

Cross reference:

TOWN OF ULEN
UNIFIED DEVELOPMENT ORDINANCE

ADOPTED JANUARY 28, 2025

Ulen Town Council

Mark Ransom, President

Jennifer Jones

Sheryl Cassis

TABLE OF CONTENTS

<u>CHAPTER 1 – TERMINOLOGY</u>	<u>PAGE</u>
Section 1.0 Title	1
Section 1.1 Short Title	1
Section 1.2 Interpretation	1
Section 1.3 Non-Interference with Greater Restrictions Otherwise Imposed	1
Section 1.4 General Definitions	2
 <u>CHAPTER 2 – DISTRICTS</u>	
Section 2.0 Establishment of Districts	11
Section 2.1 Description of Districts	11
Section 2.2 SFR Lot Standards	12
 <u>CHAPTER 3 – AUTHORIZED USES AND REQUIREMENTS</u>	
Section 3.0 Authorized Uses	13
Section 3.1 Property Development Standards	13
Section 3.2 Home Occupations	17
Section 3.3 Manufactured Homes	18
Section 3.4 Reserved	19
Section 3.5 Outdoor Advertising	19
Section 3.6 SFR Miscellaneous	20
 <u>CHAPTER 4 – VARIANCES</u>	
Section 4.0 Development Standard Variance Procedures	21

	<u>PAGE</u>
<u>CHAPTER 5 – NON-CONFORMING USE</u>	
Section 5.0 Non-conforming Use Specifications	22
<u>CHAPTER 6 – IMPROVEMENT LOCATION PERMIT</u>	
Section 6.0 Applicability	23
Section 6.1 Certificate of Occupancy	23
Section 6.2 Documentation	23
Section 6.3 Expiration of Improvement Location Permit	25
<u>CHAPTER 7 – OWNER OCCUPIED SHORT-TERM RENTALS</u>	
Section 7.0 Purpose, Intent and Scope	26
Section 7.1 Definitions.....	26
Section 7.2 Operation of Short-Term Rentals	28
Section 7.3 Short-Term Rental Permits.....	29
Section 7.4 Violations	31
Section 7.5 Penalty for Violation.....	31
<u>CHAPTER 8 – ADMINISTRATION AND ENFORCEMENT</u>	
Section 8.0 Departmental Organization.....	34
Section 8.1 Duties of the Board of Zoning Appeals	35
Section 8.2 Variances.....	36
Section 8.3 Hearings	37
Section 8.4 Appeals	38
Section 8.5 Amendments.....	39
Section 8.6 Uses Not Listed.....	39
Section 8.7 Zone Maps.....	40
Section 8.8 Complaints	41
Section 8.9 Enforcement	41
Section 8.95 Severability, Repealer and Effective Date.....	42
Table 1 Schedule of Fees	43
Table 2 Zone Maps	45

CHAPTER 1 - TERMINOLOGY

SECTION 1.0 TITLE

AN ORDINANCE FOR THE DEVELOPMENT THROUGH ZONING OF THE AREA WITHIN THE JURISDICTION OF THE ULEN PLAN COMMISSION OF THE TOWN OF ULEN, BOONE COUNTY, INDIANA.

SECTION 1.1 SHORT TITLE

This Ordinance shall be formally known as the “Unified Development Ordinance of the Town of Ulen, Indiana,” and may be cited and referred to as “Zoning Ordinance,” or “Unified Development Ordinance.”

SECTION 1.2 INTERPRETATION

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, morals, convenience, and general welfare.

It is not the intent of this Ordinance, nor would it be the result of this Ordinance, that any usage of land existing at the time or prior to the passage of this Ordinance which was unregulated or considered non-conforming should become legal or lawful under the terms of this Ordinance.

Unless otherwise specifically stated within the Unified Development Ordinance, if two or more provisions of the Unified Development Ordinance are in conflict or are inconsistent with one another, then the more restrictive provision shall apply.

SECTION 1.3 NON-INTERFERENCE WITH GREATER RESTRICTIONS OTHERWISE IMPOSED

It is not the intention of this Ordinance to interfere with, or abrogate, or annul any easements, covenants, or other agreements between parties, nor to interfere with, or abrogate, or annul any ordinances, other than those expressly repealed hereby, rules, regulations or permits previously adopted or issued, and not in conflict with any of the provisions of this Ordinance, or which shall be adopted or approved, except, that where this Ordinance imposes a greater restriction upon the use of

buildings or land, or upon the height of buildings, or requires larger open spaces or greater lot area per family, than are required or imposed by such easements, covenants or agreements between parties, or by such ordinances, rules, regulations or permits, the provisions of this Ordinance shall control.

SECTION 1.4 GENERAL DEFINITIONS

For the purpose of this Ordinance, certain terms or words used herein shall be interpreted or defined as follows: (Words used in the present tense include the future tense. The term 'shall' is always mandatory.)

ACCESSORY BUILDING: A subordinate building or structure located on the same lot as a principal building which does not alter or change the character of the premises and which is not used for human occupancy.

Public utility communications, electric, gas, water, and sewer lines, their supports and incidental equipment, shall be considered accessory uses even though no principal building exists on the premises.

ADVERTISING STRUCTURE: Any outdoor structure designed for the purpose of advertising or making known any service or commodity that is not available upon the property on which the structure is located.

ALLEY: A right-of-way other than a street, road, crosswalk, or easement, designed to provide a secondary means of access for the special accommodation of the property it reaches.

APPLICANT: The owner or owners of real estate who makes application to the Area Plan Commission of Boone County, Indiana for action by said commission affecting the real estate owned thereby.

BOARD: The Board of Zoning Appeals of the Ulen Plan Commission of the Town of Ulen, Boone County, Indiana.

BUILDING: Any enclosed structure designed or intended for the support, enclosure, shelter or protection of persons, animals, or property of any kind and includes any structure.

BUILDING COMMISSIONER: The employee or designated persons of the Ulen Plan Commission of the Town of Ulen, Indiana, who is empowered to inspect and approve Improvement Location Permits, and to act as the agent of the Plan Director in any other matter concerning the enforcement of this Ordinance.

BUILDING, DETACHED: A building having no structural connection with another building.

BUILDING, FRONT LINE OF: The line of the face of the building nearest the front lot line.

BUILDING, HEIGHT OF: The vertical distance measured from the lot 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.

BUILDING PERMIT: A document signed by the Plan Director or the Building Inspector which certifies that a proposed use meets the requirements of this Ordinance.

BUILDING, PRINCIPAL: A building in which the principal use of the lot or premises on which it is located is conducted, including a building that is attached to such a building in a substantial way, such as by a roof. With respect to residential uses, the principal building shall be the main dwelling.

BUILDING AREA: The horizontal projected area of the buildings on a lot or premises, excluding open areas or terraces, unenclosed porches not more than one story high, and architectural features that project no more than 2 feet.

BUILDING LINE: The line that establishes the minimum permitted distance on a lot between the front line of a building and the street right-of-way 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.

CERTIFICATE OF OCCUPANCY: A certificate stating that the occupancy and use of land or a building or structure referred to therein complies with the provisions of this Ordinance.

COUNTRY CLUB: A building or portion thereof or premises owned or operated by a person or group for a social, educational, or recreational purpose primarily for the exclusive use of members and their guests, including the preparation and service of food, alcohol, and related activities for the benefit of members and guests.

COMMISSION: The Ulen Plan Commission of the Town of Ulen, Indiana.

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

DEVELOPMENT PLAN: A drawing, which may or may not be certified by a Registered Surveyor or Engineer, which includes a legal or site description; sea-level elevations; location of all buildings, structures, yards, septic systems and underground tiles, locations and dimensions of all building lines and easements; widths and lengths of all entrances and exits to and from said real estate; location of all adjoining streets and thoroughfares, service facilities, utilities, etc.

DIRECTOR: The employee or designated person of the Ulen Plan Commission who acts as the Director of the Planning Department, has the power to enforce this Ordinance, and is responsible for the performance of any duties or functions required by the Ulen Plan Commission.

DISTRICT: A section of the jurisdictional area for which uniform regulations governing the use, height, area, size, and intensity of use of buildings and land, and open spaces surrounding buildings, are herein established.

DWELLING: A building or part of a building that is used primarily as a place of abode, but not including a hotel, motel, lodging house, boarding house, tourist home, or mobile home as defined in this Ordinance.

DWELLING – SINGLE FAMILY: A detached residential dwelling unit designed for and occupied by one (1) family.

EASEMENT: An authorization or grant by a property owner to a specific person, the general public, corporations, utilities, etc. for the purpose of providing services or access to the property.

FAMILY: Persons living as a single housekeeping unit that are related as further defined by I.C. 36-7-11.3-4.

FENCE: A partition including entrance and exit gates, designed, and constructed for enclosure or screening.

FLOOD OR FLOODWATER: The water of any river or stream which is above the banks and/or outside the channel and banks of such river or stream.

FLOODWAY DISTRICT: These are designated as a "Commission Floodway" by the Indiana Natural Resources Commissioner.

FLOODWAY FRINGE DISTRICT: Those portions of a flood hazard area lying outside the Floodway District.

FLOOD HAZARD AREA: Those floodplains which have not been adequately protected from flooding by means of dikes, levees, reservoirs, or other works approved by the Indiana Natural Resources Commission.

FLOOD PROTECTION GRADE: The elevation of the lowest point around the perimeter of a building at which floodwater may enter the interior of the building.

FLOOR AREA, NET: The sum in square feet computed from the outside dimensions of the structure. It does not include crawl space, unusable attic area unenclosed porches or patios.

FRONTAGE: The distance at which a property or properties is located along a dedicated street or road.

GARAGE, PRIVATE: An accessory building with capacity for not more than three (3) motor vehicles per family, not more than one (1) of which may be a commercial vehicle of not more than tons capacity.

GRADE: The elevation or average level of the existing or finished surface of ground.

GROUND FLOOR AREA: Same as Floor Area, Net except computed for ground floor only.

IMPROVEMENT LOCATION PERMIT: A permit stating that the proposed erection, construction, enlargement or moving of a building or structure referred to therein complies with the provisions of the Zoning Ordinance.

INOPERATIVE MOTOR VEHICLE: Any automobile, truck, or other motorized vehicle that lacks an operable motor, drive train, wheels, axles, transmission, or other necessary equipment such that it may be readily started and moved and conforms to all regulations of the Indiana Bureau of Motor Vehicles to function on a public road including current registration and license plates.

JURISDICTIONAL AREA: The incorporated area of the Town of Ulen, Boone County, Indiana.

LOT: A lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area and to provide such yards and other open spaces as are hereby required. The Lot may consist of platted parcels or combination or portions thereof under unified ownership.

A lot may consist of:

- a. A single lot of record;
- b. A portion of lot of record;
- c. A combination of complete lots of record and portions of lots of record, or of portions of lots of record.

LOT, CORNER: A lot at the junction of and abutting two or more intersecting streets.

LOT, COVERAGE: The percentage of the lot area covered by the building area.

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

LOT LINE, FRONT: Any property line separating the lot from a street.

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 10 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 rear lot line.

MAXIMUM BUILDING HEIGHT: The midpoint on pitched roofs.

MOBILE HOME: Any vehicle or other portable structure, at least 40 feet in length, that is designed to move on the highway and manufactured to be used as a dwelling under applicable state law (I.C. 16-41-27-4).

MODULAR HOME: Any structure designed to move on the highway and manufactured to be used as a dwelling under applicable state law (I.C. 16-41-27-3.5; I.C. 22-12-1-16).

NON-CONFORMING USE: A building, structure, or use of land existing at the time of enactment of this Ordinance, and which does not conform to the regulations of the district in which it is situated.

OWNER: A person(s) who has obtained legal title to a lot(s) as listed in the records of the Boone County Auditor/Recorder.

OWNER-OCCUPIED: The owner's primary residence for six (6) months or more each calendar year.

PERFORMANCE BOND OR SURETY AGREEMENT: An insured bond or cash escrow agreement submitted by a subdivider or developer to the Town of Ulen for the amount of the estimated construction cost guaranteeing the completion of the physical improvements and installations according to plans and specifications approved by the Plan Commission for any work or activities within Town right-of-way or involving Town assets or facilities. The amount of the agreement shall be based on a cost estimate to be made and certified by a professional engineer and shall be in effect until released by the Ulen Town Council after proper inspections of the completed work have been made.

PERSON: Any individual, corporation, firm, partnership, association, or organization, or any other group that acts as a unit.

PLAT: A map or chart indicating the subdivision or re-subdivision of land recorded, or which may be recorded, with the Office of Boone County Recorder.

RECREATIONAL VEHICLE (RV): A vehicle designed as temporary living quarters for recreation, camping, or travel, either with their own motor power or mounted or towed by another powered vehicle.

SCREENING: An erected structure or planted vegetation used for concealing an area from view. Screening may consist of fencing, evergreen trees, mounding, or similar artifices.

SETBACK LINE: A line established by the Zoning Ordinance defining the limits of a yard in which no building or structure may be located except as may be excluded in said Ordinance.

SEWERS: An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility approved by the State Board of Health for a single development, community, or region.

SIGN, ON PREMISE: An identification, description, illustration, or device which is affixed or represented directly or indirectly upon a building, structure, or land which directs attention to a product, place of activity, service, person, business, event, etc. which is located on said real estate.

SIGN, OFF PREMISE: Any sign, advertising structure, billboard, etc. containing copy unrelated to the primary use of or to a commodity or service sold or offered on the premises where such sign is located.

STATE: The State of Indiana

STORY: That part of a building between the surface of a floor and the ceiling immediately above; or if there is a floor above, the portion of a building between the surface of any floor and the surface of the next floor above. A basement shall not be counted as a story.

STREET (ROAD): A right-of-way established for or dedicated to the public use by duly recorded plat, which affords the principal means of access to abutting properties. A street may be designated as a highway, thoroughfare, parkway, boulevard, road, avenue, lane, drive, place, or other appropriate name.

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 roof.

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

SUBSTANTIAL ADDITION: Construction that increases square footage of a building by more than 10% of existing square footage.

SWIMMING POOL: A self-contained body of water at least eighteen (18) inches in depth used for recreational purposes. Such body of water may exist in a metal tank, plastic lined or masonry structure located either above or below ground level. Swimming Pools may only be private in use. A private pool is considered as an accessory use.

TOWN: The incorporated Town of Ulen, Indiana.

TRAVEL TRAILER: A vehicle or other portable structure 40 feet or less in length that is designed to move on the highway and designed or used as a temporary dwelling.

USE: The specific purposes for which land or a building is designated, arranged, intended or for which it is or may be occupied or maintained.

VARIANCE: A modification of the specific requirements of this ordinance for the purpose of assuring that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and district.

VISION CLEARANCE ON CORNER LOT: A triangular space at the street corner of a corner lot, free from any kind of obstruction to vision between the heights of 3 and 12 feet above the established grade, determined by a diagonal line, connecting two

points measured 15 feet equidistant from the street corner along each property line.

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

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 street right-of-way line and the building line.

YARD, REAR: A yard extending across the full width of the lot between the rear of the main building and the rear lot line unoccupied other than the accessory buildings which do not occupy more than 30 percent of the required space, the depth of which is the least distance between the rear lot line and the rear of such main building.

YARD, SIDE: A yard between the main building and the side lot line extending from the front yard or front lot line where no front yard is required, to the rear yard. The width of the required side yard is measured horizontally, at 90 degrees with the side lot line, from the nearest part of the main building.

CHAPTER 2 - DISTRICTS

SECTION 2.0 ESTABLISHMENT OF DISTRICTS

The Jurisdiction Area is hereby classified and divided into Districts designated as follows:

<u>District Designation</u>	<u>Primary Use</u>
SFR.....	Owner-occupied Single Family Residential
CC/GC.....	Golf Course and Country Club

SECTION 2.1 DESCRIPTION OF DISTRICTS

There are only two Zoning Districts permitted in the Town of Ulen. Those Districts identified above are described as follows:

- SFR – This District permits only owner-occupied single family residential uses. No multi-family or other residential districts or uses are permitted.
- CC/GC – This District permits the existing Ulen Golf Course and Country Club and provides for the activities of golf including practice facilities and pro shop (whether private or public) along with Ulen Country Club and related and ancillary uses for the benefit of the members and their guests.

SECTION 2.2 SFR LOT STANDARDS

- A. Maximum Buildings per Lot: 1
- B. Development Plan Required: Yes
- C. Minimum Lot Area: 9,000 sq. ft.
- D. Minimum Lot Width: 70 ft.
- E. Setbacks
 - 1. Minimum Front Yard Setback
 - a. Principal building: 30 ft.
 - b. Accessory building: 30 ft.
 - 2. Minimum Side Yard Setback
 - a. Principal building: 5 ft. from property line
 - b. Accessory building: 5 ft. from property line
 - c. Minimum aggregate: 15 ft.
 - 3. Minimum Rear Yard Setback
 - a. Principal building: 20 ft.
 - b. Accessory building: 20 ft.
 - 4. Corner House Setbacks
 - a. Principal building: 20 ft.
 - b. Accessory building: 20 ft.
- F. Minimum Ground Floor Area
 - 1. One-story dwelling: 1,300 sq. ft.
 - 2. Two-story dwelling: 1,000 sq. ft.
- G. Maximum Building Height
 - 1. Principal building: 35 ft.
 - 2. Accessory building: subordinate in height to principal building.

CHAPTER 3 - AUTHORIZED USES AND REQUIREMENTS

SECTION 3.0 AUTHORIZED USES

The primary uses permitted in the Districts established by or under Section 2.1.

All requests for clarification or classification shall be referred to the Board for consideration in accordance with the provisions of Chapter 7.

SECTION 3.1 PROPERTY DEVELOPMENT STANDARDS

H. Use - No building or land shall be used, and no building shall be erected, re-constructed, or structurally altered, which is arranged, intended, or designed to be used for any purpose other than a use which is permitted and specified in a District in which such building or land is located.

I. Accessory Uses - Accessory uses shall be permitted in all Zoning Districts provided the following requirements have been met:

1. Accessory uses shall be incidental and subordinate to, and commonly associated with the operation of the principal use of the lot.
2. Accessory buildings shall not be erected prior to the principal building.
3. Accessory uses shall be operated and maintained under the same ownership and on the same lot as the principal use.
4. Accessory uses shall be clearly subordinate in height, area, bulk extent, and purpose to the principal use.
5. Accessory uses, such as the following, are permitted in all districts and may be installed in any required yard *without* an Improvement Location Permit:
 - a. Bird baths and bird houses
 - b. Curbs
 - c. Driveways
 - d. Fences and hedges
 - e. Lamp posts
 - f. Mail boxes (must be affixed to the primary dwelling structure)
 - g. Name plates

- h. Parking spaces
 - i. Utility installations for local service
 - j. Retaining walls
 - k. Trees, shrubs, etc.
 - l. Walks
 - m. Drainage installations
 - n. Housing for domestic pets, provided it does not constitute a kennel
 - o. Residential parking spaces
 - p. Children's playhouses subject to meeting applicable lot requirements and must be located in a side or rear yard
6. The following Accessory Uses are permitted in both Zoning Districts *subject to the application for and issuance of an Improvement Location Permit* which certifies that all front, side, and rear setback requirements of the applicable Zoning District have been met:
- a. Buildings and structures such as garages, storage sheds, carports, studios, enclosed patios, bathhouses, gazebos, pergolas, cabanas, greenhouses, etc.
 - i. Permitted Materials: Accessory buildings shall be constructed of materials such that they are aesthetically compatible with the existing principal building.
 - ii. Permitted Locations: Accessory buildings shall only be located in the rear yard such that they do not extend beyond the façade of the primary building.
 - b. Tennis and Pickleball Courts
 - i. Shall be located in the rear yard only.
 - ii. Permitted hours of use: 8:00 a.m. to 10:00 p.m.
 - c. Private Swimming Pools and Hot Tubs
 - i. Shall be located in the rear yard only.
 - ii. Types: Only in-ground swimming pools are permitted. In-ground or above-ground hot tubs are permitted as long as they are fenced or screened.

iii. Safety: For purposes of safety, all swimming pools and hot tubs must comply with Indiana Pool Code. Swimming pools must be either fenced-in or must be covered when not in use.

[1] Fencing or walls deemed by the enforcing authority to be impenetrable, that is not less than four (4) feet high surrounding the deck area with the exception of self-closing and latching gates and doors, both capable of being locked.

[2] A safety pool cover may be used. There must be a continuous connection between the cover and the deck, so as to prohibit access to the pool when the cover is completely drawn over the pool. The cover must be mechanically operated by a key or key and switch such that the cover cannot be drawn open or retracted without the use of a key. The pool cover must be capable of supporting a minimum of 400 pounds-imposed load when completely drawn. The cover must be installed with a track, rollers, rails, or guides. It must also bear an identification tag indicating the name of the manufacturer, name of the installer, installation date, and applicable safety standards if any. Or it must be in compliance with the Indiana Swimming Pool Code, 675 IAC 14-4.3-296, as amended.

d. Antennas and amateur radio towers if they do not exceed thirty-five feet (35') in height.

J. Lots - Every primary building hereafter erected, shall be located on an individual lot which fronts on a street.

K. Minimum Lot Area - Except as hereafter provided, no building or structure shall hereafter be erected or located on a lot unless such lot conforms with the lot area regulations of the District in which it is located except that lots of record or individually held prior to the passage of this Ordinance may be smaller in area than the figure prescribed.

- L. Ground Floor Area - The ground floor area requirements for dwellings, as set forth in the District, shall apply. Dwellings shall not be changed except in conformity with these regulations.
- M. Building Relocated - No buildings or structures shall be moved from one lot or premises to another unless such building shall thereupon conform to all the regulations of the Zoning District to which such building shall be moved and an Improvement Location Permit has been acquired.
- N. Building Height - All buildings hereafter designed or erected and existing buildings which may be reconstructed, altered, moved, or enlarged shall comply with the height regulations and exceptions of the District in which it is located, with the addition of the following:
 - O. Yards
 - 1. In measuring a front yard or side yard adjoining a street, it shall be the perpendicular distance between the right-of-way line, of said street and a line through the corner or façade of the building closest to and drawn parallel with the right-of-way line, excluding any architectural features.
 - 2. Architectural features (cornices, chimney, eave, sill, canopy, or similar feature) may extend into a required side yard not more than 2 feet, provided that the width of said yard is not reduced to less than 5 feet, any may project into a required front or rear yard not more than 3 feet.
 - 3. An open platform, porch, or landing which does not extend above the level of the first floor of the building may extend or project into any required yard not more than 4 feet.
 - 4. In the case of a through or corner lot, any property line abutting a street shall be considered a front property line and the setback from that line shall conform to the front yard regulations of that District.
- P. Lot Coverage - All buildings, hereafter erected and existing buildings which may be reconstructed, altered, moved, or enlarged shall not exceed the maximum lot coverage regulations of the District in which they are located.
- Q. Parking and Storage of Certain Vehicles
 - 1. Automotive Vehicles - Automotive vehicles or trailers of any type without current plates or in an inoperable condition so as to be deemed dead, storage shall be prohibited in both Districts other than in completely

enclosed buildings, and shall not be parked or stored in either Zoning District unless specifically authorized under the terms of this Ordinance. Parking is permitted only on hard-surfaced areas meant to the parking of automobiles. On-street parking is prohibited except for temporary or emergency purposes.

2. Off-Street Parking - To reduce traffic problems and hazards by eliminating unnecessary on-street parking, every use of land must include on-premises parking sufficient for the needs normally generated by the use, as provided by this Section.

SECTION 3.2 HOME OCCUPATIONS

- A. A home occupation shall be permitted when said occupation conducted on residentially used premises is considered customary and traditional, incidental to the principal use of the premises as a residence, and not constructed as a business. The on-site presence of employees is prohibited.
- B. Signage: No signage or advertising is permitted and no retail use is permitted.
- C. Clients: Only one (1) client shall be permitted on a residential premises at a time. Client parking is strictly limited to the driveway of the residence.
- D. Permitted home occupations shall be of a personal service nature limited to domestic crafts and professional service, including but not limited to:
 1. Domestic Crafts such as dressmaking, millinery, sewing, weaving, tailoring, ironing, washing, custom home furnishings work, carpentry work and furniture repair, and hair grooming.
 2. Professions such as tutoring, law, medicine, architecture, engineering, accountant, planning, real estate, insurance, notary public, manufacturer's agent, clergy, writing, music, painting, and photography; provided, however, the service is limited to advice and consultation.
- E. For purposes of this Ordinance, real estate and insurance offices, clinics, doctor's offices, dress shops, millinery shops, funeral homes, day care centers, tourist homes, animal hospitals and kennels, trailer rentals, among others, shall not be deemed to be permitted home occupations.

F. Permitted home occupations shall not affect adversely the residential character of the Zoning District or interfere with the reasonable enjoyment of adjoining properties.

G. Standards

1. The primary use of the structure or dwelling unit shall remain residential, and the operator of the home occupation shall remain a resident in the dwelling unit.
2. The operator conducting the home occupation shall be the sole entrepreneur, and he shall not employ any other person other than a member of the immediate family residing on the premises.
3. No structural additions, enlargements, or exterior alterations changing the residential appearance to a business appearance shall be permitted.
4. No more than 25 percent (25%) of the floor area of any one story of the dwelling unit shall be devoted to such home occupation.
5. Such home occupation shall be conducted entirely within the primary building or dwelling unit used as a residence. No home occupation shall be conducted in any accessory building.
6. No additional and separate entrance incongruent with the residential structural design shall be constructed for the purpose of conducting the home occupation.
7. No provision for additional parking shall be permitted.
8. No display of goods, signage, or external evidence of the home occupation shall be permitted.

H. Noise and Sound

Behavior and activities that are excessively loud, unruly, or disruptive, such that they interfere with use and enjoyment of adjacent properties are prohibited.

SECTION 3.3 MANUFACTURED HOMES

A. Definitions

1. Manufactured Home - A dwelling unit fabricated on or after June 15, 1976, in an offsite manufacturing facility for installation or assembly at the building site, bearing 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 Administrative Building Council. Manufactured homes are not permitted in either Zoning District.

2. Mobile Home - A transportable structure built prior to June 15, 1976, the effective date for the Federal Mobile Home Construction and Safety Act of 1974, larger than three hundred and twenty (320) square feet, and designed to be used as a year-round residential dwelling. Mobile homes are not permitted in either Zoning District.

SECTION 3.4 RESERVED

SECTION 3.5 OUTDOOR ADVERTISING

A. Advertising Structures

B. District-Specific Regulations

1. SFR District

a. No signage shall be permitted.

- i. "For Sale" signs posted on the subject lot or building are permitted. A temporary sign shall not exceed 48" x 48" and there shall be not more than two (2) such signs for any lot, building, or occupancy. An Improvement Location Permit shall not be required for said signs.

b. No advertising structures shall be permitted.

2. CC/GC District

a. Signage shall be permitted.

- i. Outdoor advertising signs erected in the CC/GC District may contain in addition to the information concerning the business located on the property, advertisement for one other service or commodity that is not available upon the property on which the sign is located.

b. Advertising structures are prohibited.

SECTION 3.6 SFR MISCELLANEOUS PROVISIONS

A. Animal Restrictions

1. Residents may keep only domestic animals as pets. For purposes of this Ordinance, a domestic animal is tame, normally kept as a pet, and is not typically found on a farm or in the wild. Domestic animals include dogs, cats, birds, fish, and certain rodents such as gerbils, rabbits, ferrets, guinea pigs, etc.
 - a. *Quantity*. Each household may have a maximum of four (4) dogs at a time.
 - b. *Leashes*. All pets—including dogs and cats—are prohibited from roaming beyond the bounds of their owner's property. Those wishing to accompany a pet on a walk beyond the bounds of their owner's property, shall keep said pet on a leash at all times.
 - c. *Waste*. Pet waste shall be properly cleaned up and disposed of. Owners are prohibited from leaving their pet's waste on another's property.
 - d. *Tethering*. Refer to Boone County's Animal Control Ordinance.
 - e. *Barking*. Dogs shall not be left outside to bark for extended periods of time such that they interfere with the use and enjoyment of adjacent or nearby properties.
 - f. *Weather*. If there is inclement weather, such that it may pose a risk to health or safety of an animal (e.g., weather advisories, warnings, or watches) owners are prohibited from leaving them outside.
 - g. *Dog runs, kennels, and puppy mills*: Dog runs, kennels, and puppy mills are prohibited.
2. Exotic animals and farm animals are prohibited. For purposes of this Ordinance, an exotic animal is any wild animal not customarily confined for domestic purposes. A farm animal, is any animal customarily raised for profit on farms or in agricultural areas. Farm animals include, but are not limited to chickens, roosters, pigs, goats, sheep, cattle, horses, ponies, and bees.

B. Exterior Lighting (not applicable to decorative or holiday lighting)

1. Direction of light: All exterior lighting shall be downward-facing as to not interfere with the use and enjoyment of adjacent properties.
 2. Light poles shall not exceed a height of 10 ft.
- C. Garage Sales
1. Frequency: Each household shall be limited to hosting a maximum of two (2) garage sales per calendar year, each lasting no more than two (2) days.
 2. Permitted Hours: Garage sales shall only be held between the hours of 8:00 a.m. to 4:00 p.m.
- D. Solicitors
1. Door-to-door solicitation is prohibited.

CHAPTER 4 -VARIANCES

SECTION 4.0 DEVELOPMENT STANDARDS VARIANCE PROCEDURES

- A. The Variances from the development standards (e.g., height, bulk, or area) of this Ordinance in accordance with the procedures set forth in this Section. Use Variances are prohibited.
- B. Upon receipt of an application for a Variance, the Director shall review and refer the completed application to the Board. The Board shall then proceed to process the application.
- C. Thereafter, the Board shall proceed with a hearing on the application in the manner prescribed in Chapter 5 of this Ordinance. Following the hearing, the Board may approve or deny the Variance. However, such a Variance shall be approved only upon the Board's determination in writing that:
 1. An approval of the Variance will not be injurious to the public health, safety, morals, and general welfare of the community; and
 2. The use and value of the area adjacent to the property included in the Variance *will not* be affected in a substantially adverse manner; and
 3. The strict application of the terms of the Zoning Ordinance *will result in* practical difficulties in the use of the property.

- D. The Board may impose reasonable conditions as part of the Board's approval of a Variance from development standards.
- E. The Board shall order Building Commissioner to issue an Improvement Location Permit for the Variance, upon compliance with the terms of this Ordinance and applicable building standards/codes.

CHAPTER 5 - NON-CONFORMING USE

SECTION 5.0 NON-CONFORMING USE SPECIFICATIONS

The lawful use of a building or premises, existing at the time of the effective date of this Ordinance, may be continued although such use does not conform to all the provisions of the District in which it is located, except as hereinafter provided.

- A. A non-conforming use may be extended throughout a building provided no structural alterations are made therein, except those required by law.
- B. No building shall be erected upon any premises devoted to a non-conforming use, except in conformance with this Ordinance.
- C. Nothing herein contained shall require any change in the plans, construction or intended use of a building for which an Improvement Location Permit has been legally issued prior to the effective date of this Ordinance.
- D. In the event that a non-conforming use of any building or property is discontinued for a continuous period of one (1) year, the use of said building or property shall thereafter conform to the uses permitted in the District in which it is located.
- E. When a building containing a non-conforming use is damaged by fire, explosion, act of God, or other catastrophic circumstances to less than 50% of its current assessed value, it shall not be restored except in conformity with the regulations of the District within which it is located.
- F. These provisions apply in the same manner to a use which may become a non-conforming use due to a later amendment to this Ordinance.

CHAPTER 6 - IMPROVEMENT LOCATION PERMIT

SECTION 6.0 APPLICABILITY

- A. The Director, or his agent, shall be responsible for the issuance of all Improvement Location Permits for an alteration to the condition of land, or structures thereon, within the Jurisdictional Area of the Commission. Any persons making said alterations must obtain an Improvement Location Permit for said alterations from the Commission prior to the start of any construction.
- B. The filing fee for an Improvement Location Permit is shown on Table 1, which is hereby established as a part of this Section.

SECTION 6.1 CERTIFICATE OF OCCUPANCY

- A. Certificate of Occupancy shall be applied for concurrently with the Improvement Location Permit.
- B. No land shall be occupied or used and no building hereafter erected, altered, or reconstructed shall be occupied or used, in whole or in part, for any purpose whatsoever, until a Certificate of Occupancy has been issued by the Director, or his agent, stating that the use complies with all of the provisions of this Ordinance.
- C. The Certificate of Occupancy shall be issued within five (5) days of the completion of the improvements authorized by the Improvement Location Permit, provided said improvements are in compliance with all provisions of this Ordinance.
- D. The filing fee for a Certificate of Occupancy is shown on Table 1, which is hereby established as part of this Section.

SECTION 6.2 DOCUMENTATION

Upon application for an Improvement Location Permit, the applicant must furnish the following information:

- A. The applicant must furnish four (4) copies of a dimensioned site plan drawn to scale and certified by a Registered Land Surveyor showing the following:
 - 1. The owner's name and address.

2. The legal description of the property including bearing notations and lengths.
3. Existing and proposed structures on the property including wells and sewage facilities.
4. Existing and proposed elevations of the building site including the proposed elevation of the first floor of the structure.
5. All easements required by the Zoning Ordinance or any other Ordinance of the County, or by any Act of the Legislature of the State of Indiana.
6. All adjacent streets including all required easements thereto and also the location and size of ingress and egress points from the property.
7. Performance and payment bonds for work in Town right-of-way or involving Town assets or facilities.

Plans so furnished shall be kept by the Director as a permanent record.

- B. All required special use requirements, such as fencing, screening, etc. shall be shown on the site plan required under Subsection A.
- C. The applicant shall present written approval of the proposed structure from any agency, commission, board, or other department of the State of Indiana having jurisdiction over the proposed structure prior to issuance of the Improvement Location Permit.
- D. The applicant shall submit two (2) complete sets of construction plans for the proposed improvements. The plans must be certified by the Building Commissioner as meeting all building and mechanical codes required by local or State law prior to issuance of the Improvement Location Permit.
- E. As a condition of issuing an Improvement Location Permit, the Director or his agent may require the relocation of any structure or of any entrance or exit, or the inclusion of an entrance or exit not shown on the plan, if the requirement is necessary in the interest of the public welfare.
- F. An Improvement Location Permit for a Variance may not be issued until the application has been approved by the Board.

SECTION 6.3 EXPIRATION OF IMPROVEMENT LOCATION PERMIT

- A. If a person to whom an Improvement Location Permit has been issued fails to begin construction within 24 months after the permit is issued, or fails to complete 30 percent (30%) of the total plan within 36 months after the permit is issued, or fails to comply with the approved plan upon which the permit was issued, said Improvement Location Permit shall be null and void. However, a permit may not be nullified for failure to begin construction on time if in the meantime construction has begun.
- B. Upon application by the holder of any Improvement Location Permit for a Variance, the Board may change the plan on which the permit is based. The Board shall handle the application as if it were an original application for an Improvement Location Permit for a Variance. The filing fee for a Special Exception shall be collected as established in Chapter 4. If the Board approves the application, it shall notify the Director, who shall issue an amended permit reflecting the approved change.

CHAPTER 7 – OWNER OCCUPIED SHORT-TERM RENTALS

SECTION 7.0 PURPOSE, INTENT AND SCOPE

1. It is hereby declared that there may exist within the Town short-term rentals, which may be only owner occupied, which by reason of operation, use, or occupancy affect or are likely to affect the public health, safety, and general welfare of the Town.
2. It is further declared that the purpose of the Ordinance codified in this chapter is to protect the health, safety, and general welfare of the citizens of the Town by requiring the licensing of owners of rental housing units, as well as, the registration and regulation of all short-term rentals which are or shall be in existence in the Town.
3. These standards are intended to ensure compatibility between short-term rentals and the residential character of the surrounding neighborhood. Short-term rentals must meet the standards contained in this chapter.

SECTION 7.1 DEFINITIONS

1. For the purposes of this subchapter, the following definitions shall apply:
 - (a) *Owner*. Means a person that has an interest in title or a present possessory interest in property that is offered to the public as a short-term rental, pursuant to IC 36-1-24-2.
 - (b) *Owner occupied short-term rental property*. Means property that is the owner's primary residence and is offered to the public as a short-term rental, pursuant to IC 36-1-24-3.
 - (c) *Permit*. Means a short-term rental permit issued by the Town of Ulen, Indiana, pursuant to IC 36-1-24-4.
 - (d) *Permitted property*. Means a property that is subject to a valid, unexpired, unrevoked permit issued under this Chapter. A permitted property may

contain one (1) dwelling unit offered as short-term rentals, pursuant to IC 36-1-24-5.

(e) *Short-term rental*. As pursuant to IC 36-1-24-6, means the rental of:

- (1) a single-family home; or
- (2) a dwelling unit in a single-family home;

for terms of less than thirty (30) days at a time through a short-term rental platform. The term includes a detached accessory structure, including a guest house, or other living quarters that are intended for human habitation, if the entire property is designated for a single-family residential use. The term does not include property that is used for any nonresidential use.

(f) *Short-term rental platform*. Means an entity that provides an online platform through which unaffiliated parties offer a short-term rental to an occupant and collects fees for the rental from the occupant, pursuant to IC 36-1-24-7.

2. The following circumstances do not constitute a short-term rental:

(a) *Family occupancy*: Any member of a family and the family's guests may occupy a dwelling as long as owned by the family. Family occupancy extends to guest houses or similarly separate dwellings legally located on the same premises as the primary building and used without remuneration to the owner.

(b) *House sitting*: During the temporary absence of the owner and the owner's family, the owner may permit non-owner occupancy without remuneration to the owner.

(c) *Dwelling sales*: Occupancy of up to 90 days after closing by a prior owner after the sale of a dwelling is permitted.

(d) *Estate representative*: Occupancy by a personal representative, trustee, or guardian of the estate, with or without remuneration is permitted.

SECTION 7.2 OPERATION OF SHORT-TERM RENTALS

The Town Shall Enforce its Ordinances for Short-Term Rentals in the Same Manner as Enforcement of Similar Properties that are not Short-Term Rentals.

1. All short-term rentals are subject to the following standards:

(a) When provided off-street parking must occur only on designated paved portions of the lot, such as driveways. Any temporary moratorium on the enforcement of parking regulations in the Town for special events shall apply equally to short-term rentals.

(b) Rental of the dwelling is done in a manner consistent with the character of the surrounding neighborhood.

(c) The owner provides the renter the following information prior to occupancy and posts this information in a conspicuous location within the dwelling:

- (1) Notification of the maximum occupancy permitted in the dwelling;
- (2) The name and telephone number of the contact person who may be reached any time the dwelling is rented;
- (3) Notification and instructions of the parking locations;
- (4) A copy of this chapter, as amended; and
- (5) Notification that a renter may be cited or fined by the Town, in addition to any other remedies available at law, for violating any provisions of this chapter, or any other Town Ordinance.

(d) The owner's contact person must always be available to accept calls when the dwelling is rented. The contact person(s) must have a key to the dwelling within three (3) hours to address issues, or provide an entrance code for a unit with remote/keyless access.

(e) The appearance of the dwelling must not conflict with the residential character of the neighborhood. The dwelling must be properly maintained and kept in good repair, so the use does not detract from the general appearance of the neighborhood.

(f) Renters must not encroach on neighboring properties.

- (g) The premises must be maintained free of debris and unwholesome substances. Garbage must be kept in a closed container and disposed of on a regular, weekly schedule.
- (h) Renters must not create a nuisance. For purposes of this chapter, a nuisance includes, but is not limited to, any activity that violates the Town noise regulations or fireworks regulations.
- (i) Short-term rentals must not be used to house sex offenders; operate a structured sober living home; manufacture, exhibit, distribute, or sell illegal drugs, liquor, pornography, or obscenity; or operate an adult business as defined in IC 12-7-2-1.8.
- (j) A short-term rental permit is required prior to the use of any property as a short-term rental. Any change in the use or construction of a dwelling resulting in noncompliance with Town or state standards, as determined by the Town Council, will void the short-term rental permit approval.

SECTION 7.3 SHORT-TERM RENTAL PERMITS

1. Permits Required. An owner must obtain a permit for each property utilized as a short-term rental in the Town of Ulen, however, only one (1) permit is required for each single-family home that an owner rents in whole or in part under this chapter. A permit covers all:

- (a) dwelling units; and
- (b) detached accessory structures

located on the permitted property that the owner offers to the public as a short-term rental.

2. Application. Applications for a short-term rental permit must be made by the property owner on forms published by Town of Ulen and include appropriate filing fees and documentation. An owner must submit a separate permit application for each property requiring a permit.

(a) A permit application must be made by an owner.

3. Application for Permit When Previous Permit was Revoked. An owner may apply for a permit for a short-term rental for which a previous permit of the owner was revoked by the Town. However, a new permit may not be issued until any outstanding fines are paid for ordinance violation citations issued to the owner with regard to use of the short-term rental.

4. Supporting Documentation. The Town may waive or relax any of the requirements listed deemed irrelevant or unnecessary for a thorough review of the application. Generally, application(s) must be accompanied by the following information for each property (I.C. 36-1-24-11,12):

- (a) the owner's name, street address, mailing address, electronic mail address, and telephone number;
- (b) If a property manager is used, the property manager's name, street address, mailing address, electronic mail address (if applicable), and telephone number;
- (c) A short description of how each of the owner's short-term rentals on the property are marketed or advertised including the following:
 - (i) the advertised occupancy limits of each short-term rental;
 - (ii) Whether the short-term rental is:
 - a. a single-family home;
 - b. a dwelling unit within a single-family home.

5. Permit Issuance. Subject to Section 7.1.040 of this chapter, if an owner submits a permit application under this Section that meets requirements set forth in this Ordinance, the Town shall issue a permit to the owner within thirty (30) days of receipt of the application or notify the applicant of the areas where the permit application does not comply with the permit requirements (I.C. 36-1-24-11).

6. Permit Fee. A non-refundable fee of \$150.00 must accompany the following short-term rental applications:

- (a) an initial permit issued to an owner for the permitted property;

- (b) The issuance of a subsequent permit to an owner for the permitted property after the owner's previous permit has been revoked.

The Town may not charge a permit fee for renewing a permit, including the renewal of a permit that has expired (I.C. 36-1-24-13).

7. Permit Duration. A short-term rental permit expires one (1) year after the date it is issued (I.C. 36-1-24-13).

8. Duty to Update Permit Information. If any information provided by an owner to a unit in the permit application changes, the owner shall provide updated information to the unit, in writing, within thirty (30) business days (I.C. 36-1-24-12).

9. Permit Transferability. If an owner sells all or part of a permitted property, the short-term rental permit is not transferable to the new owner. The new owner must submit an application for a new permit. Additionally, if there is a change of ownership, in any capacity or form, the change of ownership initiates the mandatory requirement to submit an application for a new permit (I.C. 36-1-24-17).

10. The Town shall renew permits for no additional fee. The Town will use reasonable efforts to notify owners of short-term rentals thirty (30) days prior to the expiration of their permit.

SECTION 7.4 VIOLATIONS

Any owner and/or his/her/its occupant(s) must abide by all applicable state and federal laws and local Ordinances, including but not limited to Ordinances relating to parking, noise, and maximum occupancy limitations (I.C. 36-1-24-10).

SECTION 7.5 PENALTY FOR VIOLATION

1. Violation(s) of Local Ordinances and/or State and Federal Laws. Violation of any applicable local Ordinances and/or state and federal laws shall receive a notice of violation. The Notice of Violation shall be issued by the Town.

- (a) If an occupant commits such violation, the owner shall also receive notice of each respective violation;

(b) If three (3) or more citations/violations for ordinance violations are issued to an owner for permitted property within a calendar year, the Town may revoke the permit for that permitted property for a period of not more than one (1) year after the date the permit is revoked (I.C. 36-1-24-14).

2. Permit Violation. An owner that rents a short-term rental without obtaining a valid permit from the Town commits a Class C infraction. Each short-term rental transaction completed without a short-term rental permit constitutes a separate violation (I.C. 36-1-24-18).

3. Permit Revocation. If three (3) or more citations for ordinance violations are issued to an owner for a permitted property within a calendar year, the Town may revoke the short-term rental permit for that permitted property for a period of up to one (1) year after the date the permit is revoked. The Town shall provide notice and a hearing for revocation. An owner may apply for a short-term rental permit when the revocation period has ended and all outstanding fines for ordinance violation(s) are paid.

4. Notice and Hearing Procedures for Revocation. If short-term rental permit is revoked under this chapter, notice and hearing for said revocation shall be conducted under the notice and hearing procedures for the revocations of other permits issued by the Town. Whenever an owner wishes to appeal any decision of the Town for (i) refusing to issue or renew a short-term rental permit or (ii) suspending or revoking a short-term rental permit, the owner may appeal to the Town Council in compliance with the procedures set forth herein.

(a) An owner may request in writing an appeal hearing to dispute the determination of the Town, within ten (10) days after receiving notice of: (i) a refusal to issue or renew a short-term rental permit; or (ii) a suspension or revocation of a short-term rental permit. The written request to dispute the determination must be filed with the Town Clerk-Treasurer. The Clerk-Treasurer shall notify the Town Council.

(b) Following notification, the Town council shall:

- (1) Set the appeal for a hearing;
- (2) Set a time, date, and location for such hearing; and

(3) Notify the owner of the hearing time, date, and location at least ten (10) working days prior to the hearing.

(c) The hearing shall be conducted by the Town Council or its designated officer.

(d) The owner shall bear the burden of proof that the Town's decision should be vacated. The burden of proof shall be by a preponderance of the evidence presented. The Town and the owner or his/her representative may present evidence at the hearing which supports their respective positions.

(e) Following a hearing, the Town Council may overturn or confirm the determination. The decision of the Town Council shall be final and the decision, together with reasons thereof, shall be delivered in writing within thirty (30) working days from the close of the hearing to the person taking the appeal. The owner may seek judicial review of the decision in accordance with Indiana law.

CHAPTER 8 - ADMINISTRATION AND ENFORCEMENT

SECTION 8.0 DEPARTMENTAL ORGANIZATION

- A. The provision of this Ordinance shall be administered and enforced by the Director of the Ulen Plan Commission. The Director may be assisted by the staff of the Ulen Plan Commission. The Director shall have final authority on all matters of administration and enforcement subject to the guidance of the Ulen Plan Commission and Board of Zoning Appeals. Appeal from the decisions of the Director may be made to the Ulen Board of Zoning Appeals. Recourse from the decision of the Board shall be to the courts through procedures provided by law.
- B. Director- The office of the Director is established. The Director's basic duties shall include but are not limited to the following:
1. Coordinate the duties and efforts of office employees. Subject to the approval of the Ulen Plan Commission, the Director shall appoint the employees of the department according to standards and qualifications fixed by the Commission and without regard to political affiliation.
 2. Prepare the annual budget, with the help of the Ulen Plan Commission members, to submit to the Ulen Town Council and also administer such budget.
 3. Maintain efficient office operations and the keeping of accurate and orderly records.
 4. Administer, interpret and enforce the Zoning and Comprehensive Plan Ordinances.
 5. Review building permits, plot plans and subdivision plats for accuracy and compliance with provisions of the Zoning and Comprehensive Plan Ordinances.
 6. Establish a system of issuing and policing permits. Upon finding that any provision of these permits or approvals have been violated, the Director shall notify in writing the person responsible for such violation, ordering the action necessary to correct such violation.
 7. Revise and update zoning maps.

8. Prepare agendas and organize dockets for meetings of the Ulen Plan Commission and Board of Zoning Appeals and attend all scheduled and special meetings of these bodies as directed.
- C. Building Inspector - The office of Building Inspector is established. The basic duties of the Inspector shall include but not be limited to:
1. Review and approval of all construction plans and plot plans to assure that a proposed structure conforms to the local Zoning Ordinance as well as state and national building and construction codes which have been adopted for use by Boone County and the Town of Ulen.
 2. Perform on-site inspections of structures for which local permits have been granted to assure that such structures conform to state and national building and construction codes.
 3. Assist the Director in the administration and enforcement of the Zoning Ordinance. With consent of the Director, the Building Inspector may order the discontinuance of illegal work being done, order the removal of illegal buildings, structures, additions, or structural alterations, and order the discontinuance of illegal uses of land which are in violation of the Zoning Ordinance.
 4. Record the results of all building inspections and inform builders if changes are required to conform with the zoning and building codes.

SECTION 8.1 DUTIES OF THE BOARD OF ZONING APPEALS

- A. A Board of Zoning Appeals is established, with membership as provided by State Law.
- B. At the first meeting of the calendar year, the Board shall elect from among its members a Chairman and a Vice-Chairman. Consistent with State law, it may appoint and fix the compensation of a secretary and such employees as it considers necessary to discharge its duties.
- C. The Board shall prescribe such regulations as it considers necessary to carry out this Ordinance.
- D. Meetings of the Board shall be open to the public.
- E. The Board shall keep minutes of its meetings, keep records of all examinations and other official actions, make any findings in writing and record the vote of

each member on each question. Minutes and records shall be filed in the Office of the Board and made available to the public.

- F. A majority of the members of a Board of Zoning Appeals shall constitute a quorum. No action of the Board is official unless concurred in by a majority of the membership of the Board.
- G. For the purpose of this Ordinance, the Board has the following specific responsibilities:
 - 1. Authorize in specific cases such variances from the terms of this Ordinance as will not be contrary to the public interest, where owing to special conditions fully demonstrated on the facts presented, a literal enforcement of this Ordinance will result in practical difficulties in the use of the property, and so that the spirit of this Ordinance shall be observed and substantial justice done.
 - 2. Hear and determine appeals from and review any order, requirement, decision, or determination made by the Director in the enforcement of this Ordinance. In exercising its powers, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed and to that end shall have all of the powers of the Director from whom the appeal is taken.

SECTION 8.2 VARIANCES

- A. The Board may grant a Variance with respect to the specific property if, after a hearing under Section 7.1, the Board finds that:
 - 1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community; and
 - 2. The use or value of the area adjacent to the property included in the variance will not be adversely affected; and
 - 3. The need for the Variance arises from some condition peculiar to the property involved and does not exist in similar properties in the same District; and
 - 4. The strict application of the terms of the Ordinance will result in practical difficulties in the use of the property.
- B. The Board shall not grant a Variance from a Use District or classification.
- C. Variances involving minor deviations:

1. When in the public interest, the Director may consider and render decisions on applications involving minor deviations from the provisions of the Ordinance, limited to the following:
 - a. Lot area requirements may be reduced by not more than 10 percent (10%) of that required in the District;
 - b. Yard requirements may be reduced by permitting portions of a building or structure to extend into and occupy not more than 10 percent (10%) of the area of a required yard;
 - c. Maximum building heights may be increased by not more than 10 percent (10%).

SECTION 8.3 HEARINGS

A. Ulen Plan Commission

1. The Ulen Plan Commission shall hold a public hearing within forty-five (45) days after the receipt of an application for a Development Plan from the applicant or his agent. Before holding the required public hearing, legal public notice of such hearing shall be given in one or more newspapers of general circulation within the Town at least fifteen (15) days before the date of said hearing. The notice shall set forth the time and place of the public hearing and the location and nature of the proposed zoning change or preliminary plat approval.
2. Prior to the adoption of an amendment to the Comprehensive Plan, the Plan Commission shall give legal notice and hold public hearings on the amendment. At least ten (10) days prior to the date set for the first hearing, the Plan Commission shall publish a schedule of all such meetings in a newspaper of general circulation in the Town stating the times and locations of such hearings.
3. Prior to the adoption of an amendment to the Ordinance, the Plan Commission shall give ten (10) days' notice by publication in a newspaper of general circulation within the Town, and hold a public hearing in the specified location. The Plan Commission, in its discretion, may also give notice and hold hearings at other locations within the Town where the

distribution of population or diversity of interests of the people indicate that such hearings would be desirable.

B. Ulen Board of Zoning Appeals

1. The Board of Zoning Appeals shall hold a public hearing within forty-five (45) days of the receipt of an application for a Variance, or appeal from an applicant or his agent.
2. Before holding the required public hearing, legal public notice of such hearing shall be given in one or more newspapers of general circulation within the Town at least fifteen (15) days before the date of said hearing.
 - a. The notice shall set forth the time and place of the public hearing and the location and nature of the Variance, Special Exception, or appeal as set forth in the Rules of Procedure for the Ulen Plan Commission.

SECTION 8.4 APPEALS

- A. The Board of Zoning Appeals shall hear and determine appeals from and review any order, requirement, decision, or determination made by the Director in enforcement of this Ordinance. The Board shall have all of the powers of the Director from whom the appeal is taken.
- B. The Board of Zoning Appeals shall fix a reasonable time for the hearing of an appeal. Public notice shall be given of the hearing and due notice shall be given additionally to the affected parties as determined by the board. The Board of Zoning Appeals may require the party taking the appeal to assume the cost of public notice and due notice to interested parties.
- C. When an appeal from the decision of any official or Board has been filed with the Board of Zoning Appeals, all proceedings, operation, and work on the premises concerned shall be stayed, unless the official or Board from whom the appeal was taken shall certify to the Board of Zoning Appeals that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, proceedings or work shall not be stayed except by a restraining order, which may be granted by a circuit of superior court of the county in which the premises affected are situated, on notice to the office or Board from whom the appeal is taken and the owner of the premises affected, and on due cause shown.

D. Every decision of the Boarding of Zoning Appeals shall be subject to review by certiorari. Any person aggrieved by a decision of the Board of Zoning Appeals, may present to the circuit or superior court of the county in which the premises affected are located, a petition duly verified, setting forth that such decision is illegal in whole or in part, and specifying the grounds of the illegality. The petition shall be presented to the court within thirty (30) days after the entry of the decision or order of the Board of Zoning Appeals complained of. No change of venue from the county in which the premises affected are located shall be had in any cause arising under the provisions of this section.

SECTION 8.5 AMENDMENTS

A. All amendments to this Ordinance shall be in accordance with state law.

SECTION 8.6 USES NOT LISTED

A. It is recognized that in the development of a Zoning Ordinance, not all uses of land can be listed, nor can all future uses be anticipated. A “use” may have been omitted from the list of those specified as permissible in the various Districts established by this Ordinance, or questions may arise concerning words which are synonymous. In such instances the following procedures shall apply.

1. When classifications of use is appealed or referred to the Board, it shall be the duty of the Board to ascertain all pertinent facts concerning said use and set forth in writing its findings and the reason for designating a specific classification for such use.
2. Applicant shall file a request with the Ulen Plan Commission for a decision by the Board. The Board may also initiate and application.
3. The Board shall render a decision not less than thirty (30) days after such application is made, and shall notify the applicant and any person requesting such notice of such decision.

B. Findings

1. In classifying a use, the Board shall first make a finding that all of the following conditions exist:

- a. That investigations have disclosed that the subject use and its operations are compatible with the uses permitted in the District wherein it is proposed to be located;
- b. That the subject use is similar to one or more uses permitted in the District within which it is proposed to be located;
- c. That the subject use will not cause substantial injury to the values of property in the neighborhood or District within which it is proposed to be located; and
- d. That the subject use will be so designed, located, and operated that the public health, safety, and general welfare will be protected.

C. Effect of Determination

1. Uses classified pursuant to this Section shall be regarded as listed uses. The Director shall maintain in the office of the Commission an up-to-date list of all such classifications which have been made.

SECTION 8.7 ZONE MAPS

A. Zone Map – The Zone Maps, attached as Table 2, which accompany and are hereby declared to be a part of these regulations, show the boundaries of and the area covered by the Districts, notations, references, indications, and other matters shown on the Zone Maps are as much a part hereof as if they were fully described herein.

1. The boundaries of the Districts established by this section are as shown on the Zone Maps, which are a part of this Ordinance. Such boundaries may be changed only by amending this Ordinance.
2. When the exact boundaries of a District are uncertain, they shall be determined by use of the scale of the Zone Map.
3. When a right-of-way is vacated, the Districts adjoining each side are respectively extended to the center of the area so vacated.
4. In the case of further uncertainty, the Board shall interpret the intent of Zone Maps as to the location of the boundary in question.

B. Official Maps – An official zone map shall be identified by the signatures of Ulen Town Council.

- C. Changes – If in accordance with the provisions of this Ordinance, changes are made in the District boundaries or other matter portrayed on the Official Zone Maps, such changes shall be entered on the appropriate maps.
- D. Location of Zone Maps – Regardless of the existence of purported copies of the Official Zone Map which may, from time to time, be made or published, the Official Zone Map of the Town of Ulen Jurisdictional Areas shall be located in the office of the Ulen Plan Commission. These official maps shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures within the Jurisdictional Area.

SECTION 8.8 COMPLAINTS

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall state fully the causes and basis thereof and shall be filed with the Executive Director. The Executive Director shall investigate the complaint and take immediate action or he may refer the matter to the Plan Commission, Board of Zoning Appeals, or their attorney for review.

SECTION 8.9 ENFORCEMENT

A. Remedies

1. The Plan Commission, the Board of Zoning Appeals or any designated enforcement official, may institute a suit for injunctive relief in the circuit court, or any court in the county having jurisdiction to entertain said matters, to restrain an individual or a governmental unit from violating the provisions of this act, or an Ordinance enacted pursuant to its terms. The Plan Commission or the Board of Zoning Appeals may also institute a suit for mandatory injunction, directing an individual or a governmental unit to remove a structure erected in violation of the provisions of this act, or an Ordinance enacted pursuant to its terms.
2. In the event that the Plan Commission or the Board of Zoning Appeals deems it necessary to invoke one or more remedies under this subsection, then, and in that event, they shall be entitled, if found to be the prevailing party, to an award of attorney's fees and costs of this action.

B. Penalties for Violation

1. Any person or corporation who shall violate any of the provisions of this Ordinance or fail to fully comply therewith or with any of the requirements thereof (including violations of conditions established in connection with grants of Variance) or who shall build, reconstruct or structurally alter any building in violation of the approved development plan or building plans shall be charged with constituting a common nuisance, be shall be fined not less than one hundred dollars (\$100.00) and not more than three hundred dollars (\$300.00), and each day that such violation or non-compliance shall be permitted to exist shall constitute a separate offense.
2. Any persons or corporation who shall initiate construction prior to obtaining an Improvement Location Permit, or Certificate of Occupancy or any other permit or authorization required herein, shall pay twice the amount of the applicable filing fee set forth in the fee schedule.
3. The owner or occupant of any building, structure or premises and any other person who participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties prescribed by this section.

SECTION 8.95 SEVERABILITY, REPEALER AND EFFECTIVE DATE

- A. Severability – If any chapter, section, subsection, clause, paragraph, provision, or portion of this Ordinance shall be held to be invalid or unconstitutional by any court or proper jurisdiction, such decision shall not affect any other chapter, section, subsection, clause, paragraph, provision, or portion of this Ordinance.
- B. Effective Date – This Ordinance shall be in full force and effect from and after its passage by Town Council for the Town of Ulen, Indiana.

TABLE 1
SCHEDULE OF FEES
BOONE COUNTY AREA PLAN COMMISSION

TABLE 1. APPLICATION FOR IMPROVEMENT LOCATION PERMITS (Effective mm/dd/yyyy)	
Action	Filing Fee
1. Single Family Dwelling	\$100.00 plus Director's fees and Inspector's fees
2. Commercial Buildings	Maximum charge – \$100.00
• Each Structure	\$100.00 per building plus \$1.00 per hundred sq. ft. total floor area.
• Addition to Existing Structure	\$50.00 per building plus \$1.00 per hundred sq. ft. total floor area.
3. Detached Garages; Carports; and Other Accessory Buildings	\$100.00 plus Director's fees and Inspector's fees
4. Accessory Items	
• Multi-purpose Buildings	\$100.00 plus Director's fees and Inspector's fees
• Swimming Pools greater than 2 ft. deep and 12 ft. in diameter	\$100.00 plus Director's fees and Inspector's fees

SCHEDULE OF FEES
BOONE COUNTY AREA PLAN COMMISSION

TABLE 2. CERTIFICATE OF OCCUPANCY (Effective mm/dd/yyyy)	
Action	Filing Fee
1. Single-Family Dwelling	\$100.00 plus Improvement Location Permit fees and Inspector's fees
2. Commercial Structures	\$100.00 plus Improvement Location Permit fees and Inspector's fees

TABLE 3. INSPECTION FEES (Effective mm/dd/yyyy)	
Action	Filing Fee
1. Single-Family Dwelling	\$100.00 Principal Buildings \$100.00 Accessory Buildings
2. Commercial Buildings	\$100.00

TABLE 4. REMODELING (Effective mm/dd/yyyy)	
Action	Filing Fee
1. Structural up to three additional rooms (greater improvements considered as Category 1)	\$100.00 plus Inspector's fees
2. Rewiring	\$100.00 plus Inspector's fees
3. Plumbing	\$100.00 plus Inspector's fees
4. Heating and Air-conditioning	\$100.00 plus Inspector's fees

TABLE 5. APPLICATIONS FOR APPEALS, VARIANCES & AMENDMENTS (Effective mm/dd/yyyy)	
Action	Filing Fee
1. Variance	\$200.00 plus Director's fees and Inspector's fees
2. Amendment: Change of Zoning Classification or Change of Text	\$150.00 plus Director's fees
3. Change in Development Plan (previously approved)	\$50.00 plus Director's fees

TABLE 2
ZONE MAPS

