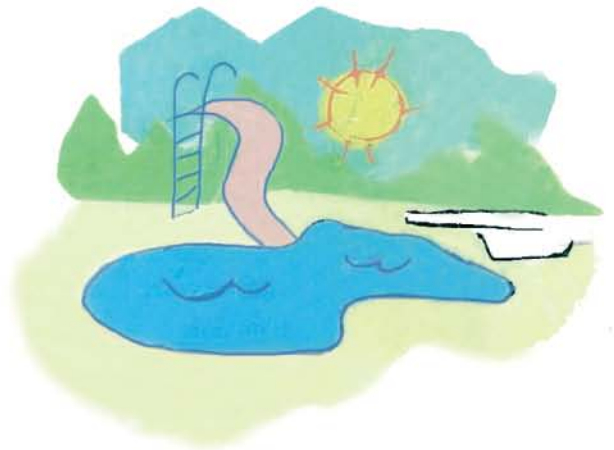


TOWN OF EDINBURGH INDIANA

OLDEST COMMUNITY
IN JOHNSON COUNTY
SETTLED IN 1821



AQUATICS CENTER



TIMBERGATE
GOLF COURSE



ZONING ORDINANCE
SUBDIVISION ORDINANCE
AND STRATEGIC PLAN

Overview

The Town of Edinburgh has addressed the future needs of the community by strategically planning for growth and development and the needed infrastructure to support future growth. The Strategic Plan, completed in 1991, includes Land Use Strategies, an Infrastructure Development Strategy, and Implementation Strategies.

Land Use strategies include both community wide issues and opportunities as well as functional land use strategies related to each type of land use, such as residential and industrial uses. The Infrastructure Development Strategy includes a thoroughfare component, stormwater facilities, wastewater treatment and collection, and the city water system. Implementation strategies include future, more detailed planning of several plan elements such as the Historic District and the Gateway & Entrance Corridors. Also, an update and revision of the city's land use controls and the development of a capital improvement plan and finance strategy are essential to the implementation of the plan's goals and policies. These strategies provide goals and policies to guide development in and around the city into the future.

One implementation strategy which has been completed is the revision of the zoning and subdivision codes. These ordinances have been revamped to be consistent with the Strategic Plan and to address the future needs of the Edinburgh community.

This document contains the Zoning Ordinance, the Subdivision Ordinance, and the Strategic Plan. Together, these documents form a strong basis for the Town of Edinburgh to grow and prosper.

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Division 1 General Provisions

§ 156.001 Short Title.

This chapter, and ordinances supplemental or amendatory there to shall be know as may be cited and may be cited hereafter as the "Zoning Ordinance of the Town of Edinburgh."

§ 156.002 Purpose.

An ordinance establishing a Zoning Ordinance for the Town of Edinburgh, Indiana and providing for the administration, enforcement, and amendment thereof in accordance with the provisions of I.C. 36--7 et.seq. and for the repeal of all ordinances in conflict herewith.

§ 156.003 Declaration of Necessity.

The Plan Commission of the Town of Edinburgh has given consideration to the existing and future probable use of land in the territory affected by this chapter, and has prepared a comprehensive plan showing the future development of this area, which has served as a guide in the preparation of this chapter. This Chapter is further deemed necessary by the Town Council in order:

To preserve, promote and protect the public health, safety comfort, morals, convenience, and general welfare of the Town;

To provide for adequate light, air and privacy, to secure safety from fire, flood and other danger, and to prevent overcrowding of the land and undue congestion of population.

To protect the character and the social and economic stability of all parts of the Town and to encourage the orderly and beneficial development of all parts of the Town;

To protect and conserve the value of land throughout the Town and the value of buildings and improvements upon the land and to minimize the conflicts among the use of land and buildings;

To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and other public improvements and facilities;

To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of natural resources throughout the Town in order to preserve the integrity, stability, and beauty of the community and the value of land;

To preserve the natural beauty and topography of the Town and to insure appropriate development with regard to these natural features.

§ 156.004 Authority.

This Article is adopted pursuant to Indiana Code I.C. 36-7-4 et.seq. as added by Public Law 309, Acts of 1981 of the General Assembly of Indiana, and all acts supplemental and amendatory thereto.

§ 156.005 Compliance.

No structure shall be located, erected, constructed, reconstructed, moved, converted, or enlarged; nor shall any structure or land be used or be designed to be used, except in full compliance with all the provisions of this Article and after the lawful issuances of the permits required by this Article.

§ 156.006 Severability.

If for any reason any article, division, section, subsection, sentence, clause, phrase, or word of this ordinance should be declared unconstitutional or invalid for any reason whatsoever, such decision shall not affect the remaining portions of this ordinance which shall remain in full force and effect; therefore, the provisions of this ordinance are hereby declared severable.

§ 156.007 Conflict.

If for any reason any article, division, section, subsection, sentence, clause, phrase, or word of this ordinance is found to be in conflict with any other provisions of any zoning, building, fire, safety or health ordinance of the Town of Edinburgh, the provision which establishes the higher standard shall prevail.

§ 156.008 Application.

The provisions of this Ordinance shall be interpreted and applied as minimum requirements. Whenever the requirements of this ordinance are at variance or in any way conflict with other lawfully adopted rules, regulations, ordinances, or restrictions, the most restrictive requirements, or the higher standards shall govern.

§ 156.009 Jurisdiction.

This Article shall apply to all incorporated land within Corporate limits of the Town of Edinburgh, Indiana and the area of extended jurisdiction governed by the Town of Edinburgh in accordance with I.C. 36-7-4-205.

Division 2. District Regulations

§ 156.026 Official Zoning Map Established.

A "Zoning Map" for the Town of Edinburgh and area of extended jurisdiction is hereby adopted as a part of this article. The zoning map shall be kept on file and available for examination at the office of Town Clerk and the Edinburgh Plan Commission.

§ 156.027 Zoning Districts.

The entire Town and area of extended jurisdiction is divided into the districts stated in this Article as shown by the district boundaries on the Zoning Maps. The districts are:

"R - 1"	Residential	"RB"	Business
"R - 2"	Residential	"CBD"	Business
"R - 3"	Residential	"OI"	Open Industrial
"R - 4"	Residential	"EI"	Enclosed Industrial
"R - 5"	Residential	"FP"	Flood Plain
"R - 6"	Residential	"PG"	Park & Greenbelt
"GB"	Business	"HCO"	Highway Corridor Overlay
"LB"	Business	"AG"	Agriculture

§ 156.028 District Boundaries.

(A) In determining the boundaries of districts, and establishing the provision 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 jurisdiction of the Plan Commission.

(B) Where uncertainty exists as the exact boundaries of any districts as shown on the official zoning map, the following rules shall apply:

- (1) In unsubdivided areas, or where a district boundary subdivides a lot, the exact location of the boundary shall be determined by use of the scale of the zone map.
- (2) In the case of further uncertainty, the Board of Zoning Appeals shall interpret the intent of the zone map as to the location of the boundary in question.

§ 156.029 Residential Districts.

Districts designated for residential use, "R-1", "R-2", "R-3", "R-4", "R-5, and "R-6: are limited to dwellings and public and semi-public uses which are normally associated with residential neighborhoods. The only uses permitted in the residential districts are those which would not detract from the residential character of the neighborhood. The purpose of these six districts is to create an attractive, stable, and orderly residential environment. However, the density standards, dwelling types and the lot and yard requirements are different in the each of the six districts to provide for the various housing needs and desires for citizens. In no case shall there be more than one principal building used for residential purposes and its accessory buildings located on one lot, except as otherwise provided in this ordinance.

requirements are different in the each of the six districts to provide for the various housing needs and desires for citizens.

Zero Lot Line Single Family Dwelling. A zero lot line single family dwelling shall be defined as a dwelling which is positioned on an approved residential lot immediately adjacent to a side yard property line. Zero lot line single family units may be attached at the lot line to a unit on an adjoining lot to form two attached single family dwelling units.

(A) **Permitted Zoning Districts.** Zero lot line single family dwellings shall be permitted by special exception in all residential districts.

(B) **Development Standards.** In allowing zero lot line single family dwelling units, the side yard set back may be zero on one side of the lot provided that:

- (1) The adjoining lot is held under the same ownership at the time of initial construction and the minimum side yard setback for such adjacent lot is either zero or not less than ten (10) feet; and
- (2) The opposite side yard setback is not less than ten (10) feet and is perpetually maintained free and clear from any obstructions other than a three (3) foot eave encroachment and normal landscaping; and,
- (3) The wall located at the zero side yard setback is constructed with maintenance free, solid decorative masonry or such other decorative material as may be deemed free of maintenance; and,
- (4) No portion of the dwelling or architectural features project over any property line; and,
- (5) The zero side yard is not adjacent to a public or private right of way; and
- (6) An application accompanied by a precise plan shall be submitted to the Board of Zoning Appeals and approved or conditionally approved by the Board prior to issuance of building permits for the dwelling. The plan shall delineate all structures proposed for initial construction. The Board, after review the plan, may approve, conditionally approve or deny the plan. In its review the board shall consider placement of all structures, building material and finish of the wall constructed along the side lot line.

§ 156.030 Business Districts.

The districts designated for business, "LB", "GB", "RB", and "CBD" are limited to business, public, and certain residential uses. By establishing compact districts for such uses, more efficient traffic movement, parking facilities, fire protection, and police protection may be provided. Industrial uses are excluded in order to reduce the hazards caused by extensive truck and rail movement normally associated with such uses. The purpose of these districts is to provide unified shopping districts conveniently located in areas appropriate for business uses.

§ 156.031 Industrial Districts.

The districts designated for industry, "OI" and "EI", provide suitable space for existing industries and their expansion as well as for future industrial development. Performance standards, parking specifications, and yard regulations are set forth in this Article in order to ensure safe industrial

development that is compatible with adjacent uses. The locations of the districts are near railroads or highways in order to meet the transportation needs of industry. "EI", the enclosed industrial district, provides space for industries which do not cause conditions that would be objectionable to adjoining uses. The "EI" district permits manufacturing, fabricating, processing, repairing, dismantling, or storage of equipment, raw materials, or manufactured products, provided that the activity is conducted entirely within enclosed buildings. "OI", the open industrial district, permits manufacturing, fabricating, processing, extraction, repairing, dismantling, storage, or disposal of equipment, raw materials, manufactured products, or wastes in a combination of enclosed buildings and open areas. Greater separation is required between the industries in the "OI" district and residential or business uses than is necessary in the "EI" district.

If an open or enclosed industrial use abuts, adjoins or is across the street or alley from any lot used or zoned for residential purposes a planting screen shall be provided consistent with the following standards.

(A) A planting screen maintained to a width of at least six feet and a height of at least six feet shall be provided in order to mask any parking areas, accessory buildings, accessory uses, and expected ground activity from the view of abutting or opposite properties.

(B) The planting screen shall consist of suitable shrubbery so as to provide a tight screen effective at all times of the year. The shrubbery may be planted informally or in a row and may include several varieties.

§ 156.032 Flood Plain District.

The district designated for Flood Plain, "FP", is limited to agricultural, recreation, and certain other open land uses. Residential and related uses are permitted if approved by the Board of Zoning Appeals subject to the requirements of Division 4. Flood Plain Management Regulations. The purpose of this district is to prevent intensive development of land that is unsuitable for development because of topography, soil conditions, periodic flooding, or other natural features.

§ 156.033 Parks and Greenbelt District.

The purpose of the PG District is to provide areas for public uses and areas for recreation and conservation. This district is established to preserve unique natural areas and woodlands, as well as to protect recreational land from development. The building of structures is limited to those relating to the Park and Greenbelt District Concept.

§ 156.034 Agriculture District.

The district designated for agriculture use, "AG", is intended to preserve and protect agricultural land from undesirable urban growth. Residential development is a permitted use in the AG district.

§ 156.035 Corridor Overlay Districts

The districts designated for highway corridor overlay zones establish standards for the design of sites, buildings, structures, plantings, signs street hardware and such other improvements that are visible to the public and affect the physical development of land within the US 31 and SR 252 Corridor Overlay Zone Districts. These standards are intended to promote high quality creative development that will combine imagination, innovation and variety in the appearance of building and sites in the overlay zone. Underlying districts in the overlay zone define permitted uses. The requirements of the corridor overlay

districts are presented in Division 3 of this Ordinance.

§ 156.036 Permitted Uses and Special Exceptions.

The Permitted Uses for each district are shown on Table 1. The uses that are listed for the various districts shall be according to the common meaning of the term or according to definitions given in Division 7. Uses not specifically listed or defined to be included in the categories under this article shall not be permitted. The Special Exceptions for each district that may be permitted by the Board of Zoning Appeals are also shown on Table 1. The Board of Zoning Appeals shall follow the provisions of § 156.253 and any other applicable sections when considering any application for a Special Exception.

Table 1 Permitted Uses and Special Exceptions

Use Category:	R 1	R 2	R 3	R 4	R 5	R 6	LB	G B	R B	C B D	OI	EI	F P	P G	A G
Single Family Dwelling	P	P	P	P	P	P	S								P
Two Family Dwelling				P	P	P	S								
Multi-family Dwelling					P	P	S								
Accessory Uses	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Auto Sales							S	P	P						
Auto Service & Repair									P		P				
Banking & Credit Services							P	P	P	P					
Bed & Breakfast Inns			S	S	S	S	S	S	S	S					
Cemeteries	S	S													P
Clothing Services							P	P	P	P					
Commercial Recreational Uses							S	S	P						
Community Centers									P	P					
Construction Supply Yards									P		P				
Drinking Establishments: Bars, Taverns & Lounges							S	S	S						
Eating Places, Restaurants & Drive- ins							S	P	P	P					
Family Child Care Home	P	P	P	P	P	P									P
Fire & Police Stations							P	P	P	P					
Funeral Homes	S	S	S	S	S	S	S	P	P	P					
Gardening & Horticulture	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Golf Courses	P	S	S	S	S	S	S	S	S	S	S	S	P	P	P
Government Services							P	P	P	P					
Grocery, meat or supermarket							P	P	P	P					
Group Child Care Center, Class A	S	S	S	S	S	S	S	P	P	P					
Group Child Care Center, Class B							S	P	P	P					
Home Occupations	S	S	S	S	S	S									
Hotels and Motels									P	S					
Houses of Worship	S	S	S	S	S	S	P	P	P	P					P

Table 1 Permitted Uses and Special Exceptions

Use Category:	R 1	R 2	R 3	R 4	R 5	R 6	LB	G B	R B	C B D	OI	EI	F P	P G	A G
Libraries & Museums	S	S	S	S	S	S	P	P	P	P					S
Manufactured or Mobile Home Park									P						
Manufactured or Mobile Home Sales									P						
Manufacturing, Enclosed											P	P			
Manufacturing, Open											P				
Motor Freight Terminals & Warehouses									P		P				
Nursing Homes & Convalescent Centers							S	S	P						
Parking Lots			S	S	S	S	S	S	P	P	P	P			
Parks & Playgrounds	S	S	S	S	S	S	S	P	P	P	S	S	P	P	S
Personal Services							P	P	P	P					
Professional Services							P	P	P	P					
Private Clubs or Camps	S	S	S	S	S	S	S	S	P	P					
Public & Private Schools	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Public & Private Utility Services & Facilities	S	S	S	S	S	S	S	S	P	P	P	S	S	S	S
Publishing & Printing							P	P	P	P					
Research & Testing Labs											P	P			
Retail Sales							P	P	P	P					
Rooming & Boarding Houses				S	S	S	S	S	S	S					
Theaters									P	P					
Zero Lot Line Residences	S	S	S	S	S	S									
Wholesale Trade									P		P	S			
Veterinary Clinic & Kennel									P		P	P			P

§ 156.037 Lot and Yard Requirements.

The minimum lot area, minimum width of lot, minimum depth of front yard, minimum width of each side yard, minimum depth of rear yard and minimum ground floor area for each district shall be as shown on the following Table 2:

Table 2 District Standards

District	Minimum Lot Area			Dwelling ¹ Units Per Acre	Minimum Lot Width			Min. Depth Front Yard ²	Min. Width Side Yard Aggregate	Min. Width Side Yard	Min. Side Yard Setback ³	Min. Depth Rear Yard	Min. Rear Yard Setback ⁴	Min. Ground Floor Area One Story	Min. Ground Floor Area Two Story	Max. Building Height	Max. Accessory Building Height
	SF	TF	MF ¹		SF	TF	MF										
R-1	87,000			1/2	150			50	50	20	10	20	10	1,260	960	35	18
R-2	15,000			2	100			35	20	10	10	20	10	1,500	960	35	18
R-3	9,600			4	80			25	20	10	5	20	5	1,260	960	35	18
R-4	7,000	8,000		6	70			25	20	10	5	20	5	1,100	720	35	18
R-5	7,000	4,500	2,000	6	70	40	60	25	20	10	5	20	5	1,100	720	35	18
R-6	6,000	4,500	2,000	7	60	40	60	25	20	10	5	20	5	1,000	720	35	18
LB								25	20	10	5	20	5			35	
GB								25	20	10	5	20	5			35	
RB								75	20	20	5	20	5			35	
CBD								0	0	0	0	20	5			50	
OI								25		20	5	20	5			50	
EI								60		20	5	20	5			50	
FP																35	
PG																	
AG	43,560			1	150			50	50	20	10	20	10	1,260		35	

¹ SF means Single Family Dwelling Unit; TF means Two Family Dwelling Unit; and, MF means Multi-Family Dwelling Unit.

² Building Lines. Where 25% or more of the lots in a block frontage are occupied by buildings, the average setback of the buildings determines the location of the building setback line.

³ Minimum Side Yard Setback in this column is in reference to accessory buildings.

⁴ Minimum Rear Yard Setback in this column is in reference to accessory buildings.

Division 3. Highway Corridor Overlay Districts

§ 156.130 Purpose, Intent, and Authority

- (1) Statement of Purpose - It is the purpose of this ordinance to establish standards for the design of sites, buildings, structures, plantings, signs, street hardware and such other improvements that are visible to the public and affect the physical development of land within the U.S. 31 and S.R. 252 Corridor Overlay Zone Districts.
- (2) Statement of Intent - These standards are intended to promote high quality creative development that will combine imagination, innovation and variety in the appearance of buildings and sites in the overlay zone. These standards are further intended to preserve and enhance property values and to promote the public health, safety, and welfare by providing for consistent, and coordinated treatment of the property encompassed by the U.S. 31 and S.R. 252 Corridor Zone Districts.
- (3) Authority - Authority underlying creation of the U.S. 31 and S.R. 252 Corridor Overlay Zone Districts are provided for in I.C. 36-7-4-201 et. seq. and I.C. 36-7-4-601 et. seq.
- (4) Statement of Significance

The U.S. 31 and S.R. 252 corridors form the physical and visual gateways to the Town of Edinburgh and are expected to experience increasing pressure for commercial development in the future. Future development of these highly visible corridors will dramatically change the image of Edinburgh.

The visibility and accessibility of the land within the corridors is unique and therefore commands the highest standards of development which: stimulate substantial capital investments, encourage efficient land use, promote coordinated development, permit innovative site designs, establish development standards and preserve the integrity of the roadways within the corridors.

- (5) Title - This portion of the Zoning Ordinance shall be known as the U.S. 31 and S.R. 252 Corridor Overlay Zone Districts" of the Town of Edinburgh and may be so cited and pleaded and shall be referred to herein as the U.S. 31 and S.R. 252 Overlay Zone Districts.
- (6) Conflict, Severability
 - a. If any portion of the U.S. 31 and S.R. 252 Overlay Zone Districts are found to be in conflict with any other provisions of any zoning, building, fire, safety or health ordinance of the Town of Edinburgh, the provision which establishes the higher standard shall prevail.
 - b. If any section, subsection, sentence, clause or phrase of the U.S. 31 and S.R. 252 Overlay Zone Districts or its application to any person or circumstance is held invalid by the decision of any court of competent jurisdiction, the remainder of the U.S. 31 and

S.R. 252 Overlay Zone Districts, or the application of the provisions to other persons or circumstances is in effect and shall remain in full force.

- (7) Jurisdiction - This Ordinance shall apply to the area within the corporate limits of the Town of Edinburgh, Indiana and area of extended jurisdiction as per I.C. 36-7-4- .

§ 156.131 Definitions:

"BOUNDARIES" - Boundaries of the Overlay Districts are established at 600 feet on each side of the designated highways as measured from the centerlines of the right of way.

"FRONT YARD" - That side of a lot, including any corner lot, which is closest to the right-of-way of any or all of the Corridor streets as hereinafter defined.

"BUILDING FRONT" - The side(s) of a building that parallels and is visible from the right-of-way of any or all of the Corridor Streets as hereinafter defined.

"CORRIDOR GREENBELT" - That portion of the front yard of a lot that is immediately adjacent and parallel to the right-of-way of (US 31 and SR 252) having a minimum depth of thirty (30) feet from the street right-of-way line.

"INTERIOR GREENBELT" - That portion of the front yard of a lot that is immediately adjacent and parallel to the right-of-way of (US 31 and SR 252) Corridor streets having a minimum depth of fifteen (15) feet from the street right-of-way line.

"CORRIDOR STREET" - include the primary corridor roads (US 31 and SR 25) and intersecting roads.

"PERMITTED USES" - All uses which are permitted in the underlying zoning districts shall be permitted in the U.S. 31 and S.R. 252 Corridor Overlay Zone Districts.

"SPECIAL USES" - All special uses which are permitted (upon obtaining special use authorization) in the underlying districts shall be permitted in the U.S. 31 and S.R. 252 Corridor Overlay Zone Districts.

"FRONTLIKE FACADE" - The exterior portion of a structure which is not the front, but gives the appearance of a frontlike facade by the materials used in construction, architectural style and detail.

"INTERIOR PARKING" - Those parking spaces located in the interior of a parking lot which create definable parking aisles away from the periphery or edge of the lot.

"PERIPHERAL PARKING" - Those parking spaces located at the edge or periphery of a parking lot.

§ 156.132 Plan Commission Approval

Approval by the Plan Commission or its duly appointed or designated representative shall be required for any proposed or revised development plan or structure or structural alteration in the U.S. 31 and S.R.

252 Corridor Overlay Zone Districts. Plan Commission approval of the architectural design, landscaping, drainage, sewerage, parking, signage, lighting and access to the property shall be necessary prior to: (1) the establishment of any use of the land; (2) the issuance of any improvement location permit; (3) the erection, construction or structural alteration of any building(s) in the U.S. 31 and S.R. 252 Corridor Overlay Zone Districts; or (4) modification or revision of any site development plan. The Plan Commission, in reviewing applications, shall examine factors concerning the site, site plan, and the surrounding area, which include but are not limited to the following items:

- (1) Topography;
- (2) Zoning on site;
- (3) Surrounding zoning and existing land use;
- (4) Streets, curbs and gutters, and sidewalks;
- (5) Access to public streets;
- (6) Driveway and curb cut locations in relation to other sites;
- (7) General vehicular and pedestrian traffic;
- (8) Internal site circulation;
- (9) Special and general easements for public or private use;
- (10) On-site and off-site surface and subsurface storm and water drainage;
- (11) On-site and off-site utilities;
- (12) The means and impact of sanitary sewage disposal and water supply technique;
- (13) Dedication of streets and rights-of-way;
- (14) Protective restrictions or covenants and/or recorded commitments;
- (15) Provisions for adequate and acceptable setbacks, lighting, signage, screening, landscaping, and compatibility with existing platted residential uses; and
- (16) Any effects the proposed project may have on the entire U.S. 31 and S.R. 252 Overlay Zone Districts.

§ 156.133 Building Design Standards

- (1) General Standards
 - a. All structures will be evaluated on the overall appearance of the project and shall be based on the quality of its design and its relationship to the surrounding area.

- b. The quality of design goes beyond the materials of construction to include scale, mass, color, proportion, and compatibility with adjoining developments.
- c. Colors shall be harmonious and only the use of compatible accents shall be permitted.
- d. Building components, such as windows, doors, eaves, and parapets, shall have good proportions and relationships to one another.
- e. Any design in which the structural frame is exposed to view, the structural materials shall be compatible within themselves and harmonious with their surroundings.
- f. Monotony of design in single or multiple building projects shall be avoided. Variation of detail, form, and sitting shall be used to provide visual interest. In multiple building projects, variable siting or individual buildings may be used to prevent a monotonous appearance.

(2) Architectural Design Requirements

- a. Exterior metal walls shall be prohibited on all buildings erected, constructed, altered, repaired or used in this Overlay Zone which abut or are adjacent to U.S. 31 and S.R. 252. Exceptions to this requirement may be permitted on a case by case basis by the Edinburgh Plan Commission or its duly appointed or designated representative.
- b. Building facades may be constructed from masonry or glass, as defined below, or other materials or products which provide the same desired stability and quality. Products other than those listed below must be approved by the Edinburgh Plan Commission or its duly appointed or designated representative.
 - 1) MASONRY CONSTRUCTION: Which shall include all masonry construction which is composed of solid, cavity, faced, or veneered-wall construction, unless otherwise approved by the Edinburgh Plan Commission or its duly appointed or designated representative.
 - (a) Stone material used for masonry construction may consist of granite, sandstone, slate, limestone, marble, or other hard and durable all weather stone. Ashlar, cut stone, and dimensioned stone construction techniques are acceptable.
 - (b) Brick material used for masonry construction shall be composed of hard fired (Kiln-fired) all weather standard size brick or other all weather facing brick.
 - (c) Concrete finish or precast concrete panel (tile wall) construction shall be exposed aggregate, bush-hammered, sand blasted, or other concrete finish as approved by the Edinburgh Plan Commission or its duly appointed or designated representative.

2) GLASS WALLS: Which shall include glass curtain walls or glass block construction. Glass curtain wall shall be defined as an exterior wall which carries no floor or roof loads, and which may consist of a combination of metal, glass and other surfacing material supported in a metal framework.

- c. The materials and finishes of exposed roofs shall compliment those used for the exterior walls. Exposed roofs shall be defined as that portion of a roof visible from five (5) feet above ground level of a corridor road.
- d. Roof mounted equipment on exposed roofs shall be screened from view. The appearance of roof screens shall be coordinated with the building to maintain a unified appearance.
- e. All building mechanical and electrical equipment located adjacent to the building and visible from a public thoroughfare or a residentially zoned or used area shall be screened from view. Such screens and enclosures shall be treated as an integral element of the building's appearance.
- f. The exposed walls and roofs of buildings shall be maintained in a clean, orderly, and attractive condition; free of cracks, dents, punctures, breakage, and other forms of visible marring. Materials that become excessively faded, chalked or otherwise deteriorated shall be refinished, repainted or replaced.
- g. Refuse and waste removal areas, loading berths, service yards, storage yards, and exterior work areas shall be screened from view from public ways.
- h. All accessory building shall be constructed with materials that are similar and compatible with materials used in the principal structure.

(3) Relationship of Buildings to Site

- a. The site shall be planned to accomplish a desirable transition with the streetscape and to provide for adequate planting, safe pedestrian movement, and parking area.
- b. Site planning in which setbacks and yards are in excess of zoning restrictions is encouraged to provide an interesting relationship between buildings.
- c. Parking areas shall be treated with decorative elements, building wall extensions, plantings, berms, or other innovative means so as to attractively landscape and/or screen parking areas from view from public ways.
- d. Without restricting the permissible limits of the applicable zoning district, the height and scale of each building shall be compatible with its site and existing (or anticipated) adjoining buildings.
- e. Newly installed utility services, and service revisions necessitated by exterior alterations, shall be underground.

(4) Building Orientation - All structures shall be sited to front onto Corridor Streets (as herein

defined) or give the appearance of a frontlike facade on Corridor streets.

(5) Minimum Building Height

All uses shall have a minimum building height of fourteen (14) feet with a minimum of ten (10) feet to the lowest eaves for a building with a gable, hip, or gambrel roof.

(6) Minimum Gross Floor Area

All non-residential buildings shall have a minimum of two thousand (2,000) square feet of floor area, excluding the floor area of any basement or any accessory building(s). Exceptions to this requirement will be made on a case by case basis by the Edinburgh Plan Commission or its duly appointed or designated representative. Accessory buildings shall not be used in the computation of floor area. Accessory buildings permitted need not meet the minimum floor requirement.

§ 156.134 Signage Standards

- (1) Signage shall be designed to be an integral part of the architectural and landscaping plans. The colors, materials, and style of signage shall be architecturally compatible and accentuate the buildings and landscaping on the site. The colors, materials, and lighting of every sign shall be restrained and harmonious with the building and site to which it principally relates.
- (2) All signs, except private traffic direction signs, are prohibited in the required greenbelt areas.
- (3) Private traffic direction signs and pavement markings for the direction and control of traffic into, out of, and within the site shall conform to the Manual on Uniform Traffic Control Devices as published by the Indiana Department of Highways.
- (4) The integration of project signage to identify multiple businesses, is encouraged.
- (5) Off premise signage shall be prohibited in the U.S. 31 and S.R. 252 Corridor Overlay Zone Districts.
- (6) All on premise signage shall conform to the standards and requirements of the underlying districts of U.S. 31 and S.R. 252 Corridor Overlay Zone Districts.

In the U.S. 31 and S.R. 252 Corridor Overlay Zone Districts:

- a. No pole sign shall exceed twenty-five (25) feet in height.
 - b. There shall be a minimum spacing of one hundred feet (100) feet between any pole or ground signs located along (US 31 and SR 252).
 - c. In no instance shall pole signs for multiple businesses, strip commercial centers or strip business centers exceed two hundred (200) square feet of copy area.
- (7) Every sign shall have good scale and proportion in its design and in its visual relationship to buildings and surroundings.

- (8) The number of graphic elements on a sign shall be held to the minimum needed to convey the sign's major message and shall be composed in proportion to the area of the sign face.
- (9) Each sign shall be compatible with the signs on adjoining premises and shall not compete for attention.
- (10) Identification signs of standardized design such as corporation logos shall conform to the criteria of all other signs.
- (11) Exceptions to these requirements will be made on a case by case basis by the Edinburgh Plan Commission or its duly appointed or designated representative.
- (12) No portable or flashing signs shall be permitted in the overlay district.

§ 156.135 Landscaping Plan

- (1) A landscaping plan shall be submitted to the Plan Commission for its approval at the same time other plans (i.e. architectural design, lighting, parking, signage and site plans) are submitted. This plan shall be drawn to scale, including dimensions and distances, shall delineate all existing and proposed structures, private parking areas, walks, ramps for handicapped, terraces, driveways, signs, lighting standards, steps and other similar structures: and shall delineate the location, size, and description of all landscape materials. Landscape treatment for plazas, roads, paths, service and private parking areas shall be designed as an integral and coordinated part of the landscape plan for the entire lot.

(2) Areas to be Landscaped

- a. Greenbelt - The Greenbelt shall be suitably landscaped and shall be otherwise unoccupied except for steps, walks, terraces, driveways, lighting standards, and other similar structures, but excluding private parking areas. Mounding and other innovative treatments are to be especially encouraged in this area.

b. Planting Adjacent to Free-Standing Buildings -

A planting area equal to an area measuring five (5) feet in depth by the width of the front of the building shall be installed at the front of the building. A planting area equal to an area five (5) feet in depth by the remaining sides of the building shall be installed on all other sides of the building.

Sidewalks may be permitted in these areas, but shall not occupy the entire area on any side of the building. These adjacent planting areas need not be rectangular in shape as long as the required amount of space is landscaped, and innovative and original designs are encouraged. The adjacent planting area at the rear of a structure may be excluded if that structure is located less than forty (40) feet from the rear property line and sufficient peripheral planting is included to compensate for its removal.

- c. Peripheral Planting - A peripheral landscaping strip, four (4) feet in depth, shall be installed along the side of any private parking area which abuts any side or rear property

line separating the parcel from any residentially zoned or used district. At least one tree for each fifty (50) lineal feet shall be planted in any such peripheral landscaping strip.

- d. Planting Within Parking Lots - All parking lot landscaping shall be of a quality to improve and enhance the site and its surrounding area. Effective use of mounding and existing topography is encouraged. Landscaping and planting areas shall be reasonably dispersed throughout the parking area, and not less than five percent (5%) of a private parking lot shall be landscaped. (For purposes of this computation, landscaping in: (1) the Greenbelt; (2) adjacent to buildings; and (3) on the periphery of the lot shall not be included.) Landscaping shall be specifically provided at the ends of parking rows and as a means of separating parking from major circulation isles within lots.

(3) Landscaping Standards

- a. The interior dimensions, specifications and design of any planting area or planting medium proposed to be constructed shall be sufficient to protect the landscaping materials planted therein and to provide for proper growth.
- b. The primary landscaping materials used in the Greenbelt and adjacent to buildings shall consist of one or a combination of the following: shade trees, ornamental trees, shrubs, ground covers, grass, mulches, etc.
- c. The primary landscaping materials used in and around private parking areas shall be trees which provide shade at maturity. Shrubbery, hedges, and other planting material may be used to compliment tree landscaping, but shall not be the sole contribution to the landscaping.
- d. All shade trees proposed to be used in accordance with any landscaping plan shall be a minimum of eight feet in overall height and have a minimum trunk diameter, twelve (12) inches above the ground of two (2) inches upon planting. They should be of a variety which will attain an average mature spread greater than twenty (20) feet.
- e. Landscaping materials selected should be appropriate to local growing and climatic conditions. Wherever appropriate existing trees should be conserved and integrated into the landscaping plan. Plant material shall be selected for interest in its structure, texture, and other hardy plants that are harmonious to the design, and of good appearance shall be used.
- f. The landscaping plan shall ensure that sight distances are not obstructed for drivers of motor vehicles.
- g. Where natural or existing topographic patterns contribute to beauty and utility of a development, they shall be preserved and developed. Modification to topography shall be permitted where it contributes to good appearance.
- h. Grades of walks, parking spaces, terraces, and other paved areas shall provide an inviting and stable appearance for walking and, if seating is provided, for sitting.

- i. Landscape treatment shall be provided to enhance architectural features, strengthening vistas and important axes, and provide shade. Spectacular effects shall be reserved for special locations only.
- j. Unity of design shall be achieved by repetition of certain plant varieties and other materials and by correlation with adjacent developments.
- k. In locations where plants will be susceptible to injury by pedestrian or motor traffic, they shall be protected by appropriate curbs, tree guards, or other devices.
- l. Where building sites limit planting, the placement of trees in parkways or paved areas is encouraged and the tree spread shall be a minimum of four (4) feet.
- m. Screening of service yards and other places that tend to be unsightly shall be accomplished by use of walls, fencing, planting, or combinations of these. Screening shall be equally effective in winter and summer.
- n. In areas where general planting will not prosper, other materials such as fences, walls, and pavings of wood, brick, stone, gravel, and cobbles shall be used. Carefully selected plants shall be combined with such materials where possible.
- o. Miscellaneous structures and street hardware shall be designed to be part of the architectural concept of design and landscape. Materials shall be compatible with buildings, scale shall be good, colors shall be in harmony with buildings and surroundings, and proportions shall be attractive.
- p. Lighting in connection with miscellaneous structures and street hardware shall meet the criteria applicable to site, landscape, buildings and signs.

(4) Landscaping Installation and Maintenance

- a. Installation - All landscaping required by the approved landscaping plan shall be installed prior to the issuance of a building occupancy permit if said permit is issued during a planting season, or within six (6) months of the date an occupancy permit is issued if issued during a non-planting season.
- b. Maintenance - It shall be the responsibility of the owners and their agents to insure proper maintenance of the landscaping, in accordance with the standards set by this Ordinance and as indicated on the landscaping plan which has been approved by the Plan Commission. This is to include, but is not limited to, replacing dead plantings with identical varieties or a suitable substitute, and keeping the area free of refuse and debris.
- c. Changes after Approval - No landscaping which has been approved by the Plan Commission may later be altered, eliminated, or sacrificed, without first obtaining further Plan Commission approval.
- d. Inspection - The Plan Commission, Building Commissioner, or their duly appointed representative, shall have the authority to visit any lot within U.S. 31 and S.R. 252

Overlay Zone Districts to inspect the landscaping and check it against the approved plan on file.

§ 156.136 Parking Requirements

Efforts to break up large expanses of pavement are to be encouraged by the interspersing of appropriate planting areas wherever possible. The number of parking spaces required are as established in Section 156.175 of the Edinburgh Zoning Ordinance, depending upon the zoning and the intended land use. Alternatives to the established parking requirements may be granted to developments which have a mixture of uses whose peak parking requirements do not coincide in time and thereby may share parking spaces. The applicant shall provide expertly prepared justification for seeking such exceptions (i.e., a reference such as "shared parking", Urban Land Institute). There shall be an appropriate number of parking spaces, accessible to the building(s) and identified as reserved for use by handicapped individuals, and these spaces shall be of sufficient width (minimum of twelve (12) feet) to accommodate their needs.

§ 156.137 Lighting Requirements

In reviewing the lighting plan for a lot proposed to be developed in the U.S. 31 and S.R. 252 Corridor Overlay Zone Districts, factors to be considered by the Commission shall include but are not limited to:

- (1) Safety provided by the lighting.
- (2) Security provided by the lighting.
- (3) Possible light spillage or glare onto adjoining properties or streets. (Down-shielding is encouraged and spillage or glare onto adjoining properties is prohibited.)
- (4) Attractiveness of the lighting standards and their compatibility with the overall treatment of the property.
- (5) Height and placement of lighting standards considering the use.
- (6) Exterior lighting, when used, shall enhance the building design and the adjoining landscape. Lighting standards and building fixtures shall be of a design and size compatible with the building and adjacent areas. Lighting shall be restrained in design and excessive brightness avoided.

§ 156.138 Access to Individual Sites

The "Corridor" streets by their functional nature as primary thoroughfares, must have reasonable restrictions as to the number and location of access points within the overlay zone.

Therefore, in order to provide safe and sufficient traffic movement to and from adjacent lands and to protect the functional integrity of the corridor's primary thoroughfares, in many cases frontage roads, access roads, and distributors roads, will have to be built. Such roads shall be coordinated with those of contiguous lots and designed to preserve the aesthetic benefits provided by the greenbelt areas. Access at the side or rear of buildings is encouraged. New access points onto the primary thoroughfares in the corridors shall be coordinated with existing access points whenever possible. The following curb cut policy shall apply throughout both the U.S. 31 and S.R. 252 corridors:

Curb Cuts - no closer than (1) for each (400) four hundred feet of frontage. No curb cuts within (200) two hundred feet of any intersection of public roads. Opposing curb cuts shall align squarely or be offset no less than (200) two hundred feet.

§ 156.139 Access to Potential Development Sites

Stub Streets shall be built in all cases where adjacent lots have reasonable potential for development. Reasonable potential shall include any adjacent parcel of adequate size for commercial or residential development or any adjacent parcel s determined by the Edinburgh Plan Commission or its duly appointed or designated representative.

§ 156.140 Other Standards

- (1) Outside Storage Prohibited - No outside, unenclosed storage of refuse (whether or not in containers) or display of merchandise shall be permitted on any lot. All refuse shall be contained completely within the principle or accessory building(s). Exceptions to this requirement will be made on a case by case basis by the Edinburgh Plan Commission or its duly appointed or designated representative.
- (2) Loading Berth Requirements - Loading berth requirements shall be as specified in the underlying zone district(s), except that any loading or unloading berth or bay shall be screened from view beyond the site by landscaping or other screening.
- (3) Accessory Buildings and Uses - All accessory buildings and uses which are permitted in the underlying zoning district(s) shall be permitted within the U.S. 31 and S.R. 252 Corridor Overlay Zone Districts, except that any detached accessory building on any lot shall be architecturally compatible with the principal building(s) with which it is associated. All accessory building shall have a roof.
- (4) Paving Requirements - All parking areas shall be finished with a hard surface such as asphalt or concrete.

Division 4. Flood Plain Management District Regulations

§ 156.150 Statutory Authorization.

The Indiana Legislature granted the power to local units of government (IC 36-7-4) to control land use within their jurisdictions in order to accomplish the following.

§ 156.151 Statement of Purpose.

The purpose of this ordinance is to guide development in the flood hazard areas in order to reduce the potential for loss of life and property, reduce the potential for health and safety hazards, and to reduce the potential for extraordinary public expenditures for flood protection and relief. Under the authority granted to local units of government to control land use within their jurisdiction, which includes taking into account the effects of flooding, the Town Council of the Town of Edinburgh hereby adopts the following floodplain management regulations in order to accomplish the following:

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

§ 156.152 Definitions.

For the purpose of this ordinance, the following definitions are adopted:

"BUILDING" - see "structure."

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

- a. Construction, reconstruction, or placement of a building or any addition to a building valued at more than \$1,000;
- b. Installing a manufactured home on a site, preparing a site for a manufactured home or installing a travel trailer on a site for more than 180 days;

- c. Installing utilities, erection of walls and fences, construction of roads, or similar projects;
- d. Construction of flood control structures such as levees, dikes, channel improvements, etc.;
- e. Mining, dredging, filling, grading, excavation, or drilling operations;
- f. Construction and/or reconstruction of bridges or culverts;
- g. Storage of materials; or
- h. 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 buildings 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 buildings.

"EXISTING MANUFACTURED HOME PARK OR SUBDIVISION" - means 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 floodplain management regulations adopted by a community.

"EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION" - means 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).

"FHBM" - means Flood Hazard Boundary Map.

"FIRM" - means Flood Insurance Rate Map.

"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.

"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 floodway fringe districts.

"FLOOD PROTECTION GRADE OF THE "FPG" - means the elevation of the regulatory flood plus two feet at any given location in the SFHA.

"FLOODWAY" - means the channel of a river or stream and those portions of the flood plains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream.

"FLOODWAY FRINGE" - means those portion of the flood hazard areas lying outside the floodway.

"LOWEST FLOOR" - means the top of the lowest of the following:

- a. The basement floor;
- b. The garage floor, if the garage is the lowest level of the building;
- c. The first floor of buildings elevated on pilings or constructed on a crawl space with permanent openings; or
- d. The floor level of any enclosure below an elevated building where the walls of the enclosure provide any resistance to the flow of flood water unless:
 1. The walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, through providing a minimum of two openings (in addition to doorways and windows) having a total area of one (1) square foot for every two (2) square feet of enclosed area subject to flooding. The bottom of all such openings shall be no higher than one (1) foot above grade.
 2. Such enclosed space shall be useable for non-residential purposes and building access.

"MANUFACTURED HOME" - means 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."

"NEW MANUFACTURED HOME PARK OR SUBDIVISION" - means 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 floodplain management regulations adopted by a community.

"RECREATION VEHICLE" - means 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 temporary living quarters for recreational camping, travel, or seasonal use.

"REGULATORY FLOOD" - means the flood having a one percent probability of being equalled or exceeded in any given year, as calculated by a method and procedure which is acceptable to and approved by the Indiana Natural Resources Commission. The regulatory flood elevation at any location is as defined in Section 156.154 of this ordinance. The "Regulatory Flood" is also known by the term "Base Flood."

"SFHA OR SPECIAL FLOOD HAZARD AREA" - means those lands within the jurisdiction of the Town of Edinburgh that are subject to inundation by the regulatory flood. The SFHAs of the Town of Edinburgh are generally identified as such on the Flood Insurance Rate Map of the Town of Edinburgh, Indiana prepared by the Federal Emergency Management Agency and dated January 2, 1987.

"STRUCTURE" - means 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 and travel trailers to be installed on a site for more than 180 days.

"SUBSTANTIAL IMPROVEMENTS" - means 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 which have incurred "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".

§ 156.153 Duties of the Administrator.

The Zoning Administrator for the Town of Edinburgh is appointed to review all development and subdivision proposals to insure compliance with this ordinance, including but not limited to the following duties:

- (1) Ensure that all development activities within the SFHAs of the jurisdiction of the Edinburgh Plan Commission meet the requirements of this ordinance.
- (2) Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques.
- (3) Ensure that construction authorization has been granted by the Indiana Natural Resources Commission for all development projects subject to Section 156.156 of this ordinance, and maintain a record of such authorization (either copy of actual permit or letter of recommendation).
- (4) Maintain a record of the "as-built" elevation of the lowest floor (including basement) of all new and/or substantially improved buildings constructed in the SFHA.
- (5) Maintain a record of the engineer's certificate and the "as built" floodproofed elevation of all buildings subject to Section 156.157 of this Ordinance.
- (6) Cooperate with state and federal floodplain management agencies to improve base flood and floodway data and to improve the administration of this ordinance. Submit reports as required for the National Flood Insurance Program.
- (7) Maintain for public inspection and furnish upon request regulatory flood data, SFHA maps, copies of DNR permits and letters of recommendation, federal permit documents, and "as-built"

elevation and floodproofing data for all buildings constructed subject to this ordinance.

§ 156.154 Regulatory Flood Elevation.

The protection standard of this ordinance 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 Department of Natural Resources for review and approval.

- (1) The regulatory flood elevation for the SFHAs of the Town of Edinburgh shall be as delineated on the 100-year flood profiles in the Flood Insurance Study of the Town and corresponding FBFM prepared by the Federal Emergency Management Agency and dated January 2, 1987.
- (2) The regulatory flood elevation for each SFHA delineated as an "AH Zone" or AO Zone" shall be that elevation (or depth) delineated on the Flood Insurance Rate Map of the Town of Edinburgh.
- (3) The regulatory Flood Elevation for each of the remaining SFHAs delineated as an "A Zone" on the Flood Insurance Rate Map of the Town of Edinburgh shall be according to the best data available as provided by the Department of Natural Resources.
- (4) The regulatory flood elevation and floodway limits for the SFHAs of those parts of unincorporated Johnson County that are within the extraterritorial jurisdiction of the Town or that may be annexed into the town shall be as delineated on the 100 year flood profiles in the Flood Insurance Study of Johnson County and accompanying FBFM dated March 2, 1989 prepared by the Federal Emergency Management Agency.
- (5) The regulatory flood elevation and floodway limits for the SFHAs of those parts of unincorporated Bartholomew County that are within the extraterritorial jurisdiction of the Town or that may be annexed into the Town shall be as delineated on the 100 year flood profiles in the Flood Insurance Study of Bartholomew County dated September 15, 1981 and corresponding FBFM dated March 15, 1982 prepared by the Federal Emergency Management Agency.
- (6) If the SFHA is delineated as "AH Zone or AO zone" the elevation (or depth) will be delineated on the County Flood Insurance Rate Maps. If the SFHA is delineated as "Zone A" on the County Flood Insurance Rate Maps, the regulatory flood elevation and floodway limits shall be according to the best data available as provided by the Department of Natural Resources.

§ 156.155 Improvement Location Permit.

No person, firm, corporation, or governmental body not exempted by state law shall commence any "development" in the SFHA without first obtaining an Improvement Location Permit from the Edinburgh Plan Commission. The Edinburgh Plan Commission shall not issue an Improvement Location Permit if the proposed "development" does not meet the requirements of this ordinance.

- (1) The application for an Improvement Location Permit shall be accompanied by the following:
 - a. A description of the proposed development.

- b. Location of the proposed development - sufficient to accurately locate property and structures in relation to existing roads and streams.
- c. A legal description of the property site.
- d. A site development plan showing existing and proposed structure locations and existing and proposed land grades.
- e. Elevation of lowest floor (including basement) of all proposed structures. Elevation should be in National Geodetic Vertical Datum of 1929 (NGVD) or North American Vertical Datum of 1988 (NAVD).

(2) Upon receipt of an application for an Improvement Location Permit, the Building Official shall determine if the site is located within an identified floodway or within the floodplain where the limits of the floodway have not yet been determined.

- a. If the site is in an identified floodway the Building Official shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Department of Natural Resources and apply for a permit for construction in a floodway.

Under the provisions of IC 13-2-22 a permit from the Natural Resources Commission 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 building.

No action shall be taken by the Building Official until a permit has been issued by the Natural Resources Commission granting approval for construction in the floodway. Once a permit has been issued by the Natural Resources Commission, the Building Official may issue the local Improvement Location Permit, provided the provisions contained in Sections 156.156 and 156.157 of this ordinance have been met. The Improvement Location Permit cannot be less restrictive than the permit issued by the Natural Resources Commission.

- b. If the site is located in an identified floodway fringe, then the Building Official may issue the local Improvement Location Permit provided the provisions contained in Section 156.156 and 156.157 of this ordinance have been met. The key provision is that the lowest floor of any new or substantially improved structure shall be at or above the Flood Protection Grade.
- c. If the site is in an identified floodplain where the limits of the floodway and floodway fringe have not yet been determined (shown as Zone A on the Flood Insurance Rate Map), and the drainage area upstream of the site is greater than one square mile, the Building Official shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Department of Natural Resources for review and comment.

No action shall be taken by the Building Official until either a permit for construction in the floodway or a letter of recommendation citing the 100-year flood elevation and the recommended Flood Protection Grade has been received from the Department of Natural Resources.

Once the Building Official has received the prior permit or letter of recommendation approving the proposed development, an Improvement Location Permit may be issued provided the conditions of the ILP are not less restrictive than the conditions received from Natural Resources and the provisions contained in Section 156.156 and 156.157 of this ordinance have been met.

§ 156.156 Preventing Increased Damages.

No development in the SFHA shall create a damaging or potentially damaging increase in flood heights or velocity or threat to public health and safety.

- (1) Within the floodway identified on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map, the following standards shall apply:
 - a. No development shall be allowed which acting alone or in combination with existing or future similar works, will cause any increase in the elevation of the regulatory flood; and
 - b. For all projects involving channel modifications or fill (including levees) the County shall submit a request to the Federal Emergency Management Agency to revise the regulatory flood data
- (2) Within all SFHAs identified as A Zones (no 100-year flood elevation and/or floodway/floodway fringe delineation has been provided) the following standard shall apply:
 - a. The total cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the regulatory flood elevation more than one-tenth (0.1) of one foot and will not increase flood damages or potential flood damages.
- (3) Public Health Standards in all SFHAs:
 - a. No development in the SFHA shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the Flood protection Grade, unless such materials are stored in a storage tank or floodproofed building construction according to the requirements of 156.157 of this ordinance.
 - b. New and replacement sanitary sewer lines and on-site waste disposal systems may be permitted providing all manholes or other above ground openings located below the FPG are watertight.

§ 156.157 Protecting Buildings.

In addition to the damage prevention requirements of Section 156.156, all buildings to be located in the SFHA shall be protected from flood damage below the FPG.

- (1) This building protection requirement applies to the following situations:
 - a. Construction or placement of any new building valued at more than \$1,000;
 - b. Structural alterations made to an existing building that increase the market value of the building by more than 50% (excluding the value of the land) or any structural alteration made previously (one time only alternation);
 - c. Reconstruction or repairs made to a damaged building that are valued at or more than 50% of the market value of the building (excluding the value of the land) before damage occurred;
 - d. 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; and
 - e. Installing a travel trailer on a site for more than 180 days.
- (2) This building protection requirement may be met by one of the following methods. The Building Official shall maintain a record of compliance with these building protection standards as required in Section 156.153 of this ordinance.
 - a. A residential or nonresidential building may be constructed on a permanent land fill in accordance with the following:
 1. The fill shall be placed in layers no greater than 1 foot deep before compacting to 95% of the maximum density obtainable with the Standard Proctor Test method.
 2. The fill should extend at least ten feet beyond the foundation of the building before sloping below the FPG.
 3. 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.
 4. The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.
 5. The lowest floor (see definition of lowest floor in Section 156.152 Definitions) shall be at or above the FPG.
 - b. A residential or nonresidential building may be elevated in accordance with the following:
 1. The building or improvements shall be elevated on posts, piers, columns,

extended walls, or other types of similar foundation provided:

- (a) Walls of any enclosure below the elevated floor shall be designed to automatically equalize hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, through providing a minimum of two openings (in addition to doorways and windows) having a total area of one (1) square foot for every two (2) square feet of area subject to flooding. The bottom of all such opening shall be no higher than one (1) foot above grade.
 - (b) Any enclosure below the elevated floor is used for non-residential purposes and building access.
 2. The foundation and supporting members shall be anchored and aligned in relation to flood flows and adjoining structures so as to minimize exposure to known hydrodynamic forces such as current, waves, ice, and floating debris.
 3. All areas below the FPG shall be constructed of materials resistant to flood damage. The lowest floor (including basement) and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the FPG. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPG.
- c. Manufactured homes and travel trailers (also called recreational vehicles) to be installed or substantially improved on a site for more than 180 days must meet one of the following anchoring requirements:
 1. 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 floatation, collapse, and lateral movement. This requirement applies to all manufactured homes to be placed on a site:
 - (a) Outside a manufactured home park or subdivision;
 - (b) In a new manufactured home park or subdivision;
 - (c) In an expansion to an existing manufactured home park or subdivision;
or
 - (d) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood.
 2. The manufactured home shall be elevated so that the lowest floor of the manufactured home chassis is supported by reinforced piers or other foundation elements that are no less than 36 inches in height above grade and be securely

anchored to an adequately anchored foundation system to resist floatation, 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.

- d. Recreation vehicles placed on a site shall either:
 - 1. Be on the site for less than 180 consecutive days;
 - 2. 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
 - 3. Meet the requirements for "manufactured homes" in paragraph (3) C of this section.
- e. A non-residential building may be floodproofed to the FPG (in lieu of elevating) if done in accordance with the following:
 - 1. A Registered Professional Engineer shall certify that the building 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 Building design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice.
 - 2. Floodproofing measures shall be operable without human intervention and without an outside source of electricity.

§ 156.158 Other Development Requirements.

- (1) The Edinburgh Plan Commission shall review all proposed subdivisions to determine whether the subdivision lies in a flood hazard area as defined elsewhere by ordinance. If the Edinburgh Plan Commission finds the subdivision to be so located, the Edinburgh Plan Commission shall forward plans and materials to the Indiana Department of Natural Resources for review and comment. The Edinburgh Plan Commission shall require appropriate changes and modifications in order to assure that:
 - a. It is consistent with the need to minimize flood damages;
 - b. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;
 - c. Adequate drainage is provided so as to reduce exposure to flood hazards;
 - d. Onsite waste disposal systems, if provided, will be so located and designed to avoid impairment of them or contamination from them during the occurrence of the regulatory

flood.

- (2) Developers shall record the 100-year flood elevation on all subdivision plats containing lands identified elsewhere by ordinance as within a flood hazard area prior to submitting the plats for approval by the Plan Commission.
- (3) All owners of manufactured home parks or subdivisions located within the SFHA identified as Zone A on the community's FHMB or FIRM develop an evacuation plan for those lots located in Zone A and file it with the local Plan Commission and have it filed and approved by the appropriate community emergency management authorities.

§ 156.159 Variances.

- (1) The Board of Zoning Appeals may consider issuing a variance to the terms and provisions of this ordinance provided the applicant demonstrates that:
 - a. There exists a good and sufficient cause for the requested variance;
 - b. The strict application of the terms of this ordinance will constitute an exceptional hardship to the applicant, and
 - c. The granting of the requested variance will not increase flood heights, create additional threats to public safety, cause additional public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.
- (2) The Board of Zoning Appeals may issue a variance to the terms and provisions of this ordinance subject to the following standards and conditions:
 - a. No variance or exception for a residential use within a floodway subject to Section 156.156 (1) or (2) may be granted.
 - b. Any variance or exception granted in a floodway subject to Section 156.156 (1) or (2) will require a permit from the Department of Natural Resources.
 - c. Variances or exceptions to the Building Protection Standards of Section 156.157 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.
 - d. Variance or exception may be granted for the reconstruction or restoration of any structure individually listed on the Register of Historic Places or the Indiana State Survey of Historic Architectural, Archaeological and Cultural Sites, Structures, Districts, and Objects;
 - e. All variances shall give the minimum relief necessary and be such that the maximum practical flood protection will be given to the proposed construction; and

- f. The Board of Zoning Appeals shall issue a written notice to the recipient of a variance or exception that the proposed construction will be subject to increased risks to life and property and could require payment of excessive flood insurance premiums.

§ 156.160 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 the community, the 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.

§ 156.161 Violations.

Failure to obtain an Improvement Location Permit in the SFHA or failure to comply with the requirements of a 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 Edinburgh.

- (1) A separate offence shall be deemed to occur for each day the violation continues to exist.
- (2) The Edinburgh Plan Commission 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 of Edinburgh from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

§ 156.162 Abrogation and Greater Restrictions.

This ordinance repeals and replaces other ordinances adopted by the Town Council to fulfill the requirements of the National Flood Insurance Program. However, this ordinance does not repeal the original resolution or ordinance adopted to achieve eligibility in the Program. Nor does this ordinance repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this ordinance and other ordinance easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more restrictive restrictions shall take precedence. In addition, the Town Council shall assure that all National Flood Insurance regulations (Contained in 44 CFR 60.3) and State Floodplain Management regulations and laws (310 IAC 6-1-1, IC 13-2-22 and IC 13-2-22.5) are met.

Division 5. General Regulations

§ 156.170 Application.

Except where explicitly noted, the following General Regulations apply in all districts.

§ 156.171 Non-Conforming Uses of Land and Structures.

If a lawful use of land, a structure, or of a structure and land in combination, exists at the effective date of the adoption or amendment of this Ordinance, that would not be permitted in the district under the terms of this Article, that use may be continued subject to the following provisions.

- (1) No existing land or structure devoted to a use not permitted by this Article in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the land or structure to a use permitted in the district in which it is located, except as permitted by the Board of Zoning Appeals.
- (2) Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
- (3) If no structural alterations are made, any non-conforming use of land, a structure, or structure and land together, may upon appeal to the Board of Zoning Appeals be changed to another non-conforming use provided that the Board of Zoning Appeals shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with the provisions of this Ordinance .
- (4) Any land, structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located and the non-conforming use may not thereafter be resumed.
- (5) When a non-conforming use of land, a structure, or structure and premises in combination, is discontinued or abandoned for twelve (12) consecutive months, the structure or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located, except as permitted by the Board of Zoning Appeals.
- (6) Where non-conforming structure use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conformance status of the land.
- (7) Any non-conforming structure damaged by fire, flood, explosion, or other casualty may be reconstructed and used as before if such reconstruction is undertaken within 12 months of such casualty, and if the restored structure has no greater coverage and contains no greater cubic content than before such casualty, except as permitted by the Board.
- (8) Nothing herein contained shall require any change in the plans, construction, or designated use of a building for which an improvement location permit or a building permit has been heretofore

issued; the construction of which has been diligently prosecuted within 90 days of the date of the permit; and which entire building shall be completed according to the plans filed within three year as from the date of passage of this chapter.

§ 156.172 Accessory Uses and Structures.

- (1) Fences, hedges, walks, driveways, curbs, retaining walls, lattice-work, screens, trees, curbs, flowers, plants, mail boxes, nameplates, lamp posts, bird bath, benches, and landscaping of a like nature are permitted in any required front, side or rear yard in any district.
- (2) A private swimming pool shall be permitted as an accessory use if access is controlled by means of a wall or fence or such other means as approved by the state of Indiana consistent with 675 IAC 20-4-27 Safety Features (a copy of which shall be maintained in the office of the Plan Commission).
- (3) No accessory use or structure shall be permitted except in association with an existing principal structure or use of land.

§ 156.173 Visual Clearance on Corner Lot.

On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and half (2-1/2) and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the street right-of-way lines of the corner lot and a line joining two points on the street right-of-way lines thirty-five (35) feet front the point of their intersection.

§ 156.174 Temporary Uses of Land or Structures.

A permit for a temporary structure or land use such as construction facilities including use of a mobile home as a temporary residence pending reconstruction or repair of a damaged permanent residence, seasonal sales or uses of a similar nature may be issued by the Zoning Administrator provided the following conditions are adhered to:

- (1) The use is, in fact, temporary and will terminate at a specific time not to exceed one (1) year.
- (2) The proposed site is of adequate size to accommodate the use without creating congestion in the streets or inadequate circulation for fire and other emergency vehicles.
- (3) Adequate parking, both off-street and on-street, is available within 500 feet of the proposed site.
- (4) Outdoor lighting will be shielded or directed away from adjoining residential property and streets.
- (5) The sign regulations of Division 6 shall be observed.
- (6) Neighboring uses are not adversely affected.

§ 156.175 Off-Street Parking and Loading.

The off-street parking and loading provisions of this Chapter shall apply as follows:

- (1) All buildings and structures erected and all uses of land established after the adoption of this Article shall be provided with off-street parking and loading spaces as set forth in this section.
- (2) The provisions of this Section, except where there is a change of use, shall not apply to any existing building or structure.
- (3) Whenever a building or structure constructed before the effective date of this Article is changed or enlarged, in floor area, number of employees, number of housing units, seating capacity, or otherwise to create a need for an increase in the number of parking spaces, additional parking shall be provided on the basis of the enlargement of change, provided, whenever a building or structure existing prior to the effective date of this Ordinance is enlarged to the extent of fifty (50) percent or more in floor area, number of employees, number of housing units, seating capacity or otherwise, said building or structure shall then and thereafter comply with the full parking requirements set forth herein.
- (4) Off-street parking facilities in existence on the effective date of this Article and located on the same lot as the building or use served shall not hereafter be reduced below, or if already less than, shall not be further reduced below the requirements for a similar new building or use under the provisions of this Article.
- (5) The following regulations shall govern the location of off-street parking spaces and areas:
 - a. Parking spaces for all detached residential uses shall be located on the same lot as the use which they are intended to serve.
 - b. Parking spaces for commercial, industrial, or institutional uses shall be located not more than five hundred (500) feet from the principal use. Parking lots farther than five hundred (500) feet from the principal use may be approved by the Board.
 - c. Parking spaces for apartments, dormitories, or similar residential uses shall be located not more than three hundred (300) feet from the principal user.
- (6) Off-Street parking spaces may be located in any yard except the required front yard.
- (7) A parking space shall have minimum rectangular dimensions of not less than nine (9) feet in width and nineteen (19) feet in length for ninety (90) degree parking, nine (9) feet in width and twenty-three (23) feet in length for parallel parking, ten (10) feet in width and nineteen (19) feet in length for sixty (60) degree parking, and twelve (12) feet in width and nineteen (19) feet in length, for forty-five (45) degree parking. All dimensions shall be exclusive of driveways, aisles, and other circulation areas.
- (8) Driveways serving individual parking spaces shall be not less than twenty-five (25) feet wide for ninety (90) degree parking, twelve (12) feet wide for parallel parking, seventeen and one-half (17-1/2) feet for sixty (60) degree parking, and thirteen (13) feet for forty-five (45) degree parking.
- (9) Two or more non-residential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap, providing that a written agreement approved

by the Commission shall be filed with the application for a permit.

- (10) The required off-street parking spaces for any number of separate buildings, structures, or uses may be provided collectively on one lot providing the total number of such spaces shall not be less than the sum of the requirements for the various individual buildings, structures or uses computed separately in accordance with Sub-section 14 of this Section.
- (11) When two or more uses are located within the same building or structure, off-street parking spaces equal in number to the sum of the separate requirements for each use shall be provided.
- (12) All off-street parking areas required by this Article shall be used only for the parking of vehicles of occupants, patrons, visitors, or employees and shall not be used for any kind of loading, sales, servicing, or continuous storage or a vehicle for more than forty-eight (48) hours.
- (13) Every parcel of land hereafter used as a public or private off-street parking area capable of accommodating five (5) or more vehicles shall be developed and maintained in accordance with the following requirements:
 - a. Each required off-street parking space shall have direct access to an aisle or driveway and all required off-street parking areas shall have vehicular access to a street or alley so designed to minimize interference with pedestrian and traffic movement.
 - b. 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.
 - c. Any lighting used to illuminate a required off-street parking area shall be shielded from residential properties.
 - d. All open off-street parking areas shall be effectively screened on each side adjoining or fronting on any property situated in a Residential District or any institutional premises, by a wall, fence, or densely planted compact hedge, not less than five (5) feet nor more than eight (8) feet in height.
- (14) For the purpose of this Ordinance the following parking space requirements shall apply:

PARKING SPACE REQUIREMENTS

TYPE OF USE	PARKING SPACES REQUIRED
RESIDENTIAL:	
Single-family or two-family dwelling	Two for each unit
Apartment hotels, apartments, or multi-family dwellings	Two for each unit
Boarding houses, rooming houses, dormitories, and fraternity houses which have sleeping rooms	Two for each sleeping room or two for each permanent occupancy
Mobile homes	Two for each unit
COMMERCIAL:	
Automobile service station which also provides repair	One for each two gasoline pumps and two for each service bay
Hotels, motels	1 ¼ per each sleeping room plus one space for each two employees
Funeral parlors, mortuaries, similar type uses	One for each 100 square feet of floor area in slumber rooms, parlors, or service rooms
Dining rooms, restaurants, taverns, night clubs, etc.	Twenty spaces for each 1,000 feet of gross leasable area
Bowling alleys	Four for each alley or lane plus one additional space for each 100 square feet or the area used for restaurant, cocktail lounge, or similar use
Dance floors, skating rinks	One for each 100 square feet of floor area used for the activity
Swimming pools (public)	One for each 5 persons capacity
Club	One for each 4 seats or one for each 30 square feet of floor area used for seating purposes, whichever is greater
Auditoriums, sports arenas, theaters, and similar uses	One for each 3 seats
Retail stores	One for each 250 square feet of floor area
Banks, financial institutions, and similar use	One for each 200 square feet of floor area
Offices, public or professional administration, or service buildings	One for each 400 square feet of floor area
All other types of business or commercial uses permitted in any commercial district	One for each 300 square feet of floor area

TYPE OF USE	PARKING SPACES REQUIRED
INSTITUTIONAL	
Churches and other places of religious assembly	One for each 5 seats
Hospitals	One for each bed
Sanitariums, homes for the aged, nursing homes, children's homes, asylums, and similar uses	One for each 2 beds
Medical and dental clinics	One for every 200 square feet of floor area of examination, treating room, office, or waiting room
Libraries, museums, and art galleries	One for each 400 square feet of floor area
SCHOOLS, PUBLIC, PAROCHIAL, OR PRIVATE	
Elementary and junior high schools	Two for every classroom and one for every 8 seats in the auditorium or assembly hall
High schools	One for every 4 students and one for each teacher and employee
Business, technical, and trade schools	One for each 2 students
Colleges, universities	One for each 4 students
Kindergartens, child care centers, nursery schools, and similar uses	One for each 5 children plus one for each two employees
INDUSTRIAL	
All types of manufacturing, storage, wholesale uses permitted in any industrial district	One for every 2 employees on the largest shift for which the building is design plus one for each motor vehicle used in the business
Cartage, express, parcel delivery, and freight terminals	One for every 2 employees on the largest shift for which the building is design plus one for each motor vehicle maintained on the premises
OTHER	
Parking spaces for other permitted uses or special exceptions not listed in this Article shall be determined by the Board.	

- (15) A loading space shall have minimum dimensions of not less than twelve (12) feet in width, fifty (50) feet in length, exclusive of driveways, aisles, and other circulation areas, and a clearance height of not less than fifteen (15) feet. One off-street loading space shall be provided and maintained on the same lot for every separate occupancy requiring delivery of goods and having a gross floor area of up to five thousand (5,000) square feet. One loading space shall be provided for each additional ten thousand (10,000) square feet or fraction thereof.
- (16) All required loading berths shall be located on the same lot as the use served. No permitted or required loading berth shall be located within forty (40) feet of the nearest point of intersection

of any two streets. No loading berth shall be located in a required front yard.

- (17) All open off-street loading berths shall be improved with a cement concrete pavement or a comparable hard surface pavement.

§ 156.176 Mobile Homes.

Wherever Mobile Homes are permitted, individually or in Mobile Home Parks or subdivisions, they shall be anchored and tied down in accordance with approved manufacturers' recommendations.

- (1) Temporary Occupancy Permits - Mobile Homes - The Plan Director may permit temporary occupancy of a mobile home in any zoning district within the area of extended jurisdiction provided that the following conditions prevail:
- a. The applicant intends to build a permanent home on the premises within twelve (12) months. The applicant, in demonstrating an intent to construct a permanent home and as a condition of receiving a temporary occupancy must,
 - 1. supply proof of ownership of the premises;
 - 2. obtain Johnson County Board of Health approval for septic system installation, or supply a copy of sewer hook-up permit from the appropriate jurisdiction;
 - 3. obtain a building permit for the permanent home;
 - 4. certify the notification and absence of objection among landowners within 600 feet of the site; and,
 - 5. file fees for all permits according to the rate(s) set by the Edinburgh Plan Commission.
 - b. The applicant or an immediate blood relative requires constant attention due to a handicap or infirmity. The applicant, in certifying the need to temporarily occupy a mobile home shall:
 - 1. obtain Johnson County Board of Health approval for septic system installation or, supply a copy of a sewer hook-up permit from the appropriate jurisdiction;
 - 2. provide a licensed physician's certification of the handicap or infirmity specifically corroborating the need for constant attention;
 - 3. certify the notification and absence of objection among landowners within 600 feet of the site; and,
 - 4. file fees for all permits according to the rate(s) set by the Edinburgh Plan Commission.

The temporary occupancy permit shall expire twelve (12) months after the date of issuance. The

mobile home shall be removed from the premises by the applicant no later than 30 days after the expiration of the temporary occupancy permit. The Plan Director may extend the temporary permit for a period of twelve (12) months for a good cause. Any request for an extension beyond the first extension will be heard by the Board of Zoning Appeals subject to the notice and filing requirements associated with variances.

§ 156.177 Mobile Home Parks.

In any district in which Mobile Home Parks are permitted the following minimum requirements shall apply:

- (1) Conditions of soil, groundwater level, drainage, geologic structures and topography shall not create 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.
- (2) The minimum area of a mobile home park shall be 5 acres.
- (3) The density of a park shall not exceed 8 mobile homes per acre of gross site area.
- (4) No mobile home and enclosed accessory structures designed for living space shall be located closer than 20 feet from any other mobile home park.
- (5) Mobile home parks shall have direct access to an adequate public thoroughfare with sufficient frontage thereon for the proper construction of entrances and exits. Such entrances and exits shall be designed for the safe movement of mobile homes into and out of the park.
- (6) All mobile homes shall be located 20 feet or more from the right-of-way line of an abutting dedicated public thoroughfare and 15 feet or more from other boundary lines of the park.
- (7) Internal mobile home park streets, if dedicated to public use, shall meet the minimum standards for design and construction as required in the Edinburgh Subdivision Control Ordinance.
- (8) Each park shall provide a recreational area or areas equal in size to at least 8 percent of the area of the park, generally in a central location. Streets, parking areas, and park service facility areas shall not be included in the required recreational area.
- (9) In other than Business districts, coin-operated laundries, laundry and dry-cleaning pick-up stations, and other commercial convenience establishments may be permitted in mobile home parks provided:
 - a. They are subordinate to the residential character of the park;
 - b. They are located, designed and intended to serve only the needs of persons living in the park.
 - c. The establishments and the parking areas related to their use shall not occupy more than 10 percent of the total area of the park;

- d. The establishments shall present no visible evidence of their commercial nature to areas outside the park.
- (10) Each park shall provide either one or more central waterproof structures available to all mobile home sites or a single waterproof structure for each mobile home site suitable for storage of goods and the usual effects of persons occupying the park.
- (11) Each mobile home site shall be provided with a stand consisting of a solid concrete slab, two concrete ribbons, or concrete pillars, of a thickness and size adequate to support the maximum anticipated loads during all seasons. When concrete ribbons are used, the area between the ribbons or pillars shall be filled with a layer of crushed rock or stone or other method approved by the Board.
- (12) All exterior park lights shall be so located and shielded as to prevent direct illumination of any area outside the park.
- (13) Each mobile home shall be supported under the I-beams and shall be skirted on all sides with a permanently attached, substantial material, such as painted metal, fiberglass, concrete, or masonry, that will not detract from the appearance of the mobile home.

§ 156.178 Mobile Home Subdivisions.

In any district in which Mobile Home Parks are permitted as a special exception, Mobile Home Subdivisions may also be permitted and the following minimum requirements shall apply:

- (1) The procedures, design standards, and required improvements of the Subdivision Control Ordinance shall be followed.
- (2) Each mobile home shall be supported under the I-beams and shall be skirted on all sides with a permanently attached, substantial material, such as painted metal fiberglass, concrete, or masonry, that will not detract from the appearance of the mobile home.
- (3) The minimum area of a mobile home subdivision shall be 5 acres.

§ 156.179 Recreational Vehicles

Recreational vehicles shall not be occupied for longer than two weeks in any location other than an approved Recreational Vehicle Park.

§ 156.180 Recreational Vehicle Parks.

In any districts in which Recreational Vehicle Parks are permitted the following requirements shall apply:

- (1) Recreational Vehicle Parks shall have direct access to a public highway or road with sufficient frontage thereon for the proper construction of entrances and exits. Such entrances and exits shall

be designed for the safe movement of recreational vehicles into and out of the park.

- (2) Conditions of soil, groundwater level, drainage, geologic structure and topography shall not create hazards to the park site or to the health and safety of occupants nor shall the site be subject to the hazards of objectionable smoke, odor, or noise, or the possibility of subsidence, sudden flooding or severe erosion.
- (3) The density of a park shall not exceed 15 recreational vehicle spaces per acre of gross site area.
- (4) The minimum area of a Recreational Vehicle Park shall be 5 acres.
- (5) Recreational vehicles shall be separated from each other and from other park buildings or structures by at least 10 feet.
- (6) In addition to complying with the required minimum yard provisions of this Ordinance:
 - a. No recreational vehicle space shall be nearer than 25 feet to the right-of-way line of a highway or road.
 - b. 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 25 feet in width shall be required.
- (7) At least one centrally located recreation area equal in size to 8 percent of the gross park area shall be provided in each recreational vehicle park. Streets, parking areas and park service facility areas shall not be included in the required recreational area.
- (8) In other than Business Districts, food stores, restaurants, sporting goods, laundromats, dry-cleaning pickup stations and similar convenience and service shops shall be permitted in recreational vehicle parks containing 50 or more spaces provided:
 - a. Such shops and the parking areas required by their use shall not occupy more than 10 percent of the total area of the park.
 - b. The shops shall be primarily for the use of the occupants of the park.
 - c. Such shops shall be so located or designed within the park to present no visible evidence of their commercial nature to persons outside the park.
- (9) Management offices and storage, playground and picnic equipment, sanitation and laundry facilities, informational signs and other structures customarily incidental to a recreational vehicle park shall be permitted as accessory uses.

§ 156.181 Home Occupations.

A home occupation may be permitted as a special exception if it complies with the requirements of this

section.

- (1) The home occupation shall be carried on by a member of the family residing in the dwelling unit with not more than one employee who is not part of the family.
- (2) The home occupation shall be carried on wholly within the residence or an accessory building provided that it is attached to the principal residential structures by means of an enclosed space.
- (3) Exterior displays or signs other than those permitted under Division 6, exterior storage of materials, and exterior indication of the home occupation or variation from the residential character of the principal structure shall not be permitted.
- (4) Objectional noise, vibration, smoke, dust, electrical disturbance, odors, heat, or glare shall not be produced.
- (5) The home occupation shall not create any traffic or parking problems.

§ 156.182 Performance Standards.

All uses established or placed into operation after the effective date of this Ordinance, shall comply with the following performance standards in the interests of protecting the public health, safety and welfare, and lessen injury to property. No use in existence on the effective date of this Ordinance shall be so altered or modified to conflict with these standards.

- (1) Fire Protection. Fire fighting equipment and prevention measures acceptable to the local Fire Department shall be readily available and apparent when any activity involving the handling or storage of flammable or explosive materials is conducted.
- (2) Electrical Disturbance. No use shall cause electrical disturbance adversely affecting radio, television, or other equipment in the vicinity.
- (3) Noise. No use shall produce noise in such a manner as to be objectionable because of volume frequency, intermittence, beat, shrillness or vibration. Said noises shall be muffled or otherwise controlled so as not to become detrimental, provided, however, public safety sirens and related apparatus used solely for public purposes shall be exempt from this standard.
- (4) Vibration. No use shall cause vibrations or concussions detectable beyond the lot lines without the aid of instruments.
- (5) Odor. No use shall emit across the lot line malodorous gas or matter in such quantity as to be readily detectable at any point along the lot lines.
- (6) Air Pollution. No use shall discharge across the lot lines fly ash, dust, smoke, vapors, noxious, toxic, or corrosive matter, or other air pollutants in such concentration as to be detrimental to health, animals, vegetation or property.

- (7) Heat and Glare. No use shall produce heat or glare in such a manner as to create a nuisance perceptible from any point beyond the lot lines.
- (8) Water Pollution.. No use shall produce erosion or other pollutants in such quantity as to be detrimental to adjacent properties and conflict with water pollution standards established by the public agencies.
- (9) Waste Matter. No use shall accumulate with the lot or discharge beyond the lot lines any waste matter, whether liquid or solid, in violation of applicable public health, safety and welfare standards and regulations.
- (10) Motor Vehicles. No motor vehicles shall be stored on any property in Town of Edinburgh, unless authorized in conjunction with an approved business, such as service stations, garages, or junk yards, existing in accordance with current zoning and parking regulations. Motor vehicles may be stored in completely enclosed buildings upon property. No motor vehicles may be stored or maintained in Town of Edinburgh on property under the jurisdiction of this Ordinance unless said vehicle or vehicles meet the following requirements:
 - 1. Such vehicle(s) must have current license plates affixed.
 - 2. Such vehicle(s) must belong to the residents of the property where stored, or to the title holders of said Real property.
 - 3. Such vehicle(s) must meet all legal requirements to drive on public highways during both daytime and night time hours in the State of Indiana.

Motor vehicles not complying with the above requirements shall be removed within thirty (30) days after the landowner and/or resident have been notified to remove same. All removal requests must be abided by unless good cause is shown. Any person aggrieved by this order may appeal to the Edinburgh Board of Zoning Appeals to obtain relief upon a showing of good cause. Failure to comply with a removal notice, within the set time may result in any or all of the following action:

- 1. Imposition and collection of a fine of not less than ten (\$10.00) nor more than fifty dollars (\$50.00) per day for each day the violation continues after notification.
- 2. Institution of a suit by the Edinburgh Board of Zoning Appeals seeking a permanent and mandatory injunction to enforce this Section and for all costs and/or fees associated with said suit.

Division 6. Sign Regulations

§ 156.200 Purpose.

The purpose of this Division is to regulate all signs in the incorporated area of Edinburgh, Indiana, so as to protect the general public and promote traffic safety and public health. The ordinance establishes on-premise sign standards for all zoning districts in the town and off-premise sign standards.

§ 156.201 Permits, Required Fee.

- (1) Permits Required - Except as otherwise provided herein, it shall be unlawful for any person to erect, construct, enlarge, move or convert any sign within the jurisdiction of the Edinburgh Planning Commission, or cause the same to be done without first obtaining a sign permit for each sign from the Edinburgh Building Commissioner.
- (2) Application - Application for a permit shall be made to the Building Commissioner upon a form provided, and shall be accompanied by such information as may be required to assure compliance with the laws and regulations of the Town.
 - (a) Name and address of the property owner of the premise on which the sign is located or is to be located.
 - (b) Name and address of the owner of the sign.
 - (c) Clear and legible drawings with description showing the location of the sign which is the subject of the permit, and all other signs whose construction requires permits, when such signs are on the same premises.
 - (d) Drawings showing dimensions, construction supports, sizes, electrical wiring and components, materials of the sign; method of attachment and character of attachment and character of structural members to which attachment is made. If required by the Edinburgh Building Commissioner, engineering data shall be supplied on plans submitted and certified by a duly licensed engineer.
 - (e) Any individual or company seeking to erect, construct, alter, repair, improve, maintain, convert or manufacture any sign adjacent to or visible from state or federal roadway shall register, in writing, a statement that they have all necessary licenses and/or approvals from the other affected governmental agencies.
 - (f) Permission in writing from the person in possession or ownership of shopping centers and/or industrial premises (if applicable) shall be supplied as part of the application documentation.
- (3) Permit Fees

The application, including all required documentation shall be filed with the Edinburgh Building Commissioner together with a permit fee as specified by the Edinburgh Plan Commission Fee

Schedule. If any sign is hereafter erected, placed, installed or otherwise established on any property before obtaining a permit as required herein, the fees specified shall be doubled. Payment of such double fee shall not relieve any person from compliance with other provisions of this Division and penalties prescribed herein.

(4) Effect of Sign Permit Issuance

No permit for a sign issued hereunder shall be deemed to constitute permission or authorization to maintain an unlawful sign nor shall a permit issued hereunder constitute a defense in an action to abate an unlawful sign.

(5) Nullification

A sign permit shall become null and void if the work authorized thereunder has not been started within a period of ninety (90) days following date of the permit, and completed within a reasonable time thereafter.

(6) Permit Exceptions

The following shall not be considered as creating a sign and therefore shall not be required to have a sign permit unless otherwise specified:

- (a) Changeable Copy - the changing of advertising copy or message on an approved sign such as a theater marquee or electronic message center and similar approved signs, which are specifically designed for use of replaceable copy.
- (b) Maintenance - Painting, repainting, cleaning or other normal maintenance and repair of a sign or sign structure unless a structural change is involved, or a change in copy is involved.
- (c) Temporary or Exempt Sign - Temporary Sign as listed in § 156.205 and Exempt Signs per § 156.204 of this Outdoor advertising Code are exempt from permit requirements, unless specified elsewhere.

§ 156.202 Enforcement.

The Town of Edinburgh Building Commissioner is hereby authorized and directed to enforce all the provisions of this Division. Upon presentation of proper credentials, the Building Commissioner and/or his duly authorize representative(s) may enter at reasonable times any building, structure and/or premises in the Town of Edinburgh, State of Indiana, to perform any duty imposed upon him by this Division.

(1) Interpretation

Where there is any ambiguity or disputes concerning the interpretation of this Division, the decision of the Building Commissioner shall prevail, subject to appeal as provided herein.

(2) Right to Appeal

Any person aggrieved by any decision or order of the Building Commissioner may appeal to the Edinburgh Zoning Board of Appeals. The Building Commissioner shall take no further action on the matter pending the Zoning Board of Appeals' decision, except for unsafe signs which present an immediate and serious danger to the public, as provided elsewhere in this Division.

(3) Penalties

Any person who violates this Division shall be guilty of an Ordinance violation, and upon conviction, shall be punishable by a fine of not more than two thousand five hundred dollars (\$2,500.00) and each day in which any such violation shall occur will be deemed a separate offense.

(4) Civil Remedies

In addition to or instead of proceeding under this Section, the Edinburgh Zoning Board of Appeals, or any designated enforcement official of this Division, may institute a suit for an injunction in the Circuit Court of Johnson County to restrain an individual or a government unit from violating this Division. The Board of Zoning Appeals or any designated enforcement official may also institute a suit for mandatory injunction directing an individual or governmental unit to remove a structure erected in violation of this Division. A suite for mandatory injunction relief is an additional remedy which does not preclude any designated enforcement official from utilizing any and all other statutory remedies available to the Town of Edinburgh for the enforcement of Ordinances.

(5) Inspection

Signs for which a permit is required may be inspected periodically by the Building Commissioner and/or his agent for compliance with this and other codes of the Town.

(6) Removal of Sign

The Building Commissioner may order the removal of any sign erected or maintained in violation of this Division. He shall give thirty (30) days notice in writing by certified mail to the owner of a permanent sign, or place a notice of such violation on the building, structure, premises or sign in violation, to remove the sign or to bring it into compliance. He shall give a three (3) day notice for temporary or portable signs.

(7) Maintenance

All signs and components thereof shall be kept in good repair and in safe, neat, clean, and attractive condition. Failure to comply will automatically revoke the permit after such non-compliance has been determined by the Building Commissioner and notice has been given to the owner of the sign as reflected by the records of the Building Commissioner.

(8) Abandoned Signs

A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer conducted on the premises. If the owner or

lessee fails to remove it, the Building Commissioner shall give the owner thirty (30) days written notice by certified mail to remove it. Upon failure to comply with this notice, the Building Commissioner or his duly authorized representative may remove the sign at cost to the owner. Where a successor to a defunct business agrees to maintain the sign(s) as provided in this Division, this removal requirement shall not apply. The new sign user shall forthwith notify the Building Commissioner's office, in writing, of this change. No new sign permit is required, unless the sign is altered or relocated. The Building Commissioner shall be notified in any matters relating to sign relocations.

(9) Street Improvement Projects

Any sign projecting over a roadway right-of-way at the time of the effective date of this Division which was subject to removal or relocation at the owner's expense, pursuant to a permit or other Ordinance of the Town, shall be removed by the owner, or altered at the owner's expense to comply with the regulations of this Division if, as the result of, or after completion of a roadway improvement project, said sign does not or would not comply with the provisions of this Division.

(10) Assurance of Discontinuance

As an additional means of enforcement, the Building Commissioner may accept an assurance of discontinuance of any act or practice deemed in violation or of any provision of this Division, from any owner or person engaging in such act or practice. Such assurance shall be in writing and shall specify a time limit during which such discontinuance is to be accomplished. Failure to perform the assurance shall constitute prima facie proof of a violation of any provision of this Division, which makes the alleged act or practice unlawful for the purpose of securing an injunctive relief from a court of competent jurisdiction.

§ 156.203 Prohibited Signs.

The following types of signs are expressly prohibited in all zone districts:

- (1) "A" Frame Signs. "A" frame signs or sandwich board, sidewalk or curb signs are prohibited.
- (2) Abandoned Signs. Such business signs that advertise an activity, business, product or service no longer conducted or available shall be prohibited and may be removed by the Town.
- (3) Animated and Intensely Lighted Signs. No sign shall be permitted which is animated by means of flashing, scintillating, blinking, or traveling lights or any other device or means not provided constant illumination.
- (4) Banners and Pennants. Banners and pennants shall be permitted so long as they are at least ten (10) feet from any street right-of-way and located so as not to obstruct vision or otherwise create a hazard to traffic. No permit shall be required.
- (5) Lights and Balloons. Search lights, twirling signs, balloons or other gas-filled figures shall not be used except as set forth below. Such signs shall be permitted at the opening of a new business in a commercial or industrial district for a period not to exceed sixty (60) days; and will be

permitted in residential districts in conjunction with an open house or model demonstration conducted by a realtor for two (2) days after and not to exceed a total period of thirty (30) days.

- (6) **Miscellaneous Signs and Posters.** The tacking, pasting, or otherwise affixing of signs of a miscellaneous character, visible from a roadway, located on the walls of buildings, barns, sheds, on trees, poles, posts, fences, or other structures; are prohibited unless otherwise permitted by this Division.
- (7) **Moving Signs.** No sign or any portion thereof shall be permitted which moves or assumes any motion, or gives the illusion of moving.
- (8) **Off-Premise Signs.** Off-premise signs shall be prohibited except as is expressly permitted in this Division.
- (9) **Projecting Signs.** No sign shall project over or into the street right-of-way.
- (10) **Public Areas.** No sign shall be permitted which is placed on any curb, sidewalk, post, pole, electroliner, hydrant, bridge, tree or other surface located on public property or over or across any street or roadway except as otherwise expressly authorized by this Division.
- (11) **Swinging.** Overhead swinging signs are prohibited.
- (12) **Towers (water, radio, etc).** No sign shall be placed on any tower or tank without the approval of the Edinburgh Plan Commission.
- (13) **Unclassified Signs.** The following signs are also prohibited which:
 - (a) Bear or contain statements, words or pictures of an obscene, pornographic, immoral character, or which contain advertising matter which is untruthful or will offend public morals or decency;
 - (b) Are painted on or attached to any fence or any wall which is not structurally a part of a building except to identify a residence or residence structure by means of posting the name of the occupant or structure, and the street address;
 - (c) Operate or employ any stereopticon or motion picture projection or media in conjunction with any advertisements, or have visible moving parts of any portion of which moves, or gives the illusion of movements except as permitted in this Division.
 - (d) Emit audible sound, odor, or visible matter;
 - (e) Signs which purport to be, or are an imitation, or resemble an official traffic sign or signal, or which bear the words, "Stop," "Go Slow," "Caution," "Danger," "Warning," or similar words; except as permitted in § 156.204(4).
 - (f) Signs which, by reason of their size, location, movement, content, coloring or manner of illumination, may be confused with or construed as a traffic control sign, signal or device, or the light of an emergency or road equipment vehicle or which hide from view

any traffic or roadway sign or signal or device;

- (g) Obstruct any door, fire escape, stairway, or any opening intended to provide air, egress or ingress for any building or structure.
- (h) Were erected before the adoption and effective date of the Outdoor Advertising Sign Code, and for which a proper permit was not issued.
- (i) Are not included under the types of signs permitted in this Division.

§ 156.204 Exempted Signs.

The following types of signs are exempted from all provisions of this Division, except for construction and safety regulations and the following requirements:

- (1) **Business Identification Sign.** An identification sign on or near (above or beside) a public entrance or service entrance to a business in a business, commercial, or industrial zone is permitted, provided such signs state only the street address number and name of the business or building, that such sign shall be mounted flush against the wall, and that such sign shall not exceed four (4) square feet.
- (2) **Damaged Signs.** A sign erected under a legally obtained permit which is damaged or destroyed by wind, weather, or other accidental means beyond the control of the applicant may be replaced or restored to its original size, shape, and location (as prior to the accident) without obtaining an additional permit. Replacement of a damaged or destroyed sign with a new sign of different size, shape, or location from the original sign shall require a permit.
- (3) **Integral Signs.** Names of building, date of erection, monumental citation, commemorative tablets and the like when carved into stones, concrete or similar material or made of bronze, aluminum, or other permanent type construction and made an integral part of the structure.
- (4) **Parking Signs.** Signs for public and private parking shall be permitted. Such signs shall be subject to a three (3) foot setback from right-of-way, and shall not be used for advertising purposes. Signs shall be no higher than six (6) feet and no greater than six (6) feet in area. Such signs shall be installed so as to not present a hazard to traffic entering or leaving the premises.
- (5) **Private Traffic Direction Signs.** Signs directing traffic movement onto or within a premise. Illumination of these signs shall be permitted in accordance with § 156.206. The leading edge of such signs shall be a minimum of three (3) feet from any curb or traffic movement aisle, the sign shall be no higher than three (3) feet, and no greater than six (6) square feet in area.
- (6) **Public Signs.** Signs of a non-commercial nature and in the public interest erected by or on the order of public officer(s) in performance of his (their) public duty, such as safety signs, danger signs, trespassing signs, traffic signs, memorial plaques, signs of historical interest, signs directing the traveling public to public and quasi-public facilities, or signs on public buildings or structures, and the like.
- (7) **Small Signs.** A nameplate which shall not exceed two (2) square feet in area is permitted for

each dwelling unit of a single-family or row-structure; such nameplate shall state nothing other than the name and/or address of the occupancy, and/or legal customary home occupation. No other sign shall be allowed. This paragraph shall not be construed to prohibit each dwelling unit from also displaying a house numbering plate for identification. Signs on the premises announcing rooms, apartments or house for rent and not exceeding four (4) square feet in area. Also provided that the signs are located ten (10) feet from the street right-of-way.

- (8) Social or Charitable Organizations. Signs indicating the names and locations of churches, charitable organizations, and community service organization are permitted, provided that the sign area shall not exceed four (4) square feet, shall be located at least ten (10) feet off the street right-of-way, and shall in no way obstruct the view of pedestrians or vehicular traffic. Such signs shall be permitted as "off-premises" signs; provided, however, such signs have a minimum spacing of five hundred (500) feet between any two signs in this category.
- (9) Vehicle Signs. Signs on vehicles are permitted, provided the sign is painted to or attached to the body of the original motor-powered vehicle and does not project or extend beyond the original manufactured body proper of the motor-driven vehicle. Such vehicles and/or semi-trailers shall be parked a minimum distance of ten (10) feet from any street right-of-way and shall be located so as to not create an obstruction or hazard to the traveling public. Trucks and/or trailers may be used as signs for special events or sales for a maximum period of thirty (30) days, if truck or trailers are loaded with sale items.
- (10) Window Signs. Window signs are permitted, provided such signs conform to the construction, illumination and safety regulations of this Division.

§ 156.205 Temporary Signs.

The following signs shall be permitted at any location within the Town of Edinburgh and shall be required to have a permit unless otherwise specified.

- (1) Construction Signs. Construction signs which identify the architects, engineers, contractors, and other individual or firms involved with construction; but not including any advertisement of any product; and signs announcing the character of the building enterprise, or the purpose for which the building is intended, to a maximum of thirty-two (32) square feet for each firm. The minimum setback shall be ten (10) feet from any street right-of-way. The sign shall be confined to the site of construction and shall be removed within thirty (30) days after the end of construction.
- (2) Garage Sale Signs. Signs advertising the sale of miscellaneous household items for the purpose of a residential "garage" or "yard" sale shall not exceed four (4) square feet in area. Such signs may be erected on the premises one week in advance of the sale and shall be removed within forty-eight (48) hours after the sale. No permit shall be required.
- (3) Political Campaign Signs. Political campaign signs announcing the candidate seeking public political office shall be confined within private property and not within the street right-of-way, shall be permitted no more than forty-five (45) days prior to the scheduled election and shall be removed within fourteen (14) days after election for which they were made. Such signs shall not be required to obtain a permit.

- (4) Portable Signs. One portable sign may be permitted for a time period not to exceed sixty (60) days in any 180 day period. Renewal permits may be obtained so long as there are no zoning violations relative to said permit; provided such sign shall:
 - (a) Be located not less than ten (10) feet from any public right-of-way.
 - (b) Not obstruct the flow or sight pattern of vehicular traffic on any established right-of-way.
 - (c) Not be less than ten (10) feet from adjoining residential lot.
 - (d) Have a face not exceeding thirty-two (32) square feet.
 - (e) Meet the illumination requirements as set forth in § 156.206 and in addition be approved by the Building Commissioner.
- (5) Real Estate Signs. One real estate sign advertising the sale, rental or lease of the premises or part of the premises on which the sign is displayed shall not exceed four (4) square feet in Residential, and thirty-two (32) square feet in Commercial zones. Such sign shall be removed within fourteen (14) days of the sale, rental or lease. The minimum setback from street right-of-way shall be ten (10) feet. Signs shall reflect no advertising or promotional material other than to indicate the party listing the property for sale, rental or lease. Such sign shall not be required to obtain a permit.
- (6) Street Banners. Street banners advertising a public entertainment or event and only for locations designated by the Building Commissioner, during and for, fourteen (14) days prior and fourteen (14) days after the event. Such signs shall not be required to obtain a permit.
- (7) Subdivision or Multi-Family Sign. One temporary subdivision or multiple-family project identity sign indicating only the name and/or address of the premises and/or name of the management. Such a sign shall not exceed thirty-two (32) square feet of face area and shall be located a minimum distance of ten (10) feet from any street right-of-way. Excepting, however, for each additional foot (beyond 10) that the setback distance is increased, the face area of the sign may be increased by one square foot, up to a maximum allowable size of one hundred (100) square feet. The maximum time period will be twelve (12) months from the date the sign permit is issued. Such sign may be extended for another twelve (12) months by the Town Building Commissioner or until the project is eighty-five percent (85%) completed or is occupied. Permanent identification signs may be obtained pursuant to § 156.208, § 156.209, § 156.210, and § 156.211.

§ 156.206 Illumination.

- (1) All illuminated signs must meet the standards as specified in the National Electrical Code.
- (2) No sign shall have blinking, flashing, or fluttering lights, nor shall any device be utilized which has a changing light intensity, brightness or color or gives such illusion.
- (3) The full number of illuminating elements thereof shall be kept in satisfactory working condition

or immediately repaired or replaced. Signs that are only partially illuminated shall meet all electrical requirements for that portion directly illuminated. All electrical wiring shall be in conduit and not exposed to the elements or external stress in any way. All electrical signs shall have a disconnecting switch located in a readily accessible place.

- (4) Neither the direct nor reflected light from a primary light source shall create a traffic hazard to operators of motor vehicles on public and/or private roadways.
- (5) The light from any illuminated sign shall be so shaded, shielded or directed that the light intensity or brightness will not be objectionable to the surrounding areas.

§ 156.207 Sign Standards By Zone Districts.

(1) General.

- (a) The following sign standards by districts are intended to include every zone district within the jurisdiction of the Town of Edinburgh. The zones are as defined in the Zoning Ordinance and Official Zone Map. Only signs as described herein, and as may be described under HIGHWAY CORRIDOR OVERLAY DISTRICTS, TEMPORARY SIGNS, and EXEMPTIONS, shall be permitted in each particular zone.
- (b) If any zone is omitted from this Section, or if a new zone is created after enactment of this Division, no sign shall be permitted therein until this Division shall have been amended to include the new zone.

§ 156.208 Residential.

(1) Permitted Signs - R-1, R-2, and R-4 Districts.

- (a) One (1) nameplate not exceeding a combined area of two (2) square feet in area is permitted. Said nameplate shall not be subject to the permit requirements of this Division.
- (b) Signs in conjunction with Home Occupations as defined in the Edinburgh Zoning Ordinance, and no illumination shall be permitted.
- (c) A church or public building, bulletin board or sign, not exceeding thirty-two (32) square feet in area. Such sign may be illuminated but shall conform to §156.206 and § 156.208(3).
- (d) Any sign as permitted under § 156.204 and § 156.205 of this Division.
- (e) One subdivision identity sign as permitted under § 156.205 of this Division. Such sign shall not be illuminated. In the event the subdivision has entries from more than one street, additional identity signs may be permitted by the Edinburgh Building Commissioner.

(2) Permitted Signs - R-4, R-5, and R-6 Districts.

- (a) For each duplex and/or multiple family building, one (1) nameplate per occupancy not to exceed two (2) square feet in area is permitted. Such nameplate shall not be subject to the permit requirements of this Division. No illumination shall be permitted.
- (b) Signs in conjunction with Home occupations as defined in the Edinburgh Zoning Ordinance. No illumination shall be permitted.
- (c) A church or public building bulletin board or sign, not exceeding thirty-two (32) square feet in area. Such sign may be illuminated but shall conform to § 156.206 and § 156.208(3).
- (d) For funeral homes or mortuaries, a non-illuminated nameplate shall be permitted, provided it is not greater than thirty-two (32) square feet in area.
- (e) One permanent multi-family project identity sign shall be permitted. In the event the project has entries from more than one street, additional identity signs may be permitted by the Building Commissioner. Any temporary sign as provided in 156.205(7) above shall be removed before a permanent sign may be erected.

(3) Location Standards for Signs Permitted in Section § 156.208.

- (a) A permanent identity sign for a single-family subdivision or for a multi-family project shall be placed a minimum distance of ten (10) feet from any street right-of-way. The face of any such sign shall not exceed thirty-two (32) square feet in area. Excepting, however, for each additional foot (beyond 10) that the setback distance is increased, the face area of the sign may be increased by one square foot; up to a maximum allowable size of one hundred (100) square feet.
- (b) Building mounted signs shall be flush mounted. There shall be no projection of any sign above the ridge line of the principal roof.
- (c) All signs shall be placed a minimum of ten (10) feet from any street right-of-way.
- (d) Permitted signs shall not be placed on utility easements or drainage easements as defined on recorded plats or site plans.
- (e) Signs shall not be placed as to interfere with the sight path of vehicular traffic.
- (f) The height of any ground sign shall be such that no part of the sign face shall exceed a maximum height of four (4) feet above grade level.
- (g) The height of any pole sign shall be such that no part of the sign face shall be less than nine (9) feet above grade level. Such pole sign shall not exceed a maximum height of twenty (20) feet.

§ 156.209 Commercial Districts.

(1) Permitted Signs - CBD, GB and LB Districts.

(a) Ground Signs.

- 1) Limit of One - One ground sign indicating the name and nature of the business shall be permitted for each business parcel. Such ground sign shall not be illuminated if adjacent to a residential use.
- 2) Height - the height of any ground sign shall be such that no part of the sign face shall exceed a maximum height of four (4) feet.
- 3) Size and Location - A ground sign shall be placed a minimum distance of ten (10) feet from any street right-of-way. The face of any such sign shall not exceed thirty-two (32) square feet in area.

- (b) Wall Signs. One wall sign shall be permitted on each building. Maximum sign area shall be one and one-half square feet for each lineal foot of building frontage; however, in no instance shall such signage exceed fifty (50) square feet for a single business. All wall signs shall be flush-mounted on the building surface and shall not project above the roof line. Such wall sign shall not be illuminated. The face area may be increased by 75% if the sign is for two or three businesses, and may be increased by 100% if the sign is for more than three businesses.

§ 156.210 Commercial & Industrial Districts.

(1) Permitted Signs - RB, OI and EI Districts.

(a) Permitted Signs for Free Standing Buildings Including Free Standing Buildings Located at Strip and Enclosed Mall Shopping Centers.

- 1) Ground Signs - Either one ground sign or one pole sign (but not both) indicating only the name and nature of the occupancy shall be permitted for each business place. Such sign shall not exceed one hundred (100) square feet in area (except as permitted in § 156.210(2) and a pole sign shall not exceed thirty-five (35) feet in height. Such sign shall be installed in accordance with location criteria as explained in § 156.210(3). Such ground sign may be illuminated as provided in § 156.206.
- 2) Wall Signs - One wall sign on a building shall be permitted per each business therein. Maximum sign area shall be four (4) square feet for each linear foot of building frontage; however, in no instance shall such signage exceed two hundred (200) square feet. Location shall be as explained in § 156.210(3). Such wall sign may be illuminated as provided in § 156.206. A freestanding building situated on a corner lot, or which has exposure to two streets, may have wall signs on both exposed walls (i.e., limit of two wall signs per building). The face area may be increased by 75% if the sign is for two or three businesses, and may be increased by 100% if the sign is for more than three businesses.

(b) Permitted Signs for Strip Shopping Centers and Industrial Zones

- 1) Pole Signs - Pole signs at strip shopping centers and in industrial zones may be made a part of the site development plan or, if erected at a later date, shall be subject to the approval of the Edinburgh Planning Commission, and shall meet the following requirements:
 - a. One pole sign shall be permitted along each street or highway right-of-way abutting such enclosed mall shopping center;
 - b. Such sign shall indicate only the name and location of such enclosed mall shopping center or the business comprising the same;
 - c. Such sign shall have a maximum surface area not exceeding three hundred (300) square feet; except as otherwise permitted in § 156.210(3);
 - d. Where an enclosed mall shopping center has in excess of six hundred (600) feet of street frontage along any given street or highway right-of-way, one additional pole (free standing pole) sign may be approved by the Edinburgh Plan Commission for placement along such public street, highway or road right-of-way provided that the distance between such signs along such street or highway right-of-way shall be not less than five hundred (500) feet;
 - e. Such sign shall not exceed thirty-five (35) feet in height;
 - f. Such signs may be illuminated as provided in §156.206 or as provided by the Edinburgh Plan Commission.
 - 2) Wall Signs. Wall signs shall be permitted on each wall facing the enclosed mall shopping center's parking lot. Maximum sign area on each of such walls shall be two (2) square feet for each linear foot of building frontage on such parking lot; however, in no instance shall any individual sign exceed four hundred (400) square feet. Such sign shall indicate only the name and location of said business. Location shall be as explained in §156.210(3). Such wall sign may be illuminated as provided in § 156.206 or as approved by the Edinburgh Plan Commission.
- (c) Signs for Commercial and Industrial Parks. Off-premise signs shall be permitted for directing the traveling public to commercial or industrial parks providing the following requirements are met:
- 1) A permit shall be obtained prior to the erection of the sign;
 - 2) Such sign shall indicate only the name, location, and information about the park itself - products or services shall not be advertised;
 - 3) Such sign shall have a maximum sign face area of one hundred (100) square feet, a minimum height of nine (9) feet above grade level, and a

maximum setback of ten (10) feet from street right-of-way;

- 4) Such sign shall be a minimum distance of five hundred (500) feet from any residential zoning district;
- 5) Such sign shall be a minimum distance of five hundred (500) feet from any other "off-premises" sign.

(2) Signs Advertising More than one Business. Signs advertising more than one business shall be permitted subject to the following:

- (a) If two (2) or three (3) businesses are served, the maximum permitted sign area shall be increased to an area no greater than seventy-five percent (75%) larger than the total area permitted for a single business.
- (b) If more than three (3) businesses are served by such advertising, the total area shall be increased no more than double the area permitted for a single business.
- (c) In no instance shall a sign exceed four hundred (400) square feet on any face.

(3) Location Standards.

- (a) Ground or Pole Signs - The bottom of the signage area for all pole signs shall be no lower than nine (9) feet from the existing lot grade; the top of the signage area for all ground signs shall be no higher than four (4) feet from the existing lot grade.

All signs shall be subject to a minimum setback from any street right-of-way of not less than ten (10) feet; and in no way shall be installed so as to obstruct vision of or otherwise create a hazard to traffic entering or leaving the premises.

Ground or pole signs shall be not closer to the side property line than a distance equal to thirty-five (35) percent of the frontage of the property upon which said sign is to be located, but in no event shall such sign be closer than fifteen (15) feet.

- (b) Wall Signs - All wall signs shall be flush-mounted on the building surface and shall not project above the roof line.

§ 156.211 Major Highway Signage.

- (1) Purpose and Intent. The purpose of this section is to control and regulate off-premises and on-premises advertising signage along interstate highways and located within the jurisdiction of the Edinburgh Plan Commission in the manner that is fair and equitable.

With this intent in mind, the scope includes, but is not necessarily limited to, regulations that cover location, size, site and construction specifications, illumination, maintenance, and administrative procedures necessary to carry out effective control. Regulations within this Section apply to signs located within 660 feet of the nearest edge of interstate highway right-of-way. Signs located more than 660 feet from an interstate right-of-way shall be governed by the other

appropriate sections of this Division.

- (2) Permitted Locations. Outdoor Advertising structures and signs are permitted along an interstate highway where the site is zoned commercially or industrially according to the Zoning Ordinance, subject to the specifications and requirements of this Section.
- (3) Prohibited Signs. The following types of outdoor advertising signs are prohibited:
 - (a) Signs which are illuminated or animated by means of flashing, fluctuating, scintillating, blinking, or traveling lights or any other means not providing constant illumination as provided herein.
 - (b) Signs which advertise illegal activities, or are obscene, or which contain untruthful copy, or which are improperly mounted or erected, or which represent a traffic hazard.
- (4) Size and Height Restrictions.

- (a) General requirements shall be as indicated in the following table:

Type	Min. Setback	Min. Heights	Max. Height	Max. Face Area	<u>Permitted Location</u>
Billboard	20'	12'	50'	*750 sq. ft.	ON/OFF - Premise
High-Rise	65'	50'	85'	500 sq. ft.	ON Premise Only

*Includes extensions

- (b) On back-to-back or "V'ed" double-faced sign structures, the maximum face area shall be permitted for each face.
 - (c) Extensions to the basic rectangular billboard type sign face shall not exceed a maximum of four (4) feet along the top and one (1) foot on the sides and bottom; providing, however, no extensions along the bottom shall encroach upon the twelve (12) foot minimum height requirement.
 - (d) Minimum and maximum heights shall be measured from the grade level at the base of the sign.
- (5) Minimum Proximity. There shall be a minimum spacing of one thousand (1,000) feet between any type of off-premise outdoor highway advertising structures and sign on each side of the interstate highway.

No off-premises billboard shall be allowed within five hundred (500) feet of an interchange or intersection. Said five hundred (500) feet is to be measured along the interstate from the beginning or ending of pavement widening at the exit from or entrance to the main traveled way. This 500 foot prohibition does not apply to on-premise signs which otherwise meet the requirements of this Division.

(6) Structure Specifications.

- (a) All pole and structural members shall be of steel. All billboard type signs shall be mounted on single-pole or I-beam structures. High-rise type signs may be erected on one or more steel support structures. All members shall be painted.
- (b) All frames surrounding poster or bulletin signs shall be of painted metal, rough sawn cedar, or of a framing material of equivalent quality.
- (c) Each sign structure shall have the name, address, and telephone number of the owner posted thereon. On sign structures utilizing electricity for illumination and so forth, the sign structure shall feature Underwriter's Laboratory approval of said installation.
- (d) A sign may be mounted with two (2) faces back-to-back (or "V'ed") at an angle not to exceed sixty (60) degrees.
- (e) When a structure is constructed in such a manner as to have a copy material facing in a single direction, the exposed rear of the sign and the structural members shall be finished and maintained to a degree equal to that of the copy side of the sign.
- (f) All lighting intended to illuminate copy on an outdoor interstate highway sign shall be mounted below the sign and directed upward towards the copy in order to prevent spill-over onto the surrounding uses.
- (g) All signs and structures shall be kept in good repair and in a safe, neat, clean, and attractive condition. Failure to comply with the maintenance requirements as determined by the Edinburgh Building Commissioner following an inspection of the sign may result in revocation of the sign permit. Should the lack of maintenance of the sign provide an immediate threat to public health, safety, or welfare, as determined by the Edinburgh Building Commissioner, he shall order, in writing, the immediate removal of the sign by the sign owner on record.
- (h) The Building Commissioner shall, following his inspection of the sign and notification of the sign owner of record, order the removal of any obsolete or abandoned sign by the sign owner of record.

Division 7. Planned Unit Development Regulations

§ 156.220 Intent of Districts.

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

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

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

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

In furtherance of the purpose and intent of a Planned Unit Development, the provisions of Division 2 of this Ordinance shall not be applied, or be applicable, to or in a Planned Unit Development District.

§ 156.221 Classifications of Planned Unit Development.

Upon preliminary review of a Planned Unit Development the Administrator shall classify the proposal according to the general character of the dominant use of the development. Such proposals shall be classified by the following designations:

(1) "PUD-R" - Planned Unit Development - Residential

Any development consisting of not less than three(3) acres in which more than 80 percent of the interior floor area of all buildings to be included in the development are used for residential purposes or those accessory purposes customarily related to residential use.

(2) "PUD-C" - Planned Unit Development - Commercial

Any development consisting of not less than four (4) acres in which all of the interior floor area of all buildings to be included in the development is to be used for commercial purposes.

(3) "PUD-I" - Planned Unit Development - Industrial

Any development consisting of not less than five (5) acres in which more than 80 percent of the interior floor area of all buildings to be included in the development are used for industrial or manufacturing purposes or such accessory uses customarily relating to industrial uses with the balance of such interior floor area, if any, being intended for such commercial uses as reasonably relate to the support or convenience of the intended industrial uses or their occupants.

(4) "PUD-REC" - Planned Unit Development - Recreation

Any development consisting of not less than five (5) acres in which the principal activity, whether conducted within or outside of a building or other structures, relates to recreation, amusement, the exhibition of sports events, the conduct of games and athletics, or the provision of open space for any passive or active endeavor. In these districts, such commercial structures or uses as reasonably relate to the principal activity of the development shall also be permitted.

(5) "PUD-M" - Planned Unit Development - Mixed

A development not otherwise distinguishable under any previous classification, containing less than the minimum land area and/or less than the stated minimum proportions of any single dominant use or function, and in which the proposed uses of interior and exterior spaces require unusual design flexibility to achieve a completely logical and complementary conjunction of uses and functions.

§ 156.222 Organization of Proposals.

Any person, corporation, partnership or association having an ownership interest in a proposed development, or any group of owners united in interest, acting jointly, and in pursuance to an agreement to carry out the proposal in separate ownership may propose a Planned Unit Development District in accordance with the procedures hereinafter established, where such individual owner or group of owners in making such proposal intends to act as developer or sponsor of the development if the zoning change is adopted and indicates the requisite capabilities to carry out such proposal. A parcel, or site proposed for Planned Unit Development need not be under single ownership where the proposed development consists of a group of structures or improvements capable of being developed separately but in accordance with a single, unitary plan, and in which the separate owners have given their expressed intentions to enter into such private agreements between or among themselves as will facilitate their mutual enterprise, and assure its completion as planned to the satisfaction of the Plan Commission.

§ 156.223 Filing Procedure.

- (1) The authorization of a Planned Unit Development shall be subject to the procedures defined herein.
- (2) A petition and all other documents required for rezoning for the appropriate PUD classification shall be signed by the owner or owners of all real estate encompassed by the proposed Planned Unit Development. If the owner does not sign the petition, then it shall have attached thereto the

notarized consent of all owners to the filing of such petition, and to the change to a PUD classification of their real estate.

- (3) A preliminary plan and plat for any area proposed for development as a Planned Unit Development shall be filed with the Administrator. The preliminary plan and plat shall include:
 - a. Proposed layout of streets, open space and other basic elements of the plan.
 - b. Identification of location and types of structures and their use categories within the area, including proposed densities of said uses.
 - c. Proposals for handling traffic, parking, water supply, sewage disposal, storm drainage, tree preservation and removal, landscaping, lighting, signage and other pertinent development features.
 - d. A separate location map to scale shall show the boundary lines of adjacent land and the existing zoning of the area proposed to be developed as well as the adjacent land.
 - e. The condominium declaration (if applicable), a document creating an owner's association and any covenants to be made a part of the Planned Unit Development as well as the order and estimated time of development.
 - f. A statement of the proposed order of development of the major elements of the project, including whether the development will be accomplished in phases, and, if so, the order and content of each phase.
- (4) The preliminary plan shall be presented in triplicate and to a scale ratio not to exceed 100' - 1". The preliminary plan may include any additional graphics which will explain the features of the development. It shall also be provided to the Edinburgh Technical Review Committee agencies for their review and comment.
- (5) Within twenty-five (25) days after filing, the Administrator shall meet with the petitioner regarding the preliminary plan and checkpoint agency comments. Checkpoint agency personnel may attend this meeting to provide comments. After such consultation the petitioner may make modifications to the petition.
- (6) After the meeting described in (5) above and after making any modifications to the proposed preliminary plans the Petitioner shall file in triplicate a "Final Proposed Preliminary Plan" which shall:
 - a. Include all documents included in the preliminary plan.
 - b. Include an index identifying all documents included in the preliminary plan.
 - c. Include a cover sheet indicating that it is the Final Proposed Preliminary Plan and indicating the date and zoning case number.
 - d. Be bound or stapled together and all documents therein reduced to a size no larger than

8½" x 14" except for the maps, sketches and plat (if any).

§ 156.224 Preliminary Plan Hearing.

- (1) The petition, if and as modified, shall then be heard by the Plan Commission as a petition for zoning map amendment and subject to the procedures applicable thereto. The Plan Commission may recommend approval or disapproval of the plan and may impose any reasonable condition(s) with its affirmative recommendation. If disapproval is recommended, the application shall not be certified to the Town Council. If approval is recommended, the preliminary plan shall be stamped "approved Preliminary Planned Unit Development" and be signed by the president and Secretary of the Plan Commission. One copy shall be permanently retained in the office of the Plan Commission, one copy shall be returned to the petitioner and one copy and all conditions shall be certified as described in (2) below.
- (2) The approved preliminary Planned Unit Development shall then be certified to the Edinburgh Town Council for adoption as a Planned Unit Development District pursuant to the laws governing proposals to change zoning maps. Upon adoption by the Town Council, the petitioner shall prepare the final detailed plan.

§ 156.225 Approval of Final Detailed Plan.

- (1) Before any development takes place, the petitioner shall file with the Plan Commission a minimum of seven sets of the final detailed plan specifying the location, composition, and engineering features of all lots, storm drainage, sanitary sewage, water supply facilities, public or private streets, recreation facilities, site perimeter treatment, landscaping, plat and other site development features including locations of buildings. The petitioner shall also file the original of all signed and notarized documents pertaining to restrictive covenants, condominium declaration and/or the creation of a homeowners association, along with financial assurance for the satisfactory installation of all public improvements in the form of bonds or such other assurances as are required in the normal procedures of platting pursuant to the provisions of the Edinburgh Subdivision Ordinance. The Plan Commission shall then approve said final detailed plans by resolution duly adopted, upon an affirmative finding that the final detailed plan is consistent with the Approved Preliminary Planned Unit Development as adopted and passed by the Edinburgh Town Council upon rezoning. Having so once approved the final detailed plan, the Plan Commission shall have no further authority to review or act thereon, except as to enforcement, except as to an amendatory ordinance, and except as hereafter provided for.
- (2) The Approved Preliminary Plan may provide for development of the property involved in phases. If such phasing is included as a part of the approval of the preliminary plan, the petitioner may submit partial final detailed plans which correspond to the phases involved. Such partial final detailed plans, when approved, shall be treated in the same manner as approved final detailed plans for an entire Planned Unit Development.
- (3) The approved final detailed plan or phase thereof shall be stamped "Approved Final Detailed Planned Unit Development" and be signed by the President and Secretary with one copy permanently retained in the office of the Plan Commission following recordation as specified in Section 156.227.

- (4) Unless extended by the Plan Commission pursuant to Section 156.230, approval of the first phase of the final detailed plan shall be obtained within two (2) years and approval of the balance of the final detailed plan shall be obtained within five (5) years after adoption of the Planned Unit Development District by the Town Council.
- (5) In the event that approval of a final detailed plan is not timely obtained, the Plan Commission may initiate an amendment to the zoning map relating to said land.
- (6) In the exercise of continuing jurisdiction, the Administrator may from time to time approve only minor modifications of the approved Final Detailed Planned Unit Development in a manner consistent with the approved Preliminary Planned Unit Development. Such modifications shall not include any increase in density, any lessening of aesthetic treatments, any alteration of frontage or building location, any change in type of use, or any change in access points.
- (7) Approval of a final detailed plan shall expire after a period of five (5) years from the approved phasing of the preliminary plan unless the development is 50 percent (50%) completed in terms of public improvements including streets, parks, walkways, utility installations and sanitary sewers. Determination of the amount of completion shall be made by the Plan Commission upon a recommendation of the Administrator. Following expiration of the final detailed plan, the Town Council shall declare the bond to be in default and cause all public improvements to be installed according to the final detailed plans.

§ 156.226 Covenants and Maintenance.

- (1) All covenants, when required by the Plan Commission, shall be set forth in detail and shall provide for a provision for the release of such restriction by execution of a document so stating and suitable for recording, signed by the Plan Commission President and Secretary upon authorization by the Plan Commission and all of the owners of property in the area involved in the petition for whose benefit the covenant was created. Such covenants shall provide that their benefits run to the Plan Commission and shall be specifically enforceable by the Plan Commission in addition to the property owners.
- (2) The Plan Commission may require the recording of covenants for any reasonable public or semi-public purpose, including, but not limited to, the allocation of land by the petitioner for public thoroughfares, parks, schools, recreational facilities, and other public and semi-public purposes. Such covenants shall provide that if a governmental unit or agency thereof does not proceed with acquisition of the allocated land within a specified period of time, the covenants shall automatically terminate. If such termination occurs, the petitioners shall then submit for approval by the Plan Commission a modified final detailed plan for such land, otherwise consistent with the approved Preliminary Planned Unit Development.
- (3) The Commission may require the recording of covenants for any other reasonable purpose, including, but not limited to, imposing standards for development of property in a Planned Unit Development. Such development standards may include, but are not limited to, requirements as to the following:
 - a. Lot area.

- b. Floor area.
 - c. Ratios of floor space to land space.
 - d. Area in which structures may be built. ("Buildable area")
 - e. Open space.
 - f. Setback lines and minimum yards.
 - g. Building separations.
 - h. Height of structures.
 - i. Signs.
 - j. Off-street parking and loading space.
 - k. Design standards (including landscaping requirements).
 - l. Phasing of development.
- (4) Adequate provision shall be made for a private organization with direct responsibility to, and control by, the property owners involved to provide for the operation and maintenance of all common facilities including private streets jointly shared by such property owners if such facilities are a part of the Planned Unit Development, and, in such instance legal assurances shall be provided and recorded which show that the private organization is self-perpetuating.
- (5) Common facilities which are not dedicated to the public shall be maintained to standards assuring continuous and adequate maintenance. Common facilities not dedicated to the public shall be operated and maintained at no expense to any governmental unit.
- (6) All private streets shall be maintained by the aforementioned private organization in such a manner that adequate access is provided at all times to vehicular traffic so that fire, police, health, sanitation, and public utility vehicles can serve the properties contiguous or adjacent thereto, and so that said vehicles will have adequate turning area. All streets and roadways not dedicated to the public shall be operated and maintained at no expense to any governmental unit.

§ 156.227 Recording.

All approved Final Detailed Planned Unit Development Plans and Plats and modifications thereof shall be recorded in the Office of the County Recorder within two (2) years after approval, but before any development takes place. Failure to so record shall automatically void the approval of the Final Detailed Planned Unit Development.

Where upon completion of all development, the exact measurements, as to the location of buildings or structures erected during the development, are deemed desirable for public record by recording thereof, the developer may submit a copy of the approved Final Detailed Planned Unit Development to the Administrator as an amended approved Final Detailed Planned Unit Development with the exact measurements thereon shown, and upon being satisfied that the measurements are substantially the same as indicated on the original approved Final detailed Planned Unit Development, shall re-approve, date and sign said amended approved Final Detailed Planned Unit Development, which the developer shall then record.

§ 156.228 Permit.

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

§ 156.229 Construction.

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

§ 156.230 Extensions, Abandonment, and Expiration.

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

§ 156.231 Rules of Procedure.

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

§ 156.232 Limitation of Rezoning.

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

Division 8. Administration and Enforcement

§ 156.240 Administrative Responsibility.

The Plan Commission and Planning Director shall establish the procedures and responsibilities for the administration and enforcement of this Article in accordance with the following provisions and State legislation.

- (1) Duties of the Plan Commission. For the purposes of this ordinance the Plan Commission shall have the following duties:
 - a. To initiate proposed amendments to this ordinance.
 - b. To review all proposed amendments to this ordinance and make recommendations to the Town Council.
 - c. To review and make findings on development plans for subdivisions, commercial structures, industrial structures, planned unit developments and other similar plans for all proposed developments within the Commission's jurisdiction.
 - d. To review and revise the zoning ordinance, subdivision regulations, and other land use regulations as may be necessary from time to time.
 - e. Render interpretations of this ordinance as may be necessary from time to time.
- (2) Proceedings of the Plan Commission. The Plan Commission shall adopt rules necessary for the conduct of its affairs in keeping with the provisions of this ordinance.
 - a. At the first meeting of each year the Commission shall elect a Chairman and a Vice-Chairman from its members.
 - b. Meetings shall be held at the call of the Chairman or at other times which the Commission deems necessary.
 - c. All meetings shall be open to the public.
 - d. The Commission shall keep minutes of its proceedings showing the vote of each member for each question, or if absent or failing to vote indicating such.
 - e. The Commission shall also keep records of its examinations and other official actions all of which shall be of public record and be immediately filed in the office of the Plan Commission.
- (3) Conflict. A member of the Plan Commission may not participate in a hearing or decision of the board concerning a zoning matter in which he or she has a direct or indirect financial interest. For the purpose of this article the term "zoning matter" does not include the preparation or adoption of a comprehensive plan. The Plan Commission shall enter in its records:

- a. The fact that a regular member has such a disqualification; and,
 - b. The name of the alternate member, if any, who participated in the hearing or decision in place of the regular member.
- (4) Office Of The Plan Director. A Plan Director employed and designated by the Plan Commission shall administer and enforce this ordinance. For the purpose of this ordinance the term Plan Director shall be synonymous with the term Building Commissioner. He may be provided with the assistance of other persons as the Town Council directs.
- (5) Duties of the Plan Director. For the purpose of this ordinance, the Plan Director shall have the following duties:
- a. To issue Improvement Location Permits, conduct inspections to assure compliance with this ordinance and issue Certificates of Occupancy.
 - b. To notify in writing persons responsible for violations of the provisions of this ordinance and order the action necessary to correct such violations.
 - c. To order discontinuance of illegal uses of land, buildings, or structures.
 - d. To order removal of illegal buildings, structures, or illegal additions or alterations.
 - e. To order discontinuance of any illegal work being done.
 - f. To assume responsibilities as the Plan Commission directs.
 - g. To take any other action authorized by this ordinance to ensure compliance with or to prevent violations of this ordinance.

§ 156.241 Permits.

No permit shall be issued unless the proposed structure or use of structure of land is in complete conformity with the provisions of this Article or unless a written order is received from the Board of Zoning Appeals, the Plan Commission, or a court in accordance with this Article and State legislation.

- (1) An Improvement Location Permit shall be obtained before any structure may be constructed, reconstructed, moved, enlarged, or structurally altered. If an Improvement Location Permit is issued, the applicant shall apply for an Occupancy Permit, which permit shall not be issued until the structure is complete and compliance with this Article is in evidence.
- (2) An application for an improvement location permit for any use shall not be approved until it has been ascertained by the Building commissioner that the proposed use and minimum lot size and width meets the minimum standards for a sewage disposal system as required by the County Health Department of the county in which the use is proposed to be located.
- (3) Certificate of Occupancy. It is unlawful to use or occupy any building or premises without a

certificate of occupancy. No certificate of occupancy shall be issued unless it is in conformity with the provisions of this chapter. An application for an improvement location permit shall without an additional fee, include and be deemed an application for a certificate of occupancy. A certificate of occupancy shall be obtained before any person may:

- a. Occupy or use any vacant land;
 - b. Occupy or use any structure hereafter constructed, reconstructed, moved, enlarged or structurally altered;
 - c. Change the use of a structure or land to a different use; or,
 - d. Renew, change, or extend a non-conforming use.
- (4) No change shall be made in the use of land, except as provided in this chapter; or the use of any building or part thereof, now or hereafter erected, reconstructed, or structurally altered, without a certificate of occupancy having been issued by the Building Commissioner. No certificate shall be issued to make the change unless it is in conformity with the provisions of this chapter.
- (5) A Temporary Occupancy Permit may be issued for a period not exceeding six months during alterations or partial occupancy of land or structures, provided that such temporary permit may include such conditions and safeguards as necessary to protect the safety of the occupants and the public.
- (6) A record of all certificates of occupancy shall be kept on file in the office of the Building Commissioner and copies shall be furnished upon request to any person having proprietary or tenancy interest in the building or land affected.
- (7) No permit shall be required for:
- a. Routine maintenance, repair, or remodeling of existing structures not involving any change of use, additional lot coverage, or increase in structure size;
 - b. Essential Services as defined in Division 10;
 - c. Lot and yard improvements such as fences, drives, sidewalks, patios, retaining walls, play equipment, and landscaping;
 - d. Signs with a surface area of less than four square feet; and
 - e. Structures with a value of less than \$1,000 which are used exclusively for agricultural production purposes.
- (8) All applications for permits shall be accompanied by a plot plan which is drawn to scale. The Plan Director, may at his discretion, require that the plot plan be prepared by a qualified professional. The plot plan shall show clearly and completely:

- a. The location, dimensions, and nature of the property;
 - b. The location and dimensions of any existing or proposed improvements to the property.
 - c. All adjoining thoroughfares and any existing or proposed access to these thoroughfares;
 - d. The existing and proposed use of all structures and land;
 - e. The location and type of sewerage system, water system, and drainage facilities; and
 - f. Such other information as may be necessary to determine conformance with this Article.
- (9) An application for an improvement location permit for any enclosed industrial use or open industrial use, subject to the provisions of § 156.031 shall be accompanied by a "certificate of compliance" subscribed by a registered professional engineer or architect, certifying that the use intended will satisfy the standards of the enclosed industrial use or open industrial use, as the case may be, and in the district in which it is to be located. The Building Commissioner may take ten days in which to study the application, during which time he may consult with appropriate technical consultants. If, after the ten day period, the Building Commissioner has not required any additional information or stated any objections in writing, the Building Commissioner shall issue the improvement location permit.
- (10) The Building commissioner shall issue an improvement location permit for a special exception only following receipt of notice from the Board of Zoning Appeals that the application therefore has been approved by the Board.
- (11) If the work described in any permit has not begun within 180 days from the date of issuance thereof, said permit shall expire and a written cancellation notice shall be sent to the property owner.
- (12) If the work described in any permit has not been substantially completed within one year of the date of issuance thereof, said permit shall expire and written cancellation notice shall be sent to the property owner. Further work shall not proceed unless a new permit is obtained.

§ 156.242 Fees.

Fees shall be charged for all applications for permits or petitions in accordance with the fee schedule adopted by the Edinburgh Plan Commission and Town Council. Until all applicable fees, charges, and expenses have been paid in full, no final action shall be taken on any permit application, appeal or petition. Any person who initiates construction of a structure prior to obtaining an improvement location permit or any other required permit shall pay twice the amount of the current permit fee. No fee shall be required for appealing a decision of the Plan Director.

§ 156.243 Enforcement, Violations, & Penalties

(1) Jurisdiction.

- a. The Edinburgh Plan Commission or Board of Zoning Appeals of the Town of Edinburgh may institute a suit for injunctive and monetary relief in the Circuit Court of the County of Johnson, Shelby, or Bartholomew, Indiana; said suit is to be brought in the name of and captioned as "Board of Zoning Appeals of the Town of Edinburgh, Indiana" versus the person, persons, or entity charged with violating the provisions of any zoning ordinances or land use regulations of the Town of Edinburgh, Indiana.
- b. The Edinburgh Board of Zoning Appeals may also institute a suit for mandatory injunction directing a person, persons, or entity to remove a structure erected in violation of any zoning ordinances or land use regulations of the Town of Edinburgh, Indiana.
- c. A structure erected, raised, or converted, or land or premises used in violation of any zoning and land use ordinance of the Town of Edinburgh, Indiana, shall and hereby is declared to be a common nuisance and civil zoning violation, and the owner or possessor of the structure, land, or premises shall be liable for maintaining a common nuisance pursuant to I.C. 36-7-4-1012 and 1014.

(2) Inspection of Property; Right of Entry.

- a. The Director and inspectors are authorized to make inspections of all lands located within the Town of Edinburgh in order to enforce all zoning ordinances and land use regulations of the Town of Edinburgh, Indiana.
- b. In order to execute inspections, the director or inspectors shall have the right to enter upon any premises at any reasonable time for the purpose of carrying out his/her duties in the enforcement of zoning ordinances and land use regulations of the Town of Edinburgh, Indiana, unless the owner or occupant of the premises refuses to permit entry to the Director or inspectors when such entry is sought pursuant to this Section. In the event of said refusal, the Director may make application to any judge of the County, Circuit, or Superior Courts of Johnson County, Indiana for the issuance of an administrative search warrant. Such application shall identify the premises upon which entry is sought and the purpose for which entry is desired. The application shall state the facts giving rise to the belief that a condition which is in violation of a zoning ordinance or land use regulation of the Town of Edinburgh, Indiana exists on such premises, or that a violation in fact, exists and must be abated, and that the condition or violation is not a lawful nonconforming use to the best of the affiant's belief. Any warrant issued pursuant to such application shall order such owner or occupant to permit entry to the Director or inspectors for the purposes stated therein.

(3) Stop-Work Order.

- a. The Director or his duly authorized designee is empowered to issue an order requiring the suspension of land improvement of any kind when any of the following circumstances exist:
 1. Site improvement is occurring without an Improvement Location Permit or any

other permit required by zoning ordinances having first been obtained; and,

2. Site improvement is occurring in violation of the terms of conditions of any special exception or variance granted by the Board of Zoning Appeals in accordance with I.C. 36-7-4-921; or in violation of the terms, conditions, or provisions of any section or provision of the zoning ordinance of the Town of Edinburgh.

- b. The stop-work order shall be posted on the property in a conspicuous place, or personally delivered to the owner, possessor, or person in charge, and state the conditions under which construction or other activity may be resumed.
- c. The designated enforcement entity may institute a suit in a court of competent jurisdiction to enforce the provisions of a stop-work order.

(7) General Penalties.

- a. Whenever in any chapter, article, or section of the Town of Edinburgh Code, as amended, or in any ordinance amendatory thereof or supplemental thereto, the doing of any act, or the omission to do any act or to perform any duty, is a violation; any person held liable by a court of competent jurisdiction for such violation shall be fined not more than Two Thousand Five Hundred Dollars (\$2,500.00) for each such violation, act, or omission.
- b. For violations continued or renewed after the imposition of a fine in subsection (a) above, each day's violation shall constitute a separate offense.
- c. In addition to the foregoing penalty prescribed in subsection (a) and (b) above, the designated enforcement entity may enjoin or abate any violation of zoning ordinances and land use regulations of the Town of Edinburgh, Indiana by appropriate action.

§ 156.244 Method of Appeal.

Any person aggrieved or affected by any provision of this Article or by any decision of the administrator may appeal to the Board of Zoning Appeals, as provided by the rules of the Board, by filing a notice of appeal specifying the grounds thereof. Every decision of the Board shall be subject to review by certiorari.

Division 9. Board of Zoning Appeals

§ 156.250 General Provisions.

In accordance with State Law, a Board of Zoning Appeals shall be appointed, which board may adopt rules to govern its procedure. The Board of Zoning Appeals shall hold meetings, keep minutes and, pursuant to notice shall conduct hearings, compel the attendance of witnesses, take testimony, and render decision in writing, all as required by Law. When permitting any appeal, variance, special exception or change of a non-conforming use, the Board may impose such conditions and requirements as it deems necessary for the protection of adjacent property and the public interest.

(1) Duties of the Board of Zoning Appeals. For the purpose of this ordinance the Board of Zoning Appeals has the following specific duties:

- a. Hear and determine appeals from and review any order requirement, decision, or determination made by the Building Commissioner in the enforcement of this chapter.
- b. Permit and authorize exceptions to the district regulations in particular situations as specified in the chapter.
- c. Hear and decide on petitions for special exceptions, or other uses upon which the Board is required to act under this chapter.
- d. Hear and authorize, upon appeal in specific cases, a variance of use or a variance from the development standards (such as height, bulk, or area) in accordance with the criteria established in § 156.162.

In exercising its powers, the Board may reverse or affirm wholly or partly, or may modify the 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 of the Building Commissioner from whom the appeal is taken.

(2) Proceedings of the Board of Zoning Appeals. The Board shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this ordinance.

- a. At the first meeting of each year the Board shall elect a Chairman and Vice-Chairman from its members.
- b. Meetings shall be at the call of the Chairman and at other times as the Board may determine.
- c. The Chairman or in his absence, the Vice-Chairman, may administer oaths and compel the attendance of witnesses.
- d. All meetings shall be open to the public.

- e. The board shall keep minutes of its proceedings, showing the vote of each member, or if absent or failing to vote.
 - f. The Board shall keep record of its examinations and other official actions, all of which shall be public record and be immediately filed in the office of the Recording Secretary.
 - g. A majority of Board Members shall constitute a quorum.
 - h. The concurring vote of three members of the Board shall be necessary to decide in favor of the applicant any matter upon which said Board is required to pass under the provisions of this ordinance.
- (3) Conflict - A member of the Board of Zoning Appeals may not participate in a hearing or decision of the board concerning a zoning matter in which he has a direct or indirect financial interest.

§ 156.251 Appeals.

It is the intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the Building Commissioner. Questions shall be presented to the Board of Zoning Appeals only on appeal from the decisions of the Building Commissioner. Recourse from decisions of the Board of Zoning Appeals shall be to the courts as provided by laws. Appeals to the Board of Zoning Appeals concerning interpretation or administration of this ordinance may be taken by any persons aggrieved by any officer or bureau of the legislative authority of the town affected by any decision of the Building Commissioner. Such appeal shall be taken within such time as established by the Board of Zoning Appeals by general rule. The Building Commissioner shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.

§ 156.252 Variances.

The Board of Zoning Appeals, upon appeal, shall have the power to authorize variances from the requirements of this Ordinance. In approving variances, the Board of Zoning appeals may attach such conditions to the variances as it deems necessary to assure compliance with the purpose of this Ordinance. A variance from the terms of this chapter shall not be granted by the Board of Zoning Appeals unless and until:

- (1) An application for variance is submitted, indicating whether the request is for a variance of use or a variance from the development standards; noting the specific terms of this chapter from which the variance is sought; and, demonstrating:
 - a. For a variance of use, that:
 - 1) The approval will not be injurious to the public health, safety, and general welfare of the community;
 - 2) The use and value of the area adjacent to the property included in the variance shall not be affected in a substantially adverse manner;

- 3) The need for the variance arises from some condition peculiar to the property involved.
 - 4) The strict application of the terms of the zoning code will constitute an unnecessary hardship if applied to the property for which the variance is sought; and,
 - 5) The approval does not interfere substantially with the master plan.
- b. For a variance from the development standard, that:
- 1) The approval will not be injurious to the public health, safety, and general welfare of the community;
 - 2) The use and value of the area adjacent to the property included in the variance will not be affected in substantially adverse manner;
 - 3) The strict application of the terms of the zoning code will result in practical difficulties in the use of the property; and
 - 4) The variance granted is the minimum necessary and does not correct a hardship cause by an owner, previous or present, of the property.
- c. The Board shall make written findings of the fact that all of the requirement of division have been met by the applicant for a variance.
- d. The Board shall make a written finding of fact that the granting of the variance will be in harmony with the general spirit, purpose, and intent of this chapter, and in the interest of determining that substantial justice is done.

§ 156.253 Special Exceptions.

The Board of Zoning Appeals shall have the power to authorize special exceptions if the following requirements are met:

- (1) The special exception shall be listed as such in Table 1 of this Article for the district requested.
- (2) The special exception can be served with adequate utilities, access roads, drainage, and other necessary facilities.
- (3) The special exception shall not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property or persons, and shall comply with all of the performance standards of this ordinance.
- (4) The special exception shall be sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties.

- (5) The special exception shall produce a total visual impression and environment which is consistent with the environment of the neighborhood.
- (6) The special exception shall organize vehicular access and parking to minimize traffic congestion in the neighborhood.
- (7) The special exception shall preserve the purpose of this Ordinance.

§ 156.254 Non-Conforming Uses of Land and Structures.

The Board shall have the power to authorize changes of lawful non-conforming uses in accordance with this Article.

§ 156.255 Public Hearing.

The Board of Zoning Appeals shall hold a public hearing within a reasonable length of time after the receipt of an application for an appeal, variance, special exception, or revocation from the applicant or initiator. However, the public hearing shall not be held sooner than ten (10) days after its receipt.

- (1) Notice of Public Hearings - The notice requirements for publication in a newspaper are as follows:
 - a. Before holding the public hearing, notice of the hearing shall be given in one or more newspapers of general circulation in the County at least ten (10) days before the date of the hearing.
 - b. The notice shall set forth the time and place of the hearing, and the nature of the proposed appeal, variance, special exception or revocation.
 - c. All cost for the Notice of Public Hearing shall be borne by the applicant or initiator and a proof of publication shall be required from the applicant or initiator prior to final action being taken on the petition.
- (2) Notice to Parties in Interest - Notice shall be given to parties of interest as follows:
 - a. Before holding the public hearing, written notice of such hearing shall be mailed by the applicant(s) or initiator(s) by certified mail, return receipt requested, in a form which meets the Board's requirements at least ten (10) days prior to the day of the hearing to the owners of all adjoining parcels of land to a depth of two (2) ownerships or 200 feet, whichever is greater, of the exterior boundaries of the subject property. For the purpose of notification of parties in interest, where any such adjacent parcels of land are owned by the applicant(s), the subject property shall be deemed to include adjacent land owned by the applicants.
 - b. A verified written statement that all interested parties have been mailed a written notice as set out in § 156.255(2)a. above shall be submitted by the applicant prior to final action being taken on the petition.

- (3) Records - The Board shall keep records of its examinations, findings, and other official actions, all of which shall be public record and be immediately filed in the office of the Recording Secretary of the Board.

Division 10. Amendments

§ 156.260 Zoning Amendments.

Amendments to this ordinance may be initiated in one of the following ways:

- (1) By adoption of a motion by the Plan Commission;
- (2) By adoption of a resolution by the Town Council;
- (3) By the filing of a petition of at least fifty (50) percent of the owners of property within the area proposed to be changed or affected by the amendment.

§ 156.261 Petitions and Filing Fees.

Petitions for amendment shall be filed with the Edinburgh Plan Commission, and the Petitioner, upon such filing shall, whether or not the proposed amendment is enacted, pay a filing fee as determined annually by the Plan Commission and the cost of public notice that is required.

- (1) Contents of Application. Application for amendments to the zoning ordinance shall contain at least the following information:
 - a. Name, address, and phone number of applicant;
 - b. Any application filed by any person other than the legal owner of the real estate involved shall be accompanied by a written statement of such legal owner consenting to the filing of such application.
 - c. Present use;
 - d. Present zoning district;
 - e. Proposed zoning district;
 - f. A vicinity map showing property lines, thoroughfares, existing and proposed zoning, and other items which the Zoning Administrator may require;
 - g. A list of all property owners and their mailing addresses for all adjoining parcels of land to a depth of two (2) ownerships or 200 feet, whichever is greater, of the exterior boundaries of the area proposed to be rezoned or redistricted, as well as a list of all parcels of land that are within the area included in the petition whose owners are not petitioners, and others that may have substantial interest in the case.
 - h. A statement of how the proposed amendment relates to the town comprehensive plan.

§ 156.262 Referral.

Any proposed amendment not originating from the Plan Commission shall be referred to the Plan Commission for consideration and report before any final action is taken by the Town Council. The Plan Commission shall hold a public hearing, as prescribed by law, and report its findings and recommendations in writing to the Town Council within such reasonable time after the public hearing as the Town Council may specify in the referring action.

- (1) Public Hearing by Plan Commission - The Plan Commission shall schedule a public hearing after a petition is received. The hearing shall not be less than twenty (20) nor more than forty (40) days from the date of adoption of such motion, transmittal of such resolution, or the filing of the application.
- (2) Notice of Public Hearing - Notice of public hearing shall include:
 - a. At least ten (10) days prior to holding the public hearing, notice of the hearing shall be given in one or more newspapers of general circulation in the Town.
 - b. The notice shall set forth the time and place of the hearing and a summary of the proposed amendment.
 - c. The Commission shall require the initiator(s) of a petition to bear the cost of the public notice.
- (3) Notice to Parties in Interest. Notice to parties in interest shall include:
 - a. If the proposed amendment intends to alter, rezone, or redistrict any parcel of land as listed on the tax duplicate, written notice of the hearing shall be mailed by the initiator(s) of a petition by certified mail, return receipt requested, in a form which meets the Board's requirement at least ten (10) days prior to the day of the hearing to the owners of all adjoining parcels of land to a depth of two (2) ownerships or 200 feet, whichever is greater, of the exterior boundaries of the area proposed to be rezoned or redistricted, and to the owner of all parcels of land within the area included in the petition, who are not petitioners. For the purpose of notification of parties in interest, where any such adjacent parcels of land are owned by petitioner, the subject property shall be deemed to include adjacent land owned by petitioner.
 - b. All cost for required notice to parties in interest shall be borne by the initiator(s) of petition.
 - c. A verified written statement that all parties in interest have been mailed a written notification as set out in a. above shall be submitted by the petitioner prior to final action being taken on the petition.
 - d. Failure of a person to receive notice shall not invalidate the amendment.

§ 156.263 Action.

After receiving the Plan Commission's report, the Town Council may proceed to take action on the proposed amendment. In the event the report of the Plan Commission is adverse to the proposed amendment, the amendment ordinance shall not be passed except by a majority affirmative vote of the Town Council. Failure of the Town Council to pass such proposed amendment and it shall not be reconsidered by the Plan Commission or Town Council until the expiration of one (1) year after the date of its original rejection by the Plan Commission.

Division 11. Definitions

§ 156.270 Word Interpretations. For the purpose of this Article the following terms have the meanings indicated below.

- (1) The present tense includes the future tense.
- (2) The singular number includes the plural and the plural includes the singular.
- (3) The word "shall" is mandatory; the word "may" is permissive.
- (4) The word "used" includes "designed" or "intended to be used".

§ 156.271 Word Definitions. Certain words used in this Article are defined below. Any words not defined as follows shall be construed in their general accepted meanings as defined by Webster's Dictionary.

"ABUTTING." Bordering.

"ACCESSORY USE OF STRUCTURE." A building or use which (a) is subordinate to and serves a principal building; (b) is subordinate in area (area is defined as the occupied first floor living area of a building), extent, or purpose of the principal building; (c) contributes to the comfort, convenience, or necessity of occupants of the principal building; (d) is located on the same lot as the principal building, with the single exception of such accessory off-street parking facilities which are permitted to locate elsewhere; and (e) accessory building shall be no higher than 18 feet above ground level.

"AGRICULTURE." The use of land or structures for agricultural purposes, including farming, dairying, pasturage, aquaculture, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory structures and uses such as tenant housing and for the packing, treating, or storing of produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.

"AIRPORT." A use devoted to the take-off, landing and storing of aircraft.

"AIR POLLUTION." Presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as to be injurious to human, plant, or animal life, to property, or which unreasonably interfere with the comfortable enjoyment of life and property.

"ALLEY." A public right-of-way which normally affords a secondary means of access to abutting property.

"ALLEY LINE." A lot line bordering an alley.

"APARTMENT." A building or portion thereof designed for or occupied by more than two families. Also a multi-family dwelling.

"BASEMENT." A portion of a building located partly underground by having less than two-thirds of its clear floor to ceiling height below the average grade of the adjoining ground.

"BED & BREAKFAST INN." An owner-occupied dwelling unit that contains no more than three guest rooms where lodging, with or without meals, is provided for compensation.

"BOARD." The Board of Zoning Appeals.

"BOARDING HOUSE." A building where meals are regularly served for compensation for three or more persons, but not exceeding 12 persons, not open to transients, in contradistinction to hotels and restaurants open to transients.

"BLOCK." A unit or property bounded by streets, or by streets and railroad rights of way, waterways, or other barriers.

"BLOCK FRONTAGE." Property having frontage on one side of a street and lying between the two nearest intersecting or intercepting streets, or nearest intersecting or intercepting railroad right of way, waterway, or other barrier.

"BUILDING." A structure built for the support, enclosure, shelter, or protection of persons, animals, chattel, or movable property of any kind, and which is permanently affixed to the land. When separated by a party wall, without an opening through the walls, then each portion of that building shall be considered a separate structure.

(A) "BUILDING, DETACHED." A building having no structural connection with another building.

(B) "BUILDING, FRONT LINE OF." The line of the face of the building nearest the front lot line.

(C) "BUILDING, HEIGHT OF." The vertical distance measured from the ground level to the highest point of the roof for a flat roof; to the deck line of a mansard roof, and to the mean height between eaves and ridges for gable, hip and gambrel roofs.

(D) "BUILDING, PRINCIPAL." A building in which is conducted the main or principal use of the lot on which the building is situated. Where a substantial part of an accessory building is attached to the principal building in a substantial manner, as by a roof, such accessory building shall be counted as part of the principal building.

"BUILDING AREA." The maximum horizontal projected area of the principal and accessory building, excluding open steps or terraces, unenclosed porches not exceeding one story in height, or architectural appurtenances projecting not more than two feet.

"BUILDING COMMISSIONER." The official designated by the Town Council to enforce this chapter.

"BUILDING LINE." or "BUILDING SETBACK LINE." The line nearest the front of and across a lot establishing the minimum open space to be provided between the front line of a building or structure and the front lot line.

"BUSINESS." The engaging in the purchase, sale, barter or exchange of goods, wares,

merchandise or services, the maintenance or operation of offices, or recreational and amusement enterprises for profit.

"CAMP, PUBLIC." Any area or tract of land used or designed to accommodate two or more camping parties, including cabins, tents, or other camping outfits.

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

"CERTIFICATE OF OCCUPANCY." A certificate signed by the Building Commissioner stating that the occupancy and use of land or building or structure referred to therein complies with the provisions of this chapter.

"CHILD CARE FACILITY." The definition of child care distinguishes among the following types of establishments:

(A) "FAMILY CHILD CARE HOME." A private residence where care, protection, and supervision are provided, for a fee, at least twice a week to no more than six children at one time, including children of the adult provider.

(B) "GROUP CHILD CARE CENTER, CLASS A." A building or structure where care, protection, and supervision are provided, on a regular schedule, at least twice a week to at least seven and no more than 12 children, including children of the adult provider.

(C) "GROUP CHILD CARE CENTER, CLASS B." A building or structure where care, protection, and supervision are provided on a regular schedule, at least twice a week to more than 12 children, including the children of the adult provider.

"CLINIC." Any establishment where human patients are examined and treated by doctors or dentists but not hospitalized overnight.

"CLUB." Buildings and facilities owned or operated by a person for a social, educational or recreational purpose, ut not primarily for profit or to render a service which is customarily carried on as a business.

"COMMERCIAL FARM ENTERPRISE." An operation or use inherent to or closely associated with a farm or agriculture, such as the buying, selling, or distribution of livestock or farm or agricultural products or products essential to farm operation, but not including industrial grain elevator, industrial mills, commercial hatcheries and poultry processing plants, manufacture of commercial fertilizers and similar enterprises are of an industrial nature.

"COMMERCIAL RECREATIONAL USES." An occupation, employment, or enterprise that is carried on to provide recreational services for profit by an owner, lessee, or licensee. Recreational services or uses include pool halls, bowling alleys, and arcades among other possible activities.

"COMPREHENSIVE DEVELOPMENT PLAN." The plan which has been conceived and written for the purpose of guiding future development in the town and its planning jurisdiction.

"COMMISSION." Edinburgh Plan Commission.

"CONFINED FEEDING." The confined feeding of animals for food, fur, or pleasure purposes in lots, pens, ponds, sheds, or buildings where all food is supplied to the animal by means other than grazing. This definition includes hog farrowing.

"CONFINED FEEDING OPERATION." Shall mean (a) any confined feeding of 300 or more cattle, 600 or more swine or sheep and 30,000 or more fowl or (b) any animal feeding operation utilizing a waste lagoon or holding pits; or (c) any animal feeding operation where the operator elects to come under the Act; or (d) any animal feeding operation that is causing violation of Chapter 214, Acts 1943, as determined by the Stream Pollution Control Board.

"DESIGNATED ENFORCEMENT ENTITY." Shall mean the Board of Zoning Appeals of Edinburgh, Indiana.

"DEVELOPMENT PLAN." A drawing, including a legal or site description, of the real estate involved, which shows the location and size of the following, both existing and proposed; All buildings, structures and yards; location and dimension of building lines and easements; widths and lengths of all entrances and exits to and from the real estate; location of all adjacent or adjoining streets, service facilities and other improvements such as planting areas.

"DISTRICT." A section of the territory within the jurisdiction of the town for which uniform regulations governing the use, height, areas, size and intensity of uses, buildings and land areas are herein established.

"DIRECTOR." Shall mean the Edinburgh Planning Commissioner.

"DRIVE-IN FACILITY." An establishment that, by design of physical facilities or by service or packaging procedures, encourages or permits customers to receive a service or obtain a product that may be used or consumed in a motor vehicle on the premises or to be entertained while remaining in an automobile.

"DWELLING." A permanent building, or portion thereof, but not a mobile home, designed or used exclusively for residential occupancy, including single-family dwellings, two-family dwellings, and multiple-family dwellings, but not including hotels, motels, or lodging houses.

"DWELLING UNIT." One or more rooms which are arranged, designed, or used as living quarters for one family.

"DWELLING, SINGLE-FAMILY." A dwelling containing one dwelling unit only.

"DWELLING, TWO-FAMILY." A dwelling containing two dwelling units only.

"DWELLING, MULTIPLE-FAMILY." A dwelling or portion thereof, containing three or more dwelling units, including condominiums.

"EDUCATIONAL INSTITUTION." Public or parochial pre-primary, primary, grade, junior-high, high, preparatory school or academy; junior college, college or university, if public or founded or

conducted by or under the sponsorship of a religious or charitable organization.

"ESSENTIAL SERVICES." The erection, construction, alteration, or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, telephone, sewer, or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduit cables, fire alarm boxes, police call boxes, traffic signals, hydrants, street signs, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health, safety, or general welfare, but not including buildings.

"FAMILY." One or more persons each related to the other by blood, marriage, or adoption, or a group of not more than three persons not all so related, together with his or their domestic servant, maintaining a common household in a dwelling unit.

"FARM." A tract of land comprising an area which is devoted to agricultural operations, such as forestry; the growing of crops, pasturage; the production live stock and poultry; the growing of trees, shrubs and plants and other recognized agricultural pursuits and including accessory buildings essential to the operation of the farm. Accessory buildings may include barns; equipment and animal sheds, farm residences for the owner, operator or farm assistant; roadside sales structure for the sale of products of the farm; and signs displaying subject matter directly related to the mane or products of the particular farm; but not including industrial or commercial operations or structures.

"FILLING STATION." Any building structure, premises or enclosure or other place used for the dispensing, sale or offering for sale at retail of fuels or oils for motor vehicles. When the dispensing, sale or offering for sale is incidental to the conduct of a public garage, the premises shall be classified as a public garage.

"FLASH POINT." The lowest temperature at which a combustible liquid under prescribed conditions will give off a flammable vapor which will burn momentarily using the closed cup method.

"FLOOR AREA, GROUND." The square foot area of a residential building within its largest outside dimensions, computed on a horizontal plan at the ground floor level exclusive of open porches, breeze ways, terraces, garages and exterior stairways.

"FLOOR AREA, NET." The total area, computed on a horizontal plane, used for a particular business category; exclusive of entrances, hallways, stairs and other accessory areas used for ingress or egress.

"FREE BURNING." A rate of combustion described by a material which burns actively and easily supports combustion.

"FRONT YARD." The space not containing any structures between a structure and thoroughfare right-of-way line.

"FRONTAGE." All the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.

"GARAGE, PRIVATE." An accessory building with capacity for not more than two (2) motor vehicles per family, provided that said accessory building shall be no larger than 24-feet by 30-feet with 9-foot sidewalls. A garage designed to house one or two motor vehicles for each family housed in a multi-family dwelling shall be classified as a private garage.

"GRADE: ALSO LOT GROUND LEVEL."

(1) For buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street.

(2) For buildings having walls adjoining more than one street, the average of the elevation of the sidewalk at the center of all walls adjoining the streets.

(3) For buildings having no wall adjoining the streets, the average level of the ground adjacent to the exterior walls of the building.

(4) Any wall approximately parallel to and not more than five feet from a street line is to be considered as adjoining the street.

"GROUND FLOOR AREA." The square foot area of a residential building within its largest outside dimensions computed on a horizontal plane at the ground floor level, exclusive of open porches, breeze-ways, terraces, garages and exterior stairways.

"HAZARDOUS WASTE." Shall mean hazardous waste, as defined by LC, 13-7-1-2 or any amendments thereto.

"HOME OCCUPATION." An occupation having traditional acceptance as being one carried on in the home; provided that the use is conducted entirely within a dwelling and participated in solely by members of the family residing on the premises, and provided further that not more than 25% of the gross floor area of the dwelling is devoted to that use; and that the use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof; and that no article or service is sold or offered for sale on the premises except as is produced by the occupation; and provided that there shall not be used any nameplate or sign nor any artificial lighting or any display that will indicate from the exterior that the dwelling is being utilized in part for any purposes other than that of a dwelling.

"HOSPITAL." An institution licensed by the State Department of Health and providing health services primarily for in-patient medical or surgical care of the sick or injured and including related facilities such as laboratories, outpatient departments, training facilities, central service facilities, and staff offices which are an integral part of the facility, provided the institution is operated by, or treatment is given under direct supervision of a licensed physician. Types of hospitals include general, mental, chronic disease and allied special hospitals such as cardiac, contagious disease, maternity, orthopedic, cancer, and the like.

"HOTEL." A building in which lodging is provided and offered to the public for compensation and which is open to transient guests, in contradistinction to a boarding or lodging house.

"IMPROVEMENT LOCATION PERMIT." A permit signed by the Building Commissioner

stating a proposed improvement complies with the provisions of this chapter and other ordinances as may be applicable.

"INDUSTRIAL PARK." A single structure or group of structures for industrial operations forming a comprehensive arrangement of buildings, grounds, and access ways planned in accordance with harmonious principles of architectural and landscape architectural design, and industrial management.

"INTENSE BURNING." A rate of combustion described by a material that burns with a high degree of activity and is consumed rapidly.

"JUNK YARD." Any place at which personal property is or may be salvaged for reuse, resale or reduction or similar disposition and is owned, possessed, collected, accumulated, dismantled or assorted, including but not limited to, used or salvaged base metal or metals, their compounds or combinations, used or salvaged rope, bags, paper, rags, glass, rubber, lumber, millwork, brick and similar property except animal matter; and used motor vehicles, machinery or equipment which is used, owned or possessed for the purpose of wrecking or salvaging parts therefrom.

"JURISDICTION OF THE COMMISSION." The territory within the corporate limits of the town as well as all contiguous unincorporated land within the Planning Area as has been designated.

"KENNEL." Any lot on which four or more dogs, or small animals, at least four months of age are kept.

"LOADING AND UNLOADING BERTHS." The off-stream area required for the receipt or distribution by vehicles or material or merchandise, which in this chapter is held to be a 12-foot by 45-foot loading space with a 14-foot height clearance.

"LODGING HOUSE." A building where lodging only is provided for compensation to three or more, but not exceeding 12 persons, not open to transients, in contradistinction to a hotel which is open to transients.

"LOT." A parcel, tract, or area of land accessible by means of a street or place and for residential uses as set forth in this chapter, abutting upon a street or place for at least 50% of the lot width prescribed for the district in which the "LOT" is located. It may be a single parcel separately described in a deed or plat which is recorded in the Office of the Recorder of the County, or it may include parts of, or a combination of the parcels when adjacent to one another and used as one. In determining "LOT" area and boundary lines no part thereof within the limits of a street or place shall be included.

(1) "LOT, CORNER." A lot at the junction of and abutting two or more intersecting street.

(2) "LOT COVERAGE." The percentage of the lot area covered by the building area.

(3) "LOT, DEPTH OF." The mean horizontal distance between the front lot line and the rear lot line of a lot, measured in the general direction of the side lot line.

(4) "LOT, INTERIOR." A lot other than a corner lot or through lot.

"LOT LINE, FRONT." In the case of an interior lot, a line separating the lot from the street or place; and in the case of a corner lot a line separating the narrowest frontage of the lot from the street, except in cases where deed restrictions in effect specify another street right-of-way line as the front lot line.

"LOT LINE, REAR." A lot line which is opposite and most distant from the front lot line and, in the case of an irregular or triangular-shaped lot, a line ten feet in length within the lot, parallel to and at the maximum distance from the front lot line.

"LOT LINE, SIDE." Any lot boundary line not a front lot line or a rear lot line.

"LOT OF RECORD." A lot which is part of a subdivision, the map of which has been recorded in the Office of the County Recorder of the county in which the lot is located, or a parcel of land, the deed to which has been recorded in the Office of the County Recorder of the county in which the parcel is located, prior to the date of passage of this chapter.

"LOT, REVERSED INTERIOR." An interior lot, the front lot line of which is formed by a street, which street also forms the side lot line of an abutting corner lot. The corner lot is considered abutting even though separated from the interior lot line by an alley.

"LOT, THROUGH." A lot having frontage on two parallel or approximately parallel streets.

"LOT, WIDTH." The dimension of a lot, measured between side lot lines on the building line.

"MASTER PLAN." See "COMPREHENSIVE DEVELOPMENT PLAN."

"MANUFACTURED HOME." A dwelling unit fabricated in an off-site manufacturing facility for installation or assembly on a permanent foundation at the building site. The manufactured home shall bear a seal certifying that it is built in compliance with the federal Manufactured Housing Construction and Safety Standards Code or Indiana Public Law 360, Acts of 1971, as promulgated by the Indiana Fire Prevention and Building Safety Department.

"MOBILE HOME." Any vehicle either self-propelled or propelled by means of being attached to a motor vehicle, which may be used as a place of abode or sleeping place by one or more persons, and which has no foundation other than the wheels required for its movement from one place to another.

"MOBILE HOME PARK." An area of land upon which two or more mobile homes are harbored for the purposes of being occupied either free of charge or in consideration of the payment of rental for the mobile home or the site upon which it rests, and within which area a mobile home may be supported either by its wheels or by a foundation of any sort.

"MODERATE BURNING." A rate of combustion described by a material which supports combustion and is consumed slowly as it burns.

"MOTEL." A building or a detached building used as dwelling units containing bedroom, bathroom, and closet space, and each unit having convenient access to a parking space for the use of the

unit's occupants. The units, with the exception of the apartment of the manager or caretaker, are devoted to the use of automobile transients.

"NURSING HOME." A facility licensed by the State Board of Health, which provides nursing services on a continuing basis; admits the majority of the occupants upon the advice of physicians as ill or infirm persons requiring nursing services; provides for licensed physicians services or supervision; and maintains medical records. The facilities may also provide other and similar medical or health services, provided that no occupant requires physical restraint within the facility. Examples of nursing home facilities that provide health services may include, if they comply with all the above criteria, nursing homes, convalescent homes, maternity homes, rest homes, homes for the aged, and the like.

"NURSING HOME CONVERSION." A dwelling which is converted for the use of a nursing home and licensed by the State Board of Health.

"OCTAVE BAND." A narrow range of sound frequencies which classify sounds according to pitch. In the octave band analyzer the audible sound spectrum is divided into eight octave bands.

"OCTAVE BAND ANALYZER." An electrical device used with the sound level meter that sorts a complex noise or sound into the various octave bands.

"PARKING AREA, PUBLIC." An open area, other than a street or alley designed for use or used for the temporary parking of more than four motor vehicles when available for public use, whether free or for compensation, or as an accommodation for clients or customers.

"PARKING SPACE." A space other than on a street or alley designed for use or used for the temporary parking of a motor vehicle, and being not less than nine feet wide and 20 feet long exclusive of passageways.

"PARTICULATE MATTER." Finely divided liquid or solid material which is discharged and carried along in the air. This shall not include water droplets, commonly called steam.

"PLACE." An open, unoccupied, officially designated space other than a street or alley, permanently reserved for use as the principal means of access to abutting property.

"PLAT." A map or chart indicating the subdivision or resubdivision of land, intended to be filled for record.

"PREMISES." A lot or plot including buildings thereon, if any.

"PRIVATE SCHOOL." Private, primary, grade, high or preparatory school, or academy.

"PROFESSIONAL OFFICE." Office of a member of a recognized profession as defined by the United States Bureau of the Census.

"PROFESSIONAL OFFICE CENTER." An architectural and functional grouping of professional offices and appropriate associated and accessory uses which is the central feature of a site plan composed of building area, parking area, landscaped reservation and plantation, and other land features appropriate for its use as a professional office enterprise, designed to serve residential neighborhoods, and shall

conform to the standards and requirements of this chapter.

"PROFESSIONAL OFFICE IN RESIDENCE." An office in the dwelling of a member of a recognized profession, as defined by the United States Bureau of the Census, provided that the professional service performed by a member of the family occupying the dwelling and that no additional persons are employed in rendering the service, and provided further that not more than 25% of the gross floor area is devoted to the use and provided also that there shall not be used any nameplate or sign nor any artificial lighting or any display that will indicate from the exterior that the dwelling is being utilized in part for any purpose other than that of a dwelling.

"PUBLIC UTILITY INSTALLATIONS." The erection, construction, alteration, or maintenance by public utilities, municipal department, commissions, or common carriers of underground, surface or overhead gas, oil or electrical, steam, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by public utility or municipal departments, commissions, or common carriers, for the public health or safety or general welfare.

"RECREATIONAL VEHICLE." A temporary dwelling for travel, recreation and vacation use including, but not limited to: Travel Trailer, Pick-up Coach, Motor Homes and Camping Trailer with a maximum floor area of 500 sq. ft.

"RECREATIONAL VEHICLE PARK." An area of land used for the parking of two or more recreational vehicles.

"RIGHT-OF-WAY." A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or other special use. For purposes of administering this Ordinance, the width of road and street right-of-way shall be as established in the Town of Edinburgh Comprehensive Plan.

"RINGELMANN NUMBER." The number of the area on the Ringelmann Chart that most nearly matches the light-obscuring capacity of smoke. The Ringelmann Chart is described in the U.S. Bureau of Mines Information Circular 6888, on which are illustrated graduated shades of gray for use in estimating smoke density. Smoke below the density of Ringelmann No. 1 shall be considered no smoke, or Ringelmann 0.

"SHOPPING CENTER." An architectural and functional grouping of retail stores, generally oriented around a supermarket or department store, and appropriate associated and accessory uses, which is the central feature of a site plan or development plan composed of building areas, parking areas, access streets and circulatory ways for vehicles and pedestrians, landscape reservation and plantations and other land features appropriate for its operation as a business enterprise, designed to serve residential neighborhoods or communities of this chapter.

"SIGN." Any advertising sign, billboard, or board, device, or structure, or part thereof, or device attached thereto or painted or represented thereon, for advertising, display, or publicity purposes. Signs placed or erected by governmental agencies for the purpose of showing street names or traffic directions or regulations for other governmental purposes shall not be included herein.

"SLOW BURNING" or "INCOMBUSTIBLE." Materials which do not in themselves constitute

an active fuel for the spread of combustion. A material which will not ignite, nor actively support combustion during an exposure for five minutes to a temperature of 1200°F.

"SMOKE." A suspension of fine particles, excluding water droplets, in a gaseous plume, which obscure more or less the transmission of light.

"SMOKE UNIT." The number obtained when the smoke density in "RINGELMANN NUMBER." is multiplied by the time of emission in minutes. For the purpose of this calculation, a Ringelmann density reading shall be made at least once a minutes during the period of observation; each reading is then multiplied by the time in minutes during which it is observed. The various products are then added together to give the total number of smoke units observed during the entire observation period.

"SPECIAL SCHOOL." Any school which has as its primary purpose the instruction, care, and rehabilitation of a typical or exceptional children or adults such that the usual statutory educational requirements expressly or implicitly do not apply.

"STORY." That portion of a building, included between the surface of any floor and the surface of the floor next above it. If there is no floor above it, then the space between the floor and the ceiling next above it shall be the "STORY."

"STORY, HALF." That portion of a building under a sloping gable, hip, or gambrel roof, the wall plates on at least two opposite exterior walls of which are not more than three feet above the floor level of the half-story.

"STREET." A right-of-way or thoroughfare, other than an alley or place, dedicated or otherwise legally established to the public use, usually affording the principal means of access to abutting property.

"STRUCTURE." Anything constructed or erected which requires location on the ground or attachment to something having a location on the ground.

"STRUCTURAL ALTERATION." Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any substantial change in the exterior walls or the roof.

"SWIMMING POOL, PRIVATE." A swimming pool used only by the owner of the pool and friends as an accessory use at a private residence.

"TOURIST HOME." A building in which one but not more than five rooms are used to provide or offer overnight accommodations to transient guests for compensation.

"TOWN BOARD." The Board of Trustees of the town.

"TRADE" or "BUSINESS SCHOOL." Secretarial or business school or college when not publicly owned or conducted by or under the sponsorship of a religious, charitable or non-profit organization; or a school conducted as a commercial enterprise for teaching instrumental music, dancing, barbering or hair dressing, drafting or for teaching industrial or technical arts.

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

(1) "USE, NONCONFORMING." An existing use of land or building which fails to comply with the requirements set forth in this chapter applicable to the district in which the use is located.

"VARIANCE." A modification of the specific requirements of this chapter granted by the Board in accordance with the terms of this chapter 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 and district.

"VIBRATION." Oscillatory motion transmitted through the ground.

"VISION CLEARANCE ON CORNER LOTS." A triangular space at the street corner of a corner lot, free from any kind of obstruction to vision between the heights of three and 12 feet above the established street grade. The street grade is measured at the intersection of the center lines of the intersecting street pavements, and the triangular space is determined by a diagonal line connecting two points measured 15 feet along each of the street property lines equidistant from the intersection of the property lines or the property lines extended, at the corner of the lot.

- (A) Three feet above established street grade.
- (B) Twelve feet above established street grade.
- (C) Point of established street grade.
- (D) Diagonal line forming rear line of triangle.
- (E) Intersection of right-of-way of property lines.
- (F) Fifteen feet from intersection of right-of-way or property lines.

"YARD." A space on the same lot with a principal building, open, unoccupied and unobstructed by structures, except as otherwise provided in this chapter.

(1) "YARD, FRONT." A yard extending across the full width of the lot unoccupied other than by steps, walks, terraces, driveways, lamp posts, and similar structures, the depth of which is the least distance between the front lot line and the building line.

(2) "YARD, REAR." A yard extending across the full width of the lot between the rear of the principal building and the rear lot line unoccupied other than by accessory buildings which do not occupy more than 30% of the required space, and steps, walks, terraces, driveways, lamp posts, and similar structures, the depth of which is the least distance between the rear lot line and rear of the principal building.

(3) "YARD, SIDE." A yard between the principal building and the side lot line, extending from the front yard is required to the rear yard. The width of the required side yard is measured horizontally at 90° with the side lot line, from the nearest part of the principal building, except

in cases where irregular or pie shaped lots are located, then the width of the required side yard shall be an average of the width of the area between the side lot line and the principal building measured horizontally at 90° with the side lot line.

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Division 1. General Provisions

§ 154.01 Jurisdiction.

This article shall apply to all incorporated land within the jurisdiction of the Town of Edinburgh, Indiana as defined by description or map in the Edinburgh Recorder's Office in accordance with I.C. 36-7-4-700 Series of the State of Indiana, and all amendments thereto.

§ 154.02 Classification and Compliance.

All land to be divided shall be categorized and platted as either a minor subdivision or major subdivision, consistent with the definitions in this Ordinance. No lot in a subdivision shall be sold; no permit to erect, alter or repair any building upon land in a subdivision shall be issued; and no building shall be erected in a subdivision, unless and until the improvements required by the Plan Commission in connection therewith have either been constructed or guaranteed, as herein provided.

§ 154.03 Technical Committee.

A Technical Committee including persons with technical knowledge of various County, State, and Federal regulations and standards regarding development, may be appointed by the Plan Commission to review the technical aspects of subdivision plans and other major development projects and make technical findings for the Plan Commission for their consideration in approving subdivision and development plans. Said Committee shall be composed of the following individuals, or their representative: a Town Board member, the Director of Public Works, the Building Commissioner, and such other Plan Commission members or persons as the Plan Commission deems appropriate. In addition, technical advisors to the committee may be appointed, including the Police Chief and the Fire Chief.

§ 154.04 Waiver of Requirements

The Plan Commission is hereby authorized to waive any or all requirements of this Ordinance when a literal enforcement of the Ordinance would result in unnecessary hardship and when such waiver will not be contrary to the public interest.

§ 154.05 Definitions

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"ACCEPTED SCALES." One inch (1") equals fifty feet (50'), one inch (1") equals one hundred feet (100'), and one inch (1") equals two hundred feet (200').

"ALLEY." A public right-of-way which normally affords a secondary means of access to abutting property.

"ALLEY LINE." A lot line bordering an alley.

"BLOCK." A unit of property bounded by streets, or by streets or railroad rights of way, waterways, or other barriers.

"BLOCK FRONTAGE." Property having frontage on one side of a street and lying between the two nearest intersecting or intercepting streets, or nearest intersecting or intercepting railroad right of way, waterway, or other barrier.

"BUILDING COMMISSIONER." The official designated by the Town Council, and authorized to enforce the Official Comprehensive Plan.

"BUILDING LINE" or "BUILDING SETBACK LINE." The line nearest the front of and across a lot establishing the minimum open space to be provided between the front line of a building or structure and the front lot line.

"COMMISSION." Edinburgh Plan Commission.

"COMPREHENSIVE PLAN." The plan which has been conceived and written for the purpose of guiding future development in the town and its planning jurisdiction.

"CUL DE SAC (COURT OF DEAD END STREET)." A residential street having one end open to traffic and being permanently terminated by a vehicle turn-around.

"EASEMENT." A grant by the property owner of the use of a strip of land by the public, a corporation, or persons, for specified purposes.

"JURISDICTION OF THE COMMISSION." The territory within the corporate limits of the town as well as all contiguous unincorporated land within the Planning Area as has been designated.

"LOT." A parcel, tract, or area of land accessible by means of a street or place and for residential uses as set forth in this chapter, abutting upon a street or place for at least 50% of the lot width prescribed for the district in which the "LOT" is located. It may be a single parcel separately described in a deed or plat which is recorded in the Office of the Recorder of the County, or it may include parts of, or a combination of the parcels when adjacent to one another and used as one. In determining "LOT" area and boundary lines, no part thereof within the limits of a street or place shall be included.

(1) "LOT, CORNER." A lot at the junction of and abutting two or more intersecting streets.

(2) "LOT COVERAGE." The percentage of the lot area covered by the building area.

(3) "LOT, DEPTH OF." The mean horizontal distance between the front lot line and the rear lot line of a lot, measured in the general direction of the side lot line.

"OFFICIAL TRANSPORTATION PLAN." The part of the Comprehensive Plan for the town, now or hereafter adopted which includes a major street and highway plan and sets forth the location, alignment, dimensions, identification, and classification of existing and proposed streets, highways, and other thoroughfares.

"PERSON." A corporation, firm, partnership, association, organization, or any other group acting as a unit, as well as a natural person.

"PLAT." A map or chart indicating the subdivision or resubdivision of land, intended to be filed for record.

"REPLAT." A subdivision or plat, the site of which has hereto been platted or subdivided with lots or parcels of land. It may include all or any part of a previous subdivision or plat.

"STREET." A right of way or thoroughfare, other than an alley or place, dedicated or otherwise legally established to the public use, usually affording the principal means of access to abutting property.

(1) "LOCAL STREETS." A street designated primarily to provide access to abutting properties, usually residential. Certain "LOCAL STREETS" may be marginal access streets parallel to arterial streets, which provide access to abutting property and ways for traffic to reach access points on arterial streets.

(2) "MAJOR/MINOR, ARTERIAL." A street designated for large volumes of traffic movement. Certain arterial streets may be classed as limited access highways to which entrances and exits are provided only at controlled intersections, and access is denied to abutting properties. Arterial streets are divided into two categories: major and minor.

(3) "URBAN COLLECTOR." A street planned to facilitate the collection of traffic from residential streets, and to provide circulation within neighborhood areas and convenient ways for traffic to reach arterial streets.

"SUBDIVIDER." Any person, firm, or corporation engaged in developing or improving a tract of land which complies with the definition of a subdivision as defined in this section.

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

following kinds of division of existing parcels of land are herein called exempt divisions. These divisions are exempt from the platting provisions of this ordinance. Exempt division must be one of the following types of division: (a) A division of land into two or more tracts, all of which are at least ten acres in size; (b) A division of land for the sale or exchange of 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 pursuant to an allocation of land in the settlement of a decedent's estate or a court decree for the distribution of property; (d) A division of land for the acquisition of street right of way, or easement; (e) A division of land for the sale or exchange of additional tracts between adjoining land owners, provided that no additional building sites other than for accessory buildings are created by the division; and (f) A division of land into cemetery plats for the purpose of burial of corpses.

(1) "MINOR SUBDIVISION": shall mean the division of a single lot, tract or parcel of land, or part thereof, into not more than three lots, tracts or parcels of land, including the remainder of the original tract, any one of which is less than ten acres, for the purpose, whether immediate or future, of transfer of ownership, or construction of residential, commercial or industrial purposes. A minor subdivision shall not involve any new street or extension of local governmental facilities, or the creation of any public improvements.

(2) "MAJOR SUBDIVISION": shall mean any subdivision not classified as a minor subdivision, including but not limited to subdivisions of four or more lots, or any size subdivision requiring any new street or extension of local governmental facilities, or the creation of any public improvements.

"TECHNICAL COMMITTEE": A Plan Commission sub-committee including persons with technical knowledge of various County, State, and Federal regulations and standards regarding development, appointed by the Plan Commission to form a committee responsible for working with developers in reviewing the technical aspects of subdivision plans and other major development projects and making technical findings for the Plan Commission for their consideration in approving subdivision and development plans. Said Committee shall be composed of the following individuals, or their representative: a Town Board member, the Director of Public Works, the Building Commissioner, and such other Plan Commission members or persons as the Plan Commission deems appropriate.

"TOWN ENGINEER." The person designated by the Town Council to advise and consult on matters pertaining to engineering.

"TOWN ADMINISTRATOR." An official, having knowledge in the principles and practices of subdividing, who is appointed by the Planning Commission and Town Council to administer this chapter and regulations.

"SUPERINTENDENT OF UTILITIES." The official designated by the Town Council to superintend the town municipal utilities.

"ZONING CODE." The part of the Comprehensive Plan, now or hereafter adopted, which includes an ordinance and zone map which divides the territory within the jurisdiction of the Town Plan Commission into districts, with regulations, requirements, and procedures for the establishment of land use controls.

§ 154.06 Amendments.

All amendments to this chapter shall be in conformance with IC 36-7-4-507 through 36-7-4-509.

Division 2. Minor Plat Procedures

§ 154.15 Submission of Plat.

(A) Plat. A subdivider shall submit to the Plan Commission Office an application for a minor subdivision and a plat drawn on reproducible material, 18 inches by 18 inches, at an accepted scale and five prints of the plat showing:

- (1) Legal description of the minor subdivision.
- (2) Lot numbers.
- (3) Easements.
- (4) Right-of-way line.
- (5) Land surveyor's certification and seal.
- (6) Deed of dedication.
- (7) Owner's certification.
- (8) Notary seal.
- (9) Scale, graphic scale, northpoint, and date.
- (10) Building setback line.
- (11) Monuments and markers, set or found.

(B) Supporting Data. In addition to the minor plat, the subdivider shall submit one copy of the supporting data drawn at an accepted scale showing:

- (1) Legal description and tract boundary drawing of the entire property which is being subdivided.
- (2) Significant physical and topography features of the tract.
- (3) The name of the owners of adjoining unsubdivided property.
- (4) If the property is adjacent to land presently being developed, a proposed street and lot arrangement of the entire tract with the minor subdivision lots clearly identified.
- (5) The adjoining road and the nearest major intersection.
- (6) Name and address of subdivider.
- (7) Type of sewage disposal system proposed.

(C) Fee. The submission of the minor subdivision plat shall be accompanied by a fee set annually by the Town of Edinburgh Plan Commission.

§ 154.16 Review Procedure of Technical Committee.

(A) Upon receipt of a minor subdivision application, the Plan Commission Office shall schedule a meeting of the Technical Committee to review the minor plat and determine whether the following conditions have been satisfied:

- (1) That the subdivision will not impede the normal and orderly development of improvements of the parcel or surrounding properties.

(2) That necessary and adequate utilities and drainage facilities have been or are being provided.

(3) That adequate measures will be taken to provide ingress and egress to the remainder of the parcel and surrounding properties.

(4) That the subdivision will not be detrimental to or endanger the public health, safety, or general welfare.

(5) That the subdivision will not create more than one lot served for purposes of access by a private drive.

(B) If the Technical Committee finds that the proposed minor subdivision meets all the requirements as set forth in this ordinance, they shall recommend approval of the plat and certify their recommendation to the Plan Commission for consideration.

(C) If the Technical Committee finds that the proposed subdivision does not meet all the requirements as set forth in this ordinance, they shall set forth their reasons in writing, provide the subdivider with a copy of their findings and shall certify a copy of their findings to the Plan Commission.

§ 154.17 Plan Commission Procedure.

(A) Following review of a minor plat by the Technical Committee, the application may be referred to the Plat Committee for review and action. Upon finding that the minor plat does not involve opening a new public way and that it complies in all other respects with the subdivision control ordinance and the zoning ordinance, the Plan Commission may grant primary approval without public notice and hearing. Within ten (10) days after primary approval by the Plan Commission, the plan commission staff shall require the applicant to serve due notice to interested parties of their right to appeal under I.C. 36-7-4-708. The notice shall be given in accordance with I.C. 36-7-4-706. Upon expiration of the appeals period provided for under I.C. 36-7-4-708 the Chairman of the Plan Commission and Plan Director shall sign a certificate granting secondary approval of the minor plat. The certificate shall be made a part of the tracing cloth or reproducible mylar of the plat. The applicant shall record the plat with the Recorder of Johnson, Shelby, or Bartholomew County within twelve (12) months. If not recorded within this time, the approval shall be null and void unless renewed.

Division 3. Major Plat Procedures

§ 154.19 General Plan.

The subdivider is encouraged to submit a general plan for the ultimate, overall development of his property in order to indicate the manner in which the proposed primary plat relates to the entire property.

§ 154.20 Preliminary considerations.

In order to make the most of the opportunities related to the subdivision and to conserve time, effort, and expense, the subdivider should consult with the Plan Commission, the Town Engineer, the Superintendent of Utilities, and other public officials prior to the preparation of the primary plat. School and recreational sites, shopping centers, community facilities, sanitation, waters supply, drainage, and thoroughfares; and relationship to other developments, existing and proposed, in the vicinity, should be determined in advance of the preparation of the primary plat.

§ 154.21 Application for approval of subdivision plat; filing fee.

(A) A subdivider desiring approval of a plat of a subdivision of any land lying within the jurisdiction of the Town Plan Commission, shall submit a written application therefore to the Building Commissioner of the town and on the forms provided by the Building Commissioner. Such application shall be accompanied by the information, requirements, and plans set forth in §§ 154.22 through 154.26, all in accordance with the requirements set forth in this chapter.

(B) The submission of the major subdivision plat shall be accompanied by a fee set annually by the Edinburgh Plan Commission.

§ 154.22 Primary Plat of Subdivision.

At least thirty (30) days prior to the regular meeting of the Commission, the subdivider shall submit a written application for Primary Plan Approval and a primary plat of the subdivision, the design of which shall conform with the policies of the Comprehensive Plan and its provisions, showing the following:

(A) Title sheet.

(1) Proposed name of the subdivision, followed by the words "Primary Plat".

(2) A site location map, or key map, showing the location of highways, roads, streets, waterways, railroads, and the like, in reference to the proposed subdivision.

(3) Names and addresses of the owner of the land, the subdivider, planner, architect, engineer, land surveyor, or other persons who prepared the plan.

(4) Land use adjacent to the proposed subdivision and owners names.

(B) Topographic sheet.

(1) Contours at vertical intervals of two feet or less if the general slope of the site is less than 10% and at vertical intervals of five feet if the general slope of the site is 10% or greater.

(2) Tract boundary lines showing dimensions, bearings, angles, and references to section, township, and range lines.

(3) The location and size of all existing utilities.

(C) Plan lay out sheet.

(1) Streets and right-of-way, on and adjoining the site of the proposed subdivision with names of streets which shall not duplicate names of other streets in the community except in cases of extensions of existing streets, and including roadway locations and widths, approximate gradients, curbs, sidewalks, and other pertinent data. Street cross sections indicating types of pavement shall be shown.

(2) The layout of lots, showing dimensions and numbers and square foot area of each lot with irregular sides (not rectangular). Block number, distances, radii, and chords shall be shown.

(3) Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds, or other public, semi-public, or community purposes.

(4) Building setback or front yard lines.

(5) Easements. Locations, widths, and purposes.

(D) Statement concerning the location and approximate size or capacity of utilities to be installed.

(E) Other features or conditions which would affect the subdivision favorable or adversely.

(F) The primary plat sheets of this subdivision shall be drawn to an accepted scale. However, if the resulting drawing would be over 36 inches in the shortest dimension, topographic information and other information may all be incorporated and placed on one sheet, provided the resulting drawing is legible.

§ 154.23 Primary Plat Approval.

(A) Upon receipt of an application for Primary Plan Approval the Plan Commission staff shall review the application for technical conformity with the standards fixed in this Ordinance. Within thirty (30) days after receipt of the

application, the staff shall announce the date for a hearing before the Plan Commission and shall provide for notice in accordance with I.C. 36-7-4-706. After the staff has announced a date for a hearing before the plan commission, it shall:

(1) Notify the applicant in writing;

(2) Give notice of the hearing by publication in accordance with I.C. 5-3-1;
and,

(3) Provide for due notice to interested parties at least ten (10) days before the date set for the hearing.

(B) The Technical Committee shall review the primary plat and make a report to the Commission within fifteen (15) days after the date the application was filed.

(1) If the Technical Committee finds that the primary plat has been prepared in accordance with the terms of this Article, they shall forward a report so stating to the Commission for consideration.

(2) If the Technical Committee finds that the primary plat has not been prepared in accordance with the terms of this Article, they shall return the plat to the subdivider with a written specification of the items of non-conformance and shall submit a copy of same to the Commission.

(C) (1) After the public hearing the Plan Commission shall review the application and shall study the primary plat to determine if it conforms to the minimum standards and requirements as outlined in this chapter and the Comprehensive Plan, and shall approve, reject, or table the application within 65 days after submission of the application to the Building Commissioner.

(2) Upon the tabling or rejecting of an application, the Plan Commission shall notify the applicant in writing what revisions, changes, or further changes in the primary plat are needed for approval. Upon the rejection of an application, the Commission will not review the overall primary plat until it is resubmitted, which cannot be done but once every six months. The approval of the primary plat by the Commission does not constitute approval of any or all of the subdivision but is merely an authorization to proceed with preparation of a secondary plat.

(D) Three copies of the primary plat, approved by the Plan Commission and signed by the President and Secretary, shall be retained in the Building Commissioner's office. One copy shall be sent to the subdivider and is authorization for the subdivider to proceed with the preparation of a secondary plat.

§ 154.24 Engineering Plans and Specifications.

Before application may be made for approval of the secondary plat, the subdivider shall submit the following engineering plans and specifications and other required information to the Plan Commission.

(A) Profiles, typical cross sections, and specifications for proposed street improvements.

(B) Profiles and locations and other explanatory data concerning the installation of sanitary and storm sewerage systems and water distribution systems.

(C) A description of the portion of the primary plat intended to be filed for record, including a program for the progressive development of the entire area contained in the primary plat.

(D) A statement of the estimated amount of money sufficient to complete the improvements and installations by the subdivider and attested to by a registered land surveyor or a registered professional engineer.

§ 154.25 Secondary Plat of Subdivision.

The subdivider shall provide a secondary plat of the subdivision which shall meet the following specifications:

(A) The secondary plat may include all or any part of the primary plat which has received approval, provided the requirements set forth in § 154.24, have been met.

(B) The original drawing of the secondary plat of the subdivision shall be provided and drawn to a scale of 50 feet to one inch, provided that the resulting drawing can be placed on a sheet 18 inches by 23 inches. A scale of 100 feet to one inch may be used if necessary.

(C) Accurate boundary lines, with dimensions and angles, which provide a survey of the tract, closing with an error of not more than one foot in 5,000 feet.

(D) Accurate distances and directions to the nearest established street corners or official monuments. Reference corners shall be accurately described on the plat.

(E) Accurate locations of all existing and recorded streets intersecting the boundaries of the tract.

(F) Accurate legal description of the boundary of the plat.

(G) Street lines with accurate dimensions in feet and hundredths of feet, with angles to street, alley, and lot line.

(H) Complete curve notes for all curves included in the plat.

(I) Street names.

(J) Source of title to the land to be subdivided as shown by the books of the County Recorder in the county in which the plat is proposed to be located.

(K) Lot numbers and dimensions.

(L) Accurate locations of easements for utilities and any limitations on such easements.

(M) Accurate dimensions for any property to be dedicated or reserved for public, semi-public, or community use.

(N) Building setback lines and dimensions.

(O) Location, type, material, and size of all monuments and lot markers.

(P) Plans and specifications for the improvements required in this chapter.

(Q) Restrictions of all types which will run with the land and become covenants in the deeds for lots.

(R) Name of the subdivision, followed by the words: "Secondary Plat".

(S) Name and address of the owner and the subdivider.

(T) North point, scale, and date.

(U) Certification by a registered land surveyor.

(V) Certification of dedication of streets and other public property.

(W) Certificate for approval by the Plan Commission.

(X) Certificate for approval by the Board of County Commissioners of the county in which the proposed plat is located, if the plat lies wholly, or partly, beyond the town limits.

§ 154.26 Secondary Plat Approval.

(A) (1) Fifteen days before the Plan Commission's next regularly scheduled meeting, the subdivider shall submit to the Building Commissioner an application for approval of the secondary plat of the subdivision together with four copies of all material outlined in §§ 154.24 and 154.25 or requested by the Commission. Also, the original drawing of the secondary plat shall accompany this material.

(2) When the secondary plat is submitted to the Building Commissioner, it shall be accompanied by a notice from the Town Council, stating that there has been filed with and approved by that body, one of the following:

(a) A certificate signed by a registered professional engineer or registered land surveyor, stating that he has inspected the improvements and installations for the subdivision required for its approval, during and after their construction and

installation and they have been made or installed in accordance with the approved specifications, or

(b) A bond which shall:

1. Run to the town if the proposed secondary plat lies within the corporate limits of the town; or run jointly to the town and county in which the proposed plat is located if the proposed secondary plat lies wholly or partly beyond the corporate limits of the town.

2. Be in an amount determined by the Plan Commission to be sufficient in amount to complete the improvements and installations in compliance with this chapter. A statement of the estimated amount sufficient to complete the improvements and installations shall be furnished by the subdivider and attested to by a registered land surveyor or a registered professional engineer.

3. Be with surety satisfactory to the Plan Commission.

4. Specify the time for the completion of the improvements and installations.

(B) The bond referred to in division (A) (2) (b) of above, shall not be released until a certificate signed by a registered professional engineer, or registered land surveyor, as the case may be, shall have been filed stating that the engineer or surveyor has inspected the improvements and installation and that they have been made and installed in accordance with the approved specifications.

(C) The secondary plat will not be considered for approval until the action taken by the Commission on the required primary plat has been completed nor shall secondary plat approval be granted prior to the expiration of the appeal period provided for in I.C. 36-7-4-707(c).

Division 4. Principles and Standards of Design

§ 154.35 Conformance.

(A) The primary and secondary plats of the subdivision shall conform to the following principles and standards of design.

§ 154.36 Streets.

(A) Proposed streets should be adjusted to the contour of the land so as to produce usable lots and streets of reasonable gradient.

(B) The street and alley layout shall conform to the Official Town Transportation Plan for the development of the neighborhood in which the proposed subdivision is located and shall provide access to all lots and parcels of land within the subdivision. Where streets cross other streets, jogs shall not be created. The minimum distance between center lines of parallel or approximately parallel streets intersecting a cross street should be 120 feet.

(C) Certain proposed streets, where appropriate, shall be extended to the boundary line of the tract to be subdivided so as to provide for normal circulation of traffic within the vicinity.

(D) Wherever there exists a dedicated or platted portion of a street or alley adjacent to the proposed subdivision, the remainder of the street or alley to the prescribed width shall be platted within the proposed subdivision.

(E) The widths of streets shall conform to the width specified according to type of use in the Official Town Transportation Plan, the minimum right-of-way width of local streets being 50 feet.

(F) The minimum right-of-way of urban collectors, marginal access streets, and cul-de-sacs shall be 60 feet. All cul-de-sacs shall terminate in a circular right-of-way with a minimum diameter of 100 feet, or other arrangement for the turning of all vehicles conveniently within the right-of-way.

(G) Alleys shall be discouraged in residential districts but should be included in commercial and industrial areas where needed for loading and unloading or access purposes, and where platted, shall be at least 20 feet in width.

(H) The center lines of streets should intersect as nearly at right angles as possible.

(I) At intersections of streets and alleys, property line corners shall be rounded by arcs of at least 20 feet radii or by chords of such arcs.

(J) At intersections of streets, the property line corners shall be rounded by arcs with radii of not less than 15 feet, or by chords of such arcs.

(K) If the smaller angle of the intersection of two streets is less than 60 degrees, the radius of the arc at the intersection of property lines shall be increased as deemed advisable by the Plan Commission.

(L) Intersections of more than two streets at one point shall be avoided.

(M) Where parkways or special types of streets are involved, the Plan Commission may apply special standards to be followed in the design.

(N) Whenever the proposed subdivision contains or is adjacent a railroad right-of-way or a highway designated as a limited access highway by the appropriate highway authorities, provision shall be made for a marginal access street, or a parallel street at a distance acceptable for the appropriate use of the land between the highway or railroad and such streets.

(O) Unobstructed sight distances measured from a point five feet above the proposed grade line, to permit horizontal visibility on all streets, must be established along the center line of such streets as follows:

STREETS	DISTANCES
(1) Major/minor arterial	500 feet
(2) Urban collector and local streets	300 feet

(P) Curvature measured along the center line shall have a minimum radius as follows:

STREETS	MINIMUM RADIUS
(1) Major/minor arterial	500 feet
(2) Urban collectors	300 feet
(3) Local streets	150 feet

(Q) Between reserved curves on major/minor arterials there shall be a tangent of not less than 100 feet and on urban collectors and local streets such tangent shall not be less than 40 feet.

(R) Maximum grades for streets shall be as follows:

- (1) Major/minor arterials not greater than 6%.

(2) Urban collectors, local streets, and alleys, not greater than 10%.

(S) The minimum grade of any street gutter shall not be less than 0.3%.

§ 154.37 Blocks.

(A) Blocks should not exceed 1,000 feet in length.

(B) Blocks shall be of sufficient width to permit two tiers of lots of appropriate depth, except where an interior street parallels a limited access highway of a major/minor arterial street or a railroad right-of-way.

§ 154.38 Lots.

(A) All lots shall abut on a street.

(B) Side lines of lots shall be approximately right angles to straight streets and on radial lines to curved streets. Some variation from this rule is permissible, but pointed or very irregular lots should be avoided.

(C) Double frontage lots should not be platted, except that where desired along arterial streets lots may face on an interior street and block on those thoroughfares.

(D) Widths and areas of lots shall be not less than that provided in the zoning code in Chapter 156 for single-family residences for the district in which the subdivision is located, except that when a water main supply system or a sanitary sewer are not available, the lot area necessary to install a private water supply or private sewage disposal on the lot in accordance with the State Board of Health regulations shall become the required minimum lot area.

(E) Corner residential lots shall be wider than normal in order to permit appropriate setbacks from both streets.

§ 154.39 Easements.

(A) Where alleys are not provided, easements for utilities shall be provided in accordance with the provisions of this chapter. Normally, such easements shall have minimum widths of 15 feet, and where located along lot lines, one-half of the width shall be taken from each lot. Easements for storm interceptor sewers and surface drainage scales shall be 50 feet in width, or a width prescribed by the Plan Commission. Before determining the location of easements, the plan shall be approved by the Superintendent of Utilities and any local public utility companies to assure their proper placing for the installation of such services.

§ 154.40 Building Setback Lines.

(A) Building setback lines shall be provided in the Zoning code in Chapter 156, or as prescribed by the Plan Commission.

Division 5. Standards of Improvements

§ 154.50 Conformance.

(A) The secondary plat of the subdivision shall conform to the following standards of improvements in §§ 154.50 through 154.61.

§ 154.51 Monuments and Markers.

(A) Shall be placed so that the center of the pipe on markers or the marked point on monuments shall coincide exactly with the intersection of lines to be marked, and shall be set so that the top of the monument or marker is level with the finished grade.

(B) Monuments shall be set:

(1) At the intersection of all lines forming angles in the boundary of the subdivision.

(2) At the intersection of street property lines. Not more than one monument shall be required at any one street intersection.

(C) Markers shall be set:

(1) At the beginning and ending of all curves along street property lines.

(2) At all points where lot lines intersect curves, either front or rear.

(3) At all angles in property lines of lots.

(4) At all other lot corners not established by a monument.

(D) Monuments shall be of pre-cast concrete or concrete poured in place with minimum dimensions of six inches by six inches by 36 inches, set vertically in place with a brass or copper dowel 3/8-inch in diameter, at least 2½ in length embedded so that the top of the dowel shall be not more than ¼-inch above the surface and at the center of the monument. Markers shall consist of galvanized or wrought iron pipe or steel bars at least 30 inches in length, and not less than ½-inch in diameter.

§ 154.52 Streets.

(A) Streets (and alleys where provided) shall be completed to grades shown on plans, profiles, and cross sections, provided by the subdivider, and prepared by a registered professional engineer and approved by the Plan Commission.

(B) (1) The streets shall be graded, surfaced, and improved to the dimensions required by the cross sections and the work shall be performed in the manner

prescribed in the Indiana Department of Highways Standard Specifications, as amended. References in the following paragraph refer to the Standard Specifications:

(2) Local streets shall be surfaced to a minimum width of 28 feet, measured back-to-back of curbs. Streets classified as arterial or urban collector in the official thoroughfare plan, or streets complying with the definitions of major/minor arterial or urban collector as set forth in §154.05, shall be surfaced to a minimum width of 36 feet, measured back-to-back of the curb. The Plan Commission may require the subdivider to provide street surfacing on streets, which are proposed to be extensions of existing paved streets, and which exceed the minimum dimensions set forth above, to the full width. Cul-de-sac turn-arounds shall be paved to within ten feet of the right-of-way.

(C) The street surface shall be of portland cement concrete or a flexible pavement and shall be constructed in accordance with design characteristics at least equal to those given in divisions (D) through (G).

(D) The subgrade shall be prepared in compliance with Section B-9 of the Standard Specifications or any subsequent amendments thereto.

(E) Rigid type pavement (plain cement concrete).

(1) Minimum design characteristics of street pavement shall be as follows:

	Major/Minor Arterial Streets	Urban Collector Streets	Local Streets and Alleys
Controlled wheel load	11,000 pounds	8,000 pounds	6,000 pounds
<u>Concrete</u>			
Uniform Design Thickness	8 inches	7½ inches	6 inches

(2) Subgrade shall be moist but not muddy at the time the concrete is placed. If required, it shall be saturated with water the previous night or not less than six hours prior to the concrete placement. If it subsequently becomes too dry just prior to placing concrete it shall be sprinkled, but the method of sprinkling shall be such that mud or pools of water will not be formed. Plain cement concrete pavement shall be in accordance with the Standard Specifications, or any subsequent amendments thereto.

(3) Materials shall comply with the Standard Specifications or any subsequent amendments thereto. Size No. 2 (U) coarse aggregate will not be required. Cement content shall be 5.5 bags per cubic yard of concrete mixture. Concrete shall be machine finished except on widened portions, intersections, or other places where hand finishing will be permitted, if authorized.

(4) (a) Weakened plane or dummy transverse contraction joints shall be placed not to exceed 20 foot spacing. Transverse contraction joints may be either formed or sawed dummy groove, ribbon or pre-molded strip type. When transverse joints are to be formed by sawing, care must be taken to saw the grooves soon after placing the concrete to prevent the formation of cracks due to contraction of the slab. All transverse joints shall be sawed eight hours after the placing of the concrete unless authorization is given for sawing at a later time.

(b) One of the above named joints shall be placed at every catch basin and manhole in line of pavement. The location of manholes, and the like in the pavement, shall determine the exact location of joints. All joints must extend throughout side strips to full width of pavement. The dowell bars will not be required except where shown on the plans. Transverse expansion joints, with approved dowell bar assembly, shall be placed at intersections and where shown on the plans.

(c) Whenever the width between forms of the pavement under construction is greater than 13 feet, longitudinal joints shall be constructed so as to divide the pavement into strips not exceeding 13 feet each. This may be accomplished by constructing a slot or groove as herein described for dummy contraction joints, or by a deformed metal key plate installed prior to the depositing of the concrete.

(d) Finishing machines or vibrating strikeboards of design other than as specified in the Standard Specifications will be permitted only if work of equal quality as set out in these specification is obtained.

(e) Curing with approved impervious membrane or sealing compounds will be permitted, if authorized.

(F) Flexible type pavement (asphaltic surface).

(1) Minimum design characteristics shall be as follows:

**Street Designation: Major/Minor,
Urban Collector, Local, and Arterial**

	Streets	Streets	Streets and Alleys
Controlled Wheel Load	11,000 pounds	8,000 pounds	6,000 pounds
Surface-course	1 inch	1 inch	1 inch
Binder-course	3 inches	2 inches	2 inches
Granular-base	8 inches	10 inches	8 inches
Subbase	4 inches		

(2) Subbase material shall meet the requirement for granular base below. Construction shall follow the procedure specified in Section C11 of the Standard Specifications, or any subsequent amendments thereto. Special subbase drainage in areas of cuts and swales shall be set out in the satisfactory plans and specifications.

(3) Granular base courses shall be of coated aggregate base materials and methods conforming to the requirements of Section C2 of the Standard Specifications, or any subsequent amendments thereto.

(4) Surface courses shall consist of a surface and a binder as set out below. Material and method shall conform to cited standards below.

(5) Binder course. Material and methods shall conform to the type of surfacing requirements of the Standard Specifications, or any subsequent amendments thereto.

(6) Surface course. Material and methods shall conform to the type surfacing requirements of the Standard Specifications, or any subsequent amendments thereto.

(G) Prior to placing the street and all surfaces, adequate subsurface drainage for the street shall be provided by the subdivider. Subsurface drainage pipe, when required, shall be aluminum or coated corrugated pipe or a similar type not less than 12 inches in diameter approved by the Plan Commission. Upon the completion of the street and alley improvement, plans and profiles as built shall be filed with the Commission.

§ 154.53 Sanitary Sewers.

(A) The public sanitary sewers shall, if practicable, be laid in the public right-of-way or platted utility easements adjacent to paved areas and sidewalks as shown in Appendix B, Figure 2.

(B) The subdivider shall provide the subdivision with a complete sanitary sewer system, which shall connect with a sanitary sewer outlet approved by the Superintendent of Utilities, except that when such approved outlet is not available, one of the following methods of sewage disposal shall be used, as determined by the Superintendent of Utilities. However, a private sewage disposal system on individual lots consisting of a septic tank and tile absorption field shall not be allowed if the water table is less than 30 inches below the ground surface. A complete sanitary sewer system is to convey the sewage to a treatment plant, to be provided by the subdivider in accordance with minimum standards of the State Board of Health and the Superintendent of Utilities.

(C) Service laterals shall be installed between the street sewer collector and the property line before the street is paved.

(D) The plans for the installation of a sanitary sewer shall be provided by the subdivider and approved by the Superintendent of Utilities. Upon the completion of

the sanitary sewer installation, the plans for such systems as built shall be filed with the Superintendent of Utilities.

(E) Whenever an approved sanitary sewer outlet becomes available as determined by the Superintendent of Utilities, the subdivider shall provide the subdivision with a sanitary sewer system which shall meet the approval of the Superintendent of Utilities, and at the cost of the subdivider; provided, that whenever a sanitary sewer system is provided, the subdivider shall hook-up to the street sewer collector whenever a lot is used for the purposes allowed, and at the expense of the subdivider.

(F) In this section the phrase "THE SUBDIVIDER SHALL PROVIDE" shall be interpreted to mean that the subdivider shall install the facility referred to, or whenever a private sewage disposal system or an individual water supply is to be provided, that the subdivider shall require, as a condition of the sale of each lot or parcel in the subdivision, that the facilities referred to in these sections shall be installed by the developer of the lots in accordance with these regulations.

§ 154.54 Water.

(A) The subdivider shall provide the subdivision with a complete water main supply system, which shall be connected to a municipal or a community water supply approved by the Superintendent of Utilities, except, that when such municipal or community water supply is not available, as determined by the Superintendent of Utilities, the subdivider shall provide an individual water supply on each lot in the subdivision in accordance with minimum requirements of the Superintendent of Utilities and the State Board of Health.

(B) Water mains shall, if practicable, be laid in immediately behind the curb. Water meters and fire hydrants shall, if practicable, be installed within a two-foot easement on the roadway side of the sidewalk. See Appendix B, Figure 2. Otherwise, water service shall be laid in easements provided for that purpose.

(C) The subdivider shall advance the Town Municipal Utilities the funds estimated by the Superintendent of Utilities necessary to complete the water main system for any subdivision located within the town. The Town Municipal Utilities shall reimburse the subdivider for all feeder mains within the subdivision and for all principal mains within the subdivision and to the period of seven years from the date the funds were advanced. The reimbursement shall include all components of the water supply system located within the streets.

(D) The plans for the installation of a water main supply system shall be provided by the subdivider and approved by the State Board of Health and the Superintendent of Utilities. Upon completion of the water supply installation, the plans for such systems as built shall be filed with the Superintendent of Utilities.

(E) In this section the phrase "THE SUBDIVIDER SHALL PROVIDE" shall be interpreted to mean that the subdivider shall install the facility referred to, or when ever a private sewage disposal system or an individual water supply is to be provided,

that the subdivider shall, require, as a condition of the sale of each lot or parcel in the subdivision, that the facilities referred to in these sections shall be installed by the developer of the lots in accordance with these regulations.

§ 154.55 Storm Drainage.

(A) The subdivider shall provide the subdivision with an adequate storm water sewer system. A storm drainage analysis based upon a five-year, one-hour rainfall shall be used as a basis for the drainage system. A copy of the analysis shall be submitted to the Plan Commission with the drainage facility plans.

(B) Storm sewers shall, if practicable, be laid in the south and east parkway of the street in accordance with Appendix B, § 2. Otherwise, storm sewers shall be laid in easements provided for that purpose.

(C) The plans for the installation of a storm drainage system shall be provided by the subdivider in accordance with the town specifications and approved by the Town Engineer.

(D) The Plan Commission, when the health, safety, and well being of the present and future population of the area is in jeopardy, may prohibit the subdivider any portion of the property which lies in a flood plain. Approvals within the flood plain shall meet the minimum requirements of State Department of Natural Resources.

§ 154.56 Telephone and Gas Utilities.

When provided, telephone underground cables and gas lines shall, if practicable, be laid in the south and west parkway of the street as indicated in Appendix B, § 2. Otherwise, telephone and gas service lines shall be place in easements provided for that purpose.

§ 154.57 Curb and Gutter.

(A) Curb and gutter shall be constructed by the subdivider on both sides of all streets. However, the requirements of curb and gutter shall not apply to a subdivision having lots in excess of one acre each, not including the street area.

(B) Curbs shall be constructed as one of the standard curbs as designated in Appendix B, § 1, as specified by the Plan Commission. Rolled curb may be constructed monolithically with the pavement. Curbs shall be constructed to meet the standards of integral concrete curb as required in the Indiana Department of Highways Standard Specifications, as amended.

§ 154.58 Sidewalks.

(A) The Town Plan Commission shall require sidewalks to be installed on each side of the street in all subdivisions.

(B) Sidewalks shall be constructed on both sides of the street one foot from the property line to a width of four feet and a depth of four inches, complying in full with cement concrete sidewalk standards as required in the Indiana Department of Highways Standard Specifications, as amended.

§ 154.59 Planting and Screening.

(A) No tree shall be planted closer than ten feet from sidewalks.

(B) No tree shall be planted between sidewalks and streets.

(C) No cut trees, timber, debris, earth, rocks, stones, soil, junk, rubbish, or other waste materials of any kind shall be buried in any land, or left deposited on any lot or street at the time the buildings are ready for occupancy.

§ 154.60 Driveway Entrances.

(A) Driveway entrances shall be provided and installed in the street between the roadway and the street property line by the subdivider in the manner prescribed in Appendix B, § 3. Driveway entrances shall be paved with a hard surface between the sidewalk and the street surface.

§ 154.61 Street Signs.

(A) The subdivider shall provide the subdivision with the type of street signs used by the town, at the intersection of all street.

Division 6. Improvement Credit Procedure

§ 154.70 Improvement credit procedure; fee.

Improvements set forth in §§ 154.50 through 154.61 and required to be installed by the subdivider, which are of a public utility nature, may provide benefits to other properties in the vicinity of the land to be subdivided. Upon the installation of such improvements which cross or adjoin other properties and can be used by such properties, the subdivider and the town may by contract agree that upon the connection or use of the installation, the new use or users shall pay to the town a fee in an amount agreed upon by the subdivider and the town, the amount of such fee to be credited to and paid to the subdivider.

Appendix A: Forms

Section

1. Plat certificates and deed of dedication to be used in secondary plats
2. Commission certificate
3. County Commissioner's certificate
4. Registered land surveyor's certificate
5. Deed of dedication

§ 1. PLAT CERTIFICATES AND DEED OF DEDICATION TO BE USED SECONDARY PLATS.

The following forms in §§ 1. through 5. shall be used in secondary plats.

§ 2. COMMISSION CERTIFICATE.

COMMISSION CERTIFICATE

UNDER AUTHORITY PROVIDED BY CHAPTER 174 - ACTS OF 1947,
ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF INDIANA, ND
ALL ACTS AMENDATORY THERETO, AND AN ORDINANCE ADOPTED BY
THE TOWN COUNCIL OF THE TOWN OF EDINBURGH, INDIANA. THIS
PLAT WAS GIVEN APPROVAL BY THE TOWN OF EDINBURGH, AS
FOLLOWS:

Approved by the Town Plan Commission at a meeting held _____,
19____.

(President)

(Secretary)

(SEAL)

§ 3. COUNTY COMMISSIONER'S CERTIFICATE.

COUNTY COMMISSIONER'S CERTIFICATE

A. The following certificate shall also be used if the plat lies wholly or partly outside of the Town:

UNDER AUTHORITY PROVIDED BY CHAPTER 174 OF THE ACTS OF 1947, OF THE GENERAL ASSEMBLY, STATE OF INDIANA, AND ANY ACTS AMENDATORY OR SUPPLEMENTAL THERETO, THIS PLAT WAS GIVEN APPROVAL BY THE BOARD OF COUNTY COMMISSIONER'S OF _____ COUNTY, INDIANA at a meeting held on the _____ day of _____, 19____.

BOARD OF COUNTY COMMISSIONERS

_____ County, Indiana

(President)

(SEAL)

(Note: Insert the name of the County in which the plat is located.)

§ 4. REGISTERED LAND SURVEYOR'S CERTIFICATE.

REGISTERED LAND SURVEYOR'S CERTIFICATE.

I, _____, HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, LICENSED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA.

THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY COMPLETED BY ME ON _____. THAT ALL THE MONUMENTS SHOWN THEREON ACTUALLY EXIST; AND THAT ALL OTHER REQUIREMENTS SPECIFIED HEREIN, DONE BY ME, HAVE BEEN MET.

(SEAL)

(Signature)

§ 5. DEED OF DEDICATION.

DEED OF DEDICATION.

Each final plat submitted to the Commission for approval shall carry a deed of dedication in substantially the following form:

"We the undersigned _____, owners of the real estate shown and described herein, so hereby certify that we have laid off, platted and subdivided, and hereby lay off, plat and subdivide, said real estate in accordance with the within plat. We do further certify that this plat is made and submitted with our free consent and desires.

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

Front yard building setback lines are hereby established as shown on this plat, between which lines and the property lines of the street, there shall be erected or maintained no building or structure.

A perpetual easement is hereby granted to any local public utility or municipal department, their successors and assigns, within the area shown on the plat and marked "Easement", to install, lay, construct, renew, operate, maintain, and remove conduits, cables, pipes, poles, and wires, overhead and underground, with all necessary braces, guys, anchors and other equipment for the purpose of serving sewer and water service as a part of the respective utility systems; also is granted (subject to the prior rights of the public therein) the right to use the streets and lots with aerial service wires to serve adjacent lots and shrubs that interfere or threaten to interfere with any of the said public utility equipment, and the right is hereby granted to enter upon the lots at all times for all of the purposes aforesaid. No permanent buildings or trees shall be placed on said area as shown on the plat and marked "Easement", but same may be used for gardens, shrubs, landscaping and other purposes that do not then or later interfere with the foresaid uses or the rights herein granted.

(Additional dedications and protective covenants, or private restrictions would be inserted here upon the subdivider's initiative or the recommendations of the Commission; important provisions are those specifying the use to be made of the property and, in the case of residential use, the minimum habitable floor area).

The foregoing covenants, (or restrictions), are to run with the land and shall be binding on all parties and all persons claiming under them until January 1, 19____, (a twenty-five (25) year period is suggested), at which time said covenants, (or restrictions), shall be automatically extended for successive periods of ten (10) years unless changed by vote of a majority of the then owners of the building sites covered by these covenants, or restrictions, in whole or in part. Invalidity of any one of the foregoing covenants or restrictions, which shall remain in full force and effect.

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

Witness our Hands and Seals this _____ day of _____,
19____.

(Signature)

(Signature)

State of Indiana)
)
County of) SS:

Before me, the undersigned Notary Public in and for the County and State,
personally appeared _____,
_____, and each
separately and severally acknowledged the execution of the foregoing instrument as
his or her voluntary act and deed, for the purposes therein expressed.

Witness my Hand and Notarial Seal this _____ day of _____
19____.

(Notary Public)

Appendix B: Illustrations

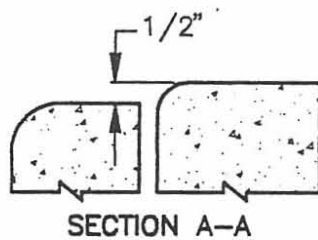
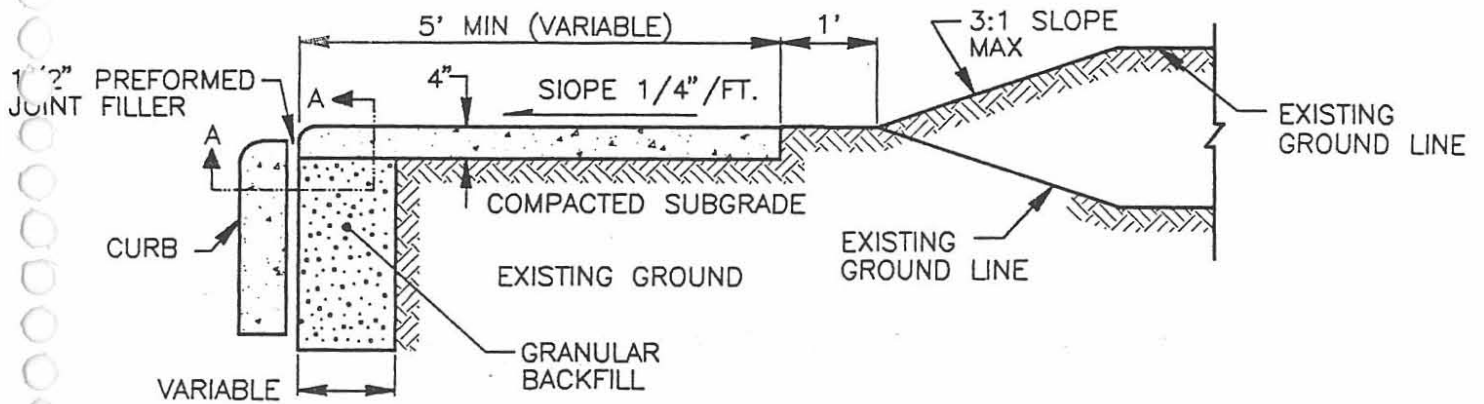
Section

1. Sidewalk Details
2. Curb and Gutter Detail
3. Typical Arrangement of Utilities and Improvements in a Residential Street

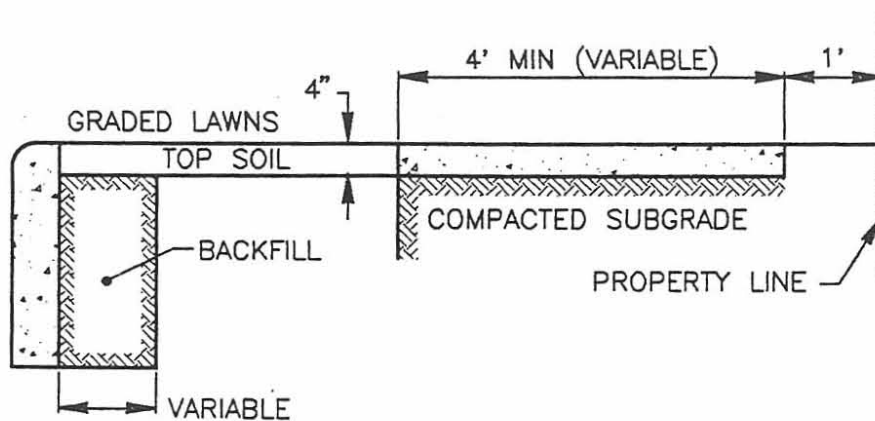
FIGURE 1

SUBDIVISION ORDINANCE

SIDEWALK DETAILS



SIDEWALK NEXT TO CURB
NO SCALE

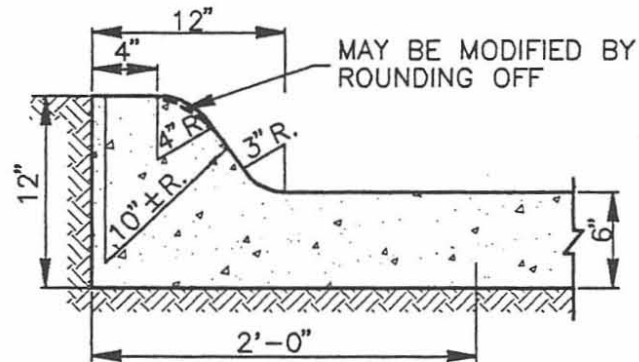


SIDEWALK NEXT TO PROPERTY LINE
NO SCALE

FIGURE 2
SUBDIVISION ORDINANCE

CURB AND GUTTER DETAIL
USING PORTLAND CEMENT CONCRETE

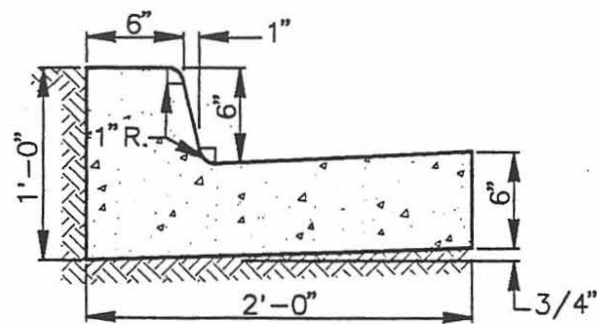
TYPE A.



IF CURB NOT INTEGRAL WITH PAVEMENT

MOUNTABLE CURB

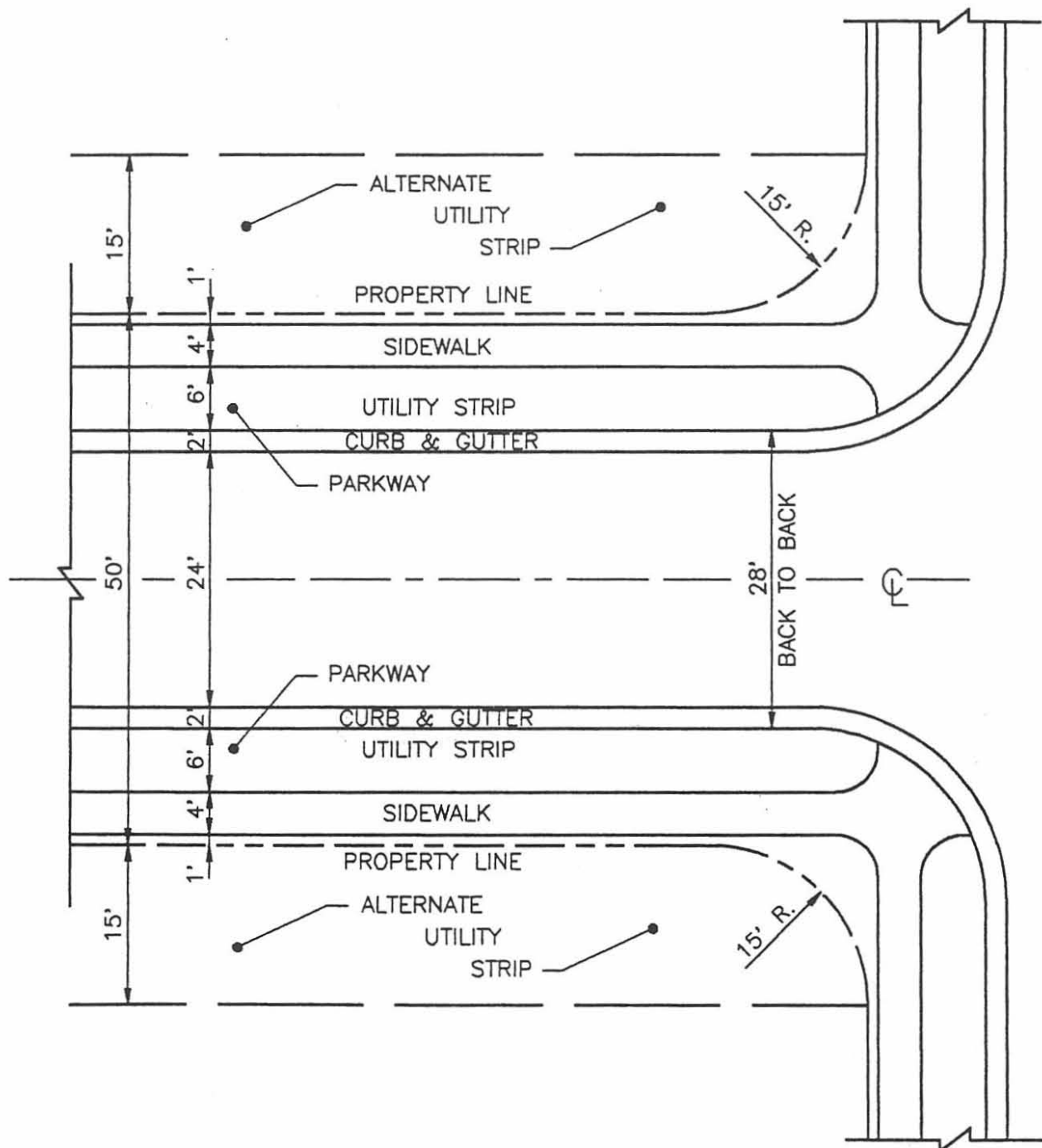
TYPE B.



BARRIER CURB

FIGURE 3
SUBDIVISION ORDINANCE

TYPICAL ARRANGEMENT OF UTILITIES AND
IMPROVEMENTS IN A RESIDENTIAL STREET



WOOLPERT MEMORANDUM

To: Edinburgh Plan Commission
From: Gary V. Turner
Date: June 25, 1991
Subject: Phase 2 of Strategic Plan Project - Technical Memorandum 2

The following memorandum presents the draft text of the Strategic Plan for Edinburgh. The Maps that are referred to in the following sections are mounted and displayed in Town Hall. The text is, otherwise, a stand-alone document that could be converted to a plan report for release to the public for review and comment.

1.0 INTRODUCTION

The Edinburgh Strategic Plan is upbeat ...Edinburgh, through its progressive efforts to revitalize its historic center and adjoining neighborhoods, is in a position to capitalize on development trends associated with the Interstate 65 corridor. The plan builds upon the historic nature of the community and the availability of utilities as assets that will attract new development in peripheral areas to the east and south. The plan targets upscale residential development for the outlying areas to the east. Industrial and commercial development are targeted for outlying areas to the south. The plan details general and specific land use strategies as well as infrastructure improvements needed to realize Edinburgh's development potential as a revitalized historic community.

The plan is the culmination of several independent but related efforts to strategically capitalize on Edinburgh's assets. The Plan Commission devoted the past year to the study, discussion, and synthesis of the following initiatives and related materials:

Edinburgh Comprehensive Plan Report - 1979

Commercial Economic Market Strategy Report - 1984

Long Range Plan Commission Report - 1989

Main Street Project Materials - 1990

Economic Development Commission Materials - 1990

Phase 1 Technical Memorandum Series of the Strategic Plan

The Strategic Plan provides the basis for amending the Comprehensive Plan and related land use controls and can be used to develop a capital improvements budget to schedule future infrastructure improvements.

2.0 LAND USE STRATEGIES

The Strategic Plan, in addressing land use, covers issues and opportunities of community-wide significance as well as the more narrow functional issues associated with individual categories of land use. The community-wide issues and opportunities are strategic elements that will contribute to, or adversely effect, the overall success of the revitalization process. The goals and policies related to the functional land use elements also address revitalization and support the strategic elements of the plan. Community-wide land use issues and opportunities are shown in Map 2 Critical Development Areas. Functional land use elements are shown in Map 3 Land Use.

2.1 Community-wide Land Use Issues & Opportunities

Peripheral Development: Edinburgh's future will be dramatically effected by the development of peripheral land on the east and south of town. Interstate 65 and the availability of Edinburgh utilities along with the revitalization of the downtown are catalysts for peripheral development. The Strategic Plan is designed to enhance the potential for development of these areas through thoroughfare improvements and the extension of municipal services and utilities. The challenge is to ensure that outlying development is consistent with the town's plans. The Land Plan (Map 3) defines future land use for the area of extended jurisdiction beyond the town's corporate limits. In this area, the overall strategy is to promote a mixture of residential, commercial, and industrial development. The strategy will require careful management of development through traditional land use controls and through the extension of municipal utilities and services.

Gateways & Entrance Corridors: The entrance to a community communicates an impression about the town...either favorable or unfavorable. Recent landscape and signage improvement of the south side represent a model gateway design that has significantly enhanced Edinburgh's image for visitors entering the town from the south along US 31. The concept represented in the south side entrance should be extended to all gateways and entrance corridor routes serving the town.

State Route 252 and US 31 the represent the primary gateways and entrance corridors to Edinburgh. The maintenance or enhancement of existing uses and the development of vacant land adjoining these arterials are keys to defining the image of the community. An appropriate mixture of land use, landscape design, sign controls, and lighting can be used to create attractive entrances that communicate a favorable impression of the town. Both of these corridors are earmarked in the plan for the creation of overlay districts with special land use and development controls aimed at the creation of a favorable community image.

South Side Redevelopment District: The south side of Edinburgh, just north of the industrial park, is a transitional area that should be developed to make a positive transition from the historic residential neighborhood along Walnut Street to the industrial property encompassed by the park. This area should be the focus of a special effort to define appropriate future uses in the light of the growing industrial park and near downtown historic neighborhood. Appropriate implementation/enforcement efforts should be defined to achieve redevelopment of the area consistent with a detailed plan.

Downtown: The Main Street Project is a cornerstone of the overall effort to revitalize Edinburgh. Success in the downtown area will spread to the entire community and will act as a catalyst for development in the outlying areas. The investment in Main Street along with the many individual efforts to upgrade downtown properties must be protected. The Main Street Project should be viewed as a long-term program to continue the renovation of storefront properties, the attraction of new business, and the development of adequate parking to support successful revitalization of the downtown. Special downtown development controls are recommended as an important part of the Strategic Plan.

Historic Districts: The neighborhoods adjoining the downtown are historic and should be preserved and enhanced through special efforts to control new development or the renovation of existing buildings to ensure consistency with historic building materials and styles. Two streets...Main Cross Street and Walnut Street...provided the nucleus for extending the historic downtown outward into the community. Special effort with respect to signage, lighting, paving, and sidewalk materials could be used to emphasize the distinctive historic character of these streets. Success in creating these districts would provide a foundation for extending the overall theme of historic preservation to the entire area of the historic community.

2.2 Functional Land Use Strategies

Functional land use proposed for the town and area of extended jurisdiction is shown in Map 3. The overall strategy for land use enhances existing land use within current town boundaries and promotes a mixture of residential, commercial, and industrial development in outlying areas to the east and south.

Residential Land Use: The plan emphasizes attracting new residential growth to the outlying areas to the east and southeast of Edinburgh. The Long-Range Planning Committee targeted the attraction of upscale housing as a major strategic objective for the town. Specific goals and policies for residential land use include the following:

Goal: New residential development is encouraged in the Town of Edinburgh. The timing and location of residential development should be managed to minimize impacts on the existing urban fabric of the town as well as the rural/agricultural character of outlying areas.

Policy: The strategy of timing should be used to manage the pace at which development occurs so as to provide for the efficient extension of services.-

Policy: Development should be concentrated in limited geographic areas rather than spread uniformly across the town. This principle further promotes economy in the extension of services and utilities to developed areas and minimizes the impact of the development process on the rest of the town.

Goal: The town should encourage variety in the density of residential development patterns, housing styles and types to provide opportunities for affordable housing for all residents of the community.

Policy: Review current residential zoning district requirements (lot size, setbacks, floor areas, parking, etc.) to compare them to modern industry practices and local markets.

Policy: Consider adoption of Planned Unit Development provisions to promote flexible, mixed use developments.

Policy: Consider the adoption of a zero lot line district to offer an alternative to conventional two-family and single-family development.

Policy: Consider a cluster district to allow greater flexibility in site planning.

Policy: Review and consider adoption of manufactured housing/mobile home park standards to equitably address this component of the housing market.

Goal: The town should maintain and enhance residential properties throughout the community to create an attractive, safe, and healthy housing environment.

Policy: Review and consider the adoption of a historic neighborhood district to preserve historically significant residential neighborhoods.

Policy: Review and consider adoption of minimum housing standards as the basis for maintaining residential property values.

Commercial Land Use: The plan contemplates developing a revitalized commercial center in the downtown while capitalizing on the opportunity for highway oriented commercial development on SR 252 and US 31. The following specific goals and related policies form the strategy:

Goal: The integrity of the downtown as a viable commercial center should be maintained and enhanced.

Policy: Review the existing zoning for the downtown and consider the addition of architectural controls, signage, and historic preservation requirements designed to preserve historic buildings and to promote appropriate new commercial development.

Policy: Minimize commercialization of other areas by limiting the area of commercial zoning districts to the downtown, identified highway corridors, and such other clearly identifiable areas as are essential to adequately serve the town.

Policy: Continue current economic development efforts to attract and support downtown businesses.

Goal: The town should capitalize on and carefully manage commercial growth in the US 31 Corridor and on SR 252 near the interstate as a part of the overall gateway strategy.

Policy: Consider the creation of a special overlay district to include architectural, landscaping, buffer, signage, highway access, and such other standards as are necessary to promote high quality commercial development compatible with existing neighborhoods and development in the town.

Industrial Land Use: The plan contemplates orderly industrial growth that enhances the overall quality of life in Edinburgh. Industrial development is earmarked for areas along US 31 north of town, as well as in the south-side industrial park and in outlying areas to the south of the existing park. Goals and policies with respect to industry are as follows:

Goal: Compatible, non-polluting industries should be attracted and encouraged to conform to the character of the town and surrounding areas.

Policy: Greenbelts or buffer zones should be established between industrial and other uses.

Policy: New industrial uses should be planned so as to utilize land to the optimum extent.

Policy: Water, sewer, and electrical utilities should be supplied in sufficient capacities to planned industrial sites.

3.0 INFRASTRUCTURE DEVELOPMENT STRATEGY

Realization of the Strategic Plan, especially for new development in the peripheral areas, is contingent upon the development of new thoroughfares and the extension of municipal services and utilities. Each of the major components of the infrastructure system are reviewed in the following sections.

3.1 Thoroughfares

Thoroughfares represent a major component of the Strategic Plan. The following sections present goals and policies for the thoroughfare system as well as a classification system for streets and the specific major thoroughfare improvements contemplated in the plan.

Goal: A safe, efficient and well-maintained major thoroughfare system is a primary goal of the Town of Edinburgh.

Policy: Existing roadways, improved as necessary to promote safety and adequate capacity, should be used to maintain an adequate arterial street system.

Policy: A network of collector streets should be identified and maintained to provide access for residential neighborhoods as well as commercial and industrial districts to the arterial system.

Policy: Access to all major and minor arterials should be carefully controlled to minimize the number of curb cuts for individual residences as well as commercial or industrial developments.

Policy: Continuity in the street system should be maintained by requiring mandatory interconnection of all individual subdivision street systems with the collector network.

Consistent with the foregoing goal and policies, the following highway classification system as illustrated in Map 4 is proposed for the town. The system perpetuates the right-of-way and pavement widths defined in the 1979 Comprehensive Plan as shown in the following Table.

Recommended Roadway Widths

Type of Road	Right of Way	Pavement Width
Major Arterial	80 feet	48 feet
Minor Arterial	55 feet	30 feet
Urban Collector	60 feet	36 feet
Local Street	50 feet	28 feet

Map 4 Thoroughfares shows the location of the following major arterials, minor arterials, and collectors as well as local access streets.

Major Arterial US 31

Minor Arterial SR 252
 Eisenhower Drive
 Shelby & Bartholomew County Line Roads
 East Bypass (proposed)

Collectors High School Drive
 Main Cross Street
 Lincoln Street
 Kyle Street
 Holland Street
 Walnut Street
 Main Street
 Pleasant Street

Local Streets All others

The major strategic components of the thoroughfare plan relate to developing two arterials serving the east and south sides of Town. In the case of County Line Road, the strategy is to provide more direct access from SR 252 for traffic destined for the south-side industrial park. The plan also contemplates the development of an East Bypass Road to open the east and south outlying areas to new development. Two routes serving Edinburgh (SR 252 and US 31) have been identified as gateways and should be accordingly managed. The following specific improvements are contemplated:

SR 252 - Overall alignment should remain as is, but abrupt bends and turns in the alignment should be removed. This project should be pursued through the state since SR 252 is maintained as a part of the state highway system.

Shelby County Line Road - South of SR 252, County Line Road needs to be upgraded consistent with the planned use of the road as an arterial serving the south side of town. It needs to be extended to intersect the Bartholomew County Line Road to create a loop serving the south-side industrial park.

East Bypass - A road should be extended south from SR 252 intersecting Main Cross Street and the Bartholomew County Line Road, proceeding southward and looping to the west to connect with CR 900 N. The bypass would connect SR 252 with US 31 on the south side with a direct route sized as an arterial to bear commercial and industrial traffic and to provide access to future residential areas on the south and east sides of town.

Walnut Street Extension - Walnut Street should be improved south of County Line Road as an alternate route for northbound traffic from the south via CR 900 N. This would provide a more direct access to the industrial park from US 31 south of town.

3.2 Stormwater Facilities

Future development around Edinburgh should be based on a well planned strategy for controlling stormwater runoff. The strategy should include the following policy and projects:

Stormwater Policy - The town needs to adopt a stormwater management ordinance to govern and set standards for stormwater detention/retention facilities, stormwater pipes, swales, and such other facilities as are necessary to properly control runoff. The town should also anticipate future National Pollutant Discharge Elimination System (NPDES) permit requirements aimed at controlling the water quality impacts of stormwater discharge.

Flood Plain Map Amendment - The flood plain map for the east side of Edinburgh delineates a flood plain that has been significantly altered by means of drainage improvements on the north side of SR 252. As currently shown, the flood plain could inhibit residential development on the near-east side as well as industrial development in the existing industrial park. A formal map amendment should be pursued through the Federal Emergency Management Administration (FEMA) to reflect changes in the drainage system of these areas.

East Side Detention Facility - An ad hoc detention facility exists on the south side of Main Cross street just west of the Shelby County Line Road. This area represents a prospective site for the development and maintenance of a detention pond designed to serve areas to the north for the benefit of property lying south of this location. The town should consider acquiring this site to enlarge and improve as a major detention facility.

3.3 Waste Water Treatment & Collection

The capacity of the existing waste water treatment plan has recognized as an obstacle to future growth. The development of the additional treatment capacity is critical to the future development of peripheral areas to the east and south. The town has completed a facility plan that calls for an increase in treatment capacity from the current 1.2 MGD to 2.0 MGD. The town needs to initiate the design process for the plant expansion in recognition of the fact that a local investment in the design phase of the upgrade will enhance the town's ability to compete for limited federal and state funding assistance.

As development occurs to the east and south, the waste water collection system will have to be extended to outlying areas. The extensions should be guided by an overall facility plan that addresses the long-term capacity requirements of lift station and pipes serving new areas. The installation of the collection system can be imposed on new development as a customary requirement of developing raw ground.

3.4 Water System

The capacity of the existing water system is more than adequate to meet the demands of future development. Daily pumping capacity of the system yields 3.0 MGD. Current use amounts to .6 MGD leaving an excess capacity of 2.4 MGD available for future demand. As in the case of sewers, the water distribution system will have to be augmented with new lines to serve areas to the east and south. The town is currently planning to design and build a new water town to supply areas to the south. A facility plan should be developed to preliminarily size and locate alignments for supply pipes serving the peripheral areas.

4.0 IMPLEMENTATION STRATEGIES

The strategic plan challenges the community to undertake several major projects. Implementation of the plan will require three ongoing initiatives:

Plan Refinement - Several elements of the plan namely, the Historic Districts, South-side Revitalization District, Gateway & Entrance Corridors and ongoing Downtown Revitalization Program will require further definition to support implementation. The Plan Commission should establish a schedule of priorities for undertaking the more detailed planning necessary to support these initiatives.

Land Use Controls - Most of the functional land use goals and policies indicate revision of the current zoning and subdivision codes. The Plan Commission should initiate a schedule of amendments to current ordinances to upgrade controls consistent with the plan. Some elements of the plan will require development of new codes such as minimum housing standards designed to maintain and enhance properties in critical areas of the community.

Capital Improvements Plan & Finance Strategy - Infrastructure represents a key element of the plan. Scheduling, estimating the cost, and budgeting for each project should be undertaken in the context of a total capital improvements plan and budget. Financial strategies should be developed for each project as part of the planning and budgeting process.

Implementation is a strategic element of the plan. To realize its potential Edinburgh must continue its progressive efforts to capitalize on its historic resources and favorable location.