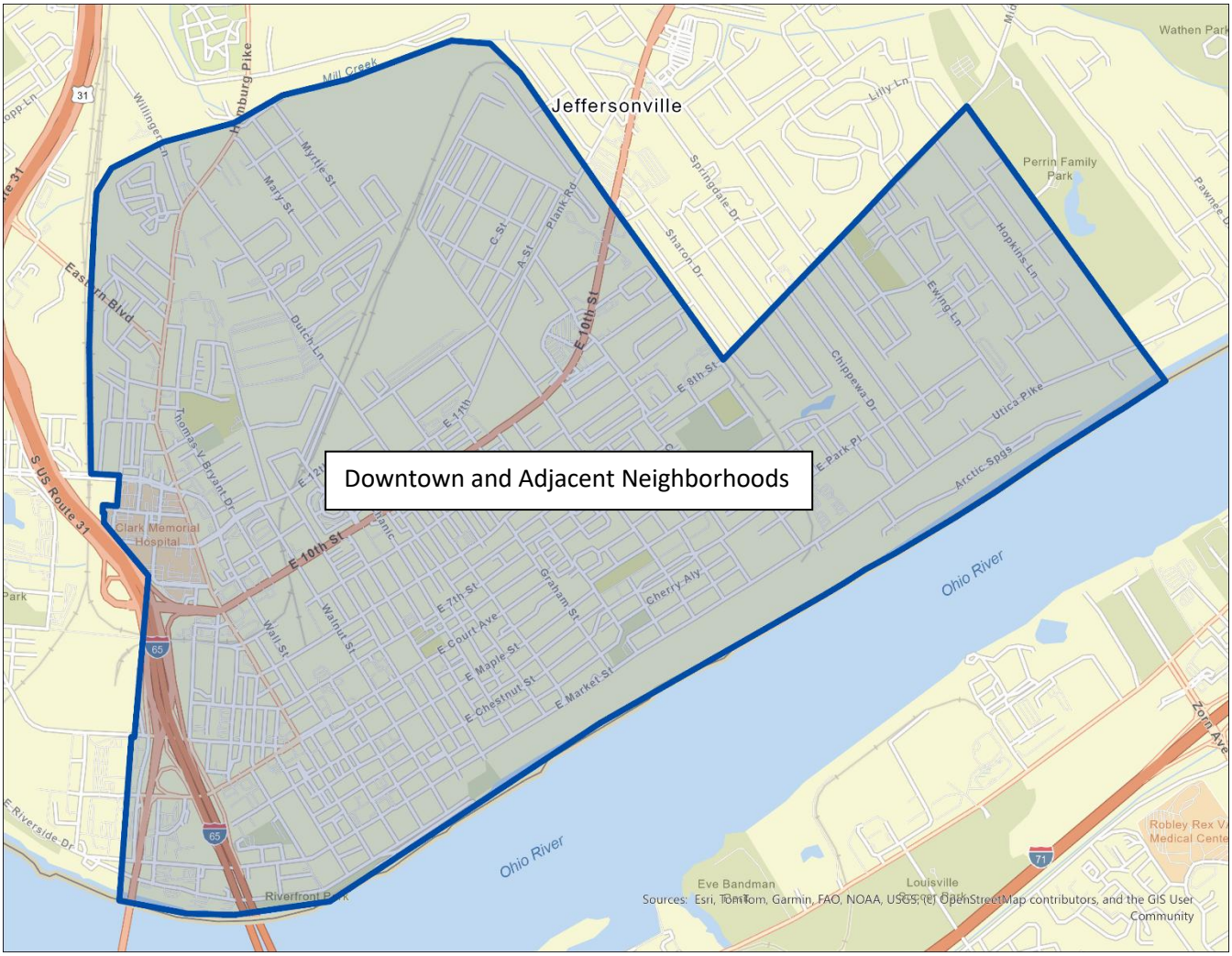
Appendix B: Official Fee Schedule

APPLICATION	FEE
Administrative Appeal	$250
Certificate of Zoning Compliance	$50
Development Plan	$500
Secondary Plat	$200
Improvement Location Permit	$25
Minor Plat	$250
Mobile Vendor Permit (e.g. door-to-door sales)	$100/month or $300/year + $100 background check
Mobile Vendor Permit (e.g. food trucks)	$50/event or $250/year + $100 background check
Postage Fee	$30
Primary Plat	$600+ $50/lot
Rezoning	
To Commercial/Industrial	
< 0.5 acre	$500
0.5 to < 1 acre	$1,000
1 to < 5 acres	$1,500
5+ acres	$1500 + $100/acre
To PUD	$1,000
To Residential/Institutional	
0 < 2 acres	$350
2 < 5 acres	$350+$100/acre
5+ acres	$500+ $100/acre
Sign Permit	$15 +$0.50/sf (min $25)
Special Exception	$300
Tent Permit	$50
Use Variance	
Commercial/Industrial	$1,000
Institutional/Residential	$350
Variance – Development Standards	
Commercial	$500
Institutional	$350
Multi-Family	$500
Residential	$250

Appendix C

Downtown and Adjacent Area Map

Appendix C: Downtown and Adjacent Neighborhood Map



Parcels located within the blue area shown above shall be considered to be part of the Downtown and Adjacent Neighborhoods and may be subject to relaxed development standards and additional review for Short Term Rentals. The primary boundaries of this district are the L&I Railroad to the west, Mill Creek to the north, then turning south along the former Jeff Boat rail spur until it meets 8th Street, then moving east to Perrin Drive, then moving south to the Ohio River and following the City limits for the remainder of the western and southern boundaries.

Appendix D

Street Categories Map

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Appendix D: Street Categories Map

