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Section 1

General Provisions and Enforcement

1.1 Purpose

An Ordinance establishing comprehensive zoning and subdivision regulations for Georgetown, Indiana, and providing for the administration, enforcement, and amendment thereof, in accordance with the provisions of Public Law 309, Acts of 1981 of the General Assembly of Indiana, and all acts supplemental and amendatory thereto, and for the repeal of all Ordinances in conflict therewith.

1.2 Title

These regulations shall hereafter be known and cited as the Land Use Ordinance of Georgetown, Indiana.

1.3 Interpretations, Conflict and Separability

- A. In their interpretation and application the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.
- B. Conflict with Public and Private Provisions
 - 1. Public Provisions. These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or provisions of law. Where any provisions of these regulations impose restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, those provisions, which are more restrictive or impose higher standards shall control.
 - 2. Private Provisions. These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations, or the determinations of the Commission in enforcing these regulations, and such private provisions are not inconsistent with these regulations or determinations there under, then such private provisions shall be operative and supplemental to these regulations and determinations made there under. Private provisions can only be enforced privately unless a public agency such as the Town Board or Plan Commission has been made party to such agreements.
 - 3. Severability. If any part or provision of these regulations or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which such

judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The Town hereby declares that it would have enacted the remainder of these regulations without any such part, provision or application.

1.4 Saving Provision

This ordinance shall not be construed as abating any action now pending under, or by virtue of, any prior existing zoning ordinance, or subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the Town of Georgetown, County of Floyd, the State of Indiana, or the United States of America under any section or provision existing at the time of the effective date of this ordinance, or as vacating or annulling any rights obtained by any person, firm or corporation, by lawful action of the Town of Georgetown, except as shall be expressly provided for in this ordinance.

1.5 Exclusion

Nothing in this Ordinance or in any rules, regulations or orders issued pursuant to this Ordinance shall be deemed to restrict or regulate or to authorize any unit of government, legislative body, plan commission or board of zoning appeals now or hereafter established, to restrict or regulate the exercise of the power of eminent domain by the State of Indiana or by any state agency, or the use of property owned or occupied by the State of Indiana or any state agency. As used in this section, the term "state agency" shall mean and include all state agencies, boards, commissions, departments, and institutions, including state universities of the State of Indiana.

1.6 Jurisdiction

This Ordinance shall apply to all land within Georgetown and any fringe areas over which Municipalities may choose to exercise extraterritorial jurisdiction under provisions of I.C. 36-7-4-205.

1.7 Effective Date

This ordinance takes effect upon adoption by Georgetown Town Board.

1.8 Repealer

Upon the adoption of this ordinance according to law, the Georgetown zoning Ordinance adopted November, 1994 as amended and the Georgetown Subdivision Regulations adopted November 1994 as amended are hereby repealed, except for such sections expressly retained herein. The zoning maps of each township of Georgetown showing zoning districts therein which were in effect at the time the ordinance was adopted, are specifically not repealed and become part of this ordinance by reference.

1.9 Amendments

For the purpose of providing for the public health, safety, and general welfare, the Town, on

recommendation of the Commission, may from time to time amend the text of this ordinance and/or the zoning map(s) incorporated by reference in this ordinance. Public hearings on all proposed amendments shall be held by the Commission and/or the Town in the manner prescribed by law.

1.10 Enforcement, Violation, and Penalties

- A. It shall be the duty of the Administrator to enforce these regulations and to bring any violations or lack of compliance to the attention of the Commission Attorney who may file a complaint against the person and prosecute the alleged violation.
- B. Any person may, by suit in a circuit or superior court of the county, enjoin the violation of this Ordinance.
- C. The Plan Commission or Board of Zoning Appeals by mandatory injunction in the circuit or the superior court of the county against the owner and/or possessor of the real estate may require the removal of a structure erected in violation of this Ordinance, or the removal of any use or condition permitted in violation of this Ordinance. If the Commission or Board is successful in its suit, the respondent shall pay the Commission's reasonable attorney fees and all costs related to the enforcement.
- D. Any use or subdivision of land within the participating jurisdictions that violates this Ordinance shall be treated as if it were a common nuisance, and the owner or possessor of the structure, land or premises upon which the use is maintained shall be liable for such nuisance.
- E. Any person, whether owner or possessor, who shall violate, or who permits or allows a violation, of any of the provisions of this Ordinance, or who fails to comply therewith or with any requirements hereunder, or who shall build, reconstruct, or structurally alter any building in violation of any detailed statement or plan submitted upon which an approval or grant is given under this Ordinance, shall, upon complaint filed in any court of the county and upon judgment finding such violation, be fined not less than ten dollars (\$10.00) and not more than five hundred dollars (\$500.00), and each day that such violation or noncompliance shall be permitted to exist, shall constitute a separate violation.
- F. No owner, or agent of the owner, of any parcel of land located in a proposed subdivision shall transfer or sell any such parcel before a plat of such subdivision has been approved by the Commission, in accordance with the provisions of these regulations, and filed with the County Recorder.
- G. The division of any lot or any parcel of land into a subdivision, as defined in this ordinance, by the use of metes and bounds description for the purpose of sale, or transfer, or lease resulting in the creation of one or more new building sites shall not be permitted. All such described divisions shall be subject to all of the appropriate requirements of this ordinance.
- H. No Improvement Location Permit or Building Permit required under the Uniform

Building Code, the Georgetown Building, the zoning provisions of this Ordinance shall be issued on any property subject to this Ordinance until the provisions of this Ordinance have been complied with.

- I. Attorney's Fees. Notwithstanding anything contained in this Ordinance to the contrary or appearing to be to the contrary, and in addition and supplementary to other provisions of this Ordinance, if the Board of Zoning Appeals or the Town is required to utilize the services of the Plan Commission attorney or any other attorney in investigating a possible violation of this Ordinance or enforcing the provisions of this Ordinance pursuant to 1.9C, 1.9D or 1.9E, or any other Section, before any board or court (including appeals), and such investigation results in a determination that a violation has occurred or if the Board of Zoning Appeals or County is successful in its enforcement of the Ordinance by way of suit, appeal or other appropriate proceeding, the respondent or party investigated for a violation shall pay the County's reasonable attorney fees and all costs related to the investigation of the violation and/or the enforcement of this Ordinance, unless such attorney fees or costs are specifically waived by the Town Board of Georgetown.
- J. Costs on Appeal. As to any appeal from a decision of the Board of Zoning appeals, costs may not be allowed against the Board of Zoning Appeals unless it appears to the court that the Board acted with gross negligence or in bad faith in making the decision brought up for review.
- K. The Administrator, his staff or any person or persons assisting the Administrator in the application and enforcement of this Ordinance is hereby authorized to go onto private property for the purpose of conducting inspections required by the Ordinance or any order of the Plan Commission and Board of Zoning Appeals, or required to determine if this Ordinance is being violated, or required to enforce this Ordinance. Such inspection or inspections shall occur at reasonable times and shall be conducted in a manner not to disturb the peace.

1.11 Designation of The Administrator

The Town hereby designates the Plan Commission's Executive Director or if this position is not established, then the Clerk-Treasurer as the Administrator for the purposes of implementing this Ordinance and assigns the Administrator the principal responsibility for enforcing this Ordinance.

Section 2

Definitions

2.1 Usage

- A. For the purpose of these regulations, certain numbers, abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth in this section.
- B. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word "herein" means "in these regulations"; the word "regulations" means "these regulations".
- C. A "person" includes a corporation, a partnership, and an incorporated association of persons such as a club; "shall" is always mandatory, "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied".
- D. Unless otherwise indicated, all distances shall be measured horizontally, in any direction.

2.2 Definitions

Accessory Building. A subordinate structure, the use of which is incidental to that of the dominant use of the primary building or land. Where a substantial part of the wall of an accessory building is part of the wall of the main building or where an accessory building is attached to the main building in a substantial manner, as by a roof, such accessory building shall be counted as part of the main building.

Accessory Living Quarters. Living quarters within an accessory building, for the sole use of persons employed on the premises, such quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling.

Accessory Use. A subordinate use, which is incidental to that of the primary use and is a use other than human occupancy.

Administrator. The officer appointed by and/or delegated the responsibility for the administration of these regulations by the planning commission. The executive director of the Georgetown Plan Commission or if such position is not established then the Clerk-Treasurer is hereby designated as the Administrator for the purposes of implementing this ordinance and is the Town Officer referred to herein wherever the term Administrator appears.

Adult Entertainment. An establishment having as one of its principal uses:

1. Customer-operated motion picture devices, peep shows, viewing areas, and/or similar devices either coin, token, or slug operated or which, in consideration of an entrance fee, display material distinguished or characterized by an emphasis on depictions of sexual activities or which offer male or female persons who expose to view of the customer the bare female breast below a point immediately above the top of the areola, human genitals, pubic region or buttocks, even if partially or completely covered by translucent material, or human or simulated male genitals

in a discernible turgid state, even if completely or opaquely covered.

2. A hotel or motel, which in addition to providing as the major part of its business services unrelated to depictions of sexual activities, makes entertainment (either live or on film or video tape) available to its customers, which entertainment has as a dominant theme or is characterized or distinguished by an emphasis on matter depicting, describing or relating to sexual activities, if such establishment advertises the availability of such adult entertainment at its establishment.
3. Having or advertising as having as one of its principal uses the presentation of motion pictures, slide projections, and other similar material having as a dominant theme or characterized or distinguished by an emphasis on matter depicting, describing, or relating to sexual activities for observation by persons therein.
4. Having as one of its principal uses the presentation of live performances of humans or animals having as a dominant theme or characterized or distinguished by an emphasis on matter depicting or relating to sexual activities for observation by persons therein.
5. **Adult Entertainment.** An inclusive term used to describe collectively: adult arcade, video viewing booth, adult cabaret, adult media store, lingerie modeling studio, and/or sex shop.
 - a. **Adult Arcade or Video Viewing Booths.** An establishment or any portion thereof that consists of any booth, cubicle, stall, or compartment that is designed, constructed, advertised or used for the display or presentation of adult media or feature male or female persons exhibiting specific sexual activities or specified anatomical areas for observation for patrons therein.
 - b. **Adult Cabaret.** A building or any portion of a building featuring dancing or live entertainment if the dancing or entertainment is distinguished or characterized by an emphasis on the exhibition of specific sexual activities or specified anatomical areas for observation for patrons therein.
 - c. **Adult Media.** Magazines, books, video tapes, digital video discs (DVDs), motion pictures, slides, CD-Roms, or other media used to record images that include material depicting, describing, or relating to hard-core material.
 - d. **Adult Media Store.** An establishment that rents, sells, or licenses for viewing adult media, where:
 - a. 10% or more of the gross public floor is devoted to adult media; or
 - b. 10% or more of the stock-in-trade consists of adult media; or
 - c. it advertises or holds itself out in any forum as “XXX,” “adult,” “sex,” or otherwise as adult entertainment.

- e. **Gross Public Floor Area.** The total area of a building accessible or visible to the public, including showrooms, motion picture theaters, service areas, behind counter areas, storage areas visible from such other areas, restrooms (whether or not labeled “public”), areas used for adult cabaret shows (including stage areas), as well aisles, hallways, and entryways serving such areas.
- f. **Hard Core Material.** Media characterized by sexual activity that includes one or more of the following: erect male organ; contact of the mouth of one person with the genitals of another; penetration with the finger or male organ into an orifice of another person; open female labia; penetration of a sex toy or other object into an orifice; male ejaculation; or the aftermath of male ejaculation.
- g. **Lingerie Modeling Studio.** An establishment or business that provides the services of live models modeling lingerie to individuals, couples, or small groups in a room or rooms smaller than 600 sq. ft.
- h. **Sex Shop.** Any establishment that falls into one of the following categories:
 - 1. The establishment offers for sale two or more of the following types of merchandise: (a) adult media, (b) sexually oriented toys or novelties, (c) lingerie or (d) leather goods marketed or presented in a context to suggest sadomasochistic practices; and the combination of such merchandise constitutes more than 10% of its stock-in-trade or occupies more than 10% of the gross public floor area;
 - 2. More than 5% of its stock-in-trade consists of sexually oriented toys or novelties;
 - 3. More than 5% of its gross public floor area is devoted to the display of sexually oriented toys or novelties.
- i. **Sexually Oriented Toys or Novelties.** Instruments, devices, or paraphernalia either designed as representations of genital organs or female breasts, or designed, advertised, or marked primarily for use to stimulate human genital organs.
- j. **Specified Anatomical Areas.** Less than completely and opaquely covered: human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and (2) human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- k. **Specific Sexual Activities.** Acts in which the human genitals of one or more participants is in a state of sexual stimulation or arousal; or acts of human masturbation, sexual intercourse, sodomy, fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

Advisory Plan Commission. The Georgetown Plan Commission.

Alley. A public or private way primarily designed to serve as a secondary access to the side or rear of those properties whose principal frontage is on some other street.

Alteration of Building. Any change in the supporting members (bearing walls, beams, columns, girders, etc.) of a building; any addition to a building; any change in use from one zone to another or of a building from one location to another.

Antenna. Equipment designated to transmit or receive electronic signals.

Applicant. The fee simple owner of land who makes application to the Georgetown Plan Commission or Board of Zoning Appeals for action by said Commission or Board thereby affecting that land.

Arterial Street. Either a primary arterial or secondary arterial as defined in this section.

Average Density Procedures. Procedures for calculating overall density of development prescribed in this Ordinance as a flexible tool for maintaining overall density while allowing individual lot sizes to vary from the minimum size allowed in a given zone.

Bed and Breakfasts. Homestay. A small establishment, having one to three bedrooms for rent to transients as an activity, which is subordinate, and incidental to the main residential use of the building. These are generally treated as tourist homes.

Bed and Breakfast Inns. Establishments ranging from four to twenty guest rooms and may include restaurants that cater to general public as well as overnight guests. These are treated as commercial enterprises.

Billboard. See Sign, Outdoor Advertising.

Block. A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad right-of-way, shorelines of waterways, or boundary lines or municipalities.

Block Face. One side of a street between intersections or intercepting streets or between a street and right-of-way, end of dead end street, or city boundary measured along a street line. Used interchangeably with block frontage.

Board. The Advisory Board of Zoning Appeals of the Town Board of Georgetown. The five member County executive body, referred to herein as the Town so as not to be confused with the Plan Commission, referred to herein as the Commission, or with the Board of Zoning Appeals, referred to herein as the Board.

Boarding House. A building, not available to transients, in which meals are regularly provided for compensation for at least three inhabitants in addition to the owner occupant.

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

Buffer Area. A strip of land including any trees, shrubs, walls, fences, berms, or related landscaping features required under this ordinance on private lots and privately maintained for buffering lots from adjacent properties or public rights of way for the purpose of increasing sound and/or visual privacy. (See Screening also.)

Building. Any roofed structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind. When any portion thereof or completely separated from every other portion thereof by a division wall without openings, then each such portion shall be deemed a separate building.

Building Area. The horizontal projected area of the building on a lot, excluding open areas or terraces, unenclosed porches not more than one story high, and architectural features that project no more than two feet.

Building Code. The Town ordinance or group of ordinances establishing and controlling the standards for constructing buildings, utilities, mechanical equipment and all forms of structures and permanent installations and related matters, within the Town. Also referred to herein as the Town Building Code. In the absence of a specific standard this ordinance shall default to the current State Building Code.

Building, Detached. A building having no party wall in common with another building.

Building Envelope. That portion of a lot located within the minimum prescribed front-”, rear-”, and side-”yard setback distances.

Building Height. The vertical distance measured from the adjoining street center-line grade at a point opposite the center of the principal frontage of the building to the highest point of the roof of the top story in the case of a flat roof; to the deck of a mansard roof; and to the mean height level between the eaves and ridge of gable, hip or gambrel roof. Where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished lot grade at the front of the building.

Building Line. The line nearest the front and across a lot establishing the minimum open space to be provided between the front line of buildings and structures and the front lot line, usually the street on which the lot fronts.

Building, Nonconforming. A legally existing building which fails to comply with the developmental or use regulations set forth in this ordinance applicable to the district in which such building is located.

Building Permits. (See Improvement Location Permit)

Building Semi-Detached. A building having one party wall common with an adjacent building.

Business. The purchase, sale, or exchange of goods or services, or the maintenance for profit of offices or recreational or amusement enterprises.

Camp Ground. Any area or tract of land used or rented for occupancy by campers, or for occupancy by or of home trailers, tents or movable or temporary dwellings, rooms or sleeping quarters of any kind.

Capital Improvements Program. A proposed schedule of all future projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project. All major projects requiring the expenditure of public funds, over and above the annual local government's operating expenses, for the purchase, construction, or replacement of the more durable, longer lived physical assets for the community are included.

Cemetery. Land used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundary of such cemetery.

Central Sewerage System. A community sanitary sewerage system including collection and treatment facilities established by the developer to serve a new subdivision or an existing public sewer system.

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

Certificate. The signed and attested document which indicates that a subdivision has been granted secondary approval by the Commission subsequent to proper public notice of its hearing.

Checkpoint Agency. A public agency or organization called upon by the Commission to provide expert counsel with regard to specific aspect of community development or required by law to give its assent before subdivision may take place.

Child Care Facility, Family Home. A private residence where care, protection, and supervision are provided for a fee to no more than ten (10) children at one time, including children of the adult provider.

Child Care Facility, Group Center A. A building or structure other than a private home operated by a person, society, corporation, institution or any other group wherein are received for pay at least three (3) but not more than twelve (12) children under 18 years of age for group care without transfer of custody, for less than 24 hours a day.

Child Care Facility, Group Center B. Same as Group A, but serving more than 12 children.

Clear-Cutting. The indiscriminate removal of trees, shrubs, or undergrowth with the intention of preparing real property for nonagricultural development purposes.

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

Club. Building and/or facilities owned and operated by a corporation, association, or persons for a social, educational, or residential purpose; but not primarily for profit or to render a service that

is customarily carried on as a business.

Cluster Housing. Developments in which dwelling units are clustered close to their access streets or drives in order to permit aggregation of yard space into larger common recreational spaces.

Collector Street. A street intended to move traffic from local streets to secondary arterials as designated by and shown on the Thoroughfare Plan. (A collector street serves a neighborhood or large subdivision and shall if at all possible be designed so that no residential properties face onto it and no driveway access to it is permitted except if the property is to be in multi-family use for three (3) or more dwelling units.)

Commercial Use. An occupation, employment or enterprise carried on for profit by the owner, leasee, or licensee.

Commission. The Georgetown Plan Commission. Commission Attorney. The licensed attorney designated by the Commission to furnish legal assistance for the administration of this ordinance or as provided by statute.

Comprehensive Plan. Inclusive physical, social, and economic plans and policies in graphic and verbal statement forms for the development of the County (and the constituent communities within its planning jurisdiction), prepared and adopted by the Commission pursuant to the State Acts, and including any part of such plan and/or policies separately adopted and any amendment to such plan and/or policies, or parts thereof; The Comprehensive Plan of Georgetown as adopted by the Georgetown Town Board.

Conditional Use Permit. Legal authorization to undertake a conditional use, issued by the Board and consisting of two (2) parts: (1) A statement of the factual determination by the Board, which justifies the issuance of the permit; and (2) a statement of the specific conditions which must be met for the use to be permitted.

Condominium. Real estate lawfully subjected to IC 32-1-6 (the Horizontal Property Law) by the recordation of condominium instruments, in which undivided interests in the common areas and facilities are vested in the condominium unit owners.

Construction Plan(s). The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed for the subdivision in accordance with the requirements of this ordinance as a condition of the approval of the Board of Georgetown, Indiana.

County Auditor. The County official empowered to examine and settle all accounts and demands that are chargeable against the County and not otherwise provided by the statute.

Towns designated Engineer. The engineer designated by the Town to furnish engineering assistance in the administration of these regulations.

County Government. The governmental body of the County empowered to adopt planning and public policy ordinances; the County Commission, herein referred to only as the County.

County Health Department and County Health Officer. The agency and person designated by the County to administer the health regulations within the County's jurisdiction.

County Recorder. That county official empowered to record and file land description plats.

Cul-de-sac. A local street with only one (1) outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement including public safety vehicles.

Dead-end Street. A street or portion of a street with only one (1) vehicular traffic outlet, and no turnaround at the terminal end.

Department. (See Public Agency.)

Designated Officials. Those officials of the Commission designated in the subdivision ordinance as required signatures for the execution of the subdivision certificate.

Developer. The owner of land proposed to be subdivided or his representative. Consent for making applications for development approval shall be required from the legal owner of the premises.

Development. All structures and modifications of the natural landscape above and below ground or water, on a particular site.

District. (See Zone.)

Drive-In Facility. Any section of a building or structure from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions.

Drive-In Restaurant. An establishment selling foods, frozen desserts, or beverages to consumers, the establishment being designed, intended or used to a substantial extent for the consumption of such items on the premises outside of the building in which they were prepared.

Drives, Private. Vehicular streets and driveways, paved or unpaved, which are wholly within private property except where they intersect with public streets within public rights-of-way.

Dwelling. A building or part of a building that is used primarily as a place of abode, including one-family, two-family, and multiple-family dwellings, but not including a hotel, motel, lodging house, or tourist home.

Dwelling, Multiple-Family. A building or portion thereof used for occupancy by three or more families living independently of each other.

Dwelling, Seasonal. A dwelling not used for permanent residence and not occupied for more than 180 consecutive days.

Dwelling, Single-Family Attached. (See Townhouse.)

Dwelling, Single-Family, Detached. A structure designed for and exclusively occupied by one family and surrounded on all sides by open space on the same lot.

Dwelling, Two-Family. A structure designed for and exclusively by a maximum of two (2) families, commonly known as a duplex.

Dwelling Unit. One or more rooms connected together so as to create an independent housekeeping establishment for occupancy by one family or more, by rental or lease on a weekly, monthly, or longer basis and containing separate toilets, bathroom, and facilities for cooking and sleeping.

Easement. An authorization grant made by a property owner for use by another of any designated part of his property for a clearly specified purpose and officially recorded.

Educational Institution. Public, parochial or private preprimary, primary, grade, high, preparatory school or academy; junior college, college or university, public or founded or conducted by or under the sponsorship of a religious or charitable organization, or private when not conducted as a commercial enterprises for the profit of individual owners or stock holders. This definition shall not be deemed to include trade or business school as defined in this section.

Escrow. A deposit of cash with the Commission in lieu of an amount required and still in force on a performance or maintenance bond. Such escrow funds shall be held by the Clerk-Treasurer and shall not receive interest.

Family. One or more persons living as a single housekeeping unit, the majority of said persons being of lineal ancestry or lineal descendant of at least one other person within a housekeeping unit or being related to another member of the housekeeping unit by marriage, as distinguished from a group occupying a hotel, club, fraternity, sorority house, or group home where the primary relationship between the members of the housekeeping unit is based upon common factor of the members of the housekeeping unit other than as specifically set forth in this paragraph. Nothing in this paragraph shall be construed to exclude four or more unrelated persons occupying a dwelling unit and living as a single non-profit housekeeping unit, if said persons are handicapped persons as defined in Title VIII of the Civil Rights Acts of 1968, as amended by the Fair Housing Amendments Act of 1988.

Farm. An area used for agricultural operations, including truck gardening, forestry, the operating of a tree or plant nursery, or the production of livestock and poultry.

Feedlot. Any tract of land or structure, pen, or corral wherein cattle, horses, sheep, goats, poultry, and swine are maintained in close quarters for the purpose of fattening such livestock for final shipment to market.

Fence, Boundary. Any artificially constructed barrier of any material or combination of materials erected to enclose an area of land.

Fence, Privacy. Any artificially constructed barrier or wall of any material or combination of

materials designed to screen or block all or part of a property from the view of neighbors.

Final Plat. The map, drawing, or plan described in this ordinance of a Subdivision and any accompanying description material submitted to the Commission for secondary approval, and which if approved and signed by the designated officials, may be submitted to the County Recorder for recording.

Flood Hazard Areas (Also Special Flood Hazard Area or SFHA). Those lands within the jurisdiction of the County that are subject to inundation by the regulatory flood. The SFHA5 of the County are generally identified as such on the Flood Insurance Rate Map of the County prepared by the Federal Emergency Management Agency dated _____.

Flood Plain. The channel proper and the areas adjoining any wetland, lake or watercourse, which have been, or hereafter may be covered by the regulatory flood. The flood plain includes both the floodway and the floodway fringe districts.

Flood Protection Grade (FPG). The elevation of regulatory flood plus two feet at any given location in the SFHA.

Floodway. (See Regulatory Floodway.)

Floodway Fringe. Those portions of the Flood Hazard Areas lying outside the Floodway.

Floor Area Ratio (FAR). Determined by dividing the gross floor area of all buildings on a lot by the area of that lot.

Foundation. The supporting member of a wall or structure.

Frontage. The side of a lot abutting on a legally accessible street or street-right-of-way on the Georgetown road maintenance list. Lots shall not be considered to front on stub ends of streets and in the case of corner lots will be considered to front on both intersecting streets. (No access for any one lot is permitted to more than one street and that street generally will be the one calculated to have lower traffic volumes and less frequent intersections.)

Frontage Street. Any street to be constructed by the developer or any existing street in which development shall take place on both sides.

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

Front Lot Line.

1. For an interior or through lot, means the line marking the boundary between the lot and the abutting street or a lake or watercourse; and
2. For a corner lot means the line marking the boundary between the lot and the shorter of the two abutting street segments.

Garage, Parking. Any building, except those herein defined as a private garage, used exclusively for parking of self-propelled vehicles, and with not more than two pumps for the incidental sale of gasoline.

Garage, Private. A detached accessory building or portion of a main building, used for the storage of self-propelled vehicles where the capacity does not exceed three vehicles, or not more than one per family housed in the building to which such garage is accessory, whichever is the greater, and not more than one-third the total number of vehicles stored in the garage shall be commercial vehicles.

Garage, Public. Any garage other than a private garage, available to the public, operated for gain, and which is used for storage, repair, rental, greasing, washing, servicing, adjusting or equipping of automobiles or other motors vehicles.

Garage or Yard Sale. A public or private sale conducted by the owner or occupier of a premise, and conducted within a residence, garage, other accessory building or outside thereof, which sale is of six or more items of personal property owned or in the position of the owner or occupier of the premises, which personal property was not acquired by the owner or occupier for the purposed of resale.

Governing Body. The body of the relevant local government having the power to adopt ordinances.

Grade. The slope of a street, or other public way, specified in percentage (%) terms.

Ground Floor Area. The area of a building in square feet, as measured in a horizontal plane at the ground level within its largest outside dimensions, exclusive of open porches, breezeways, terraces, garages, and exterior stairways.

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

Height. With respect to a building, means the vertical distance from the lot ground level to the highest point, for a flat roof; to the deck line, for a mansard roof; and to the mean height between eaves and ridges, for a gable, hip, or gambrel roof.

Highway, Limited Access. A freeway, or expressway, providing for through traffic, in respect to which owners or occupants of abutting property or lands and other persons have no legal right to access to or from the same, except at such points and in such manner as may be determined by the public authority having jurisdiction over such a highway.

Historic District. A geographically defined area containing buildings, places, or landscapes in which historic events occurred or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the community, of such significances on to warrant conservation and preservation; Any district listed in the Georgetown Interim Report of the Indiana Historic Sites and Structures Inventory.

Home Occupation. Any use customarily conducted entirely within a dwelling and carried on by the occupants thereof, which is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof, and in connection with which there is no commodity sold upon the premises except that which is produced by such home occupation, and provided not more than two (2) persons are engaged in such occupation.

Home Occupation, Rural. An accessory use to a customary farming operation or a non-farm household located in a rural area designed for gainful employment involving the sale of goods and services that is conducted either from within the dwelling and/or from accessory buildings located within 500 linear feet of the dwelling unit occupied by the family conducting the home occupation.

Homeowners Association. A private, nonprofit corporation of homeowners for the purpose of owning, operating, and maintaining various common properties.

Hospital. An institution specializing in giving clinical, temporary, and emergency services of a medical or surgical nature to human patients, and licensed by state law to provide facilities and services in surgical and general medical practice; includes related facilities such as laboratories, outpatient departments and treatment centers, training facilities, central service facilities, and staff office that are an integral part of the institutions function.

Hotel. A building or portion thereof used for the more or less temporary occupancy of individuals who are lodged with or without meals and in which provision for cooking is made preponderantly in a central kitchen and not in the individual rooms or suites.

Improvement Location Permit. Legal authorization issued by the Administrator of the Georgetown Plan Commission or his/her designated representative, allowing a property owner or his/her agent to erect, construct, enlarge, convert or demolish any building or structure or to fill, excavate, move, remove or otherwise alter the use or condition of land within its jurisdiction; the permit is valid for one year from date of issue.

Individual Sewage Disposal System. A septic tank, seepage tile sewage disposal system, or any other approved sewage treatment device approved by the Georgetown Board of Health of Indiana State Board of Health.

Industrial Park. A planned, coordinated development of a tract of land with two or more separate industrial buildings. Such development is planned, designed, constructed, and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, utility needs, building design and orientation, and open space.

Industry, Heavy. A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in storage of, or

manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

Industry, Light. A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

Interested Parties. Those parties who are owners of properties adjoining or adjacent to the property for which zoning change, variance, subdivision plat approval, or other required approval is being sought.

Junk Yard. A place, usually outdoors, where waste or discarded used property other than organic matter is accumulated and/or stored and is or may be salvaged for reuse or resale, including, but not limited to one or more unlicensed or inoperable motor vehicles, scrap metal, scrap machinery or parts thereof.

Kennel. Any premises or portion thereof on which more than four dogs, cats or other household domestic animals over four months of age are kept or on which more than two such animals are maintained, worked, bred, or cared for, in return for remuneration, or kept for the purpose of sale.

Landfill. A disposal site employing an engineering method of disposing of solid wastes in a manner that minimizes environmental hazards by spreading, composting to the smallest volume, and applying cover material overall exposed waste at the end of each operating day.

Local Street. A street intended to provide access to other streets from individual properties and to provide right-of-way beneath it for sewer, water, and storm drainage pipes.

Lodging House. (See Boarding House).

Lot. A tract, plot, or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or of building development.

Lot Area. The area of horizontal plane bounded by the vertical planes through front, side, and rear lines.

Lot, Corner. A lot abutting on and at the intersection of two or more streets.

Lot Coverage. The area of a site covered by building or roofed areas excluding allowed projecting eaves, balconies and similar features.

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

Lot Improvement. Any building, structure, work of art, or other object, or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment.

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

Lot of Record. A lot whose existence, location and dimensions have been legally recorded, in a deed or on a plat.

Lot, Through. A lot having frontage on two parallel or approximately parallel streets.

Lot Width. The distance at side lot lines as measured at the building line.

Major Street. A collector or arterial street.

Manufactured Home. A dwelling unit, designed and built in a factory, which bears a seal certifying that it was built in compliance with the Federal Manufactured Housing Construction and Safety Standards Law (42 U.S.C. 5401 et seq.), built after January 1, 1981, being larger than 950 square feet and having home-type siding and roofing. Also, a structure, transportable in one or more sections, which is built on a permanent chassis and is designated for use with or without a permanent foundation when attached to the required utilities. The term "Manufactured Home" does not include a "Recreational Vehicle".

Mini warehouse. A building consisting of individual small, self-contained, controlled-access units that are leased or owned for the storage of customer's goods, wares, or household possessions.

Mobile Home. A dwelling unit built as a transportable structure and larger than three hundred and twenty (320) square feet, and/or designed to be used as a year round residential dwelling.

Mobile Home/Manufactured Home Park. A parcel of land under single ownership that has been planned or improved for the placement of two or more mobile homes or manufactured homes for dwelling purposes.

Motel. A building or group of buildings containing apartments, suites, and/or rooming units, each of which maintains a separate entrance. Such building or group of buildings is designed, intended or used primarily for the accommodation of automobile travelers and automobile parking conveniently on the premises.

Nonconforming Building. Any building that does not meet the limitations on building size and location on a lot, for the district in which such building is located, or the use to which such building is being put.

Nonconforming Use. A building structure or use of land existing at the time of enactment of this ordinance, which does not conform to the regulations of the district in which it is situated.

Nursing Home, Comprehensive Care Facility. An institution maintained for the purpose of providing nursing care and medical supervision at a lower level than available in a hospital to more than four persons.

Nursing Home, Residential Care Facility. A home or institution maintained for the purpose of providing medical supervision and assistance for more than four residents who need less service

than the degree of service provided by a comprehensive care facility.

Official Map. The map, maps, or log established by the Town or County pursuant to law showing the existing and proposed streets, highways, parks, drainage systems and set-back lines theretofore laid out, adopted and established by law, and any amendments or additions thereto adopted by the Town or County or additions thereto resulting from the approval of subdivision plats by the Commission and the subsequent filing of such approved plats.

Open Space. Land intended to provide light and air and designed for either environmental, scenic, or recreational purposes.

Ordinance. Any legislative action, however denominated, of a local government, which has the force of law, including any amendment or repeal of any ordinance.

Outdoor Storage. The keeping, in an unroofed area, of any goods, junk material, merchandise, or vehicles in the same general area for more than 48 hours.

Owner. Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in a parcel of land.

Parking Area. A group of parking spaces, exclusive of any part of a street or alley, designed or used for the temporary parking of motor vehicles.

Parking Space. An open space exclusive of maneuvering aisle and driveway for the parking of motor vehicles.

Perimeter Street. Any existing street to which the parcel of land to be subdivided abuts on only one side.

Permanent Foundation. A structural system for transporting loads from a structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil.

Permanent Perimeter Enclosure. A permanent perimeter structural system completely enclosing the space between the floor joists of the home and the ground, except for necessary openings, constructed in accordance with the One and Two Family Dwelling Code.

Person. A corporation, firm, partnership, association, organization, unit of government, or any other group that acts as a unit, as well as a natural person.

Planned Unit Development. Planned unit development is a means of land regulation which permits large scale, unified land development in a configuration and possibly a mix of uses not otherwise permitted "as of right" under the Town Zoning ordinance but requiring under that ordinance or a special ordinance a special review and approval process.

Plat. A map indicating the subdivision or re-subdivision of land filed or intended to be filed for record with the County Recorder.

Preliminary Plat. The preliminary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Commission for approval.

Primary Approval. An approval (or approval with conditions imposed) granted to a subdivision by the Commission after having determined in a public hearing that the subdivision complies with the standards prescribed in this Ordinance (per I.C. # 36-7-4-700 series: Subdivision Control).

Primary Arterial. A street intended to move through-traffic to and from such major attractors as central business districts, regional shopping centers, colleges and/or universities, military installations, major industrial areas, and similar traffic generators within the county; and/or as a route for traffic between communities; a major thoroughfare.

Principal Use Building. A building in which the principal use of the lot or parcel is conducted. Standards recognized by the Indiana Administrative Building Council shall be used to determine whether a given structure constitutes one or more buildings in cases where ambiguities exist.

Private School. A school other than a public school.

Private Camp. An area of land used or designated to be used to accommodate groups or organized camping parties, including cabins, tents, food service and recreational facilities.

Professional Office. An office used by members of a recognized profession including but not limited to architects, artists, dentists, engineers, lawyers, musicians, physicians, surgeons or pharmacists, and realtors or insurance agents and brokers.

Public Agency. An agency or government department acting under the aegis of and representing an elected or appointed council, commission, or other policy-making or advisory body of federal, state or local government to whom it is responsible.

Public Improvement. Any drainage ditch, street, highway, parkway, sidewalk, pedestrian-way, tree, lawn, off-street parking area, utility, or sewer, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.

Rear Lot Line. For an interior or corner lot, this means the lot line that is opposite the front lot line and farthest from it, except that a triangular or other irregularly-shaped lot it means the line ten feet long, parallel to the front lot line, and wholly within the lot, that is farthest from the lot line.

Registered Land Surveyor. A land surveyor properly licensed or through reciprocity permitted to practice in the State of Indiana.

Registered Professional Engineer. An engineer properly licensed and registered in the State of Indiana or permitted to practice in Indiana through reciprocity.

Regulatory Flood. Means the flood having a one percent probability of being equaled or

exceeded in any given year, as calculated by a method and procedure which is acceptable to and approved by the Indiana Natural Resources Commission.

Regulatory Floodway. The channel of a river or stream and those portions of the flood plains adjoining the channel which are reasonably required to efficiently carry and discharge peak flow of the regulatory flood of any river or stream and, is that area covered by floodwaters in significant downstream motion or covered by significant volumes of stored water during the occurrence of the regulatory flood.

Recycling Center. A facility that is not a junkyard and in which recoverable resources, such as newspaper, glassware, and metal cans, are collected, stored, flattened, crushed, or bundled, within a building having at least two (2) sides and at which items are prepared for sale to a recycling plant.

Recycling Plant. A facility that is not a junkyard and in which recoverable resources, such as newspapers, magazines, books, and other paper products, glass, metal cans; and other products, are recycled, repossessed, and treated to return such products to a condition in which they may again be used for production.

Restrictive Covenants. Limitations of various kinds on the usage of lots or parcels of land. Such restrictions may be imposed or proposed by a subdivider of a proposed subdivision or by the owner(s) of other parcels. In the case of public health, safety and welfare, such restrictions may be imposed by the Commission or Board as a condition of approval of a petition before such board. In such case, restrictions are enforceable by the requiring Commission or Board. In any case, such restrictions are recorded with the plat or parcel and run with the land.

Re-subdivision (Also Re-platting). A change in a map of an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved thereon for public use, or any lot line, or setback; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

Right-Of-Way. A strip of land occupied or intended to be occupied by a street, pedestrian-way, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, special landscaping, or for another special use. The usage of the term "Right-of-Way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-Way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, screening or special landscaping, or any other use involving maintenance by a public agency shall be dedicated to public use by the subdivider on whose plat such right-of-way is established.

Road(s). (See Street(s).)

Satellite Dish Antenna. A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between land based and/or orbitally based uses. This definition is meant to include but not be limited to what are commonly

referred to as satellite earth stations, TVRDS (television reception only satellite dish antenna), and satellite microwave antenna.

Scenic Easement. An easement, the purpose of which is to limit development in order to preserve view or scenic area.

Scrap Metal Yard. A general industrial use established independent of or ancillary to and connected with another general industrial use, which is concerned exclusively in new and salvaged metal pipes, wire, beams, angles, rods, machinery, parts, filings, clippings, and all metal items of every type, and which acquires such items incidental to its connection with the other general industrial use or by purchase, consignment or bailment which stores, grades, processes, melts, cuts, dismantles, compresses, cleans, or in any way prepares said items for reuse by the connected other general industrial use or for sale and shipment and use in other industries or businesses including open hearth, electric furnaces and foundry operations; such an establishment shall not include junk yards, dumps, or automobile graveyards. The storage, dealing in or the permitting of the accumulation of significant quantities of combustible, organic or nonmetal scrap materials such as wood, paper, rags, garbage, bones and shattered glass on the premises of such an establishment will disqualify it from being classified as a scrap metal yard, and the same will be classified as either a junk yard, a sanitary fill or refuse dump depending on the content of the accumulated matter.

Screening. The method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms, or other features.

Secondary Approval. The stage of application for formal Plan Commission approval of a final plat of a subdivision the construction of which. If approved and signed by the designated officials, may be submitted to the County Recorder for filing.

Secondary Arterial. A street intended to collect and distribute traffic in a manner similar to primary arterials, except that these streets service minor traffic-generating areas such as community-commercial areas, primary and secondary educational plants, hospitals, major recreational areas, churches, and offices, and/or designed to carry traffic from collector streets to the system of primary arterials as designated by and shown on the Thoroughfare Plan.

Setback. A line parallel to and equidistant from the relevant lot line (front, back, side) between which no buildings may be erected as prescribed in this ordinance.

Side Lot Line. Any line separating two lots other than front or rear lot lines.

Sign. A visual device or structure used for advertising, display or publicity purposes.

Sign, Outdoor Advertising (Billboard). A structural poster panel or painted sign, either freestanding or attached to a building, for the purpose of conveying information, knowledge, or ideas to the public about a subject unrelated to the activities on the premises upon which it is located.

Sign, Portable. A free-standing, on-premise advertising device which is designed to be moved

from one location to another and is not permanently affixed to the ground or to a structure, or is only affixed by means of tie down straps or stakes.

Site Plan. A drawing or group of drawings, prepared to scale, showing accurately the boundaries of a site and the location of all buildings, streets, uses and principal site development features proposed for a specific parcel of land.

Sketch Plan. The initially submitted graphic representation of a proposed major subdivision, drawn to approximate scale, either superimposed upon a print of a topographic survey, or presented in any other suitable graphic medium or form acceptable to the Commission; and, in the case of a minor subdivision, the drawing or drawings indicating the proposed manner of layout of the subdivision meeting the conditions of the subdivision ordinance to be submitted to the Commission for primary approval.

Special Use. The authorization of a use that is designated as such by this ordinance as being permitted in the district concerned if it meets special conditions, and upon application, is specifically authorized by the Board of Zoning Appeals.

Stable, Private. An accessory building in which horses, ponies, or mules owned by the occupant of the premises are kept and used solely by the occupant.

Stable, Riding, (Public). An accessory building in which horses, ponies or mules used exclusively for pleasure riding or driving are housed, boarded, or kept for remuneration, hire or sale.

Story. That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, the area between such floor and the ceiling above it; also, any portion of a building used for human occupancy between the topmost floor and the roof. A basement shall be counted as a story if its ceiling is over six (6) feet above the average level of the finished ground surface adjoining the exterior walls of such story.

Street. A right-of-way that is purchased by governmental unit or is established by a recorded plat and publicly maintained to provide the principal means of access to abutting property.

Street, Dead-end. A street or portion of a street with only one (1) vehicular-traffic outlet.

Street Right-of-Way Width. The distance between property lines measured at right angles to the center line of the street.

Streets, Classification. For the purpose of providing for the development of the streets, highways, and right-of-way in the governmental unit, and for the future improvement, reconstruction, realignment, and necessary widening, including provision for curbs and sidewalks, each existing street, highway, and right-of-way, and those located on approved and filed plats, have been designated on the Official Map of the Town or County or Thoroughfare Plan and classified therein. The classification of each street, highway, and right-of-way is based upon its location in the respective zoning districts of the Town and its present and estimated future traffic volume and its relative importance and function as specified in the Town Comprehensive Plan and/or its Thoroughfare Plan component. The required improvements shall

be measured as set forth for each street classification on the Official Map.

Structural Change. A substantial change in a supporting member of a building, such as a bearing wall or partition, column, beam, or girder, or in an exterior wall or the roof.

Structure. Anything constructed or erected that requires location on or in the ground or attachments to something having a location on or in the ground.

Subdivider. Any person who (1) having a proprietary interest in land, causes it, directly or indirectly, to be divided into a subdivision; or who (2) directly or indirectly sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease, or development, any interest, lot, parcel site, unit, or plat in a subdivision; or who (3) engages directly, or through an agent, in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision of any interest, lot parcel site, unit, or plat in a subdivision; and who (4) is directly or indirectly controlled by, or under direct, or indirect common control with any of the foregoing.

Subdivisions. The division of a parcel of land into two (2) or more lots, parcels, sites, units, plats, or interests for the purpose of offer, sale, lease, or development, either on the installment plan or upon any and all other plans, terms, and conditions, including re-subdivision. Subdivision includes the division or development of land zoned for residential and nonresidential uses, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat, or other recorded instrument.

Subdivision Agent. Any person who represents, or acts for or on behalf of, a subdivider or developer, in selling, leasing, or developing, or offering to sell, lease, or develop any interest, lot, parcel, unit, site, or plat in a subdivision, except an attorney-at-law whose representation of another person consists solely of rendering legal services, and is not involved in developing, marketing or selling real property in the subdivision.

Subdivision, Major. Any subdivision not classified as a minor subdivision, including but not limited to subdivisions of five (5) or more lots, or any size subdivision requiring any new street or extension of the local governmental facilities, or the creation of any public improvements.

Subdivision, Minor. A subdivision that does not involve any of the following: (1) the creation of more than a total of four lots; (2) the creation of any new public streets, (3) the extension of a public water or sewer system, or (4) the installation of drainage improvements through one or more lots to serve one or more other lots.

Subdivision, Nonresidential. A subdivision whose intended use is other than residential, such as commercial or industrial. Such subdivision shall comply with the applicable provisions of these regulations.

Technical Review Committee. A panel established by the Commission to provide technical services in the administration of this ordinance.

Temporary Improvement. Improvements built and maintained by a subdivider during construction of the subdivision and intended to be replaced by a permanent improvement prior to release of the performance bond or turnaround improvements at the ends of stub streets intended

to be replaced when the adjoining area is developed and the through street connection made.

Trade or Business School. A secondary or higher education facility teaching usable skills that prepare students for jobs in a trade, business or vocation.

Use. The employment or occupation of a building, structure or land for a person's service, benefit or enjoyment.

Use Variance. The approval of a use other than that prescribed by this zoning ordinance. Changes of allowed uses are not permitted by this ordinance except by zoning map amendment.

Variance. A specific approval granted by the Advisory Board of Zoning Appeals in the manner prescribed by this Ordinance, to deviate from the development standards (such as height, bulk, area) that the Ordinance otherwise prescribes.

Wetland. An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that, under normal circumstances, does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophilic vegetation.

Yard. A space on the same lot with a principal building that is open and unobstructed except as otherwise authorized by this ordinance.

Yard, Front. A yard extending across the full width of the lot measured at the narrowest point, the depth of which shall be the least distance between the front lot line and the front of the main building.

Yard, Rear. A yard as defined herein, encompassing the horizontal space between the nearest foundation of a building to a rear lot line and that rear lot line, extending to the side lines of the lot, and measured as the shortest distance from the foundation to the rear lot line. The rear yard of a corner lot shall be that yard at the opposite end of the lot from the front yard.

Yard, Side. The horizontal space between the nearest foundation of a building to the side lot line and that side lot line, unoccupied other than by architectural appurtenances projecting not more than twenty-four (24) inches into that space; steps or terraces not higher than the level of the first floor of the building; and open lattice-enclosed fire escape, fireproof outside stairways and balconies projecting not over twenty-four (24) inches into that space.

Zone or District. A section of Georgetown for which uniform regulations governing the use, height, area, size and intensity of use of buildings and land, and open spaces about buildings, are herein established.

Zone or District. A section of Georgetown for which uniform regulations governing the use, height, area, size and intensity of use of buildings and land, and open spaces about buildings, are herein established.

Section 3

Zoning Districts

3.1 Kinds of Districts: Establishment

The Town is divided into the following districts:

- A. Flood Plain Districts, designated "FP" are established to include lowland areas adjacent to lakes and ponds, and areas that are within the flood plains of rivers or creeks and are thus subject to inundation and damage from flood waters up to the elevation of the regulatory flood. Flood plain districts are interpreted as overlay districts which overlap other zoning districts and whose boundaries are identified on Flood Insurance Rate Maps. Land use in FP districts is subject to provisions of the Floyd County Flood Plain Ordinance as well as this Ordinance.
- B. Agricultural Districts, designated "A", are established to include substantial areas where little or no urbanization has occurred or is likely to occur in the near future.
- C. Residence Districts, designated "R-R", are established to include areas for rural residential subdivisions with a maximum density of .2 units per acre and subject to special zoning, design, and common space maintenance requirements.
- D. Residence Districts, designated "R-1" are established to include areas for low-density single-family residences with a density of 2 dwelling units or less per gross acre.
- E. Residence Districts, designated "R-2" are established to include areas for medium density single-family residences with a density of 4 dwelling units or less per gross acre. (Duplex Apartments or Patio Homes).
- F. Residence Districts, designated "R-3", are established to include areas for relatively high density single-family, two-family, and multi-family residential development with a density of 8 dwelling units or less per gross acre. (Apartments, Duplex Apartments, or Patio Homes).
- G. Mixed Roadside Residential /Business District. Designated Residential/Business is designed to include structures that exist along Highway 64 frontage that incorporate both residential and B-1 usages side by side, or within the same structure. This district allows expansion or change of usage within a maximum of B-1 standards. Any higher level of usage would not be allowed or would be a non-conforming use under 4.3.
- H. Local Business Districts, designated "B-1" are established to include areas that are close to residential areas and appropriate to meeting their shopping and service needs.
- I. Highway Service Districts, designated "B-2" are established to include areas that are close to interstate interchanges and intersections of two state highways and are appropriate to the limited shopping and service needs of those locations.

- J. General Business Districts, designated "B-3" are established to include areas that are appropriate to all kinds of businesses, services, and light industrial uses.
- K. Light Industrial Districts, designated "M-1" provide space for industries that do not cause conditions that would be objectionable to neighboring properties.
- L. Heavy Industrial Districts, designated "M-2" provide space for certain intensive industrial operations which may have characteristics that would be objectionable to neighboring properties.
- M. Hazardous Waste Disposal Districts, designated "M-3" are restricted to facilities designed for the disposal, destruction, or recycling of hazardous materials, subject to any applicable local, state, and/or federal licensing, construction, and operational regulations.
- N. Planned Unit Development Districts, designated "PUD" are designated to promote the progressive development of land and construction thereon. Planned unit developments are large-scale developments incorporating a variety of residential uses with related recreational, commercial, business, or industrial uses which are planned and developed as a single unit, according to conditions set forth in Section 11 of this ordinance.

3.2 Maps and Boundaries

- A. Zoning District Boundaries. The boundaries of the districts established by or pursuant to Section 3.1 are as shown on the zone map which is a part of this Ordinance, and hereafter known as the Official Zoning Map for the Town of Georgetown. Said Official Zoning Map shall hereafter be kept in the custody of the Administrator of Georgetown, Indiana. Except as provided by section 3.2B such boundaries and the Official Zoning Map shall be changed only by amendment to the Official Zoning Map. Upon such amendment the Town of Georgetown shall within (5) days of passage of such amendment, certify a copy of such amendment to the Administrator, who shall immediately change the Official Zoning Map in accordance with such amendment. The Administrator shall cause the Official Zoning Map to show the ordinance number and date of adoption of all such amending ordinances.
 - 1. When the exact boundaries of a district are uncertain, they shall be determined by use of the scale of the zoning map.
 - 2. When the maps are caused to be changed by amendment, the change shall be to the center of any and all abutting rights-of-way.
 - 3. If the boundary line of a district divides a lot having frontage on a street so that the front part of the lot lies in one district and the rest of the lot lies in another, use requirements and restrictions that apply to the front part of the lot apply to the entire lot.
 - 4. That initially the map may not contain all districts provided for this ordinance. These shall be added as needed by ordinance.

B. Flood Plain Districts Boundaries.

1. The boundary of an FP District may be changed if the Indiana Natural Resources Commission, after investigating the land involved, determines (1) that the requested change would not endanger the public welfare, and (2) that the elevation of such land is at or above the elevation of the regulatory flood. Such determination shall be made in writing upon request of the applicant who shall provide the Indiana Natural Resources Commission with a scale drawing identifying the location, dimensions and elevations related to the USGS datum of the land.
2. If the land within the boundary of an FP District is certified by a Registered Land Surveyor or Registered Professional Engineer as having an elevation at or above the regulatory flood elevation, as determined by Indiana Natural Resources Commission, that area of land so certified will be removed from the FP designation and will become zoned as the adjacent areas on the zoning map. Should the adjacent areas contain more than one zoning district, the line dividing those existing districts shall be extended through the land so removed from the FP District. Should an area, certified as having natural ground elevation at or above that of the regulatory flood, be adjacent to no district other than flood plain (i.e., surrounded by flood plain), it will be designated A, Agricultural, until or unless the legislative body alters that designation by ordinance. However, in the case of islands created by fill material only those islands located in the floodway fringe will be redesignated. Islands created in the floodway will still be considered part of the floodway. However, in no case shall an area derive A zoning from its adjacency to land removed by certification from the FP district if the area also abuts another zoning classification. It shall derive its zoning from the adjacent district
3. All lands, within the flood plain having an elevation below that elevation determined by the Indiana Natural Resources Commission to be the regulatory flood elevation for that location shall be in the FP District.

- C. Flood Insurance Rate Maps. The flood plain districts (areas subject to inundation by the regulatory flood) as identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the County of Floyd" dated _____, with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps along with any subsequent revisions to the text or maps are hereby adopted by reference and declared to be a part of this Ordinance. The Flood Insurance Study is on file at the Office of the Georgetown Plan Commission.

3.3 Subdivisions, Cluster Developments, Planned Unit Developments, Condominiums and Zero Lot Line Developments

- A. The subdivision of land pursuant to the requirements of Sections 6 - 10 of this Ordinance shall be permitted in these districts: FP, A, R-R, R-1, R-2, R-3, B-1, B-2 and B-3. The intended principal use of each of the proposed lots within a proposed subdivision shall

govern the specific district or districts appropriate to the land to be subdivided, as per 4.1 of this ordinance. All land must be zoned appropriately prior to filing a subdivision plat.

- B. Major subdivisions or any portion thereof intended entirely for residential use, shall be permitted only in R-1, R-2, and R-3 districts.

Planned Unit Developments, which are intended to provide greater design flexibility and to encourage innovative land development techniques and a more efficient use of land, shall be developed according to the provisions of Section 11 of this ordinance.

Condominiums, as defined and regulated in IC 32-16 (The Horizontal Property Law), cluster developments, zero lot line developments, patio homes and other similar developments which vary from the Subdivision Requirements of Sections 6-9 of this ordinance shall be considered Planned Unit Developments under Section 11.

Section 4

Authorized Uses

4.1 Primary Uses

Primary uses are authorized in the districts established by or under section 3.1 as shown by an "X" in the table at the end of this section. Where the use is designated for the district with an "S" the use is permitted in that district only if a special use has been approved under Section 12.3.

4.2 Accessory Uses

Accessory uses such as the following are authorized in all districts, subject to the provisions of any and all recorded restrictive covenants running with the land:

- * Accessory buildings
- * Bird Baths and bird houses
- * Curbs
- * Fences and Hedges¹
- * Lamp posts
- * Mail boxes
- * Name plates
- * Parking spaces
- * Private residential swimming pools enclosed by a 5 foot high fence or, 5 foot vertical enclosure integral with an above ground pool
- * Private basketball and tennis courts
- * Public utility installations for local service (such as poles, lines, hydrants, and telephone booths)
- * Retaining walls
- * Television antennas and satellite dishes
- * Trees, shrubs, plants and flowers

¹ Provided that, in any residence district, ornamental fences and hedges shall not exceed three feet in height in the required front yard, except that open chain link fences maybe erected to four feet in height, or as provided in Section 5.7, 5.10, and 5.11.

* Walks

4.3 Nonconforming Uses and Structures

A. Intent.

Within the districts established by this ordinance or by amendments that may later be adopted, there may exist:

1. Nonconforming lots;
2. Nonconforming structures;
3. Nonconforming uses of land;
4. Nonconforming uses of land and structures in combination; and
5. Nonconforming characteristics of use.

These were lawful before this ordinance was passed or amended, but they are prohibited, regulated or restricted under the terms of this ordinance or may be under future amendments hereto. It is the intent of this ordinance to permit these nonconforming uses to continue until they are removed but not to encourage their survival. It is further the intent of this ordinance that nonconforming uses shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses which are prohibited elsewhere in the same district. [Note: Illegal uses existing at the time this ordinance is enacted shall not be validated by virtue of its enactment.]

B. Incompatibility of Nonconforming Uses.

Nonconforming uses are declared by this ordinance to be incompatible with permitted uses in the districts in which such use is located. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land in combination shall not be extended or enlarged after passage of this ordinance or by the addition of other uses of a nature which would be generally prohibited in the district in which such use is located.

C. Avoidance of Undue Hardship.

To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building or development on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been carried on diligently. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition removal shall be deemed to be actual construction, provided that the work shall be carried on diligently. Actual construction is hereby defined as work done which is beyond the preparation stage and

into that stage where the changes or additions are made permanent.

D. Single Nonconforming Lots of Record.

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record after the effective date of adoption or amendment of this ordinance notwithstanding limitations imposed by other provisions of this ordinance. Such lots must be in separate ownership or included in a subdivision of record in the office of the County Recorder at the time of passage of this ordinance. This provision shall apply even though such lots fail to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lots shall conform to the regulations for the district in which such lots are located. (Also see Section 5.3(D)). Variances of requirements listed in Section 5 of this ordinance, other than lot area or lot width, shall be obtained only through action of the Board of Zoning Appeals as provided in Section 12.4. [This section shall apply only to single-family residences.]

E. Nonconforming Lots of Record in Combination.

If two or more lots or a combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance and if all or part of the lots with no buildings do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance and no portion of said parcel shall be used or sold in a manner which diminishes compliance with the lot width and area requirements established by this ordinance, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this ordinance.

F. Nonconforming Uses of Land.

Where, at the time of adoption of this ordinance, lawful uses of land exist which would not be permitted by the regulations imposed by this ordinance, the uses may be continued so long as they remain otherwise lawful, provided:

1. No such nonconforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance.
2. No such nonconforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this ordinance.
3. If any such nonconforming uses of land are discontinued or abandoned for more than six months (except when government action impedes access to the premises), any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.

4. No additional structure not conforming to the requirements of this ordinance shall be erected in connection with such nonconforming use of land.

G. Nonconforming Structures.

Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not now be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards, location on the lot, bulk, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
2. Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to the extent of more than 50 percent of the fair market value of the building immediately prior to damage, it shall not be reconstructed except in conformity with the provisions of this ordinance.
3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

H. Nonconforming Uses of Structures or of Structures and Land Combination.

If a lawful use involving individual structures, or if a structure and land in combination, exists at the effective date of adoption or amendment of this ordinance that would not now be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
2. A nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building.
3. Any structure, or structure and land in combination, in or on which

a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.

4. When a nonconforming use of a structure, or structure and land in combination, is discontinued or abandoned for more than six months (except when government action impedes access to the premises), the structure or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located. The six month period of discontinuance shall not apply to uses which are dependent upon seasonal trade and which are customarily closed for a greater portion of the year's time.
5. Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

I. Repairs and Maintenance.

On any nonconforming structure or portion of a structure containing a nonconforming use, all repairs and maintenance thereon are permitted as long as the total cubic footage of the nonconforming structure or portion thereof is not increased.

4.4 Garage or Yard Sale

- A. A garage or yard sale may be conducted no more than two times in any one calendar year on any premises located in any R-1, R-2, or R-3 zone. No such sale shall be conducted for more than three (3) consecutive days.
- B. Such garage or yard sale shall only be conducted during the hours from sunrise to sunset.
- C. All personal property exhibited for sale outside any structure during such garage or yard sale shall be removed from the outside and placed within a structure immediately following the last day of such sale. All signs erected for such garage or yard sale shall likewise be removed.

Section 5

Use Requirements and Restrictions

5.1 Height of Structures

- A. Except as otherwise provided by this section, no principal structure may be erected or changed so as to make its height greater than thirty-five (35) feet if it is in an A-1, R-R, R-1, R-2, R-3, B-1, or B-2 District. No accessory building shall exceed twenty-two (22) feet in height above average ground level unless approved by the Board.
- B. In a B-3 or M-1 District, no structure may be erected or changed to a height greater than seventy-five (75) feet. In an M-2 District a business or industrial structure may be erected or changed to any height, unless otherwise restricted by state or federal regulations. This absence of height restrictions in an M-2 District does not extend to signs permitted for these uses.
- C. A clinic that is authorized as a special use under section 4.1 may be erected or changed to a height not greater than forty (40) feet.
- D. An agricultural structure may be erected or changed to any height necessary for its operation.
- E. Spires, church steeples, chimneys, cooling towers, elevator bulkheads, fire towers, scenery lofts, penthouses for mechanical equipment, stacks, tanks, water towers, transmission towers for electric lines, and necessary mechanical appurtenances may be erected or changed to any height that is not otherwise prohibited elsewhere in this ordinance or in conflict with other state or federal regulations.
- F. In any district, the Board may authorize a variance to applicable height regulations if all front and side yard depths are increased one foot for each additional foot of height.

5.2 Maximum Lot Coverage: Residential Uses

The residential buildings on any lot may not exceed in coverage the following percentages of total lot area:

Maximum Lot Coverage

District	R-1	R-2	R-3	B-1	B-2	B-3	A-1
Percentage of Coverage	30%	30%	40%	30%	30%	30%	20%

5.3 Minimum Lot Size: Residential Uses

- A. Except as provided for in 5.3(0), a lot on which a dwelling is erected or changed may not be smaller in area, in square feet per dwelling unit, than that prescribed

for it in the following table. ("Changed" shall mean "increased in number of dwelling units contained therein" but shall not be construed to mean only refurbished, rehabilitated or expanded in size.)

Lot Area in Square Feet and District

<u>Dwelling Type</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>B-1</u>	<u>B-2</u>	<u>B-3</u>	<u>A-1</u>
Single-Family							
Sewer	20,000	10,000	5,400	5,400	5,400	5,400	20,000
Septic	40,000	40,000	40,000	40,000	40,000	40,000	40,000
Two-Family	10,000	10,000	10,000	10,000	10,000	10,000	10,000
Sewer	-----	-----	3,000	3,000	3,000	3,000	5,000
Septic	-----	-----	40,000	40,000	40,000	40,000	40,000
Multi-Family	10,000	10,000	10,000	10,000	10,000	10,000	10,000

- B. Except as provided for in 5.3(C), a lot on which a dwelling is erected or changed may not be smaller in width, in linear feet, than that prescribed for it by the following table. ("Changed" shall mean "increased in number of dwelling units contained therein" but shall not be construed to mean only refurbished, rehabilitated or expanded in size.) Minimum lot width is to be measured at road frontage and is not to be reduced at any other point.

Lot Width in Feet and District

<u>Dwelling Type</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>B-1</u>	<u>B-2</u>	<u>B-3</u>	<u>A-1</u>
Single-Family							
On Sewer, in Subdivision	100'	75'	60'	60'	60'	60'	100'
On Sewer, not in Subdiv.	100'	100'	100'	100'	100'	100'	100'
Septic System	100'	100'	100'	100'	100'	100'	100'

- C. The minimum lot widths established in 5.3(B) above notwithstanding, the ratio of the depth to width of any lot not located in a subdivision and not facing an internal subdivision street shall not exceed three-to-one. This rule shall not apply to lots or tracts of more than 10 acres.
- D. Lots of record at the time of the enactment of this Ordinance which have less than the minimum area requirements for R and A zones, may nevertheless be used for any use permitted therein, except that for dwellings the lot must have a width of at least 60 feet, and an area of at least 7,000 square feet, and meet septic system requirements, where applicable.
- E. The lot area requirements for minimum width in paragraph 5.3(B) above shall be determined at the building line for those lots located on a cul-de-sac.

5.4 Minimum Lot Size: Other Uses

A lot on which one of the following uses is located may not be smaller in area than the area prescribed for that use opposite it in the following table:

Minimum Lot Sizes By Use

<u>Use</u>	<u>Minimum Lot Area</u>
Airport	80 acres
Public cemetery or crematory*	20 acres
Clinic	15,000 sq. ft.
Commercial facilities for raising and breeding nonfarm fowl and animals	1 acre
Junk Yard	10 acres
Kindergarten or child care facility (group center A & B)	110 sq. ft. per child
Penal or correctional institution**	320 acres
Police station or fire station	15,000 sq. ft.
Private camp or campground	5 acres
Public or commercial garbage disposal plant	5 acres
Public or commercial sanitary fill, refuse dump or trash transfer station	10 acres
Riding stable	20,000 sq. ft. plus 5,000 sq. ft. for every horse over four

*Does not apply to old town or city cemeteries nor to small family cemeteries.

**Does not apply to town, city, or county jail.

5.5 Standard Setbacks

A. 1. In any district, minimum depth of front yard for a lot abutting a street shall be as follows:

<u>Street Type</u>	<u>Minimum Front Yard</u>			
Local or Place	25 feet from right of way			
Rural Minor Collector	30 "	"	"	"
Rural Major Collector	40 "	"	"	"
Urban Collector	40 "	"	"	"
Rural Minor Arterial	50 "	"	"	"
Rural Principal Arterial	60 "	"	"	"
Urban Minor Arterial	50 "	"	"	"
Urban Principal Arterial	60 "	"	"	"
Expressway	60 "	"	"	"

2. Arterials are designated by the adopted Floyd County or Georgetown Road Plan; collectors are designated by resolution of the Plan Commission in consultation with the County Engineer or Town Engineer.
 3. However, along a local street in a residence district or business district, where fifty (50) percent of lots in that block face are occupied by principal use buildings, minimum depth of front yard for that block face shall be the average depth of front yard for those buildings, provided that such front yard shall be no less than 10 feet. But buildings to be removed to make way for a new building shall not be included when calculating average depth of front yard to be applied to the new building.
 4. A through lot must follow the front yard requirement on each abutting street.
 5. For any corner lot, these front yard setback standards shall apply to the side yard(s) abutting a primary or secondary arterial, collector, local street or place.
 6. Where a lot does not abut a street, minimum depth of front yard shall be 25 feet, measured from a designated front lot line.
 7. For any accessory building, minimum depth of front yard shall be the same as for the principal use building.
- B. Minimum depth of rear yard, in feet, from rear property line, for primary and accessory building shall be as follows:

<u>Zoning District</u>	<u>Residential Use</u>		<u>Nonresidential Use</u>	
	<u>Primary</u>	<u>Accessory</u>	<u>Primary</u>	<u>Accessory</u>
A1, R1, R2	25	5	25	5
R3	25	3	25	10
B1	15	15	15	15
B2,B3	15	15	15/40*	15/40*
M1,M2	----	----	15/40*	15/40*

*Where a rear lot abuts a residential district

C. Minimum width of side yard, for primary or accessory building shall be as follows:

Zoning District	Residential Use		Minimum Aggregate Side Yard	Nonresidential Use	
	Primary	Accessory		Primary	Accessory
AI,R1	12	5	30	12	5
R2	10	4	25	10	4
R3	8	3	18	8	3
BI,B2,B3	10	3	20**	0/10*	NA
MI,M2	---	---	NA	0/30*	NA

*Where side lot line abuts a residential district, unless more stringent provisions elsewhere in this ordinance apply.

**Applies only to residential uses in a business zone.

5.6 Setbacks: Accessory Buildings in Residential Districts

- A. In a residential district, an accessory building may be located no closer to the front lot line than the minimum front yard for a principal building.
- B. If an interior lot abuts a corner lot or an alley separating them and the front yards of the two lots are perpendicular to each other, an accessory building on the rear lot line of the corner lot may be located no closer to the street abutting the interior lot than the principal building on the interior lot.

5.7 Setbacks: Vision Clearance at Intersections

At the street intersection of each corner lot, the triangular space determined by the two lot lines at that corner and by a diagonal line connection the two points on those lot lines that are twenty-five (25) feet respectively from the corner shall be kept free of any obstruction to vision between the heights of two and one-half (2 1/2) and twelve (12) feet above the established grade of the street.

5.8 Setbacks: Uses Allowed As Special Uses

When permitted by grant of special use per Section 12.3, the following uses are subject to the special setbacks prescribed, in feet, by the following table. If no figure appears for a front yard setback, the standard setback prescribed by Subsection 5.6 applies.

Setbacks In Feet By Use

Use	Front	Side	Rear
Bottled gas storage & distribution	300'	300'	300'
Cemetery or crematory	50'	50'	---

Clinic	----	10'	---
Commercial facilities for raising & breeding fowl & animals	100'	100'	100'
Gun club, skeet or target range	300'	300'	300'
Junk Yard	300'	150'	150'
Kindergarten or child care center (group center A&B)	20'	15'	---
Liquid fertilizer storage & distribution	300'	300'	300'
Mineral extraction, borrow pit or top soil removal and their storage areas	150'	150'	150'
Outdoor theater	100'	40'	40'
Outdoor commercial recreational enterprise	40'	40'	---
Penal or correctional institution	100'	100'	100'
Petroleum tank farm	300'	300'	300'
Private recreational development	40'	40'	---
Private camp or campground	100'	40'	40'
Public or commercial sanitary fill, refuse dump, garbage disposal plant or trash transfer center, or sewerage treatment plant	300'	300'	300'
Public or commercial hazardous waste treatment facility	300'	300'	300'
Riding stable	100'	100'	100'
Sales barn for livestock sale	300'	300'	300'
Underground gas storage wellhead	300'	300'	300'

5.9 Buffering: Minimum Distances from Residential District

- A. Unless otherwise specified, any use restricted to an M-2 Heavy Industrial Zone must be conducted at least 500 feet from an R or B zone.

- B. A mineral extraction area, borrow pit, or topsoil removal area (including storage area); penal or correctional institution, public or commercial sewage disposal plant, sales barn for livestock sale; gun club, skeet shoot, or target range; truck terminal, or wholesale produce terminal may not be located closer to an R-R, R-1, R-2, or R-3 District than three hundred (300) feet. A junk yard may not be located closer to such a district than thirteen hundred twenty (1320) feet.
- C. A parking area or loading berth for any of the following uses may not be located loser to a residential district than the distance, in feet, listed opposite it in the following table:

Minimum Distance in Feet From a Residential District

<u>Use</u>	<u>Parking Area</u>	<u>Loading Berth</u>
Airport	25'	100'
Commercial facilities for raising and breeding nonfarm fowl and animals	25'	100'
Commercial greenhouse	----	50'
Junk yard	1320'	1320'
Mineral extraction, borrow pit, or topsoil removal, and their storage areas	----	300'
Outdoor commercial recreational enterprises	25'	50'
Penal or correctional institution	300'	300'
Private recreational development	25'	----
Sales barn for livestock sale	50'	100'
Truck terminal	100'	100'
Wholesale produce terminal	100'	100'

5.10 Buffering: Fences and Walls

The following uses shall be fenced or walled as respectively prescribed by the following table:

<u>Use Category</u>	<u>Enclosure</u>
Airport or heliport (where located ground level)	6'0" chain link fence
Drive-in, food service	6'0" wire mesh fence

Gun club, skeet shoot, or target range	6'0" chain link fence
Kindergarten or child care (play area only)	4'0" wire mesh fence
Junk yard	Solid wall or solid painted fence sufficient to hide from view
Mineral extraction, borrow pit, topsoil removal, and their storage areas	6'0" chain link fence
Outdoor commercial recreational enterprise	6'0" chain link fence
Outdoor theater	8'0" solid opaque fence
Public or private nonresidential swimming pool	6'0" chain link or solid wood fence or building code
Public or commercial sewage disposal plant	6'0" solid painted fence
Wholesale produce terminal	6'0" wire mesh fence

5.11 Buffering: Screen Planting Abutting Residential Use

Tight screen planting, effective at all times to block the view from abutting residential uses, shall be provided for the following uses in accordance with the following table, the dimensions of the screen to be the minimum five years after the use is established. In some cases, screen planting is required in addition to fences or walls required Subsection 5.10 above.

Screening of Uses

Use	Screen
Commercial facilities for raising and breeding non-farm fowl and animals	6'0" high; 3'0" deep
Gun club, skeet or target range	6'0" high; 3'0" deep
Mineral extraction, borrow pit, topsoil removal, and their storage areas	8'0" high; 3'0" deep
Private recreational development	6'0" high; 3'0" deep
Public or private nonresidential swimming pool	6'0" high; 3'0" deep

Private camp or campground	6'0" high; 3'0" deep
Public or commercial sanitary fill, refuse dump, garbage disposal plant or trash station	8'0" high; 6'0" deep
Riding stable	6'0" high; 3'0" deep
Truck terminal	6'0" high; 6'0" deep
Wholesale produce terminal	6'0" high; 6'0" deep

5.12 Entrances

- A. This subsection limits the number of entrances to an arterial street or a state or federal highway. However, it does not apply to entrances for emergency use only.
- B. Each of the following uses, for which special uses are prescribed by Section 4.1, is limited to one entrance:

Use List

Artificial lake of three or more acres
 Clinic
 Commercial facility for raising and breeding nonfarm fowl and animals
 Country club or golf course
 Gun club, skeet shoot, or target range
 Junk yard
 Mineral extraction, borrow pit, topsoil removal, and their storage
 Outdoor theater
 Penal or correctional institution
 Private recreational development
 Private camp or Campground
 Public or commercial sanitary fill, refuse dump, garbage disposal plant or trash transfer station, or hazardous waste disposal facility
 Public or commercial sewage disposal plant
 Railroad right-of-way and uses essential to railroad operation
 Riding stable
 Sales barn for livestock sale
 Telephone exchange or public utility substation
 Tourist home or bed and breakfast
 Truck terminal
 Wholesale produce terminal

- C. Each of the following uses, for which special uses are prescribed by section 4.1, is limited to two entrances:

Use List

Airport

Cemetery

Outdoor commercial recreational enterprise, except those otherwise limited to one.

5.13 Minimum Off-street Parking and Loading Requirements

A. Purpose.

In order to reduce traffic problems and hazards by eliminating unnecessary on-street parking, every use of land must include on-premises parking sufficient for the needs normally generated by the use, as provided for in this subsection. Parking spaces or bays contiguous to the street, required by subdivision or other town ordinances, are in addition to and not in place of the spaces so required.

B. Applicability.

1. No new building or structure shall be constructed or used in whole or in part, and no building or part thereof shall be altered, enlarged, reconstructed or used, and no land shall be used unless off-street parking is provided in accordance with the minimum requirements of this ordinance in Subsection D below.
2. Restoration of an existing building or structure that has been damaged or destroyed by fire or other disaster shall be permitted without conforming to the requirements of this subsection if said restoration or rebuilding complies with the following requirements:
 - a. The restoration of the building does not increase the ground coverage that was occupied by the structure being replaced by more than 5%,
 - b. The restoration does not increase the usable floor space by more than 15% over that which was in the building being replaced,
 - c. The restoration does not reduce the number of parking spaces that were available to the subject structure, and were in existence, prior to the restoration.
3. Buildings, structures, or land uses, in existence, or structures or uses for which location improvement permits have been issued at the time this ordinance becomes effective shall not be subject to the requirements of this subsection except as provided above.

C. Required Parking Spaces.

1. Parking spaces shall be provided as follows:

Parking Requirements by Use

<u>Uses</u>	<u>Required Parking Space</u>
Airport or heliport	1 per 2 employees plus 1 per based or daily transient aircraft
Artificial lake of 3 acres or more	1 per 2 users
Automobile, RV and camper sales	1 per 400 sq. ft. of gross floor area
Motor vehicle repair	1 per 200 sq. ft. of gross floor area
Banks, business offices, professional offices, similar business uses, post office and similar services uses	1 per 200 sq. ft of gross floor area
Boarding or lodging house	1 per occupant plus 2 for the resident owner
Bowling alley	3 per lane
Bus station	1 per 10 seats in waiting room plus 1 per 2 employees of connected retail use
Cemetery or crematory	1 per 2 employees plus 1 per 4 seats in chapel, if provided
Church or temple	1 per 2 seats in main auditorium
Clinic	1 per employee plus 3 per doctor for patients
Communication relay tower	1 plus 1 per 3 employees on site
Country club or golf course	1 per 2 employees plus 3 per golf hole

Dancing, aerobics or gymnastics	1 per 200 sq. ft., of gross studio floor area
Department store, antique shop, apparel shop, flower shop, drugstore, hardware store, stationery and book store, news dealer, record shop, photo studio, barber shop, beauty shop, health spa or fitness center, bakery, restaurant, delicatessen, liquor store, meat market, grocery (including convenience stores), roadside food sales stand, electrical appliance shop, radio-TV shop, dress maker, millinery, tailor and pressing shop, self-service laundry, dry cleaning and laundry establishment, billiard room, night club, furniture and large appliance sales.	1 per 200 sq. ft. gross floor area
Greenhouse (commercial), facilities for raising or breeding non-farm fowl or animals (commercial)	1 per 2 employees plus 1 per 125 sq. ft. of sales area
Home service	1 in addition to residence requirement
Hospital	1 per 4 beds plus 1 per doctor plus 1 per 3 employees plus 1 per hospital vehicle
Hotel or motel	1 per 3 employees plus 1 per sleeping room
Industrial uses generally	1 per employee on largest shift
Junk Yard or recycling center	1 per employee
Kindergarten or child care center (Group Center A&B)	1 per 2 employees plus 1 per 5 children
Mortuary/Funeral Home	1 per 3 seats in main auditorium
Nursing home	1 per 7 persons plus 1 per employee on largest shift

Outdoor commercial recreational use	1 per employee plus 1 per 500 sq. ft. of use area
Penal or correctional institution	1 per 3 employees plus 1 per 10 inmates (capacity)
Police station or fire station	1 per employee on largest shift
Private club or lodge	1 per 6 active members
Private recreational development	1 per 2 customers or members
Private camp or campground	1 per camp site plus 1 per cabin plus 1 per employee
Public library or museum	2 per 1,000 sq. ft. gross floor area
Public or commercial sewage disposal plant	1 per employee on largest shift
Residential use, including apartments	2 per dwelling unit
Riding stable	1 per 5,000 sq. ft. under roof
School	1 per staff member plus 1 per 5,000 sq. ft. plus 1 per 4 students enrolled if a high school
Shopping center	
25,000 to 400,000 sq. ft. gross leasable area	4 per 1,000 sq. ft. gross leasable area
400,000 to 600,000 sq. ft. gross leasable area	4.5 per 1,000 sq. ft. gross leasable area
600,000 sq. ft. and over gross leasable area	5 per 1,000 sq. ft. gross leasable area
Swimming pools	1 per 100 sq. ft. of pool area
Telephone exchange or public utility substation	1 per employee

Theater (indoor)	1 per 2 seats
Theater (outdoor)	1 per 2 employees
Tourist home or bed and breakfast per guest bedroom	1 per employee plus 1
Trade or business school	1 per 3 students and staff
Truck terminal	1 per 2 employees plus 4 for customers
Veterinary hospital or clinic or boarding kennel	1 per 3 animal spaces (cages or pens)
Wholesale produce terminal	1 per 2 employees

2. Drive-up services, including but not limited to bank teller, photo pick-up, car washes, fast food order and pick-up, shall provide space for queuing of vehicles awaiting use of drive-up windows. The requirements are: two (2) twenty (20) foot car-length waiting spaces for each drive-up lane (including the space where the transaction takes place), plus one additional space per drive-up lane where such waiting space can be in a common lane for multiple drive-up windows. Drive-up waiting space requirements are in addition to any off-street parking requirement.

D. General Regulations.

1. Parking spaces may not be located in the required front yard except in business and industrial districts.
2. Two or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall be not less than the sum of the requirements for the several individual uses computed separately. This provision shall apply to a building having space occupied by two or more uses.
3. When determination of the number of off-street parking spaces required by subsection C. results in a requirement of a fractional space, any fraction of one-half or less may be disregarded while a fraction in excess of one-half shall be counted as one parking space.
4. Every company car, truck, tractor and trailer normally stored at a business site shall be provided with off-street parking space. Such space shall be in addition to the parking requirements of

subsection.

E. Off-Site Parking Facilities.

Required parking for a non-residential development may be located off-site under certain circumstances. Requests for variances allowing the substitution of off-site parking must meet the following requirements:

1. The off-site parking shall be located so that it will adequately serve the use for which it is intended. In making this determination the following factors, among other things, shall be considered:
 - a. Proximity of the off-site parking facilities;
 - b. Ease of pedestrian access to the off-site parking facilities;
 - c. The type of use the off-site parking facilities are intended to serve, i.e. off site parking may not be appropriate for high turnover uses such as retail.
2. A written agreement shall be drawn to the satisfaction of the Plan Commission Attorney executed by all parties concerned assuring the continued availability of off-site parking facilities for the use they are intended to serve.

F. Development Standards for Commercial Parking.

1. Design

- a. Parking spaces and maneuvering aisles shall have the minimum dimensions set forth in the following table:

Minimum Parking Space and Aisle Dimensions for Parking Areas (in feet)

Angle of Parking	Width of Parking Space	Length of Parking Space	Maneuvering Aisle (1-way)	Maneuvering Aisle (2-way)
76-90	9'	18'	22'	22'
61-75	9'	18'	18'	22'
46-60	9'	18'	17'	22'
0-45	8'	22'	12'	22'

Measurement of parking space width and length, aisle width and parking angle shall be made as per the following diagram:

- b. Driveways shall be arranged for the free flow of vehicles at all times, and all maneuvering spaces and aisles shall be so

designed that all vehicles may exit from and enter into a public street by being driven in a forward direction, except that residential and employee parking spaces may back in from alleys. See Figure 5-1 above.

- c. Each required off-street parking space shall be designed so that any motor vehicle may proceed to and from said space without requiring the moving of any other vehicle or by passing other vehicles or by passing over any other parking space, except where the parking area is limited to employees.
- d. On any parking area in any district, all paved portions of all parking spaces and maneuvering aisles shall be set back five (5) feet from any wall of a building, and five (5) feet from any private or public way, or any lot line of any land in residential districts or used for residential purposes.
- e. Any parking area must be striped in conformity with provisions of this ordinance.

2. Construction

- a. All required parking spaces, maneuvering aisles, and driveways except in A & FP districts and on farms in any district, shall have a durable, dustless, all-weather surface, such as bituminous concrete or cement concrete, and shall provide for a satisfactory disposal of surface water by grading and drainage in such a manner that no surface water shall drain onto any lot in other ownership and such surfaces shall be well maintained.
- b. Parking areas in all districts shall be provided with curbing, wheel stops, or other devices to prevent motor vehicles from being parked or driven within required setback areas or onto the required landscaped open space.
- c. In any parking area the surface shall be painted, marked or otherwise delineated to that each parking space is apparent.
- d. All required parking must be completed to required standard.
- e. The Administrator shall have the power to waive these construction standards for parking areas with

fewer than five spaces in areas outside urbanized area of Georgetown, as officially defined by the Metropolitan Planning Organization responsible for metropolitan transportation planning.

3. Landscaping

- a. For an outdoor parking area containing twenty (20) or more parking spaces, at least one (1) tree shall be planted for every ten (10) parking spaces on any side of the perimeter of such parking area that abuts the side line of a private or public way, or abuts the lot line of land in residential districts or land used for residential purposes.
- b. In any outdoor parking area, a landscaped open space having an area of not less than 10% of the outdoor parking area on the lot shall be provided. A minimum of one half of the required landscaped open space shall be located in the interior of the parking area and contain ornamental or shade trees and/or shrubs and/or other appropriate plant materials to provide shade and color easily visible when the lot is full of cars.
- c. Trees required by the provisions of this subsection shall be at least two (2) inches in diameter at a height of five (5) feet at the time of planting and shall be of a species characterized by rapid growth and by suitability and hardiness for location in a parking lot. To the extent practicable, existing trees shall be retained and used to satisfy the provisions of this subsection.

4. Screening

Any parking area which abuts residential districts or uses shall be screened from such residential districts or uses and any parking area shall be screened from a public or private way in accordance with the following requirements:

a. Materials

Plant materials characterized by dense growth which will form an effective year-round screen shall be planted, or a fence or a wall shall be constructed, to form the screen except as prohibited in Section 4.2 and 5.7. Where a grill or openwork fence or wall is used it shall be suitable in appearance and materials. Screening may consist of both natural and man-made materials. To the extent practicable, existing trees shall be retained and used to satisfy the provisions of this subsection. Plant material shall also be of

a type whose roots will not interfere with utilities.

b. Height

Screening shall be at least three (3) feet in height. Plant materials when planted, may be not less than 2 1/2 feet in height if of a species or variety which shall attain the required height and width within two (2) years of planting. Height shall be measured from the finished grade.

c. Width

Screening shall be a strip of landscaped open space of at least five (5) feet wide, and so located as not to impair visibility of or from approaching traffic or create potential hazards for pedestrians.

d. Maintenance

All required plant materials shall be maintained in a healthy condition and whenever necessary replaced with a new plant material to insure continued compliance with screening requirements. All required fences and walls shall be permanently maintained in good repair and presentable appearance and whenever necessary they shall be repaired or replaced.

e. Lighting

All artificial lighting used to illuminate a parking area, maneuvering space or driveway shall be arranged and shielded so as to prevent direct glare from the light sources into any public street or private way or onto adjacent property.

f. Where appropriate and recommended by the Technical Review Committee landscaped earth berms may be used to help in screening or separating uses of other useful purposes.

G. Off-Street Loading

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

1. Location

All required off-street loading berths shall be located on the same lot as the use to be served, and no portion of the vehicle shall project into a street or alley. No permitted or required loading berth shall be located within twenty-five (25) feet of the nearest point of intersection of any two streets, nor shall it be located in a required front yard, or side yard adjoining a street. Some uses are also subject to Section 5.8 and/or 5.9.

2. Size

Off-street loading berths for over-the-road tractor-trailers shall be at least fourteen (14) feet in width by at least sixty (60) feet in length with a sixty (60) foot maneuvering apron, and shall have a vertical clearance of at least fifteen (15) feet.

For local pick-up and delivery trucks, off-street loading berths shall be at least twelve (12) feet in width by at least thirty (30) feet in length with a thirty (30) foot maneuvering apron, and shall have a vertical clearance of at least twelve (12) feet.

3. Access

Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements.

4. Surfacing

All open off-street loading berths shall be improved with a compacted base not less than six (6) inches thick, or equal, surfaced with not less than two (2) inches of asphaltic concrete or some comparable all-weather, dustless material.

5. Space Allowed

Space allowed to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements of any off-street parking areas or portions thereof.

6. Off-Street Loading Space Requirements

One off-street loading berth shall be provided for every 10,000 square feet of gross floor area but no more than a total of two spaces up to 40,000 square feet of gross floor area, one space for each additional 40,000 square feet up to 160,000 square feet, and one space for every 80,000 additional square feet.

5.14 Mobile Homes, Mobile Home Parks, Recreational Vehicles and Recreational Vehicle Parks

- A. Mobile Homes shall be permitted in A-1, R-1, R-2, R-3, B-2, and B-3 zones, subject to the following:
1. Lots on which mobile homes are to be installed must conform to all requirements of other residential lots.
 2. Adequate sanitary facilities shall be provided for each mobile home, and such facilities shall be approved by the Floyd County Board of Health prior to installation. No application for an improvement location permit for a mobile home shall be acted upon until such time as the written recommendations of the Floyd County Health Department concerning the advisability of or conditions under which a septic system may be installed. Written recommendations shall not be required for mobile homes served by sanitary sewers.
 3. All mobile home installations shall require an improvement location permit and final inspection unless said mobile home is located in a licensed mobile home park.
 4. Mobile homes shall be allowed in R-1 districts only if wheels, axles, and tongue are removed and the mobile home is set on a permanent masonry foundation as described in Section 5.A below.
 5. Each mobile home shall be placed upon a foundation consisting of one of the following:
 - a. A permanent, continuous foundation constructed of the same type of masonry such as poured concrete, concrete block, brick, stone or similar material under all outside walls.
 - b. A pad or slab consisting of solid concrete of the same width and depth on the particular mobile homes and of a thickness sufficient to support the maximum load during all seasons and types of weather, but in all cases slabs must be not less than four (4) inches thick.
 - c. Piers or runners, the bottom of which must be at least 24 inches below grade, and at least 18 inches wide.
 6. All mobile homes not placed on a permanent foundation shall be underpinned completely around a noncombustible material. Underpinning must be completed within 60 days of the mobile home's placement.
 7. All mobile homes must be anchored down by anchors or straps according to manufacturer's specifications.

8. If a lot on which a mobile home is to be placed conforms to all requirements of a residential lot, notice and hearing are not required, and an improvement location permit shall be issued upon request, as long as all other requirements of this ordinance have been complied with in full.
9. No more than one mobile home may be placed on any lot.
10. All trash and refuse must be placed in closed containers or within an enclosure that is fenced or walled, containing closed containers.
11. The applicant shall present a precise location of the lot intended for such usage and list all deed restrictions, if any, on the property.
12. The Georgetown Board of Zoning Appeals cannot grant a permit for a mobile home in violation of subdivision restrictions.

B. Mobile Home Parks

In any district in which mobile home parks are permitted, the following minimum requirements shall apply:

1. Conditions of soil, groundwater level, drainage, geologic structures and topography shall not create hazard to the park site or to the health and safety of occupants, nor shall the site be subject to the hazards of objectionable smoke, odor or noise, or the possibility of subsidence, sudden flooding or severe erosion.
2. The minimum area of a mobile home park shall be five acres.
3. The density of a park shall not exceed eight mobile homes per acre of gross site area. No more than one mobile home shall be placed on a lot.
4. No mobile home and enclosed accessory structures designed for living space shall be located closer than twenty feet from any other mobile home, permanent building, or structure within the mobile home park.
5. Mobile home parks shall have direct access to an adequate public thoroughfare with sufficient frontage thereon for the proper construction of entrances and exits. Such entrances and exits shall be designed for the safe movement of mobile homes into and out of the park. The entrance shall be landscaped and walled with an appropriate method of signing, to provide adequate identification from the serving highway or street.
6. All mobile homes and structures shall meet all setback and yard requirements of this Ordinance.
7. Internal mobile home park streets, if dedicated to public use, shall meet

minimum standards for design and construction as required in the Subdivision Control Ordinance. Whether public or not, no street name shall duplicate any other street name in Georgetown.

8. Each park shall provide a recreational area or areas equal in size to at least eight percent of the area of the park, generally in a central location. Streets, parking areas, and park service facility areas shall not be included in the required recreational area.
9. In other than Business Districts, coin-operated laundries, laundry and dry-cleaning pickup stations and other commercial convenience establishments may be permitted in mobile home parks provided:
 - a. They are subordinate to the residential character of the park;
 - b. They are located, designed, and intended to serve only the needs of persons living in the park;
 - c. The establishments and parking areas related to their use shall not occupy more than ten percent of the total park area;
 - d. The establishments shall present no visible evidence of their commercial nature to areas outside the park.
10. Each park shall provide either one or more central waterproof structures available to all mobile home sites or a single waterproof structure for each mobile home site suitable for storage of goods and the usual effects of persons occupying the park.
11. Each mobile home site shall be provided with a stand consisting of a solid concrete slab, two concrete ribbons, or concrete pillars of a thickness and size adequate to support the maximum anticipated loads during all seasons. When concrete ribbons are used, the area between the ribbons or pillars shall be filled with a layer of crushed rock or stone. All mobile homes shall be properly underpinned and anchored with anchors or straps according to manufactures specifications.
12. All exterior park lights shall be so located and shielded as to prevent direct illumination of any areas outside the park. Each mobile home park shall provide sunset to sunrise illumination at the entrance, sufficient to allow prompt recognition of the entrance, and sufficient artificial lighting at the walkways to resident facilities such as community building and laundry room facilities.

13. Each mobile home site or lot shall be provided with adequate utility connections required to service the mobile home, and said utility connections shall be located in the rear one-third quarter of the mobile home site or lot in an area not to exceed two feet by three feet, with a concrete base of not less than eighteen inches by thirty inches by four inches thickness poured at grade level, sloped to drain. All services stubbed through this slab shall be sleeved or wrapped to allow for settlement or movement.
14. Sidewalks shall be installed on one side of the street and shall be a minimum of three (3) feet in width and three and one-half inches in thickness, properly marked and joined for expansion.
15. A minimum of two paved parking spaces per mobile home site or lot shall be placed on each mobile home site or lot, keeping the required set-back from front property line. Park roadways shall be designed to insure good circulation within the mobile home park for emergency requirements.
16. All trash and refuse storage must be in closed containers or within an enclosure of fences or walled, containing closed containers.
17. All utility lines within a mobile home park boundary shall be installed underground, and may be in a common trench as state safety requirements permit.
18. The perimeter of each mobile home park shall be fenced on sides not abutting onto street or highway with an approved woven wire fence, and on the street or highway by a block fence or combination of wood and masonry or metal and masonry, as the area dictates. Such fence shall be a minimum of four feet in height.
19. All landscaped areas of a mobile home park shall be maintained in a neat, clean and healthy condition. This shall include proper pruning, mowing, weeding, and removal of litter plus the regular watering of all plantings.
20. General Provisions
 - a. No mobile home park shall be maintained without proper supervision or a resident manager, who at all times shall see that ordinances and laws regulating said park are observed.
 - b. Every person who owns or operates a mobile home park shall maintain a current register of all occupants, which shall include the names of all

persons residing in the mobile home park, the make, type and serial or license number of each mobile, and a designation of the space occupied.

- c. No site or lot in a mobile home park may be occupied unless a mobile home is located upon the site or lot.
- d. No transient or nonpermanent mobile home or travel trailers shall be located in a licensed mobile home park.
- e. All construction or alterations within the mobile home park shall meet the local health and safety standards prevalent within Georgetown.

C. Recreation Vehicles

Recreational vehicles shall not be occupied in any location other than an approved recreational vehicle park.

D. Recreational Vehicle Park

In any district in which recreational vehicle parks are permitted, the following requirements shall apply:

1. Recreational vehicle parks shall have direct access to a public highway or road with sufficient frontage thereon for the proper construction of entrances and exits. Such entrances and exits shall be designed for the safe movement of recreational vehicles into and out of the park.
2. Conditions of soil, groundwater level, drainage, geologic structure and topography shall not create hazards to the park site or to the health and safety of occupants, nor shall the site be subject to the hazards of objectionable smoke, odor or noise, or the possibility of subsidence, sudden flooding or severe erosion.
3. The density of a park shall not exceed fifteen recreational vehicle spaces per acres of gross site area.
4. The minimum area of a recreational vehicle park shall be two acres.
5. Recreational vehicles shall be separated from each other and other park buildings or structures by at least ten feet.
6. All recreational vehicles and structures shall comply with the

required minimum setback and yard provisions of this Ordinance. Where the boundary line of a recreational vehicle park coincides with that of a residential district other than along a thoroughfare or alley, a yard separation of at least twenty-five feet in width shall be required.

7. At least one centrally located recreational area equal in size to eight percent of the gross park area shall be provided in each recreational vehicle park. Streets, parking areas and park service facility areas shall not be included in the required recreational area.
8. In addition to Business District locations, food stores, restaurants, sporting good, Laundromats, dry-cleaning pickup stations and similar convenience and service shops may be permitted in recreational vehicle parks containing fifty or more spaces provided:
 - a. Such shops and the parking area required by their use shall not occupy more than ten percent of the total park area.
 - b. The shops shall be primarily for the use of park occupants.
 - c. Such shops shall be so located and designed within the park so as to present no visible evidence of their commercial nature to persons outside the park.
9. Management offices and storage, playground and picnic equipment, sanitation and laundry facilities, informational signs and other structures customarily incidental to a recreational vehicle park shall be permitted as accessory uses.

5.15 Home Occupation. A home occupation, including a rural home occupation, as defined in this ordinance, may be permitted as a special use if it complies with requirements of this Section.

- A. The home occupation shall be carried on by a member of the family residing in the dwelling unit with not more than one employee who is not a part of the family.
- B. The home occupation shall be carried on wholly within the principal or accessory structures.
- C. Exterior displays or signs other than those permitted in this Ordinance, exterior storage of materials, and exterior indication of the home occupation or variation from the residential character of the principal structures shall not be permitted.
- D. Objectionable noise, vibration, smoke, dust, electrical disturbance, odors, heat, or

glare shall not be produced.

- E. The home occupation shall not create any traffic or parking problems, and off-street parking shall be provided in accordance with this Ordinance.
- F. Nothing in this Section shall be construed to permit a home occupation in violation of private deed and/or subdivision restrictions.

5.16 Signs

A. Purpose

The purpose of this subsection is to permit such signs that will not, by their reason, size, location, construction, or manner of display, endanger the public safety of individuals; confuse, mislead, or obstruct the vision necessary for traffic safety; or otherwise endanger public health, and morals; and to permit and regulate signs in such a way as to support and complement land-use objectives set forth in the zoning ordinance.

B. Exempt Signs

The following types of signs shall be exempted from the requirements of this subsection:

1. Signs not exceeding one foot in area and bearing only property numbers, post box numbers, names of occupants of premises or home occupation.
2. Flags and insignia of any government.
3. Legal notices, identification information, or directional signs erected by or by order of governmental bodies.
4. Integral decorative or architectural features of buildings, except letters, trademarks, logos, moving parts or moving lights.
5. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter, including logos.

C. On-Premise Signs

1. In any district, except as noted, the provisions of this subsection shall be applied to effect the safety of motorists and facilitate traffic movement.
 - a. No sign shall be erected or maintained at any

location where, by reason of its position, wording, illumination, size, shape, or color, it may obstruct, impair, obscure, interfere with the view of, or be confused with any authorized traffic control sign, signal, or device.

- b. No sign shall contain or make use of any phrase, symbol, shape, form, or character in such a manner as to interfere with, mislead, or confuse moving traffic.
- c. No exterior sign shall be permitted to display flashing, intermittent, revolving, rotating or animated lighting or illumination, nor any illumination, which simulates or displays motion.
- d. Except as permitted in Subsection 8 below portable signs are prohibited.
- e. All signs not expressly exempted or permitted by this ordinance are prohibited.

2. In all districts, the provisions of this subsection shall apply.

- a. No part of any sign which is attached to the exterior wall of a building shall be erected to a height in excess of six feet above the roof or parapet line of such building.
- b. No illuminated sign shall be permitted within fifty feet of property in any residence district unless the illumination of such sign is so designed that it does not reflect or shine light onto such property.
- c. No part of any free-standing sign shall be erected to a height greater than that specified for other structures in the Administrator district in which the sign is located; rooftop sign structures shall not extend more than six feet above the roof line nor shall such sign structures extend beyond or overhang any exterior wall of the building upon which they are secured.
- d. The minimum setback of free-standing signs from street rights-of-way shall not be less than those given below. Setback shall be measured to the nearest point of the sign to the edge of the right-of-way.

Minimum Sign Setbacks

<u>Area of Sign per Face</u>	<u>Setback</u>	
5 square feet or less	2	feet
5 to 14.9 square feet	10	feet
15 to 49.9 square feet	20	feet
50 to 99.9 square feet	30	feet
100 or more square feet	60	feet

- e. The area of a sign shall be determined by the smallest circle, triangle, or rectangle that can be used to enclose the sign, exclusive of supporting members that bear no message.
 - f. No free standing sign shall be erected or maintained on or within any easement or right-of-way, public or private, without special permission in writing from that person or persons entitled to give such permission.
3. In any residence district, the provisions of this subsection shall apply.
- a. Multi-family developments may display identification signs indicating nothing other than name and/or address of the premises and/or the name of the management. Such signs shall not exceed nine square feet in area.
 - b. Nonresidential uses are permitted one bulletin board or identification sign, indicating nothing other than name and/or address of the premises, and schedule of services or other information relevant to the operation of the premises. Such sign shall not exceed twelve square feet in area unless erected along an abutting street or road having a speed limit in excess of 40 miles per hour; then the area of such sign shall not exceed 30 square feet.
 - c. For each use listed in paragraphs a. and b. eligible to display a sign, only one sign per street frontage shall be permitted, except that uses occupying extended frontages shall be permitted one such sign per five hundred (500) feet of frontage.
4. In any business district, except as herein provided, the provisions of this subsection shall apply.
- a. Multi-family developments shall be subject to the

provisions of Subsection 3.

- b. Signs shall be permitted as accessory uses for nonresidential uses according to the number and net area of signs set forth below:

Business Use Signs and Sign Area

District	Number of Signs	Net Sign Area (each sign)
B-1	2	30 sq.ft.
B-2	3	60 sq.ft.
B-3	3	40 sq.ft.

No building-mounted sign shall project over a lot line, and no sign shall project into a required yard by more than two feet.

- 5. In any industrial district, each business or industrial use shall be permitted identification signs on the lot only as incidental uses, not to exceed two such signs or a total net area of three hundred square feet.
- 6. To encourage design excellence, the maximum sign areas for business, and industrial signs, as set forth in paragraphs 4 and 5 above, may be increased by the percentages as provided for herein. A separate bonus is granted for compliance with each of the criteria and the area is cumulative, but the percentage increase is based on the original sign area limitation.
 - a. Free-standing signs may be increased as follows:
 - i. Twenty percent (20%) when the sign is constructed of solid wood and uses only colors approved by the Technical Review Committee.
 - ii. Ten percent when a directory sign utilizes uniform coloring and lettering for all establishments listed in the directory, except the one (1) major facility.
 - iii. Twenty percent (20%) when the sign is installed in a landscaped planter having an area four (4) times the area of the resultant sign and the entire design is approved by the Technical Review Committee.

- iv. Ten percent (10%) if the sign is not designed or used with illumination.
 - v. Five percent (5%) if the sign face is made from unbreakable material.
 - b. Wall or facade signs may be increased as follows, but only if the projection of the sign does not exceed twelve (12) inches:
 - i. Ten percent (10%) when all the lettering and background are uniform in style and color for signs in a shopping center or for any three (3) consecutive separate establishments.
 - ii. Ten percent (10%) if the sign is not designed or used with illumination.
 - iii. Ten percent (10%) if the wall sign is the only sign identifying the establishment or its principal product. This bonus provision is not applicable in Local Business Districts (B-1) and for stores in a shopping center.
 - iv. Ten percent (10%) if the sign is designed to contain only the identification of the establishment without advertisement of any products sold on the premises.
 - v. Five percent (5%) if the sign face is made from unbreakable material.
- 7. In any agricultural district, the provisions of this subsection shall apply:
 - a. Agricultural uses shall be permitted one (1) sign not to exceed thirty (30) square feet.
 - b. Industrial uses permitted in an agricultural zone shall be permitted a maximum of two (2) signs not to exceed a combined area of one hundred (100) square feet.
 - c. Business uses permitted in an agricultural zone shall be permitted two (2) signs not to exceed thirty (30) square feet each.
 - d. Other nonresidential uses shall be permitted one bulletin

board or identification sign, indicating nothing other than name and/or address of the premises, and schedule of services or other information relevant to the operation of the premises. Such sign shall not exceed twelve square feet in area unless erected along an abutting street or road having a speed limit in excess of 40 miles per hour; then the area of such sign shall not exceed 30 square feet. Only one sign per street frontage shall be permitted, except that uses occupying extended frontages shall be permitted one such sign per five hundred (500) feet of frontage.

- e. Residential uses are subject to the provisions of Subsection 3.
8. The signs permitted by this subsection shall be allowed in any district.
- a. One "For Sale" or "For Rent" sign not more than twelve square feet in area for each dwelling unit, garage, or other quarters where appropriate.
 - b. One sign, not more than twelve square feet in viewing area, for construction and development, giving the name of the contractors, engineers, or architects, shall be permitted but only during the time that construction or development is actively underway.

Also, one (1) portable sign on premises, not in excess of the number or size provisions of subsection 4.b may be permitted by the Administrator up to, but not to exceed, forty-five (45) days, if the portable sign is being used in lieu of a permanent sign, or during the period while commercial construction or remodeling is actively underway, to be removed when the permanent sign is erected in the first case, or when construction is completed under that Location Improvement Permit in the second case.

- c. For an event of public interest sponsored by a church, governmental agency, school, political organization, or charitable organization, one (1) portable sign not over fifty (50) square feet in area, on the premises on which the event will take place, shall be permitted; such sign shall not be erected more than thirty days before the event in question and shall be removed immediately after such event. Also, directional signs may be permitted not more than three (3) square feet in area, showing only a directional arrow and the name of the event of public interest; such signs shall not be erected more than fourteen (14) days before the event in

question and shall be removed immediately after such event.

- d. For each real estate subdivision that has been recorded in accordance with the subdivision regulations, one sign, not over fifty (50) square feet in area, advertising the sale of property in such subdivision, shall be permitted, but only when located in some portion of the subdivision being advertised for sale. Such sign shall not encroach upon any required yard. Such sign may be illuminated, but no flashing, intermittent, or animated illumination is permitted. Such sign shall be maintained only during such time as some portion of the land advertised for sale remains unsold. Permits for such sign shall be issued for one-year periods and may be renewed for additional one-year periods to allow time for reasonable display.
- e. Political advertisement signs, on private property, may be erected no more than thirty (30) days prior to the election and are to be removed within five (5) days after said election.
- f. For each major entrance to a real estate subdivision one (1) sign containing the name of the subdivision only shall be permitted. Such sign shall not exceed twenty (20) square feet and shall have a maximum height of six (6) feet. In addition, such sign shall comply fully with Subsection 5.7 Setbacks: Vision Clearance at Intersections and subsection 5.14(c) 2.f, but shall not be subject to Subsection 5.14(c) 2.d.

D. Outdoor Advertising Signs.

- 1. Outdoor Advertising signs shall be allowed in A1, B2, B3, M1, and M2 Districts only, as authorized by or under Section 4.1.
- 2. Outdoor advertising signs shall be separated by one thousand (1,000) feet in all directions, and pertaining to the Interstate and limited access highways, no outdoor advertising sign may be located adjacent to or within five hundred (500) feet of an interchange, at-grade intersection, or rest area; said five hundred (500) feet shall be measured from the right-of-way line.
- 3. No outdoor advertising sign shall be permitted if it is located within three hundred (300) feet of land that has been platted for residential use, is zoned RR, R1, R2, or R3, or designated as a residential PUD.

4. No outdoor advertising sign or structure shall contain more than two facings and no facing shall display more than two (2) signs.
5. The maximum area for any one sign shall be 1,000 square feet and the maximum width 25 feet and maximum length of 60 feet, exclusive of any border, trim, ornamental base, apron, supports, embellishments, and other structural member, if the exclusions do not exceed 20 percent of the sign area. The area shall be measured by the smallest square, rectangle, triangle, circle, or combination thereof which will encompass the area affected.

5.17 Restrictions Along Streams*

- A. The following buildings and structures are the only ones that may be erected within a floodway fringe: recreational apparatus and unenclosed shelters; parking spaces, detached unenclosed carports, and the driveways serving them; water wells and fountains, and transmission lines for water, sewer, gas, oil, electric, telephone and cable television; fences; mailboxes; bridges and public and private streets.
- B. When required by the Indiana Department of Natural Resources, the buildings and structures listed in subsection A. above may be erected within a regulatory floodway only if a permit to construct in a floodway has been issued.
- C. Water wells, water lines and sewage facilities located within a flood plain shall be constructed to eliminate contamination of or by floodwater.

* See also Floyd County Flood Plain Ordinance.

5.18 Water Pollution

No authorization of a use under this Ordinance includes the authority to discharge liquid or solid wastes into public waters except as permitted under the Stream Pollution Control Law (Acts of 1943, Chapter 214, as amended). Plans and specifications for proposed sewage and other waste treatment and disposal facilities must be approved by the Indiana Department of Environmental Management and/or the State Board of Health, and any other Indiana department or agency authorized to review and approve such facilities.

5.19 Agricultural Restrictions

- A. Confined Livestock Feeding Operations
 1. Confined livestock feeding operations shall be defined for purposes of this section and of this ordinance as the feeding of animals for food, fur, or pleasure purposes in lots, pens, ponds, sheds, or buildings where food is supplied to the animals only by means other than grazing (pasture systems excluded). All waste treatment and/or control facilities that are located on contiguous property are considered components of one confined feeding

operation. If any group of livestock on the farm exceeds the minimum numbers specified, then all other livestock on the farm must also be addressed. Minimum livestock numbers are: three hundred (300) cattle, six hundred (600) swine or sheep, or thirty thousand (30,000) poultry.

2. Prior to the issuance of an Improvement Location Permit for a confined livestock feeding operation, the following information shall be required of the applicant:
 - a. A site plan showing the location of any proposed building and all existing buildings on the tract of land involved.
 - b. A site plan showing all existing residences within one-half (1/2) mile of any proposed building or the site of the intensive livestock operation.
 - c. A drawing showing the boundaries of the farm and area involved and the land application areas.
 - d. A map showing the general topography of the area with contour lines, elevations showing that surface drainage will drain away from the site of the operation or any building site. Topography maps and elevations will be satisfactory if prepared by the United States Soil Conservation Service or licensed surveyor or engineer. Official topography maps may be used if site elevations can be accurately determined.
 - e. A map or drawing showing the location of all streams, highways, lakes, recreational facilities, public buildings, towns and cities within one (1) mile of the proposed intensive livestock operation site.
 - f. A drawing in detail and specifications relative to waste treatment disposal showing the method, equipment, and detention time of any holding pit, the number of animal units expected, and the pit design.
 - g. Documentation of approval of the operation by the Indiana Department of Environmental Management in accordance with the Indiana Confined Feeding Approval Program as based on the 1971 Confined Feeding Control Law where applicable.

3. Separation Distances and Setbacks--The minimum requirements as to separation distances of the pit and/or total confinement area of a confined livestock feeding operation must be as follows:
- a. For covered pit and total confinement installation-- One hundred (100) feet from any water well. An earthen lagoon shall not be placed closer than two hundred feet to any water well that is or will be used for human consumption or production of milk.
 - b. Six hundred (600) feet from a residence.
 - c. One thousand (1,000) from any public building (church, school, etc.).
 - d. One thousand three hundred (1,300) feet from any built-up area of five (5) or more homes. A built-up area shall be construed to mean five (5) or more homes on tracts of one (1) acre or less, all of which abut (or are contiguous).
 - e. If open feeding floor and pit combination is proposed, add two hundred (200) feet to distances set forth in (b), (c), and (d) hereof.
 - f. If open earthen pits are used, add five hundred (500) feet to the distances as set out in (b), (c), and (d) above.
 - g. All new residential, business or public buildings and recreational facilities shall be subject to the same separation distances from existing confined livestock feeding operations as set forth above. (This shall not apply to a residence occupied by the operator or owner of the intensive livestock operation.)
 - h. Exception to (g) above may be sought by requesting a variance. If or when such a variance is granted by the Board of Zoning Appeals, the party obtaining the variance shall be required to attach to the deed and record a covenant protecting the livestock enterprise being encroached upon. Said covenant shall read as follows:

"In accepting this deed, grantees do hereby acknowledge that the surrounding and is

agricultural in usage; and grantees, and their successors in interest, are recluded from complaining and/or attempting to enjoin the farm operation because of nuisances which might result from proper and prudent management of said operation".

- i. If an intensified livestock applicant finds he cannot reasonably meet the established requirements, he may request a variance or special exception from the Board of Zoning Appeals. After hearing, the Board of Zoning Appeals shall determine if the request is in harmony or conflict with the purpose and intent of this ordinance and/or is detrimental to the owners of surrounding, adjacent property. In the granting of any special use or variance, the Board may impose such conditions as deemed necessary in furtherance of the purposes of this ordinance.

B. Residences and Development in Agricultural Zones

1. Applicants for building permits, location improvement permits, and land developments occurring in an Agricultural Zone shall be required to sign a document of acknowledgment prior to the issuance of said permits.
2. The above said document of acknowledgment shall be furnished by the Plan Commission Office at the time of application.
3. The purpose of said document of acknowledgment is to provide reasonable protection for prime agricultural land and for existing farming activities.

DOCUMENT OF ACKNOWLEDGMENT
AGRICULTURAL ZONES

I do hereby request a building permit, location improvement permit, or make application for land/site development in an agriculture zone. In doing so, I realize and acknowledge that within this zone there are noises, odors, and heavy machinery and hazards that are particular and customary to farming operations. By signing this acknowledgment, I agree to comply with all restrictions of this zone and further agree to preclude from complaining and/or attempting to enjoin neighboring farm operations because of nuisances which might result from proper, prudent and customary management of said operations. I further agree to disclose this

acknowledgment in any conveyance of all or any part of this property.

_____	_____
Applicant Signature	Date
_____	_____
Tract	Witness

5.20 Industrial Restrictions

A. Smoke.

1. No light industrial use may emit more than ten smoke units per stack or smoke in excess of Ringelmann No. 2. However, once during any 24- hour period, for soot blowing, process purging and fire cleaning, each stack may emit an additional ten smoke units and during that time it may smoke up to and including Ringelmann No. 2. No general industrial use may emit more than sixty smoke units per stack or smoke in excess of Ringelmann No. 2. However, once during any 6-hour period, for soot blowing, process purging and fire cleaning, each stack shall be permitted an additional ten smoke units and during that time it may emit smoke up to and including Ringelmann No. 3.
2. In this section, the term:
 - a. "Ringelmann number" means the number of the area on the Ringelmann chart that most nearly matches the light-obscuring capacity of smoke. The Ringelmann chart is described in the U.S. Bureau of Mines Information Circular 6888, on which are illustrated graduated shades of gray for use in estimating smoke density. Smoke below the density of Ringelmann No. 1 shall be considered as no smoke or Ringelmann No. 0.
 - b. "Smoke unit" means the number obtained when the smoke density in Ringelmann number is multiplied by the time of emission in minutes. For the purpose of this calculation, a Ringelmann density reading shall be made at least once a minute during the period of observation. Each reading shall then be multiplied by the time in minutes during which it is observed. The products so computed shall then be added to give the total number of units observed during the entire observation period.

B. Particulate Matter.

1. The rate of emission of particulate matter from all sources within the boundaries of any lot may not exceed a net figure of one pound per hour per acre for a light industrial use, or three pounds per hour per acre for a general industrial use, of which no more than ten percent by weight may be particles larger than 44 microns (325 mesh). The net rate of emission shall be computed by:
 - a. determining the maximum emission in pounds per hour from each source of emission within the boundaries of the lot and dividing this figure by the number of acres of lot area, thus obtaining the gross hourly emission rate per acre for each source;
 - b. deducting from that gross rate the appropriate correction factors for height of emission and stack velocity as respectively specified in subsections ii and iii, below, thus obtaining the net hourly emission rate per acre for each source, and
 - c. adding the individual rates of emission so computed to obtain the total net hourly emission rate per hour from all sources within the boundaries of the lot.
2. The allowance for height of emission is as follows (interpolate for intermediate values):

via Emission Height Allowances

Height of Emission above Grade (ft.)	Correction for Light Industrial Use (pounds per hour per acre)	Correction for General Industrial Use (pounds per hour per acre)
50'	0.01	0.02
100'	0.06	0.12
150'	0.10	0.20
200'	0.16	0.32
300'	0.30	0.60
400'	0.50	1.00
500' and above	0.50	1.50

3. The allowance for velocity of emission is as follows (interpolate for intermediate values):

Emission Velocity Allowances

Exit Velocity Up (feet per second)	Correction for Light Industrial Use (pounds per hour per acre)	Correction for General Industrial Use (pounds per hour per acre)
0'	0	0
20'	0.03	0.06
40'	0.09	0.18
60'	0.16	0.32
80'	0.24	0.48
100' and above	0.50	1.00

4. Dust and other kinds of air pollution that are borne by the wind from such sources within lot boundaries as storage areas, yards, and roads shall be kept to a minimum by appropriate landscaping, paving, oiling, fencing, or other means.
5. As used in this subsection, the term "particulate matter" means divided liquid or solid material that is discharged and carried along in the air.

C. Odor.

No light or general industrial use may release an unreasonable objectionable odor that is detectable in the neighborhood.

D. Toxic Materials.

For a light or general industrial use, the emission of toxic and nontoxic materials may not produce any concentration at a residence or business district boundary line exceeding the following percentage of the threshold limit values for toxic materials in industry as set forth in "Threshold Limit Values" for the current year, as adopted at the annual meeting of the American Conference of Governmental Industrial Hygienists:

Light Industrial Use	10%
General industrial Use	30%

E. Glare and Heat.

1. No light or general industrial use may cause heat at the lot line so intense as to be a public nuisance hazard. No such use may cause illumination at or beyond any residence district boundary in excess of 0.1 foot candle.
2. As used in this subsection, the term "foot candle" means a unit of illumination equal to the illumination at all points that are one foot from a uniform point source of one candle-power.

F. Vibration.

1. No light industrial use may cause at a lot line, continuous vibrations exceeding those under Column I in the following table. Nor may it cause at any residence district boundary, continuous earthborne vibrations higher than the limits set forth in Column II.

Maximum Permitted Vibration (light Industries)

Frequency (cycles per second)		I Displacement (inches)	II Displacement (inches)
More Than	But Not More Than		
0	10	.0008"	.0004"
10	20	.0005"	.0002"
20	30	.0002"	.0001"
30	40	.0001"	.0001"
40	50	.0001"	.0001"
50		.0001"	.0001"

Discrete pulses that do not exceed one hundred impulses per minute may not produce higher than twice the displacement specified in the table.

2. No general industrial use may cause at any B-1, B-2, B-3 or M District boundary continuous earthborn vibrations higher than the limits set forth in Column I of the following table. Nor may it cause at any residence district boundary continuous earthborn vibrations higher than the limits set forth in Column II.

Maximum Permitted Vibrations

Frequency (cycles per second)		I Displacement (inches)	II Displacement (inches)
More Than	But Not More Than		
0	10	.0020"	.0004"
10	20	.0010"	.0002"
20	30	.0006"	.0001"
30	40	.0004"	.0001"
40	50	.0003"	.0001"
50		.0002"	.0001"

Discrete pulses that do not exceed one hundred impulses per minute may not produce higher than twice the displacement specified in the table.

3. As used in this subsection, the term:

"resultant displacement" means the maximum amount of motion in any direction as determined by any three-component measuring system (a simultaneous measuring system approved by the commission); and

"three-component measuring system" means instrumentation that can measure earthborn vibrations in a horizontal as well as vertical plane.

G. Noise.

1. At no boundary of a residence or business district may the sound pressure level of any light or heavy industrial use (except for background noises produced by sources not under control of this ordinance, such as the operation of motor vehicles or other transportation facilities) exceed the following decibel limits:

Maximum Noise Limitations

	I	II	
	Octave Band Frequency (cycles per second) But Not More Than	Maximum Permitted Sound Levels (in decibels) Along Residence District Boundaries	Maximum Permitted Sound Levels (in decibels) Along Residence District Boundaries
20	75	72	79
75	150	67	74
150	300	59	66
300	600	52	59
600	1200	46	53
1200	2400	40	47
2400	4800	34	41
4800		32	39

The prescribed limits of Column I apply between 8:00 a.m. and 6:00 p.m. At other times, the allowable levels in each octave band are reached by six decibels.

2. Sound levels shall be measured with a sound-level meter and associated octave band filter, manufactured and calibrated according to standards prescribed by the American Standards Association. Measurements shall be made using the flat C network of the sound-level meter and the fast meter movement of the octave band analyzer. Impulsive noises are subject to the performance standards prescribed by this subsection if they cause rapid fluctuations of the needle of the sound-level meter with a

variation of no more than plus or minus two decibels. Noises incapable of being so measured, such as irregular and intermittent noises, shall be controlled so as not to be a nuisance to adjacent uses.

3. As used in this subsection, the term:

"octave band" means all the frequencies from one frequency to a second. In sound octave bands, the second frequency is usually twice the first one; and

"octave band filter" means an electrical device that separates the sounds in each octave band and presents them to the sound-level meter.

H. Fire Hazards.

1. Solid substances ranging from free or active burning to intense burning may be stored, used or manufactured only within completely enclosed buildings having incombustible exterior walls and protected throughout by an automatic fire extinguishing system.
2. The storage, utilization, or manufacture of flammable liquids or materials, which produce flammable vapors or gases, shall be permitted in accordance with the rules and regulations of the State Fire Marshall. A certificate of compliance, issued by the State Fire Marshall's Office, stating that the plans and specifications for a light or general industrial use comply with the rules and regulations of the State Fire Marshall shall accompany the application for an Location Improvement Permit.
3. As used in this subsection, the term:

"free burning" means a rate of combustion described by a substance that burns actively and easily supports combustion.

"intense burning" means a rate of combustion described by a substance that burns with a high degree of activity and is consumed rapidly.

I. Detonation Materials.

No activity involving the storage, use or manufacture of materials that decompose by detonation may be carried on except in accordance with the rules issued by the State Department of Fire Prevention and Building Safety.

These materials include primary explosives such as lead azide, lead styphnate,

fulminates, and tetracene; high explosives such as TNT, RDX, HMX, PETN, and picric acid; propellants and their components, such as dry nitrocellulose, black powder, baron hydrides, hydrazine and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate, and potassium nitrate; blasting explosives such as dynamite and nitroglycerine; unstable organic compounds such as acetylides, tetrazoles, and ozonides; strong oxidizing agents such as liquid oxygen, perchloric acid, perchlorates, chlorates, and hydrogen peroxide in concentrations greater than thirty-five percent; and nuclear fuels, fissionable materials and products, and reactor elements such as uranium 235 and plutonium 239.

J. Exceptions.

Subsections A. through I. do not apply to:

1. site preparation or construction, maintenance, repair, alteration, or improvement of buildings, structures, equipment, or other improvements on or within the lot line;
2. the operation of motor vehicles or other facilities for the transportation of personnel, materials or products;
3. conditions beyond the control of the user such as fire, explosion, accident, failure, or breakdown;
4. safety or emergency warning signals or alarms necessary for the protection of life, limb or property; or
5. processes for which there is no means of control.

Research shall be promptly conducted to discover methods of control leading to the installation of protective equipment.

K. Light Industrial Uses Near Agriculture or Residence Districts.

The performance standards prescribed by subsections A. through J. for light industrial uses apply also to general industrial uses that are located within five hundred feet of an "A" District or a Residence District boundary.

L. Industrial Security Housing.

The restrictions against residential uses in industrial districts contained in Section 4 shall not be construed to prohibit the provisions of small living quarters for a resident caretaker or security guard on an industrial site.

M. Hazardous Waste Disposal or Sexually Oriented Businesses.

1. Facilities intended for disposal of hazardous wastes or sexually

oriented businesses shall be confined to M-3 districts.

2. No such facilities shall be located within one mile of any other business, residence, church, school, health care facility, or child care facility, as measured from the point of emission, discharge, or regulated activity to the nearest property limit.
3. Such facility must meet all applicable construction and operating standards of all local, state and federal regulatory agencies, including but not limited to, the Floyd County Health Department, Indiana State Board of Health, Indiana Department of Environmental Management, and United States Environmental Protection Agency.

5.21 Technical Certification

As a condition of approval, the Administrator has the right to require any applicant at anytime under this Section to produce at applicant's expense a certification by a recognized expert that the technical requirements of this Ordinance will not be violated by the proposed development.

5.22 Drainage and Storm Water Management

A. Applicability.

1. This section shall apply to all types of development which require a local permit and/or approval from Georgetown, the Georgetown Plan Commission or any other agency of Floyd County.
2. Projects that require only individual Improvement Location Permits for a single family dwelling, a two-family dwelling, or their accessory structures are not subject to these requirements.
3. Projects that are for agricultural structures in locations included in current soil and water conservation plans that have been approved by the Floyd Co. Soil and Water Conservation District are also exempt from these requirements.
4. The provisions of this section shall be deemed as additional requirements to minimum standards required by other ordinances of the county. In the case of conflicting requirements, the most restrictive shall apply, including any MS4 Regulation that may be required or later adopted.
5. The Commission may grant a waiver from any requirements of these regulations if there are exceptional circumstances applicable to the site such that strict adherence to the provisions of these regulations will result in unnecessary hardship and not fulfill the intent of these regulations.

6. General Requirements. The Commission shall not recommend for approval any plat which does not make adequate provision for storm water management. The storm water release rate of a 50 year storm event from development, redevelopment, and new construction shall not exceed the storm water runoff from a 10 year storm event from the land area prior to the development redevelopment, or new construction or of the capacity of its drainage outlet., whichever is more restrictive. Because topography, soils, and the availability and adequacy of outlets for storm runoff vary with almost every site, the requirements for storm water management and drainage tend to be an individual matter for any project.

C. Acceptable Detention Methods.

1. The increased storm water runoff from a proposed development shall be detained on-site by appropriate wet or dry bottom reservoirs, by storage on flat roofs, parking lots, streets, lawns, drainage swails or other acceptable techniques. Measures which retard the rate of overland flow and the velocity in runoff channels may also be used to control the runoff rate.
2. There are certain circumstances where detention is not justified or may be detrimental to the overall drainage basin. The Commission may waive detention requirements in these cases.

- D. Design Methods. For drainage areas of 50 acres or less and 30 cfs peak discharge(calculated for a 10 yr. event) or less, the Rational Method may be used to determine the required volume of storm water storage, as outlined in the Floyd County Stormwater Design Criteria. For drainage areas of 50 acres or more, and greater than 30 cfs peak discharge the SCS TR-55 and/or TR-20 methods shall be used, as outlined in the Floyd County Stormwater Design Criteria.

E. Nature of Storm Water Facilities.

1. Inlets shall be provided so that surface water is not carried across or around any intersection, nor for a distance of more than 600 feet, unless curb and gutter capacities are not exceeded. When the encroachment of storm water into the streets disrupts traffic catch basins shall be installed. When calculations indicate that curb capacities are exceeded at a point, no further allowance shall be made for flow beyond that point, and catch basins or inlets shall be used to intercept flow at that point. Surface water drainage patterns shall be shown for each and every lot.
2. Drainage facilities shall be located in the right-of-way where feasible, or in perpetual, unobstructed easements of appropriate width, and shall be constructed in accordance with the Town's construction standards and specifications.

3. Use of sinkholes as storm water facilities is not permitted, unless there are no other cost effective alternatives, and must receive Commission approval.

F. Accessibility to Public Storm Sewers.

1. Where a public storm sewer is accessible, the applicant shall install storm sewer facilities, or if no outlets are within a reasonable distance, adequate provision shall be made for the disposal of storm water, subject to the Town or County Stormwater Design Criteria. However, in subdivisions containing lots less than 15,000 square feet in area and in business and industrial districts, underground storm sewer systems shall be constructed throughout the subdivision and be conducted to an approved outfall. Inspection of facilities shall be conducted by the county Engineer.
2. If a connection to a public storm sewer will be provided eventually, as determined by the Town Engineer and the Commission, the developer shall make arrangements for future storm water disposal by the public utility system at the time the plat receives final approval. Cost provision(s) for such connection(s) shall be incorporated by inclusion in the amount of the performance bond or equivalent required for the subdivision plat.

G. Accommodation of Upstream Drainage Areas. A culvert or other drainage facilities shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area whether inside or outside the development. The developer shall determine the necessary size of the facility, based on the provisions of the required construction standards and design criteria assuming conditions of maximum potential watershed development permitted by the zoning provisions of this ordinance.

H. Effect on Downstream Drainage Areas. The developer shall provide information for review by the Commission or its designate regarding the effect of each proposed development, redevelopment, or new construction on existing drainage facilities (including storm sewers, streams, waterways, etc.) outside of the area of the proposed development. Where it is anticipated that the additional runoff incident to the development will overload an existing downstream drainage facility, or where problems already exist under current conditions, the Commission may withhold secondary approval of the development until provision (such as storage facility) has been made for the improvement of said potential condition in such sum as the Commission shall determine. No development shall be approved unless adequate drainage from it will be provided to an adequate drainage water course or facility.

I. Information Requirements.

1. The applicant shall submit, to the Commission, drainage calculations detailing runoff computations before and after the proposed project which demonstrate compliance with this ordinance. In addition, the applicant shall submit a set of plans of sufficient clarity and detail to allow the

Commission or its designate to evaluate project compliance with this ordinance. The plans must be prepared under the supervision of and certified by a registered land surveyor or a professional engineer licensed by the State of Indiana.

2. Plans submitted shall include, as a minimum, the same information required by site plans for land disturbing activities covering more than one acre as stated in Section 8.5 E.(Erosion and Sediment Control Site Plan Requirements).
 3. In addition, plans shall include existing detention basins arid ponds to be maintained, enlarged, or otherwise altered, and new basins or ponds to be built and the basis of their design.
 4. The information must be submitted for review no later than the preliminary plat submission.
- J. Areas Subject to Flooding. Areas which are not in the flood plain but contain soils which are subject to flooding may be approved for subdivision by the commission, provided that the subdivider fills the affected areas of said subdivision to an elevation sufficient to place building sites and streets two (2) feet above ponding levels.
- K. Areas of High Seasonal Water Tables and Poor Drainage. In areas characterized by soils having a high seasonal water table and/or slow permeability as determined by the Floyd County Soil arid Water Conservation District, lots shall be limited to slab type construction unless the Commission determines that appropriate engineering techniques will be applied to alleviate the subsurface problem.
- L. Floodway Areas. If a subdivision of land is proposed within the Flood Plain, floodways shall be preserved and not diminished in capacity by filling or obstruction, except as approved by the Natural Resources Commission in writing. No residential building site may be located within the Floodway.
- M. Floodway Fringe Areas. Where a subdivision is proposed within an area of the Flood Plain designated as a Floodway Fringe, the commission may approve such subdivision provided that: all streets are elevated sufficiently to be above the Regulatory Flood elevation; all lots for residential usage have a Flood Protection Grade two (2) feet above the Regulatory Flood elevation; where provided, water and sanitary sewer facilities are constructed to eliminate contamination of or by, flood water, and, approval to fill the area from the Natural Resources Commission has been obtained in writing. Lands below the Regulatory Flood elevation shall not be used for computing the area requirement for any lot.
- N. Flood Plain Areas. Where a subdivision is proposed within an area of the Flood Plain for which Floodway and Floodway Fringe designations have not been made, the commission shall not approve such a subdivision unless all streets are raised sufficiently to be above the Regulatory Flood elevation; all lots for residential usage have a Flood Protection Grade of two (2) feet above the Regulatory Flood elevation; where provided, public water

and sanitary sewer facilities are constructed to eliminate contamination of or by flood water, and, filling to achieve the above will not raise the level of the Regulatory Flood Elevation more than one-tenth (1/10) of one (1) foot for that reach of the stream. All filling in the Flood Plain must be approved in writing by the Indiana Natural Resources Commission. Lands below the Regulatory Flood elevation shall not be used for computing the area requirement for any lot.

O. Recording of Plats in the Flood Plain and Floodway Fringe. All final plats having within their boundaries areas whose elevation is below that of the Regulatory flood shall show and label the Regulatory Flood Boundary and elevation, as of the date the final plat is drawn, on the final plat for recording.

P. Dedication of Drainage Easements.

1. General Requirements. Where a development is traversed by a drainage course, drainageway, channel, or stream, a storm water easement or drainage right-of-way shall be provided, granted or dedicated to the county conforming substantially to the lines of such watercourse and of such width and construction or both as will be adequate for the purpose of both drainage and maintenance of the right-of-way. Whenever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.

2. Drainage Easements:

a. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within streets right-of-way, perpetual unobstructed easement at least fifteen (15) feet in width for such drainage facilities shall be provided across property outside the right-of-way lines and with satisfactory access to the street. Easements shall be indicated on the plat. Drainage easements shall be carried from the street to a natural watercourse or to other drainage facilities.

b. The applicant shall dedicate, either in fee or by drainage or conservation easement, land on both sides of existing watercourses of a width to be determined by the commission.

c. When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat.

d. Low lying lands along watercourses subject to

flooding or overflowing during storm pen oils, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainage ways. Such land or lands subject to periodic flooding shall not be included in the computations for determining the number of lots allowable under average density procedures nor for computing the area requirement for any individual lot.

Section 6

Subdivision Policies and Purposes

6.1 Policies

- A. It is hereby declared to be the policy of the Town to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the official Georgetown Comprehensive Plan and related policies (including those embodied in this ordinance) for the orderly and efficient development of the Town.
- B. Land to be subdivided shall be of such a character that it can be developed without peril to health and safety or peril from flood, fire or other menace, and land shall not be subdivided until having access to available existing public facilities and until improvements and proper provisions have been made for drainage, water, sewerage, other necessary new public improvements such as schools, parks, recreation facilities, and transportation facilities adequate for serving the subdivision. Private wells and septic systems in lieu of public water and sewer facilities are allowable where permitted under the Town Zoning Ordinance and approved by the County Health Department and the Towns designated Engineer.
- C. Both existing and proposed public facilities serving the subdivision shall be properly related and conform to the official County and Town Comprehensive Land Use Plan, related policies, and implementation programs including the Thoroughfare Plan, Zoning Provisions of this Ordinance and Housing and Building Codes.

6.2 Purposes of These Regulations

- A. To protect and provide for the public health, safety, and general welfare of the Town.
- B. To guide the future development and renewal of the Town in accordance with the Comprehensive Plan and related policies.
- C. To provide for the safety, comfort, and soundness of the built environment and related open spaces.
- D. To protect the compatibility, character, economic stability, and orderliness of all development through reasonable design standards.
- E. To guide public and private policy and action to provide adequate and efficient public and private facilities, the most aesthetically pleasing and beneficial interrelationship between land uses, conserve natural resources such as natural beauty, woodlands, open spaces, and energy both during and after development.

6.3 Authority And Jurisdiction

- A. This ordinance, which was enacted pursuant to Indiana home rule and planning enabling legislation (Indiana Code, titles 36-1-3-4 and 36-7-4-700 series as amended) authorizes the Georgetown Plan Commission to review and approve or disapprove plats for

subdivision throughout the unincorporated areas of the county and in any municipal jurisdiction that might enter into interlocal agreements with the Georgetown Plan Commission to provide such services. This authority extends to the development or resubdivision of undeveloped portions of already recorded plats.

- B. No building permit shall be issued nor any final inspection conducted for any parcel or plat of land which was created by subdivision after the effective date of, and not in conformity with, the provisions of these subdivision regulations, and no excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with the regulations contained herein and in conformity with construction standards adopted by the Town.

6.4 Enactment

In order that land may be subdivided in accordance with these purposes and policies, these subdivision regulations are hereby adopted as sections of this ordinance.

6.5 Conditions

Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of valid police power delegated by the state to this county. The developer has the duty of compliance with reasonable conditions laid down by the Commission for design, dedication, improvement, and restrictive use of the land in order to conform to the physical and economical development of the Town and to the safety and general welfare of the future plot owners in the subdivision and of the Town and Floyd County at large.

A. Procedure for Resubdivision. For any change in a map of an approved or recorded subdivision plat, if such change affects any street layout shown on such map, or area reserved thereon for public use, or any lot line, or if it affects any map or plan legally reached prior to the adoption of any regulations controlling subdivisions, such parcel shall be approved by the Commission by the same procedure, rules, and regulations as for a subdivision.

B. Procedure for Subdivision. Where Future Resubdivision is Indicated. Whenever a parcel of land is subdivided and the subdivision plat shows one or more lots containing more than one acre of land and there are indications that such lots will eventually be resubdivided into smaller building sites, the Commission may require that such parcel of land allow for the future opening of streets and the ultimate extension of adjacent streets. Easements providing for the future opening and extension of such streets may be made a requirement of the plat.

6.6 Vacation of Plats

Any recorded plat or part of any recorded plat may be vacated only in accordance with I.C. 36-7-3 as amended 1982, 1983, and 1986.

6.7 Variances

- A. General. Where the Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to these subdivision regulations so that substantial justice may be done and the public interest secured, provided that such variances shall not have the effect of nullifying the intent and purpose of these regulations; and further provided the Commission shall not approve variances unless it shall make findings based upon the evidence presented to it in each specific case that:
1. The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other nearby property;
 2. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property;
 3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out;
 4. The variance will not in any manner contravene the zoning provisions of this Ordinance, Comprehensive Plan, or Official Map as interpreted by the Commission and the Towns designated Engineer. Any petition for a variance from the developmental standards of the zoning provisions of this ordinance within a proposed subdivision must be heard by the Board of Zoning Appeals.
- B. Conditions. In approving variances, the Commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these regulations.
- C. Procedures. A petition for any such variance shall be submitted in writing by the subdivider at the time when the preliminary plat is filed for the consideration of the Commission. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

6.8 Amendments

For the purpose of providing for the public health, safety, and general welfare, the Town, on recommendation of the Commission, may from time to time amend the provisions imposed by these subdivision regulations. Public hearing on all proposed amendments shall be held by the Commission and/or the Town Board in the manner prescribed by law.

Section 7

Subdivision Application and Approval Procedures

7.1 General Procedures

- A. Discussion of Requirements: Predesign Conference. Prior to submitting any of the materials required by this ordinance, the applicant or his representative must discuss with the Administrator the nature of the land division being proposed, so that the applicant may be instructed concerning the classification of his subdivision and what regulatory procedures apply to it and must be followed under this ordinance in order to secure primary and secondary approval. Where applicable, requirements concerning the general layout of streets and for reservations of land, street improvements, drainage, sewerage, fire protection, and similar matters, as well as the availability of existing services should be discussed. The Administrator shall also advise the applicant, where appropriate, to discuss the proposed land division with those other officials who must eventually approve those aspects of the subdivision plat coming within their jurisdiction. The distinction between major and minor subdivisions as defined in this ordinance, shall be made by the Administrator when the applicant submits an application for sketch plan approval. This requirement may be waived at the discretion of the Administrator.
- B. Classification of Land Divisions. All land to be divided shall be categorized into one of three (3) main classes of land division indicated in this ordinance's definition of subdivision. These classes are:
- (a) major subdivision
 - (b) minor subdivision
 - (c) rural residential subdivision
- C. Before any permit shall be granted for a structure to be erected on land to be subdivided into a major, minor, or rural residential subdivision, the subdividing owner or his subdivision agent shall apply for and secure approval of the proposed subdivision in accordance with Section 7.2 and either Section 7.3, Section 7.4, or Section 7.5 of this ordinance as appropriate.

7.2 Major, Minor, and Rural Residential Subdivisions: Sketch Plan Application Procedure for Primary Approval

- A. Application Requirements. In order to begin the subdivision process the applicant shall file an application for review of sketch plan and certificate with the Administrator and be entitled to a signed receipt for same. This application shall:
- 1. Be made on forms available at the Office of the Commission and signed by the owner.
 - 2. Include indication of all contiguous holdings of the owner including land in the same ownership, with an indication of the portion which is proposed to be subdivided, accompanied by an affidavit of ownership, which shall

include the dates the respective holdings of land were acquired, together with the book and page of each conveyance to the present owner as recorded in the County Recorder's office. The affidavit shall advise as to the legal owner of the property, the contract owner of the property, optionee of the property, and the date on which the contract of sale was executed. If any corporations are involved, the Administrator may request a complete list of all directors, officers, and a listing of stockholders if less than ten (10) in number.

3. Be presented to the Administrator in duplicate.
4. Be accompanied by a minimum of three (3) copies of the sketch plan.
5. Be accompanied by a fee established by the commission.
6. Include an address and telephone number of an agent located within the territory of the commission who shall be authorized to receive all notices required by this ordinance.
7. Include a listing signed by the checkpoint agencies indicating that they have received a copy of the proposed sketch plan or a certificate that is has been sent.

B. Checkpoint Submission. In order to fulfill this last application requirement, a copy of the proposed plan shall be submitted to each of the agencies appropriate to the plan's location so that their comment may be made to the Administrator. The Administrator shall request that all officials and agencies to whom a request for review has been made submit a written report to him within fifteen (15) working days after receipt of the request. No response from an agency shall be interpreted as meaning "no objection". Following is a list of checkpoint agencies:

1. Town designated Highway Engineer
2. Town designated Surveyor
3. County Soil and Water Conservation District
4. County Health Department
5. Appropriate Fire Department
6. Appropriate School Corporation

C. Classification of Subdivision. After an application for sketch plan approval has been submitted, and at the time of sketch plan review the Administrator shall classify the proposed subdivision as either major, minor, or rural residential as defined in this ordinance. The required procedures and approvals for major subdivisions are described in Section 7.3; corresponding information concerning the minor subdivision approval process is provided in Section 7.4. Information concerning the rural subdivision approval process, including special zoning provisions and design standards, is provided in Section 7.5.

D. Technical Certification to Subdivision. As a condition of approval, the Administrator has

the right to require any applicant at anytime under this Section to produce at applicant's expense a certification by a recognized expert that the technical requirements of this Ordinance will not be violated by the proposed development.

7.3 Major Subdivisions (5 Or More Lots)

- A. General Procedures for Primary and Secondary Approval. Should the Administrator, during sketch plan review, classify the proposed land division as a major subdivision, the subdivider shall follow the procedures and be subject to the processes outlined in Figure 7.1, and detailed in this Section. In addition to a sketch plan which is reviewed by the Administrator and checkpoint agencies, the applicant seeking approval of a major subdivision shall submit a preliminary subdivision plat to be approved, conditionally approved, or rejected by the Commission at a public meeting, and a final subdivision plat which must be found in compliance with the preliminary plat as approved by the Commission or otherwise approved in order to be signed and recorded.
- B. Official Submission Dates. The deadline for submittal of a sketch plan and application for certificate of approval shall be sixty (60) calendar days prior to the date of the public meeting at which the subdivider intends to have his preliminary plat submission heard, and thirty (30) calendar days prior to the deadline for the submission of the preliminary plat. Thus, as a minimum, sketch plan submission shall precede preliminary plat submission by no less than thirty (30) calendar days, which in turn shall precede the public hearing at which it is intended to be heard by no less than thirty (30) calendar days.
- C. Sketch Plan Review Process. Within twenty (20) calendar days of the subdivider's sketch plan application submittal, the Administrator shall have studied the proposal, reviewed checkpoint reports received, and met with the subdivider to discuss pertinent aspects of the possible modifications and/or changes that may be suggested or required by this ordinance. The Administrator may request that a representative of each checkpoint agency wishing to be involved in a sketch plan review be present to participate in the sketch plan review meeting. In taking into consideration the requirements of this ordinance, particular attention shall be given to the technical standards in Section 8, especially to the arrangement, location, and width of streets, their relation to the topography of the land, sewage disposal, drainage, lot size and arrangement, the further development of adjoining lands as yet unsubdivided, and the requirements of the Official Map or Thoroughfare Plan, and Comprehensive Plan. Subsequent to this meeting the Administrator shall provide the participants with a written record of the proceedings of the meeting.
- D. Preliminary Plat Procedures for Primary Approval.
 - 1. Submission Requirements. Following the submission, review and report on the sketch plan application, the subdivider may file for primary approval of a preliminary plat. This submission shall:
 - a. Be made on forms available at the office of the Commission and be submitted with fee as

established by the commission for each lot which was not included in the sketch plan.

- b. Include indication of all land which the applicant proposes to subdivide and all immediately adjacent land extending one hundred feet therefrom, or of that directly opposite thereto, extending one hundred feet from the street frontage of such opposite land, with the names and addresses of the owners as shown in the Auditor's files. This information may be shown on a separate current Plat Map reproduction from the Auditor's Office showing the boundaries of the subdivision superimposed thereon.
 - c. Be presented in duplicate to the Administrator no later than thirty (30) calendar days prior to the regular meeting of the Commission at which it is intended to be heard.
 - d. Be accompanied by six (6) copies of the preliminary plat as described in this Ordinance.
 - e. Generally comply with the sketch plan as reviewed.
2. Placement on the Commission Agenda. Subsequent to the submission for primary approval, the Commission shall place the matter on its next regular meeting agenda for formal action.
 3. Administrative Review. Subsequent to placement on the agenda, and prior to the date of public hearing, the Administrator and members of the Technical Review Committee shall review the proposal. On the basis of checkpoint agency recommendations, Technical Review Committee findings, and his own review the Administrator shall then prepare a written report to the Commission and the applicant indicating a recommendation with regard to the subdivision being proposed.
 4. Preliminary Drainage Board Approval. Prior to the date of the preliminary hearing, the applicant shall have received preliminary approval from the Drainage Board. If a drainage board does not exist, the Plan Commission shall consider buildings based upon review by the Town designated Surveyor.
 5. Public Hearing Notification Requirements. The subdivider shall complete the following ten (10) days prior to the public hearing:
 - a. Place a legal notice of the date, time, place, and purpose of the public hearing in a newspaper designated by the

Commission and in a form, which meets commission requirements. The cost of the legal notice shall be paid by the subdivider.

- b. Notify all property owners adjoining the proposed subdivision (a mini-mum of five (5) with joint owners of a single property as one (1) notice), by certified mail, return receipt requested, and in a form prescribed by the Commission. Adjoining property owners shall include those bordering the subject property but separated from it by a public or private road.
 - c. Post a sign on the land in a conspicuous location.
 - d. At the public hearing, the subdivider shall present proof that he has met all of the above requirements. All testimony is to be sworn under oath.
6. Primary Approval of the Preliminary Plat. After the Commission has held a hearing upon the preliminary plat, the Administrator's report, checkpoint recommendations, testimony, and exhibits submitted at the public hearing, the applicant shall be advised of any required changes and/or additions. The Commission shall at a public hearing, grant primary approval, or disapprove the preliminary plat. One (1) copy of the preliminary plat shall be returned to the applicant with the date of approval, conditional approval, or disapproval and the reasons therefore accompanying the plat within five (5) days of the public hearing. Before the Commission approves a preliminary plat showing park reservation(s) or land for another local governmental unit, the Commission shall obtain approval of the park land reservation from the Town Board or their designee. Primary approval by the Commission is subject to review by certiorari. Secondary approval of a subdivision cannot occur until a minimum of thirty (30) days has elapsed since the granting of primary approval.
7. Effective Period of Primary Approval. Unless extended, the approval of a preliminary plat shall be effective for a period of two years (five years for sectionalized Subdivision), at the end of which time secondary approval of the subdivision must have been obtained and certified by the Designated Officials. Any plats not receiving secondary approval within the period of time set forth herein shall be null and void, and the developer shall be **required to resubmit a new application for sketch plan review and certificate subject to all zoning restrictions and subdivision regulations in effect at the time of resubmission.** Upon request of the applicant the Commission may extend the primary approval of a preliminary plat in increments of one year beyond an expiration date without further notice and public hearing.

E. Approval of Construction Plans.

1. Submission Procedure and Requirements. At the same time the developer submits the Preliminary Plat for primary approval, the applicant shall file with the Administrator six (6) sets of the detailed plans and specifications thereof for approval.
2. Review Process. The Administrator shall immediately refer these plans to the appropriate checkpoint agencies of the affected participating jurisdictions for review and comment. These agencies have fifteen (15) working days to review the plans and indicate their approval, or requests for changes. No response shall be assumed as indicating "no objection". At the time of Preliminary Plat review, the Administrator shall discuss with the applicant the comments and requests by the participating jurisdictions. Review comments may also be presented at the public hearing. Based upon these comments, the Commission shall have discretion to approve proposed changes or to require resubmission to the Commission. In no event shall secondary approval of the final plat be given before approval of the construction plans.
3. Installation of Improvements. The installation of improvements shall be inspected by the appropriate participating jurisdiction. Such inspections are required in all instances regardless of whether the work is performed before or after the date of this ordinance and before secondary approval may be cause for denial of secondary approval.

F. Final Plat Procedure (Secondary Approval)

1. Submission Requirements. Following primary approval or conditional primary approval of the preliminary plat and approval of the construction plans, the applicant, if he wishes to proceed with the subdivision, shall file with the Administrator a request for secondary approval of a final plat. The application shall:
 - a. be submitted on forms available at the Office of the Commission;
 - b. include the entire subdivision, or section thereof which derives access from an existing state, county, or municipal roadway;
 - c. be accompanied by ten (10) copies of the final plat as described in this ordinance;
 - d. totally comply with the ordinance and the terms and conditions of primary approval;
 - e. is accompanied by required written utility agreements between utility providers and developers. ie

- f. be accompanied by the performance bond, if required, in a form satisfactory to the Commission Attorney and in an amount established by the Commission upon recommendation of the participating jurisdiction and shall guarantee the completion of all required subdivision and off-site public improvements;
 - g. be accompanied by any restrictive covenants in a form approved by the Commission, where they have been proposed by the subdivider or required by the Commission.
2. Secondary Approval. In order to be recorded, a final plat shall be found to be in conformance with the primary approval by the Plan Commission at a public hearing. If the final subdivision deviates from the preliminary plat that received primary approval, the subdivision shall be resubmitted to the Commission at a public meeting for a new primary approval. The subdivider seeking final or secondary plat approval shall request Commission review in writing no fewer than thirty (30) calendar days prior to the date of the public meeting at which he intends to have the final plat reviewed.

The Commission shall place the matter on its next regular meeting agenda. The administrator shall review the proposal and submit a written report and recommendations to the Commission and the applicant; at the public hearing, the Commission shall approve or disapprove the final plat. If granted secondary approval, the plat shall be signed by the Designated Officials. If not granted secondary approval, then the subdivider shall be informed as to the insufficiency of his submittal in writing.

3. Sectionalizing Plats. Prior to granting secondary approval of a major subdivision plat, the Commission may permit the plat to be divided into two (2) or more sections and may impose such conditions upon the filing of the sections as it may deem necessary to assure the orderly development of the plat. The Commission may require that the performance bond be in such amount as will be commensurate with the section or sections of the plat to be filed and may defer the remaining required performance bond principal amount until the remaining sections of the plat are offered for filing. Such sections must contain at least twenty (20) lots or ten percent (10%) of the total number of lots contained in the approval plat, whichever is less. The approval of all remaining sections not filed with the Administrator shall automatically expire after five (5) years from the date of primary approval of the preliminary plat, unless the expiration date has been extended.

G. Signing and Recording a Plat.

1. Signing of Plat. When the filing of a performance bond or comparable surety is required, the Designated Officials of the Commission shall

endorse approval on the plat by signing the certificate only after the bond and the construction plans have been approved, and all the conditions of the primary approval have been satisfied.

2. Assurance to Subdivider. If the subdivider elects to install all improvements before he applies for secondary approval and it is shown that the conditions of the ordinance have been met, and if the final plat completely conforms to the primary approval, the Commission shall have no other recourse than to grant secondary approval, subject to maintenance bonding requirements.
3. Recording of Final Plat.
 - a. The Plan Commission president and secretary shall sign the certificate which shall be part of the tracing cloth or reproducible Mylar of the subdivision plat, plus two Mylar prints of the subdivision plat. The Mylar prints shall be returned to the subdivider and his engineer or surveyor.
 - b. It shall be the responsibility of the Administrator or his designee, at the cost of the developer, to file the plat with the County Recorder within thirty days of the date of signature.

7.4 Minor Subdivision (4 Lots Or Less)

- A. General Procedures for Primary Approval. Should the Administrator, upon examination of the sketch plan application, classify the proposed land division as a minor subdivision, the subdivider shall follow the procedures and be subject to the process outlined in Figure 7-2, and detailed in this Section. In addition to a sketch plan which is reviewed by the Administrator, checkpoint agencies, and Technical Review Committee for primary approval by the Commission, the applicant seeking approval of a minor subdivision shall submit for secondary approval a final subdivision plat which must be found in compliance with the sketch plan or otherwise approved by the Commission in order to be signed and recorded.
- B. Official Submission Date and Placement on the Agenda. An application for sketch plan approval shall be submitted no less than fifty (50) calendar days prior to a regularly scheduled public meeting of the Commission at which the proposal is intended to be acted upon. The Administrator shall place such application on the agenda of the first regularly scheduled meeting of the Commission.
- C. Sketch Plan Process. Within twenty (20) calendar days of the subdivider's sketch plan application submittal, the Administrator shall have studied the proposal, reviewed checkpoint agency and technical review committee reports received, and met with the subdivider to discuss pertinent aspects of the proposed subdivision and possible modifications and/or changes that may be suggested or required by this ordinance. The Administrator shall request that a representative of each checkpoint agency that wishes to

be involved in a sketch plan review be present to participate in the sketch plan review meeting. In taking into consideration the requirements of this ordinance, particular attention shall be given to the development standards of Section 8, especially sewage disposal, drainage, lot size and arrangement, the further development of adjoining lands as yet unsubdivided, and the requirements of the Official Map or Thoroughfare Plan and Comprehensive Plan as adopted by the County. Subsequent to the meeting the Administrator shall provide the participants with a written record of the proceedings of that meeting.

- D. Minor Plat and Supporting Data Submission. Subsequent to placement on the agenda and a minimum of twenty (20) days prior to the public hearing, the subdivider shall submit six (6) copies of the minor plat and supporting data. The Administrator shall refer the plat and data to affected participating agencies for their review prior to the public hearing.
- E. Public Hearing Notification Requirements. The notification requirement for the public hearing shall be the same as required for a major subdivision.
- F. Drainage Board Approval. If a Drainage Board exists in the County, then prior to the date of the public hearing, the subdivider shall have received approval from the Drainage Board. If a Drainage Board does not exist then the Plan Commission shall consider findings based on review by the Town designated Surveyor.
- G. Approval of the Minor Plat. After the Commission has, at a regularly scheduled meeting, examined the minor plat and supporting data, Administrator's report, checkpoint recommendations, testimony, and exhibits submitted, the Commission shall conditionally approve or disapprove the primary plat. One copy of the primary plat shall be returned to the applicant within five days after the public meeting with the date of approval, conditional approval or disapproval, and the reasons therefore, accompanying the sketch plan.
- H. Administrator's Final Check. The applicant shall submit six copies of the final plat for review by the Administrator. The submission shall have incorporated any conditions or changes made a part of the approval by the Commission at the public hearing. If the submission is found to be complete, the Administrator shall recommend the signing of the certificate granting approval by the Plan Commission president and secretary. If the submission is found to be incomplete, the Administrator shall return the plat to the applicant with a written statement of deficiencies.
- I. Signing and Recording a Plat.
 - 1. Signing a Plat.
 - a. When a performance bond or equivalent surety is required, the Designated Officials shall endorse approval on the plat after the bond has been approved by the participating jurisdictions and all conditions of the Commission approval have been met.

- b. When installation of improvements is required, the Plan Commission president and secretary shall endorse secondary approval on the plat by signing the certificate after all conditions of primary approval have been met and all improvements satisfactorily completed. There shall be written evidence that the required public facilities have been installed in a manner satisfactory to the participating jurisdiction as shown by a certificate signed by the appropriate Board of Works, Town Board, or Drainage Board that the necessary improvements have been accomplished.

2. Recording of Plat.

- a. The Plan Commission president and secretary shall sign the certificate granting approval which shall be part of the tracing cloth or reproducible Mylar of the subdivision plat, plus two Mylar prints of the subdivision plat. The Mylar prints shall be returned to the applicant and his engineer or surveyor.
- b. It shall be the responsibility of the Administrator or his designee, at the cost of the developer, to file the plat with the County Recorder within thirty days of the date of signature.

7.5 Rural Residential Subdivision

A. Purpose.

The purpose of this section is to preserve Georgetown's rural character through innovative regulatory mechanisms which encourage development that minimizes environmental impact, provides for common open space, and assures an appropriate level of services and amenities.

B. Requirements and Procedures.

The provisions of this section may be employed in rural areas of the Georgetown and near by areas of Floyd County that may become a part of Georgetown where subdivisions developed according to the Major Subdivision provisions of this ordinance would tend to degrade the natural environment, reduce open space, create traffic congestion, increase the cost of services, diminish the area's rural characteristics, and have other undesirable tracts.

Any development proposed under this subsection shall be submitted as a subdivision plat, and if it is to be recorded in sections, each section must meet the requirements of this subsection of the ordinance as well as the applicable Subdivision Application and Approval Procedures of Subsection 7.2 and the applicable Subdivision Documentation

Specifications of Section 10, except those provisions specifically waived by the Plan Commission. In addition, Rural Residential Subdivision plats also must include such unique site features as but not limited to: vistas, ridge lines, slopes, tree lines, stone rows, significant rock outcrops, natural water bodies and water courses, tree masses, and rare and endangered species habitats.

C. Zoning Requirements.

1. Rural Residential Subdivisions are permitted only in A-1 Agricultural or R-R Rural-Residential zones.
2. Permitted uses: Single-family detached housing, agricultural uses, and wood lot management. Nothing in this section shall be interpreted so as to restrict the continued lawful operation of existing farms adjoining Rural Residential Subdivisions in A-1 or R-R districts.
3. Density: The maximum permitted density within the district shall be .2 units per acre. In order to calculate the maximum permissible number of lots, the total gross acreage is multiplied by 2. There shall be no more than one dwelling unit on each lot.
4. Minimum lot size with individual well and septic systems: 40,000 square feet.
5. Minimum lot size with control on public utility water: 30,000 square feet.
6. Maximum building envelope size: 40 percent of lot area or 20,000 square feet, whichever is less.
7. Maximum total lot disturbance: Fifty percent of lot area or 25,000 square feet, whichever is less. Site disturbance shall include all areas disturbed for the purpose of constructing buildings, roads, septic systems, and structures as well as all graded areas and lawns. The total shall include disturbed areas both inside and outside the building envelope.
8. Maximum total tract disturbance for public improvements including streets, public utilities, and storm water management facilities: Seven percent of tract area. All improvement-related disturbance shall be included in this calculation, including areas of grading and vegetation removal as well as the cartways and basins.
9. Minimum spacing between building envelopes on adjacent lots: 50 feet.
10. Minimum spacing between building envelopes and tract boundary or off-site public street: 50 feet.
11. No building envelope shall be placed closer than five feet to any lot line.

12. Minimum spacing of building envelope from on-site public streets: 35 feet.
13. Minimum setback of building envelope from lakes or ponds: 100 feet.

D. Site Design Standards

The following criteria shall be considered design standards. It is recognized that not all these standards may be achievable in every subdivision; for this reason, each application shall be carefully considered, and waivers may be granted where appropriate.

1. Lot Frontage

- a. Where a lot abuts a public or private street, the minimum lot frontage shall be 50 feet.
- b. Lots using private drives for access shall not be required to have frontage on a public or private street.

2. Locating Building Envelopes

- a. Building envelopes shall be selected that do not include the tops of ridge lines.
- b. Building envelopes shall avoid open fields.
- c. Building envelopes shall be located on the edges of fields and in wooded areas to minimize the visual impact of development.
- d. Building envelopes shall not include wetlands, transition areas, and floodplains.
- e. Building envelopes shall not include areas with slopes in excess of 35 percent.

3. Clustering

- a. Clustering shall be permitted upon the submission of an acceptable open space management plan.
- b. The minimum tract area for the use of the cluster option shall be 25 acres.
- c. The minimum common open space shall be 10 contiguous acres.
- d. Each area of common open space shall have at least two

15-foot-wide pedestrian access points accessible from a public roadway.

- e. If an open space management plan acceptable to the Plan Commission is not possible, the building lots shall be increased in size to include the entire tract area, and conservation easements will be used to restrict the area identified as open space on the cluster plan.
- f. No increase in density shall be permitted when using the cluster option.
- g. In subdivisions where some of the resultant individual lots exceed 10 acres, no further subdivision of these lots shall be permitted. This restriction shall be included in lot's deed and on the plat.

4. Conservation Easements & Deed Restrictions

- a. Conservation easements shall be required for all areas delineated as wetlands by appropriate federal officials.
- b. Critical areas located outside building envelopes shall contain conservation easements. These critical areas shall include slopes in excess of 35 percent, floodplains, and open bodies of water.
- c. All subdivision plats shall contain a reference to any required conservation easements.
- d. If lots are created that exceed 10 acres, these lots shall include a deed restriction against further sub-division.

E. Design Standards for Roads, Driveways, & Parking

It is the intent of this ordinance to minimize the amount of site disruption caused by roadways and the associated grading required for their construction.

1. Public Roads

- a. Right-of-way width: 50 feet.
- b. Pavement width: 24 feet.
- c. Maximum number of units per public dead-end street: 25 units.
- d. Minimum distance between access points on public roads

which serve as collectors or arterials for, but which are not part of the subdivision: 200 feet. Access points shall include individual and common driveways and on-site public and private roadways.

- e. Curbing: Curbing shall be used only where necessary for storm water management. Where curbing is required, concrete roll curbing shall be required.
- f. Roadways shall follow existing contours to minimize the extent of cuts and fills.
- g. Where sites include linear features such as existing access roads, tree lines, and stone fences, roadways shall follow these features to minimize their visual impact.
- h. Roadways shall not be located in open fields.
- i. All public roads are subject to the same performance, maintenance, and surety provisions that apply to other subdivisions subject to this ordinance.

2. Private Roads

- a. Private roads may be either one-way or two-way. Two-way roads shall be, at a minimum, graveled to a width of 18 feet and a course depth of 6 inches with grass and gravel shoulder. One-way roads shall be a minimum of 10 feet wide and paved with asphalt or concrete with grass and gravel shoulders. Any asphalt or concrete roads whether one-way or two-way, must meet county specifications.
- b. Any road with a width of 24 feet or more shall be constructed to public standards and dedicated to public use.
- c. Design of private roads shall be subject to review and approval by the Plan Commission, which has the power to require higher standards if, in its judgment, the scale of subdivision, topographical characteristics of the site, or other conditions so warrant.
- d. Maintenance of private roads shall be the responsibility of the developer and the successor Homeowners Association, which shall be established under the terms of this section for the purpose of long-term maintenance of common facilities.

3. Driveways

- a. The number of driveways accessing off-site public roads shall be kept to a minimum.
- b. The appropriate use of common driveways is encouraged. Where lots will access an off-site public or private road, common driveways shall be used where appropriate to minimize the number of curb cuts required.
- c. The maximum number of units served by a common driveway shall be four.
- d. Maximum common driveway width: 12 feet with two-foot graded graveled shoulders.
- e. Paving shall be required in areas where driveway grade is in excess of six percent.
- f. Maximum length of common driveway: 1,000 feet.
- g. All driveways in excess of 500 feet shall provide a 10 foot by 30 foot turnout. The exact location of the turnout shall be determined by the Plan Commission with review by the appropriate fire department.
- h. All driveway areas shall be included in the total lot disturbance calculation for the lot on which the driveway is located.
- i. All lots using common driveways shall provide a driveway maintenance agreement to be reviewed and approved by the Plan Commission attorney. The Homeowners Association shall have a power to enforce the maintenance agreement.

4. Off-Street Parking

- a. A minimum of two parking spaces shall be required for each unit.
- b. When a lot in a development is designated as a common area for the parking of vehicles or as a garage to meet the off-street parking requirements, such lot shall be owned in common and maintained by the owners of lots in the development, through the Homeowners Association.
- c. Private driveway parking should be designed to avoid potential pedestrian-vehicle conflict and to encourage off-

street parking.

- d. Reduced roadway widths should be accompanied by public or guest parking islands or other provisions for sufficient off-street parking in close proximity to dwelling units.
- e. Parking space should be located to provide easy access to dwelling units.

F. Utilities, Services & Amenities

1. Storm water Management

- a. Existing natural drainage ways shall be retained.
- b. Rural-Residential Subdivisions shall be subject to the Drainage and Storm Sewer provisions of Subsection 8.4 as appropriate and accordance with the recommendations of the Town designated Engineer.
- c. Where storm water management facilities are required, they shall be designed in as small an area as possible. The ratio of the facilities' area to volume shall be minimized.
- d. All storm management facilities shall require landscaping plans. Retention basins, if required, shall resemble natural ponds to the maximum extent practical.
- e. Landscaping materials that enhance wildlife habitat shall be selected.

2. Central Water Facilities

- a. Where public or other central water facilities are used, their visual impact shall be minimized. The overall size, height, and location shall be considered.
- b. Water towers shall not be placed on top of ridge lines.
- c. The height of water towers shall be limited to an elevation below the crown line of mature on-site trees.

3. Development Within Water Feature Buffers

- a. Not more than 25 linear feet of shoreline per lot shall be disturbed. This includes docks, bulkheads, and beach areas.
- b. Structures permitted in the 100-foot buffer area between the

minimum building envelope and the water feature: docks, bulkheads, patios, terraces, decks, and pathways.

- c. Patios, terraces, and decks shall be unroofed and shall not exceed 400 square feet. The maximum height above grade shall be limited to 24 feet.
- d. The total maximum disturbance within the buffer area shall not exceed 1,000 square feet per lot.
- e. The Plan Commission shall require erosion and sediment control measures as appropriate to the site. For applicable standards see Section 8.5.
- f. Erosion control and sediment measures.

4. Landscaping and Lawns

- a. Existing vegetation shall be preserved in areas where disturbance is not necessary outside the building envelope.
- b. The creation of lawn areas in excess of 10,000 square feet is prohibited. Lawn areas shall be included in the total site disturbance calculation. In instances where a lot includes open field areas, these areas may be seeded without being included in the 10,000-square-foot total or the total site disturbance calculation.
- c. Where landscaping is proposed, native species shall be included in the design.
- d. Where building envelopes are located in woodlands, a treed area of at least 30 feet between the building envelope and the common drive or roadway shall be retained.

5. Fencing

- a. Perimeter fencing of lots is not permitted.
- b. Fencing may be constructed on the perimeter of or within the building envelope area of lots.
- c. The fencing restriction shall not apply to agricultural uses as defined in the zoning provisions of this ordinance.
- d. Critical areas located outside building envelopes shall not be fenced.

6. Signage

- a. Permanent on-site development identification signs are prohibited unless specifically deemed appropriate by the Plan Commission.
- b. Where the Plan Commission determines that a development identification sign is appropriate, its area shall be limited to eight square feet, its construction shall be of natural materials such as wood and stone, and the base area shall be appropriately landscaped.
- c. Resident identification signs are permitted at entrances to driveways. The maximum height of resident identification signs shall be eight feet. Each individual name shall not be more than one foot square.

7. Lighting

- a. Lighting shall be provided only where site-specific safety conditions warrant.
- b. Where street lighting is required, its location and intensity are subject to the Plan Commission's review.

8. Concrete Engineered Structures

- a. To minimize the visual impact of visible structures such as curbs, culverts, walls, and other outlets, use of natural-dyed and textured concrete is required.
- b. Such structures shall not be stark white.

9. Guardrails. Where guardrails are necessary, they shall be constructed of wood.

G. Existing and Accessory Structures

1. Existing Structures

- a. When a tract contains existing structures deemed to be of historic or architectural significance, and where these structures are suitable for rehabilitation, the structures shall be retained.
- b. Adaptive reuse of existing structures for residential use or permitted accessory residential uses shall be permitted.

2. Accessory Buildings and Structures
 - a. Accessory buildings shall be located within the building envelope areas.
 - b. Accessory structures shall be located within the building envelopes except as otherwise permitted by this ordinance.
 - c. Septic systems, wells, and driveways may be located outside building envelopes.

H. Open Spaces and Wildlife Management

1. Open Space Requirements
 - a. *A minimum of 50 percent of the total* open area set aside as *common* open space shall be usable for active or passive recreation. Roadway islands, parking areas, and non-useable retention easements are not considered usable for active or passive recreation.
 - b. Open space should be adequately landscaped and buffered to provide a visually attractive setting and to protect private areas within the development. The amount or type of landscaping and/or buffering will be approved by the Plan Commission based upon the location, the intended use, and the necessity to protect private areas within the development.
 - c. Areas with environmental constraints or limitations such as severe topography, dense vegetation, natural streams and drainage courses or other significant natural features should be preserved as natural open spaces. The Plan Commission and other government agencies may identify such areas using engineering and design standards.
 - d. Isolated or awkward parcels which do not have the characteristics of the environmental features listed in item 3 above should not be used as open space, but should be incorporated into adjacent lots in a manner that encourages its maintenance by the lot owner.
 - e. Private and semi-private areas should be clearly delineated on the development plan to protect privacy rights.
2. Wildlife Management Plan
 - a. In projects involving 100 acres or more, a wildlife

management plan shall be submitted which address measures which will be taken to preserve and improve on-site wildlife habitat. Rare and endangered species habitat protection shall be addressed, if applicable. The Plan Commission may provide a checklist to assist developers in formulating the Wildlife Management Plan.

- b. Open space and conservation easement areas shall be designed with massing and linkage as guiding principles. Open space and conservation areas shall be contiguous both on site and off tract. Stream corridors and contiguous wetlands can provide linkage.

I. Maintenance Agreements and Homeowners Associations

1. In order to insure proper maintenance of any required open space, common space, and private roads included in a development under this subsection, the Plan Commission shall require a cash bond or equivalent surety usually required pursuant to Section 9 of this Ordinance. The cash bond or equivalent surety pursuant to Section 9 shall be deemed to fulfill this requirement. The cash bond or other equivalent surety shall not be released until a Homeowners Association has been created and funded in an amount equal to the bond or surety requirement.

The Plan Commission, based upon the recommendations of the County Engineer, or other appropriate public official, may, prior to approval, require additional bonding based upon the type of development, the density, the need for additional improvements, or other good reasons.

2. For the purpose of ensuring maintenance of required open space, common space, and private roads reserved for the use and benefits of owners of lots in a rural-residential subdivision, a Homeowners Association shall be created, and a maintenance agreement for upkeep of the open space, common space, and private roads, which has been approved by the Plan Commission, shall be recorded as a deed of restrictions, noted on the development plan, and shall be binding upon all purchasers of lots in the development. The Plan Commission may establish standard forms or mandatory language for such maintenance agreement, including requirements for by laws and board of directors.
3. The maintenance agreement shall include provisions for assessing and collecting the common expense of maintaining open space, common areas, and private roads from the owners of the lots within the development.
4. At a minimum, the maintenance agreement shall provide that unpaid common expenses assessed in accordance with the recorded maintenance agreement shall become a lien on any lot(s) for which the owner is delinquent in the payment of such maintenance costs. Such liens shall be

prior to all other liens, except only (1) liens for taxes and assessments lawfully imposed by government authority; and (2) all sums secured by first mortgages of record. Such liens shall be enforceable by suit by any member of the Homeowners Association acting on behalf of the other lot owners, in like manner as a mortgage foreclosure of real property. The plaintiff, if successful in such enforcement action, shall be entitled to collect reimbursement of attorney's fees and litigation expenses. Suit to recover a money judgment for unpaid common expenses of an owner shall be maintainable without foreclosure.

5. If within two years from the date of approval of final subdivision plat, the Homeowners Association has not been formed or funded, the Town designated Engineer may complete any necessary maintenance and charge the services against the bond.

Section 8

Requirements for Subdivision Improvements, Reservations, and Designs

8.1 General Improvements

- A. Conformance to applicable Rules and Regulations. In addition to the requirements established in this Development Ordinance, all major subdivision plats shall comply with the following laws, rules, and regulations:
1. All applicable state and local statutory provisions.
 2. The Town Building and Housing Codes and all other applicable laws and ordinances of appropriate jurisdictions.
 3. The Comprehensive Plan, County and Town Thoroughfare Plan and other officially adopted maps and plans of the participation jurisdictions.
 4. The special requirements of these regulations and any rules of the Floyd County Health Department and/or other appropriate state and county agencies.
 5. The rules and regulations of the Indiana Department of Transportation if the subdivision or any lot contained therein abut a state highway or state frontage road.
 6. The highway and drainage standards and regulations adopted by the Town Board of Georgetown and all boards, commissions, agencies, and officials of the county.
- B. Plat approval may be withheld if a subdivision is not in conformity with the above guidelines and requirements or with the policies and purposes of these regulations established in Section 6.4 of this ordinance.
- C. Self-Imposed Restrictions. If the owner places restrictions on any of the land contained in the subdivision greater than those required by the zoning provisions and subdivision regulations of this Ordinance, such restrictions or reference hereto must be indicated on the subdivision plat, or the Commission may require that restrictive covenants be recorded with the County Recorder in a form to be approved by the Commission Attorney.
- D. Plats Straddling Municipal Boundaries. Whenever access to the subdivision is required across land in another jurisdiction the Commission may request assurance from the County Attorney that such access is legally established, and from the Towns designated Engineer that the access road is adequately improved, or that a performance bond or comparable surety has been duly executed and is sufficient in the amount to assure the construction of the access road. Lot lines shall be laid out so as not to cross municipal boundary lines.

E. Boundary Improvements.

1. The subdivider shall, under the supervision of a Registered Land Surveyor, monument, in compliance with IAC 865, Rule 12, and applicable exceptions.

F. Character of the Land. Land which the Commission, based upon recommendations of the Technical Review Committee and/or other commonly accepted professional standards, finds to be unsuitable for subdivision or development because of flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, traffic counts or road configurations, or other features which might reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by the Commission, upon recommendation of the Towns designated Engineer, to solve the problems created by the unsuitable land conditions. Such land shall be set aside for such uses permitted by the Zoning Ordinance as shall not involve any such danger.

G. Subdivision Name. The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in the area covered by these regulations. The Commission shall have final authority to designate the name of the subdivision, which shall be determined at the time of primary approval.

8.2 Lot Improvements

A. Lot Arrangement and Dimensions.

1. Subdivision lots shall be adequate for the type of development and land use proposed, and shall conform to the zoning requirements of this Ordinance.
2. The lot size, width, depth, shape, grade, location and orientation shall be in proper relation to street and block design and to existing and proposed topographical conditions.
3. Every lot or parcel shall have sufficient frontage and access to a public street designated, designed, and improved in accordance with the terms of this Ordinance.
4. The depth-to-width ratio of any single-family residential lot shall not be greater than three-to-one for any lot smaller than one acre.
5. The minimum lot width shall conform to the zoning provisions of this Ordinance.
6. The minimum yard size, including setback lines required for each lot, shall be in conformance with the zoning provisions of this Ordinance.

7. Corner lots shall be sufficiently larger than interior lots to allow maintenance of setback lines on both streets.
8. Side lines of lots shall be approximately at right angles or radial to street lines.

B. Double Frontage Lots.

Double frontage lots shall not be permitted except where the purpose, according to this Ordinance, is to buffer residential development from adverse influences or to minimize the number of intersections with arterial streets and highways. A no-access screen planting buffer strip of 10 feet in width shall be provided along lot lines adjoining such adverse influence or arterial street.

- C. Access from Primary and Secondary Arterials. Lots shall not, in general, derive access from a primary or secondary arterial street. Where driveway access from a primary or secondary arterial street may be the only possible access for several adjoining lots, the Commission may require that such lots be served by a combined access drive in order to limit possible traffic hazards from multiple access to such streets. Where possible, driveways should be designed and arranged so as to avoid requiring vehicles to back into traffic on primary or secondary arterials.

- D. Lots abutting a watercourse, drainage way, channel or stream shall have additional minimum width or depth as required to provide an adequate building site and afford the minimum usable area required for front, rear and side yards. A minimum building setback of 75' is required from all watercourses, drainage ways, channels or streams, except roadside ditches, unless modified by the County Engineer.

E. Soil Preservation, Grading and Seeding.

1. Soil Preservation and Final Grading. No final inspection shall be conducted until final grading has been completed in accordance with the approved construction plans and the lot precovered with top soil having an average depth of at least (6) six inches which shall contain no particle over two (2) inches in diameter over the entire area of the lot, except that portion covered by buildings or included in streets or where the grade has not been changed or natural vegetation seriously damaged. Topsoil shall not be removed from residential lots or used as spoil, but shall be redistributed so as to provide at least six (6) inches of cover between the sidewalks and curbs, and shall be stabilized by seeding or planting.
2. Lot Drainage. Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm water drainage pattern for the area. Drainage shall be designed so as to avoid the accumulation of storm water on any one or more lots from adjacent lots. It shall be the responsibility of the homebuilder and lot owner to maintain the lot grade, as it applies to drainage, as provided for in the approved construction plans. An engineer

and/or land surveyor shall set building envelope elevations on plans.

- F. Debris and Waste. No cut trees, timber, debris, junk, rubbish, or other waste material of any kind shall be buried in any land, or left or deposited on any lot or street at the time of occupancy within a subdivision, nor shall any be left or deposited in any area of the subdivision at the time of expiration of the performance bond or dedication of public improvements, whichever is sooner.
- G. Fencing. Each subdivider and/or developer shall be required to furnish and install fences wherever the Commission determines that a hazardous condition may exist. The fences shall be constructed according to standards established by the Town's designated Engineer and shall be noted as to height and material on the final plat. No final inspection shall be conducted until said fence improvements have been duly installed.
- H. Waterbodies and Watercourses. If a tract being subdivided contains a water body, or portion thereof, lot lines shall be so drawn as to distribute the entire ownership of the water body among the fee owners of adjacent lots. The Commission may approve an alternative allocation of interests whereby the ownership of and responsibility for safe maintenance of the water body is so placed that it will not become a local government responsibility. No part of the minimum area of a lot required under the Zoning Ordinance may be satisfied by land which is under water. Where a watercourse separates the building area of a lot from the street from which it has access, provisions shall be made for installations of a culvert or other structure, of a design approved by the Towns designated Engineer.
- I. Performance Bond to Include Lot Improvement. The performance bond shall include an amount to guarantee completion of all requirements contained in Section 8.2 of these regulations including, but not limited to, soil preservation, final grading, lot drainage, removal of debris and waste, fencing, and all other lot improvements required by the Commission. Whether or not a final inspection has been conducted, at the expiration of the performance bond, the Town may enforce the provisions of the bond where compliance with the provisions of this section or any other applicable law, ordinance, or regulation has not occurred.

8.3 Streets

- A. General Requirements.
 - 1. Frontage or Improved Streets. No subdivision shall be approved unless the area to be subdivided shall have frontage on and access from an existing street on the Official Map, or if there is not an Official Map, unless such a street is:
 - a. an existing state or county highway, or
 - b. a street shown upon a plat approved by the Commission and recorded in the office of the County Recorder. Such street or highway must be suitably improved as required by

the highway rules, regulations specifications, or orders, or be secured by a performance bond required under these regulations, with the width and right-of-way required by these regulations or as indicated on the Official Map or Thoroughfare Plan. Whenever the area to be subdivided is to use an existing street frontage, such street shall be suitably improved as provided herein above.

B. Grading and Improvement Plan. Streets shall be graded and improved and conform to the Town construction standards and specifications and shall be approved as to design and specifications by the Towns designated Engineer, in accordance with the construction plans required to be submitted prior to secondary approval.

C. Topography and Arrangement.

1. Streets shall be related appropriately to the topography. All streets shall be arranged so as to obtain as many as possible of the building sites at, or above, the grades of the streets. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and sharp curves shall be avoided. Specific standards are contained in the design standards of these regulations.
2. All streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated rights-of-way as established on the Official Map or Thoroughfare Plan, and/or Comprehensive Plan.
3. All arterials and collector streets shall be properly related to special traffic generators such as industries, business districts, schools, churches, and shopping centers, to population densities; and to the pattern of existing and proposed land uses.
4. Minor or Local streets shall be laid out to conform as much as possible to the topography, to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.
5. Rigid, rectangular "gridiron" street patterns are generally to be avoided, and the use of casually curvilinear streets, cul-de-sacs, or loop streets shall be encouraged where such use will result in a more desirable lay-out and relate better to the existing topography. On flat land, innovative, varying geometrical street patterns shall be encouraged where they are likely to enhance visual interest and a sense of order for those using them (e.g., non-grid rectilinear, trapezoidal, polygonal, or other geometric patterns).
6. Proposed streets shall, where appropriate, be extended to the boundary lines of the tract to be subdivided unless this is prevented by topography or other physical conditions, or unless in the opinion of the Plan Commission such extension(s) is/are not necessary or desirable

for the coordination of the layout of the subdivision under consideration with the existing street layout or for the most advantageous future development of adjacent tracts (see paragraph J(1) below).

7. In business and industrial developments, the streets and other access ways shall be planned in connection with the grouping of buildings, location of rail facilities, and the provisions of alleys, truck loading and maneuvering areas, walkways, bikeways, and parking areas so as to minimize conflict of movement between the various types of vehicular and pedestrian traffic.

D. Blocks.

1. Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to arterial streets, railroads, and waterways.
2. The lengths, widths, and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated, but block lengths in residential areas shall not exceed twelve hundred (1,200) feet nor be less than four hundred (400) feet in length. Blocks along arterials and collector streets shall not be less than one thousand (1,000) feet in length.
3. In long blocks the Commission may require the reservation of easements through the block to accommodate utilities, drainage facilities, or pedestrian traffic. Pedestrian ways or crosswalks not less than ten (10) feet wide, may be required by the Commission through the center blocks more than eight hundred (800) feet long or at other appropriate locations and at the ends of the cul-de-sacs where deemed essential to provide for circulation or access to schools, playgrounds, shopping centers, transportation, or other community facilities. Blocks designed for industrial uses shall be of such length and width as may be determined to be suitable by the Commission for the intended use.

E. Access to Collector Streets. Where possible, lots in single family residential subdivisions fronting on collector streets shall front on the local street and have driveway access to it only and not to the collector street. In multiple family residential areas, entrances to group parking lots shall have access only to collector streets (where possible) and such entrances shall be widely spaced.

F. Access to Primary Arterials. Where a subdivision borders on or contains an existing or proposed primary arterial, the Commission may require that access to it be limited by one of the following means:

1. The subdivision of the lots so as to back onto the primary arterial and front onto a parallel local street; no access shall be provided from the primary arterial and screening shall be provided within a strip of land along the rear property line of such lots.

2. A series of cul-de-sacs, or loop streets entered from, and designed generally to be at right angles to an access street that is at some distance from and parallel to the arterial street, with the rear lines of their terminal lots backing onto the arterial.
 3. A marginal access or service road (separated from the primary arterial by a landscaped and/or decoratively fenced grass strip and having access thereto at widely spaced suitable points).
- G. Street Names. The sketch plan, as submitted, shall indicate names of proposed streets. After reviewing them the Administrator shall inform the subdivider of his recommendations for their possible revision during the sketch plan review. Names shall be sufficiently different in sound and in spelling from other street names in the Town or other nearby areas so as to avoid confusion. A street, which is, or is planned as, a continuation of an existing street shall bear the same name.
- H. Street Regulatory Signs. The applicant shall provide and install a street sign at every street intersection within his subdivision as required by the Towns designated Engineer. The Town shall inspect and approve all signs before final inspection for any residence on the approved streets.
- I. Reserve Strips. The creation of reserve strips shall not be permitted adjacent to a proposed street in such a manner as to deny access to it from adjacent property if such street is a local service street rather than a collector or arterial street. (See paragraphs (E) and (F) above.)
- J. Construction of Streets.
1. Construction of Streets other than Cul-de-sacs. The arrangement of streets shall provide for the continuation of streets between adjacent subdivisions or other properties when such continuation is necessary for the convenient movement of traffic, for effective fire protection, for efficient provision of utilities, and where such continuation is in accordance with the Comprehensive Plan. If the adjacent property is undeveloped and the street must be a dead-end (stub) street temporarily, the right-of-way shall be provided for all such dead-end streets, with the notation on the subdivision plat that land outside the normal street right-of-way shall revert to abutters whenever the street is continued. Temporary turnarounds must be provided at the ends of such stub streets. The Commission may limit the length of temporary dead-end streets in accordance with the design standards in these regulations.
 2. Cul-de-sacs (Permanent Dead-end Streets). Where a street does not extend beyond the boundary of the subdivision and its continuation is not required by the Commission for access to adjoining property, its terminus shall normally not be nearer to such boundary than fifty (50) feet. However, the Commission may require the reservation of an appropriate

easement to accommodate drainage facilities, pedestrian traffic, or utilities. A cul-de-sac turnaround shall be provided at the end of a permanent dead-end street in accordance with Town construction standards and specifications available from the Towns designated Engineer's office. For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall be limited in length in accordance with the design standards in these regulations.

K. Design Standards.

1. General. In order to provide for streets of suitable location, width, and improvement to accommodate prospective traffic and afford satisfactory access for police, fire-fighting, snow removal, sanitation, and street maintenance equipment, and to coordinate street location in order to achieve a convenient system and avoid undue hardship to adjoining properties, the following design standards for streets are hereby required. (Street classifications may be indicated in the Comprehensive Plan, Thoroughfare Plan, or on the Official Map; otherwise, they shall be determined by the Commission.)
2. Street Surfacing and Improvements. After sewer and water utilities have been installed by the developer, the applicant shall construct curbs and gutters and shall surface or cause the roadways to be surfaced to the widths prescribed in these regulations. Said surfacing shall be of such character as is suitable for the expected traffic and in harmony with similar improvements in the surrounding areas. Types of pavement shall be as determined by the Towns designated Engineer. Adequate provisions shall be made for culverts, drains, and bridges. All street pavement, shoulders, drainage improvements and structures, curbs, turn-arounds, and sidewalks shall conform to all construction standards and specifications adopted by the Commission, Town Engineer, or the Town and shall be incorporated into the construction plans required to be submitted by the developer for plat approval. **Final layer of surface asphalt shall not be installed until at least 80 percent of the homes are complete in any one section of the subdivision.**
3. Excess Right-of-way. Right-of-way widths in excess of the standards designed in these regulations shall be required whenever, due to topography, additional width is necessary to provide for adequate and stable earth slopes. Such slopes shall not be in excess of three to one.
4. Railroads and Limited Access Highways. Railroad rights-of-way and limited access highways where so located as to affect the subdivision of adjoining lands shall be treated as follows.
 - a. In residential districts a buffer strip at least 25 feet in depth in addition to the normal depth of the lot required in the district shall be provided adjacent to the railroad right-of-

way or limited access highway. This strip shall be part of the platted lots and shall be designated on the plat: "This strip is reserved for screening. The placement of structures hereon other than earth berms, walls, fences and other landscape screening devices approved by the Commission is prohibited."

- b. In districts zoned for business, commercial, or industrial uses, the nearest street extending parallel or approximately parallel to a railroad shall, wherever practical, be at a sufficient distance therefrom to ensure depth for commercial or industrial sites.
- c. Streets parallel to a railroad when intersecting a street which crosses the railroad at grade shall, to the extent practicable, be at a distance of at least 150 feet from the railroad right-of-way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.

5. Intersections.

- a. Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new streets at angle of less than seventy-five (75) degrees shall not be acceptable. An oblique street should be approximately at right angles for at least one hundred (100) feet therefrom. Not more than two (2) streets shall intersect at any one point unless specifically approved by the Commission.
- b. Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with any existing intersection on the opposite side such street. Street jogs with center-line offsets of less than 150 feet shall not be permitted except where the intersected street has separated, dual drives, without median breaks at either such intersection. Where local streets intersect with arterials, their alignment shall be continuous. Intersections of arterials shall be at least eight hundred (800) feet apart.
- c. Minimum curb radius at the intersection of two (2) local streets shall be at least twenty (20) feet; and minimum curb radius at an intersection involving a

collector street shall be at least twenty-five (25) feet. Alley intersections and abrupt changes in alignment within a block shall have the corners cut off in accordance with standard engineering practice to permit safe vehicular movement.

- d. Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection a leveling area shall be provided having not greater than a two percent (2%) grade at a distance of sixty (60) feet, measured from the nearest right-of-way line of the intersecting street.
 - e. Where any street intersection will involve earth banks, vegetation or any other object inside any lot corner that would create a traffic hazard by limiting visibility, the developer or the lot owner shall cut such ground and/or vegetation (including trimming trees) in connection with the grading of the public right-of-way or remove such objects to the extent deemed necessary by the Towns designated Engineer to provide an adequate clear sight distance.
 - f. The cross-slopes on all finished street cross sections, including intersections shall be two percent (2%) or more.
6. Bridges of primary benefit to the applicant, as determined by the Commission, shall be constructed at the full expense of the applicant without reimbursement from the Town. The sharing of expense for the construction of bridges not of primary benefit to the applicant as determined by the Commission, will be fixed by special agreement between the County and the applicant. Said cost shall be charged to the applicant pro-rata as the percentage of his land developed and so served.

L. Street Dedications and Reservations.

- 1. New Perimeter Streets. Half streets shall not be allowed in new subdivisions. Where an existing half-street is adjacent to a new subdivision, the other half of the street shall be improved and dedicated by the subdivider. The Commission may authorize a new perimeter street where the subdivider improves and dedicates the entire required right-of-way width within his own subdivision's boundaries.
- 2. Widening and Realignment of Existing Streets. Where a subdivision borders an existing narrow street or when the Comprehensive Plan, Official Map, Thoroughfare Plan, or zoning setback regulations indicate

plans for realignment or widening of a street that would require use of some of the land in the subdivision, the applicant shall be required to improve and dedicate such streets at his own expense. Such frontage streets and other streets on which subdivision lots front shall be improved and dedicated by the applicant at his own expense to the full width required by these subdivision regulations. Land reserved for any street purposes may not be counted in satisfying the yard or area requirements of the zoning provisions of this Ordinance.

M. Traffic Study.

1. The Administrator or Board is authorized to conduct, at the applicant(s) expense, a traffic study to determine the impact on roads and public safety.
2. The results of the traffic study are to be incorporated into all reviews seeking approval, and will be a criteria in determining all improvements to be made by the developer at its cost to protect the public safety from additional traffic generated by said proposed development.
3. The Board shall add additional traffic considerations any time an area increases population density of 10% in any square mile.

8.4 Drainage and Storm Sewers

A. General Requirements. The Commission shall not recommend for approval any subdivision plat which does not make adequate provision for storm or flood water runoff channels or basins. The storm water drainage system shall be designed by the Rational Method, or other methods as approved by the Commission and the designated Engineer, and a copy of the design computations shall be submitted along with the plans. Inlets shall be provided so that surface water is not carried across or around any intersection, nor for a distance of more than 400 feet in the gutter or when the encroachment of storm water into the street disrupts traffic. When calculations indicate that curb capacities are exceeded at a point, no further allowance shall be made for flow beyond that point and catch basins or inlets shall be used to intercept flow at that point. Surface water drainage patterns shall be shown for each and every lot and block.

B. Nature of Storm Water Facilities.

1. Location. The applicant may be required by the Commission to carry away by pipe or open ditch any spring or surface water that may exist, either previously to, or as a result of the subdivision. Such drainage facilities shall be located in the street right-of-way where feasible, or in perpetual, unobstructed easements of appropriate width, and shall be constructed in accordance with the Town's construction standards and specifications.

2. Accessibility to Public Storm Sewers.
 - a. Where a public storm sewer is accessible, the applicant shall install storm sewer facilities, or if no outlets are within a reasonable distance, adequate provision shall be made for the disposal of storm water, subject to the specifications of the Towns designated Engineer. However, in subdivisions containing lots of less than 15,000 square feet in area and in business and industrial districts, underground storm sewer systems shall be constructed throughout the subdivision and be conducted to an approved outfall. Inspection of facilities shall be conducted by the Town Engineer.
 - b. If a connection to a public storm sewer will be provided eventually, as determined by the Town Engineer and the Commission, the developer shall make arrangements for future storm water disposal by the public utility system at the time the plat receives final approval. Cost provision(s) for such connection(s) shall be incorporated by inclusion in the amount of the performance bond or equivalent required for the subdivision plat.
3. Accommodation of Upstream Drainage Areas. A culvert or other drainage facilities shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The Town Engineer shall determine the necessary size of the facility, based on the provisions of the required construction standards and specifications assuming conditions maximum potential watershed development permitted by the zoning provisions of this ordinance.
4. Effect on Downstream Drainage Areas. The Town Engineer shall determine the effect of each proposed subdivision on existing drainage facilities outside the area of the subdivision. County drainage studies together with such other studies as may be available and appropriate, shall serve as a guide to needed improvements. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing drainage facility, the Commission may withhold secondary approval of the subdivision until provision (such as a storage facility) has been made for the improvement of said potential condition in such sum as the Commission shall determine. No subdivision shall be approved unless adequate drainage from it will be provided to an adequate drainage water course or facility.
5. Areas of Subject to Flooding. Areas which are not in the Flood Plain but contain soils which are subject to flooding may be approved for

subdivision by the Commission, provided that the subdivider fills the affected areas of said subdivision to an elevation sufficient to place building sites and streets two (2) feet above ponding levels.

6. Areas of High Seasonal Water Tables and Poor Drainage. In areas characterized by soils having a high seasonal water table and/or slow permeability as determined by the Floyd County Soil and Water Conservation District, lots shall be limited to slab type construction unless the Commission determines that appropriate engineering techniques will be applied to alleviate the subsurface problem.
7. Floodway Areas. If a subdivision of land is proposed within the Flood Plain, Floodways shall be preserved and not diminished in capacity by filling or obstruction, except as approved by the Natural Resources Commission in writing. No residential building site may be located within the Floodway.
8. Floodway Fringe Areas. Where a subdivision is proposed within an area of the Flood Plain designated as a Floodway Fringe, the Commission may approve such subdivision provided that: all streets are elevated sufficiently to be above the Regulatory Flood elevation; all lots for residential usage have a Flood Protection Grade two (2) feet above the Regulatory Flood elevation; where provided, water and sanitary sewer facilities are constructed to eliminate contamination of or by, flood water, and, approval to fill the area from the Natural Resources Commission has been obtained in writing. Lands below the Regulatory Flood elevation shall not be used for computing the area requirement for any lot.
9. Flood Plain Areas. Where a subdivision is proposed within an area of the Flood Plain for which Floodway and Floodway Fringe designations have not been made, the Commission shall not approve such a subdivision unless all streets are raised sufficiently to be above the Regulatory Flood elevation; all lots for residential usage have a Flood Protection Grade of two (2) feet above the Regulatory Flood elevation; where provided, public water and sanitary sewer facilities are constructed to eliminate contamination of or by flood water, and, filling to achieve the above will not raise the level of the Regulatory Flood Elevation more than one-tenth (1/10) of one (1) foot for that reach of the stream. All filling in the Flood Plain must be approved in writing by the Indiana Natural Resources Commission. Lands below the Regulatory Flood elevation shall not be used for computing the area requirement for any lot.
10. Recording of Plats in the Flood Plain and Floodway Fringe. All final plats having within their boundaries areas whose elevation is below that of the Regulatory Flood Elevation shall show and label the Regulatory Flood Boundary and elevation, as of the date the final plat is drawn, on the final plat for recording.

C. Dedication of Drainage Easements.

1. General Requirements. Where a subdivision is traversed by a drainage course, drainage way, channel, or stream, a storm water easement or drainage right-of-way shall be provided, granted, or dedicated to the county conforming substantially to the lines of such watercourse, and of such width and construction or both as will be adequate for the purpose of both drainage and maintenance of the right-of-way. Whenever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.
2. Drainage Easements.
 - a. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within street rights-of-way, perpetual unobstructed easements at least fifteen (15) feet in width for such drainage facilities shall be provided across property outside the right-of-way lines and with satisfactory access to the street. Easements shall be indicated on the plat. Drainage easements shall be carried from the street to a natural watercourse or to other drainage facilities.
 - b. The applicant shall dedicate, either in fee or by drainage or conservation easement, land on both sides of existing watercourses of a width to be determined by the Commission and, in the case of legal drains, the County Drainage Board.
 - c. When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat.
 - d. Low lying lands along watercourses subject to flooding or overflowing during storm periods, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainage ways. Such land or lands subject to periodic flooding shall not be included in the computations for determining the number of lots allowable under average density procedures nor for computing the area requirement for any individual lot.

8.5 Soil Erosion and Sediment Control

A. Purpose.

The purpose of this Section is to reduce the hazard to public health and safety caused by excessive soil erosion; to reduce the economic hardships caused by excessive storm water runoff and erosion; and to protect, conserve, and promote the orderly development of land and water resources in Georgetown.

B. Applicability.

This Section shall apply to all types of development which require local permits and/or approval from Georgetown, the Georgetown Plan Commission or any other agency of Georgetown.

C. Soil Erosion and Sediment Control Requirements.

1. General Provisions. Measures taken to control erosion and sedimentation shall assure that sediment is not transported from a site by storm events. The following general provisions should be used in preparations of submissions required under the ordinance:

- a. To minimize potential for soil erosion, development should fit the topography and soils of the site. Steep slopes, deep cuts, and fills in erodible soils should be avoided wherever possible and natural contours should be followed as closely as possible.
- b. Natural Vegetation shall be retained and protected wetlands shall also be left undisturbed wherever possible. Vegetation to be preserved shall be protected prior to construction.
- c. All activities on a site must be conducted in a logical sequence so that the smallest practical area of land will be exposed for the shortest practical period of time during development.
- d. Practices such as, but not limited to, sediment basins, silt traps, or filters shall be installed prior to land disturbing activities and maintained to remove sediment from runoff leaving the site as long as unstabilized soil conditions exist.
- e. The selection of soil erosion and sediment control measures shall include the assessment of the probably frequency of climatic events. The aesthetics of the project improvements and the requirements of continuing maintenance shall be considered.

- f. Provisions shall be made to accommodate the increased runoff caused by changed soil and surface conditions during and after developments. Drainage ways shall be designed so that their final gradients and resultant velocities will not create.
2. Design Criteria, Standards, and Specifications for Erosion Control Measures. All erosion control measures shall meet the design criteria, standards, and specifications as outlined in the "Field Office Technical Guide" of the Soil Conservation Service (SCS) of the United States Department of Agriculture (USDA) and the "Indiana Handbook of Erosion Control in Developing Areas" of the Indiana Department of Natural Resources (IDNR), Division of Soil Conservation. Erosion Control measures shall be identified on the plan using standard symbols.
3. Maintenance of Erosion Control Measures. All sediment basins and other erosions control measures necessary to meet the requirements of this Ordinance shall be maintained by the applicant or subsequent landowner. After land disturbing activities cease, and the silt is stabilized, temporary sediment basins and other temporary erosion control measures may be eliminated if their purpose has been fulfilled. Any disturbed soil resulting from removal of such practices shall be stabilized by approved methods.
4. Control of Erosion and Sediment During Land Disturbing Activities. The following requirements shall be met on all sites.
 - a. Sediment Trapping. Sediment laden water flowing from the site shall be detained by temporary sediment basins or other suitable control measures. Water may not be discharged in a manner that causes erosion on the site or receiving channels or an accumulation of sediment within their receiving channel or its outlets.
 - b. Waste and Materials Disposal. All waste and unused building materials, including, but not limited to, garbage, debris, cleaning wastes, wastewater, toxic materials, and hazardous substance shall be properly disposed of and not allowed to be carried by runoff into a receiving channel or storm sewer system.
 - c. Tracking. Prior to the land disturbing activity, each site shall have graveled access drives or other approved systems of sufficient width and length to eliminate sediment being tracked onto public or private roadways. Gravel access drives shall be maintained by acceptable methods. Flushing is not an acceptable method.

- d. Sediment Removal. Public or private roadways shall be cleaned daily and after major storms using acceptable methods to remove any accumulated sediment. The developer's contractors are responsible for supervision of the construction activity within the development and shall take all necessary actions to remove sediment from the streets. Removed sediment should be placed and stabilized properly and protected from re-entry onto the road or into the storm water system.
 - e. Temporary Stream Crossings. A stream crossing during land disturbing activities shall be non-erosive and structurally stable and shall not be crossed at right angle to the stream flow where possible. Erosion control measures shall be employed and shall be appropriate to the expected life of the crossing. Temporary crossings must convey bankfull flow or a two (2) year peak discharge, whichever is less. Overflow areas must be protected from erosion for a ten (10) year peak flow.
 - f. Drain Inlet Protection. All storm drain inlets shall be protected with straw bales, filter fabric, or equivalent barriers meeting accepted design criteria, standards, and specifications.
5. Site Erosion and Sediment Control. The following items apply only to the time period when land disturbing activities are taking place which may cause water and sediment to leave the site.
- a. Runoff passing through the site from adjacent areas shall be minimized by protecting the existing channel or, if necessary, diverting it around disturbed areas if legal, feasible, and practical. NOTE: A permit from the IDNR, Division of Water, may be required prior to the disturbance or re-routing of a channel or natural water course with a drainage area of one (1) mile or more. This may also apply to temporary crossings.
 - b. Runoff from a disturbed area shall be controlled by either "i", "ii", or "iii" below or a combination of those practices.
 - i. Barring unforeseeable weather conditions, all disturbed ground to be left inactive for thirty or more days shall be stabilized by seeding, sodding, mulching, covering, or by other equivalent erosion control measures.
 - ii. Appropriate sediment control measures shall

be installed prior to any land disturbance and thereafter whenever deemed necessary. These practices shall include sediment control fences (silt fence), straw bales, sediment traps, or equivalent sediment control measures, placed along all sideslope and downslope sides of the disturbed site. Also, if concentrated runoff passes through the site, silt fences shall be placed along the edges of the concentrated flow area to minimize the amount of sediment removed from the site. Temporary or permanent sediment basins may be necessary in some development to effectively control sedimentation.

- iii. Erosion from all soil stockpiles shall be controlled by placing straw bales, silt fences, or other appropriate barriers downslope of the piles, if the pile is in existence for more than 7 days. Adjacent storm drain inlets shall be protected by using similar sediment control barriers. Stock piles shall not be located closer than 25 feet of a roadway or the outside edge from a drainage channel, unless they contain less than 10 cubic yards of material and are stabilized and protected by suitable cover such as mulch, tarp, or vegetation.

D. Information Requirements.

The applicant shall submit to the Commission a set of plans and drainage calculations of sufficient detail and clarity to allow the Commission or its designate to evaluate project compliance with this section of the ordinance. The information must be submitted for review no later than the preliminary plat submission.

E. Erosion and Sediment Control Site Plan Requirements.

Content of site plans for land disturbing activities covering more than one acre in a given site shall include the following:

- 1. Existing site map. A map of existing site conditions on a minimum scale of one inch equals 100 feet and adequate to show the site and adjacent areas, including:
 - a. Project name, developer, project engineer or surveyor, their address and telephone number, date of plans and any

revisions, scale of plan, and north point.

- b. Site boundaries and adjacent lands which accurately identify the site location.
 - c. Lakes, streams, wetlands, channels, ditches, sink holes, and other water courses on and adjacent to the site.
 - d. One hundred year flood plains, floodway fringes, and floodways.
 - e. Location of the predominant soil types as identified by the Clark/Floyd Soil Survey or as determined by a certified professional soil scientist.
 - f. Location and dimensions of storm water drainage systems and natural drainage patterns on and immediately adjacent to the site.
 - g. The existing location of surface and subsurface farm drains, inlets, outfalls, easements that are visible or of record, existing seeps, springs, and wells that are visible or of record.
 - h. Locations and dimensions of all existing utilities, structures, roads, highways, and pavings.
 - i. Site topography at a contour interval plot not to exceed five feet, and based on mean sea level elevations, for the site and any adjoining areas whose topography may affect project drainage. If the drainage area is extensive an additional map of sufficient clarity must be provided, such as a USGS Quad Map.
2. Site improvements. A plan of site improvements on the same scale as the existing site map showing site changes, including but not limited to:
- a. Locations and dimensions of all proposed land disturbing activities.
 - b. Locations and dimensions of all temporary soil stockpiles.
 - c. Locations and dimensions of all storm water management and erosion control measures necessary to meet the requirements of this ordinance including, but not limited to, design and installation details, location, vegetation and schedule.

- d. Finished floor elevations for all improvements.
 - e. Proposed changes in streams, lakes, wetlands, detention basins, watercourses and flood water runoff channels, floodplains, and the limits of the floodway, all property identified.
 - f. The location and design of proposed streets, roads, sidewalks, culverts, bridges, parking lots, hard surfaced areas, including depressed pavements used to convey or temporarily store overflow from heavier rainstorms, and outlets for such overflow.
3. Content of erosion control plan for site under one acre. Erosion control plans for land disturbing activities on sites of less than one acre require the following elements: (1) a statement describing the site and proposed erosion control measures; (2) a development schedule; (3) a simple map showing locations of proposed control measures. This plan must be submitted at the time of the application for the building permit.

F. Review of Site Plan.

The site plan shall be reviewed by the administrator and the appropriate technical review committee members including, but not limited to, the Floyd County Soil and Water Conservation District for its representative. The plan will be reviewed to determine compliance with the requirements of this ordinance and will be approved if the conditions are met. If the conditions are not met, the applicant will be informed in writing and may provide additional information if needed. If the plan is subsequently disapproved, the applicant will be informed in writing giving reasons for disapproval.

G. Compliance with 327 IAC 15-5.

All land disturbing activities that disturb five acres or more in total and must also comply with 327 IAC 15-5 (Rule 5) "Storm Water Runoff Associated With Construction Activity". It shall be the responsibility of the landowners or developers to determine if this rule applies to their project. The Commission will make no determination of the applicability of this rule to individual projects.

H. Permits.

It is the responsibility of the landowners or developers to comply with all local, state, and federal permits that may be needed for their particular site developments. These permits include, but are not limited to:

1. 327 IAC 15-5 (Rule 5) - Storm Water Runoff Associated with Construction Activities.
2. IDEM Water Quality Certification.

3. IDNR Permit to construct in a floodway.
4. Corps of Engineers permit to fill or alter a wetland and/or to alter major drainage ways (Section 404?).
5. IDEM Sanitary Sewer Construction Permit.

8.6 Water Facilities

A. General Requirements.

1. The subdivision shall provide water distribution system capable of providing domestic water use and fire protection for all lots in the proposed subdivision.
2. Where a public water main is accessible the subdivider shall install adequate water facilities (including fire hydrants) conforming to the requirements and specifications of the State or local authorities. All water mains shall be at least six (6) inches in diameter.
3. Water main extensions shall be approved by the officially designated agency of the State, County or municipality concerned.
4. To facilitate the above, the location of all fire hydrants, water supply improvements, and the boundary lines of proposed districts indicating all improvements proposed to be served, shall be shown on the preliminary plat, and the cost of installing same shall be included in the performance bond to be furnished by the subdivider.
5. The design of all water facilities shall conform to or exceed the standards described in the latest edition of Recommended Standards for Water Works as published by Health Education Service, Inc., Albany, New York.

- B. Fire Hydrants.** Hydrants should be provided at each street intersection and at intermediate points between intersections as recommended by the state Insurance Services Office and the local fire department. Generally, hydrant spacing may range from 350 to 600 feet depending on the nature of the area being served as determined by the Town Engineer.

8.7 Sewerage Facilities

- A. General Requirements.** All sanitary sewerage facilities shall be built to Ten States Standards and to the standards of the Indiana Department of Environmental Management and the applicable local sanitary sewerage utility. All plans shall be designed in accordance with the rules, regulations, and standards of the Floyd County Health Department and other appropriate State and Federal agencies. Plans shall be approved by

all appropriate State and Federal agencies where required by those agencies.

- B. Sanitary Sewerage System Requirements. Where provided, sanitary sewerage facilities shall connect with public sanitary sewerage systems, and shall be installed to serve each lot to grades and sizes required by approving officials and agencies. 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 Health Officer, participating jurisdiction, and appropriate State agency.
- C. Individual Disposal System Requirements. If public sewer facilities are not available and individual disposal systems are proposed, minimum lot areas shall conform to the requirements of the zoning provisions of this Ordinance and any ordinance of any participating jurisdiction (where applicable) establishing lot areas for individual sewerage disposal systems.
- D. Selected Design Criteria.
1. Alignment. All sewers shall be laid with a straight alignment between manholes.
 2. Manhole Location. Manholes shall be installed at the end of each line, at all changes in direction, and at distances not greater than 400 feet apart.
 3. Manholes. The difference in elevation between any incoming sewer and the manhole invert shall not exceed 12 inches where required to match crowns. The use of drop manholes requires approval by the applicable Sanitary Sewerage Utility. The minimum inside diameter of the manholes shall conform to those specified by the applicable Sanitary Sewerage Utility. Inside drop manholes will require special consideration; however, in no case shall the minimum clear distance be less than indicated herein. The relationship between intersecting sewer lines shall meet the standards required by the applicable Sanitary Sewerage Utility. (See 1. above).
 4. Sewerage Locations. Sanitation sewers shall be located within a rear lot line easement or utility easement unless another location is approved by the Commission. When located in easements on private property, access shall be provided to all manholes. Where sewer lines in private easements cross public street or alley rights-of-way a manhole shall be provided in such rights-of-way where possible. Imposed loading shall be considered at all manhole locations. Not less than six (6) feet of cover shall be provided over the top of pipe in street and alley rights-of-way or three (3) feet in all other areas.
 5. Cleanouts. Cleanouts will not be permitted in the main.

6. Water Supply Interconnections. There shall be no physical connection between a public or private potable water supply system and a sewer which will permit the passage of any sewage or polluted water into the potable water system. Sewers shall be kept removed from water supply wells or other water supply sources and structures. No surface water shall be allowed in any sanitary sewer.
7. Relation of Sewers to Water Mains. A minimum horizontal distance of ten (10) feet shall be maintained between parallel water and sewer lines. At points where sewers cross water mains, the sewer shall be constructed of cast iron pipe or encased in concrete for a distance of ten (10) feet in each direction from the crossing, measured perpendicular to the water line. This will not be required when the water line is at least two (2) feet above the sewer line.
 - A. Whenever a proposed subdivision lies adjacent to or in proximity of other developed areas having sidewalks or when any proposed subdivision contains more than three lots per acre of land platted into lots, the subdivider shall provide sidewalks.
 - B. Required sidewalks shall be at least 4 feet wide and four inches thick, underlaid with adequate granular material, sloped 1/4 inch per foot toward the street and be located 1 inch from property lines.
 - C. Concrete curbs are required for all streets where sidewalks are required by these regulations or required at the discretion of the Plan Commission.
 - D. A grassed or landscaped median strip at least two (2) feet wide shall separate all sidewalks from adjacent curbs.
 - E. Pedestrian Access. In order to facilitate pedestrian access from the street to schools, parks, playgrounds, or other nearby streets, the Commission may require perpetual unobstructed easements at least twenty (20) feet in width. Such easements shall be indicated on both the preliminary and final plats.

8.8 Utilities

- A. Location. All new development utility lines, including but not limited to gas, electric power, telephone and CATV cables shall be located underground throughout the subdivision. Wherever existing lines are located above ground, except on public roads and rights-of-ways, they shall be removed and placed underground. All utility lines and other facilities existing and proposed throughout the subdivision shall be shown on the installation sketch provided by Utility Company at the time of final approval along with required developer-utility provider agreement. Underground service connections to the street property line of each platted lot shall be installed at the subdivider's expense. At the discretion of the Commission the requirement for service connections to each lot may be waived in the case of adjoining lots to be retained in single ownership intended to be

developed for the same primary use.

B. Easements.

1. Easements centered on the rear lot lines, or at such other location approved by the Administrator and Board, shall be provided for utilities (private and public). Such easements shall be at least ten (10) feet wide. Proper coordination shall be established between the subdivider and the applicable utility companies for the coordination of utility easements with those established in adjoining properties. (See Subsection 8.8 A).
2. Where topographical or other conditions are such as to make impractical the inclusion of utilities within the rear lot lines, perpetual unobstructed easements at least ten (10) feet in width shall be provided along side lot lines with satisfactory access to the road or rear lot lines. All easements shall be indicated on preliminary and final plats.

8.9 Reserved for Parks and Recreation/Other Public Uses

8.10 Preservation of Natural Features and Amenities

A. General. Existing features which would add value to the type of intended development or to the Town as a whole, such as trees, watercourses falls, beaches, historic sites, and similar irreplaceable assets, shall be preserved in the design of the subdivision. No trees shall be removed from any subdivision nor any change of grade of the land affected until primary approval of the preliminary plat has been granted. All trees on the plat, which are required to be retained shall be preserved, and all trees, where needed, shall be welled and protected against change of grade. The sketch plan shall show the number and location of desired existing trees, as required by these regulations, and shall further indicate all those marked for retention and the location of all proposed shade trees required along the street side(s) of each lot as required by these regulations.

B. Shade Trees Planted by Developer.

1. As a requirement for subdivision secondary approval the applicant shall plant trees on the property of the subdivision. Such trees are to be planted within five (5) feet of the right-of-way of the street or streets within and abutting the subdivision, or at the discretion of the Commission and the Town Engineer, within the right-of-way of such streets. One (1) tree shall be planted for every forty (40) feet of frontage along each street unless the Commission, upon recommendation of the Town Engineer, shall grant a waiver in accordance with Section 6.8. Such waiver shall be granted only if there are existing trees growing along such right-of-way or on the abutting property which in the opinion of the Commission comply with these regulations.
2. New trees to be provided pursuant to these regulations shall have a minimum trunk diameter (measured twelve (12) inches above ground

level) of not less than two (2) inches. Only long-lived shade trees shall be planted. Acceptable trees include the following: Green Ash, White Ash, Ginko, Hackberry, Hawthorn, Honey Locust, Hard Maples, Horsechestnut, Ohio Buckeye, Yellow Buckeye, Kentucky Coffeetree, American Linden, Littleleaf Linden, and Oaks. Species not on this list must be approved by the Town Engineer and the Commission.

8.11 Minor Subdivision Plat Procedures

- A. Purpose. This action is intended to prohibit the uncontrolled use of land for building sites, and to allow an owner of land (prior to _____) to create a maximum of three new building sites by use of a Minor Subdivision.
- B. Procedures and Standards.
1. A subdivision shall be considered a Minor Subdivision if it involves the division of a single lot into two to four lots or tracts including the remainder of the original tract.
 2. When preparing the minor plat, the remainder of original tract need not be shown on a numbered lot.
 3. Lots in a Minor Subdivision need not front on a publicly-maintained road, but any lot lacking public road frontage must be provided with an access easement of not less than 50 feet in width. A single easement may serve multiple lots; however, the Subdivision must include a road maintenance agreement in a deed or subdivision restriction.
 4. Except for the road frontage/easement requirement referred to in Subsection B (3) above, all lots in Minor Subdivisions must meet other applicable zoning requirements of this Ordinance. Any lot fronting on a public-maintained road shall meet the minimum road frontage requirement.
 5. Subsequent divisions from the original plat shall be limited to one tract per year, with no cumulation of subdivision rights.

8.12 Nonresidential Subdivisions

- A. General. If a proposed subdivision includes land that is zoned for commercial or industrial purposes, the layout of the subdivision with respect to such land shall meet such special provisions as the Commission finds appropriate and requires. A nonresidential subdivision shall also be subject to all the requirements set forth in the zoning provisions of this Ordinance. Site plan approval and nonresidential subdivision plat approval may proceed simultaneously at the discretion of the Planning Commission. A nonresidential subdivision shall be subject to all the requirements of these regulations as well as such additional standards required by the Commission and shall conform to the proposed land use and standards established in the Comprehensive Plan, Official Map,

and provisions of this Ordinance, except that where lot lines are to be established incrementally they need not be shown on the sketch plan or the preliminary plat for primary approval. All shopping centers and other nonresidential subdivisions of buildings for leasehold shall be subject to the relevant provisions of this ordinance.

B. Standards. In addition to the principles and standards in these regulations which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the Commission that the street, parcel, and block patterns proposed are appropriate for the uses anticipated and adequately take into account other uses in the vicinity. The following principles and standards shall be observed.

1. Proposed commercial or industrial parcels shall be suitable in minimum area and dimensions to the types of industrial development anticipated. Proposals for incremental lot by lot subdivision must be made clear in a statement on the preliminary plat, which is satisfactory to the Commission.
2. Street rights-of-way and pavement construction shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.
3. Special requirements may be imposed by the Commission upon recommendation of the Town with respect to street, curb, gutter, and sidewalk design and construction.
4. Special requirements may be imposed by the Commission with respect to the installation of public utilities, including water, sewer, and storm water drainage and preprocessing of sewage. Special requirements may also be imposed regarding the storage and disposal of toxic materials.
5. Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing onto existing or potential residential development and provision of a permanently landscaped buffer strip where necessary.
6. Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

Section 9 Assurance for Completion of Subdivision Improvements

9.1 Improvements and Performance Bond

- A. Completion of Improvements. Before the plat is signed by the Designated Officials, all applicants shall be required to complete, in accordance with the Commission's decision and to the satisfaction of the Towns designated Engineer, all the streets, sanitary, and other public improvements including lot improvements on the individual lots of the subdivision as required in this ordinance, specified in the approved construction plans and on the final subdivision plat, and as approved by the Commission, and to dedicate the public improvements to the Town, free and clear of all liens and encumbrances on the property and public improvements thus dedicated.
- B. Performance Agreement and Financial Surety. The Commission may approve the final plat of any subdivision in which the improvements and installations have not been completed as required by this Ordinance or decision of the Commission if:
1. Applicant signs and delivers to the Commission a Performance Agreement in the form supplied by the Commission (which shall specify the time for completion of the improvements and installations which shall not exceed two years) and provides the original of one of the following forms of security in favor of the Town Board of Georgetown, Indiana, in an amount determined by the Commission to be sufficient to complete the improvements and installations in compliance with this Ordinance and subject to submission of a claim and collection by Georgetown, Indiana, for a period not less than sixty (60) days following the final performance date set forth in the Performance Agreement signed by Applicant:
 - a. Surety Bond with surety given by a financial institution or insurance company licensed and authorized to do business in the State of Indiana.
 - b. Irrevocable Letter of Credit given by a financial institution licensed and authorized to do business in the State of Indiana.
 - c. Certificate of Deposit issued by a financial institution licensed and authorized to do business in the State of Indiana with interest compounded into the value of the Certificate and payable solely to the Board of Commissioners of Georgetown, Indiana, or
 - (ii) if in name of Applicant, assigned solely to the Town Board of Georgetown, Indiana, using the forms supplied by the Commission.
 2. With respect to the installation or extension of water, sewer, or other utility services:

- a. Applicant shows by written evidence that it has entered into a contract with the political subdivision or utility providing the service; and,
 - b. The Commission determines, based on written evidence, that the contract provides assurance that the service will be installed or extended in compliance with this Ordinance.
 3. Extension of Completion Date. The Commission may, upon proof of difficulty, grant an extension of the completion date set forth in such Performance Agreement for a maximum period of one (1) additional year, provided that the financial security submitted for this extension period meets all other requirements herein. The Commission may, at any time during the term of such performance agreement, accept a substitution of financial security in one of the forms provided herein.
- C. The Towns designated Engineer, at the request of the Plan Commission or its Executive Director, shall recommend in writing to the Commission the estimated cost to complete the improvements and installations of any proposed subdivision to assist the Commission in determining the amount of any surety to be accepted by the Commission in accordance with Section 9.1(B) of this Ordinance.
1. It shall also be the duty of the Towns designated Engineer to determine if a subdivision has been constructed and completed in accordance with the performance agreement and specifications of the Plan Commission and the Town Board. The Towns designated Engineer shall report to the Plan Commission and the Town immediately if it is determined that the developer has not performed in accordance with said performance agreement and specifications.
 2. The Towns designated Engineer shall, upon request of the Commission or the Executive Director of the Commission, recommend the amount or percentage of improvements and installations completed or yet to be completed in any subdivision in which the Commission is considering a partial release of any financial security tendered and previously accepted by the Commission pursuant to Section 9.1(B) of this Ordinance.
 3. The Commission shall have the ultimate authority to approve or disapprove the amount and form of any financial security tendered to the Commission pursuant to Section 9.1(B) of this Ordinance and/or the release or partial release of any such financial security previously approved and accepted.
- D. Temporary Public Improvements. The applicant shall build and pay for all costs of temporary public improvements required by the Commission (or as requested by the participating jurisdiction) and shall maintain same for the period specified by the

Commission. Prior to construction of any temporary public facility or improvement, the subdivider shall file with the Commission a separate suitable performance agreement and financial security for temporary facilities. The performance agreement and financial security shall insure that the temporary facilities will be properly constructed, maintained, and removed (except for turnaround at ends of the peripheral stub streets intended for connection into adjacent future subdivisions).

- E. Cost of Public Improvements. All required public improvements shall be made by the applicant at his expense without reimbursement by the participating jurisdiction or any public improvement district therein, unless sharing of expenses is agreed upon in advance by the Town (or other participating jurisdiction, where applicable).
- F. Governmental Units. Governmental units to which these financial security provisions apply may file a certified resolution or ordinance from officers or agencies authorized to act in their behalf, agreeing to comply with the provisions of this Section in lieu of said financial security.
- G. Failure to Complete Public Improvements. For subdivisions for which no financial security has been posted, if the public improvements are not completed within the period specified by the Commission in the primary approval of the preliminary plat, or the sketch plan in the case of a minor subdivision, the approval shall be deemed to have expired. In those cases where a financial security has been posted and the required public improvements have not been installed within the terms of such performance agreement and financial security, the participating jurisdiction may thereupon request the Town to declare the performance agreement to be default and cause all public improvements to be installed according to secondary approval regardless, of the extent of the building development at the time the performance agreement is declared to be in default.
- H. Acceptance of Dedication Offers. The approval by the Commission of a subdivision plat shall be deemed to constitute acceptance by the Town (or other participating jurisdiction) of real estate provided for any street, easement, or park shown on said plat. The Commission may require said plat to be endorsed with appropriate notes to this effect. The approval relates only to the real property itself. Acceptance of the plat shall not constitute approval of the condition of any improvements constructed to such date.

9.2 Inspection of Public Improvements

- A. General Procedure. If the participating jurisdiction finds upon inspection per Section 7.3(G)(1)(a) and 7.4(I)(1)(a) that any of the improvements have not been constructed in accordance with the approved construction plans and specification and Town ordinance requirements, the applicant shall be responsible for completing the public improvements according to such plans, specifications, and ordinance requirements. Where the cost of the public improvements is covered by a performance agreement and financial security, the applicant and the financial security shall be jointly and severally liable for completing the public improvements according to specifications, plans, and ordinance requirements.

9.3 Maintenance of Public Improvements

- A. The applicant shall be required to maintain all public improvements on the individual subdivided lots on streets and sidewalks (where required) until acceptance of said public improvements by the Town (or other participating jurisdiction).

- B. The applicant shall be required to file a maintenance bond with the Commission, prior to acceptance, in an amount not to exceed ten percent (10%) of the cost of all public improvements, and in a form satisfactory to the Commission Attorney. The maintenance bond is provided to assure the satisfactory condition of the required public improvements for a period of three (3) years after the date of their acceptance by the Town or other participating jurisdiction. No building permit shall be issued for the last ten percent (10%) of lots or the last two (2) lots, whichever number is greater, in a final subdivision plat, or Section thereof, until all public improvements required by the Commission for the plat, with the exception of sidewalks, have been fully completed and accepted for maintenance by the participating jurisdiction.

Section 10

Subdivision Documentation Specifications

10.1 Sketch Plan for Major and Minor Subdivisions

Sketch plans submitted to the Commission, prepared in pen or pencil, shall be drawn to a convenient scale and shall show the following information.

A. Name.

1. Name of subdivision if property is within an existing subdivision.
2. Proposed name if not within a previously platted subdivision in Georgetown. The proposed name shall not duplicate the name of any subdivision plat previously recorded nor for which primary approval is still in effect.

B. Ownership.

1. Name and address, including telephone number, of legal owner or agent of property, and citation of last instrument conveying title to each parcel of property involved in the proposed subdivision, giving grantor, grantee, date, and land records reference.
2. Citation of any existing legal rights-of-way or easements affecting the property.
3. A complete copy of any existing covenants on the property.
4. Name and address, including telephone number, of the professional person(s) responsible for subdivision design, for the design of the public improvements, and for survey.

C. Description. Location of property, name of local jurisdiction, lot, section, township, range and county, graphic scale, north arrow, and date.

D. Features To Be Included on Sketch Plans.

1. Location of property lines, existing easements, burial grounds, railroad rights-of-ways, watercourses, wetlands, floodplains, known environmental hazards, and existing wooded areas; location, width, and names of all existing or platted streets or other public ways within or immediately adjacent to the tract; and names of any property owners (from the latest assessment rolls) adjoining and/or adjacent to any perimeter boundary of the subdivision.
2. Location, sizes, elevations, and slopes of existing sewers, water mains, culverts, and other underground structures within the tract and immediately adjacent thereto; existing permanent buildings and utility

poles on or immediately adjacent to the site and utility rights-of-way.

3. Approximate topography, at the same scale as the sketch plan (normally showing two (2) foot contour intervals but the Administrator may require one (1) foot intervals on very flat land or permit five (5) foot intervals on very steep slopes).
4. The approximate location and widths of proposed streets and rights of way.
5. Preliminary proposals for connection with existing water supply and sanitary sewage systems, or alternative means of providing water supply and sanitary waste treatment and disposal; preliminary provisions for collecting and discharging surface water drainage; and other utilities.
6. The approximate location, dimensions, and areas of all proposed or existing lots.
7. The approximate location, dimensions, and areas of all parcels of land proposed to be set aside for park or playground use or other public use, or for the use of property owners in the proposed subdivision.
8. Whenever the sketch plan covers only a part of an applicant's contiguous holdings, the applicant shall submit, at the scale of no more than two hundred (200) feet to the inch, a sketch of the proposed subdivision area, together with its proposed street system, and an indication of the probable future street and drainage system of the remaining portion of the tract.
9. A vicinity map showing streets and other general development of the surrounding area. The sketch plan shall show all school and improvement district lines with the zones properly designated.

10.2 Preliminary Plat for Major Subdivisions

- A. General. The preliminary plat shall be prepared by a licensed land surveyor or civil engineer licensed by the State of Indiana. It shall be drawn at a convenient scale, in pen or pencil, and the sheets shall be numbered in sequence if more than one sheet is used.
- B. Features. The preliminary plat shall show the following:
 1. The location of the property with respect to surrounding property and streets, the names of all adjoining and adjacent property owners of record, or the names of adjoining and adjacent developments; and the names of adjoining and adjacent streets.
 2. The location and dimensions of all boundary lines of the property to be expressed in feet and decimals of a foot.

3. The location of existing street, easements, water bodies, streams, and other pertinent features such as swamps, flood plains, railroads, buildings, parks, cemeteries, drainage ditches, wetlands, bridges and topography, at the same scale as the sketch plan.
4. The location and width of all existing and proposed streets, alleys, and other public ways, and their rights-of-way, and of easements and building set-back lines, utilities, fire hydrants, sanitary sewers and storm water facilities.
5. The locations, dimensions, and areas of all proposed or existing lots.
6. The location and dimensions of all property proposed to be set aside for park or playground use, or other public or private reservation, with designation of the purpose thereof, and conditions, if any, of the dedication or reservation.
7. The name, address, and telephone number of the owner or owners of the land to be subdivided, the name and address of the subdivider if other than the owner, and the name of the land surveyor.
8. The date of the map, approximate true north point, scale, and title of the subdivision.
9. Names of the subdivision and all new streets to be approved by the Commission. Street names shall not duplicate existing street names used elsewhere in Georgetown.
10. Indication of the use of any lot (single-family, two-family, multi-family, townhouse) and all uses other than residential proposed by the subdivider.
11. Lots and outlots shall be consecutively numbered or lettered in alphabetical order. Lots and outlots in subsequent additions or units bearing the same name shall be numbered consecutively throughout the several additions.
12. Erosion and sediment control measures required under 327 IAC 15-5 (Rule 5). (These should be shown on a separate drawing if level of detail would clutter the preliminary plat drawing.)
13. All information required on the sketch plan should also be shown on the preliminary plat, signed and dated by owners, and the following notation shall also be shown:
 - a. Explanation of drainage easements, if any.
 - b. Explanation of site easements, if any.

- c. Explanation of site reservations, if any.

10.3 Construction Plans for Major Subdivisions

- A. General Construction plans shall be prepared for all required improvements. Plans shall be drawn at a scale of no more than one inch equals 50 feet or as acceptable to the Administrator, and map sheets shall be 24 inches by 36 inches.
- B. Construction plans for design of roadway, drainage, sewerage, water facilities, and erosion control plans shall be certified by a civil engineer licensed in Indiana.
- C. The following features shall be shown:
 - 1. Profiles showing existing and proposed elevations along center lines of all streets. Where a proposed street intersects an existing street or streets, the elevation along the center line of the existing street or streets within one hundred feet of the intersection, shall be shown. Radii of all curves, lengths of tangents, and central angles on all streets.
 - 2. The Commission may require, where steep slopes exist, that cross-sections of all proposed streets at one-hundred foot stations shall be shown.
 - 3. Plans and profiles showing the locations and typical cross-section of street pavements including curbs and gutters, sidewalks, drainage easements, rights-of-way, manholes, and catch basins; the location of street trees, street lighting standards, and street signs; the location, size, and invert elevations of existing and proposed sanitary sewers, storm water drains, and fire hydrants, showing connection to any existing or proposed utility systems; and exact location and size of all water, gas, or other underground utilities or structures.
 - 4. Location, size, elevation, and other appropriate description of any existing facilities or utilities, including, but not limited to, existing streets, sewers, drains, water mains, easements, water bodies, streams, flood plains, and other pertinent features such as swamps, railroads, buildings, and features noted on the Official Map or Comprehensive Plan, at the point of connection to proposed facilities and utilities within the subdivision. The water elevations of adjoining lakes or streams at the date of the survey, and the approximate high and low-water elevations of such lakes or streams. All elevations shall be referred to the National Geodetic Vertical Datum. If the subdivision borders a lake, river, or stream, the distances and bearings of a meander line established not less than twenty feet back from the ordinary high-water mark of such waterways shall be shown.
 - 5. Topography at the same scale as the sketch plan with a contour interval of two feet, referenced to the latest applicable National Geodetic Vertical Datum and so noted on the plan.

6. All specifications and references required by the Town's construction standards and specifications, including a site-grading plan for the entire subdivision.
7. Title, name, address, seal and signature of the professional engineer and/or surveyor, and date, including revision dates.

10.4 Final Plat for Major Subdivisions

- A. General: The final subdivision plat shall be presented in India ink on reproducible Mylar at the maximum size of 18 inches by 24 inches, and to the scale of 100 feet to 1 inch, unless the use of such scale would cause the size of the plat to exceed the above dimensions; in such case, an appropriate scale may be used to conform to such size. In addition to the original drawing, six (6) blue line or photostatic copies shall also be submitted to the Commission. The final subdivision plat shall be prepared by a land surveyor licensed by the State of Indiana.
- B. The following information shall be disclosed on the final plat:
 1. Boundary lines of the subdivided tract, and of adjoining properties.
 2. An accurate metes and bounds description of the tract, and the source of title.
 3. Northpoint, scale and date.
 4. The lines and curve data of all streets and alleys with their names and widths.
 5. Vicinity map.
 6. Lot lines and dimensions, lot acreages, and lot and outlot numbers.
 7. Location of building setback lines and easements for public utilities, and their dimensions.
 8. Location and type of all permanent monuments.
 9. Recording reference to restrictions of all types which run with the land.
 10. Name of the subdivision, and name of the subdivider.
 11. Certification by registered professional land surveyor licensed in the State of Indiana.
 12. Certificate of dedication for public use.

13. Certificate for approval by Commission.
14. Notary seal.
15. Reference to surveyor's report.

10.5 Plat and Supporting Data for Minor Subdivisions

- A. Plat: Subdividers shall submit to the Commission a plat of the lot(s) drawn on reproducible Mylar, 18 by 24 inches, at an accepted scale, and six prints of the plat showing the following:
1. Legal description of the minor subdivision, identified by the owner's name.
 2. Lot numbers and lines with accurate dimensions in feet and hundredths.
 3. Easements.
 4. Right-of-way lines.
 5. Certification by a registered professional land surveyor licensed in the State of Indiana.
 6. Deed of dedication.
 7. Owner's certification.
 8. Notary seal.
 9. Scale, graphic scale, north point and date.
 10. Reference to surveyor's report.
- B. Supporting Data. In addition to the minor plat, the subdivider shall submit six (6) copies of supporting data drawn at an accepted scale showing the following:
1. Legal description and drawing of the entire property which is being subdivided.
 2. Significant physical and topography features of the tract and its surroundings sufficient to indicate the effect the tract may have on systems, wells or other physical characteristics. The on-site soils investigation is to be identified.
 3. The names of owners of adjoining and adjacent unsubdivided property.
 4. If the property is adjacent to land presently being developed, a proposed street and lot arrangement of the entire tract with the minor subdivision lots clearly identified.

5. Adjoining roads and nearest major intersections.
6. Name and address of subdivider.
7. Type and feasibility of proposed sewage disposal system.
8. An area map showing the original tract, as owned prior to _____, and any or all previous minor subdivisions with the name of the original owner, and any subsequent owners of the original tract or minor subdivisions, plus the _____ existing zoning of the subdivision and all land within six hundred feet of the subdivision.

Section 11

Planned Unit Developments

11.1 Intent of Districts

The purposes of these regulations are to provide greater design flexibility in the development of land when consistent with the Comprehensive Plan and intent of the zoning provisions of this Ordinance. The use of Planned Unit Development Zoning Classifications shall be encouraged when the use of such regulations promotes a harmonious variety of uses, and/or provides for an economy of shared services and facilities, and/or are compatible with surrounding areas and/or foster the creation of attractive, healthful, efficient and stable environments for living, shopping or working.

The Planned Unit Development (PUD) regulations and procedures may apply to the redevelopment of presently developed lands, or the development of open or vacant lands, and may apply to parcels of relatively small size as well as large-scale developments and their relationship with other surrounding uses and the overall characteristics of the area in which they are located.

PUD regulations are intended to encourage innovations in land development techniques so that the growing demands of the community may be met with greater flexibility and variety in type, design and layout of sites and buildings and by the conservation and more efficient use of open spaces and other amenities generally enhancing the quality of life.

PUD projects should also encourage a more efficient use of land which reflects the changes in the technology of land development so that resulting economies may accrue to the benefit of the community at large.

In furtherance of the purpose and intent of a PUD, the provisions of Section 5.1 through 5.13 inclusive of this Ordinance shall not be applied, or be applicable, to or in a Planned Unit Development District.

11.2 General Design Provisions

- A. Minimum area requirements: The minimum area required for PUD zoning shall be a gross land area of *three acres*, provided, however, that no commercial or industrial uses shall be permitted in a PUD containing a gross land area of less than five acres.
- B. Location of PUD Districts: The PUD zoning district may be applicable to any area where the applicant can demonstrate that the proposal will meet the objectives of this Section.
- C. Intensity of Land Use. Because land is used more efficiently in a PUD, improved environmental quality can often be produced with a greater number of structures per gross acre than is usually permitted in a traditionally zoned district. The Commission shall determine in each case the appropriate land use and density for individual projects or Sections thereof. However, the following guidelines shall be adhered to:

1. Residential Densities.

- a. Overall. The maximum residential density for the overall project shall be five units per acre, computed by comparing the total number of dwelling units to the gross land area of the project.
- b. Sections. The maximum residential density for any particular Section shall be fifteen units per acre, computed by comparing the number of dwelling units within a particular Section to the gross land area of that particular Section.

2. Land Use Ratio.

- a. Commercial or Business Office. Commercial or business uses may occupy up to a maximum of 20 percent of the gross land area in PUD's which are otherwise residential.
- b. Industrial. Industrial uses may occupy up to a maximum of 10 percent of the gross land area of PUDs which are otherwise residential and/or a combination of residential and commercial.
- c. Recreational. *At least 10 percent of the gross land area in a PUD* which is primarily residential shall be reserved as open space and/or recreational purposes which shall not be covered by buildings, parking lots, driveways or streets. No more than 50 percent of this visible open space shall be covered by water, exclusive of detention areas. This does not include personal yards.

11.3 Organization of Proposals

Any person or group of persons may prepare a PUD district in accordance with the procedures hereinafter established. A parcel or site proposed for a PUD need not be under single ownership where the proposed development consists of a group of structures or improvements capable of being developed separately but in accordance with a single, unitary plan, and in which the separate owners have given their expressed intentions to enter into such private agreements between or among themselves as will facilitate their mutual enterprises, and assure its completion as planned to the satisfaction of the Plan Commission.

11.4 Filing Procedure

- A. The authorization of a PUD shall be subject to the procedures expressed herein.
- B. Submission of a petition and all other documents required for rezoning for the PUD classification, which permits shall be signed by the owners of all real estate involved in the petition for the PUD, or which petition shall have attached thereto the notarized consent of all such owners to the filing of such a Petition, and to the change to a PUD

classification of their real estate included.

C. The petition, which shall include a preliminary plan and plat for any area proposed for development as a PUD shall be filed with the Administrator. The preliminary plan and plat shall include:

1. Proposed layout of streets, open space and other basic elements of the plan.
2. Identification of location and types of structures and their use categories within the area, including proposed densities of said uses.
3. Proposals for handling traffic, parking, water supply, sewage disposal, storm drainage, tree preservation and removal, landscaping, lighting, signage and other pertinent development features.
4. A separate location map to scale shall show the boundary lines of adjacent land and the existing zoning of the area proposed to be developed as well as the adjacent land.
5. The condominium declaration (if applicable), a document creating an owners' association, and any covenants to be made a part of the PUD as well as the order and estimated time of development.
6. A statement of the proposed order of development of the major elements of the project, including whether the development will be accomplished in phases, and if so, the order and content of each phase.

D. The preliminary plan shall be presented in triplicate and to a scale ratio not to exceed 100 feet equals 1 inch. The preliminary plan may include any additional graphics which will explain the features of the development. It shall also be provided to the following checkpoint agencies for their review and comment:

1. Technical Review Committee
2. Towns designated Engineer
3. Town Police Department
4. Appropriate Fire Department
5. Appropriate School Corporation
6. Floyd County Soil and Water Conservation District

- E. Within twenty-five (25) working days after filing, the Administrator shall meet with the petitioner regarding the preliminary plan and checkpoint agency comments. Checkpoint agency personnel may attend this meeting to provide comments. After such consultation the petitioner may make modifications to the petition.
- F. After the meeting described in (E) above and after making any modifications to the proposed preliminary plans the Petitioner shall file in triplicate a "Final Proposed Preliminary Plan" which shall:
 - 1. Include all documents included in the preliminary plan.
 - 2. Include an index identifying all documents included in the preliminary plan.
 - 3. Include a cover sheet indicating that it is the Final Proposed Preliminary Plan and indicating the date and zoning case file label.
 - 4. Be bound or stapled together and all documents therein reduced to a size no larger than 8 1/2 X 11 inches except for the maps, sketches and plat (if any).

11.5 Preliminary Plan Hearing

- A. The petition, if and as modified, shall then be heard by the Plan Commission as a petition for zoning map amendment and subject to the procedures applicable thereto. The Plan Commission may recommend approval or disapproval of the plan and may impose any reasonable condition(s) with its affirmative recommendation. If disapproval is recommended, the application shall be forwarded to the Georgetown Board of Commissioners with a recommendation to deny. If approval is recommended, the preliminary plan shall be stamped "Approved Preliminary Planned Unit Development" and be signed by the President and Secretary of the Plan Commission. One copy shall be permanently retained in the office of the Plan Commission, one copy shall be returned to the petitioner and one copy and all conditions shall be certified as described in (B) below.
- B. The approved preliminary Planned Unit Development shall then be certified to the Georgetown Town Board for adoption as a Planned Unit Development District pursuant to the laws governing proposals to change zoning maps. Upon adoption by the legislative body, the petitioner shall prepare the final detailed plan.

11.6 Approval of Final Detailed Plan

- A. Before any development takes place, the petitioner shall file with the Plan Commission a minimum of seven sets of the final detailed plan specifying the location, composition, and engineering features of all lots, storm drainage, sanitary sewage, water supply facilities, public or private streets, recreation facilities, site perimeter treatment, landscaping, utilities, plat and other site development features including locations of buildings. The petitioner shall also file the original of all signed and notarized documents pertaining to restrictive covenants, condominium declaration and/or the creation of

homeowners association, along with financial assurance for the satisfactory installation of all public improvements in the form of bonds or such other assurances as are required in the normal procedures of platting pursuant to the subdivision provisions of this Ordinance. The Plan Commission shall then approve said final detailed plans by resolution duly adopted, upon an affirmative finding that the final detailed plan is consistent with the Approved Preliminary Planned Unit Development as adopted and passed by the Georgetown Town Board upon rezoning. Having once approved the final detailed plan, the Plan Commission shall have no further authority to review or act thereon, except as to enforcement, any amendatory ordinance, or as hereafter provided for.

- B. The Approved Preliminary Plan may provide for development of the property involved in phases. If such phasing is included as a part of the approval of the preliminary plan, the petitioner may submit partial final detailed plans which correspond to the phases involved. Such partial final detailed plans, when approved, shall be treated in the same manner as approved final detailed plans for an entire Planned Development.
- C. The approved final detailed plan or phase thereof shall be stamped "Approved Final Detailed Planned Unit Development" and be signed by the President and Secretary with one copy permanently retained in the office of the Plan Commission following recordation as specified in Section 11.8.
- D. Unless extended by the Plan Commission pursuant to section 11.11 (A), approval of the first phase of the final detailed plan shall be obtained within two (2) years and approval of the balance of the final detailed plan shall be obtained within five (5) years after adoption of the Planned Unit Development District by the Georgetown Town Board .
- E. In the event that approval of a final detailed plan is not timely obtained, the Plan Commission may initiate an amendment to the zoning map to return said land to its prior classification.
- F. In the exercise of continuing jurisdiction, the Administrator may from time to time approve only minor modifications of the approved Final Detailed Planned Unit Development in a manner consistent with the approved Preliminary Planned Development. Such modifications shall not include any increase in density, any lessening of aesthetic treatments, any alteration of frontage or building location, or any change in type of use, or any change in access points.
- G. Approval of a final detailed plan shall expire after a period of five (5) years from the approved phasing of the preliminary plan unless the development is 50 percent (50%) completed in terms of public improvements including streets, open space, walkways, utility installations and sanitary sewers. Determination of the amount of completion shall be made by the Plan Commission upon a recommendation of the Administrator. Following expiration of the final detailed plan, the Town of Georgetown shall declare the **bond** to be in default and cause all public improvements to be installed according to the final detailed plans.

11.7 Covenants and Maintenance

- A. All covenants, when required by the Plan Commission, shall be set forth in detail and shall provide for a provision for the release of such restriction by execution of a document so stating and suitable for recording, signed by the Plan Commission President and Secretary upon authorization by the Plan Commission and all of the owners of property in the area involved in the petition for whose benefit the covenant was created. Such covenants shall provide that their benefits run to the Plan Commission and shall be specifically enforceable by the Plan Commission when required by the Plan Commission in addition to the property owners.
- B. The Plan Commission may require the recording of covenants for any reasonable public or semi-public purpose, including, but not limited to, the allocation of land by the petitioner for public thoroughfares, parks, schools, recreational facilities, and other public and semi-public purposes. Such covenants shall provide that if a governmental unit or agency thereof does not proceed with acquisition of the allocated land within a specified period of time, the covenants shall automatically terminate. If such termination occurs, the petitioner shall then submit for approval by the Plan Commission a modified final detailed plan for such land, otherwise consistent with the approved Preliminary Planned Unit Development.
- C. The Commission may require the recording of covenants for any other reasonable purpose, including, but not limited to, imposing standards for development of property in a Planned Unit Development. Such development standards may include, but are not limited to, requirements as to the following:
 - 1. Lot area.
 - 2. Floor area.
 - 3. Ratios of floor space to land space.
 - 4. Area in which structures may be built ("buildable area").
 - 5. Open space.
 - 6. Setback lines and minimum yards.
 - 7. Building separations.
 - 8. Height of structures.
 - 9. Signs.
 - 10. Off-street parking and loading space.
 - 11. Design standards (including landscaping requirements).

12. Phasing of development.

- D. Adequate provisions shall be made for a private organization with direct responsibility to, and control by, the property owners involved to provide for the operation and maintenance of all common facilities including private streets jointly shared by such property owners if such facilities are a part of the Planned Unit Development, and, in such instance legal assurances shall be provided and recorded which show that the private organization is self-perpetuating. In addition, the private organization shall have the power to enforce covenants and restrictions.
- E. Common facilities which are not dedicated to the public shall be maintained to standards assuring continuous and adequate maintenance. Common facilities not dedicated to the public shall be operated and maintained at no expense to any governmental unit.
- F. All private streets shall be maintained by the aforementioned private organization in such a manner that adequate access is provided at all times to vehicular traffic so that fire, police, health, school, sanitation, and public utility vehicles can serve the properties contiguous or adjacent thereto, and so that said vehicles will have adequate turning area. All streets and roadways not dedicated to the public shall be operated and maintained at no expense to any governmental unit.

11.8 Recording of Plans

- A. All approved Final Detailed Planned Unit Development Plans and Plats and modifications thereof shall be recorded in the Office of the Floyd County Recorder within two (2) years after approval, but before any development takes place.
- B. Failure to record shall automatically void the approval of the Final Detailed Planned Unit Development.
- C. Where upon completion of all development, the exact measurements, as to the location of buildings or structures erected during the development, are deemed desirable for public record by recording thereof, the developer may submit a copy of the approved Final Detailed Planned Unit Development to the Administrator as an amended approved Final Detailed Planned Unit Development with the exact measurements thereon shown, and upon being satisfied that the measurements are substantially the same as indicated on the original approved Final Detailed Planned Unit Development, shall reapprove, date and sign said amended approved Final Detailed Planned Unit Development, which the developer shall then record.

11.9 Permit

An improvement location permit shall be issued for a Planned Unit Development District upon full compliance with all preconstruction provisions of the approved Final Detailed Planned Unit Development.

11.10 Construction

- A. No construction or installation work shall be done on any public improvements until the petitioner has, at least twenty-four (24) hours in advance, notified the appropriate governmental inspector(s) of his intention to begin such work, in order that inspections may be made as the work progresses.
- B. All development shall be in conformity with the approved and recorded Final Detailed Planned Unit Development and any material deviations from the approved and recorded Final Detailed Planned Unit Development shall be subject to appropriate enforcement action as provided for in this ordinance.

11.11 Extensions, Abandonment, and Expiration

- A. Extensions of the time for accomplishing any matters set forth herein may be granted by the Plan Commission at a public hearing for good cause shown.
- B. Upon the abandonment of a development authorized under this section abandonment shall be deemed to have occurred when no improvements have been made pursuant to the approved Final Detailed Planned Unit Development for twenty-four (24) consecutive months), or upon the expiration of five (5) years from the approval of a Final Detailed Planned Unit Development for a development which has not been completed, an amendment may be initiated as provided by law to the zoning map so that the land will be zoned into a category or categories which most nearly approximate its then existing use or such other zoning category or categories which the legislative body deems appropriate.

11.12 Rules of Procedure

All proceedings brought under this section shall be subject to the Rules of Procedure of the Plan Commission, where not inconsistent with the procedure otherwise stated herein.

11.13 Limitation of Rezoning

The Plan Commission shall not initiate any amendments to the zoning map concerning the property involved in a PUD before completion of the development as long as the development is in conformity with the approved Final Detailed Planned Unit Development and is proceeding in accordance with the time requirements imposed herein.

Section 12

Appeals and Special Uses

12.1 Board of Zoning Appeals: Membership and Jurisdiction

The Board. There is hereby reestablished the Advisory Board of Zoning Appeals to be known as the ADVISORY BOARD OF ZONING APPEALS OF THE TOWN OF GEORGETOWN, INDIANA. (Also referred to as the Georgetown Board of Zoning Appeals). The Advisory Board of Zoning Appeals shall be a continuation of the present Board of Zoning Appeals of the Town of Georgetown heretofore established under the advisory plan law, being Indiana Code, 36-7-4-900, as added by Acts 1981, P.L. 309 23. A. Membership. The Georgetown Board of Zoning Appeals shall consist of and continue as a five-member board appointed as follows:

- A. Three (3) citizen members as appointed by the Town Board of Georgetown of whom one (1) must be a member of the Advisory Plan Commission and two (2) must not be members of the Advisory Plan Commission.
- B. One (1) citizen member appointed by the Advisory Plan Commission who must be a member of the Advisory Plan Commission other than the member appointed by the Town Board.
- C. One (1) member appointed by the Clerk-Treasurer of the Town of Georgetown, who must not be a member of the Plan Commission.
- D. Terms of Office. Following adoption of this Ordinance, each of the above members shall be reappointed for the balance of the term being served on the present Board of Zoning Appeals of the Town of Georgetown. Thereafter each member shall be approved for a term of four (4) years. Each term shall expire on the first Monday of the year of termination.
- E. Territorial Jurisdiction. The Board of Zoning Appeals shall have jurisdiction over all the land subject to the zoning provisions of this ordinance.
- F. Subject Matter Jurisdiction. The Georgetown Board of Zoning Appeals shall have exclusive jurisdiction for (1) variances under the statute and this ordinance; (2) special uses; (3) appeals as provided by statute, including requirements for procurement of improvement location or occupancy permits or any ordinance adopted under I.C.36-7-4 or any prior zoning statute, and any other appeals authorized by statute.
- G. Staff. The Staff of the Advisory Board of Zoning Appeals shall consist of the Administrator as defined in this ordinance and such other persons employed by the Clerk-Treasurer as he may direct from time to time to assist him or the Advisory Board of Zoning Appeals.

12.2 Board of Zoning Appeals: Rules and Procedures

- A. Rules and By-Laws. The Advisory Board of Zoning Appeals shall have sole authority to adopt any and all rules under Indiana Code 36-7-4-916 and any and all by-laws

concerning organization, selection of officers, forms for applications, filing requirements, other than as to place of filing as herein provided for, procedures, notices for and conduct of meetings. Upon adoption of such rules and by-laws they shall be applicable to the Advisory Board of Zoning Appeals.

B. Facilities and Funding. The Town shall provide suitable facilities for the holding of Advisory Board of Zoning Appeals hearings and the storage of its recorded documents and accounts, and in its annual budget to provide sufficient funds for the functioning of said Board and its staff.

C. Filing. All applications for variances, special uses, and requests for appeal shall be filed by the applicant with the staff of the Advisory Board of Zoning Appeals.

D. Meetings and Hearings

1. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine.

2. Prior to decisions on petitions for variances, special uses, and appeals addressed to the Board, the Board shall hold a public hearing on each petition.

3. Notice of such hearing shall be mailed to the petitioner and to the owners of all property deemed by the Board to be affected thereby as they appear on current records of the County Auditor and also advertised ten (10) days prior to the public hearing in a daily newspaper published in the county.

4. The cost of notifying affected property owners and the cost of advertising the notice of the public hearing shall be borne by the petitioner.

E. Voting

1. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Administrator, Enforcement Officer, or other duly authorized administrative officer.

2. The concurring vote of three (3) members of the Board shall be required to decide in favor of or in opposition to a petitioner on any matter within the discretion of the Board upon which it is required to pass under this ordinance or to affect any variation in the application of this ordinance.

12.3 Special Uses

A. There shall be no classes or cases or application therefore, nor any particular situation in which this Ordinance authorizes either special exceptions, contingent uses, or conditional uses.

- B. The Advisory Board may approve special use in a district if, after a hearing under Section 12.2(D), it makes findings of fact in writing, that:
 - 1. Section 4.1 authorizes that special use in that district; and
 - 2. The requirements and development standards for the requested special use as prescribed by this Ordinance will be met; and
 - 3. Granting the special use will not subvert the general purposes served by this Ordinance and will not, because of traffic generation, placement of outdoor lighting, noise production or hours of operation, materially and permanently injure other property or uses in the same zoning district and vicinity.
- C. The Board may impose such reasonable conditions upon its approval as it deems necessary to find that (B)(3) above will be served.
- D. The Board may permit or require the owner of the parcel of property to make a written commitment concerning the use or development of the parcel as specified under IC 36-7-4-921.
- E. The approval of a specific use under Subsection (B) is unnecessary for a use authorized by section 4.1 if that use existed on the date this Ordinance, or pertinent amendments to it, were passed. However, this subsection shall not authorize the expansion of such a use if it involves the enlargement of a building, structure, or land area.
- F. A special use approved by the Board may not be expanded, extended, or enlarged unless reapproved by the Board under the procedures set forth in this Ordinance for approving a special use.
- G. A special use, approved under Subsection (B) or authorized by Subsection (E) ceases to be authorized and is void if that use is not commenced within a twelve-month period of the date the special use was approved, or if that special use is discontinued at the site for a twelve-month period during which time it is not succeeded by the same specifically approved special use.
- H. A special use may be terminated by the Advisory Board of Zoning Appeals, upon filing of an application therefore by an interested person or the Administrator, and upon a finding at a public hearing, with notice to the property owner, that the terms of this Ordinance, or conditions of approval or commitments have not been complied with.

12.4(a) Variances

- A. The Board may grant a variance from the development standards (such as height, bulk, area) of the zoning provisions of this ordinance if, after a public hearing, it makes findings of fact in writing, that:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community; and
 2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
 3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.
- B. The Board may permit or require the owner of a parcel of property to make written commitment concerning the use or development of that parcel or may impose conditions upon that grant of variance, in accordance with C 36-7-4-921.
- C. A variance granted by the Board shall run with the land until such time as: (1) the use of the variance ends, or (2) the property conforms with the Ordinance as written.
- D. Where an owner has failed to comply with any condition and/or commitment permitted or required by the grant of variance, the Board may authorize such action as it may deem appropriate to obtain compliance by the owner with the condition or commitment of the grant, or with the terms of this Ordinance in the same manner as if the variance had not been granted.
- E. Any variance granted by the Board shall become null and void and without any further legal effect one year from its date of passage in the event either the owner or applicant for such variance fails, for any reason, to substantially complete all structures contemplated in the granting of said variance by the Board. The Board may vary this requirement and set an alternative effective date in such cases as it deems appropriate.

12.4(b) Use Variance

- A. The usage of Use Variances is NOT intended to circumvent the existing zoning ordinance and building regulations. The granting of Use Variances is to be used sparingly and under the most limited circumstances when no other means is available to avoid a manifest injustice or hardship to a property owner who has no obvious alternatives. If a property owner has other reasonable alternatives, they should be used and the Use Variance should be generally denied.
- B. The Board may grant a variance of use from the terms of the zoning ordinance if, after a public hearing, it makes findings of fact in writing, that:
1. The approval will not be injurious to public health, safety, morals, and general welfare of the community;
 2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
 3. The need for the variance arises from some condition peculiar to the property involved;

4. 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
 5. The approval does not interfere substantially with the comprehensive plan adopted to the Town.
- C. The Board shall in addition add written conditions, which shall include at a minimum the duration of the Use Variance and the means by which it shall expire. The Use Variance is NOT a permanent change, but a change for a limited purpose for a limited period of time, as set out in the writing, and will not pass by transfer of deed or interest in real estate.
 - D. The Applicant shall sign the written conditions in a format that will allow the conditions to be recorded in the office of the Floyd County Recorder.
 - E. The Board shall have the right to enforce the usage of Use Variance granted under this ordinance, and any group, business or individual found in violation of the terms of the Use Variance shall pay all attorney fees and court costs incurred by the Town in enforcement.
 - F. Any extended usage of a Use Variance beyond the original Applicant and beyond the original time period, shall require the approval of the Board of Zoning Appeals under the same procedure as an original granting of the Use Variance under this Ordinance as it shall read at the time of reapplication, including notice to interested parties and a public hearing.

12.5 Appeals

- A. A decision of the Administrator enforcing this Ordinance may be appealed to the Board of Zoning Appeals by any person who is adversely affected by the decision.
- B. On an appeal under Subsection A, the Board of Zoning Appeals may make any decision that the Administrator might have made.

Section 13

Technical Review Committee

13.1 Purpose

The purpose of the Technical Review Committee is to provide professional and technical advice to the Administrator and the Plan Commission in the administration of this Ordinance as specified elsewhere in this Ordinance.

13.2 Membership and Jurisdiction

- A. Membership. The Technical Review Committee shall consist of persons with a diverse range of technical and professional training and knowledge and who possess a sensitive and keen interest in the protection and enhancement of the natural and built environments. While there shall be no specific limits on the size of the Technical Review Committee, it should, at minimum, include representatives of the following professionals, agencies, and interests:
1. A designated surveyor
 2. Historic preservation
 3. A registered architect
 4. Major fire departments
 5. Floyd County Soil and Water Conservation District
 6. A registered professional engineer
 7. Floyd County Health Department
 8. Major utilities
 9. Schools
- B. Appointments. Members of the Technical Review Committee shall be appointed by the Plan Commission upon recommendation by the Administrator.
- C. Technical Jurisdiction. The Technical Review Committee shall have a jurisdiction which is consistent with that of the other sections of this ordinance.

13.3 Authority

The Review Committee shall have advisory authority only, and shall make recommendations to the Administrator and the Plan Commission on such matters as may be referred to it, including but not limited to: subdivision plats, planned unit developments, zoning changes, soil erosion and storm water management, and improvement location permits and variance petitions involving historic properties.

13.4 Technical Certification

As a condition of approval, the Administrator has the right to require any applicant at anytime under this Section to produce at applicant's expense a certification by a recognized expert that the technical requirements of this Ordinance will not be violated by the proposed development.

Section 14

Improvement Location Permits

14.1 Applicability.

- A. Within a fringe area of Georgetown, Indiana, no special use may be approved under Section 12.3, no change in a FP District made under Section 3.3, and no other changes in the use of land that involves construction of or a change in any structure on or in any land, or in the condition of the land, may be made unless the Administrator on application, issues an improvement location permit authorizing the change. Except in a FP district, this requirement shall not apply to structures of one hundred (100) square feet or less.
- B. The Town Board, upon recommendation of the Plan Commission, shall have the power to set improvement location fees. No permit fee shall be required of any governmental agency or instrumentality thereof.
- C. All construction pursuant to issuance of an improvement location permit shall comply with all applicable Indiana building codes and the Georgetown Comprehensive Plan.
- D. No improvement location permit shall be issued until written approval and/or recommendations have been received from the Floyd County Health Department, except in the case of dwellings served by sewers or structures not requiring plumbing, in regards to the advisability and conditions required for septic systems.
- E. The applicant shall post said permit(s) in a prominent place on the premises prior to and during the period of erection, reconstruction, enlargement, or moving.

14.2 Inspections.

- A. Once construction has begun pursuant to the issuance of an improvement location permit under Section 14.1, the applicant must call the Town Building Commissioner for inspections of footers, temporary electrical poles, rough electrical, rough HVAC, rough plumbing, rough framing and any other construction elements requiring inspection under the building code.
- B. No utility hook ups, including but not limited to electrical service, shall be performed for any building or mobile home without prior approval, inspection, and placement of an inspection sticker or tag indicating such approval upon said building or mobile home by the Town Building Commissioner or Building Inspector.
- C. No land or structure with respect to which an improvement location permit has been issued under Section 14.1 may be used for the purpose contemplated by the permit unless the Town Building Commissioner or building inspector, after the change is completed, conducts a final inspection certifying that the construction complies with the building code. No building shall be considered complete until a final inspection has been conducted and any required corrective action has been completed.

- D. It is the responsibility of the person requesting inspection to assure that the inspector has reasonable access to all points to be inspected.

14.3 Site Plan and Construction Drawings

- A. In addition to all other required applications, information and permits from governmental agencies, a person who applies for an improvement location permit under section 14.1 must furnish the Administrator with plans drawn to scale showing:
 - 1. **The location and deed or contract for the land concerned;**
 - 2. The location and size of all buildings and structures already on the land and those to be erected, including parking, signage, landscaping, and screening;
 - 3. The size of all entrances to and exits from the land, including all adjacent streets and highways. (This provision refers to commercial buildings only.)
- B. All buildings must be constructed according to submitted plans.
- C. Plans so furnished shall be kept by the Administrator as permanent records.

14.4 Completion of Existing Buildings

Nothing in this ordinance shall require any change in the plans, construction or intended use of a building, the construction of which shall have been diligently prosecuted within 6 months preceding the date of this ordinance, and such entire building shall be completed within 2 years from the date this ordinance became effective. Nothing herein shall prevent the reconstruction of a wall or other structural part of a building declared unsafe by the proper authorities of Georgetown or the State of Indiana.

14.5 Industrial Uses: Letter of Substantial Completion

When an improvement location permit has been issued for an industrial use, said structure cannot be occupied until a Letter of Substantial Completion has been submitted by the architect or a registered professional engineer to the Indiana Department of Fire and Building Services stating that the use meets the performance standards of the district concerned.

14.6 Interpretation of Ordinances

- A. In interpreting or applying the provisions of this ordinance, said provisions shall be held to be the minimum requirements for the promotion of health, safety, and convenience of the general welfare.
- B. The lot or yard areas required by this ordinance for a particular building shall not be included as part of the required lot or yard areas of any other building. The lot or yard areas of buildings existing at the time of this ordinance became effective shall not be

diminished below the requirements herein provided for buildings hereafter erected and such required areas and yards shall not be included as part of the required areas or yards of any building hereafter erected.

14.7 Records

A record of each improvement location permit and each related inspection shall be kept by the Administrator. Upon request, a copy shall be furnished to any person having a proprietary or possessory interest in the premises concerned.

14.8 Issuance or Denial

The Administrator shall accept only a complete application and issue the improvement location permit or deny the application together with a statement of reasons for the denial within a period of eight (8) working days following its submittal, except that no permit shall be issued for commercial or industrial usage until a construction design release has been issued by the Indiana Department of Fire and Building Services.

14.9 Appeals

A decision of the Administrator under Section 14.8 may be appealed to the Board of Zoning Appeals subject to the provisions of Section 12.5.

14.10 Expiration

An improvement location permit shall be valid for a period of one (1) year, at which time it shall expire, unless construction has begun and is to the point of requiring initial inspections. If the one (1) year permit period would otherwise expire after commencement of construction and after the point of initial inspection, then the permit shall be valid for a total period of eighteen (18) months and thereafter expire notwithstanding the status of construction.

14.11 Penalties

If any person, firm or corporation shall violate any of the provisions of this ordinance, or shall do any act prohibited herein, or shall fail to perform any duty lawfully enjoined, within the time prescribed by the Building Commissioner, or shall fail, neglect or refuse to obey any lawful order given by the Building Commissioner in connection with the provisions of this ordinance, for each such violation, failure or refusal, such person, firm, or corporation shall be fined in any sum not less than Ten Dollars (\$10.00), nor more than Five Hundred Dollars (\$500.00). Each day of such unlawful activity as is prohibited by the first sentence of this section shall constitute a separate offense. If any person, firm or corporation fails to obtain a permit before start of construction, a fine of one hundred dollars (\$100.00) shall be collected at the time of an application for a permit is made in addition to the required cost of the permit, which shall be doubled when a fine is assessed.