

TITLE 11

**COMPREHENSIVE PLAN, ZONING ORDINANCE
& SUBDIVISION REGULATIONS**

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& SUBDIVISION REGULATIONS**

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Chapter 11.02

COMPREHENSIVE PLAN

Sections:

11.02.010 Adoption

11.02.010 Adoption. The Town of Santa Claus Comprehensive Plan was prepared by Snell Environmental Group, Inc. Indianapolis, Indiana in March 1994. Resolution 1995-03 adopted this Comprehensive Plan. A Copy of the Comprehensive Plan is available at the Town Hall. (Resolution 1995-03)

Chapter 11.04

ZONING ORDINANCE AND SUBDIVISION REGULATIONS

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11.04.010 General Provisions

(1) Preamble

An ordinance restating and amending the Zoning Ordinance for Santa Claus, Indiana, and providing for the administration, enforcement, and amendment in accordance with the provisions of Indiana law and for the repeal of all ordinances in conflict herewith.

Whereas, Indiana law empowers the Town to enact a zoning ordinance and to provide for its administration, enforcement, amendment, and

Whereas, the Town adopted a Comprehensive Plan by Resolution 1995-03 on January 30, 1995; and,

Whereas, the Town thereafter adopted the "Zoning Ordinance of Santa Claus, Indiana" by its Ordinance 1995-05 on April 20, 1995, which Zoning Ordinance has been amended from time to time since its adoption; and,

Whereas, the Town Council deem it necessary for the purpose of promoting the health, safety, or general welfare of the citizens of Santa Claus, to repeal, restate and replace the Zoning Ordinance of Santa Claus, Indiana, as enacted by Ordinance 1995-05; and,

Whereas, the Town Council, pursuant to the provisions of Indiana law, appointed a Advisory Plan Commission to recommend the boundaries of various original districts and appropriate regulations to be enforced therein at the time of the adoption of the Zoning Ordinance; and

Whereas, the Plan Commission has divided the Town into districts and has prepared regulations pertaining to such districts in accordance with a Comprehensive Plan so that adequate light, air, convenience of access, and safety from fire, flood, and other danger may be secured; that congestion in the public streets may be lessened or avoided; that property values may be preserved, that the public health, safety, comfort, conveniences, and general welfare may be promoted; and

Whereas, the Plan Commission has given reasonable consideration to the character of the districts and their peculiar suitability for particular uses, with a view to preserving the value of buildings and encouraging the most appropriate use of land throughout the Town; and

Whereas, the Plan Commission has given due public notice of hearings relating to zoning districts, regulations, and restrictions, and has held such public hearings; and

Whereas, the Zoning Maps established pursuant to Zoning Ordinance 1995-05 are altered and amended by this Ordinance, due to prior re-zoning actions and annexation of territory into the Town; and,

Whereas, all requirements of I.C. §36-7-4-600 et seq. have been met in the adoption of this Ordinance.

Now, therefore, be it ordained by the Town Council of Santa Claus, Indiana: (Ord. 2006-04; Ord. 1995-05)

(2) Title, Interpretation, and Enactment

- A. Title. This Ordinance shall be known and may be cited as the "Zoning Ordinance of Santa Claus, Indiana".
- B. Provisions of Ordinance Declared to be Minimum Requirements. In their interpretation and application, the provisions of this Ordinance will be held to the minimum requirements adopted for the promotion of the public health, safety, and/or general welfare. Wherever the requirements of any

other lawfully adopted rules, regulations, ordinances, deed restrictions, or Restrictive Covenants, conflict with this Ordinance, the most restrictive, or that imposing the higher standards, will govern.

- C. Severability. Should any section, subsection, paragraph, subparagraph, clause, word, or provision of this Ordinance is declared by the court to be unconstitutional or invalid, such decision will not affect the validity of the Ordinance as a whole or any part thereof other than the part so declare to be unconstitutional or invalid.
- D. Repeal of Zoning Ordinance. The text and zoning maps of Ordinance 1995-05, as amended, are hereby repealed upon the enactment and effectiveness of Ordinance 2006-04. (Ord. 2006-04; Ord. 1995-05)

- (3) Purpose. The purpose of this Ordinance is to encourage the most appropriate use of land and to plan for a logical and orderly growth pattern in Santa Claus; make adequate provision for transportation, water, sewage, schools, parks, and other public and commercial facilities and services; preserve property values; preserve and improve the present health, safety, and welfare of the citizens of Santa Claus through the provision of adequate light, air, convenience of access, and safety from flood, fire, and other hazards.

The regulations established by this Ordinance for each district will be minimum regulations and will apply uniformly to each class or kind of Structure or land. Buildings, Structures, or land must be used, occupied, erected, constructed, reconstructed, moved, or altered in conformity with the applicable regulations in the Ordinance. Yards or lots will not be reduced in dimension or area below the minimum requirements established in this Ordinance, and yards or Lots created after the effective date of this Ordinance must meet the minimum requirements prescribed herein. (Ord.2006-04; Ord. 1995-05)

- (4) Zone Maps

- A. Establishment of Zone Maps. The zone maps adopted with this Ordinance are hereby declared to be the Official Zone Maps and Zoning Districts of Santa Claus, Indiana. Said maps designate the respective zoning districts in accordance with this Ordinance.
- B. Zone Maps Included. The following Maps are specifically identified and become a part of this Ordinance:
 - 1. Town Boundary Map (Appendix A, Map 1);
 - 2. North Section Zoning District Map (Appendix A, Map 2);
 - 3. South Section Zoning District Map (Appendix A, Map 3);

C. Determination and Interpretation of District Boundaries

1. In determining the boundaries of districts, and establishing the provisions applicable to each district, due and careful consideration has been given to existing conditions, the character of Buildings erected in each district, the most desirable use for which the land in each district may be adapted, and the conservation of property values throughout the areas of Santa Claus, Indiana under the Town Council's jurisdiction.
2. Where uncertainty exists as to the exact boundaries of any district as shown on the zone Map, the following rules will apply:
 - (a) In unsubdivided areas, the exact location of the boundary will be determined by use of the scale of the official aerial Maps prepared by the County Auditor.
 - (b) Where a zoning district boundary divides a lot, the Commission may extend the boundaries of a zoning district to a Lot boundary, provided such extension will not exceed four hundred (400) feet.
 - (c) In the case of further uncertainty, the Commission will interpret the intent of the zone Map as to the location of the boundary in question.

D. Procedure relating to vacated areas. Whenever any Street, place, Alley, public way, Railroad Right-of-Way, waterway, or other similar area is vacated by proper authority, the districts adjoining each side of such Street, Alley, public way, Railroad Right-of-Way, or similar area will be extended automatically to the center of such vacation and all areas included in the vacation will then and thenceforth be subject to all appropriate provisions of the extended districts. In the event of a partial vacation, the adjoining district, or district nearest the portion vacated, will be extended automatically to include all of the vacated area.

E. Zoning of Streets, Alleys, Public Ways and Railroad Rights-of-Way. All Streets, Alleys, public ways and Railroad Right-of-way, if not otherwise specifically designated, will be deemed to be in the same district as the property immediately abutting upon these Alleys, Streets, public ways, and Railroad Rights-of-Way. If the center line of a Street, Alley, public ways, or Railroad Right-of-Way serves as a district boundary, the zoning of those areas, unless otherwise specifically designated, will be deemed to be the same as that of the abutting property up to that center line. (Ord.2006-04; Ord. 1995-05)

11.04.020 Definitions

In this Ordinance, words used in the present tense include the future, the singular includes the plural and the plural the singular. The word "used" includes "designed" or "intended to be used". The word "will" is mandatory and not optional. Unless otherwise specified, all distances will be measured horizontally, in any direction. The following terms, unless contrary meaning is required by the context or is specifically prescribed, will have the following meanings:

- (1) Accessory Building and Use. A subordinate Structure, the use of which is incidental to that of the dominant use of the principal Building or land. Where a substantial part of the wall of an Accessory Building is a 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 will be counted as part of the main Building.

An Accessory Building or use includes, but is not limited to:

- A. A children's playhouse, garden house or private greenhouse;
- B. A garage, shed, yard barn or building for domestic storage;
- C. Incinerators incidental to residential use;
- D. Storage of merchandise normally carried in stock on the same Lot with any retail service of business use, unless that storage is prohibited by district regulations;
- E. A nonpaying guest house or rooms for guests within an "Accessory Building", if those facilities are used for the occasional housing of guests of occupants of the principal Building and not for permanent occupancy by others as housekeeping units;
- F. Servants' quarters if part of an accessory garage and used solely for occupancy by a servant or household employee of the occupants of the principal Dwelling and the Family of that servant or employee;
- G. Off-street Motor Vehicle Parking Area, and loading and unloading facilities;
- H. Carports;
- I. Boat houses, if not more than ten (ten) feet high as measured from the normal water level;
- J. Swimming pools, if private and being incidental to use by the Owner and guests; and
- K. Public utility communication, electric, gas, water and sewer lines, their supports and incidental equipment.

- (2) Administrator. The officer appointed by and/ or delegated the responsibility for the administration of these regulations by the Town Council. This term shall be construed to include those staff members working under the direction of the Administrator in the exercise of his responsibilities in regard to the processing of this Ordinance,
- (3) Adult Entertainment Establishment. Any business defined as a "Sexually Oriented Business" within the meaning and definition of Spencer County Ordinance Number 2005-11, as it may be amended.
- (4) Advertising Device or Devices. A sign, which directs attention to a business, commodity, service or entertainment not exclusively related to the premises where such Sign is located or to which it is affixed.
- (5) Air Pollution. The presence in the outdoor atmosphere of one or more air contaminants in quantity sufficient to be harmful to human, plant, or animal life, or to property.
- (6) Alley. A public or private vehicular Right-of-Way, other than a Street, road, crosswalk, or Easement, which normally affords a secondary means of access for the special accommodation of the abutting property.
- (7) Alteration. Any change, addition or modification in construction, or any change in the structural members of a Building, such as load-bearing walls, columns, beams or girders.
- (8) Animal Hospital. A Building, Lot, Structure or enclosure or portion thereof designed or used for the care, observation or treatment of domestic animals; operated by or the treatment therein is under the direct supervision of a veterinarian licensed to practice by the State of Indiana.
- (9) Apartment. One (1) or more rooms including sleeping, living, lavatory and principal kitchen facilities designed as a unit for occupancy by only one (1) Family.
- (10) Applicant. The Owner of land proposed to be subdivided or his/her agent or his/her legal representative.
- (11) Arterial. Either a Primary Arterial or a Secondary Arterial, as defined in this section.
- (12) Bed & Breakfast. A residential Building, or portion thereof, other than a Apartment, Hotel or Motel, containing lodging rooms for accommodation of Persons who are not members of the resident's Family and where lodging or meals, or both, are provided for definite periods and for compensation. (Ord. 2009-08, Dec. 28, 2010)
- (13) Block. A tract of land bounded by Streets, boundary lines, public owned lands, institutionally owned lands, Railroads Rights-of-Way, rivers and lakes, similar natural or man-made boundaries, and lines of demarcation.
- (14) Board. The Board of Zoning Appeals of the Town of Santa Claus.

- (15) 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 Commission. All Bonds shall be approved by the Commission wherever a Bond is required by this Ordinance.
- (16) Building. Any Structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, or chattel. When any portion thereof is completely separated from every other portion thereof by a division wall without openings then each such portion shall be deemed to be a separate Building. At no time shall this definition be construed to include Mobile Homes.
- A. Building or Structure, Conforming. Any Building or Structure which complies with all the regulations of this Ordinance or of any amendment hereto governing the zoning district in which such Building or Structure is located; and, is designed or intended for a conforming use.
- B. Building, Detached. A Building having no part wall in common with another Building.
- C. Building, Nonconforming. A legally-existing Building which fails to comply with the regulations set forth in this Ordinance applicable to the district in which this Building is located.
- D. Building, Semi-detached. A Building having one party wall in common with an adjacent Building.
- E. Building, Height of. The vertical distance measured from the adjoining Street centerline grade at a point opposite the center of the principal Frontage of the Building to the highest point of ceiling of the top Story in the case of a flat roof; to the deck line of a mansard roof; and to the mean height level between the eaves and ridge of a 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.
- (17) Building Code. That 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.
- (18) Building Line. The perimeter of the Foundation of the Building including enclosed porches and vestibules.
- (19) Building Permit. A certificate issued by the Building Permit Official of a Governing Body permitting a Person to erect, construct, enlarge, alter, repair, move, improve,

remove or convert any Building or Structure within its jurisdiction, or cause the same to be done. (Ord. 2009-08, Dec. 28, 2010)

- (20) Campground. An area or tract of land on which accommodations for temporary occupancy are located or may be placed, including cabins, tents, and major recreational equipment, and which is primarily used for recreational purposes and retains an open air or natural character.
- (21) Cemetery. Land used for the burial of the dead and dedicated for such purposes, including columbaria, mausoleums and mortuaries when operated in conjunction with and within the boundary of such Cemetery.
- (22) Clinic - Medical or Dental. A Building or portion thereof, the Principal Use of which is for medical or dental study and/ or treatment and in which the services of at least two (2) professionals in the medical or dental fields of practice are provided.
- (23) Club or Lodge - Private. A private association of persons, who are bona fide members paying dues, which owns, hires or Leases a Building, or portion thereof; the use of such premises being restricted to members and their guests.
- (24) Collector Street. A Roadway which has wider Right-of-Way and Roadway widths, and which is a prime entrance or circulating Street, with the primary function of distributing and collecting traffic to and from minor local Streets.
- (25) Commission. The Town of Santa Claus, Indiana Advisory Plan Commission.
- (26) Comprehensive Plan. Inclusive physical, social and economic plans and policies in graphic and verbal statement forms for the development of the Town, prepared and adopted by the Council, and including any part of such plan and/ or policies separately adopted and any amendments to such plan and/ or policies, or parts thereof.
- (27) Condominium. The division of Building(s) and the related land into horizontal property interests meeting the requirements of and controlled by I.C. §32-25-1-1, et. seq..
- (28) Confined Feeding Operations. “Confined feeding operation” means:
 - (1) the keeping of the following number of livestock upon any property:
 - (A) at least sixty (60) cattle;
 - (B) at least one hundred and twenty (120) swine or sheep;
 - (C) at least six thousand (6,000) fowl; or
 - (D) at least fifty (50) horses.
 - (2) any animal feeding operation electing to be subject to IC§ 13-18-10; or
 - (3) any animal feeding operation that is causing a violation of:
 - (A) water pollution control laws;
 - (B) any rules of the water pollution control board; or
 - (C) IC §13-18-10.

For the purposes of this paragraph, if contiguous parcels of property are under common legal or equitable ownership, or are operated as a common unit, the number of livestock or poultry permitted by this paragraph shall be limited to all such contiguous parcels. (Ord. 2014-10)

- (29) Construction Plan. The Maps or drawings accompanying a Plat and showing the specific location and design of improvements to be installed in accordance with the requirements of this Ordinance as a condition of the approval of the Plat.
- (30) Council. The Town Council of the Town of Santa Claus, Indiana.
- (31) County Auditor. The County Official empowered to examine and settle all accounts and demands that are chargeable against the County and not otherwise provided for by statute.
- (32) County Recorder. The County Official empowered to record and file land description plats.
- (33) Court. An open unoccupied space on the same Lot with a Building or group of Buildings and bounded on three or more sides by such Building or Buildings. The width of any Court is its least horizontal dimension measured between opposite walls. The length of any Court is its greatest horizontal dimension measured at right angles to its width.
- (34) Cul-de-sac. A minor local Street with a single outlet, which is permanently terminated by a vehicle turnaround.
- (35) Curb Level. The level of the established curb in front of a Building measured at the center of such front. Where no Curb Level has been established, the pavement elevation at the Street center line similarly measured, or the mean elevation of the finished Lot Grade immediately adjacent to a Building shall be considered the "Curb Level".
- (36) Day Care Facility. A facility, other than a Day Care Home, for the care of school-aged children or pre-school aged children during all or part of the day of a commercial nature which provides essential personal care, protection, supervision or training of school aged children or pre-school aged children. A day care facility shall not be considered a Home Occupation.
- (37) Day Care Home. A Dwelling used for the care of children, including relatives of the resident, during all or part of the day, of a commercial nature, of a type commonly called "day nurseries" etc., which provide essential personal care, protection and supervision of pre-school or school-age children. A "Day Care Home" shall be considered a Home Occupation.
- (38) Developer. Any Person engaged in developing or improving a Lot or group of Lots or Structures thereon for use or occupancy.

- (39) Development. Any improvement or change to property brought about by human activity, including but not limited to, Buildings and other Structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.
- (40) Development Plan. A specific plan for the Development of real property that:
- A. Requires approval by a plan commission under the 1400 series of I.C. §36-7-4;
 - B. Includes a Site Plan;
 - C. Satisfies the development requirements specified in the zoning ordinance regulating the Development; and,
 - D. Contains the plan documentation and supporting information required by ordinance.
- (41) Drives, Private. Vehicular Streets and Driveways, paved or unpaved, which are wholly within private property except where they intersect with Streets.
- (42) Driveway. A Right-of-Way which provides egress or ingress to a residential Dwelling Unit.
- (43) Dwelling. A Structure or Building or portion thereof, used exclusively for residential occupancy, including One-Family and Multiple-Family Dwellings, but not including Hotels, Motels, lodging or boarding houses or tourist homes.
- (44) Dwelling, Single-Family. A Building used for occupancy by one family.
- (45) Dwelling, Two Family. A Building used for occupancy by two Families living independently of each other.
- (46) Dwelling, Multiple-Family. A Building or portion thereof, used for occupancy by three or more families living independently of each other
- (47) Dwelling, Row. A Building having a party wall on each side in common with an adjoining Building unless it is situated as the outermost Building; in the latter case it will have a party wall on one side only.
- (48) Dwelling Unit. A Dwelling or portion of a Two-Family, Multi-Family or Row Dwelling used by one Family for cooking, living, and sleeping purposes.
- (49) Easement. A quantity of land set aside over or under which a liberty, privilege, or advantage in land is dedicated and is distinct from ownership of the land or is granted either to the public, a particular Person, or a combination of both.

- (50) Educational Institution. Pre-primary, primary or grade, public, parochial or private school, middle school, junior high school, high school, preparatory school or academy, public or founded or owned or conducted by or under the sponsorship of a religious or charitable organization; private preparatory school or academy furnishing courses of instruction substantially equivalent to the courses offered by public high schools for preparation of admission to college or universities which award B.A. or B.S. degrees; 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 enterprise 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. (Ord. 2009-08)
- (51) Escrow. A deposit of cash with the Commission in lieu of an amount required on a performance or maintenance Bond. Such Escrow funds shall be held by the Town Clerk Treasurer.
- (52) Family. One or more persons living as a single housekeeping unit, as distinguished from a group occupying a Hotel, Club or Lodge, fraternity or sorority house. A "Family" shall be deemed to include necessary servants.
- (53) Final Plat. See Plat, Final.
- (54) Final Approval. The stage of applications for formal Plan Commission approval of a Final Plat of a Subdivision. The construction of which has been completed or substantially completed which, if approved and signed by the designated officials may be submitted to the County Recorder for filing.
- (55) Floor Area (For Determining Floor Area Ratio.) The sum of the gross horizontal areas of the several floors of the Building measured from the exterior faces of the exterior walls or from the center line of walls separating two (2) Buildings. The "Floor Area" of a Building shall include basement floor area when more than one-half (1/2) of the basement height is above the finished Lot grade level at the front of the Building, interior balconies and mezzanines, and enclosed porches, and floor area devoted to Accessory Uses. However, any space devoted to Off-street Parking Area or loading shall not be included in the "Floor Area."
- (56) Frontage. That side of a Lot abutting on a Street or way and ordinarily regarded as the front of the Lot. 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.
- A. Frontage (of a Block). Means all of the property abutting a Street or the space between a Building and the Street.
- B. Frontage (of a Lot). All the property of such Lot fronting on a Street, as measured between Side Lot Lines.

- (57) Front Lot Line. See (77) A Lot Line, front.
- (58) Front Yard. A Yard, as defined herein, encompassing the horizontal space between the nearest Foundation of a Building to the Right-of-Way line and that Right-of-Way line, extending to the side lines of the Lot, and measured as the shortest distance from that Foundation to the Right-of-Way line. The Front Yard of a Corner Lot shall be that yard abutting the Street upon which the Lot has its least Frontage.
- (59) Governing Body. The body of the relevant local government having the power to adopt ordinances.
- (60) Grade. The slope of a Street, or other public way, specified in percentage (%) terms.
- (61) Health Department and Health Officer. The agency and/or person designated to administer health regulations within the Town.
- (62) Home Occupation. Any use customarily conducted entirely within a Dwelling and carried on by the occupants thereof, which use is 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 not more than two (2) persons are engaged in such occupation
- (63) Hospital. An institution operated by, or where treatment is given under direct supervision of a physician licensed to practice by the State of Indiana.
- (64) Hotel. A Building or portion thereof used for the more or less temporary occupancy of individuals who are lodged with or without meals.
- (65) Improvement Location Permit. A permit issued by the Town of Santa Claus, stating that the proposed erection, construction, enlargement, Alteration, or moving of a Building or Structure referred to therein complies with the provisions of this Ordinance.
- (66) Indiana Code. Any and all acts duly passed by the General Assembly of the State of Indiana and enacted into law, as they now exist and as they may be re-codified, amended, altered, or restated, at any time and from time to time.
- (67) Industry, Heavy. Manufacturing, processing, assembling, storing, testing and similar industrial uses which are generally major operations and extensive in character; require large sites, open storage and service areas, extensive services and facilities, ready access to regional transportation; and normally generate some nuisances such as smoke, noise, vibration, dust, glare, Air Pollution and water pollution.
- (68) Industry, Light. Manufacturing or other industrial uses which are usually controlled operations; relatively clean, quiet and free of objectionable or hazardous elements such as smoke, noise, odor or dust; operating and storing within enclosed Structures; and generating little industrial traffic and no nuisances.

- (69) Interested Parties. Those parties who are the Owners of properties adjoining or adjacent to a proposed Subdivision as shown on the Sketch Plan.
- (70) Junk Yard, Including Automobile Wrecking and Storage. Any Lot, Building, Structure, enclosure, premises, or parts thereof used for the storage, keeping or abandonment of any worn out, cast off, or discarded or abandoned articles, material, vehicle, one or more automobile(s), and machinery or parts thereof, which is ready for destruction or Sale or has been collected or stored for salvage or conversion to some use, including scrap metal, paper, wood, cordage or other waste or discarded materials, articles, vehicles, one or more automobile(s) that are inoperable or incapable of movement by their own locomotion or power, or vehicles or automobile(s) without a valid current State registration and license plate issued to said vehicle or automobile(s) and to the occupant, owner, purchaser, lessor, lessee or tenant of any Lot, Building, or Structure therein or thereon situated.
- (71) Kennel. A Lot, Building, Structure, enclosure, or premises whereon or wherein three (3) or more dogs or cats are maintained, boarded, bred, kept, or cared for, in return for remuneration, or are kept for the purpose of Sale, or are groomed, trained, or handled, for others.
- (72) Landscaping. Any trees, shrubs, walls, fences, berms or related landscape features required under this Ordinance on private Lots for the visual enhancement and definition of Frontage along public Rights-of-Way.
- (73) Lodging House. See "Bed & Breakfast."
- (74) Lot. A Parcel of land defined by metes and bounds or boundary lines in a recorded deed or on a recorded Plat. In determining lot area, no part thereof within the limits of the proposed Street Rights-of-Way shall be included.
- (75) Lot, Corner. A Lot abutting two (2) or more Streets at their intersection.
- (76) Lot, Front. That part of a Lot adjacent to and parallel with a Street. The front of a Corner Lot shall be the part of the Lot adjacent to the shorter of the two abutting Street segments.
- (77) Lot Lines. Lines bounding a Lot, as hereinafter described:
- A. Lot Line Front. With respect to the relationship between Line, property and the Street this means:
1. For an interior or Through Lot, means the line marking the boundary between the Lot and the abutting Street; and,
 2. For a Corner Lot, means the line marking the boundary between the Lot and the shorter of the two abutting Street segments, unless the

Zoning Administrator approves an alternative Front Lot Line, at the time of application for the Improvement Location Permit.

- B. Lot Line, Rear. The Lot Line generally opposite and parallel to the Front Lot Line, except in a "Through Lot." If a Rear Lot Line is less than ten (10) feet long or the Lot comes to a point at the rear, said Rear Lot Line is assumed to be a line at least ten (10) feet long, lying wholly within the Lot, parallel to the front Street line or, if the front Street line is curved, parallel to the chord of the arc of said front Street line.
- C. Lot Line, Side. Any lines separating two (2) Lots other than Front or Rear Lot Lines.
- (78) Lot, Through. A Lot having Frontage on two (2) parallel Streets, which is not a Corner Lot.
- (79) Lot Width. The distance parallel to the front of a Building erected or to be erected, measured between Side Lot Lines at the Building line.
- (80) Low Density. Those residential zoning districts in which the density is equal or less than one (1) Dwelling unit per forty thousand (40,000) square feet.
- (81) Major Street. A collector or Arterial Street.
- (82) Map. A representation of a part or the whole of the earth's surface, in signs and symbols, on a plane surface, at an established scale, with a method of orientation indicated.
- (83) Marker. A stake, pipe, rod, nail, or any other object which is not intended to be a permanent point for record purposes.
- (84) Canopy. A roof-like Structure of a permanent nature which projects from the wall of a Building.
- (85) Master Plan. See "Comprehensive Plan."
- (86) Medium Density. Those residential zoning districts in which the density is between ten thousand (10,000) and forty thousand (40,000) square feet per Dwelling unit.
- (87) Mineral Extraction. Mining, quarrying and removal of earth materials.
- (88) Model Home. A Dwelling unit used initially for display purposes which typifies the kind of units that will be constructed in a Subdivision.
- (89) Monument. A physical Structure which marks the location of a corner or other survey point.

- (90) Motel. A permanent Building or group of Buildings containing rooms without cooking facilities, which are used, rented or hired out for the more or less temporary occupancy of overnight guests.
- (91) Motor Vehicle. Automobiles, trucks, tractors, trailers, semi-trailers, airplanes, buses and farm implements, whether self propelled or designed to be pulled, pushed or carried by another Motor Vehicle.
- (92) Net Buildable. The portion of a Lot that can be developed with Buildings, septic system and water well,
- (93) Net Site Area. The entire land area within the boundaries of a site, including the area of any existing Streets, Alleys, or Rights-of-Way which are included in the legal description of the site.
- (94) Nonconforming Use. A legally existing use of land or Building which fails to comply with the regulations set forth in this Ordinance applicable to the district in which such use is located.
- (95) Nursery, Plant Materials. Land, Buildings, Structures or the combination thereof for the storage, cultivation or transplanting of live trees, shrubs, or plants offered for retail Sale on the premises including products used for gardening and Landscaping.
- (96) Off-Site. Any premises not located within the area of the property to be subdivided, whether or not in the Same Ownership of the Applicant for Subdivision approval.
- (97) Official Map. The Map or Maps established by the Town pursuant to law showing the existing and proposed Streets, highways, parks, drainage systems and Setback lines theretofore laid out, adopted and established by law, and any amendments or additional thereto adopted by the Town or additions thereto resulting from the approval of Subdivision Plats by the Commission and the subsequent recordation of such approved Plats.
- (98) Ordinance. Any legislative action, however denominated, of a local government which has the force of law, including any amendment or repeal of any Ordinance.
- (99) Owner. Any Person having a legal or equitable interest of record in real property.
- (100) Parcel. A part or portion of land having a legal description formally set forth in an instrument of conveyance in order to make possible its identification.
- (101) Parking Area, Public. An open area, other than a Street, used for the temporary parking of more than four (4) automobiles and available for public use, whether free, for compensation, or as accommodation for clients or customers.
- (102) Parking Space (Off-Street). The provision of parking spaces which are not located on any public Right-of-Way.

- (103) Pedestrian Way. A Right-of-Way across or within a Block designated for pedestrian use.
- (104) Person. A corporation, firm, partnership, association, organization or any other group acting as a unit, as well as a natural person.
- (105) Planned Unit Development (PUD). A Development of land that is under unified control and is planned and developed as a whole in a single Development operation or programmed series of Development stages, meeting the requirements of I.C. §36-7-4-1500 *et seq.*
- (106) Plat. A Map indicating the Subdivision or Re-Subdivision of land filed or intended to be filed for record with the County Recorder.
- (107) Plat, Final. The Map, drawing, or plan described in this Ordinance of a Subdivision and any accompanying material submitted to the Commission for secondary approval, and which if approved and signed by the designated officials, is intended to be submitted to the County Recorder for recording.
- (108) Plat, Preliminary. The preliminary drawing or drawings, described in this Ordinance, indicating the proposed manner or layout of the Subdivision to be submitted to the Commission for approval.
- (109) Plat, Sketch. A rough sketch by the Developer of the proposed Subdivision and presented to the Commission prior to submission of the Subdivision for Primary Approval.
- (110) Primary Approval. An initial 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.
- (111) Primary Arterial. A Street intended to move through-traffic to and from such major attractions 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.
- (112) 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 Building in cases where ambiguities exist.
- (113) Private Water. A water supply system which is not constructed, installed, maintained, operated or owned by a municipality, taxing district established for that purpose, or a utility under the jurisdiction of the Indiana Utility Regulatory Commission.

- (114) 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.
- (115) Public Improvement. Any drainage ditch, Street, highway, parkway, Sidewalk, pedestrian-way, 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,
- (116) Public Sewer. A sewage disposal system which is constructed, installed, maintained, operated and owned by a municipality or taxing district established for that purpose.
- (117) Public Street. A Street established or dedicated for public use.
- (118) Public Utility. A firm, corporation, municipal department or board duly authorized to furnish or furnishing under regulation to the public; electricity, gas, steam, communication (including CATV), transportation, drainage, sewer, water or other similar products or services.
- (119) Public Water. A water supply system which is constructed, installed, maintained, operated and owned by a municipality taxing district established for that purpose, or a utility under the jurisdiction of the Indiana Utility Regulatory Commission.
- (120) Railroad Right-of-Way. A strip of land with tracks and auxiliary facilities for track operation, but not including depots, loading platforms, stations, train sheds, warehouses, car shops, car yards, locomotive shops or water towers.
- (121) Recreational Vehicle, or "RV." A temporary Dwelling for travel, recreation and vacation use, including, but not limited to:
- A. Motor Homes: A self-propelled vehicle with a Dwelling constructed as an integral part of the vehicle, or so altered.
 - B. Pick-up Coach: A Structure designed to be mounted on a truck chassis or cut-down car.
 - C. Travel/Camping Trailer: A vehicle or other portable Structure that is designed to be moved on the highway and designed or used as a Dwelling.
- (122) Recreational Vehicle (RV) Park. Any Lot of land upon which two or more recreational vehicles sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.
- (123) Recycling Center. A facility that is not a junk yard and in which recoverable resources, such as newspapers, glassware, and metal cans, are collected, stored,

flattened, crushed, or bundled, essentially by hand and within a completely-enclosed Building.

- (124) Recycling Collection Point. An incidental use that serves as a neighborhood drop-off point for temporary storage of recoverable resources, but where no processing of such items would be allowed.
- (125) Recycling Plant. A facility that is not a Junk Yard and in which recoverable resources such as newspapers, magazines, books and other paper products, glass, metal cans and other products are recycled, reprocessed, and treated to return such products to a condition in which they may again be used for production.
- (126) Registered Land Surveyor. A land surveyor licensed and registered or permitted to practice in the State of Indiana through reciprocity.
- (127) Registered Professional Engineer. An engineer licensed and registered in the State of Indiana or permitted to practice in the State of Indiana through reciprocity.
- (128) Re-plat. A change in a Map of an approved or recorded Plat if such change affects any Street layout on such Map or area reserved thereon for public use, or any Lot Line; or if it affects any Map or plan legally recorded prior to the adoption of any regulations controlling Subdivisions.
- (129) Restrictive Covenants. Limitations of various kinds on the usage of Lots or Parcels of land within a Subdivision which are proposed by the Subdivider, and, in the case of public health, safety and welfare by the Commission, that are recorded with the Plat and run with the land.
- (130) Re-Subdivision. A change in a Map of an approved or recorded 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 Subdivision.
- (131) Right-of-Way. A strip of land occupied or intended to be occupied by a Street, crosswalk, railroad, Roadway, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, Shade Trees 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. Right-of-Way intended for Streets, crosswalks, water mains, sanitary sewers, storm drains, Shade Trees or any other use involving maintenance by a Public Agency shall be dedicated to public use by the maker of the Plat on which such Right-of-Way is established.
- (132) Roadside Stand. A Structure for the display and Sale of products, with no space for customers within the Structure itself.
- (133) Roadway. That portion of the Street designated for vehicular use.

- (134) Sale or Lease. Any immediate or future transfer of ownership, or any possessor interest in land, including contract of sale, Lease, devise, intestate succession, or transfer, of an interest in a Subdivision or part thereof, whether by metes and bounds, deed, contract, Plat, Map, Lease, devise, intestate succession, or other written instrument.
- (135) Salvage Yard. An establishment engaged in processing of scrap iron and/ or other metals to be sold.
- (136) Same Ownership. Ownership by the same Person; or ownership by different Persons, in which a stockholder, partner, or associate, or a member of his/her Family owns an interest in each corporation, firm, partnership, entity, or unincorporated association.
- (137) Sanitary Landfill. The disposal of Solid Waste by the trench and cover method or fill and borrow method.
- (138) Screening/Buffering. A Structure erected or vegetation planted which initially or eventually is of sufficient height and or density for concealing an area from view and/or deadening sound.
- (139) 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 education plants, Hospitals, major recreational areas, churches, and offices, and/or designated to carry traffic from Collector Streets to the system of Primary Arterials.
- (140) Setback. A line parallel to and equidistant from the relevant Lot Line between which no Buildings or Structures may be erected.
- (141) Shade Tree. A tree in a public place, special Easement, or Right-of-Way adjoining a Street.
- (142) Sidewalk. That portion of the Street Right-of-Way designated for pedestrian use.
- (143) Sign. A name, identification, description, display or illustration which is affixed to, or represented directly or indirectly upon a Building, Structure or piece of land and which directs attention to an object, product, place, activity, Person, institution, organization or business. A "Sign" shall not include:
- A. The display of official court or public office notices;
 - B. The flag emblem, or insignia of a nation, political unit, school or religious group;
 - or,
 - C. A display located completely within an enclosed Building, except those located behind window areas intended to be viewed from outside the Building.
- A "sign" shall include any name, identification, description, display or illustration which is affixed to or represented directly or indirectly upon a vehicle, wagon, trailer

- or other movable object if such vehicle or object is inoperable or remains upon the same premises in any district other than the Industrial zone for a period greater than forty-eight (48) hours and which advertises goods, services, locations, attractions or other items which are not sold or located on the premises where such vehicle or object is located, or which is located on a premises advertising goods or services for a business operated by the owner of the premises or by which the owner of the premises is employed. (Ord.2014-10)
- (144) Sign, Flashing. An illuminated Sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such Sign is in use. A revolving, illuminated Sign shall be considered to be a "Flashing Sign."
- (145) Sign, Gross Area of. The entire area within a single continuous perimeter enclosing the extreme limits of such Sign and in no case passing through or between any adjacent elements of same.
- (146) Sign, Nameplate. Non-illuminated Sign flush with the front of the Building indicating the name or address of a Building, or the name of an occupant thereof and the practice of a permitted occupation therein.
- (147) Sign, Off-Premises. See Section 11.04.020(4) (Advertising Devices)
- (148) Sign, On-Premises. A Sign which directs attention to a business, commodity, service or entertainment related to the premises where such Sign is located or to which it is affixed.
- (149) Site Plan. A drawing which shows size and location of all existing and proposed Buildings, all adjacent Streets and highways the size of all entrances and exits from the land and a legal description of the land.
- (150) 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 this Ordinance to be submitted to the Commission for Primary Approval.
- (151) Soil Survey. The National Cooperative Soil Survey prepared by the United States Department of Agriculture.
- (152) Solid Waste. Any garbage, refuse, sludge from a waste treatment plant, sludge from a water supply treatment plant, sludge from an Air Pollution control facility, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining or agricultural operations or from community activities. The term "Solid Waste" does not include domestic sewage, irrigation return flows, or industrial discharges that are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act Amendments; source, special nuclear, or byproduct material as defined by the Atomic Energy Act

of 1954; manures or crop residues returned to the soil at the point of generation as fertilizers or soil conditioners as part of total farm operation; or, vegetative matter at composting facilities registered under I.C. §13-20-10.

- (153) Story. That portion of a Building included between the upper surface of any floor and the upper surface of the floor next above or any portion of a Building used for human occupancy between the topmost floor and the roof. A basement shall not be counted as a "Story" unless more than one-half (1/2) of the basement height is above grade level at the front of the Building.
- (154) Street. A Right-of-Way, other than an Alley, usually affording the principal means of access to abutting property. A Street may be designed as a highway, thoroughfare, parkway, boulevard, road, avenue, lane, drive, or other appropriate name. The Arterial Thoroughfares and primary and secondary Streets are designated on the Thoroughfare Map of the Comprehensive Plan. For the purpose of this Ordinance, Streets shall be classified as follows:
- A. Arterial Thoroughfares. This type of facility serves mainly to move through traffic. Indiana and U.S. marked routes as well as some county Roadways and important intra-city Streets are considered under this classification. Where a highway is a non-limited access route, these facilities also perform a secondary function of providing direct access to abutting land and thus interconnect principal traffic generators.
 - B. Primary (Major) Routes. These facilities serve to connect cities with each other as well as link smaller Towns or settlements with the Arterial Thoroughfares system. Primary routes provide access to abutting land and generally serve all principal traffic generators.
 - C. Secondary (Connector) Roads. These facilities serve intra-city movements of traffic, such as that moving between a Subdivision and a Major Street. The principal difference between the connector road and Streets or roads of higher classification is the length of trip each principally serves. They are intended to supply the abutting property with the same degree of land service as the local Street, while at the same time serving larger volumes of traffic.
 - D. Local (Residential) Street. A Street, the sole function of which is to provide access to the immediately adjacent property. Local access Streets are intended to carry low volumes of traffic.
 - E. Marginal Access Street. A Street designed to connect not more than two (2) Streets, and which normally parallels an Arterial Thoroughfare, or a primary or secondary Street, and is not separated from the said thoroughfare or Street by a Lot or tier or Lots, and which is specifically so designed and approved as such on the Plat of the Subdivision.

- F. Right-of-Way Width. The distance between property lines measured at right angles to the center line of the Street.
- G. Classification. For the purpose of providing for the Development of the Streets in the Town, and for their future improvements, reconstruction, realignment, and necessary widening, including provision for curbs and Sidewalks, each existing Street, and those located on approval and filed Plats, have been designated on the Official Map of the Town or Thoroughfare Plan and classified therein. The classification of each Street 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 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.
- (155) Structure. Anything constructed, erected, or placed, which requires location. on the ground or attachment to something having a location on the ground. Devices used for the support of wires and appurtenances supplying Public Utility services shall not be considered as "Structures" under this Ordinance.
- (156) Subdivider. Any Person who, having proprietary interest in land, causes it, directly or indirectly, to be divided into a Subdivision; or, directly or indirectly sells, Leases, or develops, or offers to sell, Lease, or develop, or advertise for Sale, Lease or Development, any interest, Lot, Parcel site, unit, or Plat in a Subdivision; or, engages directly, or through an agent, in the business of selling leasing, developing, or offering for Sale, Lease or Development of a Subdivision of any interest, Lot, Parcel, site, unit or Plat in a Subdivision; or, is directly or indirectly controlled by, or under direct, or indirect common control with any of the foregoing.
- (157) Subdivision. 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 any division of a Parcel of land by devise, intestacy, Lease, Map, Plat, or other recorded instrument. The following kinds of division of existing Parcels of land are herein called "Exempt Divisions:"
- A. A division of land into two (2) or more tracts of which all tracts are at least three (3) acres in size;
- B. A division of land for the transfer of a tract or tracts to correct errors in an existing legal description, provided that no additional Building sites other than for Accessory Buildings are created by the division;
- C. A division of land for federal, state or local government to acquire Street Right-of-Way;

- D. A division of land for the transfer of a tract or tract between adjoining Lots provided that no additional Principal Use Building sites are created by the division.
 - E. A division of land into Cemetery plots for the purpose of burial of corpses.
- (158) Tavern. A Building where liquors are sold to be consumed on the premises and where entertainment may or may not be provided, including bars and cocktail lounges.
- (159) Technical Advisory Committee. A committee established to provide technical services to the Commission in the administration of this Ordinance.
- (160) Terrace or Deck. A Platform, which for the purpose of this Ordinance is located adjacent to one (1) or more faces of the principal Structure and which is constructed above the average level of the adjoining ground.
- (161) Terrain Classifications. Shall be as follows:
- A. Ordinary - cross slope range 0 - 8%
 - B. Rolling - cross slope range 8.1% - 15%
 - C. Hilly - cross slope range over 15%
- (162) Town. The Town of Santa Claus, Indiana.
- (163) Trade or Business School. Secretarial school or college; business school or college when not public and not owned or conducted by or under the sponsorship of a religious or charitable organization; school conducted as commercial enterprise for teaching instrumental music, dancing, barbering or hair dressing; or for teaching industrial skills in which machinery is employed as a means of instruction. This definition shall not be deemed to include "Educational Institution."
- (164) Use (of Property). The purpose or activity for which the land or Building thereon is designed, arranged or intended or for which it is occupied or maintained. (Includes any manner of performance of activity or operation with respect to the performance standards or this Ordinance.)
- A. Use, Open. The use of a Lot with or without a Building or Dwelling, with a ground Floor Area equal to five percent (5%) or less of the area of the Lot.
 - B. Use, Permitted. A use which may be lawfully established in a particular district or districts conforming with all requirements, regulations and performance standards, if any, of such district.

- C. Use, Principal. The main use of land or Buildings as distinguished from a subordinate or accessory use.
 - D. Use, Special. Those uses of land which are not essentially incompatible with the uses permitted in a zoning district, but possess characteristics or location qualities which require individual review and restriction.
- (165) Variance. A minimum departure from the strict application of the specific requirements of this Ordinance granted by the Board in accordance with the terms of this Ordinance for the purpose of assuring that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity or district.
- (166) Waste.
- A. Industrial Solid: Generally consists of such materials as wastewater treatment sludge (wastes with most of the water removed; semi- liquid), agricultural wastes, plastics, oil, paint, metal, coal ash and is managed on-site in landfills, surface impoundments, land application units, and waste piles and/or to Off-Site land facilities, discharged to wastewater treatment plants and to surface waters.
 - B. Hazardous: Regulated by the Resources Conservation and Recovery Act (RCRA, 1976) and its amendments, is any waste that is "corrosive, ignitable, reactive or toxic," or poses a substantial threat to human health and environment when improperly managed.
 - C. Municipal Solid: The refuse discarded by households, institutions and commercial establishments (as distinct from hazardous waste and sludge), and is disposed of in landfills, by incineration, is composted, recycled or re-used.
 - D. Wastewater: The effluent from industrial facilities, oil and gas operations, mining, agricultural run-off, municipalities, small businesses and households.
 - E. Yard: Plant clippings, pruning and other discarded materials from yards and gardens.
- (167) Waste Disposal Facility. A landfill, composting facility, incinerator, transfer station, or any similar use. This definition excludes salvaging, storage, or processing of scrap, metal, paper, cloth, or other material and excludes "Junk Yards."
- (168) Yard. An open, unoccupied, unobstructed space on the same Lot with a principal Building or Structure.

- A. Yard, Front. A yard extending across the full width of the Lot, the depth of which shall be the least distance between the Front Lot Line and the front of the main Building.
 - B. Yard, Rear. A yard extending across the full width of the Lot between the rearmost main Building and the Rear Lot Line, the depth of which shall be the least distance between the Rear Lot Line and the rear of such main Building.
 - C. Yard, Side. A yard between the main Building and the Side Lot Line, extending from the Front Yard or Front Lot Line where no Front Yard is required, to the rear yard. The width of the required side yard shall be measured horizontally and perpendicularly from the nearest point of the Side Lot Line toward the nearest part of the main Building.
- (169) Zoning Administrator. The officer designated and authorized by the Council of Santa Claus to enforce this Ordinance.
- (170) Zoning District(s). A section or sections of the jurisdiction of the Town of Santa Claus, Indiana Zoning Ordinance for which the regulations and requirements governing use, Lot and bulk of Buildings and premises are uniform.
- (171) Zoning Ordinance. That Town Ordinance setting forth the regulations controlling the use of land in the unincorporated areas in those jurisdictions within and without the Town not controlling land use through their own zoning ordinances. (Ord. 2006-04, S2.0, June 12, 2006) (Ord. 1995-05, S2.0, Apr. 20, 1995)
- (172) Tree Disturbing Activity. Any activity that disturbs trees in any way, including but not limited to the following:
- A. The movement of earth, compaction of earth, chemical or physical alteration of earth; or a change in the existing soil cover and/or the existing soil topography in the root zone of a tree. This includes, but is not limited to clearing, grading, filling, excavation, stabilization of structures, road or walkway construction;
 - B. Chemical or physical alteration of a tree in any way that diminishes its health and vigor, including but not limited to removal, cutting, root pruning, branch pruning, topping, bark scraping, and application of chemical or biological agents, except as approved by the Zoning Administrator or recommended by a certified forester or arborist.
 - C. The placement of any permanent or temporary structure, including but not limited to impervious surfaces; storage of equipment, materials, or earth; parking or traffic of vehicles or equipment. (Ord. 2010-11)

- (173) Greenway. An area or strip of land along a Lot Line or other feature in which no Tree Disturbing Activity other than minimally-invasive means for crossing such area with underground utilities are conducted. (Ord. 2010-11)

11.04.021 Buildings and Uses Affected by Zoning

- (1) No Building, Dwelling, or Structure, or part thereof, shall hereafter commence to be erected, moved, altered or used unless in conformity with the regulations of this Ordinance or unless erection has been started prior to the enactment of this Ordinance. (Ord. 2006-04)
- (2) Continuance of Nonconforming Buildings or Uses.
- A. Nonconforming Buildings or Structures.
1. Maintenance Permitted. A nonconforming Structure lawfully existing upon the effective date of this Ordinance may be maintained.
 2. Repairs and Alterations. Repairs and Alterations may be made to a nonconforming Building or Structure, provided that no enlargement shall be made.
 3. Additions, Enlargements or Moving.
 - (a) A Structure nonconforming as to use, height, yard requirements or Lot area per Dwelling unit shall not be added to or enlarged in any manner unless such Structure, including such addition or enlargement, is made to conform to the use, height, yard, and area requirements of the zone in which it is located.
 - (b) No nonconforming Building or Structure shall be moved in whole or in part to any other location on the Lot unless every portion of such Building or Structure is made to conform to all the regulations of this Ordinance for the zone in which it is relocated.
- B. Nonconforming Use of Buildings or Structures.
1. Continuation and Change of Use. Except as otherwise provided in this Ordinance:
 - (a) The Nonconforming Use of a Building or Structure, lawfully existing at the time this Ordinance became effective, may be continued.
 - (b) The Nonconforming Use of a Building or Structure may be

changed only to a use of the same or more restricted classification. (a use of the current zoning classification in which the Building or Structure is located upon)

2. Limited Expansion of Nonconforming Uses

- (a) A Nonconforming Use on a part of a Lot shall not be expanded or extended into any other portion of such Lot.
- (b) A Nonconforming Use of a Building or Structure designed for such use may be expanded up to fifteen percent (15%) of the area nonconforming at the time of passage of this Ordinance. (Ord. 2006-04)

- (3) Nonconforming Variance Permitted. The Board may authorize, upon appeals in specific cases, such variance from the terms of this Section as will not be contrary to the public interest, where, owing to a special condition, a literal enforcement of the provisions of this Section will result in unnecessary hardship, and so that the spirit of this Section shall be observed and substantial justice done; provided, however, that no action shall be taken or decision made except after public hearing. (Ord. 2006-04)

(4) Amortization of Nonconforming Uses or Buildings.

- A. Discontinuance. Whenever a Nonconforming Use has been discontinued for a period of twelve (12) months, such use shall not thereafter be re-established, and any future use shall be in conformity with this Ordinance, except as otherwise permitted in this Section B.
- B. Discontinuance of Seasonal Trade. Whenever a Nonconforming Use dependent on seasonal trade has been discontinued for a period of fourteen (14) months, such use shall not thereafter be established and any future use shall be in conformity with this Ordinance.
- C. Damaged Building. Any Building damaged by fire or other causes to the extent that it is seventy-five percent (75%) or greater destroyed shall not be repaired or rebuilt except to conform with this Ordinance. (Ord. 2014-10)
- D. Agricultural Nonconforming Use. Any Agricultural Nonconforming Use, as defined by I.C. §36-7-4-616, shall be governed by and continue only as permitted by such statute. (Ord. 2014-10)

- (5) Nonconformance Due to Reclassification. The provisions of Sections 11.04.021(3) and (4) shall apply to Buildings, Structures and uses which hereafter become nonconforming due to any reclassification of zones under this Ordinance, or any subsequent change in this Ordinance, and any time periods specified for discontinuance of Nonconforming Uses shall be measured from the date of such reclassification or change. (Ord. 2006-04)

(6) General Use Provisions.

- A. Conformance and Permits Required. No Building or Structure shall be erected, reconstructed, enlarged or moved for any use other than that which is permitted in the zone in which such Building, Structure or land is located, nor shall any Building, Structure or land be used for any other use than is permitted in the zone in which it is located.
- B. Zone Group Classification. Whenever the terms "FP Zone, A Zone, C Zone, I Zone, AM Zone, R Zone, PUD Zone" are used, they shall be deemed to refer to all zones containing the same letters in their names; e.g. R Zone shall include the R-1, R-2, and R-3 zones.
- C. Temporary Buildings and Structures. Temporary Structures and Buildings incidental to construction work are permitted, but must be removed upon completion of the construction, Permits may be issued for temporary Structures or land uses such as carnivals, revival meetings, seasonal Sales, or emergencies, upon review by the Commission. Temporary Structures and uses must:
 - 1. Terminate at a specific time;
 - 2. Not cause traffic problems;
 - 3. Provide adequate parking within one thousand four hundred (1,400) feet of the proposed site;
 - 4. Direct outdoor lighting away from adjoining residential areas; and,
 - 5. Not affect neighboring uses. Fences, hedges, Driveways, curbs, retaining walls, mail boxes, lamp posts, bird baths, and benches are permitted in any Lot, provided they do not violate any other requirements of this Ordinance. (Ord. 2006-04)

(7) Off-street Parking and Loading Provisions. All required spaces for residential Structures shall be located on the same Parcel with the residential use.

All Off-Street parking areas in the Amusement and Commercial Zones shall give due consideration for including appropriate bicycle and other parking facilities in addition to those provided for motor vehicles. (Ord. 2014-10)

Parking spaces for commercial, industrial, or institutional uses shall be located within seven hundred (700) feet from the Principal Use. Parking spaces for Apartments, dormitories, or similar residential uses shall be located within three hundred (300) feet from the Principal Use.

All Parking Spaces must be at least nine feet wide. Ninety degree, sixty degree, and

forty-five degree Lots must be eighteen (18) feet long and parallel Parking Spaces must be twenty-three (23) feet long.

Two (2) or more non-residential uses may jointly provide and use Parking Spaces when their hours of operation do not overlap, and provided that a written agreement for such use is filed with the Commission.

When two or more uses are located within the same Building, Off-Street Parking Spaces shall equal the sum of the separate requirements for each use.

All parking areas for sixty (60) or more vehicles in the Amusement district shall be considered as required Off-Street parking for the purposes of this Section. (Ord. 2010-11)

All required Off-Street parking shall be paved with bituminous, concrete, or other all-weather, dust-proof surfacing and shall be provided with bumper guards or barrier curbs where needed. New parking Lots or additions or expansions of existing parking Lots may use stone or rock until base is settled, not to exceed three (3) years following construction of such Lot or expansion or addition to such Lot, providing the Lot is watered during use to minimize dust. All required Off-Street parking in the Amusement District constructed prior to May 1, 2013 shall be considered to be a 'New parking Lot' first constructed on May 1, 2013 for the purposes of this paragraph. (Ord. 2010-11)

All open Off-Street parking in a non-Residential zone or used for a non-residential use shall be effectively screened on each side adjoining or fronting on any residential zone. Solid walls or fences not less than six (6) feet high, densely-planted hedges not less than six (6) feet high at the time of planting, or a Greenway not less than fifty (50) feet wide are considered to be effective screens, provided that such Greenway must be approved by the Commission as being an effective screen at the time such Off-Street parking area is constructed. (Ord. 2010-11)

Required Off-Street parking areas in the Amusement District initially constructed, or expansion or additions to Required Off-Street parking areas constructed after May 1, 2011 shall have a Setback of not less than fifty (50) feet from any lot Line for areas initially constructed after May 1, 2011. (Ord. 2010-11)

Every commercial, industrial, or public use requiring Off-Street loading shall provide berths. Off-Street loading berths shall not be located in a public Right-of-Way or in a Front Yard. Loading berths shall be at least twelve (12) feet wide and fifty (50) feet long.

A. Development Standards.

Use	Off Street Space Required
Bowling Alleys	Four (4) for each alley.
Churches	One (1) for each four (4) seats in main area.

Clubs	One (1) for every two hundred (200) square feet of Floor Area.
Combination of Uses on the Same Parcel	The sum total of the number required for each use as determined according to the requirements set out in this Ordinance.
Convalescent Homes & Nursing Homes	One (1) for each four (4) beds, plus a passenger loading area.
Dining Rooms, Taverns, Restaurants, and Night Clubs	One (1) for each 200 square feet.
Dormitories	One for every guest room
Dwellings	Two (2) for each Single-Family Dwelling; Three for each Two-Family Dwelling; One and one-half (1 1/2) for each Dwelling Unit in a Multiple-Family Dwelling
Fraternities & Sororities	One (1) for every two (2) members.
Hospitals & Clinics	One (1) for each doctor; plus one (1) for each three (3) regular employees; plus one (1) for each 200 square feet of gross Floor Area; plus an Off-Street passenger or patient unloading area
Hotels	One (1) for each guest room
Industrial Uses (Special Exceptions)	Special uses will be determined by the Board according to use. But in no case, shall the required parking be less than for permitted uses.
Libraries, Museums, Art Galleries	One (1) for each four hundred (400) square feet of gross Floor Area.
Private Nurseries, Schools, Kindergartens, Children's Homes, Day Care Facility	One (1) for each regular employee, plus an off-Street passenger loading area.
Professional Offices	One (1) for each two hundred fifty (250) square feet of gross Floor Area.
Public Utilities and Other Service Facilities	One (1) for each five hundred (500) square feet of gross Floor Area; OR Two (2) each for three (3) regular employees, whichever is greater.
Retail Business	One (1) for each two hundred fifty (250) square feet of gross Floor Area.
Schools - Elementary & Jr High	Two (2) per classroom, plus an off-Street passenger loading zone.
Schools - High School	Ten (10) per classroom

(Ord. 2006-04, S2.7, June 12, 2006)

shall be erected on a Lot unless such Building, combined existing Structure plus additions, conforms with the area regulations of the zone in which it is located.

- A. Reduction of Lot Area. No Lot area shall be so reduced, diminished and maintained that the yards, other open space, or total Lot area shall be smaller than prescribed by this Ordinance, nor shall the density of population be increased in any manner except in conformity with the regulations herein established.
 - B. Recorded Lots less than Minimum Area. Undeveloped Lots of record at the time of the enactment of this Ordinance which have less than the minimum area requirements for residential use may nevertheless be used for any use permitted therein, except that for Dwellings, the Lot must have a width of at least sixty (610) feet, and an area of at least seven thousand five hundred (7,500) square feet.
 - C. Yards Apply to Only One Building. No required yard or other open space around an existing Building, or which is hereafter provided around any Building for the purpose of complying with the provision of this Ordinance, shall be considered as providing a yard or open space for any other Building; nor shall any yard or other required open space on any adjoining Lot be considered as providing a yard or open space on a Lot whereon a Building is to be erected.
 - D. Corner Setback. At Street intersections of an angle less than sixty (60) degrees, shrubs or Structures over three and one-half (3 1/2) feet high will not be placed between the intersections of the Street lines and ten (10) feet from the Building line.
 - E. Front Yards On a Through Lot. At each end of a Through Lot there shall be a Front Yard of the depth required by this Ordinance for the zone in which each Street Frontage is located, and one of such Front Yards may serve as a required rear yard. (Ord. 2006-04)
- (9) Special Exception - Specified Zones. Special exceptions are those uses of such an unusual nature that their operation may raise unique problems with respect to their impact upon neighboring property and public facilities.
- A. Procedure.
 - 1. Upon receipt of an application for special exception, the Zoning Administrator shall refer the application to the Board for public hearing.
 - 2. A copy of each application shall be referred concurrently to the Commission.

3. The Commission may, without public hearing, review the application for special exception and report to the Board on any effect the application might have upon the Comprehensive Plan.
- B. Findings. In order for a special exception to be granted, the Board must find in writing that:
1. The establishment, maintenance, or operation of the special exception will not be injurious to the public health, safety, or general welfare of the community;
 2. The special exception will not affect the use and value of other property in the immediate area in a substantially adverse manner; and,
 3. The establishment of the special exception will be consistent with the character of the district (particularly that area immediately adjacent to the special exception) and the permitted land use.
- C. Conditional Approval. The Board may impose conditions as part of its approval to protect the public health, and for reasons of safety, comfort and convenience.
- D. Developmental Standards of Special Exceptions. All special exceptions are subject to the development standards of this Ordinance, unless the Board in writing grants variances to the contrary.
- E. Written Statement of Findings.
1. The Board shall either direct the Zoning Administrator to issue an Improvement Location Permit for the special exception (with or without conditions) or reject the application.
 2. The findings of the Board and its order shall be in writing.
- F. Existing Use. An existing use which is listed here as a special exception and which is located in a district in which the special exception may be permitted at the time of enactment of this Ordinance is a conforming use, providing the use meets the minimum development standards set forth in the respective districts. Any expansion of the special exception involving the enlargement of Buildings, Structures, and land devoted to the use, shall be subject to the requirements and procedures described in this Ordinance.
- G. Delay. Any Person who is issued an Improvement Location Permit for a special exception must begin construction within nine (9) months after the permit is issued; complete the special exception within one (1) year after such construction is begun; and conform to the provisions of any restrictions or conditions which the Board imposed in conjunction with approval of the special exception by the Board and upon the basis of which the

Improvement Location Permit was issued.

- H. Alteration, Change, Amendment, or Extension. The holder of an Improvement Location Permit for a special exception may apply to the Board at any time for an Alteration, change, amendment, or extension of the application or use upon which such permit was based.
1. Upon receipt of the application, the Board shall proceed as in the case of original application for a special exception.
 2. If the Board approves and orders the application or use changed, altered, amended, or extended, it shall notify the Zoning Administrator who shall issue an amended Improvement Location Permit.
 3. The Board may impose any additional reasonable requirements or conditions including, but not limited to, establishing Building Setback lines and Lot sizes of a special exception use, if, in the Board's judgment, additional requirements or conditions are necessary for the protection of the public health, safety, comfort, and convenience.
- I. Uses Classified as Special Exceptions. The following uses or structural Alterations, which are classified as Special Exceptions, may be permitted or denied by the Board in the designated zoning districts in accordance with the procedures specified in this Ordinance:

Use	District
Abattoir (slaughterhouse) - commercial processing of animals, including commercial hatcheries and poultry processing plants	A
Adult Entertainment Establishment	I
Airports or landing fields	A&I
Archaeological sites, buildings, or properties	All
Auditorium, community center, stadium, armory, gymnasium, public Buildings, and other similar places for public events	C
Bed & Breakfast	A, R1, R2, & R3
Boarding or Lodging House	R3
Building material Sales (with no outside storage or display area)	C
Bus terminals	C & I
Camps and Campgrounds	A&F
Cement, lime and gypsum manufacturing, oil processing, refining, and manufacturing	I

Churches, synagogue, temples, convents, monasteries, theological schools, rectories, and parish house	R1, R2, C, I
Cement mixing, production of concrete blocks, cinder blocks and other similar building materials	I
Confined Feeding Operations	A
Correctional and penal institutions	I
Country Clubs	A
Crematories	C & I
Day Care Facility - See Nursery School	
Educational Institutions and Trade & Business Schools	C
Fat rendering; stick yards, slaughtering and allied food processing; leather curing and tanning	I
Feed stores	C
Fertilizer manufacturing	A
Fireworks, Sale or Exhibition	Am
Golf Courses	A & Am
Heliports	A
Hospitals or sanitariums, public or private	A
Kennels	A
Lake Developments - recreational uses	A & Am
Livestock Sale or auction	A
Club or Lodge	A&R2
Manufacture and/ or distribution of commercial fertilizers and agricultural chemicals	A
Marina	A, Am & F
Clinic - Medical or Dental	C
Mini warehouse	C & I
Monument works and stone cutting	I
Mortuaries and funeral homes without crematorium	R2 & C
Nursery school or day school	C
Oil and gas exploration, pumping and temporary storage facilities	All

Park or playground	A & Am
Plumbing, electrical, heating, sheet metal, roofing showrooms and shops (with no outside storage or display of goods)	C
Public Utility power plants, transformer stations, filtration and sewage disposal plants, pumping stations, water reservoirs, and/or Railroad Rights-of-Way	I&C
Radio, facsimile, television, cellular telephone or similar towers	C, & Am
Recycling Collection Point	A, C & I
Recreation Vehicle park	All
Riding stables	A & Am
Roadside Stands	A & C
Rock crushing, grinding or mulling	A
Sand, gravel and aggregate extraction or processing	A & I
Sawmill	A
Stockyards-shipping, holding or sale of animals	A
Storage or use of explosive materials	I
Salvage Yards, Junk Yards, Recycling Centers, Recycling Plants and Sanitary Landfills	I
Public swimming pools	A & C
Taverns	C
Tennis or swimming clinics	A & Am
Trucking terminals	I
Veterinary clinics, including Animal Hospitals	A & C

(Ord. 2006-04)

- (10) Waste Disposal Facility, Salvage Yard, Junk Yard, Recycling Center, Recycling Plant and Sanitary Landfill Standards. These requirements are established to provide minimum suitable standards for handling and disposal of wastes and other similar uses on land in Santa Claus. The Town recognizes that disposal and processing of

waste is an essential function in the community and that the specific requirements of such an operation will vary with the nature of the operation and its location. The intent of these standards is to allow needed flexibility in the siting, Development and operation of such facilities and to establish regulations which are necessary to promote the public health, safety and general welfare of the community.

- A. Procedure For Designating Facilities. Application of operation of a facility shall be made to the Board for a special exception. The application shall include the following materials:
 - 1. Evidence that the property proposed for designation is publicly-owned or Leased or is under option for purchase or Lease by a qualified public entity.
 - 2. Legal description of the property included in the request.
 - 3. Drawing indicating existing features of the site and property within one half (1/2) mile of the site, including significant vegetation, water features, topography, soil characteristics, flood hazard areas, drainage, Structures, land uses, zoning and any other pertinent features.
 - 4. Site Plan showing the details of the proposed Development, including proposed Structures, fill area and maximum heights of fill, borrow areas, access Drives, Parking Areas, Screening and/or Buffering and any other similar information the Town deems pertinent to the request.
 - 5. Proposed hours of operation. The Board shall hold a public hearing on the request and shall grant, deny or grant the request with additional conditions. Such hearing shall be conducted in accordance with I.C. §36-7-4 and with the Board's Rules of Procedure.
- B. If a facility is approved by the Board, the property may be developed for said use only in accordance with the approved plan for the site. Any material changes to said plan must be approved by the Board.
- C. In the event that a Parcel approved as a facility is not actively developed for a consecutive period of two (2) years, such approval shall be null and void and the zoning district shall govern the Development of the property. However, the Board may grant extensions to the approval period, provided the date of expiration of such extension is established.
- D. No construction of any facility may be commenced until all required permits are obtained, including but not limited to any and all permits which may be required by any federal, state, or local environmental or health agency or official and an Improvement Location Permit. Construction includes any grading, filling, excavation, structural Alterations or other similar activity. Any such activity which is required in order to obtain needed permits, such

as soil boring, is excluded from this provision.

- E. The facility is restricted to lands used for handling and disposal of wastes.
- F. The property proposed for the facility shall be large enough to accommodate the use and any accessory or ancillary activities, including parking, loading, Landscaping, offices, storage Building and utilities.
- G. All facilities shall have adequate access and adequate Street Frontage. The Board may require on-site and/or Off-Site improvements to infrastructure in order to ensure safe and proper access to the facility. In making this determination, the Board shall consider the types, sizes and numbers of vehicles which are expected to use the facility.
- H. All facilities shall be adequately screened and buffered from neighboring land uses. Screening may consist of berms, Landscaping, fencing or a combination thereof. Outdoor storage may not exceed the height of the screen. The Board may require minimum separation distances between the facility and adjacent land uses.
- I. The Board shall impose such requirements as are necessary to reasonably mitigate adverse effects of facilities. Such requirements include but are not limited to height limitations, dust control, erosion control, noise control and limitations on the hours of operation.
- J. Signs associated with the facility shall comply with the provisions of this Ordinance, unless the Board approves specific variances to those regulations as part of the approval of the special exception.
- K. The Board may require financial guarantees of performance running to the Town in order to provide assurance that the facility will be completed and comply in conformance with the approved plan.
- L. The Board may impose such other conditions as are appropriate and deemed necessary for consistency with the spirit and intent of this Ordinance. (Ord. 2006-04)

(11) Confined Feeding Operations Standards.

- A. Purpose. This section is adopted for the protection of farming interest and to promote and protect the public health, safety and welfare by regulating confined animal feeding operations. It is intended to protect property values, and minimize conflicts between farmers and rural residential uses while enhancing and protecting the physical and scenic appearance of Santa Claus as outlined in the Comprehensive Plan.
- B. Development Standards. All Confined Feeding Operations shall conform to

I.C. §§13-18-10-1 et seq., and any and all rules, regulations or other policies thereunder. All non-farm residential uses and Confined Feeding Operations must also meet the following standards:

1. All Structures and fenced or confined areas designed to house or contain livestock shall be set back not less than nine hundred (900) feet from any Dwelling except that of the confined feeding operator.
2. All Structures and all fenced or otherwise confined areas designed to house or contain livestock shall be set back not less than nine hundred (900) feet from any church, business, school, recreational area (public or private) public Buildings and nine hundred (900) feet from any area zoned residential.
3. All Structures shall be set back not less than one hundred and fifty (150) feet from a public Roadway Right-of-Way.
4. All Structures designed to house or contain livestock shall be set back not less than fifty (50) feet from any Lot Line
5. If the waste handling facility of an operation is an open earthen pit, the Setback distance for any such pit shall set back not less than one hundred and fifty (150) feet from any Lot Line.
6. No new church, business, school recreational area (public or private) or public Building may be constructed or operated within nine hundred (900) feet of an existing confined livestock or poultry feeding operation. (Ord. 2014-10)

(12) Recreational Vehicle Parks. In any district in which Recreational Vehicle Parks are permitted, the following specific minimum requirements shall apply:

- A. Recreational Vehicle Parks shall have direct access to a public highway or Roadway with sufficient Frontage for the proper construction of safe entrances and exits.
- B. 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.
- C. The density of a park shall not exceed fifteen (15) recreational vehicle spaces for each acre of gross site area.
- D. The minimum area of a Recreational Vehicle Park shall be five (5) acres.
- E. Recreational vehicles and Structures shall comply with the required minimum Setback and yard provisions of this Ordinance.
- F. 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 (25) feet in width shall be required.
- G. One (1) or more recreation areas with total area of at least eight percent (8%)

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.

- H. Food stores, restaurants, sporting good stores, Laundromats, dry- cleaning pickup stations and similar convenience and service shops may be permitted in Recreational Vehicle Parks containing fifty (50) or more spaces provided that shops and the Parking Area required by their use shall not occupy more than ten (10) percent of the total park area. The shops shall be primarily for the use of park occupants. (Ord. 2006-04)

(13) Mineral Extraction Standards.

- A. Purpose. The purpose of these standards are to provide minimum standards for the mining, excavation, processing and storing of mineral resources. These standards are designed to ensure that these resources are properly managed and that all land on which Mineral Extraction has occurred will be left in such condition, so as to not create a hazard or nuisance which either immediately or in the future affects the health, safety or general welfare of the community. No mining shall be started until the Commission has made a written determination and approval with respect to the conditions under which such operations shall be conducted. The Commission shall investigate the area to be developed, as well as the surrounding area, in order to determine the conditions to be prescribed so as to protect surrounding property.

- B. Development Standards.

- 1. All applications for said uses shall be accompanied by a Map or Plat showing the area proposed to be included in the extraction or removal of material; and a final grading plan which shows the existing ground elevations of the site and the land immediately adjacent thereto, the location and elevation of all bounding Streets or rounds, and the final elevations of the site at the termination of the operation with respect to the elevations of the immediately adjacent land and bounding Streets or Roadways.
- 2. Unless the Commission specifies otherwise, the areas exposed by said operation shall not have a final cut slope of steeper than three (3) feet horizontal to one (1) foot vertical distance and shall be left suitable for Development purposes in accordance with the final grading plan approved by the Commission.
- 3. Unless otherwise permitted by the Commission, temporary operating cut slopes steeper than one (1) foot horizontal to one (1) foot vertical shall in no case be brought closer to an exterior property line, Right-of-Way line of any Street, Roadway, way, or Alley, as existing or as

proposed in the Master Plan than fifty (50) feet where a sight screen is provided or seventy-five (75) feet in the case where no provision is made for Screening.

4. Explosives shall be used only between sunup and sundown except in case of an emergency.
5. All Buildings, Structures or equipment involved in extraction shall be entirely removed from the property within one (1) year after the expiration of the permit.
6. Dikes or other barriers and drainage Structures shall be provided, to prevent silting of natural channels or storm drains in the area surrounding said uses.
7. Where required by the Commission:
 - (a) Final cut slopes shall be treated to prevent erosion;
 - (b) Topsoil shall be replaced on such slopes to support vegetation;
 - (c) Ground cover shall be planted within twelve (12) months after a cut slope is excavated to its final position;
 - (d) Ground cover shall be maintained for a period of time sufficient to provide vegetation of a density that will prevent erosion.
8. Where required, suitable plant material shall be placed and maintained to screen slopes from public view. There shall be no open storage of discarded machinery, trash or junk which would present an unsightly appearance.
9. Mining operations shall be conducted so as to keep dust and noise to a minimum, and access Roadways shall be maintained as dust-free surfaces from the Public Street to within one hundred (100) feet of the loading point within the mine when adjacent properties are used or zoned Residential.
10. Vehicles carrying materials from mines shall be loaded in such manner as to prevent spilling dirt, rock, gravel, sand or other materials of mineral nature while in transit upon Roadways and highways.
11. Excavations which may penetrate near or into a useable water-bearing stratum shall be conducted in such a manner that any such stratum so approached or encountered will not be subject to pollution or contamination either during mining operations or

subsequent to the abandonment of said mine.

12. All Federal, State and local laws, rules and regulations and requirements pertaining to mining and environmental protection, and the additional requirements of this Ordinance hereafter listed, are hereby adopted as the requirements and standards which shall govern mining activities conducted in the Town.
13. All applications of a mining special exception permit shall be made in writing to the Commission and shall contain the following data:
 - (a) Name of the Owner, common address, and legal description of the property;
 - (b) Zoning classification of the property;
 - (c) An accurate Map showing the property for which the special exception is requested;
 - (d) Consent by the title Owner of the property to inclusion in the application as evidenced by a notarized instrument or an affidavit by the Applicant indicating consent has been obtained from title Owner;
 - (e) Name and address of the entity conducting the mining operation including that of any subcontractor(s); and,
 - (f) Copy of the application(s) filed with, and permits received from, the appropriate Federal and State authorities.
14. Any portion of any Roadway from or within a mine operation which lies within one hundred (100) yards of any Dwelling shall be treated to control dust.
15. No mining operations shall discharge across its permit or Lease boundaries, whichever is greater, air pollutants in such concentration where such pollutants exceed the Air Pollution standards imposed by the Environmental Protection Agency or appropriate State Agency.
16. No surface mining, blasting or use of explosive charges shall be permitted within one hundred (100) feet of any public Roadway, water or sewer Easement or line, or transmission line, without written consent of applicable county, municipality or other public body. The intent of this paragraph is not to deny the recovery of minerals at closer distance to said facilities, but to insure that the operator has made satisfactory financial commitments and guarantees to the public Owner should the operator's actions or lack thereof result in damage

to said facility.

17. Mining operations which may penetrate near or into a water bearing stratum being used shall be conducted in such a manner that any such stratum so approached or encountered will not be subject to diminution or contamination, unless the user is provided with an acceptable alternate source by the operator.
18. The mine operator shall replace, within a reasonable time, water supplies, whether from cisterns, ponds, lakes or wells, adversely impacted by contamination, diminution, or interruption proximately resulting from the operation.
19. Any Applicant proposing to use any portion of Town Roadway(s) to transport its minerals shall secure the approval of the Council of its transportation plan and Map for hauling in compliance with any Town Road Ordinances prior to approval of a Special Exception Permit, and shall post any required Bonds and/or Escrow funds prior to commencing actual hauling operations.
20. Every operator of a mine in the Town, before commencing operations, shall be insured for damages which may result from or be caused by said operation. All holders of Santa Claus Special Exception Mining Permits shall at all times have on file in the office of the Town Clerk-Treasurer current proof of such insurance as may be required, by the Commission.
21. Mining generally is a limited duration use, and once such use is terminated, the site, excluding any constructed water impoundments, shall revert to its original classification unless re-zoned in accordance with established procedures. The area or areas considered to be part of a mining facility shall be those areas of land from which overburden is to be removed and upon which overburden is to be deposited an all other lands affected by the operation. New Roadways or the improvement or use of existing Roadways, other than public Roadways, to gain access and to haul minerals shall be included in lands affected.
22. Non-compliance or violation of any part of this Ordinance may be grounds for termination of any permit issued in accordance with same.
23. An operator or Person whose Santa Claus Special Exception Mining Permit has been revoked, suspended or terminated shall not be eligible to have another permit, or to have any suspended permit(s) reinstated, until the operator shall have compliance with all the requirements in respect to all permits issued to the operator by the Town. (Ord. 2006-04)

(14) Like Use Determination. Due to the fact that uses of property are diverse, the Town recognizes that all possible proposed future uses of property desired by Owners may not be exhaustively listed in this Ordinance. Any use not specifically listed as a Permitted Use or as a Special Exception for any District in this Ordinance shall be classified and permitted only in accordance with this section, and shall be subject to the following procedures and determination.

A. Prior to commencing any use, the Owner, other proposed user, or his agent, shall submit to the Administrator a request for a Like Use Determination, which states:

1. The name of the applicant.
2. The address of the property at which such use is proposed.
3. The Owner of the property, if other than the applicant.
4. A specific description of the proposed use, including but not limited to, the products to be sold or services to be rendered, hours of operation, number of employees and other information deemed relevant by the Administrator.
5. The Zoning District(s) in which the applicant believes such Use to be appropriate, and the Permitted Uses or Special Exceptions to which the proposed Use is most similar.

B. Upon receipt of a request for a Like Use Determination, the Administrator shall refer such request to Commission, along with the Administrator's recommendation of the Zoning District(s) under which the Administrator believe such Use should be placed.

C. Within thirty (30) days following receipt of a request for a Like Use Determination, the Commission shall determine in writing the Zoning District(s) into which the proposed Use should be classified, and if such Use should be classified as a Permitted Use or Special Exception in such District(s).

D. Following receipt of the Commission's determination, the Applicant shall apply for a Special Exception as provided in this Ordinance, if the Commission has determined that the proposed Use shall be considered a Special Exception. (Ord. 2006-04)

(15) Above-ground Utility Structures. No above-ground lines, poles, posts, cabinets, towers, pedestals, transformers, boxes, wires, cables, conductors, guys, conduits or other equipment, facilities or structures used for the transmission, distribution, delivery or supply of electric power, telephone service, gas, data or internet service, cable television communications or other utilities shall be erected,

constructed, placed or used at any location in or within the territory governed by this Title, except that transformers, boxes, cabinets, pedestals and similar structures appurtenant to underground utility wires and service may be erected, constructed, placed or used but shall not exceed a height of eight (8) feet above ground level at any location

11.04.030 Establishment of Zones. For the purposes of this Ordinance, the incorporated area of the Town is hereby divided into nine (9) Zones and/or districts as follows:

DISTRICT	DISTRICT DESIGNATION
Flood plain	FP
Agriculture	A
Residential - Very Low Density	R1
Residential - Low Density	R2
Residential - Medium Density	R3
Commercial - General & Convenience	C
Amusement Park	Am
Industrial	I
Planned Unit Development	PUD

(Ord. 2006-04; Ord. 1995-05)

- (1) Zone and District Boundaries. Unless otherwise indicated, the zone boundary lines are land lines, the center lines of Streets, parkways, Alleys or Railroad Rights-of-Way, or such lines extended. Other lines within Blocks are rear or Side Lot Lines, or such lines extended.

Where the physical layout existing on the ground varies from the layout as shown on the zoning Map, the Zoning Administrator shall interpret said Map according to the reasonable intent of this Ordinance. (Ord. 2006-04)

11.04.040 Flood Plain District

- (1) Statutory Authorization, Findings of Fact, Purpose, and Objectives

- A. Statutory Authorization.

The Indiana Legislature has in IC 36-7-4 and IC 14-28-4 granted the power to local government units to control land use within their jurisdictions. Therefore, the Town Council of the Town of Santa Claus does hereby adopt the following floodplain management regulations.

- B. Findings of Fact.

1. The flood hazard areas of the Town of Santa Claus are subject to periodic inundation which results in loss of life and property, health and safety

hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

2. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

C. Statement of Purpose.

It is the purpose of this ordinance to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights or velocities.
2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters.
4. Control filling, grading, dredging, and other development which may increase erosion or flood damage.
5. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.
6. Make federally subsidized flood insurance available for structures and their contents in the Town by fulfilling the requirements of the National Flood Insurance Program.

D. Objectives.

The objectives of this ordinance are:

1. To protect human life and health.
2. To minimize expenditure of public money for costly flood control projects.

3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
4. To minimize prolonged business interruptions.
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in floodplains.
6. To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas.
7. To ensure that potential homebuyers are notified that property is in a flood area.

(2) Definitions

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application. The definitions provided herein shall apply only within this Section 11.040.040, and not in the entirety of this Chapter.

A Zone - Portions of the SFHA in which the principal source of flooding is runoff from rainfall, snowmelt, or a combination of both. In A zones, floodwaters may move slowly or rapidly, but waves are usually not a significant threat to buildings. These areas are labeled as Zone A, Zone AE, Zones A1-A30, Zone AO, Zone AH, Zone AR and Zone A99 on a FIRM or FHBM. The definitions are presented below:

Zone A: Areas subject to inundation by the one-percent annual chance flood event. Because detailed hydraulic analyses have not been performed, no base flood elevation or depths are shown. Mandatory flood insurance purchase requirements apply.

Zone AE and A1-A30: Areas subject to inundation by the one-percent annual chance flood event determined by detailed methods. Base flood elevations are shown within these zones. Mandatory flood insurance purchase requirements apply. (Zone AE is on new and revised maps in place of Zones A1-A30.)

Zone AO: Areas subject to inundation by one-percent annual chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone. Mandatory flood insurance purchase requirements apply.

Zone AH: Areas subject to inundation by one-percent annual chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone. Mandatory flood insurance purchase requirements apply.

Zone AR: Areas that result from the decertification of a previously accredited flood protection system that is determined to be in the process of being restored to provide base flood protection. Mandatory flood insurance purchase requirements apply.

Zone A99: Areas subject to inundation by the one-percent annual chance flood event, but which will ultimately be protected upon completion of an under-construction Federal flood protection system. These are areas of special flood hazard where enough progress has been made on the construction of a protection system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. Zone A99 may only be used when the flood protection system has reached specified statutory progress toward completion. No base flood elevations or depths are shown. Mandatory flood insurance purchase requirements apply.

Accessory structure (appurtenant structure) - A structure that is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures should constitute a minimal initial investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.

Addition (to an existing structure) - Any walled and roofed expansion to the perimeter of a structure in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls, is new construction.

Appeal - A request for a review of the floodplain administrator's interpretation of any provision of this ordinance or a request for a variance.

Area of shallow flooding - A designated AO or AH Zone on the community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Base Flood Elevation (BFE) - The elevation of the one-percent annual chance flood.

Basement - That portion of a structure having its floor sub-grade (below ground level) on all sides.

Building - See "Structure."

Community - A political entity that has the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction.

Community Rating System (CRS) - A program developed by the Federal Insurance Administration to provide incentives for those communities in the Regular Program that have gone beyond the minimum floodplain management requirements to develop extra measures to provide protection from flooding.

Critical facility - a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire, and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

Development - any man made change to improved or unimproved real estate including but not limited to:

1. construction, reconstruction, or placement of a structure or any addition to a structure;
2. installing a manufactured home on a site, preparing a site for a manufactured home or installing a recreational vehicle on a site for more than 180 days;
3. installing utilities, erection of walls and fences, construction of roads, or similar projects;
4. construction of flood control structures such as levees, dikes, dams, channel improvements, etc.;
5. mining, dredging, filling, grading, excavation, or drilling operations;
6. construction and/or reconstruction of bridges or culverts;
7. storage of materials; or
8. any other activity that might change the direction, height, or velocity of flood or surface waters.

"Development" does not include activities such as the maintenance of existing structures and facilities such as painting, re roofing; resurfacing roads; or gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent structures.

Elevated structure - A non-basement structure built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, filled stem wall foundations (also called chain walls), pilings, or columns (posts and piers).

Elevation Certificate - A certified statement that verifies a structure's elevation information.

Emergency Program - The first phase under which a community participates in the NFIP. It is intended to provide a first layer amount of insurance at subsidized rates on all insurable structures in that community before the effective date of the initial FIRM.

Encroachment - The advance or infringement of uses, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Existing Construction - A structure for which the "start of construction" commenced before the effective date of the community's first floodplain ordinance.

Existing manufactured home park or subdivision - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the community's first floodplain ordinance.

Expansion to an existing manufactured home park or subdivision - The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FEMA - The Federal Emergency Management Agency.

Five-hundred year flood (500-year flood) - The flood that has a 0.2 percent chance of being equaled or exceeded in any year.

Flood - A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

Flood Boundary and Floodway Map (FBFM) - An official map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) has delineated the areas of flood hazards and regulatory floodway.

Flood Hazard Boundary Map (FHBM) - An official map of a community, issued by FEMA, where the boundaries of the areas of special flood hazard have been identified as Zone A.

Flood Insurance Rate Map (FIRM) means an official map of a community, on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood Insurance Study (FIS) - The official hydraulic and hydrologic report provided by FEMA. The report contains flood profiles, as well as the FIRM, FBFM (where applicable), and the water surface elevation of the base flood.

Flood Prone Area - Any land area acknowledged by a community as being susceptible to inundation by water from any source. (See "Flood")

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

Floodplain - 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 floodplain includes both the floodway and the fringe districts.

Floodplain management - The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

Floodplain management regulations - This ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes federal, state, or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage. Floodplain management regulations are also referred to as floodplain regulations, floodplain ordinance, flood damage prevention ordinance, and floodplain management requirements.

Floodproofing (dry floodproofing) - A method of protecting a structure that ensures that the structure, together with attendant utilities and sanitary facilities, is watertight to the floodproofed design elevation with walls that are substantially impermeable to the passage of water. All structural components of these walls are capable of resisting hydrostatic and hydrodynamic flood forces, including the effects of buoyancy, and anticipated debris impact forces.

Floodproofing certificate - A form used to certify compliance for non-residential structures as an alternative to elevating structures to or above the FPG. This certification must be by a Registered Professional Engineer or Architect.

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

Freeboard - A factor of safety, usually expressed in feet above the BFE, which is applied for the purposes of floodplain management. It is used to compensate for the many unknown

factors that could contribute to flood heights greater than those calculated for the base flood.

Fringe - Those portions of the floodplain lying outside the floodway.

Functionally dependent facility - A facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

Hardship (as related to variances of this ordinance) - The exceptional hardship that would result from a failure to grant the requested variance. The Board of Zoning Appeals requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is NOT exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

Highest adjacent grade - The highest natural elevation of the ground surface, prior to the start of construction, next to the proposed walls of a structure.

Historic structure - Any structure individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.

Increased Cost of Compliance (ICC) - The cost to repair a substantially damaged structure that exceeds the minimal repair cost and that is required to bring a substantially damaged structure into compliance with the local flood damage prevention ordinance. Acceptable mitigation measures are elevation, relocation, demolition, or any combination thereof. All renewal and new business flood insurance policies with effective dates on or after June 1, 1997, will include ICC coverage.

Letter of Map Amendment (LOMA) - An amendment to the currently effective FEMA map that establishes that a property is not located in a SFHA. A LOMA is only issued by FEMA.

Letter of Map Revision (LOMR) - An official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.

Letter of Map Revision Based on Fill (LOMR-F) - An official revision by letter to an effective NFIP map. A LOMR-F provides FEMA's determination concerning whether a structure or parcel has been elevated on fill above the BFE and excluded from the SFHA.

Lowest adjacent grade - The lowest elevation, after completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

Lowest floor - The lowest of the following:

1. the top of the lowest level of the structure;
2. the top of the basement floor;
3. the top of the garage floor, if the garage is the lowest level of the structure;
4. the top of the first floor of a structure elevated on pilings or pillars;
5. the top of the floor level of any enclosure, other than a basement, below an elevated structure where the walls of the enclosure provide any resistance to the flow of flood waters unless:
 - a.) the walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters by providing a minimum of two openings (in addition to doorways and windows) in a minimum of two exterior walls having a total net area of one (1) square inch for every one square foot of enclosed area. The bottom of all such openings shall be no higher than one (1) foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher; and,
 - b.) such enclosed space shall be usable solely for the parking of vehicles and building access.

Manufactured home - A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

Manufactured home park or subdivision - A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Map amendment - A change to an effective NFIP map that results in the exclusion from the SFHA of an individual structure or a legally described parcel of land that has been inadvertently included in the SFHA (i.e., no alterations of topography have occurred since the date of the first NFIP map that showed the structure or parcel to be within the SFHA).

Map panel number - The four-digit number followed by a letter suffix assigned by FEMA on a flood map. The first four digits represent the map panel, and the letter suffix represents

the number of times the map panel has been revised. (The letter "A" is not used by FEMA, the letter "B" is the first revision.)

Market value - The building value, excluding the land (as agreed to between a willing buyer and seller), as established by what the local real estate market will bear. Market value can be established by independent certified appraisal, replacement cost depreciated by age of building (actual cash value), or adjusted assessed values.

Mitigation - Sustained actions taken to reduce or eliminate long-term risk to people and property from hazards and their effects. The purpose of mitigation is two fold: to protect people and structures, and to minimize the cost of disaster response and recovery.

National Flood Insurance Program (NFIP) - The federal program that makes flood insurance available to owners of property in participating communities nationwide through the cooperative efforts of the Federal Government and the private insurance industry.

National Geodetic Vertical Datum (NGVD) of 1929 as corrected in 1929 - A vertical control used as a reference for establishing varying elevations within the floodplain.

New construction - Any structure for which the "start of construction" commenced after the effective date of the community's first floodplain ordinance.

New manufactured home park or subdivision - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the community's first floodplain ordinance.

North American Vertical Datum of 1988 (NAVD 88) as adopted in 1993 - A vertical control datum used as a reference for establishing varying elevations within the floodplain.

Obstruction - Includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, canalization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation, or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water; or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

One-hundred year flood (100-year flood) - The flood that has a one percent (1%) chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the one-percent annual chance flood. See "Regulatory Flood".

One-percent annual chance flood - The flood that has a one percent (1%) chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the one-percent annual chance flood. See "Regulatory Flood".

Participating community - Any community that voluntarily elects to participate in the NFIP by adopting and enforcing floodplain management regulations that are consistent with the standards of the NFIP.

Physical Map Revision (PMR) - An official republication of a community's FEMA map to effect changes to base (1-percent annual chance) flood elevations, floodplain boundary delineations, regulatory floodways, and planimetric features. These changes typically occur as a result of structural works or improvements, annexations resulting in additional flood hazard areas, or correction to base flood elevations or SFHAs.

Post-FIRM construction - Construction or substantial improvement that started on or after the effective date of the initial FIRM of the community or after December 31, 1974, whichever is later.

Pre-FIRM construction - Construction or substantial improvement, which started on or before December 31, 1974, or before the effective date of the initial FIRM of the community, whichever is later.

Probation - A means of formally notifying participating communities of violations and deficiencies in the administration and enforcement of the local floodplain management regulations.

Public safety and nuisance - Anything which is injurious to the safety or health of an entire community, neighborhood or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

Recreational vehicle - A vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) designed to be self propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling, but as quarters for recreational camping, travel, or seasonal use.

Regular program - The phase of the community's participation in the NFIP where more comprehensive floodplain management requirements are imposed and higher amounts of insurance are available based upon risk zones and elevations determined in a FIS.

Regulatory flood - The flood having a one percent (1%) chance of being equaled or exceeded in any given year, as calculated by a method and procedure that is acceptable to and approved by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. The regulatory flood elevation at any location is as defined in Article 3 (B) of this ordinance. The "Regulatory Flood" is also known by the term "Base Flood", "One-Percent Annual Chance Flood", and "100-Year Flood".

Repetitive loss - Flood-related damages sustained by a structure on two separate occasions during a 10-year period ending on the date of the event for which the second claim is made,

in which the cost of repairing the flood damage, on the average, equaled or exceeded 25% of the market value of the structure at the time of each such flood event.

Section 1316 - That section of the National Flood Insurance Act of 1968, as amended, which states that no new flood insurance coverage shall be provided for any property that the Administrator finds has been declared by a duly constituted state or local zoning authority or other authorized public body to be in violation of state or local laws, regulations, or ordinances that intended to discourage or otherwise restrict land development or occupancy in flood-prone areas.

Special Flood Hazard Area (SFHA) - Those lands within the jurisdictions of the Town of Santa Claus subject to inundation by the regulatory flood. The Town of Santa Claus does not currently have a published FEMA map. The SFHAs of those parts of unincorporated Spencer County that are within the extraterritorial jurisdiction of the Town or that may be annexed into the Town are generally identified as such on the Spencer County, Indiana (Unincorporated Areas) Flood Insurance Rate Map prepared by the Federal Emergency Management Agency and dated May 1, 1978. (These areas are shown on a FHBM or FIRM as Zone A, AE, A1- A30, AH, AR, A99, or AO).

Start of construction - Substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure - A structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home, or a prefabricated building. The term also includes recreational vehicles to be installed on a site for more than 180 days.

Substantial damage - Damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "repetitive loss" or "substantial damage" regardless of the actual repair work performed. The term does not include improvements of structures to correct existing violations of state or local health, sanitary, or safety code requirements or any alteration of a "historic structure", provided that the alteration will not preclude the structures continued designation as a "historic structure".

Suspension - The removal of a participating community from the NFIP because the community has not enacted and/or enforced the proper floodplain management regulations required for participation in the NFIP.

Variance - A grant of relief from the requirements of this ordinance, which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

Violation - The failure of a structure or other development to be fully compliant with this ordinance. A structure or other development without the elevation, other certification, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

Watercourse - A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

Water surface elevation - The height, in relation to the North American Vertical Datum of 1988 (NAVD 88) or National Geodetic Vertical Datum of 1929 (NGVD) (other datum where specified) of floods of various magnitudes and frequencies in the floodplains of riverine areas.

X zone - The area where the flood hazard is less than that in the SFHA. Shaded X zones shown on recent FIRMs (B zones on older FIRMs) designate areas subject to inundation by the flood with a 0.2 percent chance of being equaled or exceeded (the 500-year flood). Unshaded X zones (C zones on older FIRMs) designate areas where the annual exceedance probability of flooding is less than 0.2 percent.

Zone - A geographical area shown on a FHBM or FIRM that reflects the severity or type of flooding in the area.

Zone A (see definition for A zone)

Zone B, C, and X - Areas identified in the community as areas of moderate or minimal hazard from the principal source of flood in the area. However, buildings in these zones could be flooded by severe, concentrated rainfall coupled with inadequate local drainage

systems. Flood insurance is available in participating communities but is not required by regulation in these zones. (Zone X is used on new and revised maps in place of Zones B and C.)

(3) General Provisions

A. Lands to Which This Ordinance Applies.

This ordinance shall apply to all SFHAs and known flood prone areas within the jurisdiction of the Town of Santa Claus.

B. Basis for Establishing Regulatory Flood Data.

This ordinance's protection standard is the regulatory flood. The best available regulatory flood data is listed below. Whenever a party disagrees with the best available data, the party submitting the detailed engineering study needs to replace existing data with better data and submit it to the Indiana Department of Natural Resources for review and approval.

1. For the SFHAs of those parts of unincorporated Spencer County that are within the extraterritorial jurisdiction of the Town or that may be annexed into Town:
 - a.) The regulatory flood elevation, floodway, and fringe limits of studied streams shall be as delineated on the one-percent annual chance flood profiles in the Flood Insurance Study of Spencer County, Indiana (Unincorporated Areas) dated November, 1977 and the corresponding Flood Insurance Rate Map prepared by the Federal Emergency Management Agency and dated May 1, 1978. The regulatory floodway and fringe limits shall be according to the best data available as provided by the Indiana Department of Natural Resources
 - b.) If the SFHA within the jurisdiction of the Town of Santa Claus is delineated as "Zone A" on the Spencer County, Indiana (Unincorporated Areas) Flood Insurance Rate Map, prepared by the Federal Emergency Management Agency and dated May 1, 1978, the regulatory flood elevation, floodway, and fringe limits shall be according to the best data available as provided by the Indiana Department of Natural Resources; provided the upstream drainage area from the subject site is greater than one square mile.
2. In the absence of a published FEMA map, or absence of identification on a FEMA map, the regulatory flood elevation, floodway, and fringe limits of any watercourse in the community's known flood prone areas shall be according

to the best data available as provided by the Indiana Department of Natural Resources; provided the upstream drainage area from the subject site is greater than one square mile.

C. Establishment of Floodplain Development Permit.

A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities in areas of special flood hazard.

D. Compliance.

No structure shall hereafter be located, extended, converted or structurally altered within the SFHA without full compliance with the terms of this ordinance and other applicable regulations. No land or stream within the SFHA shall hereafter be altered without full compliance with the terms of this ordinance and other applicable regulations.

E. Abrogation and Greater Restrictions.

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

F. Discrepancy between Mapped Floodplain and Actual Ground Elevations.

1. In cases where there is a discrepancy between the mapped floodplain (SFHA) on the FIRM and the actual ground elevations, the elevation provided on the profiles shall govern.
2. If the elevation of the site in question is below the base flood elevation, that site shall be included in the SFHA and regulated accordingly.
3. If the elevation (natural grade) of the site in question is above the base flood elevation, that site shall be considered outside the SFHA and the floodplain regulations will not be applied. The property owner should be advised to apply for a LOMA.

G. Interpretation.

In the interpretation and application of this ordinance all provisions shall be:

1. Considered as minimum requirements.
2. Liberally construed in favor of the governing body.

3. Deemed neither to limit nor repeal any other powers granted under state statutes.

H. Warning and Disclaimer of Liability.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods can and will occur on rare occasions. Therefore, this ordinance does not create any liability on the part of Town of Santa Claus, the Indiana Department of Natural Resources, or the State of Indiana, for any flood damage that results from reliance on this ordinance or any administrative decision made lawfully thereunder.

I. Penalties for Violation.

Failure to obtain a Floodplain Development Permit in the SFHA or failure to comply with the requirements of a Floodplain Development Permit or conditions of a variance shall be deemed to be a violation of this ordinance. All violations shall be considered a common nuisance and be treated as such in accordance with the provisions of the Zoning Code for the Town of Santa Claus. All violations shall be punishable by a fine as provided in Section 11.04.120(5).

1. A separate offense shall be deemed to occur for each day the violation continues to exist.
2. The Floodplain Administrator shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.
3. Nothing herein shall prevent the Town from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

J. Increased Cost of Compliance (ICC).

In order for buildings to qualify for a claim payment under ICC coverage as a "repetitive loss structure", the National Reform Act of 1994 requires that the building be covered by a contract for flood insurance and incur flood-related damages on two occasions during a 10-year period ending on the date of the event for which the second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25 percent of the market value of the building at the time of each such flood event.

(4) Administration

A. Designation of Administrator.

The Santa Claus Town Council hereby appoints the Santa Claus Zoning Administrator to administer and implement the provisions of this ordinance and is herein referred to as the Floodplain Administrator.

B. Permit Procedures.

Application for a Floodplain Development Permit shall be made to the Floodplain Administrator on forms furnished by him or her prior to any development activities, and may include, but not be limited to, the following: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically the following information is required:

1. Application stage.

- (a.) A description of the proposed development.
- (b.) Location of the proposed development sufficient to accurately locate property and structure in relation to existing roads and streams.
- (c.) A legal description of the property site.
- (d.) A site development plan showing existing and proposed development locations and existing and proposed land grades.
- (e.) Elevation of the top of the lowest floor (including basement) of all proposed buildings. Elevation should be in NAVD 88 or NGVD.
- (f.) Elevation (in NAVD 88 or NGVD) to which any non-residential structure will be floodproofed.
- (g.) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

2. Construction stage.

Upon placement of the lowest floor; or floodproofing, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the NAVD 88 or NGVD elevation of the lowest floor or floodproofed elevation, as built. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by the same. When floodproofing is utilized for a particular structure said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.

Any work undertaken prior to submission of the certification shall be at the permit holders' risk. (The Floodplain Administrator shall review the lowest floor and floodproofing elevation survey data submitted.) The permit holder shall correct deficiencies detected by such review before any further work is allowed to proceed. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.

C. Duties and Responsibilities of the Floodplain Administrator.

The Floodplain Administrator and/or designated staff is hereby authorized and directed to enforce the provisions of this ordinance. The administrator is further authorized to render interpretations of this ordinance, which are consistent with its spirit and purpose.

Duties and Responsibilities of the Floodplain Administrator shall include, but not be limited to:

1. Review all floodplain development permits to assure that the permit requirements of this ordinance have been satisfied.
2. Inspect and inventory damaged structures in the SFHA and complete substantial damage determinations.
3. Ensure that construction authorization has been granted by the Indiana Department of Natural Resources for all development projects subject to Article 5, Section E and G (1) of this ordinance, and maintain a record of such authorization (either copy of actual permit or floodplain analysis/regulatory assessment).
4. Ensure that all necessary federal or state permits have been received prior to issuance of the local floodplain development permit. Copies of such permits are to be maintained on file with the floodplain development permit.
5. Notify adjacent communities and the State Floodplain Coordinator prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA.
6. Maintain for public inspection and furnish upon request local permit documents, damaged structure inventories, substantial damage determinations, regulatory flood data, SFHA maps, Letters of Map Amendment (LOMA), Letters of Map Revision (LOMR), copies of DNR permits and floodplain analysis and regulatory assessments (letters of recommendation), federal permit documents, and "as-built" elevation and floodproofing data for all buildings constructed subject to this ordinance.

7. Utilize and enforce all Letters of Map Revision (LOMR) or Physical Map Revisions (PMR) issued by FEMA for the currently effective SFHA maps of the community.
8. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
9. Verify and record the actual elevation of the lowest floor (including basement) of all new or substantially improved structures, in accordance with Article 4 Section B.
10. Verify and record the actual elevation to which any new or substantially improved structures have been floodproofed in accordance with Article 4, Section B.
11. Review certified plans and specifications for compliance.
12. Stop Work Orders
 - (a.) Upon notice from the floodplain administrator, work on any building, structure or premises that is being done contrary to the provisions of this ordinance shall immediately cease.
 - (b.) Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed.
13. Revocation of Permits
 - (a.) The floodplain administrator may revoke a permit or approval, issued under the provisions of the ordinance, in cases where there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.
 - (b.) The floodplain administrator may revoke a permit upon determination by the floodplain administrator that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the permit was issued is in violation of, or not in conformity with, the provisions of this ordinance.
14. Inspect sites for compliance. For all new and/or substantially improved buildings constructed in the SFHA, inspect before, during and after construction. Authorized Town officials shall have the right to enter and inspect properties located in the SFHA.

(5) Provisions for Flood Hazard Reduction

A. General Standards.

In all SFHAs and known flood prone areas the following provisions are required:

- (1) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- (2) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.
- (3) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage below the FPG.
- (4) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage.
- (5) Electrical, heating, ventilation, plumbing, air conditioning equipment, utility meters, and other service facilities shall be located at/above the FPG or designed so as to prevent water from entering or accumulating within the components below the FPG. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPG.
- (6) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- (7) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- (8) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- (9) Any alteration, repair, reconstruction or improvements to a structure that is in compliance with the provisions of this ordinance shall meet the requirements of "new construction" as contained in this ordinance.
- (10) Any alteration, repair, reconstruction or improvement to a structure that is not in compliance with the provisions of this ordinance, shall be undertaken only if said non-conformity is not further extended, or replaced.

B. Specific Standards.

In all SFHAs, the following provisions are required:

1. In addition to the requirements of Article 5, Section A, all structures to be located in the SFHA shall be protected from flood damage below the FPG. This building protection requirement applies to the following situations:
 - (a.) Construction or placement of any new structure having a floor area greater than 400 square feet.
 - (b.) Addition or improvement made to any existing structure:
 - i. where the cost of the addition or improvement equals or exceeds 50% of the value of the existing structure (excluding the value of the land).
 - ii. with a previous addition or improvement constructed since the community's first floodplain ordinance.
 - (c.) Reconstruction or repairs made to a damaged structure where the costs of restoring the structure to its before damaged condition equals or exceeds 50% of the market value of the structure (excluding the value of the land) before damage occurred.
 - (d.) Installing a travel trailer or recreational vehicle on a site for more than 180 days.
 - (e.) Installing a manufactured home on a new site or a new manufactured home on an existing site. This ordinance does not apply to returning the existing manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage.
 - (f.) Reconstruction or repairs made to a repetitive loss structure.
2. Residential Construction. New construction or substantial improvement of any residential structure (or manufactured home) shall have the lowest floor; including basement, at or above the FPG (two feet above the base flood elevation). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Article 5, Section B (4).
3. Non-Residential Construction. New construction or substantial improvement of any commercial, industrial, or non-residential structure (or manufactured home) shall either have the lowest floor, including basement, elevated to or above the FPG (two feet above the base flood elevation) or be floodproofed to or above the FPG. Should solid foundation perimeter walls

be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Article 5, Section B (4). Structures located in all "A Zones" may be floodproofed in lieu of being elevated if done in accordance with the following:

- (a.) A Registered Professional Engineer or Architect shall certify that the structure has been designed so that below the FPG, the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The structure design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice. Such certification shall be provided to the official as set forth in Article 4, Section C (10).
- (b.) Floodproofing measures shall be operable without human intervention and without an outside source of electricity.

4. Elevated Structures. New construction or substantial improvements of elevated structures shall have the lowest floor at or above the FPG.

Elevated structures with fully enclosed areas formed by foundation and other exterior walls below the flood protection grade shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls. Designs must meet the following minimum criteria:

- (a.) Provide a minimum of two openings located in a minimum of two exterior walls (having a total net area of not less than one square inch for every one square foot of enclosed area).
- (b.) The bottom of all openings shall be no more than one foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher.
- (c.) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- (d.) Openings are to be not less than 3 inches in any direction in the plane of the wall. This requirement applies to the hole in the wall, excluding any device that may be inserted such as typical foundation air vent device.
- (e.) Access to the enclosed area shall be the minimum necessary to allow for parking for vehicles (garage door) or limited storage of

maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).

- (f.) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
- (g.) The interior grade of such enclosed area shall be at an elevation at or higher than the exterior grade.
- (h.) Where elevation requirements exceed 6 feet above the highest adjacent grade, a copy of the legally recorded deed restriction prohibiting the conversion of the area below the lowest floor to a use or dimension contrary to the structure's originally approved design, shall be presented as a condition of issuance of the final Certificate of Occupancy.

5. Structures Constructed on Fill. A residential or nonresidential structure may be constructed on a permanent land fill in accordance with the following:

- (a.) The fill shall be placed in layers no greater than 1 foot deep before compacting to 95% of the maximum density obtainable with either the Standard or Modified Proctor Test method.
- (b.) The fill should extend at least ten feet beyond the foundation of the structure before sloping below the FPG.
- (c.) The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulkheading. If vegetative cover is used, the slopes shall be no steeper than 3 horizontal to 1 vertical.
- (d.) The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.
- (e.) The top of the lowest floor including basements shall be at or above the FPG.

6. Standards for Manufactured Homes and Recreational Vehicles. Manufactured homes and recreational vehicles to be installed or substantially improved on a site for more than 180 days must meet one of the following requirements:

- (a.) The manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system

to resist flotation, collapse, and lateral movement. This requirement applies to all manufactured homes to be placed on a site;

- i. outside a manufactured home park or subdivision;
- ii. in a new manufactured home park or subdivision;
- iii. in an expansion to an existing manufactured home park or subdivision; or
- iv. in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood.

- (b.) The manufactured home shall be elevated so that the lowest floor of the manufactured home chassis is supported by reinforced piers or other foundation elevations that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. This requirement applies to all manufactured homes to be placed on a site in an existing manufactured home park or subdivision that has not been substantially damaged by a flood.
- (c.) Manufactured homes with fully enclosed areas formed by foundation and other exterior walls below the flood protection grade shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in Article 5, Section B. 4.
- (d.) Flexible skirting and rigid skirting not attached to the frame or foundation of a manufactured home are not required to have openings.
- (e.) Recreational vehicles placed on a site shall either:
 - i. be on site for less than 180 days; and,
 - ii. be fully licensed and ready for highway use (defined as being on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions); or
 - iii. meet the requirements for "manufactured homes" as stated earlier in this section.

C. Standards for Subdivision Proposals.

1. All subdivision proposals shall be consistent with the need to minimize flood damage.
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
4. Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions), which is greater than the lesser of fifty lots or five acres.
5. All subdivision proposals shall minimize development in the SFHA and/or limit density of development permitted in the SFHA.
6. All subdivision proposals shall ensure safe access into/out of SFHA for pedestrians and vehicles (especially emergency responders).

D. Critical Facility.

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA. Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated to or above the FPG at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the FPG shall be provided to all critical facilities to the extent possible.

E. Standards for Identified Floodways.

Located within SFHAs, established in Article 3, Section B, are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and has erosion potential. If the site is in an identified floodway, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources and apply for a permit for construction in a floodway. Under the provisions of IC 14-28-1 a permit for construction in a floodway from the Indiana Department of Natural Resources is required prior to the issuance of a local building permit for any excavation, deposit, construction, or obstruction activity located in the floodway. This includes land preparation activities such as filling, grading, clearing and paving etc. undertaken

before the actual start of construction of the structure. However, it does exclude non-substantial additions/improvements to existing (lawful) residences in a non-boundary river floodway. (IC 14-28-1-26 allows construction of non-substantial additions/ improvements to residences in a non-boundary river floodway without obtaining a permit for construction in the floodway from the Indiana Department of Natural Resources. Please note that if fill is needed to elevate an addition above the existing grade, prior approval (construction in a floodway permit) for the fill is required from the Indiana Department of Natural Resources.)

No action shall be taken by the Floodplain Administrator until a permit (when applicable) has been issued by the Indiana Department of Natural Resources granting approval for construction in the floodway. Once a permit for construction in a floodway has been issued by the Indiana Department of Natural Resources, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in Article 5 of this ordinance have been met. The Floodplain Development Permit cannot be less restrictive than the permit for construction in a floodway issued by the Indiana Department of Natural Resources. However, a community's more restrictive regulations (if any) shall take precedence.

No development shall be allowed which acting alone or in combination with existing or future development, will increase the regulatory flood more than 0.14 of one foot.

For all projects involving channel modifications or fill (including levees) the Town shall submit the data and request that the Federal Emergency Management Agency revise the regulatory flood data.

F. Standards for Identified Fringe.

If the site is located in an identified fringe, then the Floodplain Administrator may issue the local Floodplain Development Permit provided the provisions contained in Article 5 of this ordinance have been met. The key provision is that the top of the lowest floor of any new or substantially improved structure shall be at or above the FPG.

G. Standards for SFHAs Without Established Base Flood Elevation and/or Floodways/Fringes.

1. Drainage area upstream of the site is greater than one square mile:

If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined, and the drainage area upstream of the site is greater than one square mile, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans

and specifications, to the Indiana Department of Natural Resources for review and comment.

No action shall be taken by the Floodplain Administrator until either a permit for construction in a floodway or a floodplain analysis/regulatory assessment citing the one-percent annual chance flood elevation and the recommended Flood Protection Grade has been received from the Indiana Department of Natural Resources.

Once the Floodplain Administrator has received the proper permit for construction in a floodway or floodplain analysis/regulatory assessment approving the proposed development, a Floodplain Development Permit may be issued provided the conditions of the Floodplain Development Permit are not less restrictive than the conditions received from the Indiana Department of Natural Resources and the provisions contained in Article 5 of this ordinance have been met.

- (2) Drainage area upstream of the site is less than one square mile:

If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined and the drainage area upstream of the site is less than one square mile, the Floodplain Administrator shall require the applicant to provide an engineering analysis showing the limits of the floodplain and one-percent annual chance flood elevation for the site.

Upon receipt, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in Article 5 of this ordinance have been met.

- (3) The total cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the regulatory flood more than 0.14 of one foot and will not increase flood damages or potential flood damages.

H. Standards for Flood Prone Areas.

All development in known flood prone areas not identified on FEMA maps, or where no FEMA published map is available, shall meet applicable standards as required per Article 5.

(6) Variance Procedures

A. Designation of Variance and Appeals Board.

The Board of Zoning Appeals shall hear and decide appeals and requests for variances from requirements of this ordinance.

B. Duties of Variance and Appeals Board.

The board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Floodplain Administrator in the enforcement or administration of this ordinance. Any person aggrieved by the decision of the board may appeal such decision to the Spencer County Circuit Court.

C. Variance Procedures.

In passing upon such applications, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and;

1. The danger of life and property due to flooding or erosion damage.
2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
3. The importance of the services provided by the proposed facility to the community.
4. The necessity to the facility of a waterfront location, where applicable.
5. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.
6. The compatibility of the proposed use with existing and anticipated development,
7. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
8. The safety of access to the property in times of flood for ordinary and emergency vehicles.
9. The expected height, velocity, duration, rate of rise, and sediment of transport of the floodwaters at the site.
10. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

D. Conditions for Variances.

1. Variances shall only be issued when there is:
 - (a.) A showing of good and sufficient cause.

- (b.) A determination that failure to grant the variance would result in exceptional hardship.
 - (c.) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.
- 2. No variance for a residential use within a floodway subject to Article 5, Section E or Section G (1) of this ordinance may be granted.
- 3. Any variance granted in a floodway subject to Article 5, Section E or Section G (1) of this ordinance will require a permit from the Indiana Department of Natural Resources.
- 4. Variances to the Provisions for Flood Hazard Reduction of Article 5, Section B, may be granted only when a new structure is to be located on a lot of one half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection grade.
- 5. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- 6. Variances may be granted for the reconstruction or restoration of any structure individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.
- 7. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the lowest floor is to be built and stating that the cost of the flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation (See Article 6, Section E).
- 8. The Floodplain Administrator shall maintain the records of appeal actions and report any variances to the Federal Emergency Management Agency or the Indiana Department of Natural Resources upon request (See Article 6, Section E).

E. Variance Notification.

Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

1. The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and;
2. Such construction below the base flood level increases risks to life and property. A copy of the notice shall be recorded by the Floodplain Administrator in the Office of the County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in the community's biennial report submission to the Federal Emergency Management Agency.

F. Historic Structure.

Variances may be issued for the repair or rehabilitation of "historic structures" upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an "historic structure" and the variance is the minimum to preserve the historic character and design of the structure.

G. Special Conditions.

Upon the consideration of the factors listed in Article 6, and the purposes of this ordinance, the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

(7) Severability

If any section, clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

(8) Effective Date This ordinance shall take effect upon its passage by the Town Council of Santa Claus, Indiana.

(Ord. 2013-10)

11.04.041 Reserved. (Ord. 2006-04)

11.04.042 A - Agriculture District.

- (1) Purpose. This district is established to permit the full range of agricultural activities as well as certain planned large Lot residential Development with Development standards, which protect the full range of agricultural uses as determined by the

Commission, and other uses customarily conducted in agricultural areas.

(2) Permitted Uses.

- A. Single-Family Dwellings
- B. Farms and farm Buildings
- C. Cemeteries
- D. Public parks
- E. Field crop farm
- F. Truck crop farm
- G. Animal husbandry
- H. Stables
- I. Forestry
- J. Nursery or greenhouse
- K. Grazing
- L. Public Utilities
- M. Feed stores, excluding the milling or grinding of any feed for commercial purposes
- N. Spreading or injecting animal wastes
- O. Fertilizer storage

(3) Permitted Accessory Uses and Structures.

- A. Accessory Buildings as related to Agriculture or Single-Family Dwellings.
- B. Home Occupation.

(4) Prohibited Uses. Confined Feeding Operations and Kennels shall be allowed by special exception only.

(5) Development Standards.

- A. The minimum Parcel size for all uses in the A district shall be three (3) acres. The maximum density for residential uses shall be one (1) Dwelling for each

three (3) acres.

- B. Minimum Lot Frontage on Roadways and Lot Width at Building line shall be three hundred fifty (350) feet.
- C. Any portion of a pond or a pond dam shall be Setback a minimum of fifteen (15) feet from any property line
- D. Minimum Setback lines:
 - 1. Front Yard:
 - (a) All Lots fronting:
 - i. Freeways: Two hundred (200) feet
 - ii. Arterials: Eighty (80) feet
 - iii. Major & Minor Collectors: Sixty (60) feet
 - iv. Other Streets or Roadways: Fifty (50) feet
 - 2. Side Yard:
 - (a) Thirty (30) Feet
 - 3. Rear Yard:
 - (a) Thirty (30) feet
- E. Maximum Building Height: Thirty-five (35) feet, excepting farm structures, which shall not be limited in height.
- F. No abandoned, junked, inoperable or derelict vehicles, machinery, farm machinery, equipment or miscellaneous scrap or Building debris may be stored in Front Yards. (Ord. 2006-04; Ord. 1995-05)

11.04.043 R-1 Very Low Density Residential District

- (1) Purpose. The purpose of this district is to provide areas of very Low Density, suburban residential Development with particular emphasis on promoting residential Subdivision Development.
- (2) Permitted Uses.
 - A. Single-Family Dwellings

- B. Accessory Buildings
- C. Temporary Buildings for use during construction period
- D. Public, parochial, or private schools
- E. Churches
- F. Municipal parks, playgrounds, and clubhouses
- G. Fire stations
- H. Parking Lots, when fulfilling parking requirements for a use
- I. Model Home
- J. Home Occupation

(3) Development Standards.

- A. Minimum Lot size shall be one and one-half (1.5) Net Buildable acres for individual Lots.
- B. Lots less than one and one-half (1.5) Net Buildable acres may be permitted in an approved Subdivision under the Subdivision Ordinance, if such Lots are equal to or greater than twenty thousand (20,000) square feet for a Single-Family Dwelling and thirty thousand (30,000) square feet for Two-Family Dwellings.
- C. Minimum Lot Frontage on Streets and other public Roadways: Single-Family Dwellings: One Hundred Feet (100), except that such frontage may be sixty (60) feet on a Cul-de-sac Two-Family Dwellings: One hundred twenty (120) feet, except that such frontage may be seventy (70) feet on a Cul-de-sac.
- D. Minimum Setback lines:
 - 1. Front Yard:
 - (a) Single-Family or Two-Family Dwellings in Subdivision: Fifty (50) feet.
 - (b) All lots outside Subdivisions fronting:
 - i. Freeways: Two hundred (200) feet.
 - ii. Arterials: One hundred twenty (120) feet.
 - iii. Major & Minor Collectors: Eighty (80) feet.

- iv. Other Streets or Roadways: Sixty (60) feet.
- 2. Side Yard:
 - (a) Single-Family or Two-Family Dwellings in Subdivision: Fifteen (15) feet, except Corner Lots, which shall be Fifty (50) feet.
 - (b) All other Lots: Twenty-five (25) feet.
- 3. Rear Yard:
 - (a) Single-Family Dwellings in Subdivision: Thirty (30) feet.
 - (b) Two-Family Dwellings in Subdivision: Forty (40) feet.
 - (c) All other lots: Thirty (30) feet.
- E. Minimum square footage (exclusive of open porches, Terraces, and garages):
 - 1. Single-Family Dwellings:
 - (a) Single story: One thousand, one hundred (1,100) square feet.
 - (b) Two-story: One thousand, eight hundred (1,800) square feet.
 - 2. Two Family Dwellings:
 - (a) One thousand (1,000) square feet per unit.
- F. Off-Street parking shall be provided in accordance with the requirements of section 11.04.021(7) of this Ordinance.
- G. No abandoned, junked, inoperable or derelict vehicles, machinery, farm machinery, equipment or miscellaneous scrap or Building debris may be stored in yards.
- H. Any portion of a pond or pond dam shall be Setback not less than fifteen (15) feet from any property line. (Ord. 2006-04; Ord. 1995-05)

11.04.044 R-2 Low Density Residential District

- (1) Purpose. The purpose of this district is to provide areas of Low Density, suburban residential Development with particular emphasis on promoting residential Subdivision Development.
- (2) Permitted Uses.

- A. Single-Family Dwellings
- B. Two-Family Dwellings
- C. Accessory Buildings
- D. Temporary Buildings for use during construction period
- E. Public, parochial, or private schools
- F. Churches
- G. Municipal parks, playgrounds, and clubhouses
- H. Fire stations
- I. Parking Lots, when fulfilling parking requirements for a use
- J. Model Home
- K. Home Occupation

(3) Development Standards.

- A. Minimum Lot size shall be ten thousand (10,000) square feet for Single-Family Lots, Two-Family Lots shall be fifteen thousand (15,000) square feet.
- B. Minimum Lot Frontage from Street and other public Roadways:
 - 1. Single-Family Dwellings: Fifty (50) feet.
 - 2. Two-Family Dwellings: Seventy-five (75) feet.
- C. Minimum Setback lines:
 - 1. Front Yard: Twenty five (25) feet.
 - 2. Side Yards:
 - (a) Five (5) feet for Single-Family Dwellings, except Corner Lots when (50) foot Front Yard Setback will apply also to side yards on Roadways.
 - (b) Ten (10) feet for Two-Family Dwellings.
 - 3. Rear Yards:

- (a) Ten (10) feet for Single-Family Dwellings.
 - (b) Fifteen (15) feet for Two-Family Dwellings.
- D. Minimum Setbacks on any side of Lot abutting freeways and Arterials, all Lots:
 - 1. Freeways: Fifty (50) feet
 - 2. Arterials: Thirty-five (35) feet
- E. Minimum square footage (exclusive of open porches, Terraces, and garages):
 - 1. Single-Family:
 - (a) Single story: One thousand, one hundred (1,100) square feet.
 - (b) Two-story: One thousand, eight hundred (1,800) square feet.
 - 2. Two Family Dwellings:
 - (a) One thousand (1,000) square feet per unit.
- F. Off-Street parking shall be provided in accordance with the requirements of Section 11.04.021(7) of this Ordinance.
- G. No abandoned, junked, inoperable or derelict vehicles, machinery, farm machinery, equipment or miscellaneous scrap or Building debris may be stored in yards.
- H. Any portion of a pond or pond dam shall be Setback not less than fifteen (15) feet from any property line. (Ord. 2006-04; Ord. 1995-05)

11.04.045 R-3 Medium Density Residential District

- (1) Purpose. The purpose of this district is to provide areas of Medium Density, suburban residential Development with particular emphasis on promoting residential Subdivision Development.
- (2) Permitted Uses.
 - A. Single-Family Dwellings
 - B. Two-Family Dwellings
 - C. Multi-Family Dwellings
 - D. Accessory Buildings

- E. Temporary Buildings for use during construction period
- F. Public, parochial, or private schools
- G. Churches
- H. Municipal parks, playgrounds, and clubhouses
- I. Fire stations
- J. Parking Lots, when fulfilling parking requirements for a use
- K. Model Home
- L. Home Occupation

(3) Development Standards.

- A. Minimum Lot size shall be five thousand (5,000) square feet.
- B. Minimum Lot Frontage from Streets and other public Roadways:
 - 1. Fifty (50) feet for Single-Family Dwelling
 - 2. Seventy-five (75) feet for Two-Family Dwellings
- C. Minimum Setback lines:
 - 1. Front Yard: Twenty (20) feet.
 - 2. Side Yards: Five (5) feet except for Corner Lots when fifteen (15) feet is required adjacent to Streets.
 - 3. Rear Yards: Ten (10) feet, except that twenty-five (25) feet if adjacent to Streets.
- D. Minimum Setbacks on any side of Lot abutting freeways and Arterials:
 - 1. Freeways: Thirty (30) feet.
 - 2. Arterials: Twenty-five (25) feet.
- E. Buildings or Structures or parts thereof shall not be erected, altered, or placed so as to cover more than forty-five percent (45%) of the Lot.
- F. Minimum square footage (exclusive of open porches, Terraces, and garages):

1. Single-Family:
 - (a) Single story: One thousand, one hundred (1,100) square feet.
 - (b) Two-story: One thousand, eight hundred (1,800) square feet.
2. Two Family Dwellings:
 - (a) One thousand (1,000) square feet per unit
- G. Off Street parking shall be provided in accordance with the requirements of Section 11.04.021(7) of this Ordinance.
- H. No abandoned, junked, inoperable or derelict vehicles, machinery, farm machinery, equipment or miscellaneous scrap or Building debris may be stored in yards.
- I. Any portion of a pond or pond dam shall be Setback not less than fifteen (15) feet from any property line (Ord. 2006-04; Ord. 1995-05).

11.04.046 C - Commercial District

- (1) Purpose. Businesses located in the C District require locations on or near major Arterials and their intersections. Commercial businesses serve the day- to-day needs of the neighborhood, and supply the more permanent and durable needs of the whole community.
- (2) Permitted Uses.
 - A. Administrative, executive and clerical services.
 - B. Animal and veterinary clinics
 - C. Apparel Stores
 - D. Auction, excluding the Sale of livestock.
 - E. Automotive repair, parts or body shops
 - F. Bakeries
 - G. Banks or financial services
 - H. Beauty Salons and barbershops
 - I. Bowling Alleys

- J. Carry out stores, Liquor stores
- K. Cemeteries
- L. Churches (Temples, Mosques, and Synagogues)
- M. Department and discount stores
- N. Dressmaking and tailoring businesses
- O. Drug Stores
- P. Dry cleaning plants
- Q. Feed stores, excluding the milling or grinding of any feed
- R. Fitness Centers
- S. Florist shops
- T. Food Service Establishments with or without drive through facility
- U. Furniture and appliance stores
- V. Garden, Greenhouse and related stores
- W. Gas stations and food marts
- X. Gift Variety & Souvenir Stores
- Y. Groceries
- Z. Hardware stores
- AA. Hospitals, Medical and dental Clinics and other Healthcare facilities
- BB. Lawn and garden services
- CC. Major supermarkets
- DD. Mini-warehouses and storage
- EE. Motels, Hotels and other lodging establishments
- FF. Movie theaters
- GG. Museums

- HH. Offices
- II. Photograph shops
- JJ. Pool and billiard halls
- KK. Printing shops and newspaper plants
- LL. Radio stations, Television stations & other related
- MM. Self service Laundromats
- NN. Undertaking establishments
- OO. Used / new car Sales and service

(3) Prohibited Uses.

- A. Any business which causes offensive noise, vibrations, odor, dust, smoke, or gas.
- B. Salvage Yards, Junk Yards, Recycling Centers and Recycling Plants
- C. Adult Entertainment Establishments
- D. Outside storage of inoperable, derelict, wrecked, or wheelless Motor Vehicles.

(4) Development Standards.

- A. Minimum Lot area: Ten thousand (10,000) square feet.
- B. Minimum Lot Frontage on Street: Fifty (50) feet.
- C. Minimum Setback lines:
 - 1. Front Yard: Fifty (50) feet.
 - 2. Side Yard:
 - (a) For side yards adjoining a Roadway or Street: Not less than thirty (30) feet.
 - (b) For side yards abutting a residential area: One hundred (100) feet.
 - (c) For all other side yards: Fifteen (15) feet.

3. Rear Yard: Fifteen (15) feet, unless the rear yard abuts a Residential zone, in which case the rear yard Setback shall be one hundred (100) feet.
- D. Minimum Setback on any side of a Lot abutting a freeway or Arterial shall be Fifty (50) feet, of which not less than twenty percent (20%) of the square footage of which Minimum Setback area shall be developed or maintained with Landscaping and/or Yard, free of any Buildings, Roadways, Parking Areas, storage, Accessory Uses or other man-made Structures or other improvements. (Ord. 2010-11)
- E. Maximum Building height: Thirty-five (35) feet.
- F. Minimum ground level square footage required: None; however, not more than eighty percent (80%) of the total area of any Lot or any Development on multiple Lots shall be occupied by Buildings, Roadways, Parking Areas, storage, drainage facilities, and other Accessory Uses.
- G. Off-Street and/or private parking and loading and unloading berths shall be provided in accordance with the provisions of Section 11.04.021(7).
- H. No abandoned, junked, inoperable or derelict vehicles, machinery, farm machinery, equipment or miscellaneous scrap or Building debris may be stored in yards.
- I. Any portion of a pond or pond dam shall be Setback, not less than fifteen (15) feet from any property line. (Ord. 2006-04; Ord. 1995-05)

11.04.047 AM-Amusement Park District

- (1) Purpose. The purpose of the AM district is to provide for alternative land Developments where a variety of amusement uses are planned and developed as a whole. Amusements are attractions that entertain visitors from within and outside the local community.

Uses in this district are generally major operations and extensive in character, and require large sites, open storage and service areas, access to regional transportation or Roadways, and generate nuisances such as excessive traffic and noise. They should be located away from residential uses.

- (2) Permitted Uses.

- A. Theme Parks
- B. Amusement Parks
- C. Miniature Golf Courses

- D. Mechanical & Non Mechanical Amusement Devices
- E. Water park rides and attractions including but not limited to:
 - 1. Water slides
 - 2. Wave pools
 - 3. Kids activity areas
 - 4. Swimming pools
 - 5. Go-Cart Tracks
 - 6. Theaters
 - 7. Restaurants
 - 8. Catering Facilities
 - 9. Picnic Shelters
 - 10. Skill Games
 - 11. Gift Shops
 - 12. Hotels
 - 13. Motel
 - 14. RV Parks
 - 15. Campgrounds
 - 16. Offices for otherwise permitted uses
 - 17. Maintenance Facilities for otherwise permitted uses
 - 18. Service Facilities for otherwise permitted uses
 - 19. Storage Facilities for otherwise permitted uses

(3) Prohibited Uses.

- A. Any business which causes offensive noise, vibration, odor, dust, smoke, or gas.

- B. Salvage Yards, Junk Yards, Recycling Centers and Recycling Plants.
- C. Outside storage of inoperable, derelict, wrecked or wheelless Motor Vehicles.
- D. Adult Entertainment Establishments.

(4) Development Standards. An Amusement Development shall conform to the following:

- A. The number of Buildings, rides, attractions shall not exceed the number approved by the Commission on the Master Plan unless a density increase is approved by the Commission.
- B. Only land uses that are approved on the Master Plan may be permitted within a Development.
- C. Up to ten percent (10%) of the gross land area, excluding parking, may be used for non-recreational uses, provided that the Commission finds that the uses are necessary or desirable and are appropriate with respect to the primary purpose of the Development.
- D. Each Development shall have open space. Open space may include Street Right-of-Ways, Driveways, which directly serve recreational areas. At least ten percent (10%) of the gross land area shall be allocated for parks, open space, woodlands or green spaces.
- E. All utilities, including communication and electric systems, shall be placed underground within the limits of the Development, or effectively screened. What constitutes effective Screening shall be determined by the Commission.
- F. The Development Plan shall include a common water supply and distribution system which shall meet the approval of the Commission and the Health Department, Health Officer, and/or any other State or local governmental entity or officer with jurisdiction over such water supply and distribution system.
- G. All materials or products shall be kept within enclosed fencing or Buildings. Storage of materials within the enclosure shall not exceed the height of wall, fence, or vegetative screen. The total area devoted to outside storage shall not exceed twenty-five percent (25%) of the total gross area of the enclosed Structure.
- H. All Yards shall be effectively screened on each side adjoining or fronting on any residential zone. Solid walls or fences not less than six (6) feet high, densely-planted hedges not less than six (6) feet high at the time of planting, or a Greenway not less than fifty (50) feet wide are considered to be effective screens, provided that such Greenway must be approved by the Commission as being an effective screen at the time such Yard is established. (Ord. 2010-

11)

- I. Minimum Lot area: Ten thousand (10,000) square feet. Building coverage shall not exceed fifty percent (50%) of the Lot area
- J. Minimum Lot Frontage on Roadway or Street: Fifty (50) feet
- K. Minimum Setback lines:
 - 1. Front Yard: Fifty (50) feet.
 - 2. Side yard:
 - (a) For side yards adjoining a Street: Not less than thirty (30) feet.
 - (b) For side yards abutting a Residential Zone: One hundred (100) feet.
 - (c) For all other side yards: Fifteen (15) feet.
 - 3. Rear yards:
 - (a) For rear yards abutting a Residential Zone: One hundred (100) feet.
 - (b) For all other rear yards: Fifteen (15) feet.
- L. Minimum Setback on any side of Lot abutting freeway and Arterials: One hundred (100) feet.
- M. Maximum Building Height: Fifty (50) feet.
- N. Maximum Ride and/or Attraction Height. Three hundred (300) feet, with a Setback of not less than the height of the Ride or Attraction above finished grade from any and all Lot Line(s). (Ord 2009-08, Dec. 28, 2010)
- O. Parking shall be provided such that parking is provided in designated off-Street parking for all guests at all times. (Ord 2009-08; Ord. 2006-04; Ord. 1995-05)

11.04.048 PUD-Planned Unit Development District

- (1) Purpose. The purpose of the Planned Unit Development (PUD) district is to provide for alternative land Developments where a variety of residential, commercial, or industrial uses are planned and developed as a whole.

(2) Description. A PUD shall conform to the following:

- A. The number of Dwelling Units erected shall not exceed the number approved by the Commission on the Master Plan unless a density increase is approved by the Commission.
- B. Only land uses that are approved on the Master Plan may be permitted within a PUD.
- C. Up to ten percent (10%) of the gross land area in a residential PUD may be used for commercial, industrial, and non-recreation public uses, provided that the Commission finds that the uses are necessary or desirable and are appropriate with respect to the primary purpose of residential Development.
- D. Each PUD shall have common open space. Common open space may include Street Right-of-Ways, Driveways, and parking Lots which directly serve recreational areas. At least ten percent (10%) of the gross land area in a PUD shall be allocated for parks, open space and recreational purposes.
- E. All utilities, including communication and electric systems, shall be placed underground within the limits of the Development, or effectively screened. What constitutes effective Screening shall be determined by the Commission.
- F. The Development Plan shall include a common water supply and distribution system which shall meet the approval of the Commission and applicable Federal, State, or Local agencies or offices with jurisdiction.
- G. The Development Plan shall include a sanitary sewer system connected to a Public Sewer system, if available within a reasonable distance from the project, or it shall provide for a central collection and treatment system in accordance with the requirements of both the Commission and applicable Federal, State, or Local agencies or offices with jurisdiction.
- H. The plan of the project shall provide for the integrated and harmonious design of Buildings in the commercial and industrial areas and the Parcels shall be developed in park-like surroundings. The Parcels shall be landscaped, and woodlands used to screen lighting, Parking Areas and loading areas from adjacent residential areas.

(3) Procedure for Approval of a PUD. Generally, the procedure for Subdivision Plat approval as outlined in this Ordinance shall be followed with these exceptions:

- A. The Applicant shall submit a preliminary Site Plan in triplicate to the Commission which includes, but is not restricted to, the following information:
 - 1. Location and boundaries of tract to be developed, showing the general layout of Streets and the existing and proposed land uses of

all areas.

2. Tentative placement of all improvements on the site, showing how recommendations of this Ordinance have been used.
3. General proposals on densities for residential and other uses. To allow for sufficient flexibility, the Commission may allow minor shifts in use locations and densities, provided that the general overall plan is adhered to.
4. The proposed schedule for Development of the site.

- B. The Commission shall give notice of acceptance or rejection of the proposal within ninety (90) days. Reasons for rejection along with suggestions for revisions shall be given in writing. The Developer may resubmit plans after the suggested corrections or additions are made.

(4) Development Standards.

- A. A planned residential or residential/ commercial Development must comprise an area of at least ten (10) acres.
- B. A planned office Development must comprise an area of at least two (2) acres.
- C. A planned commercial Development must comprise at least four (4) acres.
- D. A planned manufacturing Development must comprise an area of at least four (4) acres.
- E. All minimum ground Floor Area requirements, Lot area requirements, front, side, and rear yard requirements, and height of Building requirements are the same as those in the district in which the PUD is to be located.
- F. No abandoned, junked, inoperable or derelict vehicles, machinery, farm machinery, equipment or miscellaneous scrap or Building debris may be stored within PUD boundaries. (Ord. 2006-04; Ord. 1995-05)

11.04.049 I-Industrial District

- (1) Purpose. Uses located in this District encompass Light and Heavy industrial activities.
- (2) Permitted Uses.

- A. Detached or attached offices for employees or guests of the facility
- B. Farm Buildings and Structures

- C. Public and private utilities
- D. Mass transportation terminals
- E. Recreation areas for the convenience and use of employees
- F. Radio, television and other communication towers
- G. Assembly operations for pre-manufactured parts
- H. Canning, bottling, processing and/or packaging of food
- I. Light manufacturing
- J. Warehouse and distribution operations
- K. Machine, welding and tool and die shops
- L. Animal and veterinary clinics
- M. Construction and trucking contractor operations
- N. Adult Entertainment Establishments

(3) Development Standards.

- A. Minimum Lot area: One (1) acre.
- B. Minimum Lot Frontage on Street: Two hundred (200) feet.
- C. Minimum Setback lines:
 - 1. Front Yard: Fifty (50) feet.
 - 2. Rear and Side Yards: Twenty (20) feet, unless the rear yard abuts a residential zone, in which case the side and/or rear yard Setback shall be one hundred (100) feet.
- D. Minimum Setback on any side of Lot abutting freeway and Arterials shall be one hundred (100) feet.
- E. Maximum Building height: Twenty-five (25) feet.
- F. Minimum ground level square footage required: None; however, not more than fifty percent (50%) of the total area of any Lot or any Development on multiple Lots shall be occupied by Buildings, storage, and other Accessory Uses.

- G. Off-Street and/ or private parking and loading and unloading berths shall be provided in accordance with the provisions of Section 11.04.021(7).
- H. No abandoned, junked, inoperable or derelict vehicles, machinery, farm machinery, equipment or miscellaneous scrap or Building debris may be stored in yards.
- I. All materials or products shall be kept within enclosed fencing or Buildings. Storage of materials within the enclosure shall not exceed the height of wall, fence, or vegetative screen. The total area devoted to outside storage shall not exceed twenty-five percent (25%) of the total gross area of the enclosed Structure.
- J. Where a front, side, or rear yard abuts a Dwelling, residential, or commercial zone, a continuous hedge row of shrubbery or evergreen trees shall be provided along or within twenty (20) feet of the zone Lot Line. Such Screening shall be at least six (6) feet high at time of planting or construction. Shrubs or trees must be spaced to block view year round.
- K. Because industrial Developments present unique circumstances that may be unsightly, dangerous, noisy, or otherwise constitute a nuisance or by offensive to public health, safety or welfare, additional commitments may be required by the Commission dependent upon the characteristics of a proposed use.
- L. Any portion of a pond or pond dam shall be Setback not less than fifteen (15) feet from any property line. (Ord. 2006-04; Ord. 1995-05)

11.04.050 Exceptions and Modifications

(1) Height.

- A. Three (3) Story Buildings in Two (2) Story Zones. In the zones limiting height to two (2) stories not to exceed thirty-five (35) feet, any permitted Structure maybe increased in height to three (3) stories not to exceed forty-five (45) feet, provided the required side yards are increased an additional one (1) foot for each three (3) feet such Structure exceeds twenty-five (25) feet.
- B. Through Lots (one hundred fifty (150) feet or less in depth). On Through Lots one hundred fifty (150) feet or less in depth, the height of a Building may be measured from the adjoining Curb Level on either Street.
- C. Through Lots (more than one hundred fifty (150) feet in depth). On Through Lots more than one hundred fifty (150) feet in depth, the height regulations and basis of height measurements for the Street permitting the greater height shall apply to a depth of not more than one hundred fifty

(1150) feet from that Street.

- D. Structures Permitted Above Height Limit. Penthouses or roof Structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the Building, fire or parapet walls, skylights, television aerials, steeples, roof signs, flagpoles, chimneys, smokestacks, wireless masts, water tanks, grain elevators, silos, gas containers, material hoppers, or similar Structures may be erected above the height limits herein prescribed; but no penthouse or roof Structure or any space above the height limit shall be allowed for the purpose of providing additional floor space for residential, business or industrial use. (Ord. 2006-04)

(2) Area and Yards.

- A. Yard Regulations Modified. Where the yard regulations cannot reasonably be complied with or their application determined on Lots of peculiar shape, location or topography, such regulations may be modified or determine by the Board.
- B. Front Yard (between projecting Buildings). Where a Lot is situated between two (2) Lots, each of which has a main Building which projects beyond the Front Yard line established by this Ordinance, and was so maintained when this Ordinance became effective, the Front Yard requirement on such Lot may be the average of the Front Yards of said existing Buildings, provided, however, the Front Yard of such Lot shall not be less than ten (10) feet.
- C. Front Yard (adjoining projecting Building). Where a Lot adjoins only one (1) Lot having a main Building which projects beyond the ordinance established Front Yard line and has been so maintained since this Ordinance became effective, the Front Yard requirement on such Lot may be the average of the Front Yard of the existing Building and the established Front Yard line, provided, however, the Front Yard of such Lot shall be not less than ten (10) feet.
- D. Side Yards Waived. For the purpose of side yard regulations, the following Dwellings with common party walls shall be considered as one (1) Building occupying one (1) Lot: Semi-detached Dwellings, Row Dwellings, and group Dwellings.
- E. Front and Side Yards Waived. The front and side yards may be waived for Dwellings, Hotels, and Lodging Houses erected above the ground floor of a Building when said ground floor is designed and used exclusively for business and/or industrial purposes.
- F. Rear Yard Accessory Building. An Accessory Building, not exceeding twenty (20) feet in height may occupy not more than thirty percent (30%) of the area of a required rear yard providing it is no less than five (5) feet from any side

or Rear Lot Line.

G. Through Lot Considered as Two (2) Lots. Where a Through Lot has a depth of two hundred (200) feet or more, and an area of twenty thousand (20,000) square feet or more, said Lot may be assumed to be two (2) Lots with the rear line of each approximately equidistant from the Front Lot Lines, provided all area requirements are complied with.

H. Projection into Yards.

1. Porte Cochère. A porte cochère may be permitted over a Driveway in a side yard, provided such Structure is not more than one (1) Story in height and twenty (20) feet in length, and is entirely open on at least two sides, except for the necessary supporting columns and customary architectural features provided, however, such porte cochère does not extend to within five (5) feet of a Side Lot Line.
2. Cornice, Sill or Chimney. A cornice, sill, Canopy or other similar architectural feature (not including bay window or other vertical projection) may extend or project into a required front, side or rear yard not more than two (2) feet, provided the width of such side yard is not reduced to less than three (3) feet.
3. Fire Escape. A fire escape may extend or project into any required front, side or rear yard not more than four (4) feet.
4. Open Stairway and balcony. An open, unenclosed stairway or balcony, not covered by a roof or Canopy, may extend or project into a required rear yard, and such balcony may extend into a required Front Yard not more than thirty (30) inches.
5. Fence or Wall. A fence, lattice-work screen or wall in connection with residential use, not more than six (6) feet in height, but not to extend into the required Front Yard, or a hedge or thick growth of shrubs, maintained so as not to exceed four (4) feet in height may be located in any required front or side yard except for corner Setbacks as required in this Ordinance.
6. Landscape Feature. A landscape feature, such as trees, shrubs, flowers or plants, shall be permitted in any required front side or rear yard, provided it does not violate the provisions of this Ordinance. (Ord. 2006-04)

11.04.060. Signs & Advertising Devices

- (1) (1) Improvement Location Permit. After the enactment of this Ordinance, it shall be deemed unlawful to erect, place, attach or structurally alter any Sign or Advertising

Device in Santa Claus, Indiana, unless and until an Improvement Location Permit has been issued (except for those items listed in Section 11.04.060(2)). Upon the issuance of said permit the advertising company or its agent may erect, place, attach or structurally alter said Sign or Advertising Device only if the device shall be in conformity with all sections of this Part 11.04.060. (ord. 2014-10)

(2) Signs & Advertising Devices for Which Improvement Location Permits are Not Required. Improvement Location Permits shall not be required for the following:

- A. A name plate not exceeding four (4) square feet nor five (5) feet in height, containing house or address notations.
- B. Unlighted Signs pertaining to the sale of the property on which such Sign is located, not exceeding twelve (12) square feet and five (5) feet in height.
- C. A Sign pertaining to a home occupation or sale of farm produce not exceeding twelve (12) square feet and five (5) feet in height, and that it is limited to the advertising of items crafted or grown and which are sold on the Lot where such sign is erected. (Ord. 2014-10)
- D. All Signs or other devices necessary for convenience and safety established or erected and/or maintained by the Federal, State, County or Town Highway, Street, Utility or other Departments.
- E. Sign(s) that are not visible from a public way or from neighboring properties shall be excepted from the requirements of this Part 6, except that if such Sign(s) later do become visible, the owner shall apply for an Improvement Location Permit within thirty (30) days of the change in status, and such Sign(s) must meet all requirements of this Section.
- F. A notice of change of zoning as established by the Commission.
- G. Signs or Advertising Devices of a temporary nature, not more than four (4) square feet in area advertising or giving direction to an official, special event. All such devices shall be installed not more than thirty (30) days prior to the event and removed within twenty four (24) hours after they become no longer applicable, and only one such Sign or Advertising Device may be placed upon any Lot at any time.
- H. Banners, streamers, pennants and similar objects of a temporary nature to promote grand openings or other special events conducted upon the premises upon which such objects are located are permitted, provided that no such objects may be displayed on a Lot for more than thirty (30) days in any calendar year, the total area of such objects shall not exceed the maximum for signs in the district in which such objects are located, such objects shall be securely fastened to buildings or poles, and shall otherwise meet all setback and maintenance requirements of this Ordinance. Any such objects which do not meet such requirements are prohibited.

- (3) Area and Location. Yard restrictions established in other sections of this Ordinance do not apply to Signs and Advertising Devices except where direct reference is made to said devices, and the restrictions as established in this Part 6 shall apply in all other cases. The size and location of all Signs and Advertising Devices shall comply with the provisions of this Part 6.
- (4) R Zones. This section specifies what Signs and Advertising Devices shall or shall not be granted Improvement Location Permits in the Residential zones.
- A. Home Designation. One unlighted name plate not exceeding eight (8) square feet in area and five (5) feet in height, is permitted.
 - B. Housing Complexes. No more than one Sign, not exceeding twenty (20) square feet in area or five (5) feet in height, at the entrance to subdivisions or multi-family housing complexes, apartments or similar uses is permitted.
 - C. Setback. All Signs shall be set back not less than the greater of fifteen (15) feet from all Lot Lines; or, fifteen (15) feet from the closest edge of any Street, if a Lot Line is within such Street.
 - D. All Advertising Devices are prohibited in Residential Zones.
 - E. Churches, Temples, Mosques, Synagogues, Schools, and Institutions. All churches; temples; mosques; synagogues; and public or parochial, primary or secondary schools shall be permitted one (1) Sign not to exceed twenty-four (24) square feet. In the event the Church, Temple, Synagogue or School faces more than one Street, one (1) Sign per Street may be permitted for each side of the Lot containing not less than one hundred (100) feet of frontage on a Street. All such Signs shall be set back not less than the greater of fifteen (15) feet from all Lot Lines; or, fifteen (15) feet from the closest edge of any Street, if a Lot Line is within such Street.
- (4) C, I, & AM Zones. This section specifies what Signs and Advertising Devices shall or shall not be granted Improvement Location Permits in the C, I and AM Zones. In any C, I or AM Zone, one (1) Sign may be permitted on each Lot, with the following requirements:
- A. The size shall be limited to three (3) square feet of area to each lineal front foot of the building displaying such device.
 - B. Freestanding signs are only permitted on Lots containing not less than one hundred (100) feet of frontage on a Street, and only on the side of such Lot containing such required frontage.
 - C. All Signs shall be set back not less than the greater of fifteen (15) feet from all Lot Lines; or, fifteen (15) feet from the closest edge of any Street, if a Lot Line is within such Street.

- D. If a use on a Lot faces more than one street, one (1) Sign may be permitted for each side of the Lot containing not less than one hundred (100) feet of frontage on a Street.
 - E. In buildings with multiple uses divided by partition walls (i.e., “strip” malls), one (1) facade Sign may be permitted for each leased segment of such strip, provided that the total sign area shall not exceed the limitations contained in this Ordinance.
 - F. Shopping centers (40,000 square feet of retail space or greater, with a minimum of four tenants) may erect a maximum of two freestanding signs with a maximum total area of one (1) square foot per frontage foot, not to exceed one hundred and fifty (150) square feet per sign.
 - G. Office parks may erect a freestanding sign with a maximum total area of fifty (50) square feet.
 - H. Additional directional Signs for traffic may be installed at one-way entrances and/or exits as needed for traffic flow, but such signs shall not exceed four (4) square feet in area and shall be no more than four (4) feet in height.
 - I. In the AM district, additional signs may be permitted as approved on the Master Plan for the development.
- (5) A or FP Zone. This section specifies what Signs and Advertising Devices shall or shall not be granted Improvement Location Permits in the A & FP Zones.
- A. Home Occupation. Unlighted name plates not to exceed eight (8) square feet in area, are permitted. The required setback shall be not less than fifteen (15) feet from all Lot Lines.
 - B. Permanent. No more than one Sign, not exceeding twenty (20) square feet in area for multiple dwellings.
 - C. Churches, Temples, Mosques, Synagogues, Schools, and Institutions. All churches; temples; mosques; synagogues; and public or parochial, primary or secondary schools shall be permitted one, but not more than one, freestanding Sign not to exceed twenty-four (24) square feet. In the event the Church, Temple, Synagogue or School faces more than one street, one Sign per street may be permitted for each side of the Lot containing not less than one hundred (100) feet of frontage on a Street.
 - D. Setback. All signs shall be set back not less than the greater of fifteen (15) feet from all Lot Lines; or, fifteen (15) feet from the closest edge of any Street, if a Lot Line is within such Street.
- (6) Advertising Devices. No Advertising Devices shall be permitted in any zones except A, I and Am, where such devices may be permitted as Special Exceptions. All

Advertising Device which are so permitted shall comply with setback requirements as specified in this Ordinance for other structures, except as otherwise stated herein, and the requirements of this Section.

- A. All Advertising Devices shall be a minimum of three hundred (300) feet from a line projected perpendicular across a street, highway or other road from any dwelling, church, synagogue, temple, playground, park, school or other public institution.
- B. All Advertising Devices shall be a minimum of five hundred (500) feet from any dwelling or land used, platted, divided, or zoned for residential use, school, church, temple, synagogue, park or place of public assembly.
- C. All Advertising Devices shall be a minimum of five hundred (500) feet from any and all side property lines.
- D. All Advertising Devices shall be a minimum of five hundred (500) feet from railroad or a crossroad intersections, crosswalks, pedestrian bridges, "T" roads or highway entrances, bridges or stretches of highway that are specified as being hazardous by the State, County, or Town, turns in the highway or entering lanes or roadways, and the curves of a curved highway.
- E. No Advertising Device shall be located closer than two hundred (200) feet from the nearest right-of-way boundary of any Street or Highway which is a part of the Indiana State Highway system.
- F. Advertising Devices may not contain more than one (1) sign per facing, nor more than two (2) sides per said device.
- G. Any Advertising Device shall be a minimum of one thousand three hundred twenty (1,320) feet from another device located on the same side of a two-lane Federal, State, County or Town roadway.

(7) General Requirements for all Signs & Advertising Devices.

- A. All Signs and Advertising Devices shall be constructed or maintained in a presentable manner for the life of the device.
- B. Any nonconforming Sign or Advertising Device that is or becomes in a derelict or objectionable condition shall be removed from the premises by the owner of said Sign or Device. Said condition shall exist when device is determined to be in excess of thirty percent (30%) destroyed by acts of God or man. Said determination shall be made by the Zoning Administrator.
- C. Any nonconforming Sign or Advertising Device, lawfully existing upon the effective date of this ordinance shall be discontinued on or before ten (10) years after the effective date of this Ordinance, in which case such prior date

of discontinuance shall apply, unless in the meantime it is determined to be or is made conforming to this Section.

- D. For the purposes of this Ordinance, a series of 1 to 6 Signs or Advertising Devices, each having an area of no greater than six (6) square feet and spaced at least one hundred (100) feet apart, which are designed to be read in sequence to convey a single message, shall be considered as one Advertising Device.
- E. No freestanding Sign or Advertising Device shall have an advertising area exceeding three hundred twenty (320) square feet in area.
- F. No flashing Sign or Advertising Device shall be located within three hundred (300) feet of any Residential zone or Lot used for residential purposes.
- G. Except in the AM zone, no Sign or Advertising Device shall have an overall height exceeding twenty (20) feet above the lower of (a) The grade of the Lot upon which such Sign or Advertising Device is located prior to placement of the Sign or Advertising Device; (2) The grade of the Lot upon which such Sign or Advertising Device is located after placement of the Sign or Advertising Device; or, (c) the level of the edge of the Street which is located closest to the Sign or Advertising Device. In the AM zone, no Advertising Device or freestanding Sign shall exceed such height requirements except as approved on the development's Master Plan.
- H. No Sign placed inside a window or immediately behind the windowpane or upon the window pane shall exceed twenty-four (24) square feet, and such Signs shall not exceed fifty percent (50%) of the area of the window in which such Sign(s) are placed.
- I. Illuminated Signs.
 - 1. Illuminated signs located adjacent to any residential area shall be controlled by a rheostat, or another acceptable method, so as not to create excessive glare to properties within said residential district.
 - 2. No illumination simulating traffic control devices or emergency vehicles shall be used.
 - 3. All illumination must be from a steady, stationary light source.
 - 4. Internal Illumination.
 - (a) Internally illuminated signs must be constructed of routed aluminum so that only letters, numbers, and/or logos are illuminated.
 - (b) Signs shall not have light reflecting backgrounds nor letters.

- (c) All finishes shall be a matte finish.

5. External Illumination.

- (a) Illumination shall be a steady stationary light source, shielded and directed solely at the sign.
- (b) Light sources to illuminate signs shall neither be visible from any street right-of-way, nor cause glare hazardous to pedestrians or vehicle drivers or so as to create a nuisance to adjacent properties.
- (c) The intensity of light shall not exceed twenty (20) footcandles at any point on the sign face.
- (d) The color of light sources to illuminate signs shall be white.
- (e) Signs shall not have light-reflecting backgrounds nor letters.

(Ord. 2011-03)

11.04.070 Re-Zoning. The Commission may re-zone, in whole or in part, in accordance with I.C. §36-7-4-600 et seq. Individual Property Owners desiring to re-zone their own property may apply to the Commission in accordance with this Section.

- (1) Application. An Owner or the Council may request in writing that the Commission to consider a proposal to re-zone a specific geographic area. An Owner may propose re-zoning by completing the appropriate application and filing it with the Commission at least thirty (30) days prior to its next regularly-scheduled meeting.
- (2) Publication & Notification of Citizens and Affected/Adjacent Property Owners. The Commission shall give notice of the hearing by publication under I.C. §5-3-1. The notice must state:
 - A. The time and place of the hearing;
 - B. The geographic areas (or zoning districts in a specified geographic area) to which the proposal applies;
 - C. A summary of the subject matter contained in the proposal (not the entire text); or, a description of the proposed change in the zone Maps;
 - D. The place where a copy of the proposal is on file for examination before the hearing; and,
 - E. That written objections and oral comments regarding the proposal will be considered.

The Commission shall also provide due notice to Interested Parties at least ten (10) days before the date set for the hearing, or as otherwise required by Indiana law.

- (3) Public Hearings, Written & Verbal Comments. On receiving or initiating the proposal, the Commission shall, within sixty (60) days, hold a public hearing. Within ten (10) business days after the Commission determines its recommendation, if any, the Commission shall certify, in writing, the proposal to the Council.

In preparing and considering proposals, the Commission shall pay reasonable regard to:

- A. The Comprehensive Plan;
 - B. Current conditions and the character of current Structures and uses in each district;
 - C. The most desirable use for which the land in each district is adapted;
 - D. The conservation of property values throughout the jurisdiction; and,
 - E. Responsible Development and growth.
- (4) Commission Recommendation to Council. The proposal may be certified in writing with a favorable recommendation, an unfavorable recommendation, or no recommendation from the Commission to the Council.
- (5) Council: Publication & Notification. After the Commission presents a favorable, unfavorable, or no recommendation to the Council, the Council shall at the first regular meeting of the Council after the proposal is certified (or at any subsequent meeting within a ninety (90) day period following such certification), adopt, reject, or amend the proposal. The Council shall give notice of its intention to consider the proposal at that meeting. The notice must state:
- A. The time and place of the hearing;
 - B. The geographic areas (or zoning districts in a specified geographic area) to which the proposal applies;
 - C. A summary of the subject matter contained in the proposal (not the entire text); or, a description of the proposed change in the zone Maps;
 - D. The place where a copy of the proposal is on file for examination before the hearing;
 - E. That written objections and oral comments regarding the proposal will be considered;

The Council shall also provide for due notice to Interested Parties at least ten (10)

days before the date set for the hearing.

- (6) Council: Public Hearings, Written & Verbal Comments. On receiving a favorable, unfavorable, or no recommendation from the Commission, if the Council does not adopt or reject the proposal at its first scheduled meeting following the certification, the Council shall, within sixty (60) days, hold a public hearing.

In considering proposals, the Council shall pay reasonable regard to:

- A. The Comprehensive Plan;
 - B. Current conditions and the character of current Structures and uses in each district;
 - C. The most desirable use for which the land in each district is adapted;
 - D. The conservation of property values throughout the jurisdiction; and,
 - E. Responsible Development and growth.
- (7) Actions in case of rejection or amendment. If the Council rejects or amends the proposal, it shall be returned to the Commission for its consideration, with a written statement of the reasons for the rejection or amendment. The Commission has forty-five (45) days in which to consider the rejection or amendment and report to the Council as follows:
- A. If the Commission approves the amendment or fails to act within the forty-five (45) day period, the Ordinance stands as passed by the Council as of the date of the filing of the Commission's report of approval with the Council or the end of the forty-five (45) day period.
 - B. If the Commission disapproves the rejection or amendment, the action of the Council on the original rejection or amendment stands only if confirmed by another vote of the Council within forty-five (45) days after the Commission certifies its disapproval. (Ord. 2006-04)

10.04.080 Adult Entertainment Establishments. Prior to the opening or operation of an Adult Entertainment Establishment, the Owner or other operator of such Adult Entertainment Establishment shall comply with any and all requirements of Spencer County Ordinance Number 2005-11, which are incorporated herein by reference. In the application and procedures of such provisions, the "Administrator" shall be the Administrator as defined in this Ordinance, and the Santa Claus Town Council shall be the appropriate panel for review. Any and all references in such Ordinance to "Board of Commissioners" shall be deemed to and shall refer to the Council, and any and all references in such Ordinance to "County" or "Spencer County" shall be deemed to and shall refer to the "Town". (Ord. 2006-04)

11.04.090 Reserved (Ord. 2006-04)

11.04.100 Subdivision Regulations

- (1) Subdivision Regulations. This section is adopted for the purpose of ensuring that the Subdivision of real estate in Town is conducted in an orderly and efficient manner. (Ord. 2006-04)
- (2) Authority. These regulations are authorized by and adopted pursuant to Indiana Code, the 700 Series of I.C. §36-7-4 - Subdivision Control, and all amendments and supplements thereto. (Ord. 2006-04; Ord. 1995-05)
- (3) Policy.
 - 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 Comprehensive Plan and related policies such as those embodied in the Zoning 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 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 provision 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 Zoning Ordinance and approved by the Town and Spencer County Board of Health, the State Board of Health; or other Federal, State or local governmental entity or official with jurisdiction.
 - C. Both existing and proposed public facilities serving the Subdivision shall be properly related and conform to the official Comprehensive Plan, related policies and implementation programs including the Official Maps, Thoroughfare Plan and this Zoning Ordinance. (Ord. 2006-04; Ord. 1995-05)
- (4) Purpose.
 - A. To regulate the subdividing and Platting of land.
 - B. To protect and provide for the public health, safety, and general welfare of the Town.
 - C. To guide the future Development and renewal of the Town in accordance with the Comprehensive Plan and related policies.
 - D. To provide for the safety, comfort, and soundness of the built environment and related open spaces.

- E. To protect the compatibility, character, economic stability and orderliness of all Development through reasonable design standards.
 - F. 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. (Ord. 2006-04; Ord. 1995-05)
- (5) Jurisdiction. No Improvement Location Permit shall be issued for any Parcel or Plat of land which was created by Subdivision after the effective date of, and not conforming with, the provisions of this Ordinance. The excavation of land or construction of any public or private improvements in a Subdivision shall not take place or be commenced except in conformity with the regulations contained herein and in conformity with construction standards adopted by the Town. (Ord. 2006-04; Ord. 1995-05)
 - (6) Enactment. In order that land may be subdivided in accordance with these purposes and policies, these Subdivision regulations are hereby adopted. (Ord. 2006-04; Ord. 1995-05)
 - (7) Interpretation, 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. The regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule of regulation, statute, or other provision of law. Where any provision of these regulations impose restrictions different from those imposed by any other provision of these regulations or any ordinance, rule or regulations, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control. (Ord. 2006-04; Ord. 1995-05)
 - (8) Saving Provision. These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing 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 under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any Person, firm, or corporation, by lawful action of the Town except as shall be expressly provided for in this Ordinance. (Ord. 2006-04; Ord. 1995-05)
 - (9) Amendments. For the purpose of providing for the public health, safety, and general welfare, the Council, on recommendation of the Commission, may from time to time

amend the provisions imposed by these Subdivision regulations, public hearings on all proposed amendments shall be held by the Commission and Council. (Ord. 2006-04; Ord. 1995-05)

- (10) Conditions. Regulations of the Subdivision of land and the attachment of reasonable conditions to land Subdivision is an exercise of valid police power delegated to the Town. The Developer has the duty of compliance with reasonable conditions laid down by the Commission for design, dedication, improvement, and restrictive use of land in order to conform to the physical and economical Development of the Town and to the safety and general welfare of the future Lot Owners in the Subdivision. (Ord. 2006-04; Ord. 1995-05)
- (11) Re-Subdivision of Land (Re-plat).
 - A. Procedure for Re-Subdivision. For any change in a Map of an approved or recorded Subdivision Plat, if such change affects any Street layout, Easements shown on such Map, or area reserved thereon for public use, or the addition of any Lots 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 recorded Parcels where future Re-Subdivision is anticipated. Whenever an existing Parcel of land is proposed to be subdivided and the Subdivision Plat shows one or more Lots containing more than one (1) acre of land and there are indications that such Lots will eventually be re-subdivided 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. (Ord. 2006-04; Ord. 1995-05)
- (12) Vacation of Plats. Any recorded Plat or part of any recorded Plat may be vacated only in accordance with I.C. §36-7-3-10, et seq., as amended. (Ord. 2006-04; Ord. 1995-05)
- (13) Variances. All variances to this Ordinance shall be under the jurisdiction of the Commission.
 - A. General. Where the Commission finds that extraordinary hardships peculiar to the site proposed for Development 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 injuries to other nearby property;
2. The conditions upon which the request for a variance is based are unique to the property for which variance is sought and are not applicable to other or all property within or outside of a particular Subdivision;
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 were carried out;
4. The variance will not in any manner contravene the provisions of the Zoning Ordinance or Comprehensive Plan, as interpreted by the Commission and the Zoning Administrator.

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 on the appropriate form by the Subdivider at the time when the Preliminary Plat is filed for the consideration of the Commission. The petitioner shall state fully the grounds for the application and all of the facts relied upon by the petitioner. (Ord. 2006-04; Ord. 1995-05)

(14) Enforcement, Violation, and Penalties.

A. General.

1. The Administrator shall have the duty to enforce these regulations and to bring any violations or lack of compliance, to the attention of the Commission.
2. 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 for recording with the County Recorder.
3. 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 more than two new Building sites of less than three (3) acres shall not be permitted, unless inconformity with all of the requirements of this Ordinance.

4. Except for model house, no Improvement Location Permit required under the Uniform Building Code, the Zoning Ordinance or this Ordinance shall be issued on any property subject to this Ordinance until in conformity with all of the requirements of this Ordinance. (Ord. 2006-04; Ord. 1995-05)
- (15) Placement. Location designation for allowing Subdivision is determined by the zoning districts provided for in this Ordinance. Requests for changes in existing zone classifications to allow for the Development of Subdivisions may be submitted to the Commission for consideration in accordance with procedures set out in this Ordinance. (Ord. 2006-04; Ord. 1995-05)
- (16) Appeal of Administrator. Any decision or determination by the Administrator concerning Subdivision approvals may be appealed in writing to the Commission. (Ord. 2006-04; Ord. 1995-05)
- (17) Improvement Location Permit in Subdivisions. No Improvement Location Permit except for approved Model Home shall be issued for the construction of any Building, Structure or improvement to the land or any Lot within or outside a Subdivision as defined herein which has been approved for Platting or Re-platting until all requirements of this Ordinance or any special conditions approved by the Commission has been fully complied with. All Sales offices and contractors offices shall be considered a temporary Structure and shall be required to have an Improvement Location Permit and required inspections. (Ord. 2009-08; Ord. 2006-04; Ord. 1995-05)
- (18) Model Home. After the Final Plat has been recorded and copies have been provided to the office of the Commission; an Improvement Location Permit has been issued for site construction of the Subdivision, and a paved or gravel Roadway has been installed to the Model Home site from the entrance to the Subdivision, the Zoning Administrator may issue Improvement Location Permits for Model Homes within the first recorded section of a new Subdivision. The number of Model Home permits shall be limited to no more than the maximum of ten percent (10%) of the Lots in the Final Plat or a total of ten (10) Model Homes per Subdivision, whichever is less. Occupancy of Model Homes shall not take place until all permanent, private and Public Utility facilities that directly or indirectly affect the Model Home have been installed, inspected and approved in writing by all appropriate governmental agencies. (Ord. 2006-04; Ord. 1995-05)
- (19) Advertising and Sales. There shall be no advertising or Sales of a Subdivision prior to Final Plat approval by the Plat Commission and Council, No Person, firm of corporation proposing to make a Subdivision within the jurisdiction of the Commission shall enter into any contract for the Sale of such Subdivision or any

part thereof, or shall proceed with any construction work on the proposed Subdivision before receiving Final Plat approval. (Ord. 2006-04; Ord. 1995-05)

- (20) Modified Treatment. Where the Commission finds that extraordinary hardships may result from strict compliance with these regulations it may vary the regulations so that substantial justice may be done and the public interest secured; provided that such modified treatment will not have the effect of nullifying the intent and purpose of the Comprehensive Plan or this Ordinance. In granting modifications, the Commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements modified. (Ord. 2006-04; Ord. 1995-05)
- (21) Construction Bonding. The Commission may approve a Final Plat in which the improvements and installations have not been completed as required by this Ordinance only if the Applicant provides a Bond which shall:
- A. Run to the Town;
 - B. Be with surety satisfactory to the Town of Santa Claus;
 - C. Specify the time for the completion of the improvements and installations; and,
 - D. Be in an amount equal to the total cost of construction of improvements including storm sewer and drainage, new Streets and improvements to existing Streets, water, sanitary sewers Monuments and Markers; Streets signs, and any other Public Improvements required by the Commission or Council. Surety is to be in the form of a Bond, Escrow, letter of credit or cashiers check made out to the Town.

The time period for the construction surety shall be for the entire time it takes to complete the construction, inspections and release in writing of the surety by the appropriate authority.

The Developer may install approved Subdivision improvements after an Improvement Location Permit has been issued and a time schedule for facility construction and inspection has been developed in writing and approved by all appropriate Town and other appropriate authorities, as determined by the Town, without surety as an alternate to the above. The Final Plat will not be signed by the Commission or Council, or recorded, until all improvements have been installed, inspected and approved in writing by appropriate authorities. (Ord. 2006-04; Ord. 1995-05)

- (22) Maintenance Bonding. Following completion of improvements, a maintenance Bond shall be required upon the later of the release of the construction surety or signature of the Final Plat by the Council. Such Bond shall:

- A. Run to the Town;
 - B. Be with surety satisfactory to the Town of Santa Claus;
 - C. Be in an amount equal to not less than twenty percent (20%) of the Construction Surety or twenty percent (20%) of the actual cost of construction of improvements if installed without surety;
 - D. Cover all expense of maintenance and repair of the improvements required for a time period of no less than two (2) years, and shall not be released until all inspections by the appropriate authorities and Commission staff have been performed and certified in writing that they meet all appropriate standards. The Town or Developer may request, within reason, Special Inspections by a duly authorized inspector or Registered Certified Engineer as approved by the Council to determine compliance with all appropriate standards, the cost of which shall be borne by the Subdivider or Developer. No surety shall be allowed to lapse or be terminated until approved in writing by the Council. (Ord. 2006-04; Ord. 1995-05)
- (23) Preparatory Procedures. Before subdividing any tract or Parcel of land in the incorporated area of the Town, an Owner or Subdivider shall submit a preliminary Plat to the Commission. Prior to the preparation of a preliminary Plat, it is recommended that:
- A. The Owner or Subdivider secure a copy of this Ordinance;
 - B. Consult with the Commission relative to any questions the Owner or Subdivider may have;
 - C. Submit to the Commission a Sketch Plan of the proposed Subdivision prepared on a topographic Map of the area showing at least the local Street system and arrangement of Lots;
 - D. Request a Preliminary Plan Application; and,
 - E. Secure a Soil Survey of the area encompassing the Plat. (Ord. 2006-04; Ord. 1995-05)
- (24) Pre-design Conference. Prior to submitting any of the materials required by this Ordinance, the Applicant or his representative shall discuss with the Administrator the nature of the land division being proposed, so that the Applicant may be instructed concerning the classification of the proposed Subdivision and what regulatory procedures must be followed under this Ordinance in order to secure Preliminary and Final Plat approval. Where applicable, requirements concerning the general layout of Streets and for reservations of land, soil conditions, Street improvements, drainage, sewerage, fire protections, utilities 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 Plat coming within their jurisdiction. (Ord. 2006-04; Ord. 1995-05)

(25) Subdivision Application for Preliminary Approval.

- A. Completed Commission's Application form.
- B. Preliminary Plat at a scale of 1 inch to 100 feet (1:100) or other appropriate scale showing the entire Subdivision. (Ord. 2006-04; Ord. 1995-05)

(26) Preliminary Plat Requirements.

- A. Location Map showing names of adjacent property Owners and the zoning and land uses of adjacent properties.
- B. Name, address and phone numbers of:
 - 1. The property Owner or Owners;
 - 2. If a corporation, the name of the President, and all major investors;
 - 3. Any mortgagee(s) of the property;
 - 4. The Developer; and,
 - 5. The engineer or surveyor.
- C. Proposed name of the Subdivision.
- D. Location by Section, Township and Range.
- E. Legal description of record and boundary of proposed Subdivision.
- F. Location, width and name of all existing and proposed public and or private Roadways, Easements and rights-of-way.
- G. Location of all existing septic fields, well locations and proposed utilities including but not limited to sewer, water drainage facilities, power, telephone and cable.
- H. Layout, number and dimensions of all Lots and out Parcels with Setback lines.
- I. Property boundary lines of all adjacent properties.
- J. Location and elevation of flood way and flood fringe areas, where applicable.

- K. Drainage plan for all watersheds in and around the proposed Subdivision, showing all existing and proposed retention, detention facilities, and erosion and sedimentation control plans.
- L. Topographic contour every two (2) feet if required by the Administrator or Technical Advisory Committee (otherwise 5 or 10 feet).
- M. All improvements to Roadway system On-site and Off-Site. N. Sidewalks or Pedestrian Ways.
- O. Areas for parks, conservation areas, wetlands, common areas, lakes, Easements for Pedestrian Ways and local, State or Federal identified historic or archaeological resources.
- P. Any special conditions relating to the Subdivision.
- Q. All Sign locations and preliminary plans including entrance, traffic, Street name, etc
- R. Existing mailbox and fence locations.
- S. Preliminary landscape, mounding, perimeter fencing and Screening plan. (Ord. 2006-04; Ord. 1995-05)

(27) Other Required Information.

- A. Soils Maps and description of soils as they relate to Development.
- B. Restrictive Covenants.
- C. Fees related to property use.
- D. List of names and addresses of all adjacent property Owners.
- E. Any other information the Administrator deems necessary to the Development of the Subdivision. (Ord. 2006-04; Ord. 1995-05)

(28) Conditions. As part of the preliminary Plat review and approval process, the Commission may impose certain reasonable conditions relating to the proposed Subdivision that it feels is needed in order to insure the orderly Development of the area under their jurisdiction and to protect the health, safety or welfare of the general public. The reason for the condition shall be included with the findings of fact. All conditions shall be recorded by the petitioner in the office of the County Recorder, as part of the Final Plat. (Ord. 2006-04; Ord. 1995-05)

(29) Technical Advisory Committee. The Commission may establish a committee to review Plats and technical information for conformity with the standards and requirements of this Ordinance and other Santa Claus Ordinances as they relate to

Development in Santa Claus. A written report from members of this committee shall be submitted to the Commission prior to Commission consideration of the proposed Subdivision. (Ord. 2006-04; Ord. 1995-05)

- (30) Administrator Reports. The Administrator shall make a written report to the Commission on the conformity of the Plat to this Ordinance and the need for any conditions or recommendations for Preliminary Approval.

A. Records. The Administrator shall keep:

1. Application Form of all proposed Subdivisions and supporting information.
2. Copies of the Technical Advisory Committee and Administrator Reports.
3. Signed copies of all recommendations, findings, commitments, Restrictive Covenants, conditions and decisions on all proposed Subdivisions.
4. Signed and stamped approved copies of all plans and specifications of all proposed Subdivision improvements.
5. Copies of all recorded Restrictive Covenants and special conditions.
6. Copies of all recorded Plats.
7. Copies of all inspection records and as built drawings of all Subdivision improvements.
8. Copies of the Bonds and agreements for all Plats in all correspondence relating to a specific Subdivision. (Ord. 2006-04, S10.30, June 12, 2006) (Ord. 1995-05, S10.2 Subd, Apr. 20, 1995)

- (31) Notice of Decision. After a decision of Preliminary Approval, Disapproval, or Approval with Conditions, findings of fact shall be completed and certified and signed by the President of the Commission and a copy shall be mailed to the Applicant and any Interested Parties that have requested a copy of the findings by letter to the Commission or its staff. (Ord. 2006-04; Ord. 1995-05)

- (32) Reserved. (Ord. 2006-04)

- (33) Preliminary Approval of Subdivision.

A. Standards. To qualify for Preliminary Approval by the Commission, the following standards must be met:

1. All appropriate requirements of this Ordinance must be met.
2. All requirements of the Santa Claus Comprehensive Plan, Chapter IV Transportation Plan and its standards, and the Santa Claus Thoroughfare Plan and Requirements, as adopted or amended by the Town, must be met. (Ord. 2014-10)
3. Easements and rights-of-way must be provided for all utilities and government agencies to have adequate access to each Lot.
4. Landscaping, sign, open space, drainage and conservation Easements shall be separate from utility Easements.
5. Copy of inventory and evaluation from the Technical Committee.
6. A written statement giving preliminary approval of the sanitary sewer system plans from the governmental body or official with jurisdiction.
7. Confirmation in writing of special conditions required by the Commission.
8. Supporting engineering data and plans as required and approved by the appropriate agencies.

B. Conditions. As part of the Preliminary Plat review and approval process, the Commission may specify conditions relating to:

1. The need of additional Roadway Right-of-Way and improvements based on the Town's existing Thoroughfare Plans, reports or studies undertaken by the Commission or other local, county, state or federal agencies lacking such studies. The Commission may require additional studies to be completed by the petitioner or other professional consulting firms to determine the need for additional Roadway Right-of-Way or improvements as a result of the proposed Development and its impact on the surrounding areas.
2. The need for, location, types and configuration of sidewalks, pedestrian ways, bicycle lanes, shared-use trails or other improvements in compliance with the Town's Complete Streets policy and Thoroughfare Plan. (Ord. 2014-10)
3. The need for Buffering, Landscaping and Screening.
4. The need to protect environmental features including wetlands, mineral resources, flood plains, archeological and historic sites and places.

5. Any other reasonable conditions deemed necessary to protect the health, safety and welfare of the general public. (Ord. 2006-04; Ord. 1995-05)
- (34) Reserved. (Ord. 2006-04)
- (35) Final Plat Process.
- A. Within two (2) years after Preliminary Approval by the Commission, the Owner of Subdivider shall file with the Commission fifteen (15) copies of an application for approval of the Final Plat covering all or a part of the approved Preliminary Plat. The Final Plat shall retain the design characteristics and intent of the approved Preliminary Plat, except that the Commission may require such changes or revisions as are deemed necessary.
 - B. In the case of the application for approval for a Final Plat made for only a part of the approved preliminary Plat, the Commission may extend the time for filing an application for approval of a Final Plat covering the remaining area included in the approved preliminary Plat beyond the two-year filing period. (Ord. 2009-08)
 - C. The Applicant shall be notified of the time and place of the hearing and he or his designated agent shall attend such hearing.
 - D. The Commission shall approve or disapprove the Final Plat within sixty (60) days from the date of the filing of the Final Plat with the Commission. Upon the adoption of a resolution approving a Final Plat, the Commission shall forward the Plat, when approved, to the Council for Final Approval.
 - E. The Final Plat, as approved by the Council, shall be filed by the Applicant with the County Recorder within ninety (90) days. Otherwise the Plat shall be considered void.
 - F. The Commission shall retain a copy of the approved Final Plat, distribute original Final Plat to the Council and one copy to the County Surveyor.
 - G. If the application for approval of the Final Plat is rejected, a written statement indicating the reasons for rejection shall be sent to the Applicant.
 - H. If the application for approval of the Final Plat has been rejected, the Applicant may re-file a Final Plat application within ninety (90) days following the rejection. (Ord. 2006-04; Ord. 1995-05)
- (36) Final Plat Requirements. The Final Plat must be in a form approved by the County Recorder and shall contain at least the following items:
- A. Name of Subdivision and Section Number, Registered Professional Engineer or Surveyor's stamp, address and phone number on all pages of the Plat except pages showing only Restrictive Covenants and Special Conditions.

- B. Legal description including section, Township and range; and survey meeting Indiana Survey Standards with bearings and linear dimensions and showing the entire boundary of Plat.
- C. Scale, date and North point.
- D. Location and width of each Street Right-of-Way within and adjacent to the Plat.
- E. Bearings and distances to a minimum of two section corners or quarter section corners or to a corner of a recorded Subdivision which shall be accurately described and referenced on the Plat.
- F. Corporate, Township and County Lines within and adjacent to the Plat.
- G. Names of each Street within and adjacent to the Plat; curve radii including angle, length of curve, length of tangent, length of chord and chord bearing (tables may be used).
- H. All Easements including widths for public and private ways, drainage and utilities.
- I. Accurate location of all Monuments and Markers and materials to be used.
- J. Location and purpose of all areas dedicated to public use.
- K. Front (yard) Building Setback line.
- L. Notarized Certification by Owner of Plat for the dedication of Streets and other improvements.
- M. Acceptance by the Santa Claus Council all dedicated areas and improvements.
- N. Signature of President of the Commission.
- O. All Restrictive Covenants and conditions approved by the Commission.
- P. Recording information of any previously recorded Subdivision shall be shown on the front page of the Plat.
- Q. Abutting recorded Plat name and recording information.
- R. Signature of any other governmental body or official which must approve any portion of the Plat.
- S. Street names and Lot addresses as approved by the Administrator in

conjunction with the Director of E911, other affected emergency operations and postal service.

T. Three (3) sets completed Final Construction Plans. (Ord. 2006-04; Ord. 1995-05)

(37) Drawing, Scale, and Size of Final Plat. The Final Plat shall be drawn on dimensionally stable, transparent sheets such as mylar with black waterproof ink. If the Subdivision contains Lots of twenty thousand (20,000) square feet or more, Maps shall be at a scale not less than one inch equals 100 feet. If the Subdivision is composed entirely of Lots less than twenty thousand (20,000) square feet, Maps shall not be less than one inch equals 50 feet. (Ord. 2006-04; Ord. 1995-05)

(38) Final Construction Plans. All Construction Plans shall be completed, reviewed and approved by all government departments and agencies. Final Construction Plans shall be stamped and approved by the reviewing department or agency, dated and signed by the Administrator, certifying engineer and Developer on the front page of the Plans. No changes shall be made to the final approved Construction Plans without the review and approval of the appropriate authority. Amended Construction Plans shall be reviewed, signed and dated and copies filed with the appropriate authority and the Commission. The President of the Commission shall not Sign the Final Plat until all Construction Plans have been finalized and surety secured or improvements have been made in accordance with the approved Construction Plan.

No site work can begin nor improvements be installed on the site of the proposed Subdivision until:

A. The Final Construction Plan has been approved, signed and filed with the office of the Commission; and,

B. An Improvement Location Permit is issued. (Ord. 2006-04; Ord. 1995-05)

(39) Record Drawings. After the completion of the construction of the improvements, a set of prints showing the as-built details and changes, if any, shall be filed with the Commission. These drawings shall be signed, dated and certified by the project engineer and Developer. (Ord. 2006-04; Ord. 1995-05)

11.04.110 Development Standards

(1) Blocks.

A. Blocks shall not exceed one thousand (1,000) feet in length.

B. Blocks which are more than six hundred (600) feet in length and which inhibit public access to parks, schools, recreation areas or other neighboring facilities, shall have cross or through-walks at convenient locations. Said

cross or through walks shall be placed on permanent ingress/egress Easements granted for public use. Easements shall be a minimum ten (10) feet in width.

- C. Residential Blocks shall be of sufficient depth to accommodate two (2) tiers of Lots of minimum depth, except where reverse Frontage Lots bordering on a freeway, Arterial Street or flood plain are used. (Ord. 2006-04; Ord. 1995-05)

- (2) Public Use Areas. Where sites for parks, schools, playgrounds or other public use areas, as shown in the Comprehensive Plan are located within the Subdivision area, the Commission shall require that such areas be so designated on the Final Plat. Within three (3) years after the approval of the Final Plat, the authority having jurisdiction shall acquire the designated land or commence proceedings to acquire it; otherwise the Owner may make permitted use of the site, as long as said use complies with all other applicable ordinances. (Ord. 2006-04; Ord. 1995-05)

- (3) Lots. All Lots shall conform to the Lot design standards provided for in this section and all other requirements of this Ordinance for the zoning district in which such Subdivision is located.

- A. The Commission may establish reduced or expanded Lot area requirements in areas where conditions of soil, groundwater, drainage slope, or other physical factors necessitate such changes.
- B. Lots shall have Building Setback line which shall be established to compliment the Development pattern but which may not be less that the distance established in this Ordinance.
- C. Every Lot or Parcel shall have sufficient Frontage as required in this Ordinance and access to a Public Street designated, designed and improved in accordance with the terms of this Ordinance.
- D. The depth to width ratio of any single-Family residential Lot shall not be greater than three to one (3:1) for any Lot smaller than one (1) acre. (Ord. 2006-04; Ord. 1995-05)

- (4) Monuments and Markers.

- A. Permanent Markers consisting of steel pipes or steel rods not less than five eights of one inch (5/8") diameter and twenty four inches (24") in length shall be installed at:

- 1. The intersection of all Street center lines within a proposed Plat.
- 2. The beginning and ending of all curves in Street center lines.

- 3. On all outside boundary corners and angle points of a Final Plat, and

be set in 4"x4"x48" concrete with steel rod in center.

- B. All Federal, State, County, or other official benchmarks, Monuments or triangulation station in or adjacent to the property shall be preserved in precise position. (Ord. 2006-04; Ord. 1995-05)

- (5) Commercial and Industrial Subdivisions. It is recognized that the Subdivider, in creating commercial and industrial Subdivisions, faces unique problems of Lot design not normally encountered in residential Subdivisions. For this reason, the initial emphasis of the Commission shall be upon Street layout and Block arrangement.

- A. The procedural requirements shall be for the Owner or Developer to follow the regular procedure outlined herein. The Subdivider need show only two (2) Lots along the Street and Block layout. As prospective buyers or users express interest in Lots sized to their required specifications, the Subdivider shall request an amendment to the approved recorded Subdivision Plat.
- B. Streets previously built shall not have to be rebuilt because of adoption of new criteria. This shall also apply to storm drainage facilities within said Subdivision unless run-off characteristics have been changed by newly proposed improvements or unauthorized existing improvements. (Ord. 2006-04; Ord. 1995-05)

- (6) Sanitary Sewers.

- A. The Subdivider shall provide the Subdivision with a complete sanitary sewer system which shall connect with an existing approved sanitary sewer outlet. If such approved outlet is not within one thousand (1,000) feet of the area being subdivided, one of the following methods of sewage disposal may be authorized by the Commission:
 - 1. Public System. A complete sanitary sewer system which shall convey the sewage into an established municipal or other Public Agency sanitary sewage disposal and treatment system, at a point and in a manner approved in writing by the municipal or other Public Agency involved. The plans for the complete installation of the sewage system showing all locations, material, size, profiles and any connections thereto shall be prepared by a Registered Engineer and/or Registered Land Surveyor at the expense of the Subdivider or Developer and shall be approved by and meet the requirements of the municipal or other Public Agency, and any other Federal, State or Local governmental entity or official with jurisdiction.
 - 2. Private or Quasi-Public System. A complete sanitary sewage system to convey the sewage to a treatment plant provided by the Developer or others and prepared by a Registered Engineer and/or a Registered

Land Surveyor in accordance with the requirements of the Spencer County Board of Health, the State Board of Health; or other federal, state or local governmental entity or official with jurisdiction.

- B. The plans for the complete installation of the sewer system both within the Subdivision and any Off-Site installations serving said Subdivision showing all locations, size, material, profiles, and capacities, shall be prepared by a Registered Professional Engineer and/or a Registered Land Surveyor submitted to and approved by the State Board of Health; or other federal, state or local governmental entity or official with jurisdiction.
- C. The Subdivider shall furnish the Commission a complete final set of plans and profiles as approved and signed by the various authorities. (Ord. 2006-04; Ord. 1995-05)

(7) Water.

- A. The Subdivider shall provide the Subdivision with a complete water main system which shall connect with an existing approved Public Water system. If such approved outlet is not within one thousand (1,000) feet of the area being subdivided, one of the following methods may be authorized by the Commission:
 - 1. Public System. A complete water main system which shall be connected to a public or other community water supply which is approved by the Spencer County Board of Health, the State Board of Health; or other Federal, State or local governmental entity or official with jurisdiction. The plans for the complete installation showing size, location, depth, material and all connections thereto including fire hydrants and valves approved by the local fire department, shall meet the requirements and receive the approval of the local water utility and Spencer County Board of Health, the State Board of Health; or other Federal, State or local governmental entity or official with jurisdiction.
 - 2. Private Water Systems are not acceptable(Ord. 2006-04; Ord. 1995-05)

- (8) The Subdivider may request the Commission to waive the requirements for connection to Public Sewers or water systems for Subdivision located within the mandatory distance from sewer or water systems, where topography or other influences are such that connection with the existing utility is demonstrably impractical. (Ord. 2006-04; Ord. 1995-05)

- (9) Sediment Control. The Developer or his agent shall have prepared and received approval of a Stormwater Pollution Prevention Plan” and other erosion control or other plans, permits or approvals as may be required by Federal, State or local laws, rules, regulations or orders for the Subdivision and submitted such items to the

Administrator. (Ord. 2009-08)

- (10) Topography, Natural Vegetation and Flooding. In the subdividing of any land within the jurisdiction, due regard shall be shown for all natural features, such as tree growth and other vegetation, watercourses, or other similar elements which, if preserved, would add attractiveness and value to the proposed Development and surrounding area as long as the entire site is not precluded from reasonable Development.
- A. The natural topography shall be retained wherever possible in order to reduce runoff onto adjoining property and to avoid extensive regrading of the site.
 - B. Building locations shall be carefully studied in relation to existing twelve inch and larger caliper trees, and other pertinent site features.
 - C. Consideration shall be given to varying the Setback line required in the zoning district where the Subdivision is proposed in order to retain where ever possible existing topography, rock formations, and large trees. Consideration shall be given only after the Board of Zoning Appeals has granted a Building line variance for the affected Subdivision.
 - D. Where there is a question as to the suitability of a Lot or Lots for their intended use due to factors such as rock formations, flood conditions, or similar circumstance, the Commission shall consider withholding approval of such Lots.
 - E. The Administrator shall review all proposed Subdivisions to determine whether the Subdivision lies in a flood way and/or flood fringe area. If the Subdivision is to be located within the flood way, the petitioner shall forward all plans and materials to the Indiana Department of Natural Resources for review, comment, approval or disapproval. The Commission may require appropriate changes and modifications in order to assure that it is consistent with the need to minimize flood damages; all public utilities and facilities, such as sewer, gas, electrical, and water systems shall be located and constructed to minimize or eliminate flood damage; adequate drainage shall be provided so as, to reduce exposure to flood hazards; on-site waste disposal systems, per the requirements of the Spencer County Board of Health, the State Board of Health; or other Federal, State or local governmental entity or official with jurisdiction. If there is a question as to the location of the Subdivision in relation to a flood way or flood fringe area, the Administrator shall direct the Developer or his agent to submit the plans to the Indiana Department of Natural Resources in order to locate the flood way and flood fringe area in relation to the Subdivision.
 - F. Primary Subdivision Plat and Construction Plans containing lands identified elsewhere by ordinance as flood prone areas shall have the elevation of the

100 year flood and the locations of the flood way and flood fringe areas.

- G. All Development must meet the requirements of the Flood Plain District as established in this Ordinance. (Ord. 2006-04; Ord. 1995-05)

(11) Drainage.

- A. The Subdivider shall provide each Lot with a free outlet for surface and subsurface drainage. Storm drainage design may be prepared for the Subdivider by a Registered Professional Engineer, a Registered Land Surveyor or a registered landscape architect. The analysis shall be based upon the rational formula ($Q=CI A$); Q =Discharge Rate; C =Runoff Coefficient; I =Intensity Inches/Hour; and A =Area (acres). Times of concentration, storm frequencies and other variable factors to be used in the design shall be for ten (10) year and one hundred (100) year storm events and discussed with and approved by the Administrator during the preliminary consideration of the Subdivision. The engineer or surveyor preparing said analysis shall provide the Administrator with a copy of the computations used in the completion of the analysis and design.
- B. Storm water sewer systems on and off site shall be separate and independent of the sanitary sewer system. Storm sewers including surface inlets, detention/retention areas, open ditches, swales and pipes shall be provided by the Subdivider.
- C. Whenever a Subdivision is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a drainage Right-of-Way which shall be for the purpose of widening, improving or protecting the stream and its flood plain. To insure proper drainage Right-of- Way width, the following requirements shall be incorporated in the Final Plat:
1. Side yard Easements with drainage Structures or swales shall be a minimum of fifteen (15) feet in width on each Lot.
 2. Rear yard Easements with drainage Structure or swales shall be a minimum of fifteen (15) feet in width on each Lot.
 3. Perimeter Easements with drainage Structure or swales shall be a minimum of thirty (30) feet, if the abutting properties have no drainage Easements. In cases of adjoining properties having drainage Easements, the aggregate of the Easements shall be no less than thirty (30) feet and the new Easement shall be no less than twenty (20) feet.
 4. Easements must run continuously from Right-of-Way to Right-of-Way and not dead end.
 5. Open Channel Easements shall be a minimum of twenty five (25) feet as measured from the top of bank on each side plus the width of

the channel from top of bank to top of bank.

6. Areas of the 100 year flood plain shall be covered by a drainage Easement.
 7. Easements for open channels and flood plain areas shall be a straight line when possible between Lot Lines. Location of Easements shall be dimensioned along Lot Lines. In cases of Easements not being a straight line between Lot Lines, all points of the Easement segments shall be dimensioned from and on Lot Lines.
 8. Retention areas shall be protected by Easements a minimum of twenty (20) feet as measured horizontally from the 100 year high water elevation.
 9. Drainage Easements of fifteen (15) feet shall be required along both sides of Streets on which road-side ditches are used.
 10. The Commission shall reserve the right to require additional Easement widths depending upon size and depth of pipe or Structure, topography, soil conditions and other conditions.
 11. All requirements of Indiana law, Spencer County ordinance and other rules and regulations under Indiana drainage laws must be met.
- D. Town Streets shall be provided with an adequate storm drainage system consisting of curbs, gutters and storm sewers, or side ditches and culverts, as determined by the Commission. A six inch (6") perforated tile shall be placed to each side of all Streets and:
1. Be two foot, zeros inches (2'-0") below and parallel with the pavement;
 2. Flow to the low point and into the storm drainage system;
 3. Shall be bedded with and trench backfilled with #8 stone up to 12" for entire length of trench; and,
 4. On all Lots, shall have a "tee" installed and stubbed to ground surface with a removable plug for future connection and surface clean out.
- E. When vegetation has been removed from a slope and the possibility of soil erosion occurs, the Subdivider shall seed or otherwise prevent damage to adjacent property or accumulation on Street surfaces. (Ord. 2006-04; Ord. 1995-05)

(12) Landscaping.

- A. The Subdivider shall submit his proposal and a schedule for Landscaping to the Commission prior to filing or with the filing of the application for approval of the preliminary Plat.
- B. All Subdivisions must have an approved landscape plan.
- C. Landscaping must be shown on the preliminary and final Construction Plans, and must be installed and maintained by the Developer as specified on the plan within one (1) year of beginning construction or Subdivision or section thereof and same for following sections.
- D. Required landscape plans must be prepared by a Landscape Architect registered in Indiana or a Licensed Nurseryman.

E. Required Landscape Plans.

1. Residential Subdivision.

- (a) Minimum six foot (6") wide strip behind the Right-of- Way and or Easement along all existing Public Street or Roadway Frontage for entire length of Subdivision. (Does not mean new internal Streets.)
- (b) Tree preservation plan where more than one (1) acre of woods is to be developed or where existing wooded fence rows are located at edge of property.
- (c) Entrance features, such as Landscaping, walls, signs, lighting, etc.

2. Commercial or Industrial Subdivisions.

- (a) Minimum six foot (6") wide strip behind Right-of- Way and/or Easement along all existing Public Street Frontage for entire length of Subdivision (Does not mean new internal Streets)
- (b) Tree preservation plan where more than one (1) acre of woods is to be developed or where existing wooded fence rows are located at edge of property.
- (c) Screening/Buffering plans for Parking Areas, outdoor storage areas, loading areas, storage tanks, large mechanical or electrical installations and other unsightly uses or Structures visible from non- commercial or non-industrial adjacent land uses must also be in accordance with the Zoning Ordinance.

3. Required Landscaping shall include but not be limited to a mixture of trees, shrubs and ground cover. Minimum sizes at time of planting shall be as follows:

- (a) Deciduous Shade Trees 1 1/2" diameter trunk.
- (b) Deciduous ornamental trees 4' (four foot) high.
- (c) Evergreen trees 4' (four foot) high.
- (d) Shrubbery 18" - 24" height.

Each required landscape strip shall have as an average minimum one (1) tree every 30' (thirty) feet horizontally along strip.

4. The Subdivider shall make every attempt to preserve and enhance all existing woods, forests, and soils as part of overall landscape plan. (Ord. 2006-04; Ord. 1995-05)

- (13) Retaining Walls. Retaining walls may be constructed within sites given the following requirements:

- A. Must be shown on the Construction Plans.
- B. If over four (4) feet, must be designed by a Registered Professional Engineer, landscape architect or architect and all design plans must be submitted and stamped by said design professional.
- C. Shall not exceed ten (10) feet in height without terracing.
- D. Shall not be constructed within a Street Right-of-Way nor a drainage or a utility Easements.
- E. No drainage, utility, sanitary sewer or water line will be constructed on the upper elevation of a retaining wall nor closer than fifteen (15) feet from the lower elevation of a retaining wall. (Ord. 2006-04; Ord. 1995-05)

- (14) Earth Mounds.

- A. Maximum height shall be six (6) feet.
- B. Minimum top width shall be two (2) feet.
- C. Maximum side slope for front and back sides shall be three feet horizontal to one foot vertical (3:1).
- D. Mounds shall be set back from Right-of-Ways or property lines so that the

toe of slope will be no closer than five (5) feet of the Right- of-Way or property line.

- E. Mounds shall not increase storm water runoff onto an adjoining property in excess of the amount received previous to new Development. (Ord. 2006-04; Ord. 1995-05)

- (15) Street Plan. The arrangement, character, extent, width, Grade, and location of all Streets shall be considered in their relation to existing and planned Streets; to reasonable circulation of traffic within the Subdivision and adjoining land; to topographical conditions, to runoff of storm water; to public convenience and safety; and in their appropriate relations to the proposed use of the area to be served.

- A. Right-of-Way. Minimum Right-of-Way widths shall be:

<u>Local</u>	<u>Minor Collector</u>	<u>Major Collector</u>	<u>Secondary Arterial</u>	<u>Primary Arterial</u>
50'	60'	70'	90'	100'

- B. Roadway Width. All Streets to be dedicated shall be improved with Roadway hard surface pavements to an overall width in accordance with the following minimum dimensions:

Pavement width B-13 (Base to Base) of curbs:

<u>Local</u>	<u>Minor Collector</u>	<u>Major Collector</u>	<u>Secondary Arterial</u>	<u>Primary Arterial</u>
28'	36'	38'	44'	48'

Minimum Roadway width dimensions shall be reduced or increased when the Commission determines that such an Alteration is required due to terrain or density.

- C. Private (non-dedicated) Roadways.

1. Non-dedicated Roadways will not be permitted in recorded Subdivisions except when Right-of-Way standards are met:
 - (a) In Planned Unit Developments, Condominium Developments and other similarly developed Subdivision in which communal Development is the significant feature and is reasonably inalterable.
 - (b) In estate-type Subdivisions consisting solely of Lots which are greater than three (3) acres in area, where Roadways do not and cannot generate either through traffic or a significant volume of local traffic.

- (c) In Subdivision areas where the division is primarily for the purpose of delineation or rental or Leased areas and where ownership of all Lots will remain vested in the Subdivider.
- 2. All non-dedicated Roadways shall meet the following minimum requirements:
 - (a) All private Roadways shall fall within an Easement which is of the same width as the Right-of-Way which would be required if the Roadway were to be dedicated.
 - (b) All Building Setbacks shall be measured from the Roadway Easement line except that in Planned Unit Development or Condominium Development the Commission may, in public hearing, waive Setback requirements.
 - (c) All private Roadways shall be clearly shown as such on the record Plats, a covenant note shall be entered onto the record Plat stating that private Roadways and the maintenance of such Roadways are encumbrances on and carry with the land. All original deeds which may be prepared for property subdivided under this section shall carry a similar covenant.
 - (d) All Private Streets shall be constructed to the same requirements as if they were to be dedicated except surface pavements in minor Subdivisions.
- 3. Private Roadways may not be dedicated and accepted by the Council unless and until the following minimum requirements have been met:
 - (a) All dedicated Right-of-Way standards for dedicated Roadways have been met in full.
 - (b) Street construction, in place, has been completed or has been improved to meet all current standards for dedicated Public Streets including, but not limited to: Base construction, traffic surface construction, shoulders, drainage, alignment, Grades and turnaround areas.
 - (c) A surety, in the form of a Bond or other security acceptable to the Commission, has been filed to secure the costs of maintenance and/or repairs to the Streets which may become necessary within a period of twenty-four (24) months from the date of acceptance of dedication. Security shall be released at the expiration of the period following final inspection and release by the Administrator and Utility or

Street Superintendent.

- (d) The Administrator and Utility Superintendent have physically inspected the Roadway and the Commission has issued a certificate to the effect that construction meets the published standards, that the Right-of-Way has been dedicated and recorded and that acceptance of dedication is not in conflict with the public interest.

D. Street Design.

1. Sight distance, measured along the center line of the Street shall not be less than three hundred (300) feet on Arterial Streets, two hundred and fifty (250) feet on Collector Streets, and two hundred (200) feet on minor (and local) Streets.
2. Local Streets shall have a center line radius of not less than one hundred (100) feet on hilly terrain, one hundred and seventy-five (175) feet on rolling terrain, and two hundred and fifty (250) feet on ordinary terrain.
3. Collector Streets shall have a centerline radius of not less than one hundred and fifty (150) feet on hilly terrain, two hundred and fifty (250) feet on rolling terrain, and two hundred and fifty (250) feet on ordinary terrain.
4. Unless waived by the Town due to expected low traffic densities and the absence of safety concerns or hazards or other factors, in accordance with the Town's Complete Streets policy as may be hereinafter memorialized by Ordinance, all streets shall be constructed as complete transportation structures for motor vehicle, pedestrian and bicycle use with appropriate facilities for all users. (Ord. 2014-10)
5. Maximum length of a cul-de-sac shall be seven hundred and fifty (750) feet.
6. Minimum Radius of a Cul-de-sac shall be sixty (60) feet for Right-of-Way and fifty (50) feet for pavement.
7. No islands or obstructions may be placed or constructed in Cul-de-sac.

E. Intersections.

1. The clear sight distance shall be ninety (90) feet on ordinary terrain, ninety (90) feet on rolling terrain and seventy (70) feet on hilly terrain.

2. The vertical alignment shall be flat on ordinary terrain, two percent (2%) on rolling terrain, and four percent (4%) on hilly terrain.
3. Streets shall intersect at ninety degrees (90°) whenever possible, but not less than seventy-five degrees (75°) at Collector Streets or less than sixty degrees (60°) at local Street intersections, unless specific provisions are made for traffic control and visibility.
4. The Subdivider shall provide, at each Street intersection, substantial, legible, permanent Street signs, as approved by the Commission. No Street names shall be used which duplicate or may be confused with names of existing Streets.
5. The minimum centerline offset of intersections shall be one hundred and fifty (150) feet for local-local and local-Collector Streets, and two hundred (200) feet for collector-Collector Streets

F. Design Speed. All roads and Street shall be designed for the following speeds:

<u>Local</u>	<u>Minor Collector</u>	<u>Major Collector</u>	<u>Secondary Arterial</u>	<u>Primary Arterial</u>
25mph	35mph	40mph	55mph	55mph

G. Easements.

1. Suitable Easements shall be provided for the installation and maintenance of utilities. Such Easements may be located as may be required to properly serve the utilities, but shall, whenever possible, be along rear and/or Side Lot Lines. Utility Easements shall as provided for in this Ordinance equally divided between adjacent Lots, where such exist, and shall provide reasonable continuity from Block to Block.
2. The rights-of-ways for all drains shall conform to the Indiana Drainage Code.

H. Grades.

1. Maximum Grades.
 - (a) Arterial Streets: Not to exceed three percent (3%).
 - (b) Collector Streets: Not to exceed four percent (4%).

- (c) Local Streets and Cul-de-sacs: Not to exceed seven percent (7%), except for portions of Streets not to exceed six hundred (600) feet in length where maximum Grade shall not exceed twelve percent (12%).

2. Minimum Grades.

- (a) Concrete Streets and gutters shall be not less than three tenths of one percent (.3%)
- (b) All other types of Streets and gutters and for ditches shall be four tenths of one percent (.4%)

I. Gutters and Curbs.

1. Gutters and curbs may not be required for Streets when the proposed Subdivision consists of two (2) Dwelling Units or less per acre.
2. Gutters and curbs shall be required for all Streets when the proposed Subdivision consists of two (2) or more Dwelling Units per acre.
3. Gutters and curbs may be in integral concrete curb or combined gutter and curb type and may be either straight or rolled.

J. Pavement.

Flexible Type Pavement (Asphaltic Surface)

Minimum design characteristics shall be as follows:

Deep Base Asphalt	Local	Collectors	Arterials
HA Surface #11 agg.	1 ½"	1 ½"	1 ½"
HA Binder #8 agg.	2 ½"	2 ½"	3"
HA Base #5 agg.	6"	8"	9"
Compacted Subbase	95% mod. Proctor	95% mod. Proctor	95% mod. Proctor

OR

Agg. Base/Asphalt	Local	Collectors	Arterials
HA Surface #11	1 ½"	1 ½"	1 ½"
HA Binder #8	3 ½"	7 ½"	10"
#53 Agg Bas	8"	6"	10"
#2 Agg. Base	4"	4"	4"
Compacted Subbase	95% mod. Proctor	95% mod. Proctor	95% mod. Proctor

Rigid Type Pavement (Cement Concrete)

Minimum design characteristics of rigid Street pavement shall be as follows:

Concrete	Local	Collectors	Arterial*
Uniform thickness	5"	6"	7 1/2"**
Leveling Course	1"	1"	1"
Compaction	95% mod. Proctor	95% mod. Proctor	95% mod. Proctor

* Steel dowels at expansion joints.

** Nine (9) inch thickness required at all intersections and where heavy truck traffic is proposed by Developer or Subdivider.

The Commission shall determine the subbase requirements for rigid pavement based upon the characteristics of the area. The Developer shall submit with the preliminary plan supporting data on the subbase being proposed for rigid pavement Streets. (Ord. 2010-02)

11.04.120 Administration and Enforcement

- (1) Administrative Responsibility. The Zoning Administrator is authorized to enforce this Zoning Ordinance and receive applications, issue permits, and furnish the required certificates. The Administrator will provide for the inspection of sites and Structures for compliance with applicable provisions of the law under the authority of this Ordinance.

The Administrator shall keep records of all correspondence, applications, permits, inspections, and certificates or notices issued. All papers that relate to Buildings that are regulated under this Ordinance shall be retained on file and will be open for public inspection during regular business hours.

The Zoning Administrator shall have the duty to enforce the provisions of this Ordinance in the manner and form and with the powers provided in the laws of the State of Indiana and in the Ordinances of the Town of Santa Claus. (Ord. 2006-04)

- (2) Improvement Location Permit. No Building or Structure shall be erected, reconstructed, enlarged or moved, nor shall any other Development commence or change in land use occur until an Improvement Location Permit shall have been applied for in writing and issued by the Zoning Administrator. A fee according to the fee schedule in this Ordinance shall be paid when making application for an Improvement Location Permit. Said permit shall be posted in a prominent place on the premises prior to and during the period of erection, reconstruction, enlargement or moving. Before a permit is issued for the erection, moving, Alteration, enlargement or occupancy of any Building or Structure or use of premises, the plans and intended use shall indicate conformity in all respects to the provisions of this Ordinance.

- A. An Improvement Location Permit shall be required for any Alteration to the condition of the land or Structures thereon within the jurisdiction of this Ordinance. The Zoning Administrator shall determine that the proposed use will meet the minimum standards for the sewage disposal and water as required by the Town, Spencer County Health Department, the State Board of Health; or other Federal, State or local governmental entity or official with jurisdiction. The proposed use shall also meet all other requirements set forth in this Ordinance and applicable Spencer County ordinances and Indiana law prior to issuance of the Improvement Location Permit.
- B. No Improvement Location Permit shall be issued prior to approval of any necessary onsite waste disposal system by the Spencer County Board of Health, the State Board of Health; or other Federal, State or local governmental entity or official with jurisdiction. The Applicant shall be required to present this approval to the Zoning Administrator upon application for the Improvement Location Permit.
- C. A Site Plan shall be submitted at time of application for an Improvement Location Permit and shall comply with the Site Plan requirements set forth in this Ordinance.
- D. Every application for an Improvement Location Permit submitted to the Zoning Administrator shall be accompanied by a Site Plan, drawn to scale, showing the Lot and the Building site and the location of existing Buildings on the Lot, accurate dimensions of the Lot, yards and Building or Buildings, together with locations, size and use of any land and all Buildings not only on the Lot but within fifty (50) feet from the boundaries thereof, unless separated therefrom by a Street, together with such other information as may be necessary to the enforcement of this Ordinance.
- E. No Improvement Location Permit shall be issued until the fees required by this Ordinance have been paid to the Zoning Administrator.
- F. Interpretation of Ordinance. In interpreting and applying the provision of this Ordinance, such provisions shall be held to be the minimum requirements for the promotion of health, safety, morals, convenience or the general welfare. The Lot or yard areas required by this Ordinance for a particular Building shall not be diminished and 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 this Ordinance became effective shall not be diminished below the requirements herein provided for Buildings hereafter erected and such required areas shall not be included as a part of the required areas of any Building hereafter erected.
- G. Completion of Existing Building. Nothing in this Ordinance shall require any change in the plans, construction or intended use of a Building, the construction of which has commenced pursuant to the terms of the Town's

current Zoning Ordinance. Nothing herein shall prevent the reconstruction of a wall or other structural part of a Building declared unsafe by the State Fire Marshal or the Administrative Building Council of the State of Indiana.

- H. Improvement Location Permits shall expire twelve (12) months after date of issuance if construction has not commenced.
- I. The Improvement Location Permit may or may not be extended for an additional six (6) months at the discretion of the Zoning Administrator.
- J. The Improvement Location Permit may or may not be extended an additional six (6) months by the Commission. (Ord. 2006-04; Ord. 1997-01; Ord. 1995-05)

(3) Site Plan Review.

- A. No permit for the construction, exterior Alteration, relocation, occupancy, or change in use of any Building or land shall be given and no existing use shall be established or expanded in Floor Area except in conformity with a Site Plan approved by the Zoning Administrator or an authorized designee. A Site Plan review shall also be required for the resumption of any use discontinued for more than one (1) year or for the expansion of any existing use. Required approval includes proposals for commercial, residential, manufacturing, office, multiple Dwelling residential Developments, municipal, institutional, utility, fraternal, or recreational purposes, in all zoning districts established under this Ordinance.
- B. A Site Plan shall include the following elements, as determined in the discretion of the Zoning Administrator, in order to properly evaluate a particular project in accordance with the Development standards set forth by this Ordinance:
 - 1. The name and address of the Owner, Developer, engineer, landscape architect, and architect.
 - 2. The location of the project by public way, Township and section.
 - 3. The legal description of the property including bearing notations and lengths.
 - 4. The date, scale of Map, and north arrow.
 - 5. The location, size, capacity, and use of all existing and proposed Structures and Buildings to be placed on the site.
 - 6. The site layout of the project including the location, size, arrangement, and capacity of the area to be used for yards, Setbacks,

Buildings, vehicular access, parking, and loading and unloading.

7. The existing and proposed sewage, water, gas, electricity, and storm drainage facilities.
 8. The existing and proposed elevations of the Building site with finished floor elevations of all proposed Buildings and contours showing directions or storm water runoff and the limits of any regulated flood plain and Flood way.
 9. The names and locations of all adjacent Public Streets, and public ways, including existing and proposed Easements for future widening.
 10. The location, widths, and names of utility or other Easements.
 11. The layout, names, widths and rights-of-ways of proposed Streets or public ways.
 12. The description and use of adjacent property.
 13. The location, dimensions, and design of all advertising devices and signs for the project.
 14. The location of all lighting for the project.
 15. A landscape plan showing all natural land features, trees, forest cover, and water sources, and all proposed changes to those features including size and type of plant material and areas devoted to Landscaping.
 16. The layouts of proposed Lots with their numbers and dimensions.
 17. Land use density factors.
 18. The outside storage and display area, if allowed. (Ord. 2006-04; Ord. 1995-05)
- (4) Permits and Fees. The Commission shall establish a schedule of fees, charges and expenses, and a collection procedure for the administration and enforcement of this Ordinance. The schedule of fees shall be posted in the Administrator's office and may be altered or amended only by the Council. No action shall be taken on any application or appeal until all fees, charges, and expenses have been paid in full. This Ordinance hereby establishes the following fees, charges, and expenses:

FEES AND TIME TABLES FOR REQUESTS FOR PERMITS OR HEARINGS

<u>REQUEST</u>	<u>FEES</u>	<u>PROCEDURE</u>	<u>FILING TIME</u>
Zoning Petition (Re-Zoning)	\$200.00 for 2 acres, \$5.00 more for each additional acre.	1 Public Hearing before Advisory Planning Commission	Received by the Zoning Administrator's office prior to or at the regularly scheduled Advisory Planning Commission meeting prior to the meeting at which such matter will be considered
Special Exception/ Land Use Variance	\$50.00	1 Public Hearing before the Board of Zoning Appeals (BOZA)	Received by the Zoning Administrator's office prior to or at the regularly scheduled Advisory Planning Commission meeting prior to the meeting at which such matter will be considered.
Like Use Determination	\$35.00	1 Public Hearing before the Board of Zoning Appeals (BOZA)	Received by the Zoning Administrator's office prior to or at the regularly scheduled Advisory Planning Commission meeting prior to the meeting at which such matter will be considered
Improvement Location Permit	\$40.00		
Preliminary Plat or Re- plat of Subdivision	\$250.00 plus \$20.00 per Lot		
Final Plat or Re-Plat of Subdivision	\$200 per sheet		
Temporary Use or Structure	\$40.00		

In addition to the above-listed fees, the Applicant shall be responsible for reimbursement to the Town of the actual cost of providing notice and publication of notices, and any cost of the applicant or applicant's advisors' consultation with the Town's legal counsel.) (Ord. 2015-07; Ord. 2015-01; Ord. 2013-15; Ord. 2006-04; Ord. 1995-05)

- (5) Enforcement, Violations and Penalties. All departments, officials, and public employees of the Town, which are vested with the duty or authority to issue permits shall conform to the provisions of this Ordinance and shall issue no permit for any use, Building or purpose if the same would be in conflict with the provisions of this Ordinance.

Any permit issued in conflict with the provisions of this Ordinance shall be null and void.

- A. Violations. If any new construction, structural changes, Alteration, or extension shall be commenced; or if any Building shall be moved within the jurisdictional area or the Town of Santa Claus prior to the issuance of an Improvement Location Permit, such action violates this section by the Person performing the construction or work and the Person owning the real estate.
- B. Common Nuisance. Any Building which shall be erected, raised, or converted, or any land or premises which shall be used in violation of any provision of this Ordinance or of any regulations made by the Commission, shall be deemed to be a common nuisance and the Owner or the Building, land, premises shall be liable for maintaining a public nuisance.
- C. Penalties for Violation. The procedures for the enforcement of this Ordinance are as follows:
1. Actions for injunction for violations of this Ordinance may be instituted by the Commission or Council to restrain Persons or governmental units from violating any provision of this Ordinance.
 2. The Zoning Administrator shall be the designated enforcement officer and shall act for the Commission and/or Town and shall not be personally liable for his or her official acts.
 3. The Commission and Council, as relator or otherwise, may institute suits for mandatory injunctions directing Persons or governmental units to remove Structures erected in violation of any provision of this Ordinance
- D. Fines.

1. Any Person who knowingly engages in any activity under the control of this Ordinance without first obtaining the required Improvement Location Permit shall have violated the terms of this Ordinance and

in addition to any injunctive and other relief provided by this Ordinance, shall be liable to pay a fine of not less than fifty dollars (\$50.00) in addition to the fees for such Permit as required by this Ordinance.

2. If any Person required to pay this additional fee subsequently fails to obtain the required Permit, that Persons shall pay a fine of not less than one hundred dollars (\$100.00) in addition to the fees required by this Ordinance, on each and every occasion the required Permit is not obtained.
3. Any Person who violates any other provision of this Ordinance or any regulation of the Commission, shall be fined not less than one hundred dollars (\$100.00). Each day a violation occurs or continues constitutes a separate offense. Each day a violation occurs or continues, and each separate violation of any provision of this Ordinance or any regulation of the Commission, constitutes a separate offense for the purposes of this fine.

- E. If the Commission or Council shall be successful in any action for nuisance, injunctive relief, for monetary fines or other relief under this Ordinance, the respondent shall bear the costs of the action, including any and all reasonable attorneys' fees incurred by the Town prior to and in the prosecution of such action to enforce this Ordinance. (Ord. 2006-04; Ord. 1995-05)

11.04.130 Advisory Plan Commission and Board of Zoning Appeals

(1) Advisory Plan Commission.

- A. Membership. The Santa Claus Advisory Plan Commission is established in accordance with Indiana Code 36-7-4-200, et seq. The Commission shall consist of seven (7) members, as follows:

1. The Council shall appoint three (3) Persons, who must be elected or appointed municipal officials or employees in the municipal government, as members.
2. The Council President, or other Town executive officer, shall appoint four (4) citizen members, of whom no more than two (2) may be of the same political party.

B. Advisory Members.

1. A designated representative of the Spencer County Plan Commission may serve as an advisory member of the Commission; and,
2. A designated representative of the Commission shall serve as an

advisory member of the Spencer County Plan Commission.

Each citizen member shall be appointed because of the member's knowledge and experience in community affairs; the member's awareness of the social, economic, agricultural, and industrial problems of the area; and the member's interest in the Development and integration of the area. A citizen member may not hold other elective or appointive office in the municipal, county, or state government, and must be a resident of the jurisdictional area of the Commission.

C. Term. After the terms of the citizen members currently in office expire each new appointment of a citizen member shall be for a four (4) year term. If vacancy occurs among the members of the Commission, the appointing authority shall appoint a member for the unexpired term of the vacating member.

D. Conflict of Interest.

1. No member of the Commission shall participate in a hearing or decision of the Commission concerning a matter in which he or she has a direct or indirect financial interest or which for any other reason brought to the attention of the Commission results in disqualification.
2. The Commission shall enter in its records the fact that a regular member has such a disqualification and the name of the alternate member, if any, who participates in the hearing or decision.
3. Any participating alternative member shall be appointed by the same body which appointed the regular member who has been disqualified.

E. Organization. At the first meeting of each year, the Commission shall elect from its members a president and a vice president. The Commission may appoint and fix the duties and compensation of a Secretary and those employees necessary for discharge of its duties, all in conformity to and compliance with salaries and compensations fixed by the Council and Indiana law.

F. Rules of Procedure. The Commission shall supervise and may make rules for the administration of the affairs of the Commission, and prescribe uniform rules pertaining to investigations and hearings.

1. All meetings of the Commission shall be open to the public.
2. The Commission shall keep minutes of its proceedings, keep records of its examinations and other official actions, prepare written findings of fact and record the vote, disqualification, abstention, or failure to vote of each member upon each question.

3. All minutes and records shall be filed in the office of the Commission and shall be a public record.

- G. Powers and Duties. The Commission shall make recommendations to the Council concerning the adoption of the Comprehensive Plan, Zoning Ordinance, and amendments; and other matters, within the jurisdiction of the Commission and authorized by Indiana law.

The Commission shall also render decisions concerning Subdivisions and PUDs, and approve Plats or Re-plats of Subdivisions, and planned unit, residential, commercial and industrial Developments. (Ord. 2006-04; Ord. 1995-05)

(2) Board of Zoning Appeals.

- A. Purpose. The Santa Claus Board of Zoning Appeals (BOZA) is hereby established in accordance with I.C. §36-7-4-900, et seq.

The Board of Zoning Appeals shall have exclusive territorial jurisdiction over all matters properly before the Board from the appropriate jurisdictions in Santa Claus, Indiana.

- B. Membership. The Board of Zoning Appeals consists of five (5) members as follows:

1. Three (3) citizen members appointed by the Council President or other Town executive, of whom one (1) must be a member of the Commission and two (2) must not be members of the Commission.
2. One (1) citizen member appointed by the Council, who must not be a member of the Commission.
3. One (1) member appointed by the Commission from the Commission's membership, who must be a citizen member of the Commission other than the member appointed under (2)B1 above.

- C. Term. Upon expiration of the terms of office currently held, appointments shall be made for a term of four (4) years. Vacancies shall be filled by the appointing authority as designated in Section (2)B2 above.

- D. Organization. At the first meeting of each year the Board shall elect a Chairperson and a Vice-Chairperson from among its members. The Board may appoint and fix the compensation of a Secretary and those employees necessary for the discharge of its duties, all in conformity to and compliance with salaries and compensations fixed by the Council and Indiana law.

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

- E. Rules of Procedure. The Board may not take any action unless this action is authorized by a quorum, which is defined as a majority of the members of the Board.

The Board may adopt rules concerning the filing of appeals, applications for variance and special exceptions, the giving of notice, the conduct of hearings, and other matters as required by State law or as deemed necessary or desirable by the Board. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, keep records of its examinations and other official actions, prepare written findings of fact and record the vote, abstention, or failure to vote of each member upon each question. All minutes and records shall be filed in the office of the Board and shall be a public record.

- F. Powers and Duties. The Board shall have the powers provided in the 900 Series of I.C. §36-7-4, as amended. In the exercise of these powers and the responsibilities assigned to it by this Ordinance, the Board may impose such conditions regarding the location, character and other features of the proposed Building, Structure or use as it may deem advisable in furtherance of the purposes of this Ordinance. It shall not, however, permit any use in conflict with this Ordinance.

The Chairman or, in his/her absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses. Petitions addressed to the Board shall, prior to public hearing, be referred to the Commission for written recommendation thereon. The Commission shall have thirty-one (31) days to act upon the petition. Prior to decision on such petitions, the Board shall hold a public hearing thereon, notice of which shall be mailed to the petitioner and to the Owners of all property deemed by the Board to be affected thereby as they appear in the current records of the County Auditor, and also shall be advertised ten (10) days prior to the public hearing in a newspaper of general circulation, published in the County. The cost of notifying affected Owners and the cost of advertising the notice of the public hearing shall be borne by the petitioner in addition to any the filing fee.

- G. Authority. The Board:

1. Shall hear and determine appeals from and review any order, requirement, decision, or determination made by the Zoning Administrator, a staff member or administrative board designated by Ordinance, other than the Commission, made in the enforcement of this Zoning Ordinance or the issuance of Building and occupancy permits under Title 36, Article 7 of the Indiana Code.

2. May reverse or affirm, wholly or partly, or may modify any order,

requirement, decision, or determination appealed from as in its opinion ought to be done in the premises and to that end shall have all the powers vested in the Person or board from whom the appeal is taken.

3. Shall hear and approve or deny all special exceptions as specified in this Ordinance. A special exception may be approved under this section only upon a written determination as provided by this Ordinance.

H. Findings and Decisions. All decisions of the Board on all matters within their jurisdiction and authority shall be in writing supported by specific written findings of fact on each material element pertaining to the matter under consideration.

I. Appeal to Court. Each decision of the Board is subject to review by certiorari as prescribed by State law.

J. Findings of Fact-Special Exception. The Board shall make written findings of fact and decisions pursuant to and consistent with the criteria below. To grant a special exception, the Board shall find that:

1. The establishment, maintenance, or operation of the special exception will not be injurious to the public health, safety, or general welfare of the community; and,
2. The special exception will not affect the use and value of other property in the immediate area in a substantially adverse manner; and,
3. The establishment of the special exception will be consistent with the character of the district (particularly that area immediately adjacent to the special exception) and the permitted land uses; and,
4. The Board may impose conditions as part of its approval to protect the public health and for reasons of safety, comfort, and convenience.

K. Findings of Fact-Variance of Development Standards. To approve or deny a variance from the Development standards of the Zoning Ordinance, the Board shall find that:

1. The approval will not be injurious to the public health, safety, 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 would result in an unnecessary hardship in the use of the property.

L. Findings of Fact-Variance of Use. To approve or deny variance of use from the terms of the Zoning Ordinance, the Board shall find:

1. The approval will not be injurious to the public health, safety, 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 need for the variance arises from some condition peculiar to the property involved; and,
4. The strict application of the terms of the Zoning Ordinance would result in an unnecessary hardship in the use of the property for which the variance is sought; and,
5. The approval does not interfere substantially with the Town Comprehensive Plan.

M. Modification. To reverse or modify in whole or in part an order, requirement, decision, or determination of the Zoning Administrator, staff member, or administrative board (other than the Commission), the Board shall find that the Zoning Administrator, staff member, or administrative Board:

1. Improperly interpreted any relevant portion of a law, ordinance, or rule; or,
2. Improperly took administrative action pertaining to a relevant law, ordinance, or rule; or,
3. Improperly enforced a relevant law, ordinance, or rule.

The Board may require the Owner to make a written commitment concerning the use of Development of that Parcel to receive a special exception or a variance from the terms of the Zoning Ordinance. Those commitments shall be recorded in the office of the County Recorder and shall take effect upon the granting of the special exception or variance. A recorded commitment shall be binding on the Owner, each subsequent Owner, and each other Person acquiring an interest in the Parcel. A commitment may be modified or terminated only by a decision of the Board made at a public hearing after notice as provided by rule.

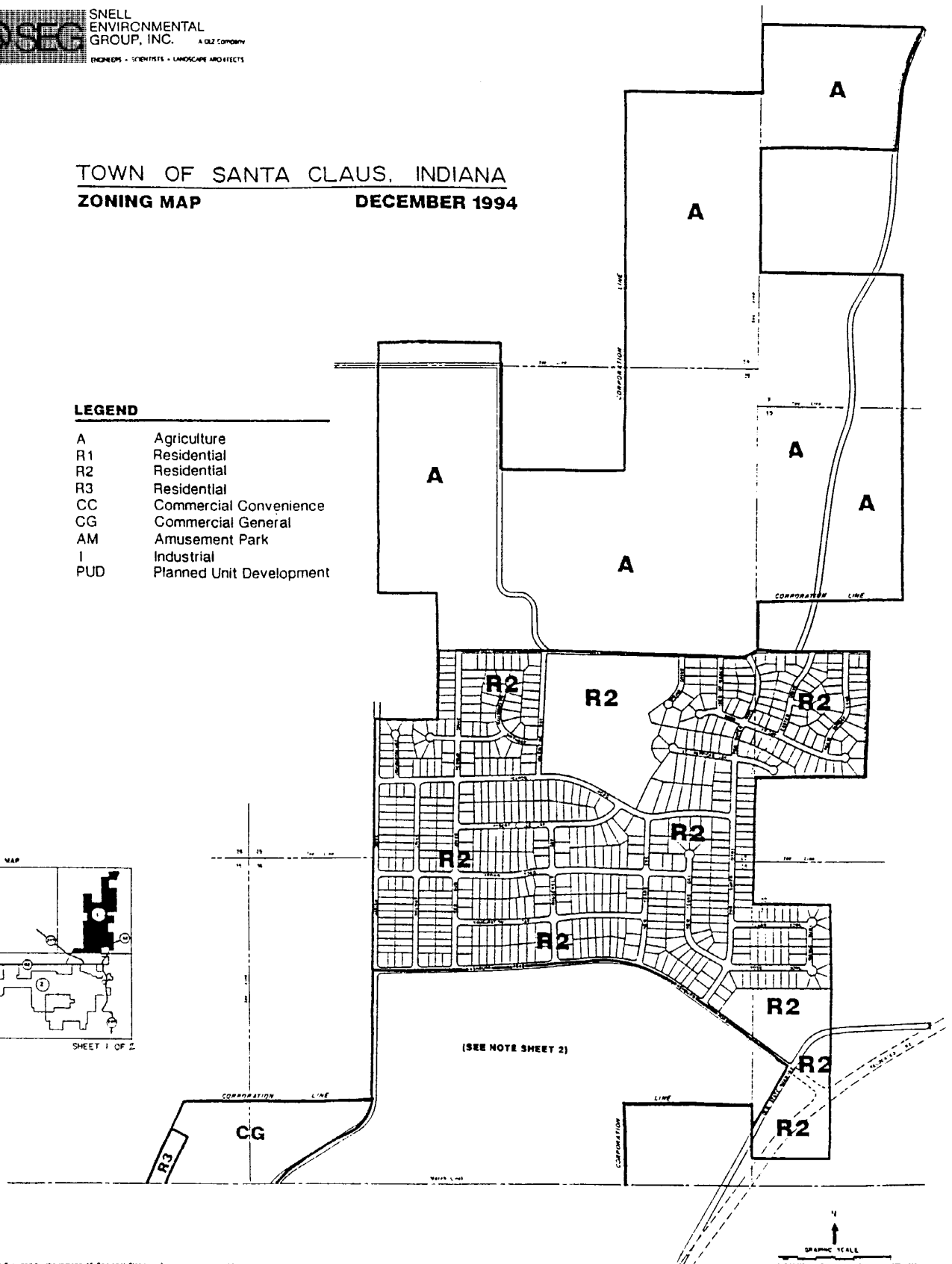
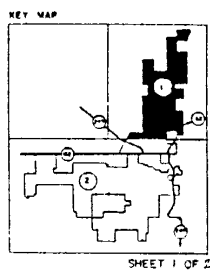
N. Conflict of Interest.

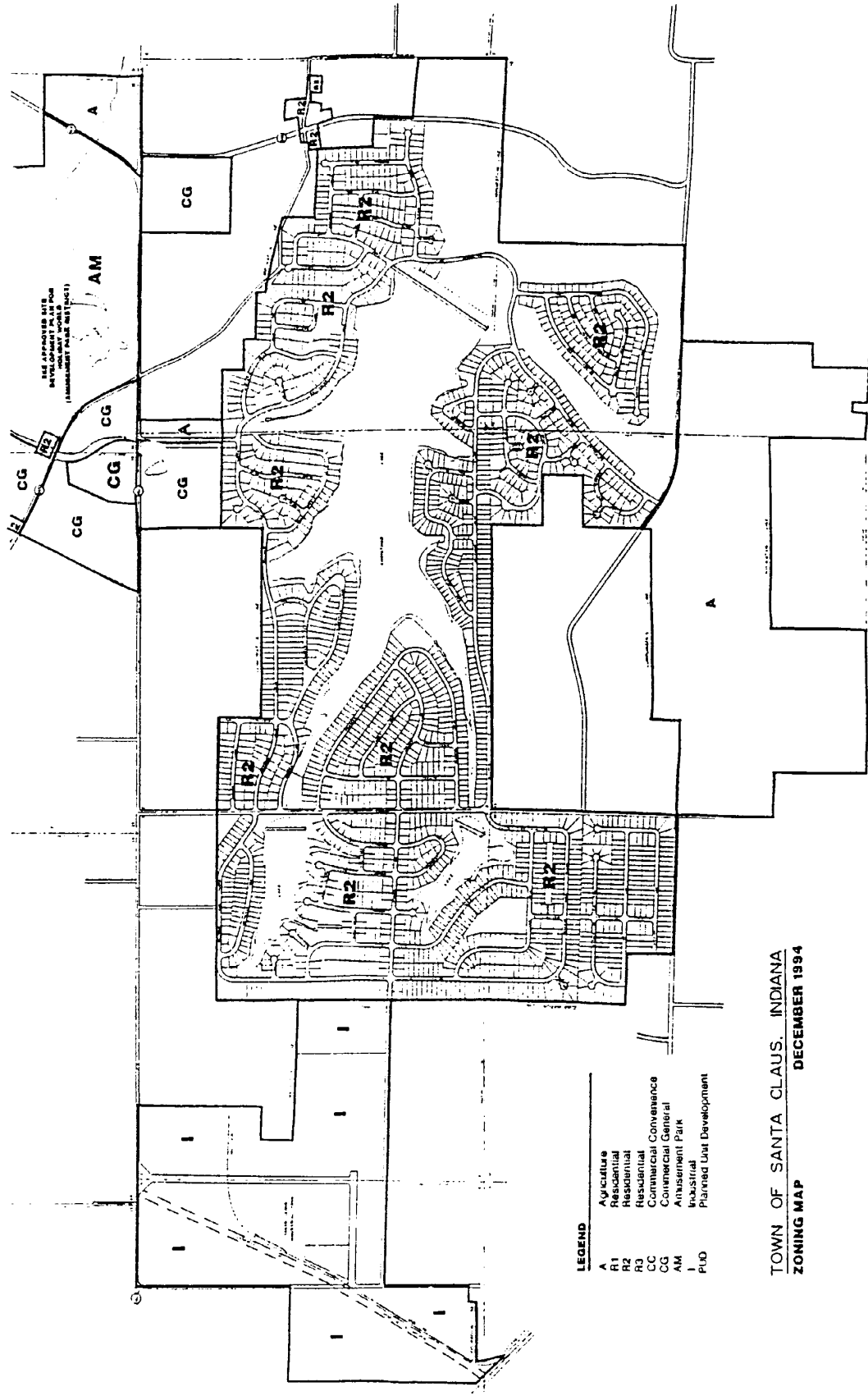
1. No member of the Board shall participate in a hearing or decision of the Board concerning a matter in which he or she has a direct or indirect financial interest or, which for any other reason brought to the attention of the Board, results in disqualification.
 2. The Board shall enter in its record the fact that a regular member has such a disqualification and the name of the alternate member, if any, who participates in the hearing or decision.
 3. Any participating alternate member shall be appointed by the same body which appointed the regular member who has been disqualified.
- O. Communication with Board. No Person shall communicate with any Board member prior to a hearing or decision with the intent to influence the actions of any member of the Board regarding any matter pending before the Board. However, the staff may file a written statement with the Board setting forth facts or its opinions concerning that matter. (Ord. 2006-04; Ord. 1995-05)

**TOWN OF SANTA CLAUS, INDIANA
ZONING MAP
DECEMBER 1994**

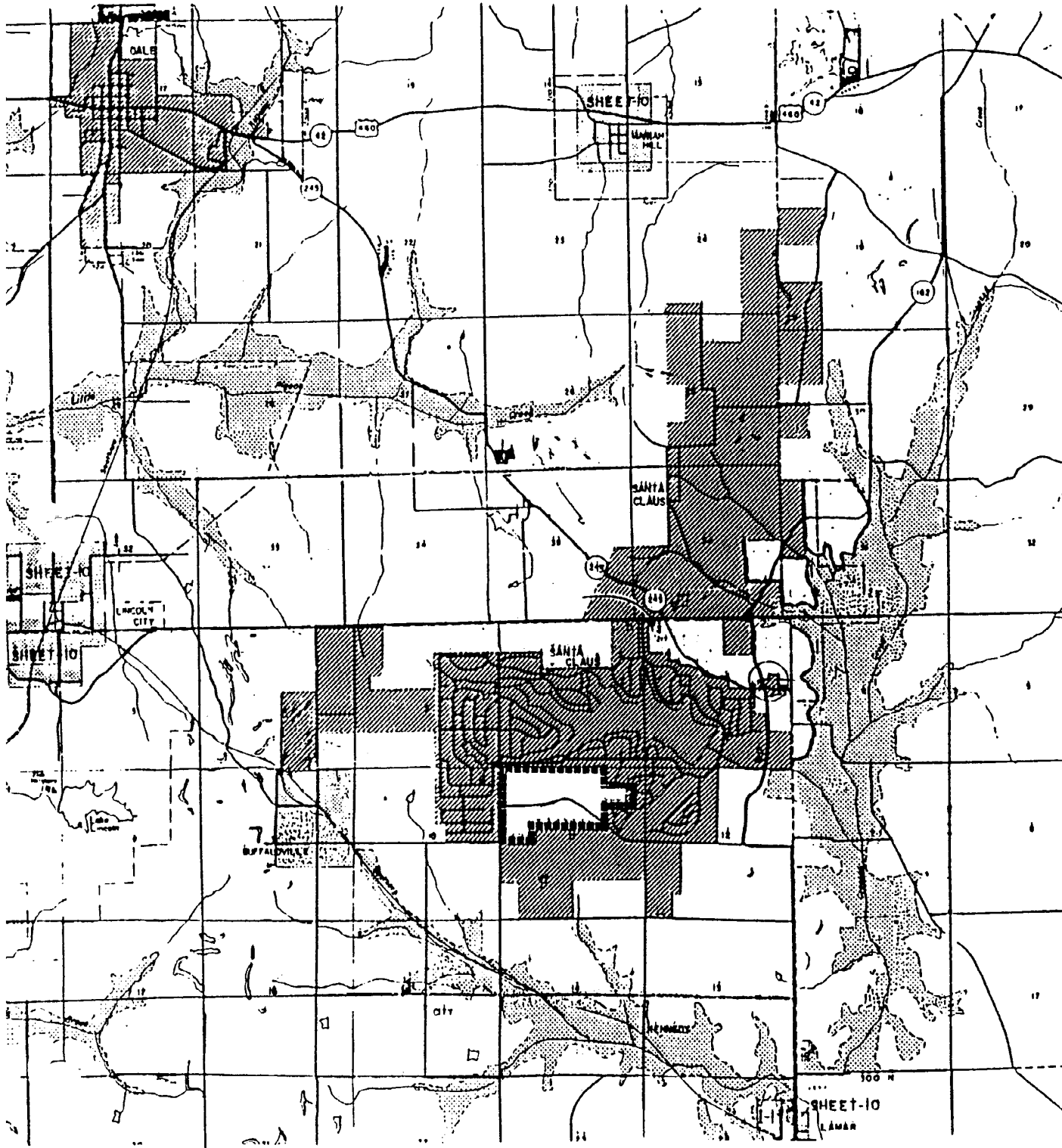
LEGEND

A	Agriculture
R1	Residential
R2	Residential
R3	Residential
CC	Commercial Convenience
CG	Commercial General
AM	Amusement Park
I	Industrial
PUD	Planned Unit Development





TOWN OF SANTA CLAUS, INDIANA
FEBRUARY 1995



Chapter 11.05

Thoroughfare and Access Management

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Article 1. Introduction

SECTION 1.01 PURPOSE

Access management is the control of driveways and intersections to manage access to land development, while simultaneously preserving the flow of traffic on the surrounding road system in terms of safety, capacity, and speed. Implementing an access management program based on the strategies and principles described in this ordinance will encourage smooth and safe traffic flow.

This document describes transportation design requirements that present a comprehensive approach to access management within the Town of Santa Claus. This ordinance is intended to better connect land use and transportation within the Town. These

requirements are presented to provide improved transportation throughout the corporate limits.

SECTION 1.02 JURISDICTION OF THESE REGULATIONS

Except as otherwise specified or required by law, these rules and regulations govern access management, along with all associated improvements, within the street network of the Town of Santa Claus, Indiana and shall apply to all areas within the jurisdiction of the Town. Exceptions to any of the standards of this Ordinance shall be made to the Town's Advisory Plan Commission.

SECTION 1.03 RELATIONSHIP TO OTHER LAWS AND AGREEMENTS

1.03.1 Conflict with Other Public Laws, Ordinances, Regulations, or Permits

Where provisions of this ordinance impose greater restrictions than those of any other Town, State, or Federal regulation, statute, or ordinance the provisions of this ordinance shall be controlling. Where the provisions of any Town, State, or Federal regulation, statute, or ordinance imposes greater restrictions than this ordinance, the provisions of such Town, State, or Federal regulation, statute, or ordinance shall be controlling.

1.03.2 Conflict with Private Agreements

This Ordinance is not intended to revoke or repeal any easement, covenant, or other private agreement. However, where the regulations of this ordinance are more restrictive or impose higher standards or requirements than such easement, covenant, or other private agreement, then the requirements of this ordinance shall govern. Nothing in this Ordinance shall modify or repeal any private covenant or deed restriction, but such covenant or restriction shall not excuse any failure to comply with this Ordinance. The Town shall not be obligated to enforce the provisions of any easements, covenants, or agreements between private third parties.

1.03.4 Permits from other Government Agencies, Entities, and Departments

Prior to beginning any construction, the developer/contractor/property owner shall obtain all necessary permits as required by law. Such permits may include, but are not limited to: those required by the State of Indiana, Spencer County, and/or other Town Departments, Commissions, or Boards. This includes any and all Town Permits as outlined in the Town Municipal Code.

SECTION 1.04 BACKGROUND

This Ordinance is a product of the Town's comprehensive planning process. Transportation Management was identified early in the planning process as a critical element to implement the strategies for community and economic development in the Town. These regulations are presented to achieve the vision and goals of the Comprehensive Plan.

SECTION 1.05 SEVERABILITY

It is hereby declared to be the intention of the Town Council, that the provisions of this Ordinance are separable in accordance with the following:

If any court of competent jurisdiction shall adjudge any provision of this Ordinance invalid, such judgment shall not affect any other provision of this ordinance not specifically included in said judgment; and

If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular property, driveway, or other access, such judgment shall not affect the application of said provisions to any other property, driveway, or other access not specifically included in said judgment.

SECTION 1.06 DEFINITIONS

The following terms, as used in this document, shall have the following meanings unless the context thereof indicates to the contrary. The Street Superintendent shall be vested with interpretation powers over all provisions of this Ordinance.

AASHTO

(American Association of State Highway and Transportation Officials) which publishes documents in this manual, including A Policy on Geometric Design (Green Book) and Roadway Design Guide.

Acceleration Lane

A speed-change lane, including tapered areas, for the purpose of enabling a vehicle entering the roadway to increase its speed to a rate at which it can more safely merge with through traffic. This also may be titled as an "accel lane."

Access

Entrance to or exit from land adjacent to a public road.

Angle of Two-way Driveway

The angle of deflection measured from the centerline of the nearest travel lane to the centerline of the driveway. An angle of 90 degrees is desirable.

Auxiliary Lane

The portion of the roadway adjoining the traveled-way for parking, speed change, turning, weaving, truck climbing, and other purposes supplementary to the through-traffic movement.

Corner Clearance

The distance from an intersection of a public or private road to the nearest access along the highway system. This distance is measured from the closest edge of pavement of the intersecting road to the closest edge of pavement of the access measured along the traveled way (through lanes).

Curb Cut

An access or driveway providing ingress and/or egress to or from the highway system along a "curbed" section of highway.

Commercial Driveway

Any private entrance, exit, ramp, tunnel, bridge, side road or other vehicular passageway to any property used for commercial purposes, except a farm or dwelling house not exceeding a fourfamily capacity, and leading to or from any public road on the highway system.

Deceleration Lane

A speed-change lane, including tapered areas, for the purpose of enabling a vehicle that is making an exit turn from a roadway to slow to a safe turning speed after it has left the mainstream of faster-moving traffic. Also called a "decel lane"; it denotes a right turn lane or a left turn lane into a development.

Driveway Width

The width of a driveway shall be measured perpendicular to centerline of the driveway within 5 feet of the Right-of-Way, from edge of pavement to edge of pavement or face-of-curb to face-of-curb where curb and gutter are installed.

Directional Median Opening

An opening in a restrictive median which provides for U-turn only and/or left-turn in movements. Directional median openings for two opposing left or "U-turn" movements along one segment of road are considered one directional median opening.

FHWA

The Federal Highway Administration

Intersection

An at-grade connection or crossing of a one road with another road

Island

A device used to separate or direct traffic in order to facilitate the safe and orderly movement of vehicles. An island may be a raised area that provides a physical barrier to channel traffic movements or a painted area.

Median Crossover An opening constructed in the median strip of a divided highway designed to allow traffic movements to cross from one side of the highway to the other. In some cases, the Access Management Engineer may require the design to be such that some movements are physically prohibited.

Residential Driveway

Any private passageway to any property used for dwelling purposes. However, if a driveway provides access for more than four dwelling units, it shall be considered a commercial driveway.

Restrictive Median

The portion of a divided highway or divided driveway physically separating vehicular traffic traveling in opposite directions. Restrictive medians include physical barriers that prohibit movement of traffic across the median such as a concrete barrier, a raised concrete curb and/or island, and a grassed or a depressed median.

Right-of-way (ROW)

All land under the jurisdiction of, and whose use is controlled by the Town of Santa Claus, the Indiana Department of Transportation or another local government.

Right-of-way Line

A line that defines the limits of the ROW of a public road as it relates to adjacent property.

Roadway

The portion of a highway, including shoulders, for vehicle use.

Sight Distance

Refers to intersection sight distance, which is the distance that can be seen along the main roadway by the driver of a vehicle on the driveway. The distance is measured based on an eye height of 3.5' and an object height of 3.5'. Sight Distance should be determined to provide adequate time for an entering vehicle to accelerate to within 10 mph of posted speed limit, prior to being overtaken by approaching vehicles. (Refer to AASHTO, Green book)

Stopping Sight Distance

The sum of two distances: the distance traversed by the vehicle from the instant the driver sights an object necessitating a stop to the instant the brakes are applied and the distance required to stop the vehicle from the instant brake application begins. Stopping sight distance is measured based on an eye height of 3.5' and an object height of 2.0'.

Traveled Way

The portion of the roadway for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

Urban Conditions

This document defines access and spacing criteria separately for urban and rural conditions. Urban conditions typically refer to roadways that have curb and gutter and sidewalks. However, urban standards also apply to other roads that may not have curb and gutter that are located within the boundaries of the Commercial, Industrial and Amusement Zoning Districts of the Town.

State Highway System (SHS)

The network of highways that have been functionally classified and which are under the jurisdiction of the State of Indiana, as defined in State Statutes.

Rural Conditions

This document defines access and spacing criteria separately for urban and rural conditions. Urban conditions typically refer to roadways that have curb and gutter and sidewalks. However, urban standards also apply to other roads that may not have curb and gutter that

are located within the boundaries of the Commercial, Industrial and Amusement Zoning Districts of the Town.

Article 2. Access Management

Access management is a set of techniques to allow for the control of access to highways, arterials, collectors, and other, select streets within the Town. The result is a more safe and efficient street network for users. Without access management, the transportation network experiences an increase in traffic congestion, and accidents throughout the overall transportation network.

SECTION 2.01 IMPORTANCE OF ACCESS MANAGEMENT

With less state and federal monies available for new transportation projects, the need for effective transportation systems management strategies is greater than ever before. By managing access, the Town aims to directly increase public safety, extend the life of major roadways, reduce traffic congestion, and improve both the appearance and quality of the built environment.

Without access management, the function and character of major transportation corridors can deteriorate rapidly. Failure to manage access is associated with the following adverse social, economic, and environmental impacts:

- An increase in vehicular crashes
- More collisions involving pedestrians and cyclists
- Accelerated reduction in roadway efficiency
- Unsightly commercial strip development
- Degradation of scenic landscapes
- More cut-through traffic in residential areas due to overburdened arterials
- Homes and businesses adversely impacted by a continuous cycle of widening roads
- Increased commute times, fuel consumption, and vehicular emissions as numerous driveways and traffic signals intensify congestion and delays along major roads

Poor access management comes with both direct and indirect costs. Direct costs include adverse impacts to businesses through the difficulty of customers entering and exiting businesses safely. Access to corner businesses may be blocked by queuing traffic. Customers begin to patronize businesses with safer, more convenient access and avoid businesses in areas of poor access design. Gradually the older developed areas begin to deteriorate due to access and aesthetic problems, and investment moves to newer better-managed corridors. Indirect costs include lost time due to increased traffic congestion.

After access problems have been created, they are difficult to solve. Reconstructing an arterial street is costly and disruptive to the public and abutting homes and businesses. The shallow property depth, multiple owners, and right-of-way limitations common to older corridors generally preclude effective redesign of access and site circulation. In some cases, a new arterial or bypass must be built to replace the functionally obsolescent roadway, and the process begins again in a new location. Access management programs can help stop

this cycle of functional obsolescence, thereby protecting both public and private investment in major transportation corridors.

(a) Safety

Research in the last 50 years has consistently shown that Access Management increases roadway safety. As outlined in the *Access Management Manual* of the Transportation Research Board (TRB), the reduction of traffic conflict points, higher design standards for access points, and increased awareness/response time for drivers has improved safety on the nation's highways and arterials. Four key observations have come to the forefront: Increasing the number of access points on a roadway will increase its crash rate.

Roads with medians are safer than undivided roads, or roads with two-way left- turn lanes (TWLTL).

It is safer for vehicles to make a U-turn and a right turn, than to make a direct left turn into or from a driveway.

Medians improve pedestrian safety.

SECTION 2.02 TEN PRINCIPLES OF ACCESS MANAGEMENT

Most, if not all, current access management policies are derived from the Transportation Research Board's (TRB) *Access Management Manual*, which was published in 2003 and updated in 2014. TRB describes ten (10) principles of access management, which were derived from the organization's expertise in transportation. They include the following: Provide a Specialized Roadway System: Design and manage roadways according to their primary functions.

Limit Direct Access to Major Roadways: Roadways that serve higher volumes of through traffic need more access control to preserve their function.

Promote Intersection Hierarchy: An efficient transportation network provides appropriate transitions from one functional classification to another. This results in a series of intersection types that range from the junction of two freeways or a freeway and a major arterial to a driveway connecting to a local street.

Locate Signals to Favor "Through" Movements: Long, uniform spacing of intersections on major roadways enhances the ability to coordinate signals and to ensure continuous movement of traffic at the desired speed.

Preserve the Functional Area of Intersections and Interchanges: The functional area of an intersection or interchange is the area that is critical to its safe and efficient operation.

Access connections too close to these intersections or interchange ramps can cause serious traffic conflicts.

Limit the Number of Conflict Points: A less complex driving environment is accomplished by limiting the number and type of conflicts between vehicles, vehicles and pedestrians, and vehicles and bicyclists.

Separate Conflict Areas: Separating conflict areas helps to simplify the driving task and contributes to improved traffic operations and safety.

Remove Turning Vehicles from Through Traffic Lanes: Turning lanes reduce the severity and duration of conflicts between turning vehicles and improves the safety and efficiency of intersections.

Use Non-traversable Medians to Manage Left Turn Movements: Non-traversable medians and other techniques that minimize left turns are effective in improving roadway safety and efficiency.

Provide a Supporting Street and Circulation System: Well-planned communities provide a supporting network of local and collector streets to accommodate development, as well as unified property access and circulation systems. Interconnected street and circulation systems support alternative modes of transportation and provide alternative routes for bicyclists, pedestrians, and drivers.

These principles provide the foundation for the strategies recommended in this ordinance.

SECTION 2.03 ROADWAY FUNCTIONAL CLASS

Roadway facilities are each classified according to the amount of access and mobility they provide or how the roadway *functions*. According to the Federal Highway Administration (FHWA), functional classification is the process by which streets and highways are grouped into classes, or systems, according to the character of service they are intended to provide. As land access increases, traffic movement decreases on the lower classified roadways and vice versa – as land access decreases, traffic movement increases along the higher classified roads.

The functional classification of existing facilities is significant because it specifies the desired amount of access control or locations where vehicles can enter or leave a roadway. When there is no access control, intersecting roads or driveways may connect to the mainline at any point. Typically, local roads have no access control. With partial control of access there is minimum spacing of access locations. With full control of access, connections are only allowed at major crossroads – such as interchanges along an interstate. Full or partial control of access helps reduce traffic conflicts.

The diagram below shows schematically how various street classifications relate to each other in terms of movement and access. As land access increases, traffic movement decreases on the lower classified roadways and vice versa – as land access decreases, traffic movement increases along the higher classified roads.

(a) Santa Claus Transportation Plan

This Transportation Plan classifies the five major functional systems, which is adopted as the framework for this ordinance, as follows:

Interstate and Freeway Classification

Interstates and Freeways are limited access divided highways with grade separated junctions, and without traffic lights or stop signs. Providing drivers with mobility is the highest priority on this type of facility, with access provided only at interchanges spaced at least 1-2 miles apart.

There are on Interstate and Freeway Roadways in the Town.

Principal Arterial Classification

The principal arterial system serves major centers of activity, the highest traffic volume corridors, and the longest trip destinations. Prior to the Interstate system, these roads functioned as the primary routes for long-distance travel and therefore emphasize mobility rather than access. They still carry a substantial percentage of trips entering and leaving the urban area, including thru-movements. These roads link to the interstates and freeways. In 2012, Congress passed federal legislation which also made all principal arterials part of the National Highway System.

Principal Arterial Roadways in Santa Claus:

Indiana Highway 162

Indiana Highway 245

Minor Arterial Classification

Compared to principal arterials, minor arterials are intended for trips of more moderate length and serve smaller geographic areas. They supplement and link to the principal arterial system and provide connections within a community.

Minor Arterial Roadways in Santa Claus:

Louis J. Koch Boulevard

Collector Classification

The collector street system provides both access to land and traffic circulation within residential neighborhoods, commercial and industrial areas. Unlike arterial roads, it is common for collector roads to pass through residential neighborhoods to “collect” traffic from local neighborhood streets and channel it into the arterial system. In the central business district and other areas of similar development and traffic density, the collector system may include a street grid used for traffic circulation.

Collector Roadways in Santa Claus

Main Street

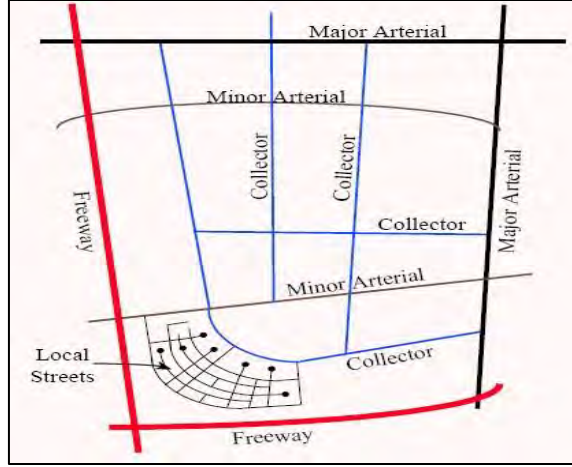
Clubhouse Road

Local Street Classification

The local street system is made up of all other facilities not classified as one of the categories described above. Local streets’ primary function is to provide direct access to properties, and they are not intended for high speeds or heavy traffic volumes. This segment of the classification contain all roads not otherwise named above or in the Town Major Thoroughfare Plan Map.

As indicated in Figure 4, a functional roadway system facilitates a progressive transition in the flow of traffic from the provision of access to the provision of movement.

Interstate (or Freeways) and arterial
Figure 4: Roadway Functional Class System facilities primarily provide the function of moving vehicles, while collector and local streets concentrate more on providing access to individual properties, homes, and businesses.



Article 3. Access Management Regulations

The following access management strategies will be utilized for roadways within the Town.

SECTION 3.01 DRIVEWAYS

(a) General Provisions

It shall be unlawful for any person to cut, break, or remove any curb along a street or construct a private driveway connecting to a Town street except as herein authorized. This section shall be deemed to be supplemental to other sections regulating the use of public property, and in case of conflict, the more restrictive regulation shall govern. Decisions related to the provision of this ordinance shall be made by the Street Superintendent or designee (unless otherwise noted). If the Superintendent provides for a designee, this shall be noted, in writing, to the Town Council.

Adequate sight distance shall be provided for a passenger motor vehicle making a left or right turn exiting from a driveway. This determination shall be made by the Street Superintendent.

The specifications and guidelines set forth in this ordinance are to be applied to all roadways and properties that abut these roadways within the Town, unless otherwise indicated.

Any existing access locations, at the time of enactment of this Ordinance, that do not meet the minimum standards documented herein shall be deemed “non-conforming driveways.” These non-conforming driveways shall be allowed to remain in use until such time as a change in use or intensity is requested of the local government by the property owner. No changes shall be granted until the offending driveway(s) are brought into conformity with Article III, Access Management Regulations.

Non-compliance with Article III, Access Management Regulations shall be reason for denial of a permitting or development application request. The Advisory Plan Commission, the Town Council, and/or Town Staff may cite non-compliance with the regulations herein as grounds for deferral or denial of any relative application.

(b) Location of Driveway Access

(i) Application of the driveway access location and design policy requires identification of the functional classification of the street on which access is requested and then applying the appropriate spacing requirements. Streets are classified as follows:

Freeway;
 Arterial;
 Collector; and,
 Local Street.

Freeway, arterial, and collector streets in the Town are indicated on the Major Thoroughfare Plan Map. The functional classification of any street in the jurisdiction not

indicated as an arterial or collector street on this plan shall be determined using the functional street classification defined by section 2.03 of this ordinance.

Location of Driveways on State Routes

The radius return for a driveway access on state routes shall meet the following requirement, which is from INDOT's current *Manual for Constructing Driveway Entrances on State Highways*:

When driveways are to be jointly used through an access easement by two or more property owners, the property line separation requirements may be waived. However, the access easement, signed by all property owners within the common development, must be provided to Development Services for review and approval. The access easement, once approved by Development Services, shall be recorded with the Maury County Register of Deeds.

INDOT driveway permits shall be obtained.

Driveway access to arterials or collectors streets shall be designed to ensure that parking or loading areas shall not require backing maneuvers in a public street right-of-way.

All developments shall have access to a public right-of way. Access shall be through a public ROW or through an access easement. The fewest possible access points shall be used to safely accommodate expected traffic volumes. A traffic study/analysis will be required to justify a greater number of access points than granted in Table 1. Regardless of the number of granted access points, minimum spacing requirements as described in section 3.01(c) shall be maintained. The number of granted access points shall be as listed in **Table 1**.

TABLE 1: Number of Access Points ‡ *	
Type of Development	Number of Potential Access Points
Individual Residential Lot	1
Residential Subdivision	2
Nonresidential ≤ 30 required parking spaces	1
Nonresidential >30 required parking spaces	2

‡Cross access to adjacent properties shall also be required as per Section 3.01(f).

**These access points shall be considered the minimum for each type of development.*

Exceptions to the standards established in this subsection shall follow the procedures outlines in Section 4.04 of this Ordinance.

For corner tracts, primary access shall be provided from the lesser (lowest classification) street. The determination as to the lesser (or greater) street shall be based on the functional street classification of the jurisdiction.

No cuts through a left turn reservoir of a median shall be permitted in order to provide for left turn movements to driveway approaches.

Driveways in right turn lane transition areas shall not be permitted.

Driveways shall not be permitted in the corner clearance area of an intersection as defined in section 3.04 Corner Clearance.

When a commercial or multifamily development abuts more than one public street, access shall be provided from the lesser (lowest classification) street. Access to each abutting street may be allowed only if the following criteria are met:

It is demonstrated that such access is required to adequately serve driveway volumes and will not be detrimental or unsafe to traffic operations on public streets. The Town may require the submittal of a traffic study which demonstrates that such access is required.

The minimum requirements for the corner clearance for commercial or multifamily driveways are met.

In making a determination as to the location of driveway access, the following characteristics shall be considered:

The characteristics of the proposed land use;

The existing traffic flow conditions and the future traffic demand anticipated on the development and the adjacent street system;

The location of the property;

The size of the property;

The orientation of structures on the site;

The number of driveways needed to accommodate anticipated traffic;

The number and location of driveways on existing adjacent and opposite properties;

The location and carrying capacity of intersections;

The proper geometric design of driveways;

The spacing between opposite and adjacent driveways;

The internal circulation between driveways; and,

The speed of the adjacent roadway.

(c) Driveway spacing

Driveway access spacing shall be measured from the centerline of the proposed driveway pavement to the nearest edge of the roadway of the adjacent or opposite driveway or street as indicated in **Figure 5**. Note that the spacing requirements apply to both opposite and

adjacent driveways on undivided highways, but it only applies to adjacent driveways on divided highways.

Separation between driveways on all arterials and collectors shall be based upon the functional classification of the roadway in accordance with **Table 2**.

Figure5: MeasuringDrivewayAccess

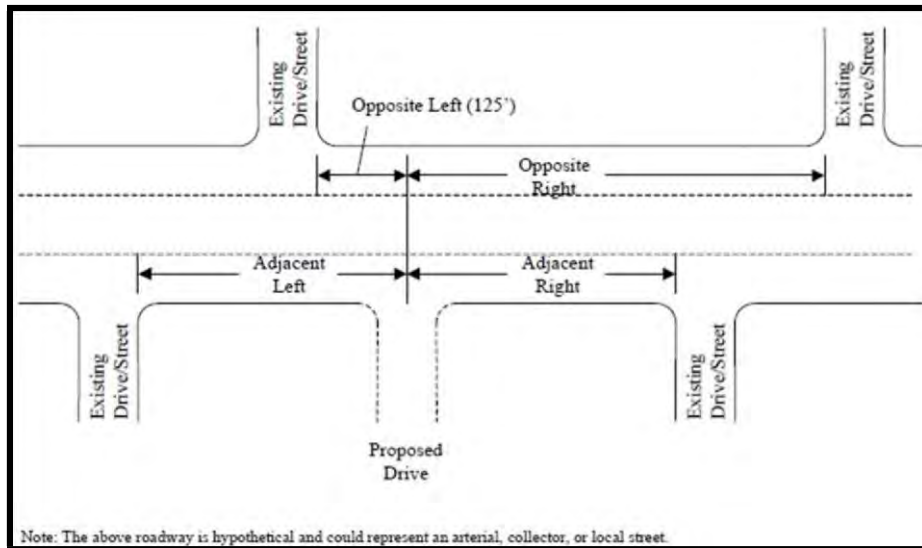
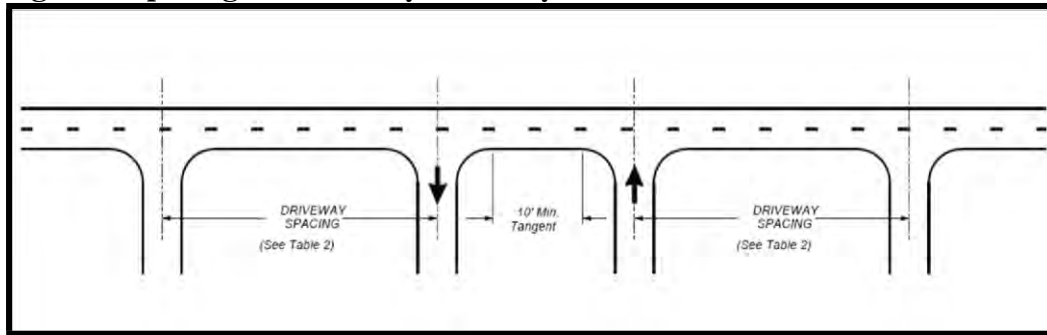


TABLE 2: Driveway Spacing Requirements ‡ *		
	Urban & Suburban	Rural
Principal Arterials	440	660
Minor Arterials	330	440
Collectors	220 330	
‡Distance used for the above regulations shall be measured in feet *Spacing requirements shall only apply to adjacent driveways on roadways with medians.		

Spacing of One-Way Driveways

The spacing criteria presented in **Table 2** does not apply to the distance between two one-way driveways (driveway pair). A driveway pair must be separated from another driveway pair by the distance as shown in **Figure 6**. A driveway pair must also be separated from an adjacent two-way driveway in accordance with the spacing criteria in **Table 2**.

Figure 6: Spacing for One-Way Driveways



The connection spacing requirements may be reduced in situations where they prove impractical, but in no case shall the permitted spacing be less than 80% of the applicable standard. Such a reduction in spacing requirements must still result, to the greatest extent possible, in uniform spacing between adjacent driveways.

If the connection spacing of this ordinance cannot be achieved, then a system of joint use driveways and cross access easements may be required.

Exceptions from these standards shall be permitted according to Article 4, Section 4.04 of this Ordinance.

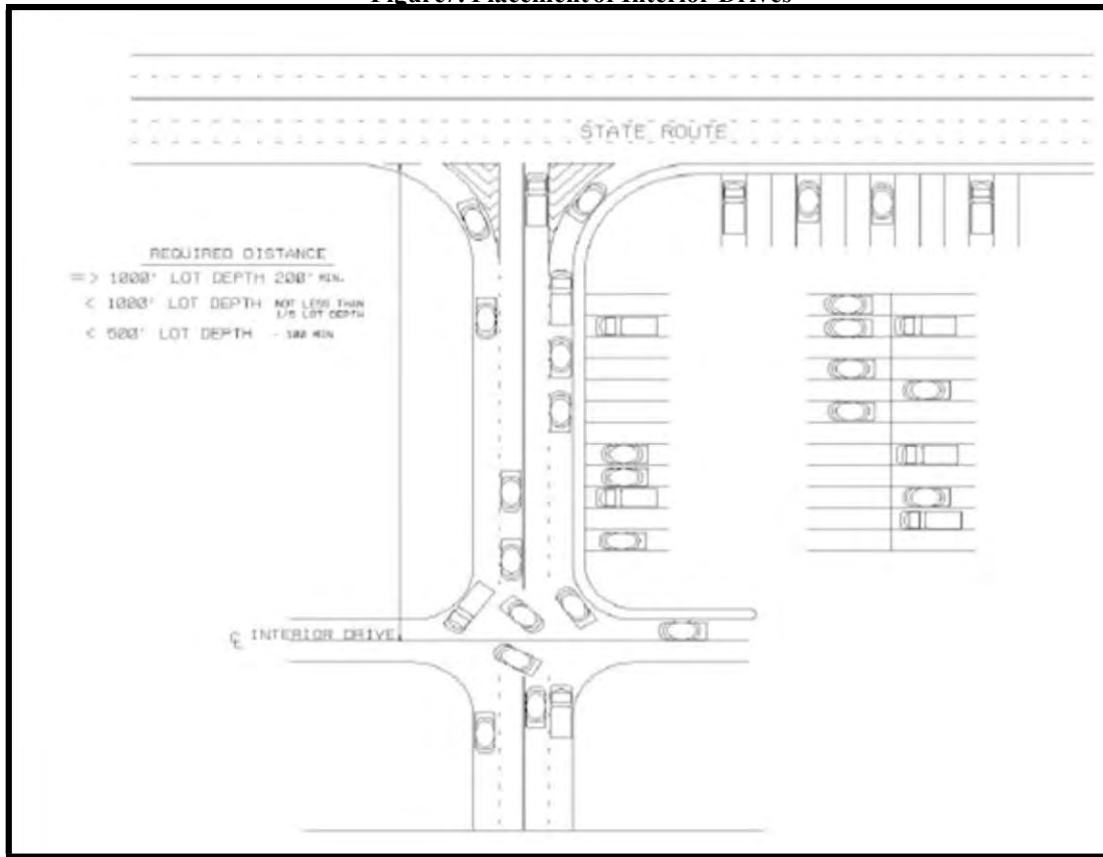
(d) Interior Circulation and Driveway Throat Depth

Interior driveways, parking aisles, and site vehicular circulation patterns shall be designed in order to minimize impacts to public streets rights-of-way. Figure 7 provides an illustrative example.

Nonresidential uses shall provide a minimum throat depth of at least 30 feet to provide for efficient and safe stacking of vehicles from a private lot onto a public right-of-way.

If no other design alternatives exist and interior drives are proposed, which do not meet minimum spacing, exceptions may be made to the Advisory Plan Commission.

Figure7: Placement of Interior Drives



(e) Driveway Consolidation/Shared Access

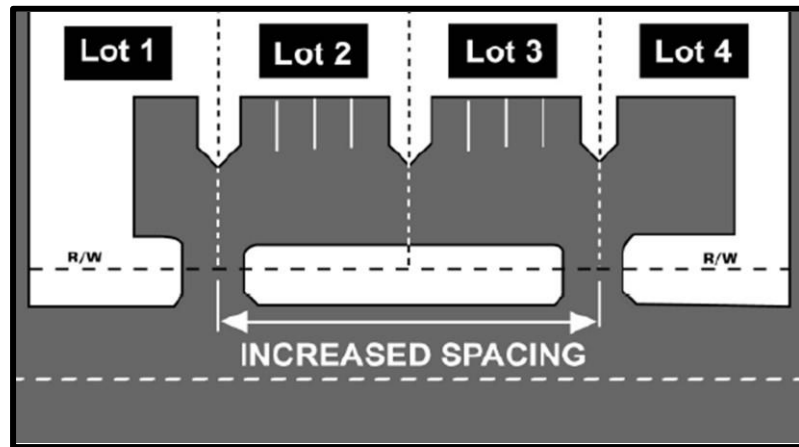
In any situation in which development or subdivision results in inadequate access or road frontage, cross access easement(s) shall be required as part of the Site Plan or Preliminary or Final Plat, as applicable.

Cross access easement(s) shall be required between adjacent lots fronting on arterial and collector streets in order to minimize the total number of access points along those streets and to facilitate traffic flow between lots. The location and dimensions of said easement(s) shall be reviewed and approved by the Street Superintendent.

Cross access easement(s) may be required across any lot fronting on an arterial or collector street in order to minimize the number of access points and facilitate access between and across individual lots. The location and dimension of said easement(s) shall be reviewed and approved by the Street Superintendent.

Subdivisions with frontage on arterial roadways shall be designed into shared access points to and from the highway. Normally a maximum of two accesses shall be allowed regardless of the number of lots or businesses served.

Figure8: Joint and Cross Access



(f) Cross Access

Driveways shall be designed and constructed so as to align with driveways or streets on the opposite side of the highway. The alignment of through movements crossing the highway shall be such that abrupt shifts in the travel pattern are not required.

Adjacent commercial or office properties classified as major traffic generators (retail strip centers, office parks, or multi-family residential complexes adjacent to other multi-family residential, commercial and office properties) shall provide a cross access drive and pedestrian access to allow circulation between sites.

A system of joint use driveways and cross access easements shall be established wherever feasible along the frontage and/or between parking areas and the building site shall incorporate the following:

A continuous service drive or cross access corridor extending the entire length of each block served to provide for driveway separation consistent with this access management ordinance.

A design speed of 10 mph and sufficient width to accommodate two-way travel aisles designed to accommodate automobiles, service vehicles, and loading vehicles;

Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross-access via a service drive;

A unified access and circulation system plan that includes coordinated or shared parking areas is encouraged wherever feasible.

The Street Superintendent may reduce required separation distance of access points where they prove impractical, provided all of the following requirements are met:

Joint access driveways and cross access easements are provided wherever feasible in accordance with this section.

The site plan incorporates a unified access and circulation system in accordance with this section.

The property owner enters into a written agreement with the Town and records the agreement with the deed. This agreement should, at a minimum, indicate that any pre-existing non-conforming driveway connections on the site will be closed and eliminated after construction of each side of the joint use driveway. The Development Services Department shall have leeway in directing the language of any agreement to fit the specific conditions of the site.

The Development Services Department may modify or waive the requirements of this section where the characteristics or layout of abutting properties would make development of a unified or shared access and circulation system impractical.

Pursuant to this section, property owners shall:

Record an easement with the deed allowing cross access to and from other properties served by the joint use driveways and cross access or service drive.

Record an agreement with the deed that remaining access rights along the thoroughfare will be dedicated to the Town and pre-existing nonconforming driveways will be closed and eliminated after construction of the joint-use driveway.

Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners.

SECTION 3.02 MEDIANS

(a) Non-traversable Medians with Left Turn Lanes

One of the most effective measures to improve safety on a roadway is to install a nontraversable median. Raised or grassy medians in the center of a road separate opposing lanes of traffic and restrict turning and crossing movements.

(b) Continuous Two-Way Left-Turn Lane (TWLTL)

A continuous TWLTL provides the most alternatives for vehicles to cross a median. This roadway treatment provides accessibility when there are numerous curb cuts on an existing corridor.

A TWLTL in the center of a roadway is safer than having no turning lane, but is not as safe as a non-traversable median with directional openings. Engineering judgement should be taken to select the most appropriate option for any road segment.

In general a TWLTL functions well for roadways with moderate traffic volumes (up to about 25,000 vehicles per day) and have many commercial driveways and a high percentage of turning movements. They can also work well where there are multiple driveways but a low percentage of turning volumes, like a major collector or minor arterial traversing a residential area.

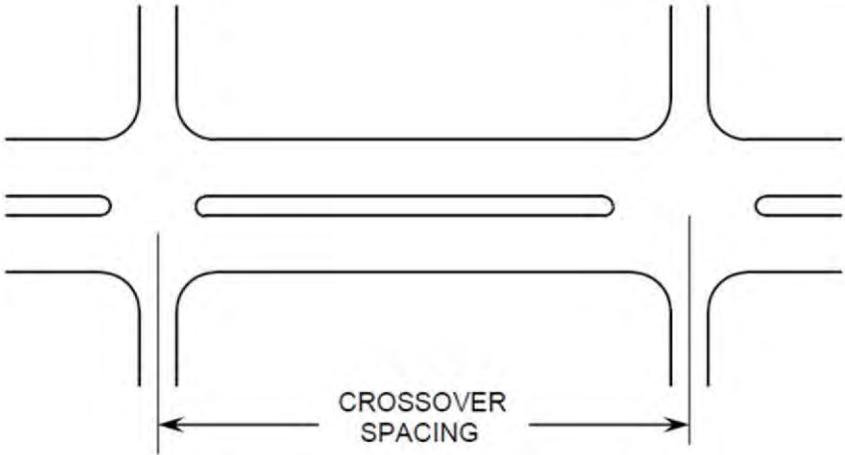
(vi) TWLTLs are less effective in high-volume situations (more than 25,000 vehicles per day), and much more so in an area with commercial driveways too close together. Driveway spacing and density still need to be well-managed. The center turn lane is also not recommended where there are more than two travel lanes in either direction.

(v) Along transit corridors with TWLTL medians, pedestrian median refuge islands would need to be added at transit stop locations, to allow safer pedestrian crossings. Locations where a transit stop is located within 300 feet of a signalized intersection, and safe pedestrian crossing accommodations are already provided at the intersection, could be exempt from this requirement. When opposing transit stops are located more than 300 feet from each other, two separate pedestrian median refuge islands would be required.

(c) Spacing of Median Crossovers

When the applicant is requesting a median crossover on a divided arterial highway with a non-traversable median, the spacing standards shown in **Table 3** apply.

Table 3: Spacing of Median Crossovers

		
CONDITION	CROSSOVER SPACING, Ft	
	Desirable	Minimum
RURAL	2640	1320
URBAN	1320	1000

NOTE: RURAL or URBAN CONDITION refers to the functional classification of a roadway, not whether that roadway lies within an “Urbanized Area” or “Rural Area”. Urbanized, Small Urban and Rural Area boundaries indicate only population as designated by the Bureau of the Census. Functional class refers to the group or system of the roadway according to the character of service it is intended to provide for mobility (speed limit), connectivity, and access.

Source: Transportation Research Board (TRB) Access Manual

Other factors will also be considered, such as distance to other median openings, adjacent land use, expected traffic volumes, and the resulting volume of U-turns that are likely to occur without the median opening. Meeting the spacing criteria is not, in itself, an indication that median openings will be allowed.

(d) Median Opening Criteria

New median openings or turn bays shall be allowed to provide access to a Town street or to provide access to a private development only where the opening or turn bay can be constructed to satisfy the design standards set forth in this article.

(1) In no case shall median openings be located within the taper or storage area for another median opening or intersection.

Where a new median opening is proposed for construction, a turn bay shall also be constructed unless the opening is designed to physically prohibit left turns from the divided roadway.

If a roadway project is pending or under construction at the time of approval of a request for a median opening or turn bay, the approved median opening or turn bay shall be constructed to the standards for the approved or completed roadway; however, in no case shall construction standards be less than standards set forth above, and the person requesting the change shall pay any and all costs required to make the improvement. The person or party requesting the median opening or turn bay, if approved, shall pay to the Town the estimated costs associated with design and installation of the median opening

prior to the construction of same. If the estimate is insufficient to cover said costs the requesting party shall pay to the Town any additional sums. If the estimated costs exceed the actual cost the overage shall be paid on completion of the project to the requesting person or party.

(vi) If the requesting person or entity is to construct the median opening or turn bay, the procedures and requirements for construction and public dedication of median openings and turn bays shall be as provided for in this ordinance.

(v) Construction and materials shall be in accordance with the latest revisions of the TDOT *Standard Specifications for Road and Bridge Construction*.

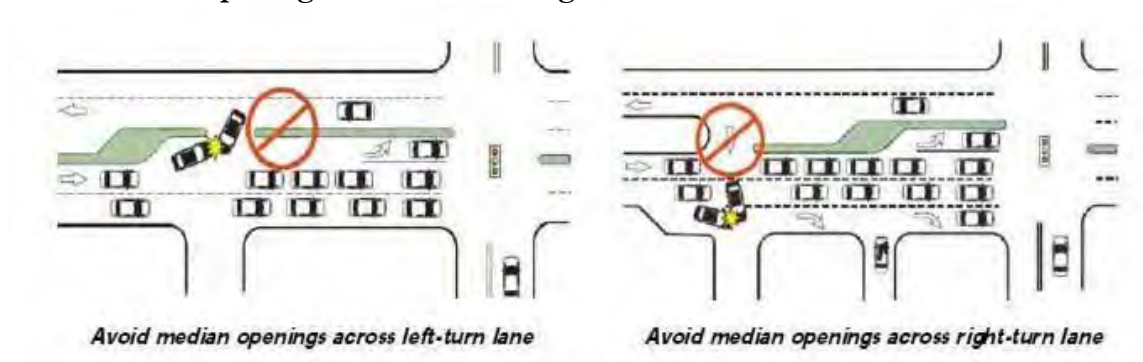
(e) Median Openings Across Turn Lanes

Due to the danger of queues building up across a median opening, turning lanes must also be avoided in median openings

Driveways shall not be located where it is necessary for left turning vehicles to cross an intersection's left-turn lane or right-turn lane. This problem is often exacerbated as queues build, prompting well-meaning "good Samaritans" to allow the left turner through, only to crash with a vehicle moving freely in the separate right-turn lane.

Figure 9:

Avoid median openings across left and right turn lanes



SECTION 3.03 TURN LANES

(a) Deceleration Lanes

(i) Left turn/Right turn deceleration lanes may be required as determined by the Street Superintendent at driveway accesses and designed in accordance with INDOT and Town regulations.

(b) Right-turn/Acceleration Lanes

Right-turn / Acceleration Lanes shall be a minimum of 50 feet in length with an additional 100 foot long taper. The length may be required to be increased by the Street Superintendent, if supported by a Traffic Impact Study (TIS).

Right-turn / Acceleration lanes are generally not provided on low speed highways.

Acceleration lanes may be required at locations where grade, sight distance or traffic is such that the Development Services Department determines they are needed.

A right-turn / acceleration lane and taper may be required at an access point under any one of the following conditions:

A high traffic volume on the highway and lack of gaps in traffic make use of an acceleration lane necessary for vehicles to enter and merge with the highway traffic flow.

The access location has/will have a high percentage of trucks using it.

Site specific conditions create the necessity for an acceleration lane for public safety or traffic operations, as determined by a TIS or by the Street Superintendent

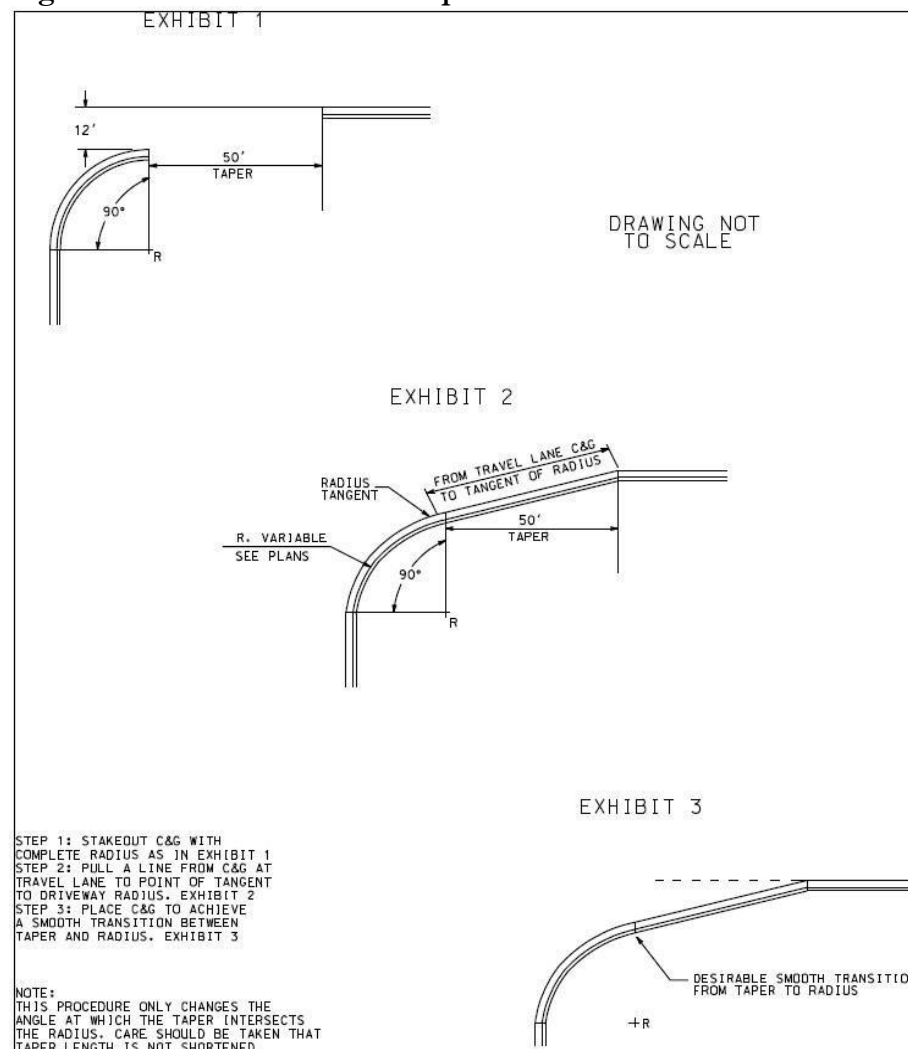
When operating speeds on the highway are 55 MPH and above, full-width acceleration lanes of sufficient length should be considered.

On all driveways where a deceleration lane is provided, a tapered acceleration lane should be considered. The layout details of the acceleration lane taper are shown in **Figure 10**.

A right-turn acceleration lane and taper may also be required at signalized intersections if a free right-turn lane is needed to maintain an appropriate level of service.

The taper length will be included within the required acceleration length.

Figure 10: Acceleration Lane Taper Details



(b) Dual Left Turn Lanes

Dual left turn lanes are often needed to satisfy high volume demands. Capacity analysis shall be used to identify the need for dual left turn lanes.

Dual left turn lanes are typically considered when the peak hour left turn volume is 300 vehicles or greater.

The decision to use dual left turn lanes should consider the off-peak periods as well as the peak periods. The off-peak periods may be adversely affected, since the use of dual left turn lanes typically precludes permissive left turns. If dual left turn lanes are included in the design,

(vi) The decision to use dual left turn lanes should also consider pedestrian activity in the area. Pedestrians will have greater difficulty crossing an intersection with dual left turn lanes due to the increased width.

SECTION 3.04 CORNER CLEARANCE

(a) General Provisions

Corner clearance for driveway access shall meet or exceed the minimum driveway spacing requirements for that roadway, as showing in Table 2: Driveway Spacing Requirements.

For streets classified as principal arterials, the corner clearance shall be 440 feet for urban and suburban areas and shall be 660 feet for rural areas.

For streets classified as minor arterials, the corner clearance shall be at least 330 feet for urban areas and 440 feet for rural areas.

For streets classified as collector roads, the corner clearance shall meet the minimum requirements of 220 feet for urban areas and 330 feet for rural areas.

Local streets shall comply with Table 2, depending on the land use.

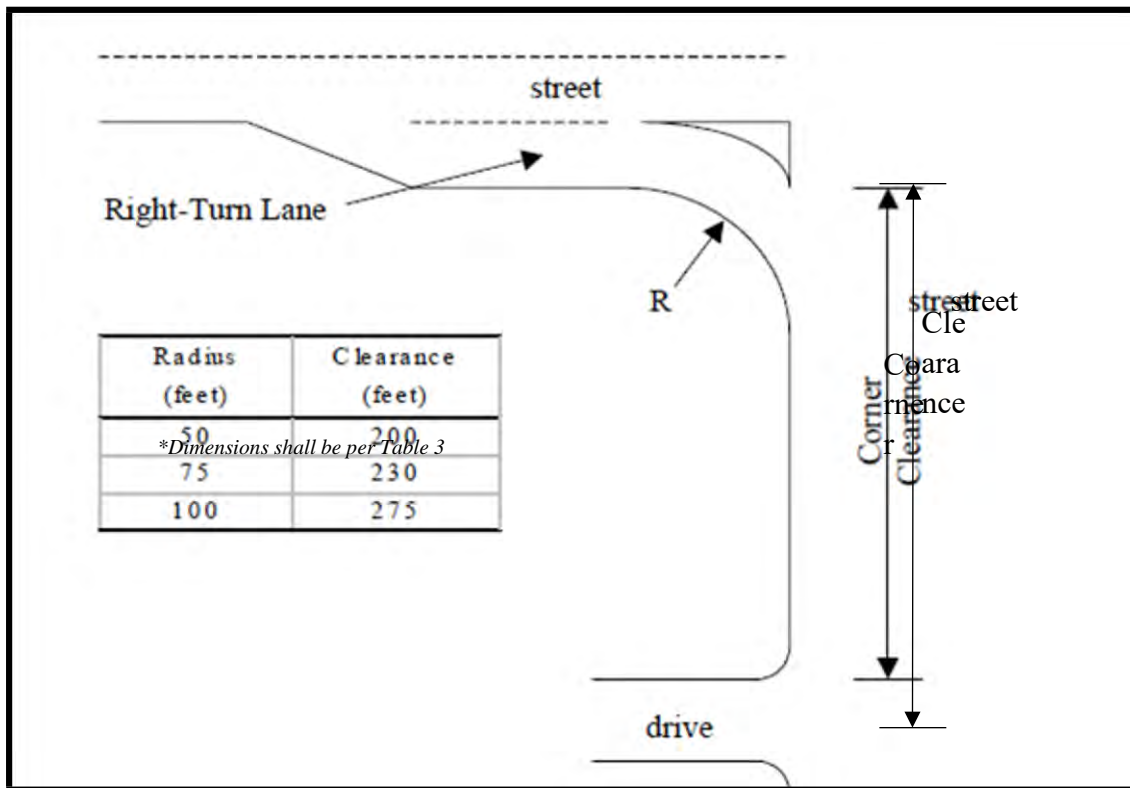
All corner lots shall be of adequate size to provide reacquired corner clearance on street frontage and front yard setbacks.

When minimum spacing requirements cannot be met due to lack of frontage and all means to acquire shared access drives or cross access easements have been exhausted, the following requirements shall apply.

Intersections of arterials with channelized right-turn lanes and yield control shall require a corner clearance distance for the first downstream driveway.

If the applicant for a driveway permit determines, through analysis, that a driveway could be appropriately located closer to an intersection than the corner clearance dictates, the applicant shall submit a traffic study that, using acceptable engineering standards, concludes it is acceptable to place the driveway closer to the intersection.

Figure 11: Corner Clearance



No driveway approach may be located closer to the corner than the as shown in Table 3, according to the distance listed in **Table 3** (adapted from the *2015 Manual for Constructing Driveway Entrances on State Highways*):

TABLE 3: Corner Clearance Requirements			
	Classification of Street to be Accessed by Driveway		
Classification of Intersecting Street	Principal & Minor Arterials	Collectors	Local
Principal & Minor Arterials	200 ft	150 ft	100 ft
Collectors	150 ft	100 ft	50 ft
Local	125 ft	50 ft	50 ft
<i>Note: Functional Classification are based on this Transportation Plan</i>			

This measurement shall be taken from the edge of pavement to the centerline of the driveway. When these requirements cannot be met due to lack of frontage, the driveway may be located such that the radius will begin at the farthest property line.

SECTION 3.05 TRAFFIC SIGNALS

(a) Spacing

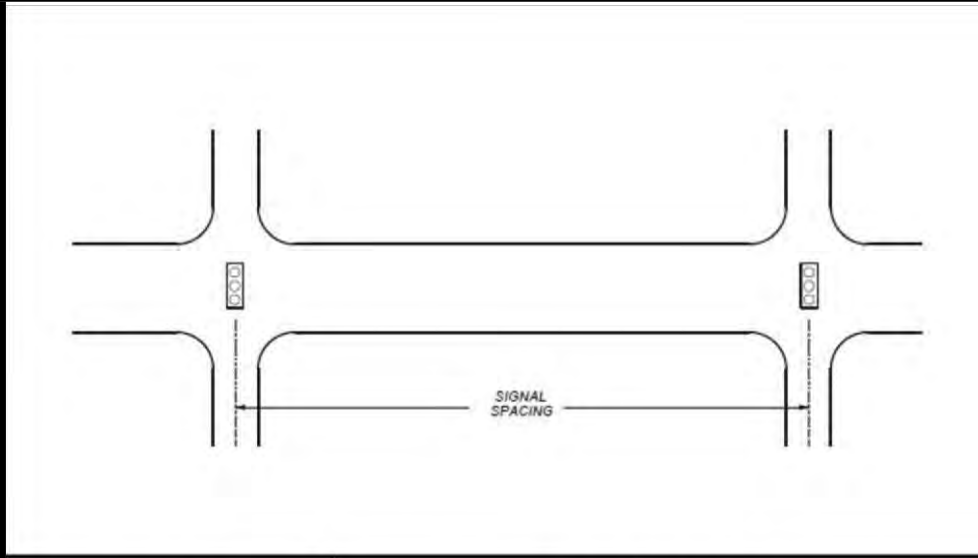
Closely spaced or irregularly spaced traffic signals on arterial roadways result in frequent stops, unnecessary delay, increased fuel consumption, excessive vehicular emissions, and high crash rates.

Planning ahead for long and uniform signal spacing enhances the ability to coordinate signals and to ensure continuous movement of traffic at the desired speed. Failure to carefully locate access connections or median openings that later become signalized, can cause substantial increases in arterial travel times. In addition, poor signal placement may lead to delays that cannot be overcome by computerized signal timing systems.

Optimal spacing depends on travel speed and cycle length. Research data indicate that as speed and cycle length increase, so does desired spacing.

Spacing between signalized intersections shall have a minimum separation as illustrated in Table 4.

TABLE: Spacing of Signalized Intersections



CONDITION	SIGNAL SPACING, Ft	
	DESIRABLE	MINIMUM
RURAL	2640	1320
URBAN	1320	1000

Under certain conditions, better operation may result from the introduction of signals with less spacing if the alternative forces high volumes of traffic to an adjacent intersection.

When the applicant can show, through a Traffic Impact Study, that better operations can be achieved with less spacing, an exception will be considered. Signal spacing shall be determined based upon corridor

performance rather than individual access requests.

Effects of Signal Spacing

Spacing of signals has a direct effect on roadway efficiency.

1/2-mile signal spacing could reduce vehicle-hours of delay by over 60% and vehicle-hours of travel by over 50%, compared with signals at 1/4mi intervals with full median openings between signals.

A four-lane divided arterial having signals at uniform 1/2-mi signal spacing could carry the same volume of traffic as a six-lane divided roadway with a 1/4-mi signal spacing.

Each traffic signal per mile added to a roadway reduces speed 2 to 3 mph. **Table 5** indicates percentage increases in travel times that can be expected as signal density increases, using two traffic signals per mile as a base.

TABLE 5:
Percentage Increase in Travel Times as Signalized Density Increases

Signals per Mile	Percent Increase in Travel Time (Compared with 2 Signals per Mile)
2.0	0
3.0	9
4.0	16
5.0	23
6.0	29
7.0	34
8.0	39

The number of crashes and crash rates increases as the frequency of traffic signals increases.

Signal Spacing, Cycle Length, and Progression

A uniform signal spacing of 1/2 mi provides for efficient signal progression at speeds of 35 mph to 45 mph along major suburban arterials. At these speeds, maximum flow rates are achieved and fuel consumption and emissions are kept to a minimum.

Deviation from the Adopted Signal Spacing Interval

In many developed areas, signal spacing has already been established by the locations of intersecting streets. In addition, obtaining long, uniform signalized intersection spacing is often difficult in practice when:

There are severe natural or topographical constraints;

Land ownership patterns were laid out by metes and bounds; and

The street pattern is irregular or the area is highly urban with short blocks.

When a signalized intersection deviates from the selected uniform interval, progression can be maintained by increasing the percentage of cycle length devoted to the major arterial—with a comparable decrease in green time for the intersecting street. With short cycle lengths (i.e., 60 s), each 1% deviation in intersection spacing requires an increase in green

time for the major street of 1% of the cycle length to maintain progression and a 1% decrease in green time for the minor street

For long cycles (120 s), the green time to the major street and red time to the minor street would need to be increased by 2% of the cycle length for each 1% deviation. This is a critical issue when considering arterial-to-arterial spacing.

Desired progression efficiency for different roadway

As progression efficiency decreases, fuel consumption, delay at signalized intersections, and vehicular emissions increase. Because of the volumes they carry and the intense traffic demand during peak periods, a high level of progression efficiency is desirable on major urban arterials.

Lower levels of efficiency are acceptable on roadways of lesser importance and lower classification because of the lower volumes, shorter trips served, and driver expectancy. Therefore, the magnitude of the deviation from an adopted or ideal uniform signal spacing interval may increase as the roadway functional classification decreases.

Conditions and criteria to be addressed in the evaluation of a potential signal location include the following:

Combinations of speed, cycle length, and minimum progression efficiency for both the peak and off-peak periods;

Computer software to be used;

Traffic volumes;

Development conditions;

Length of roadway segment to be evaluated; and (vi) Other relevant factors.

Alternatively, the state code or local ordinance may specify minimum progression efficiency criteria for different functional classes of roadways and provide that the conditions (combinations of speed and cycle length, volumes, length of roadway segment, acceptable computer software, and so forth) will be specified for each individual case.

(b) Traffic signal timing

In all cases, signal timing shall be coordinated to facilitate traffic flow. For undeveloped sections of a corridor, two-mile spacing should be considered.

For frontage or service roads, preference in traffic signal timing and operation shall be given to highways and cross-streets of a higher access category or function.

SECTION 3.06 FRONTAGE ROADS

(a) Frontage Road Concepts

An effective treatment to consolidate the number of access points, and therefore conflict points, on an arterial highway can be achieved through the construction of a frontage road or a reverse frontage road. These concepts are depicted in Figure 15.

A frontage road is a local street (one-way or two-way) that serves multiple land uses (properties) and provides one to two points of access onto the main roadway. Frontage roads are advantageous in commercial and retail environments along arterials.

Frontage roads have a place in serving commercial development as well as residential access needs. When carefully designed to facilitate access and maintain signal operations, frontage roads can be a viable access management technique for large commercial developments.

(b) Guidelines for Frontage and Service Roads

Frontage roads have been observed to function successfully when they serve low density trip generation activities such as residential and small office areas.

Frontage roads for retrofit situations should operate one way and should enter and leave the main lanes as merging and diverging maneuvers.

Experience has shown that when a large separation is provided between the intersection of the major road and the crossroad, and the intersection of the crossroad and the frontage road, the minimum separation is suitable only where frontage road volumes will be very low.

On a two-way frontage road, a separation of at least 300 ft (preferably more) is necessary for efficient and safe operation and that the absolute minimum is 150 ft.

A minimum buffer width of 25 feet shall be required.

The reverse frontage design (**Figures 13 and 14**) results in a separation that allows the intersection of the frontage road and the crossroad to operate with little or no adverse

effect on the intersection of the major road with the crossroad.

Figure12: FrontageRoads Concept

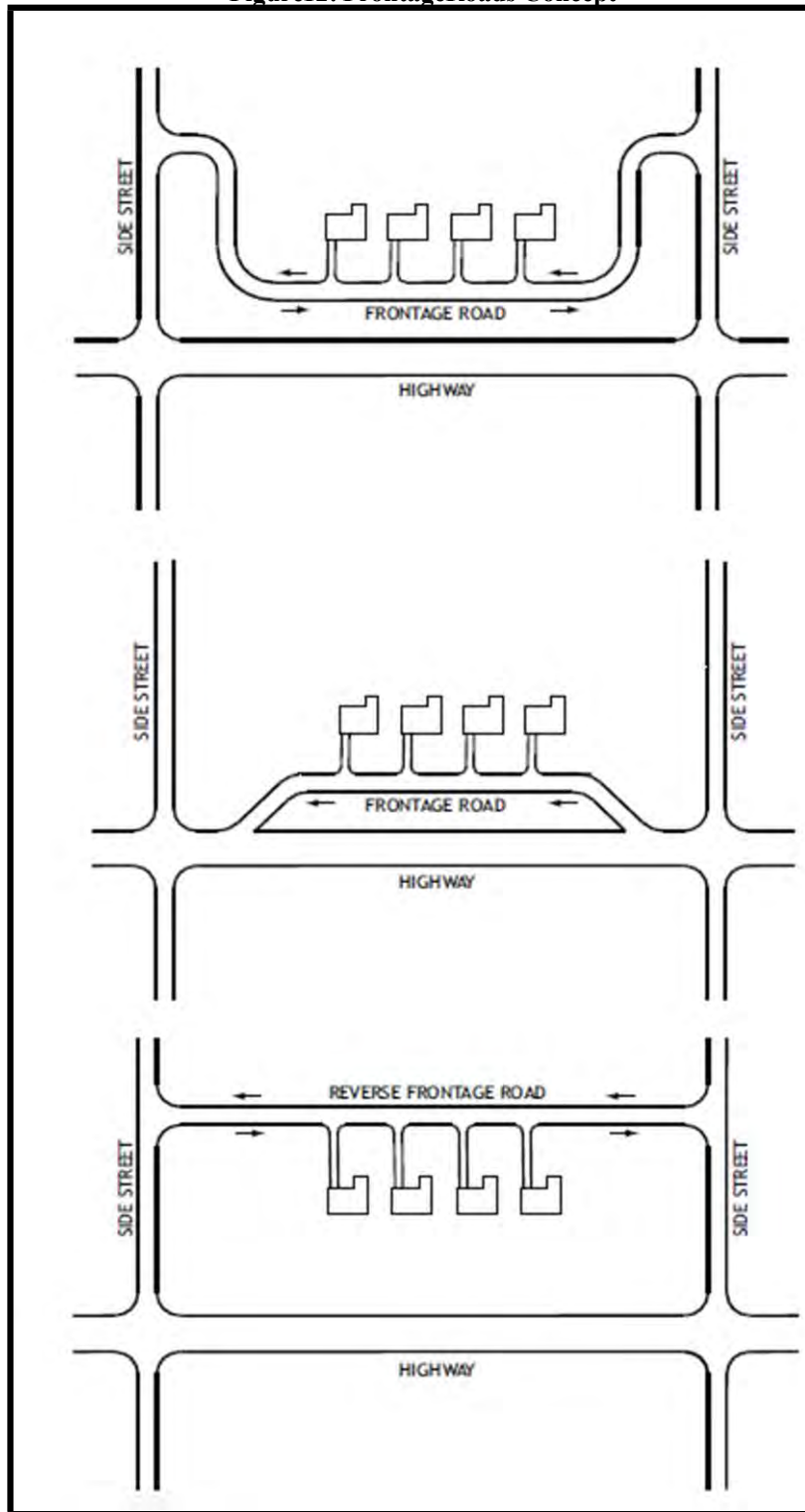
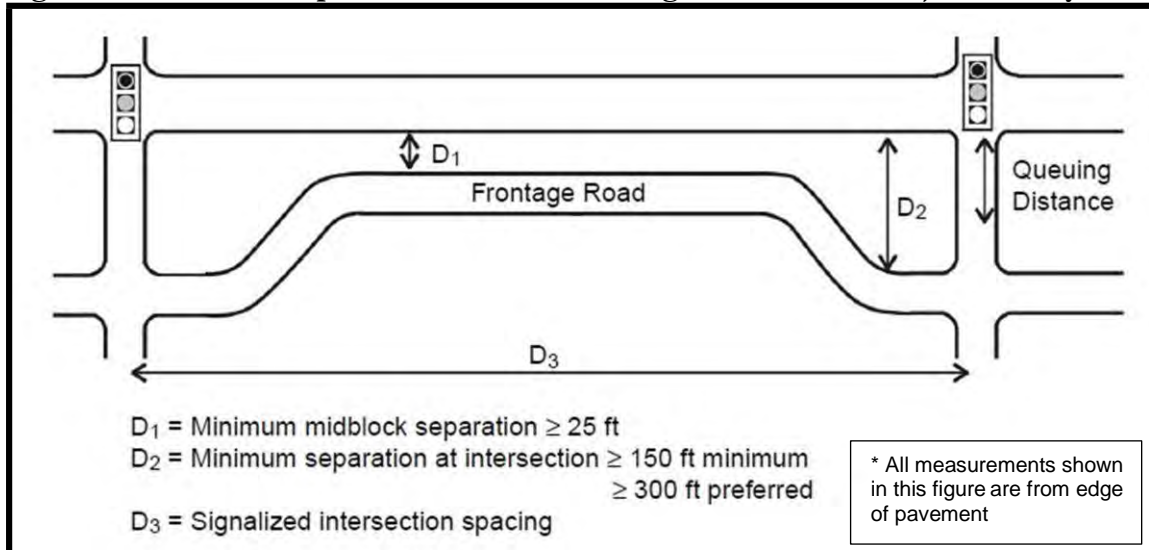


Figure 13: Frontage roads in residential or light office areas can work well where they are one way and begin and end between major crossroads.

Figure 14: Minimum separation between a frontage road and the major roadway*



Pedestrian and bicycle traffic can be accommodated along the frontage road.
 Parking on the frontage road may be permitted in residential areas.

Article 4. Permitting and Appeals

General Provisions

Projects, applications, or requests that require Advisory Plan Commission Review (Planned Unit Development, Subdivision (Preliminary or Final Plat), Site Plan, or Building Permit) shall follow subsection 4.01. Projects, applications, or requests that do not require Advisory Plan Commission review shall follow subsection 4.02

Section 4.01 IMPLEMENTING ACCESS MANAGEMENT

(a) Review Procedures

Access requests that are submitted as part of an overall development (Planned Unit Development, Subdivision (Preliminary or Final Plat), Site Plan, or Building Permit) shall be reviewed according to the regulations and schedule for the respective submittal (for example, a Preliminary Plat shall show compliance with these Access Management requirements and following the Plat submittal, review process, and schedule per the Subdivision Regulations, while a Site Plan shall show compliance with these Access Management requirements and follow the Site Plan submittal, review process, and schedule per the Zoning Ordinance.).

If access requests are included as part of an overall development, they shall, at a minimum, show the following to demonstrate compliance with this Ordinance: 1) Location of access point(s) on both sides of the road, where applicable;

Distances to neighboring constructed or approved access points, median openings, traffic signals, intersections, and other transportation features on both sides of the property;
Number and direction of lanes to be constructed on the driveway plus pavement marking plans;

All planned transportation features (such as auxiliary lanes, signals, etc.);

Trip generation data or appropriate traffic studies;

Parking and internal circulation plans;

Surveyed lot lines showing property lines, rights-of-way, and ownership of abutting properties; and

Any deviation from these standards shall include a detailed description of such requested exception from these standards and the reason(s) the exception is requested. The request for an exception shall provide detailed answers to the items listed in Section 4.04(b)(v).

Subdivisions, Planned Unit Developments, Site Plans, Preliminary Plats, and Final Plats shall address the following access considerations:

Is the road system designed to meet the projected traffic demand, and does the road network consist of hierarchy of roads designed according to function?

Does the road network follow the natural topography and preserve natural features of the site as much as possible? Have alignments been planned so that grading requirements are minimized?

Is access properly placed in relation to sight distance, driveway spacing, and other related considerations, including opportunities for joint and cross access? Are entry roads clearly visible from the major arterials?

Do residential units obtain access on a local streets rather than major roadways?

Is automobile movement within the site provided without having to use the peripheral

Section 3.07 MISCELLANEOUS REGULATIONS

(a) Multi-use Trails, Bicycle Paths, Sidewalks and other Facilities. All Driveways, Frontage Streets or other facilities which cross the Town's Multi-use Trails, Bicycle Paths, Sidewalks and other facilities for non-motorized transportation shall be constructed to accommodate such uses. The Street Superintendent shall specify grade, material, bollard, striping, signage and other requirements deemed necessary by the Town to ensure the utility, safety and effective use of such facilities.

(b) Storm Sewers and Drainage. Owners or developers shall obtain approval from the Street Superintendent before connecting driveway, roadway, downspouts, parking lot or area, or other drainage systems to the Town's stormwater drainage system. The Street Superintendent shall specify the location, manner, size and material for any connection to such system, and may deny, limit or require buffering or other improvements if such connection may be detrimental the Town's system.

or arterial road network?

Does the road system provide adequate access to buildings for residents, visitors, deliveries, transit vehicles, emergency vehicles, and garbage collection?

Have the edges of the roadways been landscaped? If sidewalks are provided alongside the road, have they been set back sufficiently from the road, and has a landscaped planting strip between the road and the sidewalk been provided?

Does the pedestrian path system link buildings with parking areas, entrances to the development, transit access, open space, and recreational and other community facilities?

The Town reserves the right to require traffic and safety analysis where safety is an issue or where significant problems already exist.

Any application that involves access to the state highway system shall be reviewed and permitted by the Indiana Department of Transportation (INDOT).

If the driveway permit or other element of the request is denied, the Street Superintendent shall provide a response indicating why the request has been denied.

Section 4.02 DRIVEWAY PERMIT PROCESS

(a) Permits

Any plans submitted for building approval which include or involve driveways shall be reviewed for conformance to this ordinance before a building permit is issued.

A driveway permit for a new development may be reviewed concurrently with Advisory Plan Commission submittal. Approval of driveway location and design for new properties and other developments on a building plan or site plan may be considered the permit for driveway installation.

Any property owner desiring a new driveway or an improvement to an existing driveway at an existing property that does not require approval of the Advisory Plan Commission shall make application to the Town for a driveway permit, in writing, and declare the contractor who will do the work, to the Street Superintendent. This permit request shall be accompanied by a plan and/or drawings that demonstrate compliance with this Ordinance. The Street Superintendent will prescribe the construction procedure to be followed in connecting the driveway to the Town street. A permit shall be required for the location of all driveways that provide for access to property. Driveway permits may also be required for any significant structure changes, land use changes, or property boundary change, wherein Section 4.01 shall apply.

Section 4.03 RETROFITTING

(a) Acquire Access Rights

Permitted access connections in place as of the date of adoption of this Ordinance that do not conform with the standards herein shall be designated as nonconforming features and shall be brought into compliance with applicable standards under the following conditions:

When new access connection permits are requested;

Substantial enlargements of the existing floor area (defined as an increase of floor area of 15% or more) or improvements to the existing building (defined as 55% or more of the building is altered);

Significant change in trip generation; and/or

As roadway, utility, or other governmental capital and infrastructure improvements allow.

If the principal activity on a property with nonconforming access features is discontinued for a consecutive period of 366 days, or discontinued for any period of time without a present intention of resuming that activity, then that property must thereafter be brought into conformity with all applicable connection spacing and design requirements, unless otherwise exempted by the permitting authority. For uses that are vacant or discontinued upon the effective date of this code, the 366-day period begins on the effective date of this ordinance.

Section 4.04 EXCEPTIONS TO THE POLICIES, STANDARDS, AND REQUIREMENTS OF THIS ORDINANCE

(a) Exceptions heard by the Town Advisory Plan Commission

Appeals of the standards, regulations, and determinations of this Ordinance shall be made to, heard by, and decided by the Advisory Plan Commission as an agenda item at a regularly scheduled or special called meeting.

(b) Appeals Process

The Advisory Plan Commission shall hear and decide appeals of orders, decisions or determinations made by the Street Superintendent or designee relating to the application and interpretation of the technical provisions of the adopted Access Management Ordinance, as adopted by the Town.

The permit applicant, property owner, or their agent shall have the right to appeal a decision of the Street Superintendent, or their designee to the Advisory Plan Commission.

An application for appeal shall be based on a claim that the true intent of the Access Management Ordinance, as legally adopted, have been incorrectly interpreted, the provisions do not fully apply, or an equally good or better design is proposed.

The application shall be filed by written notification to the Street Superintendent within 20 calendar days after the notice was served.

The Advisory Plan Commission may grant Exceptions to the provisions of this Ordinance only after finding that the life, safety, health, and general welfare of

The Town will not be impacted by such an Exception. Any applicant for an Exception from this Ordinance shall provide information on the following conditions and thresholds. Each item listed below shall be considered and deemed satisfied by the Advisory Plan Commission prior to the approval of an Exception to this Ordinance:

The applicant provides a notarized affidavit that affirms the information provided in the Exception request is true and correct.

The conditions upon the request is based are unique to this property and are not applicable to other properties throughout the Town.

The specific property has exceptional narrowness, shallowness, or shape.

The specific property was a lot of record prior to the adoption of this Ordinance.

The specific property has exceptional topographic conditions or other extraordinary or exceptional conditional that pertain to the physical nature of the property.

The strict application of this Ordinance would result in practical difficulties to or undue hardship on the owner of the property.

The situation is not self-created.

The Exception may be granted without substantial detriment to the public good and without sustainably impairing the intent and purpose of this Ordinance.

Advisory Plan Commission shall keep a current record of all Exceptions granted. The Advisory Plan Commission may also recommend amendments to this Ordinance, as necessary.

Chapter 11.38

ESTABLISHING LOT 15 AND 16 OF THE SANTA CLAUS INDUSTRIAL PARK AS AN ECONOMIC DEVELOPMENT PROJECT AND APPROVING REAL ESTATE OPTION AGREEMENT

Sections:

11.38.010 Development or Redevelopment

11.38.010 Development or Redevelopment

- (1) The development or redevelopment of Lots 15 and 16 of the Santa Claus Industrial Park will attract new business enterprises to the area, specifically the current perspective purchaser who will not locate at such location absent option of the real estate by the Town.
- (2) The development or redevelopment of Lots 15 and 16 of the Santa Claus Industrial Park will benefit the public health and welfare, and will be of the public utility and benefit.
- (3) The development and redevelopment of Lots 15 and 16 will protect and increase state and local tax bases or revenues.
- (4) The development and redevelopment of Lots 15 and 16 of the Santa Claus Industrial Park will result in a substantial increase in temporary and permanent employment opportunities and private sector investment in the area.
- (5) The Town Council has reviewed that certain Real Estate Option Agreement attached hereto as Exhibit "A," and after due consideration for the benefits of the Economic Development Project of the Town of Santa Claus, the Santa Claus Town Council hereby approves said Real Estate Option Agreement to be entered into with Progressive Investment Company, LLC. (Ord. 2002-07)