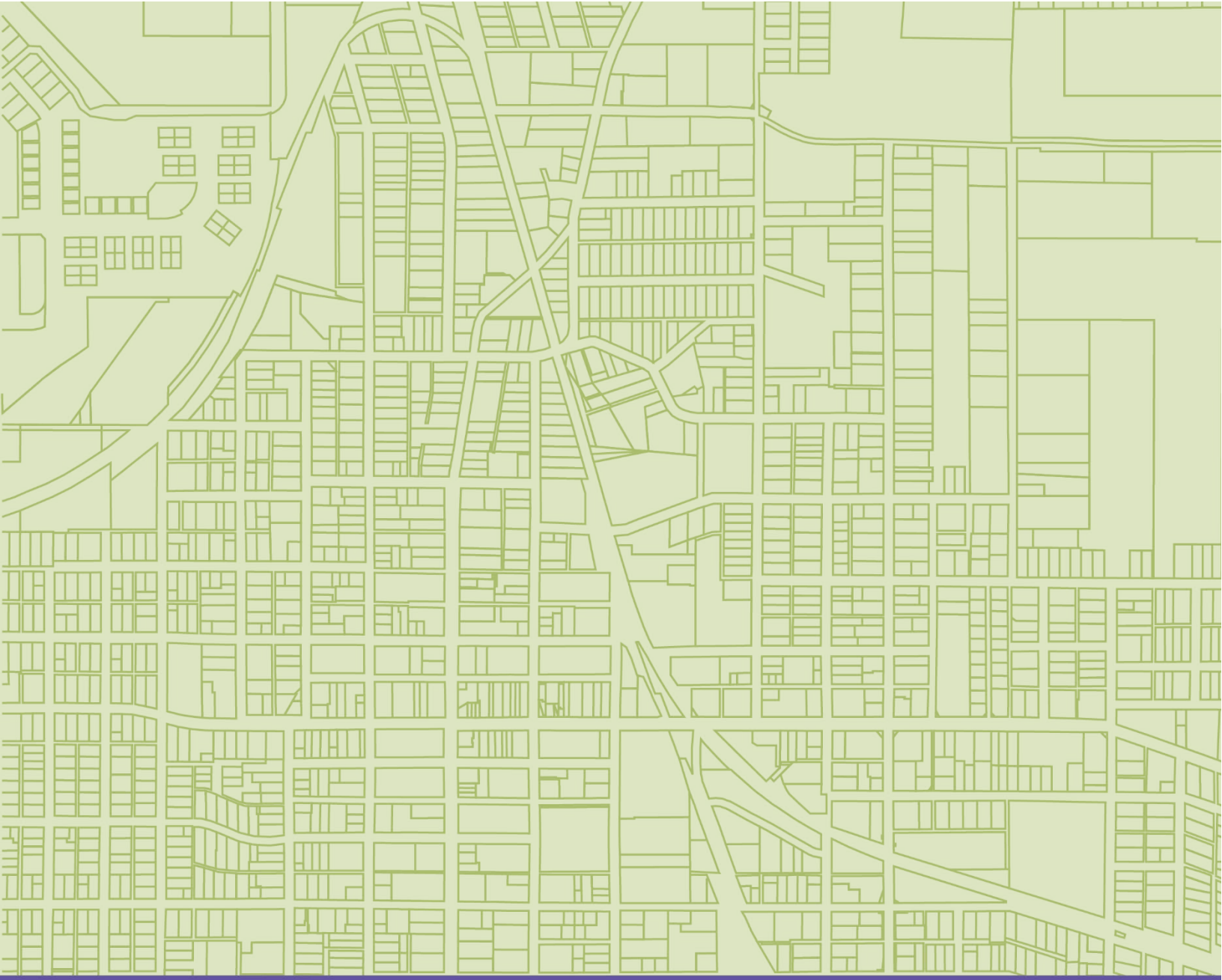

NEW CASTLE, IN
UNIFIED DEVELOPMENT ORDINANCE

DRAFT 11/13/2024

ORDINANCE XXXXX

EFFECTIVE XX/XX/XXXX

ACKNOWLEDGEMENTS

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CHAPTER 1: ADMINISTRATION

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1.1 GENERAL PROVISIONS

A. **Title.** This ordinance shall be formally known as the "Unified Development Ordinance" or the "UDO" for the jurisdiction of the New Castle Advisory Plan Commission. It may also be referred to as the "ordinance."

B. **Intent and Purpose**
   1. The intent of the UDO is to promote orderly development while aligning with the vision of the New Castle Comprehensive Plan to:
      a. Accomplish the purposes of IC 36-7-4 Series: Local Planning & Zoning; and further such other purposes as stated hereinafter within specific provisions of this UDO;
      b. Protect and promote public health, safety, morals, and general welfare of the jurisdiction;
      c. Guide the orderly, responsible, and sustainable development and redevelopment in accordance with the New Castle Comprehensive Plan, including all of the plan components;
      d. Define the powers and duties of administrative officers and bodies as provided herein, and to establish procedures for the implementation and enforcement of this UDO;
      e. Establish reasonable standards and procedures for subdivisions in order to further the orderly layout and use of land;
      f. Protect the character and stability of agricultural, residential, institutional, business, commercial, industrial, and natural areas;
      g. Encourage compatibility between different land uses and to protect the scale and character of existing development from the encroachment of incompatible uses;
      h. Facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public facilities; and
      i. Establish corrective and punitive recourse for violations or noncompliance regarding the provisions of this UDO.
   2. The purpose of this UDO is also to combine the City's Zoning Ordinance and Subdivision Control Ordinance into a single document to reduce redundancies, provide a more predictable development review process, and provide a user-friendly document.
      a. Zoning Ordinance Provisions. The regulations established for the administration of a Zoning Ordinance under IC 36-7-4-600 series are covered specifically in this UDO by Chapters 1, 2, 3, 4, 7, 8, and 9.
      b. Subdivision Control Ordinance. The regulations established for the administration of a Subdivision Control Ordinance under IC 36-7-4-700 series are covered specifically in this UDO by Chapters 1, 5, 6, 7, 8, and 9.

C. **Authority.** This UDO is enacted by the New Castle City Council pursuant to the authority granted in IC 36-7-4-600 series and other applicable state and federal statutes, as amended.

D. **Jurisdiction.** The zoning provisions of the UDO shall apply to all land within the jurisdiction of the New Castle Advisory Plan Commission.

E. **Applicability.** It is not intended by this UDO to interfere with, abrogate, or amend any existing easements, covenants, or other agreements between parties, nor is it intended by this UDO to repeal, abrogate, annul, or in any way interfere with any existing provision of laws or ordinances not specifically repealed by this UDO, or any rules, regulations, or permits previously adopted or issued pursuant to law relating to the use of buildings or premises. This UDO shall not affect valid private covenants whose standards are above and beyond those of this UDO and which are not enforced and/or enforceable by the Plan Commission.

F. **Approvals.** Nothing in this UDO shall eliminate the need for obtaining any other approval or entitlement required by other provisions of the city, county, the state, or federal agency or entity.

G. **Defined Terms.** Specific words and terms relative to this UDO are as defined in Chapter 9.2: Definitions.

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

C. **Minimum Requirements.** The standards and regulations within this UDO are the minimum requirements necessary for the protection of the health, safety, comfort, morals, and general welfare of the people at large.

E. **Conflicts**
1. Conflicting Standards within the UDO. If two or more standards or regulations within this UDO or within another local ordinance are in conflict or are inconsistent with one another, the provision which is most restrictive shall control.
2. Conflicts with State and Federal Regulations. If any standard or regulation within this UDO is in conflict with a state or federal standard, the state or federal standard shall control.
3. Conflicts with Figures. Graphics, illustrations, and figures are provided for illustrative purposes only and shall not be construed as regulations. Where a conflict may occur between the text and any graphic, illustration, or figure, the text shall control. A table shall be considered text for the purposes of this code unless specifically identified as a figure.
4. Conflicts with Cross-References. If a cross-reference is provided to reference another section of the UDO and there is a conflict between the referenced chapter, section, subsection, and/or name, the name shall control.

F. **Burden of Proof.** The burden of demonstrating that an application, development, structure, use of land, or other element that is subject to this UDO complies with all applicable standards, processes, and regulations is on the applicant and/or property owner. The burden is not on the city or other parties to demonstrate that the standards of this UDO have been met by the applicant and/or property owner.

G. **Statutory Changes.** If any Indiana Code cited in this UDO has been amended, this UDO shall be deemed amended, in the minimum way necessary, in order to comply with the new or revised Indiana Code.

H. **Repeal.** Chapter 151 (Subdivision Regulation) and Chapter 152 (Zoning) of the City Code are repealed in their entirety. In addition, all ordinances or parts of ordinances in conflict are repealed.

I. **Effective Date.** This ordinance shall be in full force and effect upon adoption and/or amendment.

1.2 PENDING AND APPROVED APPLICATIONS AND PERMITS

A. **Pending Applications.** Applications that are received prior to the effective date or amendment of this UDO shall continue their respective process pursuant to the rules and provisions that were in place at the time of filing. This includes applications before the City Council, the Advisory Plan Commission (PC), and the Board of Zoning Appeals (BZA) as well as applications for Building Permits (BP).

B. **Permits Issued.** A permit for a BP that was issued prior to the effective date or amendment of this UDO shall remain valid for the timeframe and provisions (including any renewals, if applicable) established by the regulations that were in effect at the time of filing. Permits that have expired under the provisions established by the regulations that were in effect at the time of filing, shall be subject to the regulations established by this UDO.

C. **Approved Primary Plats**
   1. Any primary plat that was approved prior to the adoption of this UDO shall continue its respective process pursuant to the rules and provisions that were in place at the time of filing, provided the approved primary plat:
      a. Has not expired under any previous terms or conditions that were in place; and
      b. Is still valid under the previous regulations.
   2. If the previous provisions did not identify an expiration for primary plat approval, then the primary plat shall automatically expire two years after the date of the adoption of this UDO unless a secondary plat for a phase or section of the subdivision is approved.

D. **Approved Secondary Plats.** The rules and regulations (including lot, structure, and utility standards) as well as any previous terms or conditions that were in place at the time the primary plat was approved shall apply to the secondary plat (all or in part) as long as the primary plat remains valid and has not expired.

E. **Commitments or Conditions.** Commitments or conditions (whether recorded or not) that were made as part of an approval before the City Council, PC, and/or BZA or as part of an application for a building permit prior to the adoption of this UDO shall remain in full effect regardless of any resulting changes in regulations that are established by this UDO. Commitments or conditions may be modified pursuant to the applicable process outline in Chapter 7.16: Other Procedures: Written Commitments of this UDO and/or the applicable PC Rules and Procedures or BZA Rules and Procedures.

1.3 ADMINISTRATION OF THE UDO

A. **Role of the Administrator**
   1. Administrator Duties
      a. The Administrator shall have the primary responsibility of administering the UDO within the jurisdiction.
      b. The Administrator shall be appointed by the Plan Commission and shall have the following duties:
         1) Administer and enforce the provisions of this UDO in accordance with its literal terms and shall not have the power to permit any construction or any use or change of use which does not conform to this UDO;
         2) Approve development plan applications if compliant with all chapters of the UDO;
         3) Issue building permits and certificates of occupancy;
         4) Maintain a permanent file of all permits and applications as public records; and
         5) All other duties as outlined in the Administrator's job description.
   2. Administrative Decisions. Whenever, in the course of administration and enforcement of this UDO, it is necessary to make an administrative decision which is not clearly governed by standards contained herein, such decision shall be made so that the result will not be contrary to the spirit and purpose of this UDO or injurious to the area affected. Any such decision can be appealed to the BZA per Chapter 7.2: Application Procedures: Appeal of Administrative Decision.

B. **Role of the Advisory Plan Commission**
   1. PC Establishment. The PC shall be established in accordance with IC 36-7-4-200 series. Because the city has a parks board but does not have a city civil engineer, the PC shall have membership in accordance with IC 36-7-4-207(b).
   2. PC Jurisdiction. The PC shall have jurisdiction over all land within the limits of the City of New Castle, Indiana.
   3. PC Organization. The PC shall be organized in accordance with IC 36-7-4-300 Series.
      a. Quorum. In accordance with IC 36-7-4-301, a quorum of the PC consists of a majority of the entire membership of the PC.
      b. Official Action. In accordance with IC 36-7-4-302, action of the PC is not official unless it occurs at a regular or special meeting, by a majority of the entire voting membership of the PC.
      c. Officers
         1) President and Vice-President. In accordance with IC 36-7-4-303, at the first regular meeting in each year, the plan commission shall elect a president and a vice president from its members.
         2) Secretary. In accordance with IC 36-7-4-304, the plan commission shall appoint a secretary at the first regular meeting each year, who is not required to be a member of the commission.
      d. Meetings and Minutes
         1) Regular Meetings. In accordance with IC 36-7-4-306, the PC shall hold regular monthly meetings as necessary, keep minutes of its proceedings, keep records of its examinations and other official acts, and shall record and vote on all actions taken. All minutes and records shall be filed in the office of the Administrator and shall be on public record.
         2) Special Meetings. In accordance with IC 36-7-4-307, a special meeting of the PC may be called by the president or by two members of the PC upon written request to the Administrator.

e. Employees. In accordance with IC 36-7-4-311, the PC may appoint, prescribe duties, and fix the compensation of employees as necessary for the discharge of the duties of the PC. This compensation must be in conformity with salaries and compensation fixed by the City Council. The PC may contract for special or temporary services and professional counsel.

4. PC Powers and Duties. The PC shall have the powers and duties of an advisory plan commission as authorized in IC 36-7-4-400 series.
   a. Rules. The PC shall adopt rules for its administration.
   b. Fees. Per IC 36-7-4-411, the PC may establish a fee schedule to defray the administrative costs associated with PC and BZA petitions, issuing permits, and other permitted actions.
   c. Comprehensive Plan. The PC shall approve and make amendments to the New Castle Comprehensive Plan for consideration by the City Council in accordance with IC 36-7-4-500 series.
   d. Development Plans. The PC shall make decisions regarding development plans or delegate this authority to the Administrator in accordance with Chapter 7.3: Application Procedures: Development Plan and IC 36-7-4-1400 series.
   e. Planned Unit Developments (PUD). The PC shall make recommendations to the City Council concerning the adoption of and amendments to a PUD in accordance with Chapter 7.8: Application Procedures: Zone Map Change And PUD District and IC 36-7-4-1500 series.
   f. Street Names and Addresses. The president of the legislative body shall name or rename streets, however, this responsibility may be delegated to the PC or the Administrator by ordinance. The PC shall assign street numbers to lots and structures.
   g. Subdivisions. The PC shall make decisions regarding plats, replats, and amendments to plats in accordance with Chapter 7.4: Application Procedures: Major Subdivision and Chapter 7.5: Application Procedures: Minor Subdivision, the PC Rules and Procedures, and IC 36-7-4-700 series, including:
      1) Primary Plat as described in IC 36-7-4-702; and
      2) Secondary Plat as described in IC 36-7-4-709.
   h. Zone Map Changes. The PC shall make recommendations to the City Council concerning changes to the zoning map in accordance with Chapter 7.8: Application Procedures: Zone Map Change And PUD District, IC 36-7-4-600 series, and IC 36-7-4-1500 series.
5. PC Committees and Checkpoint Agency Review
   a. Executive Committee. Per IC 36-7-4-408, the PC may establish an executive committee consisting of three to nine PC members that are appointed by the PC.
      1) A 2/3 majority vote of the entire PC membership is required to establish the executive committee, name of its individual members, and adopt rules governing the executive committee's operation.
      2) A majority of the executive committee may act on behalf of the PC, but if there are any dissenting votes, a person voting in the minority may appeal the decision of the executive committee to the PC.

b. Checkpoint Agencies. The Administrator may forward applications to various checkpoint agencies to assist in the review of applications by providing expert advice with regard to technical specifications, adequate capacity, public safety, and/or other specifications.
   1) Membership. Checkpoint agencies may include, but are not limited to, Planning Director/Administrator, Parks Department, Public Works Department, City Engineer, Fire District(s), Water Utility(ies), Sewer Utility(ies), Henry County Surveyor, Henry County Health Department, and/or public school district(s), as appropriate.
   2) Duties. Checkpoint agency review may be used on an as needed basis to provide review and comment on:
      a) Primary and secondary subdivisions;
      b) Zoning map amendments (rezoning) and PUD districts;
      c) Development plans; and
      d) Variances, variances of use, and special exceptions.

c. Historic Preservation Commission (HPC). The Historic Preservation Commission shall assist in the review of applications by providing advice with regard to the design and historic compatibility of development within the Downtown Historic District and West Broad Street Conservation District.
   1) Membership. The Historic Preservation Commission shall include seven voting members. Members may include but are not limited to professionals in the disciplines of architectural history, planning, and other disciplines related to historic preservation.
   2) Duties. The Historic Preservation Commission may be used on an as needed basis and have the following powers and duties to provide review, comment, and recommendation on:
      a) All new development within the Downtown Historic District and the West Broad Street Conservation District;
      b) The demolition, relocation, exterior expansion, or alteration of all development within the Downtown Historic District; and
      c) The demolition, relocation, or exterior expansion within the West Broad Street Conservation District.

C. **Role of the Board of Zoning Appeals**

1. BZA Establishment. The Advisory BZA shall be established in accordance with IC 36-7-4-900 series and shall have a membership in accordance with IC 36-7-4-902(a).
2. BZA Jurisdiction. The BZA shall have jurisdiction over all land within the limits of the City of New Castle, Indiana.
3. BZA Organization. The BZA shall be organized in accordance with IC 36-7-4-900 series.
   a. Quorum. In accordance with IC 36-7-4-910, a quorum of the BZA consists of a majority of the entire membership of the BZA.
   b. Official Action. In accordance with IC 36-7-4-911, action of the BZA is not official unless it is authorized by a majority of the entire membership of the BZA.
   c. Officers
      1) Chair and Vice-Chair. In accordance with IC 36-7-4-912, the BZA shall elect a chair and vice chair from its membership at its first regular meeting each year.
      2) Secretary. In accordance with IC 36-7-4-913, the BZA shall appoint a secretary at the first regular meeting in each year, who is not required to be a member of the commission.
   d. Meetings and Minutes
      1) Minutes. In accordance with IC 36-7-4-915, the BZA shall keep minutes of its proceedings, keep records of its examinations and other official acts, and shall record and vote on all actions taken by making findings of fact. All minutes and records shall be filed in the office of the Administrator and shall be a public record.
      2) Regular Meetings. The BZA shall fix the time for holding regular meetings each month or as necessary, keep minutes of its proceedings, keep records of its examinations and other official acts, and shall record and vote on all actions taken. All minutes and records shall be filed in the Office of the Administrator and shall be a public record.
      3) Special Meetings. A special meeting of the BZA may be called by the chairman or by two members of the BZA upon written request to the secretary.
   e. BZA Powers and Duties. The BZA shall have the following powers and duties as authorized in IC 36-7-4-900 series.
      1) Rules. The BZA shall adopt rules for its administration in accordance with IC 36-7-4-916.
      2) Appeals. The BZA shall make decisions regarding appeals in accordance with Chapter 7.2: Application Procedures: Appeal of Administrative Decision and IC 36-7-4-918.1.
      3) Special Exception. The BZA shall make decision regarding special exceptions in accordance with Chapter 7.6: Application Procedures: Special Exception and Variance and IC 36-7-4-918.2.
      4) Variance from Development Standards. The BZA shall make decisions regarding variances in accordance with Chapter 7.6: Application Procedures: Special Exception and Variance and IC 36-7-4-918.5.
      5) Variance of Use. The BZA shall make decisions regarding variances of use in accordance with Chapter 7.6: Application Procedures: Special Exception and Variance and IC 36-7-4-918.4.

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2.1 GENERAL PROVISIONS

A. **Zoning Districts.** The jurisdictional area is hereby classified and divided into the zoning districts outlined below.

LAND USE CATEGORY	NAME OF DISTRICT	ABBREVIATION
Residential	Single Family Residential	R1
	Single and Two-Family Residential	R2
	Multi-Family Residential	R3
Mixed Use	Downtown Core	DC
	Downtown Transition	DT
Commercial	Local Commercial	C1
	General Commercial	C2
Industrial	Light Industrial	I1
	Heavy Industrial	I2
	Industrial Renewable Energy	IR
Planned Unit Development	Planned Unit Development	PUD

B. **Overlay Districts.** The following overlay districts have been established for the jurisdictional area.

NAME OF OVERLAY DISTRICT	ABBREVIATION
Downtown Gateway Overlay	DGO
Floodplain Overlay	FPO

C. **Official Zoning Map.** The Official Zoning Map is a geographic coverage layer that is maintained as part of New Castle's geographic information system (GIS) under the direction of the Administrator. This map shall be revised as changes are approved as permitted by this UDO (such as rezonings) or to correct drafting errors, clerical errors, or omissions on the map.

1. District Boundaries. The location and boundaries of the zoning districts and overlay districts are hereby established on the map entitled "Official Zoning Map." and is hereby incorporated into and made a part of this UDO by reference.
2. Interpretation of Boundaries. All disputes concerning the exact location of zoning district boundary lines shall be determined by the Administrator. An appeal of the Administrator's interpretation may be filed with the BZA per Chapter 7.2: Application Procedures: Appeal of Administrative Decision.
3. Zoning Map Production. The Administrator may authorize printed copies of the Official Zoning Map to be produced and shall maintain digital or printed copies of superseded versions of the Official Zoning Map for historical reference.
4. Property Not Included. Any parcel that has not been specifically included within a zoning district is hereby declared to be in the Single-Family Residential (R1) zoning district, except for parcels designated as public right-of-way.

D. **Land Uses**
1. Land Uses Listed in UDO
   a. Chapter 2.16: Land Use Table identifies the land uses that are "permitted" and uses that are allowed by "special exception" for each zoning district as well as "prohibited" land uses for each overlay district.
   b. Any land use that is not permitted by right or special exception in a particular zoning district shall be prohibited unless a Use Variance is approved by the BZA.
   c. Any use listed as prohibited within an overlay district is prohibited, regardless of the underlying zoning district.
2. Land Uses Not Listed in UDO. If a land use is not included and/or defined in this UDO, the following process shall be used.
   a. Decisions for Unlisted Land Uses
      1) Unlisted Use is Similar to a Listed Use. If the Administrator determines that the unlisted land use is similar to a land use listed in the UDO based on Chapter 2.1 D. 2. b: Criteria for Classifying Unlisted Land Uses, the Administrator shall classify it as the similar use and the respective process and development standards for the similar use shall be followed.
      2) Unlisted Use is Not Similar to a Listed Use. If the Administrator determines that the unlisted land use is not similar to any listed land use based on Chapter 2.1: D. 2. b. Criteria for Classifying Unlisted Land Uses, the unlisted land use shall be prohibited unless a Use Variance is approved by the BZA.
      3) Uncertainty or Disagreement. In the case of uncertainty or disagreement of classifying an unlisted land use, the Administrator or applicant may forward land use classification to the BZA for a final decision based on Chapter 2.1: D. 2. b. Criteria for Classifying Unlisted Land Uses.
   b. Criteria for Classifying Unlisted Land Uses. To determine whether an unlisted land use is similar to a listed use, the Administrator or the BZA shall examine the desired use by the following four criteria:
      1) Intensity. Is the unlisted use similar in the intensity of activity and type of activity to a listed use?
         a) Intensity should compare the number of people using a space, the gross commercial floor area associated with the primary structure, the operation of the business (such as hours of operation and anticipated customer volumes), amount of noise or noxious exhaust, public safety hazards generated on the site, types of vehicles accessing the site, and/or type of storage (indoor or outdoor).
      2) Character. Does the unlisted use have similar physical characteristics, structures, scale, or other features similar to a listed use?
      3) Accessory Uses and Structures. Does the unlisted use have similar potential for accessory uses and/or structures to a listed accessory use? Or if it is an accessory use, is it incidental to, necessary, and/or compatible with a permitted primary use?
      4) Intent. Is the unlisted use compatible with the purpose/intent of the subject zoning district and consistent with the Comprehensive Plan?

E. **Development Standards Measurement.** Chapter 9.2: Definitions specifies how the lot width, setback, and building height are measured and defined.

F. **Encroachments Permitted in Required Setback**
   1. Parking
      a. Parking lots and spaces may not be located in a required setback or bufferyard as outlined in Chapter 4.5 G. 3: Parking Location. This does not apply to parking for single-family and two-family uses.
      b. Parking lots and spaces within the DC zoning district may be located up to the property line.
   2. Structures. Architectural features such as cornices, chimneys, eaves, sills, canopies or similar features that do not have structural elements that touch the ground, in addition to landings may extend into a required side or rear yard setback a maximum of two feet and into a required front yard setback a maximum of three feet.

G. **Sight Triangle.** No structure, planting, parking area or similar may encroach into a sight triangle.

H. **Constructing or Placing Structures on Lots**
   1. Every primary structure constructed or placed after the effective date of this UDO, except agricultural structures not used for human habitation, shall be located on an individual lot which fronts on a public road, private road, or private driveway.
   2. After the effective date of this UDO no building or structure shall be erected or located on a lot unless the lot conforms with the minimum lot standards for the district in which it is located and the standards outlined in Chapter 4.8: Structure Standards unless it complies with Chapter 8: Non-Conforming Lots, Structures, and Uses.

I. **Additional Use Standards and Site Standards**
   1. Additional use standards and/or site standards may apply to each zoning district and/or a specific use.
   2. If there are conflicts between the zoning district and an overlay district, the standards of the overlay district shall apply.

J. **Dedication of Right-of-Way.** The width of all rights-of-way within and adjacent to a parcel shall comply with the minimum standards outlined in this UDO prior to establishing a use or constructing or locating a structure. If a right-of-way width is less than the minimum required, additional right-of-way shall be dedicated and conveyed to the City of New Castle as required to meet the minimum standards prior to the issuance of a Building Permit (BP), even if the parcel is not being subdivided.

2.2 SINGLE FAMILY RESIDENTIAL (R1)

A. **R1 Purpose.** The purpose of the R1 District is to provide areas suitable for primarily low-density, single-family residential neighborhoods that are served by public utilities and infrastructure.

B. **R1 General Standards**
   1. All subdivisions require subdivision approval unless exempt (see Chapter 5.2: Exempt Subdivisions).
   2. All new primary structures require development plan approval except single-family dwellings.
   3. All development, land disturbance, and construction shall comply with the New Castle Construction, Site Soil Erosion, Sediment, and Stormwater Runoff Ordinance.
   4. Permitted uses and uses permitted by special exception within this district are outlined in Chapter 2.16: Land Use Table.
   5. Additional site development standards that apply to all development are outlined in Chapter 4: Site Development Standards.
   7. Additional standards for specific uses may apply as outlined in Chapter 3: Standards for Specific Uses.
   8. One primary structure is permitted per parcel.
   9. No outdoor or bulk storage is permitted.

C. **R1 Development Standards**

R1 STRUCTURE AND LOT STANDARDS		
	RESIDENTIAL USES	**ALL OTHER USES**
STRUCTURE STANDARDS		
Maximum Structure Height[1]	Primary: 35 feet Accessory: 20 feet	Primary: 35 feet Accessory: 20 feet
Minimum Structure Width	20 feet	N/A
Minimum Living Area	750 sq ft/unit	N/A
LOT STANDARDS		
Minimum Lot Width	60 feet	90 feet
Minimum Lot Area	7,200 sq ft	10,000 sq ft
Minimum Front Yard Setback[2]	Arterial Road: 60 feet Collector Road: 40 feet Local Road: 25 feet	35 feet
Minimum Side Yard Setback[2]	Primary: 6 feet Accessory: 5 feet	Primary: 20 feet Accessory: 10 feet
Minimum Rear Yard Setback[2]	Primary: 20 feet Accessory: 5 feet	Primary: 30 feet Accessory: 10 feet
Maximum Impervious Surface	60%	60%
UTILITY STANDARDS		
Municipal Water and Sewer	Required	Required

1 – Accessory structures cannot exceed the height of the primary structure.
2 – If the lot is legally non-conforming, the average setback of the 3 parcels on both sides of the lot can be used as the front, side and/or rear yard setback.

2.3 SINGLE AND TWO-FAMILY RESIDENTIAL DISTRICT (R2)

A. **R2 Purpose.** The purpose of the R2 District is to provide areas suitable for primarily single and two-family dwellings and neighborhoods that are adequately served by public utilities and infrastructure.

B. **R2 General Standards**
   1. All subdivisions require subdivision approval unless exempt (see Chapter 5.2: Exempt Subdivisions).
   2. All new primary structures require development plan approval except single-family detached and two-family dwellings.
   3. All development, land disturbance, and construction shall comply with the New Castle Construction, Site Soil Erosion, Sediment, and Stormwater Runoff Ordinance.
   4. Permitted uses and uses permitted by special exception within this district are outlined in Chapter 2.16: Land Use Table.
   5. Additional site development standards that apply to all development are outlined in Chapter 4: Site Development Standards.
   7. Additional standards for specific uses may apply as outlined in Chapter 3: Standards for Specific Uses.
   8. One primary structure is permitted per parcel.
   9. No outdoor or bulk storage is permitted.

C. **R2 Development Standards**

R2 STRUCTURE AND LOT STANDARDS		
	RESIDENTIAL USES	**ALL OTHER USES**
STRUCTURE STANDARDS		
Maximum Structure Height[1]	Primary: 35 feet Accessory: 20 feet	Primary: 35 feet Accessory: 20 feet
Minimum Structure Width	20 feet	N/A
Maximum Structure Width[3]	200 feet	N/A
Minimum Living Area	750 sq ft/unit	N/A
LOT STANDARDS		
Minimum Lot Width	Single & Two Family: 50 feet Single-Family Attached: 25 feet	75 feet
Minimum Lot Area (per Unit)	Single & Two Family: 6,000 sq ft Single-Family Attached: 2,500 sq ft	7,500 sq ft
Minimum Front Yard Setback[2]	Arterial Road: 60 feet Collector Road: 40 feet Local Road: 25 feet	35 feet
Minimum Side Yard Setback[2]	Primary: 5 feet or 0 feet between attached dwellings Accessory: 5 feet	Primary: 15 feet Accessory: 10 feet
Minimum Rear Yard Setback[2]	Primary: 20 feet Accessory: 5 feet	Primary: 25 feet Accessory: 10 feet
Maximum Impervious Surface	65%	65%
UTILITY STANDARDS		
Municipal Water and Sewer	Required	Required

1 – Accessory structures cannot exceed the height of the primary structure.
2 – If the lot is legally non-conforming, the average setback of the 3 parcels on both sides of the lot can be used as the front, side, and/or rear yard setback.
3 – Only applies to single-family attached dwellings.

2.4 MULTI-FAMILY RESIDENTIAL DISTRICT (R3)

A. **R3 Purpose.** The purpose of the R3 District is to provide areas suitable for a variety of housing uses and types, including uses such as apartment complexes, manufactured home parks, and other high-density residential neighborhood developments.

B. **R3 Standards**
   1. All subdivisions require subdivision approval unless exempt (See Chapter 5.2: Exempt Subdivisions).
   2. All new primary structures require development plan approval except single-family detached and two-family dwellings.
   3. All development, land disturbance, and construction shall comply with the New Castle Construction, Site Soil Erosion, Sediment, and Stormwater Runoff Ordinance.
   4. Permitted uses and uses permitted by special exception within this district are outlined in Chapter 2.16: Land Use Table.
   5. Additional site development standards that apply to all development are outlined in Chapter 4: Site Development Standards.
   7. Additional standards for specific uses may apply as outlined in Chapter 3: Standards for Specific Uses.
   8. Multiple primary uses and multiple primary structures are permitted per parcel except for single-family and two-family uses.
   9. No outdoor or bulk storage is permitted.
   10. Outdoor display of merchandise is not permitted.

C. **R3 Development Standards**

R3 STRUCTURE AND LOT STANDARDS		
	RESIDENTIAL USES	**ALL OTHER USES**
STRUCTURE STANDARDS		
Maximum Structure Height[1]	Single & Two-Family Primary: 40 feet Multi-Family Primary: 50 feet Accessory: 20 feet	Primary: 40 feet Accessory: 20 feet
Minimum Structure Width	20 feet	N/A
Minimum Living Area	600 sq ft/unit	N/A
LOT STANDARDS		
Minimum Lot Width	Single Detached and Two Family: 40 feet Single-Family Attached: 25 feet Multi-Family: 150 feet	150 feet
Minimum Lot Area (per Unit)	Single and Two-Family: 5,000 sq ft Single-Family Attached: 2,500 sq ft Multi-Family: 3,000 sq ft	12,000 sq ft
Minimum Front Yard Setback[2]	Arterial Road: 60 feet Collector Road: 40 feet Local Road: 25 feet	35 feet
Minimum Side Yard Setback[2]	Single & Two Family Primary: 5 feet or 0 feet between attached dwellings Multi-Family Primary: 15 feet Single & Two Family Accessory: 5 feet Multi-Family Accessory: 10 feet	Primary: 15 feet Accessory: 10 feet
Minimum Rear Yard Setback[2]	Primary: 15 feet Accessory: 5 feet	Primary: 25 feet Accessory: 10 feet
Maximum Impervious Surface	70%	70%
UTILITY STANDARDS		
Municipal Water and Sewer	Required	Required

1 – Accessory structures cannot exceed the height of the primary structure.
2 – If the lot is legally non-conforming, the average setback of the 3 parcels on both sides of the lot can be used as the front, side, and/or rear yard setback.

2.5 DOWNTOWN CORE DISTRICT (DC)

A. **DC Purpose.** The purpose of the DC District is to encompass the central core of the community where development is generally comprised of higher-density residential, commercial, and public uses that have an historically unique architectural styles and features. This district is intended to mirror the boundaries of the City of New Castle Downtown Historic District.

B. **DC General Standards**
   1. All subdivisions require subdivision approval unless exempt (See Chapter 5.2: Exempt Subdivisions).
   2. All new primary structures require development plan approval except single-family detached dwellings. Single-family detached dwellings require an engineered drawing (plot plan) approved prior to issuance of a building permit.
   3. All development, land disturbance, and construction shall comply with the New Castle Construction, Site Soil Erosion, Sediment, and Stormwater Runoff Ordinance.
   4. Permitted uses and uses permitted by special exception within this district are outlined in Chapter 2.16: Land Use Table.
   5. Additional site development standards that apply to all development are outlined in Chapter 4: Site Development Standards.
   7. Additional standards for specific uses may apply as outlined in Chapter 3: Standards for Specific Uses.
   8. Multiple primary uses and multiple primary structures are permitted per parcel except for single-family and two-family uses.
   9. No outdoor or bulk storage of any kind is permitted.
   10. Outdoor display of merchandise that is immediately available for purchase is permitted only during business hours.
   11. Outdoor dining and/or the display of merchandise may be located on a public sidewalk if approved by the Board of Works and a Certificate of Appropriateness (COA) is received from the New Castle Historic Preservation Commission.

C. **DC Design Standards**
   1. All development, land disturbance, and structures shall comply with the New Castle Historic Preservation regulations.
   2. The following shall require approval a Certificate of Appropriateness (COA) from the New Castle Historic Preservation Commission prior to development plan application and/or issuance of any permit from the City. The following applies to all uses.
      a. All new primary and accessory structures;
      b. Modifications to the exterior of all existing primary and accessory structures;
      c. Demolition of primary and accessory structures; and
      d. Relocation of primary and accessory structures.

D. **DC Development Standards**

DC STRUCTURE AND LOT STANDARDS		
		ALL USES
STRUCTURE STANDARDS		
Maximum Structure Height[1,2]		No more than 10% taller than the tallest existing structure within the district without HPC approval Accessory: 20 feet
Minimum Living Area		400 sq ft/unit
LOT STANDARDS		
Minimum Lot Width		N/A
Minimum Lot Area		N/A
Front Yard Setback	Minimum	Equal to the front yard setback of primary structure(s) on adjacent parcels
	Maximum	15 feet but only if a publicly accessible space or outdoor dining is incorporated between the primary structure and the right-of-way
Side Yard Setback		Primary: 0 feet minimum and 5 feet maximum Accessory: 3 feet
Rear Yard Setback		Primary Minimum: 15 feet Accessory: 3 feet
Maximum Impervious Surface		100%
UTILITY STANDARDS		
Municipal Water and Sewer		Required

1 – Accessory structures cannot exceed the height of the primary structure.
2 – Additions to an existing primary structure shall not exceed one story or 15 feet (whichever is less) without HPC approval.

2.6 DOWNTOWN TRANSITION DISTRICT (DT)

A. **DT Purpose.** The purpose of the DT District is to act as a buffer to the central core of the community and to allow a mix of uses that support the downtown core.

B. **DT General Standards**
   1. All subdivisions require subdivision approval unless exempt (See Chapter 5.2: Exempt Subdivisions).
   2. All new primary structures require development plan approval except single-family detached dwellings. Single-family detached dwellings require an engineered drawing (plot plan) approved prior to issuance of a building permit.
   3. All development, land disturbance, and construction shall comply with the New Castle Construction, Site Soil Erosion, Sediment, and Stormwater Runoff Ordinance.
   4. Permitted uses and uses permitted by special exception within this district are outlined in Chapter 2.16: Land Use Table.
   5. Additional site development standards that apply to all development are outlined in Chapter 4: Site Development Standards.
   7. Additional standards for specific uses may apply as outlined in Chapter 3: Standards for Specific Uses.
   8. Multiple primary uses and multiple primary structures are permitted per parcel except for single-family and two-family uses.
   9. No outdoor or bulk storage of any kind is permitted.
   10. Outdoor display of merchandise that is immediately available for purchase is permitted only during business hours.
   11. Outdoor dining and/or display of merchandise may be located on a public sidewalk if approved by the Board of Works.

C. **DT Development Standards**

DT STRUCTURE AND LOT STANDARDS		
		ALL USES
STRUCTURE STANDARDS		
Maximum Structure Height[1]		Primary: 45 feet Accessory: 20 feet
Minimum Living Area		400 sq ft/unit
LOT STANDARDS		
Minimum Lot Width		25 feet
Minimum Lot Area		2,500 sq ft
Front Yard Setback	Minimum	Average setback of the 3 parcels on both sides of the lot
	Maximum	Single & Two-Family: 20 feet All Other Uses: 30 feet
Side Yard Setback[2]		Primary: 5 feet or 0 feet between attached dwellings Accessory: 3 feet
Rear Yard Setback[2]		Primary: 15 feet Accessory: 3 feet
Maximum Impervious Surface		85%
UTILITY STANDARDS		
Municipal Water and Sewer		Required

1 – Accessory structures cannot exceed the height of the primary structure.
2 – If the lot is legally non-conforming, the average setback of the 3 parcels on both sides of the lot can be used as the front, side, and/or rear yard setback.

2.7 LOCAL COMMERCIAL DISTRICT (C1)

A. **C1 Purpose.** The purpose of the C1 District is to establish commercial areas that are in close proximity to residential areas to meet the convenience shopping, employment, and service needs of area residents. This district may also be intended to serve as a transition between more intense uses and less intense residential districts. This district is intended to have easy access to area residents by car, bike, and foot.

B. **C1 General Standards**
   1. All subdivisions require subdivision approval unless exempt (See Chapter 5.2: Exempt Subdivisions).
   2. All new primary structures require development plan approval.
   3. Permitted uses and uses permitted by special exception within this district are outlined in Chapter 2.16: Land Use Table.
   4. All development, land disturbance, and construction shall comply with the New Castle Construction, Site Soil Erosion, Sediment, and Stormwater Runoff Ordinance.
   5. Additional site development standards that apply to all development are outlined in Chapter 4: Site Development Standards.
   7. Additional standards for specific uses may apply as outlined in Chapter 3: Standards for Specific Uses.
   8. Multiple primary uses and multiple primary structures are permitted per parcel except for single-family and two-family uses.
   9. Outdoor and bulk storage shall be located within an enclosed building or located behind the front façade of the primary structure and not be visible from any public right-of-way year-round.
   10. Outdoor display of merchandise that is immediately available for purchase is permitted but must be at least 60 feet from any right-of-way.

C. **C1 Development Standards**

C1 STRUCTURE AND LOT STANDARDS	
	ALL USES
STRUCTURE STANDARDS	
Maximum Structure Height[1]	Primary: 45 feet Accessory: 20 feet
Maximum Ground Floor Area	20,000 sq ft per structure
Minimum Living Area	600 sq ft/unit
LOT STANDARDS	
Minimum Lot Width	Residential Uses: 50 feet All Other Uses: N/A
Minimum Lot Area	5,000 sq ft
Maximum Lot Area	2 acres
Minimum Front Yard Setback	Arterial Road: 60 feet Collector Road: 40 feet Local Road: 25 feet
Minimum Side Yard Setback	Primary: 15 feet Accessory: 15 feet
Minimum Rear Yard Setback	Primary: 15 feet Accessory: 15 feet
Maximum Impervious Surface	75%
UTILITY STANDARDS	
Municipal Water and Sewer	Required

1 – Accessory structures cannot exceed the height of the primary structure.

2.8 GENERAL COMMERCIAL DISTRICT (C2)

A. **C2 Purpose.** The purpose of the C2 District is to establish areas that are appropriate for more intense businesses and services that have adequate access to public roads. This district is typically located along major transportation corridors in order to support "big box" type development and wholesale retailers.

B. **C2 General Standards**
   1. All subdivisions require subdivision approval unless exempt (See Chapter 5.2: Exempt Subdivisions).
   2. All new primary structures require development plan approval.
   3. All development, land disturbance, and construction shall comply with the New Castle Construction, Site Soil Erosion, Sediment, and Stormwater Runoff Ordinance.
   4. Permitted uses and uses permitted by special exception within this district are outlined in Chapter 2.16: Land Use Table.
   5. Additional site development standards that apply to all development are outlined in Chapter 4: Site Development Standards.
   7. Additional standards for specific uses may apply as outlined in Chapter 3: Standards for Specific Uses.
   8. Multiple primary uses and multiple primary structures are permitted per parcel except for single-family and two-family uses.
   9. Outdoor and bulk storage shall be located within an enclosed building or located behind the front façade of the primary structure and not be visible from any public right-of-way year-round.
   10. Outdoor display of merchandise that is immediately available for purchase is permitted but must be at least 60 feet from any right-of-way.

C. **C2 Development Standards**

C2 STRUCTURE AND LOT STANDARDS	
	ALL LAND USES
STRUCTURE STANDARDS	
Maximum Structure Height[1]	Primary: 50 feet Accessory: 20 feet
Minimum Living Area	600 sq ft/unit
LOT STANDARDS	
Minimum Lot Width	N/A
Minimum Lot Area	N/A
Minimum Front Yard Setback	Arterial Road: 60 feet Collector Road: 40 feet Local Road: 25 feet
Minimum Side Yard Setback	Primary: 20 feet Accessory:15 feet
Minimum Rear Yard Setback	Primary: 25 feet Accessory: 15 feet
Maximum Impervious Surface	75%
UTILITY STANDARDS	
Municipal Water and Sewer	Required

1 – Accessory structures cannot exceed the height of the primary structure.

2.9 LIGHT INDUSTRIAL DISTRICT (I1)

A. **I1 Purpose.** The purpose of the I1 District is to establish areas for manufacturing, industrial, wholesale, and supporting businesses that do not have nuisance factors that extend beyond the parcel (such as noise, odor, smoke, etc.). This district is intended for clean, quiet, non-hazardous uses that generate lower-volumes of industrial traffic.

B. **I1 General Standards**
   1. All subdivisions require subdivision approval unless exempt (See Chapter 5.2: Exempt Subdivisions).
   2. All new primary structures require development plan approval.
   3. All development, land disturbance, and construction shall comply with the New Castle Construction, Site Soil Erosion, Sediment, and Stormwater Runoff Ordinance.
   4. Permitted uses and uses permitted by special exception within this district are outlined in Chapter 2.16: Land Use Table.
   5. Additional site development standards that apply to all development are outlined in Chapter 4: Site Development Standards.
   7. Additional standards for specific uses may apply as outlined in Chapter 3: Standards for Specific Uses.
   8. Multiple primary uses and multiple primary structures are permitted per parcel.
   9. Outdoor and bulk storage shall be located within an enclosed building or located behind the front façade of the primary structure and not be visible from any public right-of-way year-round.

C. **I1 Development Standards**

I1 STRUCTURE AND LOT STANDARDS	
	ALL LAND USES
STRUCTURE STANDARDS	
Maximum Structure Height	Primary: 60 feet Accessory: 40 feet
LOT STANDARDS	
Minimum Lot Width	100 feet
Minimum Lot Area	20,000 sq ft
Minimum Front Yard Setback	Arterial Road: 60 feet Collector Road: 40 feet Local Road: 25 feet
Minimum Side Yard Setback	20 feet
Minimum Rear Yard Setback	20 feet
Maximum Impervious Surface	75%
UTILITY STANDARDS	
Municipal Water and Sewer	Required

2.10 HEAVY INDUSTRIAL DISTRICT (I2)

A. **I2 Purpose.** The I2 District is established for major manufacturing, processing, and warehousing uses that require extensive community services and need reasonable access to collector or arterial roads. These employment centers contain intense industrial uses that typically generate heavy demands on the area transportation systems. Uses within this district may cause odors, dust, noise, and vibrations as well as generate significant amounts of truck and freight traffic.

B. **I2 General Standards**
   1. All subdivisions require subdivision approval unless exempt (See Chapter 5.2: Exempt Subdivisions).
   2. All new primary structures require development plan approval.
   3. All development, land disturbance, and construction shall comply with the New Castle Construction, Site Soil Erosion, Sediment, and Stormwater Runoff Ordinance.
   4. Permitted uses and uses permitted by special exception within this district are outlined in Chapter 2.16: Land Use Table.
   5. Additional site development standards that apply to all development are outlined in Chapter 4: Site Development Standards.
   7. Additional standards for specific uses may apply as outlined in Chapter 3: Standards for Specific Uses.
   8. Multiple primary uses and multiple primary structures are permitted per parcel.
   9. Outdoor and bulk storage is permitted without screening but shall be located behind the front façade of the primary structure.

C. **I2 Development Standards**

I2 STRUCTURE AND LOT STANDARDS	
	ALL LAND USES
STRUCTURE STANDARDS	
Maximum Structure Height	Primary: 60 feet Accessory: 40 feet
LOT STANDARDS	
Minimum Lot Width	150 feet
Minimum Lot Area	2 acres (87,120 sq ft)
Minimum Front Yard Setback	Arterial Road: 60 feet Collector Road: 40 feet Local Road: 25 feet
Minimum Side Yard Setback	30 feet
Minimum Rear Yard Setback	30 feet
Maximum Impervious Surface	75%
UTILITY STANDARDS	
Municipal Water and Sewer	Required

2.11 INDUSTRIAL RENEWABLE ENERGY DISTRICT (IR)

A. **IR Purpose.** The IR District is established for utility-scale renewable energy uses that may require significant land and extensive community resources. Uses may cause impacts such as noise and glare to surrounding properties.

B. **IR General Standards**
   1. All subdivisions require subdivision approval unless exempt (See Chapter 5.2: Exempt Subdivisions).
   2. All new uses require development plan approval.
   3. All development, land disturbance, and construction shall comply with the New Castle Construction, Site Soil Erosion, Sediment, and Stormwater Runoff Ordinance.
   4. Permitted uses and uses permitted by special exception within this district are outlined in Chapter 2.16: Land Use Table.
   5. Additional site development standards that apply to all development are outlined in Chapter 4: Site Development Standards.
   6. Additional standards for specific uses may apply as outlined in Chapter 3: Standards for Specific Uses.

C. **IR Development Standards**

IR STRUCTURE AND LOT STANDARDS	
	ALL LAND USES
STRUCTURE STANDARDS	
Maximum Structure Height	Varies (defined in Chapter 3: Standards for Specific Uses)
LOT STANDARDS	
Minimum Lot Width	300 feet
Minimum Lot Area	5 acres (217,800 sq ft)
Minimum Front Yard Setback	Varies (defined in Chapter 3: Standards for Specific Uses)
Minimum Side Yard Setback	Varies (defined in Chapter 3: Standards for Specific Uses)
Minimum Rear Yard Setback	Varies (defined in Chapter 3: Standards for Specific Uses)
Maximum Impervious Surface	75%
UTILITY STANDARDS	
Municipal Water and Sewer	Required

2.13 PLANNED UNIT DEVELOPMENT DISTRICT (PUD)

A. **Purpose**
   1. A Planned Unit Development (PUD) District is a zoning district that allows for greater flexibility in the design and development of land when consistent with the Comprehensive Plan and the overall intent of the zoning provisions of this UDO. This classification should be encouraged when the proposed development promotes a harmonious variety of uses and/or provides for an economy of shared services and facilities. A PUD shall be compatible with the surrounding areas to foster the creation of an attractive, healthful, efficient, and stable environment for living, shopping, and working.
   2. A PUD may be applied to redevelopment of previously developed property or undeveloped land. It may include one or more parcels that are intended to create a consistent, overall development rather than being applied to a small-scale development as a means of avoiding obtaining variances.
   3. PUD regulations are intended to promote and encourage innovative land development techniques to meet the growing demands of the city by allowing greater flexibility and variety in type, design, and layout of sites, buildings, open space, and amenities.
   4. PUD projects should encourage an efficient use of land that reflects technology of land development so resulting economies may accrue to the benefit of the community at large.

B. **PUD General Standards**
   1. All development, land disturbance, and construction shall comply with the New Castle Construction, Site Soil Erosion, Sediment, and Stormwater Runoff Ordinance.
   2. Projects that utilize the PUD process are encouraged to plan for mixed uses and/or density beyond what is traditionally permitted under comparable zoning districts to improve the efficient use of land and environmental quality.

C. **PUD Uses**
   1. All permitted uses and special exception uses shall be governed by the PUD District Ordinance that is approved specifically for each PUD.
   2. All additional standards that apply to specific uses as outlined in Chapter 3: Standards for Specific Uses shall apply to the PUD unless it is specifically stated otherwise in the PUD District Ordinance.
   3. Mixed-uses are encouraged, when appropriate.
   4. All land uses proposed in a PUD cannot conflict with the vision of the Comprehensive Plan, surrounding land uses, and surrounding zoning districts.

D. **PUD Structure, Lot, and Site Development Standards**
   1. A PUD shall be at least 10 acres in size.
   2. All site standards are governed by the PUD District Ordinance that is approved specifically for each PUD.
   3. If a standard is not specified in the PUD District Ordinance, it shall be governed by the most similar zoning district and/or site standard within this UDO as determined by the Administrator.

E. **PUD Utility Standards.** All PUDs are required to be served by municipal water and sewer.

F. **PUD Procedures**
   1. All PUD procedures shall be governed by the procedures outlined in Chapter 7: Procedures unless otherwise specified in the PUD District Ordinance.
   2. Variances from development standards and variances of use are not permitted within a PUD and require an amendment to the PUD District Ordinance, unless outlined in this section or the PUD District Ordinance.
   3. Unless otherwise stated in the PUD District Ordinance, the Administrator may approve up to a five percent (5%) reduction to the setbacks and/or lot area within a PUD without a public hearing as well as a reduction in the number of lots unless otherwise specified in the PUD District Ordinance.

2.14 DOWNTOWN GATEWAY OVERLAY DISTRICT (DGOD)

A. **Purpose.** The purpose of the Downtown Gateway Overlay District (DGOD) is to promote community goals and objectives for character and aesthetics along the gateway corridors into New Castle. Further, the purpose of this overlay district is to minimize the negative impacts caused by strip commercial development, sign clutter, and the proliferation of access points along these commercial thoroughfares in order to ensure future development is compatible with its surrounding residential areas.

B. **Boundaries.** The official boundaries of this overlay district shall be shown on the Official Zoning Map and generally includes parcels adjacent to Broad Street (SR 38) between Memorial Drive (SR 3) and S. 11th Street.

C. **Development Standards**
   1. All development standards established by the underlying zoning district shall apply unless alternate development standards are specified in this overlay.
   2. Outdoor and bulk storage is prohibited within the DGOD.
   3. Dumpsters, loading docks, and mechanical equipment shall not be visible from the right-of-way.
   4. Outdoor display of merchandise that is immediately available for purchase is permitted only during business hours.
   5. Outdoor dining and/or display of merchandise cannot be located on a public sidewalk or within any public right-of-way.

D. **Design Standards**
   1. All development, land disturbance, and structures shall comply with the West Broad Street Conservation District regulations.
   2. The following shall require approval a Certificate of Appropriateness (COA) from the New Castle Historic Preservation Commission prior to development plan application and/or issuance of any permit from the City:
      a. All new primary and accessory structures;
      b. Structural modifications to the exterior of all existing primary and accessory structures, including a change in the footprint of the structure (for example, an addition or expansion of a structure would require a COA but replacement of a window would not);
      c. Demolition of primary and accessory structures; and
      d. Relocation of primary and accessory structures.

E. **Prohibited Uses.** Permitted and special exception uses shall be governed by the underlying zoning district outlined in Chapter 2.16: Land Use Table unless the use is specified as a prohibited use within this overlay in Chapter 2.16: Land Use Table.

2.15 FLOODPLAIN OVERLAY DISTRICT (FPOD)

A. **Purpose.** The purpose of the FPOD is to regulate development within the floodplain areas and to comply with the regulations of the Federal Emergency Management Agency (FEMA). This district includes areas subject to periodic flooding and areas classified as floodway or special flood hazard areas identified on the Flood Insurance Rate Maps (FIRM). Development in this district must comply with the Flood Hazard Ordinance adopted by the City of New Castle in conjunction with the National Flood Insurance Program (NFIP).

B. **Boundaries.** The boundaries of this overlay shall mirror the boundaries of all flood hazard areas as shown on the Indiana Floodplain Mapping ("Best Available Data Layer") of the Indiana Department of Natural Resources (IDNR) / Division of Water and shall be automatically updated as amendments are approved by IDNR.

C. **Prohibited Uses.** Permitted and special exception uses shall be governed by the underlying zoning district outlined in Chapter 2.16: Land Use Table unless the use is specified as a prohibited use within this overlay in Chapter 2.16: Land Use Table.

2.16 LAND USE TABLE

Use Type	Land Use	R1	R2	R3	DC	DT	C1	C2	I1	I2	IR		DGOD	FPOD
accessory	accessory dwelling unit (ADU)	S-S	S-S	S-S		S-S								
accessory	clubhouse (residential/HOA)	P	P	P										
accessory	home occupation	P-S	P-S	P-S	P-S	P-S								
accessory	home based business	S-S	S-S	S-S	P-S	S-S								
accessory	in-home childcare	S	S	S	S	S								
accessory	outdoor dining (restaurant)				P-S	P-S	P-S	P-S						
accessory	solar energy system, accessory	P-S	P-S	P-S	P-S	P-S	P-S	P-S	P-S	P-S			X	
agricultural	confined feeding operation (CFO) or concentrated animal feeding operation (CAFO)									S			X	X
agricultural	crop production (row, field, tree)	S											X	X
agricultural	greenhouse, commercial	S											X	X
agricultural	livestock or aquaculture	S											X	X
commercial	adult oriented business									S-S			X	
commercial	amusement park/water park	S												
commercial	auto, boat, equipment, or vehicle sales or leasing							P	P	S			X	
commercial	auto, boat, equipment, or vehicle service or repair							P	P	P			X	X
commercial	bar, tavern, club				P	P	P	P						
commercial	bed & breakfast		S	S		P	P							
commercial	campground & RV park							S-S					X	
commercial	contractor construction office (without storage)				P	P	P	P						
commercial	contractor construction office (with storage)							S	P	P				
commercial	crematory							S	S	S			X	X
commercial	day care facility				S	P	P	P						
commercial	famer's market				P	P	P	P						

P = Permitted | P-S = Permitted with Additional Standards | S = Special Exception | S-S = Special Exception with Additional Standards | X = Prohibited in Overlay

Use Type	Land Use	R1	R2	R3	DC	DT	C1	C2	I1	I2	IR		DGOD	FPOD
commercial	funeral home or mortuary				S	P	P	P						
commercial	gas/fueling station						S	P					X	
commercial	golf course, driving range, or country club	S						S					X	
commercial	hotel or motel				S	S	S	P						
commercial	kennel, commercial							P					X	
commercial	liquor store				S	P	P	P						
commercial	lodge or private club				P	P	S	P						
commercial	medical offices and outpatient services (no overnight stays, no dispensing of medicine)				P	P	P	P						
commercial	medical offices and outpatient services (with dispensing medicine)									S			X	X
commercial	nursing home or assisted living facility			P		P	P	P						
commercial	parking garage or parking lot (as a primary use)				S	S				P			X	
commercial	professional services or business offices				P	P	P	P						
commercial	retail, general or service-oriented (w/o drive-thru)			S	P	P	P	P						
commercial	retail, general or service-oriented (with drive thru)				S	S	S	P	S					
commercial	short-term rental	S-S	S-S	S-S	S-S	S-S	S-S	S-S						
commercial	shooting or gun range (indoor)								S				X	
commercial	shooting or gun range (outdoor)									S			X	
commercial	stadium, assembly hall, or race track (indoor)						S	P						
commercial	stadium, assembly hall, or race track (outdoor)						S	S	S				X	
commercial	storage, self-storage, or mini-storage (including boat and/or RV)							S	S	S			X	
commercial	veterinary services (no kennels)				S	S	P	P						
commercial	winery, brewery, or distillery				S	S	P	P	P					

P = Permitted | P-S = Permitted with Additional Standards | S = Special Exception | S-S = Special Exception with Additional Standards | X = Prohibited in Overlay

Use Type	Land Use	R1	R2	R3	DC	DT	C1	C2	I1	I2	IR		DGOD	FPOD
industrial	chemical processing									P			X	X
industrial	junkyard, salvage yard, or vehicle impound lot									S-S			X	X
industrial	landfill or recycling facility, public or private									S			X	X
industrial	manufacturing or general industry, heavy									P			X	X
industrial	manufacturing or general industry, light								P	P			X	X
industrial	meat processing facility									S			X	X
industrial	mineral extraction or processing									S			X	X
industrial	research or development							S	P	P				
industrial	solar energy system, commercial										S-S		X	X
industrial	storage, hazardous materials (indoor or outdoor)									S			X	X
industrial	trucking terminal									P			X	X
industrial	utilty facility, public or private	S	S	S			S	S	P	P			X	X
industrial	warehousing or distribution								P	P			X	X
industrial	waste transfer facility								S	S			X	X
industrial	wind energy system, commercial										S-S		X	X
institutional	airport or heliport							S	S	S			X	
institutional	cemetery, columbaria, or mausoleum	S	S	S			S	S					X	X
institutional	emergency response facility	S	S	S	S	P	P	P	P	P	P			
institutional	governmental offices or facilities			S	P	P	P	P						
institutional	hospital							P					X	
institutional	library or cultural facility				P	P	P	P						
institutional	park or wildlife/nature preserve, public or private	P	P	P	P	P	P	P	S	S				
institutional	penal or correctional facility					S		S					X	
institutional	place of worship	P	P	P	P	P	P	P						
institutional	school (college, trade, or university)				S	S	P	P	S	S				
institutional	school (preschool, elementary, secondary)	S	S	S	S	S	P	P						

P = Permitted | P-S = Permitted with Additional Standards | S = Special Exception | S-S = Special Exception with Additional Standards | X = Prohibited in Overlay

Use Type	Land Use	R1	R2	R3	DC	DT	C1	C2	I1	I2	IR		DGOD	FPOD
institutional	wireless communication facility	S-S	S-S	S-S	S-S	S-S	S-S	P-S	P-S	P-S	P-S		X	
residential	dwelling, bardominium	P-S												
residential	dwelling, multi-family			P	S	P	P	P						
residential	dwelling, multi-family (*upper floors only*)				P	P								
residential	dwelling, single-family attached	S	P	P		P	P	S						
residential	dwelling, single-family detached	P	P	P		P	P	S						
residential	dwelling, two-family		P	P		P	P	S						
residential	group home			S		S	S	S						
residential	manufactured home park			S-S									X	X

P = Permitted | P-S = Permitted with Additional Standards | S = Special Exception | S-S = Special Exception with Additional Standards | X = Prohibited in Overlay

CHAPTER 3: STANDARDS FOR SPECIFIC USES

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3.1 GENERAL PROVISIONS

A. **Purpose.** The purpose of these standards is to provide additional standards to specific uses within the City of New Castle that may have additional impacts and conflicts with adjacent properties in order to protect the health, safety, morals, and general welfare of the community.

B. **Applicability of Additional Standards for Specific Uses.** The standards for specific uses included in this chapter shall apply to all parcels and all zoning districts and shall be in addition to all other applicable structure, lot, and/or site standards within this UDO.

C. **UDO Regulations and Compliance**
   1. The uses listed in this chapter shall meet the respective requirements of this chapter in addition to all other regulations of the UDO. If any use development standard conflicts with the underlying zoning district standards or other sections of this UDO, the more restrictive shall apply.
   2. If a development standard is not specified for a use within this chapter, the regulation shall be governed by requirements of the zoning district.
   3. The uses listed in this chapter shall be permitted as outlined in Chapter 2.16**:** Land Use Table.
   4. The Administrator shall verify that all uses outlined in this chapter comply with all applicable standards of the UDO prior to establishment of the use, approval of a Development Plan, or issuance of a BP.

3.2 ACCESSORY DWELLING UNIT (ADU)

A. **ADU Purpose.** These standards are intended to promote additional and affordable housing options within the community, provide housing that allows for care of the elderly or disabled, and allow homeowners to benefit from added income and an increased sense of security.

B. **ADU General Standards**

1. An ADU may be a rental unit but approval of an accessory dwelling does NOT permit the accessory dwelling to be used as a short-term rental. If an ADU is used as a short-term rental, the short-term rental use shall comply with all applicable standards of this UDO and be approved as required by this UDO.
2. If an accessory structure includes a bathroom, kitchen facilities, and living area for sleeping, it shall be considered an accessory dwelling unit and shall comply with all applicable standards unless a "Use Affidavit" stating the structure will not be used as a dwelling is filed with the Administrator and recorded with the County Recorder.

C. **ADU Development Standards**

ACCESSORY DWELLING UNIT STANDARDS	
ADU STRUCTURE STANDARDS	
Minimum Living Area	300 sq ft
Maximum Living Area	800 sq ft or 50% of the ground floor living area of the primary dwelling (whichever is less)
Maximum Structure Height	Governed by the zoning district but cannot exceed the height of the primary dwelling
Architecture and Building Materials	Architectural style, form, materials, and colors shall match or be compatible with the style and form of the primary dwelling
Maximum Quantity	1 ADU per parcel
Structure Requirements	▪ Must be detached from the primary dwelling unit ▪ Must be a lawfully built structure that meets all building code requirements, including all requirements for a single-family dwelling
Prohibited Structure Types	▪ A recreational vehicle, travel trailer, motor vehicle, parts of a motor vehicle, or similar structure ▪ Any structure not intended for permanent human occupancy ▪ Any structure that does not meet all building code requirements for a single-family dwelling or does not meet the use standards for an accessory dwelling unit (including layout and components)

ADU LOT STANDARDS	
Qualifications	▪ Only allowed on lots where an existing, lawfully constructed, primary single-family dwelling exists and is owner-occupied ▪ Must be under the same ownership as the primary dwelling
Address	▪ Addresses for properties with an approved accessory dwelling unit shall be assigned and approved by the addressing entity
Access	▪ Accessory dwelling shall use the same driveway that serves the primary dwelling ▪ A separate driveway from any public right-of-way shall not be permitted
Location	▪ Must be located in the rear yard ▪ Must comply with all site development standards (including setbacks) of the subject zoning district
Layout & Components	▪ Must be an independent and complete dwelling unit with all amenities needed for safe and habitable living, including permanent provisions for sleeping, eating, cooking, sanitation, and ingress/egress ▪ Maximum of 1 bedroom ▪ ADU cannot have accessory structures (site must comply with Chapter 4.8 I: General Accessory Structure Standards)
Parking	Parking may be shared with the primary dwelling, provided the number of spaces complies with Chapter 4.5: Parking and Loading Standards

D. **ADU Procedures.** Accessory dwelling units are not required to obtain development plan approval but shall submit a site plan for approval with any BP application (or prior to occupancy if a BP is not required) showing compliance with all regulations of this UDO.

3.3 ADULT-ORIENTED BUSINESS

A. **Adult-Oriented Business Purpose.** The standards are intended to provide ample and reasonable opportunities for adult-oriented businesses to locate within the jurisdiction while also mitigating impacts to adjacent properties. Adult-oriented businesses require special supervision from public safety agencies of the jurisdiction in order to protect and preserve the health, safety, morals, and welfare of the patrons and employees of the businesses as well as the citizens of the community. The minimal regulations of this UDO are a legitimate and reasonable means of accountability to ensure that operators comply with reasonable regulations and ensure that operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation.

B. **Adult-Oriented Business General Standards.** Adult-oriented business uses shall meet the respective requirements of this section in addition to all other local and state regulations. If any standard in this section conflicts with a local or state regulation, the more restrictive shall apply.

C. **Adult-Oriented Business Development Standards**

ADULT-ORIENTED BUSINESS STANDARDS	
ADULT-ORIENTED BUSINESS LOT STANDARDS	
Separation	At least 1,320 feet shall be provided between all adult-oriented businesses and the uses as specified below. The distance shall be measured with a straight line from the nearest edge of the property line of the adult-oriented business to the nearest edge of the property line of the specified use. ▪ Any parcel used as a school, park, church, or place of worship. ▪ Any parcel with a residential use, residential zoning, or platted as a residential subdivision. ▪ Any parcel used as a hotel, motel, transportation depot, or other adult-oriented business. ▪ Any parcel used as a licensed day care facility. ▪ Any premise licensed or governed by the alcoholic beverage control regulations of the state.
Screening	A 6-foot (minimum) continuous, evergreen landscape buffer or a 6 foot (minimum) opaque fence shall be maintained along the side and rear property lines for the purpose of screening the use from view of adjacent properties
Exterior Displays	No adult-oriented business shall be conducted in any manner that permits the observation of any material depicting, describing, or relating to specified sexual activities or specified anatomical areas by display, decoration, sign, show window, or other opening from public view

D. **Adult-Oriented Business Procedure.** All adult-oriented businesses shall be required to obtain development plan approval prior to issuance of a BP (or establishment of the use if a BP is not required) showing compliance with all regulations of this UDO.

3.4 BARNDOMINIUM DWELLING

A. **Barndominium Purpose.** The standards are intended to allow flexibility with residential building options while also preserving the character of New Castle.

Example of Barndominium

B. **Barndominium Development Standards**

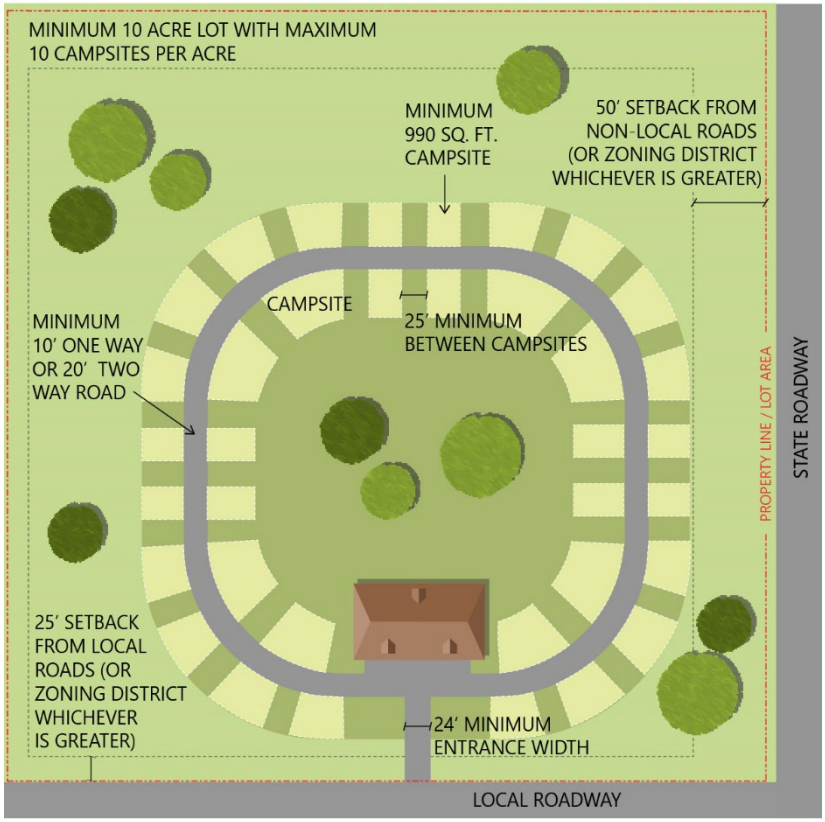
BARNDOMINIUM STANDARDS	
BARNDOMINIUM LOT STANDARDS	
Minimum Lot Area	1 acre
Location of Parcel	Must be on a parcel that is contiguous to a property with an agricultural use or agricultural purpose that is outside of the municipal boundaries of the City
Minimum Front Yard Setback	100 feet

D. **Barndominium Procedures.** Barndominiums are not required to obtain development plan approval but shall submit a site plan for approval with any BP application (or prior to occupancy if a BP is not required) showing compliance with all regulations of this UDO.

3.5 CAMPGROUND & RV PARK

A. **Campground & RV Park Purpose.** These standards are intended to provide minimum requirements for the protection of the health and safety of the occupants of campgrounds, recreational vehicle parks, their associated recreation areas, and the general public.

B. **Campground & RV Park General Standards.** In addition to these standards, a facility accommodating 10 or more tents, recreational vehicles, or campsites are subject to the regulations established by state standards per 410 IAC 6-7.1.



Example of Campground/RV Park

C. **Campground & RV Park Development Standards**

CAMPGROUND & RV PARK STANDARDS	
CAMPGROUND & RV PARK OPERATIONAL STANDARDS	
Duration of Stay	Maximum of 180 overnight stays within 12 consecutive months
CAMPGROUND & RV PARK STRUCTURE STANDARDS	
Permitted Structures	▪ Temporary, non-permanent lodging structures, such as tents, recreational vehicles (RVs), camping trailers, and similar ▪ Permanent shared structures normally associated with a campground, such as a bathhouse or emergency shelter ▪ Permanent structures for operation (such as office), maintenance, or storage facilities used in the campsite operations
Prohibited Structures	▪ Permanent or semi-permanent structures used or intended for dwellings or overnight accommodations, such as cabins, lean-tos, etc. ▪ Any permanent structure that is located on an individual campsite
CAMPGROUND & RV PARK LOT STANDARDS	
Minimum Lot Area	10 acres
Minimum Setback	At least 25 feet from local roads and 50 feet from all other roads unless the zoning district setbacks or bufferyards are greater
Maximum Density	10 campsites per acre
Minimum Separation	25 feet of separation between the nearest edge of any campsites
Minimum Campsite Area	990 sq ft per campsite
Access	▪ An entrance road shall be provided that is at least 24 feet in width ▪ Internal roads are private and must be paved
Internal Circulation	▪ All campsites shall gain access through an internal, private roadway; campsites shall not gain direct access from any public road ▪ All internal roads shall be at least 10 feet in width for one-lane roads and at least 20 feet in width for two-lane roads ▪ Fire and EMS shall approve site plan for adequate accessibility
Drainage	▪ All areas shall be well-drained and designed to provide sufficient space for camping activities, vehicles, sanitary facilities, and appurtenant equipment ▪ All development shall comply with the New Castle Construction, Site Soil Erosion, Sediment, and Stormwater Runoff Ordinance
Location	▪ May be located in a floodplain or an area subject to periodic flooding ▪ Cannot be located adjacent to swamps, railroads, industrial sites, or other locations which would constitute a health or safety hazard
Storage	▪ The storage of unoccupied recreational vehicles shall be prohibited ▪ All structures, RV's, trailers, camping units, tents, and belongings shall be removed from the campground when campsite is not occupied
Storm Shelter	▪ At least one indoor community facility shall be provided for the campground that provides recreational space for the park occupants and serves as a storm shelter ▪ It shall be at least 500 sq ft and meet the minimum requirements in the ICC 500 standard for occupants during severe weather

CAMPGROUND AND RV PARK UTILITY STANDARDS	
Sewage Disposal	Sewage disposal is required and shall be approved by the Health Department, Indiana State Health Department, and/or the sewer provider, as appropriate

D. **Campground & RV Park Procedure.** All campgrounds and RV parks shall be required to obtain development plan approval prior to issuance of a BP (or establishment of the use if a BP is not required) showing compliance with all regulations of this UDO.

3.6 HOME-BASED BUSINESS

A. **Home-Based Business Purpose.** These standards are intended to limit commercial activities in residential areas and ensure that they are incidental and accessory to the residential dwelling, compatible with surrounding uses, and do not add significant traffic, noise, or other nuisances to the residential areas in which they are located.

B. **Home-Based Business Development Standards**

HOME-BASED BUSINESS STANDARDS	
HOME-BASED BUSINESS OPERATIONAL STANDARDS	
Employees	Maximum 2 external employees allowed on-site at one time, excluding any resident(s) of the parcel
Clients/Customers	Maximum of 10 clients/business-related visitors allowed on-site per day but no more than 2 clients/business-related visitors can be on-site at one time
Hours of Operation	Business hours shall be limited to 7:00 am to 7:00 pm, seven days a week unless specified otherwise with the special exception approval
HOME-BASED BUSINESS LOT STANDARDS	
Location	All business activity must be conducted entirely within the primary dwelling unit and/or entirely within a permitted accessory structure on the same parcel as the primary dwelling unit
Access	▪ No additional access points and/or driveways shall be permitted ▪ Any change to an existing driveway where it accesses a public road (such as widening a driveway where it connects to the public road) shall be approved by the City. ▪ Adequate measures shall be taken to maintain safety for trucks and vehicles entering the public road at slower speeds, including but not limited to, deceleration/acceleration lanes or passing blisters

Outdoor Storage	▪ Outdoor display of goods or products for sale is prohibited
	▪ All outdoor storage areas or areas used to park equipment or vehicles shall be:
	  ▪ Behind the rear elevation of the primary dwelling unit; and
	  ▪ Within a fully enclosed structure or have a solid fence, masonry wall, or continuous evergreen screen on all sides (excluding driveways) that is a minimum of 6 feet in height that fully screens the view of all outdoor storage (including all materials, items, equipment, vehicles, etc.) from adjacent properties and public rights-of way. Fences shall comply with all regulations of this UDO.

Character	▪ There shall be no evidence on the exterior of the premises that the property is used in any way other than for a residential dwelling ▪ All structures shall retain a residential character ▪ No mechanical equipment shall be used that creates any electrical or other interference, noise, or impacts that are not normally associated with a residential use

C. **Home-Based Business Procedure.** Home-based businesses are not required to obtain development plan approval but shall submit a site plan for approval with any BP application (or establishment of the use if a BP is not required) showing compliance with all regulations of this UDO.

3.7 HOME OCCUPATION

A. **Home Occupation Purpose.** These standards are intended to provide standards for personal home occupations in residential dwellings to ensure these activities are incidental and accessory to the residential dwelling, compatible with surrounding uses, and do not add significant traffic, noise, or other nuisances to the residential areas in which they are located.

B. **Home Occupation Development Standards**

HOME OCCUPATION STANDARDS	
HOME OCCUPATION OPERATIONAL STANDARDS	
Employees, Clients & Customers	No employees, clients, or business-related visitors are allowed on the site of the home occupation other than the resident(s) of the dwelling
HOME OCCUPATION LOT STANDARDS	
Location	All business activity must be conducted entirely within the primary dwelling unit or entirely within a permitted accessory structure upon the same parcel as the primary dwelling unit
Access	No additional access points and/or driveways shall be permitted
Outdoor Storage	Outdoor storage (including equipment parking) or display of goods or products is prohibited
Character	▪ There shall be no evidence on the exterior of the premises that the property is used in any way other than for a residential dwelling ▪ All structures shall retain a residential character ▪ No mechanical equipment shall be used that creates any electrical or other interreference, noise, or impacts that are not normally associated with a residential use ▪ No deliveries or pick-ups shall be allowed other than from commercial parcel delivery services (e.g., USPS, UPS, FedEx, DHL)

C. **Home Occupation Standards.** Home occupations are not required to obtain development plan approval but shall submit a site plan for approval with any BP application (or establishment of the use if a BP is not required) showing compliance with all regulations of this UDO.

3.8 JUNKYARD, SALVAGE YARD, & VEHICLE IMPOUND LOT

A. **Junkyard, Salvage Yard, & Vehicle Impound Lot Purpose.** These standards are intended to ensure that both the junkyard or salvage operation and the existing land uses surrounding the operation are protected from the negative impacts that each may cause the other as well as provide adequate measures for emergency responders if necessary. For purposes of this UDO, junkyard and salvage shall include vehicle impound lots.

B. **Junkyard, Salvage Yard, & Vehicle Impound Lot Standards**

JUNKYARD, SALVAGE YARD, & VEHICLE IMPOUND LOT STANDARDS	
JUNKYARD, SALVAGE YARD, & VEHICLE IMPOUND LOT STANDARDS	
Location	▪ No portion of a junkyard, impound lot, or salvage yard shall be located within an area designated as a special flood hazard area ▪ No portion of a junkyard used for storage of any materials shall be within 500 feet of the property line of an existing residential use or parcel platted for residential use
Storage & Use	▪ All storage of any junk, materials, or similar activity shall be within an enclosed building or fully screened with vegetation, berm, masonry wall, fence, or similar so it is not visible from any public road or adjacent parcel year-round ▪ No junkyard or salvage operation shall be used as a dump by the public ▪ No burning of any material shall occur on site
Material Handling & Location	▪ Batteries, lubricants, fluids, coolants, refrigerants, and all similar components shall be removed upon receiving an appliance, vehicle, or other material and then recycled or disposed of same in accordance with all applicable state and federal laws regarding disposal of waste and hazardous materials ▪ Combustible material that can be ignited by an ordinary match shall be placed or stored at least 10 feet from any fence or structure ▪ No material shall be placed in any junkyard or salvage yard in such a manner that it is capable of being transferred out of the junkyard by wind, water, or other natural causes ▪ The storing of loose paper and the spilling of flammable or other liquids into the ground, streams, or sewers are prohibited
Fencing	All fencing shall be securely locked unless being actively supervised for ingress or egress
Access	▪ A fire lane of at least 15 feet in width shall be maintained from the main entrance to a public street throughout the junkyard, so that no point of the junkyard shall be more than 200 feet from a fire lane ▪ Internal driveways and fire lanes shall be paved

C. **Junkyard, Salvage Yard, & Vehicle Impound Lot Procedure.** All junkyards, salvage yards, and vehicle impound lots shall be required to obtain development plan approval prior to issuance of a BP (or establishment of the use if a BP is not required) showing compliance with all regulations of this UDO.

3.9 MANUFACTURED HOME PARK

A. **Manufactured Home Park Purpose.** These standards are intended to provide affordable housing options, ensure a high-quality living environment within a manufactured home park, and promote alternative single-family housing options.

B. **Manufactured Home Park General Standards.** Manufactured home parks are NOT exempt from the Flood Hazard Ordinance, DNR regulations, FEMA regulations, or any other state/federal regulation.

C. **Manufactured Home Park Development Standards**

MANUFACTURED HOME PARK STANDARDS	
MANUFACTURED HOME PARK OPERATIONAL STANDARDS	
Resident Manager	▪ A resident manager or park manager shall be required to oversee that the ordinances and laws regulating the manufactured home park are observed ▪ The resident manager or park manager shall reside on-site, and a designated person shall be accessible to contact 24 hours a day/7 days a week for emergencies
Register of Residents	▪ Every manufactured home park shall maintain a current register of all occupants, which shall include, at a minimum, the names of all persons residing in the manufactured home park; the make, type and serial or license number of each manufactured home; and a location of the space occupied ▪ The park owner shall provide the list, and any updates, to the Assessor's Office upon request
MANUFACTURED HOME PARK STRUCTURE STANDARDS	
Structure Types	▪ Only manufactured homes are permitted as dwellings within a manufactured home park ▪ Recreational vehicles (RVs), travel trailers, or similar vehicles shall not be used as dwellings ▪ No transient or non-permanent manufactured homes or travel trailers shall be located in a manufactured home park (except as allowed in this section) ▪ Coin-operated laundries, recreational rooms, storm shelters, and similar amenities may be permitted in manufactured home parks
Structure Standards	▪ All manufactured homes shall comply with the structure standards in Chapter 4.8 L: Manufactured Home Standards ▪ The minimum residential living area requirement of the underlying zoning district does NOT apply to homes in a manufactured home park

MANUFACTURED HOME PARK LOT STANDARDS	
Minimum Lot Width (Overall Park/Site)	120 feet or as determined by the zoning district, whichever is greater
Minimum Lot Area (Overall Park/Site)	10 acres
Minimum Home Site Area	2,000 sq ft or as determined by the zoning district, whichever is less
Minimum Separation between Any Structures	20 feet
Storage	▪ Wrecked, abandoned (unoccupied for more than 1 year and/or deemed unsafe by the Building Commissioner), damaged, or dilapidated manufactured homes shall not be kept or stored within the manufactured home park at any time ▪ Campers shall not be occupied or stored on any home site ▪ Each park shall provide either one or more central storage structures available to all manufactured home sites or a single storage structure for each manufactured home site. Such structures shall be waterproof, so they remain relatively unaffected by water and/or weather and are suitable for storage of goods and the usual effects of persons occupying the park ▪ An open storage area may be provided within the park in addition to the above to store travel trailers, campers, and other recreational vehicles by residents
Bufferyards and Fencing	The perimeter of each manufactured home park shall be fully screened with a solid fence or wall that is a minimum of 6 feet in height unless the required bufferyard (see Chapter 4.3: Landscaping And Bufferyard Standards) specifies a higher standard
Lighting	▪ Each manufactured home park shall provide streetlights at the entrance and at least every 500 feet along internal roads ▪ Maintenance of all lighting and monthly services fees shall be the responsibly of the park owner
Sidewalks	▪ A minimum of a 4-foot-wide sidewalk shall be provided on at least one side of all internal roads ▪ A minimum of a 3-foot-wide sidewalk shall be provided to each individual home site from the nearest public sidewalk, street, or parking area
Roads	▪ Each home site shall have direct access to a private roadway; home sites shall not directly access a public road ▪ Design of all entrances and internal roads shall provide for emergency vehicle access and be approved by the Fire Department and EMS ▪ All internal roads shall be private roads, paved, installed by the applicant, and built to the standards outlined in Chapter 6.7: Roads and Driveways ▪ All internal roads shall be maintained by the property owner
Drainage	All drainage shall comply with the New Castle Construction, Site Soil Erosion, Sediment, and Stormwater Runoff Ordinance

Community Facility & Storm Shelter	▪ At least 1 indoor community facility shall be provided for the park that provides recreational space for the park occupants as well as a storm shelter that meets the minimum requirements in the ICC 500 standard for occupants during severe weather ▪ The area of the community facility shall be at least 1,000 square feet or 1% of the park's gross acreage, whichever is greater
Recreational Area	▪ Each park shall provide and maintain a recreational area(s) (such as open space, playground, dry detention areas, etc.) equal in size to at least 20% of the area of the park in a central location(s) ▪ Maintenance of all recreational and public areas shall be enforced as allowed by this UDO and all applicable property maintenance ordinances

D. **Manufactured Home Park Procedures.** All Manufactured Home Parks shall be required to obtain development plan approval prior to issuance of a BP (or establishment of the use if a BP is not required) showing compliance with all regulations of this UDO.

3.10 SHORT-TERM RENTAL

A. **Short-Term Rental Purpose.** These standards are intended to ensure compliance with the provisions of IC 36-1-24 while also providing an appropriate balance between the interests of the residents, business owners, visitors; provisions to ensure issues related to fire safety and life safety codes are met; and ways for homeowners to benefit from added income.

B. **Short-Term Rental Development Standards**

SHORT-TERM RENTAL STANDARDS	
SHORT-TERM RENTAL OPERATIONAL STANDARDS	
Occupancy	Maximum overnight occupancy shall be 2 persons per sleeping area, but not to exceed 10 people, regardless of the number of sleeping areas
Maximum Number	Maximum of 1 short-term rental per parcel
SHORT-TERM RENTAL STRUCTURE STANDARDS	
Permitted Structure Types	▪ Short-term rental units shall be located in a lawfully built dwelling unit that meets all applicable building code requirements. ▪ A short-term rental may be within a primary dwelling or within an accessory dwelling unit that also conforms with Chapter 3.2: Accessory Dwelling Unit (ADU)
Prohibited Structure Types	▪ A recreational vehicle, travel trailer, automobile, shipping container, or similar structure ▪ A motor vehicle, or a part of a motor vehicle ▪ Any structure not intended for permanent human occupancy

C. **Short-Term Rental Procedure**

1. Development Plan. Short-term rentals are not required to obtain development plan approval but shall submit a site plan for approval with any BP application (or prior to occupancy if a BP is not required) showing compliance with all regulations of this UDO.
7. Annual Registration Permit
   a. Each short-term rental unit shall be registered individually on an annual basis with the Administrator in accordance with IC 36-1-24-11.
   b. As part of the annual registration, an inspection may be required to ensure the structure/unit meets all of the applicable building codes and is safe and habitable.
   c. Short-term rental owners who do not comply with the regulations may be subject to enforcement actions including inspections, citations, and/or revocations of registration.
   d. Each short-term rental shall pay an annual fee as outlined in the fee schedule to the Clerk-Treasurer or their designee.

3.11 SOLAR ENERGY SYSTEMS (SES), ACCESSORY

A. **Accessory SES Purpose.** These standards are intended to minimize impacts on adjacent properties and also allow for energy collection, storage, and distribution that is accessory to another use and intended to be used on-site.

B. **Accessory SES Development Standards**

ACCESSORY SES STANDARDS	
ACCESSORY SES STRUCTURE STANDARDS	
Permitted Structure Types	▪ Ground-mounted (including pole-mounted), which shall not be counted towards the maximum number of accessory structures as regulated by Chapter 4: Site Development Standards ▪ Building-integrated SES and roof-mounted SES located on any legally permitted structure, provided the structure is designed to adequately and safely accommodate the SES ▪ Solar collectors mounted on the sides of buildings and serving as awnings are considered to be building-integrated SES and are regulated as awnings under this UDO ▪ Solar carport SES located within a surface parking lot or parking structure ▪ Associated electric vehicle charging equipment
Maximum Structure Height	▪ Maximum of 15 feet for ground-mounted and pole-mounted SES, measured at maximum design tilt
ACCESSORY SES LOT STANDARDS	
Location	All setbacks, measured at maximum design tilt, are determined by the zoning district in addition to the following location requirements: ▪ Ground-mounted SES. Ground-mounted SES must be located in the rear yard ▪ Building-integrated SES and roof-mounted SES. ▪ The collector surface and mounting devices may only extend beyond the exterior perimeter of the building on which the system is mounted or built if designed to safely extend beyond the perimeter by a Professional Engineer licensed to practice in the State of Indiana ▪ Exterior piping for solar hot water systems may extend beyond the perimeter of the building on a side or rear yard

Screening & Visibility	Total Area Covered	▪ If the total area on a single parcel that is used for ground-mounted accessory SES is larger than 1 acre, continuous vegetation, opaque fencing, and/or berms that are a minimum of 6 feet are required to adequately screen the view of the solar panels and accessory equipment ▪ Roof-mounted and building-integrated SES solar units are exempt from this standard
	Residential Districts	▪ Accessory SES in residential districts shall be designed to minimize visual impacts from the public right-of-way to the extent that it does not affect the cost or efficacy of the system, consistent with IC 36-7-2-8 ▪ If reflectors are used, the glare impacting adjacent properties should be minimized
	Historic District	Accessory SES within the New Castle Downtown Historic District or the West Broad Street Conservation District must receive a Certificate of Appropriateness from the New Castle Historic Preservation Commission
Maximum Impervious Surface Coverage		Maximum impervious surface coverage is determined by the zoning district except ground-mounted SES do not count towards the maximum impervious surface coverage if the soil under the collector is maintained in vegetation and not compacted

C. **Accessory SES Procedures**

1. Development Plan. Accessory SES are not required to obtain development plan approval but shall submit a site plan for approval with any BP application (or prior to installation if a BP is not required) showing compliance with all regulations of this UDO.
2. Compliance with Applicable Codes. All accessory SES shall meet approval of local building code officials, consistent with the current State of Indiana Building Code and the National Electrical Code (NEC), and solar thermal systems shall comply with HVAC-related requirements of the Energy Code.
3. Approved Solar Components. Accessory SES components must have an Underwriters Laboratory (UL), or equivalent listing, and solar hot water systems must have a Solar Rating & Certification Corporation (SRCC) or equivalent rating.
4. Utility Notification. It is recommended that the interconnection application be submitted to the utility prior to applying for required permits with the City.

3.12 SOLAR ENERGY SYSTEMS (SES), COMMERCIAL

A. **Commercial SES Purpose.** These standards are intended to minimize impacts on adjacent properties while also allowing for energy collection, storage, and distribution that is primarily intended for off-site use.

B. **Commercial SES Development Standards**

COMMERCIAL SES STANDARDS	
COMMERCIAL SES STRUCTURE STANDARDS	
Foundation Design	A Professional Engineer licensed to practice in the State of Indiana shall certify that the foundation and design of the solar panel racking, foundations, and support is within accepted professional standards, given local soil and climate conditions prior to application for a BP
Maximum Structure Height	Maximum of 20 feet in height, measured at maximum design tilt
COMMERCIAL SES LOT STANDARDS	

Minimum Setbacks	▪ The following minimum setbacks shall be required regardless of the zoning district or bufferyard
	▪ Setbacks may be waived upon mutual agreement of all property owners
	▪ Setbacks are measured from the nearest edge of the SES array at maximum design tilt (excluding fencing, screening, berms, and similar)
	  ▪ Non-participating residential dwelling: Minimum of 150 feet from the parcel boundary
	  ▪ Participating property owner: No minimum setback
	  ▪ Public road or public right-of-way: Minimum of 50 feet from the edge of the right-of-way

Fencing	▪ All areas used for commercial SES, including any structure, component, or electrical device, shall be completely enclosed with fencing that is at least 6 feet in height (except as otherwise allowed by IC 36-7-4-1109) ▪ Barbed wire or woven wire fence designs for perimeter fencing are prohibited ▪ Chain link fences and wildlife-friendly fencing are permitted

Screening & Visibility: Residential Districts	▪ Continuous vegetation, opaque fencing, and/or berms that are a minimum of 6 feet are required along all property lines that abut a public road or public right-of-way, existing residential dwellings, residentially zoned parcels, or parcels platted for residential development ▪ Screening shall not be required along property lines with non-residential uses or public roads unless specified by the BZA ▪ All screening shall comply with all standards of the UDO ▪ A landscape plan shall be submitted as part of the development plan approval that identifies the type and extent of proposed screening ▪ Additional screening may be required if there is a clear community interest in maintaining a viewshed or to mitigate the impact on an adjacent parcel

Ground Cover	▪ Ground-mounted commercial SES are required to install ground cover (such as grass, pollinator meadow, or other plant materials) for the site around and under solar panels and within all setback or buffer areas
	▪ Ground cover shall be planted, established, and maintained for the life of the project and shall comply with the following standards:
	  ▪ Plans showing compliance with the ground cover standards shall be submitted as part of a development plan application.
	  ▪ The site shall be planted and maintained to be free of invasive or noxious species, as listed by the Indiana Invasive Species Council.
	  ▪ No insecticide use is permitted on the site; this does not apply to insecticide use in on-site buildings, in and around electrical boxes, spot control of noxious weeds, or as otherwise may be deemed necessary to protect public health and safety

Emergency Response	▪ The site layout must accommodate adequate access for all first responders, such as EMS, fire, and police ▪ The project operator shall provide and maintain an emergency key box/knox box at all entrances for emergency responders. The location and access code/key of each emergency key box/knox box shall be provided to local first responders
COMMERCIAL SES UTILITY STANDARDS	
Power & Communication Lines	▪ All power and communication lines on the site shall be buried underground (excluding low-voltage power on-site) ▪ Power and communication lines between the project and the point of interconnection with the transmission system can be overhead if located within 500 feet of the interconnection

C. **Commercial SES Procedures**

1. Development Plan. Commercial SES shall be required to obtain development plan approval prior to issuance of a BP (or establishment of the use if a BP is not required) showing compliance with all regulations of this UDO.
2. Drainage. Commercial SES projects are subject to the New Castle Construction, Site Soil Erosion, Sediment, and Stormwater Runoff Ordinance.
3. Compliance with Applicable Codes. All Commercial SES projects shall comply with all applicable local, state, and federal regulatory codes, including the current State of Indiana Uniform Building Code and the National Electric Code (NEC), and solar thermal systems shall comply with HVAC-related requirements of the Energy Code.

4. Aviation Protection. For Commercial SES projects located within five hundred (500) feet of an airport or within any approach zones of an airport, the applicant must complete and provide the results of a glare analysis through a qualitative analysis of potential impact, field test demonstration, or geometric analysis of ocular impact in consultation with the Federal Aviation Administration (FAA) Office of Airports, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA.
5. Decommissioning and Surety. The project owner shall provide a decommissioning plan for all parcels and easements related to the project prior to any commercial solar energy devices being installed. The decommissioning plan shall be approved by the New Castle Common Council and shall be updated every five years or if any of the operator or project owner changes. Except as otherwise required by Indiana Code, the decommissioning plan shall include, at a minimum, the following:
    a. Affidavit of Responsibility. A signed and notarized affidavit that is recorded with the County Recorder's Office shall be provided by all property owners acknowledging that the responsibility of decommissioning (including costs to decommission) is ultimately the responsibility of the property owner(s) even if that responsibility and cost is assigned to the operator through a separate agreement. If the operator fails to comply with any aspect of the decommissioning plan, the property owner(s) shall be ultimately responsible for all aspects of decommissioning and liable for all penalties for failure to comply. If a property owner changes, the project owner shall be responsible for obtaining and recording an updated affidavit.
    b. Commercial Liability Insurance Required. The owner and operator of a commercial SES shall maintain a commercial general liability policy covering death, bodily injury, and property damage, which may be combined with umbrella coverage. The owner and operator shall be required to name the City of New Castle, Indiana as an additional insured solely to the extent of liabilities arising under this UDO. This policy shall carry dollar amounts satisfactory to the City of New Castle City Council and with agreed upon dollar amount limits per occurrence, aggregate coverage, and deductible amounts, all of which shall be agreed upon by the owner and operator and the City of New Castle City Council and provided in the decommissioning plan.
    c. Continuity of Decommissioning Plan. The written terms of the decommissioning plan shall include that the decommissioning plan is binding upon the property owner and operator as well as any of their successors, assignees, or heirs.
    d. Restoration of Site. This shall outline how the site will be restored to a natural state that includes adequate provisions for removal of all structures and foundations to a depth of 48 inches and restoration of soil and vegetation.
        1) Decommissioning of the system, or a component or portion of the system, must be completed within 12 months of the project, or component or portion of the system, not producing energy. An owner may petition for an extension of this period upon showing of reasonable circumstances that have caused the delay in the start of decommissioning.
        2) Disposal of structures, materials, waste, and/or foundations (both hazardous and non-hazardous materials) shall meet the provisions of all local, state, and federal ordinances.
    e. Estimated Decommissioning Costs. These shall be calculated by a third-party licensed or registered engineer (or by another person with suitable experience in the decommissioning of solar energy system) and agreed upon by the project owner and the City Engineer or their designee.

f. Surety Bond or Equivalent for Decommissioning. The project owner shall provide a surety bond or an equivalent means of security acceptable to the City Engineer in an amount equal to 125% of the agreed-upon estimated cost of decommissioning the system. The total amount of the bond or other security posted under this section shall be provided prior to the issuance of a BP for any structure or component of a commercial SES. The bond amount shall be reviewed every five years at the anniversary of the approval of the initial decommissioning plan based upon the reevaluated decommissioning cost or if the operator or project owner changes.

g. Failure to Comply with Decommissioning Plan. Any person or corporation who shall fail to comply with the decommissioning and/or bonding requirements herein shall for each, and every violation of non-compliance be liable for civil penalties to the Plan Commission of up to the maximum amount allowed by state law. Each day that the violation exists or continues shall be deemed a separate offense. The Plan Commission's Attorney shall have the right to commence proceedings for an injunction, to restrain a person from violating this UDO and/or for a mandatory injunction requiring that a structure in violation of this UDO be removed. The remedies provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedy provided by law.

6. Annual Compliance Permit. The project owner shall obtain an annual permit in order to operate a commercial SES within New Castle. The project owner shall submit a complete application no later than March 15th of each calendar year that includes:
   a. All required application information.
   b. Updated Certificate of Insurance with the City of New Castle, Indiana listed as additional insured.
   c. Proof of surety bond or equivalent.

3.13 WIND ENERGY SYSTEMS

A. **Wind Energy Systems Purpose.** These standards are to create a set of basic standards regulating the development, operation, and decommissioning of wind power devices for both commercial and personal use.

B. **Wind Energy Systems General Standards**
   1. Wind energy systems, are defined in Chapter 9.2: Definitions, are classified as a mini, small, or commercial wind energy system.
   2. The design and construction of all wind energy systems shall meet the following standards:
      a. All applicants shall construct, operate, maintain, repair, provide for removal of, modify and/or restore the permitted system in strict compliance with all current applicable local, state, and federal technical and safety-related codes, including, but are not limited to, construction, building, electrical, fire, safety, health, and land use codes and regulations. In the event of a conflict between or among any of the preceding, the more restrictive shall apply.
      b. All applicants shall obtain, at their own expense, all permits and licenses required by applicable laws, rules, regulations, and/or codes, and the applicant must maintain the applicable permits and licenses, in full force and effect, for as long as required by the City of New Castle or any other governmental entity or agency having jurisdiction over the applicant.
      c. All applicants shall notify the Administrator of any intended modification of a mini, small, or commercial wind energy system and shall make application to modify the height, relocate or rebuild such structure.
      d. All wind energy systems shall conform to applicable industry standards of the American National Standards Institute (ANSI) and be approved by a wind certification program recognized by the American Wind Energy Association. All systems that are over 25 feet in height must be designed by a Professional Engineer licensed to practice in the State of Indiana. The engineer must certify that the foundation and tower constructed for all structures is within acceptable code and industry standards—given local soil and climate conditions.

C. **Wind Energy Systems Development Standards (For All Wind Systems)**

WIND ENERGY SYSTEM STANDARDS (FOR ALL WIND SYSTEMS)	
WIND ENERGY SYSTEM LOT STANDARDS	

Location	Unless waived with written consent from the owner(s) of each impacted nonparticipating property and/or easement, all wind devices shall comply with all of the following minimum setbacks, with setback measured as a straight line from the vertical centerline of the device base and height measured from the ground elevation at the base of the device to the tip of the blade fully extended upward.
	▪ 1.5 times the height of the wind power device to the:
	  ▪ Centerline of any runway (public use airport, private use airport, or municipal)
	  ▪ Centerline of any public use highway, street, or road
	  ▪ Centerline of any railroad, easement, or right-of-way
	  ▪ Property line of any nonparticipating property
	  ▪ Nearest edge of the right-of-way or easement for any utility transmission or distribution line
	▪ 2 times the height of the wind power device to the property line of any undeveloped land within the City that is zoned or platted for residential use.
	▪ 3 times the height of the wind power device to the nearest point on the outer wall of a dwelling located on a nonparticipating property

Height	The City, with respect to the permitting, construction, installation, or siting of any wind power device within the jurisdiction, may not limit the blade tip height, through a wind power regulation or otherwise, that is more restrictive than the standards of the Federal Aviation Administration under 14 CFR Part 77 concerning the safe, efficient use and preservation of the navigable airspace

D. **Development Standards for Commercial Wind Energy Systems.** These development standards only apply to all commercial wind energy systems (they do not apply to mini or small wind energy systems).

1. Shadow Flicker Modeling for Commercial Wind Energy Systems
   a. Unless waived with written consent from the owner(s) of each impacted nonparticipating property or as otherwise allowed by IC 36-7-4-1109, no wind power devices shall be installed without providing documentation that:
      1) The project owner has used shadow flicker computer modeling to estimate the amount of shadow flicker anticipated to be caused by the wind power device; and
      2) The wind power device(s) has been designed and documentation using industry standard computer modeling is provided that indicates that any dwelling on a nonparticipating property will not experience more than 30 hours per year of shadow flicker under planned operating conditions for the wind power device(s).
2. After any wind power device is installed or located, the project owner shall work with the property owner of any affected dwelling on a nonparticipating property to mitigate the effects of shadow flicker to the extent reasonably practicable.

3. Impact on Communication Signals for Commercial Wind Energy Systems. All wind power devices must be installed in a manner to minimize and mitigate impacts to:
   a. television signals;
   b. microwave signals;
   c. agricultural global positioning systems;
   d. military defense radar;
   e. radio reception; and
   f. weather and doppler radar.
4. Noise for Commercial Wind Energy Systems. Unless waived with written consent from the owner(s) of each impacted nonparticipating property or as otherwise allowed by IC 36-7-4-1109, no wind power devices shall be installed without providing documentation that all devices will operate in a manner such that the sound attributable to the wind power device(s) will not exceed an hourly average sound level of 50 A-weighted decibels, as modeled at the outer wall of an affected dwelling.
5. Lighting for Commercial Wind Energy Systems
   a. As used in this section, "wind turbine light mitigation technology" means any technology used in connection with a wind power device to shield, limit, or otherwise mitigate the amount, intensity, character, or visibility of light emitted from the wind power device.
   b. Except as otherwise allowed by IC 36-7-4-1109 after January 1, 2023, or to the extent permissible under federal law or regulations, all wind power devices must be equipped with a wind turbine light mitigation technology, unless:
      1) The Federal Aviation Administration denies the project owner's application to use a wind turbine light mitigation technology;
      2) The wind turbine light mitigation technology application is pending review by the appropriate federal agencies; or
      3) The project owner determines that the use of a wind turbine light mitigation technology is not economically feasible.
6. Drainage for Commercial Wind Energy Systems. For all wind power devices that are constructed or installed after June 30, 2022 or as otherwise allowed by IC 36-7-4-1109, all damages to waterways, drainage ditches, field tiles, or other drainage related infrastructure caused by the construction, installation, or maintenance of a wind power device must be completely repaired by the project owner or remedied with the installation of new drainage infrastructure that does not impede the natural flow of water. All repairs are subject to applicable federal, state, and local drainage laws and regulations, must be completed within a reasonable period of time, and:
   a. Completed to the satisfaction of the Administrator; and
   b. Completed as stated in an applicable lease or another agreement with the landowner.
7. Decommissioning and Bonding for Commercial Wind Energy Systems. Except as otherwise allowed by IC 36-7-4-1109, no wind power devices shall be installed unless the project owner:
   a. Submits a decommissioning and site restoration plan to the Administrator that adequately outlines how the site would eventually be decommission.

b. Provides estimated decommissioning costs, including reevaluations of these costs at the timelines outlined below, that are calculated by a third party licensed or registered engineer (or by another person with suitable experience in the decommissioning of wind power devices) and agreed upon by the project owner and the permit authority.
   1) The total estimated decommissioning costs shall be net of any estimated salvage value attributable to the wind power device(s) at the time of decommissioning, unless the Administrator and the project owner agree to include any such value in the estimated cost.

c. Posts a surety bond or an equivalent means of security acceptable to the permit authority, including a parent company guarantee or an irrevocable letter of credit but excluding cash, in an amount equal to the estimated cost of decommissioning the wind power device(s) in the following increments. The total amount of the bond or other security posted under this section shall be adjusted due to changes in costs after each reevaluation.
   1) An amount equal to 25% of the total estimated decommissioning costs no later than the start date of the wind power device's full commercial operation. This amount shall be adjusted at the 5th anniversary and 10th anniversary of the start date of the wind power device's full commercial operation based on reevaluations.
   2) An amount equal to 50% of the total estimated decommissioning costs not later than the 15th anniversary of the start date of the wind power device's full commercial operation.
   3) An amount equal to 100% of the total estimated decommissioning costs not later than the 20th anniversary of the start date of the wind power device's full commercial operation. This amount shall be adjusted based on reevaluations at least once every five years after the 20th anniversary of the start date of the wind power device's full commercial operation.
   4) Any person or corporation who shall fail to comply with the decommissioning and/or bonding requirements herein shall for each and every violation of non-compliance be liable for civil penalties to the Plan Commission of up to the maximum amount allowed by state law. Each day that the violation exists or continues shall be deemed a separate offense. The Plan Commission's attorney shall have the right to commence proceedings for an injunction, to restrain a person from violating this Ordinance, and/or for a mandatory injunction requiring that a structure in violation of this Ordinance be removed. The remedies provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedy provided by law.

8. Signs for Commercial Wind Energy Systems
   a. All commercial wind energy systems and their appurtenant structures shall contain a sign(s) no larger than four square feet each that:
      1) Provides the name(s) of the owner(s) and operator(s) of the commercial wind energy systems as well as emergency phone number(s) that are visible from the access point(s) of the site and not lighted, unless lighting is required by applicable law, rule, or regulation.
      2) Provides a warning concerning voltage that is placed at the base of all pad-mounted transformers and substations in a conspicuous location.
   b. No other signage, including advertising, shall be permitted.

9. Maintenance & Inspections for Commercial Wind Energy Systems
    a. The owner or operator of a commercial wind energy systems must submit, on an annual basis, a summary of the operation and maintenance reports to the Administrator. The owner or operator must also furnish such operation and maintenance reports as the Administrator reasonably requests.
    b. Any physical modification to the commercial wind energy systems that alters the mechanical load, mechanical load path, or major electrical components shall require re-certification by a Professional Engineer licensed in the State of Indiana and shall require the applicant to re-obtain Special Exception approval and all required BPs.
    c. The Administrator and Building Commissioner are responsible for contacting all owners or operators of a commercial wind energy systems that do not meet local, State, and/or Federal codes and regulations. Once notified in writing, the owner or operator of a commercial wind energy system will be required to address any repairs or alterations within thirty (30) days after receiving notice—or within a longer period of time mutually acceptable to both parties. During this time period, the owner or operator of a commercial wind energy systems may retain a third-party Professional Engineer licensed in the State of Indiana who is familiar with commercial wind energy systems to prepare and submit a written report to the Administrator which addresses the repairs or alterations required and suggests alternate methods for addressing the concerns or provides evidence that said repairs or alterations are unnecessary. The Administrator and Building Commissioner will consider any such written report and determine whether the repairs or alterations should be made as originally requested or as suggested in the written report.
10. Liability Insurance for Commercial Wind Energy Systems. The owner or operator of any commercial wind energy systems shall maintain a current general liability policy covering bodily injury and property damage and names the City of New Castle as an additional insured. The applicant shall provide proof of liability coverage in a form acceptable to the city's Attorney that includes dollar amount limits per occurrence, aggregate limits, and deductible amount.

E. **Procedures for ALL Wind Systems**
1. Mini or small wind energy system structures that are established to serve an existing agricultural use do not require development plan approval but shall submit a site plan for approval with any BP application showing compliance with all regulations of this UDO. These structures may not exceed 45 feet in height and must be situated at least 50 feet from all property lines and overhead utility easements to be exempt from the provisions set forth in this UDO. An BP is required and must be applied for and approved prior to any site work.
2. Commercial WES shall be required to obtain development plan approval prior to issuance of a Building Permit or establishment of the use if a Building Permit is not required (or establishment of the use if a BP is not required) showing compliance with all regulations of this UDO.
3. Applications for the modification of an existing structure that does not increase the overall height or appearance shall be considered a permitted use if it was legally permitted and/or approved previously.

4. No wind system of any type shall be installed or constructed until all required approvals and permits have been issued. The City may at its discretion delegate or designate other official agencies to accept, review, analyze, evaluate, and make recommendations with respect to the approval, or denial, of proposed WES.
5. Any permit issued for WES shall not be assigned, transferred, or conveyed without prior written notification to the Administrator.

3.14 WIRELESS COMMUNICATION FACILITY

A. **Wireless Communication Facility Purpose.** It is the purpose of this section to allow for the appropriate siting of new wireless communication facilities in the city in compliance with current state statute procedures. The regulations set forth in this ordinance allow for and regulate wireless communication facilities while also taking into consideration the health, safety, and general character of the surrounding neighborhood.

B. **Wireless Communication Facility General Standards.** In accordance with IC 8-1-32.3 and notwithstanding IC 36-7-4 or any rules adopted by the BZA, the following provisions apply to all applications submitted under this section:
   1. Limitation on Fees
      a. The Administrator may not require an applicant to pay a fee associated with the submission, review, processing, or approval of an application unless the payment of the same or a similar fee for applications for permits for similar types of commercial or industrial structures within the applicable jurisdiction.
      b. If a fee associated with the submission, review, processing, or hearing of an application, including a fee imposed by a third party that provides review, technical, or consulting assistance to the Administrator, the fee must be based on actual, direct, and reasonable costs incurred for the review, processing, and hearing of the application.
      c. A fee described in this section may not include:
         1) Travel expenses incurred by a third party in its review of an application; or
         2) Direct payment or reimbursement of third-party fees charged on a contingency basis.
   2. Non-Discrimination. The Administrator or the BZA may not discriminate among communications service providers or public utilities with respect to the following:
      a. Approving applications, issuing permits, or otherwise establishing terms and conditions for construction of wireless or wireline communications facilities.
      b. Authorizing or approving tax incentives for wireless or wireline communications facilities.
      c. Providing access to rights-of-way, infrastructure, utility poles, river and bridge crossings, and other physical assets owned or controlled by the applicable jurisdiction.
   3. Fall Zone Limitation. The Administrator or the BZA may not impose a fall zone requirement for a wireless support structure that is larger than the area within which the structure is designed to collapse, as set forth in the applicant's engineering certification for the structure. However, a fall zone requirement that is larger than the area described above may be imposed if the Administrator or the BZA provide evidence that the applicant's engineering certification is flawed. This evidence must include a study performed by a professional engineer.
   4. Height Limitation. Height of wireless communication facilities shall comply with IC 8-1-32.3-17.
   5. All Other Land Use and Development Standards Apply. These additional rules do not affect the ability of the applicable jurisdiction to exercise other zoning, land use, planning, or other development standards with respect to the siting of new wireless support structures; or exempt the applicant from complying with applicable laws and ordinances concerning land use.

6. Federal Standards Apply. In reviewing applications and conducting hearings, the Administrator and the BZA shall comply with all applicable provisions of Section 332(c)(7)(B) of the Federal Telecommunications Act of 1996 as in effect on July 1, 2015, and Section 6409(a) of the Middle-Class Tax Relief and Job Creation Act of 2012 as in effect on July 1, 2015.
7. Information Not Required. Neither the Administrator nor the BZA may require an applicant to submit information about or evaluate an applicant's business decisions with respect to the applicant's designed service, customer demand, service quality, or desired signal strength to a particular location.
8. Confidential Materials. All meetings of the BZA are subject to the Open Door Law in accordance with IC 5-14-1.5. However, neither the Administrator nor the BZA may release to the public any records that are required to be kept confidential under Federal or State law, including the trade secrets of applicants, as provided in the Access to Public Records Act (IC 5-14-3) and any other applicable laws.
9. 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 applicable jurisdiction and that comprise a single small cell network. Whenever a consolidated application is approved, the Administrator shall issue the applicant a single BP for the multiple facilities, or for the small cell network, in lieu of issuing multiple permits for each respective facility.
10. Conditions for Use of Utility Poles or Towers. Neither the Administrator nor the BZA may require or impose conditions on an applicant regarding the installation, location, or use of wireless service facilities on utility poles or electrical transmission towers.

C. **Wireless Communication Facility Procedures**

1. Permits Required. Wireless facilities shall not be constructed, erected, placed, modified, or altered until a BP has been obtained.
2. Application Required. 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 wireless facilities on an existing structure.
    a. Complete Application. To be considered complete, 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) Applicant Information
            a) 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; and
            b) The name, business address, and point of contact for the applicant.

2) Location
   a) The location of the proposed or affected wireless support structure or wireless facility; and
   b) 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 colocation:
      i) Would not result in the same wireless service functionality, coverage, and capacity;
      ii) Is technically infeasible; or
      iii) Is an economic burden to the applicant.
3) 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.
4) Findings of Fact. For an application that requires a Special Exception, evidence showing that the application complies with the applicable criteria shall be submitted. The criteria for a Special Exception under IC 36-7-4-918.2 shall comply with Chapter 7.6: Application Procedures: Special Exception and Variance.

b. Review of Application
   1) Prompt Review. Upon receipt of an application for a new or significantly modified wireless support structure, 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.
   2) Failure to Notify. If the Administrator fails to notify the applicant within 10 business days whether the application is complete shall be considered a non-final zoning decision in accordance with IC 36-7-4-1602(c), with the applicant consequently entitled to expedited judicial review of the non-final zoning decision.

c. Public Hearing
   1) Public Hearing Required. When a public hearing is required for a Special Exception, the BZA shall conduct the hearing and take final action within a reasonable period of time.
   2) Public Hearing Not Required. 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.
   3) Deadline for Final Action. For purposes of this section, "reasonable period of time" shall be determined as follows:
      a) Collocation Only. If the request involves an application for collocation only, a reasonable period of time is not more than 45 days from the date that the applicant is notified by the Administrator that the application is complete. An application for collocation only is not subject to a public hearing before the BZA, but the Administrator may review the application for compliance with applicable building code requirements before issuing a BP.

b) New Wireless Support Structure. If the request involves an application for a BP to construct a new wireless support structure, a reasonable period of time is not more than 90 days from the date that the applicant is notified that the application is complete. 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. Decisions made by the BZA after a public hearing conducted in accordance with this section are considered zoning decisions for purposes of IC 36-7-4 and are subject to judicial review under the IC 36-7-4-1600 series.

c) Substantial Modification of a Wireless Support Structure. If the request involves an application for a BP for substantial modification of a wireless support structure, a reasonable period of time is not more than 90 days from the date that the applicant is notified that the application is complete. 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. Decisions made by the BZA after a public hearing conducted in accordance with this section are considered zoning decisions for purposes of IC 36-7-4 and are subject to judicial review under the IC 36-7-4-1600 series.

4) Additional Time for Applicant Amendment. If an applicant has requested additional time to amend its application or requested or agreed to a continuance during the review or hearing process, then the period of time prescribed above shall be extended for a corresponding amount of time.

5) 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 be considered a non-final zoning decision in accordance with IC 36-7-4-1602(c), with the applicant consequently entitled to expedited judicial review of the non-final zoning decision.

CHAPTER 4: SITE DEVELOPMENT STANDARDS

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4.1 GENERAL PROVISIONS

A. **Purpose.** The purpose of the following site development standards is to provide the minimum site development needs in order to protect the health, safety, and general welfare of the community.

B. **Applicability of Additional Site Development Standards.** The site development standards included in this chapter shall apply to all parcels and all zoning districts and shall be in addition to all other applicable structure, lot, and/or site standards within this UDO.

C. **Thresholds that Require Compliance with All Site Standards.** Unless otherwise stated, a parcel and/or development shall comply with all site development standards within this chapter if any of the following occurs:
   1. A new primary structure(s) is constructed.
   2. A new land use(s) is established on a vacant parcel.
   3. A change in land use(s), defined by a change from one use(s) listed in Chapter 2.16: Land Use Table to another land use(s).
   4. Exterior structural alteration(s) to the primary structure(s), including additions, enlargements, and relocations. Note that an internal remodel/renovation that does not alter the exterior of the structure is not considered exterior structure alterations.

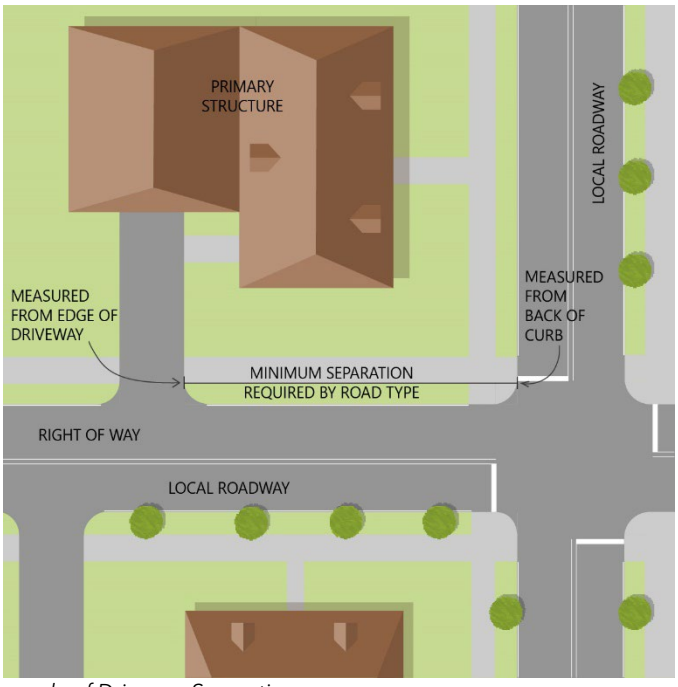
D. **Thresholds that Require Compliance with Only a Single Individual Site Standard**
   1. Unless otherwise stated in this chapter, if a site standard included in this chapter is altered, expanded, removed, constructed, changed, established, or occurs after the effective date of this UDO, the parcel and/or development shall be required to fully comply with all requirements for only that specific site development standard. For example, if an existing parking lot is expanded or changes are made to the traffic circulation, all existing and new parking areas on the parcel would be required to fully comply with the parking standards in this chapter. However, other site development components (such as bufferyards) do not have to be brought into compliance with the new standards of this chapter if they are legally non-conforming.
   2. Regular maintenance does not require compliance with current site standards. For example, if a parking area is resurfaced and does not alter the pavement area, layout, or number of spaces, it would be considered regular maintenance.

4.2 DRIVEWAY, STREETSCAPE, AND ACCESS MANAGEMENT STANDARDS

A. **Driveway, Streetscape, and Access Management Purpose.** The purpose of these standards is to ensure adequate installation of driveways and provide the safe access to public rights-of-way that prevent and reduce the possibility for vehicular conflicts.

B. **Drive, Streetscape, and Access Management Applicability and Thresholds.** Exceptions to the applicability and thresholds in Chapter 4.1: General Provisions include the following:

1. If there is a change in use or an exterior structural alteration(s) to the primary structure(s) on a parcel that has a driveway(s), the existing driveway(s) does not have to comply with these standards (at the discretion of the Administrator) if there are no site improvements or other changes to the site. This shall be documented in writing by the Administrator, justifying the decision.



Example of Driveway Separation

C. **Approvals Required**

1. All new, expanded, or modified driveways or access points onto a road controlled by INDOT must obtain a permit, as required, from INDOT prior to obtaining a local driveway permit.
2. Driveways on to city roads must obtain a permit from the City, including all new, expanded, or modified driveways.
3. All driveways must comply with the New Castle Construction, Site Soil Erosion, Sediment, and Stormwater Runoff Ordinance and comply with City of New Castle Utility/Street Standards, including culverts and mailboxes.

D. **Driveway Location and Separation**

1. Driveways must be adequately separated from roadway intersections and other driveways and cannot create traffic or safety hazards.
2. The minimum separation between two driveways or an intersection and a driveway shall comply with Table 1: Required Driveway and Intersection Separation.

TABLE 1: REQUIRED DRIVEWAY AND INTERSECTION SEPARATION	
Local Road or Two Driveways[1]	80 Feet[2,3]
Major Collector/Minor Collector[1]	150Feet[2,3]
Principal Arterial or Minor Arterial[1]	200 Feet[2,3]

1 - Roadway classification shall be in accordance with the Comprehensive Plan.
2 - Measured from the nearest edge of the intersecting road/driveway intersection.
3 - If a driveway cannot meet the separation requirements from an intersection because of the parcel width, one driveway is permitted at the furthest feasible point from the intersection.

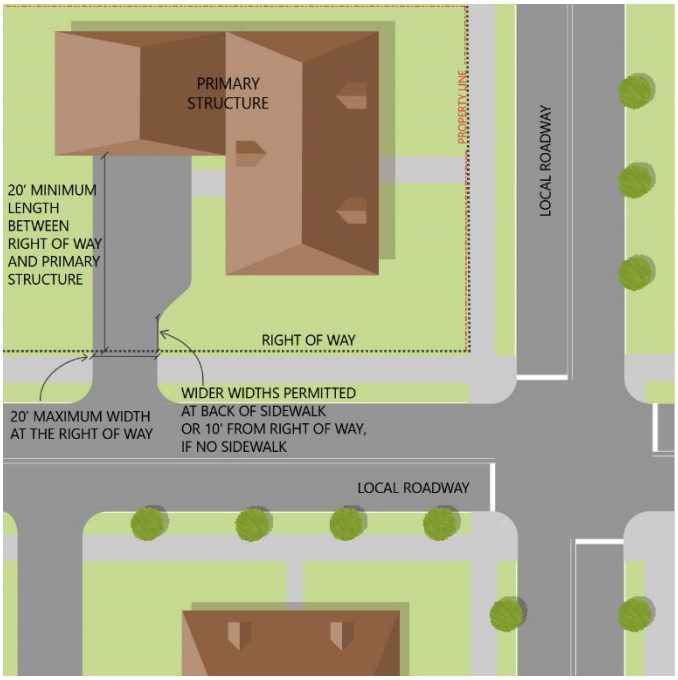
TABLE 2: DRIVEWAY DESIGN STANDARDS			
LAND USE TYPE	**PERMITTED DRIVEWAY TYPE (SHARED OR INDIVIDUAL)**	**DRIVEWAY MATERIAL**	**DRIVEWAY DESIGN REQUIREMENTS**
Agricultural	Individual Driveway	Graded and surfaced with an all-weather paving material (such as asphalt, concrete, or other material that will provide equivalent protection against potholes, erosion, and dust)	N/A
Single-Family Two-Family[1,2]	Individual Driveway		▪ Minimum of 20 feet in length between the primary structure and nearest edge of sidewalk or edge or roadway pavement if there is not a sidewalk ▪ Maximum width of 20 feet at the right-of-way. Driveways may widen after passing the back edge of the sidewalk or 10 feet from the right-of-way if there is not a sidewalk
	Shared Driveway (Serves a maximum of 3 single-family dwellings or 3 two-family structures)		▪ Maximum width of 20 feet at the right-of-way. Driveways may widen after passing the back edge of the sidewalk or 10 feet from the right-of-way if there is not a sidewalk ▪ Minimum of 20 feet in length between the primary structure and nearest edge of sidewalk or edge or roadway pavement if there is not a sidewalk ▪ Minimum of a 20-foot easement that is approved by the Administrator and recorded by the property owner ▪ Must have a written and recorded maintenance agreement with the parcels that access the private driveway
Multi-Family Commercial Industrial Institutional[2]	Individual Driveway or Shared Driveway		▪ Must be constructed in accordance with the industrial and commercial road standards as outlined in the City of New Castle Utility/Street Standards ▪ Minimum of a 30-foot easement (must include a public access easement) that is approved by the Administrator and recorded by the property owner ▪ Must have a written and recorded maintenance agreement with the parcels that access the private driveway

1 – Residential driveways that serve more than the maximum shall be considered public roads and must be constructed in accordance with the residential road standards as outlined in the City of New Castle Utility/Street Standards

2 – All driveways within the Downtown Core District (DC) and the DGOD shall comply with the Downtown New Castle Historic District Guidelines

E. **Access Management Standards for all Public Roads**

1. All development shall comply with the Comprehensive Plan.
2. If a parcel that adjoins or includes an existing public road that does not conform to the minimum right-of-way dimensions as established by the City of New Castle Utility and Street Standards and/or the Comprehensive Plan, the property owner shall dedicate additional right- of-way width, regardless if the parcel is subdivided or not, as required to meet this UDO and/or the Comprehensive Plan at the time of the development plan process, the secondary plat process or BP process, whichever occurs first.



Example of Driveway Separation

3. The applicant may be required to provide deceleration lanes, acceleration lanes, passing blisters, or other improvements to the public road system to mitigate impacts from their development when a development connects to an existing public road.
4. Driveways cannot gain access directly from any arterial or road designated as limited access unless no other means of access (including a shared driveway) is available.
5. Developments must provide a vehicular connection between adjacent lots or parcels, or stub connections if adjacent sites are not developed, to encourage and facilitate circulation without directly accessing public roads unless the Administrator determines a connection is not appropriate due to current of future land uses or is not feasible due to topographic constraints. This decision shall be documented in writing by the Administrator with justification for it. This does not apply to individual residential lots that are not part of a platted subdivision.

F. **Required Streetscape Elements.** All development shall provide the following streetscape elements, regardless of if the parcel is subdivided.

1. Sidewalks within the Public Right-of-Way
   a. Sidewalks (or trail) shall be installed by the applicant, at their expense, adjacent to all public roads and shall be dedicated as public right-of-way and conveyed to the City if improvements cannot be located within previously dedicated or existing public right-of-way.
   b. All sidewalks and trails shall comply with all standards in Chapter 6.8: Sidewalks and Trails, the New Castle Utility/Streets Standards, and all current ADA standards.
   c. Routine maintenance and cleaning of all sidewalks (such as removing snow, leaves, and debris) within the right-of-way shall be the responsibility of the abutting property owner(s). Replacement and repair of sidewalks within the right-of-way is the responsibility of the City.

d. All improvements that are dedicated as public right-of-way or built within the public right-of-way shall be approved by the City prior to installation and dedication.

2. Sidewalks within a Site or Development. The following shall be required for all uses except single-family, two-family, and agricultural uses.
   a. A sidewalk connection shall be provided between the primary structure(s), public right-of-way, parking area(s), and adjacent parcels.
   b. Sidewalks shall be provided along the full length of all facades which include a customer entrance or that are adjacent to a parking area.
   c. Sidewalks within a site or development shall comply with the standards as outlined in Chapter 6.8: Sidewalks and Trails, the New Castle Utility/Streets Standards, and current ADA standards.
   d. Routine maintenance and cleaning of all sidewalks (such as removing snow, leaves, and debris) within a private development shall be the responsibility of the property owner. Replacement and repair of sidewalks within a private development is the responsibility of the property owner.

4.3 LANDSCAPING AND BUFFERYARD STANDARDS

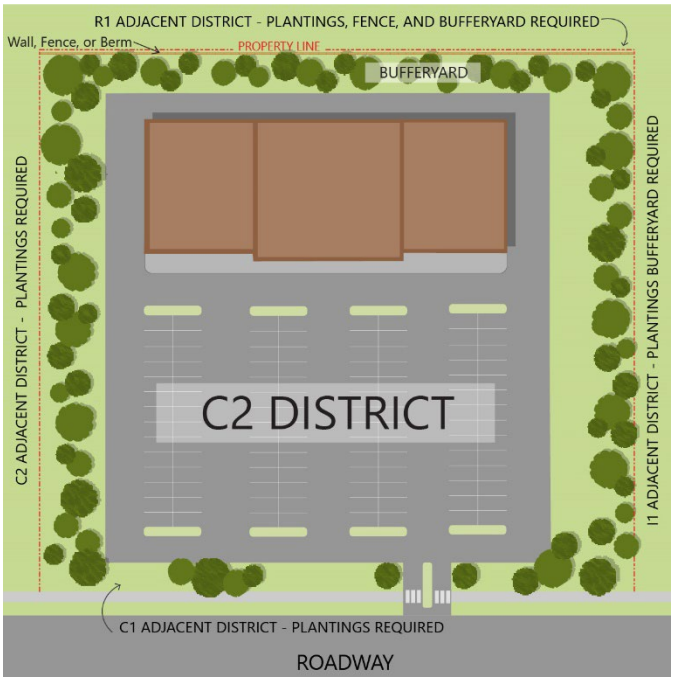
A. **Landscaping and Bufferyard Purpose.** The purpose of these landscape and bufferyard standards is to maintain the character of the community through quality design and a pleasing visual appearance, to minimize conflicts and provide screening between land uses, and to minimize potential impacts such as noise, glare, and other impacts between properties.

B. **Landscaping and Bufferyard Applicability and Thresholds.** Exceptions to the applicability and thresholds in Chapter 4.1: General Provisions include the following:
   1. If there is a change in use or an exterior structural alteration(s) to the primary structure(s) on a parcel that has existing parking and/or loading areas, the bufferyard width may be reduced if the location of existing structures, buildings, and/or site improvements cannot accommodate the required width (at the discretion of the Administrator). This shall be document in writing by the Administrator, justifying the decision.

C. **Approvals Required.** A landscape plan shall be submitted if development plan approval is required. If development plan approval is not required, a landscape plan shall be submitted with the BP application.

D. **General Landscaping and Bufferyard Standards**
   1. Each property owner is required to provide the required bufferyard width and required plantings on their parcel as it develops, even if an adjacent parcel also has provided a bufferyard and/or plantings.
   2. Required bufferyards width are measured from the property line inward. Bufferyards may include the required front, side, or rear setback outlined in Chapter 2: Zoning Districts.
   3. Bufferyards that require a fence, wall, or berm may be exempt from that element if the adjacent property owner has previously installed a wall or fence that complies with the standards in this section.
   4. If the parcel borders a jurisdictional boundary outside that of this UDO, the bufferyard requirements used shall be based on the zoning district most comparable to this UDO as determined by the Administrator.
   5. If the subject property or adjacent zoning district is a PUD, the bufferyard requirements used shall be based on the zoning district most comparable to that of this UDO as determined by the Administrator.
   6. Planting requirements shall be applied to all sides of a parcel (front yards, side yards, and rear yards). Fence, wall, and berm requirements do not apply to front yards.

E. **Landscaping and Bufferyard Location**
   1. Required plantings may be grouped or clustered to provide a more natural appearance, improve site design, accommodate vehicular and pedestrian access, avoid utility infrastructure, and/or loading and maintenance areas.



Example of Driveway Separation

2. Plantings shall avoid interference with overhead and underground utilities and shall provide a five-foot minimum setback from water and sewer lines.
3. Landscape materials shall not be planted in rights-of-way or easements without permission from the Administrator and the easement holder unless otherwise required by this UDO.
4. Required plantings, fences, walls, and/or berms shall be located within the required bufferyard. If a bufferyard is not required, all plantings shall be located on the outer perimeter of a lot or parcel and shall not have any buildings or structures between the plantings and parcel boundary.
5. Plantings shall not obstruct driveways or public road sight distance/sight triangles.

F. **Uses of Bufferyards**
1. A bufferyard may include or be used for the following, provided that all bufferyard requirements are met:
   a. Passive recreation or open spaces, including pedestrian or bike trails
   b. Natural water features and landscaping
   c. Drainage and utility easements and features (including drainage and utility structures), provided that plantings, fences, walls, and/or berms are not located in an easement
   d. Driveways to access a right-of-way or adjacent parcel
2. A bufferyard may NOT include or be used for the following:
   a. Permanent or temporary structures (excluding those identified above), including buildings, ice skating rinks, swimming pools, and ball/tennis courts.
   b. Parking lots and/or loading areas
   c. Storage of materials, equipment, or vehicles
   d. Uses, activities, and structures not identified above

G. **Minimum Plantings Required.** All development shall install required plantings, walls, and/or fences and provide a bufferyard as outlined by Table 3: Required Plantings, Walls, Fences, & Berms.
1. The number of plantings required is stated per 100 linear feet, as measured along the property line.
2. Groundcover shall be provided in addition to any required plantings.
3. Any fraction of a required tree or shrub shall be rounded up to the whole number.
4. Existing plant material that meets the requirements of this section may be counted towards the requirements for plantings.

H. **Vegetation Substitutions**
1. Plant types may be substituted at the discretion of the Administrator to accommodate rights-of-way, drainage easements, and utility easements.
2. Evergreen trees may be substituted for shade trees at the discretion of the Administrator.

TABLE 3: REQUIRED PLANTINGS, WALLS, FENCES, & BERMS			
Zoning of Subject Parcel	**Zoning of Adjacent Parcel**	**Minimum Plantings (per 100 Linear Feet[1])**	**Minimum Bufferyard Width**
DC	All Districts	N/A	N/A
R1, R2, DT	R1, R2, DC, DT	N/A	N/A
	R3, C1, C2	2 Shade Trees, 4 Evergreen Trees, and 6 Shrubs[1]	20 feet
	I1, I2	6 Shade Trees, 16 Evergreen Trees, and 18 Shrubs[1]	50 feet
R3	R3, DT	N/A	N/A
	R1, R2, DC, C1, C2	2 Shade Trees, 4 Evergreen Trees, and 6 Shrubs[1]	20 feet
	I1, I2	6 Shade Trees, 16 Evergreen Trees, and 18 Shrubs[1]	40 feet
C1, C2	R1, R2, R3, DT	6 Shade Trees, 16 Evergreen Trees, and 18 Shrubs[1] Wall, Fence, or Berm[2]	40 feet
	DC	2 Shade Trees, 4 Evergreen Trees, and 6 Shrubs[1] Wall or Fence[2]	N/A
	C1, C2	2 Shade Trees and 6 shrubs[1]	N/A
	I1, I2	2 Shade Trees, 4 Evergreen Tree, and 6 Shrubs[1]	N/A
I1, I2	R1, R2, R3, DC	8 Shade Trees, 20 Evergreen Trees, and 22 Shrubs[1] Wall, Fence, or Berm[2]	100 feet
	DT, C1, C2	6 Shade Trees, 16 Evergreen Trees, and 18 Shrubs[1] Wall, Fence, or Berm[2]	60 feet
	I1, I2	N/A	N/A

1 – Plantings required per 100 Linear Feet (including driveways)
2 – Fence or wall: Must be opaque and minimum of 6 feet in height; Berm: Minimum 5 feet in height at peak and maximum 3:1 slope that is contained inside the bufferyard

I. **Parking Lot Landscaping.** Parking lot landscaping shall be provided as outlined in Chapter 4.5 I: Parking Lot Landscaping.

J. **Prohibited Plants.** Plant material included on the current IDNR list of invasive species cannot be used to satisfy any requirements of this section.

K. **Planting Installation Requirements**
1. All plantings must be suitable for Henry County's soils, climatic conditions, and the plant's solar exposure.
2. In cases where landscaping cannot be completed prior to building occupancy due to weather or similar conditions, a temporary occupancy permit may be issued with a commitment that the landscaping be installed within 120 days of the final inspection.
3. At the time of installation, the minimum plant sizes shall meet the standards in Table 4: Planting Installation Requirements.

TABLE 4: PLANTING INSTALLATION REQUIREMENTS	
Shade Trees	2 inch caliper DBH[1] 8 feet tall
Evergreen Trees	5 feet tall
Shrubs	18 inches tall

1 – DBH = Diameter at Breast Height

L. **Planting Maintenance**
1. The property owner is responsible for the regular maintenance of all landscaping materials, fences, walls, and/or berms. All landscape materials shall be alive, healthy, and free from disease and pests, and all landscaped areas shall be properly drained, regularly maintained, and free of weeds, dirt, trash, and debris.
2. All plant material used to satisfy the requirements of this section that dies must be replaced by the property owner within six months to maintain the approved landscape plan. Failure to maintain compliance with the minimum requirements of this section is a violation of the UDO and subject to the provisions of Chapter 7.17 C: Penalties and Fines.

4.4 LIGHTING STANDARDS

A. **Lighting Purpose.** The purpose of these lighting standards is to minimize the intrusion of lighting across property lines, to avoid disrupting the quality of life of residents, and to ensure the safety and well-being of the community.

B. **Lighting Applicability and Thresholds.** Exceptions to the applicability and thresholds in Chapter 4.1: General Provisions include the following:
   1. If there is a change in use or an exterior structural alteration(s) to the primary structure(s) on a parcel that has existing site lighting, the existing site lighting does not have to comply with these standards (at the discretion of the Administrator) if there are no site improvements or other changes to the site. This shall be documented in writing by the Administrator, justifying the decision.

C. **Lighting Approvals Required.** A lighting plan shall be submitted if development plan approval is required.

D. **Exempt Lighting.** The following are exempt from requirements of this section:
   1. Lighting used for landscaping, low wattage recessed lighting in eaves, low wattage carriage lights, ceiling mounted porch lights, and dusk-to-dawn lights no more than 15 feet above grade that are shielded downward.
   2. All low wattage residential accent and landscape lighting fixtures having a maximum output of 1600 lumens (equal to one 100-watt incandescent light) per fixture.
   3. All hazard warning lighting required by Federal and State regulatory agencies.
   4. All temporary emergency lighting required by local law enforcement, emergency service, and utility departments.
   5. All traffic control and directional lighting.
   6. All underwater lighting used for the illumination of swimming pools and water features is exempt from the lamp type and shielding standards of this UDO.
   7. All lighting for temporary events, festivals, and carnivals.

E. **Lighting Development Standards**
   1. Lighting fixtures for parking lots shall not exceed 25 feet in height and all lighting elements must have cutoff luminaires with "down lighting."
   2. All lighting must be use fully cutoff luminaires with less than a 90 degree angle (down lighting) and shielded with opaque material to prevent direct lighting on streets, alleys, and adjacent properties. Furthermore, all lighting elements used to cast light on building facades, features of buildings, or signs must have cutoff luminaires with "down lighting."
   3. Lighting from a property shall not exceed one foot-candle beyond the property line of that property measured at grade at property line.
   4. All light fixtures shall be installed in compliance with the latest version of the National Electrical Code (NEC).
   5. If permanent outdoor lighting is provided in any district, it shall be of a design and size that is harmonious with the design of the building, the type of land use, and the type of adjacent land uses. All lighting fixtures within a single development must be consistent in style, design, height, size, and color throughout the development.
   6. Excessive brightness, flashing lights, and brilliant colors are not permitted, excluding seasonal displays.

F. **Lighting Standards within the DC District.** All lighting within the DC zoning district shall comply with the New Castle Historic District Guidelines.

4.5 PARKING AND LOADING STANDARDS

A. **Parking and Loading Purpose.** The purpose of these parking and loading standards is to require adequate parking standards, minimize risk to the natural environment, and minimize pedestrian and vehicular conflicts to protect the health, safety, and general welfare of the community.

B. **Parking and Loading Applicability and Thresholds.** Exceptions to the applicability and thresholds in Chapter 4.1: General Provisions include the following:
   1. If there is a change in use or an exterior structural alteration(s) to the primary structure(s) on a parcel that has existing parking and/or loading areas, these existing areas do not have to comply with these standards (at the discretion of the Administrator) if the existing parking areas provide the minimum number of spaces required and if there are no site improvements or other changes to the site. This shall be documented in writing by the Administrator, justifying the decision.

C. **Approvals Required.** All new parking lots/areas or the expansion of existing parking lots for multi-family, commercial, and/or industrial uses shall require a BP. All new parking lots/areas or the expansion of existing parking lots/areas within the DC district and DGOD shall require a COA from the New Castle Historic Preservation Commission and development plan approval.

D. **Minimum Parking Spaces Required**
   1. All uses within the DC district and DGOD are exempt from the minimum number of required parking. If parking is provided, it shall comply with these standards except for the minimum spaces required.
   2. The required minimum number of parking spaces shall comply with Table 5: Minimum Parking Requirements. The number of spaces required is intended to provide a minimal or low threshold; additional parking is permitted that exceeds these minimums.
   3. Any fraction of a required parking space shall be rounded up to the whole number.
   4. All developments shall comply with the minimum number of handicap spaces required by state and federal regulations. All handicap spaces may count towards the minimum number of required parking spaces.

E. **Permitted Parking Reductions**
   1. Residential. The required minimum number of spaces for all residential uses, including multi-family dwellings, shall not be reduced without a variance.
   2. Non-Residential. For non-residential uses, the Administrator may reduce the minimum number of parking spaces required in Table 5: Minimum Parking Requirements if the applicant provides one of the following documented justifications and it is approved by the Administrator:
      a. Calculations showing the minimum number of spaces needed by using the most recent version of the Institute of Transportation Engineers (ITE) "Parking Generation."
      b. Documentation based on a reputable source that is approved by the Administrator that the required parking for the specific use exceeds the parking need.

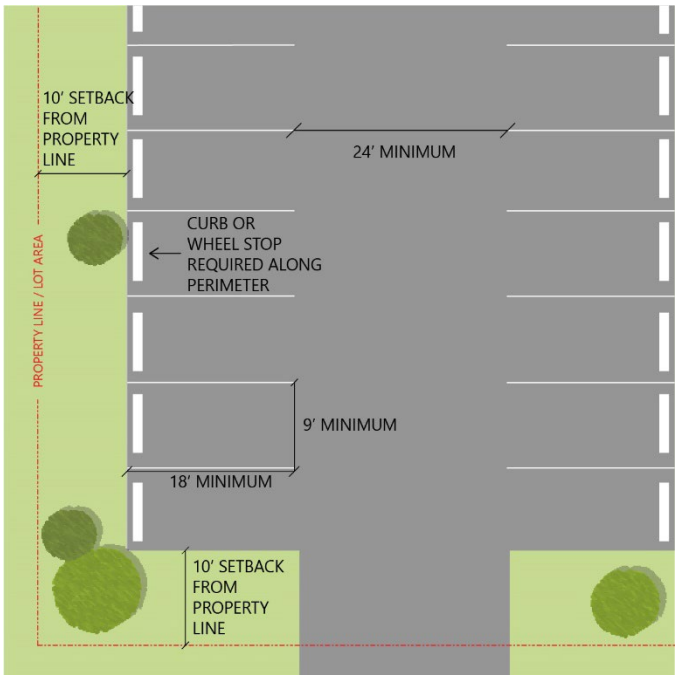
TABLE 5: MINIMUM PARKING REQUIREMENTS		
LAND USE CATEGORY	**ON-SITE OR SHARED**	**MINIMUM SPACES REQUIRED**
Accessory Uses	On-site	▪ As determined by the Administrator based on similar uses, similar number of employees, or similar number of guests
Commercial Uses	On-site or Shared Parking	▪ Theater/Gathering: 1 space per 4 people based on maximum building occupancy ▪ Professional Service/Business Offices/Medical/Day Care: 1.5 spaces per employee during largest shift ▪ Retail/All Other Commercial: 2.5 spaces per 1,000 sq ft of gross floor area, excluding storage areas
Industrial Uses	On-site or Shared Parking	▪ Manufacturing/Warehousing: 1 space per 3 employees during the largest shift ▪ All Other Industrial: 1 space per 1,000 sq ft of gross floor area
Institutional Uses	On-site or Shared Parking	▪ Park/Library/Cultural: 2.5 spaces per 1,000 sq ft of gross floor area, excluding storage areas ▪ School/Place of Worship: 1 space per 4 people based on maximum building occupancy ▪ Hospital: 1 space per 4 beds / patient rooms ▪ Emergency Response/ Governmental/All Other Institutional:1.5 spaces per employee during largest shift
Residential Uses	On-site	▪ Single-family and Two-family: 2 spaces per dwelling unit ▪ Multi-family/All Other Residential: 1.5 spaces per dwelling unit
Uses not Listed	To be determined by the Administrator	▪ To be determined by the Administrator

Note: All uses within the Downtown Core Zoning District (DC) and Downtown Gateway Overlay District (DGOD) are exempt from minimum number of required parking.

F. **Shared Parking Permitted**
1. Shared parking, where permitted, may be provided for separate uses on separate parcels if the total number of spaces is not less than the minimum number of spaces required for each use as identified in Table 5: Minimum Parking Requirements.
2. Parking spaces for developments with uses that operate at different times may be credited to both uses. If shared parking spaces are not located on the same parcel as the use, all parking spaces used to satisfy the minimum number required shall be within 660 feet of the parcel's boundary.
3. Shared Parking Agreement Required
   a. Any development or parcels with shared parking shall have a written and recorded shared parking agreement that is signed by all property owners. The agreement shall be perpetual and outline provisions for easements (if applicable), maintenance, snow removal, ownership, and liability.
   b. Shared parking agreements must be approved by the Administrator.
   c. If a shared parking agreement expires or otherwise terminates, each use must provide the minimum required parking on-site or through a new shared parking agreement.

G. **Parking and Loading Design Standards**
1. Handicap Accessibility. All parking areas shall conform to state and federal requirements regarding handicap accessibility and applicable ADA requirements.
2. Parking Access
   a. No individual parking spaces or loading areas shall gain direct access onto a public right-of-way. Parking spaces and loading areas shall be located and constructed to prevent vehicles from maneuvering in the public right-of-way or backing into a public street, access way, or alley.
   b. In order to minimize curb cuts and points of conflict, any use that has access onto an arterial street shall provide and utilize a common frontage or access lane that provides shared access between adjacent parcels.
3. Parking Location
   a. Downtown Gateway Overlay District (DGOD)
      1) For properties located within the DGOD, at least 75% of all parking spaces shall be located behind the front elevation of the primary structure (to the side or rear of the primary structure).
      2) For properties located within the DGOD, if at least 75% of all parking spaces within the DGOD are located in the rear yard of the primary structure, the minimum number of required parking spaces may be reduced by 20%.
   b. Downtown Core Zoning District (DC). All parking within the DC district shall comply with the New Castle Historic District Guidelines.
   c. All Other Districts. All parking spaces, travel aisles, and loading areas shall maintain a setback of 10 feet from property lines and rights-of-way. Additionally, no parking spaces, parking areas, or loading areas shall be placed within a setback or required bufferyard unless it is a shared parking lot with the adjacent parcel(s) or on-site parking for a single-family dwelling.

4. Parking Lot Material and Layout
   a. Parking areas, travel aisles, and loading areas, including all driving lanes and parking surfaces for vehicle, boat, RV, or similar use sales and/or storage, shall be graded and surfaced with an all-weather paving material such as asphalt, concrete, or other material that will provide equivalent protection against potholes, erosion, and dust.
      1) At the written discretion of the Administrator, a gravel surface may be used for a period not exceeding six months after the date of issuing a temporary Certificate of Occupancy where the ground conditions are not immediately suitable for permanent surfacing as specified in this section.
   b. Parking spaces shall be provided with curbing, bumper guards, or wheel stops along the perimeter of the parking area so that no part of a parked vehicle will extend beyond the boundary of the parking area.
   c. All parking areas and loading areas shall be striped and channelized as appropriate. Parking spaces shall be marked, and travel aisles clearly defined, including directional arrows to guide internal movement and directional signs, as necessary.



Example of Parking Lot Design

5. Loading Berths/Docks. All uses that transport goods by truck delivery that require a loading area shall provide loading berth(s) as necessary that are a minimum of 12 feet by 45 feet with a height clearance of 14 feet. Loading and unloading berths shall not be located in the front yard and must be a minimum distance of 100 feet from the nearest residential use.
6. Parking Lot Lighting. Lighting within parking or loading areas shall be in accordance with Chapter 4.4: Lighting Standards.

H. **Minimum Parking Lot Dimensions.** Parking spaces and aisles shall comply with the standards in Table 6: Minimum Parking Space and Aisle Dimensions.

TABLE 6: MINIMUM PARKING SPACE AND AISLE DIMENSIONS		
PARKING SPACE TYPE	**PARKING SPACE WIDTH**	**PARKING SPACE LENGTH**
Non-Parallel Spaces	9 feet	18 feet
Parallel Spaces	9 feet	22 feet
Handicap Spaces	Comply with all state and federal requirements	
PARKING ANGLE	**ONE-WAY TRAFFIC AISLE WIDTH**	**TWO-WAY TRAFFIC AISLE WIDTH**
0 Degrees	10 feet	18 feet
30 Degrees	11 feet	20 feet
45 Degrees	13 feet	21 feet
60 Degrees	18 feet	23 feet
90 Degrees	24 feet	24 feet

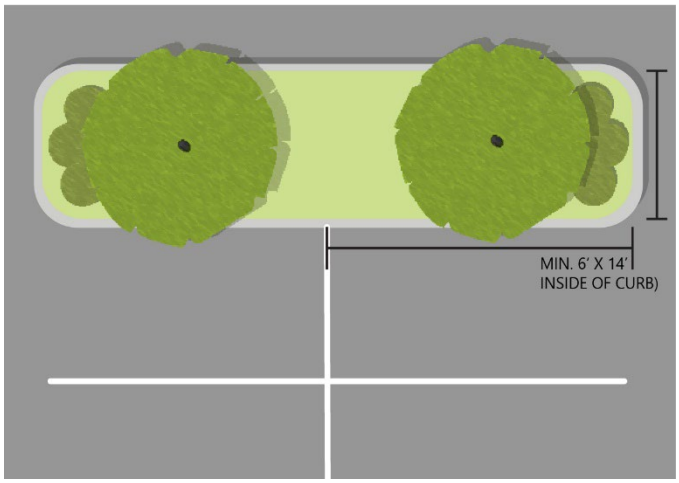
I. **Parking Lot Landscaping.** Parking lot islands and landscaping shall be provided for all parking lots with 15 or more parking spaces in accordance with Table 7: Parking Lot Islands and Landscaping. All landscape material shall comply with Table 4: Planting Installation Requirements as well as the prohibited tree and shrub lists.

TABLE 7: PARKING LOT ISLANDS AND LANDSCAPING	
Minimum Island Number and Locations	▪ End of every parking row; and ▪ At least every 15 spaces (no more than 15 spaces in a row without an island)
Minimum Island Dimensions[1]	▪ 6 feet by 14 feet (inside of curb); and ▪ Bordered by a concrete curb on at least 2 sides
Minimum Island Landscaping[2]	▪ 1 shade tree and 3 shrubs per island; and ▪ Ground cover, mulch, or stone

1 – Landscape islands that are integrated into a perimeter area shall be considered a landscape island if bordered by parking on at least one side and a concrete curb on at least two sides

2 – Plantings located in islands shall not count towards required plantings in Chapter 4.3: Landscaping and Bufferyard Standards

J. **Parking and Loading Area Maintenance.** All parking areas, loading areas, and landscape islands shall be maintained in good condition and free of weeds, dirt, trash, and debris. Vegetation shall be replaced as required to maintain the minimum required landscaping. Sight visibility shall be maintained in all vehicular areas, including in the sight triangle.



Example of Parking Island Design

4.6 SIGN STANDARDS

A. **Sign Purpose.** The purpose of these sign standards is to minimize the proliferation of signage; to encourage signs to be compatible with the scale of buildings and cohesive to the surrounding area; to maintain and enhance the aesthetic environment of the community; to eliminate potential hazards to motorists and pedestrians resulting from sign clutter; and to promote the health, safety, and welfare of the community.

B. **Sign Applicability and Thresholds.** Exceptions to the applicability and thresholds in C Chapter 4.1: General Provisions include the following:
   1. Routine maintenance does not require signs that are legally non-conforming after the adoption of this UDO to come into compliance. However, if a sign is modified, changed, or altered (other than routine maintenance or the change of the sign copy), it shall then comply with all regulations of this UDO.

C. **Approvals Required**
   1. A BP is required for any changes to all permanent signs located, erected, constructed, reconstructed, moved, or structurally altered, unless otherwise stated in this section.
   2. All signs located in the DC district and DGOD shall comply with all standards within the New Castle Historic District Guidelines. If these guidelines conflict with these sign standards, the more restrictive shall apply.
   3. All signs within the DC district shall require a Certificate of Appropriateness from the New Castle Historic Preservation Commission prior to requesting a BP (if applicable).
   4. Temporary signs do not require a permit unless otherwise indicated in this section.
   5. All signs located along state-owned right-of-way shall obtain all required approvals and permits from INDOT prior to seeking approval for a sign permit.
   6. A sign plan and sign schedule shall be submitted if development plan approval is required.

D. **Sign Inspection, Maintenance, and Removal**
   1. Inspection. Any sign that requires a permit may be inspected periodically by the Administrator for compliance with this UDO and other codes of this or other jurisdictions.
   2. Sign Maintenance
      a. All signs, including the frame, illumination, supporting structures, and all components, shall be professionally installed and be kept in a state of good repair. If failure to maintain a sign is determined by the Administrator, a written notice shall be given to the property owner giving a 30-day notice for repair and compliance. Penalties shall be imposed after the 30-day notice according to Chapter 7.17 C: Penalties and Fines.

3. Removal of Signs. The Administrator may order the removal of any illegal or illegally non-conforming sign erected or maintained in violation of this UDO or any previous ordinance. Any cost associated with signs removed pursuant to the provisions of this UDO, shall be reimbursed by the owner of said sign. Should said sign not be retrieved within 15 days of its removal, it may be disposed of in any manner deemed appropriate by the Administrator.
    a. Removal of 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 Administrator may remove a permanent sign immediately and without notice if the condition of the sign presents an immediate threat to the safety of the public.
    b. Removal of Temporary Signs. No notice shall be given for removal of temporary signs.

E. **Sign Illumination**
1. All permanent signs may be internally or externally illuminated unless otherwise specified in the UDO. Temporary signs shall not be illuminated.
2. All illuminated signs must meet the latest version of the National Electrical Code (NEC) and all lighting requirements outlined in Chapter 4.4: Lighting Standards in addition to the following standards:
    a. All illuminated signs shall be located, shaded, or shielded so that the light intensity is not impeding to surrounding properties. Illumination from signs shall not exceed one foot-candle measured at grade at the property line.
    b. No sign shall have blinking, flashing, rotating, revolving, or fluttering lights, nor shall any device be utilized which has a changing light intensity, brightness of color, or gives such illusion.
    c. 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.
    d. All electrical wiring for permanent signs shall be in conduit.
    e. An exempt sign may be illuminated according to the provisions of this chapter and still considered exempt but illumination shall comply with these standards.

F. **Electronic Variable Message Signs (EVMS).** In addition to the standards for sign illumination in subsection (E) above, all EVMS shall also comply with the following standards:
1. Messages displayed on the sign must remain unchanged for at least 15 seconds.
2. Signs containing EVMS as a component shall be located within 150 feet of any signalized intersection or 500 feet from any property line of a parcel with a residential use and/or structure or a residential zoning designation. Automatic light intensity sensors to 500 NITS shall be required from dusk to dawn.
3. EVMS signs are only permitted in C1 and C2 zone districts.
4. Drive-thru menu boards that utilize EVMS are exempt from the above EVMS standards but shall comply with all other applicable sign standards.

Example of EVMS

G. **Exempt Signs.** The following are exempt from the sign permit requirements, temporary sign standards, and permanent sign standards set forth in this section unless specified otherwise. If any exempt sign contains components that would otherwise be regulated in this section, it is not considered exempt sign unless specified otherwise.

TABLE 8: EXEMPT SIGNS	
Address Signs	Street address sign to provide adequate property identification that does not exceed 2 square feet in total sign structure size
Building or Site Identification Signs	Names of buildings, date of erection, monumental citations, historical interest, commemorative or memorial tablets, and similar identification when carved into stone, concrete, or similar material or made of bronze, aluminum, or other permanent type construction that are smaller than 2 square feet in total sign structure size
Decorations	Temporary decorations customarily associated with a national, local, or religious holiday and are displayed for less than 30 consecutive days
Flags	Flags of any country, state, unit of local government, institution of higher learning, or all other flags less than 25 square feet
Non-Visible Signs	Signs that are not visible from any public or private right-of-way or any adjacent parcel
Operational Signs	Operational information such as hours of operations, restroom identification, directional, visitor parking, menus, or similar information and do not exceed 2 square feet in total sign structure size
Political Signs	Political campaign signs in accordance with IC 36-1-3-11
Public Notice, Regulatory & Safety Signs	Information for the public's interest that are erected by or on the order of a local, state, or federal law or intended to provide a public notice (such as rezoning, government) and regulatory or safety notices (such as no trespassing, directional, ingress/egress, and traffic) that are smaller than 4 square feet in total sign structure size
Utility Signs	Information about utility locations, cables, lines, and similar notices for public and private utilities that are smaller than 2 square feet in total sign structure size, except if determined to be a hazard by the Administrator

H. **Prohibited Sign Types.** The following types of signs are expressly prohibited in all zoning districts. Any sign that is not expressly permitted in this UDO is also considered prohibited.

TABLE 9: PROHIBITED SIGNS	
Animated Signs	Flashing, blinking, fluttering, or using any motion picture, laser, or visual projection of images or copy or that change light intensity or brightness
Emitting Signs	Emit audible sound, odor, or visible matter
Human Signs	Worn or held by a person, unless located outside of the right-of-way and during business hours
Imitation Signs	Emulate emergency service vehicles, road equipment, or traffic signs (such as Stop, Slow, or Caution)
Obscene Signs	Display or convey obscene matter as defined in IC 35-49-2 or other local ordinance
Pole Signs	Signs that are mounted on one or more freestanding poles or supports so that the bottom edge of the sign face is not in direct contact with a solid base or the ground.
Roof Signs	Signs that extend above the roof line or parapet of a building or signs that are mounted to the roof of a structure
Vehicle Signs	Signs placed on vehicles or trailers that are parked on public or private property with the primary purpose of displaying the sign. This does not include vehicles lawfully parked: ▪ Overnight during non-business hours at a driver's residence or business; ▪ While conducting lawful business; and ▪ On a construction site in conjunction with construction operations

I. **Prohibited Sign Locations.** The following placement standards shall apply to all signs unless otherwise noted in this UDO.

TABLE 10: PROHIBITED SIGN LOCATIONS	
Right-of-Way	Signs within any right-of-way unless authorized by the City, Administrator and/or INDOT, including signs located on any traffic control device, street sign, tree, utility pole, or similar location
Obstruction	Signs that obstruct any door, fire escape, stairway, or any opening intended to provide entry or exit from any building or structure or that hide from view any traffic or roadway sign, signal, or device
Sight Triangle	Signs that obstruct a sight clearance or be placed within the sight triangle of any intersection or driveway
Setback	Permanent signs (measured from nearest edge) within 10 feet of any property line, unless otherwise stated in this section. Signs are permitted to be located within a required front, side, or rear yard setback unless otherwise stated in this ordinance.

J. **Permitted Sign Types.** The following temporary and permanent signs shall be permitted, provided the respective development standards in Chapter 2: Zoning Districts.

TABLE 11: ALLOWED TEMPORARY SIGNS			
All Districts	▪ Maximum of 2 per parcel ▪ BP is NOT required ▪ EVMS is NOT permitted unless otherwise specified ▪ Any temporary sign that is not permitted within this table is prohibited		
DGOD	▪ Permitted temporary signs governed by the subject zoning district		
SIGN TYPE	**PERMITTED DISTRICTS**	**MAXIMUM SIZE**	**DURATION (WHICHEVER IS GREATEST)**
Hanging Sign Yard Sign	All districts except DC	▪ 16 sq ft per sign face ▪ 5 feet in height	▪ Property is for sale or lease ▪ Project is under construction; or ▪ 30 consecutive days but no more than twice in a calendar year
Banner Sign Ground (Monument) Sign Wall Sign Window Sign	DC, DT C1, C2 I1, I2	▪ 32 sq ft per sign face except 8 sq ft per sign face (16 sq ft total) DC and DGOD ▪ 8 feet in height except 5 feet in height in DC and DGOD ▪ Cannot exceed 40% of the area of the wall and/or window (if on a structure)	▪ Property is for sale or lease ▪ Project is under construction; or ▪ 30 consecutive days but no more than twice in a calendar year
Portable Sign	DC, DT C1, C2 I1, I2	▪ 32 sq ft per sign face except 6 sq ft per sign face in DC and DGOD ▪ 6 feet in height except 4 feet in DC and DGOD	▪ Permitted only during business hours ▪ EVMS permitted for a maximum of 2 calendar days within a 6-month period; EVMS not permitted in DC
Inflatable Signs Moving Signs	DT C1, C2 I1, I2	▪ 32 sq ft per sign face except 6 sq ft per sign face in DGOD ▪ 6 feet in height except 4 feet in DGOD	▪ 30 consecutive days but no more than twice in a calendar year

TABLE 12: ALLOWED PERMANENT SIGNS			
All Districts	▪ BP is required unless otherwise specified ▪ EVMS is not permitted unless otherwise specified ▪ Any permanent sign that is not permitted within this table is prohibited		
MAXIMUM CUMULATIVE AREA OF ALL SIGN FACES[1]			
R1, R2, R3, IR	▪ 2 square feet per parcel, except ground/monument signs as permitted below		
C1, C2	▪ 200 square feet total per parcel		
I1, I2	▪ 400 square feet total per parcel		
DT	▪ 100 square feet total per parcel		
DC, DGOD	▪ Maximum is determined by the New Castle Historic District Guidelines		
SIGN TYPE	**PERMITTED DISTRICTS**	**MAXIMUM SIZE**	**MAXIMUM NUMBER & PLACEMENT**
Awning Sign	C1, C2, DT I1, I2 DC[3], DGOD[3]	▪ 50 sq ft sign face, but cannot exceed 50% of awning area	▪ Must be placed on awning that is attached to primary structure
Mailbox Sign	DT R1, R2, R3, IR	▪ 1 sq ft per sign face	▪ Must be placed on a mailbox post ▪ No sign permit is required
Ground (Monument) Sign[2]	R1, R2, R3	▪ 32 sq ft per sign face ▪ 6 feet in height	▪ One double-faced sign or 2 single-faced signs per primary vehicular entrance to a residential subdivision or complex (not permitted on individual residential lots)
	C1, C2, DT I1, I2 DGOD	▪ 50 sq ft per sign face except 16 sq ft per sign face and 5 feet in height in DGOD ▪ 8 feet in height	▪ 1 double-faced sign or 2 single-faced signs per primary vehicular entrance ▪ EVMS permitted in C1 and C2
Projecting Sign	C1, C2, DT I1, I2 DC, DGOD	▪ 12 sq ft per sign face except 8 sq ft per sign face in DC and DGOD ▪ Minimum 8.5 feet clearance above grade ▪ Maximum extension of 4 feet beyond supporting structure	▪ One per primary structure entrance ▪ Must be attached to primary structure ▪ EVMS only permitted in C1 and C2
Wall Sign	R1, R2, R3, IR	▪ 2 sq ft per sign face	▪ One per parcel ▪ Must be placed on primary structure
	C1, C2, DT I1, I2 DC, DGOD	▪ 50 sq ft per sign face ▪ DC and DGOD: 2/3 the width of structure with the height of sign no more than 20% of the width of sign	▪ Must be placed on primary structure ▪ One wall sign per primary structure in DC and DGOD
Window Sign	C1, C2, DT I1, I-2 DC, DGOD	▪ 25 sq ft per sign face but cannot exceed 25% of window area ▪ 2 sq ft sign face if illuminated (except in DC and DGOD)	▪ No sign permit is required ▪ Must be within window on primary structure

1 – Maximum cumulative sign face only includes the sign face and excludes the total sign area/sign structure. See Chapter 9.2: Definitions
2 – In R1, R2, and R3 districts, sign must be located in a dedicated easement or common area dedicated to homeowner's association in a residential subdivision.
3 – Awning signs within the DC and DGOD may require INDOT approval

4.7 STORAGE STANDARDS

A. **Storage Purpose.** The purpose of these storage standards is intended to provide guidelines for the storage of goods and property, reduce visual obstruction and nuisance to nearby property owners, and prevent unsafe conditions to ensure the health, safety, and welfare of the community.

B. **Storage Applicability and Thresholds.** There are no exceptions to the applicability and thresholds in Chapter 4.1: General Provisions.

C. **Vehicle Storage**
   1. Location. Stored vehicles, where permitted, shall not encroach on the right-of-way, bufferyards, or setbacks required by Chapter 2: Zoning Districts.
   2. Inoperable Vehicles. Automotive vehicles or trailers of any type without plates or in an inoperable condition shall conform to the requirements of Section 97.01 of the New Castle Code of Ordinances.

D. **Recreational Vehicle (RV) and Boat Storage**
   1. Occupancy. A recreational vehicle, as defined in Chapter 9.2 , or boat may only be occupied according to Chapter 4.8 L: Manufactured Home Standards.
   2. Utilities. No RV shall be connected to any utilities (electric, water, sewage, etc.) or occupied at any time while stored except for the purpose of loading, unloading, or cleaning.
   3. Maximum Number
      a. Residential Districts. A maximum of one recreational vehicle or boat per parcel that is visible from any public right-of-way, private road/driveway, or adjacent parcel is permitted to be stored outdoors in the R1, R2, or R3 districts.
      b. All Other Districts and DGOD. Recreational vehicles and boats shall not be stored in any other zone district or the DGOD unless allowed as a permitted use or approved as a special exception use per Chapter 2: Zoning Districts.
   4. RV Storage Location. All recreational vehicles and boats may be stored anywhere on the property. RV's and boats in the front yard shall be on a driveway. RV's and boats may not block the sidewalk or public right-of-way and shall not create a safety hazard.

4.8 STRUCTURE STANDARDS

A. **Structure Purpose.** The purpose of these structure standards is to prevent unsafe building conditions while promoting compatible development to ensure the health, safety, and welfare of the community.

B. **Storage Applicability and Thresholds.** There are no exceptions to the applicability and thresholds in Chapter 4.1: General Provisions.

C. **Approvals Required.** A COA from the New Castle Historic Preservation Commission shall be required for all primary and accessory structures within the DC district and the DGOD.

D. **Structures that Require Building Permits.** A building permit shall be required for the erection, construction, installation, moving, addition, or alteration of any structure unless specifically stated in this UDO. This includes, but is not limited to, the following:
   1. All new primary structures.
   2. All new accessory structures as follows:
      a. All accessory structures regardless of size, such as pole barns, decks, detached garages, carports, enclosed patios, above and in-ground swimming pools, bath houses, gazebos, shelter houses, cabanas, greenhouses, accessory solar/wind structures/systems (free standing, co-located, and attached), storage sheds, and swing sets/children's play/treehouses (fully enclosed).
      b. Centralized mail delivery structures.
   3. Wireless communications facilities (including accessory structures), both free-standing and those co-located upon an existing or pre-approved wireless communication facility structure.
   4. Signs as required by Chapter 4.6: Sign Standards.
   5. Fences and walls.
   6. All temporary uses or structures (prior to the installation of the temporary structure or start of the temporary use), as required by this UDO.
      a. All temporary construction trailers, which shall be valid for 12 months and may be renewed once for an additional 12-month time period, if necessary, if construction has not concluded.
   8. Temporary storage containers as required by Chapter 4.7: Storage Standards.

E. **Paved Areas.** A building permit (BP) is required for all paved areas, asphalt/concrete slabs, and parking areas.

F. **Structures Exempt from Building Permits.** The following structures may be installed without a BP but shall meet all requirements of this UDO.
   1. Landscape vegetation.
   2. Swing sets and children's play/treehouses that are not fully enclosed or do not have a roof.
   3. Poles for basketball nets.
   4. Bird baths, bird houses, lamp posts, mailboxes, name plates, and housing for domestic pets (provided it does not constitute a kennel as defined in Chapter 9.2: Definitions).
   5. Utility installations for local/home services (including cable, fiber, and Wi-Fi but excluding solar and wind).
   6. Ponds and drainage installations.
   7. Retaining walls.

G. **General Structure Standards**
   1. All structures shall conform with all standards set forth in this UDO unless deemed legally non-conforming.
   2. Structures that are relocated from one parcel to another parcel shall not be moved unless the structure and placement of that structure conforms with the standards of the underlying zoning district and all standards of this UDO.
   3. All new primary structures shall be oriented towards the highest classification of roadway unless within a major residential subdivision. If within the DC district, orientation shall comply with the New Castle Historic District Guidelines.
   4. All temporary uses and structures must be removed, the site reverted to its original condition, and be completed within the duration of the permit.

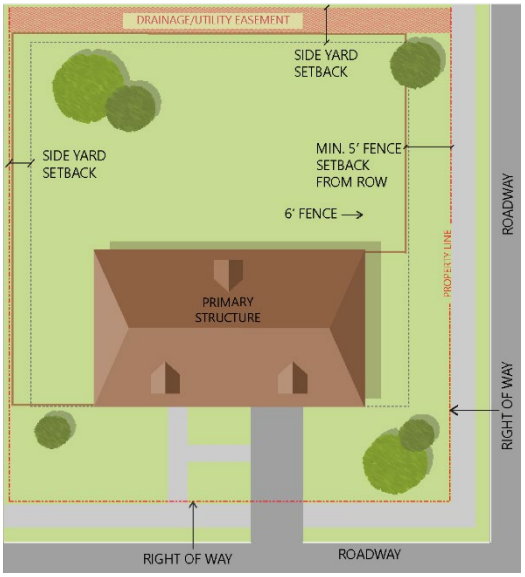
H. **Structure Height Exemptions.** The following structures are exempt from the height standards of the underlying zoning district:
   1. Agricultural structures as necessary for its operation;
   2. Wind turbines;
   3. Spires or church steeples;
   4. Cellular towers (as required by Indiana Code); and
   5. Industrial appurtenances.

I. **General Accessory Structure Standards**
   1. Permitted Types of Accessory Structures. Unless otherwise stated in this UDO, accessory structures that are incidental to a permitted or approved primary use shall be permitted in all zoning districts provided all requirements of the UDO have been met, including setback, height, impervious area, and all other standards as required by the applicable zoning district in Chapter 2: Zoning Districts.
   2. Subordinate in Nature
      a. All accessory structures shall be ancillary and complementary to the use of the primary structure.
      b. Accessory structures are not permitted on a lot prior to any primary structure being constructed (or the primary use being established in the event a primary structure is not applicable).
      c. Accessory structures shall be subordinate in height, area, bulk, and extent to the primary structure(s) except within the I1 and I2 industrial districts.
      d. The total cumulative square footage of all accessory structures cannot exceed 75% of the total footprint of the primary structure(s) except within the I1 and I2 districts. Fences shall not be included in this calculation.
         1) Detached garages shall be no larger than 28x28 (784 square feet).
         2) All other accessory structures shall be no larger than 12x16 (192 square feet).
   3. Permitted Locations of Accessory Structures
      a. Unless specifically stated within this UDO or other ordinance approved by the easement holder, accessory structures shall not be constructed within any type of easement, including drainage, access, and utility easements.
      b. Accessory structures that require a permit, excluding fences, shall be located in the rear yard of the primary structure (cannot be located in the front or side yard of the primary structure) unless otherwise stated in this UDO.
      c. Accessory structures that do not require a permit may be located in the front or side yard, except enclosed structures/buildings, swing sets, trampolines, and similar play structures.

4. Maximum Number of Accessory Structures. A maximum of three accessory structures that require a permit are allowed per parcel except within the I1 and I2 districts. Fences and temporary structures shall not be included in this calculation.

J. **Fence and Wall Standards**

1. Applicability. The following shall apply to all fences and walls, unless otherwise regulated within this UDO. Additionally, no regulations within this section shall supersede Indiana Code regarding fences.
2. Retaining Walls Exempt. These standards do not apply to retaining walls whose purpose is to provide structural support in grading and elevation changes.
3. Location of Fences and Walls
   a. Fence or wall must be at least five feet from any public right-of-way and cannot create a traffic hazard (including being located within a sight triangle) or be hazardous or dangerous to persons or animals.
   b. Fences or walls cannot be located within any type of easement, including drainage, access, and utility easements without approval from the easement holder(s).
   c. Fences and walls may be placed on the property line (excluding property lines that abut a public right-of-way) with written approval from the adjoining property owner(s). If no agreement is provided, fences and walls shall be at least three feet from the property line.



Example of Corner Lot Fence/Wall Placement

4. Fence and Wall Design
   a. Razor wire, barbed wire, sharpened top spikes, and electrified fences (excluding underground pet fence systems) are prohibited, except for industrial purposes.
   b. Fences traditionally used for agricultural purposes and all other materials not traditionally used for fences shall be prohibited (such as agricultural-style T-posts, woven wire, and pallets).
   c. Structural supports for any fence type shall face inward.

5. Fence and Wall Height

TABLE 13: FENCE AND WALL HEIGHT[1]	
R1, R2, R3, DT	Front Yard: 4 feet maximum Side/Rear Yards: 6 feet maximum
C1, C2	Front Yard: 4 feet maximum Side/Rear Yards: 6 feet maximum
I1, I2	Front Yard: 8 feet maximum Side/Rear Yards: 8 feet maximum
DC, DGOD	Shall meet all standards outlined in the New Castle Historic District Guidelines

1 - Fence height is measured from ground level adjacent to the fence to the top of the fence. Where topography necessitates it, the average site elevation may be used to determine fence height.

K. **Mail Delivery Structure Standards**

1. All structures for centralized mail delivery, such as Cluster Box Units (CBU) and Neighborhood Unit Centers (NUC) (Postal Kiosks), shall be required for all new residential subdivisions (including new phases) and new or remodeled multi-family developments unless alternative mail delivery is approved in writing by the United States Postal Service (USPS).
2. All centralized mail delivery structures shall be approved by USPS and conform with all requirements of USPS including, but not limited to, USPS POM Section 631 Modes of Delivery and Section 632: Mail USPS Receptables.
3. All centralized mail delivery structures that are freestanding from the primary structure (not directly connected or part of the primary structure) shall obtain a BP prior to installation regardless of size.
4. Centralized mail delivery structures shall be installed, repaired, and maintained by the property owner and/or homeowner's association. The city and/or USPS are not responsible for any centralized mail delivery structures.
5. All areas with a centralized mail delivery structure shall be ADA-accessible or have a vehicular pull-off area outside of the public road.
6. The character and materials of all centralized mail delivery structures shall be consistent with the character and materials of the overall development.

L. **Manufactured Home Standards.** Manufactured homes may be used as a single-family dwelling when located in any district where a single-family dwelling is permitted, provided the following requirements are met:

1. The manufactured home is built to the Manufactured Home Construction and Safety Standards (HUD Code) and displays a red certification label on the exterior of each transportable section.
2. The development standards for the respective zoning district, including minimum living area and structure width, are met as established in Chapter 2: Zoning Districts.
3. The structure is attached and anchored to a permanent foundation in conformance with the appropriate building code and with manufacturer's installation specifications.
4. A concrete block foundation shall be installed for the entire area between the floor joists of the structure and the underfloor grade so that it is completely enclosed on all sides.
5. The structure possesses all necessary building, water, and sewage disposal permits prior to placement of the structure upon the lot.
6. The wheels, axles, and hitches are removed.

7. The front door faces the primary street from which it gains access.
8. The structure is covered with an exterior material and roof material customarily used on site-built structures.

M. **Recreational Vehicles (RV's) Standards**
1. Permanent Occupancy of an RV Prohibited. Recreational vehicles are designed only for recreational use and are not built to HUD manufactured home standards. Therefore, recreational vehicles are not permitted to be used for permanent residential occupancy outside of a campground or an RV park approved by the Indiana State Department of Health (ISDH).
2. Temporary Occupancy of an RV for Recreational Purposes. A recreational vehicle may only be used for recreational purposes outside of a campground or RV park provided all of the following conditions are met:
   a. The RV is occupied for recreational purposes only (no permanent occupancy),
   b. No more than one RV may be occupied on a single parcel,
   c. All development standards in Chapter 2: Zoning Districts are met,
   d. The RV is not served by or connected to permanent utilities,
   e. No permanent structures are attached to the RV,
   f. The RV is not located within the DC district or DGOD, and
   g. The RV is fully licensed and ready for highway use (defined as being on its wheels or jacking system; attached to the site only by quick disconnect type utilities and security devices; and has no permanently or semi-permanently attached additions or structures).
3. Storage of an RV. A recreational vehicle may be stored according to Chapter 4.7: Storage Standards.

N. **Swimming Pool Standards (Above-Ground and In-Ground)**
1. All swimming pools shall be located in the rear yard.
2. All swimming pools shall have a minimum side yard setback of at least 10 feet and minimum rear yard setback of at least 10 feet, or the minimum setback of the zoning district if greater.
3. Swimming pools shall comply with all applicable state requirements and are subject to all requirements of the Indiana Swimming Pool Code as amended (675 IAC 20-4-7).

O. **Temporary Storage Containers.** The Administrator has the flexibility to allow additional containers, placement, and length of time when requested in writing by the applicant and on a case-by-case basis.
1. R1, R2, R3, and DT Zoning Districts. A maximum of one temporary storage container per parcel is permitted if the following conditions are met. A permit is not required.
   a. On-site for a maximum of 14 consecutive days.
   b. Located on the driveway or to the rear or side of the primary structure and a minimum of two feet from any adjoining parcel (excluding public rights-of-way).
   c. Not placed in the right-of-way without prior approval from the Board of Works.
   d. A maximum size of 120 square feet per container.

2. All Other Zoning Districts. A maximum of two temporary storage containers per parcel will be permitted if the following conditions are met. A BP is required.
   a. On-site for no more than four consecutive months in a calendar year or the duration of construction, whichever is greater.
   b. Located in the parking lot or to the rear or side of the primary structure and a minimum of two feet from any adjoining parcel (excluding public rights-of-way).
   c. Not placed in the right-of-way without prior approval from the Board of Works.
   d. Complies with the New Castle Historic District Guidelines and approved by the New Castle Historic Preservation Commission if located in the DC district or DGOD.
   e. A maximum size of 320 square feet per container.

P. **Temporary Construction Trailers.** Temporary construction trailers or similar structure may be permitted on a project site in a non-residential zoning district during the construction period for the use of security, storage, of office space.

4.9 TRASH RECEPTACLE AND DUMPSTER STANDARDS

A. **Trash Receptacle and Dumpster Purpose.** The purpose of these trash receptacle and dumpster standards is to prevent access to and visibility of trash that is stored outside to ensure the health, safety, and welfare of the community.

B. **Trash Receptacle and Dumpster Applicability and Thresholds**
   1. Trash receptacles (including commercial grease traps/receptacles) and dumpsters are permitted in all districts except for single-family and two-family residential uses. Trash receptacles and dumpsters within the DC district and DGOD shall also comply with all standards in the New Castle Historic District Guidelines.
   2. These standards do not apply to single-family residential "tote-style" trash cans.
   3. There are no exceptions to the thresholds in Chapter 4.1: General Provisions.

C. **Trash Receptacle and Dumpster Locations.** All outdoor trash containers governed by this section shall:
   1. Comply with all development standards outlined in Chapter 2: Zoning Districts;
   2. Be located on private property on which they serve and in no case shall be in the public right-of-way;
   3. Be in a side yard or rear yard (must be behind the front façade of the primary structure); and
   4. Comply with the New Castle Historic District Guidelines and be approved by the New Castle Historic Preservation Commission if located in the DC district or DGOD (if applicable).

D. **Trash Receptacle and Dumpster Screening.** Non-pedestrian outdoor trash receptacles and dumpsters must be completely screened on all sides by the construction of permanent opaque wooden, brick, solid PVC/vinyl, or masonry fencing so it is not visible from any public right-of-way or adjacent parcel during any time of the year. One side shall be gated and must remain closed unless the receptacles are being accessed. Trash receptacles and dumpsters within the DC district and DGOD shall obtain a COA from the New Castle Historic Preservation Commission prior to installation.

E. **Temporary Trash Receptacles.** Dumpsters associated with demolition or construction in all zoning districts shall remain on-site no longer than one week prior to construction or demolition and no longer than one week following the completion of construction or demolition. Temporary trash receptacles shall meet all setback requirements and development standards of the underlying zoning district but do not require screening.

CHAPTER 5: SUBDIVISION TYPES

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5.1 GENERAL PROVISIONS

A. **Purpose.** The purpose of this chapter is to:
   1. Define, regulate, and control the various ways that land can be subdivided for development within the jurisdiction;
   2. Secure efficient and equitable handling of all subdivision plans by providing uniform procedures and standards;
   3. Promote public health, safety, general welfare, and secure the most efficient use of land;
   4. Implement the Comprehensive Plan and UDO; and
   5. Promote growth and development to further the orderly division, layout, and use of land by:
      a. Minimizing congestion of the local roads, major roadways, highways;
      b. Facilitating adequate provisions for water, sewerage, and other public utilities; and
      c. Providing for proper ingress and egress.

B. **Permitted Subdivisions.** Only those subdivision types outlined in this chapter shall be permitted within the jurisdiction.

5.2 EXEMPT SUBDIVISIONS

A. **Purpose**
   1. The purpose of this section is to establish criteria that allows subdivisions of land to occur that are not required to go through the subdivision processes outlined in this UDO.
   2. This exempt subdivision provision shall not be used as a means to bypass the subdivision process outlined in this UDO.

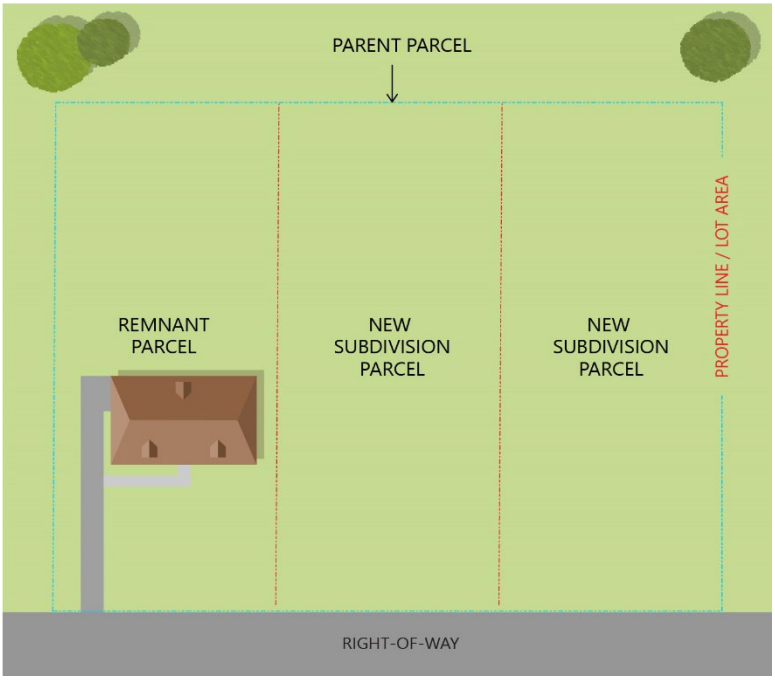
B. **Subdivider's Responsibility.** It is the responsibility of the person subdividing land to verify if a subdivision is exempt with the Administrator before recording lot splits. Lots created under this provision are not guaranteed to be buildable or guaranteed to qualify for the issuance of a BP.

C. **Applicability.** The following divisions of land are exempt from the provisions of this UDO:
   1. A division of land that is government or court ordered.
   2. A division of land by the Federal, State, or local government for the acquisition of right-of-way or an easement for a public utility or public use.
   3. A division of land for the transfer of a tract(s) to correct errors in an existing legal description, provided that no additional lots are created by the division and the division does not create a non-conforming lot.
   4. A division of land into cemetery plots for the purpose of burial of corpses.
   5. A division of land that combines, shifts, or reconstitutes property lines between abutting parcels (platted or un-platted) such that no additional parcels are created and all parcels comply with the standards of this UDO.
   6. Pursuant to IC 36-7-4-702, condominiums which are regulated by IC 32-35.

5.3 MINOR RESIDENTIAL SUBDIVISIONS

A. **Purpose.** A minor residential subdivision, as defined in Chapter 9.2: Definitions is intended to be an expedited process for subdivision that meets all of the following criteria:
   1. The subdivision contains three or fewer lots, including the remnant parcel;
   2. The subdivision is exclusively for single-family residential use (attached and detached single-family dwellings); and
   3. It does not involve the opening or creation of new public rights-of-way or utility main extensions.

B. **General Provisions.** Parcels may be subdivided through the minor subdivision process once. All subsequent subdivisions of property that are part of a previously recorded minor plat shall be considered a major subdivision and follow the major subdivision process.



Example of Minor Residential Subdivision

C. **Development Standards**

DEVELOPMENT STANDARDS FOR MINOR RESIDENTIAL SUBDIVISIONS	
Permitted Districts	R1, R2, R3, and DT
Minimum Subdivision Size	N/A
Internal Access Roads and Driveways	▪ No new public rights-of-way are permitted. If public rights-of-way are proposed, it shall be considered a major residential subdivision and follow the applicable process ▪ Private driveways and private roads are permitted and shall comply with the minimum standards in Chapter 6.7: Roads and Driveways ▪ A shared driveway may be required to provide safe access to streets and to allow for alternative lot layouts
Sidewalks	Sidewalks Along Existing Perimeter Roads Are Not Required To Be Shown On The Recorded Plat; However, All Parcels Shall Provide Sidewalks Along Existing Public Roads As Outlined In Chapter 6.8: Sidewalks and Trails
Development Standards for Individual Lots	All individual lots within the subdivision shall comply with the development standards for the subject zoning district as outlined in Chapter 2: Zoning Districts
Design Standards for Subdivisions	All applicable design standards for the subdivision shall comply with Chapter 6: Subdivision Design Standards

5.4 MAJOR RESIDENTIAL SUBDIVISIONS

A. **Purpose.** The purpose of major residential subdivisions, as defined in Chapter 9.2: Definitions, is to provide guidance for the subdivision of land that is exclusively used for residential uses, including single-family, two-family, and multi-family uses. Major residential subdivisions must be exclusively used for residential uses and meet one or more of the following criteria:
   1. The subdivision contains more than three residential lots, including the remnant parcel;
   2. The subdivision contains less than three residential lots, including the remnant parcel, but was previously subdivided as a minor residential subdivision; or
   3. It includes the opening or creation of new public rights-of-way or utility main extensions.

B. **General Provisions.** The secondary platting process may be completed for the entire plat or by individual phases or sections as outlined in Chapter 7.4: Application Procedures: Major Subdivision.

Example of Major Residential Subdivision

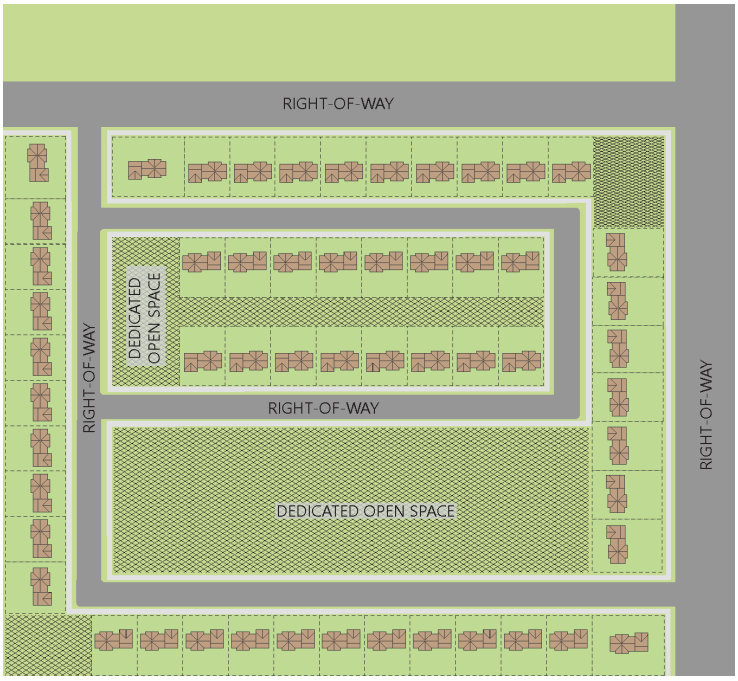
C. **Development Standards**

DEVELOPMENT STANDARDS FOR MAJOR RESIDENTIAL SUBDIVISIONS	
Permitted Districts	R1, R2, R3, DT, and PUD
Lot / Internal Access	▪ All internal streets shall be public roads with dedicated right-of-way. Private roads are permitted if approved by the PC ▪ All roads, both public and private, shall comply with the minimum standards in Chapter 6.7: Roads and Driveways ▪ All driveways for individual lots shall gain access from an internal subdivision road rather than a perimeter road
Sidewalks	▪ Sidewalks are required along both sides of all internal roads and along the side(s) of perimeter road(s) that are immediately adjacent to the subdivision ▪ A trail or similar facility may be required instead of sidewalks within the subdivision or along a perimeter road at the discretion of the PC ▪ All sidewalks shall comply with the minimum standards in Chapter 6.8: Sidewalks and Trails ▪ Routine maintenance and cleaning of all sidewalks (such as removing snow, leaves, and debris) within the right-of-way shall be the responsibility of the abutting property owner(s) ▪ Replacement and repair of sidewalk within the right-of-way is the responsibility of the City
Streetlights	Optional but if provided, maintenance and monthly electric is the responsibility of the HOA
Development Standards for Individual Lots	All individual lots within the subdivision shall comply with the development standards for the subject zoning district as outlined in Chapter 2: Zoning Districts
Design Standards for Subdivision	▪ All applicable design standards for the subdivision shall comply with Chapter 6: Subdivision Design Standards ▪ Covenants are required as outlined in Chapter 6.3: Covenants

5.5 OPEN SPACE RESIDENTIAL SUBDIVISIONS

A. **Purpose.** Open space subdivisions, as defined in Chapter 9.2: Definitions, are considered a type of major residential subdivision and are intended to provide an alternative method of subdividing land for single-family residential (attached and/or detached) developments to preserve open space and enhance the character of the surrounding area. The purpose of this subdivision type is to cluster development onto a portion of the site to allow for dedicated open space and reduce the public infrastructure that is constructed and maintained; it is not intended to increase the gross or overall density of a subdivision. Open space subdivisions must meet the criteria of major residential subdivisions.

B. **General Provisions.** The secondary platting process may be completed for the entire plat or by individual phases or sections as outlined in Chapter 7.4: Application Procedures: Major Subdivision.



Example of Open Space Subdivision

C. **Development Standards**

DEVELOPMENT STANDARDS FOR OPEN SPACE RESIDENTIAL SUBDIVISIONS	
Permitted Districts	R1, R2, R3, DT, and PUD
Minimum Open Space for Overall Development[1, 2]	30% of the total subdivision shall be dedicated open space but no more than half of the dedicated open space can include the following: ▪ Drainage areas/easements ▪ Bodies of water ▪ Wetlands (as defined by IDEM and/or IDNR) ▪ Any flora and/or fauna and/or their habitats that are regulated by INDR ▪ Slopes greater than 15% ▪ Utility easements
Maximum Number of Lots	The maximum number of lots shall be calculated by the total area within the subdivision divided by the minimum lot area for the subject zoning district as outlined in Chapter 2: Zoning Districts
Lot / Internal Access	Shall comply with lot / internal access standards for a Major Residential Subdivision
Sidewalks	Shall comply with sidewalk standards for a Major Residential Subdivision
Streetlights	Shall comply with street light standards for a Major Residential Subdivision

Development Standards for Individual Lots	▪ Structure Standards: All structure standards for the subject zoning district in Chapter 2: Zoning Districts shall apply
	▪ Lot Standards:
	  ▪ Minimum lot area may be reduced to 4,500 sq ft; and
	  ▪ All other lot standards shall comply with the R3 district
	▪ Utility Standards: All lots must be served by sewer

Design Standards for Subdivisions	▪ All applicable design standards for the subdivision shall comply with Chapter 6: Subdivision Design Standards ▪ Covenants are required as outlined in Chapter 6.3: Covenants

1 – No portion of a lot's front, side or rear yard(s), right-of-way, roads, streets, median strips, parking area, and/or sidewalks can be used to satisfy the open space requirement

2 – Open space shall be conveyed to a HOA or public entity and maintained as open space into perpetuity. A conservation easement must be recorded with the secondary plat.

5.6 COMMERCIAL AND INDUSTRIAL SUBDIVISIONS

A. **Purpose.** A commercial or industrial subdivision, as defined in Chapter 9.2: Definitions, is intended for the subdivision of land that is for commercial, industrial, and all other uses that are not exclusively residential.

B. **General Provisions.** The secondary platting process may be completed for the entire plat, one individual lot, or by individual phases or sections as outlined in Chapter 7.4: Application Procedures: Major Subdivision.

Example of Commercial & Industrial Subdivisions

C. **Development Standards**

DEVELOPMENT STANDARDS FOR COMMERCIAL & INDUSTRIAL SUBDIVISIONS	
Permitted Districts	DC, C1, C2, I1, I2, and PUD
Minimum Subdivision Size	N/A
Lot / Internal Access	▪ All internal roads shall be private unless approved as a public road by the PC ▪ All roads, both public and private, shall comply with the minimum standards in Chapter 6.7: Roads and Driveways
Sidewalks	▪ Sidewalks are required along both sides of all internal roads and along the side(s) of perimeter road(s) that are immediately adjacent to the subdivision ▪ Sidewalks along private roads shall not be dedicated to the City but shall include a public access easement ▪ A trail or similar facility may be required instead of sidewalks within the subdivision or along a perimeter road at the discretion of the PC ▪ All sidewalks shall comply with the minimum standards in Chapter 6.8: Sidewalks and Trails ▪ Routine maintenance and cleaning of all sidewalks (such as removing snow, leaves, and debris) within the right-of-way is the responsibility of the abutting property owner(s) ▪ If sidewalks are within a public right-of-way, replacement and repair of sidewalk is the responsibility of the City
Streetlights	Optional but if provided, maintenance and monthly electric is the responsibility of the property owner(s)
Development Standards for Individual Lots	All individual lots within the subdivision shall comply with the development standards for the subject zoning district as outlined in Chapter 2: Zoning Districts
Design Standards for Subdivision	All applicable design standards for the subdivision shall comply with Chapter 6: Subdivision Design Standards

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CHAPTER 6: SUBDIVISION DESIGN STANDARDS

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6.1 GENERAL PROVISIONS

A. **Purpose.** The purpose of subdivision design standards is to promote the public health, safety, and general welfare of the community, support the goals of the Comprehensive Plan, and to provide predictability to subdividers and property owners; and provide quality residential neighborhood designs and commercial/industrial development.

B. **Conformance to Applicable Rules and Regulations**
   1. All subdivisions shall comply with the minimum requirements of this chapter and all other applicable laws, rules, and regulations.
   2. Secondary plat approval may be withheld if a subdivision does not comply with all requirements of this chapter, all other sections of this UDO, and all other applicable local, state, and/or federal regulations, including but not limited to:
      a. All requirements of the UDO and the zoning map.
      b. All applicable state and federal statutory provisions, regulations, and laws, including but not limited to building codes, fire codes, and Americans with Disabilities Act (ADA).
      c. All regulations of INDOT, if the subdivision contains or any lot abuts a highway under their jurisdiction.
      d. All standards and regulations adopted by all New Castle boards, commissions, agencies, and officials (as applicable).
      e. All rules or regulations of the Henry County Health Department, IDEM, and/or water/sewer utility.
      f. All applicable requirements of the Flood Hazard Ordinance, the City of New Castle Utility/Street Standards, and other adopted or approved plans and ordinances, including all public roads, drainage systems, and parks (if applicable).
      g. All other applicable local standards, regulations, and laws.

C. **Plats Straddling Municipal Boundaries**
   1. Whenever access to the subdivision requires the approval from another jurisdiction, the PC may request an affidavit from the subdivider stating that access is legally enabled by the outside jurisdiction.
   2. In general, lot lines shall be laid out so that they not to cross municipal boundary lines.

6.2 BLOCKS AND LOTS LAYOUT

A. **Block and Lot Arrangement**
   1. Blocks shall have a sufficient width in order to provide for two tiers of lots unless an alternate layout will give a better public road or lot plan.
   2. Blocks and cul-de-sacs (permanent and temporary) shall not exceed 1,250 feet in length unless the PC determines that a longer length will not be detrimental to local traffic flow.
   3. The PC may require pedestrian ways, easements, and/or cross walks through the center of blocks when deemed essential to provide pedestrian circulation, accommodate utilities and drainage facilities, or provide access to schools, playgrounds, shopping centers, transportation, or other community facilities.
   4. The layout of the lots shall be compatible with the topography and other physical conditions of the land in order to ensure that compliance with this UDO, Building Code, and other local, state, and federal regulations.

B. **Lot Dimensions**
   1. Lot dimensions shall comply with the minimum standards of the UDO.
   2. Lots shall be suitable in size and dimensions for the type of development anticipated and not result in insufficient areas to build on after building setback lines are established in accordance with the UDO.
   3. Side lot lines shall generally be at right angles to public road lines (or radial to curving public road lines) unless a variation from this rule will give a better public road or lot plan.
   4. Dimensions of corner lots shall be large enough to allow for construction of buildings, observing that corner lots have two front yards as outlined in this UDO.
   5. The depth and width of lots reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide off-public road parking and loading facilities required for the intended type of use and development.

C. **Lot Orientation**
   1. The lot line running along a public right-of-way (or private driveway if no public right-of-way) shall be the front line. All lots shall face the front line.
   2. Wherever feasible, rear lot lines should not abut the side lot line of an adjacent lot.
   3. Double frontage, through lots, and reverse frontage lots shall be avoided except where necessary to accommodate perimeter lots (exterior lots) within a subdivision or to overcome difficulties of topography and orientation.

6.3 COVENANTS

A. **General Provisions**
   1. Covenants are required for major residential subdivisions and open space residential subdivisions and shall be recorded by the subdivider to create a more consistent appearance and provide additional control over the activities that take place within the subdivision boundaries to protect the property values.
   2. Covenants are generally a combination of restrictions on the use of property and affirmative obligations imposed by the subdivider on the owner of a property within a subdivision.
   3. Covenants are above and beyond the zoning and subdivision regulations required for the jurisdiction, but restrictions cannot supersede, contradict, or replace city, state, or federal regulations.
   4. Covenants shall be provided to the Administrator prior to secondary plat approval. However, the Administrator is not responsible for approving, denying, and/or identifying conflicts between the covenants and UDO.

B. **Self-Imposed Restrictions**
   1. If a subdivider or property owner places restrictions on any land contained within a subdivision, such restrictions shall be indicated or referenced on the secondary plat.
   2. Covenants shall be recorded with the County Recorder, and a copy of the recorded covenants with the appropriate stamp from the County Recorder's office shall be provided to the Administrator.

C. **Enforcement.** Only regulations specifically found in the UDO are enforceable by the PC and the Administrator. Restrictive covenants will not be enforced by the PC or the Administrator and must be enforced by the Homeowners Association (or the subject property owners) through the civil courts.

6.4 DRAINAGE, STORMWATER, AND EROSION CONTROL

A. **General Provisions**
   1. All drainage shall comply with all state requirements and applicable city stormwater and drainage ordinances.
   2. All development is subject to state and local drainage approval and permits, including approval from the New Castle MS4 Coordinator.
   3. Drainage and stream channels shall not be altered without approval from all required local and state entities.
   4. Maintenance of drainage facilities shall be the responsibility of the subdivider until it is turned over to the Homeowners Association (HOA).
   5. If drainage areas are maintained by a Homeowners Association (HOA) or similar organization and said organization is dissolved, the maintenance and associated costs of any drainage facility shall be shared equally between the property owners within the platted subdivision.
   6. No secondary plat shall be approved until the drainage plan, if required, is approved by the New Castle MS4 Coordinator.
   7. Topsoil shall not be removed from residential lots and at least four inches of topsoil shall be provided on all lots.

B. **Drainage Easements.** All drainage easements shall be indicated on the primary plat and the secondary plat.

6.5 MAILBOXES FOR CENTRALIZED MAIL DELIVERY

A. **Compliance with USPS.** In accordance with the United States Postal Service (USPS) National Delivery Planning Guide, all new residential development shall comply with USPS standards for centralized mail delivery (such as cluster box units or neighborhood delivery centers), which shall be at the direction of the local USPS Postmaster or the designated local USPS Growth Manager.

B. **Design and Placement.** If required by USPS, all related mailbox units, structures, and uses for centralized mail delivery shall comply with the following:
   1. Units and their location may be reviewed by the local Postmaster or Growth Manager prior to approval of any secondary plat.
   2. Units placed within the right-of-way shall require approval by the Board of Works.
   3. All units and structures shall meet the requirements as outlined in Chapter 4.8 K: Mail Delivery Structure Standards.

C. **Installation and Maintenance.** The City of New Castle and the USPS shall not be responsible for the installation, maintenance, or replacement of any mailboxes, cluster boxes, or delivery centers. All units shall be installed by the subdivider and maintained and repaired by the property owners and/or Homeowners Association.

6.6 OPEN SPACE AND AMENITIES

A. **General Standards**
   1. Open space residential subdivisions are required to provide adequate areas for public parks, common areas, recreation, amenities, or open space as required by Chapter 5: Subdivision Types.
   2. If a subdivision is not required to provide open space and/or amenities by this UDO, the subdivider may voluntarily provide them if desired. However, all open space and amenities shall comply with these standards if provided.
   3. Each open space area or amenity shall be of suitable size, dimension, topography, and general character for the intended use and shall have adequate road and/or pedestrian access to adequately serve the intended purpose(s).
   4. Any open space or amenity shall support the goals of the Comprehensive Plan, comply with all requirements of this UDO, and comply with all other applicable health, flood control, and other regulations of the jurisdiction or state.
   5. All open spaces and amenities shall be dedicated as common area unless otherwise allowed by this UDO. The common area shall be indicated on the primary plat and the secondary plat.
   6. The phasing of development and open spaces/amenities is allowed, but the minimum open space/amenity shall be proportional to the developed area.

B. **Ownership and Maintenance**
   1. The PC shall require proof of the ownership and maintenance agreement for the common areas (such as HOA covenants).
   2. Unless approved by the PC and the City Council, the city shall not assume responsibility for the maintenance and safety of common areas.
   3. If areas or land are being dedicated to an entity other than a Homeowners Association, the respective entity accepting the land shall provide written documentation approving the dedication prior to secondary plat approval.

C. **Open Space Design Standards.** All open spaces shall comply with the following standards, even if provided voluntarily.
   1. General Design Standards
      a. All access easements for open space and areas designated or used as open space shall be a minimum of 30 feet in width.
      b. No open space shall be used as a reserve strip or prevent future access between adjacent properties and an existing or future public right-of-way.
      c. All homeowners within the subdivision must have the right to access all open spaces.
      d. Natural features should be preserved when possible.

6.7 ROADS AND DRIVEWAYS

A. **General Standards.** The road design requirements are intended to:
   1. Provide for roads that are suitable in location, width, and improvement to accommodate potential traffic;
   2. Provide a safe, convenient, and functional system for vehicular, pedestrian, and bicycle circulation;
   3. Provide adequate access to police, fire fighting, snow removal, sanitation, and road-maintenance equipment;
   4. Create a convenient traffic network;
   5. Avoid undue hardships to adjoining properties;
   6. Accommodate for the particular traffic characteristics of each proposed development; and
   7. Be properly related to the goals of the Comprehensive Plan.

B. **Connectivity Standards**
   1. No subdivision shall prevent an adjacent property from accessing a public road (such as using reserve strips) or create or perpetuate the land-locking of an adjacent parcel.
   2. All public improvements, rights-of-way, public roads, and required easements shall be extended to the boundary lines of the parcel being subdivided and shall be constructed to promote the logical extension of public infrastructure and connection to adjacent parcels.
   3. A subdivision shall extend roads to the exterior boundary of the subdivision and/or continue existing or proposed public roads between adjacent parcels for the effective movement of traffic, extension of utilities, and/or effective fire protection, unless the PC determines that such extension is:
      a. Not feasible due to topography or other physical conditions; or
      b. Not necessary or desirable for the coordination of the subdivision based on future development of adjacent parcels.
   4. Cul-de-sacs may be permitted by the PC during primary plat approval. All cul-de-sacs shall comply with the following:
      a. Permanent Dead-End Public Road. A permanent dead-end public road, if permitted by the PC, shall terminate in a circular right-of-way with a turn-around and shall comply with the City of New Castle Utility/Street Standards. The PC may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities.
      c. Temporary Dead-End Public Road. If the adjacent property is undeveloped and the public road must temporarily be a dead-end public road (stub street), the right-of-way shall be extended to the property line and a cul-de-sac or "eyebrow" that conforms with the City of New Castle Utility/Street Standards shall be provided. A sign shall be installed by the subdivider that states, "Connection to future development" to make lot owners aware of the future road extension.
   5. All easements and rights-of-way that provide access to a public road shall be approved by the PC.
   6. All public roads shall be planned to meet the goals of the Comprehensive Plan. All roads shall be functionally classified by the City.

C. **Access to Public Roads**

1. All subdivisions of land shall have frontage on and access from an existing public road (state, county, or local) or private driveway as permitted by this UDO. Note, flag lots are strongly discouraged and should be avoided.
2. Where a subdivision borders or contains an existing or proposed public road, the PC may limit direct access of individual lots onto these roads by requiring one or more of the following:
   a. Frontage or Service Roads. Frontage or service roads that are separated from the arterial or collector by a planting area or grass strip. These roads shall have access at suitable points to the public road. All frontage or service roads shall comply with the City of New Castle Utility/Street Standards.
   b. Shared Private Driveway. A shared private driveway with an adjacent parcel(s) that includes an access easement to a local road. Shared driveways shall comply with Chapter 6.7 K: Shared (Private) Driveways.
   c. Other Access Management Techniques. Other, similar treatments deemed necessary for the adequate preservation of the public roadway functionality, safety, protection of properties, and separation of through and local traffic.

D. **Required Subdivision Entrances**

1. Minimum Number. All residential subdivisions shall provide the following minimum number of required entrances onto an existing public road based on the total number of lots in the primary plat.
   a. Less than 25 Residential Lots. A minimum of one entrance shall be provided.
   b. 25 to 125 Residential Lots
      1) A minimum of two entrances shall be provided with access to two separate public roads.
      2) If the subdivision only abuts one public road, the subdivision shall be required to provide two entrances onto the one public road.
      3) If there is not appropriate distance between entrances and/or other roadways and intersections (as determined by the PC), a single entrance with a median divider is permitted. Each travel lane shall be at least 14 feet wide (excluding curbs and gutters) to allow for emergency access if one travel lane is inaccessible. The median shall be at least 12 feet in width to accommodate a separate left-turn lane if necessary in the future. The median divider shall extend from the intersection with the public road to the first road intersection within the subdivision.
   c. More than 125 Residential Lots. The number of separate entrances and the location of entrances shall be determined by the PC.
2. Phasing of Entrances. If a subdivision is phased, the required entrances shall be phased proportionally to the number of lots platted and comply the thresholds indicated in this section. For example, a second entrance is required when the 25th lot is platted. The PC may establish an alternative entrance phasing if necessary for access.
3. Traffic Mitigation Measures Required. The subdivider shall construct any required and approved traffic mitigation measures to provide adequate roadway capacity, safety, and access for the proposed development, such as acceleration lanes, deceleration lanes, or other similar improvements.

E. **No Access Easements**
1. Railroads and Limited Access Highways. A 25 foot "no-access easement" shall be provided along an existing or proposed railroad or a public road that is defined by INDOT as a limited access highway to allow adequate setback from these rights-of-way. This easement may be provided on all individual lots or within a common area abutting these facilities.
2. Access from Subdivision Road. A five foot "no-access easement" shall be provided along a public road that abuts the subdivision if the parcel can gain access from a road within the subdivision.
3. Prohibited within No Access Easements
   a. Parking areas, driving lanes/areas, and similar vehicular areas are prohibited within the no-access easement. A driveway, as allowed by this UDO, is permitted to cross a no access easement to gain access to a public road.
   b. Structures are prohibited except for fences and structures that do not require a building permit.
4. Designated on Secondary Plat. All no-access easements shall be designated on the plat: "Reserved as buffer/No-Access Easement. Access and the placement of structures within the easement is restricted."

F. **Dedication and Improvements to Right-of-Way and Public Roads**
1. If a subdivision abuts or includes an existing public road that does not conform to the minimum right-of-way width as established by this UDO and/or the City of New Castle Utility/Street Standards, the subdivider shall dedicate additional right-of-way width as required to meet the minimum standards of this UDO.
2. All public rights-of-way shall be inspected and approved by the Board of Works or their designee prior to being accepted as a public right-of-way.
3. The subdivider may be required to provide deceleration lanes, acceleration lanes, passing blisters, or other improvements to the public roads within or immediately adjacent to the subdivision if required by the PC to allow for safe and efficient travel.

G. **General Road and Driveway Design Standards**
1. Building sites shall be at or above the grades of the public roads, unless existing topography does not reasonably allow this to occur.
2. Public roads shall be laid out to follow the site topography when possible. They shall avoid long, straight stretches that encourage high speeds; shall permit efficient drainage and utility systems; and shall minimize the number of public roads necessary to provide convenient and safe access to property.
3. All public roads must be located above the 100-year FEMA flood elevation unless approved by the Floodplain Administrator and/or PC.
4. All private and public roads, culverts, drains, bridges, shoulders, drainage improvements and structures, curbs, turnarounds, trails, and sidewalks shall comply with the City of New Castle Utility/Street Standards and included in the construction plans approved by the Board of Works.
5. If a proposed public road is extending an existing paved public road that exceeds the minimum dimensions required by this UDO, the PC may require the subdivider to taper or match the width of the existing paved public road.
6. Roads shall comply with the City of New Castle Utility/Street Standards and be constructed to grades shown on plans, profiles, and cross-sections prepared by a registered Professional Land Surveyor and/or registered Professional Engineer that is licensed to practice in the State of Indiana.

7. Individual projects may warrant additional requirements that are dictated by sound engineering practices as determined by the Board of Works and shall be made conditions of the approval for the primary and/or secondary plat.
8. Bridges and/or culverts required to accommodate site access and circulation shall be installed by the subdivider and approved by the Board of Works.
9. No trees or plantings shall be permitted within the public rights-of-way or easements unless otherwise required or approved by the Board of Works.

H. **Intersection Design**

1. All intersections, including minimum radii, shall adhere to the City of New Castle Utility/Street Standards.
2. Right-angle intersections shall be used wherever practical. When local roads intersect arterial or collector roads, the angle of intersection of the road centerlines and the radii shall comply with the City of New Castle Utility/Street Standards.
3. Proposed new intersections, wherever possible, should align with any existing intersections on the opposite side of the public road. Centerline offsets of less than150 feet shall not be permitted unless the intersected street has a median without breaks at the intersection locations.
4. Intersections shall not have more than four approaches to the intersection. Three-legged intersections may be used wherever appropriate, particularly in residential areas.
5. No intersection shall create a traffic hazard by limiting visibility.
6. Minimum sight distance at intersections (sight triangles) should be determined by a design professional and approved by the City and PC as part of the primary plat.
7. At intersections, property line corners shall be rounded by an arc at 20 feet in radius or larger.

I. **Regulatory Road Signs**

1. The subdivider shall install all required regulatory signs on public roads that comply with the standards established in the Manual on Uniform Traffic Control Devices (MUTCD) and shall be approved by the Board of Works.
2. The subdivider shall install all required road signs, street signs, and road name signs on public and private roads as part of the road improvements.
3. Maintenance of all road signs and street signs on public roads is the responsibility of the subdivider, or the property owners within the development, until the road is dedicated and accepted for maintenance by the city.
4. The City may approve public road name signs, poles, or hardware outside of the MUTCD (Manual on Uniform Traffic Control Devices) regulatory sign standards if decorative signs, poles, and hardware are requested. The City does not own or maintain decorative signs, poles, or hardware, and all maintenance and/or replacement shall be the responsibility of the Homeowners Association or all property owners within the subdivision equally if a Homeowners Association does not exist.

J. **Public Road Streetlights**
   1. Streetlights may be installed by the subdivider in all subdivisions but are not required.
   2. Maintenance of all streetlights and all utility bills or fees for streetlights shall be the responsibility of the subdivider, HOA, or the property owners within the development.

K. **Shared (Private) Driveways**
   1. Shared driveways shall serve a maximum of three parcels used for single-family residential; three parcels used for two-family residential; or three parcels for agricultural. Access to more than three parcels for these uses shall be provided with a public or private road that meets all City of New Castle Utility/Street Standards.
   2. Shared driveways for single-family residential, two-family residential, and agricultural uses shall:
      a. Have an easement of at least 30 feet in width.
      b. Have a maintenance agreement that is recorded with the county recorder's office and a copy of the recorded agreement filed with the Administrator.
      c. Be graded and surfaced with an all-weather paving material, such as asphalt, concrete, or other material, that will provide equivalent protection against potholes, erosion, and dust.
   3. The maximum number of parcels accessing a shared driveway for multi-family, commercial, industrial, and all other uses is not limited but shall be considered private roads and constructed to the public road standards as outlined in the City of New Castle Utility/Street Standards and be approved by the Board of Works.

L. **Private Driveways.** All private driveways that serve a single parcel shall comply with the following:
   1. Private driveways shall be graded and surfaced with an all-weather paving material, such as asphalt, concrete, or other material, that will provide equivalent protection against potholes, erosion, and dust.
   2. All private driveways for residential uses shall be a minimum of 20 feet in length between the primary structure and the sidewalk (or edge of roadway if a sidewalk does not exist) in order to provide adequate space for parking without vehicles blocking sidewalk and/or road.
   3. The width of single-family and two-family driveways shall not exceed 20 feet (does not include the taper/apron) at the right-of-way. Driveways may widen after passing the back edge of the sidewalk or 10 feet from the right-of-way if there is not a sidewalk.
   4. All private driveways onto a public road (outside of a platted subdivision) shall be approved by the Board of Works and shall comply with all City of New Castle Utility/Street Standards.

TABLE 14: MINIMUM PUBLIC ROAD DESIGN REQUIREMENTS	
PAVEMENT WIDTH & CURB	

Local Public Roads and Cul-de-Sacs	▪ Residential Subdivisions:
	  ▪ 11-foot travel lanes
	  ▪ 2-foot barrier or roll curb
	▪ Commercial/Industrial Subdivisions:
	  ▪ 12-foot travel lanes
	  ▪ 2-foot barrier or roll curb

Public Alley	▪ 20 feet travel lane (two-way) or 14 feet travel lane (one-way) ▪ 1-foot crushed stone shoulder or optional curb (barrier or roll)
RIGHT-OF-WAY WIDTH	
Local Roads[1]	50 feet
Local Road Cul-de-sac[1]	65-foot radius
Collector or Arterial Roads	As determined by the Board of Works
LOCAL ROAD PAVEMENT DESIGN (INCLUDING ALLEYS)	
Subgrade Compaction	95% standard proctor
Flexible Pavement[3,4,5]	▪ 9-inch base, #53 compact aggregate ▪ 6-inch binder (HAC) ▪ 2-inch surface (HAC)[2]
Concrete Pavement	▪ 7.5-inch base, #53 compact aggregate ▪ 6-inch 4000 psi concrete

1 – Additional right-of-way may be required due to site conditions in order to provide a maximum earthen slope of 3:1and/or open channel drainage
2 – Surface shall not be applied until 80% of the homes are built
3 – Board of Works may require greater standards based on site conditions and/or additional analysis by the applicant
4 – Base shall consist of 9" of #53 stone or a combination of 5" of #2 stone and 4" of #53 stone.
5 – Or as outlined in the City of New Castle Utility/Street Standards.

6.8 SIDEWALKS AND TRAILS

A. **General Standards**

1. Sidewalks and/or trails shall be required for residential, commercial, and industrial subdivisions as outlined in Chapter 5: Subdivision Types.
2. All sidewalks, even if voluntarily provided, shall comply with the City of New Castle Utility/Street Standards.

TABLE 15: SIDEWALK AND TRAIL DESIGN STANDARDS	
Minimum Setback	▪ 4-foot setback (minimum) for sidewalk or 5-foot setback (minimum) for trails between the back of adjacent curb and edge of sidewalk/trail ▪ 1-foot setback (minimum) between property line (edge of right-of-way) and sidewalk ▪ Area between sidewalk/trail and curb shall include grass or landscaped area ▪ No trees shall be planted within the right-of-way unless required by this UDO, required by a city ordinance, or approved by the Board of Works
Minimum Width	▪ Sidewalk: 5 feet or the width of connecting sidewalks on adjacent parcels, whichever is greater ▪ Trail: As determined by the city but no less than 8 feet
Surface and Subgrade	▪ Shall have sufficient slope to drain away from the lot and toward the center of the public road ▪ Shall meet all City of New Castle Utility/Street Standards
Other Standards	▪ All sidewalks and trails shall comply with all Americans with Disabilities Act (ADA) standards

B. **Pedestrian Access to Adjacent Parcels**

1. If a subdivision is adjacent to a park, school, or other public community facility, the PC may require perpetual unobstructed easements that are at least 20 feet in width in order to facilitate pedestrian access and connectivity. These easements shall be indicated on the primary and secondary plats.
2. Where future development includes land that has been identified by the Comprehensive Plan or other adopted or approved plan as a location for trails or sidewalks, the PC may require the subdivider to construct the trails or sidewalks within their development, whether or not such trails connect to existing trails outside of the development at the time of construction. All trails and sidewalks shall be constructed in accordance with the City of New Castle Utility/Street Standards.

6.9 SUBDIVISION NAMES AND STREET NAMES

A. **Subdivision Name Standards**
   1. The proposed subdivision name shall be indicated on the primary plat.
   2. The proposed subdivision name shall not duplicate or too closely sound like the name of any other subdivision or development within the jurisdiction and surrounding areas.
   3. The PC shall have final authority to approve the name of the subdivision, which shall be determined at primary plat approval.

B. **Street Name Standards**
   1. Proposed public road names shall be indicated on the primary plat.
   2. The Administrator shall review and consult with the appropriate entities prior to consideration by the PC.
   3. Names shall be sufficiently different in sound and spelling from other road names in the jurisdiction and surrounding areas to prevent confusion.
   4. A road which is (or is planned) as a continuation of an existing road shall have the same name.
   5. The PC shall approve the public road names at the time of primary plat approval.

6.10 SURVEY MONUMENTS AND MARKERS

A. **General Standards.** Monuments shall be installed on all lot corners to the standard as set forth under *865 I.A.C. 1-12-18.*

6.11 UTILITIES

A. **Location**
   1. All existing and proposed utility facilities and/or easements within the subdivision shall be shown on the primary and secondary plat, including water, sewer, electric, and other utilities.
   2. All utility locations shall comply with the City of New Castle Utility/Street Standards.

B. **Sewer Facilities**
   1. General. The subdivider shall install public sanitary sewer facilities in accordance with the City of New Castle Utility/Street Standards and/or other appropriate local, state and federal agencies.
   2. Public Sanitary Sewer Requirements. Where a sanitary sewer system is available within 300 feet of any boundary of a proposed subdivision and easements and rights-of-way are in place to access said system, the subdivision shall connect to the public sanitary sewerage system unless the sewer district/provider does not accept or approve the connection. The subdivider shall be responsible for installing the required infrastructure to serve each lot to the specifications of the provider, and all sanitary sewerage facilities (including the installation of laterals in the right-of-way) shall be subject to the specifications, rules, regulations, and guidelines of the sewer district/provider, Health Officer, participating jurisdiction, and appropriate state agency.

C. **Water Facilities**
   1. General. All habitable buildings and buildable lots shall be connected to a public water system capable of providing water for health and emergency purposes, including adequate fire protection.
   2. Public Water Supply Requirements. When a public water supply is available within 300 feet of any boundary of a proposed subdivision, the subdivider and/or water company/provider shall construct and install a system of water mains (including fire hydrants) to be connected to the public water supply unless the water district/provider does not accept or approve the connection. Each lot shall be provided with a connection to the water delivery system. The water delivery system shall be designed and constructed in conformance with the standards and specifications of state or local authorities, and in compliance with the rules and regulations of IDEM.
   3. Existing Private Well Standards. Any existing homes within the subdivision currently served by a private potable well water supply that will be connected to a new public water supply system shall adhere to the following:
      a. The existing well and pumping unit shall be abandoned and the well properly plugged, in accordance with the rules and regulations of IDEM and IDNR; or
      b. If the homeowner chooses to keep an existing well in service, a physical disconnection (between the existing well supply plumbing and the new public water supply plumbing) must be completed by the landowner and inspected by the Henry County Health Department. All disconnections of plumbing shall be completed by a plumbing contractor licensed in the State of Indiana and shall be made in accordance with the requirements of the American Backflow Prevention Association (ABPA).

4. Fire Protection
    a. For subdivisions served by public water, fire hydrants and water lines with adequate capacity to serve the hydrants shall be required with a maximum spacing of 500 feet from any residential lot boundary and a maximum separation of 1,000 feet between hydrants (measured along the centerline of the road).
    b. The local fire authority having jurisdiction over the proposed subdivision shall review proposed subdivisions and approve any proposed fire hydrants or other fire suppression systems, including their setting, number, separation, and size of outlets prior to installation.

CHAPTER 7: PROCEDURES

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7.1 GENERAL PROVISIONS

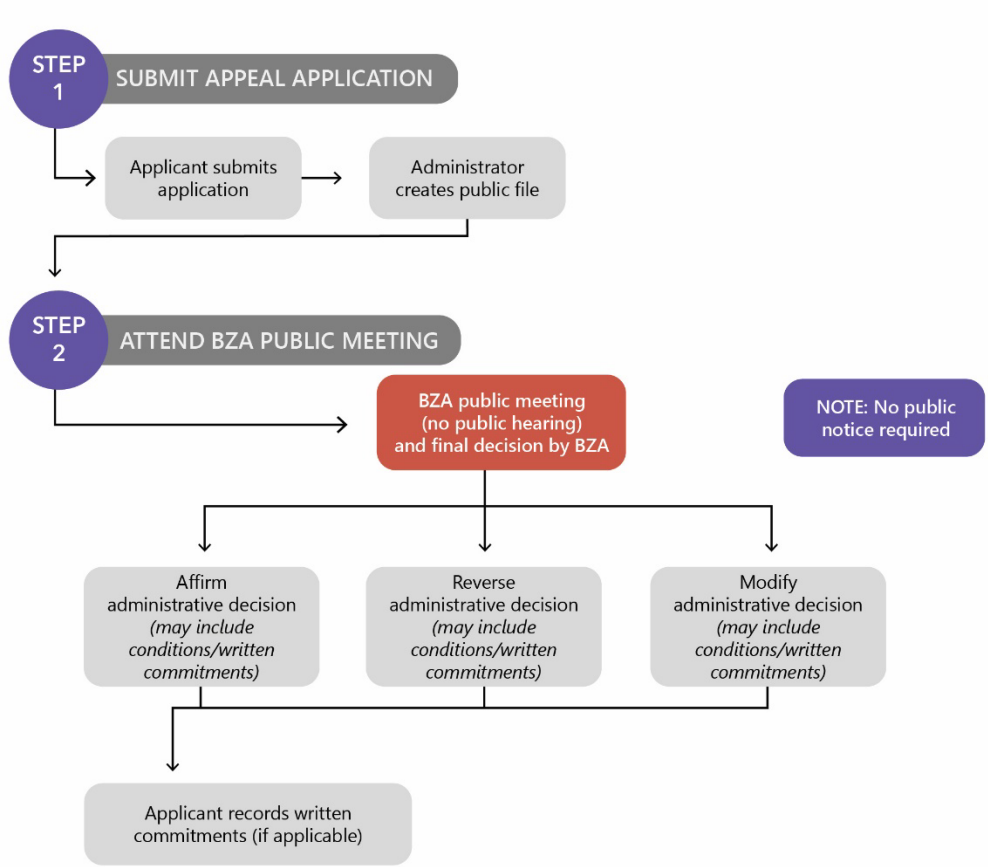
A. **Compliance with Procedures and UDO Standards**

1. All development, uses of land, and subdivision of land shall be carried out in accordance with the following in order to achieve orderly, planned, efficient, and responsible growth.
   a. All applicable regulations and procedures within this UDO;
   b. All requirements outlined in the applicable application packet(s), including submittal deadlines;
   c. All rules and procedures established by the PC Rules and Procedures and/or BZA Rules and Procedures, including meeting dates or schedule; and
   d. Any additional standards, conditions, or commitments that may have been required by the PC and/or BZA as part of other or previous approvals for a parcel.
2. The regulations of this UDO shall be considered the minimum requirements for the protection of the health, safety, comfort, morals, convenience, and general welfare of the residents of the jurisdiction.
3. No building permit shall be issued for any parcel or plat of land which was created by subdivision after the effective date of this UDO that is not in conformity with the provisions of this UDO.
4. No owner or agent may sell or lease any lot within a subdivision before such plat has been approved and recorded as required by this UDO.
5. No public road shall be laid out or constructed until the primary plat and construction documents are approved as outlined in this UDO, except public roads built and maintained by the City of New Castle, Henry County, and/or the State of Indiana.

B. **Variances and Waivers from Regulations**

1. The BZA may vary the development standards of the zoning provisions of this UDO or grant a variance of use in accordance with the procedures set forth in this section.
2. The PC may grant a waiver from the subdivision provisions of this UDO in accordance with the procedures set forth in this section.
3. The PC or the Administrator shall not have the authority to approve any subdivision as a buildable lot unless it complies with the UDO, a variance has been granted by the BZA, and/or a waiver has been granted by the PC.

7.2 APPLICATION PROCEDURES: APPEAL OF ADMINISTRATIVE DECISION



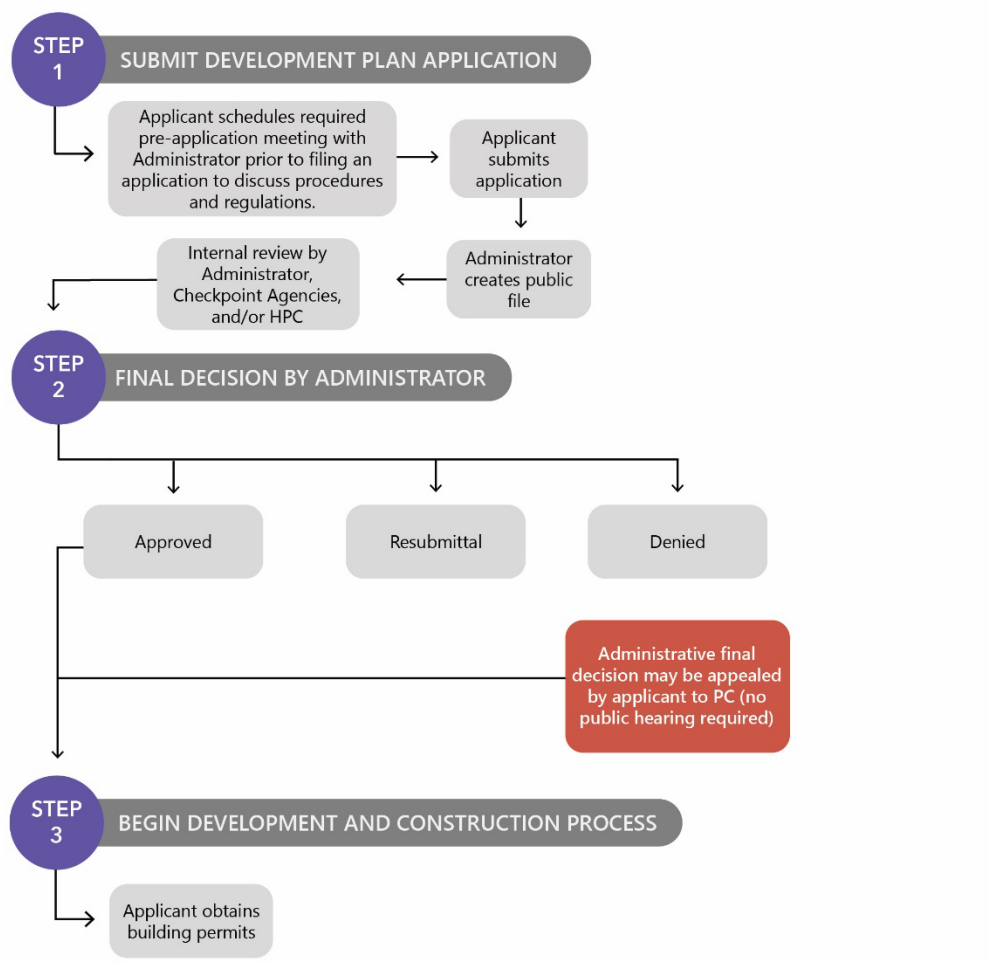
A. **Applicability**

1. In accordance with IC 36-7-4-918.1 and the BZA Rules and Procedures, the BZA shall hear and determine appeals from any administrative decision (including any order, requirement, or determination) that was made by an administrative official, staff member, hearing officer, or administrative committee or body related to:
   a. Any standard or regulation within the UDO;
   b. Enforcement of the UDO; or
   c. Enforcement of an ordinance adopted under this UDO requiring a building permit.
2. Appeals shall be made pursuant to IC 36-7-4-1000 series.
3. Zoning decisions, as outlined in IC 36-7-4-1016, cannot be appealed to the BZA and are subject to judicial review by filing a petition for review in the appropriate court in accordance with the IC 36-7-4-1600 series. This includes, but is not limited to, final decisions of the BZA, specific decisions of the PC, final decisions of a preservation commission, and those specifically outlined in IC 36-7-4-1016.

B. **Procedures**

1. **STEP 1: SUBMIT APPEAL APPLICATION**
   a. Application. The applicant shall submit a complete application in accordance with the application requirements. *The application shall be submitted within 30 days of the decision/interpretation that is the subject of the appeal.*
   b. Public File. Once the Administrator determines that an application is complete and in proper form, they shall assign a file number, create a public file, and assign a date for public meeting.
   c. Public Notice. No public hearing/comment or public notice is required for appeals.
2. **STEP 2: ATTEND BZA PUBLIC MEETING**
   a. BZA Public Meeting. The BZA shall consider the appeal at a public meeting. The applicant or their representative shall be in attendance to present their appeal and address any questions or concerns of the BZA.
   b. Final Decision by BZA
      1) The BZA may affirm, reverse, or modify the administrative decision, interpretation, order, or action that is the subject of the appeal. The BZA may also add conditions to their decision.
      2) The decision of the BZA may be appealed to the Circuit or Superior Court of the applicable jurisdiction.

7.3 APPLICATION PROCEDURES: DEVELOPMENT PLAN



A. **Applicability**

1. In accordance with IC 36-7-4-1400 series and the PC Rules and Procedures, the legislative body authorizes the PC staff to review and approve development plans.
2. All development requirements shall be satisfied before approval of a development plan.
3. A Certificate of Appropriateness (COA) is required for all parcels within the Downtown Core zoning district (DC) and/or the Downtown Gateway Overlay District (DGOD) prior to approval of a development plan.
4. Development plan approval shall be required for any of the following within all zoning districts:
   a. Any new primary structure in all zoning districts for all uses except single-family, two-family, or agricultural uses (excluding confided feeding operations), unless otherwise stated in this UDO.
   b. Modifications to a parcel in all zoning districts that meets the thresholds requiring compliance for an individual or all site standards as outlined in Chapter 4: Site Development Standards.
   c. Any new primary structure or any addition to the exterior of an existing structure within the Downtown Core zoning district (DC) and/or the Downtown Gateway Overlay District (DGOD).
   d. As otherwise required by Chapter 2: Zoning Districts or other sections of this UDO.

B. **Procedures**

1. **STEP 1: SUBMIT DEVELOPMENT PLAN APPLICATION**

a. Pre-Application Meeting. Prior to filing an application for development plan, the applicant shall schedule a required pre-application meeting with the Administrator, which may be held in-person, virtually (video conference), or by phone. The intent of this meeting is to discuss the procedures for approval as well as the requirements and regulations for development.

b. Application. The applicant shall submit a complete application for a development plan in accordance with the application requirements, including a traffic impact statement as outlined in Chapter 7.13: Document Requirements: Traffic Impact Statement.

c. Public File. Once the Administrator determines that the application is complete and in proper form, they shall assign a file number, create a public file, and assign a deadline for receiving internal review comments.

d. Internal Review

1) The Administrator may forward the plans to various checkpoint agencies for technical review. At the discretion of the Administrator, checkpoint agency review may be held in-person, virtually (video conference), by phone, or by email. After comments (if any) are received, the Administrator shall compile a written report for the public file with all comments.

2) If the parcel(s) is located within the Downtown Core zoning district (DC) and/or the Downtown Gateway Overlay District (DGOD), the Administrator shall forward the plans to the New Castle Historic Preservation Commission for review.

3) After comments (if any) are received, the Administrator shall compile a written report for the public file with all comments.

4) The Administrator shall forward all valid comments to the applicant. The applicant shall make the necessary modifications to the application to satisfy the Administrator and resubmit the application for review.

e. Public Notice. No public hearing/comment or public notice is required for development plans. Development plans are administratively approved and do not require a public meeting.

2. STEP 2: FINAL DECISION BY ADMINISTRATOR

a. Approval. If the proposed development plan meets all of the standards as outlined in this UDO, the Administrator shall approve the development plan.

b. Resubmittal. If the proposed development plan does not meet all of the standards as outlined in this UDO, the Administrator may require additional internal review and/or the resubmittal of revised plans before a decision is made.

c. Denial. If the proposed development plan does not meet all of the standards as outlined in this UDO, the Administrator may deny the development plan.

1) Appeal to the Plan Commission Public Meeting Request. In accordance with IC 36-7-4-1404, if the application was denied by the Administrator, the applicant may appeal the decision directly to the Plan Commission. The applicant shall request a public meeting in writing along with an explanation of disagreement. Upon receipt of this written request, the Administrator shall set a date for a public meeting by the PC.

2) Public Notice. Public notice is not required for development plans if the decision is appealed to the PC.

3) Public Meeting. If appealed by the applicant, the PC shall consider the development plan at a public meeting. The applicant shall be in attendance to present their plan and address any questions or concerns of the PC.

a) Decision by the PC. The PC shall consider the contested comments before making a final decision on the development plan. The PC shall approve, approve with conditions, or deny the development plan.

b) Final Action. A development plan is not considered final and ready for construction until revised plans have been received and approved by the Administrator per the terms of the PC's decision.

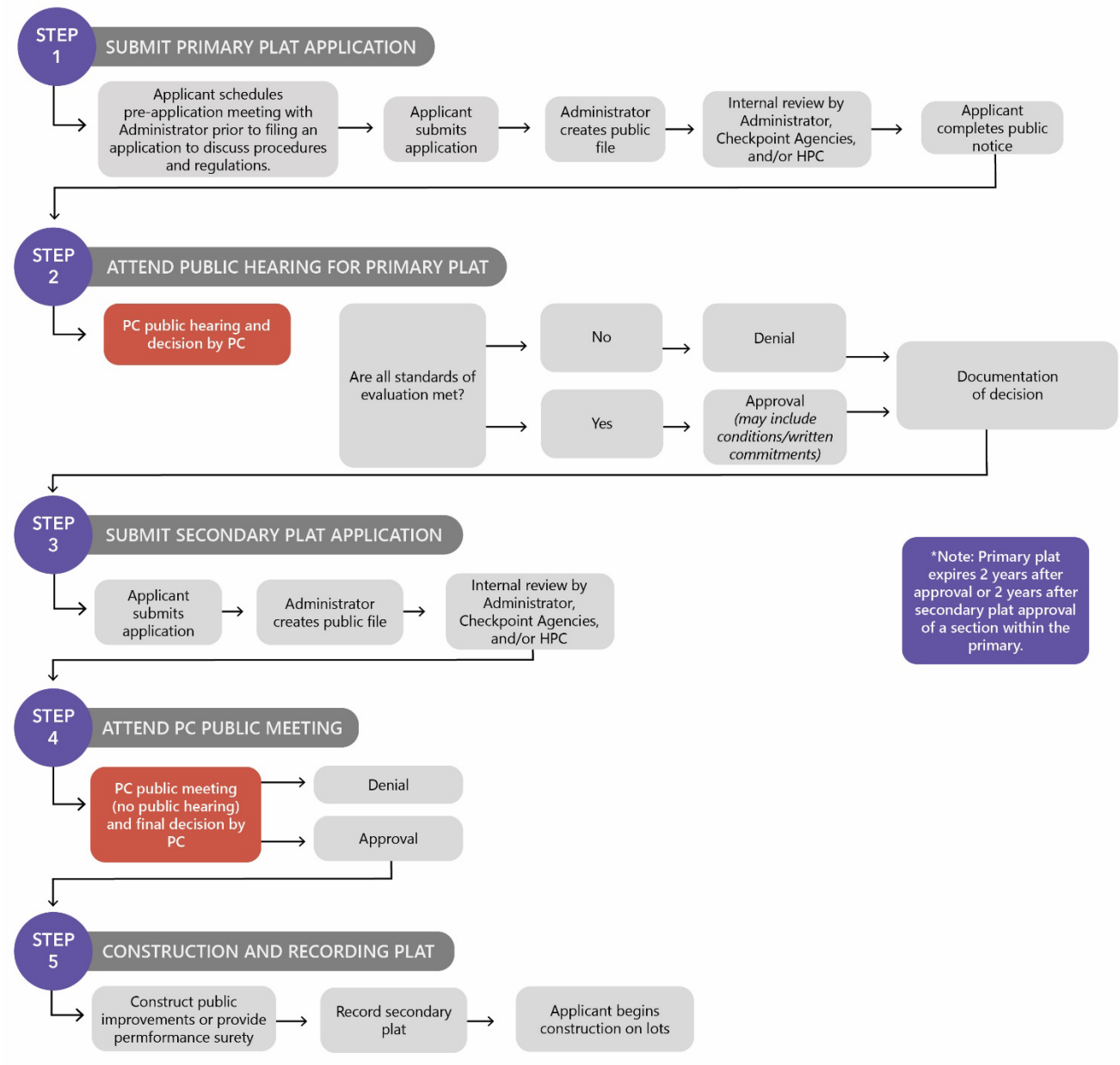
3. STEP 3: BEGIN CONSTRUCTION AND DEVELOPMENT PROCESS

a. Building Permit. After a development plan is approved, the use may be established and construction of improvements shall occur in accordance with Chapter 7.14: Permit Procedures: Building Permits (BP).

b. Development Plan Expiration. Development plans are valid for three years from the date of approval. However, if applicable local building permits have not been obtained and construction has not commenced within one year of approval of the development plan, the approval shall be void.

c. Development Plan Amendment. All amendments or changes to the development plan shall be considered a new development plan application.

7.4 APPLICATION PROCEDURES: MAJOR SUBDIVISION



A. **Applicability.** The following shall apply to all commercial, industrial, and major residential subdivisions.

B. **Procedures**

1. **STEP 1: SUBMIT PRIMARY PLAT APPLICATION**

a. Pre-Application Meeting. Prior to filing an application for a subdivision, the applicant shall schedule a required pre-application meeting with the Administrator, which may be held in-person, virtually (video conference), or by phone. The intent of this meeting is to discuss the procedures for approval as well as the requirements and regulations for development.

b. Application. The applicant shall submit a complete application for a primary plat in accordance with the application requirements, including a traffic impact statement as outlined in Chapter 7.13: Document Requirements: Traffic Impact Statement.

c. Public File

1) Once the Administrator determines that the application is complete and in proper form, they shall assign a docket number, create a public file, and assign a deadline for deadline for receiving internal review comments.

2) In accordance with IC 36-7-4-705, within 30 days of receiving a complete application, the Administrator shall announce the tentative date for a public hearing before the PC.

d. Internal Review

1) The Administrator may forward the plans to various checkpoint agencies for technical review. At the discretion of the Administrator, checkpoint agency review may be held in-person, virtually (video conference), by phone, or by email. After comments (if any) are received, the Administrator shall compile a written report for the public file with all comments.

2) If the parcel(s) is located within the Downtown Core zoning district (DC) or the Downtown Gateway Overlay District (DGOD), the Administrator shall forward the plans to the New Castle Historic Preservation Commission for review.

3) After comments (if any) are received, the Administrator shall compile a written report for the public file with all comments.

4) The Administrator shall forward all valid comments to the applicant. The applicant shall make the necessary modifications to the application to satisfy the Administrator and resubmit the application within the required timeframe.

e. Public Notice. The applicant shall be responsible for completing all required public notices in accordance with the PC Rules and Procedures. In the event the hearing has been properly noticed, the Administrator may have the PC automatically continue the petition to their next regular meeting (or a properly noticed special meeting) without requiring additional notice by the applicant.

2. STEP 2: ATTEND PUBLIC HEARING FOR PRIMARY PLAT

a. PC Public Hearing. The PC shall consider the primary plat application at a public hearing. Public comments shall be permitted in accordance with the PC Rules and Procedures. The applicant or their representative shall be in attendance to present the application and address any questions or concerns of the PC.

b. Final Decision by the PC

1) Primary Plat Standards of Evaluation. Prior to approval, the PC shall determine if the primary plat:

a) Complies with the standards of this UDO (or has an approved variance and/or waiver);

b) Uses all reasonable efforts to mitigate the impact of the proposed subdivision on public health, safety, and welfare; and

c) Has assurances that water supply, sewage disposal systems, and other applicable utilities can sufficiently serve the type of proposed subdivision by either the utility provider(s) or the respective approval agency(ies).

2) Primary Plat Approval by the PC

a) If the PC determines that the primary plat complies with the primary plat standards of evaluation, it shall grant primary approval to the plat.

b) In accordance with IC 36-7-4-702, the PC may introduce changes or revisions to the proposed plans as a condition of primary approval of a plat when necessary to facilitate the best interest and general welfare of the community, including, but not limited to:

i) The manner in which public ways shall be laid out, graded, and improved; and

ii) A provision for other services as specified in this UDO.

c) Within 10 days of the hearing, the Administrator shall provide written approval (mail or email) and itemize any revisions, if any, and conditions, if any, that were required by the PC as a term of its approval.

3) Primary Plat Denial by the PC. If the PC determines the plat does not comply with the primary plat standards of evaluation, the PC shall deny the primary plat. Written findings of fact shall be provided and the Administrator shall provide written documentation (mail or email) stating the specific reasons for denial within 10 days of the hearing. The applicant may then resubmit a revised primary plat that addresses the reason for denial.

c. Expiration of Primary Approval of Plat.

1) Primary approval of a plat shall be effective for two years from the date of the PC approval. Secondary plat approval of any section or phase shall automatically extend the primary plat approval for two years from the date the secondary plat was approved.

2) Failure to receive secondary approval for all or part of the primary plat before this period ends shall invalidate the primary approval of the plat.

3) Once primary approval has expired, a new application for primary plat approval shall be submitted in accordance with all applicable ordinances in effect at the time the new application is submitted.

4) Upon written request (mail or email) from the applicant that is received at least 30 days prior to the expiration date of the primary plat, the PC may extend approval of a primary plat up to a maximum of one additional year without further public notice, public hearing, or fees.

d. Amendment of Primary Plat. All amendments to a primary plat shall be considered a new primary plat application.

3. STEP 3: SUBMIT SECONDARY PLAT APPLICATION

a. Application. The applicant shall submit an application for secondary plat approval in accordance with the application requirements and Chapter 7.11: Document Requirements: Plat Drawings.
   1) Commercial and Industrial Subdivisions. The applicant may submit a secondary plat application for a commercial or industrial subdivision for the entire subdivision, a phase or section of the primary plat, or a single lot. Any section or phase shall include all necessary infrastructure serving such lots. A development plan application may be submitted simultaneously with a secondary plat application for a phase, section, or single lot.
   2) Major Residential Subdivisions. The applicant may submit a secondary plat application for a major residential subdivision for the entire subdivision or a phase or section of the primary plat. Any section or phase shall include all necessary infrastructure serving such lots.

b. Public File. Once the Administrator determines that the application is complete and in proper form, they shall assign a docket number, create a public file, and assign a deadline for receiving internal review comments.

c. Internal Review
   1) The Administrator may forward the plans to various checkpoint agencies for technical review. At the discretion of the Administrator, checkpoint agency review may be held in-person, virtually (video conference), by phone, or by email. After comments (if any) are received, the Administrator shall compile a written report for the public file with all comments.
   2) If the parcel(s) is located within the Downtown Core zoning district (DC) and/or the Downtown Gateway Overlay District (DGOD), the Administrator shall forward the plans to the New Castle Historic Preservation Commission for review.
   3) After comments (if any) are received, the Administrator shall compile a written report for the public file with all comments.
   4) The Administrator shall forward all valid comments to the applicant. The applicant shall make the necessary modifications to the application to satisfy the Administrator and resubmit the application for review.

d. Public Notice. No public hearing/comment or public notice is required for secondary plat approval.

4. STEP 4: ATTEND PC PUBLIC MEETING

a. Final Decision by the PC. The PC shall consider the secondary plat at a PC meeting. Secondary plat approval may be granted to a plat only after expiration of the 30-day appeal period of the primary plat as provided in IC 36-7-4-710. Public comment or public hearing is not required for secondary plat approval. The applicant or their representative shall be in attendance to present the application and address any questions or concerns of the PC.

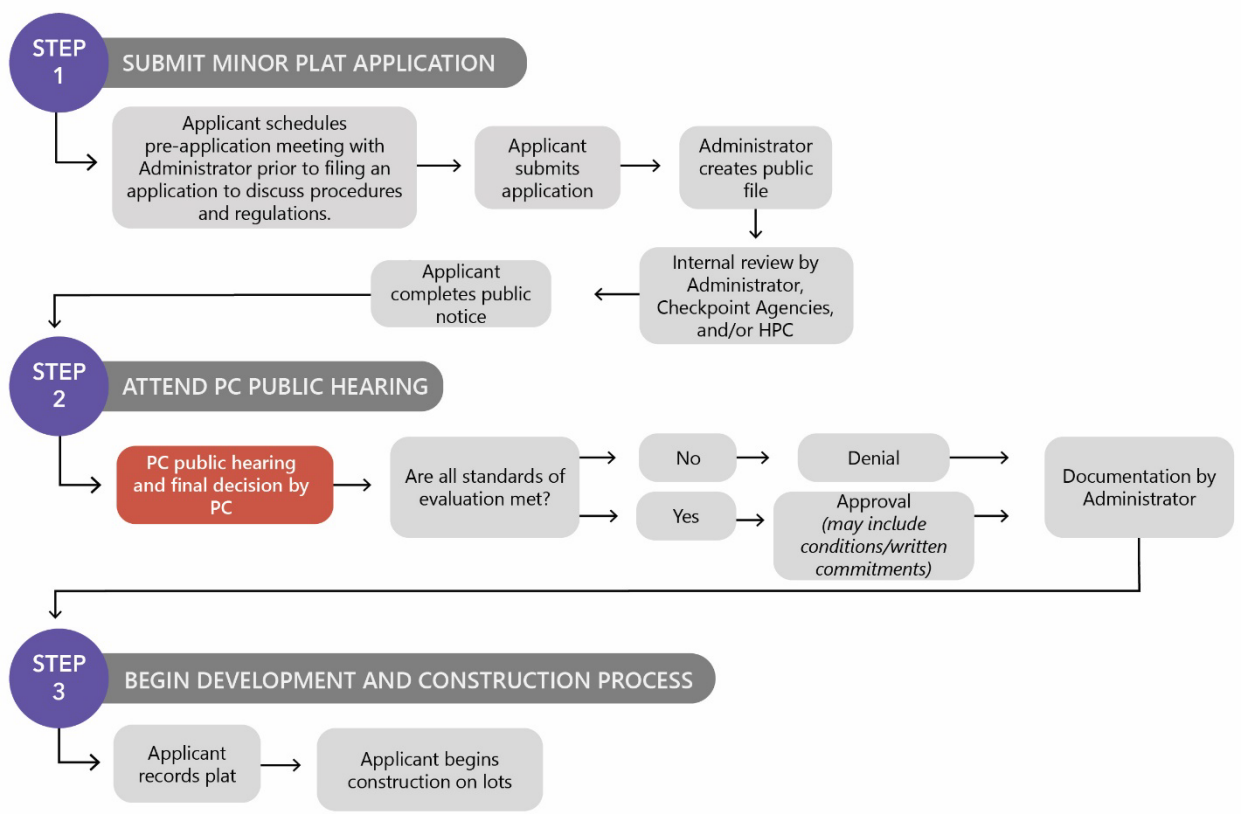
b. Approval by the PC
   1) The PC shall approve the secondary plat if the secondary plat complies with all standards set forth in this UDO and the secondary plat substantially conforms with the primary plat.
      a) The plat shall be considered to substantially conform if the geometrics of the secondary plat are substantially the same layout.
      b) The addition or removal of easements to accommodate utilities or drainage or the addition of common areas shall not constitute a substantial change in conformity.
      c) The addition, removal, or alteration of road patterns, significant change in lot sizes, and/or an increase in the number of buildable lots shall require an amendment to the primary plat in order to allow for public comment unless such changes were a condition of the primary plat approval.
   2) The secondary plat shall not be approved until the required construction plans and drainage plans are approved by the Board of Works.
   3) The secondary plat shall not be signed or executed until the construction of the public improvements are approved or performance surety is provided in accordance with Chapter 7.9: Construction Procedures: Public Improvements or Chapter 7.10: Construction Procedures: Surety Requirements.

c. Denial by the PC
   1) The PC shall deny the secondary plat if:
      a) The secondary plat does not comply with all of the standards set forth in this UDO; or
      b) The secondary plat does not substantially conform with the primary plat.
   2) The PC shall make written findings of fact and the Administrator shall notify the applicant in writing or electronic transmission within 10 days of the decision stating the specific reasons for denial. The subdivider may then resubmit a revised secondary plat that addresses the reason for denial.

5. STEP 5: CONSTRUCTION AND RECORDING PLAT

a. Construct Public Improvements or Provide Performance Surety. Prior to a plat being signed or executed, the applicant shall either construct all public improvements and provide a maintenance surety in accordance with Chapter 7.9: Construction Procedures: Public Improvements or a provide a performance surety in accordance with Chapter 7.10: Construction Procedures: Surety Requirements.
b. Record Secondary Plat. The plat shall be recorded in accordance with the procedures set forth in Chapter 7.12: Document Requirements: Recording Plats.
c. Development Plan. Development plan approval is not required for single-family or two-family lots unless otherwise stated in this UDO. For all other uses, development plan approval is required for all new primary structures or modifications of property or sites as required by this UDO.
d. Begin Construction on Lots. After the secondary plat is recorded, the applicant shall obtain building permits, install the final coat of asphalt, and dedicate public infrastructure as outlined in Chapter 7.14: Permit Procedures: Building Permits (BP).

7.5 APPLICATION PROCEDURES: MINOR SUBDIVISION



A. **Applicability**

1. The minor residential subdivision process is an expedited process for single-family residential subdivisions that meets the following criteria. If any of the following criteria are not met, it shall be considered a major residential subdivision.
   a. Includes three or fewer lots (including the remnant or parent parcel);
   b. Does not involve extending public infrastructure or improvements to or new public rights-of-way;
   c. Complies with all standards of this UDO; and
   d. Has not been previously subdivided of part of an approved minor plat.
2. If the Administrator determines that the circumstances warrant the full review and consideration of a major subdivision, then the applicable process may be required.

B. **Procedures**

1. **STEP 1: SUBMIT MINOR PLAT APPLICATION**

a. Pre-Application Meeting. Prior to filing an application for a minor subdivision, the applicant shall schedule a required pre-application meeting with the Administrator, which may be held in-person, virtually (video conference), or by phone. The intent of this meeting is to discuss the procedures for approval with the Administrator as well as the requirements and regulations for development.

b. Application
   1) For a minor subdivision, the primary plat and secondary plat shall be combined into one process.
   2) The applicant shall submit a complete application for a secondary plat in accordance with the application requirements and Chapter 7.11: Document Requirements: Plat Drawings.

c. Public File
   1) Once the Administrator determines that an application is complete and in proper form, they shall assign a docket number, create a public file, and assign a deadline for deadline for receiving internal review.
   2) In accordance with IC 36-7-4-705, within 30 days of receiving a complete application, the Administrator shall announce the tentative date for a public hearing before the PC.

d. Internal Review
   1) The Administrator may forward the plans to various checkpoint agencies for technical review. At the discretion of the Administrator, checkpoint agency review may be held in-person, virtually (video conference), by phone, or by email. After comments (if any) are received, the Administrator shall compile a written report for the public file with all comments.
   2) If the parcel(s) is located within the Downtown Core zoning district (DC) and/or the Downtown Gateway Overlay District (DGOD), the Administrator shall forward the plans to the New Castle Historic Preservation Commission for review.
   3) After comments (if any) are received, the Administrator shall compile a written report for the public file with all comments.
   4) The Administrator shall forward all valid comments to the applicant. The applicant shall make the necessary modifications to the application to satisfy the Administrator and resubmit the application within the required timeframe.

e. Public Notice. The applicant shall be responsible for completing all required public notices in accordance with the PC Rules and Procedures. In the event the hearing has been properly noticed, the Administrator may have the PC automatically continue the petition to their next regular meeting (or a properly noticed special meeting) without requiring additional notice by the applicant.

2. STEP 2: ATTEND PC PUBLIC HEARING

a. PC Public Hearing. The PC shall consider the minor plat application at a public hearing (which combines the primary plat and secondary plat). Public comments shall be permitted in accordance with the PC Rules and Procedures. The applicant or their representative shall be in attendance to present the application and address any questions or concerns of the PC.

b. Final Decision by the PC

1) Minor Plat Standards of Evaluation. Prior to approval, the PC shall determine if the minor plat application:

a) Complies with the standards of this UDO (or has an approved variance and/or waiver);

b) Uses all reasonable efforts to mitigate the impact of the proposed subdivision on public health, safety, and welfare; and

c) Has assurances that water supply, sewage disposal systems, and other applicable utilities that can sufficiently serve the type of proposed subdivision by either the respective utility provider(s) or the respective approval agency(ies).

2) Approval by the PC

a) If the PC determines that the minor plat complies with the minor plat standards of evaluation, it shall approve the minor plat.

b) In accordance with IC 36-7-4-702, the PC may introduce changes or revisions to the proposed plans as a condition of approval when necessary to facilitate the best interest and general welfare of the community, including, but not limited to:

i) The manner in which any shared driveways shall be laid out, graded, and improved; and

ii) A provision for other services as specified in this UDO.

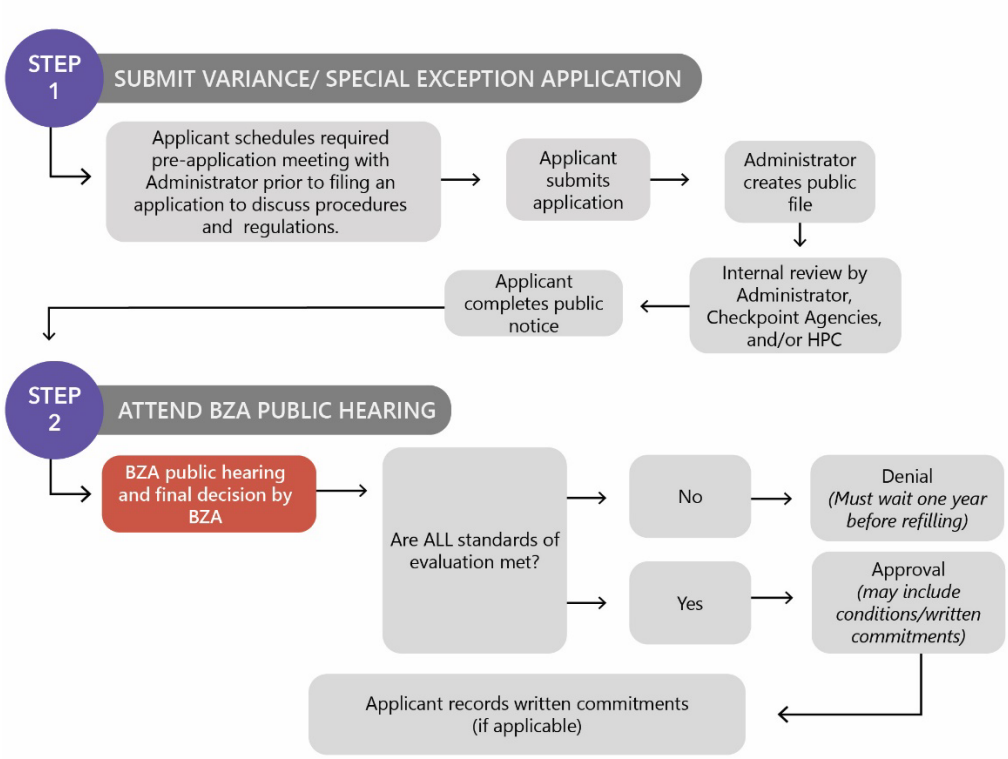
c) Within 10 days of the hearing, the Administrator shall provide written approval (mail or email) and itemize any changes or revisions, if any, and any conditions, if any, that were required by the PC as a term of its approval.

3) Denial by the PC. If the PC determines the plat does not comply with the primary plat standards of evaluation, the PC shall deny the primary plat. Written findings of fact shall be provided, and the Administrator shall provide written documentation (mail or email) stating the specific reasons for denial within 10 days of the hearing. The applicant may then resubmit a revised primary plat that addresses the reason for denial.

3. STEP 3: BEGIN DEVELOPMENT AND CONSTRUCTION PROCESS

a. Record Minor Plat. The plat shall be recorded in accordance with the procedures set forth in Chapter 7.12: Begin Construction on Lots. After the minor plat is recorded, the applicant shall obtain building permits as outlined in Chapter 7.14:Permit Procedures: Building Permits (BP) . If sidewalks are required by this UDO, construction, inspection, and dedication of the sidewalks shall comply with Chapter 6.8: Sidewalks and Trails.

7.6 APPLICATION PROCEDURES: SPECIAL EXCEPTION AND VARIANCE



A. **Applicability**

1. In accordance with IC 36-7-4-918.2 for special exceptions, IC 36-7-4-918.5 for variances from development standards, IC 36-7-4-918.4 for variances of use, and the BZA Rules and Procedures, the BZA shall hear and make decisions regarding special exceptions, variances from development standards, and variances of use.
2. Uses permitted by special exception (as listed in Chapter 2: Zoning Districts) may be permitted by the BZA in the districts indicated in accordance with the procedures set forth in this section.
3. The BZA may require that impact studies be performed or additional information to be provided at the expense of the applicant prior to deciding upon a special exception or variance of use application.
4. If a use was legally established on a parcel as a use that was permitted by right under a previous ordinance and the use is only permitted as a special exception by this UDO on the same parcel, it shall be considered an approved special exception use only on the parcel.
   Any expansion of a legal non-conforming use, including the enlargement of the structures or land area devoted to such use, shall be subject to the procedures described in this section.

B. **Procedures**

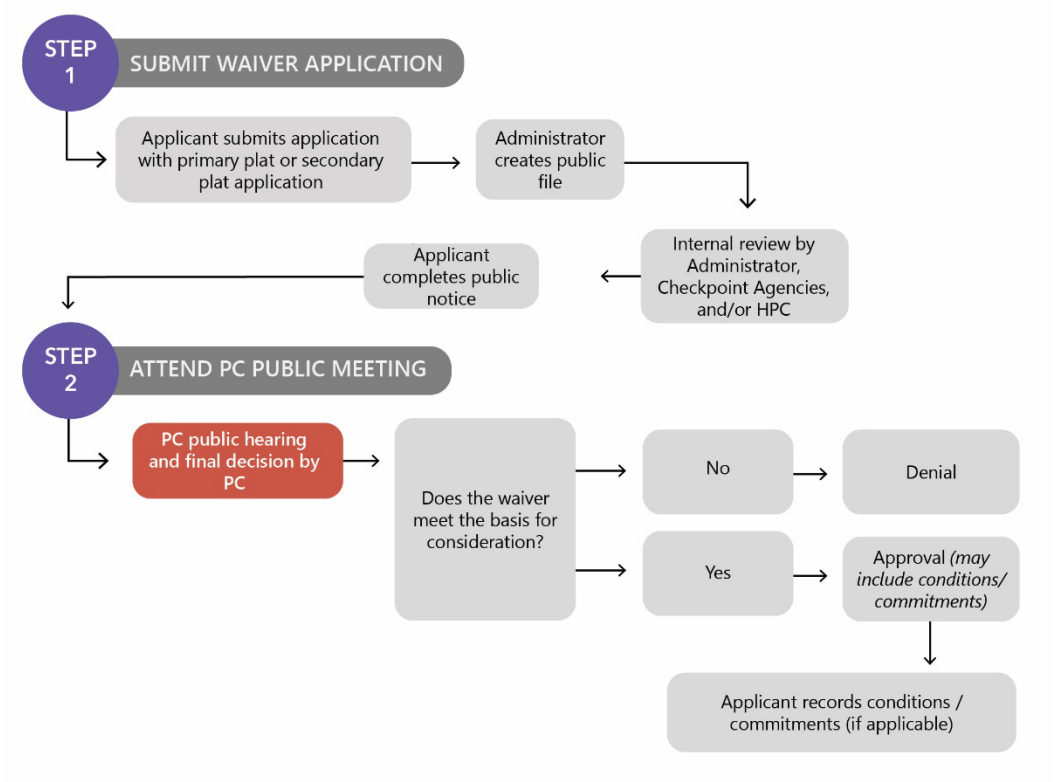
1. **STEP 1: SUBMIT VARIANCE/SPECIAL EXCEPTION APPLICATION**
   a. Pre-Application Meeting. Prior to filing an application for a special exception, variance from development standards, or variance of use, the applicant shall schedule a required pre-application meeting with the Administrator, which may be held in-person, virtually (video conference), or by phone. The intent of this meeting is to discuss the procedures for approval with the Administrator as well as the requirements and regulations for development.
   b. Application. The applicant shall submit a complete application for a special exception, variance from development standards, or variance of use in accordance with the application requirements.
   c. Public File. Once the Administrator determines that an application is complete and in proper form, they shall assign a docket number, create a public file, and assign a deadline for deadline for receiving internal review comments.
   d. Internal Review
      1) The Administrator may forward the plans to various checkpoint agencies for technical review. At the discretion of the Administrator, checkpoint agency review may be held in-person, virtually (video conference), by phone, or by email. After comments (if any) are received, the Administrator shall compile a written report for the public file with all comments.
      2) If the parcel(s) is located within the Downtown Core zoning district (DC) and/or the Downtown Gateway Overlay District (DGOD), the Administrator shall forward the plans to the New Castle Historic Preservation Commission for review.
      3) After comments (if any) are received, the Administrator shall compile a written report for the public file with all comments.
      4) The Administrator shall forward all valid comments to the applicant. The applicant shall make the necessary modifications to the application to satisfy the Administrator and resubmit the application within the required timeframe.
   e. Public Notice. The applicant shall be responsible for completing all required public notices in accordance with the PC Rules and Procedures. In the event the hearing has been properly noticed, the Administrator may have the PC automatically continue the petition to their next regular meeting (or a properly noticed special meeting) without requiring additional notice by the applicant.

2. **STEP 2: ATTEND BZA PUBLIC HEARING**
   a. BZA Public Hearing. The BZA shall consider the application at a public hearing. Public comments shall be permitted in accordance with the BZA Rules and Procedures. The applicant or their representative shall be in attendance to present the application and address any questions or concerns of the BZA.
   b. Final Decision by BZA. The BZA shall make the final decision for all special exceptions, variances from development standards, or variances of use.

1) Standards of Evaluation for Special Exception. When considering a special exception, the BZA shall find that the following standards have all been satisfied in order to approve the application:
   a) The establishment, maintenance, or operation of the special exception will not be detrimental to or endanger the public health, safety, morals, or general welfare;
   b) The special exception will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted;
   c) The establishment of the special exception will not impede or substantially alter the normal and orderly development and improvement of surrounding property for uses permitted in the district;
   d) Adequate utilities, access road, drainage, and other necessary facilities have been or are being provided;
   e) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion on the public roadways; and
   f) The special exception will be located in a district where such use is permitted, and all other requirements set forth in this UDO that are applicable to such use will be met.
2) Standards of Evaluation for Development Standards Variance. Per IC 36-7-4-918.5, when considering a variance, the BZA shall find that the following standards have all been satisfied in order to approve the application:
   a) The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
   b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
   c) The strict application of the terms of the ordinance will result in a practical difficulty in the use of the property. This practical difficulty cannot be based upon a personal financial hardship, personal inconvenience, or be self-created.
3) Standards for Evaluation for Use Variance. Per IC 36-7-4-918.4, when considering a variance of use, the BZA shall find that the following standards have all been satisfied in order to approve the application:
   a) The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
   b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
   c) The need for the variance arises from some condition peculiar to the property involved;
   d) The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and
   e) The approval does not interfere substantially with the Comprehensive Plan.
4) Approval by the BZA. If the BZA finds all of the standards of evaluation have been satisfied, it shall approve the request. Any approval may include conditions and/or written commitments in accordance with IC 36-7-4-1015 and Chapter 7.16: Other Procedures: Written Commitments.

5) Denial by the BZA. If the BZA does not find that all of the standards have been satisfied, it shall deny the request and shall specify findings of fact supporting the reason for denial. If the application is denied by the BZA, it cannot be resubmitted for one year unless the Administrator determines there is a substantial change to the application.
6) Expiration. Approval of a special exception, variance from development standards, or variance of use shall run with the land, unless any the following occur:
   a) The BZA specifies an expiration date in the approval of a special exception or variance, but the expiration cannot be less than one year from the date of approval.
   b) Building permits have not been obtained within three years of the approval;
   c) Building permits were obtained and have expired and the approval occurred more than three years ago; or
   d) The use has not been established within three years of approval.
7) Amendment. A special exception, variance from development standards, or variance of use may only be amended by the BZA by submitting a revised application and proceeding through the respective application process.

7.7 APPLICATION PROCEDURES: WAIVER PROCEDURES



A. **Applicability**

1. The PC may grant a waiver for a subdivision standard in Chapter 5: Subdivision Types and/or Chapter 6: Subdivision Design Standards pursuant to IC 36-7-4-702(c).
2. The applicant must show that practical difficulties and an unnecessary hardship would result if the standards were strictly adhered to and where, in the opinion of the PC, because of topographical or other conditions particular to the site exist, a departure may be made without compromising the intent of such provisions.
3. Any determination to defer or waive the provision of any public improvement must be made in accordance with this section and the reasons for the deferral or waiver shall be expressly made part of the record.
4. If the PC approves a waiver, the plat must still meet all other applicable standards prescribed in the UDO. Variances from the zoning standards of this UDO require a variance by the BZA (See Chapter 7.6: Application Procedures: Special Exception and Variance).
5. If improvement or installations are deferred as herein provided, the subdivider shall provide a separate surety in an amount determined by the jurisdiction guaranteeing completion of the deferred improvements upon demand of the jurisdiction.

B. **Procedures**

1. **STEP 1: SUBMIT WAIVER APPLICATION**

a. Application. The applicant shall submit a complete application for a waiver in accordance with the application requirements. A waiver application may be submitted with a primary or secondary plat application. The application shall state fully the grounds for the application and all the facts relied upon to justify the waiver.

b. Public File

1) Once the Administrator determines that an application is complete and in proper form, they shall assign a docket number, create a public file, and assign a deadline for deadline for receiving internal review comments.

2) In accordance with IC 36-7-4-705, within 30 days of receiving a complete application, the Administrator shall announce the tentative date for a public hearing before the PC.

c. Internal Review

1) The Administrator may forward the plans to various checkpoint agencies for technical review. At the discretion of the Administrator, checkpoint agency review may be held in-person, virtually (video conference), by phone, or by email. After comments (if any) are received, the Administrator shall compile a written report for the public file with all comments.

2) If the parcel(s) is located within the Downtown Core zoning district (DC) and/or the Downtown Gateway Overlay District (DGOD), the Administrator shall forward the plans to the New Castle Historic Preservation Commission for review.

3) After comments (if any) are received, the Administrator shall compile a written report for the public file with all comments.

4) The Administrator shall forward all valid comments to the applicant. The applicant shall make the necessary modifications to the application to satisfy the Administrator and resubmit the application within the required timeframe.

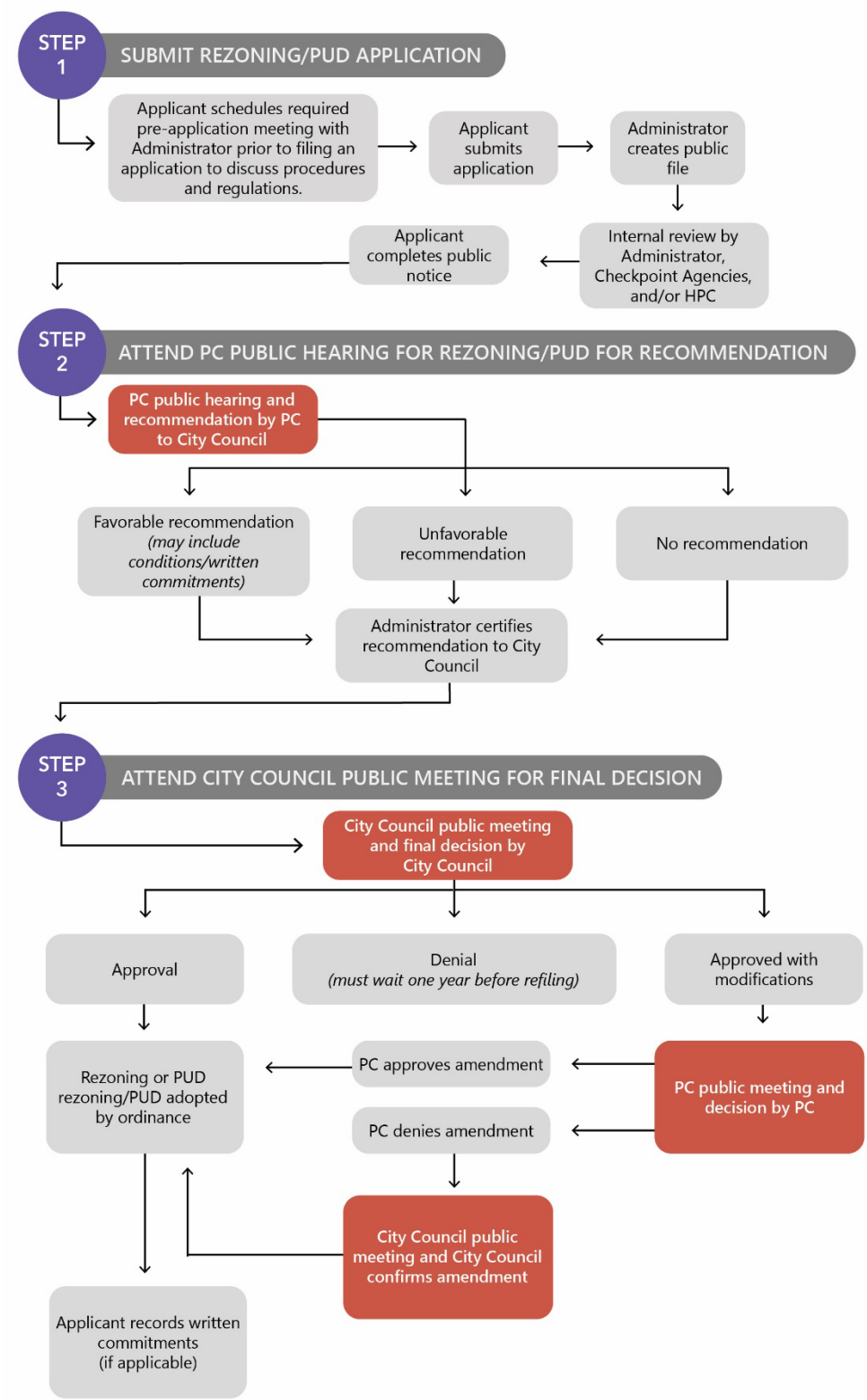
d. Public Notice. No public hearing/comment or public notice is required for approval of a waiver.

2. **STEP 2: ATTEND PC PUBLIC MEETING**

a. PC Public Hearing. The PC shall consider the application at a public meeting. Public comment or public hearing is not required for approval of a waiver. The applicant or their representative shall be in attendance to present the application and address any questions or concerns of the PC.

b. Final Decision by the PC
   1) Standards of Evaluation for Waiver. When considering a waiver, the PC shall find that all of the following standards have been satisfied in order to approve the application:
      a) Practical difficulties and unnecessary hardship may result from the strict application of this UDO;
      b) The purpose and intent of this UDO may be better served by an alternative proposal;
      c) The waiver will not be detrimental to the public safety, health, or welfare or injurious to other property;
      d) The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable to other property;
      e) The relief sought will not contradict the other provisions of the UDO or the intent of the Comprehensive Plan and/or other adopted plan; and
      f) Where the waiver impacts the design, construction, or maintenance obligations of public facilities, that the appropriate public agency has reviewed and approved the proposed development in writing or electronic transmission to the PC.
   2) Approval by the PC. If the PC finds all of the standards of evaluation have been satisfied, it shall approve the waiver request, and the PC shall make written findings of fact as part of the record. Any approval may include conditions and/or written commitments in accordance with IC 36-7-4-1015 and Chapter 7.16: Other Procedures: Written Commitments.
   3) Denial by the PC. If the PC does not find that all of the standards have been satisfied, it shall deny the waiver request and make written findings of fact that specify the reason for denial as part of the record.

7.8 APPLICATION PROCEDURES: ZONE MAP CHANGE AND PUD DISTRICT



A. **Applicability**

1. In accordance with IC 36-7-4-600 series for zone map changes, IC 36-7-4-1500 series for PUD Districts, and the PC Rules and Procedures, the PC shall hear and make recommendations to the City Council regarding zone map changes and zone map changes to a PUD District. The City Council shall make final decisions on these applications.
2. Zone map changes and zone map changes to a PUD District may be initiated by the PC, the legislative body, or property owners of 50% or more of the geographic area involved in the petition.

B. **Procedure**

1. **STEP 1: SUBMIT REZONING OR PUD APPLICATION**

a. Pre-Application Meeting. Prior to filing an application for a zone map change or PUD, the applicant shall schedule a required pre-application meeting with the Administrator, which may be held in-person, virtually (video conference), or by phone. The intent of this meeting is to discuss the procedures for approval with the Administrator as well as the requirements and regulations for development.

b. Application. The applicant shall submit a complete application for a zone map change or a zone map change to a PUD District in accordance with the application requirements.

1) Additional Requirements for PUD Application**.** In addition to the required application submittal, the application for a zone map change to a PUD District shall also include:

a) PUD District Map. A PUD District Map shall be provided that identifies all areas and/or parcels that are governed by the PUD District Ordinance. If more than one "district" is proposed within the PUD, the districts shall be indicated on this map.

b) PUD District Ordinance. A PUD District Ordinance shall be submitted with the "detailed terms" for development in accordance with IC 36-7-4-1509(a)(2). For the purpose of administration and continuity, the proposed PUD District Ordinance must follow a uniform format that contains the following sections. Standards that are not defined or specified in the PUD District Ordinance shall be governed by the regulations contained in this UDO, as interpreted by the Administrator. In addition to a map and other supporting drawings, all of the following should be provided in narrative form:

i) Introductory Provisions. Enabling language for the PUD District Ordinance as well as purpose or intent.

ii) PUD Uses & Standards. A table of permitted uses and special exception uses and the development standards (structure standards, lot standards, and utility standards) for the PUD. If more than one district is included in the PUD, this shall be provided for each district.

iii) Standards for Specific Uses. An alphabetical list of additional development standards that apply to a specific use(s) that are above and beyond the minimums listed in the PUD District(s). Additionally, if any standards for specific uses included in Chapter 3: Standards for Specific Uses of this UDO do not apply within the PUD, it shall be specified in this section. If it is not specified, the standards for specific uses included in Chapter 3: Standards for Specific Uses shall apply.

iv) Site Development Standards. An alphabetical list of the site standards that apply to the PUD, such as accessory structures, architectural features, bufferyards, lighting, parking, setbacks, or signs.
v) Definitions. Any terms that are specific to the PUD that are not defined in Chapter 9.2: Definitions.

c. Public File
1) Once the Administrator determines that an application is complete and in proper form, they shall assign a docket number, create a public file, and assign a deadline for deadline for receiving internal review comments.
2) In accordance with IC 36-7-4-705, within 30 days of receiving a complete application, the Administrator shall announce the tentative date for a public hearing before the PC.

d. Internal Review
1) The Administrator may forward the plans to various checkpoint agencies for technical review. At the discretion of the Administrator, checkpoint agency review may be held in-person, virtually (video conference), by phone, or by email. After comments (if any) are received, the Administrator shall compile a written report for the public file with all comments.
2) If the parcel(s) is located within the Downtown Core zoning district (DC) and/or the Downtown Gateway Overlay District (DGOD), the Administrator shall forward the plans to the New Castle Historic Preservation Commission for review.
3) After comments (if any) are received, the Administrator shall compile a written report for the public file with all comments.
4) The Administrator shall forward all valid comments to the applicant. The applicant shall make the necessary modifications to the application to satisfy the Administrator and resubmit the application within the required timeframe.

e. Public Notice. The applicant shall be responsible for completing all required public notices in accordance with the PC Rules and Procedures. In the event the hearing has been properly noticed, the Administrator may have the PC automatically continue the petition to their next regular meeting (or a properly noticed special meeting) without requiring additional notice by the applicant.

2. STEP 2: ATTEND PC PUBLIC HEARING FOR RECOMMENDATION

a. PC Public Hearing. The PC shall consider the zone map change or zone map change to a PUD District at a public hearing. Public comments shall be permitted in accordance with the PC Rules and Procedures. The applicant or their representative shall be in attendance to present their application and address any questions or concerns of the PC.

b. Recommendation by the PC to the City Council
1) Zone Map Change Standards of Evaluation. When considering a zone map change or zone map change to a PUD District, the PC and City Council shall pay reasonable regard to:
a) The Comprehensive Plan;
b) Current conditions and the character of current structures and uses in each district;
c) The most desirable use for which the land in each district is adapted;
d) The conservation of property values throughout the jurisdiction; and
e) Responsible development and growth.

2) Recommendation by the PC. After consideration of the standards of evaluation, the PC shall make a favorable, unfavorable, or no recommendation to the City Council. Any recommendation may include conditions and/or written commitments in accordance with IC 36-7-4-1015 and Chapter 7.16: Other Procedures: Written Commitments.
3) Certification of Recommendation. Within 10 business days after the PC recommendation, the Administrator shall certify the PC's recommendation to the City Council.

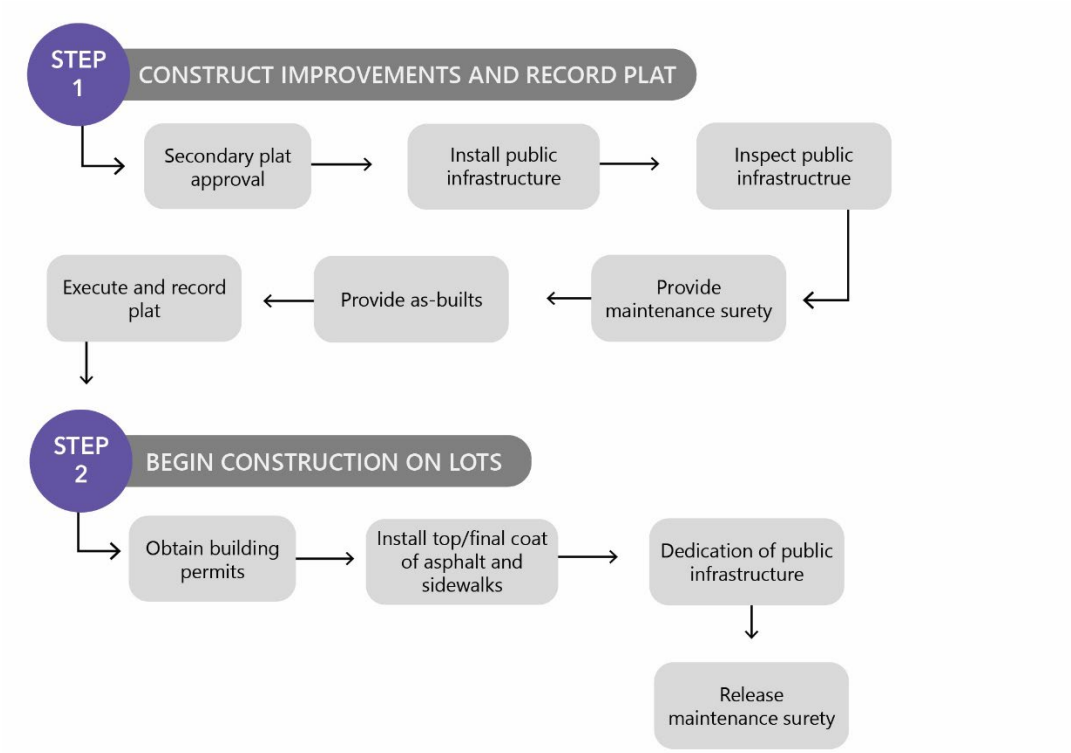
3. STEP 3: ATTEND CITY COUNCIL PUBLIC MEETING FOR FINAL DECISION

a. City Council Public Meeting
   1) Upon receipt of the certification of the PC recommendation, the legislative body shall vote on the proposed zone map change or zone map change to a PUD District at a public meeting within 90 calendar days. Public comment or public hearing is not required. The applicant or their representative shall be in attendance address any questions or concerns of the City Council.
b. Final action by the legislative body shall be in accordance with IC 36-7-4-600 series.
c. Final Decision by City Council
   1) Approval. If the proposal is adopted by the legislative body, the PC shall update the official zoning map accordingly.
   2) Approval with Modified Commitments/Conditions
      a) If the proposal is adopted by the legislative body but includes modifications, changes, or additions to the written commitments or conditions included in the PC recommendation, it shall be returned to the PC with a written statement of the reasons for amendment.
      b) Within 45 days, the PC shall consider the amendment at a public meeting (no public hearing, notice, or comment required) and report the PC approval or denial to the legislative body.
      c) If the PC approves the amendment, the proposal is considered approved. If the PC denies the amendment, the legislative body must confirm the amendment by another vote at a public meeting.
   3) Denial. If the proposal is denied by the legislative body, it cannot be resubmitted for one year unless the Administrator determines there is a substantial change to the application.
d. Expiration. Approval of a zone map change or a zone map change to a PUD District shall run with the land unless a condition specifies otherwise.
e. Amendment
   1) Amendment of a zone map change shall require a new application and be done in accordance with the IC 36-7-4-600 series for zone map changes and IC 36-7-1500 series for zone map changes to a PUD District.
   2) An amendment of an applicable condition or written commitment shall be done in accordance with IC 36-7-4-1015 and Chapter 7.16: Other Procedures: Written Commitments.

7.9 CONSTRUCTION PROCEDURES: PUBLIC IMPROVEMENTS

A. **Process.** After a primary plat has been approved by the PC and the associated construction and drainage plans have been approved by the required agencies, the construction and development process may begin through one of the following two options.

B. **Option 1: Construct Improvements then Record the Plat**



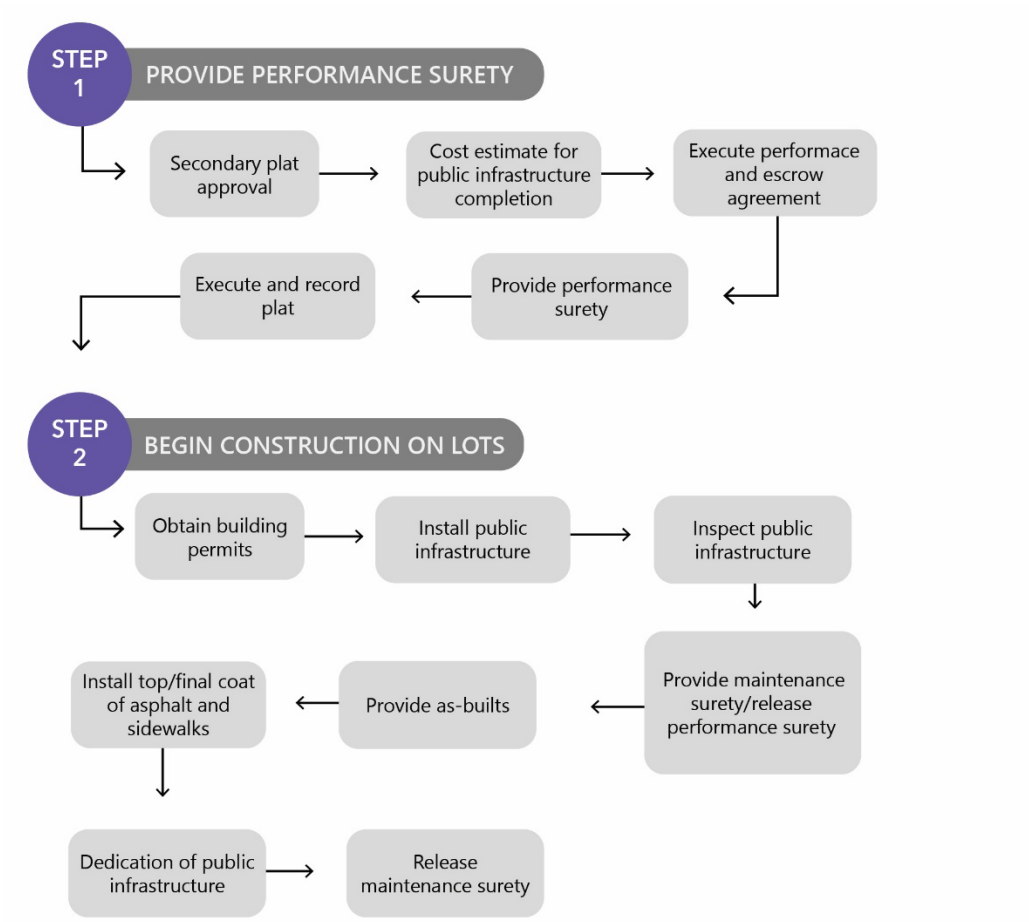
1. **STEP 1: CONSTRUCT IMPROVEMENTS AND RECORD PLAT**
   a. Secondary Plat Approval. The secondary plat should be approved prior to installing public infrastructure. Any construction or installation of infrastructure started or completed prior to approval of the construction plans and/or secondary plat is done at the risk of the applicant; if changes or revisions to the construction plans and/or secondary plat are required, any modifications to construction or installation of infrastructure shall be the responsibility of the applicant.
   b. Install Public Infrastructure. All public infrastructure, except for the final coat of asphalt on the roadways and internal sidewalks, shall be installed based on the approved construction plans.

c. Inspect Public Infrastructure. All public improvements shall be reviewed and inspected by the Board of Works or respective utility provider throughout the construction process to ensure that they have been completed in a satisfactory manner. This includes, but is not limited to, roads, curbs, gutters, drainage facilities, water infrastructure, sewer infrastructure, and any other utilities as required by this UDO or any other applicable ordinance. The City does not inspect infrastructure owned by the other providers.
d. Provide Maintenance Surety. The applicant shall provide a maintenance surety in accordance with Chapter 7.10 B: Maintenance Surety Requirements.
e. Provide As-Builts. After all public improvements are constructed and inspected, the applicant shall provide as-builts for all improvements within the public right-of-way in PDF format, CAD drawings, and a GIS layer with locations of all public infrastructure required by this UDO.
f. Execute and Record Plat. The plat shall be executed (signed) by all required parties and recorded in accordance with Chapter 7.12: Document Requirements: Recording Plats. *Note, if the final coat of asphalt on the roadways and internal sidewalks have not been installed, surety shall be required for those items prior to recording the plat.*

2. **STEP 2: BEGIN CONSTRUCTION ON LOTS**

a. Obtain Building Permits. The applicant shall obtain building permits for construction on each individual lot as outlined in Chapter 7.14: Permit Procedures: Building Permits (BP).
b. Install Top/Final Coat of Asphalt and Sidewalks. Once development has occurred to the satisfaction of the City, the final coat of asphalt for the roadways shall be installed by the applicant. If sidewalks are required by this UDO, they shall be installed on individual lots prior to issuing a Certificate of Occupancy.
c. Dedication of Public Infrastructure. After all infrastructure has been completed and approved, the public infrastructure that is required to be dedicated to the city shall be dedicated with a signed Deed of Dedication in the format required by the City. The City shall only maintain public infrastructure after its dedication unless specified and agreed upon otherwise.
d. Release Maintenance Surety. Maintenance surety funds shall be released in accordance with Chapter 7.10 E: Release of Surety.

C. **Option 2: Provide Performance Surety Then Record the Plat**



1. STEP 1: PROVIDE PERFORMANCE SURETY

a. Secondary Plat Approval. Secondary plat must be approved (but not executed/signed) prior to executing the performance and escrow agreement or providing the performance surety.

b. Cost Estimate for Public Infrastructure Completion. The applicant shall submit a reliable cost estimate for completing all of the required infrastructure to the City to review and approve. The cost estimate should include, but is not limited to, the roads, drainage structures, water infrastructure, sewer infrastructure, and all public improvements within the subdivision that are required by this UDO and the Performance and Escrow Agreement.

c. Execute Performance and Escrow Agreement. The applicant shall submit an executed Performance and Escrow Agreement to the City in a form created and approved by the City Attorney.

d. Provide Performance Surety. The applicant shall provide a performance surety for all public infrastructure in the required amount in accordance with Chapter 7.10 B: Maintenance Surety Requirements and the executed Performance and Escrow Agreement.
e. Execute and Record Plat**.** Once the performance surety has been provided and accepted to the satisfaction of the City, the plat shall be executed and recorded in accordance with Chapter 7.12: Document Requirements: Recording Plats.

2. **STEP 2: BEGIN CONSTRUCTION ON LOTS**

a. Obtain Building Permits. The applicant shall obtain building permits for construction on each individual lot as outlined in Chapter 7.14: Permit Procedures: Building Permits (BP). All public infrastructure that serves an individual lot shall be installed and approved prior to issuing a Certificate of Occupancy.
b. Install Infrastructure. All public infrastructure, except for the final coat of asphalt on the roadways and internal sidewalks, shall be installed based on the approved construction plans.
c. Inspect Infrastructure. All public improvements shall be reviewed and inspected by the Board of Works or respective utility provider throughout the construction process to ensure that they have been completed in a satisfactory manner. This includes, but is not limited to, roads, curbs, gutters, drainage facilities, water infrastructure, sewer infrastructure, and any other utilities as required by this UDO or any other applicable ordinance. The City does not inspect infrastructure owned by the other providers.
d. Provide Maintenance Surety. The applicant shall provide maintenance surety in accordance with Chapter 7.10 B: Maintenance Surety Requirements.
e. Release of Performance Surety. Maintenance sureties shall be released in accordance with Chapter 7.10 E: Release of Surety.
f. Provide As-Builts. After all public improvements are constructed and approved, the applicant shall provide as-builts for all improvements within the public right-of-way in PDF format, CAD drawings, and a GIS layer with locations of all public infrastructure required by this UDO.
g. Install Top/Final Coat of Asphalt and Sidewalks. Once development has occurred to the satisfaction of the City, the final coat of asphalt for the roadways shall be installed by the applicant. If sidewalks are required by this UDO, they shall be installed on individual lots prior to issuing a Certificate of Occupancy.
h. Dedication of Public Infrastructure. After all infrastructure has been completed and approved, the public infrastructure that is required to be dedicated to the city shall be dedicated with a signed Deed of Dedication in the format required by the City. The City shall only maintain public infrastructure after its dedication unless specified and agreed upon otherwise.
i. Release Maintenance Surety. Maintenance sureties shall be released in accordance with Chapter 7.10 E: Release of Surety.

7.10 CONSTRUCTION PROCEDURES: SURETY REQUIREMENTS

A. **Performance Surety Requirements.** The performance surety shall:
   1. Be payable to the City of New Castle;
   2. Be at least 125% of the amount estimated to complete the public improvements; and
   3. Be in the form of immediately available cash funds, bond, or irrevocable evergreen letter of credit.

B. **Maintenance Surety Requirements**
   1. A post construction surety/bond is required for all subdivisions that include public infrastructure and other facilities that will be dedicated to the City of New Castle.
   2. After all public infrastructure is inspected and approved by the City, a maintenance surety must be provided and maintained by the applicant for a period of two years after construction is completed. The maintenance surety shall guarantee the storm water facilities, sidewalks (if required), and roads constructed under the permit against design defects and/or failures in workmanship and shall guarantee that the facilities constructed under the permit will be regularly and adequately maintained throughout the maintenance period.
   3. Prior to the expiration period, the City will evaluate the performance of the bonded facilities and, if not functioning as intended or designed, will require the applicant to fix to the satisfaction of the City. The City also has the authority to collect on the bond and repair or maintain the affected facilities.
   4. Until the City accepts the dedication of the public improvements and maintenance, the applicant shall be responsible for all maintenance of the public infrastructure.
   5. The amount of the maintenance surety/bond shall be 25% of the estimated construction cost of the storm water facilities and roads requiring maintenance, or $50,000.00, whichever is greater. The construction costs of the facilities requiring maintenance shall be estimated by the project engineer and shall be approved by the City.

D. **Form of Surety**. Performance and maintenance sureties shall be in the form approved by the City.

E. **Release of Surety**
   1. The City will not release any funds or sureties without being requested by the applicant. Release of surety shall occur not more than once a month.
   2. The Board of Works or their designee shall approve the release of all or a portion of the performance surety to the applicant after satisfactory completion of all or a part of the improvements and installations of the subdivision after inspection and approval of the Board of Works.
   3. The performance surety cannot be released in full without providing the required maintenance surety.
   4. Two years after the public infrastructure is approved by the City, the maintenance surety shall be released.

F. **Use of Surety Funds**
   1. Any funds (cash) received by the City shall be used only for making the required improvements and installations for which the surety was provided in the event the subdivider defaults on the agreement. This money may be used for these purposes without appropriation.
   2. The improvements and installations for any improvements or installations by the City shall conform to the standards of the UDO and the applicable standards and specifications.

7.11 DOCUMENT REQUIREMENTS: PLAT DRAWINGS

A. The primary plat and secondary plat shall be prepared in accordance with all application requirements, including all drawing requirements.
B. The primary plat and secondary plat shall be prepared by a Registered Land Surveyor licensed to practice in the State of Indiana.
C. The primary plat and secondary plat shall be tied to state plane coordinates for horizontal controls.
D. The secondary plat shall be on Mylar and sealed and signed by the professional preparing it.
E. All sheets shall be formatted as 18"x24" unless an alternative sheet size is acceptable to the Administrator and drawn to a convenient scale.
F. The applicant is responsible for all title searches, recorded easements, recorded commitments, and any other items that may affect development. The applicant shall include a copy of such documents to the PC and also disclose to all buyers.

7.12 DOCUMENT REQUIREMENTS: RECORDING PLATS

A. **Execute Plat.** The plat shall be signed by the Administrator, Plan Commission president, Board of Works (or their designee), and every person having a security interest in the property before being recorded.

B. **Fees.** Prior to recording the plat, the applicant shall pay all applicable development fees to all appropriate bodies if applicable.

C. **Record the Executed (Signed) Plat**
   1. The subdivider shall be responsible for recording the executed secondary plat with the Recorder's Office.
   2. Once recorded, the subdivider shall provide the Administrator with a copy of the recorded and stamped secondary plat in the format(s) required by the Administrator.
   3. A plat or replat of a subdivision must be recorded within two years of being fully executed or within two years of completion of infrastructure. Upon written request, the PC may extend the time limitation for two years. If the applicant fails to record within this time period, the plat shall be null and void.

D. **Recordation Prohibited.** Pursuant to IC 36-7-4-710, a plat of a subdivision for the purposes of development may not be filed with the County Auditor and the County Recorder may not record it unless it has been granted secondary approval and signed and certified by the required parties. The filing and recording of the plat are without legal effect unless approved by the Administrator.

7.13 DOCUMENT REQUIREMENTS: TRAFFIC IMPACT STATEMENT

A. **Applicability.** A traffic impact statement shall be required with all development plan applications and all major subdivision applications.

B. **Traffic Impact Statement.** A traffic impact statement shall include:
   4. A statement indicating the expected number of daily trips and peak hour trips; and
   5. Any existing traffic issues that exist at the proposed access point(s).

C. **Basis of Analysis**
   1. All calculations and software used in determining trip generation shall be based on accepted industry standards, such references and methods established by ITE (Institute of Transportation Engineers), TRB (Transportation Research Board), INDOT (Indiana Department of Transportation), and/or FHWA (Federal Highway Administration).
   2. The method for developing estimates of future traffic should be explained with supporting documentation as needed or requested by the PC.

7.14 PERMIT PROCEDURES: BUILDING PERMITS (BP)

A. **Authority.** The Administrator, or their designee, shall be responsible for the issuance of building permits in accordance with the IC 36-7-4-800 series.

B. **Applicability.** A building permit, shall be required for the erection, alteration, or modification of all structures within the jurisdiction including, but not necessarily limited to:
   1. Primary structures, as set forth in Chapter 4.8: Structure Standards.
   2. Accessory structures, as set forth in Chapter 4.8 I: General Accessory Structure Standards.
   3. Fences and walls, as set forth in Chapter 4.8 J: Fence and Wall Standards.
   4. Temporary structures and uses, as set forth in Chapter 4.8 D: Structures That Require Building Permits.

C. **General Standards**
   1. No building or other structure shall be erected, moved, added to, or structurally altered unless the Administrator has issued a building permit.
   2. No change in use of a building or structure shall be made without obtaining all required building permits.
   3. The proposed/intended use, structure, and site development shall comply with all requirements of this UDO.
   4. The applicant shall complete all requirements for constructing public infrastructure (see Chapter 7.9: Construction Procedures: Public Improvements and Chapter 7.10: Construction Procedures: Surety Requirements) and the secondary plat is recorded.
   5. If a parcel is served by a septic system, a septic permit shall issued by the Henry County Health Department, the Indiana Department of Environmental Management (IDEM), or the Health Officer (or other entity allowed by Indiana Code) has authorized an approved system.
   6. All commercial or industrial uses, structures, and buildings shall obtain all required state agency approvals and/or permits (including state design release) prior to issuance of a building permit.
   7. If a subdivision or any development disturbs more than one acre, detailed erosion control and sediment control plans, pursuant to 327 IAC 15-5 under the Construction Stormwater General Permit (formerly known as Rule 5) as administered by IDEM, shall be obtained and submitted to the MS4 Coordinator prior to issuance of a building permit.

D. **Building Permit Application.** The applicant shall submit a complete application for a building permit in accordance with the application packet and in accordance with the application requirements. The fee for building permits shall be paid in accordance with the adopted Fee Schedule. A public record of each building permit shall be retained by the Administrator in accordance with the retention rules established by the State Board of Accounts and all other state regulations.

E. **Inspection(s) Required.** All inspection(s) shall be completed for all building permits that are constructed in compliance with all provisions of the UDO and other applicable codes.

F. **Building Permit Expiration.** A building permit, including a building permit for a manufactured home, accessory structure, or electrical work, shall be valid for a period of one year from the date of issuance.

G. **Building Permit Amendment.** An amendment to an approved building permit may be submitted at any time for review and consideration by the Administrator. Additional fees may be assessed if applicable.

H. **Certificate of Occupancy**
1. It shall be unlawful to use, occupy, or permit the use, or occupancy of any building, or premises, or both, or part thereof, hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use of structure until a Certificate of Occupancy has been issued by the Administrator. The Certificate of Occupancy shall state that the proposed use of the building or land conforms to the requirements of this UDO and that the Administrator and/or their designee has inspected the property and attested to that fact.
2. A Certificate of Occupancy shall not be issued until any required driveway has been properly installed, meets all standards of this UDO, and is inspected by the Administrator.
3. No Certificate of Occupancy shall be issued until all work has been completed, including all require site improvements.

7.15 OTHER PROCEDURES: VACATION OF PLATS

A. **Authority.** Pursuant to IC 36-7-4-711, the PC has exclusive authority over the vacation of plats or parts of plats. Vacations may be pursued under either IC 36-7-4-711 or IC 36-7-3-10.

B. **Vacation When All Owners Agree**
   1. Applicability. As provided in IC 36-7-3-10, if all owners of land in the plat agree on a proposed vacation of all or part of the plat, before recording a written instrument (document) to vacate all or part of the plat, the owner(s) must submit the instrument to the PC for approval.
   2. Public Hearing Not Required. The PC may consider and rule on the proposed instrument at a public meeting.
      a. The PC shall attach its written decision to the instrument before it is recorded by the applicant.
      b. As provided in IC 36-7-3-10, an instrument recorded under this section terminates the effect of the plat or part of the plat declared to be vacated. It also terminates all public rights in the public ways and public places described in the plat or part of the plat. However, a public way that has been improved, or that is part of an improved plat, may be vacated only under IC 36-7-3-12. As provided in IC 36-7-3-16, platted easements may be vacated in this same manner as public ways and places.
      c. If the PC denies a vacation request under this section, a subsequent vacation proceeding affecting the same property and asking for the same relief may not be initiated for two years from the date of the PC's denial, as provided in IC 36-7-3-15.

C. **Vacation When All Owners are Not in Agreement**
   1. Applicability. As provided in IC 36-7-4-711, if all owners of land in a plat are not in agreement on a proposed vacation, one or more of the owners may file with the PC a petition to vacate all of the plat or that part of the plat that pertains to land owned by the applicant(s).
   2. Public Hearing. The applicant shall provide public notice in accordance with the rules and procedures to all owners within the plat. At the PC hearing, all other owners of land in the plat shall be allowed to comment on the petition.
      a. Approval. The PC may approve the petition only if it finds that the conditions below are met. The PC may impose reasonable conditions as part of any approval. The PC shall furnish a copy of its approval and the applicant shall record it.
         1) Conditions in the platted area have changed to defeat the original purpose of the plat;
         2) It is in the public interest to vacate all or part of the plat; and
         3) The value of that part of the land in the plat not owned by the applicant(s) will not be diminished by the vacation.
      b. Denial. If the PC finds that the applicant does not meet the requirements above, it shall deny the petition. If the PC denies a vacation request under this section, it shall not consider another vacation request which requests substantially similar relief concerning the same property for at least one year after the denial, as authorized by IC 36-7-4-715.

7.16 OTHER PROCEDURES: WRITTEN COMMITMENTS

A. **Form.** A commitment must be substantiated by the form set forth in the PC Rules and Procedures and must identify any specially affected persons or class of specially affected persons who may enforce the commitment. A commitment must be approved by the Administrator prior to recording it with the County Recorder's Office.

B. **Recording** A commitment shall be recorded in the County Recorder's Office and takes effect upon the adoption of the proposal by the applicable body to which it relates. Following the recording of a commitment, the applicant shall return a copy of the original recorded commitment to the Administrator for the public file.

C. **Persons Bound.** Unless it is modified or terminated by the PC, BZA, or applicable body in accordance with this section, a recorded commitment is binding on the owner(s) of the parcel, a subsequent owner(s) of the parcel, and any other person who acquires interest in the parcel. An unrecorded commitment is binding on the owner(s) of the parcel who makes the commitment. An unrecorded commitment is binding on a subsequent owner(s) of the parcel or a person acquiring an interest in the parcel only if the subsequent owner(s) or the person acquiring the interest has actual notice of the commitment.

D. **Modification or Termination by PC or BZA.** Except for a commitment modified or automatically terminated in accordance with this section, a commitment may be modified or terminated only by a decision of the PC, BZA, or applicable body as appropriate and made at a public hearing after notice of the hearing has been given under the PC Rules and Procedures.

7.17 VIOLATIONS, COMPLAINTS, AND REMEDIES

A. **Complaints**
   1. Whenever a violation of this UDO occurs, or is alleged to have occurred, any person may file a written complaint on the form approved by the PC as part of the adopted PC Rules and Procedures.
   2. The complaint shall state fully the causes and basis thereof and shall be filed with the Administrator. The Administrator, or their designee, shall investigate the complaint, take immediate action, and may refer the matter to the PC, BZA, or their attorney for review.
   3. The Administrator, or their designee, shall have authority to enter upon property at any time to investigate a written complaint.

B. **Violations.** No building permit, PC approval, and/or BZA approval shall be issued for a parcel if there is an outstanding violation that has been issued on the same parcel (unless the approval remedies the violation).
   1. Building Permit Violations
      a. Any persons or corporation who shall initiate construction prior to obtaining a building permit, Certificate of Occupancy, or any other permit or authorization required herein, shall pay the fine as set forth in the Fee Schedule.
      b. The owner or tenant of any building, structure, or premises and any other person who participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties prescribed by this section.
      c. No building permit or Certificate of Occupancy shall be issued for any building, structure, or improvement unless the location of the building, structure, or improvement conforms to this UDO.
   2. UDO Violations
      a. No owner or agent of the owner of any parcel of the land located in a proposed subdivision shall transfer, sell, or convey any part of the parcel before a secondary plat of the subdivision has been approved by the PC in accordance with the provisions of these regulations and filed with the Recorder's Office.
      b. It shall be the duty of the Administrator to periodically research the applicable City and County records and perform the other necessary investigations to detect any violations of the subdivision regulations.
      c. No public board, agency, commission, official or other authority shall proceed with the construction of or authorize the construction of any of the public improvements required by these regulations until the proposed subdivision has been approved by the PC in accordance with these regulations and filed with the County Recorder except as outlined in this UDO.
      d. The Administrator shall enforce these regulations and bring to the attention of the PC Attorney any violations or lack of compliance herewith. The PC Attorney shall take steps necessary under the Indiana Code to civilly enjoin any violation of these regulations.

C. **Penalties and Fines.** Any person who violates or fails to comply with any provisions of this UDO shall be guilty of an ordinance violation and shall be fined, per violation, up to the maximum amount permitted by state law. Each day a civil violation remains uncorrected shall be a distinct and separate violation subject to an additional fine. If the jurisdiction is required to institute legal action to enforce this UDO, or to collect a fine thereunder, the violator shall also be responsible for the jurisdiction's reasonable attorney fees and all costs related to the enforcement or collection.

D. **Remedies**

1. The seeking of a civil penalty under this chapter does not preclude the PC from seeking alternative and additional relief from a court of competent jurisdiction in the same action or from seeking any other relief provided by law in a separate action for the enforcement of this UDO.
2. The PC, the BZA, the Administrator, or any designated enforcement official, or any person or persons, firm, or corporation, jointly or severally, may institute a suit for injunction in the Circuit or Superior Courts of Henry County to restrain an individual, corporation, or government unit from violating the provisions of this ordinance. The PC or BZA may also institute the suit for mandatory injunction directing an individual or corporation or a governmental unit to remove a structure erected in violation of the provisions of this ordinance or the requirements thereof, or to enforce any other provision of this ordinance, and said violation being declared to be a common nuisance and as such may be abated in such a manner as nuisances are now or may hereinafter be abated under existing law.

E. **Stay of Work Pending Appeal, Restraining Order, and Enforcement Stay**

1. When an appeal from the decision of the Administrator has been filed with the BZA, all proceedings and work on the premises affected shall be stayed unless the Administrator certifies to the BZA, that, by reason of the facts stated in the certificate, a stay would cause imminent peril to life or property. In that case, proceedings or work may not be stayed except by restraining order.
2. After notice to the Administrator or BZA and to the owner of the premises affected and after due cause is shown, the Circuit or Superior Court in which the premises affected are located may grant the restraining order.
3. After the owner, or a person in charge of the work on the premises affected, has received notice that an appeal has been filed, the board charged with the enforcement of the ordinance may order the work stayed and may call on the police power of the municipality to give effect to that order.
4. Notwithstanding anything contained in this UDO to the contrary or appearing to be to contrary, and in addition and supplementary to other provisions of this UDO, if the BZA or the jurisdiction is required to utilize the services of the respective Attorney or any other attorney in investigating a possible violation of this UDO or enforcing the provisions of this UDO before any board or a court (including appeals), and such investigation results in a determination that a violation has occurred or if the BZA or jurisdiction is successful in its enforcement of the UDO by way of suit, appeal, or other appropriate proceeding, the respondent, defendant, or party investigated for a violation shall pay the jurisdiction's reasonable attorney fees and all costs related to the investigation of the violation and/or the enforcement of this UDO, unless such attorney fees or costs are specifically waived by the legislative body.

F. **Appeal of PC Decision**

1. Decisions of the PC under this UDO shall be subject to judicial review as provided in IC 36-7-4- 715, IC 36-7-4-1016, and IC 36-7-4-1600 et seq.
2. Pursuant to those statutes, a person with standing may seek judicial review of certain PC decisions by filing a petition for judicial review in the applicable county courts within 30 days after the date of the decision at issue, but only after the person with standing has exhausted any and all available administrative remedies with the PC.
3. Nothing in this section expands the rights to review provided by Indiana law.

7.18 FEE SCHEDULE

A. **Applicability.** Applications and petitions filed pursuant to the provisions of this UDO shall be accompanied by the applicable fee(s) specified in the adopted Fee Schedule. Fees shall be collected by the Administrator and shall be made payable to the City of New Castle.

B. **Collection of Fees**
   1. Building Permit (BP) Fees. Fees will be calculated during the review process and shall be collected when the BP is issued. Fees associated with re-inspections and additional inspections shall be collected prior to a final inspection or issuance of a Certificate of Occupancy as applicable. BP fees are non-refundable.
   2. PC and BZA Application Fees. Fees shall be collected at the time the application is filed. Application fees are non-refundable.
   3. Erroneously Paid Fees. Fees paid in error may be refunded at the discretion of the Administrator.

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CHAPTER 8: NON-CONFORMING LOTS, STRUCTURES, AND USES

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8.1 GENERAL PROVISIONS

A. **Legally Non-Conforming**
   1. There are legally non-conforming lots; legally non-conforming structures; legally non-conforming uses of land; and/or legally non-conforming zoning districts (or a combination thereof) that were lawful before this UDO was passed or amended, but which would be prohibited, regulated, or restricted by the terms, districts, and/or standards this UDO as of the effective date or amendment(s).
   2. It is the intent of this UDO to permit these legal non-conformities to continue until they are removed but not to encourage their survival.
   3. It is further the intent of this UDO that non-conformities shall not be enlarged upon, expanded, extended, or intensified, nor be used as grounds for adding other structures or uses which are prohibited elsewhere in the same district unless specifically permitted by this UDO and/or state statute.

B. **Illegal Non-Conforming.** Uses, structures, and/or lots (or a combination thereof) that existed at the effective date of this UDO that were not legally established, legally permitted, or otherwise legally enacted shall not be validated by virtue of its enactment. All illegal uses, structures, and/or lots shall still be illegal under this UDO and are NOT considered non-conforming.

C. **Burden of Proof.** The burden of establishing the legality of a non-conformity under the provisions of this UDO is upon the property owner of the non-conformity and not upon the jurisdiction.

D. **Incompatible Use.** Non-conforming uses are declared by this UDO to be incompatible with permitted uses in the districts in which such uses are located. Unless specifically permitted within this chapter, a non-conforming use of a structure and/or a non-conforming use of land shall not be extended, enlarged, and/or occupied any additional or other area after the effective date of this UDO.

E. **Special Exception Uses.** If a use was legally established prior to the effective date of this UDO and is permitted in the zoning district of the parcel as a special exception, the use shall be considered an approved special exception and regulated as such. If the use is discontinued or abandoned for any reason for more than six months, it shall then require special exception approval by the BZA.

F. **Current Construction.** To avoid undue hardship, nothing in this UDO shall be deemed to require a change in the plans, construction, or designated use of any building or development for which a valid BP has been issued prior to the effective date of adoption or amendment of this UDO and upon which actual construction or demolition has been carried on diligently.

8.2 NON-CONFORMING LOTS OF RECORD

A. Where a lawful lot(s) of record exists at the effective date of adoption or amendment of this UDO that would not be permitted to be created by the regulations of this UDO, the lot may be developed if all of the following are met:
   1. The lot is otherwise lawful.
   2. The lot must be in separate record (separate parcel).
   3. The lot has road frontage that is not shared with any existing lot(s) unless an easement exists for this purpose.
   4. All uses, structures, and the lot conform with the applicable development standards and other requirements for the zoning district except for lot area and/or lot width.
   5. All other provisions of this UDO are met or a variance from the BZA has been approved.

8.3 NON-CONFORMING STRUCTURES

A. **Non-Conforming Structures.** Where a lawful structure(s) exists at the effective date of adoption or amendment of this UDO that could not now be built under the terms of this UDO because of restrictions on living/structure area, lot coverage, height, location on the lot, or other UDO requirements concerning the structure, such structure(s) may be continued so long as it remains otherwise lawful, provided that all of the following are met:
   1. It is not be enlarged, altered, or added onto in a way that increases its non-conformity unless a variance is obtained from the BZA. However, any non-conforming structure, or portion thereof, may be altered to decrease its non-conformity.
   2. It is not abandoned or unoccupied for any reason for more than one year.

B. **Non-Conforming Residential Structures.** As required by IC 36-7-4-1019, whenever a legal non-conforming structure on a parcel of real property used for residential purposes is damaged or destroyed by any means, the owner of the parcel shall be permitted to reconstruct, repair, or renovate the non-conforming structure if the reconstruction, repair, or renovation meets all of the following requirements:
   1. The structure will continue to be used for residential purposes.
   2. 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 but may be relocated on the same parcel as long as the non-conformity is not increased.
   3. The structure is not located within a flood plain (as defined in IC 14-8-2-99) or subject to the jurisdiction of a Historic Preservation Commission (per IC-36-7-11).

C. **Non-Conforming Non-Residential Structures.** If a non-conforming non-residential structure or portion of a non-conforming non-residential structure is destroyed or damaged by any means where the damage is more than 50% of its value (as determined by assessed value or appraisal provided by the property owner, whichever is greater), it shall not be repaired or rebuilt unless:
   1. The structure(s) complies with all standards of UDO;
   2. A variance is approved by the BZA; or
   3. All of the following conditions are met:
      a. A valid building permit for the reconstruction must be obtained within 12 months of when the damage occurred or at the discretion of the Administrator if additional time is needed for valid reason.
      b. The structure does not exceed the square footage of the previous structure.
      c. The structure is not located within a flood plain (as defined in IC 14-8-2-99) or subject to the jurisdiction of a Historic Preservation Commission (per IC-36-7-11).
      d. The structure is not moved from the location of the previous structure unless it decreases the non-conformity.

D. **Non-Conforming Signs.** Any sign lawfully existing on the effective date of this UDO or amendment(s) that does not conform to all the standards and regulations of this UDO may be continued so long as it remains otherwise lawful, provided that all of the following requirements are met:
   1. No major change is made to the sign that includes any of the following:
      a. Modification to the size, shape, or height of the sign;
      b. Addition of lighting or electronic components;
      c. Addition of moving parts or mechanisms;
      d. Structural alterations; and/or
      e. Relocation of the sign.
   2. All legally non-conforming signs shall be kept in good repair, safe, neat, clean, and attractive condition. In the event non-conforming signs are not kept in said condition or are demolished by any means to the extent of 50% or more of the sign area is damaged or destroyed, said sign(s) shall only be replaced in conformance with this UDO.

8.4 NON-CONFORMING USES OF LAND

A. **Non-Agricultural Uses**
   1. Where a lawful use(s) exists at the effective date or amendment of this UDO that is not be permitted under the terms of this UDO, such use(s) may be continued so long as it remains otherwise lawful, provided that all of the following requirements are met:
      a. The non-conforming use is not be enlarged, increased, intensified, moved (in whole or part), extended, and/or expanded to occupy a greater area within a structure or greater area of land than was occupied at the effective date or amendment of this UDO, except as allowed by this chapter or as approved through a use variance by the BZA.
         1) A non-conforming use may be relocated throughout any part of an existing structure if the structure was arranged or designed for such use at the effective date or amendment of this UDO. However, the area the use occupies shall not occupy a greater area within the structure.
   2. A non-conforming use is not changed to another non-conforming use or a use that is not permitted by right, unless a use variance is obtained from the BZA.
   3. If a legally non-conforming use is discontinued or abandoned for any reason for more than six consecutive months, any subsequent use shall conform to all regulations of this UDO. The previous non-conforming use cannot be re-established after it is discontinued or abandoned for more than six months unless a variance of use is granted by the BZA.
   4. No additional structures shall be erected in connection with a non-conforming use of land that do not conform to all requirements of this UDO.

B. **Agricultural Uses.** Consistent with IC 36-7-4-616, an agricultural use of land that constitutes an agricultural legally non-conforming use may be changed to another agricultural use of land without losing agricultural non-conforming use status. In addition, an agricultural non-conforming use shall not be restricted or required to obtain a variance or special exception as long as the use has been maintained for three years in a five-year period.

C. **Structures and Uses in Combination.** If a non-conforming use is located within or occupies a non-conforming structure and the non-conforming structure is removed, demolished, or otherwise is no longer considered legally non-conforming, both the non-conforming use and structure shall comply with all regulations of this UDO.

8.5 NON-CONFORMING ZONING DISTRICTS

A. At effective date or amendment of this UDO, if a zoning district(s) is no longer listed in the text of the UDO, property zoned under this district(s) will continue to be zoned as such until the property is rezoned to a conforming zoning district. The development standards and permitted uses previously associated with the non-conforming zoning district shall still apply until rezoning to a conforming zoning district occurs.

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CHAPTER 9: DEFINITIONS

9.1 GENERAL PROVISIONS 190
9.2 DEFINITIONS 190

9.1 GENERAL PROVISIONS

A. The terms "shall" and "must" are always mandatory. The word "may" is allowed and/or recommended but not required.

B. Words used in the present tense include the future tense.

C. Any words not defined in this UDO shall be defined using the most recent version of the Merriam-Webster Dictionary. If a word or phrase is not defined within this dictionary, the Administrator shall provide a definition.

9.2 DEFINITIONS

ABANDONED. Abandonment or cessation of the use of the property or structure for a period of six consecutive months, by the owner or lessee without any intention of transferring rights to the property to another owner or of resuming the use of the property.

ACCESS. A way or means of approach to provide vehicular or pedestrian physical entrance to a property.

ACCESSORY DWELLING. See DWELLING, ACCESSORY.

ACCESSORY STRUCTURE. See STRUCTURE, ACCESSORY.

ACCESSORY USE. See USE, ACCESSORY.

ADDITION. A structure added to the original structure at some time after the completion of the original, or an extension or increase in floor area or height of a building or structure.

ADMINISTRATOR. The person(s) appointed or designated by the Plan Commission to provide staff support to the PC and the BZA and to enforce the UDO under the supervision of the PC.

ADULT BUSINESS. See SEXUALLY ORIENTED BUSINESS.

ALLEY. A right-of-way other than a street or crosswalk designed to provide a secondary means of access to abutting property and not intended for general traffic circulation.

ALTERATION. Any change or rearrangement in the supporting members of an existing structure, such as bearing walls, columns, beams, girders, or interior partitions, as well as any change in doors, windows, means of ingress or egress, or any enlargement to or diminution of a structure, whether horizontally or vertically, or the moving of a structure from one location to another.

ALTERATION, INCIDENTAL. Modifications to an existing structure that are of a cosmetic nature, replacement of utilities, or rearrangement of non-load-bearing partitions.

ALTERATION, STRUCTURAL. Any change in either the supporting members of a structure, such as bearing walls, columns, beams, and girders, or in the dimensions or configurations of the roof or exterior walls.

ANTENNA. A device or equipment used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based structures.

APPEAL. In accordance with IC 36-7-4-918.1, the appeal of an order, requirement, decision, or determination made by the Administrator in the enforcement of this UDO that, upon application, the BZA may reverse or affirm, wholly, or partially.

APPLICANT. A person submitting an application to the PC or BZA for action or permits that would affect the subject real estate.

ASSEMBLY HALL. See STADIUM.

AUDITOR. The Auditor for Henry County, Indiana.

AUTOMOBILE. A self-propelled, free-moving vehicle with four wheels, designed for carrying 10 passengers or less and licensed by the appropriate state agency as a passenger vehicle.

AUTOMOTIVE, BOAT, EQUIPMENT, OR VEHICLE REPAIR. Business that provides service or repair to automobiles, motorcycles, recreational vehicles (RV), trailers, boats, heavy equipment (such as bulldozers, backhoes, and similar), and similar vehicles. Uses include, but are not limited to, tire sales and service, automobile washes, and oil change establishments.

AUTOMOTIVE, BOAT, EQUIPMENT, OR VEHICLE SALES. Business that sells or leases new and used vehicles including, but not limited to, automobiles, motorcycles, recreational vehicles (RV), trailers, boats, heavy equipment (such as bulldozers, backhoes, and similar), and similar vehicles.

BAR. See TAVERN.

BED AND BREAKFAST. With regard to IC 16-41-31-1, a single-family dwelling operator-occupied residence that meets the following conditions, and does not include hotels, motels, boarding houses, or food service establishments:

- Provides sleeping accommodations to the public for a fee;
- Has not more than 14 guest rooms;
- Provides breakfast to the guests as part of the fee;
- Provides sleep accommodations for not more than 30 consecutive days to a particular guest.

BERM. An earthen mound designed to provide screening and buffering from undesirable views and adjacent incompatible uses.

BLOCK. A unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways, or any other barrier to the continuity of development.

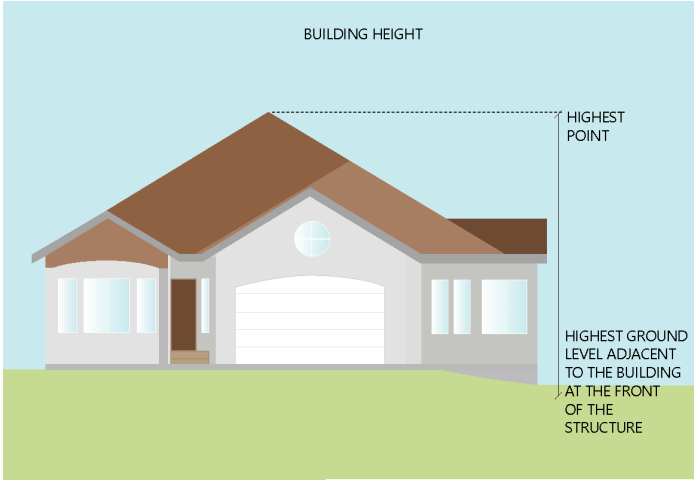
BOARD OF ZONING APPEALS (BZA). The Board of Zoning Appeals for the jurisdiction. An officially constituted body whose principal duties are to hear appeals and, where appropriate, grant variances from the strict application of the UDO.

BOARD OF WORKS. The New Castle Board of Public Works and Safety.

BREWERY/WINERY/DISTILLERY. See WINERY/BREWERY/DISTILLERY.

BUFFERYARD. A unit of yard together with the planting thereon required to separate land uses from each other and mitigate the impact that a use may have on an adjacent use.

BUILDING HEIGHT. The vertical distance measured from highest ground level adjacent to the building at the front of the structure to the highest point of the structure. Building height does not include cellular towers, antennas, chimneys, steeples, or agricultural/industrial appurtenances.



Example of Building Height

BUILDING INSPECTOR. The Administrator or their designee who is empowered to review, approve, and inspect Building Permits concerning the enforcement of the applicable building codes and the regulations established by this UDO.

BUILDING LINE. See SETBACK LINE.

BUILDING. See STRUCTURE.

BUILDING PERMIT. A permit issued by the Administrator or their designee authorizing the erection, construction, reconstruction, alteration, repair, conversion, or maintenance of any building, structure, or portion thereof.

BUSINESS. The engaging in the purchase, sale, barter, or exchange of goods, wares, merchandise or services, the maintenance or operation of offices, or recreational and amusement enterprises for profit.

CAMPGROUND AND RECREATIONAL VEHICLE (RV) PARK. A publicly or privately-owned parcel on which two or more campsites are located, established, or maintained for occupancy by camping units as temporary living quarters for recreation, education, or vacation purposes, whether granted gratuitously or by a rental fee. A campground provides overnight occupancy by the owner or their guests in temporary, non-permanent lodging structures, such as tents, recreational vehicles, camping trailers, or similar means. This definition is not intended to include manufactured home parks. Any site with more than one recreational vehicle that is occupied is considered a campground.

CAMPSITE. A piece of land, the location, shape, and size of which have been established in an approved recreational vehicle park and campground plan, to be rented for occupancy by a tent or recreational vehicle.

CARGO CONTAINER. A container intended for multi-modal transportation via sea-going vessel, train, and truck trailer. These containers are self-contained without axles or wheels.

CEMETERY. A parcel used for the burial of the dead (human or animal) and dedicated for cemetery purposes, including columbaria and mausoleums. It may include mortuaries if operated in conjunction with and within the boundary of the cemetery.

CERTIFICATE OF APPROPRIATENESS. An approval granted by the New Castle Historic Preservation Commission approving changes to a property or building within a historic district.

CHANGE IN USE. A change from one land use classification to another land use classification. A change in ownership does not constitute a change in use.

CHURCH. See PLACE OF WORSHIP.

CLUB. A structure or portion thereof or premises owned or operated by a person or group for a social, literary, political, educational, or recreational purpose primarily for the exclusive use of members and their guests, excluding adult or sexually oriented activities. This does not include any use or activity rendering a service usually and ordinarily carried out as a business, including restaurants, food service, fitness center, or retail membership clubs.

COLLOCATION. The placement or installation of wireless facilities on existing structures that include a wireless facility or wireless support structure, including water towers, and other structures. The term includes the placement, replacement, or modification of wireless facilities within an approved equipment compound.

COMMERCIAL MESSAGE. Any wording, logo, or other visual representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

COMMITMENT. A covenant concerning the use or development of a parcel of real property which is made in writing and recorded by the owner of that parcel, either voluntarily or in accordance with an order or request of the PC, BZA, or the legislative body.

COMMON AREA. Land within or related to a development, not individually owned, or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development and their guests and that may include such complementary structures and improvements as are necessary and appropriate. For the purposes of this UDO, common area within a platted subdivision is not considered a park.

COMPREHENSIVE CARE FACILITY. See NURSING HOME.

COMPREHENSIVE PLAN. The Comprehensive Plan for the jurisdiction as approved by the legislative body under IC 36-7-4-500 series and as amended from time to time.

CONCENTRATED ANIMAL FEEDING OPERATION (CAFO). As defined under IC 11-2-38.3, "a large CFO that requires a National Pollutant Discharge Elimination System (NPDES) for discharges or potential discharges of water contamination exceeds the animal threshold numbers below:

- 700 mature dairy cows
- 1,000 veal calves;
- 1,000 cattle other than mature dairy cows
- 2,500 swine each weighing 55 pounds or more;
- 10,000 swine each weighing less than 55 pounds;
- 500 horses;
- 10,000 sheep or lambs;
- 55,000 turkeys;
- 30,000 laying hens or broilers with a liquid manure handling system;
- 125,000 broilers with a solid manure handling system;
- 82,000 laying hens with a solid manure handling system;
- 30,000 ducks with a solid manure handling system;
- 5,000 ducks with a liquid manure handling system."

CONDOMINIUM. A structure, or group of structures, in which dwelling units, offices, or floor area are owned individually and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis and subject to IC 32-1-6.

CONFINED FEEDING. As defined under IC 13-11-2-39, "the confined feeding of animals for food, fur, or pleasure purposes in lots, pens, ponds, sheds, or buildings where:

- Animals are confined, fed, and maintained for at least 45 days during any 12 month period; and
- Ground cover or vegetation is not sustained over at least 50% of the animal confinement area.

The term does not include the following:

- A livestock market where animals are assembled from at least two sources to be publicly auctioned or privately sold on a commission basis; and that is under state or federal supervision.
- A livestock sale barn or auction market where animals are kept for not more than 10 days."

CONFINED FEEDING OPERATION (CFO). As defined under IC 13-11-2-40, "Any confined feeding of:

- At least 300 cattle;
- At least 600 swine or sheep;
- At least 30,000 fowl; or
- At least 500 horses.
- Any animal feeding operation electing to be subject to IC 13-18-10; or
- Any animal feeding operation that is causing a violation of:
- Water pollution control laws;
- Any rules of the water pollution control board, or
- IC 13-18-10."

CONTRACTOR CONSTRUCTION OFFICE. A structure(s), area(s), or parcel(s) used for conducting business and/or storing materials and/or equipment for contractors in the construction trades.

COUNTRY CLUB. See GOLF COURSE.

COUNTY. Henry County, Indiana.

COVENANT. A restriction on the use of a parcel, usually set forth in the deed. Covenants are binding on subsequent owners and may run for specific periods of time.

CREMATORY (CREMATORIUM). A place where the bodies of the deceased are cremated. This use may also include auxiliary uses, such as funeral homes, mortuaries, or cemeteries.

CROP PRODUCTION. The production, storage, keeping, and/or harvesting of plants and crops, including but not limited to forages and sod crops; grains and seed crops; trees and forest crops; fruits; vegetables; nursery or greenhouse plant products (without general retail sales); and lands devoted to a soil conservation or forestry management program; or similar row, field, tree, or nursery crop production without general retail sales.

CUL-DE-SAC. A street that terminates with a vehicular turnaround.

CULTURAL FACILITY. A public or nonprofit institution which engages in the cultural, intellectual, scientific, environmental, educational or artistic enrichment, including historical societies, libraries, museums, and performing arts associations.

DAY CARE FACILITY. A non-residential structure where at least one person (children or adults) receives care from a provider while unattended by a parent, legal guardian, or custodian; for regular compensation; and for more than four hours but less than 24 hours in each of 10 consecutive calendar days per year, excluding intervening Saturdays, Sundays, and holidays This includes both licensed and unlicensed centers as well as child care ministries but excludes in-home childcare.

DAY, BUSINESS. As defined in IC 1-1-9-1, a day other than a Saturday, Sunday, or a legal holiday.

DAY, CALENDAR. Any day of the week, including weekends.

DAY CARE, PET. See KENNEL, COMMERCIAL.

DEED. A legal document conveying ownership of real property.

DEVELOPER. Any person engaged in developing a lot, group of lots, structures, or group of structures thereon for use or occupancy.

DEVELOPMENT PLAN. Approval granted by the PC in accordance with IC 36-7-4-1400 series for a specific plan for the development of a parcel that:

- Requires approval by the PC (or delegated to the Administrator);
- Includes a site plan;
- Satisfies the development requirements specified in the UDO regulating the development; and
- Contains the plan documentation and supporting information required by the UDO regulating development.

DISTILLERY. See WINERY/BREWERY/DISTILLERY.

DISTRICT, ZONING. See ZONING DISTRICT.

DRAINAGE ORDINANCE. Refers to the current New Castle Construction, Site Soil Erosion, Sediment, and Stormwater Runoff Ordinance.

DRAINAGE PLAN. The proposed drainage system designed to manage the amount and rate of the stormwater runoff from a site as well as the quality of the runoff discharged from the site.

DRIVEWAY. A private access drive to a street or highway for a single residential parcel.

> **DRIVEWAY, PRIVATE.** A single, shared driveway serving no more than three residential parcels that is privately owned and maintained. Access to four or more residential parcels shall be provided with a publicly dedicated road.

DUMP. A parcel or portion of a parcel where garbage, sewage, trash, refuse, junk, discarded machinery, vehicles, and other waste, scrap, or discarded material of any kind are disposed of by dumping, burial, burning, or other means.

DUMPSTER. An exterior waste container designed to be mechanically lifted by and emptied into or carted away by a collection vehicle.

DUPLEX. See DWELLING, TWO-FAMILY.

DWELLING. A structure, or part of a building, which is used exclusively for human habitation, but not including a hotel, motel, lodging house, boarding house, or bed and breakfast as defined in this UDO.

> **DWELLING, ACCESSORY UNIT (ADU).** A detached dwelling unit that is smaller than the existing single-family structure and provides a separate means of access and complete independent living facilities for one or more persons. An accessory dwelling unit provides permanent provisions for living, sleeping, eating, cooking, and sanitation on the same lot as the primary single-family dwelling unit.
>
> **DWELLING, BARNDOMINIUM.** A metal pole barn, post frame or barnlike structure that has been partially or fully converted or constructed for residential use, dwelling purposes, or living area.
>
> **DWELLING, MULTI-FAMILY.** A structure(s) that is located on a single parcel containing three or more dwelling units, including units that are located on one or more stories.

DWELLING, SINGLE-FAMILY DETACHED. A dwelling on a single parcel containing one dwelling unit and that is not attached to any other dwelling by any means and is surrounded by open space or yards. This definition does not include attached single-family dwellings.

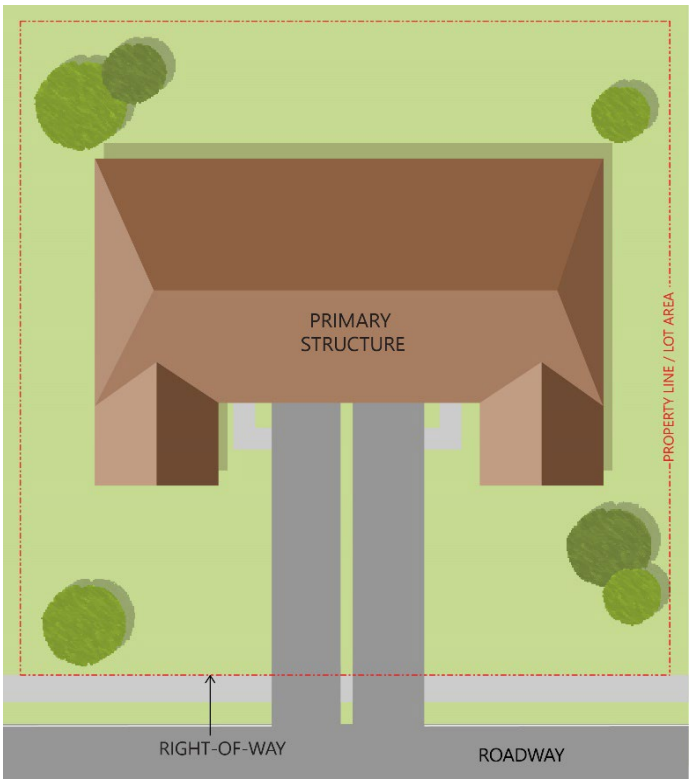
DWELLING, SINGLE-FAMILY ATTACHED. One dwelling on a single parcel with ground-floor outside access, attached to one or more single-family dwellings by common vertical walls without openings between dwellings (the dwelling is built to the lot line where it is attached or touching an adjacent single-family dwelling through a common or exterior wall). Examples include, but are not limited to, townhomes and patio homes.

DWELLING, TWO-FAMILY. A dwelling on a single parcel containing two dwelling units, each of which is totally separated from the other by an unpierced wall extended from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

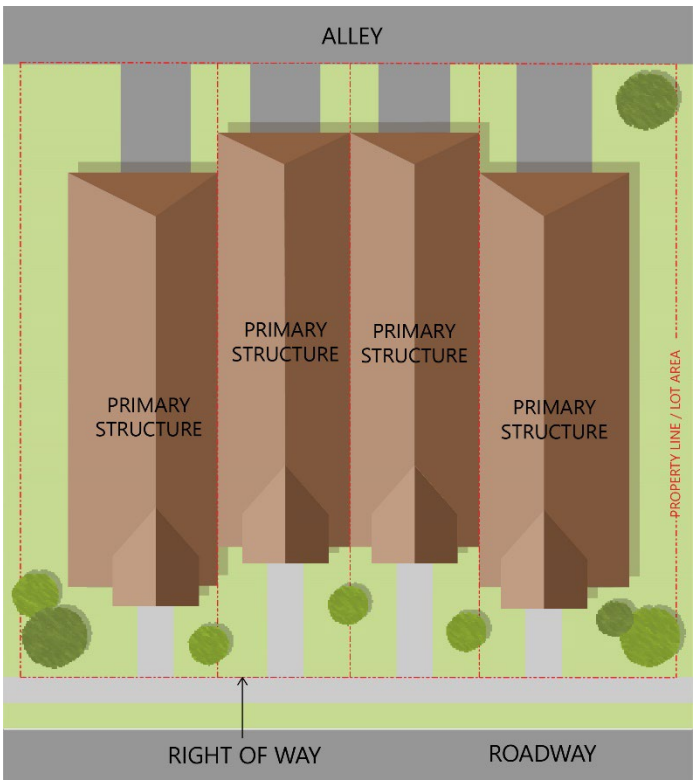
DWELLING UNIT. A room or group of rooms designed and equipped exclusively for use as living quarters for only one housekeeping unit and its household employees, including provisions for living, eating, sleeping, sanitation, and cooking. The term shall include manufactured homes but shall not include RVs.

EASEMENT. A grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation, or another person or entity.

EASEMENT, PERPETUAL UNOBSTRUCTED. See PERPETUAL UNOBSTRUCTED EASEMENT.



Example of Two-Family Dwellings



Example of Single-Family Attached Dwellings

EASEMENT, UTILITY. The right-of-way acquired by a utility or governmental agency to locate utilities, including all types of pipelines, telephone and electric cables, and towers.

EMERGENCY RESPONSE FACILITY. A government facility operated by public agencies including fire stations, other fire prevention and firefighting facilities, police headquarters and substations, and related administrative facilities.

ENCLOSED. A structure or area that is enclosed or by a wall or walls on all sides.

ESTABLISHMENT OF A BUSINESS. Any of the following:

- The opening or commencement of any use as a new business;
- The conversion of an existing business to any other business;
- The addition of any business other than the existing business; or
- The relocation of any business.

EVENT VENUE. A facility or location where special events are permitted to occur, generally with a use agreement between a private group or individual and the facility owner. For purposes of this definition, an event venue may include a celebration, ceremony, wedding, reception, corporate function, or similar activity for the benefit of someone other than the property owner that takes place on a periodic basis, involving the gathering of individuals assembled for the common purpose of attending a special event. This definition does not include family events or gatherings that are held on their own property. For purposes of this UDO, this use shall be considered service-oriented retail.

EVERGREEN. With regard to performance or other surety, a loan that is continually renewed rather than repaid until released by the legislative body.

EXECUTIVE DIRECTOR. See ADMINISTRATOR.

FARM. A parcel where the primary use is for crop production, livestock, or aquaculture.

FARMER'S MARKET. The seasonal selling or offering for sale at retail of vegetables or produce, animal products, flowers, orchard products, and similar non-animal agricultural products, occurring in a predesignated area, where the vendors are individuals who have raised the vegetables or produce or have taken the same on consignment for retail sale.

FENCE. An artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas.

FENCE, OPAQUE. A fence constructed of a substantial material, such as wood or vinyl, which prevents viewing from one side to the other. For purposes of this UDO, a chain link fence with slat inserts or a shadowbox fence is not considered a solid fence.

FLAG LOT. See LOT, FLAG.

FLOOD, BASE. The flood having a 1% chance of being equaled or exceeded in any given year (often called the 1% annual chance flood, 100-year flood, or Regulatory Flood).

FLOOD FRINGE. The part of the floodplain outside of the floodway.

FLOOD HAZARD AREA. Those lands within the jurisdiction of the town that are subject to inundation by the regulatory flood. This is also referred to as the Special Flood Hazard Area.

FLOODPLAIN. The channel proper and the areas adjoining any wetland, lake or watercourse that have been or hereafter may be covered by the regulatory flood. The floodplain includes both the floodway and flood fringe. The floodplain is further defined into flood zones by Indiana Department of Natural Resources (INDR).

FLOODPLAIN ORDINANCE. See CHAPTER 153: FLOOD DAMAGE PREVENTION ORDINANCE.

FLOODWAY. The channel of a river or stream and those portions of the floodplains adjoining the channel that are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream.

FLOOR AREA. Area of all floors of all buildings or structures.

FOUNDATION. The supporting member of a wall or structure below or at ground level and includes footings.

FRONTAGE. That side of a parcel that abuts and has direct access to a publicly dedicated street.

FRONTAGE STREET. A street that is parallel to and adjacent to a thoroughfare and that is designed to provide access to abutting properties so that these properties are somewhat sheltered from the effects of the through traffic on the thoroughfare so that it is not impeded by direct driveway access from a large number of abutting properties.

FUNERAL HOME. A building used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial or cremation.

GARAGE SALE. The sale or offering for sale to the general public of items of personal property by the owner or tenant of an improved residential lot or in a residential district, whether within or outside any building. See Chapter 116: Garage Sales in the New Castle, IN Code of Ordinances.

GARAGE, PARKING. Any garage, other than private garage for personal use, for the parking of vehicles.

GARAGE, PRIVATE. An accessory structure that is incidental to a primary structure and that is used for the parking and storage of vehicles owned and operated by the residents or occupants thereof and that is not a separate commercial enterprise available to the general public. For purposes of this UDO, private garages shall not count towards the minimum living area of a dwelling.

GAS/FUELING STATION. A fueling station for passenger and commercial vehicles and accessible to the public consumer (gas stations may also include convenience stores or retail sales.)

GENERAL RETAIL. See RETAIL, GENERAL.

GRADE. Defined as:

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

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

GREENHOUSE, COMMERCIAL. Land, structures, or a combination thereof for the storage, cultivation, and/or transplanting of live trees, shrubs, or plants offered for general retail sale to the public or wholesale sale on the premises and may also include sale of products used for gardening and landscaping. For the purposes of this UDO, a greenhouse or nursery without retail sales may be considered crop production

GOVERNMENT OFFICE/FACILITY. A building or structure owned, operated, or occupied by a governmental agency to provide a governmental service to the public.

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

GOLF COURSE. A parcel or area of land that is laid out for playing the game of golf and that may include accessory uses, such as a clubhouse, dining, snack bar, pro shop, practice facilities. For the purpose of this UDO, putt-putt or miniature golf shall be considered a golf course.

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

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

HAZARDOUS WASTE. A waste or combination of wastes that, because of its quantity; concentration; or physical, chemical, and/or infectious characteristics; may:

- Cause or significantly contribute to an increase in mortality or increase in serious irreversible, or incapacitating reversible illness; or
- Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

HISTORIC PRESERVATION COMMISSION (HPC). The New Castle Historic Preservation Commission (HPC).

HISTORIC STRUCTURE. Any structure that is:

- Listed individually on the National Register of Historic Places (a listing maintained by the Department of the Interior) or determined by the United States Secretary of the Interior as eligible for individual listing on the National Register; or
- Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district; or
- Listed on or determined eligible for the National Register of Historic Places as contributing to the significance of a historic district; or
- Individually listed on the Indiana Register of Historic Sites and Structures; or
- Located in an area designated as a local historic district.

HOME OCCUPATION. Any activity carried out for economic gain by a resident and conducted entirely within the resident's dwelling unit or entirely within an accessory structure upon the same premises as the primary dwelling unit where no clients, guests, customers, or employees (other than the resident(s) of the dwelling) access the premises. For the purposes of this UDO, uses such as a short-term rental, child care, or other business activity where non-residents are accessing the site are not considered a home occupation.

HOME-BASED BUSINESS. Any activity carried out for economic gain by a resident and conducted entirely within the resident's dwelling unit or entirely within an accessory structure upon the same premises as the primary dwelling unit where limited clients, guests, customers, or employees (other than the resident(s) of the dwelling) access the premises. For the purposes of this UDO, uses such as a short-term rental, child care, or other use specifically listed in the Development Standards and Uses tables for each zoning district are not considered a home occupation.

HOMEOWNERS ASSOCIATION (HOA). A community association, other than a condominium association, which is organized in a development in which individual owners share common interests and responsibilities for costs and upkeep of common area or facilities.

HOSPITAL. An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, 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.

HOTEL/MOTEL. A building in which temporary lodging or board and lodging are provided and offered to the public for compensation. Compensation is usually assessed on a day-to-day basis. Occupancy stays are not intended to be for more than 30 continuous days.

IMPERVIOUS SURFACE. A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. Examples of impervious surfaces include buildings, structures, sheds, patios, concrete, and asphalt. For the purposes of this UDO, gravel shall be considered an impervious surface. Fences and walls are excluded from impervious surface calculations.

INDUSTRIAL, HEAVY. See MANUFACTURING OR GENERAL INDUSTRY, HEAVY.

INDUSTRIAL, LIGHT. See MANUFACTURING OR GENERAL INDUSTRY, LIGHT.

INFRASTRUCTURE. Facilities and services needed to sustain all land use activities.

IN-HOME CHILDCARE). A residential structure in which at least six children (not including the children for whom the provider is a parent, stepparent, guardian, custodian, or other relative) at any time receive child care from a provider while unattended by a parent, legal guardian, or custodian; for regular compensation; and for more than four hours but less than 24 hours in each of 10 consecutive calendar days per year, excluding intervening Saturdays, Sundays, and holidays. For the purposes of this UDO, this use includes both licensed and unlicensed providers, and this use is considered a home-based business.

INOPERATIVE VEHICLE. As defined by IC 9-13-2-1, or any vehicle that is partially disassembled, inoperable, or unlicensed, on any property in location visible from public property or adjoining private property for more than 20 calendar days or on public property without being moved for three calendar days. This shall not include tractors, combines, pickers, disks, plows, or other similar farm machinery that is owned by a farm operator, which is parked in areas zoned AG, and is used for parts replacement for machinery currently being used in the farming operation.

INSTITUTIONAL USE. A nonprofit, religious, or public use, such as a religious structure, library, public or private school, hospital, or government-owned or government-operated structure, or parcel used for public purpose.

IRREVOCABLE. Not able to be changed, reversed, or recovered.

JUNK. Any scrap, waste, reclaimable material, or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed of, or for other use or disposition. Examples of junk include: unregistered and inoperative vehicles, tires, vehicle parts, equipment, paper, rags, metal, glass, building materials, household appliances, machinery, brush, wood, and lumber.

JUNKYARD. A place where junk, waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including auto wrecking yards, used lumber yards, and places or yards for use of salvaged house wrecking and structural steel materials and equipment; but not including such uses when conducted entirely within a completely enclosed building, and not including pawn shops, and establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operable condition, or the processing of used, discarded or salvaged materials as a minor part of manufacturing operations. An automobile wrecking yard, salvage yard, and an impound lot are considered a junkyard.

JURISDICTION. The incorporated area of New Castle, Indiana.

KENNEL, COMMERCIAL. An establishment in which dogs or domesticated animals are housed, groomed, bred, boarded, trained, and/or sold for a fee or compensation. Any veterinary facility that provides overnight boarding as its primary service or any outdoor housing of animals is considered a commercial kennel. Dog or pet daycares are considered a commercial kennel.

LANDFILL. A disposal site in which refuse and earth, or other suitable cover material, are deposited and compacted in alternating layers of specified depth in accordance with an approved plan and regulated by the applicable sections of 40 CFR. This definition includes sanitary landfills.

LEGISLATIVE BODY. The City Council for New Castle, Indiana.

LETTER OF CREDIT. A letter issued by a bank permitting the person or agency named in it to draw a certain amount of money from another specified bank, usually accepted in the same manner a cash or bonds to ensure the installation or construction of required improvements.

LIBRARY. See CULTURAL FACILITY.

LIGHTING PLAN. A plan showing the location, height above grade, type of illumination, type of fixture, the source lumens, and the luminous area for each source of light proposed.

LIVESTOCK. Animal husbandry activities (breeding and caring for farm animals) for the production of animals and/or animal products that will be consumed by others and/or sold, such as dairies, livestock farming, and similar uses that do not require an IDEM permit. This also includes pastureland and meadows used for livestock rearing, harvesting of aquatic animals and organisms, and wholesale trade of livestock.

LIVING AREA. The total interior habitable area of a structure on all floors or levels, measured from the interior faces of the exterior walls and does not include unfinished basements, unfinished attics, and attached garages that are not intended for human habitation.

> **LIVING AREA, MINIMUM.** The minimum interior habitable area of a structure on all floors or levels, measured from the interior faces of the exterior walls and does not include unfinished basements, unfinished attics, and attached garages that are not intended for human habitation.

LOADING AREA. An off-street space or berth used for the loading or unloading of cargo, products, or materials from vehicles.

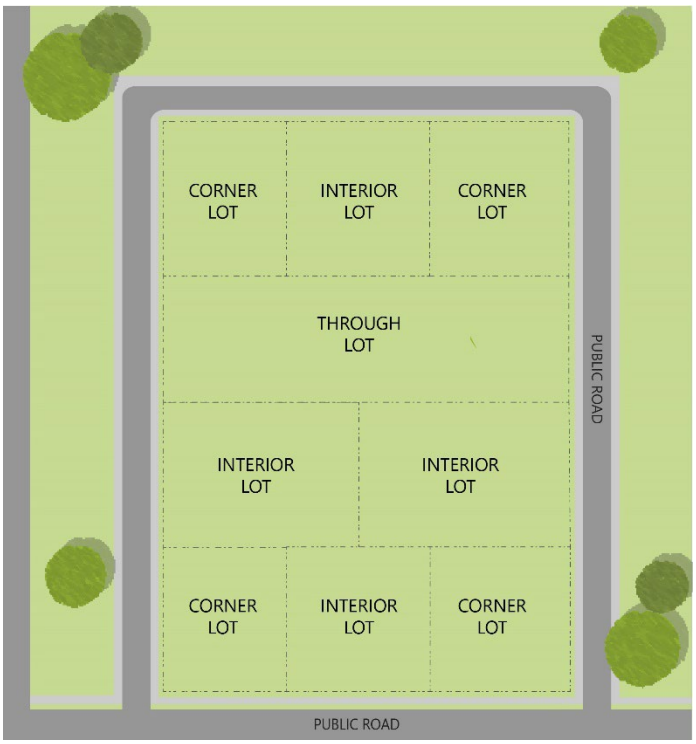
LODGE. See CLUB.

LOT. A designated parcel of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon.

LOT, CORNER. A lot or parcel of land at the junction of or abutting two or more intersecting streets. Corner lots have two front yard setbacks and two side yard setbacks.

LOT, FLAG. A lot where the major portion of the parcel has access to a public road or street by means of a narrow strip of land called the "flagpole." Lot width on flag poles shall be measured at the minimum front yard setback line, meaning the flag pole must comply with the minimum lot width for the zoning district.

LOT, THROUGH. A parcel that fronts on two parallel streets or that fronts on two streets that do not intersect at the boundaries of the parcel.



Example of Lot Types

LOT AREA. The total area within the lot lines of a parcel, excluding any rights-of-way.

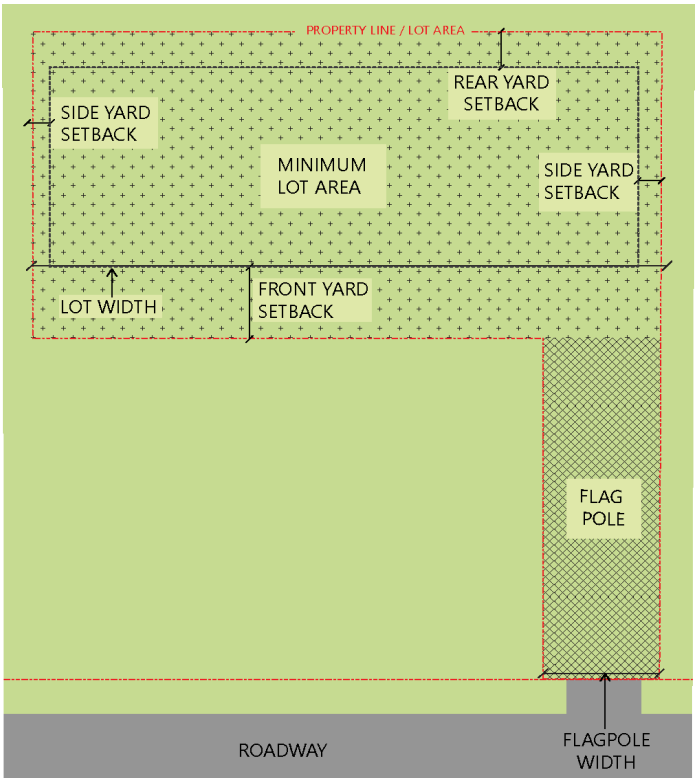
LOT COVERAGE. That part of the parcel that is covered by impervious surfaces. See also IMPERVIOUS SURFACE.

LOT DEPTH. The average horizontal distance between the front lot line and rear lot line.

LOT LINE. A line of record bounding a lot that divides one lot from another lot or from a public or private street or any other public space.

LOT LINE, FRONT. Any property line separating the lot from a street, or on a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained.

LOT LINE, REAR. The lot line opposite and most distant from the front lot line. A lot bounded by only three lot lines will not have a rear lot line.



Example of Flag Lots

LOT LINE, SIDE. Any lot boundary-line other than a front lot line or rear lot line.

LOT OF RECORD. A lot that exists as shown or described on a plat or deed in the records of the County Recorder.

LOT WIDTH. The horizontal distance between side lot lines of a lot, measured at the minimum front yard setback. See LOT, FLAG for lot width for a flag lot.

MANUFACTURED HOME. Formerly known as a mobile home, a manufactured home is built to the Manufactured Home Construction and Safety Standards (HUD Code) and displays a red certification label on the exterior of each transportable section. A manufactured home was constructed after June 15, 1976, and is defined in IC 16-41-27-3.5, as a structure, transportable in one or more sections, which, in traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and compiles with the standards established under the cited Federal chapter; and except that such term shall not include any RV.

MANUFACTURED HOME PARK. As defined in IC 16-41-27-5, a manufactured home park or community consists of one or more parcels of land that contain individual lots that are leased or otherwise contracted and are owned, operated, or under the control of one or more persons on which a total of at least five manufactured homes are located for the purposed of being occupied as principal residences. The term includes the following:

- All real and personal property used in the operation of the manufactured home community;
- A single parcel of land;
- Contiguous but separately owned parcels of land that are jointly operated;
- Parcels of land jointly operated and connected by a private street;
- One or more parcels of land, if at least two of the manufactured homes or manufactured homes located on the land are accessible from a private street or interconnected private streets, served by a common water distribution system, or served by a common sewer system or septic system.

MANUFACTURED HOUSING CONSTRUCTION AND SAFETY STANDARDS CODES. Title VI of the 1974 Housing and Community Development Act (42 USC 5401 et sequential), as amended (previously known as the Federal manufactured home Construction and Safety act), rules and regulations adopted there under (including information supplied by the home manufacturer, which has been stamped and approved by a Design Approval Primary Inspection Agency, an agent of the U.S. Department of Housing and Urban Development pursuant to HUD rules), and regulations and interpretations of said code by the Indiana Department of Fire and Safety, all of which became effective for manufactured home construction on June 15, 1976.

MANUFACTURING OR GENERAL INDUSTRY, HEAVY. An establishment engaged in basic processing and manufacturing of materials or products predominately from extracted or raw materials into new products, including assembling, converting, altering, finishing of component parts, or the manufacture of such products, and the storage and/or blending of large volumes of materials of a heavy nature, including but not limited to metal, concrete, plastic, petrochemicals, and heavy machinery. These uses can include highly flammable, toxic, or explosive materials needed in the process. Heavy manufacturing uses processes that ordinarily have greater than average impacts on the environment, or that ordinarily have significant impacts on the use and enjoyment of adjacent property in terms of noise, smoke, fumes, odors, glare or health and safety. Uses can include, but are not limited to, concrete batch plants; automobile, truck, or tire assembly; ammonia or chlorine manufacturing; metal casting or foundries; grain milling or processing; metal or metal ore production; refining, smelting, or alloying; boat, pool, and spa manufacturing, glass manufacturing; paper manufacturing; wood or lumber processing.

MANUFACTURING OR GENERAL INDUSTRY, LIGHT. An establishment engaged in the transformation of finished products or parts into new products, including assembling, converting, altering, and finishing of component parts; or the manufacturer of products and the blending of materials of a light nature, including paper, wood, or food products and light machinery. Light manufacturing is limited to manufacturing items from predominantly previously prepared or finished products or parts, including, electronic goods, food, and bakery products; nonalcoholic beverages; paper imprinting and publishing; household appliances assembly; and clothing apparel. All activities must take place within an enclosed building and does not include any use that produces noise, fumes, smoke, odors, glare, or health and safety concerns outside of the building or lot where such processes occur. Light manufacturing does not include industrial processing.

MARKER or MONUMENT. A pipe, rod, nail, or any other object which is intended to be a permanent survey point for record purposes.

MEAT PROCESSING FACILITY. A building or structure for the preparation of meat for consumption, including the stockyards (temporary storage/sorting of animals), slaughtering of animals, cutting of meat, inspection, packaging, and process into other products (such as sausage) and similar processes.

MEDICAL OFFICES AND OUTPATIENT SERVICES (NO OVERNIGHT STAYS, NO DISPENSING OF MEDICINE). A structure where patients are admitted for examination and treatment on an outpatient basis by physicians, dentists, other medical professionals, psychologists, or social workers and where such examination and treatment require a stay of less than twenty-four (24) hours. This use can include on-site administering of medication but does not include dispensing of medication for off-site use.

MEDICAL OFFICES AND OUTPATIENT SERVICES (NO OVERNIGHT STAYS, WITH DISPENSING OF MEDICINE). A structure where patients are admitted for examination and treatment on an outpatient basis by physicians, dentists, other medical professionals, psychologists, or social workers and where such examination and treatment require a stay of less than twenty-four (24) hours. This use can include on-site administering of medication as well as the dispensing of medication for off-site use by licensed medical personnel is permitted in accordance with state and federal laws.

METES AND BOUNDS. A method of describing the boundaries of land by distances (metes) and directions (bounds) from a known point of reference.

MINERAL EXTRACTION OR PROCESSING. This use includes removing rock, sand, gravel, minerals (such as oil, gas), or other raw materials from the ground in addition to the processing and/or washing of extracted materials. It can include surface mine/quarry (such as gravel pits, strip mines, open-pit mines, or similar extraction without a roof) or underground mining. Concrete processing is included in this land use category.

MINIMUM LIVING AREA. See LIVING AREA, MINIMUM.

MOBILE HOME. Now known as a manufactured home, a mobile home was constructed prior to June 15, 1976, and even with modifications, does not meet the HUD standards and cannot be accepted as compliant with the HUD Code. A mobile home is defined in IC 16-41-27-4 as a dwelling, including the equipment sold that is a dwelling, which is:

- Factory assembled;
- Transportable;
- Intended for year-round occupancy;
- Designed for transportation on its own chassis; and
- Was manufactured before the effective date of the federal Manufactured Housing Construction and Safety Standards Law of 1974 (42 U.S.C. 5401 et seq.).

MODULAR HOME. A unit which is fabricated in one or more modules at a location other than the home site, by assembly-line type production techniques or by other construction methods unique to an off-site manufacturing process, designed for occupancy by one family unit. Every module shall bear the Indiana Modular seal certifying that it was built in compliance with the Rules of the Indiana Fire Prevention and Building Safety Commission. A modular home is placed on a permanent foundation and is built to the Indiana One- and Two-Family Dwelling Code.

MOTEL. See HOTEL.

NON-CONFORMING LOT. A parcel, the area, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of the UDO, but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

NON-CONFORMING STRUCTURE. A structure, the size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of the UDO but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the UDO.

NON-CONFORMING USE. A use or activity that was lawful prior to the adoption, revision, or amendment of the UDO but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the district.

NUISANCE. A condition or situation that results in an interference with the enjoyment and use of property.

NURSERY. See GREENHOUSE, COMMERCIAL.

NURSING HOME/ASSISTED LIVING FACILITY. A public or private residential facility (short or long-term) which houses patients suffering from disease, disabilities, or advanced age who require medical service and nursing service rendered by or under the supervision of a registered nurse. For purposes of this UDO, a comprehensive care facility is considered a nursing home.

OPEN SPACE. Common area that provides light and air and is designed for environmental, scenic, or recreational purposes. Cropland, forested areas, or pastureland qualifies as open space. Open space may include turf areas, decorative plantings, walkways, active and passive recreation areas, playgrounds, and wooded areas. Open space shall not include areas denoted as drainage areas or areas devoted to public or private streets or rights-of-way.

> **OPEN SPACE, OVERALL DEVELOPMENT.** The minimum open space required based on the total or gross density. This includes all land and areas within the development boundaries, including proposed rights-of-way, drainage areas, non-buildable areas, and similar area or features.

OUTDOOR STORAGE. The keeping of any goods, junk, material, merchandise, equipment, or vehicles in the same place for more than 24 hours that is not within an enclosed structure or is visible from a right-of-way or adjacent parcel.

OUTPATIENT SERVICES. See MEDICAL OFFICES/OUTPATIENT SERVICES.

PARCEL. See LOT.

PARCEL, PARENT. The parcel of land for which approval is sought to subdivide it into at least two parcels, or other divisions of land for sale, development, or lease.

PARK. Areas of land developed for active and/or passive recreation facilities. For purposes of this UDO, common area within a platted subdivision is not considered a park.

PARKING AREA. Any public or private area, under or outside of a structure, designed and used for parking and maneuvering motor vehicles including garages, private driveways, and legally designated areas of public streets.

PARKING LOT. An off-street, ground-level open area that provides temporary storage for motor vehicles.

PARKING SPACE. A space other than on a street or alley designed for use or used for the temporary parking of a motor vehicle.

PERPETUAL UNOBSTRUCTED EASEMENT. An easement that is self-perpetuating, runs with the land, and cannot be revoked or vacated without approval of all easement holders or parties. No structures can be placed within the easement that limit or impede ADA accessibility.

PET, HOUSEHOLD. An animal residing within a dwelling unit, not raised for the production of products or for sale, and limited to dogs, cats, rabbits, hamsters, gerbils, and guinea pigs.

PLACE OF WORSHIP. Defined as:

- A church, synagogue, temple, mosque, or other facility, structure, or area that is used for prayer by persons of similar beliefs; or
- A special-purpose structure or area that is designed and particularly adapted for the primary use of conducting religious services on a regular basis.

PLAN COMMISSION (PC). The Advisory Plan Commission for New Castle, Indiana.

PLANNED UNIT DEVELOPMENT (PUD). A Planned Unit Development is a special zoning district established to allow development of an area of land as a single entity for a number of uses conforming to an approved development plan, which may not correspond with number of units, bulk, type of use, density, open space, parking, sign requirements, landscaping, or other standards required by other ordinances; a zoning district for which a PUD ordinance is required.

PLAT. A map, drawing, or chart indicating the subdivision or re-plat of land intended to be filed for record.

PLAT, PRIMARY. A drawing indicating the subdivision or re-subdivision of land, prepared in accordance with the requirements of this UDO and submitted by the subdivider as part of the subdivision plan.

PLAT, SECONDARY. A map indicating the subdivision of land, intended to be recorded and prepared in accordance with the requirements of this UDO.

PLOT PLAN. A scaled, dimensional drawing of a parcel of land showing the actual measurements, the size and location of any existing buildings or any proposed buildings to be erected, the location of the lot in relation to abutting streets, and any other information as required.

PRODUCE STAND. See ROADSIDE STAND.

PROFESSIONAL SERVICES AND BUSINESS OFFICES. Uses whose primary purpose is to provide professional services or advice that occurs within a business office setting. The majority of people accessing the site are typically employees but can also have customers or clients that access the business. This use does not include adult business, service-oriented retail, general retail, or other uses specifically included within Chapter 2.16: Land Use Table. Examples of this use include, but are not limited to, the following:

- Professional service or business offices, such as accounting or advertising, architectural or engineering, attorney or legal, communication or marketing, financial, insurance, investment, professional consulting, real estate, tax, trade association and travel agency services or offices, and similar service or repair that occurs within a business office setting.

PUBLIC AREA. Parks, playgrounds, trails, paths, and other recreational areas and open spaces; scenic and historic sites; schools and other structures; and other places where the public is directly or indirectly invited to visit or permitted to congregate.

PUBLIC HEARING. A meeting announced and advertised in advance and open to the public where the public is given an opportunity to talk and participate as outlined by the Rules and Procedures.

PUBLIC IMPROVEMENT. Any improvement, facility, or service, together with its associated site or right-of-way, necessary to provide transportation, drainage, utilities, or similar essential services and facilities and that is usually owned and operated by a governmental agency.

PUBLIC MEETING. A meeting announced and advertised in advance and open to the public where the public is not required to be given an opportunity to talk and participate as outlined by the Rules and Procedures.

PUBLIC SAFETY SERVICES. Those services including, but not limited to Police, Fire, EMS, and Public Works departments.

PUD DISTRICT ORDINANCE. A zoning ordinance that meets the requirements of IC 36-7-4-1500 series and does the following:

- Designates one or more parcels of real property as a PUD district;
- Specifies uses or range of uses permitted in the PUD district;
- Expresses in detailed terms the development requirements that apply in the PUD district;
- Specifies the plan documentation and supporting information that must be supplied before a BP may be issued for development of real property in the PUD district; and
- Specifies any limitation applicable to a PUD district; and
- Meets the requirements of IC 36-7-4-1503.

PUD DISTRICT. See PLANNED UNIT DEVELOPMENT (PUD).

QUALITY OF LIFE. The attributes or amenities that combine to make an area a desirable place to live.

RACETRACK. See STADIUM, ASSEMBLY HALL, OR RACE TRACK (OUTDOOR).

RECREATION AREA. An area designated, designed, and equipped for the conduct of sports and leisure-time activities.

RECREATIONAL FACILITY. A public or private area of facility to provide periodic and short-term sports or personal leisure activities.

RECREATIONAL VEHICLE (RV). A vehicular-type portable structure without a permanent foundation that can be towed, hauled, or driven and is designed as a temporary living accommodation for recreational and camping purposes. An RV may include, but is not limited to, campers, trailers, and other similar vehicles intended for overnight occupancy. A recreational vehicle shall not be used as a primary residence or for permanent occupancy outside of a campground.

RECREATIONAL VEHICLE PARK. See CAMPGROUND AND RECREATIONIAL VEHICLE (RV) PARK.

RECYCLING FACILITY. A place or area for the acceptance of recyclable materials from the public and may include the storage, separating, and/or processing of recyclable materials.

RECYCLING. A process by which materials that would otherwise become solid waste are collected, separated, or processed, and converted into materials or products for reuse or sale.

REDEVELOPMENT. The removal and replacement, rehabilitation, or adaptive reuse of an existing structure or structures, or of land from which previous improvements have been removed.

REGULARLY. The consistent and repeated doing of the act so described.

RE-PLAT. Defined as:

- The further division of lots or the relocation of lot lines of any lot or lots within a subdivision previously approved and recorded according to law; or
- The alteration of any streets or rights-of-way or the establishment of any new streets or rights-of way within any subdivision made and approved or recorded according to law, but not including conveyances made so as to combine existing lots by deed or other instrument.

RESEARCH AND DEVELOPMENT. An establishment engaged in testing, research, analysis, and product development that could include limited light assembly or limited production of components. This type use occurs within a building that typically resembles an office and/or laboratory setting.

RESTAURANT. Establishment that provides food service with the majority of sales being food (versus alcohol) and is open to all ages. For the purposes of this UDO, a restaurant is considered service-oriented retail.

RETAIL, GENERAL. Uses whose primary purpose is the sale of goods and merchandise to a consumer. This term does NOT include other uses specifically included Chapter 2.16: Land Use Table, Including but not limited to, adult businesses, professional service/business office and service-oriented retail. Examples of this use include, but are not limited to, the following:

- Department and superstores, such as clothing/apparel/shoes store;
- Specialty retail stores, such as antique store, art gallery, art supply store (including framing services), book/stationary/newspaper store or stand, camera and photography supply store, collectible stores (cards, coins, comics, stamps, etc.), electronic/appliance store, fabrics and sewing supply store, flea market, floor covering store, furniture store, florist, gift store, greenhouse or nursery, hardware store, hobby shop, jewelry store, luggage and leather goods store, music or musical instrument store, office supply store, optic store (no medical exams), orthopedic supply store, paint store, pet store, sporting goods and recreation equipment store, bicycle and kayak rental/store, religious goods store, toy store, variety store, and video/game store;
- Supermarkets and grocery stores, such as bakery (without dining), candy store, grocery store, and meat or fish market;
- Convenience stores, such as drug store, such as convenience or corner store, drug store, gas station, and pharmacy (may include licensed medical professionals as an accessory use to a pharmacy that also includes general retail);
- Indoor movie theaters (no adult entertainment); and
- Discount stores, such as consignment and thrift store.

RETAIL, SERVICE-ORIENTED. Uses whose primary purpose is to provide or sell a service, entertainment, or experience rather than providing goods and merchandise that do not occur within a business office setting. The majority of people accessing the site are typically customers rather than employees. Service-oriented retail does NOT include bed and breakfasts, child care home/day care facility, drive-in theater, hotel or motel, short-term rental, general retail, self-storage, medical clinics and outpatient services, professional and business offices, adult business, and all other uses included in Chapter 2.16: Land Use Table. Examples of service-oriented retail use include, but are not limited to, the following:

- Hospitality, instructional, and entertainment services, such as art studio, dance, educational support services, employment services, reception halls, gymnastics or martial arts instruction, paintball, travel centers, and banquet/event facilities;
- Food establishments and restaurants (see RESTAURANT), such as quick service and dine-in restaurants;
- Service and repair, computer or phone repair, jewelry repair, oil change or car maintenance, and shoe repair; and
- Personal services, such as bank or credit union, beauty or barber shop, dry cleaning or laundry receiving station (storefront only), fitness center or gym, nail or tanning salon, photography studio, print shop or copy shop, and tailoring or dressmaking laundromat.

REZONE. Approval granted through the PC and the legislative body in accordance with IC 36-7-4-608 to change the zoning classification of a particular parcel. Also referred to as a zone map change.

RIGHT-OF-WAY. Right-of-way is defined as:

- A strip of land acquired by reservation, dedication, prescription, or condemnation and intended to be occupied by a street, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, or other similar uses;
- Generally, the right of one to pass over the property of another.

ROAD CLASSIFICATIONS. Road classifications are determined by the Comprehensive Plan.

ROAD, PRIVATE. A private roadway that serves up to three single-family and two-family dwelling units pursuant to access easements and all requirements of this UDO.

ROAD, PUBLIC. Any vehicular way, which includes the land between the street lines (whether improved or unimproved) and that is:

- An existing state, county, or municipal roadway;
- Shown upon a plat approved pursuant to law;
- Approved by other official action;
- Shown on a plat duly filed and recorded in the Recorders Office; or
- Shown on the official map or adopted master plan.

ROADSIDE PRODUCE STAND. A temporary structure designed or used for the seasonal display or sale of agriculture-related products. For the purposes of this UDO, a roadside stand shall be considered a home-based business.

RULES AND PROCEDURES. The principles and regulations governing the conduct, action, procedures, arrangements, etc. of the PC and BZA.

SALVAGE YARD. See JUNKYARD.

SCHOOL. Any building or part thereof that is designed, constructed, or used for education or instruction in any branch of knowledge.

SEPTIC SYSTEM. An on-site sewage treatment system as allowed and permitted by IDEM and/or the Henry County Health Department.

SERVICE-ORIENTED RETAIL. See RETAIL, SERVICE-ORIENTED.

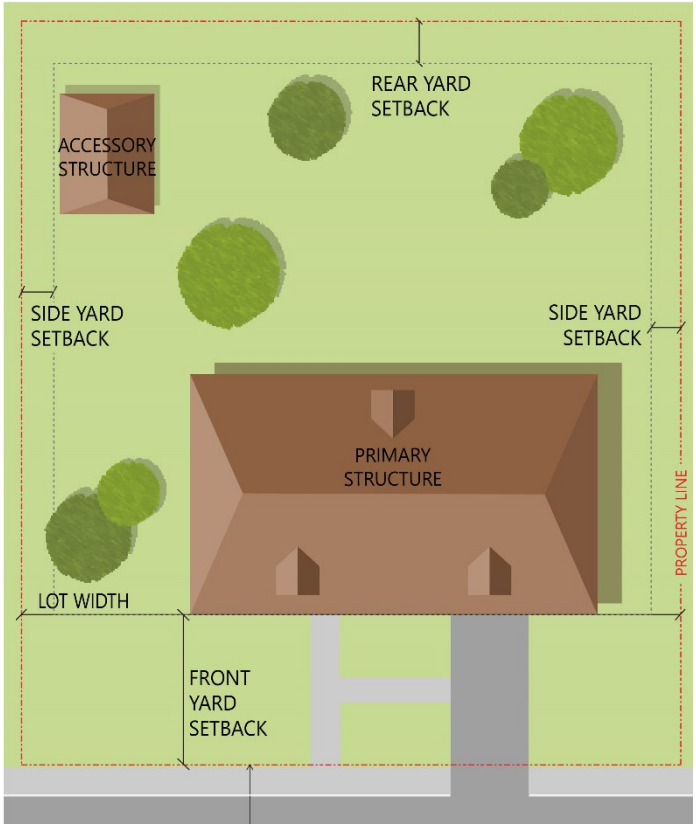
SETBACK. The distance between any structure or building and the property line or specified place of measurement. For flag lots, the "flag pole" shall not be used in determining the setbacks.

SETBACK, CORNER LOT. A corner lot will have two front yard setbacks and two side yard setbacks; it will not have a rear yard setback.

SETBACK, FRONT YARD. Any property line abutting a public or private street shall be considered a front property line or yard. The minimum front yard setback is measured from the property line. If right-of-way is not dedicated by written, recorded document, the setback shall be measured from the back of curb or the edge of pavement if there is not a curb.

SETBACK, REAR YARD. The minimum rear yard setback is measured from the rear property line.

SETBACK, SIDE YARD. The minimum rear yard setback is measured from the side property line.



Example of Single-Family Attached Dwellings

SETBACK LINE. A line drawn along the required minimum setback.

SEWAGE TREATMENT PLANT, CENTRALIZED. Any sewage treatment facility that requires an NPDES permit from the Indiana Department of Environmental Management (IDEM) to discharge treated effluent.

SEWER. Any pipe or conduit used to collect and carry away sewage or stormwater runoff from the generating source to treatment plants or receiving water bodies.

SEWER, SANITARY. A system of pipes that carry domestic or commercial sanitary sewage and into which storm, surface, and ground waters are not intentionally admitted.

SEWER AND WATER SYSTEM, PUBLIC. Any system other than an individual septic tank, tile field, or individual well, that is operated by a municipality, governmental agency, or a public utility for the collection, treatment, and disposal of wastes and the furnishing of potable water.

SEXUALLY ORIENTED BUSINESS. An adult entertainment or service business that is part of the sex industry and is a site of erotic performance, erotic paraphernalia sales, and/or other sexually oriented places. Sexually oriented businesses may include an adult bookstore, adult cabaret, adult mini motion picture theater, adult motion picture theater, adult service establishment (IC 12-7-2-1.8), semi-nude model studio, sexual device shop, or a sexual encounter center as defined in this ordinance. The term "sexually oriented business" shall also include adult drive-in theater, adult live entertainment arcade, and adult motion picture arcade.

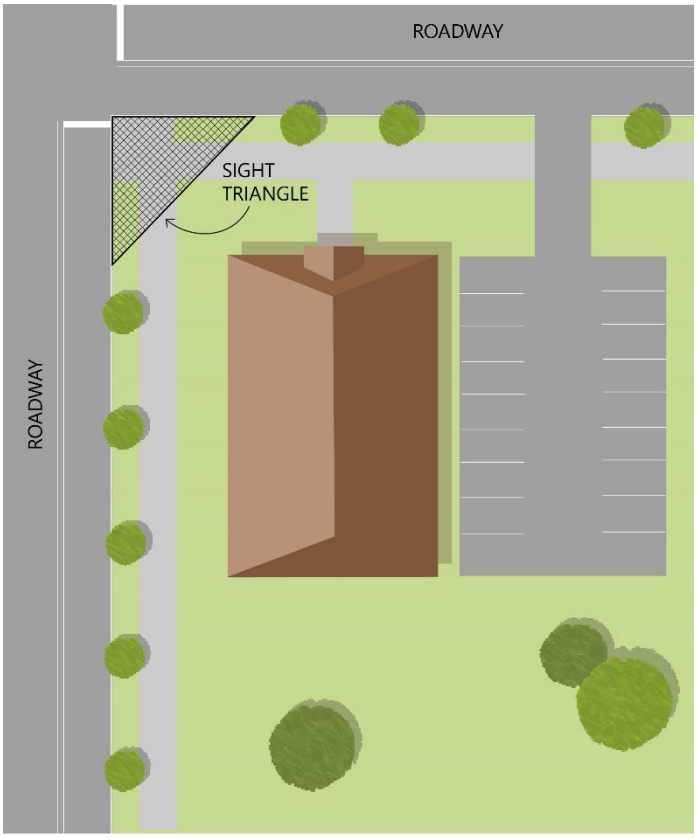
SHIPPING CONTAINER. See CARGO CONTAINER.

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

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

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

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



Example of Sight Triangle

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

SIGN, ABANDONED. A sign that is:

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

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

SIGN, ELECTRONIC VARIABLE MESSAGE (EVMS). A sign, or component of a sign, such as an electrically or electronically controlled message center, where the characters, letters, or illustrations can be changed or rearranged either in the field, or from a remote location, without physically altering the face or the surface of the sign.

SIGN, FACE. The surface intended for the display of information on the sign.

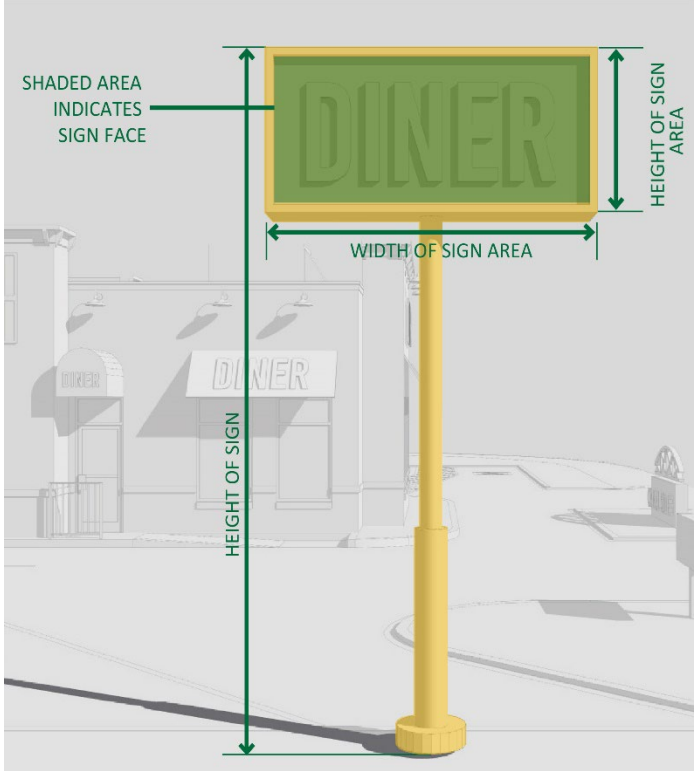
SIGN, HEIGHT (ABOVE GROUND). The vertical measurement from the lowest ground elevation at the foundation to the top of the sign structure or its frame/support.

SIGN, LEGAL NON-CONFORMING. A pre-existing, legally permitted sign, or portion thereof, which was designed, erected, or structurally altered such that it does not conform to the regulations of the zoning district in which it is located.

SIGN, ILLUMINATED. Any sign lighted by or exposed to artificial lighting either by light on or in the sign or directed toward the sign.

SIGN, PERMANENT. A sign attached to structure or the ground in a manner that enables the sign to resist environmental loads, such as wind, and precludes ready removal or movement of the sign. The use of anchor bolts, ropes, stakes, chains, glue, or similar anchoring are not methods recognized by this ordinance as a permanent foundation.

SIGN, STRUCTURE. The supporting unit of a sign face, including but not limited to frames, braces cabinets, and poles.



Example of Sign Face, Sign Area, and Sign Height Measurement

SIGN, TEMPORARY. Any sign that is temporarily used for a specific and shorter duration of time and is not affixed to a permanent foundation or structure. A temporary sign is used for the purpose of conveying information, knowledge, or ideas to the public about activities on the premises. These signs are intended to be on-site for the duration of an event (such as property for sale, special events, grand openings, sales, etc.) or a short period of time.

SIGN TYPES. For the purposes of this UDO, the following sign types are defined.

SIGN, ANIMATED. Any sign that uses movement or change of artificial and natural lighting or noise to depict action or create a special effect or scene. This includes any directly or indirectly illuminated sign that exhibits changing natural or artificial light or color effects by any means whatsoever. Different from an "electronic sign," an animated sign produces the illusion of movement by means of electronic, electrical, or electro-mechanical input and/or illumination capable of simulating movement through using the characteristics of one or both of the following classifications:

- Flashing, animated, or animated portions of a sign where the cyclical period between on-off phases of illumination is less than four seconds;
- Patterned illusionary movement in which animated signs or portions of signs whose illumination is characterized by simulated movement.

SIGN, AWNING. A sign that is attached to an awning or other fabric that serves as a structural protective cover over a window or entrance.

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 include wave banner signs.

SIGN, GROUND (MONUMENT). A freestanding sign in which the bottom edge of the sign is in contact with the ground or is suspended or supported by two upright posts or braces close to the ground. Also known as a site, post, or pylon sign.

SIGN, HANGING. A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface, such as a single post or the underside of a ceiling or canopy. Also known as a canopy or swing sign.

SIGN, HUMAN. A type of portable sign held or worn by a human being for the purposes of advertising or otherwise drawing attention to an individual, business, commodity, service, activity, or product.

SIGN, INFLATABLE. Any device which is capable of being expanded by any gas or air and used on a temporary basis to attract attention to a product or event. This definition includes both hot and cold-air balloons tethered (such as an inflatable wind dancer) or otherwise anchored to the ground or structure.

SIGN, MAILBOX. A sign that is either mounted under a mailbox or placed on a mailbox surface but does not extend past the mailbox or mailbox supporting structure in any dimension.

SIGN, MOVING. A temporary sign that is designed to rotate or move in a comparable manner by means of electrical, mechanical, and/or wind power.

SIGN, POLE. A sign anchored directly to the ground or supported by one post, column, or other vertical structure or support. The sign is not attached to or dependent for support from any building and the sign area is not in close proximity to the ground. Billboards would be considered Pole 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; benches; menu or sandwich board 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, PROJECTING. A sign that is wholly or partly dependent upon a building for support and that projects more than 12 inches from that building. Also known as a blade sign.

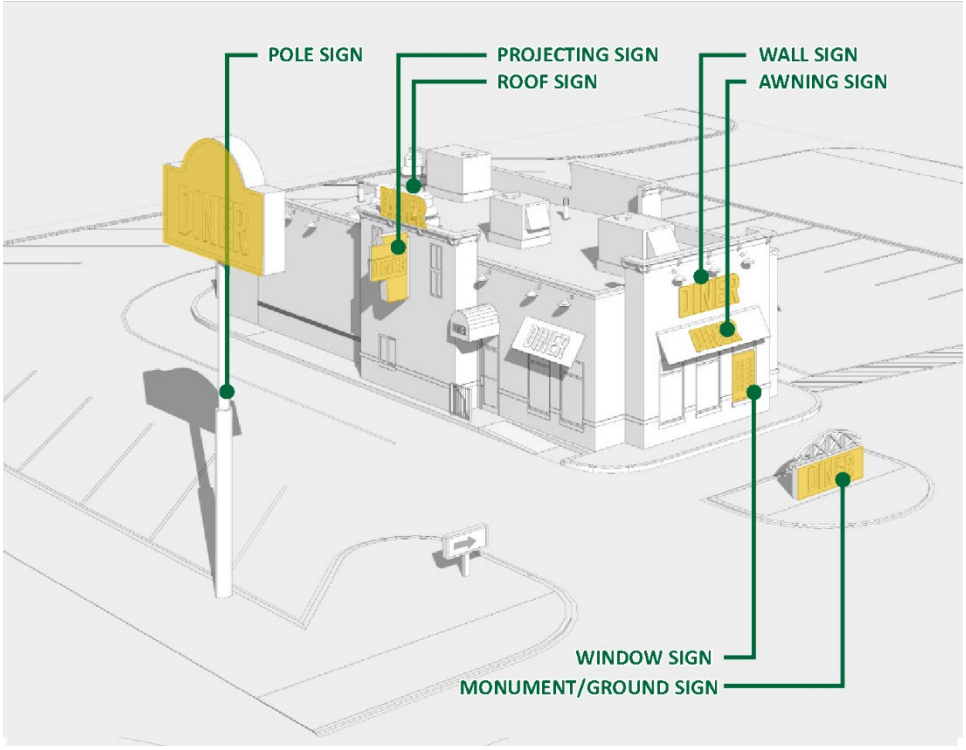
SIGN, ROOF. Any sign partially or fully erected on or above the roof line of a structure.

SIGN, VEHICLE. A sign that is permanently affixed to the body of, an integral part of, or a fixture of a motor vehicle or trailer that is parked or left standing so that it is visible from a public street for a period of more than 72 continuous hours for the intent of being used as advertisement. For the purpose of this definition, "permanently affixed" shall mean it is painted directly on the body of a vehicle, attached to the body of, and/or applied as a decal on the body of a vehicle or trailer.

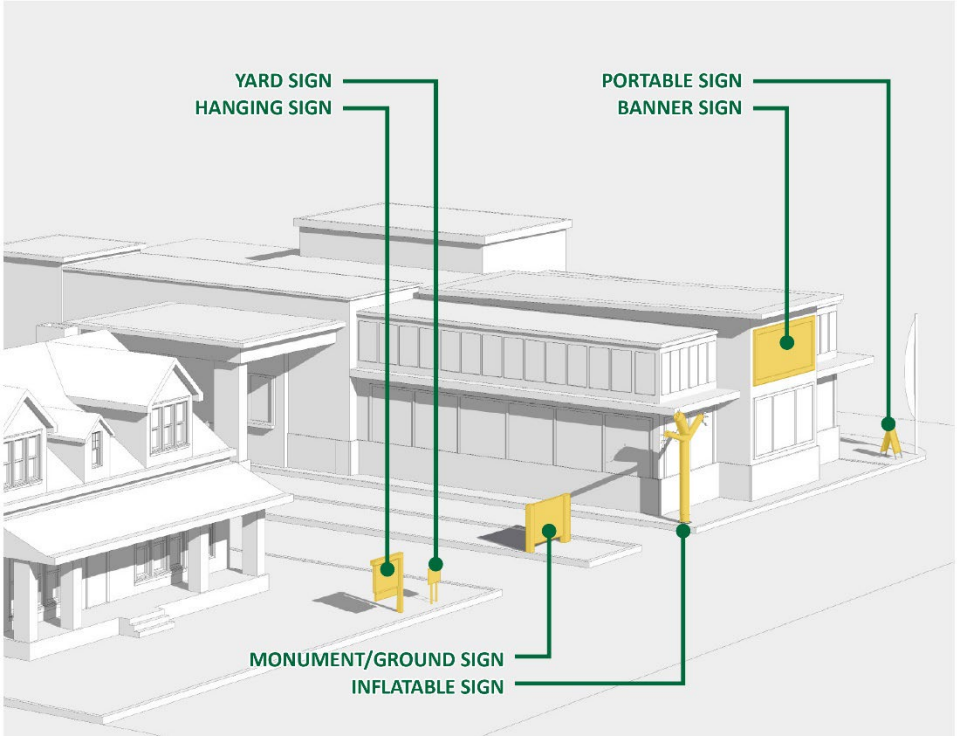
SIGN, WALL. Any sign attached to, erected against, or painted on the wall, façade, or exterior of a structure with the exposed display surface of the sign in a plane parallel (or relatively parallel) to the plane of the structure. See also MURAL.

SIGN, WINDOW. Any sign directly attached to the window of a structure or erected on the inside or outside of the window, which at the determination of the Administrator, is legible from any part of a public right-of-way or adjacent property. For purposes of this window sign 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 inside to see out. Also known as a façade sign.

SIGN, YARD. Small signs, typically under waist height that are usually supported by metal wire or small stakes driven directly into the ground.



Example of Permanent Signs



Example of Temporary Signs

SITE PLAN. A plan for one or more parceled on which is shown the existing and proposed conditions of the lot, including topography, vegetation, drainage, floodplains, wetlands, and waterways; landscaping and open spaces; walkways; means of ingress and egress; circulation; utility services; structures; signs and lighting; berms; bufferyards and screening devices; surrounding development; and any other information that reasonably may be required in order for an informed decision to be made by the approving authority.

SOLAR ENERGY. Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

SOLAR ENERGY SYSTEM (SES). A device, array of devices, or structural design feature, the purpose of which is to provide for generation or storage of electricity from sunlight, or the collection, storage, and distribution of solar energy for space heating or cooling, daylight for interior lighting, or water heating. For purposes of this ordinance, an SES is classified as Accessory SES or Primary SES.

> **ACCESSORY SES.** An SES where the energy, electricity, and/or power is intended primarily for on-site use in order to reduce on-site consumption of utility power or fuels. Accessory SES include Building-Integrated SES, Ground-mounted SES, Pole-mounted SES, Roof-Mounted SES, and Solar Carport SES.
>
> **ACCESSORY SES, BUILDING-INTEGRATED SES.** An accessory solar energy system that is an integral part of a primary or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include, but are not limited to, photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.
>
> **ACCESSORY SES, GROUND-MOUNTED SES.** An accessory solar energy system mounted on a rack that rests on or is attached to the ground.

ACCESSORY SES, POLE-MOUNTED SES. An accessory solar energy system mounted on a pole.

ACCESSORY SES, ROOF-MOUNTED SES. An accessory solar energy system mounted on a rack that is fastened to or ballasted on a structure roof.

ACCESSORY SES, SOLAR CARPORT SES. An accessory solar energy system of any size that is installed on a carport structure that is accessory to a parking area, and which may include electric vehicle supply equipment or energy storage facilities.

COMMERCIAL SES. An SES where the energy, electricity, and/or power is intended primarily for off-site use. Commercial SES are commonly referred to as solar fields or solar farms.

SOLAR COLLECTOR. A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy. The collector does not include frames, supports, or mounting hardware.

SOLAR-READY DESIGNED STRUCTURES. The design and construction of a building that facilitates and makes feasible the installation of rooftop solar.

SPECIAL EXCEPTION. Permission granted by the BZA in accordance with IC 36-7-4-918.2 to allow a use, designated as being permitted by special exception in the zoning district, when it is shown that such use in a specified location will comply with all the conditions and standards for the location or operation of the use as specified in the UDO.

STADIUM, ASSEMBLY HALL OR RACE TRACK. A place or area that is primarily used for spectator sports, entertainment (such as concerts, amusement parks, and similar events), expositions, fairgrounds, or similar public gatherings or events. This use may also have accessory uses, such as food vendors or on-site merchandise sales for the event. Examples include, but are not limited to, convention halls, sports arenas, outdoor movie theaters (no adult entertainment), amphitheaters, race tracks, and assembly halls. For the purposes of this UDO, this use does not include institutional uses (such as schools) that include a stadium on the same site or campus as the institutional use or those uses specifically included in Chapter 2.16: Land Use Table.

STATE. The State of Indiana.

STORAGE, SELF-STORAGE, OR MINI–STORAGE. A building(s) or area consisting of individual, self-contained units or spaces leased to individuals, organizations, or businesses for self-service storage of personal property, recreational vehicles (RV's), boats, or other similar items. Common terms also include self-storage or mini-storage facility.

STORY. That portion of a structure between the surface of a floor and the ceiling immediately above; or if there is a floor above, the portion of a structure between the surface of any floor and the surface of the next floor above. A basement shall not be counted as a story.

STREET. See ROAD.

STREET CLASSIFICATION. See ROAD CLASSIFICATION.

STRUCTURE. A combination of materials that are assembled for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water. Furthermore, any enclosed structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property of any kind. For the purposes of this UDO, an enclosed structure is intended to mean a structure is completely enclosed with walls on all sides and a roof.

STRUCTURE, ACCESSORY. A structure detached from a primary structure (not attached to the foundation of the primary structure) located on the same parcel and customarily incidental and subordinate to the primary structure or use. For purposes of this UDO, a fence is considered an accessory structure.

STRUCTURE, AGRICULTURAL. A structure on agricultural land designed, constructed, and used to house farm implements, livestock, or agricultural produce or products grown or raised on the premises, but not including dwellings used for human occupancy.

STRUCTURE, ATTACHED. A structure which has any part of its exterior or bearing wall in common with another building or which is connected to another building by a roof.

STRUCTURE, DETACHED. A structure having no structural connection with another structure.

STRUCTURE, ENCLOSED. A structure with a roof/ceiling and at least two walls.

STRUCTURE, PORTABLE. Any structure not permanently attached to the ground or other permanent structure that is designed to be moved or transported by means of wheels or other mechanisms that are attached to the structure or the structure is mounted/placed upon.

STRUCTURE, PRIMARY. A structure in which the primary use of the lot or premises on which it is located is conducted, including a structure that is attached to such a structure in a substantial way, such as by a roof. With respect to residential uses, the primary structure shall be the main dwelling.

STRUCTURE, TEMPORARY. A structure that is erected without any foundation or footings and is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased. A temporary use usually does not involve the construction or alteration of any permanent structure, although the authorization of the temporary use does not necessarily preclude such construction.

SUBDIVIDER. Any person having an interest in land that is the subject of an application for subdivision. Also, a person submitting an application for subdivision.

SUBDIVISION. The division of a lot or parcel of land into two or more lots, parcels, or other divisions of land for sale, development, or lease. A subdivision includes the division or development of any land, whether by deed, metes and bounds description, or other recorded instrument. Subdivisions are further classified as commercial or industrial subdivision, minor residential subdivision, or major residential subdivision.

SUBDIVISION, COMMERCIAL or INDUSTRIAL. Approval granted by the PC in accordance with IC 36-7-4-700 series for the subdivision of a parcel for commercial or industrial development.

SUBDIVISION, EXEMPT. Divisions of existing parcels of land that are exempt from this UDO as determined by the Administrator and outlined in Chapter 5: Subdivision Types.

SUBDIVISION, MAJOR RESIDENTIAL. Approval granted by the PC in accordance with IC 36-7-4-700 series for any division of a parcel of land for residential development that is not considered an exempt subdivision.

SUBDIVISION, MINOR RESIDENTIAL. Approval granted by the PC in accordance with IC 36-7-4-700 series for a division of a parcel of land for residential development resulting in three lots or less, including the parent parcel, does not create any new right-of-way, and does not qualify as an

SUBDIVISION, OPEN SPACE. A type of major residential subdivision that sets aside a significant portion of the site as conservation land or open space and clusters housing on the remaining portion.

SWIMMING POOL. A self-contained body of water at least 24 inches in depth used for recreational purposes. Such body of water may exist in a metal tank, plastic lined, or masonry structure located either above-ground or below-ground level. Swimming pools may be either public or private in use. A private pool is considered an accessory structure.

SURETY, MAINTENANCE. A bond or other form of guarantee for the maintenance of all required public improvements during the construction process.

SURETY, PERFORMANCE. A bond or other form of guarantee for the installation of all required public improvements during the construction process.

TAVERN. An establishment in which alcoholic beverages are served, primarily by the drink, where food or packaged liquors may also be served or sold.

TEMPORARY STORAGE CONTAINER. A self-storage container which is delivered to and retrieved from a home or business for off-site or on-site storage. Portable On Demand Storage (PODS) are a familiar trade name for such containers. These containers are not on a chassis and do not have axles or wheels.

TEMPORARY STORAGE STRUCTURE/CONTAINER. A portable storage unit which does not have permanent foundation or footing, and which includes cargo containers, portable storage containers, truck trailers, and bulk solid waste containers. Such structures shall not be considered a building.

THOROUGHFARE PLAN. The portion of the Comprehensive Plan which identifies the existing and proposed locations of interstate highways, primary arterials, secondary arterials, feeders, local streets, streets, and rights-of-way within the jurisdictional area, as amended from time to time under IC 36-7-4-506.

TOURIST CABINS. See HOTEL.

TRACT. See LOT.

TRANSPARENCY. With regard to a building façade, the percentage of a street-facing building façade that is covered by glazed elements that are clear and non-reflective and may not be painted or tinted.

TRUCKING TERMINAL. A freight or relay station for the transfer or exchange of cargo from one vehicle, form of transportation, or party to another. This does not include long-term or permanent storage.

UNIFIED DEVELOPMENT ORDINANCE (UDO). A Unified Development Ordinance combines the jurisdiction's zoning and subdivision control ordinances into a single, legal document that is enabled by IC 36-7-4-610 and adopted by the legislative body and which may be amended from time to time.

USE. The specific purpose or activity for which land and/or a structure is designated, arranged, intended, or for which it is or may be occupied or maintained.

USE, ACCESSORY. A use that:

- Is clearly incidental and customarily found in connection with a primary structure or use;
- Is subordinate to and serves the primary use;
- Is subordinate in area, extent, or purpose to the primary use served;
- Contributes to the comfort, convenience, or necessity of occupants, business, or industry of the primary use served; and
- Is located on the same parcel as the primary use served.

USE, PRIMARY. The predominant use of any lot or parcel or as determined by the primary structure.

USE, TEMPORARY. A use established for a limited duration with the intent to discontinue such use upon the expiration of the time period.

UTILITY. Defined as any agency that, under public franchise or ownership, or under certificate of convenience and necessity, or by grant of authority by a governmental agency, provides the public with electricity, gas, heat, steam, communication, transportation, water, sewage collection, or other similar service; and is a closely regulated enterprise with a franchise for providing a needed service.

UTILITY FACILITY. A building or structure used or intended to be used by any utility, including but not limited to any gas treatment plat reservoir, tank, or other storage facility; water treatment plant, well, reservoir, tank, or other storage facility; electric generating plant, distribution, or transmission substation; battery storage facility; or any storage yard for public utility equipment or vehicles.

UTILITY MAIN EXTENSION. The extension of utility infrastructure for future use by surrounding property owners including, but not limited to, water and sanitary sewer.

VARIANCE. Permission granted by the BZA in accordance with IC 36-7-4-918.5 to depart from specific development standards for a zoning district within this UDO.

VARIANCE OF USE. Permission granted by the BZA in accordance with IC 36-7-4-918.4 to allow a specific use that is not otherwise permitted in a zoning district.

WAIVER. Permission to depart from specific development standards of the subdivision regulations and as specifically identified in the UDO.

WAREHOUSING AND DISTRIBUTION. A use and/or facility where goods are received and/or stored for delivery to the ultimate customer at remote locations. For purposes of this UDO, non-hazardous indoor storage is considered warehousing and distribution. For purposes of this ordinance, warehousing and distribution does not include trucking terminals.

WHOLESALE BUSINESS. An establishment or place of business primarily engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, or professional business users, or to other wholesalers. For purposes of this UDO, wholesale businesses are not considered general retail.

WILDLIFE AND NATURE PRESERVE. Open space intended to remain in a predominately natural or undeveloped state to provide possible opportunities for passive recreation.

WIND ENERGY SYSTEM (WES). A wind energy conversion system where the equipment that converts and then stores or transfers energy from the wind into usable forms of energy and includes any base, blade, foundation, generator, nacelle, rotor, wind tower, transformer, turbine, vane, wind farm collection system, wire, or other component used in the system.

COMMERCIAL WES (CWES). The system by which wind energy is converted to electricity using a wind turbine, tower, support system, blades, and associated control and conversion electronics which has a rated capacity of more than 100 kW or a system height of more than 80 feet.

ACCESSORY WES – MINI (MWES). The system by which wind energy is converted to electricity using a wind turbine, tower, support system, blades, and associated control and conversion electronics which has a rated capacity less than 10 kW and a system height of less than 45 feet. For the purposes of this Ordinance, a roof-mounted structure shall be considered a Mini WES if it meets the rated capacity and height requirements set forth in this Section. Only one Mini Wind Energy System may be permitted per principal structure. Mini WES shall be considered an accessory use in all zoning districts.

WES NONPARTICIPATING PROPERTY. A lot or parcel of real property that is not owned by a project owner and the following conditions are met.

CHAPTER 1: The project owner does not seek:

- To install or locate one or more wind power devices or other facilities related to a wind power project (including power lines, temporary or permanent access roads, or other temporary or permanent infrastructure); or
- To otherwise enter into a lease or any other agreement with the owner of the property for use of all or part of the property in connection with a wind power project;

CHAPTER 2: The owner of the property does not consent:

- To having one or more wind power devices or other facilities related to a wind power project (including power lines, temporary or permanent access roads, or other temporary or permanent infrastructure) installed or located; or
- To otherwise enter into a lease or any other agreement with the project owner for use of all or part of the property in connection with a wind power project.

CHAPTER 3: The owner of the property does not participate in a wind power project through:

- A neighbor agreement;
- A participation agreement; or
- Another similar arrangement or agreement with a project owner.

WINERY/BREWERY/DISTILLERY. A licensed building or property whose primary purpose is to produce and sell alcoholic beverages for distribution and may include accessory commercial facilities such as a tasting room, restaurant, and event facilities.

WINDOW. An opening in a wall or roof which functions or appears to function to admit light into a building or structure.

WIND POWER DEVICE. A device, including a windmill or a wind turbine, which is designed to use the kinetic energy of moving air to provide mechanical energy or to produce electricity.

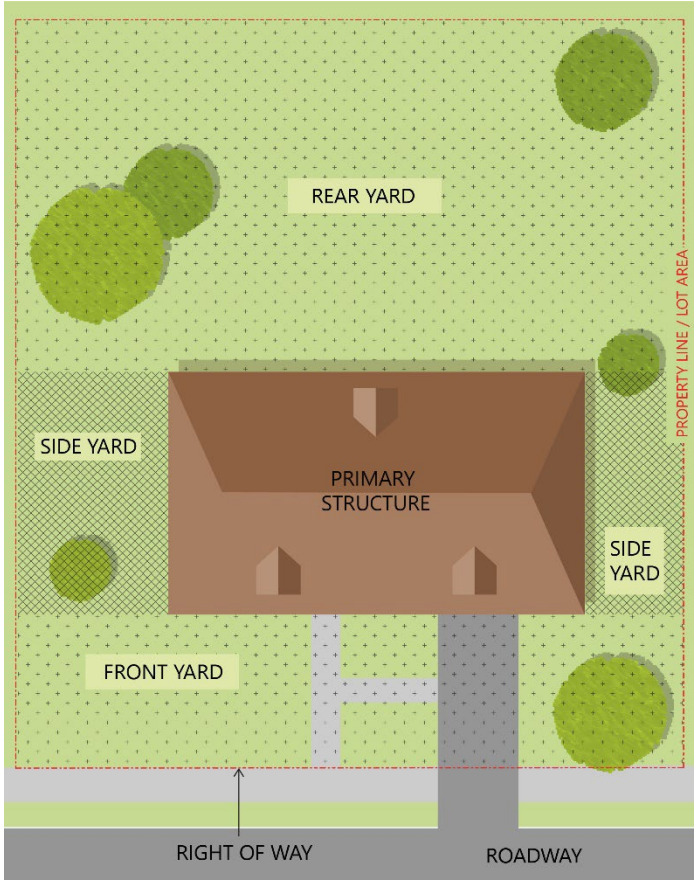
WIRELESS COMMUNICATION FACILITY. Any towers, poles, antennas, or other structures intended for use in connection with transmission or receipt of radio or television signals, or any other spectrum-based transmissions/receptions.

YARD. A space on the same parcel as the primary structure that is open, unoccupied, and unobstructed by structures, except as otherwise provided in this ordinance.

YARD, FRONT. A space extending across the full width of the parcel between any structure and the front lot line measured perpendicular to the structure at the closest point to the front lot line.

YARD, REAR. A space extending across the full width of the parcel between the primary structure and the rear lot line and measured perpendicular to the structure to the closest point of the rear lot line.

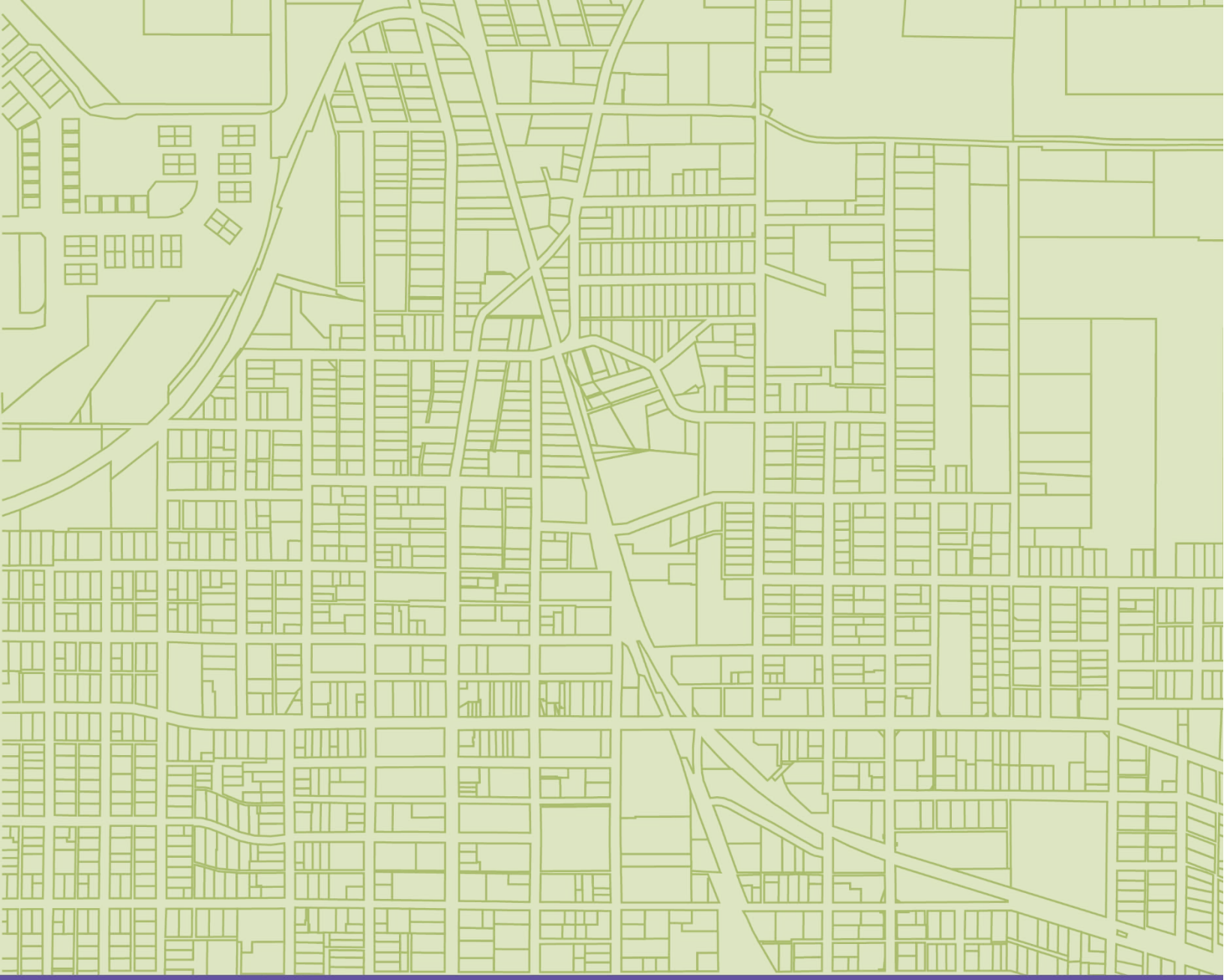
YARD, SIDE. A space extending from the front yard to the rear yard between the primary structure and the side lot line and measured perpendicular from the side lot line to the closest point of the primary structure.



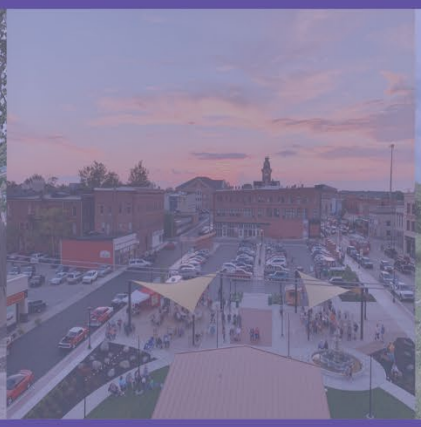
Example of Yards

ZONING DISTRICT. A specified zoning district within the jurisdictional area or extended jurisdiction for which uniform regulations governing the use, height, size, and intensity of use of structures and land, and open spaces around structures, are herein established.

ZONING MAP. The map or maps that are considered a part of the UDO and delineate the boundaries of zoning districts and any amendments thereto of the jurisdictional area of the PC.



The Press Coffee Co.
Village Creations



CHRYSLER